U. S. Congress.

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 77th CONGRESS
SECOND SESSION

VOLUME 88—PART 7

OCTOBER 20, 1942, TO DECEMBER 16, 1942
(PAGES 8391 TO 9666)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1942

DEPOSITED BY THE
UNITED STATES OF AMERICA

SEP 7 '43

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 77th CONGRESS, SECOND SESSION

SENATE

TUESDAY, OCTOBER 20, 1942

(Legislative day of Thursday, October 15, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, frail children of earth's fleeting scenes we lift lame hands of prayer to Thee who art from everlasting to everlasting. From the grinding daily schedules which drain our strength and enmesh our hearts and minds we would for these dedicated moments gaze up and out to the eternal principles which give worth and meaning to all that we do or say here. Purge our hearts of unworthy entanglements and shabby motives which may mar and blot the future's broadening way. In a world that has become a neighborhood where we must make it a brotherhood or perish, join us to that increasing legion that across the boundaries of prejudice, intolerance, and hatred, extends the dominion of healing good will. Make our spirits living links to unite the broken life of man in a new depth of understanding friendship. Out of the ruins of our shattered hopes may Thy kingdom come. Thou who through storm and night art still guiding and guarding, to Thee aloud we cry, "God save the state!" We ask it in the Name that is above every name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, October 19, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on October 17, 1942, the President had approved and signed the following acts:

S. 1216. An act for the relief of Henry (Heinz) Gabriel;

S. 2275. An act to amend section 10 of Public, No. 360, Seventy-seventh Congress, to grant national service life insurance in the cases of certain Navy or Army flying cadets and aviation students who died as the result of aviation accident in line of duty between October 8, 1940, and June 3, 1941; and

S. 2442. An act to authorize the Secretary of War to approve a standard design for a service flag and a service lapel button.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barbour	Hatch	Russell
Barkley	Hayden	Schwartz
Bilbo	Hill	Shipstead
Bone	Johnson, Calif.	Smathers
Brewster	Kilgore	Spencer
Bulow	La Follette	Thomas, Idaho
Bunker	Langer	Thomas, Okla.
Burton	Lee	Thomas, Utah
Butler	McFarland	Tobey
Capper	McKellar	Tunnell
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	Wiley
Ellender	O'Mahoney	Willis
George	Overton	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON] the Senator 'rom Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of War (2) and Agriculture (5), and the Federal Works Agency, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking toward their disposition, which, with the accompanying papers, was referred to the Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Telegrams in the nature of memorials from the America All Mothers Clubs of Connersville and Richmond, Ind., remonstrating against the enactment of legislation to reduce the draft age limit; ordered to lie on the table.

By Mr. CAPPER:

A petition, numerously signed, of sundry citizens of McPherson, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

RELIEF OF OWNERS OF BUSINESSES, ETC.—RESOLUTION OF CITY COUNCIL OF MIAMI BEACH, FLA.

Mr. PEPPER presented a resolution adopted by the City Council of the City of Miami Beach, Fla., which was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Resolution 5595

Whereas it has been brought to the attention of the city council of the city of Miami Beach, Fla., that on May 18, 1942, there was introduced in the Senate of the United States by Senator PEPPER, of Florida, and Senator DOWNEY, of California, a bill (S. 2540); and

Whereas on September 9, 1942, there was introduced in the House of Representatives of the United States by Congressman GREEN, of Florida, a bill (H. R. 7533); and

Whereas one of the objections of each of said bills is to furnish relief, through the Reconstruction Finance Corporation, to prevent and relieve distress among owners of

businesses and properties located in resort cities and towns which have lost their earning power by reason of the war effort: Now, therefore, be it

Resolved by the City Council of the City of Miami Beach, Fla., That the objectives of said Senate bill 2540 and said House bill 7533 be, and they are hereby, approved; be it further

Resolved, That certified copies of this resolution be furnished to Senators PEPPER and ANDREWS, of Florida, Senator DOWNEY, of California, and Congressmen GREEN, CANNON, PETERSON, CALDWELL, and HENDRICKS.

Passed and adopted this 7th day of October A. D. 1942.

VAL C. CLEARY, *Mayor.*

Attest:
C. W. TOMLINSON,
City Clerk.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURTON, from the Committee on the District of Columbia:

S. 2046. A bill to amend an act entitled "An act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes," approved June 10, 1940; without amendment (Rept. No. 1647); and

S. 2734. A bill to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes; without amendment (Rept. No. 1648).

By Mr. WAGNER, from the Committee on Banking and Currency:

S. 2746. A bill to authorize the Reconstruction Finance Corporation to make loans to those desiring to engage in producing minerals of value to the United States in time of war; without amendment (Rept. No. 1649); and

S. 2783. A bill to amend the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," as amended, by authorizing loans for mineral development purposes in time of war; without amendment (Rept. No. 1650).

By Mr. THOMAS of Utah (for Mr. MURRAY), from the Committee on Education and Labor:

S. 1666. A bill to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies; with amendments (Rept. No. 1651).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VANDENBERG:

S. 2865. A bill to provide for the restoration to active duty of Capt. Walter S. Strange, United States Army, retired; to the Committee on Military Affairs.

By Mr. HATCH:

S. 2866. A bill relating to the functions of the judge of the United States Court for China; to the Committee on the Judiciary.

By Mr. VAN NUYS:

S. 2867. A bill to provide for the appointment of an additional circuit judge for the fifth circuit; to the Committee on the Judiciary.

By Mr. LANGER:

S. 2868. A bill to prohibit Members of Congress from accepting Federal employment; to the Committee on the Judiciary.

By Mr. PEPPER:

S. 2869. A bill for the relief of F. B. Sweat; to the Committee on Claims.

S. 2870. A bill to provide for a method of voting, in time of war, by seamen absent from the place of their residence; to the Committee on Privileges and Elections.

REDUCTION OF DRAFT-AGE LIMIT—AMENDMENT

Mr. THOMAS of Idaho submitted an amendment intended to be proposed by him to the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, which was ordered to lie on the table and to be printed.

ECONOMIC AND SOCIAL CONDITIONS IN PUERTO RICO

Mr. CHAVEZ submitted the following resolution (S. Res. 309), which was referred to the Committee on Territories and Insular Affairs:

Resolved, That a subcommittee of the Committee on Territories and Insular Affairs, to be composed of five members of such committee appointed by the chairman thereof, is authorized and directed to make a full and complete study and investigation with respect to economic and social conditions in Puerto Rico resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war. The subcommittee shall report to the Committee on Territories and Insular Affairs the results of its study and investigation, together with its recommendations, at the earliest practicable date.

For the purposes of this resolution the subcommittee, or any member thereof duly authorized by the chairman of the subcommittee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh and Seventy-eighth Congresses, to employ and to call upon the executive departments for such experts and such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it or he deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the subcommittee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the subcommittee.

AMENDMENT OF WOMEN'S ARMY AUXILIARY CORPS ACT—CONFERENCE REPORT

Mr. AUSTIN submitted the following report, which was considered by unanimous consent and agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2751) to amend the act entitled "An Act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

ROBT. R. REYNOLDS,
ELBERT D. THOMAS,
ED C. JOHNSON,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

A. J. MAY,
R. E. THOMASON,
W. G. ANDREWS,
FOREST A. HARNESS,
Managers on the part of the House.

NATIONAL DEFENSE LEGISLATION ENACTED PRIOR TO DECEMBER 7, 1941

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a compilation of national defense legislation enacted by Congress prior to December 7, 1941, which appears in the Appendix.]

BRITISH-AMERICAN TRADE RELATIONS AFTER THE WAR

[Mr. HILL asked and obtained leave to have printed in the RECORD an address entitled "British-American Trade Relations After the War," delivered by Mr. Harry Hawkins, Chief of the Division of Commercial Policy and Trade Agreements of the Department of State before the National Foreign Trade Convention, in Boston, Mass., on October 9, 1942 which appears in the Appendix.]

BERNARD BARUCH—EDITORIAL FROM RICHMOND TIMES-DISPATCH

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial entitled "Our Hidden Strength," published in the Richmond Times-Dispatch, which appears in the Appendix.]

CAUGHT IN THE NETWORKS—EDITORIAL FROM THE NATION

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial from the Nation of October 17, 1942, entitled "Caught in the Networks," which appears in the Appendix.]

ADMISSION OF FILIPINOS INTO THE COAST GUARD RESERVE

Mr. WALSH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1688, House bill 7455, a bill relating to the enlistment of Filipinos in the Coast Guard Reserve. There is no opposition to the bill. The Navy is much interested in it and has urged and requested early action.

The purpose of the bill is generally as stated in its title. The existing law restricts eligibility for membership in the Coast Guard Reserve to "male citizens of the United States and of its Territories and possessions, except the Philippine Islands." The exclusion of Filipinos from membership at the time of enactment of the original Coast Guard Reserve Act, was based solely on the fact that the independence of the Philippine Islands was considered imminent.

The Navy Department recommends the enactment of the bill and reports that it has been advised by the Bureau of the Budget that there would be no objection to the submission of this recommendation. Furthermore, the Navy Department reports that the enactment of the proposed legislation would involve no additional cost to the Government.

The Navy Department believes that this restriction should now be removed

in view of the changed situation resulting from the war. It has been necessary to reject applications of Filipinos for membership who have suitable boats which could be utilized in the service of the Coast Guard in furtherance of the war effort.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 7455) to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That sections 3, 202, and 207 of the Coast Guard Auxiliary and Reserve Act of 1941 (55 Stat. 11), as amended (U. S. C., Supp. I, title 14, ch. 9), which define the composition of the Coast Guard Auxiliary and of the Coast Guard Reserve, are hereby amended by changing the phrase "except the Philippine Islands," appearing therein, to the phrase "including the Philippine Islands."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1468. An act to authorize the Secretary of the Navy to establish a fuel depot at Middle and Orchard Points, Wash.;

S. 2327. An act to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard;

S. 2369. An act for the acquisition of Indian lands required in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California;

S. 2555. An act to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments; and

S. 2706. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 676), and "Title IV of the Naval Appropriation Act for the fiscal year 1941," approved September 9, 1940 (54 Stat. 883).

The message also announced that the House had passed the bill (S. 2381) to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7378) to provide revenue, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents;

H. R. 6165. An act preserving the nationality of a person born in Puerto Rico who resides for 5 years in a foreign state;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico;

H. R. 7424. An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes;

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia;

H. R. 7573. An act to authorize the Secretary of War, the Secretary of the Navy, the Commissioners of the District of Columbia, and the Director of the Bureau of the Budget to acquire motor-propelled passenger-carrying vehicles necessary for the successful prosecution of the present war;

H. R. 7575. An act to expedite the prosecution of war, and for other purposes;

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act;

H. R. 7632. An act to provide that during the present war payments with respect to any crop of sugarbeets or sugarcane shall not be subject to deductions on account of the employment of children;

H. R. 7638. An act to restore and add certain public lands to the Uintah and Ouray Reservation in Utah, and for other purposes; and

H. R. 7661. An act to amend title I of Public Law No. 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations to provide for rehabilitation of disabled veterans, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents; and

H. R. 6165. An act preserving the nationality of a person born in Puerto Rico who resides for 5 years in a foreign state; to the Committee on Immigration.

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities and for other purposes; and

H. R. 7575. An act to expedite the prosecution of war, and for other purposes; to the Committee on Naval Affairs.

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico; and

H. R. 7638. An act to restore and add certain public lands to the Uintah and Ouray Reservation in Utah, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 7424. An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes; to the Committee on Commerce.

H. R. 7573. An act to authorize the Secretary of War, the Secretary of the Navy, the Commissioners of the District of Columbia, and the Director of the Bureau of the Budget to acquire motor-propelled passenger-carrying vehicles necessary for the successful prosecution of the present war; to the Committee on Appropriations.

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; and

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act; to the Committee on the District of Columbia.

H. R. 7632. An act to provide that during the present war payments with respect to any crop of sugar beets or sugarcane shall not be subject to deductions on account of the employment of children; and

H. R. 7661. An act to amend title I of Public Law No. 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations to provide for rehabilitation of disabled veterans, and for other purposes; to the Committee on Finance.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

Mr. McKELLAR. Mr. President, I hope we can carry out the unanimous-consent agreement and have the bill read for amendment.

The VICE PRESIDENT. The clerk will proceed to state the amendments reported by the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Naval Establishment—Office of the Secretary," on page 2, after line 12, to insert:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in Senate Document No. 251, Seventy-seventh Congress, $2,266.99.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts—Pay, Subsistence, and Transportation of Naval Personnel, 1943," on page 4, line 3, after the word "to", to strike out "more than 23" and insert "not more than 45."

Mr. WALSH. Mr. President, this amendment would increase the number of admirals who would be entitled to double their base pay because of their service as aviators, in addition to their regular naval service.

Mr. OVERTON. If the Senator will permit, it is one and a half times their base pay.

Mr. WALSH. As is well known, persons in the Aviation Corps, who actually engage in flying, and so certify, and whose service as aviators is certified by

the commanding officer, receive an increase in pay of 50 percent in addition to their base pay, which, of course, is one and a half times their base pay.

The policy of the Committee on Appropriations has been to limit the number of persons beyond the rank of captain who may obtain this increase. Under the present law there are 23 admirals who are entitled to the increased pay.

When the representatives of the Navy Department appeared in reference to naval items in the pending bill they testified that between now and the first of July next they expected to increase the number to 39, and the committee fixed 45 as the maximum number, as is set forth in the pending amendment.

I rose, Mr. President, to call attention to the fact that there is no limitation whatever on the number of generals of the Army with corresponding rank to admirals who may receive the extra pay, and the Navy feels that naval officers are being given a different treatment, which is not exactly fair to the Navy. However, the committee, apparently following its previous policy, has felt that the number should be limited.

I have risen to ask that the limit apply to the Army as well as to the Navy, because I personally believe in a limitation. The Navy would like to have the number unlimited, just as is the case with the Army, and I believe are entitled to the application of the same policy. Of course, there will not be any large number of admirals drawing this increased pay, as the testimony is that the greatest number the Navy expects to have between now and the first of July is 39, even if the number is unlimited, under the appropriation for this extra pay.

Mr. McKELLAR. Would the Senator desire to have a limitation on the number of Army officers entitled to the base pay inserted at this point?

Mr. WALSH. I do not know the numbers, but I do think that both services should be treated alike. I personally feel that the whole matter of extra pay for flying in the aviation service ought to be studied, and perhaps a different policy with respect to it should be adopted. It appears to me that, with the expanding of the Army and Navy into the field of aviation, we will reach a time when more than half the Army and Navy may be in aviation, and the officers of the Army and Navy who are not in aviation and who consider modern warfare on land and sea as dangerous as service in the air will ask for increased pay.

Mr. McKELLAR. Mr. President, I am glad to hear the Senator say that. I have very grave doubt about a provision of this kind. However, we took proof before the committee, heard testimony of officials, and fixed the maximum number at 45. I will say to the Senator that the next time the matter comes up I will appoint a subcommittee to examine into it very carefully, and we will confer with the Senator from Massachusetts before any change is made.

Mr. WALSH. I know the committee of which the able Senator from Tennessee is a member as well as the Committee on Naval Affairs have in the past given the matter much consideration. I think it is a subject that should be studied.

Mr. McKELLAR. I, too, think it should be studied.

Mr. WALSH. Recently, because of the increase of 50 percent in the base pay of aviators, we had to increase the base pay of persons in the submarine service by 50 percent. Their pay was formerly 25 percent higher than the base pay, and is not equal, as it should be, to aviators.

What I have said is preliminary to a request I wish to make, that the number be raised to 60. Officials of the Navy have asked that the limit be removed. I am not predisposed to make such a request, because I think there should be a limit on both the Army and the Navy. However, within the past few weeks, 20 captains in the Aviation Corps were promoted to the rank of admiral, and between now and next July we may need more than the 39 which the Navy has predicted would be needed, and they have called my attention to the situation. I suggest to the Senator that if it is agreeable, the number be increased to 60.

Mr. McKELLAR. Mr. President, there is considerable doubt with respect to what the percentage of increase should be. We have not gotten the facts as to how much more hazardous it is to fly in an airplane than it is to travel in surface naval vessels. It has been suggested that the hazard in flying is not 50 percent greater, and inasmuch as we have given more than was said to be necessary, and inasmuch as it was ascertained in the hearings that no admirals at all had been lost while flying, it seems to me that perhaps the number of 45 is sufficient at this time. I will say to the Senator from Massachusetts, however, that it will not be long before a regular bill will come before our committee, and we will undoubtedly go into this matter with a view of reaching some just conclusion about it and doing the fair and just thing by these officers, also including those in the Army.

Mr. WALSH. Mr. President, of course, flight pay in the past, in times of peace, has been given admirals for the purpose of having them continue to practice flying and to keep their hands in, so to speak. Of course, we are now reaching the situation when admirals may have to lead in air engagements, and to be in the air to direct air and naval operations. That is the reason why an increased number of admirals are being selected from the Air Corps, and also the reason why we ought to be careful with respect to the limitations we make. We ought to let the Navy have every such officer that it needs.

I have not communicated with the officers who appeared before the Senator's committee, but their superiors have communicated with me and indicated that there is some question about the number that may be needed as air admirals. All they ask is that in view of the uncertainties between now and July 1 consideration be given to this matter.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. OVERTON. We had this question up when the last regular Navy Department appropriation bill was before our committee. We went into it very thoroughly, and later we had quite a discussion on the floor with respect to it. We had considerable testimony on the subject in the hearings.

I thoroughly agree with the Senator from Massachusetts that the whole subject matter should be gone into with a view of determining exactly what policy should be adopted. Personally I am of the opinion that there is no justification for an increase in pay to officers in the Navy above the rank of captain who engage in flying. I think the same rule ought to be applied to those in the Army who are engaged in flying. The record shows that there is no increased hazard, at least that no fatalities have occurred to anyone above the rank of captain who is engaged in flying.

In the hearings the specific question was asked if any admiral had lost his life in the last year while flying. The answer was "No." The question was asked if any admiral while flying had lost his life in the last 2 years. Again the answer was "No." Then I asked whether any admiral at any time had lost his life while engaged in flying, and the answer again was "No." So I do not think there is really any justification for the increase, but I agree with the Senator from Massachusetts that——

Mr. WALSH. Pardon me, but I wish to say that I personally feel that those who do the real dangerous flying are the younger officers who are in the air constantly. The officers who lead the squadrons in the air are engaged in the most hazardous service.

Mr. OVERTON. When the regular War Department appropriation bill comes before the committee we will undertake to study the question from the standpoint of the Army and the Navy, and see what can be done.

Mr. WALSH. And treat them both alike; have the same policy with respect to both services.

Mr. OVERTON. Last year we limited the number to 23, and in addition we required that the officer above the rank of captain who engaged in flying should certify that the flight entailed extra hazards. We have eliminated that requirement. The officer can get his additional flight pay without making any certificate that his flying has involved extra hazards.

Mr. WALSH. We are in accord on that point. We are also in accord on the policy that both services should be treated alike.

Mr. McKELLAR. Yes.

Mr. WALSH. And about the proposal to increase the number.

Mr. OVERTON. During the hearings Admiral Davison, representing the Navy Department, testified. I read from the hearings:

> Senator OVERTON. During the next fiscal year, you have in contemplation more than fifty Admirals in the flying service, do you not?
>
> Admiral DAVISON. It will rise to a total of 43 during 1943.
>
> Senator OVERTON. Forty-three?
>
> Admiral DAVISON. Yes, sir.

That was the number of admirals it was contemplated would do any flying in 1943.

Mr. WALSH. That is true.

Mr. OVERTON. We added two more, so as to make it safe. I should like to hold it down to that figure, 45.

Mr. WALSH. I will not press the matter at this time. If it appears that 45 is not a sufficient number as the war progresses, I shall ask for an increase in the numerical limitation.

Mr. McKELLAR. I thank the Senator. We shall attempt to get a uniform rule for both the Army and the Navy.

Mr. WALSH. Yes. Senators can see the Navy's point of view. The Navy asks, "Why are we restricted by the Congress, while the Army has no restriction or check whatever placed upon it?"

Mr. OVERTON. I realize that.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 4, line 3.

The amendment was agreed to.

The next amendment was, under the heading "Coast Guard", on page 6, line 16, after the word "to", to strike out "fifty-five" and insert "one hundred and fifty."

The amendment was agreed to.

The next amendment was, under the subhead "Defense Aid", on page 10, line 9, after the word "this", to strike out "Act" and insert "Title."

The amendment was agreed to.

The next amendment was, under the heading "Title II—General Appropriations—Legislative", after line 13, to insert:

SENATE

Senate restaurants: For payment to the Architect of the Capitol in accordance with the Act approved September 9, 1942 (Public Law 709, 77th Cong.), $20,000.

Mr. McKELLAR. Mr. President, on behalf of the committee I offer an amendment to the committee amendment on page 10, line 17, to strike out "20,000" and insert "$39,950." The purpose of the increase is to institute a cafeteria in the Senate Office Building. It is believed that it will work better and be better all around, and that will take an additional $17,000. Mr. Lynn, the Architect of the Capitol, appeared before the committee and made the request, and the committee has authorized the amendment. I hope it will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment on page 10, line 17.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McKELLAR. In that connection it will be necessary to offer an additional amendment on behalf of the committee, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 10, after line 24, it is proposed to insert the following:

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING AND GROUNDS

Senate Office Building: For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1943, $7,300.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

The next amendment was, on page 11, after line 9, to insert:

BOOKS FOR ADULT BLIND

For an additional amount for the maintenance and replacement of the Government-owned reproducers for sound-reproduction records for the blind, $20,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to insert:

THE JUDICIARY

MISCELLANEOUS ITEMS OF EXPENSE

Salaries and expenses, clerks of courts: For an additional amount for salaries and expenses of clerks, United States courts, fiscal year 1943, including the objects specified under this head in the Judiciary Establishment Appropriation Act, 1943, $57,874.

The amendment was agreed to.

The next amendment was, under the heading "Executive Office of the President—Board of Economic Warfare", on page 12, line 10, after the word "payment", to insert "when specifically authorized or approved by the Executive Director of the Board or such other official as he may designate for the purpose, of traveling expenses of employees of the Board, including the transportation of their effects, to their first post of duty in a foreign country or when transferred from one official station in the United States or elsewhere to another in a foreign country, and return to the United States; not to exceed $50,000 for transporting the dependents, including their effects, of such employees; reimbursement to employees of the Board for loss of effects in case of marine or aircraft disaster; payment."

The amendment was agreed to.

The next amendment was, on page 13, line 24, after the words "account of", to strike out "physical."

The amendment was agreed to.

The next amendment was, under the subhead "Office of War Information", on page 15, line 7, after the word "binding", to strike out "in the field" and insert "outside the continental limits of the United States"; and on page 16, line 12, before the word "injury", to strike out "physical."

The amendment was agreed to.

The next amendment was, under the subhead "War Manpower Commission" on page 17, line 12, to strike out $10,117,680" and insert "$11,117,680."

The amendment was agreed to.

Mr. AUSTIN. Mr. President, at the proper time in the consideration of the bill I wish to discuss this item, not with the view of changing it, but with the view of clarifying the question which arose yesterday in relation to it. I regard it of sufficient public interest and importance to call for a statement.

Mr. McKELLAR. Would not this be the best time for the Senator to proceed, because we have reached it now?

Mr. AUSTIN. Very well. I speak, Mr. President, of the amendment on page 17, line 12, affecting the appropriation for the War Manpower Commission.

Mr. McKELLAR. That is the amendment which increases the appropriation by $1,000,000.

Mr. AUSTIN. Yes. I raised the question yesterday whether the appropriation was necessary, claiming that an occupational survey was already in process, and that it was national in scope, but was being carried out through the Selective Service System, which has local boards in 6,500 districts in the United States. I questioned the wisdom of an appropriation which might create conflicting authority over the same activity, because the record of hearings on this matter raised a question.

Referring to page 464 of the hearings before the subcommittee of the Committee on Appropriations of the House of Representatives, Mr. McNutt, Chairman of the War Manpower Commission, made this statement:

> At the request of the Selective Service System, the Employment Service is compiling a Nation-wide occupational inventory of the skills and occupations of this country's manpower. This information is urgently needed by the War Manpower Commission, the Selective Service System, and the War Department for planning effectively the maximum utilization of all our labor resources. In conducting the inventory, it is the responsibility of the Employment Service to interview those selective-service registrants possessing critical skills which are not being used in the furtherance of the war program, and to place these workers in war industries where their services are urgently needed. At the end of August, approximately 17,500,000 of the occupational questionnaires had been received from the Selective Service System. Due to a shortage of funds, the Employment Service has been able to process and classify only 6,500,000 of these questionnaires. Unless the additional funds now requested are provided, it will be impossible for the Employment Service to complete this project during the current fiscal year, especially since an additional 22,000,000 forms are yet to be received in the employment offices, making a total of 39,600,000 in all.

That raised a serious question relating to, What is the fact? Who is responsible for compiling a Nation-wide occupational inventory? Who is doing it? Based upon that statement, is Congress, by this appropriation, changing its policy in a very important matter?

I say "very important matter" because the registration of all men between the ages of 18 and 65, with respect to every vital statistic which bears upon the question of what use can be made of them in the total war, is probably the most important and delicate function that any governmental agency has to perform. I do not hesitate to make the claim that it should not be performed by an agency headed by a person who is interested in a political end. I have no doubt that such a transaction should be as free as possible from interest—even the interest of compensation for the employment. It was the policy of Congress, when the Selective Training and Service Act was passed, to remove the process of registering and selecting men from all adventitious influences and place it in the local boards, which were appointed upon the recommendation of the governors of the States, and which were taken from the community in which the men who were

to be classified lived. Such boards are without any political interest in the judgments which they pass. They do not even have as much interest as compensation gives a person in the performance of the duties of his office, for according to the policy of Congress all of them serve without any compensation as such, and only such reimbursement as amounts to a very small sum for travel and expenses.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. PEPPER. I am very much interested in what the able Senator is saying. If I understand correctly, the amount proposed to be apportioned for the completion of this selective service inquiry by the War Manpower Commission is $5,000,000?

Mr. AUSTIN. Yes.

Mr. PEPPER. I notice on page 71 of the Senate hearings that the letter from the Chairman of the Manpower Commission to the chairman of the Appropriations Committee indicates that it will be impossible for this important task to be completed during this fiscal year. Does that mean by the end of June 1943?

Mr. AUSTIN. Yes.

Mr. PEPPER. Does the able Senator take that to mean that these data will not be in the hands of the Government before the end of the next fiscal year, that is, June 30, 1943, if these funds are appropriated?

Mr. AUSTIN. Mr. President, that is the logical interpretation of the letter.

Mr. PEPPER. I make the inquiry in view of information which has been developed before a subcommittee of the Senate Committee on Education and Labor of which I have the honor to be chairman. That information came from Mr. J. C. Capt, Director of the Bureau of the Census. Mr. Capt stated that an annual census bringing up-to-date the 1940 census could be made by the Census Bureau in a period of 2 weeks from its initiation. He also stated that he could start such a census in approximately 60 days, with the employment of 8,000 persons, all of whom would be women, and that the total cost would not exceed $4,000,000 or $4,500,000.

It seems to me that it is most desirable that this information be obtained. With all deference to the Chairman of the War Manpower Commission, or any other agency of the Government, I do not know of any bureau or department of the Government better qualified to gain statistical data about the population of the United States than the Bureau of the Census. I believe it is pertinent to consider the facts I have just stated, namely, that such a census could be completed 2 weeks after its initiation, with 8,000 employees, all of whom would be women, that it would not cost more than four and a half million, and that it could be inaugurated in something like 60 days.

Mr. AUSTIN. I thank the Senator for his comments. They fit the picture which I have seen since we had the debate yesterday about this subject. I called upon the Selective Service System to give me information as to what actually has been done by it under the law in carrying out the policy of Congress with respect to a national inventory of occupations. I have that history very briefly before me, and I shall read it. In order to keep clear the application of this history to the remarks of the distinguished Senator from Florida, let me say that in pursuing this policy of Congress the Selective Service System has employed the Census Bureau and paid for its services out of funds appropriated to the Selective Service System for putting into categories the information already being collected and listed by the Selective Service System.

The point is—and that is why I rose—that it is done under the agency of Government which represents the policy of Congress, an agency set up by Congress under a statute, an agency which is close to the people, a democratic agency. It is because of my anxiety to keep the operating function where we placed it that I challenged this appropriation yesterday.

This is the story, and it is authentic:

In the summer of 1941 the Selective Service System decided to substitute a centralized statistical program based on an individual punch-card record of each registrant in place of a decentralized procedure of summary reports for each local board.

Such a program was initiated in the fall of 1941 with the development of plans for processing Report of Physical Examination and Induction (Forms 200 and 221), the only individual record of statistical consequence which was being received in national headquarters at that time. This document was to supply tabulated data for the United States and by States and local boards when necessary, on the physical defects, occupations, marital status, dependents, etc., of registrants selected for physical examination by local board and inductian station physicians.

That was a small group. That did not reach those who had been processed out by deferment. It reached those who were to be examined for induction into the armed forces. So we have the beginning of the work of making a national occupational survey—a small beginning.

The next step was to secure a control record of each of the 18,000,000 men then registered as a result of the first and second registrations; a data record of their occupations, work status, marital status, dependents, education, citizenship, age, race, etc., and an action record of each selective service classification given them. An opportunity for securing the control record was offered in connection with the third registration of 8,000,000, the fourth registration of 14,000,000, and the fifth registration of 3,000,000. A copy of List of Registrants (Form 3), for national headquarters was the medium for this control. Copies were also secured later for the first and second groups.

Now, as will be seen, both of them are tied in.

Along with the entrance of the United States into the war and the registering of groups 3, 4, and 5, there developed an interest by the Selective Service System and other agencies in the problems of industrial as well as military manpower, i. e., in the problems of total manpower.

Mr. President, let me say that I intend to turn back to the CONGRESSIONAL RECORD for the period immediately following our entrance into the war, and to refer to statements of distinguished Senators showing what was the policy of Congress about this subject.

Meantime I continue with the reading:

National headquarters thereupon undertook an inventory of critical and essential skills and professional and scientific qualifications of the 43,000,000 registrants.

Notice in the testimony of Chairman McNutt that he talks about 22,000,000 forms as yet to be received, making a total of 39,600,000 in all. Provision had already been made to cover the 43,000,000 registrants.

This survey started out to be an arrangement whereby the selective-service local boards would require each registrant to prepare an occupational questionnaire (Form 311).

That is the form to which I referred yesterday.

The board would then transmit one copy of the form to local offices of the United States Employment Service. This office would then interview men—

Remember that. I depart from the reading to emphasize the suggestion as to interviewing men, for I believe that is all there is in the activity of the War Manpower Commission for which the $5,000,000 is to provide. We shall come to that later.

This office would then interview men with the selected skills and occupations for the purpose of their better placement with reference to war production. Because of the growing emphasis on working qualifications, however the plan was adapted to require the registrant to fill out the questionnaire in duplicate.

There was some quarrel about that. The Manpower Commission did not want to have the Selective Service have a copy for its own use, but ultimately it was settled that the Selective Service System saved itself to the extent of having a copy for its own use.

Because of the growing emphasis on working qualifications, however, the plan was adapted to require the registrant to fill out the questionnaire in duplicate, the duplicate to remain in his local board file as an aid to his classification. The arrangement was then further changed to require his preparation of a digest or coupon covering the essential information on occupation, marital status, dependents, age, race, etc., from the questionnaire for submission by the local board to national headquarters where it would serve as the basis for tabulated data—

I pause in reading to say that it is this function of tabulating which the Census Bureau, referred to by the distinguished junior Senator from Florida, has done for the Selective Service System at the cost of the Selective Service System—

applicable to the planning and administering of the operations of the Selective Service program and programs of other agencies concerned with either or both military and industrial manpower.

Following the initiation of the occupational inventory, local boards undertook the preparation of Local Board Action Reports (Form 110) after each meeting to supply national headquarters with the classifications assigned to individual registrants at the meeting. This would allow the current classifications of registrants to be tied with the tabulations made from Form 311. Occupational tabulations by industrial area and State are being prepared from Form 311, showing the number of registrants reporting qualifications and employment in selected skills and occupations and their marital status, dependents, race, and age. This is practically completed for the 8,000,000 group 3 registrants, and it is expected to be finished for the remaining groups by January 1, 1943.

Mr. President, I especially invite the attention of the Senator from Florida to the record of the Selective Service Sys-

tem with respect to the particular function which the Census Bureau has been performing for the Selective Service System, and at its expense.

I continue to quote from the record:

This is practically completed—

That is, slotting into categories the information taken from Form 311—

for the 8,000,000 group 3 registrants, and it is expected to be finished for the remaining groups by January 1, 1943.

That statement should reassure the Senator from Florida that under the management of our organization, the Selective Service System, there is no idea of postponing the work until June 1943.

Mr. PEPPER. Mr. President, will the Senator enlighten me a little further as to how comprehensive is the inquiry being made by the Bureau of the Census under the direction of the Selective Service authorities?

Mr. AUSTIN. I shall do so if the Senator will withhold his request until I can finish the reading. Thereupon, I shall turn to one of the actual tabulations and shall point it out. For example, 190 categories of employment are covered.

I now resume the reading:

Upon the completion of the tabulation of these basic occupational data, the classification information on each registrant from form 110 will be placed upon the punch card for form 311 and tabulations of skills and professional qualifications and other characteristics of registrants tabulated for current classification by local board and State and for the country as a whole. This will be utilized in controlling the local board processing of registrants with respect to occupation.

If it becomes necessary, each local board can be supplied with the serial numbers of uninducted registrants possessing specific occupations and other specific qualifications for meeting special industrial or military manpower calls.

In the event that the problems of planning, administering, or special calls require it, the occupational qualifications or other characteristics of registrants can be brought up to date through the medium of form 110 or sample studies which are now in operation between local boards and national headquarters.

That is the end of what I wanted to read. Let me comment that the continuous keeping up to date of the story of the individual is now done all the time in practice by the local board, and if we are to turn the job over to some other bureau, another agency will be set up to repeat, duplicate, and do the same thing over again.

I promised the distinguished junior Senator from Florida that I would show an actual exhibit of information. I hold in my hand an interoffice communication covering such an exhibit. The communication was given to me this morning at my request. It is headed "National Headquarters, Selective Service System." I emphasize that because the organization preparing the document is not the War Manpower Commission.

INTEROFFICE MEMORANDUM

OCTOBER 16, 1942.

To: Colonel Keesling.
From: Mr. McGill.
Subject: Data from Form 311.

That is exactly what the Senator asked about.

The following are items of occupational information which national headquarters is now making available from its Coupon of the Occupational Questionnaire to all of the agencies now concerned with military, industrial, and total manpower problems:

1. Hand count totals on the number of Group 3 and Group 4 registrants reporting qualifications in a selected occupation and employment at this occupation by selected occupation, State, and industrial area. (See exhibit A.)

2. Tabulations of similar information for all registrants by marital status, dependents, age, race, etc. (Exhibit B.)

I do not have exhibit B and do not intend to put it into the RECORD. I will put exhibit A in because that answers the question of the Senator from Florida in detail.

Below are given items of occupational information which it is planned to make available to these agencies if the need arises:

1. Tabulations on the selected occupations, marital status, dependents, age, and race of all registrants by current selective service classification and by State and local board.

2. Listings of all registrants by serial number according to their selected occupation, marital status, dependents, age, race, and current selective service classification by State and local board.

Then comes exhibit A, which, on second thought, I will not weary the Senate by reading, but I will point out the evidentiary significance of it on the question before us, and that is that it is not a document of the War Manpower Commission but is a document of the Selective Service, and it starts right off:

NATIONAL HEADQUARTERS, SELECTIVE SERVICE SYSTEM, WASHINGTON, D. C.

Selective service registrants of the Third Registration reporting qualifications and present employment in 190 selected occupations. (Preliminary.)

Then follows a narrative, and then the tabulation, which, Mr. President, I ask unanimous consent to have printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

There was no objection.

The tabulation is as follows:

Selective Service registrants of the third registration reporting qualifications and present employment in 190 selected occupations (preliminary)

NEVADA: APRIL–JUNE 1942

	Total reporting	Reporting present employment	Reporting qualifications but not present employment
Total	9,147		
Reporting no selected occupation	2,764		
Reporting selected occupation	6,383	1,959	4,424
Airplane fabric worker	5	1	4
Airplane mechanic	20	5	15
Airplane pilot	38	4	34
Airplane woodworker			
Airport-control operator	3	1	2
Angle puncher and shearer	3	2	1
Architect	7	3	4
Armorer			
Asbestos worker	1		1
Assembler:			
Aircraft	2	1	1
Electrical equipment	4		4
Instrument			
Machinery	7	1	6
Other	8	2	6
Automobile mechanic	359	87	272
Babbitter	16		16
Bench hand, metal work	7		7
Bessemer-converter blower	1		1
Blacksmith	48	15	33
Blaster	13	2	11
Blast-furnace operator	1		1
Boatbuilder, wood or steel	1		1
Boiler mechanic	32	15	17
Boring-machine operator, metal	2		2
Boring-mill operator	2	1	1
Bricklayer	26	11	15
Burner, acetylene	29	7	22
Cabinetmaker	21	6	15
Cable splicer	9	1	8
Calker, steel plate	1		1
Canvas worker	3	2	1
Carman, railroad shops	61	23	38
Carpenter	412	138	274
Cement finisher	60	15	45
Chemical operator	23	8	15
Chipper, metal	3		3
Cloth cutter			
Compass man, logging	4		4
Cooper			
Coremaker	5	2	3
Crane operator	51	14	37
Detailer, drafting	4	2	2
Die maker	1	1	
Designer:			
Airplane			
Tool, die, machinery	4	2	2
Diver	11	2	9
Draftsman	44	11	33
Dredgeman	4		4
Drill-press operator	23	3	20
Dynamic balancer			
Electrician	193	72	121
Electric motor repairman	8		8
Emergency man, street railway	2		2
Emergency squad worker, fire or gas company	2		2
Engineer:			
Locomotive	68	42	26
Operating	70	32	38
Professional	62	22	40
Refrigerating	17	3	14
Stationary	52	14	38
Engraver			
Estimator construction	18	6	12
Explosives operator	26	3	23
Farmer:			
Dairy	214	43	171
Other	737	195	542
Farm hand:			
Dairy	72	14	58
Other	598	135	463
Farm machinery repairman	29	5	24
Filer, metal	5	2	3
Filtration plant attendant (water)	5	2	3
Fingerprint expert	6	1	5
Finisher:			
Rolling mill			
Watch manufacturing			
Fire fighter	50	16	34
Fireman, locomotive	103	35	68
First-aid attendant	23	2	21
Fixer, machine	6	3	3
Foreman, factory	34	12	22
Forger			
Forge welder			
Flanging press operator			
Furnace charger, metal	5	4	1
Galvanizer, iron and steel	1	1	
Gas-producer man			
Gear cutter			
Glass blower			
Glazier	4	1	3
Grinder, precision work	1		1
Grooving-machine operator			
Gunsmith	3	2	1
Hammersmith			
Hardener			
Heat treater	1		1
Heater, forge	2		2
Hostler, railroad	14	4	10
Inspector	36	19	17
Inspector, machinery parts	1		1
Instrument maker	1	1	
Instrument repairman	2	1	1
Internal key-seating machine operator			
Interpreter	23	3	20
Keller-machine operator			
Lapping-machine operator			
Lathe operator	24	3	21
Lay-out man	9	4	5

Selective Service registrants of the third registration reporting qualifications and present employment in 190 selected occupations (preliminary)—Continued

	Total reporting	Reporting present employment	Reporting qualifications but not present employment
Lead burner	3	1	2
Leather worker	10	2	8
Lens grinder	4	3	1
Linemen	36	14	22
Loftsman	1	----	1
Loom fixer	----	----	----
Lumber grader	14	5	9
Machine operator, firearms	2	2	----
Machine set-up man	2	----	2
Machinist	134	68	66
Maintenance mechanic	99	43	56
Melter	6	3	3
Metallurgist	16	7	9
Milling-machine operator	28	7	21
Millwright	16	3	13
Miner	710	238	472
Model maker	3	1	2
Molder	12	2	10
Motor analyst	8	3	5
Motorcycle repairman	1	----	1
Motorman, locomotive	12	4	8
Multipurpose-machine operator, metal working	1	----	1
Nurse, registered	4	2	2
Optician	3	----	3
Ornamental-iron worker	2	----	2
Ordnanceman	19	11	8
Painter, ship	55	13	42
Parachute repairer	3	----	3
Patternmaker	3	1	2
Personnel man	106	33	73
Pipe fitter	73	12	61
Pipe man, water or gas main	32	11	21
Planer operator, metal	----	----	----
Plasterer	22	8	14
Plater	1	----	1
Plumber	66	19	47
Policeman	68	33	35
Pourer, foundry	1	----	1
Powerhouse operator	46	20	26
Power shovel operator	51	23	28
Press operator	10	4	6
Press operator, metal	3	----	3
Printer	36	12	24
Profiling-machine operator	1	----	1
Pulpit man, steel mill	----	----	----
Radio operator	26	4	22
Radio repairman	18	7	11
Repairman	----	----	----
Office machines	11	6	5
Railroad equipment	41	20	21
Rigger	31	10	21
Riveter	12	----	12
Roller, metal	----	----	----
Sawing machine operator, metal	2	----	2
Scarver	----	----	----
Screw machiner operator	4	----	4
Seaman (including river boats)	26	2	24
Shaper operator, metal	2	1	1
Sheet-metal fabricating machine operator	1	----	1
Sheet-metal worker	35	11	24
Ship fitter	5	----	5
Ship's officer or engineer	5	----	5
Steam fitter	11	3	8
Stonemason	9	1	8
Straightener, metal	6	2	4
Structural-steel worker	23	11	12
Surveyor, engineering	78	20	58
Telegraph operator	57	24	33
Telephone man	34	11	23
Template maker	----	----	----
Tester	7	1	6
Textile-machine operator	----	----	----
Thread grinder	----	----	----
Tool dresser	6	2	4
Tool-grinder operator	1	----	1
Tool maker	----	----	----
Tracer, drafting	3	----	3
Trainman	150	72	78
Transformer rebuilder	----	----	----
Tube bender	----	----	----
Upholsterer	11	4	7
Watchmaker	9	5	4
Weaver	2	----	2
Welder	100	37	63
Wheel borer	----	----	----
Wire drawer	1	1	----
Woodworking machine operator	27	6	21

Selective Service System, July 31, 1942.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. McKELLAR. Then, as I understand the Senator, the $5,000,000 included in this item will go to the Selective Service System to be used in completing the work in question?

Mr. AUSTIN. That is just the statement I want; but the bill does not so state; the testimony is not clear about it. Let me read what General Hershey testified to as bearing upon the theory which supports what the Selective Service is now doing, to which I have already called attention. I read from page 474 of the hearings before the House committee. It is not long and it is the whole testimony of General Hershey. It is as follows:

The CHAIRMAN. General Hershey, we should be pleased to have a statement from you on this question of manpower.

General HERSHEY. Mr. Chairman, I come here in two capacities. First, I am a Commissioner of the Manpower Commission; and also the Director of the Selective Service System. As a Commissioner, I am interested in knowing what we have got in this country. We may have something over 60,000,000 or 65,000,000 working units.

That is very important, and if this money will ascertain that information, it will prove the necessity on the part of Congress to do something extremely important and effective to meet the requirements of an army of 7,500,000 men. If it be assumed that the information given to us through the Military Affairs Committee of the Senate is true, that it takes from 15 to 18 civilians in production and in our industries to sustain properly 1 man on the field of battle; 15 times 7,500,000 is one hundred and twelve and a half million, and, if it be true that we have only between 60,000,000 and 65,000,000 working units to perform the service of 112,000,000 units, we face a serious problem.

Excuse me for departing from the reading. I continue to the quotation from General Hershey's testimony:

We have already in our possession material on some thirty-nine to forty-three million of those people.

Our agency has acted to reduce that to writing on a Form No. 311—

That as will be noted, is the same old form—

so that we have that very information. The thing that we are up here for this morning is to try to make that information available, not only nationally but available down in the localities—

The information must be made available—

so that when you are looking for a carpenter or a plumber or a die-setter or something else, you know that man in terms of his name and his street address.

Secondly, as the Director of the Selective Service System, I am interested in the United States Employment Service not only nationally, but locally, in being able to tell whether this man is a die-setter or what is this fellow—

The selection is always by individuals; the law prohibits any other type of selection—

see what he claims to be and whether you need him. Otherwise my boards cannot make an intelligent approach to the problem. I believe that is all, Mr. Chairman.

The CHAIRMAN. Thank you, General Hershey.

Mr. President if it be true—and I am ready to accept the statement of the distinguished Senator from Tennessee—that this appropriation of $5,000,000 is to go to the Selective Service System for carrying on the work so well started, it has all my support. The main thing I want Congress to do is to adhere to this democratic process of dealing with the most vital things affecting the people of this country at a time when they have all volunteered, for all the people of this country who are physically and mentally able to do so are in this war; have no doubt about that. I know, from my recent trips into the country, how deeply they feel, how great is their zeal, how willing they are to sacrifice, all they want is leadership, all they want is direction; and, with it, I assure the Senate that they will go further than we will go.

What I am standing for here, and intend to fight for in the coming few weeks, is to hold up the arms of this agency which we created—we, the people, for that is what we are; we represent the people of this country. When we set up a Selective Service Board, with all its local agencies, we did the one precious thing which afforded to the people the confidence and the certainty that the judgments upon their lives which were being made were without the smell of brimstone and were free from any shade or color of politics or any financial or other interest save the interest of our country. That is what I am for, and that is why I entered into the debate yesterday.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. PEPPER. I wonder if the able Senator means to say to the Senate, however, that he thinks an Army officer, or an agency the personnel of which is exclusively Army personnel, should be the national agency to determine matters of civilian allocation and occupation, as well as military.

Mr. AUSTIN. That is a very fair question, and an excellent question to consider now. My answer is, No, and when we passed the selective service law, we recognized that. I could turn to the place if I had a moment, but in the act itself we prohibited anyone connected with the Army or Navy serving on the local boards. Mind you, Mr. President, the local boards do the deciding. It is not General Hershey, or anyone else here at national headquarters. Because we believed in the principle to which the Senator from Florida now appeals, we set up that system of due process of law with which we, as Americans, have grown up. We had the first board, the first fact-finding body, a body of our own folks, and we excluded the military from it completely. Then we said, "Now, men are fallible; the infallible man has not been born, so we will provide another bit of home rule; we will create an appeal board, and then we will go still further, we will create other appeal agencies as they may be necessary, and they will also be made up of local people; they will be our own neighbors, in our own States."

Of course, the President is always at the top of any war organization, and he is at the top of the one we are now dis-

cussing, and, if it were necessary, an appeal could be made to the President of the United States. But we have set up an institution which we think is so necessary for the maintenance of justice between Government and its population; namely, a local fact-finding body, and appeal organizations which are free from any other interest except the public interest.

Mr. PEPPER. Mr. President, will the Senator yield again?

Mr. AUSTIN. I yield.

Mr. PEPPER. The able Senator has emphasized the virtue of that system, and undoubtedly pointed out, as he should have done, the fairness of it in dealing with different individuals. My question to the Senator was upon the assumption that the determination of the allocation of our citizens between military and civil needs, including industry and agriculture, of necessity must be made by the National Government. If that be true, then I was asking the Senator whether he would also entrust the decision of that matter of national policy in the allocation of the Nation's manpower purely to a military tribunal.

Mr. AUSTIN. No.

Mr. PEPPER. If the Senator will permit me to complete the question—for example, in a hearing before our Committee on Education and Labor two witnesses appeared. One of them was a contractor, representing a national association engaged in the building of airfields and cantonments, distinctly military establishments. He pointed out the case of a keyman in his organization, who was 34 years of age and single, who had once been deferred by the local draft board, and who was asking for deferment a second time. The mothers and fathers in the community were pointing to that man and saying, "Why was that man left behind when my boy had to go to war?" Thereupon, without any directive from Washington, in spite of the fact that it had a letter and telegram from the United States Engineer Corps requesting that it defer this man because he was essential in the establishment of military training bases, the draft board took the man and sent him into the service.

Let me give one further example. A gentleman named Rodgers appeared here from the Great Nordberg Co. in Milwaukee. That company among other things is manufacturing naval torpedo tubes, and motors which go into merchant ships. He testified to almost similar circumstances, of a draft board being unable to differentiate between a man who was needed as a key man in industry and a man who ought to go into the military service. So I was led to conclude, from these and other cases which have come to my attention, that there must be a national policy in regard to the allocation of the Nation's manpower.

Therefore, I had meant to ask the able Senator, who has given so much thought to this subject, whether or not the making and the formation of a national policy regarding manpower should be left purely to a military tribunal, such as the Selective Service Board.

Mr. AUSTIN. Mr. President, I can answer that question, for I have a very firm conviction about it.

First, we can account for what happens by the absence of a statute which determines the national policy with respect to the maintenance of a proper balance between armed men and producing men. Sometime we will come to the question of maintaining a proper balance among producing men. But in the case of several bills on which hearings will begin tomorrow we are faced by the question of manpower, and the view to which I have referred was expressed in the bill which I have introduced. I am never so married to my own views that they are not subject to change upon consideration of the views of my colleagues.

Therefore I shall enter the hearing tomorrow with a quite open mind, and my judgment as to what I really believe in and fight for will be reserved until the end of the hearings.

My views are represented by the bill which I introduced. It provides that the President shall be authorized to determine the policy. That means, of course, that the President may make the determination through any board he chooses, but probably he would do so through his existing organization for war, consisting of the three joint Chiefs of Staff, the War Production Board, with Mr. Nelson at its head, and the Economic Stabilization Board, with Mr. Justice Byrnes at its head. That is the President's present and most modern war board. The great policies of distribution in order to maintain the balance of which I have spoken must be ascertained by them. Who else can determine the policies? Not the Selective Service System.

Mr. PEPPER. Did the able Senator from Vermont leave out Agriculture?

Mr. AUSTIN. No; that is, of course, included. I am not giving the subdivisions. I am trying to make the statement in a general way. However, the foundation of the whole theory is that the policies shall be settled by the joint action of all those who are interested in, concerned with, and have special knowledge of all the circumstances.

Under the system which I propose, the needs or demands for labor would be classified. The location and requirements would be established; so many men for shipbuilding, so many men for agriculture, and so forth. All of them would be classified according to a national or major plan, a dominating plan for the Nation, which would be handed down to the smallest locality in the Union in order to have it work. The local boards of the Selective Service System could then classify by census and arrange the data so that the authorities could refer to them at once and say, in my town, for instance, "There are John Doe and Richard Roe who can do a certain type of work, which is special, which is important."

Alongside this will go the distribution of the requisitions. According to the major and dominating plan for war to which I have referred, the officials may say to the local board, "We want so many men in your community to perform this work. You get credit for it on your quota."

That is my idea, stating it in a rather imperfect manner. It is a general, overall plan, so well coordinated that it would operate. When it comes to taking my boy and telling him what he ought to do for his country, I want it done by his own folks, his own neighbors. When they say to him, "Son, however much you may want to go into the trenches or into the sky, you can do more for your country if you will stay right here and work in town," the boy will accept it because it is the law of his land, it is the policy of his people, the sentiment of his own neighborhood, and he will not feel as though he were going around wearing a white feather. He will know that he is a part of this total war to save this great country and its principles.

Mr. PEPPER. Mr. President, will the Senator further yield?

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Vermont yield to the Senator from Florida?

Mr. AUSTIN. I yield.

Mr. PEPPER. The Senator has very ably stated the inevitable principles which, it seems to me, must be put into this legislation. The only question I desire to ask is this: In the accumulation of the data relating to all our people who might constitute a source of manpower for the Army, industry, agriculture, or transportation, does not the Senator believe it would be wise to allow the President, or the Bureau of the Budget—preferably the President—if we are going to provide $5,000,000 for collecting this information, to select the agency which is best qualified to perform the work?

I have listened with a great deal of interest to what the able Senator has said about the work now being done by the Selective Service System in the procuring of these data and the use which is being made of the Census Bureau, but in view of the Director of the Census having just last week appeared before our subcommittee, and testifying to the limited nature of the inquiry being made, I am wondering if it might not be possible for us to allow the President at least to make the selection of the agency best qualified to gather the information. My own opinion is that in view of its comprehensive vision of the Nation its experience in obtaining of such data in the past, and considering its facilities, including its building in Washington, as well as the 1940 census material which it has at its finger tips, the Bureau of the Census is the best authority to be appointed to accumulate the data to which the Senator has referred. I was wondering whether, if this item is made to apply to the Selective Service, the Senator would not be willing to allow it to be subject to allocation by the President to the agency best qualified to procure and prepare the information.

Mr. AUSTIN. I have no fear of what the President of the United States might do in such circumstances. I have great faith in his leadership as Commander in Chief in this war, so my answer is

not at all colored by any question in that regard.

I do not think it is necessary to change to some other control during the process of collecting the data. My point is that the policy-making organization exists with the President at its head. The data-gathering organization exists and has performed this work to date. It is our agency, it is the local agency.

I do not want to disturb that arrangement. If the Census Bureau is doing any part of the work, let them continue to do it for the Selective Service System. But they are not needed to go forth and investigate.

We have an over-all inventory which the boys have made themselves by answering questions, and of course they were answered under the penalty of a law which provided a fine of $10,000 or imprisonment for false statements. But I understand that this appropriation contemplates the making of a further and more explicit investigation, going around and interviewing the boys. If the distinguished Senator from Tennessee has struck the right note here by saying that it is really the Selective Service System which is going to do this work, I say amen. All I want to do is save it. I do not want it broken down; I do not want it interrupted. I want it to go on with this work. It has had all these cards made out. They belong to the Selective Service System. What is the use of taking them away and transferring them to another bureau?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. PEPPER. If these data are required only from those registered under the selective service, it would be one thing, but the manpower problem is much greater, and deals with the question of skills possessed by individuals, the marital status, the number of children, whether they are dependent or not, and must include information respecting women.

Mr. AUSTIN. That is correct. I contemplate that. Before we get through with the manpower legislation I think we will comprehend women within it.

Mr. PEPPER. Mr. President, will the Senator yield to me?

Mr. AUSTIN. I yield.

Mr. PEPPER. The Director of the Census made it very clear in his testimony—and it was based upon an examination of census material—that the only available sources of manpower which are not now being employed, unless we begin to take persons who are now engaged in some occupations that later we might deem unessential, are composed of boys of high-school age, women from 20 to 44, and men above 55 years of age. He concluded his testimony with this very significant statement:

> Since practically all of the able-bodied men 18 years of age and over are already in the labor force (excluding the armed forces) and since the number of unemployed is rapidly approaching the irreducible minimum of frictional unemployment, it is clear that the 4,000,000 to 7,000,000 workers who must be added to the labor force to reach such a figure must be drawn mainly from women not now in the labor force, including married women with and without young children or other dependents. This obviously poses complex problems with respect to recruitment training, and placement.

That is the concluding portion of the statement of Mr. Capt, Director of the Bureau of the Census, before the subcommittee of the Committee on Education and Labor. I am in favor of acquiring this information and data, but we cannot formulate a national policy unless we have brought up to date the comprehensive census material of 1940. If it be desired to use the Selective Service System as a supervising agency for directing the Bureau of the Census, I have no objection whatever, but I do not want to stop short of getting all the material necessary for the formulation of a sound national manpower policy. If we are simply to have the information that comes in from the draft boards, we will not have information with respect to anyone below the draft age, and we will not have information with respect to anyone above 55 years of age, and all the women will be left out. If the women are to be an essential part of our labor force we must take them into consideration.

The next thing is with respect to getting data concerning the men since they registered. We do not get data with respect to those who registered in the first draft?

Mr. AUSTIN. Yes; they are all comprehended in this order.

Mr. PEPPER. But what I mean is that their records, which remain in the hands of the Selective Service System, are as old as the dates of registration.

Mr. AUSTIN. No; those records are kept up to date, unless the men are in the armed forces. If there have been changes in occupation of the registrants they are kept up to date.

Mr. PEPPER. As to where they are and what they are doing?

Mr. AUSTIN. Yes.

Mr. PEPPER. What I was getting at was bringing full knowledge of the character and distribution of the population to the attention of the Government as immediately as possible. The Bureau of the Census has made a request of the Director of the Budget for authority to undertake this census on an annual basis. It will not be quite so complete, Director Capt thought, as the 1940 census, but he said it would mean a house-to-house canvass, contact with every person in the United States. It would bring to the knowledge of the Government the very latest and most comprehensive data about our population, where it is, what it is doing, what its capacity is, and all that sort of thing, and he said it could be done with a field staff of 8,000, that all of them could be women, that it would not cost over four and a half million dollars; that the Census Bureau has the blueprints already prepared; that it could launch the program within 2 months, and complete it, once it was begun, within 2 weeks. If the Selective Service System is to do it, let us authorize them to have the Bureau of the Census compile complete data regarding our population.

Mr. AUSTIN. Mr. President, I am through. I wish to thank the Senator from Florida [Mr. PEPPER]. What he has last said is of great importance, and I did contemplate, before he spoke of it, the consideration of that idea in connection with the hearings on Senate bill 2805, which is my bill, and I shall be glad to have his help in the further consideration of it.

I wish to place in the RECORD one sentence to which I referred, but did not quote. This is not in the bill. It is in Public Law 360, which is the Selective Training and Service Act of 1940. I read from page 10, as follows:

> No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regulations prescribed by the President.

Mr. HAYDEN. Mr. President, on behalf of the committee I wish to state, so there may be no misunderstanding as to the purpose of this $5,000,000 appropriation, that there have been made out practically 40,000,000 questionnaires by people called in the selective service. Of that number, on the 15th of August 6,500,000 had been processed. Now approximately 8,000,000 have been processed. It is to carry on that processing in exactly the same way for the remaining number of questionnaires that this money is proposed to be appropriated.

Mr. AUSTIN. Mr. President, I promised the Senator from Florida to call attention to what was said in the Senate on December 18, 1941. I read a brief statement made by the Senator from Alabama [Mr. HILL], as follows:

> Mr. HILL. And the truth of the matter is that neither the Social Security Administration nor the Census Bureau has now in existence any organization similar to that possessed by the Selective Service Administration. The Selective Service Administration has its local boards in almost every town, city, and hamlet throughout the United States. Those boards have their employees and clerks available every day and are ready to do this job.

PERSONNEL OF THE COAST GUARD

The PRESIDING OFFICER (Mr. SPENCER in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2381) to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that Service is operating as a part of the Navy, which were, in line 4, to strike out "Statutes" and insert "Statutes;"; in line 6, to strike out "622)," and insert "622);"; in line 7, to strike out "756)," and insert "756);"; in line 9, to strike out "1181)," and insert "1181);"; in line 10, to strike out "1274)," and insert "1274);"; and in line 11, to strike out "712)," and insert "712);".

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REVENUE ACT OF 1942—CONFERENCE REPORT

Mr. GEORGE. Mr. President, I wish to present and have considered the conference report on House bill 7378, the tax bill, but before taking it up I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barbour	Hatch	Russell
Barkley	Hayden	Schwartz
Bilbo	Hill	Shipstead
Bone	Johnson, Calif.	Smathers
Brewster	Kilgore	Spencer
Bulow	La Follette	Thomas, Idaho
Bunker	Langer	Thomas, Okla.
Burton	Lee	Thomas, Utah
Butler	McFarland	Tobey
Capper	McKellar	Tunnell
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	Wiley
Ellender	O'Mahoney	Willis
George	Overton	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

Mr. GEORGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7378) to provide revenue, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 76, 114, 216, 243, 387, 388, 389, 392, 400, 407, 414, 415, 432, 436, 461, 484, 492, and 501.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 79, 80, 82, 84, 85, 87, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 108, 109, 113, 118, 119, 120, 121, 122, 123, 126, 128, 129, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 180, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 201, 202, 207, 209, 210, 211, 212, 213, 214, 218, 222, 223, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 292, 293, 294, 295, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 390, 393, 394, 395, 396, 397, 398, 401, 403, 404, 405, 406, 408, 409, 410, 411, 412, 413, 416, 417, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 450, 451, 452, 453, 454, 455, 456, 457, 458, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 481, 482, 483, 485, 486, 487, 488, 489, 490, 491, 493, 494, 495, 496, and 502, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$385"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"In the case of any corporation computing such tax under section 721 (relating to abnormalities in income in the taxable period), section 726 (relating to corporations completing contracts under the Merchant Marine Act of 1936), section 731 (relating to corporations engaged in mining strategic minerals), or section 736 (b) (relating to corporations with income from long-term contracts), the credit shall be the amount of which the tax imposed by such subchapter is 90 per centum. For the purpose of the preceding sentence, the term 'tax imposed by subchapter E of chapter 2' means the tax computed without regard to the limitation provided in section 710 (a) (1) (B) (the 80 per centum limitation), without regard to the credit provided in section 729 (c) and (d) for foreign taxes paid, and without regard to the adjustments provided in section 734."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and restore the matter proposed to be stricken out by the Senate, and on page 21, line 18, of the House bill strike out "111" and insert "112"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: On page 19, line 19, of the Senate engrossed amendments, after "deficiency", insert "but without interest"; and on page 21, line 13, of the Senate engrossed amendments, after "liquidation", insert "or replacement"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "169"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: On page 29, line 21, of the Senate engrossed amendments, after "children" insert "(but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes)."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: On page 33, line 18, of the Senate engrossed amendments strike out "129" and insert "128"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "129"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "130"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "131"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$350"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: On page 37, line 21, of the Senate engrossed amendments strike out "$300" and insert the following: "132"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 133. Credit for dividends paid on certain preferred stock.

"Section 26 is amended by inserting at the end thereof the following new subsection:

"'(h) Credit for dividends paid on certain preferred stock.—

"'(1) Amount of credit: In the case of a public utility, the amount of dividends paid during the taxable year on its preferred stock. The credit provided in this subsection shall be subtracted from the basic surtax credit provided in section 27.

"'(2) Definitions: As used in this subsection and section 15 (a)—

"'(A) Public utility: The term "public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electric energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

"'(B) Preferred stock: The term "preferred stock" means stock issued prior to October 1, 1942, which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, limited to the same amount, and payable in preference to the payment of dividends on other stock.'"

And the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: In lieu of the matter proposed to

be inserted by the Senate amendment insert the following: "134"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "135"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows: On page 41, line 9, of the Senate engrossed amendments strike out "137" and insert "136"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 137. Exemption of voluntary employees' beneficiary associations.

"(a) Exemption of Voluntary Employees' Beneficiary Association: Section 101 (16) of the Internal Revenue Code, and of the Revenue Acts of 1938, 1936, and 1934, and section 103 (16) of the Revenue Acts of 1932 and 1928, are amended to read as follows:

"'(16) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses'."

"(b) Retroactive effect: For the purposes of the Internal Revenue Code and the Revenue Acts of 1928, 1932, 1934, 1936, and 1938, the amendments made to the Internal Revenue Code and those Acts by subsection (a) of this section shall be effective as if they were a part of the Internal Revenue Code and such revenue Acts on the respective dates of their enactment.

"(c) Amendments inapplicable to employment taxes: The amendments made by this section shall not apply to the employment taxes imposed by Subchapters A and C of Chapter 9 of the Internal Revenue Code, or the corresponding provisions of a prior law."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "138"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "139"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with the following amendments:

On page 47, line 18, of the Senate engrossed amendments strike out "141" and insert "140";

On page 48 of the Senate engrossed amendments beginning with line 10 strike out down to and including the comma in line 13, and insert "(B) that portion of a tentative tax, computed as if the amendments made by section 105 (a) and the amendments made by sections 105 (b) (other than those relating to dividends on the preferred stock of public utilities) (c), (d), and (e) (1) of the Revenue Act of 1942 were applicable to such taxable year."

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: On page 49, line 16, of the Senate engrossed amendments strike out "142" and insert "141"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: On page 50, line 13, of the Senate engrossed amendments strike out "143" and insert "142"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "143"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: On page 59, line 3, of the Senate engrossed amendments strike out "146" and insert "144"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "145"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "146"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "147"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "148"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "149"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "150"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: On page 83, line 15, of the House bill strike out "201,"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "151"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "152"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows: On page 66, line 12, of the Senate engrossed amendments strike out "155" and insert "153"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "154"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "155"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with the following amendments: On page 72, line 2, of the Senate engrossed amendments strike out "158" and insert "156."

On page 74, line 21, of the Senate engrossed amendments after the period insert "Under regulations prescribed by the Commissioner with the approval of the Secretary, a taxpayer which owns 100 per centum (excluding qualifying shares) of each class of stock of a corporation may elect to determine the worthlessness of its interest, described in this paragraph, in or with respect to the property of the corporation, without regard to the amount of the property of such corporation which would be excluded under subsection (e) (2) (A) in determining the adjusted basis of all the assets of the corporation for the purposes of subsection (e), but such amount shall be treated under subsection (b) (1) as a recovery by the taxpayer in the taxable year with respect to such interest."

On page 80, line 6, of the Senate engrossed amendments after "owns" insert "not less than."

On page 80, line 12, of the Senate engrossed amendments after "liquidates" insert "(by distributing all the assets which it is able to distribute and all its rights to assets which it is not able to distribute, including the right to the recovery of the property described in subsection (a) (1) and (2))."

On page 80, line 21, of the Senate engrossed amendments after "stock" insert "or other interest."

On page 80, line 22, of the Senate engrossed amendments after "stock" insert "or other interest."

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 157. Recovery of unconstitutional Federal taxes.

"(a) In general: Chapter 1 of the Internal Revenue Code is amended by inserting after section 127 the following new section:

" 'SEC. 128. Recovery of unconstitutional Federal taxes.

" 'Income (excluding interest) attributable to the recovery during the taxable year of a tax imposed by the United States which has

been held unconstitutional, and in respect of which a deduction was allowed in a prior taxable year may be excluded from gross income for the taxable year, and the deduction allowed in respect thereof in such prior taxable year treated as not having been allowable, if—

"'(a) The taxpayer elects in writing (at such time and in such manner as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) to treat such deduction as not having been allowable for such prior taxable year, and

"'(b) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiencies resulting from such treatment, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent.'

"(b) Taxable years to which applicable: The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1940."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows: On page 83, line 18, of the Senate engrossed amendments strike out "160" and insert "158"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "159"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "160"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows: On page 89, line 13, of the Senate engrossed amendments strike out "'163" and insert "161"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with the following amendments:

On page 90, line 15, of the Senate engrossed amendments strike out "164" and insert "162."

On page 95, line 16, of the Senate engrossed amendments strike out "both the".

On page 95, line 22, of the Senate engrossed amendments strike out "both".

On page 98, lines 5 and 6, of the Senate engrossed amendments strike out "the persons who are made the beneficiaries of the contributions paid by the employer" and insert "all employees".

Beginning with line 16 of page 104 of the Senate engrossed amendments strike out down through and including line 17 on page 105.

And the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "163"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with the following amendments: On page 107, line 11, of the Senate engrossed amendments strike out "which has" and insert "the"; and on page 107, line 14, of the Senate engrossed amendments strike out "comprising" and insert "of which comprise"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows: On page 115, line 9, of the Senate engrossed amendments strike out "166" and insert "164" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215 and agree to the same with the following amendments:

On page 118, line 8, of the Senate engrossed amendments strike out "167" and insert "165."

Strike out pages 119 and 120, and the first two lines of page 121, of the Senate engrossed amendments and insert in lieu thereof the following: "every mutual insurance company (other than a life or a marine insurance company and other than an interinsurer or reciprocal underwriter) a tax computed under paragraph (1) or paragraph (2) whichever is the greater and upon the income of every mutual insurance company (other than a life or a marine insurance company) which is an interinsurer or reciprocal underwriter, a tax computed under paragraph (3).

"'(1) If the corporation surtax net income is over $3,000 a tax computed as follows:

"'(A) Normal tax: A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 30 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

"'(B) Surtax: A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), or 20 per centum of the amount by which the corporation surtax net income exceeds $3,000, whichever is the lesser.

"'(2) If for the taxable year the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policy holders, minus the interest which under section 22 (b) (4) is excluded from gross income, exceeds $75,000, a tax equal to the excess of—

"'(A) 1 per centum of the amounts so computed, or 2 per centum of the excess of the amount so computed over $75,000, whichever is the lesser, over

"'(B) the amount of the tax imposed under Subchapter E of Chapter 2.

"'(3) In the case of an interinsurer or reciprocal underwriter, if the corporation surtax net income is over $50,000 a tax computed as follows:

"'(A) Normal tax: A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 48 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

"'(B) Surtax: A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), or 32 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

"'(4) Gross amount received over $75,000 but less than $125,000: If the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the amount ascertained under paragraph (1), paragraph (2) (A), and paragraph (3) shall be an amount which bears the same proportion to the amount ascertained under such paragraph, computed without reference to this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000.

"'(5) Foreign mutual insurance companies other than life or marine: In the case of a foreign mutual insurance company (other than a life or marine insurance company), the net income shall be the net income from sources within the United States and the gross amount of income from interest, dividends, rents, and net premiums shall be the amount of such income from sources within the United States.

"'(6) No United States insurance business: Foreign mutual insurance companies (other than a life or marine insurance company) not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.'"

And on page 83, line 15, of the House bill after "207" insert "(a) (1) or (3)."

And the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "166"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "167"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows: On page 127, line 5, of the Senate engrossed amendments strike out "170" and insert "168"; and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "169"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "170"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "171"; and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with the following amendments:

On page 133, line 19, of the Senate engrossed amendments strike out "174" and insert "172."

On page 134 of the Senate engrossed amendments, strike out lines 8 to 14, inclusive, and insert in lieu thereof the following:

"'(a) Definition: The term "victory tax net income" in the case of any taxable year means (except as provided in subsection (c)) the gross income for such year (not including gain from the sale or exchange of capital assets as defined in section 117, or interest allowed as a credit against net income under section 25 (a) (1) and (2), or amounts received as compensation for injury or sickness which are included in gross income by reason of the exception contained in section 22 (b) (5)) minus the sum of the following deductions:'

On page 138 of the Senate engrossed amendments, line 24, strike out "another"

and insert "one other person"; on page 142 of the Senate engrossed amendments, lines 19 and 23, strike out "(f)" and insert "(e)"; on page 143 of the Senate engrossed amendments, line 7, before "for services" insert "(other than fees paid to a public official)"; on page 144 of the Senate engrossed amendments, strike out lines 6 to 15, inclusive, and insert in lieu thereof the following:

"(d) Employee: The term 'employee' includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."

On page 150 of the Senate engrossed amendments, strike out lines 1 to 6; on page 150 of the Senate engrossed amendments, lines 7 and 14, strike out "(e)" and "(f)" and insert "(d)" and "(e)", respectively; on page 151 of the Senate engrossed amendments, lines 1 and 7, strike out "(g)" and "(h)" and insert "(f)" and "(g)", respectively; on page 153 of the Senate engrossed amendments, line 15, after "section" insert "shall be in lieu of the return required to be furnished by the employer with respect to his employee under section 147 and"; on page 156 of the Senate engrossed amendments, line 18, strike out "(f)" and insert "(e)"; on page 157 of the Senate engrossed amendments, line 24, strike out "(g)" and insert "(f)"; and on page 158 of the Senate engrossed amendments, lines 12 and 15, strike out "(f)" and insert "(e)."

And the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"(g) Specific exemption and returns of interinsurers and reciprocal underwriters:

"(1) Specific exemption: Section 710 (b) (1) is amended by inserting before the semicolon at the end thereof a comma and the following: 'and in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter a specific exemption of $50,000.'

"(2) Returns: Section 729 (b) (2) is amended by inserting before the period at the end thereof the following: 'or, in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, is not greater than $50,000'."

And the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 209. Nontaxable income from exempt excess output of mining and timber operations and from bonus income of mines, etc.

"(a) Income credit: Section 711 (a) (1) (relating to excess profits credit computed under income credit) is amended by inserting at the end thereof the following new subparagraph:

"'(I) Nontaxable income of certain industries with depletable resources: In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.'

"(b) Invested capital credit: Section 711 (a) (2) (relating to excess profits credit computed under invested capital credit) is amended by inserting at the end thereof the following new subparagraph:

"'(K) Nontaxable income of certain industries with depletable resources: In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.

"(c) Nontaxable income: Subchapter E of Chapter 2 is amended by inserting after section 734 the following new section:

"'SEC. 735. Nontaxable income from certain mining and timber operations.

"'(a) Definitions: For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

"'(1) Producer: The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation.

"'(2) Mineral unit: The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property.

"'(3) Timber unit: The term "timber unit" means a unit of timber recovered from the operation of a timber block.

"'(4) Excess output: The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output.

"'(5) Normal output: The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property of the timber block (whether or not the taxpayer). The average annual mineral units or timber units shall be computed by dividing the aggregate of such mineral units or timber units for the base period by the number of months for which the mineral property or the timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property or any timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of this section, be deemed not to have been in operation during the base period.

"'(6) Mineral property: The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

"'(7) Minerals: The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

"'(8) Timber block: The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941.

"'(9) Normal unit profit: The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

"'(10) Estimated recoverable units: The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the minerals property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

"'(11) Exempt excess output: The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

"'100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

"'95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

"'90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

"'85 per centum of the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

"'80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

"'60 per centum of the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

"'40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

"'30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

"'20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

"'(12) Unit net income: The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber, recovered from such property in such year.

"'(b) Nontaxable income from exempt excess output.—

"'(1) General rule: For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

"'(2) Coal and iron mines: For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1),

whichever the taxpayer elects in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

"'(3) Timber properties: For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

"'(c) Nontaxable bonus income: The term "nontaxable bonus in income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of a mineral product or of timber the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota.

"'(d) Rule in case income from excess output includes bonus payment: In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.'

"(d) Retroactive exclusion of nontaxable bonus income: The amendments made by this section inserting section 711 (a) (1) (I), section 711 (a) (2) (K), and section 735 (c), to the extent that they relate to nontaxable bonus income, shall be applicable to taxable years beginning after December 31, 1940."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 210. Net operating loss deduction adjustment.

"(a) Section 711 (a) (1) (relating to the excess profits credit computed under income credit) is amended by adding at the end thereof the following new subparagraph:

"'(J) Net operating loss deduction adjustment: The net operating loss deduction shall be adjusted as follows:

"'(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under paragraph (2) (B) for such taxable year; and

"'(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (B), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).

"(b) Section 711 (a) (2) (relating to the excess profits credit computed under invested capital credit) is amended by adding at the end thereof the following new subparagraph:

"'(L) Net operating loss deduction adjustment.—The net operating loss deduction shall be adjusted as follows:

"'(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under subparagraph (B) of this paragraph for such taxable year; and

"'(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (D), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).'

"(c) The amendments made by this section shall be effective as of the date of enactment of the Excess Profits Tax Act of 1940."

And the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "228"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "5"; and the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment, as follows: On page 196, line 2, of the Senate engrossed amendments strike out "average" and insert "amount"; and the Senate agree to the same.

Amendment numbered 385: That the House recede from its disagreement to the amendment of the Senate numbered 385, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Optional retroactivity of amendments to 1940 and 1941: The amendments made by this section, inserting section 760 and section 761, shall also be applicable in the computation of the tax for all taxable years beginning after December 31, 1939, if the taxpayer, within the time and in the manner and subject to such regulations as the Commissioner, with the approval of the Secretary, prescribes, elects to have either or both of such amendments apply. For any taxable year for which the provisions of section 760 are applied retroactively, the amendment made by subsection (b) (2) of this section to section 719 (a) (1) shall also apply. In case the provisions of section 761 are applied retroactively, the provisions of section 718 (a) (5), section 718 (b) (4), and section 718 (c) (4) shall not apply in such computations."

And the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with the following amendments:

On page 230, line 6, of the Senate engrossed amendments after "1941" insert "(except in the case of a taxable year beginning in 1941 and ending before July 1, 1942)."

On page 230, beginning with "In" in line 9, of the Senate engrossed amendments strike out down to and including the period in line 12 and insert "For the purposes of this part, in the case of a taxpayer whose tax is determined under section 710 (a) (3), the term 'tax imposed under this subchapter' means the excess of the tax imposed by such section 710 (a) (3) over the tax that would be imposed if such section 710 (a) (3) were not applicable."

On page 231, of the Senate engrossed amendments, in the table appearing on such page strike out "Within the calendar year 1942" and insert "Within the calendar year 1941 or 1942."

On page 235, line 14, of the Senate engrossed amendments after "shall" insert ", at the election of the taxpayer made in its return for such year."

On page 235, of the Senate engrossed amendments strike out lines 20 to 23 inclusive, and insert:

"(1) An amount equal to 10 per centum of the tax imposed under this subchapter for the taxable year."

On page 236, of the Senate engrossed amendments strike out lines 11 and 12 and insert:

"(4) In case such taxable year begins in 1941 or ends before September 1, 1942, zero."

And the Senate agree to the same.

Amendment numbered 391: That the House recede from its disagreement to the amendment of the Senate numbered 391, and agree to the same with an amendment, as follows: On page 249, line 6, of the House bill after "months" insert "on account of a change in the accounting period of the taxpayer"; and the Senate agree to the same.

Amendment numbered 399: That the House recede from its disagreement to the amendment of the Senate numbered 399, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Powers with respect to which amendments not applicable:

"(1) The amendments made by this section shall not apply with respect to a power to appoint, created on or before the date of the enactment of this Act, which is other than a power exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, unless such power is exercised after the date of the enactment of this Act.

"(2) The amendments made by this section shall not become applicable with respect to a power to appoint created on or before the date of enactment of this Act, which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, if at such date the donee of such power is under a legal disability to release such power, until six months after the termination of such legal disability. For the purposes of the preceding sentence, an individual in the military or naval forces of the United States shall, until the termination of the present war, be considered under a legal disability to release a power to appoint.

"(3) The amendments made by this section shall not apply with respect to any power to appoint created on or before the date of the enactment of this Act if it is released before January 1, 1943, or within the time limited by paragraph (2) in cases to which such paragraph is applicable; or if the decedent dies before January 1, 1943, or within the time limited by paragraph (2) in cases to which such paragraph is applicable, and such power is not exercised."

And the Senate agree to the same.

Amendment numbered 402: That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted

by the Senate amendment insert the following:

"(b) Liability of Life Insurance Beneficiaries: Section 826 (c) (relating to apportionment of liability of beneficiaries) is amended to read as follows:

"'(c) Liability of Life Insurance Beneficiaries: Unless the decedent directs otherwise in his will, if any part of the gross estate upon which tax has been paid consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds of such policies bear to the sum of the net estate and the amount of the exemption allowed in computing the net estate, determined under section 935 (c). If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.'"

And the Senate agree to the same.

Amendment numbered 418: That the House recede from its disagreement to the amendment of the Senate numbered 418, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 249, of the Senate engrossed amendments after line 23, insert:

"(c) Release on or before January 1, 1943:

"(1) A release of a power to appoint before January 1, 1943, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1943."

And the Senate agree to the same.

Amendment numbered 435: That the House recede from its disagreement to the amendment of the Senate numbered 435, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by the Senate amendment and strike out wherever appearing therein the term "United States Tax Court" and insert "The Tax Court of the United States"; and the Senate agree to the same.

Amendment numbered 438: That the House recede from its disagreement to the amendment of the Senate numbered 438, and agree to the same with an amendment, as follows: On page 253, line 16, of the Senate engrossed amendments strike out "505" and insert "506"; and the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment, as follows: On page 262, line 7, of the Senate engrossed amendments strike out "December 31, 1941" and insert "the date of the enactment of this Act"; and the Senate agree to the same.

Amendment numbered 449: That the House recede from its disagreement to the amendment of the Senate numbered 449, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "507"; and the Senate agree to the same.

Amendment numbered 459: That the House recede from its disagreement to the amendment of the Senate numbered 459, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 508. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

"Chapter 38 is amended by inserting at the end thereof the following new section:

"'SEC. 3806. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

"'(a) Reduction for prior taxable year:

"'(1) Excessive profits eliminated for prior taxable year: In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for taxable year ending after December 31, 1941, "prior taxable year" is eliminated and, in a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated or the amount of excessive profits eliminated is applied as an offset against other amounts due the taxpayer, the part of the contract or subcontract price which was received or was accrued for the prior taxable year shall be reduced by the amount of excessive profits eliminated. For the purposes of this section—

"'(A) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.) or such section, as amended, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

"'(B) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

"'(C) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942.

"'(2) Reduction of reimbursement for prior taxable year: In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and, in a taxable year beginning after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed or the amount disallowed is applied as an offset against other amounts due the taxpayer, the amount of the reimbursement of the taxpayer under the contract for the taxable year in which the reimbursement for such item was received or was accrued (hereinafter referred to as "prior taxable year") shall be reduced by the amount disallowed.

"'(3) Deduction disallowed: The amount of the payment, repayment, or offset described in paragraph (1) or paragraph (2) shall not constitute a deduction for the year in which paid or incurred.

"'(4) Exception: The foregoing provisions of this subsection shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the Commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under such method, which for the purposes of subsections (b) and (c) shall be considered a prior taxable year.

"'(b) Credit against repayment on account of renegotiation or allowance:

"'(1) General rule: There shall be credited against the amount of excessive profits eliminated the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (1) of subsection (a); and there shall be credited against the amount disallowed the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (2) of subsection (a).

"'(2) Credit for barred year: If at the time of the payment, repayment, or offset described in paragraph (1) or paragraph (2) of subsection (a), refund or credit of tax under Chapter 1, Chapter 2A, Chapter 2D, or Chapter 2E, for the prior taxable year, is prevented (except for the provisions of section 3801) by any provision of the internal-revenue laws other than section 3761, or by rule of law, the amount by which the tax for such year under such chapters is decreased by the application of paragraph (1) or paragraph (2) of subsection (a) shall be computed under this paragraph. There shall first be ascertained the tax previously determined for the prior taxable year. The amount of the tax previously determined shall be (A) the tax shown by the taxpayer upon his return for such taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (B) if no amount was shown as the tax by such taxpayer upon his return, or if no return was made by such taxpayer, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the decrease in tax previously determined which results solely from the application of paragraph (1) or paragraph (2) of subsection (a) to the prior taxable year. The amount so ascertained, together with any amounts collected as additions to the tax or interest, as a result of paragraph (1) or paragraph (2) of subsection (a) not having been applied to the prior taxable year shall be the amount by which such tax is decreased.

"'(3) Interest: In determining the amount of the credit under this subsection no interest shall be allowed with respect to the amount ascertained under paragraph (1) or paragraph (2); except that if interest is charged by the United States or the agency thereof on account of the disallowance for any period before the date of the payment, repayment, or offset, the credit shall be increased by an amount equal to interest on the amount ascertained under either such paragraph at the same rate and for the period (prior to the date of the payment, repayment, or offset) as interest is so charged.

"'(c) Credit in lieu of other credit or refund: If a credit is allowed under subsection (b) with respect to a prior taxable year no other credit or refund under the internal-revenue laws founded on the application of subsection (a) shall be made on account of the amount allowed with respect to such taxable year. If the amount allowable as a credit under subsection (b) exceeds the amount allowed under such subsection, the excess shall, for the purposes of the internal-revenue laws relating to credit or refund of tax, be treated as an overpayment for the prior taxable year which was made at the time the payment, repayment, or offset was made.'"

And the Senate agree to the same.

Amendment numbered 460: That the House recede from its disagreement to the amendment of the Senate numbered 460, and agree to the same with an amendment, as follows: On page 273, line 2, of the Senate engrossed amendments strike out "508" and insert "509"; and the Senate agree to the same.

Amendment numbered 474: That the House recede from its disagreement to the amendment of the Senate numbered 474, and agree to the same with an amendment, as follows: On page 290, line 8, of the Senate engrossed amendments strike out "$2.00" and insert "$2.50"; and the Senate agree to the same.

Amendment numbered 497: That the House recede from its disagreement to the amendment of the Senate numbered 497, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by the Senate amendment and on page 317, line 11, of the House bill strike out "621" and insert "620", and beginning in line 16 strike out the following:

"(a) Tax: There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 5 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 5 cents per long ton", and insert in lieu thereof:

"'(a) Tax: There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton.'"

And the Senate agree to the same.

Amendment numbered 498: That the House recede from its disagreement to the amendment of the Senate numbered 498, and agree to the same with an amendment, as follows: On page 295, line 8, of the Senate engrossed amendments strike out "620" and insert "621"; and the Senate agree to the same.

Amendment numbered 499: That the House recede from its disagreement to the amendment of the Senate numbered 499, and agree to the same with an amendment, as follows: On page 296, line 2, of the Senate engrossed amendments strike out "621" and insert "622"; and the Senate agree to the same.

Amendment numbered 500: That the House recede from its disagreement to the amendment of the Senate numbered 500, and agree to the same with an amendment, as follows: On page 297, line 2, of the Senate engrossed amendments strike out "622" and insert "623"; and the Senate agree to the same.

Amendment numbered 503: That the House recede from its disagreement to the amendment of the Senate numbered 503, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"TITLE VIII—RENEGOTIATION OF WAR CONTRACTS

"SEC. 801. RENEGOTIATION OF WAR CONTRACTS

"(a) Subsections (a), (b), and (c) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public, 528, 77th Cong., 2d Sess.), are amended to read as follows:

"'Sec. 403. (a) For the purposes of this section—

"'(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, and the Maritime Commission, respectively.

"'(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission.

"'(3) The terms "renegotiate" and "renegotiation" include the refixing by the Secretary of the Department of the contract price.

"'(4) The term "excessive profits" means any amount of a contract or subcontract price which is found as a result of renegotiation to represent excessive profits.

"'(5) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract. The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

"'For the purposes of subsections (d) and (e) of this section, the term "contract" includes a subcontract and the term "contractor" includes a subcontractor.

"'(b) Subject to subsection (i), the Secretary of each Department is authorized and directed to insert in any contract for an amount in excess of $100,000 hereafter made by such Department—

"'(1) a provision for the renegotiation of the contract price at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty;

"'(2) a provision for the retention by the United States from amounts otherwise due the contractor, or for the repayment by him to the United States, if paid to him, of any excessive profits not eliminated through reductions in the contract price, or otherwise, as the Secretary may direct;

"'(3) a provision requiring the contractor to insert in each subcontract for an amount in excess of $100,000 made by him under such contract (i) a provision for the renegotiation by such Secretary and the subcontractor of the contract price of the subcontract at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty, (ii) a provision for the retention by the contractor for the United States of the amount of any reduction in the contract price of any subcontract pursuant to its renegotiation hereunder, or for the repayment by the subcontractor to the United States of any excessive profits from such subcontract paid to him and not eliminated through reductions in the contract price or otherwise, as the Secretary may direct, and (iii) a provision for relieving the contractor from any liability to the subcontractor on account of any amount so retained by the contractor or repaid by the subcontractor to the United States, and (iv) in the discretion of the Secretary, a provision requiring any subcontractor to insert in any subcontract made by him under such subcontract, provisions corresponding to those of subparagraphs (3) and (4) of this subsection (b); and

"'(4) a provision for the retention by the United States from amounts otherwise due the contractor, or for repayment by him to the United States, as the Secretary may direct, of the amount of any reduction in the contract price of any subcontract under such contract, which the contractor is directed, pursuant to clause (3) of this subsection, to withhold from payments otherwise due the subcontractor and actually unpaid at the time the contractor receives such direction.

"The provision for the renegotiation of the contract price, in the discretion of the Secretary, (i) may fix the period or periods when or within which renegotiation shall be had; and (ii) if in the opinion of the Secretary the provisions of the contract or subcontract are otherwise adequate to prevent excessive profits, may provide that renegotiation shall apply only to a portion of the contract or subcontract or shall not apply to performance during a specified period or periods and may also provide that the contract price in effect during any such period or periods shall not be subject to renegotiation.

"'(c) (1) Whenever, in the opinion of the Secretary of a Department, the profits realized or likely to be realized from any contract with such Department, or from any subcontract thereunder whether or not made by the contractor, may be excessive, the Secretary is authorized and directed to require the contractor or subcontractor to renegotiate the contract price. When the contractor or subcontractor holds two or more contracts or subcontracts the Secretary in his discretion, may renegotiate to eliminate excessive profits on some or all of such contracts and subcontracts as a group without separately renegotiating the contract price of each contract or subcontract.

"'(2) Upon renegotiation, the Secretary is authorized and directed to eliminate any excessive profits under such contract or subcontract (i) by reductions in the contract price of the contract or subcontract, or by other revision in its terms; or (ii) by withholding, from amounts otherwise due to the contractor or subcontractor, any amount of such excessive profits; or (iii) by directing a contractor to withhold for the account of the United States, from amounts otherwise due to the subcontractor, any amount of such excessive profits under the subcontract; or (iv) by recovery from the contractor or subcontractor, through repayment, credit or suit, of any amount of such excessive profits actually paid to him; or (v) by any combination of these methods, as the Secretary deems desirable. The Secretary may bring actions on behalf of the United States in the appropriate courts of the United States to recover from such contractor or subcontractor, any amount of such excessive profits actually paid to him and not withheld or eliminated by some other method under this subsection. The surety under a contract or subcontract shall not be liable for the repayment of any excessive profits thereon. All money recovered by way of repayment or suit under this subsection shall be covered into the Treasury as miscellaneous receipts.

"'(3) In determining the excessiveness of profits realized or likely to be realized from any contract or subcontract, the Secretary shall recognize the properly applicable exclusions and deductions of the character which the contractor or subcontractor is allowed under Chapter 1 and Chapter 2E of the Internal Revenue Code. In determining the amount of any excessive profits to be eliminated hereunder the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code.

"'(4) Upon renegotiation pursuant to this section, the Secretary may make such final or other agreements with a contractor or subcontractor for the elimination of excessive profits and for the discharge of any liability for excessive profits under this section, as the Secretary deems desirable. Such agreements may cover such past and future period or periods, may apply to such contract or contracts of the contractor or subcontractor, and may contain such terms and conditions, as the Secretary deems advisable. Any such agreement shall be final and conclusive according to its terms; and except upon a showing of fraud or malfeasance or a wilful misrepresentation of a material fact, (i) such agreement shall not be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States; and (ii) such agreement and any determination made in accordance therewith shall not be annulled, modified, set aside, or disregarded in any suit, action, or proceeding.

"'(5) Any contractor or subcontractor who holds contracts or subcontracts, to which the provisions of this section are applicable, may file with the Secretaries of all the Departments concerned statements of actual costs of production and such other financial statements for any prior fiscal year or years of such contractor or subcontractor, in such form and detail, as the Secretaries shall prescribe by joint regulation. Within one year after the filing of such statements, or within such shorter period as may be prescribed by such

joint regulation, the Secretary of a Department may give the contractor or subcontractor written notice, in form and manner to be prescribed in such joint regulation, that the Secretary is of the opinion that the profits realized from some or all of such contracts or subcontracts may be excessive, and fixing a date and place for an initial conference to be held within sixty days thereafter. If such notice is not given and renegotiation commenced by the Secretary within such sixty days the contractor or subcontractor shall not thereafter be required to renegotiate to eliminate excessive profits realized from any such contract or subcontract during such fiscal year or years and any liabilities of the contractor or subcontractor for excessive profits realized during such period shall be thereby discharged.

"'(6) This subsection (c) shall be applicable to all contracts and subcontracts hereafter made and to all contracts and subcontracts heretofore made, whether or not such contracts or subcontracts contain a renegotiation of recapture clause, unless (i) final payment pursuant to such contract or subcontract was made prior to April 28, 1942, or (ii) the contract or subcontract provides otherwise pursuant to subsection (b) or (i), or is exempted under subsection (i), of this section 403, or (iii) the aggregate sales by the contractor or subcontractor, and by all persons under the control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts thereunder do not exceed, or in the opinion of the Secretary concerned will not exceed, $100,000 for the fiscal year of such contractor or subcontractor.

"'No renegotiation of the contract price pursuant to any provision therefor, or otherwise, shall be commenced by the Secretary more than one year after the close of the fiscal year of the contractor or subcontractor within which completion or termination of the contract or subcontract, as determined by the Secretary, occurs.'

"(b) Subsection (f) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), is amended to read as follows:

"'(f) Subject to any regulations which the President may prescribe for the protection of the interests of the Government, the authority and discretion herein conferred upon the Secretary of each Department may be delegated in whole or in part by him to such individuals or agencies as he may designate in his Department, or in any other Department with the consent of the Secretary of that Department, and he may authorize such individuals or agencies to make further delegations of such authority and discretion.'

"(c) Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong. 2d sess.), is amended by adding at the end thereof the following subsections:

"'(i) (1) The provisions of this section shall not apply to—

"'(i) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof or with any foreign government or any agency thereof; or

"'(ii) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; and the Secretaries are authorized by joint regulation, to define, interpret, and apply this exemption.

"'(2) The Secretary of a Department is authorized, in his discretion, to exempt from some or all of the provisions of this section—

"'(i) any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

"'(ii) any contracts or subcontracts under which, in the opinion of the Secretary, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days; and

"'(iii) a portion of any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Secretary, the provisions of the contract are otherwise adequate to prevent excessive profits.'"

The Secretary may so exempt contracts and subcontracts both individually and by general classes or types.

"'(j) Nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to prevent any person appointed by the Secretary of a Department for intermittent and temporary employment in such Department, from acting as counsel, agent, or attorney for prosecuting any claim against the United States: *Provided*, That such person shall not prosecute any claim against the United States (1) which arises from any matter directly connected with which such person is employed, or (2) during the period such person is engaged in intermittent and temporary employment in a Department.'"

"(d) The amendments made by this section shall be effective as of April 28, 1942."

And the Senate agree to the same.

Amendment numbered 504.

Amend the table of contents to read as follows:

"TITLE I—INDIVIDUAL AND CORPORATION INCOME TAXES

"PART I—AMENDMENTS TO CHAPTER 1

"Sec. 101. Taxable years to which amendments applicable.

"Sec. 102. Normal tax on individuals (sec. 11).

"Sec. 103. Surtax on individuals (sec. 12 (b)).

"Sec. 104. Optional tax on individuals with gross income from certain sources of $3,000 or less (sec. 400).

"Sec. 105. Tax on corporations (sec. 15).

"Sec. 106. Tax on nonresident alien individuals (sec. 211).

"Sec. 107. Tax on foreign corporations (sec. 231 (a)).

"Sec. 108. Withholding of tax at source (secs. 143 and 144).

"Sec. 109. Treaty obligations.

"Sec. 110. Transfers of life insurance contracts, etc. (sec. 22 (b) (2)).

"Sec. 111. Income received from estates, etc., under gifts, bequests, etc. (sec. 22 (b) (3)).

"Sec. 112. Amendments to conform Internal Revenue Code with Public Debt Act of 1941 (sec. 22 (b) (4)).

"Sec. 113. Exclusion of pensions, annuities, etc., for disability resulting from military service (sec. 22 (b) (5)).

"Sec. 114. Exclusion of income from discharge of indebtedness (sec. 22 (b) (9)).

"Sec. 115. Improvements by lessee (sec. 22 (b)).

"Sec. 116. Recovery of bad debts, prior taxes, and delinquency amounts (sec. 22 (b)).

"Sec. 117. Additional allowance for military and naval personnel (sec. 22 (b)).

"Sec. 118. Report requirement in connection with inventory methods (sec. 22 (d) (2)).

"Sec. 119. Last-in first-out inventory (sec. 22 (d)).

"Sec. 120. Alimony and separate maintenance payments (sec. 22).

"Sec. 121. Non-trade or non-business deductions (sec. 23 (a)).

"Sec. 122. Deduction allowable to purchasers for State and local retail sales taxes (sec. 23 (c)).

"Sec. 123. Deduction for stock and bond losses on securities in affiliated corporations (sec. 23 (g)).

"Sec. 124. Deduction for bad debts etc. (sec. 23 (k)).

"Sec. 125. Corporate contributions to United States, etc., or for charitable use outside United States deductible (sec. 23 (q)).

"Sec. 126. Amortizable bond premium (sec. 23).

"Sec. 127. Deduction for medical, dental, etc., expenses (sec. 23).

"Sec. 128. Deduction of certain amounts paid to cooperative apartment corporation (sec. 23).

"Sec. 129. Deduction denied if proceeds used to pay for insurance (sec. 24 (a)).

"Sec. 130. Taxes and other charges chargeable to capital account not deductible but treated as capital items (sec. 24 (a)).

"Sec. 131. Reduction of personal exemption and credit for dependents—requirement for return (sec. 25 (b) (1)).

"Sec. 132. Computation of net operating loss credit and dividends paid credit (sec. 26 (c) (1)).

"Sec. 133. Credit for dividends paid on certain preferred stock (sec. 26).

"Sec. 134. Income in respect of decedents (sec. 42 (a)).

"Sec. 135. Returns for a period of less than twelve months (sec. 47).

"Sec. 136. Declaration that return made under penalties for perjury in lieu of oath (sec. 51).

"Sec. 137. Exemption of employees' voluntary beneficiary associations (sec. 101).

"Sec. 138. Denial of capital loss carry-over to section 102 companies (sec. 102 (d) (1)).

"Sec. 139. Compensation for services rendered for a period of thirty-six months or more (sec. 107).

"Sec. 140. Certain fiscal year taxpayer (sec. 108).

"Sec. 141. Western Hemisphere trade corporations (sec. 109).

"Sec. 142. Nonrecognition of loss and determination of basis in case of certain railroad reorganizations (sec. 112 (b)).

"Sec. 143. Basis of gifts (sec. 113 (a)).

"Sec. 144. Basis of property in case of optional value for estate tax purposes (sec. 113 (a) (5)).

"Sec. 145. Percentage depletion for coal, fluorspar, ball and sagger clay, rock asphalt, and metal mines and sulphur (sec. 114 (b) (4)).

"Sec. 146. Effect on earnings and profits of wash sale losses (sec. 115 (l)).

"Sec. 147. Distributions in liquidation (sec. 115 (c)).

"Sec. 148. Income from sources without United States in certain cases (sec. 116 (a)).

"Sec. 149. Reciprocal exemption of compensation of employees of the Commonwealth of the Philippines (sec. 116 (h)).

"Sec. 150. Capital gains and losses (sec. 117).

"Sec. 151. Real property; involuntary conversions; etc. (sec. 117).

"Sec. 152. Holding period of stock acquired through exercise of rights (sec. 117 (h)).

"Sec. 153. Two-year carry-back of net operating losses (sec. 122 (b)).

"Sec. 154. Commodity credit loans (sec. 123).

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"Sec. 508. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.
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"Sec. 605. Cigars and cigarettes (sec. 2000).
"Sec. 606. Telephone, telegraph, etc. (sec. 3465).
"Sec. 607. Photographic apparatus (sec. 3406 (a) (4)).
"Sec. 608. Lubricating oils (sec. 3413).
"Sec. 609. Transportation of persons (sec. 3469).
"Sec. 610. Organs under contract before October 1, 1941 (sec. 3404 (d)).
"Sec. 611. Termination of certain excise taxes (sec. 3406 (a) (5), (7), (8), and (9)).
"Sec. 612. Affixing of cigarette stamps in foreign countries (sec. 2112 (c)).
"Sec. 613. Exemption of insignia, etc., used in connection with uniforms of the armed forces from jewelry tax (sec. 2400).
"Sec. 614. Refrigerators, refrigerating apparatus, and air-conditioners (sec. 3405).
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"Sec. 616. Exempt transportation of oil by pipe line (sec. 3460).
"Sec. 617. Coin-operated amusement and gaming devices (sec. 3267).
"Sec. 618. Sale under chattel mortgage (sec. 2405 and sec. 3441).
"Sec. 619. Repeal of certain provisions relating to mixed flour (Chapter 18, Chapter 27).
"Sec. 620. Transportation of property.
"Sec. 621. Exemption from processing tax of palm oil used in manufacture of iron or steel products (sec. 2477).
"Sec. 622. Cabaret tax (sec. 1700 (e)).
"Sec. 623. Sale and use of toilet preparations by beauty parlors, etc. (sec. 2402 (b)).

"TITLE VII—SOCIAL SECURITY TAXES

"Sec. 701. Automatic increase in 1943 rate not to apply (secs. 1400 and 1410).

"TITLE VIII—RENEGOTIATION OF WAR CONTRACTS

"Sec. 801. Renegotiation of war contracts."

WALTER F. GEORGE,
DAVID I. WALSH,
ALBEN W. BARKLEY,
TOM CONNALLY,
ROBERT M. LA FOLLETTE, Jr.,
ARTHUR CAPPER,
A. H. VANDENBERG,
Managers on the part of the Senate.

R. L. DOUGHTON,
JERE COOPER,
JOHN W. BOEHNE, Jr.,
WESLEY E. DISNEY,
ALLEN T. TREADWAY,
HAROLD KNUTSON,
DANIEL A. REED,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. GEORGE. Mr. President, I propose to make only a brief statement with respect to some of the material things which were done in conference.

The total net yield under the Senate provisions, as estimated by the joint committee staff, is $7,886,500,000. The gross yield is $9,659,200,000. Under the conference agreement the total net yield amounts to $7,951,500,000, and the gross yield was increased to $9,724,200,000. The House bill was estimated by the Treasury to yield $6,291,300,000.

The principal amendment made by the Senate to bring the Senate version over the House bill was the Victory tax, which, according to the estimates of the joint committee staff, will yield $3,600,000,000 on a gross basis, with a net basis of $2,500,000,000. The House conferees accepted this amendment with some minor amendments.

Of the 503 amendments placed in the bill, the House conferees accepted all but 19. Of this number, however, it is proper to note that 215 of the amendments were technical or clerical. I shall point out a few of the Senate amendments in which the House conferees concurred.

First, the House conferees agreed to the amendment allowing corporations to deduct dividends paid on preferred stock for surtax purposes only.

The House conferees agreed to the so-called Tydings amendment, providing a differential in rates for alcohol used for medicinal and other nonbeverage purposes.

The amendment allowing percentage depletion for ball and sagger clay and rock asphalt was agreed to.

The corporate rates, with a total normal and surtax of 40 percent, and the excess-profits tax, with an excess-profits tax of 90 percent and a post-war credit of 10 percent of the excess-profits tax, and its current debt relief provision, were agreed to.

The House conferees also agreed to the Senate method of taxing mutual insurance companies, with an amendment raising the exemption in the case of interinsurers and reciprocal underwriters from $3,000 to $50,000 with respect to their net investment income.

The Senate provisions with respect to the net loss carry-over and carry-back, the unused excess-profits credit carry-over and carry-back, and the 80 percent over-all limitation on corporations' normal, surtax, and excess-profits tax were agreed to.

It will be recalled that the Senate reduced the credit for dependents from $400 to $300. The House continued the $400 credit allowed under existing law. A compromise was reached resulting in fixing the credit at $350.

The Senate amendments dealing with mining corporations and logs were agreed to, with the exception that logs were given the same treatment as coal and iron under the Guffey amendment.

The House conferees agreed to the Senate amendments dealing with American citizens who are bona fide nonresidents of the United States.

The House conferees agreed to the Senate amendments with respect to capital gains, the most important of which was the shortening of the holding period on long-term capital gains to 6 months.

In the case of the tax on cigars the House conferees agreed to the Senate amendments, except that the rate on the two-for-5-cent cigars was raised from $2 to $2.50 a thousand. The House strongly insisted upon the retention of the $2.50 a thousand tax on the two-for-5-cent cigars.

The House agreed to the Senate amendment continuing the rates of existing law as to smoking tobacco, cigarette papers, and tubes. The House placed a tax of 24 cents a pound on smoking tobacco. It will be recalled that the tax was reduced to 18 cents in the Senate, 18 cents being the rate provided by existing law.

The Senate war-loss provisions, which constituted an important section in the bill, were agreed to, as were the Senate provisions dealing with pension plans.

The Senate relief provisions further broadening the splendid work of the House on section 722 were agreed to.

Of the amendments as to which we were compelled to yield to the House I shall mention a few. We were compelled to yield on the amendment offered by the Senior Senator from South Carolina [Mr. SMITH] exempting stock accident-insurance and health-insurance companies engaged in the business of issuing cancelable accident insurance and life-insurance contracts if the gross amount received during the taxable year from interest, dividends, rents, and premiums did not exceed $200,000. The Senate conferees were forced to yield on the Senate amendments repealing the capital-stock tax and declared-value excess-profits tax, in favor of the House provision permitting an annual declaration.

We were also forced to yield on the Senate amendment striking out the transportation tax. However, the rate of the tax was reduced from 5 percent of the amount paid to 3 percent of the amount paid, and, in the case of coal, the rate was reduced from 5 cents a long ton to 4 cents a ton. The coal producers themselves had asked for a change from the long-ton basis to the short-ton basis.

The amendment offered by the junior Senator from Connecticut [Mr. DANAHER] limiting deductions to individuals in certain cases of continuous loss over a period of 5 years was not agreed to, the House having declined to accept it.

On the estate tax, the Senate conferees were forced to agree to the House provision of one $60,000 exemption, instead of the Senate provision of a $40,000 specific exemption and a $40,000 insurance exemption. We were also forced to agree to the House provision changing the name of the Board of Tax Appeals.

The provision creating a Joint Committee on Compulsory Savings was not agreed to by the House conferees, and the Senate conferees receded. It was contended on the part of the House conferees that the work could be performed by the Joint Committee on Internal Revenue Taxation and the other regular tax committees of the House and Senate.

We also yielded to the House as to the tax on photographic apparatus.

In the case of the tax on coin-operated devices, the Senate conferees yielded, and eliminated the amendment offered by the junior Senator from California [Mr. DOWNEY] providing for special treatment of trade stimulator machines, and removing them from the category of gaming devices.

The Senate provisions relating to the freezing of social-security taxes were agreed to by the House, as well as the amendments offered by the senior Senator from Massachusetts [Mr. WALSH], as chairman of the subcommittee, relating to the renegotiation of contracts.

I may say that the amendments offered by the Senator from Massachusetts in the Senate, and agreed to in the Senate, were accepted without any change, as I now recall, by the House conferees—certainly without any substantial change. There were, perhaps, certain technical amendments offered by the House conferees, and concurrence was had as to those technical amendments. However, it was stressed in conference that the whole subject matter of contract renegotiations was before the Ways and Means Committee of the House at this time in connection with a bill introduced, and that the committee would go into the question at a convenient date.

I read from the statement submitted by the managers of the conference on the part of the House:

> The committee of conference does not feel that the amendments which were made by the bill to the renegotiation law contain all the changes and improvements which it might be desirable to make. No attempt has been made to study and reexamine all the possible methods for dealing with excessive profits realized on war contracts. The bill merely attempts to remove some of the more pressing objections to the present law, and to make the law administratively workable. It is anticipated that the Ways and Means Committee will study section 403 in connection with matters now pending before the committee, with an eye to a more general revision than is contained in the 1942 revenue bill.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. GEORGE. I am glad to yield to the Senator from Oregon.

Mr. McNARY. I do not want to interrupt the Senator.

Mr. GEORGE. No; I am glad to yield. I have finished my statement.

Mr. McNARY. Mr. President, I simply wanted to take a minute of the Senate's time in order to express my displeasure that the Senate conferees felt they should recede from amendment No. 497 with respect to transportation. In the bill as it passed the House there was a tax of 5 percent on transportation. Looking at the matter from a very wide point of view, the Senate committee removed that discrimination, as I am pleased to

call it, as to the shippers in the West. From the conference report I observe that before the committee the Senate conferees receded from the Senate's very substantial and fair attitude, and accepted a compromise of 3 percent.

Mr. GEORGE. The Senator is correct.

Mr. McNARY. I am sorry that the Senate conferees receded. I am more sorry that the House conferees insisted upon the recession. It will work a very great hardship upon the western timber owners and converters of timber and forest products, because their market is in the East, and they are in a very unfair position so far as the trade is concerned and so far as the marketing of their products is concerned, because they are removed from the market, as against owners and converters in the South, the Great Lakes States, and the East.

I simply desire to express my disapproval. That does not mean that I disapprove of the report, but I think it is unfair.

At this point I desire to read a telegram which reached my desk a few moments ago. It expresses the views of the western lumbermen of the States, I should say, of Oregon, Washington, Montana, Idaho, and California. The telegram is from Col. W. B. Greely, former Federal Forester, now manager of the West Coast Lumbermen's Association. The telegram reads as follows:

> The 3-percent transportation tax as accepted by revenue bill conference report is grossly unjust and discriminatory against all western products.

That is the brief telegram, and it covers the subject matter.

I realize that in a conference there often is a question of a compromise in order to come to an agreement; and I shall accept the conference report with very good grace, because I know that the committee was impressed with the unfairness of the tax, and I am willing to assume that they went as far as they could go to maintain their position. However, I am disappointed.

Mr. GEORGE. Mr. President, the Senator from Oregon has exactly described the situation. All the Senate conferees were agreed that the tax should not be imposed. However, the House conferees very strongly insisted on their position. We did not dispose of the issue until late in the conference. At that time we finally reached an agreement, not on the 5-percent tax as provided for in the House bill, but on a 3-percent tax, which, I may say, was the tax in World War No. 1.

I, too, regret that the tax was not entirely eliminated, because I believe it to be an unwise tax, and that it bears unjustly on the shippers of raw materials such as lumber, and on the shippers of bulky farm products.

However, I know that the Senator from Oregon understands that in a long conference with so many amendments, we find it difficult to prevail on the other conferees to accept our views in full.

Mr. McNARY. Yes; I understand that.

Mr. THOMAS of Idaho. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. THOMAS of Idaho. I desire to concur in the statements made by the Senator from Oregon, and also I wish to say that I appreciate the attitude of the chairman of the Committee in the handling of the freight tax.

Idaho is so situated that the freight paid by its residents on raw materials probably is higher than that paid by the residents of any other State in the Union; and when it comes to the matter of shipping bulky products, and then arriving at a tax on a percentage basis, Senators can readily understand what that does to our State.

Our people are very much disappointed that the Senate committee found it necessary to recede on this particular amendment. I make the prediction that when we write another tax bill we shall find so great a reaction against this particular form of taxation that there will be a decided effort again to eliminate this particular tax. I know that Mr. Henderson was opposed to it. I think Secretary Morgenthau was opposed to it. Yet it has been accepted; and, naturally, I myself am inclined to accept it, although with a great deal of regret.

I appreciate the attitude of the Senate Finance Committee and the Senate conferees, and the work they have done and the time they have spent on this matter, and the effort they have made to work out everything in a satisfactory manner. I simply wanted to take this opportunity to express my regret and disappointment in the handling of this particular tax.

Mr. GEORGE. Mr. President, the lower rate will, of course, be of some considerable help. The original House rate is cut by two-fifths, and, of course, that will be helpful, but I, too, again express regret that we were not able to prevail on this particular point.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. GEORGE. I am glad to yield.

Mr. LA FOLLETTE. I wish to say in behalf of the Senate conferees that I think a sincere and valiant effort was made to secure the consent of the House to recede and to accept the Senate amendment to strike out the transportation tax. If my recollection serves me correctly, it was one of the last items disposed of in the bill.

Mr. GEORGE. I am sure it was.

Mr. LA FOLLETTE. We had a long discussion over it, and I can assure Senators who are interested that we presented every possible argument with all the force at our command in our effort to secure the consent of the House to strike out the provision for a transportation tax; but, as the Senators who have heard the report of the able chairman of the Finance Committee, the Senator from Georgia [Mr. GEORGE], will realize the Senate really cannot complain as to the outcome of the conference, if everything is taken as a whole, for the Senate was, I believe, quite successful in retaining many of the major provisions which it had placed in the bill when it was under consideration by the Senate.

If the Senator from Georgia will bear with me for a moment further, I should like to call attention for the RECORD to the fact that this, the largest tax bill in all history, is about to pass the Senate in final form just 2 weeks from the day when it was taken up for consideration after being reported from the Senate Finance Committee. My attitude toward many of the provisions of this bill will appear in the record of the debate during the days when the bill was under consideration, but I cannot refrain from expressing my wholehearted appreciation and admiration for the statesmanlike attitude which was taken by the conferees representing the House of Representatives and by my colleagues on the conference committee representing the Senate. In all the experience I have had with conferences, I have never seen one in which there was manifested a greater desire to secure a speedy and proper determination of the issues which were involved in controversy.

I also desire to express my public appreciation to the members of the joint committee staff, to the members of the Treasury staff, to the draftsmen who worked on this measure under the greatest pressure and with a terrific load upon them, which lasted night and day for a month. They have rendered invaluable service to the two committees and to the Congress. I only wish, without burdening the RECORD, I could place all their names in the RECORD, for they deserve the appreciation of the Congress and the country for the splendid work they have done.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. GEORGE. I should be glad if the Senator would permit me strongly to emphasize every statement made by the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE], and especially to note the very fine spirit of cooperation and statesmanship with which the House conferees approached this very difficult task. I should like also especially to express my appreciation of the very hearty cooperation of the conferees on the part of the Senate and of all the officials, including the draftsmen, the Joint Committee staff, and the Treasury staff, for their splendid cooperation in carrying through this bill in what is, undoubtedly, record time for a bill of this size.

Now I yield to the Senator from Connecticut.

Mr. DANAHER. I thank the Senator. The Senator from Georgia will recall that both in the Finance Committee and in the Senate there were many of us of a mind that we should cause a special study made of the possibilities of a compulsory savings program, and also to consider such matters as the Ruml plan and similar and substantially related possible programs. Does the Senator choose to make any comment to us as to just what situation developed in conference with reference to that study committee?

Mr. GEORGE. I have already referred to that amendment, and I can add but a few words to what I had to say. The Senate conferees earnestly insisted on the retention of the amendment offered by the distinguished Senator from Ohio [Mr. TAFT] in the Committe on Finance and approved by the Senate; but the House conferees very strongly resisted it. They were unanimous on this particular question. Their position was that since we have a Joint Committee on Internal Revenue Taxation, and since the Committee on Ways and Means of the House of Representatives and the Finance Committee of the Senate are ready to function at any and all times, they regarded it as unnecessary to appoint a sepecial committee. They were very insistent upon their position, and the Senate conferees finally yielded, although I can say to the Senator in all sincerity that there was a strong insistance on the part of the Senate conferees with respect to that amendment. We were not able, however, to make any headway.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. GEORGE. I am glad to yield.

Mr. DANAHER. There is one other point I wish to have something said about. I notice that the Senate conferees accepted the House language which provides that henceforth the Board of Tax Appeals shall be called a court. The fact that it is to be called a court does not make it one, does it?

Mr. GEORGE. Oh, no. The text of the bill expressly declares that the functions and powers and duties, and so forth, of the Board shall remain the same, although the Board has now taken a new name.

Mr. DANAHER. It is not a part of the judicial system of the country?

Mr. GEORGE. It is not a part of the judicial system.

Mr. DANAHER. We do not even have to call the members judges if we do not wish to do so?

Mr. GEORGE. No; but if we should have cases before them after we leave the Senate we probably would want to call them judges.

Mr. DANAHER. Probably it would be wise to do so.

Mr. GEORGE. Mr. President, if there are no other questions, I desire to make a brief statement on the bill as a whole.

Under this tax bill the excess-profits tax is fixed at 90 percent. Excess profits will now be computed on exactly the same basis as they were computed under the Excess Profits Tax Act of World War No. 1, with, of course, certain exceptions which I shall not undertake to mention. So far, however, as the principle of the reversal of credits goes it will be found in the World War excess-profits tax. Under that act the excess-profits tax was allowed in computing income subject to normal tax. The normal tax was not allowed in computing income subject to the excess-profits tax.

Upon that point I think it is proper for the country to know that while the excess-profits tax imposed by Canada and Great Britain is 100 percent, a tax credit of 20 percent is allowed in both Canada and in Great Britain. The rate imposed under our revenue law is now 90 percent, with a tax credit of 10 percent. So the excess-profits tax the American corporation is called upon to pay is, in fact, the same tax that is paid by the corporate taxpayer in Canada and Great Britain.

Just a word now about our corporate rates as compared with the rates in both Canada and Great Britain. The rate on the British corporation is 50 percent, but the corporation is entitled to recoup this tax out of dividends declared to the shareholder, and that is not true in the case of the American corporations. The British tax is thus in effect paid by the shareholder. The corporate normal and surtax rate under our revenue law, if this bill shall be approved by the President, will be 40 percent. But our shareholders must pay full normal and surtax on the entire dividends received by them, even though the 40-percent tax has already been collected from the corporation.

The tax system of Canada, our neighbor in many respects, with conditions somewhat akin to ours, has a normal corporate tax of 40 percent only where there is no excess-profits tax assessed against the taxpayer, and a 30-percent normal tax where the taxpayer pays both the normal and the excess-profits tax. No surtax is imposed upon corporations in either Great Britain or Canada.

Under our revenue law, let me repeat, the American corporation will pay a 40-percent normal and surtax, and the same effective excess-profits tax rate which is paid by the Canadian corporation.

Mr. President, much has been said about the back-breaking and unbearable rates which are placed upon individuals in the United States who pay income taxes. I do not wish to tire the Senate, but I do desire to have the figures which I have before me made a part of the public record.

On a gross income of $2,400, reduced by 10 percent, which, on the basis of experience, is the amount which should be taken to arrive at the net taxable income—on a gross income of $2,400 a year, $200 a month, or $2,160 net, a single person in the United States without dependents will pay $391.24 on his 1943 income. A married person with no dependents will pay a tax of $258.24 on his 1943 income. Included in this tax is also the Victory tax, which will not go into effect until January 1, 1943.

Let me repeat, on a gross income of $2,400, the total tax, including the Victory tax, which a single individual in the United States, without dependents, will pay, is $391.24. A married person with no dependents will pay $258.24.

In Canada the same individual, with the same income, if single, would pay a tax of $692, against $391.24 in the United States. A married individual in Canada with no dependents would pay $518, against $258.24 in the United States.

In Great Britain the same individual, single, without dependents, would pay $696.50, against $391.24 in the United States. If married and without dependents he would pay $576.50, against $258.24 in the United States.

On a $3,000 gross income, reduced by 10 percent to $2,700, in the United States an unmarried person with no dependents will pay $526.60, including the Victory tax. A married person with no dependents will pay $387.60.

In Canada the same person, unmarried and without dependents, will pay $941.40 and the same person, married, but without dependents, will pay $761.40.

In Great Britain the same person, single and without dependents, would pay $939.50. If married with no dependents he would pay $819.50.

Let us take a $15,000 income, reduced by 10 percent to $13,500. In the United States the tax, including the Victory tax, will be $4,437.80 on a single person with no dependents. It will be $4,143.80 on a married person with no dependents.

Comparing that with Canada, the single person without dependents, who would pay $4,437.80 in the United States, would pay $7,487 in Canada. Married and without dependents he would pay $7,037.

In Great Britain the same person who paid $4,437.80 in the United States, a single person without dependents, will pay $6,843.25, and a married person drawing that income in Great Britain, without dependents, will pay $6,723.25, as against $4,143.80 he will pay under our revenue law.

Whatever may be said, the individual taxpayers in America are not paying as much as the British and the Canadians are paying. It is true that in Canada and in Great Britain there is a post-war credit. In Canada the post-war credit may be partially taken up, as in the case of the United States, by payments upon life insurance and debts. It is also true that a post-war credit is given against the Victory tax, but it is fair to note that the post-war credit in the United States is not so great as it is in Great Britain or in Canada, yet while the comparative figures given are on a gross basis in each instance the net tax in Canada and in Great Britain is in excess of the net tax in the United States.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LA FOLLETTE. I believe that no one would contend that our taxpayers are paying as much as is being paid by the people in Great Britain or in Canada. However, is it not fair to point out that in Canada, for example, the Provinces have abandoned the provincial income tax, and have yielded it up to the national Government, and that in Great Britain the only remaining taxes which are paid are certain license taxes and fees of certain kinds, whereas in this country many States have very stiff income tax laws, and if the taxpayers own real property they are required to pay a local and, in some States, a State real estate tax? So we do not really get quite a fair picture of the total burden under which the American taxpayer is laboring if we merely make a comparison of what might be termed the Federal, or central Government's tax.

Mr. GEORGE. I was about to point that out. I am glad the Senator brought it to my attention. There is a tax in Britain comparable to our real property taxes, also in Canada. It is fair to note the facts brought out by the able Senator from Wisconsin, and it is also fair to emphasize what I have just said, that the post-war credit in Great Britain and in Canada is greater than it is in the United States.

When it is considered that in the United States the individual is paying a tax upon his income in 34 of our States of from 1 percent to 15 percent, as well as other local taxes, and when it is also remembered that the total tax paid by the American people to the States and local governments will aggregate at least $10,000,000,000, or slightly in excess of $10,000,000,000, I think it will be seen that while the individual taxpayers of the United States are now paying less in income taxes, they are paying substantially as much in the way of total taxes as the individuals in Britain and in Canada. In this connection, it should be pointed out that State income taxes are allowed as a deduction in computing our ordinary normal and surtaxes.

Mr. LA FOLLETTE. If the Senator will suffer one more interruption, I will say that it also occurs to me that it might be well to point out that, even insofar as Federal taxes are concerned, a very substantial part of our tax revenue is derived from excise taxes, which are not taken into account in the individual's income tax comparisons which the Senator has just given, and which have to be paid, of course, by the taxpayer in the increased prices of the goods he buys.

Mr. GEORGE. The Senator is correct. I did not note the fact that excise taxes are likewise paid by individuals in both Canada and Great Britain. In addition Canada has an 8-percent manufacturers' sales tax and Great Britain a sales or purchase tax.

The point I wish to emphasize is that the burden on the American taxpayer is very heavy now, and yet in all fairness it must be thought of as a bearable burden, because as individual taxpayers we are bearing a lighter burden than that borne by individuals in both Canada and Great Britain.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WALSH. It seems to me the Senator's comparison invites another observation because of the direction in which we are moving and the necessity for additional increase in our taxes. Great Britain and Canada have been at war 2 years longer than we have been. Therefore it is to be expected that their taxes would be higher than our taxes. It seems to me that serves the purpose of indicating that as the war continues we must approach more and more to the taxes paid in those countries. Does the Senator agree to that statement?

Mr. GEORGE. Yes. I thank the Senator for his observation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7672) making supplemental appropriations for the National defense for the fiscal year ending June 30, 1943, and for other purposes.

The PRESIDING OFFICER. The clerk will state the next amendment of the Committee on Appropriations.

The next amendment was, on page 17, in line 13, after the word "exceed", to strike out "$8,304,618" and insert "$9,304,618."

The amendment was agreed to.

The next amendment was on the same page, in line 19, after the word "station", to insert a colon and the following: "*Provided further*, That no part of this appropriation shall be available to pay the salary of any person at the rate of $4,500 per annum or more unless such person shall have been appointed by the President, by and with the advice and consent of the Senate."

Mr. BARKLEY. Mr. President, I do not desire to detain the Senate very long, but I feel it my duty to discuss this amendment before it is acted on by the Senate. It is the usual amendment providing that no part of a given appropriation shall be expended to pay the salary of any person within the given departments drawing certain sums of money or more unless he shall have been appointed by the President and confirmed by the Senate. I regret that I find it necessary in the performance of my duty and in accordance with my convictions to oppose an amendment reported by the Committee on Appropriations for all of whose members I entertain the highest respect and for whose acting chairman, the Senator from Tennessee [Mr. MCKELLAR], as he knows well, I entertain not only the highest respect but an affectionate regard.

Mr. President, no Member of the Senate is more jealous than I am of senatorial privileges and prerogatives and senatorial rights, and I hope that no one is more zealous in the preservation of our constitutional powers and restrictions and prerogatives than I am. I do not think there is any constitutional question involved in the controversy over this amendment.

In order that I may emphasize what I have just stated, I will read the provision of the Constitution referred to yesterday by the Senator from Tennessee, and upon which he relies, seemingly, as a mandatory direction to Congress and to the Senate with respect to appointments and confirmations. The second paragraph of section 2 of article II of the Constitution, referring to the powers of the President, is as follows:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advise and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

So, while the Constitution provides that the President may nominate, and by and with the advice and consent of the Senate, shall appoint certain officers, it provides that Congress may by law provide for the appointment of these officers by the President alone, or by the courts, or by the heads of executive departments. I interpolate the word "executive," because the word is not in the Constitution.

From time to time Congress has exercised the right and power which it has, under that constitutional provision, of requiring senatorial confirmation with respect to offices created by act of Congress. Undoubtedly Congress has the right, if it sees fit to exercise it by law, to require the confirmation by the Senate of all Federal officers, but Congress has not by any means uniformly exercised such right.

I have before me a list of offices created by the Congress under acts of Congress as to which senatorial confirmation has not been required, and is not now required. There are 46 different agencies and departments of the Federal Government set up by act of Congress as to which senatorial confirmation is not required. So it is obviously not a mandatory constitutional provision, and it is no violation of the Constitution, but on the contrary is in harmony with the Constitution, for the Congress to forego in the law the right to confirm appointments made by the President of the United States. The list of agencies to which I referred is as follows:

Board of Economic Warfare; Office of Censorship; Office of Liaison Officer; Office of Emergency Management; Division of Central Administrative Service of the O. E. M.; Office of Coordinator of Inter-American Affairs, O. E. M.; Office of Defense Health and Welfare Services; Office of Defense Transportation; National War Labor Board; Office of Scientific Research and Development; War Manpower Commission; War Production Board.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Downey	Maybank
Andrews	Doxey	Mead
Austin	Ellender	Murdock
Bailey	George	Norris
Ball	Gerry	Nye
Barbour	Gillette	O'Daniel
Barkley	Green	O'Mahoney
Bilbo	Guffey	Overton
Bone	Gurney	Pepper
Brewster	Hatch	Radcliffe
Bulow	Hayden	Reed
Bunker	Hill	Reynolds
Burton	Johnson, Calif.	Rosier
Butler	Kilgore	Russell
Capper	La Follette	Schwartz
Caraway	Langer	Shipstead
Chandler	Lee	Smathers
Chavez	McFarland	Spencer
Connally	McKellar	Thomas, Idaho
Danaher	McNary	Thomas, Okla.
Davis	Maloney	Thomas, Utah

Tobey	Van Nuys	Wheeler
Tunnell	Wagner	Wiley
Tydings	Wallgren	Willis
Vandenberg	Walsh	

The PRESIDING OFFICER (Mr. BUNKER in the chair). Seventy-four Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, I was in the midst of reading a list of agencies with respect to which Congress has not required senatorial confirmation. I shall not comment on each of them, but I should like to have Members of the Senate contemplate the large number of agencies which are in existence, and for which appropriations have been made, but with respect to which senatorial confirmation is not required—in many cases not required at all, and in other cases not required for appointments below the head of the agency involved. I mentioned the War Production Board, the War Relocation Authority, War Shipping Administration, Board of Investigation and Research—Transportation.

Civil Service Commission. While of course we are required to confirm the appointments of members of the Civil Service Commission, we are not required to confirm the appointment of anybody below the grade of member of the Commission.

The same situation applies to the Federal Communications Commission.

Library of Congress. We are required to confirm the nomination of the Librarian of Congress, but we are not required to confirm the appointment of anybody below the grade of Librarian.

Government Printing Office. We confirm the appointment of the Public Printer, who is in charge of the Government Printing Office, but we do not confirm the appointments of employees below him.

The Smaller War Plants Corporation was created by an act of Congress sponsored by the Committee on Small Business, of which the Senator from Montana [Mr. MURRAY] is chairman. For that agency, which was set up in the War Production Board, we appropriated $150,000,000, and did not require senatorial confirmation of the appointments of members of that Corporation. They have been appointed by the head of the War Production Board without confirmation on the part of the Senate.

The Bureau of the Budget.

The National Resources Planning Board.

The American Battle Monuments Commission.

The Bituminous Coal Consumers' Counsel.

Board of Tax Appeals.

Alley Dwelling Authority.

Federal Power Commission. The appointments of members of the Federal Power Commission are confirmed by the Senate, but the Senate is not required to confirm the appointment of anyone below the grade of Commissioner.

The same situation prevails with respect to the Federal Trade Commission.

With respect to the General Accounting Office, we confirm the nomination of the Comptroller General, who is in charge of the General Accounting Office, but we do not confirm appointments in the General Accounting Office itself.

In the case of the Interstate Commerce Commission, we confirm the appointments of Commissioners, but we do not have to confirm the appointments of employees of the Commission.

National Advisory Committee for Aeronautics.

In the case of The National Archives, we confirm the appointment of the Archivist, who has a life tenure, but the appointments of employees below the Archivist himself are not required to be confirmed by the Senate.

National Capital Park and Planning Commission.

Securities and Exchange Commission.

Smithsonian Institution.

United States Tariff Commission.

In the case of the Tennessee Valley Authority, we confirm the appointments of members of the Board of Directors. The same is true with respect to members of the Tariff Commission. However, we do not confirm appointments made by those agencies.

The United States Maritime Commission; the Veteran's Administration; the National Housing Agency, including the Federal Home Loan Bank Administration, the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation, the Home Owners' Loan Corporation, the Federal Housing Administration, the Federal Public Housing Authority, and the Office of the Administrator; the Federal Security Agency, including the Social Security Board, Office of Education, National Youth Administration, Public Health Service, Food and Drug Administration, and several smaller agencies; the Department of Agriculture—we confirm the appointment of the Secretary, of course, as a member of the President's Cabinet—but in the vast setup of the Department of Agriculture where nearly every appointee is under the civil service, the Senate does not exercise, and has never required, senatorial confirmation in the appointment of such persons.

I continue to read the list:

Federal Works Agency, including the Public Buildings Administration, Public Roads Administration, Public Works Administration, and Office of the Administrator; Department of Commerce, including the Civil Aeronautics Administration, and including the following agencies formerly under the Federal Loan Agency, but now under the direction and supervision of the Department of Commerce: the Reconstruction Finance Corporation, the R. F. C. Mortgage Company, the Export-Import Bank of Washington, and the Electric Home and Farm Authority; the Department of the Interior; and the Department of Labor.

Therefore, Mr. President, it cannot be said that there is any mandatory requirement on the part of the Constitution that the Senate confirm the appointment or nomination of inferior officers appointed either by the President or by the heads of departments.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BUNKER in the chair). Does the Senator from Kentucky yield to the Senator from Louisiana?

Mr. BARKLEY. I yield.

Mr. OVERTON. The Constitution provides that the Congress may by law vest the power of appointment of inferior officers in the President or in the heads of the various departments or in the courts. The Senator from Kentucky has just now read a list of various agencies which have been created by acts of Congress or perhaps through Executive order, but acting under the authority conferred by the Congress. In all those cases has the Congress vested in the President or in the heads of the departments authority to nominate and appoint the subordinate officers; or does the Congress simply not insist on its rights, and permit the President or the heads of departments to make the appointments?

Mr. BARKLEY. Some of the agencies have been set up by acts of Congress specifying the creation of the agencies and emphasizing the appointments under them, without requiring senatorial confirmation. In the cases in which Congress has not authorized the appointment of the officers by the President or the head of the department concerned, and has not required senatorial confirmation, it has been regarded as consenting by law to the appointment of the employees without requiring senatorial confirmation.

Some of the agencies which I have just mentioned have been set up by Executive order, as a result of the war, under general authority conferred upon the President by Congress to set up agencies or to take steps necessary to the successful conduct of the war; but in no case I have mentioned has Congress required that appointments made by the President or by the heads of agencies set up by the President should be reported to the Senate for confirmation.

So, either by affirmative law authorizing appointments without requiring senatorial confirmation or by a general law authorizing the President to exercise the powers as a result of the war, we have foregone the constitutional privilege which we might have exercised in requiring senatorial confirmation.

Mr. OVERTON. I should like to ask one other question, if the Senator will permit an interruption.

Mr. BARKLEY. I yield.

Mr. OVERTON. Under a strict interpretation of the constitutional provision the Congress must act affirmatively by expressly vesting the power of appointment, without requiring confirmation by it, in either the President or the heads of the various departments or the courts. Silence is not an express delegation of that power. It may be that we have never raised any objection and have permitted some of the heads of departments to appoint subordinate officers without raising objection on constitutional grounds, but the constitutional provision is rather clear:

• • • but the Congress may by law vest the appointment of such inferior officers as

they think proper in the President alone, in the courts of law, or in the heads of departments.

Mr. BARKLEY. I think it would require an affirmative act of Congress to vest in a court the power to appoint inferior officers, but when Congress enacts a general law giving general authority to the President—for instance, in a war emergency such as the one in which we now find ourselves—to create specific agencies set out in the law, or giving the President general authority to create such agencies as he may find necessary to set up for the successful prosecution of the war, the absence of any requirement that appointments should be confirmed by the Senate is the establishment by law on the part of Congress of the office, subject to the will of the President, in setting up the agency or in making appointments, without the requirement for senatorial confirmation.

Mr. OVERTON. In the instances to which the able Senator has referred the Congress does vest in the President the power to make the appointments, and thereby the Congress complies with the constitutional provision.

Mr. BARKLEY. Yes; that is correct. It is my contention that when Congress, without specifically mentioning the question of senatorial confirmation, vests in the President the power to set up an agency or to make appointments, even though the category of officers to be appointed is not set out in the law, that is a compliance with the Constitution, by the enactment of legislation authorizing the President alone to make the appointments, as the Constitution says.

Mr. OVERTON. I agree with the Senator from Kentucky that from the reading of the law it is clear that the intention of the Constitution is to vest in the President alone the power to make the appointments.

Mr. BARKLEY. I appreciate that statement on the part of the Senator from Louisiana, for whose legal opinion and for whose legislative ability, as he knows, I have profound respect.

I have read a list of 46 agencies in order to refresh our minds on the fact that the constitutional provision relative to senatorial confirmation is not at all mandatory. The last part of the provision specifically authorizes Congress to provide that the President or the courts or the heads of departments may appoint officers inferior to themselves, without the necessity for confirmation on the part of the Senate.

Ordinarily, I think it is true that there is a safeguard in senatorial confirmation. In peacetimes, when emergencies do not exist, and when we are not dealing with the great problems of industrial mobilization, rather than at a time such as the present when we must go out in search of the best possible material in order to do a job in a great war crisis, there is much force in the argument that the Senate should be allowed to look over the appointments. As we know, most of the appointments go through as a matter of routine, unless some Senator arises to object to an appointment either on the ground that the appointee is not qualified or on the ground that he has some personal objection to him because of the fact that he may be obnoxious to him. Otherwise, all the appointments go through as a matter of routine.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from New Mexico.

Mr. HATCH. On that point the Senator has said that the appointments usually go through as a matter of routine. With that statement I quite agree. However, is it not true, as a practical matter, and speaking frankly, that before a nomination is made for appointment to an office—a nomination which must be confirmed by the Senate—9 times out of 10 the Senators from the particular State first agree to the nomination?

Mr. BARKLEY. Yes; and I should say that in 99 cases out of 100 that is true.

Mr. HATCH. That is a subject on which I may elaborate later; I do not know yet.

When Senators from the States must first agree before a nomination is made, is not the Senate itself violating the Constitutional provision which reposes in the President the sole power to nominate?

Mr. BARKLEY. Probably so. That is a custom and a courtesy which has grown up.

Mr. HATCH. Mr. President, will the Senator yield again?

Mr. BARKLEY. I shall yield in a moment. First let me say that the practice to which reference has just been made is something of a courtesy which has grown up over a long period of years. When an appointee is to be named, and when the jurisdiction in regard to a Federal office applies only to a State the appointing authority—out of courtesy, I presume, and to assure that no serious objection will arise on the floor of the Senate to the confirmation—calls upon the Senator or consults him in some way to ascertain if the appointment is satisfactory.

Mr. HATCH. And if the Senators object, 99 times out of 100 the nomination is not made; and so, as a practical matter, the Senators are nominating.

Mr. BARKLEY. That is correct. The Senator does the appointing in cases of that sort.

Mr. HATCH. Yes—and clearly violates the spirit of the Constitution.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Connecticut.

Mr. MALONEY. The Senator from New Mexico has endeavored to point out that by the practice which he has described the Constitution is violated. I wonder if he wants us to believe that he is so naive as to suppose for a moment that the President himself actually makes the appointment of the appointees to inferior positions.

Mr. HATCH. Mr. President, certainly I hope I am not naive in the respect which the Senator has mentioned; but I was endeavoring to point out a condition which began with the first administration of this country, under President Washington. In drawing up the Constitution the intent was—and I can support the argument by quoting the statements of those who wrote the Constitution—that the President should have the sole power to nominate. After nomination, there comes into play advice and consent by the Senate.

However, since the first administration we have reversed the process; and the Senate is actually nominating, advising, and consenting.

Mr. BARKLEY. Whether that is a violation of the Constitution in terms may be open to debate. It is not such a case as the founding fathers had in mind when they wrote the provision that nominations should be submitted to the whole Senate and should be acted on by the Senate as a Senate. However, since that provision was inserted in the Constitution it has become customary, and it may have been a matter of some foresight and discretion on the part of appointing officers, to consult the Senators from the State concerned in order to ascertain whether the appointee contemplated was satisfactory to them and would not be objected to or rejected on the ground of dissatisfaction on the part of the Senators from the State.

Mr. MALONEY. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield to the Senator from Connecticut.

Mr. MALONEY. Mr. President, in the minds of some persons, a discussion such as the present one is likely to create the impression that Senators are primarily concerned from the standpoint of patronage; and there are many people who are anxious to add impetus to that thought; but the Senator from New Mexico must know that insofar as the kind of appointments to which we now refer are concerned, the President is really an instrument in the hands of officials in the bureaus and departments, who make the appointments, and that, in fact, the President does not make the appointments at all.

So, as I see it, the argument made by the able Senator from New Mexico is that the Senate should not be considered because it trespasses upon the rights of the President, but, on the other hand for agencies and bureaus to appoint inferior officers—and sometimes I think the appointments are made by inferior or mediocre men—is perfectly all right.

If the Senator from Kentucky will yield to me for a moment further, I should like to say another word or two in this connection. I think that if this amendment should do nothing more than compel the nominees to pass in review it would do a splendid thing, and we would thereby render a fine service to the Government.

I fail to find much self-restraint on the part of the new departments of government in the matter of keeping down appointments. It seems to me that they are anxious to make them, and I have long entertained the thought, and have on many occasions expressed it on the Senate floor that an amendment of this

kind might, instead of hampering the departments, help them a little. I am among those who believe that if the war agencies, or most of them, sent half their employees home the Government would function with a much improved efficiency.

Mr. HATCH. Mr. President, will the Senator from Kentucky yield to me, since the Senator from Connecticut has referred to what I said?

Mr. BARKLEY. I yield.

Mr. HATCH. I am not arguing against what the Senator from Connecticut has said at all. The point I was making was simply that the theory of the Constitution—and I have ample authority to sustain my view—is that nominations, in the first instance, should be made by the Executive. If made by some subordinate of his, it would still be by the Executive. The Senator speaks about the right of the Senate to review. That is guaranteed by the Constitution. As the Senator from Kentucky said, nominations are sent to the whole Senate. Suppose the Executive, where confirmation is required, sends to the Senate the nomination of a man whom the Senator from Connecticut does not like, he would have the right to oppose him. I am not now arguing the question whether there should be confirmation or not. I am trying to point out that, in the first instance, the nomination is with the Executive and throughout the course of the entire history of the country, since the first administration of President Washington, the Senate has reversed the process and has itself chosen to nominate.

Mr. MALONEY. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. BARKLEY. Yes; I yield.

Mr. MALONEY. I should like to ask the Senator from New Mexico a question. Does he not understand that these nominations are actually made by heads of bureaus and not by the President?

Mr. HATCH. I suppose that is quite true.

Mr. BARKLEY. Of course, so far as that goes, the President is the instrumentality of the people to do everything he is required to do under the Constitution. It would manifestly be an impossibility, it would be a superhuman task for any President, however wise, however industrious, however well acquainted he might be with the country as a whole, to know everybody who ought to be appointed to a Government office, from a Cabinet officer all the way down to the various departments and agencies all over the country. Of course, he must accept the advice, for instance, of the Attorney General in making appointments of district attorneys and United States marshals all over the country. The President does not know the individuals; he must accept the recommendations of the Attorney General in regard to such appointments.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MALONEY. I think that is entirely true, and that is a part of the argument I made. I am sorry to have to say it again, but I am not concerned with patronage. I have advised the departments that they need not, and I should prefer that they would not, consult me in connection with appointments in my State. But I want to have the appointments passed in review here so that the Congress of the United States and the people of the United States may know how many are being appointed, and may have a chance to know what kind of people are being appointed, and how much they are being paid.

Mr. BARKLEY. I have no doubt of the sincerity of the Senator from Connecticut on that score, and yet if we rise here, as if in a Methodist "experience meeting," and proclaim loudly that we are not interested in patronage, the country is going to think the contrary, and the press will carry to the country the contrary opinion. We had that question before us in regard to the Office of Price Administrator. I well recall it because I was in the middle of the contest and many Senators wept on my shoulders about appointments made in their States by Leon Henderson, the Price Administrator. When the O. P. A. appropriation was before the Senate, and also when the last legislation with regard to the Price Administration was before the Senate, there was considerable discussion about offering a similar amendment to the price control bill or to the appropriation bill. Fortunately, it was not offered. I felt at that time, as I feel now, that we are in war, that the integrity and public esteem of the United States Senate is at stake, and I do not want the country to get the impression that the United States Senate, in the midst of a great war, when we have all that we can attend to in considering matters of importance and fundamental legislation, are fooling around in order that we may pass upon some appointments in our States, either in the Office of Price Administration or any other agency.

Mr. MALONEY. Mr. President——

Mr. BARKLEY. I yield to the Senator from Connecticut.

Mr. MALONEY. A part of my feeling in the matter is because of the fact that we are at war. I do not think that it will be won by appointing fraternity brothers, corporate politicians, and industrial refugees. It is because we are at war that I am principally concerned about the kind of people who are asked to direct the conduct of the war, and we are late, in my judgment, in meeting the responsibility with which we are charged.

Mr. BARKLEY. I do not know how many fraternity brothers have been appointed by the head of any department or the head of any agency; there might, conceivably, be a case where the head of a department or an agency who happened to know somebody in whom he had confidence would not turn him down if he happened to be a fraternity brother; but I would be unable to point out, if I were required to do it, any men who have been appointed to responsible office because they belonged to the same fraternity to which the man who made the appointment belonged; and I doubt very much if that is a fair assessment of the situation.

Mr. MALONEY. Mr. President, if the Senator will permit me, I should like to say that I used that language in a broad sense.

Mr. BARKLEY. I understand that, but it is the Senator's language, and it goes into the CONGRESSIONAL RECORD as a permanent part of the history of the United States.

Mr. MALONEY. I consider the Democratic Party a great fraternity. [Laughter.]

Mr. BARKLEY. Yes; though sometimes it does not act like a great fraternity, either in the Senate Chamber or outside the Senate Chamber.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Kentucky yield to the Senator from Louisiana?

Mr. BARKLEY. I yield.

Mr. OVERTON. Conceding for the sake of the argument that this is a scramble for patronage, the question that presents itself to me is, Is it a scramble for patronage by the 96 Senators of the United States, or is it a scramble for patronage by the heads of the different departments or agencies?

Mr. BARKLEY. I cannot tell the Senator to what extent in anybody's mind, whether he is a Senator or the head of a department, there is a scramble for patronage.

Mr. OVERTON. The able Senator from Kentucky said it was a scramble for patronage.

Mr. BARKLEY. I did not say that, but I said the country will get that opinion of it, and that is the view that will go out to the country.

Mr. OVERTON. Let us take the contrary view of it. Will the country think that it is a scramble for patronage by the Senate, by Senators, or that it is a scramble for patronage by department and agency heads?

Mr. BARKLEY. I will say that when a similar proposal was under consideration with respect to the Office of Price Administration the country thought it was a scramble for patronage, and there was such a protest against it the amendment was not even offered on the floor of the Senate.

Mr. OVERTON. If it is to be regarded as a scramble for patronage, shall we follow the Constitution, the makers of which vested that patronage, if it be called patronage, in the Senate of the United States, or shall we put it in control of the heads of departments and agencies?

Mr. BARKLEY. The Senator from Louisiana agreed with me that this provision of the Constitution was not mandatory.

Mr. OVERTON. I agree to that.

Mr. BARKLEY. And that we have the power, so that when we exercise it we are complying with the Constitution, just as if we required confirmation.

Mr. OVERTON. The primary obligation, under the Constitution, rests upon the Senate to give advice and consent with reference to these appointments, but we can vest the power exclusively in the heads of departments and in the President.

Mr. BARKLEY. Yes; I say we have the power to do it, and I thought the Senator had agreed with me.

Mr. OVERTON. I do agree with the Senator constitutionally, but I say if we get the agrument down to the basis of a scramble for patronage, then, I point out that the Constitution does vest the primary obligation in the Senate of the United States to give advice to the appointing power when it comes to making appointments, and we should not shirk that obligation simply because we might be subjected to criticism for discharging our constitutional duty. It does not become the duty of the President or the courts or anyone else to act without the advice of the Senate unless by law we vest that power elsewhere.

Mr. BARKLEY. Of course, the Senator from Louisiana is perfectly sincere in the entertainment of that view, and I would not hope that I could change his view if I talked until doomsday on the subject. I realize that probably what I am saying here will make no impression upon anyone in the Senate.

So far as I am concerned, the Senate is at liberty to do as it pleases with the amendment. I am not affected one way or the other. I have not requested any appointments under the O. P. A. or the O. E. M. or the W. P. B. or the W. X. Y., or any other war agency which has been set up. I washed my hands of it when the whole thing started and announced to my friends in Kentucky that I would make no recommendations, and I have not made any recommendations for any jobs under any of these agencies. I wish to say, further, that I have had more peace of mind since I made that announcement than I have had in a long time as a United States Senator.

Mr. OVERTON. Let me say that I am not concerned with the question as a matter of patronage. I was merely undertaking to answer an issue raised by the Senator from Kentucky. So far as patronage is concerned, I find myself in the same position as the Senator from Kentucky.

Mr. BARKLEY. I appreciate that. Of course, I would not doubt anything the Senator from Louisiana said about it.

Mr. McKELLAR. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. The Senator named a number of acts and stated that the officials provided for in the acts did not have to be confirmed by the Senate. The language of the Constitution is:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Will the Senator point to which one of the many acts he mentioned which vests the appointment of the officers in the President, or in the courts of law, or in the heads of departments?

Mr. BARKLEY I would not go into the matter of courts of law——

Mr. McKELLAR. There is not——

Mr. BARKLEY. Let me answer the Senator's question. If he wants to answer it himself, what is the use of my attempting to do so? The Senator asked me a question and then answered it, and I am certain that his answer will be more satisfactory to him than mine will be. Nevertheless, my contention is that whenever Congress passes a law creating an agency, and authorizing the President to make appointments in that agency, and does not require senatorial confirmation, Congress by law vests the power in the President alone, and when Congress passes a general law, especially as we have been enacting laws during the war, authorizing the President to take such action as may be necessary, and the President sets up an agency under the general authority which he possesses, which Congress has not mentioned specifically, he has the power to make the appointments alone, without senatorial confirmation, and Congress has given its consent in advance to that course of action.

Mr. President, we are at war. We know that it has been necessary for agencies of the Government, the War Production Board, the War Labor Board, and others, to proceed in many cases to search the country for equipped and qualified men to do a given job. In order to find such men, the agencies have had to go beyond the category of those who have been active in politics; they have been required to go beyond what we term political applicants for jobs.

It would be easy to fill these places with men who are applicants for positions, because in every day's mail there come to us numerous applications for all kinds of appointments by men who, either because they have a bent for politics or because they need some sort of employment, are making application for political endorsements on the part of Senators, and for political influence, in order to get positions. It would be easy to fill all these positions with men who are active applicants, but in order to get the right kind of men, in order to take advantage of the professional and industrial experience of citizens of our country in private enterprise, it has been necessary to go out into the highways and byways and search out men, and persuade them, in many cases, to take positions under the Government, many of them without compensation, and in many cases with compensation out of all comparison with the compensation they receive in private enterprise.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. I was wondering whether it is not a rather severe indictment of the Senate, which the Constitution vests with the power to advise and consent to appointments, to assume that even in time of war Senators could not take into consideration the merits of the recommendations made by the executive department, as they take into consideration the merits of recommendations made by the President as to appointments in the armed services of the country.

Mr. BARKLEY. Of course, I do not assume, and I would not assume, that if any Senator were directly and personally charged with the responsibility of selecting officials, he could not do a conscientious job of making the selections. But if we are to interpret the Constitution as meaning that every Senator from every State should be given the power of appointment, then we should change the Constitution, and provide that the President shall not nominate and the Senate confirm, but that each Senator from each State shall make appointments to Federal offices in his State.

It is my belief that that was not what the Constitution meant or means. If I were to go into a broad discussion of the combination of legislative and executive powers, there would be a fertile field for discussion in the question whether, under such a system, we maintain the three independent branches of our Government as established in the Constitution by the framers. But I do not, in saying that, of course, in any way impugn either the ability or the good faith or the patriotism of any Senator who might be called upon, as a matter of advice to recommend some person from his State for a Federal appointment, or who might be consulted as a matter of precaution and discretion on the part of the appointive power.

Mr. PEPPER. Mr. President, what I intended to advert to was that every few days in the Senate we pass on the confirmation of nominations of officers of the armed services, the Coast Guard, the Navy, and the Army. There is no charge that the recommendations of the President and the military chiefs are not made upon merit, and that they are not recognized by the Senate upon the basis of merit; and they are not interfered with by the Senate. Yet the Senate reserves the power, through its Committee on Military Affairs and its Committee on Naval Affairs, to scrutinize these nominations of officers in the Army, the Navy, the Air Corps, and the Coast Guard.

A short time ago, because a question arose as to whether the military authorities were violating a policy which the Senate might approve, a subcommittee was appointed, of which the distinguished junior Senator from Kentucky [Mr. CHANDLER] is the chairman, specifically to examine in great detail into the nominations of officers for the military services. There is perhaps power in the committee to repudiate an Executive recommendation, but in the course of war, and with respect to men recommended upon merit, no one would intimate that Senators would be so unworthy as to try to put political considerations above merit. That is one case where the power is preserved and not abused.

Mr. BARKLEY. I grant that, but I am not so certain of what would happen if Army officers were stationed permanently in our States and were engaged in politics. If they were attempting to exercise political influence—as they are not, and as they cannot, and which is a thing they should not be allowed to do—if Army officers could be placed in the category of ordinary political applicants for jobs, or men engaged in local politics who were indulging in trying to influence elections, I am not so certain that their nominations would go through as a matter of routine, as they do now.

Mr. PEPPER. Mr. President, the Senator, of course, is not going to condemn the judiciary of the United States, and yet the Senator knows that, as a practical matter, every Federal judge is recommended by the two Senators of the State in which he is to function.

Mr. BARKLEY. Yes.

Mr. PEPPER. However, if the Senator will allow me to continue the suggestion, no two Senators can compel the President to appoint the person whom they recommend, or compel the Department of Justice to admit that he has qualifications greater than he actually possesses.

Mr. BARKLEY. No; but any two Senators can prevent the Senate from confirming an appointee by rising in their places and saying that the appointment is obnoxious to them.

Mr. PEPPER. I know the Senator would not condemn the judiciary of the United States because of the existence or exercise of such power. It shows that we can have unanimity in public office by the combination of executive and legislative functions with respect to appointments.

Mr. BARKLEY. I am not denying that possibility, and have not denied it at any point. I am talking about an amendment, and I was trying to lay a basis for what I was coming to. We now have before us an amendment affecting the Manpower Commission, a commission which is nonpartisan, notwithstanding the animadversions of the Senator from Indiana yesterday, who intimated that, because this agency happens to be headed by Mr. Paul V. McNutt, who was at one time connected with some sort of a 2-percent political club in Indiana which was interested in levying and collecting a percentage of the salaries and wages of the employees of that State, under his wider authority he is likely to use this agency to build up a Nation-wide, if not a world-wide, 2-percent club designed to elevate him to the chief magistracy of the Nation.

I never approved of the 2-percent club in Indiana. I have never approved of any such club anywhere in the United States, and I have never approved of the levying and collection of tribute from employees of any State, or of the United States itself, in order to raise campaign funds in behalf of anybody.

All the appointments which come under the Manpower Commission, now headed by Mr. McNutt, must clear through the Civil Service Commission, and neither he nor anyone under him could levy 1 cent on any employee of the Manpower Commission without violating the act which was fostered and sponsored by the Senator from New Mexico [Mr. HATCH]. Therefore, we need not bother ourselves about the fact that Mr. McNutt, who was once Governor of Indiana, and was purported to be connected with a 2-percent club as a political organization of Indiana, is now head of the Manpower Commission, because, as I have said, all the appointments must be made and cleared through the Civil Service Commission, and no tribute could be levied upon a single one of them without an obvious and open violation of the Hatch Act.

Mr. HATCH. And not one of them could participate actively in politics.

Mr. BARKLEY. No.

Mr. HATCH. That is one of the things I had in mind, the encroachment of the governmental bureaus into political affairs. I wanted to stop it, and I think I have thrown a few chunks in the way. I should like to put in some more.

Mr. BARKLEY. I appreciate what the Senator has said. I helped the Senator throw in some of the chunks, and I do not intend to help remove any of them.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. All I wanted to know, although it is somewhat irrelevant to the War Manpower Commission, is whether or not the Senator's denunciation extends, insofar as he makes reference to the Army and the Navy taking part in politics, to the Under Secretary of War, Mr. Patterson, and the Under Secretary of the Navy, Mr. Forrestal, coincidentally making speeches in the midst of the campaign?

Mr. BARKLEY. I have not been advised of any political speeches made by either of these distinguished gentlemen. One is a Republican, I know, and if he made a political speech it would be a Republican speech.

Mr. DANAHER. The Senator would expect and hope that in the interest——

Mr. BARKLEY. I have no expectation or hope about it one way or the other. I do not care whether he makes a political speech or not. I have not heard of him making one.

Mr. DANAHER. Well, if he did, would the Senator's denunciation extend to such speech?

Mr. BARKLEY. It would.

Mr. DANAHER. That is the way it struck me, and I would expect the Senator to say it would.

Mr. BARKLEY. Yes. I do not mean by that that we must all forego either the pleasure or duty of voting. We have an election coming on, and all of us are trying to urge people to vote, no matter whether they vote against us or not. We are urging them to vote, and that is a privilege and a right which we all ought to exercise. I presume everyone is still free in this country to exercise that right according to his or her own conscientious views. The Under Secretary of War, Judge Patterson, is a Republican, and I believe him to be one of the ablest and finest and most conscientious public servants in this country. I do not know of anyone who has established himself more completely in the confidence of the Congress and the country than has Judge Patterson. I would say the same thing about Mr. Forrestal, Under Secretary of the Navy, who worked his way through Princeton University by washing dishes, and graduated there with high honors, and was taken from a great business occupation and brought here to do his job in connection with the war.

Mr. DANAHER. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. The Senator will understand that I detract in no way from the status or stature of either of these gentlemen. All I was saying was that the Senator, in my judgment, properly had condemned and would condemn Army officers who sought to exercise the power and the might of some official position of theirs on people who were under them, and perhaps the families of those who were under them, and it might even be that the superiors of such officers would be brought within the scope of criticism on the same account.

Mr. BARKLEY. I certainly would include them if they were guilty of any such conduct. But I would say largely that my remarks are applicable to everyone to whom they apply.

Mr. DANAHER. And, of course, the Senator will understand that what I assert upon the record at this time is an equal degree of high principle, and I, too, call for the application of those very same abstract and pure theories which we all seek to have enacted in our daily lives, particularly in our political lives, and at a time like this when the country is going through stress and strain.

Mr. BARKLEY. I appreciate that, and I appreciate the sincerity of the Senator's observations on that subject.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield to my colleague.

Mr. CHANDLER. I think that if my colleague were in possession of all the facts he would have made a different answer. My colleague had no objection, I am sure, when Mr. Stimson, Secretary of War, wrote a letter setting forth the fine qualities of the able Senator from Massachusetts [Mr. LODGE] before the primaries. Mr. Stimson is a civilian. What my friend, the Senator from Connecticut, now refers to is a statement by Under Secretary of the Navy, Mr. Forrestal, and Judge Patterson, Under Secretary of War, both civilians, who live in Representative FISH's district in New York. Both of them said the other day that they were not going to vote for Mr. FISH; that they were going to vote for his opponent, because in their opinion Mr. FISH's opponent was much better qualified and had a better idea of what was going on in the world than did Mr. FISH. So far as I heard, no objection was made to the Secretary of War, Mr. Stimson, setting forth the fine qualities possessed by the Republican Senator from Massachusetts. I do not object to a fine Republican like Judge Patterson calling attention to the fact that the candidate in New York who is trying to unseat Representative FISH has a better idea of what is going on in the world, what it takes to win the war, what it takes to support our leadership. The Under Secretary of War and the Under Secretary of the Navy are civilians. I think what they did was an obligation and a duty which they should perform. I do not think they should be censured for doing what they did. I know my colleague does not want to do so.

Mr. BARKLEY. Mr. President, I had for the moment lost sight of the fact that they had made statements with respect to Mr. HAMILTON FISH.

Mr. CHANDLER. Both gentlemen live in Mr. FISH's district.

Mr. BARKLEY. If the Under Secretary of War and the Under Secretary of the Navy should be condemned for a comment of that sort, then the Republican candidate for Governor of New York should likewise be condemned, for he has openly stated that he was opposed to Mr. FISH, and also the last Republican candidate for President of the United States, Mr. Wendell Willkie, should be condemned, because he has openly opposed the nomination of Mr. FISH, and has opposed his election in November. So I do not suppose that either Judge Patterson or Mr. Forrestal have departed from the path of rectitude to any greater extent than have Mr. Dewey and Mr. Willkie.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. I had not denounced either of the gentlemen mentioned by the Senator from Kentucky. I said that I would not detract in any way from the status or stature of either of these gentlemen when I referred to Messrs. Patterson and Forrestal. Does not the Senator from Kentucky recall that I made that statement?

Mr. BARKLEY. Yes.

Mr. DANAHER. And I should like to point out that neither of the gentlemen referred to by the Senator from Kentucky is an official of the Army or the Navy or an official of the War Department or the Navy Department.

Mr. BARKLEY. Neither is such an official, but they are anxiously waiting the time when they may become public officials.

Mr. President, I have consumed more time than I had intended to. I wish to say that the War Manpower Commission, which has been set up by the President, is functioning in regard to the difficult problem of manpower, one of the most important questions that faces the American people today. Very soon, in all likelihood, we shall be called upon to legislate on that subject, and partisan politics is of all things one which should not enter into the administration of any law with respect to the distribution of manpower.

Mr. President, I happen to know that the Manpower Commission is making a diligent effort to select the best men it can find in some 15 or 20 industrial areas of the country, and to get them to serve, regardless of politics, because of their wide experience and their long experience in dealing with the subject which they will have to deal with in the matter of manpower. I happen to know also that in many cases it is difficult to get such men to serve because they say, "If I have got to be dragged into politics, if I have got to have everything I have ever done or said or thought in my life paraded before a senatorial committee, I am not that much interested in the job."

Most of them are being asked to take these positions at a great financial sacrifice. That being true, it seems to me that we ought not to hobble or handicap the chairman of the War Manpower Commission, or any other agency that Congress may set up in their attempt to find, without regard to politics, men who have not been in politics, men who have not run for any office or applied for any office, who have been content to lead their lives in quiet and sequestered avenues of industry or professional life, without the glare and the glamor of the political life.

Mr. President, I certainly should hate to see any amendment offered, or any policy adopted by the Senate which would shoo away from public service outstanding men of that quality, who are now under consideration, and who may be induced as a matter of patriotic duty to serve the people of the United States in this capacity.

Mr. President, in conclusion I wish to read a letter which was addressed to me yesterday by the Chairman of the War Manpower Commission:

OFFICE FOR EMERGENCY MANAGEMENT,
WAR MANPOWER COMMISSION,
Washington, D. C., October 19, 1942.

Hon. ALBEN W. BARKLEY,
United States Senate,
Washington, D. C.

DEAR SENATOR BARKLEY: I regret that it is necessary to call your attention to the clause in the second supplemental national defense appropriation bill, which provides that no part of the appropriation for the War Manpower Commission "shall be available to pay the salary of any person at the rate of $4,500 per annum or more unless such person shall have been appointed by the President, by and with the advice and consent of the Senate."

The War Manpower Commission is in the process of recruiting field representatives to administer the entire manpower program in concentrated industrial areas. This is being done in accordance with the rules and regulations of the United States Civil Service Commission. It is our hope that we will be able to enlist the services of outstanding leaders in the ranks of industry and labor to assume the heavy responsibilities involved in this work. I greatly fear that the clause to which I have referred will unduly impede and delay the recruitment of the type of personnel we are trying to enlist in the Government service. I regard it as a matter of the utmost necessity that those responsible for the administration of a program which so affects the lives and welfare of millions of our people, be selected with a view to nothing except their technical ability, experience, and impartiality.

I sincerely hope that the clause in question will be deleted before the bill is enacted.

Sincerely yours,
PAUL V. MCNUTT, *Chairman.*

Mr. President, that is all I have to say upon this subject. I have done what I regard as my duty to the Government of the United States—to the people of the United States. The duties in this matter which are necessary to be performed by the War Manpower Commission in the months which are ahead of us may be infinitely more vital and may affect more intimately the lives of our people, the war effort, and production on farms and in industries and everywhere else, than they are now. The Senate of course is at liberty, as I said awhile ago, to act as it sees fit upon this amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 17, after line 19.

Mr. HATCH obtained the floor.

Mr. NORRIS. Mr. President——

Mr. HATCH. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I shall try to view this question from a practical standpoint. It seems to me that Senators and Members of the House of Representatives who have been in Congress for years cannot close their eyes to this important step. I realize that, in theory at least, those on both sides of this question have very good grounds for their beliefs, and I do not criticize any Senator for his beliefs; but, as a matter of experience, I believe we cannot close our eyes to the fact that if we adopt this amendment, which I understand is to give to the Senate the right of confirmation with respect to all appointed officials of the Manpower Commission who receive $4,500 a year or more, in practical effect by that action we shall be turning the appointments over to patronage.

I have heard Senators—among the number my good friend from Connecticut—say that they did not want this patronage, but wanted to stay away from it. That sentiment has been voiced and confirmed by many other Senators, including the Senator from Kentucky. However, if we require confirmation by the Senate of appointments to the thousands of offices which will be created we shall take upon ourselves the duty of looking into the appointments, and we shall consume a vast amount of time. In making recommendations we shall follow the natural inclination to put our own friends into office.

In effect the amendment would turn over appointments to these offices to Members of Congress. I do not believe that anybody desires that to be done. It would become the duty of a Senator who wished to get out from under the patronage yoke to take that yoke upon his unwilling neck. He could not escape it. It would become a part of his duty. In the main, Members of the Senate would decide who the nominees should be. Nominations in the various States would undoubtedly be referred to Senators from the States. That is but natural. It has always been so. The result would be that, instead of referring appointments to the President, to the heads of departments, or to the courts, we should be referring them to ourselves. We should be called upon to make recommendations; and if our recommendations were not followed the Senate would be called upon to reject them, regardless of the qualifications or experience of the appointees.

Mr. President, it seems to me that if we wish to relieve Members of Congress from the yoke of patronage the only way to do so—or at least one way, and I know of no other way—is not to require confirmation of the many appointments with respect to which we should be called upon to make recommendations.

As I said before, we cannot escape the effect. We shall be doing the same thing in practice as though we amended the Constitution by providing that the appointments should be made by Members of the Senate and of the House. I do not believe anyone wants that done. The President cannot look into each and all of the appointments. Everyone knows that to be so. Of course, I realize that in many cases the President will be advised

by men who are not able to give him the proper advice, and there will be a great many cases in which the result will be as bad, perhaps, as it would have been if the nomination had come to the Senate. However, we should be a legislative body. We should not, it seems to me, be interested in patronage. I have lived so many years without it that I think I can speak from my own experience. I believe that in the end the bill as written without the amendment will be better for the country. It comes nearer to having the appointments made on the basis of merit and efficiency than would be the case if we adopted the amendment.

Mr. President, as I am about to leave the Chamber temporarily, I desire to thank the Senator from New Mexico for yielding to me so that I might make these few remarks.

Mr. HATCH. Mr. President, I shall detain the Senate for only a few moments while I discuss some of my theories about the constitutional powers with respect to appointment and confirmation. Before doing so I wish to say that I agree with the majority leader in what he has just said, that it would be most unfortunate if the Senate by its action today should give the impression to the public, rightly or wrongly, that we are more concerned with securing unto ourselves the power of appointing men to office than we are with the great war program.

I grant, Mr. President, that that would be the wrong impression. If the Senate should adopt this amendment—which it probably will—I am sure, as a Member of the Senate, that no such motive would inspire any Member of this body; but I am equally sure that the country would arrive at no other conclusion than that which I have suggested. I do not want the country to believe that of the Senate. That is my main reason for opposing this particular amendment.

Senators may argue the Constitution if they so desire; and I grant that the Constitution does give the Senate the power and the right to confirm the appointment of certain officials. I grant more than that. As the Senator from Louisiana pointed out, affirmative action on the part of the Senate may be required to divest itself of that right and power; but there are times when men, bodies, and institutions should forego their own particular prerogatives and rights in the interest of the common good.

Differences between the Senate and the Executive over nominations, appointments and confirmations, began with the administration of President George Washington. I have some attachment for the Constitution and constitutional processes, which caused me some years ago to make a study of this particular question. In a history of the appointing power of the President, Lucy M. Salmon writing for the American Historical Association, said that the framers of the Constitution were led by three considerations to give the appointing power the form it took in the Philadelphia Convention.

> First, by the observation of the English method. Second, by their own experience under the Articles of Confederation. Third, by the principles in operation in the individual States.

The question before the Convention, says this author, was how to embody all the excellencies and avoid all the evils of the various systems with which they were familiar. The author discusses three plans which were submitted for the consideration of the Convention, and a fourth, which was not formally presented, and, in substance, says that the Virginia resolutions drawn by Mr. Randolph provided that the Executive and the judiciary should be chosen by the National Legislature, but made no specific provision for appointment of officers except that the President was to enjoy the executive rights vested in Congress by the Confederation.

The New Jersey plan offered by Mr. Patterson provided that the executive office should be held by two or more persons who should be given power to appoint all Federal officers. These persons were to be elected by Congress. Mr. Charles Pinckney's plan provided that the executive power was to be vested in a single person who was to appoint all officers of the United States except ambassadors, other ministers, and judges of the Supreme Court. His nominations were to be with the consent of the Senate, and the Senate was to have executive power to appoint the excepted officers. Members of the Senate were to be ineligible to office during their terms of service and for 1 year thereafter. The fourth plan, Mr. Hamilton's, gave to the Executive the sole appointment of heads of departments of finance, war, and foreign affairs, and the nomination of all other officers, including ambassadors, subject to the approbation or disapproval of the Senate.

The difference in the plans and the discussion which followed revolved largely around the point as to whether the appointing power should be given exclusively to the President, to the legislative branches of Government, or to both, one acting as a check or restraint on the other. The question was not settled.

In the first draft of the Constitution, the power was given to the President to appoint officers in all cases not otherwise provided by the Constitution. No advice or consent from the Senate was required. But in that draft the power to appoint ambassadors and judges of the Supreme Court was vested in the Senate. Finally, section 2 of article 2 of our Constitution was adopted as an amendment.

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Without question, the framers of the Constitution believed that they had selected the best plan, and one which would avoid the evils of previous systems with which they were familiar, although the plan adopted did not meet with unqualified approval of those responsible for our Constitution. Mr. Madison was a strong believer in sole Executive authority. John Adams vigorously opposed giving the Senate any voice in appointments. Very early after the adoption of the Constitution, questions surrounding the appointing power began to arise; questions involving the right of removal, where such right was vested, the right to create offices by appointing officials, the right of Congress to prescribe the tenure or duration of office, and other questions, all growing out of the constitutional provision relating to the appointment of officers.

Mr. President, the Senator from Nebraska has said much better than I could have said many of the things which have gone through my mind concerning this question.

I assure Senators that I shall not read at great length from the many authorities which I have before me on the subject, but I should like to present briefly to the Senate what I believe to have been the real theory of those who wrote the Constitution. I know of no better words to express it than those of Alexander Hamilton, who, in discussing this very clause of the Constitution, said:

> It has been observed in a former paper that "the true test of a good government is its aptitude and tendency to produce a good administration." If the justness of this observation be admitted, the mode of appointing the officers of the United States contained in the foregoing clauses must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union, and it will not need proof that on this point must essentially depend the character of its administration.

In arguing the wisdom of placing the nominating power in the President—and I call attention to that argument—Hamilton stressed the point that sole and undivided responsibility of one man would beget a livelier sense of duty, that one man would have fewer personal attachments to gratify than a body of men and would be less likely to be misled by sentiments of freindship and of affection.

On the other hand, he said that, in the exercise of an appointing power by an assembly of men, there would be displayed private and party likings and dislikings, partialities and antipathies, attachments and animosities.

I ask the Senate to listen to the reasoning and to observe whether Hamilton was not foreseeing exactly what has taken place by having appointments discussed by a body of men:

In an assembly of men, he urged, the intrinsic merit of the candidate would be too often out of sight and "the qualifications best adapted to uniting the suffrages of the party will be more considered than those which fit the person for the station. In the last, the coalition will commonly turn upon some interested equivalent. 'Give us the man we wish for this office, and you shall have the one you wish for that.'"

Those were the observations of Alexander Hamilton in stating why the ap-

pointive power should not be vested in an assembly of men.

I continue the quotation:

This will be the usual condition of the bargain, and it will rarely happen that the advancement of the public service will be the primary object either of party victories or of party negotiations.

It was contended by many, Hamilton says, that the President alone should have been authorized to make appointments under the Federal Government, to avoid the difficulties and the tendencies which would come with appointments by an assembly of men. Pointing out that several disadvantages might attend the absolute power of appointment in the hands of the Executive alone, he argued that in the act of nomination, the power conferred by the Constitution, the advantages of sole Executive authority would be retained in that the act of nominating would be the judgment of the Executive alone. It would be his sole duty to point out the man who, with the approbation of the Senate, should fill the office. His responsibility would be as complete as if he were to make the final appointment.

Thus, Hamilton contended, the best features of executive authority alone would be retained. Even though, he points out, the person nominated should be rejected by the Senate, the President would only be required to nominate another person. Eventually, the person ultimately appointed would be the choice of the President, perhaps not in the first degree, but, nevertheless, the preference of the Executive.

He continues with much interesting argument along the same line as that of the arguments which Justice Story and other writers and commentators on the Constitution noted, all of whom pointed out the fact that the power of nomination is in the President, vested in him by the Constitution, and that the power to confirm is in the Senate.

Mr. President, if that theory of the Constitution had been followed, if that theory existed today, I should be on the floor of the Senate supporting the amendment offered by the Senator from Tennessee. If the President were permitted to make the choices as the Constitution contemplated, and if the Senate confined itself to the real act of consenting and advising as to the merits and the fitness of the persons chosen by the Executive, I should not say a word.

However, Mr. President, I know something about the history of the matter and about how political appointments, which are required to be confirmed by the Senate, are made. I reveal no secret when I say that persons so nominated are not nominated by the President. When their appointments have to be confirmed by the Senate, the Senators from the States concerned actually nominate. If their choice is not accepted, what happens? The Senate does not confirm the appointment. That is the practical situation which exists today.

I am as particular about and as jealous of the prerogatives of the Senate as is any other Member of this body, but I should like to confine the Senate to its prerogatives. If the Senator from Tennessee will write into his amendment a provision that the nomination shall be made by the President, and by him alone, and that the Senate shall confine itself to the real act of confirmation, I shall not have a word to say. However, I know that cannot be done. I know that it will not be done. I know that if the proposed amendment is written into the bill the Senators will, in effect, nominate and will appoint every official who receives more than $4,500.

I do not know why the mystic number $4,500 is chosen. If the proposal is right as to one, it should be right as to all.

I return to my first statement: Mr. President, more than anything else I am concerned with upholding the prestige and the dignity of the Senate before the people of the United States. I am opposed to the amendment because I know that if it be agreed to, the people of the country will believe that we as Senators are more concerned with jobs we can get for our constituents, perhaps to help to perpetuate ourselves in office, than we are with the war effort. That would be a wrong conclusion, as I said before, and I repeat the statement; but, wrong though it may be, that is what the people of the country will believe if the amendment be agreed to.

Mr. CHAVEZ. Mr. President, I shall have very little to say with respect to the pending amendment. I dislike very much to disagree with my colleague regarding the reasons for the amendment and the results which will follow if the amendment is agreed to.

My colleague read some excerpts from articles written by Alexander Hamilton in the early days of the Republic. Any one who knows history understands that very few of the theories of Alexander Hamilton were followed or adopted as a matter of policy by the people of the country. I, for one, prefer to follow the political philosophy of Thomas Jefferson. Certainly his philosophy has been written into the history of our country.

Irrespective of political philosophy, I call attention to only one statement which was made by my colleague. Toward the conclusion of his remarks he said that if the amendment were agreed to the country would feel that the Senate was interested in politics. I, for one, disagree with my colleague.

It was only 2 or 3 days ago that the Senator from Kentucky, our beloved majority leader, arose in his place and defended the Senate from abuse and attack which had appeared in a national magazine. To my mind, more is involved in the amendment than the mere fact that the Senate would pass upon the qualifications of persons who might be appointed by some departmental head. I think that the dignity of the Senate is involved.

The reason why the Senate has lost face with the country is because it does not dare express its desires in matters as to which it knows it should express them, for just so soon as a newspaper or magazine makes some comment, we become scared and do not defend the dignity of the body. Why should the head of any department in Washington insist that he is more competent to pass judgment upon the capabilities of an individual who might be appointed to an office than is a Senator? Why is it that just so soon as the committee reports an amendment such as this, immediately the Senate is accused of being dishonest and of attempting to play politics? Why should the Senate be accused of playing politics when it does its duty, while when the head of a department, even though he might be running for the office of President of the United States, makes appointments he is honest and is not playing politics? What makes the head of a department different from Senators? At least, Senators have gone before the people of their States; they have faced the electorate and have been passed upon. The people of their States sent them here after passing judgment as to whether or not they were capable of discharging the responsibilities of the office to which they were elected.

What I complain of is that just so soon as the Senate undertakes to perform its constitutional duty immediately the cry of "patronage" is raised, but if the head of a department makes appointments he is not accused of using patronage in order to get votes, say, for 1944. The accusation could as well be made against him.

It is taken for granted that the head of a department, if the law says he shall do the appointing, will use his best judgment and will act honestly, but just so soon as a Senator is called upon to pass upon such a matter, he is playing politics and is dishonest and cannot tell an honest and capable man as well as can a two-by-four clerk in a particular department.

Mr. President, I shall vote for the amendment.

Mr. McKELLAR. Mr. President, I shall take but a few moments, because the pending question has been amply and ably discussed on both sides.

I wish again to call attention to the constitutional provision.

He—

Meaning the President—

shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law—

Then, there is a semicolon and the following language:

But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

That, however, is not all.

I have the greatest respect for the opinions on constitutional law of my good friend the Senator from Louisiana [Mr. OVERTON]. He said he thought that this was not a mandatory provision. I wish to call his attention to the next paragraph:

The President shall have power to fill up vacancies that may happen during the recess

of the Senate, by granting commissions which shall expire at the end of their next session.

So careful was the Constitutional Convention to hedge the appointment of officers of the Government by officials of other departments, except where Congress alone vested the power in the hands of the President, the courts of law and the heads of departments, so careful was it that appointments should be made by and with the advice of the Senate that it provided that an officer who is appointed by the President during a recess of the Senate should continue to hold office only until the expiration of its next session.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MAYBANK. Mr. President, I wish to state that as a member of the Appropriations Committee I voted for the amendment in committee and propose to vote for it in the Senate today. I desire, however, to call the attention of the distinguished Senator from Tennessee to a statement appearing on page 59 of the Senate hearings on Senate bill 2748. General Hershey was asked if there were not needless employees in Government offices which were not defense agencies and if he could not draw on that reservoir. His reply was:

> I am a very bold soul when I get into this. I think there are something like 5,500,000 in the United States, in the Federal, the State, county, city, and township that are employed by these different agencies, and I say that is a luxury that we cannot afford in the war. I am not an expert on government, I do not know just how you are going to squeeze them out, but I am afraid you are going to have to.

Mr. President, like the Senator from Tennessee, I am not interested in patronage and I hope that the Selective Service System will be called upon to do the necessary work as the Senator from Vermont [Mr. AUSTIN] stated this morning.

I am certain that if a survey is made it will be found that men now in the Government service can carry on the work and in this way not increase the number of Government employees, which General Hershey says is now far too great and not add to the Federal pay roll.

I am not interested in any political appointments for any war positions, and I am certain that if a survey is made it will not be necessary to send to the Senate any names for confirmation except those now in the employ of the Government.

Mr. McKELLAR. I thank the Senator.

This proviso applies only to officers whose compensation is more than $4,500 a year. I have taken the trouble to look up what members of the Cabinet received immediately after the provision of the Constitution was framed by the constitutional forefathers and the Government was established. I find that none of them received quite $4,500 a year. At that time the Secretary of State was paid $3,500; the Secretary of War $3,000, the Secretary of the Treasury $3,500. It was not until 1873 that the head of the Post Office Department received $3,500. The Department of Justice, presided over by the distinguished Edmund Randolph, received only $1,500. The Chief Justice of the United States got only $4,000, and the Associate Justices at first received $3,500 and later on their compensation was increased by $1,000.

So we can see what our forefathers determined.

I was rather struck by a statement made by my distinguished friend from Kentucky [Mr. BARKLEY], whom I admire very much, when he said the Senate ought to be allowed some voice in naming certain officers. Mr. President, the Senate is not only allowed to have a voice but is directed to do so. We get our authority as does every other person connected with the Government, from the Constitution, and we get it from nowhere else.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. The able Senator from Tennessee has referred to an observation I made in a colloquy with the Senator from Kentucky.

Mr. McKELLAR. Yes.

Mr. OVERTON. I do not think the Senator from Tennessee and I are apart on the interpretation of the Constitution.

Mr. McKELLAR. I am sure we are not.

Mr. OVERTON. And I do not think the Senator from Kentucky and I are apart on it. I think the constitutional provision is amply clear.

Mr. McKELLAR. It is not only clear but is mandatory.

Mr. OVERTON. I said the primary obligation devolves upon the Senate to give advice and consent. It can waive it, but it must do so by law.

Mr. McKELLAR. Yes, by law.

Mr. OVERTON. And vest the power in someone else, to wit, the President alone, or the heads of departments, or the courts.

Mr. McKELLAR. I was about to come to that.

Mr. OVERTON. Constitutionally, we can give the power of appointment.

Mr. McKELLAR. Oh, yes; as to inferior officers.

Mr. OVERTON. In that sense there is no constitutional question involved. We can exercise the power or we can surrender the power.

Mr. McKELLAR. The distinguished Senator From Kentucky I think cited 46 acts in which there was no provision requiring confirmation. That is true, but in none of those acts, I am informed—I cannot say with accuracy, because I have not examined them all—is there a vesting of power by act of Congress either in the President, or in the courts of law, or in the heads of departments. Without such provision the appointments would come within the provision requiring confirmation by the Senate. In my judgment, if the point were ever made, all those appointments would have to come before the Senate for confirmation.

Mr. President, let us look at the particular set-up about which we are debating, the War Manpower Commission. I happen to be looking at the junior Senator from Texas [Mr. O'DANIEL], away over on the other side of the Chamber. So far as the officials who are to serve in the State of Texas are concerned, the head of the War Manpower Commission might make the appointments from the State of Illinois, from the District of Columbia, from the State of Tennessee, or from any other State. I cannot say that it would be under the law, but under his interpretation, he appoints whom he pleases, from where he pleases, to what he pleases, paying such salary as he pleases, and asking no one.

I ask, is that good government? Would Senators like to have their private affairs conducted in that manner? Is it possible that the Senate of the United States at this time, particularly, in the condition in which our country finds itself, desires to turn over to one man, without let or hindrance, without opportunity for anyone to review his judgment, such power of appointment? Of course, we all know that our good President does not have the time to look into such matters. I doubt if he knows who will be Mr. McNutt's appointees. He may make the appointments from anywhere in the world, and send the appointees to any State whatever. There is no let or hindrance about it. Is that good government?

Is that going to lead us to disregard what I believe to be our duty under the Constitution? The Constitution is specific and perfectly clear. There cannot be any doubt about what it means. It means that we have a duty. Otherwise, we will have to give the President, or the courts of law, or the heads of departments, the power.

Let us take the instant case. Mr. McNutt is not the head of a department. The term "head of a department" has a distinct meaning. Heads of departments are members of the Cabinet. We all know that to be so. However, Mr. McNutt, head of the Manpower Commission, was appointed during the war under a peculiar set-up. He is not the head of a department, he is not a member of a court, and he is not the President of the United States. Under those circumstances how could any one merely turn the authority over to him?

I am not reflecting on Mr. McNutt. So far as I know he is a very fine gentleman. I have no criticism to make of him. I imagine he wants to do his duty just as we want to do ours. But under the Constitution we have no power to give him authority even if we provided for it in the pending measure. We could not give him the authority because the law limits it to the President of the United States, the courts of law, and the heads of departments. Mr. McNutt is not any one of them.

Mr. President, under those circumstances it seems to me that there can be but one answer to the question. The Committee has gone over this matter very carefully. It has studied it time and again. We are responsible if we do not do our duty under the law, as I look at the matter, and I hope the proposed amendment will be agreed to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barbour	Hatch	Russell
Barkley	Hayden	Schwartz
Bilbo	Hill	Shipstead
Bone	Johnson, Calif.	Smathers
Brewster	Kilgore	Spencer
Bulow	La Follette	Thomas, Idaho
Bunker	Langer	Thomas, Okla.
Burton	Lee	Thomas, Utah
Butler	McFarland	Tobey
Capper	McKellar	Tunnell
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	Wiley
Ellender	O'Mahoney	Willis
George	Overton	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the committee amendment on page 17, line 20.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Independent Executive Agencies—Federal Security Agency," on page 19, after line 1, to insert:

COLUMBIA INSTITUTION FOR THE DEAF

For an additional amount for the Columbia Institution for the Deaf, fiscal year 1943, including the objects specified under this head in the Labor-Federal Security Appropriation Act, 1943, $4,500.

The amendment was agreed to.

The next amendment was, under the subhead "Interstate Commerce Commission", on page 22, after line 17, to insert:

The limitation of $5,000 on the amount which may be expended from appropriations made to the Interstate Commerce Commission for transfer of household goods and effects appearing under this head in the Independent Offices Appropriation Act, 1943, is hereby increased to $20,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Housing Agency," on page 23, line 3, after "(54 Stat. 1115)", to strike out "$500,000,000" and insert "$600,000,000."

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to insert:

THOMAS JEFFERSON BICENTENNIAL COMMISSION

For carrying out the provisions of the act entitled "An act to enable the United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson to carry out and give effect to certain approved plans," approved July 30, 1942, $50,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture", on page 25, after line 12, to insert:

FOREST SERVICE

SALARIES AND EXPENSES

Forest products: Not to exceed $30,000 of the appropriation for experiments, investigations, and tests of forest products at the Forest Products Laboratory, or elsewhere, contained in the Department of Agriculture Appropriation Act, 1943, shall be available for the acquisition of additional land adjacent to the present site of said laboratory at Madison, Wis.

Mr. LA FOLLETTE. Mr. President, my only reason for detaining the Senate a moment before the amendment is disposed of is to place in the RECORD a statement indicating the urgent necessity for its adoption. It was included by the Senate in the first supplemental appropriation bill on a Budget estimate, but it was disagreed to in conference.

The amendment proposes only to permit the Forest Products Laboratory at Madison, Wisconsin, to utilize $30,000 of its existing appropriation for the purpose of acquiring certain land which is absolutely essential in carrying forward the programs which have been assigned to the laboratory by the War and Navy Departments, as well as various defense agencies. The situation is such at the present time that they cannot accommodate the persons who are being sent there by the Army and the Navy for training.

Mr. President, I wish to make perfectly clear that the pending amendment does not involve any increased appropriation for the Laboratory, but simply the right to use $30,000 of the money already appropriated to purchase this land. If permission is granted in the statute, then they will be able to move some of the Civilian Conservation Corps buildings which are now vacant to land adjacent to the laboratory, and there house the persons who have been sent by the Army and Navy to be trained by the laboratory for this type of training, which it is particularly qualified to give.

Mr. President, I hope that the conferees will be successful in holding this amendment in the bill.

As a part of my remarks, I ask unanimous consent to have the communication from the President of the United States in connection with this amendment incorporated in the RECORD at this point.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 10, 1942.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress a draft of a proposed provision affecting an appropriation for the fiscal year 1943.

The details of the proposed provision, the necessity therefor, and the reason for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., October 10, 1942.

The PRESIDENT,
The White House.

SIR: I have the honor to transmit herewith for your consideration a draft of a proposed provision to authorize the acquisition, by the Forest Service of the Department of Agriculture, of additional land for the forest-products laboratory at Madison, Wis. The item is as follows:

"FOREST SERVICE

"SALARIES AND EXPENSES

"Forest products: Not to exceed $30,000 of the appropriation for experiments, investigations, and tests of forest products at the forest-products laboratory, or elsewhere, contained in the Department of Agriculture Appropriation Act, 1943, shall be available for the acquisition of additional land adjacent to the present site of said laboratory at Madison, Wis."

This provision was included among several supplemental estimates of appropriations transmitted to you under date of June 2, 1942, and by you to Congress on June 3, 1942 (H. Doc. No. 764). Although considered in connection with the first supplemental national defense appropriation bill, 1943, it was not included therein when the bill was enacted.

The requested authorization is again submitted because of the more critical situation which has developed at the Madison laboratory during the past few months. The facts upon which the first submission was based still exist, and in addition thereto, the laboratory has been called upon to provide space for 150 to 160 inspectors detailed from various branches of the Army and Navy for training at the laboratory. Under plans proposed by the Army and Navy this number will reach 200 to 300 in the near future. Classroom space for these trainees is available neither at the laboratory nor at the University of Wisconsin. Nor is there hotel space in Madison to accommodate the additional numbers who will come to the laboratory for these courses. Provision will be made to have abandoned Civilian Conservation Corps buildings moved to the land to be acquired to serve for quarters and classrooms and to provide for needed additional storage facilities.

Acquisition of the property proposed for purchase is urgently necessary to meet the present critical situation caused by the expanded war program and, I am informed, is strongly recommended by the War Department. It will provide, also, for the future land requirements of the research program at this laboratory.

The foregoing proposed provision is made necessary by reason of contingencies which have arisen since the transmission of the Budget for the fiscal year 1943. I recommend that it be transmitted to Congress.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 25, after line 12.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce", on page 27, after line 1, to insert:

The appropriations of the Civil Aeronautics Administration and the Weather Bureau contained in the Department of Commerce Appropriation Act, 1943, available for travel, shall be available for the travel expenses of appointees of said agencies from the point of engagement in the United States to their posts of duty at any point outside the continental limits of the United States or in Alaska.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior", at the top of page 28, to insert:

GOVERNMENT OF THE TERRITORIES

TERRITORY OF ALASKA

Care and custody of insane, Alaska: For an additional amount for care and custody of

persons legally adjudged insane in Alaska, fiscal year 1942, including the objects specified under this head in the Interior Department Appropriation Act, 1942, $1,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Construction of Palmer-Richardson Road, Alaska (national defense): For an additional amount to complete construction of the Palmer-Richardson Road, Alaska, $500,000, to remain available until expended, and the limitation of $1,800,000 upon the total cost of such work contained in the Third Supplemental National Defense Appropriation Act, 1942, is hereby increased to $2,300,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice," on page 28, after line 15, to insert:

OFFICE OF THE ATTORNEY GENERAL

Printing and binding: For an additional amount for printing and binding for the Department of Justice, $225,000.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department—Office of the Secretary," on page 29, after line 11, to insert:

Expenses of absentee voting by members of the land and naval forces: To enable the Secretary of the Treasury to make payments to States as provided by Public Law 712, approved September 16, 1942, entitled "An act to provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence," the checks in payment thereof to be drawn in such form as may be requested by the Secretary of State or other duly authorized official of each State, $1,200,000, of which not to exceed $5,820 may be expended for all salaries and expenses of the Treasury Department in the District of Columbia necessary therefor.

The amendment was agreed to.

The next amendment was, under the heading "War Department," on page 32, after line 18, to insert:

MILITARY ACTIVITIES

OFFICE OF THE SECRETARY OF WAR

Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as fully set forth in Senate Document No. 252, Seventy-seventh Congress, $1,567.

The amendment was agreed to.

The next amendment was, under the subhead "Civil Functions—Corps of Engineers," on page 33, line 14, after the word "the" where it occurs the first time, to strike out "work of enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Tex., in accordance with the provisions of" and insert "navigation projects authorized by."

Mr. OVERTON. Mr. President, I regret that yesterday, when this particular amendment came up for some discussion on the floor of the Senate, I was not present. I was here during most of the afternoon, but I happened not to be here when the Senator from Michigan [Mr. VANDENBERG] asked for some information with respect to the amendment, and I was not here just before the close of the session when the Senator from Florida [Mr. PEPPER] discussed it.

I wish to say as a Senator from Louisiana that I have no particular interest in this amendment, except to see that the existing Intracoastal Coastal Canal between Corpus Christi and Apalachee Bay is developed by increasing its depth and increasing its width.

Mr. President, I had occasion not long ago to traverse a portion of this intracoastal canal from New Orleans to the Vermillion River, and I was agreeably surprised to see the vast amount of traffic upon the canal. I think I can say without exaggeration that not 15 minutes elapsed, on an average, between the passage of tows carrying freight. Most of the freight was oil from the oil fields of Texas, winding its way along the intracoastal canal to the Mississippi River, and then on up the Mississippi River to the Baton Rouge refinery, and from there going on up to the Ohio River, where the oil is transported to relieve the situation in the East. So what I am interested in is seeing that this intracoastal canal is properly developed to take care of this increasingly tremendous traffic.

Mr. President, there are abrupt bends in the intracoastal canal, as it now exists, which should be to some extent eliminated. The canal itself is somewhat too narrow to take care of the present traffic, so there is a slowing up of traffic because of its increased volume, and because of the bends and the narrowness of the waterway.

I make these observations because I want to say that no one could be more zealous in his efforts to further the development of the intracoastal canal between Corpus Christi and Apalachee Bay than is the senior Senator from Louisiana. But when the question came up as to how the appropriation should be worded, I took the position, which I think is correct, that the appropriation should be made toward the project. The project is one unit. It was recently approved by the Congress of the United States in an act passed in July of this year. The project consists of the development of this intracoastal canal from the Rio Grande on the border of Texas eastward to St. Johns River in Florida, so that it may be connected with the intracoastal canal along the Atlantic seaboard, and thus afford a continuous navigation channel extending from Mexico to Trenton, N. J. So I thought the proper thing to do was to follow the act of Congress authorizing this project. That is what we are making the appropriation for, and that is the customary method of making appropriations for rivers and harbors and for flood control. When we make appropriations for rivers and harbors we do not break down the appropriation project by project. We appropriate a lump sum for rivers and harbors.

The Army engineers in support of the appropriation appear before the committees of Congress and submit a break-down as to how the money is to be expended, and as closely as possible the break-down is followed. In fact, it is followed whenever and wherever it is practical to do so. The Army engineers consider themselves bound to adhere to the program of distribution of the fund which is appropriated by the Congress as they submit it to the Congress.

The same thing is true with reference to appropriations for flood control. There are only two appropriations made in flood-control appropriation bills. One item is for the lower Mississippi Valley, for which a lump sum is appropriated; and again the Chief of Engineers, or some representative of the Chief of Engineers, submits a break-down of the appropriation. The other item is an appropriation for all other projects carried in what is known as the omnibus flood control bill, and again that appropriation is made in a lump sum. So I think that legislatively what ought to be done with this project recently authorized by the Congress is to make the appropriation for the project as authorized.

The Chief of Engineers, or a representative of his, has appeared before the House Appropriations Committee and before the Senate Appropriations Committee and has advised us what the Corps of Engineers expects to do with this appropriation. They intend to utilize it for the development of the intracoastal canal between Corpus Christi and Apalachee Bay.

That is the break-down they give us. There will be expended, according to the testimony in the record, between six and seven million dollars. It is to be used for the purpose of widening and deepening the existing channel.

Mr. President, it has been suggested by the Senator from Michigan that this appropriation would include the barge canal or ship canal, as he called it, across Florida. The language of the appropriation does include the project, just as the language of all appropriations in flood control and rivers and harbors bills includes the projects in lump sum; the break-down is adhered to. I think it is essential to do so in these appropriation measures. I do not think we ought to undertake legislatively to divide up any particular project and say that so much money should go to this phase of it and so much should go to that phase of it. We make the appropriation for the entire project, and we rely upon the statements made by the engineers as to how the money will be allocated.

Mr. President, out of an abundance of precaution the Committee on Appropriations, in suggesting the amendment, made the following recommendation, which I myself drafted, so as to assure beyond peradventure of doubt that the funds will be used as I have indicated:

The committee recommends this amendment with the understanding that priority will be given to the project named in the House bill, namely, the enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Tex.

That report of the committee will be binding upon the Army engineers, and the money will be so expended. The Army engineers so testified.

Mr. President, my only interest in the language submitted with the Senate amendment is that we may adhere to the customary method of making appropriations for projects. We appropriate for the whole project, and then rely upon the break-down given to us by the Corps of Engineers. I have no other interest in it.

I wanted to make this statement and explanation. I think the Senator from Michigan can rely on it that this money will be utilized for widening and deepening the existing channel, and will not be used either to extend the canal from Corpus Christi down to Brownsville, or to build the barge canal. There is not nearly enough money for that purpose. The barge canal would cost between $44,000,000 and $55,000,000, according to the various estimates which have been made of its cost. At any rate, it would cost in excess of $44,000,000. According to the testimony in the record the unobligated balances proposed to be appropriated for this project are between $6,000,000 and $7,000,000. Consequently, there would not be any money to be used on the $44,000,000 barge canal project.

The cost of enlarging the Intracoastal Waterway from Corpus Christi to Apalachee Bay would be $15,000,000. Therefore the amount of unobligated balances proposed to be appropriated would not be nearly enough fully to develop the existing inland waterway.

Mr. President, that is all I have to say. It is a matter of indifference to me which way the Senate votes on the amendment. I merely wished to make this explanation. I think it is a proper way to make the appropriation.

Mr. VANDENBERG. Mr. President, I have great respect for the able Senator from Louisiana. Of course, I accept his statement at its face value. However, in spite of his persuasive, mollifying, and anesthetizing observations, I wish to observe that the pending amendment is the first appropriation to start the Florida barge canal, so far as the language upon which we are to vote is concerned. One would never guess it from the language of the bill. One would never guess it from a single line in the committee report. That is what I was complaining about yesterday when I suggested that this is a rather curious way to approach a controversial subject of this nature. There is not a hint in the language itself that this is the issue. There is not a suggestion in the committee report; but the fact remains that this is the first act of appropriation to start the Florida barge canal.

Mr. President, the issue becomes very simple. Maj. Gen. T. M. Robins, Assistant Chief of Engineers, testified on September 29, 1942, before the House Appropriations Committee. This is what was said upon that subject:

General ROBINS. The canal it is not intended to start at this time on account of the critical materials situation and the equipment and the manpower that would be required.

The CHAIRMAN. It is not likely to be started during the war, then?

General ROBINS. I would not think so; not unless the materials and equipment situation greatly improve.

The CHAIRMAN. And you do not anticipate that they will?

General ROBINS. There is nothing like that in sight now, sir.

In other words, Mr. President, the testimony of the Board of Rivers and Harbors Engineers is that there is no intention, and can be no intention, to start the Florida barge canal during the war. We have the previous testimony of the Board of Engineers that 3½ years would be required to complete the project after beginning it. We confront the simple proposition that we are asked, in terms, to make an appropriation for a project which cannot start until the war is ended—and we are told upon all sides that it is to be a long war. We are asked, in terms, to make an appropriation to start a project which cannot be undertaken until the war is ended, and which cannot be finished until 3½ years after the war is ended.

Mr. President, I submit that on the day when we have voted a $8,000,000,000 tax burden upon the people of the United States, which will drive many of them to the very subsistence level of existence, at a time when we already confront a deficit of $50,000,000,000 in this year's governmental operations and a $70,000,000,000 deficit in the year immediately to follow, at such a time as this, if there is anything save sheer lip loyalty in the Senate to the cause of economy in nondefense activities, there can be no justification on earth for appropriating textually a single penny for any project, no matter how meritorious, which cannot be undertaken until the war is finished, and cannot be completed for 3½ years after the war is ended.

Mr. President, that is the very simple issue. I must turn aside to correct the RECORD of yesterday. Yesterday I made some observations in the Senate on this matter. The able Senator from Florida [Mr. PEPPER] subsequently challenged my statements. He said they were grossly in error at one point and grievously untrue at another point.

Mr. President, I do not think they were either. I said that this amendment involves just one new project, namely, the Florida barge canal. The difference between the able Senator from Florida and myself in these constructions is that he now insists upon considering the intracoastal canal as a unit project. He then divides it into its sectors; and because the pending amendment would permit the use of unexpended balances on another final sector of the intracoastal canal, he takes the position—which I can quite understand from his point of view—that there is involved in this amendment not only the Florida Canal, but also an extension of the intracoastal canal. I take the position that the intracoastal stands by itself as a unit.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. VANDENBERG. I shall yield in a moment.

On that basis I submit that I was totally justified when I said that the only new project in this amendment is the appropriation of unexpended balances to start the Florida barge canal.

I now yield to my able friend from Florida.

Mr. PEPPER. Mr. President, the language of the committee amendment is an amendment to Public Law 675, approved July 23, 1942.

Mr. VANDENBERG. That is correct.

Mr. PEPPER. It merely appropriates the unobligated balances to the navigation projects in that law.

Mr. VANDENBERG. That is correct.

Mr. PEPPER. I have before me a copy of Public Law 675.

Mr. VANDENBERG. So have I.

Mr. PEPPER. As the Senator will recall, Public Law 675 provides for three items. The first enumerated is:

a high-level lock barge canal from the St. Johns River across Florida to the Gulf of Mexico in accordance with the plans set forth in the letter of the Chief of Engineers, dated June 15, 1942; and that there is also authorized the enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Tex., and its extension to the vicinity of the Mexican border, so as to provide throughout the entire length of the canal a channel 12 feet deep and 125 feet wide.

Public Law 675 describes a completed project running from the Mexican border to the St. Johns River in Florida. Between the two ends there is an existing intracoastal waterway, 9 feet deep, which is the middle part of the project described in Public Law 675.

My able friend from Michigan committed an error yesterday in saying that the only part of this whole channel which could benefit from the proposed appropriation is the eastern end of the project. By reference to the law I have pointed out that he was in error, because the western end of the project, which is greater in distance than the Florida end, is also eligible for this appropriation. That is the reason I stated that the able Senator was in error in emphasizing only the eligibility of the eastern end of the project.

Mr. VANDENBERG. Mr. President, I have no objection to the Senator's construction of the law. Neither have I any objection to his observations of yesterday. So far as I am concerned, if he thought that I was impugning any motives or attributing any sinister purposes to anybody, he was certainly quite mistaken. I insist that so far as the facts are concerned, only two projects are covered by the pending language. One is the intracoastal canal, as we have always understood it, by itself. The other is the Florida barge canal. So I submit that when I said that the only new project for which appropriations were being started by the pending amendment was the Florida barge canal. I was wholly within the facts, the truth, and my rights.

Mr. President, I wish to say again, as I have said annually, I believe, during the past 7 years, that I have great respect for the incorrigible tenacity of both Senators from Florida. Seven years ago they decided to build this canal, and they have never deviated from that line, regardless of setbacks and obstacles, and, if I may say so, regardless of the Treasury's anemia or the counsels of ordinary prudence and common sense. Here they are again today. They have found a new

way to approach the subject. It is a most delightfully insidious approach.

Again I submit that it is not fair to the Senate to have brought up in this fashion a subject of such fundamental nature, and one which has been a matter of such controversial division. Indeed, I remind the Senate that it voted 30 to 30, and a Vice Presidential vote was required to break the tie, on the question even of authorizing the expenditure in the first instance. I submit to the Senate that it is not fair to bring the matter to the floor, as it was brought yesterday, in an appropriation bill amendment which no one would have dreamed involved that issue, and with a report which very carefully declined to point it out. If there were any doubt about the fact that the subject was at least somewhat in a predetermined fog, I suggest that the doubt is dissipated by the fact that the distinguished chairman of the subcommittee of the Appropriations Committee, who has had long experience in these matters, and is more than ordinarily acute in his perceptions, conceded on the floor that although he had heard the presentation of the matter before the Appropriations Committee he did not know that he had voted to appropriate the unexpended balances to start the Florida barge canal.

I submit that is not the way to deal with the Senate of the United States in respect to matters of this nature. That is the chief thing against which I was complaining yesterday. However, that is neither here nor there. Now we are concerned with the naked issue itself.

The issue is whether we shall here and now make the first little, dribbling appropriation which can be used under the language of the pending amendment to start the Florida barge canal, in spite of the fact that the testimony of the Army engineers is that the work itself probably could not be commenced until the end of the war, and could not be completed until 3½ years thereafter. Obviously, it cannot have anything to do with alleviating the eastern oil shortage which has been used as the chief excuse for the project at the moment. So far as the oil shortage is concerned, the connecting link across Florida is a pipe line which I cordially supported, a pipe line which is being constructed, and through which oil will start to flow in December 1942. That is the connecting link so far as the present national defense necessities are concerned. That is the connecting link so far as any contemporary justification is concerned.

So, Mr. President, we confront this issue: How are we going to pretend any longer that we have any fidelity whatsoever to the cause of economy in nondefense expenditures if here and now we authorize the first expenditure on a controversial project which cannot be undertaken until the war is over, and which cannot be finished until 3½ years thereafter? Have we money enough to allow ourselves the prodigal privilege of involving ourselves in prospective expenditures of such a nature? Mr. President, we have not, in the face of the tax bill passed today which puts $8,000,000,000 on the backs of the American people, and still leaves $50,000,000,000 waiting to be financed somehow in the course of the remaining 9 months of the present fiscal year.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. AIKEN. I simply arise to remind the Senator from Michigan that the people of the country are paying approximately $500,000,000 a year in order to get to the northeastern section of the United States two-thirds of the amount of petroleum products needed there in order to keep the industries going, to keep the people in that section operating their factories, and to enable them to heat their homes. I do not know whether the Florida Canal is more feasible than the pipe line. I do not know what will be the capacity of the pipe line which the Senator says will bring us the oil across Florida by the end of next year.

Mr. VANDENBERG. I said by the end of the present year—that is, by December 1942.

Mr. AIKEN. It seems to me that if we can get the oil across Florida by pipe line better and quicker than we can by barge canal, I should be for the pipe line; but I want to remind the Senator that we want the oil. We observed in yesterday's newspapers a statement that the flow of oil from the petroleum fields to New England is diminishing. At the present time we are receiving only about two-thirds of the amount of petroleum products we need. If it is a matter of expense we should take into consideration the fact that we are spending almost $500,000,000 a year in order to get two-thirds of the amount of petroleum we need by means of the railroads which show every indication of being heavily overburdened at the present time.

Mr. VANDENBERG. Mr. President, apparently I have utterly failed to penetrate the understanding of the able junior Senator from Vermont by what I have said. I completely sympathize with him as to the oil shortage in his section of the country and in the eastern sector of the United States; but I hope and pray that he will not have to wait until 3½ years after the end of the war to get the first oil. The facility on which he is about to vote theoretically will deliver oil to him 3½ years after the termination of the war. If that is of any consolation to the Senator from Vermont, I am afraid that it is a cold consolation—and that is not a pun.

Mr. AIKEN. The opinion stated by the Senator from Michigan as to the length of time required does not seem to agree with other opinions which I have heard expressed.

Mr. VANDENBERG. Mr. President, whose opinion are we to take? The Chief of Army engineers is the officer of the Government upon whom we have to rely for information of this kind. We cannot rely upon the self-serving claims and expectations of lobbyists or of the promoters of special legislation.

The Chief of Engineers repeatedly has stated before the Commerce Committee—and he has refused to be driven from his position—that it would take a minimum of 3 years to build the canal. At the hearings within the last 30 days the representatives of the Board of Engineers for Rivers and Harbors stated that, because of the lack of strategic materials, undoubtedly the construction could not even be started before the end of the war. So we can add 3½ years to the year when the war ends; and if the Senator from Vermont has to wait that long before he can get oil brought to the northeastern section of the country, he certainly will have to go through a snowstorm.

Mr. President, the Senator from Louisiana said that this was a perfectly normal way to approach the subject. I repeat that he was exceedingly persuasive about the matter.

Let us see what the normal way is. In August I wrote to the Board of Engineers and asked them what they intended to do about the canal authorization. Major General Reybold wrote to me under date of August 17. I read what he said:

> The funds appropriated and presently available to the Department for the prosecution of river and harbor works may be allotted only to projects authorized by Congress prior to the appropriation of such funds. Accordingly, the Department has at the present time no funds which could be used for initiation of the construction of the Florida barge canal authorized by act of Congress approved June 23, 1942.

Listen; this is General Reybold speaking:

> As you know, the normal method—

That is what the able senior Senator from Louisiana was talking about—

> of financing authorized Federal river and harbor improvements is by the appropriation of funds in War Department civil appropriation acts. It would appear, therefore, that initiation of work upon the canal is dependent upon future appropriations of funds by Congress.

Appropriations of funds by Congress in the normal way, which is in the regular appropriation bills for that purpose—not hidden at the tail end of a $6,000,000,000 national defense measure which carries the flag at the front of its parade.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. OVERTON. Certainly that is the normal way. The normal way to make an appropriation for river and harbor projects and flood-control projects is to make it in an appropriation which usually comes up in a War Department civil functions appropriation bill. I said that the normal way to proceed is to make an appropriation for the project, and then the engineers make statements before the committees of Congress as to how the money would be expended—to which proposal they adhere. They do not break the project into a number of smaller projects, and say "I will ask for an appropriation for this small part, and another appropriation for that small part, and another appropriation for the project itself, and that is the normal, usual, and customary way."

One other word: Nothing at all is hidden at the tail end of the bill.

Mr. VANDENBERG. Mr. President, I want to comment on what the Senator

has just said, and then I shall yield to him again. I do not want to get too many large guns pointed at me all at once.

As to what the Senator has just said, I assert that the Florida Barge Canal and the Intracoastal Waterway System have never heretofore been considered by Congress as one unified undertaking.

On the contrary, the canal has always stood upon its own feet, it has always been the subject of independent controversy, and while in ultimate operation the Senator is quite correct that the whole thing is painted as an integrated whole by its promoters, and perhaps that is what it will utimately prove to be, yet at the moment, and on the record, there has never been a minute when the Florida Canal and the intracoastal canal have either been considered or voted upon by the Senate as anything except separate undertakings.

Now, what is the next question the Senator wishes to submit?

Mr. OVERTON. Let me answer the Senator's statement, and I will then submit the next question.

The answer to what the Senator has said is found in the act of Congress of July 23, 1942, Public Law 675, when the Congress of the United States took the intracoastal canal from the Rio Grande to St. Johns River, Florida, and made it one project, and I think that hereafter, whenever an appropriation is made for that project, it should be made for the project in its entirety, with a breakdown as to how the money will be allocated in the construction of any work that is to be done, and reported by the Army engineers to the Congress. I think we can rely on the report of the engineers, and that they will adhere to it. They have reported in respect to this particular appropriation that they expect to use the money in broadening and deepening the existing channel.

There was nothing hidden about the amendment in the Senate Committee on Appropriations, just as there is nothing hidden about it here before the Senate as a whole.

Mr. VANDENBERG. Mr. President——

Mr. OVERTON. Pardon me, but let me say something about that, since the Senator charges the Committee on Appropriations with undertaking to hide something.

Mr. VANDENBERG. I did not charge them with hiding anything. If "hidden" is the wrong word, very well, let us change it. Let me give the Senator something else to talk about which will be more accurate. When this subject was presented to the Committee on Appropriations in such a manner that the distinguished chairman of the subcommittee did not know what the committee was voting on, I suggest that it was at least befuddled.

Mr. OVERTON. I regret that the chairman of the subcommittee made the statement he did make. I think he made it inadvertently.

Mr. VANDENBERG. The Senator will have to quarrel with him about it.

Mr. OVERTON. I shall not quarrel with anyone about it. I simply wish to state, because I think it is rather a serious charge the Senator from Michigan is making against the members of the Senate Committee on Appropriations, that the matter was thoroughly discussed. I know the Senator from Michigan has read the report of the hearing.

Mr. VANDENBERG. Yes; I read it last night. I did not know a thing about it, however, until I stumbled on it by accident yesterday afternoon.

Mr. OVERTON. The Chief of Engineers could not appear, and he sent as his representative, Colonel Reber, who appeared before the committee and made a statement and subjected himself to examination. In addition to that, the Senator from Florida made a statement, and in addition to that, the whole matter was thoroughly discussed, not only before the subcommittee, but before the full committee, and it was when the full committee was acting on it that I made the suggestion that there should be included, so that there would be no doubt whatsoever as to where the money would be expended, the express recommendation of the committee that the amendment be adopted with the understanding that priority would be given to the project provided for in the House bill, namely, enlargement of the present Intracoastal Waterway from Apalachee Bay to Corpus Christi, Tex. There was no subterfuge about it, and there never has been. It was open and aboveboard, and it is open and aboveboard in the bill, and anyone who runs may read.

Mr. McKELLAR. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. I yield, if the Senator wants to read while he runs.

Mr. McKELLAR. Since I have been referred to, I wish to make a statement. As I stated yesterday, I thought the appropriation for this canal covered the distance from Corpus Christi to Apalachee Bay on the west coast of Florida, but I was not sure at the time what it included. It was my understanding that it connected with the pipe line on the west coast of Florida. Evidently I was mistaken about it.

I wish to acquit the two Senators from Florida and members of the committee of anything improper. The Senator from Florida appeared before the committee, and Colonel Reber, one of the finest men I ever knew, appeared and testified about it. But I am frank to say, as I stated yesterday, I did not understand the full scope of the proposal. I was honest about the statement, as I try to be honest about everything that comes before me at any time. I made a statement yesterday about the matter, and I repeat it now. But my statement does not reflect on the openness and the fairness and the justice of the committee, because the Senator from Louisiana [Mr. OVERTON] and various other Senators took a very active part in the matter, and there was evidently a misunderstanding on my part. I looked at the record very carefully to see how I could have been misled.

Mr. OVERTON. Not only did the subcommittee act on it, but when it came to the full committee, did I not make an explanation of the matter?

Mr. McKELLAR. I presume that is true.

Mr. OVERTON. And did I not make the suggestion that the amendment be adopted and recommended to the Senate?

Mr. McKELLAR. Yes. It was no doubt my dullness of wit that prevented my understanding the situation.

Mr. VANDENBERG. I thank the able Senator from Tennessee for his candor. It is quite characteristic of him.

Let us eliminate all discussion about what happened in the committee, let us take out of the record everything about it.

Mr. McKELLAR. Everything was perfectly fair and aboveboard.

Mr. VANDENBERG. Let us take out of the record any imputation which might have been read into my observations, that I was criticizing anyone's motives. I am doing nothing of the kind. I have the greatest respect in the world for the Senator from Louisiana. Of course, he would not be a party to any such undertaking. I also have the greatest respect for the senior and junior Senators from Florida. We have been the friendliest kind of enemies on this subject, ever since it first arose back in the days of Adam and Eve.

Let us eliminate all that. Let us face the naked issue upon which we are about to vote and let us confine the challenge to the issue, which is simply this: The requested appropriation is the first appropriation to start construction of the Florida barge canal, so far as the textual authority is concerned. Construction probably cannot be even undertaken, according to the testimony of the river and harbor engineers, until the end of this war. It then cannot be concluded within 3½ years.

All I ask is a roll call, to determine whether or not Senators feel that, on the same day when they have voted $8,000,000,000 of back-breaking taxes upon the American people, they are willing to make an appropriation of this nature for this far-distant Florida barge canal.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 33, line 14.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ANDREWS. Mr. President, I had not intended speaking on the subject, but there is a moral obligation back of the proposition which I feel should be explained again. A part of it has not been explained.

We know that the Intracoastal Waterway of the Gulf, 1,200 miles or more in length, and the inland waterway of the Atlantic coast, cannot function properly with a dead end in the middle. Construction of the barge canal would remove that dead end. If the canal had been started 3 or 4 years ago, as provided for in a bill before this body, which was lost by about five votes, the construction of it could have already been completed before Pearl Harbor. If the canal had been built we would today have several tankers for use which have been sunk while trying to make the perilous trip along the Gulf coast, around Florida and along the east coast. More than a thousand of the bravest of men have lost their lives in

that undertaking, sailing ships and tankers which were sunk by German submarines on our coasts.

Three and a half years ago some Members of the Senate considered it foolish to build a canal across the State of Florida. It is still so considered in some quarters.

But as a Senator from Florida and a member of the Committee on Naval Affairs I have been through some trying experiences when scores of our tankers and ships were torpedoed before our very eyes. I have stacks of letters on my desk from mothers and fathers whose boys and whose husbands went down with those tankers off the coast of Florida. I was down there when three of those ships were sunk in sight of land. We saw them. I saw nine men, fine men, who had been boiled in oil, brought out of that mess on to the shore dead. They undertook to identify them and send their bodies home. It cannot be denied that men who refused to vote for this project 4 years ago are partly responsible for that situation.

Mr. President, it is not merely a Florida canal. It is called that because it is designed to pass across Florida. It is an interstate canal or interstate waterway. Florida perhaps does not need it half so much as those who live in other States. The Mississippi Valley Waterways Improvement Association has voted year by year for the past 10 years at all its conventions for the construction of this canal. The Gulf Coast Waterways Associations have likewise voted for the construction of this canal. They knew what might happen if it were not constructed and we should face an all-out war—now upon us.

Mr. President, I could go back in the Senate records and show a speech I made on this floor 4 years ago in which I said that we might expect the very situation which we are now facing. Scores of great tankers have been sunk. There was valuable critical material on them which went down, and brave men died when those tankers went down. If the construction had been started at that time we would not now be obliged to ration gasoline and oil in all the eastern seaboard States, because there would have been a string of barges, one behind the other, going through the intracoastal and barge canal, and on to the eastern coast of the United States, to connect up with inland waterways on north to Trenton, N. J.

Mr. President, this is not just a Florida canal. I wish to go back a little, and I should like to have Senators who have been criticizing the efforts of Army engineers, listen to me for some few minutes. I hardly ever speak on the Senate floor, but when I feel an injustice about to be done I shall not hesitate to rise and tell the Senate about it. Back in President Hoover's administration—a Republican administration, if you please—the Congress asked that an investigation be made looking to the construction of a navigable waterway from the Atlantic across the northern part of the Florida Peninsula. President Hoover was supposed to have been the greatest engineer ever to have been President of the United States, perhaps, with the lone exception of George Washington.

The results were followed by the recommendation of an appropriation of $500,000 for the purpose of making a complete survey. Fifteen different surveys were made, and every single aspect of the proposition was looked into, even the effects upon underground water supply of the peninsula. The question with respect to the water supply was settled. Even if the question was respect to possible injury to the underground water supply had not been settled as to a sea-level ship canal, certainly construction of the lock barge canal we are now advocating necessarily could not injure the water supply within 100 yards of the canal, because part of the canal would be above the ground water level. The $500,000 appropriated for the purpose of making surveys was cautiously spent in a complete survey.

When Franklin D. Roosevelt soon thereafter became President of the United States he asked the State of Florida to pass an act authorizing the canal to go through the State of Florida. The legislature of the State passed such an act in compliance with that request. Route 13-B was recommended and the same route involved in the pending bill was chosen. That is the route along which the cross-State canal is going, according to the Army engineers, and under the terms of the authorization act already passed. After the passage of the act by the Florida Legislature authorizing the construction of this canal, the Government called for a mile-wide strip of land 80 miles long from the mouth of the Withlacoochee River to Palatka on the St. Johns River. That land has been or is being purchased and furnished free to the Government.

The seven Florida counties through which the route 13-B passes bonded themselves for $2,500,000. The bond issue is in effect today with principal and interest on it being paid by Florida realty holders. The mile-wide strip of land passes through some of the choice land we have in the State of Florida most of which has been turned over to the Federal Government for the purpose of this canal.

What happened? The President of the United States, who had asked that that be done immediately as a work relief proposition, authorized the beginning of the canal across the State. It is only 38 miles across low country from the river bed of the Oklawaha River, which joins the St. Johns River, to the river bed of the Withlacoochee, which goes into the Gulf of Mexico. Through that portion of 38 miles of dry land, 14,000,000 square yards of soil was removed, at a cost of $5,400,000. That will form part of the present proposed canal. At least one-seventh of the Army engineers' estimate of the yardage to be removed has already been removed. The people of seven counties of the State of Florida have bonded themselves for $2,500,000, the Government has spent $5,400,000, which makes nearly $8,000,000 which has already been expended on this project. All of it would be lost if the project is not completed. Some of the highway bridge piers can be seen along the main Dixie highway now unfinished. It is often called down there "Roosevelt's folly" by those from other parts of the country who oppose it.

Mr. President, I want to say that the Congress of the United States and the Government itself ought to have sufficient honesty to keep its part of the obligation and to see that the project is carried through. The people of Florida have done what they were requested to do by the President.

The Mississippi Valley Improvement Association, with memberships from the States of up to the Missouri Valley, have asked that this project be carried through. Florida has kept faith at great expense.

Mr. President, I am going to appeal to Senators here this afternoon to vote for the amendment. I do not know whether adoption of the amendment will result in "beginning" construction of the cross-State barge canal, but we have already passed an act authorizing the appropriation of $44,000,000 for that purpose. All the present amendment does is to ask the President to use any money unexpended in his emergency fund after the construction of this $6,200,000 of work from New Orleans to the Apalachee Bay for the starting of this project on its way.

Mr. President, of course the Chief of Army Engineers is conservative. He has to be. All officials have to be conservative in making any promises. One does not always know when one can promise a man to support him for a certain office, for he does not know what is going to happen before tomorrow. Of course engineers must be and they are conservative in estimating time and costs necessary to complete a project. But we have had good engineers say that they could build the barge canal in 13 months.

Mr. President, I was in Florida the other day and I saw a great deal of machinery down there. The 25 or 30 airports down there are nearly completed and that machinery can be used for this or other important projects. The great dredging trucks called turnos can carry 12 cubic yards of dirt at one time. If they were turned loose, under the direction of the right kind of engineers, the project might be built within a year. But the project can be put off if high officials desire to continue putting it off.

Mr. President, we do not know how long the war is going to last. I shall be on the floor to tell Senators again that we missed our chance 4 years ago when we then did not start the project and had it completed by now. If the project had been begun 4 years ago we would not now have this rationing of gasoline and fuel oil which constitutes the very lifeblood of our civilization, of our Air Force, our Navy, our transportation, and even our homes. We must pass through this winter with a home temperature not exceeding 65 degrees. I wish to say to the Senate that people cannot live in homes heated to a temperature not above 65 degrees throughout the year.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. ANDREWS. I yield.

Mr. LANGER. I was called away to attend a funeral this afternoon, and just came back a moment or two ago. I did not hear what the Senator from Michigan [Mr. VANDENBERG] had to say, but I am informed that he said the project could not be begun until after the war is ended, and that then it would take four and a half years to complete. Is that correct?

Mr. ANDREWS. That is what the Senator would like to see happen, but if the amendment is agreed to the project may be started by the President through an allocation of any funds that are not needed for the completion or the carrying on of what has already been authorized from this special fund.

In other words, this project has already been authorized by Congress. The appropriations have been authorized, but the allocation must be made by the President of the United States. This amendment would permit the beginning of the project. My judgment is that if the project is allowed to begin, it will develop that it can be completed very easily and soon. It will be like the airport at Corpus Christi, Tex. The senior Senator from Texas [Mr. CONNALLY] will bear me out when I say that the engineers stated that 3 years would be required to build the great naval air base at Corpus Christi. It was completed within 1 year. Practically the same thing was done at Jacksonville, where there is an airport twice as large as the one originally planned. Americans can do anything when they decide to do it.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 33, commencing in line 14. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHANDLER (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. DAVIS], who is unavoidably detained from the Senate. If he were present, he would vote "nay." If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. REED (after having voted in the negative). I have a general pair with the Senator from New York [Mr. WAGNER]. A moment ago I voted in the negative because I had seen the Senator from New York in the Chamber this afternoon. I understand that he is not now present. I transfer the general pair which I have with the Senator from New York to the Senator from Ohio [Mr. TAFT], who, I understand, if present would vote as I have voted. Therefore, I will allow my vote to stand.

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from New York [Mr. MEAD], and allow my vote to stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Alabama [Mr. BANKHEAD], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senators from New York [Mr. MEAD and Mr. WAGNER], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Texas [Mr. O'DANIEL], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from West Virginia [Mr. ROSIER], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Delaware [Mr. TUNNELL] are necessarily absent.

Mr. MCNARY. My colleague [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from Ohio [Mr. TAFT] is necessarily absent. If present he would vote "nay."

The result was announced—yeas 32, nays 25, as follows:

YEAS—32

Aiken	Gillette	McKellar
Andrews	Green	Maybank
Barkley	Guffey	Murdock
Bilbo	Hatch	Norris
Bunker	Hayden	Overton
Caraway	Hill	Pepper
Chavez	Kilgore	Russell
Connally	La Follette	Smathers
Downey	Langer	Thomas, Utah
Doxey	Lee	Wallgren
Ellender	McFarland	

NAYS—25

Austin	Gurney	Thomas, Idaho
Ball	Johnson, Calif.	Tobey
Barbour	McNary	Vandenberg
Brewster	Maloney	Van Nuys
Burton	Nye	Walsh
Butler	O'Mahoney	Wiley
Capper	Reed	Willis
Danaher	Shipstead	
Gerry	Spencer	

NOT VOTING—39

Bailey	Glass	Reynolds
Bankhead	Herring	Rosier
Bone	Holman	Schwartz
Bridges	Hughes	Smith
Brooks	Johnson, Colo.	Stewart
Brown	Lodge	Taft
Bulow	Lucas	Thomas, Okla.
Byrd	McCarran	Truman
Chandler	Mead	Tunnell
Clark, Idaho	Millikin	Tydings
Clark, Mo.	Murray	Wagner
Davis	O'Daniel	Wheeler
George	Radcliffe	White

So the committee amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, on page 33, after line 18, to strike out:

SEC. 201. This act may be cited as the "Second Supplemental National Defense Appropriation Act, 1943."

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the judgments and authorized claims under title III be agreed to en bloc.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 33, after line 20, to insert:

TITLE III—JUDGMENTS AND AUTHORIZED CLAIMS

PROPERTY DAMAGE CLAIMS

SEC. 301. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding $1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Documents Nos. 253 and 265, Seventy-seventh Congress, as follows:

Executive Office of the President:
Office for Emergency Management, $308.33;
Office of Strategic Services, $25.60;
Federal Communications Commission, $35;
Federal Works Agency, $1,940.04;
National Housing Agency, $26.65;
Department of Agriculture, $2,426.95;
Department of Commerce, $1,671.45;
Department of the Interior, $2,065.21;
Department of Justice, $214.05;
Navy Department, $5,439.75;
Treasury Department, $408.66;
War Department, $69,937.18;
Post Office Department (payable from postal revenues), $19.40;
In all, $84,518.27.

At the top of page 35, to insert:

JUDGMENTS, UNITED STATES COURTS

SEC. 302. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by section 297 of the act of March 3, 1911 (28 U. S. C. 761), and which have been certified to the Seventy-seventh Congress in Senate Document No. 254, under the following department and establishment.

War Department, $3,476.27;
Federal Works Agency, Work Projects Administration, $8,024.40;
In all, $11,500.67, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

(c) Payment of interest wherever provided for judgment contained in this act shall not in any case continue for more than 30 days after the date of approval of this act.

At the top of page 36, to insert:

JUDGMENTS, UNITED STATES COURT OF CLAIMS

SEC. 303. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-seventh Congress in Senate Documents Nos. 255 and 267, under the following departments and establishments, namely:

Executive departments:
Interior: Civil, $5,200; Indians, $5,622.06.
Navy, $152,450.85.
Treasury, $1,743.37.
War, $196,050.79.
Independent Office:
Federal Works Agency: Public Buildings Administration, $48,167.89.

In all, $409,234.96, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

On page 36, after line 22, to insert:

AUDITED CLAIMS

SEC. 304. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1940 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document No. 258, Seventy-seventh Congress there is appropriated as follows:

Independent Offices: For Federal Emergency Relief Administration, $1.49.

For Interstate Commerce Commission, $90.34.

For Civil Service Commission, $12.

For National Mediation Board, $1.61.

For Railroad Retirement Board, $8.58.

For salaries and expenses, Veterans' Bureau, $16.67.

For salaries and expenses, Veterans' Administration, $310.99.

Federal Security Agency: For pay of personnel and maintenance of hospitals, Public Health Service, $22.25.

For expenses, Division of Mental Hygiene, Public Health Service, $13.85.

For Quarantine Service, $1.01.

Federal Works Agency: For administrative expenses, Federal Emergency Administration of Public Works, $428.36.

For administrative expenses, Public Works Administration, $393.67.

For general administrative expenses, Public Works Branch, Procurement Division, $37.05.

For repair, preservation, and equipment, public buildings, Procurement Division, $4.28.

National Housing Agency: For salaries and expenses, Federal Housing Administration, $1.10.

For administrative expenses, Federal Housing Administration, $11.65.

For administrative expenses, United States Housing Authority, Federal Public Housing Authority, $85.75.

Department of Agriculture: For conservation and use of agricultural land resources, Department of Agriculture, $3,810.31.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, $215.15.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation), $2,520.09.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, Act June 28, 1937), $37.14.

For administration of Sugar Act of 1937, Department of Agriculture, $194.91.

For retirement of cotton pool participation trust certificates, Department of Agriculture, $10.87.

For submarginal land program, Farm Tenant Act, Department of Agriculture, $1,795.

For salaries and expenses, Bureau of Animal Industry, $445.81.

For salaries and expenses, Forest Service, $8.57.

For land utilization and retirement of submarginal land, Department of Agriculture, $3,819.71.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), $105.17.

For acquisition of lands for protection of watersheds of navigable streams, $2,855.42.

For special research fund, Department of Agriculture, $10.28.

For salaries and expenses, Soil Conservation Service, $208.45.

For control of emergency outbreaks of insect pests and plant diseases, $73.90.

For National Industrial Recovery, Interior, soil erosion prevention (transfer to Agriculture), $6.50.

For miscellaneous expenses, Department of Agriculture, $24.60.

For emergency conservation fund (transfer from War to Agriculture, act March 31, 1933), $5.

For salaries and expenses, Bureau of Entomology and Plant Quarantine, $4.20.

For salaries and expenses, Bureau of Plant Industry, $77.39.

For administration of Federal Crop Insurance Act, Department of Agriculture, $1.30.

For loans to farmers in drought- and storm-stricken areas, emergency relief, $41.20.

Department of Commerce: For maintenance of air-navigation facilities, Civil Aeronautics Authority, $26.64.

For salaries and expenses, Weather Bureau, $47.51.

For establishment of air-navigation facilities, Civil Aeronautics Authority, $292.80.

For Civil Aeronautics Authority fund, $18.

For salaries and expenses, Civil Aeronautics Authority, $301.59.

Department of the Interior: For education of natives of Alaska, $259.69.

For George Rogers Clark Sesquicentennial Commission, Department of the Interior, $393.10.

For medical relief of natives of Alaska, $15.31.

For National Park Service, $9.85.

For payment to Middle Rio Grande Conservancy District, New Mexico (reimbursable), $12,659.86.

For salaries and expenses, Bureau of Biological Survey, $4.14.

For salaries and expenses, National Bituminous Coal Commission, Department of the Interior, $7.50.

For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, $4.40.

For agriculture and stock raising among Indians, $15.40.

For conservation of health among Indians, $113.55.

For general expenses, Indian Service, $200.

For Indian boarding schools, $7.62.

For Indian school support, $64.94.

For purchase and transportation of Indian supplies, $231.85.

For support of Indians and administration of Indian property, $36.63.

For Civilian Conservation Corps (transfer to Interior, Indians), $105.56.

District of Columbia: For National Capital Park and Planning Commission, salaries and expenses, District of Columbia, $10.

Department of Justice: For Federal jails and correctional institutions, maintenance, $8.91.

For general expenses, Immigration and Naturalization Service, $45.85.

For salaries and expenses, Federal Bureau of Investigation, $2.40.

For contingent expenses, Department of Justice, $6.58.

For traveling expenses, Department of Justice, $32.14.

For salaries and expenses of marshals, and so forth, Department of Justice, $1,265.94.

For fees of witnesses, Department of Justice, $1.60.

For miscellaneous expenses, United States courts (transfer to Justice), $15.

The Judiciary: For fees of jurors and witnesses, United States courts, $139.50.

For miscellaneous expenses, United States courts, $13.16.

For fees of commissioners, United States courts, $96.65.

For fees and expenses of conciliation commissioners, United States courts (certified claims), $50.

Navy Department: For engineering, Navy, $130,625.95.

For engineering, Bureau of Engineering, $40,439.71.

For maintenance, Bureau of Supplies and Accounts, $11,358.81.

For contingent expenses, Coast Guard (Navy), $120.56.

For contingent expenses, Coast Guard, 82 cents.

For salaries, Hydrographic Office, $1.74.

For foreign-service pay adjustment, appreciation of foreign currencies (Navy), $91.40.

For salaries and expenses, Bureau of Marine Inspection and Navigation, $26.64.

For general expenses, Marine Corps, $258.58.

For increase of compensation, Naval Establishment, $403.66.

For aviation, Navy, $312,362.37.

For pay and allowances, Coast Guard (Navy), $307.31.

For pay and allowances, Coast Guard, $3.01.

For ordnance and ordnance stores, Bureau of Ordnance, $36,583.52.

For pay, subsistence, and transportation, Navy, $2,063.32.

For organizing the Naval Reserve, $5,231.00.

For Naval Reserve, $53.05.

For pay, Marine Corps, $16.81.

For miscellaneous expenses, Navy, $1.10.

For ordnance and ordnance stores, Navy, $343.68.

For general expenses, Lighthouse Service, 90 cents.

Department of State: For lower Rio Grande flood control, Department of State, $2,400.

Treasury Department: For collecting the revenue from customs, $3.40.

For collecting the internal revenue, $4,827.09.

For contingent expenses, Treasury Department, $2.58.

For Foreign Service pay adjustment, appreciation of foreign currencies (Treasury), $160.16.

War Department: For Air Corps, Army, $77.58.

For ordnance service and supplies, Army, $3,364.45.

For general appropriations, Quartermaster Corps, $7.93.

For Organized Reserves, $1.36.

For Reserve Officers' Training Corps, $11.52.

For expenses, camps of instruction, and so forth, National Guard, $15.75.

For medical and hospital department, Army, $70.

For travel of the Army, $85.28.

For subsistence of the Army, $42.12.

For pay of the Army, $206.70.

For pay, and so forth, of the Army, $58.93.

For National Guard, $35.41.

For clothing and equipage, Army, $316.18.

For barracks and quarters, Army, $176.26.

For increase of compensation, Military Establishment, $41.37.

For Signal Service of the Army, $33,651.82.

For Army transportation, $1,288.19.

For travel, military and civil personnel, War Department, $153.73.

For medical and hospital department, $17.63.

For Civilian Conservation Corps (transfer to War), $10,070.36.

For emergency conservation work (transfer to War, Act June 22, 1936), $10.26.

For cemeterial expenses, War Department, $17.70.

Post Office Department—Postal Service (out of the postal revenues): For clerks, first- and second-class post offices, $430.02.

For indemnities, domestic mail, $244.14.

For transportation of equipment and supplies, $3.88.

Total, audited claims, section 304, $632,301.58, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

The VICE PRESIDENT. The next amendment reported by the committee will be stated.

The next amendment was, on page 45, after line 18, to insert:

SEC. 305 For the payment of claims allowed by the General Accounting Office pursuant to the act entitled "An act for the relief of officers and soldiers of the Volunteer Service of the United States mustered into service for the War with Spain, and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", approved May 2, 1940 (Public Act No. 505, 76th Cong.), and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), under the War Department in Senate Documents Nos. 257 and 266 of the Seventy-seventh Congress, $19,999.34.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to insert:

SEC. 306. For payment of the claim allowed by the General Accounting Office for payment of prize money to captors, Spanish War, provided under sections 3689, 4613, and 4652 of the Revised Statutes, as amended by the Permanent Appropriation Repeal Act, June 26, 1934 (31 U. S. C. 725f), and which has been certified to Congress in Senate Document No. 256 of the Seventy-seventh Congress, $3.85.

The amendment was agreed to.

The next amendment was, on page 46, after line 14, to insert:

SEC. 307. This act may be cited as the "Second Supplemental National Defense Appropriation Act, 1943."

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. McKELLAR. Mr. President, I am authorized by the committee to offer sundry amendments. I have given notice for the consideration of these amendments, as required by the rule. I send the first one to the desk and ask that it be stated.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee will be stated.

The CHIEF CLERK. On page 14, after line 7, it is proposed to insert:

OFFICE OF PRICE ADMINISTRATION

The second proviso clause under the head "Office of Price Administration" in the First Supplemental National Defense Appropriation Act, 1943, is hereby amended by deleting therefrom the words: "shall be so administered during the fiscal year 1943 as to constitute the total amount that will be furnished to such Administration during such fiscal year for the purposes set forth in this paragraph and."

Mr. LA FOLLETTE. Mr. President, what is the purpose of the amendment?

Mr. McKELLAR. Mr. President, in the appropriation bill for the Office of Price Administration there was a provision which limited to $120,000,000 the amount to be spent until next July. Since that time Congress has passed several bills which add to the duties and require additional compensation. The amendment merely removes the inhibition, so that hereafter they may ask for appropriations to perform the additional duties which have devolved upon them from the Congress itself. For that reason, we offer the amendment, which is legislation, repealing the provision referred to.

Mr. LA FOLLETTE. It has nothing to do with the question of subsidy, has it?

Mr. McKELLAR. Oh, no.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

REDUCTION OF DRAFT-AGE LIMIT

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. BARKLEY. At this time I wish to announce that it is proposed that the first thing on Thursday the Senate will take up the bill proposing modification of the draft law. I desire to obtain an agreement to make that bill the unfinished business following the disposition of the pending appropriation bill, and if we finish consideration of the pending bill within the next few minutes, which I hope will be the case, I propose that the Senate recess until Thursday.

Mr. McNARY. Mr. President, a few days ago I conferred with the Senator from Kentucky. Personally I favor the proposition the Senator has stated.

Mr. BARKLEY. I appreciate that. The Senator from Oregon was very cooperative in arranging about the matter, and in fairness to him and to his colleagues it should be said that while some Senators wished to take up the bill at once, in view of what occurred on the floor of the Senate 2 or 3 weeks ago, I thought it would be only fair to give Senators who are absent an opportunity to return.

Therefore, if the Senator will further yield to me, I ask unanimous consent that, following conclusion of the consideration of the appropriation bill now before the Senate, the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for extension of liability, reported by the Committee on Military Affairs, modifying the draft law by reducing the limit to 18 years of age, be made the unfinished business, to be taken up on Thursday next.

The VICE PRESIDENT. Is there objection? The chair hears none, and it is so ordered.

AUTHORIZATION FOR SIGNING TAX BILL, ETC.

Mr. BARKLEY. If the Senator will further yield to me, while I am on my feet I ask unanimous consent that during recess of the Senate following today's session the Vice President be authorized to affix his signature to the tax bill or to any other bill ready for his signature.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

Mr. McKELLAR. Mr. President, I send to the desk another amendment, which I offer and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 15, it is proposed to insert:

UNITED STATES MARITIME COMMISSION

On and after November 1, 1942, section 2 of the Independent Offices Appropriation Act, 1943, approved June 27, 1942, shall not apply to the position of Vice Chairman of the United States Maritime Commission so long as the office is held by the present incumbent.

Mr. McKELLAR. Mr. President, the amendment was proposed by the Senator from Oregon, and the committee has authorized me to offer it. I ask that the amendment be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

Mr. McKELLAR. I send to the desk another amendment, which I offer and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 27, after line 25, it is proposed to insert:

BUREAU OF MINES

Construction and equipment of helium plants: For an additional amount, fiscal years 1943 and 1944, for "Construction and equipment of helium plants", to constitute one fund with the appropriation under this head in the Interior Department Appropriation Act, 1943, such fund to be available for all the objects for which said appropriation is available, including transportation of personnel engaged in work authorized thereunder between helium plants and related facilities and communities that provide adequate living accommodations when specifically authorized by the Secretary of the Interior after a determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means and that the exercise of this authority will result in the most efficient method of supplying transportation to the personnel concerned, and the purchase and exchange of passenger-carrying trucks, trailers, and busses used for such purposes without charge against the limitation on the purchase of passenger-carrying automobiles hereinafter specified, $11,000,000: *Provided*, That the limitation of $16,600 on expenditures for purchase (including exchange) of passenger-carrying automobiles is hereby increased to $33,250, and the limitation of $30,000 on expenditures for personal services in the District of Columbia is hereby increased to $80,000.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. I send to the desk another amendment, which I offer and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 27, after line 25, it is proposed to insert:

The authority granted by the Interior Department Appropriation Act, 1943, to the Secretary of the Interior, or any official to whom he may delegate such authority, for the duration of the war and 6 months thereafter, to appoint skilled and unskilled laborers, mechanics, and other persons engaged in a recognized trade or craft, including foremen of such groups, employed at experimental plants and laboratories of the Bureau of Mines without regard to the Classification Act of 1923, as amended, is hereby extended to include appointment of such employees at helium plants and properties related thereto.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. I send to the desk another amendment, which I offer and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 20, it is proposed to insert:

SEC. 201. The limitation of $925 specified in section 405 of the Sixth Supplemental National Defense Appropriation Act, 1942, and any similar limitation specified in any other appropriation act for the fiscal year 1943 may be exceeded by such amount as the Secretary of War, in the case of the War Department, the Secretary of the Navy, in the case of the Navy Department, the Commissioners, in the case of the government of the District of Columbia, and the Director of the Bureau of the Budget, in the case of other essential governmental needs, may determine necessary to obtain satisfactory lightweight and medium-weight motor-propelled passenger-carrying vehicles, but in no event shall the price so paid for any such vehicle exceed the maximum price for such vehicle established by the Office of Price Administration and in no event more than $1,500.

Mr. LA FOLLETTE. Mr. President, I ask for an explanation of the amendment.

Mr. HAYDEN. Mr. President, I shall be very glad to give the Senator an explanation. The present limitation on the amount which may be spent for the purchase of automobiles is $925. The committee provided in the amendment, as submitted to the Senate, that the amount shall not exceed the maximum price established by the Office of Price Administration—in no event more than $1,500. I desire to amend the amendment by adding the words—

which amount shall be in addition to amounts allowed for transportation.

When the original limitation of $925 was imposed the price referred to was the price at the factory. The cars which are to be purchased are located in various parts of the country, where they must be purchased from dealers. For that reason the amount of the limitation is proposed to be increased, and of course the dealers must be compensated for the freight paid on the cars. On the Pacific coast it amounts to at least $150.

Therefore, Mr. President, I send to the desk the amendment, which I offer to the amendment, and ask to have it stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. At the end of the amendment on page 33, after line 20, submitted by Mr. McKELLAR, it is proposed to insert "which amount shall be in addition to amounts allowed for transportation."

Mr. DANAHER. Mr. President, let me ask where that language is to be inserted. Can the Senator from Arizona give me the information?

Mr. HAYDEN. On page 33, after line 20, at the end of the proposed section 201.

Mr. DANAHER. How does the limitation relate in amount to the $1,250 limitation which we have already placed on the Bureau of Yards and Docks with reference to their acquisition of 2,000 automobiles?

Mr. HAYDEN. They can buy the automobiles for that price. The Army buys them from dealers all over the country. So we put a double limitation: First, the price shall not be higher than the price established by the Office of Price Administration; and, second, in no event shall it be more than $1,500 plus the freight.

The idea was that we did not want the Army to be buying Cadillacs and Packards and other high-priced cars; therefore, those limitations were proposed.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. DANAHER. When we were considering the amendment on page 4, lines 16 to 19, I asked the Senator from Tennessee why the $925 limitation contained in existing law was being raised to $1,250. He then told us precisely what we are being told by the Senator from Arizona is the basis for an increase in price for yet another type of automobile, apparently, to $1,500, plus transportation costs. The Senator from Tennessee told us that we had to increase the amount paid per car $325 in order to take care of all the extra costs, to take care of dealers' carrying charges and the 1-percent-a-month increase in cost over and above the frozen price, if I may use the term, fixed by the Office of Price Administration. I should like to reconcile the two amendments.

Mr. HAYDEN. The first amendment referred to related to a few cars to be purchased by the Navy. The pending amendment relates to a large number of cars to be purchased at locations all over the country by the Army.

Mr. DANAHER. How many automobiles?

Mr. HAYDEN. I should say at least 2,000.

Mr. DANAHER. On page 4, the purchase of 2,000 automobiles is provided for. We are talking about 2,000 additional motor-propelled passenger-carrying vehicles, to be purchased at a price not to exceed $1,250. I do not see how we reconcile the two amendments.

Mr. HAYDEN. In the bill itself we are simply placing a limitation on the total price which may be paid for the automobiles which the Army can buy; we are not limiting the number, but we are placing a limitation on the price.

Mr. DANAHER. But the proposed limit is $250 higher than the limit which previously existed, which had been increased by $325.

Mr. HAYDEN. As was explained in great detail the other day, that is because the automobiles have passed from the ownership of the factories into the hands of dealers. The dealer is allowed by the Office of Price Administration to add to the price of the car the amount allowed each month for carrying charges, and in addition to that we have to allow for the freight charges incurred in hauling the cars all over the country.

The maximum of $1,500 is proposed simply to make sure that no Army officers will ride around in Packards, Cadillacs, or Rolls-Royces.

Mr. DANAHER. That does not follow at all; that is a non sequitur if there ever was one. I was passed this morning by a Packard 160, in which there were some Army officers, and I envied them. But that is not the point. Let me digress to say to the Vice President, who smiled as I spoke, that I have noticed that he gave up his beautiful Packard in recognition of the situation, for which I applaud him.

On page 4, lines 16 to 19, the bill provides that the Navy may buy 2,000 automobiles, at a cost per unit of $1,250. We were told that the increase of $325 was to take care of the very items which the Senator from Arizona now says justify an increase to $1,500 a unit. Does the Senator try to reconcile the two matters, or is the Senator amending the general, all-over unit price for a car, and raising it to $1,500 a car?

Mr. HAYDEN. We are trying to comply in each case with the request of the department affected. In one case the Navy Department wanted the price fixed at $1,250. They can get along with that limit. The Army said they could not. We have to provide them with the cars, and they cannot get them except from dealers.

Mr. DANAHER. I see. So that, as the Senator from Massachusetts explained when he told us that if we were going to transport workers to yards and docks, the Navy can get along with a $925 car, increased by $325, but the Army cannot, and therefore the Senator from Arizona would increase the allowance to $1,500.

Mr. HAYDEN. The bill is open to amendment, and the Senator can offer an amendment changing the $1,250 to $1,500 if he desires to protect the Navy.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Arizona whether these cars are to be used for transporting passengers or workers from their homes.

Mr. HAYDEN. No.

Mr. WALSH. That is what the Navy cars are for. They say they are going to buy cars for $1,200, and use them as busses. I cannot understand why an ordinary passenger car to carry workers should cost more than a bus, such as those the Navy is going to use, would cost.

Mr. DANAHER. It seems to me to be an extraordinary allowance, I say to the Senator from Massachusetts, and I think the explanation he offered a day or so ago with reference to the Navy's need was very satisfactory.

Mr. WALSH. It may be that the Army, which has the same authority as

the Navy to transport its workers, has in mind busses also, but is not able to get them at the same price at which the Navy gets them. Is that the situation?

Mr. HAYDEN. I do not know about that. All I know is that according to the testimony the various cars run up in price to above $1,400, and in order to be on the safe side the committee made the allowance $1,500. The language as submitted to the committee contained no definite amount, but simply said the price should be as the Office of Price Administration suggested, and out of precaution the committee put it at $1,500.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN], to the amendment of the Senator from Tennessee [Mr. MCKELLAR].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MCKELLAR. Mr. President, I offer another amendment on behalf of the committee, which I ask to have stated.

The CHIEF CLERK. On page 28, after line 23, it is proposed to insert:

SEC. 202. Section 301 of the Second Supplemental National Defense Appropriation Act, 1941 (act of September 9, 1940, 54 Stat. 884), be, and it hereby is, amended to read as follows:

"SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department and independent establishment (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended."

Mr. DANAHER. Mr. President, what is the reason for the amendment?

Mr. MCKELLAR. Mr. President, I have a letter from the Attorney General, addressed to the senior Senator from Virginia [Mr. GLASS], which explains the whole situation. The Attorney General's letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 5, 1942.

Hon. CARTER GLASS,
Chairman, Committee on Appropriations, United States Senate, Washington, D. C.

MY DEAR SENATOR: I desire to call your attention to a provision of law which seems to impose an unnecessary burden on the executive departments and independent agencies of the Government and from which they should be relieved, at least for the duration of the present emergency.

Pursuant to the provisions of section 2 of the Urgency Deficiency Act of 1939–40 (act of June 30, 1939, 53 Stat 989, U. S. C. 39, sec. 321b), the head of each executive department and independent establishment, other than the Post Office Department, was required to submit to the Postmaster General quarterly reports relating to the amount of mail matter transmitted free of postage during the preceding 3 months.

This requirement imposes a considerable administrative burden on the various departments and the preparation of the reports consumes much time, which during the national emergency could be spent more advantageously on other more urgent matters. For example, the full time of about 20 employees of the Department of Justice is consumed in preparing these reports, covering the seat of government and all field offices.

Section 301 of the Second Supplemental National Defense Appropriation Act, 1941 (act of September 9, 1940, 54 Stat. 884), expressly suspended the foregoing requirement so far as the War and Navy Departments are concerned, during the period of the national emergency declared by the President on September 8, 1939.

Accordingly, I recommend the enactment of legislation which would likewise relieve the other departments of the Government during the period of the national emergency of the duty of furnishing to the Postmaster General quarterly reports of the amount of mail transmitted by it free of postage. This purpose may be effected by inserting the words "and independent establishment" after the words "head of each executive department" in section 301 of the Second Supplemental National Defense Appropriation Act, 1941, and by striking out the clause "insofar as the War and Navy Departments are concerned" at the end of that section.

A draft of a proposed bill to effectuate this purpose is enclosed herewith.

I have been informed by the Director of the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

FRANCIS BIDDLE,
Attorney General.

A bill to exempt the Government agencies from furnishing reports relating to the transmission of postage-free mail

Be it enacted, etc., That section 301 of the Second Supplemental National Defense Appropriation Act, 1941 (act of September 9, 1940, 54 Stat. 884), be, and it hereby is, amended to read as follows:

"SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department and independent establishment (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended, insofar as the War and Navy Departments are concerned."

Mr. DANAHER. I am satisfied, but I should like to ask one question. Does the relinquishment of the requirement mean that no one will have to keep track of how much it costs to handle this mail?

Mr. MCKELLAR. It will mean that for the duration of the emergency, but not longer.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. MCKELLAR. Mr. President, I offer another amendment, which I send to the desk, and ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 10, after line 21, it is proposed to insert:

DEFENSE AID

The funds appropriated in section 1 (d) of the Defense Aid Supplemental Appropriation Act, 1941 (Public Law 23), in section 101 (c) of the Defense Aid Supplemental Appropriation Act, 1942 (Public Law 282), and in section 301 (c) of the Second Defense Aid Supplemental Appropriation Act, 1942 (Public Law 474), shall be deemed to be available retroactively as well as prospectively for the procurement, disposition, or furnishing of any defense information or defense service under the act entitled "An act to promote the defense of the United States", approved March 11, 1941 (Public Law 11), whether or not such information or service is necessary to or connected with the procurement or disposition of any defense article, and the authority to dispose of defense articles granted in section 102 of the Third Supplemental National Defense Appropriation Act, 1942 (Public Law 353), in section 102 of the Fourth Supplemental National Defense Appropriation Act, 1942 (Public Law 422) in section 301 of the act of February 7, 1942 (Public Law 441), in sections 102 and 303 of the Fifth Supplemental National Defense Appropriation Act, 1942 (Public Law 474), in section 201 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 538), in section 103 of this act, and in any other appropriation act for the same purpose, shall be deemed to include the authority to procure, dispose of, or furnish the defense information or defense service under said act of March 11, 1941, whether or not such information or service is necessary to or connected with the procurement or disposition of any defense article.

Mr. MCKELLAR. I can explain the proposal in a word. Under the Lease-Lend Act a ruling by the Comptroller in regard to the use of fund was such that it prevented doing what the act required. The amendment I am offering is merely to change the language so as to conform to the ruling of the Comptroller.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MCKELLAR. I ask unanimous consent to have printed in the RECORD a letter relating to the amendment just agreed to.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF LEND-LEASE ADMINISTRATION,
Washington, D. C.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR MCKELLAR: As you know, Mr. George Ball, Assistant General Counsel of the Lend-Lease Administration, appeared before the Senate Appropriations Committee to urge the inclusion of a provision (attached) in the Second Supplemental National Defense Appropriation Act of 1943, which would clarify the authority of the Lend-Lease Administration to utilize funds already appropriated for the purpose of providing to our Allies services and information not necessarily related to the transfer of any defense article. Mr. Ball in his statement, a copy of which is attached, pointed out that the appropriations to the War and Navy Departments which are available for lend-lease purposes contain this authority, but that the Comptroller General has raised a question as to the availability for similar purposes of funds appropriated directly to the President.

Unless this authority is clarified in the pending appropriation bill, the lend-lease program will be seriously impeded. When the Army and Navy requested funds for the current fiscal year, it was on the assumption that expenses for the transfer of services and information would be borne in large part out of funds appropriated directly to the President and allocated by the Lend-Lease Administration to the various procurement agencies. There are now pending a number of requests by foreign nations to provide for the payment of the dollar costs

of certain services. Examples of such requests are the transportation of New Zealand air-force personnel from New Zealand to San Francisco, and the hospitalization of British personnel injured in this country while undergoing pilot training. I am confident that the Congress has no intention of preventing the Lend-Lease Administration from providing such services, and I trust that you will find it possible to include the authority which we have requested in the pending bill.

The War and Navy Departments, and the Bureau of the Budget, have approved the request for this authority.

Sincerely yours,

OSCAR COX,
General Counsel.

Mr. McKELLAR. I have one other amendment, which will explain itself.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 11, after line 13, under the caption "Legislation", it is proposed to insert the following:

COMMITTEE ON FEDERAL EXPENDITURES

For an additional amount, which is hereby authorized, to enable the Committee to Investigate Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941, to remain available during the existence of the committee, $10,000, one-half to be disbursed by the Secretary of the Senate and the other half by the Clerk of the House upon vouchers approved by the chairman of the committee.

Mr. McKELLAR. I can explain the amendment in a word. It refers to the Byrd committee. That committee took the lead last year in reducing nonwar expenditures of the Government. As a matter of fact, our appropriations were lower than those of the preceding year by $1,313,000,000, and that was in large measure the result of the action of the Byrd committee in regard to various matters. We think the committee should be continued. The amendment would appropriate $5,000 for the use of the House members of the committee and $5,000 for the use of the Senate members.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, that is all the amendments I have to offer.

Mr. DOWNEY. Mr. President, I wish to offer an amendment to the pending bill which I have discussed with the Senator who is sponsoring the measure. The amendment is on page 8, line 17, after the word "law", to add the words "for the pay of commissioned medical officers who are graduates of reputable schools of osteopathy."

I may say, in relation to the amendment, that there is at the present time no provision in the law by which payment can be made by the Navy to commissioned medical officers who are graduates of schools of osteopathy. The Navy is of the opinion, I understand, that some time during this year it may desire to commission officers who are graduates of schools of osteopathy. The provision is merely permissive, and in case the Navy should desire to make such appointments, this amendment would permit that to be done.

Mr. President, I understand the distinguished Senator from Tennessee [Mr. McKELLAR] is willing to take the amendment to conference.

Mr. McKELLAR. Yes. I have no objection to doing so.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California [Mr. DOWNEY].

The amendment was agreed to.

Mr. MALONEY. Mr. President, I call up an amendment which lies on the table and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Any money which, under the provisions of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public, 528, 77th Cong.), as amended (relating to the renegotiation of contracts), is retained by the United States or withheld by the United States from a contractor or subcontractor, and which would be or would have been payable to a contractor or subcontractor except for the renegotiation of a contract under such section, shall be returned to the Treasury and covered into the Treasury as miscellaneous receipts.

Mr. McKELLAR. Mr. President, I will say to the Senator from Connecticut that after talking to him the other day I called up the Under Secretary of War, Mr. Patterson. I do not want to read the letter which he sent me, but I should like to have the letter placed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE UNDER SECRETARY,
Washington, D. C., October 13, 1942.

The Honorable KENNETH MCKELLAR,
United States Senate, Capitol Building, Washington, D. C.

MY DEAR SENATOR MCKELLAR: You have asked me whether the War Department would oppose legislation designed to require the covering into the Treasury as miscellaneous receipts of all savings effected as a result of renegotiation of contracts, even where such savings are effected by withholding sums otherwise due to the contractor or by revision of the contract price. The War Department believes that such legislation would serve no useful purpose and would result in a substantial increase in administrative work of the Department.

Prior to the enactment of the renegotiation law contract prices were frequently revised by agreement. Sometimes these revisions resulted in increases, but more often substantial savings to the Government were effected. I do not believe that it ever occurred to anyone that savings resulting from such contract revisions should be paid into the Treasury. I can see no reason why a different view should be taken of similar savings effected since the passage of the renegotiation statute.

The proponents of this legislation seem to be proceeding upon the assumption that the appropriations for the War Department are based on precise estimates of the cost of specific items and that the reduction of any contract price results in an augmentation of the funds available for military purposes. This assumption, however, is not borne out by the facts

The estimates of appropriations required for military and departmental activities follow established procedures required by the Bureau of the Budget and the committees of Congress. In preparing these estimates various items required are grouped together into categories and the total estimated cost of the items within the category are stated. The number of items of any particular category is determined by the strength of the Army which limits the quantity to be procured.

It cannot be determined whether or not the sum estimated or appropriated for any particular category is sufficient or excessive, until the program is completed. One gun may cost more and another less than the amount estimated: one contract may be renegotiated at a lesser price but the next item may absorb all or a part of this reduction. It would be a grave error to assume that if by virtue of the renegotiation of contract prices the cost of the first portion of the total requirements in any given category is less than estimated, that the remainder of the requirements will cost no more than the balance in the appropriation.

Under the established procedure, if there remains at the completion of an authorized procurement period, an unobligated balance of the appropriation for any particular category, this will be reported to Congress and taken into consideration in future appropriations.

The method of accounting to Congress for unobligated balances has the additional advantage that it avoids inflation of appropriations. Furthermore, the procedure which the War Department is required to follow is simple and well understood. On the other hand, to obtain the specific data with respect to each individual contract which would be called for by the proposed legislation would require the setting up of elaborate new systems of bookkeeping.

For these reasons I hope that no action will be taken to require the recovery into the Treasury of any savings effected by renegotiation unless such renegotiation results in the refund or recovery of money actually paid to a contractor.

Sincerely yours,

ROBERT P. PATTERSON,
Under Secretary of War.

Mr. McKELLAR. Mr. President, Mr. Patterson felt that at this time it would be better to administer the bill under the amendments which have already been adopted. He is not unreasonable about the matter at all, but he thought the subject would require more investigation. However, if the Senator feels that it ought to go to conference and see if we can work out something there, I shall not quarrel with him.

Mr. MALONEY. That is very generous. Of course, I want it to go to conference, but I do not want it to go to conference under any shadow of doubt or with the impression that the Senator from Connecticut is shadow boxing about the matter. I want a vote on it. I think the majority of the Senate will be in accord with the amendment and I am prepared to go ahead and discuss it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. I do not want to delay the Senator's discussion. I am compelled to leave the Chamber. As I understand the amendment, it means that even in cases where there has been no money paid out of the Treasury—and all money must be paid out by the Treasury, no matter who makes the contract—even in cases where no money has been paid out of the Treasury, but where by renegotiation of a contract what would be paid out later has been reduced, that the amount which the War Department, or the Maritime Commis-

sion, or the Navy Department, would save on the original contract, though not paid out, would have to go back into the miscellaneous funds of the Treasury, so that it would have to be reappropriated by Congress. Is that the object of the Senator?

Mr. MALONEY. That is very definitely the object.

Mr. BARKLEY. I think the Senator, with all due respect to his feelings on the subject is unduly alarmed about that situation. What happens is that until the money is actually paid out by the Treasury, it is in the Treasury. It does not have to be returned to the Treasury.

Mr. MALONEY. May I interrupt the Senator there?

Mr. BARKLEY. Yes.

Mr. MALONEY. Of course, it is in the Treasury, but I hope the distinguished and very able majority leader realizes that though it is in the Treasury, the Army or the Navy or the Maritime Commission may spend it as they please up to the extent that they have those balances, and let me add that during the period of this war it might very well amount to billions of dollars, and let me further add that they might be able to run those departments for a long time after the war without coming to Congress to ask for money.

Mr. BARKLEY. I think the Senator has a fantastic imagination on that subject. Let us take a situation where this might happen. We will say, for example, that we appropriate $25,000,000,000 to the Navy Department for warships.

Mr. MALONEY. I hope I do not forget the Senator's observation about my fantastic imagination, because I am going to come back to that.

Mr. BARKLEY. All right. I have no objection to the Senator coming back to it. Suppose we appropriate $25,000,000,000 to the Navy Department for warships without saying how many of a particular type of ship they should build. They make contracts for the whole $25,000,000,000. Then they renegotiate those contracts, and for $20,000,000,000 they could build the same number of warships for which they had originally contracted, which would have taken up the entire $25,000,000,000. It was an indefinite appropriation in the beginning, so far as the number of ships were concerned. They could not use the money saved out of the funds we had appropriated to the Navy for warships, for the building of an additional warship, without coming back to Congress and getting authority to build another warship out of the money they had saved under the contracts they had entered into under the original appropriation. Is that what the Senator from Connecticut is seeking to arrive at?

Mr. MALONEY. The Senator has selected a very desirable case. Let me clarify it, if I may, because I am afraid there might be some misunderstanding. Let us take the case of guns because they are easier to handle than battleships.

Mr. BARKLEY. There are more of them, too.

Mr. MALONEY. Let us assume that the War Department gets an appropriation of $10,000,000 for guns. As a result of a renegotiation of a contract or contracts it saves $5,000,000. That money remains, although it has never been expended insofar as actual passage of money is concerned, within the control of the War Department, to spend, as I understand it, about as it pleases.

Mr. BARKLEY. No; the Senator from Connecticut is wrong in that respect. It remains in the control of the War Department to spend for the original purpose for which we appropriated it when we appropriated the original amount. They cannot shift it.

Mr. MALONEY. They do not have to shift it. The Senator from Kentucky knows that the appropriations for military purposes are now made in a blanket appropriation.

Mr. BARKLEY. Yes, that is true; and it remains blanket. It does not become unblanketed merely because they make a contract by which, after they have renegotiated it, they save some money. It is still blanketed, and it is still to be spent for the purposes for which we appropriated it.

Mr. MALONEY. For war purposes.

Mr. BARKLEY. Just as if the original contract had been for the new sum to which they had reduced it after a renegotiation.

Mr. MALONEY. I do not follow the Senator at all. If we make a blanket appropriation in the beginning, and the department saves $5,000,000 on a $10,000,000 contract, the $5,000,000, as the Senator points out, is still blanketed, within a blanket appropriation. Does the Senator deny that they can spend that for balloons?

Mr. BARKLEY. Yes; I do. I deny that they can spend it for anything except for what Congress originally appropriated the $10,000,000.

Mr. MALONEY. The Senator knows we make blanket appropriations now.

Mr. BARKLEY. It is blanket for certain specific purposes.

Mr. MALONEY. War purposes.

Mr. BARKLEY. War purposes; but it is not any more blanket after they renegotiate the contract than it was before.

Mr. MALONEY. It gives them the $5,000,000 to do with as they please.

Mr. BARKLEY. Within the limitations of the original $10,000,000 appropriation.

Mr. MALONEY. For the prosecution of the war.

Mr. BARKLEY. For the same purposes for which we appropriated it. Now we trusted the War Department, we will say, in the first instance, and appropriated $10,000,000 to let them spend, as the Senator says, as they pleased. It is a blanket appropriation.

Mr. MALONEY. Only because, if the Senator will permit the interruption, they told us they needed $10,000,000 for guns.

Mr. BARKLEY. They, of course, estimated that they needed $10,000,000 for guns, and that it would cost so much to buy those guns. They make a contract, we will say, which absorbs the whole $10,000,000 for guns. But after they have made the contract, in a hurry, as we know they have to do, and they set in motion the process of renegotiation, they save $2,000,000 on the contract before the money is ever paid out. If the money is paid out, and the contract is renegotiated, and the money comes back to the Treasury, then it automatically goes there.

Mr. MALONEY. I cannot see the difference.

Mr. BARKLEY. Well, the difference is that money has gone out of the Treasury, and goes back in one case, and in the other it has never gone out.

Mr. MALONEY. So the matter of the day on which the negotiation is carried out makes all this great difference?

Mr. BARKLEY. How is that?

Mr. MALONEY. The Senator from Kentucky believes that the day on which we renegotiate makes all this difference.

Mr. BARKLEY. No.

Mr. MALONEY. The Senator from Kentucky seems to believe that if we save $6,000,000 over here, it is all right to put that in the Treasury; but if we save $6,000,000 over there, it is not all right to put it in the Treasury.

Mr. BARKLEY. When money is once paid out of the Treasury it cannot go back into the Treasury for any purpose except into the miscellaneous funds of the Treasury, to be reappropriated by Congress. But when we appropriate money to the War Department, or any of the other agencies involved, upon their recommendation, after they have gone into the question and determined that $10,000,000 is required to buy guns, we will say, they cannot say how many guns they can buy for $10,000,000, because they do not know what the contract will be.

Mr. MALONEY. I do not agree with the Senator; but I shall not interrupt him too long on that question. They do know the price of the gun. That is why they ask for a specific amount.

Mr. BARKLEY. They do not know what the price of the guns will be until they have entered into a contract. They may have an idea; but until a contract is entered into they cannot tell what the price of the guns may be.

The point I make is that we may appropriate $10,000,000 for guns, and a contract may be entered into absorbing the whole $10,000,000. Later the contract may be renegotiated, and the same amount of guns may be obtained for $8,000,000. No money has yet been paid out. The $2,000,000 is still within the Treasury, allocated to the War Department for guns, if the whole $10,000,000 was appropriated for guns at the outset. The Department may buy $2,000,000 more worth of guns, but it may not transfer the $2,000,000 over to something else.

Mr. MALONEY. That would be interesting if the situation which the Senator describes existed; but in the Appropriations Committee we do not appropriate $10,000,000 for guns in this sort of an appropriation bill. We appropriate for blanket purposes. Sometimes we appropriate as much as $1,000,000,000, or even $2,000,000,000, for a single purpose. In some instances we cannot even debate it. In the case of construction we cannot debate it without disclosing our plans to

the enemy. Congress is thereby hampered.

Mr. BARKLEY. I understand.

Mr. MALONEY. So we make a blanket appropriation. I do not think it would be wise—as a matter of fact, I think it would be exceedingly unwise—to do that throughout what might conceivably be a long war. Several times today it has been pointed out that this may be a long war. If we are to spend many billions of dollars during that long period of time the Army, the Navy, and the Maritime Commission may renegotiate and build up tremendous sums. I refer to the possibility of a couple of billion dollars over all.

The Senator from Kentucky says that my notion is fantastic. Let me remind him that we have in the neighborhood of $100,000,000,000 lying around now that has not been spent. We have billions of dollars in the lend-lease fund which have not been spent. I am sorry I do not have the exact figures. Nothing is any longer fantastic in connection with our financial program.

Mr. BARKLEY. The effect of the Senator's amendment, as I see it, would be this: We trusted the War Department, the Navy, and the Maritime Commission with these appropriations in the beginning. We gave them blanket authority to use this much money in the prosecution of the war. The adoption of this amendment in effect would mean that while we trusted the War Department in the full amount we appropriated in the beginning, we do not trust it in the use of what it may save.

Mr. MALONEY. That is not a fair argument, although it is made time and time again. I trust them; but I do not want to pay a premium of billions of dollars on their mistakes or on their good fortune.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. McKELLAR. As the Senator knows, I have a great deal of sympathy with what he is undertaking to do. The question before us now is whether we might not make a mistake in our management of it. Let me read from the letter of Mr. Patterson——

Mr. MALONEY. I read the letter. I am familiar with it.

Mr. McKELLAR. I should like to read it for the RECORD:

> It cannot be determined whether or not the sum estimated or appropriated for any particular category is sufficient or excessive, until the program is complete. One gun may cost more and another less than the amount estimated; one contract may be renegotiated at a lesser price and the next item may absorb all or a part of this reduction. It would be a grave error to assume that if by virtue of the renegotiation of contract prices the cost of the first portion of the total requirements in any given category is less than estimated that the remainder of the requirements will cost no more than the balance in the appropriation.

I am told that the House now has a committee to look into this very matter. That is why I was rather inclined to let the matter go to conference and see if something could be worked out along the lines of the Senator's suggestion, which would not interfere with the department's established order of business. For that reason I was willing to take it to conference to see if we could not work out something.

Mr. MALONEY. I think there is a possibility of getting it to conference with a little more hope and promise than is offered by the language of the Senator, although I may be in error. However, I do not want to have it go to conference with the almost certain feeling that in conference it is going out the first door to the right.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. HAYDEN. I have no desire to discuss the merits of the Senator's proposal, but I do wish to discuss the question for a moment and plead with the Senator not to offer his amendment on this appropriation bill. It is legislation.

Mr. MALONEY. The Senator understands that.

Mr. HAYDEN. The Senate can suspend the rule by a two-thirds vote and legislate on an appropriation bill. Often we must do that, because situations arise in which it is unavoidable. However, in this instance we have had this legislation under consideration by two great legislative committees—the Ways and Means Committee of the House and the Finance Committee of the Senate. Today the Senator from Georgia [Mr. GEORGE] reported to the Senate that the House had agreed to legislation of this kind. He stated frankly that it was temporary legislation, and that the House Committee on Ways and Means intends to go fully into the entire subject of renegotiation of contracts. I am a member of the Senate Committee on Appropriations. I do not wish to have that committee lose its standing in the Senate by enacting, on bills which it sponsors, legislation which is not necessary. It is not necessary at this moment. In my judgment there is no urgent need to take action today against the advice of the War Department, when a legislative committee competent to handle the subject has it under consideration in the House. For that reason, to protect the good name of the Senate Committee on Appropriations, I hope that at least one-third of the Senators will not vote to suspend the rule.

Mr. BARKLEY. Mr. President, the whole question raised by this amendment was gone into thoroughly by the Finance Committee and discussed in that committee. A subcommittee was appointed to consider renegotiation. The Senator from Massachusetts [Mr. WALSH] was chairman of the subcommittee. The whole question involved in this amendment was thrashed out, and amendments were agreed on which were acceptable to the contractors, to the War Department, the Navy Department, and the Maritime Commission. It seems to me that to upset legislation which we have just been through today, and which the President has not yet signed, would largely upset the work which has been done in bringing about acceptable amendments to the renegotiation law. The amendments are acceptable to the departments and also to the contractors who are involved.

Mr. MALONEY. Mr. President, I have great appreciation as well as great admiration for the Senator from Kentucky and his views; but I think he is in error. I do not believe that this particular feature of the renegotiation of contracts question was studied by the special subcommittee of the Committee on Finance.

Mr. BARKLEY. If the Senator will read the hearings he will find that it was gone into, and that representatives of the War Department testified on that subject.

Mr. MALONEY. On the subject of renegotiation of contracts?

Mr. BARKLEY. Yes.

Mr. MALONEY. The Senator from Connecticut has read those hearings. He knows that a very great deal of time was devoted to the question of renegotiation of contracts, but not this phase of the question.

Mr. BARKLEY. Yes. The difference between money which has been paid out of the Treasury and that which has been contracted for but not paid out was gone into. The process was shown in the hearings. There is a committee which renegotiates contracts, and that subject was gone into.

Mr. MALONEY. I know that. I am talking about the particular phase of it referring to the recapture of money.

Mr. BARKLEY. We went into it.

Mr. MALONEY. That was not specially studied by the subcommittee.

Mr. BARKLEY. The Senator is mistaken. We went into the question.

Mr. DANAHER. Mr. President, simply because I have at hand figures which my colleague said he lacked with reference to lend-lease funds, I read from the President's message transmitted to us on September 14, in which he stated that from March 1941 down to September 1 the total amount of lend-lease aid was $6,489,000,000, actually spent, delivered, or in process, but that the total amount available, and appropriations actually made—and this is the point my colleague was emphasizing—aggregates $62,944,650,000.

Mr. MALONEY. It would seem to me that that would dissipate the suggestion that I was dealing in the realm of fantasy.

Mr. President, because I know how late the hour is, and because I know that Senators are anxious to get away, I have no desire to prolong the discussion, although I am prepared to discuss the matter at considerable length. Rather than do that I desire to suit the convenience of the Senate. I have offered the amendment, and I ask that it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. MALONEY] (putting the question).

Mr. MALONEY. Mr. President, I ask for a division.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Does the Senator have to do anything relative to suspension of the rule?

The VICE PRESIDENT. Does the Senator wish to raise a point of order?

Mr. BARKLEY. I am prepared to raise a point of order; but out of my great respect for the Senator, and since it is not my duty to make such a point of order, I hesitate to do so.

Mr. MALONEY. A point of order has not been made.

Mr. BARKLEY. It is usually the duty of the committee to make it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut. On this question a division has been requested.

On a division the amendment was rejected.

Mr. MALONEY. Mr. President, I send to the desk another amendment which I offer. It applies only to the pending bill, and I doubt whether it raises any question as to the legislative right to offer it. I ask that the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new subsection:

SEC. —. No money appropriated by this act which, as the result of renegotiation of a contract under section 403 of the Sixth Supplemental National Defense Appropriation Act (Public, 528, 77th Cong.), as amended, is retained by the United States or withheld by the United States from a contractor or subcontractor, and which would be or would have been payable to a contractor or subcontractor except for the renegotiation of such contract, shall be available for expenditure, and all such moneys so retained or withheld shall be returned to the Treasury and covered into the Treasury as miscellaneous receipts.

Mr. MALONEY. Mr. President, let me briefly explain to the Senate that this amendment would do exactly what the other amendment would do, except that it would apply only to the pending appropriation bill. Argument has been made that there is no immediate need for such legislation. I should like to say in that connection that I think it better to take action before there is need than to wait until after the need has passed and the harm is done. I do not think the question of germaneness can arise as to the amendment. I do not think it is what we call legislation on an appropriation bill. I am very hopeful that the amendment will be agreed to.

Mr. McKELLAR. Mr. President, I simply wish to say that the amendment would affect the production of airplanes whose construction is authorized in the bill. Would it not? We would not want to affect the construction of those airplanes.

Mr. MALONEY. I cannot understand the Senator.

Mr. McKELLAR. One of the largest items in the bill is for the construction of airplanes, and I understand that the amendment would affect their construction.

Mr. MALONEY. How would this amendment affect their construction?

Mr. McKELLAR. Perhaps I did not understand the Senator.

Mr. MALONEY. The amendment is identically the same as the other amendment, except that it applies to the pending bill.

Mr. McKELLAR. That is the very point. If it applies to the production of airplanes as provided for in the pending bill, I should not want the amendment to be agreed to.

Mr. MALONEY. I am afraid my time has been wasted. The amendment does not apply at all to airplanes. It does nothing to interfere with the production of airplanes.

Mr. McKELLAR. Suppose that under the bill contracts were let for the production of airplanes, and suppose there were a renegotiation as to the contracts, and that the department got back, let us say, one of the billions of dollars which is proposed to be spent under the bill for the construction of airplanes. The amendment would make the $1,000,000,000 inactive.

Mr. MALONEY. Not under my proposal. My amendment would put the billion dollars back into the Treasury Department, where it belongs.

Mr. McKELLAR. It would put it back into the Treasury, and we could pass another bill providing for the construction of more airplanes, of course. However, without the Senator's amendment we could spend the entire amount for the construction of airplanes.

Mr. MALONEY. If the Senator from Tennessee expresses the views of a majority, and if it is not the intention or desire of Congress to keep the purse-strings in hand and to retain control of Government money—and now we are dealing in billions—of course my proposal is out of place.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. The Senator's amendment proposes a limitation on the appropriation; otherwise it would not be in order, as it would be regarded as legislation on an appropriation bill. I presume that the Senator's theory is that he can offer the amendment without having the rule suspended because the amendment is a limitation on the appropriation. If it is a limitation on the appropriation it is also a limitation on the department in making contracts under the appropriation bill, because, instead of making contracts hastily, as the departments were required to do in many cases—contracts which they could renegotiate later, and thus could save whatever could be saved from contracts which were hastily let because of the necessities of the moment—the War Department would be required by the amendment to sit down for perhaps weeks to haggle over the terms of a contract, because under the terms of the Senator's amendment they could not renegotiate it without having to have the money saved as a result of the renegotiation go right back into the Treasury. That would be a part of the money which we are now appropriating, money which would not be paid out but which we are appropriating. By the renegotiation they would save a certain amount of the money, but they could not spend it for airplanes without coming back to Congress and obtaining another appropriation.

Mr. MALONEY. I do not like to appear to be disrespectful, but that argument seems to me to be a terribly weak one. We have given them all the money they have asked of us for airplanes.

Mr. BARKLEY. Yes; we have. Can the Senator from Tennessee tell us the exact amount?

Mr. McKELLAR. Approximately $3,800,000,000.

Mr. BARKLEY. The Senator uses airplane contracts as an illustration. Of course, the whole appropriation carries $6,300,000,000, and the largest amount appropriated is for airplanes.

Mr. McKELLAR. It amounts to $3,800,000,000.

Mr. BARKLEY. Yes; $3,800,000,000 is appropriated for airplanes.

Under the terms of the bill the Department will proceed to let contracts for the construction of $3,800,000,000 worth of airplanes. Then later they can renegotiate some of the contracts, and perhaps save $800,000,000. If the Senator's amendment be agreed to, they would not be able to order any more airplanes with the $800,000,000, and they would not be able to let new contracts for the expenditure of the $800,000,000 for the construction of airplanes, without coming back to Congress and obtaining more authority to do exactly what we are doing now.

Mr. MALONEY. That is exactly right, and if the amendment be agreed to, neither could they spend the $800,000,000 for any one of a thousand things which might come to their minds.

Mr. BARKLEY. They could not do that anyway. They have to spend the money for the purposes for which we have appropriated it.

Therefore, the amendment, if agreed to, would handicap the War Department or whatever department is involved in making contracts in the first instance, because the departments would be deprived of the leeway which, without the amendment, they would have.

Without the amendment, they would be able to buy more airplanes with whatever money they might be able to save, but the Senator's amendment would prevent the purchase of any airplanes with such money.

Mr. MALONEY. I hope that the Army and the Navy have asked for all the money they need at this time for the building of airplanes. I feel confident that the Navy has done so. The Senator from Kentucky would have us believe that the Navy anticipates, in the immediate future, the purchase of many more airplanes with the money it will save under renegotiation of the contracts let under the pending appropriation bill. I do not understand that to be so. I do not want to hamper the Navy, but I do not want to have scattered through the various departments hundreds of millions, and perhaps billions of dollars, that will be expended at the will and whim of the people within the departments. Without stretching my imagination too far, I can conceive that at the end of the

war, if we maintain our financial structure in the interim, the departments will be able to go on for years without having to come to Congress and ask for any money; and the money that lies there now is pretty fair proof of that statement.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. McKELLAR. Let me say to the Senator and to the Senate that the renegotiation of contracts law was the result of many conferences between the Department and our committee. I refer to the original law, the one which was passed and became the law on the 28th of April. I never took more interest in a thing in my life. I think it is the best work I have ever done since I have been in Congress. Let me state to the Senator that the several departments told me that by the 1st of January over $2,000,000,000 will have been saved—one company already having returned approximately $293,000,000—and that many other sums smaller than that will be saved—sums amounting at this time to more than $1,000,000,000, and which will amount to $2,000,000,000 by the 1st of January, so these gentlemen say.

It can be imagined that I have a good deal of interest in it. I take much pride in it. I do not want to make a mistake. Judge Patterson created a very fine impression upon me. He is in charge of the matter for the Army, and the Army is more concerned in these savings than is any other department. I think the savings the first few months were something like $556,000,000 in that one department. For that reason, when Judge Patterson comes and tells me and also writes me, as he did in the letter from which I read a moment ago, that he does not think the amendments requiring all sums to be paid back into the Treasury is a workable measure, I am somewhat afraid to go along with the amendment. I think that wherever possible the money should be paid back. I think we should provide that reports be made as to what is done with these savings, probably every 60 days or every 3 months, or something of the sort. The House committee has undertaken to prepare an amendment along that line. We have not done anything about it, because that part of it was turned down by the committee over which the Senator from Massachusetts [Mr. WALSH] presides.

Mr. MALONEY. Mr. President, I should like to say that I doubt that that last statement is accurate.

Mr. McKELLAR. What does the Senator mean by that?

Mr. MALONEY. That that part of the matter was turned down by the committee of which the Senator from Massachusetts is chairman.

Mr. McKELLAR. I was present when it was turned down.

Mr. MALONEY. Perhaps I am mistaken, but we discussed the matter at length here last Saturday with the Senator from Massachusetts, and that did not develop during the course of the conference.

Mr. McKELLAR. This matter was brought up before the committee, and my understanding was the committee turned it down. It did not report it. I felt a great deal of sympathy with the desire to have the money paid back to the Treasury wherever possible. I think it should be covered in as general receipts.

Mr. WALSH. It is paid back into the Treasury if the renegotiated contract is completed. If the price is paid and a renegotiation takes place, the money refunded is sent back into the Treasury.

Mr. McKELLAR. That is my understanding of it.

Mr. WALSH. As I understand, the theory is that a contract is not completed, finished, and charged to the Army or the Navy when it is renegotiated before the last dollar is paid, and they claim that they ought to have in their account credit for the contract that is temporary in the beginning, and finally becomes permanent.

Mr. McKELLAR. I will ask the Senator, while he is on the floor, whether the committee did not take the view presented by Mr. Patterson about the matter, and for that reason turned that matter down? I so understood.

Mr. WALSH. I wish to say to the Senator from Connecticut that the question of whether the money should go to the Treasury or be credited to the Department was not gone into very fully. It was assumed by all of us that the renegotiation of a contract before the price is paid over is a departmental matter, that a department has a right to renegotiate, and should not be charged with the amount of money that it invests until the contract renegotiation has been accomplished.

Mr. McKELLAR. I made one mistake, in connection with the pending bill, in my understanding of what was being done in the committee, but as I understood it, what I have stated about the action in this regard is accurate.

Mr. WALSH. Yes; the fact that we agreed that recaptured money, after a contract was completed, should go to the Treasury, was tantamount to saying that the other money should remain in the Department.

Mr. McKELLAR. That was my understanding.

Mr. MALONEY. Mr. President, I am certain that all Senators understand the question, and I shall not delay the Senate longer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [putting the question]. The "noes" appear to have it.

Mr. MALONEY. I ask for a division.

The Senate divided.

The VICE PRESIDENT. The amendment is rejected.

Mr. MALONEY. I know the Vice President is correct about the result but would he have any objection to telling us what the numbers were?

The VICE PRESIDENT. It seems to be against the custom to do that.

Mr. MALONEY. I withdraw the request.

The VICE PRESIDENT. When the Chair reached the number of "ayes" when counting the "noes," he stopped counting. He did not count the rest.

Mr. MALONEY. I was not familiar with the rule on the subject, and as a matter of fact I was attempting to do just what the rules do not permit. I was attempting to show the number of Senators present, and I realize it was a mistake.

The VICE PRESIDENT. The question is on the engrossment of the amendments, and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 7672) was read the third time and passed.

Mr. McKELLAR. I move that the Senate insist upon its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE conferees on the part of the Senate.

ORDER FOR RECESS TO THURSDAY

Mr. BARKLEY. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until 11 o'clock a. m. Thursday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RENEGOTIATING WAR CONTRACTS

Mr. WALSH. Mr. President, there has been so much interest in the amendments made to the renegotiation of war contracts laws in the new tax bill, H. R. 7378, that I think two drafting changes made on Saturday by the committee of conference, and the reasons therefor, should be printed in the CONGRESSIONAL RECORD, together with the portion of the Finance Committee report on this subject which explains the other amendments now incorporated in H. R. 7378, and which in all probability will become law by the signing of the bill by the President.

I therefore ask that the letter I send to the desk, together with the appropriate part of the report, be printed in the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, October 19, 1942.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: You have requested a description of the amendments to the Senate bill with respect to renegotiation of war contracts which were adopted by the Committee of Conference on H. R. 7378.

Most of the amendments were purely drafting changes designed to clarify the language of the Senate amendment. Two matters of substance are, however, included.

1. In cases in which a contractor holds contracts with more than one of the renegotiating agencies, it is the present administrative practice to have the agency with which the contractor has his major contracts renegotiate all of the contractor's contracts. This procedure is designed to obviate the necessity of forcing the contractor to renegotiate with several agencies which may have slightly different standards. The present law contains no express authority for the Secretary of one

Department to sign a renegotiation agreement respecting contracts held by another Department and it has been thought desirable that such authority be granted in order to confirm the administrative practice above described. The amendment agreed to in conference accordingly amends subsection (f) of section 403 along these lines.

2. As you will recall, the Senate bill provided that where income and excess profits taxes were paid or payable with respect to excessive profits eliminated pursuant to renegotiation, the amount of such taxes should be credited against the excessive profits so eliminated. If the amount of such taxes were in dispute between the contractor and the Commissioner of Internal Revenue, the language of the Senate bill would permit no credit for the benefit of the contractor unless he agreed to the Commissioner's determination. The contractor might, therefore, be forced to repay the full amount of excessive profits required to be recaptured under section 403 and then be forced to sue the Commissioner for a refund of all taxes paid or payable with respect to the excessive profits recaptured. This procedure was felt to be unduly burdensome to the contractors. It has, therefore, been provided, in the amendments agreed to in conference, that credit should be allowed for the amount of taxes which the Commissioner determines to be attributable to the excessive profits eliminated under section 403 and, as to any balance which may have been claimed by the contractor as so attributable, the contractor may file a claim for refund with the Commissioner. As a matter of drafting convenience, this provision has been incorporated in section 508 of H. R. 7378, which in the Senate bill adds a new section 3805 to the Internal Revenue Code respecting disallowance by the Comptroller General of reimbursement for costs in connection with cost-plus-a-fixed-fee contracts. It was felt that this matter properly belonged in the Internal Revenue Code rather than in the renegotiation statute.

An example will illustrate the operation of this amendment. Assume that in 1944 a renegotiation agreement requires the repayment by the contractor of $100,000 which the contractor had included in gross income in his tax return for the year 1942. The Commissioner of Internal Revenue asserts that $60,000 is the amount of tax paid by the contractor for the year 1942 which is attributable to this $100,000 item. The contractor, however, contends that $70,000 is the amount of tax properly attributable to such item. Under the provisions of the Senate bill, the Secretary was not required to allow credit for taxes paid unless the contractor and the Commissioner were in agreement. In this case, unless the contractor were willing to accept the Commissioner's determination of $60,000 as final, he would be forced under the Senate bill to repay $100,000 to the Government pursuant to section 403 and file with the Commissioner a claim for refund of $70,000. Under the amendments agreed to in conference, the Secretary must allow the contractor a credit of $60,000. The contractor will thus repay to the Government $40,000 and file with the Commissioner a claim for refund of $10,000.

Sincerely yours,

ROBERT B. EICHHOLZ,
Assistant Tax Legislative Counsel.

AMENDMENTS

1. Section 403 (a) (1) of Public, 528, defines the term "department" to include War Department, Navy Department, and Maritime Commission. This new amendment will include the Treasury Department. The Treasury Department embraces the Procurement Division of the Government which does much contracting for lend-lease materials. It is therefore deemed desirable that the effort to prevent excessive profits should be applicable to the Department of the Government.

2. Subsection (a) (4) merely defines the term "excessive profits," there being no clear definition of what this term means in the original law.

3. Subsection (a) (5) defines the term "subcontract." Originally there was a difference of opinion between the Army, on the one hand, and the Navy and Maritime Commission on the other, as to the extent and scope of the definition of "subcontract." A final agreement has been reached between these departments of the Government and the term "subcontract" is now defined as meaning—

"any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract. The term 'article' includes any material, part, assembly, machinery, equipment, or other personal property."

The original difference between the Army definition and the definition proposed by the Navy and Maritime Commission was whether or not the negotiators should have authority in the matter of redetermining the prices of ordinary commercial articles. The Army felt there was no reason for renegotiation in the case of articles to which price ceilings were applicable, as they are in the case of nearly all commercial articles. The Maritime Commission and the Navy Department pointed out that price ceilings were fixed on the basis of unit price. The Government and contractors purchase these units of given commercial articles, but their purchases are in such large volume that they are able to obtain a much lower price than the price ceiling. The Navy and the Maritime Commission believed they should have the right to inquire and to determine whether or not even the cost, when at a lower-than-ceiling price, does not embrace excessive profits. The Maritime Commission also pointed out that the component parts of merchant ships might well be considered to be commercial articles and that, furthermore, exclusions of such articles might interfere with the recapture provisions of the Merchant Marine Act of 1936. The language of the amendment finally agreed to includes the commercial articles named.

4. Subsection (b) (2) and (3) makes it clear that no contractor will be compelled to reimburse the Treasury for excessive profits determined until he has received his contract price from the Government. Of course there was no doubt that if excess profits were found to exist before the contract price was paid, a deduction could be made from the contract price.

5. The amendments to subsection (b) (3) have two additional purposes: (i) While the present statute appears to require the Government to withhold money from a subcontractor, such withholding is normally impossible because the Government owes nothing to the subcontractor. The amendment therefore requires the prime contractor to withhold sums for the account of the Government in subcontract cases. (ii) The present law only permits the insertion in the subcontracts made by the prime contractors of provisions similar to those required by the statute in the case of prime contracts. The amendment would permit the insertion of such contract provisions in any subcontract at the discretion of the Secretary.

6. The first part of subsection (b) (4) makes it clear that prime contractors are only liable for reductions in the contract prices of their subcontracts where the prime contractor receives the benefit of the price reduction.

7. The second part of subsection (b) (4) permits the Secretary to fix the period or periods for renegotiation and in this way prescribe a statute of limitations. If he believes the provisions of the contract are otherwise adequate to prevent excessive profits, he may restrict renegotiation to a portion of the contracts or he may make the contract price firm during a specified period or periods, and he may provide that the contract price in effect during such period or periods shall not be subject to renegotiation. The inflexible provisions of the present law make it difficult, if not impossible, to make firm prices for limited periods. It is felt that the power to make firm prices for very limited periods is essential in negotiating target prices which afford the contractor an incentive to reduce his costs.

8. A new sentence has been added at the end of subsection (c) (1) which expressly permits renegotiation of some or all of a contractor's contracts as a group. This procedure has been found to be more administratively practical where a contractor holds a very large number of contracts.

9. Subsection (c) (2) has been revised to relieve a surety under a contract from liability for excessive profits thereon, as was done under the Vinson-Trammel Act.

10. Subsection (c) (3) has been revised expressly to authorize the offset of excess-profits taxes paid against the excessive profits covered by the renegotiation statute. Although such offset has been in effect, administratively, it has been thought desirable to write it into the law. Contractors will thus be assured that there will be no possibility of a double penalty for excess profits; once through the excess-profits tax and again through renegotiation. It is also provided that the Secretary shall give due recognition, in the ascertainment of whether profits are excessive, to be properly applicable exclusions and deductions, which are allowed for tax purposes.

11. Subsection (c) (4) authorizes the making of final agreements between the Government and a contractor or subcontractor, which will be binding upon both parties and will preclude reopening or renegotiation at a later date. This provision should remove fears which have been expressed that the present law authorizes an infinite number of renegotiations with respect to the same fiscal period, and that contractors are thus precluded from learning with certainty of their financial position until long after the war.

12. Subsection (c) (5) enables a contractor or subcontractor of his own motion, to obtain a clearance from liability for excessive profits under the statute. It is provided that he may file financial statements for any prior fiscal year or years, and unless within 1 year thereafter, or within such shorter period as may be prescribed, renegotiation has been commenced, the contractor or subcontractor will automatically be relieved of liability for excessive profits in respect of such fiscal year or years.

13. Subsection (c) (6) limits the time within which renegotiation of any particular contract or subcontract may be commenced to 1 year after the close of the fiscal year within which a contract or subcontract is completed. No such provision is contained in the present law and as a result a contract already completed may be renegotiated at any time before 3 years after the end of the war. This amendment will enable contractors to ascertain their final liabilities as rapidly as possible.

The subsection, in the interests of good administration, also limits renegotiation to cases in which the aggregate sales to the Government by the contractor or subcontractor exceed $100,000 for his fiscal year.

14. A new subsection (i) has been added to the present statute permitting exemption from renegotiation in the case of certain limited types of contracts.

(a) Government contracts: Contracts between the War, Navy, and Treasury Departments and the Maritime Commission, and

any other Federal or local agency or any foreign government, are completely exempted.

(b) Raw materials: Any contract or subcontract for raw materials is also completely exempted. Raw materials are defined as "the product of a mine, oil or gas well, or other mineral or natural deposit, or timber which has not been processed, refined, or treated beyond the first form or stage suitable for industrial use." All the departments concerned agreed, on the grounds of administrative simplicity, that contracts and subcontracts for raw materials should be exempted.

(c) Contracts or subcontracts to be performed outside the continental United States or Alaska, may be exempted in the discretion of the department concerned: It would obviously be extremely difficult to require renegotiation in the case of a foreign contractor performing work in a foreign territory.

(d) Contracts where the profits can be determined with reasonable certainty when the price is established: The secretary of the department concerned is authorized, in his discretion, to exempt such contracts. Examples of the types of contracts covered by this provision are agreements for personal services, for the purchase of real property, perishable goods, or commodities (the minimum price for the sale of which has been fixed by a public regulatory body), leases and license agreements, and agreements, the period of performance of which will not exceed 30 days.

(e) Target price contracts: If, in the opinion of the secretary, the provisions of the contract are otherwise adequate to prevent excessive profits, a portion of the contract may be exempted from renegotiation during a specified period or periods.

15. Subsection (j) clarifies present provisions of the law to assure those temporarily and intermittently employed by any department concerned, that they are not precluded from prosecuting a claim against the United States in their private capacity if such a claim does not arise from any matter directly connected with the governmental employment of such person, and if such claim is not prosecuted during the period such person is employed by the Government.

MOBILIZATION OF THE TECHNOLOGICAL RESOURCES

Mr. HAYDEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably Senate Resolution 303, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection the Senate proceeded to consider the resolution (S. Res. 303), which had previously been reported from the Committee on Military Affairs, with an amendment, on page 1, line 12, after the words "Seventy-seventh", to strike out "and succeeding Congresses", and to insert "Congress", so as to read:

Resolved, That the subcommittee on technological mobilization of the Military Affairs Committee is authorized and directed to study the possibilities of better mobilizing the technological resources of the United States, for the more efficient prosecution of the war. The subcommittee shall report to the Military Affairs Committee at the earliest practicable date the results of its investigation, together with its recommendations, if any, for necessary legislation

For the purpose of this resolution, the subcommittee is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh Congress, to employ such clerical and other assistants, to borrow from Government agencies and departments such special assistants, to require by suppena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, in addition to the cost of stenographic services to report such hearings, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The amendment was agreed to.

The resolution as amended was agreed to.

EXECUTIVE SESSION

Mr. McKELLAR. I move that the Senate proceed to the consideration of Executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States nominating Capt. Edward L. Cochrane to be Chief of the Bureau of Ships in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 1st day of November 1942, which was referred to the Committee on Naval Affairs.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

The VICE PRESIDENT. Without objection, the Army nominations are confirmed en bloc.

THE NAVY

The Chief Clerk read the nomination of Oliver M. Read to be rear admiral in the Navy, for temporary service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

Mr. WALSH. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The VICE PRESIDENT. Without objection, the President will be notified forthwith of all confirmations made today.

RECESS TO THURSDAY

Mr. McKELLAR. Mr. President, as in legislative session, in conformity with the unanimous consent already given, I move that the Senate take a recess until Thursday next at 11 o'clock a. m.

The motion was agreed to; and (at 6 o'clock and 29 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Thursday, October 22, 1942, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate October 20 (legislative day of October 15), 1942:

IN THE NAVY

Capt. Edward L. Cochrane, to be Chief of the Bureau of Ships in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 1st day of November 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 20 (legislative day, October 15), 1942:

IN THE ARMY

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be lieutenant generals

Robert Lawrence Eichelberger
George Churchill Kenny

To be brigadier general

Neal Creighton Johnson.

IN THE NAVY

PROMOTION FOR TEMPORARY SERVICE

To be a rear admiral in the Navy, for temporary service, to rank from May 9, 1942

Oliver M. Read

IN THE MARINE CORPS

PROMOTIONS IN THE REGULAR SERVICE

To be colonel

William T. Clement

To be first lieutenant

Russell Duncan

To be second lieutenants

Gordon R. Lockard	James C. Fetters
Thomas T. Grady	Donald R. France
Leonard G. Lawton	Robert H. Venn
Victor R. Bisceglia	William B. Onley, Jr.
Robert W. Dyer	Edgar L. Allen
Robert F. Thompson	Charles H. LeClaire
John D. Mattox	Edwin H. Klein
Richard W. Schutt	George W. Ellis, Jr.
James P. Wilson	Alfred J. McCourtney.
Alfred E. Holland	David W. Bridges
Monson J. McCarty	Burdette A. Ogle
Robert L. Raclin	William K. Gillespie
Wyman W. Trotti	Robert D. Mellin
Charles S. Robertson	Jefferson D. Smith, Jr.

POSTMASTERS

ALABAMA

Olis O. Goode, Rogersville.
Marguerite Noles Skinner, Thomaston.

ALASKA

Hollis Henrichs, Cordova.

CALIFORNIA

Mary Ella Dow, Anderson.
Frederick A. Dickinson, Ben Lomon
John G. Carroll, Calexico.
Harry B. Hooper, Capitola.
Harold E. Rogers, Chowchilla.
Frank J. Roche, Concord.
Alice D. Scanlon, Colfax.
Robert A. Clothier, Cotati.
L. Belle Morgan, Encanto.
Faith I. Wyckoff, Firebaugh.
Mary B. Bradford, Galt.
Ralph W. Dunham, Greenfield.
Frederick N. Blanchard, Laton.
Bert A. Wilson, Los Banos.

GEORGIA

George B. McIntyre, Ailey.
William H. Wood, Jr., Loganville.
Hugh L. Johnston, Woodstock.

KANSAS

Harriet Pearl Hinshaw, Arlington.
Sophia Kesselring, Atwood.
Charles Ward Smull, Bird City.
Jane Waters, Bonner Springs.
Charles A. Hegarty, Effingham.
Page Manley, Elk City.
Walter S. Davis, Florence.
Rosa J. Munger, Hanover.
Warren D. Gilmore, Highland.
Ivan R. Mort, Hill City.
William A. B. Murray, Holyrood.
Robert E. Deveney, Meriden.
Grace E. Wilson, Milford.
Eunice E. Buche, Miltonvale.
Perry S. Kozel, Morrowville.
Edison Brack, Otis.
Lawrence W. Leisure, Pleasanton.
Ralph L. Hinnen, Potwin.
George J. Smith, Summerfield.

OHIO

Walter T. Ault, Findlay.
Harry A. Higgins, Xenia.

PENNSYLVANIA

Charles T. Bonner, Glen Riddle.
Cornelius McCullough, Lansdowne.
Marea Stover, Shrewsbury.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 20, 1942

The House met at 11 o'clock a. m., and was called to order by the Speaker.

Hon. CHARLES A. EATON, of New Jersey, offered the following prayer:

Unto the Eternal King, Our Father, we lift our hearts in humble gratitude for His divine mercy. In confession of our sins, and in petition for His help in facing the great duties that confront us, we bow in thanksgiving for all His goodness, and dedicate our lives afresh to His service.

In the name of Jesus, our Divine Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the Senate of the following titles:

S. 2471. An act to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act; and

S. 2751. An act to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for the enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes.

VISIT OF MEMBERS OF APPROPRIATIONS COMMITTEE TO RIO DE JANEIRO

The SPEAKER laid before the House the following communications:

DEPARTMENT OF STATE,
Washington, October 16, 1942.

MY DEAR MR. SPEAKER: I take pleasure in transmitting, at the request of the Brazilian Ambassador, a communication expressing the appreciation of the President of Brazil for the congressional motion of February 2, 1942, regarding the visit of five members of the subcommittee of the House Committee on Appropriations to Rio de Janeiro.

Sincerely yours,

SUMNER WELLES,
Acting Secretary.

[Translation]

EMBASSY OF THE UNITED STATES OF BRAZIL,
Washington, October 8, 1942.

No. 449/501.48.

MR. SECRETARY OF STATE: I have the honor to address Your Excellency to request you to have the kindness to transmit to the House of Representatives of the United States of America the thanks of His Excellency the President of the Republic of Brazil for the motion of February 2, of the current year, expressing to His Excellency and the people of Brazil the deep appreciation for the cordial demonstration of friendship for the Congress and the people of the United States of America on the occasion of the visit to Rio de Janeiro of five members of the Budget Committee.

2. His Excellency was deeply moved by the above-mentioned motion and the expressions of solidarity and friendship therein contained, which are so characteristic of the relations between the two friendly countries.

I avail (etc.) * * *

CARLOS MARTINS PEREIRA E SOUSA.

His Excellency MR. CORDELL HULL,
Secretary of State of the United States of America.

CONFERENCE REPORT ON THE REVENUE BILL

Mr. DOUGHTON. Mr. Speaker, I call up the conference report on the bill (H. R. 7378) to provide revenue, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7378) to provide revenue, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 76, 114, 216, 243, 387, 388, 389, 392, 400 407, 414, 415, 432, 436, 461, 484, 492, and 501.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 79, 80, 82, 84, 85, 87, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 108, 109, 113, 118, 119, 120, 121, 122, 123, 126, 128, 129, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 180, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 201, 202, 207, 209, 210, 211, 212, 213, 214, 218, 222, 223, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 292, 293, 294, 295, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 390, 393, 394, 395, 396, 397, 398, 401, 403, 404, 405, 406, 408, 409, 410, 411, 412, 413, 416, 417, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 450, 451, 452, 453, 454, 455, 456, 457, 458, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 481, 482, 483, 485, 486, 487, 488, 489, 490, 491, 493, 494, 495, 496, and 502, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$385"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"In the case of any corporation computing such tax under section 721 (relating to abnormalities in income in the taxable period), section 726 (relating to corporations completing contracts under the Merchant Marine Act of 1936), section 731 (relating to corporations engaged in mining strategic minerals), or section 736 (b) (relating to corporations with income from long-term contracts), the credit shall be the amount of which the tax imposed by such subchapter is 90 per centum. For the purpose of the preceding sentence, the term 'tax imposed by subchapter E of chapter 2' means the tax computed without regard to the limitation provided in section 710 (a) (1) (B) (the 80 per centum limitation), without regard to the credit provided in section 729 (c) and (d) for foreign taxes paid, and without regard to the adjustments provided in section 734."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by

the Senate amendment, and restore the matter proposed to be stricken out by the Senate, and on page 21, line 18, of the House bill strike out "111" and insert "112"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: On page 19, line 19, of the Senate engrossed amendments, after "deficiency", insert "but without interest"; and on page 21, line 13, of the Senate engrossed amendments, after "liquidation", insert "or replacement"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "160"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: On page 29, line 21, of the Senate engrossed amendments, after "children" insert "(but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes)."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: On page 33, line 18, of the Senate engrossed amendments strike out "129" and insert "128"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "129"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "130"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "131"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$350"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: On page 37, line 21, of the Senate engrossed amendments strike out "$300" and insert the following: "132"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 133. Credit for dividends paid on certain preferred stock.

"Section 26 is amended by inserting at the end thereof the following new subsection:

"'(h) Credit for dividends paid on certain preferred stock.—

"'(1) Amount of credit: In the case of a public utility, the amount of dividends paid during the taxable year on its preferred stock. The credit provided in this subsection shall be subtracted from the basic surtax credit provided in section 27.

"'(2) Definitions: As used in this subsection and section 15 (a)—

"'(A) Public utility: The term "public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electric energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

"'(B) Preferred stock: The term "preferred stock" means stock issued prior to October 1, 1942, which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, limited to the same amount, and payable in preference to the payment of dividends on other stock.'"

And the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "134"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "135"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows: On page 41, line 9, of the Senate engrossed amendments strike out "137" and insert "136"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 137. Exemption of voluntary employees' beneficiary associations.

"(a) Exemption of Voluntary Employees' Beneficiary Association: Section 101 (16) of the Internal Revenue Code, and of the Revenue Acts of 1938, 1936, and 1934, and section 103 (16) of the Revenue Acts of 1932 and 1928, are amended to read as follows:

"'(16) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses'."

"(b) Retroactive effect: For the purposes of the Internal Revenue Code and the Revenue Acts of 1928, 1932, 1934, 1936, and 1938, the amendments made to the Internal Revenue Code and those Acts by subsection (a) of this section shall be effective as if they were a part of the Internal Revenue Code and such revenue Acts on the respective dates of their enactment.

"(c) Amendments inapplicable to employment taxes: The amendments made by this section shall not apply to the employment taxes imposed by Subchapters A and C of Chapter 9 of the Internal Revenue Code, or the corresponding provisions of a prior law."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "138"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "139"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with the following amendments:

On page 47, line 18, of the Senate engrossed amendments strike out "141" and insert "140";

On page 48 of the Senate engrossed amendments beginning with line 10 strike out down to and including the comma in line 13, and insert "(B) that portion of a tentative tax, computed as if the amendments made by section 105 (a) and the amendments made by sections 105 (b) (other than those relating to dividends on the preferred stock of public utilities) (c), (d), and (e) (1) of the Revenue Act of 1942 were applicable to such taxable year."

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: On page 49, line 16, of the Senate engrossed amendments strike out "142" and insert "141"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: On page 50, line 13, of the Senate engrossed amendments strike out "143" and insert "142"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "143"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: On page 59, line 3, of the Senate engrossed amendments strike out "145" and insert "144"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "145"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows: In lieu of the matter proposed

to be inserted by the Senate amendment insert the following: "146"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "147"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "149"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "149"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "150"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: On page 83, line 15, of the House bill strike out "201,"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "151"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "152"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows: On page 66, line 12, of the Senate engrossed amendments strike out "155" and insert "153"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "154"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "155"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with the following amendments: On page 72, line 2, of the Senate engrossed amendments strike out "158" and insert "156."

On page 74, line 21, of the Senate engrossed amendments after the period insert "Under regulations prescribe by the Commissioner with the approval of the Secretary, a taxpayer which owns 100 per centum (excluding qualifying shares) of each class of stock of a corporation may elect to determine the worthlessness of its interest, described in this paragraph, in or with respect to the property of the corporation, without regard to the amount of the property of such corporation which would be excluded under subsection (e) (2) (A) in determining the adjusted basis of all the assets of the corporation for the purposes of subsection (e), but such amount shall be treated under subsection (b) (1) as a recovery by the taxpayer in the taxable year with respect to such interest."

On page 80, line 6, of the Senate engrossed amendments after "owns" insert "not less than."

On page 80, line 12, of the Senate engrossed amendments after "liquidates" insert "(by distributing all the assets which it is able to distribute and all its rights to assets which it is not able to distribute, including the right to the recovery of the property described in subsection (a) (1) and (2))."

On page 80, line 21, of the Senate engrossed amendments after "stock" insert "or other interest."

On page 80, line 22, of the Senate engrossed amendments after "stock" insert "or other interest."

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 157. Recovery of unconstitutional Federal taxes.

"(a) In general: Chapter 1 of the Internal Revenue Code is amended by inserting after section 127 the following new section:

"'SEC. 128. Recovery of unconstitutional Federal taxes.

"'Income (excluding interest) attributable to the recovery during the taxable year of a tax imposed by the United States which has been held unconstitutional, and in respect of which a deduction was allowed in a prior taxable year may be excluded from gross income for the taxable year, and the deduction allowed in respect thereof in such prior taxable year treated as not having been allowable, if—

"'(a) The taxpayer elects in writing (at such time and in such manner as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) to treat such deduction as not having been allowable for such prior taxable year, and

"'(b) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiencies resulting from such treatment, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent.'

"(b) Taxable years to which applicable: The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1940."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment, as follows: On page 83, line 18, of the Senate engrossed amendments strike out "160" and insert "158"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "159"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "160"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows: On page 89, line 13, of the Senate engrossed amendments strike out "163" and insert "161"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with the following amendments:

On page 90, line 15, of the Senate engrossed amendments strike out "164" and insert "162."

On page 95, line 16, of the Senate engrossed amendments strike out "both the".

On page 95, line 22, of the Senate engrossed amendments strike out "both".

On page 98, lines 5 and 6, of the Senate engrossed amendments strike out "the persons who are made the beneficiaries of the contributions paid by the employer" and insert "all employees".

Beginning with line 16 of page 104 of the Senate engrossed amendments strike out down through and including line 17 on page 105.

And the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "163"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with the following amendments: On page 107, line 11, of the Senate engrossed amendments strike out "which has" and insert "the"; and on page 107, line 14, of the Senate engrossed amendments strike out "comprising" and insert "of which comprise"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows: On page 115, line 9, of the Senate engrossed amendments strike out "166" and insert "164" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215 and agree to the same with the following amendments:

On page 118, line 8, of the Senate engrossed amendments strike out "167" and insert "165."

Strike out pages 119 and 120, and the first two lines of page 121, of the Senate engrossed amendments and insert in lieu thereof the following: "every mutual insurance company (other than a life or a marine insurance company and other than an interinsurer or reciprocal underwriter) a tax computed under paragraph (1) or paragraph (2) whichever is the greater and upon the income of every mutual insurance company (other than a life or a marine insurance company) which is an interinsurer or reciprocal underwriter, a tax computed under paragraph (3).

"'(1) If the corporation surtax net income is over $3,000 a tax computed as follows:

"'(A) Normal tax: A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 30 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

"'(B) Surtax: A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), or 20 per centum of the amount by which the corporation surtax net income exceeds $3,000, whichever is the lesser.

"'(2) If for the taxable year the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policy holders, minus the interest which under section 22 (b) (4) is excluded from gross income, exceeds $75,000, a tax equal to the excess of—

"'(A) 1 per centum of the amounts so computed, or 2 per centum of the excess of the amount so computed over $75,000, whichever is the lesser, over

"'(B) the amount of the tax imposed under Subchapter E of Chapter 2.

"'(3) In the case of an interinsurer or reciprocal underwriter, if the corporation surtax net income is over $50,000 a tax computed as follows:

"'(A) Normal tax: A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 48 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

"'(B) Surtax: A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), or 32 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

"'(4) Gross amount received over $75,000 but less than $125,000: If the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the amount ascertained under paragraph (1), paragraph (2) (A), and paragraph (3) shall be an amount which bears the same proportion to the amount ascertained under such paragraph, computed without reference to this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000.

"'(5) Foreign mutual insurance companies other than life or marine: In the case of a foreign mutual insurance company (other than a life or marine insurance company), the net income shall be the net income from sources within the United States and the gross amount of income from interest, dividends, rents, and net premiums shall be the amount of such income from sources within the United States.

"'(6) No United States insurance business: Foreign mutual insurance companies (other than a life or marine insurance company) not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.'"

And on page 83, line 15, of the House bill after "207" insert "(a) (1) or (3)."

And the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "166"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "167"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows: On page 127, line 5, of the Senate engrossed amendments strike out "170" and insert "168"; and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "169"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "170"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "171"; and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with the following amendments:

On page 133, line 19, of the Senate engrossed amendments strike out "174" and insert "172."

On page 134 of the Senate engrossed amendments, strike out lines 8 to 14, inclusive, and insert in lieu thereof the following:

"'(a) Definition: The term "victory tax net income" in the case of any taxable year means (except as provided in subsection (c)) the gross income for such year (not including gain from the sale or exchange of capital assets as defined in section 117, or interest allowed as a credit against net income under section 25 (a) (1) and (2), or amounts received as compensation for injury or sickness which are included in gross income by reason of the exception contained in section 22 (b) (5)) minus the sum of the following deductions:'

On page 138 of the Senate engrossed amendments, line 24, strike out "another" and insert "one other person"; on page 142 of the Senate engrossed amendments, lines 19 and 23, strike out "(f)" and insert "(e)"; on page 143 of the Senate engrossed amendments, line 7, before "for services" insert "(other than fees paid to a public official)"; on page 144 of the Senate engrossed amendments, strike out lines 6 to 15, inclusive, and insert in lieu thereof the following:

"(d) Employee: The term 'employee' includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."

On page 150 of the Senate engrossed amendments, strike out lines 1 to 6; on page 150 of the Senate engrossed amendments, lines 7 and 14, strike out "(e)" and "(f)" and insert "(d)" and "(e)", respectively; on page 151 of the Senate engrossed amendments, lines 1 and 7, strike out "(g)" and "(h)" and insert "(f)" and "(g)", respectively; on page 153 of the Senate engrossed amendments, line 15, after "section" insert "shall be in lieu of the return required to be furnished by the employer with respect to his employee under section 147 and"; on page 156 of the Senate engrossed amendments, line 18, strike out "(f)" and insert "(e)"; on page 157 of the Senate engrossed amendments, line 24, strike out "(g)" and insert "(f)"; and on page 158 of the Senate engrossed amendments, lines 12 and 15, strike out "(f)" and insert "(e)."

And the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"(g) Specific exemption and returns of interinsurers and reciprocal underwriters:

"(1) Specific exemption: Section 710 (b) (1) is amended by inserting before the semicolon at the end thereof a comma and the following: 'and in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter a specific exemption of $50,000.'

"(2) Returns: Section 729 (b) (2) is amended by inserting before the period at the end thereof the following: 'or, in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, is not greater than $50,000'."

And the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 209. Nontaxable income from exempt excess output of mining and timber operations and from bonus income of mines, etc.

"(a) Income credit: Section 711 (a) (1) (relating to excess profits credit computed under income credit) is amended by inserting at the end thereof the following new subparagraph:

"'(I) Nontaxable income of certain industries with depletable resources: In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.'

"(b) Invested capital credit: Section 711 (a) (2) (relating to excess profits credit computed under invested capital credit) is amended by inserting at the end thereof the following new subparagraph:

"'(K) Nontaxable income of certain industries with depletable resources: In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735.

"(c) Nontaxable income: Subchapter E of Chapter 2 is amended by inserting after section 734 the following new section:

"'SEC. 735. Nontaxable income from certain mining and timber operations.

"'(a) Definitions: For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

"'(1) Producer: The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation.

"'(2 Mineral unit: The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property.

"'(3) Timber unit: The term "timber unit" means a unit of timber recovered from the operation of a timber block.

"'(4) Excess output: The term "excess output" means the excess of the mineral units or the timber units for the taxable year over the normal output.

"'(5) Normal output: The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The average annual mineral units or timber units shall be computed by dividing the aggregate of such mineral units or timber units for the

base period by the number of months for which the mineral property or the timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property or any timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, instead of twelve. Any mineral property, or any timber block, which was in operation for less than six months during the base period shall, for the purposes of this section, be deemed not to have been in operation during the base period.

"'(6) Mineral property: The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

"'(7) Minerals: The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

"'(8) Timber block: The term "timber block" means an operation unit existing as of December 31, 1941, which includes all the taxpayer's timber which would logically go to a single given point of manufacture, but shall not include any operation unit acquired after December 31, 1941.

"'(9) Normal unit profit: The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

"'(10) Estimated recoverable units: The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

"'(11) Exempt excess output: The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

"'100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

"'95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

"'90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

"'85 per centum of the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

"'80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

"'60 per centum if the excess output exceeds 14⅜ but not 16⅔ per centum of the estimated recoverable units;

"'40 per centum if the excess output exceeds 12½ but not 14⅜ per centum of the estimated recoverable units;

"'30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

"'20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

"'(12) Unit net income: The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber, recovered from such property in such year.

"'(b) Nontaxable income from exempt excess output.—

"'(1) General rule: For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

"'(2) Coal and iron mines: For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

"'(3) Timber properties: For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

"'(c) Nontaxable bonus income: The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of a mineral product or of timber the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota.

"'(d) Rule in case income from excess output includes bonus payment: In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.'

"(d) Retroactive exclusion of nontaxable bonus income: The amendments made by this section inserting section 711 (a) (1) (I), section 711 (a) (2) (K), and section 735 (c), to the extent that they relate to nontaxable bonus income, shall be applicable to taxable years beginning after December 31, 1940."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 210. Net operating loss deduction adjustment.

"(a) Section 711 (a) (1) (relating to the excess profits credit computed under income credit) is amended by adding at the end thereof the following new subparagraph:

"'(J) Net operating loss deduction adjustment: The net operating loss deduction shall be adjusted as follows:

"'(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under paragraph (2) (B) for such taxable year; and

"'(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (B), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).'

"(b) Section 711 (a) (2) (relating to the excess profits credit computed under invested capital credit) is amended by adding at the end thereof the following new subparagraph:

"'(L) Net operating loss deduction adjustment.—The net operating loss deduction shall be adjusted as follows:

"'(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under subparagraph (B) of this paragraph for such taxable year; and

"'(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (D), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).'

"(c) The amendments made by this section shall be effective as of the date of enactment of the Excess Profits Tax Act of 1940."

And the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "228"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "5"; and the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment, as follows: On page 196, line 2, of the Senate engrossed amendments strike out "average" and insert "amount"; and the Senate agree to the same.

Amendment numbered 385: That the House recede from its disagreement to the amendment of the Senate numbered 385, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Optional retroactivity of amendments to 1940 and 1941: The amendments made by this section, inserting section 760 and section 761, shall also be applicable in the computation of the tax for all taxable years beginning after December 31, 1939, if the taxpayer, within the time and in the manner and subject to such regulations as the Commissioner, with the approval of the Secretary, prescribes, elects to have either or both of such amendments apply. For any taxable year for which the provisions of section 760 are applied retroactively, the amendment made by subsection (b) (2) of this section to section 719 (a) (1) shall also apply. In case the provisions of section 761 are applied retroactively, the provisions of section 718 (a) (5), section 718 (b) (4), and section 718 (c) (4) shall not apply in such computations."

And the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with the following amendments:

On page 230, line 6, of the Senate engrossed amendments after "1941" insert "(except in the case of a taxable year beginning in 1941 and ending before July 1, 1942)."

On page 230, beginning with "In" in line 9, of the Senate engrossed amendments strike out down to and including the period in line 12 and insert "For the purposes of this part, in the case of a taxpayer whose tax is determined under section 710 (a) (3), the term 'tax imposed under this subchapter' means the excess of the tax imposed by such section 710 (a) (3) over the tax that would be imposed if such section 710 (a) (3) were not applicable."

On page 231, of the Senate engrossed amendments, in the table appearing on such page strike out "Within the calendar year 1942" and insert "Within the calendar year 1941 or 1942."

On page 235, line 14, of the Senate engrossed amendments after "shall" insert ", at the election of the taxpayer made in its return for such year."

On page 235, of the Senate engrossed amendments strike out lines 20 to 23 inclusive, and insert:

"(1) An amount equal to 10 per centum of the tax imposed under this subchapter for the taxable year."

On page 236, of the Senate engrossed amendments strike out lines 11 and 12 and insert:

"(4) In case such taxable year begins in 1941 or ends before September 1, 1942, zero."

And the Senate agree to the same.

Amendment numbered 391: That the House recede from its disagreement to the amendment of the Senate numbered 391, and agree to the same with an amendment, as follows: On page 249, line 6, of the House bill after "months" insert "on account of a change in the accounting period of the taxpayer"; and the Senate agree to the same.

Amendment numbered 399: That the House recede from its disagreement to the amendment of the Senate numbered 399, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Powers with respect to which amendments not applicable:

"(1) The amendments made by this section shall not apply with respect to a power to appoint, created on or before the date of the enactment of this Act, which is other than a power exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, unless such power is exercised after the date of the enactment of this Act.

"(2) The amendments made by this section shall not become applicable with respect to a power to appoint created on or before the date of enactment of this Act, which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, if at such date the donee of such power is under a legal disability to release such power, until six months after the termination of such legal disability. For the purposes of the preceding sentence, an individual in the military or naval forces of the United States shall, until the termination of the present war, be considered under a legal disability to release a power to appoint.

"(3) The amendments made by this section shall not apply with respect to any power to appoint created on or before the date of the enactment of this Act if it is released before January 1, 1943, or within the time limited by paragraph (2) in cases to which such paragraph is applicable; or if the decedent dies before January 1, 1943, or within the time limited by paragraph (2) in cases to which such paragraph is applicable, and such power is not exercised."

And the Senate agree to the same.

Amendment numbered 402: That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Liability of Life Insurance Beneficiaries: Section 826 (c) (relating to apportionment of liability of beneficiaries) is amended to read as follows:

"'(c) Liability of Life Insurance Beneficiaries: Unless the decedent directs otherwise in his will, if any part of the gross estate upon which tax has been paid consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds of such policies bear to the sum of the net estate and the amount of the exemption allowed in computing the net estate, determined under section 935 (c). If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.'"

And the Senate agree to the same.

Amendment numbered 418: That the House recede from its disagreement to the amendment of the Senate numbered 418, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 249, of the Senate engrossed amendments after line 23 insert:

"(c) Release on or before January 1, 1943:

"(1) A release of a power to appoint before January 1, 1943, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1943."

And the Senate agree to the same.

Amendment numbered 435: That the House recede from its disagreement to the amendment of the Senate numbered 435, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by the Senate amendment and strike out wherever appearing therein the term "United States Tax Court" and insert "The Tax Court of the United States"; and the Senate agree to the same.

Amendment numbered 438: That the House recede from its disagreement to the amendment of the Senate numbered 438, and agree to the same with an amendment, as follows: On page 253, line 16, of the Senate engrossed amendments strike out "505" and insert "506"; and the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment, as follows: On page 262, line 7, of the Senate engrossed amendments strike out "December 31, 1941" and insert "the date of the enactment of this Act"; and the Senate agree to the same.

Amendment numbered 449: That the House recede from its disagreement to the amendment of the Senate numbered 449, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "507"; and the Senate agree to the same.

Amendment numbered 459: That the House recede from its disagreement to the amendment of the Senate numbered 459, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 508. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

"Chapter 38 is amended by inserting at the end thereof the following new section:

"'SEC. 3806 Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.

"'(a) Reduction for prior taxable year:

"'(1) Excessive profits eliminated for prior taxable year: In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for taxable year ending after December 31, 1941, "prior taxable year") is eliminated and, in a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated or the amount of excessive profits eliminated is applied as an offset against other amounts due the taxpayer, the part of the contract or subcontract price which was received or was accrued for the prior taxable year shall be reduced by the amount of excessive profits eliminated. For the purposes of this section—

"'(A) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.) or such section, as amended, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

"'(B) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942, any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

"'(C) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942.

"'(2) Reduction of reimbursement for prior taxable year: In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has

been reimbursed is disallowed as an item of cost chargeable to such contract and, in a taxable year beginning after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed or the amount disallowed is applied as an offset against other amounts due the taxpayer, the amount of the reimbursement of the taxpayer under the contract for the taxable year in which the reimbursement for such item was received or was accrued (hereinafter referred to as "prior taxable year") shall be reduced by the amount disallowed.

"'(3) Deduction disallowed: The amount of the payment, repayment, or offset described in paragraph (1) or paragraph (2) shall not constitute a deduction for the year in which paid or incurred.

"'(4) Exception: The foregoing provisions of this subsection shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the Commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under such method, which for the purposes of subsections (b) and (c) shall be considered a prior taxable year.

"'(b) Credit against repayment on account of renegotiation or allowance:

"'(1) General rule: There shall be credited against the amount of excessive profits eliminated the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (1) of subsection (a); and there shall be credited against the amount disallowed the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (2) of subsection (a).

"'(2) Credit for barred year: If at the time of the payment, repayment, or offset described in paragraph (1) or paragraph (2) of subsection (a), refund or credit of tax under Chapter 1, Chapter 2A, Chapter 2D, or Chapter 2E, for the prior taxable year, is prevented (except for the provisions of section 3801) by any provision of the internal-revenue laws other than section 3761, or by rule of law, the amount by which the tax for such year under such chapters is decreased by the application of paragraph (1) or paragraph (2) of subsection (a) shall be computed under this paragraph. There shall first be ascertained the tax previously determined for the prior taxable year. The amount of the tax previously determined shall be (A) the tax shown by the taxpayer upon his return for such taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (B) if no amount was shown as the tax by such taxpayer upon his return, or if no return was made by such taxpayer, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the decrease in tax previously determined which results solely from the application of paragraph (1) or paragraph (2) of subsection (a) to the prior taxable year. The amount so ascertained, together with any amounts collected as additions to the tax or interest, as a result of paragraph (1) or paragraph (2) of subsection (a) not having been applied to the prior taxable year shall be the amount by which such tax is decreased.

"'(3) Interest: In determining the amount of the credit under this subsection no interest shall be allowed with respect to the amount ascertained under paragraph (1) or paragraph (2); except that if interest is charged by the United States or the agency thereof on account of the disallowance for any period before the date of the payment, repayment, or offset, the credit shall be increased by an amount equal to interest on the amount ascertained under either such paragraph at the same rate and for the period (prior to the date of the payment, repayment, or offset) as interest is so charged.

"'(c) Credit in lieu of other credit or refund: If a credit is allowed under subsection (b) with respect to a prior taxable year no other credit or refund under the internal-revenue laws founded on the application of subsection (a) shall be made on account of the amount allowed with respect to such taxable year. If the amount allowable as a credit under subsection (b) exceeds the amount allowed under such subsection, the excess shall, for the purposes of the internal-revenue laws relating to credit or refund of tax, be treated as an overpayment for the prior taxable year which was made at the time the payment, repayment, or offset was made.'"

And the Senate agree to the same.

Amendment numbered 460: That the House recede from its disagreement to the amendment of the Senate numbered 460, and agree to the same with an amendment, as follows: On page 273, line 2, of the Senate engrossed amendments strike out "508" and insert "509"; and the Senate agree to the same.

Amendment numbered 474: That the House recede from its disagreement to the amendment of the Senate numbered 474, and agree to the same with an amendment, as follows: On page 290, line 8, of the Senate engrossed amendments strike out "$2.00" and insert "$2.50"; and the Senate agree to the same.

Amendment numbered 497: That the House recede from its disagreement to the amendment of the Senate numbered 497, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by the Senate amendment and on page 317, line 11, of the House bill strike out "621" and insert "620" and beginning in line 16 strike out the following:

"(a) Tax: There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 5 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 5 cents per long ton", and insert in lieu thereof:

"'(a) Tax: There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton.'"

And the Senate agree to the same.

Amendment numbered 498: That the House recede from its disagreement to the amendment of the Senate numbered 498, and agree to the same with an amendment, as follows: On page 295, line 8, of the Senate engrossed amendments strike out "620" and insert "621"; and the Senate agree to the same.

Amendment numbered 499: That the House recede from its disagreement to the amendment of the Senate numbered 499, and agree to the same with an amendment, as follows: On page 296, line 2, of the Senate engrossed amendments strike out "621" and insert "622" and the Senate agree to the same.

Amendment numbered 500: That the House recede from its disagreement to the amendment of the Senate numbered 500, and agree to the same with an amendment, as follows: On page 297, line 2, of the Senate engrossed amendments strike out "622" and insert "623"; and the Senate agree to the same.

"Amendment numbered 503: That the House recede from its disagreement to the amendment of the Senate numbered 503, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"TITLE VIII—RENEGOTIATION OF WAR CONTRACTS

"SEC. 801. RENEGOTIATION OF WAR CONTRACTS

"(a) Subsections (a), (b), and (c) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public, 528, 77th Cong., 2d Sess.), are amended to read as follows:

"'SEC. 403. (a) For the purposes of this section—

"'(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, and the Maritime Commission, respectively.

"'(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission.

"'(3) The terms "renegotiate" and "renegotiation" include the refixing by the Secretary of the Department of the contract price.

"'(4) The term "excessive profits" means any amount of a contract or subcontract price which is found as a result of renegotiation to represent excessive profits.

"'(5) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract. The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

"'For the purposes of subsections (d) and (e) of this section, the term "contract" includes a subcontract and the term "contractor" includes a subcontractor.'

"'(b) Subject to subsection (i), the Secretary of each Department is authorized and directed to insert in any contract for an amount in excess of $100,000 hereafter made by such Department—

"'(1) a provision for the renegotiation of the contract price at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty;

"'(2) a provision for the retention by the United States from amounts otherwise due the contractor, or for the repayment by him to the United States, if paid to him, of any excessive profits not eliminated through reductions in the contract price, or otherwise, as the Secretary may direct;

"'(3) a provision requiring the contractor to insert in each subcontract for an amount in excess of $100,000 made by him under such contract (i) a provision for the renegotiation by such Secretary and the subcontractor of the contract price of the subcontract at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty, (ii) a provision for the retention by the contractor for the United States of the amount of any reduction in the contract price of any subcontract pursuant to its renegotiation hereunder, or for the repayment by the subcontractor to the United States of any excessive profits from such subcontract paid to him and not eliminated through reductions in the contract price or otherwise, as the Secretary may direct, and (iii) a provision for relieving the contractor from any liability to the subcontractor on account of any amount so retained by the contractor or repaid by the subcontractor to the United States, and (iv) in the discretion

of the Secretary, a provision requiring any subcontractor to insert in any subcontract made by him under such subcontract, provisions corresponding to those of subparagraphs (3) and (4) of this subsection (b); and

"'(4) a provision for the retention by the United States from amounts otherwise due the contractor, or for repayment by him to the United States, as the Secretary may direct, of the amount of any reduction in the contract price of any subcontract under such contract, which the contractor is directed, pursuant to clause (3) of this subsection, to withhold from payments otherwise due the subcontractor and actually unpaid at the time the contractor receives such direction.

"The provision for the renegotiation of the contract price, in the discretion of the Secretary, (i) may fix the period or periods when or within which renegotiation shall be had; and (ii) if in the opinion of the Secretary the provisions of the contract or subcontract are otherwise adequate to prevent excessive profits, may provide that renegotiation shall apply only to a portion of the contract or subcontract or shall not apply to performance during a specified period or periods and may also provide that the contract price in effect during any such period or periods shall not be subject to renegotiation.

"'(c) (1) Whenever, in the opinion of the Secretary of a Department, the profits realized or likely to be realized from any contract with such Department, or from any subcontract thereunder whether or not made by the contractor, may be excessive, the Secretary is authorized and directed to require the contractor or subcontractor to renegotiate the contract price. When the contractor or subcontractor holds two or more contracts or subcontracts the Secretary in his discretion, may renegotiate to eliminate excessive profits on some or all of such contracts and subcontracts as a group without separately renegotiating the contract price of each contract or subcontract.

"'(2) Upon renegotiation, the Secretary is authorized and directed to eliminate any excessive profits under such contract or subcontract (i) by reductions in the contract price of the contract or subcontract, or by other revision in its terms; or (ii) by withholding, from amounts otherwise due to the contractor or subcontractor, any amount of such excessive profits; or (iii) by directing a contractor to withhold for the account of the United States, from amounts otherwise due to the subcontractor, any amount of such excessive profits under the subcontract; or (iv) by recovery from the contractor or subcontractor, through repayment, credit or suit, of any amount of such excessive profits actually paid to him; or (v) by any combination of these methods, as the Secretary deems desirable. The Secretary may bring actions on behalf of the United States in the appropriate courts of the United States to recover from such contractor or subcontractor, any amount of such excessive profits actually paid to him and not withheld or eliminated by some other method under this subsection. The surety under a contract or subcontract shall not be liable for the repayment of any excessive profits thereon. All money recovered by way of repayment or suit under this subsection shall be covered into the Treasury as miscellaneous receipts.

"'(3) In determining the excessiveness of profits realized or likely to be realized from any contract or subcontract, the Secretary shall recognize the properly applicable exclusions and deductions of the character which the contractor or subcontractor is allowed under Chapter 1 and Chapter 2E of the Internal Revenue Code. In determining the amount of any excessive profits to be eliminated hereunder the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code.

"'(4) Upon renegotiation pursuant to this section, the Secretary may make such final or other agreements with a contractor or subcontractor for the elimination of excessive profits and for the discharge of any liability for excessive profits under this section, as the Secretary seems desirable. Such agreements may cover such past and future period or periods, may apply to such contract or contracts of the contractor or subcontractor, and may contain such terms and conditions, as the Secretary deems advisable. Any such agreement shall be final and conclusive according to its terms; and except upon a showing of fraud or malfeasance or a wilful misrepresentation of a material fact, (i) such agreement shall not be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States; and (ii) such agreement and any determination made in accordance therewith shall not be annulled, modified, set aside, or disregarded in any suit, action, or proceeding.

"'(5) Any contractor or subcontractor who holds contracts or subcontracts, to which the provisions of this section are applicable, may file with the Secretaries of all the Departments concerned statements of actual costs of production and such other financial statements for any prior fiscal year or years of such contractor or subcontractor, in such form and detail, as the Secretaries shall prescribe by joint regulation. Within one year after the filing of such statements, or within such shorter period as may be prescribed by such joint regulation, the Secretary of a Department may give the contractor or subcontractor written notice, in form and manner to be prescribed in such joint regulation, that the Secretary is of the opinion that the profits realized from some or all of such contracts or subcontracts may be excessive, and fixing a date and place for an initial conference to be held within sixty days thereafter. If such notice is not given and renegotiation commenced by the Secretary within such sixty days the contractor or subcontractor shall not thereafter be required to renegotiate to eliminate excessive profits realized from any such contract or subcontract during such fiscal year or years and any liabilities of the contractor or subcontractor for excessive profits realized during such period shall be thereby discharged.

"'(6) This subsection (c) shall be applicable to all contracts and subcontracts hereafter made and to all contracts and subcontracts heretofore made, whether or not such contracts or subcontracts contain a renegotiation of recapture clause, unless (i) final payment pursuant to such contract or subcontract was made prior to April 28, 1942, or (ii) the contract or subcontract provides otherwise pursuant to subsection (b, or (i), or is exempted under subsection (i), of this section 403, or (iii) the aggregate sales by the contractor or subcontractor, and by all persons under the control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts thereunder do not exceed, or in the opinion of the Secretary concerned will not exceed, $100,000 for the fiscal year of such contractor or subcontractor.

"'No renegotiation of the contract price pursuant to any provision therefor, or otherwise, shall be commenced by the Secretary more than one year after the close of the fiscal year of the contractor or subcontractor within which completion or termination of the contract or subcontract, as determined by the Secretary, occurs.'

"(b) Subsection (f) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), is amended to read as follows:

"'(f) Subject to any regulations which the President may prescribe for the protection of the interests of the Government, the authority and discretion herein conferred upon the Secretary of each Department may be delegated in whole or in part by him to such individuals or agencies as he may designate in his Department, or in any other Department with the consent of the Secretary of that Department, and he may authorize such individuals or agencies to make further delegations of such authority and discretion.'

"(c) Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong. 2d sess.), is amended by adding at the end thereof the following subsections:

"'(i) (1) The provisions of this section shall not apply to—

"'(i) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof or with any foreign government or any agency thereof; or

"'(ii) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; and the Secretaries are authorized by joint regulation, to define, interpret, and apply this exemption.

"'(2) The Secretary of a Department is authorized, in his discretion, to exempt from some or all of the provisions of this section—

"'(i) any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

"'(ii) any contracts or subcontracts under which, in the opinion of the Secretary, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days; and

"'(iii) a portion of any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Secretary, the provisions of the contract are otherwise adequate to prevent excessive profits.'"

The Secretary may so exempt contracts and subcontracts both individually and by general classes or types.

"'(j) Nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to prevent any person appointed by the Secretary of a Department for intermittent and temporary employment in such Department, from acting as counsel, agent, or attorney for prosecuting any claim against the United States: *Provided*, That such person shall not prosecute any claim against the United States (1) which arises from any matter directly connected with which such person is employed, or (2) during the period such person is engaged in intermittent and temporary employment in a Department.'"

"(d) The amendments made by this section shall be effective as of April 28, 1942."

And the Senate agree to the same.

Amendment numbered 504.

Amend the table of contents to read as follows:

"TITLE I—INDIVIDUAL AND CORPORATION INCOME TAXES

"PART I—AMENDMENTS TO CHAPTER 1

"Sec. 101. Taxable years to which amendments applicable.

"Sec. 102. Normal tax on individuals (sec. 11).

"Sec. 103. Surtax on individuals (sec. 12 (b)).

"Sec. 104. Optional tax on individuals with gross income from certain sources of $3,000 or less (sec. 400).

"Sec. 105. Tax on corporations (sec. 15).
"Sec. 106. Tax on nonresident alien individuals (sec. 211).
"Sec. 107. Tax on foreign corporations (sec. 231 (a)).
"Sec. 108. Withholding of tax at source (secs. 143 and 144).
"Sec. 109. Treaty obligations.
"Sec. 110. Transfers of life insurance contracts, etc. (sec. 22 (b) (2)).
"Sec. 111. Income received from estates, etc., under gifts, bequests, etc. (sec. 22 (b) (3)).
"Sec. 112. Amendments to conform Internal Revenue Code with Public Debt Act of 1941 (sec. 22 (b) (4)).
"Sec. 113. Exclusion of pensions, annuities, etc., for disability resulting from military service (sec. 22 (b) (5)).
"Sec. 114. Exclusion of income from discharge of indebtedness (sec. 22 (b) (9)).
"Sec. 115. Improvements by lessee (sec. 22 (b)).
"Sec. 116. Recovery of bad debts, prior taxes, and delinquency amounts (sec. 22 (b)).
"Sec. 117. Additional allowance for military and naval personnel (sec. 22 (b)).
"Sec. 118. Report requirement in connection with inventory methods (sec. 22 (d) (2)).
"Sec. 119. Last-in first-out inventory (sec. 22 (d)).
"Sec. 120. Alimony and separate maintenance payments (sec. 22).
"Sec. 121. Non-trade or non-business deductions (sec. 23 (a)).
"Sec. 122. Deduction allowable to purchasers for State and local retail sales taxes (sec. 23 (c)).
"Sec. 123. Deduction for stock and bond losses on securities in affiliated corporations (sec. 23 (g)).
"Sec. 124. Deduction for bad debts, etc. (sec. 23 (k)).
"Sec. 125. Corporate contributions to United States, etc., or for charitable use outside United States deductible (sec. 23 (q)).
"Sec. 126. Amortizable bond premium (sec. 23).
"Sec. 127. Deduction for medical, dental, etc., expenses (sec. 23).
"Sec. 128. Deduction of certain amounts paid to cooperative apartment corporation (sec. 23).
"Sec. 129. Deduction denied if proceeds used to pay for insurance (sec. 24 (a)).
"Sec. 130. Taxes and other charges chargeable to capital account not deductible but treated as capital items (sec. 24 (a)).
"Sec. 131. Reduction of personal exemption and credit for dependents—requirement for return (sec. 25 (b) (1)).
"Sec. 132. Computation of net operating loss credit and dividends paid credit (sec. 26 (c) (1)).
"Sec. 133. Credit for dividends paid on certain preferred stock (sec. 26).
"Sec. 134. Income in respect of decedents (sec. 42 (a)).
"Sec. 135. Returns for a period of less than twelve months (sec. 47).
"Sec. 136. Declaration that return made under penalties for perjury in lieu of oath (sec. 51)
"Sec. 137. Exemption of employees' voluntary beneficiary associations (sec. 101).
"Sec. 138. Denial of capital loss carry-over to section 102 companies (sec. 102 (d) (1)).
"Sec. 139. Compensation for services rendered for a period of thirty-six months or more (sec. 107).
"Sec. 140. Certain fiscal year taxpayer (sec. 108).
"Sec. 141. Western Hemisphere trade corporations (sec. 109).
"Sec. 142. Nonrecognition of loss and determination of basis in case of certain railroad reorganizations (sec. 112 (b)).
"Sec. 143. Basis of gifts (sec. 113 (a)).
"Sec. 144. Basis of property in case of optional value for estate tax purposes (sec. 113 (a) (5)).
"Sec. 145. Percentage depletion for coal, fluorspar, ball and sagger clay, rock asphalt, and metal mines and sulphur (sec. 114 (b) (4)).
"Sec. 146. Effect on earnings and profits of wash sale losses (sec. 115 (l)).
"Sec. 147. Distributions in liquidation (sec. 115 (c)).
"Sec. 148. Income from sources without United States in certain cases (sec. 116 (a)).
"Sec. 149. Reciprocal exemption of compensation of employees of the Commonwealth of the Philippines (sec. 116 (h)).
"Sec. 150. Capital gains and losses (sec. 117).
"Sec. 151. Real property; involuntary conversions; etc. (sec. 117).
"Sec. 152. Holding period of stock acquired through exercise of rights (sec. 117 (h)).
"Sec. 153. Two-year carry-back of net operating losses (sec. 122 (b)).
"Sec. 154. Commodity credit loans (sec. 123).
"Sec. 155. Extension of deduction for amortization of emergency facilities (sec. 124).
"Sec. 156. War losses.
"Sec. 157. Recovery of unconstitutional Federal taxes.
"Sec. 158. Foreign tax credit (sec. 131).
"Sec. 159. Extension of consolidated returns privilege to certain corporations (sec. 141).
"Sec. 160. Aliens and foreign corporations treated as nonresidents (secs. 143 and 144).
"Sec. 161. Deductions for estate tax and income tax of estate (sec. 162).
"Sec. 162. Pension trusts (sec. 165).
"Sec. 163. Life insurance companies (sec. 201).
"Sec. 164. Insurance companies other than life or mutual and mutual marine insurance companies (sec. 204).
"Sec. 165. Mutual insurance companies other than life or marine (sec. 207).
"Sec. 166. Technical amendment to definition of 'dividend' (sec. 115 (a)).
"Sec. 167. Transactions in stocks, securities, and commodities not considered engaging in trade or business in certain cases (sec. 211 (b)).
"Sec. 168. Period for filing petition extended in certain cases (sec. 272 (a)).
"Sec. 169. Statute of limitations on refunds and credits (sec. 322).
"Sec. 170. Regulated investment companies (Supplement Q).
"Sec. 171. Amendments to Supplement R (sec. 371).
"Sec. 172. Temporary income tax on individuals.

"PART II—PERSONAL HOLDING COMPANIES

"Sec. 181. Rates of personal holding company tax (sec. 500).
"Sec. 182. Exemption of certain corporations from personal holding company tax (sec. 501 (b)).
"Sec. 183. Consolidated income (sec. 501 (c)).
"Sec. 184. Computation of undistributed Subchapter A net income (sec. 504).
"Sec. 185. Deficiency dividends of personal holding companies (sec. 506).
"Sec. 186. Distribution by personal holding companies (sec. 115 (a)).

"TITLE II—EXCESS PROFITS TAX

"PART I—EXCESS PROFITS TAX AMENDMENTS

"Sec. 201. Taxable years to which amendments applicable.
"Sec. 202. Rate of excess profits tax (sec. 710 (a)).
"Sec. 203. Certain fiscal year taxpayers (sec. 710 (a)).
"Sec. 204. Two-year carry-back of unused excess profits credit (sec. 710 (c)).
"Sec. 205. Computation of excess profits and invested capital of insurance companies (sec. 711 (a)).
"Sec. 206. Technical amendments made necessary by change in base for corporation tax (sec. 711 (a)).
"Sec. 207. Capital gains and losses in the computation of excess profits net income (sec. 711 (a)).
"Sec. 208. Retroactive treatment of involuntary conversions as capital transactions (sec. 711 (a) (1))
"Sec. 209. Nontaxable income from certain mining and timber operations (sec. 711 (a) (1)).
"Sec. 210. Net operating loss deduction adjustment (sec. 711 (a) (1)).
"Sec. 211. Credit for dividends received in computation of excess profits net income in connection with invested capital credit (sec. 711 (a) (2)).
"Sec 212 Application of excess profits tax to certain foreign corporations (sec. 712 (b)).
"Sec 213 Excess profits net income placed on annual basis (sec. 711 (a) (3)).
"Sec. 214. Interest on certain Federal obligations (sec 713 (c)).
"Sec. 215 Base period net income of lowest year in base period (sec. 713 (e) (1)).
"Sec. 216 Capital reduction in case of members of controlled group (sec. 713 (g)).
"Sec. 217. Invested capital credit (sec. 714).
"Sec. 218. Basis of property paid in (sec. 718 (a) (2)).
"Sec. 219 Deficit in earnings and profits of another corporation (sec. 718).
"Sec. 220. Amortizable bond premium on certain Government obligations (sec. 720 (d)).
"Sec. 221. Abnormalities in income in taxable period (sec. 721).
"Sec. 222. Relief provisions (sec. 722).
"Sec. 223 Exempt corporations (sec. 727).
"Sec. 224 Excess profits tax returns (sec. 729 (b)).
"Sec. 225. Consolidated returns (sec. 730).
"Sec. 226. Exemption from tax of mining of certain strategic minerals (sec. 731).
"Sec 227. Amendments to section 734.
"Sec. 228. Rules for income credit in connection with certain exchanges (Supplement A).
"Sec. 229. Termination of Supplement B.
"Sec. 230. Invested capital in connection with certain exchanges and liquidations (Chapter 2E).

"PART II—POST-WAR REFUND OF EXCESS PROFITS TAX

"Sec. 250. Post-war refund of excess profits tax.

"TITLE III—CAPITAL STOCK AND DECLARED VALUE EXCESS PROFITS TAXES

"Sec. 301. Capital stock tax (sec. 1200).
"Sec. 302. Declared value excess profits tax (sec. 600).
"Sec. 303. Declared value excess profits tax for taxable years of less than twelve months (sec. 601).
"Sec. 304. Technical amendments made necessary by change in base for corporation tax (sec. 602).

"TITLE IV—ESTATE AND GIFT TAXES

"PART I—ESTATE TAX

"Sec. 401. Estates to which amendments applicable.
"Sec. 402. Community interests (sec. 811 (e)).
"Sec. 403. Powers of appointment (sec. 811 (f)).
"Sec. 404. Proceeds of life insurance (sec. 811 (g)).
"Sec. 405. Deductions not allowable in excess of certain property of estate (sec. 812 (b)).
"Sec. 406. Charitable pledges (sec. 812 (b)).
"Sec. 407. Deduction on account of property previously taxed (sec. 812 (c)).
"Sec. 408. Deduction for disclaimed legacies passing to charities (sec. 812 (d)).
"Sec. 409. Denial of deduction on bequest to certain propaganda organizations (sec. 812 (d)).
"Sec. 410. Priority of credit for local death taxes (sec. 813 (a)).

"Sec. 411. Liability of certain transferees (sec. 827 (b)).
"Sec. 412. Exemption of estates of nonresidents not citizens (sec. 861 (a)).
"Sec. 413. Period for filing petition extended in certain cases (sec. 871 (a)).
"Sec. 414. Specific exemption (sec. 935 (c)).
"Sec. 415 Overpayment found by Board (sec. 912).

"PART II—GIFT TAX

"Sec. 451. Gifts to which amendments applicable.
"Sec. 452. Powers of appointment (sec. 1000).
"Sec. 453. Gifts of community property (sec. 1000).
"Sec. 454. Exclusion from net gifts reduced (sec. 1003 (b)).
"Sec. 455. Specific exemption of gifts reduced (sec. 1004).
"Sec. 456. Period for filing petition extended in certain cases (sec. 1012 (a)).
"Sec. 457. Overpayment found by Board (sec. 1027 (d)).
"Sec. 458. Definition of property in United States (sec. 1030 (b)).

"TITLE V—AMENDMENTS TO PRIOR REVENUE ACTS AND MISCELLANEOUS PROVISIONS

"Sec. 501. Additional credits for undistributed profits tax.
"Sec. 502. Stamp tax on certain insurance policies (sec. 1804).
"Sec. 503. Suit against collector bar in other suits (sec. 3772).
"Sec. 504. Change of name of Board of Tax Appeals (sec. 1100).
"Sec. 505. Requirement of filing notice of lien (sec. 3672).
"Sec. 506. Miscellaneous amendments to stamp tax provisions (sec. 1801, etc.).
"Sec. 507. Time for performing certain acts postponed by reason of war.
"Sec. 508. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement.
"Sec. 509. Amendment to the Public Salary Tax Act of 1939.
"Sec. 510. Abolition of Board of Review and transfer of jurisdiction to Board of Tax Appeals.
"Sec. 511. Definition of military or naval forces of the United States (sec. 3797 (a)).
"Sec. 512. Joint Committee on Internal Revenue Taxation—Power to obtain data (Chap. 48).

"TITLE VI—EXCISE TAXES

"Sec. 601. Effective date of this title.
"Sec. 602. Distilled spirits (sec. 2800).
"Sec. 603. Fermented malt liquors (sec. 3150).
"Sec. 604. Wines (sec. 3030).
"Sec. 605. Cigars and cigarettes (sec. 2000).
"Sec. 606. Telephone, telegraph, etc. (sec. 3465).
"Sec. 607. Photographic apparatus (sec. 3406 (a) (4)).
"Sec. 608. Lubricating oils (sec. 3413).
"Sec. 609. Transportation of persons (sec. 3469).
"Sec. 610. Organs under contract before October 1, 1941 (sec. 3404 (d)).
"Sec. 611. Termination of certain excise taxes (sec. 3406 (a) (5), (7), (8), and (9)).
"Sec. 612. Affixing of cigarette stamps in foreign countries (sec. 2112 (c)).
"Sec. 613. Exemption of insignia, etc., used in connection with uniforms of the armed forces from jewelry tax (sec. 2400).
"Sec. 614. Refrigerators, refrigerating apparatus, and air-conditioners (sec. 3405).
"Sec 615 Exemption of certain cash registers (sec. 3406 (a) (6)).
"Sec. 616 Exempt transportation of oil by pipe line (sec. 3460).
"Sec. 617. Coin-operated amusement and gaming devices (sec. 3267).
"Sec. 618. Sale under chattel mortgage (sec. 2405 and sec. 3441).
"Sec. 619 Repeal of certain provisions relating to mixed flour (Chapter 18, Chapter 27).
"Sec 620. Transportation of property.
"Sec. 621. Exemption from processing tax of palm oil used in manufacture of iron or steel products (sec. 2477).
"Sec. 622 Cabaret tax (sec. 1700 (e)).
"Sec. 623 Sale and use of toilet preparations by beauty parlors, etc. (sec. 2402 (b)).

"TITLE VII—SOCIAL SECURITY TAXES

"Sec. 701. Automatic increase in 1943 rate not to apply (secs. 1400 and 1410).

"TITLE VIII—RENEGOTIATION OF WAR CONTRACTS

"Sec. 801. Renegotiation of war contracts."

R. L. DOUGHTON,
JERE COOPER,
JOHN W. BOEHNE, Jr.,
WESLEY E. DISNEY,
ALLEN T. TREADWAY,
HAROLD KNUTSON,
DANIEL A. REED,
Managers on the part of the House.

WALTER F. GEORGE,
DAVID I. WALSH,
ALBEN W. BARKLEY,
TOM CONNALLY,
ROBERT M. LA FOLLETTE, Jr.,
ARTHUR CAPPER,
A. H. VANDENBERG,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7378) to provide revenue, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment omits rents and royalties from the classes of income permitted to be reported on the simplified return under Supplement T to secure a closer correspondence between gross income for Supplemental T purposes and Victory tax net income. The House recedes.

Amendments Nos. 2, 3, and 5: These amendments of the Senate change the heading of the last column in the schedule of rates in section 400 of the Code in order to express more accurately the status of the taxpayers coming within this column. The House recedes.

Amendment No. 4: This amendment corrects an error in the table applicable to Supplement T; the House recedes.

Amendment No. 6: This amendment reduces the allowance for each dependent for the purposes of Supplement T from $440 to $330 to conform with the change in the basic allowance. The House recedes with an amendment fixing such allowance at $385.

Amendment No. 7: This amendment provides that a payment made to a wife which is includible in her gross income by virtue of the new sections 22 (k) and 771 of the Code shall not be considered a payment by her husband for the support of any dependent. The House recedes.

Amendments Nos. 8 and 9: These amendments are clerical; the House recedes.

Amendment No. 10: This amendment provides that in computing the corporation surtax net income of a public utility, there shall be subtracted the credit for dividends paid on its preferred stock provided by amendment No. 92, and also that dividends received on preferred stock of a public utility shall be disregarded in computing the credit for dividends received. The House recedes with an amendment denying the credit to fiscal year corporations for fiscal years beginning in 1941.

Amendment No. 11: This amendment exempts from the surtax on corporations Western Hemisphere Trade Corporations as defined in amendment No. 111. The House recedes.

Amendment No. 12: This amendment reduces the rate on corporation surtax net incomes over $25,000 but not over $50,000 from 32 percent to 22 percent. The House recedes.

Amendment No. 13: This amendment provides for a reduction in the rate on corporation surtax net incomes over $50,000 from 21 percent to 16 percent. The House recedes.

Amendment No. 14: This amendment changes the House provision with respect to the credit of corporations in computing normal and surtax for income subject to excess profits tax. Under the House bill, the general rule is that a corporation subject to excess profits tax shall be entitled to a credit in an amount equal to its adjusted excess profits net income. Certain exceptional situations are set forth in which the amount of credit shall be the amount of which the excess profits tax imposed under the particular section making the exception is 90 percent. The House bill includes within this exception the cases of corporations computing excess profits tax under sections 721 and 726. The Senate amendment eliminates from the exception provided in the House bill the case of a corporation computing its excess profits tax under section 722 and adds to the exception corporations computing excess profits tax under sections 731 and 736 (b). The amendment further provides that the excess profits tax which shall be used in computing the credit under the exception means the tax computed without regard to the 80 percent limitation on tax provided in section 710 (a) (1) (B), without regard to the credit provided in section 729 (c) and (d) and without regard to the adjustments provided in section 734. The House recedes, with a technical amendment.

Amendment No. 15: This amendment strikes out a provision in the House bill which has been inserted in section 155 of the bill as passed by the Senate. The House recedes.

Amendments Nos. 16 and 17: These amendments are clerical; the House recedes.

Amendments Nos. 18, 19, 20, 21, 22, 23, 24, and 25: These amendments reduce the rate of tax on nonresident alien individuals as proposed by the House from 37 percent to 30 percent, and the figure of $22,900 appearing in the House bill is adjusted to $15,400, which is the approximate level at which the effective rate equals 30 percent. The House recedes.

Amendment No. 26: This amendment reduces the rate of tax on nonresident foreign corporations proposed by the House from 37 percent to 30 percent; the House recedes.

Amendment No. 27: In the case of nonresident aliens, the House bill provided for withholding of tax at source at a rate of 37 percent. The Senate amendment reduces this rate to 30 percent. The House recedes.

Amendment No. 28: This amendment provides that in the case of tax-free covenant bonds which were issued prior to January 1, 1934, but the maturity date of which has been extended on or after that date, the rate of withholding at the source shall not exceed 27½ percent with respect to nonresident aliens. The House recedes.

Amendment No. 29: This amendment is clerical; the House recedes.

Amendment No. 30: This section does not appear in the House bill. In effect, it provides for the exemption from taxation of proceeds of a life insurance, endowment or annuity contract, if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor. Thus, where a corporation acquires a life insurance policy from a predecessor corporation in a tax-free reorganization, proceeds received under the policy will be exempt from taxation. The House recedes.

Amendment No. 31: This is a change in section number and title; the House recedes.

Amendment No. 32: This is a technical amendment of the last sentence of section

22 (b) (3) which the House bill added in order to prevent the exclusion from income of gifts and bequests paid at intervals out of income. The House recedes.

Amendment No. 33: This amendment of section 110 (b) of the House bill, concerning the allocation of estate and trust income among legatees and beneficiaries, provides a more detailed application of the principles of allocation in cases where amounts are to be paid out of other than income or out of income for a prior period. The amendment requires the inclusion in the income of a legatee or beneficiary of estate or trust income which becomes payable to the legatee or beneficiary within the taxable year. There is a new provision for allocation to the previous taxable year of a portion of amounts paid within the first 65 days of the taxable year of the estate or trust.

The applicability is also changed from the amounts paid, credited, or to be distributed after December 31, 1941, to taxable years beginning after such date, and, in the case of legatees and beneficiaries, to such amounts paid, credited, or to be distributed by estates or trusts on or after the beginning of such estate's or trust's first taxable year beginning after December 31, 1941.

The House recedes.

Amendment No. 34: This amendment retains in substance the provisions of the House bill, which conform certain sections of the Code with the Public Debt Act of 1941. In addition, the Senate inserts clarifying amendments to section 25 (a) and 26 (a) of the Code, which are declaratory of existing law.

The amendment also classifies public obligations and provides the extent to which interest thereon shall be excluded from gross income.

The House recedes with an amendment striking out the matter inserted by the Senate amendment, restoring the matter stricken out by the Senate amendment, and renumbering the section.

Amendment No. 35: This amendment amends section 22 (b) (5) to exclude from gross income amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country. The House recedes.

Amendment No. 36: This amendment retains in substance the provisions of the House bill extending the date of applicability of section 22 (b) (9) of the Code, relating to income realized from the discharge of indebtedness. In addition, the amendment changes 22 (b) (9) to make the relief which it grants available without a showing of unsound financial condition.

The amendment also adds a new paragraph providing for exclusion from gross income of amounts of income realized as the result of discharge of indebtedness of a railroad corporation in equity receivership or reorganization proceedings. The House recedes.

Amendments Nos. 37, 38, 39, 40, 41, and 42: These amendments are clerical; the House recedes.

Amendment No. 43: Section 115 of the House bill provided for the exclusion from gross income of so much of the amount received during the present war by an individual in the military or naval forces of the United States as salary or compensation for active service in such forces as does not exceed $250 in the case of a single person and $300 in the case of a married person. This amendment limits this exclusion to personnel below the grade of commissioned officer, and the $300 exclusion for married personnel is extended to include the head of a family. The House recedes.

Amendment No. 44: This is a change in section number; the House recedes.

Amendment No. 45: Section 116 of the House bill revised the report requirement in connection with inventory methods to apply only to annual reports. This change was made applicable to taxable years beginning after December 31, 1940. The Senate amendment makes the above change applicable to taxable years beginning after December 31, 1938. The House recedes.

Amendment No. 46: This amendment affords to a taxpayer using the elective inventory method authorized by section 22 (d) of the Code a measure of relief from the consequences of the involuntary liquidation of its base stock inventory resulting from prevailing war conditions. It permits the taxpayer in years ending subsequent to the year of liquidation, but not later than 3 years after the termination of the war, to replace, for tax purposes, items of merchandise liquidated from its base stock inventory at their original inventory figures, charging to income for the year of liquidation any excess costs to which it may be subjected in effecting the replacement and adding to income for the year of liquidation any excess of the original inventory figure over the actual replacement costs ultimately incurred. Adjustment of the tax liability for the year of liquidation and for all intervening years shall be made insofar as such years are affected by the replacement adjustment and without regard to any statute of limitations or other restrictions of law other than that of section 3761 of the Code relating to compromises. The House recedes, with technical amendments.

Amendment No. 47: This is a change in section number; the House recedes.

Amendment No. 48: This is a technical change of the rule for treatment of installment payments of alimony. Under both the House and the Senate amendments, in general, installment payments discharging a part of an obligation, the principal sum of which is, in terms of money or property, specified in the decree of divorce or instrument of settlement, are not considered periodic payments for the purposes of section 22 (k). The Senate amendment, however, provides that an installment payment is to be considered a periodic payment if such principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than ten years from the date of such decree or instrument. But in the latter case, such installment payment for the taxable year of the wife (or if more than one such installment payment for such taxable year is received during such taxable year, the aggregate of such installment payments) shall be considered a periodic payment only to the extent that it does not exceed 10 percent of such principal sum. For the purposes of this 10 percent limitation, the portion of a payment of the principal sum which is allocable to the period after the taxable year of the wife in which it is received is considered an installment payment for the taxable year in which it is received. The House recedes.

Amendment No. 49: This is a clerical amendment; the House recedes.

Amendment No. 50: This is a technical amendment making an appropriate cross-reference; the House recedes.

Amendment No. 51: This is a clerical amendment designed to reflect the change made by amendment No. 50. The House recedes.

Amendment No. 52: The amendment is clerical; the House recedes.

Amendment No. 53: This amendment is clerical; the House recedes.

Amendment No. 54: This amendment strikes out subsection (c) of section 118 of the House bill, which now appears as section 163 of the bill as amended by the Senate. The House recedes.

Amendments Nos. 55, 56, and 57: These amendments are clerical; the House recedes.

Amendment No. 58: This amendment provides for the allowance of a deduction to the purchaser for certain State and local retail sales taxes not imposed by law directly on the purchaser but passed on to and paid by him. The taxes imposed upon persons engaged in furnishing services at retail which are passed on to the consumer are also included as deductions to the consumer. There is no comparable provision in the House bill. The House recedes.

Amendment No. 59: Section 23 (g) of the Code provides that the loss resulting from the worthlessness of securities, defined as shares of stock in a corporation and rights to subscribe for or to receive such shares, shall, if such shares are capital assets, be considered as a loss from the sale or exchange of capital assets. The amendment adds a new paragraph (4) to section 23 (g) so as to provide that, for the purposes of this section, stock in a corporation affiliated with the taxpayer shall not, in the case of such taxpayer, be deemed a capital asset. The House recedes.

Amendments Nos. 60 and 61: These amendments are clerical; the House recedes.

Amendment No. 62: This amendment is technical, conforming to the change made by amendment No. 132; in view of the action taken on amendment No. 132, the House recedes.

Amendment No. 63: This amendment is clerical; the House recedes.

Amendment No. 64: This amendment adds a new paragraph (5) to section 23 (k) to provide that bonds, debentures, notes, or certificates, or other evidences of indebtedness issued with interest coupons or in registered form by any corporation affiliated with the taxpayer shall not, in the case of such taxpayer, be deemed capital assets for the purposes of section 23 (k) (2) (which treats the loss resulting from the worthlessness of such securities, if they are capital assets, as a loss from the sale or exchange of capital assets). Section 23 (k) (1) (relating to the deductibility of worthless debts) shall be applicable with respect to debts evidenced by such securities, except that no deduction on account of worthlessness shall be allowed under such section with respect to any such debt which is recoverable only in part. The House recedes.

Amendments Nos. 65, 66, and 67: These amendments are clerical; the House recedes.

Amendment No. 68: This amendment makes the provisions of section 119 of the House bill with respect to nonbusiness bad debts applicable only to taxable years beginning after December 31, 1942, instead of December 31, 1941, as in the House bill. The House recedes.

Amendment No. 69: This amendment provides that section 23 (k) (5) (mentioned under amendment No. 64 above), is applicable with respect to years beginning after December 31, 1941. The House recedes.

Amendment No. 70: This amendment is clerical; the House recedes, with a clerical amendment.

Amendment No. 71: This amendment broadens section 23 (q) of the Code so as to allow deductions to corporations for contributions or gifts made to or for the use of the United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, or any possession of the United States, for exclusively public purposes. The amendment deletes the provision contained in existing law which limits corporate charitable deductions to those contributions or gifts which are to be used only within the United States or its possessions. The House recedes, with an amendment which provides that contributions to a trust, chest, fund, or foundation made within a taxable year beginning after the end of the war shall be deductible only if they are to be used within the United States or its possessions.

Amendment No. 72: This is a change in section number; the House recedes.

Amendment No. 73: This amendment alters the definition of "bond" for the purpose of the amortization of bond premium provision so as to exclude obligations which constitute stock in trade of the taxpayer or obligations which would be includible in an inventory made by a taxpayer at the close of a taxable year. The House recedes.

Amendment No. 74: This amendment is clerical; the House recedes.

Amendment No. 75: This amendment adds section 23 (x) to the Code to allow a deduction for extraordinary expenses paid during the taxable year for the medical care of the taxpayer, his spouse, or a dependent of the taxpayer. The deduction is limited to such expenses as exceed 5 percent of net income computed without the benefit of section 23 (x), and the maximum deduction for any taxable year in the case of a husband and wife who file a joint return, or a head of a family, may not exceed $2,500, and in the case of all other individuals, $1,250. The House recedes.

Amendment No. 76: This amendment adds to the Code section 23 (y) to provide that losses of certain mining corporations for taxable years beginning in 1938 and 1939 shall be allowed as deductions in computing net income for the first taxable year beginning in 1940. The Senate recedes.

Amendment No. 77: This amendment adds to the Code section 23 (z) to allow a tenant-stockholder to deduct from gross income amounts paid or accrued to a cooperative apartment corporation within the taxable year of the tenant-stockholder, if such amounts represent such tenant-stockholder's proportionate share of certain real estate taxes, allowable as deductions under section 23 (c) of the Code, paid or incurred by the corporation, or of the interest paid or incurred by the corporation on certain indebtedness. The House recedes with an amendment renumbering the section.

Amendment No. 78: This is a clerical amendment; the House recedes, with an amendment renumbering the section.

Amendment No. 79: This amendment is clerical. The House recedes.

Amendment No. 80: Section 121 of the House bill is revised by this amendment which adds to the Code a new paragraph denying a deduction under section 23 (b) for any amount, whether in the form of interest or in any other form, which has been paid or accrued on an indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this new paragraph a contract shall be considered a single premium life insurance contract, if substantially all the premiums on such contract are paid within a period of four years from the date on which the contract is purchased. The House recedes.

Amendments Nos. 81 and 83: These amendments are clerical; the House recedes, with amendments renumbering these sections.

Amendment No. 82: This is a clerical amendment; the House recedes.

Amendment No. 84: This amendment is technical, to conform the title of section 132 with the material added by amendment No. 86. The House recedes.

Amendment No. 85: This amendment provides that alien residents with the appropriate status of countries contiguous to the United States shall be allowed the personal exemption of head of a family or of a married person living with husband or wife in cases where such countries allow similar exemptions to citizens of the United States who reside in the United States. The House recedes.

Amendment No. 86: This amendment reduces the credit for dependents from $400 to $300. The House recedes with an amendment fixing such credit at $350.

Amendment No. 87: This amendment is clerical; the House recedes.

Amendment No. 88: This is a clerical amendment; the House recedes with an amendment renumbering the section.

Amendments Nos. 89 and 90: These amendments are clerical; the House recedes.

Amendment No. 91: This amendment provides that section 133 of the bill as amended by the Senate shall be applicable with respect to taxable years beginning after December 31, 1939, instead of December 31, 1941, as provided in the House bill. The House recedes.

Amendment No. 92: This amendment inserts at the end of section 26 of the Code a new subsection which allows to public utilities a credit against the corporate surtax of the amount of dividends paid on their preferred stock during the taxable year. The House recedes with technical changes.

Amendment No. 93: This amendment makes a change in section number; the House recedes, with a clerical change.

Amendment No. 94: Under the House bill, the recipient of income in respect of a decedent includes such income in his gross income, and is given a deduction for the estate tax paid on account of the inclusion in the decedent's estate of the right to such income, determined on the basis of the effective rate of estate tax applicable to the decedent's estate. The Senate amendment provides that such deduction shall be determined on the basis of the increase in estate tax caused by the inclusion in the decedent's estate of all rights to such income. The House recedes.

Amendment No. 95: This amendment provides that the retroactive provisions of section 135 of the bill, as amended by the Senate, will apply only if the executor and each person receiving income in respect of a decedent consent to the computation of the income tax of the decedent for his last taxable period under such retroactive provisions. The House recedes.

Amendments Nos. 96, 97, 99, and 100: The retroactive provisions of section 135, relating to income in respect of decedents, require that proper adjustment of the tax of the recipient of such income be made within one year after the filing of the consents by the recipients, notwithstanding any expiration before the end of such year of the period of limitation provided by the Code. These amendments provide that such adjustments shall be made notwithstanding the expiration before the end of such year of any period of limitation prescribed in a revenue law in effect prior to the Code, and notwithstanding any rule of law, such as a previous judicial determination of the recipient's tax, prior to the end of such year. The House recedes.

Amendment No. 98: This is a technical amendment made necessary by amendment No. 95 in order to carry out the provision in the House bill that these retroactive provisions will not extend the period of limitation for claiming credit or refund of the income tax of the decedent for his last taxable period. The House recedes.

Amendment No. 101: This amendment to the retroactive provisions of section 135 provides that if, upon the application of such provisions, there is a deficiency in income tax for the last taxable period of the decedent, such deficiency when assessed shall be reduced by the overpayment, if any, in the estate taxes on the estate of the decedent caused by the failure to deduct from such estate the proper amount of such income tax of the decedent, if at the time such deficiency is assessed credit or refund of such overpayment is barred. The House recedes.

Amendment No. 102: This is a clerical amendment; the House recedes.

Amendment No. 103: This is a change in section number; the House recedes, with a clerical amendment.

Amendment No. 104: This amendment eliminates the requirement that income tax returns of individuals be made under oath and provides for verification by a written declaration that the return is made under the penalties of perjury. There is no comparable provision in the House bill. The House recedes, with an amendment making a change in section number.

Amendment No. 105: This amendment changes the requirements for exemption of an employees' beneficiary association to provide that the 85 percent of income used for making payments and meeting expenses may include contributions from the employer as well as amounts collected from members. This amendment is made retroactive through the Revenue Act of 1928. The amendment also provides for a new class of exempt corporations, namely, nonprofit public utility corporations. Both of these amendments are expressly made inapplicable to employment taxes. The House recedes with an amendment deleting that part of the Senate amendment relating to nonprofit public utility corporations.

Amendments Nos. 106 and 107: These amendments are changes in section numbers; the House recedes with amendments changing the section numbers to conform to the bill as agreed to in conference.

Amendment No. 108: This amendment changes the provisions of section 128 of the House bill so as to delete the requirement that the personal services must have been completed before the required percentage of the compensation is received, and revises the language in order to resolve certain administrative problems which might arise under the House amendment. The House recedes.

Amendment No. 109: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 110: This amendment eliminates the House provisions relating to fiscal year taxpayers and substitutes provisions applicable only to taxable years beginning in the calendar year 1941 and ending after June 30, 1942. The bill as passed by the House provided that fiscal year taxpayers should, if the law with respect to the respective calendar years in which a fiscal year falls is different, compute their normal taxes, surtaxes, and excess profits taxes in a specified manner. This amendment relates only to normal and surtax, while amendment No. 260 relates to excess profits tax. This amendment provides that in the case of a taxpayer with a taxable year beginning in 1941 and ending after June 30, 1942, the tax is the sum of the following: (a) that portion of the tax computed at the 1941 rates which the portion of the taxable year prior to July 1, 1942, bears to the entire taxable year; and (b) that portion of the tax computed at the 1942 rates which the portion of the taxable year after June 30, 1942, bears to the entire taxable year. Certain special classes of taxpayers are exempted from the operation of the statute, namely, insurance companies subject to Supplement G, investment companies subject to Supplement Q, and Western Hemisphere Trade Corporations as defined in section 141 of the Revenue Act of 1942. In addition, the statute does not apply to individuals who pay their taxes under Supplement T. The House recedes with an amendment making a change in section number and clerical changes.

The conference is agreed that with respect to any future tax increase, fiscal year taxpayers will be liable for the increase as well as calendar year corporations.

Amendment No. 111: The Senate amendment provides exemption from surtax for certain domestic corporations deriving their income principally from the active conduct of trade or business in foreign countries within the Western Hemisphere. There is no comparable provision in the House bill. The House recedes with an amendment making a change in section number.

Amendment No. 112: This amendment provides for nonrecognition of loss on the transfer after December 31, 1939, of property of a

railroad corporation as defined in the Bankruptcy Act pursuant to a court order made in reorganization proceedings, without regard to the definition of reorganization contained in section 112 (g) of the Code. Further, the amendment provides that the property so transferred shall have the same basis in the hands of the transferee as it had in the hands of the transferor. There is no comparable provision in the House bill. The House recedes with an amendment changing the section number.

Amendment No. 113: This amendment provides that the basis for property acquired after December 31, 1934, by street, suburban, or interurban electric railways in interstate commerce, pursuant to court order to effectuate a plan of reorganization under section 77B of the Bankruptcy Act shall be the basis in the hands of the transferor for taxable years beginning after December 31, 1939, notwithstanding section 270 of Chapter X or the definition of reorganization in section 112 (g) of the Code. There is no comparable provision in the House bill. The House recedes.

Amendment No. 114: This amendment provides, with respect to personal holding companies adopting a plan of complete liquidation after the passage of the Revenue Act of 1942, special rules for the treatment of gain on shares of stock owned by certain shareholders on the date of the adoption of the plan of liquidation, where the liquidation is in complete cancellation and redemption of all of the stock and the transfer of the property occurs within the month of December 1942, except for cash reserved for payment of liabilities. The Senate recedes.

Amendment No. 115: This amendment is clerical; the House recedes, with a clerical change.

Amendment No. 116: This amendment provides that the basis of property acquired by bequest, devise, or inheritance or by the decedent's estate from the decedent, which is valued, for estate tax purposes, pursuant to the executor's election under section 811 (j) of the Code, shall be the fair market value of the property as of the applicable valuation date for estate tax purposes. The House recedes, with an amendment renumbering the section.

Amendment No. 117: This amendment is clerical; the House recedes, with a clerical change.

Amendments Nos. 118, 119, 120, 121, 122, and 123: These amendments provide for percentage depletion at the rate of 15 percent with respect to ball and sagger clay and rock asphalt mines, and deny discovery depletion in respect of such mines. The House recedes.

Amendments Nos. 124 and 125: These amendments are clerical; the House recedes, with clerical changes.

Amendment No. 126: This amendment is technical, conforming to the change made in section 152 of the bill as passed by the Senate. The House recedes.

Amendment No. 127: This amendment is clerical; the House recedes, with a clerical change.

Amendment No. 128: Section 134 of the House bill struck out section 116 (a) of the Code, under which a citizen of the United States, a bona fide nonresident of the United States for more than six months during the taxable year, is exempt from tax on earned income from sources without the United States. The amendment retains section 116 (a), but changes the test, effective with respect to taxable years beginning after December 31, 1942, to one of residence in a foreign country or countries during the entire taxable year. The Senate also added a provision that a citizen of the United States, who has been a resident of a foreign country or countries for at least two years before the date on which he changes his foreign residence to a United States residence, shall be exempt with respect to earned income from sources without the United States derived during the period of his foreign residence. This change is applicable with respect to taxable years beginning in 1942. The House recedes.

Amendment No. 129: The amendment deletes an amendment contained in the House bill which provided that there should be included in gross income all amounts paid by the United States or any agency thereof as compensation for labor or personal services or under contract with the United States or any agency thereof. The Senate also has deleted a further House amendment which would confine the application of section 251 of the Code to the Commonwealth of the Philippines and Puerto Rico. The House recedes.

Amendment No. 130: This is a change in section number; the House recedes, with a clerical change.

Amendment No. 131: This is a clerical change; the House recedes with a change in section number.

Amendment No. 132: This amendment alters the provision of the House bill relating to the holding period distinguishing short-term from long-term capital gains and losses by changing the time from 15 months to 6 months. The House recedes.

Amendments Nos. 133 and 134: These are technical amendments related to amendment No. 132. The House recedes.

Amendment No. 135: This amendment removes mutual investment companies from the application of the alternative tax applied by the House bill in the case of certain other corporations if net long-term capital gain exceeds net short-term capital loss. The House recedes.

Amendments Nos. 136 and 137: Section 136 of the House bill provided in the case of banks and insurance companies that the excess for any taxable year of losses over gains on sales and exchanges of bonds, debentures, notes, or certificates, or other evidences of indebtedness, should be considered as ordinary losses and deductible in full. The Senate amendments remove insurance companies from this provision. The House recedes with an amendment removing life insurance companies from the alternative tax applied by the House bill in the case of certain other corporations if net long-term capital gain exceeds net short-term capital loss.

Amendments Nos. 138, 139, 140, 141, 142, 143, 144, 145, and 146: These amendments are technical amendments related to amendment No. 132. In view of the action on amendment No. 132, the House recedes.

Amendment No. 147. This is a clerical change; the House recedes with a change in section number.

Amendment No. 148: This is a technical amendment related to amendment No. 149. In view of the action on amendment No. 149, the House recedes.

Amendments Nos. 149, 150, 151, and 154: Section 137 of the House bill included buildings and similar real property improvements used in trade or business within the definition of capital assets. It provided, in case gain from involuntary conversions, sales, or exchanges of depreciable property used in trade or business (other than buildings and similar real property improvements) held for a term equivalent to that of long-term capital assets, plus gains from involuntary conversions of long-term capital assets, exceed losses from such sales, exchanges, or conversions, the gains and losses should be treated as long-term capital gains and losses; if gains do not exceed losses, the gains and losses should not be treated as capital gains and losses. Amendment No. 149 in part provides, instead of buildings and similar real property improvements used in trade or business being classified as capital assets, that real property used in trade or business shall be excluded from the definition of capital assets. Amendments Nos. 150, 151, and 154, together with the rest of amendment No. 149, accomplish the same result as Section 137 of the House bill so far as conversions, sales, and exchanges of property used in the trade or business and involuntary conversions of long-term capital assets are concerned. The House recedes.

Amendments Nos. 152, 153, and 155: These are technical amendments related to amendment No. 132. In view of the action on amendment No. 132, the House recedes.

Amendment No. 156: The Senate amendment provides that an involuntary conversion will be considered an exchange of the property converted for the property acquired in determining the period for which such property is held. The House recedes.

Amendment No. 157: This is a clerical amendment; the House recedes.

Amendment No. 158: This amendment makes taxable the gains upon an involuntary conversion to the extent that money, whenever received, is not expended to acquire property similar to the converted property. The House recedes.

Amendment No. 159: This is a clerical change; the House recedes with a change in section number.

Amendment No. 160: This amendment adds to the bill a new section to permit the net operating loss for any taxable year beginning on or after January 1, 1942, to be carried back and credited against net income for each of the two preceding years (but not for any taxable year beginning before January 1, 1941). That portion of the net operating loss for any taxable year which is not used as a carry-back may be carried forward, as under existing law, to the two succeeding taxable years. The House recedes with an amendment to conform the section number with the bill as agreed to in conference.

Amendment No. 161: This is a clerical change; the House recedes with a change in section number.

Amendment No. 162: A taxpayer electing to include loans received from the Commodity Credit Corporation in income for taxable years, beginning after December 31, 1938 and before January 1, 1942 may, under section 139 of the House bill, elect to do so at, or at any time prior to, the time for filing the taxpayer's return for his taxable year beginning in 1942. The Senate amendment allows this only if the records of the taxpayer are sufficient to permit an accurate determination of income for the years involved and if the taxpayer agrees to allow additional assessments of any deficiencies for such years although the statutory period for assessing deficiencies may have expired. The House recedes.

Amendment No. 163: This is a clerical change; the House recedes, with a change in section number.

Amendment No. 164: This is a clerical amendment: the House recedes.

Amendment No. 165: This amendment extends from 3 months to 6 months after the date of the enactment of the Revenue Act of 1942, the period in which an election may be made to take an amortization deduction for an emergency facility completed or acquired by a corporation after December 31, 1939 and before June 11, 1940, or by a taxpayer other than a corporation after December 31, 1939, and before January 1, 1942. The House recedes.

Amendment No. 166: This is a clerical amendment; the House recedes.

Amendment No. 167: This amendment permits amortization in the case of a taxpayer which commenced construction, reconstruction, erection, or installation of an emergency facility during the emergency period,

but did not complete it before the end of the emergency period. It provides that the taxpayer shall use an amortization period beginning with the month in which the construction, etc., was begun and ending as of the end of the month within which the emergency period ends, or within which the emergency facility ceased to be necessary in the interest of national defense during the emergency period The House recedes.

Amendment No. 168: This amendment provides that the part of any facility which was constructed, etc., after December 31, 1939, and not earlier than 6 months prior to the filing of an application for a certificate of necessity and with respect to which part a certificate of necessity has been made, shall be deemed to be an emergency facility notwithstanding that the other part of such facility was constructed, etc., earlier than 6 months prior to the filing of the application for the certificate of necessity. The House recedes.

Amendment No. 169: This is a technical amendment related to amendment No. 168. In view of the action on amendment No. 168, the House recedes.

Amendments Nos. 170 and 171: These amendments extend from 3 to 6 months after the enactment of the Revenue Act of 1942 the period in which an application for a certificate of necessity must be filed in the case of facilities acquired or completed by corporations after December 31, 1939 and before June 11, 1940 and by persons other than corporations after December 31, 1939. The House recedes.

Amendment No. 172: This is a technical amendment related to amendment No. 167. In view of the action on amendment No. 167, the House recedes.

Amendments Nos. 173, 174, and 175: The House bill provided that no amortization deduction should be allowed unless a certificate of necessity was made within 9 months after the date of enactment of the Revenue Act of 1942 in the case of facilities completed or acquired by corporations after December 31, 1939 and before June 11, 1940, within the six months after the last date on which an application for a certificate of necessity was filed or within 9 months after the date of enactment of the Revenue Act of 1942, whichever was later, in the case of facilities completed or acquired by persons other than corporations after December 31, 1939 and before January 1, 1943. The Senate amendments extend the six-month periods to 9 months and the nine-month period to 12 months. The House recedes.

Amendment No. 176: This is a clerical amendment; the House recedes.

Amendment No. 177: This amendment extends the provision in the House bill for a credit or refund of the amount of tax paid under Chapter 1 of the Code which would not have been paid had the amortization provisions in the bill been enacted on October 8, 1940. Amounts paid under the excess-profits tax and the declared value excess-profits tax are included. The House recedes.

Amendment No. 178: This amendment, for which there is no corresponding provision in the House bill, provides practical rules for the treatment of property destroyed or seized in the course of military or naval operations during the war, and of property located in enemy countries or in areas which come under the control of the enemy.

In the case of property situated in an enemy country, or in an area controlled by such country, on the date war was declared on such country by the United States, such property is under this amendment deemed to have been seized or destroyed on the date the United States declared war on such country.

Similarly, if after the date war is declared by the United States, the enemy country occupies an area in which the taxpayer's property is located, that property is treated as destroyed or seized upon the date the enemy gains control of the area. In many cases, the exact date of enemy occupation cannot be established. Therefore, the taxpayer is permitted to treat the loss as occurring at any time after the last date on which the United States or a friendly country had complete control of the area and before the earliest date on which the enemy gained complete control.

This amendment also provides similar rules for determining the date of the loss in the case of property actually destroyed or seized in the course of military or naval operations.

The section of the bill added by this amendment provides that if any interest in or with respect to property deemed to be seized or destroyed under such section (property seized or destroyed in the course of military or naval operations or in an area under the control of the enemy, or an interest in or with respect to such property) becomes worthless, the loss thereon shall be treated as a casualty loss resulting from the destruction or seizure of the interest in such property. The amendment applies only if the property deemed to be seized or destroyed under this section had been destroyed. The section applies equally to land and interests in real property, and to tangible and intangible personal property interests. For example, under section 127 (a) (3) contained in this amendment, land which has been seized in the course of military or naval operations or which is in an area under enemy control is treated, for the purposes of determining whether the stock or bonds of the corporation owning such land have become worthless, as having been destroyed, even though land may be ordinarily regarded as indestructible.

In the case of a taxpayer which owns at least 50 percent of the stock of each class of a corporation, which corporation has property, representing at least 75 percent of the adjusted basis for determining loss of all its property, destroyed or seized in the course of military or naval operations, or located in an area under the control of the enemy, such taxpayer may treat that part of the loss upon the liquidation of such corporation which results from the destruction or seizure of such property as being a casualty loss on account of the destruction or seizure of the stock interest in such property.

This amendment also provides that in determining the loss upon the destruction or seizure of the property described in this section, the taxpayer shall ignore those elements of value caused by the possibility that the property will be returned to him at the end of the war, or the possibility that the Government will reimburse him for the property after the war. The taxpayer shall not, of course, ignore his right to reimbursement from insurance or from other similar definite rights which compensate him for the loss. It is provided that in determining the loss upon property treated as seized or destroyed, consideration must be given to any compensation for such loss resulting from the property, treated as seized or destroyed, being used in the same taxable year to pay any obligations of the taxpayer with respect to such property. If the taxpayer cannot determine whether or not certain obligations are so discharged, it may determine its loss as if all such obligations were so discharged. For example, a bank has a branch in Tokio. If it cannot determine whether or not the assets in the Tokio branch were used to discharge its liabilities to those depositors in the branch who are not enemies of Japan, it may nevertheless determine its loss as if such assets were so used.

This amendment further provides that any money received in respect of property treated as destroyed or seized under this amendment, the fair market value of any property received in lieu of such property, and the fair market value of the property itself, if it is recovered, shall be included in income for the taxable year when received. Furthermore, the restoration in value of any interest in or with respect to such property, which interest was treated as destroyed or seized under this amendment, as a result of the recovery of money or property in respect of property to which such interest related, shall be included in income for the taxable year in which such restoration in value occurs.

The provisions of this amendment are applicable to taxable years beginning after December 31, 1940. However, under the terms of this amendment, no war loss can be sustained prior to December 7, 1941. The House recedes with the following amendments:

In the case of a wholly-owned subsidiary, whose stock would be worthless if the value of certain liquid assets (excluded in determining whether the taxpayer could treat the loss upon the liquidation of the subsidiary as a war loss) were disregarded, the section is changed to permit the taxpayer to determine the worthlessness of its interest in the subsidiary without regard to the value of such assets, except that the value of all of such assets must be treated as a recovery by the taxpayer. A taxpayer electing to claim its loss under this provision need not liquidate its subsidiary.

In the case of a taxpayer entitled to a loss for the partial worthlessness of its interest in a subsidiary upon the liquidation of the subsidiary, the section is changed to expressly provide that a complete distribution in good faith of all assets and of all rights to assets is a sufficient liquidation. If the taxpayer is not able to make an immediate distribution of any asset, it must distribute all its rights to such asset.

In the case of a taxpayer entitled to a war loss upon the liquidation of its subsidiary, the section is changed to remove the provision limiting the taxpayer's loss to its stock interest in the subsidiary. Upon the liquidation of the subsidiary, the loss upon the taxpayer's entire interest in the subsidiary is treated as a war loss.

Amendment No. 179: The Senate amendment provides that a taxpayer who has paid an unconstitutional Federal tax for which he has been allowed an appropriate deduction and who subsequently recovers such tax in any taxable year beginning after December 31, 1940, may exclude the income (exclusive of interest also recovered) attributable to such recovery from his gross income in the taxable year of recovery provided certain conditions are fulfilled. The House recedes with an amendment eliminating surplus language.

Amendment No 180: This is a clerical amendment; the House recedes.

Amendment No. 181: This amendment provides, with respect to taxable years beginning after December 31, 1940, that a taxpayer who has paid or accrued foreign income taxes may claim such taxes as a credit against his tax liability or, in the alternative, as a deduction from gross income. The election to take the credit may be made or changed at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by chapter 1. Existing law provides that, if "the taxpayer signifies in his return" the tax imposed shall be credited with the foreign tax. On the deduction side, it is provided that the taxpayer may use the foreign tax as a deduction from gross income if he "does not signify in his return his desire to have to any extent" the credit.

The conferees gave consideration to the question of an amendment to section 131 of the Code to provide that the credit for foreign taxes on foreign income not reported

in the taxable year because of its being blocked should be deferred and allowed in the taxable year in which such income is released and realized for income tax purposes. It was agreed that such an amendment is unnecessary. Under a proper interpretation of existing law, the credit for foreign taxes, as well as the various allowable deductions, follows the income into the taxable year in which it is realized for purposes of the income tax law. This might appropriately be covered specifically by departmental regulations in view of the importance of the question to a large number of taxpayers.

The House recedes with a change in section number.

Amendment No. 182: This is a technical amendment made necessary because of the change in method of computing "normal tax net income" provided in section 105 of the bill. The House recedes.

Amendment No. 183: This is a clerical amendment; the House recedes.

Amendment No. 184: The Senate amendment provides that the term "income, war profits and excess profits taxes" shall, for the purposes of sections 131 and 23 (c) (1) (C), relating to the foreign tax credit and deduction, include a tax paid in lieu of a tax upon income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States. The House recedes.

Amendment No. 185: This is a clerical amendment; the House recedes with a change in section number.

Amendments Nos. 186 and 192: In extending the privilege of filing consolidated returns, the House bill provided that the group making a consolidated income tax return might include corporations not includible in the group making a consolidated excess profits tax return. It is believed desirable that the affiliated group of corporations should be identical for both consolidated income and for consolidated excess profits tax return purposes. This is administratively expedient, both from the standpoint of the Government and the taxpayer. In addition, it prevents the disqualification for consolidated excess profits tax return purposes of groups which are eligible for consolidated income tax return purposes in those cases where the common parent corporation would otherwise be exempt from excess profits taxes under sections 725 and 727 of the Code. These amendments help to carry out this policy, by striking the provisions of the House bill, that for consolidated income tax purposes, the affiliated group might include corporations subject to the income tax whether or not such corporations were includible for consolidated excess profits tax return purposes, and by removing personal service corporations, personal holding companies, and companies exempt under section 727 from the excess profits tax from the category of ineligible corporations. The House recedes.

Amendments Nos. 187 and 188: Section 141 of the Code, in its present form and as amended by this bill, provides that consolidated returns may be filed by an affiliated group only if all corporations which were members of the group at any time during the taxable year for which such returns are filed consent to the consolidated returns regulations. Under such a rule a group which, without obtaining the required consents, had disposed of an affiliate prior to the time that recommendations were made to Congress by the Treasury Department that consolidated returns should be extended for income as well as excess profits tax purposes would not be able to avail itself of this provision. The Senate amendments have therefore provided that a corporation which is not a member of the affiliated group after March 31, 1942, of the last taxable year of the group beginning before April 1, 1942, shall not be considered a member of the group for consolidated income tax return purposes although it shall be considered a member for consolidated excess profits tax return purposes. The House recedes.

Amendment No. 189: The regulations under existing law provide that the net operating loss deduction of a member of a group, on account of a carry-over from years prior to that in which its income is first included in a consolidated return, shall not exceed the amount of the separate income of such member. This amendment provides that this limitation shall not prevent the portion of the deduction, on account of a net operating loss carry-over which is attributable to a 1941 war loss, from being taken into account in computing consolidated net income. The House recedes.

Amendment No. 190: This is a technical amendment related to amendment No. 261. It retains a $5,000 specific exemption from excess profits tax for a group filing a consolidated return instead of the $10,000 exemption provided in the House bill. In view of the action taken on amendment No. 261, the House recedes.

Amendment No. 191: The House bill provided that corporations entitled to the benefit of section 251 of the Code, relating to income from sources within possessions of the United States, should be excluded from the privilege of filing consolidated returns unless electing under section 251 (b) not to be taxed under such section. This amendment removes the option of becoming an includible corporation by electing not to be taxed under section 251. The House recedes.

Amendment No. 193: This is a technical amendment related to amendment No. 192. In view of the action on amendment No. 192, the House recedes.

Amendments Nos. 194, 195, and 196: These are clerical amendments; the House recedes.

Amendment No. 197: This is a clerical change; the House recedes, with a change in section number.

Amendment No. 198: This amendment strikes from section 14 (c) of the Code relating to foreign corporations, the phrase which permits such a corporation special tax treatment if it has an office or place of business in the United States. In so doing, the amendment accords with the sections of the House bill removing this phrase in other sections of the Code. The House recedes.

Amendments Nos. 199, 200, 201, and 202: These are clerical amendments; the House recedes.

Amendment No. 203: This amendment provides that, unless a specified statement has been filed as prescribed by the Commissioner, no deduction (except under section 23 (w), relating to deductions of estate, etc., on account of decedent's deductions) shall be allowed in computing the net income of an estate for income tax purposes on account of amounts allowable as a deduction under section 812 (b) of the Code in computing the net estate of a decedent for estate tax purposes. The House recedes, with a change in section number.

Amendment No. 204: This amendment revises substantially the treatment of pension trusts and annuity and profit-sharing plans contained in the House bill. The present law is restored to the effect that a trust is exempt if the trust assets may not be used for purposes other than the exclusive benefit of the employees so long as all liabilities with respect to the employees or their beneficiaries have not been satisfied. The requirement that 70 percent of all employees should be covered by the plan for the plan to be tax-exempt has been altered so that if 70 percent of all employees are eligible and at least 80 percent of those eligible participate, the plan will be exempt. Specific language has been inserted to provide that plans supplementary to social security benefits shall not be considered discriminatory merely because limited to salaried or clerical employees.

The House bill limited the employer's deduction in the year of payment of contributions to a plan to 5 percent of the compensation otherwise paid to the employees with permission to spread any excess over a 5 year period. The House bill has been revised in the case of pension trusts to subject the reasonableness of the deductions claimed up to 5 percent to periodical examinations by the Commissioner at not less than 5-year intervals. Further provision has been made for plans where it is actuarially necessary for the employer's contributions in any given year to exceed 5 percent of the compensation otherwise paid employees. Under the Senate changes, where the employer's contributions for both past and current service credits are determined in terms of a level amount, or a level percentage of compensation, over the remaining future service of each employee, the employer's contributions are permitted, with a minor qualification, as a deduction in excess of the 5 percent limit where actuarially necessary. Where the employer may be said to pay a level percentage of compensation for present services but pays in irregular amounts for past services a deductible amount is allowed in addition to normal cost of not in excess of 10 percent of the cost which would be required to completely fund or purchase the pension or annuity credits as of the date when they are included in the plan. Any excess may be carried over to a subsequent year in which contributions fail to reach the prescribed limits. If contributions are paid into a stock bonus or profit-sharing trust such contributions are limited to 15 percent of the compensation otherwise paid employees. Any excess contributions may be carried over or carried back to years in which this limit was not reached. If amounts are deductible in connection with two or more trusts or plans, the total amount deductible in a taxable year shall not exceed 25 percent of compensation otherwise paid employees according to the provisions of the amendment. If an annuity is purchased by a section 101 (6) corporation, the employee includes in income only amounts he receives.

Detailed provisions have been added by the Senate amendment with respect to the dates of application of this measure to pension plans now in existence or not yet in existence for the purpose of allowing adequate opportunity to adjust plans to the requirements erected, with special allowances for plans in existence prior to December 31, 1939.

The House recedes with certain clerical and technical changes and the removal of the provisions with respect to plans in existence prior to December 31, 1939.

Amendment No. 205: This is a clerical change; the House recedes with a change in section number.

Amendment No. 206: This amendment contains a number of clerical corrections and provides a less stringent exclusion of burial insurance companies, and provides for the inclusion of certain assessment life insurance companies. Capital gains are excluded from the tax base, and amortization of bond premium and accrual of bond discount is provided for. The House recedes with certain clarifying amendments.

Amendment No. 207: This amendment by the Senate repeals a section made unnecessary by other changes. The House recedes.

Amendment No. 208: This is a change in section heading; the House recedes with an amendment to conform the section number to the bill as agreed to in conference.

Amendments Nos. 209, 210, 211, and 212: These Senate amendments tax mutual marine insurance companies in the same manner as stock companies, with a deduction for dividends to policyholders. The House recedes.

Amendment No. 213: Participating stock companies are allowed a deduction by this amendment for all dividends paid to policyholders, instead of only that part in excess of investment income; the deduction for surplus apportioned to policyholders is eliminated, and a provision is inserted to permit life insurance reserves to be treated as unearned premiums in the case of life business of a company not taxed under section 201. Capital losses are to be allowed in full as a deduction from ordinary income to the extent that they arise from the sale of assets disposed of to obtain funds to pay abnormal insurance losses or to pay dividends in periods of declining premium income. The House recedes

Amendment No. 214. This amendment is clerical; the House recedes.

Amendment No. 215: This amendment provides that mutual insurance companies other than life shall be taxed on their investment income at the regular corporate and excess profits tax rates or at 1 percent on gross income whichever gives the greater tax. "Gross income" means the gross amount received from interest, dividends, rents, and net premiums, minus dividends to policy holders, less the interest which under section 22 (b) (4) is excluded from gross income. Reciprocal underwriters or interinsurers are taxed on the investment income basis only. Companies having gross receipts of less than $75,000 are exempt, and companies having less than $75,000 of gross income and less than $3,000 of investment income pay no tax. Reciprocal underwriters or interinsurers pay no tax if investment income is less than $50,000. Notch provisions determine the tax of companies having incomes slightly in excess of these limits. Capital losses are to be allowed in full as a deduction from ordinary income to the extent that they arise from the sale of assets disposed of to obtain funds to pay abnormal insurance losses or to pay dividends in periods of declining premium income.

The House recedes with a series of clarifying amendments and an amendment providing that reciprocal underwriters and interinsurers are not subject to tax unless the surtax net income from investments exceeds $50,000.

Amendment No. 216: This amendment provides an exemption from tax for small stock accident and health insurance companies having gross receipts of less than $200,000. The Senate recedes.

Amendment No. 217: This is a clerical change; the House recedes with a change in section number.

Amendment No. 218: This is a technical amendment related to amendment No. 215. In view of the action on amendment No. 215, the House recedes.

Amendment No. 219: This is a clerical change; the House recedes with a change in section number.

Amendment No. 220: The Senate amendment provides that if a notice of deficiency in income tax is mailed to a taxpayer outside the States of the Union and the District of Columbia, the taxpayer has 150 days within which to file his petition with the Board of Tax Appeals. The House recedes with a change in section number.

Amendment No. 221: This is a clerical change; the House recedes with a change in section number.

Amendment No. 222: This is a clerical change; the House recedes.

Amendment No. 223: The Senate amendment adds to the situations in which a seven-year statute of limitations is prescribed by the House bill for a claim for credit or refund, the case of an overpayment on account of the effect that the deductibility of a debt or loss from the worthlessness of a security has on the application to the taxpayer of a carry-back. The House recedes.

Amendment No. 224: This is a clerical change; the House recedes with a change in section number.

Amendment No. 225: This amendment includes in the definition of regulated investment companies for the purposes of the income tax common trust funds or similar funds not included in the definition of a common trust fund in section 169 of the Code and excluded by section 3 (c) (3) of the Investment Company Act of 1940 from the definition of an investment company. The House recedes.

Amendment No. 226: The House bill provided that a corporation should not be considered a regulated investment company unless 90 percent of its net income for the taxable year computed without regard to net long-term and net short-term capital gains was distributed to its shareholders as taxable dividends during the taxable year. The Senate amendment removes this restriction in view of the change in amendment No. 230. The House recedes.

Amendment No. 227: This is a clerical change; the House recedes.

Amendment No. 228: It was further provided in the House bill that a corporation is not a regulated investment corporation unless it complied with rules and regulations prescribed by the Commissioner, for the purpose of ascertaining the actual ownership of its outstanding stock. This requirement is removed by the Senate amendment in view of the change in amendment No. 230. The House recedes.

Amendment No. 229: A corporation, to qualify as a regulated investment company, is required by the Senate amendment to file with its return for the taxable year an election to be a regulated investment company unless it has made such an election for a previous taxable year which began after December 31, 1941. The House recedes.

Amendment No. 230: With respect to the tax on Supplement Q net income and Supplement Q surtax net income, the Senate amendment permits Supplement Q treatment where there has been a distribution as taxable dividends of not less than 90 percent of the net income without regard to net short-term and net long-term capital gains, and compliance with regulations prescribed for the purpose of ascertaining the actual ownership of the stock. The amendment also extends the recognition of the conduit principle to capital gains, thus taxing distributed portions of such gains as capital gains in the hands of the shareholders. The Senate amendment also provides that the earnings and profits for any taxable year beginning after December 31, 1941 (but not the accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing net income for such taxable year. The House recedes.

Amendments Nos. 231 and 232: These are clerical or minor technical amendments; the House recedes.

Amendment No. 233: The Senate amendment provides for retroactive adjustments of earnings and profits in order to eliminate certain hardship cases which have arisen out of subsequent disqualifications of mutual investment companies. The House recedes.

Amendment No. 234: This is a clerical change; the House recedes with a change in section number.

Amendments Nos. 235, 236, 237, and 238: These are clerical changes; the House recedes.

Amendment No. 239: The Senate amendment provides that, in cases where property was acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 prior to its amendment by the Revenue Act of 1942, the basis shall be that prescribed in such section prior to its amendment. The House recedes.

Amendment No. 240: This is a clerical amendment; the House recedes.

Amendments Nos. 241 and 242: The House bill provided a system for collection of the tax at the source on dividends, bond interest, and wages. The amount so collected was to be allowed as a credit against the tax imposed by chapter 1 for the taxable year in which such dividends, bond interest, and wages were includible in gross income. The rate of withholding under the House bill was to have been 5 percent for the calendar year 1943 and 10 percent for each calendar year thereafter. The Senate amendment struck out this provision in the House bill and inserted in lieu thereof a new subchapter D to chapter 1 of the Internal Revenue Code. Part I of this amendment imposes a Victory tax of 5 percent upon the Victory tax net income of every individual other than a nonresident alien subject to the tax imposed by section 211 (a). Such tax is applicable with respect to taxable years beginning after December 31, 1942, and expires after the date of cessation of hostilities in the present war. Part II of this amendment provides a system for collection of the tax at the source and allows the amount so collected as a credit against the Victory tax and the other taxes imposed by chapter 1. Collection of the tax at the source under the Senate amendment is limited to wages and does not include dividends and bond interest as was provided in the House bill. The rate of withholding under the Senate amendment is 5 percent. Under the Senate amendment an annual deduction of $624 is allowed which is not subject to withholding as against an annual deduction of $552 in the case of a single person and $1,320 in the case of a married person under the House bill. The House bill also allowed an annual deduction for each dependent in the sum of $432 which is not allowed under the Senate amendment since the Senate amendment makes no distinction as to the marital or dependency status of the taxpayer.

Under the Senate amendment, fees received by public officials were included in the definition of wages and thus were subject to withholding. The conference action excludes such fees from the definition of wages and therefore from withholding. If such public official has a salary in addition to his fees, the salary would be subject to the withholding provisions. Excluding such fees from the withholding provisions does not affect the Victory tax net income of such official and in computing his Victory tax such fees are includible in his gross income.

Under the Senate amendment, the term "employee" was defined to include, in addition to public officers, employees, and elected officials, certain individuals who are not employees under the law of master and servant. The effect of the definition was to broaden the common law concept of master and servant and bring within the purview of the with-

holding provisions certain individuals who would not otherwise be covered. The conference action excludes such individuals from the definition of employee but retains within its meaning public officers, employees, and elected officials.

Under the Senate amendment, employers are required to furnish each employee a statement at the end of the year showing the wages paid by the employer to his employee and the amount of tax withheld and collected in respect of such wages. A duplicate copy of each such statement is required to be filed by the employer with his final return for the year. Under section 147 of the Internal Revenue Code, employers are also required to file a return showing, among other things, the amount of salaries and wages paid to his employees during the taxable year. In order to avoid duplication of effort and lessen the reports required to be made to the Commissioner of Internal Revenue, the conference action provides that if the employer filed the statement required to be furnished to his employees under the Senate amendment, he would not be required to file a return under section 147 showing the salary or wages of such employees.

Certain technical and clerical changes were also made to the Senate amendment. The House recedes.

Amendment No. 243: This amendment is an addition by the Senate to the income tax provisions of the Code, requiring the recomputation of the net income of any individual who for five consecutive years has each year had allowable deductions attributable to a trade or business exceeding the gross income therefrom. The Senate recedes.

Amendment No. 244: The House bill provided that licensed personal finance companies must be subject to the supervision of State authority having supervision over financial institutions. This amendment restores the provisions of existing law which requires merely that such companies be under State supervision. The House recedes.

Amendment No. 245: This amendment eliminates the provision of the House bill that loan or investment companies be "subject to the supervision of state authority for supervision over finance institutions." The House recedes.

Amendment No. 246: This amendment provides that the amendments relative to exemption of certain corporations from personal holding company tax shall be applicable to taxable years beginning after December 31, 1941, instead of December 31, 1938, with a provision that the taxpayer may, at his election, have the amendments apply retroactively to all taxable years beginning after December 31, 1938, and not beginning after December 31, 1941. The House recedes.

Amendment No. 247: This is a technical amendment related to amendment No. 192. The House recedes.

Amendment No. 248: This amendment allows a personal holding company a deduction, in computing its undistributed subchapter A net income for taxable years beginning after December 31, 1940, of amounts distributed before January 1, 1944, in redemption of preferred stock outstanding prior to January 1, 1934, in cases where a corporation, for the 4-year period immediately prior to January 1, 1934, in fact, operated as a manufacturing, commercial, processing or service company. The House recedes.

Amendments Nos. 249 and 250: These are changes in section numbers; the House recedes.

Amendments Nos. 251 and 252: These are clerical amendments; the House recedes.

Amendments Nos. 253, 254, and 255: These amendments extend the period in which relief may be obtained by personal holding companies through distributions from 90 days to 6 months. The House recedes.

Amendments Nos. 256, 257, and 258: These are technical amendments; the House recedes.

Amendment No. 259: The House adopted a flat excess profits tax rate of 90 percent of adjusted excess profits net income, instead of the rate table now provided. This amendment limits the excess profits tax so computed to an amount which, when added to the taxes imposed by chapter 1 (other than section 102), equals 80 percent of the corporation surtax net income computed without the credit provided in section 26 (e) for income subject to excess profits tax. The House recedes.

Amendment No. 260: As pointed out in the explanation of amendment No. 110, the bill as passed by the House provided that fiscal year taxpayers should, if the law with respect to the respective calendar years in which a fiscal year falls is different, compute their normal taxes, surtaxes, and excess profits taxes in a specified manner. This amendment simplifies the computation of excess profits tax liabilities of such taxpayers, and makes the provision applicable only to taxable years beginning in the calendar year 1941 and ending after June 30, 1942. The House recedes.

Amendment No. 261: The House bill increased the specific exemption allowed in computing adjusted excess profits net income from $5,000 to $10,000 ($50,000 in the case of a mutual insurance company other than life), and, likewise, provided that an excess profits tax return need not be filed if excess profits net income does not exceed $10,000 ($50,000 in the case of a mutual insurance company other than life). The Senate deleted these provisions. The House recedes.

Amendment No. 262: This amendment adds to the bill a new section to permit unused excess profits credit for any taxable year beginning on or after January 1, 1942, to be carried back and credited against excess profits net income for each of the two preceding years (but not for any taxable year beginning before January 1, 1941). That portion of the unused excess profits credit for any taxable year which is not used as a carryback may be carried forward, as under existing law, to the two succeeding taxable years. The House recedes.

Amendment No. 263: This is a change in section number. The House recedes.

Amendments Nos. 264, 265 and 266: These amendments relate to the computation of excess profits net income of insurance companies. Mutual insurance companies other than life or marine are taxable under a special notch provision, if the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is between $75,000 and $125,000.

In computing the adjusted excess profits net income of a life insurance company under the income credit, the House bill is amended to allow a deduction from normal tax net income of the excess of the product of the figure determined and proclaimed by the Secretary under section 202 (b) and the excess profits net income computed without regard to this provision, over the adjustment for certain reserves. Under the invested capital credit this deduction is 50 percent of such excess. The House recedes.

Amendments Nos. 267 and 268: These amendments make clerical changes; the House recedes.

Amendments Nos. 269, 270, and 271: These amendments correct technical imperfections in the House bill. The House recedes.

Amendment No. 272: This amendment would amend section 723 of the Code to provide that the equity invested capital of mutual insurance companies other than life or marine shall be the mean of the surplus, plus 50 percent of the mean of all reserves required by law. The House recedes.

Amendment No. 273: This amendment deletes an unnecessary cross-reference. The House recedes with an amendment fixing the specific exemption of mutual insurance companies (other than life) which are interinsurers or reciprocal underwriters at $50,000. A corresponding change is made in the requirement for filing excess profits tax returns.

Amendment No. 274: This is a change in section number; the House recedes.

Amendment No. 275: This amendment eliminates the provision in the House bill requiring computation of the excess profits credit carry-over from taxable years beginning in 1940 and 1941 under the law applicable to taxable years beginning in 1942. The House recedes.

Amendment No. 276: This is a change in section number; the House recedes.

Amendments Nos. 277, 278, 279, 280, 281, 282, 283, 284, 285, 287, and 288: These are clerical and technical amendments relating to the treatment of capital gains and losses and of income derived from the cancellation of indebtedness necessitated by the change from 18 months to 6 months in the holding period for long-term capital assets. The House recedes.

Amendment No. 286: This amendment makes a technical change in the provisions which permit a net short-term capital loss carry-over in computing base period net income. The House recedes.

Amendment No. 289: This amendment, which is applicable only to taxable years beginning after December 31, 1939, and not beginning after December 31, 1941, provides that gains or losses on the involuntary conversion of property of a character subject to the allowance for depreciation provided in section 23 (l), held for more than 18 months, shall be treated for excess profits tax purposes the same as gains or losses from the sale or exchange of such property. In the determination of the period for which such property has been held, the provisions of section 117 for determining the holding period of capital assets shall apply. The House recedes.

Amendment No. 290: This amendment excludes, in the computation of excess profits net income of certain producers of minerals, logs, or lumber, certain income derived from the exempt excess output of mineral and timber properties, as well as bonus income received for increased production. In the case of timber, the exclusion is determined by reference either (1) to a quota based upon past production (to be fixed by the War Production Board, or other governmental agency) or (2) to the amount received in bonus payments by an agency of the Government on account of log production. In the case of minerals, the exclusion is computed by reference to the nontaxable income from exempt excess output, as defined in section 735 of the Code, added by this amendment, and also to the nontaxable bonus income received from an agency of the Government, with certain provisions for the elimination of duplication between nontaxable income from exempt excess output and nontaxable bonus income.

The exclusion in the case of minerals subject to this section is determined by multiplying the normal unit profit during a defined base period by a specified portion of current production in excess of normal output during such base period, or in the case of coal and iron mines by multiplying current excess production by one-half of the current net income per unit of coal or iron.

The House recedes with an amendment making drafting and clarifying changes and the following changes of substance:

The exclusion in the case of timber is made the same as in the case of minerals, namely, nontaxable income from exempt excess output, and nontaxable income from exempt excess output of a timber block is defined. New definitions added in section 735 are of "producer", "mineral unit", "timber unit", and "timber block". The definitions of "excess output" and "normal output" are expanded to cover timber units; "normal output" is expanded to give a discretion to the Commissioner to reduce the number of months to be used in computation, where physical events normally prevent working during certain months during the year. An election is given in the case of coal and iron mines to compute nontaxable income from exempt excess output either under the general rule or under the special rule applicable thereto. The provisions are applicable only to producers of minerals or logs as defined in the report of the committee of conference.

It is contemplated that the determination of income from mining and logging operations to be excluded from excess profits net income shall be made on the basis of individual mineral properties or timber blocks rather than on the basis of an aggregate of mineral properties or timber blocks owned by a taxpayer.

Amendment No. 291: This amendment inserted a new section in the bill to provide for the adjustment of the net operating loss deduction in computing excess profits net income. Under existing law, this deduction is designed for use in determining net income, and the adjustments required by this amendment are necessary to coordinate this deduction with the provisions for the computation of excess profits net income. The House recedes with amendments providing that the adjustments to the computations made for any taxable year in determining the net operating loss deduction are determined with respect to the excess profits tax adjustments for the year for which such computations are made. For example, if section 711 (a) (2) (B) (reducing the deduction for interest in certain cases) is applicable to the taxpayer in the taxable year in which a net operating loss is sustained, an adjustment corresponding to that required by section 711 (a) (2) (B) is made in determining the net operating loss, even though section 711 (a) (2) (B) is not applicable in the taxable year in which the net operating loss deduction, determined on the basis of such net operating loss, is claimed.

Amendment No. 292: This amendment incorporates a new section to amend existing law by providing that dividends on stock which is not a capital asset shall be included in full in the computation of excess profits net income of a taxpayer using the excess profits credit based on invested capital. The change is applicable to taxable years beginning after December 31, 1939. The House recedes.

Amendments Nos. 293, 294, and 295: These are changes in section numbers. The House recedes.

Amendment No. 296: This makes a clerical change. The House recedes, with an amendment to conform to the bill as agreed to in conference.

Amendment No. 297: This amendment adds a new section to the bill to amend section 713 (e) of the Code to provide that, in case the average monthly excess profits net income or deficit in excess profits net income for a taxable year in the base period is less than 75 percent of the aggregate of the excess profits net income (reduced by deficits in excess profits net income) for the remaining years, divided by the number of months in such remaining years (called average monthly amount), the base period net income for such year shall be an amount equal to 75 percent of the average monthly amount multiplied by the number of months in such year.

This adjustment is applicable only in the case of one year in the base period, and to that year for which the increase in excess profits net income will produce the highest base period net income. The House recedes.

Amendments Nos. 298, 299, and 300: These are changes in section numbers; the House recedes.

Amendment No. 301: This amendment incorporates a new section to amend section 718 of the Code by providing that, under certain very limited circumstances, the equity invested capital of a "transferee" corporation which receives property from another corporation pursuant to a tax-free exchange or reorganization shall be increased, and the invested capital of the transferor shall be decreased, by the deficit in earnings and profits of the transferor which is attributable to the property so transferred. Subsequent earnings of the transferee shall first be applied to reduce the amount of such deficit before any earnings and profits can be determined to have been accumulated and to increase invested capital. The amendment is applicable to taxable years beginning after December 31, 1939. The House recedes.

Amendment No. 302: This is a technical amendment which amends section 720 (d) of the Code to provide that the amount of interest on Government obligations, described in section 22 (b) (4), by which the taxpayer elects to increase its normal tax net income for excess profits purposes is to be reduced by the amount of the amortizable bond premium attributable to such obligations. The House recedes.

Amendment No. 303: This amendment inserts a new section into the bill to make certain technical changes necessary in the computation of tax under section 721 of the Code, relating to abnormalities in income in the taxable period. Subsection (f) is added to section 721 to provide that, if by reason of taking into account exploration, discovery, prospecting, research, or development of tangible property patents formulae, or processes, extending over a period of more than 12 months, the constructive average base period net income as a result of the application of the relief provisions of section 722 is higher than if such activities had not been taken into account, no net abnormal income resulting from such activities which are of a class described in section 721 (a) (2) (C) shall be attributable to the base period, or to any year other than a taxable year under Subchapter E of Chapter 2. This amendment is applicable to taxable years beginning after December 31, 1939. The House recedes.

Amendment No. 304: This is a change in section number; the House recedes.

Amendments Nos. 305, 306, 307, 310, 311, 314, 316, 318, 319, 325, 327, 328. 329, 330, 331, 332, 333, and 334: These amendments relate to the relief provisions under the excess profits tax.

Section 213 of the House bill revises and broadens section 722 of the Code, relating to adjustments in the base period net income of corporations, to remove existing inequities and to alleviate hardship in cases where relief cannot now be obtained. The Senate amendments clarify the changes made by the House bill, broaden the relief granted in certain respects, and alter the administration of the relief provisions.

In those cases described in the last sentence of section 722 (b) (4) (relating to taxpayers the change in the character of the business of which accrued after December 31, 1939) and in section 722 (c) (relating to taxpayers which came into existence after December 1, 1939) regard shall be had, under the amendments of the Senate, to such changes to the extent necessary to establish the normal earnings to be used as the constructive average base period net income, despite the general rule that events occurring after December 31, 1939, are to be disregarded.

Under the House bill a corporation may be entitled to relief if, prior to January 1, 1940, commitments were made binding it to make changes in the operation, management, etc., and such changes are effectuated during a taxable year ended after December 31, 1939. In this case the changes are deemed to result in a change in the character of the business as of December 31, 1939 The Senate has made a clarifying amendment to make it manifest that the commitments made need not take the form of legally binding contracts only. The Senate has also deleted those provisions of the House bill which provide for certain limitations to be applied in determining eligibility for relief and in computing the final tax liability after relief has been given.

The general relief provisions under the House bill were applicable to taxable years beginning after December 31, 1941. The Senate has made these provisions retroactive and applicable to all taxable years beginning after December 31, 1939, which necessitated an amendment to extend the time for filing an application for relief in the case of taxable years beginning after December 31, 1939, but not after December 31, 1941, to six months after the date of the enactment of the Revenue Act of 1942. If an application for relief for such years is not timely filed, any relief will be limited, as in the case of a claim for the current year not timely filed, to the amount of any deficiency finally determined without the application of the relief section.

As a result of the provisions added by the Senate, extending relief to certain mining corporations by exempting from excess profits tax a certain portion of the current income, a further amendment was made in the general relief provisions to provide that, if the constructive average base period net income of a taxpayer, to which section 711 (a) (1) (I) or section 711 (a) (2) (K) of the Code applies, is established under section 722, there shall also be determined a fair and just amount to be used as normal output and normal unit profit for the purposes of section 735.

The Senate deleted the provisions of the House bill relating to the treatment under section 721 of the Code of current abnormal income in cases where a constructive average base period net income is determined under section 722. Substitute provisions with respect to such cases have been inserted elsewhere by the Senate.

The House bill provided for the establishment within the Board of Tax Appeals of a special division which would be the sole division of the Board hearing and determining and redetermining issues arising under section 711 (b) (1) (H), (I), (J), or (K), (relating to abnormal deductions within the base period), section 721 (relating to abnormal income within the taxable period), and section 722 (relating to general relief from discriminatory excess profits taxes). The abnormality cases under section 711 (b) (1) (H), (I), (J), or (K), or under section 721, except section 721 (a) (2) (C), do not on the whole involve problems of the complexity of those presented by section 722. Such cases will be disposed of under the Senate amendments in the same manner in which such

cases are currently handled under existing law. Determination and redetermination by any division in the Board involving any question arising under section 721 (a) (2) (C) or section 722 would be reviewed by the special division of the Board.

In addition to the provisions relating to general relief, the House bill granted additional relief to taxpayers in certain special circumstances. The Senate transferred the provisions relating to bonus income of industries with depletable reserves to those sections relating to nontaxable income from exempt excess output of mining and logging, and from bonus income of mines and timber blocks.

The Senate also made certain changes relating to installment basis taxpayers and has added provisions extending relief to taxpayers with income from long-term contracts. In the case of installment basis taxpayers the eligibility requirements have been amended by the Senate to provide an election to taxpayers which can establish (a) that the average volume of credit extended to purchasers on the installment plan in the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 percent of such credit extended to such purchasers in the taxable year, or (b) that the average outstanding installment accounts receivable at the end of each of the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 percent of the average of such accounts receivable at the end of the taxable year. Under the amendment the House bill provides for an irrevocable election which the Senate has changed to provide taxpayers with a new election to resume the reporting of income on the installment basis when the eligibility requirements are no longer satisfied. When once made, such election shall be irrevocable and shall preclude any further election under section 736 (a) and for the taxable year in which the election to resume the installment method of accounting is made and for subsequent taxable years income shall be computed in accordance with section 44 (c) of the Code.

The Senate has added a provision extending relief to taxpayers reporting income from long-term contracts upon the completed contract method of accounting, if it is abnormal for the taxpayer to derive income from contracts, the performance of which requires more than 12 months, or, if the amount of such income is abnormally great, so that such a taxpayer may elect for excess profits tax purposes to compute in its return for such taxable year its income from such contracts upon the percentage of completion method of accounting. This election when made is irrevocable and applies to all other contracts, past, present, or future, the performance of which requires more than 12 months, and the net income for prior years including the base period years of the taxpayer is to be adjusted for excess profits tax purposes in conformity with this election.

The provisions of the House bill authorizing adjustment of the excess profits income of the years prior to that with respect to which the elections under this section have been made, despite the fact that such adjustments might otherwise have been prevented by any other provision or rule of law, have been broadened to include long-term contracts and adjustments in the tax imposed by chapter 1 stemming from the operation of this section.

Under the existing law, as interpreted by the Commissioner of Internal Revenue, it was necessary for the taxpayer to compute his tax without regard to the relief provisions and file a claim for refund for each taxable year. It is believed that such a procedure should not be followed where the taxpayer has had its constructive average base period net income finally determined for any year. Such determination should permit the taxpayer to use the base period net income so determined as a basis in computing its excess profits tax for any future year.

By action of the Senate the amendments to section 722 are applicable with respect to taxable years beginning after December 31, 1939. Unless a taxpayer elects within six months after the date of enactment to have subsection (b) of section 736 and so much of subsection (c) as is applicable thereto apply retroactively to all taxable years beginning after December 31, 1939, such subsections shall apply only to taxable years beginning after December 31, 1941.

The House recedes with respect to each of the above amendments with a technical amendment in the case of amendment No. 325.

Amendments Nos. 308, 309, 312, 313, 315, 317, 320, 321, 322, 323, 324, and 326: These are technical and clerical amendments necessitated by the substantive changes made in the general relief provisions. The House recedes with a clerical change in amendment No. 309.

Amendment No. 335: This is a change in section title and number; the House recedes.

Amendment No. 336: This amendment provides that a corporation which would otherwise be exempt from excess profits tax shall not be exempt if it is a member of an affiliated group of corporations which files a consolidated return under section 141 of the Code. The reason for this change is explained in connection with amendment No. 186. The House recedes.

Amendments Nos. 337 and 338: These amendments make technical and clerical changes; the House recedes.

Amendment No. 339: This amendment incorporates a new section into the bill as passed by the House to eliminate the present requirement that the return of a taxpayer subject to the excess profits tax must contain two sets of computations of the excess profits credit. The optional provisions which permit a taxpayer to disclaim either method of computing its credit are likewise repealed. These changes are applicable to taxable years beginning after December 31, 1939, so that previous disclaimers are rendered ineffective. The House recedes.

Amendment No. 340: This is a change in section number; the House recedes.

Amendment No. 341: The Senate has added a new section 731 to the Code to exempt from excess profits tax that portion of the adjusted excess profits net income attributable to the mining by a domestic corporation in the United States of certain specified strategic metals. This amendment is applicable to taxable years beginning after December 31, 1940. The House recedes.

Amendment No. 342: This amendment revises section 734 of the Code, relating to adjustment in the case of an inconsistent position taken by a taxpayer with respect to a prior income tax liability. The Committee of Conference considered a number of problems arising under this section, some of which appear to be satisfactorily determined under existing regulations issued by the Commissioner. Thus, the effect of a previous adjustment under section 3801, or of an inconsistent position in a subsequent excess profits tax taxable year, or the determination whether consistency with the prior year treatment of an item or transaction is permitted for excess profits tax purposes, although under current rulings and decisions such treatment is erroneous, and whether the taxpayer has a right to withdraw from an inconsistent position, are properly treated under existing law.

The Senate has defined the term "predecessor" specifically to include only a person which is a component corporation of the taxpayer within the meaning of section 740 and a person which on April 1, 1941, or at any time thereafter controlled the taxpayer and any person which is a predecessor of a person which is a predecessor of the taxpayer under the definition.

The character for tax purposes of that portion of an adjustment which represents interest, the proper treatment of the excess of an adjustment representing a decrease in excess of the excess profits tax for the taxable year, and the method of computation of interest in determining the amount of an adjustment are fully described in the statute by action of the Senate This amendment also provides a statutory rule for the burden of proof in cases arising under section 734. The House recedes.

Amendment No 343: This is a change in section number and the House recedes.

Amendments Nos. 344, 345, 348, 349, 350, 351, 352, 353, 365, 366, 367, 368, 369 and 370: These are technical amendments made necessary by amendments made in certain sections of Supplement A under the excess profits tax. The House recedes.

Amendment No. 346: This amendment makes several technical changes in section 740 (c) as amended in the House bill. Section 740 (c) (1) of the bill as passed by the Senate corresponds to the whole of section 740 (c) of the House bill, but is subject to the further rule of paragraph (2) of section 740 (c) as added by the Senate. Section 740 (c) (1) also allows a component corporation to take into account its entire base period experience (except as provided in section 740 (c) (2)) for the purpose of the growth formula under sections 713 (f) and 742 (h), except that it cannot take into account such base period experience for the purpose of determining the greatest amount of excess profits net income for any base period year to which the average base period net income or Supplement A base period net income is limited under the growth formula. A technical addition to section 740 (c) (1) also gives the component corporations' base period experience for the day of the Supplement A transaction as well as the prior period (with certain exceptions) and its capital addition and capital reduction as of such day immediately prior to such transaction and for all prior periods to the acquiring corporation.

Section 740 (c) (2), as added by the Senate, applies only in case of a Supplement A transaction occurring in a taxable year beginning after December 31, 1941. In such case, the base period experience of the component corporation (after the application of section 740 (c) (1) in case of a prior transaction) is allocated to such component corporation for purposes of excess profits credit for only such year in the ratio which the number of days in such year before the transaction plus such days bears to the total tax in such year.

The last sentence of section 740 (c), as added by the Senate bill, is retroactive to taxable years beginning after December 31, 1939. In general, it prevents an acquiring corporation from taking into account any experience after the Supplement A transaction of a component corporation which continues in existence thereafter. The House recedes.

Amendment No. 347: This amendment makes the change in base period for purposes of Supplement A under the excess profits tax (changed to the four calendar years 1936 through 1939 in the House bill) subject, in

general, to the election to have the amendments to Supplement A made by this act apply retroactively for the purpose of computing the excess profits tax for all taxable years beginning after December 31, 1939. The only exception is in the case of any corporation which became an acquiring corporation prior to September 1, 1940. The House recedes.

Amendment No. 354: This amendment changes the treatment of two or more taxable years beginning in the same base period year under Supplement A of the excess profits tax. The House bill requires the excess profits net income for such years to be put upon an annual basis. The Senate bill provides that the excess profits net incomes for such years shall be adjusted to such extent as the Commissioner, under regulations prescribed by him with the approval of the Secretary, prescribes as necessary in order that such base period year shall reflect income for a period of twelve months. The amendment adds a rule for guidance in the application of this provision to provide that a taxable year of a component corporation (beginning within the base period) which begins with or within the taxable year of the acquiring corporation in which the acquisition occurred, or which begins with or within the same base period year with which or within which such taxable year of the acquiring corporation begins, shall be considered a taxable year of the acquiring corporation and to have begun in the base period year with which or within which such taxable year of the acquiring corporation began. The House recedes.

Amendment No. 355: This amendment applies the 75 percent rule for the purpose of computing the excess profits tax under Supplement A for taxable years beginning after December 31, 1941. Under this rule, the lowest base period year of group excess profits net income is to be raised to 75 percent of the average for the other three years. The House recedes.

Amendments Nos. 356, 357, 358, 359, 360, and 363: These Senate amendments are technical, resulting primarily from changing the rule of section 742 (e) (1) as amended in the bill passed by the House. The House recedes.

Amendments Nos. 361 and 362 In the House bill, section 741 (e) (2) under Supplement A of the excess profits tax provided for an adjustment, under the Commissioner's regulations, in excess profits net income for "vacant" base period years (which are to be filled up on the basis of 8 percent of invested capital) in cases where there was cross ownership of stock between acquiring and component corporations on the first day of the owning corporation's first taxable year beginning in 1940. The amendments renumber this section, 742 (e) (3), and provide more specifically for the situations in which the adjustment is to be made. In some cases of cross ownership of stock, adjustment under section 742 (e) (3) is not necessary by reason of the provisions for adjustment in section 742 (f) (1) as amended by this bill. Thus the example given in the House and Senate Committee reports under this section is covered by section 742 (f) (1).

The primary purpose of section 742 (e) (3) is to provide for adjustment where, by reason of the acquisition by one corporation of stock in another, the invested capital of the corporation whose stock is acquired is increased without a corresponding decrease in the invested capital of the owning corporation. This may occur, for example, in the case of a purchase by A Corporation of B Corporation's stock from B on the last day of the base period. In such case, the invested capital of B for the first day of its first taxable year in 1940 will be increased by the assets received from A, while, by reason of the operation of the inadmissible asset ratio as to A, A's invested capital for such day will not be reduced correspondingly. Section 742 (e) (3) also applies regardless of the date prior to the first taxable year in 1940 when the stock was acquired if the inadmissible asset ratio fails to eliminate duplication of the same invested capital as between the acquiring corporation and its component. Accordingly, in such cases the Commissioner is given authority to prescribe regulations with the approval of the Secretary for adjustment in the excess profits net incomes of such corporations. The House recedes.

Amendment No. 364: This is a technical amendment to section 742 (f) (1) under Supplement A of the excess profits tax. Such section was designed in the House bill to eliminate experience attributable to stock acquired by the transfer of assets (other than the issuance of the acquiring corporation's stock) of the acquiring corporation, which assets thereupon went out of the system. This amendment provides that stock which has in the hands of the taxpayer a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's own stock shall be considered as having been acquired in consideration of the issuance of the taxpayer's own stock. The House recedes.

Amendments Nos. 371, 372, 373, 374: These are technical amendments to the applicability provision of section 22° of the bill as passed by the Senate (216 of the House bill), designed primarily to reflect the retroactive application to taxable years beginning after December 31, 1939, of the last sentence of section 740 (c) as added by the Senate bill. The House recedes.

Amendments Nos. 375 and 376: The House bill provided that section 752, relating to the computation of highest bracket amount in connection with exchanges, should not apply to any taxable year beginning after December 31, 1941. Amendment No. 375 strikes this provision and amendment No. 376 repeals section 752 as of the date of the enactment of the Second Revenue Act of 1940. The latter amendment also repeals as of such date section 710 (a) (2), relating to the application of the highest bracket amount in the computation of the excess profits tax. The House recedes.

Amendment No. 377: This is a clerical amendment; the House recedes.

Amendment No. 378: This amendment revises and simplifies the definitions of "exchange" and "transferee upon an exchange" and adds the term "transferor" in connection with the rules provided for determining invested capital as the result of certain tax free exchanges and "intercorporate liquidations." It is provided that the term "exchange" means a transaction by which one corporation, called the "transferee," receives property of another corporation, called the "transferor," and the basis of the property so received, in the hands of the transferee, for the purposes of section 718 (a) (relating to the definition of equity invested capital) is determined by reference to the basis in the hands of the transferor. This amendment also provides that the basis in the hands of the transferee of the property received upon the exchange from the transferor is to be determined in accordance with the provisions of section 718 (a) (2), namely, the basis (unadjusted) for determining loss, adjusted, with respect to the period before its receipt by the transferee upon the exchange, by an amount equal to the adjustment proper under section 115 (l) for determining earnings or profits. The House recedes.

Amendments Nos. 379 and 380: These amendments are technical amendments; the House recedes.

Amendments Nos. 381, 382, 383, 384 and 385:

Amendment No. 381 rewrites, with numerous technical and clarifying changes, the provisions of section 761 of the House bill, providing for an invested capital adjustment at the time of a tax-free intercorporate liquidation.

Amendment No. 382 strikes subsection (b) of section 760 of the House bill, making the provisions of section 760 applicable retroactively to all taxable years beginning after December 31, 1939.

Amendments Nos. 383 and 384 make merely technical changes.

Amendment No. 385 makes, if the taxpayer so elects, the provisions of section 761 applicable to all of the taxable years of such taxpayer beginning after December 31, 1939, and the provisions of sections 718 (a) (5), 718 (b) (4), and 718 (c) (4) inapplicable to such taxable years of such taxpayer.

The House recedes with a change in amendment No. 385 making section 760 applicable retroactively, at the option of the taxpayer, taxable years beginning after December 31, 1939.

Amendment No. 386: This amendment adds a new part III to subchapter E of chapter 2 of the Code, so as to provide for a post-war refund of excess profits tax. A credit equal to 10 percent of the tax imposed under subchapter E for each taxable year is directed to be established by the Secretary of the Treasury to the account of the taxpayer. Taxpayers entitled to such credit shall receive non-interest-bearing bonds of the United States equal to 10 percent of the tax paid. Such bonds shall not be transferable on or before the date of cessation of the present war. Within appropriate limitations, 40 percent of the amounts paid during the taxable year in retirement of debt is allowed as a credit against the tax for such year imposed by subchapter E. The House recedes with certain clarifying changes.

Amendments Nos. 387, 388, 389, and 392: These amendments relate to the capital stock and declared value excess-profits taxes. The House bill provided for annual declarations of capital value in making capital stock tax returns, and also made technical amendments with respect to the declared value excess-profits tax. Senate amendments Nos. 387, 388, and 389 terminate both the capital stock and declared value excess-profits taxes. Amendment No. 392 eliminates technical amendments made by the House. The Senate recedes.

Amendments Nos. 390 and 391: The House bill inserted a new provision in the Code for determining the declared value excess-profits tax for taxable years of less than 12 months. Amendment No. 390 makes a technical change in this provision and amendment No. 391 makes the provision applicable to taxable years beginning after December 31, 1939. The House recedes with an amendment indicating that the amendment in the House bill relates only to an income-tax taxable year which is a period of less than 12 months on account of a change in the accounting period of the taxpayer.

Amendment No. 393: The House bill contained no provision with respect to certain inter vivos transfers of community property. This amendment adds such a provision to section 811 (d); the House recedes.

Amendment No. 394: This is a clerical amendment; the House recedes.

Amendment No. 395: This is a clerical amendment; the House recedes.

Amendment No. 396: The House bill provided that one of the excepted powers to appoint is a power to appoint within a class which does not include any others than the spouse of the decedent, descendants of the

decedent or his spouse, spouses of such descendants, donees described in section 812 (d), and donees described in section 861 (a) (3). This amendment broadens the class to include the spouse of the creator of the power, descendants (other than the decedent) of the creator of the power or his spouse, and spouses of such descendants. The House recedes.

Amendment No. 397: This amendment clarifies the scope of the corresponding provision of the House bill. The House recedes with a clerical amendment.

Amendment No. 398: This is a technical amendment, coordinating the House provision with amendment No. 402. The House recedes.

Amendment No. 399: This amendment revises the provisions governing the applicability of section 403 to existing powers of appointment. Under the House bill nongeneral powers, created on or before the date of enactment of this act, are not taxable if released within 2 years after the date of enactment of the act or if exercised on or before such date. The House bill also provided that the amendments are not applicable with respect to a power to appoint released on or before the date of enactment of this act. The Senate amendment provides that nongeneral powers, created on or before the date of enactment of this act, are not taxable unless exercised after such date. This change makes allowance for the inability to release various nongeneral powers under applicable local law. The Senate amendment also provides that the amendments made in the House bill shall not apply to any power created on or before the date of enactment of this act if released on or before January 1, 1943. In addition, the Senate amendment contains a special rule for those under a legal disability at the date of enactment of this act. The House recedes with certain technical amendments.

Amendment No. 400: This amendment restores the $40,000 exemption now applicable to insurance proceeds payable to beneficiaries other than the executor. The House bill eliminated this exemption and allowed a $60,000 specific exemption under the additional estate tax. The Senate recedes.

Amendment No. 401: This amendment clarifies the corresponding provision of the House bill. The House recedes.

Amendment No. 402: This amendment makes various technical changes. The House recedes with a technical amendment.

Amendment No. 403: This is a clerical amendment; the House recedes.

Amendment No. 404: This amendment clarifies the language of the corresponding provision of the House bill; the House recedes.

Amendments No. 405 and No. 406: These are clerical amendments; the House recedes.

Amendment No. 407: This is a technical amendment made necessary by amendment No. 415. The Senate recedes.

Amendments No. 408 and No. 409: These are technical amendments; the House recedes.

Amendments No. 410 and No. 411: Under the House bill the deduction of the disclaimed interest must be preceded by a disclaimer which becomes irrevocable prior to the date prescribed for the filing of the estate tax return. These amendments allow the deduction if the disclaimer is made prior to such date, provided that it becomes irrevocable before the expiration of the applicable period of limitations for the determination of the estate tax. The House recedes.

Amendment No. 412: This is a clerical amendment; the House recedes.

Amendment No. 413: This amendment provides that, if a notice of deficiency in estate tax is mailed to a taxpayer outside the States of the Union and the District of Columbia, the taxpayer has 150 days within which to file his petition with the Board of Tax Appeals. The House recedes.

Amendment No. 414: This amendment strikes out a provision in the House bill which allowed a $60,000 specific exemption under the additional estate tax, in conjunction with the elimination of the $40,000 insurance exemption with respect to insurance payable to beneficiaries other than the executor. See amendment No. 400. The Senate recedes.

Amendment No. 415: This amendment adds a new subsection (e) to section 812 of the Code, providing, subject to certain stated limitations, for the deduction of estate, succession, legacy, or inheritance taxes actually paid to any foreign country in respect of any property situated within such foreign country, which is included in the gross estate and which the Commissioner determines cannot be withdrawn from such foreign country by reason of freezing orders, exchange restrictions, or other prohibitions. A special statute of limitations is included for those cases where the tax claimed as a deduction is recovered at a later date. This special statute of limitations is also made applicable to the recovery of any state estate, succession, legacy, and inheritance taxes allowed as a credit. The amendment applies to estates of decedents dying after December 31, 1941. However, it is provided that the amendment, insofar as it relates to the deduction of foreign death taxes, shall not apply to estates of decedents dying more than 1 year after the termination of the present war. The amendment makes various technical changes made necessary by the principal changes. The conferees are impressed with the purpose of this amendment, but it has been decided to withhold any legislative action pending further study of the problems involved. The Senate recedes.

Amendment No. 416: This is a clerical amendment; the House recedes.

Amendment No. 417: The changes made by this amendment correspond to the changes made by Senate amendment No. 396. The House recedes.

Amendment No. 418: This amendment provides that the release of a general power of appointment before January 1, 1943, shall not be deemed a taxable gift. Under the House bill the amendments with respect to powers of appointment were not applicable to the release of a power before January 1, 1943. However, such releases might be held taxable under the existing gift tax statute, and this amendment accordingly makes it clear that releases made before January 1, 1943, are not taxable under existing law. The House recedes with certain technical amendments. These amendments, in accordance with the entire tenor of sections 403 and 452 of the House bill, apply only to powers received by the individual from another person, and do not affect the present status of powers reserved to an individual by himself. See *Estate of Sanford* v. *Comm.* (308 U. S. 39 (1939)).

Amendment No. 419: This amendment corresponds to amendment No. 397. The House recedes.

Amendment No. 420: Under the House bill nongeneral powers, created on or before the date of enactment of this act, are not taxable if released within 2 years after the date of enactment of this act or if exercised on or before such date. The House bill also provided that the principal amendments are not applicable with respect to a power to appoint released on or before the date of enactment of this act. The Senate amendment provides that nongeneral powers, created on or before the date of enactment of this act, are not taxable unless exercised after such date. In addition, the amendment contains a special rule for those under a legal disability at the date of enactment of this act. The House recedes. See amendment No. 418.

Amendment No. 421: This amendment clarifies language in the House bill; the House recedes.

Amendment No. 422. This amendment allows the annual exclusion in the case of gifts in trust, except in cases of gifts of future interests in property. The House recedes.

Amendment No. 423: This amendment provides that, if a notice of deficiency in gift tax is mailed to a taxpayer outside the States of the Union and the District of Columbia, the taxpayer has 150 days within which to file his petition with the Board of Tax Appeals. The House recedes.

Amendments Nos. 424 and 425: These are clerical amendments; the House recedes.

Amendments Nos. 426, 428, 429, and 430: These are clerical amendments; the House recedes.

Amendment No. 427: This amendment to the Revenue Act of 1936 provides an additional credit for determining undistributed net income subject to undistributed profits surtax in certain cases of corporations having a deficit in accumulated earnings and profits and prohibited because of such deficit by a State law or order of a public regulatory body from distributing dividends. There is no comparable provision in the House bill. The amendment also expands the paragraph prohibiting double credits to contemplate the inclusion of this additional credit. In like manner, the definition of undistributed net income is also expanded and is broadened further to include the additional credit provided in amendment No. 431. The House recedes.

Amendment No. 431: This amendment to the Revenue Act of 1936 provides an additional credit to give relief from undistributed profits surtax to a corporation realizing income from the sale of a capital asset which income is distributed pursuant to contract to preferred shareholders in redemption of their shares prior to March 3, 1936. There is no comparable provision in the House bill. The House recedes.

Amendment No. 432: This amendment provides that the stamp tax on indemnity, fidelity, and surety bonds, and insurance other than life, is imposed at the rate of 8 cents, instead of 4 cents as provided in the House bill, on each dollar, or fractional part thereof, of the premium charged. The Senate recedes.

Amendment No. 433: This amendment provides that the stamp tax imposed in the House bill, at the rate of 1 cent on each dollar, or fractional part thereof, of the premium charged for life insurance, sickness, and accident policies, and annuity contracts, shall not apply where the insurer is subject to tax under section 201 of the Code, relating to tax upon the income of life insurance companies. The House recedes.

Amendment No. 434: This is a change of section heading; the House recedes.

Amendment No. 435: Section 504 of the House bill changed the name of the Board of Tax Appeals to United States Tax Court. The amendment strikes this section. The House recedes with an amendment fixing the name as The Tax Court of the United States.

Amendment No. 436: This is a change in section number; the Senate recedes.

Amendment No. 437: Section 506 of the House bill provided for the exclusion of a

specified period in computing interest with respect to income tax in the case of nonresident alien individuals subject to the provisions of section 211 (a) or 211 (c) of the Code, and foreign corporations subject to the provisions of section 231 (a) of the Code, where payment of tax was prevented due to restrictions imposed by any foreign country. The amendment eliminates this section because the subject matter thereof is included within the scope of section 506 of the bill as passed by the Senate. The House recedes.

Amendment No. 438: Section 507 of the House bill exempted from documentary stamp tax the use of instruments to make effective certain orders of the Securities and Exchange Commission. By amendments Nos. 438 to 448, inclusive, the Senate adds to the section a number of other provisions relative to documentary stamp taxes. Amendment No. 438 changes the section number to 505, changes the heading of the section to conform to the additional provisions included by the Senate, and adds a subsection providing that for the purposes of chapter 11 of the Code relating to issues of bonds, stocks, etc., obligations issued by any receiver, trustee in bankruptcy, assignee, or other person having custody of the property or charge of the affairs of any corporation, shall be deemed to be issued by the corporation. The House recedes, with a clerical amendment.

Amendment No. 439: This amendment adds to the House bill a provision abolishing exemption from stamp tax of any delivery or transfer of stocks, bonds, etc., by operation of law, but establishes specific exemptions with respect to enumerated transfers and deliveries of the character of, or resembling, transfers and deliveries by operation of law. The House recedes.

Amendment No. 440: This amendment adds to the House bill a provision exempting from documentary stamp tax on issue and transfer, stocks and bonds issued by savings and loan associations, cooperative banks, and homestead associations, substantially all the business of which is confined to making loans to members. The House recedes.

Amendment No. 441: This amendment adds a provision to existing law conferring exemption from documentary stamp tax with respect to the use of instruments to make effective reorganizations confirmed under the National Bankruptcy Act. The amendment extends exemption to the use of instruments to make effective any plan of reorganization or adjustment confirmed under the National Bankruptcy Act, or approved in an equity receivership in a court involving a railroad corporation as defined in section 77 (m), or a corporation as defined in section 106 (3), of the said act. The amendment limits the exemption to such use of instruments occurring within 5 years from the date of confirmation or approval. The House recedes.

Amendment No. 442: This is a technical amendment; the House recedes.

Amendment No. 443: This amendment changes the designation of a subsection from (g) to (f); the House recedes.

Amendment No. 444: This is a clerical amendment; the House recedes.

Amendment No. 445: This amendment exempts from the stamp tax imposed by section 1802 (a) of the Code shares or certificates of a common trust fund. The House recedes.

Amendment No. 446: This amendment provides that the United States or any agency or instrumentality thereof shall not be liable for documentary stamp tax with respect to an instrument to which it is a party, and even though stamps are affixed thereby the tax may nevertheless be collected from any other party liable therefor. The House recedes.

Amendment No. 447: This amendment repeals an exemption with respect to deliveries or transfers of bonds in connection with a reorganization as defined in section 112 of the Revenue Act of 1932, if gain or loss is not recognized under the applicable income tax law. The House recedes.

Amendment No. 448: This amendment establishes the effective dates of the various amendments to stamp tax provisions made by section 505 of the bill, as passed by the Senate. The House recedes with a change in an effective date.

Amendment No. 449: This is a clerical change; the House recedes with a change in section number.

Amendment Nos. 450, 451, 452, 453, 454, 455, 456, 457, and 458: The House bill provides for the suspension of time limitations running against the Government, taxpayers, and others, in certain cases, where by reason of the war timely performance of acts affecting Federal tax liabilities and rights is impossible or impracticable. These amendments clarify these provisions in certain respects, and provide further that section 205 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, shall not apply with respect to any period of limitation prescribed by or under the internal revenue laws. Also added by the Senate is a provision for the refund or credit of interest, penalty, additional amount, or addition to the tax, where amounts thereof are collected, but liability therefor was in reality not incurred by reason of sections 3804 and 3805 of the Code as added by this bill. The House recedes.

Amendment No. 459: This amendment contains special provisions in respect of crediting Federal income and excess profits taxes against amounts repayable to the United State on account of disallowances under cost-plus-a-fixed-fee contract. Under existing law a person who has a legal or equitable claim against the United States is entitled to credit or offset such claim against his liability to the United States, whether such claim arises out of the particular transaction in which he incurred his liability to the United States (*Bull* v. *United States*, 295 U. S. 247) or out of a distinct and separate transaction which would constitute a legal or equitable setoff (*United States* v. *Macdaniel*, 7 Peter's 1, 16, 17; *United States* v. *Ringgold*, 8 Peter's 150, 163–164; *Gratiot* v. *United States*, 15 Peter's 336, 370; *Watkins* v. *United States*, 76 U. S. 759, 765; U. S. Code, title 28, sec. 774). In I. T. 3577, I. R. B. 1942–37, page 5, the Bureau of Internal Revenue has taken the position that in cases in which Government war contracts are renegotiated by reductions applied retroactively to prior taxable year for which returns have been filed, no refund or abatement of the Federal income and excess profits taxes for such prior years shall be made by reason of such renegotiation and that such taxes are to be applied as a credit or offset against the amounts to be repaid pursuant to the renegotiation. By such ruling a similar position is taken in respect of cases involving a cost-plus-a-fixed-fee contract where an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and the taxpayer is required to repay to the United States the amount disallowed. The amendment adds a new section to the Code, section 3806, to apply the Bureau rule in cases involving cost-plus-a-fixed-fee contracts, to prohibit a taxpayer from deducting in the year of repayment the amount repaid, to provide specifically for the method of computing the amount of taxes to be credited in respect of barred years, to provide a rule as to interest, and to authorize a credit or refund of taxes allowable but not allowed as a credit against the amount to be repaid to the United States. The House recedes with an amendment which provides for similar treatment in cases involving renegotiations of war contracts or subcontracts where the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated pursuant to the renegotiation. Under the Senate provisions as thus amended the Government representative who accepts the payment or repayment on behalf of the United States or any agency thereof is, in cases of renegotiation as well as in cases of disallowances under cost-plus-a-fixed-fee contracts, authorized to allow the credit for taxes provided for in the new section 3806. The conference agreement therefore modifies to conform with section 3806 of the Code, the provision in section 801 of the bill which authorizes the Secretary of the Department concerned to credit against the eliminated excessive profits the amount of Federal income and excess profits paid or payable with respect thereto.

Amendment No. 460: This amendment extends relief from the provisions of the Public Salary Tax Act of 1939 in cases of compensation received in a taxable year beginning after December 31, 1938, for services rendered prior to January 1, 1939. The House recedes with a clerical amendment

Amendment No. 461: This amendment provides for a Joint Committee to study plans for compulsory savings and other plans whereby money may be raised to assist in the conduct of the war and the avoidance of inflation and plans for the payment currently of taxes. These matters come within the jurisdiction of the present tax committees of the Congress and will be considered in connection with future tax legislation. The Senate recedes.

Amendment No. 462: This amendment abolishes the Processing Tax Board of Review and transfers its jurisdiction to the Board of Tax Appeals. The House recedes.

Amendment No. 463: This amendment makes more explicit the fact that the additional allowance for military and naval personnel, contained in amendment No. 43, applies to the Women's Army Auxiliary Corps and the Women's Reserve branch of the Naval Reserve. The House recedes.

Amendment No. 464: This amendment adds a new provision to the House bill, relating to the powers of the staff of the Joint Committee on Internal Revenue Taxation in securing information, data, estimates and statistics. The amendment is in accord with the spirit and intent of the organic law creating the Joint Committee. The House recedes.

Amendments Nos. 465 and 470: The House bill required persons to make their floor stocks tax returns on distilled spirits and wines on or before the first day of the third month following the effective date of the bill. This amendment deletes this requirement and substitutes therefor a provision that such floor stocks tax returns shall be made on or before the end of the thirtieth day following the effective date of the bill. The House recedes.

Amendment No. 466: This amendment provides that alcohol of 160 proof, or greater, may be imported into the United States and be withdrawn, in bond, from customs custody, without payment of the internal-revenue tax imposed upon the act of importing such alcohol, for transfer to industrial alcohol plants, alcohol bonded warehouses, and denaturing plants for redistillation or denaturation and withdrawal, or withdrawal without redistillation, either free of tax or upon payment of the tax, as the case might be, for all the purposes authorized by part II of subchapter C of chapter 26 (relating to industrial alcohol) of the Code. This amendment also provides that imported

alcohol may be withdrawn from customs custody by the United States or any governmental agency thereof for its own use free of internal-revenue tax. The House recedes.

Amendment No. 467: This amendment provides for a drawback of $3.75 per proof gallon to manufacturers of certain nonbeverage produces where fully tax-paid, domestically produced distilled spirits are used, upon the payment of an annual tax graduated from $25 to $100 according to amounts of withdrawal. The amendment provides for records to be kept and regulations of the Commissioner to be issued and grants investigative powers to the Commissioner through his agents to ascertain the correctness of claims filed. The section also provides the period within which claims may be filed. There is no comparable provision in the House bill. The House recedes.

Amendment No. 468: This amendment deletes the House provision, in respect of fermented malt liquor, for an exemption from the floor stocks tax in favor of retail stocks held by a person on premises as to which such person has incurred occupational tax as retail dealer in liquors or retail dealer in malt liquors for a period beginning on July 1, 1942, but as to which premises no other occupational tax with respect to dealing in distilled spirits or fermented malt liquors has been incurred by such person for a period beginning on such date.

This amendment also deletes the House provision which would require persons to make their returns for the floor stocks tax on fermented malt liquors, on or before the first day of the third month following the effective date of the bill. The amendment substitutes therefor a requirement that such floor stocks tax returns shall be made on or before the end of the thirtieth day following the effective date of the bill.

The House recedes.

Amendment No. 469: This is a technical amendment; and the House recedes.

Amendment No. 471: This amendment changes a section heading in conformity with amendments Nos. 472 to 481, inclusive. The House recedes.

Amendment No. 472: The House bill increases the rate of tax on smoking tobacco from 18 cents per pound to 24 cents per pound. The amendment eliminates this increase; the House recedes.

Amendment No. 473: This is a clerical change; the House recedes.

Amendment No. 474: The House bill increased the tax rates applicable to cigars weighing more than 3 pounds per thousand. The Senate lowers certain of the rates fixed by the House bill as shown by the table below:

Tax rates approved by House			Tax rates approved by Senate		
Class	Made to retail at (cents)	Rate per M	Class	Made to retail at (cents)	Rate per M
A	Not more than 2.5 each	$2.50	A	Not more than 2.5 each	$2.00
B	More than 2.5 and not more than 4	3.50	B	More than 2.5 and not more than 4	3.00
C	More than 4 and not more than 6	5.00	C	More than 4 and not more than 6	4.00
D	More than 6 and not more than 8	7.00	D	More than 6 and not more than 8	7.00
E	More than 8 and not more than 11	10.00	E	More than 8 and not more than 15	10.00
F	More than 11 and not more than 15	13.50			
G	More than 15 and not more than 20	18.00	F	More than 15 and not more than 20	15.00
H	More than 20 and not more than 30	25.00	G	More than 20	20.00
I	More than 30	35.00			

The House recede with an amendment changing to $2.50 the rate on cigars made to retail at not more than two and one-half cents.

Amendment No. 475: This is a clerical change; the House recedes.

Amendment No. 476: The House bill increased the existing rate of tax on cigarette papers of one-half cent for each 50 papers, or fraction thereof, with an exemption of lots of not less than 25 papers, to one-half cent for each 25 papers or fraction thereof with no exemption. This amendment eliminates this provision of the House bill. The House recedes.

Amendment No. 477: This is a clerical change; the House recedes.

Amendments Nos. 478 and 479: These are technical amendments to correspond to amendment No. 472; the House recedes.

Amendment No. 480: This changes a subsection designation from (f) to (d); the House recedes.

Amendment No. 481: This amendment adds a new provision to the House bill, permitting tax-free removal beyond the jurisdiction of the United States of cigarette papers and tubes. The House recedes.

Amendment No. 482: The House bill increased from 10 percent to 15 percent the rate of tax on telegraph, cable or radio dispatches or messages. The amendment restores the 10 percent rate with respect to international dispatches or messages. The House recedes.

Amendment No. 483: This amendment, in order to conform to the establishment of an additional rate by amendment No. 482, changes the provision of the House bill for tax computation based upon the sum of all charges for telegraph, cable or radio dispatches or messages covered by a bill, to provide for separate computation of tax at each rate. The House recedes.

Amendment No. 484: The House bill increased from 10 to 25 percent the rate of tax applicable to photographic apparatus, exempted from tax cameras weighing more than 4 pounds exclusive of lens and accessories, and increased from 10 to 15 percent the rate of tax applicable to photographic films and plates and sensitized paper. The amendment reduces the 25 percent rate to 10 percent, removes the exemption with respect to cameras weighing more than 4 pounds, exclusive of lens and accessories and exempts sensitized papers for use in the reproduction of drawings, records, and other documents for industrial or commercial purposes. The Senate recedes.

Amendment No. 485: This is a technical amendment to conform to amendment No. 486; the House recedes.

Amendment No. 486: This amendment adds a provision extending t members of the military and naval forces of any of the other United Nations an exemption from the tax on certain amounts paid for transportation, and seats and berths connected therewith, like that extended by existing law to personnel of the United States Army, Navy, etc. The House recedes.

Amendment No. 487: This amendment adds to the articles exempted by the House bill from jewelry tax, watches designed especially for use by the blind; the House recedes.

Amendment No. 488: The House bill exempted from the tax on the sale or lease of refrigerators and other cooling equipment, the lease or renewal of a lease of a water cooler leased prior to October 1, 1941. The amendment eliminates the specific exemption relative to water coolers, which the amendment makes unnecessary and limits the tax to (a) household type refrigerators, (b) articles for or suitable for use as parts of or with such household type refrigerators, and (c) self-contained air-conditioning units, including in each case parts or accessories therefor sold on or in connection with the sale thereof. The House recedes.

Amendment No. 489: This amendment adds a new provision to the bill, increasing from $50 to $100 the annual tax on coin-operated gaming machines. The House recedes.

Amendment No. 490: This is a clerical change; the House recedes.

Amendment No. 491: The House bill classified as an amusement machine subject to the tax of $10 per annum, thus excluding from tax as a gaming machine, a vending machine operated by insertion of a one cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents. The amendment requires as a further condition to such classification that any prize dispensed shall be merchandise and not cash or tokens. The House recedes.

Amendment No. 492: This amendment provides that trade stimulator machines shall not be construed as gaming devices. The Senate recedes.

Amendment No. 493: The House bill made inapplicable to coin-operated gaming machines section 3275 of the Code, which provides for the keeping of a list of special taxpayers open to public inspection and the furnishing of copies to prosecuting officers for a stated fee. The amendment strikes out this provision of the House bill.

Under the House bill amendments relative to coin-operated machines were made applicable to the year beginning July 1, 1942, except that no tax would be payable for a period prior to the effective date of the amendments with respect to an article not taxable prior to the amendments. The Senate amendment provides that the amendments relative to coin-operated machines shall be first applicable (1) where a machine previously taxable is subjected by the amendments to an increased rate of tax, with respect to the year beginning July 1, 1943; (2) where a machine was not previously taxable, with respect to the taxable period beginning with the effective date of the amendments; and (3) where the amount of the prize is limited to 5 cents, with respect to the year beginning July 1, 1942. The House recedes.

Amendment No. 494: This amendment eliminates the tax imposed by the House bill on pari-mutuel or totalizator wagering on any racing or any other sporting event of 5 percent of the amount wagered and received into the pool to be paid by the person conducting or having control thereof. The House recedes.

Amendments Nos. 495 and 496: These are clerical changes; the House recedes.

Amendment No. 497: This amendment eliminates from the House bill a tax on amounts paid for the transportation of property. The House recedes with an amendment

restoring the tax and providing that the tax is imposed at the rate of 3 percent of the amount paid, except that in the case of coal the rate is 4 cents per short ton.

Amendment No. 498: This amendment incorporates a new section which exempts from the tax on the first domestic processing of certain oils, the use of palm oil in the manufacture of iron or steel products or any subsequent use of palm oil residue resulting from the manufacture of iron or steel products, corresponding to a similar exemption now existing with respect to palm oil used in the manufacture of tin plate or terne plate, and the subsequent use of the residue of such palm oil. The House recedes with a clerical amendment.

Amendment No. 499: This is an amendment to section 1700 (e) (1) of the Code. This provision of the Code imposes the 5 percent tax on amounts paid for admission, refreshment, service, or merchandise at any roof garden, cabaret, or similar place furnishing a public performance for profit. In order to allay possible questions under the present statute, the amendment specifies that the tax, levied on amounts paid by or for any patron or guest entitled to be present during any portion of the performance, shall be applicable although no increase is made in the charges for admission, refreshment, service, or merchandise by reason of the furnishing of the performance. Thus the tax will be collected although a cabaret does not increase its prices for food or beverages while its floor show is in progress. The amendment confirms the Treasury Department's interpretation of the present statute by stating that the tax is applicable in the case of any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. The House recedes with a clerical amendment.

Amendment No. 500: This amendment changes the provision of existing law that the sale of a toilet preparation to, and the resale by, a person operating a barber shop, beauty parlor, or similar establishment, shall both be considered a sale at retail, but there shall be credited against the tax payable upon the resale the tax paid on the sale to such person. The amendment provides that sale to such person for use in such operation shall be deemed a sale at retail, but sale to such person for resale shall not be deemed a sale at retail. Use in such operation of an article purchased for resale shall be considered a sale at retail at a price equivalent to the amount paid for the article. The House recedes with a clerical amendment.

Amendment No. 501: This amendment exempts from the retailers' excise taxes retail sales at post exchanges and ships' service stores. The Senate recedes. This recession is not to be given any effect in interpreting existing law. The conference believes the matter requires further study.

Amendment No. 502: This amendment postpones the increase in the rates of tax imposed by the Federal Insurance Contributions Act by providing that the 1 percent rate shall remain effective through the calendar year 1943, and that the 2 percent rate shall apply to wages paid and received during the calendar years 1944 and 1945. The House recedes.

Amendment No. 503: This amendment adds to the House bill title VIII, relating to renegotiation of war contracts, which amends section 403 of the Sixth Supplemental National Defense Appropriation Act (Public Law 528, 77th Cong., 2d sess.). Title VIII includes the following provisions:

(1) Renegotiation is made applicable to the Treasury Department.

(2) The terms "subcontract" and "article," which are not defined in the present statute, are defined to mean, in the case of "subcontract", any purchase, order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract, and in the case of "article," as including any material, part, assembly, machinery, equipment or other personal property.

(3) In the discretion of the Secretary of the Department concerned, the provision for the renegotiation of the contract price may fix the period for renegotiation, and may provide that renegotiation shall apply only to a portion of the contract or subcontract.

(4) The Secretary may renegotiate contracts or subcontracts as a group.

(5) In determining the excessiveness of profits, the Secretary shall recognize the properly applicable exclusions and deductions which the contractor or subcontractor is allowed under chapter 1 and chapter 2E of the Code.

(6) The Secretary of the Department concerned is authorized to credit against excessive profits eliminated pursuant to this section the amount of Federal income and excess profits taxes paid or payable with respect to such profits.

(7) No renegotiation may be commenced more than one year after the close of the fiscal year of the contractor or subcontractor within which completion of the contract or subcontract occurs.

(8) Contracts and subcontracts for certain mineral or natural deposits, or timber, are exempted from renegotiation.

(9) The Secretary of the Department is authorized to exempt specified categories of contracts and of subcontracts.

Amendment No. 504: This amendment makes clerical changes in the table of contents. The House recedes with an amendment conforming the table of contents to the bill as agreed to in conference.

The House recedes with an amendment designed to clarify the language of the Senate provisions which provides that the credit for income and excess profits taxes shall be determined in accordance with the provisions of amendment No 459.

The committee of conference does not feel that the amendments which are made by the bill to the renegotiation law contain all the changes and improvements which it might be desirable to make. No attempt has been made to study and reexamine all the possible methods for dealing with excessive profits realized on war contracts. The bill merely attempts to remove some of the more pressing objections to the present law and to make the law administratively workable. It is anticipated that the Ways and Means Committee will study section 403 in connection with matters now pending before the committee, with an eye to a more general revision than is contained in the 1942 revenue bill.

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WESLEY E. DISNEY,
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DANIEL A. REED,
Managers on the part of the House.

Mr. DOUGHTON. Mr. Speaker, for almost 10 months the Committees on Ways and Means and Finance and the Congress have had this revenue bill under consideration. Those of you who have not experienced the many steps necessary in tax legislation cannot realize the amount of painstaking work and effort that has gone into this bill. The members of the Committee on Ways and Means, with the help of the Treasury staff, of our own staff of experts, and of the Legislative Counsel's office, have spent about three-fourths of a year in formulating, drafting, and examining this legislation. No one is perfectly happy with the result, but I do sincerely believe that, considering the circumstances under which we have labored and the stress of the times that this bill represents the best legislation possible. There are many of us who do not agree with many features of the bill. Many of those in the other branch of the Congress consider some of its provisions undesirable. As I have told you in commenting on conference reports in years past, the lack of unanimity upon legislation of this character is only to be expected. Like all major legislation, it is the result of compromise and does not represent the opinion of any one man or group of men.

This bill will produce gross additional revenue of almost $10,000,000,000 annually, of which almost two billion will be refunded after the war in post-war credits, leaving a net annual additional revenue of approximately $8,000,000,000. When added to the revenue which will be secured under the present tax laws, the gross Federal tax bill of the American people for the next year will approximate twenty-eight billion; and the net burden, after deducting the post-war credit, will be in excess of twenty-six billion. This figure both your Committee on Ways and Means and the Senate Committee on Finance believe to be the greatest amount that we can safely take in taxes without imposing unbearable burdens upon some groups or without seriously impairing our national economy and war effort. It is my considered judgment that if more revenue must be had under the present economy we shall have to resort to a general sales tax or some other direct tax upon consumption.

It is true that the total Federal revenue under the existing law and under this bill will be only about 30 percent of our anticipated expenditures. In formulating this legislation, however, and in deciding upon the extent to which we can safely go at this time in imposing increased rates, it has been, I believe, more important to concern ourselves with the burden which we are imposing upon our taxpayers rather than with the revenue desired. This is the fourth major revenue bill since 1939. The two Revenue Acts of 1940 and the Revenue Act of 1941 laid heavily increased tax loads upon us all. This bill adds tremendously to that burden. We must simply decide to what extent we can tax our people without seriously injuring our economy and impairing our war production.

When this bill was before the House for final passage, a difference of opinion existed as to whether the tax rate on nor-

mal corporate profits should be 45 percent or 40 percent. We were generally agreed that the excess profits tax should be around 90 percent, but a majority of this body thought that the rate on normal profits should be 45 percent. I differed strongly from this view and urged as vigorously as I could that we put the rate on normal corporate profits at 40 percent. At that time I urged the great importance of our making every effort not to destroy the business structure which must produce the sinews of this war. In addition, I was particularly concerned about the effect of drastic rates upon small corporations and upon the great number of corporations which far from being helped by the war expenditures are actually crippled and broken through priorities, war restrictions, and increased labor costs. The majority of the Committee on Ways and Means agreed with me in this respect, but the House felt differently and by a narrow vote put the normal corporate rate at 45 percent. By an overwhelming vote in the Committee on Finance and in the Senate itself this figure was reduced in the Senate bill to 40 percent. I deemed this a wise and healthy action. On this point the Senate conferees were adamant and showed no evidences of yielding.

The House conferees, however, were successful in reinstating the capital stock and declared value excess profits tax. We felt that it would be very unwise to repeal these taxes, particularly at this time. The excess profits tax rate of 90 percent which the House fixed was agreed to by the Senate. This high rate on excess profits, we feel, can be thoroughly justified.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. RICH. In the excess-profits tax I understand why the House conferees yielded to the Senate version in the bill. I understood that there would be a 10-percent refund to corporations, or 10 percent held by the Treasury for a post-war credit.

Mr. DOUGHTON. That is true. The House provided no post-war credit out of the excess-profits tax, but the Senate did, and the House concurred, and the post-war credit of 10 percent of the excess-profits tax is carried in the bill.

We lost considerable revenue in the House bill on the change in the corporation tax from 45 percent to 40 percent. Also we provided a transportation tax of 5 percent. The Senate struck out the 5 percent, and we compromised on a 3 percent tax, rather than a 5 percent tax.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. EATON. I received a communication this morning to the effect that this bill carries a provision that if 10 percent of the stockholders of a public utility petition the Government, the Government can take over the utility and the Reconstruction Finance Corporation will furnish the money to do it.

Mr. DOUGHTON. The bill carries no such provision. Mr. O'Brien, from the legislative counsel, who is an expert among experts, and one of the most valuable public servants that I have ever known, agrees with my recollection in that respect.

Mr. EATON. I agree with the gentleman's estimate of Mr. O'Brien, and I am very glad the gentleman has someone of such ability to advise him.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. COOPER. The chairman will recollect that the amendment to which the gentleman refers was not agreed to in conference, and that it is not in the bill.

Mr. EATON. Good.

Mr. DOUGHTON. Oh, there are a great many reports abroad about what we do and what we expect to do, and what we have done, that are erroneous. We cannot rely at all times on rumors, or even sometimes statements carried in the press, although I am sure the press desires to be accurate.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. HINSHAW. The Members of the House and the public have received information through public sources to the effect that under the provisions for the renegotiation of war contracts, it is impossible for a concern that has a contract to know what its tax under the tax bill is going to be. Is any way provided so that they will know what their tax will be under the renegotiation provision?

Mr. DOUGHTON. About the best, and the most accurate and dependable information that I would know about, would be for them to carefully read the act, and most all of the large taxpayers have attorneys and tax experts, but if there is any particular point that the gentleman has in mind, I will see if I can give him information about it.

Mr. HINSHAW. If the manufacturers are subject to a renegotiation, within the taxable year, how can they tell what their profits have been?

Mr. DOUGHTON. If they wait until the end of the year, then they can tell. About all this bill does with respect to the renegotiation of contracts is a clarification of the present law. There is very little fundamental change if any in this bill from the present law. It is principally a clarification.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. COOPER. I think it is fair to say with respect to the renegotiation provisions of the conference report, that they are much fairer and more in the interest of the contractors than the present renegotiation law. The renegotiation law which was attached as a rider to an appropriation bill, as will be remembered, provides for the renegotiation of war contracts. The important thing to bear in mind is that the renegotiation of war contracts deals with excessive profits under those contracts? It is not a question of excess profits tax, but a question of excess profits under the contract.

Mr. HINSHAW. Correct.

Mr. COOPER. Excess profits that the Government has to pay under those contracts. Under the law as it now stands, renegotiation can be had for a period of 3 years after the war. The amendments here restrict the period to 1 year after the end of the contract, so as to considerably narrow the period of time in which renegotiations may be had. It also limits it to one renegctiation, whereas now there is no limitation of that type.

Mr. HINSHAW. May I ask the gentleman a question?

Mr. DOUGHTON. Certainly. That is what we are here for—to give information.

Mr. COOPER. If the gentleman will permit, I think it should be stated that the Senate Finance Committee went into this question perhaps more carefully than anything else in connection with this bill. A subcommittee of the Finance Committee of the Senate was appointed, composed of five of the ranking members of that committee. Senator WALSH, of Massachusetts, was chairman, Senator BARKLEY, of Kentucky, Senator CONNALLY, of Texas, Senator LA FOLLETTE, of Wisconsin, and Senator VANDENBERG, of Michigan, were the five Senators who served on that subcommittee. They went into the matter very carefully, and the amendments here presented were agreed to by the War Department, the Navy Department, and the Maritime Commission. All of these amendments are in the interest of the contractors, in an effort to bring a greater degree of certainty to them in connection with these war contracts. We have this simple situation, that the renegotiation law stands today on the statute books. These amendments were adopted in the Senate, so your conferees simply had this question presented, whether to accept these amendments with the improvements afforded by them, or disagree to the amendments, and have the renegotiation law stand as it is today on the statute books.

Mr. HINSHAW. Will the gentleman yield for a brief question?

Mr. DOUGHTON. With pleasure.

Mr. HINSHAW. May I compliment the gentleman for the astuteness of himself and the committee in accepting the amendments. The point I wanted to inquire into is this: Of course, these profits made by them are still recorded as profits on the books of the company and subject to tax. If at a later date, under renegotiation and after payment of the tax, it is discovered that these profits were away out of line and should be recaptured, then what happens to the tax that the man has already paid on the money that is recaptured by the Government?

Mr. COOPER. He gets credit. Certainly those elements are taken into consideration during the renegotiation

proceeding. Certainly the Government negotiators are not going to overlook as important an item as the gentleman has pointed out.

Mr. HINSHAW. May I ask one more question? Would not the Government get more money out of the manufacturer if, instead of renegotiating, they took it under the present tax schedule?

Mr. COOPER. Of course, as I pointed out at the beginning, the question of renegotiation is not based on the excess-profits tax that the contractor has to pay. The renegotiation is based upon excess profits that the contractor makes out of contracts with the Government.

Mr. DOUGHTON. If the gentleman will read at the bottom of page 21 of the conference report, he will get a full explanation of that.

Mr. RICH. Will the gentleman yield for a question?

Mr. BOEHNE. Will the gentleman yield to me?

Mr. DOUGHTON. I yield to the gentleman from Indiana, a member of the committee.

Mr. BOEHNE. I suggest to the gentleman from California [Mr. HINSHAW], or any other Members of the House who are interested in this renegotiation procedure and the amendments which were adopted by the House conferees, that they read the last paragraph of the statement of the managers, which appears on page 80, particularly the last sentence, which reads as follows:

> It is anticipated that the Ways and Means Committee will study section 403, in connection with matters now pending before the committee, with an eye to a more general revision than is contained in the 1942 revenue bill.

Mr. COOPER. Will the gentleman yield for one word further?

Mr. DOUGHTON. I yield.

Mr. COOPER. Further in reply to the gentleman from California, I invite his attention to page 80 of the conference report, paragraph 6, in which he will find this statement:

> The secretary of the department concerned is authorized to credit against excessive profits eliminated pursuant to this section the amount of Federal income and excess-profits taxes paid or payable with respect to such profits.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Oklahoma.

Mr. DISNEY. It is important to remember this also, that the contractor may set in motion the negotiations himself by filing certain documents with the secretary of the particular department, and if renegotiation does not ensue as a result of his notice, then renegotiation is barred. So the contractor has a protection under these Senate amendments that is not under the present law.

Mr. HINSHAW. Any contractor on a national defense contract or a war contract has to make certain provisions for his quick assets and his quick liabilities. He has to be able to meet his bills.

Mr. DISNEY. He has a measure of protection under these amendments. I do not think they go far enough and that we should study the subject further. England has such a process that has worked out fairly well. It is a different system that we ought to investigate, but it has worked out fairly well under their management.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. I should like to address a question to the gentleman from Tennessee [Mr. COOPER] in this respect, and I think it is well taken so far as the gentleman from California is concerned. I should like his opinion on this point: As I understand, earnings of 8 percent are allowed on capital stock, then the Government in excess profits proposes to take 90 percent over and above that. This will take practically all the corporation makes and it will have very little left with which to pay its debts and dividends. If the manufacturer is going to be continually harrassed by this proposition of renegotiating contracts he may find himself out of business. Sometimes he may even have borrowed money to pay his taxes. Such a businessman may find himself in a pretty difficult position unless he can include in the taxable year any contract he may have to readjust. The Government certainly is not going to lose anything; it is going to take practically everything he makes and he is going to be in jeopardy not only of losing his business but his employees will be in jeopardy of losing their jobs.

Mr. COOPER. If the gentleman will permit me to answer, I would remind him of the fact that there is a provision in this conference report limiting excess profits taxes to 90 percent. This means that the corporation has 10 percent free of all Federal taxes. In addition to that the corporation gets 10-percent post-war credit of the amount of excess-profits taxes it pays.

Mr. RICH. How will that 10 percent be applied?

Mr. COOPER. There is furthermore a provision in the conference report placing an over-all limit of 80 percent on normal, surtax, and excess-profits taxes for corporations.

Mr. RICH. All right; suppose a corporation does not make any money, some year, goes in the red, which is just as natural as the fact that it rains every now and then; how is the corporation going to carry on?

Mr. COOPER. There are ample provisions in the present law and they are extended further in this conference report in respect to loss carry-overs, and with respect to loss carry-backs; there is no difficulty on that point.

Mr. RICH. Will the gentleman cite specific instances?

Mr. COOPER. A corporation has a 2-year loss carry-over for the future and a 2-year loss carry-back for the past, and the taxable year included means 5 years in which a corporation may meet conditions which the gentleman points out.

Mr. RICH. I am glad those provisions are in the bill.

Mr. DOUGHTON. Corporations are not treated as roughly and severely by this bill as is sometimes thought. We have to look to them for large amounts of revenue for one thing because where large amounts of money are made, where large profits are made, is where we must go to get the major portion of the taxes.

I yield to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I wish to ask the gentleman from Tennessee this question, Would it be fair to take the position, having limited the time in which a contract could be renegotiated to 1 year—and by that I assume that the renegotiation must be completed within 1 year—is that correct?

Mr. COOPER. That is correct.

Mr. CRAWFORD. Would it be fair to say that this injects into the calculation of tax liability any greater hazard or any greater difficulty for the corporation than our usual procedure under the determination of what constitutes invested capital?

Mr. COOPER. The gentleman is entirely correct.

Mr. CRAWFORD. I think the committee has done a great job in getting that brought down to 1 year.

Mr. COOPER. And I think the gentleman will also agree that every one of the amendments in this conference report with respect to renegotiation of contracts is in the interest of the contractor. As I pointed out we had this simple situation presented to the House conferees: If the present renegotiation law stands on the statute books there is nothing in the House bill with respect to it. The Senate added this series of amendments in the interest of the contractors. It was a simple question either of taking those amendments and improving the present situation or leaving the present renegotiation law in effect.

Mr. CRAWFORD. One more question, if the gentleman will permit.

Mr. DOUGHTON. Certainly.

Mr. CRAWFORD. As the bill now stands, does it carry provisions that simplify the calculation of invested capital at 8 percent of the cash investment

Mr. COOPER. I do not quite get the gentleman's question.

Mr. CRAWFORD. If it is complicated I would not expect the gentleman to take the time to answer it, but can he tell us what is the yardstick for measuring invested capital? Is it 8 percent of the cash invested, or 8 percent of the invested capital and assets? What is the basis?

Mr. COOPER. It is based upon the amount of capital and ranges from 8 percent to 7 percent to 5 percent.

Mr. CRAWFORD. I understand; that is enough.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. GIFFORD. I wish the gentleman would clarify this matter of excess profits. During the other war and in the bills following we computed excess profits before Federal taxes were subtracted; for

instance, $400,000 made normally prewar, $600,000 during the war, would give excess profits of $200,000. They allowed that before taxes were subtracted. This bill is called tricky; it is called dishonest to the public inasmuch as you now subtract taxes so as to make the excess profits in such an instance perhaps twice as much. It cannot be understood at all. This is very important to me. Certainly the gentleman noticed the editorial which was published in many of the papers yesterday.

That is an indictment that this method is dishonest. I want that clarified here and now. Was there anything tricky or dishonest about that? When was it done? I need to have that information.

Mr. COOPER. I am sorry, but the gentleman's lengthy question leaves me in the situation that I do not know just what it is he is asking.

Mr. GIFFORD. I think I made it very clear and simple. In other wartimes there was an excess-profits tax computed in relation to the normal prewar profits. If the normal prewar profits were $400,000 and wartime profits were $600,000, the difference of $200,000 was the excess profits to be taxed. In this bill, you subtract the taxes from the normal profits first, and by so subtracting you show a much greater increase in the excess profits. That is declared to be dishonest. I desire a clear statement. The answer ought to be easy. Now, I ask, When did this method of computation creep into this tax bill?

Mr. COOPER. As I understand the gentleman's inquiry, I think he is in error on that point. I am afraid he got his information from a recent editorial that appeared in a newspaper.

Mr. GIFFORD. I did.

Mr. COOPER. And not from the tax bill or the conference report.

Mr. GIFFORD. I am now trying to get it from the gentleman. Why not give me the answer?

Mr. COOPER. The situation stated by the gentleman is not accurate.

Mr. DOUGHTON. The same situation existed in the 1941 tax bill. There is nothing new in this bill in that respect. The gentleman's curiosity and animosity has risen from reading an editorial, a paid editorial, that has appeared in the newspapers, written by some one who apparently does not know a thing about taxes and in all likelihood has not even read this bill. I have great respect for the gentleman who asks the question, but it is easy for the press to criticize.

Mr. GIFFORD. The gentleman must not say that this question is asked because of my own curiosity or animosity.

Mr. ROBERTSON of Virginia. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Virginia.

Mr. ROBERTSON of Virginia. I think I can clear up any question in the gentleman's mind. In the 1941 tax bill we changed the method of computing excess profits. We did that to put emphasis on war profits instead of on normal profits. We adopted the plan we had in the last World War. We followed the precedent of Great Britain and Canada. It does increase the excess-profits tax, but it does not increase the normal tax.

Mr. COOPER. And in that respect there is no difference between the treatment during the last World War and the treatment now.

Mr. ENGEL. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Michigan.

Mr. ENGEL. I was a member of the subcommittee that drafted this renegotiation clause. It was done rather hastily and I think we all realize it is not perfect. I was interested in reaching the profits that were not being reached by the tax bill. Now, I want to ask a question, but wish to make a statement first.

I have gone over some 150 corporation statements and I am talking now about corporations that are doing, as a rule, 100 percent Government business. When you and I pay our taxes, we make all we can make during the year, then the Government tells us how much we have to pay. We set aside a certain percentage for reserve. We find in the case of these corporations that they are anticipating the profit they are going to make and the tax they are going to pay and some of them have set aside 90 percent of the profits of the past in figuring on the Government contracts. I have in mind one corporation that collected from the Government 100-percent profits and paid back 90 percent, keeping 10 percent, or paid back 80 percent and kept 20 percent. I have in mind particularly a corporation that collected $78,000,000 doing nothing but war work. They paid the Government back $66,000,000 in taxes and kept the difference.

Mr. COOPER. Now, please do not take all the time of the gentleman from North Carolina. Will the gentleman ask his question and we will try to give him the answer.

Mr. ENGEL. I want to see whether the gentleman agrees with this.

They kept $11,000,000 in profit, which is 22½ percent on their stock, which is not subject to taxation. Are we getting at that 22½ percent which is not subject to taxation?

Mr. COOPER. In answer to the question asked by the gentleman, may I say authority continues to exist, as has been true in the past, for the Government to renegotiate war contracts. As I have pointed out several times before, the important thing—and the renegotiators bear in mind this fact—is the excessive profits that the contractors are making out of the Government. As an illustration, let us suppose that the War Department gives a contract to a corporation to make a certain article on the basis of $10 a unit. They so increase their production that it is found that $8 is a fair price for that unit. They renegotiate the contract and provide for $8 instead of $10.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Virginia.

Mr. BLAND. I should like to make just a brief statement in connection with that.

The renegotiating powers in the original act contemplated the War Department, the Navy Department, the Maritime Commission, and now, in this, the Treasury Department. By Executive order of the President certain powers were transferred from the Maritime Commission to the War Shipping Administration. Many of the functions formerly performed by the Maritime Commission are now in the War Shipping Administration. I presume that it is intended that the powers of renegotiation with respect to contracts made by the War Shipping Administration shall be in the War Shipping Administration just as they were in the Maritime Commission, so that we shall not have a contracting agency here that is not reached by this legislation.

Mr. DOUGHTON. The presumption of the gentleman is sound, or at least that was our intention. The normal tax and surtax rates on individuals were not changed in the Senate bill nor were any changes made in the personal exemptions. The credits for dependents, however, were decreased from $400 to $300. The conferees compromised this credit to $350.

VICTORY TAX

The House conferees accepted the Senate provision levying a Victory tax of 5 percent on all income in excess of $624 received during the year by individuals from salaries, wages, and other compensation for personal services, dividends, interest, annuities, and net income from business or profession.

In the case of salaries and wages, 5 percent of the excess over $624 will be withheld at the source, except in the case of domestic servants, agricultural labor, and members of the armed forces. In other words, one receiving a salary in excess of $624 a year, or in excess of $52 a month, or in excess of $12 a week, will have 5 percent of such excess deducted from his pay regardless of whether he is single or married, with or without dependents. This will greatly simplify the administrative procedure and will also greatly reduce the amount of work and expense to the employers.

Under the withholding provision of the House bill it was necessary for the employer to determine the marital status of each employee, whether single or married, and also the number of dependents, which would involve a tremendous amount of bookkeeping at considerable expense to the employer. The House conferees felt that the withholding provision agreed to was preferable in view of the fact that married persons with or without dependents were given a differential in the case of post-war credit allowances.

The Victory tax allows a post-war credit of 25 percent of the Victory tax for single persons, but not in excess of $500. In the case of a married person, 40 percent of the tax is allowed as a post-war credit, but not to exceed $1,000

annually, and 2 percent, but not in excess of $100, is allowed for each dependent.

The taxpayer may absorb the post-war credit currently against his Victory tax for payment of debts, life insurance payments where outstanding prior to September 1, 1942, or for the purchase of war bonds. In the case where the full post-war credit is absorbed currently, no repayment will be made after the war.

This Victory tax is estimated to yield a gross revenue of $3,600,000,000, of which amount $1,100,000,000 will be returned as a post-war credit, leaving a net yield of $2,500,000,000 of additional revenue to the Treasury, and at the same time the Government will have the use free of interest of that portion of the $1,100,000,000 post-war credit not taken currently.

The Victory tax will greatly increase the number of persons who will pay a direct tax to the Government—a direct contribution to the war effort. It is estimated that under the regular income tax there will be 27,500,000 taxpayers, and with the Victory tax there will be approximately 46,000,000 taxpayers.

In order to raise the large amount of additional revenue required, it is necessary to levy taxes on those in the lower income group, and in doing so the Victory tax, in my opinion, is fair and equitable and one which does not subject to taxation the barest necessities of life, as each taxpayer is allowed $624 free of taxation.

This tax, in my opinion, will be cheerfully borne by the American people who are ready and willing to contribute more directly and more substantially to the war effort and to an early victory.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from California.

Mr. HINSHAW. I want to know if there is any disposition on the part of the committee to substitute a sales tax for this Victory tax, which I believe is a very great damage to the people.

Mr. DOUGHTON. We have not reached that bridge yet.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Tennessee.

Mr. COOPER. Of course, the sales tax was not in conference. It was not in either bill.

Mr. HINSHAW. I understand, but I want to know if there was any disposition on the part of the committee to consider it.

Mr. DOUGHTON. It was not discussed at all.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from California.

Mr. VOORHIS of California. How much of the revenue from the Victory tax would have been lost if it had started at say $1,000 per year instead of $624? It seems to me that $1,000 would have been far more equitable.

Mr. DOUGHTON. A lot of people seem to think that way, but this represents the judgment of the conferees on the subject of the Victory tax. Of course, the House did not impose any Victory tax. The Senate imposed this tax.

Mr. VOORHIS of California. The Victory tax exempts all capital gains, does it not? It does not touch capital gains at all. I believe it should.

Mr. DOUGHTON. No; it does not. Of course, there are taxes in here to which anyone can object, and with which I myself cannot agree.

Mr. VOORHIS of California. I know that.

Mr. DOUGHTON. However, we realize that we must have a large amount of money. All tax measures as large as this are the result of compromise, and necessarily so.

In my opinion, this Victory tax, like all other taxes, will be cheerfully borne by patriotic people. I think everyone is anxious to have a part in meeting the expenses of this World War which was thrust upon us without any blame whatever upon our part. It was an inevitable war, and it is the most costly and terrible war in the Nation's history or that was ever inflicted upon the world. Those of us who stay at home in safe places do not have to face shot and shell or submarines and tanks, as well as other engines of destruction, like the boys we send abroad. They are the ones who make the sacrifices. In paying taxes we are only performing a reasonable service and should regard it not as a sacrifice but a glorious service to our country.

The House agreed to a greater number of changes than the Senate, but many of those changes are typographical or technical changes made necessary as a result of further study of the House bill and are not fundamental changes. It would appear that the Senate had almost written this bill, but a majority of these changes are minor or technical changes in the language of the bill, and things of that sort made necessary so that the bill may conform to the purpose had in mind by those who prepared the measure.

In general, I give you assurance that this bill represents the very best effort of your Committee on Ways and Means and the House conferees. It lays, of course, a tremendous burden upon the American people, an unprecedented burden, but our needs are unprecedented, the demands of our Government are unprecedented, and, in my judgment, this burden will be cheerfully borne by every patriotic American citizen.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman.

Mr. ROBINSON of Utah. Am I correct in my understanding that there is only $1,000 that is repayable in the Victory tax to married men and $500 that is repayable to single men?

Mr. DOUGHTON. For each year; yes.

Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, in view of the explanation of the bill that has been made by the distinguished chairman of the Ways and Means Committee, I will consume very little time, and I ask, Mr. Speaker, to be allowed to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, Mr. Elmer Davis, Director of War Information, some little time ago said we are "knee deep in the war." With the enactment of the pending tax bill we are going to be "over our necks in taxes" to help pay for the war, into which we are getting deeper all the time.

The adoption of the conference report will complete legislative action on the tax bill, which was initiated last March 3, when hearings were begun before the Ways and Means Committee.

At that time, the committee was asked by the Treasury to increase taxes by some $7,600,000,000. Later, the Treasury goal was increased to $8,700,000,000. The bill as subsequently passed by the House increased taxes by $6,300,000,000. The bill as passed by the Senate would raise a net amount of $6,800,000,000, or slightly more than the House bill.

The conference agreement raises $60,000,000 more revenue than either the House or the Senate bill. The net yield will be nearly $7,000,000,000, according to the Treasury estimates, which, of course, are conservative.

The bill increases the Federal tax burden from $18,000,000,000 annually to at least $25,000,000,000 and State and local governments will collect $10,000,000,000 more. So you can see that the total tax burden of the people will be in the neighborhood of $35,000,000,000, or one-third of the national income.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I would prefer not to yield in view of the short time available and as I intend to yield back some of my time.

Mr. RICH. Will the gentleman yield for just one question?

Mr. TREADWAY. All right; I yield.

Mr. RICH. When we have gone in the red $15,000,000,000 since July 1, and this bill is only going to raise $6,000,000,000, where are you going to get the money for the rest of it unless you cut down Government expenditures?

Mr. TREADWAY. At the present time there will have to be a large amount of borrowing, and the Secretary of the Treasury has already notified us that he wants another $6,000,000,000 tax bill following this one. I might say in that connection that the only place I see to gain anything like that amount which the Secretary says we must have will be to go to a sales tax.

Mr. RICH. How about cutting down a lot on Government expenditures?

Mr. TREADWAY. Oh, I have talked about that until I am hoarse. The gentleman will have to do something with the present administration before he will get very far along that line. I may say, however, for the benefit of the House, that the Byrd economy committee, of which I am a member, has recommended

over $1,300,000,000 reduction in those expenditures, and the Congress has largely carried out our suggestions.

Mr. Speaker, the bill as laid before the Conference Committee covered 601 pages of text, and embraced 504 amendments. Your conferees completed action on these amendments in just 4 days, which is very definite evidence that there was no disposition to delay final passage of the measure until after the elections, as had been rumored.

The conference report includes the so-called Victory tax, which was inserted in the bill by the Senate. This is the outstanding change over the House bill.

Your conferees were in this position on the Victory tax: It was either a case of accepting it or rejecting it. We had no authority to substitute some other kind of levy, such as a sales tax. To have omitted the 5-percent Victory tax from the bill would have involved a net loss of revenue of between two and two and one-half billions.

While there are many objections to the Victory tax, as there are to nearly every tax, it has at least one commendable feature, in that it allows credit for payments on debts, life insurance, and the purchase of War bonds, which are not deductible in computing the regular income tax. Taxpayers who do not elect to take this allowance against the current tax liability may receive it as a post-war credit. This allowance amounts to 40 percent of the Victory tax in the case of married persons, 25 percent in the case of single persons, and 2 percent for each dependent. The maximum allowance is $1,000 for married persons, $500 for single persons, and $100 for each dependent.

The 5-percent rate is not a flat tax, but applies only to that portion of the income which is in excess of $12 per week or $624 annually, whether married or single. Adjustment for the marital status is provided by means of the difference in the amount of the credits previously mentioned.

A separate withholding tax of 5 percent is imposed, which will be collected at the source from pay rolls, on that portion of any wage or salary in excess of $12 per week. This withholding tax will then be allowed as a deduction against the Victory tax, and if the amount withheld is in excess of the Victory tax due, the difference will be credited against the regular income tax.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HINSHAW. I certainly hope that the committee in the near future will cut out this Victory tax and substitute a sales tax for it, because the Victory tax is very complicated as I see it, and I do not think that John Doe will understand it at all.

Mr. TREADWAY. I have no doubt that the gentleman's ideas are probably in accord with those of a great many Members. So far as the parliamentary situation is concerned, he must surely understand it could not be done, since the Senate did not put in a sales tax.

Mr. HINSHAW. I understand.

Mr. TREADWAY. Further than that, let me say that before the Ways and Means Committee voted not to include a sales tax in the pending bill, the Secretary of the Treasury sent us word that he would prefer to have the bill fall short of his revenue goal rather than to include a sales tax to make up the total.

Mr. HINSHAW. I appreciate the gentleman's position.

Since the Senate adopted the House schedule of income-tax rates, they were not in conference. It will be recalled, however, that the House bill provided for exemptions of $500 in the case of single persons and $1,200 in the case of married persons, plus $400 for each dependent. The Senate changed the dependent allowance to $300, and the conference agreement compromises the credit at $350. The other exemptions remain as in the House bill.

The conference agreement includes a new deduction for unusual medical and dental expenses, which was added by the Senate. In cases where the taxpayer spends more than 5 percent of his net income for these purposes, he may deduct such excess amount, but not more than $1,250 in the case of single persons and $2,500 in the case of married persons. This amendment will be a help to persons or families having to undergo unusual outlays for medical purposes in any year. It is not intended to take care of the ordinary medical expenses, which on the average do not exceed 5 percent of net income.

The conference agreement also adopts the Senate provision eliminating the requirement that income-tax returns be signed under oath before a notary or other officer. However, the elimination of the oath will not alter the fact that returns are signed subject to the penalties for perjury.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CURTIS. In reference to young men who are going into the armed service, for instance, let us take a young farmer, who has to sell all of his machinery and livestock and equipment, and report a part of that at least as income, and then he will be compelled to buy it back when he returns from the war. Is there any relief in this tax bill for that particular thing?

Mr. TREADWAY. Not in this bill.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CREAL. Is not the sum at which the Victory tax is to be imposed a little too low?

Mr. TREADWAY. I agree that it is unfortunate that a man who makes over $624 a year, or $12 a week, should be brought into the income-tax picture. It is a low amount at which to begin, and I, personally, would like much to see it raised.

Mr. CREAL. About $20?

Mr. TREADWAY. It is hard to determine just what the figure ought to be.

Mr. CREAL. One more question for information. Do not you think that physical farm labor should be exempted entirely from that Victory tax?

Mr. TREADWAY. There are a number of exemptions from the withholding provisions, including farm labor.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CRAWFORD. Is it correct to assume, or to say, that the Treasury from time to time after this measure was first taken up by the committee, changed its general approach on taxes?

Mr. TREADWAY. Oh, yes; very definitely; but perhaps the Treasury should not be too severely criticized for changing its mind.

Mr. CRAWFORD. I am not criticizing the Treasury, and I do not think the committee should be criticized because it took so many weeks to bring out the bill. That was because it had to adjust itself to the changed conditions.

Mr. TREADWAY. We started out to expend in the war forty to fifty billion dollars, and now the sum that we have appropriated is in the neighborhood of $220,000,000,000. That is the answer to the whole thing.

Mr. CRAWFORD. Does the gentleman care to say anything about the forthcoming tax bill? I ask that only because I would like to see it come up as quickly as possible.

Mr. TREADWAY. So would I. I think the Secretary of the Treasury chose a rather poor time to broach that. I think it is unfortunate that he took occasion to say that he wanted another tax bill just at the time when we are finishing the present one. Even before we had finished the bill, he told us what he wanted us to do in the next one. I think that was a rather unfortunate time to announce such a thing.

Mr. Speaker, in the case of corporations with net incomes over $50,000, the House bill provided for a combined normal and surtax rate of 45 percent. This was reduced to 40 percent by the Senate, and the conference agreement adopts the lower figure, which was the rate recommended by the Ways and Means Committee. The present rate is 31 percent. The conference agreement also makes an adjustment in the rate applicable to corporations with between $25,000 and $50,000 net income. This is the so-called "notch" provision.

On the other hand, the conference agreement retains the present capital-stock tax on corporations and the related declared-value excess-profits tax, which the Senate had eliminated.

The Senate bill adopted the rate of 90 percent on excess profits, as fixed by the House bill, so this matter was not in conference. However, the Senate included a post-war credit for corporations, equal to 10 percent of the excess-profits tax, which will be used for industrial rehabilitation and reemployment in the post-war period. This credit will be given in the form of non-interest-bearing, non-negotiable bonds. The credit may be used currently for debt payments, up to 40 percent of the principal amount involved, but in no case in excess of the post-war credit.

The specific exemption under the excess-profits tax was fixed at $10,000 under the House bill, and $5,000 under the

Senate bill. The conference agreement adopts the lower figure, which is the same as existing law.

Under the House bill, corporations which are on a fiscal year basis, and whose taxable year ended any time during the calendar year 1942, would have been taxed retroactively at the increased rates on all business done after January 1. The Senate bill postpones the effect of the increased rates to July 1, and thus eliminates the retroactive feature. The conference agreement adopts the Senate change.

Another Senate amendment adopted by the conference was the 2-year carryback of net losses and unused excess-profits credits. This change is intended largely to take care of companies who are obliged by existing restrictions to defer upkeep and maintenance expenditures, which would otherwise be an allowable deduction in the current year.

Under both the House and Senate bills, there is a maximum rate of 25 percent on long-term capital gains. Under the House bill, long-term capital assets are those held for more than 15 months. The Senate bill reduces the holding period to 6 months, and the conference agreement adopts the latter figure. It is believed that by relaxing the holding period, the market in capital transactions will be stimulated, thereby resulting in increased revenue to the Treasury.

The conference report adopts certain changes proposed by the Senate in the law requiring the renegotiation of war contracts. It has been found that the present law has resulted in much confusion, annoyance, and uncertainty, and even the agencies of the Government concerned with the administration of the law have found it desirable to make certain changes. There has been much agitation for the complete repeal of the law, and the substitution of some other method of limiting war profits. The Senate Finance Committee did not have time to go into the whole subject at this time, but did include in the bill certain changes which are agreeable to the War and Navy Departments, and the Maritime Commission, and which are in the interest of more certainty and less annoyance. The question of adopting more substantial changes or of substituting some other form of profit limitation will be postponed for future consideration. The outstanding change is that the right to renegotiation must be exercised by the Government within 1 year after the completion of the contract, instead of within 3 years after the war, as under existing law. A shorter period than 1 year may be fixed by the departments in any case, and when renegotiation has once taken place it shall be final and conclusive except for fraud. Also there is included a clarification of the term "subcontractor." I am very glad to see these changes made in the law, and I hope that further amendments will be considered in the near future.

There has been considerable interest in the provisions of the bill relating to mutual fire and casualty insurance companies. Under existing law, these mutual companies are completely exempt from income tax. Under the House bill, those having net income in excess of $50,000 and assets in excess of $100,000 were made subject to tax. The Senate has changed the exemption to $75,000, and substantially changed the basis of taxation of companies made subject to tax. The conference agreement adopts the Senate amendments, which are desired by the mutual companies. Stock insurance companies, which compete with the mutual companies for business, favored the House provisions.

On the question of employees' pension trusts, which was dealt with to some extent in the House bill, the Senate has made further modifications which are in the interest of preserving existing pension systems without tax.

The only important matter under the estate tax which was in conference was the question of the amount of the exemption. Under existing law, there is a general exemption of $40,000, and an additional exemption of $40,000 for insurance. The House bill consolidated these two exemptions into a single exemption of $60,000, all or any part of which could be in insurance or other property. The Senate restored the existing law, but the conference agreement adopts the House provision, fixing the exemption at $60,000 for all purposes.

The Senate bill adopted the House rates on liquor, beer, and wine, and these items were not in conference. Nonbeverage alcohol was granted a preferential rate by the Senate, and this change was retained by the conference committee. The general rate on spirits is $6 per proof gallon, which means spirits of 100 proof. Flavoring extract manufacturers, pharmacists, and other users of alcohol for nonbeverage purposes generally use alcohol of 190 proof, which would bear a tax of $11.40 per liquid gallon. Under the Senate bill they would be allowed a drawback of tax at the rate of $3.75 per proof gallon upon furnishing satisfactory evidence that the alcohol was not used for beverage purposes. To be eligible for drawback, a special license fee, graduated from $25 to $100 per annum, would have to be paid.

The House rate on cigarettes was not changed. In the case of cigars, however, the Senate adopted a lower schedule of rates, which are adopted by the conference agreement with the exception of the rate on two for a nickel cigars, on which the House rate of $2.50 per thousand is retained.

Under the House bill, the taxes on smoking tobacco and cigarette papers were increased, but the Senate eliminated these items, and the conference agreement adopts the Senate action, which has the effect of retaining existing law.

The House bill provided for a tax on pari-mutuel betting, which the Senate eliminated. The conferees have concurred in the Senate action, on the ground that the States where pari-mutuel betting is permitted already levy a tax of this kind, and that to impose a Federal tax in addition would encourage bookmaking and destroy the State's revenue. In Massachusetts, for example, the receipts from the pari-mutuel tax are used for the payment of social security benefits.

The House bill contained a 5-percent tax on freight charges, except on coal, on which the tax was 5 cents per ton. The Senate eliminated this tax, but it is restored by action of the conferees with certain modifications of the rates, namely, 3 percent of freight charges, and 4 cents per short ton on coal.

Of general interest is the action of the conference committee in adopting the Senate amendment providing for the freezing of the present 1-percent rate under the social-security pay-roll tax for another year. Under existing law, it would automatically increase to 2 percent on both employers and employees on January 1 next. Under the present 1-percent rate, the reserves are already twice the amount contemplated by Congress, and they will continue to increase with the expansion of pay rolls. Since the pay-roll taxes are only intended to meet the needs of the Social Security System, and are not for general revenue purposes, there is no justification for exacting an additional 1 percent from both employers and employees at this time. I am personally very much opposed to using social security taxes for other than social security purposes, and for that reason am very much in sympathy with the amendment freezing the present rate for another year. The matter can be reexamined later in the light of conditions then existing.

It has not been possible, in the time available, to go into any detail regarding the conference report, but I have endeavored to touch the highlights. Full explanation of the changes is given in the statement of the managers, which is found in the latter part of the conference report.

While the conference agreement is far from perfect, I believe that on the whole the final result represents an improvement over the measure as passed by the House.

There is no question but what the bill imposes a tremendous additional burden of taxation on both individuals and business. I have personally felt that we have dipped down too low on the income tax exemptions for individuals. The rates, too, are very high, starting with a tax of 19 percent on the first dollar of taxation income, to which must be added the 5 percent Victory tax, which makes a total initial rate of 24 percent. Yet heavy as present and proposed taxes are, both on individuals and business, the fact remains that they must probably be increased still further before victory is won.

We are spending at the rate of more than seventy-five billions annually, which means that prospective Federal taxes of twenty-five billions will still leave fifty billions annually to be added to the national debt. This fifty billions must be financed by borrowing on top of an already staggering national debt.

Heavy, drastic, burdensome taxes are only one of many sacrifices we must make to assure victory in the present war. We all realize it is better to pay taxes to Uncle Sam than to live in slavery and want under totalitarian rule. Therefore, we stand ready and willing to pay our fair share of whatever tax burden may be necessary.

In addition to the revenue aspect of the tax bill, it is also a factor in the effort to control inflationary price rises. We have

recently enacted additional price- and wage-control legislation, and the tax bill will supplement that measure by tapping some of the increased purchasing power resulting from the war boom. Unfortunately, however, it is difficult to reach this increased purchasing power without at the same time imposing an undue burden on those whose incomes have not increased as a result of the war, but which in fact may have decreased. This is a matter which should be given serious consideration by the Congress. Any further tax legislation should be framed so as to bear more heavily on war income than on normal income.

It appears most certain that when the next tax bill is considered the sales tax will be about the only levy left to which we can resort. It is, of course, open to many objections, but it also has several features which make it desirable as a war-financing measure. It would produce considerable revenue, it would be deflationary, and it would tend to bear more heavily on those who had the most to spend. The fact that it is not based on ability to pay, as is the graduated income tax, would be a strong argument against it if it were advocated as the sole means of financing the Government, but the fact that the graduated income tax is imposed concurrently would preserve the ability-to-pay principle insofar as the aggregate burden on the individual is concerned.

The subject of compulsory saving will also be considered in connection with the next tax bill. A Senate amendment providing for the creation of a special committee to study this subject was eliminated from the bill in conference, since it is a matter to which the Ways and Means Committee will necessarily give consideration in any event. To set up a special committee would have served no useful purpose.

As a final word, I urge the adoption of the conference report as the best possible compromise between the House and Senate bills. The bill has already been before Congress too long, and should therefore be speeded toward final enactment so that the people will know what their tax burden will be, at least for the time being.

Mr. Speaker, I yield back the remainder of my time to the chairman of the committee. I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman yields back 1 minute.

Mr. DOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. KNUTSON]

(By unanimous consent, Mr. KNUTSON was granted leave to extend his remarks in the RECORD and to include certain correspondence that has passed between several Members of the House and the chairman of the Ways and Means Committee.)

Mr. KNUTSON. Mr. Speaker, after more than 7 months of hearings and deliberations by the Ways and Means Committee, and the Senate Finance Committee, we will today take final action on the biggest revenue bill in all the history of the Republic. It will raise nearly $8,000,000,000 net which, added to the revenue being raised under existing law, will impose a tax burden upon the American people in excess of $26,000,000,000, or about 25 cents on every dollar of our national income.

The bill in its present form is a decided improvement over the House and Senate bills and under the circumstances is about as good a tax bill as can be produced.

Considerable interest has been evinced in section 722, better known as the relief section, and in order to further clarify that section, at this point I insert for the RECORD certain correspondence that has passed between several Members of the House and the chairman of the Ways and Means Committee, Mr. DOUGHTON. This is being done with the knowledge and approval of the chairman. The correspondence follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., October 10, 1942.

Hon. ROBERT L. DOUGHTON,
Chairman, House Ways and Means Committee, House Office Building, Washington, D. C.

DEAR MR. DOUGHTON: H. R. 7378 as passed the House contained section 213 which amended section 722 (b.4) of the Internal Revenue Code, reads in part as follows:

"Any change in the capacity for production or operation of the business consummated during the taxable year ending after December 31, 1939, as a result of commitments made prior to January 1, 1940, binding the taxpayer to make the change."

This language was changed by the Senate and is contained in section 221, and reads in part as follows:

"Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940."

Inasmuch as the Senate version, according to the Finance Committee's report, affords relief to a taxpayer who was committed to a course of action prior to January 1, 1940, I would like you to advise me if the following course of action taken by a corporation in Minnesota would constitute "a course of action to which the taxpayer was committed prior to January 1, 1940":

"The corporation in question had been carrying on a program of expansion over a period of probably 15 years. It was the policy of the company to pay modest dividends and finance all new construction out of earnings. In 1939 the company's earnings were exceptionally high and at its last dividend meeting of that year, held December 2, 1939, the president, in a written report, requested that "before a decision is made as to the amount of the dividend to be declared for the final quarter of the year certain matters be considered by the board, namely:

"(a) The question of retaining a sufficient amount of the current year's earnings to enable the company to carry on its probable expansion and research programs, and

"(b) Will such retention subject the company to a tax under section 102 of the revenue act, which is a tax on corporations for improperly accumulating surplus, in view of the recent ruling of the Commissioner of Internal Revenue to his examining agents requiring such agent to make a report of all corporations examined containing a specific recommendation as to whether or not section 102 applies to the corporation examined, particularly where the corporation has not distributed at least 70 percent of its earnings as taxable dividends, and has large investments of stocks or securities or other properties not related to its normal business activities?

"(c) If the company retains a part of its current year's earnings, and the earnings so retained are not all required in the company's program of expansion and research, and later distributed, it is possible that the stockholders would be subject to higher surtax rates, in view of the President's proposed program of defense.

"Regardless of the tax question involved, the directors should seriously consider whether or not they want to depart from the past policy of the company—which has been to keep a substantial amount of cash in the treasury and to finance its growth entirely from current earnings. This policy has made the company an outstanding success; and the record clearly demonstrates that, at no time in the company's history have earnings been retained for any purpose other than for reinvestment in the business. The company is spending large amounts for laboratories and research, and, for that reason, it is certainly sound business to keep the company in a financial position to equip itself to exploit new products."

In line with this, the president then listed a number of expansion projects, including:

(a) Addition to two factory buildings at an estimated cost of $215,000.

(b) An entirely new factory at an estimated cost of $1,250,000.

The board of directors concurred in the President's program as outlined; the dividend was increased from $1.80 per share in 1938 to $2.40 per share in 1939, despite high earnings which could have justified a much larger dividend; a sufficient sum was retained to finance the proposed projects; and this company, by this action of the board of directors, was put in a position to proceed with the expansion program as outlined.

Project (a) was started in June 1940 and completed early in 1941, in line with the reasoning and course of action at said meeting in December 1939.

Project (b) was started in 1941 and completed in 1942, and this again was in line with the reasoning and course of action at said meeting in December 1939.

It seems to me that this course of action is quite in keeping with the intent of the Senate Finance Committee when in its report (p. 37, par. 5), it says: "Such a course of action to which taxpayer was committed may be evidenced by such factors as a contract, action by the board of directors or governing body as to a particular course of action, expenditures in the commencement of such changes, or other courses of action clearly indicating the intent to make such changes, even though later modified."

Yours very truly,

RICHARD P. GALE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, October 20, 1942.

Hon. ROBERT L. DOUGHTON,
Chairman, Joint Committee on Internal Revenue Taxation, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to the letter to you from the Honorable RICHARD P. GALE of October 10 regarding the application of section 722 of the Internal Revenue Code, as amended by section 213 of the pending revenue bill. Mr. GALE, after a statement of facts regarding the situation of a corporate taxpayer, asks whether or not such taxpayer will be entitled to relief under section 722, as amended.

It is difficult to make a definite answer in the absence of all of the facts bearing on this case. However, upon the facts contained in Mr. GALE's letter, I am of the opinion that

the taxpayer described therein is entitled to the benefits of section 722.

I am returning Mr. GALE's letter for your files.

Respectfully yours,

COLIN F. STAM,
Chief of Staff.

HOUSE OF REPRESENTATIVES,
October 12, 1942.

The Honorable ROBERT L. DOUGHTON,
Chairman, Committee on Ways and Means, House of Representatives,
Washington, D. C.

MY DEAR MR. DOUGHTON: I would like to draw your attention to the attached page from the CONGRESSIONAL RECORD for October 9, 1942, giving correspondence between Senator GURNEY and Mr. Stam in connection with section 722 as amended by the 1942 tax bill, and a letter from Senator GEORGE, chairman of the Senate Finance Committee, to Senator GURNEY confirming the views of Mr. Stam.

I happen to have an interest in similar questions involving the same section of the bill, and I would like to know if you, as chairman of the Ways and Means Committee, concur in the interpretations given by Senator GEORGE to Senator GURNEY.

Sincerely yours,

FRANCIS CASE.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., October 16, 1942.

Hon. FRANCIS CASE,
House of Representatives,
Washington, D. C.

DEAR MR. CASE: Your letter of October 12, enclosing reprint from the CONGRESSIONAL RECORD of correspondence between Senator GURNEY and Senator GEORGE and Mr. Colin F. Stam has been received.

I have read this enclosure and concur in the replies given Senator GURNEY by Senator GEORGE and Mr. Stam with respect to relief under section 213 of H. R. 7378.

Sincerely yours,

R. L. DOUGHTON.

Mr. DOUGHTON. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to include as a part of my remarks certain tables in connection with this tax bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I am presenting to the House for its convenience certain tables. I am not the author of the tables, but I am offering them in my remarks to give a statistical picture of the largest tax bill ever enacted by a legislative body in the history of the world.

I will say frankly that, while I appreciate the wonderful work that has been done by members of the committee at both ends of the Capitol in enacting this stupendous tax bill, nevertheless it contains features that I would not support were we not at war. But, of course, under the circumstances I shall support the bill.

When you examine the tables I have put in, you will find an accurate picture of the impact of this bill on various taxpayers. We have had many telegrams, and you have had many telegrams, relating to mutual life-insurance companies and various other phases of the bill. I will try to present in by extended remarks the answers to some of the questions, so that you may accurately inform your constituents at home. Your constituents may not be aware that you could not reply to their inquiries until the conferees made their report, which is today.

I ask unanimous consent to extend my remarks on this bill, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, this is a statistical picture of the largest tax bill ever enacted by a legislative body in the history of the world:

TABLE I.—*Personal exemption and credit for dependents allowed under the Revenue Acts of 1913–41, the House bill, and Senate Finance Committee bill*

Revenue act	Income year	Personal exemption and credit for dependents		
		Single or married and not living with husband or wife and not head of family	Married and living with husband or wife, or head of family	Credit for each dependent
1913	Mar. 1, 1913, to Dec. 31, 1915.	[1] $3,000	[1] $4,000	-----
1916	1916	3,000	4,000	-----
1917	1917	1,000	2,000	$200
1918	1918 to 1930	1,000	2,000	200
1921	1921 to 1923	1,000	[2] 2,500	400
1924	1924	1,000	2,500	400
1926	1925 to 1927	1,500	3,500	400
1928	1928 to 1931	1,500	3,500	400
1932	1932 and 1933	1,000	2,500	400
1934	1934 and 1935	1,000	2,500	400
1936	1936 and 1937	1,000	2,500	400
1938	1938 and 1939	1,000	2,500	400
1940	1940	800	2,000	400
1941	1941	750	1,500	400
1942:				
House bill	1942	500	1,200	400
Senate Finance Committee bill.	1942	500	1,200	300
Conference report.				350

[1] No provision for head of family in Revenue Act of 1913. Exemption prorated for period Mar. 1 through Dec. 31, 1913.

[2] For net income in excess of $5,000, personal exemption is $2,000.

TABLE II.—*Normal tax rates under the Revenue Acts of 1913–41 and under proposed revenue bill of 1942*

Revenue act	Income year	Normal tax rate	
		Net income subject to tax	Percent
1913	Mar. 1, 1913, to Dec. 31, 1915.	All	1
1916	1916	All	2
1917	1917	First $2,000	2
		Balance over $2,000	4
1918	1918	First $4,000	6
		Balance over $4,000	12
	1919, 1920	First $4,000	4
		Balance over $4,000	8
1921	1921–23 [1]	First $4,000	4
		Balance over $4,000	8
1924	1924	First $4,000	2
		Second $4,000	4
		Balance over $8,000	6
1926	1925–27	First $4,000	1½
		Second $4,000	3
		Balance over $8,000	5
1928	1928	First $4,000	1½
		Second $4,000	3
		Balance over $8,000	5
	1929 [2]	First $4,000	½
		Second $4,000	2
		Balance over $8,000	4
	1930, 1931	First $4,000	1½
		Second $4,000	3
		Balance over $8,000	5
1932	1932, 1933	First $4,000	4
		Balance over $4,000	8
1934	1934, 1935	All	4
1936	1936, 1937	All	4
1938–41	1938–	All	[3] 4
1942 House and Finance Committee bill.	1942–	All	6

[1] Tax for 1923 reduced 25 percent by credit or refund under sec. 1200 (a) of the Revenue Act of 1924.

[2] See joint resolution of Congress No. 133, approved by the President Dec. 16, 1929, reducing rates of income tax for 1929.

[3] Not including 10-percent defense tax provided for by the Revenue Act of 1940.

TABLE III.—*Comparison of proposed surtax rates and cumulative surtax under present law, House bill, and Senate Finance Committee bill*

Surtax net income classes	Surtax rates			Cumulative surtax on higher amount shown in bracket		
	Present law, percent	House bill, percent	Senate Finance Committee bill, percent	Present law	House bill	Senate Finance Committee bill
$0 to $2,000	6	13	Same as under House bill	$120	$260	Same as under House bill
$2,000 to $4,000	9	16		300	580	
$4,000 to $6,000	13	20		560	980	
$6,000 to $8,000	17	24		900	1,460	
$8,000 to $10,000	21	28		1,320	2,020	
$10,000 to $12,000	25	32		1,820	2,660	
$12,000 to $14,000	29	36		2,400	3,380	
$14,000 to $16,000	32	40		3,040	4,180	
$16,000 to $18,000	35	43		3,740	5,040	
$18,000 to $20,000	38	46		4,500	5,960	
$20,000 to $22,000	41	49		5,320	6,940	
$22,000 to $26,000	44	52		7,080	9,020	
$26,000 to $32,000	47	55		9,900	12,320	
$32,000 to $38,000	50	58		12,900	15,800	
$38,000 to $44,000	53	61		16,080	19,460	
$44,000 to $50,000	55	63		19,380	23,240	
$50,000 to $60,000	57	66		25,080	29,840	
$60,000 to $70 000	59	69		30,980	36,740	
$70,000 to $80,000	61	72		37,080	43,940	
$80,000 to $90,000	63	75		43,380	51,440	
$90,000 to $100,000	64	77		49,780	59,140	
$100,000 to $150,000	65	79		82,280	98,640	
$150,000 to $200,000	66	81		115,280	139,140	
$200,000 to $250,000	67	82		148,80	180,140	
$250,000 to $300,000	69	82		183,280	221,140	
$300,000 to $400,000	71	82		254,280	303,140	
$400,000 to $500,000	72	82		326,380	385,140	
$500,000 to $750,000	73	82		508,780	590,140	
$750,000 to $1,000,000	74	82		693,780	795,140	
$1,000,000 to $2,000,000	75	82		1,443,780	1,615,140	
$2,000,000 to $5,000,000	76	82		3,723,780	4,075,140	
Over $5,000,000	77	82		-----	-----	

TABLE IV.—*Victory tax—Amount of gross Victory tax, post-war credit, and net Victory tax*

Gross income	Gross Victory tax	Post-war credit			Net Victory tax		
		Single person, no dependents	Married person, no dependents	Married person, 2 dependents	Single person, no dependents	Married person, no dependents	Married person, 2 dependents
$600							
$700	$3.80	$0.95	$1.52	$1.67	$2.85	$2.28	$2.13
$750	6.30	1.58	2.52	2.77	4.72	3.78	3.53
$800	8.80	2.20	3.52	3.87	6.60	5.28	4.93
$900	13.80	3.45	5.52	6.07	10.35	8.28	7.73
$1,000	18.80	4.70	7.52	8.27	14.10	11.28	10.53
$1,100	23.80	5.95	9.52	10.47	17.85	14.28	13.33
$1,200	28.80	7.20	11.52	12.67	21.60	17.28	16.13
$1,300	33.80	8.45	13.52	14.87	25.35	20.28	18.93
$1,400	38.80	9.70	15.52	17.07	29.10	23.28	21.73
$1,500	43.80	10.95	17.52	19.27	32.85	26.28	24.53
$1,600	48.80	12.20	19.52	21.47	36.60	29.28	27.33
$1,700	53.80	13.45	21.52	23.67	40.35	32.28	30.13
$1,800	58.80	14.70	23.52	25.87	44.10	35.28	32.93
$1,900	63.80	15.95	25.52	28.07	47.85	38.28	35.73
$2,000	68.80	17.20	27.52	30.27	51.60	41.28	38.53
$2,100	73.80	18.45	29.52	32.47	55.35	44.28	41.33
$2,200	78.80	19.70	31.52	34.67	59.10	47.28	44.13
$2,300	83.80	20.95	33.52	36.87	62.85	50.28	46.93
$2,400	88.80	22.20	35.52	39.07	66.60	53.28	49.73
$2,500	93.80	23.45	37.52	41.27	70.35	56.28	52.53
$3,000	118.80	29.70	47.52	52.27	89.10	71.28	66.53
$4,000	168.80	42.20	67.52	74.27	126.60	101.28	94.53
$5,000	218.80	54.70	87.52	96.27	164.10	131.28	122.53
$6,000	268.80	67.20	107.52	118.27	201.60	161.28	150.53
$7,000	318.80	79.70	127.52	140.27	239.10	191.28	178.53
$8,000	368.80	92.20	147.52	162.27	276.60	221.28	206.53
$9,000	418.80	104.70	167.52	184.27	314.10	251.28	234.53
$10,000	468.80	117.20	187.52	206.27	351.60	281.28	262.53
$15,000	718.80	179.70	287.52	316.27	539.10	431.28	402.53
$20,000	968.80	242.20	387.52	426.27	726.60	581.28	542.53
$25,000	1,218.80	304.70	487.52	536.27	914.10	731.28	682.53
$30,000	1,468.80	367.20	587.52	646.27	1,101.60	881.28	822.53
$50,000	2,468.80	500.00	987.52	1,086.27	1,968.80	1,481.28	1,382.53
$60,000	2,968.80	500.00	1,000.00	1,200.00	2,468.80	1,968.80	1,768.80
$80,000	3,968.80	500.00	1,000.00	1,200.00	3,468.80	2,968.80	2,768.80
$100,000	4,968.80	500.00	1,000.00	1,200.00	4,468.80	3,968.80	3,768.80
$150,000	7,468.80	500.00	1,000.00	1,200.00	6,968.80	6,468.80	6,268.80
$250,000	12,468.80	500.00	1,000.00	1,200.00	11,968.80	11,468.80	11,268.80
$500,000	24,968.80	500.00	1,000.00	1,200.00	24,468.80	23,968.80	23,768.80
$750,000	37,468.80	500.00	1,000.00	1,200.00	36,968.80	36,468.80	36,268.80
$1,000,000	49,968.80	500.00	1,000.00	1,200.00	49,468.80	48,968.80	48,768.80
$2,000,000	99,968.80	500.00	1,000.00	1,200.00	99,468.80	98,968.80	98,768.80
$5,000,000	249,968.80	500.00	1,000.00	1,200.00	249,468.80	248,968.80	248,768.80

EFFECTIVE RATES

The effective rates of the Victory tax are shown by the following table:

TABLE V.—*Victory tax effective rates*

Gross income	Gross Victory tax	Net Victory tax		
		Single person, no dependents	Married person, no dependents	Married person, 2 dependents
	Percent	*Percent*	*Percent*	*Percent*
$600				
$700	0.54	0.41	0.33	0.30
$750	.84	.63	.50	.47
$800	1.10	.82	.66	.62
$900	1.53	1.15	.92	.86
$1,000	1.88	1.41	1.13	1.05
$1,100	2.16	1.62	1.30	1.21
$1,200	2.40	1.80	1.44	1.34
$1,300	2.60	1.95	1.56	1.46
$1,400	2.77	2.08	1.66	1.55
$1,500	2.92	2.19	1.75	1.64
$1,600	3.05	2.29	1.83	1.71
$1,700	3.16	2.37	1.90	1.77
$1,800	3.27	2.45	1.96	1.83
$1,900	3.36	2.52	2.01	1.88
$2,000	3.44	2.58	2.06	1.93
$2,100	3.51	2.64	2.11	1.97
$2,200	3.58	2.69	2.15	2.01
$2,300	3.64	2.73	2.19	2.04
$2,400	3.70	2.77	2.22	2.07
$2,500	3.75	2.81	2.25	2.10
$3,000	3.96	2.97	2.38	2.22
$4,000	4.22	3.16	2.53	2.36
$5,000	4.38	3.28	2.63	2.45
$6,000	4.48	3.36	2.69	2.51
$7,000	4.55	3.42	2.73	2.55
$8,000	4.61	3.46	2.77	2.58
$9,000	4.65	3.49	2.79	2.61
$10,000	4.69	3.52	2.81	2.63
$15,000	4.79	3.59	2.88	2.63
$20,000	4.84	3.63	2.91	2.71
$25,000	4.88	3.66	2.93	2.73
$30,000	4.90	3.67	2.94	2.74
$50,000	4.94	3.94	2.96	2.77
$60,000	4.95	4.11	3.28	2.95
$80,000	4.96	4.34	3.71	3.46
$100,000	4.97	4.47	3.97	3.77
$150,000	4.98	4.65	4.31	4.18
$250,000	4.99	4.79	4.59	4.51

TABLE V.—*Victory tax effective rates*—Con.

Gross income	Gross Victory tax	Net Victory tax		
		Single person, no dependents	Married person, no dependents	Married person, 2 dependents
	Percent	*Percent*	*Percent*	*Percent*
$500,000	4.994	4.89	4.79	4.75
$750,000	4.996	4.93	4.86	4.84
$1,000,000	4.997	4.95	4.90	4.88
$2,000,000	4.998	4.97	4.95	4.94
$5,000,000	4.999	4.99	4.979	4.975

WITHHOLDING AT THE SOURCE

In the case of wages and salaries a 5-percent tax on the amount in excess of $624 is paid at the source.

Compensation for the following services is not subject to payment at the source: (1) Services performed by a member of the military or naval forces of the United States other than pensions and retirement pay; (2) agricultural labor; (3) domestic service in a private home, local college club, or local chapter of a college fraternity or sorority; (4) casual labor not in the course of employer's regular trade or business; (5) services as an employee of a nonresident alien individual, foreign partnership, or foreign corporation, if such persons are not engaged in trade or business in the United States; (6) services as an employee of a foreign government or a wholly owned instrumentality thereof; (7) services performed as an employee while outside the United States unless the major part of the services during the year are performed within the United States.

In computing the tax required to be withheld, there is allowed the following deduction:

Pay-roll period:	*Withholding deduction*
Weekly	$12
Biweekly	24
Semimonthly	26
Monthly	52
Quarterly	156
Semiannually	312
Annually	624

If the pay-roll period is less than a week and the taxpayer receives less than $12 a week from the particular employer no withholding is required.

At the election of the employer, if his pay-roll period with respect to an employee is weekly, biweekly, semimonthly, or monthly, the employer may collect the tax in accordance with the following table:

TABLE VI

For weekly pay-roll period			For biweekly pay-roll period		
If the wages are over	But not over	The amount of tax to be withheld shall be	If the wages are over	But not over	The amount of tax to be withheld shall be
$12	$16	$0.10	$24	$30	$0.10
16	20	.30	30	40	.50
20	24	.50	40	50	1.00
24	28	.70	50	60	1.50
28	32	.90	60	70	2.00
32	36	1.10	70	80	2.50
36	40	1.30	80	100	3.30
40	50	1.60	100	120	4.30
50	60	2.10	120	140	5.30
60	70	2.60	140	160	6.30
70	80	3.10	160	180	7.30
80	90	3.60	180	200	8.30
90	100	4.10	200	220	9.30
100	110	4.60	220	240	10.30
110	120	5.10	240	260	11.30
120	130	5.60	260	280	12.30
130	140	6.10	280	300	13.30
140	150	6.60	300	320	14.30
150	160	7.10	320	340	15.30
160	170	7.60	340	360	16.30
170	180	8.10	360	380	17.30
180	190	8.60	380	400	18.30
190	200	9.10	400	420	19.20
200	------	9.40 plus 5 percent of the excess over $200.	420	440	20.30
			440	460	21.30
			460	480	22.30
			480	500	23.30
			500	------	23.80 plus 5 percent of the excess over $500.

For semimonthly pay roll period			For monthly pay-roll period		
If the wages are over—	But not over—	The amount of tax to be withheld shall be—	If the wages are over—	But not over—	The amount of tax to be withheld shall be—
$26	$30	$0.10	$52	$60	$0.20
30	40	.40	60	80	.90
40	50	.90	80	100	1.90
50	60	1.40	100	120	2.90
60	70	1.90	120	140	3.90
70	80	2.40	140	160	4.90
80	100	3.20	160	200	6.40
100	120	4.20	200	240	8.40
120	140	5.20	240	280	10.40
140	160	6.20	280	320	12.40
160	180	7.20	320	360	14.40
180	200	8.20	360	400	16.40
200	220	9.20	400	440	18.40
220	240	10.20	440	480	20.40
240	260	11.20	480	520	22.40
260	280	12.20	520	560	24.40
280	300	13.20	560	600	26.40
300	320	14.20	600	640	28.40
320	340	15.20	640	680	30.40
340	360	16.20	680	720	32.40
360	380	17.20	720	760	34.40
380	400	18.20	760	800	36.40
400	420	19.20	800	840	38.40
420	440	20.20	840	880	40.40
440	460	21.20	880	920	42.40
460	480	22.20	920	960	44.40
480	500	23.20	960	1,000	46.40
500	------	23.70 plus 5 percent of the excess over $500.	1,000	------	47.40 plus 5 percent of the excess over $1,000.

This Victory tax will not be applicable to the very low income-tax groups. The average amount spent for food in the case of all consumer family income levels for 1941 is $561. The average expenditures of families in the United States in this same period with incomes under $500, was $507. This is shown by the following table:

TABLE VII.—*Average expenditures of all families in the United States for main categories of consumption by income level, 1941*

Income level	Average expenditures per family for—														
	All items	Food	Housing	Household operation	Clothing	Automobile	Medical care	Recreation	Furnishings	Personal care	Tobacco	Transportation other than auto	Reading	Education	Other items
Under $500	$507	$220	$98	$61	$38	$16	$24	$6	$10	$10	$10	$3	$4	$2	$2
$500–$750	714	314	126	85	57	28	30	11	16	14	14	5	6	3	5
$750–$1,000	919	383	162	106	79	44	38	17	27	19	19	9	9	4	4
$1,000–$1,250	1,134	437	203	131	102	71	47	25	38	24	23	11	11	7	6
$1,250–$1,500	1,322	489	231	149	124	93	57	32	48	27	28	14	14	10	7
$1,500–$1,750	1,517	529	267	166	149	123	71	42	57	32	30	16	14	11	10
$1,750–$2,000	1,699	562	302	187	167	157	79	50	69	35	35	18	16	15	8
$2,000–$2,500	1,995	624	351	215	211	207	92	63	77	43	39	22	20	20	11
$2,500–$3,000	2,312	689	402	259	258	250	108	82	87	49	41	24	22	30	11
$3,000–$4,000	2,743	770	483	318	318	301	132	106	106	54	48	30	27	37	13
$4,000–$5,000	3,310	848	565	396	411	418	156	138	118	66	53	35	31	56	18
$5,000–$10,000	4,476	1,030	775	577	558	559	245	208	169	88	63	47	41	82	34
$10,000 and over	10,110	1,740	1,827	1,358	1,421	1,231	493	596	364	164	96	281	94	306	47
All levels	1,844	561	325	216	201	178	86	64	67	37	32	23	18	26	10

Source: Research Division, Office of Price Administration, Consumer Income and Demand Section.

TABLE VIII.—*Comparison of individual income tax and total tax on specified incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*

SINGLE PERSON—NO DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—Income tax	House bill			Senate Finance Committee bill [2]				
			Regular income tax	Withholding prepayment of tax due in 1944	Total income and withholding tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax
$500	$450									
$600	540		$5.20	$2.50	$7.50	$5.20		$5.20		$5.20
$700	630		20.92	7.50	28.42	20.92	$3.80	24.72	$0.95	23.77
$750	675		29.20	10.00	39.20	29.20	6.30	35.50	1.58	33.92
$800	720		37.48	12.50	49.98	37.48	8.80	46.28	2.20	44.08
$900	810	$3.60	54.04	17.50	71.54	54.04	13.80	67.84	3.45	64.39
$1,000	900	11.40	70.60	22.50	93.10	70.60	18.80	89.40	4.70	84.70
$1,100	990	20.04	87.16	27.50	114.66	87.16	23.80	110.96	5.95	105.01
$1,200	1,080	28.68	103.72	32.50	136.22	103.72	28.80	132.52	7.20	125.32
$1,300	1,170	37.32	120.28	37.50	157.78	120.28	33.80	154.08	8.45	145.63
$1,400	1,260	45.96	136.84	42.50	179.34	136.84	38.80	175.64	9.70	165.94
$1,500	1,350	54.60	153.40	47.50	200.90	153.40	43.80	197.20	10.95	186.25
$1,600	1,440	63.24	169.96	52.50	222.46	169.96	48.80	218.76	12.20	206.56
$1,700	1,530	71.88	186.52	57.50	244.02	186.52	53.80	240.32	13.45	226.87
$1,800	1,620	80.52	203.08	62.50	265.58	203.08	58.80	261.88	14.70	247.18
$1,900	1,710	89.16	219.64	67.50	287.14	219.64	63.80	283.44	15.95	267.49
$2,000	1,800	97.80	236.20	72.50	308.70	236.20	68.80	305.00	17.20	287.80
$2,100	1,890	106.44	252.76	77.50	330.26	252.76	73.80	326.56	18.45	308.11
$2,200	1,980	115.08	269.32	82.50	351.82	269.32	78.80	348.12	19.70	328.42
$2,300	2,070	123.72	285.88	87.50	373.38	285.88	83.80	369.68	20.95	348.73
$2,400	2,160	132.36	302.44	92.50	394.94	302.44	88.80	391.24	22.20	369.04
$2,500	2,250	141.00	319.00	97.50	416.50	319.00	93.80	412.80	23.45	389.35
$3,000	2,700	184.20	407.80	122.50	530.30	407.80	118.80	526.60	29.70	496.90
$4,000	3,600	296.10	600.40	172.50	772.90	600.40	168.80	769.20	42.20	727.00
$5,000	4,500	409.50	793.00	222.50	1,015.50	793.00	218.80	1,011.80	54.70	957.10
$6,000	5,400	548.90	1,021.60	272.50	1,294.10	1,021.60	268.80	1,290.40	67.20	1,223.20
$7,000	6,300	698.30	1,250.20	322.50	1,572.70	1,250.20	318.80	1,569.00	79.70	1,489.30
$8,000	7,200	865.70	1,506.80	372.50	1,879.30	1,506.80	368.80	1,875.60	92.20	1,783.40
$9,000	8,100	1,051.10	1,771.40	422.50	2,193.90	1,771.40	418.80	2,190.20	104.70	2,085.50
$10,000	9,000	1,246.50	2,056.00	472.50	2,528.50	2,056.00	468.80	2,524.80	117.20	2,407.60
$15,000	13,500	2,493.50	3,719.00	722.50	4,441.50	3,719.00	718.80	4,437.80	179.70	4,258.10
$20,000	18,000	4,111.50	5,791.00	972.50	6,763.50	5,791.00	968.80	6,759.80	242.20	6,517.60
$25,000	22,500	6,031.50	8,176.00	1,222.50	9,398.50	8,176.00	1,218.80	9,394.80	304.70	9,090.10
$30,000	27,000	8,191.50	10,801.00	1,472.50	12,273.50	10,801.00	1,468.80	12,269.80	367.20	11,902.60
$50,000	45,000	17,931.50	22,361.00	2,472.50	24,833.50	22,361.00	2,468.80	24,829.80	500.00	24,329.80
$60,000	54,000	23,306.50	28,676.00	2,972.50	31,648.50	28,676.00	2,968.80	31,644.80	500.00	31,144.80
$80,000	72,000	34,536.50	42,026.00	3,972.50	45,998.50	42,026.00	3,968.80	45,994.80	500.00	45,494.80
$100,000	90,000	46,421.50	56,351.00	4,972.50	61,323.50	56,351.00	4,968.80	61,319.80	500.00	60,819.80
$150,000	135,000	77,356.50	94,381.00	7,472.50	101,853.50	94,381.00	7,468.80	101,849.80	500.00	101,349.80
$250,000	225,000	140,441.50	172,616.00	12,472.50	185,088.50	172,616.00	12,468.80	185,084.80	500.00	184,584.80
$500,000	450,000	307,654.00	370,616.00	24,972.50	395,588.50	370,616.00	24,968.80	395,584.80	500.00	395,084.80
$750,000	675,000	480,396.50	568,616.00	37,472.50	606,088.50	568,616.00	37,468.80	606,084.80	500.00	605,584.80
$1,000,000	900,000	655,139.00	766,616.00	49,972.50	816,588.50	766,616.00	[3] 43,384.00	810,000.00	500.00	809,995.00
$2,000,000	1,800,000	1,365,131.50	1,558,616.00	99,972.50	1,658,588.50	1,558,616.00	[3] 61,384.00	1,620,000.00	500.00	1,619,995.00
$5,000,000	4,500,000	3,523,124.00	3,934,616.00	249,972.50	4,184,588.50	3,934,616.00	[3] 115,384.00	4,050,000.00	500.00	4,049,995.00

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.
[2] Conference report same as Finance Committee bill.
[3] Adjusted so that total tax will not exceed 90 percent of net income.

TABLE IX.—*Comparison of individual income tax and total tax on specified incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*

MARRIED PERSON—NO DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—Income tax	House bill			Senate Finance Committee bill [2]				
			Regular income tax	Withholding prepayment of tax due in 1944	Total income and withholding tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax
$500	$450									
$600	540									
$700	630						$3.80	$3.80	$1.52	$2.28
$750	675						6.30	6.30	2.52	3.78
$800	720						8.80	8.80	3.52	5.28
$900	810						13.80	13.80	5.52	8.28
$1,000	900						18.80	18.80	7.52	11.28
$1,100	990						23.80	23.80	9.52	14.28
$1,200	1,080						28.80	28.80	11.52	17.28
$1,300	1,170						33.80	33.80	13.52	20.28
$1,400	1,260		$7.80	$4.00	$11.80	$7.80	38.80	46.60	15.52	31.08
$1,500	1,350		20.40	9.00	29.40	20.40	3.80	64.20	17.52	46.68
$1,600	1,440		36.96	14.00	50.96	36.96	48.80	85.76	19.52	66.24
$1,700	1,530	$1.80	53.52	19.00	72.52	53.52	53.80	107.32	21.52	85.80
$1,800	1,620	7.20	70.08	24.00	94.08	70.08	58.80	128.88	23.52	105.36
$1,900	1,710	14.16	86.64	29.00	115.64	86.64	63.80	150.44	25.52	124.92
$2,000	1,800	22.80	103.20	34.00	137.20	103.20	68.80	172.00	27.52	144.48
$2,100	1,890	31.44	119.76	39.00	158.76	119.76	73.80	193.56	29.52	164.04
$2,200	1,980	40.08	136.32	44.00	180.32	136.32	78.80	215.12	31.52	183.60
$2,300	2,070	48.72	152.88	49.00	201.88	152.88	83.80	236.68	33.52	203.16
$2,400	2,160	57.36	169.44	54.00	223.44	169.44	88.80	258.24	35.52	222.72
$2,500	2,250	66.00	186.00	59.00	245.00	186.00	93.80	279.80	37.52	242.28
$3,000	2,700	109.20	268.80	84.00	352.80	268.80	118.80	387.60	47.52	340.08
$4,000	3,600	198.60	446.40	134.00	580.40	446.40	168.80	615.20	67.52	547.68
$5,000	4,500	312.00	639.00	184.00	823.00	639.00	218.80	857.80	87.52	770.28
$6,000	5,400	425.40	839.60	234.00	1,073.60	839.60	268.80	1,108.40	107.52	1,000.88
$7,000	6,300	570.80	1,068.20	284.00	1,352.20	1,068.20	318.80	1,387.00	127.52	1,259.48
$8,000	7,200	720.20	1,296.80	334.00	1,630.80	1,296.80	368.80	1,665.60	147.52	1,518.08
$9,000	8,100	893.60	1,561.40	384.00	1,945.40	1,561.40	418.80	1,980.20	167.52	1,812.68
$10,000	9,000	1,079.00	1,826.00	434.00	2,260.00	1,826.00	468.80	2,294.80	187.52	2,107.28
$15,000	13,500	2,246.00	3,425.00	684.00	4,109.00	3,425.00	718.80	4,143.80	287.52	3,856.28
$20,000	18,000	3,819.00	5,448.00	934.00	6,382.00	5,448.00	968.80	6,416.80	387.52	6,029.28
$25,000	22,500	5,694.00	7,791.00	1,184.00	8,975.00	7,791.00	1,218.80	9,009.80	487.52	8,522.28
$30,000	27,000	7,824.00	10,380.00	1,434.00	11,814.00	10,380.00	1,468.80	11,848.80	587.52	11,261.28
$50,000	45,000	17,499.00	21,882.00	2,434.00	24,316.00	21,882.00	2,468.80	24,350.80	987.52	23,363.28
$60,000	54,000	22,849.00	28,172.00	2,934.00	31,106.00	28,172.00	2,968.80	31,140.80	1,000.00	30,140.80
$80,000	72,000	34,049.00	41,480.00	3,934.00	45,414.00	41,480.00	3,968.80	45,448.80	1,000.00	44,448.80
$100,000	90,000	45,919.00	55,784.00	4,934.00	60,718.00	55,784.00	4,968.80	60,752.80	1,000.00	59,752.80
$150,000	135,000	76,839.00	93,786.00	7,434.00	101,220.00	93,786.00	7,468.80	101,254.80	1,000.00	100,254.80
$250,000	225,000	139,909.00	172,000.00	12,434.00	184,434.00	172,000.00	12,468.80	184,468.80	1,000.00	183,468.80
$500,000	450,000	307,084.00	370,000.00	24,934.00	394,934.00	370,000.00	24,968.80	394,968.80	1,000.00	393,968.80
$750,000	675,000	479,819.00	568,000.00	37,434.00	605,434.00	568,000.00	37,468.80	605,468.80	1,000.00	604,468.80
$1,000,000	900,000	654,554.00	766,000.00	49,934.00	815,934.00	766,000.00	[3] 44,000.00	810,000.00	1,000.00	809,000.00
$2,000,000	1,800,000	1,364,539.00	1,558,000.00	99,934.00	1,657,934.00	1,558,000.00	[3] 62,000.00	1,620,000.00	1,000.00	1,619,000.00
$5,000,000	4,500,000	3,522,524.00	3,934,000.00	249,934.00	4,183,934.00	3,934,000.00	[3] 116,000.00	4,050,000.00	1,000.00	4,049,000.00

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.
[2] Conference report same as Finance Committee bill.
[3] Adjusted so that total tax will not exceed 90 percent of net income.

TABLE X.—*Comparison of individual income tax and total tax on specified incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*

MARRIED PERSON—2 DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—income tax	House bill			Senate Finance Committee bill					Conference report				
			Regular income tax	Withholding prepayment of tax due in 1944	Total income and withholding tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax
$500	$450														
$600	540														
$700	630						$3.80	$3.80	$1.67	$2.13		$3.80	$3.80	$1.67	$2.13
$750	675						6.30	6.30	2.77	3.53		6.30	6.30	2.77	3.53
$800	720						8.80	8.80	3.87	4.93		8.80	8.80	3.87	4.93
$900	810						13.80	13.80	6.07	7.73		13.80	13.80	6.07	7.73
$1,000	900						18.80	18.80	8.27	10.53		18.80	18.80	8.27	10.53
$1,100	990						23.80	23.80	10.47	13.33		23.80	23.80	10.47	13.33
$1,200	1,080						28.80	28.80	12.67	16.13		28.80	28.80	12.67	16.13
$1,300	1,170						33.80	33.80	14.87	18.93		33.80	33.80	14.87	18.93
$1,400	1,260						38.80	38.80	17.07	21.73		38.80	38.80	17.07	21.73
$1,500	1,350						43.80	43.80	19.27	24.53		43.80	43.80	19.27	24.53
$1,600	1,440						48.80	48.80	21.47	27.33		48.80	48.80	21.47	27.33
$1,700	1,530						53.80	53.80	23.67	30.13		53.80	53.80	23.67	30.13
$1,800	1,620						58.80	58.80	25.87	32.93		58.80	58.80	25.87	32.93
$1,900	1,710						63.80	63.80	28.07	35.73		63.80	63.80	28.07	35.73
$2,000	1,800						68.80	68.80	30.27	38.53		68.80	68.80	30.27	38.53
$2,100	1,890					$11.70	73.80	85.50	32.47	53.03		73.80	73.80	32.47	41.33
$2,200	1,980					23.40	78.80	102.20	34.67	67.53	$10.40	78.80	89.20	34.67	54.53
$2,300	2,070		$9.10	$5	$14.10	38.88	83.80	122.68	36.87	85.81	22.10	83.80	105.90	36.87	69.03
$2,400	2,160		20.80	10	30.80	55.44	88.80	144.24	39.07	105.17	36.44	88.80	125.24	39.07	86.17
$2,500	2,250		34.00	15	49.00	72.00	93.80	165.80	41.27	124.53	53.00	93.80	146.80	41.27	105.53
$3,000	2,700	$29.20	116.80	40	156.80	154.80	118.80	273.60	52.27	221.33	135.80	118.80	254.60	52.27	202.33
$4,000	3,600	115.60	282.40	90	372.40	320.40	168.80	489.20	74.27	414.93	301.40	168.80	470.20	74.27	395.93
$5,000	4,500	208.00	463.00	140	603.00	507.00	218.80	725.80	96.27	629.53	485.00	218.80	703.80	96.27	607.53
$6,000	5,400	321.40	655.60	190	845.60	699.60	268.80	968.40	118.27	850.13	677.60	268.80	946.40	118.27	828.13
$7,000	6,300	434.80	860.20	240	1,100.20	912.20	318.80	1,231.00	140.27	1,090.73	886.20	318.80	1,205.00	140.27	1,064.73
$8,000	7,200	584.20	1,088.20	290	1,378.80	1,140.80	368.80	1,509.60	162.27	1,347.33	1,114.80	368.80	1,483.60	162.27	1,321.33
$9,000	8,100	733.60	1,321.40	340	1,661.40	1,381.40	418.80	1,800.20	184.27	1,615.93	1,351.40	418.80	1,770.20	184.27	1,585.93

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.

TABLE X.—*Comparison of individual income tax and total tax on specified incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*—Continued

Gross income	Net income before exemptions [1]	Present law—income tax	House bill			Senate Finance Committee bill					Conference report				
			Regular income tax	Withholding prepayment of tax due in 1944	Total income and withholding tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax	Regular income tax	Victory tax	Total income and Victory tax	Post-war credit	Net tax
$10,000	$9,000	$911.00	$1,586.00	$390	$1,976.00	$1,646.00	$468.80	$2,114.80	$206.27	$1,908.53	$1,616.00	$468.80	$2,084.80	$206.27	$1,878.53
$15,000	13,500	2,014.00	3,109.00	640	3,749.00	3,185.60	718.80	3,903.80	316.27	3,587.53	3,147.00	718.80	3,865.80	316.27	3,549.53
$20,000	18,000	3,516.00	5,056.00	890	5,946.00	5,154.00	968.80	6,122.80	426.27	5,696.53	5,105.00	968.80	6,073.80	426.27	5,647.53
$25,000	22,500	5,334.00	7,351.00	1,140	8,491.00	7,461.00	1,218.80	8,679.80	536.27	8,143.53	7,406.00	1,218.80	8,624.80	536.27	8,088.53
$30,000	27,000	7,440.00	9,916.00	1,390	11,306.00	10,032.00	1,468.80	11,500.80	646.27	10,854.53	9,974.00	1,468.80	11,442.80	646.27	10,796.53
$50,000	45,000	17,043.00	21,346.00	2,390	23,736.00	21,480.00	2,468.80	23,948.80	1,086.27	22,862.53	21,413.00	2,468.80	23,881.80	1,086.27	22,795.53
$60,000	54,000	22,361.00	27,596.00	2,890	30,486.00	27,740.00	2,968.80	30,708.80	1,200.00	29,508.80	27,668.00	2,968.80	30,636.80	1,200.00	29,436.80
$80,000	72,000	33,535.00	40,856.00	3,890	44,746.00	41,012.00	3,968.80	44,980.80	1,200.00	43,780.80	40,934.00	3,968.80	44,902.80	1,200.00	43,702.80
$100,000	90,000	45,383.00	55,136.00	4,890	60,026.00	55,298.00	4,968.80	60,266.80	1,200.00	59,066.80	55,217.00	4,968.80	60,185.80	1,200.00	58,985.80
$150,000	135,000	76,287.00	93,106.00	7,390	100,496.00	93,276.00	7,468.80	100,744.80	1,200.00	99,544.80	93,191.00	7,468.80	100,659.80	1,200.00	99,459.80
$250,000	225,000	139,341.00	171,296.00	12,390	183,686.00	171,472.00	12,468.80	183,940.80	1,200.00	182,740.80	171,384.00	12,468.80	183,852.80	1,200.00	182,652.80
$500,000	450,000	306,476.00	369,296.00	24,890	394,186.00	369,472.00	24,968.80	394,440.80	1,200.00	393,240.80	369,384.00	24,968.80	394,352.80	1,200.00	393,152.80
$750,000	675,000	479,203.00	567,296.00	37,390	604,686.00	567,472.00	37,468.80	604,940.80	1,200.00	603,740.80	567,384.00	37,468.80	604,852.80	1,200.00	603,652.80
$1,000,000	900,000	653,930.00	765,296.00	49,890	815,186.00	765,472.00	[2]44,528.00	810,000.00	1,200.00	808,800.88	765,384.00	[2]44,616.00	810,000.00	1,200.00	808,800.00
$2,000,000	1,800,000	1,363,907.00	1,557,296.00	99,890	1,657,186.00	1,557,472.00	[2]62,528.00	1,620,000.00	1,200.00	1,618,800.00	1,557,384.00	[2]62,616.00	1,620,000.00	1,200.00	1,618,800.00
$5,000,000	4,500,000	3,521,884.00	3,933,296.00	249,890	4,183,186.00	3,933,472.00	[2]116,528.00	4,050,000.00	1,200.00	4,048,800.00	3,933,384.00	[2]116,616.00	4,050,000.00	1,200.00	4,048,800.00

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.
[2] Adjusted so that total tax will not exceed 90 percent of net income.

TABLE XI.—*Comparison of effective rates of individual income tax and total tax on specified gross and net incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*

SINGLE PERSON—NO DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—income tax		House bill				Senate Finance Committee bill [2]					
				Regular income tax		Regular income and withholding tax		Regular income tax		Income and Victory tax		Net tax	
		Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income
$500	$450	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
$500	540	.00	.00	.87	.96	1.28	1.43	.87	.96	.87	.96	.87	.96
$700	630	.00	.00	2.99	3.32	4.06	4.51	2.99	3.32	3.53	3.92	3.40	3.77
$750	675	.00	.00	3.89	4.33	5.23	5.81	3.89	4.33	4.73	5.26	4.52	5.03
$800	720	.00	.00	4.68	5.21	6.25	6.94	4.68	5.21	5.78	6.43	5.51	6.12
$900	810	.40	.44	6.00	6.67	7.95	8.83	6.00	6.67	7.54	8.38	7.15	7.95
$1,000	900	1.14	1.27	7.06	7.84	9.31	10.34	7.06	7.84	8.94	9.93	8.47	9.41
$1,100	990	1.82	2.02	7.92	8.80	10.42	11.58	7.92	8.80	10.09	11.21	9.55	10.61
$1,200	1,080	2.39	2.66	8.64	9.60	11.35	12.61	8.64	9.60	11.04	12.27	10.44	11.60
$1,300	1,170	2.87	3.19	9.25	10.28	12.14	13.49	9.25	10.28	11.85	13.17	11.20	12.45
$1,400	1,260	3.28	3.65	9.77	10.86	12.81	14.23	9.77	10.86	12.55	13.94	11.85	13.17
$1,500	1,350	3.64	4.04	10.23	11.36	13.39	14.88	10.23	11.36	13.15	14.61	12.42	13.80
$1,600	1,440	3.95	4.39	10.62	11.80	13.90	15.45	10.62	11.80	13.67	15.19	12.91	14.34
$1,700	1,530	4.23	4.70	10.97	12.19	14.35	15.95	10.97	12.19	14.14	15.71	13.35	14.83
$1,800	1,620	4.47	4.97	11.28	12.54	14.75	16.39	11.28	12.54	14.55	16.17	13.73	15.26
$1,900	1,710	4.69	5.21	11.56	12.84	15.11	16.79	11.56	12.84	14.92	16.58	14.08	15.64
$2,000	1,800	4.89	5.43	11.81	13.12	15.43	17.15	11.81	13.12	15.25	16.94	14.39	15.99
$2,100	1,890	5.07	5.63	12.04	13.37	15.73	17.47	12.04	13.37	15.55	17.28	14.67	16.30
$2,200	1,980	5.23	5.81	12.24	13.60	15.99	17.77	12.24	13.60	15.82	17.58	14.93	16.59
$2,300	2,070	5.38	5.98	12.43	13.81	16.23	18.04	12.43	13.81	16.07	17.86	15.16	16.85
$2,400	2,160	5.51	6.13	12.60	14.00	16.46	18.28	12.60	14.00	16.30	18.11	15.38	17.09
$2,500	2,250	5.64	6.27	12.76	14.18	16.66	18.51	12.76	14.18	16.51	18.35	15.57	17.30
$3,000	2,700	6.14	6.82	13.59	15.10	17.68	19.64	13.59	15.10	17.55	19.50	16.56	18.40
$4,000	3,600	7.40	8.22	15.01	16.68	19.32	21.47	15.01	16.68	19.23	21.37	18.17	20.19
$5,000	4,500	8.19	9.10	15.86	17.62	20.31	22.57	15.86	17.62	20.24	22.48	19.14	21.27
$6,000	5,400	9.15	10.16	17.03	18.92	21.57	23.96	17.03	18.92	21.51	23.90	20.39	22.65
$7,000	6,300	9.98	11.08	17.86	19.84	22.47	24.96	17.86	19.84	22.41	24.90	21.28	23.64
$8,000	7,200	10.82	12.02	18.83	20.93	23.49	26.10	18.83	20.93	23.44	26.05	22.29	24.77
$9,000	8,100	11.68	12.98	19.68	21.87	24.38	27.09	19.68	21.87	24.34	27.04	23.17	25.75
$10,000	9,000	12.46	13.85	20.56	22.84	25.28	28.09	20.56	22.84	25.25	28.05	24.08	26.75
$15,000	13,500	16.62	18.47	24.79	27.55	29.61	32.90	24.79	27.55	29.59	32.87	28.39	31.54
$20,000	18,000	20.56	22.84	28.95	32.17	33.82	37.57	28.95	32.17	33.80	37.55	32.59	36.21
$25,000	22,500	24.13	26.81	32.70	36.34	37.59	41.77	32.70	36.34	37.58	41.75	36.36	40.40
$30,000	27,000	27.30	30.34	36.00	40.00	40.91	45.46	36.00	40.00	40.90	45.44	39.68	44.08
$50,000	45,000	35.86	39.85	44.72	49.69	49.67	55.19	44.72	49.69	49.66	55.18	48.66	54.07
$60,000	54,000	38.84	43.16	47.79	53.10	52.75	58.61	47.79	53.10	52.74	58.60	51.91	57.68
$80,000	72,000	43.17	47.97	52.53	58.37	57.50	63.89	52.53	58.37	57.49	63.88	56.87	63.19
$100,000	90,000	46.42	51.58	56.35	62.61	61.32	68.14	56.35	62.61	61.32	68.13	60.82	67.58
$150,000	135,000	51.57	57.30	62.92	69.91	67.90	75.45	62.92	69.91	67.90	75.44	67.57	75.07
$250,000	225,000	56.18	62.42	69.05	76.72	74.04	82.26	69.05	76.72	74.03	82.26	73.83	82.04
$500,000	450,000	61.53	68.37	74.12	82.36	79.12	87.91	74.12	82.36	79.12	87.91	79.02	87.80
$750,000	675,000	64.05	71.17	75.82	84.24	80.81	89.79	75.82	84.24	80.81	89.79	80.74	89.72
$1,000,000	900,000	65.51	72.79	76.66	85.18	81.66	90.73	76.66	85.18	81.66	90.00	81.61	90.00
$2,000,000	1,800,000	68.26	75.84	77.93	86.59	82.93	92.14	77.93	86.59	82.93	90.00	82.90	90.00
$5,000,000	4,500,000	70.46	78.29	78.69	87.44	83.69	92.99	78.69	87.44	83.69	90.00	83.68	90.00

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.
[2] Conference Report same as Finance Committee bill.

TABLE XII.—*Comparison of effective rates of individual income tax and total tax on specified gross and net incomes (all income earned) under present law, House bill, and Senate Finance Committee bill*

MARRIED PERSON—NO DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—income tax		House bill				Senate Finance Committee bill [2]					
				Regular income tax		Regular income and withholding tax		Regular income tax		Income and Victory tax		Net tax	
		Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income
$500	$450	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
$600	540	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
$700	630	.00	.00	.00	.00	.00	.00	.00	.00	.54	.60	.33	.36
$750	675	.00	.00	.00	.00	.00	.00	.00	.00	.84	.93	.50	.56
$800	720	.00	.00	.00	.00	.00	.00	.00	.00	1.10	1.22	.66	.73
$900	810	.00	.00	.00	.00	.00	.00	.00	.00	1.53	1.70	.92	1.02
$1,000	900	.00	.00	.00	.00	.00	.00	.00	.00	1.88	2.09	1.13	1.25
$1,100	990	.00	.00	.00	.00	.00	.00	.00	.00	2.16	2.40	1.30	1.44
$1,200	1,080	.00	.00	.00	.00	.00	.00	.00	.00	2.40	2.67	1.44	1.60
$1,300	1,170	.00	.00	.00	.00	.00	.00	.00	.00	2.60	2.89	1.56	1.73
$1,400	1,260	.00	.00	.56	.62	.84	.94	.56	.62	3.33	3.70	2.22	2.47
$1,500	1,350	.00	.00	1.36	1.51	1.96	2.18	1.36	1.51	4.28	4.76	3.11	3.46
$1,600	1,440	.00	.00	2.31	2.57	3.18	3.54	2.31	2.57	5.36	5.96	4.14	4.60
$1,700	1,530	.11	.12	3.15	3.50	4.27	4.74	3.18	3.50	6.31	7.01	5.05	5.61
$1,800	1,620	.40	.44	3.89	4.33	5.23	5.81	3.89	4.33	7.16	7.96	5.85	6.50
$1,900	1,710	.75	.83	4.56	5.07	6.09	6.76	4.56	5.07	7.92	8.80	6.57	7.31
$2,000	1,800	1.14	1.27	5.16	5.73	6.86	7.62	5.16	5.73	8.60	9.56	7.22	8.03
$2,100	1,890	1.50	1.66	5.70	6.34	7.56	8.40	5.70	6.34	9.22	10.24	7.81	8.68
$2,200	1,980	1.82	2.02	6.20	6.88	8.20	9.11	6.20	6.88	9.78	10.86	8.35	9.27
$2,300	2,070	2.12	2.35	6.65	7.39	8.78	9.75	6.65	7.39	10.29	11.43	8.83	9.81
$2,400	2,160	2.39	2.66	7.06	7.84	9.31	10.34	7.06	7.84	10.76	11.96	9.28	10.31
$2,500	2,250	2.64	2.93	7.44	8.27	9.80	10.89	7.44	8.27	11.19	12.44	9.69	10.77
$3,000	2,700	3.64	4.04	8.96	9.96	11.76	13.07	8.96	9.96	12.92	14.36	11.34	12.60
$4,000	3,600	4.96	5.52	11.16	12.40	14.51	16.12	11.16	12.40	15.38	17.09	13.69	15.21
$5,000	4,500	6.24	6.93	12.78	14.20	16.46	18.29	12.78	14.20	17.16	19.06	15.41	17.12
$6,000	5,400	7.09	7.88	13.99	15.55	17.89	19.88	13.99	15.55	18.47	20.53	16.68	18.53
$7,000	6,300	8.15	9.06	15.26	16.96	19.32	21.46	15.26	16.96	19.81	22.02	17.99	19.99
$8,000	7,200	9.00	10.00	16.21	18.01	20.38	22.65	16.21	18.01	20.82	23.13	18.98	21.08
$9,000	8,100	9.93	11.03	17.35	19.28	21.62	24.02	17.35	19.28	22.00	24.45	20.14	22.38
$10,000	9,000	10.79	11.99	18.26	20.29	22.60	25.11	18.26	20.29	22.95	25.50	21.07	23.41
$15,000	13,500	14.97	16.64	22.83	25.37	27.39	30.44	22.83	25.37	27.63	30.69	25.71	28.56
$20,000	18,000	19.09	21.22	27.24	30.27	31.91	35.46	27.24	30.27	32.08	35.65	30.15	33.50
$25,000	22,500	22.78	25.31	31.16	34.63	35.90	39.89	31.16	34.63	36.04	40.04	34.09	37.88
$30,000	27,000	26.08	28.98	34.60	38.44	39.38	43.76	34.60	38.44	39.50	43.88	37.54	41.71
$50,000	45,000	35.00	38.89	43.76	48.63	48.63	54.04	43.76	48.63	48.70	54.11	46.73	51.92
$60,000	54,000	38.08	42.31	46.95	52.17	51.84	57.60	46.95	52.17	51.90	57.67	50.23	55.82
$80,000	72,000	42.56	47.29	51.85	57.61	56.77	63.07	51.85	57.61	56.81	63.12	55.56	61.73
$100,000	90,000	45.92	51.02	55.78	61.98	60.72	67.46	55.78	61.98	60.75	67.50	59.75	66.39
$150,000	135,000	51.23	56.92	62.52	69.47	67.48	74.98	62.52	69.47	67.50	75.00	66.84	74.26
$250,000	225,000	55.96	62.18	68.80	76.44	73.77	81.97	68.80	76.44	73.79	81.99	73.39	81.54
$500,000	450,000	61.42	68.24	74.00	82.22	78.99	87.76	74.00	82.22	78.99	87.77	78.79	87.55
$750,000	675,000	63.98	71.08	75.73	84.15	80.72	89.69	75.73	84.15	80.73	89.70	80.60	89.55
$1,000,000	900,000	65.46	72.73	76.60	85.11	81.59	90.66	76.60	85.11	81.00	90.00	80.90	89.89
$2,000,000	1,800,000	68.23	75.81	77.90	86.56	82.90	92.11	77.90	86.56	81.00	90.00	80.95	89.94
$5,000,000	4,500,000	70.45	78.28	78.68	87.42	83.68	92.98	78.68	87.42	81.00	90.00	80.98	89.98

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.
[2] Conference report same as Senate Finance Committee bill.

TABLE XIII.—*Comparison of effective rates of individual income tax and total tax on specified gross and net income (all income earned) under present law, House bill, and Senate Finance Committee bill*

MARRIED PERSON—2 DEPENDENTS

Gross income	Net income before exemptions [1]	Present law—income tax		House bill				Senate Finance Committee bill						Conference report					
				Regular income tax		Regular income and withholding tax		Regular income tax		Income and Victory tax		Net tax		Regular income tax		Income and Victory tax		Net tax	
		Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income
$500	$450	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
$600	540	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
$700	630	.00	.00	.00	.00	.00	.00	.00	.00	.54	.60	.30	.34	.00	.00	.54	.60	.30	.34
$750	675	.00	.00	.00	.00	.00	.00	.00	.00	.84	.93	.47	.52	.00	.00	.84	.93	.47	.52
$800	720	.00	.00	.00	.00	.00	.00	.00	.00	1.10	1.22	.62	.68	.00	.00	1.10	1.22	.62	.68
$900	810	.00	.00	.00	.00	.00	.00	.00	.00	1.53	1.70	.86	.95	.00	.00	1.53	1.70	.86	.95
$1,000	900	.00	.00	.00	.00	.00	.00	.00	.00	1.88	2.09	1.05	1.17	.00	.00	1.88	2.09	1.05	1.17
$1,100	990	.00	.00	.00	.00	.00	.00	.00	.00	2.16	2.40	1.21	1.35	.00	.00	2.16	2.40	1.21	1.35
$1,200	1,080	.00	.00	.00	.00	.00	.00	.00	.00	2.40	2.67	1.34	1.49	.00	.00	2.40	2.67	1.34	1.49
$1,300	1,170	.00	.00	.00	.00	.00	.00	.00	.00	2.60	2.89	1.46	1.62	.00	.00	2.60	2.89	1.46	1.62
$1,400	1,260	.00	.00	.00	.00	.00	.00	.00	.00	2.77	3.08	1.55	1.72	.00	.00	2.77	3.08	1.55	1.72
$1,500	1,350	.00	.00	.00	.00	.00	.00	.00	.00	2.92	3.24	1.64	1.82	.00	.00	2.92	3.24	1.64	1.82
$1,600	1,440	.00	.00	.00	.00	.00	.00	.00	.00	3.05	3.39	1.71	1.90	.00	.00	3.05	3.39	1.71	1.90
$1,700	1,530	.00	.00	.00	.00	.00	.00	.00	.00	3.16	3.52	1.77	1.97	.00	.00	3.16	3.52	1.77	1.97
$1,800	1,620	.00	.00	.00	.00	.00	.00	.00	.00	3.27	3.63	1.83	2.03	.00	.00	3.27	3.63	1.83	2.03
$1,900	1,710	.00	.00	.00	.00	.00	.00	.00	.00	3.36	3.73	1.88	2.09	.00	.00	3.36	3.73	1.88	2.09
$2,000	1,800	.00	.00	.00	.00	.00	.00	.00	.00	3.44	3.82	1.93	2.14	.00	.00	3.44	3.82	1.93	2.14
$2,100	1,890	.00	.00	.00	.00	.00	.00	.56	.62	4.07	4.52	2.53	2.81	.00	.00	3.51	3.90	1.97	2.19
$2,200	1,980	.00	.00	.00	.00	.00	.00	1.06	1.18	4.65	5.16	3.07	3.41	.47	.53	4.05	4.50	2.48	2.75
$2,300	2,070	.00	.00	.40	.44	.61	.68	1.69	1.88	5.33	5.93	3.73	4.15	.96	1.07	4.60	5.12	3.00	3.33
$2,400	2,160	.00	.00	.87	.96	1.28	1.43	2.31	2.57	6.01	6.68	4.38	4.87	1.52	1.69	5.22	5.80	3.59	3.99
$2,500	2,250	.00	.00	1.36	1.51	1.96	2.18	2.88	3.20	6.63	7.37	4.98	5.53	2.12	2.36	5.87	6.52	4.22	4.69
$3,000	2,700	.97	1.08	3.89	4.33	5.23	5.81	5.16	5.73	9.12	10.13	7.38	8.20	4.53	5.03	8.49	9.43	6.74	7.49

[1] 10 percent of gross allowed in lieu of deductions in arriving at net income.

TABLE XIII.—*Comparison of effective rates of individual income tax and total tax on specified gross and net income (all income earned) under present law, House bill, and Senate Finance Committee bill*—Continued

Gross income	Net income before exemptions [1]	Present law—income tax		House bill				Senate Finance Committee bill						Conference report					
				Regular income tax		Regular income and withholding tax		Regular income tax		Income and Victory tax		Net tax		Regular income tax		Income and Victory tax		Net tax	
		Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income	Percent of gross income	Percent of net income
$4,000	$3,600	2.89	3.21	7.06	7.84	9.31	10.34	8.01	8.90	12.23	13.59	10.37	11.53	7.53	8.37	11.75	13.06	9.90	10.99
$5,000	4,500	4.16	4.62	9.26	10.29	12.06	13.40	10.14	11.27	14.52	16.13	12.59	13.99	9.70	10.78	14.08	15.64	12.15	13.50
$6,000	5,400	5.36	5.95	10.93	12.14	14.09	15.66	11.66	12.96	16.14	17.93	14.17	15.74	11.29	12.55	15.77	17.53	13.80	15.34
$7,000	6,300	6.21	6.90	12.29	13.65	15.72	17.46	13.03	14.48	17.59	19.54	15.58	17.31	12.66	14.07	17.21	19.13	15.21	16.90
$8,000	7,200	7.30	8.11	13.61	15.12	17.23	19.15	14.26	15.84	18.87	20.97	16.84	18.71	13.93	15.48	18.54	20.60	16.52	18.35
$9,000	8,100	8.15	9.06	14.68	16.31	18.46	20.51	15.35	17.05	20.00	22.22	17.95	19.95	15.01	16.68	19.67	21.85	17.62	19.58
$10,000	9,000	9.11	10.12	15.86	17.62	19.76	21.96	16.46	18.29	21.15	23.50	19.09	21.21	16.16	17.96	20.85	23.16	18.79	20.87
$15,000	13,500	13.43	14.92	20.73	23.03	24.99	27.77	21.23	23.59	26.03	28.92	23.92	26.57	20.98	23.31	25.77	28.64	23.66	26.29
$20,000	18,000	17.58	19.53	25.28	28.09	29.73	33.03	25.77	28.63	30.61	34.02	28.48	31.65	25.52	28.36	30.37	33.74	28.24	31.38
$25,000	22,500	21.34	23.71	29.40	32.67	33.96	37.74	29.84	33.16	34.72	38.58	32.57	36.19	29.62	32.92	34.50	38.33	32.35	35.95
$30,000	27,000	24.80	27.56	33.05	36.73	37.69	41.87	33.44	37.16	38.34	42.60	36.18	40.20	33.25	36.94	38.14	42.38	35.99	39.99
$50,000	45,000	34.09	37.87	42.69	47.44	47.47	52.75	42.96	47.73	47.90	53.22	45.72	50.81	42.83	47.58	47.76	53.07	45.59	50.66
$60,000	54,000	37.27	42.41	45.99	51.10	50.81	56.46	46.23	51.37	51.18	56.87	49.18	54.65	46.11	51.24	51.06	56.73	49.06	54.51
$80,000	72,000	41.92	46.58	51.07	56.74	55.93	62.15	51.26	56.96	56.23	62.47	54.73	60.81	51.17	56.85	56.13	62.36	54.63	60.69
$100,000	90,000	45.38	50.43	55.14	61.26	60.03	66.70	55.30	61.44	60.27	66.93	59.07	65.63	55.22	61.35	60.19	66.87	58.99	65.54
$150,000	135,000	50.86	56.51	62.07	68.97	67.00	74.44	62.14	69.09	67.16	74.63	66.36	73.74	62.13	69.03	67.11	74.56	66.31	73.67
$250,000	225,000	55.74	61.93	68.52	76.13	73.47	81.64	68.59	76.21	73.58	81.75	73.10	81.22	68.55	76.17	73.54	81.71	73.06	81.18
$500,000	450,000	61.30	68.11	73.86	82.07	78.84	87.60	73.89	82.10	78.89	87.65	78.65	87.39	73.88	82.09	78.87	87.63	78.63	87.37
$750,000	675,000	63.89	70.99	75.64	84.04	80.62	89.58	75.66	84.07	80.66	89.62	80.50	89.44	75.65	84.06	80.65	89.61	80.49	89.43
$1,000,000	900,000	65.39	72.66	76.53	85.03	81.52	90.58	76.55	85.05	81.00	90.00	80.88	89.87	76.54	85.04	81.00	90.00	80.88	89.87
$2,000,000	1,800,000	68.20	75.77	77.86	86.52	82.86	92.07	77.85	86.53	81.00	90.00	80.94	89.93	77.87	86.52	81.00	90.00	80.94	89.93
$5,000,000	4,500,000	70.44	78.26	78.67	87.41	83.66	92.96	78.67	87.41	81.00	90.00	80.98	89.97	78.67	87.41	81.00	90.00	80.98	89.97

Mr. Speaker, I here insert a table which gives a graphic presentation of the new rates in this bill compared with the rates in the old act.

Corporation taxes

	New	Old
1. INCOME TAX		
(a) Normal tax:		
1. Net of $25,000 and under first $5,000 ..... percent	15	15
$5,000 to $20,000 ..... do	17	17
$20,000 to $25,000 ..... do	19	19
2. Net over $25,000 Flat rate ..... do	24	24
(b) Surtax:		
On $25,000 net and less ..... do	10	-------
If net is over $25,000 ..... do	16	-------
First $25,000 net ..... do	-------	6
On remaining net ..... do	-------	7
2. EXCESS PROFITS TAX		
(a) Exemptions:		
1. Invested capital method—		
On first $5,000,000 of capital ..... percent	8	8
On next $5,000,000 of capital ..... percent	7	7
On next $190,000,000 of capital ..... percent	6	7
On the remainder of capital ..... percent	5	7
2. Earnings method—		
Of 4-year 1936-39 average ..... percent	95	95
For all companies, a flat	$5,000	$5,000
(b) Rates:		
On all excess profits ..... percent	90	-------
On the first $20,000 ..... do	-------	35
On next $30,000 ..... do	-------	40
On next $50,000 ..... do	-------	45
On next $150,000 ..... do	-------	50
On next $250,000 ..... do	-------	55
All over $500,000 ..... do	-------	60

Individual income taxes

	New	Old
1. EXEMPTIONS		
Single person	$800	$750
Married couple	1,200	1,500
Each dependent	350	400
Earned income credit (on earned income up to $14,000) ..... percent	10	10

Individual income taxes—Continued

	New	Old
2. TAX RATES		
(a) Normal tax ..... percent	6	4
(b) Surtax schedule:		
Surtax net income under $2,000 ..... percent	13	6
$2,000 to $4,000 ..... do	16	9
$4,000 to $6,000 ..... do	20	13
$6,000 to $8,000 ..... do	24	17
$8,000 to $10,000 ..... do	28	21
$10,000 to $12,000 ..... do	32	25
$12,000 to $14,000 ..... do	36	29
$14,000 to $16,000 ..... do	40	32
$16,000 to $18,000 ..... do	43	35
$18,000 to $20,000 ..... do	46	38
$20,000 to $22,000 ..... do	49	41
$22,000 to $26,000 ..... do	52	44
$26,000 to $32,000 ..... do	55	47
$32,000 to $38,000 ..... do	58	50
$38,000 to $44,000 ..... do	61	53
$44,000 to $50,000 ..... do	63	55
$50,000 to $60,000 ..... do	66	57
$60,000 to $70,000 ..... do	69	59
$70,000 to $80,000 ..... do	72	61
$80,000 to $90,000 ..... do	75	63
$90,000 to $100,000 ..... do	77	64
$100,000 to $150,000 ..... do	79	65
$150,000 to $200,000 ..... do	81	66
$200,000 to $250,000 ..... do	82	67
$250,000 to $300,000 ..... do	82	69
$300,000 to $400,000 ..... do	82	71
$400,000 to $500,000 ..... do	82	72
$500,000 to $750,000 ..... do	82	73
$750,000 to $1,000,000 ..... do	82	74
$1,000,000 to $2,000,000 ..... do	82	75
$2,000,000 to $5,000,000 ..... do	82	76
Over $5,000,000 ..... do	82	77
(c) Victory tax:		
Exemption	$624	-------
Rate ..... percent	5	-------

[1] The earned income credit is for purposes of the normal taxes only. This, and the fact that normal taxes do not apply to interest from partially exempt Federal securities, are the only distinctions between income subject to the normal and income subject to surtaxes.

Mr. Speaker, so many telegrams and letters have been received with reference to the treatment of mutual insurance companies other than life, that I here present just what was done in conference as to these companies.

TAXATION OF MUTUAL INSURANCE COMPANIES OTHER THAN LIFE

House bill

Under the House bill, mutual fire and casualty insurance companies were made subject to corporation taxes if their ledger assets exceeded $100,000, and if they had over $50,000 surtax net income.

The tax was to be imposed on the sum of their investment and underwriting income, in a manner similar to that under which stock companies are now taxable.

Senate bill

The Senate has rewritten the provisions of the House bill and the conferees have accepted the Senate provisions. A complete statement of the changes appears in the conference report. The changes are in brief as follows:

First, the exemption is changed so that only companies whose gross income from interest, dividends, rents, and premiums, including deposits and assessments, exceeds $75,000 will be subject to tax.

Secondly, the tax formula applicable to companies not within the exemption is completely changed. In substance, the formula agreed upon is that recommended by Mr. Stam, chief of staff of the Joint Committee on Taxation. It provides, in effect, that the tax shall be either, first, the amount of tax computed at the regular rates applicable to corporations on normal tax net income, surtax net income, and excess-profits net income, or, second, 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders, minus tax-exempt interest, whichever is the greater. Notch provisions are provided to adjust the rate where the income of the company is just over the exemption.

The provisions relating to mutual fire and casualty companies are found on page 53 of the conference report, amendment No. 215.

Mr. DOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Speaker, it is estimated that 45,000,000 taxpayers will be included in the tax bill we are now discussing. So if there is anything in the argument that a tax bill will make the people of the United States tax conscious, this bill will do the job.

In 1913, with 90,000,000 people we spent $700,000,000 for the Federal Government. In 1940 with 130,000,000 people we spent nearly $9,000,000,000, exclusive of the emergency defense funds for that year, but including the Army and Navy.

Some day we are going to learn, when dollars get as big as cart wheels, what dollars are worth in this country.

Both the House bill and the Senate bill contained a 90 percent flat excess-profits tax rate. The Senate bill, however, provided that whenever the over-all corporate tax rate exceeded 80 percent such excess should be eliminated. That is, if the corporation had net taxable income of $100,000 with total tax of $85,000—85 percent—the $5,000 would be eliminated and the effective tax would be $80,000 which is 80 percent.

When the Ways and Means Committee first met to hear recommendations from the Secretary of the Treasury, regarding the preparation of this tax bill, he, Mr. Morgenthau, recommended a sliding scale of excess-profits-tax rates reaching a maximum of 75 percent. During the hearings this figure remained as the recommendation of the Treasury. While your committee was in executive session and approximately half way through its work, a reputable member of the Washington press whose stories for many years have been generally accurate, reported that the President would request an excess-profits-tax rate of 99 percent. Shortly afterward, the President did request much higher rates and your committee at one time voted to include a 94 percent excess-profits-tax rate with 14 percent deduction to be used for post-war recovery and reemployment bonds. This action was reconsidered and changed to a flat 90-percent rate without bonds. I have been informed, and it was so stated in the press, that while the Senate Finance Committee was in executive session the Treasury recommended the 80 percent over-all limit which I have just explained and at the same time recommended a post-war credit.

It is the considered opinion of myself, and I believe of the majority of the members of the Ways and Means Committee, that in imposing additional taxes on corporations we should first go as far as possible in the recapture of war profits rather than increasing too far the taxes on normal profits; that is, profits which have not been increased as a result of the war. If the normal and surtax rates are made too high, corporations can never repay their obligations which were made prior to the war. If proper reserves are allowed, corporations cannot be forced into bankruptcy through high excess-profits taxes, but they can become insolvent very quickly through high taxes on normal income which prohibit their fulfilling their contractual obligation. I have been reading a report recently prepared by one of the colleges which argues that if corporations are taxed too highly, farmers and laborers are adversely affected. The report states:

Corporations are not individuals. They are organizations consisting of land, machinery, raw materials, workers, and managers. As such, they are the means of employment for workers and the means of providing markets for farm products.

I am afraid that we sometimes forget that corporations are in reality largely conduits or channels more than individual entities. I should like to quote a section of this report which is as follows:

You might ask "Are not corporations owned by rich people?" That, of course, is the popular belief but it isn't true. The common stock of the American Telephone Corporation is owned by 750,000 people, and three-quarters of them own less than 25 shares apiece. In other words most of the owners of this gigantic corporation have less than $3,000 invested in it. General Motors is another giant among corporations, yet it is owned by 396,000 people, of whom four-fifths own less than 50 shares of $2,000 apiece. The United States Steel Corporation is owned by 164,000 people, of whom three-quarters own 25 shares, worth $1,500, or less. In fact, almost half of all dividends paid by corporations in recent years have gone to people with incomes below $5,000. If you want to tax corporations because you believe that they are owned by rich people the proper way to reach this income would be through high individual income rates, which we are doing.

If Congress taxes away two-thirds of corporation income and reduces dividends by that amount, it is in reality levying a tax of 66 percent on part of the income of a man with low salary. Furthermore, many colleges own stocks and use the dividends from them to pay the salaries of their professors. Now colleges are not supposed to pay taxes because they render a valuable public service without making a profit. But corporation tax rates high enough to reduce dividends, actually reduce the money received by colleges, and are a tax on them.

Taxes that reduce dividends do not necessarily take money away from the rich and give it to the poor. But even if they did, corporation taxes still would hurt the worker and the farmer. Those who manage corporations, know from experience that years of high profits are followed by years of low profits or losses. So when profits are large, they set aside a large amount of cash to use in later years when there are losses. Now if the profits of a good year are taxed at a high rate, they have to raise prices and reduce costs in order to make enough money after taxes to set up these rainy day reserves. For example, in 1937 tax rates were higher than in 1929. Now let's see who paid the additional taxes. The owners, who are entitled to what is left after taxes are paid, received 5.5 percent of the sales of all manufacturing corporations as net profit. This was slightly lower than the 6.3 percent they received in 1929. But workers and farmers also received a smaller share of these sales in 1937 than in 1929. For these corporations paid out in wages, raw material costs, etc. only 91.6 percent of their sales in 1937, compared to 92.1 percent in 1929. In other words, when corporations pay the tax collector more, they have to pay the worker and the farmer less. So a tax on corporations is in part a tax on wages and farm prices, too.

I don't think these taxes (corporate taxes) are to the advantage of the Nation, even though we are in war. Higher taxes on individuals can be raised in place of corporation taxes without destroying our ability to regain a high standard of living after the war. You see a tax on that part of a corporation's income which is not going to be paid out in dividends, is a tax on the capital needed to provide workers with jobs when the war ends. The average factory worker needs about $8,000 worth of plant and machinery supplied by the owners before he can produce anything at a reasonable price in this modern age. So firms must be allowed to save enough cash to buy machinery capable of producing civilian goods you and I will want to buy after the war, if we expect to prevent mass unemployment. In other words, corporation assets are not just the property of a few wealthy people, they are the wealth of our working population directly, and the wealth of our farm population indirectly. For farmers can sell their milk, pork, and cotton at high prices only in times like the present when workers are all employed steadily at high wages.

If the farmer had to give two-thirds of his cotton to the Government next year as his personal income tax, he could do so and still survive, perhaps. But if the Government taxed away part of his land, his tractors, and his barn, he not only would live poorly next year, but would be unable to regain a good living in the future. In other words, a tax on your capital takes away your ability to earn income thereafter. Now, a tax on manufacturing corporations is a tax on the worker's capital. Workers can't earn a living after the war unless they are provided with buildings, machinery, and organizations. These things will have to be bought at that time with cash saved out of wartime profits, because the war is eliminating peacetime machinery and organization. Now, a 66-percent tax on wages would be a hardship, but would not keep workers from regaining a good standard of living after the war, but a tax keeping corporations from building up a post-war capital reserve, is a tax on the worker's capital and will keep them poor for a long time. It is like taking fertile soil and good farm machinery away from the farmer.

REGARDING INFLATION

Mr. Speaker, representatives of the administration, including Mr. Leon Henderson, came before the Ways and Means Committee and urged upon us the extreme necessity of taking steps to prevent inflation. Our President has recently addressed both the Congress and the Nation in like manner.

Possibly the address of the President had some effect upon the members of the Senate Finance Committee and the 14 conferees, and possibly it had something to do with their making an effort to place a tax where it would be most effective in combating inflation.

The bill passed by the House was designed to raise $23,000,000,000 a year. Of this total, 43 percent was to be paid by corporations and this 43 percent could in no sense be called an inflation preventing tax. Thirty-four percent was to be paid by personal income taxes on rich individuals which also was not a good

method of preventing inflation. Seventy-eight percent of the taxes to be raised by the House bill was practically no effect on the prevention of inflation. The principal anti-inflation provision was that of excise taxes.

Possibly I should explain why corporation taxes do not prevent inflation. Inflation can be prevented only by individuals spending less money for consumer goods. Corporations do not spend their incomes for consumer goods. They use their cash to buy materials at the direction of the W. P. B. for additional war production, or they save their profits by investing them in Government bonds. Corporation income is in a glass bowl where the Government can watch it all the time and give proper supervision. Corporation taxes can make business firms poorer and can interfere with the ability to provide jobs after the war for the 30,000,000 who will come from war production and the armed forces seeking employment, but corporation taxes do not reduce families spending on consumer goods.

It has been argued that when corporations pay out their profits in dividends, the stockholders have more money to spend but the proper place to reach that income is by taxing the individuals. We have tax rates which reach the wealthy individuals all right. In fact, the rates are so effective as to make it necessary to provide that whenever the total Federal income taxes exceed 90 percent of the income, the excess over 90 percent is to be eliminated. Due to the fact that income taxes paid to States are not deductible against all Federal income taxes, it was necessary to provide this 90 percent limitation. Without the Victory tax the present bill would not reach the source of consumer spending which is the real source of inflation danger. Mr. Henderson told us that when a man left peacetime employment and took a war production job, his earnings on the average increased 60 percent. The Victory tax will take 5 percent of this man's earnings, but in the great majority of cases, without the Victory tax, there would be very little tax curb against the inflation spending of such workers.

It has been stated that families earning less than $2,000 a year spend all their income. If they had to pay income taxes they would have less money left to spend. Such taxes would be anti-inflationary. But in the bill passed by the House, a family with two children would not have to pay an income tax until it earned more than $2,000. Families earning $3,000 would have had to pay a tax of $172 or 6 percent of their income. Such a tax would not reduce the money which they spend for consumer goods, however, because this tax could be paid out of the $300 per year which such families normally save. The same is true of families earning larger amounts. The taxes in the House bill would be paid out of the income which they saved. These taxes could have been called taxes on savings but they could not be called anti-inflationary.

May I repeat that taxes help prevent inflation only when they reduce the amount of money people spend on consumer goods. The taxes to be collected from corporations will not prevent inflation because they take away money which would be saved or used in the war effort if not taxed, as corporations' earnings are not spent on consumer goods in wartime. Also, the taxes on families earning $3,000 per year or more do not curb inflation because these taxes are paid out of what they would have saved.

Aside from the excise taxes which in most cases are hidden taxes, the Victory tax is the most direct and the most effective anti-inflation measure in the tax bill. If the conferees had failed to include this tax or a sales tax, they would have failed to heed the warnings given by Mr. Leon Henderson and by our President. The Victory tax has another important feature in that a large portion of it is credited to the taxpayer and refunded after the war for the purpose of providing poor people with additional purchasing power at a time when they will need it most and can use it without causing inflation.

Section 403 of Public Law 528, popularly known as the renegotiation-of-war-contracts law, makes me shudder every time I think of the unlimited power which it gives to so many individuals—the power to repudiate terms of solemn contracts entered into before the law was enacted—the power of life and death over all war producing industries. I cannot believe that this law is in any sense compatible with the principles of democracy. I read recently in a newspaper article:

> Except for confidence in agreements, civilization would revert overnight to a strictly barter basis. A fish would be exchanged for an arrow only on the spot. Except that men may rely on the future performance of a promise banks would close overnight, insurance companies would disappear, no one could borrow money, capital would go into hiding, and the standard of living would go back to primeval conditions. Read Harry Scherman's great book The Promises Men Live By.

In the light of all this, it seems a strange thing to say that our own Government—the United States of America—claims the right to repudiate every contract it makes for the production of war supplies. About the finest thing we used to say of a man is that "His word is as good as his bond." It can no longer be said of our own Government. No one can rely on its promise to pay what it agrees to pay for anything it buys.

Another writer said:

> Most of us are proud of the campaign made by our Government, which I believe Collier's started some 20 or 30 years ago, which now makes it a crime to label medicine improperly. Of more recent date the Federal Trade Commission has accomplished splendid results in enforcing the proper labeling of foods and various other articles. Today a manufacturer who mislabels his goods is not only subject to the penalties of the law but the public regards him as being engaged in an immoral as well as an illegal business. Suppose that a manufacturer labels a bottle containing a white liquid "Milk," and there is no milk in the bottle? You can readily imagine what would happen to him. Why, then, should the Government label a law "Renegotiation" when there is no "negotiation" in it?

This law uses the words "renegotiation" and "negotiation" and then defines renegotiation as the power to fix prices. When Mr. Marbury, of the War Department, appeared before the Senate Finance Committee, Senator PRENTISS M. BROWN, of that committee, said, "There is no negotiation in the proposition at all." To my mind there could be no clearer case of mislabeling. Now is the time when we need to have confidence in our leaders, in our Government, in our military men and naval men, in our lawmakers, in our laws, and in ourselves. I am convinced that neither business nor the public can have confidence in this law as long as this misleading or deceptive use of the word "renegotiation" is included in its fundamentals.

The Senate made some changes in section 403 of Public Law 528 and I believe that additional changes should be made. The Senate changes were as follows:

1. Subcontractors making any articles, or performing any part of the work, for performance of another contract or subcontract are subject to renegotiation.

2. Renegotiation clauses will be written into all contracts in excess of $100,000 and may provide for "target" prices for limited periods (not to be thereafter renegotiated) if the Secretary believes the profits can be anticipated "with reasonable certainty." Such renegotiation clauses shall be included in subcontracts.

3. The Secretary may, in his discretion, negotiate "some or all of such contracts or subcontracts" as a group.

4. In determining excessive profits the Secretary shall recognize the "properly applicable exclusions and deductions which the contractor or subcontractor is allowed under chapter 1 and chapter 2E of the Internal Revenue Code." (Subch. B, part II of ch. 1 includes sec. 23 which defines the deductions allowed and permits deductions of "ordinary and necessary expenses," "charitable contributions," "advertising and goodwill" expenditures among others.) This amendment offered by Senator VANDENBERG, a member of the Walsh subcommittee, was unanimously adopted by that committee. It further provides that the Secretary shall allow "credit for the amount of Federal income and excess profits taxes paid or payable with respect to such excessive profits."

5. The agreements entered into pursuant to renegotiation "shall be final and conclusive" and, except for fraud or malfeasance "shall not be reopened—by any officer, employee, or agent of the United States."

6. Definite time limitations, after performance of the contracts, within which renegotiation must be instituted are likewise provided.

7. In addition to the specific exemption of $100,000, the following types of contracts will not be renegotiated:

(a) Contracts between Government agencies.

(b) Contracts for raw materials.

(c) Contracts to be performed outside the United States, including Alaska.

(d) Contracts where profits can be reasonably determined, since prices are fixed by regulatory bodies, or where they can be performed within 30 days.

(e) Contracts which are "target contracts."

Your conferees believe that the law should be further amended. I offered an amendment which provided that renegotiation could not be commenced in the case of any corporation whose net profit or its war contracts for its taxable year amounted to less than 2 percent of the total contract prices, after taxes. This would have saved the Government millions of unnecessary expenses and would have saved contractors millions of hours which will be taken away from war production. Let me explain how this would be done.

Senator DANAHER and Mr. Pengora, counsel for the Price Adjustment Board of the War Department, stated that approximately 3,000,000 contracts were within the purview of this act. Mr. William L. Marbury, who represented Judge Patterson, of the War Department, stated, "When you are dealing with 20,000 contractors, obviously an audit of every cost is simply inconceivable. There are not enough accountants in the country to do it." I understand that there are between 20,000 and 40,000 war contractors. If it is possible, therefore, to find an automatic method of screening the ones whose profit is not excessive out of these 3,000,000 contracts, so that we will not have to use, in renegotiation, all of the accountants in the country, it should be done. Congressman VINSON, chairman of the House Naval Affairs Committee, reported, after a thorough investigation, that only 5 percent of the contractors were making excessive profits and that 95 percent were all right. Surely no one believes that 2 percent after taxes is an excessive profit. In prewar days 10 percent of sales after taxes was not an unusual figure. I cannot believe that any of the companies which earn only 2 percent on sales after taxes would be found in Mr. VINSON's group of 5 percent—those whose profits were excessive. If Mr. VINSON's figures are correct—there was more study and more facts behind them than we have for any other figures—my amendment would have made unnecessary the examining and renegotiating of 95 percent of the 3,000,000 contracts; an important step toward winning this war.

Other reasons why this law should be amended further are as follows: Congressman VINSON stated to the subcommittee of the Senate Finance Committee:

> At the time Public, 528, was before the House I pointed out the injustice of conferring on the various department heads the arbitrary and unlimited authority to limit profits on war contracts by renegotiation and the uncertainty which would result from such a provision, and expressed the hope that such renegotiation authority would soon be superseded by legislation setting out statutory standards defining reasonable profits on war contracts.
>
> It is my feeling that the renegotiation provisions of Public, 528, makes any contract with the War or Navy Department ineffectual and illusionary.

Many companies contracted to use a percentage of earnings to pay off debts, others have similar sinking fund obligations. The renegotiation law makes it impossible to fulfill such obligations and interferes with the securing of credit unless the Government guarantees 90 percent of the loan. It is resulting, in many cases, in restoring the old cost-plus method with all of its evils. For example, two contractors were making the same item, one, operating thriftily and efficiently, produced at a cost of $7,500 per unit and was given new contracts at $7,500 per unit, plus 12½ percent profit—$937.50. The other produced at a cost of $12,500 and was given new contracts at $12,500, plus 12½ percent profit—$1,562.50. By the simple process of increasing its cost $5,000 per unit, the inefficient company was permitted to charge the Government $5,625 more than the other company and to make 60 percent more profit than the other company.

	Efficient company	Inefficient company
Cost per unit	$7,500.00	$12,500.00
Profit on cost allowed in new contracts at 12½ percent	937.50	1,562.50
Total cost to Government	8,437.50	14,062.50

The above figures were the result of renegotiation. You will notice that the profit allowed the inefficient company—$1,562.50—was 160 percent of $937.50, the amount allowed the efficient one—evidently because the costs to the Government were increased 60 percent. No wonder one contractor was encouraged to pay his secretary a bonus of $30,000.

There was considerable discussion in the conference. It was, however, generally agreed that more study was needed. We realized that the amendments made by the Senate were done so at the request of the Army, Navy, and Maritime Commission. Senator Walsh, during the hearings of his committee, asked Mr. Patterson, of the War Department:

> Judge, have the contractors with whom the Army has been dealing had an opportunity to see these amendments and to express an opinion upon them?
>
> Mr. PATTERSON. No, sir.
>
> Senator WALSH. So they were not consulted and their opinion was not available when these amendments were made?
>
> Mr. PATTERSON. That is true. We didn't discuss them with the contractors.

Most of the House conferees felt that public hearings on this subject should be held so that we may be guided by the experience of those engaged in producing our war material. The Ways and Means Committee has a bill which could conceivably be the basis for a well-thought-out method of preventing the making of excessive profits on war production and I hope that we will soon begin such hearings.

Mr. DOUGHTON. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, as has been stated by other gentlemen who have spoken, this is the largest tax bill in all history. It is realized by all of us that we must provide additional revenue to help finance the war.

There are many provisions of the bill that I opposed in the committee, some that I opposed in the House, and many that I opposed in conference. Having 1 vote out of 25 in the committee, 1 vote out of 435 in the House, and 1 vote out of 7 in the conference, it is obvious that my views could not prevail on all of these various items.

I did not favor the so-called Victory tax, because I thought the burden already placed under this bill on individuals was high enough without imposing this additional burden, especially in view of the treatment given some other taxpayers. Yet I do feel it may be of interest to Members of the House to give a simple illustration of the operation of this so-called Victory tax, in order that they may easily and readily answer questions that may be presented on this matter.

It will be remembered that this is a new subject, something that has not been included in any tax law in this country before. I would like to give a simple illustration of the operation of the Victory tax. Take the case of a married person with no dependents, who makes $200 a month, receives $2,400 a year gross income. The taxpayer figures his income tax on this salary of $2,400, just as he does now. He would probably use the simplified form, because that would be to his interest. That would mean with a total income of $2,400, and by using the simplified form, he would have to pay an income tax of $185. Then he figures his Victory tax. He takes the sum of $2,400 and deducts from that his exemption, or $624. That leaves, subject to Victory tax, $1,776. The Victory tax of 5 percent on that amount is $88.80, the Victory tax that he owes. The post-war credit for the Victory tax of $88.80 is 40 percent of the tax, which is $35.52. The net Victory tax is $53.28. So the total tax is: income tax, $185; gross Victory tax, $88.80; total gross tax, $273.80; less post-war credit of $35.52; total net tax, $238.28.

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. DOUGHTON. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 130, noes 2.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignations from committees:

Hon. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the House Committee on the Judiciary effective this date.

Very truly yours,
ALBERT L. VREELAND,
Captain, Infantry.

Hon. SAM RAYBURN,
The Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby respectfully resign as a member of the following committees: Insular Affairs, Education, and Election of President, Vice President, and Representatives in Congress, effective immediately.

Yours very truly,
JOSEPH E. TALBOT.

The SPEAKER. Without objection, the resignations will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution (H. Res. 559), and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That JOSEPH E. TALBOT, of Connecticut, be, and he is hereby, elected to the Committee on the Judiciary of the House of Representatives.

The resolution was agreed to.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer another resolution (H. Res. 560), and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That THOMAS B. MILLER, of Pennsylvania, be, and he is hereby, elected to the Committee on Education of the House of Representatives.

The resolution was agreed to.

EXPENSES OF COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. PATTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 558.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House not to exceed $20,000 for the expenses of the select committee appointed under authority of House Resolution 557 to investigate the campaign expenditures of the various candidates for the House of Representatives in both parties.

SEC. 2. That the official committee reporters may be used at all hearings held in the District of Columbia who are not otherwise officially engaged.

Mr. RICH. Mr. Speaker, reserving the right to object, $20,000 seems like a pretty large sum of money for an investigation of this kind.

Mr. WHITTINGTON. Mr. Speaker, if the gentleman will yield I may say that the same amount was appropriated 2 years ago for a similar committee, but not one cent was spent.

Mr. RICH. If none of it is spent, that is all right; but if it is going to be used it is too much.

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

RECOGNITION OF SERVICES OF CIVILIANS IN CONSTRUCTION OF PANAMA CANAL

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to withdraw House Resolution 553, providing for the consideration of the bill S. 1481 to provide for the recognition of services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal, called up by me on yesterday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE LATE WILLIAM TYLER PAGE

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts, Mr. Speaker—

Render therefore unto Caesar the things which be Caesar's and unto God the things which be God's.

This was a favorite quotation of a great American who passed into the Great Beyond this morning. He lived and worked by that rule. This great American was the author of that famous creed which has stirred the hearts of citizens of this country everywhere, the American's Creed. I should like to read this creed as the farewell words to all of us from one we all knew well and for whom we all had a deep affection:

THE AMERICAN'S CREED

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag, and to defend it against all enemies.

These noble sentiments were woven together by the man who passed from us this morning. His heart was a never-failing well spring of love for and loyalty to his country. William Tyler Page lived practically all his waking life within the confines of this historic Chamber of freedom.

Seventy-four years ago William Tyler Page was born in Maryland of distinguished lineage on both sides of his house. Of those 74 years, 61 were devoted to the public service here in the Halls of Congress. For 13 years he occupied with great distinction and efficiency the important position of Clerk of this great House of Representatives. His words of wisdom and patriotism, an inspiration to all of us, have reached every nook and corner of our beloved land. The passing of this stalwart patriot brings to me profound regret and sorrow. While William Tyler Page served the Republican Party in this House, he really served all of us, for he always responded to any request from either side of the aisle.

One of the finest tributes that has been paid to Tyler Page was by Horace Carlyle in his poem entitled "Americanism":

AMERICANISM

W-illiam Tyler Page did a remarkable deed
I-n arranging so well the American's Creed—
L-ong as lives our peace-loving Republic, it will
L-ive, its purposeful mission to wisely fulfill.
I-n a class to itself, it stands out, set apart,
A-s a great masterpiece of historical art,
M-onument to a man, after God's loving heart.
T-ime will give the American's Creed greater worth,
Y-ea, and broadcast its principles over the earth,
L-iving truths, too unchanging to ever grow old,
E-very truth a necessity, graciously told,
R-ightly placed in this treasure, not measured in gold.
P-roud must be Mr. Page—the American's Creed,
A-s designed by himself, is a treasure indeed,
G-reatly prized by Americans of every age—
E-very loyal American loves Mr. Page.

In closing let me quote words which our comrade so often used:

If this is to remain the Republic of George Washington and our forefathers we must repair to their standards of thought and action. The great Apostle Paul admonished the youthful Timothy to "keep the securities of the faith intact." Holding fast to our priceless spiritual relics, let us go forth resolved to "keep the securities of the faith intact" by adherence to the principles transmitted to us.

My colleagues, it is a great sorrow for us to lose a true patriot like Mr. Page. Peace be to his soul. His example of Americanism will ever live in this great Nation.

The SPEAKER. The gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the death of our dear friend leaves a vacant spot in this body which it will be very hard to fill. His death was so sudden that it leaves us in a sense speechless. To express one's thoughts, particularly on this occasion, about our beloved late friend is exceedingly difficult.

Our country has lost a great citizen, Maryland has lost a great son, and the National House of Representatives has lost one of the most outstanding members of its organization under constitutional government. A poet once said that "not a soul beneath the sun but what is precious unto one." You and I know that William Tyler Page was precious unto millions of persons directly and indirectly. He was precious unto those who had the pleasure of knowing him, those who had the opportunity of meeting him during their journey of life. He was also precious unto the countless millions of Americans who had never met him or knew him personally but who knew of him and the great work he did, of those noble things he stood for, of those high ideals which he entertained, the fine example he had set to all, and the ideally great American that he was.

On an occasion of this kind it is very difficult for one to adequately and properly express their thoughts. It is particularly difficult at this time because to those of us who contacted him daily, who had the benefit of his charming personality, who knew him for the profound gentleman that he was, William Tyler Page was a man whose personality we absorbed within ourselves and in a sense he became a part and parcel of our own personality. Very often it is difficult to express one's own personality. I have often wondered during periods of reminiscence what my thoughts might be if I am permitted to live to a very ripe old age. It is hard to say definitely what one's thoughts will be then, we cannot say, but we can sort of look into the future, during periods of reminiscence, and visualize the thoughts that one may have when he is along in years and in a reflective mood. I have thus penetrated into the future and I have in my mind drawn a picture as to what I will probably be thinking of if permitted to live to a ripe old age, God willing.

One's thoughts then would be turned to the past rather than to the future. I have reached the opinion that I will not then be thinking of some great speech I thought I had made, I probably will not be thinking of an outstanding piece of legislation that at a particular time in my life I was instrumental in having enacted into law; I believe I will be

thinking of my friends of the past, and where they are. I would be thinking of some of the close, intimate friendships made during my lifetime. I would be thinking of those things that happened in the past which constituted the basis for the real, true, genuine friendships that will exist in my mind at that time. Some of those of whom I would be thinking will be alive and some dead. I would be thinking about them if alive, with a real fond feeling of friendship, and if dead, of their memory and of our friendship during life. I will be thinking of those friends and where they are, if living, and of those of my friends who have taken the journey into the Great Beyond. One of the latter who would be uppermost in my mind would be that distinguished gentleman who died this morning, that profound American who stood for everything that is high, noble, and constructive. My thoughts will turn to him on many, many occasions. I shall always remember our beloved friend, William Tyler Page, and I shall always pray for his future presence in heaven with God Himself.

The SPEAKER. The gentleman from New Jersey [Mr. EATON.]

Mr. EATON. Mr. Speaker, it is with profound sorrow that I find myself called upon to speak in memory of a friend whom I have revered and loved beyond most men of my acquaintance. He was sleeping last night and he awoke in the golden dawn of Eternity in the secret serenity and power of which he had lived and moved throughout the long years of a great and noble life.

William Tyler Page was a courtly, Christian gentleman of the old school. He belonged to the golden age when men in this country had ideals, when the chief interest in life was not centered in the alimentary canal; when there was an occasional sweeping of the wide white sky lines of the Kingdom of God in men's thinking, and when they realized that America was not simply land, money, and material things, but America was a beautiful soul, and an American was a man whose soul responded to the soul of America.

That was Tyler Page's philosophy. His mind was illuminated and thrilled and strengthened by contact with the great spiritual realities of the Christian religion, in which he was a devout believer and which he practiced in his daily walk and conversation, seeking to transmit those great realities and ideals to us in this body. He believed that the Constitution of the United States was next to the word of God, the most spiritually illuminated and divinely inspiring political document of modern times. So he sat here, a philosopher, a friend, a Christian gentleman, and we sat at his feet and received from him new strength, new courage, new understanding.

As his friend, I would lay this little tribute at his feet:

We could not ask him back. He is gone to be with his Divine Redeemer. That is far better. We leave him there and only hope that we may be worthy of hearing what he must have heard this morning, "Well done, thou good and faithful servant."

The SPEAKER. The gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, there appear from time to time in the service of the House men of such outstanding ability and devotion to duty as to hold a larger place in the public eye and exert a more profound influence upon legislative and administrative government than the average Member of this great body upon whose staff they serve. Such a man was William Tyler Page.

Mr. Page's career here, beginning in 1881 and closing this morning, covered the extraordinary period of more than threescore years of continuous service, exceeding by far the record of any man, either as a Member or as an employee of the House, from the time of the establishment of the Republic down to this day.

But we remember him not so much for the length of his service as for the quality of his service. His term as Clerk, the premier executive officer of the House, for the Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventieth, and Seventy-first Congresses was merely an incident in his service to the House, for during the entire 60 years and more which he labored here, he was called upon regularly by Members on both sides of the aisle for the most important and confidential duties. His inexhaustible knowledge of procedure and parliamentary intricacies, and his sage and seasoned counsel and advice were sought by all from the newest Congressman to those old in the wisdom of the House. If he has written his memoirs, as I trust he has, you will find there some interesting history that is not written elsewhere and much that will interpret and place in a new light episodes and events for the time at least affecting party and institutional history in the growth and development of the Nation and the Congress.

His service not only transcends that of the average official in importance and effect but was more widely known. He was a man of national renown. His name has long been a household word. His American's Creed is to be found in the galleries of every library and on the walls of every school. It is embodied in the ritual of national social and educational and patriotic organizations. It has helped mold the character of a generation of children throughout the land, and will continue to inculcate patriotic love of country for generations to come.

It was characteristic of him that after the war he contributed the bonds in which he had invested the $1,000 which he received for writing the Creed, to his church. He was a devout churchman. He lived his religion. The eminence of his notable public service was surpassed only by the purity and uprightness of his private life and his high ideals of personal integrity.

There was one desire, however, that was not fulfilled; one ambition which he did not realize. As he sat one day in the lobby of the House, Speaker Clark, his life-long friend and one of his devoted intimates, passing by, asked him jocularly if he had been born in the Capitol. He replied, "No, Mr. Speaker, I was not born here but I do expect to die here." But he did not die in the Capitol. He can never die in this building, hallowed with the memories of the Nation's illustrious men. He can never die in the annals of this House, whose history and traditions he has so greatly enriched by his long and distinguished service. He can never die in the regard and affection of Americans whose creed he wrote. And he can never die in the hearts of those who knew him.

The SPEAKER. The gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, it has been my pleasure for many years to enjoy a cordial and a genial friendship with William Tyler Page. He was an affable, cultured, scholarly American gentleman. He was a public servant in a very broad sense. Not only was he faithful and efficient in the performance of his duties in connection with this body but he has made many contributions of inspirational, patriotic slogans which will be dear forever to every loyal American's heart. He has gone, but his works will continue to follow him here. We shall cherish his memory. He was a Christian gentleman of very high type. In his walks among us he has fought a good fight. He has finished his course. He has kept the faith. Again we shall meet him and know him and love him in that haven of rest to which his soul has departed.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I am one of those longest associated with Tyler Page. During the 30 years I have been here I never contacted a man who showed a kinder disposition toward his fellowman than William Tyler Page. He will be known in history as the author of the American's Creed, but in the hearts of those who have been associated with him as intimately as have the Members of this House he will be known as a man of great humility, always courteous, always willing to aid and to assist.

No man, in my opinion, is more entitled than he to the words of St. Matthew, twenty-fifth chapter, twenty-first verse. I read:

> His Lord said unto him, well done, thou good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things; enter thou into the joy of thy Lord.

Certainly these words apply very distinctly and directly to our departed friend, William Tyler Page.

The SPEAKER. The gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, time is never wasted which we spend in honoring departed greatness. It is very difficult, indeed, for me to say anything here on the floor of this House. The death of my dear friend, William Tyler Page, has come as a distinct shock to me. He has been my friend and confidant for 24 years. I always felt free to go to him for advice touching the procedure of the House and I have almost knelt at his feet to learn from him the traditions of this House. No man loved or could love a legislative body more than William Tyler Page loved the House of Representatives. He was jealous of its

rights and traditions and the principles that have made it great, the greatest legislative body in the world. He reminds me of a great leader who sought to build a great and indestructible nation more than 2,000 years ago. In the golden age of Greece, Pericles would take the young men of Athens to the center of that beautiful city and pointing to the Parthenon, that gem of architecture, then the great beauty spot of the world, would say to those about to become citizens:

I would have you day by day fix your eyes on the greatness of Athens until you become filled with love of her, and when you are impressed with the spectacle of her glory, reflect that it was acquired by men who knew their duty and who had the courage to do it.

These words have been ringing down through the ages. They have inspired the Grecians for 2,000 years and Greece will live again as an independent nation because of those words and that challenge to patriotism. And the influence of William Tyler Page as expressed in the American's Creed will be woven into the hearts and minds of the youth of this land, and in every crisis these words will rise up to inspire our young men and lead them on to victory whenever the independence of this Nation is threatened either from enemies within or from without out borders.

God bless our departed friend. He will live on through the ages; his influence as a great and true patriot will never die so long as this Nation survives as the home of the brave and the land of the free.

The SPEAKER. The gentleman from Alabama [Mr. JARMAN].

Mr. JARMAN. Mr. Speaker, I feel very deeply the bereavement of this country in the passing of our distinguished friend. His office was near mine, which caused me to frequently come in contact with him on the elevator, in the halls, and passing to and fro en route to the House. Being somewhat familiar with his physical condition, to say nothing of his age, I was not at all surprised to learn this morning of our great bereavement; in fact, I have thought of this day many times as I came in contact with him and whenever I would, knowing, as I say, that he could not remain with us very long, I would invariably think of a remark made once by a distinguished physician of Alabama whose son, incidentally, represents our State now in the other body, relative to the death of another illustrious physician of our State. He said, "It is a pity that such a brain must die." I have so many times thought, as I saw William Tyler Page, what a pity it was that such a charming gentleman, with such a varied and widespread knowledge of the functioning of this Government, and particularly the House of Representatives, must soon die, thereby denying to those of us present and those to follow us here the great benefit of that vast ability, experience, and knowledge. In fact, to me he was as much a part of this House as the Speaker's desk, as much a part of this House as these chairs, as much a part of this House as this well, and he will be missed accordingly.

I have thought, also, as I came in contact with him of another expression, and that expression is "a Chesterfield." If there ever was a Chesterfield and a gentleman and a scholar, it was William Tyler Page.

Mrs. ROGERS of Massachusetts. Mr. Speaker, this morning, in coming to the Capitol in a taxicab, I opened a newspaper and on one of the pages there was a picture of William Tyler Page saluting the American flag at the celebration of the fiftieth anniversary of "Pledge of Allegiance to the Flag." I did not know then of his passing, but I thought all the way to the Capitol of William Tyler Page's love for the flag and of his love of country—of what he had done for America. It seemed to me that William Tyler Page, when I heard of his passing this morning, had died saluting the flag. There has never been a person on the floor of Congress who has had more influence on the lives of the Members here. I do not mean the influence alone upon the Republican side, for he was a Republican, of course, and perhaps saw the Republican Members more often, but I refer to his influence upon the lives of everybody here. I never knew William Tyler Page to do a mean thing or to say a mean thing. I never knew him to wish to hurt any Member of Congress, whether he agreed with his views or not or whether he thought his views might be wrong. He was always pointing upward and onward. I have thought so many times in seeing the young pages here what a wonderful example he was to them, and that he always will be. He never grew old. His enthusiasm was as great yesterday as when I saw him first here at the Capitol 28 years ago. He started here as a page and he worked his way up and up and up into a high position of great honor and distinction that can be exceeded by none. His life, his hand, his heart, and his mind have reached out all over America. He is known in the nations of the world. He was an innate gentleman, a great student, a true Christian, and a patriotic tireless leader. After his 74 long useful years of outstanding, faithful, loyal service to his country, he died as he would have wished—still in the active service of his country.

Mr. RANKIN of Mississippi. Mr. Speaker, William Tyler Page was a great American. He has left his footprints on the sands of time.

Shakespeare says:

Let fame, that all hunt after in their lives,
Live register'd upon our brazen tombs,
And then grace us in the disgrace of death;
When, spite of cormorant devouring Time,
Th' endeavour of this present breath may buy
That honor which shall bate his scythe's keen edge,
And make us heirs of all eternity.

William Tyler Page, by compiling The American's Creed, not only left his footprints on the sands of time, but attained that honor that has "bated his scythe's keen edge, and made him heir of all eternity."

That creed is our platform; it embodies everything for which America stands, everything for which our men are fighting and dying today. It will outlive all the international towers of Babel that are destined to crash amidst the confusion of tongues now and for ages to come.

In it you hear the voice of Patrick Henry appealing for American independence, you hear the rattle of Washington's sword, you get an insight to Jefferson's philosophy, you realize the valor of Jackson, the magnanimity of Lincoln, the sacrifices of Davis, the tenacity of Grant, and the soul of Lee. It breathes the spirit of an ever-living and unconquerable America.

I believe it was Philip Snowden in the House of Commons some years ago who quoted from one of Swinburne's poems when he said:

All our past acclaims our future: Shakespeare's voice and Nelson's hand,
Milton's faith and Wordsworth's trust in this our chosen and chainless land,
Bear us witness: come the world against her, England yet shall stand.

With the American's Creed, embodying as it does the fundamental principles of the Constitution of the United States, with its sacred Bill of Rights, with that creed spread upon our banner, breathing the spirit of the great men of the past, those patriots whose blood has stained every battlefield on which our heroes have fought, this country, and the things for which it stands, can never be conquered or destroyed.

William Tyler Page was a Christian gentleman. I can say of him as Ben Hill said of Robert E. Lee, that he was a friend without treachery, a foe without hate, a neighbor without reproach, a public servant without vices, a private citizen without wrong, a Christian without hypocrisy, and a man without guile.

He was a Republican and I am a Democrat, but he was one of the best friends I have ever had in this Capitol. That friendship, which has been described as the flowers overhanging the walls of party politics, was always manifest in the life and character of William Tyler Page. He has told me many times that he remembered me in his prayers; and he knew that his devotions were reciprocated.

It is with a sad heart that I say to him in the words of Byron:

Farewell! if ever fondest prayer
For other's weal avail'd on high,
Mine will not all be lost in air,
But waft thy name beyond the sky.

Mr. SHORT. Mr. Speaker—

The moving finger writes; and, having writ,
Moves on: nor all your piety and wit
Shall lure it back to cancel half a line
Nor all your tears wash out a word of it.

Time is inexorable. She is no respecter of persons and each one of us sooner or later must inevitably fall before her onslaught. Not all our piety, wit, and tears will bring back our dear, departed friend. My heart is heavy with sorrow, my mind is overburdend with grief, and my tongue is paralyzed with impotency to give utterance to the deep emotion that wells up in me at this moment. I fear that anything I might attempt to add will be barren repetition. The heart can feel what the tongue cannot speak. I have been genuinely touched by these so well-deserved and glowing tributes

paid to a man who for threescore years served in this body, served from the humblest capacity as page boy up to one of the most important offices in the organization of the House as its Clerk.

William Tyler Page was loyal to his friends. He was charitable to his enemies. Often as I have sat by his side in this Chamber listening to different Members speak, he was just as quick to criticize a Republican, if not a little more so, than any Democratic Member; but never did he criticize any man, how much he might have differed with his views, except in the most charitable and understanding and kindly manner.

Tyler Page was more than a man. He was an institution. He was steeped in the history of our great Nation. He knew the centuries of parliamentary strife that gave rise to the birth of this Republic. He insisted, and correctly so, that our Government is a republic and not a democracy. No man could have served for 60 years in this body, seeing great and small come and go, observing administrations of different political colors, associating daily in a more or less intimate fashion with the Members of this body, without growing to be a great man. Tyler Page was great, not because of his prodigious and impeccable memory of our history that enabled him to entertain us with many amusing anecdotes and incidents that occurred in this body, not merely because of his penetrating and philosophical insight into the basic foundations of the Republic, as well as his vast knowledge of operational functions of government, not merely because he was jealous of the prerogatives of this body and possessed undying faith in the glory and progress of the Republic, but Tyler Page was a great man, first and last, because of those great spiritual values and inner qualities of mind and heart that are all too rare in these days of might and materialism, of confusion and chaos.

It is true that Tyler Page's name is a household word because he was the author of The American's Creed, which has been so comprehensively yet compactly analyzed and described to us in such beautiful fashion today by the gentleman from Mississippi [Mr. RANKIN]. The American's Creed would make any man famous but it was Tyler Page who made Tyler Page great. Emerson once said—

What you are speaks so loud that I cannot hear what you say.

Much as I admired the intellect of Tyler Page, much as I valued the sound counsel and advice that he gave to me, as he did to most of us on occasions when we needed them, the things that I will remember about Tyler Page will be not the things that he said, but the kind of man that he was. No man ever better illustrated the truth, the immortal truth of Emerson's great dictum—

What you are speaks so loud that I cannot hear what you say.

Though his clear, strong voice is stilled and will no longer be heard, the influence, the indelible, undying influence of his spirit, the imperishable impact of his attractive personality, with its gallant carriage, with its immaculate dress, with its dignified bearing, with its gentlemanly and courteous ways, is left upon his contemporaries. That impact of his own personality upon you and me will live on. It cannot die.

So I salute Tyler Page and say, "Goodbye, Tyler, old boy. You had a wholesome sense of humor. You taught us what courage was and faith, too. You have done a great job. You have rendered a service that is immeasurable to your generation and to your country. Uncle Sam needs more men like you—especially just now. We are better men and better Americans for having known you. Though we shall miss your physical presence in this body, your spirit of kindliness and helpfulness, you who were always humble in victory and strong in defeat, will linger in our memories and march side by side with us as we carry you in our hearts down until that hour when we shall answer the final roll call."

The SPEAKER. The gentleman from Alabama [Mr. HOBBS] is recognized.

Mr. HOBBS. "A four-square man withouten flaw ywrought."

Such supreme praise was earned by William Tyler Page. Too high for anything low; too broad for narrowness, or to be confined by partisanship. Too strong for the weaknesses to which human flesh is heir. Too sweet for bitterness, meanness, or those poisons which degrade our manhood. Too noble to close his heart to the poor, weak, friendless, while walking intimately with the great—he was friend of all. Too patriotic to live or preach narrow nationalism.

He walked with God, and was not, for God took him.

Mr. O'HARA. Mr. Speaker, this occasion is an example of the human qualities of the membership of this House. We have paused in the midst of pressing business of the House and the majority and the minority leaders have spoken as has the membership of the House, irrespective of parties, eloquently and so sincerely on the passing of a dear friend who has served honorably and long; spoken with admiration and from the heart the finest tributes that could be paid to any man in any walk of life.

To me, as a Member serving his first term, William Tyler Page has been a great influence. Like my oath of office, like the friendships I have made, one of the beautiful things that has left a lasting impression on me is the personality of William Tyler Page. No one but a great Christian, no one but a great American could have written the American's Creed. No one could have written that great document who did not love and understand the Constitution and have been inspired in a few simple sentences to write as he did.

All over the land today the youth of this country will read of the death of William Tyler Page with sadness, for they have come to know him, too, and through the power of his pen to carry with them his inspiration through life.

In the bitterness of the conflict here it was the greatest comfort to sit by his side and have his advice; for he had absorbed in his 60 years of service here the tradition and an understanding of this House that is given to too few men. These walls were a temple to him, with the world outside but the way to and from that to which he had dedicated his life as a servant and as a citizen of his Government.

William Tyler Page in his time has lived with the great figures of this House who have helped make the history of this Nation; and as he saw his friends go, one by one, he must have thought:

As time goes on the trail grows strange
With faces new; and at the end
The milestones into headstones change
'Neath every one a friend.

Like you, whenever I enter this Chamber I shall miss one of the finest, kindest, sweetest characters that I ever knew, and so long as I may sit within these walls there will be no character that will be of greater influence upon me than was William Tyler Page. I shall miss his cheerful and friendly smile and greeting, his wisdom and his dignity—for William Tyler Page was a part of the tradition of the House, a part of the human living element, a conscious or unconscious influence on all of us.

In all sincerity I say: Hail and farewell. Peace to you, my friend.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have the right to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, before I came to Washington I was told that there was a man at the House of Representatives who could be of very great help to a new Member of Congress. He could be identified, I was told, by the cutaway coat he wore and his emphasis upon the rules of the House. I came here, then, in the expectation that I would find an austere, precise sort of individual, who could be helpful to me if I could muster enough courage to approach him. Of course, every Member knows how approachable, how lovable, how helpful William Tyler Page was. No Member of this House owes more to William Tyler Page than do I. He was my friend, my counselor, my support on many, many occasions. I loved him for his charity, I loved him for his erudition, I loved him for his friendship. It took a great American to write the American's Creed. William Tyler Page was a great man, a great American. I wondered sometimes if he ever secretly wished that he might have been a Member of the House. He would have been an outstanding Member, of coursee, but somehow today, I am glad that I can remember him as something better than a Member—a teacher, a counselor, a mentor of Members.

Mr. DINGELL. Mr. Speaker, I submit a beautiful thought and a tribute to William Tyler Page, offered by our cloakroom attendant, James B. Tyler, which reflects my feelings:

They never quite leave us, the friends who have passed
Through the shadows of death to the sunlight above,
A thousand secret memories are holding them fast
To the places they blessed with their presence and love.

Mr. CANFIELD. Mr. Speaker, William Tyler Page, author of the American's Creed and president general of the United States Flag Association, who died suddenly this morning, leaves an irreplaceable void, not only in this House but in the America we love.

He was one of my dearest friends. He was interested in me as he was in all the Members of this body. He and I lunched together at least three or four times weekly during the sitting days of the Seventy-seventh Congress, and we often met during the evening. I loved him because he breathed the soul of America and gave me encouragement in these trying days when American institutions are so imperiled.

I owe him a debt I can never repay, and I shall miss him more than I can say.

When Mr. Page observed his seventy-fourth birthday anniversary I spoke briefly in the House, and I referred to him as the "patriarch of pages, the helping hand in the House, and inspiration itself."

Today I mourn the passing of Capitol Hill's greatest.

Mr. GILLE. Mr. Speaker, we pause here today to pay tribute to a grand and noble character and to pay a just and loving tribute to the memory of William Tyler Page.

I learned to know Mr. Page when I came to Congress in 1939. On many occasions I sought his advice and counsel on matters pertaining to legislative and parliamentary procedure in the House and I shall always appreciate the value of his timely advice. How deeply grateful I am that he personally autographed a copy of The American's Creed, of which he was the author, and which now adorns my office wall.

I have always held Mr. Page in high esteem but in addition to that he was a great inspiration to me. Strong of body, strong of character, he represented to my idealism the spirit of the American pioneer. I shall always remember him as the embodiment of those stalwart characteristics that have gone into the building of a great Nation.

Mr. CHENOWETH. Mr. Speaker, I was shocked when I reached the floor of the House this morning to learn of the passing of William Tyler Page. It is impossible for me to express the emotions that are mine.

One of my first impressions on coming to Congress 2 years ago is that of meeting Mr. Page. Like all new Members I soon formed a deep admiration for him. This feeling of love and respect grew as the months went by. I shall never come to this floor without being reminded of him.

To visit with Tyler Page was a rare privilege. He was always glad to share with others the wealth of information that he possessed on the procedure and traditions of Congress. I asked him why he did not write a story of his life. He replied that he had been asked to do so by a magazine of wide circulation and had prepared considerable copy. However, it was never published because Mr. Page did not want to include reference to men still living. I hope sometime we may have the benefit of his observations.

No one could know Tyler Page without being a better man. By his death I have suffered a heavy personal loss. One of my proud boasts will always be that I knew and loved Tyler Page.

I cannot say and I will not say
He is dead—he is just away.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution (H. Res. 861) and ask for its adoption.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. William Tyler Page, an employee and officer of the House for nearly 62 years.

Resolved, That as a mark of respect to his memory the Speaker appoint a committee of four Members to attend the funeral services.

Resolved, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee of Members to attend the funeral: Messrs. CANNON of Missouri, ENGLEBRIGHT, EATON, and ROBSION of Kentucky.

CALENDAR WEDNESDAY—BUSINESS DISPENSED WITH

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO RECEIVE A MESSAGE AND SIGN ENROLLED BILL NOTWITHSTANDING ADJOURNMENT OF HOUSE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House the Clerk be authorized to receive a message from the Senate, and the Speaker be authorized to sign the enrolled bill of the House, H. R. 7378, an act to provide revenue, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the time allotted me to speak today be postponed until tomorrow; that on tomorrow, after the disposition of the legislative business of the day and other special orders I may address the House for 20 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GETTING OUT THE VOTE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. There are two other special orders pending, but if there is no objection the gentleman may proceed for 3 minutes.

Is there objection?

There was no objection.

Mr. DINGELL. Mr. Speaker, the Nation fights for freedom, for the American way of life, and for democracy. What shall we have gained by winning battles abroad if we should surrender the sacred right of self-government at home? The exercise of the right to vote is the only assurance we have of democracy's survival. If we do not care enough to vote, then we forfeit our right of governing ourselves. It is timely, most urgent I should say, that every newspaper, every radio station, and every medium of publicity in America during these next 2 weeks should concentrate upon the problem of arousing that element of our people who altogether too frequently fail to exercise this constitutional right and privilege.

We must get out the vote. It is the most patriotic service the newspapers and the radio can render. It is more important than scrap in that it is more lasting and vital to America. Why not institute a Nation-wide radio campaign with hourly, yes; half-hourly reminders for the people to vote on election day. The people have grown tired of hearing about the virtues and the value of "bull-rush" and "helluva" watches. The Nation will profit from these gratis announcements made by patriotic and propublic radio stations for a revival of the rush for the polls on November 3. Election day this year, Mr. Speaker, is America's day of trial.

PERMISSION FOR INTERSTATE AND FOREIGN COMMERCE COMMITTEE TO FILE REPORTS

Mr. BOREN. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until 12 o'clock tonight to file reports on the bills S. 2693 and H. R. 7370.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. BOREN]?

There was no objection.

EXTENSION OF REMARKS

Mr. SHORT. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD an article by T. V. Smith, professor of philosophy, University of Chicago, a former Member of this House, which appeared in the magazine section of last Sunday's New York Times.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHORT]?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an analysis of the tax bill by question and answer.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Wisconsin [Mr. SAUTHOFF] may be permitted to extend his own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. GEHRMANN]?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that under my extension of remarks I may be permitted to have published a proposal made by the president of Lafayette College.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

There was no objection.

(Mr. TOLAN asked and was given permission to extend his own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that I may today after other special orders of the House have been disposed of address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. GREEN]?

There was no objection.

EXTENSION OF REMARKS

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial on one of the heroes of Bataan taken from a Lovick, Tex., paper.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma, [Mr. MONRONEY]?

There was no objecion.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a very thought-provoking editorial on the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. GIFFORD]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today at the conclusion of other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]?

There was no objection.

EXTENSION OF REMARKS

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include the Communist affiliations of three of the contributing editors of the magazine New Republic.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. THOMAS]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. REES] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD and include an address delivered on September 25 by the minority leader, the gentleman from Massachusetts [Mr. MARTIN].

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

AMENDMENTS IN THE TAX BILL ON THE RENEGOTIATION FEATURE

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, the amendments to the renegotiations statute which are embodied in the conference agreement on the tax bill will be of considerable help to the administration of the act. As I stated when the conference report on the sixth supplemental appropriation bill was adopted last spring, the renegotiations statute is not a perfect solution of the profits problem in wartime contracts. It was a start, however, and under its provisions the taxpayers of the country will be saved upward of $2,000,000,000 this year. That is worth while. It is still true that a penny saved is a penny earned. Any statute of this character requires actual operation to determine its workability. Experience of the past 6 months has enabled the price adjustment sections of the Army, Navy, and Maritime Commission to agree upon some of the changes that have been requested by American business. The amendments adopted today are not controversial All of them, it is believed, will help in the operation of the statute and help in attaining the goal of the elimination of profiteering in war contracts. I hope that the study of curbing excessive profits will not be abandoned at this point. It is a difficult problem at best, and every Member should contribute his efforts to its solution.

LET ENGLAND HANDLE THE HESS MATTER

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, the American people will applaud the statement of Secretary of State Cordell Hull when he said that the disposition of Rudolph Hess was a matter for the British Empire to handle.

Much as we would like to see all the Nazi leaders hanged, we must realize that the Hess matter is Great Britain's own affair.

I realize how the Russians feel. On the other hand, personally, I should like to see Stalin hang Sato, the Japanese Ambassador who helped to lay the plans for the Pearl Harbor treachery. I should like to see Russia declare war on Japan and give us bases in Vladivostok so we can establish a second front there, blast hell out of Tokyo, and relieve the pressure on our boys who are dying at the hands of the Japs in the Southwest Pacific.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. WOLCOTT] may be permitted to extend his own remarks in the RECORD and include therein a letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota [Mr. KNUTSON] is recognized for 15 minutes.

THE FARMERS' FRIENDS

Mr. KNUTSON. Mr. Speaker, as election day draws nigh, the American farmers are apt to ask themselves, "Who are the farmers' friends?"

The leaders of the Democratic Party have curried favor with organized labor because labor is highly organized and casts many votes. The Democratic leaders have turned friendly ears to the demands of organized labor. They have likewise given favorable consideration to the manufacturing interests, especially those engaged in war production.

The farmers, however, are constantly rebuffed by the administration and their claims to economic justice are vigorously denounced. The farmers and the small businessmen seem to have no friend at court.

War contracts have been given, on a cost-plus-profit basis, to the large plants of powerful corporations. Priorities have left small manufacturers without material needed in their small plants. Aid to small business has not been forthcoming, as was promised. A few days ago, Lieutenant General Somervell, appearing before the Senate Small Business Committee, stated that thousands of small industrial plants "will have to close, and you can put that down as a fact." He said that the Army simply cannot fit them into its production program. The same thing, on a much larger scale, is happening in agriculture. Production of food and fiber is falling off. The administration does not seem to know how to fit agricultural production into its program of war production.

INFLATION

The administration has tried to make the farmer the goat in the matter of threatened inflation. Farmers have the lowest per capita income of any class of

our people. They have less money to spend than anyone else. Their prices have been and still are much lower, proportionally, than the prices and wages of our nonfarm citizens. Prices of certain farm products have been recently rising, but not so rapidly as have other prices and wages. Farm prices ought to rise as other prices rise. It is unjust for the administration to attempt to make it appear that a reasonable rise in farm prices constitutes our greatest threat of inflation. Yet the President, in his message to Congress, on September 7, announced his determination, above all things else, to hold farm prices down.

FARM LABOR COSTS

Farm labor constitutes an important part of the cost of operating a farm and in producing farm products. By reason of the draft and the allurement of high wages in industry, the demand for farm labor is high and little is to be had at a wage which the farmer is able to pay.

During the recent debate in Congress on revision of the price-control law, an amendment was offered to the then pending bill to cause the cost of farm labor to be figured into the parity price formula. That was a reasonable proposal, because a parity price that does not take into consideration the element of greatly increased labor costs is not an honest parity price.

The administration, however, opposed this reasonable request with all its power. A compromise measure, worded in vague language, was forced upon Congress. The new law, administered by those who are intent upon holding down farm prices, will doubtless fail to give the farmers prices adequate to enable them to hire necessary help. Because of low price ceilings on farm and dairy products, many farmers and dairymen have been forced to go out of business. Actual shortage of farm production, so necessary to the war effort, will doubtless result from the shortage and rising cost of farm labor. This oppressive policy of the administration as to agriculture is most unwise—yea, dangerous.

COMPUTING PARITY

Not only does parity, as computed by the United States Department of Agriculture, fail to take into consideration the increased cost of farm labor, but it also relates back to a period, 1909–14, when all wages and prices were very much lower than they are today. The farmer's dollar will not go nearly as far today as it did in the base period 1909–14. Parity for the farmer is figured on the basis of a price relationship that existed 30 years ago, while wages are being increased 15 percent above what they were on January 1, 1941.

AGRICULTURAL PRICE FLOORS

The prices of many farm products have not reached the low parity ceiling, figured without regard to increased cost of farm labor.

Due to certain conditions which exist in the agricultural market it is not likely that these prices ever will reach the ceiling, wherever it may be fixed. As to industrial goods and commodities, ceiling prices are actual sales prices. That is not true as to the prices of basic agricultural commodities. As to these commodities, such as grains, the true friends of the farmer are thinking in terms of floors under prices rather than of ceilings over prices. A feeble step has been taken in the direction of establishing price floors at 85 percent of parity—figured without regard to labor costs. Efforts have been made to establish a floor at 100 percent of parity, but such efforts have met with the determined opposition of the administration.

It is true that the new law does provide for Government loans on basic crops at 90 percent of parity, but the law also contains a provision which will enable the President, by selling Government-owned grain for feed, to break the market at any time and to push the ceiling down to 85 percent of an unreasonably low parity price. As a matter of fact, the present farm price of wheat is only 76 percent of parity—figured without regard to labor costs—of corn, only 85 percent of parity; of oats, only 71 percent; of barley, only 60 percent; and of rye, only 50 percent of parity.

INTERNATIONALISM

One important reason for this hostile attitude of the administration toward the farmer is its settled policy to promote the cause of internationalism. Several straws show which way the wind blows.

The administration has been opposed to the production of synthetic rubber out of American-grown farm products. Why is that the case? Simply to promote a mistaken policy of international good will by giving protection to the British and Dutch rubber monopoly. Merely to mention this matter is enough to make the angels weep, so I shall forbear from pressing the point.

Another important reason why the administration is trying to keep agricultural prices down is that the Democrats are steadily working toward a policy of free trade. To establish international free trade requires that American prices, especially agricultural prices, shall be brought into line with low world prices. The theory of the administration seems to be that it is better to put American agriculture onto a low world-price level, in order to stimulate foreign trade, than it is to permit American farmers to enjoy the American standard of living. It seems to be the purpose of the administration to reduce American farmers to the status of colonial producers of cheap raw materials for foreign interests to exploit.

To make America economically independent and self-contained is not in line with New Deal policy. If the New Deal succeeds in bankrupting agriculture, as it certainly will do, if given the chance, it will also succeed, at the same time, in tearing down our entire national economy. The Nation cannot long endure half free and half slave, half American and half European, in its standards of economic life.

AGRICULTURAL SUBSIDIES

Finally, a word about subsidies. No one believes that the payment of subsidies to farmers constitutes a solution of the farm problem or of any part thereof. It is merely a means of helping to keep the producers of our food and fiber products from starving to death. It is supposed to compensate farmers for their loss in having to take less than a cost-of-production price in the market place. These subsidy payments, however, are merely token payments. They are not sufficient to compensate the farmers for losses resulting from inadequate prices.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. Does not the gentleman feel that the present policy of the administration will make necessary the continuation of subsidies to the farmer?

Mr. KNUTSON. I am not sure we are going to have farmers very much longer. The policy seems to be to drive them out of business, if I may judge by the number who are leaving the farms. They are forcing them to sell their belongings and move to town. Then perhaps the new dealers will set up a new and glorified W. P. A. that will constitute a trough where everybody may partake to the fullest without doing anything toward producing.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Does not the gentleman feel that there may be something in the objective of the administration to keep farm prices down below parity so that they can continue to pay out these subsidies and try to maintain a political organization in agriculture?

Mr. KNUTSON. I will answer that in just a few moments. I am coming to that, may I say. Of course, the gentleman is absolutely right. The administration has been buying the elections. They bought the 1934, 1936, 1938, and 1940 elections out of the Federal Treasury. We all know that. Even the most ardent new dealer does not deny it.

Many people wonder why it is that the administration prefers to pay to farmers money out of the Public Treasury rather than to permit the farmers to receive fair prices on the sale of the products of the farm. There are many answers to this simple question. The most obvious answer is that this administration believes in low prices for farmers and high wages for organized labor. The administration figures that it does not need the votes of the farmers as much as it needs the votes of the city workers; that national elections can be carried by the vote of the industrial cities and States, without the vote of the rural regions. It believes that it can curry favor with industry by holding agriculture in subjection.

Such a policy, however, is in itself inflationary. The subsidy is, in fact, a payment out of the Treasury to the farmer for the benefit of the consumer. As John Brandt, of Land O' Lakes Creameries, has recently pointed out:

If a pound of butter is actually worth 50 cents, and the producer receives on the sale of butter only 40 cents, the Government's payment of 10 cents a pound to the producer—just for sake of

argument—is a 10-cent subsidy to the consumer, who is thereby enabled to buy for 40 cents that for which he should, in equity and good conscience, pay 50 cents. It enlarges the purchaser's buying power at a time when he has plenty of spending money in his pocket. It would be less inflationary if the consumer, with ample purchasing power, should pay the full price—the honest price—of the things he buys rather than enlarging his purchasing power by buying agricultural products at cut rates.

At a time of generally rising prices subsidies should be abolished. Let everyone have a just return for his goods and services, but let no ceilings be fixed at a point below a just return merely to permit New Deal politicians to dole out public funds for political purposes.

The SPEAKER pro tempore (Mr. MAGNUSON). Under a previous order of the House, the gentleman from Florida [Mr. GREEN] is recognized for 5 minutes.

PREVENTING MORTGAGE FORECLOSURES

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a brief resolution in support of H. R. 7533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker, I strongly urge your study, consideration, and support of a bill which I have introduced, H. R. 7533, for the relief of owners of certain properties, mortgages, bonded obligations, and current obligations rendered inoperative by reason of restrictions arising from the war effort. This legislation will relieve distress among owners of property, particularly vacation and resort properties, which have lost their earning power by reason of the war effort and resultant restrictions on the use of automobiles and other methods of transportation. It will relieve the distress in certain cases of bonded indebtedness of States, counties, cities, and districts, particularly in cases where such indebtedness may go in default by the loss of gasoline- and oil-tax revenues. This bill will relieve the distress of said local governmental units in meeting current obligations caused by the loss of gasoline- and oil-tax revenues.

In many States of the Union gasoline- and oil-tax revenues are used not only to retire bonded road and other indebtedness but also to meet current State obligations. A most unhealthy condition may exist if these bonded debts go in default. Likewise, an acute situation will arise if these governmental units are not able to meet their current obligations. Throughout the country, such properties as hotels, apartment houses, rooming houses, tourist camps, auto courts, food places incident to these establishments, gasoline filling stations, automobile general-service stations have existing mortgaged indebtedness. Their hope in the past to meet and pay off these mortgaged obligations has been through revenues derived primarily from transaction of business with the traveling public. The war effort in many instances has rendered practically idle and inoperative certain of these properties. The relief of these obligations is not a minor matter. It is a matter of far-flung importance and beyond the power, in many, many instances, of local financial ability to meet.

Inasmuch as these pending and already occurring defaults have grown out of the war effort, they are national in scope and their relief has become a Federal responsibility. Under the provisions of H. R. 7533, the Reconstruction Finance Corporation is the designated agency to make loans, of course, upon security showing, for the relief of the indebtedness mentioned, and for other financial relief. While the need for this legislation is more acute in the so-called tourist States, its need will grow more and more acute in each of the 48 States. It is legislation which should be enacted now. Without the enactment of this legislation or similar legislation, foreclosures may reach tremendous and damaging proportions in all parts of the country.

During a war crisis is indeed an inopportune time for wholesale mortgage foreclosures. The general effect of such would be damaging and demoralizing to an extent which might even impede the war effort. There is a strong sentiment and desire in all parts of the country for this legislation, and I take the liberty to include herewith copy of a resolution which has already been adopted by organizations and governmental units that know the acute need now of this legislation. This resolution was passed on to me by Hon. John R. Beacham, of West Palm Beach, Fla., and president of the Florida State Senate. He is one of America's leading businessmen, economists, and patriots. I commend the substance of the resolution and H. R. 7533 to your immediate study, consideration, and favorable action. It is anticipated that the House Banking and Currency Committee may in the not distant future have hearings on this legislation, and I trust that each of you, after having familiarized yourself with the scope and purpose of the legislation, may indicate to the committee your views concerning same.

The resolution is as follows:

Resolution requesting the Congress and the President of the United States to enact emergency measures for the protection of pleasure and resort properties whose income from the tourist or automobile trade has been seriously curtailed due to the war

Whereas many persons in every State in the United States have invested their money in pleasure or resort or vacation property which has lost its earning power by reason of war conditions; and

Whereas a great majority of such properties are mortgaged and unless some relief during the war is speedily provided, hundreds of thousands of owners of such property all over the United States will lose their life savings and become destitute due to mortgage foreclosures; and

Whereas a Nation-wide wave of mortgage foreclosures will greatly depress the value of all other real estate as well as that of unmortgaged hotels, apartment houses, and other unencumbered resort properties, and will cause economic depression very detrimental to the war effort; and

Whereas such depression will cause the loss of tax revenue of States, counties, cities, and towns, and will cause impairment of value of the investment of insurance companies, banks, loan companies, and private investors who hold the encumbrances against resort properties; and

Whereas as a part of the war effort it is needful that said properties be maintained in good condition and kept open for the housing of civilians as well as military personnel, especially in case of a long war and also in the reconstruction period after the war; and

Whereas said properties have lost their earning power through no fault of their own, and from past performance have demonstrated that if tided over the present emergency will be sufficiently able to meet all their obligations; and

Whereas foreclosure of hundreds of thousands of such properties throughout the United States would result in a complete economic disaster which is easily avoidable; and

Whereas the use of such properties has not only been curtailed by reason of restriction on automobile, bus, and railroad travel, but also because of restrictions as to the use of such properties due to black-out and other military regulations; and

Whereas at the present time Senator PEPPER of Florida, and Senator MCNARY, of Oregon, have each introduced a Senate bill and Congressman LEX GREEN, of Florida, has introduced a House bill for the purpose of relieving property in distress due to war conditions; and

Whereas it appears that the bill of Congressman GREEN (H. R. 7533) is the most suitable of the bills above mentioned for the purpose of relieving the emergency distress condition in which the owners of resort properties throughout the United States now find themselves: Now, therefore, be it

Resolved by the undersigned as follows, to wit:

That we do hereby go on record as endorsing House bill 7533 as best suited to obtain relief for the hundreds of thousands of property owners throughout the United States who are now facing loss of their properties due to war conditions wholly beyond their control.

That we go on record as approving the efforts of Senators PEPPER and MCNARY to obtain relief for such property owners, and further request that the sponsors of the above-mentioned bills now introduced in the Senate be asked to amend their respective bills so as to conform to House bill 7533 and so that property owners in the city and State below mentioned could qualify for said relief; be it further

Resolved, That a copy of this resolution be forwarded to the Honorable ROBERT F. WAGNER, chairman of the Banking and Currency Committee of the United States Senate, and a copy to the Honorable HENRY B. STEAGALL, chairman of the Banking and Currency Committee of the United States House of Representatives, before which bodies the above-mentioned bills are now pending.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] is recognized for 5 minutes.

THE NEW TAX LAW HITS MIDDLE-CLASS GROUP

Mr. AUGUST H. ANDRESEN. Mr. Speaker, this tremendous war tax bill which is about to pass Congress will cause a terrific impact upon the economy and standard of living of most people in the United States. It is estimated that this bill plus the existing tax law, will raise more than $26,000,000,000 from

1942 incomes, or approximately 25 percent of the entire national income.

While all people are willing and glad to make great sacrifices to help pay for the cost of the war, it must not be overlooked that more than 70,000,000 Americans are living on fixed or reduced incomes, wages, and salaries, and therefore do not share in the great wave of war prosperity. This group representing our great American middle class will be the hardest hit by the rates provided in the new tax law. These people will contribute more in making sacrifices than those who enjoy benefits and profits from war spending. Their standard of living will be greatly reduced, but they are nevertheless willing to make these sacrifices in order to back American men on all battle fronts and to win victory over our enemies.

The backbone of America's middle class is represented by small independent business, service establishments, professional men and women, owners and workers in manufacturing and other plants engaged in the distribution or production of goods and products for civilian needs, and those who are living on diminishing incomes from fixed investments. These men and women are needlessly being put out of business and profession, and something must be done about it before it is too late. When the middle class is liquidated, American democracy is destroyed. We are fighting this war to save freedom and democracy.

Take the case of the independent merchant and small manufacturer. Commerce Under Secretary Taylor recently predicted that more than 300,000 of this group will be out of business by July 1, 1943. I dare say that his estimate is very conservative. It may be double that figure or more. When these concerns stop their activities, tens of millions of other people are directly involved, and they too are reduced in opportunity, income, and standard of living.

Many promises to save small business have been made by those in high authority, but nothing constructive has been accomplished to do the job. Big business executives have generally dictated the policies to assist small business. The little operators have not been called upon or given an opportunity to shape or administer any program to help them stay in business. Why not give them a chance to formulate and administer a plan so that they too may survive and continue to pay taxes, buy bonds, and keep their patriotic place in our social and economic structure for the building of a strong morale in the Nation's fight for freedom. I call upon the administration to give them a chance.

The progressive and loyal businessmen of Owatonna, Minn., have worked out a plan to save small business which I believe will work if given opportunity. In brief, the Owatonna proposal simply provides for a Nation-wide organization of independent businessmen to function for all types of business engaged in supplying goods and products for civilian needs. It proposes a committee of 12 small business men representing different lines for each State, and a national committee with authority to administer and carry out policies to keep small business going without interfering in any manner with the Nation's war effort.

In other words, this group representing the various lines of small business will actually represent America's middle class. Its principal business will be to find ways and means to secure supplies for civilian needs and factories to produce them in a program to be synchronized into the Nation's war effort.

Time will not permit a full discussion of the Owatonna plan. I expect, however, to furnish Congress with detailed information at a very early date, and will follow the explanation with the introduction of a bill for the consideration of Congress if legislation is necessary.

It is not necessary for me to stress what is happening to small business in every community of our country. You are all aware of it, and I want again to urge that if you expect small business of the country to pay taxes and buy bonds, the time has come to act before it is too late. The cost to the Federal Government of saving small business will be insignificant when we consider that by so doing, we have kept secure the backbone of American democracy. The success of this plan also means the saving of men and women engaged in professional and other lines common to the average community. I am convinced that the plan will work, and above all, I urge that the small businessmen be given their proper place in our national economy with power to function as an agency of the Government in our effort to win the war and preserve American freedom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARE, for the remainder of the week, on account of important business.

BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 5503. An act to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p. m.) the House adjourned until tomorrow, Wednesday, October 21, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1977. A letter from the Archivist of the United States, transmitting a list of papers recommended to him for disposal of certain records of the United States Government; to the Committee on the Disposition of Executive Papers.

1978. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to suspend until the termination of the present war the provisions of section 7 of the act of August 23, 1912, as amended, relating to certain telephone services; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. MAY: Committee on Military Affairs. Report pursuant to House Resolution 162, Seventy-seventh Congress, by Special Committee No. 3 investigating the national defense program; without amendment (Rept. No. 2588). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOLAN: Select Committee Investigating National Defense Migration. Report pursuant to House Resolution 113, Seventy-seventh Congress, for the continuation of the select committee conducting the investigation and study of the interstate migration of destitute citizens; without amendment (Rept. No. 2589). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. S. 2693. An act to provide for the instruction of meteorological students in weather forecasting; with amendment (Rept. No. 2597). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. H. R. 7370. A bill to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934; with amendment (Rept. No. 2598). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 4029. A bill for the relief of Catherine Barrett; with amendment (Rept. No. 2590). Referred to the Committee of the Whole House.

Mr. SAUTHOFF: Committee on Claims. H. R. 4858. A bill for the relief of the heirs of Simon M. Myhre; with amendment (Rept. No. 2591). Referred to the Committee of the Whole House.

Mr. RUSSELL: Committee on Claims. H. R. 6155. A bill for the relief of Charles Francis Fessenden; with amendment (Rept. 2592). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 6520. A bill for the relief of Jane A. Thornton; with amendment (Rept. No. 2593). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 6780. A bill for the relief of J. M. Jesse; with amendment (Rept. No. 2594). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6873. A bill for the relief of Maude Leach; with amendment (Rept. No. 2595). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6923. A bill for the relief of Mrs. Ada F. Ogle; with amendment (Rept. No. 2596). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RAMSPECK:

H. R. 7731. A bill to amend section 7 (b) of the act approved June 25, 1938 (52 Stat. 1069), entitled "The Fair Labor Standards Act of 1938"; to the Committee on Labor.

By Mr. VOORHIS of California:

H. R. 7732. A bill to promote the understanding of the American people of the work of their Representatives in Congress; to the Committee on Printing.

By Mr. BROOKS:

H. R. 7733. A bill to amend the Pay Readjustment Act of 1942; to the Committee on Military Affairs.

By Mr. EBERHARTER:

H. R. 7734. A bill to amend the act of May 25, 1937, entitled "An act for the relief of soldiers who were discharged from the Army during the Spanish-American War, the Philippine Insurrection, and the Boxer Uprising because of minority or misrepresentation of age," so as to include certain individuals who enlisted in the Army prior to the War with Spain; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LESINSKI introduced a bill (H. R. 7735) for the relief of Eleanor McCloskey, also known as Evelyn Mary Mikalauskas, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3379. By Mr. ROLPH: Resolution of the California-Nevada District of Kiwanis International, to petition the Representatives in Congress of the States of California, Nevada, and Arizona to seek provision for the adequate and continued training of students of exceptional ability under the supervision of the military so long as such students maintain a reasonable standard of achievement and until their actual participation in combat is imperative; to the Committee on Military Affairs.

3380. Also, Resolution No. 180 of the California State Federation of Labor, requesting its legislative representative to have prepared and introduced at the next session of the State legislature a bill to abolish the present California Maritime Academy and incorporate the same under the War Shipping Administration's training program; to the Committee on the Merchant Marine and Fisheries.

3381. Also, Resolution No. 41 of the California State Federation of Labor, for postwar financial aid to members of armed forces; for legislation to provide all servicemen up to the grade of major with a minimum sum of money equal to not less than the average rate of pay of such men for a period of 6 months in order for them to be financially able to readjust themselves; to the Committee on Military Affairs.

3382. Also, Resolution No. 14 of the California State Federation of Labor, regarding disfranchisement of war workers; to petition the appropriate executive departments of our Government to make the necessary adjustments to reinstate the voting status of all citizens living on Government property; to the Committee on the Judiciary.

3383 Also, Resolution No. 23 of the California State Federation of Labor, recommending a minimum monthly annuity of $90 for railroad workers, under proposals pending to submit to Congress to amend the Railroad Retirement Act so as to establish a maximum monthly annuity of $175; to the Committee on Ways and Means.

3384. Also, Resolution No. 115 of the California State Federation of Labor, for the repeal of the poll tax; to the Committee on the Judiciary.

3385. Also, Resolution No. 40, of the California State Federation of Labor, to instruct the incoming executive board to request the Veterans' Administration, Washington, to investigate the ways and means of establishing governmental schools for training in watchmaking and jewelry crafts, or the establishment of instruction classes in recognized schools (State or otherwise) throughout the country, for those service men disabled during the war; to the Committee on World War Veterans' Legislation.

3386. Also, Resolution No. 61 of the California State Federation of Labor, relative to pensions for the blind, and legislation now pending to adjust these pensions under the social-security program, and their support of all bills now pending in Congress for the adjustment of these pensions; to the Committee on Ways and Means.

3387. Also, Resolution No. 274, of the California State Federation of Labor, recommending to the incoming executive council, War Labor Board, the adoption of a policy and an effective program which will establish standards of fair and equal pay for the same work, before approving any rigid formula for the freezing of wages or jobs; to the Committee on Banking and Currency.

3388. Also, Resolution No. 226 of the California State Federation of Labor, in support of legislation to be introduced to the effect that any seaman who has made a voyage to sea on a United States merchant vessel during this war, and whose character and loyalty warrant it, be given an honorary discharge from the United States Government after this war, and the discharge shall have the same recognition as the one given to persons serving in our armed forces; to the Committee on the Merchant Marine and Fisheries.

3389. By Mr. SHORT: Petition of Mrs. J. B. Bailey and other citizens of southwest Missouri, urging legislation prohibiting liquor and vice within specified zones in and about military, naval, marine, and air reservations, industrial and other strategic centers, and for the effective enforcement of such suppressive laws for early winning of the war; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 21, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of mercy and forgiveness, do Thou hear the unexpressed voices of our breasts and accept us again as Thy needful children. How bountiful is Thy mercy, and we pray that we may have a very solemn sense of our obligations. Grant that it may be a most serious thought with us that only through righteous and conscientious service to our country can we sustain her honor and power and be a blessing to all men. Whatever is high-minded and disinterested in patriots, may we be identified with their traditions, rebuking that which is sinister and altogether unworthy.

O Thou Saviour of the world, mark the consummation of a plan by which all things are to be made new; let the fir tree come up instead of the thorn and the myrtle tree instead of the briar, and make a better earth for man and a statelier man for earth, giving us a token, a sign, that shall never be cut off. Surely Thou hast planned for us a great destiny and in the years to come we shall know and understand Thy amazing redemption. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate has passed without amendment a bill of the House of the following title:

H. R. 7455. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder.

The message also announced that the Senate has passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7672. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, and Mr. LODGE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2281. An act to provide that certain provisions of the law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of War.
3. Federal Works Agency.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1943

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference requested by the Senate, and I ask for the appointment of the conferees on the part of the House.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. JOHNSON of West Virginia, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. CARTER.

Mr. CANNON of Missouri. Mr. Speaker, in that connection, also, I ask unanimous consent that the managers on the part of the House may have authority to agree to the Senate amendments, with or without amendment, notwithstanding the provisions of clause 2 of rule 20.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, also, I ask unanimous consent that it may be in order to consider the conference report on the bill today.

The SPEAKER. Is there objection?

There was no objection.

THE TAX BILL

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

OCTOBER 21, 1942.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the special order agreed to on yesterday, the Clerk received from the Secretary of the Senate, on that day, a message in writing indicating that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7378) entitled "An act to provide revenue and for other purposes."

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House the Speaker be authorized to sign the enrolled bill H. R. 7378, an act to provide revenue, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

ELECTION TO A COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer the following resolution (H. Res. 562), which I send to the desk.

The Clerk read as follows:

Resolved, That JOHN B. SULLIVAN, of the State of Missouri, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Interstate and Foreign Commerce.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. Mr. Speaker, also I ask unanimous consent to extend in the RECORD a statement by my colleague [Mr. WICKERSHAM].

The SPEAKER. Is there objection?

There was no objection.

THE ISSUE OF NEW CREDIT

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the Archbishop of Canterbury delivered an address in London on September 26, last, in which he gave to all of the people of the United Nations certain ideals for which they could fight throughout this war. That speech was inserted in the RECORD by the senior Senator from New York, and I read from that three paragraphs:

MONEY NOW A MONOPOLY

In the case of money, we are dealing with something which is handled in our generation by methods that are extremely different from those in vogue a century or half a century ago. When there was a multitude of private banks, the system by which credit was issued may perhaps have been appropriate; but with the amalgamation of the banks we have now reached the stage where something universally needed—namely, money, or credit which does duty for money—is become in effect a monopoly.

It seems to me a primary political principle that wherever you have something which is universally needed but which is governed as a monopoly, that monopoly should be taken over by the State. The private issue of new credit should be regarded in the modern world in just the same way in which the private minting of money was regarded in earlier times. The banks should be limited in their lending power to the amount deposited by their clients, while the issue of newer credit should be the function of public authority.

This is not in any way to censure the banks or bankers. They have administered the system entrusted to them with singular uprightness and ability and public spirit. But the system has become anomalous, and, as so often happens when an anomaly has persisted through a long period of time, the result is to make into the master what ought to be the servant.

Mr. Speaker, this is the same thing for which some of us have been contending in this House for many years. For such support as this to come from the highest authority of the English church is indeed encouraging.

EXTENSION OF REMARKS

(By unanimous consent, Mr. SMITH of Wisconsin was granted permission to extend his own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. CARTER. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and the disposition of business on the Speaker's table and any other special orders that have been heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

THE ELECTION OF DEMOCRATS TO CONGRESS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I would like to call the attention of the House to a statement made by the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], over a national radio hookup the other night, where he stated "A vote for Democrats will aid the war effort." Then the article goes on to state that he appealed for more Democrats in the House and Senate to back the Commander in Chief. I wish to say to the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], if he will look at the vote on the selective service and training bill the other day he will find there were three times as many Democrats voted against that bill as there were Republicans, so it is not Democrats or new dealers we want. When any person goes out and states that the best things for the country are being done by the New Deal and that we should have more New Deal in the House and Senate I do not think the people will stand for it. I am sure they will not. Certainly, for the good of the country, no more new dealers and "rubber stamp" Congressmen. While I am not able to go on a national radio hook-up, like the majority leader, yet I can get this statement in the CONGRESSIONAL RECORD, of which 30,000 copies are sent out, saying no more new dealers be sent to Congress—we now have too many. The gentleman from Massachusetts [Mr. MCCORMACK] has the advantage of us in that respect. But when the people of this country realize the seriousness of the situation which we are in and when they realize we are going in the red at the rate of a billion dollars a week, they will insist that we get a little business in this Government or we will sink the Ship of State. We need good, sound people in this country to administer affairs.

We need good, sound, sensible men in Congress and the people must elect them. We want no more rubber stamps. We want no more taxes. So, wake up, people of America, and get a Congress that will cut out nonessential Government spending.

Elect a strong Republican House and Senate and put a balance wheel on the White House and for the everlasting benefit of American liberty and American independence.

[Here the gavel fell.]

AMENDING THE ORGANIC ACT OF ALASKA

Mr. McCORMACK. Mr. Speaker, at the request of the gentleman from Florida [Mr. GREEN] I present a conference report and statement on the bill (H. R. 5458) to amend the Organic Act of Alaska, for printing in the RECORD.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

THE FARM-LABOR SITUATION

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, two adjacent headlines on page 2 of the Washington Times-Herald this morning point

to an interesting problem and perhaps indicate something on which the Congress will have to devote some attention. The first is, "Farm machinery output ordered slashed in half." That is discussing an order by the War Production Board that they are going to decrease the production of farm machinery by 50 percent, and even decrease repairs to farm machinery by a considerable percentage.

Next to that is the headline, "F. D. urges older soldiers to get leave for defense work."

The text of that article indicates the President has asked the War Manpower Commission to consider the advisability of furloughing men to work in defense factories.

I have no quarrel with any of those things if they are absolutely necessary in the winning of this war, except that I want to point out to the President the importance of extending that furlough program, if it is going to be entered into, to include men to work on the farms of America. The labor shortage on the farms is appalling. If we do not do something to guarantee the production of food in this country, we are apt to jeopardize the success of the war itself. The best fighting equipment in the world will not substitute for an empty stomach or an unbalanced diet. We must have the essential farm labor to produce what it takes to feed America.

[Here the gavel fell.]

PRICE CEILING ON PORK AND OTHER MEATS

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COFFEE of Nebraska. Mr. Speaker, the new price ceiling order on pork to be issued very soon by the O. P. A. will indicate what may be expected to follow a few weeks later on beef and lamb. Because the original wholesale and retail price ceilings that were established on meat last May were so inequitable and lacking in uniformity, the entire livestock industry has been in a state of confusion and uncertainty. Feeders have been afraid to buy livestock and fill up their feed lots because they fear O. P. A. price-ceiling decrees would force them to sell their finished livestock at prices below cost of production.

Price controls, coupled with the farm labor and equipment shortages threaten to jeopardize essential food production next year. The selective service is drafting so many essential men from the farms and ranches that many cow herds are being liquidated and feeding operations drastically curtailed.

The profit incentive must be preserved in order to induce the marginal high-cost producer to assume the hazards of livestock production. Increased production will be the best price stabilizer. To force a reduction in livestock prices at this time will destroy confidence, curtail production, and give the consumers a further reduced ration of meat at little, if any, reduction in retail cost.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an editorial from the Shreveport Times of October 19, 1942.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks by including an editorial from one of the papers containing a statement by Attorney General Biddle.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. EDMISTON was granted permission to revise and extend his own remarks.)

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. WIGGLESWORTH] may extend his own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the legislative business of the day and any other special orders, I may address the House for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING BANKRUPTCY ACT—CONCILIATION COMMISSIONERS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7356) to amend section 75 (a) of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the bill?

Mr. McLAUGHLIN. I shall be pleased to.

The gentleman from Michigan is a very worthy member of the Subcommittee on Bankruptcy and Reorganization, of which I happen to be chairman. The gentleman will remember that our subcommittee reported this bill to the Judiciary Committee and the Judiciary Committee in turn reported it unanimously to the House.

The present law requires that a conciliation commissioner under the Farm Bankruptcy Act shall be appointed in each county having 500 farmers, according to the latest census, and that he shall be a resident of the county. The Federal district judges advise us that this works a hardship, because it is difficult to secure the services of a resident conciliation commissioner in each county. This bill would amend the present law so as to provide that the district judge may appoint the conciliation commissioner who shall have jurisdiction in the district or division. It also makes clear that a person occupying the position of referee in bankruptcy may be appointed to serve as conciliation commissioner. It continues the requirements that all conciliation commissioners must be attorneys. The bill as introduced provided that a conciliation commissioner need not be an attorney, but the Committee on the Judiciary felt that the duties of the conciliation commissioner are such that it would be desirable for him to be an attorney. We felt further that it would not be difficult to secure an attorney in each district or division to serve as conciliation commissioner in that area. The purpose of the bill is to broaden the geographical jurisdiction of a conciliation commissioner and to make clear that a referee in bankruptcy legally may be appointed conciliation commissioner.

Mr. MICHENER. These conciliation commissioners receive certain compensation for the work they do. The effect of this bill would be to relieve whoever has to pay that additional expense, and it would reduce possibly vastly the number of conciliators throughout the country.

Mr. McLAUGHLIN. It is contemplated that it will, of course, reduce the number of conciliators very drastically.

Mr. MICHENER. It is a commendable bill. Every member of the Committee on the Judiciary favors its immediate adoption.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 75 (a) of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended (U. S. C., 1940 ed., title 11, sec. 203 (a)), is amended to read as follows:

"SEC. 75. (a) The judges of the several courts of bankruptcy shall appoint referees, to be known as conciliation commissioners, and who may be referees in bankruptcy, each for a term of 2 years, and may remove them because their services are not needed or for other cause. One or more of such conciliation commissioners shall be appointed for each division or district, or such part thereof as may be designated from time to time, as may best serve the prompt, efficient, and economical administration of the cases filed under this section. Such conciliation commissioner need not be a member of the bar, but must otherwise have the qualifications of a referee in bankruptcy, and be familiar with agricultural conditions and not previously engaged in the farm-mortgage, banking, or farm-financing business. The court, if it deems it advisable, may appoint some suitable person as supervising conciliation commissioner in each judicial district or division, who shall have such supervising functions with relation to proceedings under this section as the court may by order specify."

With the following committee amendments:

Page 2, line 2, after the word "them", strike out the word "because" and insert the word "if."

Page 2, line 8, strike out the words "need not be a member of the bar, but must otherwise" and insert the word "must."

Page 2, line 11, strike out the word "previously."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Association of Former Students of the Agricultural and Mechanical College of Texas.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an editorial from the Montgomery Advertiser and a letter from Dr. Hopson Owen Murfee to me in connection with it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO PRINT THE PROCEEDINGS IN COMMEMORATION OF THE RETIREMENT OF JOHN O. SNYDER

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report (Rept. No. 2600) back favorably without amendment a privileged resolution (H. Res. 520) authorizing the printing of the proceedings in the House of Representatives on June 30, 1942, in commemoration of the retirement of John O. Snyder, as a House document, and I ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

Resolved, That the proceedings held in the House of Representatives on June 30, 1942, in commemoration of the retirement of John O. Snyder, Deputy Sergeant at Arms in charge of pairs, after more than 41 years' service in various capacities in the House of Representatives, be printed, with illustrations and supplementary material, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. JARMAN]?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a newspaper article showing that my county of Lake leads all of South Dakota in the per capita collection of scrap.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DOMESTIC CONTROL OF THE PRODUCTION AND DISTRIBUTION OF THE OPIUM POPPY AND ITS PRODUCTS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. DOUGHTON. The purpose of the bill is to control more effectively the supply of opium. The gentleman knows the seriousness of the illicit distribution of opium. The purpose of the bill is to control the supply of opium and the ingredients entering into the manufacture of this drug. The bill is supported unanimously by the Committee on Ways and Means and also has the approval of the Treasury and the Department of State.

Mr. RICH. Is it the purpose to tighten up restrictions on the obtaining of narcotics so people will not become addicts? It is beneficial legislation if it is to keep people from getting a habit of that kind.

Mr. DOUGHTON. This will control the supply and at the same time afford adequate supply for medicinal and scientific purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That it is the purpose of this act (1) to discharge more effectively the obligations of the United States under the International Opium Convention of 1912, and the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931; (2) to promote the public health and the general welfare; (3) to regulate interstate and foreign commerce in opium poppies; and (4) to safeguard the revenue derived from taxation of opium and opium products.

SEC. 2. For the purpose of this act—

(a) The term "person" includes a partnership, company, association, or corporation, as well as a natural person or persons.

(b) The terms "produce" or "production" include the planting, cultivation, growth, harvesting, and any other activity which facilitates the growth of the opium poppy.

(c) The term "opium poppy" includes the plant Papaver somniferum, any other plant which is the source of opium or opium products, and any part of any such plant.

(d) The term "opium" includes the inspissated juice of the opium poppy, in crude or refined form.

(e) The term "opium products" includes opium and all substances obtainable from opium or the opium poppy, except the seed thereof.

SEC. 3. It shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy, duly issued to him by the Secretary of the Treasury in accordance with the provisions of this act, to produce or attempt to produce the opium poppy, or to permit the production of the opium poppy in or upon any place owned, occupied, used, or controlled by him.

SEC. 4. (a) It shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of this act, to purchase or in any other manner obtain the opium poppy; and, except as otherwise provided in section 7 of this act, it shall be unlawful for any person to sell, transfer, convey any interest in, or give away the opium poppy to any person not so licensed.

(b) It shall be unlawful for any person who is not the holder of a license authorizing him to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of this act, to manufacture, compound, or extract opium or opium products from the opium poppy.

SEC. 5. It shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of this act, to send, ship, carry, transport, or deliver any opium poppies within any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, or from any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, into any other State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States: *Provided*, That nothing contained in this section shall apply to any common carrier engaged in transporting opium poppies pursuant to an agreement with a person duly licensed under the provisions of this act as a producer of the opium poppy, or as a manufacturer of opium or opium products, or to any employee of any person so licensed while acting within the scope of his employment.

SEC. 6. (a) Any person who desires to procure a license to produce the opium poppy, or to manufacture opium or opium products, shall make application therefor in such manner and form as the Secretary of the Treasury shall by rules and regulations prescribe.

(b) A license to produce the opium poppy shall be issued only to a person who, in the opinion of the Secretary of the Treasury, is determined to be a person (1) of good moral character; (2) of suitable financial standing and farming experience; (3) who owns or controls suitable farm land to be used as a production area, in such locality, as will, in the judgment of the Secretary of the Treasury, render reasonably probable the efficient and diligent performance of the operations of producing the opium poppy in appropriate number and quantity; and (4) who complies with such additional requirements as the Secretary of the Treasury shall deem and prescribe as reasonably necessary for the controlled production and distribution of the opium poppy. Each such license shall be nontransferable and shall be valid only to the extent of the production area and maximum weight of opium poppy yield specified in the license, shall state the locality of the production area, and shall be effective for a period of 1 year from the date of issue and may be renewed, in the discretion of the Secretary of the Treasury, for a like period.

(c) A license to manufacture opium or opium products shall be issued only to a person who, in the opinion of the Secretary of the Treasury, is determined to be a person (1) of good moral character; (2) who possesses a method and facilities, deemed satisfactory to the Secretary of the Treasury, for the efficient and economical extraction of opium or opium products; (3) who has such experience in manufacturing and marketing other medical drugs as to render reasonably probable the orderly and lawful distribution of opium or opium products of suitable quality to supply medical and scientific needs; and (4) who complies with such additional requirements as the Secretary of the Treasury shall deem and prescribe as reasonably necessary for the controlled production, manufacture, and distribution of the opium poppy, opium, or opium products. Such license shall be nontransferable, shall state the maximum quantity of opium poppies purchasable or obtainable thereunder, and shall be effective for a period of 1 year from the date of issue and may be renewed, in the discretion of the Secretary of the Treasury, for a like period.

(d) All licenses issued under this act shall be limited to such number, localities, and areas as the Secretary of the Treasury shall determine to be appropriate to supply the medical and scientific needs of the United States for opium or opium products, with due regard to provision for reasonable reserves.

(e) The Secretary of the Treasury may revoke or refuse to renew any license issued under this act, if, after due notice and opportunity for hearing, he finds such action to be in the public interest, or finds that the licensee has failed to maintain the requisite qualifications.

SEC. 7. It shall be unlawful for any person to sell, transfer, convey any interest in, or give away, except to a person duly licensed under this act, or for any unlicensed person to purchase or otherwise obtain, opium poppy seed for the purpose of opium poppy production: *Provided*, That the seed obtained from opium poppies produced by licensed producers may be sold or transferred by such producers to unlicensed persons, and may thereafter be resold or transferred, for ultimate consumption as a spice seed or for the manufacture of oil.

SEC. 8. (a) Any opium poppies which have been produced or otherwise obtained heretofore, and which may be produced or otherwise obtained hereafter in violation of any of the provisions of this act, shall be seized by and forfeited to the United States.

(b) The failure, upon demand by the Secretary of the Treasury, or his duly authorized agent, of the person in occupancy or control of land or premises upon which opium poppies are being produced or stored to produce an appropriate license, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture of such opium poppies.

(c) The Secretary of the Treasury, or his duly authorized agent, shall have authority to enter upon any land (but not a dwelling house, unless pursuant to a search warrant issued according to law) where opium poppies are being produced or stored, for the purposes of enforcing the provisions of this act.

(d) Any opium poppies, the owner or owners of which are unknown, seized by or coming into the possession of the United States in the enforcement of this act shall be forfeited to the United States.

(e) The Secretary of the Treasury is hereby directed to destroy any opium poppies seized by and forfeited to the United States under this section, or to deliver for medical or scientific purposes such opium poppies to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 9. (a) Nothing in this act shall be construed to repeal any provisions of the Internal Revenue Code, except that the provisions of subchapter A of chapter 23, and part V of subchapter A of chapter 27 of the Internal Revenue Code shall not apply to the production, sale, or transfer of opium poppies, when such opium poppies are lawfully produced, sold, or transferred by persons duly licensed under this act in conformity with the provisions of this act and the regulations issued pursuant thereto.

(b) Nothing in this act shall be construed to repeal any provision of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, secs. 171–184): *Provided*, That the Secretary of the Treasury is hereby authorized to limit further or to prohibit entirely the importation or bringing in of crude opium to the extent that he shall find the medical and scientific needs of the United States for opium or opium products are being, or can be, supplied by opium poppies produced in accordance with this act.

SEC. 10. (a) It shall be the duty of the Secretary of the Treasury, whenever in his opinion the medical and scientific needs of the Nation require, to provide for the acquisition of opium poppy seed, for the production of the opium poppy, for the manufacture of opium or opium products, and for the use, sale, giving away, or other proper distribution of opium poppy seed, opium poppies, opium, or opium products by the United States Government either directly or through and with the approval of the head of any agency of the Government, including any Government-owned or controlled corporation.

(b) None of the prohibitions contained in this act shall apply to any officer or employee of the United States Treasury Department, who in the performance of his official duties and within the scope of his authority engages in any of the businesses or activities herein described, nor to any other officer or employee of the United States Government, who in the performance of his official duties, within the scope of his authority and with the approval of the Secretary of the Treasury, engages in any of the businesses or activities herein described.

SEC. 11. (a) It shall be the duty of the Secretary of the Treasury to enforce the provisions of this act, and he is hereby authorized to make, prescribe, and publish all necessary rules and regulations for carrying out the provisions hereof, and to confer or impose any of the rights, privileges, powers, and duties conferred or imposed upon him by this act upon such officers or employees of the Treasury Department as he shall designate or appoint.

(b) It shall be the duty of the other departments, bureaus, and independent establishments, and particularly the Bureau of Plant Industry in the Department of Agriculture, when requested by the Secretary of the Treasury, to furnish such assistance, including technical advice, as will aid in carrying out the purposes of this act.

SEC. 12. The provisions of this act shall apply to the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the Canal Zone, Puerto Rico, and the other insular possessions of the United States.

SEC. 13. (a) Any person who violates any provision of this act or knowingly violates any regulation made, prescribed, and published hereunder shall be guilty of a felony and upon conviction thereof, be fined not more than $2,000, or imprisoned not more than 5 years, or both, in the discretion of the court.

(b) Any person who willfully makes, aids, or assists in the making of, or procures, counsels, or advises in the preparation or presentation of, a false or fraudulent statement in any application for a license under the provisions of this act shall (whether or not such false or fraudulent statement is made by or with the knowledge or consent of the person authorized to present the application) be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $2,000 or imprisoned for not more than 1 year, or both.

SEC. 14. It shall not be necessary to negative any exemptions set forth in this act in any complaint, information, indictment, or other writ or proceeding laid or brought under this act and the burden of proof of any such exemption shall be upon the defendant. In the absence of the production of an appropriate license by the defendant, he shall be presumed not to have been duly licensed in accordance with this act and the burden of proof shall be on the defendant to rebut such presumption.

SEC. 15. If any provision of this act, or the application of such provision to any circumstance, shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SEC. 16. This act shall take effect on the 60th day after its enactment.

SEC. 17. The act may be cited as the "Opium Poppy Control Act of 1942."

With the following committee amendments:

Page 3, line 1, strike out the word "It" and insert "except as otherwise provided in section 7: (1) it."

Page 1, line 7, strike out "except as otherwise provided in section 7 of this act."

Page 4, line 24, strike out "quantity" and insert "quality."

Page 10, line 15, after the word "or", strike out "of" and insert "knowingly violates."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CASEY] may be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

INSTRUCTION OF METEOROLOGICAL STUDENTS IN WEATHER FORECASTING

Mr. BOREN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2693) to provide for the instruction of meteorological students in weather forecasting.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. BOREN]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain what the bill does and why it is necessary to take it up at this time?

Mr. BOREN. Mr. Speaker, the bill S. 2693 is a bill to train 50 meteorological students by the Weather Bureau, which is of immediate importance to the war effort because the Weather Bureau has been divested of its regular employees for use in the Army and the Navy in connection with their meteorological work. This bill contemplates training not only a few of these students for the purpose of giving more over to the War and Navy effort but a few girls to carry on the meteorological work by the Weather Bureau itself.

It provides for only 50 students a year for the duration of the war. It is anticipated that it will require 50 students a year to carry on this work.

Mr. RICH. Will the bill set up any schools for that purpose?

Mr. BOREN. No. It provides scholarships in established schools. There are five schools in the Nation—I do not know exactly which schools they are—that have meteorological courses. They are regular universities.

Mr. RICH. What is the amount of the scholarship?

Mr. BOREN. The amount of the scholarship will have to be set by contract, but the cost is about $600 a student.

Mr. RICH. If there are opportunities given students who take that course, would not the students go to the schools and take this course themselves for the purpose of trying to secure the jobs which the Government offers?

Mr. BOREN. The pay that they receive to begin with is no inducement to these students to make any special effort to prepare for it. It is better not only from the standpoint of getting the students but better from the departmental point of view that they offer the scholarships. They base it on a selectivity proposition, and certain requirements will have to be met before they will be considered.

Mr. RICH. How are these students going to be selected?

Mr. BOREN. Any student who meets certain requirements, as stated in the report, will be taken.

Mr. RICH. Will examinations be held so that it will be competitive, or is it going to be selective?

Mr. BOREN. It is competitive in the sense that any student who meets the requirements is eligible for consideration. It is not anticipated there will be an excessive number of students who meet the requirements.

Mr. RICH. This is the thought I had in mind: Are all students going to be given an opportunity by some competitive test? Is it free for any American boy or girl who wants to be selected and will they have the opportunity?

Mr. BOREN. I can assure the gentleman that anybody who wishes to take this training and who has anything like the right qualifications will have the opportunity.

Mr. RICH. There will be no individual Government official who can pick out the boys and girls he wants for these jobs without giving some competitive test in order to get them?

Mr. BOREN. That is properly protected under the system authorized in the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized, within the limits of available appropriations made by the Congress, to establish and provide not to exceed 50 scholarships annually for furnishing instruction and training in weather forecasting technique for students of meteorology. Such instruction and training shall be secured by contracts for tuition and laboratory charges only with educational institutions which offer accredited graduate professional courses in meteorological science. Such scholarship students shall be selected pursuant to such regulations as to desirable qualifications, ability, and aptitude for weather forecasting as the Weather Bureau, Department of Commerce, may from time to time prescribe, including regulations requiring students participating therein to agree to enter Government employ as meteorologists in the Weather Bureau or as officers in the military service after graduation and completion of training. This act shall expire on June 30, 1947, and all contracts or other obligations entered into under this act shall expire on or prior to such date: *Provided*, That no alien shall receive training under the provisions of this act. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

With the following committee amendment:

Page 2, line 9, strike out "This act shall expire on June 30, 1947, and all contracts or other obligations entered into under this act shall expire on or prior to such date" and insert in lieu thereof "No scholarship shall be granted under this act after the termination of the wars in which the United States is now engaged or such earlier date as the Congress by concurrent resolution may fix, and any contract or other obligation entered into under this act shall expire not later than 1 year after such termination or such earlier date, as the case may be: *Provided*.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF CERTAIN PROVISIONS OF COMMUNICATIONS ACT DURING TIME OF WAR

Mr. BOREN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the nature of this amendment to the Communications Act? This might be a very vital and far-reaching bill.

Mr. BOREN. Mr. Speaker, this bill encompasses about eight suspensions. The purpose of the suspensions is to remove certain restrictions that are at the present time required of the communication agents under the system of normal activity.

For example, one of the provisions suspends the requirement that a Government station can use no more than 15 minutes out of any 1 hour. Under the present law no Government station on a certain frequency that is also occupied by a private radio company can exceed 15 minutes during any 1 hour. This suspension refers, we will say, to a lighthouse radio station that during some emergency period may send out messages to our combat units. We suspend that particular provision for the duration of the war only.

Another instance is that in the event a ship is in a foreign port and its radio operator should jump ship, it would be tied up indefinitely until a radio operator, an American citizen with a license, could be found in that foreign port to operate the radio on that ship. Under the law, the ship would not be permitted to put to sea and continue with its cargo until such an arrangement was made. There have been a few instances already in which ships have been held up for hours and days because of that provision.

None of these amendments goes beyond the point of the illustrations I have given. The subcommittee and the full committee were unanimous in their approval of the various provisions. The list of these provisions is rather lengthy if you take up each item individually, but I can assure the gentleman that there is no suspension of any fundamental law here. This is largely a waiver of certain restrictions that give the Commission discretionary power to require various sorts of showings before a communication agent or agency can proceed.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from California.

Mr. HINSHAW. As an example of those things of which the gentleman is speaking, we might refer to that portion of the law which prevents the Federal Communications Commission from preventing a common carrier by radio or wire from transmitting positions of ships offshore. The first section of the measure we are considering today has in mind preventing the transmission of such information concerning positions of ships, and so forth, by radio, and this provision is very necessary for national defense.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from New York.

Mr. WADSWORTH. I may remind the gentleman, although really he does not need to be reminded, but I remind the Members of the House here present that under a strict construction of the law as it stands today the several hundred young British boys who are taking flying courses in this country and who, of course, are not citizens, are not licensed operators, and cannot be licensed operators under our law, will not be permitted to operate radio apparatus in their planes—obviously an absurd result. They are really training for war with us, on our side. There has been grave doubt in the minds of the Federal Communications Commission and the Army and Navy authorities as to whether or not they will allow these youngsters from England to go up in a plane in the course of their training and practice with the radio in it. This measure which the gentleman from Oklahoma reports from the Committee on Interstate and Foreign Commerce has the effect of suspending that particular provision of law which stands in the way of these youngsters getting that full training.

Mr. BOREN. The gentleman is eminently correct.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from Pennsylvania.

Mr. RICH. This is a unanimous report of the committee?

Mr. BOREN. It is a unanimous report.

Mr. SIMPSON. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from Pennsylvania.

Mr. SIMPSON. I think it would be well to mention, too, the suspension under section 322. At the present time, if a ship is in trouble and broadcasts a request for help, any station which picks up that broadcast must rebroadcast it. Obviously that would lead to the disclosure of the location of both the ship in trouble and the one doing the rebroadcasting.

Mr. WADSWORTH. In other words, we tell the world where we are in trouble under the present law.

Mr. BOREN. Under the present law, as the gentleman very well points out, every ship at sea is required to pick up and relay that message. This is obviously dangerous to our national defense.

Another thing we suspend in this bill is the provision requiring certain instruments to be on every ship and plane that hauls cargoes—for instance, radio sending sets and other technical instruments. This would apply to ships carrying, say, 2,000 tons each from here to the Caribbean area. Under the present law, each one of those ships, even though it is a small freighter or a passenger launch 15 feet long carrying 10 passengers, would be required to have both a sending and receiving set and a licensed radio operator, even if it might be in a convoy. For obvious reasons, that is impractical. Not only is this a drain on our war industry but it is inadvisable for ships in a convoy to have such instruments.

Mr. MICHENER. This is emergency legislation that terminates at the end of the war?

Mr. BOREN. We provide that it shall not extend longer than 6 months after the war It can, of course, be repealed by a concurrent resolution of the Congress at any time. We have in here a provision for such repeal.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 606 of the Communications Act of 1934, as amended (U. S. C. 1940 ed., title 47, sec. 606; Public Law 413, 77th Cong.), is amended by adding at the end thereof the folowing new subsection:

"(h) During the continuance of a war in which the United States is engaged, the President, or any agency or officer of the United States designated by him for such purpose, may, to such extent and in such manner and upon such terms as the President or such agency or officer may prescribe as necessary for the national security and defense, by order waive compliance with or modify or suspend the operation of, in whole or in part, the provisions of the last proviso of section 201 (b) and the provisions of sections 306 318, 321, 322, 323, 324, 351, 352, and 357 of this act. No such order shall continue in effect after a period ending not later than 6 months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate."

With the following committee amendment:

Page 2, line 6, strike out "201 (b) and the provisions of sections 306, 318," and insert "201 (b), the provisions of section 306, the provisions of clauses (1) and (2) of the first proviso of section 318, and the provisions of sections."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. Mr. Speaker, I do this for the purpose of asking the majority leader if he can give the House any additional information concerning the future program of the House.

Mr. McCORMACK. Of course, every Member is aware of the situation that exists. We passed very promptly the bill reducing the age limit of those inducted into service to 18 years and the House confined the measure strictly to that important question. The bill is now in the other body and we read in the newspapers, which, under some circumstances, are quotable under the rules of the House, certain things that might occur. Of course, no one can tell what is going to happen, and I certainly hope that the bill with respect to the Selective Service Act we passed a few days ago will not be converted into a prohibition bill or any other kind of bill. The subject matter we passed upon is so important and so essential that all other questions, in my opinion, no matter how important, are secondary to the passage of that measure. However, the bill is pending in the other body. If the other body puts on amendments and changes the character of the bill, of course, that presents a situation that is going to be very difficult to evaluate as to what our course of action will be. But it is my opinion if the other body radically or drastically changes the character of the bill we sent over, the probability of any action before election day is very remote. Certainly, I am not going to advocate action next week, because if it is amended in any of the manners I read about in the newspapers, the character of the bill will be so changed that it will probably take much longer than a week in conference for the question to be determined. Speaking for myself, I am leaving here either tonight or tomorrow. I do not expect to return between now and election. I expect to do a lot of campaigning in Massachusetts and I do not blame any other man for considering that important matter between now and election. Does that answer the gentleman's question?

Mr. MICHENER. Yes.

Mr. McCORMACK. I cannot answer specifically except to say that if the Senate makes any changes which bring in other subject matters, I do not see how it can be acted upon next week. The responsibility under such circumstances will rest with the body proposing and adopting extraneous amendments to the bill as it passed the House.

Mr. MICHENER. Then I understand if the bill comes back to the House with vital amendments, it will follow the natural course of legislation and go to conference?

Mr. McCORMACK. That is the intention.

Mr. MICHENER. And it will not be before the House until the conferees have disposed of it.

Mr. McCORMACK. Absolutely; and I do not see how they can dispose of it next week or between that time, if it goes to conference, and election day.

Mr. MICHENER. As a matter of fact, it will not be brought up in the House before election, and taking my cue from the distinguished gentleman from Massachusetts, the majority leader, who should know, and almost always does know, I am leaving for Michigan tonight. I may say I am a little surprised, however, that the gentleman indicates it is necessary for him to go back home to campaign. I assumed that his people so recognized his outstanding position here that that would not be necessary.

Mr. McCORMACK. I appreciate the remarks of my friend, but, of course, campaigning is in the blood of all of us, whether we campaign for ourselves or others.

[Here the gavel fell].

PERMISSION TO ADDRESS THE HOUSE

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent that after the reading of the Journal and any previous special order for tomorrow, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. CAMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a description of the Barnesville plan for assisting farmers to gather their crops.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(Mr. KEFAUVER asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include a poem by Jim Foley entitled "The Old Ballot Box."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. LAMBERTSON] may have permission to extend his remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the Chair recognizes the gentleman from Texas [Mr. KLEBERG] for 1 hour.

Mr. KLEBERG. Mr. Speaker, I became a Member of this, the greatest of deliberative assemblies, in 1931. Since that date this is my first attempted long address before this body. Not long as compared to others, but long as compared to whose which I have attempted in the past. Mr. Speaker, all of you who were here and have been since that time, know

me and I feel that I know you. I know that I have respect for my fellows in this great chamber. Mr. Speaker, I am not a reformer, nor am I didactic by intention or otherwise, and I hope that the feeling or extraordinary gratification in this opportunity of addressing you may not be the result of misconception on my part. What I am about to say is the result of much study and almost constant mental review and redaction. There has never been a moment in my life before, when even during a fleeting instant, I have craved power over my fellows. For my part, I am conscious of power to love life, liberty, my family, friends, and the American way of life. These are what my country means to me. At this moment would that I had the power to command and to hold the attention of your minds and hearts. I crave it. I earnestly and respectfully ask it. Permit me before I proceed to again beg your indulgence on grounds of common interest and sympathetic consideration as from man to man and as fellow Members of the House. In a period such as this all men are novices, and if rational and self-possessed we must all experience a veritable galaxy of emotions, fears, outrage, and other sensations. Yes, there have been wars before. Since time when man's presence was first recorded in the chronology of human events, since periods so remote that the range of memory cannot recall, man has warred against his fellows, and all that has resisted his desire to live. In the days of our national nativity, in a letter to George Washington, Jefferson said:

> War requires every resource of taxation and credit.

He then referred, of course, to our war for independence. The war in which we find ourselves involved today is a very different war from that. It is different from every war of the past. It is the most terrible war of all history in destruction, past, present, potential, and in portent. It is without parallel. This war requires much more on our part than every resource of taxation and credit. This war and the kind of victory which we are dedicated to and must win calls for an outlay of our every rational and constructive genius and effort. It is without parallel in fixed and to be fixed responsibilities. Its unbelievable horrors are such as to be by me indescribable. These responsibilities by a just, wise, and inexorable providence, have been in a vast majority cast on our shoulders. I mean it. It is of these responsibilities, an outstanding few of them of which I would speak. For the purposes of this discussion, these I believe can be properly divided into two classes. One, those responsibilities which we owe to the people of the world elsewhere; and second, those responsibilities which we, as representatives charged high with public trust, owe to the citizens of the United States. Yes, and to ourselves. In the last analysis, we are entrusted with the preservation of liberty everywhere, in every land. We are entrusted with the preservation of civilization. We are entrusted with the preservation of christianity. So that certainly, with this incomparable phalanx of inescapable duties on us, it seems to me that with all sincerity this is no bad time to take stock, to stop, and to think things over for a moment.

Mr. Speaker, time will not permit consideration in detail of those responsibilities which we owe to citizens of other countries elsewhere. Suffice it to say that we have as a Nation by legislative enactment assumed some, and others we have assumed, because of their indivisible interrelationship with those assumed by law and treaty. Mr. Speaker, some of these foreign responsibilities to which I have just referred have indirect but definite relationship to those responsibilities which we as Representatives owe to the citizenship of the United States.

At this juncture may I state flatly and without possibility of effective or true contradiction, that the thoughts I propose to advance here are the result of my own study. They may, of course, and naturally will, be colored or shall I say reinforced, by a few quotations from great Americans who have gone before. For instance, with reference to this last set of domestic or internal responsibilities, we have but to recall the immortal Washington's repeated admonitions with reference to Old-World alliances and foreign entanglements. And from Thomas Jefferson, the author of our Declaration of Independence, may I quote a few of his words. In 1787 he directed this statement to B. Vaughan:

> Wretched indeed is the nation in whose affairs foreign powers are once permitted to intermeddle.

And again to Elbridge Gerry, volume IV, 172, Ford edition, volume 121, in May of 1797, among other things he wrote as follows:

> Much as I abhor war and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of Europe, I would yet go with my brethren into these rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thralldom, and that time may be given us to reflect on the awful crisis we have passed through and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane that there were an ocean of fire between us and the Old World.

It is proper, I believe, for me to call your attention to the fact that in the draft of the letter just referred to, this paragraph was changed from the quotation which I gave and which is in print. Before the alteration, it read as follows:

> I shall never forget the prediction of the Count de Vergennes, that we shall exhibit the singular phenomenon of a fruit rotten before it is ripe, nor cease to join in the wish of Silas Deane that there were an ocean of fire between us and the Old World.

Others beside myself, both in the past and present, despite the confusion of new ideologies, theories, panaceas, and cure-alls which beset the world and whose hue and cry breeds confusion in our midst, still believe in the fundamental principles upon which our Government was established, to be the imperishable rock in composite form upon which depends our continued safety. Even though Silas Deane's wish might have been granted by our common God, this rock, I am constrained to state, would still hold us safe.

Abraham Lincoln had this to say:

> The principles of Jefferson are the definitions and axioms of a free society.

It is my most earnest wish that you and all men will believe me when I state in this desperate hour that regardless how my words may be in the future tortured by those who would spread confusion and dissension, that I do not by intention or thought ascribe unpatriotic or unworthy motives to any person within our realm in high place of responsibility even though such purpose and motives may exist. Paramount among the considerations which must antecede, accompany, and follow our efforts to discharge our representative responsibilities to our citizens, is, in my opinion, the consideration of ways and means to bring to an end as nearly as possible all of the forces which militate against the stanchness of the public confidence in its entirety. Because of this I call upon you in this hour as no bad time to take stock; to stop and think things over for a moment. Whom the gods would destroy, they first make mad.

Our independence was not won because of the success of those in our ranks who would spread dissension and break down confidence. To the contrary, it was won by clear-sighted, calm, and effective-minded patriots devoted to a common cause. The author of the Declaration of Independence, an instrument then born in the hearts and minds of people who could no longer in self-respect enjoy life, or, yes, even live it, under the then extant oppressions of a government which denied them liberty, had this to say—and I quote Thomas Jefferson:

> Let nothing be spared of either reason or passion to preserve the public confidence entire as the only rock of our safety.

Mr. Speaker, this is the time, if ever such time existed, when temperate and well-considered utterances should be the inexorable order of the day. This is an hour for all true Americans and brave to hold in abeyance for the duration all utterances of recrimination and abuse, excepting, of course, those which our enemies, impelled by godless lust of conquest, force from our lips because of the intolerable effect of their acts upon our hearts and minds. Within the United States of America, yes, and within the Americas, and as between us and our allies, let us be tolerant and considerate because of the stress of the hour on us.

I would not restrict by these words the free exercise of expression concerning matters of vital interest to us all. When dangerous errors appear to any one of us or any group within us, immediate and certain attention must be called to them. Let us, however, at least ascribe to our fellows the same meed of patriotic intent which we would have them ascribe to us. Mr. Speaker, to my way of thinking, the urge of political expediency should in this hour be outlawed for the duration. Why do I say this? We have but to recall the debate on and the passage of H. R. 1024, known as the poll-tax bill,

to bring before this body some facts as evidence in support of this contention. The debate on this bill brought from the lips of Members of this great branch of Congress words actuated by a group of impelling forces from within completely alien to the best interests of a united war effort. Mind you again, I repeat, every word which I utter is divested of desire and intention to ascribe unworthy motives to any one of you, my beloved friends and fellows. There can be no question in the mind of any of you that this piece of legislation invades the field, to say the least, held by those of us in States where poll taxes are in effect which we hold under our organic charter to be within the exercise of the proper and constitutional sovereignty of the States.

To deep students of government everywhere in this critical hour, may I offer you at this point some observations which are based upon research performed for me and at my request by the legislative reference service of the Library of Congress. I inquired concerning the governmental make-up of those nations which had been most persistent in this war against the ruthless Axis Powers. Based upon my own meager and insufficient information concerning the traditions of some of the sovereign States with reference to local self-government subdivisions, and so forth, I was convinced that this inquiry had merit. The following information was forthcoming: The following nations are generally classified as federations inasmuch as they retain constitutional rights for the individual states which make them up: The United States, Canada, Australia, the Soviet Union—although the Soviet Union is constantly spoken of as a dictatorship both in constitution and in practice, it allows almost complete cultural autonomy to its constituent parts; a definite attempt is made to see to it that there is a vigorous local self-government—Switzerland, Brazil—Brazilian local self-government is temporarily in something of an eclipse; however, President Vargas has retained many, if not most, of the local administrations and allows them a very considerable measure of unimpeded self-government. From my own observations on a recent trip to Brazil, where I had opportunity personally to visit with and enjoy the fellowship and friendship of President Getulio Vargas, of Brazil, I feel that his democratic way with the people of Brazil was more than an indication that his conclusions were reached and action taken after conference with the various heads of the different States which make up Brazil. The Colombian Republic, Mexico, the British Empire. Viewed in its entirety and factually, the British Empire is correctly spoken of as a federation so far as the relationship between the self-government and the Empire as a whole are concerned. We have but to review the fashion in which the different parts of this great Empire have rallied to the support of the United Nations as evidence of this point. France, Belgium, and Czechoslovakia all have centralized constitutions.

It should be remembered that the constitution originally adopted by France was collaborated in and in the main drafted by one who took part in the drafting of the Constitution of the United States, Thomas Paine, he who wrote The Crisis, and who uttered the ringing words:

> This is the time that tries men's souls.

That brings us face to face with the historic repetition of those times. To France, that constitution was not a living edifice, as was our Constitution to us. It was not the result of a freedom which they had earned, and after earning it, were granted its enjoyment throughout the exercise of patience and tolerance through the providence of our common God. That constitution was a mere document to them.

Czechoslovakia made a belated attempt in the middle thirties to extend a higher degree of autonomy to Slovakia, Sudeten Germans, and the Carpathian Ruthenia. At the time of Munich you will recall Czechoslovakia could have been regarded as having definitely entered the group of nations which constitutionally provided for autonomy among the constituent members. Her failure to do this in accordance with the then accepted decisions reached was largely responsible for her collapse.

Let us have a brief look, if you will, into the recent past. Let us examine into and assay the quality of resistance and patriotism shown by Russian soldiers in World War No. 1, when under the czarist regime or the exercise of centralized power, as compared to the unparalleled fortitude, bravery, determination, and fighting quality of Russians today.

I have not prepared this brief, Mr. Speaker. This brief has prepared itself on the pages of history, and at the direction and guidance of our common God. Mr. Speaker, so much for this bit of evidence in support of the high wisdom involved in the maintenance of our form of government, its exquisite set of checks and rechecks against the abuse of power by any branch thereof, and in the defense of the rights of majorities and minorities alike. Please again attend these words which set forth in incomparable purity the highest hopes ever attained by any people in the history of the world:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Mr. Speaker, in times not too remote for the range of memory to encompass, the right to make this declaration and to establish this society was earned. Yes, earned by our forefathers and granted by He who controls our destiny. It is difficult for me, in this hour motivated as I am, to use such reasoning faculty as I possess to its penultimate degree to express myself as to divest my words of any sting or any recrimination whatsoever. But this I do intend. In this world Gethsemane no thoughtful man can fail to be humble. Egotism cannot face nor even presence in this hour the imponderable array which enforces its erasure from this discourse. In constant recurrence there flashes through my mind the question, Who am I to dare the attempt to marshal this admonition before you of better minds than I possess? None of us, Mr. Speaker, after all, have any monopoly on brains, or should I say wisdom. Even though some may feel they have the right to urge that men of today possess greater erudition and statesmanship forsoothe than those of times remote, let me bring to your attention words uttered by one of these men from the long ago. I give you here the viewpoint of the Conqueror Cyrus attributed to him by Zenophon in 400 B. C.:

> Yet I foresee that if we betake ourselves to the life of indolence and luxury, the life of the degenerate who thinks that labor is the worst of evils and freedom from toil the height of happiness, the day will come, and speedily, when we shall be unworthy of ourselves, and with the loss of honor will come the loss of wealth. Once to have been valiant is not enough. No man can keep his valor unless he watch over it to the end. As the arts decay through neglect, as the body, once healthy and alert, will grow weak through sloth and indolence, even so the powers of the spirit, temperance, self-control, and courage, if we grow slack in training, fall back once more to rottenness and death. We must watch ourselves. We must not surrender to the sweetness of the day. It is a great work, methinks, to found an empire, but a far greater to keep it safe. To seize it may be the fruit of daring and daring only, but to hold it is impossible without self-restraint and self-command and endless care.

There are those among us today who would belittle our great men of the past, urged as they are by impulses which I do not possess, impulses born of origins of which I know not. Books have been written containing such questions as this:

> Who among us today would like to rely upon George Washington's physician to attend his ills?

To these and sundry in my humble way, may I say without fear of successful contradiction, and based upon faith in the representative democracy of the United States of America, that, first, the men of science of today and in the past are agreed, geologically speaking, that the world and the earth have been undergoing change throughout the centuries.

Yes; the very ground we walk upon and till today was in ages past a molten, smoking mass. As it cooled through the centuries to a plastic and yielding surface, as witness the tracks which still remain molded in solid rock; the tracks of giant prehistoric forms of life imprinted while the Rocks of Ages were yielding and soft. We have but to follow science with reason to know that even the earth is constantly though imperceptibly changing. It is now, though it has changed from the condition I have described, still it is the source of every vital need or necessity to sustain life of most kinds and certainly animal or mammalian life with which we are concerned. That part of the earth comprising the United States of America is ours. We seek no more and with this part we are vitally concerned. Here are our homes, our people, and our hopes.

Everywhere else on the rest of the surface of Mother Earth where men live, those who reason and are thoughtful are constructively jealous of our realization of our hopes. Nowhere else save here have the highest hopes of man been realized to such a degree.

This is the land or that portion of the earth referred to by Silas Deane when he stated that he wished it might be divided from the Old World by an ocean of fire. I have neither criticism nor censure for this thought save to state flatly that Mr. Deane and Mr. Jefferson, who agreed with him, wished for that which was not and is not. I thank God that our allies cannot only be reached but aided in this day across the God-given Atlantic. This is my view of it.

Human as we are, and to err being human, neither do I censure nor criticize the high-flown expression of those who would give credit to George Washington, James Madison, and other great Americans for having given us our Bill of Rights—for having given us our form of government. Just as flatly do I disagree with them as I do with Deane and with Mr. Jefferson, who agreed with him.

Mr. Speaker, the real reason that we have to such a degree realized our hopes and the hopes of mankind elsewhere has as its source the Maker of those beautiful trees which we see outdoors everywhere. The real reason that we earned the rights which we now enjoy under our Bill of Rights and organic law came as an accompanying grant from our common God, the Maker of all good and perfect things. The Bill of Rights of the great State of Virginia and the Bill of Rights of England, its Magna Carta, likewise, are not to be placed to the credit of any man or men but rather to that of the Ruler of the Universe, our common God. We deal in this Chamber, Mr. Speaker, if we never for a fleeting instant in these tragically charged days forget, with the enactment of rules of conduct which affect the rights, the liberties, and the safety of God's creatures. The responsibilities which we feel and which are ours in these days are a test as to our competence to retain our God-granted American way of life. I feel that we have slipped here and there, as humans inevitably must. I feel that our feet have strayed at times through the result of appeals to which our prejudices rather than our reason have reacted. I feel that sometimes we have been too hasty, another common human error, and that we have failed to think things through.

Let me digress for a moment and give an example of one of the matters wherein I think we have erred. I am sure you will all agree that in this vital hour the ideal situation would be for all Americans to present to the enemy an undivided front on the far-flung battlefields and at home. But stalking in our midst throughout our land we see those who point the finger of scorn at other Americans because, forsooth, they are not in uniform if they are of the age and physical condition to be eligible for service. The error, in my candid opinion, that brings this situation about, was to be found in the original Selective Service Act. If this act had been so drafted as to have by law placed every man between the ages of 18 and 65 in the service of our country upon receipt and signature of his questionnaire, if by law it had been known that this was the case and that certain men as they are needed and based upon the place they filled would be assigned to military service and that all others up until the time of their being called were to consider themselves assigned to places which they then held or to other places where they could be of greater service, we could all have felt that we were doing our bit, and the situation I refer to could have been obviated. Despite the fact that I may be right about this, there still remains the fact that insofar as I regard them, men who are deferred today in war industries or who are deferred because they occupy irreplaceable stations on the farms and ranches throughout this country, should be considered by all Americans to be as much in the service as those who wear the uniform.

Mr. Speaker, because of the haste demanded by the day and hour, I am convinced that agriculture throughout this land has suffered and that the war effort will suffer because of this unless it is remedied. My friends, a soldier in uniform can be assigned to the task of peeling potatoes, and this in the Army is a military assignment. Mr. Speaker, I do not like the idea which permits the finger of scorn to be pointed at an American farmer equally as patriotic because he is deferred to raise potatoes. The man in uniform peels them so that men in uniform may eat them, and the man who toils under the sun, plants, cultivates, and produces them in this day and hour does so so that men in the uniform of the United States may eat them too. This digression, Mr. Speaker, is for the purpose of illustrating the erosive and weakening effect of hasty action on the part of you and me and fellow Members in this body. Earlier in my remarks, by illustration I directed your attention in an exemplary way to an encroachment by the Federal Government on a field reserved by organic law to the jurisdictional sovereignty of the States, and here we have an example of the erosive effect of the discord, recrimination, and censure by Americans directed to other Americans equally patriotic, equally important, in this gigantic struggle to discharge our unparalleled responsibilities to people everywhere and at home.

Mr. Speaker, I have been seated in this body I think during the period of time when official business permitted me to be present in Washington, as often and as long through the debates as any man here. I believe without any ego or pride whatsoever that I am as good a listener as there is in this body. I believe, and I say this without any attempt whatsoever to bring favor upon myself by any one who hears me, that no Member of this body is more humble or definitely conscious of the futility of human reason to encompass and solve the problems which confront this land today than I, but, Mr. Speaker, there are some things which even I can see, some things which I concede to be so disastrously dangerous, and so repetitiously recurrent that in this closing hour of the immediate labors of this body I would call them to your attention.

Mr. Speaker, during the hour which we now face, when legislation comes on this floor which awakens either class or racial prejudice and hatred, I say without fear of contradiction, as to my own opinion in the matter—and I am responsible for it—such legislation does a distinct disservice to the war effort of this country. It is likewise in violence to our Constitution.

Mr. Speaker, these are times when pardonable and entirely rational pride must be had in the product of freemen's genius. American business and industry, American organized labor, American farmers and ranchers throughout this land of ours, have been brought into a position where they criticize, where they rail, where they cavil against one another instead of presenting a united front which the hour demands. Even internecine strife goes forward between Government departments.

My only purpose in taking the floor at this time is to lend my voice, as one who has been a listener and one who has attempted to study the situation, and as one who loves every man and every lovely lady Member of this House, and who believes in the United States of America, to call upon you when we meet again to be even more tolerant than you think you can be. Certainly be more tolerant in the main than you have been in the past. Be more devoted to the proposition of thinking things through.

I gave you the instance of the record of nations where patriotic resistance to totalitarian power is most strongly evident. Those nations, through the love of home and the knowledge and understanding of government brought home to them through the operation of local self-government in properly constituted constitutional and organized subdivisions, are the nations that are offering this resistance. It is impossible, Mr. Speaker, under a centralized government, far removed from the far reaches of this land, for the people to retain either the interest or knowledge to the degree that they should have. God forbid that in the elections to be held for county judges, commissioners, sheriffs, and all of the local subdivisions which are selected and elected by the people, that the Congress of the United States should devote its attention, destructively aroused by appeals to prejudice, and yielding, I repeat, to political expediency, to matters definitely involved with the proper foundation upon which the subdivisions of this country, the States, are organized. By what right do we attempt that? This is no question of which came first, the chicken or the egg. Of course we know the States came first—they ratified the Constitution and it created Congress.

I called this morning to see if I could find in the widespread list of information to be found in the archives of the Congressional Library where the words "the United States of America" were first put together in public form. Do you know? Where is the first place that they appear in print? Do you know? Do you know

from where those words came? Those words were first seen in print in the Declaration of Independence of the United States, an instrument which of itself is the greatest indictment of personalized or centralized power that the world has ever seen. The United States of America was born by the exercise of reason under God, to throw off that oppression from the shoulders of this great mass of humanity. I beg of you, before we go too fast, not to rush heedlessly to the conclusion that, forsooth, because George Washington does not live today he was not a great man; and that if he lived today he would not be as great today as he was in yesteryear. I beg of you not to yield to the theory and the idea which would for a moment dethrone your wisdom and your God-given reason. I beg of you to remember that even if the earth itself changed from a molten mass to rocks, to soil, to sand, and to places where we have built our homes, that the immutable principles of right and wrong established under our common God have never and will never change as long as men are made in His image and as long as they have sufficient reason to appreciate, evaluate, and define the combination of life, liberty, and American reason exercised under law.

Mr. Speaker, I thank you.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] be permitted to extend his own remarks on two subjects and include therein certain excerpts.

The SPEAKER pro tempore (Mr. TERRY). Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I shall make today and to include therein in parallel columns certain matter and certain excerpts in explanation thereof.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MEMBERS WHO ARE MISTAKEN ABOUT THINGS THEY ARE POSITIVE ABOUT CAN BE MISTAKEN ABOUT THEIR SERIOUS UNSUPPORTED CHARGES AGAINST THE PRESENT ADMINISTRATION

Mr. PATMAN. Mr. Speaker, October 15, 1942, the gentleman from Indiana, [Mr. WILSON] was addressing the House and making charges with reference to waste and extravagance on the part of the administration in power. Although I was not attempting to condone or excuse any actual mismanagement of public funds it was my opinion that the gentleman should be more specific in pointing out his charges; that there was already too much loose talk and grumbling going on without direct or specific charges against anyone or anything so I asked the gentleman from Indiana to more particularly identify the items of waste that he charges the Government is guilty of causing.

The gentleman from Kansas [Mr. REES] interrupted the gentleman from Indiana and stated:

Let us take one or two specific items. If the gentleman does not know it, he might be advised that the House not long ago permitted an appropriation to go through to spend $57,000 to study the food habits of birds.

To which I replied:

I wonder if a concerted effort was made to defeat this appropriation that the gentleman says was unnecessary and harmful?

To which the gentleman from Kansas [Mr. REES] replied:

I can advise the gentleman that if he will examine the RECORD he will find that I offered an amendment to strike that particular item from the bill. The gentleman who asked the question neither was on the floor at the time nor did he attempt in any way to help me out on that proposal.

Let me proceed further, since I have opened the question.

There was in that same bill an item providing for the expenditure of money to continue a Travel Bureau in this Government. The distinguished gentleman with all the authority and all the power he has on the majority side of the House did not help on that particular item either, and that item also stayed in the bill.

Continuing further for the moment, I bring up these two items simply as examples, and to say that while the gentleman from Indiana, who has the floor probably has not pointed out specific items to satisfy the gentleman from Texas, I am pointing to items which I think are examples of extravagance and waste on the part of this Government. I am not here to say that all expenses are bad. However, the gentleman asked for a couple of specific items, and because the gentleman from Indiana, who has the floor, probably at the moment could not point to a specific item, I pointed out two items. I objected to those items and tried to strike them from the bill, but I could not get the job done. If the gentleman from Texas had been on the floor and had helped me out, I am sure both the items would have been stricken and we would have saved the money.

Mr. Speaker, I will insert herewith in the first column the statements and charges made by the gentleman from Kansas [Mr. REES], and in a parallel column, the second column, the actual facts relating to them in order to show that the gentleman was absolutely mistaken:

COLUMN NO. 1	COLUMN NO. 2
Mr. REES of Kansas. * * * The House not long ago permitted an appropriation to go through to spend $57,000 to study the food habits of wild birds. (CONGRESSIONAL RECORD, October 15, 1942, p. 8233, column 2.)	The CONGRESSIONAL RECORD discloses that the item referred to was not for $57,000 but for $50,000, and instead of the House permitting it the House adopted an amendment to strike it out of the bill. (See CONGRESSIONAL RECORD, March 27, 1942, p. 3091.)
(The gentleman's description of the purpose of the money is also misleading, but immaterial here.)	
Mr. REES of Kansas. * * * I offered an amendment to strike that particular item from the bill. (CONGRESSIONAL RECORD, October 15, 1942, p. 8233, column 3.)	The RECORD of the proceedings of Congress discloses that the gentleman from Kansas [Mr. REES] did not offer such an amendment. (See CONGRESSIONAL RECORD, March 27, 1942, p. 3091.)
Mr. REES of Kansas. * * * I objected to those items and tried to strike them from the bill, but I could not get the job done.	The CONGRESSIONAL RECORD for March 27, 1942, when the item was considered discloses that it was stricken from the bill on the adoption of an amendment offered by the gentleman from North Carolina [Mr. COOLEY]. (See CONGRESSIONAL RECORD, March 27, 1942, p. 3091.
(The $57,000 item mentioned was one of the items he was referring to.)	

The discussion of this subject was renewed in the House October 16, 1942, at which time the following colloquy took place as disclosed by the CONGRESSIONAL RECORD of that date, on pages 8261–8262:

LESS GRUMBLING AND MORE FACTS NEEDED

So I am with the gentlemen who say they want to stop wasteful expenditures. I commend them. I work shoulder to shoulder with them. But let us not do just a lot of grumbling, a lot of sniping, a lot of criticizing. Anybody can criticize. Let us point out, let us specify. If all the gentleman's information was as incorrect as that I have pointed out, I think the Members of the House will agree with me that there has been too much talk about things that do not coincide with the facts as disclosed by the record.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Kansas.

Mr. REES of Kansas. With reference to the item of $57,000, it happens that the item amounted to $50,000 instead of $57,000.

Mr. PATMAN. But the gentleman did not offer the amendment to cut that out.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. DITTER. As a member of the Committee on Appropriations—and I know my distinguished friend from Kansas is not a member of that committee—I can say for the benefit of the gentleman from Texas, knowing he wants to be fair in this matter, that the self-same amendment that was offered from the other side of the aisle by our distinguished colleague from North Carolina [Mr. COOLEY] was prepared and presented to the Committee on Appropriations by my distinguished friend from Kansas. It was not offered by him. As the gentleman knows, very frequently a commendable project appears all the more commendable if it is fathered and sponsored on the other side of the aisle instead of coming from our side.

Mr. PATMAN. With all due respect to the distinguished and able gentleman, he has not made any contribution to this at all. The reason he has not is that he has not disputed a thing. The gentleman said in his remarks yesterday that when the bill came here on the floor—read the remarks—

he offered an amendment to strike out this item and that I was not present, that if I had been here to help him maybe the amendment would have been adopted, but that as it was the amendment was defeated. The record shows, however, that the gentleman did not offer the amendment at all. The gentleman from North Carolina offered the amendment. Further, instead of the amendment's being defeated it was accepted. So, whether or not he did something in the Appropriations Committee, I will say to the distinguished gentleman from Pennsylvania has no reference to the discussion at all.

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DITTER. If the gentleman will yield, I feel that the gentleman from Texas wants to be fair.

Mr. PATMAN. Certainly I want to be fair.

Mr. DITTER. I hardly feel that he wants to say that the gentleman from Kansas purposely misrepresented the facts.

Mr. PATMAN. I am not saying that.

Mr. DITTER. The contribution I brought was simply to clear up that portion of the RECORD.

Mr. PATMAN. That he was sincere in wanting it stricken out? That I do not dispute. I do not question the sincerity of any Representative on any vote.

Mr. Speaker, it will be noticed that the gentleman from Pennsylvania [Mr. DITTER], who was at the time on the floor of the House sitting by the side of the gentleman from Kansas [Mr. REES] rose and made the statement about the gentleman from Kansas [Mr. REES] having prepared and presented the amendment to the Committee on Appropriations.

Ordinarily such a statement would carry great weight, not only because of the high standing in the House of the gentleman, but also because the gentleman from Pennsylvania [Mr. DITTER] was a member of the Committee on Appropriations and would be calculated to have personal knowledge of the happening of any such event and, further, because of the fact that the gentleman from Pennsylvania is chairman of the Republican National Congressional Committee and would, therefore, be very careful not to make a statement in behalf of his colleague, who is also a member of the minority in the House, unless he was positive that he was not in error.

For these reasons and other reasons I accepted the facts as recited by the gentleman from Pennsylvania, which were supported and corroborated further by the fact that the gentleman from Kansas [Mr. REES] was right there and could have immediately spoken up if an error was being made. I considered his silence and acquiescence under the circumstances as tantamount to condoning and agreeing to the statement made by the gentleman from Pennsylvania [Mr. DITTER].

However, upon examining the printed and recorded proceedings of the House of Representatives during the consideration of the bill, which included the proposal under consideration, I discovered that both of these gentlemen from Pennsylvania and Kansas were entirely mistaken; that the facts are, according to the record, that the gentleman from Kansas did not present the amendment to the Committee on Appropriations as alleged by the gentleman from Pennsylvania [Mr. DITTER] and condoned in by the gentleman from Kansas [Mr. REES], and that both gentlemen were entirely mistaken and have caused to be placed in the CONGRESSIONAL RECORD a statement that does violence to the integrity of the proceedings of the House of Representatives.

The discussions heretofore referred to occurred in the House of Representatives October 15 and 16, 1942, as disclosed by the recorded proceedings of those dates.

The bill, known as the Interior Department appropriation bill, which contained the $50,000 or $57,000 proposal under discussion, was considered in the House of Representatives in March 1942. The gentleman from Oklahoma [Mr. JOHNSON], a member of the Committee on Appropriations, and the chairman of the particular subcommittee having that bill in charge, had control of the bill on the floor during its consideration. The gentleman from the State of Washington [Mr. LEAVY] was also a member of the Committee on Appropriations and was assisting the gentleman from Oklahoma [Mr. JOHNSON] in the passage of the bill.

When the Department of Interior appropriation bill for 1943 was before the House of Representatives, March 27, 1942, the gentleman from Kansas [Mr. REES]—page 3091—was addressing the House on the question of a $50,000 appropriation, which was authorized in the bill for what he considered to be for the purpose of studying the food of birds. The following statements and colloquy appear on page 3091 of the CONGRESSIONAL RECORD of that date:

Mr. REES of Kansas. * * * I know the committee did not listen to anyone else than those sustaining the expenditures. That is the trouble. Why do you not ask someone to come in and be heard on the opposite side?

Mr. LEAVY. Did the gentleman ask to appear before the committee?

Mr. REES of Kansas. Certainly not. But the gentleman is hardly fair. How could I know when the committee would give consideration to these particular items? (CONGRESSIONAL RECORD, March 27, 1942, p. 3091.)

* * * * *

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman did not appear before the committee and make such request, did he?

Mr. REES of Kansas. Oh, no; certainly not. (CONGRESSIONAL RECORD, March 27, 1942, p. 3091.)

In order to make absolutely plain the point I am endeavoring to make, I will insert parallel columns disclosing the statements made by the gentleman from Pennsylvania [Mr. DITTER] and the facts as disclosed by the recorded proceedings of the House of Representatives in the CONGRESSIONAL RECORD:

COLUMN 1	COLUMN 2
Mr. DITTER. As a member of the Committee on Appropriations * * * I can say * * * that the selfsame amendment that was offered from the other side of the aisle by our distinguished colleague from North Carolina [Mr. COOLEY] was prepared and presented to the Committee on Appropriations by my distinguished friend from Kansas [Mr. REES]. (P. 8260, CONGRESSIONAL RECORD, October 16, 1942.)	Mr. LEAVY. Did the gentleman ask to appear before the committee? Mr. REES of Kansas. Certainly not. But the gentleman is hardly fair. How could I know when the committee would give consideration to these particular items? * * * Mr. JOHNSON of Oklahoma. The gentleman did not appear before the committee and make such request, did he? Mr. REES of Kansas. Oh, no; certainly not. (P. 3091, CONGRESSIONAL RECORD, March 27, 1942.)

This information is convincing evidence of the fact that the gentleman from Pennsylvania [Mr. DITTER] and the gentleman from Kansas [Mr. REES] were absolutely mistaken about a matter affecting the integrity of our proceedings here in the House of Representatives according to the printed proceedings of the House of Representatives.

If they can be so mistaken about this matter about which they were both so positive, can it be said that their memories are sufficiently good to trust concerning matters which involve charges of a serious nature against the present administration?

Instead of the distinguished gentleman from Pennsylvania [Mr. DITTER] clearing up the record, as he stated was his object by furnishing the information, he has confused matters unless he is willing to say that his positive statement of October 16, 1942, intended to get a colleague out of an embarrassing situation, does not represent the facts at all. Undoubtedly, if the printed record is undisputed, since he has been convinced that he was mistaken, he will remove the confusion by admitting that his statement to the effect that Mr. REES of Kansas appeared before his Committee on Appropriations and endeavored to get stricken from the appropriation bill the item under discussion did not occur at all and that he was simply mistaken about it.

Let it be understood that I commend the efforts of any Member of Congress to prevent waste or extravagance in government. Not one penny of the taxpayers' money should be wasted. Not one unnecessary employee should remain upon the Government pay roll. Not one bureau or commission should continue to function that can be properly dispensed with during this emergency.

I am not objecting to honest criticism based upon facts that can be supported by information that can be relied upon. Constructive criticism is always helpful and in the interest of the country. Before one holding an important position in government should offer criticism in time of war when unity is so much needed, I believe that he should consider, first, will the criticism be helpful, and second, will it give aid and comfort to our enemies.

This war is serious. It is no time for us to pull apart; it is time we should pull together. We caused young men to go into service expecting them to pull together to win the war.

Under no circumstances should we forget, according to my humble opinion,

that we are fighting the Imperial Governments of Germany, Japan, and Italy, and that we are not engaged in a civil war here in our own country.

There is something in this whole question that is of much greater importance for the moment than misstatements, which do violence to the integrity of our proceedings. That is the attitude of the gentleman from Pennsylvania [Mr. DITTER] occupying the high position that he holds with the Republican organization as chairman of the Republican National Congressional Committee, clearly indicates that he is not averse to the use of loose and unsupported charges of a serious nature against the present administration to be used either by his colleagues or by himself. I hope I am mistaken in this belief.

The most disturbing part about the attitude of the gentleman from Pennsylvania [Mr. DITTER] occupying the position he holds is that he encourages the Members of the minority party to make unsupported charges and gives them to understand that they are under no obligation to present actual facts to support them, but that they may indulge in generalities, if the charges are made against the present administration. I hope the gentleman will give us assurance to the contrary. Such a policy to be even sanctioned or condoned by the distinguished gentleman from Pennsylvania [Mr. DITTER], who is chairman of the Congressional Campaign Committee, is especially very dangerous during this war.

Another disturbing part to me is that the speech of the gentleman from Pennsylvania [Mr. DITTER], which was delivered on the floor of this House, October 16, 1942, commencing at page 8263, clearly indicates that he is giving notice to the people of this Nation that the Republicans are no longer bound by any agreement entered into among themselves to promote unity; that he believes it will be all right for them to continue to criticize our Commander in Chief and the present administration without offering any constructive suggestions; and that they will continue to bring whining, grumbling charges, based upon unfounded rumors that will cause the people—in wartime—to lose confidence in their leaders, who are charged with the winning of this war. Such attitude and assertions are calculated to cause the people to lose confidence in their Commander in Chief in this war, who has at stake the lives of millions of the fine young American manhood, who are willingly offering to give their lives to save our country.

The speech made by the gentleman from Pennsylvania [Mr. DITTER] is calculated to cause more disunity and be more disturbing to the mothers and fathers, who have sons in the service and more shocking to the honest, conscientious American citizen who is endeavoring to do his part in this war, than anything else that I have heard on the floor of this House.

The gentleman from Pennsylvania [Mr. DITTER] in his speech of disunity, in which carping criticism and fault finding were substituted for logic and reason, went so far as to tell the people that the tax bill that will soon become a law will not only be for paying the cost of the war, but also for paying "for the waste and extravagance" of the present Administration.

To quote the gentleman verbatim, he stated:

> The American people remember. They realize today that the dollars that are coming out of their pockets as a tax-gatherer goes around are in part the dollars of waste yesterday.

These statements coming from such a powerful leader of a great political party are calculated to cause the people to lose faith in their President, their Commander in Chief, their Congress and their leaders. They cultivate disunity among the people.

Such statements and assertions are, doubtless, very pleasing to both Hitler and Tojo. If Hitler and Tojo or their representatives were privileged to be in the galleries of this House while such statements are made as they were made by the gentleman from Pennsylvania [Mr. DITTER], they would certainly applaud, because the gentleman from Pennsylvania [Mr. DITTER] would be unwittingly working for them just as effectively and possibly more effectively than their unmolested agents could possibly work in their behalf if permitted to openly operate in our country.

We could turn the German Bund loose in our country and it could not do as much harm as such disunity-creating statements from such important leaders.

Regardless of the New Deal or any expenditures that might be in dispute in the past, this one point should be made clear and that is that the tax bill we are about to enact is for the purpose of paying on the cost of this war and for no other purpose.

Let us hope that we will send no more messages to Berlin or Japan that are so pleasing to them as the remarks of the gentleman from Pennsylvania [Mr. DITTER], and let us hope further that we can lay aside all of our differences—political and otherwise—and get behind our Commander in Chief 100 percent and help win this war.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the CONGRESSIONAL RECORD on farm tenancy and to show that farm tenancy decreased from 1930 to 1940 notwithstanding erroneous impressions to the contrary, and to include therein certain tables and other information in explanation thereof.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. MILLS of Arkansas). Without objection, it is so ordered.

There was no objection.

PROVISION FOR RECESS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks by the gentleman from Alabama [Mr. MANASCO] the House may stand in recess until 2:30 o'clock p. m. today at which time we will take up for consideration the conference report on the second supplemental national defense bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Alabama [Mr. MANASCO] is recognized for 5 minutes.

DEFENSE AREA HOUSING

Mr. MANASCO. Mr. Speaker, it is disagreeable for me to have to take the floor of the House to correct some erroneous statements made by our colleague the gentleman from Indiana [Mr. WILSON] in a speech he made on the floor of the House on October 15. He charged flagrant waste in our war housing program; and being a member of the House Public Buildings and Grounds Committee, which authorizes appropriations for war housing, I cannot sit idly by and allow these charges to go unchallenged. If they are true, our committee and the Congress has been derelict in its duty.

The gentleman from Indiana [Mr. WILSON] pointed out in his speech several war housing projects totaling 9,735 unit projects, and reported that only 5,203 were occupied. Figures from the Federal Works Agency show that on October 1, 1942, there were 9,104 occupied units. I am including a statement from the National Housing Agency showing the actual occupancy of the projects referred to by the gentleman from Indiana [Mr. WILSON] as of October 1. You will note that Miami, Fla., has the poorest showing. There were 200 units in the project. The gentleman from Indiana [Mr. WILSON] pointed out that only 9 were occupied. As a matter of fact, 49 were occupied on October 1, 1942. West Palm Beach, Fla., has 150 units. The gentleman from Indiana [Mr. WILSON] charged that only 59 of them were occupied. As a matter of fact, only 44 were occupied. This can be easily explained. When these projects were started, the Army had begun the construction of large training centers in this area. After the projects were completed, the Army air forces took over several large hotels in Miami and West Palm Beach. Naturally, the houses were not needed, but the National Housing Agency cannot be charged with being in error, for they had no way of knowing that the Army would take over the hotels and had to go on the assumption that the houses would be necessary.

Mr. Speaker, I ask unanimous consent to insert explanatory tables at this point of my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MANASCO. Mr. Speaker, many of the other projects cited by the gentleman

from Indiana were not fully occupied as of January 2, for they were being built to house war workers, and, in many instances, the war plants had not been completed.

The gentleman from Indiana [Mr. WILSON] stated that the cost of houses for defense workers averages around $6,500 per house. Total funds appropriated by the Congress thus far for defense housing amount to $1,035,000,000. The average cost of houses for war workers has never been more than $5,000 including land and nondwelling facilities. The appropriation bill for war housing now before the Congress contemplates 55,000 dormitory units for single persons at an average cost of $1,200; 55,000 temporary dormitory apartments for 2 persons, at an average cost of $2,400; 70,000 temporary family units, at an average cost of $3,300; 25,000 permanent family units, at an average cost of $4,500, including land and nondwelling facilities.

The gentleman from Indiana loses sight of the fact that we are putting forth a tremendous war effort. Naturally, our program has had many faults. We cannot take men from civilian life and make military experts of them overnight. In some places we have built too many houses. In the majority of war-production centers we have not built enough. At the end of August, this year, 122,055 war housing units were occupied out of 132,949 units available for occupancy in the continental United States. This record of more than 90 percent occupancy is extremely good, since the unoccupied projects represent, not permanent vacancies, but merely the normal time lag between completion and occupancy.

In this war effort let us hope that we will build more guns than are needed, more planes than are needed, more tanks than are needed, more ships than are needed, and more of everything than is needed. We would rather have 200 more planes in the Solomons than we need than to have 200 less.

Of course, we want to plan this program as economically as possible, but we must not sacrifice human life and human liberty on the altar of economy. The overworked phrase "too little and too late" is all too fresh in our minds. It was true at Wake Island; it was true at Guam; it was true in Bataan. We hope it is not true in the Solomons. Our foolish economy over the past 20 years in not providing sufficient men and equipment for our armed forces caught up with us at Pearl Harbor. The interest on the enormous cost of this war would have maintained the largest and best-equipped Army and Navy in the world. This penny-pinching policy now is costing us hundreds of billions, whereas, a wiser policy in years past would have cost only a few billions. Unnecessary waste in the War, Navy, or any other department of the Government should be called to the attention of the people and the Congress and should be corrected, but we should not, in our accusations, take a few isolated cases and leave the impression that our entire war effort is a huge program of willful and wanton waste.

Status of projects as of Oct. 1, 1942

Location of project	Units in project	Units reported occupied by Mr. WILSON as of varying dates (generally Jan. 2, 1942)	Units actually occupied as of Oct. 1, 1942
Gadsden, Ala	350	150	344
Fort Ord, Calif	850	124	476
San Francisco, Calif	75	40	75
Riverdale, Calif	150	71	150
San Diego, Calif	3,000	2,240	2,829
San Rafael, Calif	175	141	175
Sunnyvale, Calif	150	60	150
Jacksonville, Fla	330	259	329
Miami, Fla	200	9	49
Tallahassee, Fla	100	37	86
West Palm Beach, Fla	150	59	41
Macon, Ga	260	32	242
Boise, Idaho	100	77	44
Louisville, Ky	250	150	247
Bossier City, La	139	52	131
Havre de Grace, Md	500	226	492
Mt. Clemens, Mich	130	62	130
Pedricktown, N. J	100	54	99
Albuquerque, N. Mex	100	70	92
Lackawanna, N. Y	200	45	200
Sidney, N. Y	200	110	200
Wilmington, N. C	374	275	373
Warren, Ohio	200	105	200
Wickford, R. I	262	52	260
Charleston, S. C	350	142	348
Corpus Christi, Tex	400	109	397
Dumas, Tex	100	70	100
Houston, Tex	200	124	199
Langley Field, Va	350	122	347
Manitowoc, Wis	400	46	396
Total	9,735	5,203	9,104

The SPEAKER. Pursuant to the order heretofore made, the House will stand in recess until 2:30 p. m. today.

According (at 1 o'clock and 43 minutes p. m.) the House stood in recess until 2:30 o'clock p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2:30 p. m.

SECOND SUPPLEMENTAL APPROPRIATION BILL FOR 1943

Mr. CANNON of Missouri submitted the following conference report on the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

Mr. CANNON of Missouri. Mr. Speaker, I now call up the conference report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) "making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 23, 24, 25, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45; and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", when specifically authorized or approved by the Executive Director of the Board or such other official as he may designate for the purpose, of traveling expenses of employees of the Board, including the transportation of their effects, to their first post of duty in a foreign country or when transferred from one official station in the United States or elsewhere to another in a foreign country, and return to the United States; reimbursement to employees of the Board for loss of effects in case of marine or aircraft disaster; payment."; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment, and before the period, insert the following: ": *Provided*, That any reapportionment of the appropriation heretofore granted to the Office of Price Administration for the fiscal year 1943 shall be made in such manner as to restrict the total obligations for such Administration for such fiscal year to not more than $140,000,000, including expenses of administration of the Act entitled 'An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes, approved October 3, 1942 (Public Law 729) and the Act entitled 'An Act to aid in preventing inflation, to stabilize the rents of real property, and for other purposes', approved _____ ____, 1942"; and the Senate agree to the same.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
GEO. W. JOHNSON,
LOUIS C. RABAUT,
ALBERT E. CARTER,
Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
Managers on the part of the Senate.

Mr. CANNON of Missouri. This conference report represents a complete agreement between the two Houses and is the unanimous report of the managers on the part of the House. The aggregate amount of direct appropriation carried in the bill as agreed to in the conference report is approximately $6,350,000,000. Of that about 90 percent is for the Navy, and of the money for the Navy about 70 percent is for aviation. None is for battleship construction.

The principal items in the agreement are these: The Senate bill contained an amendment which removed from the current appropriation of $120,000,000 to the O. P. A. the requirement that this sum should last the entire fiscal year. The House has agreed to this amendment with an amendment stipulating that any reapportionment of the current appropriation should be so made that the total obligations should not exceed $140,000,000, including the necessary expenses of administration of the new price and rent-control legislation recently passed. This allows not to exceed $20,000,000 for the administration of the two acts passed since the enactment of the original price-control law. The Budget Bureau made an informal estimate to us that the amount for that purpose would approximate $23,000,000 for the rest of

this fiscal year and the conference permits not over $20,000,000.

On the provision for the War Manpower Commission the Senate receded from its amendment increasing the House amount by $1,000,000, and the amount appropriated is the amount carried in the bill as it passed the House.

On the question of confirmation by the Senate of all employees under the War Manpower Commission whose salaries are $4,500 or over, the House receded in favor of the Senate amendment.

Mr. RAMSPECK. Will the gentleman yield for a question?

Mr. CANNON of Missouri. It is lim- the gentleman from Georgia.

Mr. RAMSPECK. Is that provision limited to this particular appropriation?

Mr. CANNON of Missouri. It is limited to the War Manpower Commission and is limited to the remainder of this fiscal year and to the amount carried in the bill.

The conference report added $100,000,000 to the amount carried by the House bill for war housing. As the estimate came from the Bureau of the Budget $600,000,000 was recommended for housing, and it will be recalled that the House cut that to $500,000,000. The conference report restores the original amount of the Budget estimate. There is great need for war housing at this time in the immediate vicinity of Army posts, Navy stations, manufacturing plants, shipbuilding plants, and similar war-program manufacturing establishments.

Mr. MICHENER. Will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. MICHENER. Do these appropriations for housing come under the Lanham Act?

Mr. CANNON of Missouri. They are made under the authorization provided by the Lanham Act.

The Senate receded from its amendment providing for the construction of the Florida barge canal. It will be recalled that the House provided for the deepening and widening of the Gulf Intercoastal Waterway which extends from Apalachee Bay, Fla., to Corpus Christi, Tex. In conjunction with this project, a pipe line is under construction to carry oil from the terminus at Apalachee Bay across to the Atlantic coast. Construction of the canal itself was found to be impossible at this time, according to reports of the engineers, on account of lack of priorities for both material and labor.

In answer to an inquiry just made, we increased the amount which could be spent for purchase of automobiles from the $925 limitation now in effect to $1,500, exclusive of freight.

I think that covers the salient points of the bill as agreed to in conference. The report does not entirely meet with the views of the managers on the part of the House in some respects. Conference between the two Houses is necessarily a process of adjustment of conflicting opinions, and there must be concessions on both sides. But on the whole we have a bill as generally satisfactory as could reasonably be expected.

May I ask the gentleman from California [Mr. CARTER] if he desires recognition at this time?

Mr. CARTER. Mr. Speaker, I have no further statement to make. I believe the gentleman from Missouri has covered the points of the bill; and unless someone on this side has a question to ask I do not desire any further time.

Mr. CANNON of Missouri. Mr. Speaker, I wish to take advantage of the opportunity to express my appreciation for the cooperation of the gentleman from California in securing so acceptable an agreement to the conference report. He has been most helpful and most cooperative.

Mr. Speaker, I move the previous question on adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HINSHAW, for 3 weeks, on account of important business.

SUIT AGAINST ASSOCIATED PRESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House at this time for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. MICHENER. Mr. Speaker, the legal proceeding recently instituted in the Federal courts by the Department of Justice against the Associated Press is creating considerable comment and thought throughout the country. It seems to me most unfortunate that proceedings of this type should be started at this particular time. If the Associated Press has a monopoly on news, this same condition has existed for many years, and even if the fact existed, it would make very little difference at the moment because of the strict censorship now being imposed on all news agencies by the Government, ostensibly in the interest of our war effort. Why should disturbing lawsuits of this kind be injected into the national picture when every ounce of the energy of our people should be devoted to the one objective of going forward with the war?

It has been charged that the real instigator of this proceeding is not in the Department of Justice. We may all have our opinion so far as this is concerned but, regardless of the motives back of the lawsuit, I am sure that most of our people feel it is ill-timed and most unfortunate in this the moment of the Nation's greatest peril. Acts of this kind will not make for unified national endeavor.

As I understand the situation, the two most important contentions of the Department of Justice are these:

First. That the Associated Press has no legal right to choose its membership and to reject applicants that it does not want to elect, but must furnish its services to all publishers who desire it.

Second. That the Associated Press has no right to require its members to furnish local news exclusively to the Associated Press.

If the Government's contention in these proceedings is sustained, then some of the effects would be these:

First. The Associated Press, having become in effect a public utility or common carrier, would have to serve all publications that could be called newspapers, including those that it might deem undesirable or discreditable, and individual publishers whose attitude toward the Associated Press was hostile or obnoxious.

Second. It having become a public utility or common carrier, the Government might try to exercise some form of regulation or control. This might seem impossible under the first amendment to the Constitution, but if the courts gave the Associated Press that status they might logically hold that some degree of control would also be legal.

Third. The Associated Press, having lost both control and discipline over its members, its high standards would decline and disintegrate, for those standards have been built up and maintained largely because it has been able to choose worthy members and to enforce the rules that are necessary to produce an accurate and unbiased news report.

Fourth. It would allow a new competitor, however unworthy or malicious he might be, to have the same service that an existing member has in a given city, and thus to share without cost the goodwill and prestige of the Associated Press service which the existing member had built up over many years.

It seems clear to me that the Associated Press is not a monopoly as the Government claims. It is practically impossible for anybody to have a monopoly of news gathering or distribution, for the reason that anyone else is free to obtain all the news and is equally free to use the same means of distribution. As a matter of fact, there are several news-gathering agencies—the Associated Press, the United Press, the International News Service, and others. Every one of these agencies renders a distinct and beneficial service. They are competitors. Hardly a day passes that one of these agencies does not get what is known in newspaper parlance as a scoop on one or more of the others. I am advised that almost all morning newspapers have the Associated Press service. Many of them also have one of the other services. Many of the afternoon papers use the United Press, the Associated Press, and the other services. I can think of large metropolitan newspapers which use the United Press alone.

If the United Press Service is open to all of those who will pay the price, then an Associated Press member is not protected from competition. Therefore, throwing open the Associated Press membership does not of itself create a competitive danger to existing Associated Press papers. But it would work a great competitive injustice to the existing member by allowing the competitor to share without cost the prestige and goodwill of the Associated Press service which

it has built up in a community. It would be like forcing an old mercantile firm to share the good-will of its location or its trade-mark with a competitor.

That result would be detrimental to all Associated Press papers but more so to the small ones than to the large ones, because the prestige of the news service, the Associated Press, United Press, or what-not, is relatively a greater asset in a small field.

The metropolitan paper often uses two or even three news services. It also has syndicated news from the North American Newspaper Alliance, dispatches from its Washington correspondent and from its State capital bureau, from foreign correspondents and other special writers. But the small daily paper depends wholly on one news service for its telegraphic news. Therefore prestige and goodwill attaches to that service to a much greater degree than in a big city, and the exclusiveness of that service, whichever it is, is more important to the small publisher than to the big one.

After the small Associated Press member has built up the prestige and goodwill of his Associated Press service over many years it has become a valuable asset to him, and it would be very unjust for him to share that asset with a newcomer. Yet throwing open the Associated Press service to everybody would tend to invite competition for that very reason—the temptation of getting something for nothing.

Now that temptation is not only greater in a small city than in a large one, but it is more easily acted on. It is very costly to start a new paper in a large city that could compete successfully with existing papers. It is a millionaires' game, and the stakes would have to be very big to justify the cost and risk. Nobody would start a newspaper in Detroit or Buffalo for any minor motive or temporary purpose.

But not so in a small city. A daily paper can be started in a small city with a modest plant, and the cost is not too great for a wealthy man or group of men if they are really keen to do it. Thus a man might start one because he wanted to be governor or to go to Congress. He might start one maliciously, to drag down the existing newspaper and its publisher. Or he might start one to make a berth for a son or relative. A mushroom political group might start one in an election year. A big business interest might start one because of dissatisfaction with the existing paper's policy. Even a shopping news might qualify as a "newspaper" and get the full Associated Press report.

Thus a competitor could step into the field of, say, the Herald, sponge on the goodwill of the Associated Press service, which the Herald had built up for 40 years, and proclaim to the public: "Look! We have the identical news service that the Herald has, the great Associated Press service, which all the people of this city know is unsurpassed in excellence."

What the small publisher is afraid of is not merely competition, for anybody can compete with him by using the United Press service; it is the danger of having a competitor steal the goodwill of his news service. That is a very real danger, and the little publishers all over the country are disturbed. They do not like to see themselves sacrificed for the sake of letting one or two big publishers get the Associated Press service.

Obviously, that is the motive that prompted this suit—to get the Associated Press service for two applicants.

Certainly there could be no other motive that would justify starting such a harsh and destructive proceeding at such a time.

As far back as 1914 the New York Sun started a similar action to force the Associated Press to give it service—that is, the Sun filed its charges with Attorney General Gregory, asking him to institute such a suit. But the Attorney General held:

> I am * * * of the opinion that it is no violation of the Antitrust Act for a group of newspapers to form an association to collect and distribute news for their common benefit, and to that end to agree to furnish the news collected by them only to each other or to the association, provided that no attempt is made to prevent the members from purchasing or otherwise obtaining news from rival agencies. And if that is true, the corollary must be true—namely, that newspapers desiring to form and maintain such an organization may determine who shall and who shall not be their associates.

Those are precisely the two major points involved in the present action. The Associated Press has been operating for 28 years under that opinion, and it has never been challenged until the Chicago Sun wanted the Associated Press service in Chicago. There is nothing new in the situation. The Associated Press plan of operation is substantially unchanged. There is no emergency suddenly demanding such action. On the contrary there is a national crisis that above all things demands unity, harmonius effort, and undivided attention to the war.

Mr. Speaker, I repeat, it is bad public policy to needlessly start acrimonious controversy affecting any class.

It is bad public policy to irritate and alarm the press, and threaten to break down this great news organization, at a critical time when so much depends upon the newspapers, and when so much is asked and expected of them.

Mr. Speaker, I conclude by expressing the hope that the Department of Justice will reconsider its present attitude in this Associated Press prosecution and discontinue the whole proceeding, and all other similar disturbing proceedings, for the duration of the war, at least.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7378. An act to provide revenue, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1468. An act to authorize the Secretary of the Navy to establish a fuel depot at Middle and Orchard Points, Wash.;

S. 2327. An act to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard;

S. 2369. An act for the acquisition of Indian lands required in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California;

S. 2381. An act to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy;

S. 2471. An act to amend the act entitled "An act to prevent pernicious political activities", approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act;

S. 2555. An act to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments;

S. 2623. An act authorizing the construction of certain public works in the basin of the Connecticut River for flood control;

S. 2706. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 676), and "Title IV of the Naval Appropriation Act for the fiscal year 1941", approved September 9, 1940 (54 Stat. 883); and

S. 2751. An act to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States", approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 7378. An act to provide revenue, and for other purposes.

ADJOURNMENT

Mr. CANNON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 42 minutes p. m.) the House adjourned until tomorrow, Thursday, October 22, 1942, at 12 o'clock.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:

H. R. 7736. A bill to amend Public Law No. 542, Seventy-seventh Congress; to the Committee on Mines and Mining.

By Mr. SUMNERS of Texas:

H. R. 7737. A bill to provide for the punishment of certain hostile acts against the United States, and for other purposes; to the Committee on the Judiciary.

H. R. 7738. A bill to provide for the appointment of an additional circuit judge for the fifth circuit; to the Committee on the Judiciary.

H. R. 7739. A bill to authorize the appointment of court reporters in the district courts of the United States; to fix their duties; to provide for their compensation; and for other purposes; to the Committee on the Judiciary.

By Mr. RANDOLPH:

H. J. Res. 354. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:

H. R. 7740. A bill for the relief of James W. Kelly; to the Committee on Claims.

By Mr. MAGNUSON:

H. R. 7741. A bill for the relief of Albeno Moreno; to the Committee on Claims.

SENATE

THURSDAY, OCTOBER 22, 1942

(Legislative day of Thursday, October 15, 1942)

The Senate met at 11 o'clock a. m., upon the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, Who art the Light of all our seeing, we thank Thee for this quiet moment when facing human issues, with heavy responsibilities committed to our hands, trusting a strength and a wisdom not our own, we can look away from things seen to things unseen, and confidently express our faith—in God we trust. In the secret places of the inner life may there be those spiritual deposits and resources, that strength of conviction, that loyalty to ideals, that vision splendid of faith and hope that shall give poise and courage and an undeviating devotion to the right, as Thou dost give us to see the right.

In all the perplexities and confusions of our time may we be conscious that Thy truth is marching on, in the coming of a new spirit into society concerned for the common good. And as we here highly resolve to give all and to dare all for that dream and that dawn, may our glad hearts thrill at the beckoning challenge of being partners with Thee, our redeeming God, in building a world where righteousness and justice and love shall one day cover the earth as the waters cover the sea.

We ask it in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, October 20, 1942, was dispensed with, and the Journal was approved.

ENROLLED BILLS SIGNED DURING THE RECESS

Under authority of the order of the 20th instant,

The VICE PRESIDENT signed the following enrolled bills, which had been signed previously by the Speaker of the House of Representatives:

S. 1468. An act to authorize the Secretary of the Navy to establish a fuel depot at Middle and Orchard Points, Wash.;

S. 2327. An act to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard;

S. 2369. An act for the acquisition of Indian lands required in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California;

S. 2471. An act to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act;

S. 2555. An act to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments;

S. 2623. An act authorizing the construction of certain public works in the basin of the Connecticut River for flood control;

S. 2706. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 676), and "Title IV of the Naval Appropriation Act for the fiscal year 1941," approved September 9, 1940 (54 Stat. 883);

S. 2751. An act to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes; and

H. R. 7378. An act to provide revenue, and for other purposes.

SUPPLEMENTAL ESTIMATE, LEGISLATIVE ESTABLISHMENT (S. DOC. NO. 283)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the legislative establishment, United States Senate, fiscal year 1943, amounting to $34,000, which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Morehouse-Ouachita Baptist Association, in the State of Louisiana, favoring the enactment of legislation to prohibit the manufacture and sale of all alcoholic beverages for the duration of the war; to the Committee on the Judiciary.

The memorial of Mrs. Martin Rottler, of Connellsville, Pa., remonstrating against the enactment of legislation to reduce the draft age limit; ordered to lie on the table.

By Mr. TYDINGS:

Petitions of sundry citizens of the State of Maryland and the District of Columbia, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. BARKLEY (for Mr. HUGHES):

Petitions of sundry citizens of the State of Delaware, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. KILGORE:

Letters and papers in the nature of petitions from sundry citizens and religious organizations of the State of West Virginia, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

SHORTAGE OF FARM LABOR—LETTER AND RESOLUTION OF NEW HAMPSHIRE EGG PRODUCERS COOPERATIVE

Mr. TOBEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point and appropriately referred a letter, with an attached resolution, from the manager of the New Hampshire Egg Producers Cooperative. The cooperative referred to consists of 2,100 farmers of Vermont, New Hampshire, and Massachusetts, and the letter and resolution set forth the tremendous handicap under which they are operating in the disposal of their eggs due to the shortage of labor. Their plight commands my sympathetic interest.

There being no objection, the letter and attached resolution were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

DERRY, N. H., *October 14, 1942.*

Senator CHARLES W. TOBEY,
United States Senate,
Washington, D. C.

SIR: We are enclosing a copy of a resolution passed at our annual meeting in regard to the farm labor situation. As you already know, the shortage of farm labor is becoming acute in New Hampshire; and unless immediate action is taken by our officials in Washington to relieve this condition, a very serious food shortage will result. We hope that you will do everything in your power to remedy this situation.

Very truly yours,

NEW HAMPSHIRE EGG PRODUCERS,
By CLEVELAND GILCREAST,
Manager.

Whereas the United States Government, through the Department of Agriculture, has asked for a large increase in the number of eggs to be produced in 1942 and 1943 in order that additional supplies will be available for domestic use, for those in the armed forces, and for shipment to our Allies abroad; and

Whereas the Secretary of Agriculture has recently asked for the production of an additional 600,000,000 pounds of poultry meat this year through the hatching of 200,000,000 additional chickens; and

Whereas the achievement of this goal is an impossibility for the farmers of northern

New England unless immediate action is taken to alleviate the labor shortage; and

Whereas the present labor shortage has already resulted in the sale of many poultry flocks and dairy cows for meat because of the absence of labor to care for them:

Therefore, the New Hampshire Egg Producers Cooperative, a producers' marketing cooperative, comprising 2,100 farmers located in the States of New Hampshire, Vermont, and Massachusetts, at its annual meeting, held on October 6, 1942, unanimously voted that the proper authorities in Washington should be made aware of this very serious labor shortage; and immediate steps be taken to relieve the labor shortage on the farms. Otherwise, a very serious food shortage cannot be avoided.

ALLEGED POLITICAL CAMPAIGN PRACTICES

Mr. BUTLER. Mr. President, I ask unanimous consent to present and have referred to the Special Committee to Investigate Senatorial Campaign Expenditures, which is in charge of checking senatorial elections, a statement made by Representative HALLECK, which appears in the CONGRESSIONAL RECORD on pages 8389 and 8390, with reference to the folder which I am submitting for reference to the committee. The question involved is whether some of the money appropriated for the operation of a Government department is being used to influence elections.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

PROHIBITION OF LIQUOR SALES AROUND MILITARY CAMPS—PETITION

Mr. TOBEY. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a petition of members of the board of trustees of the United Baptist Convention of New Hampshire expressing interest in and asking support for the so-called Lee amendment to the pending bill, S. 2748.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

We, the undersigned, now meeting in Manchester, are members of the board of trustees of the United Baptist Convention of New Hampshire. It is the unanimous hope of our group that you will heartily support the so-called Lee amendment to the proposed statute drafting 18- and 19-year-old men. In addition, for moral and patriotic reasons we respectfully urge you to support all legislation which seeks to control or eradicate the liquor evil in our country, an evil which is sapping the Nation's strength. If possible, kindly read this petition into the CONGRESSIONAL RECORD.

R. J. Bennett, Dover; H. W. Buker, New London; A. W. Burnham, Epsom; W. J. B. Cannell, Lebanon; C. R. Chappell, Manchester; G. E. Chick, Madison; H. W. Curtis, Portsmouth; Mrs. E. B. Dana, East Jaffrey; Mrs. C. W. Doe, Northwood; A. L. Felker, Meredith Center; F. W. Fitzpatric, Belmont; H. L. Hanson, Claremont; E. A. McKenzie, Concord; D. J. Neily, Nashua; E. W. Parsons, Nashua; J. W. Rafter, Manchester; W. J. Setzer, Manchester; J. S. Shaw, Franklin; J. D. Squires, New London; G. W. Swallow, Manchester; R. H. Tibbals, Antrim; F. T. Wadleigh, Milford; John Watson, Laconia; G. E. Wright, Exeter.

PROPOSED PROHIBITION LEGISLATION—RESOLUTION OF NATIONAL CONVENTION OF AMERICAN LEGION

Mr. KILGORE. Mr. President, I present for appropriate reference and to have printed in the RECORD Resolution No. 115 of the last national convention of the American Legion with reference to national prohibition legislation.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution 115

Resolution to oppose action on prohibition legislation

Whereas, under the alleged purpose of protecting the men of our armed forces, there have been introduced into the Congress of the United States various bills, particularly Senate bill No. 860, H. R. 7108, and H. R. 7101, and others relating to the same subject, having for their purpose the creation of prohibited areas in the vicinity of army camps and navy bases, in which areas beer, wine, and liquor may not be sold; and

Whereas such action may now be taken in the discretion of the Commander in Chief whenever necessary without congressional action, and introduction of such bills into Congress is totally unnecessary: Now, therefore, be it

Resolved by the American Legion in National Convention assembled at Kansas City, Mo., these 19th, 20th, and 21st days of September, 1942, Do hereby recommend to the Congress of the United States, and each Member thereof, that all action on the question of prohibition, and particularly that portion of Senate bill No. 860, H. R. 7108, and H. R. 7101, and others relating to the same subject in reference thereto, be deferred until the end of the present war.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

S. 2239. A bill to encourage the discovery of oil and gas on the public domain during the continuance of the present war; without amendment (Rept. No. 1652).

By Mr. HATCH, from the Committee on the Judiciary:

H. R. 137. A bill to provide for the appointment of one additional United States district judge for the eastern district of Missouri; with amendments (Rept. No. 1653).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2791. A bill to authorize the Secretary of the Navy to pay the costs of transportation of certain civilian employees, and for other purposes; without amendment (Rept. No. 1654).

By Mr. RADCLIFFE, from the Committee on Commerce:

H. R. 7424. A bill to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes; without amendment (Rept. No. 1655), and

H. R. 7556. A bill authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; without amendment (Rept. No. 1656).

By Mr. BAILEY, from the Committee on Commerce:

H. R. 7629. A bill to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the Shore Establishment of the Coast Guard, and for other purposes; with amendments (Rept. No. 1657).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for promotion in the Navy.

By Mr. BAILEY, from the Committee on Commerce:

Several employees of the Coast and Geodetic Survey to be hydrographic and geodetic engineers with the rank of lieutenant in the Coast and Geodetic Survey.

By Mr. REYNOLDS, from the Committee on Military Affairs:

Hugh McKittrick Jones, principal personnel procurement officer, field service, Seventh Service Command, Army Specialist Corps;

Melvin James Snyder, principal administrative officer, Engineer Corps, Services of Supply, New York; and

Sundry officers for appointment, by transfer, and/or promotion in the Regular Army.

PRINTING OF ADDITIONAL COPIES OF THE REVENUE ACT OF 1942

Mr. HAYDEN, from the Committee on Printing, reported an original concurrent resolution (S. Con. Res. 35), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 37,000 additional copies of Public Law No. 753, current session, entitled "Revenue Act of 1942," of which 5,000 copies shall be for the use of the Senate document room, 25,000 copies shall be for the use of the House document room, 5,000 copies for the use of the Committee on Ways and Means of the House, and 2,000 copies for the use of the Committee on Finance of the Senate.

STIMULATION OF THE PRODUCTION OF PETROLEUM AND PETROLEUM PRODUCTS AND UTILIZATION OF MINERAL RESOURCES (PT. 3 OF S. REPT. NO. 838)

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to submit a report from the Committee on Public Lands and Surveys containing the recommendations of that committee to meet a possible oil shortage.

It is a summary of a study made by a subcommittee of the Committee on Public Lands and Surveys of the whole petroleum situation pursuant to Senate Resolution 53, agreed to May 1, 1941, and under Senate bill 2239. It reviews the condition in the field and in Washington and points out methods by which to avoid with respect to oil the critical confusion the country has experienced with respect to steel and rubber.

In view of the fact that the Senator from South Dakota [Mr. GURNEY], who was a member of the subcommittee dealing with this subject, is about to open the debate on the pending business, I do not intend to impose upon his time, but I wish to call attention to the fact that yesterday the War Production Board announced the approval of the application of the Republic Steel Corporation for permission to build what is known as a sponge-iron plant.

The development of sponge iron as a substitute for scrap is an objective which the Committee on Public Lands and Surveys has had before it for the past 7 months. I feel that it is only proper,

in connection with the report I am now submitting, that an expression of appreciation be made to the War Production Board for the action it has now taken. It was impeded for months by representatives of the steel industry, who, against the advice of many experts, persisted in contending that these new processes for reducing iron ore should not be utilized.

As long ago as last May I offered and the Senate approved an amendment appropriating $600,000 to enable the Bureau of Mines to test the sponge-iron processes. Within a week after Secretary Ickes announced that the project would be undertaken, Republic Steel made the application to W. P. B. which has now been approved.

The manufacture of more steel is essential to the maintenance of oil production.

The VICE PRESIDENT. Without objection, the report submitted by the Senator from Wyoming [Mr. O'MAHONEY] will be received and printed.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KILGORE (for himself and Mr. PEPPER):

S. 2871. A bill to establish an office of war mobilization, and for other purposes; to the Committee on Education and Labor.

By Mr. McNARY (for Mr. BROOKS):

S. J. Res. 167. Joint resolution requesting the President to declare November 10, 1942, a day for the observance of the creation of the United States Marine Corps; to the Committee on the Judiciary.

REDUCTION OF DRAFT-AGE LIMIT—AMENDMENTS

Mr. BILBO, Mr. BURTON, Mr. CAPPER, Mr. DANAHER (for Mr. TAFT), Mr. NYE, and Mr. TYDINGS each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, which were severally ordered to lie on the table and to be printed.

MINERAL RESOURCES OF THE PUBLIC LANDS

Mr. O'MAHONEY submitted the following resolution (S. Res. 310), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, authorized by Senate Resolution 53, agreed to May 1, 1941, to investigate the mineral resources of the public lands of the United States, hereby is authorized to expend from the contingent fund of the Senate $3,000 in addition to the amount heretofore authorized for such purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the bill (S. 2693) to provide for the instruction of meteorological students in weather forecasting, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. LUDLOW, Mr. SNYDER, Mr. JOHNSON of West Virginia, Mr. RABAUT, Mr. JOHNSON of Oklahoma, and Mr. CARTER of California were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7356. An act to amend section 75 (a) of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended;

H. R. 7370. An act to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934; and

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2381. An act to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy; and

H. R. 7455. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 7356. An act to amend section 75 (a) of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on the Judiciary.

H. R. 7370. An act to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934; to the Committee on Interstate Commerce

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes; to the Committee on Finance.

THE EFFECT OF WAR ON TRADE IN THE AMERICAS—ADDRESS BY EDGAR B. BROSSARD

[Mr. THOMAS of Utah asked and obtained leave to have inserted in the RECORD a radio address on the effect of the war on trade in the Americas, delivered on October 11, 1942, by Edgar B. Brossard, member of the United States Tariff Commission, which appears in the Appendix.]

WAR RECORD OF THE UNITED MINE WORKERS OF AMERICA

[Mr. KILGORE asked and obtained leave to have printed in the RECORD a tabulation showing the record of the United Mine Workers of America in connection with the war effort, which appears in the Appendix.]

ADMISSION TO THE AMERICAN LEGION OF VETERANS OF WORLD WAR NO. 2

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1699, House bill 7675, a bill to amend the charter of the American Legion by making eligible to membership in the Legion men who serve honorably in the present war. I may say that the bill passed the House of Representatives unanimously, and has been unanimously reported by the Committee on the Judiciary of the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (H. R. 7675) to amend the act entitled "An act to incorporate the American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2 was considered, ordered to a third reading, read the third time, and passed.

REDUCTION OF DRAFT-AGE LIMIT

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate proceeded to consider the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, which had been reported from the Committee on Military Affairs with an amendment on page 2, after line 18, to insert the following new section:

SEC. 4. Section 5 of such act, as amended, is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the land or naval forces of the United States while this act is in effect because such person entered such service without the consent of his parent or guardian.

"(j) No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which is not a felony at common law, if the local board having jurisdiction determines that such individuals, notwithstanding such conviction, are morally fit for military service."

So as to make the bill read:

Be it enacted, etc., That so much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as

amended, as precedes the first proviso is hereby amended to read as follows:

"SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States."

SEC. 2. Section 5 (f) of such act, as amended, is hereby amended to read as follows:

"(f) Any person who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this act during the last half of the academic year at such school or institution, shall, upon his request, have his induction under this act postponed until the end of such academic year."

SEC. 3. Section 15 (a) of such act, as amended, is hereby amended to read as follows:

"(a) The term 'between the ages of 18 and 45' shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner."

SEC. 4. Section 5 of such act, as amended, is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the land or naval forces of the United States while this act is in effect because such person entered such service without the consent of his parent or guardian.

"(j) No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which is not a felony at common law, if the local board having jurisdiction determines that such individuals, notwithstanding such conviction, are morally fit for military service."

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	O'Mahoney
Andrews	Gerry	Overton
Austin	Gillette	Pepper
Bailey	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Gurney	Reynolds
Barkley	Hatch	Rosier
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Johnson, Calif.	Smathers
Bulow	Kilgore	Smith
Bunker	La Follette	Spencer
Burton	Langer	Thomas, Idaho
Butler	Lee	Thomas, Okla.
Byrd	Lodge	Thomas, Utah
Capper	Lucas	Tobey
Caraway	McFarland	Tunnell
Chavez	McKellar	Tydings
Clark, Idaho	McNary	Vandenberg
Clark, Mo.	Maloney	Van Nuys
Connally	Maybank	Wagner
Danaher	Mead	Wallgren
Davis	Murdock	Walsh
Downey	Norris	Wheeler
Doxey	Nye	White
Ellender	O'Daniel	Wiley

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Kentucky [Mr. CHANDLER], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. MCNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], the Senator from Colorado [Mr. MILLIKIN], the Senator from Ohio [Mr. TAFT], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Seventy-eight Senators have answered to their names. There is a quorum present.

Mr. GURNEY obtained the floor.

Mr. LEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. GURNEY. I yield for a question or a short statement.

Mr. LEE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEE. What is the pending business?

The PRESIDING OFFICER. Senate bill 2748 is the pending business.

Mr. LEE. I wish to offer an amendment to the committee amendment.

The PRESIDING OFFICER. Does the Senator from South Dakota yield for that purpose?

Mr. GURNEY. Not for the present. I believe the committee amendment should be considered first.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. GURNEY. Mr. President, before starting on my preliminary remarks, which will be brief, probably not over 10 or 15 minutes, I wish to express the hope that I may conclude my statement without interruption, after which I plan to go thoroughly into the committee report, and at that time I shall be glad to yield for questions or interruptions from any Senator seeking information which I or others may be able to furnish.

Mr. President, today I am presenting to the Senate Senate bill 2748, with the complete backing of the Committee on Military Affairs. The final vote for committee approval was unanimous. I am sure that at the time I introduced this bill, on September 3, 7 weeks ago, every Member of Congress and a great majority of the people of the United States had become convinced that this war in which our country is engaged was an all-out war, a war in which the enemy, prepared long before us, had a good start in their fight to impose their will and their ideas of dictatorial government on the entire world, including the United States of America. With each succeeding day since our declaration of war last December, while our armies were being increased by leaps and bounds, while our production was reaching proportions heretofore thought impossible, there has been a more complete realization by all citizens of the United States that the conflict we are now in is a battle not only for our firesides and our kind of government, but a battle for our very lives.

All of us today, I think, will concede that the powers fighting for individual freedom and self-rule are on the side which is surely right. Therefore, we have just reason to believe that Omnipotent Power is on our side. Certainly we must also agree, being practical men, that the Lord helps those who help themselves. We place our trust in Him. Secondly, we look to our armed forces, for in a life-and-death struggle we must place our faith, so far as humans go, in the strength of our arms and in the intelligence and sincerity of our high command.

Our Commander in Chief has spoken, saying now is the time. Delay cannot be countenanced in bringing to our armed forces the strength, virility, agility, and stick-to-itiveness of our younger men. The Secretary of War in a statement concurred in by the Navy has said that immediate passage of this bill is imperative. Our Chief of Staff in answer to a question put by me in committee hearings has stated simply, "The Army requests immediate passage."

Our enemies' best divisions are made up of their younger men; they are the elite troops, the panzer divisions, if you please. To oppose them we can and will present better troops, better clothed, better fed, and better trained. When I say better trained, we must realize—and I hope Senators will remember this—that each day while this bill is being considered in Congress a day's training is lost for those who must, of necessity, come into the armed forces of our country in this time of need. It is my firm opinion that if there is complacency anywhere in the United States, it is and has been here in Washington. The people are ready and willing to make all necessary sacrifices. They will send their sons to the armed forces in ever-increasing numbers; they will continue to carry on at home. All that is necessary is that they know what is necessary. The Commander in Chief and the heads of the Army and Navy have told them what is now necessary, and the people have accepted it. Witness a recent poll of public opinon, which was taken before the President's address to the Nation on October 12. Even at that time more than 70 percent of the people agreed that 18- and 19-year-olds should be given the opportunity of joining our armed forces.

Witness only a few days ago another poll of those to be actually affected by this legislation; the 18- and 19-year-olds have themselves said, by a percentage stronger than 80 percent, that they are ready and desire to serve in the armed forces. All of us who believe in the American people and have unbounded faith in the future of the United States could not have believed that our people would have acted otherwise when our country was involved in the greatest crisis in all its history.

Our system of selective service certainly has its faults, but with all its faults, it is the system which has been

accepted and agreed on as the best for a free people to use in furnishing the necessary manpower with which to conduct a war. As we all know, Selective Service is now furnishing men only for the Army. The Navy, the Marine Corps, and the Coast Guard have, by custom, secured their men through voluntary enlistment. Some will argue that Selective Service should furnish men for all branches of our armed forces. They say no voluntary enlistments should be allowed. As for myself, I cannot do anything but compliment the man who volunteers his services. To stop volunteering by law at this time would, in my opinion, be bad for the morale of the young men of our country whose patriotism knows no bounds. Be that as it may, the question before us now is to furnish to our Army a group of manpower which will immediately lower the average age in the Army. Mechanized warfare requires the strength and vigor of a younger army. The average age of our Army combat divisions is far too high. The testimony is conclusive that a division of troops with an average age of 23 or 24 years is much more effective as a fighting unit than one whose average age is 5 or 10 years older. Actual figures now prove that the average age of our troops in the Army is 7 or 8 years older than that of the men in the Navy, and the marines are even younger than that.

The people of America have a right to believe when they are making an all-out effort that the war will be won. I repeat, the present average age of our troops is far too high for an aggressive force, and with the increase in numbers it is paramount that the 18- and 19-year-olds come in. Not to bring in the younger group would compel us to bring in the older men who would have wives and even dependent children at home, with the result that the average age would rise to an alarming figure, to such an extent that our Army then, while it might be all right for defensive purposes, would certainly not be what we could call an aggressive force, and I am convinced the American people do not fight wars in that way. Americans say the best defense is a quick overpowering offense, and that is just what our Army, Navy, and Marine Corps have assured us is their present program.

I hope each Member of the Senate during the consideration of this measure today and possibly tomorrow—I hope not longer—will keep in mind, first, that everyone in authority in a military way, from the Commander in Chief and the Chief of Staff of our Army on down, has said that the need is imperative. Second, I wish to point out, and hope that Senators will also remember, that for each young man who comes into the armed forces to make our Army better there will be deferred from immediate liability for military service an older man who may be married and has not only a wife to support but also growing children. With the immediate passage of Senate bill 2748, the direct testimony of the Director of the Selective Service System is that its passage will give deferment to married men with children for the period from December 1 well into the fall of next year. Remember, each young man who comes into the Army means one older man who will not be called.

General Marshall, the Chief of Staff, has a gigantic task. No other general in the world's history was ever given the problem of directing operations on six continents. This titanic struggle is of such huge dimensions that no man can tell when the war will end. No man can now say that even boys who are just now entering their teens will not be called on to serve in this war in years ahead. Therefore, as these boys become men, as they reach 18 years of age, let us start to give them every bit of training there is time for, not only that they may be better fitted for efficient service to their country, but also that they may be better able to protect themselves. A well-trained army has fewer casualties than an army which is not sufficiently trained. We must give them this training so that they themselves will know that they are in the pink of condition to do the job they have to do—and the job which they, themselves, want to do for the United States of America. Let us give our men a fighting chance by getting them into training now.

We are now making an army. The high command have said they have now in prospect, to be ready in 1943, an army of 7,500,000 men. Remember, that army is still in the making, and our high command knows that in making new divisions 12 months of training is vital. More than 12 months is always better. General Marshall said:

> We have calculated with extreme care what we must have and the greatest speed with which we can get to it by the end of December 1943. But it should be perfectly clear in your minds that what we turn out in January 1943 is not available until January 1944, and the men who it is proposed to induct under this estimate in December 1943 will not be available in newly trained units until January 1945. This planning must be made far in advance and we must have a long period of training before units can be used in combat. New organizations must be created—they must make their own history, their own traditions, and be trained to operate as complete teams.

At the conclusion of General Marshall's testimony I asked him the simple question:

> General, am I to understand the Army wants this bill passed as quickly as possible?

The general answered simply:

> Yes, sir.

I then asked:

> Do you want it passed as it is without any restrictions?

The general's answer was:

> That is right.

So in conclusion, let me say that because of the imperative need for quick passage of the bill and the necessity of keeping away from any controversial questions that will delay immediate passage, I hope that my colleagues will sincerely consider the inadvisability of offering any amendment which will, in any way, delay passage and, therefore, delay final victory for which we are all hoping, praying, and striving.

Mr. LEE. Mr. President, I offer an amendment and ask that it be stated.

Mr. GURNEY. I have not yielded the floor

The PRESIDING OFFICER. The Senator from South Dakota does not yield the floor.

Mr. VANDENBERG. Mr. President, I should like to ask the Senator from South Dakota a question or two if I may.

Mr. GURNEY. I shall be glad to yield to the Senator from Michigan for a question.

Mr. VANDENBERG. The first question I should like to ask the Senator is not critical, but goes to the basis of my thinking on the subject. If the need for lowering the draft age is as imperative as the Senator indicates, why was not the movement initiated by an official request to the Congress from the Commander in Chief and from the general staffs of the Army and Navy, instead of being initiated by civilian Members of Congress?

Mr. GURNEY. Of course, the Senator knows the procedure when a committee of the Senate or of the House is endeavoring to bring a bill to the floor. The bill is first sent to the department of Government affected. In turn, it is passed on to the Bureau of the Budget. Undoubtedly the Army has had its plans in mind for a number of months, and undoubtedly it was a matter of having all those in authority agree with those plans.

Mr. VANDENBERG. My own viewpoint has always been in opposition to lowering the draft age below 20 years; but I have always said that in time of war we must depend upon our general staffs for military decisions, and that any time the Commander in Chief and the general staffs of the Army and Navy came to the Congress and officially told us that a lower draft age was indispensable to victory, I should feel the necessity of submitting to their judgment.

I now return to my question. I am sorry if I am confused about the matter; but if the need suddenly is as imperative as the Senator indicates, I do not understand why the Commander in Chief and the general staff waited for civilian Members of Congress to initiate this movement on their own civilian responsibility. That somewhat "mortgages" my feeling in respect to the imperativeness of the situation.

Mr. GURNEY. Of course, I cannot completely answer the Senator's question; but I can say that in the first World War, at the time we had in the Army approximately 4,000,000 men, which is the approximate number we reached a few months ago, Congress, after much debate, passed a bill authorizing the selection of 18- and 19-year-olds and making them liable for military service. So we could expect at about this time the proposal which now faces us, because we have brought into the Army during this war approximately the same number that was brought in during the first World War when it was proposed that the Congress do the same thing which the Senate Military Affairs Committee now proposes.

Mr. VANDENBERG. Let me put the question a little differently, and perhaps a little more bluntly. Did the Senator

introduce his bill on his own initiative, or at the request of the departments?

Mr. GURNEY. I introduced the bill on September 3 on my own initiative, after having made a trip to some 12 Army cantonments, where I had an opportunity to see for myself the number of older men who were coming into the Army and the high percentage of older men who were in the hospitals in those camps because of minor ailments. After making a trip through the country and seeing the manpower which was available in the younger age group, on my return to Washington I immediately introduced the bill, without a suggestion from anyone else.

Mr. VANDENBERG. Let me ask this supplemental question: If the issue of imperativeness had not been raised at the present time by civilian Members of Congress, does the Senator believe that the issue would be here?

Mr. GURNEY. That is a question which I cannot answer, because I do not know what goes on in the several departments of Government.

Mr. VANDENBERG. I am only trying to nail down the question of indispensability. If the proposed step is indispensable, all right; but I am still awaiting proof of indispensability.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Alabama.

Mr. HILL. With reference to the question of the Senator from Michigan, let me say to the Senator that I had very much the same feeling in the matter that he had. I not only had that feeling, but in correspondence with my constituents I gave expression to it.

I believe that the statement of General Marshall before the Senate Committee on Military Affairs, the statement of Admiral King before that committee, and the letter of the Secretary of War leave no doubt that they, as the men who are responsible for the conduct of this war on behalf of the United States, feel that it is absolutely necessary that this bill be passed at this time. I think it was only after they had received reports in July and August, and after General Marshall himself had made an inspection trip a short time ago, that they realized the imperative need for this measure. In other words, the effect of the older men did not begin to show up until along about July, or perhaps August. As I recall, in July the average age of a division was about 28, whereas only 90 days previously the average age was 25. There was a very precipitate increase in the average age over a comparatively short period of three or four months When the average age began to step up, General Marshall made an inspection trip, as did the Senator from South Dakota. He told us about being at Fort Bragg, where he went into the hospital and saw that it was crowded with older men who had been drafted, and who had shown that because of their age they could not take the training. They were in the hospital because of the fact that the training was so rigid that they simply could not stand it.

When reports came in showing that the average age was increasing precipitately, the military authorities became concerned because so many of the older men were in the hospitals. Remember that when a man goes to the hospital not only is he out of training for the period of time he is in the hospital, and of no value to the Army, but he imposes a very considerable burden on the Army, because there must be somebody to take care of men while they are being hospitalized.

From the testimony of General Marshall and Admiral King, the letter of the Secretary of War, and the other evidence we had before the committee, I think there is no question that if the Senator from South Dakota had not introduced his bill, those gentlemen, as the responsible heads of our military and naval organizations, would have been before us insisting on the passage of such a measure. That in no way takes any credit away from the Senator from South Dakota for his vision and farsightedness in introducing the bill.

Mr. VANDENBERG. Mr. President, will the Senator further yield?

Mr. GURNEY. Let me supplement the answer which has been given by the Senator from Alabama. When the original Selective Service Act was before the Congress in 1940, every time when the leaders of our armed forces came before the Military Affairs Committee, and on every occasion when any measure was under consideration to amend the Selective Service Act, their testimony at all times was that they wanted the right to bring in the younger men. That was their original request, before we passed the bill in September 1940. There has been no change of recent date in the statements or the policy of the Army. The Army officials have held to the same opinion for more than 2 years.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. VANDENBERG. I realize that the statement made by the able Senator from Alabama and the statement made by the distinguished Senator from South Dakota are totally persuasive in respect to the attitude of the Army and Navy toward the Senator's bill. However, what disturbs me is the fact that we still lack an official request from those upon whom we have to depend for our high military command and strategy initiating the movement. That is the thing I miss. I invite the Senator's attention to the fact that even the Commander in Chief has not officially said to the Congress that he wants this legislation. He has been content to make his statement in a broadcast to the country. On a matter of this desperately fundamental importance, I respectfully submit that a broadcast to the country is not an official communication to the Congress; and it seems to me that the Commander in Chief ought to ask for such legislation if it is as indispensably imperative as the Senator indicates.

Mr. GURNEY. Of course, we have an official request from the War Department in writing, dated October 13, 1942.

Mr. VANDENBERG. That was after the Senator introduced his bill.

Mr. GURNEY. That is correct.

Mr. VANDENBERG. Perhaps this is all beside the point; but I do not understand the imminence with which this problem is now clothed, in view of the silence of the Commander in Chief and the service departments up to the moment when civilian Members of Congress initiated the proposal for lowering the draft age. I do not know whether or not that reflects in any way upon the degree of imperativeness. That is what I wish to be reassured about; that is what the country wishes to be reassured about. The country will take this if it is indispensable to victory, but not otherwise.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. The Senator will recall that a year ago the War Department asked that the minimum age be placed at 19. The Senator will no doubt also recall that we had a very intensive debate over the question of whether or not the age should be 19. By a majority of 2 votes the Senate placed the age at 19. The Senator will recall that the bill then went to the House of Representatives. The House did not accept the 19-year age, but placed it at 21. The bill went to conference, and neither the House age of 21 years nor the Senate age of 19 was accepted. As might have been expected, a compromise was reached on an age of 20 years.

I call attention to a statement in the letter of the Secretary of War under date of October 13, in support of the pending bill. He calls attention to the fact that a year ago the War Department asked that the age limit then be 19 years. He then goes on to say——

Mr. VANDENBERG. Mr. President, if the Senator will permit me to interrupt him at that point, what he has said brings me to the next question I want to ask.

Mr. HILL. I ask the Senator to permit me to read one sentence.

Mr. VANDENBERG. Very well.

Mr. HILL. In the letter the Secretary of War calls attention to the fact that he requested the 19-year-old age limit a year ago. He then goes on to say:

> It is my considered opinion, as well as that of my chief military advisors, that contingencies now foreseeable make it imperative that the pool of available military manpower be still further widened.

That is what he says in connection with the bill. Of course, the only way it could be widened would be to take the younger men. He could not go beyond the 45-year-old group. One reason for widening it by taking men from the younger groups is that the older men are not proving to be satisfactory material.

Mr. VANDENBERG. That is true; but I want to refer to what the Senator just read, and to General Marshall's suggestion heretofore made that he wanted to reach down into the 19-year-old group. I desire to know whether in connection with the pending bill consideration has been given to the question whether or not it would suffice for military purposes, for the needs now foreseeable, to reduce the age limit to 19 instead of to 18.

Mr. GURNEY. Mr. President, answering that inquiry, let me say that the

testimony of both the Army and the Selective Service System—I shall get to that when I read the committee report—is that out of the 18- and 19-year-old group 1,400,000 men will be available. It will readily be seen that to provide an Army of 7,500,000 men we shall have to have a great many more than 1,400,000 men.

We must also take into consideration the fact that voluntary enlistments are now taking great numbers of the 18- and 19-year-olds, most of them going into the Navy and the Marine Corps, although quite a considerable percentage is going into the Army. It is estimated by General Hershey of the Selective Service System that one out of three availables in the 18- and 19-year-old groups will volunteer before they are selected for induction.

Consequently most of them will enter the Navy and the Marine Corps. The Army will not gain strength very rapidly from volunteers who enter the armed forces between now and, let us say, December, when the machinery for inducting 18- and 19-year-olds will be ready to bring them in. In other words, if 1 out of 3 volunteer, we shall have left about 800,000 or 900,000 men who, commencing December 1, 1942, will be available for the Army. Eight or nine hundred thousand men added to our present Army would not bring it up to a total strength of 7,500,000 men. Therefore, if that will not do it, half that number would be much further away from bringing in the necessary manpower.

Mr. VANDENBERG. When are we to have an army of 7,500,000 men?

Mr. GURNEY. At the end of 1943.

Mr. VANDENBERG. Are we correctly advised by the newspapers that the objective is to have an army of approximately 10,000,000 men if the war goes beyond the end of 1943?

Mr. GURNEY. No; that is not correct. The testimony given by General Marshall is that their plan at the present time—of course, they cannot see what may happen next year; no man can—are for a total army in 1943 of only 7,500,000 men. We must add to that number, in order to get the total number of our citizens in the armed forces, those who are in the Navy, Marine Corps, and Coast Guard, which undoubtedly will bring up the total to about 10,000,000; but the General Strategy Board at the present time does not anticipate wanting more than 7,500,000 men during 1943.

Mr. VANDENBERG. I suppose the decision as to the total number of men required is essentially a military one, and perhaps it is a matter which has to be one of military secrecy. Has the Senate Military Affairs Committee any testimony to which the Senator would feel free to advert to indicate why an army of 7,500,000 men is necessary and how in general it is to be handled?

Mr. GURNEY. Yes; I can get to that point very quickly, and much more easily by explaining the numbers as I go along with the committee report. I shall come to that subject.

Mr. VANDENBERG. I thought the Senator had concluded his presentation.

Mr. GURNEY. Oh, no; I am going to conclude the argument put forth in the Senate Military Affairs Committee report.

Mr. VANDENBERG. Perhaps the Senator then will state some of the things I am anticipating.

Mr. GURNEY. I think so.

Mr. VANDENBERG. I thank the Senator for his courtesy.

Mr. McKELLAR rose.

Mr. GURNEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I should like to know the number of young men who were obtained from the 20-year-old class. How many young men did the Army obtain from that class? As I understand the Senator, upward of 800,000 men would be obtained from the 18- and 19-year-old classes; is that correct?

Mr. GURNEY. No; not quite correct.

Mr. McKELLAR. How many would be obtained?

Mr. GURNEY. About 1,400,000 will be obtained from those two age groups.

Mr. McKELLAR. After allowing for all enlistments in the Navy and the Marine Corps?

Mr. GURNEY. No.

Mr. McKELLAR. Deducting those, as I recall, the Senator said that about eight-hundred-and-some-odd-thousand men would be obtained from the two classes—the 18- and 19-year-old classes. Of course, that is an estimate. What I desire to know is how many men the Army obtained from the 20-year-old class.

Mr. GURNEY. The testimony given and the figures kept by the Selective Service System, as transmitted to us in the hearings, show that as to any age group, about 100,000 men become of that age each month.

Mr. McKELLAR. But what I am getting at is this——

Mr. GURNEY. I shall go on with the explanation, and shall answer the Senator's question.

Mr. McKELLAR. Let me make it clearer. Of course, we are now dealing with estimates as to 18- and 19-year-old classes; but we do not have to deal with estimates as to the 20-year-old class, because we have already inducted the men from that class into the Army. What I want to know is whether the committee obtained the figures as to how many men from the 20-year-old class had been inducted into the Army?

Mr. GURNEY. Answering the question directly, let me say that when General McNarney, the Deputy Chief of Staff, was asked that question he would not give us the figures in actual numbers. All he would do was give us the percentages of each age group now in the Army—1 or 2 percent of a certain age group now in the Army, perhaps 7 or 8 percent of another age group. However, as to the actual numbers, they felt that such information should not be given out at this time. In fact, they thought it so important that they did not give the actual figures to the committee itself.

Mr. McKELLAR. I should think it would be very helpful. It would be very helpful to me to know whether their estimates were correct, and those estimates would be susceptible of proof. For instance, if from the 20-year-old class, only four-hundred-and-some-odd thousand men were obtained after allowing for the men from that group entering the Navy and the Marine Corps, then we should know what we should have to do in the case of the 18- and 19-year-old classes.

Mr. GURNEY. I realize that the information would be helpful to the Senator.

Mr. McKELLAR. Yes.

Mr. GURNEY. It would be helpful to all of us; but the Army's statement was that it would also be helpful to the enemy.

In order to make as clear as possible the point regarding the 1,400,000 men who will be available when the bill is passed, let me say that from the 18- and 19-year-old age group, 1,400,000 men will be available to our armed forces. General Hershey says that one out of three will volunteer—approximately 500,000—leaving 800,000 or 900,000 to be inducted commencing December 1942.

Mr. McKELLAR. That is what I understood the Senator to say.

Mr. GURNEY. So, considering the 1,400,000 men, we see that there are not as many men in that group now as there would have been, let us say, in the group of 20- and 21-year-olds 2 or 3 years ago; because a great many of the 18- and 19-year-olds have already volunteered.

So, instead of having approximately 1,000,000 men available in each age group, we have at the present time only approximately three-quarters of a million available in the 18-year-old age group, and three-quarters of a million available in the 19-year-old age group.

Mr. NORRIS. Mr. President——

Mr. GURNEY. I yield to the Senator from Nebraska.

Mr. HILL. Mr. President, will the Senator from Nebraska permit me to say another word about the matter; because I referred to it a minute ago in answer to a question by the Senator from Michigan.

Mr. NORRIS. Certainly.

Mr. HILL. I hold in my hand a letter, an excerpt from which I think would be of interest in connection with the Senator's question.

Mr. McKELLAR. Mr. President, will the Senator from South Dakota yield?

Mr. GURNEY. I have yielded already to the Senator from Alabama.

Mr. HILL. Mr. President, I desire merely to read an excerpt from the letter which General Marshall wrote last December. It is as follows:

WAR DEPARTMENT,
OFFICES OF THE CHIEF OF STAFF,
Washington, D. C., December 17, 1941.

Hon. ROBERT R. REYNOLDS,
Chairman, Committee on Military Affairs, United States Senate.

DEAR SENATOR REYNOLDS: Urgent military demands render it impossible for me to present personally to your committee certain recommendations which I consider it my duty to submit regarding the age limits for liability for military service provided in pending legislation to amend the Selective Training and Service Act of 1940.

I earnestly request that the Senate fix these ages at 19 to 44 years, inclusive.

To win this war will require a maximum national effort, and it is important that we recognize from the beginning that able-bodied men of all ages must bear proper proportions of the load in the capacity for which

best suited. The traditional age for liability for military service in our country is 18 to 45. The War Department, sensing the reluctance of the Congress to fix the lower age limit at 18 years, recommended 19 years originally. The Department feels that it would be unwise to make further concession in this regard. The Army needs men between the ages of 19 and 44 to insure a proper balance in our effort.

I will ask, Mr. President, that the remainder of the letter be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remainder of the letter is as follows:

This is in line with the experience of the other principal nation engaged in this war, and we should profit by their experience.

Highly skilled technicians can be obtained only from those in the upper age brackets who have had years of experience. Young men possess the vitality, enthusiasm, and physical stamina necessary to the successful performance of certain types of duty.

The selection of men for military service from the very beginning of this war must be accomplished in a manner that will insure a continuous maximum effort in both military and industrial fields. There is sufficient manpower available to do this, but in order that it may be accomplished fairly and without waste, all men between the ages of 19 and 44 years should be notified now that they are liable for military service if and when needed.

Already a greater percentage of our people is employed in industry than was the case at the peak of production during the First World War, and this percentage is steadily increasing. Certainly, it can be assumed that our industrial effort will continue to increase at a rapid rate for some time to come, and all of our availab' manpower will be required in the defense of this country, either in uniform or in industry.

Faithfully yours,

GEORGE MARSHALL,
Chief of Staff.

Mr. HILL. It will be noted that General Marshall stated last December that the Army needed men between the ages of 19 and 44. He previously stated that the Army really needed men from the age of 18, but because of the reluctance of Congress he would not ask that the limit be reduced to 18. He uses the words:

To insure a proper balance in our effort.

The situation today is that we are not getting the younger men, 18 to 19 years of age, and the lack of a proper balance is showing up, and is becoming more aggravated all the time.

Mr. VANDENBERG. Would he have had a "proper balance" if he had had 19-year-old youngsters at that time?

Mr. HILL. He did not say that. He said what he really needed was men of 18 and 19 years of age; but, because of the reluctance of Congress, he would not ask that 18-year-olds be included. He was aware of that reluctance; he was certainly familiar with it, and it was confirmed by the fact that Congress refused even to accept his recommendation to include those 19 years of age, and put the limit at 20 years of age, and the House of Representatives at first put the figure at 21 years of age. Because of that reluctance, General Marshall said that he would yield and only ask that men 19 years of age be included. He prophesied, however, that there would not be a proper balance unless the Army had the 18- and 19-year-old men, and his prophecy has turned out to be correct. Today we see that lack of proper balance, and we see it becoming more aggravated all the time.

Mr. NORRIS. Mr. President——

Mr. GURNEY. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to ask the Senator a question or two in regard to the pending bill. I think the Army officials have reported to the committee that they desired the change in regard to the age limits and thought it ought to be made.

Mr. GURNEY. They say the change is now necessary; indeed, that it is imperative, and that the bill should be passed immediately.

Mr. NORRIS. I read a statement in the public press, I think, regarding the hearings before the Committee on Military Affairs, and I wanted to ask the Senator whether the impression I gained from the reading was correct. I understand that it was suggested in the committee that an amendment be offered to the effect that the men of 18 and 19 years of age should receive 1 year's training before they were actually taken into the service, and that the officials of the War Department, including the Secretary of War, objected very strenuously to any such limitation being put on the induction of these men into the service. Is that true?

Mr. GURNEY. That is correct.

Mr. NORRIS. It requires, as I understand—and the Senator I think has confirmed it—at least a year's training in order to make them really fit for actual service.

Mr. GURNEY. If I may enlarge on that point, I believe it will fully answer the Senator's inquiry.

Mr. BONE. Mr. President, will the Senator permit me to ask a question?

Mr. GURNEY. Let me answer first the question of the Senator from Nebraska.

Mr. BONE. The Senator could probably answer my question at the same time.

Mr. McKELLAR. Mr. President, before that is done I should like——

Mr. GURNEY. Mr. President, I yield to the Senator from Tennessee, who desires to make a motion in connection with an appropriation bill.

SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR. I submit the conference report on House bill 7662 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 23, 24, 25, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45; and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", when specifically authorized or approved by the Executive Director of the Board or such other official as he may designate for the purpose, of traveling expenses of employees of the Board, including the transportation of their effects, to their first post of duty in a foreign country or when transferred from one official station in the United States or elsewhere to another in a foreign country and return to the United States; reimbursement to employees of the Board for loss of effects in case of marine or aircraft disaster; payment."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment, and before the period, insert the following: ": *Provided*, That any reapportionment of the appropriation heretofore granted to the Office of Price Administration for the fiscal year 1943 shall be made in such manner as to restrict the total obligations for such Administration for such fiscal year to not more than $140,000,000, including expenses of administration of the Act entitled 'An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes,' approved October 2, 1942 (Public Law 729), and the Act entitled 'An Act to aid in preventing inflation, to stabilize the rents of real property, and for other purposes', approved ——————, 1942."

And the Senate agree to the same.

KENNETH MCKELLAR,
CARL HAYDEN,
M. E. TYDINGS,
GERALD P. NYE,
Managers on the part of the Senate.

CLARENCE CANNON,
LOUIS LUDLOW,
J. BUELL SNYDER,
GEO. W. JOHNSON,
LOUIS C. RABAUT,
ALBERT E. CARTER,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. McNARY. I have no objection to the proposal, but I should like to have the able Senator in charge of the bill make a statement as to the result of the conference.

Mr. McKELLAR. I shall be glad to do so; it will take only a few minutes, I will say to the Senator from South Dakota.

Mr. GURNEY. I yield for that purpose.

Mr. McKELLAR. I thank the Senator for yielding.

I shall state the principal changes which the conferees have made in the Senate bill. The House disagreed to the portion of the Senate amendment which provided that not to exceed $50,000 could be expended for the transportation of families and effects of employees to the posts of duty of such employees in foreign countries. The House conferees

were not in favor of permitting dependents to accompany such employees. The remainder of the Senate amendment was agreed to by the House conferees.

I wish to say to the Senate that it seemed to the conferees on the part of the Senate that the dependents of foreign officers should not at this time be allowed to accompany our representatives into foreign countries. It is dangerous, in the first place; and to move their household effects and things of that kind would be inconvenient. So the Senate conferees yielded to the House contention.

The next subject related to the Office of Price Administration. There was a provision in the Senate bill doing away with the limitation of $120,000,000 on expenditures of the Price Control Administration. It will be remembered that the House last summer allowed $75,000,000 for the Office of the Price Administrator, although an estimate for a much larger sum had been sent in by the Budget Director.

The Senate increased that amount to $125,000,000, and it was finally agreed in conference that $120,000,000 should be allowed but provision was made that the allocation by the Price Administrator should be made immediately and that it should be divided on a 12-month basis. It was quite a rigid provision. Since that time new and additional duties have been added to the Price Administrator by reason of two bills which the Congress has passed. Manifestly the Price Administrator cannot carry out the provisions of those two bills with the appropriation he now has. So the Senate put a provision in the bill deleting for the present that limitation.

The Senate bill contained an amendment which removed from the current appropriation of $120,000,000 to the Office of Price Administration the requirement that this sum should last the entire fiscal year. The House has agreed to this amendment with an amendment stipulating that any reapportionment of the current appropriation should be so made that the total obligations should not exceed $140,000,000.

The reason for that was that an unofficial estimate had been made by the Director of the Budget of a little more than $120,000,000 for the additional work, and that was allowed. It should have been allowed, the House has agreed to the amendment, and I hope the Senate will agree to it.

With regard to the War Manpower Commission, there was an amendment for an additional sum of $1,000,000 for farm placement service. The House conferees were adamant about that provision, and it was deleted in conference.

With respect to the item of $50,000 for the Thomas Jefferson Bicentennial Commission, the House conferees were adamant on that, and that $50,000 was deleted.

Next there was an amendment removing the restriction on the salary of the vice chairman of the United States Maritime Commission. I call the specific attention of the Senator from Oregon [Mr. McNARY] to this item. The House conferees were unwilling at this time to agree to the amendment, but agreed that the House would take the matter up and go into it more carefully when the next deficiency appropriation bill came before them.

I now wish to call the attention of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to an item of $30,000, not appropriated, but an amount which the Senate amendment would have permitted the Forest Service to use of an appropriation already made for the acquisition of additional land adjacent to the present laboratory at Madison, Wis.

The House conferees were adamant on this. They were adamant on a similar amendment when we offered it about 2 months ago on another bill. We had to yield at that time, and we had to yield this time. There was no way around it. I was very sorry, because I myself think it is a good provision.

The next and last item was what was known as the Florida Barge Canal proposal. The House conferees were adamant on it. We could not go a step with them about it at this time, and we were obliged to yield.

I may add that there was an amendment adopted by the Senate providing that all the employees of the Manpower Commission receiving salaries of more than $4,500 a year should be appointed by the President by and with the advice and consent of the Senate, and that was agreed to by the House conferees.

I think this statement covers every important amendment, and I submit the report and hope the Senate will agree to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report? The Chair hears none, and, without objection, the report is agreed to.

REDUCTION OF DRAFT AGE LIMIT

The Senate resumed the consideration of the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

Mr. DANAHER. Mr. President——

Mr. GURNEY. I yield.

Mr. NORRIS. Mr. President, the Senator from South Dakota had already yielded to me, and I had not completed my question. If other Senators wish to get in first, I am willing to yield.

Mr. GURNEY. Mr. President, continuing the discussion between the Senator from Nebraska and myself, I shall be glad to answer his question now. I intended to yield only so that he could have an amendment printed, but I shall answer his questions now.

The Senator made the point of the necessity of 12 months' training, and asked whether or not that question was raised in the Committee on Military Affairs of the Senate. Not only was it brought up in the Senate committee, but it was also brought up in the House Committee on Military Affairs, and on the floor of the House. The provision was voted down in the House committee and on the floor of the House, and it was not a part of the bill as it came from the House. The Army objects to that idea.

Mr. NORRIS. That is the principal matter I want cleared up. What is the ground of their objection?

Mr. GURNEY. They say it would tie their hands. Their explanation is that we are now in the process of building up an Army. We started from scratch. We did not have an Army until a little over 2 years ago. We confront an enemy whose army is thoroughly trained, who has been training his troops for the last 8 or 10 years. He has completed his program of building up an army to its maximum strength. At the present time all he has to do is to train replacements. When replacements are brought into an army all that is necessary is to give them their basic training, during which they learn the fundamentals. They are built up physically, and get used to army life.

Speaking of replacements, a man who has gone through a basic-training period of 4 or 5 or 6 months can be put into an already trained outfit where there is a squad of 12 men, say. If a replacement of 1 man is needed, the man who has had only from 4 to 6 months of training can nicely fit in and work with the team. But when a new Army is being built up, it is necessary, especially in building up new divisions, that after the men complete their basic training they go to their division then as a whole new team, and it takes up to 12 months to get them in shape so that they will be a really efficient combat division.

Mr. NORRIS. As I understand, the Army claims it takes more than 12 months to train men properly, as a matter of fact, but that they must have at least 12 months. We cannot escape the conclusion, it seems to me, that if the Army officials are now opposed to requiring 12 months' training, on the theory that they might want to use the men in actual service before the 12 months expire—and it seems to me that is the only reason which would have any validity—it must follow that if certain conditions arise they will put those men into actual fighting on the battle front while they are still green and not properly trained.

Mr. GURNEY. The men would be properly trained, if I can impart to the Senator my faith in the Army and my belief in the program which the Army is following at the present time in the training of troops for combat. Troops in combat divisions at the moment have, in the majority of cases, had more than 12 months' training. Even now, men are taken from the basic training camps after a period of 4 or 6 months and put in as replacements.

Mr. NORRIS. Mr. President, I cannot get out of my mind that the Army has alined itself behind the pending bill, and is almost demanding that it be passed immediately and without amendment. Perhaps I am prejudiced against the bill on that account. I do not think such a position should be taken by any executive officer of the Government.

It seems to me that on this question the officials are unreasonable when they say, "At least 12 months' training must be had before a soldier is fit for actual

service, but we object to a provision in the law that these men shall receive 12 months' training before they are actually put into service."

While I am asking questions there is one more which I should like to propound.

Mr. HILL. Mr. President, will the Senator from South Dakota yield so that I may say a few words in answer to the question of the Senator from Nebraska?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. GURNEY. I yield.

Mr. HILL. I know that the War Department has never said that every individual soldier who is going to serve in a combat zone, or in the fighting area, must have or should have 12 months of training. What the War Department has said is that every combat division should have, and must have, 12 months of training. There is a vast difference between saying that before going into the combat area every individual must have 12 months' training, and saying that every combat division, which is a very large organization composed of 15,000 men——

Mr. NORRIS. Oh, yes; I know that.

Mr. HILL. If the Senator will allow me to finish the comment, I think I can make my point clear.

Mr. NORRIS. Very well.

Mr. HILL. There are many individuals who, when entering the Army, have been already trained for the very job which has been assigned to them. For instance, a radio operator or a mechanic may be sent to the front line. He has to be there to work on a tank, or perhaps on an airplane. There are any number of men serving in such capacities who do not require 12 months' training before being prepared to perform their duties. There might be a signal man who had been trained in his civilian work to such an extent that he would be almost 90 percent ready to do his job. It is necessary to have the signal man or the radio operator. The same statement might apply to a man who is an engineer, we will say. I can recall that some years ago—I say some years ago because I want to be perfectly fair to the Senate—Eddie Rickenbacker, who was our star ace during the last war, testifying before the House Committee on Military Affairs, stated that the men engaged in piloting our commercial planes were 90 percent ready to become military or naval aviators. So it is not necessary in all cases that a man have 12 months' training. It is necessary that a combat division have 12 months' training. The men in the division organization within its different units have to be whipped into a great fighting machine, and that takes at least 12 months, but many of the men who may be called in, such as pilots, or mechanics, or radio operators, perhaps signal men and men in other classifications, do not require 12 months' training before they are fit to perform combat service.

Mr. GURNEY. On that point let me say that a much larger percentage of those men than any of us know get more than 12 months' training.

Mr. NORRIS. Yes; and they ought to have more than 12 months' training.

Mr. GURNEY. A smaller percentage of men get less than a year's training than those who get more than a year's training.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. Would it not be very wise to limit the provision with respect to length of time of training to combat troops? Ordinarily I think all of us would agree that if we are to put young boys 18 or 19 years old on the battle line, to fight with combat troops in the front trenches, so to speak, to use an expression which we inherited from the last war, they should be allowed training of at least 10 months, anyway, so as not to put boys who have just come to the age of induction without proper training in the battle line. I can understand that exceptions could be made, or will be made in the case of those who will be in the noncombatant portions of the Army, such as enlisted men used as signalmen. But it seems that there is no real reason why the Army should not say that the combat troops should be trained before we put them into combat service.

Mr. GURNEY. I may say that it would be very difficult in the war in which we are now engaged to define a combat zone. Combat zones are not like they were in the World War, when there was stationary trench warfare. Combat zones now are thousands of miles wide, on many different fronts. They will extend from France all over England, Norway, Iceland—the entire area is a combat zone.

Mr. McKELLAR. Is not that all the more reason why with new methods of fighting the men should be trained?

Mr. NORRIS. It seems to me it is.

Mr. GURNEY. We are opposing an enemy who is prepared, and the Army is now giving each and every man who comes into the Army every bit of training it can give him. The record shows that the Army is giving the men—by far the greatest percentage of them—more than a year's training. The Army is doing a good job. In a very small percentage of cases only, the Army is sending in a few men as replacements, while combat divisions are getting from 12 to 18 months of training.

Mr. NORRIS. Mr. President, will the Senator again yield?

Mr. GURNEY. I yield.

Mr. NORRIS. I wanted to ask the Senator another question. I understood him to state that for every one of the 18- and 19-year-old soldiers who would be inducted into the service there would be an older one, who is now in the service, sent home. Is my understanding of the Senator's statement correct?

Mr. GURNEY. No, not quite. I stated that for every young man who comes into the service it obviates the necessity of inducting an older man.

Mr. NORRIS. Is that strictly true? Would that follow?

Mr. GURNEY. Certainly. It is a matter of arithmetic. If these young men are not brought into the service we will still have just as large an Army. We will still be fighting the same enemy.

Mr. NORRIS. The Senator means that in order to reach the number of men the Army officials say we must have—7,500,000 men, for instance?

Mr. GURNEY. That is right; yes.

Mr. NORRIS. As soon as the Army obtains them from among the younger men the Army will stop inducting the older men?

Mr. GURNEY. We want to go a little further than that. The machinery for inducting 18- and 19-year-olds will start, of course, when the bill becomes law.

Mr. NORRIS. The machinery is already in operation for inducting others above that age.

Mr. GURNEY. Yes.

Mr. NORRIS. The enactment of this measure will simply enlarge that program by lowering the age.

Mr. GURNEY. The new registrants, 18 and 19 years old, will be classified. It will still be necessary to take some older men who may not be married and some older men who have wives but no children as dependents, and that process will continue. The quotas for the remainder of this month, for November, will have to be filled, but by December the machinery of the local selective-service boards should be ready to bring in the younger group. The Board will continue bringing them in until the younger men, class 1-A, have caught up with those who are in other classes in the older age group.

Mr. BONE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BONE. I merely wish to ask a question which was suggested by the question asked by the Senator from Nebraska [Mr. NORRIS]. I recall that when the proposal was made to extend the time of service under the Selective Service Act from a year to a year and a half suggestions were made to us by Army officials that it was necessary, in order to constitute a proper army, to give a boy a training of a year and a half instead of a year. That argument was advanced with great vigor. If it took a year and a half to make a good soldier a year and a half or two years ago, it would seem to me that it would take a year and a half now. I am tempted to ask this question because I have had many inquiries from persons in my State asking how long their boys will be trained before they are sent into combat, and many of them have called attention to the arguments made on this floor and presented to us by Army officers that it required a year and a half of training to fit a soldier for combat service and to make a good soldier of him. Their thought is that if a boy of 18 goes into the Army and receives a year and a half of training he will be quite close to 20 years of age before he will be seeing actual service. Was anything said to the committee about this old showing made by the Army officers of the need for a year and a half of training?

Mr. GURNEY. Not at the recent hearings, except to restate information which had previously been given to the commit-

tee during the past 2 years. May I give the football coach as an example, and perhaps my illustration will answer the Senator's question?

Mr. BONE. The extension to a year and a half was based on that very argument. I talked with many Senators at the time, and they were convinced that it required a year and a half of training to make a good soldier. So the Senate voted to extend the time from a year to a year and a half, under the Selective Service Act. If that argument was persuasive enough to convince us then, I thought it would fit precisely the present picture.

Mr. GURNEY. I will answer that question now. It takes a year and a half to make a combat division, just as it takes a football coach more than one season to make a football team, but during that period the football coach can bring in substitutes from the sidelines and still have a good team. So we can bring into a combat division a few replacements for men who have gone to the hospital. It is necessary to fill up the places left by them in the ranks. The man who goes into an already trained team does not have to have as long a period of training as the original combat division in its entirety, did.

Mr. BONE. I may say to the Senator that that argument may be absolutely accurate. I have no way of refuting it, and I am assuming it to be true, but that was not the basis of the argument advanced in the Senate to extend the term of service from a year to a year and a half.

Mr. GURNEY. Yes, it was.

Mr. BONE. I may be in error as to that, but it is not my recollection that that was the basis of the argument.

Mr. GURNEY. Yes, I believe it was, because at that time we had to train entirely new divisions.

Mr. BONE. That is correct.

Mr. GURNEY. It was the case of a football coach bringing in an entirely new team of raw materials.

Mr. BONE. The Senator may be accurate about that.

Mr. GURNEY. After the basic training of 3 or 4 months the man is in good physical shape. Then he is given Army fundamentals for 2 or 3 more months. Then the men are brought together, signal corps men, infantry men, antiaircraft men, and so forth, and then they must be given a year's training in order to bring such a combat division up to the point of being an efficient fighting unit.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. WALSH. Before I submit a few questions to the Senator I should like to read a sentence from a letter which I received, which I think expresses the overwhelming sentiment of the American people on the question of drafting youth. It is as follows:

> If this is total war it should be fought by all the people. It should not be fought by the youth of the land alone.

That is preliminary to my inquiry. Let us assume that some Member of the Congress is asked this question: Have all available men over 20 years of age who are within the scope of the selective service law been drafted or are they about in the immediate future to be drafted? Does the evidence before the Military Affairs Committee show that has been done?

Mr. GURNEY. It does.

Mr. WALSH. It does?

Mr. GURNEY. Yes.

Mr. WALSH. So that the evidence before the Military Affairs Committee is that the Army authorities, the Selective Service System officials, have said that all men fit for military service over 20 years of age have been drafted, and it is now necessary to draft the youths of 18 and 19 years of age? Is that correct?

Mr. GURNEY. All men 20 years and over, up to and including 44 years, without dependents, have been or are about to be selected for service, and included in those who have been or are about to be selected for service are those who have not—well, shall we say, those who were not married before December 7, but have been married since December 7.

Mr. WALSH. Is it proper to ask, and is it permissible, without violating any military secret, to answer the question, What does that total number amount to?

Mr. GURNEY. Approximately 5,000,000 men are in the Army at the present time.

Mr. WALSH. Then, in view of the figures presented with reference to the drafting of 18- and 19-year-olds, is it not within the range of possibility that we shall have to go to the ages of 17 and 16?

Mr. GURNEY. I do not think so.

Mr. WALSH. Is it the Senator's opinion that in addition to the 5,000,000 who are already in the military forces, the number which would be of military age under the proposed law would be sufficient for all military purposes, so far as we can see, for the next year?

Mr. GURNEY. So far as we can see, certainly until the fall of 1943.

Mr. WALSH. If it is necessary to increase the Army after the fall of 1943, after having drafted all men between the ages of 20 and 40 years, and after those between the ages of 18 and 20 have either volunteered or been drafted, will we have to go to a lower age?

Mr. GURNEY. No.

Mr. WALSH. How are we going to get additional men?

Mr. GURNEY. We shall have to reclassify those between the ages of 18 and 44.

Mr. WALSH. Why not reclassify those between the ages of 20 and 44 now, before we go to those of 18 and 19?

Mr. GURNEY. Does the Senator mean to reclassify the older men?

Mr. WALSH. Yes; all and everyone over 20 years of age who is not legally exempt from the draft law.

Mr. GURNEY. They are not the kind of men who make the best soldiers. The records, which are unquestioned, show that when we bring in the older men they go into the hospitals, and two young men and some nurses are required to take care of such a man.

Mr. WALSH. When any American father or mother says to any Member of Congress, "I have seen boys on the streets over 20 years of age; why should you draft my boy, who is 18 years of age, before their elders are all taken?" we can say with certainty, "The boys over 20 years of age you have seen on the streets have been drafted, or will be drafted, or they are unfit for military service." Is that correct?

Mr. GURNEY. That is correct. A man may be deferred because of dependents. He may be deferred by the local board for service in an essential industry such as an airplane factory.

Mr. WALSH. It seems to me that we ought to be in the position of having combed the country for men over 20 years of age who are capable of military service before we compel fathers and mothers to give their minor sons to the military service. Frankly, I believe the general public are not convinced that a real and successful effort has been made to exhaust the manpower available for military service above the age of 20.

It would be consoling to fathers and mothers if they were relieved of all doubt that every other source to obtain military manpower had been exhausted. It would also remove from many of us the reluctance with which we shall cast our votes for this bill lowering the age limit to 18 years.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. McKELLAR. Does the Senator have any figures, or does the committee have any figures, showing how many of the older men who are subject to the draft have been deferred? My understanding is that a great many of them have been deferred for one reason or another. I should like to have the total number of those now subject to the draft who have been deferred.

Mr. GURNEY. The Senator from Utah [Mr. THOMAS] has gone into that subject thoroughly. I understand that he is to take the floor later. He will have those figures before him, in addition to the testimony which was given before the committee, and I am sure he can answer the Senator's question better than I can at the moment. That information will be furnished a little later in the debate.

Mr. McKELLAR. I think it is very important to know, of all the men who are now subject to the draft, how many have been deferred, and for what reasons. I know that not all the men who are over 20 years of age are now in the Army, even though they may be eligible and fit for service.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. WHITE. The Senator has made reference to the excessive number—I do not know that he used that expression, but I believe that was the thought in what he said—of men now in the service who are in hospitals.

Mr. GURNEY. The excessive number of older men.

Mr. WHITE. I wonder if there are any figures available as to the percentage

of hospital cases due to infirmities of service origin, and the percentage of men who are suffering from disabilities of one kind or another which existed at the time they were drafted. In other words, has there been taken into the service an undue percentage of men who ought not to have been accepted? I am prompted to ask that question by a report which came to me with respect to conditions at Camp Devens, which is in my section of the country. One service man—speaking perhaps somewhat flippantly and in terms of exaggeration—said that there were now coming to Camp Devens the lame, the halt, and the blind.

Mr. GURNEY. That is the reason why the Army feels that it is so imperative to lower the draft age. With the Selective Service System now permitted to bring in only men between the ages of 20 and 44, the draft boards have reached the point where, because of the pressure of quotas given them by the Army, they have been compelled to lower the physical requirements so as to bring in more men. Those men do not have the qualifications which were demanded when we first started to bring in men by the Selective Service System.

Mr. WHITE. Is it recognized that from the necessities of the case, whatever the cause may be, men have been taken without due regard to their physical disabilities?

Mr. GURNEY. Due regard has been had for their physical disabilities. There is no question about that. However, some men have been taken in whom the Army is qualified to make fit for military service in a very short time in Army hospitals. Of course, there are some who cannot be repaired, so to speak; and a survey of the Army is being made to determine if it is not possible to release some men who have not shown the proper aptitude, or who are physically unfit. The authorities are finding out what their jobs were back home, and trying to determine whether they would not be better out of the Army than in the Army. There will be some furloughs in such cases.

Mr. WHITE. Are there any figures available showing what percentage of the hospital cases consists of men who had physical disabilities which the Army overlooked when they were inducted into the service?

Mr. GURNEY. No testimony was given before our committee on that point.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. GILLETTE. I was very much interested a short time ago in the colloquy between the Senator from Michigan [Mr. VANDENBERG] and the Senator from South Dakota, ably aided and abetted by the Senator from Alabama [Mr. HILL]. The question was asked as to what was the motivating force, or the genesis of the proposed legislation. So far as I am concerned, reference was made very persuasively to the fact that a large percentage of the older men who have been inducted into the service had been hospitalized. I was astounded. I confess that the argument had great influence with me as I listened to it. However, I was surprised, in reading the letter of the Secretary of War to the chairman of the committee [Mr. REYNOLDS], giving the reasons for the support of the proposed legislation by the War Department, to find that no reference whatever is made to any such reason as that given by the Senator from South Dakota and the Senator from Alabama. Let me read from the letter of last week from the Secretary of War, in which he sets forth the reasons for his support of the bill. Speaking of the necessity for the change, he says:

> The urgency of this task cannot be overemphasized; our own survival is in the balance. Its accomplishment demands the substitution of current necessity for our peacetime preferences, and the necessity is this—

I interrupt the quotation at that point. He states what the necessity is which caused the change. This is the necessity:

> That our Army be animated by the youthful enthusiasm and resilience of spirit which has surged through all earlier American armies.

The necessity which he specifically presents is not a matter of hospitalization of older men, but a necessity for the resilience of spirit in our younger men.

Mr. GURNEY. So that our armies will be as physically fit as the armies we now know they are going to confront, which are made up of young men.

Mr. GILLETTE. Due to resilience of spirit.

Mr. GURNEY. That is correct.

Mr. GILLETTE. His additional reason was:

> It is my considered opinion, as well as that of my chief military advisers, that contingencies now foreseeable make it imperative that the pool of available military manpower be still further widened.
>
> * * * * *
>
> Not only do 18- and 19-year-olds represent a relatively untapped source of manpower for increasing military needs, but medical records also reveal that they have a higher percentage physically fit for service than any other age groups.

My question is this: If the situation as to the hospitalization of the older men is such that they are not fit for service, why in the world did not the Secretary of War, in his letter of last week, refer to that very potent argument? Why does he base his argument on other grounds?

Mr. GURNEY. The matters about which the Secretary of War has written are undoubtedly very convincing to the Senator himself. The Senator will also recognize that the Chief of Staff, who is responsible for the men in our Army, is a very responsible officer. To answer the Senator, I read from page 5 of the hearings, in the next to the last paragraph, the statement of Gen. George C. Marshall:

> I went through a 3,500-bed hospital at Fort Bragg last Sunday a week ago, and I was shocked at what I found in both the surgical and medical wards. They seemed to be filled with old men. I say that with apologies, because they were much younger than I am; but the point is I was looking for field soldiers, and I found men who seemed to be much older than I. Most of them had been in the service a few weeks. Some of them had been at Fort Bragg only 3 or 4 days, and already they were in the hospital. Inducting these men does not increase the Army. In fact, it reduces the Army, because a bed, a nurse, an attendant, and a doctor were now necessary where each man was involved; and, what made it worse, in questioning a specific individual I would find a man who had just been taken off a machine-tool job in a plant at Detroit. Instead of being on that important work, he finds himself in the hospital with several different complaints, including an operation for hernia. Such a man is a burden to the Army; yet he was a very valuable person where he came from. He was 43 years of age.

Let me say to the Senator that if that man—while he passed the physical requirements for the Army—had stayed in his regular avocation, his machine-tool job in Detroit, probably he would not have come down with the ailment which appeared so quickly in 2 or 3 weeks, as General Marshall says, when he had to undergo the strenuous exercise the Army gives the men, and which of course it must give them.

Does that answer the Senator's question?

Mr. GILLETTE. Partially. Mr. President, will the Senator yield for one further observation?

Mr. GURNEY. I yield.

Mr. GILLETTE. The case of the man referred to points to the occasion which brought me to my feet. With the condition as outlined by General Marshall, it is little less than astonishing that the Secretary of War, in his presentation, did not refer to that very persuasive and very unfortunate situation. I add this further remark to the quotation from General Marshall's testimony: If a man who has been inducted into the United States service, after physical examination, finds himself hospitalized in 3 or 4 days or within a short time, there is marked dereliction in the physical examination or there is inexcusable imposition on the men during their first 3 or 4 days of military service. Every man who has had military training knows what I have said to be true.

I thank the Senator.

Mr. GURNEY. Mr. President——

Mr. HILL. Mr. President, will the Senator yield for a moment, before proceeding to another subject?

Mr. GURNEY. I yield.

Mr. HILL. The Senator has been so generous in yielding that I do not wish to trespass further on his time. I wonder if the Senator had in mind, in connection with the proposal to require 1 year's training, that he might bring to the attention of the Senate the letter which General Marshall, as Chief of Staff, wrote Representative WADSWORTH when the bill was before the House?

Mr. GURNEY. Yes; I have the letter before me.

Mr. HILL. I do not wish to intrude too much on the Senator's time, but I think perhaps the Senate would be interested in that matter.

Mr. GURNEY. Mr. President, at this time, in order to make the record more complete, I wish to read other portions of the report of the Senate Military Affairs Committee, portions which I think should be read into the RECORD.

I turn now to the committee report:

According to the evidence presented to the committee, the strength of the Army will be approximately 5,000,000 men by the end of 1942. The military authorities consider that the strength of the Army at the end of 1943 must be 7,500,000. (The strength of the naval forces will be in addition thereto.) The committee were informed that the planned strength of 7,500,000 will be allocated within the Army as follows: The Air Forces will total approximately 2,200,000 men; approximately 1,000,000 men will be either undergoing training or will be employed in training others.

I divert my remarks from the committee report to insert:

In building up an army it takes thousands of officers and men as instructors that are not needed in that instructive capacity after the maximum number of trained divisions has been reached. Replacements are thereafter trained by the divisions themselves.

Returning to the committee report:

Approximately 1,000,000 men will be either undergoing training or will be employed in training others for the expansion of the ground forces and the Services of Supply; approximately 1,000,000 men will be absorbed in the Services of Supply and service units in the continental United States and overseas bases; approximately 3,300,000 men will be organized into armored and air-borne divisions and other ground combat units, such as tank battalions, tank-destroyer battalions, and antiaircraft units of the ground forces.

The ground units of the German Army are estimated to be something over 8,000,000 men. In addition it is believed that Japan maintains somewhere between 70 and 90 divisions, of about 16,000 men each, and that Italy, Rumania, and Hungary and other Axis countries total about 160 divisions. Accordingly, an American Army of 7,500,000 men by December 31, 1943, is, in the opinion of the committee, necessary in view of the military strength of our enemies.

Mr. VANDENBERG. Mr. President, will the Senator yield at that point?

Mr. GURNEY. I yield.

Mr. VANDENBERG. Can the Senator give me a comparative figure at present representing the British Army?

Mr. GURNEY. I cannot give the Senator the comparative figure for the British Army, except that I know that under their selective service system they have already called to the colors 18-year-old men.

Mr. VANDENBERG. An argument as to our needs, on the basis of a statement of the military strength of Germany and her associated powers, is scarcely persuasive unless we also have a comparison of that strength with the total military strength of the United Nations.

Mr. GURNEY. That is correct; but there is no need to give out information as to the total strength of England's Army or of Canada's Army or of Australia's Army if England, Canada, and Australia have not already given out the information themselves. I do not believe we should take the responsibility of informing the Axis Powers as to the number of available troops our allies have. In fact, those figures were not quoted to the committee itself, for that very reason. We did not feel that we should take the responsibility of stating how many men were in England's Army, in Australia's Army, and in Canada's Army. However, I may say further that in relation to the total population of Canada the percentage of men who have gone into the Canadian Army is much greater than in the case of the United States. In fact if the percentage of our citizens entering the United States Army were as great as the percentage of the citizens of Canada entering the Canadian Army, we should already have an army of approximately from thirteen to fifteen million men.

Mr. VANDENBERG. The Senator has referred to the draft status in England. What is the present draft status in Canada, both as to age and service?

Mr. GURNEY. I do not know the exact draft status in Canada; but already, in Canada, in terms of percentage of the total population, the number of men who have joined the colors is greater than will be the number of our men who will have joined our colors when we have 7,500,000 men in the service; and undoubtedly Canada will continue to send men into her army.

Mr. BUTLER. Mr. President, will the Senator yield for a question?

Mr. GURNEY. I yield.

Mr. BUTLER. In connection with the question which was asked by the Senator from Michigan [Mr. VANDENBERG], perhaps it would not be exactly proper, even if the Senator had the information, to divulge the actual number of men in combat duty for the United Nations. However, in that connection, would it not be interesting to remind ourselves of the remarks which have been made by those in authority among our allies, to the effect that they do not need men; they need material?

Mr. GURNEY. I do not know that such a remark has been made recently. Undoubtedly they need material, and much of it, all the time; but I assume that when a man is in a dog fight he does not tell anyone who wants to help him, "Just stay away for a little while."

Mr. BUTLER. In connection with this point it has developed, Mr. President, that we now have probably millions of tons of material prepared for shipment abroad but not being shipped abroad.

Mr. GURNEY. For lack of shipping.

Mr. BUTLER. Lack of shipping because we are using our shipping to carry our own men, with sufficient supplies, I hope, properly to service them.

Would it not be reasonable to ask why that shipping capacity should not first have been used to transport abroad material which now is piled sky high, not on hundreds, but on perhaps thousands, of acres in emergency yards in this country at the present time?

That material, if delivered, would be saving the lives of many of our own soldiers. It would be supplying the demands which our allies have made upon us—demands which we have agreed to service by giving them the material. They do not want men; they want material. The shipment of material, if I am properly informed, has been stopped while we are moving our own Army abroad.

Mr. GURNEY. Perhaps the Senator will remember statements which appeared in the newspapers in the last few weeks to the effect that one of the United Nations has already quite forcefully suggested that a second front would be rather helpful. So, in addition to needing goods and ordnance material, our Allies also need men.

Adverting again to the committee report:

While the main purpose of this legislation is to make available for our armed forces, especially the Army, the young men of 18 and 19 years of age whose vigor and enthusiasm are prerequisite to the successful conduct of modern war, this legislation will minimize the effects of mobilization upon industry and society. The Director of Selective Service, who favored the enactment of this bill with the exception of section 2, which provides that the high-school student ordered to report for induction during the last half of the academic year may be deferred until the end of his academic year, advised your committee that the prompt enactment of this bill will probably result in the deferment of married men with children until the end of 1943.

The committee was profoundly impressed, as a result of the testimony of our highest military leaders, that not only the success of our armed forces depends upon the employment of our 18- and 19-year-old young men as soldiers and sailors, but that our very national existence is dependent upon their use. As one of our outstanding military leaders has said of this war: "We shall win or we shall die." If America is to survive, if it is to continue to be the home of democracy and liberty, the induction of our 18- and 19-year-old men can no longer be delayed. We have fought and won our previous wars with the help of such men. With their help we shall win this war.

Mr. VANDENBERG. Mr. President, will the Senator yield for a further question?

Mr. GURNEY. I yield.

Mr. VANDENBERG. We constantly hear estimates as to two matters, and I should like to know whether there is any official information on either one. First, how many men behind the line are necessary to sustain one soldier in combat service, and, second, how many tons of shipping are necessary to sustain one soldier overseas.

Mr. GURNEY. If by "overseas" Panama, for instance, is meant, it will not take nearly so much shipping as is required for a soldier overseas in Australia or India.

Mr. VANDENBERG. Of course, it is relative.

Mr. GURNEY. Distance is a big factor. A boat which can haul 10,000 tons and can make a dozen trips in a year to a place which is comparatively nearby can make only two or three trips, say, to India.

Mr. VANDENBERG. Well, let us localize the question then, in order to get some sort of a relative answer. Is there any information as to how much tonnage per combat soldier is necessary to sustain him in western Europe?

Mr. GURNEY. No exact information of that kind was presented to the committee, and I do not believe the question was even asked.

Mr. VANDENBERG. Of course, what I am wondering is, assuming that we increase the Army limits to the extent proposed, do we have the facilities either to transport them or to sustain them

after we have transported them. Is the Senator satisfied that we do have?

Mr. GURNEY. I am satisfied that we do have the facilities to take them over in the first place and to supply the number taken over, as decided by the high command. I am convinced of that.

Mr. VANDENBERG. I should not want to take them over and leave them the way we did in the case of Bataan. What is the answer to the other question, if it is available? How many men behind the lines are necessary to sustain one soldier at the front?

Mr. GURNEY. It takes more men behind the lines in this war than in the last war, because in this war there is a tremendously increased fire power, and troops move quicker in mechanized vehicles.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. Yesterday Governor McNutt, Chairman of the Manpower Commission, was before the Senate Committee on Military Affairs and the question came up as to how many men it is necessary to have behind the lines in order to keep a man at the front. The figure 18 was used. Governor McNutt said, "Yes; that is the figure," but he said that figure can be cut in half by the proper and efficient use of manpower, by the grading of the workmen, and by other things that can be done. In other words, instead of 18, Mr. McNutt says the number could be reduced to about 9.

Mr. VANDENBERG. If the figure was 18, and my arithmetic is accurate, we would have to have 135,000,000 men behind the lines to sustain an Army of 7,500,000 men.

Mr. HILL. The gentleman who asked the question had in mind the very thought the Senator from Michigan has, and Governor McNutt's answer was that the figure 18 had been used but that that figure could be cut in half down to 9. Governor McNutt went further and stated that we could supply, equip, and maintain the proposed Army of 7,500,000 men.

Mr. VANDENBERG. Then am I to understand that, at the most optimistic ratio, an army of 7,500,000 men requires 70,000,000 men behind the lines to sustain it?

Mr. GURNEY. I would say that is not the answer. In the first place, some of the 18 men behind the lines for every man at the front are already in the Army; 4 of them are already in the Army to supply No. 5 who is at the front, and Nos. 1, 2, and 3 are probably in the United States and are not as yet at a combat station in a foreign land.

Mr. VANDENBERG. In figuring the men behind the lines, what are we talking about? Are we talking about men in direct collateral Army service or are we including the employees of munitions factories, and so forth? Are they all included?

Mr. HILL. It is my understanding that it includes everyone who might be contributing in any way, whether a farmer who is raising potatoes the Army is going to use, or a man in a textile mill making underclothes the soldier is going to wear. The latest figures I have from the War Manpower Board is that by December 1943 or by the 1st of January 1944, perhaps, when we have the army of 7,500,000 men we now propose to have, we will have in our armed forces and in all industry, transport, supply, and everything else, with the exception of agriculture, some 62,500,000 people. Notice I use the word "people", not "men", because, for instance, the War Manpower Commission estimates that during the next year we are going to have to bring in some 5,000,000 new workers, and a large part of that number of 5,000,000 will be women.

Mr. VANDENBERG. I thank the Senators for their comments. Of course the thing that most disturbs me is that it seems to me the manpower problem has got to be dealt with as a whole. I am thinking about the question raised by the able Senator from Nebraska. After all, we have a 3-way obligation in this war, one to provide tools, one to provide food, and one to provide an army; and if the figures which were originally given me were even remotely correct, it would seem as though we were stressing a production of armed men to a degree which would impair, in the long run, our production of tools and foods which I had understood were the things which were supposed to be our chief contribution to the common cause, the things that were chiefly needed. It seems to me I remember we were once told that if we produced tools that would be all that was necessary, but that, of course, was merely one chapter of this progressive tale.

Mr. GURNEY. I do not think Americans ever decided that the rest of the world was going to fight their battles for them. That is not the kind of people Americans are. I think, further in answer to the Senator's question as to whether or not we have to have a certain number of men behind the lines to produce food and maintain the Army, the question before us at the moment is to bring in the younger age group, and when they are in they will not only make us a better Army but will ease the situation and make it more stable, so that the older group will be in better condition to produce the things the younger Army needs.

Mr. VANDENBERG. I hope that progressive serial process will be the success the Senator anticipates.

Mr. GURNEY. I said it would ease the situation.

Mr. HILL. Mr. President, will the Senator from South Dakota yield to me?

Mr. GURNEY. I yield.

Mr. HILL. The Senator will find that the seven and a half million Army we propose to have by January 1, 1944, has been integrated and based on the proposition of supplying the Army, supplying the Navy, supplying our domestic economy, and also meeting our obligations under the Lend-Lease Act.

Mr. DANAHER. Mr. President——

Mr. GURNEY. I yield to the Senator from Connecticut.

Mr. DANAHER. In answer to the question propounded by the Senator from Michigan as to the amount of tonnage necessary, within the last 48 hours our own General Somervell in London gave out figures on that very point. The newspapers quote him as saying that it takes ten and a half shipping tons to transport each man to western Europe and it takes one and a half shipping tons a month to maintain him there. Does that answer the question of the Senator from Michigan specifically?

Mr. VANDENBERG. Yes, and I am obliged to the Senator. Now we can simply make our calculations after we know to what extent we are permitted to know that our troops are to be sent abroad.

Mr. DANAHER. Will the Senator from South Dakota yield further?

Mr. GURNEY. I yield.

Mr. DANAHER. I should like to know whether or not 19-year-old boys are being drafted for service in the Canadian provinces.

Mr. GURNEY. I am sorry that I cannot answer the question directly.

Mr. BURTON. Will the Senator yield on that question?

Mr. GURNEY. I yield.

Mr. BURTON. I have a report of October 16, 1942, furnished me by the Library of Congress Legislative Service, in which this statement is contained:

> The latest conscription measure, for the present, is the Governor General's proclamation of July 7, 1942. According to the terms of this proclamation, men born in 1922 are called into service in Canada, provided they have reached the age of 20. The Canadian attaché states men aged 19 are now called also.

Mr. DANAHER. Does that include men also 19, does the Senator know?

Mr. BURTON. I said 19.

Mr. DANAHER. Nineteen only?

Mr. BURTON. Yes.

Mr. DANAHER. Will the Senator from South Dakota yield further?

Mr. GURNEY. I yield.

Mr. VANDENBERG. If the Senator from Connecticut will permit, may I ask the Senator in respect to the figures he was good enough to give me a moment ago? Does the 1½ shipping tons a month to sustain a man abroad refer to sustaining him on the firing line, or at a reserve camp?

Mr. DANAHER. As I understand the figure, and it seemed to me quite clear, the 10½ shipping tons necessary to take a man over included taking his equipment also, so that we get our man and his equipment there. Thereafter, necessarily, he and his equipment must be maintained, and the 1½ shipping tons a month to maintain him includes whatever it takes, whether on the line, in reserve, or simply in training. That is my understanding of the application of the figures.

I will say further to the Senator from Michigan that that is substantially accurate, since when we had the Selective Service extension measure before us a year or so ago it was testified, I am certain in my recollection, that an all-over average of 14 shipping tons per man overseas was required.

Now will the Senator from South Dakota yield further?

Mr. GURNEY. I yield.

Mr. DANAHER. I should like to know whether 19-year-old boys are conscripted for military service in the British Isles.

Mr. GURNEY. Again I yield to the Senator from Ohio, if he can answer the question put by the Senator from Connecticut, as to whether 19-year-old boys are subject to conscription in the British Isles.

Mr. BURTON. Referring to the same memorandum from the Library of Congress Legislative Service of October 16, the statement as to that group is as follows:

> Men 19 years old have been called to the colors by the proclamation of January 1, 1940. Men 18 years old have been called to the colors by the proclamation of January 29, 1941.

Mr. DANAHER. I thank the Senator very much. Will the Senator from South Dakota yield further?

Mr. GURNEY. I yield.

Mr. DANAHER. I should like to know whether the committee had figures indicating the rate at which 18- and 19-year-old boys have been enlisting in our armed forces, particularly in the Army.

Mr. GURNEY. I do not have the exact figures, but, in my opinion, men of that age have not been volunteering in the Army in as large numbers as they have been enlisting in the Navy. General Hershey made the statement that of 1,400,000 men available in the 18- and 19-year-old age group, approximately one out of every three would volunteer ahead of induction, and of course we know, from the experience of the past, that a great number of those will go into the Navy, the Marine Corps, and the Coast Guard.

Mr. DANAHER. Has any effort been made between the War Department and the Navy Department to aggregate all the men of the 18- and 19-year-old classes to the end that the Navy itself will take its increments from the selective service?

Mr. GURNEY. No; the Selective Service System has not yet been assigned the task of getting men for any other group excepting the Army. I was told by Admiral King, of the Navy, that they have this matter well in hand and that the General Board, the Army, Navy, and Marine Corps, assisted by others who are on the War Strategy Board, have told the Navy, Marine Corps, and the Coast Guard exactly how many they would be allowed to enlist for the foreseeable period of the next year.

Mr. DANAHER. So there has been some effort administratively to limit the number the Navy would accept as voluntary enrollees.

Mr. GURNEY. They told us a coordinated program had been worked out which had been put into operation.

Mr. DANAHER. The Senator—and I assume he speaks for the committee in this, too—has no apprehension that the very pendency of this bill, consequent upon the President's message, will stimulate 18- or 19-year-old boys to seek enlistment in the Navy, the Marine Corps, and the Coast Guard to the exclusion of the Army?

Mr. GURNEY. I think there will be a certain percentage selected for the Navy, probably in direct relation to the percentage of those who have previously selected the Navy as the branch in which they would volunteer their services. Undoubtedly that percentage will hold good from now on, and, of course, a large number of men will immediately volunteer. Already increased numbers have presented themselves for service since this bill was passed by the House, and increasing numbers will do so, I am sure, in the next few months.

Mr. DANAHER. Does the Senator have available figures showing the percentage of the 18- and 19-year-old boys who have seemed to prefer Navy service to Army service?

Mr. GURNEY. No; I do not have those figures.

Mr. HILL. Will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. In connection with the question of the Senator I think it is interesting to note that the marines enlist boys 17, 18, and 19 years of age and that today the average age of the members of the Marine Corps is under 20, about nineteen and a half.

Mr. DANAHER. The Senator does not know, however, whether perhaps two out of every three boys seek Navy and Marine Corps service rather than Army service?

Mr. HILL. I cannot answer that question, and I am not sure that anyone can answer it. I do not have those figures.

Mr. DANAHER. The thought occurred to me in question form only because the Senator from South Dakota had said that it was anticipated that one out of every three boys who would be eligible would seek to enlist.

Mr. GURNEY. General Hershey told us that estimate was based on previous experience.

Mr. DANAHER. Yes. Will the Senator further yield?

Mr. GURNEY. I yield.

Mr. DANAHER. In the necessary absence of the Senator from Ohio [Mr. TAFT], and due to his desire, notwithstanding, that an amendment, which he had contemplated offering, be printed and lie on the table, he has asked that I offer it with that end in view. With the indulgence of the Senator from South Dakota, I respectfully submit in behalf of the Senator from Ohio a proposed amendment to the pending bill and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. BURTON. I ask consent that I may likewise offer an amendment, which I send to the desk, and I ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from South Dakota a question. From the testimony of General Marshall, which is set out in the committee report, it appears that the plan of the Army is to carry until 1943, and by that time, if this bill shall be enacted, there will be in training and under arms approximately seven and a half million men, if I recollect the figures correctly.

Mr. GURNEY. That is correct.

Mr. TYDINGS. In the event, which is quite likely, the Army shall be further increased in 1944, if the war is still going on, where will the increase come from?

Mr. GURNEY. We have not desired to project our plans too far into the future; but in my opinion it will require a closer combing of the age group from 18 through 44. During the next year we will have to use our best efforts to increase the number of hours of the men at home in industrial work. We will have to increase our efforts to train women for industrial jobs. We will have to increase the training of those we want to take out of nonessential industries, so that they can be placed in essential industries.

Mr. TYDINGS. Will the Senator further yield?

Mr. GURNEY. I yield.

Mr. TYDINGS. Without taking into consideration any casualties, I think the rounded picture shows that there will be about 1,500,000 men in the 18- and 19-year-old category. Is that not correct?

Mr. GURNEY. Between 1,400,000 and 1,500,000; yes.

Mr. TYDINGS. So it is safe to assume, as a general figure, that the following year—that is, in 1944—there will have come of age, roughly, about 750,000 men who will be eligible for service.

Mr. GURNEY. No; that is not quite correct. During the last 2 years 18- and 19-year-old boys have been allowed to enlist in the Army, Navy, Marine Corps, and Coast Guard.

Mr. TYDINGS. That is correct.

Mr. GURNEY. So a goodly portion of the number have already enlisted.

Mr. TYDINGS. What figure will represent the number of boys who will arrive at the age of 18 in 1944?

Mr. GURNEY. The direct answer given by General Hershey to that question was that 100,000 men become 1 year older each month.

Mr. TYDINGS. That would mean 1,200,000 a year.

Mr. GURNEY. It actually figures about 1,100,000.

Mr. TYDINGS. Taking out of that number those who will not be qualified for one reason or another, such as physical defects, and so forth, how many are estimated to be available, in arriving at a net figure for the purposes of our calculation?

Mr. GURNEY. Quite close to a million men each year in the 18-year-old age group.

Mr. TYDINGS. So that adding to the 7,500,000 the million who will become eligible in 1944 through arriving at the age of 18 years would give us 8,500,000 men.

Mr. GURNEY. That is correct.

Mr. TYDINGS. That is assuming they are all drafted into the Army. I think the Navy has a strength of about 750,000 at the present time.

Mr. GURNEY. And the Navy is taking men in quite rapidly.

Mr. TYDINGS. Is the figure I have given accurate?

Mr. GURNEY. I have no information as to what is the strength of the Navy.

Mr. TYDINGS. I believe the figure to be substantially accurate. We are told that when we have a 2-ocean Navy, much of which will be available in 1943, we shall finally have about 2,000,000 men in the Navy, which means that of the reservoir of 1,500,000 which now exists, and of the approximate million who will be available in 1944, the Navy must obtain, either by volunteer enlistment or by the draft, approximately from 1,000,000 to 1,250,000 in order to fill out its complement for a 2-ocean Navy.

Mr. GURNEY. Between now and the next 18 months.

Mr. TYDINGS. So that means that the figure 8,500,000, which I assumed a moment ago, must be correspondingly reduced by the 1,250,000 who will join the Navy, thereby leaving a net of 7,000,000 men available to the Army, as the case now stands, without recombing.

Mr. GURNEY. That is correct.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. McNARY. I should like to ask the Senator this question: If the bill is translated into a statute and boys 18 and 19 years old are inducted into the military service, will a corresponding number from some other category be released from the service?

Mr. GURNEY. I do not think there is any question that they will, because if we do not have the 18- and 19-year-old group to draw from we must take that many older men. So in my opening remarks I said that for each young man who comes into the Army there will be deferred one older man who would otherwise have had to join the Army.

Mr. McNARY. Is that language in the bill?

Mr. GURNEY. No.

Mr. McNARY. The Senator is speaking now of a policy which he thinks will be carried out, but there is no language to that effect in the bill?

Mr. GURNEY. I am talking now simply of arithmetic. If we are going to have 7,500,000 men in the Army, and we cannot take 18- and 19-year-olds, then the men must all come out of the older age group. So if we bring in a million and a half younger men we certainly can leave at home a million and a half married men, because the maximum strength of the Army is set at 7,500,000 men.

Mr. McNARY. I do not want to be argumentative with the Senator, who is making a very lucid explanation of the bill, but I have seen it stated that for every boy taken in between the ages of 18 and 19, someone older, with dependents, or married, would be released from the service.

Mr. GURNEY. Does the Senator mean one man who is already in the service will be taken out of the service?

Mr. McNARY. Yes.

Mr. GURNEY. Oh, no.

Mr. McNARY. Then what was the Senator's answer made a moment ago?

Mr. GURNEY. One older man will not have to be called for service who would otherwise be called for service.

Mr. McNARY. That is a different proposition. Then there would be no release of those who are married and have dependents, who are in the service now, if these boys are taken in? The older men would still remain in the service?

Mr. GURNEY. That is correct. They might be furloughed to go home and work in essential industry, as 4,000 miners have just been furloughed to go back and work in the copper mines, or they might be furloughed because they are not physically fit. About the only chance older men who are now in the Army have of getting out of it is to be furloughed for unfitness physically or to perform some work which is extremely essential in industry.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. GURNEY. I yield.

Mr. TYDINGS. I am advised that the minimum draft age in Canada is 19 years and not 18 years. Is that correct?

Mr. GURNEY. That is the information furnished by the Senator from Ohio [Mr. BURTON].

Mr. TYDINGS. I learned that yesterday from one of the attachés in General Hershey's office.

Mr. GURNEY. Let me explain to the Senator that if, according to population, the United States had the same percentage of men in the Army that Canada now has we would at the present time have an army of from 13,000,000 to 15,000,000 men.

Mr. TYDINGS. But no navy. Canada has a very small navy and a very small merchant marine.

Mr. GURNEY. What I am trying to point out—and I thought I was answering the Senator's question as to why Canada did not go down to the 18-year-olds—is that they have a larger percentage of the population in the armed services than we have.

Mr. TYDINGS. I think that is a good explanation. I was wondering what the situation is in Australia and South Africa.

Mr. GURNEY. My informant has left the Chamber.

Mr. TYDINGS. In various places throughout the country I am advised that notice is being served on men who are able-bodied and who are in the lower age years, 21, 22, 23, 24, and 25, who are both skilled and unskilled, that their positions will likely be filled in the not far distant future by women and others. In other words, they are being put on notice that they are about to be released for military service.

Mr. GURNEY. And at the same time employers in industry are being put on notice that they must institute a program to train women and those who are physically unfit for the armed services to take the place of the physically fit men who must go into the service rather soon.

Mr. TYDINGS. With respect to Government plants, in the Navy Department, in the War Department, in the arsenals throughout the country, and so forth, that is, in purely Government owned and operated agencies, has the Senator any figures which would show the number of men who could be made available if this policy were susceptible of complete execution.

Mr. GURNEY. No; I do not. That information was not given or requested in the hearing.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. Let me make a statement in that connection. The Senator from South Dakota is a member of the Appropriations Committee. The acting chairman of the Appropriations Committee, the Senator from Tennessee [Mr. MCKELLAR] is sitting here, and may know more about the matter than I do. As I understand, one reason why we appropriated $10,000,000 for the War Manpower Commission in the bill which was passed day before yesterday was in order that the Commission might send out into factories men who could personally investigate this matter and personally see whether or not there were men in the factories who were being deferred, whose places could be filled by older workers, or filled by women, or filled in some kind of way, so as to make the men now engaged in working there available for the armed forces.

Mr. TYDINGS. In my first question I was referring primarily to Government agencies, such as the War Department, the arsenals, and so on. I now want to ask the Senator if he has any information as to the number of persons in the defense industries of the Nation who, assuming that they are desirable for the draft, could be replaced by women or older workers?

Mr. GURNEY. I do not have any exact figures, but we all know that a great number could be.

Mr. TYDINGS. What I am leading up to is in connection with some work which a special committee of the Senate did some time ago. We found over a thousand men under 26 years of age, most of whom were temporarily deferred from induction into the military service.

Mr. GURNEY. Who are now in Government bureaus?

Mr. TYDINGS. Who are working for the Government. A great many of them are here in Washington.

Mr. GURNEY. I may say that when the Director of the War Manpower Commission gets the money which was appropriated in the bill passed by the Senate 2 days ago, I hope he will not go too far afield in looking for men, some of whom are right here close by and could be found rather quickly.

Mr. TYDINGS. I wish to say that I called the names of these gentlemen to the attention of General Hershey. In some cases, to be fair, the deferment was perfectly justifiable, in my judgment. In others it was not. In other words, there was an abuse of the discretionary power. General Hershey made a complete survey of these cases, and as a result, about 90 percent of them went into the Army and Navy. It simply shows what can be done by using a forthright policy in not allowing certain persons to take advantage of conditions. I certainly hope that the Senator, in the drafting of any future

legislation having to do with the taking of men, will try to plug those loopholes, for, in my judgment there are many thousand men throughout the country who are not indispensable, and who have forced such a situation that boys 18 years old, who have not finished their education, have to be taken, all because we have been too lenient up to now, and understandably so, in the pursuit of taking men who were over 20 years of age.

Mr. GURNEY. But I am sure the Senator from Maryland would not like to change the system. We must leave complete authority with the local draft boards which know each man individually.

Mr. TYDINGS. I am not arguing about that, but I say that we have left the door pretty wide open for men to escape, and that certainly if we are going to take boys 18 years old, as a corollary to that policy that door ought to be closed, otherwise the system will not be equitable, otherwise it will not be fair, and our position here will not be tenable. I myself want to go along with all the things which the Army and Navy want, but at the same time I think we have reached a point where there can be a revision of that policy in the interest of equity and justice.

Mr. GURNEY. I thank the Senator from Maryland, and I may say in that connection that I have thought for a long time that we should buck up the local selective-service boards, possibly by legislation, by making a matter of public record the classification of each registrant in each local draft board, and then the light of public information would be much more forceful and effective in correcting the situation which the Senator speaks of than any compulsory legislation which might be enacted.

Mr. VANDENBERG. Mr. President, will the Senator yield in order that I may ask him a further question?

Mr. GURNEY. I yield.

Mr. VANDENBERG. There is apparently a misconception in the country. I have heard from many sources that 18- and 19-year-old draftees will not be eligible for officer candidates' schools. Will the Senator tell us what the fact is in that regard?

Mr. GURNEY. That conception is entirely incorrect. Any man who comes into the Army, no matter what his age, or how he comes, whether he volunteers, or is inducted, is given the opportunity to move his best foot forward. Company commanders in replacement centers and in training camps, are given a certain quota each month of men to send to officer training camps, and from personal inspection of officers' training camps I know that 18- and 19-year-old boys are now given the opportunity to take training to become officers. Those who show aptitude above others in their own particular group are given a chance not only to go to officers' training camps, but they also have a chance to say to what kind of camp they would like to go, whether Signal Corps, Infantry, Air Corps, or ground school, or what not.

Mr. VANDENBERG. I am familiar with the operation of the system. The answer to my question, then, is that there is no age barrier to candidates for the officers' training schools.

Mr. GURNEY. Absolutely not.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. McNARY. I wish to propound an inquiry. Perhaps I can answer it myself, because I was present in the Senate at the time. During the First World War were boys of 18 and 19 inducted into the service?

Mr. GURNEY. They were not.

Mr. McNARY. I should like to have that fact in the RECORD.

Mr. GURNEY. Just before the armistice permissive legislation was enacted to induct boys of 18 and 19, but the war ended before they were inducted into the service.

Mr. McNARY. In October 1918 Congress did authorize the service of 18- and 19-year-old boys, but before the law became operative the armistice was signed and the war was ended.

Mr. GURNEY. That is correct.

Mr. McNARY. So Congress did take action at that time expressing its view favorable to the service of boys 18 and 19 years of age.

Mr. GURNEY. That is correct; and at that time, during the first World War, there were fewer men in the Army then existing than are in the Army at the present time.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. The legislation providing for the induction of boys of 18 and 19 in the First World War was passed on August 31, 1918. Representative WADSWORTH, the distinguished coauthor of the bill, a former Member of this body, and at present a distinguished Member of the House of Representatives, advises me that the date was August 31, 1918.

Mr. McNARY. Representative WADSWORTH should know. We all value and admire his great services as a Senator and as a Representative.

Let me ask the Senator from South Dakota a further question along the same line. What was the minimum age of service in the Spanish-American War and in the Civil War?

Mr. GURNEY. The records are quite clear. My study of the history reveals that most of the Civil War battles were fought by boys between 18 and 21, a goodly portion of them being boys of 18 and 19. As to the Spanish-American War, my memory is not so good, and I do not have any direct information.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BURTON. Not long ago I examined the figures relating to the Civil War, and I was surprised to see the official statement that of 2,700,000 men on the Union side, 1,100,000 were 18 or under. I do not have the figures for the other side.

Referring again to the Senator's question about the draft in the last World War, I think it is interesting to note that even under the last draft, which reached men from 18 to 20, and from 32 to 45, the new classes after August 31, 1918, there were 120,157 inducted under the new draft; but, of course, few of the class of 18- and 19-year-olds would have been in that 120,000. However, such a draft was being put into effect at the time of the armistice.

Mr. GURNEY. What was the minimum age of those inducted into service in the Spanish-American War?

Mr. BURTON. I understand that service in the Spanish-American War was entirely on a volunteer basis. Enlistment in the American forces never did reach very large proportions.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HILL. The distinguished gentleman from New York, Representative WADSWORTH, advises me that the average age in the Union Army at the close of the Civil War was 19½, and that the average age in the Confederate Army at the close of the Civil War was 18½. Representative WADSWORTH also advises me that the act of August 31, 1918, which provided for the drafting of 18- and 19-year-old boys, passed the Senate by a vote of 75 to 0.

Mr. GURNEY. Mr. President, the Committee on Military Affairs of the Senate thoroughly canvassed the question presented to it by Senate bill 2748. Although the hearings were brief, testimony came from men in authority. For the record, let me say that some of the men who appeared before our committee were Robert P. Patterson, Under Secretary of War; Gen. George C. Marshall, Chief of Staff; Gen. J. T. McNarney, Deputy Chief of Staff; Maj. Gen. Lewis B. Hershey, Director of Selective Service; Admiral E. J. King, Commander in Chief of the United States Fleet and Chief of Naval Operations; and Rear Admiral Randall Jacobs, Chief of Naval Personnel.

Before taking my seat let me say again that it is very imperative that this bill be passed quickly. I again assert my hope that no delaying or controversial amendment will be offered, because every day of delay means one day less training for the men who must go into our armed services. Also, in my opinion, it delays by just that much the final victory for which we are all working.

Mr. HILL and Mr. LEE addressed the chair.

The PRESIDING OFFICER. Does the Senator from South Dakota yield, and if so to whom?

Mr. GURNEY. I yield to the Senator from Alabama.

Mr. HILL. A good many questions have been asked about the physical condition of the men in the different age groups. The Senator from Maine [Mr. WHITE] asked if we had any figures as to the physical condition of the men in the different age groups. I have before me the figures of the sick rate at Fort Bragg, giving the number and the percentage of admissions to the hospital during September. Fort Bragg is one of our largest military reservations. I think there are as many different kinds of troops at Fort Bragg as at any other military reservation in the country. Therefore Fort

Bragg should indeed be a good cross section.

The figures show that for the men 20 years of age and under the hospital admissions during September were 3.7 percent. The percentage of hospital admissions increases continually until the age group between 41 and 45 is reached. In that group the hospital admissions were 19.8 percent. The hospital admissions for the youngsters 20 years of age and under were a little more than 3 percent, whereas the hospital admissions for the older men, including the group from 41 to 45, were practically 20 percent.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HILL. I shall be glad to yield if I have the floor.

Mr. GURNEY. I yield to the Senator from Alabama.

Mr. McKELLAR. Could not that be corrected——

Mr. LEE. Mr. President, I offer an amendment to the committee amendment——

Mr. HAYDEN rose.

Mr. McKELLAR. Mr. President, I do not think I should be taken from the floor in any such way as that.

The PRESIDING OFFICER. The Chair did not intend to take any Senator from the floor. The Senator from South Dakota has the floor and has yielded to the Senator from Alabama.

Mr. McKELLAR. So I supposed; and I was about to direct to the Senator from Alabama some interrogatories which will require only a moment.

The situation to which reference has been made could be easily corrected by the medical officers of the Army. They ought to be more careful in the selection of men. Of course, it can not be entirely corrected, because we all know that older men are subject to more physical troubles than are younger men. In any event, no matter whom we take into the Army, we must have doctors to examine them, and they should be very careful before we take into the Army men who are likely to become charges on the Army instead of aiding the Army in defending our country.

Mr. GURNEY. That is entirely correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Davis	McNary
Andrews	Downey	Maloney
Austin	Doxey	Maybank
Bailey	Ellender	Mead
Ball	George	Murdock
Barbour	Gerry	Norris
Barkley	Gillette	Nye
Bilbo	Green	O'Daniel
Bone	Guffey	O'Mahoney
Brewster	Gurney	Overton
Bulow	Hatch	Pepper
Bunker	Hayden	Radcliffe
Burton	Hill	Reed
Butler	Johnson, Calif.	Reynolds
Byrd	Kilgore	Rosier
Capper	La Follette	Russell
Caraway	Langer	Shipstead
Chavez	Lee	Smathers
Clark, Idaho	Lodge	Smith
Clark, Mo.	Lucas	Spencer
Connally	McFarland	Thomas, Idaho
Danaher	McKellar	Thomas, Okla.
Thomas, Utah	Vandenberg	Walsh
Tobey	Van Nuys	Wheeler
Tunnell	Wagner	White
Tydings	Wallgren	Wiley

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD the Gallup poll showing that 81 percent of the youth of this country are in favor of enactment of the bill lowering the draft age so as to include those 18 and 19 years of age. I must say that words cannot express my appreciation of the courage and loyalty of these young men at this time. America's future will be safe in their hands.

There being no objection, the matter was ordered to be printed in the RECORD; as follows:

LOWERING OF DRAFT AGE FAVORED BY AN OVERWHELMING MAJORITY OF THE YOUNG MEN MOST AFFECTED, NATIONAL SURVEY INDICATES

(By Dr. George Gallup)

PRINCETON, N. J., October 20.—The measure to lower the draft age meets with the overwhelming approval of the young men who would be most directly affected—the 18- and 19-year-olds of the country.

When Congress began consideration of the bill following the President's fireside broadcast, the institute took the issue directly to the young men in a coast-to-coast survey conducted with the aid of the telegraph. It interviewed 17-, 18-, and 19-year-olds and found that the reaction was everywhere favorable to the idea of lowering the draft age.

The question and the results were as follows:

"Would you approve or disapprove of drafting young men 18 and 19 years old now?"

Vote of young men 17–19 years old

	Percent
Approve	81
Disapprove	15
Undecided	4

Many frankly say they favor lowering the age because it is the only way to remove parental objection to their joining the Army.

As one young man puts it, "That would be the easiest way to get into the Army without the family's consent." Another says, "I approve lowering the draft age but my parents don't."

Other young men interviewed in the survey favor the idea because they want to get the war finished as quickly as possible and they think they will have to be drafted sooner or later anyway. "Might as well get the war over as soon as we can," says one young man. "We'd be drafted in a few years in any case."

Quite a number make the point that they want plenty of time for training before they go into combat. One young student interviewed in New York City summed up this general attitude when he said:

"They tell me it takes a year to train a good soldier. If I'm going to fight I want to know how. I can save my neck better that way."

There is general agreement among the young men with the argument, often advanced, that absence of family responsibilities leaves the young group freer to join the Army than is the case with older men. Many likewise say that lowering the draft age will get "better fighters" into the Army.

SHOULD FINISH SCHOOL

The young men who are opposed to the idea believe they should be given a chance to finish their education first. "We haven't had a chance to live yet," says one; "why can't they wait till we're 20?"

"We've got to get a decent education," adds another. "It may be hard to find a job after the war it you don't have a high-school diploma."

Some advance the argument that youths should not be drafted until the supply of available older men is entirely exhausted.

Mr. LEE. Mr. President, I ask to have stated the amendment, which I offer to the committee amendment, and which I have sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 3, after line 9, it is proposed to insert:

(k) In the interest of the common defense, no person, corporation, partnership, or association shall sell, supply, give, or have in his or its possession any alcoholic liquors, including beer, ale, or wine, at or within any military camp, station, fort, post, yard, base, cantonment, training or mobilization place which is being used at the time for military purposes, but the Secretary of War may make regulations permitting the sale and use of alcoholic liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or any orders, rules, or regulations made by proper authority thereunder shall unless otherwise punishable under the Articles of War be deemed guilty of a misdemeanor and be punished by a fine of not less than $100 nor more than $1,000 and/or imprisonment for not less than 30 days nor more than 12 months.

(l) In the interest of the common defense it shall be unlawful within such reasonable distance of any military camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of War shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy and shall designate in general orders or bulletins for any person, corporation, partnership, or association to sell, supply, give, or have in his or its possession any alcoholic liquors, including beer, ale, or wine. Any person, corporation, partnership, or association violating the provisions of this section or any orders, rules, or regulations made by proper authority thereunder shall unless otherwise punishable under the Articles of War be deemed guilty of a misdemeanor and be punished by a fine of not less than $100 nor more than $1,000 and/or imprisonment for not less than 30 days nor more than 12 months.

(m) In construing subsections (k) and (l) of this section the word "Army" shall extend to and include "Navy," the word "military" shall include "naval," "Articles of War" shall include "Articles for the Government of the Navy," the words "military camp, station, fort, post, yard, base, cantonment, training or mobilization place" shall include such places under naval jurisdiction as may correspond to the aforenamed places under military jurisdiction. The powers conferred under this act upon the Secretary of War are hereby conferred upon the Secretary of the Navy with regard to the naval service. The words "Navy" and "naval" shall include the Marine Corps. The aviation units of both the military and naval service shall be subject to the provisions of subsections (k) and (l) of this section.

Mr. LEE. Mr. President, the amendment explains itself.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LEE. For what purpose?

Mr. OVERTON. I presume that the Senator is about to discuss his amend-

ment, and I desire to obtain some information.

Mr. LEE. Then I shall yield to the Senator in just a moment.

Mr. OVERTON. Very well.

Mr. LEE. Mr. President, it has been charged that the offering of the amendment will delay action on the pending measure. I say now that any time an agreement can be worked out or a unanimous-consent agreement can be had to vote on the pending measure I shall yield for the purpose of having such a unanimous-consent request made, and I should stop right now if it could be agreed that immediately we shall vote on my amendment without making any comment. If we do not do that, it is my intention to speak for about 15 minutes, and then to sit down; and then I shall be ready to vote on the measure at any time the Senate is ready to do so.

Furthermore, Mr. President, in the interest of brevity I shall decline to yield after I have yielded to the Senator from Louisiana, who has already requested me to yield. Thereafter, I shall decline to yield until I have finished my remarks on the subject; because I believe they will cover all the points on which I might be interrogated.

If the Senator from Louisiana will withhold his question, I believe I shall answer it in my statement.

Mr. OVERTON. I shall be very glad to do so.

Mr. LEE. I thank the Senator.

Mr. President, there is very little need for explanation of the amendment, because the amendment explains itself. The language is simple and easy to understand.

The amendment would prohibit alcoholic liquors in and around Army camps, which term is interpreted to cover navy yards as well.

The amendment is in the language of Senate bill 860, the so-called Sheppard bill, without the provision applying to vice.

House bill 2475, sometimes called the May bill, contained almost the exact language with reference to the elimination of vice as the language of the so-called Sheppard bill. House bill 2475 became law July 11, 1941. Consequently I have stricken from the amendment the provision from the Sheppard bill.

Mr. President, some of the newspapers already have started a campaign of name calling and have become very abusive. I wish to read one sentence from an editorial appearing in this morning's New York Herald Tribune:

> Thus a grave and highly important piece of legislation is being impeded because of a sneaking attempt to put over with it an utterly unsound measure.

Mr. President, as to the "sneaking attempt," I have this to say: The offering of the amendment is not a suddenly ill-considered move on my part. On June 4 of this year, in a speech on the floor of the Senate, I indicated my intention to bring up this measure if and when the War Department should request the drafting of teen-age boys. On that occasion I said:

> The War Department at one time asked Congress to lower the age limit of draftees to 18½ years, but I should like to suggest that if the Secretary of War expects to have such a proposal supported by the good people of this country, it will be necessary for him to reverse himself on the proposition of keeping liquor and vice out of the military camps. I, for one, am unwilling to expose boys of the tender ages of 18 and 19 to the evils of liquor and vice. It is bad enough for older boys, but for boys of these tender ages it is so wrong that I cannot believe the Secretary of War fully realizes the situation, or he would withdraw his opposition to the measure.

Again, on October 5, I introduced the so-called Sheppard bill as an amendment to the Gurney bill which was at that time pending before the Committee on Military Affairs. I had the amendment printed and referred to the committee for its consideration. At that time I said on the floor of the Senate:

> I desire to have the amendment printed in order that the Members of the Senate may be put on notice of my intention to press the proposal.

That was October 5, which was before we had been requested to pass a bill drafting boys 18 and 19. Yet the charge is that this is being done in "a sneaking" and improper manner.

According to the public press, the President had said that the 18- and 19-year-old boys would not be needed before next year. I thought when the Congress finished work on the price-control bill that no more major legislation would be up for action for a few weeks. Therefore, I went home. Before I reached Oklahoma, the President and the War Department had both requested immediate action on a bill to lower the draft age to include 18- and 19-year-old boys. I took the next train back to Washington as I am a member of the Military Affairs Committee.

This amendment was presented to the Committee on Military Affairs. The committee voted against it.

I want it clearly understood that, so far as I am concerned, each Member of this body is the keeper of his own conscience. Furthermore, I do not sit in judgment on the actions of any of my colleagues. Those who may differ with me on this subject have the welfare of this country at heart no less than have I. They are as patriotic as I am or as is anyone else.

Another thing, I shall not make any extravagant claims as to what this amendment will do if it becomes law. Personally, I believe it would help to create clean, wholesome surroundings for the training of these boys of school age.

Furthermore, I certainly do not make any charges of disorderly conduct against any of the officers or men of the armed forces of the United States. The amendment speaks for itself.

No one was accused of implying disorderly conduct on the part of soldiers or men in uniform when we passed the so-called May bill, which contains the same language with reference to vice around military camps as that contained in the amendment. Therefore it cannot be truthfully charged that the sponsorship of this amendment is an indirect charge of disorderly conduct on the part of any of our armed forces. I am one of those who believe that its adoption into law would be in the interest of efficiency, health, and morals.

This amendment has been referred to as a "rider." That language is intended to prejudice people against the amendment. It is even argued by some that they do not favor "riders." It is urged that this is offered as an amendment to important legislation in order that it might pass.

I may state that it is not my purpose in offering it to this bill to put it through when it would not be accepted by the same group if they had a chance to vote on it. I am offering the amendment to this bill because I believe it belongs on this bill; it is appropriate to it. It provides safeguards for the protection of the young boys which this bill will draft. Therefore, it is appropriate legislation in connection with the bill itself.

Now, Mr. President, there is a precedent for this amendment. The language of this amendment is almost identical with the language which was included in the first draft law passed by this Congress following the declaration of war in 1917. It was not then referred to as a rider. It was conceived to be a necessary part of the draft law.

Mr. President, when the Congress passed the draft law then, it did not provide for drafting boys 18 and 19. Twenty-one was the lowest age provided by the law which first contained these provisions, and they were not the entering wedge to prohibition; they had no connection with prohibition, which followed. They merely constituted a regulation. I shall read section 12 of the first draft law of World War No. 1. Mark the similarity even of the language. This so-called Sheppard language tracks the provision of that draft law and was patterned after it. Let me read it:

> *Provided*, That the President of the United States, as Commander in Chief of the Army is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable, provided that no person, corporation, partnership, or association shall sell, supply, or have in his or its possession—

That language is exactly the same as that of the amendment—

> any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officer's or enlisted men's club, which is being used at the time for military purposes under this Act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes.

That is the exact language of the amendment.

> It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces, while in uniform—

That wording appears to me to be even stronger than the wording of the amendment—

except as herein provided.

I take the exception to refer to the use for medicinal purposes.

Mr. DANAHER. Mr. President——

Mr. LEE. Mr. President, if the Senator will excuse me, I stated at the beginning of my remarks that I should decline to yield until I had finished my statement. Then I shall be very glad to yield, and I hope Senators will make such notations of questions as they may wish to ask, as I desire to conclude in the shortest possible time.

I continue to read from the law which was passed and which was not referred to as a rider but was accepted as a necessary part of the legislation in the First World War when the Congress drafted American boys and sent them to camps, feeling, no doubt, as I feel now, that the law calling them to the camps should also provide the proper conditions and surroundings for them when they reach the camps:

Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

That is almost the same language of the amendment which I propose. The only difference I see in the two provisions is that the one passed in the World War, in 1917, made reference to the "spiritous liquors," while my amendment refers to "alcoholic liquors."

One other difference was that where it referred to the surroundings of the camp. It said "near the camp," and the amendment which I am offering has a different description. It prescribes that the prohibition shall extend to a "reasonable distance," which the Secretary of War shall determine upon his estimate of what constitutes the necessary area around the camp, having in mind the health and well-being of the Army.

I stated that at the time the former law was passed the minimum age of the draftee was 20, and that is correct. The law was approved May 18, 1917. In 1918 Congress adopted an amendment to the law requiring the registration of men from 18 to 45, but almost a year after Congress had already provided that there should not be liquor in and around the military camps.

I have stated what the draft law of 1917 provided, and mark you, that was passed by Congress before the draft age was lowered to 18 and 19. The amendment lowering the draft age to include 18- and 19-year-old boys was passed August 31, 1918.

Now, therefore, I cannot agree with the statement of Mr. Stimson, the Secretary of War, that the adoption of this amendment would damage the morale of the armed forces. I did not observe any damage to the morale of the armed forces in 1917, 1918, and 1919, from the prohibition to which I have referred, and the other boys who served did not see any. When, in camp, I went to the canteen, there was not any beer for sale there, and there was no damage to the morale of the boys in 1918 because Uncle Sam did not provide canteens where beer, wine, and ale were sold.

At this time it is my son and the sons of my colleagues who are in the camps. My son Robert has just turned 18. When he enters a military camp and goes down to the canteen, he is saying to himself, "Yes, I am only 18, that is true, and every State in the Union has prohibited the sale of liquor to minors. Yet my daddy is in Congress; he voted to send me here; he voted for the conditions that surround me here; he voted to approve the sale of liquor, wine, and beer in the canteen, so it must be all right."

One of the most impressive telegrams I have received was from an ex-service father, in which he said, "If you are going to take our babies, give them milk instead of beer."

May I go further and say that none of the objections which the Secretary of War urges in his letter to the Senator from North Carolina [Mr. REYNOLDS] are borne out by the experience of a very similar, almost identical law which was enacted during the First World War.

It has been further urged that the language of the amendment giving to the Secretary discretionary power to determine the zone around the camps, is dangerous and bad legislation. Let me again cite the language of the draft law in the First World War.

"Prohibition of alcoholic liquors in or near military camps"—in or near military camps. I do not recall all the trouble of enforcing that law in the First World War which Secretary Stimson said would again occur if a similar one shall be enacted during the present war.

The proposed language is the same as that used in the May law, which this same body passed only last year. I mean the language in my amendment with respect to the proximity of the camps is exactly the same language as that appearing in the May bill which we passed last year with respect to the control of vice. No one has heard anything about all of the trouble which Secretary Stimson predicts in his letter would take place if this amendment becomes law. The language of the May law reads as follows:

It shall be unlawful within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretaries of War and/or Navy shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy.

Mr. President, that is the language which is in the May bill. The same language is in my amendment. It is almost the same language which is in the First World War draft bill, the terms of which were carried out successfully and did not cause all the trouble that Secretary Stimson says the passage of this measure will cause.

Mr. President, never has a controversial measure been raised without it being urged by those who are opposed to it that this is not the time and place for consideration of such a measure. An objection has already been raised against the proposed amendment, and I cite to you the fact that the amendment actually was a part of the draft law of 1917, to which Congress must have considered it germane.

Furthermore, if we were drawing up regulations for the training of young men in a school or college, I leave it to your sense of fairness whether we would consider a proposal to prohibit alcoholic liquors in the schoolhouse and on the school grounds as germane and appropriate to that legislation.

In that regard, Mr. President, let me read you article 3065 of the Naval Academy regulations:

(a) The laws of the State of Maryland prohibit the sale or gift of alcoholic beverages to midshipmen in Annapolis or within 5 miles of the limit thereof. Midshipmen will not drink or have in their possession any alcoholic beverage in such prohibited areas or within any naval reservation on the Severn, or in any vessel, boat, or other craft of the Navy. Violation of this regulation is a serious offense, punishment for which may extend to dismissal.

Mr. President, I do not have the regulations with respect to West Point. I am inclined to believe they are very similar to those which I have just read with respect to Annapolis. We in the Congress prescribe for the establishment of military and naval academies. To us it would be unthinkable to allow beer and liquor on the campuses and inside, and even within the proximity of those areas.

This is nothing more than an extension of the military and naval academies throughout all the country for the boys who did not have the privilege of attending Annapolis or West Point, and this draft act is a war measure making a temporary Annapolis and West Point out of every camp throughout the land. If we require training and if we make regulations with respect to these academies, is it not logical then that we should extend that same prohibition and regulation to the military camps?

Every State in the Union recognizes in its laws the need to protect the minors from liquor by making it illegal to sell intoxicant liquors to minors. Therefore, I maintain that it is appropriate to seek the protection of these boys from alcoholic liquors when we draft them for military service.

Mr. President, this amendment would not take away the personal privilege of any soldier because when he went away from the camp on leave this amendment would not apply to him. What he did would be for him to decide. The places he visited and the company he sought would be of his own choosing. This amendment would merely remove liquor from his training grounds.

Mr. President, during the other war boys were given leave from camp. They would go over to some town. The regulations of the camp in World War No. 1 did not bother those boys. It did not take away their personal privilege to seek the company they wanted to find, and seek the type of amusement they wanted, when on leave. But it did not

keep the temptation under the nose of every boy in the camp during the whole time of his training.

There is nothing in the amendment which I propose which would deprive any boy of his personal privilege. He has the same personal privilege that his daddy had who served in the First World War before him, and I did not hear any of the boys complaining about their personal privileges then. When they were in camp they knew they were there for a serious business. When they went on leave they had a good time.

If a boy in a training camp receives a leave and goes over to a town, if he does not want to go to the places where liquor is sold he does not have to go there, but if the pending measure is defeated, every time he goes into a canteen in a camp he goes to a place where liquor is being sold.

I believe it was Henry Ford who, a number of years ago, said that liquor and machinery did not mix. Liquor and training do not mix, and these boys are trained to handle the most deadly machinery in the world. Why, we think nothing of a businessman prohibiting liquor on the premises of the grounds where men work.

Mr. President, the amendment is as germane to the subject as the last section of the committee amendment—and get this, Senators—as the last section of the committee amendment, which makes it possible to receive boys convicted of a crime which is not a felony at common law for training in military forces. One of the arguments presented in support of that amendment was that in a few cases boys were violating the liquor laws in order to get mild sentences which would exclude them from the draft law. If that committee amendment is germane to this proposed draft law, then why is not one germane which seeks to protect the boys from liquor?

Mr. President, to my mind it is entirely appropriate and even obligatory upon this body to provide the most wholesome possible surroundings for these boys in the same bill in which we provide for drafting them.

I wish to cite the difficulty of getting action on the proposed law, in answer to those who say that this is not the time and place, and that the matter should be taken up on its own merits. The bill was originally reported to the Senate several months ago, as a tribute to the late Senator Morris Sheppard, who was the author of the original bill, and at one time was chairman of the Military Affairs Committee. The bill has remained on the calendar constantly since that time. The Senator from Texas [Mr. O'DANIEL] made an effort to get it considered at one time, and the Senator from Colorado [Mr. JOHNSON] made another effort to get it considered, all of which should convince any person that to defer the bill to some future time, when it may be considered by itself, is to bury it.

Again, Mr. President, there is another phrase which fits easily into the mouths of those who oppose the measure, but who do not wish to come out against it. They say, "I favor the principles of the measure, but I am opposed to it in its present form." Again I cite the Senate to the law which served us so well in World War No. 1. The form of this proposal is very similar to that law, in fact almost identical.

Then again there is objection made that consideration of this measure at this time will delay action on the draft bill. To that criticism I cite my own record in this body for the past 3 years, wherein time and again I have been one of those who have urged speed in our preparedness program; in fact even before Pearl Harbor, and sometimes, I fear, to the annoyance of some of my colleagues, I kept insisting that our Government was not moving as rapidly as we could and should be moving with the program of national defense.

I remember some of my colleagues asking the question, What could we be doing that we are not doing? My position was that there were many things we could be doing that we were not doing. It is now obvious that there are many things we could have done last year that we are just now doing. There are many things we could have done the year before that. I believe my record of appealing for action in advance of some of the things we subsequently did will compare favorably with that of many of my colleagues.

Furthermore, Mr. President, I do not believe any part of the war effort is today being delayed because of lack of inductees. I believe a fair appraisal of the situation will show that we are now receiving men just as rapidly as we can train and equip them. This morning I called the office of General Hershey. I talked to Captain Solomon, and I asked him what about voluntary enlistments since the bill was recommended for passage by the War Department. He said to me: "It has been the biggest in history."

Those were his very words—that the voluntary enlistment was the biggest in history.

Mr. President, I say to the Senate that we are not delaying the war effort by taking time to consider a proposition which provides for proper, wholesome surroundings for the boys we propose to draft.

I may offer this suggestion merely for what it is worth, that if we should concentrate our efforts and materials on the production of cargo and troop transport aircraft in order to make more mobile the armed forces we already have, we might increase our striking power and thereby increase our effectiveness.

Mr. President, I am not prepared to say what size Army the United States needs, but I am suggesting that until we bring our rapid transportation facilities up to the Army we already have, it might be well to leave that additional manpower in the factory and on the farm rather than call them in before we have rapid transportation facilities ready for them.

Mr. President, I do not believe that any part of the war effort is being delayed by consideration of this measure. Besides, it is not my intention to occupy the floor longer than to finish this statement, and then any time after that I am prepared to vote. In a matter of so great concern to the mothers of the United States, surely their Representatives in Congress owe them whatever necessary time may be required to provide the best possible surroundings for their sons. When we are digging down into the family life, as we are doing in this measure, is it asking too much to take a few minutes, or a day or so even, to consider the surroundings the boys are going to find themselves in when they get to camp? Many of these boys—I would guess the majority of them—are coming out of Christian homes. We want the surroundings to be as wholesome as it is possible for us to make them.

As to the charge, Mr. President, that we are taking time and delaying the war effort, I say now that the war effort will gain a greater momentum and a greater impetus if the fathers and mothers feel that their boys are given proper surroundings in the camps. The war movement will have a greater support from back home then than it will if they are unhappy about the situation in which the boys find themselves when they get to camp.

Mr. President, the letter from Mr. Stimson, Secretary of War, says that if the proposed amendment is agreed to it would cause bootlegging and the establishment of speakeasies. Where would it cause bootlegging and the establishment of speakeasies? Does the Secretary mean it would cause bootlegging and the establishment of speakeasies inside a military camp? That is ridiculous. Then he must mean outside the camp. Other than in an area which he himself believes to be reasonable and for the best interest of health and efficiency of the Army, there is no regulation in this amendment over the sale of intoxicating liquor. Therefore, where would these speakeasies and bootleggers he is talking about be?

Mr. President, in the last war I was first at Camp Deming in New Mexico, and then at Camp Dix, N. J. I did not see any speakeasy or any bootlegger in either of those camps or around either of those camps. As soon as I got far enough away from the camp I saw places where liquor was sold, but there were no speakeasies or bootleggers, as the Secretary charges in his letter there will be if the amendment is agreed to.

Furthermore, the Secretary says it would be necessary for the Army to enforce flat prohibition in metropolitan cities such as New York, Chicago, and San Francisco. That is another ridiculous statement. Did the Secretary of the first World War, or President Woodrow Wilson, feel that under the law of 1917, which contained the same provisions, it was necessary for the Army to enforce prohibition in those areas at that time? They did not. Does Mr. Stimson, under the May Act, which he is charged with enforcing, have to take over complete charge in those same areas? The same language is in that law that is in the proposed amendment.

Mr. President, the argument most frequently heard against this proposal is that it is an entering wedge to national prohibition. I do not believe it is any

such thing. Sometimes those who represent the opposition can be foolish. Sometimes those who represent our side can be foolish. I grant that neither side has a claim to all the wisdom. But I believe the wets are foolish to oppose this sane and mild measure. Already there is evidence that the liquor interests are making great gains because of the war. In connection with this charge, Mr. President, let me read some of the language used in an editorial from yesterday morning's Washington Times-Herald:

Washington politicians, by and large, are well aware of these facts. They are aware, too, that liquor goes with fighting men; that soldiers crave their drinks, dice games, poker games, and other manly relaxations after a tough day's work in training.

Mr. President, is that our concept of a soldier? It is not mine. I have seen some soldiers who relaxed in that way. They were just as good soldiers as others. Their hearts were as kind, and they were just as patriotic; but that is not my conception of one of the necessary ingredients in the make-up of a soldier.

Newspapers which oppose this provision do so for reasons of their own. I have found out from observation that some of the newspapers which violently oppose this measure receive less revenue from liquor advertising than do those which are not opposing it so vigorously. Let me exhibit to the Senate the liquor advertising from one issue of one Washington newspaper. A little more than six full pages are devoted to advertising liquor.

The charge is made that this amendment is an entering wedge. Mr. President, the drys are merely trying to hold their own. We are not trying to make any gains, other than to protect our sons. It is the liquor interests which are taking advantage of wartime to increase their traffic. Let me read from the Brewers' Digest. Mark you, this is the editor, speaking on the editorial page of the Brewers' Digest for May 1941, last year. Listen to this:

One of the finest things that could have happened to the brewing industry was the insistence by high-ranking Army officers to make beer available at Army camps.

Skipping some, I quote further:

The opportunity presented to the brewing industry by this measure—

No doubt referring to the interpretation allowing liquor in the camps—

The opportunity presented to the brewing industry by this measure is so obvious that it is superfluous to go into it in detail.

Skipping, and quoting again, the editor comments on how foolish brewers would be if they did not make the very best brew for the soldiers in order to make future customers of them. He says:

Here is a chance for brewers to cultivate a taste for beer in millions of young men who will eventually constitute the largest beer-consuming section of our population.

If anyone thinks that it is not the intention of the liquor interests to take advantage of this war and the mobilization of the young men to create an appetite and to increase their business, I refer him to the editorial in the Brewers' Digest of May 1941. Remember, this is not the W. C. T. U. talking. It is the brewers. The editorial in the Brewers' Digest states that a wonderful opportunity is presented for increasing the appetite of the beer-consuming public; and we are accused of trying to take advantage of the war in order to push the dry issue. We are trying to offset the gains of the liquor industry.

Mr. President, I said that we are trying to hold our own. We are not doing it. Let me give some figures from the Bureau of Internal Revenue:

The above totals show that the year 1941 averaged a 430,044-barrel increase per month in consumption of beer as compared with 1940. They also show an increase of 536,914 barrels per month for 1942, for the months of January to July inclusive, as compared with the same months of 1941. The above table also shows an increase of 806,075 barrels of beer average monthly increase in 1942 as compared with the same months of 1940.

Either liquor is being consumed in military camps or it is not. If it is, in the interest of military efficiency it ought to be excluded. If it is not being consumed, the opposition should have no objection.

Mr. President, five State legislatures have already endorsed this measure and memorialized Congress to pass this amendment, referred to in the memorial documents as S. 860. I refer to the States of Florida, Minnesota, Colorado, Iowa, and Maine. Many other State legislatures would have endorsed it except for the fact that many of the State legislatures have not been in session since this amendment came up.

I ask unanimous consent to have the resolutions of the five States which I have mentioned printed in the RECORD at this point as a part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 10

Resolution relating to the preservation of moral conditions in the vicinity of Army and naval camps and plants erected and maintained by the Federal Government in providing for the national defense

Be it resolved by the Senate of the State of Florida (the House of Representatives concurring):

SECTION 1. That the Senate of the State of Florida (the House of Representatives concurring) respectfully petition the Congress of the United States of America to give early consideration to legislation suppressing and prohibiting all forms of vice, including the sale of intoxicating beverages, on, in, and in the vicinity of all plants owned, leased, or maintained by the United States of America for national defense, including all reservations, camps, bases, training schools, barracks, and other areas used for the quartering, training, or encampment of the armed forces of the Army and Navy of the United States.

SEC. 2. That the secretary of state forthwith prepare suitable copies of this resolution and cause the same to be transmitted to the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairmen of the several committees on Army and naval affairs of the Senate and House of Representatives of the United States, and to each of the Members of the Senate and House of Representatives of the United States from the State of Florida.

Approved by the Governor May 31, 1941.

Resolution 7

Concurrent resolution memorializing the Congress of the United States relative to the early consideration and passage of Senate file 860

Whereas there is now pending before the Seventy-seventh Congress of the United States proposed legislation, Senate file 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

Whereas the Federal Government has located in the State of Minnesota, and may hereafter locate in this State, military training camps, stations, forts, posts, yards, bases, cantonments, training or mobilization places for military purposes; and

Whereas it is desirable in the interest of the common defense to provide for the suppression of all forms of vice at or within the vicinity of such military camps, stations, forts, posts, yards, bases, cantonments, training or mobilization places for military purposes, and the people of the State of Minnesota are greatly interested in the passage of such legislation: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Legislature of Minnesota respectfully petitions the Members of Congress to give early consideration to said legislation and to the enlargement of the provisions thereof in order to include the suppression of vice at or within the vicinity of military training camps, stations, forts, posts, yards, bases, cantonments, training or mobilization places maintained by the Federal Government in the development of national defense, and to enact such legislation at an early date; be it further

Resolved, That copies of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the Congress, and to each of the Senators and Members of the House of Representatives from Minnesota in the Congress of the United States, and that they be urged to use their best efforts to procure the enactment of such legislation in this session of Congress.

Approved April 28, 1941.

HAROLD E. STASSEN,
Governor of the State of Minnesota.

House Joint Memorial 9

Whereas there is now pending in the Congress of the United States S. 860, a bill to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

Whereas S. 860 would prohibit the sale and possession of alcoholic liquors upon the premises of any camp or cantonment used for military purposes and would prohibit such sale or possession within such distances of any military camp or cantonment as the Secretary of War and the Secretary of the Navy may determine is necessary for the efficiency, health, and welfare of the members of the Army and Navy;

Whereas said S. 860 is necessary for the protection of the people of the United States and the conduct of the national emergency training program: Now, therefore, be it

Resolved, That the Congress of the United States is hereby memorialized and requested to enact into law said S. 860; be it further

Resolved, That copies of this memorial be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Congressmen representing the State of Colorado in the Congress of the United States.

House Concurrent Resolution 28

Concurrent resolution memorializing the Congress of the United States relative to the early consideration and passage of Senate bill 860

Whereas there is now pending before the Congress of the United States proposed legislation, designated as Senate bill 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

Whereas the Federal Government has located in the State of Iowa, and may hereafter locate in this State, an ordnance plant or other plant or plants which it may deem desirable in the development of the national defense; and

Whereas it is desirable in the interest of the common defense to provide for the suppression of all forms of vice in the vicinity of such plants or projects, and the people of the State of Iowa are greatly interested in the passage of such legislation: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the General Assembly of Iowa respectfully petition the Members of Congress to give early consideration to Senate bill 860, now before the Senate, and to the enlargement of the provisions thereof in order to include the suppression of vice in the vicinity of ordnance plants or projects now or hereafter erected and maintained by the Federal Government in the development of national defense, and to enact such legislation at an early date; be it further

Resolved, That copies of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the Congress, and to each of the Senators and Members of the House of Representatives from Iowa in the Congress of the United States, and that they be urged to use their best offices to procure the enactment of such legislation in Congress.

We, your memorialists, the Senate and House of Representatives of the State of Maine in the ninetieth legislative session assembled, most respectfully present and petition your honorable body as follows:

Whereas there is now pending before the Congress of the United States proposed legislation, designated as Senate file 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

Whereas the Federal Government has located in the State of Maine and may hereafter locate in this State, forts and training camps, which may be deemed desirable in the development of the national defense; and

Whereas it is desirable in the interest of the common defense to provide for the suppression of all forms of vice in the vicinity of such forts and camps, and the people of the State of Maine are greatly interested in the passage of such legislation: Now, therefore, be it

Resolved, That we, your memorialists, do hereby respectfully petition and urge the Members of Congress to give early consideration to Senate file 860 now before the Senate, and to the enlargement of the provisions thereof in order to include the suppression of vice in the vicinity of ordnance plants or projects now or hereafter erected and maintained by the Federal Government in the development of national defense, and to enact such legislation at an early date; and be it further

Resolved, That a copy of this memorial, duly authenticated by the secretary of state, be immediately transmitted by the secretary of state by registered mail, to the proper officers and committees of the United States Senate and House of Representatives, the President of the United States, and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Mr. LEE. Mr. President, in contrast to the letter of the present Secretary of War, I have a letter dated October 20, 2 days ago, from Hon. Josephus Daniels, who was Secretary of the Navy in World War No. 1. His splendid work as Ambassador to Mexico has done as much as any other one thing to bind that country to us with strong bonds of friendship. In contrast to the statement of the present Secretary of War, who says that to keep liquor out of the training camps would be bad and disrupt the training of the men, I read from the letter from Josephus Daniels, Secretary of the Navy in World War No. 1:

THE NEWS AND OBSERVER,
Raleigh, N. C., October 20, 1942.

Hon. JOSH LEE,
United States Senate, Washington, D. C.

DEAR SENATOR: I am very glad to see that you are fighting for a provision to give adequate protection to youths who are in the military service. It should have been done sooner, but now that 18-year-old boys are to be drafted it is imperative that they be surrounded by wholesome environment, and not be subjected to temptations which many of them could not resist. It is going to be hard for the mothers to see their 18-year-old boys go off from home to be trained to be sent abroad to fight; but if in their training days evil institutions are around the camps, it will be tenfold harder for them.

* * * * *

Faithfully yours,

JOSEPHUS DANIELS.

The rest of the letter is a personal reference.

That concludes what I had to say.

Mr. President, I have before me hundreds of telegrams. All the telegrams which I hold in my hand constitute hundreds of petitions from persons in States other than Oklahoma. I found only two telegrams which were in identical language, which fact indicates to me that the response on the part of the persons sending the telegrams was spontaneous as the result of what they have noticed in the newspapers.

I shall not ask that all the telegrams be printed in the RECORD because there are so many of them.

However, Mr. President, I have received some telegrams from Oklahoma. First, I ask unanimous consent that the names of the organizations endorsing the measure be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of organizations is as follows:

Council of Bishops of the Methodist Church.

Board of Temperance of the Methodist Church.

Presbyterian Church in the United States.

Federal Council of the Churches of Christ in America (1940, repeated 1942).

Women's General Missionary Society of the United Presbyterian Church.

International Young People's League of the Norwegian Lutheran Church.

National Congress of Parents and Teachers.

California Parent-Teachers Association.

National Woman's Christian Temperance Union.

National Anti-Saloon League.

United Dry Forces, District of Columbia.

National Temperance and Prohibition Council, which includes: American Businessmen's Research Foundation; American Temperance Society of the Seventh-Day Adventists; Anti-Saloon League of America; Board of Christian Education, Presbyterian Church in the United States of America; Board of Temperance, Prohibition, and Public Morals, M. E. Church; Christian Education Department, American Baptist Publication Society; Commission on Moral Reform and Social Advance of the United Brethren Church; Commission on Social Service, Southern Baptist Convention; Commission on Social Service of the Universalist Church; Connecticut State Temperance Council of Twelve; Department of Social Education and Social Welfare, Disciples of Christ; Department of Social Service, United Presbyterian Church of North America; Friends Board of Prohibition and Public Morals; General Board of Christian Education, M. E. Church, South; Illinois Temperance Council; Independent Order of Good Templars; Intercollegiate Association for the Study of the Alcohol Problem; International Reform Federation; Methodist Men Committee of 100 of the United States; National Civic League; National Reform Association, National Temperance Society; National Woman's Christian Temperance Union; Prohibition National Committee; Temperance Committee of the Reformed Presbyterian Church; Temperance and Law Enforcement Section, Social Service Committee, Friends General Conference (Hicksite); Unitarian Temperance Society; United Dry Forces of the District of Columbia, Evangelical and Reformed Church.

Women's General Missionary Society of the United Presbyterian Church of North America.

Northern Baptist Convention.

Southern Baptist Convention.

Mrs. John L. Whitehurst, president, Federation of Women's Clubs.

Disciples of Christ (National Christian Church).

General Board of Lay Activities of the Methodist Church.

Women of the Presbyterian Church in the United States of America.

General Assembly of the Presbyterian Church.

The National Grange.

Department of Christian Social Relations and Local Church Activities of the Woman's Division of Christian Service of the Methodist Church.

Holy Trinity Lutheran Church of Jamestown, N. Y.

Mr. LEE. Mr. President, I hold in my hand petitions coming from Oklahoma. I shall not ask that the petitions entire be printed in the RECORD, but I have had prepared a list of the persons submitting the petitions, although I have not had all the names listed in the cases of petitions numerously signed. In such cases I merely have listed the number of signatures attached. I have adopted that course in the interest of brevity and in order not to take up an undue amount of the RECORD.

Therefore, Mr. President, I ask unanimous consent to have the list printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

Mr. McNARY. Mr. President, let me ask whether the Senator has requested that each telegram be printed in the RECORD, in extenso?

Mr. LEE. No; I have asked that only the names be listed; and in cases in which a number of names appear, I have simply listed the total number and the place from which the telegram was sent, because the Senator can see that too much space in the RECORD would be required by having the entire number of names printed.

Mr. McNARY. I thought the Senator desired to have the telegram printed; and if that were the practice the result might be to have a tremendous volume of telegrams printed.

However, if only a notation of the numbers is to be made, I have no objection.

Mr. LEE. I agree with the Senator. I simply mentioned the fact that there were hundreds of telegrams. I did not even request to have all the signatures printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the list referred to was ordered printed in the RECORD, as follows:

Alvin W. Hedin, pastor, First Baptist Church, Yukon, Okla.

James W. Paul, president, the Ministerial Alliance of Chelsea, Okla. (representing five churches).

Mr. and Mrs. E. E. Hill and Mr. and Mrs. E. H. Hempler, Cameron, Okla.

El Reno Ministerial Alliance, Daniel L. Cole, secretary, El Reno, Okla.

Horace C. Casey, moderator, Oklahoma City Presbytery of the Presbyterian Church in the United States of America, Oklahoma City, Okla.

Letter from Walter M. Wick, pastor, Evangelical Lutheran Churches, Middlebury, Ind.

Nineteen members of Justice Sunday School, Wewoka, Okla.

Thirty-five members of Turpin Methodist Church, Turpin, Okla.

Members of the Perry Chapel Church, Heavener, Okla. (26 signatures).

Petition from 25 citizens of Caddo County, Okla.

Petition from 42 members of Immanuel Baptist Church of Muskogee, Okla.

Petition from Federated Missionary Society representing the following churches of Lawton, Okla.: First Christian, First Baptist, First Methodist, Central Baptist, First Presbyterian, Beal Heights Presbyterian, Centenary Methodist.

Mr. W. T. Wade, Jay, Okla.

State Association of Free Will Baptists, Wewoka, Okla. (representing 200 churches).

Drumright Ministerial Alliance, Drumright, Okla. (representing 2,500 members).

Mr. A. B. Richert, Oklahoma City, Okla.

Sam W. Scantlan, pastor, Capitol Hill Baptist Church, Oklahoma City, Okla.

E. M. Antrim, Woodward, Okla. (representing hundreds of Woodward church members).

Petition from citizens of Oklahoma City, Okla. (77 signatures).

Members of Methodist Church of Apache, Okla. (33 signatures).

Petition from citizens of Bernice, Okla., with 28 signatures.

Petition from members of the Fellowship Sunday School Class of First Baptist Church of Okmulgee, Okla.

Petition from 78 people of the Naval Reserve Community east of Fairfax, Okla.

First Baptist Church of Wister, Okla.

The Reverend and Mrs. J. H. Farley, Prague, Okla.

Mrs. Harold McIntosh, Shattuck, Okla.

Mr. C. A. Hunt, Muskogee, Okla.

Mr. and Mrs. B. B. Elliott, Wright City, Okla.

E. H. Caiswell, Tulsa, Okla.

Mrs. Mary L. Ridings and Anna Brown, 1616 Northwest Twenty-third Street, Oklahoma City, Okla.

Mr. Clyde Rodolph, Walters, Okla.

James S. Griffes, pastor, First Presbyterian Church, Vinita, Okla.

Rev. Walter F. Specht, P. O. Box 517, Okeene, Okla.

Dr. E. F. Webber, radio pastor, P. O. Box 1144, Oklahoma City, Okla.

Mr. W. L. Johnson, attorney and counselor at law, Chandler, Okla.

Mrs. F. B. Erwin, corresponding secretary, Anna Gordan, Woman's Christian Temperance Union, 2108 West Twenty-second Street, Oklahoma City, Okla.

J. Grover Scales, pastor, First Baptist Church, Commerce, Okla. A resolution made by the Northeast Oklahoma Baptist Association.

Mrs. Bill V. Carden, Young People's leader, Baptist Building, Oklahoma City, Okla.

C. L. Barnes, Wister, Okla.

H. K. Sheets, secretary, Enid Ministerial Alliance, Enid, Okla.

Rev. Loren F. Messenger, pastor of First Baptist Church, Bluejacket, Okla.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. OVERTON. Last year the Congress passed an act prohibiting prostitution within such reasonable distance of the Naval and Military Establishments as might be determined by the Secretaries of War and Navy. The act was approved July 11, 1941.

In the course of his address to the Senate today the able junior Senator from Oklahoma has referred to that act as the May Act. The printed copy of the amendment of the Senator from Oklahoma is upon our desks. On page 3 it contains section 7 which is almost verbatim a reproduction of the act to which I have referred, the act prohibiting prostitution. That act was passed last year.

Mr. LEE. At the beginning of my remarks I explained that that part of my amendment was stricken out, and that the amendment I sent to the desk did not include it.

The amendment which the Senator has before him was printed and was referred to the committee. When I offered the amendment today, the part the Senator refers to had been stricken from it, and it is not now included in it.

Mr. OVERTON. I did not clearly understand what the Senator had to say in respect to that particular phase of the amendment.

I now understand that the amendment which now is on the desk does not follow word for word the printed amendment, not only in section 7 but in other sections; is that correct?

Mr. LEE. It does with respect to liquor.

Mr. OVERTON. It does with respect to liquor?

Mr. LEE. Yes.

Mr. OVERTON. Then the antibawdy-house and antiprostitution features are not included in the amendment as offered by the Senator from Oklahoma; is that correct?

Mr. LEE. That is correct.

Mr. OVERTON. I think that point should be made clear.

Mr. LEE. Yes.

Mr. OVERTON. Because I am in receipt of a great many letters urging me to support the Lee amendment as an antiprostitution amendment.

Mr. LEE. The antiprostitution amendment is agreed to, and already is the law.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TOBEY. Mr. President, I ask the distinguished Senator from Oklahoma in what material respect the Lee amendment differs from the legislation proposed by our late lamented colleague, Senator Sheppard in the form of Senate bill 860.

Mr. LEE. The only difference is that the amendment which I have offered eliminates the restrictions with respect to vice and bawdy houses. Such restrictions already are the law.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CHAVEZ. I understand that the amendment submitted by the Senator from Oklahoma relates to matters of policy of the War Department in wartimes. Is that correct?

Mr. LEE. It has to do with conditions surrounding military camps.

Mr. CHAVEZ. The environment of military camps?

Mr. LEE. Yes.

Mr. CHAVEZ. I think that the matter is a very important one on which the Senate should pass and I hope that the Senator from Oklahoma will have a yea-and nay vote on the amendment.

Mr. LEE. I thank the Senator. I shall ask for a yea-and-nay vote on it.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. LEE. I am ready to yield the floor, except to answer questions. I yield to the Senator from Connecticut.

Mr. MALONEY. I wished to have a telegram printed in the RECORD, but I did not wish to have it appear in the midst of the Senator's speech. I think that it is appropriate to have the telegram printed in the RECORD at this point.

Mr. LEE. I have finished my statement, but I wished to yield to Senators who desired to ask me questions.

Mr. MALONEY. I have no questions to ask.

Mr. LEE. Nevertheless, I yield.

Mr. MALONEY. Mr. President, I desire to read a telegram which I have just received from William Green, president of the American Federation of Labor. In connection with the telegram I should like to say that I have received a very great number of telegrams dealing with the pending question; but because the one which I now hold in my hand comes from the American Federation of Labor, and because I think the American Federation of Labor would like to have it printed in the RECORD, I desire to read it now:

WASHINGTON, D. C., *October 22, 1942.*

Hon. FRANCIS MALONEY,

Washington, D. C.:

Senator JOSH LEE has pending an amendment similar to S. 860 to H. R. 7528. The American Federation of Labor is unreservedly

opposed to Senator LEE's amendment as careful surveys of the morale in and about the camps of our armed forces show that conditions are excellent. Very few abuses have been discovered as a result of the legal sale of beer, wines, and liquors. The Lee amendment would create wholesale bootlegging in and about the camps and racketeering would run rampant as in the days of prohibition. We urge your support in opposition to the Lee amendment.

WILLIAM GREEN,
President, American Federation of Labor.

Mr. REYNOLDS. Mr. President——

Mr. LEE. I yield to the Senator from North Carolina.

Mr. REYNOLDS. As a matter of fact, Mr. President, I desire the floor for the purpose of reading to the Members of this body a letter which I received several days ago from the Under Secretary of War, Judge Patterson. The letter relates to the subject now before the Senate—that is to say, the amendment offered by the able junior Senator from Oklahoma.

Mr. President, I have listened very carefully to what the Senator from Oklahoma has said, and I desire to say that I commend him and heartily congratulate him upon having brought the matter to the attention of this body. I enjoyed immensely his discourse upon the subject, and I believe that the information which he has provided has certainly been of some benefit to those who have had the honor of hearing him.

I know that the Senator from Oklahoma is a prohibitionist personally, in practice as well as in theory. I do not think that he need make apologies to any Member of this body for taking up a few moments of its time in explaining his amendment. I am glad that he did do so. Again I desire to express to him my appreciation of the opportunity to vote and to have a record vote upon the amendment, because today the people of America are demanding that their legislators in this national body be recorded as to how they stand on every issue; and certainly within a few years they will go back over the RECORD, will read the RECORD, and will want to be able to ascertain from the RECORD the position of every Member of this body on important questions.

Mr. President, I am sorry that I cannot vote for the Senator's amendment. [Laughter.] I desire to say to him that if anyone could have convinced me, he could have done so, for he has made a very able argument, and I think that the New York Herald Tribune was manifestly unfair when it employed the word "sneaking" in relation to the introduction of his proposed legislation in the form of an amendment. I know, and every other member of the Committee on Military Affairs likewise knows, that the Senator from Oklahoma has been vitally interested in legislation of the sort that he believed would provide the maximum amount of protection for the boys, their morality, and their physical selves; and there has been no "sneaking" about it.

I appreciate the fact that the Senator, like every other Member of the Senate, is desirous of providing the finest sort of protection for the men in the armed forces; but I am unable to follow him now, because I feel it my duty to follow those upon whom we are depending in our efforts to win the war, and they are our Commander in Chief, the Chief of Staff, and the other leaders of the armed forces of the country.

In this connection I may state at this time, because I shall not request to be heard further, that I shall support the amendment to the Selective Service Act which will reduce the age of those to be drafted from 20 to 18 and 19. I shall not endeavor to convince anyone else that the attitude which I am taking in this matter and which, I believe, should be taken by all my colleagues, for I cannot flatter myself to the degree of believing that it would be possible for me to change anyone's opinion, and I do not want to change anyone's opinion. I do wish, however, to take this opportunity to state why I shall vote to reduce the draft ages under the Selective Service Act.

I shall vote to reduce the age limit because those in charge of the conduct of the war, those upon whom we are depending to win the war for us, have told me that they now want drafted boys in the 18- and 19-year-old categories. They do not have to give me any detailed reasons why they want men of 18 and 19 years of age in the Army. All they have to do is to tell me they want them, that they have to have them in order to win the war, and I am not asking why. I am perfectly willing at this hour to take the word of those upon whom we are depending to win the war. Consequently I shall vote on the floor, as I voted in the committee, to draft 18- and 19-year-olds because the War Department has said that the Army wants them and must have them. Their word is sufficient with me.

Now, Mr. President, I should like to read a letter I have received in regard to the amendment of the Senator from Oklahoma [Mr. LEE]. It is from Mr. Robert P. Patterson, the Under Secretary of War, and is dated October 21, 1942:

WAR DEPARTMENT,
OFFICE OF THE UNDER SECRETARY,
Washington, D. C., October 21, 1942.

Hon. ROBERT R. REYNOLDS,
United States Senate, Washington, D. C.

DEAR SENATOR REYNOLDS: You have asked for my views on the proposed legislation to prohibit the sale of all alcoholic liquors at military camps and in nearby communities.

I may add that day before yesterday I took it upon myself personally to direct a communication to the Secretary of War and the Under Secretary of War. I sent those inquiries to the Department by riding page, and the two answers came back yesterday. Mr. Patterson continues:

Those who support this legislation do so in the belief that it would promote temperance on the part of our soldiers. The purpose is laudable. But the War Department believes that the result in actual operation would be to make the maintenance of temperance more difficult. Prohibition in the country at large was repealed some years ago because the people believed that it did not reduce intemperance but rather increased it. There is no reason to believe that what did not bring about temperance among citizens generally would bring about temperance among soldiers.

I am of opinion that the plan now in operation, under which the sale of wine and beer on military reservations as authorized by law is permitted within limited periods of time, works well and has produced good results. By and large, there is temperance in the Army today. We have fewer excesses under the present system than we would have if the sale of these beverages under strict control were done away with and the inevitable resort to speakeasies were reintroduced.

The proposed legislation would introduce other problems of a practical sort that would raise difficulties. How could the Army put a stop to the sale of liquor in adjacent communities without coming into direct collision with the civil authorities? The problems would be very grave indeed where the adjacent community happened to be a large city, as is frequently the case.

For these reasons I am opposed to the passage of a law that would prohibit the sale of alcoholic beverages on military reservations or in the communities adjacent to them.

Sincerely yours,
ROBERT P. PATTERSON,
Under Secretary of War.

Mr. President, for the same reason which impels me to vote against the Lee amendment I shall vote for the amendment to the Selective Service Act. In other words, to repeat, in order that my constituents may well understand my position, I am following the War Department who, I believe, will eventually win this war for us, and I shall continue to follow the War Department so long as I believe they are the proper ones to follow. When—if ever we do; and I pray that never we will—we arrive at the point when I feel that those in charge of the military of this country are not capable of winning the war, then and there, I shall cease to follow them and ask, with other Members of this body, for new leaders upon whom we may depend to win the war.

In conclusion, in order that my position may be thoroughly understood, for I, like every other Member of the Senate, want to go on record on every vote, and particularly want my constituents to understand my position upon every issue, let me say that I believe in temperance, as does every other Senator on this floor. I believe that the Senator from Oklahoma should be commended for bringing this subject to the attention of the American people, for the reason that a fool has sense enough to know that liquor itself never strengthened any man mentally, morally, or physically; as has been frequently said, liquor is God's worst enemy and the devil's best friend, and it remains for us to see how best we can control the worst enemy that mankind ever faced. The War Department says that they are controlling it better now than it can be controlled in any other fashion or form; the War Department tells us that they are satisfied with their regulation and control of liquor, and they do not want their superintendency disturbed at this time. I, Mr. President, do not now want to disturb the supervision or superintendency by the Army of our boys in uniform and shall not attempt to do so, with others, until we find out that

the Army authorities are not proper ones to follow and are not the leaders to win the war.

Mr. President, if we cannot depend for advice upon the leaders we have selected to guide the Army, upon whom are we to depend? I, for one, shall follow the recommendations and request of the War Department. Therefore, I shall vote to lower the draft age from 20 to 18 and 19, and I shall vote to leave the enforcement of temperance in the hands of the War Department.

Mr. LEE. Mr. President, I merely wish to say a few words further, and then yield the floor unless some Senator desires to question me.

I appreciate what the able chairman of the Military Affairs Committee has said, and, certainly, so far as I am concerned, I want it understood that in my belief my colleagues who differ with me on this or any other question do so purely on the basis of what they think is for the best interest of their country.

In my concluding remarks, I said that the main charge which is being made is that this proposal is an entering wedge to national prohibition. I do not think so. I cited that the increase in the consumption of beer from January to July of this year is over 800,000 barrels a month as against 2 years ago, and 500,000 barrels plus against a year ago.

With that trend of increased sale of liquor, if my amendment shall be denied, in my opinion it will leave a weapon in the hands of those who might demand more drastic action than this proposal.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TUNNELL. I have not seen a printed copy of the amendment of the Senator, and I do not know whether it has been printed or not, but I sent to the desk for a copy and have received what I suppose is the original, which I have glanced over. The first paragraph of the amendment does not disturb me. As I understand, it prohibits the sale or possession of liquor within a camp.

Mr. LEE. Yes.

Mr. TUNNELL. The second paragraph seems to place in the hands of the military authorities the power of determination as to whether liquor shall be sold at other places. Is that correct?

Mr. LEE. Let me read the language, which is the best explanation. It reads:

> In the interest of the common defense it shall be unlawful within such reasonable distance of any military camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of War shall determine to be needful to the efficiency, health, and welfare of the Army.

And so forth.

Mr. TUNNELL. In my State we have Fort Du Pont, which is perhaps 5 or 6 miles from the city of Wilmington. Of course, well nigh half the population of the State lives in that city. Am I to understand that if the amendment shall be agreed to there will be left to the Secretary of War the power to say whether or not the people in the city of Wilmington, 5 or 6 miles away from the fort, may purchase liquor or have liquor in their possession?

Mr. LEE. I will answer the Senator by saying that in just the same way as the draft law of the First World War left that power in the hands of the Commander in Chief, when it provided that the President of the United States, as Commander in Chief of the Army, was authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps, and to the officers and enlisted men of the Army, as he might from time to time deem necessary and advisable. Then it proceeded in language similar to that of my amendment. So the present is analogous to the former situation.

Mr. TUNNELL. I ask the Senator whether it would not amount to this, that the determination as to whether or not licenses which have been issued would be of any use in a given community, would depend on whether or not the Secretary of War happened to be wet or dry?

Mr. LEE. Any executive officer may be influenced to some extent by his own personal background, but I am inclined to believe that Mr. Stimson or any man who would be Secretary of War would enforce an amendment like this, or any other law, in good faith, and would enforce it in just as good faith as the Secretary of War enforced a similar law 25 years ago.

Mr. TUNNELL. Then does the Senator believe that the power to legislate on whether or not liquor should be sold anywhere in the United States should be left with the Secretary of War? That is what it amounts to.

Mr. LEE. Not any more than the Members of Congress believed that when they passed the May bill where the same language is used giving the Secretary of War discretion in the same manner over vice in the communities and the Senator might argue whether or not he believes the Secretary of War should have that discretion. But, this body gave him that discretion last year.

Mr. TUNNELL. I will say to the Senator from Oklahoma that we do not have any licensed places of prostitution in Delaware. I do not know whether there are any in Oklahoma or not. If what the Senator states is the situation, is it not granting to the Secretary of War a power of legislation over something which the people have already passed upon?

Mr. LEE. The able Senator from Delaware can answer his own question. I have submitted him a law which was actually carried out. This is not blazing a new trail. It is not an innovation in law. It is not an experiment. It has already been tried and proven through a very bitter war, and it was successful.

Mr. TUNNELL. The Senator then does admit that it would leave the Secretary of War the power to legislate as to how far from a camp liquor could be sold, or whether the people who lived, 5, 10, or 25 miles from a camp could purchase liquor from places authorized to sell.

Mr. LEE. I do not admit that the Secretary of War has power to legislate at all. The language does not say that. It says "in the interest of common defense it shall be unlawful within such reasonable distance." I take it that that word "reasonable" has been proved in law to be a good word.

Mr. TUNNELL. How far is it, if it has been proved?

Mr. LEE. Well, it is like my asking how high is up, how long is a string, what is the name of a certain place, and a number of other things than cannot be answered.

Mr. TUNNELL. I would not put those words in the bill, either.

Mr. LEE. Well, the Senator knows the word "reasonable" is in much legislation.

Mr. TYDINGS. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. TYDINGS. Has the Senator considered enlarging his amendment to take in those plants which are manufacturing shells, airplanes, and other things which the armed forces will need?

Mr. LEE. No; the Senator has not considered changing his amendment at all. The Senator saw the amendment changed once on the floor of this body and saw it whittled down to the little end of nothing, and the point knocked off.

Mr. TYDINGS. What I was getting at is this, it seems to me there are two things with which you have to fight a war, and one is soldiers. The other things are weapons and munitions. By the same logic, it is important that nobody working in a munition plant should be in contact with a saloon or place where liquor can be bought, any more so than that a man in a training camp should not be in contact with it.

Mr. LEE. If the Senator will offer an amendment to that effect, I shall support it.

Mr. TYDINGS. I am not supporting the Senator's original proposition, but I am trying to be logical, and it seems to me that I am logical and the Senator is illogical when he draws the line with the soldier and lets the other people out. For example, it would not be a bad idea to prohibit the sale of liquor within so many miles of Congress. It might do a little good.

Mr. LEE. The Senator says it is not logical, but looking through the laws which governed the prosecution of the First World War—and we certainly can find a precedent there—we do not find such a measure as part of this first draft act.

Mr. TYDINGS. But we ought to learn from experience, and if it worked so well in World War No. 1, as the Senator has said, why not broaden it and get the full benefit of it and allow no liquor to be sold around a war plant?

Mr. LEE. I have already said that I would support an amendment to that effect if the Senator would offer one.

Mr. TYDINGS. Does not the Senator realize there are many boys of the age of 18, 19, and 20 years who are working in the manufacture of airplanes, making shells, machine guns, and weapons? Why bar them from the benefits of this proposed amendment? Why bar them from the benefits and effects of this legislation by excluding them? God knows that if it is so good, we ought not to leave them out in the cold to thirst and die.

Mr. LEE. I will say to the Senator that if what I have heard about most of the plants is true, they do exclude the use of liquor around these plants. That is hearsay. I do not know.

Mr. TYDINGS. Will the Senator further yield?

Mr. LEE. I yield.

Mr. TYDINGS. Then we have the R. O. T. C. camps on the campuses of most of our universities and State colleges. There is the preliminary training right in each State right at the door. It seems to me that would be another source where we could push these outfits back away from the influences they generally carry with them.

Mr. LEE. Does the Senator know of a college, school, or campus that permits the sale of liquor on the campus or in the school?

Mr. TYDINGS. I am talking about R. O. T. C.'s around the campus.

Mr. LEE. Well, that is where your R. O. T. C.'s are located.

Mr. TYDINGS. Yes; but that is where the soldiers are. The soldiers are on the reservation, but you are carrying your philosophy beyond the reservation, beyond the campus, and beyond the area. Why not be consistent and make it improper to have a saloon, liquor store, or dispensary within 5, 10, 15, or 20 miles of any college campus in the country? Why withhold the good effects of this amendment?

I believe I might appropriately conclude by citing the Bible. In his epistle to the Galatians, St. Paul uttered a little piece of wisdom. He said, "If righteousness comes by the law, then Christ is dead." We might think that over.

Mr. LEE. The same Bible says, "When the righteous are in authority, the people rejoice."

Mr. TYDINGS. Yes; when they are in authority; but it is quite evident that the authors of this Capone amendment are in authority today.

Mr. LEE. I do not believe the Senator meant anything personal by that.

Mr. TYDINGS. No, of course, but "the Capone amendment" would be a very good term for it. We got rid of all that murder, graft, and crime, and loot, and now we are going back to embrace it all over again. That is the road we are beginning to walk upon. I would put every drop of liquor in the world out of business if I could. I would not permit a drop to be made if I could prevent it. I think it is one of the greatest curses that ever afflicted the human race, but we are not doing that here. It cannot be done here. We have tried it before. It has failed. The political party of which the Senator from Oklahoma is a member voted for the man who said he would wipe out the failure and start us again on the road of temperance. I do not say that everything has worked according to Hoyle. There have been many faults committed, but heaven knows I do not want to go back to "the Capone amendment" again after what I and the rest of us have lived through from 1920 to 1932. That is the road we are beginning to take.

Mr. LEE. Mr. President, I have respect for the Senator's convictions, of course, even though I differ with him. I now yield the floor.

Mr. BARKLEY. Mr. President, I realize that the subject now before the Senate is one which gives rise to honest, sincere, and fervid difference of opinion. I realize that however any Member of the Senate may vote his judgment, if not his sincerity, will be misunderstood, if not misinterpreted and questioned. That is a risk we all run when we come to this body and are called upon in great emergencies to vote on laws or on policies.

I am frank to say that I regret that the amendment has been offered by the Senator from Oklahoma [Mr. LEE] to the pending proposed legislation, and I say with the greatest respect for him and the greatest personal affection for him, as he knows, and I say it without doubting in the slightest degree his sincerity and his purity of motive in offering the amendment.

The amendment which is now before us raises not only a question of policy but a question of law. It raises a question how far beyond the limitations of a Government reservation set aside and dedicated to the training of our Army we may go in superimposing the power and authority of the War Department or the Navy Department over the civilian authorities in counties and cities where they are attempting to, and are in a measure, succeeding in regulating the liquor traffic.

I speak impartially on this subject, and I think I may be given credit for at least sincerity and fairness when I say that in the House of Representatives in 1917 I offered the amendment to the food-control bill then under consideration which brought on wartime prohibition in the United States. It was as a result of that amendment that the use of all foods, food products, and all substances that might be used for food, was prohibited in the manufacture of spirituous, vinous, and malt liquors. So that I am not a novice on the subject of alcoholic liquor and its control, and legislation upon that subject.

I supported the amendment which became the eighteenth amendment to the Constitution; not only in the House of Representatives, but I supported it in my State, and while it was in the Constitution, as a part of our fundamental law, I not only urged and advocated its observance among all the people, but I observed it meticulously myself personally, in my home and everywhere else.

Mr. President, I agree with the Senator from Maryland [Mr. TYDINGS] that if I could abolish the manufacture and sale and use of alcoholic liquors throughout the world I would do so. But that is not the problem we face today. We have an Army which is being raised and trained, taken from all parts of our country, from all sorts and types of homes, where all degrees of restriction are in force or observed or are not; where there are degrees of liberality which are enjoyed by parents and their families. This conglomerate group of young men is being taken to our training camps. I think it will be a matter of some gratification to the fathers and mothers of the United States to call attention to the fact that from the standpoint of disease among our drafted men, and enlisted men likewise, in the training camps of the United States, the proportion of illness among them and cases requiring hospitalization are very much lower than was the case in World War No. 1. That is with respect to general health and requirement for hospitalization.

I may also say the same thing with respect to social diseases aimed at by the law already on the statute books, and also by the amendment offered by the Senator from Oklahoma. As we know, social diseases have been the curse of all armies in all nations throughout all history. Senators may be surprised to know, and the parents of the boys in our Army may be surprised to know, that that terrible evil has been all but completely overcome in the Army of the United States.

In an address delivered a few days ago by former Senator WADSWORTH, of New York, now a distinguished Member of the House of Representatives, who is familiar with military matters and with our Army, and with the camps—and he has visited many of them—it was revealed that among an outfit of 18,000 men drawn promiscuously from homes all over this Nation, there were only 18 cases involving social disease. That is a lower rate than the rate which exists among the civil population outside the camps of the United States. I think the fathers and mothers of our country will be glad to know about that, and will be glad to know that from the standpoint of general health also our Army now is beyond comparison with any other Army that has ever existed in our country, and, I dare say, in the world.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. I do not know whether the Senator is familiar with it or not, but I have been informed by the War Department that not only is the physical condition of our Army at the present time higher than it ever has been, and that it is higher than the physical condition of any other army probably in the whole history of the world, but that the record of church attendance at the religious centers which have been provided on the military reservations or elsewhere is, I am told, more than twice that of the average American church attendance in the United States as a whole.

Mr. BARKLEY. I thank the Senator from Missouri, and I might add in that connection that the War Department has done what it had never done before, so far as I know, in regard to any army. It has, of course, always had chaplains in the Army, but so far as I recall, never before has the War Department and the Army built chapels within training camps and training reservations for religious services within the camp reserves for the men in training.

Mr. CLARK of Missouri. If the Senator will permit me——

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. I am also informed that for the first time in the history of the Army the chaplain service has

been put under the direct supervision of the Secretary of War and given support and their duties expanded to an extent unheard of before in the history of our Army. The chaplains have not only been given instructions but steps have been taken to see that the instructions are carried out to engage in welfare work on a scale hitherto absolutely unprecedented.

Mr. BARKLEY. I thank the Senator from Missouri. I think it is also susceptible of proof, and it is known, I think to the Army—I know it keeps records—that among the men in training there is a larger proportion of church attendance than is true among the same men in civil life; in other words, they go to church more in the Army camps than they did before they were inducted into the service.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Before the Senator leaves the thought he is now expressing, I wish to make this observation as to what I saw at the Great Lakes Naval Training Station in Illinois about 10 days ago. Many thousands of troops are located there at the present time. I have never seen finer physical specimens in all my life than I saw at that training center. What I wished to add to what the Senator from Kentucky and the Senator from Missouri have said is this: I was advised that at that training center there are 40 different places where the boys worship on the Sabbath morning. It seems to me that that strongly corroborates what the Senator has said.

Mr. BARKLEY. I thank the Senator.

In addition to what I have said about the general health of our Army and the almost complete absence of social diseases among those fine, upstanding, robust young men, it is a fact that with respect to the use of the summary courts of the Army, which we all understand somewhat correspond to police courts in cities, where minor offenses are tried and punishment is meted out for misbehavior of one kind or another, which would include drunkenness or minor offenses of all sorts, in comparison with World War No. 1, 25 years ago, considering the number of men in the Army then and now, the necessity to resort to summary trials and summary courts in the Army now is only one-fourth what it was 25 years ago.

I am proud of that record of the Army and of the War Department. As I have heretofore stated, I am a father. My only son is in the Army. I am proud to be able to testify here to the fact that the military officers of our country are not unmindful of the moral and spiritual welfare of those who wear the uniform of our country.

Mr. President, as I stated a moment ago, the amendment offered by the Senator from Oklahoma involves a question of policy as well as a question of authority. I do not know to what extent we have the power to confer upon the Secretary of War or the Secretary of the Navy authority to go outside military reservations and off the territory owned by the Government to superimpose themselves upon the civil authorities of any county, city, or State in the manner provided for in the amendment offered by the Senator from Oklahoma. I think that is a question which ought to be looked into and given study. It has not been given study by any committee of the Senate or by the Senate itself. I have no doubt of our power to abolish the sale of anything on military reservations. I have no doubt of our authority to ban the sale of Coca-Cola, Pepsi-Cola, or chewing gum within military training camps if we should see fit to do so. How far beyond the training camp can we go in any county where there is regulation of the habits and customs of the people? How far beyond the limits of the military reservation can we go? I should not want to pass upon that question without careful study, because I do not know.

I have no doubt that the War Department could put into effect a regulation denying any soldier, even on furlough or leave, the right to go into a place near the training grounds, post, camp, or whatever it may be called. In such a case, however, they could only try the soldier summarily before a summary court for a violation of the regulation imposed upon him as a soldier wearing the uniform of his country. But as a matter of law can we confer authority upon the Secretary of War or the Secretary of the Navy, to say that 5 miles, 10 miles, or 3 miles from the line which separates the camp from civilian territory nobody shall engage in a certain business, although the military authorities have the power to deny the soldier the right to go into such a place?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TYDINGS. In substantiation of what the Senator from Kentucky has just said, every Senator knows, and the people know, that the military authorities have the power to declare "out of bounds" any area in or near the reservation which they care to declare "out of bounds"; and if a soldier or sailor is caught in such an area he is subject to arrest.

Mr. BARKLEY. Certainly.

Mr. TYDINGS. In France during World War No. 1 any number of places were declared out of bounds. The military police were there, and if any soldier or sailor was caught there he was arrested.

Mr. BARKLEY. He was arrested, though, for violating a regulation of the War Department prohibiting him from going into that territory.

Mr. TYDINGS. That is correct.

Mr. BARKLEY. That did not give the War Department the right or the power to say what may transpire in that territory in the conduct of private business.

Mr. TYDINGS. That is correct. In other words, the military continued its control over the soldier and said, "For military reasons you may not go there."

Mr. BARKLEY. Certainly. The military authorities have the power to do that; and we have the power to confer upon them such authority.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. I know of two instances very recently near a military post which is adjacent to my home city of St. Louis. A couple of establishments were being operated under the State law as licensed taverns. The conditions surrounding those places were not deemed proper by the commanding officer. After warning the proprietors did not improve the conditions, and the commanding officer at Jefferson Barracks declared the places "out of bounds." He did not declare the general locality "out of bounds," but merely those particular establishments. He instructed the military police to pick up any soldier found either going into or coming out of either of the places. The result was to ruin the business of those establishments, which had been set up in the neighborhood of the barracks, and they both closed up.

Mr. BARKLEY. The same thing has happened at many places in the country.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to call the attention of the Senate to an instance which it seems to me would be extremely unfair to the city of Chicago if the Lee amendment should be adopted. Only a short while ago the Army took over the Chicago Beach, Congress, and Stevens Hotels. The Stevens and Congress Hotels are located on Michigan Avenue, and the Chicago Beach Hotel is perhaps 3 or 4 miles south, on what we call the South Side.

When those hotels were built they were not constructed for the purpose of housing military men. When they were built no one in the city of Chicago ever dreamed that ultimately in this emergency we should find thousands upon thousands of soldiers housed in the hotels and using the parks between the hotels and the lake for drilling purposes. Under the terms of the Lee amendment, because thousands of soldiers are now stationed in the heart of the city of Chicago, that great metropolis would suffer an unusual and unjust injury. In my opinion a reasonable distance would include the entire city. The commanding officer would have the power to control the entire city of Chicago. For lack of strategic and critical materials to build camps, the Army saw fit to take over those hotels as an emergency measure. It would seem to be wholly unfair to a great city like Chicago to have such a situation forced upon it because of that necessity.

We should be going a long way, Mr. President, to pass this amendment. We would be enacting legislation which would be a repetition of what happened in the last World War. As the Senator from Maryland [Mr. TYDINGS] said, when we start this sort of thing we invite another Capone ring throughout the United States. Try as we may, we cannot prevent the manufacture of whisky. Revenue officers by the thousands were in Illinois and in every other State in the Union, attempting to enforce the prohibition law; and more criminals arose in this country as a result of prohibition than as a result of any other single piece of legislation which has ever been placed on the statute books.

This, Mr. President, would be the beginning of another orgy of crime and law violations as we had a few years ago. I am sorry to say that Al Capone is from my State. I know what the bootleggers did out in that section of the country. I happen to have been State's attorney of Mason County at that particular time. There was more crime in Mason County when I was prosecuting attorney than any other 4 years in all our history. It was due to the prohibition law which was placed upon the statute books. We had some 15 or 20 taverns in the county. In the old days they were called saloons. After the prohibition law went into effect we had not less than 150. We simply could not keep up with them. We shall have the same thing again if we start now with the Lee amendment.

I do not care what the Senate does with the amendment, whether it refers it to a committee or votes upon it; but so far as the Senator from Illinois is concerned, I wish the country to know now that I will not support something which I believe to be a repetition of what happened in the past, something which would start another orgy of murder, kidnaping, and crime in this great country of ours. Prohibition was a noble experiment, but it woefully and utterly failed to do the job.

Mr. BARKLEY. Mr. President, I was discussing the power of Congress to confer authority upon the Secretary of War to go beyond military reservations to impose the law and regulate the habits and business of the people.

Let us suppose that we have the power to do so, and that the Secretary should draw a ring 5 miles wide around a military camp, and should ban the sale of any malt, vinous, or spirituous liquor. It would then become the duty of the Secretary to enforce his orders against all violators. He would substitute himself for the local authorities in the apprehension and punishment of bootleggers within that territory. The question is whether, in the midst of this great emergency, we desire to divert the Secretary of War from the duty of trying to catch Hitler so that he may chase bootleggers within certain restricted areas around military camps.

I am against bootleggers. For 4 years I was a prosecuting attorney, and I prosecuted them hip and thigh, wherever I could catch them. However, as between one of them and Hitler, I should prefer that the Secretary of War catch Hitler first. We can attend to the bootleggers after we get Hitler.

Mr. President, it has been stated, and I appreciate the sincerity of the statement, that the reason why the amendment is here is that there has been on the calendar of the Senate for nearly a year and a half a bill which has not been given consideration. That is true; but I think the Senate should realize what has occurred and what did occur with respect to that bill, Senate bill 860, introduced by the late Senator from Texas, Mr. Morris Sheppard, on the 13th day of February 1941. We all cherish and revere the memory of Senator Morris Sheppard. There never was a more conscientious and devoted advocate of a moral reform in the way of the banishment of the manufacture and sale of alcoholic and intoxicating liquors than was Senator Sheppard. On the 13th day of February 1941, he introduced Senate bill 860. It was referred to the Committee on Military Affairs, of which he was chairman. The committee took no action on the bill; it held no hearings on the bill. So far as the records show, it did not consider the bill until after the unfortunate death of Senator Sheppard, which occurred on the 9th day of April 1941.

Subsequent to that time, on the 16th of May, I believe largely as a tribute to the devotion and sincerity as well as to the memory of Senator Sheppard, the Committee on Military Affairs reported the bill to the Senate. It held no hearings on the bill. It sought no information from the Secretary of War, the Secretary of the Navy, or anyone else in the various departments upon the policies involved in the proposed legislation. On the 16th of May it reported the bill to the Senate without recommendation.

The Military Affairs Committee was undecided whether the bill should pass or should not pass, and simply reported it to the Senate, and it was placed on the calendar, without evidence, without recommendation, without going into all the ramifications involved in the terms of the bill itself. That is not a matter of unimportance.

The bill provides that it shall be unlawful, and so forth, to sell, supply, give, or have in his or its possession, any alcoholic liquors, including beer, ale, and so forth, within any military camp, station, fort, post, yard, base, cantonment, training, or mobilization place.

That leads to the question, What is a post? All over the country are railroad bridges across navigable streams and other streams. We have bridges connecting cities on two sides of a navigable river, and every night and every day soldiers are there, guarding the bridges which carry our railroads over the streams. I have in mind two or three bridges between the city of Cincinnati, Ohio, the cities of Covington, Ky., and Newport, Ky. The bridges are being guarded by soldiers day and night. Does a place where such a guard is maintained constitute a post within the meaning of the amendment or of the bill? It certainly is a post of duty; and it may be said, and it is said, that the soldier who is guarding such a bridge from sabotage or destruction on the part of an enemy is walking or standing a post in the performance of his duty. Is that a post within the meaning of the amendment or the bill, so as to give the Secretary of War authority to control Cincinnati and Newport and Covington? The same thing would apply to a guard post at a bridge between St. Louis, Mo., and East St. Louis. It would apply to all guard posts at bridges throughout the United States.

The Committee on Military Affairs has not enlightened us as to what is a post, or whether it would be regarded as a violation of law if within a certain distance of such bridges where soldiers are walking day and night guarding the avenues of traffic the conditions proposed to be prohibited were maintained.

Mr. President, I think that the subject involved in the amendment is of sufficient importance to justify more information than we now have, in order to cast an intelligent vote upon it. I think the advocates of the measure should have been heard by the Committee on Military Affairs. I think the Secretary of War and the Secretary of the Navy should have been called and interrogated as to the practices, methods, and regulations by which they are undertaking to control the matter within their camps. None of them was called; but they were required to resort to a letter written to the chairman of the committee by the Secretary of War and, I believe, by the Secretary of the Navy. Mr. President, it has again been necessary for the Secretary of War to write the Chairman of the Committee on Military Affairs in order that he might state the attitude of the War Department, which is charged with the responsibility of training the men and looking after their comfort, as well as their morals; because the War Department is interested in the preservation of both.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WALSH. I hold in my hand a letter from the Secretary of the Navy, acquiescing in the views expressed by the Secretary of War. I call attention to one sentence which conforms to the views just stated by the Senator from Kentucky:

> Let me add that I cannot contemplate the enforcement of this proposed amendment with anything but disquiet. Although the Navy is much smaller numerically than the Army, our responsibilities and the tax on our manpower will be relatively as great.

After the Senator has finished I shall ask to have the letter put into the RECORD; but at this time I point out that it indicates that the Navy is in accord with the Army in opposition to the amendment.

Mr. BARKLEY. Of course, Mr. President, the amendment involves many things about which we have had no advice from the committee. For instance, if a war plant were established in a county, and if men were on guard at every gate of the plant to see that those who went in and those who went out—especially those who went in—had a right to go in, the question of the application of the amendment would arise; because those men would be in the Army of the United States, and they would be standing post in connection with their duties at that point. Would that be a post which would come within the terms of the measure? I do not know; but we should have a committee charged with the duty of investigating all the ramifications of the proposed legislation, as well as the policy involved in it.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Let me say that when they start bringing down witnesses to testify at hearings it might not be a bad

idea to find out what some of the Army boys think about the matter. The age of the men in the Army runs from 18 to 64. I think most of them know what they are doing, and I think they understand America pretty well. We have sent them out to do a job, to wipe out the totalitarian crowd. We have complete confidence in their ability to meet the foe in mortal combat, but we cannot trust their personal habits when it comes to drinking beer. What a travesty. I think they should be consulted. They should have something to say as to whether we are to agree to an amendment of this kind.

As the Senator has shown, the morale of the men in the Army is perhaps higher than in any other army in the history of the world. The men in the Army are being told what to do by the military authorities, and they are willing to accept the responsibility. I do not think they will take with kindness a direction from the Congress of the United States telling them that they cannot take a bottle of beer, if they want it, under regulations which now are existing in the camps.

In other words, in my opinion if we agreed to the amendment we should be destroying their morale, instead of uplifting it. I should like to see a referendum had on the matter, if one could possibly be had from the men in the Army as to what they think about such a matter.

Mr. BARKLEY. Mr. President, as I said at the outset—and I do not want to occupy more than another moment or two—I think it is unfortunate that the pending amendment or any other complicating amendment should be offered to the bill now under consideration. As I said the other day, Congress awaited advice from the military officers upon whose shoulders rest the tragic responsibility of conducting this war, to aid us in determining whether we should lower the draft age from 20 to 18. Practically all of us were in the attitude of being willing to do that whenever we were advised by the military authorities, through the Commander in Chief of the Army and Navy, that such a step was necessary. The President advised us that it was necessary. Both Houses immediately set about to accomplish that result. The House of Representatives overwhelmingly and very promptly and speedily passed the bill, and now it is before the Senate. I might say—and I do not think I overspeak myself in saying it—that if the pending amendment or any other controversial amendment is added to the bill, the bill will not be enacted until some time in November.

Yesterday the House of Representatives passed upon a $15,000,000,000 appropriation bill, with many Senate amendments, with only 25 Members present on the floor. The majority leader of the House of Representatives stated on the floor of the House that the Members of the House had gone home, and they are not going to be called back until some time in November. I do not think I need conceal the fact that the Speaker of the House of Representatives this morning called me over the telephone to advise me that if this amendment or any other controversial amendment is added to this bill it will not be taken up by the other branch of Congress until some time in November when the Members of the House of Representatives shall return to Washington. It is also stated that they are not going to be called back to Washington to pass on any amendment which is controversial.

In view of that situation, it seems to me it would be unwise to complicate this bill, which the President, the War Department and everyone else concerned has urged with all speed. The young men 18 and 19 years of age have a right to know what their fate is to be; they have a right to know when they are to be called. We have no right to keep them suspended in mid-air not knowing when or whether they are to be called. As I said the other day, the sooner we dispose of this matter the better it will be for the Army, for the people, and especially for the young men of 18 and 19 years of age.

For these reasons, I do not believe it would be wise to attach this amendment to this bill. I think the Committee on Military Affairs ought to consider the matter and should give the Senate the benefit of their advice and their investigation and research with regard to the law as well as the policy involved in this amendment. Because I so believe, Mr. President, I offer this motion:

I move that the amendment of the Senator from Oklahoma [Mr. LEE] be referred to the Committee on Military Affairs, with instructions to the committee to hold hearings on the subject matter of the amendment, and to report back to the Senate its recommendations as soon as practicable.

Mr. LA FOLLETTE. Mr. President, I shall not take very much time of the Senate in discussing the pending amendment.

I have been one of those who have strenuously opposed Senate bill 860 ever since it was reported from the Committee on Military Affairs. I lent my hearty support to the enactment of the May bill, which vested in the Secretary of War and the Secretary of the Navy adequate power to deal with the problem of prostitution, but I have been opposed to Senate bill 860 and to this amendment, because I think they are conceived in fundamental error.

All the written history of the human race indicates that the use of repressive measures in an effort to achieve good moral conduct have ended in tragic failure. In this country, Mr. President, we had our experience with prohibition, and it ought to be vivid enough in the minds of the men now charged with legislative power and responsibility to deter them for a long time before they plunge the Nation into conditions such as prohibition produced. Have we forgotten the organized crime, the corruption, the tolerance of underworld characters by citizens who resented interference with their personal habits?

The Senator from Oklahoma in his remarks this morning endeavored to divorce this amendment from the entire frontal issue of prohibition, but I say, Mr. President, that if this amendment is enacted into law, it is but the entering wedge of the long blue nose of the dry's camel under the tent of our statutory law, and it will be but a short time until once more this country is confronted with another organized effort to control personal habits by legislation.

The experience which we had with prohibition, Mr. President, during the war and afterward, until it was repealed, nearly wrecked the law-enforcement arms of local, county, State, and Federal governments. Have my colleagues forgotten the Wickersham investigation and the Wickersham report? If so, they should refresh their recollection. They should recall from the evidence which is already of record and in that report the cancerous growth which had seized upon the law-enforcement agencies of the United States. It resulted in repeal.

Are we to repeat that tragic experience in preparation for a post-war world, with stupendous problems of readjustment, finance, unemployment, and social dislocation? Can democracy survive the corruption and disillusion which will be prevalent as the result of another experience with prohibition? Personally, I do not believe that democracy in this country can survive another tragic and corrosive experience with prohibition and futile efforts to enforce it.

There is not a scintilla of evidence before any committee of the Congress or any other place, so far as I know, that this amendment is needed. On the contrary, Mr. President, every piece of evidence which we have before us indicates that insofar as the Army is concerned, there is a better control of venereal disease, there is a better control of the liquor problem than under wartime prohibition in 1917 and 1918.

Mr. President, I yield to no man in my desire to see the young manhood of this Nation protected in every possible and practical way. In this connection I wish to read from a speech delivered by Mr. Charles P. Taft, Assistant Director of Defense Health and Welfare Services. This speech was delivered on July 31, 1942, before the regional meeting of the Federal Bureau of Investigation representatives. Mr. Taft said:

> As an enlisted man in the Second Division in the last war, I was in France during the period when most of the American Army was trained in this country and I am therefore not myself familiar with the conditions then surrounding camps and naval stations. But at a recent meeting of the Joint Army and Navy Committee on Welfare and Recreation, Raymond Fosdick made some interesting comments. He was chairman of the Training Camp Activities Commission in the last war, a position which combined duties now under General Osborn of the Special Services Branch and Mr. McCloskey and Mr. Ness, who, respectively, direct our recreation and social protection programs. Mr. Fosdick was in close touch with conditions in the last war, and during the last 3 months he has visited 20 to 30 of the major areas in the Southeast and on the Pacific coast, observing conditions both inside and outside the camps. He stated to our committee that while generalizations about liquor are difficult, conditions are comparable with results achieved during the last war.

Mark this statement:

He believes that the serving of beer at the post exchanges has not only not produced drunkenness but that the availability of beer has reduced substantially the drinking of hard liquor.

Reports from our field men—

Says Mr. Taft—

With reference to certain States where prohibition exists by State law, indicates that bootlegging and the undesirable features associated with prohibition have returned.

As pointed out by the Senator from Kentucky, the records of the Army show that the necessity for summary courts, which consider all cases of drunkenness, had diminished by 75 percent in this war as compared with the last war when we had wartime prohibition all over the United States.

In the second place, Mr. President, the general hospital records indicate that there has been less drunkenness and less excessive use of liquor among the troops in this war than in the last war when wartime prohibition was in force.

Every commanding officer has all the power necessary to protect the morals, environment, and the conduct of the troops under his command. His word is law on the military post and reservation. Outside the post and reservation he has the power to place any establishment or any area within transportation distance of the troops under his command "out of bounds." What does that mean? It means that he has the power to utilize the military police to prevent the men in his command from entering any establishment, or going into any area, if he has placed it out of bounds, unless they suffer arrest and punishment.

I say in all seriousness that the adoption of the amendment would mean a vote of no confidence by the Senate of the United States in every commanding officer of troops in the Army and of every naval officer in command of naval personnel. Has the time come when we are ready to do that, above all, when there is not a scintilla of evidence to show that such action is necessary.

Mr. President, we are trusting the Army and the Navy with the lives of the young men of this country. Shall we not trust them to look after their morals and their personal welfare?

We are about to draft 18- and 19-year-old youths for war. We are doing that, at least I favor doing it, solely because the statement of those charged with the responsibility for the conduct of the war has been that those youths are essential to its successful prosecution, and I am therefore prepared to yield my judgment to theirs, for I must presume that they are in possession of information which I cannot obtain, and that they have made this request only after the most careful consideration.

If we are ready to draft the youth of this Nation for the bloody purposes of war, are we not ready, upon the recommendation of the command of the Army, to trust them to protect the morals and the individual conduct of those youths?

Likewise, these young men are being brought in to be trained for the most difficult job a man must face, the job of fighting in battle. I say that, instead of showing that we do not have confidence in these young men and in the command of the Army, we should give them a vote of confidence by repudiating this amendment, or referring it to the committee for further study.

We are about to accept the word of the command of the Army that these young men are needed. We already have a letter from the Secretary of War and one from the Secretary of the Navy advising us that they are opposed to the amendment, the letter of the Secretary of War stating emphatically that the adoption of the amendment would hurt the morale of the Army. We are willing to accept their word and draft 18- and 19-year-old youths. Are we not willing to accept their judgment on the morale conditions in the Army?

At this point I wish to pay tribute to both the Army and the Navy for the splendid job of morale building they have done with regard to their respective forces. To adopt the pending amendment now would be to indicate that we are not appreciative of the splendid work which they have done in this regard.

Let me also point out that these young men, 18 and 19 years old, in whose behalf the amendment is supposed to be tendered, have been going to school, they have been going to college, they have been working in communities where, for the most part, prohibition does not exist. There they have been under parental influence and discipline. They will now be under Army discipline, which every man who is at all familiar with it knows is the most effective discipline for the control of men that has yet been devised.

Mr. President, the ultimate destination of these young men is overseas. We are ready to trust them in the hands of their commanding officers in Africa, Asia, Europe, or wherever they may be sent on the seven seas of the world. Are we not willing to trust those young men and their conduct and their morals to those commanding officers here in the United States of America? They are being trained, Mr. President, to fly planes. They are being trained to use tanks, artillery, machine guns, and hand grenades. They are being taught the intricate details of hand-to-hand fighting and bayonet work. They are to be trusted with all the modern weapons of destruction, and trained to the last detail in their use. Shall we not trust them to exercise good judgment, as we would trust older men who have been called for that purpose?

Mr. President, when the war is over the struggle to preserve democracy will be difficult at best.

I appeal to my colleagues not to act in a way which will cause resentment on the part of millions of young men who will be serving under the colors in this war, by inaugurating prohibition in their absence and without their consent, as we did in the last war.

I can testify, Mr. President, from my personal contact with my contemporaries, that when they came back from the last war there was one thing above all others that they resented and that was Nation-wide prohibition which had been inaugurated while they had no opportunity to participate in that decision. Now it is proposed as an entering wedge—without their consent or even giving them a chance to be heard—that prohibition be applied to the men who are being asked to die for this country.

I appeal to Senators not to start the cancer of corruption eating at the vitals of democracy and law enforcement under prohibition. In a troubled post-war world democracy cannot stand such an added burden and strain.

What is the history of the amendment now before us for consideration? It was reported out in February 1941 without any hearings having been held, and without the recommendation of the committee. It has remained on the calendar ever since. Twice, when effort was made to get it before the Senate for action on motion, the motion was defeated. It has no place in the pending bill. If the issue is to be considered at all it should be considered upon its merits alone. It will delay the measure.

The majority leader in the House, Mr. McCORMACK, stated yesterday on the floor that if the proposed amendment were attached to the bill it would result in the measure going over until some time in November.

Mr. President, let me quote briefly from the record before the Senate committee on page 6. Senator GURNEY was examining.

Senator GURNEY. General, I have no specific questions to ask except this: The Army wants this bill passed as quickly as possible, does it not?

General MARSHALL. Yes, sir.

On page 16, Senator WALLGREN was examining, and the following questions and answers occurred:

Senator WALLGREN. General, do you think the need is such that you would like to see this bill passed as speedily as possible?

General MARSHALL. Yes, sir; for two reasons: First, we want to correct our present dilemma as to age in these new divisions. We don't want to wait and wait and train men and then have to release them. Secondly, as I previously said, I am rather concerned over the matters that come out in debate, that might be straws in the wind which will enable the enemy to make a pattern harmful to our plans.

From page 20 I read the following:

The CHAIRMAN. You are particularly desirous to get in the 18- and 19-year-olds now?

General MARSHALL. Yes, sir.

Mr. President, whom should we follow in this matter? We have expressed a willingness to reach down into the 18- and 19-year-old men because the command of the Army and the Commander in Chief have said they are essential to the conduct of the war. Are we not willing to follow them as far as this extraneous amendment, which proposes to inaugurate prohibition for the

troops, is concerned? I repeat, whom shall we follow, Mr. President? Shall we follow General Marshall in his request for speed in connection with the pending bill? Shall we follow the Secretary of War and the Secretary of the Navy in their recommendation against the amendment or shall we follow the Senator from Oklahoma and the representatives of the dry forces who have been swarming around the lobbies of the Capitol in an endeavor to get the amendment attached to the pending measure? I say, Mr. President, that so far as I am concerned, I shall have to yield my judgment to the Commander in Chief, to the Secretary of War, and the Secretary of the Navy in this matter, and vote to refer the amendment to the committee for the study which has never before been given to it.

Mr. SMATHERS obtained the floor.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. SMATHERS. I yield.

Mr. WALSH. I send to the desk a letter from the Secretary of the Navy, and ask that it be read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

THE SECRETARY OF THE NAVY,
Washington, October 22, 1942.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: Confirming our telephone conversation, I take this means of expressing the emphatic objection of the Navy Department to the proposed amendment to S. 2748 imposing unqualified prohibition on naval reservations and adjacent areas.

The sociological objections to prohibitory legislation of this kind have been indicated in some detail in the letter of October 21 from the Secretary of War to the Chairman of the Senate Military Affairs Committee. I concur wholly with his comments and the objections he expressed apply equally to the Navy. The affirmative educational and recreational methods and restrictive measures which the Navy has adopted have produced most gratifying results. We are convinced that this approach is more enlightened and effective than rigid prohibition with all its attendant and familiar evils. I am confident, thanks to these constructive and moderate measures, that the liquor evil is under better control now in the naval establishments than ever before. Of course, alcoholic beverages in any form are prohibited on ships in the fleet.

Let me add that I cannot contemplate the enforcement of this proposed amendment with anything but disquiet. Although the Navy is much smaller numerically than the Army, our responsibilities and the tax on our manpower will be relatively as great.

I sincerely believe that the best interest of the Navy will not be served by the adoption of this amendment.

Sincerely yours,

FRANK KNOX.

Mr. GURNEY. Mr. President, will the Senator from New Jersey yield to me?

Mr. SMATHERS. I yield to the Senator from South Dakota.

Mr. GURNEY. I send to the desk a letter from the Secretary of War, the Hon. Henry L. Stimson, dealing with this subject, and ask that it be read.

The PRESIDING OFFICER. The letter will be read.

The legislative clerk read as follows:

WAR DEPARTMENT,
Washington, October 21, 1942.

Hon. ROBERT R. REYNOLDS,
United States Senate.

DEAR SENATOR REYNOLDS: I am gravely disturbed about the proposed amendment to S. 2748 which would prohibit the sale of all alcoholic liquors, including beer and wine, on military reservations and in adjacent communities.

I do not question the motives of this legislation. The practical results I do question and strongly deplore. They will tend to aggravate conditions it seeks to remove, and to confuse a logical program for the control of the liquor evil already in successful operation by the Army. I cannot too strongly emphasize the fact that the effects of the proposed amendment will be destructive rather than constructive.

From the beginning of the emergency the War Department has put into effect a constructive program for building morale and character. Great pains have been taken to provide carefully planned and comprehensive religious activities and moral guidance as well as wholesome recreation for the leisure periods of the men. For the first time in its history the Army has constructed in every unit a chapel to house its religious activities. Not only this, but in cooperation with the various denominational leaders of the country closer supervision has been exercised over the work of the chaplains to see that full advantage of these facilities is taken. The result has already been marked. The reports of the various commanding officers already show that the attendance at these centers of religious and moral activity is such as to be an ample vindication of the success of our efforts in this direction. It has been reported to me that the attendance at the religious services in the Army is far higher than the church attendance in many of the surrounding neighborhoods from which these boys came. At the same time the recreation centers in each unit, guided by efficient hostesses, are daily crowded with men spending their leisure time in wholesome recreation. I am speaking of things which I have personally observed and in which I have a deep interest.

It is my view and that of the War Department that temperance among soldiers is obtained by the application of practical and tolerant measures, from education, supervision, and restriction rather than from flat prohibition. The sale of beer on the military reservation during restricted periods in our belief facilitates self-control and discourages excesses. Prohibit this and those who desire such beverages will inevitably resort to the "speakeasys" and bootlegger outside the military reservation. From my own experience as Secretary of War many years ago, the so-called canteen legislation then passed produced similar disastrous effects.

There are other highly undesirable aspects of the proposed amendment, among them, the fact that it would impose upon the Army the duty of enforcing prohibition in metropolitan areas such as New York, Chicago, Los Angeles, and San Francisco, as well as in all other civilian communities throughout the country which are adjacent to Army installations. The obligation, apart from the severe strain it would place on Army personnel, would also involve the imposition of military rule in a form and to an extent which would be most unwise.

I am convinced that any attempt to control the liquor problem through legislation applied exclusively to military personnel will only impede the progress now being made in our own effective methods of attaining temperance; would impose upon us the difficult problem of combating bootleg operations; and would seriously undermine morale. I urge that it not be imposed upon us by the Congress.

Very sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. BARKLEY. Mr. President, I am anxious to get a vote on the motion which I made a while ago. I hope Senators will not depart from the Chamber until we shall have disposed of the motion.

Mr. BILBO. Mr. President, will the Senator from New Jersey yield to me?

Mr. SMATHERS. I yield.

Mr. BILBO. I offer an amendment to the pending bill, and ask that it be printed and lie on the table, and be printed in the body of the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed in the usual form, printed in the RECORD, and lie on the table.

The amendment intended to be proposed by Mr. BILBO is as follows:

At the end of the bill insert the following new section:

"SEC. —. Section 3 of such act, as amended, is amended by adding at the end thereof the following new subsection:

"'(g) Persons inducted into the land and naval forces under the provisions of this act who are of the ages of 18 and 19 shall be assigned to duty in educational institutions, in which facilities for military training have been provided pursuant to this section, where they shall be permitted until they reach the age of 20 to continue their educational pursuits while receiving basic military training. The Secretary of War and the Secretary of the Navy shall designate an appropriate number of either elementary or high schools, colleges and universities and shall furnish such schools and colleges such equipment, facilities, and instructors as may be necessary for the purpose of providing such military training. All costs of such training and education shall be borne by the United States and persons so assigned shall be entitled to the same pay and allowances which they would receive if they were assigned to regular active duty. Nothing in this section shall be construed to prevent the voluntary enlistment of men under the age of 20 for regular training and service, providing the person voluntarily enlisting secures the written consent of one or more of his parents or his guardian.'"

Mr. SMATHERS. Mr. President, I shall make a very brief speech occupying not longer than 2 minutes. I came to the Senate today prepared to vote for the pending draft measure, conscious of the fact that its passage will result in taking for the Army two of my boys, one 18 and one 19 years of age. I shall not vote for the measure if this Anti-Saloon League prohibition amendment is attached to it, because, so far as I am concerned, I would just as soon turn the country over to Hitler as to turn it over to the Anti-Saloon League, the bootleggers, and the Capones of bygone days.

Mr. President, I spent 11 years of my life as a judge in New Jersey attempting to enforce the prohibition statute of that era. I saw what a scourge that act was, how it tended to destroy the body politic

of our national democracy. Long before the prohibition statute was actually repealed, we in New Jersey, operating under a State act copied after the national act, ceased to try to enforce an unenforceable act. So, from experience with attempting to enforce the last prohibition statute, I want no part of prohibition in this country, and I can see very clearly that this is the first attempt which is being made on the part of the Anti-Saloon League, which moved back into Washington when war was declared and which is attempting to use the war as an excuse again to foist the curse of prohibition on this country.

Mr. President, I hope the motion of the Senator from Kentucky [Mr. BARKLEY] will prevail, and that the attempted Anti-Saloon League prohibition proposal will be sent back to committee, to remain there until we shall have won this war.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. CHAVEZ. Mr. President, I wish the Senate had seen fit to face the issue at this time. I am sorry the majority leader made the motion he did. I can readily understand his reasons for making the motion to have the matter referred to the Committee on Military Affairs, and I respect them.

Mr. President, we have heard much lately as to why the Senate is losing face and respect. In my opinion, the reason is that frequently we hesitate to face the issue involved in a question which is pending. The issue now before us is clear. We all know that our country is at war. We all know that it is necessary to modify the Selective Service Act in order to take in the 18- and 19-year-olds, and that is the only thing that should be before this body now. I am ready to vote immediately to amend the draft act for that purpose. But under our parliamentary situation and under our rules, any Senator may submit any kind of an amendment to the measure.

The Senator from Oklahoma, for reasons of his own, which no one has any reason to question, has offered the particular amendment which it is now proposed to send back to the Committee on Military Affairs. Why can we not dispose of that amendment now? I am satisfied in my own mind that the morale of the boys would not be affected whether the amendment were adopted or not. I know that the War Department and the Navy Department are doing everything possible and everything in their power to keep up their morale, and that the morals of the boys in the Army and Navy are as good as they ever have been at any time in the history of the Army or Navy.

For that reason, I know that the amendment of the Senator from Oklahome should not be adopted. But why is the Senate hesitating to act the part of a soldier at this very moment? The boys in the Solomon Islands are not referring the immediate battle or action to any committee. They are facing the music right now. I am ready to vote against the Lee amendment now, and I think the Senate is losing face by the fact that it evades its responsibility and does not dare to be counted. I am ready to be counted. I wish to vote against the Lee amendment.

Mr. GURNEY. Mr. President, the American Legion, assembled in annual convention at Kansas City from the 19th to the 21st of September 1942, adopted a resolution opposing the Lee amendment. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter from Francis M. Sullivan, acting director of the national legislative committee of the American Legion, dated October 20, 1942, which includes the text of the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D. C., October 20, 1942.

Hon. CHAN GURNEY,
United States Senate, Washington, D. C.

MY DEAR SENATOR: It is our understanding that an amendment to establish prohibition in areas near military posts will be offered to the bill proposing a reduction in the draft age to 18 years.

The American Legion by resolution adopted at our last national convention is unalterably opposed to such an amendment. Legislation of this character is unnecessary. At the present time a commanding officer may declare specified areas as "out of bounds."

Inasmuch as the Legion resolution outlines our organization's position on legislation of this type, giving the reasons therefor, such resolution is furnished in full, as follows:

"Whereas, under the alleged purpose of protecting the men of our armed forces, there have been introduced into the Congress of the United States various bills, particularly Senate bill No. 860, H. R. 7108-7101, and others relating to the same subject, having for their purpose the creation of prohibited areas in the vicinity of Army camps and Navy bases, in which areas beer, wine, and liquor may not be sold; and

"Whereas such action may now be taken in the discretion of the Commander in Chief whenever necessary without congressional action, and introduction of such bills into Congress is totally unnecessary: Now, therefore, be it

"Resolved by the American Legion in national convention assembled at Kansas City, Mo., these 19th, 20th, and 21st days of September 1942, Do hereby recommend to the Congress of the United States, and each Member thereof, that all action on the question of prohibition, and particularly that portion of Senate bill No. 860, H. R. 7108 and H. R. 7101 and others relating to the same subject in reference thereto be deferred until the end of the present war."

Very sincerely yours,
FRANCIS M. SULLIVAN,
Acting Director,
National Legislative Committee.

Mr. O'DANIEL. Mr. President, the amendment of the Senator from Oklahoma is an exact copy of the bill known as Senate bill 860, which was introduced by my predecessor, the late Senator Morris Sheppard. I have felt a great interest in that bill since I came to the Senate. The bill is now on the calendar, and I have endeavored to obtain consideration for it. The Lee amendment, being a copy of that bill, with the exception of striking out that part which has already been enacted, therefore meets with my hearty approval. I intend to support the amendment. I think it is a good proposal, whether it be in the form of an amendment or a bill. I think we should face the issue now, reject the Barkley motion, and vote on the Lee amendment.

I ask unanimous consent that there be printed in the RECORD at this point, as a part of my remarks, a list of the towns and States from which I have received 3,623 petitions favoring the enactment of Senate bill 860, which is the same as the Lee amendment.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

California: San Diego	5
Illinois: Onargo	19
Louisiana: Many	2
Maine: Bath	56
Massachusetts: Worcester	1
Missouri:	
Ava	238
Eldon	648
New Jersey: Camden	231
New York:	
Cortland	22
Clinton Corners	81
Hornell	11
Orleans	37
Wellsville	6
Oklahoma: Hobart	1
Pennsylvania: Waymart	53
Tennessee: Chattanooga	6
Texas:	
Big Spring	45
Dallas	39
Houston	52
Maypearl	59
McKinney	12
Pickton	5
Princeton	27
Raymondsville	27
Rosebud	31
San Antonio	30
San Marcos	10
Sherman	1,373
Taylor	54
Tyler	405
Miscellaneous	18
Virginia: Lynchburg	31
Washington: Seattle	1
Wyoming: Albany	1
Total	3,623

Mr. O'DANIEL. I desire to read a letter which I have received from Mrs. Will E. May, of Sherman, Tex., vice president of the Woman's Christian Temperance Union of the State of Texas:

SHERMAN, TEX., *October 12, 1942.*

Senator W. LEE O'DANIEL.

DEAR SENATOR: I am today sending you what I believe to be the longest petition ever sent to Washington.

It is 35 yards of signatures on the S. 860 bill—1,375 names.

Please may we have it recorded in the CONGRESSIONAL RECORD?

We thank you from the bottom of our hearts for standing for this great bill, which was introduced by our own Morris Sheppard.

Thank you and wishing you every success. I am,

Sincerely,
Mrs. WILL E. MAY,
Vice President of Woman's Christian Temperance Union of the State of Texas.

Mr. President, I have some further remarks to make to the Senate with reference to the pending bill, aside from the amendment which is before us. However,

in deference to a request made of me by the majority leader [Mr. BARKLEY] I shall withhold those remarks until after the vote is taken on his motion, at which time I should like to discuss a subject vital to the attempted induction of our teen-age boys into the military service.

Mr. NORRIS. Mr. President, I have listened with a great deal of interest to the debate in the Chamber this afternoon. I realize that the motion to refer the so-called Lee amendment to the Committee on Military Affairs will prevail almost unanimously, and that the attitude of the Senate now probably is that we must pass the bill immediately, without any amendment.

That may be necessary, Mr. President; but I do not believe it is. I do not see anything wrong with the so-called Lee amendment. I do not believe that the debate here today against it is fully material to the amendment. I question no man's motives. I realize that every Member of the Senate must be the guardian of his own conscience, as I claim the right to be the guardian of mine.

If any argument against the Lee amendment appealed to me, I would not vote for it. I do not like to be put in the attitude of not following our military experts. I realize that they are in charge of the conduct of this war, and it is right and proper that they should be. I have no objection to the expression of their opinions. I have listened to the reading of the letter of the Secretary of War, and that of the Secretary of the Navy. They make no impression of any weight upon me. I heard read the letter of the Secretary of War, wherein he said that the Army does not want to be put in such a position that it would have to enforce prohibition all over the United States, or words to that effect. He gave an illustration. He did not want to take up the question of drawing a line around New York City and proclaiming that city to be within the territory in which the sale of liquor would be prohibited. Yet the amendment itself, by its very terms, gives to the Secretary the authority to fix the boundary.

It seems to me that no man who wants to be fair will claim that the Secretary of War would prescribe in one case the same limitation in miles he would prescribe in another.

The amendment says "within a reasonable distance." I do not believe that anybody would claim that the Secretary ought to put New York City, San Francisco, Chicago, and all the other municipalities and cities of the United States in one or the other of a number of prohibited districts. I think that would be unreasonable. The Secretary of War, with his great ability, ought to be able to see plainly, it seems to me, that this amendment calls for nothing of the kind.

We had this kind of regulation in the World War. I have not heard it criticized today. It seemed to have worked well. The country won the war. We are still alive, struggling in another war.

I have heard what has been said about the fine physical condition of the Army. I listened to it with patriotic pride. I am glad of it. I do not believe that that is any reason why we should permit hundreds of saloons—for that is what they will be—to be set up all around the boundaries of every military camp in the land. The boys, especially the 18- and 19-year-old boys coming from the country—many of them from the farms—are not used to the high life which the cities afford. They are away from home. They may be homesick. They are thinking of their mothers, their sisters, and their sweethearts at home. They are at a period in life when their minds are not completely formed. They are in the formative period of life. They may be discouraged with life in the military camp. They are in a condition, let me say, in which they are liable to be led into temptation. With saloons all around them—and probably they will not be able to get out of camp without going past saloons—there will be many inducements and enticements to young men whose minds are perhaps not fully developed to participate in helping the saloonkeepers sell some liquor in order to make money for themselves.

I do not believe that such a situation is conducive to a better morale in the Army. I do not believe it will develop the boys physically, mentally, morally, or spiritually. We have heard about the churches that have been established. God knows, I am glad of it. I should prefer to establish churches, rather than saloons, around the camps where our boys are preparing and training to save our country from the heathenish and murderous attacks of dictator nations.

Mr. President, I do not see anything wrong with the amendment. It seems to be a good precaution to take. As I see it, if saloons were not around the camps our soldiers would be better morally, spiritually, physically, and in every other way than if saloons were in the vicinity. They are not there for any good purpose. They are not there for the purpose of making the boys healthier or improving their physical condition. They are there in order to get the almighty dollar, to take from the boys the money Uncle Sam has paid to them. That is their only object. Would it be helpful to the boys to leave the saloons there? Of course not.

It is said that in the Military Affairs Committee there was discussion about an amendment which would provide that the young men should have 1 year's training before being rushed to the battle front. The desirability of providing for such training is denied by our military experts. They do not want it. Yet the testimony from all our military experts—going back for years—is full, complete, and without exception, that a man needs at least 1 year's training before he is fit to go to the battle front. All the experts have advocated a longer period than that. They regard that as the minimum. They think the period of training should be a year and a half.

However, when it is proposed to put into the bill a provision requiring the very thing which they have always advocated, they raise their hands in holy horror, and say, "No; we want to run this thing ourselves."

Where are the Members of the Senate who have been proclaiming here and elsewhere that we should not be dominated and controlled by Executive orders and the opinions of executive officials? Where now are those who have been proclaiming that we should show our independence and should pass such laws as we think are right?

Mr. President, I desire to speak for a moment about the psychological effect which the position taken by our Army experts has, I believe, upon the people of the country. The mothers of the boys can read in the record that all our military leaders have said, "There should be a period of training for a year and a half before the men are sent to the battle front." They are also confronted with what has happened recently, within the last few days, when it was proposed to make provision in the law for such a period of training, and the same military experts yelled, "No; let us run this thing ourselves."

What is the conclusion the mothers must draw? It seems to me that there is only one, and that is that these military men, these expert soldiers, expect to put our boys at the battle front before they receive a year's training. The people know from the expert testimony which has been given in the past that the boys will not be prepared to go to the battle front where the actual fighting takes place until they have had at least a year's training. So they put two and two together, and they draw the conclusion. It may be wrong; it may be entirely wrong; but that is what they believe, and that is what they have a right to believe, Mr. President, under all the evidence in the case and the record which has been made.

Can we blame them for being suspicious? Can we blame them for losing confidence even in the Government itself when they see that our military leaders have taken two positions so inconsistent with each other? Does that amount to anything? Mr. President, I tell you that the psychological effect on people in distant parts of the United States may hurt us in the conduct and the winning of the war, in my judgment; but when we examine the record we must reach the conclusion that the judgment of the mothers and fathers of the young men of the country in regard to what their boys should have is justified, and that they have reason to form such a judgment.

I have confidence in our military leaders, Mr. President, but, like everyone else in authority, they want to keep all the authority they can get. It seems to me that if we place in the bill an amendment providing that at least 1 year's training must be given to the boys before they are sent into actual service we shall be doing only what our military leaders have always proclaimed as a proper policy to pursue.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. Has the Senator offered an amendment of that kind?

Mr. NORRIS. No; I have not.

Mr. McKELLAR. Does the Senator propose to do so? If he does, I suggest

now that he make it apply to men serving in the combat forces. I agree with the Senator that, under the testimony of the representatives of the armed forces themselves, there is no reason on earth why we should not put in the bill a provision requiring that the men in the armed forces should receive approximately a year's training before they are put into combat service, before they risk their lives in combat.

Mr. NORRIS. I agree with the suggestion the Senator has made; I see no objection to it.

Mr. McKELLAR. If the Senator were to offer such an amendment, I should vote for it.

Mr. NORRIS. I have not offered such an amendment. I have supposed that some member of the Committee on Military Affairs would offer it.

However, Mr. President, judging from the showing which has been made here, judging from the excitement which prevails in the Senate, I believe that no such amendment would stand a chance.

Mr. President, I repeat that I have no disposition or intention to interfere with the proper prosecution of the war by our military leaders. I have confidence in them. However, regardless of my confidence in them, I do not believe they should tell Congress, "You shall not put an amendment in the law, not even an amendment providing for the very thing in which you believe." I think that is going too far.

I should not care so much about putting in the amendment if I did not believe that the attitude of taking inconsistent positions has had an extremely bad psychological effect upon the American people. After all, we must have them with us, or we cannot win. That does not mean that we should do something which we think is wrong. The people do not expect us to do that; but I cannot find fault with a mother who says, when her 18-year-old boy goes to war, "I do not believe he is fit to go into combat service." He is going to be put into combat service in the distant islands of the seas. He may have to go to the Solomon Islands; he may have to go to Egypt. God only knows where he may have to go. Wherever he is needed he should go; I concede that.

He may go, and he probably will go, where he will meet a foe that is relentless, a foe that is desperate, a foe that is murderous. He may meet him in the wilds of the jungle in the Solomon Islands. His foe may be dressed in clothes just the color of the foliage that is all around him, his face painted the same color. He has to meet that kind of a foe who has no mercy, who only wants to kill our boys. Our boys should be trained when they go against such a foe. The fathers and mothers of these boys say and our best experts say that there must be a year's training to enable our soldiers to meet that kind of a foe in personal combat in these far-away islands, that they must be trained physically, that they must be in perfect condition, if possible, just as a prize fighter wants to be in perfect condition. They will have a foe to meet who is in such condition, as has been said here today so well by the Senator from South Dakota. Our boys are meeting a foe that is strange. The fathers and mothers of the country have heard all this, and now they have to hear that the Congress will not even amend the law so as to make legal what our experts have said should be the law and the rule.

I heard the Senator from New Jersey [Mr. SMATHERS] state, I regret to say, that if the Lee amendment were agreed to he would vote against the bill. I was sorry to hear him say that. If that argument is followed through, if we are to be so unreasonable as to cut out all amendments, what would we say if those who favor the amendment should say "We cannot vote for the bill without this amendment?" I do not want anyone to take such a position. I do not want that said. I realize the force of what the Senator from South Dakota has demonstrated, that an Army, made up of young men 18 to 21 or 22 years of age, is better than any other kind of an army we could possibly develop and put into service.

I realize that the 18- and 19-year-old men—boys, as we call them—coming from the homes and the firesides of millions of patriotic parents, are willing to give their lives even without training. We have a right to say, and we should say, "You cannot go into the combat service unless you are trained for it. You must be fitted for it." That is the way to win the war, and I think the experts will tell us so. Are we guilty of anything wrong if we put in the law what they have told us should be followed? Must we sacrifice our consciences and go blindly forward and vote against every amendment, no matter how it appeals to us, and now, this minute, take the bill without amendment, just as the experts want it?

Mr. President, if this difference of opinion related to something which was purely a military matter, which was disputed, in which there was involved some question of strategy, I should not feel as I do, but I think the experts are going out of the way when on a question such as the Lee amendment, such as an amendment providing for a year's training for the young men, they say that the bill should not be amended by the addition of such provisions. It seems to me that is something which clearly is within the grasp and the jurisdiction of the legislative branch of the Government. Therefore, believing as I do that the Lee amendment was right, that it would provide protection for the boys, would make better soldiers of them, I do not like to see Congress take the step which the Senate is evidently about to take.

Mr. President, I am not a prohibition crank. I know there are two sides to the prohibition question. I do not believe the question is involved in the pending amendment. It certainly is not involved so far as I am concerned. The amendment is intended only to provide protection against the evils which always follow and are associated with unlimited saloons and the other things which go with them.

Talk about bootlegging and regulating the saloons and making them nice. I do not know how a very nice thing can be made out of a saloon. Gambling, lewd women, and various other things always follow in the wake of unlimited saloon power.

There will be bootlegging under any conditions, as it is charged there would be if the Lee amendment were adopted.

Therefore, Mr. President, while I believe it is useless to do so, I am protesting that we are not performing our duty as I see it when we do not enact legislation providing the safeguards which ought to be placed around young men after they are taken from their homes and rushed in to face a ruthless and murderous enemy.

I am, therefore, opposed to the motion of the Senator from Kentucky to refer the Lee amendment to the Military Affairs Committee. I think we ought to vote on the amendment. I believe I would as lief see the amendment killed on a vote as in any other way. I admit it is proper to make such a motion; it is perfectly parliamentary, and is in order; but the effect of its adoption would be to kill the Lee amendment. It could have no other effect.

True, the amendment would be referred to the Military Affairs Committee; but what could be expected from that committee? They are opposed to it. That is evident at the present time. They have a right to be opposed to it; I am not criticizing them; but to send the amendment to the Military Affairs Committee would be sending it to its death. It would be sending it to a pigeon hole where, as we all know, it would never again see daylight. The result would be the same whether we referred it to the committee or voted on it now. I am opposed to sending it to the committee. I am in favor of agreeing to it now as an amendment to the pending bill.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, and it was signed by the Vice President.

THE HOME FRONT

Mr. LODGE. Mr. President, I should like to make a few remarks, which will take but 2 or 3 minutes, on the subject of the home front, which has been dealt with a great deal in the committee hearings and in the discussion today, because, of course, the bill before us is simply one phase of the manpower policy with which Congress must come to grips again later on.

Whoever reads history and whoever has seen our fighting men on any of our many far-flung battle fronts realizes that the spirit of our armed forces is only as strong and determined and effective as the spirit and support of the people on the home front. There are numerous instances in the past in many different countries when armies, who were well fed, well supplied, and in a not unfavorable tactical situation laid down their arms as soon as they became convinced that

all was not well at home. The enthusiasm and the will to win and the unity of the people at home are the mainspring of the war effort.

As Members of the Senate, we have a responsibility for all phases of the war effort, but we have a particularly intimate and close connection with the maintenance of the home front. I know that in my part of the country the people look to their Representatives and Senators to cope with the shortages of coal, fuel oil, coffee, and meat. Both in the interests of the civilian and of the fighting man, these questions must be met. I believe that the rubber situation is on a much better footing now that the control of it has been placed on a unified basis, and I am hopeful that the petroleum situation may make equal progress. My hope is based on the fact that in a recent letter to me the President agreed with the thought which I have embodied in a bill now in committee awaiting action setting up a Nation-wide system of petroleum control under a unified head. Of petroleum and its products we have plenty. Transportation is the bottleneck. This is an illustration of constructive cooperation and a suggestion which is welcomed by any democratic American chief of state.

This is the cooperative spirit which should be employed between men of different parties in war—and not the spirit of untruth and recrimination.

In this connection it will amuse Senators to be told that I am being charged in certain quarters in Massachusetts with responsibility for the fact that we are not getting fresh, juicy Argentine beef. This is a weird contention which must spring from a desire to attract attention rather than a desire to cooperate helpfully in the war effort.

Every schoolboy knows that the carrying out of our trade agreements is an entirely executive function for which the Secretary of State has complete power. There is a majority here composed of the members of the administration's party which can at any time take whatever action is necessary or desirable to get Argentine beef.

Maybe the President does not think that it is advisable at the present time to appease nations with strong Axis sympathies by buying their beef. Maybe he does not think it would be advantageous to the health of Americans to import beef which is not always free from foot and mouth disease. With the shipping shortage as serious as it is, the President may not think it justifiable to divert ships from the war effort to go to the Argentine to get this beef and to divert naval ships from their combat duty in order to convoy them.

There is also no dispute whatsoever that it was the settled policy of this Government, to which I was opposed, to slaughter large numbers of young animals and to plow under large amounts of crops in the fear that we would produce too much food in this country. Most of our food shortage is strictly man-made.

Mr. President, if we are to meet the needs of the home front, we must do so in a more serious and manly way than that. It is not a matter to be treated politically, but cooperatively. When we see the sacrifices that the mothers of America are making, when we comprehend the days and nights of anxiety which they are experiencing, when we know their worries about their men and sons in service, when we realize their problems of housekeeping under rationing, it becomes hard to understand those who talk about the complacency of the American people toward this war. In my own State of Massachusetts, a major contribution to the war is being made. One of the largest States in point of production of weapons, it is also one of the largest in the number of men that it has sent to the armed services. Go through any of the hundreds of war factories in Massachusetts, Mr. President, and you will find no apathy and no complacency. Step into the homes of the boys who have left and you will find no apathy and no complacency there.

On the contrary, there is a demand to win the war and win it quickly. There is a determination never to have a negotiated peace, never to stop short of complete decisive victory. There is an all-out desire to win the peace, after we have won the war. It must be a peace based on a practical basis of common sense—a common sense sometimes called wisdom.

To accomplish these things, people expect their Senators and Representatives to be serious and cooperative rather than frivolous and political. The people can be trusted and are rarely fooled. They are always far ahead of any candidates who base their campaigns on misrepresentation, half truths, and egoism. They think that Congress has many big jobs on its hands. People are more interested than we generally realize in what preparations are being made to prevent unrest, unemployment, and poverty when the war is over. They think Congress should be thinking about such things instead of taking valuable time on the radio and valuable space in the press in the attempt to show that one Senator of the minority is responsible for our not having Argentine beef.

Ability, not politics, will win the war.

INVESTIGATION OF PROBLEMS OF THE WAR

Mr. MALONEY. Mr. President, I shall not long delay the Senate. I realize that Senators are desirous of having an early vote on the pending question.

Mr. President, I listened with a great interest to the statement made by the able Senator from Nebraska [Mr. NORRIS], and appreciate, as other Senators do, the depth of feeling with which he discussed this bill. I find myself in sympathy with that part of his remarks referring to the treatment that we might accord the 18-year-old young men under this proposal and I should like, therefore, insofar as that part of his remarks are concerned, to associate myself with them. I think that one point he made is of great importance. He referred to our conduct in connection with the winning of the war, and to the confusion of statements, and to the need that Members of Congress, and particularly Members of the Senate, exercise their own good judgment in connection with matters of major importance.

Mr. President, for many years there has scarcely been a time when the Congress has not been confronted with one or more major proposals. And now, in the excitement of the war, we find ourselves at times more crowded than is customarily the case. I feel that this bill comes before us rather hurriedly, and that we are asked—and almost compelled—to decide this tremendously important matter without very long consideration.

All is not well with us, Mr. President. We do not always have the information which we should have. Perhaps there are sometimes good reasons for that. The President of the United States cannot on every occasion consult with each and every individual Member of Congress. All of us know that the heads of the Military and Naval Establishments cannot, at our beck and call, come to the Congress, or permit each of us to take up their time whenever we desire particular information. But, Mr. President, we cannot for a moment overlook the fact that we are an important part of the Government—one of the three great branches of the Government. We should be informed. We should know of our successes and our failures. We should have the facts and figures. We should not under any circumstances be denied the opportunity of contributing our full part in the war effort. There are some in high places making or helping to make important decisions in connection with this war, who are not as well equipped and trained, in my judgment, as are some Members of Congress.

So, Mr. President, if I may obtain unanimous consent to submit now, out of order, a concurrent resolution, I should like to do so, and ask that it be at least read at this time.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 36) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a joint congressional committee to be known as the Joint Committee on War Problems (hereinafter referred to as the "joint committee"), and to be composed of six Members of the Senate to be selected by the Senate and six Members of the House of Representatives to be selected by the House of Representatives. Not more than three of the members of the joint committee selected by the Senate, and not more than three of the members of the joint committee selected by the House of Representatives, shall be from the same political party. The joint committee shall select a chairman from among its members. A vacancy in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

SEC. 2. It shall be the duty of the joint committee to make a special study and investigation of the problems arising out of the war under existing and future acts of Congress; to confer with the President, and with the various departments and agencies of the Government, from time to time, with respect to such problems; to consult with other committees of both branches of the Congress, and to report to the Congress from time to time, together with such recommendations

with respect to legislation as it deems advisable.

SEC. 3. For the purposes of this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the joint committee, which shall not exceed $, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

Mr. MALONEY. Mr. President, the concurrent resolution is a simple one, and consequently self-explanatory.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. HAYDEN. The resolution speaks of dealing with the "problems" of the war. The word "problems" has a wide meaning. I am sure the Senator does not mean to create a committee on the conduct of the war, such as the Congress created during the Civil War, which embarrassed and harassed President Lincoln. It called before it generals to explain why they did not carry on a battle in a certain way. That is not the Senator's idea, is it?

Mr. MALONEY. The Senator is entirely correct. That is not my purpose.

Mr. HAYDEN. I believe that the Congress has a perfect right to follow up appropriations of money to see that they are expended in accordance with the appropriating act. We now have a committee of that kind, known as the Truman committee.

Mr. MALONEY. That is correct.

Mr. HAYDEN. That is its function. The chairman of that committee has repeatedly said that it was not his desire, or the intention of the committee, in any way to attempt to dictate the strategy of the war. They are merely following appropriations of money to see that they are expended as the Congress intended. If we are to create a new committee, what functions would the committee which the Senator proposes to establish have which are different from those of the Truman committee?

Mr. MALONEY. I think the language of the resolution explains itself. The purpose of the committee would be to make a special study and investigation of the problems arising out of the war. I use the word "problems" rather than "conduct." I provide in the resolution that whatever the committee does shall be under existing law or laws hereinafter enacted. I wish to make it entirely clear that this is not a criticism of anyone or lack of trust in anyone, and that it is not intended to bring about an investigation of the conduct of war, because I think I understand as well as does any other Senator that the President of the United States is charged with the conduct of the war. I will support the leadership of the President of the United States in the conduct of the war.

Senators know that from time to time we gain information which is not altogether pleasant or satisfactory. We acquire it in the strangest places. We realize that for the welfare of our country we are denied the opportunity to criticize, and we do not wish to criticize; but I maintain that the Congress of the United States has been denied the opportunity to make a full and proper contribution to the war effort.

We are faced with bills which oftentimes come before us without very much study, and we are handicapped because there is ever present the need for secrecy. What I wish to do is to set up a committee of Congress—I hope of the best minds in Congress—selected by the leadership of both parties. Let me say in parenthesis that I would not expect to be on the committee. It would be a small group which could consult with the President of the United States at his convenience and desire. It could consult with the Secretaries of War and Navy and the heads of various other governmental departments and agencies. I fully realize that it may not always be wise to tell every Member of Congress what goes on; but I should like to know that a small but representative group of my colleagues is in constant consultation, affording their advice, with the understanding that as they feel that there is need that we be informed, they can bring us into conference, behind closed doors, if necessary.

We should have an opportunity, in the early stages of the formulation of legislation, to present our viewpoint, the viewpoint of the Congress, in order that controversies might be avoided or curtailed when bills come to the Congress of the United States.

I can see nothing wrong with the proposal. There is nothing behind it except a desire to use fully the services and talents of the Members of the Congress of the United States, talents which, in too many instances, are now not completely exercised. Every Senator knows that we have not been given a full opportunity to serve.

I shall probably discuss the current resolution at greater length at a later time. Just now I do not wish to take up too much of the time of the Senate.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. O'MAHONEY. I feel altogether in sympathy with the purpose enunciated by the Senator from Connecticut. I think it is extremely wise that the Congress should appoint a committee of this kind; but I rise to ask the Senator if it is his intention to have the concurrent resolution referred to a committee or to have it acted upon now.

Mr. MALONEY. If I may have permission to offer it now I shall ask that it be referred to the appropriate committee.

Mr. O'MAHONEY. As I read it, I should like to offer some suggestions for modification.

Mr. MALONEY. I think it could be considerably improved.

Mr. O'MAHONEY. Recently there was a joint committee, composed not only of Members of the Senate and House, but also of the executive departments, which conducted a study of our economic system. The committee sat for almost 3 years. Its published findings found a very remarkable welcome among the people of the United States.

Only a few days ago I had occasion to file a report from the Superintendent of Documents showing that more than 180,000 copies of the hearings and the monographs printed by the T. N. E. C. have been purchased by the public of the United States, who have paid almost $75,000 to the Superintendent of Documents for those issues.

The VICE PRESIDENT. Without objection, the concurrent resolution will be received, and referred to the Committee on Military Affairs.

REDUCTION OF DRAFT AGE LIMIT

The Senate resumed the consideration of the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. WAGNER. Mr. President, I am opposed to the Lee amendment to the pending selective-service bill because it would revive the "noble experiment" of national prohibition, with our boys in uniform as guinea pigs. As a consistent and outspoken opponent of the eighteenth amendment throughout my tenure in the Senate, I am emphatically against any attempt to revive the same harmful proposition in another guise.

During and after World War No. 1, prohibition had a full opportunity to prove its worth in promoting real temperance. In actual experience, prohibition proved a complete failure in accomplishing its worthy purpose. The history of those times is replete with excesses, crime, racketeering, bootlegging, and denial of civil liberties. In overwhelming numbers, the people of my State are writing and wiring me in opposition to any return of that corrupting influence in our national life.

The records of the War Department show splendid progress in achieving real temperance, sobriety, and religious observance among our military personnel. This progress can only be retarded and probably reversed by the proposal in the Lee amendment to enforce temperance with the bayonets of M. P.'s. This proposal is repugnant to our whole tradition of freedom and civil rights. It is an absolutely unjustified reflection upon our boys in the service, as well as on the rest of the population in places surrounding military camps—places so broadly defined as possibly to include whole metropolitan areas.

I should like to insert in the RECORD a letter received by me from Mr. Thomas H. Beck, the president of the Crowell-Collier Publishing Co., with an editorial from Collier's entitled "Ride the Tide," an antiprohibition editorial which was printed by Collier's magazine in 1932.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

THE CROWELL-COLLIER PUBLISHING CO.,
New York, October 21, 1942.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR: Good Lord! Surely you, of all men, are not going to aid, abet, or invite the return of bootleggers, hijackers, racketeers, and the vast criminal army spawned by prohibition.

Long, bitter, and costly experience with the "experiment noble in purpose" should convince you that we cannot afford such crass stupidity.

Another such reign of terror is unthinkable.

Please, oh, please, dear Senator, block this absurd amendment.

Enclosed you will find an editorial from the July 30, 1932, edition of Collier's. Ten years have passed, and nothing has occurred to change our opinion.

Sincerely and respectfully,
THOMAS H. BECK.

RIDE THE TIDE

With profound satisfaction good Americans realize that national prohibition is on the road to swift oblivion. The change has come more quickly than seemed possible. The only questions remaining are how a lawless traffic is to be tamed and brought under reasonable legal control.

In the general feeling of relief Collier's shares. In 1925 this magazine began to make a comprehensive study of the actual operations of the eighteenth amendment.

Our representatives went into every section of the country seeking a cross section of national opinion and talked with 263,583 men and women in American homes.

Sixty-eight percent of those visited were not satisfied with existing conditions.

Sixty-one and two-tenths percent of them said that prohibition was not being enforced in their neighborhoods. But 60.9 percent believed that the law was enforceable. The weight of disagreeable facts has changed that belief.

Our reporters went into the so-called dry and wet areas and found that everywhere the law was being nullified. Without prejudice we presented the facts, shocking as were the conditions uncovered.

From many influential quarters the articles and editorials we published were opposed and resented. Bitter letters were written to us. We were denounced as paid agents of the liquor ring.

The truth was and is that Collier's consistently fought the saloon until it was abolished, and steadily advocated temperance. Collier's now opposes the return of the saloon, and Collier's still advocates temperance. Collier's, however, was not and is not in favor of the bootlegger or of the secret illegal traffic in beverage alcohol.

From the very outset Collier's pointed out that just three courses were available: Prohibition could be obeyed and enforced. The law could be nullified. The amendment could be repealed.

We said that if the American people were willing to obey and enforce prohibition the issue would be settled. Investigation, however, produced overwhelming evidence that the prohibition law was being neither obeyed nor enforced.

When first presented our findings were challenged and our good faith was impugned. When, later, the Wickersham Commission appointed by President Hoover confirmed in every essential the facts Collier's had presented, the situation could no longer be denied.

We said that nullification was more sinister than the movement to spread slavery had been. We showed that nullification entails corruption, bribery, violence, and general contempt for law.

The only possible refuge was repeal and revision of the eighteenth amendment. Many said that repeal was impossible and nullification inescapable.

Collier's has too much faith in the inherent strength, sanity, and decency of the American people ever to have accepted such a doctrine of despair. We knew that once the facts were clearly understood by the voters, rational action would be taken.

Republican and Democratic politicians alike know that the eighteenth amendment is dead. The task ahead is to provide a constitutional burial.

In their wisdom, or caution, the makers of our Constitution provided two ways for amending that document:

First, Congress by a two-thirds vote may propose an amendment. This becomes effective when ratified by the legislatures of three-fourths of the States or by State conventions summoned for the purpose.

Second, on the application of the legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments. These become effective when ratified by three-fourths of the States.

Prohibition emphatically is not a matter which can be dealt with slowly. Once the votes are recorded in favor of a change, enforcement will be more difficult than ever.

Concerted action is vital in order to escape an interim of indescribable lawlessness.

In every State plans should be carefully worked out as quickly as possible for handling the situation between November next and the time of the formal repeal of the eighteenth amendment.

We shall manage affairs differently in the sundry States. What is satisfactory in Georgia won't meet the views of the people of Illinois or Rhode Island. Whatever plan is adopted must be so well fitted to State conditions as to be practicably administered.

We are in the throes of a great revolution in public sentiment. Never have we had a greater opportunity to demonstrate our capacity reasonably to manage our affairs.

Mr. CAPPER. Mr. President, I ask to have printed in the RECORD telegrams and letters I have received from Bishop William C. Martin, of Kansas, Dr. H. A. Kelsey, president of Sterling College, Dr. Orville S. Walters, president of Central College, and other prominent Kansans, who favor the Lee amendment. I heartily approve the stand taken by these citizens of Kansas.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas?

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

TOPEKA, KANS., *October 21, 1942.*

Senator ARTHUR CAPPER,
Senate Building, Washington, D. C.:

The bishop, 20 district superintendents, and representative pastors representing 250,000 Methodists of Kansas and Nebraska now in session in Topeka unanimously support the Lee amendment and congratulate you and by resolution this afternoon commend your stand in favor of the amendment to the pending draft act. They ask that you use every effort of which you are capable to force a roll call on this legislation so vital to the protection of millions of young Americans in the formative age of their life. We shall not be satisfied with anything less than an official roll call.

BISHOP WILLIAM C. MARTIN,
E. F. BUCK, *Secretary.*

STERLING COLLEGE,
Sterling, Kans., October 19, 1942.

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CAPPER: Many of us have been waiting for the day when somebody would introduce a measure that would prohibit alcoholic liquor in and about the various camps of the United States Army; and now that Senator LEE has introduced such a measure and the Senate is about to vote for the lowering of the selective-service age to 18, we believe this measure should be adopted. We have every reason to believe you will do what you can about this, but we wanted you to know we are behind you and wish you every success.

If this measure should not go through as an amendment to the selective-service bill, it should come up on its own and be thrashed out in the National Legislature.

Very sincerely,
H. A. KELSEY, *President.*

MCPHERSON, KANS., *October 22, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.:

On behalf of 1,100 Kansas constituents of this college I wish to urge strongly that you back the Lee amendment to draft bill.

ORVILLE S WALTERS,
President, Central College.

WICHITA, KANS., *October 22, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.:

The Lydian class of the College Hill Methodist Sunday School with 40 stars in its service flag urges the adoption of the Lee amendment. We will be interested in the report of your vote.

Mrs. A. D. CATLIN, *President.*

HUTCHINSON, KANS., *October 22, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.:

We are seriously concerned as to the problems involved in drafting 18- and 19-year-old boys. Therefore we urge that you do everything in your power to see that the bill provides for safeguarding these boys from the menace of liquor and vice now existing about the camps.

OFFICIAL BOARD, FIRST METHODIST CHURCH.

HUTCHINSON, KANS., *October 22, 1942.*

Senator ARTHUR CAPPER,
Senate Chamber, Washington, D. C.:

United Dry Forces of Reno County, Kans., earnestly petition you to use your influence and power as a public servant to procure laws in this emergency to speedily end commercialized vice, liquor traffic, and gambling in and around the places where military and war-work forces are located for the reason this would preserve high efficiency, better health and morale, clearer minds, and stouter hearts to win the war.

UNITED DRY FORCES,
FRANK U. RUSSELL,
Chairman,
Rev. C. H. REEP,
Secretary.

WICHITA, KANS., *October 19, 1942.*

Hon. ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: Note that Senator LEE, of Oklahoma, will demand inclusion in bill to draft 18–19 group, to prohibit the selling of liquor in regions around Army and Navy camps.

Hope it is not too late to pass this amendment, and feel sure you will work hard and do all in your power to put the bill through.

If the time has come that we must draft our 18- and 19-year-old boys, every Member

of Congress should vote for this inclusion in the bill.

Feel that it would be almost an unpardonable sin for any Member to vote against the passage of this amendment.

With best wishes, I remain,

Yours truly,

A. L. GRISWOLD.

THE BAXTER STATE BANK,
Baxter Springs, Kans., October 19, 1942.

Hon. ARTHUR CAPPER,
Senator of State of Kansas,
Washington, D. C.

DEAR MR. CAPPER: I have noticed that the Honorable JOSH LEE has said that he will introduce an amendment to the law calling the 18- and 19-year-old boys to service, making the sale of beer and whisky in and near training camps illegal. I am confident that you will vote for that measure, but I do want you to know that the folks back here are very anxious for the amendment to pass and will appreciate it very much if you will work for it as much as possible.

There is no need for me to write a long letter setting out the conditions caused by beer and whisky being sold in and near these camps, because I am sure that you know these conditions already. There is no question but what it will be a big help not only to the boys, but to our families and to the country if this sale is stopped now.

Thanking you for whatever you can do in this matter, I am,

Yours very truly,

RILEY BURCHAM,
Cashier.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GURNEY. Are we to vote on the amendment itself or on the motion of the Senator from Kentucky?

The VICE PRESIDENT. The vote is to be on the motion of the Senator from Kentucky.

On that question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. CHANDLER'S name was called). My colleague the junior Senator from Kentucky [Mr. CHANDLER] is unavoidably absent from the Senate because of a death. If he were present he would vote "yea."

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I understand that he would vote as I am about to vote, so I am free to vote. I vote "yea."

Mr. O'MAHONEY (when Mr. SCHWARTZ'S name was called). My colleague the junior Senator from Wyoming [Mr. SCHWARTZ] is unavoidably absent. I am advised that if he were present and voting he would vote "yea."

Mr. DANAHER (when Mr. TAFT'S name was called). The senior Senator from Ohio [Mr. TAFT] is unavoidably detained on important public business. I have not been informed by him as to how he would vote on this matter, since it has come up collaterally. Therefore, I shall not impose on the RECORD any reflection of his views.

The roll call was concluded.

Mr. HILL. Mr. President, my colleague the senior Senator from Alabama [Mr. BANKHEAD], who is necessarily absent, is paired with the Senator from Nevada [Mr. MCCARRAN], who is also necessarily absent. I am advised that, if present and voting, the Senator from Nevada would vote "yea," and the Senator from Alabama would vote "nay."

The Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], and the Senator from Missouri [Mr. TRUMAN] are unavoidably absent. I am advised that, if present and voting, those Senators would vote "yea."

The Senator from Virgina [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], and the Senator from Tennessee [Mr. STEWART] are necessarily absent.

The Senator from Utah [Mr. THOMAS], who is detained on public business, has a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that, if present and voting, the Senator from Utah would vote "yea."

Mr. McNARY. The Senator from Indiana [Mr. WILLIS], the Senator from Illinois [Mr. BROOKS], and the Senator from Colorado [Mr. MILLIKIN], are necessarily absent.

The Senator from Oregon [Mr. HOLMAN], who is necessarily absent, has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent has a general pair with the Senator from Utah [Mr. THOMAS].

I am advised that the Senator from New Jersey [Mr. BARBOUR], who is necessarily absent, would vote "yea," if present.

The result was announced—yeas 49, nays 25, as follows:

YEAS—49

Austin	Guffey	Radcliffe
Bailey	Gurney	Reynolds
Ball	Hatch	Shipstead
Barkley	Hayden	Smathers
Bone	Hill	Spencer
Brewster	Johnson, Calif.	Tunnell
Bulow	La Follette	Tydings
Bunker	Lodge	Vandenberg
Burton	Lucas	Van Nuys
Clark, Idaho	McFarland	Wagner
Clark, Mo.	McKellar	Wallgren
Danaher	McNary	Walsh
Davis	Maloney	Wheeler
Downey	Mead	White
Ellender	Murdock	Wiley
Gerry	O'Mahoney	
Green	Overton	

NAYS—25

Aiken	Doxey	O'Daniel
Andrews	George	Rosier
Bilbo	Gillette	Russell
Butler	Kilgore	Smith
Byrd	Langer	Thomas, Idaho
Capper	Lee	Thomas, Okla.
Caraway	Maybank	Tobey
Chavez	Norris	
Connally	Nye	

NOT VOTING—22

Bankhead	Brown	Holman
Barbour	Chandler	Hughes
Bridges	Glass	Johnson, Colo.
Brooks	Herring	McCarran
Millikin	Schwartz	Truman
Murray	Stewart	Willis
Pepper	Taft	
Reed	Thomas, Utah	

So Mr. BARKLEY'S motion was agreed to, and Mr. LEE'S amendment was referred to the Committee on Military Affairs.

Mr. BARKLEY. Mr. President, I understand the adoption of the motion on which we have just voted creates a situation whereby the committee amendment is now before the Senate.

The VICE PRESIDENT. The Senator is correct.

Mr. BARKLEY. The Senator from Texas [Mr. O'DANIEL] desired to address the Senate on another subject today but postponed his address until we could conclude the vote on the motion which has just been agreed to. Would the Senator from Texas prefer to proceed now or to wait until tomorrow and be recognized at that time?

Mr. O'DANIEL. I should prefer to wait until tomorrow.

Mr. MALONEY. Mr. President, at the request of the secretary of state of the State of Connecticut, Mrs. Chase Going Woodhouse, I should like to read and have inserted in the RECORD a telegram which I have just received. It does not relate to the amendment which has just been under discussion, but does relate to soldiers. It reads:

> We have heard information on war ballots is not reaching men in service. Only 50 applications received here daily. Will you request War and Navy Departments to publicize information more effectively?
>
> CHASE GOING WOODHOUSE.

INSTRUCTION OF METEOROLOGICAL STUDENTS IN WEATHER FORECASTING

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2693) to provide for the instruction of meteorological students in weather forecasting, which was, on page 2, line 8, to strike out all after "training." down to and including "date" in line 10, and insert "No scholarship shall be granted under this act after the termination of the wars in which the United States is now engaged or such earlier date as the Congress by concurrent resolution may fix, and any contract or other obligation entered into under this act shall expire not later than 1 year after such termination or such earlier date, as the case may be."

Mr. BAILEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CONFIRMATION OF POSTMASTERS

Mr. McKELLAR. Mr. President, as in executive session, I ask unanimous consent that the postmaster nominations on the calendar be confirmed en bloc, and that the President be notified.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the postmaster nominations are confirmed en bloc, and the President will be notified immediately.

CONFIRMATION OF NAVAL NOMINATIONS

Mr. WALSH. Mr. President, in reporting from the Committee on Naval Affairs a long list of promotions in the

Navy, covering several pages, it would save some expense to the Government if permission were granted to have the nominations not sent to the calendar, but acted upon today. I therefore ask unanimous consent that the nominations may be considered at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. WALSH. I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be immediately notified.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m., tomorrow.

The motion was agreed to, and (at 5 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Friday, October 23, 1942, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 22 (legislative day of October 15), 1942:

IN THE NAVY

PROMOTIONS IN THE REGULAR SERVICE

The nominations of James M. Steele et al. for promotions in the Navy.

(NOTE.—A full list of the names of the persons whose nominations for promotion in the Navy were confirmed today, may be found in the Senate proceedings of the CONGRESSIONAL RECORD for October 19, 1942, under the caption "Nominations" beginning with the name of James M Steele on page 8370 and ending with the name of Earl E. Carlsten on page 8371.)

POSTMASTERS

ARKANSAS

Herbert D. Russell, Conway.
Lillie Q. Lowe, Gillett.
Charlie O. Sawyer, Hamburg.
Hugh Murphy, Huntsville.
Fred M. Johnson, Huttig.
Myrt Walrond, Pocahontas.
Paul Janes, Rayenden.
Donald W. Hall, West Memphis.

FLORIDA

Kirby D. Rooks, Bonifay.
LeRoy E. Diggans, Delray Beach.
Harold G. Hull, Groveland.
Emma S. Fletcher, Havana.
William P. McKeown, Sneads.
Ralph W. Hartman, Stuart.

KENTUCKY

Nora Dixon McGee, Burkesville.

NEW HAMPSHIRE

Harold B. Pinkham, Milton.

WYOMING

Bessie Adkins, Medicine Bow.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 22, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, King Eternal, we approach Thee with renewed faith and confidence in the immutability of Thy nature and in the most precious promises of Thy Word. Thou who hast made known to us the secret and knowledge of the way of the Almighty, let come upon all wearied men and women the heavenly breath of a new life. Stay Thou all bigotry and prejudice and crucify the spirit which sent our blessed Lord to Calvary that the Cross might be glorified in Him.

O Divine Saviour, in whom are embodied all the sanctities and sufferings of humanity, descend upon us with Thy vision power, sympathy, sincerity, and that zeal for righteousness which braves tyrants, dares armies, and sets nations free. Do Thou bring to us the truth that the way of honor is the way of service, and the path of greatness that of sacrifice. Grant that our hearts may raise a psalm to heaven as we pray for our country with its compelling appeal, with its heritage so noble in human liberty and in destiny. In the name of our Redeemer, whom we worship and glorify. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS BILL, 1943

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House the Clerk of the House be authorized to receive a message from the Senate on the bill (H. R. 7642) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, and that the Speaker be authorized to sign the enrolled bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RESIGNATION

The SPEAKER laid before the House the following letter:

Hon. SAM RAYBURN,
Speaker of the House,
House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I beg leave to inform you that I have transmitted to Hon. Herbert R. O'Conor, Governor of Maryland, my resignation as a Member of the Congress of the United States, from the Second District of Maryland, effective October 26, 1942.

Sincerely yours,

WILLIAM P. COLE, JR.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I have addressed to the President of the United States on the subject of petroleum in wartime.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJUSTING ROYALTIES FOR THE USE OF INVENTIONS FOR THE BENEFIT OF THE UNITED STATES

Mr. LANHAM. Mr Speaker, I ask unanimous consent for the present consideration of the bill (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PLUMLEY. Reserving the right to object, Mr. Speaker, and I shall not object, I understand that the gentleman will undertake to explain the bill.

Mr. LANHAM. I shall be glad to make an explanation of the measure, because I think it should be made.

This bill has passed the Senate. It is to provide for adjusting royalty rates for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

The Committee on Patents of the House of Representatives has held hearings for 3 days on this matter.

There has been no objection whatever from any source with reference to the purposes of this measure. Certain modifying amendments were recommended, and through conferences among those who own patents and who represent those who own patents with the representatives of the War Department and the Navy Department, their differences on these amendments have all been settled and their views are incorporated in the measure as now reported, with the committee amendments suggested by the Committee on Patents.

The War Department, the Navy Department, the War Production Board, and the various other agencies of the Government supplying materials for our war effort are vitally interested in the prompt passage of this measure. The prompt passage of it will mean a saving of a great deal of money for the United States. It is important that the measure be passed, and be passed promptly.

The purpose of the measure is this: Under our patents system, those who hold patents are authorized to let people manufacture on royalties the articles covered by the patents or to license their rights of manufacture to someone else upon an agreed rate of royalty. With the magnified and multiplied production in our war effort, the rate of the normal royalty would often mean excessive and unfair and unreasonable profits to individuals at the expense of our boys who are carrying on on the land and on the sea and in the air.

It is contemplated that in practically all cases these settlements and agreements will be voluntarily made without any difficulty; but there are likely to be some cases—indeed, there are a few of which we know very vital to our war

effort in which licensees under patents are claiming very excessive royalties that should not be paid and that are unconscionable.

The purpose of this measure is simply to give a hearing to those who may be owners of patents or licensees of patents, and to agree with the authorities upon a proper rate of royalty for the duration of the war. When that rate has been established, if there is any disagreement, the party considering himself injured has the authority to go either to the Court of Claims on appeal or to the Federal district court where he may reside or where jurisdiction properly pertains.

Broadly speaking, that is the purpose of this bill. I shall be glad to answer any questions that may be asked with reference to it. The gentleman from New Jersey [Mr. WOLVERTON] has been most cooperative and was at the meeting this morning at which we discussed these amendments.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from New Jersey.

Mr. WOLVERTON of New Jersey. As a member of the Committee on Patents, although not the ranking Republican member, I have no hesitancy whatever in stating to the House that I see no objection to the granting of the consent request that has been made by the gentleman from Texas [Mr. LANHAM]. This bill had full hearings. The interested parties appeared from both the Army and the Navy and from industry in general. Some differences arose as to the interpretation to be placed upon certain language used in the bill. Subsequent to the conclusion of the hearings, representatives of the Army, the Navy, and industry met together and ironed out those differences, so that the bill for whose consideration the gentleman has asked unanimous consent incorporates the amendments that were agreed upon by all of the interested parties.

This is a bill the importance of which no one will question. No one I know of has any objection to the objective of the bill. The evidence presented to the committee indicated the necessity of immediate action. The enactment of the bill will prove helpful and beneficial in our war effort.

I hope that the membership of the House will not be unwilling to grant the request made by the gentleman from Texas [Mr. LANHAM]; and that the bill may have the speedy and full approval of the House.

Mr. LANHAM. I thank my distinguished friend from New Jersey.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That, to aid in the successful prosecution of the war, whenever an invention, whether patented or unpatented, shall be manufactured, used, sold, or otherwise disposed of for the United States, with license from the owner thereof or anyone having the right to grant licenses thereunder, and such license includes provisions for the payment of royalties the rates or amounts of which are believed to be unreasonable or excessive by the head of the department or agency of the Government which has ordered such manufacture, use, sale, or other disposition, the head of the department or agency of the Government concerned shall give written notice of such fact to the licensor and to the licensee and in said notice, or within a reasonable time thereafter, shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Such licensee shall not thereafter pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that specified in said order on account of such manufacture, use, sale, or other disposition. The licensor shall not have any remedy by way of suit, set-off, or other legal action against the licensee for the payment of any additional royalty remaining unpaid, or damages for breach of contract or otherwise, but such licensor's sole and exclusive remedy, except as to the recovery of royalties fixed in said order, shall be as provided in section 2 hereof. Written notice as provided herein shall be mailed to the last known address of the licensor and licensee and shall be effective two days after the mailing thereof.

SEC. 2. Any licensor aggrieved by any order issued pursuant to section 1 hereof, fixing and specifying the maximum rates or amounts of royalties under a license issued by him, may institute suit against the United States in the Court of Claims, or in the district courts of the United States insofar as such courts may have concurrent jurisdiction with the Court of Claims, to recover such sum, if any, as, when added to the royalties fixed and specified in such order, shall constitute fair and just compensation to the licensor for the manufacture, use, sale, or other disposition of the licensed invention for the United States, taking into account the conditions of wartime production. In any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement as set forth in title 60 of the Revised Statutes, or otherwise.

SEC. 3. The head of any department or agency of the Government which has ordered the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, and whether or not an order has been issued in connection therewith pursuant to section 1 hereof, is authorized and empowered to enter into an agreement, before suit against the United States has been instituted, with the owner or licensor of such invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of this act or any other law by reason of such manufacture, use, sale, or other disposition, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

SEC. 4. Whenever a reduction in the rates or amounts of royalties is effected by order, pursuant to section 1 hereof, or by compromise or settlement, pursuant to section 3 hereof, such reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such invention, or by way of refund if already paid to the licensee.

SEC. 5. The head of the department or agency of the Government concerned is further authorized, in his discretion and under such rules and regulations as he may prescribe, to delegate and provide for the redelegation of any power and authority conferred by this act to such responsible officers, boards, agents, or persons as he may designate or appoint.

SEC. 6. For the purposes of this act, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as manufacture, use, sale, or other disposition for the United States and for the purposes of the act of June 25, 1910, as amended (40 Stat. 705; 35 U. S. C. 68), the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

SEC. 7. This act shall apply to all royalties directly or indirectly charged or chargeable to the United States for any supplies, equipment, or materials to be delivered to or for the Government from and after the effective date of this act. This act shall also apply to all royalties charged or chargeable directly or indirectly to the United States for supplies, equipment, or materials already delivered to or for the Government which royalties have not been paid to the licensor prior to the effective date of this act. Sections 1 and 2 of this act shall remain in force only during the continuance of the present war and for 6 months after the termination thereof, except that as to rights accrued or liabilities incurred prior to termination thereof, the provisions of this act shall be treated as remaining in force and effect for the purpose of sustaining, qualifying, or defeating any suit or claim hereunder.

SEC. 8. The head of each department or agency of the Government may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of this act. The provisions of section 10 (1) of an act approved July 2, 1926 (44 Stat. 787), as amended, and title XIII of Public Law 507, Seventy-seventh Congress, shall be applicable to the owner, licensor, or licensee of an invention whether patented or unpatented, manufactured, used, sold, or otherwise disposed of for the United States, and the term "defense contract" as used in said act shall mean and include an agreement for the payment of royalty, regardless of its date, under or by virtue of which royalty is directly or indirectly paid by the Government or included within the contract price for property sold to or manufactured for the Government.

SEC. 9. Nothing herein contained shall be deemed to preclude the applicability of Section 403 of Public Law 528, Seventy-seventh Congress, as the same may be heretofore or hereafter amended so far as the same may be found applicable.

SEC. 10. If any provision of this act or the application of any provision to any person or circumstance shall be held invalid, or if any provision of this act shall be inoperative by its terms, the validity or applicability of the remainder of the act, and the applicability of such provision to other persons or circumstances shall not be affected thereby.

With the following Committee amendments:

Page 2, line 4, after the word "license", insert a period and strike out the remainder of the line and down to and including the word "disposition" in line 10, and insert "Within a reasonable time after the effective date of said notice, in no event less than 10 days, the head of the department or agency of the Government concerned, shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are

fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition: *Provided, however*, That the licensee or licensor, if he so requests within 10 days from and after the effective date of said notice, may within 30 days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid, and any order fixing and specifying the rates and amounts of royalties shall be issued within a reasonable time after such presentation."

Page 2, line 11, after the word "not", strike out the word "thereafter" and insert "after the effective date of said notice."

Page 2, line 23, strike out the word "two" and insert "upon receipt or five."

Page 2, line 23, after the word "thereof", strike out the period, insert a comma, and add the words "whichever date is the earlier."

Page 4, line 15, strike out the word "redelegation" and insert "delegation."

Page 4, line 16, after the word "such", insert "qualified and."

Page 5, line 11, after the word "of", strike out the words "this act" and insert "the notice provided for in section 1 hereof."

Page 5, line 16, after the word "of", strike out the words "this act" and insert "the notice provided for in section 1 hereof."

Page 5, line 21, after the word "of", insert the word "settling."

Page 6, line 4, strike out "(1)" and insert "(ell)."

Page 6, line 11, after the word "of", strike out the words "its date" and insert "the date of such agreement."

Page 6, line 24, after the word "Act", strike out the words "and the applicability of such provision to other persons or circumstances."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROPOSED WAR MOBILIZATION BOARD

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TOLAN. Mr. Speaker, I rise today to introduce a bill H. R. 7742, intended to accomplish the economic mobilization of America for this war, by a realinement of existing agencies to eliminate duplication and to create a central direction for our war program. This bill springs from the six interim reports of the Select Committee on National Defense Migration, of which I am chairman, and is directed at matching a reorganized manpower program with an over-all program for production and supply. Consideration of this legislation should precede any consideration of national service legislation.

In presenting this bill to the House I want to say to the Members of this body that I should like to see this bill come to be known throughout the country not as the work of any one man or committee but as the Congress plan. Maybe some of the details of this proposal will have to be worked out further, but I will defend the principle against all contenders. It is my opinion that this plan is big enough to do the job.

We all know that today the country is looking for leadership in the war program. The people of this country want simple directions as to how they and their Government shall organize to win this war. They feel that we are muddling through when we do not have time for muddling. Nothing could do so much to establish among the American people confidence in the American system than to have Congress come forward with a plan which will be accepted as the final major reorganization of domestic agencies required during this war.

The people are tired of continuous confusion. It is for this reason that Henry Kaiser, master builder of cargo ships and cargo planes, has captivated the imagination of the American people. It is for this reason that the Baruch report has achieved such widespread support throughout the country. If I thought that the plan which is here proposed would become merely one more element for confusing the American people, I would never have risen today to address this House. I think, however, that anyone who studies the proposals set forth in the sixth interim report of your Select Committee on Defense Migration will agree that this is a simple plan.

It is not only big enough to do the job, but Government stenographers who have been lost in the maze of existing agencies will quickly understand it, for it will tell them what agency operates where, when, and how.

When the Office of Economic Stabilization was recently created, editors and newspapers everywhere praised it for its simplification of the question as to who is responsible for control over prices, rents, and other ceilings designed to stabilize our war economy. Prior to the establishment of that office the country had endured over a year of continuing confusion. Orders were issued, agencies created, these agencies were overtaken by failure, now orders were issued, new agencies created, to the great confusion of the American people. This was not merely a question of administrative failures. It was due to the absence of any central and comprehensive plan into which the problems of economic stabilization could be fitted. Each of the agencies established was therefore equipped at the start with an inadequate mandate. Perhaps we must set this down to the necessary workings of the democratic process.

This country has felt its way forward into the unfamiliar territory of mobilization for modern war.

Today we find ourselves at what I think we can agree is a turning point. With good fortune we can go on from here to ultimate victory. The organization required to mobilize our economy for war now is in existence, but continues to lack central integration or direction. The President, by his establishment of the Office of Economic Stabilization, has given us a lead which I think Congress should carry through to the logical conclusion.

If it was a good thing to centralize in one office and one director the control over the agencies charged with economic stabilization, then it is surely a better thing to carry this centralization a step further. This is the logic of the bill which I am offering today.

This bill calls for the creation of an Office of War Mobilization as the top agency over all agencies engaged in mobilizing our economy for war. The Director of this office will become the final authority responsible to the President, to Congress, and to the American people, for the success or failure of the country's nonmilitary war program. And by nonmilitary I mean also the procurement and production of military supplies. War production, war manpower, war prices, and war machines will for the first time be headed by one Director of War Mobilization. Once we centralize responsibility we can begin to organize our national all-out effort for this global war.

To assist the Director in arriving at his policy-making decisions, the bill establishes what amounts to an economic general staff, to be known as the Committee on Requirements and Program. The Director of the Office of War Mobilization will be the chairman of this committee, which will supply him with estimates of our resources and centralize the requirements of the armed services and essential industries in terms of manpower, materials, and machines.

Final decisions as to requirements and program should rest with the Director. He should be empowered to demand from the armed services as well as from the offices subordinate to him all information necessary to success in his job. To assist him in securing such information I propose that there be included in his office a Division of Progress Reporting and Program Planning, and that he draw upon similar existing divisions in agencies subordinate to his office to recruit a staff for this division.

To permit the Director to operate efficiently as coordinator of the Nation's war program, I propose certain substantial reorganizations of existing agencies. This realignment is intended to simplify and centralize the lines of authority. I believe that quite soon we shall see that the Director will be able to streamline our war program and enable us to get on with the job of winning the war in a period of months instead of years.

The realignment proposed will create a new Office of Production and Supply, an Office of Manpower Supply, a reorganized Office of Economic Stabilization, and a new Office of Technical Mobilization, all to be operating agencies subordinate to the Office of War Mobilization.

The new Office of Production and Supply is to be formed by a merger of the existing War Production Board with the present procurement divisions of the Army, Navy, Maritime Commission, and Lend-Lease. The present personnel of these agencies are to be transferred without immediate change to the Office of Production and Supply. All personnel of this agency are to be civilians, and officials now in the armed services are to be given indefinite leaves of absence.

By this reorganization the Office of Production and Supply will become an operating agency responsible for coordinating all procurement and production operations according to policies established at the higher level of the Office of War Mobilization. The Director of War Mobilization should proceed at once to create and maintain an up-to-date inventory of America's productive capacity and should create regional capacity clearing centers to insure maximum use of these resources.

The Office of Manpower Supply will merge the Operations Division of the War Manpower Commission with the Selective Service Administration. All occupational deferment operations are to be removed from Selective Service and delegated to a system of occupational deferment boards under the Operating Division of the War Manpower Agency. These boards will be set up on an area basis in the ratio of about one area board to every five present local boards. Personnel of these area boards is to be drawn from technically qualified individuals, who might in turn be chosen from panels of employers, trade unionists, and impartial chairmen familiar with industries in the area. Industrial deferments will require that each employer applying shall submit an affidavit showing how the worker is essential to his establishment. These affidavits must be countersigned by the labor utilization inspector attached to the area board, who is expected to be thoroughly informed as to the character of the work in each local establishment engaged in war production.

Occupational deferment boards in agriculture should be similarly composed of technically qualified individuals who will work in close conjunction with the county war boards of the Department of Agriculture. All decisions as to the essentiality of farm operators and hired hands will be based upon the agricultural production program of that area.

The selective service will continue to function as the inducting agency, and to operate on all questions of dependency and physical deferments. A schedule of essential or deferred occupations is to be set up and temporary blanket deferments are to be issued for occupations considered critical. This is intended to permit the occupational deferment boards to stabilize the employment of skilled men in war industries and agriculture pending the development of the new machinery for separating out the most essential skills. Simultaneously a much more comprehensive system of training and transfer must be developed to replace drafted workers.

All these plans for occupational deferment are based upon a change in our national approach to the question whether a man shall "work or fight." In a total war everyone must be prepared to accept service where he will be most useful to the Nation, and such decisions must be made on the basis of a man's or woman's technical qualifications. National service legislation should be postponed until we can create the machinery described above. Meanwhile all males between 20 and 45 will be subject to the occupational-deferment procedures I have just proposed.

The Office of Economic Stabilization is to become the top operating agency in its field. I suggest that it should devote as much attention as possible to maintaining the civilian standard of living by adequate production of goods and services, while using rationing and savings plans to match purchasing power with these available goods and services. The less we have to interfere with the operations of business and industry by rigid controls the better off we shall be. We must shift the emphasis in our war program to the use of the efforts of the entire people. We need to increase the flow of goods and services. By balancing needs with maximum output we shall be able to diminish the restrictions on our economy.

Finally I propose the creation of an Office of Technical Mobilization to be concerned with the full and immediate mobilization of scientific knowledge, techniques, and personnel for the prosecution of the war and for making adjustments necessitated by war conditions. This new Office will be expected to appraise the use of scientific and technical developments and facilities. It will make plans and proposals for maximum mobilization of this part of America's economy for the war effort. It will review all proposals for developments of improved processes and promote the widest use of advanced techniques.

To carry out all of these activities of the Office of War Mobilization the Director is instructed to decentralize the activities of the four Offices subordinate to him. He is, in the first place, directed to delegate to the several administrators of these offices so far as is consistent with proper and coordinated policies of powers and duties conferred on him. He is authorized to employ regional and other area representatives to coordinate the operations of the several offices in each region and area.

To insure that the Director of War Mobilization is kept in close touch with the sentiment of the people of the country there is attached to his office a Board of War Mobilization to be composed of representatives of industry, labor and agriculture and the general public. The bill proposes four representatives of industry, four of labor, two of agriculture and two for the general public to be appointed by the Director with the advice and approval of the President. Wherever it seems to be in the interest of war mobilization the Director and the several administrators will establish similar boards on a national area and industrial basis.

As I am of course aware, this legislation will require amendments to existing statutes and the voting of additional powers and duties. The three principal points requiring such legislation are the establishment in the Office of Manpower Supply of an organization of occupational deferment boards, the empowering of the Director of War Mobilization to make loans or grants for the transfer of workers to war employment and the creation of an Office of Technological Mobilization. The other agencies and powers are already in existence and this bill merely proposes to transfer control over them to a single Director of the new Office of War Mobilization and through him to delegate the powers and duties conferred in this act to the administrators of the four offices subordinate to him and his office.

In closing these remarks I should like to repeat that I believe these proposals provide the simplest plan which will work, to enable us to organize our war program for what should be the final reorganization during this war. Any further reorganizations will be in the upward direction. No more agencies will need to be superimposed upon existing agencies. Instead the Director of this Office should be able to streamline our organization of war agencies and to achieve increasing efficiency within them. He will be master, subject to the control of the President and Congress, of the situation which he surveys. He will have full responsibility, subject to those limitations, and will be expected to stand whatever criticism is directed at him and to act accordingly. This will relieve us of the confusion of jurisdictional disputes and buck passing which have been characteristic of the past 2½ years of our preparations for war. The Director of War Mobilization will be responsible for war production and supply, for war manpower, war prices and war machines. If with the authority conferred upon him he is not capable of doing the job, we will this time not need to create a new agency, but only to get a new man.

I am urging this measure upon Congress at this time with the assurance that the people of this country are ready for it and they will welcome the leadership of Congress in pressing forward with this legislation. I shall welcome the suggestions and criticism not only of my colleagues but of the executive branch of the Government and of all public-spirited citizens who are agreed as I am to get on with the war.

One of my chief objects in presenting this bill at this time is the decisions we are making during the closing months of this year will have the most serious consequences for the strategic military decisions throughout the year 1943. The production of the weapons to be used for the offensives of next year is going forward today and unless that production is at its maximum during the next 6 months those offensives will be stalled and we must endure another year of war before we can take the initiative against our enemies. Unanimously our Allies will suffer for lack of adequate lend-lease supplies. It is my firm conviction that once we have this plan in operation we shall see a magnificent outpouring of the energies of the American people. I am prepared to predict that the output which can be achieved, once our war program has been streamlined, will astonish even optimistic advocates of these proposed changes. My final reason for urging this

legislation at this time is the belief that we must pass on from this limited objections which have consumed so much of our time and energy during the last year or more of war preparations. We must begin to devote the best minds of the country to the question of cooperation between the Allies in this war so that we may work out a strategy for our combined forces which will overwhelm our enemies and bring the war to an early close. I emphasize this point because, as my colleagues all know, my greatest interest is in the problems of the post-war world. I am concerned as to the shape which will be taken by the social and economic developments following the war. I think our war effort can become a means whereby we make the post-war world a better place for us all to live in. I want to see such opportunities unfold themselves at the earliest possible date. I am eager, therefore, that we may soon grasp our victory and go on from there to a new and better era of peace. I fear the consequences of a prolonged war just as I fear any proposals for a peace without victory. The only satisfactory choice is one which will give us an early a peace with victory as we can attain, and I believe that if the proposals embodied in this bill are enacted into law, we shall move a happy day of victory many months and even years closer.

The bill referred to follows:

A bill to establish an Office of War Mobilization, and for other purposes

Be it enacted, etc., That it is the purpose of this act to (1) inventory and mobilize all the economic resources of the United States including manpower, facilities, materials, technical and scientific knowledge, and natural resources for maximum use in the provision of military and essential civilian needs; (2) adjust and stabilize the economy in accordance with the needs of full mobilization and other conditions created by war.

ESTABLISHMENT OF AN INDEPENDENT OFFICE AND ITS CONSTITUENT OFFICES

SEC. 2. (a) There is hereby created as an independent agency an Office of War Mobilization, which shall be under the direction of a Director of War Mobilization (referred to in this act as the Director). The Director shall be appointed by the President and shall be compensated at the rate of $20,000 per annum. The Vice President may be appointed as Director, but his total compensation as Vice President and Director shall not exceed $20,000 per annum.

(b) The following offices are hereby created within the Office of War Mobilization: (1) Office of Production and Supply, (2) Office of Manpower Supply, (3) Office of Technological Mobilization, and (4) Office of Economic Stabilization. Each such office shall be under the direction of an administrator who, subject to the approval of the President, shall be appointed by the Director. Each administrator shall be compensated at the rate of $15,000 per annum. The Director, subject to the approval of the President, is authorized to appoint such deputy administrators as he deems necessary. Each deputy administrator shall be compensated at the rate of $12,000 per annum.

(c) The Director and the several administrators and their deputies shall be full-time employees and they and all other full-time employees of the Office of War Mobilization shall sever all private business connections and shall receive no salaries or compensations other than those received as employees of the Office of War Mobilization.

ESTABLISHMENT OF A COMMITTEE ON REQUIREMENTS AND PROGRAM

SEC. 3. There is hereby created a Committee on Requirements and Program under the chairmanship of the Director and consisting of the Secretaries of War and Navy, the Chief of Staff of the Army, the Chief of Naval Operations, and the administrators of the four constituent offices of the Office of War Mobilization. This committee shall develop, subject to the approval of the President, a comprehensive national program for maximum use of resources for military and essential civilian needs. This program shall be based on schedules of military requirements furnished by the War and Navy Departments and determinations as to minimum essential civilian needs and available resources by the Office of War Mobilization.

ESTABLISHMENT OF A BOARD OF WAR MOBILIZATION

SEC. 4. There is hereby created a Board of War Mobilization under the chairmanship of the Director and consisting of four representatives of industry, four representatives of labor, two representatives of agriculture, and two public members at large appointed by the Director with the advice and the approval of the President. The Board shall hold regular meetings at least once a month. The Board and each individual member shall have access to any and all information bearing on the effectiveness and adequacy of war mobilization. The Board is directed to make to the Office of War Mobilization such recommendations relating to policy and operations as it may deem necessary to improve war mobilization. The Board and each member individually shall endeavor to secure maximum cooperation and participation of the American people in war mobilization. To this end the Board is directed to direct, extend, and improve the war production drive now being carried out through plant labor-management production committees.

DUTIES AND POWERS OF THE DIRECTOR OF WAR MOBILIZATION

SEC. 5. (a) The Director shall effectuate the program developed in accordance with section 3 and shall effectuate the necessary adjustments and stabilization of economic conditions through: (1) The establishment of the policy and the supervision and coordination of the several constituent offices of the Office of War Mobilization, (2) the issuance of directives on policy or operations to other Federal agencies concerned with the purposes of this act; it shall be the duty of all such agencies to execute such directives.

(b) The Director shall exercise all powers provided in section 7 of this act. The powers of the several Federal agencies and subdivisions of agencies transferred to the constituent offices of the Office of War Mobilization by section 7 of this act are specifically vested in the Director. Whenever the Director deems it necessary to the furtherance of the purposes of this act that additional powers be vested in him, he shall make appropriate recommendations to Congress or to the President for such additional powers.

(c) The Director shall perform and exercise the powers and authority granted under this act in such manner and through such officials of the Office of War Mobilization and of other Federal agencies as he may determine.

(d) The Director shall establish the operations of the constituent offices of the Office of War Mobilization and shall reorganize these operations whenever he deems necessary including the operations of the several Federal agencies and subdivisions of agencies transferred to the constituent offices by section 7 of this act. Whenever the Director deems the transfer of additional Federal agencies or subdivisions of agencies to the constituent offices to further the purposes of this act he shall recommend to the President that such transfers be made by virtue of the powers vested in the President under the First War Powers Act.

(e) The Director shall establish within his own office a planning and progress reporting staff which shall maintain a record of the extent of mobilization of manpower, facilities, materials, technical and scientific knowledge and natural resources, and shall check progress on the comprehensive program developed in accordance with section 3 of this act and on the programs of the several constituent offices.

(f) The Director shall advise and consult with the Board of War Mobilization on all major policies.

FUNCTIONS OF THE CONSTITUENT OFFICES

SEC. 6. (a) The Office of Production and Supply shall: (1) maintain a current inventory of materials, facilities, and other productive resources (other than manpower), and shall maintain a record of the present and projected use of potential industrial capacity; (2) translate the production program developed in accordance with section 3 into a detailed time schedule of end and intermediate military and civilian products by plants; (3) procure through contracts or otherwise, the requirements of the Departments of War and Navy, and of the Maritime Commission, and all foreign requirements including lend-lease; (4) review progress on all outstanding contracts and renegotiate such contracts where necessary so as to conform to the schedule under (2) above; (5) allocate all productive resources (other than manpower) in accordance with this same schedule; (6) check on the use of facilities, materials, and other production factors through plant inspection; (7) determine in collaboration with the Office of Manpower Supply a detailed time schedule of plant by plant manpower requirements.

(b) The Office of Manpower Supply shall: (1) Maintain a current inventory of manpower resources and a record of the present and projected use of manpower resources; (2) allocate manpower as between combat and other essential needs, including production so as to meet the comprehensive program developed in accordance with section 4 of this act; (3) develop to the maximum extent through proper training and placement of workers all potential manpower resources needed to meet the program and schedules determined under sections 3 and 6 (a) above; (4) arrange for and supervise the transfer of workers from plant to plant, industry to industry, and area to area in accordance with the needs of war mobilization; (5) insure through plant inspection the use of labor at maximum effectiveness.

(c) The Office of Technological Mobilization shall effect the full and immediate mobilization of scientific knowledge, techniques, and personnel for the prosecution of war and for making adjustments necessitated by war conditions.

(d) The Office of Economic Stabilization shall effect the adjustments of economic structure and conditions of business or employment needed to effectuate the purposes of this act. It shall have jurisdiction over Federal regulation of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, loans, and all other matters relating to the adjustment of the economy to the needs of full war mobilization and to the conditions created by war.

TRANSFER OF FUNCTIONS AND PERSONNEL OF CERTAIN EXISTING AGENCIES

SEC. 7. (a) There is hereby transferred to the Office of Production and Supply the functions and personnel of: (1) The War Production Board and the Smaller War Plants Corporation; (2) those subdivisions of the War, Navy, and Treasury Departments, of the Mar-

itime Commission, and of the Office of Lend Lease engaged in or concerned with the procurement, manufacture, or other provision of war matériel, as shall be deteremined by the Director subject to the approval of the President; (3) those subdivisions of the Federal Loan Agency and the Department of Commerce concerned with financing plant expansions, materials purchases, or other operations bearing on the purposes of this act, as shall be determined by the Director and subject to the approval of the President; (4) The Office of the Petroleum Coordinator.

(b) There are hereby transferred to the Office of Manpower Supply the functions and personnel of the Selective Service Administration, and the War Manpower Commission, excepting that subdivision transferred under (c) below.

(c) There is hereby transferred to the Office of Technological Mobilization the functions and personnel of the Office of Scientific Research and Development, the National Inventors Council, the National Advisory Committee on Aeronautics, and the National Roster of Scientific and Specialized Personnel of the War Manpower Commission.

(d) There is hereby transferred to the Office of Economic Stabilization the functions and personnel of the Office of Price Administration and the present office of Economic Stabilization.

(e) All personnel of the Office of War Mobilization shall be civilian. All persons attached to the military services who are transferred to the Office of War Mobilization by this act shall be relieved from active service for such lengths of time as shall be requested by the Director.

AMENDMENTS TO EXISTING STATUTES AND ADDITIONAL POWERS AND DUTIES

SEC. 8. (a) The Selective Service Act is hereby amended as follows: The Director of War Mobilization through the Office of War Manpower shall establish such organization and procedure for determining occupational deferment as he shall deem proper and the findings arising through such procedures and organizations shall supplant those heretofore made by the local Selective Service boards.

(b) The Director through the Office of War Manpower is empowered to make loans or grants to cover costs of subsistence and transportation of workers including their families being placed in or transferring to war essential civilian activity whenever he deems such assistance will further the purposes of this act. The maximum grant to any individual family shall not exceed $200 and the maximum loan shall not exceed $300.

(c) The Director is authorized and directed through the Office of Technological Mobilization to: (1) appraise current use of scientific and technical personnel and facilities and make plans and proposals for maximum mobilization of such personnel and facilities for the war effort. (2) review all proposals for development of improved processes, products and materials or for other scientific research and development, including development of models and pilot plants, which may be brought to the attention of the Office of War Mobilization or initiated by the staff of the office, and promote such proposals deemed in aid of War Mobilization through loans or grants to public agencies or private persons or through the establishment of research facilities and pilot plants under the direction of the Office. (3) promote the widest and fullest utilization of advanced processes techniques, and products and for these purposes he shall have access to all production facilities and all information bearing on processes, products, materials, or other factors of production. (4) arrange and where necessary compel the licensing for the duration of the national emergency of patents, secret processes, and special technical information at reasonable compensation in order to foster their wider utilization where this is deemed necessary in the interest of war mobilization.

FUNDS

SEC. 9. (a) All appropriations for any agency available for use in connection with any function transferred to the Office of War Mobilization are hereby transferred and shall be available to the Office of War Mobilization for the purpose of exercising the function so transferred. For the purposes of this subsection, the Director of War Mobilization shall determine, subject to the approval of the President, which functions have been so transferred. Funds appropriated for the Army, Navy, Maritime Commission, and lend-lease procurements shall not be limited in their expenditure to the original purposes specified in their appropriation but shall be based on the program determined in accordance with section 4 of this act.

(b) There is hereby appropriated $200,000,000 to the Office of War Mobilization to defray loans or grants made under the authority of section 8 (b). There is hereby appropriated $200,000,000 to the Office of War Mobilization to defray costs or loans or grants or other expenditure under the authority conferred in section 8 (c) 2 of this act.

DECENTRALIZATION OF ACTIVITIES

SEC. 10 (a) The Director is hereby directed to delegate the powers and duties conferred in this act to the administrators of the constituent offices to the maximum extent consistent with proper determination of policy and coordinated operations.

(b) The Director and the several administrators are hereby directed to decentralize operations on an area basis to the maximum extent consistent with efficient operation.

(c) The Director is authorized and directed to employ regional and other area representatives who shall coordinate and integrate the operations of the constituent offices in these regions and areas.

(d) The Director and the several administrators are authorized and directed to establish boards similar in structure and function to the board established under section 5 of this act on a national, area, and industrial basis.

SEC. 11. (a) All laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

(b) Upon the termination of this act all executive or administrative agencies, governmental corporations, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as exercised prior to the date of enactment of this act.

(c) This act shall take effect immediately upon its enactment and shall remain in force during the continuance of the present war and for 6 months after the termination thereof, or until such earlier date as the Congress by concurrent resolution or the President may designate.

SEC. 12. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any agency or function transferred to any other agency or function under the provisions of this act, and in effect on the date this act takes effect, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed.

THE LATE WILLIAM TYLER PAGE

Mr. PATTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 563, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House in equal shares to John C. Page, William Tyler Page, Jr., Nannie Page Pierce, Eleanor Page Fox, and Mary Page Cronin, sons and daughters of William Tyler Page, late an employee of the House, a total sum equal to 6 months' salary compensation, and an additional amount to John C. Page not to exceed $250, toward defraying funeral expenses of the said William Tyler Page.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a resolution adopted by the Ellis County Agricultural Association, of Waxahachie, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that following the other special orders for today I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

REAR ADMIRAL EMORY S. LAND

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, on yesterday I received a letter from Mr. Joseph Curran, president of the National Maritime Union of America. This letter consists of a scurrilous attack on Rear Admiral Emory S. Land, whom I consider a great and patriotic American.

I ask unanimous consent to extend my remarks in the Appendix of the RECORD, Mr. Speaker, and to include therein the letter I received from Mr. Joseph Curran and my reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE GENTLEMAN FROM MARYLAND, MR. WILLIAM P. COLE, JR.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and also to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I have asked for this time in order that I might record in just a few words the high regard and respect that I have for the gentleman from Maryland [Mr. COLE], whose resignation from this House was read a few moments ago. It has been my privilege to be associated with him in the work of this House for many years. It has likewise been my privilege to be associated with him in the work of the great Committee on Interstate and Foreign Commerce, and also on the Special Petroleum Committee of which he has been chairman for upward of 8 years. As a Member of the House, and as a member of these committees to

which I have referred, the gentleman from Maryland [Mr. COLE] has rendered distinguished service. He leaves a record in this House of public service of which anyone might well be proud. I feel that I have gained personally by the opportunity that I have had to associate with Mr. COLE. He is a man of character, a man of ability, and at all times has thought only in terms of the public interest. I regret that he leaves this body. My only pleasure in his leaving is the fact that he has been elevated to a high position in the Government service as a judge of the United States Court of Customs. I wish for him, and I know his other friends in this House do, a long and pleasant service upon the bench of that court.

Mr. GOSSETT assumed the Chair as Speaker pro tempore.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I cannot let this opportunity pass, following the gracious words of the gentleman from New Jersey [Mr. WOLVERTON] with reference to our colleague, Mr. COLE of Maryland, without adding my word to what the gentleman from New Jersey has said. I join him in what I know is the universal regret that Mr. COLE is leaving this House. I have known Mr. COLE well and intimately since he became a Member of the House, having served with him on the great Committee on Interstate and Foreign Commerce, not only as a minority member, but as a majority member, and as chairman of that committee. His work upon that committee, as was said by the gentleman from New Jersey, has been outstanding. When the petroleum committee was authorized in that committee, I appointed the gentleman from Maryland as the chairman of it, and I say for him and his committee that it has been one special committee of the House of Representatives that has been authorized to proceed for each 2 years, for 6 or 8 years, dealing with a great industry, one of the greatest in the land. Neither the gentleman from Maryland [Mr. COLE] nor his committee has been criticized, however, by anybody in that great industry or out of it, because he has so conducted the affairs of that committee as to challenge the admiration and the approval of everybody who has had anything to do with the committee.

I regret his leaving. I have for him a deep and lasting personal affection. Having served in this House for nearly 30 years, with more than 1,800 men and women, I say that there never was in the House of Representatives a better Member or a finer gentleman than the gentleman from Maryland [Mr. COLE].

The Speaker resumed the chair.

The SPEAKER. Under previous order of the House, the Chair recognizes the gentleman from Pennsylvania [Mr. HOLLAND] for 35 minutes.

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix upon the subject Why Punish the Men in Uniform?

The SPEAKER. Is there objection?

There was no objection.

MOCKERY, BLASPHEMY, AND REVOLUTION

Mr. HOLLAND. Mr. Speaker, I have proven before—on at least nine counts—that the New York Daily News, the Chicago Tribune, and the Washington Times-Herald parallel the line of Nazi propaganda in their editorial policy.

This is no small matter.

This means that in our country—every day—more than 5,000,000 newspapers are spread throughout the land serving the cause of our enemies—and on Sunday an extra million copies for good measure.

This means that approximately 5 percent of the total population of these United States is being daily exposed to the virus of Fascist philosophy—to the direct assault of the enemy propaganda campaign.

No propaganda broadcasts of the Axis radio—no enemy leaflets—can reach so many Americans as do these Fascists of the native brand.

We know with what deadly effect the corrupt Parisian press poisoned and paralyzed the spirit and morale of the French.

And—when we recall that the total circulation of the most powerful members of this venal press reached less than one-half of 1 percent of the total population of France—we can clearly judge the danger with which we are faced.

I have made serious charges.

I have considered them carefully and conscientiously—for I am not a man to spread panic or to sow discord. That is the talent of the Pattersons and McCormick.

But the weight of the evidence which I gathered during the past months could not be ignored by any loyal American sworn to defend his country. And I am proud to be that kind of an American.

So, strengthened by the truth, and frankly eager for the fight that was sure to come, I spoke out in this House—and, incidentally, on the public lecture platform without "immunity"—so that the white searchlight of truth might strike the Pattersons squarely in the face.

Mr. Speaker, I must confess that I was disappointed.

The fight I expected never came.

The best Joe Patterson and his sister, Eleanor Patterson, could manage was to scream, "You're a liar—we can't be Fascists. We were born in America."

The charges have not been answered, and there is no better confirmation of so serious an accusation than the silence of the accused.

I spoke in Philadelphia on a public platform without congressional immunity. I have had no answer, legal or editorial, from the multimillionaire publishers.

Let me now recall for you the nine counts on which these papers have been found guilty so that none should lose sight of the evil with which we are faced. These statements have been made by me in previous addresses on this subject. None have been answered or denied. I quote:

1. Nowhere in the editorial columns of the Daily News since the outbreak of the war, will you find a single expression of sympathy for Hitler's victims or a trace of indignation over the crimes committed by the Nazis.

2. Through his propaganda Patterson wants us to believe that our allies are weak, cowardly, undependable, and unworthy of our support.

3. The next phase of the Hitler propaganda is based on defeatism. The argument that the war is unnecessary—that it cannot be won—that even if it is won, democracy will be lost and life won't be worth living. In following this part of the Hitler line, Patterson excels.

4. There is another trick in that technique which has been exploited by the Nazis and by their friends, agents, and dupes in this country. The trick is, to confuse and conquer. The Pattersons are creating confusion and disunity and the Axis wants us to be confused and disunited.

5. Everyone knows that the President of the United States is the chief target of the Nazi propaganda machine. Patterson shares that hatred and he, too, seeks to destroy the President.

6. The publication of information of advantage to the enemies of America by the New York Daily News, the Chicago Tribune, and the Washington Times-Herald has immeasurably helped the enemies of our country.

7. What conclusion does Patterson draw from the fact that Hitler has his hands full in Russia? Does he agree that the answer is to take advantage of Hitler's plight to attack in the west? No. His answer is that the "western war could stop." Hitler needs peace in the west now, today, and Patterson advocates just such a peace.

8. The New York Daily News and the Washington Times-Herald are recognized as the spokesmen of the Nazi viewpoint in this country by the enemies within our gates.

9. The New York Daily News, the Washington Times-Herald, and the Chicago Tribune, consciously or unconsciously under Hitler's orders or under their own steam, are working for the defeat of the United Nations and the enslavement of this country. They are doing their best to bring about a Fascist victory hoping that in that victory they will be rewarded.

These, then, are the nine counts on which the New York-Chicago-Washington newspaper axis is guilty of treachery and sedition.

I have torn from them the false mask of patriotism under which they have served the enemy, so that they now stand revealed to everyone in this country for what they are—enemies of our democracy and of our freedom.

And these enemies dare to pose as champions of democracy.

They dare to tell us that democracy in this country is dying under the hammer blows of—guess who? Hitler? No; of Dictator Franklin D. Roosevelt!

In their mouths, Mr. Speaker, the very words democracy and freedom are nothing but a hollow mockery.

Let me give you the Nazi line on the subject of American democracy. On September 8 the Berlin radio said that President Roosevelt's fireside chat—

launched the main movement of his campaign for dictatorial power in America.

And here is what the American branch of the German propaganda ministry had

to say on the same subject—and I quote from an editorial published in the New York Daily News and the Washington Times-Herald:

Maybe that is the way things are going, and maybe the process can't be stopped. We used to be pretty much of a democracy. We are becoming less of a democracy as this war goes along. It has often been said that this is a revolution as well as a war. It may be that Mr. Roosevelt is fated to lead us in the revolution as well as in the war, and that our democratic system is on its way out.

The President assured the Nation in his radio address that "when the war is won the powers under which I act will automatically revert to the people—to whom they belong." That promise had better be taken with a grain of salt, if you ask us. It is usually impossible to unscramble an omelette.

This, then, is the message which Joseph Patterson gives our boys on the way—the democracy for which you are fighting is being destroyed by the President who is not only a dictator but also a liar, whose "promise had better be taken with a grain of salt."

Patterson sees dictatorship everywhere—everywhere, that is, where there is only true loyalty and devotion to the war effort.

Speaking of Congress he says—and I quote:

Congress has become mainly a rubber-stamp outfit, with only a handful of Members in either House or Senate who have the nerve to criticize the administration adversely.

I said before, Mr. Speaker, and I say again, that the words "democracy and freedom" are nothing but a hollow mockery in the mouth of the Pattersons.

Just as the Pattersons themselves have thus far proven all of my statements, so shall they furnish the proof once more.

I have often wondered just what Patterson's real purpose was.

What considerations prompt his treasonable campaign against our country?

Is it his blind, unrelenting hatred for Roosevelt?

Is it his fear of the old bogey—the "Red Menace"?

Is it a combination of both these elements?

I believe the answer to all three questions is "Yes."

I do not believe that he wishes to deliver America to Hitler.

I believe he loves America in his own mad way.

I am certain that he believes that fascism is the great hope for the America that he and men and women like him wish to see.

I believe that he fears a Russian victory.

This is the madness of Petain and Weygand.

This is the madness that destroyed France.

But, does Patterson have a plan of his own to satisfy these insane fears? Or is he just raving without purpose?

I believe he does have a plan and a purpose, and that the plan is a military coup d'état and the purpose is a Fascist America.

Patterson revealed that plan in two editorials which he saved for his 3,000,000 Sunday edition. No doubt he was anxious to spread the poison in as many places as possible.

The first of his editorials is entitled "The Return of the Warrior," a subject with which Patterson seems to be considerably more concerned than with the winning of the war.

Let me expound its principal points for they reveal the sinister plot with which this country is threatened if these newspaper publishers have their way.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND. Not until I have finished.

Mr. RANKIN of Mississippi. I would like to have the gentleman yield at this point.

Mr. HOLLAND. I will yield at the end of my remarks.

Mr. RANKIN of Mississippi. Mr. Speaker, his time will be consumed. I want to ask the gentleman if the Post Office Department has excluded these papers from the mails and, if not, whether or not he has asked them to do so, or whether he has introduced any resolution to investigate them? He keeps making these speeches on the floor, and the Congress gets credit for them.

Mr. HOLLAND. Mr. Speaker, I have not yielded.

Mr. RANKIN of Mississippi. But I am going to make a point of no quorum.

The SPEAKER pro tempore (Mr. COLE of Maryland). The gentleman declines to yield.

Mr. RANKIN of Mississippi. If the gentleman is going to make these charges from the floor and the Congress take credit for them, he ought to start some kind of a movement to bring those people to justice—if he has any evidence to base his charges on.

Mr. HOLLAND. I will inform the gentleman that I shall start this movement in a very short time.

Mr. RANKIN of Mississippi. I am going to ask the gentleman to introduce a resolution before he starts another one of these barrages on the floor of the House and have Congress take credit for it. We do not know whether these facts are true or not.

Mr. HOLLAND. Well, if the gentleman will listen, he will find out.

Mr. RANKIN of Mississippi. Well, I have listened for some time.

Mr. HOLLAND. I do not know if the gentleman has read these editorials, even.

Mr. RANKIN of Mississippi. I have heard the gentleman's speeches ever since he has been in the House—or, rather, the statements he has read on the floor.

Mr. HOLLAND. I decline to yield further, Mr. Speaker.

Patterson foresees that—when this war is over—an army of 10,000,000 men will be coming back. What does Mr. Patterson have to say to these 10,000,000 men whom he had already advised that our democracy was dead? I quote:

We believe that these men who are going to the furnace of war for the rest of us are entitled to a reward; are, in fact, entitled to anything they can get.

Patterson leaves no doubt as to what he means: I quote further:

If we win abroad and if we resist successfully any invasion aimed at us, the same amount of real wealth that we started out with will still be within our power to control.

But—he tells us that ownership may have shifted and "control of our resources can change hands in the process."

His thesis is that the real wealth of the country—the land, the minerals, the oil—is all there for the Army to take. And he says so very clearly, I quote:

The returning army should get it, for itself, for its wives and children.

To make matters perfectly plain and perfectly seditious, the New York Daily News and the Washington Times-Herald have the brazen effrontery to print on the same page a cartoon in which a soldier is made to express the intention of the army to run the country when the war is over.

And that is Joseph Medill Patterson's love of democracy—a military dictatorship.

He tells our boys that democracy is dead at home.

He tells our boys that their President is leading a revolution against their country.

He tells our boys that if anybody is going to lead a revolution it should be they.

And that—added to all the other sins against the country committed by the Pattersons—is a record of treachery and sedition which far surpasses any other instance in our history since Benedict Arnold.

The scheme is diabolical.

The Army has no intention to destroy our democracy and to run the country.

The Army knows quite well that it is an integral part of our democracy; that it is not only the duty but the privilege of a citizen to defend his country; that it is impossible for every citizen to serve in the armed forces, but that each is allotted the job which he is best able to perform; that all of us are making sacrifices.

But peace and unity among us give Mr. Patterson sleepless nights.

Thus he seeks to incite the Army against the civilians, and the civilians, especially the men of property, against the Army.

Total war requires total effort and total sacrifice. That is a plain and simple fact beyond dispute. And total sacrifice means not only financial sacrifices on the part of the civilians, but also sacrifice of health and life.

No service of our country, civilian or military, has had proportionately as many casualties as the merchant marine.

The accidents of miners, industrial workers, and other civilian groups essential to the war effort—dead, disabled, and injured—are at present many times the casualties of the armed forces.

Yet, according to Patterson's editorial of October 11, the armed forces—and I quote:

Are entitled and should claim all reward.

And—

Whatever system they want here they will have, and those of us who don't like it will just have to bear up as best we may.

On this same day, October 11, the editorial is once more accompanied by a cartoon which illustrates its theme. We see Uncle Sam, the symbol and guardian of our democracy, conferring a badge labeled "The right to rule" upon a soldier who towers over him and who looks more like a Nazi storm trooper than one of our own boys.

You have to visualize the consequences of this scheme to understand its sinister character. For, whatever the outcome of this war, win or lose, the plan can serve the Pattersons, and all Fascists, as the road to power over this free Nation.

If we win the war, these plotters hope to set themselves up as leaders of the returning soldiers, who, they believe, should take over the country. The victory of the democracies is to end with a military dictatorship right here in our own country.

If we lose the war, Patterson's plan will still work out to the same end. For Hitler will not be able to occupy this country with his own forces the way he has occupied the small nations of Europe. He will need a Petain, a Franco, or a Neditch to do his job—a military, Fascist force to keep this country in control for the storm troopers quartered in this very city.

So, win or lose, the proposal of Patterson leads to minority military rule; in other words, fascism—dictatorship.

And that is the Mr. Patterson who dares to talk about democracy and freedom.

That is the Patterson who is unmasked as an enemy of the country, and yet he seeks the protection of the democracy he would destroy. He says:

> It is plain that the Government has it in for the freedom of the press as America has known it since the Bill of Rights was added to the Constitution.

If democracy is a hollow mockery in his mouth, then I say, Mr. Speaker, that it is a blasphemy for this man to invoke the sacred tradition of freedom of the press granted us in the Bill of Rights.

Our forefathers, who founded this great country and who wrote the Bill of Rights, never intended that article I of our Constitution should become a weapon in the hands of the enemy, a shield for a traitor, a Trojan horse to hide those who would destroy us.

We are not engaged in an academic discussion here.

What I am saying today is not a treatise on the faults and virtues of democracy. It is a vital part of a struggle whose result will be liberty or slavery, life or death.

France, too, had its traitors of the press.

Their guilt has long gone beyond the academic stage.

Journalists and Fascists like Marcel Deat, Charles Maurras, and Pierre Gaxotte are today the protagonists of a system which they helped build—a system which costs the life and liberty of hundreds of thousands of Frenchmen every day.

There are those who will say that I am treading upon dangerous ground, that Patterson must be left alone for fear of becoming involved in a dispute about freedom of the press.

I say that a dispute about freedom of the press is dangerous for Fascists and not for patriots. And I say further that I have never been afraid to tread upon dangerous grounds if my country is at stake.

I faced bullets for my country in the last war.

I will not fear words in this one.

If there is any enemy of the press today, if there is any danger to a free press, that enemy is Patterson and that danger comes from his papers.

Every patriotic, honest, and responsible newspaperman in this country was outraged by the Chicago Tribune's contemptible allegation that it is common journalistic practice to conceal the source of news by a false date line.

Every patriotic, honest, and responsible newspaperman in this country must be even more outraged by the seditious activities and black record which I have revealed.

They should be eager to purge from their midst those who would bring disaster upon the country as well as the press.

Today the press must serve the war just like any other patriotic group in the country.

In support of our fight for freedom we are all prepared to forego individual liberties which might harm the war effort as a whole.

Our young men are not free in time of war to choose their road of life. They must and they choose to defend their country.

Congress and the Government, expressing the will of the people, declared war and that is now the road of life for our young men until victory is won.

The housewife is no longer free in time of war to buy what she wants.

Congress and the Government, expressing the will of the people, have imposed rations for victory.

The farmer can no longer sell his products on an open market to the highest bidder.

Labor unions voluntarily forego the right to strike in time of war for victory.

Car owners are not free in time of war to drive as much as they want, for gasoline and rubber are needed for victory.

We all know that the reason for these restrictions is that unbounded liberty will help the enemy, will destroy the very foundation of our war effort.

This is equally true for the press as it is for the draftees, the housewife, the farmer, the labor union, or the car owner.

Should there be some who doubt that defeatist propaganda in the press is as dangerous as unrestricted driving or unrestricted purchasing, let them remember the strategy of our enemies—to divide us against ourselves, to soften us up by propaganda preparatory to attack.

The guns will be useless—unless the men behind them have the will to fight. Psychological sabotage is even more dangerous and far-reaching than industrial sabotage. History has proven that and we cannot afford to gamble that "it can't happen here."

We cherish our sacred freedom of the press. It was one of the principal vehicles in the victory of democracy over autocracy.

Our loyal press knows its true function to serve with courage and with wisdom the cause of freemen.

The loyal press—and our press is loyal—must observe the same discipline that is expected of every citizen in this country.

For it knows that a free press is a press which serves freedom, that a free press is a press which exercises full freedom of criticism, subject to only one condition, that its critcism, that its efforts shall at all times be constructive and shall at all times further the struggle for freedom against slavery.

Mr. Patterson's sheet, by the yardstick of this definition, is not a free newspaper.

When the New York Daily News, the Chicago Tribune, and the Washington Times-Herald act against the interests of our country they are serving those who would enslave mankind.

There shall be no room for the enslavers in this democracy or in this world.

Let us show our people, let us show the world that we mean business in our fight against fascism.

Mistrust will reign among our allies as long as we permit the voices of appeasement and defeat to openly state their case in the United States.

Confidence will rise among our allies and among the oppressed peoples of Europe and Asia, when they see that we have silenced the last vestige of the fatal voice of appeasement and defeat.

I call upon the press to preserve its freedom—by fighting for freedom.

I call upon this House to enforce its own decisions.

This House declared war.

It is the responsibility of this House to see to it that all sections of the country serve this war and that the war is carried through against all enemies—without and within.

We must take a stand against these psychological saboteurs.

He who is not with us is against us.

That is the spirit of war.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute without taking it out of the time of the gentleman from California, who has the next special order.

The SPEAKER pro tempore (Mr. COLE of Maryland). Has the gentleman from California any objection?

Mr. CARTER. No, Mr. Speaker, I do not object if it is not taken out of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi [Mr. RANKIN] is recognized for 1 minute.

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, for a month or more we have listened to the almost daily speeches of the gentleman from Pennsylvania [Mr.

HOLLAND] against certain individuals and certain newspapers. I have no personal interest in them. Not a newspaper he has mentioned has ever supported me. But Congress takes the responsibility to some extent at least, for what is said here on this floor. A man has no right to come here and denounce newspapers as disloyal or individuals as traitors. Such charges should be made to the Post Office Department or to the Department of Justice. If these papers are seditious, his remedy is to have them excluded from the mails. If any individuals are committing treason he should ask to have them prosecuted. But he should stop reading these prepared statements on the floor of the House, denouncing newspapers and individuals who are not here to defend themselves, and charging them with treason. As I said, if those papers are guilty of the crimes he says they are, he should have them excluded from the mails; and if those individuals are guilty of treason, as he says they are, let him go to the Department of Justice and have them prosecuted.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. I yield for a question.

Mr. HOLLAND. I will ask the gentleman from Mississippi, did we not listen to him make tirades against Ralph Ingersoll every day for weeks?

Mr. RANKIN of Mississippi. No.

Mr. HOLLAND. Now, wait a minute.

Mr. RANKIN of Mississippi. I decline to yield further. The gentleman knows that Ralph Ingersoll was drafted and went into the Army.

The gentleman from Pennsylvania has probably spoken more and said less for the time he has been in Congress than any other man I know; and I serve notice on him now that if I can prevent it he is not going to come in here and read any more prepared statements charging certain elements of the press with sedition and certain individuals with treason or disloyalty until he calls on the proper departments of the Government to prosecute them for whatever crimes he claims they have committed or to deny the use of the mails to the offending publications. If he is unwilling to do that, then he should cease making these reckless charges.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. CARTER] is recognized for 20 minutes.

Mr. CARTER. Mr. Speaker, a few weeks ago I returned to my district in California after having been away from there nearly 3 years. I was very much interested in visiting with my constituents and listening to what they had to say in regard to questions of national import; and I may say that I believe every Member of this House even though the Congress be in continuous session should visit his district occasionally. I went back there at the time of the primary election; I went particularly to see if I could get myself reelected, and I might report to this House that my mission was not altogether fruitless in that respect. When the election returns of the primary election of August 25 were finally tabulated I not only had received the Republican nomination by an overwhelming vote but also by a very substantial majority had received the Democratic endorsement; so while I shall have an opponent in the forthcoming election it will not be a Republican opponent because I have the Republican nomination; it will not be a Democratic opponent, because I have the Democratic nomination; it will be a Communist who does not live even within the confines of my district.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield.

Mr. PATRICK. As a lame duck I just want to say that I support absolutely what the gentleman has said. It is a mighty fine thing for one who wishes to remain here to run back to his district whether Congress is in session or not.

Mr. CARTER. I thank the gentleman for that statement; and I might say in passing that I have read some of the speeches the able and distinguished gentleman from Alabama [Mr. PATRICK] has made here since he became a lame duck, and I commend him for those speeches; they were very fine statements.

One of the things my people discussed with me perhaps more than any other and asked more questions about was the tremendous expenditure of money that is taking place here. Let me say in passing that my constituents are just like your constituents: They have no complaint to make for money that is spent for carrying on this war; they are for carrying on this war regardless of cost; they are for being taxed to the extreme for every dollar that is necessary for carrying on this war, but they are just as unalterably opposed to the expenditure of money that is not necessary for carrying on this war except money barely necessary for carrying on the functions of this Government. I think that was the attitude of my people that I ascertained while I was home, and I believe it is the attitude of the people of this country. I might say that I was one of the five Republicans who drafted a declaration of policy of the Republican Members of the House that was enunciated a short time ago. In regard to taxes here is what we had to say—and I had something to do with drafting this particular clause:

> We shall do all within our power to meet the demands of the people that the Government lighten the burden by insisting that nondefense spending be reduced to essentials; that activities of the Government which have lost their emergency character must be eliminated.

I subscribed to that statement then and I subscribe to it now and insist that it be adhered to. I am a member of the Committee on Appropriations. In this great committee I have endeavored as best I could to hold down appropriations. I have been successful in cutting out a good many millions of dollars but I have failed in many instances when I thought I should have succeeded. My attention was called a few days ago by an editorial in the Washington News to a matter I thought about when I was home while my constituents were imploring me to cut out unnecessary expenditures. My attention was again directed to this same subject by an editorial in the Washington News on October 19, 1942, headed: "Cheap campaigning."

I want to read just a few lines of this editorial, as follows:

> Looking through a few recent issues of the CONGRESSIONAL RECORD, the printing of which costs the taxpayers $45 a page, we have found the following material in the Appendix.

And then it lists a number of articles that have been printed in the Appendix referring to extensions of remarks by various Members. It simply happened to hit those particular Members who extended their remarks in the Appendix in those particular issues but it might apply to a good portion of the membership of this House. I think all of us from time to time have been guilty of extending our remarks in the RECORD, and I am not pleading innocence on this, but I am calling the attention of the House to it at this time and saying that in my opinion it is something that ought to be discontinued. We can save some money by discontinuing it and I do not believe it comes within the category of material that is at all necessary and essential for carrying on the war. I think the war is going to be carried on without the necessities of these extensions; and so I want to commend the Evening News for this very splendid editorial. I am with them in this fight, and propose to do what I can to remedy this situation; but I want to go a little further than that, because the editorial refers only to articles in these extensions that refer to the man's record here in the House and material he might use in a campaign. I say that the editorials, excerpts from newspapers and other matters that are extended in the RECORD interesting and instructive though it may be, should be kept out of it at the present time, because it is an unnecessary expenditure of money. The News editorial goes on to state:

> We think Congress does itself a grave injury by tolerating this old custom which enables Members to campaign for themselves their parties or their friends at public expense. It is an insult to the intelligence of the voters; it is unfair to opposing candidates who have no access to the CONGRESSIONAL RECORD and no free mailing privilege. It is an imposition on taxpayers who have been asked to bear the heaviest tax burden in our history. And it provides ammunition for those who would picture Congress as an aggregation of cheap chiselers.
>
> Most Senators and Representatives, to their credit, seldom abuse their right to place material in the RECORD. The minority who do bring discredit on Congress as a whole. A rule barring the publication of political propaganda which has nothing to do with business before the House or Senate would be a

bcon to the public and to the prestige of Congress.

This is a very splendid editorial and should be read by each and every Member of Congress. We should read it and heed it.

I do not object to any Member of the House doing all the campaigning he wants to do, but I do object to his doing it in such a manner as to lay a burden on the taxpayers of my district. I am one of the minority Members of this House, so today I am going to make an appeal to the Speaker, who represents the majority, and to the majority leadership, to see if something cannot be done toward remedying this situation.

I know that some of you may say, "Well, you can stop it yourself. Why do you not do that?" Well, I think the duty and the responsibility is on the regular leadership of this House to stop this practice; therefore, I am calling it to their attention and I am appealing to them to stop this abuse.

I have scanned the CONGRESSIONAL RECORD over a period of some days. I do not say that my figures are absolutely accurate, but, in my opinion, we are wasting about $1,000 per day in this useless nonessential expenditure. Over the course of a year that would mean quite a waste and would go far toward furnishing war material. May I say to you gentlemen here that this is an absolutely unnecessary expenditure. I have looked through some of the CONGRESSIONAL RECORDS of recent date to see what it was that was being placed in there, and I find that a great number of editorials are inserted in the RECORD. A Congressman will get up here on the floor of the House, he will laud the editorial writer and state what a fine editorial it is—and oftentimes it is a very splendid editorial—then he will have it placed in the RECORD. I suppose eventually he sends it on to that editor, the editor is convinced then that he is a great editorial writer and he is convinced further that the Congressman is a great statesman by reason of recognition of his editorial ability. And that is the way the matter goes.

I have noted in there that letters which Congressmen have written to someone have been placed in the RECORD. I have read some of these letters, they were splendidly written letters, fine letters, but why my taxpayers should pay for having that letter published in the Appendix of the CONGRESSIONAL RECORD is something that I cannot understand. So I am making this appeal to the Speaker and the leadership of the House to see if the situation cannot be remedied.

May I say that you need have no fear in cutting down these nondefense items of expenditure. The people of your district will applaud you for so doing. I want to claim a world's record in reference to that matter. Last spring I voted against an appropriation for my own district. The Bureau of Reclamation wanted to build a ten or fifteen million dollar steam plant in my district. I opposed it in the subcommittee of the Appropriations Committee. It was taken out. Mr. Ickes, Secretary of the Interior, who desires to become a great power czar, went before the Senate committee and had put in $200,000 to begin engineering studies for this steam plant.

This was to be located in a certain city in my district, the city of Antioch, Calif. That is quite an industry for a city. Ordinarily I would be out fighting for that, but I thought it was an unnecessary expenditure of money, and even on the floor of the House I fought and voted against the appropriation of $200,000 for engineering studies for a steam plant that cannot be built for many years. But notwithstanding all this, Donald Nelson, who is supposed to be conserving our resources, wrote a letter down here endorsing the proposal.

Mr. Speaker, up to that time I had some faith and some respect for Donald Nelson. This is what he wrote:

> We also believe the Antioch steam plant is an essential part of the development of the Central Valley project and therefore strongly recommend that sufficient funds should be provided at once to complete all the engineering work necessary and in preparation for the actual construction. However, we are unable to say at this time when priorities could be made available to secure the steam station equipment necessary to proceed with the construction. Under ordinary circumstances it will be a number of years.

Now, what in common sense is the use of spending $200,000 for engineering studies that probably will be out of date by the time they are needed when that money might well go into our direct war effort? May I say in this connection that some of my good friends over here on the Democratic side came to me at the time I was opposing this item and said, "I am afraid you are killing yourself politically." I told them, "If I have to kill myself politically by opposing a proposition of this kind I am ready to die right now."

Here is what actually took place. I have already told you about my successes at the polls out there. I had opposition. I had the bitterest opposition that I have ever had in a political campaign. I had more money spent against me than I have ever had spent in a political campaign. One of the arguments that my opponent used was, "This man CARTER voted against an appropriation for a steam plant in the city of Antioch. He cut out an appropriation for $15,000,000 and he even was against the $200,000 for engineering studies."

I suppose he thought that was going to annoy me somewhat. My reply to him and to the people of Antioch was, "Yes, I voted against that appropriation and I will be against it if you send me back to the next Congress. If you want a man who will vote for a steam plant in Antioch at this time or for any other unnecessary expenditure, do not vote for me. Whenever the time is opportune for the erection of that steam plant, I will be down there on the floor of the House fighting your battles, but if you ask me to do it now, it is something unreasonable and unnecessary, and something I will not support."

You may be interested to know what the election returns from the city of Antioch show. I saw the returns the other day for the first time, and I regret that I do not have them here now. I am going to pay further respect to Donald Nelson and his inconsistent attitude here one of these days, and I am going to put the election returns from Antioch in the RECORD. Suffice it to say, however, that I found from a hasty glance at the returns that I carried the city by between 6 and 7 to 1, which was not a very bad showing in view of the advertisements that were put in the paper against me there and in view of the arguments they made against me. I commend the citizens of Antioch for their patriotic and broad-minded attitude in the matter.

Not only the Washington News but the Times-Herald, the Washington Post, the Washington Star, and many other papers throughout the country have called attention from time to time to the abuse I have been speaking about here this afternoon. We are engaged in a tragic war. It will take every dollar this country can bring forth to win this war. Up to the present time we are not winning the war, and the $1,000 we are frittering away here every day may mean the balance of power.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from a pioneer woman, a representative citizen of our State, discussing the effects of the draft on the welfare of the American people.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order, the gentleman from Mississippi [Mr. MCGEHEE] is recognized for 30 minutes.

Mr. MCGEHEE. Mr. Speaker, Hitler, Mussolini, and Hirohito have arrayed themselves against the peaceful and liberty-loving people of the world. If those monsters are to be stopped and their designs thwarted, the one country that is going to be the factor in doing so is this great Republic of ours. The ultimate outcome of the conflict that is being waged on every continent today is going to depend on what we do in the future. There is no person who lives under the protectorate of the flag of the red, white, and blue who is not aware that the Congress and the leadership, in certain phases of our preparation and effort, have done everything possible in the making of that preparation for final victory.

The Congress has authorized and appropriated during the last 2 years around $220,000,000,000. When this sum is finally expended, it will mean that our national debt will be 70 percent of our entire national assets. And yet, no doubt, many more billions will be appropriated before the victory is won.

Our people generally have responded in a most united way, in fact, have given every encouragement to its representatives to do so. The Congress has delegated to the Commander in Chief practically every power given it under the

Constitution, doing this with a view of placing in the hands of our Commander in Chief every authority possible for quick action and to hasten the ultimate victory.

But the appropriation of money and the giving of power to our Commander in Chief are not the controlling factors in the winning of a war, and especially is this so in the winning of the conflict that is waging today. There must be a unity of the people and a confidence in the war machine set up.

We are faced with a foe that has made the greatest preparation of any nation prior to the conflict in the history of the world. Before striking, each of our foes not only had every mechanism necessary, but their manpower was trained, which was untrue of the nations and people whom they would conquer. The democratic nations were attacked without notice or warning and were without preparation to meet their foes on an equal basis. Hence, much must be done by our Nation and Allies to finally overcome our foes.

It is my intention to call the attention of the Congress and our Administration to some things that are existing today that are causing a lack of unity and confidence by the people. The wishes of certain minority groups are being forced on the majority groups and these minorities are being petted and pampered by the administration to the extent if this situation is not corrected, I am making the prediction it will prolong this war and cost the lives of literally thousands and thousands of the flower of the young manhood of our country.

As I meet and contact here in Washington people from every section of the country and as I travel over the different States, I find there is a spirit of unrest, a spirit of lack of confidence in many instances and a spirit of class hatred growing, which if not eliminated and a unity of thought prevails in the mind of every human being, the Omnipotent One only knows what will be the ultimate outcome in the now raging conflict. Only the Omnipotent One knows what the future has in store for this the greatest Nation of people who have built the greatest civilization that has been revealed from past history.

There are numerous strikes every week affecting our war production. Very little is said in the papers about them and the public is not as aware as heretofore because of the censored news. During the month of June at different times there were 80,722 men on strike, causing a loss of 254,000 man-days in our defense plants. During the month of July there were a number of strikes involving 84,775 men, causing a loss of 233,614 man-days. For the week ending August 22, there were 22,000 men on strike, causing a loss of 50,230 man-days. For the week ending August 29, there were 17,730 men on strike, causing a loss of 31,628 man-days. For the week ending September 5 there were 14,530 men on strike, causing a loss of 36,100 man-days. For the week ending September 19 there were 7,007 men on strike, causing a loss of 24,706 man-days. For the week ending September 26, there were 6,555 men on strike, causing a loss of 18,674 man-days. And, 2 weeks ago, or the week ending October 10, there were 22,879 men on strike, causing a loss of 48,280 man-days.

I am just calling attention of the Congress to these strikes and the number of man-days lost, that I have picked up at random. The man-days lost in the weeks that I have enumerated amount to around three-quarters of a million man-days. Think, membership, what could have been produced for those boys of ours who are stationed in practically every land on the globe fighting democracy's battle—think, how many ships could have been built, how many destroyers and cruisers replaced in this time. Yet, I am not giving you the number of man-days lost since the Pearl Harbor attack, but should that be revealed to you, I am sure you would be so astounded that some of the membership in the other branch would go in the nursery room and wake up the baby that has been sleeping peacefully for many months.

The general run of labor is not responsible for this. As I have heretofore stated, 95 percent of the laboring people are our most patriotic citizenship. They realize the calamity that is facing us unless we can give to our sons the weapons and equipment to fight the battle for the preservation of our freedom. It is the racketeering leadership that is causing this untold loss and thwarting our offensive program. Yet, this Congress and the administration has catered to this racketeering leadership for the past several years to the extent that today they are monsters at the throats of decent American citizens.

There has infiltrated into labor organizations many who have assumed leadership, whose past records as revealed to us by the Dies committee were of the underworld racketeers, with scores of crimes recorded against them. They have found that this form of crime is legalized by the interpretations of the acts of Congress, by those who administer the laws and the newly appointed Court.

This very same crowd is being backed by those who have been placed in the labor departments of our Government and court decisions, to the extent the general public is dissatisfied and it is causing that lack of unity of purpose by our citizenship that should not exist. But this can be remedied if our administration desires to do it. No man on this floor can see any reason for it, except that, in the opinion of many, this racketeering leadership holds the whip hand with the threatening power of the ballot and it is political expediency for them to be petted and taken into the folds of this administration.

There is another problem that is confronting our people that is causing disunity, not only in the South but in every section where the two races—the Negro and the white—reside. Social equality is being enforced by the administration in every public building and office that it has any control of, even to the extent that private enterprise is forced, if they utilize their resources, manufacturing plants, or even offices in the aiding of their country in this desperate hour in its offensive program to eventually lick the Axis Powers, to take in the Negro race regardless of competency or ability to help carry on the program.

The custom of separate eating places in the Government buildings has been abolished and the Negroes have been placed with the whites, not only in these, but in the rest rooms and every other facility for Government employees. And, the stories are coming of white employees who are threatened with dismissal from their positions and are discharged unless they mingle with the Negroes on an equal social basis. Some who are in a position to force their will on the people are trying to foster Negro dances in the hotels. Many delegations are coming from the different communities contacting certain governmental departments, asking relief from conditions being forced on them by reason of the orders from these departments placing the two races in governmental work on a social-equality basis. Today the Pullmans and diners of the trains are being filled with the two races. The question of social equality alone, if the administration does not correct it, is going to cause more trouble and bloodshed than was spilled during the Civil War. The Negro race has not reached that stage of life that they can appreciate the falling of the manna from heaven. Certain classes of them are becoming arrogant, so much so until they are beginning to cause trouble throughout the land.

I want to say that I was born and reared on a farm with the Negro and I have known them and their peculiarities and character since childhood. I have worked hundreds on my farms and in other capacities and never had any trouble. In fact, we of the South who know our good southern Negroes respect and admire them, not only this, but love those whom we have been closely associated with. Even our northern brethren are asking and wondering what is going to eventually happen—how are they going to control the Negro.

I want to again say this is one of the most serious problems confronting us. The good Negroes do not want this situation and the good white people are not going to have it. And, I want to say to the administration and those who are fostering this condition, wake up before it is too late. The Negro race had its place in World War No. 1, why can it not be handled in the same way?

There is another matter causing unrest among our people, and they are wondering what it is all about. I am sure that in the near future conditions are going to require the rationing of practically every commodity. But there is a lack of confidence in many who hold key positions in our Government because of their lack of knowledge, practical experience, and background, and because of their past beliefs and past teachings; some whose ideologies are un-American and many whose background are one of failure. Some have been successful, but

apparently are looking to the future protection of themselves and their business and former connections. This class evidently takes the winning of the war as a foregone conclusion.

Of the rationing of sugar, our Vice President said, "There is little likelihood of a day without sugar during this war." He was formerly Secretary of Agriculture; and our now Secretary of Agriculture said, "There just won't be enough sugar." Another high official of the Department of Agriculture said, "There is no reason why there should be any rationing here." A Member of Congress from a sugar-beet section said, "This country is literally lousy with sugar." Some of the metropolitan press said, "Bulging storage bins, yet sugar rationing stays." Yet our would-be dictator, Henderson, said, "We must ration sugar," and it was rationed. Such conflicting statements by Government higher-ups. Do you wonder why the people wonder?

The rationing of gas, the O. P. A. Administrator of bicycle renown said, "Gas shortage is a dispute between two great industries." The O. P. A. says 4 gallons a week limit; yet the Secretary of the Interior and Oil Coordinator said, "Fifty gallons a month"; and later on said, "Tighter curb on gas likely." Then our O. P. A. Administrator said, "They are getting a damned sight more than they are entitled to." Of course, if we were all as adept at riding a bicycle and had the propelling power of riding without peddling we would not need gas at all.

The Eastern States Gasoline Dealers' Association says:

> Gasoline rationing is a deliberate and planned freeze-out of the small business man.

I want to say the small business man has been practically frozen out, and will be within the next 12 months, and we can write the obituary of this class of our people.

The special committee of the Congress that visited the President 2 or 3 months ago said "we believe gas rationing as a means of conserving rubber is now unwarranted." W. P. B. Director Nelson said "no synthetic rubber available for civilian use this year or the next." Yet, many experienced rubber men tell us there is sufficient rubber with the proper conservation program that is being carried on now, to keep this country on wheels. Many of the membership of this House know of the test that has been given openly and behind closed doors, relative to the production of synthetic rubber and, according to the statements of these experts, which if true, the cost to test this method would be nominal in comparison with what we are spending for the major rubber and oil companies to produce from oil.

In my opinion, if the major rubber and oil companies would forget their interest when the war is over and their desire to keep down competition from their products and join in a program of helping this country stay on wheels, there could be enough synthetic rubber produced in the next 12 months to keep our transportationtion system in gear.

Mr. Speaker, why was not Russia's proposition accepted nearly 10 months ago and the method by which they produce rubber adopted in this country? Certainly this can be charged to "the powers that be" who are evidently trying to protect themselves.

Do you wonder why the people wonder?

Let me call the attention of the Congress and the administration to another vital phase of our activities being carried on which can be corrected, and I am saying to you in the event corrective measures are not taken at once and the farmers of this country protected and aided in some way, our entire people and Army will be hungry in less than 24 months. It is going to be impossible to produce food for them. The farms have been depleted of young men by the draft, the defense plants and government work, and especially the latter two because of the payment of high wages, even paying common labor from $6 to $10 a day. This has attracted farm labor to the extent it is impossible for the farmers to secure labor to plant or harvest their crops and even if they could secure it, they could not, with farm prices at the present levels and frozen, pay a wage of even 33 percent of that received by common labor in our defense work.

Every man on this floor who represents an agricultural section will tell you that literally thousands of those who are engaged in cattle raising are selling their entire herds and quitting for the duration. Those from the Wheat Belt will tell you their people are unable to pay the price for farm labor to produce a normal yield and are curtailing their acreage. From the dairying section thousands of the dairymen are selling their herds for beef cattle because they are unable to continue to operate. In my State, in one county near an Army camp, 5 out of 12 dairymen have sold their cattle on the open market and ceased operations, and 2 others contemplate doing so before January 1. That is true in every section, and unless this situation is remedied, we can certainly visualize what will happen in the near future.

Do you wonder why the people wonder?

May I further call attention of the Congress to the fact there is a lack of confidence by the people in many men holding key positions, not only in our regular constituted form of government, but in the newly set up organizations in our defense program. There are one or two Cabinet members, if a poll were held of the people as to their confidence in their ability to perform the duties that devolve upon them by virtue of their positions, those favorable could be counted almost in a twinkling of the eye. I need not mention names to the Congress, because the entire membership of both branches are well aware of them.

There is a lack of confidence by the people in the Labor Board as set up by the War Production Board, and, of course, the people had no respect or regard for the N. L. R. B. and 75 percent of the set-up in the Labor Department. All of whom have in the past and today placed themselves in the position that they are mere puppets dancing to the music of the bandmaster of the labor racketeers, having done so to the extent they have upset our entire economic structure. And, mark my word, membership, there must be an overhauling and cleaning out of this entire set-up or otherwise this country will not be able to produce or do the things necessary to carry on.

Do you wonder why the people wonder?

The people have no confidence in Leon Henderson, who parades in the robes of white, emblematic of purity, yet in his early days as an economic instructor of Carnegie Institute, he led his class to a "red" meeting to hear one of America's most revolutionary leaders, Eugene Debs. He became at one time one of the greatest advocates of the technocracy cult and in more recent times, he was president of the Washington Friends of Spanish Demrocracy and entertained in his home a "red" delegation to the Washington conference of the Communist American League for Peace and Democracy. This social event would have passed unnoticed but for the fact that Henderson had a clash with a newspaper reported and photographer.

Prior to the attack on Russia by Hitler, Stalin and Hitler were like two love birds cooing at each other and, when very few other persons attended the social functions at the Soviet Embassy, Henderson was one of the few officials that did.

Let us take a few men Henderson has surrounded himself with if you want the character of the man who is administering an act affecting every man, woman, and child in this Nation.

He had Robert A. Brady appointed as one of his assistants and officially known as Chief Consultant of the Office of Price Administration and Civilian Supply. Brady is known throughout the country as a fellow traveler and chairman of the Communist Front Consumers' Union, sponsor of the Communist spawned Motion Picture Artists' Committee, a signer of the 1939 Communist manifesto vowing fealty to the Soviet regime, and a member of the Harry Bridges defense committee. Brady is author of the book the Spirit and Structure of German Fascism. This book contains an attack on American democracy—an overthrow of the American way of life.

Henderson has surrounded himself with another in the person of Tom Tippett, the author of When Southern Labor Stirs, signed a copy of the Communist trade-union conference manifesto in concert with William Z. Foster, chairman of the Communist Party of the United States, and Earl Browder, an exconvict and at one time general secretary of the Communist Party in this country. Tippett at one time was instructor at Brookwood Labor College. He is known officially as Chief of the Rent Section of the O. P. A.

Henderson has further surrounded himself with one Dewey H. Palmer, who is officially listed as an assistant consultant. The background of this man was given Congress by the Dies committee some months ago.

He has further surrounded himself with one Karl Borders, as Director of the Rent Division, a "red" agitator and whose record is familiar to the police of some of our cities. Borders was formerly chairman of the executive board of the Chicago committee of the American

Civil Liberties Union, which union is a supporter of all subversive movements—its propaganda is detrimental to the state. A recent legislative inquiry in Massachusetts reported "The propaganda of this organization is dictated and dominated by Communist and Communist supporters." This man Borders served as educational director in Russia for the Communists for 2 years.

Henderson has surrounded himself with another by the name of John Edelman, who is liaison man between the O. P. A. and C. I. O., a member of the Civil Liberties Union, and on the board of directors of the Affiliated School for Workers, which a New York Federal Grand Jury Association found was teaching "how to foment a strike; how to take over the industries of the United States, especially the munitions plants; how to bring about a general strike and then seize and operate the plants; how to overthrow the United States Government and establish a soviet union."

But the master of masters, the deity of deities, is Henderson's senior business specialist, Harold Loeb. I need not again recall to the Congress his background, because it is familiar to practically every man on this floor.

Do you wonder why the people wonder?

Mr. Speaker, I do not want to take too much time in calling attention to the names of too many of those who are holding key positions in our Government, especially in our defense program whose ideologies are so un-American, but I must mention Brother Fowler V. Harper, Deputy Commissioner of Paul V. McNutt's Manpower Mobilization Commission, a member of the American Lawyer's Guild, which was too communistic for even Adolph A. Berle, Jr., to remain in. Of course, we know of some prominent people who are still members. It was Harper who signed the petition to President Roosevelt urging that there be no discrimination against the Communist Party. It was Harper who presided at the left-wing Tuesday Evening Club of Indianapolis at which Theodore Dreiser asserted that Soviet Russia has the only real democracy.

Jack Lever, principal field representative of the Labor Division of the War Production Board, was associated with Tippett on the national executive committee of the revolutionary Conference for Progressive Action.

Gardner Jackson, special assistant to the Undersecretary of Agriculture Paul Appleby. Jackson was kicked out of the Department of Agriculture at one time in the early days of new dealism, but is back. The Dies committee reported that he has one of the longest records of activities in communistic organizations of any man in this country.

The Dies committee charges that at least 50 officials of the O. P. A. have Communist-front affiliation and say they have the data to back up these statements.

Do you wonder why the people wonder?

Recently there was called to my attention a memorandum issued by the War Activities Committee of the O. P. A., room 4, Temporary Building D, to all employees of the O. P. A., with the following statement in it:

> Segregation of white and Negro blood has been condemned by the Committee in a recent letter to the Red Cross. We feel that such segregation is unscientific and a rejection of the democratic ideals for which we are fighting. In addition, many potential donors have failed to contribute because of the practice. Other groups and individuals have made similar protests and we are hopeful that segregation will be abolished in the near future.

If the O. P. A. is infiltrated with minor employees, whose sincere beliefs are as expressed in this memorandum, it is time for the Congress and administration to wake up, clean house, and place this important division in the hands of real honest-to-God patriotic American citizens. I am of the opinion that this idea of nonsegregation of Negro and white blood was forced in this memorandum by some of the higher-ups of this organization.

Do you wonder why the people wonder?

I could call the Congress' attention to many others, but lack of time forbids it.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 10 minutes.

CENSORSHIP

Mrs. ROGERS of Massachusets. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an address delivered by Mr. Byron Price, the talented and extremely able Director of Censorship, on October 5, at New Brunswick, N. J., in connection with newspaper week.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusets. Mr. Speaker, Mr. Byron Price, with his wide experience and contacts, has done a very excellent piece of work as the Director of Censorship. The Navy Department, working with Mr. Price, has done a very capable job of cable censorship under Captain Fenn, who is an expert and most highly trained man in that specialized work. Millions of dollars have been saved to the Government and to business because of that censorship. The Office of Censorship has paid for itself many times already. Everyone must agree that the members of the press have been remarkable in their unselfish and self-imposed censorship. It was suggested, I am sure, by Mr. Price, but it has been an entirely voluntary thing by the press. We still have a free press in America. Those who are in the newspaper world know at what sacrifice that voluntary censorship has been bought, because a newspaper man, editor or writer, loves a scoop, and certainly we have never had a more dramatic time in our history or in the history of the world, a time when there was more drama and tragedy to put in scoops. However, I believe there has not been a single leak. The newspapers have imposed this voluntary censorship upon themselves with entire success.

We know that thousands upon thousands of troops have gone across the seas and that not a word has been published in any newspaper about it, although thousands of people on the docks saw those soldiers and nurses off. Yet the newspapers carried nothing of their sailing, and those men and women reached their destinations safely.

We cannot thank Mr. Price, the Navy, the Army, and the press enough for that voluntary censorship.

If some of the Government departments here in Washington, some of those who are conducting the war, had used and were using the same degree of unselfishness and cooperation that the press is using voluntarily, I believe our conduct of the war would be much further advanced.

I am going to quote one paragraph from the speech of Mr. Price, which speaks of the fact that if the press can have such a voluntary censorship, why cannot the civilians?

> Is it too much to ask that newspaper readers and radio listeners do as well? If the professional news distributors can keep the faith, why can't the amateurs? When the individual American sees or hears about a transfer of troops or a detail of war production or the departure of a ship or the training of our men in a new method of warfare, why should he hasten to bear the tale to those who are not likely to profit by the information, unless perchance they happen to be agents of the enemy? For the enemy can understand the spoken word as well as the printed word, and he is always listening.
>
> No good American, wondering why certain news does not appear in his newspaper, will fill the gap by loose and self-important talk.

Since reading this speech, Mr. Speaker, it has occurred to me that it would be wise as Members of Congress before delivering a speech about movement of airplanes, for instance, to consult those in authority to see if perchance that information would aid the enemy.

Cases were brought to my attention where it was thought that great damage had been caused by unwitting speeches and I am resolved in my speeches to exercise great care, and I am sure the Members of the House will be only too glad to do likewise. I have certain information in my possession that I will be very glad to talk over, off the record, with some of the Members at any time they may care to discuss it. Once more I want to thank Mr. Price, the Navy, the Army, and the press for what they are doing for us in winning the war today.

The address delivered by Mr. Price follows:

> Newspaper Week of 1942 will scarcely be remembered as a week of jubilee. Over every printing press in the land hover the perils and uncertainties of evil days.
>
> Every operation involved in the making of newspapers, from the procurement of newsprint to home delivery to subscribers, has felt the touch of war. The worries of the business office have their parallel in the problems of the news room, for it is not always easy to decide what should be published and what withheld in the interest of national security.
>
> Even the editorial sanctum itself is pervaded by a sense of perplexity and frustration. We belong to a generation which has made a tragic failure of world affairs; and

American newspapers, insofar as they have been instrumental in shaping public opinion, must take their share of the blame.

Altogether, it is not a time to point with pride or speak boastfully of the future. It is a time for work and for sacrifice; for self-discipline and self-examination.

It is a time to serve. We may be thankful that the American press remains strong enough to serve valiantly and to good purpose, having suffered neither the crushing oppression of despotism on the one hand nor first-hand exposure to enemy bombs on the other.

It is a time to reaffirm ancient faiths, and to ponder the future. In good time victory will come; what will be said in future and happier newspaper weeks about the spirit of the American press in Newspaper Week of 1942? I think even the most critical historian will have to conclude that in these fateful times the newspapers as a class kept the faith, and did their part.

The problems of our public morale would be beyond solution in this free country but for the daily services of newspapers. To them the public attention turns more critically and more prayerfully in days like these—for all of the publishable facts, for what we can believe that we can pin our faith to, for the last bulletin to put a spur to our personal vigilance in time of war. Today the reader is not likely to pursue a leisurely and uninterrupted course through his paper; more often he picks it up hurriedly and concentrates on the far-off date lines where battles are raging to determine the future of his own existence; or on the paramount story of the preparations for our battles, date lined Washington; or on the words of one of the great leaders of our cause carrying tidings to every reader of the greatest import to himself.

There is no listlessness in newspapering itself. News correspondents are breaking trails through jungles. They are crouching under the attack of dive bombers and torpedo planes on the decks of great naval ships. They are being taken prisoner, they are being wounded and killed in the combats they report, in order that we may have the news. There has never been a challenge to the ingenuity of newspapers such as this total war, and there may never be again. And let it be said to the magnificent credit of the press, the radio, the fighting forces, and the American people that the news, in its stupendous forms, is coming forth. A story of global war, fantastic and hardly believable, is being written for history in the 24-hour operations of American newsgatherers. If you do not believe the job is being done more effectively and imaginatively than in any previous war, just turn to the files of your newspaper's coverage of the first World War, and see the difference.

It is an awful responsibility that lies on our press today. To understand its significance you do not have to imagine a Jules Verne miracle which would magically remove the newspaper tomorrow from the American war effort; you need only look at what has become of newspapers in the lands of the tyrants. If there is a doom that is approaching those unhappy nations, somewhere in the chronology of its pathway will be found the surrender and strangulation of the press.

We do these things differently here. Instead of a bureaucratic edict, smothering both fact and editorial opinion, we have a mutual understanding between the Government and the press and radio, dealing in no wise with opinion but designed solely to keep information from the enemy. This is done in the common interest of our Government, our armed forces, publishers, and broadcasters, and the public itself.

Newspaper Week might well be a time for a candid public discussion of the operations of this voluntary censorship. Many American citizens have failed to realize the extent to which the agencies of publicity are cooperating, and many others have no conception how effectively they themselves, as individuals, can join in the same endeavor.

It is no secret now that hundreds of thousands of American troops have been sent safely overseas. It is no secret that hundreds of thousands more will follow. For the most part our transports, bearing not only their precious human cargo but this Nation's hope and promise of survival, depart under the eyes of thousands of Americans. This is news of tremendous importance; yet nothing about it has appeared in any newspaper. Nor has there been one word of publicity touching many other topics fraught with similar import to our national destiny.

Of special merit has been the recent cooperation of press and radio in safeguarding the President of the United States during his trip to war plants and military camps. It is elementary that the advertising of his travels under wartime conditions, until after his return, would have involved serious dangers. This is precisely the sort of information which the enemy likes to broadcast to his secret agents. It is worthy of note that when Prime Minister Churchill recently visited Russia and the Near East, the hazards of his trip were increased immeasurably because his route was eagerly reported day by day by the Berlin radio. But nothing of the kind happened in the case of the trip of the President.

I am sure the public will applaud overwhelmingly what their newspapers did in this instance. Yet I wonder how many readers ever stop to consider that this process of thinking first of the welfare of the country goes on every day, every hour, throughout the newspaper plants of the country. And I wonder how many realize what a sacrifice it entails on the part of those whose business and livelihood it is to purvey news.

Hot with the enthusiasm of a new day, a new edition, a new and startling collection of bulletins and narratives telling of things that have never happened before and may never happen on such a scale again, what editor does not experience a certain sense of frustration as he turns wearily to the repressive requests of the Government and consigns his scoop to the wastebasket?

Enthusiasm always has been the spur of newspaper enterprise, and restrictions depress enthusiasm, often to the point of extinction. Yet the newspapers must not betray our fellow citizens in arms. It is part of the voluntary bargain, and the bargain must be kept.

Is it too much to ask that newspaper readers and radio listeners do as well? If the professional news distributors can keep the faith, why can't the amateurs? When the individual American sees or hears about a transfer of troops, or a detail of war production, or the departure of a ship, or the training of our men in a new method of warfare, why should he hasten to bear the tale to those who are not likely to profit by the information—unless perchance they happen to be agents of the enemy? For the enemy can understand the spoken word as well as the printed word, and he is always listening.

No good American, wondering why certain news does not appear in his newspaper, will fill the gap by loose and self-important talk.

This would be a Newspaper Week long remembered in honor and rich in accomplishment if every American should here and now resolve that he will do as well as his newspaper is doing in keeping information from the enemy.

ENROLLED BILL SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7455. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder.

ADJOURNMENT

Mr. BROWN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Monday, October 26, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1979. Under clause 2 of rule XXIV, a letter from the Attorney General, transmitting a draft of a proposed bill to authorize the deportation of aliens to countries allied with the United States, was taken from the Speaker's table and referred to the Committee on Immigration and Naturalization.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANHAM: Committee on Patents. S. 2794. An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes, with amendment (Rept. No. 2602). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATTON: Committee on Accounts. House Resolution 563. Resolution granting a gratuity to the sons and daughters of William Tyler Page; without amendment (Rept. No. 2603). Ordered to be printed.

Mr. CUNNINGHAM: Committee on the Territories. H. R. 5262. A bill to provide for conveyance of lands to the town of Cordova, Alaska; with amendment (Rept. No. 2613). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROCKEFELLER: Committee on the Territories. H. R. 7380. A bill to authorize increases in wages for certain employees of The Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive, with amendment (Rept. No. 2614). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MEYER of Maryland: Committee on Claims. S. 2292. An act for the relief of Vernon E. Deus; with amendment (Rept. No. 2604). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 4898. A bill for the relief of Bothilda Stender; with amendment (Rept. No. 2605). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 5157. A bill to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba; with amendment (Rept. No. 2606). Referred to the Committee of the Whole House.

Mr. RUSSELL: Committee on Claims. H. R. 6095. A bill for the relief of H. L. Smith,

husband of Mrs. H. L. Smith, deceased, and Marguerite Smith and H. L. Smith, Jr., minor children of the aforesaid Mrs. H. L. Smith, deceased; with amendment (Rept. No. 2607). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 6409. A bill for the relief of J. A. Fowler and the estate of Ola Fowler; with amendment (Rept. No. 2608). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 6653. A bill for the relief of William R. Ivey; with amendment (Rept. No. 2609). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6695. A bill for the relief of Mrs. Esther Mann; with amendment (Rept. No. 2610). Referred to the Committee of the Whole House.

Mr. RUSSELL: Committee on Claims. H. R. 7167. A bill for the relief of Elmore Lee Lane; with amendment (Rept. No. 2611). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 7168. A bill for the relief of Grover C. Wedgwood; with an amendment (Rept. No. 2612). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TOLAN:

H. R. 7742. A bill to establish an Office of War Mobilization, and for other purposes; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 7743. A bill to suspend until the termination of the present war the provisions of section 7 of the act of August 23, 1912, as amended, relating to certain telephone services; to the Committee on Military Affairs.

By Mr. GEHRMANN:

H. Res. 564. Resolution to investigate alleged discrimination against cooperatives and others by major broadcasting companies in the sale of radio time; to the Committee on Rules.

SENATE

FRIDAY, OCTOBER 23, 1942

(Legislative day of Thursday, October 15, 1942)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, new every morning is the love our waking and uprising prove. Again we turn unfilled to Thee. Take Thou the dimness of our souls away.

Facing the duties of the new day, we would first search our own souls. May Thy holy powers of renewal be felt in every heart, and may all that is withered and blighted in us be morally and spiritually restored. May our guilt be lost in the unfathomable sea of Thy everlasting mercy. May weights of despair be changed to wings of a new hope. May disappointments be changed into radiant expectations. May any bitterness or selfishness lurking in our hearts be transmuted into a love that thinketh no evil and seeketh not her own. Scorning expediency and cowardly compromise, may we be true to all truth the world denies, not tongue-tied by its gilded lies; not always right in all men's lives, but faithful to the light within.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the Journal of the proceedings of the calendar day Thursday, October 22, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on October 20, 1942, the President had approved and signed the act (S. 2775) to amend the act of March 5, 1942, relating to the planting of guayule and other rubber-bearing plants.

THE LATE JESSE P. METCALF, OF RHODE ISLAND

Mr. GREEN. Mr. President, the Senate's time has lately been so taken up with war legislation that many other matters have been and are being postponed. However, I feel that I should not delay longer announcing formally to the Senate the death of former United States Senator Jesse H. Metcalf, of Rhode Island, who died in his home city of Providence on last October 9 He was a Republican Senator from 1924 to 1937.

In his death Rhode Island lost one of its most distinguished and public-spirited citizens, and lasting monuments to his public spirit stand in the form of buildings which he gave to Brown University, Rhode Island School of Design, Rhode Island Hospital, and other institutions in the State. He gave not only of his money, he gave also—and this is more important—of his time and thought to the service of the public, by serving as officer, trustee, director, and on committees of various educational and charitable institutions, and by holding public office.

In 1907 he was a member of the Rhode Island General Assembly. From 1924 to 1937 he represented Rhode Island in this august body as a Republican. In both legislative bodies he showed reluctance to speaking, although his occasional addresses were listened to with respectful attention. He was, however, always ready to do his share of the committee work on the various important committees to which he was appointed.

While here he formed many friendships which lasted after his term of service ended, and he is I know mourned by many of his old associates here. They and his large circle of personal friends elsewhere will miss in him a cheery, generous, and considerate companion. The State of Rhode Island will miss in him a patriotic, public-spirited citizen and generous benefactor.

PETITIONS

Petitions, etc., were presented and referred as indicated:

By Mr. TYDINGS:

Petitions of sundry citizens of the State of Maryland, praying for the enactment of the so-called anti-poll-tax bill; to the Committee on the Judiciary.

A petition of sundry citizens of Street, Md., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITIONS

Mr. DAVIS. Mr. President, at the request of a number of very prominent citizens of Pennsylvania, and a delegation headed by Elizabeth A. Smart and consisting of citizens from Philadelphia, Pittsburgh, and other cities in the State of Pennsylvania, I present petitions signed by about 5,000 persons, praying for the enactment of Senate bill 860, for the moral and physical welfare of the armed forces of the United States. I ask that the heading of one of the petitions be printed in the RECORD and that the petitions be returned to me.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The body of one of the petitions is as follows:

Senator JAMES J. DAVIS,
Washington, D. C.:

We, the undersigned citizens of Pennsylvania, request the passage of bill S. 860, knowing that all previous wars have lost battles because of liquor. We want the men and boys in the service of our country to be sober and at their best at all times. The soldiers in the German Army are prohibited to use any alcoholic beverages. Our Army and other branches of the service must be better and stronger than the enemy if we expect to win in this great fight.

REDUCTION OF DRAFT-AGE LIMIT—LETTER AND PETITION

Mr. MALONEY. Mr. President, I present for appropriate reference and ask to have printed in the RECORD a letter and a petition which I have received from citizens of Connecticut referring to the pending legislation.

There being no objection, the letter and petition were ordered to lie on the table and to be printed in the RECORD without all the signatures attached, as follows:

MERIDEN, CONN., *October 20, 1942.*

Hon. FRANCIS MALONEY,
Senate Office Building,
Washington, D. C.

DEAR SIR: The attached photostats are self-explanator.

They represent the opinion of the average citizen of voting age. A check of the signers will reveal that in the great majority of cases personal families and political parties are not involved. In one case the signer is now ready for induction into the Army. In another case the signer's son is a flying officer in the Army air service. Many of them have sons or brothers in the service.

The few hours of work and limited time that was expended in the preparation of this petition establishes the fact that at least 80 percent of the people are in accord with the thoughts expressed.

Thanking you for your consideration of the statements contained in the petition and hoping that the Senate, which the American citizen recognizes to be the guardian of true democracy will hear the voice of the

people as well as that of the Secretary of War and General Marshall, we are,

Yours very truly,

M. E. ALDRICH

(And sundry other citizens of the State of Connecticut).

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1. We the undersigned, citizens of the United States, are opposed to and condemn the principle of rushing important legislation through the Congress without permitting the American public to voice their opinion.

2. We are opposed to the drafting of boys of 18 or 19 for any other purpose except as National Guard men, Army, Navy, or aviation reservists. Such guardsmen or reservists to remain in the United States until they have attained a minimum age of 20 years.

3. We are opposed to sending any boy into foreign service until he has received one full year of military training.

4. We are opposed to any measure that does not permit any boy, prior to the time that his draft number is called, to enlist in any branch of the service.

REPORT OF A COMMITTEE

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7330) to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico, reported it without amendment and submitted a report (No. 1658) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on October 22, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 1468. An act to authorize the Secretary of the Navy to establish a fuel depot at Middle and Orchard Points, Wash.;

S. 2327. An act to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard;

S. 2369. An act for the acquisition of Indian lands required in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California;

S. 2381. An act to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy;

S. 2471. An act to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act;

S. 2555. An act to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments;

S. 2623. An act authorizing the construction of certain public works in the basin of the Connecticut River for flood control;

S. 2706. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 676), and "Title IV of the Naval Appropriation Act for the fiscal year 1941," approved September 9, 1940 (54 Stat. 883); and

S. 2751. An act to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2872. A bill to suspend until the termination of the present war the provisions of section 7 of the act of August 23, 1912, as amended, relating to certain telephone services; to the Committee on Naval Affairs.

By Mr. CLARK of Missouri:

S. 2873. A bill granting the Distinguished Service Cross to Basil R. Otey; to the Committee on Military Affairs.

By Mr. CLARK of Idaho:

S. 2874. A bill to prohibit certain contracts, agreements, conspiracies, and combinations which prevent the making of recordations for use by radio broadcasting stations and coin-operated phonographs; to the Committee on Interstate Commerce

By Mr. SHIPSTEAD:

S. 2875. A bill to provide priorities for certain material and equipment necessary to the continued production of agricultural products; to the Committee on Military Affairs.

REDUCTION OF DRAFT-AGE LIMIT—AMENDMENT

Mr. O'DANIEL submitted an amendment intended to be proposed by him to the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, which was ordered to lie on the table and to be printed.

ALLEGED ASSESSMENT OF POSTMASTERS IN NORTH DAKOTA FOR POLITICAL PURPOSES

Mr. LANGER. Mr. President, a few days ago I produced on the floor of the Senate checks paid by the postmaster at La Moure, N. Dak. I now submit the following resolution:

Whereas concrete evidence has been presented to the Senate of the United States that postmasters, on threat of losing their positions, have been compelled to pay systematic tribute to a group of politicians in the State of North Dakota; and

Whereas taking of this money has been alleged to be in violation of law continually for the last 6 years: Therefore be it

Resolved, That the Committee on Post Offices and Post Roads or any duly authorized subcommittee thereof is authorized and directed to make a complete investigation of the assessment of postmasters in North Dakota for political purposes—or private graft.

The said committee or duly authorized subcommittee is authorized and directed to secure the assistance of other governmental agencies in the investigation hereby authorized, and to report to the Senate the facts ascertained in the course of the investigation and the recommendations therein.

For the purposes of this resolution, the committee or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of books, papers, and documents, to administer oaths, and to take such testimony as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee or any duly authorized subcommittee thereof, which shall not exceed $1,000 in addition to the cost of stenographic services to report such hearings, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The VICE PRESIDENT. Without objection, the resolution (S. Res. 311) will be received, and referred to the Committee on Post Offices and Post Roads.

PREEMINENCE OF LYNCHBURG, VA., IN THE COLLECTION OF SCRAP METAL

Mr. BYRD. Mr. President, I have received the following telegram from my colleague the senior Senator from Virginia [Mr. GLASS], who is detained by illness at his home in Virginia:

OCTOBER 16, 1942.

Hon. HARRY F. BYRD,
United States Senate,
Washington, D. C.:

I hope you have noted that it was a Virginia city and none other than my home town of Lynchburg that leads all the cities of the United States in the amount of scrap collected per capita. Lynchburg contributed 13,555,646 pounds for an average of 304.3 pounds for each citizen which is far above the average for the country at large per capita. Of course, other cities and States have responded as patriotically as their conditions permit, but I hope that the country will appreciate the patriotism, energy, ingenuity and efficiency of the citizens of Lynchburg in responding so nobly to this call in the Nation's hour of peril.

CARTER GLASS.

Mr. President, I am very proud of the fact that a Virginia city leads all the cities of the United States in the amount of scrap collected per capita. This is but one evidence of the support the people of Virginia are giving to the war effort, and the patriotism with which they are willing to make every sacrifice so that the war will be won at the earliest possible moment.

I also ask unanimous consent to insert in the body of the RECORD as a part of my remarks an editorial from the Richmond Times-Dispatch, together with an article from the New York Times of October 16, 1942.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Richmond Times-Dispatch]

ACCOLADE TO LYNCHBURG

The final figures will change some of the rankings in the Nation-wide scrap drive, but Lynchburg is so far ahead of all the other cities in the United States as to be obviously No. 1. With an average of more than 304 pounds per capita, far in advance of Fairmont, Minn., the second city, which had 229, Lynchburg clearly deserves an accolade commensurate with this stunning accomplishment.

By leading all the cities of America in this crucially important drive, the Hill City has not only won great and well-merited distinction for itself, but the State of Virginia also is enjoying a vicarious glory. All of us in the Old Dominion can feel proud that a Virginia city showed the way to the Nation in so vital an undertaking.

[From the New York Times of October 16, 1942]

LYNCHBURG, VA., TOPS CITIES IN SCRAP DRIVE

Lynchburg, Va., became the country's first city yesterday to report a per capita average of more than 300 pounds in the scrap metal salvage campaign sponsored by the newspapers of the Nation. Lynchburg's figure is 304.3 pounds of metal contributed so far for every man, woman, and child. Its population, according to the last Federal census, is 44,541.

THE MANPOWER PROBLEM—ADDRESS BY SENATOR TRUMAN

[Mr. BALL asked and obtained leave to have printed in the RECORD an address relating to the national manpower problem delivered by Senator TRUMAN before the Interstate Conference of Employment Security Agencies at Kansas City, Mo., on October 21, 1942, which appears in the Appendix.]

EQUALITY OF ECONOMIC SACRIFICE—ARTICLE BY SENATOR LA FOLLETTE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an article entitled "We Need Equality of Economic Sacrifice," written by him and published in The Progressive of October 26, 1942, which appears in the Appendix.]

NORTH DAKOTA'S STAKE IN RECLAMATION—ADDRESS BY JOHN C. PAGE, COMMISSIONER OF RECLAMATION

[Mr. NYE asked and obtained leave to have printed in the RECORD an address delivered by Hon. John C. Page, Commissioner of Reclamation, on October 6, 1942, at the convention of the North Dakota Reclamation Association, at Mandan, N. Dak., which appears in the Appendix.]

AGRICULTURAL LABOR SITUATION IN NORTH DAKOTA

[Mr. NYE asked and obtained leave to have printed in the RECORD a letter to Hon. Claude H. Wickard, Secretary of griculture, from J. J. Kehoe, with regard to the agricultural labor situation in the State of North Dakota, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the bill (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

REDUCTION OF DRAFT AGE LIMIT

The Senate resumed the consideration of the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. O'DANIEL. Mr. President, I consider it to be a grave responsibility resting on my shoulders when I take part in compelling teen-age schoolboys to shoulder guns and go out and fight and perhaps die for our country when they have not yet finished school and have not yet reached the age when they can have a voice in our Government to the extent of voting, owning property, signing notes, buying whisky, marrying, and in some States even driving an automobile. Under these conditions I desire to make it perfectly clear in the RECORD exactly what my position is. We are told that the United States of America, with a population of over 131,000,000, at war less than 1 year, finds itself now so short of manpower that it is obliged to force our 18 and 19 teen-age schoolboys to shoulder arms and go out and fight this war. I believe that during wartime it is the duty of every American citizen to back up our chosen Commander in Chief with everything he requests for use in fighting the war. He has requested that these teen-age schoolboys be drafted. I intend to support this bill solely because our Commander in Chief says it is necessary. At the same time, in fairness to the teen-age boys and their mothers and fathers, I intend to point out some legislation now on our statute books which, in my opinion, has forced upon us the condition which makes it imperative that the teen-age boys be drafted. Not only do I intend to identify this outmoded legislation, Mr. President, but I intend to offer an amendment to the pending bill which, if adopted, will help us in our present predicament and help keep us out of predicaments in the future as distasteful or perhaps more so than our present sad plight.

Mr. President, a few years ago we had in this Nation a great unemployment problem. In order to help solve that serious unemployment problem and to alleviate suffering and hardships of many of our laboring people, we enacted legislation which would tend to force employers to divide the available work among a larger number of employees by limiting to 40 the number of hours each person could work a week, without employers having to pay a penalty for work performed beyond that limit of time. This penalty is usually referred to as time and one-half for overtime. During the period of unemployment that legislation, no doubt, performed a great service and benefited many of our laboring people. Our Nation now faces exactly the opposite position. We now have no unemployment problem, but, instead, our problem now is a shortage of manpower. We have more jobs than we have people to work, but we have not yet revoked that law. That law is still in effect, and it is operating to help increase our manpower shortage.

Even in our dire stress of war there are some employers who still like to practice economy and are still spreading out the work among a larger number of employees in order to avoid the payment of time and one-half for overtime. By so doing they are employing more men than is absolutely necessary, thus helping to create an unnecessary manpower shortage. I believe that there will be found among the rank and file of our good, honest, working people the urge to work any number of hours necessary during this war if they are given the opportunity. They are wholeheartedly back of the war effort and want to do everything they can to further our war program and hasten the winning of the war. Not only do many of them have this patriotic idea, but many of them also have the desire to work longer hours while work is plentiful so they can increase their weekly earnings. But so long as this law remains in effect, these good, honest, working people are deprived of this privilege to work longer hours and earn more money.

Mr. President, no doubt there may be some differences of opinion as to the length of the ideal workweek, but in our present serious predicament a discussion of the ideal length of the workweek should be postponed. The most potent thing to consider now is the winning of this war. If a man wants to work longer hours, he should be permitted to do so, for we cannot afford to lose a single hour in our effort to win this war, and win it at the earliest possible date.

It is not my purpose now to go into any long discussion about what is the ideal workweek, but I do state that it is absolutely unsound to have on our statute books at this time any law the effect of which is to help create a manpower shortage. I know, of course, that those who oppose me in this matter, will say that under the law as it now stands a man is free to work as many hours as he wants to work. I know they will say that under the law as it now stands an employer is free to operate his plant as many hours as he wants to, but the fact is that so long as the operation of a plant or of any line of business is made more expensive by requiring the payment of a premium wage of time and one-half after the first 40 hours has been worked, just that long we may be assured that industry will seek to employ more people, so as to avoid, if possible, the payment of the premium wage. Common, ordinary horse sense teaches that this will be done. Furthermore, any reference to the facts in the case will show that, generally speaking, industries throughout the country are trying to hold their workweek just as close to 40 hours as they can, and they are doing it for the obvious reason of avoiding the payment of time and one-half for time worked in excess of 40 hours. By so doing they are employing more people, and thus helping to create the present manpower shortage.

Mr. President, there is one angle to this matter which I think is generally overlooked. It may be urged, as it is urged by many people, that in most war industries the cost is being passed on to the Government, and, therefore, the man who is operating the industry is not concerned about paying time and one-half because it does not cost him anything; it is an expense he can pass on to the Government and the taxpayers. This is true in many of our large industries which are engaged exclusively in war work, but it is not true in a tremendous number of industries which are absolutely essential to the maintenance of our civilian economy and the winning of the war. These industries must actually pay the wages themselves, and they cannot pass the expense on to the Government. So, regardless of what the effect of the premium wage may be in industries operating on a cost plus basis to the Government, it is absolutely certain that the premium wage is an exceedingly important factor to employers who must keep the prices of their products to the public below Government ceiling prices.

I am assuming, for the purpose of this argument, that if we repealed the law

providing for time and one-half for all time worked in excess of 40 hours it would necessitate an immediate increase in wages so that weekly earnings would not fall below the schedule now established. In other words, I am not thinking in terms of the number of dollars which would be saved to employers throughout the country. That is an important factor, of course, but what I am now concerned about is removing the incentive for employers to hold the number of hours worked just as close to 40 hours as possible, for that is what is contributing to our manpower shortage.

I do not believe that we have the manpower in this country with which to operate both war and civilian industries under a 40-hour-week schedule and at the same time get the production and provide the goods necessary to win the war. I think that sooner or later we shall be forced to remove this incentive which we have set up by law to encourage employers to hold the number of hours worked down to 40 a week.

In order to make clear the picture how manpower hours can be increased by lengthening the workweek, I present some calculations based on statistics furnished by the Bureau of Labor Statistics. It reports that for September this year there were 42,200,000 persons 14 years of age and over employed in nonagricultural labor. It reports that for August this year, which is its latest report, average hours worked a week in all manufacturing industries amounted to 42.8. If these 42,200,000 people should work 48 hours a week instead of 42.8, 4,571,667 of that number could be released for other service. If they worked 54 hours a week, 8,752,593 could be released for other service. If they worked 60 hours a week, 12,097,334 could be released. If they worked 66 hours a week, 14,833,940 could be released, and if they worked 12 hours a day, 6 days a week, 17,114,445 of the 42,200,000 people could be released for other service.

The amendment which I am offering does not attempt to provide that people shall work 48 hours a week, 54 hours a week, or 60 hours a week, or any other number of hours; it simply provides that for the duration of the war the provision of the law which requires the payment of premium wages for overtime shall be set aside. It is my judgment that if this could be done, we would find that industry throughout the Nation would generally adopt either the 48-hour week or the 54-hour week, and, of course, in some cases they would work longer weeks. The adoption of this amendment would not result in the weekly earnings of anyone being reduced; it would simply remove a barrier which now exists to prevent the full and complete use of our national manpower. Certainly, if we face an emergency which causes our military leaders to deem it essential to take boys in the teen ages and place them in the Army, we have reached the point where it is desirable for us to utilize our existing manpower more efficiently than we have done heretofore.

This Nation today faces one of the gravest problems which it has ever faced, due to the shortage of labor on farms and ranches. Already word has gone out that it will be essential to limit meat and other vital food supplies; not because the Nation is not capable of producing the food, but because the manpower on our farms has been drained off into the cities and, of course, a part of it into the Army. I am impressed, however, by the fact that the great loss of manpower, which has most seriously disturbed our agricultural situation, has been brought about because of the desire of industry to have a labor force sufficiently large to do the job they are expected to do, and to do it without the necessity of paying overtime.

If in the very beginning we had removed from existing law the requirement which makes necessary the payment of penalty wages for all time in excess of 40 hours worked, my opinion is that the farm labor situation would be far better than it is today, and I do not believe that our manpower situation would be such that we would today be faced with the necessity of passing a law to supplement our manpower by taking into military service young boys just out of high school, and some of whom have not finished high school.

Mr. President, a day never passes now without those who are responsible for handling and providing manpower for our total war effect calling our attention to the necessity for utilizing labor to the point of maximum efficiency. If this is to be done, then it becomes necessary, I think, for us to realize that every business which exists in this country, at least every business which is allowed to continue to exist, must be classified as an essential war industry.

In measuring the effect of legislation, it seems to me we often forget that it is essential to maintain necessary industries which serve our civilian population. In other words, there are some vital, essential industries which must be carried on at home if our people at home and in the armed forces are to be fed and clothed, and if taxes are to be earned to pay the cost of this war.

If this be true, then it becomes absolutely essential that every clerk and every bookkeeper and every salesman in a department store be used to the point of maximum efficiency. It becomes necessary that every employee in a drug store, or one who works in any other industry deemed necessary to support our civilian economy, whether it be in the manufacture of goods, distribution of goods, or in providing services, shall work a full number of hours. In other words, we have reached the place where it is necessary for all our people, regardless of the line of work in which they are engaged, to put forth the maximum effort. This will not be done so long as every employer in the country faces the payment of a penalty wage for all time worked in excess of 40 hours a week.

It is true that under the law some of our various lines of business are not subject to the wage-and-hour law, but, as the law has been construed, it takes in almost every kind of business and industry. It is therefore all the more important, if we are to have full use of the manpower of the Nation, that the penalty for working employees more than 40 hours a week be taken out of the law.

Let me refer again to a matter which I have already mentioned, namely, the contention of those who oppose any change in the present law, that if wages are to be increased so that employees will still receive the same pay they are now receiving nothing will be gained. This, of course, sounds like a plausible statement, but when we analyze it, we find it is not plausible. Suppose that under the present law one were operating a manufacturing plant and paying 50 cents an hour up to 40 hours. This would mean, of course, that after the worker had passed 40 hours the operator would have to pay 75 cents an hour. Let us suppose that it was determined by proper authority that if the penalty wage were abolished it would be necessary to increase the normal wage to 60 cents an hour, and suppose this were done, then under this procedure the employer would pay exactly the same for every hour worked under 40 hours that he would pay for the hours worked over and beyond 40. The result would be that, while he might pay in wages the same amount for the same number of hours worked that he is now paying, the incentive for him to hold the hours down to 40 a week would be destroyed and we would find employers all over the country lengthening the workweek to the number of hours which in their judgment would yield the highest return in production.

Personally, I feel confident that before another year passes we shall be forced by circumstances to do what I am recommending that the Congress do now, because we simply cannot furnish enough manpower in this Nation to have all the necessary work performed with each employee working only 42.8 hours a week, as the figures of the Department of Labor show we were doing in August of this year.

To amend the law by abolishing the premium pay for overtime during this period of manpower shortage is so fundamentally just and proper that to fail to do so at this time, while we are dipping into a new and unused pool of manpower of teen-age boys, can and possibly will cause the mothers and fathers of these teen-age boys to rise up in righteous wrath and condemn us severely.

In my opinion, the teen-age youth of America, upon whom we are calling to take up arms and fight the war, and their mothers and fathers, will bitterly resent our failure to utilize the manpower we could have by removing work-hour impediments before calling these schoolboys into the service.

My contention is that it would be far better, while we are engaged in the passage of what we designate emergency legislation which calls the teen-age boys of this country out of our schools into the Army, to remove those vital handicaps which tend to restrict the use of the Nation's manpower.

Our present unwise policy has helped to bring us face to face with the dire necessity of taking teen-age boys out of school to fight this war because many of our otherwise eligible men are not available for the armed service by rea-

son of the fact that they are falling over each other in crowded shops and offices. This is no criticism of the honest laboring people. It is not their fault that more people are hired than are necessary to do the job. They do not do the hiring. They work every hour their employers will permit them to work. It is no criticism of the employers in war industries, because they are duty-bound to effect every economy possible during this time of enormous expenditure of Government funds. It is no criticism of employers in essential domestic industries, because they are compelled to effect every economy possible in times of keen competition, price ceilings on their products, and high taxes. It is only the natural result of a condition which is brought about by the continuation of outmoded legislation which was enacted for the purpose of reducing unemployment in peacetime, but is unnecessary and detrimental to our war effort during wartime, when we have no unemployment problem. This condition has been brought about by legislative fences having been arbitrarily built to prevent a man from performing to his maximum capacity regardless of how much he might want to work longer hours during this crisis.

Mr. President, I think we should be realistic and face these problems squarely and honestly, especially in wartime. Because a foolish law is tending to cause 42,200,000 persons to work at jobs which could be performed by only 25,085,555, we cannot deprive our Army of its request for additional manpower. Inasmuch as others are not immediately available, we are compelled to call on the teen-age boys of this Nation to leave their schools and take up arms in order to have an army of sufficient size. Only as a last resort do I feel we should force the teen-age schoolboys out on the battle front to fight this war.

Our Commander in Chief says it is necessary to lower the draft age to include teen-age boys of 18 and 19 years; for that reason I shall vote for the pending measure, but I shall insist that the amendment which I am offering be adopted to improve the bill. When the war ends, the amendment will become inoperative. We can then discuss the matter of the ideal workweek for peacetime production.

Mr. President, I send to the desk an amendment to the pending bill which I ask to have printed and lie on the table, for consideration at the proper time, and I shall request the yeas and nays when the amendment is considered.

The VICE PRESIDENT. Without objection, the amendment will be received, printed, and lie on the table.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GURNEY. What is the pending business at the moment?

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment.

Mr. GURNEY. At this time I should like to take up the committee amendment, which begins in line 19 on page 2, and which would add two new paragraphs, (i) and (j). I do not believe the new paragraphs are controversial in any manner. I should like to take up the committee amendment in two parts; paragraph (i) in the committee amendment first, and then I have a committee substitute for the language of paragraph (j).

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Michigan.

Mr. VANDENBERG. Do any of the other amendments which have been printed and have been designated for subsequent presentation apply to the language of either of the paragraphs of the committee amendment which the Senator is now asking to have adopted?

Mr. GURNEY. I am sure there are no amendments which have been printed, or given notice of in the debate yesterday, which would in any way affect either of these paragraphs.

Mr. VANDENBERG. The Senator is about to ask for a vote on the committee amendment?

Mr. GURNEY. That is correct.

Mr. VANDENBERG. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. GURNEY. I yield for that purpose.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smathers
Brewster	Johnson, Calif.	Smith
Bulow	La Follette	Spencer
Bunker	Langer	Taft
Burton	Lee	Thomas, Idaho
Butler	Lodge	Thomas, Okla.
Byrd	Lucas	Thomas, Utah
Capper	McFarland	Tobey
Caraway	McKellar	Tunnell
Chavez	McNary	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Wiley
George	Overton	Willis

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Kentucky [Mr. CHANDLER], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. MCNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. BONE. Mr. President, in view of the wide interest exhibited generally throughout the country regarding the age of soldiers in the war which lies ahead of us, I took from my library some figures dealing with another very grim and bloody struggle in this country, the Civil War, which was the saddest struggle that any nation ever faced. It has been many years since that war was concluded, and most folks have forgotten its significance; but I should like to introduce these figures into the RECORD as a part of my remarks. Some were prepared by Mr. E. V. Durling, a columnist connected with King Features Syndicate in New York, and appeared in the Seattle Post-Intelligencer of December 9, 1940. They show the number of officers and men lost in the Union and Confederate Armies during the Civil War.

Some 40 years ago a clerk in the War Department furnished a Colorado newspaper with the figures covering the boys who served in the Union Army during the Civil War. The records of the southern armies are probably lost. They were destroyed in the holocaust of war; but it is interesting, diverting, and saddening to read that 25 boys 10 years of age served in the Union Army—probably little drummer boys. There were 38 boys 11 years of age; 225 boys 12 years of age; 300 boys 13 years of age; 105,000 boys 14 and 15 years of age; 126,000 boys 16 years of age; 613,000 boys 17 years of age; 307,000 boys 18 years of age; and 1,009,000 boys from 18 to 21 years of age.

In referring to the record, Mr. Durling says:

> Of this half million men who met death in the Civil War 85 percent were under 21 years of age. It was a boys' war. The average age of participants was but 18 years.

I send these figures to the desk and ask that they be incorporated in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> In the Seattle Post-Intelligencer of December 9, 1940, E. V. Durling, a columnist, used these figures:
>
> At the end of our Civil War, the Union Army had 1,100,516 men in the field. The Confederates had 174,223.
>
> During the Civil War, the Union Army lost 9,584 officers and 349,944 men. The Confederates lost 4,626 officers and 129,695 men.
>
> The total loss on both sides was 493,349 men.
>
> Of this half million men who met death in the Civil War, 85 percent were under 21 years of age. It was a boys' war. The average age of participants was but 18 years.

Somewhere around 40 years ago, D. I. Woods, a clerk in the War Department in Washington, furnished the Durango (Colo.) Democrat with some interesting data on the Civil War. Woods apparently had combed the records of the Adjutant General's office to secure these figures. He found that the Civil War has been fought largely by boys.

On the Union side, 2,278,588 men were enlisted in all the various forces. Of this vast number, all but 118,000 were less than 21 years of age.

The list he compiled is as follows: 25 boys, 10 years of age; 38 boys, 11 years of age; 225 boys, 12 years of age; 300 boys, 13 years of age; 105,000 boys, 14 and 15 years of age; 126,000 boys, 16 years of age; 613,000 boys, 17 years of age; 307,000 boys, 18 years of age; 1,000,000 boys, 18 to 21 years of age.

Mr. GURNEY. Mr. President, the pending business at this time is section 4, being the committee amendments to the bill on page 2, after line 18. Subsection (i) is to make the provisions for enlistment the same as the provisions for induction. Testimony was given before the Military Affairs Committee by the Under Secretary of War, Mr. Robert Patterson.

I ask for the adoption of subsection (i), through and including line 2 on page 3.

The VICE PRESIDENT. The question is on agreeing to the first branch of the committee amendment, on page 2, after line 18, being subsection (i) of section 4.

Mr. JOHNSON of California. Mr. President, I wish to be heard generally upon the bill, and I shall take this opportunity to do so. I thought that certain arrangements had been made by which other Senators were to proceed; but that is neither here nor there. We ought to be ready to proceed at any time in relation to measures of this sort. I am ready to proceed now.

Mr. NYE. Mr. President, will the Senator yield for the purpose of suggesting the absence of a quorum? Obviously there is not a quorum present.

Mr. JOHNSON of California. No; I do not care for a quorum. There will be so few votes my way in this particular matter that I have no desire to demonstrate it by a quorum call. There will be four or five or six votes; and I am happy to say that those four or five or six votes are welcomed with open arms. However, I do not care for a quorum at this time.

Mr. President, the first question which meets us in dealing with this subject is with respect to the character of those who are to be drafted by the proposed amendment to the act. We are told that it is infinitely better to have men of 18 years of age; that it is infinitely better to take these young sinews and weld them into a warlike unit; that it is infinitely better to take boys of a tender age because, as has been said repeatedly, they are more adventurous, more daredevil. They pay little attention to consequences, and they are ready to do anything under any circumstances; and in that way they meet the desire and the design of the Nation.

Of course, they are willing to do anything that may be asked of them, and much that is not asked. Of course they are willing to fight at the drop of a hat. That is the way in which they have been brought up, perhaps. Of course, they are willing to do all that the older soldiers of the Republic demand that they shall do. That is the very reason why we should throw our protecting mantle about them, and see that they are not needlessly sacrificed.

Do we want a whole generation to be wiped out in this war, so that when peace comes there will be nobody to take charge of it? The very ones upon whom we rely to take charge of the peace, and to write it as it should be written, will be in such a situation that we shall hunt their graves. We shall pay them the great honor of hunting their graves in one part of the world or another—not in our own country, but in some other part of the world. We shall say "There he lies, the poor fellow. He was only 18 years old, and he knew no better. It was because of that that he was sent upon his wild adventure."

We may accept the words of the military at this juncture, and we may accept the words of those who control us as a Nation. We may accept the control of those men and take their word. In the language of a great ruler, our lads will be "liquidated," and there will remain to this great country of ours after we shall have finished with this war no generation which can build it up and send it again upon its way.

I do not want any man on earth to question my patriotism when I speak thus. I want no man here or outside to say aught concerning my desire to win this war. That desire is as great as any man's can be.

I wish to win this war and win it in the speediest possible manner. I wish that we shall go forward and do whatever is necessary in order to win the war; but I am not willing, in order to win the war, to say to 18-year-old youngsters, "You, who have had no chance in this life, and whose only prospect is death, fight our battles, and we will see that a fitting monument is erected to your memory."

Those who talk that way and those who insist that we shall take the words of the military and the military alone know little of the subject. Before I finish I expect to refer to the various nations of the earth that have draft laws. I expect to refer to documents of the late Civil War and to establish, if I can, that these children we are taking, these children we are asking to fight for us—these children—simply will go forth to their death in any attempt that is made to have them participate in this conflict.

Recently there was published in the New York Times a letter of T. H. Thomas which dealt with this subject. Because he dealt with it not alone within his recollection but by way of history, I take the trouble to read to the Senate some of the things he said:

In a spirit of sacrifice the country has resigned itself—

Oh, what a pity it is! This country has resigned itself—

to acquiescing in the demand for the drafting of the 18- and 19-year-old classes. In the end, however, it will not be to the advantage of anyone concerned if such a step is taken for false and misleading reasons. In the course of processing public opinion into this sacrificial attitude of mind, the press during the last few months has gradually built up the assumption that the calling out of these younger classes is a part of the normal procedure of military service based on conscription. It has also built up the belief that on the basis of experience these younger classes have proved particularly fit for active service in the field.

Both these assumptions are mistaken.

France and Germany alike had two or three generations of experience with conscription before 1914, and both countries learned that even for peacetime military service it did not pay to call out younger classes than those already in their twentieth year; on a 2-year basis, military service was performed by men ranging from 20 to 22.

Then he proceeds to discuss the French and the German method, but I leave on his bare assertion the fact that it was not successful nor was it called for by the particular affairs of their nations.

Then he proceeds:

Even in the buoyant appeals now made to Congress, our own authorities have revealed a not dissimilar estimate of these "undeveloped resources."

Good God! Senators, you are dealing with human beings, with your flesh and blood and my flesh and blood, and you are talking about the undeveloped resources that will be taken. Undeveloped resources of an army? Take them only as a last resource. The writer evidently takes the same view:

The reckonings offered by the highest official quarters indicate that it is expected that about half of these new classes must be struck off in advance as unfit for service.

Not so here; we listen to the soldiers who tell us that such men are the best soldiers in the world, that they can do more than any other soldiers. I deny that as a premise of any argument that is grounded upon this bill.

The reckonings offered by the highest official quarters indicate that it is expected that about half of these classes must be struck off in advance as unfit for service. If this is true, taking both classes together, how large a proportion of the 18-year class will prove up to the mark?

* * * * *

In all the countries at war the drafting of 18-year-old men for field service was put off until the last possible moment.

Not so here, because when it was suggested to those in charge of the matter that they give to these boys fair training of a year, ah, they fought that at once, and they would not give to the lads they are taking from the 18-year-old group the mere right to have a fair training before being put in the service.

I talk upon this subject with some feeling, not because I have youngsters who would be taken, not because I am affected by anything personal, but because as an old individual I see this thing more plainly perhaps than a younger man does; and I insist that we shall do by these younger men as we would have them do under other circumstances. It is a wicked thing to deal with these 18-year-olds as we have been taught to do by the military. Taught? In 1 day you hear it. It is taught with a picture taken—and it is flashed all over the land—of six or seven members of the Military Affairs Committee, and with the Chief of Staff talking before them. That

is the sort of hearing which was held. That is the sort of thing upon which rested the determination of the Military Affairs Committee in fixing this particular age limit.

I continue to read from the article:

Even in the extreme strain upon British manpower today, and with a carefully arranged system of gradual seasoning of younger troops, the British Army has found it sound policy not to send out of the country soldiers under 19½ years of age. This was formally stated, as a definite course of policy, in answer to a question in Parliament in July 1942.

Let me say that all the proceedings in Parliament from that time on have demonstrated that it was the expectation of the British to utilize such men only if they were absolutely essential. Who says these men are absolutely essential? Who claims it is absolutely essential, imperative, and necessary that we utilize 18-year-old boys? After they have been utilized, we shall be so sorry, and we shall say how much we regret—regret, indeed—that some of them were shot down in the desert, that some of them were shot down at this point of land, and some at that point of land, and that some of them were shot down elsewhere—that none of them ever returned. That will be the story of the 18-year-olds if this bill shall pass.

I continue to read from the article:

After the failure of voluntary recruiting at the end of 1861, the Confederacy was soon faced with the break-down of its improvised apparatus for conscription. To meet this, the age limit was extended upward and downward simultaneously, the downward extension reaching to the 18-year-old class. There answered a voice from the North which has not been forgotten: "Jeff Davis is robbing both the cradle and the grave." We have now begun robbing the cradle even before a single American division has come into action on a fighting front.

Mr. President, do you realize that even before a single division of our troops has come into action on a fighting front we are now engaged in snatching from the cradle boys who have yet to live their lives and have yet to have their part in this world's goods?

More than 80 divisions are now being organized; when the call comes for replacements shall we dip into the classes aged 17 and 16?

The voice from the North in 1862 expressed no inexpert civilian impression. The draft brought only an insignificant number of men into the Union armies; no whole class of any age was gathered into service. The minors enrolled in the first year of the war were what is sometimes called "the flower of our youth"—eager volunteers passed as fit for service by the medical examiners of that day. They represented the "exceptional soldiers" of the type now called for. Yet in November 1862, after more than a year of actual experience in camp and field, the surgeon general reported—

The reference, of course, is to the surgeon general of the United States. I recognize his authority cannot be so great as the authority that may be accorded to an English officer who wants our recruits; it cannot be so great and it cannot be so influential and so forceful as that of any of the foreigners who infest the city of Washington today. The voice of the Surgeon General of the United States in 1862 cannot be so influential and persuasive as the voice of any of those who today recommend that this step be taken.

The Committee on Military Affairs asked the representatives of the Army, "Why do you need these men?" The reply was, "We need them now." That is all. Senators stand on the floor and talk of following the recommendations of those who are in charge of our soldiers in particular matters of this sort, and give as a reason only that they have been subjected to the acid test in submitting their opinion—their opinion—as to the necessity for drafting youths of 18 and 19 at this time.

I return to the statement of the Surgeon General of 1862:

In regard to the age at which recruits are received into service, a change is imperatively demanded, both for the interests of the Army and the welfare of the individuals. The minimum is now fixed at 18 years, and it is not uncommon to find soldiers 16 years old.

That will answer some of the queries which have been made by various Senators regarding the age of soldiers in the Civil War.

Youths of these ages are not developed and are not fit to endure the fatigues and privations of the military life. They soon break down, become sick, and are thrown upon the hospitals. As a measure of economy I recommend that the minimum age of recruits be fixed by law at 20 years.

Mr. President, different rules are adopted by various countries in connection with military service. In Australia men are called into the service by proclamation, operating under a general law. In that country they are taken by age groups, beginning with ages 22 to 25. In December 1940, 19-year-olds were called and on July 21, 1941, 18-year-olds.

In New Zealand on July 22, 1942, 18-year-old boys were called, but they are not sent overseas until they are 21. They are kept in camps and trained until they are 21. What an outrage it would be, Mr. President, if we should put into effect here, in the great United States, a law which would keep our young boys in camp until they have been trained. The Secretary of War with a snap of his fingers dismissed the idea of training them before sending them away. Such an idea never occurred to some of our military authorities.

In Canada men between the ages of 19 and 45 are subject to service, but Canada is actually calling men only 19 to 40 and only single men. Nineteen-year-old men were not called until about the end of last September, and Canada is not now taking 18-year-old boys.

Well we are going to take them. We are going to say to these youths, "Come on; your schooling is of no value; your home surroundings are of no consequence." There is no difference between taking these youths from their homes and their firesides and taking older men. They shall be taken, say the military authorities of the United States, and they shall be swept into the whirlpool of war. That is the end.

I have before me the debates in Parliament which have extended over 2 years in determining what should be done in Great Britain about this matter. A law was enacted yesterday in that country which will enable Great Britain, if they proceed in the manner they desire, to send their 18-year-olds to battle; but it will be found from the debates up to yesterday, acquiesced in by all parties, that youths of 18 should not be sent to battle. It is a pretty scene the Parliament presents when a member may ask an officer of the government any question he sees fit and the reply is made in good faith and in good faith the promise is kept.

Mr. TAFT. Mr. President, will the Senator yield for a moment?

Mr. JOHNSON of California. I yield.

Mr. TAFT. No doubt the Senator has noticed in the announcement of Mr. Bevin, Minister of Labor and National Service of Great Britain, "that the younger recruits now to be called up will not immediately be posted for service overseas, for which the minimum age remains 19."

Mr. JOHNSON of California. Yes; it is 19½. We will send our boys 18, of course, and Great Britain will send hers of 19½. So we have a splendid example of following along, and of the United States doing its duty in this war and enabling the war to be won.

In that regard we have an example that is a perfectly potent one, and I am very glad the Senator from Ohio called my attention to it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. GURNEY. Is it not possible that the area of all England, of all the British Isles, is at the moment a battleground much more dangerous, possibly, than the front-line trenches in France were twenty-some years ago? Therefore those who are 18, who are supposed to stay on English soil, are undoubtedly now in the front-line trenches. Also undoubtedly a million of the best of England's soldiers should be kept at home to defend that island, which we are at the moment using as an operating base.

Mr. JOHNSON of California. I do not see what the question of the operating base has to do with the matter.

Mr. TYDINGS. Mr. President, will the Senator from California yield.

Mr. JOHNSON of California. I yield.

Mr. TYDINGS. Frequently World War I is referred to as a sort of a skirmish, and it is said that World War No. 2 is the big battle. Let me say to the Senator from South Dakota that World War I was so much more gruesome, so much more devastating in the number of those killed and wounded, as compared with this war, that it is almost like comparing the Spanish-American War with the Civil War. Outside the Russian-German front, there have been practically no large casualties in this war at all. Most of those who have been casualties have been captured. In the 8 or 10 or 12 months in which the Germans stormed Verdun during World War No. 1, while I do not remember the figures exactly, as I recall, some 800,000 men were either killed or seriously wounded. That offensive lasted for many, many weeks. The front-line trenches in World War No. 1 were not

safe. There were a few quiet sectors; but I am becoming a little bit fed up on hearing that World War No. 1 was merely a breeze. It was a terrific conflict, and there were 20,000,000 casualties in killed, wounded, missing, dead of disease, and dead as a consequence of the war before it was over. Therefore, nothing in this war remotely compares with what happened in the other war, but always the war one is in, the battle he is in, becomes the greatest battle of all history.

Mr. GURNEY. I believe that is correct, because the battle we are in is the one we have to win at the present moment in order to keep alive.

Mr. TYDINGS. That is correct.

Mr. GURNEY. But the territory of England itself, I am sure the Senator will admit, is the front-line trench at the present moment.

Mr. TYDINGS. I admit there is an element of danger; there is likely to be bombing, of course, but I would not compare that with a battlefield in any way at all. I would much rather stay in London and be bombed, and have a chance of getting into a dugout, than to be jumping out of a trench and going up a hill in an attack with a number of machine guns in concrete emplacements raking the hill. I think anyone else would feel the same way.

Mr. GURNEY. But the potentialities of our front lines in England now, at the moment, are such that most any minute or hour they might become the front-line trenches.

Mr. TYDINGS. But I do not think that is an answer to the remarks of the Senator from California when he said that England was not allowing her men to go into the front-line trenches until they were 19 years old, or at least England was not calling them and using them in the war. I do not think it is any answer to say that they are in the British Isles, and therefore they are at the front.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. I have not the floor.

The VICE PRESIDENT. The Senator from California has the floor.

Mr. TAFT. Is it not true that the actual civilian casualties in England have far exceeded the Army casualties up to this time?

Mr. TYDINGS. I have not the figures; but I assume that is probably correct, especially if we eliminate the prisoners of war.

Mr. JOHNSON of California. Do Senators remember how at first it was thought the only thing to be fought by us was a defensive war? Do they remember the changes that were rung upon that theme? We were fighting a defensive war. Everything was for defense. Everything done under the lease-lend law was done for defense.

Next we heard of an offensive war. Now we hear of a global war. So we have gone ahead until we have reached a global war. Tell me what it is, and I will define it for you.

At the time the lend-lease bill was under discussion, no living soul thought our boys would be sent to Africa, China, or all over the globe. No one mentioned a global war.

Some people grow soft when we talk of training, but what is training? It is perhaps necessary to train soldiers, but the purpose of training is to teach them to kill and to hate. Are we sure we are not Hitlerizing this country? Hitler showed his exact measurements when he sent his country's children to war. I do not want to follow him in such a course.

These are our children. What is to be their heritage if they are massacred? Unless we leave them to carry on, we shall have fought in vain. I ask Senators not to pin the badge of blood upon their souls. It will not come off. Remember, these are our children, and they have a right to their little span of life, to their little bit of happiness, just as we have had ours, and we should not do anything which would in any degree militate against them.

I do not want to keep talking about this matter all day, although I could do so. It is an infamous thing to take 18-year-old children and require them to do the work of men.

If we had only the days of our youth, if we could only take the place of these youngsters, how readily we would do so, how quick would be our response. How happy we would be if we could just take the place of these youngsters, 18 years of age, and adventurous. We are told that they are adventurous, that they are better fighters because they do not count the cost, nor do they think of themselves. They are our children, after all.

A Senator has a right to come upon this floor and say a word in behalf of children. It is a terrible thing to contemplate a committee sitting in their seats and being beautifully photographed. Oh, yes; they had their photographs taken and the photographs appeared in various newspapers. It was a beautiful thing for them. And to have a man in front of them, one of the gentlemen who presides over our destinies, militarily speaking, saying to them, "These youngsters of 18 years of age are the best troops in the world." They are not the best troops in the world. The record shows they are not and every authority bears that out. They are more adventurous, perhaps, and they will do things which older men will not do, but they are actuated solely by the peculiar love of adventure which is characteristic of youth. Therefore we should not accept the views of our military leaders in this regard.

Someone said the other day, "Oh, if we could only have a referendum." I should like to have him see the letters which come to me in reference to a referendum. I do not know who writes them. I was not known as an active participant in the debate, and yet letters are sent to me. The writers of them want to know if there is not some way in which some help may be given to fathers and to mothers, some little aid or thought which we could give to them. Must I reply to them, must other Senators, that we cannot give a thought to these boys of ours, that we cannot give a thought to them? Oh, we will send them off to the wars, and to the wars they will go.

I repeat what I said a moment ago, and I ask those who hear me to do me the honor to listen. What are we to do after we have sent these 18-year-old boys to war? What shall we do when we look for another generation to build up this country? We cannot, of course, afford to be whipped. We shall not be whipped. We will continue this war until we are successful in it, but what shall we do when the class of 18-year-old boys is brought into the war and boys of 18 no longer exist? How will we build up this country then? "Oh," it will be said, "that does not make any difference. We have built up 40 other countries, so that is all right."

Mr. President, I have much material that I could read to the Senate, but I realize that it is unnecessary; I realize that it is useless for me to attempt to read it. But I cannot understand this effort to take boys 18 years old. Mr. President, I cannot understand it. I insist that the proposal is wicked, wicked in its conception, wicked in its execution, wicked in every way. It is wicked to carry out the plan to take boys 18 years old. It is a wicked thing. More I could not say.

New Zealand has a draft law which provides for the drafting of children 18 years of age, but it provides that they shall not be sent out of the country and that they shall be dealt with as soldiers only after a year of preparation.

Why is the provision inserted in the New Zealand law that children 18 years of age shall not be sent out of the country? Of course, it is because of the necessity that nations must fight for the protection of their own people, and the people of New Zealand have had the audacity to submit such a proposal, and that law is now being carried out in New Zealand. But, O Mr. President, we could not do such a thing Oh, no; oh, no; it does not occur to us to adopt a rule that we shall fight only upon our own shores. No; that would be the most absurd thing that was ever heard of; and as for any man who would stand here on the floor and talk about fighting only upon our own shores—he is gone, he is gone, he is gone. Yes; that is the truth, and we recognize it to be the truth. Those who are so ready with names and so eager with epithets will use them to the utmost in denouncing one who takes such a stand.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from California yield to the Senator from Indiana?

Mr. JOHNSON of California. I yield.

Mr. WILLIS. A moment ago the Senator spoke of the law in New Zealand with respect to 18-year-olds. Does the Senator know what the law is in Canada?

Mr. JOHNSON of California. Yes.

Mr. TYDINGS. It begins at 19.

Mr. WILLIS. Are those 19 years old in Canada under orders? That is, can they be taken out of the country?

Mr. TYDINGS. Yes; they can be taken out of the country at 19.

Mr. TAFT. No, Mr. President; my impression is, if the Senator will yield, that

in Canada no man can be sent out of the country unless he volunteers for that purpose. A referendum was taken authorizing the Government to go ahead on that basis, but the actual legislation, as I understand, has not actually been passed at this time.

Mr. JOHNSON of California. I was a little confused about that, and did not make a statement about it because of my confusion.

Mr. TAFT. I was in French Canada recently, and I know that they are not considering sending any of the men overseas at this time, except those who volunteer for overseas duty. Of course, there was criticism of the Prime Minister because he took the referendum vote, and then did not go ahead with the compulsory drafting of men for foreign service.

Mr. TYDINGS. I think the question asked by the Senator from Indiana [Mr. WILLIS] was with respect to the limit placed on the ages of those drafted in Canada; and, as I understand, it is 19 years.

Mr. TAFT. I believe so.

Mr. TYDINGS. I believe that in one part of Canada, Quebec, the French part of Canada, there is some opposition to sending the men who are drafted out of the country, but I do not believe there is any national law which forbids sending men out of the country. I do not speak with knowledge of the fact. That is my impression.

Mr. JOHNSON of California. There is very strong opposition in Quebec to sending men out of the country.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. WILEY. I have listened with a great deal of interest to the distinguished Senator from California. As I understand, he feels that if the 18-year-olds are taken they should first be given a year of training, and that there should be a statutory provision against removing them from continental United States? Is that substantially the Senator's position?

Mr. JOHNSON of California. Substantially.

Mr. WILEY. I thank the Senator.

Mr. JOHNSON of California. Mr. President, recently a letter from several doctors was published in the New York Times. It was a letter protesting the drafting of youths. I presume the statement contained in the letter is familiar to all of us and need not be repeated by me. The letter is from certain gentlemen who profess to see great harm in the Army plan as it is now attempted to be pursued. They are medical men, professional men, and they give their professional opinion. Note how careful they are. They say in their letter:

> Boys of 18 and 19 years of age are, in a large percentage of cases, emotionally immature. They have had fewer years in which to show clues to their instabilities and disqualifications. In fact, it is these particular years that have proved especially important in the evaluation of older groups. Consequently there is bound to be an undue proportion of unfit men taken into the service from the 18- and 19-year-olds and a much greater likelihood of mental break-down under stress than would be the case if they are permitted to develop until they are at least 20 years old.

The letter is signed by David Beck, M. D., Mount Sinai Hospital; Leland E. Hinsie, M. D., Columbia University Medical School; Gerald R. Jamieson, M. D., and George S. Stevenson, M. D., Medical Directors, National Committee for Mental Hygiene; Thomas V. Moore, M. D., Department of Psychology and Psychiatry, Catholic University of America; Frank J. O'Brien, M. D., Associate Superintendent of Schools, New York, and William L. Russell, M. D., New York State Psychiatric Institute and Hospital.

It is a very powerful statement. It enters into a discussion of the entire matter we are now considering. I do not like to take time to read the letter, but will submit it for printing in the RECORD as part of my remarks at this point.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

[From the New York Times of October 16, 1942]

YOUTHFUL DRAFT PROTESTED—GROUP OF PHYSICIANS SEES GREAT HARM IN 18–19 ARMY PLAN

To the EDITOR OF THE NEW YORK TIMES:

Your readers are doubtless somewhat familiar with the contents of the bills that have been introduced in Congress which would amend the Selective Service Act to include 18- and 19-year-olds on the same basis as men of 20–45. This proposal raises a serious issue, on which many psychiatrists and other medical men will want to be heard before a decision is made.

We wish at the outset to make it crystal clear that it is not our purpose to obstruct in any way our Nation's war effort. We recognize the increasing pressures of war requirements, to which the President alluded so feelingly in his address to the Nation last Monday evening. Nevertheless, we should not be true to ourselves if we neglect to call attention to certain medical and social consequences that are involved in the indiscriminate drafting of this lower-age group. We are deeply concerned, from the medical point of view, with its effect both on the individual and on society.

Although the time may come when the drafting of this group will be unavoidable, we believe that they should be reserved as long as possible and employed on the farms and in other alternative service until they are absolutely required for combat service.

EMOTIONALLY IMMATURE

Boys of 18 and 19 years of age are, in a large percentage of cases, emotionally immature. They have had fewer years in which to show clues to their instabiliti and disqualifications. In fact, it is these particular years that have proved especially important in the evaluation of older groups. Consequently there is bound to be an undue proportion of unfit men taken into the service from the 18- and 19-year-olds and a much greater likelihood of mental break-down under stress than would be the case if they are permitted to develop until they are at least 20 years old.

When it is argued that they can be protected adequately by giving them more thorough medical examinations than older men get, and that these examinations shall include a psychiatric study, the answer is that this precaution is in reality not going to be taken. There was the same intention originally to make a thorough medical evaluation of the men admitted to the Army, but their examinations have become most hasty and inadequate, not by intent, but primarily because of the insufficient number of medical examiners available.

As a result of the lack of medical examiners the mental casualties are enormous. Military discretion prohibits our stating figures. More and more, as physicians leave their civilian posts, local facilities for examinations will be lessened. As we enter more extensive combat fewer qualified psychiatrists will be available at induction stations.

MILITARY IDEA DISPUTED

There is no sound basis for the claim that youth of this age make better soldiers. We say this without hesitation, even though we are not authorities in the military field. There is a very serious fault in the reasoning that has led to this conclusion. Presumably the conclusion grows out of the experience military leaders have had thus far with volunteers from these age groups. But actually our Army has not had experience with the sort of boys they would get in a draft. Their experience has been with volunteers only, the most matured part of this age group, as evidenced by their capacity to arrive at independent decisions and break ties with family and community. Some 18-year-olds are like 20, others more like 16. The draft of this age group will bring the whole range into the Army. The more immature will find themselves in a terrible situation, and so will the Army. The Army has had experience only with a small percentage of this age group. Our conclusions as medical men are based upon knowledge of the 2,000,000 or more which trail them.

NAZI PLAN NOT FOR US

One of the arguments for the immediate drafting of this lower age group will be that Germany considers this group valuable from a military viewpoint—even down to the age of 16. We should remember, however, that there is a difference between the boy of this age in Germany and the boy of this age in the United States. Our adversaries, the Fascists, find the drafting of youth quite harmonious with their purposes, for it prepares youth to fit in with their philosophy. The aim of the German system has been to mature—or premature—the youth at an early age to equip them physically through hard labor and mentally through early regimentation for army life and combat service. This is in marked contrast with the preparation which our youth have had.

Even England, which has been pressed to the wall in the search for manpower, does not treat her 18- and 19-year-olds with the lack of discrimination which is proposed in the bills now before Congress. While all men in England are registered at 18, they are not called for military service until 6 months later. Then they are given a thorough physical examination, and if they pass they are permitted to join the branch of service they prefer or, if highly skilled, they may be ordered back to the jobs they have left. If they do not pass their physical examinations, they may be given some sedentary job with the armed forces or, if needed in agriculture, may be allocated to a farm.

In other words, England, in spite of greater pressure for manpower than we have yet felt, treats its 18-year-olds differently, at least, from the way it deals with other draftees. The bills before us make no discrimination between the age groups.

Looking at the problem from the standpoint of society, the fact should be remembered that the years between 18 and 20 are years when young men are finding themselves, emancipating themselves, developing personal strength by being on their own. If this proposal to draft the youths is carried out, they will step out of the state of dependence on their parents to a state of dependence on an authoritarian organization, the Army, and,

following the war, they will have no pattern of individual civilian responsibility to return to as a guide to their future living. They will be the best sort of material for the support of a totalitarian ideology, but not for the democracy for which they have fought. In our anxiety to win the war we must not lose sight of the necessity of creating a free world after the war.

FATHERS SIMPLER PROBLEM

We believe we have given full consideration to the fact that it is a great hardship for a child to be deprived of his father or a wife of her husband, but we regard even this as not so serious as subjecting the 18- and 19-year-old group prematurely to combat experience. It seems to us that this age group is our most important reserve of manpower and should be safeguarded to the last. If the Government is preparing for a long war, they might be placed in a quasi-military status now and conscripted for military service later. If it proves to be a short war, they will be equally needed in building the post-war world.

Should not such alternatives be considered, therefore, as will prepare them physically and emotionally for later service? Many of them should be given all possible opportunity to complete the technical and professional training that will replenish the Nation's exhausted skills for use both in the war and in the post-war period. This kind of training is particularly applicable to the boy with city background and to the boy who would normally go to college.

Many others with agriculture backgrounds are going to be needed on farms, from which they can pass into military life far better qualified for rendering useful service than they otherwise would have been.

We would particularly protest against conscripting this age group for combat service merely because it seems to be the line of least resistance or because they in their ignorance and inexperience will be more reckless soldiers than older men. We shall have a large enough proportion of mentally broken men from the older groups without unnecessarily ruining these youths.

Summing up our argument, it is our best judgment that the 18-19-year-olds must be regarded as our national reserve, and therefore as the last to be conscripted for military service; that drafting them now would be fraught with serious hazards to the Army, to the youths themselves, and to the future welfare of our country.

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LELAND E. HINSIE, M. D.,
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New York State Psychiatric Institute and Hospital.

NEW YORK, *October 14, 1942.*

Mr. JOHNSON of California. Mr. President, the arguments made by the distinguished gentlemen who advocate the taking of these younger classes would seem to give an appearance of verisimilitude to a bald and unconvincing statement of fact. That is the nearest approach I can think of at the moment to a real definition of the arguments which have been made. Gentlemen came before the Military Affairs Committee and hypnotized its members—pardon the remark. They were asked:

"Do you want this proposal made a part of the law?

"Yes, sir.

"Is it imperatively necessary?

"Yes, sir."

That was all. Thereupon it was unanimously decreed. Did it not occur to any of the committee at any time that there might be some Member of this body who had sufficient sympathy to speak for little boys? Did it not occur to the committee that there might be some Member of the older tribe who would speak a word for lads? It did not occur to anybody. No one was given any time. So it was decreed that 18 years should be the minimum age for the draft.

Youth, O youth! There is only one time in our lives when we can feel it. We have all experienced the happiness of youth. We have all loved the youth that dared great things in its ambition and love of adventure. Youth gives us a little of the love of life which is in our young. Youth comes along with us day in and day out, year in and year out, as we tug at its hand and as it walks by our side. Youth is everything to us. It is youth that we pray for in this particular time.

Do what you please, Senators. You may take the youth of the land and throw it to the dogs. You may do with it whatever you see fit. Some of us pray for youth, and beg you to pay a little heed to its cry and its interest. That is all. It is youth that we plead for. It has gone from me. It has gone from many who are here. It is gone forever, but the recollections of it are the keenest and most ardent we can have. Youth is everything. We are told that we must take youth and give it to the arbitrament of war. Give it some other opportunity than merely to die. That is all I ask. Give youth an opportunity, and youth will always pay back a thousandfold what we do for it.

Mr. GILLETTE obtained the floor.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield to the Senator from Nebraska if he merely wishes to make a brief statement.

Mr. NORRIS. I was about to offer an amendment. For that purpose I probably should have the floor in my own right.

Mr. GILLETTE. I shall not consume more than 3 or 4 minutes.

Mr. President, the Senate did a very unusual thing—and in my opinion a very improper thing—in agreeing to the motion of the distinguished majority leader to refer the Lee amendment to one of the standing committees of the Senate. I have no intention of reopening the subject matter of the Lee amendment to discuss its merits or demerits. Neither do I intend to move for a reconsideration of the vote by which the motion of the Senator from Kentucky was agreed to.

Nothing I shall say will be in criticism of the Presiding Officer, the Senator from Kentucky, or the Parliamentarian of this body.

There is no element in representative government which ought to be more jealously guarded than the right of amendment of a pending proposal. When the right of amendment is destroyed, the very heart of parliamentary action is destroyed. The action taken yesterday did exactly that. I admit that I am to be criticized because I was not alert. I did not reach the Chamber until about the time the roll call started, or I should have raised a point of order.

The Lee amendment, or any amendment of that kind, has no substance, no being, and no excuse for being, except for consideration in connection with the proposal which it seeks to modify. In this body we do not raise the question of germaneness. When an amendment is presented by a Member of the Senate to a pending proposal he has the right to have it considered in connection with the proposal. In my opinion no more destructive action can be taken than to take an amendment away from the substantive proposal which it seeks to modify, and refer it to one of the committees of the Senate, even with instructions to bring it back as a separate bill.

Many amendments which are proposed could be made the subject matter of separate bills if the Senators sponsoring them chose to do so; but the Senator from Oklahoma sought to have his amendment considered in connection with the conditions surrounding the service of 18- and 19-year-old men. To prevent its consideration and deprive him of the right to have his amendment acted on is to establish a precedent which might enable the Senate to consider a motion to send to some committee any amendment which might be offered to a pending proposal, thus depriving the sponsoring Senator of the right to have it considered in connection with the measure to which it is offered.

As I say, I have no intention of moving to reconsider the vote by which the motion of the Senator from Kentucky was agreed to. I was not present in time to raise the point of order; but I did not want the CONGRESSIONAL RECORD to show an account of a proceeding which could be pointed to in the future as a precedent to sustain the action of a parliamentary body in depriving members of the body of their right to present amendments and have them considered in connection with the pending proposal. Such action would destroy what I believe to be a fundamental of parliamentary rule as applied to representative government.

Mr. NORRIS. Mr. President, I send to the desk an amendment which I propose. I wish to read it. The amendment would add a new section to the bill, section 5. It reads as follows:

Nothing in this act shall be construed to authorize the sending of troops inducted into military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). The amendment of the Senator is not in order at this time.

Mr. NORRIS. I understood that the committee amendments had already been acted upon. I am informed that I am in error about that.

The PRESIDING OFFICER. The committee amendments have not been acted upon.

Mr. NORRIS. So my amendment is not in order at this time.

The PRESIDING OFFICER. The question is on agreeing to the first branch of the committee amendment, on page 2, after line 18, being subsection (1) of section 4.

CORPORAL WILLKIE AND PRIVATE LUCE LAY DOWN THE STRATEGY

Mr. NYE. Mr. President, I hesitate to take a moment when the Senate is pressing for final consideration of the proposal to draft 18- and 19-year-old boys; yet I know of no other time which might be mine. A little later I shall desire to address myself briefly to the pending subject. For the moment I am departing entirely from it, in order that I may address myself to another subject, which it seems to me is as challenging as any before us.

Mr. President, Wendell Willkie may have had a great many votes recorded for him in 1940; but I hope the world, and particularly our allies, realize how largely these votes were not so much votes for Willkie as they were votes against an order, votes against a cause, and that Willkie got those votes in spite of himself. Life magazine to the contrary notwithstanding, Mr. Willkie does not speak for too many Americans. If he made his recent trip abroad as a special-delivery-letter messenger, let it be said that there are numberless Americans, including many who voted for him, who will protest his being paid more than the standard 10 cents special-delivery fee which prevails for service of this kind.

Like many others, I feel that it was a grievous blunder to have sent Corporal Willkie abroad or to have let him go with any seeming authority. Our allies and our enemies perhaps do not know the Corporal as we do. We know he loves to talk, even when he says things he does not mean. He has a quaint way, a way hitherto unknown to men who have honorably aspired to the Presidency of the United State—a quaint way of explaining his free talk when it catches up with him. He merely says, as he once said to the Senate Foreign Relations Committee, "It was a bit of campaign oratory." After all, in Moscow, Chungking, and London, in Tokyo, Rome, and Berlin, they might not understand the Willkie baloney, however prominent might be the campaign oratory label upon it.

Then, too, let us hope that abroad they are not taking Private Henry Luce too seriously, even though he is the publisher of Life, the March of Time, and another publication or two.

He is one of the boys and girls who helped make Willkie look like Presidential timber for a time. He was a prime figure, long before Pearl Harbor, in selling America the notion that Britain was fighting our war, that it was our job to fight the things, including Hitler, among other things, that were making life difficult for Britain. Now in his Life magazine of October 12, the same Luce, pretending to "speak for a large portion of our 134,000,000 fellow citizens," threatens the people of England with our withdrawal from the war unless England changes her cause and makes her cause different from our cause in this war. Definitely, Mr. Luce and Life, combined or separately, do not speak for a large portion of the American people when they contribute to the break-down or injury of the unity of our country and our allies in the prosecution of the cause which holds our very existence as a nation in its lap.

The quicker our allies and our enemies know these Willkie and Luce birds, the quicker will they understand that their scolding and their screaming does not emanate from the American eagle. It seems to me that we should cause both allies and foes to know that there is unity here in America; that the Willkies, the Luces, and the Winchells may spout their very heads off and not destroy the unity to win which exists here and which we want continuous sharing of by our allies. Let those self-exaggerated individuals do what they will, our allies should be made to know that we are a patient 134,000,000 of people who did not all let themselves in on the Willkie-Luce-Winchell seeming theory that we could whip the world in 6 days and spend every night of that week enjoying the dangerous explosions and sharp, rifle-like reports emanating from photographers' light bulbs and forced champagne bottle corks in the famous halls of Stork clubs.

Frankly, we ought to let England know that the campaign oratory disciple, the publisher with the exaggerated opinion of himself, and the keyhole artist do not reflect American opinion when they make their effort seem to indicate that we are not united here at home, that we demand a second front before we can make it last and count in winning the war, or that we are demanding of England something other than a continual helping hand in this titanic task of preserving our lives as nations.

Mr. Luce, in writing his Life editorial, addressed to the people of England, has committed an act fraught with more trouble than all that the fifth columnists in the land afford. Berlin and Tokyo glow in the opportunity the editorial has afforded them to sell to their people their propaganda of a split in the Allied cause. The editorial has not helped to win any new or better understanding in the land of that ally whose cooperation is so essential to our success in these dark and difficult hours.

With our country at war with the mightiest foes we have ever had to face, a mighty one to the east and a mightier one to the west; with our country struggling with difficult production problems, agriculturally and industrially, with a threat of a new and modern draft of the whole manpower of the Nation that could reach every individual in our land; with a prospect that by July next there will be 300,000 of the smaller business enterprises dead, as prophesied by Wayne Taylor of the Commerce Department; with a burden of tax greater than ever before, a tax going even to the individual with so little income as $12 per week; with the great prospect that our own Government will be reaching into the high schools and colleges for the boys to be sent across oceans to fight brutal foes; with our country facing complete reformation of our economy, and, if not bankruptcy, then a per capita debt of $1,500, $3,000 or more upon every man, woman, and child in America; with an annual governmental expenditure already greater than the total expenditure by our Government from 1789 to 1933; with our own American way challenged by a system that already has over 2,000,000 people, exclusive of the numbers of fighters in the Army and Navy, upon the Federal pay roll, and with a civilian pay roll of 1,100,000 people in the War Department that costs more than does the pay roll of the entire Army; with our very life as a nation depending upon ability to deny victory to the Axis Powers—with all these challenges at our door, I submit that this is definitely not the time to be making the slightest degree of war against such Allies as we have and desperately need. Yet, there are those who bear reputations of American leadership, who have played a part in shaping American policy, who have a large hearing however small their following—there are those who are harshly criticizing, severely prodding, bluntly and ungenerously threatening an ally in a way that could destroy their will to win with us, in a way that could force that ally to question our good faith in this war effort. In spite of our precarious position, there are those who seem to have been quick to forget what they once preached concerning how largely our future was dependent upon the continued effort of this ally.

Take a look at the Life editorial of which I speak, an editorial which seems to speak for Mr. Willkie as well as its writer, Mr. Luce. Says Mr. Luce in the editorial addressed as an open letter to the people of England:

> We assure you that we do speak for a large portion of our 134,000,000 fellow citizens. * * * If your strategists are planning a war to hold the British Empire together, they will * * * find themselves strategizing all alone. Take this matter of the second front. * * * It does seem to be most dreadfully urgent. * * * Before he left on his present trip, Wendell Willkie had refused to commit himself on the second front. But after he had * * * talked to Josef Stalin * * * he did commit himself and even urged us to "prod" our experts. From a United Nations standpoint it begins to look as if there should have been a second front long ago.

Nice going, is it not, for those two great strategists, those two great military experts, Willkie and Luce. But that was not all. Mr. Luce further says in his editorial:

> So here is one concrete concession that we demand of you. Quit fighting a war to hold the Empire together and join with us and Russia and your other allies to fight a war to win by whatever strategy is best for all of us. * * * If you cling to the Empire at the expense of a United Nations victory you will lose the war. Because you will lose us.

Let us try to analyze all that scolding. When, Mr. Luce, was there any considerable American thought, before or after Pearl Harbor, before or after we became a British ally, that Britain was not fighting to save her empire? There was never any secret about that. You who

held brief for the British long before we got into this war did tell us there were some additional causes for which Britain fought, but you never maintained that the British were ready to abandon their empire.

And, Mr. Luce, what is so unreasonable and so unexpected about a British desire to maintain her empire? Certainly if she keeps her empire, Britain will have helped us to win the war in order to keep it, will she not? Britain trying to save herself, her empire. Why, Mr. Luce, is that any different than our own will and desire to save our own country from the Axis? Why do you expect the English to approach this war task in any different manner or for any different purpose than those that move us? Britain fights for her life, just as America fights for her life.

Let us analyze the Luce-Willkie play as represented by the editorial in question. We can forget that line about Willkie urging Life to prod our experts. That is expected of those who work as closely together as Luce and Willkie have worked. But we cannot forget the heartless, bitter thing that might be produced by these prodding pretenders.

We have trained men, and Britain has trained men, men who chose and consented to make it their business to know how to win wars, how to make blows count, how to bring victory with least waste of lives and fortunes.

We all are impatient for that hour which will bring victories. But you, Mr. Luce, and you, Mr. Willkie, have no faith in those military leaders in whose hands the present terrible task is placed. You seem to think that you know how a war ought to be fought and won. You would prod these leaders to the use of these 18- and 19-year-old boys in an awful adventure before they, the leaders, knew they were ready. You would prod them into perhaps another Dunkerque, or another Dieppe just because one of you had been delegated to carry a message to Moscow and Chungking. You would not even think of counseling with the fine Canadian fathers and mothers, who might have something to say about another Dieppe. Great generals, you two.

The Willkie-Luce challenge ought to have angered our allies, as it did; and it ought to anger everyone of us who has any responsibility in the conduct of the war. May God and the fathers, mothers, sons, and daughters of both America and Britain have mercy upon such as would succeed in prodding our military leaders and strategists into pouring lives onto a futile second front one second before such a move can win, and a blow can be struck that can be made really to count. Where, oh where, is the conscience of men, uneducated in military planning, who would take so vital a responsibility out of the hands of trained, courageous military leaders, and themselves determine the course that could be the bloodiest and at the same time the most futile move in all the history of the world? What is to be said of the responsibility of men who would seem to say to the people of England "Now you open a second front or we Americans quit." That is what the Life editorial seemed to say.

The editorial said more than that. It said in effect that we did not have enough second fronts now, with American boys fighting, bleeding, and dying on fronts farther from home than we have ever previously sent American fighters. Do not stop to know how adequately prepared we are for more fronts; let us have another! That seems to be the tenor of the Life editorial, obviously inspired by that "great" campaign orator Wendell Willkie.

Let others speak up! Leave no reason for the English and for our American military leaders to believe that this Life editorial speaks for the American people. In their leadership we place our confidence. With them we want no more second fronts until we are prepared to make the blows these boys of ours strike fully worth every sacrifice called for. No son ought to be asked to offer the supreme sacrifice until there is far better preparation for the battle than prevailed at certain European fronts or than was had for at least a time on the Pacific front where our men have died and our ships have been sunk while the brave fought for time, to the end that others might be made better prepared for the mighty and we hope final blows to be struck.

It is so easy to sit in the gallery of scolds, where sit Willkie and Luce, telling our own generals and our allies without further delay, to send more Australians, more South Africans, more of our own neighbor Canadians, more of British sons to more of such slaughter as they have already suffered. But for my part I am ready to let our ally, Britain, have the full benefit of every doubt, give them credit for perhaps concentrating allied forces and making ready to strike a solid blow rather than splitting and spreading themselves so thinly upon many fronts that they cannot hope to be truly effective anywhere. We ought to have learned by this time the great disadvantage of spreading as thinly as we did our limited forces around the face of the globe and not being prepared to strike as forcefully anywhere as we shall do when men and machines are ready in larger numbers.

Mr. President, some would put me in the light of a pretender for what I say today. My utterances will be represented as those of a hypocrite seeking to get onto what he believes is a popular wagon. I lay no claim to having been other than a sincere critic of an alliance for our country in this war. Until Britain became our ally last December, I criticized British purpose, her empire building, her distance from the things her spokesmen preached as causes for the purpose of inviting our cooperation in another war. I wanted to keep our country out of the awful tide which now engulfs the world. I shall probably criticize Britain again when we are free to plan and shape our place in a world that shall have finished with this war. I do not like empires. I do not like the idea of permanent union with empires; but since we became allied with Britain, in the cause of saving our own country and others from Axis domination, I have wanted only to aid Britain because aid for her was aid for ourselves in the most difficult and critical cause ever faced by my country. The Luce-Willkie policy, on the other hand, seems now to have been that of praising and helping Britain before we became her ally, and condemning and prodding her after accomplishing our alliance with her.

I am frankly angered by the kind of pranks we see played by the Luces. They did not like noninterventionists—isolationists they called us. They placed us in the worst possible light their publications would permit, because we wanted to alliance with Europe and her jealousies and hates. But, having witnessed the abandonment of nonintervention, and our country having become involved in the most terrible war of all time, now come the same Luces with attacks upon those whose alliance we must have if we are to endure and save our own American face. Who could be other than angry? I but hope our ally will not believe that Luce reflects American thought in his effort to undermine that ally.

During the campaign—some called it a crusade—of 1940 and 1941, when we were putting all our eggs in or taking all our eggs out of intervention or nonintervention baskets, representations were sometimes made which in the light of later developments appear to have been poorly founded. I know that developments have made some of my own representations appear in that light. I gladly acknowledge this, though insisting that on the whole my contentions offered in support of a policy less challenging than the one our country pursued are not without large substantiation through day by day experiences.

But these things are hardly of consequence today, when we have on our hands the very positive obligation of winning this war. It definitely is not the time to be throwing "I told you so's" in this or the international arena. Nor is it the time to be reflecting upon our allies. Whatever we may have thought and said of our allies-to-be prior to last December, today they are a part and parcel of our own cause, the most critical cause of all time. If ever we needed allies, that time is now. For that reason, I resent the attitude of some presumably responsible Americans who would now jeopardize our own security by damning our allies.

I said time and again before our involvement that the war then being fought in Europe, Asia, and Africa was not our war, and that the preservation of the British Empire was in no sense our task. I offer no apology for such utterances. Were we not involved in the war, I would still be saying these things which I felt highly justified. But, for the life of me, I cannot appreciate the advantage or good sense of even intimating these thoughts, as Henry Luce and his Life magazine have done, in an hour when we know this war is ours, in a time when certainly the preservation of the British Empire in the minds of some of our allies is quite as important a cause as is the cause of preserving America in our American minds.

I have said upon many occasions that if we got into this war we could expect our allies would take every possible ad-

vantage of our alliance, place every possible burden upon us. But this is not the time to be attacking our allies with charges of bad faith and cowardice, and giving the enemy the chance to build home morale through the "break among the Allies," as represented by the great Luce and the self-appointed generalissimo of the great minority party.

Surely I said as early as August 10, 1937, here on the Senate floor, that if we did not put a stop to the business of sending scrap iron to Japan we would one day find ourselves sending our sons into the Pacific to collect this scrap in their own bodies for return for American burial. But I would resent it if any of our allies were now to charge my country with bad faith because of that. Our allies, not even China, are not so charging, because I expect they realize that all of us have just one job to do—a job that is not going to be other than jeopardized if we permit ourselves to be involved in interallied skirmishes. Why do not such spokesmen as Luce practice toward our allies what we expect them to practice toward us?

I ask unanimous consent to have incorporated in my remarks at this point an editorial from the Saturday Evening Post entitled "Japan Needed No Agents."

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Saturday Evening Post of October 17, 1942]

JAPAN NEEDED NO AGENTS

A few weeks ago the FBI tossed out a dragnet and hauled in two bizarre characters charged with acting as Japanese agents without registering as such with the State Department—all this, of course, before Pearl Harbor. One of their assignments was to buy the moribund Living Age as a means of distributing articles favorable to Japan.

Since the men were paid by the Japanese, it is obvious that they should have registered as agents. But, now that it is not unneutral to bring it up, attention might profitably be directed to the aid given, entirely within the law, to Japan in ways far more profitable to that aggressive nation than anything that seems to have been accomplished by the two journalists mentioned above. Shipments of oil, scrap iron, planes, and machine tools continued when it should have been obvious that Japanese policy toward China was certain to lead to war.

More unpleasant to recall is the fact that, when the State Department finally got round to a "moral embargo" on war planes, American designers and engineers were sent to Japan to instruct Japanese manufacturers in the art of making war planes. As Ray Cromley put it in the Wall Street Journal recently, "It is probably not far from the truth to say that every airplane which Japan has on the front lines today was produced in part—and a critical part at that—with the aid of American machine tools" and "under the supervision of American engineers." A year before the war, Mr. Cromley reports, a Japanese businessman told him that Japan's aviation industry was dependent on American machine tools. That was more than a year after Japan had broken off the commercial treaty of 1911 with the United States, 2 years after Mr. Hull had warned American manufacturers to cease supplying Japan with weapons.

All this is water over the dam, and the subject is mentioned merely to remind us that the humanitarians and friends of China who protested the arming of Japan from American resources were not such crackpots as they were thought to be. In those days Japan needed no agents, registered or otherwise. She was doing quite well with the constituted authorities.

Mr. NYE. Mr. President, before we were allied in this war I said the British were largely responsible for the war, quoted British leaders like Lord Lothian as my authority for such declarations. But in this war, so directly involving the survival of our own country, I am not pulling a "Luce" and fighting an ally so essential to our success as is Britain.

Before America became involved in this war I entertained sincerest conviction that we were in no degree dependent upon Britain or her Navy if we but provided our country with the modern defensive weapons. I quoted freely men who were saying: "The whole business of invasion across the sea against ample land-based air power no longer is in the book of possibilities; the bomber has made the American coast impregnable to invasion," as Lt. Col. Thomas R. Phillips expressed it in the publication Army Ordnance. But with our energies spread over the entire globe, with war on many fronts far from our shores, I am hardly so dumb as to feel that we can do the job now before us and alone save our own shores without allied help, at least on distant fronts.

Oh, yes; I freely criticized Britain for the play that moved us into the preceding war. I marshaled and portrayed the parts played by the British Vickers Co., the boasting of Churchill on what would happen if only America could be made to shed a bit of blood on fields of battle. I did all in my power to avoid affiliation by America in more foreign wars, and helped develop the sordid story of munitions companies and profit appetites getting the world to war—a story so complete that President Roosevelt was once caused to say in a message to Congress:

> The private and uncontrolled manufacture of arms and munitions, and the traffic therein has become a serious source of international discord and strife. * * * This grave menace to the peace of the world is due in no small measure to the uncontrolled activities of the manufacturers and merchants of engines of destruction.

But I cannot be so magnificent a dunderhead as to ignore the utter need for the highest degree of unity among the Allied Nations in this hour, a unity hardly attained by the kind of blowing the Willkies and the Luces are affording.

To be sure, before we were in the war I fought and voted against what I thought was the madness of the gigantic appropriations being asked for the huge battleships. There would be some cause for my going back now to those votes and justifying them, in light of late decisions dictated by the experience of this war against the continued building of the big ships. But that kind of action wins no wars. I have been ready to abandon that whole argument while my country was fighting for its life. Mr. Luce would open new avenues for controversy and keep pulling on strings of disharmony.

Today there are those—and they have not been discouraged or hindered by Mr. Willkie or Mr. Luce—who would have our allies believe that we Americans were a frightfully divided people, with the leaders of the pre-war nonintervention cause playing to, and hoping for, a Nazi victory, riding with and encouraging the bund. The fact that I, 4 and 5 years ago, sought for legislation that would put the bund out of business does not enter into their consideration when this willful crowd sets out to prevent the attainment of unity. Yet that same crowd, not content with its stirring of disunity at home, reaches out to stir disunity among our allies.

I, too, may and do believe that the British make a terrible mistake when they fail to recognize the claims of India, but I am not slyly suggesting to England that if she does not do thus and so about India, the people of America are going to quit the war and leave our allies out on a limb.

I urged and helped to write the laws of neutrality while the move was popular, while the administration was for it, at a time when there could be cool deliberation. And then, in hours of less will to deliberate, hours when passion and hate were being tossed at us by the Luces, then bent upon getting us in the war, in hours when neutrality was being made unpopular by reason of failure to invoke the laws, I stood by and fought every play to wear away these laws intended to help us keep out of war. I fought the lifting of the arms embargo, the destruction of the cash-and-carry feature of the law, the whittling here and there of the law, and finally the lend-lease play, and the outright repeal of whatever remained of the law of neutrality. I charged British agents and British propaganda with responsibility in part for the destruction of these laws, written in sober days when we dared to do things for our own country and its future. I did these things because I wanted to keep my country out of another war if there were ways of doing it. The Luces and the Willkies thought such a course criminal, unpatriotic, un-American, dictated by hatred of Britain. But with the coming of war to us, with our alliance with Britain in a common cause of self-preservation and victory, I was ready to forget all about why neutrality failed and who contributed to its failure. Luce, on the other hand, who in those days of undertaken neutrality was telling us Britain was fighting our war, now attacks Britain, our ally, when allies are scarce, to say the least. Luce no longer is ready to hold that Britain might be fighting our war.

I fought, before we were at war, the Union Now propaganda, the motion-picture propaganda, and the control of the picture industry by foreign-born executives. I fought every influence that was striving to take us to war. Luce and his Life and Time magazines were then attacking me and all others engaged in like purpose, charging sabotage and pro-Axis sympathies to one and all who would not come all out for England.

With our entry into the war we saw that these things were no longer to be an influence in our thinking if we were to win the war, and gladly abandoned any and all solicitation on the subjects. Luce and his magazines, on the other hand, seem bent now upon doing what they can to reflect upon such allies as we have and need in the gigantic task before us.

For no reason would I strive to dodge responsibility for the fact that I carried my opposition to involvement in the war up to the very moment of our being brought into it on December 7. On that afternoon I was addressing an America First rally at Pittsburgh, had been speaking of how diligently some people and forces had been striving to get us into the war, and was in the midst of recounting how Liddell Hart and other British authorities had published the word that perhaps the only way they, the British, could get us into another European war was through a war with Japan, when a newspaperman laid before me the slip I hold in my hand, with the message scrawled upon it:

> The Japanese Imperial Government in Tokyo at 4 p. m. announced a state of war against the United States and Great Britain.

A reporter, and Mr. Luce's Time magazine, afforded the falsest kind of report of this meeting and my own part in it. I did not even fight that report as published, we had a bigger job before us. But Mr. Luce now does not think the job so large that we cannot do it alone if necessary, and he goes forward now jabbing and prodding our allies, at a time when the great portion of Americans are not caring how we got into this thing, caring only that we, plus our allies, can get out of it with credit and honor to ourselves.

What is this Willkie-Luce-Winchell combination up to, anyway? Are they just plain blind? Or are they playing with a troublous mind that finds them remembering how they preached about the ease with which we could bring order to the world if only America would pitch her might into the British cause? Do they seek to justify that position, now that the task is proven less simple than they thought, by charging shortcomings to our allies and our military leaders? They would do the allied cause a great service if they would settle down to their normal operation, as in Willkie's case, of running after-election inheritances of banking, moving picture, insurance, and shipbuilding positions.

It would seem to me that there was plenty for us Americans to be doing here at home in putting our ship in shape to win this war; so much, in fact, that we could well afford to refrain from practices toward our allies so harsh as to invite their bitter anger. There is plenty to do here at home, plenty of room, especially for those critics who once thought our hand in this war would end it in a day, wipe out Tokyo in 20 minutes. Let those critics devote their energies to the manpower problem, a problem which was overlooked when they contemplated our entry in the war, a problem involving a war which needs twice as great a population as we have, according to some spoken plans. There are plenty of problems here at home. Let Mr. Willkie, for example, as an executive of a great moving-picture production firm, give a little of his energy to determining just how the movie and radio stars are being treated under the draft.

Maybe this is not the place to speak of it, but it should be noted that great effort is being extended to win a deferred status for certain stars. Here is Kay Kyser, for example, a great leader of a great band, explaining that his Government needs him more in his task of entertaining, and selling bonds, than in the military ranks. All of which may be quite true, but it does not seem to be the Government that initiated keeping Kyser at home. A theatrical booking agency office in Hollywood on August 31 received from Mr. C. J. La Roche, its New York agent, a long teletype message telling of how it had already handled a list of stars, including Kay Kyser. In addition to smugly claiming responsibility for the classification of Kyser and others as being more essential at home, that agency recited others of their clients for whom a like classification was being sought.

Mr. President, I have no war with Mr. Kyser. He may have, and probably does have, every cause on his side. But I do object to the obviously organized effort by pressure groups to bring preferred status to artists.

Returning now to a conclusion of the subject matter I was dealing with, I wish to say only that I hold no brief for other than a united front on the part of the allied cause. I want no stone placed in the path of those in whose hands rests the responsibility for the war's conduct. Both President Roosevelt and Prime Minister Churchill have asserted that decision in the conduct of the war is placed with trained military leaders who have made conduct of war their life-long business. The Luces and Willkies ought to be made to know that their campaign oratory is not the kind of ammunition these military leaders need, however explosive their words may sometimes appear to be The Luces and the Willkies should be stopped from making any seeming charge that these Allied military leaders are lacking in courage or associated with cowardice. Do Mr. Luce and Mr. Willkie count themselves better qualified than the military leaders to determine the ability, the readiness, and the strategy of our forces in the military field? Men are bound to be accused of rotten bad faith when they deal loosely with spoken and printed words at a time like this. I for one resent the audacity which has invited the strong resentment of the English people toward not only Mr. Luce and the magazine Life, but toward the American people for whom Mr. Luce pretends to speak.

We win or we lose this war together, we Allies. We will never win it by tearing at our allies and seeking to hurry them or to prod them and our own leaders, before we are, in the estimation of those leaders, ready, fully ready, to make our costly blows count. We swim together or we sink together. The Luces and the Willkies would seem to be trying to destroy the only chance we have to win. If there is no way for democracy to muzzle them, then at least those who will can make it clear that they are not speaking for all of us.

The PRESIDING OFFICER (Mr. MURDOCK in the chair). The question is on agreeing to the first branch of the committee amendment beginning in line 19, page 2.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smathers
Brewster	Johnson, Calif.	Smith
Bulow	La Follette	Spencer
Bunker	Langer	Taft
Burton	Lee	Thomas, Idaho
Butler	Lodge	Thomas, Okla.
Byrd	Lucas	Thomas, Utah
Capper	McFarland	Tobey
Caraway	McKellar	Tunnell
Chavez	McNary	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Wiley
George	Overton	Willis

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

The question is on agreeing to the first branch of the amendment.

The first branch of the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the second branch of the committee amendment, on page 3, after line 2, being subsection (j) of section 4.

Mr. GURNEY. Mr. President, this branch of the committee amendment refers to the liability for training and service of persons convicted of crime. It reads as follows:

> No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which is not a felony at common law, if the local board having jurisdiction determines that such individual is, notwithstanding such conviction, morally fit for military service.

It will be noted from the language of the amendment that it eliminates only those persons who have been convicted of a felony at common law. Consequently, many statutory felonies are not excluded. Some examples of these are embezzlement, forgery, kidnapping, and traffic in and use of narcotics. It is believed by the War Department that persons convicted of these and other statutory felonies should not at this time be included as a class made mandatory for acceptance for military service. Inasmuch as the present legislation involves military employment of young men 18 and 19 years of age, it is believed that the War Department should not be required by statute to accept persons convicted of statutory felonies until after

careful examination has been made of the facts in each case. Although the proposed amendment qualifies the acceptance by placing the determination in the local board to see that the individual is morally fit for military service, it is believed more appropriate to eliminate from consideration any person who has been convicted of a felony denounced by statute. The War Department recommends, therefore, that the amendment be changed to read in accordance with the wording which I have already given to the clerk, and which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota to the committee amendment will be stated.

The CHIEF CLERK. In lieu of subsection (j) of section 4 it is proposed to insert the following:

(j) No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which may not be punishable by death or imprisonment for a term exceeding 1 year, if the local board having jurisdiction determines that such individual is, notwithstanding such conviction, morally fit for military service.

Mr. BONE. Mr. President, I am rather curious about one aspect of this question. It probably has no immediate bearing on the question at issue, but suppose a man were serving a sentence of 2 or 3 years. It the amendment covers such a case what would happen to the sentence legally? Would it be in abeyance or suspended? Suppose a man were released from the penitentiary and served in the Army. What would happen when he got out of the Army? Would it be necessary to make some provision in the statute for a resumption of the sentence, or would the suggested provision automatically parole him or pardon him? What would happen to him?

Mr. GURNEY. It would not automatically parole or pardon him. It does not go into that matter at all. If the Senator will look closely he will see that discretionary powers would still be left with the local board.

Mr. BONE. Would the local board have the power to say to the man, "When you come out of the Army, if you come out alive, you will then finish the remainder of your sentence."

Mr. GURNEY. It is not so written in the language.

Mr. BONE. I am wondering what the law in such a case would be.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. AUSTIN. I do not think that a prisoner serving a sentence of more than a year is within the reach of this proposal.

Mr. BONE. I heard it read for the first time just now.

Mr. AUSTIN. The amendment merely places the definition of the class within the present definition of what is a felony. The language in the original committee amendment was:

No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which is not a felony at common law, if the local board having jurisdiction determines that such individuals, notwithstanding such conviction, are morally fit for military service.

At common law the test of whether an offense was a felony or misdemeanor lay in the extent of the punishment provided. At common law a felony was an offense punishable by death or imprisonment in the penitentiary. The Federal Criminal Code, which governs all such offenses tried in the United States courts, provides:

All offenses which may be punished by death or imprisonment for a term exceeding 1 year shall be deemed felonies. All other offenses shall be deemed misdemeanors.

As I understand the amendment to the committee amendment, it is to change the words "which is not a felony at common law" to the words "which may not be punished by death or imprisonment for a term exceeding 1 year." So all those who are in the category of imprisonment for a term exceeding 1 year would be outside.

Mr. BONE. What does the Senator mean by "outside"? Does he mean that they would not be subject to the draft?

Mr. AUSTIN. They would not be liable for service and training.

Mr. BONE. But they could be taken into service, as I understand.

Mr. AUSTIN. Yes.

Mr. BONE. Let me pose the question somewhat differently. I believe the Federal statute provides that if a man takes a stolen automobile or other property across a State line he violates a Federal statute. Let us suppose the case of a young man who takes a stolen car across a State line. The Federal judge gives him a year and a day in the penitentiary. Thereafter the draft board calls him into service. Let us assume that he has served only 1 month of the sentence of 1 year and a day. What becomes of the 11 months and 1 day still unserved in his sentence? I am not suggesting that the provision be changed, but I am rather curious as to precisely what would happen in such a case.

Mr. AUSTIN. He never would get into the armed forces, because he could not get out of the penitentiary.

Mr. BONE. As I understand, it is desired to authorize the draft board to utilize his services if there is no other moral disqualification, aside from conviction of property theft.

Mr. AUSTIN. No; the language would expressly prohibit such service. If the amendment should become law, it would provide that:

No individual shall be relieved from liability for training and service—

And so forth.

Mr. BONE. That is precisely it. We would not relieve him of liability. Stating it conversely, as I listened to the language, he would be liable for service.

Mr. AUSTIN. Conversely, his incarceration in the penitentiary would not be a sole ground for relieving him; but the amendment would not grant authority to a local board to take him out of the penitentiary and put him into the Army.

Mr. BONE. I was constrained to ask the question because I know that local boards would run up against that sort of thing. Perhaps this inquiry may be helpful to them in trying to locate themselves in this field of law. I have found myself wondering what would happen to young men who were in jail or in the penitentiary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. GURNEY] to the second branch of the committee amendment, on page 3, after line 2, being subsection (j) of section 4.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DANAHER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANAHER. Is it now in order to offer an amendment to the bill?

The PRESIDING OFFICER. It is.

Mr. DANAHER. I invite the attention of the Senator in charge of the bill to page 2, line 2. I wish to offer an amendment, after the name "United States" and before the period, to insert the following language:

Provided, That this section shall not apply to any such male who served in the armed forces of the United States between April 6, 1917, and November 11, 1918.

Mr. President, I have canvassed the import as well as the impact of the proposed language with many members of the Committee on Military Affairs who are familiar with the problem which this amendment would resolve. I have discussed the matter with various Army authorities, who in turn voice their approval.

Simply stated, the idea is that since under the proposed language section 3 (a) of the Selective Training and Service Act of 1940 is being rewritten, we would now provide that males, 16, 17, 18, 19, and 20 years of age at the time, who volunteered during the last war shall not now again, having then served in the armed forces of the United States, be liable ipso facto to the operations of the pending bill when it in turn becomes law.

Thus, Mr. President, a very grave injustice, a very real inequity as against many patriotic citizens, can be prevented. I think the objective of the proposed amendment finds favor in all quarters.

Mr. BONE. Mr. President, let me inquire of the Senator from Connecticut if the amendment would automatically remove from the draft all members of the American Army of 1917 and 1918?

Mr. DANAHER. It would not.

Mr. BONE. What distinction is drawn? I am not certain. Of course, I heard the language read.

Mr. DANAHER. In the first place, if we add the number of years which have elapsed since November 11, 1918, to the then age of a given individual who, let us say, then was 21, we find that, automatically, obviously today he would be 45 years of age or older.

Mr. BONE. I can understand that.

Mr. DANAHER. If he were 22 years of age at that time, he would be 46 today, and hence beyond liability for service under this act.

Mr. BONE. I can understand that he would be beyond the period when the Army would regard him as desirable as a soldier, for physical reasons.

Mr. DANAHER. But also he would not be desirable, anyway, if he were 21 years of age or older when he entered the service in the last war.

Does that answer the Senator's question?

Mr. BONE. I think I understand the point; yes.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. GURNEY. I know that the Senator from Connecticut has talked with many members of the Committee on Military Affairs. Of course, I cannot speak for the committee; but I have conferred with as many of its members as possible. They see no objection, except some of them say—and I agree quite completely with them—that the amendment to some extent provides a class deferment. I want to call that point to the attention of the Senate. Personally, I am inclined to believe that the amendment is a worth while and fair one. Personally, I should like to accept it.

Speaking in behalf of those who will be affected, those who served in the last war at a very young age, let me say that it may be that they themselves would not want to be put in the category of having received class deferment. In other words, as I take it, those who volunteered in the last war were extremely patriotic young men and undoubtedly they retain their patriotism. They might not want to be put in a deferred class.

However, I feel that there is so much merit to the amendment that if the Senate felt inclined to accept it, I feel that it would be well to have it in the bill so that it could be considered thoroughly in conference.

Mr. DANAHER. Mr. President, I ask to have my amendment stated at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 2, after the word "States", it is proposed to insert a colon and the following: "*Provided*, That this section shall not apply to any such male who served in the armed forces of the United States between April 6, 1917, and November 11, 1918."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. THOMAS of Utah. Mr. President, I should like to speak for a moment about the proposed amendment. In speaking about it I realize that a man may be greatly misunderstood. I think everyone feels that enough service is enough service; and service which has already been given at great sacrifice should be accepted as enough by the people of our country so long as there are great pools of men who have not served.

The sentimental aspects of the amendment are, therefore, to be commended. However, Mr. President, there are some practical aspects in regard to the amendment which I think indicate that the amendment would cause us to add to a breaking down of the great fundamental upon which the Selective Training and Service Act rests.

Originally, the theory of selective service, as it same out of the committee when it was first presented to the country, rested upon the notion, first, that every man should serve his country in the way in which he could best serve it; second, that when it came to choosing the men, the hazard should first of all be imposed by law; and, third, that when persons were being drafted and brought into the service, each individual should stand as an individual in front of his draft board, with no class distinction, no general deferment at all. The point was that every man should stand face to face with his Government, and should take his chances in regard to deferment entirely on the basis of individual merit, rather than on the basis of class.

Now we have broken down some class distinctions. We have been running our draft arrangements for over 2 years. So far as the 45-year-old men are concerned, and those men who came in the service as the result of the last amendment of the act, they are the men who would be affected by the amendment of the Senator from Connecticut. Most of those men have already responded to registration, and some of them have been called.

Mr. President, while I am on my feet, speaking against an amendment which should be commended because of its fine spirit, I want to make a plea not to add restrictions in the administration of the law, and, above all, not to add restrictions on those who are in charge of our troops, to limit them in being able to fight the war in the most effective way.

Amendments which have been suggested may result in not being able to move troops as easily as troops should be moved. That point does not apply to the pending amendment, because if the amendment were agreed to, the persons covered by it would not be brought into the service. The point I have made is valid only to the extent that we are talking against general deferments, against general restrictions, and in favor of leaving as it is the system which has operated fairly well during the last 2 years and to which the people of our country have generously responded.

Mr. President, since I am speaking about the sentimental aspects of the amendment, I shall, while I am on my feet, speak about the bill in general entirely in a sentimental way.

On the question of drafting 18- and 19-year-olds there is little that one could add to the words of the President, the Secretary of War, and the Chief of Staff. None of those gentlemen is happy over the prospect. I think all of us should keep that point in mind. It is hard to draft anyone; and, therefore, it is hard to draft youths; and it is especially hard for me to talk against an amendment which would exempt a group that in all justice is entitled to be exempted, except to be exempted by class.

Any man over 20 would rather take a beating than to join in the drafting of any man under 20 for combat service. The whole proposal strikes at every fireside in America. It is almost as shocking as war itself. Perhaps now we shall—everyone of us—raise our heads to see that this war is upon us, and shall take full steps to get it over with victoriously as soon as we possibly can.

Some of us have been asleep. The sweet dream will be affected by the new muster rolls.

The President, Mr. Stimson, the General Staff, and now Congress are faced with the hardest decision of this generation. Put bluntly it is whether we shall compete with our enemies or whether we shall lose the war.

What the 18-year-old youth thinks about it is an interesting consideration, certainly a factor. His thoughts are on the credit side of the proposal to lower the draft age. Youth is idealistic. Youth is incautious. Youth is daring. Youth is patriotic.

Perhaps we should look further. What does America at large, what do those already affected, and those who will be affected, think of the proposal?

To begin with, no one is happy over it. It is an ugly thought; but just what is there about war that is pretty? Not a solitary thing. No one was happy over war or over voluntary enlistments, and a mother screamed out in the very halls where the drawing took place when the first number in the first draft lottery was drawn. No one was happy over Bataan or Corregidor. There was nothing elating over the casualty list at Dieppe Wars sink more grimly into human consciousness with each passing hour until they are over. We, this Nation, and each member of it, cannot escape, but must meet it head on.

When I was little, an 18-year-old boy was a man, more often than not doing a man's work and bearing tremendous personal responsibilities. A generation later such a one was a boy. Now he seems even less than that—or shall I say younger? He is taller, broader, stronger, better educated than his prototype, but all men live longer today, and this youth is relatively so young.

We heard from the greatest authorities on mental hygiene testimony which we cannot ignore. They pointed out that calling into service 18-year-old boys might interfere with their individual stability, and it will, because they have not reached the place where they can make stable decisions. But, Mr. President, the fact remains that not only in our forces but in the forces of our enemies the Army is young. The average age for the Navy is very close to 18 years and the average age of the marines is about 19 years. So, we can see that the response of youth has been very general or else these figures would not be possible.

Enigmatically, it is youth which, if we are realists, we must have and must use. It is that excellence of fitness which differentiates the enemies' armies from

ours. It is a paradox of war that the human equation most valued and most valuable in peace, intrinsically and sentimentally, is most valued and most valuable in war. Curse our enemies if we must curse. They have set all the examples, and they are all, most confessedly, horrible. Fashions of war are decreed by the victorious, and until very recently our enemies' victories were sweeping. The enemy gets its manpower where manpower is strongest, from its young, alert, strong, and courageous men, its Fascist zealots who from babyhood have been taught that Germany is to rule the world. With a catch in our throats, we discover that these enemies cannot be met with slow-moving plodders of 40 and 45 years of age, men who never in the world could beat them to the draw in any form of combat. The gantlet we have had laid down to us is manpower, energetic, quick-witted, clear-eyed, fast-moving manpower, delivering fire power into our ranks, into our outlying possessions, and toward our continental ports.

Mr. President, let us never lose sight of the fact that the efficiency of the German Army from the beginning of the war came about as a result of a changed attitude in regard to the education of the German Army. The marvel of all times, so far as raising armies is concerned, was performed by Germany. The old treaty army permitted Germany to have only 100,000 men, and each of those 100,000 men was required to serve 13 years, the idea being to protect the career of any man who entered into the army, so that there could not be a rapid turn-over in the training of majors, colonels, and other senior officers. Germany met that situation by changing her whole fundamental military educational concept and so in the treaty army of 100,000 men every man was trained to his potential ability. If a boy had the ability to take the training of a brigadier, he may have marched for 13 years as a private, but he got the training of a brigadier.

What was the result? Within less than a year Hitler was able to expand his army from 100,000 to 4,000,000 men, lacking only in noncommissioned officers. The predominant characteristic of those men when they started fighting was that they had speed, they had ability. The German Army probably was not so effective, in the long run, in going through France, for example, and the German Army probably was not so effective in crushing the British at Dunkerque, for the simple reason that youth has an impulse to fight so fast and so rapidly that the Germans were found without support when they made the final effort. That we do not know for sure; it is merely a surmise; but it seems to be true from what we have read and what we have heard.

The German Army is made up of zealots; they are young. So far as the Japanese, our other great enemy on the other side, are concerned, the men in their army have been trained from their very youth. If we are going to meet youth, sad as it is to say it, we have got to meet them with youth.

Mr. President, we did not ask for Pearl Harbor. We did not ask for Bataan. We did not ask for Corregidor. We did not ask for reduction of the age for selective service. They came to us, one not more nor less than the other, from the outside as grim messages to defend or die. There is now no alternative but to defend.

Unless there is a drastic turn of events, our new 18-year-old selectees will spend at least 1 year in training. There is no provision in the bill about it, but that is the course the selective service is following, and it is better to let it proceed in its natural way than to have a provision requiring it. At any rate, that is the plan, and it will undoubtedly be followed, because it has worked, and, in the logic of events, it will be adhered to as strictly as the situation permits.

Mr. President, no one can predict the turn of war. For example, if the homeland were invaded, not only the 18-year-old boys in training but the whole civilian population, men and women of miscellaneous ages and states of health, even children, would defend their cities, their cities' streets, and their homes. A nation which would do less has no business responding to acts of aggression with war declarations of its own. It would seem likely, then, that any emergency which would divert the War Department from its resolve to withhold 18-year-old boys from battle would divert us all. It, then, is reasonable to presume them in that intervening year, not as being endangered but actually as being protected from danger by learning how to take care of themselves, by toughening up, by becoming physically fit. If all they are destined to get out of this war is training, by any stroke of good fortune, the net result will be to add 10 years to their lives, to have the social benefits of group and team living, and so to order their eating and sleeping habits at an impressionable age as to regulate their health for all time to come.

That is the bright side of the picture. It is my belief that, unfortunately, the war will last much more than a year; yes, several years. It would be mental blindness for me, as a legislator, to presume that the vote about to be taken is actually for the purpose of conferring individual benefits upon these young men. On the contrary, the proposal, in large, is very painful to me. But as a matter of straight training, without combat, the experience will be seen to be on the credit side of the ledger.

And let us look at another point. I am convinced that a year from now we will have to call upon this year's 18-year-olds, who are next year's 19-year-olds, for service in the armed forces. If we have given them a year's training, meanwhile, then it will at least not be unkind to them to place them in competition with their no-better-trained enemies. But if we deny them this training and suddenly call them up for instant service, we ourselves will be guilty of participation in their slaughter.

I am one who believes a 24- or a 28-year-old youth is a precious national possession, with a long-life expectancy, and decades of joy and service before him. I feel no different toward a 19-year-old boy. They are all boys to me. There is little relative difference, in the long run, between their prospective peaceful futures. It is as abhorrent to nip one of their careers in the bud as another. As a matter of fact, the 19-year-old youth is more likely to survive an assault—he can see better, shoot straighter, move faster. It is harder to see them go because they look so young. What a pity, in the very large picture, however, what a pity it is that it is a war fought by such young men. It would be better, if someone had to fall, if it were someone who had largely lived out his life, had enjoyed American bounties to the full, had used his freedom over and over again for decades, and who, having had the benefits, felt some degree of urge to pay back. But war is never ideal. It is, in our case, one of the heaviest tolls we have to pay for continuing an eternal liberty.

Congress, in summary, has a heart, indeed, and will not go further than the necessities require, and will go even that far with reluctance, but we are faced by the facts of war.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER].

Mr. REYNOLDS. Mr. President, I should like to make an inquiry of the distinguished Senator from Connecticut. As I understand, his amendment would eliminate veterans of the World War, members of the American Legion, who had volunteered.

Mr. DANAHER. Only at their option. In other words, actually it would apply to a very small class. There are those who, by virtue of their family situation or what not, perhaps influenced by a feeling as to their own state of health, today are unable to render the type of service which would be called for under section 3 (a) as amended. Indeed it applies in favor of the older men whom the Army authorities themselves say they do not want. The proviso merely says that the liability for service under section 3 (a) shall not apply to such individuals. However, they would have a perfect right to waive their exemption if they chose to do so, and if they wish to serve and are able to do so, as they did before. But we know that there are cases of truly patriotic young men who responded to the urge, in the zeal of youth, and went into service and served 27 or 30 or 33 months in France during the last war, who now, having reached the age of 43 or 44, find themselves in a peculiar situation. They are amenable to a draft which takes them as privates, no matter what rank they once held, and reduces them to the level of the merest tyro so far as their status or rank may be concerned. As to that type and that group of persons, the amendment would afford a degree of protection, at their option.

Mr. REYNOLDS. Let me inquire of the Senator whether the amendment which he has offered and now sponsors has been presented at the request of the American Legion itself.

Mr. DANAHER. Oh, no; no organization requested me to offer it. I have had no communication at all one way or the other from the American Legion on the pending bill, so far as I know.

Mr. REYNOLDS. I understand. I am going to assume the very laudable position which has been taken by my eminent colleague the Senator from Utah [Mr. THOMAS]. I very much appreciate what the Senator has said in regard to the matter, and I deeply appreciate the efforts of men who participated in the last World War. I have always felt that we won the war. In other words, if it had not been for the veterans of the United States of America, the Allies would have lost the last war. A lot of people do not agree with me on that subject, but I still contend, and shall always contend, that the last war was won by the Allies on account of American heroes.

In this connection let me say that I appreciate the efforts which were put forth by every American in the last war to bring about a victory for the Allies. I have voted here for every measure intended to be of benefit to the veterans of the last war. I shall always be found voting for the benefit of the veterans of the present war, because I know that when the war is won victory will come only as the result of the spending of American dollars and the spilling of American blood.

I think the gesture on the part of the Senator from Connecticut is a fine one and actuated by a commendable thought. However, the able Senator has told us that his amendment has not been introduced at the request of the American Legion, or any other organization, or any individual member of the American Legion who courageously volunteered in the last war to save democracy and to stop all wars for all time. In the present instance, if we are to permit any amendment to be offered to the pending bill, regardless of how commendable it may be, we might as well accept the amendment of the Senator from Oklahoma [Mr. LEE], the amendment of the Senator from Ohio [Mr. TAFT], the amendment of the Senator from Mississippi [Mr. BILBO], the amendment of the Senator from Texas [Mr. O'DANIEL], and a great many other amendments which have here been offered.

Mr. McNARY Mr. President——

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. REYNOLDS. I yield.

Mr. McNARY. I have just returned to the Chamber What is the particular objection to offering amendments to the bill and having them adopted? I am merely curious to know what position the Senator is taking.

Mr. REYNOLDS. The position I am taking is this: The able Senator who presented the pending amendment told us that he is personally responsible for the amendment, that it was not offered at the request of the American Legion, or at the individual personal request of any member of the American Legion, and we do not know whether any of the members of the American Legion who volunteered during the last war would wish to be exempted. I am objecting to the adoption of any amendment to the bill, on the ground that, as I understand it, the position of the War Department is that they do not want any strings tied to the proposed amendment to the Selective Service Act which is now under consideration.

Mr. McNARY. That may be; but that is a question of policy. I thought the Senator was discussing the delay which might be caused by the Senate writing an amendment into the bill. In its present form the bill must go to conference. It contains language which was not included in the House bill. If no further amendment whatsoever should be written into the bill by the Senate, it would have to go back to the House for action, either on the floor, or by reference to conference committee. So the question of delay is not at all involved from a parliamentary standpoint. I have seen in the press it would involve delay, but it would not in any way effect any delay, because affirmative action must be taken by the House upon the bill as it is presented to the Senate by the Military Affairs Committee, and with respect to the bill as it passed the House.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. BARKLEY. The Senator from Oregon is correct in part, except that any technical amendment which the committee of the Senate might suggest, or which the Senate might adopt, which would not be ground for a fundamental controversy, such as the amendment we considered yesterday, or others that we might consider, would not delay the legislation. The House could agree to the amendment, or, if it went to conference, it might not cause a delay. But any controversial amendment which would have to be debated in conference, or upon which a vote had to be taken in the House, would necessarily throw the final action over to some time next month.

Mr. McNARY. Mr. President, that, as well, is partially correct and partially incorrect. I am speaking of the parliamentary situation, which has been misunderstood by many of those who have discussed the matter on the floor, and written articles about it. The bill as proposed and reported by the Senate Military Affairs Committee contained two provisions which are strangers to the bill as it passed the House. If the bill now before us for consideration is accepted in its present form, in the virgin form in which it was brought out by the committee, it will have to go back to the House for action. That is what I am discussing. The House presumably must have a quorum in order to transact business, under their rules, as we must have. However, there are two alternatives. The House may agree on the floor in open session to accept the Senate amendments, but that is action; or the bill must be sent to conference, and that is action. The House must speak, and speak through a quorum of its membership, if we pass the bill today in just the form in which it is introduced. That is the point I am making. I am not arguing in favor of the acceptance of any amendments; only in favor of the rule. If we write any other amendments into the bill, they will not at all affect the parliamentary situation. However, such action may, as the able and distinguished majority leader has said, cause more controversy and argument in the House than otherwise. I simply wished to make that observation. I thank the able Senator from North Carolina for yielding to me. As I stepped in, I thought he was arguing against any amendments because acceptance of them would create a little havoc from the parliamentary standpoint.

Mr. REYNOLDS. Mr. President, I am very glad to have been able to yield to the distinguished minority leader, and I agree with him that the acceptance of the amendment probably would not result in the consumption of any more time than otherwise would be consumed, but at the same time I want to let the Members of this body know that I individually oppose the adoption of the amendment and shall oppose the adoption of any other amendment to the bill.

Mr. SMITH. Mr. President, I should like to ask the Senator from North Carolina what possible objection there can be to the amendment? The amendment would give the heroes of the last war the right to volunteer and not be drafted. It would in effect say to them, "You can come in without being drafted." Does the Senator want to put a hook in the nose of such a man and drag him in?

I think it is a very good thing to place a hero of the last war in a position where he can assert his patriotism. I hope that word will be spelt p-a-t-r-i-o-t-i-s-m and not p-a-y-t-r-i-o-t-i-s-m. There seems to be some of the counterfeit kind in existence. I think the amendment is a good one. I think it is right to give the men, in effect, the privilege to volunteer rather than to be drafted. The amendment says to them, "We recognize what you have done for us heretofore. If you want to do it again, it is up to you." We should say that rather than say, "You shall do it."

Mr. President, I favor the amendment. I am sick of some of us asking, "What do you want, boss?" We had just as well adjourn and go home if we must take the ipse dixit of a band at the other end of the Avenue. I thought we cooperated, but we "co" and they "operate." [Laughter.]

Mr. President, I have sat in my seat and had very little to say with respect to this matter, but when men who look as if they are of age physically, though not mentally, come here and begin to exhort me to shut my mouth and to abrogate every element of manhood, and simply bow down to the ipse dixit of a little band of men, I say, "No; I shall not do it."

I think there should be no objection whatever to the amendment. I am not willing to accept the statement, "You must not touch the holy of holies which has been baptized by the grace of those who have us in their hands."

Mr. President, I am surprised that the Senator from North Carolina, the chairman of the Military Affairs Committee, should take the position he does. I say

it is time for us to begin to exercise the vacuum which some of us call the brain. Let us exercise it and act like men. We simply receive our orders.

The other day I went to a department and found the officials in profound conference. I could hardly get a hearing from the head of the bureau. I knew then that the officials were cooking up an order for the rubber stamps to accept and say "Yes, sir" to. That is all we are doing. If we could convert into actual rubber the artificial expression of rubber stamps here [laughter] and convert all this gas into actual gas there would be no shortage of gasoline or rubber. [Laughter.]

Mr. President, it is time for us, if we are men, to act like men. If we are not men, let us adjourn sine die and go home.

Mr. President, I have not taken up much of the time of the Senate. I did not feel disposed to enter into the profound, statesmanlike debate which I have heard, and which is floating about in this body. I used to be proud of being a Senator, but I do not know that the bristles of my pride are very high now.

Mr. President, if I continue I may say too much. So I will quit. I hope the amendment will prevail.

Mr. BARKLEY. Mr. President, I wish to ask a question of the Senator from South Dakota. The amendment seems to exempt from the first section of the bill all those who have served in World War No. 1. That seems to be the object of it.

Mr. GURNEY. That is correct. That is what the language does do.

Mr. BARKLEY. I have not received from any of those men any request that they be exempted.

Mr. GURNEY. Neither have I. I made the statement——

Mr. BARKLEY. I think they would be more apt to resent the proposed action on our part than they would to approve it.

Mr. GURNEY. That is the statement I have already made, if I may interject.

Mr. BARKLEY. The American Legion, and all the organizations which represent the men who served in the last war, have been outstanding in their advocacy of the policy of the Government in respect to the war, and I certainly would not want to vote for an amendment which would put them in a separate class, in which they do not wish to be put.

Mr. GURNEY. I made the statement when the Senator from Connecticut [Mr. DANAHER] submitted the amendment, that I was quite sure that the men affected themselves would be the first ones to resent having the amendment placed in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], on page 2, line 2. [Putting the question.] The "noes" seem to have it.

Mr. DANAHER. Mr. President, I ask for a division.

On a division the amendment was rejected.

Mr. NORRIS. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following new section:

SEC. 5. Nothing in this act shall be construed to authorize the sending of troops inducted into military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

Mr. NORRIS. Mr. President, I do not intend to take up much of the time of the Senate to discuss the amendment. Much of yesterday was devoted to discussing certain phases of the amendment, and I have an idea that the majority of the Members of the Senate have reached a decision with respect to it. I have not submitted the amendment in the form that would suit me best. I would have preferred to have put the age at 20 years instead of 19 years.

Mr. THOMAS of Idaho. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. THOMAS of Idaho. In connection with the Senator's amendment I wish to say that I also submitted an amendment several days ago, which has been printed and lies on the table, which covers practically the same matter. I shall first ask that the amendment which I submitted be read at the desk.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. Yes.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Idaho [Mr. THOMAS] will be read.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following new section:

SEC. —. Section 3 (a) of such act, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*And provided further*, That no man under 20 years of age who is inducted into the land or naval forces under the provisions of this act shall be ordered into actual combat service until after he has been given at least 12 months of military training."

Mr. THOMAS of Idaho. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. THOMAS of Idaho. I wish to state in connection with my amendment, that so far as the drafting of the 18- and 19-year-olds is concerned I, of course, regret very much to have to vote to draft those boys. So I conceived the idea of the amendment which I submitted.

I want it distinctly understood that I am in favor of, and expect to favor by my vote, the war program. The President of the United States has gone on record as asking for this measure, the Chief of Staff of the Army and other Army officials have also insisted that they must have it in order to prosecute a successful war, and, of course, I am not going to quarrel with their position. I shall accept it and go along.

It seems to me, however, Mr. President, that at the present time there is no immediate demand for these boys. There is time to give them the necessary training. As a matter of fact it will take 12 months before they can be gotten into the Army anyway. The amendment submitted by the Senator from Nebraska replaces the subject matter of my amendment, and I shall not press my amendment, but shall support the Senator's amendment.

Mr. NORRIS. Mr. President, I thank the Senator from Idaho. I think I had said when I was interrupted, that when providing that the boys should have 1 year of training before they could be taken into combat service, I had placed the age at 19 years. My amendment would apply to those under 19 years of age. I myself would rather place the age at 20 years. I placed it at 19 years, however, after consulting with a large number of Senators who are of the opinion, as I am myself, that the amendment, in order to stand any chance of adoption would have to provide that the age be 19 instead of 20. That is the reason I phrased it in that way.

Mr. President, I have listened with the greatest of interest to the discusison which has taken place yesterday and today regarding our Army. I have read, and have heard read, testimony from so-called experts and leaders in our Army, as to the quality of soldiers when we consider their ages. From all that evidence I have reached the conclusion that soldiers from 18 to 20 would improve our Army or any army. An army of 18- and 19-year-old men would be the best army on earth. Therefore, when we are considering the one thing we wish to do, which is to do everything we can to win the war, it seems to me that we must surrender our belief that boys of 18 to 19 are not old enough to be taken into the Army.

It is difficult for me to surrender that belief, and no doubt it is difficult for many other Senators to do so. I have reached the conclusion from the evidence and from history—and I believe it is a fair conclusion—that by taking these boys into the Army, thus lowering the average age of our Army, we can improve the quality and the degree of invincibility of our Army. It is true in the case of other nations. We have been told by the Senator from Utah [Mr. THOMAS] and also by the Senator in charge of the bill [Mr. GURNEY] that the committee reached the conclusion, from the evidence before it—and I do not believe it can be successfully denied—that these boys will make our Army more efficient than it would be without them.

We are talking about winning the war. We are talking about getting an army best equipped to win the war. Of course we want to make it as nearly invincible as possible. We want to improve its quality. Reluctantly though we may reach the conclusion, it seems to me that we must reach the conclusion that younger blood coming into the Army will improve the Army, and that we can do a

better job and win the war more quickly than we otherwise could. It seems to me that that ought to be sufficient to cause us to vote for the principles involved in the bill. It has moved me very greatly in favor of the bill.

Yesterday I called attention to one thing which it seems to me we ought to meet on the floor of the Senate if we can. Our military men have been telling us for years—and we all believe it; I think it is apparent to the layman—that in order to get a good Army we must have one which is well-trained. While the period of training is indefinite, it has usually been said that a year's training is the minimum. It ought to be more. Military men have so stated. Our hearings are full of such evidence. There is no dispute about it.

Immediately after the bill was introduced to take boys of 18 and 19 there came the cry from the country—perhaps mostly from the mothers of the boys—"My boy is too young." History is full of testimony from experts that a soldier ought to be trained for at least 1 year. We ought not to take an 18-year-old boy and put him into combat without adequate training. So the suggestion was made to amend the bill so as to make sure that he would not be put into combat service until after he had been trained for a year.

There immediately arose a cry, which has gone all over the country, from the same men who have been telling us all along that a year's training is necessary, "We do not want that amendment in the bill. We do not want any restriction."

As I said yesterday, what conclusion must follow? The people of the country, and especially the mothers of the boys, immediately say, "Such a provision would only do what you have always said was necessary with soldiers of all ages." I wonder why there is any objection to following that plan and putting it in the law.

Probably our leaders intend to give the boys a year or more of training before they are put into combat service. The conclusion that is drawn all over the country, that it is proposed to put men into combat service without a year's training, may be unjustified; but I submit that it is a universal feeling. Rightly or wrongly, the mothers of the boys have the idea that their boys are to be put into combat service before they have had a year's training.

So far as the 18-year-old boys are concerned, we can relieve that anguish by adopting this amendment. It is exactly in line with what the military authorities have always said ought to be done with every army. Why not do it? Why not relieve the anxiety of mothers and other relatives of these boys by assuring them that the boys will not be rushed into combat service until they are adequately trained? That would not fully compensate many of them. It would not alleviate all the agony and heartbreak, but it would probably go as far as we can go.

As the Senator from Utah [Mr. THOMAS] has so well pointed today, our sentiments, our sympathies, and our hearts revolt against taking these boys. However, we are confronted with the proposition that by taking them we can improve our Army, and probably shorten the period of the war. We can make our Army better. We can put our Army at least on an equality with the armies of our enemies, because they have 18- and 19-year-old boys, and they are trained. Why not say to the relatives of our boys that they will not be put into combat service until after they have had a year's training?

Mr. President, I do not want anyone to get the idea that this amendment is in any way motivated by anyone anywhere who does not want to make our Army as nearly perfect as it can be made. I believe that is the feeling of the Senate. Under ordinary circumstances we would not want to take these boys; but we feel that if we can make the Army better by taking them we can lessen the pain, suffering, and agony which must come in the aggregate from this great catastrophe.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Florida.

Mr. ANDREWS. How many years of training are required of the cadets at Annapolis and West Point before they are allowed to go into combat service?

Mr. NORRIS. I think in each case the period is 4 years.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. In that connection, it ought to be pointed out that the cadets at Annapolis and West Point are being trained as officers, to command troops.

Mr. NORRIS. I realize that.

Mr. BARKLEY. That training, of course, is necessary. The same course is pursued in time of peace as in time of war. If there is any difference at all, the period of training is reduced in wartime. It was reduced in the last war.

Mr. NORRIS. Probably because of the need for more officers.

Mr. BARKLEY. Yes. So the illustration is hardly an analogy.

Mr. NORRIS. I am not offering it as an analogy. I merely answered the question which the Senator from Florida asked me. I think it is perfectly proper to bring up such a question in this discussion. I am not complaining about it.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WILEY. I heard the distinguished Senator's amendment read. I wonder whether such an absolutely mandatory provision might operate in such a way as to embarrass us. Suppose that 9 months from now, after the boys shall have had 9 months' training, there should be necessity for replacements in a certain part of the Army—for example, those manning antiaircraft guns. Would it be impossible to make such replacements from among these boys?

Mr. NORRIS. I doubt very much whether such a situation would apply. This amendment applies only to soldiers who are taken into military combat service through the instrumentality of the act. I am inclined to think that the soldiers to whom the Senator is referring are not taken in under this act.

Mr. WILEY. I heard the Senator from South Dakota [Mr. GURNEY] and also the Senator from Nebraska state that a year is required to prepare an unseasoned man for combat. Replacements might become necessary in certain branches of the service. For example, a boy who is taken into the Army might have 6 man for combat. Replacements might be needed on some front. If I correctly understand the Senator's amendment, he could not be taken to that front.

Mr. NORRIS. There might be such instances which would apply to boys taken in under this act; but there would not be one chance in a million of that condition coming about. There would always be a way of sending somebody else.

Our fighting in this war is not in our country or on our shores—at least up to the present time. We do not conceive that it will be for some time, if ever. Most of us believe it never will reach our shores; but assuming that it might, certainly it will not happen soon.

We cannot send a boy to the Solomon Islands the first day after he is inducted into the service. I do not think any difficulty ever would arise in enforcing the amendment.

Mr. O'DANIEL. Mr. President, the distinguished senior Senator from Nebraska has made such an eloquent plea that I should like to commend him for his remarks. I would inquire whether his amendment applies only to 18-year-old boys or whether it applies to 18- and 19-year-old boys.

Mr. NORRIS. I shall read the amendment as I first wrote it:

> Nothing in this act shall be construed to authorize the sending of troops inducted into military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

Mr. O'DANIEL. Would the Senator be willing to change the amendment to include——

Mr. NORRIS. Twenty-year-olds, instead of 19-year-olds?

Mr. O'DANIEL. Yes.

Mr. NORRIS. I do not know whether the Senator was in the Chamber at the time when I commenced my remarks. I stated that I should prefer to have the amendment in that form; but I put the age at 19 because from the votes we have had and from the debates we have heard and also after consulting with a great many other Senators, I thought that the amendment probably would not be agreed to by the Senate if I put the limit at 20 years of age, and that the ones for whom it would do the most good would be the younger soldiers.

Mr. O'DANIEL. I should like to offer a substitute making the amendment the same as it was when offered by the Senator from Nebraska, except changing the age from 19 to 20.

Mr. NORRIS. If the Senator will offer an amendment to the amendment, to strike out "19" and insert "20", I shall vote for it. I should prefer to have the law read that way; and if the Senator's amendment to my amendment should prevail, such a provision would be in my amendment.

Mr. O'DANIEL. I shall offer such an amendment.

Mr. SMITH. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. SMITH. I desire to ask the Senator if he does not think that under the present language of his amendment only the boys 18 years old would be exempted, but those 19 years old would not be exempted?

Mr. NORRIS. That is true. That is what the Senator from Texas was talking about.

Mr. SMITH. I think the amendment would be stronger if it provided that the 18- and 19-year-old boys contemplated to be drafted under the terms of the pending bill should be given a year's training.

Mr. O'DANIEL. That is the substitute amendment I wish to offer.

Mr. CLARK of Missouri. Mr. President, I am deeply in sympathy with the objectives and purposes of the Senator's amendment, but as I read it hastily it seems to me that a boy might be inducted into the service when he was 18 years, 11 months, and 3 weeks old, and under the terms of the amendment he could still be sent overseas a week later when he became 19 years of age.

Mr. NORRIS. Yes; that is true.

Mr. CLARK of Missouri. It seems to me that we should guard against sending the boys overseas until they have had a year's training. I know of cases in the last war of boys who were in the front lines before the armistice, boys who had been inducted only 6 or 7 weeks previously, and I happen to know that some of them had never fired a rifle in their lives. I thought of this great country with its tremendous reservoir of manpower, and I thought then and I think now that that was a disgraceful situation. I do not believe we should permit anything of the sort.

I have great respect for the views of the Army leaders on any military matter, but we all know that the Army has announced its policy against sending boys into combat before they have had a year's training. It seems to me that unless we write into the law the policy which they said they would follow, a premium will be put on carelessness and lack of industry in ascertaining the status of the boys, and we should have a great many 18- or 19-year-old boys sent abroad in 6, 8, or 10 weeks after they were inducted—boys who never had had the opportunity of any training at all, and, as I say, in some cases had never even fired a rifle.

It seems to me that if we are to take this action at all we should take it in such a way as to make sure that the boys have had a year's training.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. TYDINGS. I generally agree with the observations of the Senator from Missouri, and I appreciate the observations of the Senator from Nebraska. I may add that, instead of keeping books in the war as to who is doing most, it seems to me that if Great Britain, which has been in the greatest danger and, it might be said, in the front line, cannot use her men until they are 18 years of age, this country would be more than generous in doing its part if we adopted whatever language is necessary to accomplish the result suggested by the Senator from Nebraska.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. GURNEY. The Senator remembers the short conversation we had last evening, at which time I discussed with him the fact that the Chief of Staff had sent us some information on this very question.

Mr. NORRIS. Yes.

Mr. GURNEY. Will the Senator yield while I proceed to state a little other information?

Mr. NORRIS. I think every Senator should have ample opportunity to discuss the matter. I am about to yield the floor. Of course, the Senator will have all the time he needs. I should be very glad to have him present the information which he has, but I desire to conclude my remarks.

Mr. President, I desire to yield the floor in order that the Senator from Texas may offer his amendment. I shall vote for it if he offers it. I think his amendment will improve the language.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. WHEELER. The Senator's amendment reads:

> Nothing in this act shall be construed to authorize the sending of troops inducted into the military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

It seems to me that the language there used is somewhat ambiguous, in that it provides that—

> Nothing in this act shall be construed to authorize—

The Army could send the boys, could it not, if there were nothing in the act to authorize it?

Mr. NORRIS. Probably.

Mr. WHEELER. Why not say directly that they shall not do it, instead of simply saying, "Nothing in this act shall authorize it."

Mr. NORRIS. I think probably that would be an improvement.

Let us see how this would be:

> Nothing in this act shall authorize.

Strike out "Nothing in this act shall be construed."

Mr. WHEELER. Yes.

Mr. NORRIS. Mr. President, I modify my amendment in that respect, so that it will read:

> Nothing in this act shall authorize.

Mr. McKELLAR. Mr. President, that would not cover the matter at all. I think the language should be put in the prohibitive form.

Mr. WHEELER. Yes; I, too, think that the language should be put in the prohibitive form. In the amendment the Senator provides that "Nothing in this act shall authorize," but even then the Army could take the young boys regardless of the provisions of the act.

Mr. NORRIS. The language would apply only to soldiers who come under the terms of the act. So far as I know, it is the only law that authorizes the induction of 18- and 19-year-old men.

Mr. WHEELER. Mr. President, let us consider the language—

> Nothing in this act shall be construed to authorize the sending of troops inducted into the military service by this act into combat service.

Mr. NORRIS. Let us see if the point would not be covered if we modified the amendment so that it would read:

> Nothing in this act shall authorize the sending of troops inducted in the military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

Would that language meet the objection?

Mr. WHEELER. I do not think it meets the objection.

Mr. NORRIS. If the Senator can offer an amendment which would meet the objection, I should be glad to have him do so.

Mr. WHEELER. I say that the language suggested by the Senator would not prevent what we seek to prevent. What we seek to prevent could still be done notwithstanding the language the Senator has suggested; but I think that satisfactory language can be worked out.

Mr. TYDINGS. Mr. President, will the Senator yield to me so that I may make a suggestion?

Mr. NORRIS. I yield.

Mr. TYDINGS. If the Senator had used the numerals "19½," instead of "19," the following situation would have evolved: Anyone 18 years of age, even if he had been drafted on the very last day when he was 18, and the next day was 19, could not be sent abroad until he had had at least 6 months' training. There would be so few boys in that extreme category that almost all of them would have had 9, 10, or even 18 months' training, if the figure were fixed at 19½, so that the yearly provision would apply to boys 19½ years old.

Do I make my point clear to the Senator?

Mr. NORRIS. No; I do not quite understand.

Mr. TYDINGS. If the Senator will hand me his amendment, while he is yielding to some other Senator I shall attempt to frame the amendment to cover the point.

Mr NORRIS. Very well.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ELLENDER. The purpose of the amendment, as I understand it, is to make certain that no soldier inducted shall go into combat unless he has had 1 year's training.

Mr. NORRIS. I would not say that in such broad terms. I should like to have it that way, but I have said 19 years.

Mr. ELLENDER. Why should it not apply with equal force to anybody inducted, whether 18, 19, or 25?

Mr. NORRIS. It might apply to the whole Army, but we are legislating today for two classes of soldiers, the boys who are 18 and 19 years old. They are affected by this proposed legislation. If the Senator wants an amendment which shall apply to everyone in the Army, that is a different matter.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Louisiana.

Mr. ELLENDER. That purpose could be accomplished by striking out from the Senator's amendment the words "who are less than 19 years of age." By so doing the amendment would then read:

> Nothing in this act shall be construed to authorize the sending of troops inducted into military service by this act into combat service unless such troops shall have had at least 1 year of training.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. TYDINGS. I think the Senator would accomplish what he has in mind if his amendment were made to read as follows:

> That nothing in this act shall be construed to authorize the sending of troops into combat service who were less than 19 years of age at the time of induction unless such troops have had at least 1 year of training.

If the words "at the time of induction" were inserted the amendment would include everyone under 19 down and would require that they have at least a year's training. I think that is what the Senator has in mind if I understand him correctly.

Mr. NORRIS. I thank the Senator, and I yield the floor.

Mr. GURNEY. Mr. President, in view of the conversation I had with the Senator from Nebraska last evening and before the discussion proceeds longer on the 12-month training proposal, I should like to call the attention of the Senate not only to the definite views of the military authorities as presented by the Chief of Staff but I also have some other important information. I hope all Members of the Senate will listen as I read the letter addressed to the Chairman of the Military Affairs Committee, the Honorable ROBERT R. REYNOLDS, dated October 23, 1942, and signed by the Chief of Staff. The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, October 23, 1942.

Hon. ROBERT R. REYNOLDS,
United States Senate,
Washington, D. C.

DEAR SENATOR REYNOLDS: In the discussion of the proposed legislation to lower the selective service age, the proposal has frequently been made that a provision be written into the law that would make 12 months' training mandatory before any individual under 20 years of age could be sent to a theater of operations.

I believe that this originates partly from a desire to avoid the unfortunate instances of the First World War, in which many men were sent to front-line combat before they had had any reasonable amount of training; and second, on the assumption that, since the War Department has frequently stated that it takes 12 months to train a division, there should be no objection to guaranteeing 12 months' training for each enlisted man.

Such a limitation would impose an almost impossible administrative problem for the War Department. There is a marked difference between the training of an individual soldier and the training of a complicated machine like a division. Every soldier receives approximately 3 months' basic training. In this period he is hardened physically and trained technically, as well as given an understanding of discipline. He is taught how to care for himself in the field; how to employ both his primary and secondary weapons; and how he and his weapons fit into the squad and platoon. Upon completion of this course, he is a qualified rifleman, machine gunner, mortarman, etc., depending upon which course he pursued in the replacement center.

Upon completion of his basic training the soldier is assigned to a tactical unit. If the unit is new (that is, recently organized) there then begins the team training that every unit must have before it can be considered an efficient combat organization. The length of time required for this team training varies, of course, with the type and size of the unit. A squad of 12 men who have had proper basic training can be trained as a team in a relatively short period of time. A battalion takes considerably longer. A division, which is a complicated organization involving the combined use of many arms, must have a long training period before it becomes a real combat organization. For this, 12 months is the minimum, and during this 12 months' period units that make up the divisions go through periods of small unit training, advanced unit training, training with the combined arms, and then extensive field maneuvers with the division acting alone and in combination with other divisions, and corps and army troops.

To get back to the training of an individual soldier, the length of his training before he can be fitted into an experienced tactical unit varies according to the type of unit and the duties for which he is trained. A few examples will illustrate what I mean by this:

In the Air Corps, a soldier selected for ground crew (mechanics) training, first receives a period of basic military training. He then goes to an Air Corps technical school, and the length of his training there depends upon the specific specialty in which he is being trained. The period may vary from 18 to 36 weeks, and when he graduates he is, for example, a finished airplane engine mechanic, and can be immediately assigned to and used in a bombardment group as a mechanic, whether it is still itself in training or is in a combat theater.

A radio operator receives his basic training and his training as an operator simultaneously. In from 3 to 5 months he is an effective operator, trained in Army radio procedure and, as in the case of the airplane mechanic, can take his place in a signal company of a combat division, whether that division is still in training or is being committed to combat.

A rifleman, when he finishes his 13 weeks basic training, is prepared to take his place in an experienced squad at any time. If 8 or 10 men in the squad have had "team" training, the trained basic rifleman can be inserted in the squad without detriment either to himself or his unit.

I could give you many other examples where it would be unnecessary and undesirable to hold a man out of a combat theater for 12 months. It would be almost impossible for the Army to operate under any such mandate. We would, in effect, have to put thousands upon thousands of men "on the shelf" after their essential training had been completed before we could use them. In the Air Corps alone possibly 500,000 such men would be involved. Incidentally, the Navy and the Marine Corps enlist men of 17, and I am told that the average age of the entire Corps is below 20.

The proposal would create so many obstacles of this nature that I cannot too strongly emphasize the importance of giving us this legislation without crippling limitations. Trust our judgment and our own insistence that we fight only with properly trained units, to see that each soldier has adequate training before he enters combat. I am certain Members of Congress do not wish to hamper the War Department in the execution of the tremendous task we have before us. These proposals, I am sure, arise through a lack of understanding of the problem presented. Our enemies are desperate and implacable. Our task is extremely difficult.

Faithfully yours,

G. C. MARSHALL,
Chief of Staff.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GURNEY. I will yield in a moment if the Senator will permit me.

Yesterday I made the request that no amendment of a controversial nature be adopted by the Senate because it is very important and imperative, using the words of the Secretary of War, that this force be brought in as early as possible. Since then the senior Senator from Kentucky [Mr. BARKLEY], the majority leader, has made the statement that with controversial amendments added by the Senate which would require explanation on the floor of the House, the enactment of the proposed legislation might be delayed until after election day, when the House Members would be willing to return and pass on the additions which the Senate had made.

For the information of the Senate, I wish to say that within the last 10 or 15 minutes, while the senior Senator from Nebraska was speaking, I have received a letter from the White House, dated October 23, 1942, signed by Franklin D. Roosevelt, reading as follows:

Hon. CHAN GURNEY,
United States Senate.

MY DEAR SENATOR: Concerning the proposed legislation to lower the selective-service age now before the Senate, I have been told that several limitations will be proposed in the form of amendments. It appears to me that the complicated administration necessarily involved in the handling of large numbers of men by the Army, as well as the urgent necessity for correcting the present deficiencies as to age, make it important that limitations other than those now included in the bill be avoided.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. McKELLAR. Mr. President, I find it quite difficult to vote for a bill approving the drafting of boys 18 and 19 years of age for military service. I stated some time ago that the Army authorities had a plan, and that I was going to follow them, and I shall be compelled to do so, in view of the situation which confronts our country today. So I shall vote for the bill, although I dislike to do so, when I know there are almost countless thousands between the ages of 20 and 30 now escaping service, many of them in the departments here.

The sending of boys 18 and 19 years of age into foreign countries under the circumstances which surround them is, indeed, a weighty, important, and an unpleasant task to me. I regret that I must vote to do so. My regret is all the keener because every day I see young men of draft age in this city in the departments of our Government; we meet them daily; we know they are here, and they have not been called into the armed forces. Some of them are married, and in many cases their wives are working. Personally I would a great deal rather send these older ones to fight in foreign countries than to send boys 18 and 19 years of age.

I am not a military man. I do not claim to be. I have no desire to attempt to give advice in military affairs, but just as a plain, ordinary, everyday citizen it seems to me that our draft lists should be gone over, and we should select more men who are older than 20 years and are now somehow, in some way, escaping service in the Army. If there is a Senator on this floor who does not know that there is in Washington almost an infinite number of such men who are over 20 years of age and who are not going into the service, let him say so.

Mr. BARKLEY. Mr. President, is the Senator from Tennessee offering a challenge?

Mr. McKELLAR. I am offering a challenge. Does not the Senator from Kentucky know that in the city of Washington, in various departments of the Government, there are young men between 20 and 25 years of age who are eligible for military service, but who have been deferred for one reason or another?

Mr. BARKLEY. I do not happen to know that. I do not frequent the departments in Washington, and I do not see men in the various departments. I do not think it is quite fair to make such a charge against all men above the age of 20. Does the Senator from Tennessee know how many of those men have been called for examination and rejected, and therefore are not eligible to enter the Army, and does the Senator know how many all over the country who are above 20 years of age have been examined and rejected for military service?

Mr. McKELLAR. I know there are a great many.

Mr. BARKLEY. No Senator in this body could take a census of the United States.

Mr. McKELLAR. No; I realize no Senator could take a census, but I know there are many young men in the departments of the Government who are in the categories to which I refer, and I examined some of them when they appeared before me as witnesses. Mr. President, and Senators, I would rather send them than to send boys who are 18 and 19 years of age. But our military authorities, who I am sure know a great deal more about the subject than do I or any of us, have said that 18- and 19-year-old boys are necessary, and I shall vote for the bill, with many regrets. However, Mr. President, I do not propose to vote to send these boys into foreign countries without having them prepared. If there ever was a war in which boys should be trained before they go into combat, it is the present war. And why? We can supply the answer by applying plain, everyday, common sense. We are sending some boys to Iceland, where it is intensely cold. We are sending some boys to milder climates, where it is very pleasant. We are sending some boys to some of the hottest climates in all the world. We are sending boys to almost every part of the world, to places with which they are unfamiliar. This is a strange war. The expression "all out" war is frequently used and frequently abused, but it seems to cover the entire globe.

These boys should be trained before they are sent away. Representatives of the Army have told us they should be trained. We made preparation for their training, and have appropriated vast sums for that purpose. We are furnishing all kinds of materials, such as airplanes. We have spent millions of dollars, perhaps billions, for training planes, in which those who are engaged in aviation may be trained. Why should they not receive the training? There is a large number of men who are already in the service. Surely we should not send untrained boys to all parts of the world, to places about which they know nothing, frequently boys but 18 years of age. That they should be sent without training is unthinkable and indefensible. They should be trained.

Mr. ROSIER. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from West Virginia?

Mr. McKELLAR. I yield.

Mr. ROSIER. Like the Senator from Tennessee, I very reluctantly support the bill to draft 18- and 19-year-old boys. I have listened with a great deal of interest to the argument advanced that young boys make better soldiers than do older men. Yesterday I heard stories about older men being frequently found in the hospitals. As this debate has proceeded, and argument has been made concerning the young men, and about how this is their war, it has occurred to me, though I may be rather illogical in my thinking, that if youthful vigor, enthusiasm, courage, and daring are so essential in the ranks of the Army and among fighters, that it might be desirable to have a little youth, vigor, daring, courage, enthusiasm, and good physical strength among the people who are running the war. Had the able Senator ever thought about that?

Mr. McKELLAR. Yes; I had thought about it. The Senator puts it very strongly, and it is submitted to the Senate for that purpose.

Mr. President, I wish to say that the matter does not concern me personally, because all of my large number of nephews—I have no children—are in the Army, or in the Navy, or the Marine Corps, and I am very proud they are there. So that the question does not concern me directly. But I ask the question, How can we ever defend ourselves if we send boys 18 and 19 years old into foreign lands, all over the world, without training? They cannot make good soldiers without being trained. Their youthful vigor will mean little in foreign countries unless they are trained. They ought to be trained; they must be trained in order to do their work. Everyone admits that; the Army admits it; we all admit it. Then why not do what we ought to do?

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WHEELER. The letter sent by General Marshall telling how difficult it would be to carry out the provisions of the bill if the amendment were included in it is not dissimilar to other department letters which come here at times when we try to amend measures affecting them so as perhaps to make it a little more difficult for them to operate. Every department wants us to turn over to it carte blanche power so it will be able to manipulate the law and make it easier for itself. But, after all, the responsibility is ours, and not that of the head of any department.

Mr. President, I have great respect for General Marshall, but General Marshall is not infallible. He has on several occasions previously made statements as to what was necessary to be done for the Army, and he has had to contradict them later. Neither is the head of the War Department infallible. Neither is the head of the Navy Department infallible. But we in the Congress have a responsibility to see that these boys are trained before they are sent to every country in the world. That responsibility is ours, and we ought to have the courage to stand up and say whether we want the boys to have what we consider to be sufficient training.

I have hesitated for some time with respect to what my course should be. I do not have any boys who will be affected by the 18-year-old provision. But when a Senator stands on the floor of the Senate and says that every boy 18 years of age will make a better soldier than one who is older, I say that I have raised a family of boys, and I know that there is just as much difference between some boys 18 years of age and some boys 19 years of age as there is between daylight and darkness. Some boys have not matured when they have reached 18 years of age. Some boys have matured when they have reached 18 years of age. One cannot say that a boy 18 years of age is mature and will make a better fighter than an older soldier, because many boys of 18 are mere children, mere babes in the woods. Let us give them a year's training. We ought to insist on that. So far as I am concerned, Mr. President, if the provision giving these boys a year's training is not written into the bill, I shall not vote for it.

Mr. McKELLAR. Mr. President, I shall not criticize anyone. I shall not criticize our leaders. I shall not criticize any of our generals. I know they are all doing the very best they can. I know that they are tremendously interested in winning the war. I know how they feel about it; I know they are doing what they

think is right; but I simply cannot find it in my conscience to turn over young boys 18 and 19 years of age, to be sent at will to any part of the world, without a guaranty that they shall be trained. If they should be sent away without training, that would be our responsibility, because it is in our power to provide for their training. I feel that the least we can do is to assure training for them before they are sent to foreign fields.

Mr. President, it was said in a letter from General Marshall read awhile ago that there would be trouble in enforcing such a provision. There would be no more trouble in enforcing a draft law containing such a provision than there would be in enforcing other measures. If they were to say that they intended to send such boys as they like to foreign countries without training, we would not pass this bill. We all know that to be so. The Army officials have testified time and again that the men ought to be trained. Why not put such a provision in the bill? How can there be any dishonesty, or misunderstanding, or misconstruction, or misconception about it if we put such a provision in the bill? Every one of us here knows what the issue is. It is purely a question of training these young boys before we put them in the Army, and we ought to do our duty and require training to be given. We ought to do it in the interest of the Army, because we know that if untrained boys are put in the Army we will not have a good Army. That is all there is to it. It will not be because of any fault on the part of the boys, no, but because of the lack of training. * * *

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. O'DANIEL. I have prepared a substitute for the Norris amendment, which I believe is plain and understandable and carries out my wishes. It reads as follows:

> No person under 20 years of age inducted under this act shall be placed in actual combat duty beyond the territorial boundaries of continental United States until after he has had at least 1 year's military training following his induction.

Mr. McKELLAR. Mr. President, I will ask the Senator from Texas to wait. I shall be through in a moment. I prefer his proposed substitute, I will say, and I think the Senator from Nebraska prefers the substitute.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. I will say that I do prefer it. I told the Senator from Texas that I preferred his substitute, and that I shall support it and vote for it. I do not want to modif, my own amendment to that effect, however, because the parliamentary situation is such that if the substitute is defeated we may still have my amendment acted upon favorably. The substitute offered by the Senator from Texas goes further than mine, but does not go any further than I think it ought to go.

Mr. McKELLAR. I shall vote for the substitute, and if we cannot obtain favorable action upon it, then I shall vote for the Norris amendment, because I think it is our duty to do so.

Mr. President, I have no interest in the matter other than the success of our arms. We want to win this war. In order to win we must train our soldiers. I shall appeal to my colleagues, in the interest of the safety of our boys who, by this act, we are sending into the armies of the United States, to stand together and unanimously—I wish it could be so—as one man adopt the amendment, so there cannot be any question about the training of our boys before they are sent into the Army abroad. Training is also necessary to keep up the morale.

Mr. O'MAHONEY. Mr. President, I am sure that no Member of the Senate looks with any equanimity at all upon the necessity of voting upon this issue of drafting boys under 20 years of age. It is only because of the imperative necessities of the war, in what appears to be the Nation's extremity, that Congress ventures to make the extension of the draft at all.

When it comes to providing as does the amendment of the Senator from Idaho [Mr. THOMAS], printed yesterday and available upon the floor, for a year's training, as the amendment of the Senator from Nebraska [Mr. NORRIS] offered from the floor today does, and as the substitute now offered by the Senator from Texas [Mr. O'DANIEL] does, I can tell, from what has been said here upon the floor both publicly and in private conversation, that a substantial number, indeed I think a majority, of the Members of the Senate, believe that some provision of this kind should be written into the bill to protect the boys. I know that is my feeling, Mr. President, and yet I am perfectly well aware of the arguments which can be made and are being made by the War Department against it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. GURNEY. Does the Senator have any information that any of our troops now in combat zones were not thoroughly trained before they were sent to such zones?

Mr. O'MAHONEY. Certainly not, and it is precisely because of that fact that I believe we should continue to follow that policy.

I was about to say, Mr. President, that because of my deep concern about this problem, 2 or 3 days after the Committee on Military Affairs had acted, I invited the Chief of Staff to come to the Capitol to discuss the bill with a group of Senators. He was good enough to come, and he explained to us, in the most persuasive manner, the reasons which have impelled the War Department to ask that there be no restriction upon the utilization of these boys.

He gave two reasons. He pointed out that the United States is now engaged in a double effort, as it were, to build a new Army upon the one hand, and to maintain the old Army on the other hand. With respect to the building of the new Army, there was no thought in his mind that draftees with less than a year's training would be sent into combat. With respect, however, to the maintenance of the Army already in being, as I understood General Marshall, his opinion was that no restriction should be placed by the Congress, through an amendment of this character, upon the legal power of the commanding officers to use draftees of less than a year's training to fill vacancies which may occur in the already trained armies. No one can listen to General Marshall without being impressed by both his character and his ability. He is, I believe, extremely well fitted for his great responsibilities, but able as he is, I cannot escape the conclusion that a year's training should be required for these boys.

As I read the amendment, it would bar the use of these boys only in actual combat service. That means that they could be used in all other tasks.

It is said that the average age of the Navy is under 21. That is correct. It is said that the average age of the Marine Corps is under 20. That is correct. However, we must not forget that the fact is that most of the boys in the Navy, which is a mechanized organization, have had a full year's training. That is the testimony of naval officers to me in personal conference. Naval equipment is such that long training is unavoidable.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. O'MAHONEY. I yield to the Senator from Massachusetts.

Mr. WALSH. Is it not a fact that before any officer is commissioned in the Army or the Navy he is obliged to go through a physical and mental training, and for weeks—and in some cases months—study, prepare, and fit himself for the service which he is to perform as an officer?

Mr. O'MAHONEY. There is no doubt about it.

Mr. WALSH. If that be so, is there not equal reason why youth 18 years of age should receive such training? The youths who will be obtained under this draft will be among those who are least matured, because the physically strong and healthy boys, the athletes, are already enlisting in the Army and Navy. Are not youths of 18 entitled to weeks and months of physical and mental preparedness for service in the Army?

Mr. O'MAHONEY. From my examination of the testimony and from inquiries which I have diligently made, I can come to no other conclusion.

Mr. WALSH. May I make a further suggestion? Ever since the war began I have had called to my attention repeatedly some reasons for the superiority of the German Army. I do not know whether those reasons are sound; but it is alleged that strenuous mental training is one of the reasons for the success of the German Army. The Germans consider mental training a part of physical training. A man should know how to act under particular circumstances, and exercise his judgment. I have no evidence or proof of that, except that much has been written and stated on the subject.

It seems to me that the fathers and mothers of these boys, and we who are asked to vote for this measure, should have some assurance that the boys will receive some minimum of physical and mental training, and education in the use of munitions of war, before they are sent into combat zones.

While I am on my feet, I should like to make another suggestion, with the permission of the Senator. I am sure the Senator will agree with what I am about to say.

The sad thing about the proceeding in this Chamber today is that nobody can give assurance to us or to the people of the country that we have exhausted the manpower over 20 years of age. If such assurance were forthcoming we should be passing this bill through this body with cheers instead of getting up and beating our breasts and saying that we are reluctant to do it. We should have no hesitancy in saying, "Everybody else has done his part. Now it is up to the boys of 18 and 19."

The people of the country do not believe that our manpower has been combed, and that there has been an honest-to-God effort to get into the Army the fit and capable manpower above the age of 20 years. It is now proposed to take boys away from their mothers' apron strings. Let me repeat, it will be largely the weak and tender boys of these ages, because I know from the enlistments in the Army, the Navy, and the Marine Corps, that the athletic, vigorous-minded boys who are physically fit have already enlisted. It is proposed to take boys, giving them no assurance of months of training for their protection.

The Senator will forgive me for taking up his time, but I should like to have his views as to whether or not we should be in a better position to pass the bill had we assurance from some source that it is essential because all the other manpower has already been taken into the Army.

Mr. O'MAHONEY. Mr. President, I was about to analyze some of the explanations which have been made to me on behalf of the War Department to support the all-out authority to utilize boys under 20 wherever they may be desired. I have pointed out that the Navy is a mechanized organization, and that in the Navy it is practically impossible to use any youth without a full year's training. On the other hand, in the Marine Corps we have an organization which is not as completely mechanized as is the Navy. In the Marine Corps we have young men who are assigned to carry out the so-called commando warfare—raids, attacks, and landings—the most dangerous and hazardous of all war work. It is true that for the most part they are young men, but, Mr. President, they are volunteers. They are men who by their own physical attainments are fitted for that sort of work. The young men in both these branches are selected fine specimens.

I am sure that none of us has had the opportunity of witnessing athletics among high school and college boys without knowing that there is a tremendous difference in the physical equipment of boys of 18 and 19 years of age. I have known boys of 18 and 19 in college who were perfectly sound and fit so far as any doctor's examination would disclose. They were athletically inclined; and yet they could not for a moment play football with the other boys in their class. They were physically unfitted for that. If we read the sporting pages we know that during the football season even the best of the college teams, made up of fine young men of 19, 20, and 21, are absolutely out of their element when they undertake to match strength with the professional teams of 23 to 27 and 28.

We are being asked to defeat this amendment and to allow the War Department to make the choice. It is said that if this amendment is adopted, in some instances it will be impossible for the War Department to send into the Air Corps or the mechanical units young men who are fully trained as machinists. The language of the amendment makes it clear that it is intended as a ban against utilizing boys in combat service.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BARKLEY. It is difficult to differentiate between those who are and those who are not in combat service. The mechanic on an airplane up in the front lines is in combat service. He may not be doing the actual shooting, but he is in just as much danger as those who are. Many of the large bombers carry mechanics to service them while they are flying. The training of such mechanics requires only 4 or 5 months. The same statement applies to mechanics on trucks and automobiles up at the front lines. They are regarded by the War Department as line soldiers; they are in the line. They are a part of the combat forces. They do not have to have as much training as do the men who are firing the guns, but they are in as great danger, and they are just as necessary.

Under the amendment offered by the Senator from Nebraska it would be impossible to send into combat a mechanic required to care for an airplane—a mechanic who was essential—unless he had had 12 months' training—which might be twice as much as he needed.

Mr. O'MAHONEY. Mr. President, I am glad the Senator raised that point, because it brings me to a subject I wanted to discuss.

The Senator from Nebraska has left the floor. The Senator from Texas is on the floor; and if I may have his attention for a moment, it may be possible to develop my thought with respect to what the Senator from Kentucky has said. Numerous Senators have been talking about another modification of the amendment, one which would make it possible for the War Department to use 18- and 19-year-old draftees who desire to volunteer for combat service without full 12 months' training. I spoke to the Senator from Nebraska about that matter.

I ask the Senator from Texas if he has any objection to adding to his amendment a provision which would have the effect of saying that, "Those draftees who volunteer for combat service may be accepted."

The reason why I suggest that—and the suggestion is not mine; other Senators have made it in private conversation—is because it seems to me it would completely answer the only real objection which has been raised by the Department to the amendment, because then it would make it possible for those boys who are physically fit to be used in active service as replacements, without a year's training.

Mr. CLARK of Missouri and Mr. TYDINGS addressed the Chair.

Mr. O'MAHONEY. I yield first to the Senator from Missouri, who was first on his feet.

Mr. CLARK of Missouri. Mr. President, in view of what the Senator from Wyoming has just said, I have a draft of an amendment—I am not wedded to its particular provisions, and I do not care what amendment is acted on—which meets somewhat the suggestion of the Senator from Wyoming.

My amendment would provide:

> No person inducted into the military service under the provisions of this act shall be assigned to combat service outside the continental limits of the United States—

I insert that provision because we have no way of knowing whether, as the war continues, it may be necessary to use large numbers of troops within the continental limits of the United States—

> unless he shall have reached the age of 20 years, or unless he shall have volunteered for such service, or unless he shall have had 1 year's training.

That would seem to me to meet every possible contingency which has been suggested.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TYDINGS. I know that what the Senator has suggested is constructive, and under normal conditions it would follow that his logic would be almost unanswerable. However, I want to submit this suggestion to him: Let us suppose that a boy 18 or 19 years of age is in the Army, and that someone comes around and says, "The outfit is going abroad, but we cannot take you unless you volunteer."

It seems to me that the position in which that boy would be placed would be such that if he had any pride, even though his mother and father had written to him not to volunteer, he would feel that he was being humiliated in the eyes of his fellows, and he would be forced to volunteer.

I respectfully suggest that I believe the amendment would be much stronger without the inclusion of the volunteer provision; because if it were inserted, logical though it would be in normal circumstances, the result would be to make involuntary acquiescence in the request to volunteer.

Mr. O'MAHONEY. Mr. President, what the Senator has said would be perfectly logical if it were not for the factors which have been described by the Army: First, the Army wants to train boys for

not less than 12 months insofar as they are used to make new units. So we are not bothered about that situation.

Second, the Army does not want to be debarred from sending the young men as replacements into old units.

That being the case, it seems to me that the situation the Senator has described would seldom, if ever, arise; because the new units would not be sent out. The ones sent out would be the volunteers to go as replacements into the old units.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TYDINGS. I do not believe it would work in that way. Let us take a division—we shall call it the 88th Division, just for the sake of giving it a name—a division of 15,000 men; and in that division there is a company B, let us say, consisting of 250 men. Among the 250 men are 10 boys 19 years of age. The unit is ordered to go abroad; and the question arises, under the volunteer proposition, whether the boys want to go along with the unit with which they have been training. One of the boys is in a squad with 8 or 10 older men. They sit in the tent, and they say, "Bill, you know you don't have to go over there if you don't want to, under the law passed by Congress. Because of your age, they can make you go only if you volunteer. How about it?"

What is the poor fellow 18 or 19 years old going to say even if he has in his pocket a letter from his mother and father saying, "Don't you dare volunteer"?

If I see the situation aright, and I believe I do, what would happen would be that, in the very nature of things, the boy would practically be compelled to go.

I shall suggest an alternative. The Senator from South Dakota read a very fine letter from General Marshall. In it the General said it took 3 months to complete a certain part of a soldier's training, and that in 3 more months—6 months altogether—certain other phases of the soldier's training were completed.

In the normal situation envisaged by General Marshall, at the end of 6 months the man would be a fairly well trained infantry soldier. If he went into some sort of mechanical work, such as airplane repair, and so on, more time would be required for his training; but for the normal machine gun, infantry, or trench mortar operations, as I understood the General's letter, approximately 6 months would do the job.

So, if the Senator wants to make these men available when they have had 6 months' training, that would be in line with the Army's request.

However, in my judgment, the age provision should not be left in a voluntary or involuntary status. It should be defined clearly so that the individual equation would not exist when the situation was presented in any particular camp.

Mr. GURNEY. Mr. President, will the Senator yield so that I may make some remarks along that line?

Mr. O'MAHONEY. Mr. President, I desire to yield the floor, because I have no intention to prolong the debate. I think the issue is perfectly clear. I sought only to express my opinion. I have not offered the proposed amendment which has been under discussion, because I do not want to trespass upon the preserves, as it were, of other Senators who have been debating this suggestion, and some of whom, like the Senator from Missouri, have drafted language.

However, I should say that if such a limitation is proposed, I shall support it; but, regardless of whether it is proposed, I believe that a year's training for boys under 19 years of age should be declared as necessary by the Congress of the United States.

I yield the floor.

Mr. GURNEY. Mr. President, I wish to make merely a brief observation. Alluding to the example stated by the Senator from Maryland, who referred to a company of 250 men, and who said that perhaps 10 or more of them might be under the age limit, so that they would have to volunteer, let me say that he did not take the matter to its final conclusion. The final conclusion is that if the boys did not volunteer, the particular company could not be sent overseas or into combat. It would have to go back into training and get replacements to bring it up to full strength, making it entirely impossible for the Army to operate at all—just as is stated by General Marshall in his letter which I have before me.

Let me say that it might not be only 10 men, amounting to only 3 or 4 percent, but in some companies the percentage might be greater than that, as the Senator well knows.

Mr. TAFT. Mr. President, I have long had the view that we should have to draft boys 19 years of age. I am equally convinced that we should not draft boys 18 years of age, and that today there is no necessity to draft such boys, despite the testimony which has been presented to both the Senate and House committees.

On June 18, I submitted an analysis of the available manpower. The analysis appears in the CONGRESSIONAL RECORD of that date. From the testimony given by the representatives of the Selective Service System at the hearing, I see no particular reason to change the opinion which was formed at that time—that we shall have plenty of men available if we draft the 19-year-old boys, without drafting the 18-year-old boys. I should vote to exempt the 18-year-old boys from the draft if an amendment to that effect were presented.

Since such an amendment does not seem likely to carry, I believe we should do the next best thing, and that is to defer boys of that age from going into combat service until they are more mature.

I think we should face the fact that while there is a good deal of talk about a year's training, there is not the slightest intention on the part of the Army to give these boys a year's training before they go abroad, and they will not have a year's training unless we impose by law a provision requiring it.

The testimony is certainly clear that the Army considers the present soldiers too old. In the first place, they intend immediately to turn to drafting the 18- and 19-year-old boys. If Senators will look at page 97 of the House hearings, they will see that General Hershey said frankly:

> Unless we direct otherwise, the System as now operating will take them first—

That is, the 18- and 19-year-olds—

> because our local draft boards have been told that because it was the intent of Congress not to take a man with a wife as long as they have a man without a wife, they will have to take them.

So the result will be to take a million and a half boys of 18 and 19 years of age. Those boys are coming into the service, and I think it is reasonable to conclude from the testimony of the Secretary of War on page 24 of the hearings, and from the testimony of General White on page 33, that probably half of those boys would be fed directly into the older divisions.

General White says very frankly that they do not want to form new divisions of boys of that age. He says, on page 33:

> It would be very undesirable. We would lose a great deal of the advantage that we hope to gain. We would have a great many divisions with a very high age average. We would have one or two, or a few, with a very low age bracket. We don't want a division of 18- and 19-year-old men at all. We want to mix those men with some older men, men of more mature judgment, and it is the combination that gives you the good fighting organization. It is not solely the young men; it is the mixture that you want, a broad base in your organization.

Therefore, what they are going to do, as is perfectly obvious, is to take the million and a half men who are going to come in immediately, and feed at least half of them into the old divisions which have been trained or substantially trained. There is no question, in my mind, that the reason the Army is opposed to this provision is not inconvenience, but is the fact that they actually want to use these men long before the 12 months' training is up. I think the Secretary of War practically says the same thing. On page 24 of the House hearings, in answer to a question whether it was contemplated to put these young men in a common pool of men available for military service, he says:

> Secretary STIMSON. I can only answer that as I have already: We have a plan for the development of these units which are being activated every month. As you know, we have been activating four new divisions practically each month for the past summer. We have deferred two or three groups, but other than that, that is going on. That requires a steady stream flow of men into the units which are very carefully and under a very careful system put on foot and trained, first in the higher brackets of officers, then in the noncommissioned officers, and then in the cadres, and finally in the entire division. It is a very delicate and complicated system which has worked better than anything we have ever had in this Nation before, and into that stream of organization and movement of machinery the new flood of young manpower will go.

So I do not think there is any doubt, regardless of the talk about a year's training, that, after all, these men are going to get 3 months' or 6 months' training, because the Army thinks if they are in older units that is enough training

for them. I have no question that what we now face is the drafting of these men into active service. If we want to prevent that, if we think that a boy should not go abroad before he is 19, I think we should adopt the Norris amendment.

Unless there is the greatest necessity—and the necessity may arise to draft boys of 18 sooner or later—why should we draft them both at once. They did not do that in England. In England they started with age 20, and, a little later, they called boys of 19—that was last December—and then they put it down to 18½, and only yesterday they lowered the age to 18. They are not particularly bothered by any inconvenience of making some special provision for boys 18 years old, as evidenced by an article in the New York Herald Tribune of this morning from which I quote the following:

In his announcement Bevin said that the younger recruits now to be called up will not immediately be posted for service overseas, for which the minimum age remains 19.

They are not concerned about the inconvenience of handling boys under 18.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Kentucky

Mr. BARKLEY. The Senator realizes, of course, that there is some difference in the situation of England and that of this country. They have to keep within the confines of England at least a million men for defense purposes.

Mr. TAFT. They have an army of some 3,000,000 men, and we must keep, according to the Secretary of War, at least, a million men in the service of supply and at least a million men training in this country. Of the seven and a half million men 2,000,000 are not to be sent abroad, or only to a limited extent.

Mr. BARKLEY. I realize that, but what I am talking about is the men trained for war combat service. They have got to keep a million of those men in England, in addition to the other men in what is called the service of supply, who, whether receiving the same training or a shorter period of training, will be the men who are kept at home whenever the time comes when it is necessary, expedient, or wise to send men across the channel to fight somewhere in Europe.

Mr. TAFT. If the second front should be set up, I assume it will be at least half British and half American, and I do not see but that the situation is exactly the same. They are not going to send boys of 19 to fight on continental soil, and I do not know why the United States should send them, because the British have had much more experience and judgment in dealing with boys of 18 and 19. Surely their judgment is better than that of men who have not actually engaged in the fighting in Europe and who have not had actual fighting experience in modern warfare. I see no real distinction between the British situation and our own, and I see no reason why we should not follow their example.

The Minister also pointed out that while 18 was the age set for enrollment by the National Service Acts in practice, the minimum age was originally 20. This was later reduced to 19, and last December to 18½.

I hesitate to say it with any certainty, but it looks to me as if, in order to encourage the passage of the pending bill, the King of England yesterday reduced the age in Great Britain to 18, so that no criticism could be made of the fact that the English had a higher age than we had. I cannot say that that is positively the reason, but certainly it is a strange coincidence that it should have been reduced yesterday when this bill was under consideration in the Senate.

Mr. President, I feel that, on the average, boys of 18 are not nearly so mature as are boys of 19. Probably it is the period of life in which there is the greatest change. Boys of 18 are, in effect, freshmen in college. After his freshman year a boy is usually very different and more mature than when he graduated from high school. One year makes a tremendous difference and unless we can see a great necessity for it, I do not believe those boys ought to be drafted or, at least, they ought not to be sent into actual combat service.

I had a call on Monday from a man in Cincinnati who came to see me because he said he had enlisted in the First World War at the age of 17, and that he was 18 when his unit went abroad. He served during the World War in the unit in France. He said to me that there were two other boys in that unit who were 18 years of age, and "do not let anyone tell you that we were good soldiers or that we were the best soldiers in the unit." He said, "We knew we were not and the other men knew we were not, and, so far as our service is concerned, we were, in effect, mascots and water boys for the company." He said, "My own experience is not suited to encourage the idea that boys of 18 should join a unit which is to engage in active combat service." Of course, there may be a difference of opinion. Many boys are older at 18 than are other boys, but that testimony was very convincing, at least to me.

There is one other reason why it is not very fair to send boys of 18 abroad. Older boys of intelligence and ability and personality, have an opportunity of becoming officers. A boy of 18 is practically barred from that opportunity. He is so young that most of the men will say, "No, you will have to serve a couple of years as a private before you can go to an officer's training camp and become an officer." So it is a good deal harder, it seems to me, on the boy of 18 to make him go into the Army and serve as a private than it is on the boy who is older and who can gradually get a commission.

Mr. President, is it necessary to draft boys of 18? The figures, of course, are conflicting, but, it seems to me, even as I read the testimony of General Hershey, that what we are going to decide is, Shall we take boys of 18 before married men up to about 30? I have been very much in favor of postponing the drafting of married men over 30 years of age with families, and finally, by constant pressure, I think I had something to do with getting the Selective Service System to defer married men with children beyond that age. But I have never been able to get General Hershey to make a classification on the basis of age, and he should long ago have done so.

In the last bill we gave him authority to say, if he chose to do so, "I will first take men under 30 years, and then men over 30. I will take men of 20, then I will call men of 19 and 18, if necessary." That is what the foreign countries do. They call up a new class after they have exhausted the previous class. But General Hershey has never been willing to exercise that power, to make any distinction whatever between men at the lowest age, 20, and now 18, and those at the top, 45, and when the Army says, "Our divisions are too old, they average 27 or 28," it is so because of what the Army asked us to do. I did not want to include the older men. The Army wanted to, and now they say the result of their policy is to get too old an Army. In my opinion, men from 35 up never should have been drafted, and, after they were drafted, General Hershey should have deferred them beyond all the younger men.

It seems to me to be very clear that it would be better to take men under 30 who are married than to go down to the boys of 18, and if we are willing to take married men under 30, according to the figures I have, I do not believe it will be necessary to take boys of 18.

There are a great many reasons for taking married men under 30 which do not apply to older men. In the first place, the men over 30 are in much more essential positions and they have reached such positions in life that they will have more difficulty in getting back to them if they are away over 3 years.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. NORRIS. I was very much interested in what the Senator from Ohio said about giving the Selective Service System the right to classify these men in the previous law, about which I had forgotten. I think the Senator from Ohio is correct when he says that General Hershey should have taken advantage of that; but he has never done so. In the judgment of the Senator, does that not provide us a precedent, when they say, "We are going to train these boys just the same," under which we might conclude that when they should do something, when they are given discretion, they may not do it? It seems to me this furnishes an additional reason why we should include in the law a provision about the service of these younger soldiers, and not leave it to the discretion of the military authorities.

Mr. TAFT. I agree entirely with the Senator; and unless we put it in the law, it will not be a discretion which will be exercised.

Mr. President, the men over 30 obviously are not as physically qualified as are married men under 30. I do not think married men under 30 will be comfortable remaining at home when the other men of their age go to war. I think most of them will prefer to be included in the armed services. Certainly that was true during the World War, and I believe it to be true today.

Men under 30 have not built up the standards of living which the men over 30 have built up. It does not cost so

much to support their wives and families. The wife of such a man is much more likely to have a family of her own to which she can return, and her father and mother are much more likely to have a home, and she can be taken care of much more easily than the older wife. Furthermore, the wife under 30 is much more able to get a job than the one over 30.

It seems to me the result is that there is a very marked line, and I believe that we should draft the men under 30 who are married, even though they have children, before we resort to the boys of 18. General Hershey could do that, but there is not the slightest intention of doing it unless we adopt such an amendment as is proposed, and there will not be any inclination to do it.

It is said that it will be most inconvenient if we adopt the restriction that boys of 18 must be trained. If that is so, it will not be necessary to call boys of 18. The Administrator has power to defer these boys until after all the 19-year-old boys are taken, or he can defer them down to 18½ if he wishes to do so.

Mr. President, I do not like to discuss figures, but so far as I can estimate, and bearing out what the Senator from Tennessee [Mr. McKELLAR] stated some time ago, about the number of men between 20 and 30 who still are not drafted, my estimate is that if we take the boys of 19 we will have over 15,000,000 men up to the age of 30. Exempting everyone over 30, there would be 15,000,000 men available. Out of those 15,000,000 men it seems to me we should be able to find seven and a half million men without drafting boys of 18.

So far as I can see, even according to the figures of General Hershey, if we add the boys who become 19 years of age during 1942, there will be nearly 9,000,000 men available for the armed forces, including the Navy, which means, of course, about 8,000,000 from which to draw the 7,500,000 army which is required for the year 1943. I do not question the need of an army of that size. That may be the proper size, but I maintain that if we take married men under 30 years of age, and give regard to proper exemptions for civilian occupations as well as physical disqualification, we still can obtain the number of men necessary without drafting boys 18 years of age. Certainly, if we find that to be impossible by next July, we can pass another law and include the larger group.

Mr. President, under the circumstances it seems to me that we should establish a special classification of the boys who are 18 years of age, and be certain that they are not taken until all other groups are drafted, at least up to the age of 30. Holding that view, I necessarily believe that we should support the Norris amendment, and make sure that these boys are in effect deferred from combat service until they become at least 19 years of age.

Mr. CAPPER. Mr. President, I have offered an amendment to the pending bill which covers somewhat the same ground as that covered by the amendment of the Senator from Nebraska. I think the amendment as revised by the Senator from Nebraska will accomplish what I had in mind. I want to place the age limit at 19 years and also require that the boys have a year's military training before going into combat service.

Mr. President, the pending bill in the form in which it was introduced will, I fear, make the farm situation worse at a time when the need for labor on farms is as grave as any issue before the country. The farmer is slaughtering his cows because he has insufficient help in milking; he has not enough help in the fields, his crops are rotting there; his hay and corn and wheat and fruit are spoiling; now we are threatening to take his sons. Farm boys have always helped their fathers. At 18 and 19 years of age they are beginning to be at their most useful period. If we take them away, many will never return. Even those youngsters who come back from the war alive, many will not be returning to the farms; at that age they will have been made restless and unsettled and unbalanced, immature boys spoiled for life.

This farm problem comes just when the need to produce more food is greatest, here and abroad. Starvation threatens. It is reported that 5,000,000 Russians will probably die of starvation this winter. Belgium and Greece are starving. And what results from starvation? Plague, illness from undernourishment, epidemic which knows no boundaries, and the breaking of morale among our allies and potential allies. America is going to have to feed the world. It is going to have to produce more, not less.

Mr. President, I should like to call attention to a letter I have received from a Kansas farm woman. It is as follows:

PECK, KANS., *September 30, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: * * * America is in danger of a food shortage because of indiscriminate drafting of farm boys.

It is an utter impossibility for school children to help on our farm. The technical training needed to run our various tractors, hay balers, combines, etc., is found only in skilled workers.

We farm 1,000 acres near Wichita, Kans. Our oldest son is in the Army and if our 18-year-old boy is taken we will be compelled to do what numerous families are doing—have an auction sale, move to town, and go into war work. Then where will the thousands of pounds of pork, beef, dairy, and poultry products be which we produce? Like any business, it takes many years to become established in farming and go into maximum production.

I should be glad for you to place this letter in General Hershey's hands and inform him that in Kansas, at least, the real foundation of the American way of life is the rural population.

Mrs. W. L. WALTON.

Mr. President, here is another letter from a fine farmer in western Kansas:

FORD, KANS., *October 3, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: I have read some of your speeches and am glad for the stand you have taken for the farmer. * * *

They are crying all the time for more production and yet they take all of our young men to war. Help is almost impossible to get on the farm any more at any price. They won't let us have tires and now they are going to refuse us gas as well as farm machinery. I have lived on this farm for 30 years and have had a time to live the last 10 years on account of drought and dust and low prices. My only boy is gone.

I milked from 10 to 16 cows the past year and shipped cream. I have to go 18 miles to Dodge City for repairs of any kind and had to make 2 or 3 trips to town all summer with cream and eggs. This is an absolute impossibility with 4 gallons of gas a week, so, like hundreds of others, there is just one thing to do and that is quit, and quit I must on 4 gallons of gas.

* * * * *

GUY WOOTIN.

Mr. President, the folly and inefficiency of putting these youths immediately into combat service are points that are emphasized by many medical leaders.

Let me read excerpts from statements of eminent medical men and educators relative to the drafting of 18- and 19-year-old youths:

SHOULD WORK ON FARMS UNTIL MATURE, SAYS EMINENT MEDICAL MAN

I believe that the 18- to 19-year-old boys should be the last group to be drafted. No other age group would be so seriously damaged as this one by its disarrangement and disorganization and would become so maladjusted not only immediately but throughout its future. If these boys are given 2 more years in which to grow up, with perhaps part-time work on farms, where labor is evidently needed, they will be of more value, both in the war and in the post-war world.

Dr. EDWARD A. STRECKER,
President-elect, American Psychiatric Association, Philadelphia.

DON'T SACRIFICE OUR BOY POWER YET, SAYS JOHN DEWEY

We have in this vast land great reserves of manpower without sacrificing our boy power. All of us know many men in their twenties and thirties who have not gone into military service. They should be called first; the young boys should be the last to go. Those boys who are entering college should be permitted to continue their education. Unless we have boys with a basic college education, the country will be depleted of trained men in the future, when they will be so vitally needed. Being forced into the war machine will prevent their growth and development. Other boys who are not headed for college could replace unskilled labor on farms, in factories, etc., thus having a chance to grow up before going, fresh from school, to war.

Dr. JOHN DEWEY,
Teachers College, Columbia University, New York City.

EIGHTEEN-YEAR-OLDS NOT ALWAYS 16 IN DEVELOPMENT

The age at which the character of young men matures is a variable quantity. A number of boys of 18 have not the maturity of the normal boy of 16. A somewhat lesser percentage of 19-year-olds will belong to the group of immature characters.

It would seem to be a more rational procedure to provide for the further education of all boys of 18 to 19 of average normal intelligence. If they are drafted into the ordinary military services their education will cease and we shall not have a body of men from whom to draw the officers of the future.

Dr. THOMAS V. MOORE,
Department of Psychology and Psychiatry, the Catholic University of America, Washington, D. C.

Mr. President, there are other statements by important physicians and educators which I ask unanimous consent to have printed in the RECORD without reading.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

OPINIONS OF EMINENT MEDICAL MEN AND EDUCATORS RELATIVE TO THE DRAFTING OF YOUTHS UNDER 20 YEARS OF AGE

I believe that the 18–19-year-old boys should be the last group to be drafted. No other age group would be so seriously damaged as this one by its disarrangement and disorganization and would become so maladjusted not only immediately but throughout its future. If these boys are given 2 more years in which to grow up with perhaps part-time work on farms, where labor is evidently needed, they will be of more value, both in the war and in the post-war world.

Dr. EDWARD A. STRECKER,
President-elect, American Psychiatric Association, Philadelphia.

Dr. GEORGE S. STEVENSON: Many of us who are close to the problems of youth are deeply concerned over the possibility of drafting 18- and 19-year-old boys. We realize how grave are the psychological dangers of war to boys of this age. I am writing to urge you to use your influence to the end that every other source of manpower be used before these boys are called.

Dr. CAROLINE B. ZACHRY,
Director, Child Guidance Bureau, Board of Education, New York City.

Dr. STEVENSON: With the hope that my opinion may help a little in preventing the making of a serious mistake, I should like to say that any proposal to induct boys of the 18–19-year level into our armed services at the present time is an unfortunate one. During this period of years the young boy is either in the midst of that formal education so necessary for the promotion of the best interests of society and civilization, or if not in school, is along with the others, just learning to adjust in the complexities of our social and economic system. Any measure taken to interrupt this course of events should be very seriously scrutinized. The majority of interruptions in these life factors will result in a permanent end or an irreparable deviation of the life plan that is so much needed to constitute a sound basis for reconstruction here at home after the war. These persons should constitute the trained minds of the future. Those hardly out of adolescence are comparatively immature emotionally and intellectually, and many of them are as yet unstable constitutionally, and are thus unfit for the regimented camp life or for active field service. Certainly, the older groups including the married men and those married men with children, should be utilized first, until the supply is exhausted, before considering the adolescents for service.

NOLAN D. C. LEWIS, M. D.,
New York State Psychiatric Institute and Hospital.

The morale and mental health of this country would be undermined by drafting the young boys of 18–19. These boys are inexperienced, impressionable, and have never yet had an opportunity to live independently; they have not the stability and preparation of the older soldier. When they reach the age of 20 they will still be available for military service and they will be better equipped physically, mentally, and emotionally to withstand the shock of war. They will be better either as soldiers or as civilians.

We have in this vast land great reserves of manpower without sacrificing our boy power. All of us know many men in their twenties and thirties who have not gone into military service. They should be called first; the young boys should be the last to go. Those boys who are entering college should be permitted to continue their education. Unless we have boys with a basic college education, the country will be depleted of trained men in the future, when they will be so vitally needed. Being forced into the war machine will prevent their growth and development. Other boys who are not headed for college could replace unskilled labor on farms, in factories, and so forth, thus having a chance to grow up before going, fresh from school, to war.

Prof. JOHN DEWEY.

Mr. CAPPER. Mr. President, there is also our own experience in the World War. This quotation comes from the Army's own medical records:

EXCERPT FROM VOLUME X, SECTION II, CHAPTER VIII, PAGE 430, IN SERIES OF STUDIES OF THE MEDICAL DEPARTMENT OF THE UNITED STATES ARMY IN THE WORLD WAR, VOLUME ON NEUROPSYCHIATRY

These figures reveal a marked disproportion between the admissions to the hospital of men under 21 and their number in the Army at large, 77 percent more men from this group being admitted to the hospital than their proportion in the Army would lead us to expect. That is, there was a marked tendency for men under 21 to develop neurosis in greater numbers than their proportion in the Army would warrant.

We cannot ignore this serious evidence. It is too costly, actually too costly to the Army, as well as too costly in terms of human life. There is a waste of power that would be better utilized if the youth were held in reserve and developed.

Mr. President, what about education? If we call out high-school and college boys, where are we going to find trained minds for the future, skills to rehabilitate the world? We do not need only physicists and chemists—that is a short view. Civilization will go on needing teachers, economists, Government experts, political leaders. We cannot shut down all educational institutions at a stroke of the pen. This bill is a blueprint of destruction for education. We must keep the college student at his studies. We need him.

Mr. President, there are millions of other men available, as we all know. More than 27,000,000 were originally registered between the ages of 20 and 45. Millions have not yet even been classified, other millions deferred often for trivial and inadequate reasons. Over a million new reserves reach the age of 20 each year. Industry is taking in more and more women to replace draft-eligible men. When people say that fathers will be taken from young children they are forgetting those millions of married men without children, many of them married since Pearl Harbor. Furthermore, in the case of many marriages, husbands and wives are both working and the wives support themselves. In a recent letter to the New York Times, outstanding educators and medical men said that it was their judgment that less damage would be done to the country if husbands, and even fathers of children, were drafted than the damage that would be done to our young boys. I quote this paragraph from the New York Times' letter of October 16:

We believe we have given full consideration to the fact that it is a great hardship for a child to be deprived of his father or a wife of her husband, but we regard even this as not so serious as subjecting the 18- and 19-year-old group prematurely to combat experience. It seems to us that this age group is our most important reserve of manpower and should be safeguarded to the last. If the Government is preparing for a long war, they might be placed in a quasi-military status now and conscripted for military service later. If it proves to be a short war, they will be equally needed in building the post-war world.

General Hershey testified before the Senate Military Affairs Committee that to draft immature youth would only postpone the draft of married men by 2 or 3 months. Remember, too, Mr. President, that the Army has not promised that these boys will be given a year, or even 6 months, of training in this country. Boys fresh from home and school may soon be sent abroad into combat service. Need any more be said? The Nation needs men. Will these boys not be needed at their peak, instead of now?

Mr. President, the business of Congress is to examine all proposals that come before it, not to follow anybody blindly. The country does not want us to be rubber stamps. We follow, and rightly, the recommendations of the Army on military planning and tactics. However, we cannot blindly follow the Army in the matter of manpower and discharge our full responsibility. The Army is not in exclusive possession of this sphere of our national economy. We are not doing our duty by the Army and by the country if we do not help them in interpreting human needs and conditions. Industrialists may demand a large labor supply from time to time. Nevertheless, it has been the business of Congress to see to it that they did not tap for this supply child labor or place in the injurious trades potential mothers. The record shows that industry as such has been primarily concerned in getting supplies of labor and not in the effects on the race. Therefore, the Congress, rightly, has had to enact laws to provide such protection. In the same way it is now the primary duty of the Congress to explore the whole field and to examine the problem of manpower as it does the labor market.

Let us remember these are youths, not men. We do not consider them mature enough to vote for us. How dare we consider them mature enough to die for us?

The War Department has been vigilant in securing the most efficient and effective matériel for war, such as tanks, planes, and guns. It is the business of the Congress to see to it that only the most effective and efficient material in manpower is used.

I therefore offer my amendment, which discriminates between these boys and adult men.

Mr. President, I have received more than a thousand telegrams and letters in the last few days from men and women of Kansas, protesting against the taking of untrained boys for combat service. I ask that a few of these communications be printed in the RECORD. One is from T. A. James, superintendent, Atlanta Rural High School, Atlanta, Kans.; one is from Mr. and Mrs. Elmer

A. Thomas, of Medicine Lodge, Kans.; one is a telegram from a group of Hutchinson, Kans., mothers and fathers who demand that the 1-year training clause be included in the draft bill if the age is lowered to 18 years; and there are a number of others. I ask that these letters and telegram be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the letters and telegram were ordered to be printed in the RECORD, as follows:

ATLANTA, KANS., *October 20, 1942.*
Hon. ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: I hope you oppose the drafting of 18- and 19-year-old boys. According to the papers it appears that some people wish to draft 18- and 19-year-old boys before they draft the stronger and more mature young men who are married. If we must draft workers, it seems that we could use 18- and 19-year-old boys to work and thus release older young men for the Army; and in this community most of the help that farmers have are boys—a number of them in high school.

Sincerely yours,

T. A. JAMES,
Superintendent, Atlanta Rural High School.

MEDICINE LODGE, KANS., *October 19, 1942.*
Senator ARTHUR CAPPER.

DEAR MR. CAPPER: If you just must vote for the 18- to 19-year-old boys being inducted into the Army, we are urging that they be required to have at least 1 year's training before being put into actual service.

We knew boys in World War No. 1 who were in France less than 30 days after being inducted, which is plain murder.

Also, our Government has three branches. The people as a whole would like to see Congress perform their legislative duties instead of willing their rights to the executive branch.

Farm labor is really getting serious in Barber county. If men were drafted to stay on the farms, the tremendous criticism on agricultural deferments would cease to some extent.

Our Farm Bureau workers want to know who to contact to urge that a ban be put around the Army camps to keep bad women and liquor out. Our young boys' lives and souls are at stake. We are much disturbed. Our information came from very reliable sources.

Very truly yours,
Mr. and Mrs. ELMER A. THOMAS.

HUTCHINSON, KANS., *October 17, 1942.*
Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.:

Hutchinson mothers and fathers demand at least 1 year training clause be included in draft bill if age lowered to 18 years.

Mr. and Mrs. E. D. HAROLD.
Mr. and Mrs. HARRY S. KING.
Mr. and Mrs. ROY CHRISTENSON.
Mr. and Mrs. H. S. LUDWIG.
Mr. and Mrs. ARTHUR H. LEWIS.
Mr. and Mrs. WALTER R. PACE.

HUTCHINSON, KANS., *October 17, 1942.*
Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.:

Without 1 year of training before combat duty drafting of 18- and 19-year-old boys is murder. Insist on 1 year of training.

Dr. and Mrs. BOYD GREEVER.

HUTCHINSON, KANS., *October 14, 1942.*
Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SIR: We want to know that many citizens of Hutchinson, Kans., do not approve of lowering the draft age to include 18-year-old boys—in fact, we know of no one who approves the lowering of the draft age to 18 years.

We abhor the thought of sending our half-grown innocent boys out to fight the war planned and proclaimed by men of mature years. These boys are not developed either in mind or body to pitch their lives against the hellish machinations of militarists, of war lords, and organized interests gaining profit in time of war.

We wish to protest the lowering of the draft age to include boys of 18 years. We want to give our boys a chance to grow up.

You are our voice in our Government. We want you to know how we feel about this. We would appreciate it greatly if you could take a stand against lowering the draft age to 18 years.

Very truly yours,
Mr. and Mrs. MAX WYMAN
(And sundry other citizens of Hutchinson, Kans.).

STATE OF KANSAS,
HOUSE OF REPRESENTATIVES,
Russell, Kans., October 19, 1942.
Senator ARTHUR CAPPER.

DEAR MR. CAPPER: Along with the other parents of our great Nation, I voice my protest to the drafting of boys in their 'teen ages, mere children still growing, and needing the protection of a home. instead of being placed in Army camps in a man's Army.

Surely our country hasn't fallen to the Hitler tactics of sacrificing the youth of our land on the altar of greed and lust, created by the war lords of other lands.

I am merely a mother, pouring out to you a mother's heart in protection of the young sons of our Nation.

Sincerely,

Mrs. W. H. SELLENS.

BOARD OF EDUCATION,
Topeka, Kans., October 20, 1942.
Senator ARTHUR CAPPER,
Washington, D. C.

MY DEAR SENATOR: I am writing you relative to the bill soon to appear in the Senate, drafting 18- and 19-year-old boys for service.

Last spring I wrote you on this same subject, and I again want to protest this proposed step. We people interested in the education of American youth do not favor taking these boys at the ages of 18 and 19 years out of school and throwing them into the Army. The Army with their propaganda are endeavoring to show this to be a necessity, but these same youths, taken at 20 years of age for military service, will be much better soldiers and know how to take care of themselves, to the advantage of the armed forces.

It is to be deplored that the heads of the Government do not look at this question from a broad point of view. A youth of 18 years is still a grown-up child, and will develop in the next 2 years in school to the point where he will be a real asset to his country and of some value in a military way. We people interestd in schools are anxious to cooperate 100 percent in building up any program suggested to fit American youth to take his part, when he reaches an age capable of doing so, but that age is not 18 or 19 years, and I sincerely hope you will do your part in holding this proposed legislation to the original draft age of 20 years.

With kindest personal regards, I remain,
Sincerely yours,

KELSEY H. PETRO.

CHANUTE, KANS., *October 22, 1942.*
Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.:

Drafting of boys 18 years old is almost a crime. They should be at least 19, with a full year's training before combat service. This is practically the unanimous opinion of hundreds we have talked with. Won't you please use your influence along the above lines.

Mr. and Mrs. E. M. COOPER.

KANSAS CITY, KANS., *October 21, 1942.*
Senator ARTHUR CAPPER,
Washington, D. C.:

Please vote "no" on draft legislation. We feel that America should not break down the schoolroom doors and drag forth our schoolboys for soldiers. They are not the proper material. Surely they have some rights and should not be rushed into war. It is within your power to save them.

COUNCIL OF DEMOCRATIC WOMEN'S
CLUBS OF KANSAS CITY, KANS.

WICHITA, KANS., *October 15, 1942.*
Senator ARTHUR CAPPER,
Care, Senate Office Building,
Washington, D. C.:

I believe you should oppose draft of 18-year-olds. Nineteen-year-old boys are good soldiers, but from 18 to 19, I have found, as an infantry company commander, they are not good material.

CARL I. WINSOR.

SMITH COUNTY REVIEW,
Smith Center, Kans., October 12, 1942.
Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: Smith County now has approximately 350 boys in the armed forces and another 60 to leave this month. A large percent of these lads have been taken from the farms of this county, and you know the result; in many cases it has left the farm with no one to do the work.

I am writing you as an interested businessman from this county farvoring instructions being given draft boards to make deferments where necessary to carry on farm work. You know the story as well as I, so I am not going into a lengthy explanation. I personally will appreciate anything that you may be able to do in connection with this matter.

Very truly yours,

HAROLD P. BEASON.

JUNCTION CITY, KANS., *October 22, 1942.*
Hon. ARTHUR CAPPER,
Senator, Washington, D. C.:

Your consideration in the drafting of our young boys will be appreciated. They should be given opportunity to prepare themselves. When other groups are being deferred, college boys, able to complete college along with R. O. T. C. at the age of 20 years can do more and should be allowed to complete their work.

E. W. ROLFS.

MULLINVILLE, KANS., *October 16, 1942.*
Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: This letter is to protest against the drafting of teen-age boys before the childless married men are taken. In our county, there are quite a few married men, with no children, whose wives are working and they have not been called. They are engaged in occupations such as these: Drug-store clerk, variety store, restaurant, poultry dealer, oil station operator, and booster plant workers. These jobs can be filled by older men who have been working on Works Progress Administration, or women. Their home ties are

no stronger than those of the 18-year-old boys. Their work is not essential to the war * * *.

The 18-year-olds have been doing the harvesting, feed shocking, and farm work in our community. Our 18-year-old boys are still going to high school and belong to the 4-H. Why take these 4-H boys and let these young married men stay behind? It is not fair or just to the boys or to the other married men that have already been taken. Any man of 35 or 40 is in the prime of life, and when he hides behind a teen-age boy, he doesn't deserve a country. Let the boys go when their turn comes, but we are just as bad as Hitler, if we take them before it is necessary. They are not old enough to vote and let us not push them out in front to win this war, the most ruthless ever fought.

Yours sincerely,

LLOYD ELLER.

LAWRENCE, KANS.

DEAR SENATOR CAPPER:

* * * * *

Most of the farm boys around here are in the Army. Labor on the farm is costing almost twice as much as last year. Labor works 10 hours on the farm. Farmers and their families put in a good many more than that.

* * * * * *

It's to be hoped that Congress gets a little starch in their backbones and does something. Because if they don't, and let one man with a bunch of bunglers run the whole show. Congress just as well come home and go to work.

Very truly yours,

GUY SHULTZ.

WHITEWATER, KANS., *October 17, 1942.*

SENATOR CAPPER: We hereby make vigorous protest against drafting undeveloped, uneducated, 18- and 19-year-old boys; give the boys a chance. We want no Hitler regime.

Mr. and Mrs. L. M. PACE.

BRONSON PUBLIC SCHOOLS,
Bronson, Kans., October 17, 1942.

Senator ARTHUR CAPPER.

DEAR SENATOR: * * *

When Army officials first urged that it be enacted, they argued that it was best so as to assure the boys a maximum training period of at least a year. They said that short training was responsible for the great number of casualties. Now they seem to reverse themselves, and are wanting to take our boys right out of high school and rush them into combat. Boys with adolescent pimples—who don't even shave yet. Don't say it isn't done—one from our home county was in Ireland less than 3 months after his induction. Is this right? The boys don't even know what its all about yet, but are expected to blindly rush in and die for the selfish mistakes made by our leaders in past years.

Please give our boys a chance.

Kansas is counting on you to do the right thing now, as you have so consistently in the past.

Sincerely,

(Mrs. H. R.) FRANCES STOVER,
Bronson, Kans.

OSBORNE, KANS., *October 20, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: This is in vehement protest against this inhuman bill taking our young boys for combat service and sure slaughter. We mothers understand that there would be no commissions and "safe" service for this group.

The suggestion giving them the right to vote may salve the consciences of some Congress Members, but it makes the parents only the more bitter. These little boys haven't the least desire to vote for they haven't had a chance to think yet, let alone grow up.

My husband is a World War veteran, having served in France in actual combat with the Thirty-fifth Division, and we understand this war has to be fought, but we wonder if we, as a nation, are worth saving if we are barbaric enough to send these young, unthinking boys to do the messy, bloody work that our older boys and men should do.

Very truly yours,

ESTHER MEYER.

Mr. CAPPER. Mr. President, I favor the amendment offered by the Senator from Nebraska [Mr. NORRIS]. I think it covers the ground satisfactorily.

Mr. BILBO. Mr. President, I shall vote for the pending amendment. However, I wish to say that I have an amendment which I shall offer after action shall have been taken on the pending amendment. I believe my amendment covers the situation more thoroughly. The pending amendment overlooks entirely the question of further education of the 18- and 19-year-old boys. It provides merely for military training. I think the further education of these boys is vitally important, both in making them good soldiers and preparing them for the responsibilities of citizenship after the war is over.

I have an amendment which I shall offer after action is taken on the Norris amendment, in connection with which I should like the indulgence of the Senate for at least an hour. It provides that the boys shall be given educational training and at the same time given basic military training. The scheme is to draft the boys, classify them, and send them to the colleges, high schools, and universities which shall be designated by the Secretary of War and the Secretary of the Navy, and that the Army shall furnish retired officers—there are plenty of them and there ought to be more—to conduct the basic military training of these boys until they shall have reached the age of 20. In that way they will be ready for the Army quickly to whip into line, and they will have the necessary training and will have reached the degree of maturity in thought and in mind which will make them good soldiers.

Mr. President, I am opposed to the bill as it is written, but I shall do my best to help amend it, because I realize it is going to pass unless there is a revulsion of sentiment. It seems to me that not only the Congress but the country and the newspapers and broadcasters have become stampeded on the idea of rushing 18- and 19-year-old boys into this slaughter, when England, which has been in war for several years, is still providing for the education of her boys before she puts them into combat service. Australia, which is an important part of the war machine, refuses to let a boy into the combat service until he reaches 19 years of age. I see no reason why we should be in such a hurry to dispose of this matter. I think we had better take time to discuss the importance of providing educational training along with basic military training.

Mr. President, I will say in this connection that I am now and have always been in favor of universal military training. We certainly can afford to give the boys military training, which will make them ready for the Army along with their ordinary educational training while they are 18 and 19 years old. I shall offer the amendment and I want the floor after the Norris amendment is acted on.

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. What are we voting on now?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS], as modified.

Mr. LUCAS. May I ask that the amendment of the Senator from Nebraska, as modified, be read?

Mr. NORRIS. Mr. President, I understood that the Senator from Texas [Mr. O'DANIEL] had offered a substitute.

Mr. O'DANIEL. I understood that I had offered a substitute and sent it to the desk.

The PRESIDING OFFICER. The Chair is advised that the amendment of the Senator from Texas never had been formally offered.

Mr. O'DANIEL. I offer the substitute amendment now.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas as a substitute for the amendment of the Senator from Nebraska, as modified, will be stated.

The CHIEF CLERK. In lieu of the amendment of Mr. NORRIS, it is proposed to insert the following:

No person under 20 years of age inducted under this act shall be placed in actual combat duty beyond the territorial boundaries of continental United States until after he has had at least 1 year's military training following his induction.

Mr. LUCAS. Mr. President, I wish to ask a question. Am I to understand that under the amendment which is offered by the Senator from Texas as a substitute for the amendment offered by the able Senator from Nebraska, if a boy is 19 years, 11 months, and 25 days old, he will have to have 1 year's training before he can be sent into combat duty? Is that correct?

Mr. NORRIS. Mr. President, I should think that would follow if the substitute amendment we have just heard read were agreed to.

Mr. LUCAS. In other words, if the substitute shall be agreed to, then any boys who are inducted under the proposed legislation who are 19 years, 9, 10, or 11 months old, will have the privilege of staying 1 year in this country before they can be ordered into combat duty of any kind or character? On the other hand, the boy who is 2 or 3 months older than the others—in other words, any boy who is over 20 years of age, whether it be 3 days, or 3 weeks, or 3 months—is subject to combat duty overseas immediately.

Mr. President, that seems to me to be the unfairness of the substitute amendment and the discrimination which will result insofar as boys of 19 and 20 years of age are concerned. There is a 6 or 8 or 10 months' period when one boy will

derive a tremendous benefit, so far as staying on this side is concerned and so far as any combat duty is concerned. On the other hand, the boy who is just a few days or a few months older will be discriminated against. Thousands upon thousands of such boys will be affected by the proposal. I doubt if the adoption of such type of discrimination will lift the morale of the Army. That is the serious objection, as I see it, to the proposal. It seems to me that if the measure is to be modified in any way at all, it should be done in such a way as to give the boys 18 or 19 years old at least 6 months' training in this country before they are sent into combat duty. That would come nearer to eliminating the discrimination to which I referred a moment ago.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LUCAS. I am glad to yield, because all I am doing is trying to get the facts.

Mr. NORRIS. That is also what I am trying to do. I do not believe we can by a statute avoid all discrimination. If we limit the induction into service at a particular age, it would naturally bring about some discrepancies which might be important. But how can we avoid that?

Mr. LUCAS. We probably cannot avoid it if we adopt this amendment.

Mr. NORRIS. How can we modify the amendment so as to avoid it?

Mr. LUCAS. I think we are all interested in making certain that these boys have adequate training before they are sent into service. There may be one boy 18 years old who has the physical and mental stability which qualifies him to go along with the boy who is 21 years of age. On the other hand, there may be a boy who ought to stay in this country a year or a year and a half. No one knows about such things until the boys get into the service, and their qualifications are closely ascertained by those who are over them.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. NORRIS. I do not believe it will be possible to avoid some discrimination and inequality. Perhaps I may be wrong, and if I am I shall be glad to be corrected. For instance, as the Senator from Illinois has said, if a boy is 1 day past 18 years of age, and another one is 18 years and 11 months old, of course, if we classify them by age they both come within the limit of 18 years. Yet one is practically a year older than the other. Unless we can remove the arbitrary restrictions which seem to be necessary, I do not see how we can avoid discrimination. As the Senator said, the boy who is 18 years and 9 or 10 or 11 months old, will, when he is trained a year, be nearly 20 years old. But if we do not have some kind of limitation as to age they would both be left out entirely.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TYDINGS. I think many of us are trying to arrive at a common solution of a very difficult problem to which the Senator from Illinois has addressed himself by his question. The amendment of the Senator from Nebraska is as follows:

> Nothing in this act shall authorize the sending of troops inducted into military service by this act into combat service who are less than 19 years of age unless such troops have had at least 1 year of training.

We could not induct a man under the act until he had reached the age of 18, could we?

Mr. LUCAS. That is correct.

Mr. TYDINGS. After he had had 1 year's training, he would be over 19. It seems to me that a great deal of the confusion might be eliminated by the simple expedient of providing that no one inducted under this act shall be sent into combat service outside the United States until after he shall have passed his nineteenth birthday.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. NORRIS. It seems to me that that would still leave us in a situation in which we should meet the difference between the two boys, which would represent practically a year. As I see it, we should not be avoiding that difficulty.

Mr. TYDINGS. Let me say to the Senator from Nebraska, with the permission of the Senator from Illinois, that if a boy is 18 years and 11 months old at the time of induction, and becomes 19 within a month, the minute he becomes 19 years of age he would not have to have the year's training, because the amendment says that no one under the age of 19 may be sent into the combat zone unless he has had a year's training.

Mr. NORRIS. That is correct.

Mr. TYDINGS. If we cannot get them in until they are 18, why not take the bull by the horns and say that no one may be sent out of the country until he is 19 years of age? The same result would be obtained, and, at the same time, the possibility of sending them into combat after 10½, 11½, or 25 days' training would be eliminated.

Mr. NORRIS. If a boy went in when he was 18 years and 11 months' old, after he had been in for a month, he would be entirely out of the picture. That would be true in either case.

Mr. TYDINGS. That is correct.

Mr. NORRIS. I should like to avoid that difficulty if possible.

Mr. TYDINGS. So should I; but frankly, I do not know how. It seems to me that if the amendment were couched in those words we could establish a direct policy, because we could then say, as the English have said, that boys who are under 19 years of age shall not be sent into the combat zones.

It seems to me that we must rely somewhat on the Army. I do not believe that the Army would send boys into combat unless they were pretty well trained. Now, if we provide a preliminary period, and should adopt the 19-year provision as a matter of policy in connection with sending men abroad to combat areas, we could meet, so far as possible, the objections raised by the Senator from Illinois without defeating the philosophy of the Senator from Nebraska.

Mr. NORRIS. Mr. President, if the Senator from Illinois will again yield, I think the substitute is an improvement over the amendment offered by me, because it takes in a larger scope. As I said at the beginning of my remarks, I should be glad to take in boys of 19 as well as boys of 18; but I was afraid that such a provision could not be adopted. As a matter of policy, after consulting with quite a number of Senators who agreed with me, we decided that we had better take care of the 18-year-old boys.

Suppose the substitute were adopted. We should still have a great discrepancy, because the substitute would apply to the boy who is 1 day over 18 years of age, and it would apply to the boy who is 19 years and 11 months old—practically 2 years apart. It would still leave a discrepancy, which I think any amendment which has been suggested so far would leave. I do not see how to avoid it.

Mr. LUCAS. I merely rose to seek information as to the interpretation of the substitute offered by the Senator from Texas [Mr. O'DANIEL].

What the Senator from Illinois would like to see is unity in the Senate. I do not suppose that can be accomplished. I believe that this measure is sufficiently important, so far as the country is concerned, for us to achieve unity in the Senate if we can possibly do so. The more unity we can have upon measures of this kind, even if we must give and take a little, the better off we shall be, so far as the morale of the people is concerned—and their morale is ultimately transmitted to the troops.

My thought was that perhaps something in the way of a compromise might be arranged. I do not know whether it can be done. I am willing to vote now on the amendment. Frankly, I shall support the position of the Senator from South Dakota.

I cannot bring myself into the frame of mind to discriminate against boys around the 19- or 20-year age limit. I do not know whether anything better can be worked out. If there was ever a time when we ought to have unity on a question of this kind, it is now. We are in the throes of a terrible war. We all know the dangers which exist. We must have the support of the people on a policy of this kind. When the Senate divides upon a matter of such importance, obviously the country is divided; and the moment the Senate is united, the country is united.

I hope the leaders may be able to work out something upon which we can all agree.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment offered by the Senator from Texas [Mr. O'DANIEL] for the modified amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. O'DANIEL. I ask for the yeas and nays.

Mr. BARKLEY. Mr. President, I hope the yeas and nays will not be ordered now, because if they are ordered, the amendment cannot be modified except by unanimous consent. The Senator will get the yeas and nays, anyway. Why

order them now? It is not possible to obtain a vote now, because other Senators wish to discuss the question further. So there is no need to be in a hurry about the yeas and nays.

Mr. GURNEY. Mr. President, I feel that a little information as to how this matter was handled some 24 years ago might bring the question more clearly before us, at a time when dangers threaten our country's existence.

Yesterday I made a statement to the effect that if there is complacency anywhere in the United States it is here in Washington. I wish to reiterate that statement in as strong language as possible.

I do not believe we can compare the situation in which our country finds itself today with the situation in which we were some 24 years ago. The other day an article in Time magazine stated that no general had ever been given the problem now confronting General Marshall—that of conducting a war on six continents. Think of it!

We must remember that we do not now have the allies we had in 1917 and 1918. Some of them are now our enemies, or are working as slaves for our enemies of 24 years ago. We are really in a serious situation, which is not comparable with that of 24 years ago. It is in direct contrast.

To bring the situation to the attention of the Senate, I wish to read a story which strikes home. It was printed in the Washington Post of September 17, 1942. I wish to read it in its entirety. It gives both sides of the question. I hope Senators will listen to it. In view of its length Senators may not have read it at the time. The article is by Edward T. Folliard. I read:

[From the Washington Post of September 17, 1942]

THE 18–19 DRAFT BELIEVED AS GOOD AS PASSED—FROTHY ORATORY ON SAME QUESTION IN CONGRESS DURING FAMOUS DEBATES OF 1918 IS RECALLED

(By Edward T. Folliard)

If the experience of 1918 is any guide, the forthcoming debate in Congress on the question of drafting 18- and 19-year-old youths will be a dramatic one, marked by much passion and many lofty flights of oratory. This over the youngsters will be brought into the selective service.

It was in mid-August 1918 that the proposal to lower the draft age came before the second session of the Sixty-fifth Congress.

Foes of the legislation asserted that Congress was "robbing the cradle," that it was snatching "tender buds" from their mothers' knees. One House Member demanded that the fathers of 18- and 19-year-old boys be sent in their stead, or else stand revealed as cowards and slackers.

Proponents argued that 18- and 19-year-old youngsters had fought in all of America's wars, and that a million or so were even then serving as volunteers. They argued that young men were tougher than older men, and that, anyway, it was not a question of what Congress desired to do, but of what Congress had to do if the Nation's arms were to be triumphant.

PASSED AUGUST 31, 1918

The legislation, which had been requested by the War Department, was passed on August 31, 1918, and President Woodrow Wilson signed it the same day. It made subject to military service all male citizens "between the ages of 18 and 45, both inclusive."

As it turned out, the men involved in this all-out mobilization were just being classified when Germany caved in and asked for an armistice. Still nobody could safely say that Congress had erred. By extending the draft, Congress had provided "a supply of fighting men sufficient to meet every military necessity," a supply equal to the manpower of Britain and France combined. Undoubtedly that was an important consideration in the minds of the German military leaders when they decided to quit.

When Senator Curley (Republican) of South Dakota recently introduced a bill to draft 18- and 19-year-old youths, Senator BILBO (Democrat) of Mississippi quickly protested.

BILBO said that "the idea of sending tender boys into combat" was "abhorrent" to him.

SPARE OUR SONS

So it was, too, to many of the Senators and Representatives in the Sixty-fifth Congress. For weeks these Members were bombarded with letters and telegrams from fathers and mothers, urging them to spare their sons.

In the debates that took place in the House and Senate, most of the arguments had to do with the question of necessity. Occasionally, however, the oratory became emotional in the extreme.

"Who is this 18-year-old boy that you will consign to war while mature men remain at peace?" asked Representative Leonidas Dyer (Republican) of Missouri.

"He is only a child yet, clinging to the knees of that mother who taught him his prayers; a tender bud blooming into manhood * * *."

Representative Albert Johnson (Republican) of Washington put a House page boy of 18 on exhibition and asked the Members how they would like to see him face a German gas attack and be blinded for life. The page, incidentally, was eager to go to war.

Representative E. C. Little (Republican) of Kansas said both Rome and Greece had fallen because they had sent too many of their young men to the wars. He said he was opposed to taking a boy of 18 out of school.

"He should be in school and his father should be out fighting," cried Little. "Is there any man of 45 that wants to stay at home while his boy goes to the war? God have pity on him if he does.

"Come out of the brush, brave men! Come out of the brush, cowards and slackers! Go yourselves and register and be shipped to Europe, and let your boy stay in school where he belongs, and with his mother. He is to furnish the intelligent voter of the future."

Then the reverent grandfather of our colleague from Massachusetts is referred to: Senator Henry Cabot Lodge (Republican), of Massachusetts, speaking on the other side of the Capitol, had something to say that was indirectly an answer to Representative Little's solicitude for the "intelligent voter of the future."

"We must remember," said Lodge, "that our object in all this legislation is getting victories and not getting votes."

The man who carried most of the burden of the Senate debate was one of that Chamber's most gifted orators—Senator James A. Reed (Democrat), of Missouri. He started out by saying that the mere suggestion of sending boys to war wrung the heart of every humane, decent man. Then he reminded the Senate that a million and a half Americans already were in France and that another million were headed there.

STERN CALL OF DUTY

He continued:

"Shall they be sacrificed by being constantly thrown against an equal or a greater force until little by little they are cut down or a vast percentage of them have gone to their death, or shall we now make one herculean effort and put in the field a resistless force that will break the German line at will?

"God, who made the universe, knows that no man in this body will vote to take these boys except it be in response to the stern call of duty.

"We can only say that it is because we are at war, ghastly, horrible war. And in war we must inflict pain to escape a greater agony."

At the time of this debate Germany had been stopped in the second battle of the Marne. Nevertheless, she still appeared to be a powerful and dangerous foe. Russia had collapsed. The Italians had suffered severe reverses, Rumania had been conquered by Germany, and Britain and France had lost heavily of their manpower.

Moreover, the Members of Congress were thinking in terms of a "complete and utter" victory over Germany, and were proceeding on the theory that to achieve this another year or two of fighting would ensue.

WE MUST GO TO BERLIN

Senator Lodge, in talking about peace, said:

"The victory bringing such a peace must be won inside, not outside, the German frontier. It must be won finally and thoroughly in Germany, and can be won nowhere else. * * * In one word we must go to Berlin and there dictate the peace."

* * * * *

The chairman of the Senate Military Affairs Committee in 1918 was Senator George E. Chamberlain (Democrat) of Oregon. In urging passage of the bill to lower the draft age, he recalled that in the early days of the Republic, President Washington had asked Congress to establish compulsory military training and had recommended that the age range be 18 to 45.

"Still," said Chamberlain, "those of us who have been insisting on the ages of 18 and 45 here have been charged with undertaking to enact revolutionary a statute which will drive the children and old men of the country to slaughter."

GIVES CIVIL WAR FIGURES

Senator Reed chimed in to remind his colleagues that in the Civil War the Federal Army had a million and a half boys under 18.

"The fact is," he said, "the War of the Rebellion on the Federal side was fought by men under 21 years of age, and the majority of them were under 18."

Senator William F. Kirby (Democrat) of Arkansas could not resist the temptation to say:

"That may have been the reason why the South whipped the North for 3 years, because there was nothing but boys in the Northern Army."

JAMES W. WADSWORTH, now a Republican Member of the House from New York, then a Member of the Senate, argued that youngsters were tougher and more resilient than older men.

"There are exceptions, of course," he said, "but, generally speaking, a younger army will whip an older army in any long war, other things being equal."

Senator Reed, answering those who talked about "taking babes from their mothers' arms," told the Senate he would like to describe a few of those babes. He then launched into a eulogy of the United States Marines, whose ferocity of attack at Belleau Wood had caused the Germans to call them Devil Dogs.

"The Marines are 70 percent composed of these 'babes'," the Missouri statesman said. "Splendid, gallant babes they have proven themselves to be."

Something like an echo of that statement came recently in a dispatch from the Solomon Islands. The correspondent, who saw the Leathernecks of 1942 charge up the beaches at Tulagi, said their average age appeared to be about 19.

How many 18- and 19-year-old youths have volunteered for the Marine Corps, the Navy and the Army is not known, but the figure must be a large one, just as it was in 1917-18.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. GURNEY. I yield.

Mr. BARKLEY. According to the information given me by the Navy Department in a document which they sent to me, the average age of the enlisted men in the Navy is 19½ years, which, of course, means that many of the men are under 19, and many of them are under 18.

Mr. GURNEY. Mr. President, the Marines in the Solomon Islands are even younger than the men of the Navy. The Congress of our country backed up the boys in 1917 and 1918. They helped them win that war. I believe the Members of this Congress want to do just as good a job as that which our predecessors did 24 years ago.

It is not that we do not have men on the fronts. There are going to be more of them, and there will be more fronts—terrible fronts—quite soon. There is no doubt about that. It is up to the present Members of Congress to back the boys who must be in the field, not because we sent them there because we declared war on other countries, but because quite a few other countries have declared war on us. If we do not send elsewhere our boys who are the best fighting material, we are quite liable to have the battle fronts a great deal closer to us than they now are.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GURNEY. I shall be glad to yield the floor.

Mr. TYDINGS. I was merely going to remark that the Senator made a very able presentation of that side of the case; and while, as I said before, we do not want to "keep books" with our allies, and this war cannot be kept on the basis of having everyone do an exactly equal part, nevertheless it seemed to me rather odd that Great Britain, which is right at the very front door of danger, would have a policy of not letting her young men go into the combat areas until they are over 19 years of age, and that New Zealand, which lies at the front door of danger, has a policy that her men cannot go into the combat areas until they are over 19 years of age.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. GURNEY. Has the Senator noticed in the hearings quite a few places at which General Marshall made statements off the record?

Mr. TYDINGS. I understand that he did talk off the record, but I did not hear what he had to say.

Mr. GURNEY. If the Senator will read the hearings he will notice that at many points testimony was given off the record.

Mr. TYDINGS. Yes.

Mr. GURNEY. The Committee on Military Affairs and the Committee on Naval Affairs have had much information given off the record. I can give the Senator information along the line that our fine allies—Englanders, New Zealanders, Australians, and Canadians, all of them—are making an all-out effort; and it behooves the United States of America to make an all-out effort before our brave, fine allies are cut down.

Mr. TYDINGS. Mr. President, I do not want to be led astray by the last remark; but I think the conditions today in this war are vastly superior to what they were a year or two ago. When the English Army was driven from Dunkerque, when France collapsed, and when Russia was even then tentatively an ally or neutral of Hitler's, it looked to me as if we might lose the British Navy, and that we might have Hitler sending his forces over here, with a force equal to ours on the sea, and one much superior to ours in the air.

The Russian Army has bled the German Army white. England has had the chance to revitalize her forces. Her air force has taken dominance over the Germans, and with the great Russian Army—and it is a great one—on the Far East and the English Army on the west, I think we should be a little realistic and not have every passing hour the darkest hour in the war, as has been the tendency from the first hour down to the present.

Mr. President, I myself am not a bit scared about Hitler coming here. We are going to lick him, make no mistake about it.

Mr. GURNEY. I agree with the Senator.

Mr. TYDINGS. But I do not want to see the United States doing too much of the licking. I want to see the others bearing their fair share of the burden.

Mr. GURNEY. I agree with the Senator, and I make the further statement that I am sure that the people of the United States of America are not expecting the men of other countries to do our fighting for us.

Mr. WALSH. Mr. President, will the Senator from South Dakota yield for a question?

Mr. GURNEY. I yield for a question.

Mr. WALSH. I received a telegram today from the principal of a high school in Massachusetts.

Mr. GURNEY. I, too, have received some telegrams.

Mr. WALSH. I should like to have this telegram answered for the RECORD. It reads:

Are we going to draft 18-year-olds for foreign service while Britain promises her 18-year-olds 1 year of home service?

Is that a fact, or not?

Mr. GURNEY. The fact is that all of England and the British Isles are the front line, so to speak. They are being bombed every day.

Mr. WALSH. So this statement is not correct?

Mr. GURNEY. The statement was read into the RECORD a little while ago that England is now drafting her 18-year-old youths.

Mr. WALSH. Is it true that they are retained 1 year for home service?

Mr. GURNEY. That is correct, but the home service is right on the battle front at the moment.

Mr. WALSH. That does not answer the question.

Mr. GURNEY. I shall be glad to answer the question.

Mr. WALSH. Is what this man says a fact or not? I am asking the Senator from South Dakota because he is in charge of the bill. Is it a fact, as this man says, that in Britain the 18-year-olds are held 1 year for home service?

Mr. GURNEY. If the Senator had been present in the Chamber he would have heard the Senator from Ohio [Mr. TAFT] read the article from the paper which said exactly that, that they are holding the 18-year-olds on the home front for 1 year.

Mr. WALSH. There is no reason why it should not be repeated, even if I did not happen to be present, is there?

Mr. GURNEY. Oh, no.

Mr. WALSH. So this man's telegram stated a fact?

Mr. GURNEY. That is correct.

Mr. VANDENBERG. The answer is "Yes."

Mr. WALSH. The answer is "Yes," of course, and there should be no hesitancy in making the answer.

Mr. BONE. Mr. President, let me make an inquiry of the Senator from South Dakota.

Mr. GURNEY. I yield.

Mr. BONE. It is my understanding that we have in the neighborhood of four and a half million men in the Army at the present time.

Mr. GURNEY. My information is that we have more than that, that it will be approximately 5,000,000, or a little above that by the first of the year.

Mr. BONE. Taking the Army as it is presently constituted how many of that particular group have had training of at least a year?

Mr. GURNEY. A large percentage of them.

Mr. BONE. Would it be in the neighborhood of 90 percent?

Mr. GURNEY. Oh, no. The Senator knows about how many have been inducted each month.

Mr. BONE. We have been creating an army for a year and a half or two years.

Mr. GURNEY. That is correct.

Mr. BONE. We certainly must have a large number of men, perhaps at least 2,000,000, who have had training of a year or a year and a half.

Mr. GURNEY. That is correct.

Mr. BONE. Is it possible we have sufficient shipping now so that we could send that many men abroad? If so, we would have an army abroad as large as the army we had in Europe during the great German offensive in the latter part of 1918, or larger. Certainly the crisis is not so great that we could not take time to train these boys for a year.

Mr. GURNEY. If the Senator remembers, General Marshall said he was giving them all the training possible, and in the last paragraph he said, "Trust us to continue doing a good job." That is not an exact quotation, but it is in effect what he said.

Mr. BONE. If we have two or three million boys in the Army who have had training for a year or a year and a half, we certainly have a very formidable force of men.

Mr. GURNEY. That is correct.

Mr. BONE. Who could change the whole course of history if they were properly employed.

Mr. GURNEY. I am sure it is not the intention of the Army to make new divisions entirely out of 18-year-old boys, train them a few months, and send them overseas. The Senator knows that would not work, and it is not the intention of the Army.

Mr. BONE. If men who have had little or no training, or men with training of only a few weeks, were filtered in, they would be almost helpless in battle. I have talked with a great many veterans of the last war, and one of the things that seemed to impress them most was the fact that during the last war so many men were sent into active combat service without proper training. They regarded it as a supreme tragedy. The argument has been advanced for 20 years that no greater blunder could be made in war than to send untrained men into battle. I suspect that is the basis of much of the inquiry that has been made on the floor concerning the matter suggested by the Senator from Nebraska.

Mr. BALL. Mr. President, I believe it is appropriate in connection with the consideration of the pending bill proposing to lower the age limit for selective service, to make a few observations on the over-all manpower mobilization problem which today is facing our Nation.

I am a member of a subcommittee of the Truman Investigating Committee, which has been studying this over-all problem for several weeks. What I say here today represents my individual views, but I believe those views are shared by a majority of both the subcommittee and the full Truman Committee, and will be reflected in our report when it is made.

The War Manpower Commission was created by Executive order of the President on April 18, 1942, with the Federal Security Administrator as chairman. Its prime task, as set forth in the order, was—

> To formulate plans and programs and establish basic national policies to assure the most effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war; and issue such policy and operating directions as may be necessary thereto.

That was 6 months ago. The studies apparently are still incomplete, and no basic national manpower policy or program has been formulated. There have been scores and hundreds of public utterances from Washington telling about the manpower problem, criticizing the public for failure to cooperate in a nonexistent program to solve it, and threatening various kinds of drastic compulsory legislation. But there has been no over-all program or policy. I believe that such an over-all policy and program for the Nation is basically and fundamentally necessary. Until we have such a program and until such a program has been tried out within the framework of existing executive powers, it is impossible to determine what legislation is necessary, if any, to make the program fully effective.

There are now pending in the Congress several rather drastic bills, unprecedented in the control which they would give to Government over individual lives. The chairman of the Manpower Commission, Mr. McNutt, has announced that he is drafting a bill which will give him authority to apply the compulsion which he apparently feels is necessary. I believe most strongly that it would be a mistake for Congress even to consider passage of any drastic compulsory legislation in the absence of any over-all national policy and program for the mobilization of our manpower.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. BALL. I yield.

Mr. AUSTIN. I should be very happy to have the Senator's view about what length of time Congress should wait for an over-all plan to come from somewhere, and then after waiting that time, what Congress should do, if there is a total failure to agree on a plan? Up to date we are informed that a plan has not been agreed upon because it could not be agreed upon. There does not seem to be any reason to believe that conditions will be any better for agreement on a plan 6 months from now, if we depend upon the same men who are now trying to make the agreement. That situation raises in my mind a question on which I should like to have the Senator's view. How long ought we to wait—by "we" meaning Congress—for such a plan?

Mr. BALL. Mr. President, the Senator from Vermont has made a very pertinent observation, and I think it goes to the heart of the problem facing us, namely, the men who have been made responsible for drafting a program and apparently have not done anything about it. But I think I will cover the points the Senator raised in the course of my very brief remarks.

Compulsion in this field should be the very last resort in a democracy such as ours, and then should be used only in very specific and well-defined areas where voluntary methods and controls now available under existing law have proven inadequate. I believe that the overwhelming majority of the American people, including both employers and their employees, will cooperate willingly in whatever program of manpower is necessary to win this war, but it is futile to ask the people to cooperate voluntarily to carry out a program which does not exist.

During the debate here yesterday the able Senator from Michigan [Mr. VANDENBERG] attempted to find out how many persons are required in war production to support each man in the armed services. He did not obtain a satisfactory answer. Our subcommittee has sought the same information and so far has not been able to obtain it. So far as we have been able to learn, accurate figures on the number of individuals required in war production to produce equipment and supplies for an armed force of a given size are not available. They have not been developed.

Mr. AUSTIN. Mr. President, will the Senator again yield for a question?

Mr. BALL. I yield.

Mr. AUSTIN. Did the Senator's committee in the taking of testimony obtain any ratio of civilian workers to the number of men in the service that had been agreed upon or estimated?

Mr. BALL. Mr. President, we tried to get a ratio, and we could not get one that meant anything.

Mr. President, it is apparent that any program for the complete mobilization of our manpower cannot be effective unless the various demands—for the armed services, for production of military equipment and supplies and for essential civilian requirements—are in proper balance both to one another and to our total manpower resources. Obviously, it would be a tragedy to draft a huge army and then find that we lacked sufficient manpower properly to equip that army.

In the testimony our committee has received so far, there is no evidence that such an over-all job of planning has been done. Our subcommittee hearings have left me with the very definite impression that the Army and Navy have gone ahead with their plans for manpower and the various procurement agencies have placed their contracts for production without ever fitting their various programs into an over-all master plan for full utilization of the Nation's manpower. In fact the directive creating the War Manpower Commission specifically provided that it should have no voice whatever in determining the military manpower requirements or the rate at which they shall be met. I believe it is imperative that this defect in our handling of the manpower problem be remedied immediately. The manpower agency must have a voice in determining military manpower requirements if it is to formulate or carry out any kind of effective over-all policy.

It is very clear from public statements regarding our production program and the anticipated strength of our armed services that we must add several million new workers, most of whom will be women, to our total labor force in the next year, and that in addition we must make our present labor force more productive if we are to avoid labor bottlenecks as hurtful to the war program as material bottlenecks have been.

There are many specific things which could be done now within existing powers of the executive branch to ease the present critical manpower problem and to prepare for the impact on our industry of the withdrawals by selective service during the next year.

One immediate action which could be taken is to end recruiting by both the Army and Navy. The subcommittee has been told of numerous instances where recruiting and volunteering of key skilled workers has disrupted production in plants making vital war materials. Apparently it sometimes happens that the Navy does not let its left hand know what its right hand is doing, because Navy recruiting officers have gone into

plants producing for the Navy and taken out their key workers and wrecked their production schedules.

It will not be possible to plan the withdrawals of manpower for the military forces from industry during the next year so as to minimize the injury to production unless those withdrawals are controlled and made in orderly fashion. That can be done only if the withdrawals are controlled by a single agency. That agency should be the Selective Service System working in close coordination with the Employment Service and the Manpower Commission.

Another field in which immediate action is possible without legislation is in those industries and occupations where critical shortages are even now injuring production. Workers in such critical industries or areas could be deferred under Selective Service, with the deferments to be revoked immediately if the workers leave the industry or area. I am very happy to note in the newspapers that the War Manpower Commission is now considering such action as regards skilled help on dairy and livestock farms.

A third action which could be undertaken immediately is a campaign to stop labor hoarding by war contractors. Because of the impending labor shortage and because of the fact that under cost-plus-fixed-fee contracts the practice does not cost the contractor anything, many war contractors have built up their labor forces ahead of their needs and in excess of their needs. This practice has been especially prevalent in the construction industry. A few days ago the Senator from Montana [Mr. WHEELER] called attention to the construction of a naval base in Idaho where 20,000 men are employed. He had received many reports, as I had from the men who went from my State, to the effect that there was not enough work to go around for that many men. The contractor had hired them because he could get them and because he might need them in order to finish his contract on schedule.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. WHEELER. I have received a letter from a man in one of the shipyards in San Francisco. He went there from my home town in Montana. I know him very well. He was formerly in business in my home city. He tells me that many of the men there have been standing around simply because they did not have the material with which to go to work. He says that conditions ought to be investigated, because men have nothing to do, yet are drawing their pay.

Mr. BALL. I think it is very true that contractors on construction projects are so anxious to be sure that they finish on schedule that they grab all the labor they can get, whether they can use it immediately or not. That particular practice, which cuts down the productive value of our present labor force, can be stopped very easily. The contracting agencies of the War and Navy Departments, the Maritime Commission, and the Defense Plant Corporation can stop it immediately if they will simply issue orders to their auditors in the field to disallow any expenditure by a contractor for labor which is not used effectively. That would stop the practice overnight.

A fourth program which could be undertaken immediately is to cut down absenteeism in industry. The subcommittee was told that absenteeism is reducing production in some industries as much as 10 percent. I believe that a vigorous publicity campaign enlisting the support of employees and labor could materially reduce this loss. To implement that particular program we could also use the selective-service powers by providing for the revocation of deferments in cases of chronic absenteeism.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. AUSTIN. Did the committee find evidence of the prevalence of absenteeism for the purpose of looking for jobs which would pay still higher wages?

Mr. BALL. That is true to some extent. However, most of it is due to the fact that the men are earning much more than they ever earned before, and they sometimes feel that they do not have to work as many days in the week as they would otherwise work.

These are only a few of the things which can and should be done immediately within existing powers and without any new legislation. There are many other things which could and should be done under an over-all program.

I am convinced that the key to the solution of our manpower problem lies in the adoption of proper hiring policies by industry, both war industry and civilian industry, rather than in undemocratic compulsion applied to the individual workmen. All discrimination practiced by employers in their hiring, whether relating to age, sex, or race, must be eliminated to do this job. The overwhelming majority of employers will go along voluntarily with the Manpower Commission on an over-all policy. If and when compulsion is needed to make a recalcitrant minority conform, the legislation should be restricted in its application to that minority.

In conclusion, let me emphasize again that there are many actions to meet our manpower problem which can and should be taken under existing powers of the Executive. An over-all program and policy has not yet been formulated. There does not appear to be the necessary balance between military and industrial requirements for manpower. Until these things have been corrected, the Congress should not consider legislation granting to the Government drastic and undemocratic power to regulate the lives of individual citizens.

Mr. MALONEY. Mr. President, at this point I desire to read a communication which I have received from the chairman of a draft board in my State. I think it is very important in connection with the proposed legislation now under consideration. I shall withhold the name of the writer of the letter. I do not think it is quite appropriate to use his name, but I shall be glad to give the name to any Senator. The letter is brief, and I should like to impose upon the time of the Senate to read it now. It is addressed to me:

OCTOBER 17, 1942.

HON. FRANCIS T. MALONEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: This letter is to register my disapproval of the so-called Kilday amendment of the House bill by which it is proposed to take all 1-A men wherever available before calling up men classified in 3-A, 2-B, or 3-B.

As chairman of one of the draft boards I have had a pretty good opportunity to understand the working of the draft and it has come to my attention that many boards are much more liberal in the matter of deferments than others. Our particular board, ——— ——— has endeavored to adopt a half-way policy and I believe is not regarded as being too tough or too liberal. However, instances of classifications in other boards have come to my attention which are rather unsavory if true. For example, I have been reliably informed that one board has been very liberal in its classification of registrants, with the result that liquor dealers, taxi drivers, and plumbers' helpers enjoy classifications in 3-B. The result of this unwise construction of the Draft Act by such a board is that that board has very few 1-A men available. Under the Kilday amendment the burden, therefore, falls upon registrants in boards which have correctly interpreted the Draft Act to provide more than their share of men for the Army. This seems to me unfair and undemocratic so that I feel the Kilday amendment is very unjust.

It strikes me that the intent of the Draft Act is to subdivide the districts of the various States into substantially equal numbers of registrants and it seems to me that equitable proportionate quotas should be assigned to each of these districts and that it should be the duty of the boards in the various districts to produce substantially an equal number of men for the Army.

Very truly yours.

——— ———.

Mr. President, I offer the letter now because, as I understand, the so-called Kilday amendment is in the House bill and will be in conference. In that respect I believe the letter is important.

Furthermore, I think it is extremely important in connection with the entire matter, and more particularly in connection with the pending amendment offered by the able senior Senator from Nebraska. I think it is outrageously unfair, in the instances where true, that men outside the draft are walking the streets while the Congress of the United States contemplates sending 18- and 19-year-old boys into the military service.

I do not expect that we can do much about this particular matter in connection with the pending bill, but I think it should come to the attention of the draft authorities, so that it may have their immediate consideration, and certainly the consideration of the Senate as we further take up the question of selective-service legislation.

I thank the Senator.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

ARMY SPECIALIST CORPS

The legislative clerk read the nomination of Hugh McKittrick Jones to be principal personnel procurement officer, field service, Seventh Service Command, Army Specialist Corps.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Melvin James Snyder to be principal administrative officer, Engineer Corps, Services of Supply, New York, N. Y.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The legislative clerk read the nomination of Dale E. Sturmer to be hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Fair J. Bryant to be hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles W. Clark to be hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be notified forthwith of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate took a recess until tomorrow, Saturday, October 24, 1942, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate October 23 (legislative day of October 15), 1942:

UNITED STATES ATTORNEY

Toxey Hall, of Mississippi, to be United States attorney for the southern district of Mississippi. He is now serving in this office under an appointment which expired January 19, 1942.

DIPLOMATIC AND FOREIGN SERVICE

John Randolph, of New York, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

COAST AND GEODETIC SURVEY

Joseph W. Stirni to be hydrographic and geodetic engineer, with rank of lieutenant, in the Coast and Geodetic Survey, from the 24th day of November 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23 (legislative day of October 15), 1942:

ARMY SPECIALIST CORPS

APPOINTMENTS

Hugh McKittrick Jones to be principal personnel procurement officer, field service, Seventh Service Command, Army Specialist Corps, at a salary of $5,600 per annum.

Melvin James Snyder to be principal administrative officer, Engineer Corps, Services of Supply, New York, N. Y., at a salary of $5,600 per annum.

COAST AND GEODETIC SURVEY

TO BE HYDROGRAPHIC AND GEODETIC ENGINEER WITH RANK OF LIEUTENANT IN THE COAST AND GEODETIC SURVEY

Dale E. Sturmer
Fair J. Bryant
Charles W. Clark

IN THE ARMY

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

Captain Champlin Fletcher Buck, Jr., to Ordnance Department.

PROMOTIONS IN THE REGULAR ARMY

Harold Roe Bull et al.

(NOTE.—A full list of the names of the persons whose nominations for promotion in the Regular Army were confirmed today may be found in the Senate proceedings of the CONGRESSIONAL RECORD for October 19, 1942, under the caption "Nominations," beginning with the name of Harold Roe Bull, on page 8368 and ending with the name of Norman Gregg Long on p. 8370.)

POSTMASTERS

CONNECTICUT

Edward M. Doyle, Bantam.
Ralph W. Bull, Kent.
Elizabeth J. Carris, Stepney Depot.

IDAHO

Thomas B. Hargis, Ashton.

MICHIGAN

Frank J. Nothelfer, Hemlock.

TEXAS

Marguerite A. Mullen, Alice.

WISCONSIN

Matthew J. Hart, Glidden.
Robert J. Reiland, Port Edwards.
Irene R. Sprangers, Waldo.

SENATE

SATURDAY, OCTOBER 24, 1942

(Legislative day of Thursday, October 15, 1942)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou who changest not, the mournful requiem of sighing autumn winds and falling leaves, dead and driven, remind us that we all do fade as a leaf. Change and decay in all around we see. We, Thy transient children upon this spinning island in the sky, would set our little lives against the background of Thy everlastingness, there to learn humility, quietude, and the patience which is power.

Take from our fearful, feverish souls the stress and strain, and let our ordered lives confess the beauty of Thy peace. So with inner calm and courage may all our deliberations this day within this white-domed shrine of each patriot's devotion be begun, continued, and ended in Thee. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, October 23, 1942, was dispensed with, and the Journal was approved.

SENATOR FROM MAINE—CREDENTIALS

Mr. BREWSTER. Mr. President, the State of Maine, with Yankee prudence, has disposed of its election problems for this year, and I now present the credentials of my colleague the senior Senator from Maine [Mr. WHITE] for another 6-year term. He is now approaching 26 years of service in the Senate and the House.

The VICE PRESIDENT. The clerk will read the credentials.

The legislative clerk read as follows:

STATE OF MAINE.

To All Who Shall See These Presents, Greeting:

Know ye that WALLACE H. WHITE, Jr., of Auburn, in the county of Androscoggin, on the 14th day of September, in the year of our Lord, 1942, was chosen by the electors of this State, a United States Senator to represent the State of Maine in the United States Senate, for the term of 6 years, beginning on the 3d day of January 1943.

In testimony whereof I have caused the seal of state to be hereunto affixed.

Given under my hand on August, the 15th day of October in the year of our Lord 1942,

and in the one hundred and sixty-seventh year of the Independence of the United States of America.

By the Governor,

SUMNER SEWALL,
HAROLD I. GOSS,
Acting Secretary of State.

The VICE PRESIDENT. The credentials will be received and placed on file.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the chairman and secretary of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report covering operations of the Corporation for the period from its organization on February 2, 1932, to June 30, 1942, inclusive, which, with an accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

The petition of John F. Mowbray, of Brooklyn, N. Y., praying for the enactment of the so-called anti-poll-tax bill; to the Committee on the Judiciary.

By Mr. CAPPER:

A petition, numerously signed, of sundry citizens of Leavenworth, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITION

Mr. WHEELER presented a petition of members and friends of the Bigfork (Mont.) Woman's Society of Christian Service, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table and to be printed in the RECORD without all the signatures attached, as follows:

BIGFORK, MONT., *October 15, 1942.*

Senator BURTON K. WHEELER,
Washington, D. C.

DEAR SENATOR WHEELER: We, the members and friends of the Bigfork Woman's Society of Christian Service, respectfully urge you to bend every effort to bring Senate bill 860 to the floor of the Senate for a vote, it having been on the Senate calendar for almost a year and a half.

We also would call to your attention the spreading demand for wartime prohibition, and ask your support of it.

May this letter be read into the CONGRESSIONAL RECORD, please?

GRACE HORSTMAN,
President,
ADDIE M. HART,
OGLE HANSEN
(And sundry other members and friends of the Bigfork Woman's Society of Christian Service).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. BAILEY, from the Committee on Commerce, reported favorably the nomination of Joseph W. Stirni to be hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey, from November 24, 1942.

BILL INTRODUCED

Mr. RUSSELL introduced a bill (S. 2876) to authorize the deportation of aliens to countries allied with the United States, which was read twice by its title and referred to the Committee on Immigration.

COMPENDIUM OF IMPORTANT ACTS OF THE PRESIDENT AND THE CONGRESS SINCE DECEMBER 7, 1941

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a compendium showing the laws passed and actions taken for the vigorous prosecution of the war since December 7, 1941, which appears in the Appendix.]

GOOD WORDS FOR CONGRESS—EDITORIAL FROM WILKES-BARRE (PA.) RECORD

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Good Words for Congress," published in the Wilkes-Barre (Pa.) Record of October 10, 1942, which appears in the Appendix.]

REDUCTION OF DRAFT-AGE LIMIT

The Senate resumed the consideration of the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The VICE PRESIDENT. The pending question is on agreeing to the amendment proposed by the Senator from Texas [Mr. O'DANIEL] in the nature of a substitute for the amendment of the Senator from Nebraska [Mr. NORRIS], adding at the end of the bill certain language.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smathers
Brewster	Johnson, Calif.	Smith
Bulow	Langer	Spencer
Bunker	Lee	Taft
Burton	Lodge	Thomas, Idaho
Butler	Lucas	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Caraway	McKellar	Tunnell
Chavez	McNary	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Willis
George	Overton	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. MCNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Wisconsin [Mr. WILEY] have been called away on public business.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

Mr. HILL. Mr. President, I rise in opposition to the pending amendment. I am sure there is no Member of the Senate, whether he be a member of the Senate Committee on Military Affairs, which reported the bill, or not a member of that committee, who does not wish, who would not insist, that every soldier in the armed forces of the United States be properly and adequately trained and prepared before he is sent into battle. I have often said that war is a tragedy, but it is an even greater tragedy to be forced into war and to send young men to their death because they have not been properly trained and prepared and made ready for battle.

Certainly General Marshall, as the Chief of Staff of the Army, the man above all others upon whose shoulders rests the tremendous responsibility of training and preparing the Army, of defeating our enemies, achieving victories for us, and winning the war, could not want any soldier to go into battle unless the soldier had been properly trained and prepared for battle.

General Marshall, along with all of us, would of course recognize the unfairness, the grave injustice, of sending into battle any man unless he were trained and prepared. Surely General Marshall, great soldier that he is, knows, perhaps better than any one else in the country, that he could not hope to achieve victory, but could expect only disaster and defeat, if he sent his army into battle with soldiers who were not trained and prepared and made ready.

Mr. President, I think there can be no disagreement, no difference, as between Members of the Senate, or as between the Senate and General Marshall, or anyone else, on the statement that all of us wish——

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HILL. I did not want to yield so early in my speech, but I will yield to the Senator.

Mr. NORRIS. I wanted to ask the Senator a question about a statement he just made. However, if the Senator prefers not to be interrupted I shall not do so.

Mr. HILL. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator made a statement which I think probably is absolutely true; at least, I believe it to be.

Mr. HILL. I hope the Senator thinks that I always try to speak the truth.

Mr. NORRIS. If General Marshall is right and if he is not going to send into combat service an army which is not trained, why should we not put into the proposed law the very thing he wants and which it is said here in his behalf he will do even if we do not put it in the measure? The Senator must realize that there is a general belief—and, as I tried to show, there is some foundation for it, I think, though it may not necessarily be true—that when General Marshall, who all his life has advocated the thorough training of soldiers, a policy in which we all believe, now objects to a provision being placed in the law requiring such training of these young men, there must be something wrong somewhere, and a great feeling of distrust and dissatisfaction has arisen.

Mr. HILL. Let me say to the Senator and to the Senate that I think, as General Marshall stated yesterday in his letter to the chairman of the Military Affairs Committee, the Senator from North Carolina [Mr. REYNOLDS], the difficulty in this situation is that there is a misunderstanding as to what is proper training. General Marshall wants, as I have said, proper training. He knows the absolute necessity for having proper training; but, as he stated in the letter which he wrote to the Senator from North Carolina on yesterday:

> There is a marked difference between the training of an individual soldier and the training of a complicated machine like a division.

Simply because General Marshall has always taken the position, and still adheres to it, that a division should have at least 12 months of training, I think there is a misunderstanding that General Marshall thinks that every soldier who goes into a combat area ought to have at least 12 months' training. That, I will say to the Senator from Nebraska, is where the misunderstanding lies. General Marshall has never taken the position, and of course does not now take the position, that every soldier has to have 12 months' training. He always did take the position in the past, and adheres to the position, that every division or larger unit of the Army must have at least 12 months' training.

General Marshall in his letter of yesterday to the Senator from North Carolina said:

> There is a marked difference between the training of an individual soldier and the training of a complicated machine like a division. Every soldier—

He is now referring to the individual—

> receives approximately 3 months' basic training. In this period he is hardened physically and trained technically, as well as given an understanding of discipline. He is taught how to care for himself in the field; how to employ both his primary and secondary weapons; and how he and his weapons fit into the squad and platoon. Upon completion of this course, he is a qualified rifleman, machine gunner, mortarman, etc., depending upon which course he pursued in the replacement center.
>
> Upon completion of his basic training the soldier is assigned to a tactical unit. If the unit is new—

That is if it is just being organized—

> If the unit is new * * * there then begins the team training—

The team training, Mr. President—

> that every unit must have before it can be considered an efficient combat organization. The length of time required for this team training varies, of course, with the type and size of the unit. A squad of 12 men who have had proper basic training can be trained as a team in a relatively short period of time.

Certainly every Member of this body who has served in the Army knows that a squad of 8 men can be trained and made into a fine coordinated team in far less time than a division of 15,000 men can be trained and made a working, efficient machine.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. HILL. I yield.

Mr. CONNALLY. Is there any intimation in the testimony or anywhere else, that General Marshall, as Chief of Staff, does not desire the highest efficiency and the best possible Army, and that in forming the Army and preparing it for combat, if he is a patriot, as I know him to be, and if he is a capable military man he will pursue the course which will produce the best possible Army under the particular circumstances under which it is to operate?

Mr. HILL. The Senator is absolutely correct. There is not only no testimony that General Marshall has ever followed any course other than the course of properly training and preparing his soldiers, but, as the Senator says, General Marshall, great soldier that he is, with a distinguished record on the battlefront during the last war, knows that it is impossible to have an efficient Army, it is impossible to win victories, it is idle to hope for anything but defeat and disaster, unless the soldiers of the Army are trained. Particularly does General Marshall know that to be so today, because, of course, he realizes, as we all realize, that there has never been an army which is better trained than is the present German Army, with which our own Army must contend in battle.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. TUNNELL. I should like to call attention to General Marshall's testimony, or the testimony in which he participated, on page 13 of the hearings. I read as follows:

> Senator SCHWARTZ. I have just a couple of questions. How long does it take, what period of time elapses, between the date when the raw recruit comes in and the time he is ultimately prepared to meet the veterans of Germany and Japan and finds himself in the organization where the Army wants him?
>
> General MARSHALL. If he is a replacement—meaning replacing a casualty for some reason or another—in a trained unit, we could start him toward an active theater with fair efficiency at the end of 3 or 4 months, plus the time necessary to get him to the theater. If it is a new unit being organized then a minimum of 12 months is necessary; the Germans take 24 months.
>
> Senator SCHWARTZ. Does that apply to these younger men as well as the others?
>
> General MARSHALL. The younger men develop much faster than the older men, but it will still require 12 months for the development of combat divisions.

I thought that testimony was pertinent.

Mr. HILL. I thank the Senator from Delaware for his contribution. It goes to the very heart of the question, and is the answer to the question, and I certainly want to thank the Senator.

The difference between the training of the individual and the training of a combat team of 15,000 men is great. We know how the football coach has to work and struggle to whip his squad of 11 men into a fighting machine. Think of the task of whipping not 11 men, but 15,000 men, a division, into a great fighting machine. As General Marshall says, it takes at least 12 months to train such a division, but not 12 months to train every individual soldier who goes into the combat division.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from Maryland.

Mr. TYDINGS. So far as I know I have never heard any complaint from anyone who served in World War No. 1 about replacements who had received at least 6 months' training. The only complaint I ever heard, and with which I am at all familiar, was that concerning men who had probably only 2 or 3 months' training, and some of whom had less than that. But whenever a man who was a replacement had 6 months' training, I do not recall ever having heard any criticism of him in World War No. 1. I make that observation because I think those who do not want to send the younger men abroad into combat zones until they are 19 would strengthen their case very materially and conduce to the War Department's program if they were to shorten the required training period, for, as explained by the Senator from Alabama, it may not be necessary for the average young man to have quite so much training. Of course, it would be nice if we could give them 5 years' training; but this is war, and I think there ought to be some effort made by the Senate to reduce the training period to what might be called an ample period, and stick to the age limit, if it is not desired to have men go over too young. If that were done we would accomplish what is comprehended in the philosophy of nearly all the proposed amendments, and at the same time conform pretty well to the War Department's program.

I ask the Senator from Alabama, if an amendment is to be adopted—and I assume that he is not in favor of any of them——

Mr. HILL. I am not in favor of any of them, and I will tell the Senator from Maryland the reason for my position. If the Senator had an amendment which applied perhaps to a certain category of troops for 6 months' training we might be able to adopt it. This morning we were all saddened by the thought that perhaps Eddie Rickenbacker has been lost. I recall while sitting as a member of the Military Affairs Committee

hearing Eddie Rickenbacker testify that the average commercial pilot was 90 percent ready as a military pilot. The Senator knows that there are men who will come into the service who are fine mechanics. They can be sent to an Army Mechanics School, stay there perhaps 3 months learning the particular kind of engine they will have to work on, and then be ready to serve as mechanics with ground troops in combat zones, keeping airplanes in order, keeping tanks moving, and keeping other mechanical equipment in condition. In my opinion, any amendment attached to the bill would be most unfortunate.

Senators, this is a case where we must have faith. We must have faith in George Marshall; we must have faith in our other military commanders. God knows we have faith in them when we let our boys go into battle under them.

Once these men go into the Army, even if they have 6 months or 12 months training, they are entirely in the hands of the military commanders. Where they go, when they go, under what conditions they go, and how they fight, are matters which are entirely in the hands of the military and naval commanders.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. TYDINGS. I have great faith in General Marshall. I do not wish to add to his burdens in any way. If it were not for the fact that some of our Allies had adopted the definite policy of not allowing their young men to go into combat until they have reached the age of 19 years, I should look more kindly——

Mr. HILL. I was coming to the question of our allies a little later, but since the Senator raises the question, I am reminded of what Napoleon said. Napoleon said, "Give me allies to fight." Why did he say, "Give me allies to fight?" It was because he knew that allies could not constitute a strong, cooperative, machine-like force against him, as could a single enemy. Why? Because among allies there are always petty jealousies, envies, and differences. We see it, unfortunately, not only among allies but sometimes even among services of the same nation. I understand the feeling of the Senator from Maryland about Great Britain. We cannot determine what our policy shall be by what we read as to the British policy. In the first place, no Senator knows exactly what the British policy is, what the British situation is, or the reason for the policy which the newspapers tell us the British have.

We do know that the British Isles and the people of Britain are in an entirely different situation from that in which we are. The British Isles themselves are a front; the British Isles themselves are a combat zone. I have endeavored to find out as well as I could about the British situation; and I find that many of the young men who have been going over to Germany and carrying on raids and bombing expeditions have been 18-year-old boys.

Mr. TYDINGS. They are volunteers. The same situation might exist in this country.

Mr. HILL. Under the present policy of calling such boys into service, I find that the boys of 18 who are being drafted in Britain today will be subject to all types of warfare, all types of combat, all types of battle, so far as the British Isles are concerned. The area of the British Isles includes not only the island of Britain but also northern France, Belgium, Germany, and Norway. Those boys are subject to combat service in that whole battle area.

The Senator from Maryland talks about the British. Mr. President, we must determine our own policy in the light of the conditions which face us and not the conditions which may face Britain; not in the light of her situation, whatever it may be, but in the light of our own situation. We want the best army in the world. We do not want an army second to that of Britain or second to any other army. We want the best army in the world, an army which can defend and protect the interests of the United States, even if it should come to pass that all our allies go down to defeat and we are left to struggle on alone.

Mr. TYDINGS. I accede to what the Senator is saying——

Mr. HILL. I hope the Senator from Maryland will bear in mind that today many of our boys are on far-flung battle lines.

Mr. TYDINGS. That is correct.

Mr. HILL. I think the Senator will agree with me that the boys who are out there fighting, struggling, and suffering for us today, many of whom have already lost their lives, have a right to expect that we will put behind them the best, the strongest, and the most efficient army which we are capable of mobilizing. They have a right to expect that. If they could stand in this Chamber today they would say to the Senate, "We have been out there in the hell of warfare. We come back and ask you to do one thing: Stand by Marshall. Stand by MacArthur. They know this game. They have spent their lives training, preparing, and getting ready for this war. They have been through warfare. Stand by them. When we go into battle we go under orders from them, under their judgment and direction. We are asking you to do the same thing."

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HILL. One further word, and then I will yield.

General Marshall has said to us, in unequivocal language, that a limitation such as is suggested would make it almost impossible for him to operate the Army.

Mr. TYDINGS. Mr. President, will the Senator now yield?

Mr. HILL. I yield.

Mr. TYDINGS. First of all, I agree with the eloquent remarks of the Senator from Alabama. We ought to stand behind the military leaders. I wonder if we have the courage to stand behind them, and to put the civilian population on somewhat of a war footing as to hours, overtime, double-time, and strikes. I wonder if we have the courage to give them the kind of support which the eloquent remarks of my friend from Alabama envision.

Mr. HILL. I agree with the Senator. I have introduced a bill, which is now before the Senate Committee on Military Affairs, and which, along with other bills on which hearings are now being conducted, would do the very thing the Senator suggests. We should have in truth and in fact universal service in this country, and total mobilization of all the people, with every person under the flag serving in the position in which he or she can make his best contribution toward winning the war. I am delighted to know that the Senator from Maryland feels as I do about that subject. I hope he will help me to secure the passage of a bill which will bring about the result of which he speaks.

Mr. TYDINGS. It is all very well to take 18- and 19-year-old boys and put them into the combat zone, but if we wish to support the Army and Navy we should go through the administrative agencies in Washington and eliminate waste. We could find many men in Washington who might be available to man the munitions plants and other industries which need men. In a 57-page report the Senator from Maryland has pointed out the waste of effort and money right here in the Capital.

Mr. HILL. The Senator does not feel any more strongly about that matter than I do. I am very happy. I feel that I have recruited a supporter for my bill.

Mr. TYDINGS. Let us first put our own house in order before we send boys of 18 into combat, and then we shall have some right to send them. Let us not send them out on a promise, because it is a long way from the introduction of a bill to its enactment into law. So far as I am concerned, I will vote against sending men outside the continental United States until they are 19 years of age.

I am not afraid of allies. Napoleon was finally defeated by allies. Certainly the countries which have been under attack have been extremely glad to have the United States as an ally. Make no mistake about that.

This is not altogether our war. If Great Britain, New Zealand, and Canada are not going to let their young men go into battle until they are 19 years of age, the United States should not bear an unequal burden. We are already financing the whole outfit. We are already lending them everything we can. I do not approve of keeping books with our allies; but there is a rough yardstick of justice and equal contribution which should not be abandoned under these circumstances. When it is all over, I do not want Uncle Sam to be called "Uncle Simple."

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McFARLAND. I agree with the Senator that we should act coolly and deliberately. I agree with him that we should not act upon the basis of prejudice on account of the actions of our allies or on what we think they should do. Nevertheless, does not the Senator think that we should profit by their experience? I take it that Great Britain's reason for keeping the younger boys back a year is that as a result of her own

experience in this war she believes that they need thorough training, and that they have not yet developed judgment. We know that youth has vigor and is daring. We know that youth makes a good soldier; but youth needs the proper training. I take it that is the reason why Great Britain does not want to send its youth out to fight battles on the other side until they are well trained.

I desire to ask the Senator how much experience General Marshall has had with selectees 18 and 19 years old. I have great admiration for General Marshall and for his opinion and his ability; and if General Marshall himself could select the men individually, I should be satisfied with his judgment, because I know that he would not send into combat duty a man who was not well trained.

Great Britain through experience has found that boys need that much training before they are sent on foreign duty. We should profit by the experience of our allies.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. GURNEY. Referring to the argument and statements made by the Senator from Maryland, I completely agree with many of the statements he made; with some of them I do not agree. I believe that certain information which I have received is apropos at this time; therefore, I interrupt the Senator for a moment.

During the first 2 years of war, and up until September 2, 1941—slightly over a year ago—the casualties for the British Empire were approximately as follows:

Armed forces—48,973 killed, 46,363 wounded, 58,458 prisoners, 29,156 missing; total, 183,550.

During the same period of time approximately 98,000 civilian casualties occurred in Great Britain alone—approximately 45,000 killed and 53,000 wounded.

It should be noted that these figures do not include the casualties which have occurred since September 1941, and therefore do not include any of the casualties of the Japanese campaign, before which time the 183,000 total casualties for the armed forces were distributed as follows:

Great Britain, 144,982; dominions, 23,824; India and Burma, 8,591; colonies, 6,153.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. TYDINGS. I think those figures only prove my point. The Senator must know that practically all those casualties occurred during the 4 or 5 months' fighting which preceded Dunkerque. That was where were taken the prisoners who constitute over half the casualties the Senator has mentioned. Other than the civilian casualties of 98,000, the British have had only a very few casualties since the fall of France.

Mr. GURNEY. I gave the information only to show that England took the brunt, and is continuing to take it, to the extent of 183,000 casualties.

Mr. TYDINGS. I shall not interrupt the Senator, but I should like to make one further comment before I take my seat.

Mr. HILL. Very well.

Mr. TYDINGS. I want it understood that I am not reflecting on the English in the sense that I do not think they have suffered greatly and that they have a terrific fight on hand. I do not mean to say in the slightest way that they have not shown commendable fortitude, or have not on many occasions risen to great heights of bravery in the combat areas.

The only point I desired to make was that this is a total war of all the Allies, and that I felt there should be some measure of equal responsibility on the part of the Allies in it; for, as I see it, when we shall have completed our efforts, our Army will be the largest in the world, our Navy will be the largest in the world, our air force will be the largest in the world, our debt will be the largest in the world, and our contribution in materials will be the largest in the world. Therefore, I said that if other nations can keep at home their young men who are under 19 years of age, when those nations are actually in the front line, as the advocates of the proposition say, we, with our great contributions past, present, and to come, can at least afford to follow them in that one respect.

Mr. HILL. Mr. President, the Senator is correct in saying that our contribution will be the largest of all the contributions made by the United Nations; and I think we must recognize that we have more to lose. If we should lose, ours would be the greatest loss of any of the United Nations.

Mr. TYDINGS. Mr. President, will the Senator permit a further interruption?

Mr. HILL. Yes.

Mr. TYDINGS. I cannot sit down and leave the impression that I think for 1 minute we can lose. If Hitler cannot get across 21 miles of water without anyone to stop him in 2 years, I am not worried about the chances of having him swim the Atlantic Ocean. [Laughter.]

Mr. HILL. Mr. President, let me say that there are more ways of losing the war than by having Hitler swim the Atlantic Ocean.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. GILLETTE. I dislike to interrupt the Senator; but with reference to the eloquent statement the Senator made a short time ago relative to the trust we should put in General Marshall and his judgment—and all of us share that implicit confidence—I should like to proceed with a brief personal reference. In 1918 I received orders to take a group of junior officers, to train 1,800 newly inducted draft men, and to have them ready for embarkation in 3 weeks' time, to send to France. We did that. In less than 4 weeks from the time when those men were inducted, they were placed on boat here and were sent as replacements to France. The officers who issued those orders did not do so because they wanted to.

I am wondering whether, if we should not impose the safeguards suggested by the pending amendment, there would be anything which would prevent, should necessity dictate the formation of such a judgment, General Marshall from deciding to send the 18-year-old men as replacements within 3 or 4 weeks or 1 month or 2 months from the time of their induction?

Mr. HILL. If necessity dictated that he send the men, he might well send them; and it might be best that he should send them. No one could deplore more than I do—and I think General Marshall shares my view, for he begins his letter by referring to men who were sent into battle in the last war when they had not been properly trained—such a happening as the Senator from Iowa has so well described.

The Senator must recall, however, that at that time we faced a desperate situation on the western front in France. The Senator knows that in the spring of 1918—in fact, just before the battles of Chateau Thierry and Belleau Wood—the Germans almost won the war. The Germans almost drove through to Paris. There was a decision, I suppose, which had to be made: Shall we send to the front men even though they have not been trained as they should be, or shall we hold them back, and take the chance by doing so of letting the Germans win the war, or certainly letting the Germans overrun all France and take Paris? That was the decision which had to be made.

We could debate to the end of time whether that decision was right or whether it was wrong; but the fact remains that those men were sent in, the German drive was stopped, and within less than 6 months after we stopped the Germans we hurled them back, brought them to their knees, won an American victory, and won the war.

We recall that in the first great battle of the World War on French soil, Paris and France were saved by Gallieni's taxicab army, under General Joffre. We recall that in that desperate hour when the German hordes were sweeping on, when it seemed as if they were sweeping inevitably and inexorably on to Paris and over all France, men of all classes, all ages, and all groups, men with training and men without training, were rustled into taxicabs and rushed by those old taxicabs to the front lines; and those untrained and unprepared men saved Paris. They saved France. Who is there today who will rise and say that the men who made that momentous decision did wrong when they sent those men to the front and thus saved Paris and saved France?

The Senator has brought out a point which I should like to emphasize. Sitting in this Chamber, thousands of miles, and perhaps months or even years, away from some battle or some theater of combat, we cannot make the decisions. We do not have the facts. We do not know what the situation may be, or what conditions may confront the Army. We must leave the decisions to the MacArthurs and to the Marshalls. I think one of the greatest glories of Abraham Lincoln was the fact that, although criticism was hurled at Ulysses S. Grant, although there was a constant stream of criticism of Grant pouring in to Lincoln, he sat steadfast, unmoved, and let Grant have his way. Lincoln said to Grant

when the war was over and the great victory had come to the Union forces, "In spite of all the criticism, I let you have your way because I believed that you knew better than I did." I believe generally that the MacArthurs and the Marshalls in a case of this kind know better than we do. Whatever our knowledge may be, however wise we may be, even though we were all military experts we could not make the decisions. We do not have the facts; we do not know the situation; we are not familiar with the conditions.

My good friend from Arizona in speaking of the British said that perhaps the British kept the 18-year-old boys in the British Isles in order that they might have a year's training. Someone else might have the opinion—as I have said I do not know—that the British kept the 18-year-old boys in Britain because of all the battle lines the most critical and the most precious battle line to the Britisher is the British Isles. We know that 18-year-old boys certainly, so far as air combat is concerned, make the finest and best soldiers of them all, and we know that the fate of Britain today, the fate of Britain tomorrow, will depend more upon the air than upon any other instrumentality. Hitler can never cross the English Channel, he can never bridge that 25 miles, until he gains air superiority, until he becomes the master over the British in the air.

As I said earlier, we do not know the situation in Britain; we do not know exactly what their condition may be. They have to determine their policies on the facts as they know them and the situation as it there exists. We have to determine our policy on the picture as it is presented to us and on our situation and on our conditions.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McFARLAND. Does the Senator know whether there have ever been sent to the battle front in this war 18- or 19-year old boys who have had less than a year's training?

Mr. HILL. I cannot say, but I venture the statement that there are marines at this hour yonder in the Solomon Islands who have not had a year's training before they went to the Solomon Islands.

Mr. McFARLAND. Eighteen and 19-year-old boys?

Mr. HILL. Certainly. Does the Senator realize that the marines enlist men not only at 18 and 19 years of age, but at 17 years of age, and that the average age of the United States marines today is 19½ years?

Mr. McFARLAND. I might state to the Senator that a boy who volunteers is altogether different from a selectee. When a young man volunteers, as a rule, he is selected by the marines because of his physique, because of his development, because he is a man, but by this bill we are taking all the boys into the service whether they are developed or not. The situation is altogether different.

Mr. HILL. I do not agree with the Senator. If we should accept his premises we should have to say that those in authority in the Army in selecting men for different tasks use no discretion or discrimination, and perhaps, are devoid of common sense.

Mr. HATCH. Is there anything in this bill that provides for a waiver of physical examination as to the fitness of the men?

Mr. HILL. The Senator from New Mexico is exactly right. There is nothing at all that provides a waiver. A man who is physically qualified, according to the specifications of the Army, is, of course, accepted, and one who is not physically qualified is rejected.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LANGER. Unfortunately, I happened to be absent yesterday, attending a committee meeting, and perhaps the question I am about to ask has been answered heretofore. If so, I am sorry there is repetition. I inquire what is China doing about her 18- and 19-year-old boys?

Mr. HILL. Let me say to the Senator that I cannot tell him, except that, from what I have read of China, in the combat zones where the Japanese Army is present, all the Chinese men, women, young boys, and children are fighting. Every human soul in China who can make a contribution on the war front, according to the information I have, is making that contribution.

Mr. LANGER. I am very glad to hear that.

Mr. HILL. I should like to say that the same statement holds good, in large measure, of the people of Russia.

Mr. LANGER. What about India?

Mr. HILL. Of course, the Senator knows the situation of India as well as I do. There are some in India who are loyal to the British Government; there are a great many who are not; but, at the present time, as the Senator knows, there is no war going on in India.

Mr. LANGER. I am referring to the 18- and 19-year-old boys.

Mr. HILL. I cannot tell the Senator about the 18- and 19-year-old boys, but I will say to the Senator in regard to England it is my information that in most of the antiaircraft centers in the British Isles the antiaircraft guns themselves are manned today by British women.

Mr. President, at the time I yielded I was reading from the letter of General Marshall sent yesterday by him to the Senator from North Carolina [Mr. REYNOLDS], the chairman of the Committee on Military Affairs, on the question of the training of individuals and combat units. I had read that portion of the letter dealing with the training of the squad of 12 men. Then General Marshall goes on to say:

> A battalion takes considerably longer. A division, which is a complicated organization involving the combined use of many arms, must have a long training period before it becomes a real combat organization.

A division, as I have said, is composed of 15,000 men.

> For this—
>
> That is for training a division—
>
> 12 months is the minimum, and during this 12 months' period units that make up the divisions go through periods of small unit training, advanced unit training, training with the combined arms, and then extensive field maneuvers with the division acting alone and in combination with other divisions, and corps and Army troops.

The Senator from South Dakota yesterday gave what, to my mind, is a perfect illustration of exactly what the situation is. We know that to build a football team it takes perhaps the best coach in America at least a year and perhaps 2 or 3 years. That does not mean, however, that every player on the football team must have had 2 or 3 years' training in that time. It does not mean that if, for some reason one of the veteran players is knocked out, the coach cannot send over to the bench and get a substitute who has had nothing like so much training or playing as the old player, and put him in place of the man who is knocked out. The substitute is prepared to go in and take his place on the team. That is the whole story here.

Mr. OVERTON. Mr. President——

Mr. HILL. I yield to the Senator from Louisiana.

Mr. OVERTON. It seems to me the objection that may be made both to the original amendment and the substitute amendment is that they propose to deal with individuals. The amendments, however, make no distinction whatsoever between individuals. We know that some individuals are mentally superior and physically superior to others, and others are much inferior mentally and physically. Neither the original amendment nor the substitute takes into consideration divisions, battalions, or regiments, but they are addressed to individuals.

If the logic and philosophy of the amendment be correct, and no person under 19 or 20 years of age should be sent to a combat front unless he is properly trained, it should apply not only to those under 20 years of age but it should apply to those who are 20 years of age and over.

Mr. HILL. Let me say to the Senator it should apply in greater measure to those over 20 years. The testimony of the witnesses is that the younger men train faster than do the older men, and, if the logic of the amendments were followed, men 25 or 30 years of age would have to have not only 12 months' training but perhaps 18 months, and those 35 or 40, 2 years or more.

Mr. OVERTON. If the reasoning back of the amendment be sound, and if we cannot trust the War Department, the Chief of Staff, and the officers who are in charge of our recruits, to see that they have proper training before they are sent to combat duty, then the law should provide that no person should be sent until he had received a certain number of months or years of training.

Mr. HILL. That would certainly be the logic of the situation.

Mr. OVERTON. Furthermore, the O'Daniel amendment applies to persons under 20 years of age, and the Norris amendment relates to persons under 19 years of age. Those amendments undertake to fix a legislative military rule prescribing exactly what minimum training shall be given to each and every individual within certain age limits. It

seems to me that to make out a case in favor of the amendments it should be shown that no person should be sent to combat duty or would be qualified to be sent into a combat zone until he had received a certain number of months or years of training.

Mr. HILL. In that connection, I submit to the Senator that, so far as I recall, no evidence from any military expert has been cited in the debate showing that these men must have 12 months' training. We have had statements that they should have 12 months' training; that it is unbelievable and unthinkable that they would be used with less than 12 months' training, but if there has been one particle of testimony from any military expert that these men should have a minimum of 12 months' training, I certainly have not heard any such testimony. It is not here. Why is it not here? It is not here because it is not in existence; it cannot be found.

Mr. ROSIER. Mr. President——

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. HILL. I yield.

Mr. ROSIER. I have an authoritative statement coming from London concerning the British experience. The statement is made that, in the first place, Great Britain did not call up the 18- and 19-year-old boys until the last extremity, and when she did call them, the boys of 19 were reserved until the last possible moment, and trained with care and used with caution. During the last war boys of 18 were taken into the Army only when terrific casualties on the western front created a definite shortage of manpower. I should like to have the Senate appreciate that picture. These boys were not even called into training until it became evident there would be a desperate shortage of manpower. Then, when they were put into uniform, the rule was to give them a full year of careful physical hardening, followed by 6 months of military drill. That makes a preliminary training in school, or in some way, for physical hardening, followed by 6 months of military drill, before sending them as draftees to completed units for training.

When the 18-year-old boys turned up in France, in 1918, it was found that they were excellent soldiers, thanks to the preparation which they had received. Nineteen-year-old boys in England were caught by the first call for militia in April 1939, before the present war began, and they have been serving since. Eighteen-year-old boys were not called until April 18 of this year, 19½ months after the war began, the second section of the 1942 class being summoned August 15. Before these men were finally conscripted, the Government had first drawn all available men from age groups between and including the ages of 21 and 41.

Eighteen-year-old Britishers are not so mature, either mentally or physically, as boys of corresponding ages in the United States, but the rules applied to them may be helpful in deciding how to deal with our young men.

Most British officers will agree, in the first place, that boys of this age require a great deal of physical hardening and mental discipline before they are thrown into action. A year or more of drill and camp life will make an 18-year-old greenhorn into a tough front line 19-year-old soldier, and that year is worth the trouble and expense, they believe. They also believe, in the light of their experience, that it is best to mix 18- and 19-year-old troops with older men who have learned discipline themselves in private life, and can act as wise uncles to the kids in their new military environment.

Mr. HILL. Will the Senator state who his authority is? From whom is he reading?

Mr. ROSIER. The author is William H. Stoneman. The article is copyrighted, and it appeared in the Houston Press and the Chicago Daily News. It is most authoritative, and was written by a man who knows what he is talking about.

Mr. HILL. As I understand, the article from which the Senator is quoting refers to what the British did in the last war, does it not?

Mr. ROSIER. Yes; it is based on their experience. A portion of it refers to what they are doing now.

Mr. HILL. The Senator knows that during the last war the British made one of the most colossal mistakes in their history, when they proceeded for some time to raise their army under a volunteer system rather than resort to a selective-service system. Because the British were using a volunteer system rather than a selective-service system, some of the very flower of British manhood were killed in the early days of the war as private soldiers when they should have been officers.

Mr. ROSIER. May I call the Senator's attention to testimony concerning the ages which provide the best fighters? The following statement has been made:

As far as fighting qualities in modern warfare are concerned—

Referring to the present war situation—

the British believe that the ideal age for a soldier is somewhere between 22 and 30. A man is physically at his best when he is around 22 or 23, they argue, but he has not achieved the maximum amount of common sense and individual judgment until he has gotten past the 25-year mark.

During the debate a great deal of emphasis has been placed upon the fact that young boys are courageous, brave, and enthusiastic. We will all concede that, but they are lacking in discretion and judgment, which is more important than reckless courage.

I continue reading from the article:

The fact that they themselves have finally drawn upon 18-year-olds without having reached the low-water mark of British manpower is accounted for——

Mr. HILL. Does the Senator know that the British have not reached the very bottom of the barrel?

Mr. ROSIER. They have not reached it as yet.

Mr. HILL. Does the Senator know that to be so?

Mr. ROSIER. They reached the bottom of the barrel in the First World War.

Mr. HILL. Does the Senator know that today the British have not reached the very bottom of the barrel so far as manpower is concerned? Did I not state to the Senator a moment ago that today most of the antiaircraft guns in Britain are being manned by women? Does the Senator know what the situation is with reference to manpower in Britain today?

Mr. ROSIER. We know as much about what it is there as we know what it is here, which is very little. We do not know whether we have reached the bottom of the barrel here.

Mr. HILL. I do not agree with the statement of the Senator. If the Senator will read the statement of the Chairman of the War Manpower Commission, Governor McNutt, before the Senate Committee on Military Affairs last Wednesday, he will obtain a pretty good idea of what the situation is.

Mr. ROSIER. I have referred to the experience of the British, who certainly know more about war preparation than any other nation on earth, and what they say about it is more convincing to me than the opinions of some of our military leaders.

Mr. HILL. Mr. President, I desire to say that the statement which the Senator from West Virginia has read, about the soldier being physically and mentally best when he is 22 or 23 years of age, overlooks, of course, and does not contemplate, the very thought which General Marshall has in mind in asking for 18- and 19-year-old men, that it is desirable to have a proper balance, some younger men to balance the older men. As General Marshall testified before the committee, the situation today is different from what it was during the last World War. As we know, the last World War was one of position, one of digging into the ground and staying there, and holding that ground. Older men could fight that kind of warfare much better than they can fight a blitzkrieg, the fast-moving and sweeping-on warfare of today. One reason why we need the younger men to bring about a leveling of age is the very character and type of war in which we are now engaged, a war of blitzkrieg.

Mr. TUNNELL. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. TUNNELL. I desire to call attention to the fact that, as I read the amendment which has been proposed by the Senator from Nebraska, it would make it illegal to send into combat a unit containing persons under the age of 19 years if, for instance, the war should reach the mainland of California.

Mr. HILL. The Senator is exactly correct. If there were divisions in training today in California, and they contained men under 19 years of age, it would certainly be necessary to withdraw them if there were any kind of an invasion of California by the Japanese or the Germans.

Mr. TUNNELL. If the amendment to which I have referred should be agreed to, it would make it illegal to use them.

Mr. HILL. Certainly.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. NORRIS. Does not the Senator realize that the incident cited by him with reference to an invasion of California, for instance, is one which only in our imagination we may conceive to be possible? Is there anyone who believes that it is going to come about within the next 6 months or a year?

Mr. HILL. If I may answer the Senator, the situation of which the Senator conceives is no more imaginary than some of the things which have happened during the last 9 months would have seemed imaginary a year or two ago.

Mr. NORRIS. I do not mean to contradict the statement of either of the Senators, but if the only objection to the amendment which I have proposed is the possibility cited in the Senator's illustration, I submit that there is not a Senator on this floor who believes such an occurrence will take place. It may take place. We may have an earthquake tonight that may destroy the Capitol of the United States, but we do not believe such a thing will happen.

Mr. HILL. Let me ask the Senator if he believes that the Japanese moved on Midway merely to take it and remain there and hold it?

Mr. NORRIS. No.

Mr. HILL. Does not the Senator know that the effort made to acquire possession of Midway was one step forward toward an invasion of California?

Mr. NORRIS. I am not contradicting the Senator's statement.

Mr. HILL. Of course not.

Mr. NORRIS. I realize that that may be true. Would the Senator support the amendment if it were limited so as to apply only to combat service outside the boundaries of the United States? I have no objection to changing it to that form.

Mr. TUNNELL. I cannot say that I would support it, but I do not think the suggestion is so impossible as the Senator seems to think. I have noticed some agitation on the part of certain Senators from the western section of the country which indicates that they also do not think it is so impossible.

Mr. NORRIS. Perhaps they do not. Let us relieve that situation, then, and change the provision to that extent. I should like to know whether Senators who are objecting to the amendment on that ground will support it if that situation is relieved?

Mr. TUNNELL. Such a change would, in my opinion, make the amendment much stronger; but I am not in favor of saying to the commanders of the armed forces of the United States, "You shall not use certain men in arms under any condition, no matter what the situation may be."

Mr. HILL. The Senator from Delaware is exactly right, Mr. President. One never knows when a grave situation may arise in South America, and under this provision we could not send men there. We could not send men into Canada, on our northern border, or——

Mr. TUNNELL. Or to Alaska.

Mr. HILL. Or to Nova Scotia. I doubt if we could send them into Alaska. That is a combat zone. Of course we could not send them into Alaska.

Mr. TUNNELL. And Alaska has already been attacked.

Mr. HILL. Alaska has already been attacked.

Mr. President, the suggestions which have been made simply show what these amendments, when we stop to analyze them, would do. If adopted, they would impede and hamper the Army, and, as General Marshall says, make almost impossible the operation of the Army.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HATCH. I should like to ask the Senator from Alabama whether anything was developed before the committee in the hearings, or in any other way, which indicates that those in charge of our Army are immediately going to draft 18- and 19-year-old boys and send them into combat without any training?

Mr. HILL. Not only was nothing developed to show that our commanders intend to do that, but on the contrary, as the Senator knows, we have already sent a good many thousand men out of the United States into combat zones, and if there has been one word of criticism to the effect that one man who was not fit to go has been sent out of the United States into a combat zone, I have not heard it, and certainly it has not been presented to the committee.

Mr. HATCH. Do not reason and intelligence and good military tactics require that the boys in question, or any other soldiers of any age, be given the very best training they can be given before they go into combat service?

Mr. HILL. I will say to the Senator that in my opening remarks I said that the last man in the world who would want to send forth an army of untrained or unprepared men is General Marshall, who carries the supreme responsibility for the success of that Army. General Marshall knows better even than we can know, for he is a military expert and has studied warfare, and battles, and soldiers all his life, that to send forth men untrained and unprepared is to invite defeat and disaster.

Mr. President, it is natural for us when we think about an army to think in terms of what we might call the combat soldier, that is, the man with the rifle on his shoulder and the pack on his back, moving into a front line somewhere, or the cannoneer going along with his 75-millimeter gun to put it into position on the front line. Today in our modern mechanized Army there are literally thousands and hundreds of thousands of men who are doing in combat zones practically the same kind of a job they would be doing if they were at home in Detroit, Mich., or in the city of Washington—and who, because of their civilian occupations and their civilian experience at the time they entered the Army, are practically trained and ready to do their job in a combat theater.

General Marshall said in his letter:

> To get back to the training of an individual soldier, the length of his training before he can be fitted into an experienced tactical unit varies according to the type of unit and the duties for which he is trained.

The duties he is going to perform.

> A few examples will illustrate what I mean by this.

Then General Marshall goes on to give the illustration of a mechanic with the air force. Perhaps he has already had training as a mechanic; perhaps he has already been working as a mechanic; perhaps he has special aptitude as an artisan or a mechanic. The Army takes him and sends him to one of its technical training schools as a mechanic. There he has a 3-month course of instruction, and then he is prepared, he is ready to go to a combat zone, and as a groundman prepare and rehabilitate planes, work on them, and keep them flying.

The same thing, as General Marshall says, applies to a radio operator. It applies to a signal man. It applies to a man who perhaps has had experience in engineering, for instance, one who perhaps had been helping to build the Alaskan highway. He has had experience with the engineers in doing engineering work. If he is going to do the same thing in a combat zone he does not need to have a year's training before he is qualified to do the job which will be his in the Army.

Many men who go up in great bombing planes do not have to have a year's training. The pilot of the plane needs a year's training; but, in addition to the pilot, there are seven other men. There is the airplane mechanic; there is the bombardier. It does not take a whole year for a man to learn to be a bombardier. There are other men in the plane who can be ready and prepared within less than 12 months' time. As General Marshall says in his letter:

> In the Air Corps alone possibly 500,000 such men would be involved—

If the proposed restriction were placed in the bill.

> We would, in effect, have to put thousands upon thousands of men "on the shelf" after their essential training had been completed before we could use them.

Today the cry for a second front is heard. We know that before a second land front can be established we must have complete mastery of the air, that insofar as possible we must by air raids and bombings, by air attacks, paralyze the enemy and make possible the way for a second front.

Are we today by our action going to put on the shelf some 500,000 men who are scheduled to go into our air force and to constitute the mighty, powerful air arm which we must have in order to win the war and to bring it to a conclusion in the shortest possible time with the least possible cost in human life?

Are we going to keep mechanics, signal men, radio men, bombardiers, navigators sitting around in barracks in the United States, perhaps for months, when they are ready and trained and prepared to do their jobs?

Mr. President, what would be the effect on those men of such action on our part? What would be the effect on their morale? What kind of an edge would they have after they had sat around for months waiting? What would it do to their efficiency?

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. HILL. I yield.

Mr. OVERTON. These amendments make a distinction between young men who are 18 and 19 years of age and men of all other ages with respect to the time necessary to give them proper military training. Is there anything in the testimony or in the record of the hearings to indicate that young men of 18 and 19 are less susceptible to military training than those who are of more advanced age?

Mr. HILL. If there is, I certainly have not found it or heard of it. On the contrary, the evidence is very definite and positive to the effect that in many ways the young men make the better soldiers, and particularly, as I have said, in the kind of blitzkrieg warfare in which we are now engaged.

Mr. OVERTON. Let us take an illustration. Suppose there are three inductees, and one is 18, another is 25, and the third is 30. Would it not occur frequently that the 18-year-old man, being more mentally alert, being in better physical condition, would acquire his training more quickly than the man of 25 or the man of 30?

Mr. HILL. There can be no question about that.

Mr. OVERTON. Let me ask the Senator from Alabama, who has given a great deal of thought to this subject, What is back of this amendment?

Is it to keep out of the combat zone troops which are not sufficiently trained? If so, why do not the amendments apply to all men in the armed forces? Why make a distinction between those who are 18 and 19 and those who are 25, 30, or 35?

Mr. HILL. The Senator is exactly correct. As I said to the Senator earlier in the debate, the evidence shows that the older the men the more they need training, and the more training they need.

Mr. OVERTON. If the implied reasoning of the amendments is correct, and their purpose is to withhold from combat duty young men of 18 and 19, why not vote against the bill entirely and say that we will not permit 18- and 19-year-old men to be drafted into the service?

Mr. HILL. I think the Senator's position is absolutely logical.

Mr. OVERTON. Once they are drafted into the service, I do not see how any distinction can be made because of age as to the length of time required for their military training.

Mr. HILL. The Senator is the distinguished chairman of the subcommittee of the Appropriations Committee dealing with appropriations for the Navy Department. He is also a member of the subcommittee of the Committee on Appropriations dealing with appropriations for the War Department. He is on both subcommittees. He has given much study to the subject of our defense and our armed forces, the Army and Navy. He speaks from a civilian standpoint as an authority on this subject. He knows the Army. He knows how it is constituted. He knows how impossible it is to put men into the Army and then proceed to draw them back from it, or carry through the intricate administrative detail of making sure that no man shall go into a combat zone until he is 18 or 19 years of age.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. NORRIS. I wish to comment on the reference of the Senator from Louisiana. He said that if we wish to modify the bill by adopting the amendment suggested by the Senator from Nebraska and others we should vote against the whole bill. The Senator may reason it out in that way. I do not wish to be put in that class. I do not wish to have it intimated that I will not vote for the bill unless this amendment is adopted. I know the Senator does not intend to make any such intimation. He does not intend to intimate that we should vote against the bill if this amendment is not agreed to.

Mr. OVERTON. I certainly do not. What I said, if the Senator will permit the observation, is that if there are Senators who are supporting this amendment because they feel that there should be a distinction between young men of 18 and 19 and those of other ages, and do not wish boys of 18 and 19 to be sent into combat duty until they have had at least a year of training—if that is the purpose, and if that is the reason why they are supporting it, then why not vote against the bill which drafts them into service?

Mr. NORRIS. To my mind, that is not good logic. The bill applies only to men of 18 and 19 years old. If I were to offer an amendment to apply to all men in the armed forces, objection would be made on that ground, without any doubt. I do not think it would be logical. I think it would be proper to offer an amendment such as the Senator has suggested, but the pending amendment applies to the effect of this particular bill.

Mr. OVERTON. I believe the Senator is in error, because the bill expressly provides that every male person residing in the United States who is between the ages of 18 and 45 shall be liable for training and service.

Mr. NORRIS. Yes. We know what the legal effect is. It is to make subject to induction into the military service and bring into the service boys of 18 and 19.

Mr. OVERTON. That is correct.

Mr. NORRIS. That is the application of the bill; and that is the application of the amendment. I am not making the argument that that policy should not apply to everybody; but the bill does not apply to everybody, and I thought it was sufficient to go along with the authors of the bill and let the amendment apply only to those to whom the bill applies.

Mr. OVERTON. By its very terms, the bill applies to men between 18 and 45.

Mr. NORRIS. I am not contending that the passage of the bill would not improve our Army. I am convinced that it would; and I shall vote for the bill, no matter what happens to the amendment. But I do not like to have the Senator advise Senators who feel as I do to vote against the entire bill.

Mr. OVERTON. I am sure the Senator from Nebraska correctly states his reasons for supporting the amendment which he has offered.

Mr. HILL. Mr. President, the Senator from Louisiana knows that some of the best training the Army gets is in the combat zone. Some of the training must be in the combat zone. All the Commando training is in the combat zone. Does anyone think that the marines or the troops now with the marines in the Solomon Islands prepared for that expedition in Boston Harbor, New York, or Charleston? They prepared in the southwest Pacific. They prepared in the combat zone for the brilliant military feat which they performed when they took those islands.

Mr. NORRIS. I have no doubt of that; but does the Senator believe that they would have been able to carry out those Commando operations if they had been trained for only 3 months, instead of a year? Would the additional training disqualify them?

Mr. HILL. So far as combat units are concerned, the team requires 12 months' training; but I do not believe that the individual necessarily requires 12 months' training. If we could see the record today, it would be most interesting, and throw much light on the subject. It would be interesting to know the number of men who had not had 12 months' training as individual marines or soldiers who went into the combat zone to get ready for that great operation.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. NORRIS. I realize that the law applies to men as a class. In the case of many individual soldiers 12 months of training would not be necessary. Many men would not need that much training. Many other men could not become good soldiers even with 40 years' training. Necessarily we must apply the law to a class, and we have done so all the way through in all our legislation. The men have been classified by ages. I realize that some men who are 40 years old would make better soldiers than some men who are only 20 years old. That may be true in individual cases, but it seems to me that as a class we must consider them on a different basis.

Mr. HILL. Mr. President, when the Army desires to organize a new division, how is it organized? There must be a nucleus. The Army goes to an old division, a division which is already trained and prepared, and takes out of that division what is called a cadre, consisting of 1,500 or 2,000 men, as a nucleus for the new team, the new division which is being organized. When 1,500 or 2,000 men are taken out of the old division, their places must be filled. The division must be brought up to full strength. The team must have all 11 of its players. It cannot play the game with only 9 or 10 players, instead of the full number of 11 players, without the greatest disadvantage and danger to the lives of the men on the team. There must be replacements. When vacancies occur by

drawing out the cadres, they must be filled. A man might have had only 9 months' training as an individual soldier. Under the terms of the Senator's amendment, if he were in a division the division could not be moved forward with him. He would have to be processed out before the division could go outside the United States.

Mr. NORRIS. I concede that to be true, there may be individuals to whom that situation would apply; but the amendment applies to a class of men, as does the bill. The men are classified by ages. We must realize, as I have tried to point out, that there will be exceptions, no matter where we draw the line. I do not believe we can draw it so that there will be no exceptions. Some men require more training than others. Yesterday the Senator very forcefully stated that the average age of our Army at one time was approximately 25 years, and that in 2 or 3 months the average age had increased to 28 years.

Mr. HILL. That is correct.

Mr. NORRIS. I can see a danger in that. If the average age is becoming too high, I can see that that is a good argument for taking in more young men. However, when the average age of the Army was 28, there were individuals who were 30 years of age who were probably better than some men who were only 25 years of age. When we come to pick out individuals we run into such discrepancies, of course.

Mr. HILL. Let me remind the Senate that all men, when they are inducted into the Army, are initially classified. They are classified on the basis of their physical condition and development, their aptitude, their training, and their occupations before they joined the Army. A man is weighed in every particular, and is then assigned to the particular work or place in which his physical, mental, and emotional make-up, as well as his past training and experience, best qualify him to serve.

There is no idea of rushing a man into battle in a haphazard manner, rushing him into fire, without the most careful preliminary classification, without every possible safeguard being thrown about that man, both as to his classification and as to his training.

As the Senator from New Mexico brought out by his question a few moments ago, from all the thousands of men who have been sent from the United States into the combat zones, we have heard not one word of criticism that any man has been sent into such a zone before he was prepared to go.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield.

Mr. AUSTIN. Perhaps what the Senator has said anticipates the answer; but I should like to know if he remembers any evidence in the Military Affairs Committee or outside it that inductees of the ages of 18 and 19 years would be less capable of training than would all the others who are liable to induction?

Mr. HILL. I can recall no evidence whatsoever to that effect; but, on the other hand, I recall rather positive evidence to the effect that the younger men acquire their training faster, acquire it better, and in many cases are able to reach a higher degree of training and a more perfect condition of training than are the older men.

Mr. AUSTIN. Then, merely as a matter of good sense, does it not follow that it is not fair, it is not equality before the law, to pick out an age group of the same or better capability for training and to impose upon such group an obligation which would hold them in training camps for a particular period of time when that was not required of any other group?

Mr. HILL. The Senator is absolutely correct. They would grow dull; they would lose their edge; they would be like a prize fighter who has overtrained or who has lost his edge or zest.

There is another consideration in that connection with which the Senator is entirely familiar. We have a certain definite number of training centers, based on the program and the size of the Army we have in mind. Unless we are to build a great number of additional training centers, we cannot afford to have the training centers filled with men who are already trained; because they would be taking the places which would be needed for the new men coming in—new men who must go to training centers in order to acquire their training.

Mr. President, General Marshall closed his letter with the words I shall now read. Before reading them I submit that they could not have been more definite, or have been couched in stronger terms. General Marshall said:

> The proposal would create so many obstacles of this nature that I cannot too strongly emphasize the importance of giving us this legislation without crippling limitations.

Crippling limitations — limitations which would cripple our Army. Are we prepared to send forth to fight an Army which is crippled? Crippling limitations, limitations which would cripple our Army, which would force us to send into action a crippled Army.

General Marshall continued in his letter:

> Trust our judgment and our own insistence that we fight only with properly trained units, to see that each soldier has adequate training before he enters combat. I am certain—

Says General Marshall—

> Members of Congress do not wish to hamper the War Department in the execution of the tremendous task we have before us. These proposals, I am sure, arise through a lack of understanding of the problem presented. Our enemies are desperate and implacable. Our task is extremely difficult.

General Marshall, conscious of the extremely difficult task that is his, conscious of the tremendous responsibility he carries, asked us to trust him first, on the basis of his judgment, and, second, on his insistence and the War Department's insistence that no man shall be sent into combat unless he is properly trained and made ready for combat.

General Marshall has previously said to us in his letter:

> Such a limitation—

Speaking of the limitation now pending before the Senate—

> would impose an almost impossible administrative burden for the War Department.

With a great war to be fought, a great war to be won, the man who has the supreme responsibility for winning the war is pleading with us not to make his administrative task an impossible one, not to impose impossibilities on him in his effort to win the war, and to win it in the shortest possible time and with the least possible cost in the lives of our boys, that he may win the war in the quickest possible time so that there may be fewer broken bodies and broken hearts, and that fewer of our men shall come back with disordered minds but shattered remnants of their former selves.

That is General Marshall's plea to the Senate of the United States. He is asking us to have faith in him, not to impede him, not to impair his efforts, not to shackle him in doing the great work that is committed to his hands.

Mr. President, we know the story of the War between the States; we know how military victory after military victory brilliantly won by the military leaders of the Southern Confederacy was dissipated or thrown away because the men in the Confederate Congress in Richmond took steps depreciating them or took steps in a piecemeal manner because the members of the Confederate Congress would not put their faith in the military leaders of the Confederacy, would not support and sustain them, and would not give to them the wholehearted cooperation to which they were entitled.

We know the story of the Union Army. We recall that the Congress of the United States set up a Committee on the Conduct of the War, a committee to tell Abraham Lincoln and Ulysses S. Grant how to conduct the war. It ever will be said to the glory of Abraham Lincoln and Ulysses S. Grant that they gave no heed to that committee but went forward with their own plans and their own determinations. Because they did so, they brought that war to a successful conclusion for the Union forces far sooner than would have been possible if they had listened to or heeded the Congressional Committee on the Conduct of the War. Politicians—I am a politician, and certainly I use that word in no unhappy or opprobrious sense—men schooled in the operations of civil government in matters of legislation for civil administration, seeking to tell the military commanders, the military experts, the men schooled and trained in military matters, how to conduct the Army, how to handle military affairs.

In striking contrast to the experiences of the War between the States, in striking contrast to the frittering away of brilliant victories won by military leaders because of the action of the Confederate Congress, we note the record of the Congress of the United States during the last World War. We sent General

Pershing to France as the commander in chief of the A. E. F. The Congress stood solidly behind him; and when in August 1918 General Pershing asked that we amend the Selective Service Act by inducting 18- and 19-year-old boys—that we do then what the Army now asks to have done—the Congress passed the bill by a vote of 75 to 0.

Mr. President, the question before the Senate is one, of course, which each Member, in his own conscience and in his own wisdom, must decide for himself. I, for one, mindful of the vast danger that confronts this Nation today, mindful of the American boys, soldiers, sailors, and marines who already, not on one front, not on a second front, but on seven or eight fronts, on far-flung battlefields everywhere, are fighting and struggling and suffering, many of whom have already died, I cannot set my judgment up against that of the military leaders of this Nation; I cannot set my judgment up against that of General Marshall, in whose hands lies the hope for American victory, for the defeat of our enemies, and the winning of the war.

Senators, can you imagine tidings of greater joy that could be sent to Berlin and to Tokyo this day than to have the word flashed over the radio that the Congress of the United States had turned down the request of the President, the Commander in Chief of our armed forces; that the Congress of the United States had refused the plea of General Marshall, the head of the Army, and of Admiral King, the chief of the Navy, to let them build our Army and our Navy as they think necessary in order to win the war? Are we going to send such a message to Berlin? Are we going to send to Berlin the message that, although General Marshall has said to the Senate of the United States that it will be almost impossible for him to operate the Army if restrictions are placed in the pending bill, yet, in the face of the warning and the plea by General Marshall, the Senate proceeded to write the limitation in the bill and undertook to hamper, to impede, to impair General Marshall in his efforts for victory in the building of our Army, yea, for the saving of the lives of our boys?

Mr. President, all that I can hope is that the Members of the Senate will weigh carefully and prayerfully their vote on this amendment; that every Member of the Senate will search out his heart and his conscience before he votes to permit the Senate of the United States to put itself in the position of repudiating the commanders in chief of our Army and our Navy, who are the only men to whom we can look for victory and for the saving of our Nation.

Mr. REYNOLDS obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. I am delighted to yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to suggest the absence of a quorum in order that Members may be called back to the Senate Chamber in an effort to secure a limitation of debate on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smathers
Brewster	Johnson, Calif.	Smith
Bulow	Langer	Spencer
Bunker	Lee	Taft
Burton	Lodge	Thomas, Idaho
Butler	Lucas	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Caraway	McKellar	Tunnell
Chavez	McNary	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Willis
George	Overton	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I think it is the unanimous desire of the Senate that the pending bill be disposed of today. I know that is my desire. I think it would be unfortunate for the bill to go over until next week, for obvious reasons. Therefore I intend to seek a limitation on debate.

I ask unanimous consent that during the further consideration of the pending amendment and all amendments thereto debate shall be limited to the amendment, and that no Senator shall speak more than once or longer than 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. McNARY. I think it is extremely important that we dispose of the pending measure today. I had hoped we could do so yesterday. I am very anxious to have the proposal of the Senator from Kentucky accepted. I do not think any long speeches would clarify or elucidate any of the remaining amendments. I wish to make one inquiry. Does the request apply only to the pending amendment, or to all amendments?

Mr. BARKLEY. Only to the pending amendment, and amendments thereto, not to other amendments which may be offered; but I hope that when other amendments are offered, we can extend the limitation.

Mr. McNARY. I should be willing to make the limitation sweeping, but inasmuch as we are starting on the right road, I hope the request will be agreed to.

Mr. McKELLAR. What is the proposal?

Mr. BARKLEY. The request is that during the further consideration of the pending amendment and all amendments to it debate shall be limited to the amendment, and to 15 minutes for any Senator.

Mr. McKELLAR. I have no objection. Instead of having objection, I approve the proposal very heartily.

Mr. ELLENDER. I have an amendment which I propose to submit at this time.

The PRESIDING OFFICER. The Chair wishes to call the attention of the Senator from Kentucky to the fact that the amendment pending is a substitute proposed by the Senator from Texas to the amendment offered by the Senator from Nebraska.

Mr. BARKLEY. My request applies to the amendment of the Senator from Nebraska and all amendments thereto or substitutes therefor, the entire subject matter of the amendment.

The PRESIDING OFFICER. Is there objection to the request?

Mr. ELLENDER. What about future amendments?

Mr. BARKLEY. It has no relation to future amendments.

The PRESIDING OFFICER. Without objection, the request of the Senator from Kentucky is agreed to.

Mr. ELLENDER. Mr. President, I send an amendment to the desk.

Mr. BARKLEY. The amendment would not be in order at this time.

Mr. ELLENDER. I do not send it forward for the purpose of having it now considered but simply to have it lie on the table.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

Mr. BARKLEY obtained the floor.

Mr. ELLENDER. Mr. President, I wish to make a short statement.

Mr. BARKLEY. I yield.

Mr. GURNEY. Will the Senator from Louisiana yield to me before he begins his remarks?

Mr. ELLENDER. I do not have the floor. The Senator from Kentucky has yielded to me.

Mr. BARKLEY. I yield to the Senator from South Dakota.

Mr. GURNEY. Mr. President, what I wanted to suggest was that I believe everyone is agreeable to limiting the debate to 15 minutes on the pending amendment, as well as to any amendments which may be proposed to the bill from now on. I was going to ask the majority leader if he would not endeavor to extend the limitation at this time.

Mr. BARKLEY. I should be very agreeable to extending the limitation, but in the absence of one or two Senators who I understood desired to offer amendments, I believe that the extension should not be applied at this time. I have no objection to it, but in view of the agreement already reached in regard to the amendment now under consideration, I believe we had better go along, and later I shall endeavor to have debate limited on other amendments which may be offered.

Mr. GURNEY. I thank the Senator.

Mr. ELLENDER. Mr. President, the purpose of the amendment, which I have sent to the desk, is to amend section 3 (a) by adding the following proviso:

Provided further, That no man shall be inducted for training and service under this act after he has attained the forty-fifth anniversary of the day of his birth.

Mr. BARKLEY. Mr. President, at the time I rose to ask unanimous consent for a limitation on debate the Senator from North Carolina desired to get the floor, and in his absence at this time I myself will take the floor for a few minutes.

I find it impossible to support the amendment which has been offered by the Senator from Nebraska [Mr. NORRIS], or the substitute offered by the Senator from Texas [Mr. O'DANIEL], or any similar amendment. I am actuated by the same emotions which affect other Members of the Senate. I realize how unpleasant it is to have to draft young men into the Army of the United States. It is a cup which all of us would have pass from our lips if it were possible. But because I do not believe it is possible, I shall vote for the bill without any restrictions upon those who are charged with the obligation of raising our Army.

Mr. President, I am not a member of the Committee on Military Affairs, which is a great committee, and I am not a military strategist. I do not know any more about the organization of an army than does the ordinary man who has not organized one; but I understand enough about it to know that the organization of an army of the size which will be required for us to win this war is an enormous and a complicated task. I do not think we in the Senate can arrogate to ourselves any greater anxiety about the young men of this country than exists among the Army officers of the United States. Their own sons are in the Army just as ours are in it. They are charged by Congress and by the people of the country with the responsibility of organizing the Army and using it for fighting purposes when it is organized.

If we shall fail to win this war there is not a Senator on this floor who will be charged with the responsibility individually for the failure. The whole Senate might be charged with responsibility if it should act unwisely with regard to legislation dealing with the war, but the responsibility will not rest, so far as the American people are concerned, upon a single member by himself in this body. It might rest upon the Chief of Staff of the United States Army, who is charged with the responsibility of organizing all branches of the Army and supervising its organization. That responsibility, regardless of what we may do or fail to do, might be charged to the Commander in Chief of the United States Army. No matter how much we might handicap him in the performance of his duty and in the organization of the vast force which is necessary to fight our enemies wherever they may be found, if this war should fail, or if it should be prolonged beyond a reasonable time within which it could be won without any restraint or any restriction being placed upon his power by reason of the course pursued by those in command of the Army, we might escape criticism and responsibility which they might not escape.

Mr. President, I think General Marshall is one of the most capable men who ever occupied the position of Chief of Staff in the history of the United States. He is one of the most human men who ever wore a uniform. He is not merely a military strategist. He is a philosopher, he is a humanitarian, he understands the economic and social problems as well as the military problems involved in this war. It may be that he made a mistake in taking his military training at the Virginia Military Institute instead of in the United States Senate. Probably he would have been a better military strategist if he had come here. He might know more about organizing the Army; he might know more about where to send the soldiers, and how to send them, and where they ought to fight, if he had served a term in the Senate instead of going through the Virginia Military Institute and spending the rest of his life in the Army of the United States. That is his misfortune. He pursued the wrong course, I suppose. But I do not propose to substitute my experience as a United States Senator and as a military strategist and organizer within these four walls, for the expert knowledge which he possesses, and which the whole general staff and all the other high ranking officers of the United States Army possess.

Mr. President, if may be all right here in the heat of debate to refer to these men as "brass hats," which is a term which I resent, because they are our Army officers. We have provided for them; we have trained them at West Point and at other military schools in this country, and they are charged with the responsibility in this great crisis. I do not think it is becoming of United States Senators to stand up here and ridicule them because of the military positions which they occupy.

Mr. President, if I were to vote my emotions and allow my emotions to control me I should support the amendment. I receive critical and emotional letters, and they appeal to me. They tear at the cords of my own heart no less than at those of other Senators, but war is not an emotional matter. War is a hard, ugly, realistic business, and it is unpleasant. I would have preferred not to have had to vote for war when we were attacked by Japan. All during the long trail of circumstances from 1939 to Pearl Harbor I had hoped and prayed and worked that we might avoid ultimately active participation in the war. There is not a Member of the Senate who voted for war with any pleasure, without deep and profound regret. We have the same feeling with regard to the requirements and the necessity for sending any of our Army, old or young, out of the United States, or sending them into battle on the shores of the United States or anywhere else. We do not like to do that. But we cannot win this war without doing it.

Mr. President, I think General Marshall, and the General Staff, and the President of the United States, and all those who are charged with responsibility, are as keenly alive to the folly of sending green, raw, young men into battle as we are in the Senate. Under the amendment offered by the Senator from Texas [Mr. O'DANIEL] boys of 18 and 19 could not be sent to another country outside of the United States for training purposes, and we know we are doing that right now. Thousands upon thousands of men, after receiving a preliminary training here, are being sent elsewhere outside the continental United States for further training, and they ought to be trained close at hand and in proximity to where they will have to fight, in order that they may understand the local problems involved in fighting wherever they are to fight. Under the amendment of the Senator from Texas they could not be sent out of the United States even for training purposes.

Mr. President, let us now consider for a moment the 12 months' provision. There is a great deal of difference between putting a number of young men in a regiment or a company all by themselves, taking them in the raw and trying to train them from the ground up, and integrating them with an older organization. The very fact that they are integrated into an older organization facilitates their training and speeds up their expert knowledge of training and military matters.

When I was a boy living in the country on a farm we never hitched up two colts and tried to break them to the wagon or the plow by themselves. We always put one of them with an old horse. A young horse could be trained to pull the plow or draw the wagon in half the time by hitching him up with an older horse who knew the game and who could teach him something, than by taking two young colts and trying to teach both at the same time. That may be a crude illustration of what I am talking about, but the principle applies.

If half a hundred young men without military training are put into a company all the other members of which are well trained and seasoned troops, those young men will become trained and will learn the military art in half the time that would be required if all of them were new troops and had never even drilled upon a drill field in the United States. That is what the Army, of course, means and that is what General Marshall means when he suggests that he has to provide replacements in existing divisions for training purposes.

Senators may be surprised to learn that, although the law requires, and the Army is supposed to have, 15,000 men in every division, I happen to know of a division in which at this hour there are only 3,000 men, because the other men have been required to be taken away and distributed among other organizations in order to obtain fit men to supply the other organizations with the equipment and technical knowledge which was required.

We cannot disband that particular division with only 3,000 men in it. It must be filled up with new men as they come in. The very fact that there are 3,000 soldiers in a division which ought to have 15,000 will be of infinite value in the training of the other 12,000 who must be integrated into that division.

Moreover, it is not necessary to train men in all branches of the service for 12 months. This morning I talked with General Somervell, the head of the Serv-

ices of Supply, in regard to our motorized equipment. In 4 months a young soldier can be trained to operate an automobile in one of our armored divisions. Such men must operate automobiles at the front. They must bring up to the battle lines not only supplies of food, but supplies of shells, and equipment of all kinds. They are in as much danger as are the men who are actually shooting. However, under the terms of the amendment such men could not be sent to operate a truck or a piece of armored equipment of any sort up to the front line until they had been trained for 12 months. The result would be that much of the equipment would lie idle, because the law would not permit the Army to put one of those men in charge of it until he had been trained for 12 months, although in regard to that particular operation he might be as well trained at the end of 5 months as he would be at the end of 12.

I have talked with responsible officers of the Air Corps who tell me—I did not have to be told because I already knew it, but I wished to obtain confirmation of my belief—that in 4 or 5 months a man can be trained to be an airplane mechanic. Many of the young men who are being drawn into the service are already experienced mechanics. They have been working in garages or machine shops. In 3 or 4 months one of them can be trained to be a mechanic on a bomber. Those mechanics must go up in airplanes over the battlefield. The great bombing planes take along not only pilots and bombardiers but also mechanics.

There must be mechanics in charge of the mechanical features of airplanes. They are in as much danger as is the man who is doing the shooting or the man who drops the bombs. They are in the front line of combat. They are in combat service. If we require those men to be trained for 12 months, many of our airplanes will be grounded and unable to fly over the territory of the enemy while the men are waiting for 12 months to roll around so that the Army can use them without violating the law.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. BARKLEY. I do not wish to trespass further upon the time of the Senate.

For the reasons which I have stated, and others which I might offer, and which I am sure are already in the minds of Senators, I hope the amendment of the Senator from Texas, the amendment of the Senator from Nebraska, and all other similar amendments, will be rejected.

Mr. REYNOLDS. Mr. President, I sincerely wish that every Member of this body could have been present to hear the very fine argument presented by the distinguished Senator from Kentucky. In view of the limitation on debate, I shall endeavor as best I can to confine my remarks exclusively to the amendment presented by the distinguished and beloved Member of this body from Nebraska [Mr. NORRIS], and that presented by our distinguished colleague from Texas [Mr. O'DANIEL].

After reading both amendments, it is my interpretation that there is really no difference between the amendment of the Senator from Texas and the amendment of the Senator from Nebraska. Both employ the words "combat duty." On the one hand, the amendment of the Senator from Texas specifically states that the men may not be sent outside the continental United States without 12 months' training and, on the other hand, the amendment of the Senator from Nebraska merely refers to combat duty. In that respect we know that under present conditions combat duty could not be experienced by any of the draftees within the confines of the continental United States. Therefore I shall consider the two amendments as one, with the exception of the respective ages of 19 and 20.

Mr. President, our distinguished majority leader has told us that we must fight the enemy wherever he may be found, anywhere in all the world. That is true. We have found the enemy upon every single continent of the world and in virtually every section of the world. That is why, in order to fight the enemy wherever he may be found, in any section of the whole world, we must of necessity have an army of 7,500,000, supplemented by those constituting the Marine Corps, the Navy, and the Air Corps, which will eventually bring about a fighting force of more than 10,000,000 men.

We cannot attain a force of 10,000,000 men unless we have 18- and 19-year-old men. From what I have heard from Members of this body on the floor of the Senate, I believe that they likewise are of the opinion that in order to secure a fighting force of 10,000,000 men, including the Army, Navy, Marine Corps, and Air Corps, we must call upon 18- and 19-year-old men.

We come now to the amendment. Yesterday, I heard the distinguished Senator from Montana and the distinguished Senator from Tennessee state on the floor of the Senate that there are vast differences between young men who have attained the age of 18.

I agree with them in full in that statement. Many men are perfectly developed physically at the age of 18. Many attain their zenith of physical culture and development at the age of 18. In rare instances men attain mental supremacy at the age of 18. On the other hand, there are men who have attained the age of 18 whose par of proficiency and physical development will come at a later date. There is a vast difference between men of 18 years of age. We find some men perfectly developed physically at that age. We find some rarely developed mentally at that age. Therefore I argue that men in that category, of that age, cannot be classified as a unit.

In the State of Tennessee there are youngsters of 14 and 15 who are perfect marksmen. The finest squirrel hunters in the world are said to be found in that State. They are the finest riflemen to be found anywhere. They were born with rifles in their hands, so to speak. In the woodlands and the mountains, at a distance of 100 yards, with an old musket, they can select either eye of a squirrel and hit it squarely in the center. They are the finest to be found, with the exception of those found in North Carolina. [Laughter.]

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. CLARK of Idaho. What would the Senator say about the age of 57?

Mr. REYNOLDS. I think the Senator has already spoken for himself very creditably. [Laughter.]

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. CLARK of Missouri. I do not wish to take the Senator's time, because I know that he is speaking under a limitation. The Senator has spoken about the difference between boys of 18. I entirely agree with his statement in that particular. Some boys are very much more developed at 18 or 19, both mentally and physically and by way of emotional stabilization, than other boys. That is the reason I am for this amendment.

Does not the Senator know that in the last war, boys who had had only 5 or 6 weeks of training were sent to France and put in the front lines? Some of them who had never fired a rifle were wounded. They were not like the boys in Tennessee, to whom the Senator refers. Some of the boys who were sent to France had never fired a rifle. Does the Senator have any doubt that unless Congress prescribes some limitation and stipulates the amount of training the boys shall receive, the very same thing will happen in this war? Boys who were not raised in Tennessee, and who were not born with rifles in their hands, boys who have never had any military training, or anything to fit them for military training, are likely to be sent into the line 5, 6, or 7 weeks after their induction into the service.

Mr. REYNOLDS. I thank the Senator very much. I shall comment on that point in a moment.

On the other hand, some young men who have been born and reared in the great metropolitan centers have never seen a gun. They would require months, and perhaps years, to become marksmen equal to those of the same age found in other sections of the country.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. McKELLAR. As I understand, all the testimony taken before the Senator's committee, including the testimony of General Marshall and all the other Army officers who appeared, without exception, has been to the effect that the boys should be trained for approximately a year before they are sent into combat. Was not that the testimony?

Mr. REYNOLDS. Of course, that depends entirely upon the boy.

Mr. McKELLAR. Was not that the testimony before the committee?

Mr. REYNOLDS. They were speaking in generalities, of course.

Mr. McKELLAR. They were speaking in generalities; let us leave it that way. If the Army says it takes a year to train them, and if our experience in the last war shows that it takes approximately that period of time to train them, why should there be any objection to an

amendment requiring that young boys 18 or 19 years of age—some of them more developed than others, of course—be trained before they are sent into foreign fields, all over the world, from Iceland to the bottom of Australia?

Mr. REYNOLDS. I agree with the Senator.

Mr. McKELLAR. Does not the Senator feel that they should be trained?

Mr. REYNOLDS. I agree with the Senator that they should be trained, and they will be trained. I know the Senator is supporting the amendments because he is interested in the youth of our land. He is supporting the amendments because he wants our boys 18 and 19 years of age who have been drafted to give their lives for the purpose of winning the war to be perfectly trained. That is why I am against the amendment. I am against it because the proper sort of training cannot be given the boys unless they are provided the opportunities for training which they must have in order to preserve themselves.

By that I mean that if we adopt either of the amendments we shall do the worst thing we have ever done if we are seriously and genuinely interested in providing the best training in the form of protection for these young men. Why? Because under the amendments or under either one of them, no boy could be sent outside the continental limits of the United States to join with combat troops until he has had 12 months' training.

Mr. O'DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. REYNOLDS. Will the Senator pardon me if I do not yield at this time? I have only a few minutes left. I have yielded to several other Senators.

However, I shall be glad to yield to the Senator from Texas—I do not want to be discourteous to him—and I shall ask that the time the Senator takes be not charged against my time.

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes remaining.

Mr. REYNOLDS. In view of the limitation of debate, I do not think I should be charged with the time I graciously contributed to my colleagues.

The PRESIDING OFFICER. Under the rules, what the Senator suggests cannot be done.

Mr. REYNOLDS. I hope that the time taken in discussing the amount of time available to me will not be charged against my time.

The PRESIDING OFFICER. It will not be; the Senator has 2 minutes remaining.

Mr. O'DANIEL. Mr. President, I shall wait.

Mr. REYNOLDS. I thank the Senator. I think that the Senator will agree that the boy who is best fitted to protect himself is the boy who has been trained in the section of the world in which he is called upon to fight. Why were the Japanese so successful in the Malay Straits? Why have they been so successful, unfortunately, thus far? Because their men were trained in the sections of the world in which they would be called upon to fight. A man trained upon the plains to fight cannot fight in the mountains as well as can a man trained in the mountains. A man trained in the mountains cannot fight on the plains as well as can a man trained on the plains.

The way to provide the young boys with the best protection is to give General Marshall an opportunity to train them in the zones of the world in which they will be called upon to fight.

In conclusion, Mr. President, I desire to say that I too, have always greatly admired General Marshall. I am one of his greatest admirers, and I have frequently said that he is one man in the whole Army organization who has not been given the credit which he has deserved for his untiring efforts in developing for us a victorious Army. I admire him, I sing his praises here. I believe in him; and, consequently, I shall follow him; and I would that today and yesterday he could have been in the gallery here so that he could have listened to the high tribute paid him by every member of this body. I am only sorry that the Senators who have contributed to him so many bouquets in the form of eloquent words, and who have expressed in words such great confidence in him, cannot follow him by their actual votes, which after all are the only things we do that count.

Mr. THOMAS of Utah. Mr. President, I desire to argue the point of the wisdom of agreeing to the amendments solely from the standpoint of the efficiency of our military itself.

Mr. O'DANIEL. Mr. President——

Mr. THOMAS of Utah. Mr. President, I cannot yield, because I shall make but a brief statement, and then I shall be through. I think that the time for exchange of arguments is definitely over when we enter upon limited debate.

First of all, the amendments attempt to divide the Army into two parts, combatant and noncombatant. Once we enter a war, it is physically and mentally impossible for our Army to be divided in that way and still fight effectively. A division of an army on the basis of territorial restrictions as to service is a division which is bad. It is a division which may mar the whole military effort, for the simple reason that, once we are in war, if we try to confine the war effort of a part of our Army to the limits of our continent, for example, we find confusion, and confusion confounded, in case the war is brought to the continental limits of the United States. No restriction should ever be put upon the use of troops during combat. No restriction should ever be put upon the use of troops during defensive war. We are thinking only in terms of offensive war, the sending of our men beyond the continental confines of the United States. We are thinking in terms of training before we send them forth. However, Mr. President, war does not wait for plans. It does not wait until opposing armies are ready for the proper execution of plans. The surprise element in war is the element which generally decides battles; and if we hamper our Commander in Chief, if we hamper our general in the field, in any particular relative to the proper handling, the proper placement, the proper arrangement of his troops, we do him a terrible wrong, for the simple reason that our commander is left in such a position that he cannot use his troops as he thinks best in time of war.

Mr. President, I could not and would not argue against training. Every book I have ever read on military strategy—going back into very ancient times—calls it a crime if untrained troops are sent into battle. I could not argue about individual differences. Such differences do exist in men, and sometimes an untrained boy is very much better in battle than is an overtrained man—according to time, according to circumstance, according to the task which is to be done.

I believe that anyone who will consider the extent of our war effort, anyone who will study, for example, the German attack on Russia, the mobilization of troops to go into Russia, the number of trains required, the geographical problems involved in placing troops in the front ranks, in the main army, and in the reserve, will realize that all those things have a bearing on the question whether the outcome of any particular battle and of the war will be successful.

In air warfare, in spherical warfare, as we now have it, how are we to protect the untrained man when the battle ranges over a field of a thousand miles or when a battle line is 2,000 miles long? Let us not try to do the impossible, Mr. President. Let us put faith where faith belongs. Let us remember that when we went into the war we made a declaration that we would give our all, which meant the all of everybody in the United States. When once the Commander in Chief or the Chief of Staff is selected and the battle is started, then only by giving faith to him and his judgment can the Army and the people behind the Army be united.

Mr. President, for us to hamper in any way at this time the arrangement of troops when we are in the midst of a war is to make the pronouncement to the enemy that that which we said on the day we went into the war, that we were ready to give our all and to sacrifice our all if need be, was false; that we did not mean what we said. If we are to give our all if it is not for this purpose or if it is not for that purpose, then, Mr. President, it is not our all.

The Senator from Kentucky has pointed out that it seems rather strange for us to be discussing military strategy on the floor of the Senate, but certainly men who have had experience in such matters, who have seen the placement of troops, who know the mistakes which have been made in the past, ought to have a right, even on the floor of the Senate, to warn against making similar mistakes by putting restrictions in the way of the movement of troops when once a war is started.

The complexity of armies, the way in which armies are built, the way in which generals think about armies as units, must, of necessity, make it impossible for a general to be able to bring about a successful result if he has to say "We need so many divisions in such and such a

place, but I must remember that certain men in the divisions have no right to be in that place." Certainly, then there is a disintegration of planning, which is the most difficult thing for any general to overcome.

But the principal point, Mr. President, I would make in opposition to the pending amendment is as it affects the man himself. I believe, with all my heart, under the American system of Government and the American system of building up armies, that, wherever possible, men should be able to use the voluntary method, and in our scheme of things we do allow men to volunteer, to choose the branches of service. We do not force men into West Point; they are allowed to go there and make for themselves a military career; and so we allow enlistments at the present time. All of that I like because it is American. But, Mr. President, when once a man takes the oath as a soldier of the Army of the United States, that means that he gives his all; he puts his life on the altar of his country; he puts his faith in his commanders; he puts his respect in those who command him. He does not ask for consideration, but he accepts the command and does his duty.

Mr. President, how is the morale of an army to be developed, how is the esprit de corps of a group of men, or of the individual soldier in the Army, ready to respond quickly to the command, ready to offer his all, to be strengthened if, when the time comes certain men may be withdrawn and left behind their comrades?

Incidentally, Mr. President, we may talk from now until doomsday about training soldiers but until a soldier can be made to realize that it is proper for him to offer his life, if need be, he is not a soldier; he is not a soldier who can be called upon until he is ready to realize that he will have to see his companion, his "buddy," shot down by his side or that perhaps he will be shot down and his "buddy" will remain. An army that is ready to fight an enemy at all hazards cannot be built up if there is put into the mind of the soldier any notion which might cause him to make distinctions between himself and the pal who belongs to the same organization.

There is, Mr. President, such a thing as morale in the Army of the United States; there is such a thing as esprit de corps. Those of us, for example, who have been given the task of going through a division or going through a regiment after it has been ordered to go forward as a unit and taking out of the division or the regiment men, for one reason or another, who should not go forward but should remain at home, know that the finest thing that can happen to a man who becomes a member of any army is that he develops in his own heart a willingness to sacrifice, an esprit de corps in fighting for the whole unit and giving up his all not only for his country but for his pal.

Say to a company of boys, "We have a task in front of us, a risky task, a task the execution of which may cost your life, a task which you have been called into the Army to perform," and then take 10 men out of a platoon because they are not 19 years of age or because they have not been in the Army a year, what is done to the morale of that group? What is done to the boy who is left behind? What is done to those who go forward?

The building of an army, Mr. President, is a matter of making men from top to bottom. The general who does not think in terms of the morale of his army is not worth his salt. The general who will not think these problems through is in my estimation not a general. Do not hamper the general who does think these problems through. Do not make it hard for him to win the war. Do not put upon him restrictions which will interfere with the proper execution of the battle orders and with his efforts properly to take care of his troops.

I may put it in another way. It may be possible to save hundreds and hundreds of lives by the use of a certain contingent of men. Is not the sacrifice worth while in that event, even if it is the sacrifice of an untrained boy? Is not the sacrifice worth while even if it is the sacrifice of a boy under 19?

Does anyone think that the men under 19 years of age who are in the Army now, untrained, and out on the battlefield, like to have it suggested that in the judgment of the Congress of the United States they are not sufficiently well trained and are not old enough to do the task which they have taken an oath to perform? Is it not realized that by such a pronouncement we would be hitting at the very heart and soul of the morale of the Army of the United States, which would mean hitting at the very heart and soul of the United States itself?

Mr. President, the Navy has built its entire personnel on a voluntary basis. It has appealed to young boys 17, 18, and 19. The average age of the Marines is under 20, the average age of the personnel of the Navy is under 20, and yet the United States Senate by this amendment would say to those boys, "In the judgment of the United States Senate you should not be where you are, you should not be out fighting battles for us, because we have neglected to give you the training you should have had."

Mr. President, the worst thing that can happen to any soldier—and all soldiers indulge in it—is to take part in what is called "bellyaching." A soldier can "bellyache" from now until doomsday without his morale being hurt, if he has no justification and no rightful argument for his "bellyaching," but if he is given cause, then his morale is destroyed.

The PRESIDING OFFICER (Mr. DOXEY in the chair). The time of the Senator from Utah has expired.

The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. O'DANIEL] in the nature of a substitute for the amendment offered by the Senator from Nebraska [Mr. NORRIS], adding certain language at the end of the bill.

Mr. McNARY. I assume we are about ready to vote, and acting on that assumption, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Reynolds
Ball	Gurney	Rosier
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smathers
Brewster	Johnson, Calif.	Smith
Bulow	Langer	Spencer
Bunker	Lee	Taft
Burton	Lodge	Thomas, Idaho
Butler	Lucas	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Caraway	McKellar	Tunnell
Chavez	McNary	Tydings
Clark, Idaho	Maloney	Vandenberg
Clark, Mo.	Maybank	Van Nuys
Connally	Mead	Wagner
Danaher	Murdock	Wallgren
Davis	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Willis
George	Overton	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, I wish to modify my amendment before the vote is taken. The modification is one I have agreed with Senators I would be glad to make.

Mr. BONE. Is the Senator referring to his own amendment?

Mr. NORRIS. Yes; my own amendment. I propose, in line 3, after the word "service", to insert the words "beyond the limits of continental United States", so that the amendment would read:

> Nothing in this act shall authorize the sending of troops inducted into military service by this act into combat service beyond the limits of continental United States who are less than 19 years of age unless such troops have had at least 1 year of training.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. O'DANIEL] in the nature of a substitute for the amendment of the Senator from Nebraska [Mr. NORRIS] as modified.

Mr. O'DANIEL. Mr. President, I desire to make a few remarks with reference to the substitute amendment I have offered.

I am heartily in accord with the amendment offered by the Senator from Nebraska, and since he has modified his amendment it is almost identical with the one offered by me, except that his amendment applies to boys who are 19 years of age and less, whereas my amendment applies to boys 20 years of age and less who will be inducted.

Mr. President, some statements have been made with reference to my amendment which I feel should be answered. In the first place, it has been insinuated that those who believe teen-age boys should have at least 1 year of training before actual combat duty are interfering with the plans of some Army officials. I wish to point out that there is no desire on my part, and I do not believe there is on the part of any Member of the Senate, to interfere with the plans of military officials. What we are endeavoring

to do is to be of benefit to them. They have told us they need more men in the Army and that they need younger men. We are expected to give them all the manpower—all the boy power, I might say—in the United States of the ages of 18 and 19. We are trying to help them by providing further that the boys 18 and 19 years of age shall have at least 12 months of training before entering foreign combat duty, because we believe they will be better soldiers at the end of the 12-month training period.

At the same time, Mr. President, we feel there are some other things which should be given consideration. We have more people in the United States than merely boys of 18 and 19 years of age. Someone has inquired what has happened to all the people in the United States that we have such a desperate manpower shortage, in a war in which we have been engaged less than 12 months, that we are now obliged to dip down into the ranks of teen-age boys. So I have referred to the United States Census figures for 1940 and find that there are 42,984,864 boys and girls 17 years of age and less.

I have also ascertained that there are in the United States 43,891,433 persons over 39 years of age.

Deducting the sum of those figures, or 86,876,297, from the total population of the United States, gives a population of those 18 to 39 years of age, inclusive, of 44,792,978, with which to fight the war and carry on necessary civilian operations.

There are other things which enter into the situation. I have offered another amendment which, if enacted, would enable people to work longer than 40 hours a week without their employers having to pay time and one-half wages for the overtime. I believe our laboring people are anxious for the opportunity of working longer hours. If the present restrictions were removed, 25,085,555 people could, by working longer hours, perform as much work as the 42,200,000 are now performing outside of agriculture. That would leave a balance of 19,707,423 persons 18 to 39 years of age, inclusive. About half of them are men. If we figure that half of them are men, that would give us a figure of 9,853,711 men.

Let us now take out those who are already in the military forces, plus those whom the Army officials desire, which would make a total of 7,500,000 men. We would still have remaining 2,353,711 men, plus 9,853,711 women, or a total of 12,207,422 surplus men and women 18 to 39, inclusive, after providing for an Army of 7,500,000 men, and a force to carry on the work which is now being done in civilian industry. That would leave more than 25 percent of the population 18 to 39 years, inclusive, who might be considered as being incapacitated or subject to other duties.

So it appears to me, Mr. President, that if we take the over-all picture, we find that we have not entirely explored and utilized those who might be qualified for military and necessary civilian service. However, we have been asked to include the 18- and 19-year-old boys in the draft, and I feel sure that the bill will pass. I intend to vote for it, because our Commander in Chief has asked for it. But I think we should place in the measure certain improvements which would give our Army officials fully trained men when they go into foreign combat service. Of course, we all have confidence in General Marshall and the other Army officials. No one has questioned their ability, but the people in the various States also have confidence in their elected representatives in the United States Senate.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. O'DANIEL. I yield.

Mr. McKELLAR. Someone just informed me that the Senator was not going to offer his substitute amendment. Is the Senator going to offer it?

Mr. O'DANIEL. I intend to offer my substitute amendment.

Mr. McKELLAR. I hope the Senator will.

Mr. O'DANIEL. I intend to do so in a few moments. I thank the Senator from Tennessee.

The people in the various States, under our representative form of government, expect their elected officials here in the Senate to speak their minds and have some voice as to what should be done about this matter. I know of no democratic government or no industrial organization where administrative officials are given free latitude without some restrictions being placed upon them. I do not figure that the amendment is a restriction, however. I figure that it is an improvement of benefit to the military officers, to make sure that their subordinate officers will not take into foreign combat duty those who are not fully trained and qualified.

I wish to use the testimony of General Marshall himself to bring out the point I am making. The following occurred during the committee hearing. The Senator from Wyoming [Mr. SCHWARTZ] said:

Senator SCHWARTZ. I have just a couple of questions. How long does it take, what period of time elapses, between the date when the raw recruit comes in and the time he is ultimately prepared to meet the veterans of Germany and Japan and finds himself in the organization where the Army wants him?

General Marshall answered:

General MARSHALL. If he is a replacement—meaning replacing a casualty for some reason or another—in a trained unit, we could start him toward an active theater with fair efficiency at the end of 3 or 4 months, plus the time necessary to get him to the theater. If it is a new unit being organized then a minimum of 12 months is necessary; the Germans take 24 months.

Mr. BONE. On what page of the hearings is that to be found?

Mr. O'DANIEL. On page 13 of the hearings before the Senate Military Affairs Committee.

Mr. President, with those remarks I wish to state that the people of Texas are perfectly willing to do their part, they are anxious to do their part, and they are doing their part, but they feel that when their boys are sent in actual combat service beyond the territorial boundaries of continental United States that those boys should be properly trained.

If Senators will pardon the personal reference, I have a son in training now. I know that he was confident of his own ability when he entered the service, but since he has had a year's training he has come to me, along with other boys who have been in training with him, and said:

Daddy, when I entered the service I thought I knew how to handle myself and take care of myself, but I find that I have learned so much under the training of these officers in the Army that now I know I am fully equipped to take care of myself under any conditions of combat.

He said to me:

I thought I was able to do so before, but I have learned a great deal in the 12 months I have been in the service.

Mr. President, the training that he and his associates have received has given them confidence that they can go up against the Germans and the Japs and take care of themselves. Now they have no fear whatever, no matter what happens. My boy said:

We are not afraid. We see green boys come in and they are scared to death, but we are not afraid. We have had our training and we are trained to go out into combat service. We have no fear for our own personal safety. We believe we can whip any German or Jap.

Mr. President, in the light of that personal experience, and in view of the testimony of the Army officials themselves, I could do nothing more than carry out my conviction of what I believe to be the feeling of the great proportion of the population of my State, which is that they are willing for their boys to go, but they would like to see them trained before they go into foreign combat service. Our people in Texas are patriotic and brave and self-sacrificing. While I was Governor we gave to the National Army our Texas National Guard which was one of the finest units in the nation. It was well trained. I then organized another Texas Army—the Texas Defense Guard, of around 20,000 of our finest Texas men and that unit is well organized and highly trained. We believe in fighting, but we believe in thorough training first. Our Texas boys 18 and 19 are ready to go. Their parents are proud to know their sons are so patriotic—but they want those boys to be thoroughly trained before entering foreign combat service. With that training our 18- and 19-year-old Texas boys will take their place along with the thousands of other Texans already in the service and give a splendid account of themselves.

Mr. President, I hope the substitute amendment which I have offered will prevail, and on it I ask for the yeas and nays.

Mr. MALONEY. Mr. President, I inquire as to the present parliamentary situation. Is the Senate to vote first on the O'Daniel amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. O'DANIEL] in the nature of a sub-

stitute for the amendment of the Senator from Nebraska [Mr. NORRIS], as modified.

Mr. MALONEY. In view of the fact that the amendment is a substitute for the so-called Norris amendment, I should like to point out that the Norris amendment, as I understand it, places no limitation or restriction upon the bill. I am assuming that if the bill passes the Army will have the right to send the 18- and 19-year-old young men who may be drafted wherever the military authorities choose to send them and at whatever time they decide to send them. The purpose of the so-called Norris amendment is to make it mandatory upon the Army that these young men have 1 year's training before being sent to combat service. The language of the Norris amendment reads as follows:

> Nothing in this act shall authorize the sending of troops inducted into military service—

And so forth. There is no restriction in that language. It simply does not authorize, it does not deny, it does not limit in any way, as I understand it, the power of the Army.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. NORRIS. I do not agree with the Senator from Connecticut and some others who have mentioned the matter to me, although I do not doubt their good faith in raising the question. I have no objection to changing the language in any way so it will mean just what we want it to mean. Suppose that after the word "act" in the proposed amendment we insert these words "or any other law." Would that meet the Senator's position?

Mr. MALONEY. I do not think so. There is a possibility of it, but I very seriously doubt that that would be a restriction.

Mr. NORRIS. Then the Senator means to say that the Army officials can send out these troops without any law on the subject?

Mr. MALONEY. No.

Mr. NORRIS. Suppose we enact a law saying that no law shall authorize the sending of these troops, and so forth. Would that not prohibit the sending of them?

Mr. MALONEY. I do not think so. No, I think a restriction must be placed upon them in the law——

Mr. NORRIS. Would that not be a restriction?

Mr. MALONEY. I do not think so.

Mr. NORRIS. I cannot understand why it would not be, but if the Senate thinks it would not be a restriction, of course, I have no objection to putting in any language that will make it a restriction.

Mr. MALONEY. My purpose in rising, Mr. President, was to acquaint the Senate with what I understand to be the effect of the language. I am anxious to support what I understand is the view and intent of the Senator from Nebraska, but I do not think the language he proposed would accomplish what he has in mind. In view of the fact that we are voting upon a substitute I think Senators ought to know that, because it might affect the vote on the substitute.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. WHEELER. I wish to say that I entirely agree with the Senator from Connecticut. In my judgment the language should read, in order to make it restrictive:

> No troops inducted into the military service by this act shall be used in combat service who are less than 19 years of age unless such troops have at least 1 year's training.

That would accomplish the purpose.

Mr. MALONEY. In substance it might do it. I think the language could be somewhat improved.

Mr. NORRIS. Mr. President, I have no objection to that language, but I want to point out to the Senator from Connecticut and to the Senator from Montana that I cannot understand why it does not mean the same thing. I have no objection to that language whatever. Probably it is better than the language of my amendment. If there is any doubt about the matter in the Senator's mind I will agree to change the language in the way suggested, because I want to attain the same object that he does. But if we change the language we still will not have restricted what the Senator thinks is the right of the Army to send anyone who is inducted into service anywhere it wants to, even though the laws of Congress absolutely prohibit it. Is that not correct?

Mr. MALONEY. I did not clearly hear the Senator, but I think if he would adopt the language of the amendment offered by the Senator from Texas, simply changing the age limit——

Mr. NORRIS. I intend to vote for the substitute offered by the Senator from Texas.

Mr. MALONEY. So do I.

Mr. NORRIS. It embraces more than does my amendment. I offered my amendment in a spirit of compromise, but nobody would accept it, so I shall vote for the substitute offered by the Senator from Texas. If that is rejected, I intend to vote for another substitute which is to be offered. If that is rejected, I shall vote for another substitute which will embrace more of the men than does my amendment. My amendment is limited in application to those who are under 19. I would rather limit it to those who are under 20.

Mr. MALONEY. I intend to do exactly what the Senator intends to do; but we may get down to the amendment of the Senator from Nebraska and then find that there is nothing left.

Mr. NORRIS. I do not believe that will be true. If that should happen, I hope we should have something left.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. O'DANIEL] in the nature of a substitute for the amendment of the Senator from Nebraska [Mr. NORRIS] as modified.

Mr. O'DANIEL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, I do not wish to detain the Senate long. There has been much debate. I am ready for a vote. I hope also that we may vote on the entire bill before the day is through. I have a little further information to bring to the attention of the Senate. I shall require not more than 3 or 4 minutes.

In the first place, no Senator has yet mentioned the testimony given by Surgeon General Magee, of the Army, which is contained in the printed hearings before the House Military Affairs Committee. I shall read a few lines from Surgeon General Magee's testimony. I am quoting from page 144 of the hearings:

> General MAGEE. Always we have had young men in the Army. I believe that our experience will support the belief that young men of 18- and 19- and the 20-year group make splendid soldiers. The best statistics we have on that, of course, would date from and would refer to those groups that we have had in the Army in the World War effort. The few that we have now, and those statistics are not very voluminous, but those that we have indicate that the morbidity rate for men in the 18- and 19-year group is as good, in fact, a little better than for the age groups just a little bit above, all the way up to 40.

Dr. Fenton asked the question:

> I thought it would be advisable to go into all of these various aspects rather than have the criticism heaped upon us that we did not go into it.

General Magee replied:

> General MAGEE. Of course, a complete answer to that would rest upon a very thorough statistical study of a large number broken down into the several categories that were mentioned. But the over-all figures we have indicate as I said before that the health in general of young men is fully equal to that of older groups; that they stand warfare in a better manner in military service.

Let me give a further bit of information. A press statement was released yesterday by Mrs. Ruth Mathebat, national president of the American Legion Auxiliary. She said:

> Inasmuch as I speak for many thousands of patriotic mothers, I decided to come to Washington and personally acquaint myself with the War Department program in regard to the induction of 18- and 19-year-old men into the Army. I am now fully familiar with that program, the provisions of the so-called Gurney-Wadsworth bill as it was introduced, and the War Department's comments thereon. I wish to say that I am unreservedly in favor of that program as a necessary measure to win this war.
>
> Further, I feel that the matter is of such urgency that no attempt should be made through legislation to limit the provisions of the original bill, either by setting up special privileges such as deferment in colleges or by restricting the training program.

Further word comes today from the Chief of Staff of the Army. The Chief of Staff has said that fully 500,000 of these men will go into the Air Force, mostly as mechanics and ground-crew personnel. If the Army cannot use them with the Air Forces for 12 months, the Air Force program will probably be completely emasculated, because it will be necessary to wreck existing units in order to get the older men to put in the groups going overseas 6 months from

now. Air mechanics can be trained in from 4 to 6 months. This restriction would prevent their use for another 6 months after they had completed their training. After careful consideration, the Army advises that the adoption of this amendment would so hamstring it that it would be extremely doubtful if it could meet its commitments, particularly with respect to the air units, for impending operations.

In the past few days we have referred to some extent to football teams. Several Senators have used the football team as an illustration. This amendment is the equivalent of blowing the whistle and telling the enemies that "time is out" indefinitely and that we cannot go on with the war until we have had a year to train the men we are going to get.

It means either too old or too late. If the amendment is adopted, the Army will be forced to complete its organizations with men too old efficiently to do the job, or wait for the lapse of a year's time before it can fight.

Mr. President, we all want to get the war over as soon as we can. The advocates of "action now" will do well to weigh these restrictive amendments very carefully before assuming the responsibility therefor. If this bill is passed, with the 12 months' training restriction, we had better quit talking about "action now," or a second front.

Following the football theory a little further, and speaking about the coach being allowed to bring in substitutes to fill the ranks of an already constituted team, there is another official on the football field. He is the referee. In this case Congress is the referee. Congress must take the responsibility for blowing the whistle and stopping the world-wide football game for 6 or 12 months.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BARKLEY. We all know that when a convoy of many ships starts across the Atlantic or the Pacific Ocean, it can travel no faster than the slowest vessel in the convoy.

Mr. GURNEY. That is true.

Mr. BARKLEY. The experience of the Army is that in any given thousand men drawn into the Army by the Selective Service Act, about one-third of the men are physically perfect and mentally alert. Another third are not physically perfect, but must be trained. Some of them are too fat and must be trained down; some of them are too lean and must be fed up. Still another third will fall in a third category. The effect of the amendment upon which we are about to vote would be to slow down the processing of the entire thousand men to the level of the most inefficient third; and the first third, who are physically perfect and mentally alert, and might be trained in half the time required to train the last third, would have to slow down and wait until the last third had been trained. Is not that a fair picture of the situation?

Mr. GURNEY. As I see it, it is. As the Senator has so ably said, that would slow down the whole unit, and in the same way slow down the whole effort.

I believe that those who are sincerely supporting the amendment have in their minds and hearts a desire to keep 18- and 19-year-old boys from getting into combat service too soon, in order to cut down the casualties. I am sure that is what they are thinking about. However, I believe they are seeking the objective from the wrong angle, because the passage of this bill would not stop the war. It would go right on just the same. If we do not keep fighting, the enemy will come after us. Instead of putting a certain percentage of the younger men in each unit, the Chief of Staff would be compelled to put them all in the same group and segregate them into a younger fighting unit. What would happen? Let us follow it through. When that unit is trained, all those youngsters will be in one place, and there will be a tremendous number of casualties in that one age group.

Therefore, I ask my colleagues to think sincerely and carefully before casting their votes in favor of the pending amendment or any similar amendment.

Mr. McKELLAR. Mr. President, I certainly would not detain the Senate when I myself am so anxious to vote, except for the fact that I have this morning received a telegram from our colleague, my old-time friend the Senator from Alabama [Mr. BANKHEAD]. He asked me to read it to the Senate, and I desire to do so. It was sent from Jasper, Ala., is dated today, and is addressed to me:

JASPER, ALA., *October 24, 1942.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

I deeply regret that I am unable to be there to express my support of the Norris amendment which prohibits sending our 18- and 19-year-old boys into foreign service until they have had the benefit of at least 1 year's active training. The mere fact that these boys must be selected for active service is one of the saddest tragedies to me of our entire war experience. I have consistently supported the President's war program and have voted for every appropriation that has been requested for war uses. I have respect for our Army war officials but I cannot bring myself to believe that they are all-wise in this matter of dealing with the tender youths of our country. The insistence that these teenage boys make better soldiers than those a few years older is based largely upon the fact that their youth and enthusiasm lead them into rash and excessively dangerous activities in martial combat. The very thing that causes them to be considered the best material for active warfare should at the same time, in a decent consideration of their lives, require ample and adequate training to enable them to avoid, as far as possible, unnecessary dangers. I fear that we cannot continue as an adequate arsenal for the democracies of the world as well as equipping and training and transporting to the world's battlefields one of the largest armies in existence. A decision on the dividing line between manpower for production and manpower for battlefields must be made. If the 18- and 19-year-old boys are to be taken from their homes and from schools it would be better to work them for a season in the production plants of this country and at the same time require them to take some of the military training that they should have. If the Army does not intend to send these boys abroad with a year's training then Congress should do its duty to the boys and to future society by saying to the Army "You must not take them abroad until they have had 1 year of combat training." Please read this statement to the Senate.

J. H. BANKHEAD.

Mr. BILBO obtained the floor.

Mr. ROSIER. Mr. President, will the Senator yield to me?

Mr. BILBO. I yield.

Mr. ROSIER. The proponents of the measure have referred to a football team as an illustration. I wish to remind all my colleagues that every college athlete in this country knows that a boy is not permitted to play on the varsity team until he has served 1 year as a freshman athlete. I think everyone who has had any experience with college activities knows that it is an invariable rule that a boy must play for a year on the freshman team before he can play on the varsity.

Mr. GUFFEY. Mr. President, I desire to ask the Senator from West Virginia a question, if the Senator from Mississippi will yield to me.

Mr. BILBO. I yield.

Mr. GUFFEY. Was the rule just referred to adopted to improve the quality of athletes? It is my recollection that when I was in college that was the aim and the purpose of the rule. It did help some.

Mr. BILBO. Mr. President, I should like to speak very briefly before the Senate votes. I think it is clearly understood that I am opposed to the pending bill in toto, and after the vote on the amendment, I shall address myself to the bill.

However, in reference to the amendment now pending I wish to say that I shall vote for the substitute offered by the Senator from Texas. If that fails, I shall vote for the original amendment offered by the Senator from Nebraska. I shall try to improve the bill as much as I can, and then I shall try to kill it. [Laughter.]

Much has been said about training the boys a year before they are permitted to be sent beyond the boundaries of continental United States. There is no use trying to fool ourselves. No Member of the Senate expects any battle to be fought on United States territory. We hope that all the fighting we do—and I think I am safe in prophesying that such will be the case—will be fought on foreign lands; and the question is purely one of shipping the boys abroad to help England carry on the battle.

I am surprised that my good friend the junior Senator from South Dakota [Mr. GURNEY] is opposing either the substitute or the original amendment, because I have just received from a friend of mine in Virginia a copy of a letter which he sent over the country, in which he takes the position taken by all those who are advocating the adoption of the substitute amendment or the original amendment. It is such a splendid letter that I desire to read it into the RECORD.

SEPTEMBER 10, 1942.

MRS. HARRY W. HOLLAND,
Danville, Va.

DEAR MRS. HOLLAND: Your letter, objecting to making the 18- and 19-year-old men liable for military service, is quite a natural reaction. Free, peace-loving people cannot possibly approve of any men, old or young, going into battle.

Nevertheless, we are at war. My observation convinces me that it will be a long war and, therefore, the younger men will eventually reach the present age of military service liability before it is over. I think it only fair that they be given a chance to receive a period of thorough training before going into combat.

That is exactly what we propose in the substitute and in the amendment—a period of thorough training. If we do not put such restrictions in the bill, I make the prophecy that some of the 18- and 19-year-old boys will be in a foreign land within less than 13 weeks, and that they will be used as shock troops and Commando troops because they are young, daring, reckless, foolhardy, and will take any risk.

I read further from the letter:

The only way to assure them of this training, and thus make them seasoned soldiers capable of taking care of themselves against professionals in the enemy ranks, is to start them early.

In other words, that is the contention of every Senator on this floor in urging the adoption of these restrictions—that we send seasoned, well-trained men to meet the professionals who have had from 2 to 4 years' training in Japan and in Germany.

I want to congratulate the Senator on the splendid position he has taken in his letter, even if in it he does contradict his present position.

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. O'DANIEL. Will the Senator inform us who signed the letter?

Mr. BILBO. The letter concludes:

I sincerely appreciate your writing to me on this matter.

Sincerely yours,

CHAN GURNEY.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. GURNEY. I say give the young men a fighting chance.

Mr. GILLETTE. Mr. President, I know that all Senators are anxious to vote, and I shall detain them for only one moment.

The Senator from South Dakota just quoted the Surgeon General with reference to the effect of service on men of varying ages. In that connection, in order to complete the record, I desire to quote from volume X, section II, chapter VIII, page 430 of a volume prepared by the Medical Department of the United States Army in publishing a series of studies on its experience in the first World War, and dealing with the subject of neuropsychiatry:

These figures reveal a marked disproportion between the admissions to the hospital of men under 21 and their number in the Army at large, 77 percent more men from this group being admitted to the hospital than their proportion in the Army would lead us to expect; that is, there was a marked tendency for men under 21 to develop neurosis in greater numbers than their proportion in the Army would warrant.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. O'DANIEL], in the nature of a substitute for the amendment of the Senator from Nebraska [Mr. NORRIS] as modified. On this question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. CHANDLER'S name was called). I announce the unavoidable absence of my colleague [Mr. CHANDLER] because of a death. He has a general pair with the Senator from Pennsylvania [Mr. DAVIS]. If my colleague were present, he would vote "nay."

Mr. HILL (when his name was called). On this vote I have a pair with the junior Senator from Illinois [Mr. BROOKS]. I transfer that pair to the junior Senator from Missouri [Mr. TRUMAN] and will vote. I vote "nay."

Mr. MURDOCK (when his name was called). On this vote I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer that pair to the senior Senator from West Virginia [Mr. KILGORE], and will vote. I vote "nay."

Mr. RADCLIFFE (when his name was called). On this vote I have a pair with the junior Senator from New Hampshire [Mr. TOBEY]. I transfer that pair to the senior Senator from Virginia [Mr. GLASS], and will vote. I vote "nay."

Mr. O'MAHONEY (when the name of Mr. SCHWARTZ was called). I announce that my colleague [Mr. SCHWARTZ] is unavoidably absent. If present he would vote "yea."

Mr. McKELLAR (when Mr. STEWART'S name was called). The junior Senator from Tennessee [Mr. STEWART] is unavoidably detained from the Senate. If he were present he would vote "yea." He has a pair with the junior Senator from Delaware [Mr. TUNNELL].

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from Delaware [Mr. HUGHES], and will vote. I vote "nay."

Mr. TUNNELL (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. STEWART], who, as I understand, if present, would vote "yea." If I were permitted to vote I should vote "nay."

The roll call was concluded.

Mr. HILL. My colleague the senior Senator from Alabama [Mr. BANKHEAD] is unavoidably absent. If present and voting he would vote "yea."

The senior Senator from Nevada [Mr. MCCARRAN] is necessarily absent. I am advised, if present and voting, he would vote "yea."

I further announce that the junior Senator from Virginia [Mr. BYRD] is detained on important public business. I am advised that if present and voting he would vote "nay."

The senior Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Michigan [Mr. BROWN], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program.

The Senator from Georgia [Mr. RUSSELL] has been called from the Senate on important public business. He asked me to state that he was in favor of the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. McFARLAND. The junior Senator from Nevada [Mr. BUNKER] is unavoidably absent. I am informed that, if present, he would vote "yea."

Mr. McNARY. I desire to make the following announcement: The senior Senator from Wisconsin [Mr. LA FOLLETTE], whose pair has already been announced, if present, would vote "yea."

The junior Senator from Wisconsin [Mr. WILEY] is necessarily absent on a public matter.

The Senator from New Hampshire [Mr. BRIDGES], whose pair has been announced, would, if present, vote "yea."

The Senator from New Jersey [Mr. BARBOUR] is paired with the Senator from Virginia [Mr. BYRD]. If present, the Senator from New Jersey would vote "yea."

My colleague the junior Senator from Oregon [Mr. HOLMAN] is necessarily absent. If present, he would vote "yea."

The Senator from Illinois [Mr. BROOKS], whose pair has been announced, would, if present, vote "yea."

The Senator from New Hampshire [Mr. TOBEY], whose pair has been announced, would, if present, vote "yea."

The Senator from Pennsylvania [Mr. DAVIS], whose pair has been announced, would, if present, vote "yea."

The Senator from Colorado [Mr. MILLIKIN] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Pennsylvania [Mr. DAVIS] are absent on public business.

The result was announced—yeas 39, nays 31, as follows:

YEAS—39

Aiken	Ellender	O'Mahoney
Andrews	George	Reed
Bailey	Gillette	Rosier
Bilbo	Johnson, Calif.	Shipstead
Bulow	Langer	Smith
Butler	Lucas	Spencer
Capper	McFarland	Taft
Chavez	McKellar	Thomas, Idaho
Clark, Idaho	McNary	Thomas, Okla.
Clark, Mo.	Maloney	Van Nuys
Danaher	Norris	Walsh
Downey	Nye	Wheeler
Doxey	O'Daniel	Willis

NAYS—31

Austin	Gurney	Radcliffe
Ball	Hatch	Reynolds
Barkley	Hayden	Smathers
Bone	Hill	Thomas, Utah
Brewster	Lee	Tydings
Burton	Lodge	Vandenberg
Caraway	Maybank	Wagner
Connally	Mead	Wallgren
Gerry	Murdock	White
Green	Overton	
Guffey	Pepper	

NOT VOTING—26

Bankhead	Brooks	Byrd
Barbour	Brown	Chandler
Bridges	Bunker	Davis

Glass	La Follette	Stewart
Herring	McCarran	Tobey
Holman	Millikin	Truman
Hughes	Murray	Tunnell
Johnson, Colo.	Russell	Wiley
Kilgore	Schwartz	

So the amendment of Mr. O'DANIEL in the nature of a substitute for the amendment of Mr. NORRIS was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the so-called Norris amendment, as amended.

The amendment as amended was agreed to.

Mr. O'DANIEL. Mr. President, I move that the vote by which the amendment as amended was agreed to be reconsidered.

Mr. CLARK of Missouri. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BILBO obtained the floor.

Mr. BARKLEY. Mr. President, as I announced earlier in the afternoon, I think it is the unanimous desire of the Members of the Senate that the pending bill be disposed of today, and in the interest of accomplishing that purpose, I ask unanimous consent that during the further consideration of the bill no Senator shall speak more than once or longer than 15 minutes on any amendment, on any amendment thereto, on the bill, or on any motion pertaining thereto, until final passage.

Mr. McNARY. I wish to express the hope that the agreement may be entered into.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. BILBO. There was so much noise I did not hear what the proposal was.

Mr. BARKLEY. The request was that during the further consideration of the bill no Senator should speak more than once or longer than 15 minutes on any amendment, or any amendment to an amendment, on the bill, or on any motion pertaining to the bill, until final passage.

Mr. BILBO. I had already taken the floor. Would the agreement cover my remarks?

Mr. BARKLEY. I am sure the Senator from Mississippi would be glad to be included in whatever is the unanimous wish of his colleagues.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the agreement is made.

Mr. BILBO. Mr. President, it is with deep and profound regret that I am compelled to register my opposition and give expression to my reasons for objecting to the request and demand of the chiefs of our Army and Navy to draft and induct at this time into our armed forces for combat service in the present global war the youth of our country within the ages of 18 and 19 years.

I am not unmindful of the fact that anything I may say or do will have little effect in stopping or retarding the Congress or the country, which have been stampeded into making what, in my heart and conscience, I believe to be a sad, tragic, and irreparable mistake in the prosecution of this war.

If this country were being invaded, or if there were any shortage in the reservoir of manpower within the military ages of 20 to 44, inclusive, as already established by the conscript acts of Congress, I, no doubt, would be willing to vote for the pending bill, but this war is not going to be fought on this continent. This war will be lost or won in the air, on the sea, and on the land, in foreign countries. But let it be understood that I am not entertaining any doubts about ultimate victory.

However, in my honest opinion the war will last from 5 to 10 years. As someone has said, we are not yet ankle deep in the war. We are not yet prepared to fight the war. We are not yet properly organized to prosecute the war.

Personally, I believe we are going to have to resort to total mobilization, even if such a step is totally out of harmony with our democratic ideals and the American way of life. I have felt so strongly the inevitable necessity of total mobilization that on March 23, 1942, I introduced the first total mobilization bill, and spoke at length on the imperative need of such an act, and I ask unanimous consent that my address on that occasion be printed in the Appendix of the RECORD at this time, because the soundness of what I said has become more and more evident the deeper we have become involved in this world conflict.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BILBO. Mr. President, I would not be so presumptuous as to venture a suggestion as to military strategy and the planning of the campaigns to be waged by our air, sea, and land forces. That is the duty and responsibility of the Commander in Chief and the heads of the Army, Navy, and Air Forces, but as one of the representatives of my State and a Member of the Congress, I have a duty, and I have the right to give expression to my views and vote my convictions in providing the means in money, men, and resources which our military experts must use to prosecute this war successfully.

We are told by the military leaders of our Army that they plan to train and equip an armed force of 7,500,000 by December 1943, and they frankly admit that there is no shortage in the reservoir of manpower that is already registered and waiting to be drafted.

In this connection I wish to read from the hearing to substantiate what I have stated. I was present at the hearings of the Committee on Military Affairs, although not a member of the committee. By the gracious kindness and hospitality of the chairman of the committee, the Senator from North Carolina [Mr. REYNOLDS], I was permitted to ask some questions, and I read the following from the testimony of General McNarney:

> Senator BILBO. General, I want to get clear in my mind one fact. It is not that you are short in the reservoir that you have been drawing from that will make the Army, at the end of 1943, 7,500,000, the manpower is there and you can get it under the present draft law; but what you are after is this younger blood, is that it?
>
> General MCNARNEY. That is correct.

Mr. President, it is well known to all that there are millions of young men, many of them single, who have not yet been called and inducted into the armed forces of our country. Hundreds of thousands of these young men, many of whom are unmarried, have been deferred for various and sundry reasons, and in many cases for reasons that will not stand the acid test, with the country at war to the death.

These young men are not essential in the ranks of the home front, because men not within the military age, and the patriotic womanhood of the country, who are anxious to serve, could just as well fill their places so that they could be inducted into the combat service of the Nation.

The time has come when this "monkey business" with the draft must stop. The time has come when that trite old saying, found in all the old copywriting books of the Nation, is a thousand times true: "Now is the time for all good men to come to the aid of their country." No young man's place is so essential but that it can be properly and efficiently filled by some older man or patriotic woman.

The young Government clerks, the glamour boys and girls, must be rounded up and made to work and fight for their country. The drug-store cowboys, and sons and daughters of the rich, as well as the poor, must be made to realize that they have to work and fight to save their country. The young and able-bodied men within the military ages, as already prescribed, even if they are married and with children, must be told that it is their patriotic duty to get into this war at once, and begin to fight for themselves, their wives, and their children. The Congress has made adequate provision to take care of the wives, children, and other dependents of every man who is inducted into the service. We must either do this or lose this war.

A married man, even with a family, has two or three times more to fight for than a teen-age boy, who is either in school, or should be in school, preparing himself for the duties and responsibilities of this war and of the country after the war is won.

Yes; the chiefs of our Army and Navy tell us that there is no shortage of manpower, but they want these 18- and 19-year-old schoolboys because they are young, daring, dashing, reckless, foolhardy, and will do and die because they are not developed enough in mind and thought to even protect their own lives. Common sense tells us that an immature mind is a risky proposition in any situation, and I can imagine situations where the immature, reckless eagerness for action of an 18- or 19-year-old boy would result in jeopardizing the lives of hundreds because a thoughtless boy went off half-cocked.

No one questions the daring, valor, and courage of the American youth, but maturity of thought and mind and caution are sometimes just as essential in a battle as action and courage.

General Hershey, Director of the Selective Service System, has been doing a wonderful job, but he admits frankly that many mistakes have been made in the enforcement of the draft law. Let it be said to his credit that he is not alto-

gether responsible for some of the most serious mistakes made.

The rule of the Army by which they have heretofore rejected all the men below the fourth grade in literacy is, to my mind, an inexcusable mistake. It is from this class of illiterate and partially illiterate that some of the Nation's greatest military heroes have come. To continue to enforce this regulation means that we do not want any more General Nathan Bedford Forrests or Alvin Yorks in our Army, because under the present rule both of these great heroes would have been rejected.

Any citizen of this country of sound mind who can talk, can take and understand orders given to him, and can carry orders, and in this class will be found some of the finest specimens of physical manhood, and they will make great fighters. It is not absolutely necessary that a man be able to read and write before he can be trained to shoot straight and kill a Jap or a German.

Again, the Army has been rejecting by the hundreds of thousands young men because they have syphilis or some other venereal disease. There is no good reason why this should be done, because these men can be very easily isolated and treated in the Army camps and cured while their training is in progress. There may be one out of a thousand who could not be cured.

In many States and many sections of the country where the Negro race predominates few Negroes are being inducted because of the literacy test and the prevalence of venereal diseases. This fact is especially true in some of the Southern States and in the congested Negro sections of some of the larger cities of the country.

The draft law has been so administered in my home State of Mississippi, where the population of whites and blacks is equal, that practically all the whites have been inducted into the service, and the young, able-bodied Negroes have been rejected, either because of the literacy test, or because of venereal diseases. Out of 1,000,000 Negroes in my State 250,000 of them have venereal diseases.

I want to read here a telegram from the executive secretary of the State Board of Health in Mississippi, which proves the truth of my statements:

JACKSON, MISS., *October 1, 1942.*

Senator THEODORE G. BILBO,
Senate Office Building,
Washington, D.C.:

Two hundred and fifty thousand cases syphilis among Negroes. Thirty thousand cases in white population. Out of 80,000 selectees 12,000 rejected account venereal diseases. Two hundred and fifty women infected with venereal diseases are in need of isolation detention and treatment immediately.

FELIX J. UNDERWOOD.

The Army may claim that they have no facilities for treatment of venereal diseases, and this may be true at the present time, but the Army has been provided with sufficient funds to do whatever is necessary for the prosecution of the war. Therefore, the Army should lose no time in providing adequate quarters for this purpose.

It is a sad commentary, and I regret to make it, but since the Army has been rejecting the Negroes of my State because they have syphilis, many young Negroes who do not want to go to the war have gone out looking for syphilis.

The drafting of men to fight a war is nothing new in the history of the world. The first conscript army in recorded history will be found in the Fourth Book of Moses, commonly called Numbers, beginning with the first chapter:

And Jehovah spake unto Moses in the wilderness of Sinai, in the tent of meeting, on the first day of the second month, in the second year after they were come out of the land of Egypt, saying, Take ye the sum of all the congregation of the children of Israel, by their families, by their fathers' houses, according to the number of the names, every male, by their polls; from 20 years old and upward, all that are able to go forth to war in Israel, thou and Aaron shall number them by their hosts.

By this first draft, by the order of God to Moses and Aaron, the Israelites raised an army of 603,550 and no male was conscripted unless he was 20 years old or upward, and was able to go forth to war in Israel.

I believe that the order of Jehovah to Moses and Aaron to draft only the males from 20 years old and upward was sound many thousands of years ago, and it is just as sane and sound today.

I have offered the following amendment to the bill which, if adopted, will be acceptable to the fathers and mothers of America:

At the end of the bill insert the following new section:

"SEC. —. Section 3 of such act, as amended, is amended by adding at the end thereof the following new subsection:

"'(g) Persons inducted into the land and naval forces under the provisions of this act who are of the ages of 18 and 19 shall be assigned to duty in educational institutions, in which facilities for military training have been provided pursuant to this section, where they shall be permitted until they reach the age of 20 to continue their educational pursuits while receiving basic military training. The Secretary of War and the Secretary of the Navy shall designate an appropriate number of either elementary or high schools, colleges, and universities and shall furnish such schools and colleges such equipment, facilities, and instructors as may be necessary for the purpose of providing such military training. All costs of such training and education shall be borne by the United States and persons so assigned shall be entitled to the same pay and allowances which they would receive if they were assigned to regular active duty. Nothing in this section shall be construed to prevent the voluntary enlistment of men under the age of 20 for regular training and service, providing the person voluntarily enlisting secures the written consent of one or more of his parents or his guardian.'"

The amendment is on the table, and I shall call it up after I conclude my remarks.

The PRESIDING OFFICER. The Senator has 2 minutes more on the amendment.

Mr. BILBO. Mr. President, personally I have always believed in universal military training, and I trust that before this war is over the Congress will enact legislation that will put this country upon a universal military training basis. Japan has had universal military training since 1875, and to my mind that is one reason why the Japanese have the best soldiers in Europe or Asia. The Japanese soldiers are also educated. Their literacy rating is higher than that of our Army.

Universal military training does not mean that the education of our youth will be neglected, but I rather believe it would enhance the cause of public education among the masses. This in itself would be well for the future of our country.

Mr. President, I shall not have time to finish the speech I had prepared. I now ask that my amendment be read at the desk.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. —. Section 3 of such act, as amended, is amended by adding at the end thereof the following new subsection:

"(g) Persons inducted into the land and naval forces under the provisions of this act who are of the ages of 18 and 19 shall be assigned to duty in educational institutions, in which facilities for military training have been provided pursuant to this section, where they shall be permitted until they reach the age of 20 to continue their educational pursuits while receiving basic military training. In any case, every selectee under this act shall receive at least 6 months' literary and military training. The Secretary of War and the Secretary of the Navy shall establish or designate, or both, an appropriate number of either elementary or high schools, colleges, and universities and shall furnish such schools and colleges such equipment, facilities, and instructors as may be necessary for the purpose of providing such military training. All costs of such training and education shall be borne by the United States, and persons so assigned shall be entitled to the same pay and allowances which they would receive if they were assigned to regular active duty. Nothing in this section shall be construed to prevent the voluntary enlistment of men under the age of 20 for regular training and service, providing the person voluntarily enlisting secures the written consent of one or more of his parents or his guardian."

Mr. BILBO. Mr. President, I believe I have 2 minutes more on the bill. I shall use those 2 minutes and then will take 15 minutes on the amendment which I have offered. That gives me a total of 17 minutes, and I ask the Chair to keep a record of my time, please.

Since this war is going to last a long time, and it must last until we win it, I can see no harm coming to the teenage youth of our Nation by inducting them into the Army at 18 or 19, and have them classified, and utilize the high schools, junior colleges, colleges, and universities of the Nation for the further education of these 18- and 19-year-old boys, and at the same time give them basic military training so that they can be inducted into combat service upon reaching the biblical military age of 20.

Mr. President, I have listened very carefully to the extended debate on the question of training these boys for a year, and have heard nothing said about educating them or permitting them to finish their education. It is a fact well known to the people of the country that all our junior colleges, our colleges,

and our universities are withering up. Many of them will be obliged to close their doors and go out of business because so many young men have left and volunteered in the military service, or left to work in munitions plants or in other Government production industries. The colleges are having a hard struggle. If we want to save the educational system of the country and keep the schools going it will be necessary to adopt my amendment, by which the Army will be directed to take the boys who are inducted, and classify them, and then designate the schools, colleges, and universities to which boys of certain classes shall be sent, where the Government shall provide the military facilities and instructors, and they can finish their education and receive basic military training at the same time.

Speaking about football, I wish to say that the most rigid training in the world is that given to a football team. I have played on a football team and I know. The fact that a boy is being trained after school hours to play football does not mean that it will interfere with his educational progress. That is true of any military school. The boys at West Point are given a military training while they are pursuing their educational training.

I am sure the colleges of the Nation will be glad to accept this opportunity of making a great contribution to the war effort. The Federal Government can well afford to pay for the education of these teen-age boys in the schools of our country, as it will make them better soldiers, and while they are being thus given literary training at the same time they will be well grounded in basic military training.

We have an adequate number of Army officers and Army men who are too old for active military service, who will be happy to be assigned to the schools throughout the Nation to carry on the basic military training of these boys, while at the same time they are being given a chance to secure an education before induction into a war that will last, God only knows, how long.

To take a young boy at 18 or 19 who has not had an opportunity to finish his education—and many of them will not even have had an opportunity to finish high school—and induct him into the Army without this opportunity of securing an education for life, is so unfair and discriminatory that it is almost criminal, especially when we consider that the boys and men 20 years old and upward have had their day in school. When the war is over, they will have been prepared for life.

After the war only a few of these teen-age boys will ever go back to the schoolroom when they come home from the war, and they will, therefore, go through life with this great handicap, and certainly they will not be qualified to make as great leaders of the future or contribute as much to the public welfare and community life of the Nation as they would if they had been given an opportunity to secure an education, as my amendment provides.

In other words, these boys are not being treated properly. Men from 20 to 44 years of age have had their day in school. They have had their chance to prepare themselves for life, to finish school, to get their college degrees. But it is proposed to yank these boys into the Army, without giving them a chance to finish their school education. They will then go through life with this handicap. A dirty deal is going to be given to these boys whom some persons are in such a rush to put into the Army.

It is true that our enemies of the totalitarian governments, such as Japan, Italy, and Germany, trained and inducted the teen-age boys even from 16 years old and up, and made cannon fodder out of them, but that is not the American way; that is not the democratic way. We have some regard for youth and for the ideals of Christian humanity.

Mr. President, I wish to read a dispatch from old England as follows:

Registration in British universities has fallen from the 1939 figure of 50,000 students to 37,000, but the number of women enrolled remains almost the same—11,000.

Men students in nontechnical subjects are allowed 1 year's deferment above the calling-up age—18½ years—

It has been changed to 18 years now—

provided that they undertake fairly rigorous military training. Science and technical students are given deferment for 2 or more years, and medical students for 5 years. A "war degree" is granted by most universities after 2 years' attendance, plus satisfactory subsequent national service.

Women at the age of 20 are now subject to conscription as auxiliaries in the armed forces. They are normally granted deferment only until the end of the academic year in which they reach their twentieth birthday. They may stay for 1 more year if they proceed immediately after graduation to an approved technical or higher course.

Both men and women students at teachers' training colleges receive the same deferments as for scientists.

All students and staff members are liable for 12 hours of fire watching or other A. R. P. work per week. Many put in heavy additional volunteer duties.

Special courses, known as state bursaries, have been added at Government request, ranging from 6 months to 2 years, and from radio physics to oriental languages. There are also special short courses in statistics, personnel management for women, tropical and war-time medicine, and special preparatory work for students wishing to enter the engineers, artillery, signal, or armored corps.

In other words, England, which has been in the war for 3 years, is just now calling up the 18-year-olds, and yet England is providing for their education. We propose to call out our 18- and 19-year-old boys, but are doing nothing about deferring them so as to enable them to prepare and finish their education.

Again I repeat that I regret to take issue with many of my colleagues and with the chiefs of our Army and Navy but in the name of humanity and in good conscience I am compelled to take this stand; otherwise, I would have to stultify every conviction that I have concerning the welfare and lives of the young boys of my country.

In taking this stand let no one say that I am doing so with any desire to disseminate disunity among the people of the country in time of war, for every Member of this body can bear witness to the effect that since I reached the Senate in 1935 I have voted for every dollar to enlarge and expand our Army, Navy, and Air Forces. In fact, I was elected in 1934 on a platform that committed me to work and vote to give our country the greatest Army, Navy, and Air Force of any nation on earth. I have voted to tax the people to provide the funds with which to fight this war. I have voted to surrender the powers of the Congress to the Commander in Chief to enable him to prosecute this war—and perhaps I have overdone that.

I have left nothing undone in my record in contributing my all to the winning of this war at the earliest possible moment and at the least cost in dollars and loss of lives. But not being convinced that the success or failure of this war depends upon this legislation I cannot, I will not, vote to put these immature, undeveloped, physically and mentally, youth of our country on the battlefields in foreign countries, where I know that they will be used for shock troops and Commando forces. I care not what course others may pursue, but the blood of these young boys will not be upon my conscience.

Mr. President, as a part of my remarks, and in line with the observations which I have made, I ask unanimous consent to have printed in the RECORD as a part of my remarks an article from the Washington Daily News of Friday, October 23, 1942, under the headline:

United States quarantine urged. Prostitutes "guarantee" to infect draft dodgers.

The article says:

HOT SPRINGS, ARK., October 23.—Surgeon General Thomas Parran told the National Venereal Disease Control Conference yesterday that prostitutes have been guaranteeing infection to men seeking military service deferment.

That is also happening in the "black belt" of Chicago.

The disclosure by Parran was followed by a recommendation that prostitutes be quarantined and treated to prepare them for work in war industries.

Parran said 120,000 men previously rejected for military service because of syphilis infection would be inducted soon after completing treatment.

I ask that the entire article be incorporated in the RECORD at this point as a part of my remarks, for the information of the country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of October 23, 1942]

UNITED STATES QUARANTINE URGED—PROSTITUTES "GUARANTEE" TO INFECT DRAFT DODGERS

HOT SPRINGS, ARK., October 23.—Surgeon General Thomas Parran told a National Venereal Disease Control Conference yesterday that prostitutes have been guaranteeing infection to men seeking military service deferment.

The disclosure by Parran was followed by a recommendation that prostitutes be quarantined and treated to prepare them for work in war industries.

Parran said 120,000 men previously rejected for military service because of syphilis infection would be inducted soon after completing treatment.

QUARANTINE NEEDED

The conference, sponsored by the United States Public Health Service, drew nearly 300 medical officers from every branch of the armed services in addition to many city and State officials vitally interested in the problems of disease control.

Parran said that quarantine of prostitutes was the urgent need of the moment because here is a source of womanpower badly needed in the war effort. "The job of controlling syphilis and gonorrhea is so big," he said, "that no one agency can lick it alone."

Lt. Col. Richard H. Eanes, Assistant Director of the Selective Service Medical Division, said that rather than fight for their country some men had been known to deliberately contract gonorrhea for the second time.

The Selective Service organization thus far has turned up 284,000 cases of syphilis and 71,000 cases of gonorrhea, he said. Syphilis was the primary cause for rejection of 120,000 men, while gonorrhea accounted for 30,000.

CONDITIONS "SHOCKING"

Capt. C. S. Stevenson, of the Navy Bureau of Medicine and Surgery, said that conditions in Pensacola, Fla., were "shocking."

Lt. Col. T. B. Turner, of the Preventative Medicine Division of the Army, said that licensed brothels gave medical officers less trouble than "call girls, pick-ups, and bar flies."

Other highlights of the day's disclosures included:

1. Venereal diseases in 20 leading cities cost more than 62,106 man-days of work.

2. Half the licensed prostitutes in one large Navy city were found to be suffering from syphilis, gonorrhea, or both, a constant source of infection for men in service.

3. Members of draft boards have been censured for leaving "apparently healthy" men at home while drafting others, unable to reveal that those deferred were being treated for venereal infections.

4. Men now past the contagious stage will be inducted as rapidly as possible.

Mr. BILBO. Mr. President, in this connection I have received many telegrams and letters, not only from my own State but from practically every State in the Union. I ask unanimous consent that they be printed as a part of my remarks, because they cover the points which I had proposed to discuss with the Senate if the time had not been limited. I wish to have them appear as a part of my remarks.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

COHOES, N. Y.

Hon. THEODORE G. BILBO,
Washington, D. C.

DEAR SENATOR: I am enclosing a news clipping that will be of interest to you. It would appear that England always can be depended upon to look out for her own. It is small wonder that George Bernard Shaw once said that Americans were boobs.

Very truly yours,

WALTER LEAVY.

[Enclosure]

ENGLAND WILL DRAFT 18-YEAR-OLD YOUTHS

LONDON.—King George, in the presence of South African Minister Jan C. Smuts and Ernest Bevin, Minister of Labor and National Service, signed a proclamation at Buckingham Palace today making 18-year-old youths eligible for military service.

Bevin, disclosing the action in the House of Commons, emphasized that the young class would not be required to serve abroad.

"We propose to register November 7 those who have reached the age of 18 between July 1 and September 30, inclusive," he said. "They will be medically examined later in the month and called up as required.

"Many of them may expect to join the services in December."

WHO'S WHO IN AMERICA,
Chicago, October 15, 1942.

The Honorable THEODORE G. BILBO,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Since its establishment Who's Who in America has been primarily directed to the compilation of mental achievement — material achievement has never, in other words, been its yardstick—and I imagine this fact is largely responsible for our interest—for nearly a half century now—in private educational institutions, and in more recent years in their pressing specific problems, including endowment incomes.

It follows that we are at the moment keenly interested, as surely are many others, in these schools being enabled to serve the country's needs mentioned in the attached clipping quoting General Somervell, and in their having this opportunity without being taken over by the Government, forced into insolvency by educational facilities completely dominated by State or Federal funds, or eliminated by the military undertaking instruction they can readily provide. We believe the country owes a very real debt to the private educational institutions because of the statesmanship, leadership, and character they create for us—8 of the last 13 Presidents were educated in small institutions, for example.

The pending legislation lowering conscription to the eighteenth birthday involves many problems for these institutions. They can most effectively make of their classrooms the "citadels" General Somervell envisions if this legislation is enacted with their facilities recognized in at least general terms prescribing educational deferment that is in the country's interest. In this connection you may be interested in the British practices—the item enclosed is from England's Bulletins from Britain—which provide for calling young men up in their nineteenth year (at 18½) and allows thereafter a 1-year educational deferment on a fairly general basis. English young women are not normally conscripted until the end of the academic year in which the twentieth birthday falls, and an additional scholastic year is then permitted under suitable restrictions. (These are general provisions totally aside from the 2-to-5-year deferments thrown around English students following courses of study particularly important in the wartime emergency.)

Yours sincerely,

WHEELER SAMMONS, *Publisher.*

[Enclosure]

Lt. Gen. Brehon B. Somervell told them the war might be won or lost in the schools. The Army, he said, is dangerously short of technically trained men. Example: though the Army needs 4,689 trained radio operators in every 300,000 men inducted, it is getting only 135. In an army of 4,000,000 there is a shortage of 139,160 auto mechanics, a total shortage of 838,040 specialists.

Said Somervell: "Let us be realistic. Every able-bodied boy is destined at the appointed age for the armed services. It is the job of the schools and colleges to provide the opportunity for every youth to equip himself for a place in winning the war. You must do this regardless of cost, time, inconvenience, the temporary sidetracking of nonwar objectives, or even the temporary scrapping of peacetime courses. * * * Every classroom is a citadel."

COMMITTEE ON DRAFTING YOUTH,
New York, N. Y., October 21, 1942.

Hon. THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.

DEAR SENATOR BILBO: You will agree with me, I think, in regarding the experience of the British with the 18- and 19-year-olds as not without significance for us because of their longer experience in the war. While it is probably true, as Mr. Stoneman says in the enclosed statement, that British boys are apt to be less mature than ours, nevertheless the fact that they have waited until April of this year before drafting their 18-year-olds, despite their desperate need of manpower, should be weighed carefully.

They have drafted their 19-year-olds, to be sure, but they have kept their 18-year-olds as a reserve and the last to be drafted. To quote Mr. Stoneman, "Before these men were finally conscripted, the government had first drawn all available men from age groups between and including the ages of 21 and 41."

May I call your attention again also to the experience of our own Army with neurosis in different age groups in the First World War? The paragraph that I quoted to you in my letter of October 17 deserves repeating:

"These figures reveal a marked disproportion betwen the admissions to the hospital of men under 21 and their number in the Army at large, 77 percent more men from this group being admitted to the hospital than their proportion in the Army would lead us to expect. That is, there was a marked tendency for men under 21 to develop neurosis in greater numbers than their proportion in the Army would warrant." (Vol. X, sec. II, ch. VIII, p. 430, Studies of the Medical Department of the U. S. Army in the World War, volume on neuropsychiatry.)

As you know from our correspondence, some of us believe that the Army will have great difficulty with many in both the 18- and 19-year-old groups because of immaturity. While some boys of 18 have the development of men of 20, other boys of 19 are not yet 16 years old in development. I hope that you will give careful consideration to the possibility of placing both age groups in reserve status for essential national service on farms or in industry or to pursue their education, as suggested in the closing paragraph of my letter of the 17th.

Sincerely yours,

GEORGE S. STEVENSON, M. D.,
Secretary.

[Enclosure]

BRITISH LOATH TO CALL YOUTHS OF 18 EXCEPT AS LAST RESORT

(By William H. Stoneman)

LONDON, October 16.—If the American Government calls men of 18 and 19 to the colors, it may profit by the experience of the British with youngsters they have had to summon to the service in both this war and the last.

Boys of 19 have been considered as men in both wars, but 18-year-olds have been reserved until the last possible moment, trained with care and used with caution.

In the last war, boys of 18 were taken into the Army only when terrific casualties on the western front created a definite shortage of manpower. Then, when they were put into uniforms, the rule was to give them a full year of careful physical hardening, followed by 6 months of military drill, before sending them as draftees to depleted units in France. When the 18-year-olds turned up in France in 1918, it was found that they were excellent soldiers, thanks largely to the preparation given them.

NINETEEN-YEAR-OLDS TAKEN EARLY

Nineteen-year-olds were caught by the first militia call-up in England in April 1939, before the war began, and they have been serving since. Eighteen-year-olds were not called up until April 18 of this year, 19½

months after the war began, the second section of the 1924 class being summoned August 15. Before these men were finally conscripted, the Government had first drawn all available men from age groups between and including the ages of 21 and 41.

Eighteen-year-old Britishers are not as mature either mentally or physically as boys of corresponding age in the United States, but the rules applied to them may be helpful in deciding how to deal with our young men.

YOUNGSTERS NEED HARDENING

Most British officers will agree, in the first place, that boys of this age require a great deal of physical hardening and mental discipline before being thrown into action. A year or more of drill and camp life will make an 18-year-old greenhorn into a tough, front-line 19-year-older and that year is worth the trouble and expense, they believe.

They also believe, in the light of their experience, that it is best to mix 18-year or 19-year-old troops with older men who have learned discipline themselves in private life and can act as wise uncles to the kids in their new military environment.

BEST AGE 22 TO 30

As far as fighting qualities in modern warfare are concerned, the British believe that the ideal age for a soldier is somewhere between 22 and 30. A man is physically at his best when he is around 22 or 23, they argue, but he has not achieved the maximum amount of common sense and individual judgment until he has gotten past the 25-year mark.

The fact that they themselves have finally drawn upon 18-year-olds without having reached the low-water mark of British manpower is accounted for, first, by the fact that modern war requires greater supplies of manpower in industry and, second, that the British do not expect to get through this without casualties of serious dimensions.

GREENWOOD, MISS., *October 21, 1942.*

Hon. THEO. G. BILBO,
United States Senator,
Washington, D. C.

DEAR SENATOR: I am absolutely opposed to drafting children for military purposes, and believe and hope you will do everything in your power to prevent the passage of this bill. It is wrong, and everybody with whom I have discussed it think, too, it is wrong, and believe that it is not yet necessary to do it.

Please give the mothers and fathers of these children your support.

Respectfully yours,

Mrs. J. G. COLSON.

MIAMI, FLA., *October 23, 1942.*

Hon. THEO. G. BILBO,
Senate Office Building,
Washington, D. C.:

Don't vote for 18-year-olds to be precipitated into the war machine for the dubious purpose of reducing to fictitious fighting averages. Physical check-up will show more than 50 percent still suffering; yes, suffering from childhood ailments, such as asthma, croup, food allergy, etc. If you must vote for this unwanted and unnecessary measure, at least insist on liberal deferment for boys showing signs of physical or psychological handicap. Also no combat service before reaching 20. Permit those under 20 to finish school year, also not less than 1 year's military training, and continue enlistments in reserve corps for boys under 20 now attending college selected for officer training, but with definite unconditional guarantee they will be permitted to finish their 4-year course in special subjects. This is a time for you to display your individual courage and earn the everlasting friendship of millions of parents.

FRANK ROSS.

OCTOBER 19, 1942.

Senator BILBO,
Senator from Mississippi,
Washington, D. C.

DEAR SIR: On the strength of your kind and assuring letter of a definite stand against drafting our teen-age boys I have told several friends, who I am sure will write direct and thank you for such stanchness in the face of overwhelming opposition.

Senator BILBO, I pray men of your character will not fail us and the youth of this country. It is a heart-breaking fact that we see portrayed football players, basketball players, Government men, experienced men, and then President Roosevelt asks for our little boys still in schoolrooms without any adequate idea of life, let alone war, on the grounds of necessity. Quite ironical that he wishes to save all the youth of other lands and seems more than willing to sacrifice our very own, and leaves the above-mentioned men to stay at home, not even in service.

Mr. Stimson speaks of an old men's army as does Mr. Marshall—well it seems to me after the blunder at Pearl Harbor with Kimmel and Short they had better clean out their own ranks and perhaps some young men at the head of our military operations might prove satisfactory in more ways than one.

This country was founded on faith—in the name of the God to whom you pray I beg do not send our little boys to war, save them, for Christ himself said anyone who harmed one of these little ones "might better never be born, or that a millstone be tied around his neck and he be cast into the sea." Our teen-age boys are helpless, they cannot vote—but they can be sent out to die for cowardly men, they have no recourse to law, their parents are helpless—their only hope lies with men of your character. Do not fail us. Our prayers and blessing are with you.

My husband spent 16 months abroad in the First World War; he knows what war is—we are loyal to the ideals of this country, not to the betrayal of its teen-age boys.

Sincerely,

Mr. and Mrs. H. M. MILLER,
Muncie, Ind.

GREATNECK, N. Y., *October 23, 1942.*

Hon. THEODORE G. BILBO,
Senate Building, Washington, D. C.:

As a mother I wish to express my deep appreciation of your brave effort to prevent the assignment of teen-age students to active military service.

MAUDE A. GLOVER.

HATTIESBURG, MISS., *October 23, 1942.*

Senator THEODORE G. BILBO:

Please vote against draft age bill.

Mrs. LOUIS S. ZEHNDER.

COLUMBIA, MISS., *October 22, 1942.*

THEODORE G. BILBO,
Washington, D. C.:

Vote against lowering draft age. Keep boys in school.

Mrs. D. B. CONERLY.

WEST, MISS., *October 20, 1942.*

SENATOR BILBO,
Washington, D. C.

DEAR SIR: We farmers have always given you our support, we have never failed to rally in your behalf. We have never asked you for any special favor. We feel like that you are our friend. We have that confidence.

We are asking for once that our boys of 18 and 19 years not to be drafted in this war. We farmers need our boys on the farm. Farm labor cannot be had at present time. We are facing the greatest shortage of food in 1943 that the world has ever known, if this draft takes farm boys off the farm.

You will see our need before the war is lost by food shortage.

Yours truly,

S. C. SANDERS.

GREENWOOD, MISS., *October 21, 1942.*

Hon. THEODORE BILBO,
Washington, D. C.

DEAR MR. BILBO: This is a protest against the drafting of our school children. There are thousands of them who will be taken out of high schools and first-year college and sent to camps surrounded by vice and whisky. The very least that the Congress should do is to remove these vicious things by the proper legislation.

Out of a population of 130,000,000 people why can't the Army raise 5,000,000 men without taking the youth of our Nation?

If we had more young blood in the generals and strategists who now occupy the high places, we would need less in the Army. If all the bills that are so vital to the winning of this war were given the speed that this draft bill has been given, why we would be a long way on our road to victory.

Yours respectfully,

Mrs. L. H. MICHAUX.

NEW AUGUSTA, MISS., *October 15, 1942.*

Senator BILBO: Again I am appealing to you concerning this drafting of our children, for boys 18 and 19 are still children. I do hope something can be done to keep the bill from passing. I do feel like the older men are more needed to go first. And I'm sure I can't see why they plan to take out the ones always and already trained and having to train more.

Please don't think I don't want things done to try to end this awful war, for I wish we could all wake up and realize that we are at war. But it's so crushing so see our baby boys have to go in and be in the camps where there's so much beer and common vices for them to be tempted with, and seems that anyone could know that older men would be better able to resist all these temptations. Have they considered raising the draft age and not lowering it so much?

I'm not pessimistic, and no one wants all this over and done with any more than I. Just think if you had an 18-year-old son how much you'd hate to see him have to be subjected to all this.

Can't we do something about this beer and stuff in our Army camps?

Sincerely yours,

Mrs. R. W. DAUGHDRILL.

ROSE HILL, MISS., *October 20, 1942.*

Hon. THEO. G. BILBO,
Washington, D. C.

DEAR SIR: Am writing you in interest of draft bill. I think it a scandal and shame to take babies out to fight a man's war. I am asking you to use your influence to let these kids finish school before they are put in service. Boys put in service before they finish school will never finish. You know what it will mean to their education. Those that return will not be able to find jobs, as you know we are living in a day when this is a requirement. They are the future hope of our country and should be given a chance with the older boys then. I do hope and trust that our lawmakers will see the need of this act.

Yours truly,

Mrs. L. A. BOULTON.

HANNAH, SIMRALL & FOOTE,
Hattiesburg, Miss., October 21, 1942.

Hon. THEODORE G. BILBO,
United States Senate,
Washington, D. C.

Hon. WALL DOXEY,
United States Senate,
Washington, D. C.

MY DEAR SENATORS: I wired both of you gentlemen today relative to the drafting of 18- and 19-year-old boys.

First and foremost, let me say that, insofar as I know, I do not have a relative in the world who would be affected by the drafting of the 18- and 19-year-old boys.

Let me say further that very much of what the President says and does, I do not approve of; particularly have I had no patience with his effort to tag "planned economy," "anti-inflation," and "individual savings" onto our effort to try to win this war.

We should go all out to win this war and forget planned economy, anti-inflation, and all of the other damn-foolishness.

We should stop holding an umbrella over laborers who are making more money than they ever made in their lives.

There should be a national sales tax in order to get the money with which to pay for this war.

Coming back to the drafting of the 18- and 19-year-old boys: If these boys are needed to win this war, they should be drafted, but they should not be drafted until these married men without children and under 30 years of age are in the Army, and they should not be drafted until all of these slackers are chased from defense industries—and they should not be drafted until a lot of other deferred slackers in other places are pushed into the Army.

Consequently, the records of the local draft boards should be made public as to every deferment. If the claims and sworn statements of people who seek deferments were made open to public inspection, there would be fewer of these claims and affidavits.

Again, why don't you first exhaust the 20-year-old class before taking the 18- and 19-year-olds?

If the President is interested in planned economy and in individual savings, then why isn't it logical that the 18 and 19-year-olds should be permitted to finish their high school and college training before being slapped into the Army?

By all means, if these boys are going to be pushed into the Army, give them the right to vote.

Cordially yours,

T. C. HANNAH.

P. S.—There is a further report that the physical standards are going to be lowered in order to take these boys in the Army. The physical standards should be raised, rather than lowered, as to these children.

T. C. H.

ROCKVILLE CENTER, LONG ISLAND, N. Y.,
October 22, 1942.

HON. THEODORE G. BILBO,
United States Senate,
Senate Building, Washington, D. C.

HONORABLE SIR: Every effort should be made to win this war without calling our boys of 18 and 19 years into service, and I do hope you will seriously consider the social as well as the military question before casting your vote.

Let's so equip our armies that it will not be necessary to take these boys in their formative years.

Sincerely yours,

L. R. KUHLMAN.

BROOKLYN, N. Y., *October 22, 1942.*

HON. THEODORE G. BILBO,
United States Senate,
Senate Building, Washington, D. C.

HONORABLE SIR: Before voting on the conscription of boys 18 and 19 years of age, I hope you will seriously consider the moral and social question as well as the military problem involved.

I do believe that the country can better serve its own interests and its future welfare by making every effort to so equip our armies with the materials of warfare that it will not be necessary to depend upon these young boys in their formative years.

Sincerely yours,

MICHAEL J. HALL.

ANDOVER, N. Y., *October 20, 1942.*

Senator THEODORE G. BILBO,
Washington, D. C.

DEAR SIR: We have noticed from newspaper reports that you opposed lowering the draft age and taking the 18- and 19-year-olds. We certainly admire you for expressing your opinion and trust you will vote on the measure accordingly.

There are quite a number of young married men in this community who have married since the draft and are hiding behind the women's skirts.

It will be a great blow to the rural communities especially and will lower the morale of the people more than anything we know of.

We hope and pray that you will vote for the people and vote "No" against this measure.

Yours truly, a mother and father,
Mr. and Mrs. CHAS. RUGER.

YOUNG WIVES COULD WORK AND RELEASE THEIR MEN

So, they are going to draft 18- and 19-year-old boys. I suppose they must eventually, but it seems to me there is too much bending backward in an effort to spare married men. I don't mean men with children, I mean childless married men who have only wives to support. Why can't these young wives support themselves and release their husbands to do their duty?

I know of many brave women who are working, not only to support themselves, but children and other dependents as well. Not all of them are young. If they can do it, why can't some of our childless wives do the same?

Mrs. J. H. D.

ANOTHER WOULD EXHAUST I-A CLASS LIST FIRST

I wonder why Senator GURNEY takes it on himself to speak for the mothers and fathers of 18- and 19-year-olds. I have spoken to many on this question, including those who have no sons in that age limit and none approved. Exhaust the I-A classification first. We know plenty of them have not been called. We also know that many men were married to avoid the draft within the past year. Why make a distinction now about the married men who are healthy?

CROSSWORD PUZZLE.

MOTHER RESENTS TAKING OF THE YOUNGER BOYS

I wonder if other mothers feel the same as I do about our teen-age sons who are in the new draft. The best authorities say that none of these youngsters are physically or mentally fully developed at 18. Plunging them into the carnage of war at this age certainly will ruin their future to the point where it will reflect even in the future generation.

The law upholds this because boys are considered infants regarding the handling of money and property and must have a guardian appointed until they reach 21. Boys are not allowed to vote until the age of 21 because they lack powers of good judgment. How then does our Government consider these youngsters good soldier material?

If I remember correctly, there was great hue and cry in this country about a year ago regarding the tender age of the German boys found frozen on the steppes of Russia. When my boys are 21 I will give them up willingly and gladly.

JUST A MOTHER.

ANOTHER URGES PARENTS TO PETITION CONGRESS

Why don't mothers and fathers and voters who do not approve of the 18-, 19-year draft bill send telegrams and letters to their Representatives and Senators urging them to defeat it? Why take them instead of the nonessential workers, the young men of draft age who have gone into industry in order to avoid the draft? Also there are the men who have married since the emergency was declared in the hopes that they won't be called into the armed forces.

THOROUGHLY PATRIOTIC.

CUBA, N. Y.

AMERICAN BAPTIST PUBLISHING CO.,
Laurel, Miss., May 28, 1942.

The Honorable THEODORE G. BILBO,
United States Senator,
Washington, D. C.

DEAR SIR: I am entering my sincere protest against any effort to change the present draft laws so as to include boys 18 and 19 years of age in military service.

Such a change in the present laws will not only rob millions of boys of their God-given right to acquire an education at home but will go a long way toward weakening the morale of the people. Shall we rob the cradles so soon in this war?

I am sure you will find that I am expressing the sentiment of thousands of people in this section of the State.

Therefore I am urging you to use your influence against a change in the present laws so as to include boys under 20 years of age.

Yours sincerely,

REV. D. N. JACKSON.

COLUMBUS, OHIO, *May 25, 1942.*

DEAR SENATOR: I see in the newspapers that the Selective Service Act is to be revised to include youngsters of 18 years. Why take in the children? No particular advantage is to be gained by such action.

Boys of 18 years are too immature to be thrown on their own resources. They are utterly lacking in judgment regarding proper clothing, care of their bodies after exposure, proper elimination, and diet. Such matters at home or in a boys' camp are the responsibilities of their elders and are totally ignored by the boys themselves.

These children are of an age that is particularly susceptible to unwholesome sexual influence. They will be thrown with older men, some of whom will indulge in obscene language and boast of their sexual adventures and conquests.

Youngsters of this age exposed to such an influence may be ruined physically and morally.

Take the matter of education. Most boys at 18 years have just finished high school. Many who have gotten a late start or have been handicapped by sickness do not finish until they are 19 years old. Few at 18 have been to college. The Government will defeat its own purpose by inducting so large a group of partially trained and educated children.

Such a practice has only the initial temporary advantage of increasing for a short time the eligible draftees. The same sorting and selecting will have to be done as with the older men. Additional numbers could just as well be obtained by a more thorough reclassification of the present lists. There should be no blanket exemptions such as railroads, miners, and farmers. There are plenty older men in each group to take their places. Once the age limit is lowered, there will be a constant stream of immature and half-educated youths to fill the Army vacancies. Colleges, as far as male students go, will be out of business.

If the war drags on 5 or 6 years, these young people will belong to an age group practically devoid of professional men. Few will go back to pick up the schooling they missed.

How unfair this is to the youngsters. They cannot legally enter into a contract, marry, hold public office, or vote, being considered too immature to properly participate in public affairs. They are not yet deemed mentally competent to exercise the rights of a full-fledged citizen, yet we adults would thrust upon them the burden of the adult citizen to die in defense of his country.

It is most unfair to draft such boys into the Army, where a bewildered homesick youth could only hope to attain the very lowest Army ratings. Utterly lacking in any technical experience, profession, or trade, only half-educated, half-child, half-man; ignorant of the ways of the world, he becomes the goat of the whole Army. Commissions, noncommissioned, ratings, special technical assignments will all be closed to him. He will indeed be a babe in the woods.

Yes, you guessed it—I have a son this age and I know whereof I speak. I don't expect any special concessions to him because he is my boy but I do ask, in all fairness, that he be given at least an equal chance with the other draftees.

The lower age limit should have remained at 21—the age at which a person legally becomes an adult. Let our judgment not be stampeded by certain military theorists; they may be wrong—they usually are.

Why cast aside humanity and democratic principles for doubtful expediency?

History tells of one of the Russian czars who confiscated sturdy male infants to raise for certain imperial guard regiments. These boys were raised with absolutely no home life or sympathetic kindness, no laughter, no play. They were taught to fight one another; were subjected to brutal discipline. Result: A highly efficient human beast; a man without a soul. I don't believe Americans want this.

I'll admit that some aggressive and precocious youngsters may "get by." I am speaking of the average. Let the children assume their duties when they grow up.

Respectfully submitted.

CLARENCE F. KROMER.

DUMAS, MISS., *May 5, 1942.*

Hon. T. G. BILBO,
Washington, D. C.

DEAR SIR: So many have expressed themselves that if the draft age is lowered to 18 or any below where it is now, they will surely not vote for a single Senator or Representative in the next election.

It is the men's place to fight the war and not our young boys. Our boys under 21 years of age haven't any other privilege given to men and it's wrong to make them fight.

We know of a great many boys, young married men with only a wife or small families, who are still at home. They say it is their place to go before the 18- and 19-year-old boys, or some say this: Take all this class before the young boys. You can find plenty of men between 21 and 45.

Now, please don't take the boys under 20, not even for training. This is the sentiment of the people everywhere.

Yours truly,

SOME TIPPAH WOMEN.

NEW ALBANY, MISS., *October 16, 1942.*

Hon. THEODORE G. BILBO,
United States Senate:

Please fight 18-19 draft bill. Will appreciate doing best you can.

CLIFF DAVIS.
EVERETT ROGERS.

MATTHEWS, N. C., *October 14, 1942.*

The Honorable THEODORE G. BILBO,
United States Senate, Washington, D. C.

DEAR SENATOR BILBO: I have noticed with a great deal of interest, as well as admiration, your stand in connection with the proposed move to lower the draft age to include 19- and 18-year-old boys.

I am in thorough accord with your views since, along with millions of other American parents, I thought that this question was settled last December when the draft age was lowered from 21 to 20 and the move to include 18- and 19-year-old boys was definitely defeated. I cannot help but feel that this continued war of nerves upon the heartstrings of American parents has produced and will continue to produce a most unsettled and unsatisfactory condition amongst those of us who should be devoting our full energy, time, and thought to our war work, instead of continuing to go through the uncertainty that we have experienced relative to this matter since our entrance into the war.

While I have a boy who was 19 in July and, at any rate would be entering the service some time this spring, I am addressing this letter to you not only in his behalf but in behalf of other boys who are now at the ages of 18 and 19, as well as those who will shortly come within this group.

I want to say that I fully expect my boy to do his duty by his country when the time comes for him to enter the service, and I know that he would not consider doing otherwise. I certainly do not expect the sons of other parents to do the fighting for me or for my boy. However, I do feel that it is unfair to place these immature lads in a position of such grave responsibility and one in which their undeveloped judgment may mean the difference between life and death. In our democratic form of government in which a person is not allowed to vote until he is 21, I do not see how it could be construed as fair play or even consistent to call these boys into service before they are given the right to vote. If they do not possess sufficient judgment to have the right to select their legal representatives, how can they possess sufficient judgment to make decisions on the battlefield, upon which decisions their own lives as well as the lives of others may hang in the balance?

According to statements that I have read quite frequently, the armed forces of our Allies and of our own country are badly in need of armed equipment and are not suffering from lack of manpower. If therefore seems to the writer that we are only complicating our problem of winning the war by endeavoring to raise such a huge army as is now contemplated when these additional men, particularly the 18- to 20-year-old boys, could be producers of this badly needed fighting equipment.

During the last war our country did not find it necessary to lower the draft age below the voting age. It may be true that such countries as Germany, Italy, and France made the mistake of inducting immature youths into military service, but certainly we do not wish to follow in their footsteps when you see the type of men those countries have produced over the past 25 years, and I feel that Germany, Italy, and France are now paying the price for their mistake and will pay for generations to come.

When you reflect upon the fact that the influences to which these young boys of 18, 19, and even 20 will be subjected in a life that is entirely unfamiliar to them, you will certainly realize that you are dealing with a problem of grave importance and one that will have a tremendous effect upon the future welfare of our country. After all, the subjection of these lads to the horrors of war at an age of immature mental development will certainly produce a psychological effect that will make it practically impossible for them to have a normal outlook upon life or, in other words, a normal mental balance. You must remember that these are the lads upon whom our Nation will some time depend for its guidance. I cannot help but fear for the welfare of a nation that will be guided by minds that are not strictly normal, due to their exposure to the horrors of war at too early an age. Germany, Italy, and France are splendid examples of countries that have been ruled by men of abnormal mental balance.

I want to wish you and your associates success in your attempt to defeat the measure, which, I understand, will be placed before your legislative body before the end of the week.

Sincerely yours,

D. C. NEWMAN.

HOUSTON, TEX., *October 15, 1942*
(Dictated September 15, 1942).

Senator THEODORE G. BILBO,
United States Senate, Washington, D. C.

DEAR SIR: I have noted from press articles that you have manifest interest in the youths of 18 and 19 years during some of the clamor by some Congressmen and organizations exercising political functions to have the draft age reduced, apparently for the primary purpose of avoiding the drafting of men with dependents, all the result of politics or pressure from the group imminently affected by the draft laws.

While I recognize there is a delicate balance where family relationship exists, it is obvious that a man with a family and dependents has more to protect and fight for than the youths.

It occurs to me that in the recent passage of an act by the Congress giving to men in service the right to vote, the Congress impliedly stated that until a man has a right to vote the drafting of him is improper. In any event, the men now in service had the opportunity to vote for their Members of Congress before they entered the service. Drafting of boys without a vote or representation is no different from taxation without representation. All men under 21 years of age, being minors, have always been a special charge of the State and subject to its protection, and because of minority are disqualified to vote or contract or assume any of the rights or obligations of citizenship. It therefore is most illogical and unfair (illegal) for a legislative body or any department of the Government to expect or require a person who has no rights or voice in the Government to assume and discharge the most serious obligation imposed upon the citizens. To draft young men under 21 years of age simulates vassalage and slavery. To impose upon them the obligation of citizenship without having a say in the Government or a vote for representatives in Government or a say in the disposition of themselves through their representatives is a form of bondage which you expect to find in Germany.

I wish to press a further viewpoint on the drafting of these young men. Where they are fitting themselves for the serious burdens which will fall on them in time, by their proper schooling in the high sciences and professions, the removing of them from their present training will only result in a hiatus in scientists and professional men of talents that must necessarily belong to this group in the future political and social structure, and once they are removed from their present schooling it will be a difficult matter to expect or to induce them to return to their schooling. They would be reluctant to take the support of parents or would expect to get married, and to attain that end would accept a job at a nominal wage or salary and forever lose to the future citizenry what their talents and skills could give, and be misfits forever. Biologically, the contemporary girls are entitled to have a proper and sufficiently schooled and trained group of young men from which to select their husbands.

It is noted in press articles that groups are taking polls. As shown in the last News Week, for instance, the American Institute of Public Opinion presumes to show that there was a poll of 6 to 1 in favor of drafting

youths. This can hardly be considered a fair statement of the true feelings of the country at large as it is apparent that the group within the ages of 20 to 45 next marked for draft have cast their straw vote to draft the boys under 20 years so the 20 to 45 group will remain at home. Are these boys to be thrown to the lions in the manner of the days of the old Roman Coliseum upon the voice of the crowd or requisitioned like so many cattle, or are they to be still considered what they are—charges of the State, of immature judgment, reckless, impulsive, and daring to the extent of jeopardy to their associates and themselves? Certainly they will fight, and want to, but until they are of mature judgment they have no business in the maws of the vicious and wanton. This group of men, 20 to 45, have expressed themselves against the taking of men of their class by urging the drafting of youths who compose approximately one-twelfth of the number of the 20–45 group. Furthermore, these youths are not wont to express their opinions publicly or officially and therefore must take the consequences without having a champion to state a word in their behalf.

Furthermore, these youths have not attained stability of habits or character, and prematurely associating with and simulating the older men in an attempt to be men and not youths, will learn and practice the unsavory habits of older men, particularly when lonesome and despondent and in a mood of abandonment—what's the use or who cares. Men higher in military and executive life know nothing of the feelings or the abuse of the noncommissioned men and therefore are not qualified to speak thereon. Under the draft the youths can only become the mass of the privates taking on the gravest burdens of citizenship while without any civil or political rights, as pawns to save for quiet and secure civil and industrial life the mass of single men and married men above 20 years.

In the drafting of the income-tax laws and schedules it has been the policy of the Government to tax the group which is stated to be most able to pay and the group which has the most at stake. On the same basis as this argument, the group that is most affected now by the outcome and consequences of this war is the man with dependents, and it is up to him to fight for his home and family and not ask the youths to do his fighting. I have heard too many in the 20–45 group express themselves in favor of the immediate drafting of boys—for no other reason than to have the boys do their fighting.

I have avoided using any letterhead so that my expression will be that of a citizen viewing the noisy and persistent clamor for 18- and 19-year-old boys in an effort of power politicians and self-serving groups to put pressure on the Congress, War and Navy Departments, and upon the executive officers of the Government to put into effect their views and to serve their personal interest.

I send these observations to you because you have championed the cause of the youths and I hope that with the aid of other good Congressmen a sensible view may be taken of a matter so vital to the youth as a whole. I have taken this liberty of writing to you in your position as a national figure and not as a Senator within mere State lines.

Yours very truly,

W. B. WAGNER.

TYLER, TEX., *October 16, 1942.*

Senator THEODORE G. BILBO,
United States Senate,
Washington, D. C.:

Unseemly haste and stifling of debate draft law merits distrust authorities' intentions regarding adequate training period. Entire approach this subject has been by subterfuge and manipulation. Grossly misstated facts and comparisons being made not fooling parents or any intelligent person. Thousands resent lack of frankness or truth in matter so vital to lives of patriotic families. House committees should be ashamed of its gullibility. Possibly debate on the floors, if permitted, will develop facts instead of propaganda and a sane plan of required minimum training before active service.

SHIRLEY SIMONS, Sr.

LOUISVILLE, KY., *October 16, 1942.*

Senator T. G. BILBO:

Provision providing 9 months' training will preclude pitting immature boys against men.

E. D. MOHR.

LONGWOOD, MISS., *October 14, 1942.*

Hon. Senator THEODORE G. BILBO,
Washington, D. C.

DEAR SIR: I am writing you tonight as my 18-year-old son studies his lesson for tomorrow's classes.

I am asking of you what millions of mothers are praying for. I am not against drafting 18- and 19-year-old boys after they have finished high school, provided they are not placed in combat service until they are 20 years old.

It is within the Senate's power to do this and still not retard the progress of building the Army.

If the Senate will only keep these boys out of combat service until they are 20, they will receive the everlasting thanks of millions of mothers.

Respectfully yours,

LORENE KING PATTON
(MRS. L. O. Patton).

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,
New York City, October 6, 1942.

Maj. Gen. LEWIS B. HERSHEY,
National Headquarters, Selective Service System, Washington, D. C.

DEAR GENERAL HERSHEY: Many of us medical men are profoundly disturbed at the proposal to draft the 18- and 19-year-old group. We believe that they should not be conscripted now merely because it seems to be the line of least resistance or because they are more reckless than older men, but that they should be protected as long as possible because of the peculiarly injurious effect of combat service on the lives of this lower age group. We have heard the argument advanced that they can be adequately protected by more thorough physical examinations than those given to older men; that these examinations should include a psychiatric test. The same intention to make a thorough medical evaluation of men has been expressed in the past. Actually, the psychiatric examination has been most hasty, owing to the insufficient number of examiners available and the pressure of work and the inexperience of many of these psychiatrists with the handling of relatively normal persons. If it is said that more psychiatrists will be used, the blunt answer is that there aren't any more.

Advantage has not been taken to date of the opportunity to evaluate selectees through the behavior that they exhibited in civilian life. Approximately two-thirds of those men who break down mentally in the Army could by a very simple process have been eliminated in the first place on the basis of clear signs of mental instability.

In only one State (New York) has a well-developed process of making such studies been organized, and that has been done through independent civilian effort and not by Selective Service, although with some encouragement from Selective Service. In that respect it is impossible to arrive at as adequate an evaluation of the younger group proposed for Army service, since an important period to be studied in evaluating the older group is their civilian behavior between the ages of 18 and 21. This means that many more emotionally or mentally incompetent persons of that age would be taken than from the older group and unnecessarily ruined for life.

Under this proposal to draft him, a youth would step out of the state of dependence on his parents to a state of dependence on an authoritarian organization, the Army; and following the war would have no pattern of independent civilian responsibility to return to as a guide to his future living. He would in other words, be excellent material for the development of a totalitarian ideology, but not for the thing for which he supposedly fought.

Such an attitude would confront him with conflict with society, which would continuously militate against his mental health.

Sincerely yours,

GEORGE S. STEVENSON, M. D.,
Medical Director.

OPINIONS OF EMINENT MEDICAL MEN AND EDUCATORS RELATIVE TO THE DRAFTING OF YOUTHS UNDER 20 YEARS OF AGE

From Dr. Edward A. Strecker, president-elect, American Psychiatric Association, Philadelphia:

"I believe that the 18- and 19-year-old boys should be the last group to be drafted. No other age group would be so seriously damaged as this one by its disarrangement and disorganization and would become so maladjusted not only immediately but throughout its future. If these boys are given 2 more years in which to grow up with perhaps part-time work on farms, where labor is evidently needed, they will be of more value, both in the war and in the post-war world."

From Dr. Caroline B. Zachry, director, Child Guidance Bureau, Board of Education, New York City, to Dr. George S. Stevenson:

"Many of us who are close to the problems of youth are deeply concerned over the possibility of drafting 18- and 19-year-old boys. We realize how grave are the psychological dangers of war to boys of this age. I am writing to urge you to use your influence to the end that every other source of manpower be used before these boys are called."

From Nolan D. C. Lewis, M. D., New York State Psychiatric Institute and Hospital, New York City, to Dr. Stevenson:

"With the hope that my opinion may help a little in preventing the making of a serious mistake, I should like to say that any proposal to induct boys of the 18- and 19-year-level into our armed services at the present time is an unfortunate one. During this period of years the young boy is either in the midst of that formal education so necessary for the promotion of the best interests of society and civilization, or, if not in school, is, along with the others, just learning to adjust in the complexities of our social and economic system. Any measure taken to interrupt this course of events should be very seriously scrutinized The majority of interruptions in these life factors will result in a permanent end or an irreparable deviation of the life plan that is so much needed to constitute a sound basis for reconstruction here at home, after the war. These persons shou'd constitute the trained minds of the future. Those hardly out of adolescence are comparatively immature emotionally and intellectually, and many of them are as yet unstable constitutionally, and are thus unfit for the regimented camp life or for active field service. Certainly, the older groups, including the married men and those married men with children, should be utilized first, until the supply is exhausted, before considering the adolescents for service."

From Dr. David Beck, Mount Sinai Hospital, New York City:

"As a physician who has been medical director of one of the city's largest private schools for many years, and who has had other close contacts with young people in various institutions and in general practice, I wish to register my protest against the proposed drafting of boys aged 18 and 19. It is my earnest conviction that these boys are not fitted physically, and particularly mentally and emotionally, to be drawn into the war directly. I believe further that letting these boys first develop to the age of 20 will make far less likely the mental break-down under stress such as would surely be common in the younger-age groups. We must consider the blasting of individuals' lives and the resulting compounded cost to the country in money and more particularly in the most valuable unit of its manpower. We must learn from the experiences of others.

"If it is true that to use these boys has become absolutely and literally vital to the war effort, then there is this sane alternative: These boys may continue at college taking special preparatory courses, or they may be drafted for farms or defense industries for 2 years while they mature and grow less incapable of taking the impacts of war."

From Dr. Thomas V. Moore, Department of Psychology and Psychiatry, The Catholic University of America, Washington, D. C., to Dr. George S. Stevenson:

"I shall be pleased to act upon the committee and would like to make the following remarks concerning the draft of boys of 18 and 19.

"The age at which the character of young men matures is a variable quantity. A number of boys of 18 have not the maturity of the normal boy of 16. A somewhat lesser percentage of 19-year-olds will belong to the group of immature characters.

"If all boys of 18 and 19 are drafted, there will be a large number of youths mentally inadequate to meet the problems with which they will be confronted. Theoretically, it seems that there will be great danger in such a program being carried out indiscriminately. If the Government does decide to draft boys of 18 and 19, some effort should be made to test their emotional maturity and all those who are emotionally immature should be rejected. This would be a matter of some difficulty.

"It would seem to be a more rational procedure to provide for the further education of all boys of 18 to 19 of average normal intelligence. If they are drafted into the ordinary military services, their education will cease and we shall not have a body of men from whom to draw the officers of the future.

"Trusting that the National Committee for Mental Hygiene may be able to present this problem to Congress in its true light, I remain."

From Prof. George S. Counts, Teachers College, Columbia University, New York:

"It seems to me that we should proceed very cautiously in any move to draft into the armed forces 18- and 19-year-old boys. I am not saying that this should not be done under any circumstances. However, I have seen no sound argument for taking this step at the present time.

"I agree with you regarding the psychological and educational objections to drafting these boys. In addition, I am of the opinion that they are not required at this time in our armed forces. There are many other ways in which their energies and talents might be employed. What we need is a thoroughly accurate survey of our manpower and a thoroughly defensible policy for the use of that manpower in the total war effort. Quite possibly, from the standpoint of that effort, if the war is to be a long one a large proportion of these boys should go to school rather than enter the armed forces.

"There is much loose talk now about an army of 13,000,000 men. Such an army may be possible and desirable, but I doubt it. I do not believe that we have a sufficient industrial and labor base to maintain a mechanized army of that size. It is obvious that the question of the drafting of the 18- and 19-year-olds should be regarded as one aspect of the total problem and should be so treated."

From Prof. John Dewey:

"The morale and mental health of this country would be undermined by drafting the young boys of 18–19. These boys are inexperienced, impressionable, and have never yet had an opportunity to live independently; they have not the stability and preparation of the older soldier. When they reach the age of 20 they will still be available for military service and they will be better equipped physically, mentally, and emotionally to withstand the shock of war. They will be better either as soldiers or as civilians.

"We have in this vast land great reserves of manpower without sacrificing our boypower. All of us know many men in their twenties and thirties who have not gone into military service. They should be called first; the young boys should be the last to go. Those boys who are entering college should be permitted to continue their education. Unless we have boys with a basic college education the country will be depleted of trained men in the future when they will be so vitally needed. Being forced into the war machine will prevent their growth and development. Other boys who are not headed for college could replace unskilled labor on farms, in factories, etc., thus having a chance to grow up before going, fresh from school, to war."

From Carleton Washburne, superintendent of schools, Winnetka, Ill.:

"May I, as an educator, strongly protest against the drafting of the youths of 18 and 19 until all able-bodied men, married or not, are fully and effectively participating in the war effort?

"Temporary disruption of family life is, of course, undesirable—so is war. The question is the choice of the lesser of two evils. Mature men can readjust to the war situation and back again to civilian life, if they come back, with less loss to the Nation than can boys of 18 and 19 stop their education, stop their preparation to carry on after the war, and be thrown while still immature into the terrible maelstrom.

"There are plenty of us over 45 who, while we may not be fit for the rigors of infantry attack, could replace men of the present draft age behind the lines in the infinitude of services necessitated by the Army. Every such expedient should be used to the limit before we pull boys out of school and jeopardize the Nation's future."

From Dr. Frank J. O'Brien, associate superintendent of schools, former head of the child guidance bureau, New York City schools, to Dr. George S. Stevenson:

"I am very much concerned as to the wisdom of conscripting boys of 18 and 19 years of age in terms of the boys themselves, their value to the armed forces at this age, and their subsequent adjustment after the war.

"We are aware that many boys of 18 and 19 years of age are very immature emotionally, although there are exceptions. To take these boys away from the stabilizing influences of home and school and put them into our armed forces may only have the effect of producing emotionally unstable and, therefore, not particularly useful individuals.

"A 20-year-old boy is still plastic but certainly more mature, and is, therefore, better material for military training than boys of 18 and 19. I feel certain that the Army can accomplish a great deal more with 20-year-olds in a much less period of time than could be accomplished with the younger group.

"From the standpoint of subsequent adjustment, conscripting the younger group endangers their future service to the Nation. Already the proposal to draft the 18- and 19-year-olds, so my experience indicates, is having its effect upon those still younger. For example, a boy who is not yet 17 stated that he thought he would give up school and join the Navy. After some discussion with him about this, it was very evident that he had no desire to go into the Navy but he thought he would not be able to finish much of the school work he had planned, and, therefore, that he might as well quit school now as 2 years from now. This adds to the maladjustment of youth, therefore, even more than is indicated by the proposed conscription of 18- to 19-year-old boys.

"I recognize that conscripting these boys is a much easier procedure, and, therefore, less complicated than conscripting those of 20 or over. If this should enter into the picture, certainly the ease with which conscription can be accomplished should not be the determining factor in selecting our manpower for the armed forces.

"If the war continues and the manpower needed is so great that it will be necessary to conscript boys of 18 and 19 years of age or even younger, then, I think, we should do it; but I do not believe it is the wisest thing to do at this time, not only from the point of view of the individual but also from the point of view of the armed forces."

From Dr. Felix Morley, president, Haverford, College, Haverford, Pa.:

"I am fully in accord with the viewpoint about the undesirability of drafting boys of 18–19 for combat service. I am sufficiently well acquainted with the psychology of youths of that age to realize that the experience, wholly aside from the matter of risk, is unlikely to be helpful during these formative years."

From Dorothy Canfield Fisher:

"It would be the greatest calamity if boys of 18–19 were sent into active service. That goes without saying."

From George S. Stevenson, M. D., medical director, the National Committee for Mental Hygiene, New York City:

"The question of drafting the 18- and 19-year-old group is one of concern to a number of psychiatrists of my acquaintance as well as to me. It is our feeling that the original selective service provision represented a decision untrammeled by pressures of emergency. It is important, now that these pressures appear, that we should not blind ourselves to some of the things involved in drafting the younger group. Selection of good soldiers from this younger group is bound to be much less successful for the simple reason that these men have had fewer years in which to show clues to their instabilities and disqualifications. These particular years have proved especially important in the evaluation of the older group. Thus, there will be an undue proportion of unfit men taken into the service.

"It must be remembered also that these 2 or 3 years, when young men are emancipating themselves, are the years in which they can gain great personal strength by being on their own. In the Army they will miss this opportunity since the Army, without question, continues a dependence and regimentation. These men may fight for a glorious victory and at the end find themselves confused by the absence of a background of civilian experience and so regimented that the freedom that we are fighting for means nothing to them.

"In concluding that it would be far better to take men with dependents, we have considered fully that it is not a good thing for a child to be deprived of a father or a wife of a husband but even this is not as serious as subjecting the 18-19-year-old group to combat experience. As an alternative, would it not be possible to provide for this group the same sort of military training that has been provided to college students, in order that they may acquire much of the technical

elements needed in the Army and, at the same time, have 2 years or so of experience as civilians standing on their own feet?"

SHOULD 18- AND 19-YEAR-OLDS BE DRAFTED?

(Address by J. Max Weis, director of research, World Peaceways, Inc.)

Two mighty phrases have slipped into our current speech: total war and global war. Recently, Maj. Gen. James A. Ulio, Adjutant General of the Army, complained about the reluctance of the American people to accept that concept of total war. "Too many of us," warned General Ulio, "are still qualifying the conditions under which we will go all-out to win the war." He criticized parents who were refusing written permission for their 18- and 19-year-old sons to enlist. He called that action of the parents "another example of America trying to fight a war with the policy 'business as usual.'"

In the absence of a law that would place the 18- and 19-year-olds within the Selective Service jurisdiction, the Army has undertaken special campaigns to obtain the voluntary enlistment of men in those two age groups. General Ulio justified one of the latest recruiting campaigns among the 18 and 19 year olds on the ground that this is a global war in which "we must have sufficient troops to serve on every front."

Under the influence of that concept of global war, many people concede that there is logic in the claim made by General Ulio. We have gained the impression that we must raised an army of huge proportions, possibly 13 million, or even 19 million. The Selective Service Director, Maj. Gen. Lewis B. Hershey, was cited as authority for the statement that our national objective was a force of 13,000,000.

General Hershey, speaking before the Tolan committee of the House of Representatives, denied that he had ever made such an assertion. He stated that our maximum total manpower resources for both the armed forces and productive work amounted to only 65,000,000. That estimate was confirmed by Mr. Paul V. McNutt, Chairman of the War Manpower Commission.

General Hershey emphasized this further point before the Tolan committee. "We must all remember," he said, "that it takes at least 5 men or women to produce what 1 man eats, uses, fights with, and wears. With less than 60,000,000 availables in this country, those figures," said General Hershey, "are worthy of deep consideration."

Representative JOHN J. SPARKMAN, of Alabama, interpreted that comment of General Hershey to mean that about 10,000,000 is our absolute limit and that we could very well dismiss any idea of a 13,000,000-man army. While General Hershey stated that it takes at least 5 men or women behind the lines to keep one soldier supplied, Mr. Donald M. Nelson, Chairman of the War Production Board, stated that he heard estimates ranging all the way from 14 to 25 men behind the lines as the number necessary to keep 1 soldier supplied at the front. We must also produce for millions of civilians and soldiers of our allies. That leaves few men for fighting.

The total number of men between the ages of 20 and 45 who registered under the Selective Service law, was above 27,000,000. It is from that pool of 27,000,000 that America will have to draw the great bulk of her soldiers for the next 3 or 4 years. The number of young men who reach the present selective-service minimum of 20 years, totals only 100,000 a month, or 1,200,000 a year. Even if we counted the 18-year olds, we would still have in those two age groups of 18 and 19, a pool of only about two and one-half million, many of whom would fail to pass Army requirements.

We therefore evade the issue if we argue that we can raise a sufficient army only if we reach down into those two young groups of the 18- and 19-year-olds. We cannot escape the fact that America must still rely overwhelmingly on that pool of 27,000,000 between the ages of 20 and 45, if we plan to create a force of 10,000,000.

Let us see what some of our partners in the ranks of the United Nations have done about the 18- and 19-year-olds. Under the British National Service Act of 1941, those between the ages of 18 and 46 were required to register. But liability for service in the armed forces begins only at the age of 18 years and one-half. There is a strong feeling among the members of England's House of Commons that the 18- and 19-year-olds should not be sent to the fronts where the real fighting is taking place. On July 8, of 1942, the Secretary of State for War was questioned in the House of Commons about the young men in the services under the age of 20. He replied that all over 19 were liable for overseas service, outside of England, but that up to that point—July of this year—none younger than 19½ had been sent overseas.

There is nothing to indicate that the British have gone down that far in the age scale just because they were convinced that these young men of 18 and 19 made exceptionally daring soldiers. The real reason for taking those young men is to be found in Great Britain's terrific shortage of manpower for her considerable empire responsibilities. The same lack of manpower has compelled Great Britain to put to work 70 percent of all boys and girls between the ages of 14 and 17.

Canada is now thinking about lowering the conscription age from 20 to 19. There again the motivating factor is not that the young men of 19 make the best soldiers for the kind of battles fought today. Canada, let us remember, like Great Britain, has an extremely low manpower potential. The Canadians are debating the idea of conscripting the 19-year-olds only because they want to avoid withdrawing from the vital war industries, some of their efficient workers in the older age groups.

Our labor resources are much vaster than those of Great Britain or Canada. We have one labor pool of 34,000,000 made up of certain groups in the United States that are too largely discriminated against, on grounds of race, religion, or color, or because they are aliens, or because they are citizens whose parents and grandparents came from Germany or Italy. From that pool alone, we could draw several additional millions of workers under sound and fair employment policies. We have millions of mothers, married women with no children and unmarried women who could be used to greater extent in many production areas. Also 17,000,000 boys and girls between the ages of 14 and 17, of whom 1,000,000 a year would become available for jobs.

We do not know the exact total of our armed forces on August 31 of this year. But whatever the number of those already inducted into the Army and Navy, we still had on August 31 a labor force of 56,200,000 of whom 54,000,000 were employed, according to figures released by Washington on October 6. The evidence is overwhelming that if our Army should take immediate steps to complete a force of 10 million by drawing off men of 20 and above, there would be sufficient manpower left to handle every job on the production front, vacated by those who were drafted.

The United Mine Workers have lost over 100,000 workers through enlistment and through the lure of still higher wages in the city factories. They have argued that young men do not leave the city in order to become miners. That labor force depends upon recruits from the mining families. If a draft were to take their 18- and 19-year-olds, in addition to the present twenties and over, America might soon be sending up the same loud wail we have been hearing in Great Britain over the depletion of the labor force in the coal mines.

Secretary Wickard of our Department of Agriculture has stated that at the present rate of withdrawals for the Army, our American farms would lose 2,000,000 men by the middle of 1943. Any draft of 18- and 19-year-olds would inevitably draw heavily upon farm families and so accelerate the loss of workers on the farms. Or do the sponsors of an 18- and 19-year-olds draft intend to exempt youth on the farms and in the coal-mining districts? Will it, then, be primarily a draft of the 18- and 19-year-olds in our towns and cities?

The United States News, of Washington, D. C., in its issue of October 9, reported that these several factors appeared to be influencing the Government to scale down its ideas about the size of the Army we could set up. It gave as one reason that not more than 4,000,000 men could be moved overseas by the end of 1943. A second factor that appeared to compel a revision downward in the projected size of our Army, according to the United States News—a private publication—was that the camps in this country were beginning to be overloaded. The third factor it reported was that "men drawn indiscriminately into the Army no longer are producers." It concluded its reference to these three factors with the observation that if "they cannot be moved to fighting fronts, they are an actual hindrance to the war effort."

There is this political consideration to be weighed. If we commit ourselves to drafting the 18- and 19-year-olds, we may see this country, after the war, swept by a movement to extend the right to vote to the men and women in the age groups of 18, 19, and 20. We heard some rumblings along that line in reference to the 20-year-olds, when the present Selective Service Act was being debated.

Remembering that political revolutions abroad have used the youth in those very age groups, many of us are fearful that our youth in the 18-, 19-, and 20-year groups returning from the war and agitating for a constitutional amendment to give them the right to vote, might become the nucleus of a Fascist movement led by some demagogue.

There may or may not be grounds for that political implication, but it is a consideration we should not brush aside.

Here is an important item from the researches of our own Army's medical department. In 1929, the Government published a volume on Neuropsychiatry, in its series on the Medical Department of the United States Army in the World War. In that volume it is pointed out that in World War No. 1 there was a marked tendency for neuroses to develop among our soldiers under 21, in greater number than the percentage of that age group in the total numbers of our Army. I shall leave the psychiatric features to Dr. Stevenson, who will speak later. But before we hear from Dr. Stevenson, the Honorable EMANUEL CELLER, Member of Congress from Brooklyn, N. Y., will now present his views on the question, Should the 18- and 19-year-olds be drafted?

EVANSVILLE, IND., *October 15, 1942.*

Senator BILBO:

Why not pass bill boys of 18 eligible to vote?

TOM FLANAGAN,
Vicksburg, Miss.

ONEIDA, N. Y., *October 14, 1942.*

Senator BILBO,
Washington, D C.

MY DEAR SENATOR BILBO: Sometime ago Chairman MAY, of the House Military Affairs

Committee, made the statement, as did other Congressmen, that before considering the lowering of the draft age he would have to have a good reason for doing so. From radio reports of yesterday, he apparently feels that President Roosevelt, after conferring with General Hershey, has a good reason for drafting babies into the war.

The good people of this country have placed confidence in the Senators and Congressmen in Washington. Are they going to let us down, now? Isn't there some one Congressman or Senator who isn't afraid to vote against the lowering of the draft age and stick to it, no matter what the other fellow says or does?

I am sure, from reading articles in the papers regarding your attitude, that you are one of the few humane Senators who understands the tragedy of drafting adolescent boys, and I feel certain that you are too sensible to allow strong-willed politicians to overrule your good judgment.

The people in this city and nearby places are very bitter over the failure of Congress to come out in the open before election and declare itself opposed to the changing of the draft law.

We are not being fooled one little bit; the Army has had this in mind for some time, and it has been ruthless in taking young men off the farms and manpower in industry. Now that election is near, it has again been brought up for debate.

Please settle it this time so that General Hershey can go back to work and allow families to again take up their home-front duties without this terrible mental confusion which he has caused, not only in the home but in the schools and colleges.

People are displaying little interest so far this year in going to their respective places to register for the November election. Why? Because they are losing confidence in Washington. Each day we are told something different. If we knew that we could depend upon our Senators and Congressmen not to be swayed in their views by self-willed politicians after the election was over, there isn't anything that we wouldn't do to help win this war quickly; but in the past, when Washington wanted its own way, it got its own way, regardless of what the people thought; but when it comes to the Government dictating the drafting of youths, it is high time that the parents of this country had a voice in the matter.

What of these boys in colleges who signed up with the Army or Navy Reserve with the understanding of being allowed to stay at least 2 years? Again Washington has broken its promise. And what of these high-school boys who haven't graduated, but who have passed their eighteenth birthday?

The worry and confusion which has arisen among parents and students since President Roosevelt's chat is deplorable in a so-called educated country.

I have talked with businessmen, farmers, veterans from the last war, nurses, and doctors, and they all have said that the 'teen-age boy is far from ready for the Army training. In fact, just recently a doctor, home on furlough, was heard to remark, "I hope and pray that Congress will not pass the lowering-of-the-draft-age bill, as I have seen the outcome of taking these young lads before they were able to physically accept the terrific training that is demanded of them; their young bodies are not fully developed." Oh, what a crime, Senator BILBO, for these Army and Navy men to try and force such a bill.

I hope that the individual Congressmen and Senators, when making a final decision, will carry this thought with them as they vote, "Conscience is your soul, judging its own acts."

We want Washington to stop playing football and let the American people settle down to the business of winning this war efficiently, knowing that we have Senators and Congressmen in Washington standing firm for the right way—not what the other fellow wants to satisfy his own selfish ambitions, at the cost of the life of the youth of this Nation.

Sincerely yours,

MRS. A. M. GROCOCK.

PITTSFIELD, MASS., *October 15, 1942.*

Mr. THEODORE G. BILBO.

DEAR SIR: After receiving a nice letter from you September 7 I have again taken the liberty of writing you in regard to the boys. Guess the President and General Hershey, and a few others, are bound to get those boys in the service. It is too bad to think of, so many of them only out of high school; some are not out yet. What a future for them poor boys if they, that is, some of them, do come back broken in health and no schooling, what a future to face. In other words, it is a shame. Guess if they would take all the other available ones they would find plenty manpower in this city alone, where I have lived near 50 years when I came here. Since I have come to know a lot of people and other city affairs, in here alone there are a lot. All men with no children, so many who married since 1940 were told they would be in the draft; so many bragged a wife and couple of babies did the trick. Is it fair to others? All those with minor defects, who work all day, earn big pay, and are out part of the night having a good time spending it; then all those in jail and reform schools; give them a chance; they would gladly go in the service. That is the way, the same in all the United States of America. What a big Army could be got from all of them, and leave the boys alone for a while. The cream of our country; so many have not a bad habit, drink, smoke, or swear. What chance have they to be put in with all other kinds of older men. Can't see how a man like General Hershey, with four children of his own, could want to do such a thing to those boys. At least give them a chance to reach their twentieth year; young enough then, God knows. When I watch those boys go by with their books under their arms, so happy, not a care in the world, ball games in their minds, it just breaks my heart, and I guess there are a lot of others think the same as we do here. I am sending you a few clippings I get out of the Boston Post paper. So many express their thoughts in that way.

I know you will do all in your power, and hope there are many others who will try their best to put this awful law out till they at least will become 20 years old.

I hope I have not taken too much of your time, but I just had to write you again. Thanks so much for your nice letter and hope to hear from you again.

Kindest regards.

Sincerely,

MRS. D. DOE.

P. S.—Just found these two more clippings. A father of 11 in Navy, he is a cook on a ship; what an expense to tax for only one man; he lives only a couple of miles from us here. Then the objectors, 5,000 of them. What about them? Why are the boys in Catholic churches made to go kill? They are taught to love their neighbors, not kill them. Their commandment says "thou shalt not kill." Is it any worse for those objectors to go than those boys?

WHAT POST READERS SAY

SAVE BOYS FROM WAR

To the EDITOR OF THE POST.

SIR: I am glad to see that other people like myself are vigorously protesting the proposal to draft our boys of the teen age.

Between 26,000,000 and 27,000,000 are registered for war service, and from any information that I have, about 40 percent of these are available for Army or Navy service. This represents some 10,000,000 men.

In addition, many former class I–B and IV–F men are being reclassified into class I–A, and also many men in class III–A with only collateral dependents are being placed in class I–A.

At present, boys reaching 20 years of age come into the fold, and this number is estimated to be between 600,000 and 900,000 per annum. So it would appear that the number would be adequate for the present, without compulsory service for our boys of 18 and 19.

Before these boys are taken, the following classes of people should be compelled to serve in our armed forces, or be placed in essential jobs.

Race track operators, employees, patrons, The same with carnival people, gamblers, loiterers, vendors, sportsmen, clerks in many occupations, salesmen in certain occupations, men in nonessential occupations, men rejected for high blood pressure caused by drinking, and many others in similar categories.

Many of our boys of 18 and 19 years of age are in high or preparatory schools or just finishing. Others are in college. By being called into service their plans are disrupted for life, and the future of the cream of the country is jeopardized.

Boys of this tender age are in many cases not fit physically or mentally for this most cruel and ruthless assignment, and these boys should not be pressed into the rigors of war and sent to foreign lands.

They cannot speak for themselves, and it is our obligation to defend them.

WORRIED FATHER.

TAKE OLDER MEN

To the EDITOR OF THE POST.

SIR: I read with great interest the letter by Raymond Osgood of Claremont, N. H., to the Post on the extending of the draft age. I fully agree with the young man. Being a veteran of World War I, I can't see where our young men of 18 or 19 should be drafted. They are the flower of our country. They have their whole lives before them, years of beautiful American life, where we of 40 years or more of age have little to live for. Our day has gone past forever. We have but a short time to be on this earth of ours. So why can't our Government take us older men that have experience in warfare?

J. W. MARTIN.

FITCHBURG.

ANXIOUS FATHER

To the EDITOR OF THE POST.

SIR: I would like to express my views as to the lowering of the draft age. What is our country coming to? Don't tell me that we are so short of manpower that we have to draft teen-age boys. Let them enjoy life a while longer.

Eventually, they reach 20 years. What's the hurry? The Japanese used teen-age boys against our troops on Bataan and from reports they were hopelessly slaughtered. Your son and mine won't stand a chance when they go to battle against seasoned, older, Axis troops.

I don't mean that our young boys are softies, it's just that they are not ready for the consequences of war.

ANXIOUS FATHER.

DRAFT FOR BOYS

To the EDITOR OF THE POST.

SIR: I would like to express my opinion about lowering the draft age. I do not think the boys of 18 should have to go to war yet.

I have heard married men say they would go rather than see one boy of 18 drafted. The strain of war is too much for minds of such tender years to stand. Why are the Senators waiting until after election to vote on the subject? They know they wouldn't get the parents' votes.

F. F.

TOO YOUNG FOR WAR

To the EDITOR OF THE POST.

SIR: Having been a Post reader for 25 years, I take this privilege to express myself on the drafting of boys 18 and 19 years of age.

I say that boys of that age are immature in every respect. Bad habits are formed quickly enough in normal surroundings and in normal times, let alone war times.

Boys of that age and upwards to 21 years of age are of far more use on farms and in factories where they are so sorely needed.

Let the older men take their place behind the guns and the front lines and let the boys up to 21 years of age help to feed the men who have less camouflage, courage, and more common sense.

For we all know that it is only false courage that an immature mind of 18 and 19 years puts forward.

Voters and parents go to the polls and vote for the man who will keep the boys on the farm where they are so badly needed.

A POST READER FOR 25 YEARS.

RAYMOND, N. H.

—

TOO YOUNG YET FOR WAR

To the EDITOR OF THE POST.

SIR: To the one who signs himself Anxious American in Friday's issue of September 11:

We are in this war to win it and to free the world from all sorts of tyranny, and win it we shall and must.

Th's can be done without taking our youngsters (18–19) and shoving a gun into their hands and saying, "Kill or be killed."

Why not take these men (or so-called men) who married just to avoid being called in the draft and brazenly stating so?

I have a brother 15 who keeps saying, "Wait 'till I enlist." What does he know about life or such things? I also have two other brothers who have enlisted.

So let's leave our youngsters alone until the last resources have been reached.

NODDLE ISLAND.

—

AGAINST 18–19 DRAFT

To the EDITOR OF THE POST.

SIR: I would like to add a word to the many letters in your column as opposed to the drafting of boys 18 to 19 years. It is unbelievable that in our country of 130,000,000 that the required fighting forces cannot be found between 20 and 45 years.

We do know that the Army has been striving for the cream of our manpower and overlooking millions with the slightest defects that in other countries and among our Allies are acceptable. Even England, where the strain upon her manpower has been tremendous and her security placed in dire peril, has not seen fit to draft boys under 20.

Let us reclassify our men who are mature and close the gap of deferments which seem so easy to obtain, thousands of which are nonessential and repeatedly procured, and these, together with the boys reaching the present draft age of 20 years, will provide adequate manpower.

On these grounds I am opposed to taking boys 18 to 19, due to their lack of development and mature experience to do a man's job. Only in a case of extreme national emergency should such boys be drafted. Then, and only then, should it be considered. I advise your readers to contact their Senators and Representatives as being opposed to the measure.

LOWELL READER.

—

NO HEARTACHES

To the EDITOR OF THE POST.

SIR: As the mother of five sons, I should like to ask Ida W. B. Wright, of Waban, if she has any sons in this war? I have, and I notice that most of the interventionists are the ones who are giving nothing but a lot of "hot air" as long as it costs them no heartaches. What does Ida W. B. Wright care about our boys or their mothers?

MRS. L. M. RANSOM.

SOUTH BOSTON.

—

DRAFTING YOUTH

To the EDITOR OF THE POST.

SIR: I don't think the young boys of 16 or 19 should be drafted, because they'll have more than they'll need if they take the men from 21 to 45. Let's have all the men fight for their country and not have some do all the work while others sit back. Why should the young boys go out and fight for the married men? Let them go out and fight for their own homes and families, such as my husband is doing.

Do we want all single fellows to get killed off or crippled? Don't you suppose they want to get married and have homes and families, too?

I say all men should fight and not pick on just one group to do it.

A DAILY READER.

—

YOUTH'S COMPLAINT

To the EDITOR OF THE POST.

SIR: I am a young man 19 years old, willing and ready to go to either the Army or Navy whenever I am called. But here is a question. Near me lives a football player, married 3 months ago, who is being deferred as a war worker.

His wife is a telephone operator and he is a laborer in a boat yard. I would think that if I have to go he should also go and play his football for a service team. Also the part that burns me up is that he has a C card and only lives 5 minutes from work, but he needs his card to go to football practice.

FRED W. GRIMES.

NEW LONDON, CONN.

—

AGAINST DRAFTING BOYS

To the EDITOR OF THE POST.

SIR: I would like to register my protest against the drafting of 18-year-olds, which is now in the offing. To me it is most contemptible for some of the proponents of the measure to offer as a reason the fact that 18-year-olds have no fear and can be placed anywhere, have courage, etc. That is the very reason why they should not be taken at such a tender age, and if they reason along those lines, then take 5-year-olds, mental deficients, etc., they have no fears. My older boy is just 20 and is going into the service and it is a dreadful heartbreak to see him go to war so young, but when I read that there is a chance that my next boy, who is just 18, might be taken, I am aghast. From what I have read on the subject, it seems to me that those who are crying for the 18-year-olds want to raise an enormous army quickly and they just say, "Well, there are no complications involved with the 18-year-olds, we'll take them and let alone those others," men wrongfully deferred, men married and evading all responsibilities as regards the bringing up of a family, but now quite willing to depend on the rest of us to send our boys to defend them.

It certainly seems to me that this country has not probed very deep for manpower if England, now in the war for 3 years, has yet to draft 18-year-olds. Certainly there are thousands of boys becoming 20 years old every day and thereby eligible for the draft, without taking those 18-year-olds who do not know what it is all about. I detest with every bit of feeling that is in me the thought of forcing boys of 18 years into the war, as they should not be called until the last grown man is taken.

ANXIOUS MOTHER.

IMPRISONED MEN

To the EDITOR OF THE POST.

SIR: With all this talk about drafting the schoolboy and young man with a dependent family, are we forgetting the many healthy young men confined in our State penal institutions? If some of these cases were investigated it would be found that a good many of them, if given the opportunity, would prove that they are loyal sons of this great country even though they had broken some of its laws.

In releasing some of these men it would in turn release a lot of men also who are employed as guards and are in good physical condition. It is strange that some newspaper does not find out about these things as we all know that in some cases pretty stiff sentences have been meted out and for that reason a commutation of some of them would result in Uncle Sam getting some good fighting men.

From an interested reader for 42 years.

—

ANSWERS YOUTH, 19

To the EDITOR OF THE POST.

SIR: This is in answer to the letter of "F, of Cambridge," headed, "Youth 19 speaks."

"F. of Cambridge" writes a letter that is an excellent illustration of the immaturity that, in the opinion of so many, makes him and other lads in their teens unfit for the draft, except as a final resort.

It is not a matter of "being able to take care of himself" (whatever that may mean). Boys of 15 and 16 have often been able to get along in trying circumstances "on their own," but to have reached maturity with the help and guidance of good parents would probably have been better for them. Boys of 15, 16, and 19, on their own, may make life-marring errors, due to their inability to judge soundly, and to their inexperience.

A boy may be physically fit at 19, but he may still be far from physically fit for the rigors of war. He may survive such hardships—at the expense of disease and disability later on.

"F. of Cambridge" says, "I think the time has come to draft us, and I for one am ready to go." Then what is he waiting for? Why does he wait to be drafted?

WORLD WAR SOLDIER.

DRAFT OF BOYS TURNED DOWN—SENATE COMMITTEE REFUSES HEARINGS ON BILL

WASHINGTON, September 16.—The Senate Military Affairs Committee today rejected a motion to start immediate hearings on a proposal by Senator GURNEY of South Dakota to draft youths of 18 and 19 into the armed forces.

GURNEY said the committee voted to await receipt of formal recommendations from the War Department before beginning its inquiry and added that the Department was asked for recommendations "some time ago."

"They voted me down," GURNEY said. "I am disappointed."

USE OBJECTORS IN HOSPITALS

WASHINGTON.—Of 5,000 conscientious objectors in the United States, 200 are engaged in relieving the manpower shortage at 2 general hospitals and 6 State institutions, it was revealed today.

The figures were made public following a statement of Dr. Bert W. Caldwell, executive secretary of the American Hospital Association, who suggested that the Government turn all conscientious objectors to hospital service.

GREAT NECK, N. Y.

DEAR SIR: We mothers protest against the lowering of the draft age. It is undemocratic and intellectually indefensible to draft

for service boys who have never had the right to vote.

In considering the wisdom of this legislation it is well to remember that upon the youth of today rest the hopes of tomorrow. These boys are the Nation's most valuable asset, and should be conserved rather than sacrificed first. They are less responsible for conditions conducive to war than the older men; therefore, it would be a palpable injustice and unfairness to shift the burden of fighting from older to younger shoulders. The older men have already lived half the span allotted to man, and tasted its sweetness and bitterness, whereas these innocent boys are just standing at the threshold of life. Notwithstanding propaganda to the contrary, boys of 18 and 19 are too young to be placed in battle against maturely seasoned enemy forces.

In other wars, it is true, they have volunteered that young, but never in the history of our Nation have they been drafted and forced to fight, deprived of all chance of higher education. If this is done, in future there will be a great shortage of doctors, engineers, chemists, lawyers, etc.—a reduction in our educated class of people.

The difference between boys of 18 and 20 is great. These 2 years gives them a chance to develop into men, hardened healthy specimens, physically and mentally fit. We beg you to allow these boys to continue their education, and give them military training along with their other studies. By the time they are 20 they will be capable of becoming worth-while soldiers, able to protect themselves and really help our dear Nation in this great fight for freedom.

Lucy R. Milligan, Luella L. Jordan, M. E. Peters, Mrs. Delia Angell, Mrs. Frank Eckburg, Dora M. Wilson, Mrs. Jos. W. McClannin, Mrs. Wm. H. Lawrence, Mrs. Jos. T. Riddler, Minette M. Turner, Mrs. M. A. Knox, Mrs. Ward V. Tolbert, Mrs. R. E. Cramer, Mrs. Jos. H. Enilee, Mrs. J. Inness, Mrs. T. J. Becker, Mrs. Ella Burnham May, Mrs. John Pittman, Mrs. Leland Frierson, Mrs. Edward R. Swett, Mrs. L. A. Linz, Elizabeth Carey, Mrs. Paul Van Wagner, Mrs. Frederick Uhl, Gladys R. Wittih, Gertrude Farnham, Lucille G. Jensen, Mrs. Dorothea B. Cook, Mrs. Guy Percy Truelock, Mrs. Charles Gore, Mrs. M. L. Robbins, Mrs. Gladys V. Draper, Mrs. T. E. Anderson, Mrs. J. Franklin Olsen, Mrs. G. A. Conariss, Mrs. E. L. Page, Mrs. Ethel H. Willits.

CHARLESTON, MISS., *October 13, 1942.*

Senator BILBO,
Washington, D. C.

DEAR SENATOR: The only way we people back home can tell you and other Senators our minds is to write you and that is what so many fail to do.

First, I want you to do everything in your power to keep them from drafting the 18- and 19-year-old boys. I think it is a disgrace to our country to take mere children and put them in the Army—boys that have never had a voice in their Government, and many will not have finished high school. Never had a chance in life, taken off to be shot as mere cannon fodder to satisfy a bunch of so-called military experts, and a bunch of older men to make a lot of money while the children fight and die for them. It has got the boys in school so torn up they do not know what to do. I am a veteran of the last war and I do know something of war. It is no place for mere children. You work and help to kill the bill and all mothers and fathers of these boys will see you through in the next election, and to give the bill hell that they are trying to put through to kill the poll tax. It is a disgrace to the South while we are fighting a war to try and force the Negro down our throats.

Be our friend and we will never forget you.

Yours truly,

O. M. BRUNSON.

HATTIESBURG, MISS., *October 15, 1942.*

Senator THEODORE G. BILBO:

As a member of board of education and as a parent urge you to see that 18-year-old boys are left in school until all 21- to 30-year-old men are in service. As a veteran of last war know what it does to boys as to continuing their education. Another year in school for 18-year-olds will mean much to them and to the country in future years. Of course when it becomes necessary think 18-year-olds and up to 50 should go out and protect our country. Do not believe time has come yet to take 18-year-old boys. If it has, then situation is worse than we people have been informed. Feel that 18-year-olds will be needed worse next year and year after. Will appreciate your reaction.

SIMON LONDON.

DREXEL PARK, PA., *October 14, 1942.*

Senator THEODORE BILBO,
United States Senator from Mississippi,
Washington, D. C.

HONORABLE AND DEAR SIR: It is a bitter thing to understand that it is useless to address one's own State representative in Senate, because in the light of past performance we have come to know that it is not the voice of their people that counts but the stubborn adherence to a rubber-stamp policy.

The people understand the necessity of supporting our beloved and respected President in his every suggestion for America's war effort.

But we know, too, that great and fearless men can be so burdened with the multitudinous problems of war that occasional blind spots develop.

It is feared that such is the case in connection with the recent developments in pressing induction of 18- and 19-year-old boys into the Army.

True, there is less resentment of the idea of drafting 19-year-olds. Primarily, because even a year at that point in a boy's life furthers greatly his development; and also because at 19 a boy has finished high school.

Surely our Senators know that of the 18-year-old group of registrants (after those already enlisted and those who will be rejected for physical reasons are deducted) there will be only about 500,000 18-year-old boys eligible.

Is their number sufficient to cause such anxiety, such doubt, such destruction of American principles and tradition?

It is not clear why Secretary of War Stimson should intimate that our survival hangs in the balance of decision to induct a handful of schoolboys. It is not clear why President Roosevelt should hail men in the early twenties as the best fighters and then point to the necessity of drafting 18-year-olds.

And, most of all, it is horrible to be suspicious, as the press has made us suspicious, that the question is purely political. We do not want to believe this is so. Yet what is causing the frenzied clamor, the urgent pressure to induct American schoolboys?

There is no manpower shortage in America. Observe the exodus from our office buildings, department stores, defense plants, at closing time. Why in this city alone there are hundreds of thousands of that very age group our President hails as excellent soldiers, young men who after a 6-month course of training have been granted deferment on the ground of indispensability.

Why cannot 18-year-old boys, if they face at least a year of training, be trained to release the more able-bodied young men of America for the critical work of winning the war?

Why is our Senate, or Congress, considering for one moment imposing on these immature, these so heartbreakingly young boys taxation of the most horrible kind without representation. We've said they cannot vote. They have not been permitted under our laws to consider themselves men until now, when we suddenly try to pretend these youngsters are fighters.

It is not only a gross injustice, it is un-American. God grant that you and enough other Senators to defeat the bill to draft 18-year-old high-school boys will be wise enough and sane enough and courageous enough to oppose it.

Sincerely and respectfully yours,

Mrs. EDW. FARRELL.

FORT LAWN, S. C., *October 13, 1942.*

DEAR MR. BILBO: We are heartbroken and crushed over the President urging the lowering of the draft age, and we are making our last plea to you to fight for our youth to a finish and we believe you will. It is true that President Roosevelt has sons in the war, but not of the tender age of 18 with no educational advantages whatsoever. These young boys are minors and haven't even enjoyed the privileges and opportunities of a citizen. Why were the funds appropriated for the married men if they are not going to use them?

If this passes, Mr. Bilbo, won't you try to get an amendment for them not to serve overseas until they are at least 20 or 21? Please try and keep them in school this session at least. They have begun their work and tuition, uniform, and books have already been bought. Such a shame to treat them so unjustly when there's no necessity of it.

We are sorely grieved over this act of injustice. We do appreciate your views and interest in the youth of our land.

Best wishes and the best of luck!

Mr. and Mrs. M. S. MCFADDEN.

DALLAS, TEX., *October 9, 1942.*

DEAR MR. BILBO: I, one of many Dallas mothers, want you to know I admire the stand you are taking in regard to our Army camp life. We mothers know first hand because men talk to their mothers.

Then, too, I want to make an appeal for our 18–19-year-old boys. If America is to carry on civilization she will need trained men for this stupendous task, and surely an army camp is not the place for molding character.

There is only one chance at life and are these 18–19-year-olds going to be deprived of learning how to live? In these chaotic times surely they need more training than ever.

I have one son in the armed forces and that is where we want him, but we think every youth should have an opportunity to prepare himself for life, namely, by going to school. Military training can be given as well in college as in an army camp.

I am a by-product of World War No. 1. My husband was fortunate enough to have been a college graduate and has gone on with his profession, but not so with the very young who enlisted before they finished school.

America needs Christian gentlemen to be our leaders, both now and in the future, and not just daredevils who, on account of their immature years, do not care.

This attitude of taking boys, and not married men with children who should have something to fight for, is repulsive.

I am willing to give my husband again, but not the youth of America.

I am a good American mother who has the interest of our beloved land in my heart.

We need men at our helms who possess your fighting spirit.

Sincerely yours,

MARY ROLLINS
(Mrs. A. P. Rollins).

COMBINED SOLUTION TO FARM LABOR SHORTAGE AND LOWERING OF DRAFT AGE TO 18 YEARS AND MAINTAINING SCHOOL AND COLLEGE ENROLLMENT

To United States Congressmen:

Farmers today in most cases are dependent upon their children who attend school for help on the farm. Youths from 18 to 20 are about the only available farm workers. Some schoolboys attend school at night, and others a few days a week, and still others all week, but there is always time available for them to work on the farms. Students in college who are fortunate enough to stand the Reserve Officers' Training Corps examinations have hopes of qualifying for an officership in the Army or Navy, but the boys who, through some physical defect, are not able to pass the examinations, necessarily have to abandon their schooling and would be subject to immediate draft into military channels unless provision is made to the contrary.

The country needs products from the farms and the farmers need help. Industries need help. Why not provide in the bill lowering the draft limit that if a boy of 18 to 20 is attending school and can do a certain amount of work on a farm weekly, such as holidays, Sundays, and afternoons, or on days when he is not in school, he would be deferred for military service. This would give these youths an opportunity to complete their education and yet be of use to the war effort. The law would furthermore provide so as to make it possible for those school students who cannot work on the farm to devote a certain time in work of importance to the war effort. In rural sections and in cities, too, some students attend night school. They could always find time, whether they attended day school or night school, for their studies.

This program would help the farmers and would help industries and help the colleges in maintaining their enrollment, and should the war end soon, it will not interfere with the education of our citizens. In the summertime these students could be occupied for 3 or 4 months during their vacation period in the type of work discussed above. Several States in our Union have recently called upon the school children to help save our crops, so badly needed for the war effort. Summertime is the most important harvesting period.

Attached is a copy of an article appearing in the New Orleans Times-Picayune, dated October 2, 1942, which carries the above thoughts.

FROM A MOTHER.

ACT TO HALT FARM LABOR DRIFT TO CITY

SPRINGFIELD, ILL., October 1.—Illinois selective service headquarters acted Wednesday to halt movement of farm laborers to city industrial jobs by relaxing requirements for deferment of agricultural workers. Paul G. Armstrong, State draft director, also instructed local draft boards to consider induction of farm workers who leave their agricultural jobs. He directed deferment of farm laborers "if the evidence is convincing that a registrant is a 'necessary man' even though during part of his contemplated deferment he will not actually be engaged in planting, cultivating, and harvesting crops."

ENROLLMENT DECREASES

LEXINGTON, KY., October 1.—Student registration at the University of Kentucky reached 2,756 Wednesday, the final day for enrollment, university officials reported. The total was 491 under last year's figure.

ACKERMAN, MISS., *September 30, 1942.*

Senator THEODORE G. BILBO,
Washington, D. C.

MY DEAR SENATOR: I believe this is the first letter (if you can call it a letter) that I have ever written you, but I noticed some time ago that you were against drafting boys of the age 18 years. I want to commend you on this stand. I hope there will be a lot more like you. I know a lot of older men in this county, that should have been in the Army a long time ago; they are still depending on someone to keep them out; I just do not think this is right. In the last war there were three boys in my family, all of us were in it; then, as now, there were a lot that never did go.

It reminds me of the scrap iron, every town is full of it, the Government hollering to bring it in. Still it lies here on the ground. Senator, I am enclosing a clipping I got out of the Commercial Appeal, last Sunday. I hope if you did not see it you will read this.

Respectfully,
W. F. IRVING, *Postmaster.*

OPPOSES DRAFTING OF 18-YEAR-OLDS—MOTHER OF ONE SAYS TAKE OLDER MEN FIRST

To the Commercial Appeal:

Boys of 18 and 19 are not, and can never be truthfully called men. They haven't the stamina—their minds and bodies require 2 or 3 years more to reach maturity.

There is no law pertaining to their status in the United States of America that gives them the right to vote, inherit property, or to help make laws until they are 21, the age of maturity. Wiser minds have placed the age to be drafted not lower than 20.

Then to take these younger boys and make of them hard, tough, and seasoned soldiers, ready to kill and be shot at, that will certainly take 2 years, as suggested by one of our Congressmen, or longer.

The heroes of this and all other wars have been older—men in their middle twenties. Younger men, who have had to fight in other countries, have died like flies and are dying every day without knowing how to protect themselves. Is this or must this be our way of doing things?

Yes, boys are reckless, daring, and foolish when it comes to risking their necks—youth is always like that—but does that give the military leaders or anyone else the right to urge that they be drafted to fill the positions in our armed forces which are considered the most dangerous, just because older men realize the danger and are afraid? I read that not long ago in one of your papers, and I thought—grand reading for my 18-year-old son.

You men who are in the draft but have been deferred because of dependents, or hold soft jobs because of politics—and there are many such—if you are willing for a boy of 18 or 19 to go out and face death for you, or you and your family (after all, it is your family) then you are a coward.

How can anyone say that young men working in union-controlled plants, making as much as $400 a month, are doing as much as the boys who face death in the armed forces? Yet it has been said—and the remark is absurd.

MOTHER OF AN 18-YEAR-OLD BOY.
BROWNSVILLE, TENN.

ST. JOHN'S LUTHERAN CHURCH,
Boyd, Minn., September 25, 1942.

Hon. THEODORE G. BILBO,
Washington, D. C.

DEAR SENATOR BILBO: Please accept my heartiest thanks for your opposition to drafting the "babes" of 18 and 19 years. I wish that we had more men with vision in our Government. Surely boys 18 and 19 years old are not matured enough to resist the numerous temptations of Army life. They need parental supervision. They should finish their education.

I have written to my Senators and Representative in this matter. I have also written to Senator GURNEY, of South Dakota, who is sponsoring this legislation. Of course, love's labor is lost writing to men like Senator BALL and Senator GURNEY, but they should hear nevertheless that the folks at home do not approve of their doings in Washington.

I am of the opinion that our country has enough men to draft without robbing the cradle. I believe that enough men could be spared in F. D. R.'s set-up to supply the needs of the fighting forces without resorting to the childish tactics recommended by GURNEY.

More power to you and other statesmen. May the day dawn soon when we have more statesmen and fewer politicians in Washington. May God bless your efforts in behalf of the youth of our Nation.

Sincerely yours,
A. W. FUERSTENAU.

KOSCIUSKO, MISS., *September 29, 1942.*

Senator THEODORE BILBO.

DEAR SIR: Please fight the bill to keep our 18- and 19-year-old boys out of the Army. I think we should wait until they are grown up and old enough that they can stand it mentally. I know two fine young men that joined the Army and one is in the hospital in Alexander, La. He is losing his mind. They are fixing to give him an honorable discharge. Send him back to his brokenhearted parents in a condition like that. The other one's home is in Chicago. I don't know just where he is now but his mother wrote he had a complete nervous break-down, his mind is gone. Not even in a condition where they can discharge him. Of course, there are others I know nothing about. Of course, if they had been trained from the cradle to fight as the Germans are it would have no effect on them, but us American parents are training our boys different. But after they get old enough to understand and men enough to take it it will then be time enough.

I have a boy somewhere across now. I don't know where. He will be 23 in December. I haven't a thing to say about him being in service. He is a man now. Although it is hard, we miss him so much, but I feel and trust God to take care of him and if you will do all you can it will help you more than anything you could do. Even if you try and fail it will make friends for you in Mississippi. You know their minds are too young at 18 or 19. And I don't think God would be pleased for us to send our babies out to battle. But, of course, most people are not thinking of God, but they will before this is over. He tells us if we serve him he will be with us and if not he will cut us down with the sword. And the best thing to win this war with is for all to go to serving him and to look to him to guide us through for without him we can do nothing.

Hoping you can keep the bill from passing, and I believe if anybody can it is BILBO.

Your friend,
Mrs. W. A. WILLIAMS.

GREAT NECK, LONG ISLAND, N. Y.,
September 30, 1942.

Hon. THEODORE G. BILBO,
United States Senate,
Senate Building, Washington, D. C.

Honorable SIR: Agitation is being developed for drafting of youths of 18 and 19 years of age.

I do hope that you will not only consider the military advantages of such action, but also the social question.

I do believe that the country can better serve its own interests and its future welfare by making every effort to so equip our armies with the materials of warfare that it will not be necessary to depend upon young boys in their formative years.

Life in the tropics, under the conditions of war, will not build virile manhood from youths needed to carry on in the reconstruction that will follow the war.

A well-equipped army can do the necessary without the loss of life that accrue to a large ill-equipped army without the support of the country behind it.

Sincerely yours,

L. C. EHRHARDT.

BROOKLYN, N. Y., *October 1, 1942.*

Senator BILBO.

DEAR SIR: Thank you for protesting in the Senate against the draft of young boys 18 and 19. These boys should not be taken from their homes and exposed to temptations in camps before they are matured mentally and physically. When all available men with soft desk jobs and commissions, and all older men, well balanced and stronger in every way, are taken, it will be time to call the boys.

Please continue the fight to spare them, our children, from such cowardly suggestions and let grown men fight our country's battles.

Yours truly,

MRS. KATHERINE MULKEEN.

PORT GIBSON, MISS., *October 2, 1942.*

The Honorable THEODORE G. BILBO,
Senator from Mississippi,
Washington, D. C.

DEAR SENATOR: We are voters and perform to the best of knowledge and ability our civic duties.

Will you kindly consider the following arguments against conscripting boys of 18–19 years of age?

1. With exceptions, these boys are not mature, but in plastic stage. It is for us to protect their welfare and give them opportunities of development. In every war boys from 17 to 18 have volunteered—this war is no exception; boys under 18 have been accepted in most branches of the service—some are overseas.

2. Scientific and careful researchers insist that it is the well-trained men who hold rocklike under fire and not the young, eager patriots, who often break and run.

3. Boys whose parents have sacrificed to send them to college; those who are there on working scholarships or on awards of merit, because of high academic standing and qualities of good citizenship, carrying all expenses, should be allowed to graduate if they are not urgently needed in Army, Navy, Air, Marine, Coast Guard, etc. or in munitions and shipbuilding.

4. The men in their twenties who are married, have a child or children are perfectly willing to go as soon as the draft board calls them up for service. They asked for no deferment—the boards reclassified them. These slightly older men, with ties of wife and child, as a rule are stronger to resist the manifold gross temptations surrounding camps.

5. It is injustice to draft the boys just because they are eager, the greatest lovers of adventure, the dare-devils and the foolhardy.

They should be in training (in college or elsewhere, not in camps) to fit them, physically, mentally, and spiritually, for rendering the greatest service to their country.

Boys with no mental aptitudes, but with gifts and bents of other nature; those who must get in before the war ends—which proves how impatiently youth champs at the bit—should be allowed to enlist, but not compelled. It is our contention that the present reservoir of manpower is not exhausted. Only a certain number may be inducted each year and thoroughly trained for fighting such as war demands.

Two years more of college or other discipline will bring the flower of our youth into full realization of the meaning of giving up the years of work and joy and that unhoped serene that men call age.

With appreciation of the perplexing problems of a war Congress and a reliance on you to claim the responsibilities and prerogatives of democratic government, we are,

Sincerely,

(Miss) ELIZABETH G. SPENCER.
(Miss) ANNA A. JONES.

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,
New York, N. Y., October 8, 1942.

Hon. THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.

DEAR MR. BILBO: The question whether the 18- to 19-year-old group should be drafted is a serious issue which is of concern to many psychiatrists and other medical men of my acquaintance as well as to me.

A physician in charge of one of New York City's largest private high schools has well expressed our position. It is his conviction "that these boys are not fitted physically, and particularly mentally and emotionally, to be drawn into the war directly." He adds, "I believe that letting these boys develop to the age of 20 will make far less likely the occurrence of a mental break-down under stress, which surely would be common in the younger age groups."

We have considered fully the harm involved in depriving a child of his father or a wife of her husband, but even this is not so serious as subjecting the 18- and 19-year-old group prematurely to combat experience. The experience of European nations indicates that they have found it desirable to protect this age group as long as possible. As has well been said, if this war is a long war, they can be conscripted for military service later. If it proves to be a short war, they will be equally needed in building the postwar world.

Should not alternatives be considered which will prepare them physically and emotionally for later service and permit those who are qualified to complete such technical and professional training as will replenish the Nation's exhausted skills for use both in the war and in the post-war world?

I enclose a copy of a letter on the subject I have written General Hershey.

Sincerely yours,

GEORGE S. STEVENSON, M. D.,
Medical Director.

AUBURN, MAINE, *September 4, 1942.*

DEAR SENATOR BILBO: Enclosed you will find a clipping from the Boston Herald published today.

It expresses quite well the feeling about drafting boys 18–20 that is in the minds of many fathers and mothers today. It would be fine if you would have this read into the Appendix of the CONGRESSIONAL RECORD. The very least that the administration can do is tell us what is up, so we with boys going to college can plan accordingly.

Yours sincerely,

DR. A. L. GRANT, JR.

DECISION WANTED IN DRAFTING BOYS

To the EDITOR OF THE HERALD:

A great deal has appeared in the press about the drafting of all boys 18–20 years of age. In the first part of the summer, General Hershey issued a statement that this would take place. At a press conference, the President, after this statement appeared in the press, stated that he did not think it necessary in the immediate future. Many fathers and mothers interpreted it as meaning not before the fall elections. We all remember that famous "again, and again, and again" statement.

Politics or no politics, elections or no elections, it is the duty of the administration to tell the people of this country with boys 18 and 19 years of age if they intend to draft them, and when. The colleges of this country in most cases open in September. Many have conducted summer sessions. Boys are returning to or entering college. Parents are obliged to pay the first semester's tuition, room rent, special fees, board, and so forth. If all the 18- and 19-year-old boys are to be drafted immediately after the elections it is a rank injustice to the fathers and mothers of America to allow them to send their boys to school and then draft them before the term is half over.

It is a great sacrifice for many parents who in many instances cannot afford such a financial loss as this represents. The colleges, on the other hand, cannot afford to return this money. The very least this administration can do is tell the fathers and mothers of America what the Government's plans are and tell them now.

WALTER THURSTON.

AUBURN, MAINE.

PASADENA, CALIF., *September 4, 1942.*

Senator THEODORE BILBO:

Stand firm on magnificent effort to keep too young boys from slaughter.

JULIA ALLEN.

SHREVEPORT, LA., *September 4, 1942.*

Senator BILBO:

Don't send the kids to war.

R. W. HODGE.

NEW ORLEANS, LA., *September 3, 1942.*

Senator BILBO,
Senate Office Building,
Washington, D. C.

"THE MAN" BILBO: If we must use men, let's use them. Leave the children at home.

ARTHUR J. O'KEEFE, Jr.

NEW YORK, N. Y.

SIR: Thank you for taking the human side of this question of inducting our 18- and 19-year-old youths into military service. They are neither physically nor mentally equipped as yet to go into combat.

Let them stay at school, where they are receiving training that will make them doubly useful to their country by the time that they are 20 years of age.

We mothers have had children. This crop of married people never had the time nor inclination to have them. Now they are fighting not to break up their homes. What homes? What families? Our children do not have wives to fight for them, and mothers are not considered these days; therefore it gives us heart to find that there is a man who is looking out for our boys.

A MOTHER.

ELMIRA, N. Y., *September 4, 1942.*

Senator BILBO,
Washington, D. C.:

Congratulations on your stand re nondrafting of 18- and 19-year-old kids. Clear, practical thinking is what this country needs to win the war. Let's not send a boy to do a man's work until we have to.

MARRIED MAN.

ST. PETERSBURG, FLA., *September 3, 1942.*

Hon. THEODORE G. BILBO,
United States Senator from Mississippi,
Washington, D. C.

DEAR SENATOR: As a result of having spent considerable time in Mississippi during a good many years past, I have ever since held you in very high respect for the sanity and soundness of your views and actions.

That respect and regard has now been further increased, for, with millions of thoughtful Americans, I am deeply appreciative of your recent courageous action in opposing the proposed Gurney amendment to the Selective Service Act.

I applaud your denunciation of the drafting of tenderly reared boys of 18 and 19 as a

soul-abhorrent course, for it is exactly that to every man and woman that has a soul and a conscience.

The inborn and God-given principle that impels an adult to protect its young is a powerful force that antedates government and is stronger than government. Any attempt to legislate this prime principle out of existence would be a grave mistake, for it would not only arouse a deep resentment against Congress and the Government but might also seriously imperil our war effort as well.

Thank God that we still have a few statesmen left who do not rush about, in these times of peril, to enact, in a frenzy of panic, unsound or unworthy measures because they seem to have a momentary expediency.

Should you ever be made a candidate for even higher honors than are now yours, be assured that you shall have my heartfelt support.

With all good wishes, I am,

Cordially yours,

J. D. HIGHTOWER,
Certified Public Accountant.

BALTIMORE, MD., *September 3, 1942.*

Hon. THEODORE BILBO,
United States Senate, Washington, D. C.

SIR: Congratulations on your courageous American stand, and objection, to the selfish proposal offered by Senator GURNEY, of South Dakota, as an amendment to the Selective Service Act, with regard to the drafting of our boys of 18 and 19 for military service.

I agree, and what true American does not, that these youngsters should have some sort of military training—as I agree that the war we are in will last for years. It is for this very reason that this Nation, which 130,000,000 people wish to defend, should do everything in its power to preserve the youths who will be vital factors in the years to come—when they, too, will have attained their majority, and their peaks of intelligence and common sense to carry on—rather than to be sent into the fray now as greenhorns, to be slaughtered because of the whims of ideologists, and of representatives of the people of certain States, who travel exclusively and extensively, and so wish to give the impression they have felt the public pulse, and know with certainty just what is expected of America to insure complete victory.

We understand from the distinguished gentleman from South Dakota that our enemy trains his soldiers from the cradle. That is true. But, what are we fighting for? Is America to fall in line with totalitarianism and adopt such tactics? God forbid. Shall we, the greatest Nation on the face of the earth, tear away the youth of this great democracy, when these young men know not the responsibilities enforced on them at their tender age—simply because the powers that be find in them the "physical fitness" required—while more mature men escape through favoritism—men who might be called and give a more favorable account of their stewardship?

Give our young boys a chance in the typical American way. Then, when mature and called upon to use their strength and intelligence, America will be on its way to inevitable victory. To me, the drafting of our budding manhood is a blot on the escutcheon of our democracy, which we are at war to defend, and on our American way of life. And I will support you, and any Maryland Representative in any stand taken to thwart this idiotic movement. I am 54 years of age, and please God, I am at the service of my country in the stead of any young man under 20, whose country this will be after the war. Its preservation is what we are fighting for.

Sincerely,

WILLIAM R. MACKIN.

MERIDIAN, MISS., *September 4, 1942.*

Hon. THEODORE G. BILBO,
United States Senator,
Washington, D. C.:

This is to congratulate you on your stand regarding the drafting of 18-year-old boys for the Army. This is a godly deed on your part and I hope you succeed at least in keeping them from being sent abroad before they are 21 years of age.

Your esteemed friend,

A. M. MERRELL.

ST. PAUL, MINN., *September 4, 1942.*

Senator BILBO,
Washington, D. C.:

Congratulations on your stand against drafting 18- to 19-year-olds. Write or wire what we can do here. World War veteran.

DR. M. L. NORMAN.

BIRMINGHAM, ALA., *September 19, 1942.*

Senator BILBO,
Washington, D. C.

DEAR SIR: We, the undersigned mothers and fathers, want to congratulate you on the great fight you are making to keep the 18- to 19-year-old boys out of the Army and permit them to continue their education.

We hope that every Senator and Congressman will cooperate with you to keep these boys at home until they at least reach manhood.

We are sending our men, but do not believe in sending our young boys who have not become of age.

It would be a crime. Keep up the good work.

Thanking you in advance for anything you can do, we beg to remain,

Respectfully yours,

Mrs. Momie Lee Hanes, Mrs. M. T. Martin, Mr. and Mrs. E. N. Pardue, Mrs. J. M. Nelson, Mrs. W. E. Langford, Mr. and Mrs. C. C. Arbuckle, Mrs. E. N. Wheeler, Mrs. Dutch Becker.

NEW YORK, *September 3, 1942.*

Honorable Senator BILBO, of Mississippi,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Millions of parents are admiring you tonight for your highly moral statement against the premature lowering of the draft. We want to be the leading example in this poor world, and our elders are just scheming to stay at home and to exploit the adolescents.

We hope you are a member of the Military Affairs Committee or that you will be able to offer to it the following fair, honest, and sincere proposition:

"No drafting of 19-year-olds before [God forbid] 500,000 casualties; no drafting of 18-year-olds before 1,000,000 casualties."

Respectfully submitted.

A GROUP OF PARENTS,
By ROGER C. BECK.

[From the Commercial Appeal of September 27, 1942]

OPPOSES DRAFTING OF 18-YEAR-OLDS—MOTHER OF ONE SAYS "TAKE OLDER MEN FIRST"

To the COMMERCIAL APPEAL:

Boys of 18 and 19 are not, and can never be truthfully called men. They haven't the stamina—their minds and bodies require 2 or 3 years more to reach maturity.

There is no law pertaining to their status in the United States of America that gives them the right to vote, inherit property, or to help make laws until they are 21, the age of maturity. Wiser minds have placed the age to be drafted not lower than 20.

Then to take these younger boys and make of them hard, tough, and seasoned soldiers, ready to kill and be shot at, that will certainly take 2 years, as suggested by one of our Congressmen, or longer.

The heroes of this and all other wars have been older—men in their middle twenties. Younger men who have had to fight in other countries, have died like flies and are dying every day without knowing how to protect themselves. Is this or must this be our way of doing things?

Yes, boys are reckless, daring, and foolish when it comes to risking their necks—youth is always like that—but does that give the military leaders or anyone else the right to urge that they be drafted to fill the positions in our armed forces which are considered the most dangerous, just because older men realize the danger and are afraid? I read that not long ago in one of your papers, and I thought—grand reading for my 18-year-old son.

You men who are in the draft but have been deferred because of dependents, or hold soft jobs because of politics—and there are many such—if you are willing for a boy of 18 or 19 to go out and face death for you, or you and your family (after all, it is your family), then you are a coward.

How can anyone say that young men working in union-controlled plants, making as much as $400 a month, are doing as much as the boys who face death in the armed forces? Yet it has been said—and the remark is absurd.

MOTHER OF AN 18-YEAR-OLD BOY.
BROWNSVILLE, TENN.

MAYWOOD, N. J., *October 21, 1942.*

Hon. THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.

DEAR SIR: The bill drafting boys 18–19 which the I resident so urgently inspired and Congress so speedily prepared is before you. I have pleaded with many Congressmen to provide in the bill assurance that our boys will not be used for combatant purposes until they are fully qualified physically and mentally. These boys cannot humanely be expected to compete with the enemy with less than a year or two of training. As ruthless as our opponents are, they have taken years to train their boys for this war. Their boys may not have ridden around in jeeps and used up tons of explosives, but they have had years of actual practice as combatants. They have been shouldering guns and in uniform since elementary school days, educated in every murderous technique of the horrible art of war. To send our boys over too soon will be a repetition of the last war when the word "cannon fodder" so ghastly described them.

May I humbly stress, our boys are not merely boys but disciples of the principles of Americanism, representing the greatest investment in education of any group of individuals in the world. Roughly 2,000,000 boys educated in American ideals and tradition, not to state the bravest. Don't destroy them by inadequate preparation. Give them every chance even if victory has to wait.

May I also humbly stress, that while Congress so graciously slumbered, unscrupulous men, for 10 or more years, under the guise of commerce and international trade, fortified our enemies with armor, ammunition, and scrap. This same Congress as if aroused from a sound sleep, seemingly still in a stupor, now turns frantically to the youth of our country for the solution, drafting a bill in a week's time. How little thought must have been given to this all-important issue.

Thousands of our boys who have not finished high school have been stampeded into the armed forces. Thousands will be taken from colleges long before their time only to be pressed into service after a few months' training. Ironically, hundreds of thousands will be destroyed overseas to protect American ideals, while hundreds of thousands of pro-Germans are relatively free to curtail our war effort protected by the very principles we are fighting for right here in

America. Yes, and while thousands of men still in their twenties are deferred by so-called defense work and while thousands of white-collared men in their early forties could take their places through selective service.

What is to become of these boys after the war? Will they be refused employment because of educational limitations; these boys who struggled during the depression years to attain an education, while many of their families wondered where the next meal was to come from? Will shortsighted employers reject them because they are not high school and college graduates, or will our Congress rush through a bill authorizing that 3 of 4 years in the armed forces be accepted as the equivalent to their education?

There may be thousands of these boys who will want to know, sooner or later, who were responsible for their sacrifice; thousands who will want to know what punishment will be meted out to those guilty. Thousands may want to know if the punishment will fit the crime or whether those who directly and indirectly brought about this mass murder may be permitted to shyly abdicate to a life of seclusion, writing memoirs and chopping wood until quietly admonished by old age. They have a right to know, they will not have paid only with their young lives but those returning, and God grant that most of them will return, will also bear a greater burden of the war debt by virtue of their youth.

Don't act first and think after. Make sure this bill does not permit the induction of boys before their time, I pray of you.

Respectfully yours,

WILLIAM M. READ, Jr.

STROUDSBURG, PA., *October 21, 1942.*

Hon. THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.:

For God and country's sake before casting vote on child war bill please visit any public school and look over average 18-year-old boys then let your conscience be your guide. Untrained boys in war is cold-blooded murder. Train our children, yes, murder them, no.

T. O. McCOOL.

DETROIT, MICH., *October 21, 1942.*

Senator THEODORE G. BILBO,
Washington, D. C.:

Drafting young boys 18 would be doing them terrible injustice as thousands because of illness or not being apt students would only be halfway through school and boys at adolescent age should have parents' guidance. Confident General Marshall does not want young boys to leave school before having at least high-school education.

If boys 18 are drafted—thousands be taken from school before even reach the tenth grade and be an awful injustice to them as well as to their mothers. Eighteen-year-old boys should be allowed to attend school until 20 or 21 to gain high-school education.

Hope you will put forth your full power to allow these young boys the opportunity at least to finish their twelfth grade of school otherwise they will be forced to go through life without the equal education and opportunities offered high-school graduates before them.

E. A. WARREN, *Vice President,*
The General Fire Truck Corporation.

CHARLOTTE, N. C., *October 22, 1942.*

The Honorable THEODORE G. BILBO,
United States Senate, Washington, D. C.:

Thanks for your letter of the 15th. Would appreciate receiving copy of your entire speech. It looks as though your associates feel that teen-age boys do not possess sufficient mature judgment to vote or to resist the temptations of vice attendant to Army life yet they seem to feel that these same boys do possess the judgment to handle matters pertaining to their own lives as well as the lives of their comrades on the battlefield. This seems quite inconsistent. I appreciate your attitude and wish you success in defeating the measure regarding the lowering of the draft age from its present too low level.

D. C. NEWMAN.

ALTADENA, CALIF., *October 16, 1942.*

DEAR SENATOR: If the draft law has to be lowered, why don't you gentlemen at least compromise with justice, humanity, and 90 percent of the American people who are against lowering and definitely stop at 19 years. Eighteen is much too young to fight and die fighting barbaric Japanese and German gunmen. Be men, and get men, not little boys.

God save our young 18-year-old boys!

Yours truly,

A. MUNYLINGER.

P. S.—Give our young boys the protection of 1 year of training. Australia protects her boys, won't let them fight in combat until 19.

HOUSTON, TEX., *October 14, 1942.*

Senator BILBO of Mississippi,
House of Senate, Washington, D. C.

DEAR SIR: The people in this country appreciate your sound judgment concerning the lowering of the draft age. It doesn't make sense that high-school children, many of them never having been away from home and likely would almost die of homesickness, would make better soldiers than more mature men who know what it is all about.

Other countries resort to it only after all other sources are exhausted, which should be expected, but to pass such a drastic bill without absolute necessity is going to be a great detriment to this country. These tender youths will be exposed to many things they should at their age be shielded from, and many of them will probably never receive an education once they are snatched away from it.

I have no children. I am writing this because it is only fair to the thousands who have contacted me since the bill was introduced, all of them hoping that there are enough men of your caliber in Congress to defeat the bill.

Very respectfully,

A. M. SUHR, *Business Manager.*

UNITED SPANISH WAR VETERANS,
ORLANDO, FLA.

SENATOR THEODORE G. BILBO,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Having lived in Mississippi most of my life, and having voted for you for governor and senator, I feel I may write you a letter with respect to proposed legislation, drafting men from the teen age of 18 and 19 years of age. I am against this law for several reasons I will not go into an explanation other than I have a boy just turned 18 who is still in high school, and I certainly want to see him finish school that he may have an opportunity to seek higher grades which he would not otherwise be fitted for in case he was taken out of school at this time. I trust that if you cannot delay the enactment of this legislation or defeat it, I trust you will so amend it that boys may finish school, that is, those who are now enrolled.

The enclosed clipping may not be so far wrong with reference to the slackers who should be in the Army, Navy, or Marine corps.

I feel that the draft boards (perhaps from orders from General Hershey's office) are not calling many single men who from one pretext or another have thus far avoided being called for the draft. The men I have in mind are past 20 years of age and have no dependents to support. It seems to me the draft has not nearly been efficient and fair in searching out those who have purposely avoided entering the services.

Thanking you kindly for a reply, I am

Your friend,

H. B. WEBB,
Commander.

TAKE THE SLACKERS FIRST

The proposal to draft boys of 18 and 19 is about to receive serious consideration in Congress. Senator CHAN GURNEY, of South Dakota, has prepared an amendment to the Selective Service Act to include them. No doubt the overwhelming majority of the boys themselves are eager to go. No doubt, too, these younger men, with relatively few family and business responsibilities, with younger minds, and with bodies better able to bear the strain of campaigning, will have less difficulty in achieving the transition from civil to military life than their older brothers and will make as good or better soldiers. Against the proposal must be set the reluctance of many parents to send their 18-year-olds to war; but this objection will disappear, we believe, if the need is clearly shown.

As to that, two points deserve attention. One is the fact that this war is being fought overseas, and, accordingly, there can be little reason for raising an army larger than can be transported and supplied in the ships which will be at our disposal when the men have been trained. The quantity of shipping available and to become available is something of a military secret, but we may expect that Congress will have been given the facts, at least in broad outline, before the decision is reached.

The other point is the obvious one that there can be no need for lowering the draft age as long as thousands and tens of thousands of men of military age are permitted to dodge their duty. Washington is crowded with these schemers and loafers. Some of them are in the Government civil service, in which approximately 2,250,000 civilians are now enrolled. Nearly 150,000 were added in the month of June alone. Today we have more than two and a half times as many Government employes in the executive departments as were employed at the peak of the war effort in 1918, when the number of men under arms was considerably larger than it is today. Many of the Government employees wear skirts, but no one who has been in Washington can doubt that in the vast army of Government clerks are many thousands of draft dodging oafs and loafers.

Many other men, physically sound and of draft age, are slackers though they wear the uniform of the fighting services. These men, because of social position or some other kind of pull, have been given commissions and soft jobs, involving no risk to themselves. They ought to be sent to camps for military training and, if they are too cowardly to fight, should be enrolled in labor battalions where they might return some value for the pay they receive.

As long as the Government permits itself to be used as a screen behind which slackers can hide the Nation will question the necessity of lowering the draft age.

WOODVILLE, MISS.

Honorable Senator BILBO,
Washington, D. C.

DEAR SENATOR: Attached is clipping from Times Picayune of October 15, which no doubt you have already seen.

Dr. Reynolds' sentiments are ours, exactly, and should be of every right-thinking statesman and citizen, and why the President and the others insist on the youth of the Nation going in training, I cannot understand. This professor says it's unwise and unnecessary.

These innocent, tender minds will most assuredly be dissipated, what with mingling with all those older ones, so many, the big-

gest majority, whose morals are so lax and so many who have none at all. Even the leaders of these boys, captains, and so forth, who should be upright and gentlemen in every sense of the word, many have no morals. So, Senator BILBO, it seems as if the bill will pass regardless, but it will surely be a calamity when it does. I hope you, and our other Representatives, will do everything in your power to keep these youths out of Army training camps.

Thanking you, and with our best wishes to you.

Yours sincerely,
Mr. and Mrs. J. M. MILLER.

HENDRIX COLLEGE HEAD OPPOSED TO YOUNGER DRAFT

CONWAY, ARK., October 14.—Dr. J. H. Reynolds, president of Hendrix College here, expressed the opinion that lowering the draft age to include 18- and 19-year-olds was unwise and unnecessary.

Dr. Reynolds, an author of history and political science textbooks, served 26 years on the Southern Methodist Episcopal Church's general board of Christian education.

"Our present draft laws are providing all the men needed at present for the armed forces," Dr. Reynolds said in a prepared statement.

"It is unwise in any case to dissipate those youth below 20 who have not already enlisted. America to win the peace as well as the war must continue even in the emergency to train future leaders.

"Half a million youth of this age with intellectual and social gifts should be placed in general colleges to prepare for the larger intellectual and social responsibilities of postwar civilian leadership. Post-war problems will call for the greatest wisdom and statesmanship.

"Let America not forget that her history teaches that from general education have come her statesmen, educators, and social leaders. For us to provide an inadequate supply of well-trained civilian leaders will lead straight to a third World War as this same failure did a quarter of a century ago."

DRAFTING THE BOYS

President Roosevelt said in his radio talk Monday evening that the drafting of boys 18 and 19 years of age "would be necessary." Yesterday morning, Speaker SAM RAYBURN of the House announced that legislation would be passed this week authorizing extension of the Selective Service Act to youths of these ages.

The Commercial Appeal believes the President and the House are right, and it is moved by what it thinks are manifestly the best interests of the boys and of the Nation. The Nation's point of view was tersely put by Secretary of War Stimson when he declared that "we must face the truth" that "American youth is our strength."

Every consideration urges that these youngsters be inducted as soon as may be, so that they may be physically and mentally prepared for whatever the war may demand of them. Early enlistment will likewise give them time to be trained in the use of weapons and equipment so that both their effectiveness as soldiers and their chances of survival will be vastly improved over any other possible conditions. In fact, any soldier's chance of survival is in direct ratio to his skill, knowledge, and training.

We are not blind to the gravity of the move here in question, nor to the pangs of apprehension and anxiety it will unavoidably create in millions of American homes. What we see also is that these griefs would be immeasurably greater and based on far sounder ground if these same boys had to be rushed into the fight without adequate preparation. There were no tragedies of World War No. 1 equal to those attributable to the necessity of sending ill-trained men to fighting fronts.

Before the President and the Congress summon up youths of 18 and 19 years, however, they should perform some other tasks. Washington bureaus, departments, agencies, authorities, administrations, and the like should be swept clean of young men of draft age who are deferred to warm chairs because they are the kin or the pets of someone in authority. There are thousands of these preferred junior bureaucrats—no one knows just how many—but every one of them should be in service before any other young man is called.

A national pool of young men should likewise be formed of those now eligible under Selective Service. It is rank folly to call married men and young boys in one state while unmarried eligibles are left in others. The capital should also be cleared of young officers of the Army and Navy who now have desk jobs that older men could fill as well or better. More ought to be done with the Specialist Corps to fill any gaps that might be left if young officers were shunted from the avenues and boulevards to the camps and fronts.

By all means draft the boys for training, but not until we can look them in the eye and say that no other recourse is available and that all the eligibles only slightly older are already doing the tasks for which youth is imperative.—Commercial Appeal

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COMMITTEE ON DRAFTING YOUTH,
New York, N. Y., October 17, 1942.

Hon. THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: We are deeply concerned over the bill to draft the 18- and 19-year-old boys for combat service that is being hurried through Congress without what seems to us adequate discussion of the grave problems involved. I sent you a few days ago a copy of a letter I had written General Hershey on this subject. Since then a committee has been formed to do what we can to safeguard these immature age groups both in the pending legislation and in the administration of the law that you may pass.

The New York Times of September 16 published a letter signed by members of our committee and other medical men in which we summarized our case as effectively as we could. The enclosed document contains excerpts from a number of medical men and educators on this important subject. None of us would want to obstruct the war effort in any way. What we deplore in the hasty action of the House of Representatives on this bill is the fact that no over-all plan for the use of our manpower has been made, and that therefore no proper balance has been struck between purely military considerations and the possible use of many of these boys to better advantage, both for themselves and for our country, on our farms and in industry and continuing their education, until they are more mature.

The Medical Department of the United States Army, in a series of studies of our experience in the first World War, which covered among other things the prevalence of neurosis among different age groups, says on this point:

"These figures reveal a marked disproportion between the admissions to the hospital of men under 21 and their number in the Army at large, 77 percent more men from this group being admitted to the hospital than their proportion in the Army would lead us to expect. That is, there was a marked tendency for men under 21 to develop neurosis in greater numbers than their proportion in the Army would warrant." (Vol. X, sec. II, chap. VIII, p. 430, Studies of the Medical Department of the U. S. Army in the World War, Volume on Neuropsychiatry.)

Might not these boys be drafted and then held in reserve status until they reach the age of 20, receiving basic military training but available in each State as a pool of labor for essential national service on farms or in industry, or to pursue their education, at the Government's expense when necessary, in order that our Nation may not be without trained skills, both during a long war and afterward?

Sincerely yours,
GEORGE S. STEVENSON, M. D.,
Secretary.

EXCERPTS FROM STATEMENTS OF EMINENT MEDICAL MEN AND EDUCATORS RELATIVE TO THE DRAFTING OF 18- AND 19-YEAR-OLD YOUTHS

DON'T SACRIFICE OUR BOY POWER YET, SAYS JOHN DEWEY

We have in this vast land great reserves of manpower without sacrificing our boy power. All of us know many men in their 20's and 30's who have not gone into military service. They should be called first; the young boys should be the last to go. Those boys who are entering college should be permitted to continue their education. Unless we have boys with a basic college education, the country will be depleted of trained men in the future, when they will be so vitally needed. Being forced into the war machine will prevent their growth and development. Other boys who are not headed for college could replace unskilled labor on farms, in factories, etc., thus having a chance to grow up before going, fresh from school, to war.

Dr. JOHN DEWEY,
Teachers College, Columbia University, New York City.

MANPOWER SURVEY NECESSARY FIRST, SAYS GEORGE S. COUNTS

It seems to me that we should proceed very cautiously in any move to draft into the armed forces 18- and 19-year-old boys. I am not saying that this should not be done under any circumstances. However, I have seen no sound argument for taking this step at the present time.

What we need is a thoroughly accurate survey of our manpower and a thoroughly defensible policy for the use of that manpower in the total war effort. Quite possibly, from the standpoint of that effort, if the war is to be a long one, a large proportion of these boys should go to school rather than enter the armed forces. It is obvious that the question of the drafting of the 18- and 19-year-olds should be regarded as one aspect of the total problem and should be so treated.

PROF. GEORGE S. COUNTS,
Teachers College, Columbia University, New York City.

SHOULD WORK ON FARMS UNTIL MATURE, SAYS EMINENT PSYCHIATRIST

I believe that the 18- and 19-year-old boys should be the last group to be drafted. No other age group would be so seriously damaged as this one by its disarrangement and disorganization and would become so maladjusted not only immediately but throughout its future. If these boys are given 2 more years in which to grow up, with perhaps part-time work on farms, where labor is evidently needed, they will be of more value, both in the war and in the post-war world.

DR. EDWARD A. STRECKER,
President-elect, American Psychiatric Association, Philadelphia.

20-YEAR-OLDS BETTER ARMY MATERIAL, SAYS DR. FRANK J. O'BRIEN

A 20-year-old boy is still plastic but certainly more mature, and is, therefore, better material for military training than boys of 18 and 19. I feel certain that the Army can accomplish a great deal more with 20-year-olds in a much less period of time than could be accomplished with the younger group.

I recognize that conscripting these boys is a much easier procedure and, therefore, less complicated than conscripting those of 20 or over. If this should enter into the picture, certainly the ease with which conscription can be accomplished should not be the determining factor in selecting our manpower for the armed forces.

Dr. FRANK J. O'BRIEN,
Associate Superintendent of Schools, New York; Former Director, Child Guidance Bureau, New York City Schools.

ARMY CAN USE OLDER MEN, SAYS DR. CARLETON WASHBURNE

May I, as an educator, strongly protest against the drafting of the youths of 18 and 19 until all able-bodied men, married or not, are fully and effectively participating in the war effort?

There are plenty of us over 45 who, while we may not be fit for the rigors of infantry attack, could replace men of the present draft age behind the lines in the infinitude of services necessitated by the Army. Every such expedient should be used to the limit before we pull boys out of school and jeopardize the Nation's future.

CARLETON WASHBURNE,
Superintendent of Schools, Winnetka, Ill.

18-YEAR-OLDS NOT ALWAYS 18 IN DEVELOPMENT

The age at which the character of young men matures is a variable quantity. A number of boys of 18 have not the maturity of the normal boy of 16. A somewhat lesser percentage of 19-year olds will belong to the group of immature characters.

It would seem to be a more rational procedure to provide for the further education of all boys of 18 to 19 of average normal intelligence. If they are drafted into the ordinary military services their education will cease and we shall not have a body of men from whom to draw the officers of the future.

Dr. THOMAS V. MOORE,
Department of Psychology and Psychiatry, The Catholic University of America, Washington, D. C.

COLLEGE, FARM, AND DEFENSE INDUSTRIES ALTERNATIVE SERVICES FOR IMMATURE

We must consider the blasting of individuals' lives and the resulting compounded cost to the country in money and more particularly in the most valuable unit of its manpower. If it is true that to use these boys has become absolutely and literally vital to the war effort, then there is this sane alternative: These boys may continue at college taking special preparatory courses, or they may be drafted for farms or defense industries for 2 years while they mature and grow less incapable of taking the impacts of war.

Dr. DAVID BECK,
Mount Sinai Hospital, New York City.

THESE YOUTHS SHOULD FURNISH TRAINED MINDS OF FUTURE

These persons should constitute the trained minds of the future. Those hardly out of adolescence are comparatively immature emotionally and intellectually, and many of them are as yet unstable constitutionally, and are thus unfit for the regimented camp life or for active field service. Certainly, the older groups, including the married men and those married men with children, should be utilized first, until the supply is exhausted, before considering the adolescents for service.

NOLAN D. C. LEWIS, M. D.,
New York State Psychiatric Institute and Hospital, New York City.

TOO MANY MISFITS WILL FOLLOW THIS DRAFT

Selection of good soldiers from this younger group is bound to be much less successful for the simple reason that these men have had fewer years in which to show clues to their instabilities and disqualifications. These particular years have proved especially important in the evaluation of the older group. Thus, there will be an undue proportion of unfit men taken into the service.

It must be remembered also that these 2 or 3 years, when young men are emancipating themselves, are the years in which they can gain great personal strength by being on their own. In the Army they will miss this opportunity, since the Army, without question, continues a dependence and regimentation. These men may fight for a glorious victory and at the end find themselves confused by the absence of a background of civilian experience and so regimented that the freedom that we are fighting for means nothing to them.

GEORGE S. STEVENSON, M. D.,
Medical Director, the National Committee for Mental Hygiene, New York City.

DRAFTING 18- 19-YEAR-OLDS CALLED UNDESIRABLE

I am fully in accord with the viewpoint about the undesirability of drafting boys of 18–19 for combat service. I am sufficiently well acquainted with the psychology of youths of that age to realize that the experience, wholly aside from the matter of risk is unlikely to be helpful during these formative years.

Dr. FELIX MORLEY,
President, Haverford College, Pennsylvania.

GREATEST CALAMITY

It would be the greatest calamity if boys of 18–19 were sent into active service. That goes without saying.

DOROTHY CANFIELD FISHER,
Arlington, Vt.

USE EVERY OTHER SOURCE OF MANPOWER FIRST

Many of us who are close to the problems of youth are deeply concerned over the possibility of drafting 18- and 19-year-old boys. We realize how grave are the psychological dangers of war to boys of this age. I am writing to urge you to use your influence to the end that every other source of manpower be used before these boys are called. (From a letter to Dr. Stevenson.)

Dr. CAROLINE B. ZACHRY,
Director, Child Guidance Bureau, Board of Education, New York City.

DEPARTMENT OF EDUCATION,
Quitman, Miss., October 15, 1942.

Hon. THEODORE G. BILBO,
United States Senate, Washington, D. C.

DEAR SIR: I am writing you concerning a matter of grave concern to the citizens of this State and the entire South. I refer to the present system of sending back to the community Negro selectees who are of low educational level and who have syphilis. The low educational level men are referred to the county superintendent for rehabilitation. There are no restrictions as to where they go, so they are here today, somewhere else tomorrow. The county superintendent cannot follow them.

Those with syphilis are turned back into the counties for the health department to treat. The Negroes themselves are trying to get deferred on these grounds. The number of Negroes, as compared with the number of white boys, at home is already causing some racial trouble.

It seems to me that men having syphilis could be placed in a section of the camp to themselves, treated by Army doctors, and trained at the same time. Also those of low educational level could be trained and taught what they need to know by the Army more economically and more efficiently than can be done by turning them back into civilian life to go where they please. This would strengthen our war effort and at the same time avoid the trouble that is sure to come under the present system.

I am writing you because I know you are interested in a program that will help in this emergency and at the same time save additional heartaches in the South.

If you can be helpful in getting this matter corrected, you will render a great service to your State and Nation.

Sincerely,

M. M. SHIRLEY,
County Superintendent of Education.

DALLAS, TEX., *October 16, 1942.*

Hon. THEODORE G. BILBO,
United States Senator from Mississippi, Washington, D. C.

DEAR SIR: As I read of the trend that seems to be sweeping the country to take our 18-year-old boys and offer them up as a sacrifice, I am compelled by a sense of fairness and decency to protest such action.

In order that you may know some of the background of the protestant, I am submitting some facts pertaining to my family.

My great-grandfather fought with General Jackson at New Orleans, my father and two of his brothers fought in the Confederate Army, one of my brothers was in the Spanish-American War. The writer and three brothers were in the service during the war of 1917–18. I now have a son 24 years of age who has been in his country's service since August 1940. I have six nephews in the service at this time.

I have a son in college who will be 18 in December and a nephew in college who is now 17. I feel that these boys should be permitted to obtain the education that is now made possible for them, if they can complete their work before they become 21 years of age.

During the war of 1917–18, I had something to do with the training of men and I know the effect of war training upon the untrained youthful mind. I was asked by men, "Why should we strive to retain a sense of decency when we are being trained to be murderers?" And such a feeling is stronger among the younger men who have not had time to develop stamina and strength of character. This plea about the educational advantages of the Army is a mirage or a smoke screen. Let any man in Congress go out to the bayonet courses where we are training men, or onto the grounds where Commando squads are being made ready for their gruesome work and see how uplifting Army training is.

One other thing I note in the sentiment expressed daily is, "That if we take in the 18-year-old boys then we won't have to draft men with one or more children." Why should my 18-year-old boy have to fight to defend the home of a 25-year-old who is not willing to fight for his own home? Shouldn't selections for service be on the basis of need, both in the service and at home, instead of being made on family basis? Why shouldn't a man with a family be more willing to fight for that family than the 18-year-old boy who doesn't know what it is all about?

I believe that the 18-year-old boy should be given a fair deal and should not be discriminated against because of his age or because he has not had an opportunity to get married; or perhaps because he doesn't even have a voice in the selection of our public officials.

Yours very truly,

A. P. ROLLINS.

PHILADELPHIA, *October 16, 1942.*

SIR: I am directing this letter to you as a Member of Congress now considering the subject of new legislation for the drafting of boys 18 to 19. You have repeatedly been quoted as being opposed to the drafting of boys of teen age into the armed forces unless you were convinced that there was an urgent need for the drafting of boys. Meetings are now being held to determine whether or not such an urgent need exists.

In all my life, and I am now 48 years of age, I have never written to any of our legislators, whether State or Federal, to express

my personal views on pending legislation because I always felt that the legislators were and did perform their duties as right and conscience dictated. The American public, and I as one of them, have been led to believe since the first of the year, and yes, even at the time when the draft law age limit was lowered to include the 20-year-olds, that the 18- and 19-year-old boys would not be mustered into the service for a long time to come unless the war situation became so serious that it would be absolutely necessary to take this step.

This belief on the part of the American public was a well-founded one, and was primarily based on the action and attitude of Congress when the draft age law was reduced to 20. By skillful propaganda on the part of the Army leaders, a great many of the American public has for some time sensed that the Army leaders would shortly force Congress to lower the age limit to include 18- to 19-year-olds, and had gone so far in their use of pressure to prevail on our President to recently make the astounding request for the induction of our young boys into the armed forces. And now Congress, particularly the House of Representatives, is rushing pell-mell to adopt the legislation which will be, and is, a tragic mistake.

I have read the reported testimony of Army and Navy leaders before the committee, and there is nothing in their testimony which can or should convince Congress that there is such an urgent need for boys in the Army or Navy.

I was a boy once and so were you, and you and I can use our own judgment as to whether or not we could, if we were 18 or 19, cope with equal prowess with young men who had reached their majority.

I would like to suggest that the members of your committee acting on this legislation take a trip to some of our high schools and our colleges to survey these respective groups and remind themselves of what boys of 18 and 19 look like and convince themselves in that manner whether the Army knows what it's talking about.

It would be a sad mistake and tragedy and a great wrong to the youth of our country if such law were adopted forcing boys now in their senior year at high school or freshman or sophomore year at college to break away from their educational training which is making them fit to carry on the traditional way of American life, each in his own selected field.

I can well understand the argument of survival forcing the interruption of their education and training, were there such compelling necessity, but you and every clear-thinking individual must admit that no compelling necessity as yet can be convincingly shown, nor is any even remotely imminent.

I join the great number of American fathers of boys of teen age in voicing this objection against any such legislation, and I make my objection with all the strength that I can muster. Should the legislation be adopted, and I regret to say that I am fearful that it will because of the apparent haste and speed with which action is now being taken, as reported by the newspapers, that history will prove that a great and unnecessary wrong was perpetrated by the Congress of the United States on our boys of teen age.

Very truly yours,

L. A. J. ROBBINS.

Mr. BILBO. Mr. President, let me say in conclusion that I have no patience with the speed and the hurry-up action on the part of congressional leaders to have this legislation passed. As the distinguished Senator from Maryland [Mr. TYDINGS] has said on the floor of the Senate, we are going far beyond what our Allies have done in forcing the young men of our Nation into combat service before they have finished their college education, or even their high-school courses.

I have before me a special dispatch from London, which I wish to read to the Senate:

King George, in the presence of South African Minister Jan C. Smuts and Ernest Bevin, Minister of Labor and National Service, signed a proclamation at Buckingham Palace today making 18-year-old youths eligible for military service.

They are just being made eligible.

Bevin, disclosing the action in the House of Commons, emphasized that the young class would not be required to serve abroad.

This morning we heard our distinguished friend from Alabama [Mr. HILL] trying to broaden that expression by saying that it includes continental Europe. The people of England have the English Channel between them and the continent of Europe. When a man stands in England and talks about going abroad, he means to France, Belgium, Denmark, Russia, or some other part of Europe or Asia, or to the South Pacific or Africa. The British mean to keep the younger boys at home, on home duties, until they are trained and seasoned, as my friend the Senator from South Dakota [Mr. GURNEY] wishes them to be, to meet the professionals of Germany and Japan who have been trained from 2 to 4 years.

We propose to register November 7 those who have reached the age of 18 between July 1 and September 30, inclusive—

He said.

They will be medically examined later in the month and called up as required. Many of them may expect to join the services in December.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired, both on the bill and on the amendment.

Mr. BILBO. As a final word, I wish to say——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. BONE. Mr. President——

Mr. TYDINGS. Mr. President, will the Senator from Washington yield to me half a minute of my own time?

The PRESIDING OFFICER. The Chair has not yet recognized the Senator from Washington. The Chair intends to recognize the Senator from Washington.

The Senator from Washington is recognized.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BONE. I am very glad to yield.

Mr. TYDINGS. I should like to have the RECORD show at this particular point that there are several Senators in the chamber—of which number the Senator from Maryland is one—who, if they had had an opportunity, would have supported the Norris amendment in its general philosophy. It provided against sending abroad inductees who are less than 19 years of age. Unfortunately, the amendment of the Senator from Texas [Mr. O'DANIEL] precluded us from expressing that opinion. Therefore we voted "nay" on that amendment, having no other vote. I make this statement lest our position be misinterpreted. I believe I speak for the Senator from Arkansas, the Senator from Michigan, and others who have indicated the point of view which I have just expressed.

Mr. VANDENBERG. Mr. President, will the Senator yield to me a minute of my own time?

Mr. BONE. I yield.

Mr. VANDENBERG. I wish to concur in the statement made by the able Senator from Maryland. I voted against the O'Daniel amendment because I favored the Norris amendment. So far as I am concerned, I would stop entirely the drafting of boys below 19 years of age if I could.

Mr. BONE. Mr. President, the Senator from Maryland and the Senator from Michigan have just now literally taken the words out of my mouth. They served by their statements to make plain what I now desire to make plain in my own behalf.

At this point in my remarks I should like to have the amendment of the Senator from Nebraska [Mr. NORRIS], as modified, printed in the RECORD.

There being no objection, the amendment, as modified, was ordered to be printed in the RECORD, as follows:

Amendment proposed by Mr. NORRIS to the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, viz: At the end of the bill add the following:

"SEC. 5. Nothing in this act shall authorize the sending of troops inducted into military service by this act into combat service beyond the limits of the continental United States who are less than nineteen years of age unless such troops have had at least 1 year of training."

Mr. BONE. Mr. President, due to the parliamentary situation so aptly described by the Senator from Maryland, it was impossible for those of us who would have been happy to support the amendment of the Senator from Nebraska [Mr. NORRIS] to vote in the affirmative on it. I have no great dissatisfaction with the philosophy expressed in the amendment of the Senator from Texas [Mr. O'DANIEL]; but I much prefer the language of the amendment of the Senator from Nebraska. I regret that I was thus unable to vote upon it. I am sorry that the situation was not reversed, so that the Norris amendment might have been tendered as a substitute for the O'Daniel amendment, thereby permitting us to vote first on the Norris amendment. In that case I should have voted for the Norris amendment. I merely wish the RECORD to show my attitude toward this problem, so that it may not be misunderstood in the history of our actions.

Mr. President, I take a moment more to comment upon a bit of history. This morning the able Senator from Alabama [Mr. HILL] spoke about the attitude of President Lincoln toward General Grant in his great campaign of 1864. There are sons and grandsons of Confederate veterans in this body, and I think they probably will be interested in my remarks of the moment.

It is my recollection that the Senator from Alabama said that President Lincoln had said to General Grant, "Go right ahead. You have my undivided

support to fight this war out, no matter what it costs."

Mr. HILL. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. HILL. I am afraid the Senator, in his enthusiasm, is putting words in my mouth.

Mr. BONE. I shall be glad to have the Senator repeat his statement.

Mr. HILL. I said that Mr. Lincoln had stood squarely behind General Grant, and let General Grant follow his own course. He told him that the reason he did so was that he—Lincoln—thought that Grant knew best.

Mr. BONE. In the Wilderness campaign there occurred probably the most astounding manifestation in the military history of this country or any other country.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. BONE. I do not have much time. If I have time I shall be glad to yield.

Mr. HILL. I wish to refer the Senator to Lord Charnwood's Life of Abraham Lincoln, page 353.

Mr. BONE. I refer my very able brother from Alabama to a great many critical histories of the Civil War which I have perused, including Sandburg's Life of Lincoln.

When Grant crossed the Rapidan, I believe in May 1864, and plunged into that bewildering section of the Virginia country known as the Wilderness, with the greatest army ever gathered under the American flag up to that time, a sturdy body of fighting men, almost all of them trained and hardened veterans, with a vast park of artillery, he gave notice to the country that he would fight it out along that line if it took all summer.

In that campaign he lost more men than Lee's army contained. He wound up that summer campaign—I believe in the middle or the latter part of June—with 10,000 casualties, dead and wounded men, at the second battle of Cold Harbor, a battle so savage that it staggered the conscience of America. Wounded and dying men lay out in the fierce sun of Virginia, rising and falling like a carpet, their agonized throats parched with thirst. The air was filled with the screams of the wounded and dying men crying in vain for relief, for Grant and Lee did not arrange an armistice. Those men had to lie there and die in the blazing Virginia sun.

Lee retreated across the James River to Petersburg, Va., and holed in there. He dug trenches and America saw real trench warfare.

Then occurred the peculiar manifestation which I mentioned. For some reason neither Grant nor Lincoln elected to press Lee with great vigor and for 9 months, from about July until the following March, the Confederate Army stood in its trenches at Petersburg. Grant possessed magnificent artillery, including siege guns—the finest artillery of its kind in the world at that time.

I shall not hash over old history. Historians have done that. I do not propose to do it on this floor, except to say that the whole country was staggered by the libations of blood poured out at the Wilderness, Spottsylvania Courthouse, and Cold Harbor, and every Senator on this floor knows that there was such an upheaval in this country, such an outpouring of sentiment, whether justified or not, against the letting of blood in that campaign, that Lincoln himself was afraid he would be defeated in the election of 1864. So military activities were almost stopped; the troops remained in the trenches at Petersburg for months. Nothing vital was done. The killing, the butchery, the blood-letting which occurred during those months in the Wilderness campaign had staggered the North. When the Union army lost more men in that campaign than the whole number of men in the Confederate army under Lee, it came as a stunning blow.

There was a reason for the cessation of activities. The administration was actually afraid that that terrible loss of life among the young men of the North might cost Lincoln his reelection. Every historian in this body knows that was true. So the war in the eastern theater of operations almost ended for the Army of the Potomac and the Army of Northern Virginia, except such minor battles as the one at Fort Steadman and at the crater at Petersburg. Then gallant Lee, with his men hungry, ragged, and starving, got out of the trenches at Petersburg and hurried westward. He got only as far as Appomattox when his dwindling legions of brave men were surrounded, and had to surrender. There was no use fighting further because there would have been an unjustifiable loss of life. When the end came, only a few thousand of Lee's once fine army were capable of bearing arms.

Critical historians have explained why fighting ended at Petersburg, as I have indicated. It is true that fighting went on in other places, but that was a terrible example of what sometimes happens in war when vast numbers are being killed.

I express interest in those matters because my father was with Grant, and my mother lost her young brothers in that campaign. So I speak with a knowledge of one who has heard men who participated in those stirring events and who saw the shambles of Spottsylvania Courthouse, the Wilderness, and Cold Harbor.

So at that time, whether Grant was going along with Lincoln, or Lincoln was putting the destiny of the country in the hands of Grant, for 9 months the whole war in Grant's sector was in abeyance.

I rose to say that I would have voted for the amendment of the Senator from Nebraska; and I desire to repeat for the sake of the cold record that the parliamentary situation did not permit me to vote for it. If I had been able to do so I would have reversed the situation, and would have voted for the Norris amendment.

Mr. BURTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BURTON. I should like to know what the present parliamentary situation is.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. BILBO].

FRIENDS OF DEMOCRACY, INC.

Mr. WHEELER. Mr. President, I do not rise for the purpose of speaking on the pending amendment, although I think there is a great deal in what the Senator from Mississippi has said with reference to it.

I rise to speak on a matter which is somewhat extraneous. I desire to call the attention of the Senator from Oklahoma to an article appearing in the New York Times of Friday, October 23. The article is entitled "Lawlessness Depicted in Dry Oklahoma; Prohibition Disunity Held to Be Axis Aim." I read from the article as follows:

A picture of bootlegging in Oklahoma was drawn by the liquor industry in an effort to remind Senator JOSH LEE—and the rest of the country—how prohibitory law is working in that State. The Oklahoman was author of the dry amendment to the 18–19-year draft bill which was referred by the Senate to the Military Affairs Committee for hearings.

The following paragraphs are the ones to which I wish to invite the particular attention of the Senate:

At the same time, Friends of Democracy, Inc., said "the present utterly fantastic drive to disunite America by prohibition legislation is sparked from Axis propaganda."

The Reverend Leon M. Birkhead, national director of Friends of Democracy—

I desire to call attention to the fact that this Dr. Birkhead and the Friends of Democracy were the ones who started out to purge every Senator who wanted to try to keep this country out of wa. and who disagreed with the foreign policy of the President prior to Pearl Harbor. At that time Dr. Birkhead was accusing all of us who were opposing some portions of the program of the President because we thought it would lead to war of being guided, either innocently or directly, by Axis propaganda.

Now he says that all the church people of this country, including the fine church women, likewise were being guided by Axis propaganda.

Let me read further from the article:

The Reverend Leon M. Birkhead, national director of Friends of Democracy, said he believed, with Secretary Stimson, that the Senators espousing military-zone prohibition were sincere in their motives. However, he said prohibition arguments now advanced here could be traced to a Nazi-subsidized organization in Geneva, Switzerland.

Mr. Birkhead offered to show records at his office, 103 Park Avenue, to substantiate his charge that propagandists had filtered "much of the Goebbels' secret prohibition propaganda into sincere but innocent front organizations." He said that Nazi agents "understand, if Senators do not, that bitter resentments would flare in American military, naval, and civilian masses if prohibitory legislation could be manipulated."

I read further from the article:

Asserting that prohibitory law in Oklahoma fails to protect either soldiers or the public, Thomas F. McCarthy, president of the Allied

Liquor Industries, quoted from accounts in Oklahoma newspapers of bootleg liquor seizures, of racketeering in sugar to make illegal whisky, of prevalent prostitution, and of costly splurges by war workers in Oklahoma City speakeasies.

I have read from the article, not for the purpose of casting any reflection upon the State of Oklahoma or the Senator from Oklahoma, but merely to show the Senate what a despicable character this man Birkhead is, and because of the fact that from one end of the country to the other he attempted to blacken the character of every individual, every patriotic organization, and every peace organization that had the temerity to want to try to keep this country out of war, by saying that they were inspired, either innocently or openly, by the Axis Powers.

He even charges the great church organizations with being so inspired. I do not know how many Senators have received telegrams and letters from members of the Church of Jesus Christ of Latter Day Saints. I have received many telegrams from members of that church who live in my State, and many telegrams from leading Methodists, Baptists, Presbyterians, and from members of women's organizations throughout the country, supporting the Lee amendment. While I did not vote to place it in the present law, but voted to refer it to the committee because of the pleas which were made upon the floor of the Senate by our Democratic leader and by other Members of the Senate, nevertheless I resent the actions of a man such as Birkhead, who apparently can be bought and sold by anyone who has the price. I resent having him charge anyone and everyone who does not agree with him with being dupes of the Axis agents.

He says that measures such as the Lee amendment stir up disunity. As a matter of fact, the so-called Friends of Democracy and this man Birkhead himself have done more and are now doing more to stir up disunity in this country by charging everyone who does not agree with him with being an Axis agent or the dupe of Axis agents, than anyone I know of is doing. I desire to take this opportunity to pay my respects to this man and to the kind of people he represents and the people who associate with him and are putting up the money for him to carry on such propaganda.

I repeat a portion of the article:

The Reverend Leon M. Birkhead, National Director of Friends of Democracy, said he believed, with Secretary Stimson, that the Senators espousing military zone prohibition were sincere in their motives. However, he said, prohibition arguments now advanced here could be traced to a Nazi-subsidized organization in Geneva, Switzerland.

In other words, he would have us to believe that the arguments which were made on the floor of the Senate by the distinguished Senator from Oklahoma were advanced or could be traced to Nazi-subsidized organizations in Geneva, Switzerland.

The article further states—

Mr. Birkhead offered to show records at his office, 103 Park Avenue, to substantiate his charge that propagandists had filtered "much of Goebbels' secret prohibition propaganda into sincere but innocent front organizations."

Are the church organizations of this country sincere but innocent front organizations for Nazi propaganda? Were the Senators who voted upon this floor for the amendment inspired by Nazi propaganda, and were they taking up the Goebbels propaganda which came out of Switzerland?

As a matter of fact, I do not suppose any church group in the United States—not one group in this country, not one Senator—ever heard of any propaganda for prohibition coming from Switzerland, and neither did any other people in church organizations.

The group, the Friends of Democracy, Inc., was the group that deliberately and premeditatedly started to go into every locality of the country trying to purge every Member of the House of Representatives and every Member of the Senate who did not agree with the President or the policy laid down by that group in New York prior to Pearl Harbor. One could well come to the conclusion that the only people in this country who had any patriotism left in them were a group of Wall Street bankers and a group of others in the city of New York who are financing Mr. Birkhead and his so-called Friends of Democracy. "Friends of Democracy!" They are not in favor of democracy; they do not even know what the meaning of democracy is. They are in favor of a dictatorship in this country, and they want the kind of dictatorship, if you please, that exists in some of the countries of Europe. They are preaching democracy, but, at the same time, they seek to set up in the United States of America some form of dictatorship under the guise of democracy.

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield the floor.

Mr. LEE. Mr. President, I shall undertake to answer the article. I saw it in the New York Times. I do not believe there is a Member of this body who believes that I or any one of my colleagues is in any way connected with Nazi propaganda. That, of course, is merely a ridiculous charge. I know that some Senators who favored the amendment designed to prohibit liquor in and around military camps voted to send the bill to the committee because they feared that consideration of that question at this time would create dissension which might, in some way, hinder the war effort. I think the vote of many Senators was a hard one for them to cast on that very account.

With respect to liquor in Oklahoma, I believe that the liquor laws of Oklahoma are as well enforced as laws of that nature are enforced anywhere. I believe there is as little liquor per capita in Oklahoma as there is in any other State in the Union and much less than in many States. I believe that every Senator will agree with me that an organization which has as much money as the Allied Liquor Industries, Inc., who sponsored this article, can hire someone to go through the newspaper files, collect every headline about every violation of the liquor law, and make it appear that the conditions in any State are very bad, when quite the contrary is true. I challenge anyone to make a fair comparison between conditions in Oklahoma and any other State in the Union.

If a fair comparison is made the result will show that there is much less crime, drunkenness, and violation of law per capita than there is in any wet State which can be chosen.

I have lived in Oklahoma since statehood. The prohibition laws of the State began with statehood. Oklahoma came into the Union legally dry, and the law has been well enforced, considering the difficulty of enforcing laws of such nature.

The difficulty of enforcing the law in Oklahoma has been greatly increased because of a failure on the part of the Treasury Department of the United States Government to keep faith in helping dry States to protect themselves against the importation of liquor from other States.

In 1932, before national prohibition was repealed, the Democratic Party pledged in their platform protection to the dry States in this language:

We demand that the Federal Government effectively exercise its power to enable the States to protect themselves against importation of intoxicating liquors in violation of their laws.

That was in the platform of the Democratic Party. Following that President Roosevelt said:

I say to you now that from this date on, the eighteenth amendment is doomed. When that happens we as Democrats must, and will rightly and morally, enable the States to protect themselves against the importation of intoxicating liquor where such importation may violate their State laws.

Then, in order to carry out the pledge of the party and the promise of the President, the twenty-first amendment was enacted in this language:

SEC. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Following the twenty-first amendment, the Congress enacted the enforcement law of 1936. That law was intended to protect the dry States. Then for 7 months the Federal officials enforced that act to protect the State of Oklahoma and other dry States until, out of a clear sky, the legal counsel for the Treasury Department struck down that law, not as the result of any case at law, not as the result of any judicial decision, but simply in a memorandum in which he said the law did not give protection to the dry States.

Then I offered in the Senate an amendment to a revenue bill. My colleagues heard the plea I made, they supported and the Senate adopted the amendment which would have given the dry States the protection which had been promised them. The amendment was adopted by the Senate by a vote of 53 to 16. Then the legal counsel of the Internal Revenue Bureau got busy and prevented the adoption of the amendment by the House and the dry States were denied the protection which had been promised them. So, if there is any place to lay the blame for such infractions of the liquor law as we have in Oklahoma,

it should be on the doorstep of the legal counsel for the Internal Revenue Department who struck down the law which was passed to protect the dry States.

Mr. President, I leave it to the fairness of any man, whether he is a Member of this body or outside this body, if the statement be not true that if there be collected from the newspapers and added together news stories which point out infractions and violations, as has been done in this article, the cumulative effect will be such that any law under the sun can be made to appear to be a failure. That law is not a failure in the State of Oklahoma.

I realize that in thickly populated metropolitan areas there is a different situation. My State is an agricultural State; its population does not live in large cities, and, therefore, the enforcement of the liquor law is relatively easier than it otherwise would be.

The article had no purpose in the world except to try to hurt me and to discredit the State I represent, merely because I conscientiously supported a measure which I believed to be for the best interests of the armed forces of this country, supported a measure which was actually a part of the draft law of 1917.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CLARK of Missouri. As the Senator knows, I did not agree with the principle of the Lee amendment, and I did not agree with the principle of the Sheppard bill, for the reason that I did not believe that either the Sheppard bill or the Lee amendment would accomplish the aims and objectives which those Senators announced, but I thought that, on the contrary, it would bring back all the evils which the country suffered under national prohibition, including turning the soldiers and others over to the tender mercies of bootleggers. Therefore I voted to refer the Lee amendment to the Committee on Military Affairs, for consideration, but if a vote had been taken on the amendment, I should have voted against it.

I do not think the Senator from Oklahoma, or the Senator from Montana, or anyone else, need lose any sleep or be worked up over the aspersions which have been attempted by this renegade preacher Birkhead—and he is a renegade preacher—who used to live in my State, and left the State for the good of the State, I may say. He is a professional mud slinger, who will undertake to asperse anybody who happens to be in opposition to the crowd he represents. It seems to me too much attention is being paid to him. If everyone whom he has denounced as a Nazi agent had been a Nazi agent, it would seem that Goebbels had changed his staff of agents in this country with great rapidity, because anybody who differs with Birkhead is immediately denounced as a Nazi agent.

My purpose in rising was to say that, while I was not in favor of the amendment, if anyone, Birkhead or anyone else, undertook to intimate that those who had favored the Sheppard bill and favored the Senator's amendment are not among the very best people in the United States, I should regard it as absurd. I have received a great many letters from people in Missouri whom I know, and know very well, who favor the amendment, and who favor the Sheppard bill, and they are the salt of the earth. I do not agree with them; I think they are wrong. I think that the objective at which they are aiming is excellent, but I think adoption of the method they are suggesting would be disastrous to the country. As to their motives and their patriotism and their freedom from any impulse except to work for the highest interests of the American people, for them to be besmirched by a fellow like this man Birkhead is utterly ridiculous. Those people need no defense from anyone.

Mr. LEE. I thank the Senator. I merely wanted to repudiate the article referred to by the Senator from Montana [Mr. WHEELER].

The conditions in Oklahoma are mighty good conditions under which to live and bring up a family. I live in a little town of 12,000 inhabitants. The children go to school, and on Sunday we go to church. We see very little of intoxicating liquors there, and the people of Oklahoma like that atmosphere. We struggle along to enforce the dry laws as best we can since the Federal Government has not given us the protection we were promised.

REDUCTION OF DRAFT AGE LIMIT

The Senate resumed the consideration of the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

Mr. MAYBANK. Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial from the Washington Post entitled "Our Enemy Syphilis."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

OUR ENEMY SYPHILIS

When the Tolan committee wrote, in its latest interim report, that "this war can be lost in Washington," it was thinking of our failure to make the best use of our manpower. In a more limited way, that statement seems to be applicable also to the scandalous vice conditions in the Capital. The fact that hundreds of young men are being infected with syphilis and gonorrhea on their visits to Washington, and thus rendered unfit for military service, is more than a national disgrace. It is a shameful waste of manpower at a time when the country needs the services of every able-bodied citizen.

Prostitutes spreading venereal disease among soldiers are a sort of sixth column working to undermine the strength of the Nation in the hour of its peril. They strike as directly at our armed forces as do Jap and Nazi guns. The measure of the damage they do is to be found in the fact that the Army refuses to induct venereal disease victims until treatments carry them beyond the infectious stage of their affliction. When men acquire syphilis after their induction, they are recognized as a menace to the Army. Yet Washington has permitted this loathsome sixth column to flourish here at the headquarters of the United Nations without an effective check.

The Washington Criminal Justice Association directed attention to the prevalence of vice and venereal disease here months ago. Senator MCCARRAN, chairman of the Senate District Committee, has introduced a bill to tighten up the flimsy law under which the prosecutors and police have been operating. And now the courts are beginning to crack down upon the hapless victims of this racket. But no real solution is yet in sight. The McCarran bill is still awaiting committee action, and even when Congress gets around to passing it the police will be so short of men that enforcement will be difficult. Unless there is consistent cooperation from the courts, moreover, centers of vice cleared out from one place will quickly go into operation elsewhere.

Surgeon General Parran has disclosed that some prostitutes are guaranteeing infection to men seeking to evade the draft. It is impossible to determine how many men are stooping to this disgusting means of letting their country down. But the record shows that syphilis has already deprived the Army of about 6 divisions of 20,000 men each. Dr. Parran recommends that prostitutes be quarantined and treated so as to prepare them for jobs in war industries. It is time for the country to wake up to the fact that loathsome venereal diseases are undermining our national strength, particularly in the Capital City. If we are facing this global war with deadly earnestness, we will strike at venereal disease as vigorously as at any other enemy.

Mr. TYDINGS. Mr. President, I inquire what is before the Senate at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. BILBO].

Mr. TYDINGS. I wish to offer an amendment. Of course, it would not be in order until the pending amendment was disposed of.

Mr. BARKLEY. Mr. President, many Senators are anxious to have the pending bill disposed of today, and many are awaiting action on it in order to fill important engagements. In order that we may arrive at a vote upon the pending measure and all other amendments which have been offered, I hope we may forego the pleasure of consuming time on extraneous matters which have already been disposed of and which are not before the Senate.

Mr. GILLETTE. Mr. President, it had not been my intention to speak on the pending measure, but the Senator from Mississippi [Mr. BILBO] has just referred to a factor which has been a source of great worry to me. I feel more deeply regretful than I can express at the situation which makes it impossible for me to support the pending proposal. I would be hesitant indeed to set up my own individual judgment against a position which those in authority in our armed services, from the Commander in Chief down, have presented as their considered judgment, but there is a duty I have to perform and there are conclusions which to me are inescapable which force me to a position where I cannot support the pending proposal.

I am not unduly swayed by the discussions as to age. Once more I know my colleagues will pardon me if I make a personal allusion. I wore the uniform of the United States in active service, in domestic turmoil, when I was 14 years old. I wore it again in the Spanish-American War, when I was 18. I wore it

again in the World War, when I was 38 or 39 years old. The question is not one of age. Nor is it a question of the feelings of the mothers. Every mother looks on her boy as a babe in arms, whom she held and attended when he was a tiny babe. Her grief is no less poignant, the strain on her heartstrings is no less keen, the ache in her heart is no less searing when her 20-year-old boy is called into service, than it would be if he were 18 years old or 19 years old.

Nor am I moved by statements such as those made by General Marshall in his testimony before the committee, that he went into hospitals and saw in the beds elderly men who had been in the service for 4 or 5 years. I recall a very particular occasion when in Chattanooga. Out of a company of 120 men 18 and 19 years of age, only 17 turned out, because all the others, 103, were in the hospital with dysentery and typhoid. So those things are to me somewhat pointless, though they may weigh with others.

There is a situation, Mr. President, which weighs heavily with me, and forces me to the conclusion which I must reach. If this Nation needs 18- and 19-year-old boys, I am for taking them, and I would support a measure providing that they should be taken. If the Nation needs 17- and 16-year-old boys in order to win the war in which we are embarked, I shall support a movement to that end. But I must be convinced that the necessity exists. I am willing to throw every ounce of power, every resource we have, into the effort to bring the war to a successful termination, but it must be shown that there is a necessity, and that it is inescapable.

Mr. President, what would be the effect of the adoption of the proposal? Let me use this illustration: If it ever became necessary, I should consent that factories in this country now making munitions should be torn down and the metal taken to make guns for use in the war. But why destroy the factories? We have heard statements made concerning the boys in the Civil War who were 12, 14, 15, and 16 years of age. That was a deplorable situation. After the war some of those boys came into my State and took up quarter sections of land, married young girls, and settled down. In those days they could do that. But let me point out what is proposed to be done now. We are being asked to call out of high school, boys 18 and 19 years of age, directly from the senior class, and directly on their graduation, not for a short war within the realm of any probability, but for a long war. Those boys may not return until they are 24 or 25 years of age. Will they then go to colleges? They certainly will not. By then their outlook will have been changed entirely, and they will have no inclination to go into schools to learn professions. They will therefore never become equipped. They will acquire no technical knowledge. They will have no professional schooling.

What are we asked to do? We are asked to approve a measure which will destroy an asset of the Nation and thrust these boys into the insatiable jaws of the god of war. If we desire to fit them in, let us fit them in, but why destroy the future industrial possibilities of the Nation, saying "we need them," why force generations one after another into the war and destroy them?

A few days ago an eminent American appeared before one of our committees and cited the instance of a Japanese transport ship on its way to Java with 780 highly skilled technicians and professional men to take charge in Java of Japan's activities. The ship was sunk, and this eminent man stated that the loss of the technicians and skilled workers was a greater blow to Japan than could have been the destruction of six battleships, because Japan does not have replacements.

Mr. President, shall we destroy the replacements of our country? Shall we put the country into such a position that it will not have technicians or skilled workers for the future, and will have no professionally trained men skilled and able to carry on the work, and no boys returning from the war capable of assuming the burden?

Mr. President, if such conditions become inevitable, and a measure is submitted such as the one now being proposed, I shall vote for it, but I cannot vote for it on the case that has been made here in its support. Give the boys a year's training; then take them into the service, and when they come back they can finish their skilled training. Until the necessity arises, Mr. President, I cannot, deeply as I regret it, support the bill on the basis of any case which has been made for need at the present time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO].

The amendment was rejected.

Mr. TYDINGS. Mr. President, I send to the desk an amendment which I ask to have stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert the following at the proper place:

Every registrant found by a local Selective Service board, subject to appeal in accordance with section 10 (a) (2) of the Selective Training and Service Act of 1940, as amended, to be regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under such act, his local Selective Service board, subject to appeal in accordance with section 10 (a) (2) of such act, shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests his local board to determine, and his local board, subject to appeal in accordance with section 10 (a) (2) of said act determines that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.

Mr. TYDINGS. Mr. President, the amendment which has just been read was prepared at my request in the office of General Hershey. I have quite thoroughly canvassed the members of the Military Affairs Committee, and I do not know that any of them are opposed to the amendment. Most of them have said they were in favor of it. I do not believe the Senator in charge of the bill is opposed to the amendment, although I understand that he is not in position to accept it. However, the officials of the Selective Service System are not opposed to it—indeed, I believe they favor it.

Basically, the amendment provides that in the case of a person who is working on a farm and is called for induction into the armed service, if it can be shown that by drafting him a large area of agricultural land will not be worked, in other words, that there will be a reduction in the production of food because of the drafting of the particular individual, and that he is bona fide and in good faith continually employed, the local board may defer such a farm worker until such time as a replacement can be found for him.

I was impelled to offer this amendment because of correspondence I have had with many farmers in my own State and some outside the State. I know of a farmer who after he does his day's work, because all his help has left him, goes to his cornfield at night in his automobile and turns on his automobile headlights and husks his corn in order to get it into the barn. I know of a farmer who is sowing and drilling wheat by moonlight at night after his day's work is done in order to get his wheat planted. These are only examples of the extreme shortage of farm labor. All my amendment seeks to do is to provide that whenever a person is employed continuously in good faith in the production of food, and taking him off the farm would leave a large section of land uncultivated, and there is no replacement, he shall be deferred upon those facts until a replacement can be found.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. VANDENBERG. Does the Senator's amendment apply only to the draftees involved in the pending bill or to all draftees?

Mr. TYDINGS. It would apply to all draftees. As I said, the amendment was drawn in General Hershey's office at my request, and I think I am authorized to say that they are in favor of it. As a matter of fact, through general interpretation in some sections the philosophy of the amendment is already being employed. Most Senators on the floor have indicated to me that they are favorable to the amendment. I hope it will provoke no debate.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HILL. Let me say to the Senator that, of course, I have no authority to speak for anyone but myself, but I have conferred with representatives of the Selective Service System. They have no objection to the amendment. As the Senator knows, perhaps the most critical shortage we have today in what we ordinarily call manpower, is in agriculture, on our farms.

Mr. TYDINGS. The Senator is correct.

Mr. HILL. So far as I know there is no objection to the amendment.

Mr. TYDINGS. The whole trend has been from the farm to the factory; not from the factory to the farm.

Mr. HILL. That is true.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BILBO. Does the Senator's amendment apply to those who are now employed on the farm or to those who may become employed on the farm in order to escape the draft?

Mr. TYDINGS. It means those who are actually working on the farm continuously, employed in good faith, where the local board, on the facts, finds that the drafting of such individuals would leave a large section of land uncultivated.

Mr. BILBO. The Senator appreciates the fact that if we adopt the amendment every farmer in the country will at once get plenty of farm help.

Mr. TYDINGS. I hope the Senator is correct, but with $120 a week being paid in cities to former farm laborers, I do not think the exodus back to the farm will be very great. The adoption of the amendment would, however, afford some inducement to farm laborers to stay on the farm.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. NORRIS. I think the Senator from Maryland has done a great service to the country by the submission of his amendment. I hope there will be no opposition to it. I am thinking, Mr. President, of the war, and the war effort, and not of any individual. I am thinking of the relief which I believe the provisions of the amendment, if properly carried out, would bring to the country, and not to any individual. If its provisions should bring relief to an individual, well and good. I have had the same experience, I suppose, that all other Senators have had who represent agricultural portions of this great country. In my judgment we ought to have done this thing long before.

I am not authorized, of course, to speak for General Hershey or for any of his assistants. I have not talked with them about the amendment, but I have had many conferences with them and a great deal of correspondence with them, and, in my judgment, from what they have said and written to me, I believe they are in favor of just such a procedure as the amendment proposes.

Mr. President, I do not know that the amendment will work fully. I think a great deal of damage has already been done, but it is apparent to everyone, it seems to me, whether he be a military man or a layman, that one thing is absolutely necessary in this and every other war: We must supply our Army with what the farmer produces. If we do not do it we are bound to be defeated on the battlefield. It is just as important to produce the food which is necessary and the clothing which is necessary as it is to produce guns and ammunition, and provide the men themselves. The man between the plow handles is just as much a real soldier as the man at the battlefront. He does not risk his life, it is true, he is not in the same danger, but he is performing an absolutely essential service. We cannot put men on the battle line unless we have men on the farms producing the food that must supply our Army. We must have the food there, not only every year, not only every month, but it must be there every day. Already I know of large portions of the agricultural areas which are going to lie idle next year. I am afraid we will have a food shortage next year.

Mr. President, it must be remembered that when the war is over—and I hope to God it will be soon—we are then going to be called upon to feed the world. We are the only country left that can do it, and we ought not to be afraid of producing too much. I am afraid we will produce too little.

We must feed our soldiers, we must feed our civil population, and then we will be called upon to feed those all over Europe and nearly all over the world who have suffered more than we have, and we will probably not be able to do it fully.

This provision will go a long way toward putting us in a position where we can do that.

Mr. TYDINGS. I thank the Senator from Nebraska, because I think he has expressed the case very completely.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WHEELER. I have received a number of letters from various stock men in my State, pointing out the necessity of selling their sheep and their cattle. I was told that in one county of Montana alone 30,000 breeding sheep were sold.

I have received from the operator of a comparatively large ranch a letter which came to my office this morning, and I happen to have it in my pocket. The letter is as follows:

> The enclosed clipping appeared in the October 18 issue of the Sheridan Press, a daily newspaper printed here. I thought you might be interested in reading it and in passing it on to some of the officials of the Selective Service organization in the Capital.
>
> I am residing in Sheridan temporarily as I was obliged to sell my ranch in Powder River County because of inability to get help with which to operate it. It means that the production of 300 to 500 head of cattle is ended and there is that much less produced. When you multiply this by two or three hundred, you will realize what Washington is doing to an industry which is said to be bringing close to $100,000,000 into Montana this year.
>
> These people in Washington don't seem to get it through their heads that ranching and farming are two separate and distinct industries and that livestock hands—cowboys—are skilled labor and cannot be replaced with women, businessmen on their vacations, Jap, or Mexican help. It is not common labor. The ordinary laborer would be absolutely worthless—and would get lost, let alone be able to do any work of value, in a big country where a man must not only be resourceful, but have a lifetime of experience.

Mr. TYDINGS. I am sure that the conditions depicted in the letter the Senator has read could be multiplied all over the farming areas.

Mr. WHEELER. That is correct. The letter continues:

> What in the world is the matter with those people in Washington? I can truthfully tell you that the Democratic Party, and I'm a Democrat, is going to get very scant consideration from the ranch people in these Western States. They are really incensed over the ignorance and indifference shown by the bureaucratic element in Washington.
>
> With kindest regards, I am,
>
> Sincerely yours,
>
> F. H. SINCLAIR.

Mr. President, I ask that an editorial from the Sheridan, Wyo., newspaper to which the writer of the letter referred, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sheridan (Wyo.) Press of October 18, 1942]

A CRISIS IN FOOD PRODUCTION

Some people in positions of authority in Washington don't seem to realize that the farmers and stockmen of this region need to know now what they may be able to expect next year in the way of necessary help and labor available for them in their vitally important business.

It does not make sense to a stockman to try to winter many cattle or sheep during the coming 6 months, with his already greatly reduced number of employees, if he has no assurance whatever that his labor problem will not become continuously more severe and difficult, with the result that 6 or 8 months from now he may have to sell at least a large part of his stock and at a time when they will not be in proper condition for market. Far better for him to sell now when the stock are in shape for market and not attempt to winter his normal number.

A stockman must look ahead for about a year. He can't operate on a month-to-month or on a quarterly or even a semiannual basis. Quite naturally and understandably stockmen are besieging their local draft boards for information and advice. But the local boards have no information on which they can base definite advice as to next year.

Volunteer emergency help by people from the towns, high-school students, and women, no matter how generously offered, cannot answer the stockman's need for labor. He does not need large numbers of helpers for short periods. But he does need a few men of experience in the livestock business upon whose skill and knowledge he can rely when they are off alone with the stock, often in remote places, men who know what to do and how to do it, men who the employer knows will do their work when he is not there to tell them and see that they do it.

A few men of that type engaged in the livestock business can and do produce a very great amount of food per capita. Removal of too many of them is an extremely serious threat to that essential war industry, the production of food. And they cannot be replaced by transferring men from other less essential civilian activities, untrained and without experience in the stock business. Several untrained and inexperienced men cannot begin to do the job and assist the production of meat as can one trained and experienced man.

These facts are all so obvious to us in this region that it should be entirely unnecessary to mention them. But apparently they have not yet fully registered in Washington.

The threat to the future production of food for our armed forces and the civilian population by the current sales of breeding cows and ewes in unprecedentedly large numbers by stockmen who feel forced by the labor shortage to reduce their operations, is ex-

tremely serious. The same is true of milk cows. Entirely too many of them are being sold for slaughter for the same reason. If, for the Army alone, 7,500,000 men are to be out of productive work next year, those that are left must produce more, not less. That means that the men remaining on the ranches must be skilled and experienced.

This is a critical situation in a most important phase of the war effort, and it requires immediate and most serious attention.

Mr. TAFT and Mr. MALONEY addressed the Chair.

Mr. TYDINGS. Mr. President, my time is running short. I am going to yield to the two Senators who are on their feet, and I shall thank them if they will be brief in their remarks.

I yield now to the Senator from Ohio [Mr. TAFT].

Mr. TAFT. I wanted to report to the Senator from Maryland that on Thursday I was in East Liverpool, Columbiana County, Ohio. The Ohio Farm Bureau chairman there called on me and stated that a survey had just been made of the production of the farms of Columbiana County, which is mostly dairying, between Pittsburgh and Youngstown. He told me that whereas they had been requested next year to have a 12 percent increase in agricultural production, they could not provide such an increase. According to the survey, as a result of what has already happened to farm labor, there will be an 8 percent decrease in production, and if the draft continues to take their farm workers from them, all the single men, and men married since Pearl Harbor, the decrease will be 21 percent in the agricultural production of that county, which is fairly typical of counties which adjoin large cities.

Mr. TYDINGS. I thank the Senator from Ohio, because I know that what he has said applies to an exceedingly large section of the country. The industrial worker will be the one who will profit by this amendment, because more food will be made available, and there will be fewer meatless or milkless days. It ought also to mean lower prices.

Mr. MALONEY. Mr. President——

Mr. TYDINGS. I yield to the Senator from Connecticut.

Mr. MALONEY. I desire to ask the able Senator from Maryland what is meant by the language "to be regularly engaged in an agricultural occupation." For how long a time must he be so engaged?

Mr. TYDINGS. "Regularly engaged" would not mean permanently, of course, because there is no such thing as permanence in life. It would mean what it says—a regular, bona fide, employed farm worker. That language was selected from the experience of the Selective Service Bureau with occupational requests for deferment. If it is used in that way, it will convey to the local draft boards what previous instructions have already defined.

Mr. MALONEY. Might it mean that a man who was engaged in farming for a period of 1 month could be exempt under this language?

Mr. TYDINGS. Absolutely not.

Mr. MALONEY. Where is the line of demarcation?

Mr. TYDINGS. It would be up to the local board to judge the case on its merits. Any citizen may appeal from the decision of the local board if he does not like the decision. So the whole community, including those who have already given their sons, will be on notice to intervene if this privilege is abused.

Mr. MALONEY. As a matter of fact, the period might be 1 week.

Mr. TYDINGS. No.

Mr. MALONEY. Where is the dividing line?

Mr. TYDINGS. In my humble judgment, the dividing line would be such period of time and such background as to convince the local board that the man was a regularly employed farm worker who knew what it was all about.

Mr. MALONEY. So the intent is that anyone receiving such deferment or exemption must have been a farmer for some considerable time.

Mr. TYDINGS. The Senator has put it better than I was able to express it.

Mr. MALONEY. The Senator from Maryland knows that once we adopt such an amendment, the labor shortage on farms will disappear.

Mr. TYDINGS. I hope the Senator is partly correct; but my opinion is that the effect of this amendment would be felt from now on, rather than to recover any of the farm labor which has already left the farms and gone to factories for higher wages.

Mr. MALONEY. The Senator from Maryland does not anticipate that a man could now go from a munitions plant or any other industry to a farm, and, 3 or 4 or 5 or 6 months hence, apply for deferment on the basis of the language of this amendment?

Mr. TYDINGS. I should say that if he went back to a farm where there was real need for him, and worked for 9 or or 10 months or a year before he was called, and had made a record of 9 or 10 months or a year in a position where he was needed, and where he could not be replaced, then I think the board might consider that situation.

Mr. MALONEY. If this amendment should be adopted and put into the law, so many persons would be anxious to take advantage of it that in my judgment there would not be a sufficient number of farm places for them.

Mr. TYDINGS. I do not believe so; but I hope the Senator is partly correct, because we shall need farm labor to feed the Army before the war is over. Make no mistake about it.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. AUSTIN. I wish to point out one important benefit which I think would be a consequence, in addition to the other beneficent consequences. That would be to send out to the owners of herds and farms some word of confidence indicating that Congress really considers their act in this war an essential war act.

Mr. TYDINGS. That is correct.

Mr. AUSTIN. It would at least result in a pause in the panic which is causing farmers to dispose of their herds and farms. Recently I have had absolute, certain proof of the sale of as many as 75 herds on farms in northern Vermont, putting out of commission seventy-odd dairies which are an essential part of the support of our armies.

Mr. TYDINGS. Mr. President, may I interrupt the Senator——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. TYDINGS. I will take time on the bill.

Mr. AUSTIN. The Senator may take my time, if that can be done.

Mr. TYDINGS. Let me point out to the Senator from Vermont the fact that many farmers must now put in their crops for harvest next year. In my judgment, this amendment, if adopted now, would permit many of them to plant a crop for harvesting next year. Many crops, including dairy crops, would not be harvested if some assurance of this kind were not given.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. McKELLAR I interrupt the Senator only for the purpose of saying that my colleague [Mr. STEWART] has telegraphed me that he is very much in favor of the Senator's amendment. He has asked me to have him paired in favor of it. I am also in favor of it. I have a bill before the Senate providing for exactly the same thing.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BUTLER. Would the local board which would have the decision be the same board which has heretofore made such decisions?

Mr. TYDINGS. It would be the same board.

Mr. BUTLER. Would this amendment give the local boards more power than they now have?

Mr. TYDINGS. Through the regulations of the Selective Service System, more or less indefinite power has been given the local boards to do substantially this, but such power has never heretofore been expressly provided.

While I am on this point I desire publicly to thank General Hershey and his staff for the fine spirit of cooperation they have exhibited in an attempt to solve this very difficult problem.

Mr. President, I yield the floor.

Mr. BUTLER. Mr. President, I should like to ask the Senator from Maryland a further question in my own time.

Many of the deferments which are now pending have been given for 2 or 3 or 4 months. Would they come under the provisions of this amendment?

Mr. TYDINGS. I think so; but the complete answer to that question, of course, is that if this amendment were adopted I think General Hershey would immediately issue to the local draft boards all over the country the proper answers to the questions which occur to many Senators, questions which I think it would be presumptuous on my part, with my limited experience in the selective-service field, to answer on the floor

of the Senate. Certainly the whole purpose is to exempt no man unless his services are indispensable to the production of food, in good faith.

Mr. BUTLER. I thank the Senator from Maryland. I wish to say further that I feel that the amendment proposed by him is one of the most important amendments that have been suggested.

Mr. MAYBANK. Mr. President, I am heartily in favor of the amendment of the Senator from Maryland. I remind the Senator that some time ago he read a letter from General Hershey about the draft dodgers in the departments in Washington. I hope that General Hershey will keep after the draft dodgers who have been deferred, particularly here in Washington. It is a disgrace.

Mr. AIKEN. Mr. President, while I dislike the idea of any class deferment, yet I believe that the situation has now become so critical that it is absolutely necessary to adopt the amendment proposed by the Senator from Maryland.

Three days ago a young man, who is a graduate of Connecticut Agricultural College, came into my office. He is operating two farms in Vermont. He has been ordered to report for induction next month. Three days ago he had 4 weeks left, and during that time he had to sell the stock which he had on his farms. This is what he must dispose of before he reports for induction next month: 34 head of cows which he is now milking; 60 head of cows and heifers due to freshen soon; 30 head of younger dairy heifers; 23 hogs—incidentally, he raised 103 pigs this summer—3 horses; 40 acres of crops; and his hay and farm tools.

The young man told me that he did not mind going into the Army and losing everything which he had accumulated up to this time and going back to nothing; but he did not like to see all his possible production of meat and dairy products wiped out at this time, when our country needs it more than ever before. The case of this man is only one of innumerable others. It seems to me that it is absolutely necessary for the food supply of our country that the amendment offered by the Senator from Maryland prevail at this time.

Mr. MALONEY. Mr. President, I desire to offer an amendment to the amendment, after line 3, to strike out at the beginning of line 4 the words "to be" and to insert at that point the words "and who is a legal member of a farm family and is", so that the language would then read "as amended, and who is a legal member of a farm family and is regularly engaged in an agricultural occupation or endeavor," and so forth. I shall not take the time to discuss the amendment to the amendment, because of the lateness of the hour, and because I think it is easily understood.

Mr. TYDINGS. Mr. President, I cannot accept the amendment, not because I am out of sympathy with what the Senator wishes to do, but because the particular language of my amendment is the result of the experience of the Selective Service System, and the experience of the Selective Service System would throw around the amendment all the safeguards which can be thrown around it. Many persons who work on farms are not members of regular farm families; that is, they do not own the farm. They work by the day or by the month. While the Senator's amendment is well intentioned, in my humble judgment it is already covered, so far as its philosophy is concerned, by the provisions of the amendment as it stands.

Mr. MALONEY. Mr. President, do I have the right to offer an amendment to the amendment?

The PRESIDING OFFICER. The amendment is open to amendment.

Mr. MALONEY. I thought the Senator from Maryland had some doubt about my right to offer an amendment to the amendment.

Mr. TYDINGS. Oh, no.

Mr. LEE. Mr. President, does the Senator believe that his amendment would eliminate farm hands? On some farms laborers have been working for quite a while, but they are not regular members of farm families.

Mr. MALONEY. I am not trying to eliminate anyone. The existing law takes care of that kind of a situation.

Mr. LEE. I am strongly in favor of the amendment to defer farm labor. The selective service defers farm labor, but only for a certain period of time. Farm labor may be deferred for 6 months or a year; but the deferment is temporary.

As a result, quite often the man who is deferred feels that at the end of that period he will be drafted anyway; so he goes ahead and enlists.

However, if the original amendment becomes law it will give such a man a feeling of permanency and he is more likely to remain on the farm. I believe this is one of the most important amendments which have been offered. Already so many boys have left the farm that the situation has become critical. Therefore, we must provide for the permanent deferment of enough men to keep the farms producing.

The amendment offered by the Senator from Connecticut——

Mr. MALONEY. Mr. President, will the Senator permit me to interrupt him for a moment? I should like to know whether the Senator wants me to believe that he does not want any more young men from farms to go into the Army.

Mr. LEE. No.

Mr. MALONEY. What does the Senator want?

Mr. LEE. The Senator from Oklahoma does not want that; but the amendment reads "regularly engaged in an agricultural occupation or endeavor essential to the war effort." That would mean that such men shall not be taken from the farms.

Mr. MALONEY. Let me point out to the Senator, in a somewhat different way, that the words "an agricultural occupation or endeavor" might mean such an agricultural endeavor, for instance, as driving a milk wagon.

Mr. LEE. It is rather essential that milk get to the people; is it not?

Mr. MALONEY. Of course; but I want to protect the Selective Service Act. I do not want to permit every newly made farmer to be henceforth exempt.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MALONEY. I shall yield if the Senator from Oklahoma has concluded.

Mr. LEE. I desire to say that I understand the purpose of the Senator's amendment, but I do not believe it would be interpreted to prevent the deferment of any farm hand, because the farm hand would not be considered a legal member of the farmer's family.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. TYDINGS. I say again to the Senator that I share his anxiety to close up any loophole which may exist in the proposal, but let me say that the very point the Senator is now discussing was fully considered by the Selective Service Board; and the gentlemen who drew this amendment from their experience in the various farm communities where deferments have already been asked, and where in some cases deferments have been granted, have chosen these words as being the best vehicle to carry out the very idea the Senator from Connecticut wants carried out in throwing safeguards about the proposal.

Mr. MALONEY. I should like to be persuaded that that is true.

Mr. TYDINGS. It is true.

Mr. MALONEY. If I could be so persuaded, I should withdraw the amendment.

However, I am not persuaded. I think it would result in terrible confusion. I think there is a possibility of unfairness, and I think it will stir up the American people as they never before have been stirred on legislation of this kind.

Mr. TYDINGS. I do not know whether the Senator from Connecticut thoroughly understands that most farm help today are getting $50 a month or, if they are lucky, $60 a month.

Mr. MALONEY. That is more than the soldiers are getting. I hope the Senator will keep that in mind——

Mr. TYDINGS. No; it is not.

Mr. MALONEY. And that is important in this connection.

Mr. TYDINGS. The point is that in all the other activities in which the farmer has lost his help, the men who formerly aided him are now receiving two, three, or four times as much money as they received when working on the farm.

Mr. MALONEY. I understand that.

Mr. TYDINGS. The point is that unless we give the Selective Service System the right to interpret this act, just so surely as the Senator is looking me in the eye, next year we shall have a shortage of food in this country. We shall not have the food, because the farmers cannot plant the crops without help.

I have almost been unwilling to believe some of the things I know have happened. It is brutal, the way the men who are feeding this Nation have been neglected in the whole arrangement. The amendment which has been suggested was prepared by gentlemen who were sitting in the gallery, officers from General Hershey's department, who out of a rich experience in dealing with this very subject, framed the proposal.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. NORRIS. Suppose a farm were being operated by a widow who employed a hired hand, and suppose the hired hand had been working there for a year.

Mr. MALONEY. Let me ask the Senator how old is the hired hand?

Mr. NORRIS. Suppose the hired hand had started in when he was a boy of 13, 14, or 15—we can think in terms of any particular case. Would not the Senator's amendment leave him out entirely? Should not he be deferred?

Mr. MALONEY. I think he should be.

Mr. NORRIS. Would not the Senator's amendment make that impossible?

Mr. MALONEY. No; I do not think so, although I am not sure. I think he should be deferred, and under existing law I think he would be deferred.

Mr. NORRIS. Perhaps he would be.

Mr. MALONEY. However, I am fearful that under the language of the amendment, persons desiring to avoid the draft might at an early age go to work on a farm. Under the proposed language I think they would be almost entitled to ask for exemption and to get it.

I want to protect the farmers because I realize the seriousness of this problem and our danger. I can see it in the difficult operation of the farms in my State. However, I think the proposed language might go too far. I think the language I have suggested might take care of the situation.

It seems to me that the amendment will be agreed to, and that it would not do any harm to take to conference the language I have offered, and there try to find more proper language.

Mr. TYDINGS. The whole thing will be in conference. If what the Senator from Connecticut says is true, the language could be changed in conference.

Mr. MALONEY. I should like to see my amendment taken to conference.

Mr. TYDINGS. The Senator's amendment, if I may say so, is subject to the objection that it excludes from consideration everyone except the family of the farmer who operates the farm.

Mr. MALONEY. I do not want to exclude such people.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. TAFT. Will the Senator from Maryland consider an amendment providing, "who have been regularly engaged for a period of two years," or some such provision?

Mr. TYDINGS. No; I should not want such language included.

Mr. TAFT. After all, a farm hand does not become an expert agricultural worker until he has worked on the farm for at least one year; and it seems to me that some restriction of that kind would be useful in protecting against the possibility of having people rush in to such work in order to avoid the draft.

Mr. TYDINGS. Let us be reasonable about the matter. General Hershey will enforce the law. He drew the amendment; I did not suggest the language. I suggested the idea. He agreed as to the need, and said we should have something of the sort prepared by his staff. He is to administer the law, and he has the responsibility of getting the men for the Army. That is his first responsibility.

Mr. TAFT. Let me say that the local draft boards will not look to General Hershey; they will read the words in the law. If a man began yesterday to engage in the particular business, in my opinion he not only should be deferred, but, if it is an essential activity, he must be deferred by the local draft board.

So, I am strongly for the amendment, but I think the language would be interpreted in that way.

Mr. TYDINGS. But General Hershey, through the regulations, has attempted to do in a general way what the suggested language would expressly require.

Mr. MALONEY. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. MALONEY. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, as a matter of fact, General Hershey himself could have done this thing by regulation. The suggested language is wholly unnecessary. The same thing could have been done by General Hershey if he had wanted to do it.

I think perhaps it is all right to put in a legislative provision of the kind suggested; but it seems to me that, under the proposed language, anyone could get out of the draft by simply going on a farm and becoming regularly engaged. I think there should be a time limit in order to prevent such a thing.

Mr. TYDINGS. Mr. President, if the Senator wants to vote in a time limit, that is a different matter; but I should be unwilling to change the law, and thus change the system which the men who for 2 years have been administering the act feel is the most efficacious way to accomplish the desired objective.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. MALONEY. I yield to the Senator from Maine.

Mr. WHITE. I should like to ask the Senator from Maryland a question relative to the matter. In line 4, reference is made to a person "regularly engaged in an agricultural occupation."

Then the language is "or endeavor essential to the war effort."

Mr. TYDINGS. That is correct.

Mr. WHITE. Is an "endeavor essential to the war effort" the same as "an agricultural occupation"; or is it something in addition, something beyond?

Mr. TYDINGS. As the Senator already knows, General Hershey now has the power to defer a man working in a shipyard.

Mr. WHITE. That may be true.

Mr. TYDINGS. My amendment provides nothing new.

Mr. WHITE. Let me repeat my question: Do the words "endeavor essential to the war effort" enlarge the previous language—that is, the words "agricultural occupation"?

Mr. TYDINGS. They interpret it; they act as an interpretation, so that the language would not be construed to apply only to a man who plows ground.

Mr. WHITE. It seems to me that if we want to have the provision made clear we could with advantage strike out the words "or endeavor," and have the amendment read "engaged in an agricultural occupation essential to the war effort."

Mr. TYDINGS. Very well.

Mr. WHITE. I should want to strike out the words "or endeavor."

Mr. TYDINGS. The production of food at Lubec, Maine, is one of the great industries of the Senator's own State. At Lubec there is a large canning house which cans food almost all the year around.

Mr. WHITE. That prompts me to ask more directly what I have in mind: Would the language "or endeavor essential to the war effort" include the fisheries of the United States?

Mr. TYDINGS. In my opinion, it should be interpreted to include the fisheries of the United States, provided——

Mr. WHITE. Was it intended to do so?

Mr. TYDINGS. I did not present that problem to General Hershey.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. Mr. President, if the adjective "agricultural" which modifies or qualifies the word "occupation" is intended to apply also to the words "endeavor essential to the war effort," of course, the provision would be limited to any agricultural occupation or endeavor.

Mr. TYDINGS. That is correct. I had not looked at the word; but now that the Senator has recalled it to my attention, my answer to the Senator from Maine would be, "So far as this goes, no."

However, under the present law, General Hershey could exempt the men working in that factory, but this bill would not so exempt them.

Mr. MALONEY. Mr. President, am I permitted to offer another amendment?

The PRESIDING OFFICER. The Senator has taken his time on the amendment.

Mr. MALONEY. I am trying to meet the mind of the Senator from Maryland with a further suggestion. Is there a parliamentary way by which I can get the floor for that purpose?

The PRESIDING OFFICER. The Senate has disposed of one amendment proposed to the amendment.

Mr. MALONEY. Is there a parliamentary way by which I may make another proposal in this connection?

The PRESIDING OFFICER. The Senator may speak on the bill.

Mr. MALONEY. I will take my time on the bill.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. So long as the Senator's amendment is pending, he cannot offer another amendment.

Mr. MALONEY. I can speak on the bill.

Mr. BARKLEY. The Senator may speak on the bill, but he cannot offer another amendment.

Mr. MALONEY. I am trying very hard to meet the views of the Senator from Maryland, if I may have his attention for a moment. Would it meet with the approval of the Senator to change the amendment so that it would read, "to be regularly engaged for at least 1 year prior to the passage of this act"?

Mr. TYDINGS. No; and I will tell the Senator why. I have in mind the case of an old gentleman afflicted with arthritis, who has a wife and daughter. He also has a boy about 19 years old who has been going to school but has just been called home. The old gentleman wrote me a letter stating that he rose from his bed, crippled as he was, and managed to milk 17 cows, as he had to do because his help had gone to York, Pa., on about 4 hours' notice and left all the cows to be attended to; that his wife wrestled with the heavy milk cans and finally got them down the lane 2 miles. He did not know what in the world to do, but with the help of his little daughter and his wife he is carrying on, but he cannot get any help. That was all stated in the letter he wrote me. His boy has been called back to help him in the emergency. In my judgment, if that case went to a draft board, the draft board would have to decide whether they wanted to put out of existence a 260-acre farm with 17 dairy cows, supplying milk to Baltimore City every day, by denying the help of this boy to the stricken family, and let him go into the Army, wiping out the whole farm and losing that much food. For this reason I should be opposed to any limitation on the time in the bill.

Mr. MALONEY. Does the Senator think a draft board would refuse to defer that boy?

Mr. TYDINGS. If we said he had to be regularly employed——

Mr. MALONEY. I mean entirely apart from the proposed amendment, under existing law, does not the Senator think that boy would get deferment?

Mr. TYDINGS. No. I know of cases very similar to that, of farmers who have written me that boys have been taken. I can show the Senator, as others on this floor can show the Senator, I am sure, that many times a farmer, whether he is a dairy farmer or a grain farmer or what not, has had to sell his farm equipment and move to town and rent a house, because he could not get help on his farm.

Mr. MALONEY. Does the Senator from Maryland deny that under existing law the draft board would have a right to defer that boy?

Mr. TYDINGS. It may have the right, but the draft boards have not been inclined until recently to grant deferments in such cases as this.

Mr. MALONEY. I ask unanimous consent that I may change the language of my amendment.

The PRESIDING OFFICER. The Senator may modify his amendment.

Mr. MALONEY. I offer the following amendment, on page 1 of the amendment, line 4, after the word "engaged", to insert the words "for at least 1 year prior to the passage of this act."

Mr. TYDINGS. I hope the amendment to the amendment will not prevail.

Mr. CAPPER. Mr. President, I most earnestly urge the Senate to approve the amendment offered by the Senator from Maryland [Mr. TYDINGS].

The amendment is very simple. It explains itself. It meets a most urgent need. It provides that a draft registrant who is actually engaged in work on a farm essential to the war effort, shall be deferred to continue at that work until his place can be filled.

It also provides that if a farmer or farm worker leaves his farm job for other work, except with the consent of his local draft board, he shall immediately be reclassified for military service.

I say, Mr. President, that unless some provision is made for keeping necessary farm labor at work producing food and fiber, the war program will bog down. It is all very well for high-ranking officials to talk glibly about an army of 9, or 10, or 13 million men, and to make arrangements to draft them. But some of these planners seem to ignore completely the fact that the men must be fed, clothed, equipped, trained, transported, and then kept supplied with food, clothing, equipment, and munitions.

It seems also to have been ignored or forgotten that the farmers of the United States are being called upon to supply food and clothing materials not only for our own civilian population, but for the armed forces as well, and to some extent, the civilian populations of Britain, Russia, China, and other allied peoples.

The Government calls upon the farmer to increase food production 20, 30, 40 percent. But at the same time war industries—with higher wages, shorter hours, and the further incentive that war plant workers are "essential to the war effort"—are drawing hundreds of thousands of hired hands and farmers into industry. In addition, the draft boards—and under the law and directives they apparently have no real option in the matter—are sending other hundreds of thousands, well into the millions, into the Army.

Just today I noticed that the WPB has limited the manufacture of farm machinery for 1943 to 20 percent of the production of 1940.

Mr. President, if agriculture is to be deprived of its essential manpower, and the farmer is unable to obtain needed farm machinery and equipment, we shall not have the increased production needed. Dairy herds are being dispersed all over the country because of the inability to obtain hired help. Dairy cows are being slaughtered by the tens of thousands just when we need increased production. The same is true in other farm lines.

This amendment to the pending bill, to provide occupational deferment for farm labor, will not solve the problem. But unless some similar action be taken, by next year the problem will be much more nearly impossible of solution.

Our armies, and the armies of our Allies, must be fed and clothed. So must the civilian populations of the United States and the allied countries. This program is part of the "all-out" war effort.

To produce necessary foods and fibers, we must have men on the farms. This proposed amendment will help the situation and I urge the Senate to approve it.

Mr. MALONEY. I ask for the yeas and nays on my amendment.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. MALONEY] to the amendment of the Senator from Maryland.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, it is quite evident that most of the Senators are ready to vote on the amendment. The controversy whether agricultural workers and others are included in the amendment shows that the bill did not receive the consideration in the committee which it should have had. My personal opinion is that the words starting on page 1, at the end of line 4, "or endeavor essential to the war effort," would defer many others besides agricultural workers.

I shall not object to the amendment. I am sure it should have received consideration in the committee, and even though it has the approval of the Selective Service System, that body is not controlling in the war effort in which the country is engaged. The amendment should also be passed upon by officials of the Agricultural Department, as well as of the War and Navy Departments. Certainly it does not give to Selective Service any more authority than it has at present. I feel that with all these amendments attached to the original bill its final passage will be delayed.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MALONEY. I should like to take advantage of the Senator's time to point out that under the language of this amendment, men who now go to the farms are not going to go to war. This language is a directive. It says they shall be exempt after it is found that they are on the farms. There is no discretion left the local boards. I am amazed that the amendment is to be hurried through so quickly as I see it will be.

Mr. GURNEY. I wish to say further that, while I come from an agricultural State, I am sure that this is class deferment, and I am sure also that the farmers are just as patriotic as any other group in America, and that they are not looking for preference. They will stand up and do their bit. They do not want to be treated any differently than the workers in a glass factory, or a machine shop, or any other place. I simply wanted, if

I could, to stop the steam roller for a few minutes at this time.

Mr. NYE. Mr. President, I wish to address an inquiry to the Senator from Maryland. First of all, I wish to thank him for the leadership he has afforded in meeting this very tragic problem on the American farm. Under the quota system, each State is required to furnish a given number of men on each call as the calls are issued. Some of our States are nearly 100 percent agricultural in their make-up. Does the Seantor from Maryland feel that ultimately, under the program he is advancing here, there must be some alteration of the present law?

Mr. TYDINGS. I think the Senator has asked a most intelligent question. No one who is a little farsighted, and who knows conditions on the farms of this country, and knows of the curtailment of farm production, will fail to realize that there is either going to be some discretionary and general consideration of the farmer's labor problem through a medium such as this amendment, or we are going to have a manpower bill that will regiment every man, woman and child in America. If the people want to be told every job they can hold from top to bottom, that is one thing. I prefer to try to exhaust the democratic processes, insofar as they can be equitably employed, before adopting the manpower provision.

Mr. NYE. I thank the Senator. I think the RECORD ought to call attention to a condition which prevails. We have been wont to blame local and State boards for the drafting of essential farm workers when as a matter of fact the boards have been under obligation to furnish a given number of men at a specified time in the States whose population is so wholly agricultural that the only men who could be called are farmers. I hope we are opening the way now for that larger consideration which will make the load less burdensome to the local boards and the State boards.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. SHIPSTEAD. I wish to point out another consideration which is involved. Where there are defense plants in a State men have gone to such plants to work and have been deferred. Adoption of the pending amendment would place a brake upon the remaining farm help.

Mr. REYNOLDS. Mr. President, I shall not delay the vote on the amendment. Yesterday in making a statement regarding the bill under consideration I publicly stated that I would not vote for any amendments to it, but I wish now to state that I shall vote for the pending amendment, because, as I understand, the selective service have sent word that they want it. I would be inclined to vote for it, anyway. I think the farmers need the help which it will give. I am ready to vote.

Mr. WALSH. Mr. President, I should like to vote for an amendment deferring farm labor that was properly safeguarded. From my experience since the war began I have had called to my attention very many cases of persons seeking to avoid the draft by going into munition factories. There is no provision in this bill to prevent the same thing being done so far as agricultural occupations are concerned. Therefore because I do not want to encourage avoidance of the draft by prospective draftees leaving the cities, going out for 3 months or 6 months onto a farm in order to become deferred, I can not vote for the amendment, much as I should like to do so if it directly and absolutely limited the deferment to bona fide agricultural workers.

Without the door being closed to draft-dodgers who may be able to satisfy a local draft board that they are regularly engaged, when they have only been on the farm a few months, I cannot support the amendment.

The PRESIDING OFFICER The question is on agreeing to the amendment of the Senator from Maryland [Mr. TYDINGS]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. CHANDLER'S name was called). Repeating the announcement heretofore made concerning the absence and pair of my colleague [Mr. CHANDLER]. I announce that if present he would vote "yea."

Mr. McKELLAR (when Mr. STEWART'S name was called). My colleague is unavoidably absent. He has a general pair with the junior Senator from Oregon [Mr. HOLMAN]. If my colleague were present, he would vote "yea."

Mr. THOMAS of Utah (when his name was called). I have a pair with the Senator from New Hampshire [Mr. BRIDGES]. If he were present, he would vote as I intend to vote. I am therefore free to vote, and vote "yea."

The roll call was concluded.

Mr. LEE. My colleague [Mr. THOMAS] is necessarily absent. If present, he would vote "yea."

Mr. HILL. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senators from Nevada [Mr. McCARRAN and Mr. BUNKER], the Senator from Wyoming [Mr. SCHWARTZ], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent. I am advised that if present and voting, these Senators would vote "yea."

The Senator from Georgia [Mr. RUSSELL] is detained on important public business. I am advised that if present and voting, he would vote "yea."

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program. I am advised that if present and voting, the Senator from West Virginia would vote "yea."

The Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], and the Senator from Montana [Mr. MURRAY] are necessarily absent.

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], the Senator from Pennsylvania [Mr. DAVIS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Wisconsin [Mr. LA FOLLETTE] would vote "yea" if present.

The result was announced—yeas 62, nays 6, as follows:

YEAS—62

Aiken	Ellender	Pepper
Andrews	George	Radcliffe
Austin	Gillette	Reed
Bailey	Guffey	Reynolds
Ball	Hatch	Rosier
Barkley	Hayden	Shipstead
Bilbo	Hill	Smathers
Bone	Johnson, Calif.	Smith
Brewster	Lee	Spencer
Bulow	Lucas	Thomas, Idaho
Burton	McFarland	Thomas, Utah
Butler	McKellar	Tunnell
Capper	McNary	Tydings
Caraway	Maybank	Vandenberg
Chavez	Mead	Van Nuys
Clark, Idaho	Murdock	Wagner
Clark, Mo.	Norris	Wallgren
Connally	Nye	Wheeler
Danaher	O'Daniel	White
Downey	O'Mahoney	Willis
Doxey	Overton	

NAYS—6

Gerry	Gurney	Taft
Green	Maloney	Walsh

NOT VOTING—28

Bankhead	Herring	Murray
Barbour	Holman	Russell
Bridges	Hughes	Schwartz
Brooks	Johnson, Colo.	Stewart
Brown	Kilgore	Thomas, Okla.
Bunker	La Follette	Tobey
Byrd	Langer	Truman
Chandler	Lodge	Wiley
Davis	McCarran	
Glass	Millikin	

So Mr. TYDING'S amendment was agreed to.

Mr. BURTON. Mr. President, I offer the amendment, which I send to the desk and ask to have stated. The amendment relates to section 2.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On page 2, it is proposed to strike out lines 3 to 10 inclusive, and insert in lieu thereof the following:

SEC. 2. Any person who, during the year 1942, entered upon attendance for the academic year 1942–43—

(1) at any high school (or similar institution); or

(2) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degrees; or

(3) at any university described in paragraph (2), to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such high school (or similar institution), college, or university is selected for training and service under this act prior to the end of such academic year, or prior to July 1, 1943, whichever occurs first, shall,

upon his request, be deferred from induction into the land and naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1943.

Mr. BURTON. Mr. President, the effect of this amendment is clear and simple. It strikes out section 2 of the Senate bill and substitutes for it section 2 of the House bill; so it conforms precisely to the House bill in this particular.

There are three reasons for the amendment. First of all, the amendment provides exactly the procedure which we followed in the original draft act. That is to say, the draft act taking effect during a school or college year provided that anyone who had already begun his school or college year and was drafted might complete that particular year. The amendment applies only to the current year. When we passed the original draft act on September 16, 1940, we faced the same issue, and we met it in the same way. When the bill came before the House of Representatives it faced the same issue and met it in the same way. I believe the amendment is altogether just and righteous. It means that if a young man has started his school or college year he may complete that year. He is not exempted, but his service is deferred so that his educational course for that year may be of value to him and to his country. Then he goes into the service. We did it in the first instance; the House has done it in the House bill; and I believe we should do it now.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BURTON].

Mr. REYNOLDS. Mr. President, I believe that some consideration should be given to the young men who are in high schools and colleges, but if we undertake to accommodate everybody we shall wake up to find that we have nobody to draft.

A moment ago I voted to defer for the time being young men who are engaged in farming and who would be subject to the draft. I did so because I know that we all must eat. It was stated by some Senators who apparently know that unless we have somebody to plant the crops now and to gather them next spring this Nation will be hungry.

I should like very much to vote for the amendment of the Senator from Ohio, because I dislike to take young men out of college, but I believe that it is more essential to provide food for the stomach than food for the brain. Consequently, I shall be forced to vote against the Senator's amendment.

Let me say further that if we vote to defer all the young men in the country who are in college, we thereby favor them, and in many instances their parents, because their parents are fortunate enough to have the wherewithal with which to send the young men to college.

This is a classification of young men whom it is sought to defer. If they are deferred it will be because their parents have the money with which to send them to educational institutions. I do not think that would be fair, because there are in America today hundreds of thousands of young men of fine character who would be in college if their parents had the money with which to pay the tuition fees and their upkeep; but they cannot go to college. As a result, those young men are staying at home in their respective localities and working from day to day. The money which they receive from their work is utilized in the maintenance of their parents. Because there are hundreds of thousands of young men in America who are home lovers, who love their fathers and mothers so much that, instead of going to college, where they would like to be, and where they should be, they are staying at home and working for their old fathers and mothers, are we to penalize those poor boys of fine parents, and say that they must be drafted because they are staying at home working for their fathers and mothers, whereas we are not going to take the others because their fathers and mothers are fortunate enough to be able to send them to college? I do not think it is fair. Therefore I shall vote against the amendment.

Mr. GREEN. Mr. President, I desire to say a few words to supplement what the Senator from North Carolina has so eloquently stated. I wish to do so by reading a letter which gives a specific illustration of what he has just brought to the attention of the Senate. I can do no better than read the words of this letter. I hope Senators will pardon me for reading the whole letter, because it contains some laudatory expressions about myself, which Senators can overlook. I read the letter as a whole, omitting the place and the name:

OCTOBER 16, 1942.

Senator THEODORE FRANCIS GREEN,
United States Senator.

DEAR SIR: This letter is to request a favor. The Democrats of Rhode Island have elected you to represent them at the White House.

We have been very satisfied with our choice in the past. You have always acted in our interests, and we thank you very much for it and hope you will keep up the good work in the future.

I am talking for myself and thousands of other mothers whose sons will be drafted if this 18 and 20 years law passes.

I do not object to my boys going to war to fight for the right and freedom of our country, but what I cannot understand is why college boys won't be drafted till next July. I think something should be done about it. Now is the time to fight. Never mind education; that can wait; rich and poor should join in the fight for freedom.

I am the wife of a world war veteran and the mother of 7 children, the 2 oldest 18 and 19.

We were married after the World War. Then depression came. We could not give our children a good education, we could not even give them the necessities of life. They had to do without things they really needed for their health.

My husband was taken sick and had to go to Newport Naval Hospital. He came out of the hospital, had no job, no money, and five children to support. He had to pick and shovel for the city for a $5 slip a week. You can well understand that was not enough to live on, still he was a World War veteran who had been fighting for his country.

That part he did not regret; he had been across, had done his duty, and we were very proud of it.

I must say that was under Hoover and the Republicans. Thank God, the country is Democrat today, and we have a Franklin Roosevelt and men like you, Mr. GREEN, to represent us Democrats of Rhode Island. My neighbor—

This is the point—

who was just past draft age at the last war did not have to go. He stayed home, got rich, and went in business for himself. He now has a son in college. He can well afford it with the money he made during the last war. So now, like the father, the son does not have to go to war; he goes to college.

My husband fought for the father; now my sons will fight for his sons.

Is that what you call patriotism? And where is justice in all this? I would like to know, and thousands of mothers whose sons will be in the next draft would like to know also.

Well, Mr. GREEN, I have said all I wanted you to know. I hope you will work with us mothers. Try to get those college boys to go to war now with our children. Now is the time to fight.

When Uncle Sam needs our boys, who were denied the education and had to go to work, he simply takes them out of factories and shops and sends them to war regardless of how much we parents need them to help bring up the younger brothers and sisters so that they can get a decent life.

I don't know how a rich man can face a laborer whose sons are fighting for him and his family.

A MOTHER.

It seems to me that that letter states the case clearly and plainly.

I do not suppose there is a Senator on this floor who thinks more of the importance of education than do I; but I shall be obliged to vote against the proposal because in my opinion it is in favor of a small class, as against the great number of young men to whom the bill applies.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BARKLEY. It would be true, would it not, that any college student exempted under the amendment, whose service really was needed, and who would be called but for the fact that he was in college, would have to have his place filled by some boy not in college? If the boards have to raise a certain number of men, every time a boy in college was exempted, his place would have to be taken by a boy not in college, and who might not be taken if the boy in college were taken by the draft.

Mr. GREEN. In other words, if the son of this woman's neighbor went to college, her own son might have to go to war.

Mr. ROSIER. Mr. President, this matter is not one of sentimental appeal. It is a plain case of the best use of the young men of the country in the promotion of the best interests of our Nation.

I desire to read from a statement recently made by General Somervell:

The Army—

He said—

is dangerously short of technically trained men. Example: Though the Army needs 4,689 trained radio operators in every 300,000 men inducted, it is getting only 135. In an army of 4,000,000 there is a shortage of 139,160 auto mechanics, a total shortage of 838,040 specialists.

General Somervell further said:

Let us be realistic. Every able-bodied boy is destined at the appointed age for the armed services. It is the job of the schools and colleges to provide the opportunity for every youth to equip himself for a place in winning the war. You must do this regardless of cost, time, inconvenience, the temporary sidetracking of nonwar objectives, or even the temporary scrapping of peacetime courses. * * * Every classroom is a citadel.

The most alarming situation confronting this country is the possibility of the widespread destruction of our educational institutions, upon which the Army and Navy have depended as a source of men fitted for leadership in this war. I believe that in most cases the War Department and the Navy Department require a college degree as the basis for the granting of a commission. We have an alarming situation because of the shortage of technicians of all sorts, as well as the shortage of doctors, dentists, and nurses.

At this point let me read to the Senate a statement relative to the policy which is pursued in Great Britain in regard to this matter. Notwithstanding the fact that Great Britain has been confronted with a war situation more serious than have we, from 1939 to the present time the enrollment in the universities of Great Britain has decreased only 25 percent. Great Britain is not overlooking the importance of keeping her promising young men and young women in the colleges and universities, in training for leadership. I read the following statement of the standards which have been set up in Great Britain:

Men students in nontechnical subjects are allowed 1 year's deferment above the calling-up age—18½ years—provided that they undertake fairly rigorous military training.

The young men in our colleges and universities either get such training or it may be provided.

The statement continues:

Science and technical students are given deferment—

I am reading a statement of the practice in Great Britain in the last 3 years—

Science and technical students are given deferment for 2 or more years, and medical students for 5 years. A "war degree" is granted by most universities after 2 years' attendance, plus satisfactory subsequent national service.

* * * * *

Both men and women students at teachers training colleges receive the same deferments as for scientists.

I say to the Senate in all candor, leaving aside all the talk about discrimination, that the doors of our colleges and institutions of learning are open to all ambitious and aspiring young men and young women. The fact that there are some young men who are not in our colleges and universities is no reason why the ambitious and aspiring ones who are seeking to become scientists, doctors, or dentists, or to prepare themselves for positions of leadership, should be deprived of the opportunity to attain the goal of their ambitions.

I submit that as a war measure it is as important for us to keep capable young men and women in our colleges and universities in training for future leadership in all the departments which require so much technical knowledge, as any other measure could be. I submit the evidence that Great Britain, although she is confronted more seriously in this situation than we are, in her practice today recognizes this fact.

I submit to my colleagues that we should make reasonable provision for the continuance of the education of our capable young men in the technical sciences, and all those courses of study related to their preparation for leadership in the war, whether it shall be long or not.

Mr. GURNEY. Mr. President, I wish to call the attention of the Senate to the fact that with the adoption of this amendment high-school students, not only this year but from now on, would be deferred (and next year and the year after that, high-school students who reached the age of 18 would not be deferred. Neither the Burton amendment, nor the House provision, recognizes that when soldiers return from the Army they are generally too old to go back into high school. The original bill provides that each year as boys in high school become 18 they shall be deferred until the end of the academic year. That is one difference.

The Burton amendment also does not defer college students for longer than just this year; it does not go on to the next year or the year after next.

The Selective Service System objects to the amendment for the reason that it grants deferment to certain college students 20 years of age and over, in addition to those 18 and 19 years of age, and consequently confers rights on students who have not had them since July 1941, and therefore did not have such rights even before Pearl Harbor.

Technical students have been satisfactorily deferred administratively by Selective Service where necessary, and appropriate extension of deferment policies can be made administratively by the Selective Service System to defer any students who should be deferred.

I also have a communication from the Army on the subject. They have been studying the college educational program for the last year. The Secretary of War issued an order September 8, 1941, assigning a group of officers to study this plan, to determine what college training was needed to keep alive civilian work, as well as Army work. The Army has given me a statement. Before I read it I may say that the Army representatives, high-ranking officers, went to Chicago on the 20th of October to meet with representatives of land-grant colleges in a conference lasting until October 31. So the plan to take care of college education is under way.

The memorandum from the Army reads:

1. The Army recognizes that it will have a continuing need for men trained at a college level.

2. The nature of this training (that is, the major subjects, the curricula, and the duration of the courses) must be determined to insure that technical requirements of the services for men with special training are adequately met.

3 The numbers to be trained in the colleges must be determined by the Army. Factors governing the decision will be the number of men that can be spared from the total strength of the Army for this type of training, the time required for training in various specialties, the anticipated normal attrition among men sent to college, and the time schedule on which college-trained men must be available. Any legislation that fixes the number of men that the Army must send to college would hamper rather than facilitate the program now being prepared. The variations in the length of courses and the requirements for men in the different categories and the always primary military considerations in commitments of military manpower would make any such legislation particularly undesirable, both in the development of our college training program and in the normal operation of the Army.

4. War Department plans for the training of men at a college level are rapidly taking definite form. We are in close consultation with representatives of the Association of Colleges and with Dr. Elliott of the educator's committee of the Manpower Commission. It is expected that some announcements on this subject will be made within the next 10 days or 2 weeks. Our tentative plans have the approval of the educators, who are giving us valuable assistance in their development.

5. In determining the number of men that the Army will send to college, we recognize that there will be a continuing need for some men with this type of training to meet civilian and industrial requirements. The Army plans, therefore, to increase the number of men to train for its own requirements by a predetermined percentage in order that it will be possible to assist in relieving critical shortages of men with college training by the release of a limited number from the Army.

6. In the selection of men to receive training at a college level, the War Department intends to give every man in the service equal opportunity to compete for this training in the same manner that they are given opportunity to compete for selection to attend officer candidate schools. We do not intend to confine our selections to men who have had special advantages prior to entering the service, although it is natural that those who have had some college education or have had more than the average high-school education will have a material advantage in this competition.

For these reasons, I hope that any amendment along the line of one hampering the Army in sending men to college will not be agreed to.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HAYDEN. I take it that if the Senate adopts this amendment, which is identical with the provision of the House, it will be beyond the power of the conferees to modify it in any respect.

Mr. GURNEY. Not only with respect to college students, but as to high-school students as well.

Mr. HAYDEN. What I mean is that we are asked to confer a right on men who are over 20 years of age.

Mr. GURNEY. The Senator is correct.

Mr. HAYDEN. That is something I do not like. It is the Senator's judgment that it is a matter which had better be left in conference so that adjustment may be made?

Mr. GURNEY. Yes.

Mr. HAYDEN. At least the House will then have an opportunity to have its say as to how the matter should be disposed of.

Mr. GURNEY. That is entirely correct.

Mr. ROSIER. Mr. President, in view of the explanation just made by the Senator from South Dakota, I remind Senators that within the next 2 months an appeal will be made to the Army and War Department to ascertain what colleges in the various States may be continued. In other words, the colleges of the country are to be put under the absolute control of the War Department.

Mr. GURNEY. I will answer the Senator from West Virginia by saying that no authority has been given to defer college students since July 1941 before Pearl Harbor. I know of no instance of the derferment of a college student in medicine, chemistry, or engineering, who was pursuing his course as he should have been. I do not know of one case.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. DOWNEY. I desire merely to state to the Senate that if I were to cast a vote upon the pending amendment it would be in favor of the amendment, but I have a son who would be subject to the draft, who is a freshman in college, and I do not feel that I have sufficient impartiality to vote fairly upon the amendment.

I desire, however, to call the attention of the Senator from Rhode Island [Mr. GREEN] to what I consider to be a fallacious statement in the letter he has read. As a matter of fact, if the amendment were to become law there would be a far larger proportion of the boys in college who would become members of the armed forces than of the boys outside. If the amendment were to become law all it would do would be to give the boys in college a deferment of perhaps an average of 60 days to finish their current year. The average time would not be over that. Most of them during the average of 60 days would be receiving military discipline, and at the end of their academic year would then be drafted into the Army. Perhaps the Army would fail to get them for 60 days.

I wish to say to the distinguished Senator from Rhode Island that large numbers of the boys who are not in college will be on the farms, and will not go into the war at all because they will be exempt. In California, at least a large proportion of the boys not now in high schools or colleges are working in essential war industries, and under our laws and practices will be exempted.

Mr. President, I repeat in fairness to the boys who are in college, that I suppose 90 percent of those who are not physically defective will be in the Army in 2 or 3 months after they are drafted, even though the amendment were to become law.

Mr. TAFT. Mr. President, it seems to me that the whole question of educational qualification should be dealt with on a broader plan even than that contained in this amendment. After all, all the amendment would do would be to defer boys who are now in school until June 1943. It makes no provision whatever for education of boys who may be needed later on in the armed forces or in civilian activity. I have an amendment on the desk which proposes to deal with that question. I do not think that the Army is the group which ought to determine how many boys, and which boys, should complete their educational qualification. We may need men for the Navy. We may need men for many other purposes. I do not think the plan proposed by the Senator from South Dakota is the satisfactory method of dealing with the manpower situation.

Mr GURNEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GURNEY. The Senator may consider it a flippant question, but after the Congress has declared war, which department of Government, other than the War Department, should have control of the manpower of the country?

Mr. TAFT. I think we should have created a manpower director in this country to make a complete plan as to where the manpower should go—a director who should have power, in my opinion, to say to the Army, "These are the men you get. You have to have so many. You have a call, a priority, if you please, and you can have that many, but we determine how many men are needed for agricultural labor, and how many men are needed in every other occupation." After all, Mr. President, the preparation behind the line, when we have to supply all our Allies with supplies and materials, is just as important as the armed forces themselves.

I think there ought to be a department above the War Department. Certainly the War Department cannot boss the Navy Department, and I do not see why it should boss the different civilian activities in this country, or the War Production Board.

It seems to me there should be a manpower director with power to say something of this sort: "We should continue the education of 50,000 boys a year, if you please, for whom we think education should be completed, because we have got to keep rolling in this country every year. We ought to have a certain number of educated boys coming into the general service, both for civilian and for Army and Navy activity."

The Navy has taken the position—it may be right or may be wrong—that for officers the Navy wants men educated in college who have completed their college education. That is the Navy's rule today, and it is continuing these men for that purpose. Whether that is done simply to obtain deck officers in the Navy I do not venture to say, but I do say there are thousands of technical positions for which there should be a constant supply of men. The Germans are doing it. I understand that the Japanese universities today are continuing at full strength for that purpose. It is a reasonable proposition. If we take every 18- and 19-year-old boy in the country, in another 2 or 3 years there will not be any young men coming from an educated class.

As to the pending amendment, I have no very strong feeling, but I think we should go further and give someone the power to say that a certain number of men shall continue in college and complete their education.

The amendment I have offered tries to meet the proposal of the Senator from Rhode Island, for instance. It is proposed that the selection of these men be by competitive examination. After all, we are saying today, "We are going to continue the education of men in Annapolis and West Point." We shall not get nearly enough officers from Annapolis and West Point; other educated men must be obtained from colleges and elsewhere. Semimilitary or seminaval courses, or complete courses, can be prescribed for colleges, but the men must be obtained in one way or the other.

It seems to me that the President himself, over and above the Army and Navy, or over any manpower director he might select, should make the final selection and determine the policy.

Mr. President, I shall propose such an amendment. I shall propose further that in order that there may be no discrimination, the President may pay the expenses of the boys who qualify by competitive examination for this service, so they may continue their education, regardless of their status in life.

Mr. GREEN. Mr. President, I should like to speak on the bill. Two distinguished Senators, the Senator from West Virginia [Mr. ROSIER] and the Senator from California [Mr. DOWNEY], have commented upon a letter I read. The letter itself is far more persuasive than anything I could have added to it.

I find it rather difficult to follow intelligently the points of view of these two Senators. The Senator from West Virginia speaks of the importance of having a succession of men educated in college, and says that we need doctors and lawyers and engineers and chemists, and I think he included dentists. I was much moved, and I agree with him that we need many educated men.

The Senator from California, however, points out that the average extension of time for these men is 60 days. How we are going to turn out lawyers, ministers, doctors, engineers, chemists, and dentists in 60 days is beyond my comprehension. I have seen the advertisements of many correspondence schools, but none of them, I think, has promised anything like that. If we are going into the question of exempting men in order that they may be educated, in order that they may take part in this war, it will not be done by this amendment. That is clearly shown by the remarks of the Senator from California [Mr. DOWNEY] that the average extension of time is only 60 days. It is absurd to continue to exempt one class after another from the draft. Instead of planning how to win the war, it seems to me we are determining what we are going to do after the war is all over. We have to choose. It seems to me we ought to choose to win the war.

Mr. HILL. Mr. President, I shall not delay the Senate with a speech, but I have a telegram which contains infor-

mation which I think should be brought to the attention of the Senate before it votes on the amendment.

The telegram is addressed to the Chairman of the Senate Committee on Military Affairs, the Senator from North Carolina, and reads as follows:

> Regarding pending legislation to lower selective service age the Problems and Plans Committee of the American Council on Education is strongly of opinion that optional deferment to end of term for college students provided in House bill is inadvisable.

By way of parentheses, let me say that the provision in the House bill is the provision now offered in the amendment of the Senator from Ohio.

The telegram continues:

> Optional feature especially objectionable. We oppose any legislative provision for student deferment. We believe it will delay and obstruct effective collegiate war training programs for technical and professional personnel which are now being planned by War and Navy Departments in consultation with American Council on Education Committee. We earnestly hope that Senate form of proposed legislation will prevail.
>
> James B. Conant, president, Harvard University; Ralph W. Tyler, chairman, Department of Education, University of Chicago; Frank N. Freeman, dean, School of Education, University of California; DeWitt S. Morgan, superintendent of schools, Indianapolis, Ind.; Charles E. Friley, president, Iowa State College; Alonzo G. Grace, commissioner of education, Connecticut; George Johnson, professor of education, Catholic University of America; Wm. F. Russell, dean of Teacher's College, Columbia University; George F. Zook, president, American Council on Education; Edmund E. Day, president, Cornell University, and chairman of American Council on Education.

Mr. President, when these men are inducted into the Army the War or Navy Department, or any agency which we might provide to deal with the manpower problem, together with our educational leaders, such as those who signed this telegram, ought to go forward, as the War and Navy Departments now contemplate, with a program to provide technical, professional, and other education for men called into the service on the basis of whether the men are worthy, not on the basis of their economic status, or whether they or their parents have the money with which to maintain them in college. I am opposed to this amendment because it is class legislation which would grant a special privilege to a class because of its economic status. I join with the distinguished educators in asking that this amendment be voted down in order that the plans of the American Council on Education and of the War Department may go forward to give us our trained and educated men; but let the training and education be based upon the worth of the men rather than on their economic status.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BURTON].

Mr. ROZIER. Mr. President, not a single man signing that petition——

The PRESIDING OFFICER. The Senator from West Virginia has spoken both on the amendment and on the bill.

Mr. BURTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURTON. Mr. President, I should like to make a brief statement to clarify the situation.

The PRESIDING OFFICER. The Senator from Ohio has spoken on the amendment.

Mr. BURTON. I have not spoken on the bill. I should like to speak for about 1 minute on the bill.

The amendment has been interpreted as though it related to the entire Draft Act. It does not. It is not an amendment to the Draft Act. It relates only to section 2 of the pending bill, and therefore applies only to 18- and 19-year-old men.

Mr. BARKLEY. It would not apply to any men who may hereafter become 18 or 19.

Mr. BURTON. It would apply only for the current season, precisely as our bill did when we started the Draft Act.

Mr. BARKLEY. The provision in the Senate bill makes the same allowance—if there is to be an allowance—to boys of 18 and 19 as they reach the draft age of 18 and 19. So long as the law is on the statute books it would apply to every class of 18- or 19-year-old boys as they come in in the future, whereas the Senator's amendment would be terminated on July 1 of the coming year, and all those who came in afterward would not have the right of deferment.

Mr. BURTON. That is correct.

Mr. BARKLEY. Even though they might be drafted within 15 days after graduation.

Mr. BURTON. The bill applies precisely as we applied the original Draft Act. Therefore I cite to the eminent Senator from Alabama the precedent of the Senate and the House of Representatives in adopting precisely the same policy for precisely the same kind of men when Congress passed the original Draft Act on September 16, 1940.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. HILL. Let me say that there is a vast difference between the situation which existed when the original Draft Act was adopted and the situation which now exists. When the original Draft Act was adopted we were not at war. Induction into service then was only for training purposes, not for purposes of going to war, where men must fight, endure, and suffer.

To my mind, under such conditions it would be very unfair to grant a special privilege or a special deferment to any one class on account of its economic status.

SEVERAL SENATORS. Vote! Vote!

Mr. BURTON. Mr. President, I concur in the desire to have a vote; but I need to add a statement as to one feature.

This measure will probably not go into effect until some time in December. We shall, therefore, have men in the midst of their high school and college courses. Many of those men are working their way through school. Having proceeded that far, what they have done would be completely lost. The interests of the Army would not be adversely affected by the adoption of this amendment, because the service of those men would be deferred for only 2 or 3 months, until the end of the current school year. Then they would go into the Army, with the benefit of the college course on which they had worked.

Mr. CHAVEZ. Mr. President, I shall take only a moment of the time of the Senate. The difficulty with many bills which come before us is that we become confused about the subject matter. So soon as the Senate realizes that we are at war, the sooner we shall do our duty. Does anyone believe that our boys in the Solomon Islands, in Alaska, or anywhere else, who are now suffering, are worrying about whether some man will be able to get through high school or college and become a dentist, a doctor, or an engineer? We had better think about winning the war. The war will be won only by bloodshed, suffering, and death. The difficulty is that we do not realize that we are actually at war, a destructive war, a war which means only death until we win it.

I do not care how many colleges suffer; I do not care whether or not some boy graduates from a college, but I do care whether or not we are going to win the war. The war will be won by only two agencies of the Government. They are the Army and the Navy. I have sufficient confidence in them to feel that they know that they need technical men. They are absolutely necessary. It would be doubting the intelligence of our Army and Navy officers to think that it is necessary for us to say that we must exempt a certain class of persons from military service in order to protect the technical men needed by the Army and the Navy. No one knows better than the General Staff of the Army and the Navy Department itself that it is absolutely necessary to have engineers, doctors, dentists, and other technical men. We had better realize that we are at war and pass this bill. I am opposed to the pending amendment.

Mr. AUSTIN. Mr. President, I have before me some pertinent testimony on this particular amendment. Dr. Elliott, President of Purdue University, and also chief of the Division of Professional and Technical Employment and Training of the War Manpower Commission, while testifying before the House committee, as appears on page 154 of the hearings of October 14 and 15, 1942, said this:

> Mr. FADDIS. Doctor, what system would you recommend in choosing those who are going to be educated among the thousands of boys that are being drafted under the provisions of this and other legislation?
>
> Dr. ELLIOTT. I am not sure, sir, I am prepared to give a definitive reply to that question. Personally I am ready to leave the matter to the selective service. I have had experience now with Selective Service boards all over this country because the students who come to me are gathering from all over the 48 States. While mistakes have been made I think one of the most competent groups of democratic bodies have been these 6,500 local boards. They have done a magnificent job. Personally I am quite willing

to leave the selection of those individuals and the method whereby they may be allocated to the administration of the Selective Service System.

Mr. BALL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BALL. I wonder if the Senator recalls whether the provision proposed by the Senator from Ohio was in the bill which we passed last February lowering the age limit to 20 years? Did we give the boys of 20 the right to finish their school year?

Mr. AUSTIN. Does the Senator refer to the act of December 20, 1941, which is Public Law 360, "to amend the Selective Training and Service Act of 1940 by providing for the extension of liability for military service and for the registration of the manpower of the United States, and for other purposes"? Is that the act to which the Senator refers?

Mr. BALL. That is the measure which lowered the draft age to 20 years.

Mr. AUSTIN. That was the measure which changed the ages to those between 20 and 45. Without reading that act line for line, I cannot say whether some part of it may be interpreted as referring back to the original provision; but from a hasty survey I can find no such express provision.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. GURNEY. I have information from the Selective Service to the effect that the rights of college students have not been changed since July 1941, and therefore the bill passed in December 1941 did not change the provisions affecting college students.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. MAYBANK. I desire to say that, as Governor of South Carolina, the only complaint I had about the law that Congress passed, and the only serious complaints I have heard from South Carolina and from the members of the draft boards about the law is as to the possibility of exempting college students who should be in the Army. We are opposed to exempting them, because such an exemption would be class discrimination.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BURTON]. On this question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURDOCK (when his name was called). On this vote I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I am not advised as to how he would vote if he were present. If I were permitted to vote, I should vote "nay."

Mr. LEE (when the name of Mr. THOMAS of Oklahoma was called). My colleague, the senior Senator from Oklahoma [Mr. THOMAS], is unavoidably absent. I understand that he has a pair with the junior Senator from Massachusetts [Mr. LODGE]. I am informed that if the Senator from Massachusetts were present he would vote "yea," and if the senior Senator from Oklahoma were present he would vote "nay."

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Virginia [Mr. BYRD], and will vote. I vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Alabama [Mr. BANKHEAD] and the Senator from Nevada [Mr. MCCARRAN] are necessarily absent. I am advised that if present and voting, they would vote "yea."

The Senator from Virginia [Mr. BYRD] is detained on important public business. I am advised that if present and voting, he would vote "nay."

The Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program.

The Senator from Washington [Mr. BONE], the Senator from Kentucky [Mr. CHANDLER], and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

The Senator from Michigan [Mr. BROWN], the Senator from North Carolina [Mr. BAILEY], the Senator from Nevada [Mr. BUNKER], the Senator from Iowa [Mr. HERRING], the Senator from Mississippi [Mr. BILBO], the Senator from Colorado [Mr. JOHNSON], the Senator from Texas [Mr. O'DANIEL], the Senator from Montana [Mr. MURRAY], the Senators from Wyoming [Mr. SCHWARTZ and Mr. O'MAHONEY], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. MCNARY. The Senator from Wisconsin [Mr. LA FOLLETTE] would vote "yea" if he were present. His pair has been announced.

The Senator from New Hampshire [Mr. BRIDGES] would vote "yea" if he were present. His pair has been announced.

The Senator from Pennsylvania [Mr. DAVIS], who would vote "yea" if he were present, has a general pair with the Senator from Kentucky [Mr. CHANDLER].

The Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The result was announced—yeas 24, nays 37, as follows:

YEAS—24

Aiken	Clark, Idaho	Rosier
Andrews	Clark, Mo.	Shipstead
Ball	Danaher	Taft
Brewster	Johnson, Calif.	Thomas, Idaho
Bulow	McNary	Tunnell
Burton	Nye	Vandenberg
Butler	Radcliffe	Van Nuys
Capper	Reed	Willis

NAYS—37

Austin	Gerry	Lee
Barkley	Gillette	Lucas
Caraway	Green	McFarland
Chavez	Guffey	McKellar
Connally	Gurney	Maloney
Doxey	Hatch	Maybank
Ellender	Hayden	Mead
George	Hill	Norris
Overton	Spencer	Walsh
Pepper	Thomas, Utah	Wheeler
Reynolds	Tydings	White
Smathers	Wagner	
Smith	Wallgren	

NOT VOTING—35

Bailey	Downey	Murdock
Bankhead	Glass	Murray
Barbour	Herring	O'Daniel
Bilbo	Holman	O'Mahoney
Bone	Hughes	Russell
Bridges	Johnson, Colo.	Schwartz
Brooks	Kilgore	Stewart
Brown	La Follette	Thomas, Okla.
Bunker	Langer	Tobey
Byrd	Lodge	Truman
Chandler	McCarran	Wiley
Davis	Millikin	

Mr. BURTON's amendment was rejected.

Mr. LUCAS. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add the following new section at the end of the bill:

Notwithstanding any other provision of this Act, any person inducted into the land or naval forces may volunteer for combat duty while he is under 20 years of age and after so volunteering may be assigned to combat duty at any place if he has had adequate military training.

Mr. LUCAS. Mr. President, the Senator from Illinois in offering this amendment hopes that it may accomplish two primary purposes. I vote for the O'Daniel-Norris amendment. I do not know of any legislative proposal which has given me more concern than did that amendment.

Certainly the men who are in control of the Army must have vital and good reasons for asking for such legislation as the bill proposes. On the other hand, there are perhaps many reasons why a number of boys under 20 years of age should have adequate military training for the length of time expressed in the bill before being ordered into combat service. There will be thousands of individuals who will come into the service under the law who will have technical training of some kind, and it certainly will not require a period of 12 months before they are in position to serve well their country in some particular branch for which they may be qualified.

I am thinking of the radio technician, of the telephone lineman, who may be transferred within 2 or 3 weeks, perhaps, if he desires to go into the Signal Corps. I am thinking of the individual who may have a special knowledge of engines, and a thousand other vocations, of which individuals 18 and 19 years old will have some special knowledge, or about which they may have some peculiar knowledge.

I undertake to say that it is not fair to such an individual, it is not fair to the Army, and it is not fair to the country, to keep such a boy in training for a period of 12 months, in the event he desires to volunteer for combat or overseas duty, providing the military authorities under whom he is serving decide that he has adequate and sufficient training for the purpose.

It has been said that under the bill the boys will be used in replacement outfits.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TYDINGS. In order that I may understand the Senator, as I recall the O'Daniel amendment, it referred only to those who were inducted into service.

Mr. LUCAS. That is correct.

Mr. TYDINGS. As I understand, if a man under 20 volunteered for service, the O'Daniel amendment would not apply. Am I wrong about that?

Mr. LUCAS. Of course, at the present time the 18-year-old who applies would have to get consent of his parents before he could get in.

Mr. TYDINGS. Oh, yes.

Mr. LUCAS. But after we enact the proposal now before us, he will not have to get anyone's consent, he will become a soldier if he is inducted into the Army. The only thing I am attempting to do is to give the 18- and 19-year-old boys an opportunity, after they are inducted under the measure now before us, an opportunity to volunteer if, in the opinion of the men in charge of the boys they have had adequate and sufficient training in the particular military line to which they may be assigned.

Mr. President, before I was interrupted by the able Senator from Maryland I was discussing the bill from the angle which has been discussed by those in charge of it, namely, that the measure is primarily for the purpose of replacing men. In other words, if that be true, the boys would have at least six months of training under any theory, unless they are specialists along the line I have suggested, before being called for any kind of combat duty.

Let us presume there were 10,000 men in a certain place training for replacement work. It would be a simple matter if the Army, through its company commanders, could then ask what men in that particular company would volunteer, after adequate training, for the purpose of joining, we shall say, a tank corps unit. Any individual who desired to step forward under those circumstances and volunteer for that type of service, after adequate training, could do so.

I know during the last war, as everyone who was in it knows, that it was a common thing in replacement outfits which were to go overseas for company commanders each and every morning to ask for volunteers to go overseas before actually sending the men.

Mr. President, there are many excellent men 18 and 19 years old who will make fine soldiers. Take Dudley, the all-American quarterback from Virginia, who at the age of 19 years is one of the finest physical specimens in this country. Yet if Dudley were drafted under the pending bill he would have to remain in this country 1 year before he could be used in military service abroad.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. Dudley could volunteer at any moment, at the very moment of induction, could he not?

Mr. LUCAS. It is true Dudley could volunteer, perhaps, at 19 years of age, but he could not do so at 18 years of age without the consent of his parents. I will refer to 1 year ago and say that even at 18 years of age Dudley, as a quarterback, was recognized by many in the country as the greatest quarterback in all the land.

I merely cite him, Mr. President, as one example of brain power and physical power in a boy 18 years of age, and inquire what use there would be in training such a boy for a period of 1 year in this country, if he wanted the opportunity, after sufficient and adequate military training, to volunteer for some particular type of service for which he was best fitted. Dudley is one example of thousands upon thousands of individuals who, as everyone knows, at the age of 18 or 19 years are fairly abreast of many boys 21 and 22 years of age.

What I am attempting to do is to discriminate, if possible, between those who would like to go, those who are physically and mentally fit and want the chance, and those who do not want to go, and who perhaps should not go, for instance, a stripling of a boy 18 years old, who has not had very good health, perhaps, who is thin, pale, so to speak, and who has not been away from home very long. The longer such a boy is kept in training, the better it will be for him, for his parents at home, and for the country. But there is a line of demarcation that should be drawn, and the Army should have the opportunity to draw it, provided the boy himself gives his consent by volunteering for combat duty.

Mr. President, that is all there is to it. It would greatly simplify the administrative work for the Army and the Navy if the amendment should be agreed to. The officials tell us flatly that the amendment as it reads would make it almost impossible to administer the bill and to do the job the way it should be done. In my humble opinion, my amendment would help materially. I hope it will prevail.

Mr. JOHNSON of California. Mr. President, I object to this amendment. I object to it because I think it is turning a sharp corner upon the O'Daniel amendment. Listen to the amendment:

> Notwithstanding any other provision of this act any person inducted into the land or naval forces may volunteer for combat duty while he is under 20 years of age and after so volunteering may be assigned to combat duty at any place if he has had adequate military training.

I pass over for the moment the question of adequate military training, which may be defined one way or another as one sees fit; but the very purpose of the O'Daniel amendment was to prevent boys under 20 years old from being sent into combat service and perform combat duty. The Senator from Illinois by his amendment sugar-coats the idea by saying that the youthful soldier may volunteer for combat duty while he is under 20 years of age, and after so volunteering may be assigned to combat duty at any place, if he shall have received adequate military training.

Mr. President, think of it! With the surroundings and under the circumstances in which the boy under 20 years old finds himself in the Army he would not be able to withstand the blandishments which may be offered to convince him that he should volunteer. The result would be that the very purpose of the O'Daniel amendment which we adopted today would be utterly and absolutely destroyed.

I submit to the Senate that this sort of amendment should not be presented; that the subject with which it deals having been passed upon by the Senate today, after a perfectly fair presentation, the matter should remain as it now is.

Mr. McKELLAR. A motion to reconsider the vote by which the O'Daniel amendment was agreed to was laid on the table, and the present proposal would represent a virtual repeal of the O'Daniel amendment.

Mr. JOHNSON of California. I thank the Senator from Tennessee. A motion to reconsider the vote by which the O'Daniel amendment was agreed to was made, and laid on the table. Action to change the amendment in any way therefore could not be invoked. This is an opportunity which is taken by a very able and distinguished lawyer for the purpose of invoking such a procedure.

Mr. McKELLAR. Mr. President, will the Senator yield.

Mr. JOHNSON of California. I yield.

Mr. McKELLAR. In truth, and in fact, and in substance, I think the pending amendment is subject to a point of order, because the matter has already been passed upon.

Mr. JOHNSON of California. Do I understand that a point of order is made against the amendment?

The PRESIDING OFFICER. The Chair did not understand that the Senator from Tennessee made a point of order.

Mr. McKELLAR. If the Senator from California will yield to me for that purpose, I shall make the point of order.

Mr. JOHNSON of California. I yield.

Mr. McKELLAR. I make the point of order that the subject dealt with by the pending amendment has already been passed upon.

Mr. LUCAS. Mr. President, if there is any question about the matter I should like to be heard on the point of order.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order. The point of order is overruled.

Mr. JOHNSON of California. Did the Chair rule?

The PRESIDING OFFICER. The Chair overruled the point of order made by the Senator from Tennessee against the pending amendment.

Mr. JOHNSON of California. The Chair may overrule the point of order, but cannot overrule the language contained in the amendment adopted today.

The PRESIDING OFFICER. That question is not before the Chair for decision.

Mr. JOHNSON of California. Again I say that if the soldier who is under 20 years of age is permitted by the action of the Senate to volunteer for combat service, he is given no real choice at all. We all know that to be so. We know from our knowledge of young men exactly what would happen and what would be the result. When it is said that the young soldier can volunteer for

combat service if he has received adequate military training, something is said which no man can understand.

I speak briefly, Mr. President, because the hour is late and we are anxious for an adjournment. I submit to the Senate that the O'Daniel amendment should not be dealt with in this fashion, nor should it be dealt with so that it would have no effect at all.

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. O'DANIEL. The subject of permitting the inductee to volunteer for combat service was presented to me before we took a vote on the amendment. I gave it thorough consideration. I talked with several other Senators, and it was my opinion that the amendment itself which I offered was for the protection of our country and of our Army, to make sure that our boys who were inducted would receive 1 year's military training before they were sent into combat service. The main feature and purpose of the amendment was to give us a better Army, an Army that was better trained. During the course of the debate the subject was brought up and I made the statement that as I understood the question I had no objection to volunteers going into combat service. I meant the volunteers into the armed service, not those below 20 who were inducted under this act, and then volunteered for combat service later. We all know that some boys are very daring and romantic, and that after they are inducted many of them might like to get the thrill which they might contemplate comes with foreign service and combat duty. Some boys dislike school training, and they might have the desire after they have been inducted to volunteer for combat service, simply to escape training. I think for the benefit of our Nation and for the benefit of our Army such boys should abide by the decision made by older men here in the Senate, that they must have the 12 months' training before they go into foreign combat service to fight for their country.

Mr. JOHNSON of California. The President, I submit the matter, and ask for a vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois [Mr. LUCAS]. [Putting the question.] The "ayes" have it.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Connally	Lucas
Andrews	Danaher	McFarland
Austin	Downey	McKellar
Bailey	Doxey	McNary
Ball	Ellender	Maloney
Barkley	George	Maybank
Bilbo	Gerry	Mead
Bone	Gillette	Murdock
Brewster	Green	Norris
Bulow	Guffey	Nye
Burton	Gurney	O'Daniel
Butler	Hatch	Overton
Capper	Hayden	Pepper
Caraway	Hill	Radcliffe
Chavez	Johnson, Calif.	Reed
Clark, Idaho	Lee	Reynolds
Rosier	Thomas, Utah	Wallgren
Smathers	Tunnell	Walsh
Smith	Tydings	Wheeler
Spencer	Vandenberg	White
Taft	Van Nuys	Willis
Thomas, Idaho	Wagner	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, I do not know whether the Chair announced that the amendment of the Senator from Illinois was agreed to. If the Chair made such an announcement, in the interest of fairness I ask that the announcement be vacated, and that we have a division on the amendment of the Senator from Illinois.

The VICE PRESIDENT. Is there objection?

Mr. LUCAS. I have no objection. I agree to that.

The VICE PRESIDENT. The Chair hears no objection. A division has been asked for. [Putting the question.]

Mr. McKELLAR. Mr. President, under the unanimous-consent agreement, if either side is dissatisfied with the division, does it have the right to ask for the yeas and nays?

The VICE PRESIDENT. Yes.

Mr. McKELLAR. With that understanding, I have no objection.

The VICE PRESIDENT. Provided the request is made before the result is announced.

Mr. McKELLAR. It will be made if the Chair will recognize me, because I will make it if God allows me to live.

Mr. BARKLEY. Mr. President, in order to save time and avoid discussion, I now ask for the yeas and nays on the amendment of the Senator from Illinois [Mr. LUCAS].

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. STEWART'S name was called). The junior Senator from Tennessee is unavoidably absent from the Senate. If he were present he would vote "nay."

Mr. LEE (when the name of Mr. THOMAS of Oklahoma was called). My colleague is unavoidably absent.

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senators from Nevada [Mr. BUNKER and Mr. McCARRAN], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. SCHWARTZ], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Missouri [Mr. CLARK], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Georgia [Mr. RUSSELL] are detained on important public business.

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program.

Mr. THOMAS of Utah (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD], and allow my vote to stand.

Mr. McNARY. The Senator from Pennsylvania [Mr. DAVIS] has a general pair with the Senator from Kentucky [Mr. CHANDLER].

The result was announced—yeas 32, nays 33, as follows:

YEAS—32

Andrews	Guffey	Pepper
Austin	Gurney	Radcliffe
Bailey	Hatch	Reynolds
Barkley	Hayden	Smathers
Bone	Hill	Tunnell
Caraway	Lee	Vandenberg
Chavez	Lucas	Van Nuys
Connally	McFarland	Wagner
Ellender	Maybank	Wallgren
Gerry	Mead	White
Green	Overton	

NAYS—33

Aiken	Doxey	Reed
Ball	George	Rosier
Bilbo	Gillette	Smith
Brewster	Johnson, Calif.	Spencer
Bulow	McKellar	Taft
Burton	McNary	Thomas, Idaho
Butler	Maloney	Thomas, Utah
Capper	Murdock	Tydings
Clark, Idaho	Norris	Walsh
Danaher	Nye	Wheeler
Downey	O'Daniel	Willis

NOT VOTING—31

Bankhead	Herring	O'Mahoney
Barbour	Holman	Russell
Bridges	Hughes	Schwartz
Brooks	Johnson, Colo.	Shipstead
Brown	Kilgore	Stewart
Bunker	La Follette	Thomas, Okla.
Byrd	Langer	Tobey
Chandler	Lodge	Truman
Clark, Mo.	McCarran	Wiley
Davis	Millikin	
Glass	Murray	

So Mr. LUCAS' amendment was rejected.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. TAFT. I offer the amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following——

Mr. JOHNSON of California. Mr. President, do we have to go through the same rigmarole now, and have the amendment laid on the table, and the motion for reconsideration made? We have done that once. It was not effective.

The PRESIDING OFFICER. The Chair interprets the question raised by the Senator from California as a rhetorical one, not a parliamentary question.

Mr. JOHNSON of California. Mr. President, the question was not a rhetorical question. It was a parliamentary question, because the parliamentary procedure had been regularly pursued in relation to one matter. At that time the present occupant of the chair was not in the chair. A motion was made to reconsider, and, on motion duly made, the motion to reconsider was laid on the table. The motion to reconsider remained on the table for several hours. Thereafter, when no one was thinking of the particular matter, there came in

this particular amendment which makes it possible for us to adopt the same procedure all over again.

The VICE PRESIDENT. The Chair finds no basis in the rules on which to rule on the question presented by the Senator from California.

The amendment of the Senator from Ohio will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. —. The President shall determine the number of men, not exceeding 25,000 in any age group, who in his opinion should complete their education in colleges or professional schools, in order that there may be available for positions in the armed forces and in essential activities a sufficient number of men with adequate educational qualifications. The President shall defer such men, so long as they maintain a satisfactory standing in school or college, until they have completed the education or training which he considers necessary to fit them for the employment or activity found to be essential. The selection of such men shall be (1) from among those men now enrolled in college or professional school on the basis of the scholastic records which they have made, and physical examinations; and (2) from among those who desire to enter such college or school, by competitive mental and physical examination. When such men are selected the President may extend essential financial aid in any individual case in which it is necessary to enable the men selected to complete their education. When such education is completed, and it is determined by examination that the applicant is qualified, then if the education is for service in the armed forces he shall be inducted into service, and if the education is for some essential civilian purpose he shall be classified in class II under the Selective Training and Service Act of 1940, as amended, until further action by the Director.

Mr. TAFT. The amendment simply provides that the President shall determine the number of men whom he thinks should finish their education every year. I have limited the number to 25,000 in each age group, which is 2 percent of the total number of men available in each age group. I think every country in the war has recognized the necessity of finishing the education of a certain number of men for certain specified classifications. Under the amendment the classifications would be determined by the President, and he then would proceed to select the men.

The amendment provides that if the men are already in college or in school they shall be chosen on the basis of their standing already obtained. As to the younger men who have not already entered college, the selection shall be made on the basis of competitive examination.

In effect, we should be doing almost exactly what we do when we send young men to West Point or to Annapolis to complete their education. It seems to me to be clear that the job should be a Selective Service job, with the President above the Army and the Navy, some of it for essential purposes. It seems to me that in any development of manpower, particularly when we are drafting boys 18 and 19 years of age, such a selection should be made.

Let me say that in order to meet the objections raised by the Senator from Rhode Island, it is provided that if the men do not have financial means sufficient to enable them to finish their education the President may supply means essential to meet the purpose, just as we supply means for boys to be educated at West Point or at Annapolis. I believe such a provision would meet the criticism relative to "pull" or special privilege of any sort, and I feel confident that any adequate manpower plan should contain a provision on the order of the one I have proposed.

After the boys have been taken out of college, and put into the Army, I do not think the Army should have left to it the decision as to whether they should go back to college for the purpose of finishing their education as soldiers. Of course, the Army is not particularly interested in the education of men for the Navy, or for other armed services, or for civilian institutions outside the Army.

I hope the amendment will be agreed to in order to perfect the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. TAFT].

The amendment was rejected.

Mr. O'DANIEL. Mr. President, I desire to call up the amendment which I have previously sent to the desk, and which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new sections:

SEC. 5. Section 7 of the Fair Labor Standards Act of 1938 is amended to read as follows:

"SEC. 7. Every employer shall pay to any of his employees who are engaged in commerce, or in the production of goods directly or indirectly for commerce, compensation at the same rate for all hours worked by such employee during any pay period."

SEC. 6. Until the termination of the wars in which the United States is now engaged, (a) no provision of Federal or State law which limits or restricts hours of employment shall be applicable with respect to employees of any contractor who are engaged in the performance of work directly or indirectly necessary for the fulfillment of any contract between such contractor and the United States, and (b) no provision in any contract heretofore or hereafter made with the United States restricting or limiting the hours of employment of employees employed under or in connection with such contract, and no penalty or forfeiture for a violation of any such provision, shall be enforceable by any officer or agency of the United States.

SEC. 7. The act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, is amended by adding at the end of the first section thereof the following new paragraph:

"(f) When wage rates for regular hours of employment have been determined for the purposes of this act, the same hourly wage rates shall apply with respect to all hours worked during any day or workweek or other work period in employment with respect to which wages are determined under this section."

Mr. O'DANIEL. Mr. President, it is my opinion that the subject dealt with in the amendment is of vital importance, and one which must ultimately be settled by the Congress.

Due to the lateness of the hour, and the fact that this is the last day of the week, I do not intend to delay the Senate very long.

The amendment simply deals with abolishing the penalty payment for time worked over a specified number of hours each week. Every Member of the Senate, in my opinion, is fully conversant with the subject, and no doubt has some opinion on it. I fully covered the ground in my remarks yesterday morning in the Senate. Therefore, I now ask only for a vote. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas [Mr. O'DANIEL].

The amendment was rejected.

Mr. ELLENDER. Mr. President, I send to the desk an amendment, which I offer and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following new section:

SEC. 7. Section 3 (a) of such act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided further*, That no man shall be inducted for training and service under this act after he has attained the forty-fifth anniversary of the day of his birth."

Mr. ELLENDER. Mr. President, it is now late, and I shall not detain the Senate very long. I desire to state that I have discussed the amendment with a number of Senators during the day, including the Senator in charge of the pending bill. I understand there is no objection to my amendment.

The purpose of the amendment is to provide that no man who has reached his forty-fifth birthday shall be inducted for training. As the law is now written, although a person is 46 years old or more, he may be inducted, so long as he was not 45 years of age when he registered. It is provided that every male citizen between the ages of 20 and 45 at the time fixed for his registration shall be liable for training and service in the armed forces of our country. My amendment makes it certain that a person cannot be inducted after he becomes 45 years of age. I believe that the amendment should be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. ELLENDER].

The amendment was agreed to.

Mr. GURNEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House bill 7528.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940, providing for the extension of liability.

Mr. GURNEY. I now move that all after the enacting clause be stricken out and that the Senate bill as amended be

substituted for the language of the House bill.

The motion was agreed to.

The VICE PRESIDENT. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. AIKEN (when his name was called). On this vote I have a pair with the junior Senator from North Dakota [Mr. LANGER], who was called away a short time ago. If present, he would vote "nay." I transfer that pair to the Senator from New Hampshire [Mr. TOBEY], and will vote; I vote "yea."

Mr. BILBO (when his name was called). On this vote I have a pair with the Senator from Wisconsin [Mr. LA FOLLETTE]. If he were present he would vote "yea." If permitted to vote I should vote "nay."

Mr. BARKLEY (when Mr. CHANDLER'S name was called). I announce the unavoidable absence of my colleague the junior Senator from Kentucky [Mr. CHANDLER] for reasons which I have heretofore mentioned, and to state that if present he would vote "yea."

Mr. McKELLAR (when Mr. STEWART'S name was called). The junior Senator from Tennessee [Mr. STEWART] is unavoidably absent. If he were present he would vote "yea."

Mr. LEE (when the name of Mr. THOMAS of Oklahoma was called). My colleague, the senior Senator from Oklahoma [Mr. THOMAS] is unavoidably absent. If he were present he would vote "yea."

The roll call was concluded.

Mr. McNARY. Mr. President, without reference to the announcement of pairs heretofore made, I wish to announce that if present and voting the senior Senator from Wisconsin [Mr. LA FOLLETTE], the senior Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. BARBOUR], my colleague, the junior Senator from Oregon [Mr. HOLMAN], the Senator from Illinois [Mr. BROOKS], the Senator from New Hampshire [Mr. TOBEY], the Senator from Pennsylvania [Mr. DAVIS], and the Senator from Massachusetts [Mr. LODGE] would vote "yea." If present and voting the junior Senator from North Dakota [Mr. LANGER] would vote "nay." The junior Senator from Wisconsin [Mr. WILEY] is absent on public business.

Mr. HILL. The Senator from Virginia [Mr. BYRD] and the Senator from Georgia [Mr. RUSSELL] are detained from the Senate on public business. I am advised that if present and voting they would vote "yea."

The Senator from Alabama [Mr. BANKHEAD], the Senators from Nevada [Mr. BUNKER and Mr. MCCARRAN], the Senator from Missouri [Mr. TRUMAN], the Senator from Florida [Mr. PEPPER], and the Senators from Wyoming [Mr. O'MAHONEY and Mr. SCHWARTZ] are necessarily absent. I am advised that if present and voting these Senators would vote "yea."

The Senator from Iowa [Mr. GILLETTE] is necessarily absent. I am advised that if present and voting he would vote "nay."

The Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent because of illness. I am advised that if present and voting they would vote "yea."

The Senator from West Virginia [Mr. KILGORE] is absent on official business in connection with the duties of the Special Committee to Investigate the National Defense Program. I am advised that if present and voting the Senator from West Virginia would vote "yea."

The Senator from Michigan [Mr. BROWN], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], and the Senators from Montana [Mr. MURRAY and Mr. WHEELER] are necessarily absent.

The result was announced—yeas 58, nays 5, as follows:

YEAS—58

Aiken	Gerry	Reed
Andrews	Green	Reynolds
Austin	Guffey	Rosier
Bailey	Gurney	Smathers
Ball	Hatch	Smith
Barkley	Hayden	Spencer
Bone	Hill	Taft
Brewster	Lee	Thomas, Idaho
Burton	Lucas	Thomas, Utah
Butler	McFarland	Tunnell
Capper	McKellar	Tydings
Caraway	McNary	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Mo.	Maybank	Wagner
Connally	Mead	Wallgren
Danaher	Murdock	Walsh
Downey	Norris	White
Doxey	O'Daniel	Willis
Ellender	Overton	
George	Radcliffe	

NAYS—5

Bulow	Johnson, Calif.	Shipstead
Clark, Idaho	Nye	

NOT VOTING—33

Bankhead	Glass	Murray
Barbour	Herring	O'Mahoney
Bilbo	Holman	Pepper
Bridges	Hughes	Russell
Brooks	Johnson, Colo.	Schwartz
Brown	Kilgore	Stewart
Bunker	La Follette	Thomas, Okla.
Byrd	Langer	Tobey
Chandler	Lodge	Truman
Davis	McCarran	Wheeler
Gillette	Millikin	Wiley

So the bill H. R. 7528 was passed.

The VICE PRESIDENT. Without objection, Senate bill 2748 is indefinitely postponed.

Mr. BARKLEY. I move that the Senate insist upon its amendment, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. HILL, Mr. AUSTIN, and Mr. GURNEY conferees on the part of the Senate.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the House bill just passed be printed, showing Senate amendments as they have been agreed to.

The VICE PRESIDENT. Without objection, it is so ordered.

H. R. 7528

An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability

Be it enacted, etc., That so much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States."

SEC. 2. Section 5 (f) of such act, as amended, is hereby amended to read as follows:

"(f) Any person who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this act during the last half of the academic year at such school or institution, shall, upon his request, have his induction under this act postponed until the end of such academic year."

SEC. 3. Section 15 (a) of such act, as amended, is hereby amended to read as follows:

"(a) The term 'between the ages of 18 and 45' shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner."

SEC. 4. Section 5 of such act, as amended, is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the land or naval forces of the United States while this act is in effect because such person entered such service without the consent of his parent or guardian.

"(j) No individual shall be relieved from liability for training and service under this act, or held not to be acceptable to the land or naval forces for such training and service, solely on the ground of his having been convicted of any crime which may not be punished by death or imprisonment for a term exceeding 1 year, if the local board having jurisdiction determines that such individual is, notwithstanding such conviction, morally fit for military service."

SEC. 5. Every registrant found by a local Selective Service board, subject to appeal in accordance with section 10 (a) (2) of the Selective Training and Service Act of 1940, as amended, to be regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under such act, his local Selective Service board, subject to appeal in accordance with section 10 (a) (2) of such act, shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests his local board to determine, and his local board, subject to appeal in accordance with section 10 (a) (2) of said act determines that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.

SEC. 6. Section 3 (a) of such act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided further*, That no man shall be inducted for training and service under this act after he has at-

tained the forty-fifth anniversary of the day of his birth."

SEC. 7. No person under 20 years of age inducted under this act shall be placed in actual combat duty beyond the territorial boundaries of continental United States until after he has had at least 1 year's military training following his induction.

PRIORITIES FOR FARM MATERIALS AND EQUIPMENT

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD, following the vote on the bill, a letter, an editorial, and a bill dealing with the question of priorities on farm materials and equipment.

There being no objection, the letter, editorial, and bill were ordered to be printed in the RECORD, as follows:

BENSON MACHINE CO.,
Benson, Minn.

Hon. HENRIK SHIPSTEAD,
Washington, D. C.:

DEAR SIR AND FRIEND: I am enclosing an article from the Farm Implement News that I wish you would take time to read and digest. This gives you a true picture of Minnesota farmers in central Minnesota. Take for instance the Minneapolis-Moline Power Implement Co., at Hopkins, Minn. They tell us they have about 80 combines ready for shipment. The farmers in this section could have used every one of these but they were frozen and could not be shipped. We could sell from four to six of them right out of Benson if we could get them now for soybean harvest. We have only one tractor in 1942 and can't get any more at present; have had an order in since last February 1942 for a half carload of manure spreaders and a half car of Moline plows. No sign of shipment as yet. Could have sold 25 corn pickers; only got one from Minneapolis-Moline people, and two from Woods Bros. Co. A fair crop of corn and no huskers available. Read the clipping carefully, for it is all true.

Very truly with best wishes,
G. H. LEWIS.

[From the Farm Implement News (Chicago, Ill.) of October 15, 1942]

We believe, fearfully, that this country is headed for a Dunkerque in agriculture, or worse.

National policies are being set in Washington by groups who know nothing at first hand about farming. They are brilliant at figures, but do not comprehend the agricultural conditions that modify the bases on which the figures rest. These men are in control of our economics, but have no influence upon the armed forces whose policies constantly alter economic conditions.

Right now, if we may believe what Washington reports state, the United States of America is in the process of putting between 10,000,000 and 13,000,000 under arms. No such number of men can be inducted into service without drawing heavily on men engaged in farming. These men obviously are in the younger groups—the ones who can best withstand the arduous life of a soldier or sailor, and correspondingly the physical demands required of farmers. There will be left on the farms those incapable physically of active military duty and equally incapable of lifting 100-pound sacks of grain and accomplishing similar tasks that farmers must accept as a matter of course.

If the strong young men are taken from agriculture, the older ones left behind can do one of two things: (1) They can sell off all the livestock whose care is beyond the working capacity of a man and his wife and keep only enough for subsistence, and at the same time they can grass down the acres of cultivated land which they cannot handle alone, and raise only food and feed for themselves and their stock; or (2) they can, if permitted buy more mechanical power, machinery of the sort that eliminates heavy physical exertion, and with augmented machine efficiency and some modifications in the farm program produce about as much food and feed as in the past.

Let's bring the general principles down to a specific and characteristic application—a dairy farm supplying an urban market with whole milk produced under city health department inspection standards—30 cows in lactation, a herd bull and the usual number of growing calves requiring care to maintain the herd. Such an enterprise is carried on largely in a structure which must combine the surgical aseptic cleanliness of a hospital in combination with a bovine latrine. One man with a milking machine, dairy sterilizing equipment and an electric or gas engine driven milk cooler can handle the milk from such a herd without expending more than normal effort that farmers are always subject to. But he can't daily clean that barn to meet the captious city inspector's standards and still handle the milking and do the field work to produce the feed that the cows consume. There's just too much lifting in barn cleaning. It is hard work, and it takes time. The farmer with 30 cows must have help, and more than his wife can give him.

Take away this farmer's son or hired man and what can he do? He can sell off all but eight or ten cows, and the only market for an average cow now is to the butcher. He and his wife could handle the smaller number. Or he might be able to keep his herd if he had a barn cleaning machine and other equipment for barn and field that would save time and effort.

But he can't buy the labor-saving equipment at any price. The brilliant incompetents in Washington say farmers don't need new machinery, because they got by in 1933 buying very little. The incompetents forget or do not want to know that almost every child, brother, sister, cousin, aunt, and uncle descended on farmers in those tragedy years and tried to pay for their food and shelter by helping in farm work.

If farmers are to meet a food production quota in 1943, they must have either adequate help, or adequate mechanical equipment. Without one or the other they cannot carry on. The Army now is taking the help, the brilliant incompetents are denying the machinery. And this is in spite of the fact that the Germans, the British, and the Russians have increased production and availability of farm operating machinery in their countries in proportion to the drain on rural manpower by their armed services and the increased needs of food for men in war service.

By the time this editorial is published, we probably shall know the worst that faces our country in 1943 through restrictions on the production of farm equipment. If the program is according to rumor, it is just as Hitler would want it.

And these policy makers, we may add, are not in the United States Department of Agriculture nor in the farm machinery unit of the War Production Board. The practical men in Washington are not dumb, but theirs are voices crying in a wilderness, or more accurately in rooms filled with screeching theorists.

[77th Cong., 2d sess; S. 2375; in the Senate of the United States, October 23 (legislative day, October 15), 1942; Mr. SHIPSTEAD introduced the following bill, which was read twice and referred to the Committee on Military Affairs]

A bill to provide priorities for certain material and equipment necessary to the continued production of agricultural products

Be it enacted, etc., That section 2 (a) of the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940, as amended, is amended by adding the following new paragraph at the end thereof:

"(9) In addition to the deliveries of material to which priority may be assigned pursuant to paragraphs (1) and (2) of this subsection, deliveries to farmers of such articles, materials, and equipment, as may be specified by the President to be necessary for the continued production of sufficient agricultural products in the prosecution of the war, shall take priority over all deliveries for other private account or for export."

ASSISTANT CLERK TO COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. LUCAS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 307) (submitted by Mr. HATCH on the 15th inst.), reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the authority of the Committee on Public Lands and Surveys under Senate Resolution No. 245, Seventy-seventh Congress, to employ an assistant clerk is hereby continued until otherwise provided by law or resolution.

AGRICULTURAL LABOR SHORTAGES IN THE WESTERN STATES

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, with an amendment, Senate Resolution 299, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 2, line 5, after the words "Seventy-seventh", to strike out "and Seventy-eighth Congresses", and insert "Congress."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That a special committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete study and investigation with respect to (1) the existing shortage of agricultural labor in the Pacific Coast and Rocky Mountain States and its effect upon the national health and security as related to the efficient and successful prosecution of the war effort, and (2) methods of relieving such shortage, including the obtaining and utilization of farm labor from Mexico and other Latin-American countries. The committee shall report to the Senate, as soon as practicable, the results of its study and investigation together with its recommendations, if any for legislation.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh Congress, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred

words. The expenses of the committee, which shall not exceed $3,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CONFIRMATION OF POSTMASTERS

Mr. BARKLEY. Mr. President, as in executive session, I ask unanimous consent that the nominations of the three postmasters on the Executive Calendar be confirmed en bloc, and that the President be immediately notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

ADJOURNMENT

Mr. BARKLEY. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, October 26, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 24 (legislative day of October 15), 1942:

POSTMASTERS

IOWA

Vestie L. O'Connor, Graettinger.

LOUISIANA

Texie S. Heard, Converse.

PENNSYLVANIA

Joseph F. Conrad, Scranton.

SENATE

MONDAY, OCTOBER 26, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mercies, still our fretful, anxious hearts as we bring our weakness to Thy might, our failure to Thy perfection, our littleness to Thy greatness. May the rush and roar of the tumultuous present not so browbeat our lives that we shall lose our perspective, our poise, and our peace. May the white principles by which we really live, which are the very breath of our better selves, never be strangled by policy or cunning. In challenging, perilous times like these, when our ship of state is tossed on mountainous seas and forked lightning stabs the darkened sky, may our faith be triumphant o'er our fears as, in spite of rock and tempest's roar, in spite of false lights on the shore, a nation of freemen from sea to shining sea, with patriotism pure and undefiled, declares anew our toils and tears, our hearts, our hopes, our prayers, are all with Thee, are all with Thee. With chastened and grateful hearts bring us to the desired haven of a just and durable peace for all peoples. Make us worthy of victory. In the name of our fathers' God, author of liberty, we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, October 24, 1942, was dispensed with, and the Journal was approved.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOXEY, from the Committee on the Judiciary:

S. 2867. A bill to provide for the appointment of an additional circuit judge for the fifth circuit; without amendment (Rept. No. 1659).

By Mr. BURTON, from the Committee on the District of Columbia:

H. R. 7491. A bill to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; without amendment (Rept. No. 1660); and

H. R. 7621. A bill to amend the District of Columbia Unemployment Compensation Act; without amendment (Rept. No. 1661).

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS (REPT. NO. 1662)

Mr. NORRIS. Mr. President, from the Committee on the Judiciary I report back with amendments House bill 1024, to amend an act to prevent pernicious political activities.

The report of the committee strikes out all after the enacting clause of the House bill and inserts the changed text of Senate bill 1280, known as the Pepper bill.

I ask unanimous consent, Mr. President, that the majority and minority have until Thursday to file formal reports.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. I also ask unanimous consent that if the reports are ready to be filed on a day when the Senate is not in session they may be filed with the Secretary of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McNARY. Mr. President, I desire to propound an inquiry of the able Senator from Nebraska. Is he going to file a copy of the bill with the report?

Mr. NORRIS. I have just reported the bill as amended and, for the information of the Senate, I ask unanimous consent that the bill as finally reported may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BARKLEY. The Senator from Nebraska, I understand, has reported the House bill?

Mr. NORRIS. I have reported the House bill.

Mr. BARKLEY. So that the printed bill will show the language of the House bill?

Mr. NORRIS. It will show the Pepper bill, which is the amendment the committee has suggested.

Mr. BARKLEY. It will show also the House bill, the language of which is stricken out, will it not?

Mr. NORRIS. The committee has stricken out all the text of the House bill.

Mr. BARKLEY. If the House bill is being reported with an amendment, it seems to me that the House bill will appear with lines stricken through it followed by the amendment reported by the committee, so that there will be opportunity for comparison.

Mr. NORRIS. It will be in the usual form, as we are reporting the House bill?

Mr. BARKLEY. Yes.

House bill 1024 as reported by Mr. NORRIS from the Committee on the Judiciary proposes to strike out the text of the bill, as follows:

That the act entitled "An act to prevent pernicious political activities" be, and is hereby, amended by the insertion, after section 1 and before section 2, of the following sections:

"SEC. 1A. The requirements in many places under the jurisdiction of the United States that a poll tax be paid as a prerequisite for voting at elections for the office of President, Vice President, Presidential elector, Member of the Senate, and Members of the House of Representatives has resulted in pernicious political activities in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. It is therefore necessary, in order to insure the honesty of such elections, that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at such elections.

"SEC. 1B. It is unlawful for any person, whether or not acting under the authority of the laws of a State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote, at any election for a President or Vice President or Presidential elector or Senator or Member of the House of Representatives of the United States."

And in lieu thereof to insert:

That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

SEC. 2. It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality, or other government or governmental subdision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election.

SEC. 3. It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

SEC. 4. It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

Amend the title so as to read: "An act making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national offices."

Mr. DOXEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOXEY. In regard to the report made by the distinguished senior Senator from Nebraska in connection with which permission was granted to file majority and minority reports regarding the anti-poll-tax bills, I, being a member of the Judiciary Committee and having requested time for the minority views to be filed, want to ask if a point of order can be made against the consideration of the bill at any time. Would I have to make a point of order now or would I have to wait until the bill is brought before the Senate?

The VICE PRESIDENT. The point of order can be made at any time.

Mr. DOXEY. At any time; and so I lose no rights by not making the point of order at this time?

The VICE PRESIDENT. The Senator from Mississippi will lose no rights by not making the point of order at the present time.

Mr. DOXEY. I thank the Chair.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REYNOLDS:

S. 2877. A bill for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania; to the Committee on Claims.

DEVELOPMENT OF ADDITIONAL RESOURCES OF STRATEGIC AND CRITICAL RAW MATERIALS—AMENDMENT

Mr. McFARLAND (for Mr. MURRAY) submitted an amendment intended to be proposed by Mr. MURRAY to the resolution (S. Res. 301) requesting reports from certain Government departments and agencies on the development of additional resources of strategic and critical raw materials, which was ordered to lie on the table and to be printed.

POLITICS AND THE WAR—ADDRESS BY SENATOR BARKLEY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address entitled "Politics and the War," delivered by him on Saturday evening, October 24, 1942, which appears in the Appendix.]

CORRESPONDENCE ON PENSION AND PROFIT-SHARING TRUSTS AND PLANS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD correspondence relating to pension and profit-sharing trusts and plans between himself, Mr. G. H. Bucher, and Mr. Thomas Tarleau, which appears in the Appendix.]

PRICE-CEILING LEGISLATION—ADDRESS BY JOHN BRANDT

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address on the subject of price-ceiling legislation, delivered on October 10, 1942, by John Brandt, president of the Land O' Lakes Creameries, which appears in the Appendix.]

VICTORY FOR HUMANITY—ARTICLE BY ALFRED W. PALMER

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an article entitled "Victory for Humanity," written by Alfred W. Palmer and published in the Christian Century for September 30, 1942, which appears in the Appendix.]

AWARD OF ARMY-NAVY E FLAG TO AUTO ORDNANCE CORPORATION OF BRIDGEPORT, CONN.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article entitled "Auto Ordnance To Get Army-Navy E Flag November 2," published in the Bridgeport (Conn.) Post of October 14, 1942, which appears in the Appendix.]

ORDER DISPENSING WITH CALL OF CALENDAR

The VICE PRESIDENT. The routine morning business is concluded. The calendar, under rule VIII, is in order.

Mr. BARKLEY. I ask unanimous consent that the calling of the calendar be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

CONTRIBUTION BY GREECE TO THE CAUSE OF THE UNITED NATIONS

Mr. GILLETTE. Mr. President, Wednesday, October 28, will mark the second anniversary of Italy's attack on Greece.

Two years ago Wednesday, at 3 o'clock in the morning, Greece received a blunt and insolent ultimatum by Fascist Italy demanding the immediate enslavement of the whole country. A time limit of 3 hours was—as the Fascists termed it—"graciously" allowed for its acceptance or rejection.

The Greek Government's reply to Italy was an immediate, resounding "No."

It was subsequently ascertained that the Italian attack on Greece had been treacherously launched, even before the delivery of the infamous ultimatum.

The rest is history, glorious history. The valiant Greeks, united as one man in this their supreme struggle for freedom, met the enemy, fought with classical courage, stopped the initial onrush of the Fascist hordes, and then proceeded to thrash the Italian invaders with a regularity which became almost monotonous.

Mussolini fumed and raged. Two months after the attempted invasion of Greece, the deflated Duce mounted the balcony of the Palazzo Venezia and vowed to "break Greece's back."

But the brave white-kilted highlanders of Greece continued daily to administer a severe beating to Mussolini's armies until the latter were completely routed and all but thrown into the sea, while the whole world—not excluding Germany—watched the unequal struggle with admiration.

Never in modern history was a nation of 44,000,000 humbled by so few so swiftly and so thoroughly for its arrogance and presumption.

Gallant little Greece achieved the total deflation of the Fascist Italian myth. She exploded the myth of Axis invincibility. She provided one of the most illustrious chapters of the global war. She performed a wonder which, logically, could not happen. She reminded disheartened nations that the vital elements in war are incalculable. In his desperate plight Mussolini asked for Hitler's help, and thus, in the spring of last year, the Nazi tidal wave, with the Roman jackal following behind, succeeded in subduing little Greece.

Memory, too, of the gallant stand of the Greeks, as well as the Yugoslavs, made in April of last year, when they refused to join the Axis as satellites, will never be dimmed.

Hitler, with France prostrate, had counted on bringing Greece and Yugoslavia under the swastika, just as he had brought Hungary, Rumania, and Bulgaria. But the brave Greeks and Yugoslavs did not waver. Living up to their noble traditions, they chose to fight for hearth and freedom.

The heroic resistance of the Greeks to the incredibly brutal Nazi hordes has moved every American heart. It delayed Nazi attack on Russia by at least 2 months—2 valuable months of good-weather fighting—until June of that year was more than two-thirds gone.

This fatal delay may have saved Moscow last year. Not often in history has so small a force exerted so momentous an influence on the course of great events.

Therefore, it is understandable that the Nazis should blame their many and varied sufferings in Russia last winter on the stubborn Greek resistance of last year's spring and early summer.

Moreover, the Germans in their bold attack on Crete lost the cream of their parachutists and shock troops. This amounted to a military reverse of the first order for the Germans, in spite of the conquest of the great Island of the Mediterranean.

As the Greek Minister of Merchant Marine, Mr. Theophanides, pointed out last year:

> The colossal German losses in Crete made it impossible for the Nazis to follow up militarily the German "tourist" penetration of Syria and other parts of the Near East.

Therefore, now the Nazis and Fascists have been venting their revenge on the Greek people.

The once happy country has been plunged into darkness. Greek shepherds no longer leave the verdant hills to join the town and village in colorful community dances. Song and laughter have been extinguished.

The oppression which followed the Nazi conquest and looting of Greece is a record of callousness and brutality perhaps without equal even in Hitler's Europe.

Greece is being murdered by starvation, massacre, and disease. The Germans soon enough requisitioned everything in sight. Then the Fascist locusts finished up the job of looting.

Two weeks after the swastika was raised over the Acropolis, despoiling the beautiful Parthenon, Athenian children began to scrape garbage cans for food.

Since then Famine—the fourth Horseman of the Apocalypse—astride his gaunt steed in Greece, has been ravaging the civilian population.

It is a harrowing picture of suffering. The most accurate statistics obtainable in this country show that in the Athens area alone the death rate has increased from a normal daily average of 47 to a daily average of more than 800. The principal victims are the children.

Death carts make a tour of the streets each day picking up the bodies of persons who have died of sheer starvation or weakness and old age. Parents of children deliberately starve themselves in order that their children may have their meager rations.

To this pitch of poverty and degradation, the destroyers of modern Europe have reduced the proud and gifted race that founded European civilization and has been a light to the world for 2,500 years.

Mr. Michalopoulos, the able Greek Minister of Information, reports that more than 350,000 persons have perished by starvation, malnutrition, disease, execution, and massacre in Greece. And the distinguished Greek Ambassador, Mr. Diamantopoulos, fears that unless a more effective way is found to feed the suffering population, half of Greece's 8,000,000 may be dead before the war ends.

Mr. President, it is hard to believe that in this day and age civilized nations could pursue a policy that is blighting a conquered but brave people with famine in its most ghastly form.

In view of these appalling conditions in Greece under Axis occupation, Great Britain and the United States have lifted the blockade to allow food to enter Greece.

Under the auspices of the International Red Cross, some 15,000 tons of grain and medical supplies are being shipped to Greece from Canada and elsewhere. These shipments may alleviate somehow the appalling condition in Greece, but not materially.

Wholesale massacre has been added to starvation. Thousands of Greek hostages have been executed. Even the Bulgarians, whose Government has made itself the servile tool of Hitler, taking advantage of the subjugation of Greece, have massacred the populations of whole towns and villages in eastern Macedonia and Thrace.

In spite of all, the indomitable Greek people carry on undaunted their resistance to their brutal oppressors.

Greek patriot warfare continues throughout the mountains of Greece. Recent authoritative reports estimate these patriot forces at 30,000.

These fighting Greeks sally forth from their mountain fastnesses to destroy German and Italian communications, and to spread terror among the Axis troops of occupation. Many British, New Zealand, and Australian soldiers who were unable to escape from Greece, are said to be fighting now alongside the Greek patriots.

Even though the Germans announced they would shoot anyone found listening to foreign broadcasts, the Greeks hide the receiving sets under their bed covers and listen to the British and American broadcasts.

The Greek people sabotage the Nazi and Fascist war effort in a thousand ways. Sand poured into fuel containers shatters tank and motor lorry bearings. Priceless rubber tires are slashed. Incendiary fires raze warehouses and wharves. Ships blow up at their docks without warning. Locomotive boilers explode from dynamite sticks hidden in the coal. Highway bridges collapse under truck trains.

The Nazis strike back with terrorism, but the underground rebellion in Greece continues to gain momentum.

Outside of Greece the Greek land, air, and sea forces are already engaged in military operations in Lybia.

The Greek Navy, lately increased by 10 units turned over by the British, now patrols the Mediterranean Sea and the Indian Ocean. On several occasions the British communiques have praised the gallantry and achievements of these Greek forces, which realize that their struggles and sacrifices bring closer the day of the restoration of freedom and independence to Greece.

Another very valuable contribution of Greece to the common cause is the use by the Allies of the Greek merchant marine, which represents today 1,000,000 tons of shipping, manned by 7,000 men. This shipping constitutes an important part of Allied power and resources.

Mr. President, these are the spiritual, moral, and material contributions of Greece to the cause of liberty.

Our obligation to the Greeks for their inestimable services and unforgettable courage is very great. This obligation we are proud to accept and are resolved to discharge.

Greece will be restored and completely rehabilitated. Yes; Greece will rise again, for, as Assistant Secretary of State Adolf A. Berle, Jr., said some time ago:

> There is more life, hope, and progress in a handful of dust on the Acropolis than in all the makeshift religions, philosophies, and new orders that have come from the diseased brains of Berlin.

Let this voice from the halls of this assembly of freemen reach the hearts of the chained and oppressed valiant Greeks: We deplore the temporary enslavement of the soil that gave birth to civilization. You have remained true to your noble traditions and your own souls. You have been noble in your hour of victory and you remain noble in your misfortune. Have faith in our victory. Happier days will come to gallant Greece. Happier days will come to all the Nazi-infested countries, when the overwhelming might of the United Nations crushes the dark forces of slavery.

REDUCTION OF DRAFT AGE LIMIT

Mr. NYE. Mr. President, a much better bill on the proposal to draft 18- and 19-year-old boys was sent to conference than the one originally reported to the Senate.

Now, in accordance with the O'Daniel amendment, the boys must be given the advantage of training before they are sent into combat service. I was glad to support the amendment. I deeply regret the rejection of the amendment proposed by the Senator from Mississippi [Mr. BILBO], which would have put these 18- and 19-year-olds into educational institutions where they could continue their education while receiving intensive military training.

However, the bill is vastly improved in another respect, in that it now provides—thanks to the amendment of the Senator from Maryland [Mr. TYDINGS]—that the selective-service authority shall be required to excuse from the draft all farm hands determined to be essential to agricultural production. In some degree a tragic situation on the farm is thus met. If the amendment shall be agreed to in conference and become a part of the law, a check will be placed on the farm abandonment now taking place for want of farm help.

But with all those advantages, I could not support the bill, and voted against it.

I do not know why I allow myself to become so concerned about the draft of 18- and 19-year-old boys. After all, the situation is precisely what I have said upon many occasions would be our lot if we ever allowed ourselves to become a part of another World War. But there is no satisfaction in seeing such prophecy fulfilled, and I could not for the life of me bring myself to cast a vote that would bring fulfillment to such a promise or prophecy. Therefore I voted against the draft of the youngsters.

Perhaps a time will come and a condition arise which will find me ready to require the military services of boys 18 and 19 years of age, but a much more convincing demonstration will have to be made of the need for boys within these ages than has yet been made; there will have to be something more than the mere declaration by the President and his Secretary of War that the drafting of these boys is necessary and imperative. I do not feel that the record demonstrates any such need as is declared to exist. Perhaps facts and conditions exist about which we are not permitted to know, but we are certainly entitled to know all there is to know before we are asked to vote so drastic a step as is the one which takes these youngsters from school and home and throws them into battle far away from our home shores.

The Secretary of War tells us there must be no delay in our action now; that the Army must have these boys at once; that it is imperative we do nothing that will delay final passage; that we must not write amendments into the bill which will prevent immediate enactment; that we must expedite passage of the bill. Do not delay. No controversial amendment must be entertained. Immediate action is imperative.

Mr. President, that attitude reminds me somehow of another day just about this time of year 24 or 25 years ago, when men and women were crying, "Get the boys out of the trenches before Christmas."

How different that cry from the one the Secretary of War indirectly sponsors today. Now the urge seems to be, "Get these boys into the trenches before Christmas."

Until last Friday morning I was quite uncertain in my own mind as to how I should vote on the proposal to draft 18- and 19-year-olds. I wanted to support the authorities who were requesting the action, yet the request seemed to me to be unreasonable, especially since our country would then be asking of these youngsters something not being asked of like-aged boys in other lands of our allies.

But while I pondered these things on my drive from home to my office on that morning I found myself slowed by traffic at the intersection adjacent to one of our Washington high schools. I was struck by what was before my eyes in a way that caused me to pull up to the curb, shut off my motor, and watch this surge of boys and girls on their way to school.

Here they were, a book or books under their arms, care-free, jubilant, happy youngsters who had hardly tasted life. Here they were, boys far removed from thought of war, indeed most of them quite unaware of war and its nearness to them. Here they were, at least one quarter of this stream of boys on their way to school that morning, 18 years old, or about to become 18 any day. Here were the boys who were the stakes in the problem we were dealing with in the Senate that very day.

Let Senators watch that procession to or from high school and learn what it is they ask us to do. What may be seen there is only a part of the picture presented in countless places in our country. One cannot see in these youngsters what is needed in the military ranks these days. No one can impress upon me, after viewing this moving, living picture, the opinion that these are the kind of boys necessary to victory. It does not make sense to watch these 18-year-olds and at once declare that they are the kind needed at the front to do the killing, the bleeding, and the dying. Surely, until there is greater threat to our country than now exists, we do not need these youngsters other than where they are, making themselves strong and more mature and mentally ready for what is ahead.

Mr. President, I have a son in the 18- and 19-year category. He is giving his second year to college work and Naval Reserve training. I expect him to be ready any day to give an account of himself in the naval ranks. I am proud of what he is making himself ready to do. But he has an advantage not known to these boys I watched going to high school the other morning. I hark back to the days when that boy of mine was approaching and turning the 18-year marker, and shudder when I think he might then have been forced into the military ranks. Then something within me cries out: "Do not do to the 18-year-old sons of other parents that which you would not willingly do to your own."

Mr. President, we all expect to see this emergency bring to America a tremendous change in our ways and our economy, social and otherwise; but I am not ready, not yet anyway, to acknowledge that, whatever may be our ways and our economy, we can afford to plan to be without schools of higher learning or without need for an educated generation. The bill drafting the 18- and 19-year-olds will close many schools. That must be a result of this legislation. Are we to assume that there will be no need for trained minds when the war is ended, be it a short or a long war?

Why must we do what countries allied with us have not yet found it necessary to do? I am most reliably informed that up to June 17 of this year, when many Americans left Japan for home, after all the years Japan has been at war, not one boy had yet been taken from school and put into military service. Possibly they give intensive military training to boys while they are in school. If that be the argument, then why could we Americans not do the same thing, make military training a required course in every school, and, if need be, crowd schooling for 12 months in the year to hurry up completion? It seems to me that we would thus better serve our own American interests and the cause of the world than by taking these 18- and 19-year-old boys out of schools to which most of them will never return, however short or however long may be the war.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

Mr. CONNALLY. Mr. President, I should like to have the attention of the Senator from Nebraska [Mr. NORRIS]. The Senator from Nebraska gave notice and obtained consent, as I understand, to file a so-called report from the Committee on the Judiciary between now and Thursday. Is that correct?

Mr. NORRIS. Yes.

Mr. CONNALLY. As a member of that committee I feel compelled to enter at this time a point of order. I am not objecting to the Senator's request; it would not do me any good to object now; but I am giving notice now and making the point now, not for consideration at the moment, but when and if it is proper for the Senate to consider it, that the Committee on the Judiciary this morning undertook, without the presence of a legal quorum, to report the so-called anti-poll-tax bill. I desire to enter in the RECORD now that part of rule XXV of the Senate appearing in the Rules and Manual, United States Senate, page 32, under the subhead entitled "Quorum of Committees," as follows:

> That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate—

And this is what I particularly wish to emphasize—

> nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Mr. President, in this connection I desire to observe that the Committee on the Judiciary is composed of 18 members, and that there were only 9 members present when the so-called report on the bill was made. So I desire to preserve whatever rights the minority has with respect to this report.

Allow me to say, Mr. President, that the question involved, from my viewpoint, is not a question of poll tax or no poll tax; it is not a question of vel non, but it is a question of whether or not the Senate of the United States is going to observe the plain provisions and the plain mandates of the Constitution of the United States, which, as Senators all know, prescribes, in article I, section 2, what we contend to be the exclusive rule as to the qualifications of voters for Representatives and Senators of the United States, and for the purposes of the point of order, I desire to quote here and now section 2 of article I of the Constitution:

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. President, it is the contention of the minority that under that constitutional provision the Federal Government made and adopted, not as an act of the States, but as its own act, the fixing of qualifications for voters for Representatives and Senators, and in doing so simply adopted as its own the same standards which obtained in the States with reference to the election of members of the most numerous branch of the State legislature.

To show the Senate that that was the concept of the Constitution makers—I shall not encumber the RECORD with it here now—at the appropriate time I shall put into the RECORD the fact that at the time they voted in the Convention on that particular clause and at the time the States ratified the Constitution practically every State in the Union then had tax requirements; not poll taxes necessarily but other tax requirements as to property and as to requirements that the property taxes should be paid before the voters could exercise the right of suffrage in their own States in the selection of members of the most numerous branch of the State legislature, and that the makers of the Constitution clearly had that in mind when they adopted the provision.

Furthermore it is our contention that for 150 years, under the Constitution, no question has ever heretofore been raised by anyone in the heat of an impending campaign, or otherwise, that section 2 or article I was not effective as to the qualifications of voters for Representatives and for Senators.

Mr. President, the question is not whether we favor or do not favor a poll tax. The question is simply whether or not each State, within its own sovereign

rights, shall determine the question whether there shall be a poll tax. When the question was submitted to the vote of the people of my State many years ago I voted against the imposition of a poll tax, but I did not vote against the conception that the decision to impose or not to impose such a tax is a function of the State in which each respective voter resides. I wish to reiterate that doctrine here and now. It is purely a function of the State. In deference to those very confirmed views I wish to register the fact that the Judiciary Committee's action was void and without authority, in that it undertook to act with only 9 members present, when under the rules of the Senate a quorum would have been 10.

Mr. BARKLEY. Mr. President, I do not wish to discuss the merits of the bill reported. I presume the point of order is not made now for the purpose of having it acted upon at this time.

Mr. CONNALLY. No.

Mr. BARKLEY. I wish to comment briefly upon the rule itself. Obviously, when the Senate adopted the rule referred to by the Senator from Texas, it did not contemplate that a majority of the members of the committee should always be present in order to constitute a quorum. The bill provides that each committee may determine for itself what number shall constitute a quorum to do business in the committee. The object of committees, and the object of referring bills to committees, is that committees may act to bring matters before the Senate.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to supplement the point which I was making so poorly by stating the further fact that the records of the Judiciary Committee do not show any action of the committee at any time fixing the number necessary for a quorum. Under the rule it has the power to do so; but it is our contention that that authority was never exercised. Therefore the rule of the Senate obtains.

Mr. BARKLEY. I am not advised about that; but I am advised that from time immemorial it has been customary for the Judiciary Committee to regard six, which is one-third of its members, as a quorum. I do not know whether that is done pursuant to any resolution adopted by the committee. I am not a member of the committee.

As I was saying, the basis of the rule referred to is that committees may act to bring matters before the Senate without a majority of all the members of the committee being present. The reading of the rule shows that that must have been the object, because, while it says that the committee may fix any number as a quorum, a matter may not be reported from the committee, or action may not be taken, except by a majority of the membership. If the rule were interpreted as suggested, it would be inconsistent with itself. In other words, if a committee, by resolution or otherwise may fix, as a quorum, 6 or 7 out of 18, or 7 out of 20, or any other number less than a majority of the total membership of the committee, if we are to say that although it has a quorum, yet under the rules of the Senate a matter may not be reported from the committee unless a quorum of the entire membership is present, the rule is inconsistent with itself.

We all know that from time immemorial it has been customary in all committees to permit absent members to be recorded as though present, in order that committees may take action. We have just finished consideration of the tax bill. During the deliberations of the committee on that measure absent members were recorded in the committee as though present. Month after month and year after year the Foreign Relations Committee, of which the Senator from Texas is chairman, permits members who are detained from attendance on the committee to have their votes cast and to have the same effect as though they were present.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McNARY. As I understand, that is done under circumstances in which the absent members desire to record their votes. Their votes are not recorded without their expression.

Mr. BARKLEY. Of course, it is done in instances in which the absent members ask that they be recorded, and instruct the committee how to record their votes, as though they were present.

Mr. McNARY. I wished to make that point clear.

Mr. BARKLEY. If we are to say to the Judiciary Committee that it may not allow absent members to be recorded, we must apply the same rule to all other committees. We cannot pick out a bill to which we may object, and, because the committee happens to act in the same way in which committees have always acted, say that the rule does not permit such action with respect to the Judiciary Committee, without involving all the other committees in which the same practice prevails.

I did not want the point of order to be reached and discussed without having that viewpoint before the Senate.

Mr. CONNALLY. Mr. President, the Senator from Kentucky referred to the Foreign Relations Committee and brought the Senator from Texas into the discussion. I most earnestly dissent from the statement of the Senator from Kentucky if he means to imply that the Foreign Relations Committee has ever proceeded without a quorum of the committee being present, when a point of no quorum has been made.

Mr. BARKLEY. I did not suggest that it was done when the point of no quorum was made.

Mr. CONNALLY. The point of no quorum was made in this case.

Mr. BARKLEY. The Senator knows—and it cannot be disputed—that frequently committees act with a minority present by permitting absent members to be recorded.

Mr. CONNALLY. Not in the face of a point of order. We all know that business is transacted every day in the Senate without an actual quorum because the point of order is not made. Sometimes we have no quorum, and everybody knows we have no quorum, but no Senator raises the point of order, and business is transacted without an actual quorum. I most vigorously dissent from any implication that the committee of which I am chairman has ever proceeded to do business in defiance of the rules of the Senate and of the committee in the face of a point of order that a quorum is not present.

Mr. BARKLEY. We all know that the chairman of every committee—I do not know that it is true specifically of the Senator from Texas, although I have an idea that it is—when he calls a meeting of the committee on some subject, and members of his committee are also members of other committees and cannot attend the meeting of his committee, frequently asks members of his committee if they may be recorded in order to make a quorum, as though they were present. I know that that has happened in the Committee on Foreign Relations.

Mr. NORRIS. Mr. President, I do not desire to discuss the point of order at this time. The Senator is not raising it for that purpose. We cannot decide it now. In due time it will come up and be passed upon.

I merely wish to say that in reporting the bill today the Judiciary Committee followed its practice and rule. I do not believe that anything illegal was done. The records are all preserved. Senators who oppose the bill have saved the record. The question will come up in due time; but, as I understand, it cannot come up now.

I merely wished to tell the Senate that the Judiciary Committee did nothing illegal or wrong. It did nothing that it has not done ever since I have been a member of the committee. No objection has heretofore been made to the practice of the committee.

Mr. DOXEY. Mr. President, in view of what has been said by the distinguished senior Senator from Texas and our beloved majority leader, and also the distinguished senior Senator from Nebraska, and in order to keep the record straight, let me say that today the distinguished Senator from Nebraska obtained unanimous consent to file both the majority and minority reports on the poll-tax bill. After that consent was granted, I propounded a parliamentary inquiry to the Chair, to the following effect: If I desire to make a point of order against the consideration of the so-called anti-poll-tax bill, will I be permitted to do so at any time?

I made that inquiry with the view of preserving any rights which I may have, as I am bitterly opposed to any anti-poll-tax bill. I was informed by the Chair that the point of order could be made at any time. In my judgment, the proper time to make the point of order is when the bill is brought up for consideration on the floor of the Senate. That right having been preserved, I do not now desire to discuss the point of order.

Let me say to the Presiding Officer and to the distinguished chairman of the Judiciary Committee, who is present, and

whom we all love, that I appreciate the fact that I am a member of the Senate Judiciary Committee. When the poll-tax bill was under consideration before the committee this morning, I made the point of order, in committee, that we could not transact business because we did not have a quorum. There was some discussion, and I presented my position as best I could. The committee consists of 18 members. Nine members were present. The distinguished chairman of the Judiciary Committee overruled my point of order. That was before the consideration of the poll-tax bill began.

I know that the facts will bear me out when I state that I renewed my point of order all through the discussion and deliberation on S. 1280 and before the final vote was taken on the bill. Everybody knows that I am against the poll-tax bills and have done all I could legitimately to defeat them in committee and also out of committee.

I make this statement in view of the reference which has been made to the point of order having been made in committee during the consideration of the bill. Having made that point of order, I felt that I should say what I have said in order that the record may be absolutely clear. At this time I shall not attempt to argue the merits of the poll-tax bill, or the point of order which I felt I had a right to make, and did make in committee. The point of order was overruled by the distinguished chairman of the committee.

Mr. VAN NUYS. Mr. President, I desire to underwrite all that the able junior Senator from Mississippi has said about the parliamentary situation, and also all that the senior Senator from Texas has said. Objection was made opportunely on the basis that no quorum was present. In order that no misunderstanding may arise from what has now occurred on the floor of the Senate, I desire to say to the Members of this body that in the Judiciary Committee we have no rule as to what constitutes a quorum. There is a general rule of the Senate that in any committee a quorum cannot be composed of less than one-third of the membership of the committee. It is rather a negative rule, but we have adopted it in the Judiciary Committee from time immemorial, so I have been given to understand. We have 18 members. One-third of that number is 6. In the Judiciary Committee we never transact any business unless 6 members are present in person. We do not allow proxies from absent members—either in writing or by telephone call—to be counted in the determination of the presence of a quorum. We always have 6 or more members present in person before we take any action of any kind or character.

Today nine members were present in person; and, while we permitted the absent members to vote by proxy "yea" or "nay" upon the bill in question, we do not accept proxies in determining the presence of a quorum. I shall go more into detail regarding the matter; but I do not want the impression to be broadcast by any statements made this morning on the floor of the Senate that the Committee on the Judiciary has acted illegally. It has acted perfectly legal according to the rules and the precedents of the committee.

Mr. DOXEY. Mr. President, will the distinguished chairman of the committee yield?

Mr. VAN NUYS. I yield.

Mr. DOXEY. The chairman of the committee knows that no criticism was to be inferred from my remarks. I simply had a right to make the point of order, and I made it. Regardless of how it is determined, there is no criticism on my part of the distinguished chairman of the committee. If the Senate follows his judgment and his opinion, there still will be no criticism on my part.

My position is that I am against both the Pepper bill and the Gwyer bill, and I have exercised every human right that I have in opposing them. I feel that the chairman of the committee will agree that in the matter of the stand which I took this morning in the committee I was entirely within my rights.

Mr. VAN NUYS. If the Senator will permit me to interrupt him, let me say that in the Judiciary Committee we have no more able and hard-working member than the Senator from Mississippi, and we hate to see him leave. He handled himself this morning in a particularly dignified and parliamentary fashion, and is taking his defeat in a perfectly good spirit.

Mr. DOXEY. What the Senator has said overwhelms me.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. VAN NUYS. I yield.

Mr. McNARY. With reference to what occurred in the committee, let me ask how many proxies were used in reporting the bill, and what was the final result?

Mr. VAN NUYS. There were 13 yeas and 5 nays; 9 members being present in person and 9 voting by proxy.

Mr. BARKLEY. Mr. President, let me ask the Senator whether any of the five who voted "nay" voted by proxy?

Mr. VAN NUYS. Yes; three of the five votes were by proxy.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The Senator from Texas.

Mr. CONNALLY. I should not want the Senator from Indiana to conclude—and judging from some of his remarks, I am afraid he did conclude—that the Senator from Texas was making any attack on the Senator from Indiana. Of course, I had no such intention. It is merely a question of the various views about the legal and other constructions of these matters.

Mr. President, so far as the question of recording absentee members is concerned, the RECORD should be made clear. In the committee the Senator from Mississippi made the point of no quorum. The Senator from Texas, agreeable to pursuing that course, also made such a point. The point as to recording absentee members was then raised. Both the Senator from Mississippi and the Senator from Texas said, "We are insisting that no quorum is present. If it is the desire simply to record how absent members of the committee would vote if present, we have no objection."

They were so recorded.

We never consented, and we do not now consent, to having the votes of absent members counted in the committee.

Under the rules of the Senate and of all other parliamentary bodies a committee is a group of men which meets, not out on the sidewalk or somewhere in the street, but in the committee room. Otherwise, what is the use of having a committee room?

The rule states:

In no case shall a committee, acting under authority of this resolution—

Not acting under the sweet will of the committee—

fix as a quorum thereof any number less than one-third of its entire membership—

A committee does not act, it does not make records, by talking around the table. It acts by taking its action on various matters by resolution. The Judiciary Committee, so the records show, so the clerk says, has never adopted a resolution fixing any number as a quorum. However, suppose it did; what does the rule say?

nor—

And what follows is not a part of the preceding language—

shall any report—

Not the Norris report or the Connally report or the Doxey report, but any report—

be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Mr. President, I do not care to press the matter further. I simply rose to preserve our rights when and if the report is brought before the Senate. I desire to say to the chairman of the committee that he is uniformly courteous and kind, and that we have no complaint as to the manner in which he acted.

On the other hand, the Senator from Mississippi and the Senator from Texas, although in a small minority, apparently, are Members of this body; we are heirs of this rule. We have a share of stock, if you please, in this rule of the Senate. We thought we had a share of stock in the Constitution of the United States, but it seems to me that instrument has gone into liquidation until after the 3d day of November 1942, and I am even afraid that after that date a powerful pulmotor will be needed to revive any life in the old heart. [Laughter.]

So I do not care to press the matter at this time, but I did want to preserve our rights under the rule.

Mr. DANAHER. Mr. President, I wanted to remark simply that the action of the Judiciary Committee this morning conformed identically with the practice which has prevailed during the 3 years and 9 months I have been a member of it. Let me say, if further corroboration is needed to accentuate the impetus given

here to the view expressed by the Senator from Texas, that both he and the Senator from Mississippi [Mr. DOXEY] left no doubt about their position. I am sure everyone understood it.

Mr. CONNALLY. Mr. President, the Senator does not mean to imply that the committee has ever, in the face of no quorum, gone on to act; does he?

Mr. DANAHER. In connection with that matter, let me say to the Senator from Texas that there is no fixed rule.

Mr. CONNALLY. I am not inquiring about a rule. The Senator proceeded to state his experience in the committee. I am asking now if he will not affirm that at no time has the Judiciary Committee, in the face of no quorum, proceeded to do business without a quorum?

Mr. DANAHER. Not in the face of no quorum; but, of course, we had a quorum.

ADJUSTING ROYALTIES FOR THE USE OF INVENTIONS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes, which were, on page 2, line 4, to strike out all after "licensee" down to and including "disposition" in line 10 and insert "within a reasonable time after the effective date of said notice, in no event less than 10 days, the head of the department or agency of the Government concerned, shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition: *Provided, however,* That the licensee or licensor, if he so requests within 10 days from and after the effective date of said notice, may within 30 days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid, and any order fixing and specifying the rates and amounts of royalties shall be issued within a reasonable time after such presentation"; in line 11, to strike out "thereafter" and insert "after the effective date of said notice"; in line 23, to strike out "two" and insert "upon receipt or five"; in line 23, after "thereof", to insert a comma and "whichever date is the earlier"; on page 4, line 15, to strike out "redelegation" and insert "delegation"; in line 16, after "such", to insert "qualified and"; on page 5 line 11, to strike out "this act" and insert "the notice provided for in section 1 hereof"; in line 16, to strike out "this act" and insert "the notice provided for in section 1 hereof"; in line 21, after "of", to insert "settling,"; on page 6, line 4, to strike out "(1)" and insert "(l)"; in line 11, to strike out "its date" and insert "the date of such agreement"; in line 18, to strike out "found"; and in line 24, to strike out all after "act" over to and including "circumstances" in line 1, of page 7.

Mr. BONE. Mr. President, I shall request that the Senate concur in the amendments of the House.

The bill passed the Senate on October 15, 1942, after having been reported from the Senate Committee on Patents by the Senator from Florida [Mr. PEPPER], acting on behalf of the committee. The bill then went to the House, and certain amendments were interpolated. I think they were in part suggestions from some of the Government departments.

In connection with the request for Senate concurrence in the House amendments, I desire to make a statement perhaps 1 minute in length.

Mr. McNARY. Mr. President, let me inquire whether the Senator has reference to a conference report?

Mr. BONE. No; I am merely asking concurrence by the Senate in certain House amendments to a bill which the Senate passed several days ago.

Mr. McNARY. The Senator is asking for final disposition of the bill, is he?

Mr. BONE. Yes.

The PRESIDING OFFICER. The Senator has asked that the Senate concur in the amendments of the House.

Mr. BONE. Mr. President, the Committee on Patents, which has had charge of this bill, sees no reason for disagreeing with the amendment made by the House to section 10 of the bill dealing with the separability of the various provisions of the act. We are sure that the amendment is not intended to detract one iota from the full and complete separability provided for in section 10 as it was originally approved by the Senate. The only purpose of the House amendment, we are sure, is to protect against overzealousness in relitigating identical questions of validity after they have been finally and authoritatively determined by the courts. It is not intended that questions of validity determined with respect to persons or circumstances should be controlling as to other persons or circumstances except where there is no substantial difference and where the question of validity sought to be relitigated is identical with the question already finally determined. The House amendment is understood to be an admonition to litigants rather than any impairment whatsoever of the full effectiveness of the separability clause.

Section 2 of the bill as it passed the House includes the amendment adopted on the floor of the Senate referring to the institution of suits in the district courts insofar as such courts may have concurrent jurisdiction with the Court of Claims.

I may say that that amendment was suggested by the able Senator from Connecticut [Mr. DANAHER]. The concurrent jurisdiction referred to is of course the concurrent jurisdiction under the Tucker Act—that is, paragraph 20 of section 24 of the Judicial Code, which in the type of case referred to confers jurisdiction on the district courts concurrent with the Court of Claims of claims not exceeding $10,000. It is understood of course that the jurisdiction of the district courts under this bill will be limited likewise to claims not exceeding $10,000.

I now move that the Senate concur in the House amendments.

Mr. WHITE. Mr. President, I am perfectly agreeable that the Senate concur in the House amendments, but in concurring and approving the House amendments, I do not want it to be understood that I am necessarily accepting the interpretation placed by the Department of Justice on the amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington that the Senate concur in the House amendments.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

UNITED STATES ATTORNEY, SOUTHERN DISTRICT OF MISSISSIPPI

Mr. DOXEY. Mr. President, from the Committee on the Judiciary, I report favorably the nomination of Hon. Toxey Hall, of Mississippi, to be United States attorney for the southern district of Mississippi. This is a reappointment, and I ask that the nomination be confirmed by the Senate, and that the President be notified.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Is there objection to the immediate consideration of the nomination?

Mr. McNARY. Mr. President, in view of the statement of the able Senator from Mississippi, I have no opposition in this instance in overriding the rule and the consideration and confirmation of the nomination.

Mr. DOXEY. That is very kind of the Senator from Oregon. I appreciate his courtesy, and thank him very much.

The PRESIDING OFFICER. Without objection, the nomination will be received, and, without objection, it is confirmed, and the President will be notified.

COAST AND GEODETIC SURVEY

Mr. BARKLEY. Mr. President, I ask that the nomination of Joseph W. Stirni to be hydrographic and geodetic engineer with the rank of lieutenant in the Coast and Geodetic Survey be confirmed and that the President be notified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

ADJOURNMENT TO THURSDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 5 minutes p. m.) the Senate adjourned until Thursday, October 29, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 1942:

UNITED STATES ATTORNEY

Toxey Hall to be United States attorney for the southern district of Mississippi.

COAST AND GEODETIC SURVEY

Joseph W. Stirni to be a hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 26, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou most merciful Father, knowing that Thine own time is best, strengthen us in patient hope. In spite of the earthly darkness which rises from the valleys, we rejoice that we can see the light which gleams through the gates of faith. In a world in which our spirits are hurled into the midst of strife and turmoil, we bear a sacred burden and pray that we may accept our obstacles as opportunities and not as a desperate load that slowly settles on the resources of the human will.

Almighty God, ever enable us to reverence our own conscience, to honor our words, to indulge in no slanderous talk, to live lives of chastity, and to love all things which make up the full stature of a good man. By faith, we beseech Thee, that a new world may solemnly emerge into view, with brotherly love smiting the chords of selfishness and sacrifice becoming a devotion and a joy. In the name of Christ our Lord. Amen.

The Journal of the proceedings of Thursday, October 22, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7675. An act to amend the act entitled "An act to incorporate the American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 35. Concurrent resolution authorizing the printing of additional copies of Public Law No. 753, entitled "Revenue Act of 1942."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2693. An act to provide for the instruction of meteorological students in weather forecasting.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REYNOLDS, Mr. THOMAS of Utah, Mr. HILL, Mr. AUSTIN, and Mr. GURNEY to be the conferees on the part of the Senate.

AMENDMENT TO SELECTIVE SERVICE ACT

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. RANKIN of Mississippi. Mr. Speaker, I reserve the right to object, to inquire if the gentleman from Texas is in a position to assure the House that we will be given an opportunity to vote on the Senate amendment on page 7—I believe it is section 7—with reference to giving these teen-age boys a year's training before they are sent into combat.

Mr. THOMASON. No; I cannot give the gentleman that assurance, because I do not have authority to speak to that extent.

Mr. RANKIN of Mississippi. Then, Mr. Speaker, I offer a motion to instruct the conferees, which I send to the Clerk's desk.

The SPEAKER. Under the circumstances in which we are meeting today, the Chair asks the gentleman from Texas to withdraw his request.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to withdraw the request.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD at this point, and insert my motion to instruct the House conferees.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, it is a serious thing to draft boys 18 years old. It is a more serious thing to draft them and send them into battle without proper training. So far as I have been able to learn, our allies, or at least our English-speaking allies, have refrained from doing so.

This bill limits the draft age to 45 years but provides for drafting boys of 18. If we are going to take boys of that age, we ought to see that they are provided with at least 1 year's training before they are sent to combat duty in foreign fields.

It would be much better to take some of the men in the present draft age, some of whom seem to regard this war as a joy ride.

I have no quarrel with organized labor. But I am opposed to organized indolence, sit-down or slow-down strikes in our defense industries, where it sometimes takes four or five men to do the work that one man should do. Such people should not be exempted from the draft to have their places on the firing line filled by 18- or 19-year-old boys without adequate training.

There are members of certain racial minorities crowding onto the Federal pay roll who are within the draft age, who are physically fit. They should also be taken before these boys of tender years are required to do their fighting for them untrained and unprepared.

There are other racial minorities who are escaping on the ground of ignorance or disease, who might be taken into labor battalions to relieve other men for combat duty, as was done in the First World War.

Today the draft is absolutely stripping the farms of the South and West. Now, to go and take the white farm boys 18 and 19 years of age and send them to foreign battlefields without at least 1 year's training, and leave the other groups to continue their joy ride of "social gains" at rates of pay far in excess of the amounts these boys earn on the farm or draw as soldiers' pay is simply a discrimination that cannot be justified.

I hope the House will adopt my motion unless the House conferees will agree to give us a vote on this amendment in case they fail to concur in it.

There is no particular hurry about this matter, as everyone knows this measure will not be voted on finally until after the election.

Do not forget that many of our boys were sent into battle in the last war who did not even know how to handle a gun. We must not make that mistake with these 18- and 19-year-old boys.

For the information of the House, I am inserting my motion at this point.

Mr. RANKIN of Mississippi moves to instruct the managers of the conference on the part of the House to accept, agree to, and concur in the Senate amendment contained in section 7 on page 7 of the bill as it passed the Senate, which amendment reads as follows:

SEC. 7. No person under 20 years of age inducted under this act shall be placed in actual combat duty beyond the territorial boundaries of continental United States until after he has had at least 1 year's military training following his induction.

SUPPLEMENTAL APPROPRIATIONS FOR THE NATIONAL DEFENSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

OCTOBER 23, 1942.

The Honorable the SPEAKER,
House of Representatives,

SIR: Pursuant to the special order agreed to on yesterday, the Clerk received from the Secretary of the Senate, on that day, a message in writing indicating that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the

two Houses on the amendments of the Senate to the bill H. R. 7672 entitled "An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes."

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

ENROLLED BILL SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had on October 22, 1942, examined and found truly enrolled a bill of the House of the following title:

H. R. 7672. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

The SPEAKER. The Chair announces that pursuant to the authority granted to him on October 22, 1942, he did on that date sign the enrolled bill of the House, H. R. 7672, an act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] be permitted to extend his remarks and include a certain letter and some excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, also, I ask unanimous consent that I be permitted to extend my own remarks and include certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] be permitted to extend his remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Also, Mr. Speaker, I have two requests here on behalf of the gentleman from Virginia [Mr. BLAND], one of which exceeds the two-page limit, and I ask unanimous consent that he be permitted to extend his remarks in the RECORD notwithstanding the excess cost.

The SPEAKER. Is there objection?

There was no objection.

TO PRINT ADDITIONAL COPIES OF THE REVENUE ACT OF 1942

Mr. RAMSPECK. Mr. Speaker, on behalf of the Chairman of the Committee on Printing (Mr. JARMAN), I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 35 authorizing the printing of additional copies of Public Law Numbered 753, entitled "Revenue Act of 1942," and request immediate consideration thereof.

The Clerk read the Senate Concurrent Resolution as follows:

Resolved by the Senate (*the House of Representatives concurring*), That there be printed 37,000 additional copies of Public Law No. 753, current session, entitled "Revenue Act of 1942," of which 5,000 copies shall be for the use of the Senate document room, 25,000 copies shall be for the use of the House document room, 5,000 copies for the use of the Committee on Ways and Means of the House, and 2,000 copies for the use of the Committee on Finance of the Senate.

The SPEAKER. Is there objection?

Mr. ENGLEBRIGHT. Mr. Speaker, I reserve the right to object. How are the copies to be allocated, how to be distributed with respect to Members?

Mr. RAMSPECK. I am acting now for the gentleman from Alabama [Mr. JARMAN], and I understand that they are to be distributed in the usual manner. They would go to the document room.

Mr. ENGLEBRIGHT. That is, first come will be first served? There are no specific allocations?

Mr. RAMSPECK. That is my understanding.

Mr. TREADWAY. Mr. Speaker, further reserving the right to object, may I ask the gentleman one question? Has any previous arrangement been made whereby such a document as this is prorated among the Members? This is an important document, and I am sure every Member of the House will want to share in the copies. Would it not be possible to make such an arrangement?

Mr. RAMSPECK. My understanding is that this is the usual resolution that has always been passed.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate concurrent resolution.

The resolution was agreed to and a motion to reconsider laid on the table.

PARTICIPATION OF BRAZIL AND MEXICO IN THE WAR

The SPEAKER laid before the House the following communications from the Clerk:

[Translation]

CHAMBER OF DEPUTIES,
OFFICE OF THE PRESIDENT,
Lima, Peru, September 15, 1942.

Most Excellent SPEAKER OF THE CONGRESS OF THE UNITED STATES OF NORTH AMERICA:

I have the honor to transmit to Your Excellency the declaration unanimously approved by the Chamber of Deputies of Peru in the session held on Monday, the 7th of this month, which reads as follows:

"The undersigned Deputy, chairman of the Foreign Relations Committee of the Chamber, proposes that the following declaration be agreed upon:

"The Chamber of Deputies of Peru, on the occasion of the national anniversary of Brazil:

"Considering: That the participation of Brazil and Mexico in the present war conflict, combined with a similar attitude previously adopted by other American countries, gives to the principle of continental solidarity, crystallized in the Third Reunion of Chancellors held in Rio de Janeiro, a new content of deep historical and spiritual significance, not only as concerns the countries of our hemisphere but also those which, like Spain and Portugal, are connected with the American nations of Spanish origin by the same bonds of race, religion, and language which bind the North American nations to the English, united today in the common defense of the ideals of liberty and right:

"Declares: That it is its keenest desire, as representative of the sentiments of the Peruvians, to see Spain and Portugal participate in the mission which in these present anxious moments has been imposed upon America, responding to the call of its firm democratic belief and impelled by the vigor of its race and the pure Christian spirit under whose sign it attained the western civilization, attacked now in its most basic principles.

"CARLOS SAYÁN ALVAREZ.

"LIMA, *September 7, 1942.*"

In fulfilling the resolution of the Chamber to bring this declaration to the knowledge of Your Excellency, I am pleased to express my deep respect.

May God keep Your Excellency.

GERARDO BALBUENA,
President of the Chamber of Deputies of Peru.

[Translation]

CHAMBER OF DEPUTIES,
OFFICE OF THE PRESIDENT,
Lima, Peru, September 18, 1942.

Most Excellent SPEAKER OF THE CONGRESS OF THE UNITED STATES OF NORTH AMERICA:

The Chamber of Deputies of Peru in yesterday's session unanimously approved the following motion for an order of the day:

"The Chamber of Deputies of Peru, considering:

"That in order to intensify rapprochement in the noble cause of continental harmony and solidarity, a more rapid cooperation is necessary;

"That in order to accomplish this monumental work, the parliaments of America must contribute their share of legislation in the various aspects which the present problems of the continent require;

"That many of the social, political, and economic problems of America solved in the parliaments can be classified in order to be forwarded to the Pan American Union, so that, within its judgment, they may be submitted for consideration in future inter-American reports;

"That in establishing this cooperative work it must be inspired by the principle of coordination of laws, which shall serve as a standard for American life; and

"That this new conception is invoked in order to accomplish the highest purposes and superaction in the destinies of the continental union:

"*Resolved*, To invite the parliaments of America to effect an exchange of legislation in order to establish the strictest bonds of rapprochement between those powers which authentically represent the popular will of America, composed of nations which are brothers in their history, their geography, and their democratic ideals.

"Dante Castagnola, Carlos Sayán Alvarez, Fernando Luis Castro Agusti, Emilio Delboy, Roberto Mac-Lean y Estenos, Ernesto More, Reinaldo Saavedra Pinon, Manuel J. Tueros, A. Velasquez Onetto, Rodrigo Zarate, Carlos P. Valderrama.

"LIMA, *September 16, 1942.*"

Which I have the honor to transcribe to Your Excellency, for the pertinent purposes, offering you on this occasion the testimony of my deep respects.

May God guard Your Excellency.

GERARDO BALBUENA,
President of the Chamber of Deputies of Peru.

FIRST SUCCESSFUL AIRPLANE FLIGHT BY WRIGHT BROTHERS

Mr. BONNER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an

article from the Washington Post of Sunday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BONNER. Mr. Speaker, I am delighted to learn through an article appearing in the Washington Post of Sunday that the Smithsonian Institution has finally settled the argument between the Wright brothers and the Institution relative to the first successful flight of a heavier-than-air plane and has awarded Wright brothers the just recognition and honor of making the first successful flight at Kitty Hawk, N. C., in 1903.

Mr. Speaker, it is hoped that the plane that is now in England which made this successful flight will be returned to Kitty Hawk, N. C., and placed in the shrine that has been built there.

The article referred to is as follows:

[From the Washington Post of October 25, 1942]

WRIGHTS WIN FULL CREDIT AS PIONEERS

The original Kitty Hawk, used by Wilbur and Orville Wright in their first successful flight in 1903, might be shipped back to this country from England as a result of an announcement made yesterday by Dr. Charles G. Abbot, secretary of the Smithsonian Institution.

Dr. Abbot announced that after 14 years of research he finally had proved that the Wright brothers' plane was the first to rise in the air and not the plane of former Smithsonian Secretary Samuel P. Langley. The controversy had raged for 28 years.

FIGHT BEGAN IN 1914

The controversy began in 1914, shortly after the United States Court of Appeals had handed down a decision pronouncing Glenn H. Curtiss an infringer of the Wright patents and recognizing the brothers as pioneers in the practical art of flying with heavier-than-air machines.

Langley's "aerodrome," which was wrecked in launching in 1903, was in the Smithsonian collection.

Dr. Charles D. Walcott, in 1914 secretary of the Smithsonian, permitted the machine to be taken to the Curtiss factory in Hammondsport, N. Y., where, after extensive reconstruction, it rose in the air several times, making, however, no sustained flight, the investigations have determined.

The Langley machine was returned to the Smithsonian, reconditioned as nearly as possible as of 1903, and placed on exhibition with the label: "The original full-size Langley flying machine, 1903." Later, unwarranted claims as to the capability of the Langley machine were added.

KITTY HAWK SENT ABROAD

Feeling that the entire thing was rather unfair, Orville Wright sent the Kitty Hawk to England in 1928. Notification of the Langley end of the controversy failed to assauge Wright. Wright claimed that 35 changes had been made in the Langley plane, involving almost every essential feature of construction.

Dr. Abbot's report acknowledged the validity of the claims of Orville Wright.

EXTENSION OF REMARKS

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. MCLEAN] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ENGLEBRIGHT. Mr. Speaker, I further ask unanimous consent that the gentleman from Michigan [Mr. HOFFMAN] may be granted permission to extend his own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on Friday, October 23, 1942, present to the President, for his approval, bills of the House of the following titles:

H. R. 7455. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder; and

H. R. 7672. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Tuesday, October 27, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1980. Under clause 2 of rule XXIV, a letter from the Chairman, Reconstruction Finance Corporation, transmitting the report of the Corporation covering operations for the period from the organization of the Corporation on February 2, 1932, to June 30, 1942, inclusive (H. Doc. No. 873), was taken from the Speaker's table, referred to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NICHOLS: Select Committee to Investigate Air Accidents. House Resolution 125. Resolution creating a Select Committee to Investigate Air Accidents; without amendment (Rept. No. 2615). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 7705. A bill for the relief of James E. Savage; without amendment (Rept. No. 2616). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6335. A bill for the relief of the estates of Robert C. Meals and Mrs. Bessie Mae Morgret; Mrs. Margaret J. Meals; Donald Meals (a minor); and Betty Wrightstone (a minor); with amendment (Rept. No. 2617). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LELAND M. FORD:

H. R. 7744. A bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia, who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service; to the Committee on the Merchant Marine and Fisheries.

By Mr. McLEAN:

H. R. 7745. A bill to amend section 56 of the Internal Revenue Code, providing for the collection of taxes on income; to the Committee on Ways and Means.

By Mr. MAAS:

H. J. Res. 355. Joint resolution requesting the President to declare November 10, 1942, a day for the observance of the creation of the United States Marine Corps; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3390. By Mr. BURGIN: Petition of members of 32 Baptist churches of North Carolina, including Richmond, Anson, and Scotland Counties, meeting in the one hundred and twenty-seventh annual session of the Pee Dee Association, urging the immediate passage of legislation to prohibit the sale and use of intoxicating beverages in Army camp areas and other prohibition legislation, including Senate bill No. 860; to the Committee on Military Affairs.

3391. By Mr. KRAMER: Petition of the California State Board of Agriculture, that the Congress of the United States be urged to amend and enlarge the Selective Service Act or develop comparable legislation to cover necessary manpower engaged in essential activities in industry and agriculture for the duration of the war; to the Committee on Military Affairs.

3392. Also petition of the Los Angeles Council of School Nurses, requesting that Senate bill 2751 be amended to provide that nurses' salaries be equivalent to male commissioned officers and that nurses receive equivalent to the Women's Army Auxiliary Corps for their uniforms; to the Committee on Military Affairs.

3393. Also, petition of the California State Board of Agriculture, requesting that wages be stabilized when prices for farm products are fixed, and that a new or revised formula for establishing parity prices be worked out that will actually put agriculture on a par with industry; to the Committee on Agriculture.

3394. By Mr. MICHENER: Petition submitted by Mrs. Beryl B. Ashley, of Adrian, Mich., and signed by 51 residents of that community, urging the enactment of Senate bill 860; to the Committee on Military Affairs.

3395. By Mr. ROLPH: Resolution of the State Board of Equalization of the State of California, Sacramento, Calif., recommending to the Office of Price Administration a revision of its regulations to the end that assessing officers and their deputies who must have automobile transportation in order to perform their essential duties may secure such tire replacements as may be required to permit of the operation of their automobiles in this vital branch of public service; to the Committee on Banking and Currency.

3396. By the SPEAKER: Petition of William C. Briggs, former captain, Infantry, United States Army, petitioning consideration of their resolution with reference to clearing his military record; to the Committee on Military Affairs.

3397. Also, petition of Grol E. Sullivan, attorney, Washington, D. C., petitioning consideration of their resolution with reference to the petition for redress of grievances; to the Committee on the Judiciary.

3398. Also, petition of secretary, Pennsylvania Baptist, petitioning consideration of their resolution with reference to Senate bill 860; to the Committee on Military Affairs.

3399. Also, petition of the special assistant to the general counsel, Federal Works Agency, petitioning consideration of their resolution with reference to statement made by Chairman Dies of the Un-American Activities Committee; to the Committee on the Judiciary.

3400. By Mr. GRAHAM: Petition of 169 women members of the home defense unit of New Brighton, Beaver County, Pa., who, many having sons in the service are anxious that liquor and prostitutes be barred from the service camps to which their loved ones will be assigned; to the Committee on Military Affairs.

3401. By Mr. MICHENER: Petitions transmitted by Eugene J. McCann, executive secretary of the Michigan State Council of Brewery Workers, Detroit, Mich., and signed by 49 residents of the Second Congressional District of Michigan, opposing the enactment of any legislation which has for its purpose the restriction of the sale of beer in the vicinity of military camps, etc.; to the Committee on Military Affairs.

3402. By Mr. WOLCOTT: Petitions signed by 22 citizens of the Seventh Michigan District expressing opposition to the enactment into law of House bills 7101, 7108, or any other similar bill the purpose of which is to establish prohibition in areas used for military or naval purposes, etc.; to the Committee on Military Affairs.

3403. By the SPEAKER: Petition of the chairman, Comision de Seguridad Social, San Juan, P. R., petitioning consideration of their resolution with reference to House bill 7175; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 27, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou who art holy and merciful, in whom the souls of nations must live, we pray for our country, for our President, and his counselors; we pray for our Speaker and the Congress and for all the valiant unknown workers. "Far from the madding crowd's ignoble strife, their sober wishes never learned to stray." We thank Thee, dear Lord, for the unheralded laborers whose toil makes our dreams come true and shapes the hope of the world.

Heavenly Father, we pray for the defenders of our country who will never give the signal for cowardly retreat. Grant that their hearts may never chill nor ring with the spirit of ingratitude; Oh, keep them from the deep wounds of this tragic sorrow. With aching hands and bleeding feet they are fighting and dying for the unlocked treasures of human freedom and that the brute forces of darkness may forever cease and die in all the earth. We pray for our fellow countrymen that they may pour their riches in treasure, in service, and in sacrifice as offerings upon the altar of a struggling humanity, thus linking ourselves with the truest and the bravest heroes of all time. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDanield, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2794. An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

EXTENSION OF REMARKS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in three different instances and to include therein excerpts and articles prepared by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject A Charter for Cotton and to include therein an introductory statement by Dr. A. B. COX.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article written by Dr. Harry Russell Fraser, one of the great writers of the day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENT OF THE SELECTIVE SERVICE ACT

Mr. ANDREWS. Mr. Speaker, in view of the situation and the number of Members away, and particularly for the benefit of Members on this side, and all Members, in fact, I should like, in the absence of the chairman of the Committee on Military Affairs, to ask the ranking majority member, the gentleman from Texas [Mr. THOMASON], what his intentions are in the matter of sending to conference the amendments to the Selective Service Act?

Mr. THOMASON. I will say to the gentleman from New York that, in view of what happened on the floor yesterday regarding the amendments to the Selective Service Act, together with the statement made by the Speaker a few days ago, and also the majority leader, that in the event there was any substantial or controversial amendment placed on this bill in the other body the Members could be assured the bill would not come up until after the election. I am, therefore, not today renewing my request to send the bill to conference. It is well known to all of us here this morning that the overwhelming majority of the membership of the House is now at home looking after their campaigns and expecting the vote in their districts next Tuesday. It seems to me, therefore, there is no time to be saved by sending the bill to conference, even if there were no objection to it, because since there are controversial amendments the matter will have to go over until after the election. I am advised that both the Speaker and the majority leader have said that the bill cannot come up until probably a week from next Monday, which would be November 9. It will then be called up for appropriate action. I regret the delay, but it cannot be avoided.

Mr. ANDREWS. I understand that any motion which might be in order could be made then, on November 9.

Mr. THOMASON. That is my understanding. I know only what the Speaker and the majority leader told the Members, and certainly they expect to keep their promise. If nothing can be accomplished this week, or perhaps until the latter part of next week, it is generally understood that the matter will go over until next Monday week.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. RANKIN of Mississippi. I would have no objection to the gentleman from Texas [Mr. THOMASON] taking the bill up under unanimous consent and agreeing to all the Senate amendments; and I will say to the gentleman from Texas that I agree with him, this measure cannot be voted on until after the election. But if the gentleman from Texas insists on sending it to conference now I will enter no objection, but will serve notice that unless the two Senate amendments I have in mind, the one with reference to farm labor and the other with reference to the training of the 18- and 19-year-old boys for a year before sending them abroad, are retained I shall exercise my right to offer a motion to recommit with instructions to the conferees to agree to those two amendments.

Mr. THOMASON. Of course, the gentleman has his rights and will exercise them, I am sure; but the gentleman certainly does not expect me to speak either for the House or for the conferees on the bill in view of the promises made by the Speaker and the majority leader.

The SPEAKER. Under the circumstances, which are apparent to all of us, the Chair will recognize no one for further procedure on this bill until November 9.

WENDELL WILLKIE'S TRIP

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

"GULLIVER" WILLKIE RETURNS

Mr. RANKIN of Mississippi. Mr. Speaker, from this morning's press, and from the radio last night, we learned that Mr. Wendell L. Willkie, whom the New York Times, I believe it was, called the modern Gulliver, has returned and given an account of himself.

I was delighted to note that he exonerated this administration of any responsibility for his trip abroad and let the American people know that he asked for permission to go and that he represented nobody but himself.

In my opinion, his statement will do irreparable injury to our English-speaking allies, because it is an encouragement to the revolting element in India to continue that strife that is causing so much trouble in that quarter of the globe.

His criticism of our assistance to our allies in this war was both dangerous and unjustified. It was dangerous because it tended to discourage our allies

and to encourage our enemies to believe that we are not furnishing our Allies the materials they need. It would embarrass the administration to attempt to answer his statements without giving the enemy information we do not want him to have.

His criticism was unjustified for the reason that we are fulfilling our obligations in every way.

He went a long way to set himself up as a military expert and to call for public clamor to try to tell our military and naval leaders how, when, and where they shall fight the battles of this war.

Mr. Willkie complains that the rest of the world does not understand us. Probably that is because they have listened to his campaign oratory or witnessed some of his escapades.

Mr. Willkie reminds me of the Irishman who went into the First World War, was wounded, came back home, and complained of the ignorance of the French. Someone said, "Why, Pat, we thought the French were an intelligent people." He said, "Intelligent hell, I could hardly make them understand their own language."

[Here the gavel fell.]

LILLIAN LA BAUVE LINNEY

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2317) for the relief of Lillian La Bauve Linney, with House amendments thereto, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. HARRIS]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. McGEHEE, WEISS, and WINTER.

EXTENSION OF REMARKS

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BECKWORTH]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House today for 10 minutes at the conclusion of business on the Speaker's desk.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

ADJOURNMENT OVER

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

EXTENSION OF REMARKS

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial from the Pacific Rural Press.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEARHART]?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement that I made before the Committee for Reciprocity Information on September 9.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEARHART]?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

DISCUSSION OF MR. WENDELL WILLKIE'S SPEECH

Mr. PATMAN. Mr. Speaker, I am not qualified to criticize the able speech of the gentleman from Indiana, Mr. Wendell Willkie, which was delivered over the radio last night. I am not qualified to criticize those who are running this war. I shall not attempt to criticize him either, but, as one Member of this great body, representing the 300,000 people who reside in the district I have the honor to represent, I want to express my views about some parts of Mr. Willkie's speech.

I listened to his speech with great interest. It was very interesting. Much of it was instructive. It gave me—and I am sure others have the same views—much information we need and that we desired. There were certain parts of the speech, however, that I am afraid will be hurtful rather than helpful in this war. I appreciate his feeling of obligation to "report to the Nation" in the belief that he could be helpful in the war effort but I know many other people who know a lot about what is going on in the world in connection with this war who do not feel so impelled or obligated.

I look upon this war as a very serious matter. We have about 5,000,000 men under arms. These young men are offering to give their very lives to save our country and in fighting these international desperadoes that we are going up against. It is not a minor matter, it is a very serious matter, and we should deal with it seriously.

There were some parts of Mr. Willkie's speech that I am afraid will be misconstrued by some people as advocating that every layman should become a military strategist, that every layman should feel privileged to speak his piece about how the war is run and to be just a little bit freer in criticizing our military leaders than they have been in the past. I hope that is not the feeling of people generally, because we do not need any more disunity in this country than we have. I hope his speech will not be construed as an encouragement to the quibblers, the snipers, and those who grumble generally.

One statement in the speech that especially attracted my attention was Mr. Willkie's question, "What are we fighting for?" I think the paramount issue is that we are fighting to prevent three international bandits and desperadoes—Hitler, Tojo, and Mussolini—from getting control of the world and of the 2,000,000,000 people who reside in this world. That is the major thing for which we are fighting. While the house is on fire and burning I think we should devote our effort and attention to putting out the fire rather than trying to get the fire fighters to stop and decide on the kind of furniture which will be put back in the house after the house is restored or remodeled or improved. So we should not have any quibbling about what we are fighting for when we know that first we have got to stop and defeat these three international desperadoes before we can do anything.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I take it, then, that the gentleman believes the rank and file of the American people know what we are fighting for, even though Mr. Willkie may not know it?

Mr. PATMAN. I think so, and the people of the world know what we are fighting for, to defeat and stop these international desperadoes. Then all these other questions can be settled later on. I have heard a lot of talk about the offensive.

I have not said anything about it before, but thinking of these mothers and fathers whose sons are in the different services of our Government today wearing the uniform of our country, I cannot help but think that they must view this situation of a public clamor for a quick second front without the approval of our military leaders with a great deal of apprehension and alarm.

We should not permit our enemies to select either our weapons or our methods of warfare. Neither should we permit our enemies or our uninformed friends to select either the time or place of attack. Since our enemies have let us know in the very recent past that they cannot meet the competition of the modern methods of warfare that we have, why should we give up these modern methods and take their tools or instruments of warfare and fight according to the way they would like to fight and according to their own methods?

I think we should stop and think before we give up the valuable things we have and select their methods and their tools.

What I have in mind in particular is the bombings. We have been engaged in mass production only a few months. Hitler has been working night and day, 24 hours a day, 365 days a year, for 9 long years getting ready for the war. The Japs have been working longer than 10 years. But here we are. We have been going fewer than 10 months.

I did not like Mr. Willkie's reference belittling our production, because I think we have made wonderful progress in production to defend ourselves properly and be on the offensive now or later in this war, in the making of planes, tanks, ships, guns, and ammunition. It is true, possibly, that we have not been able to send all of these materials to China and to Russia that we would like to. That is another part of Mr. Willkie's speech I did not like, criticizing us for not sending more to China and to Russia, and for making promises that we have not fulfilled.

Every promise that was made was made in the very best of faith. If any promise has failed of performance by reason of an act of God or the public enemy, it is excusable. No nation or its leaders should be indicted for failing to carry out a promise made in good faith that was absolutely impossible for that nation to carry out. I am not saying we failed to carry out any promise. I am saying if we did make a promise for the delivery of supplies to Russia and China that Mr. Willkie says was not carried out our country and our leaders should not be indicted because we all know proper diligence and effort were used in a bona fide attempt to carry out every promise to our Allies.

Every Member within the sound of my voice knows that every effort has been made to send everything that could be sent to China and to Russia. We have lost more than we would normally run the risk of losing in order to try to get the essential and necessary war supplies to Russia and to China. So I do not believe that we are now entitled to the criticism from Mr. Willkie or anyone else that we have failed in some cases to get everything we wanted to get at the particular spot where we expected to get it and at the exact time we would like for it to be there.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I agree thoroughly with the gentleman from Texas. As I read Mr. Willkie's speech, I thought he underestimated or understated the amount of materials we are sending to both Russia and China. But even if he told the unvarnished truth, it certainly did not do our cause any good but probably gave comfort to our enemies.

If a Member of the House had got on the floor and made the same statements, Members on both sides of the House would have called him to time, because even if his statement were true it would not be helping our cause at all.

To me, the most dangerous thing in Mr. Willkie's speech was that part that gave encouragement, as I thought, to the revolutionists in India, who are constantly agitated by Japanese fifth columnists, to continue their revolt against our British Allies. Does the gentleman agree with me on that?

Mr. PATMAN. Yes; I agree with the gentleman.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Georgia.

Mr. COX. Does not the gentleman believe the American public has pretty well taken the measure of Mr. Willkie and, therefore, is paying very little attention to what he says?

Mr. PATMAN. No; I do not agree that they pay very little attention; I think they pay a great deal of attention to what he says. I think his attitude has been rather commendable since this war started, in many ways. I think he has elevated himself in public esteem and good will in many ways. I think his words will be considered as worthy of the utmost consideration, I may say to my friend from Georgia [Mr. Cox].

Now, about this war and the military strategists. Suppose we had had a quick offensive when the war started; we know we would have lost. Are we ready now, in 10 months? I do not know. As far as I am concerned, I prefer to risk the sons of my own constituents, including the two sons of Mrs. Patman and mine, who are in the military service, in the hands of the military strategists, and especially our Commander in Chief. I am personally hoping that people who do not know anything about this war will not get out and try to rush millions of men in combat in certain areas to be sacrificed and slaughtered without a knowledge of all the facts that are in the possession of our military leaders.

Time is not the worst thing in the world for people on the defensive. It is usually good. It has helped us and it has helped England; it has saved England. Time is probably the best thing in the world for countries on the defensive. It is the worst thing for countries on the offensive, because they cannot keep up public and soldier morale, they cannot keep the support for their subordinates unless they have quick and continual successes. They are the losers by time.

Are we losing now, when we are bombing munitions factories and plants over Germany every night? Are we losing now when we are sinking more ships than we can even conceive of under ordinary conditions, in the east and the west, on all the oceans, on all the seas? This process of attrition is bound to be working against our enemies. Shall we give up that good weapon today and start in for quick victory by using their weapons and methods? If our military leaders who know the facts say we should, well and good, but I am not willing to accept the judgment of a town meeting or any uninformed person on such a very important matter.

The bombings in Germany today, you know, are bound to be telling on the German people. The German people are recognized as sensible people. We have not declared war on the German people. We have declared war on the Imperial German Government, on those who are wrongfully leading the German people against us.

Mr. RANKIN of Mississippi. They are making war on us.

Mr. PATMAN. They are making war on us.

So that being true, it is bound to be telling on those people, with their factories being destroyed night after night, with their railroad trains being destroyed every day and every night, carrying essential provisions and supplies to their troops, as well as their highway bridges, railroad bridges and terminals and everything in connection with transportation and communication being destroyed every day and every night. Do you not think that process of attrition is bound to be helpful to us and harmful to our enemies? The question is, Should we just give that up right quick now when our enemies give us notice that they cannot take these bombings? They have given us that notice when they have said they are going to cause our troops who are captured while engaged in bombing, to suffer inhuman treatment. This shows they are not able to take it, this shows they are not able to give it back and they want us to quit it. They much prefer we use their weapons against their well-fortified positions.

Now, shall we pursue their methods and use their weapons? No; let us continue this policy that is getting the best results and leave it to our military strategists to decide how this war should be run.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Alabama.

Mr. PATRICK. I think the gentleman is making exactly the kind of speech we ought to have made in the Congress and one that ought to be reflected all over the country. I think it portrays the sound basis upon which America's war effort will grow and develop. Does not the gentleman feel that the best example we have of that, if we are not deceived, is the approach we are now apparently making in Egypt, where we have, if we can hold it, air superiority, whereas, if we had counted too early or had pulled our fruit before it was ripe, we might have suffered a defeat in combat with Rommel that would have overthrown the opportunity to do what we hope and believe we are doing out there now?

Mr. PATMAN. I am not willing to pass on the advisability of any military question involved in this war. However, the gentleman's position appears to be logical and sound to me. I doubt that any man who takes a global trip very hurriedly and quickly, as Mr. Willkie did, is in position to come back here possessed with sufficient knowledge to tell the military strategists how to run this war.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. In response to the remarks of the gentleman from Georgia [Mr. Cox], the unfortunate thing about this Willkie speech is that the world does not know that he does not speak with the authority of the administration. They know he is the leader of the opposition party, or claims to be.

Now, back to the proposition of sending these materials abroad, of course, the administration is not going to come out and deny what Mr. Willkie says and tell where we are sending these materials and in what amounts we are sending them. The administration is not going to give the enemy that information.

Mr. PATMAN. It puts the administration in a very bad position. In this case Mr. Willkie unwittingly occupies the position of an enemy making a challenge in the hope of eliciting important information in a denial.

Mr. RANKIN of Mississippi. It puts the administration in a very bad position, and I agree with the gentleman from Texas that we have military men—trained military and naval men and avi-

ators to conduct this war. I think the country would rather resent such statements from a man who goes over the world, as he says, speaking for himself, and announcing that he says what he "damn well pleases."

Mr. PATMAN. Necessarily our supplies must be spread rather thinly over the countries. There is no doubt in my mind that if General MacArthur were to come to Washington today he could convince us that he needs in the southwest Pacific everything we can produce. The general in charge of the Aleutian end could convince us that he needs everything we have got, and the one in charge of the Egyptian campaign, I am sure, could convince us that he needs everything we have, and any one of at least a half dozen could come here and convince us that each one of them needs everything we have or will be able to produce in the next few months. We have got to distribute our supplies and certainly we have got to meet the enemy wherever we find him. We cannot select one place. They have other places scattered all over the world, the same as we have, and we have got to do the best we can with what we have.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. RANKIN of Mississippi. We have had a magnificent example recently in the attitude of the gentleman from Minnesota [Mr. MAAS], who came back from the Pacific southwest with more information than Mr. Willkie could garner on one of his globe-trotting escapades in 5 years. The gentleman from Minnesota [Mr. MAAS] did not take the floor and point out to us our deficiencies. What did he do? He went to the President of the United States and made a report where it would do some good and where any mistakes that have been made might be corrected.

Mr. PATMAN. Mr. Speaker, I think the Members of the House and of the other body could very well take the example of the gentleman from Minnesota [Mr. MAAS] to heart, and instead of bringing here on the floor and discussing matters that might well hurt the country, and damage the public morale, and be helpful to the enemy, we might use a little more discretion and present whatever complaints or information we have to the proper people and especially to our Commander in Chief.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7675. An act to amend the act entitled "An act to incorporate the American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2693. An act to provide for the instruction of meteorological students in weather forecasting.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p. m.) the House, under the order heretofore adopted, adjourned until Thursday, October 29, 1942, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBINSON of Utah: Committee on Irrigation and Reclamation. H. R. 7722. A bill to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes; without amendment (Rept. No. 2618). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSTEIN:

H. R. 7746. A bill to authorize the deportation of aliens to countries allied with the United States; to the Committee on Immigration and Naturalization.

By Mr. PRIEST:

H. R. 7747. A bill to provide for the carrying of mail on star routes, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SCANLON:

H. R. 7748. A bill granting free postage to members of the Women's Army Auxiliary Corps (WAACS) and the members of the Women Accepted for Volunteer Emergency Service (WAVES); to the Committee on the Post Office and Post Roads.

By Mr. WHITE:

H. R. 7749. A bill to encourage the discovery of oil and gas on the public domain during the continuance of the present war; to the Committee on the Public Lands.

By Mr. JOHNSON of Oklahoma:

H. J. Res. 356. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to all citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. WHITE:

H. Res. 565. Resolution for the consideration of H. R. 7722, to amend the act approved May 27, 1937 (50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes; to the Committee on Rules.

By Mr. DIMOND:

H. Res. 566. Resolution creating a special committee to visit and inspect the highway and the adjacent areas of Alaska; to the Committee on Rules.

SENATE

THURSDAY, OCTOBER 29, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God of grace and mercy, in whose love and wisdom lies all our hope, look upon us with Thy favor in these dark days of the world's despair. From a sad and mad world, with its inhuman horrors, we turn for this hallowed moment to be still and know that Thou art God.

We thank Thee for life's loveliness that cannot be shattered nor shaken by war's alarms; for friendships which sanctify, for music which gives our drooping spirits wings, for truth which breaks the shackles of the mind, and for shining human characters where God stooping shows sufficient of His light for us in the dark to rise by. Immersed in this world of facts and figures, facing demanding duties, we pause to acknowledge that we cannot live by bread alone nor in the flesh alone; that our spirits must have an escape into that higher realm measured not by clocks nor calendars, that kingdom within whose radiant realities are its faith, its ideals, its visions of beauty, its aspirations that lay hold of God and goodness. Drinking deeply at these hidden springs, may we be strengthened with might. Help us this and every day to live more nearly as we pray. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, October 26, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that the President had approved and signed the following acts:

On October 24, 1942:

S. 2471. An act to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act.

On October 26, 1942:

S. 2751. An act to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes;

S. 1468. An act to authorize the Secretary of the Navy to establish a fuel depot at Middle and Orchard Points, Wash.;

S. 2381. An act to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast

Guard when that service is operating as a part of the Navy;

S. 2555. An act to authorize the use of certificates by officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, in connection with pay and allowance accounts of military and civilian personnel under the jurisdiction of the War and Navy Departments;

S. 2623. An act authorizing the construction of certain public works in the basin of the Connecticut River for flood control; and

S. 2706. An act to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 676), and "Title IV of the Naval Appropriation Act for the fiscal year 1941," approved September 9, 1940 (54 Stat. 883).

On October 28, 1942:

S. 2369. An act for the acquisition of Indian lands required in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California.

AGRICULTURAL LABOR SHORTAGES IN THE WESTERN STATES—SPECIAL COMMITTEE

Under the terms of Senate Resolution 299, agreed to on the 24th instant, to investigate agricultural labor shortages in the Western States in connection with the prosecution of the war, the Vice President appointed Mr. DOWNEY, Mr. MCFARLAND, and Mr. MCNARY as the special committee authorized under the resolution.

OPERATIONS UNDER THE REQUISITIONING ACT (H. DOC. NO. 880)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Judiciary and ordered to be printed:

THE WHITE HOUSE,
Washington, D. C. October 29, 1942.

The PRESIDENT OF THE SENATE.

SIR: I am submitting herewith to the Congress a report of the first year of operations under the act of October 16, 1941, as amended, which authorizes the President to requisition and dispose of property required for national defense.

Respectfully,

FRANKLIN D. ROOSEVELT.

ADDITIONAL HOSPITAL FACILITIES IN THE DISTRICT AND METROPOLITAN AREA (S. DOC. NO. 286)

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the Federal Works Agency, transmitting, in response to Senate Resolution 302, agreed to on the 13th instant, a report covering the steps taken or to be taken to provide adequate hospital facilities for the people of the city of Washington and metropolitan area surrounding the District of Columbia, which, with the accompanying report, was referred to the Committee on the District of Columbia and ordered to be printed.

AMENDMENT OF ORGANIC ACT OF ALASKA—CONFERENCE REPORT

Mr. HAYDEN. I submit a conference report on House bill 5458 and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5458), to amend the Organic Act of Alaska, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the bill.

That the engrossed bill be further amended as follows:

On page 2, line 8, strike out the term "1942" and in lieu thereof insert the term "1944."

On page 2, line 15, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth."

On page 7, line 18, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth."

And that the Senate and the House agree to the same.

M. E. TYDINGS,
A. H. VANDENBERG,
GERALD P. NYE,
CARL HAYDEN,
Managers on the part of the Senate.

LEX GREEN,
NAT PATTON,
LEWIS K. ROCKEFELLER,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. MCNARY. Mr. President, I recall this measure when it was before the Senate for consideration, but I notice there has been some change made in conference. Will the Senator explain what action was taken by the conferees?

Mr. HAYDEN. The Senator will remember that when the bill was before the Senate Committee on Territories and Insular Affairs the proposal was to advance the date for the change in the size of the Alaska Legislature so that advantage could be taken of it this year. Because of delay and the passage of time, that purpose could not be effectuated. Therefore the Senate conferees receded from the Senate amendment and restored the bill practically to the condition in which it was when it passed the House whereby the change will take place in the future, in 1944.

The VICE PRESIDENT. Is there objection to the consideration of the report?

There being no objection, the report was considered and agreed to.

PETITIONS

Mr. BARKLEY (for Mr. HUGHES) presented petitions of sundry citizens of the State of Delaware praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which were ordered to lie on the table.

PEACE AIMS COMMISSION—RESOLUTION OF WOMEN'S SOCIETY OF CHRISTIAN SERVICE OF THE METHODIST CHURCH AT SKOWHEGAN, MAINE

Mr. BREWSTER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution dealing with the proposal to establish a Congressional Peace Aims Commission for the formulation of peace aims, adopted by the Maine Conference of the Women's Society of Christian Service of the Methodist Church in annual session at Skowhegan, Maine.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BANGOR, MAINE, *October 19, 1942.*

Hon. RALPH O. BREWSTER,
United States Senator,
Washington, D. C.

DEAR MR. BREWSTER: The Maine Conference of the Women's Society of Christian Service of the Methodist Church in annual session, October 14 and 15 at Skowhegan, Maine, as a body of Christian women request:

That the President of the United States, the Secretary of State, and the Congress of the United States be urged to set up a Congressional Peace Aims Commission for the formulation of such peace aims as the Nation deems feasible for the conclusion of this world conflict, publicizing them to all nations—allied, neutral, and enemy nations alike. Such a step would be a means of bringing new hope of freedom and security to Axis and Allied peoples alike and thereby speed the satisfactory conclusion of the war.

Mr. Brewster, your presenting this matter to the President and the Congress will be greatly appreciated by this Christian organization.

Sincerely yours,

MRS. HAROLD SEDGELEY,
MRS. RAYMOND HART,
MRS. ANDREW BUTTERFIELD,
Committee.

REMOVAL OF FARM LABORERS FROM W. P. A. ROLL—RESOLUTION BY LIONS CLUB, SEDAN, KANS.

Mr. REED. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the Lions Club of Sedan, Kans., and signed by W. A. Dobson, president.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas this Nation is involved in a war, the successful prosecution of which demands the best efforts of all the people; and

Whereas the homes and farms of America are a most vital part in the prosecution of this war; and

Whereas the enormous drain of manpower by the selective service boards and defense industries have created a most serious labor situation in our farm communities; and

Whereas there still exists in every county the Work Projects Administration with men still engaged in work not essential to the war effort; and

Whereas feed crops and other agricultural products are in danger of great loss due to this labor shortage; and

Whereas our Government is still using WPA labor on projects not essential to our war effort; and

Whereas such practice is seriously affecting and handicapping our war effort and our community well-being; and

Whereas the continual threat of Government to ration gasoline and food products, and the bungling of the rubber situation, is causing widespread fear, and causing farmers to discontinue farm operation due to the inability for farmers to continue their present

operations without use of gasoline and rubber: Therefore be it

Resolved, That the Lions Club of Sedan go on record unanimously urging our Government to compel all laborers to accept farm labor or be removed from WPA roll, and be it

Resolved further, That our Government make no move to ration gasoline to farmers engaged in the essential operations of farms.

MISSOURI PACIFIC RAILROAD REORGANIZATION—LETTER FROM J. C. DAVIS

Mr. DAVIS. Mr. President, I desire to present for the RECORD a letter I received from Mr. J. C. Davis, chairman of the executive committee of the Missouri Pacific Railroad Co., 230 Park Avenue, New York, N. Y.

It is a very interesting letter—interesting especially to the Senate Interstate Commerce Committee and the Senate Finance Committee.

As a former member of the Interstate Commerce Committee, I ask that the letter be printed as a part of my remarks, and referred to the Committee on Interstate Commerce.

There being no objection, the letter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

MISSOURI PACIFIC RAILROAD CO.,
New York, N. Y., October 27, 1942.

The Honorable JAMES J. DAVIS,
United States Senate Office
Building, Washington, D. C.

DEAR SENATOR DAVIS: On the floor of the Senate earlier this month Senator TRUMAN and Senator WHEELER referred to "interference" in the plan of reorganization of the Missouri Pacific Railroad Co. There is interference in that reorganization. It threatens consequences of much greater gravity and national consequence than those mentioned by Senator TRUMAN or WHEELER. That interference, however, is not the interference of any speculators (for whom I have no sympathy), but is interference by a closely knit group of financial institutions—life-insurance companies and banks—who are seeking to obtain control of the reorganized Missouri Pacific, and in so doing threaten—

(1) To withhold many millions of dollars in cash which should immediately be paid to the Reconstruction Finance Corporation in liquidation of debt, thereby becoming available to the furtherance of the war program; and

(2) By an ingenious utilization of current rail-reorganization procedure to acquire control of a number of now competitive major rail systems in the hands of this same closely knit group of financial institutions; and

(3) A large-scale destruction of bona fide investment values in rail securities without financial justification.

I am sure that you would not wish misimpressions on a matter of such national importance to remain in the minds of your associates in the Senate, either as a result of remarks made or omissions to state material facts pertinent to the reorganization of this railroad. Accordingly I respectfully invite your attention to the salient facts of the situation.

1. The interference in the Missouri Pacific reorganization of a group of life-insurance companies and banks threatens to withhold many millions of dollars which should immediately be paid to the United States Government in liquidation of debt.

A closely knit group of life-insurance companies and banks is effectively obstructing the accomplishment of a number of constructive steps proposed in the Missouri Pacific reorganization, unnecessarily prolonging the reorganization of that railroad.

A glaring (and current) example is this: On October 30, 1942, we will move before Judge George H. Moore, of the United States district court in St. Louis, that the trustee of the Missouri Pacific be directed to pay in full the principal of an RFC loan of $23,134,800, together with certain interest. There is now in the custody of Mr. Guy Thompson, trustee of the road, the extravagantly huge cash balance of nearly $70,000,000, while interest continues to accumulate on the railroad's bank loans, Railroad Credit Corporation advances, RFC loan, and the like, to the detriment of the estate. If this RFC loan were paid off, the United States Government would immediately receive something in the neighborhood of $28,000,000 cash, which could obviously promptly be put to use, directly or indirectly, in furtherance of the war program. Payment of this RFC debt at this time would produce savings to the debtor's estate of many millions of dollars. Yet this payment is being opposed by the financial institutional group sponsoring the pending reorganization plan and (we are informed) by the trustee in the reorganization proceedings.

Similarly, last June, when we urged that action be taken with respect to certain underlying bonds which would effect substantial savings to the trust estate, this same group and Mr. Thompson effectively blocked this step.

Since from the viewpoint of the interests of the bona fide investors in Missouri Pacific securities, and from the viewpoint of the public interest in making cash otherwise idle in the banks available for Government purposes, the repayment of this RFC loan at this time out of the huge cash balance on hand is so obviously desirable, the question arises, Why is this institutional financial group thus interfering in the Missouri Pacific reorganization? I invite your attention to certain facts from which the motives directing this interference become clear.

2. Current reorganization proceedings are being utilized to vest control of a number of major rail systems in a closely knit financial group.

Analysis of pending reorganization plans sponsored by protective committees representative of this closely knit group of life insurance companies and banks shows that the reorganized companies will emerge under the actual control and domination of these very same financial institutions. This, of course, is subversive of the established congressional policy urged notably by Senator WHEELER and Commissioner Splawn and crystallized in the enactment in 1932 of the present section 5 of the Interstate Commerce Act and its amendment in 1940. Color of legality to the creation of this threatened new colossus of American rail control is afforded, however, by the Interstate Commerce Commission's separate approval of the various plans of reorganization. We cannot believe that in approving these separate plans the Commission is aware of the facts and interlocking interests which threaten this major disaster to the principles sought to be implemented by Congress in its enactment of its rail-control policy.

The procedure common to many of the current rail reorganizations emerges with clarity upon analysis of the interests represented on the dominant "protective" and "reorganization" committees and the devices of control injected by them into the respective reorganization plans. It may be summarized in the following steps:

(1) The mutual institutions (insurance companies and savings banks) are prohibited by State laws from buying voting stocks. This provision is lawfully circumvented, however, by their agreeing to the translation of their lawfully acquired rail bonds into voting stocks in reorganization proceedings.

(2) In some instances (not including the Missouri Pacific, Northwestern, or Milwaukee) the holdings of this closely knit group of financial institutions through new voting stocks emerging from the reorganization plans, will give them working control of the railroads involved. Some of these railroads are directly competitive because of their geographical location, and all of them are indirectly competitive because of their through rates and joint through-rate arrangements.

(3) In certain cases, for example the Missouri Pacific, the Soo Line, the Milwaukee, and the Northwestern, their stockholdings alone would presumably not give them working control of these railroads and accordingly the reactionary device of a voting trust is injected into the plan and ICC sanction obtained thereof. The plans provide that sufficient voting stock will be deposited under the voting trust whereby to obtain effective control over the management of the roads. Provision is also made in the plan, approved by the ICC, that a majority of the voting trustees shall be named by the "protective" or "reorganization" committees which are dominated by this same interlocking institutional clique.

Thus voting control over such highly competitive roads as the Milwaukee and Northwestern will emerge under the present reorganization plans in the common hands of the self-same "galaxy of stars" to whom Senator WHEELER referred in 1939.

(4) In the Missouri Pacific case the Stedman "protective" committee not only wrote into the plan that this same institutional group would name 3 out of the 5 voting trustees, but also wrote into the plan that it would name 9 of the original 15 directors of the road.

The records indicate that this group actually owns less than 10 percent of the outstanding securities of the Missouri Pacific Railroad Co.

It is the interference of this group in the Missouri Pacific reorganization that obstructs reorganization and the accomplishment of legitimate savings to the tens of thousands of smaller investors.

3. The Missouri Pacific reorganization threatens a large-scale destruction of bona fide investment values in Interstate Commerce Commission approved rail securities without financial justification.

Senator DAVIS, I respectfully urge you to examine the pending plan of reorganization for the Missouri Pacific Railroad—a plan sponsored by the insurance companies with their banking associates and approved by the Interstate Commerce Commission. Look first at the interests which compose Mr. John W. Stedman's first and refunding bond "protective" committee. Look at pages 20 and 25 of the plan (finance docket No. 9918) to see the provisions giving this financial group iron-clad control of the reorganized company. Then see what the plan proposes to do to the investor in all of the bond issues junior to the issue represented by Mr. Stedman's committee. No better illustration could be given of the price that the bona fide investor is called upon to pay in order that this financial institutional group may add the control of another railroad to its collection.

This plan, although overwhelmingly voted down by six classes of security holders, would force junior bondholders to accept a minority interest in the common stock of the new company on a basis that defies any method of justification. The old preferred and common stocks are declared worthless. This ingenious plan also provides for certain sacrifices on the part of senior bondholders. May I point out that it is absolutely unnecessary for senior bondholders to sacrifice their position of lien in any plan of reorganization for the Missouri Pacific. Nor does this assertion comprehend the reorganization of the company on the basis of wartime earnings. We are more realistic than that, Senator. However, neither do we believe the company should be reorganized on the basis of Dust Bowl earnings

in order that insurance-company bond holdings shall be translated into voting stocks.

Surely every Senator must believe that the bondholders should share in the tremendously improved present financial condition of the road. Cash is now close to $70,000,000 and increasing at the rate of more than $6,000,000 per month. This monthly increment is probably in excess of the entire cash in the road's treasury when the Interstate Commerce Commission approved the sale of the company's original securities to the public. We should think that the Commission would be gratified to find the Missouri Pacific fulfilling the Commission's original prophecy of earnings for the bonds, instead of approving the destruction of the investment of innocent bondholders in securities whose issuance the Commission approved.

Dr. Splawn, of the Interstate Commerce Commission, in his letter to Senator WHEELER, pointed out: "One of the prime purposes of reorganization, both under section 77 and in equity, is the preservation of the interests of the security holders entitled to share in the estate."

4. No speculators are currently interfering in the Missouri Pacific Railroad reorganization.

When Senator WHEELER (CONGRESSIONAL RECORD, p. 8304) was criticizing the bringing of pressure in reorganizations by "speculators who are buying up railroad securities," Senator TRUMAN stated, "That very thing is happening now in the case of the Missouri Pacific reorganization," and went on to say that Alleghany Corporation was interfering in that reorganization. The impression that Alleghany Corporation is a speculator in the securities of Missouri Pacific is not true. Alleghany Corporation invested more than $100,000,000 in the purchase of Missouri Pacific securities, which were issued with the approval of the Interstate Commerce Commission—all several years prior to the initiation of bankruptcy proceedings in 1933. Official records on file with the Securities and Exchange Commission disclose that Alleghany Corporation has not purchased a single security in the Missouri Pacific or any other railroad or public utility in bankruptcy proceedings. The many thousands of holders of bonds of Alleghany Corporation, to secure which Alleghany Corporation's bona fide investments in Missouri Pacific are pledged, cannot fairly be characterized as speculators, nor can their debtor corporation, however great the sins of the original promoters in selling them their securities at investment prices.

We are entirely sympathetic to any curb on speculation, whether it be in the bonds of reorganized rails or in steels or rubber. Our country is at war, and we have no patience with speculators or with speculation. However, curbing speculation should not be confused with eliminating the market for what Commissioner Splawn in his letter to Senator WHEELER called "necessitous sellers." We concur in Commissioner Splawn's desire to protect the legitimate investor who has made the construction of our great railway systems possible, whether he rides through the reorganization period with his investment or whether he is compelled by necessity to sacrifice it for cash during reorganization. We believe that the splendid work done by the Securities and Exchange Commission in restricting and regulating speculation has been one of the most constructive things that has ever happened in American finance. Yet even the most liberal members of the Securities and Exchange Commission recognize the fact that regulation of speculation may at times injure the bona fide investor, by the destruction of the market for his securities, thereby piling misery upon misery. If I may respectfully venture a suggestion in this regard, would it not seem preferable that rather than legislating upon such a complex matter during the rigors of a tax bill, the Securities and Exchange Commission be asked for its recommendations as to legislation to be acted upon after full study of the various aspects of the problem?

The Senate's interest in railroad reorganizations is naturally great. Due to the pressure of legislation relating to the war, however, it would be astonishing if the Senators were fully conversant with the ingenious and subversive pressures that are going on in the Missouri Pacific reorganization. Because of its grave implications, this is obviously a matter of national importance and extreme urgency.

Respectfully yours,

J. C. DAVIS,
Chairman, Executive Committee,
Missouri Pacific Railroad Co.

HEARING OF ROBERT J. DORAN BEFORE FEDERAL COMMUNICATIONS COMMISSION

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Interstate Commerce a telegram I received today from Mr. O. E. Gasaway, president, district 50, United Mine Workers of America.

There being no objection, the telegram was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *October 28, 1942.*

Hon. JAMES J. DAVIS,
United States Senator:

Persecution of Robert J. Doran before Federal Communications Commission examiner is a direct threat to the democracy we are fighting to preserve and for which Mr. Doran fought so gallantly in the last war. I believe the Senate should investigate any agency that permits such un-American activities, particularly when we should all be united in fighting our common foes.

O. E. GASAWAY,
President, District 50,
United Mine Workers of America.

MEDICINE FOR THE ARMED FORCES

Mr. DAVIS. Mr. President, in view of the vast preparations that we are making for overseas fighting, every father and mother in America is deeply interested that the best possible provision for medical care and protection be thrown around our sons and brothers serving in the Army, the Navy, and the air forces. For this reason I have been especially interested in correspondence between Dr. Arthur Osol, scientific director of the Raymer Pharmacal Co., and Col. C. F. Shook, the distinguished officer in charge of the procurement of drugs and pharmaceuticals for the Surgeon General's office. It is the deep-seated wish of every loyal American that our servicemen may have the very best in the way of medicine that may be obtained. The correspondence between Dr. Osol and Colonel Shook in this matter will be of general interest. I ask unanimous consent to have the correspondence printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

RAYMER PHARMACAL CO.,
Philadelphia, Pa., October 23, 1942.

Hon. Senator JAMES J. DAVIS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR DAVIS: The Raymer Pharmacal Co. has very recently submitted bids for medicinals to the Surgeon General's office; we are deeply appreciative of the cooperation and graciousness we received, as well as for the contract which we are informed has been awarded to us.

It occurs to me that a matter which we have been discussing among ourselves may be of interest to you also. The Army and Navy Award of Excellence for efficiency in production has been given to many important industrial establishments in Pennsylvania and elsewhere. I have read in the papers of your attendance at many of these presentations and have been impressed by the remarks you have made.

It would appear that similar award might be made in the field of military medicine, which would give recognition to established pharmaceutical firms that produce medicinals on a quality basis and at the same time set up a code of standards which would insure manufacture of better medicinals for the armed services and the Nation as a whole.

In our conversations with Col. C. F. Shook we have been greatly impressed with the high standards of medicinal quality upon which he insists and which, indeed, coincide with the Raymer code of standards.

I believe that if you consider it worth while to suggest to your colleagues of the Senate Naval Affairs and Military Affairs Committees the value of thus honoring quality production, the plan would commend itself to Colonel Shook who, with your cooperation, might work out a suitable code of standards as the basis for the award.

Cordially yours,

RAYMER PHARMACAL CO.,
ARTHUR OSOL, Ph. D.,
Scientific Director.

WAR DEPARTMENT,
SERVICES OF SUPPLY,
OFFICE OF THE SURGEON GENERAL,
Washington, October 26, 1942.

Hon. JAMES J. DAVIS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Receipt is acknowledged of your very kind letter of October 24, 1942, together with a letter from Dr. Arthur Osol, of the Raymer Pharmacal Co., Philadelphia.

Dr. Osol is but re-echoing a thought that has been in the minds of our Office for some time. As a matter of fact, there is no more outstanding industry than that of the drug and chemical field. As you know, the Army and Navy "E" award has been given for excellent and outstanding achievement in production. It was the feeling of this Office that the entire industry should be commended not only for its production, but for its continued research and development of substitute materials.

I doubt very much whether any individual or group of individuals could state that such and such a concern is more outstanding than others. The Surgeon General has recognized this and has dealt not so much with individual plants, but with the trade organizations representing these plants. Today the American Drug Manufacturers' Association and the American Pharmaceutical Manufacturers' Association cover approximately 90 percent of all contracts placed by both the Army and Navy. These two organizations have long recognized the need of coordination and planning, and have assisted by forming committees and aiding the Surgeon General whenever requested.

With the exception of a few of the more important chemicals, such as the sulfa group and substitutes for quinine, the practice of medicine requires very little expansion through industry. In the many years of procurement planning it developed that but a small percent of production capacity would be required to meet the requirements of the Army and Navy in time of national emergency. The pharmaceutical industry has not been required to go beyond the 5-day week except in isolated cases.

It is hoped that you will impart our feeling in this matter to Dr. Osol.

With kindest regards, I am,

Sincerely yours,

C. F. SHOOK,
Colonel, Medical Corps.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS (REPT. NO. 1662)

Under authority of the order of the 26th instant,

Mr. NORRIS, during adjournment of the Senate, from the Committee on the Judiciary, submitted a written report to accompany the bill (H. R. 1024) to amend an act to prevent pernicious political activities, heretofore reported, with amendments, by him from that committee.

Mr. DOXEY. Mr. President, on Monday last the senior Senator from Nebraska [Mr. NORRIS] reported, with amendments, on behalf of the Committee on the Judiciary the so-called anti-poll-tax bill, House bill 1024; and the Senator from Nebraska requested and obtained consent that both the majority and minority be allowed until today to file their respective written report and minority views.

On behalf of the minority, I submit the minority views, which are an adverse report on the bill. The minority views are signed by the distinguished senior Senator from Texas [Mr. CONNALLY], the distinguished senior Senator from Vermont [Mr. AUSTIN], and myself. I ask that they be printed.

The VICE PRESIDENT. The minority views submitted by the Senator from Mississippi will be received and printed as part 2 of Report No. 1662.

OVERTIME PAY IN THE EXECUTIVE DEPARTMENTS—REPORT OF COMMITTEE ON CIVIL SERVICE

Mr. MEAD. Mr. President, by order of the Civil Service Committee, I report back, with amendments, the bill (S. 2666) regulating compensation of employees working in excess of 40 hours per week in the executive departments and agencies, the so-called war overtime pay bill, and I submit a report (No. 1663) thereon. As this is a very vital matter, I ask my colleagues to obtain copies of the report and the bill and give the measure the consideration and study which I feel it merits, and which I feel sure it will receive.

This bill was prepared by the proper agencies of the Government having to do with the management of personnel matters. It was considered by our committee at prolonged hearings and executive sessions. It is a very important measure because it affects the overtime pay basis upon which those who work in the departments of the Government are to be paid.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Tennessee?

Mr. MEAD. I yield.

Mr. McKELLAR. If the bill is passed as the committee reports it, what will be the additional cost to the Government?

Mr. MEAD. The cost will depend entirely upon the overtime which is required of employees of the Government from time to time. It is anticipated that in most of the departments the program will begin with a 44-hour week, except in those departments which have to do directly with the war effort. They may be placed on a 48-hour week. Probably they are already on that basis. It is hoped that the workweek of Federal employees generally will be prolonged in order to reduce the turn-over, increase their income, and allow a greater number of men for other needs, such as the Army, agriculture, and so forth.

Mr. McKELLAR. I am sure there must have been some estimate as to the increased cost. What estimates were made?

Mr. MEAD. Based on a 44-hour or a 48-hour week, the additional cost of all payments authorized by the bill is estimated to amount to approximately $369,000,000. That is already an item of expense; because, let me say to the distinguished Senator, 58 percent of all employees in the Federal Government are now being compensated for overtime work, and the measure simply would make the overtime-pay basis uniform. Furthermore, the bill provides a similar overtime-pay basis to the remaining 42 percent of Federal Government employees who are not now receiving extra pay for overtime work, but who in many instances are spared from working overtime simply because they do not now receive additional compensation for such work.

As the workweek is prolonged, the cost will increase; but, of course, the saving in turn-over, the saving for the Civil Service Commission in the multitudinous examinations which are required, the saving in the efficiency of the departments as a result of retaining employees who are trained and efficient, will to a substantial degree offset the cost of the bill.

Mr. President, I desire to submit the report on the bill. It is an important bill. Let me say that it is an administration bill. It was prepared for our committee by the departments having to do with personnel administration, and I believe that in its final form the bill was reported without objection.

So, Mr. President, I submit the report from the Committee on the Civil Service.

The VICE PRESIDENT. The report will be placed on the calendar.

Mr. ANDREWS. Mr. President——

Mr. MEAD. I yield to the distinguished senior Senator from Florida.

Mr. ANDREWS. I should like to ask what the Senator considers overtime. Is it more than 40 hours work a week? Does the Senator consider overtime to be involved when employees work all day Saturday?

Mr. MEAD. Under the present practice, governing 58 percent of Federal employees, 40 hours is the average work week, and work over 40 hours is compensated on a time-and-a-half basis.

Mr. ANDREWS. During the emergency, during the war, it seems to me that 6 full days' work should be performed, just as we ourselves have had to do. When we fix the length of the work week, I am wondering whether we should fix it on the basis of 6 full days' work.

Mr. MEAD. In the Federal service a great many persons are employed in arsenals and navy yards. Their work standards are arranged through Labor Board decisions, and they are receiving time-and-a-half pay for all time worked over 40 hours a week. In the Federal Government service there are other employees who are receiving time-and-a-half pay after 40 hours, on the basis of the enactment of legislation favorably reported by the Military Affairs and Naval Affairs Committees of the Congress.

The bill reported by me is an attempt on the part of the Civil Service Committee of the Senate, conforming with suggestions from the Bureau of the Budget, the Civil Service Commission, and other agencies of interest, to make uniform the present practices.

It is not proposed to change any practices nor is it proposed to reduce the income of any of the employees, but the bill represents an attempt to bring order where chaos exists. In some departments of the Government over 85 percent of the employees have left to secure work in other agencies or in private enterprise. The loss in efficiency, in money, and in effectiveness is colossal.

So we have the demand coming from the departments affected, and the committee is reporting a bill which it feels is an approach to order where chaos now exists.

Mr. ANDREWS. The provisions of the bill would not apply to the staff of secretaries or clerks in a Senator's office; would it?

Mr. MEAD. No; the bill applies only to the classified service.

Mr. ANDREWS. The members of the secretarial staffs of Senators work about 10 hours a day.

Mr. MEAD. Yes; and some of them work 12 hours a day.

REPORTS OF THE COMMITTEE ON IMMIGRATION

The following reports of a committee were submitted:

By Mr. MALONEY, from the Committee on Immigration:

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War; with amendments (Rept. No. 1664);

H. R. 6250. An act to amend the Nationality Act of 1940; with amendments (Rept. No. 1665); and

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended; with an amendment (Rept. No. 1666).

INVESTIGATION OF ECONOMIC AND SOCIAL CONDITIONS IN PUERTO RICO

Mr. CHAVEZ. From the Committee on Territories and Insular Affairs I report favorably without amendment Senate Resolution 309. I wanted to ask unanimous consent for the immediate consideration of the resolution, but the majority leader has called my attention to the fact that possibly there are not a sufficient number of Senators present to take action at this time. Nevertheless, I hope the Senate will take action on the resolution in the very near future.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 309) as follows:

Resolved, That a subcommittee of the Committee on Territories and Insular Affairs, to be composed of five members of such committee appointed by the chairman thereof, is authorized and directed to make a full and complete study and investigation with respect to economic and social conditions in Puerto Rico resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war. The subcommittee shall report to the Committee on Territories and Insular Affairs the results of its study and investigation, together with its recommendations, at the earliest practicable date.

For the purposes of this resolution the subcommittee, or any member thereof duly authorized by the chairman of the subcommittee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh and Seventy-eighth Congresses, to employ and to call upon the executive departments for such experts and such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it or he deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the subcommittee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the subcommittee.

Mr. CHAVEZ. Mr. President, with the permission of the Senate, I should like to make a brief statement with reference to the purposes of the resolution. I may say at the start that I have always been reluctant to vote for investigations by congressional committees and have voted for investigations only when I felt that they were absolutely necessary and could be of benefit to the Government.

Puerto Rico and its population constitute one of the greatest responsibilities of the United States. We took the island over in 1898, and the Stars and Stripes fly over the island now, and I hope will fly there forever. Hence, the problems of the island and its population are our problems. Our responsibility becomes more acute for obvious reasons. We are at war. The island bases, both Army and Navy Establishments, are absolutely essential to the winning of the war. The island is limited in area and in its production of the foods and commodities necessary to feed its 2,000,000 population. Due to the war, transportation of the necessary commodities for the civilian population has been curtailed, the result being that thousands of the Puerto Rican people are short of the most basic kind of foods, in fact, are starving. The conditions are so acute that many persons who are familiar with the prevailing circumstances have called them to my attention, and I have come to the conclusion that it is absolutely necessary for a committee of this body to make an investigation with a view to bringing about speedy and necessary relief.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. BREWSTER. I trust that the Senator will press the resolution as promptly as possible, as a visit to the island has convinced me, and information concerning conditions there will persuade anyone, that we have greatly neglected our responsibilities to that outpost of ours.

Mr. CHAVEZ. It is my purpose to press for action on the resolution, and to have it considered at as early a date as possible. The majority leader has asked me at the moment, for reasons of his own, to let the matter go over for the day.

Mr. BREWSTER. The possible starvation of thousands of Puerto Ricans is in immediate prospect unless early action shall be taken to remedy the condition, and we must be conscious of that condition.

Mr. CHAVEZ. I know that such a condition exists. Now let me proceed. I wish particularly to call the attention of the Senator from Maine to what I am about to say, because it bears out what he has in mind.

Several days ago there was submitted to me by Mr. de Hostos, president of the Puerto Rican Chamber of Commerce, the inventory position of the basic commodities in Puerto Rico, the stocks on hand as of August 31, September 30, and October 15, estimated consumption for a 2 weeks' period, and the estimated value of the stocks on hand. I desire to have this inventory inserted in the RECORD at this point in my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Inventory position of basic food commodities in Puerto Rico

Commodity	Aug. 31	Sept. 30	Oct. 15	Consumption, 2 weeks	Inventory good for—
Beans, sacks	184,000	128,000	41,000	18,000	5 weeks.
Soups, cases	32,219	32,500	22,000	4,750	10 weeks.
Canned fruits and vegetables, do	379,000	284,000	140,000	47,500	6 weeks.
Canned salmon	1,253	1,250	None	1,200	
Canned sardines	10,557		None	4,625	
Canned tomato sauce	68,000	47,000	21,000	10,500	4 weeks.
Breakfast cereals, cases	31,500	22,000	19,000	4,450	8 to 10 weeks.
Cheese, pounds		16,000	None	155,000	
Cornmeal, sacks	9,315		None	3,750	
Animal and poultry feeds, do	22,970	11,000	None	39,000	
Dried and pickled fish	492,083		None	200,000	
Wheat flour, 100-pound sacks	265,867	173,000	190,000	53,500	7 weeks.
Matches, cases, 5 gross	951	1,000	None	4,250	
Canned meats, cases	22,578	16,000	None	10,750	
Cured meats, pounds	78,543		None	18,400	
Fresh meats, do			None	61,380	
Evaporated milk, cases	127,259	85,000	82,000	21,250	8 weeks.
Powdered milk [1] (mostly skimmed), pounds	1,309,918	1,100,000	1,100,000	55,000	40 weeks.
Onions, 50-pound sacks	21,476		None	8,250	
Lard, pounds	7,494,697	4,800,000	1,030,000	1,325,000	2 weeks.
Pigs' feet, 50-pound cases	1,588		None	6,250	
Salt pickled pork, 200-pound barrels			None	2,600	
Dry salted pork, pounds	2,090,771	1,300,000	200,000	500,000	1 week.
Dry sausage, 50-pound cases	455		None	2,037	
Smoked picnic hams, 200-pound barrels	81		None	1,625	
Potatoes			None	7,250	
Rice, 100-pound sacks	223,903	52,150	None	100,000	
Laundry soap, pounds	1,208,066	658,000	150,000	1,725,000	1 day.

[1] Sale prohibited by insular law.

NOTE.—3,000 barrels lard destroyed by fire at Catano. Rice inventory disappeared 2 weeks ago. No arrival since this inventory any categories.

Mr. CHAVEZ. Mr. President, I wish also to call the attention of the Senate to various basic commodities the stocks of which are absolutely exhausted: Canned salmon; canned sardines; cheese; corn meal; animal and poultry feeds, to take care of their limited dairy and poultry industry; matches; canned meat; cured meat; fresh meat; salt pork; potatoes; rice; laundry soap, supply for 1 day after October 15.

I have in my hand a letter written from Puerto Rico by a citizen of my State. The reading of an excerpt from this communication will further inform the Senate relative to actual conditions in Puerto Rico:

Puerto Rico is wholly reliant on boats for foods and supplies and when the boats don't get here we eat beans and rice, but even rice is eliminated from our menu. Butter, we haven't had in months, could be bought the other day for $1.50 per pound. Eggs 15 cents each. In fact, what food could be bought a year ago for $2.50 now costs $11. What in the —— are the poor people going to do? * * * Things couldn't be worse in any country.

He is speaking of an island possession of the United States.

Yesterday morning the Washington Post carried an article entitled "Roosevelt Considers Aid to West Indies." I shall read only one paragraph:

President Roosevelt yesterday took his eyes off the war long enough to give attention to the almost universal poverty that flourishes amid the unbelievable tropical beauty of the West Island colonies of the United States and other nations.

I am positive that the conditions described in this article exist in Puerto Rico. I know that, due to the general complacency of the citizens of this country, since Puerto Rico became a possession of the United States, the island and its population have been ignored, many Americans considering Puerto Ricans as alien and subjugated citizens. This is not so, either in law or in fact. Notwithstanding our neglect, Puerto Rico has ever remained loyal to the ideals and traditions of this country; her citizens suffered the consequences of the last war, and are suffering the consequences of this war like all other Americans.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. BREWSTER. Does the Senator remember also the suggestion that in the recent conference of the President with the British representative, to which he refers, they were primarily concerned with the welfare of the people in the Caribbean in other than American possessions? That was very disconcerting to one conscious of conditions in Puerto Rico. Charity certainly should begin at home. Until we have acquitted ourselves of our responsibility to the suffering citizens of Puerto Rico, it will come with very poor grace for us to express concern with unfortunates who are under some other flag.

Mr. CHAVEZ. I have my views on that matter, also; but what I should like to impress upon the Senator from Kentucky is that the people of Puerto Rico are actually starving. There are 2,000,000 people on an island which covers only about 3,200 square miles. There has never been raised there a sufficient amount of food to sustain the people of the island. They were always dependent upon food which was sent to Puerto Rico from the continent. Instead of receiving 130,000 tons of food a month, which they would receive in normal times, there is now sufficient shipping space to take care of only about 36,000 tons a month. The condition is acute.

I also desire to call the attention of the Senate to one more fact. Apart from the humanitarian side of it, the Puerto Ricans are our people; they are Americans and many of them—people just like those of my State, the State of the Senator from Kentucky, or the State of the Senator from Maine—are starving.

There is a broader aspect of the whole matter, and that is the one affecting the winning of the war as well as the good will of the people south of the border all the way to Patagonia. It happens that the people of Puerto Rico are of Latin extraction. If we neglect them when they, as American citizens, are entitled to the rights and benefits of citizens of this country, what may we assume the people south of the border will say? Suppose we let them starve, suppose we neglect our duty, suppose we neglect our responsibility, who is going to be blamed? We will be playing right into the hands of the enemy, so far as propaganda is concerned.

Mr. BREWSTER. Will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. BREWSTER. As we move into the assumption of ever greater responsibilities in the world, as seems generally to be taken for granted, and as we witness the functioning of the Board of Economic Welfare for the entire world, with what grace can we suggest to people anywhere that we can advise or help them, while 2,000,000 Puerto Ricans are starving at our very door and under our own responsibility?

Mr. CHAVEZ. The answer is obvious. However, Mr. President, I should dislike to do anything which would be contrary to the plans of the leader of the Senate. I hope that in the near future the majority leader will see his way clear to allow speedy action to be taken on the resolution.

Mr. MEAD. Mr. President, will my distinguished colleague from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. MEAD. I had hoped that the resolution would receive the approval of the majority leader this morning. I agree with every contention the Senator from New Mexico has made concerning the necessity of the proposed investigation. I know something of the plight of the people of Puerto Rico. I will agree to follow the sponsor of the resolution, provided we shall be able to secure its consideration at a very early date. I believe that for every day we allow to pass without action a certain degree of responsibility will be chargeable to us.

I hope that my distinguished colleague from New Mexico, who is well acquainted with the situation in Puerto Rico, as is also my distinguished colleague from Maine, will continue to press the resolution, that it will be adopted at a very early date, and that every possible contribution which can be made to ameliorating the conditions in Puerto Rico will be speedily accomplished.

I commend the Senator from New Mexico for offering the resolution, and I hope the leaders on both sides of the aisle will cooperate with him to the end that early consideration may be given to legislation designed to remedy the situation.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. McNARY. I attempt to be cooperative most of the time. I do not know what this is all about. What is being discussed?

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. CHAVEZ. I yield.

Mr. BARKLEY. The matter under discussion is a resolution, submitted a few days ago by the Senator from New Mexico, authorizing the Committee on Territories and Insular Affairs to appoint a subcommittee to conduct an investigation with regard to the food situation and other conditions in Puerto Rico.

The resolution under discussion provides for the appropriation of funds, and, of course, it automatically must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHAVEZ. Permit me to say at that point that I am not interested in funds to finance a trip to Puerto Rico. I am interested in a committee being appointed as soon as possible, because there is sufficient information in Washington at the present time to show that action should be taken now without the necessity of going to Puerto Rico.

Mr. BARKLEY. Nevertheless, the Senator's resolution carries provision for an appropriation of $5,000, and he knows that, under the rules, before it can be considered by the Senate, it must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHAVEZ. That is correct.

Mr. BARKLEY. If we abrogate that rule with respect to one investigation, we will let down the bars with respect to all future investigations.

I desire to state that I am concerned, of course, as are the Senator from New Mexico and all other Senators with whatever the situation may be which now obtains with respect to food in Puerto Rico, or in any other islands or territries over which we have jurisdiction. We all know that the trouble arises from a lack of shipping. The Senate cannot allocate ships for the transportation of food to Puerto Rico. The Interior Department itself cannot do so. That is a matter under the control of the Maritime Commission and the War Department. It is true, as suggested in the Senator's remarks, that an effort has been made to arrange for the necessary ships to transport to Puerto Rico the required amount of food for the people of that island. Those who are in charge of the allocation of available ships have not been able to accomplish this purpose. The same statement applies to shipping between Cuba and the United States, and between South America and the United States, and that is the reason why sugar and coffee are now being rationed. There is plenty of coffee, but there are not sufficient ships available to bring it to this country. That is, of course, a hardship on people who raise coffee, but there will be no remedy for it until we get more ships. I realize that our obligation to Puerto Rico is greater than our obligation to buy coffee from Brazil, and other countries, or perhaps greater than our obligation to buy sugar from Cuba, but the situation arises because of a shortage of shipping facilities. I believe that everyone will admit that situation is as I have indicated, and just what we can do by an investigation to bring about a larger allocation of ships to carry food or other things back and forth between the United States and Puerto Rico I do not know. However, I feel that, in view of the fact that the resolution, which has been pending before the Committee on Territories and Insular Affairs for 2 or 3 weeks, and has just now been reported, involves an appropriation, it must go to the Committee to Audit and Control the Contingent Expenses of the Senate, and it would be unwise to try to get action on it today.

Mr. CHAVEZ. The committee is not so much interested in the appropriation which may necessarily have to be made.

Mr. BARKLEY. If the Senator is not interested in the appropriation, he ought to have it stricken out. It is in the resolution.

Mr. CHAVEZ. Except as it may be necessary in the future.

Mr. BARKLEY. I am not criticizing the Senator from New Mexico. If the Senate authorizes an investigation, funds may be required, and it is entirely proper to have provision for funds included in the resolution. But even if there were no provision for funds contained in the resolution, and it did not have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, I would still feel that it ought not to be taken up today, because many Senators are absent. We had a general understanding in the Senate that there would be no legislation of any serious nature taken up this week, though we did not

go into details about the matter. Many Senators are away, and I think we ought to observe that understanding. There is not a quorum in town today. I do not know that there will be any controversy about this matter, however, when it shall be considered.

Mr. CHAVEZ. I understand that. I generally defer to the wishes of the Senator from Kentucky in matters of this kind.

Mr. BARKLEY. I appreciate that. The Senator is always very cooperative.

Mr. CHAVEZ. I try to be; but I wish to impress upon the Senate the necessity for taking action as soon as practicable. It is absolutely necessary that action be taken quickly. I know it is said that we cannot get the ships necessary for the purpose. I know it is said that this department or the other department is doing all it can; but the Senate itself ought to be informed as to what are the conditions in Puerto Rico.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. McKELLAR. Of course, I shall not object to the resolution going over today, but I think it ought to be attended to at the earliest possible moment. The question involved is one of very great seriousness. I understand—and it seems to be generally admitted—that many of the people of Puerto Rico are starving. We know what the general situation is in reference to Puerto Rico. Many of its people are very poor and when shipping is interrupted they suffer. It is our duty to see to it that they are relieved to the greatest extent possible. I think the principal thing involved is ships, as the Senator from Kentucky has said, and we all know that lack of ships is the principal trouble; but, in my opinion, it is the duty of the Congress and the duty of the Committee on Territories and Insular Affairs to take up this matter at the very earliest possible moment and look into it. Our country ought not to be placed in the position of allowing any of its citizens to starve, even for a short time. So far as I am concerned, as a member of the Committee on Territories and Insular Affairs, I shall help the Senator with respect to his resolution in every way I can. I have already done so and expect to continue to do so.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. McNARY. I am not familiar with the matter involved, save from what I have heard today, but waiver by the Senate of the rule providing for reference of such a resolution as this to the Committee to Audit and Control the Contingent Expenses of the Senate can be made by unanimous consent only. The committee having jurisdiction of the substantive matter having reported the resolution it must, under the rule, go to the Committee to Audit and Control the Contingent Expenses of the Senate, with reference to consideration of the matter of payment of the expenses involved. The policy of the Senate is not to waive the rule with respect to such matters.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. BREWSTER. I trust that as soon as the Committee to Audit and Control the Contingent Expenses of the Senate can report the resolution it will be considered, in order, without any delay. I quite agree with the statement that reference to that committee is necessary; but I may say in commenting on what the majority leader has said, that this seems to be one of the cases where Mr. Douglas, the Deputy Administrator of Shipping, is embarrassed by the inhibitions of the War and Navy Departments, who are naturally thinking of the war effort which is their responsibility; but we have responsibility to the people of Puerto Rico. If in our zeal to win this war for the freedom of democracy we permit a million Puerto Ricans to starve to death, I think a tremendous share of the responsibility would fall upon us. I understand that Mr. Douglas has written a letter to the Commissioner for Puerto Rico, saying that the only reason why he cannot allocate shipping is that the War and Navy Departments will not approve. We must in some way, and I assume through legislative responsibility and action, bring home to the War and Navy Departments that we have responsibilities to these poor unfortunates in Puerto Rico, and I conceive the resolution of the Senator from New Mexico may be the only way in which it can be properly and appropriately expressed.

Mr. CHAVEZ. Mr. President, neither the Senator from New Mexico nor any other member of the Committee on Territories and Insular Affairs wants to embarrass either the Navy Department or the War Department in their functions, but nevertheless it is my opinion, based upon knowledge of what the conditions are in Puerto Rico, and the time it takes departmental Washington to act, that a committee will have to do the work, and no one else. It will have to be Congress which will take action on this matter, under congressional responsibility. I hope the Senator from Kentucky will agree to an early consideration of the resolution.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. DOWNEY. I wish to say that I am extremely sympathetic with the purposes of the resolution, and I hope the authority desired by the Senator from New Mexico will soon be granted by the Senate.

Mr. President, unhappily our very critical situation in relation to farm labor in the United States is becoming more and more clear. I am told there is a possibility of getting two or three hundred thousand farm workers from Puerto Rico into the United States. Whether the Senator has in mind to investigate that situation I do not know, but I think there is a possibility that all loss which may accrue to our shipping strength might much more than be made up by bringing back Puerto Ricans, who are now employed in Puerto Rico, to work in the fields. I hope that matter will receive the attention of the distinguished Senator from New Mexico.

Mr. CHAVEZ. I understand that the labor authorities in Puerto Rico have submitted some information with reference to labor and skilled mechanics who would be available to this country provided they could come here. Of course, it is an interesting question, and I am sure the committee will look into that matter, as it should. I thank the Senator from California.

The VICE PRESIDENT. Under the rule, Senate Resolution 309 will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CONNALLY:

S. 2878. A bill for the relief of Col. E. H. Tarbutton; to the Committee on Claims.

(Mr. REED (for himself and Mr. GILLETTE) introduced Senate bill 2879, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. MEAD:

S. 2880. A bill to aid small independent business of the country by the collection and dissemination of knowledge of business management and its application to specific problems and opportunities, that the American system of free enterprise may be strengthened and that individual small business may be continued at a profit both to the businessman and the community; to the Committee on Commerce.

AMENDMENT OF EMERGENCY PRICE CONTROL ACT WITH RESPECT TO PROCEDURE AND APPEALS

Mr. REED. Mr. President, on behalf of the senior Senator from Iowa [Mr. GILLETTE] and myself, I introduce a bill to amend the Emergency Price Control Act of 1942, as amended, only with respect to procedure and appeals thereunder, and ask that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The bill will be received and referred as requested by the Senator from Kansas.

The bill (S. 2879) to amend the Emergency Price Control Act of 1942, as amended, with respect to procedure and appeals thereunder, was read twice by its title and referred to the Committee on the Judiciary.

CORRECTION IN THE ENROLLMENT OF SENATE BILL 2794

Mr. BARKLEY. Mr. President, I submit a concurrent resolution and ask for its present consideration.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read the concurrent resolution (S. Con. Res. 37), as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2794), entitled "An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes," the Secretary of the Senate is authorized and directed to make the following changes in House engrossed amendment numbered 1 to said bill, viz: In line 2 of said House engrossed amendment after "and" insert "after 'disposition.'"

In line 2 of said House engrossed amendment strike out "within" and insert "Within."

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. DANAHER. Mr. President, reserving the right to object, I wish to have the Senator from Kentucky explain the purpose of the resolution.

Mr. BARKLEY. The purpose of the resolution is to divide a sentence by inserting after the word "disposition" on page 2, line 4, of the bill a period, and to commence the next sentence with a capital instead of a small letter.

Mr. DANAHER. What would the adoption of the resolution do to the legislation providing that we now perfect the grammar?

Mr. BARKLEY. It would result in carrying out the wishes of both Houses of Congress in enacting the legislation, which was not carried out by reason of some oversight in the draftsmanship. The purpose of the resolution is to make the punctuation appropriate.

Mr. DANAHER. The Senator from Kentucky is satisfied that it is a desirable change, I take it.

Mr. BARKLEY. Yes; I think it is.

Mr. DANAHER. I thank the Senator.

The VICE PRESIDENT. The question is on considering and agreeing to the resolution.

There being no objection, the concurrent resolution was considered and agreed to.

ADMINISTRATION OF LAWS RELATING TO AGRICULTURAL COMMODITY PRICES AND SUBSIDIES

Mr. GILLETTE (for himself and Mr. REED) submitted the following resolution (S. Res. 312), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete continuing study and investigation of the administration of the laws relating to (1) maximum prices for agricultural commodities or commodities processed or manufactured in whole or substantial part from agricultural commodities, including the allowance of generally fair and equitable margins to processors of such commodities; (2) the payment of subsidies, direct or indirect, with respect to the production, processing, or distribution of agricultural commodities or commodities processed or manufactured in whole or substantial part from agricultural commodities; and (3) the operations of Commodity Credit Corporation, particularly with reference to losses sustained because of such operations in agricultural commodities for the purpose of maintaining minimum or maximum prices or otherwise. The committee shall, from time to time, report to the Senate the results of its investigation together with its recommendations, if any, for necessary legislation. The expenses of the committee under this resolution, which shall not exceed $_____, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

PREPARATION AND CONSUMMATION OF THE WAR EFFORT (S. DOC. NO. 285)

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed as a Senate document three insertions which I made in the CONGRESSIONAL RECORD during this month, giving a detailed list of legislative enactments which have been the result of the work of Congress prior to and since December 7, 1941. I had them inserted separately, one pertaining to domestic legislation, another pertaining to legislation prior to Pearl Harbor, and another insertion containing legislation since Pearl Harbor. I ask that they be published as a Senate document so that they may be referred to altogether for the benefit of Senators.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REQUISITIONING OF BRANCH LINE RAILROADS

Mr. REED. Mr. President, a few weeks ago I offered Senate Resolution 297, having to do with the policy of the War Production Board and the Office of Defense Transportation, as to the requisitioning of branch-line railroads. The Senator from Kentucky [Mr. BARKLEY], the majority leader, of whom we are all very fond, was a little suspicious of me on that day, and feared that I was causing some trouble.

Mr. BARKLEY. I was not suspicious. That is not quite the word. I was in search of information, which I received, and after I received the information then, even if I had had any suspicion, it was dissipated.

Mr. REED. I agree with that statement, and thank the Senator. I want the Senator from Kentucky and the Senate to know that the subcommittee appointed by the Committee on Interstate Commerce, consisting of the senior Senator from Colorado [Mr. JOHNSON], the chairman of the subcommittee, the Senator from Arizona [Mr. MCFARLAND], and myself have held five sessions. So, far from trying to cause trouble, we have done a constructive work. The WPB and the ODT are now modifying their procedure.

Mr. President, I ask permission to have printed in the RECORD at this point as a part of my remarks a statement issued by Mr. Eastman, of the Office of Defense Transportation, describing the new policy under which the people in any community where a branch-line railroad is affected or sought to be requisitioned, will be given a chance to be heard.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The military services of the Nation have great need for relay rails. They have sought to obtain the necessary supply from the abandonment of unnecessary railroad lines. Authority from the Interstate Commerce Commission is a prerequisite to actual abandonment, and where there are protests and hearings are necessary under the law, the process of obtaining such authority may be slow. There are also instances where railroads, because of legal complications with respect to mortgages and the like, do not file applications for authority where the case for abandonment is otherwise clear.

In these circumstances and because of the urgent need for relay rails, the military and other departments concerned arrived at the conclusion that the Government should exercise the war power granted by Congress to requisition the rails without waiting for the Interstate Commerce Commission to grant authority to abandon. Such requisitioning, under present conditions, as a practical matter prevents operation of the line from which the rails are taken, although in my opinion the owning railroad company remains under obligation to resume operations whenever it is possible to replace the rails, unless and until authority to abandon is obtained from the Commission.

To safeguard the public interest in transportation against ill-advised exercise of the power to requisition the rails, however, the Office of Defense Transportation was asked by the War Production Board, in which the process of requisitioning is now centralized, to make a quick survey of each line as to which requisitioning is proposed for the purpose of certifying whether the track in question is or is not essential to transportation service during a war economy. The Office of Defense Transportation, accordingly, has been making such surveys and certifications.

Complaint has arisen because of the summary character of this procedure, and upon consultation between the Office of Defense Transportation and the War Production Board, it has been decided that it should be modified in certain respects.

Obviously the question upon which the Office of Defense Transportation passes in such cases is not as broad as the question upon which the Interstate Commerce Commission passes in determining whether "public convenience and necessity" permit the permanent abandonment of a line of railroad. Obviously, also, if the Office of Defense Transportation is to act quickly, as the war necessity demands, it cannot follow the same formal procedure as the Commission.

It has been decided that in determining whether the line in question is essential to the current transportation effort, the Office of Defense Transportation should consider, not only whether the line is useful for the transportation of critical war materials, munitions, troops, and the like, but also whether it performs other service which is of substantial importance from the standpoint of the general public interest. The conclusions reached must, of course, be related to war conditions. They are not to be taken as a finding with respect to "public convenience and necessity" under normal conditions, such as is made by the Commission.

To meet criticism of the procedure, it has also been decided that upon receiving a request for certification with respect to any railroad line which is in operation and the abandonment of which has not been authorized by the Interstate Commerce Commission, the Office of Defense Transportation will make public the fact that such a request has been received. Thereupon Ralph H. Jewell, who has been an examiner in the Bureau of Finance of the Commission and whose services have been loaned by the Commission to the Office of Defense Transportation, will assemble all of the information readily available in regard to the line in question. Within one week, if possible, he will make a brief report to the Director of the Office of Defense Transportation stating the relevant facts in regard to the line as developed by his inquiry and making recommendations as to the certification to be made by the Director to the War Production Board. This report will at once be made public and copies will be transmitted with the utmost expedition to those who have made request therefor. An opportunity will be given to send in writing to the Office of Defense Transportation, on or before a date specified in the report and which will not be less than 2 weeks from the date it is made public, comments and criticisms upon either the facts stated in the report or upon the recommendations. If desired these comments and criticisms may be presented by representatives of the protestants in person to Mr. Jewell within the period stated. After receipt of any such statements in writing, the Office of Defense Transportation will as soon as possible make its certification to the War Production Board.

Mr. REED. Mr. President, I also ask to have printed in the RECORD at this point as a part of my remarks an editorial entitled "Rail Seizures," published in the Washington Star of October 27, 1942.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAIL SEIZURES

In view of the severe restrictions imposed on motor transportation by the war, the Office of Defense Transportation and War Production Board have adopted a reasonable course in deciding hereafter to give more extended consideration to those cases in which it is proposed to abandon a railroad line to obtain rail for military posts and war plants.

Because of the urgent need of rails for relocating tracks, the WPB for several months has been requisitioning lines which the ODT certified were not essential to the war effort, without affording an opportunity for hearing to interests thus deprived of rail service. With one exception, the railroads themselves had petitioned the Interstate Commission for abandonment because of declining revenues, but on several occasions the commission had not reached a decision when the WPB acted, and in at least one case a commission examiner had recommended against a part of the contemplated abandonment.

Such summary procedure was bound to result in hardship, especially since the country is becoming more and more dependent on the railroads because of the gasoline and rubber shortage. It could be justified, of course, on the grounds of need, but at the same time it did not permit of an appraisal of protests that might be well founded, and brought about a situation that has resulted in a Senate inquiry.

Under the new arrangements, sufficient notice will be given of proposed abandonment to let any protestants be heard. The ODT will weigh the merits, but the proceedings will not be allowed to drag. All in all, this would seem to be a reasonable change of policy.

REAR ADMIRAL EMORY S. LAND

Mr. AIKEN. Mr. President, on yesterday I addressed a communication to Hon. DAVID I. WALSH, chairman of the Senate Committee on Naval Affairs in reference to Senate bill 2792, which is now being considered by the committee. As the contents of this letter should be of interest to all Members of the Senate, I ask unanimous consent to have it printed in the RECORD, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 28, 1942.

Hon. DAVID I. WALSH,
Chairman, Senate Naval Affairs Committee, Washington, D. C.

MY DEAR SENATOR WALSH: This letter pertains to S. 2792, which you introduced on September 21, 1942, and which provides "for the advancement of Rear Admiral Emory S. Land, Construction Corps, United States Navy, retired, to the rank of vice admiral."

As this bill is intended to provide special legislation for the promotion of one man, I feel impelled to present my observations on the matter to your committee.

Let me say at the outset, that I believe in the full recognition of meritorious service for any of our public officials, whether in or out of the armed services. Before enacting such legislation, however, it seems to me that two determining factors should be self-evident. First, that the man himself, to whom such special legislation would apply, is genuinely deserving of the promotion. Secondly, that the public interest will be genuinely served by the special consideration given him.

I am not acquainted with Admiral Emory S. Land and, so far as I know, I have never seen him. I only know that he is Chairman of the United States Maritime Commission and as such should be held fully responsible for the acts of the Commission.

As a Member of the Senate, and as a member of the Committee on Expenditures in the Executive Departments, I have felt it my duty to become acquainted, as far as possible, with the work of the several departments of Government and with special regard to the manner in which public finances have been handled. I regret to say that after such study of the Maritime Commission as I have been able to make, I have been forced to the conclusion that through acts of this Commission, public funds contributed by the taxpayers have been rashly dissipated and misused.

My requests for information on matters to which any member of the Senate is clearly entitled, and such as have been courteously furnished by other departments of government, have been met by evasion and discourtesy on the part of the Chairman of the Maritime Commission. This statement will be borne out by copies of the correspondence between myself and Admiral Land, which I am enclosing with this communication. A public official who has done his duty and has nothing to conceal would not resort to long, evasive letters such as I have received from Admiral Land.

Specifically, I wish to call your attention to these facts:

On June 29, 1942, the Comptroller General of the United States, the Honorable Lindsay C. Warren, transmitted to the Congress "A report of irregularities in the construction by the United States Maritime Commission of certain vessels under contracts with the Tampa Shipbuilding & Engineering Co. and in the sale thereof to the Navy Department." This report is embodied in Senate Document No. 230, Seventy-seventh Congress, second session. The following excerpt therefrom shows the scope of the inquiry upon which it was based and the findings and conclusions of the Comptroller General:

Report of irregularities (1) in the construction by the United States Maritime Commission of certain vessels under contracts with the Tampa Shipbuilding & Engineering Co. and (2) in the sale thereof to the Navy Department:

As a result of examination by the General Accounting Office of contracts and other records of the Tampa Shipbuilding & Engineering Co. (hereinafter referred to as the "old company"), Tampa Shipbuilding Co., Inc. (successor to Tampa Shipbuilding & Engineering Co., hereinafter referred to as the "new company"), Reconstruction Finance Corporation (hereinafter referred to as "RFC"), the Navy Department, and the United States Maritime Commission (hereinafter referred to as the "Commission"), certain matters were disclosed which are required to be reported to the Congress under the provisions of section 312 of the Budget and Accounting Act, 1921 (42 Stat. 26).

The apparent irregularities disclosed are summarized briefly as follows:

(1) On November 14, 1940 the Commission and the new company purport to have sold to the Navy Department 3 uncompleted vessels, designated as hulls 34, 35, and 36, at prices aggregating $1,129,407.78 in excess of the adjusted lump-sum contract prices for the completion of said vessels;

"(2) On April 16, 1941, the Commission and the new company also accomplished, in effect, a sale to the Navy Department of the new company's contracts with the Commission for the construction of, and materials on hand for, four other vessels, designated as hulls 37, 38, 39, and 40, at prices aggregating $797,160.74 in excess of the value thereof based on the adjusted lump-sum contract prices and the stated percentages of completion;

"(3) In effecting each of said sales, the Commission indulged fictional or pretended sales to the new company, apparently organized for that purpose, and said new company, in the instance of each sale, consummated a contemporaneous sale which had been previously arranged by the Commission, of the respective hulls to the Navy Department, notwithstanding the fact that title to such hulls, as well as the materials on hand, was vested in the Commission under existing contracts;

"(4) At the time of the reorganization (November 14, 1940) the records reflected the net worth of the old company to have been $47,012.36, whereas the same assets (after recordation of the sale of hulls 34 to 36 to the Navy Department, plus $500 paid for the stock of the new company) and liabilities were recorded on the books of the new company so as to reflect a net worth of $2,037,561.48;

"(5) The net worth of the new company is represented by 10,000 shares of no-par-value stock owned by George B. Howell, president of said new company, for which he paid only $500;

"(6) During the period May 21, 1938, to April 16, 1941, the RFC loaned and advanced to the old company and the new company large sums of money for operating capital and plant improvements, during which period the Commission, at the demand of the RFC, guaranteed the debt of the companies to the RFC to the extent of more than $300,000, without lawful authority;

"(7) Simultaneously with the acquisitions by the Navy Department, as aforesaid, and the payment by it of the considerations therefor, the Navy Department entered into cost-plus-fixed-fees contracts with the new company for the conversion and completion of the hulls so acquired, and, with the funds paid to said new company by the Navy Department, said company's direct indebtedness to the RFC was paid; the Commission received the return of progress payments made by it on account of the construction of said hulls to the dates of their acquisitions by the Navy Department, and the companies' indebtedness to two Tampa banks (Exchange National Bank and First National Bank) were paid in full."

In connection with paragraph (7), I interrupt the quotation from the report and particularly call your attention to the testimony of Admiral Land on page 268 of part 1 of the hearings on the independent offices appropriation bill for 1943. At that hearing Admiral Land said:

"The Tampa, Fla., Shipbuilding Co., which was started up by the Maritime Commission, has been taken over by the Navy and is completely in the Navy's hands. That is a yard we started from scratch and you know the heck of a time we had when we started it."

I further call your attention to pages 5 and 6 of the report on the Tampa Shipbuilding and Engineering Co. by the Comptroller General, where it is shown that a reappraisal of the property was made fixing value of the land at $1,253,242 and plant and equipment at $1,838,848.67, making a total reappraisal valuation of $3,092,090.67, although prior to the reappraisal the land had been carried on the books of the company at a value of $195,218 and the plant and equipment had been carried at $1,066,311.47.

It is also to be noted that George B. Howell, the trust officer of the Exchange National Bank of Tampa, Fla., one of the creditor banks, and who later became sole stockholder and President of the new company, had previously stated in a letter to the secretary of state at Tallahassee, Fla., that the land was not worth the back taxes of $57,000. (See Compt. Gen. Rept., pp. 3–4, 6.)

Thus the Maritime Commission, which, according to its Chairman, was wholly familiar with the property, permitted a reappraisal to be made boosting the value of land, plant, and equipment from $1,261,529.47 to $3,092,090.67, or an increase of $1,830,561.20. This very questionable revaluation was apparently indulged in to justify further financial assistance to a practically insolvent company.

The excerpt from the report of the Comptroller General continues:

"(8) The acquisitions by the Navy Department were designed to redeem, and had the effect of redeeming, the old company from its then insolvent condition, and of redeeming the investments of the Commission, the two Tampa banks, and the Reconstruction Finance Corporation through unauthorized expenditures of funds appropriated to the Navy Department;

"(9) The only changes effected by the so-called reorganization through the organization of the new company were the restoration of the capital structure through the donation of approximately $2,000,000 appropriated moneys, and stock ownership and control for which only $500 was paid by George B. Howell, president of said new company;

"(10) Expenses incident to launching vessels, including transportation, hotel expenses, gifts for sponsors, etc., aggregating $4,072.22 were, in effect, paid from public funds under the so-called reorganization plan;

"(11) The Commission entered into a contract with the new company for the shifting of hull 34 from Tampa, Fla., to Mobile, Ala., after the transfer to, and acceptance of, said hull by the Navy Department;

"(12) The Commission failed to determine the amount of any excess profits for recapture as required by law; and

"(13) The use of funds from the Navy Department appropriation, '17X0604. Alterations to naval vessels,' for the acquisition of hulls, the keels of some of which had only recently been laid, was unauthorized."

So far as I know, these charges of the Comptroller General, in the matter of the Tampa Shipbuilding Corporation, have never been explained or denied by the Maritime Commission.

H. House Document No. 840, Seventy-seventh Congress, second session, entitled "A Report of Investigation by Representatives of the Comptroller General's Office of the Contracts and Other Records of the United States Maritime Commission," deals with transactions between the United States Maritime Commission and the Waterman Steamship Corporation and is summarized as follows:

"GENERAL ACCOUNTING OFFICE,
"OFFICE OF COMPTROLLER GENERAL,
"Washington, August 8, 1942.

"Report of the sale by the United States Maritime Commission to Waterman Steamship Corporation of five obsolete vessels from the Commission's laid-up fleet, with option to repurchase said vessels, and the subsequent purchase from said corporation of five other similar and older vessels at greatly enhanced prices, instead of exercising said option:

"Examination by representatives of the General Accounting Office of the records of the United States Maritime Commission brings out certain matters which are required to be reported to the Congress under the provisions of section 312 of the Budget and Accounting Act, 1921 (42 Stat. 26), and which involve apparent irregularities, summarized as follows:

"(1) On June 8, 1940, the United States Maritime Commission (hereinafter called the Commission) made and entered into an agreement in writing with the Waterman Steamship Corporation, of Mobile, Ala. (hereinafter called the corporation), by which the Commission sold to the corporation five obsolete vessels from the Commission's laid-up fleet at and for the aggregate price of $596,000 (or an average price of $13.76 per dead-weight ton), with the right, at the Commission's option, to repurchase said vessels at such price, plus improvements made thereon by the corporation, less depreciation, as hereinafter shown.

"(2) In connection with, and as part of the consideration for, the sale of June 8, 1940, the corporation obligated itself to construct, or cause to be constructed, four new vessels to be added to the American merchant fleet; and thereafter, by an agreement dated on or about November 6, 1940, the corporation undertook the construction of four new vessels by and through its wholly owned subsidiary, the Gulf Shipbuilding Corporation such construction to be entirely at the corporation's expense and without aid by the Commission under the Merchant Marine Act, 1936, as amended.

"(3) In late 1941 and early 1942 the Commission purchased from the corporation five other and older vessels at and for prices aggregating $3,374,700 (or an average of $75 a dead-weight ton), instead of exercising said option to repurchase the vessels sold under the agreement of June 8, 1940, and paid said aggregate price to the corporation.

"(4) In purchasing the five vessels from the corporation as aforesaid, instead of exercising the option to repurchase the vessels sold under the written agreement of June 8, 1940, the Commission laid out and expended the sum of $1,995,502.68 more than it should and would have expended had it exercised said option, without regard to reasonable depreciation of the vessels sold under said written agreement, as will more fully and clearly hereinafter appear.

"(5) The purchase of said vessels by the Commission from the corporation was consummated and the full purchase price of $3,374,700 was paid directly to the corporation, after it, on October 25, 1941, had applied in writing to the Commission under section 510, Merchant Marine Act, 1936, as amended, to trade in certain obsolete vessels (including some of those purchased from the corporation as aforesaid), and for a credit of the value thereof to be applied against the promised construction of eight new vessels to be added to the American merchant fleet, which application was never acted upon by the Commission.

"(6) The five obsolete vessels were purchased by the Commission from the corporation as aforesaid without the formality of a written agreement stating the terms and conditions of the sale, and the transaction was closed by the execution, delivery, and recording of bills of sale for the vessels, each of which instruments recited only a nominal consideration of $10.

"(7) After said five vessels had been purchased from the corporation as aforesaid (following said application under sec. 510, Merchant Marine Act, 1936, as amended, which was not acted upon by the Commission), and after the purchase price thereof had been paid to the corporation, the corporation attempted to establish a construction reserve fund under the provisions of section 511, Merchant Marine Act, 1936, as amended, in such manner as to enable the corporation to avoid or defer the payment of income tax on the gain or profit of, to wit, $1,995,502.68, realized by it through the sale of said five vessels to the Commission in late 1941 and early 1942, on the theory and apparent promise that said fund would be used in the construction of new vessels for addition to the American merchant marine, but a dispute has arisen between the Commission and the corporation as to the way and manner in which said so-called construction reserve fund shall be used and applied, which dispute is now pending before and is undetermined by the Commission, and which dispute is now under consideration by Commissioner John M. Carmody with a view to a report by him thereon to the Commission.

"(8) It is claimed on behalf of the Commission that the five vessels acquired from the corporation in late 1941 and early 1942 were purchased pursuant to the proclamation of the national emergency by the President on May 27, 1941, and under the provisions of the act of June 6, 1941 (55 Stat. 242), infra, which act provides that vessels may be purchased for the emergency at such prices as the Commission 'may deem fair and reasonable and in the public interest'; but that act contains no provision for the trade-in of, and the allowance of credit for, obsolete vessels against new vessels to be constructed as provided in sections 510 and 511, Merchant Marine Act, 1936, as amended, as hereinafter shown."

These charges in the matter of the Waterman Steamship Corporation have been the subject of a weak and unconvincing explanation by the Commission in a letter dated October 15, 1942, addressed to Hon. Schuyler O. Bland, chairman of the House Committee on the Merchant Marine and Fisheries.

In fact, the explanation and semidenial of wrongdoing by Chairman Land are more damning than helpful to the Maritime Commission. If, as this letter states, the Commission considered $75 per dead-weight ton a "fair and reasonable price," the Commission is plainly convicting itself of wanton disregard of public welfare in selling similar vessels at a rate of $13.76 per ton. Furthermore, it would be interesting to learn why the Maritime Commission had previously placed an insurance valuation of $100 per dead-weight ton on similar vessels. Certainly your committee should know why the Commission placed insurance values of several times the actual selling price on these obsolete ships.

The two reports describe transactions wherein approximately $4,000,000 of the taxpayers' money has been dissipated. In fact, these transactions appear to go beyond the realm of dissipation. They smell to high heaven of rank incompetence and collusion with private interests, for which the Maritime Commission and its chairman should be held accountable.

In order to clear the United States Maritime Commission of these charges, it will be virtually necessary to discredit the Comptroller General's office. I will say, frankly, that since I have been a Member of the Senate, I have come to the conclusion that the Comptroller General's office, under the Hon. Lindsay C. Warren, is an outstanding example of honesty and efficiency which all other executive departments of Government might well emulate.

If, in the light of these two reports of the Comptroller General's office, the Committee on Naval Affairs decides to recommend promotion for the Chairman of the Maritime Commission, it is unlikely that any other evidence presented to the committee would carry much additional influence.

It is my belief that, in exposing these two unsavory transactions in which the Maritime Commission participated, the Comptroller General's office has barely scratched the surface of an almost unbelievable record of wastefulness and incompetence which has existed over a long period. In the payment of construction subsidies alone the Commission has financed private corporations to an unwarranted degree.

The Merchant Marine Act of 1936 made provision for the payment of subsidies to promote the construction of vessels in American shipyards. In paragraph (b) of section

502 of this act, as amended, you will find the following:

"*Provided*, That the construction differential approved by the Commission shall not exceed 33⅓ percent of the construction cost of the vessel paid by the Commission (excluding the cost of national defense features as above provided), except in cases where the Commission possesses conclusive evidence that the actual differential is greater than that percentage, in which cases the Commission may approve an allowance not to exceed 50 percent of such cost, upon the affirmative vote of four members, except as otherwise provided in subsection 201 (a)."

Notwithstanding the fact that competition of foreign shipyards virtually ceased with the begining of the war in Europe, the Maritime Commission continued to pay construction differentials as high as 50 percent on ships built in American yards. In some cases Italian and Danish shipyards were used in estimating foreign costs, even after Italy was in the war herself and Denmark was in the hands of Hitler.

The fact that the Seventy-sixth Congress on June 11, 1940, enacted legislation freezing construction differentials "upon the basis of conditions existing during the period prior to September 3, 1939," cannot in any way justify the payment of huge subsidies on American construction in view of the absence of any foreign competition.

On page 285 of the hearings on the independent offices appropriation bill for 1943, you will find that Admiral Land himself, after questioning by Congressman WIGGLESWORTH, admitted that the payment of these subsidies is only authorized, not compulsory.

In substantiation of my contention that 50 percent construction subsidies were paid after competition from foreign yards had ceased, I would refer you to the report accompanying H. J. Res. 537 made to the House on May 15, 1940. A letter from Admiral Land to the Honorable S. O. BLAND is incorporated in this report. On page 4 of this letter the Chairman of the Maritime Commission states, "The situation in Europe today is such that there could be no assurance whatever that a ship presently contracted for would be delivered to the party of the original construction contract." Yet, several months later, on July 17, 1941, Capt. Howard L. Vickery, a member of the Maritime Commission, testified before the subcommittee of the Committee on Appropriations of the House of Representatives in explanation of the reason why a 50-percent subsidy was then being paid for the construction of ships in American yards, that "We had convincing evidence." The statement, of course, referred to that provision of section 502 of the Merchant Marine Act requiring that the Commission possess "conclusive evidence" that the cost of construction in American yards would exceed the cost of construction in foreign yards to the extent that a 50-percent construction differential would be necessary.

Granting that it might have been desirable to continue a construction differential in order to increase the output of American ships, yet there could be no excuse whatever for exceeding the 33⅓-percent statutory limitation after foreign competition became nonexistent.

On 20 newly constructed vessels sold to private interests between January 1 and June 30, 1941, construction subsidies amounting to $24,885,454.25 were paid. On only 6 of these vessels did the subsidy amount to less than 50 percent of cost. Three of these vessels, on which a 50-percent subsidy amounting to over $1,000,000 per ship was paid, were built for the Alcoa Steamship Co., wholly owned subsidiary of the Aluminum Co. of America. In all, some $15,000,000 has been paid in subsidies for this company.

I can see no justification for using public funds to construct vessels for private corporations engaged principally in carrying their own goods.

In addition to calling your attention to the excessive prices paid to the Waterman Steamship Corporation for five obsolete ships, I wish to call your attention to the query of Congressman WIGGLESWORTH in the House on January 22 of this year as to "why the steamship *Seneca*, sold by the Coast Guard on September 1, 1936, to the Boston Iron & Metal Co., of Baltimore, for $6,605, should be repurchased by the Maritime Commission on January 8, 1941, for $45,000." The letters from Admiral Land to Chairman BLAND of the House Committee on the Merchant Marine and Fisheries in an attempt to explain this deal are not only contradictory, but indicate conclusively that the public interest was not well served by the transaction. This correspondence will be found on page A4110 of the CONGRESSIONAL RECORD, dated October 26, 1942.

It may be that some matters could be explained by the Maritime Commission, but when the Chairman of the Commission resorts to evasion and does not furnish information when requested to do so, an atmosphere conducive to confidence is not created.

In presenting this brief to your committee, I am not motivated by any desire to inflict punishment upon anyone, although it may be well merited, but simply because I do have a desire to see the intolerable conditions which for some years have existed in the Maritime Commission corrected.

From a review of material which has come before me, it appears that—

(1) The United States Maritime Commission has paid exorbitant and outrageous prices for old and obsolete ships;

(2) It has paid unwarranted subsidies for construction based on foreign costs long after foreign competition ceased to exist;

(3) It has paid operating subsidies after foreign competition virtually ceased, and even increased the amount of operating subsidies while foreign competition was rapidly decreasing;

(4) It has spent millions of dollars in subsidizing ships for private corporations, particularly the Alcoa Steamship Co., owned by the Aluminum Co. of America, when these ships were intended primarily to carry the goods of the corporation itself;

(5) It has failed to collect the statutory 3½ percent interest charge from shipping corporations on secured and miscellaneous accounts (other than new construction) constituting an estimated indebtedness of $45,139,824. (The amount collected for the fiscal year 1942 was $805,000, while 3½ percent interest on $45,139,824 would amount to $1,579,893.84);

(6) It has failed to recover excess profits from shipbuilding corporations;

(7) It has failed to recover 25 percent down payment on all ships sold, although required by law to do so;

(8) It has repurchased ships for sale to the Navy, paying the owners for the full amount they had invested without deducting for use of the ships or depreciation, as required by law;

(9) It has been a party to transactions whereby it has sold ships, both completed and under construction, to private corporations, which have thereupon, in accordance with understandings had with the Commission before it transferred title, resold the same ships to the Navy at higher prices which were not justified by increases in value (The case of the Tampa Shipbuilding Corporation is an example of this.);

(10) It has permitted willful extravagance, incompetent management, and looting to prevail at shipyards holding contracts with the Commission for the construction of vessels on a cost-plus-fixed-fee basis.

As a result of the Maritime Commission's extravagant and incompetent handling of the merchant marine, American taxpayers have been virtually robbed of untold millions.

In the light of all these circumstances, I must protest against the enactment at this time of special legislation to provide a promotion for the head of the Maritime Commission. I respectfully request your committee to withhold its approval of this legislation unless and until a satisfactory explanation is forthcoming with respect to the apparent irregularities herein mentioned, which, to my mind, raise grave doubts as to the efficiency and reliability of the Commission and its Chairman.

Finally I make this observation. American men are scattered on the far-flung battlefronts of six continents. The final outcome of the war may well depend upon America's ability to keep them supplied with the materials of war. We must rely upon the American merchant marine to maintain the life lines between them and their country. Only a merchant marine managed by an upright, fearless, competent, and strong Maritime Commission can perform the functions devolving upon it in this critical hour.

The Congress should promptly inagurate an impartial investigation to determine what changes in personnel and policy are necessary and take such steps as will insure those changes being carried out. Wastefulness, special privilege, and incompetence must go.

Very truly yours,

———— ————.

THE ROLE OF THE SAVINGS BANK IN WAR—ADDRESS BY HON. JOHN L. SULLIVAN

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an address on the subject "The Role of the Savings Bank in War," delivered by John L. Sullivan, Assistant Secretary of the Treasury, before the annual meeting of the Savings Banks Association of the State of New York, at New York City, on October 27, 1942, which appears in the Appendix.]

IRRIGATION IN THE WAR AND POST-WAR PERIOD—ADDRESS BY JOHN W. HAW

[Mr. HAYDEN asked and obtained leave to have printed in the RECORD an address entitled "Irrigation in Our War and Post-War Period," delivered by J. W. Haw, director of the Agricultural Development Department of the Northern Pacific Railway Co., at the eleventh annual meeting of the National Reclamation Association at Denver, Colo., on October 15, 1942, which appears in the Appendix.]

INDIA'S STATUS—LETTER FROM RAMLAL B. BAJPAI AND EDITORIAL FROM WASHINGTON POST

[Mr. MCNARY asked and obtained leave to have printed in the Appendix of the RECORD a letter addressed to him by Ramlal B. Bajpai, president of the executive committee, India League for Freedom and Democracy, and also an editorial from the Washington Post of October 15, 1942, entitled "What Next in India?" which appear in the Appendix.]

SOCIAL SECURITY TAX—ARTICLE BY M. S. RUKEYSER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article on the freezing of the social security tax, written by Merryle Stanley Rukeyser and published in the Pittsburgh-Sun Telegraph of October 6, 1942, which appears in the Appendix.]

MANPOWER ALLOCATION — RECOMMENDATION OF NORWALK, CONN., LEAGUE OF YOUNG REPUBLICANS

[Mr. DANAHER asked and obtained leave to have printed in the RECORD a letter, incorporating a recommendation for a survey of the manpower allocation situation addressed

to him by the League of Young Republicans of Norwalk, Conn., under date of October 23, 1942, which appears in the Appendix.]

The VICE PRESIDENT. The routine morning business is concluded.

NINETEENTH ANNIVERSARY OF THE PROCLAMATION OF THE TURKISH REPUBLIC

Mr. CONNALLY. Mr. President, I ask unanimous consent to proceed at this time with a brief statement on a very important matter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CONNALLY. Mr. President, today marks the nineteenth anniversary of the proclamation of the Turkish Republic. It is the principal Turkish national holiday. I feel certain that I am voicing the wishes of the United States Senate in extending most cordial felicitations to the brave people of Turkey.

Nineteen years ago today the Turkish National Assembly accepted the constitutional amendment proposed by the late great Kemal Ataturk, by which Turkey would become a republic. Kemal Ataturk was elected the first president of the Turkish Republic, and Ismet Pasha Inonu formed a cabinet. Thus Turkey, released from external troubles, was free to begin an era of reconstruction and progress.

New Turkey has made enormous strides under the republican form of government. Under the able leadership of her idolized President, Kemal Ataturk, plans were laid for Turkey's progress for centuries ahead.

The reforms and projects of Kemal Ataturk stood upon four square national foundations: peace, prosperity, honor, and strength. These foundations are not dependent upon one man's life or popularity for their execution.

Ismet Inonu, the present President of Turkey, who succeeded Kemal Ataturk in 1938, has carried on this popular leader's great work in building up a strong and respected, yet peace-loving nation, and fostering Turkey's leadership in the Near and Middle East.

The American people have been following with sympathetic interest new Turkey's steps of progress. The United States and Turkey have had a long history of friendly relations. Even during the World War of a quarter of a century ago the United States did not consider herself at war with Turkey.

Mutually profitable, Turkish-United States trade has played a considerable part in the cordial dealings of the two countries. According to Commerce Department figures, the United States had been a consistent purchaser of at least 20 percent of Turkey's total export products, ranking second among foreign buyers of Turkish goods up to the outbreak of the present conflict in Europe and furnishing Turkey with much needed foreign exchange and a favorable trade balance with the United States.

Of almost equal importance with the United States trade relations with Turkey in cementing the friendship between the two countries has been the large American investment in institutions of higher learning in Turkey.

Robert College, in Istanbul, now over 100 years old, is one of the most important centers of higher education in Turkey. Although Robert College is supported by American funds and administered by American educators, Turkish students constitute a majority of its enrollment.

Istanbul College, for women, and the International College at Izmir, of a few years ago, also contributed to education in Turkey. Both are largely supported by United States funds.

Today Turkey finds herself an island of peace within a world-wide conflagration, hoping to remain outside the vortex of war.

But then, other nations also hoped to maintain peace and neutrality in this global war. Norway wanted to remain at peace and neutral. So did Holland, Belgium, Poland, Czechoslovakia, Yugoslavia, Greece, and other victims of aggression. The fact is that none of those countries decided the question for themselves. In my estimation, Turkey's neutrality will last just so long as the forests of Turkish bayonets are ready to keep aggression at a respectful distance.

Turkey occupies an increasingly important place in future development. Her strategic position astride the refortified Dardanelles dominates land and sea routes between three continents. In the eyes of the aggressors, she is just a bridge suspended between the battle of Stalingrad and the battle of Libya.

True, it is reported that the Nazis are doing their best to convince the Turks that it is to Germany's advantage to avoid embroiling Turkey in the war; but at the same time the Germans have been subjecting Turkey to a propaganda barrage—a barrage of alternate flattery, attempts at bribery, and threats. But Turkey cannot be duped or intimidated by the war of nerves.

Anticipating Nazi attempts to bribe Turkey with territorial offers at the expense of neighboring countries, Ismet Inonu made it clear on several occasions that Turkey has no territorial claims in any direction.

All these promises of territory in Syria, Mosul, and Iraq are futile—

Wrote Deputy Yalchin, a prominent member of the Turkish National Assembly, in the newspaper Yen Sabah.

Turkey will not listen to this diabolical temptation. Turkey is not waiting to sell out to the higher bidder.

Nor will Turkey heed the utterly baseless rumors spread by Axis propaganda concerning alleged United Nations' plans to make Turkey give up parts of her European or Asiatic territories.

The Atlantic Charter is emphatic on the point that the United Nations "desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned."

Another important document, the Anglo-Soviet Pact, renounces territorial aggrandizement and interference in the affairs of other states, as the distinguished Turish journalist, Yalman, pointed out recently in the newspaper, Vatan. The fact, wrote Yalman, that the union and solidarity of the democracies "is not based on secret bargains, undeniably constitutes a powerful moral weapon." Similar views have also been expressed by Yalchin, Esmer, Sertel, Daver, and other distinguished Turkish journalists.

Turkey's capable leaders, President Ismet Inonu, Prime Minister Chukru Saracoglu, Foreign Minister Menemencioglu, as well as the late statesman, Dr. Refik Saydam, have repeatedly declared that Turkey is determined to maintain her political independence and territorial integrity.

Our country—

Said President Inonu—

has decided to defend our independence, security, and land. This is our greatest pride.

Meanwhile, American lend-lease aid to Turkey has helped to bolster the Turks against the perils of enslavement.

Although Turkey is not a belligerent against the Axis, nevertheless very appropriately she comes within the meaning of the lend-lease legislation.

As I said last year on the occasion of the extension of lend-lease to Turkey—

The President acted in compliance with American wishes in extending aid to Turkey * * * Turkey lies in the shadow of the Nazi war machine, but she has valiantly withstood repeated Nazi demands.

She certainly comes within the classification of a nation whose defense is important to our defense. I am confident that the President, by making lend-lease available to Turkey, has gone a long way toward making sure that Turkey remains a friend of democracy.

Turkey will remain a friend of democracy and will block the pathway of aggression to the Middle East with "a million bayonets," because of the manifest respective aims of the two war alinements. I feel certain that the great majority of Turkish people agree with the Turkish journalist Yalman who recently wrote in the newspaper, Vatan, that—

While Hitler has declared from the beginning that he is struggling to insure Germany eternal domination of the world, President Roosevelt's sole aim is to put an end to chronic insecurity prevailing in the world and thus insure to his country as well as to all the other nations lasting happiness and welfare.

These, indeed, are the principal aims of the United States and the United Nations: To insure to the world lasting peace, justice, happiness, and welfare.

May the brave and honorable people of Turkey always have a full measure of these blessings in a free world—a world of law and justice, a world of the "four freedoms."

RIGHTS-OF-WAY IN THE DISTRICT OF COLUMBIA FOR PIPE LINES AND COMMUNICATIONS LINES

Mr. REYNOLDS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 7491. The bill was passed by the House, and was reported to the Senate on Monday. It has been placed on the calendar and is Calendar No. 1714. The bill authorizes the Secretary of the Interior to give easements to the Sinclair Oil Co. to complete construction of a pipe line leading into the District of Columbia for the purpose

of bringing fuel-oil products to the District. The Secretary of the Interior has issued a permit under which work is now being done.

I have before me the report, which is a favorable one, submitted by the junior Senator from Ohio [Mr. BURTON].

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, the bill has just been explained to me by the able junior Senator from North Carolina. It seems of rather minor importance so far as general legislation is concerned. It would permit a right-of-way across a public park in the District of Columbia, so I understand.

Mr. BARKLEY. Is the bill the so-called pipe-line bill?

Mr. REYNOLDS. Yes. The bill passed the House, has been considered by the Senate Committee on the District of Columbia, and was favorably reported from that committee by the junior Senator from Ohio.

Mr. McNARY. I understand that; but I say the bill does not go to the substance of legislation generally. It is a very small item, is it not?

Mr. REYNOLDS. The Senator is correct; the bill does not go to the substance of legislation generally. It deals exclusively with this one particular title.

Mr. McNARY. I personally have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 7491) to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mr. REYNOLDS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 7621.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill (H. R. 7621) to amend the District of Columbia Unemployment Compensation Act was read, as follows:

Be it enacted, etc., That the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, is further amended to read as follows:

In section (3) (c), on the second line, between the words "year" and "on", strike out the figures "1943" and insert in lieu thereof the figures "1944."

Mr. REYNOLDS. Mr. President, the bill was passed by the House, was reported to the Senate last Monday, and is now on the calendar as No. 1715.

The bill postpones until July 1, 1944, the requirement of the District Unemployment Compensation Board to segregate employers into classes so as to vary the amount of employer contributions in such various classes. Because there is a bill in the House designated as H. R. 7686, proposing to change the method of determining these classes, I am informed that if the pending bill is not passed by November 1, then, the Unemployment Compensation Board will be forced to proceed to publish their formula for determining such classes.

House bill 7621 was reported to the Senate by the Senator from Ohio [Mr. BURTON], with the recommendation of the full committee that it be passed on or before November 1.

Mr. McNARY. Mr. President——

Mr. REYNOLDS. I am glad to yield to the Senator from Oregon.

Mr. McNARY. The Senator spoke to me rather hurriedly a few moments ago. I thought he had reference to the bill treating with the general subject, but I observe, if I have the correct calendar No. 1715, that it merely strikes out the figures "1943" and inserts in lieu thereof the figures "1944." Is that correct?

Mr. REYNOLDS. That is correct.

Mr. McNARY. So that it is merely a change of date.

Mr. REYNOLDS. It will merely give 6 months in which to adjust the matter.

Mr. McNARY. I have no objection to the consideration of the bill.

Mr. REYNOLDS. The whole subject is being dealt with in the House by way of another bill known as H. R. 7686.

Mr. McNARY. I think the bill might well be considered.

Mr. DANAHER. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. Certainly.

Mr. DANAHER. At the present time the Unemployment Compensation fund in the District is accumulated by an average contribution rate from the employers of not less than 2.7 percent. Is that not so?

Mr. REYNOLDS. The bill does not change the amount of the contribution.

Mr. DANAHER. But is not what I have stated correct?

Mr. REYNOLDS. I really am not in a position to say. As a matter of fact, I will be perfectly frank, and say that I am not familiar with the bill at all. I was not present in the Committee on the District of Columbia when the hearings were held. The secretary of the committee came to me this morning, in the absence of the Senator from Nevada [Mr. MCCARRAN], and asked me if I would not bring the bill to the attention of the Senate, in view of the fact that it is necessary that it be passed by November 1. I am not, I am unhappy to state, in a position to provide the Senator with any information in regard to the bill, and I am not at all familiar with the compensation subject.

Mr. DANAHER. I notice that the bill did not pass the House of Representatives until October 19 of this year.

Mr. REYNOLDS. That is correct.

Mr. DANAHER. Where has it been during the intervening time?

Mr. REYNOLDS. I do not know.

Mr. DANAHER. The point of my question as to which the Senator from North Carolina says he lacks information, and cannot give it to the Senate, is predicated upon this situation. As I gather it from the report, namely, that the unemployment compensation fund is contributed by employers in the District at a rate of 2.7 percent or, at least, at a rate not less than that. It appears further that there has accumulated a fund of some $30,000,000 of which only $10,000,000 are believed to be necessary for the purposes of the Unemployment Compensation Act. Therefore, the employers, in effect, say, and the District Commissioners recommend, that it be considered by us and found by us to be inequitable that employers be required to contribute at a rate greater than is necessary to maintain the fund in an amount requisite to carrying out the purposes of the act. That is, apparently, the status of the record. I never heard of the bill before, and I am not on the committee, but is my statement correct?

Mr. REYNOLDS. I am informed by the secretary of the committee that the Senator's statement is correct.

Mr. DANAHER. The result will be that during the coming year there is going to be a decrease in the rate of contribution paid by employers in the District of Columbia to the unemployment compensation fund. Is that so?

Mr. REYNOLDS. That is not true, I understand, of this bill.

Mr. DANAHER. What will be the effect of the change? That is what I want to know.

Mr. REYNOLDS. In answer to the Senator's inquiry as to where this bill has been since October 19, I am informed by the secretary of the committee that the matter was not pressed here, for the reason that it was hoped by the other House to pass a bill, House bill 7686, dealing generally with the subject. Not having been able to act on that bill, and recognizing that it could not be acted upon before November 1, they asked that this bill be passed in order that the matter may be delayed until July 1, 1944.

Mr. DANAHER. Does the Senator understand that the passage of this bill will constitute a precedent for any action with reference to the rate of contributions by employers throughout the country?

Mr. REYNOLDS. No; it will not.

Mr. DANAHER. Mr. President, I ask unanimous consent that in consideration of this bill the RECORD contain a copy of the report submitted by the Committee on the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 1661) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7621) to amend the District of Columbia Unemployment Compensation Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to extend the effective date of the employer merit-rating provisions of the existing law from July 1, 1943, to July 1, 1944.

Under existing law, beginning with July 1, 1943, the District Unemployment Compensation Board is directed to segregate employers into classes and to determine for employers in the District of Columbia the rate of contribution, graduating from not more than 4 percent to not less than 1½ percent. The District Unemployment Compensation Board is required further to determine this rate in such a manner that the

estimated total average contribution rate for all employers shall be not less than 2.7 percent. The existing law provides that all employers, for the present time until July 1, 1942, shall pay contributions at the rate of 2.7 percent.

The District Unemployment Compensation Board has to its credit, with the Secretary of the Treasury, in the District unemployment fund, in excess of $30,000,000. The District Unemployment Compensation Board feels that a reserve of $10,000,000 would be sufficient to protect the solvency of the fund. At the present contribution rate of 2.7 percent the benefit provisions of the act are easily complied with, and additional unneeded millions are being added to the fund annually. Under these circumstances, it seems inequitable at this time that many employers in the District of Columbia should have their contribution rate increased above 2½ percent, and in some instances as high as 4 percent, in order that other employers may receive a contribution rate of 1½ percent.

The committee recommend that the bill be amended to provide for extension of time until July 1, 1944, and that an additional year should be sufficient time for putting into effect the employer merit-rating provisions of section 3 (c) of the Unemployment Compensation Act.

In a letter addressed to the chairman of this committee, dated October 24, 1942, and signed by the Corporation Counsel of the District of Columbia, the Commissioners of the District of Columbia have advised this committee that they have no objection to the passage of this bill.

Mr. BARKLEY. Mr. President, as I understand, this bill, in effect, "freezes" the situation?

Mr. REYNOLDS. It maintains the status quo.

Mr. BARKLEY. It maintains the status quo which otherwise would be changed on the 1st of July 1943 so as to provide an additional year, until July 1, 1944.

Mr. REYNOLDS. That is correct. It gives 6 months in which to pass a general bill.

Mr. BARKLEY. The bill makes no difference whatever in the rate of pay or the contributions, but preserves the status as it is now until July 1944.

Mr. REYNOLDS. That is correct.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 7621) to amend the District of Columbia Unemployment Compensation Act, was considered, ordered to a third reading, read the third time, and passed.

FUNCTIONS OF WAR SHIPPING ADMINISTRATION

Mr. McNARY. Mr. President, I desire to make a very brief statement concerning Calendar No. 1711, House bill 7424, to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes.

I promised the chairman of the Senate Committee on Commerce, the distinguished Senator from North Carolina [Mr. BAILEY], that I would move today to recommit the bill to the Committee on Commerce. A great many of those engaged in shipping and transportation by water have objected to certain provisions of the bill, and I felt that it should be recommitted. I desire to explain why I shall not make the motion to recommit, so that the RECORD may indicate the fact.

Admiral Land, the Chairman of the Maritime Commission, called me and asked that I defer making the motion today, because he thought, in the meantime, there could be worked out, without reference to the committee, a modification which would be agreeable to the Maritime Commission, to the shipping interests of the country, and to the War and Navy Departments. So, in order to expedite the early consideration of the bill, I am going to leave its status unimpaired. That is the reason I shall not make the motion.

AUTHORITY TO SIGN ENROLLED BILL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Vice President be authorized to sign the enrolled bill (S. 2794) during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF POSTMASTER NOMINATIONS

Mr. BARKLEY. As in executive session, I ask unanimous consent that the postmaster nominations on the calendar be confirmed en bloc and that the President be notified. There are no other nominations on the Executive Calendar.

The PRESIDING OFFICER. As in executive session, without objection, the postmaster nominations are confirmed en bloc, and the President will be notified.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Raymond P. Ludden, of Massachusetts, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul; and

John Randolph, of New York, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sylvester J. Folse to be postmaster at Patterson, La., in place of S. J. Folse.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

INTERPRETATION OF PRICE CONTROL ACT

Mr. REED. Mr. President, as briefly as may be, I wish to discuss a very important question, a very important situation confronting the Senate, the Congress, and the people of the United States at this time. I shall try to make a summary of the situation, and I assure the Senate that this summary will be discussed upon the Senate floor.

Last week the Committee on Agriculture and Forestry concluded to hold hearings upon a resolution which expressed the sense of the Senate as to certain legislation which had been enacted. As we all know, the interpretation put by the executive and administrative officers upon the amendment to the so-called Price Control Act is at variance with the understanding entertained by many of us in the Senate—I think a majority. This is so important that I think the question which I shall discuss may fairly be divided into two parts: First, the effect of the different interpretations of the act and the administration of the act upon the farmers. Second, and far more important, is the weight which shall be given to the obvious intention of the Congress of the United States in the enactment of legislation, and the weight which should be given to that obvious intention by the administrative officers. This question is so important that in the committee tempers became a little tense at times. There will be no trouble of that sort today; there is nothing in the Senate Chamber at this time which would excite any animosities of any kind.

Mr. President, when Mr. Byrnes, a former distinguished Member of this body and later a Justice of the Supreme Court, now Director of Economic Stabilization, appeared before the Committee on Agriculture and Forestry, he brought in a memorandum, a copy of which I hold in my hand and which I ask to have made a part of my remarks at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

PROBLEMS IN CONNECTION WITH PRICE CEILINGS ON FLOUR

Pursuant to the directive of October 2 from the President to the Office of Price Administration, temporary ceiling prices have been established upon flour at the highest prices at which millers contracted during the period from September 28 to October 2 to sell flour for immediate or future delivery.

These ceiling prices reflect to producers approximately the prices for wheat which prevailed for the period September 28 to October 2. These wheat prices for basic grades at all markets averaged about 6 cents per bushel below the level of the loans offered to producers on the 1942 wheat crop by Commodity Credit Corporation. The loan rates are equal to 85 percent of the parity price. Payments to wheat producers on the 1942 crop under the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act of 1938 will be made at rates equal to the difference between the parity price and the loan rate or the average market price, whichever is higher. Section 3 of the act entitled "An act to amend the emergency price control act of 1942, to aid in preventing inflation, and for other purposes," and title IV of Executive Order 9250 require that ceiling prices on flour reflect to wheat producers not less than the parity price. Since a loan at 85 percent of parity and payments amounting to 15 percent of parity were made available to all wheat producers, the position may be taken that producers can obtain a return equal to the parity price regardless of the level at which ceiling prices may be placed on wheat products.

In addition, there is also the problem of assuring adequate sales of wheat by farmers to fill the requirements of the milling industry. Although the total supply of wheat is by far the largest in history, a large amount is owned by Commodity Credit Corporation and may not be sold at less than the parity price. In addition, large quantities have been pledged by producers against loans by Commodity Credit Corporation and will not be redeemed unless producers can recover at least the amount of the loan and accumulated carrying charges. While the remaining amount of wheat available for consumption this season without drawing on Commodity Credit Corporation owned or loan stocks probably will equal total requirements for domestic consumption, it is unlikely that all of the grades and classes of wheat will be available in the amounts required unless some wheat is withdrawn from loan stocks. For this reason, it probably will be necessary before the end of 1942–43 season that returns to producers advance above the 85 percent of parity level by the amount of carrying charges accumulated on stored wheat. By next spring these charges will have amounted to 8 to 12 cents per bushel. Thus, the amount of the eventual increase which may be required in ceiling prices on flour, or the amount of the subsidy which may eventually be required on flour or wheat sales (depending upon which alternative is followed), probably will reach 14 to 18 cents per bushel of wheat before the end of the season.

There are two alternatives for correcting this situation:

1. Increase ceiling prices:

Ceiling prices on flour may be advanced by an amount sufficient to reflect parity prices to wheat producers. This would require, in turn, an advance in wholesale and retail prices for bread. The succeeding section of this statement shows that bakers' margins have been about wiped out by advances in cost since ceiling prices were established on bread at March levels, and that the maximum possible measures of economy and margin reduction will be required to take care of that situation.

2. Some form of subsidy by one of three methods:

1. The sale of flour by millers could be subsidized by a purchase and resale program which would make it possible to maintain existing ceiling prices but, at the same time, permit an increase in wheat prices at least up to 85 percent of parity. In a subsequent section of this statement analysis is made of margins in the milling industry showing that there is no opportunity for absorbing any advance in wheat prices by reducing those margins.

2. Payments could be made to wheat producers on all wheat sold after the effective date of price ceilings on flour at a rate sufficient to bring their returns up to the parity price. This would comply with statutory requirements and would necessitate subsidizing a materially smaller quantity of wheat than would be subsidized under alternative 1.

3. Payments could be made to producers who redeem and sell wheat from Government loan stocks. The rate of the payment would approximate the amount current wheat prices are below the loan level. Carrying charges would also be absorbed by the Government on such wheat. The effect of this plan would be to make loan wheat available to millers at about current market prices. The amount of wheat subsidized under this plan would be about the same as under alternative 2.

THE WHEAT SITUATION

The estimated carry-over of wheat on July 1, 1942, was 633,000,000 bushels. The estimated production in 1942 is 982,000,000 bushels, making a total supply for the 1942–43 season of 1,615,000,000 bushels.

Of the carry-over, 300,000,000 bushels were owned by Commodity Credit Corporation and 100,000,000 bushels were still held by producers under Government loans. This left a free carry-over of 233,000,000 bushels. It is estimated that 450,000,000 bushels of the 1942 crop will be placed under loan, leaving 532,000,000 bushels of "free wheat" from the crop. Thus, the total supply of "free wheat" for the season is about 765,000,000 bushels. About 160,000,000 bushels are needed for seed and farm use, so that there remain 605,000,000 bushels for milling and for commercial carry-over.

If the amount milled is 500,000,000 bushels, which would be about average, there will remain about 105,000,000 bushels as a commercial carry-over. This is so short as to indicate a definite need to move some of the Commodity Credit Corporation wheat out of loan before the end of the season in order to fill milling requirements—at least for some grades and classes.

Wheat loans were established at 85 percent of parity, and loan wheat will not be redeemed and sold unless producers can recover the amount of the loan, plus accumulated carrying charges. The storage and other charges involved in a Commodity Credit Corporation loan amount to from 8 to 12 cents per bushel per season.

Temporary Maximum Price Regulation No. 22 established the base period as September 28 to October 2. The current market for wheat during that period averaged about 6 cents per bushel less than the loan rates. Since flour prices were frozen at a time when wheat prices were under the loan value it follows that when it becomes necessary to draw on loan stocks, some form of subsidy must be provided unless increases are permitted in prices of flour. Even should it be unnecessary to use loan wheat to provide a sufficient total supply for milling, the small commercial carry-over would make it unlikely that all millers would be able to obtain adequate supplies of the types of wheat wanted, which would result in a rise in the price of the wheat on the market.

If it is decided that the price of flour should not be permitted to increase, there will remain for decision the particular method to be used in providing the necessary subsidy. Obviously, the simplest procedure possible would be for Commodity Credit Corporation to sell wheat to millers at prices in line with the ceiling prices on flour.

This cannot be done, however, because of a statutory provision that prevents the Corporation from selling wheat for milling at less than the parity price. The Corporation is not prevented, however, from purchasing flour and reselling it at prices below the parity level. This type of operation could be conducted in such a way as to have the effect of keeping the cost of wheat to millers down to the level equivalent to their ceiling prices on flour. Such a program carried out for the balance of the 1942–43 season would require a subsidy on the flour produced from approximately 375,000,000 bushels of wheat. It is estimated that the total losses incurred—that is, the total subsidy for this period—would be from $40,000,000 to $50,000,000. Much of the wheat which would be subsidized under this plan has already been sold by producers and their returns would not be increased by the subsidy.

An alternative method of providing a subsidy would be by making payments to wheat producers in connection with their sales of wheat during the remainder of the season. The effect of such a payment would be to induce producers to sell wheat at the presently prevailing levels rather than to place it under Government loan. This method of payment could be combined with a program under which producers would be permitted to withdraw wheat from loan stocks without the payment of accumulated carrying charges. It is probable that not more than 150 million bushels of wheat would need to be subsidized under this method at a cost of approximately $20,000,000.

An additional alternative for providing subsidy would be to make payments to wheat producers who withdraw wheat from loan stocks for sale in the market. In addition to the payment on wheat so withdrawn, the carrying charges would be absorbed by Commodity Credit Corporation. The effect of this plan would be to make wheat available in the market at prices below the loan level by the amount of the payment. The payment of about 6 cents per bushel would tend to maintain wheat prices at about the level of September 28 to October 2. The cost of such a program probably would be between $15,000,000 and $20,000,000 for the remainder of the 1942–43 season. This plan would have the advantage of using the established loan and redemption machinery of Commodity Credit Corporation and avoiding need for setting up new procedures for making payments to producers or millers.

THE WHEAT FLOUR MILLING INDUSTRY

The price of flour is controlled by three factors:

1. The price of wheat.
2. The selling price of mill feed.
3. Gross milling margin.

It may be said dogmatically that the price of flour follows the fluctuations in the wheat and mill feed markets with extreme closeness and that gross milling margin is small and relatively stable.

Since the days of the first World War, the milling industry has been plagued with serious over-capacity. During the years from 1935 to the present time the United States Bureau of Census figures indicate that the industry has operated at an average annual rate of from 50.8 to 59.8 percent of full capacity. Because of the large surplus capacity and because of the fact that, in general, any one company's flour is quite similar to many others', profit margins in the industry have been low. There are no official figures indicating the average profit per barrel for the industry. However, a survey covering the financial results of some 80 to 90 companies made by a trade association indicates that their net profits before taxes fluctuated from 13 cents to 14.4 cents per barrel during the three crop years ending June 30, 1941. It is believed that these figures show somewhat better financial results than the true industry average, inasmuch as the companies which report are, in general, the more successful ones. Many of them engage in operations such as grain handling, manufacture of mixed feeds, and manufacture of flour mixes and other specialty products. The profits from these operations have not been segregated from those on flour and are arbitrarily allocated to flour in this survey.

For the milling of wheat for flour there is a general rule of thumb that it requires 4.6 bushels of wheat to produce a 196-pound barrel of flour. In addition to the flour there are approximately 76 pounds of various types of mill feed produced. About 4 pounds of product is lost in handling.

Thus, assuming a stable mill-feed market, each 1-cent-per-bushel change in wheat prices makes a 4.6-cents-per-barrel change in the cost of flour. With a ceiling on flour prices, the average increase of 6 cents per bushel which is necessary to raise wheat prices to the loan level would cause millers to lose approximately 12 cents per barrel of flour produced. This makes no allowance for the fact that in practice prices higher than loan prices are necessary to encourage farmers to redeem loans, because of storage, handling, and other accumulated charges.

The foregoing makes it fairly certain that the flour-milling industry cannot absorb any of the increase in wheat costs and, if wheat costs rise, either there must be absorption at other levels of distribution or there must be a subsidy program of some sort.

A rise in wheat prices is not the only problem which a miller with a ceiling on his flour faces. Mill feed is an extremely important factor in the pricing of flour. Each dollar's change in the mill-feed price causes an inverse change of about 4 cents per barrel in the cost of flour. In other words, a $4 decline in feed prices from the levels of the base period would increase costs by 16 cents per barrel and wipe out the entire margin of the mills represented in the previously mentioned survey. It must be considered axiomatic that the holding of present flour-price ceilings demands not only a maximum price for wheat at base-period levels, but a minimum price for mill feed at the same levels. The mechanism of this freeze, of course, may be handled by a subsidy to compensate for fluctuation of actual market prices.

BREAD

There are many considerations to be taken into account if the price of bread is to be held at its present retail level.

It is estimated that there are about 20,000 baking establishments in the United States producing bread at a gross value of about $1,000,000,000 per annum. The industry has always been highly competitive with relatively low margins, the average profit of an efficient plant on its sales being about 5 percent. Because of the competitive nature of the industry the bakeries have competed for the housewives' fancy, as by attractive wrappings of the product and by many varieties of bread to suit individual tastes. Also, the bakeries have competed in inducements to the retail outlets as by special discounts and the offering of substantial margins.

Maximum prices on bread were established under the General Maximum Price Regulation at the highest prices prevailing in March. These maximum prices range throughout the United States at from 6½ to 8½ cents per pound wholesale and from 8 to 10 cents per pound retail.

The principal ingredients of bread are flour, shortening, milk, and sugar. The practice of the baking industry has been to purchase these ingredients under contracts for future delivery, commencing on an average of 1 to 6 months after the execution of the contract and extending for about like periods after the commencement of delivery. The "lag" may be as much as 1 year.

Flour and milk, which were not covered by price ceilings until October 5, 1942, have advanced substantially in price from the cost basis used in establishing the price of bread in March. The spread between the cost of flour being used in March and its present market price is about 45 cents per barrel. This increase in the cost of flour would reflect an increase of two-tenths of a cent in the cost of producing a pound of bread. Milk has also increased about 33⅓ percent from the cost of that being used during March. This increase in milk costs amount to one-tenth of a cent. Wage increases averaging 15 percent which took place between May 1, 1942, and September 1, 1942, added another two-tenths of a cent to the bakers' cost. In some instances these increases were certified by the War Labor Board and other bakers in the same area shortly granted similar increases.

These increases in flour, milk, and direct wages amount to five-tenths of a cent per pound of bread. As the bakers are forced to absorb these increases it is anticipated that the profit margin of even the most efficient operator will be wiped out.

To avoid this situation it is contemplated that a reasonable profit margin not exceeding the previous margins should be continued, not by an increase in the maximum prices of bread at retail but by the effecting of certain economies in the baking industry. The economies might include the cutting out of many varieties, the elimination of twisting and slicing of bread and of inner wraps, and a prohibition against consignment selling. There are problems involved, both practical and legal, in the effecting of these economies, but it is believed that this program can be readily accomplished. The squeeze on the bakers' profit margins may tend to result in the voluntary institution of some economies, either individually or by mutual agreement, through official approval if necessary. It is also believed that many of these economies could be instituted through order of the War Production Board which order may likewise prove necessary or desirable. Further, since the subject is so closely related to price control, it is also believed that the Office of Price Administration would have adequate authority to promulgate regulations looking toward this end.

In a large majority of the markets in the United States the retail margin for the grocer is 2 cents or a mark-up of between 22 percent and 25 percent. In some cities the retail margin is 1 cent, or a mark-up of 12½ percent. Although these margins on bread appear to be relatively large, experience in the food retailing business has shown that these margins must be maintained in order that the operation of retail stores may be continued, especially in view of the low margins on other commodities.

While the bakers should be able to absorb the present increases in the manner above explained, it seems evident that no further increased costs are possible while the present ceilings on bread are maintained. There is no possible "roll back" in the ceiling prices of ingredients. In fact, and particularly as regards flour, subsidy, or support price programs are necessary to maintain even the existing ingredient ceilings.

Mr. REED. Mr. President, the memorandum just presented, as described by Mr. Byrnes, is about to this effect: After the President issued his Executive order of October 3, which some of us challenged as going beyond his authority, there was a conference between Mr. Byrnes, Mr. Henderson, the Price Administrator, and Mr. Wickard, Secretary of Agriculture. They were discussing the kind of policy they should follow in carrying out not the law but the President's Executive order, and this memorandum was the basis of their consideration of the policy. I am attempting to state fairly the history given the committee by Mr. Byrnes, and I think I have done so.

This memorandum is a most remarkable document. It certainly contains some extraordinary ideas as to governmental procedure. I shall read from it very briefly, and I ask that when the official reporter makes up the RECORD he show that the underlining of certain parts of the memorandum indicates my emphasis. I have sought to set out those parts which I thought most important, and to that end I have underscored certain language. and I ask that the RECORD show that fact, but I want it very clear that the underscoring indicates my emphasis, and not the emphasis of Mr. Byrnes or his associates. I am informed by the secretary to the minority that, in order to have the emphasis in this memorandum which I described shown as my emphasis, it is necessary to obtain unanimous consent that the words and sentences to be emphasized be printed in italic. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED. On page 1 of the memorandum, near the bottom of the second paragraph, there appears a description of the policy upon which they start. I read:

> The position may be taken that producers can obtain a return equal to the parity price regardless of the level at which ceiling prices may be placed on wheat products.

That is a startling statement, in light of the direct mandate contained in the bill as passed, which became the Emergency Price Control Act amending the act of 1942, directing that no ceiling or maximum price below the parity price should be put upon any commodity manufactured in whole or substantial part out of an agricultural commodity. Wheat flour is, of course, manufactured wholly from wheat. There is nothing else out of which to make wheat flour for bread. In the face of the direction that no price below parity should be established upon any commodity manufactured out of an agricultural commodity, they use the following language:

> The position may be taken that producers can obtain a return equal to the parity price—

Now, here is significant language:

> regardless of the level at which ceiling prices may be placed on wheat products.

Mr. President, I turn to page 2 of the memorandum, where there appears a frank discussion of the two alternative methods of laying down a policy. In paragraph 1 we find the phrase "Increase ceiling prices." That is what the law contemplates. Did they do that? No. It has not been done, as is described in the memorandum.

Below that, as an alternative to the policy directed in the law, appears the following:

> Some form of subsidy by one of three methods.

Mr. President, I say here and now that nowhere in the bill which passed this body on the 2d of October 1942 does there appear any authority for the use of a subsidy policy on a wholesale basis such as that upon which the Price Administrator, with approval of Mr. Byrnes and with the cooperation of Mr. Wickard, has embarked.

I now turn to some startling language appearing on page 3 of the memorandum. In the third paragraph there appears the following:

> Some form of subsidy.

And let me interpolate here that the term "subsidy" appears in 9 different places, and the term "subsidization" appears in 6 different places in the memorandum. There are 15 references in the memorandum which, as Mr. Byrnes has said, was the official basis—"official document" is the better expression—of their policy.

I again read from the third paragraph.

Some form of subsidy must be provided unless increases are permitted in prices of flour.

In the next paragraph the following language is used:

If it is decided that the price of flour should not be permitted to increase, there will remain for decision the particular method to be used in providing the necessary subsidy.

Always coming back to "subsidy."

Mr. President, I challenge attention to the next two sentences which I shall read. The memorandum continues as follows:

Obviously, the simplest procedure possible would be for Commodity Credit Corporation to sell wheat to millers at prices in line with the ceiling prices on flour.

I am reading from the memorandum.

This cannot be done, however, because of a statutory provision that prevents the Corporation from selling wheat for milling at less than the parity price.

Did they stop there? No. The memorandum, which formed the basis of the policy followed by these three important administrative officers, continues:

The Corporation is not prevented, however, from purchasing flour and reselling it at prices below the parity level.

The law forbidding the sale of wheat by the Commodity Credit Corporation at less than parity may be circumvented if the Commodity Credit Corporation will buy flour and sell it at resale at a price below the parity level.

Those charged with administering the law did not adopt this procedure. They considered it, and I will now read the next sentence, which shows what they thought about it. I am sure the farmers of the United States will be tremendously interested. I again quote from the memorandum.

This type of operation could be conducted in such a way as to have the effect of keeping the cost of wheat to millers down to the level equivalent to their—

The millers'—

ceiling prices on flour.

Mr. President, if ever an outrageous subterfuge was used to do indirectly what the law prohibits being done directly, what I have just read is certainly a description of it.

I wish to hasten on. Let me go to the next page, and show what they actually did. I now refer to the second paragraph of page 4 of the memorandum, and I shall read only that part which is relevant to the remarks which I am making. The reference is to the buying and handling of wheat under and through the Commodity Credit Corporation, and reads as follows:

In addition to the payment on wheat so withdrawn, the carrying charges would be absorbed by Commodity Credit Corporation. The effect of this plan would be to make wheat available in the market at prices below the loan level by the amount of the payment.

We now come to the most absurd thing I have ever heard of in connection with an important governmental policy. We are paying subsidies in large amounts to wheat farmers in order to raise the price of wheat. Subsidies for the purpose of raising the price of wheat are now in effect. Having used subsidies for the purpose of raising the price of wheat, Mr. Byrnes, Mr. Wickard, and Mr. Henderson say they are going to give a subsidy for the purpose of putting the price of wheat down. If one can fancy a more absurd, ridiculous, silly, unfair, unreasonable, unlawful policy than giving subsidies to put up the price of wheat and then giving subsidies to put the price of wheat down, I cannot conceive it.

Mr. AIKEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Vermont?

Mr. REED. I yield.

Mr. AIKEN. As I understand, Mr. Byrnes, Mr. Henderson, and Mr. Wickard said they were doing it under the direction of the President, rather than under the authority of the President.

Mr. REED. That is correct. I thank the Senator. I think that is the record. It was a very interesting hearing which was had before the Committee on Agriculture.

Mr. President, I wish to read a statement showing the kind of farmers who are going to receive this subsidy, and the kind of administration there is to be of the subsidy. Last Monday, in his appearance before the committee, Mr. Byrnes handed to the committee and to me a sheet containing no title, but with three paragraphs on it. Mr. Byrnes said that this was his order, a directive—"directive" is a new term, but it is a good one. Mr. Byrnes said this was his directive to Mr. Henderson and Mr. Wickard:

That this subsidy money will be paid directly and only to cooperating farmers to whom payment is made necessary by the agricultural price provision of the second Price Control Act.

Mr. President, I now want to dwell on the injustice of that policy, if it is carried out. Last Monday, when Mr. Wickard was before the committee, I discussed with him the wheat situation, and he and I agreed that about 50 percent of the wheat is under the loan and about 50 percent is not. Mr. Wickard also agreed that no farmer could get any benefit, not a cent, from this subsidy unless he put his wheat under loan. Mr. Wickard asserted that 80 percent of the wheat was eligible to be put under loan. I agreed. That leaves 20 percent of the farmers in any circumstances who cannot get any benefit. But, Mr. President, that is not the practical situation. The practical situation—and no one will challenge the statement I am about to make—is that up to and including last year never more than 43 percent of all the wheat has gone under the loan, and this year the estimate of the wheat which will go under the loan is 50 percent. The wheat actually under loan and the wheat which it is estimated may go there is about 50 percent. Under the provision which it is proposed to attach to the payment of this subsidy, under their policy, no farmer can get a cent unless his wheat goes under the loan.

Mr. Wickard, or one of his associates, questioned me, because I happen to come from the largest wheat-growing State. The question was, "Why do not all the farmers put their wheat under the loan?" I answered, as well as I can remember, about like this, that some persons are accustomed to the congestion of the great cities where people move en masse and can be regimented, and are regimented. Mr. President, the wheat farmer on the high plains of Kansas, and throughout that territory, or in the valleys of the State of the distinguished Senator from Oregon [Mr. McNARY], lives where the horizons are wide. There is no mass movement there such as in the great cities. The senior Senator from Montana [Mr. WHEELER], who was present, suggested at that time, with which I agreed, that this was an effort to force that 30 percent of wheat farmers under the loan so they could be regimented. It is the thought of the Senator from Montana, and I rather agree with him. Mr. President, that is a serious situation.

Let me say a few more words. Mr. Henderson was present at the hearing before the Committee on Agriculture and Forestry. Some of the metropolitan newspapers, and columnists and editorial writers are expressing sympathy with Mr. Henderson. Let me suggest in the greatest of good faith that they are wasting a great deal of sympathy on one who does not need it. I am one Senator who disagrees with Mr. Henderson on one thing, and that is when he disregards the law, as he has done in this case. I say that about the President; I say it about Mr. Wickard; I say it about Mr. Henderson, and about Mr. Byrnes, and if that be treason, make the most of it. I reassert it here and now.

Mr. President, I voted to increase Mr. Henderson's appropriation after the House had cut it down. So I am not hostile to Mr. Henderson. I admire him. I think he is a great actor. He always puts on a good show. When he comes to the end of his act the melodrama which has been produced is only equaled by what is my boyhood recollection of the old 10-, 20-, 30-cent shows which toured the kerosene circuit, in which the hero always beat his breast and always rescued from danger the downtrodden maiden who was bound to the railroad tracks, or about to be cut in two by the saw in the sawmill, or something of that kind. Mr. Henderson, the hero, in other words, always gets there in time.

Mr. Henderson, to me, produces melodrama as rare and as precious as the old 10-, 20-, 30-cent shows on the circuit used to produce. He does not need any sympathy. He enjoys himself hugely. So, Mr. President, if the years, as they have gone by, had not taken such a toll of my emotions, if they were as fresh as when I used to see those 10-, 20-, or 30-cent shows, when I was a boy, I would be just as much thrilled now at one of Mr. Henderson's performances as I used to be at those shows. No one needs to worry about Leon Henderson. He is thoroughly enjoying himself. He has a good time. He gives a Roland for an Oliver; sometimes two Rolands for an Oliver.

Mr. President, I shall finish in about 5 minutes. I desire to recur to the policy involved in the question of subsidies. I say again that the Senate of the United States did not in this bill, and did not in any previous bill, authorize or legalize any such subsidy policy as has been embarked upon.

Let me rehearse briefly a little history of this subsidy matter. Last May the Reconstruction Finance Corporation asked to increase its borrowing power by $5,000,000,000. The House passed a bill to do that. That was House bill 7008. That bill came over to the Senate, and in the Banking and Currency Committee of the Senate there was a companion bill, Senate bill 2485. Each of those bills contains one paragraph, and one only. In its original form it provided for increasing the borrowing power of the RFC by $5,000,000,000. The Banking and Currency Committee added a second section in which it provided the Commodity Credit Corporation with additional funds of $1,000,000,000.

Mr. President, we have reached the place where the word "millions," which used to sound so big, now means nothing; hundreds of millions, which formerly was a fairly important figure, does not mean so much, and we are now dealing with billions. I do not know how long the modest estimate of billions will be continued. Anyway, the Banking and Currency Committee of the Senate added a second section and gave the Commodity Credit Corporation an additional billion dollars with which to play. Mr. Henderson, who was present and testified before that committee, said they were going to embark upon a very extensive system of subsidization. That bill came to the floor of the Senate, and on May 26 and 27 it was discussed here. Twenty-seven Senators were on the floor on those 2 days. The Senator from Michigan [Mr. BROWN] was in charge of that bill. For 2 days Members of the Senate addressed themselves substantially wholly to the question of authority to subsidize, and the appropriation made to carry out that authority.

At the end of the second day, the 27th of May, the Senator from Wyoming [Mr. O'MAHONEY] moved to recommit the bill. With possibly one or two exceptions, every one of the 23 Senators who had risen to discuss the matter expressed opposition to the subsidy principle and fear and distrust of Mr. Henderson and his administration. Rather than go to a vote on the O'Mahoney amendment to recommit, the Senator from Michigan [Mr. BROWN] made the statement on the floor of the Senate that he had canvassed the Senate and had encountered so much opposition that he thought the best way would be to cut out the second section and leave the original bill, which carried only authority for more borrowing power for the RFC. That was done, and the bill was passed in that form.

Mr. President, that was a direct expression of the Senate upon the whole policy of subsidy. I know that some of the newspapers are worrying about Mr. Henderson and Mr. Byrnes because Senators are rough with them and because they think we ought to be rough with the President. I am willing to be. I think the President is responsible for this policy. I do not think for a minute that Jim Byrnes or Claude Wickard believes in it. I think Mr. Henderson does. I think he has sold the President his ideas. Mr. Henderson is a collectivist. So is Stalin. So is Hitler. That is no discredit. That is the economic philosophy which he holds. There is nothing immoral or wrong about it. However, he is just as much a collectivist as is any Socialist on the Continent of Europe.

We have been having collectivism in this country in increasing degree until I am surfeited with it; and I want to get back to the traditions and fundamentals of representative government and the preservation of individual enterprise. I hope we can make a beginning in that direction next Tuesday. I think Mr. Henderson has sold the President his collectivist ideas. So long as Jim Byrnes and Claude Wickard are where they are, they must go along. I feel sorry for them.

Mr. President, I have prepared a list of 10 points of criticism. I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

1. The ceilings established by the Price Administrator upon the authority of the Executive order are contrary to the plain provisions of the law.

2. The announced plan to induce farmers to liquidate their wheat loans involves a subsidy, although no such subsidy has been authorized by Congress.

3. The Government is in the peculiar position of granting one form of subsidy (loss on loans, conservation payments, parity payments) to raise the wheat price and another form of subsidy to reduce it.

4. At the present market approximately 20 to 25 cents per bushel loss (subsidy) would be involved if the proposed release plan were in effect—16 to 21 cents per bushel based on the market in the base period, September 28 to October 2—plus whatever bonus might be necessary to induce the farmer to redeem. It is estimated that 450,000,000 bushels will be placed under loan this year. The cost of the program may far exceed the estimate.

5. The expensive subsidy now planned would be ostensibly a subsidy to the farmer—actually it would be a subsidy to protect millers against price squeezes. Only a small fraction would inure to the benefit of the farmer—and only to those having wheat under loan.

6. The same amount of money if offered as a direct subsidy would yield 5 to 10 cents per bushel on this year's great crop.

7. The Commodity Credit Corporation was not organized to pay subsidies. To buy goods deliberately at one price and sell them back at a lower price, as is being done with soybeans and coffee, is a subsidy in perversion of the purpose of the Corporation. In the same way, to reduce loans to the Government and forgive the accumulated charges as a form of subsidy is a perversion.

8. It is wrong to consider conservation and benefit payments as a part of the farmer's price—both legally and economically. Conservation payments (9.9 cents in the case of wheat) are earned on many farm products and not considered a charge against parity price. Parity payments (13.5 cents on wheat) would not be required if the price were allowed to rise.

9. The price of wheat should be allowed to rise to parity if it can. To do so would result in no inequity for the increase to that figure over the present market would result in an increase in the cost of a loaf of bread of only one-half cent. The consumer's purchasing power has far outstripped that of the grain farmer. Average earnings of factory workers are now 350 percent of those prevailing in the parity base period.

10. It was the purpose of Congress in passing the anti-inflation act to allow grain prices to reach 1.036 percent of parity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to Senate Concurrent Resolution 35, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 37,000 additional copies of Public Law No. 753, current session, entitled "Revenue Act of 1942," of which 5,000 copies shall be for the use of the Senate document room, 25,000 copies shall be for the use of the House document room, 5,000 copies for the use of the Committee on Ways and Means of the House, and 2,000 copies for the use of the Committee on Finance of the Senate.

The message also announced that the House had agreed to Senate Concurrent Resolution 37, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2794), entitled "An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes," the Secretary of the Senate is authorized and directed to make the following changes in House engrossed amendment No. 1 to said bill, viz:

In line 2 of said House engrossed amendment after "and" insert "after 'disposition.'"

In line 2 of said House engrossed amendment strike out "within" and insert "Within."

The message further announced that the House insisted upon its amendment to the bill (S. 2317) for the relief of Lillian LaBauve Linney, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCGEHEE, Mr. WEISS, and Mr. WINTER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2693. An act to provide for the instruction of meteorological students in weather forecasting; and

H. R. 7675. An act to amend the act entitled "An act to incorporate the American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2.

ADJOURNMENT TO MONDAY

Mr. GEORGE. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, November 2, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 29, 1942:

UNITED STATES PUBLIC HEALTH SERVICE

The following-named senior surgeons to be medical directors in the United States Public Health Service, to rank as such from the date set opposite their names:

Walter T Harrison, October 26, 1942.
Charles Armstrong, October 27, 1942.
Rolla E. Dyer, October 31, 1942.
Justin K. Fuller, October 27, 1942.

The following-named assistant surgeons to be passed assistant surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

Ralph W. McComas, September 29, 1942.
William J. Brown September 11, 1942.
Esta R. Allen, November 6, 1942.
Louis Jacobs, November 6, 1942.
Bryan A. Dawber, November 13, 1942.
Carl L. Larson, December 26, 1942.

The following-named engineers to be assistant sanitary engineers in the United States Public Health Service, to rank as such from date of oath:

Harvey Fred Ludwig
James Gordon Terrill, Jr.

The following-named engineers to be passed assistant sanitary engineers in the United States Public Health Service, to rank as such from date of oath:

Walter Norris Dashiell
Franz Joseph Maier
Elmer John Herringer

APPOINTMENTS IN THE REGULAR ARMY

TO BE FIRST LIEUTENANTS, MEDICAL CORPS, WITH RANK FROM DATE OF APPOINTMENT

First Lt. Maurice Blair Johnston, Medical Corps Reserve.
First Lt. Edward Alton Ricketts, Medical Corps Reserve.
First Lt. John Bradley Moring, Medical Corps Reserve.
First Lt. Thomas Lewis Ozment, Medical Corps Reserve.
First Lt. John D. Lecky, Medical Corps Reserve.
First Lt. Victor Henry Smith, Medical Corps Reserve.
First Lt. Robert Alfred McCall, Medical Corps Reserve.

TO BE SECOND LIEUTENANT OF FIELD ARTILLERY WITH RANK FROM DATE OF APPOINTMENT

George Sterling Brown, Jr.

IN THE NAVY

Capt. Charles H. McMorris to be a rear admiral in the Navy, for temporary service, to rank from the 13th day of May 1942.

IN THE MARINE CORPS

The following-named lieutenant colonels (temporary) to be majors in the Marine Corps from the 30th day of June 1942:

Luther S. Moore
Charles J. Schlapkohl
Elliott E. Bard

Capt. (temporary) Henry A. Ellis, Jr., to be a first lieutenant in the Marine Corps from the 1st day of June 1942.,

Frank X. Reagan, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 31st day of March 1942.

The following-named citizens to be second lieutenants in the Marine Corps from the 15th day of May 1942:

Rupert C. Henley, a citizen of Tennessee.
Louis C. Griffin, a citizen of West Virginia.

The following-named citizens to be second lieutenants in the Marine Corps from the 15th day of July 1942:

Wallace Springstead, a citizen of California.
Malcolm S. Crook, a citizen of Rhode Island.
Joseph T. Smith, Jr., a citizen of California.
Richard M. Elliott, a citizen of Texas.

The following-named citizens to be second lieutenants in the Marine Corps from the 6th day of August 1942:

Herbert E. Pierce, a citizen of Oklahoma.
Raymond C. Portillo, a citizen of Oklahoma.
Beverly H. Spencer, a citizen of California.

The following-named citizens to be second lieutenants in the Marine Corps from the 22d day of August 1942:

Ralph A. Weller, a citizen of New York.
William L. Bates, Jr., a citizen of Georgia.

The following-named citizens to be second lieutenants in the Marine Corps from the 26th day of September 1942:

Thomas A. Durham, Jr., a citizen of California.
Ronald Jarvis, Jr., a citizen of New York.
Edward B. Harrison, a citizen of Michigan.
John I. Loy, a citizen of California.
Wayne "D" Hudson, a citizen of Idaho.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 29, 1942:

POSTMASTERS

ILLINOIS

Emma J. Zinschlag, Beckemeyer.
Vernard Dale Snyder, Bethany.
Ruth M. McElvain, Broughton.
Elbert McDonald, Carriers Mills.
Joseph I. Kvidera, Cary.
Clason W. Black, Clay City.
Fred A. McCarty, Edinburg.
Edmund J. Coveny, Elizabeth.
Beryl J. Donaldson, Farina.
Clyde E. Wilson, Melvin.
Hazel E. Davis, Minier.
Nellie Waters, Murrayville.
Henry B. Shroyer, New Windsor.
Clarence M. Stevens, Pecatonica.
Marguerite A. Lamb, Port Byron.
James Doherty, Ridgway.
Joseph L. Molidor, Round Lake.
Ross St. Clair Tary, Seaton.
Alfred J. Geiseman, Shannon.
Rose S. Zalman, Stewardson.
Frances T. Johnson, Yates City.

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 29, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, whose greatness and mercy flow around our incompleteness, let Thy kingdom be within us a great yearning. By the word of Thine only begotten Son, Thou dost urge us to swear unfailing fidelity to Thee, Who art the God of truth, whose ways are happiness, and whose paths are peace. Blessed Lord, inspire in us the eternal truth that there is no gift that is so worthy as the gift of one's self and the higher we are the more we owe to the lowest. Enable us to heed Thy word: "We then who are strong ought to bear the infirmities of the weak and not to please ourselves." O Mercy Divine, the livery of heaven, the blessing of earth, and the promise of all things to come, bless Thy people everywhere, that the power of this truth may be augmented by Thy spirit in the human soul. We praise Thee that—

"The quality of mercy is not strained;
It droppeth as the gentle dew from heaven
Upon the place beneath it; it is twice blest;
It blesseth him that gives and him that takes;
'Tis mightiest in the mightiest."

Our Father, knowing Thy way is best, this day may we render acceptable service unto Thee. In our Redeemer's name. Amen.

The Journal of the proceedings of Tuesday, October 27, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On October 16, 1942:

H. R. 7121. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and act amendatory thereof and supplementary thereto; and

H. R. 3152. An act to suspend restrictions during the present war and for 1 year thereafter upon the service of certain officers of the Marine Corps in the Marine Corps Headquarters, Washington, D. C.

On October 21, 1942:

H. R. 5503. An act to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings; and

H. R. 7378. An act to provide revenue, and for other purposes.

On October 24, 1942:

H. R. 5143. An act to amend the Home Owners' Loan Act of 1933, as amended.

On October 26, 1942:

H. R. 7455. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to enable Filipinos to qualify for service thereunder; and

H. R. 7672. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

MR. H. NEWLIN MEGILL, ACTING CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

OCTOBER 26, 1942.

The Honorable the SPEAKER,
House of Representatives.

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation and Clause 4, Rule III, of the House.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

SESSIONS OF THE HOUSE

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until Monday next, that when the House adjourns on Monday next it stand adjourned until Thursday, November 5, and that when the House adjourns on Thursday, November 5, it stand adjourned until the following Monday, November 9.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADJUSTING ROYALTIES FOR USE OF INVENTIONS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House, the Speaker be authorized to sign the en-

rolled bill (S. 2794), an act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article from the Detroit News.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes, after the business of the day is concluded.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MOSER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article by that eminent historian, Charles A. Beard, appearing in the Atlantic Monthly, in defense of Congress, entitled "We Cannot Hamstring Congress Without Hamstringing Our Own American Civilization."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RANGE KEROSENE AND FUEL OIL IN NEW ENGLAND

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include as a part of my remarks certain information regarding range kerosene and fuel oil heating in Massachusetts.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I bring to the attention of the House the plight of the range oil or kerosene users in New England. Seven hundred thousand persons use range oil for cooking. Many of those people use it also for heating. It is their only means for heating. New England uses over 50 percent of all the range oil or kerosene in the country.

It is a very serious situation for us. The Office of Price Administration, I understand, plans to cut range oil, which is used for heating as well as cooking, about 25 percent. Many of those people work in our war industries. They must be kept well. They only use about 65 percent of normal requirements, because they cannot afford to buy more kerosene. An additional 25 percent cut would work a great hardship upon these families, and I ask the assistance of the House in solving our problem. The time is short. Already New England has freezing weather. If Secretary Ickes could be given the power to cut red tape, the whole oil problem would be advanced. Again I remind the House that oil can win or lose the war.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include therein a letter from Mr. Ganson Purcell, Chairman of the Securities and Exchange Commission, to the National Association of Security Dealers, and a memorandum with it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Speaker, on behalf of the Delegate from Hawaii [Mr. KING], I ask unanimous consent that he may extend his remarks in the RECORD and include therein a radio broadcast which he made and also a letter written by him relative to his retirement from Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIMOND. Mr. Speaker, at the conclusion of other special orders today, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

A YEAR'S TRAINING FOR 18- AND 19-YEAR-OLD BOYS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, so many communications are pouring into my office from every section of the country with reference to adequate training for the 18- and 19-year-olds before sending them into combat abroad, that I feel justified in calling attention to the fact that this matter is now in the hands of the American people themselves. They should take this proposition up with their own Congressmen who are now at home campaigning for reelection.

A great many of these protests point out the fact that during the last war some of our young men were sent into battle without adequate training or with practically no training at all. Some of these letters are coming from World War veterans themselves and their wives, and some from the fathers and mothers of these 18- and 19-year-old boys.

So far as I am individually concerned I have already expressed my views; I am for giving them a year's training before sending them abroad.

It is impossible for me to write everyone who writes me; so I respectfully submit that they should take this proposition up with their own Members of Congress and let the Congress express the will of the American people when they return to Washington after the election.

PERMISSION TO ADDRESS THE HOUSE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COSTELLO. Mr. Speaker, much criticism is daily reaching my desk regarding the tardiness and the incompleteness of Government news releases concerning our war activities on the various fronts, but more particularly in the Southwest Pacific. The people of California are naturally greatly concerned over the failure to give accurate information regarding this battle. The growing lack of confidence in Government news releases is developing a lack of confidence in the effectiveness of our war effort.

This growing lack of confidence will be felt in the coming elections in California, and will adversely affect the Democratic Party. While the demand in my home State for vigorous and aggressive as well as capable leadership during the war may have resulted in the election, as Governor, of Earl Warren, who is running on a nonpartisan basis, due to the apprehension on the part of the voters, Warren's victory is likely to assume landslide proportions.

A similar situation may develop in other localities such as is indicated in New York. It is unfortunate that political consequences should flow from the inept handling of news dissemination. The political effects are the first indications of what is resulting from this situation but effects on morale, support of the war effort, and bond buying will rapidly follow unless the confidence of the public in our Government news releases is promptly restored.

EXTENSION OF REMARKS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that in revising and extending my remarks I may include some excerpts from letters I have received.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Minnesota [Mr. KNUTSON] is recognized for 10 minutes.

WAR AND PRODUCTION

Mr. KNUTSON. Mr. Speaker, I received a letter the other day that greatly disturbed me, as it related to a subject to which all are giving a great deal of consideration. Let me crave your indulgence while I read a few extracts from that communication:

I come in contact with a great number of people, and I have yet to find one individual that favors the strict rules and regulations governing production as laid down by the unions. Those with whom I come in contact favor doing away with the 40-hour week and with all limitations on production which prevent men from doing their best.

I lost a welder to a defense plant a short time ago. He states that they only allow him to do about one-fourth to one-third of the work that he could do without hurting himself one particle. They will not allow him to pick up a shovel to take a little dirt out of a place to make it easier to weld or to lift up a stone or anything else that might be in the road. This must be done by another man while he stands around waiting for this man to take care of these details. I have heard of things similar to this from many different men, and it certainly burns a person up when you know our boys are out fighting for a few dollars a month and taking a chance

of being killed, and these union boys are holding up production with their rules and regulations.

After reading this and many similar letters, it sets one to thinking about our objectives in this war. Are we not fighting to preserve democracy in America, and is not the outcome of just as much concern to the man engaged in war work as it is to the man on the farm? The 40-hour week may be all very well in normal times, but when we are fighting for our very existence, it is not only a dangerous travesty but it borders perilously close on sabotage.

There are those who evidently believe that we can win the war only by less production. On the contrary, it is only with maximum production that we can hope to win. The time has come to set aside the 40-hour week for the duration. We must go onto a 56- or 60-hour week and all restrictive rules on production be set aside. We need ships, planes, tanks, guns, food, clothing, and other essentials in ever-increasing quantities, and the answer is, speed up production all along the line to the utmost maximum. Until that is done we will continue to lose battles, men, ships, planes, territory, and prestige.

If the leaders of organized labor are at all foresighted they will correct the evils that now exist before the boys return from the war. If they do not do so, the returning veterans will take matters into their own hands and whenever that is done in anger, by any group, the pendulum always swings too far backward and the social gains of decades are wiped out. It would be much better for all concerned if labor would take the necessary steps. The job will be done eventually, so why not now?

Therein lies the solution for our alleged shortage of manpower. There is no shortage of manpower in this country, but there is a sad and tragic lack of foresight in directing manpower hours in production. Contrary to general belief time is not fighting on our side. The longer the war continues the more time will the Axis Powers have in which to consolidate their holdings and resources. That is particularly true of the situation in the Far East. If this war lasts long enough the people may become so weakened and weary as to lose the will to fight on to victory and that would but mean another truce which in turn would be employed by our foes to get ready for the next war. Wendell Willkie made all this very clear to us in his report to the American people Monday evening. There is no shortage of manpower but there is a serious and dangerous shortage in properly applying it.

We can well imagine how the boys in the Solomon Islands, who are fighting and dying there, far from home, feel about it. Fighting a treacherous foe, being blistered by a relentless sun, and being paid about half as much in a month as a water tender on a defense job in America is paid for a 40-hour week, he wonders at the injustice of it all and he has made up his mind to do something about it when he returns home.

Congress could legislate, but it lacks the courage. Labor is too well organized and is too powerful at the polls. It is doubtful if the administration will act, for this is a labor Government. No; labor must do the job or, when the war is over, it will be done for them by an outraged group that gave everything they had to the winning of the war. To put it mildly, the present situation is pregnant with possibilities for incalculable evil to the future of America.

REQUISITION AND DISPOSAL OF PROPERTY REQUIRED FOR NATIONAL DEFENSE—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (S. DOC. NO. 284)

The SPEAKER laid before the House the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

OCTOBER 29, 1942.

The SPEAKER OF THE
HOUSE OF REPRESENTATIVES.

SIR: I am submitting herewith to the Congress a report of the first year of operations under the act of October 16, 1941, as amended, which authorizes the President to requisition and dispose of property required for national defense.

Respectfully,
FRANKLIN D. ROOSEVELT.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today following the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Tennessee [Mr. COOPER] to act as Speaker pro tempore on Monday, November 2, and Thursday, November 5.

Under the previous order of the House the Chair recognizes the Delegate from Alaska [Mr. DIMOND] for 15 minutes.

THE ALASKAN HIGHWAY

Mr. DIMOND. Mr. Speaker, on October 27 I introduced in the House a resolution, House Resolution 566, to authorize the appointment of a committee to travel over the newly built highway to Alaska, to inspect it, and to make such investigations and inquiries with respect to the highway and its further extension and its effect, both militarily and economically, upon the development of Alaska as the committee might think proper.

The construction of this highway to the Territory of Alaska is one of the great engineering achievements of this generation, and I say this in spite of the fact that the highway is not yet completed. According to official pronouncement it will be open from end to end for use in the month of November. During the ensuing winter period, while the frost will furnish an unbreakable pavement, the highway can be used, and undoubtedly will be used, to bring into Alaska all of the thousands of tons of supplies and equipment, which may not be safely carried by sea or for which shipping facilities may not be available, but which may be needed, indeed, that we know are needed, for the supplying of our troops in Alaska and for the supplying and equipping of any additional forces we may see fit to send there, and also to take care of the needs of the increasing civilian population of the Territory.

The highway has been built under the direction of the Engineer Corps of the United States Army. It was in late March or early April of this year before the work commenced. Even in a settled country where other roads were available for supply, the job would not have been an easy one. In the wilderness condition which confronted the road builders most of the way between Fort St. John and Big Delta, the difficulties were enormously multiplied. It is to the credit of the Army Engineers that those difficulties have been overcome and that the road has been put through from end to end. Those who have done this excellent work are deserving of the thanks of the country. We realize, of course, that the road is not completed, in the sense that it is not completely surfaced with gravel or crushed rock and has no pavement whatever, but that does not detract from the really remarkable accomplishment of the Army Engineers and their assistants and workers. My hope is that the Army Engineers will be left in charge of the road until it is a completed highway in every respect, including pavement. It would be a mistake to change or divide command with respect to the highway just as it is a mistake to have a divided command in any military area.

This House should have a first-hand knowledge of the road and its surrounding conditions and all the manifold things, economic and military, which are connected with it through an inquiry made by its own committee and personal observation by that committee on the ground. I believe that the committee will be impressed with the strong and immediate desirability of continuing the road on westerly to Bering Sea or Bering Strait and thus afford a supply line for any forces which we may have or may see fit to put in that region, and also to facilitate the delivery to the Russians of whatever aid, lend-lease or otherwise, that we may determine to give them. The committee will also undoubtedly consider the proposal to drive another extension of the road from Fairbanks to Bethel or some other point in the lower Kuskokwim Valley and thus provide a safe line over which can be delivered supplies needed for any purpose, military or civilian, in the southwestern part of Alaska and thus by comparatively short sea journey to the Aleutians. The committee will also doubtless wish to secure all available information concerning the proposed highway route from Prince George northwesterly to Whitehorse which was unanimously and vigorously recommended by the Alaskan International Highway Commission under the chairmanship of our colleague the gentleman from Washington [Mr. MAGNUSON]. I still believe that a highway should be built on this route without delay, although adverse reports on my bill to so provide, H. R. 7284, have

been received from the War Department and from the Federal Works Agency.

While it has been said many times before, the fact is important enough to bear repetition: Alaska is one of the most important places in our war strategy in the entire world. This results from its geographical location. At the northwestern corner of the North American Continent, Alaska extends within 54 miles of Asia, and of equal consequence is the fact that in its southwestern extremity in the Aleutian Islands—one or more of which are now held by the Japanese—Alaska extends to within 716 miles of the great Japanese naval base on Paramushiru Island, near Kamchatka Peninsula.

I suppose that after being chided a bit by persons of great military knowledge one might be expected to hesitate to even mention the word "strategy" unless backed by military education and experience. But I am comforted somewhat by two things which I read recently concerning strategy and concerning the art of war. In the Christian Science Monitor of October 19, 1942, appears an editorial, and in that editorial is embodied a statement by the great German military theorist Clausewitz, who is counted as being worthy of consideration even by men who have made arms a lifetime profession. Clausewitz said, concerning war and the art of war, the following:

> The principles of the art of war are in themselves extremely simple and quite within the reach of sound common sense.

It is not too much to say, Mr. Speaker, that strategy and the principles of strategy are the embodiment—the very essence, in fact—of sound, inteiligent, enlightened common sense. But in reading the New York Times of October 23 I found part of an article written by the British general, Sir Archibald Wavell, who conducted the original campaign in Libya to such a successful conclusion and who afterward commanded the British forces in the Greek campaign, which was condemned from the beginning and which, according to the information we have, General Wavell advised against from the beginning. General Wavell, in his selections of those whom he considers the six greatest generals in world history, made some comment about strategy and tactics and military operations, and he compared them to a game of bridge. He said that the bidding, or the calling, as he named it, was the rough equivalent of strategy, and that the playing of the cards was comparable to tactics. Then, with relation to strategy, he said this:

> Calling—
>
> Again referring to the game of bridge—
>
> is to a certain extent mechanical and subject to convention. So is strategy, the main principles of which are simple and easy to grasp.

So we have the authority of a living general and a man with a distinguished career which encourages those of us who have not had military training or education in thinking that perhaps by the exercise of good common sense we may understand something of the principles of strategy.

That brings us to an event when the very essence of strategy, the thing that makes up strategy itself, was put into a single sentence by a distinguished successful leader in the War between the States. It has been said so often that one almost hesitates to repeat it again, yet it is only by constant repetition sometimes that we come to understand and to realize the truth. That argument, or that theory, as you know, of military strategy and tactics is "to get there fustest with the mostest." Nobody has ever said it any better, nobody has ever said it more effectively, and it encompasses not only strategy but also the tactics of war.

I hope that this committee contemplated by House Resolution 566 will be appointed without a single objection. This will not be a junket trip. It is not going to be easy for the Members who may participate in it. Snow has fallen in a part of the area of the highway, in a small part of it anyway. Frost has come, and by the first of December, which is probably as early as the committee could leave here, it is likely that below zero weather will be encountered along the line of this road. On the first of December we are almost certain to have weather in some places that will extend anywhere from 10° above to 20° below zero. So, we may all be warned in advance that this is not a venture of pleasure. I do submit, Mr. Speaker, that it is a worth-while enterprise.

After all, as the President himself found out in his recent journey around the country, the best way to learn conditions in any part of the country and about what is going on, even about its geographical features, is to make a journey and a visit to the part of the country about which information is sought. Alaska is important now, and it is becoming increasingly important. The building of this highway, in my judgment, is the greatest thing that has been done for Alaska since we took it over in 1867. It will mean more eventually to the economic development of Alaska than all of the other things which have been undertaken by the Government of the United States on behalf of Alaska or to help the people of the United States to cash in on the natural resources of Alaska.

As the war progresses it must be more and more evident that we shall probably be obliged to send increasing volumes of supplies and help to Russia. Demand has been made for it. Mr. Willkie reiterated that demand the other night in his speech to the Nation, and Mr. Stalin took the trouble to send it out in writing to one of the press representatives, stating how much need there was of keeping our promises of help and of aid.

So far as supplies for Russia are concerned, there are only two possible routes to get them there. Of course, there are really three routes, one via the Indian Ocean, but that involves an enormous journey, is slow; therefore the supplies are delayed in going that way. The two practical routes are, first, north of Murmansk, and, second, through Alaska into Siberia, thus into the heart of Russia.

It cannot be repeated too often that the short line to Russia, the short line to the heart of Russia from the center of the United States, and the short line to Japan from the western coast of the United States at Seattle, lie either through the main body of Alaska or along the Aleutian Islands. To attempt any other journey is to impose upon one's self the burden of additional mileage, and it runs counter and contradictory to Gen. Nathan Bedford Forrest's great maxim that if you want to win a battle you have to "get there fustest with the mostest men."

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Is the new road to Alaska an all-year-round road?

Mr. DIMOND. Yes; the answer is that it is an all-year-round road. It will be even more usable in its early history in the winter time than it will be during the summer season. The road during the winter, if it is properly graded, as I assume it is, ought to be a perfect highway for the coming winter. It probably will not be much of a highway for a couple of months next spring when the frost goes out of the ground until a surfacing has been put on of either rock or gravel, or of pavement, but I understand there is no thought of putting pavement on right away because it is necessary to let the road settle first; so until the road is surfaced it will be of much more value during the winter season than it will be in the summer season.

Mr. KNUTSON. Is the road as it is laid out accessible to Seattle?

Mr. DIMOND. As the road is laid out it is not directly accessible to Seattle except by one of those long and tortuous journeys such as we encounter in going into the Arabian Sea to get supplies to Russia. In order to get to this road from Seattle it is necessary to go east of the Rocky Mountains, to Great Falls, Mont., or to Bismarck, N. Dak., and then turn north.

Mr. KNUTSON. That is a roundabout way?

Mr. DIMOND. Yes; but it can be remedied by building 300 miles of road now. If a road is put in between Prince George, British Columbia, and the present route of the road, probably near Fort St. John, British Columbia, a distance of about 300 miles by road, there will then be a direct road connection between the Pacific coast of the United States and Alaska. It will be rather a roundabout way, but it will certainly be 2,000 miles shorter than the route as it exists at present, whereby one must leave the Pacific coast and go clear east of the Rocky Mountains and then turn north to get into Alaska.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Louisiana.

Mr. BROOKS. I have been very much interested in the building of the road on account of the military reasons for doing it. I have noticed in the press reports that the road would be open December 1. I do not want to be technical, but I have been concerned with the thought that if that road will be usable after it freezes over, will it not be rather slick, too? Will it not be difficult to move motor vehicles over it?

Mr. DIMOND. I think not. In fact, I know that there will be no serious difficulty of the kind suggested by the gentleman from Louisiana [Mr. BROOKS].

[Here the gavel fell.]

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for 2 additional minutes.

The SPEAKER pro tempore (Mr. BOREN). Under a previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is entitled to be recognized at this time.

Mrs. ROGERS of Massachusetts. I would be very glad to have the gentleman's time extended 2 minutes, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Iowa.

Mr. JENSEN. We have all heard much about the difficulty you have had with muskeg up there in a certain area. Has that difficulty been pretty well overcome? What will happen next spring when the frost goes out? Will that area where the muskeg problem has been so bad be taken care of? I should like to hear the gentleman explain that.

Mr. DIMOND. Although I am not a highway engineer, I have had some experience in building roads in Alaska, and I can assure the gentleman that there will be no grave trouble with respect to muskeg. I am informed by the Army engineers that by careful location of the route of the road it has been possible to avoid all except small stretches where the road is built on muskeg ground.

Therefore no grave difficulty is anticipated in the muskeg area. I know from my own experience that highways can be built and maintained on muskeg. It is expensive to maintain them, but there is no trouble about keeping them in shape and building them in such form that they will stand heavy traffic.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman with pleasure.

Mr. GATHINGS. We all realize the great importance of the construction of this fine highway to Alaska, tying in the Territory of Alaska with the mainland of the United States. I would simply like to make the statement that it was a marvelous feat and almost a miraculous one on the part of the War Department and the Public Roads Administration in constructing this line in such a short length of time. I would like to ask the gentleman to insert as a part of his remarks the time that has been consumed in the construction of this highway thus far.

Mr. DIMOND. Mr. Speaker, I join wholeheartedly in everything the gentleman has said about the competency and the efficiency of the Army engineers in building this highway, which is about 1,600 miles long, and involves the building of practically 1,300 miles of new road and rehabilitation of 200 miles of previously existing road between the 1st day of April and the 1st day of December of this year. I do not know of any similar undertaking, except the Burma Road, that has been carried through so speedily and so successfully within my lifetime—a job of this magnitude which was undertaken in a wilderness and where we have got so far as this in such a short time.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Iowa.

Mr. JENSEN. Could the gentleman tell us what is the average width of the road? We have heard many contradictory statements about that.

Mr. DIMOND. I am told that the roadway is cut out 50 feet wide and that the width of the road will be 30 feet, that is, the surface width of the road will be 30 feet. It will permit at least two complete lanes of travel on the road.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from California.

Mr. CARTER. What is the maximum grade on this road?

Mr. DIMOND. At the present time 7 percent. The steeper grades will be cut down a bit in some places when the final location of the road is made. In building a new road it is necessary always to first get a road through, some kind of road, and then afterward adjust the grades as may be necessary. That is the history of the building of all such roads; first, put the road through and make your adjustments later. This will be done here. However, at the present time the road does not contain any grades that forbid the carrying of any kind of heavy traffic over it.

A few minutes ago the gentleman from Louisiana [Mr. BROOKS] asked whether difficulty would not be encountered in freighting over the highway during the winter season by reason of the presence of ice and snow. I can assure him that from the experience we have already had in Alaska in freighting with trucks and tractors during the winter season in various parts of the Territory there is not the slightest ground for believing that any grave trouble will be encountered in that respect on the highway to Alaska. It is true that the road in places will probably be slippery, but those difficulties can usually be overcome without much trouble; in fact, with even less difficulty than would be the case if the highway were paved with concrete. In the northwestern part of the United States under similar conditions trucks carrying heavy loads run almost every day during the winter season and their travel is not seriously impeded by ice conditions.

Mr. Speaker, I now offer for inclusion in the RECORD at this point House Resolution 566:

Whereas from official sources of information it appears that excellent progress has been made in the construction of the highway to Alaska, to such an extent that at some time during the month of November 1942 the highway will be open to traffic during the coming winter, from end to end, that is to say, between its eastern terminus at Dawson Creek near Fort St. John, British Columbia, via Fort Nelson, Watson Lake, Whitehorse, and Big Delta to its western terminus at Fairbanks, Alaska, a distance of approximately 1,600 miles; and

Whereas the building of this highway under the direction of the Engineers of the United States Army is a notable achievement, seldom if ever equaled in road construction during the history of the Nation; and

Whereas Alaska at its northwest extremity approaches to within 54 miles of the mainland of Siberia, and in the Aleutian Islands to within 700 miles of the northern end of the Japanese Empire, and, therefore, it is of much importance to have overland connection between the main body of the United States and Alaska; and

Whereas the highway to Alaska is of great strategic consequence providing as it does an overland route for supplying our military forces in Alaska with materials of war of all descriptions, supplying likewise the civilian population of Alaska, and furnishing a ground route for the aid of air transport service between Alaska and the United States; and

Whereas any comprehensive program of post-war economy is bound to give careful consideration of the vast natural wealth of Alaska embraced in its forests, fisheries, minerals, and more especially its millions of acres of agricultural and grazing land; and

Whereas it is valuable to the Nation that the House of Representatives have first-hand knowledge of the highway, its location, condition, and of the vast Alaska area which may be served by it, and of the possible desirability of extending the highway from Fairbanks, Alaska, westerly to some point or points on the coast of Bering Sea or Bering Strait: Therefore be it

Resolved, That the Speaker be, and is hereby, authorized and directed to appoint a special committee of not to exceed nine Members of the House of Representatives to visit and inspect the highway and the adjacent areas of Alaska, to make such investigation of the highway and of its usefulness, both present and prospective, to the war effort and with relation to the post-war development of Alaska, as the committee may think proper, and to make report thereon to the House of Representatives at the earliest practicable date, embracing recommendations concerning any development or extension of the highway which the committee may think desirable.

[Here the gavel fell.]

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein as a part of my remarks the House resolution to which I have referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, there is a matter that has been giving me a good deal of concern and upon which I have spent a good deal of

time. I believe it can be done by Executive order of the President. I do not think legislation is necessary, but if it is I should like to secure it and I would like very much to have the thinking of the House upon it.

As the Members know, there are men in this country who will be taken in the draft who cannot read or write. Unfortunately, this number is greater than I would wish. It has been stated that in the first draft there was 10 percent who were not taken into the Army because of illiteracy. I am told that there is quite a group of teachers who could easily undertake the teaching of these men, in fact a thousand of them, and in a short time, these teachers feel, they could instruct the men in reading and writing so that they might be available for service. I believe the matter has given those in charge of the draft, General Hershey and others, considerable trouble because they would like to have authority to place these men in training, but under the present regulations they cannot do so satisfactorily.

The Army, concerned with training soldiers, does not wish to use fighting men to teach these selectees how to read and write. They want to get the men after they have been trained in the elements of education, ready to be trained as soldiers. I say this upon the advice of the proper authorities of the War Department. The next question which concerns us is how this training can be given. I am well aware of the splendid efforts which many Members of this House have made to get Federal funds with which to combat illiteracy in this country. I know also of some of the fine work that has been done. The President of the United States has publicly said that he wishes that more can be done. We are all of one mind in wanting to have it done; we have not all thought that any one way is the best way to do it. I should like to propose that we meet the emergency first, and that while we do what can best be done in the emergency, that at the same time we all plan together on the bigger program.

I would therefore suggest that a joint emergency program be set up, under which the Selective Service, in cooperation with the Office of Education, should set up training centers. Let me refer you to an excellent article by Dean Will Russell, of Teachers College, Columbia. The article appeared in the New Republic of October 19, page 490. This article points out the need for an emergency program and tells us how to go to work to get it going. Dean Russell says that we must put the lights on in every educational center, public or private, that will meet the Army's and the civic authority's standards and do the job—quickly, efficiently, and as a saving to the Nation and to the men of this Nation. Let me but point out that for every mature man put into the service and for every officer released from teaching for combat service, we without further to do are saving the underage boy for the training which the Army and his parents wish him to have.

I should like to summarize this problem briefly.

America needs manpower. America needs fighting manpower. Our armed forces are being denied the services of thousands of fighting men because they do not meet the Army's standards for admission into the Army. My concern in this matter is based on many premises:

First. The armed forces are losing the services of many thousands of fine American men, because these men do not meet the qualifications of the Army. Many are turned down because they do not have fourth-grade literacy.

Second. The Army, badly needing these men, has now lowered its standards and now admits men who do not have fourth grade literacy—only to have to train them after they are admitted.

Third. This training process requires the assignment for this purpose of hundreds of officers who could to far greater advantage be used for combat purposes, were they released from the assignment of teaching men to read and write.

Fourth. The fact that these men need this training is itself a matter of deep concern and shows that we have some very fundamental problems to face for our people here at home, quite apart from the many issues involved in the war. Today the war comes first.

Fifth. Teachers could be given special training to equip them to undertake this work. I have been told that persons having had the equivalent of 1 year's work beyond the high-school level could be given an intensive training course of about 4 to 6 weeks in order to fit them to undertake this special work of teaching these adult illiterates. The teachers so trained would, I am told, be ready to go to whatever place they may be sent and serve with the zeal which their patriotic fervor would command.

Today, we must act quickly. And we must carefully consider not only what we should do, now, but also how we should do it.

Here again I should like to make a few very definite observations.

Under the present regulations selective service has no authority to compel prospective selectees to enter training. In other words the man who is turned down because he cannot read or write is not asked to become fit in order to be able to serve his country.

I would therefore propose that selective service be given the power to order selectees into training for such training as may be necessary. If this can be done by Executive order, I shall be glad to cooperate with the proper authorities to call the need for such an order to the attention of our President, who I am sure would be very happy to do whatever is best to serve our armed forces. If the granting of such authority would require legislation, I shall be glad to introduce the necessary legislation.

Mr. BROOKS. Mr. Speaker, will the gentlewoman from Massachusetts yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman.

Mr. BROOKS. The Army has instituted a great many schools and this includes every branch of Army work and the Navy also. They have schools for the purpose of training men for special work. Does not the gentlewoman from Massachusetts feel that the Army might investigate the possibilities of giving these people the amount of education necessary to carry on their military duties and proceed to induct them and use their services wherever they are available?

Mrs. ROGERS of Massachusetts. That might be done if these instructors already in the service are not needed for other work. I have been told that the Army would be glad to have some of these men released for other work. I know that is a very fine service, but it has been suggested that this training should be given to the men before they are inducted, if it is not military training, as such. Their idea would be fine, but they are short of manpower and women could do this work as well as men thereby releasing men for war duty. Of course, the schools will be depleted and as time goes on more teachers will be available.

Mr. BROOKS. The man who is taken into the Army can be taught enough to pursue the necessary military training for service and when he is released at a later date, if he is given some degree of education, it helps him very much.

Mrs. ROGERS of Massachusetts. Yes, that is very fine, but if they could have the essential intensive training before induction, it would be helpful. Now, some are being taken in who do not have fourth-grade literacy and the Army must lose officers from combat duty in order to train these men. Some of these teachers might even be able to give their services just as the soldier gives his. Last summer thousands of teachers volunteered to donate their summer to this work free of compensation.

I propose at some date in the very near future to present specific plans to this House to enable us to serve our country and to promote the efficiency of the armed forces by making all men of military age fit to serve their country. I shall bespeak and I am sure that I shall have the hearty cooperation of the Members of this House on a program which we all support in principle.

The SPEAKER pro tempore. The time of the gentlewoman from Massachusetts has expired.

HON. SAMUEL W. KING

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DIMOND. Mr. Speaker, earlier today, at the request of the Honorable SAMUEL W. KING, Delegate from Hawaii, I offered for inclusion in the RECORD a radio address delivered by Mr. KING and a letter written by Mr. KING addressed to an official of the Republican organization of Hawaii, in which Mr. KING announced his intention to not further continue as a candidate for Delegate from the Territory of Hawaii to the Congress of the United States.

Mr. KING has had a distinguished career. After graduation from the United

States Naval Academy at Annapolis, he served in the Navy for some 20 years, and there rendered valiant and distinguished service. At the end of that time he resigned. At the time of his resignation, as all will recall, we had more officers in the Navy than we had use for, and it seemed to most of us as though the Navy would not see any real action again within the lifetime of men of Mr. KING's age. Now the situation is changed, and Mr. KING feels that the call for naval service transcends any call which he might have to serve in this body.

I have known Mr. KING, of course, since he came here about 8 years ago. It is not necessary to tell the Members of this House that his service here has been of the highest character; that he is a man of highest integrity, loyalty, large intelligence, and good and sound judgment. The House of Representatives will be poorer for Mr. KING's decision that he can serve his country more adequately in the Navy than in this body. I respect and honor him for that decision, because he has voluntarily taken a post of danger. When he resigned from the Navy, he held the rank of lieutenant commander. When he goes back to the Navy, I suppose he will go in at the same rank. America can well look to the future, as long as we have men like SAM KING, who in both military and civil life give their country an intensity and integrity of devotion and a degree of intelligent leadership of which we are always in need. To SAM KING and to his lovely wife and splendid children I give heartfelt tribute of affection and respect and honor.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JENSEN. Mr. Speaker, I rise to say a few words respecting our friend and colleague, Hon. SAMUEL W. KING, of Hawaii, who has joined the service of his country again. SAMUEL KING lived across the street from me, and we have become very fast friends. I have talked a lot with him about the last war and the great part he played in the service of his country at that time.

SAM KING is a natural-born soldier. He loved his country and he loves to fight for his country. During the Pearl Harbor catastrophe SAMUEL KING was greatly concerned and disturbed about the safety and welfare of his people. I talked to him that day, and I sensed then that SAM KING could not stay out of the service of his country. He was itching to get in and to go after those "slant-eyes" and do it quickly. So SAM KING is in the service and we of this body honor him, knowing that he will do a real job.

SAM KING, we salute you, and may God give you strength to fight and to exercise your ability and wisdom which will put our enemies on the run in the great job you will do with the forces of Uncle Sam and our allies. Good luck Sam and a speedy return to your duties in Congress after the job you have now undertaken is finished successfully for the country you love.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes and revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise to pay my tribute to the Honorable SAMUEL W. KING, Delegate to the Congress of the United States from Hawaii. He has served most ably and faithfully as Delegate for the past 8 years and has secured helpful legislation for Hawaii. I know beautiful Hawaii and I fully understand the need of its protection in spite of statements of its impregnability. I agreed with Delegate KING and gladly helped him in his work to secure legislation for adequate defense of Hawaii. He served with great gallantry during the World War; he was an extremely able naval officer. I salute him as he has again gone into the naval service, and I am sure will serve with the same gallantry that he did in the first war. He was graduated from Annapolis in 1910 and served in the Navy until 1925.

Those of us who happened to hear today of losses in the Solomon Islands—a young friend of mine was killed in action—feel particularly grateful to have older men, men who have been trained in naval work, go back into the service and carry on, bringing their knowledge gained in the last war forward into this war. It is splendid to have the skill and gallantry of the older men with the bravery and daring of the new men. I do not believe there has been a more highly respected Member or Delegate in this House than Hon. SAM KING. I hope he will have a safe service. I know it will be a fine one. I trust that in a short time he will be back again to serve in the House with the same fine distinction and ability.

Mr. BOREN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore (Mr. MCMILLAN). Is there objection?

There was no objection.

Mr. BOREN. Mr. Speaker, it was my privilege to know SAM KING intimately. It was my pleasure to visit him in his home in the beautiful islands of Hawaii. It was my privilege to become acquainted with his home life, with his family and his friends, to enjoy with him a survey of the islands' beauty, and to enjoy in his company an inspection of the islands' defenses. By airplane we visited on the several islands that make up the group. Through his assistance I was permitted an inspection of the public-health program in Hawaii, a visit to the famed colony of lepers. It was through his great interest and his fine friendship that on my visit to Hawaii I became acquainted with Hawaii as an integral part of the United States of America. In Hawaii I learned that those people were really a part of us. The people that we met in the streets in Honolulu, the shops, the theaters, everything was the same as it might have been had I traveled from one town to another in my own congressional district.

Mr. KING has done that not only for me but for this Congress. He has made the American Congress cognizant of the fact that Hawaii is an integral part of the United States and not a remote island, far removed from us in the interest of commerce and association.

Mr. KING, as an individual, I admire and respect. I appreciate the constructive work he has done in this Congress. Although he is a member of the minority party, we of the majority respect and admire and appreciate him. I know that he felt an obligation to enter the service, in part because he had been educated for that particular service. He was a graduate of the United States Naval Academy, a valiant officer in the last World War. A man who has served with distinction and credit in the United States Navy, he felt strongly the urge to reenter the service for which he was especially educated.

Mr. KING, as Delegate from his Territory, has served his constituency with faithfulness and endless endeavor. I have listened to him as he addressed us on this floor. I have read with great care his statements prior to the beginning of this war, not only about affairs domestic to his constituency, but about affairs that loomed on the horizon as international problems, and that pointed even many months ago toward a conflict with Japan. I think Mr. KING has been right in his statesmanlike viewpoint of the action that was necessary in the Pacific. Long ago he urged that the United States seize many islands for which we are now in mortal combat. Long ago he advocated that we assume control over certain French islands in the Pacific, which by delay we have left in the hands of unfriendly or at least disinterested people.

I just want to say, and I know that I speak as well for my colleagues, that I miss SAM KING and his splendid personality, his clear thinking, his voice of statesmanship in these Halls. Irrespective of the fact that he is a member of the other party, we on this side do admire, respect, and appreciate him, and we long for the day when he will return to be amongst us after service in America's victory over her adversaries. I believe that day will not be far distant when we can again enjoy the splendid association of this noble, able, courageous, and earnest man.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MANASCO. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. PATRICK. I shall be pleased to yield to my colleague from Alabama.

PERMISSION TO ADDRESS THE HOUSE

Mr. MANASCO. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of the business on the Speaker's table, I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, will the gentleman from Alabama yield?

Mr. PATRICK. I shall be most happy to yield to the distinguished, scholarly, refined, and talented gentleman from California.

Mr. SHEPPARD. I consider that the finest compliment of my political career.

Mr. PATRICK. Not at all; it is entirely deserved.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Judge J. F. T. O'Connor on October 11 and my comments regarding the same.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ENCOMIUMS FOR RESIGNING MEMBERS AND THOSE WHO FAIL OF REELECTION

Mr. PATRICK. Mr. Speaker, I want to join in the kind things that have been so truthfully said about SAM KING. This body is going to miss him tremendously.

I have been impressed very frequently, as well as inspired at times, by the kindly nature of this body and in its appreciative and thoughtful way toward every Member who resigns to go into some other service. Far be it from me to become too solicitous in behalf of my own group, but when a fellow gets licked by the folks back home do you not lose him just as much? And do you not feel his loss quite as keenly? I wonder why. I have never been in position to address you on this subject before, but at this time I am.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I gladly yield to my colleague from California.

Mr. CARTER. I assure the gentleman that his genial countenance is going to be missed here when it does come time for him to leave, and that there will be many sighs of regret when we see him here no more.

Mr. PATRICK. I thank the gentleman from California very heartedly. My only pain is that I had to prod to get it. Having cranked the car, however, she is chugging. I am glad to hear it, and I am standing ready to hear any others. There are other boys right along in the same boat with me; I am sure their hearts are yearning for kindly words of the same kind. By the way, I wish there were some way to let the folks back home know how some of us have really worked for the past 2 years. A few would be here who were left because the home papers refused to carry the news of their efforts.

I want to say a few words with regard to another subject. You know we enjoy a sort of freedom now that we did not before. I want to refer to a matter I am sure everyone would like to express himself on, and I am sure every Member of Congress realizes that this is regarding a serious thing.

We have two branches of the service that are sometimes compared with each other, the Army and the Navy. These two bodies of the American defense are doing all they have been able to get together to do in carrying forward the defense of this Nation. When I as a Congressman call the Navy Department I am impressed with the very quick and efficient way in which everything is handled.

Service extended by the Navy is always something of which one can be proud. You get an excellent response; you have telephone numbers and everything at your fingertips. A special up-to-date directory is provided. Mr. Speaker, when you call upon the Navy you get response quickly and effectively. We shall be glad when the Army Department catches up with the Navy in this respect. No doubt that is the goal of the Army. Of course we must avoid the tendency to become "civilian generals" and "armchair admirals" but to one removed it still looks as though there is some lack of coordination between those two great arms of the Nation. I was disappointed when I learned that the Army heads did not learn of the first naval losses in the Solomons until it was released to the public. It is difficult for a layman to see any true military reason for this.

EXTENSION OF REMARKS

(Mr. PATRICK asked and was given permission to revise and extend his own remarks.)

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDaniel, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 37. Concurrent resolution authorizing the making of certain changes in the enrollment of the bill (S. 2794) entitled "An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes."

ADJUSTING ROYALTIES FOR THE USE OF INVENTIONS FOR THE BENEFIT OF THE UNITED STATES

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 37.

The Clerk read the resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2794), entitled "An act to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes," the Secretary of the Senate is authorized and directed to make the following changes in House Engrossed Amendment No. 1 to said bill, viz.:

In line 2 of said House engrossed amendment after "and" insert "After 'disposition.'"

In line 2 of said House engrossed amendment strike out "within" and insert "Within."

Mr. CARTER. Mr. Speaker, reserving the right to object, I understand this is just a correction of some clerical errors that crept into the bill and that it does not change the purport of the measure in any way.

Mr. COOPER. The gentleman is correct. This Senate concurrent resolution seeks to correct certain errors made in the engrossment of a bill passed by unanimous consent.

Mr. CARTER. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to and a motion to reconsider was laid on the table.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, November 2, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1981. A letter from the Acting Secretary of the Navy transmitting a draft of a proposed bill for the relief of Master Gunnery Sgt. Eugene M. Martin, United States Marine Corps; to the Committee on Claims.

1982. A letter from the Secretary of War, transmitting a draft of a proposed bill for the relief of Col. Leo A. Luttringer, United States Property and Disbursing Officer for Pennsylvania; to the Committee on Claims.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS of Arkansas: Committee on Claims. S. 1953. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased; with amendment (Rept. No. 2619). Referred to the Committee of the Whole House.

Mr. MEYER of Maryland: Committee on Claims. S. 2705. An act for the relief of Capt. Samuel N. Moore, United States Navy, with amendment (Rept. No. 2620). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Massachusetts:

H. R. 7750. A bill relating to admission to citizenship, without regard to educational requirements, of parents of members of the land and naval forces; to the Committee on Immigration and Naturalization.

By Mr. KNUTSON:

H. R. 7751. A bill to restore standard time during the months of January, February, November, and December; to the Committee on Interstate and Foreign Commerce.

By Mr. LEA:

H. R. 7752. A bill to aid small independent business of the country by the collection and dissemination of knowledge of business management and its application to specific problems and opportunities, that the American

system of free enterprise may be strengthened and that individual small business may be continued at a profit both to the businessman and the community; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ELLIOTT of California introduced a bill (H. R. 7753) for the relief of Ernest W. Bailey, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3404. By Mr. GRAHAM: Petition prepared by Ralph L. Roenigk and signed by 70 members and friends of the Clinton United Presbyterian Sabbath School of Valencia, Butler County, Pa., to keep alcoholic beverages from being sold to our boys in camps; to the Committee on Military Affairs.

3405. Also, petition prepared by George Dickey and bearing the signatures of 40 church people of Slippery Rock, Pa., deploring the possibility of our younger boys being taken into military service without protection from the liquor traffic in the camps; to the Committee on Military Affairs.

3406. By Mr. DOUGLAS: Petition of sundry citizens of Utica, N. Y., favoring the passage of the so-called Sheppard bill (S. 860), to prohibit the sale of all alcoholic liquors in or near military camps or naval bases; to the Committee on Military Affairs.

SENATE

MONDAY, NOVEMBER 2, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Dear Lord and Father of Mankind, our glad and grateful hearts thrill as once more, on the coming morrow, a free nation pauses to hear and to heed the voice of the sovereign people.

We thank Thee for the mandates which emerge from the pooled judgment of a people's uncoerced will. From imposing legislative halls of the Nation and of the States we turn our reverent gaze to those unadorned yet sacred booths set up from sea to shining sea which are the holy of holies in the temple of our democracy, where, free from sinister, spying eyes, every man is alone with his own conscience, none daring to molest or make afraid.

Make us solemnly conscious with what a price was this freedom bought for us, with what a price it is being preserved as, while the right of untrammeled franchise is being exercised under American skies, our boys are bravely dying far from home, in swamp, in jungle, and on lonely isles, that this kingly scepter may never be snatched by tyranny from the hands of the common man. With the casting of the ballots may there be also the lifting of the prayer, America, America, best hope of tomorrow's world, God heal thine every rift, God mend thine every flaw. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 29, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on October 29, 1942, the President had approved and signed the following acts:

S. 2327. An act to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard; and

S. 2693. An act to provide for the instruction of meteorological students in weather forecasting.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Under authority of the order of the 29th instant,

During the last adjournment of the Senate the Vice President signed the enrolled bill (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes, which had been signed previously by the Speaker of the House of Representatives.

STATEMENT BY THE PRESIDENT URGING CITIZENS TO VOTE

Mr. HILL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the statement issued by the President of the United States on October 30, urging all the people to vote in the elections to be held tomorrow.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I hope very much that the press and the radio will tell all citizens of the United States that the President hopes they will go to the polls next Tuesday and vote.

We are engaged in an all-out war to keep democracy alive. Democracy survives through the courage and fortitude and wisdom of many generations of fighting Americans. And that includes using not only bullets but also ballots.

I ask that employers—all over the country—will so arrange the workday that they and all their employees can go to the polls and that there will be no deductions in pay for reasonable time necessarily taken to vote.

I have directed that those responsible for the operation of the Government's workshops—shipyards, navy yards, arsenals, ordnance depots, as well as the executive departments and agencies—should give all the employees an opportunity to vote without any loss of wages for the time away from work.

ARRANGEMENTS TO PERMIT WORKERS TO VOTE—JOINT STATEMENT BY SECRETARY OF WAR, SECRETARY OF THE NAVY, AND CHAIRMAN OF THE WAR PRODUCTION BOARD

Mr. HILL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the statement issued on October 30, jointly by the Secretary of War, Hon. Henry L. Stimson, the Secretary of the Navy, Hon. Frank Knox, and the Chairman of the War Production Board, Hon. Donald Nelson, with reference to arrangements to enable workers to vote tomorrow.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OFFICE OF WAR INFORMATION,
WAR PRODUCTION BOARD,
October 30, 1942.

The following statement was issued jointly today by Secretary of War Henry L. Stimson, Secretary of the Navy Frank Knox, and Chairman Donald M. Nelson of the War Production Board:

"The right to vote is one of those great rights of freemen for which this war is being fought. To exercise that right is the solemn duty of all American citizens—now, in the midst of this great emergency, more than ever before.

"In the great majority of cases it will be possible for war workers to arrange to visit the polls either before or after work. However, in exceptional cases where this is not possible, arrangements should be made to permit the worker to vote. This will be one of the very rare exceptions to the general rule that nothing must be allowed to take workers out of war factories. In these exceptional cases, with full regard for the vital importance of keeping the full flow of production uninterrupted, we believe that on election day, November 3, holders of war contracts should give their men time off to vote, for which 2 hours should be ample.

"The duty to vote is paramount and by intelligent cooperation between management and workers the interruption to production can be held to a minimum. It will help greatly in that connection if other voters at the polls will take pains to let workers vote first so that production time is not unnecessarily wasted by workers standing in line."

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

ADDITIONAL HOSPITAL FACILITIES IN THE DISTRICT AND METROPOLITAN AREA (S. DOC. NO. 254)

A letter from the Administrator of the Federal Security Agency, transmitting, in response to Senate Resolution 302, agreed to on the 13th ultimo, a report from the Public Health Service relative to steps being taken to provide adequate hospital facilities for the District of Columbia and the Washington metropolitan area (with an accompanying report); to the Committee on the District of Columbia and ordered to be printed.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of the Post Office Department which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Department.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the comimttee on the part of the Senate.

RESOLUTION BY MADISON (WIS.) FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES—ST. LAWRENCE SEAWAY

The VICE PRESIDENT laid before the Senate a resolution by the American Fed-

eration of State, County, and Municipal Employees, Madison, Wis., favoring the prompt enactment of pending legislation providing for the development of the St. Lawrence seaway project, which was referred to the Committee on Commerce.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS

The following report of a committee was submitted:

By Mr. REYNOLDS, from the Committee on Military Affairs:

H. R. 6013. A bill to authorize the Secretary of War to transfer certain land to the Territory of Hawaii; without amendment (Rept. No. 1667).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On October 29, 1942:

S. 2693. A bill to provide for the instruction of meteorological students in weather forecasting.

On October 30, 1942:

S. 2794. A bill to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

S. 2881. A bill for the relief of John Sweeney (with accompanying papers); to the Committee on Immigration.

Mr. WILEY. Mr. President, I introduce a bill which I ask may be referred to the appropriate committee. The bill provides for the relief of victims of flood in the city of Bayfield, Wis.

The VICE PRESIDENT. The bill of the Senator from Wisconsin will be referred to the appropriate committee.

By Mr. WILEY:

S. 2882. A bill to provide relief for victims of the flood of July 16, 1942, in and near the city of Bayfield, Wis.; to the Committee on Claims.

ADDRESS BY SENATOR THOMAS OF UTAH ON THE IMPENDING ELECTION

[Mr. HILL asked and obtained leave to have printed in the RECORD a radio address delivered by Senator THOMAS of Utah at Salt Lake City on October 31, 1942, under the auspices of the Democratic Senatorial Campaign Committee, which appears in the Appendix.]

ADDRESS BY SENATOR WILEY AT THE BICENTENNIAL CELEBRATION OF ARRIVAL OF H. M. MUHLENBERG IN AMERICA

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address delivered by him at Oshkosh, Wis., October 25, 1942, at the meeting celebrating the bicentennial of the arrival of Henry Melchior Muhlenberg in America, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD AT GRADUATION EXERCISES OF FBI NATIONAL POLICE ACADEMY

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD the address delivered by Senator MEAD at the graduation exercises of the Federal Bureau of Investigation National Police Academy, October 31, 1942, which appears in the Appendix.]

ADDRESS BY J. EDGAR HOOVER AT GRADUATION EXERCISES OF FBI NATIONAL POLICE ACADEMY

[Mr. HILL asked and obtained leave to have printed in the RECORD the address delivered by J. Edgar Hoover, Director of the Federal Bureau of Investigation, at the graduation exercises of the twentieth session, Federal Bureau of Investigation National Police Academy, on October 31, 1942, which appears in the Appendix.]

ADDRESS BY EDSEL R. FORD AT GRADUATION EXERCISES OF FBI NATIONAL POLICE ACADEMY

[Mr. HILL asked and obtained leave to have printed in the RECORD the address delivered by Edsel R. Ford, president, Ford Motor Co., at the graduation exercises of the twentieth session, FBI National Police Academy, on October 31, 1942, which appears in the Appendix.]

POSITION OF AMERICAN LEGION ON DRAFT LEGISLATION—ADDRESS BY ROANE WARING

[Mr. GURNEY asked and obtained leave to have printed in the RECORD a radio address delivered by Roane Waring, national commander of the American Legion, on November 1, 1942, which appears in the Appendix.]

ADDRESS BY JAMES D. HOSKINS ON A UNIFIED COMMAND AND DEMOCRACY IN AGRICULTURE

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an address entitled "A Unified Command and Democracy in Agriculture," delivered by James D. Hoskins, president, University of Tennessee, at the fifty-seventh annual meeting of the Association of Land Grant Colleges and Universities at Chicago, Ill., October 28, 1942, which appears in the Appendix.]

ARTICLE BY WALTER LIPPMANN ON MR. WILLKIE IN ASIA

[Mr. HILL asked and obtained leave to have printed in the RECORD an article entitled "Mr. Willkie in Asia," written by Walter Lippmann and published in the Washington Post of October 31, 1942, which appears in the Appendix.]

REMOVAL OF BARRIERS IMPEDING WAR-PRODUCTION PROGRAMS (H. DOC. NO. 882)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Congress of the United States:

On December 23, 1941, I approved a statement of war-production policy for Canada and the United States, which contained the following recommendation:

> Legislative and administrative barriers, including tariffs, import duties, customs, and other regulations or restrictions of any character which prohibit, prevent, delay, or otherwise impede the free flow of necessary munitions and war supplies between the two countries should be suspended or otherwise eliminated for the duration of the war.

The needs of the war effort have multiplied our demands for a maximum and integrated war production not only at home and in Canada, but in every country of the United Nations. We must further take advantage of possibilities of procurement from every available source, foreign or domestic. Speed and volume of war output have become more than ever before in our history the primary conditions of victory.

To achieve an all-out war-production effort, we must implement and supplement the steps already taken by the Congress and the President to eliminate those peacetime restrictions which limit our ability to make the fullest and quickest use of the world's resources. At my direction, the Government agencies have already removed and are engaged in removing, wherever possible, numerous administrative requirements and formalities affecting the movement of war goods, information, and persons into or out of the United States. There remain, however, many legislative obstacles to that movement which impede and delay our war-production effort.

These obstacles fall into two classes: Those directly affecting the movement to and from the customs territory of the United States of matériel, information and persons needed for the war effort, such as customs duties and the laws, and the administrative supervision required by law affecting movement of persons and property at our borders and ports; and those which impose limitations on the procurement, acquisition, or use of non-American articles or the transportation of supplies in non-American bottoms, such as restrictions on the use, under construction differential subsidy contracts, of non-American materials in the construction of vessels under the Merchant Marine Act of 1936, as amended; on the procurement of any article of food or clothing not grown or produced in the United States or its possessions, on the acquisition for the public use, public buildings, or public works of non-American articles, or the transportation by sea of Navy supplies except in vessels of the United States.

I have already exercised by Executive order the power granted under the First War Powers Act to extend to the Government procurement agencies the authority granted to the Secretary of the Navy to make emergency purchases abroad of war materials and to enter them free of duty. This has measurably assisted our war effort, but it only partially eliminates the obstacles prescribed by law which I have already mentioned.

I, therefore, recommend early enactment by the Congress of legislation to the extent required for the effective prosecution of the war, the free movement of persons, property, and information into and out of the United States. I do not now recommend that the Congress repeal or amend any of these peacetime restrictive laws. It is my judgment that the problem can best be dealt with by giving to the President for the duration of the war, but no longer, the power on a selective and flexible basis to suspend the operation of all or any such laws, in such a way as to meet new and perhaps unforeseen problems as they may arise, and

on such terms as will enable the Chief Executive and the Government agencies to work out in detail parallel action in other countries.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 2, 1942.*

PRINTING IN PERMANENT RECORD OF SENATE PROCEEDINGS OF OCTOBER 2, 1942

Mr. McKELLAR. Mr. President, I should like to have unanimous consent at this time to proceed for about 10 minutes.

Mr. McNARY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Oregon.

Mr. McNARY. I desire to say a few words with reference to the proceedings of the Senate in connection with a conference report, but I do not wish to take the very distinguished Senator from Tennessee off his feet. I appreciate the courtesy of the Senator in yielding to me.

Mr. President, on October 2 the able Senator from Michigan [Mr. BROWN] discussed the conference report on the so-called price-control bill. Subsequently, in the days following, controversy ensued as to whether a summary describing the conference report and the contents thereof was authentic. I shall not enter the field of that discussion, but, inasmuch as there was controversy, and, inasmuch as it may be renewed at a later date, in order to be entirely fair to the able Senator from Michigan and those who have criticized the statement and questioned the authenticity of the RECORD, I am going to to ask unanimous consent that the permanent RECORD be not printed until 30 days. That will give the Senator from Michigan and others an opportunity to return to the Chamber, so that the differences may be composed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. McNARY. Mr. President, I have not quite finished. If I may be permitted to continue, I should like to say that I realize that the Joint Committee on Printing probably has jurisdiction of this matter completely. I am aware of the rules of the Senate and try to follow them. However, I think the committee may be guided in their discretion largely by the action taken by the Senate, and this request of mine is advisory only on the part of the Senate, and it will not in any way delay the printing of the permanent RECORD. Its printing is usually from 30 to 60 days in arrears of the printing of the RECORD of each day's proceedings. In order that all who may be involved in the subject matter may be treated fairly, I request that the permanent RECORD be delayed in its printing for a period of 30 days, and that the chairman of the Joint Committee on Printing be notified of the action of the Senate.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. HILL. As the Senator from Oregon has well said, I think it is usually 30 days, anyway, before the permanent RECORD is printed. The question that has been raised in this controversy has been raised since the Senator from Michigan was forced to leave the city of Washington, and he has not as yet been able to be present when the question was raised. It seems to me, therefore, most proper and fitting that the request of the Senator from Oregon be granted and that opportunity be given to the Senator from Michigan and other Senators interested to return to the city of Washington, in order that they may make any statement they see fit about the question.

Mr. McNARY. I want it to be understood and to have the RECORD show that the 30 days shall run from today and not from the day when the conference report on the price stabilization bill was adopted.

The VICE PRESIDENT. Without objection, the request of the Senator from Oregon is granted.

ECONOMIES EFFECTED BY CONGRESS IN GOVERNMENTAL EXPENDITURES

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee that he be allowed to proceed for 10 minutes at this time? The Chair hears none, and the Senator is recognized.

Mr. McKELLAR. Mr. President, I rise to discuss two phases of a subject which is disagreeable to and unpopular with some persons both inside and outside Congress.

The press, the radio, the columnists, and many citizens abuse the Congress almost daily for its alleged inefficiencies and extravagances; yet when the Congress brings about economies, those who are active in bringing them about are usually denounced from one end of the country to the other.

The present Congress has saved to the taxpayers of the United States this year at least $3,313,000,000. Yet all those to whom I have referred have denounced us as an extravagant, wasteful, and inefficient Congress.

SAVINGS BY CONTRACT RENEGOTIATION

The savings effected have been along two lines, and I shall first discuss what is called the renegotiation of contracts. It will be recalled by everyone that last winter and spring, when the Government was letting contracts involving billions of dollars, the newspapers were full of comments on the excessive prices being paid to contractors. So much was said about the subject that it bade fair to become a great public scandal. In April of this year the House passed a bill making appropriations aggregating more than $30,000,000,000. No mention of limitations on contracts was made in the bill, either in the subcommittee or in the committee of the House which considered the appropriations. While the bill was on the floor of the House, however, Representative CASE of South Dakota offered an amendment to the bill providing that the appropriations should not be used to pay profits in excess of 6 percent on any contract. The House almost unanimously adopted the amendment, and sent the bill to the Senate.

It was generally supposed, apparently, that the Senate committee would throw out the amendment, it having been adopted on the floor of the House without committee consideration. When the bill reached the Senate, however, and was referred to the Committee on Appropriations, as chairman of the subcommittee having it in charge I gave the amendment very careful study. The amendment was attacked on all sides by the newspapers, by radio commentators, by the contractors, and by officials of the Navy Department, the War Department, the Maritime Commission, and the WPB, the Government officials taking the position that it would not bring about a reduction in profits, but might cause an increase in profits and also retard our production of war materials.

Our committee heard proof, and I came to the conclusion that the 6-percent provision, while it would save on the smaller contracts would cause large losses for the Government on the big contracts. As chairman of the subcommittee, I appointed a further subcommittee consisting of the Senator from Louisiana [Mr. OVERTON] and the Senator from Oklahoma [Mr. THOMAS] to see if they could not work out a sliding scale percentage. They reported what, in my opinion, was a very excellent sliding-scale amendment, which was adopted by the subcommittee, but when in the full committee a motion was made to strike the amendment out, it was retained in the bill only by a tie vote. All four departments concerned, heretofore mentioned, opposed the sliding-scale amendment, largely on the contention that it would slow down production. I believed it was a good amendment, but I realized that because of the then state of the public mind about slowing down war production we would have to find some other method of meeting the excessive profits situation. While Mr. Nelson was on the stand testifying against the sliding-scale amendment, I asked him if he did not desire to prevent these excessive profits. He promptly replied that he did, that he had directed his lawyers some time before to work out some plan to accomplish the result desired, but they had been unable to find a satisfactory one. I then outlined to him, and to the representatives of the other departments in the hearing, the renegotiation of contracts plan, and suggested that they return to their offices, call their attorneys together, and prepare an amendment to be placed in each contract providing that the head of any department might, upon finding any contract price to be excessive, renegotiate the contract and reset the price. As I recall, all four representatives of the departments agreed that this might well be done, and that it would not retard production. I adjourned the meeting, and the next morning at 10:30 they appeared with a skeleton proposal along the line suggested.

Our committee again heard the four representatives of the departments. We suggested a number of amendments, one important one making the renegotiation to apply to former contracts as well as to future contracts. These amendments were tentatively agreed to, and the bill containing them in what is called section 403A of the Sixth Supplemental National Defense Act was signed by the President on April 28. The four representatives of the departments, General Somervell,

Admiral Land, Admiral Moreell, and Mr. Nelson, cooperated in every way.

Immediately the several departments appointed officers to carry out the terms of section 403A. This committee was called the Price Adjustment Board. At first it consisted of 14 members, 4 from the War Department, 4 from the Navy Department, 4 from the Maritime Commission, and 2 from the War Production Board, who sat in with the others. Those appointed were efficient and able administrators. The personnel of the Board has changed somewhat, but I am sure the newer members are equally earnest and capable.

In my judgment, this law has been administered so as to make it a great success. Up to this time the Board has recovered very large sums. The members estimate that by January 1, 1943, just 60 days hence, the saving to the Government will amount to $2,000,000,000 at least. The contracts have been readjusted in a careful and prudent and liberal way. The members of the Board knew that many of the prices were fixed without full knowledge on the part of the contractors as to the cost of the work they were going to do. The Board did not indulge in general condemnations of contractors, but merely went into the merits of each individual case. The contracts were large. In some cases the profits were enormous. In many cases the contractors voluntarily paid back their excessive profits to the Government. No piece of legislation has ever saved the Government so much money. No piece of legislation has ever worked more smoothly than has this, under the guiding hands of these excellent administrators.

Sometime during the summer some of the contractors who, I am afraid, were a little greedy, conceived the idea of having the law repealed. They got the newspapers to take up the matter. Editorials, as well as magazine articles, were written against the law. Radio commentators took up the fight. Every effort was made to change the law.

It was perfectly true that the law had been prepared and enacted rather hastily, that it resulted in inequities, and that some of its provisions were subject to misconstruction. The administrators had seen to it that no hardships were inflicted by the law, but at the same time they realized that the act should be amended in a number of particulars, some favoring the contractors and some favoring the Government.

At the request of a great many contractors, the Finance Committee of the Senate took up the matter, the contractors contending that the way to control excessive profits was by taxation. Realizing the importance of the question, the Senator from Georgia [Mr. GEORGE], the able chairman of the Senate Finance Committee, appointed a special subcommittee consisting of the Senator from Massachusetts [Mr. WALSH], chairman; the Senator from Texas [Mr. CONNALLY], the Senator from Kentucky [Mr. BARKLEY], the Senator from Michigan [Mr. VANDENBERG], the Senator from Missouri [Mr. CLARK], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Kansas [Mr. CAPPER] to hear proof and report on the matter. Under Secretary of War Patterson appeared. Under Secretary of the Navy Forrestal appeared and testified, as did Mr. Donald M. Nelson, Chairman of the War Production Board, and a number of other officials. Finally, all those participating in the conference agreed upon amendments which I believe strengthened and improved the bill and made it more workable, as a result of the elimination of certain alleged injustices.

The subcommittee was kind enough to invite me to sit in at all its hearings; and I wish to take this occasion to congratulate the Senator from Georgia [Mr. GEORGE], the Senator from Massachusetts [Mr. WALSH], and the other members of the committee for their splendid work on the amendments. I cannot too highly praise Under Secretary Patterson, Under Secretary Forrestal, and the gentleman under them in all four departments, who have so ably administered the law in the interest, I believe, of both the Government and the contractors. Of course, some of the contractors did not like to give up their excessive profits, but, for the most part, I can give praise to them for their fairness in recognizing that their profits had been excessive, and for their efforts to be fair in dealing with their Government.

Naturally, I feel very proud of the results secured under this law, because I suggested the method of dealing with the situation, and because I have labored incessantly to impart to the law strength and workability. I take additional pride in the law because I have been told that in no war heretofore waged by the United States have the profits of contractors been regulated to the extent that is being attempted under the provisions of this act. If it saved the Government $2,000,000,000 in the first 8 months, it has justified itself.

Under the general direction of Under Secretary of War Patterson, and Under Secretary of the Navy Forrestal, two of the ablest and most efficient officials those departments ever had, and under the direct administration of Mr. Karker, Mr. Rockey, and Commander Rydstrom, I am sure the work will proceed in the future with the greatest efficiency and success.

So much for that law, Mr. President. I now come to savings of a more general character.

SAVINGS ON GENERAL APPROPRIATIONS

It will be recalled that the Senator from Virginia [Mr. BYRD] submitted a resolution authorizing a joint committee to be appointed to examine into the civil or non-war expenditures of the Government and ascertain if savings could not be made. The Senator from Virginia was chairman of the committee, and I happened to be a member. This committee consisted of the following Senators, Representatives, and other Government officials: Senator Byrd, chairman; Senator Glass, Senator La Follette, Senator George, Senator Nye, Senator McKellar; Representative Doughton, Representative Cannon, of Missouri; Representative Cullen, Representative Woodrum, of Virginia; Representative Treadway, Representative Taber, Hon. Henry Morgenthau, Jr., Secretary of the Treasury; Hon. Harold D. Smith, Director, Bureau of the Budget.

The committee went to work immediately, and, after taking a great deal of proof, a report was made to Congress recommending reductions in appropriations of $1,302,000,000, in round numbers. No man was ever more vigilant or more efficient in conducting hearings and in reaching the facts concerning such expenditures than was the Senator from Virginia. The fact that recommendation is made for reduction in expenditures, however, does not always mean they will be reduced. In this case it did. Being a member of the Byrd committee and of the Senate Committee on Appropriations, it happened to fall to my lot to bring about actual reductions in appropriations.

Our committee recommended the repeal of the CCC law, with a resultant saving of $246,960,000—the amount of the 1943 appropriation; the repeal of the NYA law, with the resultant saving of $151,761,000—the amount of the 1942 appropriation; and a reduction in the WPA appropriation from the $875,000,000 appropriated for 1942 to $280,000,000 for 1943. I introduced bills to repeal the CCC and the NYA laws, and offered those bills as amendments to the appropriation bills when they came to the Senate committee. I found it was impossible to get the consent of the committee to repeal both the CCC and the NYA laws, however, so I concentrated on the CCC law. It was repealed. We reduced the NYA appropriation to $61,274,000. We cut the WPA from $875,000,000 to $280,000,000. On these three items we saved a total of $932,447,000. Innumerable amendments were offered in the Appropriations Committee reducing such expenditures as mileage, per diem allowances, and various other items. The total savings amounted to $1,313,000,000, or $11,000,000 more than the Byrd committee recommended.

I wish to take this occasion to say that, while the President did not favor the repeal of the CCC and the NYA laws outright, he did favor tremendous reductions in their appropriations and in the WPA appropriation. His recommendations were helpful to the committee in bringing about the reductions. Indeed, without such recommendations I do not believe the savings would have been nearly so great as they actually were. He recommended the full reduction made in the WPA appropriation. In his recommendation he had the full cooperation of the Byrd committee and the Senate Appropriations Committee.

I wish to say at this point that while this legislation was not initiated originally by the House committee, but was initiated in the way above stated, yet when the legislation came before the conferees the distinguished chairman of the House Appropriations Committee [Mr. CANNON] and those associated with him were in every way cooperative, and the House, too, agreed to the legislation. Thus both the Senate and the House stand committed to this legislation and

they are primarily responsible for the enormous savings which the legislation brought about.

So far as I can recall, only one newspaper in the United States has ever mentioned the fact that the Congress this year has brought about a saving of $3,313,000,000 in expenditures. They often denounce the Congress for its extravagance, but never have a word of commendation for these acts of economy. It is true that many newspapers have referred in a complimentary manner to Senator BYRD's committee and the members thereof, but the specific results of the work of the two Appropriations Committees of Congress and the Congress itself have rarely been mentioned.

However that may be, the fact remains that this Congress has cut down expenditures to the extent of $3,313,000,000 this year, which in any language and in any country is no small amount.

Mr. President, I am giving these facts concerning the savings made this year so that the record may be kept straight, and so that the stories about the inefficiencies and extravagances of the Congress may be shown to be untrue, as they are untrue.

My understanding is that the Byrd committee will continue to function, and I sincerely hope that the Appropriations Committees will continue to make savings wherever they can properly be made.

Mr. ANDREWS. Mr. President, apropos of the report and address just made by the able Senator from Tennessee [Mr. MCKELLAR], I should like to say that some of us do not support as heartily as does the Senator from Tennessee, the cutting down in appropriations for the NYA and the CCC. I am one of those who believe in taking every economic advantage that can possibly be taken, but I cannot conceive that there was a dollar wasted in NYA, and in CCC in particular. We wrought better than we knew. We did not know in 1937 and 1938 and 1939 that there was ahead of us another World War in which young men and women would be in training to the extent that has actually occurred. The NYA has done more than has any other institution of its kind since the beginning of the history of the United States in fitting young men and women for the tremendous tasks which now lie ahead of them.

In the early part of 1939 the able Senator from Georgia [Mr. GEORGE] offered an amendment on the floor of the Senate in behalf of the CCC boys in the camps—at that time there were nearly 300,000 of them—which would have permitted them to take voluntary military training. I remember the able address he made on that subject. Many of us heartily supported that view; but his efforts failed. The boys could have been given military training at the same time they were being trained to use their hands and minds for better service. However, that course was not followed. I do not say that the efforts of the CCC were impaired; but such a plan would most certainly have been a wonderful help in preparing our Government to face what it now faces not only in industry but in our all-out war effort everywhere else. Such a plan would have been of great benefit to these young men and to us—much more so than we thought at the time.

I wish to say a good word in behalf of the splendid effort which was made by this Government by means of the NYA and the CCC to fit the underprivileged boys and girls for the great responsibilities and duties which lay ahead of them and infinitely more so now. Even if we had not had this terrible war, the program fitted them to become better citizens and better prepared to meet the test they now face.

THE NOVEMBER NATIONAL ELECTIONS

Mr. WILEY. Mr. President, I ask unanimous consent to address the Senate for about 3 minutes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the Senator may proceed.

Mr. WILEY. Mr. President, tomorrow a national election will be held. It will be orderly and pursuant to the law of the land. It will be to the world an example of democracy in action.

War has not displaced a government by the people. We know ours or any government cannot long remain a government for the people unless it is also a government by the people. In other lands when the people left to others the management of government it soon became a government not for the people but for a group, or a ruling class, or a dictator.

No matter how the election may go tomorrow let no one interpret the result as an indication of lack of unity in relation to this Nation's attitude toward the war. We are a united people in our desire and purpose in relation to winning through to victory.

Pearl Harbor—the intervention of the Axis in our affairs—made this people one in the defense of the American way and our liberties. Before that date we were divided on only one issue and that was whether we should intervene. The intervention by the Axis in our peace disposed of our differences and made us a united nation dedicated to the great purpose of defeating the Axis.

The election of an increased number of Republicans to the Senate and the House of Representatives in my opinion will demonstrate to the world the vitality of the democratic process on this continent—a free people in action in wartime, undominated, and freely expressing by the ballot its political opinions and preferences. The election of more Republicans can under no consideration be interpreted as a lack of unity in the great war purpose. It will only mean a disapproval by the electorate of New Deal policies and thought and philosophy, and also disapproval of the Executive's political methods during war time.

The election of more Republicans should result in a greater efficiency in the war effort—with less bureaucracy and more democracy in government.

The VICE PRESIDENT. The routine morning business is concluded.

EXECUTIVE NOMINATIONS CONFIRMED

Mr. HILL. Mr. President, I note that on the Executive Calendar there are two routine nominations in the Consular Service and one routine postmaster nomination. As in executive session, I ask unanimous consent that the nominations be confirmed and that the President be immediately notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed; and, without objection, the President will be immediately notified.

The nominations confirmed are as follows:

John Randolph to be consul general.
Raymond P. Ludden to be consul.
Sylvester J. Folse to be postmaster at Patterson, La.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

ADJOURNMENT TO THURSDAY

Mr. HILL. I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 12 o'clock and 40 minutes p. m.) the Senate adjourned until Thursday, November 5, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 2, 1942:

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

TO BE LIEUTENANT GENERAL

Maj. Gen. Frank Maxwell Andrews (brigadier general, United States Army), Army of the United States. Now invested with the rank and title of lieutenant general by virtue of his assignment to command the Caribbean Defense Command and the Panama Canal Department.

TO BE MAJOR GENERAL

Brig. Gen. Donald Hilary Connolly (colonel, Corps of Engineers), Army of the United States.

Brig. Gen. William Ormon Butler (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. LeRoy Lutes (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Brig. Gen. Philip Bracken Fleming (colonel, Corps of Engineers), Army of the United States.

Brig. Gen. Troy Houston Middleton (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. John William Leonard (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Fred W. Miller (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Ralph Corbett Smith (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. James Kerr Crain (colonel, Ordnance Department), Army of the United States.

Brig. Gen. William Glenn Livesay (lieutenant colonel, Infantry), Army of the United States.

TO BE BRIGADIER GENERAL

Col. Harry John Collins (lieutenant colonel, Infantry), Army of the United States.

Col. Edwin Luther Sibert (lieutenant colonel, Field Artillery), Army of the United States.

Col. Newton Longfellow (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Alfred Bixby Quinton, Jr., Ordnance Department.

Col. Maurice Levi Miller (lieutenant colonel, Infantry), Army of the United States.

Col. Theodore Earl Buechler (lieutenant colonel, Field Artillery), Army of the United States.

Col. Benjamin Greeley Ferris (lieutenant colonel, Infantry), Army of the United States.

Col. James Pratt Hodges (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Luther Stevens Smith (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States—Air Corps.

Col. Edgar King, Medical Corps.

Col. Clovis Ethelbert Byers (major, Cavalry), Army of the United States.

Col. Wolcott Paige Hayes (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Roger Manning Wicks (major, Field Artillery), Army of the United States.

Col. Frederick Willis Manley, Infantry.

Col. Patrick Weston Timberlake (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States—Air Corps.

Col. George Vernon Keyser (major, Field Artillery), Army of the United States.

Col. Frederick McCabe (lieutenant colonel, Infantry), Army of the United States.

Col. Charles Frost Craig (lieutenant colonel, Infantry, Army of the United States.

Col. John Martin Clark (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Franklin Otis Carroll (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. William Dan Powell (lieutenant colonel, Infantry), Army of the United States.

Col. Paul Wolcott Rutledge (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Thomas Dresser White (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States—Air Corps), Army of the United States.

Col. Aaron Edward Jones (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Lawrence Augustus Lawson (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Victor Herbert Strahm (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Willis Ratcliffe Taylor (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. George Matthew Halloran, Infantry.

Col. Benjamin Wiley Chidlaw (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States—Air Corps.

Col. Nathan Bedford Forrest (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States—Air Corps.

Col. Percy Lee Sadler (lieutenant colonel, Infantry), Army of the United States.

Col. Warren Rice Carter (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States—Air Corps), Army of the United States.

Col. Haydon Lemaire Boatner (major, Infantry), Army of the United States.

Col. Hugh Tullock Mayberry (lieutenant colonel, Infantry), Army of the United States.

Col. Leo Andrew Walton (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. William Henry Holcombe, Corps of Engineers.

Col. Julian Francis Barnes, Field Artillery.

Col. Stanley Lonzo Scott (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Floyd Emerson Galloway (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Gordon Philip Saville (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States—Air Corps.

Col. Horace Oscar Cushman (lieutenant colonel, Infantry), Army of the United States.

Col. James Alexander Mollison (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Wilhelm Arthur Andersen, Infantry, National Guard of the United States.

Col. Howard Ellsworth Fuller, Infantry, National Guard of the United States.

Col. Cyrus Rowlett Smith, Army of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 2, 1942:

DIPLOMATIC AND FOREIGN SERVICE

John Randolph, to be a consul general of the United States of America.

Raymond P. Ludden, to be a consul of the United States of America.

POSTMASTER

LOUISIANA

Sylvester J. Folse, Patterson.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 2, 1942

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. COOPER.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Lord and our God, who hast guided us amid the hazes of the past, we pray Thee that nothing may shake our hope and confidence in the future and that disappointment and fear may be done away. Thou art not simply a God of wisdom and of might; would read Thee in the revelation of Thy Son and in the temple of our souls, rejoicing that Thy faith is not misplaced and Thy service not wasted.

O Thou all-glorious Redeemer, do Thou bless adversity in all its forms—in the home, in business, by the wayside, in all the relations of life, and in the multitudes unnamed and uncalendared. We bring them all to Thee in the arms of faith and ask for them that which we desire for ourselves. Oh, may the time soon come when the name of Jesus shall be sweet to every ear and Thy spirit breathed in the hearts of all. Almighty God, hear us for this bleeding world, that out of its womb of darkness and disorder justice may flow as waters and righteousness as mighty streams. We pray in the name of our Saviour. Amen.

The Journal of the proceedings of Thursday, October 29, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on October 29, 1942, the President approved and signed a bill of the House of the following title:

H. R. 7675. An act to amend the act entitled "An act to incorporate The American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDaniel, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; and

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5458) entitled "An act to amend the Organic Act of Alaska."

ADJUSTMENT OF ROYALTIES FOR USE OF INVENTIONS FOR THE BENEFIT OF THE UNITED STATES

The SPEAKER pro tempore. The Chair desires to announce that the Speaker did, on October 29, 1942, sign the enrolled bill of the Senate (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts of what is known as the Texas Forum of the Air for Sunday, November 1, 1942, including an address by the Speaker of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. KNUTSON]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that on Thursday next after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered I may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. KNUTSON]?

There was no objection.

REAFFIRMATION OF OUR FAITH IN THE AMERICAN WAY OF LIFE

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include therein a speech delivered by former Chief Justice Hughes in this Chamber on the 4th of March 1939.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[Mr. JENSEN addressed the House. His remarks appear in the Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—FREE MOVEMENT OF PERSONS, PROPERTY, AND INFORMATION INTO AND OUT OF THE UNITED STATES (H. DOC. NO. 882)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means and ordered printed:

To the Congress of the United States:

On December 23, 1941, I approved a statement of War Production Policy for Canada and the United States, which contained the following recommendation:

> Legislative and administrative barriers, including tariffs, import duties, customs and other regulations or restrictions of any character which prohibit, prevent, delay or otherwise impede the free flow of necessary munitions and war supplies between the two countries should be suspended or otherwise eliminated for the duration of the war.

The needs of the war effort have multiplied our demands for a maximum and integrated war production not only at home and in Canada, but in every country of the United Nations. We must further take advantage of possibilities of procurement from every available source, foreign or domestic. Speed and volume of war output have become more than ever before in our history the primary conditions of victory.

To achieve an all-out war-production effort, we must implement and supplement the steps already taken by the Congress and the President to eliminate those peacetime restrictions which limit our ability to make the fullest and quickest use of the world's resources. At my direction, the Government agencies have already removed and are engaged in removing, wherever possible, numerous administrative requirements and formalities affecting the movement of war goods, information, and persons into or out of the United States. There remain, however, many legislative obstacles to that movement which impede and delay our war-production effort.

These obstacles fall into two classes: Those directly affecting the movement to and from the customs territory of the United States of matériel, information, and persons needed for the war effort, such as customs duties and the laws, and the administrative supervision required by law affecting movement of persons and property at our borders and ports; and those which impose limitations on the procurement, acquisition, or use of non-American articles or the transportation of supplies in non-American bottoms, such as restrictions on the use, under construction differential subsidy contracts, of non-American materials in the construction of vessels under the Merchant Marine Act of 1936, as amended; on the procurement of any article of food or clothing not grown or produced in the United States or its possessions; on the acquisition for the public use, public buildings or public works of non-American articles; or the transportation by sea of Navy supplies except in vessels of the United States.

I have already exercised by Executive order the power granted under the First War Powers Act to extend to the Government procurement agencies the authority granted to the Secretary of the Navy to make emergency purchases abroad of war materials and to enter them free of duty. This has measurably assisted our war effort, but it only partially eliminates the obstacles prescribed by law which I have already mentioned.

I, therefore, recommend early enactment by the Congress of legislation to the extent required for the effective prosecution of the war, the free movement of persons, property, and information into and out of the United States. I do not now recommend that the Congress repeal or amend any of these peacetime restrictive laws. It is my judgment that the problem can best be dealt with by giving to the President for the duration of the war, but no longer, the power on a selective and flexible basis to suspend the operation of all or any such laws, in such a way as to meet new and perhaps unforeseen problems as they may arise, and on such terms as will enable the Chief Executive and the Government agencies to work out in detail parallel action in other countries.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 2, 1942.*

EXTENSION OF REMARKS

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD an address delivered by Mr. Willkie a week ago.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. COLE]?

There was no objection.

WILLKIE BOOSTED, DEWEY AND BENNETT CUSSED BY NEW YORK COMMUNISTS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my own remarks, and to include extracts from a speech of former Premier Bennett of Canada.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, last night the Communists in New York were addressed by their leader, a Negro by the name of Ford, who cussed out both Mr. Bennett and Mr. Dewey, the Democratic and Republican nominees for Governor, and praised Wendell L. Willkie as a great liberal.

On yesterday or the day before, former Prime Minister Bennett, of Canada, took Mr. Willkie to task for his proposed "sabotage of the British Empire." Everyone knows that Mr. Willkie's statements while he was in Chungking were calculated to stir up or intensify the revolt in India. That is what Mr. Bennett refers to as "sabotage of the British Empire." Now, whatever else may happen in this war, there is one thing that must not happen: We must not permit Wendell L. Willkie, the Communists of America, or anybody else to stir up friction between the United States and our English-speaking allies.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I cannot believe that the gentleman from Mississippi is sincere in what he has just said.

Mr. RANKIN of Mississippi. Mr. Speaker, I demand that those words be taken down.

Mr. KNUTSON. I hold no brief for Mr. Willkie.

Mr. RANKIN of Mississippi. Mr. Speaker, I object to the gentleman's statement and unless the gentleman withdraws the statement I am going to have his words taken down. He is not going to stand here and accuse me of insincerity.

Mr. KNUTSON. I have never accused the gentleman of being insincere.

Mr. RANKIN of Mississippi. You are not going to make that statement now and I demand that the words be taken down.

The SPEAKER pro tempore. The Clerk will report the words objected to.

The Clerk read as follows:

> I cannot believe that the gentleman from Mississippi is sincere in what he has just said.

The SPEAKER pro tempore. The Chair is of the opinion that the words complained of, in effect, accuse the gentleman from Mississippi of insincerity and constitute a personal attack on the sincerity of the gentleman from Mississippi and are in violation of the rules of the House.

The gentleman from Minnesota will proceed in order.

Mr. RANKIN of Mississippi. Mr. Speaker, I make the point of order there is no quorum present.

Mr. KNUTSON. Will the gentleman withhold that until I can reply to his intemperate remarks?

Mr. RANKIN of Mississippi. No; I decline to yield for further offenses. I make the point of order there is no quorum present.

BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on October 29, 1942, present to the President, for his approval, a bill of the House of the following title:

H. R. 7675. An act to amend the act entitled "An act to incorporate the American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens, honorably discharged from the active military or naval forces of the United States, or of some country allied with the United States during World War No. 2.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 16 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Thursday, November 5, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1983. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the east base, Antarctica, on March 21, 1941; to the Committee on Claims.

1984. A letter from the Archivist of the United States, transmitting a list of papers for disposition by him from the Post Office Department; to the Committee on the Disposition of Executive Papers.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas:

H. R. 7754. A bill to provide that interests in real property, acquired on behalf of the United States for war purposes, shall be acquired by lease except when the use of such method would impede the war effort; to the Committee on Military Affairs.

By Mr. PITTENGER:

H. R. 7755. A bill to provide for the appointment of an additional district judge for the district of Minnesota; to the Committee on the Judiciary.

By Mr. PATMAN:

H. R. 7756. A bill to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies; to the Committee on Expenditures in the Executive Departments.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAY introduced a bill (H. R. 7757) for the relief of Donna Pittel, which was referred to the Committee on Claims.

SENATE

THURSDAY, NOVEMBER 5, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

"Eternal Father, strong to save,
Whose arm hath bound the restless wave,
O hear us when we cry to Thee
For those in peril on the sea,"

and in the air, and on the land, wherever the far-flung battle line of freedom faces the ruthless might of tyranny. Conscious of the subtle temptations which lurk in our national privilege, fervently we pray, oh, hear us when we cry to Thee for those in peril in this dear homeland of ours, throned in richness, between the seas. From the peril of putting comfort above conscience and of selfishly refusing to match with our own self-denials the valor and sacrifice of those who fight; from the peril of the fatal delusion that we can long enjoy the material fruits of democracy unless we nourish its spiritual roots; from the peril of the false assumption that we can build the bright new world of our dreams on the love of power, rather than on the power of love, good Lord, deliver us. Oh, hear us when we cry to Thee to make us fit to set men free. We ask it in the Name above every name. Amen.

NAMING A PRESIDING OFFICER

The Chief Clerk (John C. Crockett) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., November 5, 1942.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ELBERT D. THOMAS, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. THOMAS of Utah thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Monday, November 2, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on October 31, 1942, the President had approved and signed the act (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, reporting, pursuant to law, relative to the personnel of the land forces; to the Committee on Military Affairs.

ADDITIONAL HOSPITAL FACILITIES IN THE DISTRICT AND METROPOLITAN AREA

A letter from Hon. Guy Mason, Commissioner of the District of Columbia, submitted, pursuant to Senate Resolution 302, relative to steps being taken to provide adequate hospital facilities in the District of Columbia and the Washington metropolitan area, agreed to on the 13th ultimo, reporting that "the Board of Commissioners of the District of Columbia beg to advise you that the report of General Fleming, Director of the Federal Works Administration, to the Senate under date of October 29, 1942, encompasses all the information the Commissioners have on the subject matter of the resolution"; to the Committee on the District of Columbia.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, War (7), Navy (2), Interior, Agriculture (10), The National Archives (3), Federal Security Agency, Securities and Exchange Commission, District Court of the United States for the District of Columbia, National Housing Agency, War Production Board (2), and The Panama Canal which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

LETTER BY JAMES I. WENDELL TO PARENTS OF BOYS AT THE HILL SCHOOL

Mr. BARBOUR. Mr. President, while I am taking the liberty of doing so without the permission of the author, I am very sure that Dr. James I. Wendell, headmaster of the Hill School, Pottstown, Pa., where my boy is at school, would have no objection to my including in the RECORD at this point, as a part of my remarks, his letter of October 22 to the parents of the boys in the upper forms of his school.

This letter, I feel, not only brings to the fore very sensibly and clearly the problems which confront the boys of this age in this period of emergency but at the same time the advice given and suggestions made are timely, pertinent, and constructive.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE HILL SCHOOL,
Pottstown, Pa., October 22, 1942.

To the Parents of Our Fifth-Form Boys:

As your boy has probably told you, there has been a good deal of concern among the members of our fifth form relative to their future, and whether or not they will be allowed to finish their school course.

On Tuesday night I met with the form in a conference session relative to the interpretation of the present law and just how I felt it would affect their future status in the school. I told them that it was my belief that among the number of things to be considered, following the passage of the bill,

would be that of permitting boys in their last year of school to finish their course. Such permission has already been provided in the bill for boys of 18 and 19 years of age who are now in their senior years in high schools or independent schools such as ours. With this precedent already established, there is some reason to believe that it will be extended to boys of 18 and 19 years of age, a year hence, who are in their last year of secondary school.

If it be true that there is a crying need for specialists and leadership in the armed forces, many of our boys in secondary schools, whose abilities warrant, must be selected for further education in those particular fields which will contribute in a concrete way to the war effort. Just how these boys will be chosen is, at the present time, a matter of speculation. They may be selected by a testing program given to all students at the twelfth grade or sixth form level of secondary schools; on the other hand, the Army may decide to conduct its own testing program, and from pools of inducted men parcel out to various colleges those whom they feel are worthy of further training in specialized fields, necessary to the successful prosecution of the war effort.

It is also highly possible that high schools and independent schools may find it necessary to make further changes in curriculum which will call for more emphasis on specific subjects contributing to the war effort than does the present liberal and cultural content of the average present school curriculum. For the past 3 years we have been steadily developing our program with an increasing emphasis on subjects designed to prepare boys for a definite part in the war effort. Today over 300 boys are taking one or more of the so-called defense courses. A complete description of these courses appears in my annual report to the Board of Trustees, a copy of which you will receive within a few days.

These are trying times for our boys. In their upset state of mind they are so susceptible to rumor and conflicting reports which they read in the papers and hear over the radio. I have asked members of our sixth and fifth forms, who are most vitally concerned at the present time, to refrain from making snap judgments on their own individual situations until the whole question which involves their future is clarified and a definition of policy follows in the wake of the present bill. Under no conditions should any boy make a hasty move or interpret his own position in the new draft law. At the meeting I told the boys that selective service affecting all groups was designed to protect the individual and to call him to the colors when and as if needed, and that if any boy were to hastily enlist, he might find, by reason of further favorable enactments, he had closed the door to opportunities in a field of preparation which he coveted.

I find that every boy with whom I have talked in the upper forms is anxious to do his part in hastening the conclusion of the present conflict. He is puzzled and hard hit in realizing for the first time that there is a chance that he may not be able to go on with his college plans. But, on the other hand, he realizes that there is a job to be done and that he must contribute his bit to its final settlement. He also realizes that it is his generation that will have a major part in the long, long years of readjustment after the war, which involve not only reconstruction work and the carrying of burdensome taxes, but a sharp adjustment to a new economic and social system which will require many sacrifices.

We in the schools realize that we can no longer concentrate primarily on preparation for college. The emphasis now and in the future must be placed on those deeper qualities and intangibles, with increased emphasis on the value of character, fidelity, and perseverance. "Gold is tried by fire and acceptable men in the furnace of adversity." Our boys are going to face trial by fire at an age when they are perhaps less geared to hardship and situations requiring extreme fortitude than those older men who have had some experience in the world of business and professional life. That they will meet these trials with courage I am confident, and it is my firm conviction that they will prove themselves to be acceptable men.

Very sincerely yours,

JAMES I. WENDELL.

REPORTS OF THE COMMITTEE ON IMMIGRATION

The following reports of a committee were submitted:

By Mr. MALONEY, from the Committee on Immigration:

H. R. 1376. A bill to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina; without amendment (Rept. No. 1668);

H. R. 3295. A bill for the relief of Kurt G. Stern; without amendment (Rept. No. 1669);

H. R. 5059. A bill to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner; without amendment (Rept. No. 1670); and

H. R. 6141. A bill for the relief of Mrs. C. M. W. Hull; without amendment (Rept. No. 1671).

REMOVAL OF BARRIERS IMPEDING WAR-PRODUCTION PROGRAMS

Mr. GEORGE. Mr. President, I introduce a bill to accomplish the objectives of the President's message of Monday last. Looking over the draft of the bill, I am quite confident that it affects the revenues, and therefore that it must originate in the House of Representatives. But I am offering the bill, and I ask that it be referred to the Committee on Finance.

Mr. McNARY. What is the subject matter of the bill?

Mr. GEORGE. It is a bill to effectuate the objectives of the President's message of Monday last.

Mr. McNARY. Regarding the removal of tariffs, and what not?

Mr. GEORGE. As I interpret the bill, it does affect the revenue and, therefore, the House of Representatives has primary jurisdiction; but I am introducing the bill in the Senate so that it may go to the Finance Committee and remain in the committee.

Mr. McNARY. Is the bill the Senator is now offering drawn to carry into effect the message from the President of the United States read in the Senate on Monday?

Mr. GEORGE. Exactly; yes.

Mr. McNARY. Let me ask further, is it a bill which has been prepared by the administration to carry out the recommendations in the message?

Mr. GEORGE. I am introducing the bill by request.

The ACTING PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

The bill (S. 2883) to facilitate, to the extent required for the effective prosecution of the war, the free movement of persons, property, and information into and out of the United States, was read twice by its title and referred to the Committee on Finance.

AMENDMENT OF LAW RELATING TO OVERTIME PAY IN INDUSTRY

Mr. O'DANIEL. Mr. President, today our great Nation is faced with many extremely serious problems. In my opinion none of those problems is more important than that of making it possible for us to utilize our full manpower, much of which is now being wasted because of the working hours in most industries being limited to 40 hours a week before premium pay applies.

This matter of abolishing the 40-hour workweek for the duration of the war is a subject which is receiving the attention of practically every sound-thinking American citizen; it is widely discussed over the radio and in the press of the Nation. Our people want to know why something is not being done in order that American citizens can put in longer working hours during this serious crisis, and thus materially increase the production of much-needed war equipment for our fighting men.

Our boys are at the battle front in the thick of the most ruthless war the world has ever known, a strictly mechanized war. Without high-powered machines our soldiers are helpless to combat the seasoned and well-equipped enemies whom they are fighting. We have been in the war almost a year and have won few, if any, victories. True, we have made some progress during that time but not enough.

We hear much talk about this being an all-out war. We must make it an all-out war. Our soldiers must not want for anything they need. Our home front must keep pace with our battle front, and in order to bring that about it is essential that the citizens of this Nation work longer hours. God gave us 24 hours in each day; why not use more of them?

Many of our soldiers are sacrificing their lives in this ghastly war. Every one of our men who has died loved life and wanted to live his life the same as all other normal human beings. I say it is not playing fair with our soldiers to send them to the battle front when we know they are not sure of being amply supplied with necessary war equipment with which to fight the enemies and stand a chance of winning the battle and coming out alive.

This highly important matter should receive the immediate attention of this Congress. It is one of the most important problems facing the Nation today.

On October 24 I offered an amendment to the teen-age draft bill to abolish the 40-hour week for the duration of the war. The amendment was defeated. Today I am offering my amendment in the form of a bill to abolish the 40-hour week. I hope the committee to which the bill will be referred will give it immediate consideration and report it back for consideration before the Seventy-seventh Congress ends. I do not know, of course, whether Congress is yet ready to enact this type of legislation, but I am convinced that we are closer to the time than we were on October 24. In my opinion legislation of this nature will finally be enacted, or even more serious

consequences will result than happened last Tuesday—National Election Day.

There was a time when this Nation had a serious unemployment problem. During that period the present law, which forced division of existing jobs among a greater number of people, was constructive and beneficial to the welfare of our Nation. Today our problem is the exact opposite. We are in war. We have no unemployment problem, but instead, we have a serious manpower shortage. It is, therefore, only wise that we cope with the changed conditions by suspending legislation which tends to create a 40-hour workweek, because such legislation is definitely retarding our war effort.

The 40-hour workweek has created a fictitious and unnecessary manpower shortage by reason of the fact that in all industry, outside of agriculture, the average workweek is 42.8 hours, according to the latest Government statistics. This means that 42,000,000 people are now performing a sum total job which could be performed by 25,000,000 people if they would work 12 hours a day, 6 days a week. If that change were made, 17,000,000 men would be released for other services, and would aid materially in solving our so-called manpower shortage. Such a change of work hours would greatly help in averting the dangerous food shortage which is becoming more serious each day. Almost every dirt farmer, rancher, and dairyman in America knows that to be true. Short work hours and high pay have attracted men and women from the farms and ranches to such an alarming extent that a serious food shortage is bound to result unless action is taken promptly along the lines I am now advocating. The change to longer working hours would please practically every laboring man and woman in the Nation, with the possible exception of a few kid-glove labor leader racketeers who do not want their racket broken up, regardless of the seriousness of the times.

Our honest laboring people would rejoice at having the opportunity to work longer hours a week during this great war emergency, not only because of their inborn patriotic impulses, but because it would also increase their weekly earnings.

The change would please practically every employer of labor in America. They would rejoice at having the legislative shackles of premium pay for so-called overtime removed in order that they might produce Government goods at a lower cost to the heavily burdened taxpayers of this Nation, and might produce civilian goods and services at lower costs to consumers, or at least make them available within the limits of ceiling prices.

To the best of my ability, Mr. President, I have explored every phase of this subject. I realize its many ramifications and its interrelationship with other phases of our economic, social, and wartime responsibilities and activities, but I have failed to find any legitimate reasons for postponing enactment of the proposed legislation. Up until last Tuesday, I was able to understand the political objections offered to the bill by some people, but surely those political objections proved to be unsound when the people of this Nation spoke last Tuesday.

The bill which I am introducing would not, if enacted, compel an employee to work 48 hours a week or 56 hours or 60 hours or any other specified number of hours a week. Neither does it deal with the amount of wages to be paid per hour. It leaves determination of those important matters to be arrived at by negotiation between employers and employees, by whom, in a democracy, such matters are rightfully handled. It does, however, embrace the age-old, time-tested, true economic philosophy that an employee should be paid the full amount per hour that his services are worth for each and every hour he works, instead of being paid less per hour for earlier hours of the day when he is most efficient and productive, and more per hour for the later hours, when he may be fatigued and less productive, as our present 40-hour workweek law provides.

Mr. President, my bill is so simple, constructive and honest that it may look queer in this world of confusion, regimentation and bureaucratic edicts, but I am convinced that the sooner we return to some of the old-fashioned principles of democracy, under which our people, instead of being told by Government bureaucrats everything they can or cannot do, will have an opportunity to think and act for themselves, the sooner we will win the war and dictate the peace.

I realize that we have some smart men in important positions of authority in our Government, but I do not believe any Government, regardless of its greatness, can long out-smart its people. To leave on our statute books any restrictions which tend to prevent our citizens from working as long as they please and as hard as they please during this terrible war crisis, when our boys at the battle-front are working day and night, and many of them paying with their very lives, seems to me to be a travesty on justice which is difficult to explain now, and will be more difficult to explain as time goes on and more reverses occur due to lack of sufficient war equipment, brought about by restricted hours of labor on our domestic front. The piece of outmoded legislation which my bill would abolish during the war is eating at the very heart of our Nation. It is impeding the progress of our war effort by depriving our Army of many men who are employed in industrial work in larger numbers than is necessary.

It is rapidly increasing our national debt by forcing up the cost of all war equipment and supplies.

It is crippling the future educational and scientific advancement of our Nation by depriving our ambitious boys and girls of their finishing years in college.

It is helping create the greatest food famine the world may ever witness.

It is helping bring on greater inflation, with all its grave and disastrous dangers, by forcing millions of willing hands and creative brains away from the production of necessary consumer goods, into fields of highly paid semi-idleness.

Mr. President, in discussing this problem let us make comparisons of our hours of work per week with those of other nations.

The Axis Powers, Germany and Japan, have the longest working hours, and despite the fact that they are our enemies, we must admit they have so far won most of the battles. Labor in Germany is working 60 hours a week against our average of 42.8 hours. In many cases Germans work 96 hours a week.

Labor in Japan is working 16 hours a day, or more, and 7 days a week, making 112 hours a week, against our 42.8.

In Russia, a nation which has been putting up such a gallant fight, labor works 66 hours, or more, a week.

In England labor averages 56 hours in all factories, and 60 hours in Royal ordnance plants.

Surely our 42.8 hours a week does not compare well with the longer working hours of these other nations, and is construed by many to indicate that we lack the determination to produce ample war equipment with which to fight the war. We all realize that this is a highly mechanized war, and that our big problem is production of implements of war, but, in face of all that, we find ourselves, 11 months after Pearl Harbor, still trailing all other nations in hours-per-week worked, and still hear frantic pleas from our generals on the firing line and from our allies for more weapons at the earliest possible moment. And we continue to keep up our war slogan, "Too little and too late."

Is it any wonder that an outraged and indignant public, fully aware of these conditions, looks upon this deplorable labor condition, which contributes to our shortage of war equipment, as the result of purely political considerations?

Mr. President, I have received hundreds of letters telling about individual cases of people on defense jobs, drawing big salaries, being instructed to slow down and kill time. Cases of this nature are familiar to many people. Such things are happening all over the Nation. They are well known to the rank and file of our people. They occur in their own neighborhoods. I will not take time to read here many of the letters I have received, but I should like to read one that is similar to many which have come to me. This letter comes from one of the officials of a large manufacturing concern in east Texas. It is properly signed, and the name is not given in confidence, but I can see no good to be accomplished by revealing the author's name, so I shall withhold it. His letter is as follows:

——, TEX., *October 24, 1942.*

DEAR MR. O'DANIEL: I read in the press that you plan to shortly introduce legislation having for its purpose the abolishment of the payment of time and a half for overtime in defense-plant work. I sincerely hope that you are able to accomplish this purpose, remote as the chance may seem.

We have an ex-employee who formerly had a job with us as manager of one of our plants

at $125 per month. With no former experience as a carpenter he is now drawing around $112 per week at one of the defense projects.

This afternoon another ex-employee of ours told me he had a recent letter from a son who went direct from the farm to a shipbuilding plant at Orange a few weeks ago; that the boy wrote him he was ashamed to take his pay of $8.50 per day because he did not earn it—that all he did was try to appear busy with a couple of files.

These, of course, are typical instances of millions scattered the country over and is one reason why some of us cannot get very enthused over the matter of buying War bonds.

Here is a newspaper article which appeared in a Texas newspaper under date of October 20, 1942, and sent to me by a disturbed Texas citizen. It reads as follows:

EX-SAILOR, WOUNDED BY JAPS, HITS DEFENSE WORKERS HERE

Flag waving, buying War bonds, and working in a defense plant seems to be the idea of real self-sacrifice to most Houstonians, according to B. J. Bowers, 26, recently discharged from the Navy because of a wound received during the bombing of Pearl Harbor, after 2 years' service.

"A first-class bombing would do such people a lot of good," Bowers, who was recommended for citation for courage and bravery by Capt. Francis Scanland of the United States Navy, said.

Bowers says the way in which the average defense worker here acts is "pitiful" and believes that unless the country awakens to the dire threat hanging over America the war will be lost.

DEFENSE WORKERS RAPPED

"Defense workers here are loafing on the job. It is pitiful the way they work," he said. "They think more of getting $1.20 per hour than they do of the safety of their country. I know, for I have worked in a defense plant since my discharge."

Bowers says he has seen defense workers take a newspaper and hide out for as much as 5 hours at a time, spending their time reading.

Bowers was on a battleship at Pearl Harbor when the Japs came over. He was a firing pointer on an antiaircraft battery. He said most of the gun crews on his boat were wounded, they had no steam and were forced to hand-ram the guns. About 150 men were killed on the ship during the raid, he said.

Later he was on a cruiser in the battle of Java. He also was at Darwin during a Jap raid.

WOUNDED IN KNEE

Bowers came back to the States on a cruiser. His mother, Mrs. Ida Pearl McKay, of Texarkana, had been notified on December 17 that her son had been killed in action. He phoned his mother the first word that he was alive.

The cruiser then convoyed troop transports to Australia, the first contingent of American soldiers to go to Australia.

From Australia, Bowers went to Honolulu on a destroyer tender and from Honolulu came back to the States on a Navy transport.

Bowers was wounded in the left knee during the Jap raid on Pearl Harbor. He enlisted in Houston and was discharged July 26. He resides with his wife at the Olive Hotel.

Mr. President, I should also like to quote a very touching little poem which was sent to me by a good Texas citizen, Mr. L. D. Singleton, of Houston, Tex. The author of this poem appears to be an unknown soldier on Bataan:

And if our lines should sag and break
Because of things you fail to make;
That extra tank, that ship, that plane
For which we waited all in vain,
Will you then come to take the blame?
For we, not you, must pay the cost
Of battles you, not we, have lost.
—*From an Unknown Soldier on Bataan.*

Below that poem Mr. Singleton makes this statement:

Think this over, Mr. Workingman, behind the plow, desk, or machine; it's getting late. Let's not allow our differences amongst ourselves, or pay envelope, or the time clock to interfere with a hasty victory.

Mr. President, each day the war is prolonged the casualty lists touch more and more of our American homes. When the little letter edged in black is delivered to a heartbroken mother, father, wife, or other relatives it produces the answer to that ancient question, "O death, where is thy sting?" That sting in the hearts of dear ones left behind, Mr. President, fires those heartbroken relatives into action as nothing else can do. They are demanding now and will continue to demand in ever increasing numbers, "Why should we at home observe a 40-hour workweek while our sons are fighting day and night, and many of them sacrificing their lives for lack of a sufficient quantity of air bombers, tanks, ships, guns, and ammunition, when we know more could be produced by working longer hours? Why do you men in Congress continue to play the game of war by rules which were formulated and adopted by you for playing a game of peace?"

Mr. President, the bill introduced by me has bearing on so many important phases of our present problems that I want to urge its immediate consideration by the committee to which it is referred. If public hearings are desired, I trust they will be held promptly, and I hope the bill will be reported back to this body promptly and then acted upon favorably.

Mr. President, I now send the bill to the desk and ask that it be printed in the RECORD and appropriately referred.

There being no objection, the bill (S. 2884) to amend certain provisions of law relating to overtime pay, and for other tion by the committee to which it is referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 7 of the Fair Labor Standards Act of 1938 is amended to read as follows:

"SEC. 7. Every employer shall pay to any of his employees who are engaged in commerce, or in the production of goods directly or indirectly for commerce, compensation at the same rate for all hours worked by such employee during any pay period."

SEC. 2. Until the termination of the wars in which the United States is now engaged, (a) no provision of Federal or State law which limits or restricts hours of employment shall be applicable with respect to employees of any contractor who are engaged in the performance of work directly or indirectly necessary for the fulfillment of any contract between such contractor and the United States, and (b) no provision in any contract heretofore or hereafter made with the United States restricting or limiting the hours of employment of employees employed under or in connection with such contract, and no penalty or forfeiture for a violation of any such provision, shall be enforceable by any officer or agency of the United States.

SEC. 3. The act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, is amended by adding at the end of the first section thereof the following new paragraph:

"(f) When wage rates for regular hours of employment have been determined for the purposes of this act, the same hourly wage rates shall apply with respect to all hours worked during any day or workweek or other work period in employment with respect to which wages are determined under this section."

ADDRESS BY SENATOR THOMAS OF UTAH ON TWENTY-FIFTH ANNIVERSARY OF BALFOUR DECLARATION

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD the address delivered by Senator THOMAS of Utah at Carnegie Hall, New York City, November 1, 1942, on the occasion of the observance of the twenty-fifth anniversary of the Balfour Declaration, which appears in the Appendix.]

ISSUES OF THE ELECTION—ADDRESS BY SENATOR MALONEY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD the address on the issues of the election delivered by him at Meriden, Conn., on October 30, 1942, which appears in the Appendix.]

NEED FOR A SPIRITUAL SECOND FRONT—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a radio address entitled "We Need a Spiritual Second Front," delivered by him at Rice Lake, Wis., on October 29, 1942, which appears in the Appendix.]

SENATOR NORRIS—LETTER FROM IRVING BRANT

[Mr. HILL asked and obtained leave to have printed in the RECORD a letter addressed by Irving Brant to Senator NORRIS, which appears in the Appendix.]

VIEWS OF THE VICE PRESIDENT AS TO RUBBER—ARTICLE FROM NEW YORK DAILY NEWS

[Mr. HILL asked and obtained leave to have printed in the RECORD an article from the New York Daily News of October 7, 1942, entitled "Wallace Explains Rubber Views; Wants to Forestall World War No. 3," which appears in the Appendix.]

RUBBER FROM LATIN NATIONS—ARTICLE FROM NEW YORK DAILY NEWS

[Mr. HILL asked and obtained leave to have printed in the RECORD an article from the New York Daily News of October 6, 1942, entitled "Wallace Program to Bring United States Rubber from 15 Latin Nations," which appears in the Appendix.]

THE INTRACOASTAL CANAL—ADDRESS BY ROY MILLER

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an address delivered at Harlingen, Tex., October 31, 1942, by Roy Miller, active vice president, at the thirty-seventh annual convention of the Intracoastal Canal Association of Louisiana and Texas, which appears in the Appendix.]

THE POLITICAL SCIENTIST AND NATIONAL SERVICE IN WARTIME

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a portion

of the report of the Committee on Wartime Services of the American Political Science Association, together with the foreword by William Anderson, which appear in the Appendix.]

MANPOWER IN SHIPBUILDING—ADDRESS BY WILLIAM SWANSON

[Mr. GREEN asked and obtained leave to have printed in the RECORD an address delivered before the Town Crier's Club, of Providence, R. I., November 2, 1942, by William Swanson, personnel manager of the Rheem Manufacturing Co., which appears in the Appendix.]

MEETING THE CHALLENGE—EDITORIAL FROM IOWA BUREAU FARMER

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Meeting the Challenge," published in the Iowa Bureau Farmer for November 1942, which appears in the Appendix.]

LIMITATION OF SALARIES TO $25,000

Mr. VANDENBERG. Mr. President, I was absent the last two sessions of the Senate. I think they were the first two sessions I have missed in a year. I was detained in Michigan on what I am certain was rather important and significant business related to the public welfare. That is the only reason why there has been a slight delay in a comment I wish to make upon the recent order by Economic Dictator Byrnes holding all salaries to a net $25,000.

The order is rather nebulous and confusing and not particularly conclusive because of all the exemptions with which it is padded; but, Mr. President, I want to raise the question of authority for the order because I think it goes fundamentally to the extent by which we are to surrender the administration of our affairs to government by executive decree. I am entirely willing to go to any necessary length to make large salaries pay every possible penny of the war bill which can be assessed against them. But if this sort of thing can be done by mere executive fiat in the $25,000 instance, it can be done similarly in the $10,000 instance, the $5,000 instance, the $1,000 instance. In other words, I am not discussing the economic validity of $25,000 salaries. I am discussing the process of representative government.

Of course the present order means nothing in terms of revenue. If anything, it reduces revenue by decreasing our tax targets. Therefore it can mean nothing to the conduct of the war from a fiscal point of view, inasmuch as the Treasury Department has estimated that if we confiscated every penny of income in this country down to $25,000, and then applied, in addition, the new tax rates to the balance, it would pay the war bill for only 4 days and 10 hours. As a matter of fact, the order means little, anyway, because the new tax bill is leveling off all higher incomes, and, so far as I am concerned, if it be desired to level them further, I am quite willing to do so, by the tax method. I have no interest in the higher incomes and the higher salaries as such, but, after all, they do belong to American citizens whose rights are as sacred as those of any other group. Besides, the precedent may plague us on another day when its application may not be quite so pleasant to our mass citizenship.

The thing of importance, Mr. President, it seems to me is that the order issued by Economic Administrator Byrnes runs squarely counter to the interpretation of the latest anti-inflation bill as given on the floor of the Senate at the time of its passage by the author of the bill and by its sponsor in the Senate, and, inasmuch as Mr. Byrnes, in his new position, has indicated that he apparently relies largely upon the congressional debates for his authority, I think it is important to read into the RECORD what happened on September 21 as shown at page 7454.

I specifically asked my distinguished colleague the junior Senator from Michigan [Mr. BROWN] this question:

Could he not—

Meaning the President—

Could he not, under that language, reduce all incomes to $25,000 by Executive order?

My able colleague's reply—and my colleague was in charge of the bill and was one of its authors and was speaking for the administration in connection with it—my colleague's response to my question was as follows:

I desire to go into that subject later, but it is my judgment that the authority is not contained in a bill which stabilizes salaries as of September 15, 1942.

I will say to the Senator that the representatives of the two large organized labor organizations agreed with that view in the committee.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. McNARY. The able Senator from Michigan is one of the distinguished Members of the Senate Finance Committee. I have read in the press, of course, that the Senate Finance Committee as well as the House Ways and Means Committee considered this very proposition. I should like to know if that is true.

Mr. VANDENBERG. I do not recall whether the issue was specifically raised quite so pointedly as it is in the Executive order, but the general idea was repeatedly submitted both to the House Ways and Means Committee and to the Senate Finance Committee. I think it will be a fair answer to the Senator to say that the members of neither committee, regardless of party, considered that it was an appropriate way to proceed in respect to the incomes of any of our citizens. I think it was almost unanimously agreed that the proper way to approach such a subject is through the tax law, progressively applied to everybody.

I repeat, so far as I am concerned, I am perfectly willing to approach them through the tax law, but inasmuch as the whole question of the use of power and executive authority under the new anti-inflation law has been more or less challenged on other grounds in respect to farm prices—and I refer particularly to Senate Resolution 312, which has been submitted by the distinguished Senator from Iowa [Mr. GILLETTE] and the distinguished Senator from Kansas [Mr. REED]—I have wanted the whole subject to be in the purview of the Senate in respect to the inquiry as to the extent to which the power and authority under the act may be used contrary to the expressed purpose and intent of Congress.

Mr. President, returning to the quotation from the RECORD, I have already read the categorical reply of the author and sponsor of the bill to my inquiry during the debate, his reply indicating that the bill did not include the authority to do what has been done.

I call attention to the fact that later in the debate the subject was again raised, as appears at page 7469 of the RECORD, and I asked my distinguished colleague if it would not be advisable to amend the bill for the purpose of making it perfectly clear that the bill was geared to the war necessities of the country and was not an invitation to new sociological reforms as such. As the bill originally came to us, the President was authorized "to make adjustments with respect to prices, wages, and salaries to the extent he finds necessary to correct gross inequities or to aid in the conduct of the war."

I suggested to my colleague that both objectives should be jointly geared to any such order, that such an order should not be issued under existing circumstances solely to "correct gross inequities" as they might appeal to the Chief Executive or to his administrators, but that any such order should be geared to the war effort fundamentally, because the bill then before us was presented and justified solely as emergency legislation. My distinguished colleague, in charge of the bill, replied:

So far as I am concerned, I am willing to accept the amendment.

The junior Senator from Michigan then proceeded to agree completely with the proposition I was presenting, and the Senate adopted the amendment. So it seems to me perfectly clear that it was not the purpose of the congressional statute to arm the executive or the administrative branch of the Government, with any power to invade the sociology of the country, the economics of the country, for any purposes, no matter how worthy, which were not directly and provably required by the conduct of the war.

I respectfully submit that the order as made nullifies the expressed intent of the Congress in passing the statute, and with great respect I suggest that the matter might well be explored by the Senate Committee on Banking and Currency in connection with any further grants of executive authority, to the end that we may be perfectly sure that it is the congressional decision which determines the circumference within which this executive authority shall be exercised.

It is perfectly obvious that in time of war there must be extreme concentration of executive authority. I do not quarrel with the theory; I accept it. But it is equally obvious, it seems to me, that under our form of government no more power should be taken than is needed,

and that none should be exercised which is not granted, and that all should be returned to the people when the need expires. That is my sole interest in the question I have raised.

TRANSPORTATION AND NATIONAL POLICY: REPORT OF NATIONAL RESOURCES PLANNING BOARD (H. DOC. NO. 883)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read by the Chief Clerk, and, with the accompanying report, referred to the Committee on Interstate Commerce and ordered to be printed:

To the Congress of the United States:

The American people have always known that adequate transportation and communication facilities are essential to national unity. We have relied upon transportation as the key factor in the development of our national resources, and we know that our transportation plant and policies are playing a major role in winning the war and that they will play a similar role in winning the peace.

Prior to the enactment of the Transportation Act of 1940, I requested the National Resources Planning Board to undertake, in cooperation with the several Federal transportation agenices, a study of the transportation development problem with particular reference to the Federal Government's aims and policies. The Government's expenditures in the provision of transportation facilities of all types have amounted to about $1,000,000,000 a year, and the similar expenditures by the States and municipalities have amounted to even more. Accordingly, it seemed wise to have a look at our transportation plant and its trends and our developmental policies with a view to the formulation of wiser long-run policies in the years ahead.

This study was initiated in the summer of 1940 under an advisory committee headed by Mr. Owen D. Young. Although the staff work on the study was completed before war was declared, the analyses and policy recommendations are pointed primarily toward the adjustments which the transportation industries and agencies of government will face in the post-war period. Accordingly, I am transmitting the report to the Congress for your consideration and more particularly, for the consideration of the several committees of the Congress which are and will be concerned with the formulation of plans and policies for transportation and for the economy generally in the transition period that we shall face.

The staffs of all the regular transportation agencies of the Federal Government have contributed to this study, and all the reports have been made available to the special Board of Investigation and Research established under the Transportation Act of 1940.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 5, 1942.*

IMPLICATIONS OF RECENT ELECTION ON CONDUCT OF THE WAR

Mr. CONNALLY. Mr. President, the morning newspapers and the radios have announced the results of a very interesting and perhaps an epochal election which occurred day before yesterday, November 3. It is a great tribute to the American people, as well as to our system of government, that in the midst of a great and critical struggle we do not forget our civic duties with respect to elections, and that we proceed in our normal manner to pass upon national issues in a great referendum at the polls.

The United States is perhaps the last great country on earth where anything of that kind could take place in the tragic circumstances which surround us. Great Britain has not had a general election in 7 years. In Germany, Italy, and Japan, elections such as we know are, of course, unknown.

So, Mr. President, whatever their temporary aberrations may be, the people of the United States have exercised a high and lofty function, and it lies in the mouth of no man who believes in constitutional democracy to take issue with the right of the people upon such an occasion.

There will be many reactions throughout the country and over the world as to the significance of the results in the recent election. However, let it be known, especially in the foreign lands, that the results of the election are not to be construed in anywise as a repudiation by the people of the war, the war purposes, and the war objectives of the United States, or any lack of sympathy with vigorous aggressiveness in the attainment of those objectives.

I believe warrant for that statement can be found in the fact that the press reports and all the information which is available show that, in the main, contending candidates on both tickets and in both parties gave public pledges of their determined support of the President of the United States as the leader in this struggle, and of the Government of the United States in all its measures to prosecute the war to a triumphant conclusion.

Mr. VANDENBERG. Mr. President, will the able Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. What the Senator is saying is highly important, and if there are any foreign reactions to what took place at the polls last Tuesday which reflect any doubt concerning the frame of mind of the American people, what the Senator is saying should completely dispel the doubt.

Mr. CONNALLY. I thank the Senator.

Mr. VANDENBERG. The American people have not voted to surrender one iota of the war effort. They have not deserted, in any sense of the word, their purpose to march forward to complete victory. If anything, they have voted their unhappiness over the fact that the prosecution of the war has not been proceeding as satisfactorily and as adequately as they want it to proceed. If the vote means anything, it means that the American people want the swiftest possible victory, and as conclusively as it can be achieved.

Mr. CONNALLY. I thank the Senator from Michigan for his remarks, and for his approval of the utterances which I have just made.

I was about to say that the attitude of the American people, as registered in the election, was founded, to some degree at least, upon their dissatisfaction with or their disappointment over the efforts to prosecute the war vigorously. No doubt some voters were actuated by disappointment because we do not have more marines and heavier artillery yonder in the Solomon Islands. They were no doubt disappointed because we did not have heavier naval installations and greater naval forces in the waters of the southwest Pacific. Perhaps some of them were disappointed because we did not have more troops in north Africa to aid in sweeping the enemy out of those lands, taking over control of the Mediterranean, and relieving the threat from enemy-occupied sectors in Africa as well as possibly from French territories in that area.

Mr. President, instead of the vote indicating a lack of sympathy with the prosecution of the war, and our high purposes in connection with its prosecution, it can more justly be construed as indicating impatience in some quarters with what the people regard as not quite vigorous enough and aggressive enough action on the battlefield.

However, Mr. President, what resulted in the recent election is not unusual or unprecedented. It will be recalled that in 1862, during the War between the States, dissatisfaction with the action of General McClellan, and with what the people regarded as the timid action of President Lincoln, resulted in a turn-over in the congressional elections, and even in 1864, when running on an opposition ticket, McClellan, while not elected, polled a tremendous vote throughout the United States.

A similar situation occurred during the Spanish-American War. It will also be recalled that during the First World War—a war for which we were not prepared, as we were not adequately prepared for this war—a year of training and preparation was required to enable us to put an army on the battlefields of France, and in the first election following our entry into that war—in 1918—the country returned a Republican House of Representatives. So the result does not indicate any lack of interest in or determination with regard to the war effort, but rather it indicates some impatience and some dissatisfaction with what the people regard as not quite vigorous enough action in the war.

Of course, laymen do not always understand what has been transpiring behind the scenes. Many of them do not understand that the United States was not, from a military and naval standpoint, adequately prepared for this war when it broke, even though we had been

feverishly endeavoring to prepare for months before we were engulfed in the struggle; whereas our enemies—Germany, under the leadership of Hitler, and Japan, under the leadership of the military masters which now control its destiny—were prepared. The Japanese war lords have been for years, literally years, preparing their armies and their navies, drilling and training them in China, carrying on a war of practice, as it were, and Hitler was carrying on his preparation for his war against what are now the subjugated nations of Europe. We were not prepared, but not everyone in the country understands that. Some of those who are now demanding a more vigorous prosecution of the war, 4 years ago were declaiming against heavy naval appropriations. Some of them were then demanding that we not increase our military expenditures. They thought we had enough. They believed in peace.

Mr. President, our people were not adequately informed, even as to the difficulties confronting the Government in the prosecution of the war in the south Pacific. The Dutch East Indies to many are of nebulous significance. They simply know there are some islands afar off in the south Pacific. They do not realize that scattered over thousands of miles in that vast ocean are multitudes of islands into which the Japanese have infiltrated, taken possession of, and on which they have made military and naval installations and establishments, to oust them from which a hard, bitter struggle will be required. Seven thousand miles of ocean stretch between them and our shores. Many of our people do not realize that our shipping facilities are not adequate. They do not know that sinkings heretofore by submarines have approximated the volume of production of new shipping. Thank God, the submarine menace has somewhat declined, and it is not now so threatening as it was some months ago.

Mr. President, there will be those who will ask why, if the people did not indicate their dissatisfaction with the administration's prosecution of the war, did they vote the way they did? There are a variety of reasons why they voted that way.

The American people resent interference with their comfort and convenience more than any people on earth. They live in a free land. They express themselves at the polls, and on the street corners, and in the blacksmith shop, and the barber shop. It is a land of free speech and free opinions. The people resent many of the restrictions and regulations which have been imposed upon them as incidents of the war. Many of them resent the rubber regulations. They think there is no reason why they should ration themselves particularly. It is all right to ration somebody somewhere else, but not us. They do not like the rationing of gasoline and sugar, "and, my God, do not take our coffee away from us." Many of them are angry about the tax bill. They probably do not stop to think of what it all means. They think that their burdens are to be increased under the tax bill. Of course, they are going to be increased, and I warn them now that they will probably be heavily increased again next spring.

Mr. President, we are not going to win this war, we are not going to triumph over our armed, aggressive, determined, and desperate enemies unless the people of the United States all come to the conviction that they have got to sacrifice of their wealth and of their sweat and of their labor and of their toil.

There is no doubt that many in the farming sections of the country were critical of the recent transactions in this and the other body of Congress with respect to the so-called parity issue. There is no use to beguile ourselves as to the fact that throughout the country there is great feeling, among the farmers especially, that this administration and the Congress of the United States have been too tender with labor and too harsh with the farm population. It is idle to stick our heads in the sand and try to forget that. That feeling is widespread in the farming areas. I think the result of the election is a very clear indication of that fact.

Mr. President, the people of the United States hold Congress responsible for every wrong that occurs in Washington unless the proof to the contrary is beyond reasonable doubt. Sometime ago I received a letter from a very responsible citizen—I suppose he is responsible, for he is the president of a bank—who complained, not about anything in particular, but just made a broad shotgun charge. He said in his letter:

> Why don't you fellows do what you ought to have done for 9 months? Congress, and Congress alone, is responsible.

Mr. President, the writer of that letter does not stop to think that the President is Commander in Chief of the Army and the Navy. He does not stop to think that the Congress does not select the generals and the admirals and tell them where to go and where to fight. But he says that Congress and Congress alone is responsible. That is the general feeling.

Of course, Congress is only one of the three branches of the Government. It performs purely legislative duties. Congress performs no executive functions except in the matter of the confirmation of some Executive appointments. Most Executive appointments do not require Senate confirmation. The Senator from Tennessee [Mr. McKELLAR] did not succeed in having adopted a provision requiring Senate confirmation of certain appointees. So our executive functions are practically nil. Our work is purely legislative.

Mr. President, I wish to say that in my belief most of the dissatisfaction which found expression in the recent election is with bureaus and agencies which we have created and to which tremendous powers have been granted. The people are holding us, the Congress, responsible for the actions of each arbitrary and autocratic ruling made by the bureaus. Of course, we are indirectly responsible; we cannot wash our hands of that. We helped create some of them, while others were not created by congressional action but by Executive order. But the Congress—the House and the Senate—were taking the punishment for actions for which we were only indirectly responsible.

All of us know that frequently, when we pass legislation creating a bureau and giving it power under the soporific influence and oratory of the one who has the measure in charge, we are assured that nothing of that kind is anticipated; but after the bill has been enacted we find that it was anticipated and that the bureau exercises powers and places restrictions which were not intended by us, which irritate, which annoy, which vex the people, and they immediately say, "Well, what in the name of common sense is that Congressman of ours up there doing? He put this thing on us. We will take him out in November." And they did remove from office some of the wisest and the best Members of both the Senate and the House of Representatives. Oh, they did not sit down and analyze the matter. They did not take the voting record of each candidate. They simply acted in a spirit of dissatisfaction and vexation.

The only visible sign of the Federal Government is the Representative or the Senator. The people do not vote for the bureaus. They do not vote for the Cabinet. The people in the United States can vote for only 533 persons out of this tremendous Federal establishment, which I understand now contains in the civil service and outside the civil service 2,500,000 employees. My God, think about it—2,500,000 civilian employees. The people of the United States can vote for only 533 Representatives and Senators. So we, the Congress, are the front for all this vast establishment. We are the only visible symbol. If something goes wrong by reason of some action committed by any of those 2,500,000, the people cannot do anything to the particular bureaucrat, but they see their Representative in Congress when he comes home, or they see their Senator and they say, "Here is the guy we are looking for. Swat him. He did it. If he did not do it, if somebody else did it, yet he made the law. He has the authority in Washington."

So, Mr. President, those are some of the things which entered into the result. Let me say that the bureaus had better begin to think about Congress, and we in Congress had better begin to think about them a little more. Many of them ignore the Congress. Many of them, as soon as they get their legislation through, forget all about Congress being here until they need an appropriation. Let me say to the ruling powers in the Cabinet offices and in the bureaus that they had better begin to pay some attention to the Congress of the United States. If they do not look out, there will not be any Congress here of the right complexion. [Laughter.]

Mr. President, I have no panacea. I have no remedy in detail as to what we should do toward the prosecution of the war. I know that every person within the sound of my voice is anxious for this war to be as vigorously prosecuted as it

is possible for this Government to prosecute it.

To whom can we look for leadership except to the military and naval chieftains who have spent their lives in preparation and training for the problems they now face? Under the Constitution the President of the United States is the Commander in Chief, the generalissimo of all the forces, naval and military. We must trust our leaders. As I recall, the Congress of the United States has not denied to them one single dollar of supplies. Not one machine gun which they may have needed in the distant Pacific, yonder in the Atlantic, or the Mediterranean, has been refused them. We have not withheld from them one airplane which we could grant them. We have not denied them one heavy piece of artillery which they could employ in blasting the fortifications of the enemy. We have not declined to give them a single battleship, submarine, destroyer, or cruiser. We have poured out hundreds of millions of dollars for the construction of merchant ships in order to aid the naval effort in the prosecution of the war.

Wherein was Congress derelict? It is said that there has been waste. Of course there has been waste. Mr. President, we are undertaking in the recent tax bill to reclaim all we can of that waste through the levying of high surtaxes and high excess-profits taxes, and through the reenactment and modification of the Renegotiation Act, sponsored by the Senator from Tennessee [Mr. McKELLAR]. We are doing what we can to reclaim unearned profits. We are doing all we can to put back into the Treasury every dollar unworthily withdrawn.

Mr. President, there has been waste in every war we have waged; but that does not justify it. Go back and read the history of the War between the States, which reveals scandalous war contracts. Go back and read the history of the Spanish-American War, that little opera bouffe war, as it were. Read the story of Alger, Secretary of War, his embalmed beef, and his waste in Army contracts. Go back and read the story of the World War. While the history of the war showed no corruption of any outstanding character in connection with contracts, it did reveal much waste and extravagance.

Congress is the appropriating agent, but it is not the administrative agent. The Army, the Navy, the Maritime Commission, and the bureaus actually spend the money. I commend to the Senate the action of its committees which are undertaking to investigate and restrict the inordinate profits which have been and are now, perhaps, being gathered by contractors and others into their coffers.

We talk about the manpower problem. No doubt we have a manpower problem. I do not know what solutions may be proposed; but during this time of war and struggle I have little sympathy with laws and regulations which restrict to a certain number of hours the toil of men needed in industry for war production. If I had my way I would lift, for the duration of the war at least, the 40-hour-week law, and let men labor in factories for longer hours. Many of them are willing and anxious to do so. Of course, it may be said that they can continue at work for time and a half. That is true; but, Mr. President, we are not paying the boys in the Solomon Islands time and a half. They work more than 40 hours a week. When Congress is in session we work many more than 40 hours a week. No doubt the candidates who have just come back from the elections worked more than 40 hours a week during the campaign just ended.

In conclusion, let me say that I believe I voice the general sentiment of the Congress when I say that while the recent elections were aimed at the Congress, and while the Congress received the wounds and the punishment, the elections were not necessarily leveled at any legislative policies of the Congress. I believe that the country as a whole agrees in the main with the legislative record of the Senate and the House of Representatives. In many cases the people were disturbed by local issues. They were disturbed by regulation and regimentation. In some cases they were disturbed by the autocratic orders of arrogant autocrats, and they took action against Members of Congress. There was nobody else against whom action could be taken. The people do not vote for the bureaucrats, but they do vote for us.

In many sections of the country the vote was a protest vote. Let our friends, the opposition, take no comfort from this, however. I do not believe that the election was in any sense a political referendum. I do not believe that ordinary, normal political differences or alinements had much to do with the result of the election. If they did, our friends on the other side of the aisle are still in the minority. The election has been called a great landslide, a great overturn. It may have been a slight "jacking-up," but it did not overturn. The majority is still on this side of the aisle. I say that in no spirit of jubilation. I know that there are just as patriotic, honest, courageous, and fine men on the Republican side of the aisle as there are on this side. I wish to pay tribute to them. They have been fine in their support of the war policy, and I know that they will continue to be aggressive and vigorous in support of the war policy.

We are political in peacetimes, and we ought to be political. We often hear it said that there should be no politics in government. If we do not want politics in government, why do we have a free government? We can absolutely get away from politics by embracing the totalitarian idea and letting Hitler, Hirohito, or somebody else rule us. If we do not want any politics, let us do away with elections, eliminate representative government, and abolish the Constitution. Let us do nothing about referring the issues to the people, and then we shall not have any politics.

Mr. President, thank God we have politics. My only hope is that politics may be purified and sublimated until we may go to the ballot box and record our views and convictions without corruption and without sin. So long as I have a voice to speak and a hand to write I want to participate in politics. Thank God, we have politics, and I hope we may continue to have politics.

When I say politics, I do not mean the politics of the back hall or domino room. I am not talking about that kind of politics. I am speaking about politics in the higher realm—that which is called statesmanship after one is dead. I am speaking about the right to vote, the right to think and to register one's convictions, the right to have a part in the destiny of our country, the right to contribute something to its upbuilding, its beautification, and its attainment to the lofty prerogatives of a free and constitutional government. If that be politics, I hope politics will never vanish from the land, but will flower and flourish to the glory of our common country.

Mr. President, of course, we are going to win this war. We have set our hand to the plow. We have drawn the sword; and in the months to come, wherever our troops can be made the instruments of victory, and wherever, on the sea or in the air, our forces offer the possibility of redeeming the world from the threat of totalitarianism and tyranny, we hope that our efforts may be made effective. On the whole, I am sure that all of us were encouraged within the past 2 or 3 weeks by what seems to be the improved chances of our friends and allies and of the United Nations. Yonder in North Africa, after long months of stalemated fighting, there now seems to be in progress a battle which may give victory to the United Nations. In the distant Solomons, where things are not all that we might wish, it seems that we have so crippled and wounded the Japanese Fleet that for the moment, at least, it has been withdrawn to other sections. I hope that our Secretary of the Navy will so concentrate and gather together our naval forces in the South Pacific that we may be able to meet the Japanese and in one crushing blow so cripple their navy as to measurably put them out of this war.

As a parting word, let me say to the chancelleries of the world, the foreign offices of Central and South America, and the war powers in Germany, Japan, and Italy, that our enemies need not take to their bosoms any sweet satisfaction that the result of the elections in the United States indicates any slackening or lessening of the war effort. On the other hand it registers a greater determination, a firmer resolve, and a more desperate will to carry this war and its prosecution to triumph and victory and, after triumph and victory, the kind of a peace that we hope under God will render less the chances for another outbreak of tyranny and totalitarianism in the years that are to come.

Mr. McNARY. Mr. President, it is inconceivable to me that our adversaries in this global war could possibly misconceive the results of the election held 2 days ago. In the campaign no issue of patriotism or unity was raised. The campaign was not fought on such issues, nor were the

exclusive issues our foreign relations or our relationships with our allies or the conduct of the war.

Without such issues being raised, I can see no possibility of the interpretation which has been referred to, against the desire of the people of our country for the continued and further successful prosecution of the war. That statement does not make unnecessary the very eloquent remarks of my distinguished friend the senior Senator from Texas [Mr. CONNALLY]; but the issue is not there. The issue could be there if the Republican Members of the House and the Senate at any time since Pearl Harbor—that seems to be a date pleasing to some of my good friends on the other side of the aisle—had spoken in a way which would give comfort to our enemies; but since Pearl Harbor there has never been one word uttered in the Congress that would in any way comfort our adversaries. I think it is greatly to the credit of those of us who represent the minority party in the Senate and those who represent the minority party in the House of Representatives that not one word of criticism has been said on the floor of either House that might be construed to comfort, encourage, or aid the enemy.

Many times, Mr. President, I have felt like raising my voice in opposition to some things which I thought were major mistakes. I persuaded myself it was better for our country and our unity to withhold criticism. I intend to continue to manifest the same attitude as best I can. Irrespective of the victory which was rendered on Tuesday by the people of the country in behalf of the Republican Party, whether we call it an opposition vote or whether it be termed preferment for Republican principles, the results are just the same.

There are things which I could criticize in the conduct of the war effort. I think good taste, diplomacy, and aptness should prevent me from stating wherein I think there has been and is a failure in the conduct of the war on some of our foreign fronts. Such statements might be of some comfort to our enemies.

However, Mr. President, the administration has made enough mistakes and errors in the last 2 or 3 years to justify the American people in calling it to task and to account for those errors and omissions. I, too, have not been uncritical along that line at all times. I have said here, when appropriation bills were before the Senate for consideration, that I was astounded and abashed and shocked by the wastage of public funds. One can see it from a car window, Mr. President, or from an automobile seat, whether it be a seat in a Ford or in a limousine; one can see it as he walks about the streets of any city or as he walks in any countryside from Maine to far-off Oregon. Anyone who has the time and the desire to visit our public buildings in Washington can see the wastage in the employment of people who should be home working at real war efforts.

I have made that statement at times when my distinguished friend the senior Senator from Tennessee [Mr. MCKELLAR] has presented appropriation bills for the Senate to consider. I foresee no holiday from that attitude. Mr. President, if the recent election should cause our friends in control of the administration and the conduct of the war to be more careful in respect to such vast expenditures, the election will have been a grand victory for the American people. Every time we waste such vast sums of money it means more taxes to pay. My sympathy does not go out to the man whose salary is limited to $25,000. That does not matter. There are millions of the underprivileged, of the toiling, who receive but little compensation, who will suffer, who, indeed, are now suffering, but who will suffer more acutely from nervous disorders, and other forms of misery when March 1, 1943, comes around. I recall, in rather happy retrospection, a conversation I had about 2 years ago or less with a very dear friend—our deceased friend and former Member of the Senate, Pat Harrison, of Mississippi. He came to my desk and said in the most friendly way, as we had been fond and close and firm friends for years, "If national indebtedness exceeds $40,000,000,000 or $45,000,000,000, this country will go into bankruptcy." I did not wholly share his views. I thought probably we could stretch it a few billion dollars, but at that time no one, Mr. President, saw the possibility of the national indebtedness reaching $200,000,000,000, $220,000,000,000, or probably $300,000,000,000. Under the measure of compensation and the standards we have for paying our debts, it will be more difficult to meet that obligation in the future than it has been in the past because of the great economic and physical destruction of the war.

That is one thing that caused the people of the country to revolt. That, more or less, is associated, in my opinion, with the ever-increasing number of commissions and czars and dictators. It seems that every time the administration gets into difficulty it seeks a new commission; it seeks a new dictator. It now shows a fondness for czars. I see that we are due to have another one in a few days. I thought the category completed on the day when my dear friend, Jimmy Byrnes, a former Member of this body, was appointed an over-all czar. I thought that was the last deposit of power and authority, but it seems we are to have a food dictator. I am wondering, Mr. President, what will become of our dear friend, Mr. Henderson—the farmer's friend—when a food dictator trespasses on his premises.

We have had a half dozen commissions fooling, toying, playing, and boondoggling with rubber, oil, gasoline, fuel oil, and hard fuel. I was on a committee with my distinguished friend from Iowa [Mr. GILLETTE], who made a very complete success in his exploration of the subject of rubber, both natural and synthetic. We had to call in, seemingly, a fair portion of the population of Washington in order to find out who is in charge of rubber. I do not desire to exaggerate, but when we got through it seemed to me that we had not located the man. Not even our distinguished friend Mr. Baruch could answer to the description. Since that time, however, Mr. Jeffers, a very able man, has been appointed rubber dictator or czar; and yet I think he also must confer with and receive the advice of a dozen more other officials before action can be taken. This very duplication of effort, the cost involved, the delay, want of responsibility, and the inability of the American people to fix responsibility constitute very large contributing causes to what happened on Tuesday.

My dear friend from Texas has touched upon the farm problem. That is a long story, and one could occupy much time in analyzing the farm situation. Of course, with the shortage of labor, the farmer has felt that if the labor of the country generally would work 48 hours instead of 40 hours or 42 hours, there would be no shortage of farm labor and no manpower problem. He has felt aggrieved by the rich and delicious contracts the Government has given on a cost-plus or fee basis under which very high wages are paid. He did not appreciate restrictions on his farming operations and limitations on the return from his crop, but he knew the reason therefor. He knew that there was misconstruction of the last bill that was passed. I think that was unfortunate, and the matter has been aired somewhat on the floor of the Senate. I do not care to post mortem that subject, but unquestionably an attempt was made to treat the farmer in a fashion that was not justified or authorized by a clear interpretation of the price-control bill.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MCNARY. I yield.

Mr. CONNALLY. Since the Senator from Oregon has referred to me, I should like to ask him what the reaction was to the order by Mr. Justice Byrnes with respect to deducting farm benefits from the farmer's parity?

Mr. MCNARY. I think it was very disastrous; I think it was very unfortunate, and wholly without legal precedent or law, if that answers the question.

Mr. President, with some familiarity not only with the farm problem but with those who live on the farms, and even as to the political aspects, I think that wherever one may look at a farming community he will find that the farm vote was generally against the administration candidates or the Democratic Party, for reasons, a few of which I have assigned.

Now we have the manpower question hanging over us with the threat of taking men from one job and placing them in another—the most dictatorial proposal that was ever conceived, in my opinion, by American minds. If there is one thing in this country that goes to the heart of democracy, it is freedom of action. Democracy is founded upon respect for the home and the hearth and the love of freedom of action, and when it is attempted by legislation to take one individual, however humble he may be, and however unimportant in his community, and, by force of law remove him from one section of the country and place him in another or from one precinct to another or change his habitat or his activities, it is certain that the

man so affected will resent such an attempt, because it is un-American and undemocratic. I am now hastening along but I shall have more to say upon that subject, Mr. President, if such a bill should ever come before the Senate. It was hanging over the manhood and womanhood in this country when they went to the polls. Involuntary servitude, never!

On Monday last Congress received a message from the President, which brought back to me, in a way, a picture of the old "full dinner pail." In the message the President wanted authority to tear down tariff barriers, and, if necessary, to adjust trade agreements, so that there would be a free exchange and flow in the channels of commerce of commodities of this country into other countries and the commodities of other countries into this country. That, again, strikes at the heart of what the average man holds dear. He has been used to high standards of living, which are justified only by sufficient protection, and when he went to the polls, doubtless, he said to himself, "Here is another threat against my standard of living and that for which I have voted and stood during the whole of my life."

Mr. President, the American public have believed, and believe today, that much information vital to them and touching their very heartstrings is being withheld from them day by day by departments of government, whether it be the head of the Army, the head of the Navy, or the head of the Government. They want to be told frankly, courageously, and boldly what the situation is immediately after the situation develops. Their complaints come to us by thousands of letters. When three great cruisers were destroyed near the Solomon Islands on the 8th of August information of that loss was not furnished until the 11th of October. Such a delay creates suspicion in the minds of the public and of fathers and mothers who have sons in foreign countries and in the cantonments on the home front.

I think, Mr. President, that there is no one thing more needed in private life, in home life, and in public life than the greatest demonstration of frankness and honesty. No man ever lost by being honest and frank. No administration ever succeeded that did not have a reputation for being honest, courageous, and frank. As an American citizen, I regret that there are members of the Cabinet, and elsewhere, and even in higher place, who do not give the information, and all the information, and give it promptly. In my opinion, that is one of the reasons why the voters of the country went to the polls and showed their feeling on their opposition by their votes.

Mr. President, I had not expected to indulge in an autopsy; I had not thought such an occasion would arise. I have spoken with some frankness in the matter, and I hope that what I have said will not be misconstrued by our adversaries. I want all of us in the years to come, as I know will be the case, to act in the same spirit of unity which has been manifest in the past. I think any man in the time of victory should be humble; I do not think what has happened is going to change any man's attitude. I cannot speak for the House nor for the Senate, but I know my brethren; I know the very great loyalty of those on the Republican side to the cause of winning the war and its complete and full prosecution, and I can bespeak for them a continuous unity for a quick conclusion of this war. I think, with the selection of more Republicans, we will have quicker action along that line than we have had in the past.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. GREEN in the chair) laid before the Senate two messages from the President of the United States submitting sundry nominations in the Navy, which were referred to the Committee on Naval Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON MILITARY AFFAIRS AND CONFIRMATION OF NOMINATION OF GEN. FRANK M. ANDREWS

Mr. HILL. Mr. President, there are no nominations on the Executive Calendar, but, as in executive session, from the Committee on Military Affairs, I report the nominations of sundry officers for appointment in the Regular Army, and of sundry officers for promotion and temporary appointment in the Army of the United States.

I ask unanimous consent for the immediate consideration of the nomination of Maj. Gen. Frank Maxwell Andrews for temporary appointment as a lieutenant general in the Army of the United States.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and, without objection, as in executive session, the nomination is confirmed.

Mr. HILL. I ask unanimous consent that the President may be notified forthwith of the confirmation of the nomination of General Andrews.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. McNARY. Mr. President, may I inquire of the distinguished Senator from Alabama if the remaining nominations which were just reported by him from the Committee on Military Affairs go to the calendar.

Mr. HILL. Yes; the remaining nominations go to the calendar and will come up in the regular routine order.

ADJOURNMENT TO MONDAY

Mr. HILL. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 1 o'clock and 33 minutes p. m.) the Senate adjourned until Monday, November 9, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 5, 1942:

IN THE NAVY

PROMOTION FOR TEMPORARY SERVICE

To be rear admiral

Capt. Calvin H. Cobb to be a rear admiral in the Navy, for temporary service, to rank from the 10th day of May 1942.

To be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names

John L. Biedermann, January 12, 1942.
Frank J. Kalas, January 12, 1942.
Joseph H. Scanlon, January 12, 1942.
Frank J. Smith, January 12, 1942.
John F. Bowman, January 12, 1942.
Leo E. Brenning, January 12, 1942.
Howard W. Pierce, January 12, 1942.
George E. Madden, January 12, 1942.
George T. Moore, Jr., January 12, 1942.
Angelo B. Costa, January 12, 1942.
John H. Cathcart, January 12, 1942.
Richard J. Warnecke, January 12, 1942.
Gordon L. Miller, January 12, 1942.
Benjamin F. Haymes, January 12, 1942.
Emil A. Bolline, January 12, 1942.
Duane R. Shiffert, January 12, 1942.
Gilbert Klein, January 12, 1942.
Leonard L. Dailey, January 12, 1942.
Wendell J. Schwoerer, January 12, 1942.
Kenneth L. Morgan, January 12, 1942.
Bill J. Harris, January 12, 1942.
Lyndon M. Virkler, May 4, 1942.
Von Rue McAtee, May 4, 1942.
Robert J. McGuane, May 4, 1942.
William H. Gibbons, Jr., May 4, 1942.
George W. Ferguson, May 4, 1942.
Albert L. Vogel, Jr., May 4, 1942.
Albert C. Matt, May 4, 1942.
Frank S. Wozniak, Jr., May 4, 1942.
Roman G. Ziolkowski, May 4, 1942.
James R. Robinson, May 4, 1942.
Edward A. H. Gargiulo, May 4, 1942.
Clinton O. Olsen, May 4, 1942.
Richard A. Soja, May 4, 1942.
David P. Dobson, June 1, 1942.
Leonard E. Curphey, June 8, 1942.
Damon E. Bernard, June 8, 1942.
Frank M. Wentz, June 15, 1942.
Stephen E. Thorne, July 1, 1942.
William J. Stevenson, August 24, 1942.
Robert E. Woolwine, Jr., August 28, 1942.
Frank C. Blair, Jr., October 28, 1942.
Phillip R. Zeitsoff, October 28, 1942.
Wilbert C. Manke, October 28, 1942.
Warren E. Thornburg, October 28, 1942.
Frank J. Losey, October 28, 1942.
Fred L. Losee, October 28, 1942.
Glenn D. Richardson, October 28, 1942.
Wilbur J. Sunderman, October 28, 1942.
Christopher E. Thomlinson, Jr., October 28, 1942.
Charles C. Pruitt, Jr., October 28, 1942.
William P. Jones, October 28, 1942.
Benson N. Redding, October 28, 1942.
Thaddeus H. Williams, October 28, 1942.
James W. Cummins, October 28, 1942.
Jackson F. McKinney, October 28, 1942.
Donald R. Bragg, October 28, 1942.
Frederic S. Hill, October 28, 1942.

CONFIRMATION

Executive nomination confirmed by the Senate November 5, 1942:

IN THE ARMY

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

To be lieutenant general

Frank Maxwell Andrews

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 5, 1942

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. COOPER.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art slow to anger and plenteous in mercy, hasten the hour when

the agony and suffering of the present day shall disappear amid the rejoicings of mankind. When this strickened world, though barbed with guilt and shame, shall arise again and Thy kingdom shall be wrested from the sway of murderous hands and man's blood shall no longer cry from the ground. Thou, O Christ, whose pure thoughts were clothed in transparent words and wrought into immortal deeds, Thy sacrifice cannot fail, Thy mission cannot come to naught, but shall be blown into the blossom of a new world.

Heavenly Father, often we wait speechless as we gaze with awe upon the world's tragedy; we pray Thee to transfigure our lives and quicken our steps on errands of mercy and may we have the urge and ache of sacrificial passion to become our brother's keeper. As the spiritual is ever higher than the material and the divinest conquest is the rule of one's self, help us to exemplify in our daily conduct the sublime principles enunciated by St. Mary's Holy Child and fulfilled in His incomparable life and character. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Monday, November 2, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that at the conclusion of other special orders today, I be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BROOKS. Mr. Speaker, after the special order of the gentleman from Mississippi, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MANSFIELD] be permitted to extend his remarks in the RECORD and include an address by Col. L. H. Hewitt, delivered at Galveston.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on two subjects, and include certain excerpts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, at the conclusion of other special orders today, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order heretofore made, the Chair recognizes the gentleman from Alabama [Mr. MANASCO] for 15 minutes.

THE CONGRESS AND CRITICISM

Mr. MANASCO. Mr. Speaker, from time to time, we have had many reports on the state of the Union. It has occurred to me that we should also report from time to time on the state of confusion. Today the temple of freedom is being assaulted from without by known enemies of liberty. At the same time it is being wittingly or unwittingly undermined from within. The American people are now in a state of confusion resulting partly from the war. But a large amount of confusion is created right here in Washington.

For the last 8 or 10 months, criticism and ridicule of the Congress have been the popular pastime. Much of this abuse has been looked upon by many of our administrative heads with favor. A large part of the criticism directed at Congress has not resulted from any dereliction of duty by the Congress but has been caused by improper administration and, at times, flagrant disregard for the intent of Congress by those administering acts passed by the Congress.

The Seventy-seventh Congress has speedily enacted every law requested by the Chief Executive as being necessary for the prosecution of the war. On measures that have been adjudged as emergency, the Congress has even waived the usual procedure of holding hearings on the bills recommended and has passed many bills with little or no debate. Our Congress is the only forum in existence that hears the views of the people and makes an effort to see that their views are carried out. Without a Congress the people would be governed by bureaucratic edict, without hope of ever having their wishes enacted into laws. It can be safely said that we have many people connected with our Government who would like to see the Congress abolished as being an obstacle in their program of establishing a new order. These bureaucratic dreamers have long since reached the conclusion that they know what is best for the people. They would regulate every movement and impulse of the people from the date of conception until rigor mortis set in and many of them would have you believe that there is no hereafter.

Your wartime Congress has left the conduct of the war entirely in the hands of our leaders charged with its prosecution. We have placed no obstacle in the way of the War and Navy Departments. Every dollar requested has been hastily appropriated and no strings have been attached. Criticism of our war effort has not been indulged in by Members on the floor. The Members cannot be accused of being swivel-chair strategists. We have been tolerant of inefficiency in many instances for we realize that mistakes are expected due to the fact that we did not have a large Army and Navy before the war and had to take enormous numbers of untrained officers and men from their peacetime vocations.

Some criticism must be made when justified, for this is a peoples' war and not the war of a dictator. Constructive criticism will cause our departments to get their houses in order. We must not stand idly by and watch democracy destroyed at home when we are fighting all over the globe to preserve it. Untried social schemes must be delayed until the successful conclusion of the war. We must, for our own self-preservation, look upon with suspicion any person or group who attempts to use our war effort as a stepping stone to reform or change the well-established order.

The people of our country are criticized daily in the press and over the radio by some high Government official for not being conscious of the war. It is high time that we, as representatives of the people, call to the attention of some of our administrators that our Nation is at war with enemies who will not wait for us to create a Utopia at home while our boys are dying on land, sea, and in the air in every geographical section of the globe.

The agitators for the second front could well spend their time by starting it here in Washington. We cannot win the war against the Axis Powers until we win the battle of Washington. Of course, the second front in the Washington theater of warfare will not result in bloodshed, but if we lose on this front, it will result in the loss of life of untold thousands on real fronts and could result in the loss of the war.

We all know that many liberties and age-old customs must be given up during wartime, but some of our planners here have no intention of permitting us to return to our old ways after the war is over. They are greedy for power, and if it means the loss of liberty, they do not care. This well-entrenched ruthless group would like to see our States destroyed. They have succeeded in driving a wedge into our Constitution, and if not checked, sooner or later they will succeed in the ultimate destruction of our States. If we do not keep on guard every moment, we will awaken and find that the next tax bill will accomplish that end.

Unbalanced wages and income have resulted in a serious threat to production of farm products and other necessities of life. Those charged with the manpower allocation have awakened to the folly of our artificial boost of wages on war production projects without, at the same time, bringing all wage earners in line. Today we face a serious food shortage and many small necessary factories will have to close unless subsidized by the Government. What have they decided to do about the problem—equalize wages and income by Government edict? No! They want to try another revolutionary experiment, that of drafting manpower and freezing certain groups in certain fields without giving them an opportunity to seek higher income elsewhere. Will this answer the problem? We will encounter serious difficulties unless we decide that there shall be equality of sacrifice.

We hear daily that Germany will soon collapse as a result of an internal revolution. People of all nations are not very different. You can dictate to some peoples easier than you can to others.

Americans are more individualistic than any other people, and resent being dictated to more than others. Let us be careful in our attempts to alter conditions here. Let us not attempt to make social and economic reforms while we are fighting for our existence. Such a program contains the seeds of rebellion and we must not allow them to be planted.

Our country is supposed to be governed by laws. Instead it is governed by administrative regulations. Daily, the Federal Register contains hundreds of new regulations supposed to enlighten the people on the subject with which the regulations deal. Usually, a regulation will contain not less than a printed page of subject matter. Most of them could be written in 4 or 5 lines, but if they were so written it might be possible for the general public to understand the regulation. It seems to be a rule of the day that a regulation must be confusing and subject to many interpretations. With all this confusion, the small businessman is in a quandary, for if he spends half his time reading regulations and interprets them to his satisfaction, he will soon wake up to the fact that some clerk or deputy administrator holds an entirely different view on the subject. The small businessman will then write the administrative head of the department and in the course of 2 or 3 weeks the letter will find its way, if not lost, to the clerk who made the ruling. That clerk will have to write the letter that goes back through channels to be initialed by the administrator or his deputy assistant and finally mailed to the small businessman. By the time the reply gets to the small businessman, a regulation has been issued amending the former regulation, and the small businessman is again confused.

Today we have about two and one-half million civilian employees working for the Government. But it is easy to understand why it takes so many when you take one glance at the regulations in the Federal Register. It takes many stenographers in each division answering letters to people throughout the country who are unable, not for lack of intelligence, to interpret the regulations. These regulations are being drawn for the benefit of the people, not for the benefit of lawyers, accountants, and economists. They should be short, clear, and understandable by the average American. If this were done, we would not need so many clerks and stenographers.

Another thing that is confusing to the American people are the reports that emanate from Washington from different bureau heads. You can pick up a daily paper and see where Mr. Diljohn, Administrator of the Office of Confusion, makes a public statement: "We have enough rubber to keep all the cars in the United States rolling." Four or five days later the same citizen picks up a paper and reads a statement by Mr. Debunk, chairman of the Special Committee to Investigate Sociological Changes, warning the Nation that we will be on the ground in another 2 months unless our tires are inspected and washed every few days.

Recently the American people were advised that in order to keep our cars rolling, our tires would have to be examined every 60 days. There are about 30,000,000 cars in the United States. With my experience in having cars checked, a person will lose almost a day in getting the inspection. That will mean the loss of 15,000,000 man-days a month. Then the examiner will have to fill out four or five pages of reports showing the number of flakes out of each tire, the exact location of scars, and the thickness of the tires. This report will have to be mailed to a district office for tabulation and further study. Then it will have to be sent to Washington and considered by the powers-that-be here, who will have to prepare reports to be sent back to the car owner. This will take thousands more employees away from our war effort. Of course, this is all supposed to make us conscious of the fact that we are in a war.

Recently the Office of Price Administration issued a regulation placing a ceiling on the ancient game of pool and on the new national pastime, bowling. Of course, it is very important to call to the attention of the American people that their sons and brothers are dying in the Solomons, by placing a ceiling on these all-American pastimes.

Sooner or later someone will discover that there is a leather shortage looming. We will then ask Congress for an appropriation to purchase 132,000,000 pedometers. Each person, before he is eligible to buy a new pair of shoes, must show the exact number of steps taken in the old shoes. We must have a number of economists to figure out the average length of steps taken to and from our places of business, and if, for any reason, a person steps off the beaten path and the report shows more steps than necessary, he will be denied a pair of shoes. However, according to a statement made about the people from my section of the country by a high Government official, we will not be so upset by the shoe regulation.

We are told at every turn that we must do this and must not do that. Movie and radio stars are sent throughout the length and breadth of our land to sell War Bonds. This is laudable on their part. But I wonder if it would not be cheaper and better for the morale of the American people to tell them the truth about the war. Then they would buy War Bonds without all the fanfare we are now using.

I do not know who is advising our military and naval authorities on their methods of disseminating news to the people. Whoever it is certainly must think that the American people cannot take anything but good news. If the powers-that-be are right, we might as well sue for peace and ask for the shackles of slavery now and avoid further bloodshed.

I do not pretend to speak for the entire United States, but most of the people with whom I come in contact would rather know the truth than be given some sugar-coated story that will be refuted in 6 or 8 months. Every American lauded the gallant raid on Tokyo. There is not an American who did not expect heavy losses. But when the announcement was made of the raid, the same announcement carried the statement that all the ships except one arrived at the destination. Six months afterward the American people are told the truth, we hope, about the matter.

It is evident the Japs knew they captured American pilots. Why should not the Americans know it? When we enter any naval engagement, we are not too dumb to believe that we can sink the Jap Navy without the loss of a single ship, and the Lord knows the Japs see them when they go down. Six months afterward, the American people will be given little dribbles of news.

Does this stimulate a keener interest in our war effort? Does this make us want to buy more bonds, work harder, and ask for fewer social gains? That question could be answered by asking what effect a report of the Battle of Manassas, 75 years after it was fought, would have on the American public.

The boys who are rescued from naval vessels that are lost come from all parts of the country. When they get home, some of them will tell their best friends about the vessel being lost and soon the news is all over the Nation. Yet the papers will go on carrying stories for weeks denying the loss of vessels.

Sooner or later we will awaken to the fact that our people have lost confidence in all Government reports, and when they lose confidence in the reports, they will soon lose confidence in their leadership.

It would be wise to read the history of Washington during the Civil War. At first the people of Washington were led to believe that Lee's army would be annihilated in one grand battle. The society belles drove their fashionable carriages to witness the annihilation. When they recovered their senses after the complete rout of the Federal Army, it took a lot of preaching and speaking to restore the confidence of the people of Washington in the ability of the leadership.

For the past decade the American press has been filled with observations of experts and writers on international affairs that Japan was a second-rate power; that she did not have the resources, men, and equipment to carry on a major war. We were told she could not even conquer China, but we did not take the trouble to learn that she had conquered practically all the Chinese territory that produced food, fiber, and other necessary war materials. We were told that her Navy would be sent to the bottom soon after she declared war on us.

Since her treacherous attack on us at Pearl Harbor we have been led to believe that we can mop up the Japs after Germany has been disposed of. We are urged by certain people to send more supplies to Russia and China, but nothing is said about sending supplies and

protection to our boys in the far-flung outposts in the Pacific, although most American lives have been lost in the Pacific. Most Americans think we should direct more attention to that theater of warfare than to spreading our efforts over the entire globe. You cannot make the parents of the boys who have been killed or captured in the Pacific believe that the Japs will be weakened by our waiting a year or two to deal with them.

The American people are not quitters. Our ancestors have gone through years of privation. Tell us the truth when it does not give away secrets that might give an advantage to our enemy. We can take it, and if we know what we are up against we can give it.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a column by Paul Mallon.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOBBS. Also, Mr. Speaker, a second request. I ask unanimous consent to extend my remarks and include a letter written by Romaine Boyd, a distinguished jurist.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOBBS. Mr. Speaker, also I ask unanimous consent to extend my remarks and include therein a tribute to Capt. Colin T. Kelley, Jr.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TRANSPORTATION AND COMMUNICATION FACILITIES (H. DOC. NO. 883)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with the illustrations:

To the Congress of the United States:

The American people have always known that adequate transportation and communication facilities are essential to national unity. We have relied upon transportation as the key factor in the development of our national resources, and we know that our transportation plant and policies are playing a major role in winning the war and that they will play a similar role in winning the peace.

Prior to the enactment of the Transportation Act of 1940, I requested the National Resources Planning Board to undertake, in cooperation with the several Federal transportation agencies, a study of the transportation development problem with particular reference to the Federal Government's aims and policies. The Government's expenditures in the provision of transportation facilities of all types have amounted to about one billion dollars a year, and the similar expenditures by the States and municipalities have amounted to even more. Accordingly, it seemed wise to have a look at our transportation plant and its trends and our developmental policies with a view to the formulation of wiser long-run policies in the years ahead.

This study was initiated in the summer of 1940 under an advisory committee headed by Mr. Owen D. Young. Although the staff work on the study was completed before war was declared, the analyses and policy recommendations are pointed primarily toward the adjustments which the transportation industries and agencies of government will face in the post-war period. Accordingly, I am transmitting the report to the Congress for your consideration and, more particularly, for the consideration of the several committees of the Congress which are and will be concerned with the formulation of plans and policies for transportation and for the economy generally in the transition period that we shall face.

The staffs of all the regular transportation agencies of the Federal Government have contributed to this study, and all the reports have been made available to the special Board of Investigation and Research established under the Transportation Act of 1940.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 5, 1942.*

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article by George Rothwell Brown which appeared in the Baltimore News-Post of November 3.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order heretofore made, the Chair recognizes the gentleman from Minnesota [Mr. KNUTSON] for 15 minutes.

WEIGHED AND FOUND WANTING

Mr. KNUTSON. Mr. Speaker, Daniel 5:27 reads as follows:

Thou art weighed in the balances, and art found wanting.

After more than 10 years of social experimentation, reckless spending, waste, and bungling the American people on Tuesday weighed the New Deal in the balances and found it wanting. It has taken a long time for them to catch up with the galloping hounds of waste, but they finally made it and like the proverbial rains from the heavens, their wrath fell on the just and the unjust alike. Some good men went down to defeat on Tuesday—men who can ill be spared—but when the people raise their sword in anger they do not always stop to separate the good from the bad. That is particularly true when applied to political revolutions such as we had on Tuesday.

The past 10 years of the New Deal are almost like a nightmare. There has been a disregard for constitution and law that has at times threatened to undermine our form of government; there have been social experimentations that can only be compared with those carried on by the Communists in Russia, while a debt burden has been placed upon our shoulders that has sold future generations into economic bondage.

I freely concede that the New Deal was confronted with some serious problems when it came into power on March 4, 1933, and in justice we must credit them with the good things that have been done, among which might be mentioned soil conservation and the civilian conservation programs. Had it not been for the waste and impairment of morale under the Work Projects Administration, that could also be chalked up on the credit side, but when a balance is struck we find the footing in red.

For 20 years or more, or since shortly after World War No. 1, we have had an agricultural problem on our hands that to date has defied solution. Much has been said and written on the subject and large sums spent by commissions and individuals to find a cure for the economic ills that beset the farmer. Until a year or two ago, it was largely a matter of prices, but with the enactment of conscription the farmer's troubles doubled and trebled. In addition to below parity prices the farmer began to feel a labor shortage that has become increasingly acute with the passing of time, until today the shortage is so real and so critical that it threatens to lower next year's production to a point where we will be confronted with serious food shortages in the not distant future.

Among the organizations that have given a great deal of study to the farm problem is the National Grange, which was established in Minnesota back in 1869, since which time it has been one of our leading farm organizations.

The State Grange of Minnesota, at its annual session in October, prepared a statement on the Minnesota agricultural situation that I consider worthy of study, not alone by those to whom it was addressed but also by every individual and organization that has given any thought or study to the farm problem. For the information of the House, I ask unanimous consent to incorporate this statement in the hope that it will be productive of beneficial action.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

OCTOBER 21, 1942.

LEON HENDERSON,
Director, Office of Price Administration,
CLAUDE R. WICKARD,
Secretary, Department of Agriculture,
DONALD M. NELSON,
Chairman, War Production Board,
JAMES F. BYRNES,
Director, Office of Economic Control,
PAUL V. MCNUTT,
Director, War Manpower Commission.

GENTLEMEN: The State Grange of Minnesota in annual session offer the following suggestions. Because of the interrelation of these problems, this statement is sent jointly.

THE MINNESOTA AGRICULTURAL SITUATION

The farmers of Minnesota are experiencing difficulties which are in no sense of their own making. The factors causing these difficulties

are so interrelated that a review of them is necessary in any discussion as to their relief.

According to Paul Kirk, Federal-State labor statistician, in April of this year the Minnesota farm labor supply stood at 67 percent of normal and by July was 50 percent of normal. According to figures released by the Department of Agriculture October 16 in Minnesota, farm wages with board rose from $41.50 a month on October 1, 1941, to $59 on October 1 of this year. Without board the respective figures are $55.25 and $76.25.

This is a 42-percent rise for the board rate and includes an 11-percent rise since last July 1.

The department reported that while on October 1 the wage-rate index for the Nation was 220, the September 15 index of prices received by the farmer was 163, using 100 as the annual average in both cases for the 1910–14 period. The ratio of prices received to farm wage rates stood at 73 on October 1.

The report showed that as of July 1, 1942, industrial wage rates stood at 330, using average weekly earnings of New York State factories in June 1914 as the base figure of 100.

Total food costs now are lower in relation to total incomes of industrial workers than at any time during the last 30 years. Total earnings of industrial workers (probably vastly increased in number since 1935–39) have increased 113 percent over 1935–39. Cost of living to the individual has advanced 16 percent.

These inequalities which have drawn the heaviest migration, farm to city, in national history, from American farms into industries during the past 3 years and which are indisputably proven by the October 16 release by the Department of Agriculture, plus the stripping of our farms by the draft, have caused a condition which is acute.

Minnesota has listed over 10,000 farm auctions this fall against a seasonal average of 300. So many dairy herds have gone on the market that good cows are selling at bargain prices. Not all are forced because of labor difficulty. Many renters past the military age are selling out and plan to make a stake working in war industries.

A laborer working in a war industry is paid almost directly by the taxpayer. The more he is paid the more is the profit of his employer who produces on a fixed-fee or cost-plus basis. The employer who therefore does not hesitate to pay high wages, as it is definitely to his benefit to do so, is wise.

On the other hand, the farmer knows that when the pay day comes he must dig into his own pocket to pay the hired man. What is in that pocket is determined by the prices the farmer receives for his crops, whether sold directly or marketed through livestock, dairy, or poultry products. Obviously the Minnesota farmer cannot pay wages to compete with those at New Brighton or Rosemount or shipyards at Duluth. His only alternative is to curtail operations or sell out.

We recommend the following:

1. Through the powers conferred upon the President by the price-control bill, and administered by the Board of Economic Control, to either—

(a) Bring the national average of salaries and wages paid in industry to the 1939 level or

(b) Establish a ceiling for agricultural commodities which will add to the parity level developed by the Board of Agricultural Economics of the Department of Agriculture sufficient farm labor costs so that the farmer can pay a wage equal to those paid by industry.

2. The Grange is unalterably opposed to any plan which will result in the payment of subsidies from the Federal Treasury in order to keep farms in production. We oppose subsidies for the following reasons:

(a) Subsidies which are employed in order to spare any segment of our society from feeling the economic effects of war are unjust to future generations.

(b) Subsidies are inflationary. They create greater spending power and at the same time impair our production by destroying initiative. Those who receive subsidies do not strive to produce to the same extent as those whose income depends upon their own efforts. Reduced output creates shortages, one of the greatest causes of inflation.

(c) Subsidies will increase the enormous proportions of our national debt and lead directly to inflation, defeating the very purpose for which the price-control bill has been enacted.

(d) Subsidies conceal costs and delay or defeat efforts to correct excessive expenditures.

(e) Subsidies promote inefficiency.

(f) Subsidies open the way for political abuses.

(g) Subsidies make everybody pay for the benefits enjoyed by a few.

(h) Subsidies, when once used, are very hard to discontinue. They become issues in political campaigns, and men are elected to office on the pledge of their continuance.

(i) Subsidies destroy initiative and undermine character. They are not the means of building an independent, self-reliant people.

(j) Subsidies are a means of building and maintaining a strongly centralized government, and may lead to dictatorship.

3. We recommend that consideration be given to the possibility of reducing the spread between that which the consumer pays and what the farmer receives for his commodities.

4. We believe the manufacture of only 27 percent of the 1940 output of new farm machinery is inadequate to meet the farm production demands of 1943. This should be increased an additional 13 percent.

Respectfully,

W. B. PEARSON, *Master*.
R. C. WENDEERG.
C. A. NORMAN.
W. D. OSGOOD.
CLARENCE LAMON.

Mr. KNUTSON. Mr. Speaker, I do not have to tell the Members of the House that the Minnesota Grange, like the National Grange, is made up of sensible, sincere, and intelligent farmers. They are the type constituting the backbone of the American Nation, and I say to you that when men of their character ask the President of the United States to use war powers to bring the national average of salaries and wages paid in industry back to the 1939 level, the time has come to quit shot-in-the-arm approaches to a great agricultural crisis.

For almost a decade this administration has had complete control of the executive branch of the Government, also of the House and Senate. It started out in 1933 to do a big over-all job for agriculture. God knows we have appropriated enough money to do the job, and what do we find?

Minnesota has listed more than 10,000 farm auctions this fall against a seasonal average of 300. When our own armed forces, to say nothing of the American people or the people of the world, are faced with food shortages the planning at the top in this country has been so faulty that dairy cows are being sold as beef cattle. It took a year or more of effort to inject the beginning of a little common sense into the Selective Service System so that essential labor for dairy, beef, and poultry farms could be deferred. What has been done in this direction is spotty and not at all uniform throughout the Nation, according to reports reaching many of us.

And I want to say that it is not only a question of farm labor being drafted into the armed forces. As these farm leaders of Minnesota tell us in the communication I have just read, many renters past military age are selling out in the hope of making a stake working in war industries.

As long as these so-called planners in Washington could pour out money from the Public Treasury, they thought they were solving the farm problem. Yet in the greatest crisis which has confronted our Nation in all its history, American agriculture is mired in a terrible and overwhelming mess.

It seems but yesterday since Mordecai Ezekiel, from a highfalutin job called economic adviser to the Secretary of Agriculture, was charting the course for American agriculture. His was the last word in the superplanning in Washington, and if there was a piece of farm legislation he wanted, I cannot recall Congress ever saying "No."

But Professor Ezekiel apparently has washed his hands of it all, as I read in the newspapers during the past week that he has been named as special adviser to one of the top business executives in WPB. If he does the same kind of a job for WPB as he and his like have done for the American farmer, then God help the men in the Army and Navy and God help the American people.

The former Secretary of Agriculture from his new office now reaches out beyond the confines of the United States and purports to draw the blueprint of a century for the common people of the world. I would like it a matter of record that as HENRY WALLACE and Mordecai Ezekiel and their associates turn from the agricultural field to greater problems they left American agriculture in its most deplorable state of all time. As this statement from the Grange leaders of my State points out, the wage-rate index for the Nation on October 1 was 220, while the September 15 index of prices received by the farmer was 163, and let this fact sink home: The laborer working in a war industry is paid almost directly by the taxpayer. The more he is paid, the more is the profit of his employer, who produces on a fixed-fee or cost-plus basis, and this administration is making doubly sure that organized labor gets its increases in wages. All this while the farmer is forgotten or perhaps deliberately ignored.

And what is offered by way of solution? The only thing we hear is a program calling for subsidies. I am proud of the good common sense of these Minnesota farmers who have the courage to turn their backs on plans for subsidies and denounce them for what they are. These Minnesota farmers say that subsidies are a means of building and maintaining a strongly centralized government and they are afraid of that. Those of us who see its fumbling, befuddled efforts at first-hand here in Washington share their apprehension. I believe that this administration must free itself from the domination of professional labor leaders and labor lobbyists and start win-

ning the war by first winning the battle against pressure politics here at home. We hamstring our efforts to win the war and we confess our inability to win the peace unless our own Government has the courage to be free.

LET'S SAVE AMERICAN INSTITUTIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Mississippi [Mr. RANKIN] is recognized for 15 minutes.

Mr. RANKIN of Mississippi. Mr. Speaker, I wish to follow the program laid down by the previous speaker, the gentleman from Minnesota [Mr. KNUTSON], and take a text for my feeble remarks, which will be found in the first verse of the tenth chapter of Ecclesiastes, which reads as follows:

Dead flies cause the ointment of the apothecary to send forth a stinking savour: so doth a little folly him that is in reputation for wisdom and honour.

I am not applying this text to the gentleman from Minnesota, who just preceded me, but am applying it to Wendell L. Willkie and his conduct at home and abroad.

Some time ago he went to England and, according to press reports, proceeded to kiss the barmaids of that country. He also addressed the people of Europe in a foreign language over the radio. So far as I know, that speech has never been published in this country. It may have been in a class with his "campaign oratory" or it may have been as dangerous as some of his later statements.

He recently went to Russia and there made statements that embarrassed our war efforts, and did a little wholesale kissing in that country.

From there he went to China, kissed a lot of Chinese orphans, and made statements calculated to stir up or intensify the revolt in India against the British Empire.

But before doing that he went to New York City and made a speech to the Negroes in Harlem that was a disgrace to any white man in America, in view of the fact that certain alien racial elements in this country are stirring up race trouble among the Negroes in every section of the United States.

He went from there to San Francisco and did the same thing.

I understand he is going to appear before the Supreme Court of the United States on next Monday, not as a paid attorney, but under what we lawyers call amicus curiae, to argue that a Communist should not be denied citizenship in the United States.

Amicus curiae means that you are a friend of the court, which means a friend of the people.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. I yield for a question.

Mr. KNUTSON. Is the gentleman sure that the argument which Willkie will make tomorrow will not fall on fallow ground?

Mr. RANKIN of Mississippi. I hope it does, but I want to show what it means.

In arguing this case before the Supreme Court he does not any more represent the law abiding, God fearing, patriotic people of America than Benedict Arnold represented the freedom of the Colonies or Judas Iscariot represented the cause of Christ.

I am going to read to you from the brief of the Attorney General. This man he is defending belongs to an organization dedicated to the destruction of this Government and everything for which this Government and our people stand. I will just read one paragraph. This is from the Court of Appeals upholding the lower court who saw and heard this witness. I know that a court that looks into the face of a witness, hears him talk, and cross-examine him is in a much better position to judge of what that witness believes and what he stands for than is someone who reads a brief. But in upholding the lower court the Circuit Court of Appeals said this:

The court also found that at the time of his naturalization and during the 5 years prior thereto, petitioner was a member of the Communist Party, the principles of which were opposed to the Constitution, and advised, advocated, and taught the violent overthrow of the Government, Constitution, and laws of the United States, and disbelief in and opposition to organized government.

That is what the court said he stood for, after looking into his face and hearing his testimony, that the petitioner believed in, advocated and supported the principles of the Communist Party; that the petitioner was "a disbeliever in" and "opposed to organized government," and that he was a member of an organization "teaching disbelief in or opposition to organized government."

The court therefore concluded that the decree of naturalization had been illegally and fraudulently procured, and entered its decree declaring void the certificate of citizenship.

I hope every patriotic American, and especially those fathers and mothers who have boys in the Army, and those boys themselves, will read that brief and study the course of this man who is stirring up race hatred in this country for the white people of the Nation, and especially of the South.

Another thing, I want to congratulate the Daughters of the American Revolution because they have refused to submit to the dictates of these Communists who are stirring up race trouble in the District of Columbia, which, as I said, has resulted in the outrage and murder of more white women by Negro brutes in the last 2 years than there had been in the District of Columbia up to that time in its 140 years of existence.

I am speaking the sentiments of the people I represent, and I mean the decent, law abiding white people from the Potomac to the Rio Grande.

I am speaking the sentiment of the decent white people in every other section of the country.

Mr. RICH rose.

Mr. RANKIN of Mississippi. I will yield to the gentleman from Pennsylvania for a question.

Mr. RICH. The gentleman has now answered my question.

Mr. RANKIN of Mississippi. I know it. The gentleman from Pennsylvania may be wrong on some things, but there is not a more patriotic man in this House than our distinguished and retiring colleague from Pennsylvania [Mr. RICH].

Mr. Speaker, we have just gone through an election. It has been pointed out that it was almost a landslide, in some respects, because that deep feeling of uneasiness that lurks in the breast of patriotic Americans welled up and said: "We want to put a stop to some things." I am going to give my administration some free advice. I want you to understand I am not only an American but I am an Anglo-Saxon; I belong to that race that built our civilization, the Christian civilization that we now enjoy and the only one that mankind has ever enjoyed. We talk about the civilization of Greece. The civilization of Greece was the domination of a few intellectuals over a subordinated people. The civilization of Rome was largely a dictatorship of a few powerful individuals. The civilization of Egypt was characterized by the domination of one race over another.

The Christian civilization, however, is built upon the Ten Commandments, the Golden Rule, the Common Law, those great fundamental principles by which our civilization must live if it continues to endure. My people have been here for probably 300 years. I had an uncle who served in this House, a great uncle, a hundred years ago, Col. David Crockett, who was killed in the Texas revolution. The only uncle I had of military age during the War between the States was killed at the second battle of Bull Run. My people, and the people I represent, have always responded to their country's call, and they are responding now; but they are disturbed as they have never been disturbed by the machinations of these communistic crackpots that have been put in key positions by this Nation.

We are going to fight this war to a victorious finish. That is the sentiment of the white people of the South, the Anglo-Saxons of the South. But if the administration wants to get along with us it is going to have to change its attitude, because the white Democrats from the South are going to demand treatment different from what they have received in recent months.

I am tired, the American people are tired, of this Frankfurter bureaucracy. The Congress of the United States is the keeper of this Republic—do not forget that. The Congress is mentioned first in the Constitution of the United States. It is the only power on earth that can remove a member of the Supreme Court or that could under any circumstances remove a Commander in Chief. We represent the American people, and they do not expect us to be rubber stamps.

They expect us to stand up like men and fight to preserve, not to destroy, what they and their forefathers have built up.

I know some of these flannel-mouthed agitators, when you say communism, try to make it appear you are attacking Russia. That is nonsense. Communism is disappearing in Russia because they had to put guns in the hands of the

White Russians, the Ukranians, and the Cossacks, in order to fight this war. Already the Russian Government has wiped out their commissars in the army. They never won a single battle until they did it, never stopped the German drive until they did it.

Mr. Speaker, we want harmony; we want to win this war; we want to win the peace, but the American people do not want to be unnecessarily regimented, and if you are going to carry on this great Republic, founded by the wisest men ever gathered under one roof, I repeat, there are some things that must be done: You must wipe out those two measures that so violently discriminate against the independent businessmen and against the farmers of this Nation; I refer to the Wagner Act and the Wages and Hours Act.

Let us get back to the Constitution of the United States, and if we do not have a court that will uphold the Constitution we have a way of changing the Court. That Constitution must live. Our people are not fighting for some other form of government; they are fighting to retain the one we have, and if the Court is going to destroy that Constitution by construction, or misconstruction, the American people will rise up in their indignation and select another Court. I make thes eremarks because I see the dangers of this tendency, and I saw the reaction throughout the country on day before yesterday. I know how the people of my own section feel.

I want to repeat what I have said to you before: You let the race question in the South alone. Stop these attempts to destroy the States of this Union. Remember it is necessary to preserve those States as a part of our national system. Stop these tirades against the white people of the South, and stop these attempts on the part of these Communists to intensify that feeling by trying to force Negroes and whites into the same restaurants, to work at the same desks in the Library, or in the Bureau of Printing and Engraving, or in any other governmental bureau, department, or agency in Washington.

Let us have unity of purpose as well as unity of efforts, that we may win this war, save our institutions, and pass them down as a glorious heritage to the generations yet to come.

[Here the gavel fell.]

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include excerpts from this brief filed by the Department of Justice in the case to which I have referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

EXTENSION OF REMARKS

(Mr. SHEPPARD asked and was given permission to extend his own remarks in the RECORD.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. BROOKS] is recognized for 3 minutes.

DEFENSE HOUSING

Mr. BROOKS. Mr. Speaker, I take this opportunity to correct a misstatement in the RECORD of about 2 weeks ago with reference to one particular project at least. I was on the floor of the House at that time and I listened to a speech made by my colleague from Indiana [Mr. WILSON]. During the course of his speech he asked unanimous consent to place in the RECORD a list of projects on which, he said, there had been a waste of critical materials and which projects, he stated further, were not necessary. I read the list after it was placed in the RECORD. I had no opportunity at that time to gain information about the list because it was not in the RECORD then.

I found in the list that there was one project located in northwest Louisiana regarding which I was familiar and I feel in fairness to the agency of government that constructed this housing project and in fairness to the people who occupy the housing project that the statement should not remain in the RECORD unchallenged. I made an independent investigation of this project and I find, in fact, that this project which he said was located in Bossier City, La., consisting of 139 dwelling units, is fully occupied and has been occupied by Army personnel and War Department people for many months. I called up the Federal Housing Agency, Office of Administrator of Housing, and I have been informed that this very day out of 139 dwelling units out there there are 132 completely occupied.

Mr. Speaker, I was familiar with the conditions existing at the time the project was constructed. There was real need for taking care of the housing of enlisted personnel of a great Army air field—Barksdale Field. Army enlisted personnel were housed in the project. It is true that my colleague from Indiana has taken two dates on which he said the occupany of the project was small; but if the gentleman from Indiana had gone further he would have found that at that time there was a rapid turnover in Army personnel at that particular post. Men were taken out of that post and sent elsewhere because of the needs of the Army and the defense program; and had he investigated, he would have thereby found the reason why the turnover was evidenced at that time. The project was then and is now worth while, and most necessary, and there has been no waste of vital materials.

[Here the gavel fell.]

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. RICH] is recognized for 5 minutes.

CHANGING TREND IN AMERICAN POLITICS

Mr. RICH. Mr. Speaker, I am not going to take my text from the Bible, as several other Members did this morning, although I realize that the most important things this Nation has confronting it are to adhere to and take council from the teachings and the words that come from the Bible. We need more religion, not only in the House of Representatives but in connection with every possible group of people that we have in our country today.

We had an election on Tuesday and it showed what the people of America are thinking. May I say now, once and for all, that, in my opinion, Hitler, Mussolini, or Hirohito, or anybody else who may be an enemy of our country cannot find any consolation in that election. It is a sad moment to me when I think of our responsibility. I do not get any jubilation from the fact that we in this country elected a great number of Republicans to the House of Representatives; I think of the greater responsibility, the greater opportunity, and then I find consolation. However, it does show to me that the people of this country are thinking about something today that they ought to have thought of 4 or 5 years ago, and that is the trend which the country has been following. We are traveling the road to destruction and we must change our course at once.

This election was won by the Jeffersonian Democrats and the sound-thinking Republicans. It is a flag waving to this administration—the New Deal administration—telling them, "You have got to pursue another course. You cannot go on the way you have and save America and win this war and continue to follow the policies that you have been following during the last 2 or 3 years."

I am not here this morning to get a lot of satisfaction because we elected so many Republican Members. I am worried for the responsibilities that go with such an election. I want the Republicans and Jeffersonian Democrats to stop waste, stop extravagance, conserve our resources, throw out the incompetent in government, get rid of the radicals, and get back to constitutional government.

As far as I am concerned, I am glad that the Republicans did not elect enough Members to win control of this House, because eventually they might be condemned for things that will happen. But with enough Jeffersonian Democrats to vote with the Republicans we can stem the tide, and we might be able to save this country of ours. That is the thing that impresses me more than any other thing about the election we had on Tuesday. The people are also worried.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes; for one question.

Mr. WHITE. To what does the gentleman attribute the conditions that brought on all this unemployment and financial prostration in this country along about 1932?

Mr. RICH. That is enough. I do not want any more questioning from the gentleman because he has been one of the new dealers. He is one of the fellows to whom I want to address my remarks here this morning. All the gentleman has been doing is following the New Deal in everything they wanted, a real rubber stamp.

Mr. WHITE. We were trying to correct the bad situation brought about by the Republicans.

Mr. RICH. I do not yield any more. You got us into this mess with bad laws and radical administrators. But there is this about the situation in which we find ourselves today that we can rejoice in, and that is that we can hold down the radicals, whether they are Members of Congress or departmental. God knows our country is now in the most difficult position it has ever been in the history of this Nation. We need every man and

every woman in this country to try to get together now, even behind the President of the United States, to win this war. We must guide him and not permit him to get off the proper course. We want to show the President of the United States that he is wrong in a lot of the policies he is trying to carry out. A lot of the laws they have enacted, such as those mentioned by the gentleman from Mississippi a few minutes ago, must be changed if we are going to survive as a democracy. We are near the end of the road. God forbid that we come to the end of a democracy.

If there were a better nation on the face of the earth or a better form of government, certainly we would try to pattern after it, but no government has ever given its people the blessings of freedom, privileges, and fellowship that America has given its people. Nothing in the world ought to be in the minds of the Members of Congress, especially the new Members who are coming in, but to do only that which is constitutional, and that will save our form of government, keep States' rights, and our Bill of Rights.

What we want to do now is to get rid of the radicals in government, to change the radical laws you have already enacted and do it quickly, before it is too late. Then you should impress on the Chief Executive the fact that he has a lot of people in the various departments of the Government who are Communists, people who are not sound advisers; they should be dismissed.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. A committee has been appointed in the House of Representatives that we call the Dies committee. A lot of mud has been slung at that committee, because certain people are trying to stir up a lot of enmity and jealousy because the members of that committee have pointed out to this administration and this country that there are many Communists here who are trying to tear down our form of government. I honor the members of that committee because they want to do only the right and the honorable thing. All they want to do is drive from our midst those who would destroy our form of government. They probably have made some mistakes, sure, because there is nothing we can do here that will satisfy everybody, but I think that committee has tried in every way it possibly can to show up those who would take our liberties from us and try to bring on here a communistic reign, which we do not want; which should not be permitted in a democracy.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Minnesota.

Mr. KNUTSON. In both the primary and general elections the group that is commonly called the Communist group used every means at its command to defeat those Members of Congress, regardless of which side of the aisle they sat on, who had voted to continue the Dies committee.

Mr. RICH. That is right.

Mr. KNUTSON. That was a test of patriotism.

Mr. RICH. And not only the Dies committee, but everybody who wanted to keep this country out of war. I was one of those who wanted to keep this country out of war, and I have been here 12 years in December and I have not cast any votes that I want to change. I have tried to look up my record since I have been here and I have taken this thing a whole lot more seriously than a lot of people would have you believe. I have tried to do an honest and an honorable and a conscientious job. I have tried to save America. I have tried to save those States' rights that the gentleman from Mississippi referred to a few minutes ago. I voted against a lot of laws passed here in the last few years because I knew they were interfering with States' rights. I felt they were unconstitutional. I realized they were only leading us to a dictatorship. Thank God I did not vote for them and I have nothing to apologize for in that respect.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. JENSEN. The Washington Star of November 1 has an article which states that—

Ezekiel made assistant to War Production Board's Vice Chairman.

This man, Mordecai Ezekiel was listed by the Dies committee as belonging to a Communist front. What does the gentleman think about that? Is the gentleman satisfied with that kind of appointment on such an important board?

Mr. RICH. No; I am not satisfied in any sense with Mordecai Ezekiel or the policies he has enunciated or tried to get the administration to follow ever since he has been in Washington. This country would be better off, this administration would be better off and you Democrats would be better off if you would get Mordecai Ezekiel out of Government. I not only would take him out of responsible Government positions but you have many others here who are fostering that idea of the New Deal of the "gimmies." They are only tearing down that fundamental principle that was established by your forefathers that you should work and earn and save. Surely, we want to give the people of this country jobs so they can earn their bread and butter. We want to help the farmers of this country; we want to help the laborers of this country, but you cannot do it with a lot of people in the Government trying to tear down all reputable business enterprises, the creation of jobs and thinking all the time about getting something for nothing. This will wreck everybody in this country, and you had this man in an important position in the Department of Agriculture. He was in Government as an adviser when they plowed under the cotton and killed the hogs and burned the wheat and did things of that sort. He espoused legislation of that character. Such rules or laws never did anything but cause trouble and wreck, and they will completely wreck our Nation unless we rid ourselves of people with ideas of that kind. The quicker we do it the better. I would not wait for the new Congress, but would get after such things now before January 3. Before it is too late. With a national debt of about $100,000,000,000 with a deficit each week of a billion dollars, with incompetents in our Government, we should cut down Government expenses greatly. The Appropriations Committee should get busy now and stop it if the Congress will not. Cut out all this terrible radical waste in Government—in the war industries, in printing and propaganda. The Government now is doing many things that should be stopped at once—such as increasing the size of the Tidal Basin. Oh! what is the matter with the President that he does not stop all unnecessary work of Government since all hands are needed on war work, on the farms, and in industry? Close up many Government agencies that can now be suspended. Let us get some real common sense. God save us and our country, is my humble prayer.

[Here the gavel fell.]

DISTRIBUTION OF FARM INCOME

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, since I became a Member of Congress 4 years ago I have diligently endeavored to procure information of a significant nature as to the distribution of cotton acreage and baleage. It has been my contention that the significant fact is not how many acres of cotton a cotton farmer is permitted to plant, but how many pounds or bales he is permitted to grow and sell. After all, insofar as income is concerned, it makes no difference what cotton is worth a pound to the man who has no pound to sell.

Unfortunately information concerning the distribution of farm income has been rather fragmentary; however, the 1940 census made possible the procurement of the exhaustive information to which I refer. As a result of many contacts on my part, the Agricultural Adjustment Administration and the Farm Security Administration agreed to finance the study and the Census Bureau agreed to make the compilation. For the contribution by each of these divisions of our Government to the obtaining of this information or this statistical data I am most grateful, for I sincerely believe if the information is carefully studied and evaluated it will bring about action conducive to equity concerning the family-sized farmer who in my opinion comes nearer being the forgotten man than any other.

The completed study, in my opinion, plainly establishes to a rather understandable degree how the farm income is

currently distributed. Later on there will be printed a document to be made available by the Government which will describe in detail the sources of the incomes of various groups of farmers.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. BECKWORTH. I yield to the gentleman from Oklahoma.

Mr. BOREN. The gentleman from Texas is to be commended for sponsoring this very fine study and I would like to ask this question in relation to the study. Are not the findings based on the error that our Government has made in making these allotments to the land instead of to the farmer or the farm-family unit?

Mr. BECKWORTH. The gentleman has propounded a pertinent question. The family-size farm unit should certainly be taken into consideration more than it has been, as I have stated, however, the important thing to any farmer is how much of a given commodity such as cotton he can grow and sell rather than how many acres he may plant.

Mr. BOREN. And the gentleman well knows that 1 acre may produce a bale or two bales of cotton, while another acre adjoining it may not produce more than an eighth or a tenth of a bale. The system now in vogue, under which the apportionment is made by acres creates a discrimination between individual farmers in respect to equal rights and privileges.

Mr. BECKWORTH. That is exactly right.

I sincerely trust every Member of Congress interested in the welfare of the family-size farmer will give careful attention to the table I herewith include in the CONGRESSIONAL RECORD and to the document of some 300 pages when it is available.

Classification of cotton-growing farms, by number of bales produced, farms reporting, acres harvested, and bales of cotton produced, United States Census of 1940 [1]

Number of bales produced per farm	Number of farms		Number of acres		Production of cotton		All farm products		Livestock and livestock products sold		Crops sold				Used by farm family		Forest products sold	
											Total		Cotton and cottonseed					
	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative	Actual	Cumulative
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
	Number	*Pct.*	*Acres*	*Pct.*	*Bales* [2]	*Pct.*	*Dollars*	*Pct.*	*Dollars*	*Pct.*	*Dollars*	*Pct.*	*Dollars*	*Pct.*	*Dollars*	*Pct.*	*Dollars*	*Pct.*
1 bale or less	234,108	14.73	1,130,043	4.95	186,009	1.62	99,022,208	7.53	15,117,674	7.95	44,889,934	5.41	10,096,335	1.62	37,738,767	13.16	1,275,833	16.84
1½ to 2	245,715	30.20	1,650,542	12.19	449,650	5.54	116,831,872	16.43	18,390,098	17.61	55,071,880	12.05	24,406,438	5.54	42,143,201	27.85	1,226,693	33.03
2½ to 3	204,459	43.06	1,704,270	19.67	580,625	10.60	107,651,072	24.63	16,763,876	26.42	54,172,300	18.59	31,515,597	10.60	35,794,257	40.33	920,639	45.18
3½ to 4	169,312	53.71	1,650,555	26.91	652,374	16.28	97,887,995	32.08	14,654,087	34.13	52,458,959	24.91	35,410,043	16.28	30,061,856	50.81	713,093	54.60
4½ to 5	132,751	62.06	1,465,795	33.34	645,482	21.90	83,776,308	38.45	11,932,575	40.40	47,566,337	30.04	35,035,954	21.90	26,737,889	59.09	539,507	61.73
5½ to 6	104,869	68.66	1,311,552	39.09	615,892	27.26	72,287,413	43.95	10,025,834	45.67	42,974,400	35.82	33,429,845	27.26	18,866,794	65.67	420,385	67.28
6½ to 7	78,834	73.62	1,097,990	43.90	542,378	31.98	59,514,808	48.48	8,168,707	49.97	36,749,727	40.26	29,439,598	31.98	14,307,745	70.66	288,620	71.09
7½ to 8	73,416	78.24	1,100,284	48.72	579,177	37.02	59,688,507	53.02	8,134,726	54.25	38,120,012	44.84	31,437,001	37.02	13,121,272	75.24	312,497	75.22
8½ to 9	49,899	81.38	823,732	52.33	443,602	40.88	43,887,995	56.36	5,923,971	57.26	28,559,571	48.28	24,083,045	40.88	9,239,440	78.46	165,013	77.40
9½ to 10	50,617	84.56	896,084	56.26	501,188	45.25	47,621,183	59.98	6,281,484	60.66	32,106,528	52.15	27,208,856	45.25	9,049,198	81.62	183,973	79.83
10½ to 12½	62,808	88.51	1,291,702	61.92	729,135	51.55	66,295,743	65.02	8,833,129	65.30	45,328,555	57.61	39,250,861	51.55	11,873,327	85.76	260,732	83.27
12½ to 15	56,577	92.07	1,398,888	68.05	790,014	58.43	70,497,769	70.38	9,902,645	70.61	49,232,277	63.54	42,880,969	58.43	11,123,853	89.64	238,994	86.43
15½ to 20	51,145	95.29	1,621,658	75.16	912,886	66.39	76,478,090	76.43	11,440,571	76.53	57,136,736	70.43	49,550,307	66.39	10,611,213	93.34	289,570	90.25
20½ to 25	29,054	96.74	952,291	79.33	531,816	71.02	45,610,087	79.90	7,163,770	80.30	33,206,536	74.43	28,866,306	71.02	5,130,678	95.13	109,103	91.69
25½ to 30	13,814	97.61	687,674	82.34	389,583	74.41	33,414,353	82.44	5,469,355	83.18	24,630,186	77.40	21,146,077	74.41	3,204,947	96.25	109,865	93.14
30½ to 35	8,214	98.13	480,931	84.45	272,815	76.79	23,047,083	84.19	3,824,311	85.19	17,147,799	79.47	14,808,056	76.79	2,005,468	96.95	69,505	94.06
35½ to 40	6,356	98.53	421,691	86.30	243,810	78.91	20,326,019	85.74	3,228,222	86.33	15,482,707	81.34	13,233,701	78.91	1,543,011	97.49	72,079	95.01
40½ to 45	3,886	98.77	283,556	87.54	168,077	80.37	13,723,267	86.78	2,197,500	88.05	10,466,699	82.60	9,123,009	80.37	1,002,589	97.84	56,479	95.76
45½ to 50	3,381	98.98	276,226	88.75	164,021	81.80	13,201,789	87.78	2,061,821	89.13	10,199,028	83.83	8,902,854	81.80	898,762	98.15	42,178	96.32
50½ to 75	7,528	99.45	713,166	91.88	470,182	85.90	37,279,066	90.62	5,717,536	92.14	29,391,535	87.37	25,520,889	85.90	2,093,809	98.88	76,196	97.33
75½ to 100	2,356	99.66	412,656	93.69	298,801	88.56	23,473,207	92.41	3,275,372	93.86	19,100,133	89.67	16,218,544	88.50	1,052,643	99.25	45,059	97.93
100½ to 125	1,643	99.76	243,447	94.76	188,908	90.15	14,462,526	93.51	2,005,180	94.91	11,595,618	91.10	10,253,689	90.15	526,135	99.43	35,593	98.40
125½ to 150	1,010	99.82	179,562	95.55	141,139	91.38	10,356,168	94.30	1,299,959	95.59	8,678,327	92.15	7,660,848	91.38	362,835	99.56	15,047	98.60
150½ to 200	1,093	99.89	226,646	96.54	194,072	93.07	14,113,768	95.37	1,405,572	96.33	12,281,599	93.63	10,533,985	93.07	390,374	99.70	36,223	99.08
200½ to 300	891	99.95	249,961	97.64	223,652	95.02	17,497,422	96.70	2,046,736	97.41	15,021,513	95.44	12,139,550	95.02	394,493	99.84	34,680	99.54
300½ to 400	382	99.97	139,790	98.25	136,247	96.21	9,552,305	97.43	892,343	97.88	8,485,481	96.46	7,395,316	96.21	171,061	99.90	3,420	99.59
400½ to 500	204	99.98	95,657	98.67	92,905	97.02	6,257,752	97.91	510,862	98.15	5,638,928	97.14	5,042,767	97.02	105,107	99.94	2,855	99.63
Over 500 bales	385	100.00	303,429	100.00	342,160	100.00	27,477,827	100.00	3,511,990	100.00	23,751,916	100.00	18,572,016	100.00	185,794	100.00	28,127	100.00
Total [3]	1,589,706	100.00	22,809,870	100.00	11,480,700	100.00	1,314,233,602	100.00	190,179,896	100.00	829,745,221	100.00	623,158,000	100.00	286,736,518	100.00	7,571,967	100.00

[1] All items are for 1939 from Census of 1940 taken as of Apr. 1.
[2] Running bales of lint cotton counting round bales as half bales.
[3] Does not include 17 cotton-growing farms in Arkansas County, Tex., as data were insufficient for classification.
Division of Statistical and Historical Research, Bureau of Agricultural Economics. Compiled from special tabulation of the Bureau of the Census.

SAFETY IN AIRWAYS

Mr. BOREN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection

There was no objection.

Mr. BOREN. Mr. Speaker, I call the attention of the House to a brief article on page 22 of the November 9 issue of Time magazine. This article offers a very vital suggestion for better coordination and correlation of our air safety control on the part of the various civilian and military agencies that are using the air lanes of America. Unquestionably the recent accident in which a liner was struck by a military plane, and many lives lost, is evidence that there is need for a strict policing of the civilian and military uses of the air, by marking out some system comparable with that now in use throughout the British Isles, a system that will give us an air traffic safety program equivalent or comparable to the land traffic safety program that we have for the highways of America. I suggest this for your careful consideration. In the America of tomorrow this will be far more vital than it is in this hour today.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 12 minutes p. m.), pursuant to the order heretofore entered, the House adjourned until Monday, November 9, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1985. Under clause 2 of rule XXIV, a letter from the Archives of the United States, transmitting a list of papers recommended to him for disposal by certain agencies of the Federal Government, was taken from the Speaker's table and referred to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG: Committee on the Territories. H. R. 7472. A bill to revise the Alaska game law; with amendment (Rept. No. 2623). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 7289. A bill for the relief of Dennis Hall; without amendment (Rept. No. 2621). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 7518. A bill for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock, without amendment (Rept. No. 2622). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HÉBERT:

H. R. 7758. A bill to authorize the use of part of the United States Capitol Grounds east of the Union Station for the parking of motor vehicles; to the Committee on Public Buildings and Grounds.

By Mr. McGEHEE:

H. R. 7759. A bill to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McGEHEE:

H. R. 7760. A bill for the relief of Master Gunnery Sgt. Eugene M. Martin, United States Marine Corps; to the Committee on Claims.

By Mr. PACE:

H. R. 7761. A bill for the relief of Miss Mary Lynn Morrow, Mrs. W. A. Jones, and the estates of Maurice Jones and Mrs. Avis McDonald; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3407. By Mr. GRAHAM: Petition of 12 members of the Young People's Society of Slippery Rock and West Liberty, Pa., opposing the selling of liquor in and around the Army camps; to the Committee on Military Affairs.

3408. By Mr. LAMBERTSON: Petition of Homer J. Slopp and 53 others, of Boyle, Kans., urging that young men in the armed forces be protected by the removal of intoxicating liquor and other vices from in and around our Army and Navy camps; to the Committee on Military Affairs.

3409. By Mr. MARTIN of Iowa: Petition of T. A. Connolly, Connolly Drug Stores, and other citizens of Council Bluffs, Iowa, urging the passage of House bill 7432 and Senate bill 2690, introduced for the purpose of establishing a Pharmacy Corps in the United States Army; to the Committee on Military Affairs.

3410. By Mrs. NORTON: Petition of Typographical Union, No. 103, Newark, N. J., pertaining to labor relations in the Government Printing Office; to the Committee on Labor.

SENATE

MONDAY, NOVEMBER 9, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, at noonday, mid all the traffic of life's ways, we would lift our souls into the light of Thy presence. By thronging duties pressed, we, Thy servants, into whose hands has been placed the solemn trust of governance, would in this temple of the people's hope reverently pause in a little shrine of quietness, lest we forget whose ministers we are. From the framing of laws and the forming of policies holding in their reach the woe or weal of the commonwealth, we would come amid all the shattering events and tempestuous emotions of our time to an inner sanctuary where the world's angry voices die and Thou alone art real.

In drab days of bitter loss which must be endured on the way to final victory for the right, strengthen our hearts that we faint not. In glad days of jubilation, when the forces of freedom make tyranny tremble, may our elation grow out of the sacredness of our goal of a free world. Wherever we serve in this great struggle, molding the age to come, may we be ever mindful that still stands Thine ancient sacrifice, an humble and a contrite heart. So may the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

NAMING A PRESIDING OFFICER

The Secretary (Edwin A. Halsey) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., November 9, 1942.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST W. MCFARLAND, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. McFARLAND thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, November 5, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting sundry nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

AMERICAN EXPEDITIONARY FORCE IN AFRICA—STATEMENT AND MESSAGES BY THE PRESIDENT

Mr. HILL. Mr. President, I ask unanimous consent that there may be printed at this point in the body of the RECORD the statement issued on November 7 by the President regarding the American Expeditionary Force in Africa. Following the statement issued by the President I ask to have printed in the RECORD an English translation of the message in the French language broadcast by the President to the people of France on November 8; his message of November 8 to the Chief of the French State, Marshal Henri Philippe Pétain; his message of November 8 to the head of the Spanish State, Gen. Francisco Franco Bahamonde; and his message of November 8 to Gen. Antonio Oscar d'Fragoso Carmona, President of the Republic of Portugal.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the statement and messages were ordered to be printed in the RECORD, as follows:

STATEMENT ISSUED BY THE WHITE HOUSE REGARDING THE AMERICAN EXPEDITIONARY FORCE IN AFRICA

In order to forestall an invasion of Africa by Germany and Italy, which if successful, would constitute a direct threat to America across the comparatively narrow sea from western Africa, a powerful American force, equipped with adequate weapons of modern warfare, and under American command, is today landing on the Mediterranean and Atlantic coasts of the French colonies in Africa.

The landing of this American Army is being assisted by the British Navy and Air Forces, and it will, in the immediate future, be reinforced by a considerable number of divisions of the British Army.

This combined Allied force, under American command, in conjunction with the British campaign in Egypt, is designed to prevent an occupation by the Axis armies of any part of northern or western Africa, and to deny to the aggressor nations a starting point from which to launch an attack against the Atlantic coast of the Americas.

In addition, it provides an effective second front assistance to our heroic allies in Russia.

The French Government and the French people have been informed of the purpose of this expedition, and have been assured that the Allies seek no territory and have no intention of interfering with friendly French authorities in Africa.

The Government of France and the people of France and the French possessions have been requested to cooperate with and assist the American expedition in its effort to repel the German and Italian international criminals, and by so doing to liberate France and the French Empire from the Axis yoke.

This expedition will develop into a major effort by the Allied Nations, and there is every expectation that it will be successful in repelling the planned German and Italian invasion of Africa and prove the first historic step to the liberation and restoration of France.

In connection with current military operations in French North Africa, the President has broadcasted by radio to the French people, the following message in French:

"My friends, who suffer day and night under the crushing yoke of the Nazis, I speak to you as one who was with your Army and Navy in France in 1918. I have held all my life the deepest friendship for the French people—for the entire French people. I retain and cherish the friendship of hundreds of French people in France and outside of France. I know your farms, your villages, and your cities. I know your soldiers, professors, and workmen. I know what a precious heritage of the French people are your homes, your culture, and the principles of democracy in France. I salute again and reiterate my faith in liberty, equality, and fraternity. No two nations exist which are more united by historic and mutually friendly ties than the people of France and the United States.

"Americans, with the assistance of the United Nations, are striving for their own safe future as well as the restoration of the ideals, the liberties, and the democracy of all those who have lived under the tricolor.

"We come among you to repulse the cruel invaders who would remove forever your rights of self-government, your rights to religious freedom, and your rights to live your own lives in peace and security.

"We come among you solely to defeat and rout your enemies. Have faith in our words. We do not want to cause you any harm.

"We assure you that once the menace of Germany and Italy is removed from you, we shall quit your territory at once.

"I am appealing to your realism, to your self-interest, and national ideals.

"Do not obstruct, I beg of you, this great purpose.

"Help us where you are able, my friends, and we shall see again the glorious day when liberty and peace shall reign again on earth.

"Vive la France eternelle!"

In connection with the current military operations in French North Africa, the President has sent the following message to the Chief of the French state, Marshal Henri Philippe Pétain:

"MARSHAL PÉTAIN: I am sending this message to you as the Chef d'Etat of the United States to the Chef d'Etat of the Republic of France.

"When your Government concluded the Armistice Convention in 1940, it was impossible for any of us to foresee the program of systematic plunder which the German Reich would inflict on the French people.

"That program, implemented by blackmail and robbery, has deprived the French population of its means of subsistence, its savings; it has paralyzed French industry and transport; it has looted French factories and French farms—all for the benefit of a Nazi Reich and a Fascist Italy under whose Governments no liberty-loving nation could long exist.

"As an old friend of France and the people of France, my anger and sympathy grows with every passing day when I consider the misery, the want, and the absence from their homes of the flower of French manhood. Germany has neglected no opportunity to demoralize and degrade your great nation.

"Today, with greedy eyes on that Empire which France so laboriously constructed, Germany and Italy are proposing to invade and occupy French North Africa in order that they may execute their schemes of domination and conquest over the whole of that continent.

"I know you will realize that such a conquest of Africa would not stop there but would be the prelude to further attempts by Germany and Italy to threaten the conquest of large portions of the American Hemisphere, large dominations over the Near and Middle East, and a joining of hands in the Far East with those military leaders of Japan who seek to dominate the whole of the Pacific.

"It is evident, of course, that an invasion and occupation of French North and West Africa would constitute for the United States and all of the American republics the gravest kind of menace to their security—just as it would sound the death knell of the French Empire.

"In the light of all the evidence of our enemy's intentions and plans, I have, therefore, decided to dispatch to North Africa powerful American armed forces to cooperate with the governing agencies of Algeria, Tunisia, and Morocco in repelling this latest act in the long litany of German and Italian international crime.

"These indomitable American forces are equipped with massive and adequate weapons of modern warfare which will be available for your compatriots in North Africa in our mutual fight against the common enemy.

"I am making all of this clear to the French authorities in North Africa, and I am calling on them for their cooperation in repelling Axis threats. My clear purpose is to support and aid the French authorities and their administrations. That is the immediate aim of these American armies.

"I need not tell you that the ultimate and greater aim is the liberation of France and its Empire from the Axis yoke. In so doing we provide automatically for the security of the Americas.

"I need not again affirm to you that the United States of America seeks no territories and remembers always the historic friendship and mutual aid which we have so greatly given to each other.

"I send to you and, through you, to the people of France my deep hope and belief that we are all of us soon to enter into happier days.

"FRANKLIN D. ROOSEVELT."

In connection with the current military operations in French North Africa, the President has sent the following message to the head of the Spanish state, Gen. Francisco Franco Bahamonde:

"DEAR GENERAL FRANCO: It is because your nation and mine are friends in the best sense of the word, and because you and I are sincerely desirous of the continuation of that friendship for our mutual good that I want very simply to tell you of the compelling reasons that have forced me to send a powerful American military force to the assistance of the French possessions in North Africa.

"We have accurate information to the effect that Germany and Italy intend at an early date to occupy with military force French North Africa.

"With your wide military experience you will understand clearly that in the interest of the defense of both North America and South America it is essential that action be taken to prevent an Axis occupation of French Africa without delay.

"To provide for America's defense I am sending a powerful army to the French possessions and protectorates in North Africa with the sole purpose of preventing occupation by Germany and Italy, and with the hope that these areas will not be devastated by the horrors of war

"I hope you will accept my full assurance that these moves are in no shape, manner, or form directed against the government or people of Spain or Spanish territory, metropolitan or overseas. I believe that the Spanish Government and the Spanish people wish to maintain neutrality and to remain outside the war. Spain has nothing to fear from the United Nations.

"I am, my dear General,

"Your sincere friend,

"FRANKLIN D. ROOSEVELT."

In connection with the current military operations in French North Africa, the President has sent the following message to the President of the Republic of Portugal, Gen. Antonio Oscar d'Fragoso Carmona:

"MY DEAR MR. PRESIDENT: The Republic of Portugal and the United States of America have long enjoyed the full and complete friendship of each other. Because of this great friendship, and our mutual desire to insure its continuation, I desire to relate to you the urgent reasons that have compelled me to despatch to the assistance of the friendly French possessions in North Africa a strong Army of the United States.

"I have been advised by very reliable sources of information that in the near future it is the intention of Germany and Italy to occupy the French North African colonies with a large military force.

"I know that it will be quite clear to you that prompt and effective action should be taken to deter such an attempt by the Axis Nations, with its inherent danger to the defenses of the Western Hemisphere.

"To forestall occupation by the Axis Nations of the French North African possessions and protectorates, and thus to insure the defense of American nations, is the only reason which prompts the despatch of powerful United States forces to the area. It is hoped that French North Africa will not suffer in any way from the destruction of war on its own soil.

"I desire to reassure you fully that the presence of American military forces in French North Africa presages in no manner whatsoever a move against the people or Government of Portugal or against any of Portugal's continental or island possessions. Since I realize that Portugal really desires, above all else, to avoid the horrors and devastation of war, I hope that you will accept my solemn assurance that your country should have no fear of the motives of the United Nations.

"I am, my dear Mr. President,

"Your sincere friend,

"FRANKLIN D. ROOSEVELT."

DISPOSITION OF EXECUTIVE PAPERS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Navy, Agriculture (4), and Commerce (2), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate or presented and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A telegram in the nature of a memorial from Roane Waring, national commander of the American Legion, dated at Morgantown, W. Va., remonstrating, on behalf of the Legion, against the inclusion of a Senate amendment in House bill 7528, the so-called reduction-of-draft-age-limit bill, providing for at least 1 year's military training following induction into the armed service before an inductee in such under-20-year-age group can be ordered to combat duty beyond the Territorial boundaries of continental United States; ordered to lie on the table.

By Mr. CAPPER:

A petition of sundry citizens of Caldwell, Kans., praying for the enactment of legislation to establish a chiropractic corps in the armed forces; to the Committee on Military Affairs.

A petition, numerously signed, of sundry citizens of Clay Center, Kans., praying for the enactment of legislation to abolish, in the interest of the national welfare, the selling and drinking of intoxicating liquors in and around military camps; ordered to lie on the table.

ORDER OF BUSINESS

Mr. CONNALLY. Mr. President, I desire to submit a few remarks. Is it in order to do so at this time during the call of the routine morning business?

The ACTING PRESIDENT pro tempore. Is there objection to the Senator from Texas proceeding?

Mr. MCNARY. Mr. President——

Mr. CONNALLY. I yield to the Senator from Oregon.

Mr. MCNARY. Of course, we try to preserve the general order of business inviolate, and the routine morning business is now in order.

Mr. CONNALLY. I asked if it was in order for me to address the Senate. If

it is not in order, of course, I do not care to proceed.

Mr. McNARY. If the Senator will wait for about 2 minutes, I think he will have the opportunity.

Mr. CONNALLY. I will wait 5 minutes, if necessary.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 2885. A bill to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; to the Committee on Military Affairs.

By Mr. NYE:

S. 2886. A bill granting a pension to Mrs. John W. Carroll; to the Committee on Pensions.

By Mr. WALSH:

S. 2887. A bill for the relief of Master Gunnery Sgt. Eugene M. Martin, United States Marine Corps; and

S. 2888. A bill to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941; to the Committee on Naval Affairs.

(Mr. WAGNER introduced Senate bill 2889, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

SUBSTITUTION OF OTHER MATERIALS FOR STRATEGIC METALS IN MINOR COINAGE

Mr. WAGNER. Mr. President, I introduce for appropriate reference a bill to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, and I ask unanimous consent in connection with this bill that a memorandum may be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

The memorandum presented by Mr. WAGNER in connection with the bill is as follows:

MEMORANDUM RE A BILL TO FURTHER THE WAR EFFORT BY AUTHORIZING THE SUBSTITUTION OF OTHER MATERIALS FOR STRATEGIC METALS USED IN MINOR COINAGE, TO AUTHORIZE THE FORMING OF WORN AND UNCURRENT STANDARD SILVER DOLLARS INTO BARS, AND FOR OTHER PURPOSES

Section 1 (a) provides for the inclusion in the coins of the United States of one or more special series of coins.

Section 1 (b) requires the Secretary of the Treasury to issue an order prescribing the physical characteristics of each series coined under this bill, and stating that the issuance of each series will conserve strategic metals for the war effort. These orders will enable the public to recognize the coins which they will be required to accept as legal tender.

Section 1 (c) limits the coinage provided for to the period between the date of enactment and December 31, 1946.

Section 1 (d) provides that the coins authorized may be in any denomination less than 10 cents. The issuance of intermediate denominations of minor coins should reduce the demand for those now in circulation in such a way that the net result will be a smaller total demand for minor coins.

Section 1 (e) provides that there can be more than one series of coins for each denomination. This makes it unnecessary to withdraw those in circulation if the composition is changed to conserve strategic materials.

Section 1 (f) authorizes the Secretary of the Treasury to prescribe the materials out of which each series of coins shall be made, and to prescribe the characteristics of each series. This flexible provision will permit the minting of coins out of materials which can be spared by war industries. The physical characteristics of each series may be varied in order to produce the best coin possible with the materials available.

Section 1 (g) authorizes the use in minor coins of silver owned by the United States which is not held as security for outstanding silver certificates. This provision is almost identical with section 1202 of the Second War Powers Act, 1942 (Public No. 507, 77th Cong.), which authorized the use of Government-owned silver in the 5-cent coin. Silver will be allocated by the Secretary of the Treasury to the Director of the Mint, and, when it is coined, will be accounted for in the fund established for the purchase of metal for minor coinage. The value of such silver will not be considered for the purpose of determining whether the $1,000,000 statutory limit of this fund has been exceeded. The seigniorage realized on the coinage containing silver will be credited to the minor coinage profit fund in the same manner as seigniorage on the existing minor coins.

This section also provides that minor coins containing silver shall not be considered silver coins or subsidiary silver coins. It is not intended to change the essential characteristics of small-denomination coins, but to retain those characteristics even though such coins may be made in part of silver.

Section 1 (h) provides that the new coinage shall be minor coinage and that the materials for the minting of such coins shall be purchased in the same manner as metals are now purchased for minor coinage. Section 3528 of the Revised Statutes, which is the pertinent provision, only provides for the purchase of metals and, since other materials may be used under the provisions of this bill, it is necessary to make this section specifically applicable to the new coinage. The proviso at the end of this section make applicable the provisions of the First War Powers Act, 1941, which authorizes simplification in the procedure followed in the making of contracts.

Section 1 (i) applies the existing law with respect to the exchange and redemption of minor coins to the coins authorized by this bill.

Section 1 (j) makes the new coinage subject to the monetary laws of the United States which are now in effect.

Section 2 repeals title XII of the Second War Powers Act, 1942, which authorized the minting of a 5-cent piece out of silver, copper, and other metals. The same coin can be minted under the provisions of this bill and, by repealing the earlier act, it will be possible to treat all minor coins in the same manner for all purposes. The silver used in such coins will be accounted for by entering it in the fund established for the purpose of metals for minor coinage only when it has become coin and not when it is in the form of silver bullion, thus carrying all silver which is in bullion form in the same Treasury account; the tolerances for both ingots and coins can be varied if the content is changed; the material contained in coins unfit for circulation may be used to greater advantage in the war effort; and the coins need not be taken out of circulation at any specified time.

Section 3 authorizes the Secretary of the Treasury to suspend the coinage of minor coins not provided for by this bill.

Section 4 prescribes the use to be made of the materials contained in worn and uncurrent minor coin, coined under this or former acts, which is received by the Treasury. This material can be recoined or sold, whichever is most beneficial to the successful prosecution of the war.

Since the loss in the event of a sale of the material will be considerably greater than the loss sustained if such material were recoined, it is not possible to estimate the annual appropriation which would be necessary to cover these losses. Section 4, therefore, provides that this material be accounted for in such a way that the resulting losses will be paid for out of seigniorage obtained from the issuance of minor coins. When uncurrent minor coin is received in the Treasury it will be entered in the fund established for the purchase of metal for minor coinage. The proceeds from the sale of materials contained in such coin will also be credited to that fund and the losses resulting from the sale or recoinage of this material will be charged against it. That fund will be reimbursed out of the minor coinage profit fund which carries the seigniorage on minor coinage in excess of that necessary to keep the fund established for the purchase of metal for minor coinage at its statutory level of $1,000,000. The value of such coin or of the material derived from it will not be considered for the purpose of determining the $1,000,000 statutory limit of the fund established for the purchase of metal for minor coinage.

Section 5 provides for the melting of standard silver dollars now held or hereafter received in the Treasury which are no longer fit for circulation. The resulting bars may be used for the minting of subsidiary silver coin or any of the coins authorized by this bill.

Some of the unfit standard silver dollars are held as security for outstanding silver certificates. In order to permit the use of the metal contained in these dollars for coinage, this section provides that other silver may be allocated as security in its place.

Since the United States will sustain a loss of approximately 10 percent when melting these coins, section 7 of the bill authorizes the appropriation of a sum sufficient to cover the loss.

Section 6 authorizes the coinage provided for by this bill to be coined outside the coinage mints and also authorizes the execution of any contracts necessary to carry out the purposes of the bill. This section is necessary in view of the uncertainty which exists with respect to the materials available for coinage. The mints are not equipped to handle certain types of materials which might be suitable for coinage, and, in order to make use of such materials without acquiring large quantities of machinery vital to war production, this section removes the restriction imposed by existing law on the places where coins may be struck.

Section 8 authorizes the Secretary of the Treasury to issue orders, regulations, and instructions which he deems necessary and proper to carry out the purposes of the bill.

SKETCH OF JOHN HANSON, OF MARYLAND, BY JACOB A. NELSON

Mr. TYDINGS. Mr. President, a very distinguished and able citizen of Iowa, Mr. Jacob A. Nelson, has written me calling attention to the life of John Hanson, who, in reality, was the first President of the United States, who preceded

Washington in that office before the adoption of the Constitution, and who was a native of Maryland. I ask unanimous consent that the statement prepared by Mr. Nelson may be printed in the Appendix of the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GILLETTE. Mr. President, reserving the right to object, may I suggest to the distinguished Senator from Maryland that the paper appear in the body of the RECORD?

Mr. TYDINGS. I thank the Senator, and request that the statement be printed in the body of the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

One hundred and sixty years ago last week one of America's great historical figures stepped out of public office, having completed his 1-year term as the "first President of the United States of America in Congress assembled," and retired to private life. To be exact, the records show that it was on the 4th day of November 1782 when the public services of this man came to an end.

The distinguished personage to whom I refer was a citizen of Maryland, and his home and residence was in the city of Frederick, then, as now, one of the important cities of that State. A couple of months before his term of office came to an end he had written to a friend, "I have performed my term of duty and they (friends and public) have no further claim on my services. They must give me a discharge." On November 15, 1783, a little over a year after his retirement, he passed away while visiting a relative at Oxon Hill, Md. Of historical interest is a news article published in the Maryland Gazette the week following his death. The news article states:

"PRINCE GEORGES COUNTY, November 21, 1783.—On Saturday last departed this life at Oxon Hill, the seat of Mr. Thomas Hanson, in the sixty-third year of his age, the Honorable John Hanson, Esq. This gentleman had long been a servant to his country in a variety of employments, the last of which was that of President of the Congress. Upon quitting that arduous and exalted station, he had scarcely reached his peaceful home before he was seized by a dangerous illness, but after a doubtful struggle of many months there was every reason to believe his constitution had entirely subdued, but notwithstanding a considerable interval of ease and apparent health, on a visit to his friends in this county the disease returned with increased strength, and he quickly became conscious of his approaching end. Amid lingering torments he steadily preferred the fortitude of a man, with the temper of a philosopher, and at length met the King of Terrors with the meek resignation and hope of a Christian.

"Too often does the partial or venal pen disregard the sacred dictates of truth and justice. To the good and generous, how mortifying is the reflection that in delineating characters of deceased men, there is little distinction between him whose virtues have adorned human nature, and the wretch whose vices have debased it. Of all the numerous acquaintances and friends of this amiable man and distinguished citizen, there will be few indeed from whom the sad recital of his fate will not at least extort a eulogy on his character. But his most dear and intimate connections whilst they cannot fail to lament their loss and venerate his memory, will endeavor to emulate him in the gentleness of his manners, the benevolence of his heart, and the propriety, dignity, and usefulness of his conduct."

Who was this John Hanson so eulogized in the Maryland Gazette with the laborious phrases common to that period? A very able citizen of the State of Iowa has done much painstaking work in developing the meager facts relative to this outstanding American, and has published the results of his research in a volume entitled "John Hanson and the Inseparable Union." At this point I wish to quote from a recent statement by the author, Mr. Jacob A. Nelson, relative to John Hanson and his services. I quote:

"It is a sad predicament to learn in reading our history that nearly a whole epoch has been passed up as of no significance, and the name and the work of one certain individual has been entirely ignored, namely, that of John Hanson. Just why this has happened need not concern us, but the story of the beginning of our Nation should be told just as it took place.

"One of the real founders of our Nation was John Hanson. He was a resident of Maryland, and one of Washington's most dependable civil leaders during the American Revolution. The information as to Hanson's life and work is quite meager, for it is only recently that there has been an awakening to the fact that he really lived, and contributed no small part to the founding of our Nation.

"It was soon discovered that if the colonists were to be successful in obtaining independence as proposed in 1776 a fundamental law would have to be prepared and adopted. This took the form of the Articles of Confederation. The document can rightly be called our first Constitution. By its terms the Nation was named, 'The United States of America.' It provided for national perpetuity. It also provided that it would not be effective until signed by all Thirteen Colonies.

"Maryland refused to sign until the Colonies having western lands would turn them over to the Union, to be used in due time for additional States. John Hanson was the outstanding leader, who promoted this important idea, and because of his services, was elected a delegate to the Continental Congress from Maryland. After he took his seat in Independence Hall in Philadelphia, he continued his fight for this important project until all the Colonies gave assurance that they would cede to these demands. As a result, on March 1, 1781, almost 2 years after all the other States had ratified and signed the Articles, the Maryland delegates affixed their signatures to the Articles of Confederation, and the civil background of our Nation was established. The event was of great importance, for had not this document been adopted and had not the western lands, including the Northwest Territory, been made a part of the Union it is probable this Nation would not have been founded.

"The importance of John Hanson's services was recognized by the members of that assembly representing the people of the Union, for on November 5, 1781, it being election day under this document, John Hanson was made President of the United States in Congress assembled, the first to be legally chosen by the terms of that document.

"To review his services in organizing the government of the new Union would take too much space here. Suffice it to say that his work was that of a statesman. The United States of America under his leadership began to function as a Nation, and was recognized both at home and abroad as such.

"He organized the first Cabinet; issued orders to the military forces; received Washington at Congress after his brilliant success over Cornwallis at Yorktown; ordered the 'Seal of the United States,' which is still used; and he took part in choosing the representatives to the peace conference to negotiate peace with England. All of this, and much more, was done under the leadership of this patriot, and Americans are ignorant of this brilliant chapter in American history.

"And it is well to recall that in closing his term as President of the 'United States in Congress assembled,' he issued the first proclamation setting aside the last Thursday in November (1782) as Thanksgiving Day.

"It is time to wake up and know more of the history of our country; to know it just as it happened, for unless we do, how can we fully comprehend the importance and the seriousness of the present-day struggle."

We are living in a time when it is particularly and increasingly important that we know the history of our country and the true story of the background of its birth and inception. Innocently and thoughtlessly, however, important matters, such as those pertaining to John Hanson, which I have just referred to, have been obscured and hidden. By knowing the real facts, the importance of our treasured Constitution and the earlier documents which preceded it, becomes subject matter that should be fully familiar to every citizen of the United States. John Hanson and his service, so eminent in several of the steps taken toward formulating the Union of Sovereign States, should not be left unknown and untold. It seems fitting then that on this anniversary period of his services as first President of the United States in Congress assembled, reference should be made on the floor of this Senate to this illustrious son of the State of Maryland.

MESSAGES TO THE PEOPLE OF JAPAN BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD messages broadcast by him to the people of Japan for August, September, and October, which appear in the Appendix.]

ADDRESS BY SENATOR WILLIS TO THE GRADUATING CLASS OF INDIANA UNIVERSITY

[Mr. WILLIS asked and obtained leave to have printed in the RECORD the address delivered by him to the graduating class of the yeoman's school of the University of Indiana, on October 22, 1942, which appears in the Appendix.]

NAVY DAY ADDRESS BY DR. HAROLD G. MOULTON

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address delivered by Dr. Harold G. Moulton, president of the Brookings Institution, on Navy Day, October 27, at Norfolk, Va., which appears in the Appendix.]

REDUCTION OF DRAFT-AGE LIMIT—LETTER FROM JACK KYLE

[Mr. HILL asked and obtained leave to have printed in the RECORD a letter from Jack Kyle, national commander of the Regular Veterans' Association, on the question of drafting 18- and 19-year-old boys, which appears in the Appendix.]

CONTRIBUTION OF SOUTH CAROLINA TO THE FIGHTING FORCES

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial entitled "One Full Measure" published in the Columbia State, of Columbia, S. C., which appears in the Appendix.]

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

The ACTING PRESIDENT pro tempore. The routine morning business is closed. The calendar, under rule VIII, is in order.

Mr. HILL. I ask unanimous consent that the call of the calendar be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN EXPEDITIONARY FORCE IN AFRICA

Mr. CONNALLY. Mr. President, as all the world knows, the United States Government, through its Army and through the cooperation of the British Navy and Air Force, has, in effect, established a second front on the continent of Africa. It must be a source of much satisfaction to the Army and to all our armed forces that this gigantic enterprise was so conducted as to be successful without any enemy action in the way of attacking our convoys or transports, and that, as a result, we have landed approximately 140,000 troops on the Atlantic side of Morocco and at Mediterranean ports.

Mr. President, my purpose in rising is to undertake, if I can, to make clear to the French people and the French Nation that our action in this regard is not intended as any threat to the safety, to the security, to the territory, or to the sovereignty of France. The United States and France have enjoyed a traditional friendship, extending back to a period before our success in the War of the Revolution, when at Yorktown, by the aid of a French Fleet and a French Army, Washington, with his ragged little battalions, was able to humble the power of a king and establish these United States.

In 1918, when the life of France was threatened, when her soil was invaded, when her institutions were in danger, when her property was being destroyed, and the lives of her citizens were being extinguished, the United States went to her aid, and, with courageous and heroic soldiers on the western front, one of whom I see sitting before me now, the distinguished Senator from Maryland [Mr. TYDINGS], just at the critical moment in that struggle American troops arrested the gray waves of invasion and thereafter assured a crushing triumph of the Allied forces.

Mr. President, the people of France should know, they must know, that the United States covets not a single inch of their territory, but that our efforts in this regard were, first, to prevent a threatened invasion of North Africa by the Axis forces, by the Italians and the Germans; second, to place our troops in a strategic position whereby we might be of aid in the north African campaign against Marshal Rommel, and to establish bases which would afford encouragement and stimulation to the heroic and brave Russian people, who now, standing upon the blood-soaked soil of their native land, are resisting the tyrannical aggression of the Axis forces yonder on the far reaches of Russian territory. The French people must know that we were concerned in establishing bases in Africa for possible action against our other enemy, Italy, just across the Mediterranean, comparatively only a short distance from these military bases.

Of course, Mr. President, we regret that the so-called government at Vichy has seen fit to break diplomatic relations with us—only temporarily, I hope—but we must not forget in this connection that the heads of that government, Laval and Darlan, have by their conduct in recent months shown a determination, insofar as they could, to place the manpower resources of the French people at the disposal of Hitler. I have no doubt that, insofar as they could control the situation, aid and comfort and other resources would be extended the Germans by the Vichy government.

We are not hostile to the French people. Technically the French nation is now at war with Germany. It is living only under an enforced armistice. The terms of that armistice have been broadened, through German pressure upon France, until the French Government at Vichy has been exercising powers far beyond what was required by the terms of the armistice.

Mr. President, we have placed our armed forces in north Africa, not in a spirit of aggression against France, but as a measure of self-defense and protection, because those areas afforded potential bases from which the Axis might ultimately launch attacks on South America from west African points, and in war defensive action is justified by anticipation as well as by any immediate exigency of the occasion. We must attack the enemy where he may be found. The Nazis are in effective control of France.

We hope that the great body of the French people will realize that the land of Washington, the land of the heroic sacrifices which we made in 1918 in order that France might survive and in order that her institutions might live, is now sending across the 3,000 miles of ocean our hope that this war may finally result, when triumph shall come, in the reestablishment of French freedom and in the restoration of French institutions.

The government at Vichy should be warned that hostility to our purpose, sabotage of the wishes of their people, sabotage of action in accordance with the ambitions of the United States, will not and should not increase the interest and the anxiety of our people, when victory shall have come, to aid them in removing the tyranny over the French people which the Axis Powers have in the very recent past brought about, and which they hope to continue through the sympathy and the agency of the Vichy government.

Mr. President, all praise is due to our heroic soldiers and sailors and aviators for their magnificent achievement. This great feat of arms has demonstrated that American military leaders and governmental leaders have not been indifferent, have not been asleep, have been planning, while some of the typewriter critics and armchair strategists over the land have been criticizing them for failure to establish a second front and have been assailing them because of their alleged inactivity and their lack of planning and strategy. What has just occurred is the answer of the United States of America.

I believe that the people of our country will react in a fine and splendid spirit, and much of the misunderstanding and criticism will be swept away by the consciousness that we have been planning, and that we are now achieving success, in superb fashion, toward bringing about ultimately the triumph of our arms, the victory of the United Nations, and the reestablishment and fortification of freedom in the lands where it has been for the time being extinguished by the sword and by the iron heel of the Axis Powers.

FARM PRODUCTION

Mr. WILEY. Mr. President, as indicated by the distinguished Senator from Texas [Mr. CONNALLY] and by the news dispatches, our troops are now in Africa. Rommel is on the run on the African front. We hope he and his forces will be destroyed and that the Mediterranean will become, in fact, an Allied lake.

Meanwhile, the farm production on the home front is in serious danger. We hope it will not be routed by a further lack of Government planning and realism.

Every agricultural State of this Nation, through its county agents, could quickly ascertain the farm requirements—manpower needs and machinery needs. In other words, we need a census of the farm manpower requirements, as well as a census of the farm machinery requirements. Up to date we have no over-all picture. Neither Mr. Wickard nor General Hershey can tell us how many farmers the Nation needs to meet its food requirements. That betrays an appalling lack of planning.

We need to know how many farmers we must have to meet food requirements and we must know, State by State, how many farmers we must retain in each State. We can then check the number of farmers we require in a given State with the number of men now engaged in farming, and the resulting information may be used for the first time as the basis for an intelligent selective-service deferment policy in connection with the Nation's farms.

Therefore action—decisive action—should be taken to meet the needs for farm manpower and for farm machinery. Everyone knows that until about a year ago a great segment of the farms of this country was operating at a loss and that such a condition had prevailed for a number of years, with the result that farms were depleted of farm machinery. Now we need food production. The world needs food production. Mr. President, let us have a little prevision—foresight—and meet the great needs of the home front.

No one in the War Production Board can tell us how much farm machinery there is in this country today or how much farm machinery will be needed to keep the food plants going so that we can win the war. How can the War Production Board adopt an intelligent limitation order without these two basic and elementary facts, which it has not secured?

No farmer will lift his hand to restrain his boy or employee from entering the armed services of the country regardless of the difficulty resulting to the farmer and his wife in the production of their

crops and the handling of their livestock. But what is apparent to everyone who knows the facts is that throughout the whole agricultural area immediate action must be taken to see that the farmer gets immediate labor and machinery help on his farm.

I have already spoken on the floor of the Senate about the thousands of auctions of livestock. Fine herds which took years to build up have been dissipated. But the thing which now appears very clearly to any observer is that thousands of acres of land will not be producing food during the coming year because of a lack of farm help and farm machinery.

There has been a great deal of talk about this matter, but what is needed now is action. Somebody, somewhere in Government, must be authorized to take the necessary steps to see to it that immediate help is provided for the farms. Thousands of acres which should have been plowed this fall will not be plowed, but if men and machinery are brought back to the farm, these acres may be plowed and put into crop during the coming spring. The matter of feeding the Nation is of primary importance, and men who know, because they can see the situation, are fearful of the results unless immediate steps are taken to remedy the conditions which now prevail. A few days ago I was talking with a very distinguished citizen who had been in South Dakota. He told me that one of the great newspapers of the Northwest had personally contacted thousands of farmers in an undertaking to obtain definite information in relation to the acreage in production this year, the number of head of beef cattle, dairy cows, hogs, sheep, chickens, turkeys, and other stock, and also information from the same farmers as to what would be produced next year. The information he received revealed a tragic situation. I hope the distinguished editor of the newspaper referred to will lay before the Nation and before the public servants of the Nation in Washington the facts he obtained.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. WILEY. I yield.

Mr. TAFT. The Senator referred to conditions existing in South Dakota. He might be interested in an experience which I had at Aberdeen, S. Dak., where I heard similar complaints regarding the lack of farm labor.

As we were about to board the train, a representative of the N. Y. A. was putting on the train 25 farm boys who had been taken off the farms of South Dakota and trained in some N. Y. A. shop near Aberdeen, S. Dak. He was sending those boys to Seattle to work in the shipyards.

The point I wish to make is that if there exists the shortage of farm help about which the able Senator has spoken, we should take affirmative action to correct the condition, and we should put an end to the Government itself helping increase the shortage of labor on the farms.

Mr. WILEY. Mr. President, I thank the distinguished Senator from Ohio. The incident he spoke of could be multiplied many times.

I trust our efforts in Africa will be fully successful. I think much good could be said on behalf of those who planned that campaign. They apparently have done a great job. The incident related by the Senator from Ohio, however, indicates, as I have heretofore said, the existence of a truly tragic situation. Are we "missing the boat" on the home front? Because of misplanning, because of not properly applying the Selective Service Act, and permitting laborers by the thousands to be seduced by the offer of short hours and big pay in war production plants, and because of the curtailment in the production of necessary farm machinery, the very serious and tragic situation to which I have referred has arisen.

Here in Congress we can no longer close our eyes to the consequences of this situation. Neither can we "pass the buck" and permit bureaucrats to "fumble the ball" again, as they have in the past. It is our obligation. We have to act now and act quickly. They "muffed" rubber. They "muffed" labor. Now, they are going to "muff" the food supply.

In connection with the very matter we are discussing, the Office of Civilian Supply, which apparently is the dictator in relation to the manufacture and distribution of farm machinery, recently, in consultation with the War Production Board, brought about the issuance of Order L–170. I shall not go into detail in connection with this order, but it simply means that they have stepped into the picture and by Executive order limited the production of necessary farm machinery to an approximate 20 percent of the 1940 production. The effect of that order must be apparent to any observer. It is going to make it impossible for the farmer to obtain what he needs in the way of machinery. I have already told the Senate that prior to a year and a half ago the farm segment of the country was partially paralyzed because the farmer did not have the wherewithal to buy farm machinery, and could not even get the cost of production from the sale of his products. The effect of the present order must be apparent to any observer. It will mean that thousands of implement dealers will "fold up." It will result in the farmer being unable to get competent men to repair his machinery. For the farmer, the implement dealer, the implement manufacturer, it will mean a very serious depletion of income, thus reducing the national income and thus taking a great amount of tax income away from the taxing power.

I want no misunderstanding on this subject, Mr. President. The important fact is that enforcement of the order will put out of production much of the farm plant of this country, and with it food.

Of course, the strong argument against this "misplanning" is that it reduces the national food supply at a time when we need it to win the war. We know that when food becomes scarce it affects the morale of the Nation. I do not think this Nation will starve, but if we cannot supply our Allies with food, if we cannot get food to our boys on all the fronts of the world, we know what the consequence may be, we may lose the war. The men on Bataan could not fight any longer because they lacked the food needed to sustain them.

A few days ago I saw a motion picture which gave a graphic portrayal of a letter from Bataan. Everyone should see that picture; some of the bureaucrats of the country should certainly see it, and some of the legislators likewise should see it, in order to bring home a realization of the evil results growing out of neglecting this great problem and letting things go day by day.

As I have said, thousands upon thousands of acres of land are lying fallow; they have not been plowed and will not be tilled. The only way we can partially recapture the use of that soil is to see to it that labor is provided for the farms in the early spring so as to put those acres into crops.

Food is ammunition for the stomach of the soldier and is just as important as ammunition for his gun. The soldier cannot fight without food or ammunition. The people in Europe are starving. Yesterday a newspaper carried the significant headline that if the war were to continue 1 year longer we would witness a return to savagery among the peoples of Europe. The peoples of Europe are starving, and when the war is over there must be in America stock piles of food, dairy cows, and so forth, to supply Europe so its peoples can reasonably take care of themselves. Unquestionably the peoples of Europe would more quickly join in helping the formation of a second front if they knew that immediately upon the close of war plentiful supplies of food would be available for immediate shipment to Europe.

This very thing, Mr. President, would be one of the greatest factors in making a workable peace possible. A workable peace made possible is the subject for another speech. The peoples of Europe look to us for the great principles of liberty, justice, and equality. If our Government should tell these people, who look at their children and see them emaciated, and dying like rats, "We are building up a food supply, and we are doing it now," it would bring about a condition which would help us more quickly to finish the job.

Mr. President, a few moments ago I spoke about the implement dealers. They have done a magnificent work in promoting the collection of scrap. In the collection of scrap they have used their own gasoline, their own tires, and their own manpower to an extent that will never be repaid, and now too many of them must walk the plank because another section of W. P. B. has written their death sentence in Order L–170. It is said that the issuance of that order is necessary. That is the judgment of those who have taken no census of the manpower of the country or of the machinery power of the country. Perhaps it is necessary; but I doubt it. Why? Because above everything else food is the important munition of this war. Without machinery, without the

fallow acres put into production, that segment, food, will fold up, too.

I desire to recur to the subject of food. I want to consider also the millions of farmers who have managed the big food supply. I want to get back to the thousands of implement dealers who are a necessary part of the food production.

A large number of farm-machinery plants and industries have been turned over to the production of war matériel. They are not particularly affected at this time by the lack of work and orders, but there are many other farm-implement companies which could and should carry on the manufacture of necessary farm machinery in order that food production may be brought to the maximum, in order that this Nation and our Allies may continue to live and in order that our soldiers may be provided with necessary ammunition for their stomachs as well as ammunition and weapons with which to fight the enemy.

The United States is approaching a food crisis, and Government is not handling the situation effectively. Congress is not doing its part. Military and lend-lease purchases of food next year will be 50 percent greater than in 1942. The demand for dairy products in 1943 may exceed the supply. Dwindling farm labor is one big factor in reduced food production. Farm sales in Wisconsin are the highest in a generation. If it were only a question of farm sales it would not be so bad. But the lands are lying fallow and unproductive.

The transportation shortage is making it difficult to get to the market the food which is produced. Farm equipment is being rationed and Government estimates of food purchases are shifting from day to day.

The Department of Agriculture, the W. P. B. Food Requirements Committee, the Office of Civilian Supply, the War Manpower Commission, the War Labor Board, the Office of Defense Transportation, and the new Office of Economic Stabilization—all have a voice in the food problem. It is too much everybody's business, and there is not enough plain horse sense in the picture. As the result it is no one's business; therefore we are running into this tragic situation.

Mr. President, we need to centralize food control just as we need today centralized rubber control. We need someone with brains, someone with experience, someone with guts for that job. I believe Mr. Herbert Hoover is the man for that job.

HARVESTING OF ARIZONA LONG STAPLE COTTON CROP

Mr. McFARLAND. Mr. President, last spring the Secretary of Agriculture sent to the farmers of my State an appeal that they produce all the long staple cotton possible for the reason that it was needed and would continue to be needed in our war effort. The farmers of my State responded splendidly to that request, and they did so in the hope and belief that the Secretary of Agriculture and the Government would do everything possible to help them to harvest the crop when the time came.

When it became evident that there would not be available in Arizona sufficient farm labor to accomplish the harvesting of the cotton, the Government was called upon for assistance. Negotiations were entered into between our cotton growers and the War Manpower Commission and the Department of Agriculture in an effort to work out an agreement whereby workers could be transported from other parts of the United States to Arizona to help gather the crop.

The agreement which was finally submitted on behalf of the Government was objectionable to practically all the cotton growers of my State, because they felt that it needlessly provided for a departure from the long-established method of picking cotton by the pound. When the growers asked that the proposed contract be modified to conform with existing picking methods and practices, the Chairman of the War Manpower Commission, Hon. Paul V. McNutt, and the Secretary of Agriculture, Hon. Claude Wickard, sent the following telegram to the farmers of my State:

> The War Manpower Commission and the Department of Agriculture call your attention to the urgency and immediate necessity for obtaining an adequate supply of workers to pick the long staple cotton crop in Arizona. The War Manpower Commission is prepared to recruit cotton pickers from surrounding States. The Department of Agriculture is prepared to pay the transportation of these workers to Arizona and return. The Government cannot transport workers from their homes to another section of the country for seasonal employment without certain minimum requirements as to working conditions. The Government believes that its policy for transporting workers affords minimum protection to the workers and adequately protects the growers against loss. There can be no further modification of grower or worker contracts for the harvesting of this year's long staple cotton crop. Therefore the Government insists present contract submitted to the growers must be accepted before workers will be transported at its expense. With this assistance offered by the Government and with workers ready to accept employment in Arizona under terms proposed in the contract the Government feels justified in holding Arizona growers responsible for saving the current crop of long staple cotton in that State.
>
> PAUL V. MCNUTT,
> *Chairman, War Manpower Commission.*
> CLAUDE WICKARD,
> *Secretary, Department of Agriculture.*

In response to that telegram the President of the Arizona Cotton Growers' Cooperative Association sent the following telegram, which I believe correctly explains the position of the cotton growers of the State of Arizona:

> PHOENIX, ARIZ., *November 5, 1942.*
> Hon. ERNEST W. MCFARLAND,
> *United States Senator, Washington, D. C.:*
> Mr. Hopkins never arrived nor communicated with me further. Secretary Wickard and McNutt issued ultimatum to Arizona, released Associated Press last night before received it. Our answer to both Secretaries is as follows:
>
> "Reurtel. The cotton growers of Arizona wish to call the following pertinent facts to the attention of the War Manpower Commission and the Department of Agriculture. At the request of your representatives, we doubled our long-staple cotton acreage and grew this crop, investing approximately $6,000,000 of personal and borrowed money, to create long-staple cotton needed by the Government in its war effort at no expense to the Government and with no guaranties being asked by us.
>
> "At the time of your request a possible shortage of labor was recognized, and we were promised assistance in securing the same. Nothing was said at that time of minimum-wage contracts or a change in the procedure of cotton-picking practices which have existed for over 100 years. Estimates of labor needed were prepared during the spring and summer and your Department was fully advised of our anticipated requirements.
>
> "As the labor shortage developed, we were increasingly insistent that the Government move to assist us not only to gather this war crop but also in a measure to replace labor in vegetable and other crops which had been stripped of workers by the draft or by high wages in industry. Six weeks ago we were advised it would be necessary we sign a minimum-wage contract. Six weeks ago a wage hearing was held which findings were overridden by the Secretary of Agriculture and the price of picking inflated to a point which disturbed the entire agriculture wage structure of this State. Two weeks ago a meeting was held with your representatives and all cotton sections of Arizona concerned in an attempt to iron out the objectionable features of your contract. The minimum wage and time guaranties were insisted upon by your representatives and we, at that time in order to be fair, neither accepted nor rejected your contract but left it up to each grower to make his own decision.
>
> "Since then Farm Security Administration has attempted to secure signers to this contract with poor success. Manifestly something must be wrong, or the growers would sign. They know cotton has always been picked on a pound basis, and we think they believe that your minimum-wage requirements would destroy initiative and the independence and relationship of both grower and picker.
>
> "Labor is available and will freely come here if offered the high rate for picking which we are paying and assisted with transportation. They need and require no other incentive or guaranties. This situation is not pleasant to us, but controversy is not of our making. The cotton is grown, the Army and Navy need it, pickers are available, but our growers are reluctant to sign a contract which they feel unquestionably will affect labor relations of 6,000,000 people in the Cotton Belt.
>
> "The policy established by your Department is not in keeping with long-established methods which have been found successful.
>
> "In view of the above facts and knowing that labor is available and that only this new policy is the retardent, we respectfully decline to be held responsible for the saving of this crop, for it is because of your action and policy and not ours that it is deteriorating and being lost."
>
> In view of astringent situation, suggest you ask Vice President WALLACE, who, because of his vast experience is familiar these matters, intervene in our behalf.
>
> Respectfully,
> H. S. CASEY ABBOTT,
> *President, Arizona Cotton Growers Association.*

Mr. President, it is with deep regret that I learned that the Chairman of the War Manpower Commission and the Secretary of Agriculture would send forth an ultimatum to the farmers of my State, who have responded so nobly to the call of their country, and who have always done so, whether it be to take up arms in defense of their country or to grow much-needed crops to feed

the Nation. Production cannot be obtained by issuing such ultimatums as that. Many of the farmers of my State have placed their life's earnings in this crop. Regardless of the merits of the issue concerning the contract, what right has the Manpower Commission or the Secretary of Agriculture to say to these farmers, "Sign this, and do not make any changes. It is final."?

Mr. President, I regret having to make these remarks. I have affection for the Chairman of the War Manpower Commission and the Secretary of Agriculture, and I am sorry that they have made the serious blunder of sending such an ultimatum to Westerners. I hope that they will see the error of their way and be willing to sit down and talk over and work out this problem, because there are no more patriotic people in the world than the farmers of my State. They are willing to answer any call of their country.

JOINT COMMITTEE ON WAR PROBLEMS

Mr. MALONEY. Mr. President, this morning's Washington Post printed an editorial entitled "Joint War Committee."

It appears that the editorial, which is in part prompted by a recent statement by the distinguished minority leader of the House, Representative JOSEPH W. MARTIN, seems to convey the thought that there is a greater need for a Joint War Committee in Congress because of the results of the recent election. The editorial contains one sentence which reads:

From the beginning of the 1943 session of the Congress the enactment of wartime legislation will have to be a bipartisan undertaking.

I do not desire to criticize that observation, Mr. President, but I want to call attention to the fact that, on October 22, I submitted a resolution which would create a joint committee which would be known as Joint Committee on War Problems. It is provided therein that it would be a "bipartisan undertaking." Provision is made that the committee be composed of six members of the Senate, to be selected by the Senate, and six members of the House of Representatives, to be selected by the House of Representatives. I want to stress the fact that the resolution provides that not more than three members of the committee selected by the Senate and not more than three members of the committee selected by the House shall be from the same political party.

I did not have the election in mind when I drafted the resolution. It had long been apparent to me, Mr. President, that there was a need for such a committee. The Post editorial points out that the functions of a Joint War Committee would be "to assist the President in every possible way and to keep Congress informed as to the progress of the war." I pointed that out, on the Senate floor, on October 22. I said then that—

The President of the United States cannot on every occasion consult with each and every individual Member of Congress—

And that—

the heads of the Military and Naval Establishments cannot, at our beck and call, come to the Congress, or permit each of us to take up their time whenever we desire particular information.

I said then, and I desire to repeat now, that—

We should know of our successes and our failures. We should have the facts and figures. We should not under any circumstances be denied the opportunity of contributing our full part in the war effort.

Nothing seems to me to be so much needed at this particular time, in connection with the war effort, as that the Congress be given the opportunity to contribute its talents and its energy to the war program. The editorial in the Washington Post of this morning declared:

The simple fact is that Congress is daily wasting its potential strength because it is not properly organized to cooperate with the momentous issues that the fast-moving global war has thrust upon it.

I am very hopeful, Mr. President, that the Military Affairs Committee of the Senate, to which my resolution was referred, will consider it at the earliest possible moment. I am very hopeful that the chairman of the Military Affairs Committee, the junior Senator from North Carolina [Mr. REYNOLDS] will hold hearings on the proposal at an early date. Congress is being denied the right to which it is entitled. Agencies of the Government, at least some of the newer agencies of the Government, seem to have the impression that Congress is a sort of incidental agency, rather than being one of the three important branches of the Government. Either we shall participate in the war program to the fullest possible degree or the country will suffer. None of us is lacking in a desire to contribute everything possible to the war program; and I do not believe that there is any partisan feeling here. If any partisanship did exist—and I do not think it did—it probably was erased last Tuesday.

I have said before, and I say again, that I should not expect to be appointed a member of the committee which would be created by the adoption of the resolution, but I believe that we can delegate from among our membership men in whom all of us would have complete confidence, and who would represent us faithfully and well in dealings with the President of the United States, the War and Navy Departments, and the other agencies of Government which are dealing directly with the great problems of the war.

My resolution is not introduced for the purpose of bringing about destructive criticism. Its only purpose is to bring about coordination and cooperation. Suggestion has been made that the language of the resolution be changed so as to provide that it be called a committee on cooperation. The language which my resolution provides is that "It shall be the duty of the joint committee to make a special study and investigation of the problems arising out of the war." I have no objection to the change. Perhaps calling the committee a committee on cooperation would be more desirable. What I am trying to bring about is cooperation.

Right now, Mr. President, the war seems to have taken a favorable turn. During the past few days our soldiers have further distinguished themselves in Africa. Certainly I should not want to do a thing to muddy the waters by provoking controversy or unjustifiable criticism at this time, but I should like to feel that the Members of Congress were moving forward in the all-out war effort. I should like to feel that we were doing, as are the soldiers and the men who fight on the seas, everything that we can to win this war—and win it quickly.

I had not expected to talk about the resolution today, but I am prompted to do so by the editorial appearing in the Washington Post. It was my original intention to wait until about all of the Members of the Senate had returned from the election recess; but in order to avoid the possibility of having the issue become tainted by politics, I want to emphasize the fact that I submitted the resolution to the Senate some time before the recent election, and with the desire that politics definitely be ignored as we sought to do our full part during this period of great danger.

In a speech which I made in my State during the election campaign, I said:

This is not a story-book war. There is nothing romantic about it. It is a tough, fierce, cruel struggle for national survival. Our enemies are ruthless, dirty, uncompromising, and desperate. The tide of the struggle will sweep in upon the civilian population of this country with increasing fury. The grief, the sacrifice, the misery, that each of us must encounter will be terrible.

I further said, Mr. President:

This is no time to consider party platforms or controversial questions of policy which might be important in peacetime. I solemnly declare to my fellow citizens that with our sons and brothers gripped in mortal conflict, the outcome of which is not yet made certain, I care not a whit whether any special group is kept in a completely satisfied mood. I care not a whit whether social reforms are for a time delayed.

Hoping that I will be excused for this personal reference, let me say that I further said:

With the grim spectacle of Guadalcanal before me, party loyalty is a sickening idea. Indeed, it is the most vicious kind of un-Americanism. With my country in danger, I recognize loyalty to no party or no group. And whenever I become convinced that the party of which I have been a member is falling down on the job of winning this war, I shall speak out; I shall demand an accounting; I shall call for new leadership, even if it means that I be retired from public life.

Mr. President, and this is a repetition of what I have said before, the trials and tribulations that confront us are terrible to contemplate. In my judgment, the secret of victory has not yet been discovered. Upon us Americans of this generation has fallen the solemn responsibility of saving our country. This is a struggle unto death. Either we survive or we perish. There is no middle ground. I have told the people of my State that as a Member of the Senate I shall keep faith with our country. I have told them that I shall denounce

leadership that falters. I have told them that I shall not be bound by blind adherence to party affiliations.

Mr. President, I introduced the resolution with those thoughts in mind. The resolution is bipartisan. Its intention is to form a partnership, and to bring all of us—Republicans, Democrats, and independents—into a strong, cooperative effort to help the President of the United States, and to afford him the chance to help us. I sincerely hope that the members of the Committee on Military Affairs, through the chairman of that committee, will arrange for the early consideration of this important resolution.

Mr. President, I ask unanimous consent that at this point in the RECORD there be printed for the convenience of Senators a copy of the resolution and a copy of the editorial to which I have referred.

There being no objection, the resolution (S. Con. Res. 36) and the editorial were ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a joint congressional committee to be known as the Joint Committee on War Problems (hereinafter referred to as the "joint committee"), and to be composed of six Members of the Senate to be selected by the Senate and six Members of the House of Representatives to be selected by the House of Representatives. Not more than three of the members of the joint committee selected by the Senate, and not more than three of the members of the joint committee selected by the House of Representatives, shall be from the same political party. The joint committee shall select a chairman from among its members. A vacancy in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

SEC. 2. It shall be the duty of the joint committee to make a special study and investigation of the problems arising out of the war under existing and future acts of Congress; to confer with the President, and with the various departments and agencies of the Government, from time to time, with respect to such problems; to consult with other committees of both branches of the Congress, and to report to the Congress from time to time, together with such recommendations with respect to legislation as it deems advisable.

SEC. 3. For the purposes of this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the joint committee, which shall not exceed $, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

[From the Washington Post of November 9, 1942]

JOINT WAR COMMITTEE

Minority Leader MARTIN's decisions to resign from the chairmanship of the Republican National Committee and to seek more effective organization of Congress for vigorous prosecution of the war must be listed high among the hopeful developments growing out of last week's election. Certainly he is right in assuming that his duties as minority leader will be much heavier than heretofore. With seats in the House almost evenly divided between the two major parties, the influence of the minority will be greatly enhanced. From the beginning of the 1943 session of Congress the enactment of wartime legislation will have to be a bipartisan undertaking.

For that reason alone it is desirable that the minority leader drop his active political role and give his full time to his legislative job. Politics should be kept as far away as possible from the conduct of a war or the enactment of wartime legislation. Especially when the House is so evenly divided, the complete subordination of politics to the national welfare becomes imperative. Of course, the Democrats will still be expected to take the lead in sponsoring policies and the Republicans will be obliged to criticize mistakes, delays, inefficiency, and waste whenever there is occasion to do so. Nevertheless, genuine cooperation to further a United Nations victory will be the order of the day, and legislators who resist that necessity will risk calamity for themselves and their party.

Certainly, too, Mr. MARTIN is on solid ground in seeking more effective congressional machinery for support of the war effort. It is unfortunate that he has suggested "a House and Senate joint committee on the conduct of the war." This phrasing raises the specter of the notorious joint committee which attempted to take direction of the Civil War out of Lincoln's hands. Mr. MARTIN apparently has no thought of repeating that blunder. The committee he has in mind would have nothing to do with the military or naval phases of the war, which should be left to the Commander in Chief, the Army, and the Navy. Rather, its function would be to coordinate wartime legislation, to assist the President in every possible way, and to keep Congress informed as to the progress of the war.

Some centralized agency of this sort capable of shaping congressional policy on the war seems to be a prime necessity. At present war measures originate in numerous committees working independently and sometimes at cross-purposes. The results are divided responsibility, slow motion, confusion, and waste of effort. Some committees—the Tolan committee, for example—have done good work, but their reports are often ineffective because they lack the prestige that a centralized body composed of the most capable leaders of both Houses could give them. The simple fact is that Congress is daily wasting its potential strength because it is not properly organized to cope with the momentous issues which a fast-moving global war has thrust upon it. Improvement of its own hit-or-miss procedure will thus become one of the most important tasks for the new Congress.

Mr. VANDENBERG. Mr. President, I am very glad that the able senior Senator from Connecticut [Mr. MALONEY] has spoken this afternoon regarding his resolution to create a joint committee to represent a united Congress in dealing with the problems of the war. I am glad the address came from the other side of our political aisle, so that by no stretch of the imagination can the movement be considered a partisan maneuver. A Democrat presents the resolution in the Senate; a Republican [Mr. DIRKSEN of Illinois] presented in the House a somewhat similar resolution addressed to the same objective.

I very much hope that the basic suggestion can be explored in this nonpartisan spirit, and solely to constructive ends. In whatever degree unified command is essential at the battlefront, it is equally essential on the home front; and any device which holds any promise of a more effective mobilization of the constitutional forces of government in the waging and winning of this war must be a long step in the right direction.

Organized democracy is built upon essential checks and balances in government. Those checks and balances, particularly between the legislative and the executive branches, are not to be abandoned in time of stress and crisis. Indeed, the very nature of a war unavoidably requires large concentrations of executive authority; and the checks and balances are more than ever necessary in the representative government of a free people to enforce the doctrine of "strict accountability" for the manner and form in which those powers are used. Yet every possible facility should be provided to the end that checks and balances be neither needlessly dilatory nor harzardously obstructive in saving the Nation's life. It is for that reason that I have favored, ever since Pearl Harbor, a candid exploration of the possibilities of a joint congressional spokesmanship in respect to the war effort. Surely, we may discuss it without any undue implications of rancor or criticism on a morning which brings us magnificently heartening news of an American forward march.

Mr. President, an effort of this sort could be helpful only if it were received in the spirit of mutual hospitality by both the executive and the legislative branches of the Government. Therefore, I am taking the liberty this morning of referring to my correspondence on this subject with the President of the United States, the Commander in Chief of our war effort.

On December 15, 1941, soon after Pearl Harbor, I wrote the President, seeking to know his reaction to this subject matter which now comes to renewed discussion on the floor of the Senate. I am sure there can be no impropriety in revealing our exchange of views at that time, inasmuch as they were in no sense confidential. In order to understand the nature of the President's frank and helpful response, it is necessary for me first to quote from my own letter to him. The letter which I submitted to the Commander in Chief will indicate the thesis not only to which I address myself this morning but also the basis upon which I have felt that the creation of a joint committee such as is proposed by the able Senator from Connecticut could be of tremendously important service to the war effort. So, Mr. President, I first read my inquiry to the President:

I am constantly impressed by the fact, on the one hand, that the direction of this war

must be essentially an Executive function, and by the fact, on the other hand, that legislative responsibilities still persist which are not calculated to be ignored even though they are necessarily subordinated in the first instance. Therefore I am wondering whether it would not be highly useful to both the Executive and the Legislature if a more intimate connecting link should be created between us for the duration. Please specifically understand that I am not suggesting legislative interference with the Executive conduct of the war; I am simply raising the question whether an agency of liaison might not serve a mutual understanding which could definitely be of aid to the Executive as well as a source of reliance for the Legislature.

Continuing to quote from my letter to the President:

In the natural course of events the conduct of the war will constantly involve critical information which cannot be made public for military reasons and which cannot be communicated to 531 Members of the House and Senate lest such general dissemination shall result in publicity that would be contrary to sound public policy. But in many of these situations—taking the recent Pearl Harbor catastrophe as an example—

And, Mr. President, I interpolate the thought that there have been many repeated examples of the same nature in the interim—

But in many of these situations * * * there may be understandable congressional demands for information which the Executive cannot accommodate for equally understandable reasons.

I should expect, too, that many situations will develop where the Executive would be happy to partially share this responsibility with Congress—to the extent of full, free, frank discussion—if it could be done in a dependable partnership which would not be liable to any of the infirmities to which I have referred. It is needless to expand a prospectus which offers obvious possibilities of mutual advantages if a new liaison were forged for the duration.

Continuing the letter:

It is in this spirit—and, I repeat, in full understanding that this war cannot be conducted by a "town meeting"—that I invite your comment upon the creation of a Joint Congressional Committee on War Cooperation, to be composed of six Senators (elected by the Senate) and six Representatives (elected by the House), with the proviso that not more than four of each group of six should come from the same political party.

That is substantially the formula submitted by the able Senator from Connecticut, except in respect to the number to be selected from a political party and the name of the proposed committee.

Continuing the letter:

If the functions of such a committee were carefully defined to protect the necessities heretofore conceded, it seems to me that it could go far toward bridging the gap which is bound to exist between the executive and the legislative function in this all-out emergency which involves heavy and unescapable obligations upon both of these branches of Government. It seems to me that Congress might well be more content to curb whatever suspicions or irritations may arise if it were to know that its own selected representatives are in full and first-hand contact with all essential facts and will report in due season upon any situation in connection with the conduct of the war which legitimately invites congressional scrutiny. On the other hand, it seems to me that the Executive might find not only comfort but great aid in such a group available to him at his discretion and his option.

Of course, no such device could or would be expected to rob the Executive of his own full, free will in the exercise of his constitutional responsibilities, nor to rob any Member of Congress of his right to speak on his own responsibility according to his conception of his duty and his conscience. Nevertheless, I cannot escape the conviction that such a device would personify the unity which is going to be so vitally essential to our successful efforts, and I am confident it would be accepted by our people as a whole as one more evidence of our purpose, so far as possible, to preserve the genius of the American system of government under stress and strain.

So much for the inquiry which I submitted on December 15, 1941, to the President.

On December 27, 1941, the President answered my letter in fine spirit and with entire candor. After acknowledging my suggestion, he said:

Of course, I am in hearty accord with the apparent objective. If the Congress believes greater cooperation can be had by the appointment of such a committee, I will be only too happy to consult with and seek the advice of the members of the committee.

The President's letter then refers to his own description of his habit of presumably consulting the majority and minority leaders of Congress, and the particular committees charged with specific subjects. He says that if the Congress wishes to substitute a joint committee for these other consultants it should "make clear its intention"; or, if the joint committee is to be merely an added consultant, he questioned "the practicability of the plan." Then he continues:

I think that consideration should be given to the thought you suggest that "the conduct of the war will constantly involve critical information which cannot be made public for military reasons and which cannot be communicated to 531 Members of the House and Senate lest such general dissemination shall result in publicity that would be contrary to sound public policy." You are in better position than I to judge whether the membership of the two Houses would be satisfied to have the committee of twelve keep from them information as to matters of importance. I am sure that others appreciate, as you do, that I cannot make public information as to military plans that would endanger the safety of our soldiers and sailors or possibly prevent the successful prosecution of their plans.

If the Congress thinks the proposal wise, I will be delighted to accept the judgment and cooperate with the committee selected. However, I would not want to advise adoption of the proposal and thereby express dissatisfaction with the present attitude of the Congress. I cannot too strongly express my appreciation of the spirit and unity and cooperation manifested by Republican and Democratic Members of the Congress since war came to us. It has given great comfort to all of us who believe in our political system.

Mr. President, I think this correspondence of 11 months ago fairly presents the problem which is again raised by the resolution presented by the able Senator from Connecticut. I did not pursue the subject further at that time because I was not wholly convinced in my own mind regarding the wisdom of the course proposed. The President made it clear that he would not object to such a committee, if Congress should see fit to create it. On the contrary, he promised his wholehearted cooperation. But this left the question whether Congress itself would be willing to create such a joint committee and to trust it with any such contemplated prerogatives.

I have waited for events to clarify the situation. I am glad that the distinguished Senator from Connecticut has brought the issue squarely into the open. I am still somewhat uncertain regarding the precise jurisdiction which such a committee could occupy. But I have ceased to be uncertain at all about the usefulness of such a committee if it fully understands its responsibilities upon the one hand, and its limitations upon the other. I believe the country would welcome it as a partial answer to some of its anxieties. I believe it could encourage unity of thought and action. I believe it could add an element of popular judgment to the Executive consultations in respect to many critical war decisions, and thus could make this "the peoples' war" more intimately in fact as well as name. I believe it could aid the Commander in Chief. I believe it could simplify our own indispensable congressional liaison with the war effort. I believe it could help to win the war.

Mr. President, the chief historical prejudice against an undertaking of the nature contemplated in my correspondence of last December, and in the resolution submitted by the able Senator from Connecticut 2 or 3 weeks ago, is the record of the so-called Committee on the Conduct of the War in the days of the Civil War. The most illuminating review which is available of the work of the Committee on the Conduct of the Civil War is the American Historical Review for April 1918, in which the concluding verdict of the very able author of the article, Mr. William Whatley Pierson, Jr., is as follows:

That the committee were not experts, nor men of the highest rank of statesmanship, nor of lofty character, are arguments ad hominem rather than ad institutum. They were partisans, but they were men of energy; they were often rash and impetuous but their hearts were in the struggle. If their service as a council be discounted—though the writer is far from asserting that it should be—there was still their great service in giving publicity, in some cases pitiless publicity, to faulty military and questionable political transactions. Exception may be taken to their claim that they had not "sought to accomplish any purpose other than to elicit the truth," but they were confidently ready to be judged by the result.

There is no doubt, Mr. President, that the organization of a committee on the conduct of the war today paralleling the Civil War Committee on the Conduct of the War, not only in its method of organization, but also in its objectives, would be a disservice to the war effort of 1942 or 1943. As I have carefully studied the record of the Civil War Committee on the Conduct of the War, however, I am completely convinced that it was led astray in the first instance largely, if not conclusively, by the fact that it was given the wrong title. That is why I have so carefully insisted that the self-explana-

tory title of any new agency of this nature should be a committee on war cooperation instead of a committee on the conduct of the war. The title is tremendously important since it is definitive of the objective we have in mind.

There cannot be a congressional committee which conducts a war. The conduct of a war cannot be a legislative function. The function of the legislature is to hold the executive branch of the Government to strict accountability for maximum efficiency and minimum mistakes in the exercise of the indispensable executive control and authority over war operations. Therefore, when this Civil War Committee on the Conduct of the War was given its name, which seemed to tie it into the conduct of the war, it is not surprising that in its operations it went far afield from the restraint and the legitimate circumference within which it should have confined its activities. It is not surprising that it did many things which the able Senator from Connecticut would condemn precisely as I do, and which certainly neither of us remotely contemplates in respect to the objectives to which we both now subscribe.

The fact remains that although the Committee on the Conduct of the War in the Civil War days was guilty many times of indefensible interference with what had to be the executive conduct of a war, nevertheless even Nicolai and Hay, the most reliable biographers of President Lincoln, do not hesitate to say that in many situations its contribution to the welfare of the cause to which it was dedicated was invaluable.

There is no reason why the record of the Civil War Committee on the Conduct of the War should create any blanket prejudice against the sort of thing which the able Senator from Connecticut at this end of the Capitol and the able Representative from Illinois at the other end of the Capitol ask should be explored today for the purpose of determining whether we cannot thus create a more effective unity between the legislative and the executive branches of the Government in serving our mutual responsibilities.

In conclusion I desire merely to say that, so far as I am concerned—and, of course, so far as the able Senator from Connecticut is concerned—I am not speaking in any spirit of obstruction whatever, nor in any spirit of partisan criticism; I am speaking solely in a spirit of effective cooperation. I hope I am speaking in the spirit of the thrilling apostrophe which now grips the hearts of our countrymen, Praise the Lord and pass the ammunition.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. CONNALLY. I am sorry I did not hear all the Senator's address. I presume, however, his remarks were directed toward the establishment of a congressional committee on the conduct of the war.

Mr. VANDENBERG. If the Senator will permit me to interrupt him just a moment, inasmuch as he did not hear my address, the chief purpose of the address was to present my correspondence with the President of the United States, in which he states his entire willingness to welcome a legitimate suggestion of the nature to which I have referred, and cooperate with such a committee if Congress should conclude to name it.

Mr. CONNALLY. Of course, Congress is still in the picture.

Mr. VANDENBERG. The chief purpose of the suggestion is to enable Congress to remain in the picture a little more definitely than it has heretofore.

Mr. CONNALLY. Does the Senator think a congressional committee could have engineered the recent exploit of landing 140,000 troops in Africa?

Mr. VANDENBERG. No, Mr. President; and I do not care to engage in a colloquy with the able Senator from Texas on the basis of too critical an examination of what has happened or will happen. If the Senator had heard what I had to say, he would understand that I have definitely made it plain that under no circumstances would I interfere with the executive function in connection with the administration of the war. I would merely seek to facilitate a unity of responsibility and turn it into unity of action, which, under representative forms of government, must still be divided between the executive and the legislative.

Mr. CONNALLY. Let me say to the able Senator from Michigan that I am sure that no one in the Senate or the other House wants to deny to either body its legitimate functions with regard to the war and all things incidental thereto. However, I might observe that we have an able Committee on Naval Affairs, headed by the Senator from Massachusetts [Mr. WALSH], and which is supposed to keep itself advised from time to time as to all naval matters, as it no doubt does, by hearings. We also have a Committee on Military Affairs, under the chairmanship of the Senator from North Carolina [Mr. REYNOLDS], and on that committee are also the Senator from Utah [Mr. THOMAS] and the Senator from Alabama [Mr. HILL], as well as others, who are from time to time seeking to keep informed on military matters. We also have the Truman committee, the function of which is to examine into war contracts, and any practices of the Navy or the Army which should be inquired into.

I am sure that no one objects to activities of the Congress in those regards. What the Senator from Texas has in mind is that any interference or aggressive action with regard to the actual conduct of military and naval operations is not within the functions of the Congress, and it should not undertake to exercise a function which is beyond its scope.

Mr. VANDENBERG. If the Senator will permit me to interrupt him again, in spite of his superior eloquence, to which I always yield obeisance, I doubt whether he has made the statement he is now making any more emphatically than I made it before he entered the Chamber.

Mr. CONNALLY. Mr. President, I would not engage in a contest with the Senator from Michigan on any matter which required eloquence, or logic, or journalistic skill and genius. Of course, I do not accept at full face the assurance by the Senator that he always yields to the Senator from Texas in his views. I always covet the Senator's agreement, but I am sure that I become quite lonely sometimes.

The point I am trying to make, however, and I am glad the Senator from Michigan has already made it, is that we probably do not exercise the functions we have, as we ought to exercise them. We are a little too careless about standing up and maintaining our real functions and powers, and until we do that, I do not see any occasion for us to assume obligations and functions beyond the legislative jurisdiction, and undertake to direct or to dictate to the President of the United States and to our military and naval commanders in the field. I think the last exploit of our armed forces is a perfect demonstration that our leaders, and our military and naval authorities, have been examining and have been planning and have been studying, and now are achieving a vindication of their right, under the direction of the President, to conduct the actual field operations, as it were, of the Army and the Navy.

Mr. VANDENBERG. Mr. President, I simply wish to observe that there is nothing which the able Senator from Texas just had said which has the slightest reference to the resolution submitted by the Senator from Connecticut [Mr. MALONEY], or to my advocacy of it, as the Senator from Texas would know if he had been here during the last few minutes.

Mr. CONNALLY. I am sorry I was not present.

Mr. MALONEY. Mr. President, that is exactly the point I wanted to make. The resolution was submitted to the Senate on October 22, and was not referred to the Committee on Foreign Relations. I am not sure that I am not sorry it was not so referred. I am sure the able and distinguished Senator from Texas has not yet had a chance to read the resolution. It is unfortunate that he did not hear the address made by the Senator from Michigan, and I am sorry he did not hear the one I made, because I think he probably would agree with us. I make this observation now lest anyone on the outside should gain the impression that the able Senator from Texas is hostile to the proposal. I have a feeling that he will agree after he shall have had an opportunity to examine the resolution.

Mr. CONNALLY. Mr. President, just another word and I am through. I will say to the Senator from Connecticut that the Senator from Texas is not acting through any pique over the fact that the resolution was not referred to the Committee on Foreign Relations. This is purely a domestic matter, as I see it, and has no business before the Committee on Foreign Relations.

I have now before me a copy of the resolution, and I am not prepared to express any hostility to it or any agreement with it. The immediate objective

I had in mind was the remark made by the Senator from Michigan, and I admitted that I had not heard all his address. I very much regret that I did not hear it. I always listen to him with interest, if not with agreement. I reiterate my sorrow that I did not hear it, because evidently we are not very far apart.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. HARTER, Mr. ANDREWS, and Mr. SHORT were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; and

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act.

ONE HUNDRED AND SIXTY-SEVENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE MARINE CORPS

Mr. WALSH. Mr. President, tomorrow our stout-hearted marines, who are now engaging the enemy on far-flung battlefields, will observe the birthday of the corps to which they belong.

On November 10, 1775—167 years ago—a corps of marines was authorized by the Continental Congress. Since that time the Marine Corps has played a conspicuous part in the development of our American heritage of victory.

Marines have fought in every war and, in our years of peace, have kept a vigilant watch over our security and the lives of our citizens throughout the world.

Capt. Samuel Nicholas, the first commanding officer, instructed his recruiting officers to accept only those candidates who, as he put it, were "of dependable and religious nature combined with proper robustness of body."

With such men, the first marine detachments were enabled to play important parts in major encounters of the Revolutionary War. They were active in the capture of vital stores and ammunition at New Providence; they served with honor as a part of Washington's dauntless forces; they sailed the seas with John Paul Jones and many other commanders who gave no quarter until victory had been attained.

The marines established themselves as defenders of American rights and lives on foreign soil when they raised the Stars and Stripes over Tripoli after the Barbary pirates had been subdued there in 1805. It was the first time our flag had ever been raised over an Old World fortress.

Again in the War of 1812 the marines were active in fighting both on land and at sea. They were with the *Constitution* in her memorable victories; they shared in the decisive triumph at Lake Erie, and they had a position of honor in General Jackson's forces at New Orleans.

Through the Mexican War and the Civil War the men of the Marine Corps continued to perform with loyalty and heroism. During the Spanish War, Guantanamo Bay became famous as the site of a land and sea victory. Our forces, led by marines, made possible the destruction of the powerful Spanish Fleet in Cuban waters. Admiral Dewey's forces were bolstered by a marine detachment when he sailed into Manila Harbor.

The history of the Marine Corps in 1917 and 1918 is well known to every American. The Fourth Brigade of Marines was assigned as one of the two infantry brigades of the Second Division, American Expeditionary Force. This division engaged in eight operations in France, four of which were major offensives.

Three times the marine units were cited in Army orders for conspicuous action in the Chateau-Thierry sector, the Aisne-Marne offensive, and the Meuse-Argonne offensive. For their conduct in these memorable actions, France awarded these units her highest decorations, the French Fourragere and the ribbon of the Croix de Guerre.

The Fifth Brigade of Marines also served later in France. In addition to these land units, the Marine Corps continued to function as the vital arm of the Navy, supplying detachments for the fleet as well as maintaining numerous detachments on guard at navy yards and ammunition depots.

Tomorrow's one hundred and sixty-seventh anniversary of the Marine Corps is the most meaningful in the history of the corps as well as the Nation. It is significant to observe that the Marine Corps, which undertook the first offensive in this war, is upholding all its traditions of courage and victory with a steadfastness which makes all Americans truly proud of their fighting men.

Whether operating as the land arm of the Navy, or detached for duty with the Army, or waging battle in the skies, the United States marines are today fulfilling the destiny set for them by our fathers of freedom in the day that American freedom was born.

Today we send them, stationed in the Solomon Islands, on land and sea in every part of the world, our heartfelt gratitude.

We assure them, one and all, that Americans are proud of the dauntless spirit and unfailing bravery and loyalty of our United States marines.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

Mr. McNARY. In the absence of the distinguished Senator from Nebraska [Mr. NORRIS], and at his request, I desire to give notice that on Thursday next, at the meeting of the Senate, he and other Senators will make a motion that the Senate take up and consider Order of Business 1716, House bill 1024, to amend an act to prevent pernicious political activities, known generally as the poll-tax bill. I understand that the Senate will adjourn today until Thursday next, and at that time the able Senator from Nebraska or some other Senator will probably move to take up the measure and attempt to make it the unfinished business. I thought it was necessary to give this notice so that Senators who are interested in the proposed legislation and who are now absent may have an opportunity to be present on Thursday.

REDUCTION OF DRAFT-AGE LIMIT

Mr. TAFT. Mr. President, since the Senate passed the bill providing for the drafting of 18- and 19-year-old boys, with an amendment providing that they must either be 20 years old or have had 12 months' training before being sent abroad in combat service, we have been subjected to a flood of misleading propaganda from administration officials which has completely deceived many newspaper editors on the real issues involved.

If it is necessary to draft 18-year-old boys and send them immediately into combat service without training, I am sure the Senate is willing to do so; but I believe the evidence shows that the Senate felt that the Army had wholly failed to prove the necessity of the case. No adequate statistics have been presented or seem to be in existence. Such figures as I can obtain prove to me that by drafting all men under thirty, except in cases of extreme hardship, we can obtain an Army of seven or eight million men without drafting the 18-year-old boys at all.

I am sure that the charge which has been made, that the Senate was influenced by political considerations or by "softness" toward the prosecution of the war, is completely misleading and fallacious. After reading all the evidence my own conclusions are as follows:

First. The medical testimony shows clearly that about half the 18-year-old boys are too immature to make good soldiers and would be more subject than older men to permanent nervous injury. Since that time I have talked with many educators and others who are in close contact with boys of 18. The opinion is universal that while half of them are mature, the other half are not.

Second. The British, recognizing this fact, still provided, after 3 years of war, that no boy could be sent into combat service until he is 19½, and have only just reduced this age to 19, and not 18.

Third. There is no evidence whatever that 18-year-old boys make good soldiers. We have never drafted them before, and the only experience our Army has had is with those who volunteer, who come from the most mature and adventurous percentage of the 18-year-olders.

Fourth. The draft is unfair to the more intelligent among these boys, because they cannot become officers, as can the older men.

Personally, I believe that the 18-year-old boys should not be drafted until it is

absolutely necessary, and I have been unable to find any evidence of necessity if we are willing to draft married men under 30. I cannot help thinking that the action of the Senate on the O'Daniel amendment showed that the Senate also felt that there was a lack of such evidence.

I make these remarks only to suggest that the problem ought to be worked out amicably. I see no reason why the Army should insist on complete and arbitrary power over every 18-year-old boy in the United States. I therefore suggest one or two alternatives. I suggest that the conference committee might substitute for the O'Daniel amendment a proposal that 18-year-old boys be drafted only after all men under 30 who are not absolutely essential to the civilian war effort have been drafted. If this cannot be done, the O'Daniel amendment might be confined to boys of 18, so as not to include boys of 19. In short, the amendment as originally proposed by the Senator from Nebraska [Mr. NORRIS] might be adopted as a compromise. I do not believe there is any evidence that the deferment of these boys from combat service until they are 19, rather than 20, as proposed in the O'Daniel amendment, could possibly be inconvenient. The British have not found it so. If it is inconvenient, the law permits the President to classify men by age groups, and defer those of 18 until all the others have been called.

So far as I know, nearly every country calls men by age groups. For some reason which I have been unable to discover, the Selective Service Director, although he has the power to call men by age groups, has failed to exercise that power. In every other nation of which I know the class of 20 is first called, until all who are available are called. Then the class of 19 is called, until all men in that class who are available are taken. Finally, perhaps the class of 18 is called. I see no reason why that course should not be followed. In my opinion, the Director has failed miserably by not making a distinction between men over 35 and men under 35. He has the power to do so. He has the power to say, "We will take all the men up to 35, but not over 35." Many men over 35 are too old.

I cannot imagine any more unsound argument than that advanced by the Secretary of War, Mr. Stimson, that we must take the 18- and 19-year-old boys because the average of the last draft is over 27½. Why is it over 27½? Because Mr. Hershey has failed to distinguish between men under 35 and men over 35, as he had the power to do. The argument which is now advanced, that we balance the decrepit gentlemen of 42 against the immature boys of 18 to obtain an average closer to the average we should have is one of the most unsound arguments I have ever heard. If it is not unsound, I do not recognize logic.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WALSH. I have received many letters dealing with the subject now being discussed by the Senator from Ohio. Many of them have come from college students, recommending that the O'Daniel amendment be not adopted. Is there anything in the bill to draft 18- and 19-year-old boys which would prevent college students from enlisting?

Mr. TAFT. They may enlist. In my judgment such letters are the result of very evident and deliberate propaganda which has been going on ever since the Senate adopted the O'Daniel amendment. The propaganda has sought to reach every organ of public opinion in an effort to eliminate the O'Daniel amendment completely.

Mr. WALSH. I was surprised to read in one letter, signed by several college students, the statement:

We have our own plans.

The inference was that they were relieved, and did not themselves need to be concerned about the drafting of 18- and 19-year-old boys. Is there anything in the bill which would exempt students in colleges from the draft?

Mr. TAFT. There is nothing in the bill which we passed which would exempt college students in any way. In fact, the intention of the Army was to take practically all 18-, 19-, and 20-year-old boys by the first of next July.

Mr. WALSH. I assumed so. I simply wish to observe that if the college students who have been writing joint letters really wish to set a patriotic example, they should enlist in the Army or Navy at once.

Mr. TAFT. I think the Senator's suggestion is very much in point.

The point I wish to make is that I do not think anyone objects to drafting 18-year-old boys if it is absolutely necessary. It seems to me that the way in which everybody could get together on this plan would be to provide that they should not be drafted until all the older men have been taken who can be taken. I have no objection to including 18-year-old boys in the draft; but it seems to me that they are of a different class. They are younger. We ought to provide that before they are taken the older men should be taken, including married men with children, if those men are under 30 years of age. It seems to me that some such compromise might result in general unity on a proposal with respect to which I am sure there is no basic difference in principle.

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Charles H. McMorris to be a rear admiral in the Navy, for temporary service, to rank from the 13th day of May 1942;

Capt. Calvin H. Cobb to be a rear admiral in the Navy, for temporary service, to rank from the 10th day of May 1942;

Sundry assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from certain dates;

Several officers in the Marine Corps (temporary) for permanent appointment in that corps, to rank from certain dates; and

Sundry citizens to be second lieutenants in the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. HILL. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

Mr. HILL. I ask that the President be notified forthwith of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That completes the calendar.

ADJOURNMENT TO THURSDAY

Mr. HILL. As in legislative session, I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 1 o'clock and 45 minutes p. m.) the Senate adjourned until Thursday, November 12, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 9, 1942:

DIPLOMATIC AND FOREIGN SERVICE

Walter Thurston, of Arizona, now a Foreign Service officer of class one and lately minister counselor at the American Embassy in Moscow, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to El Salvador.

THE JUDICIARY

Louis E. Goodman, of California, to be United States district judge for the northern district of California, vice Hon. Harold Louderback, deceased.

Edward Burns Parker, of Alabama, to be United States attorney for the middle district of Alabama, vice Thomas D. Samford, resigned.

James A. Bough, of the Virgin Islands, to be district attorney for the district court of the Virgin Islands. Mr. Bough is now serving in this office under an appointment which expired June 29, 1941.

UNITED STATES MARSHAL

Ira Lamar Morgan, of Mississippi, to be United States marshal for the northern district of Mississippi, vice Kinloch Owen, term expired.

IN THE NAVY

Medical Director Ross T. McIntire to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of 4 years.

Medical Director Charles S. Stephenson to be a medical director in the Navy, with the

rank of rear admiral, for temporary service, while serving as Director of the United States of America Typhus Commission, to rank from the 4th day of November 1942.

Capt. Walter S. DeLany to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942.

IN THE COAST GUARD

Prof. (temporary) Jerry B. Hoag to be a permanent professor in the United States Coast Guard with rank of lieutenant commander, to rank as such from September 9, 1940.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Foster Webb Stanley, Greenville, Ala., in place of E. H. Smith, deceased.

ARKANSAS

H. Spellman Evans, Cotter, Ark., in place of F. B. Ortman, resigned.

Elmer F. Dooley, South Fort Smith, Ark. Office became Presidential July 1, 1942.

Charles C. Snapp, Walnut Ridge, Ark., in place of C. C. Snapp. Incumbent's commission expired June 23, 1942.

CALIFORNIA

Lillian I. Webb, Fair Oaks, Calif., in place of B. R. Hild. Incumbent's commission expired May 27, 1942.

FLORIDA

Cecil C. Smoak, Deerfield Beach, Fla., in place of N. L. Dickens, removed.

George W. Hughes, North Miami Beach, Fla. Office became Presidential July 1, 1941.

GEORGIA

Esther D. Martin, Broxton, Ga., in place of J. W. McCallum. Incumbent's commission expired March 30, 1942.

ILLINOIS

Erwin J. Mahlandt, Breese, Ill., in place of E. J. Mahlandt. Incumbent's commission expired June 23, 1942.

Budd L. Kellogg, Downers Grove, Ill., in place of B. L. Kellogg. Incumbent's commission expired June 23, 1942.

Margaret Echols, Flossmoor, Ill., in place of Margaret Echols. Incumbent's commission expired May 31, 1942.

Eulalie E. Mase, Forreston, Ill., in place of E. E. Mase. Incumbent's commission expired June 23, 1942.

John P. Hook, Fulton, Ill., in place of J. P. Hook. Incumbent's commission expired June 23, 1942.

DeCourcy Lloyd, Glencoe, Ill., in place of DeCourcy Lloyd. Incumbent's commission expired June 23, 1942.

William I. Tyler, Granville, Ill., in place of W. I. Tyler. Incumbent's commission expired June 23, 1942.

Porter J. Campbell, Hardin, Ill., in place of P. J. Campbell. Incumbent's commission expired June 23, 1942.

Oliver P. Dickson, Homer, Ill., in place of O. P. Dickson. Incumbent's commission expired May 11, 1942.

George H. Wales, Lanark, Ill., in place of G. H. Wales. Incumbent's commission expired June 23, 1942.

Carl E. Saur, Malta, Ill., in place of C. E. Saur. Incumbent's commission expired June 23, 1942.

Ruth A. Tilford, Mansfield, Ill., in place of R. A. Tilford. Incumbent's commission expired May 11, 1942.

O. Cammie Seeders, Palestine, Ill., in place of O. C. Seeders. Incumbent's commission expired June 23, 1942.

David W. Leigh, Ramsey, Ill., in place of D. W. Leigh. Incumbent's commission expired June 23, 1942.

Marcus M. Wilber, Sorento, Ill., in place of M. M. Wilber. Incumbent's commission expired June 23, 1942.

William Hubert Darby, Tampico, Ill., in place of H. W. Darby. Incumbent's commission expired June 23, 1942.

Curtis E. Veach, Valier, Ill., in place of C. E. Veach. Incumbent's commission expired June 23, 1942.

Grove Harrison, Viola, Ill., in place of Grove Harrison. Incumbent's commission expired June 23, 1942.

Floyd E. Madden, Willow Hill, Ill., in place of F. E. Madden. Incumbent's commission expired June 23, 1942.

INDIANA

Edward M. Cripe, Camden, Ind., in place of E. M. Cripe. Incumbent's commission expired June 23, 1942.

Frank Ellett, Coatesville, Ind., in place of Frank Ellett. Incumbent's commission expired June 23, 1942.

William L. Eastin, Ewing, Ind., in place of W. L. Eastin. Incumbent's commission expired June 23, 1942.

Edward V. Myers, Fremont, Ind., in place of E. V. Myers. Incumbent's commission expired June 23, 1942.

Orel J. Montgomery, Holton, Ind., in place of O. J. Montgomery. Incumbent's commission expired June 23, 1942.

Donald H Clark, Lowell, Ind., in place of S. T. Henry, deceased.

Lloyd A. Rickel, Mentone, Ind., in place of L. A. Rickel. Incumbent's commission expired June 23, 1942.

Merle L. Venis, Waynetown, Ind., in place of J. E. Robinson, resigned.

IOWA

Martin W. Brockman, Clarksville, Iowa, in place of M. W. Brockman. Incumbent's commission expired June 23, 1942.

Charles G. Vasey, Collins, Iowa, in place of C. G. Vasey. Incumbent's commission expired June 23, 1942.

Henry C. Finnern, Denison, Iowa, in place of H. C. Finnern. Incumbent's commission expired June 23, 1942.

Jacob A. Schwartz, Fenton, Iowa, in place of J. A. Schwartz. Incumbent's commission expired June 23, 1942.

Lilly B. Gibbons, Jefferson, Iowa, in place of L. B. Gibbons. Incumbent's commission expired June 23, 1942.

Herman L. Walker, Kalona, Iowa, in place of H. L. Walker. Incumbent's commission expired June 23, 1942.

Katharine Wallace Shaw, Redding, Iowa, in place of K. W. Shaw. Incumbent's commission expired June 23, 1942.

Joseph P. Quinn, Riverside, Iowa, in place of J. P. Quinn. Incumbent's commission expired June 23, 1942.

Lillian E. Gasseling, Walcott, Iowa, in place of R. P. Tank, transferred.

Paul Max Clark, Woodbine, Iowa, in place of P. M. Clark. Incumbent's commission expired June 23, 1942.

H. Clyde Calonkey, Woodward, Iowa, in place of H. C. Calonkey. Incumbent's commission expired June 23, 1942.

KANSAS

Tillman W. Floyd, Ashland, Kans., in place of G. E. Broadie, resigned.

James D. Egbert, Cimarron, Kans., in place of J. D. Egbert. Incumbent's commission expired June 23, 1942.

Asa I. Cox, Colony, Kans., in place of A. I. Cox. Incumbent's commission expired June 23, 1942.

Stephen E. Murray, Jamestown, Kans., in place of S. E. Murray. Incumbent's commission expired June 23, 1942.

Lafranier M. Herrington, Kanopolis, Kans., in place of L. M. Herrington. Incumbent's commission expired June 23, 1942.

Lee Calvin, La Cygne, Kans., in place of Lee Calvin. Incumbent's commission expired June 23, 1942.

Axel A. Peterson, La Harpe, Kans., in place of A. A. Peterson. Incumbent's commission expired June 23, 1942.

Francis G. Burford, Longton, Kans., in place of F. G. Burford. Incumbent's commission expired June 23, 1942.

Elizabeth Mansfield, Lucas, Kans., in place of Elizabeth Mansfield. Incumbent's commission expired June 23, 1942.

Noah D. Zeigler, Oakley, Kans., in place of N. D. Zeigler. Incumbent's commission expired June 23, 1942.

Cecil C. Pember, Olathe, Kans., in place of C. C. Pember. Incumbent's commission expired June 23, 1942.

Lovisa J. Peacock, Protection, Kans., in place of Vie Peacock. Incumbent's commission expired June 23, 1942.

Robert R. Morgan, Rexford, Kans., in place of R. R. Morgan. Incumbent's commission expired June 23, 1942.

Leigh D. Dowling, St. Francis, Kans., in place of L. D. Dowling. Incumbent's commission expired June 23, 1942.

Harry F. Geistfeld, Washington, Kans., in place of H. F. Geistfeld. Incumbent's commission expired June 23, 1942.

James A. Hanks, Wetmore, Kans., in place of J. A. Hanks. Incumbent's commission expired June 23, 1942.

Paul L. Turgeon, Wilson, Kans., in place of P. L. Turgeon. Incumbent's commission expired June 23, 1942.

KENTUCKY

Bess S. May, Prestonsburg, Ky., in place of B. S. May. Incumbent's commission expired June 23, 1942.

William Lester Tarter, Science Hill, Ky., in place of W. L. Tarter. Incumbent's commission expired June 23, 1942.

Jennie S. May, Stone, Ky., in place of J. S. May. Incumbent's commission expired June 23, 1942.

Earl Bard, Water Valley, Ky. Office became Presidential July 1, 1942.

LOUISIANA

Thomas J. Franklin, Anacoco, La. Office became Presidential July 1, 1942.

Victor E. Green, De Ridder, La., in place of V. E. Green. Incumbent's commission expired June 23, 1942.

Frederick J. Wisser, Jr., Gretna, La., in place of E. S. Crawford, removed.

Felix J. Orgeron, Harvey, La., in place of F. J. Orgeron. Incumbent's commission expired June 23, 1942.

MAINE

George H. Williams, Alfred, Maine, in place of G. H. Williams. Incumbent's commission expired April 15, 1942.

John L. Tarr, Anson, Maine, in place of J. L. Tarr. Incumbent's commission expired June 23, 1942.

Erma G. Maxim, Corinna, Maine, in place of E. G. Maxim. Incumbent's commission expired June 23, 1942.

Elsie S. Dow, Eagle Lake, Maine, in place of E. S. Dow. Incumbent's commission expired June 23 1942.

Cyril Cyr, Jackman Station, Maine, in place of Cyril Cyr. Incumbent's commission expired June 23, 1942.

Edna M. Ellis, North Anson, Maine, in place of E. M. Ellis. Incumbent's commission expired April 29, 1942.

Gertrude M. Sprague, Oakfield, Maine, in place of E. B. Holden, retired.

Howard H. Herrick, Rangeley, Maine, in place of H. H. Herrick. Incumbent's commission expired June 23, 1942.

Hildred M. Rider, Rockport, Maine, in place of H. M. Rider. Incumbent's commission expired June 23, 1942.

Leo M. Cyr, Rockwood, Maine, in place of L. M. Cyr. Incumbent's commission expired April 29, 1942.

Mary C. Thorpe, Sabattus, Maine, in place of M. C. Thorpe Incumbent's commission expired June 23, 1942.

George E. Dugal, St. Agatha, Maine, in place of G. E. Dugal. Incumbent's commission expired June 23, 1942.

Frank R. Madden, Skowhegan, Maine, in place of F. R. Madden. Incumbent's commission expired June 23, 1942.

MARYLAND

Lillie M. Pierce, Glyndon, Md., in place of L. M. Pierce. Incumbent's commission expired June 23, 1942.

John M. Pearce, Monkton, Md., in place of J. M. Pearce. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

John E. Mansfield, Bedford, Mass., in place of J. E. Mansfield. Incumbent's commission expired June 23, 1942.

Winona G. Craig, Falmouth Heights, Mass., in place of W. G. Craig. Incumbent's commission expired June 2, 1942.

Hormisdas Boucher, Ludlow, Mass., in place of Hormisdas Boucher. Incumbent's commission expired April 12, 1942.

James E. Williams, North Dighton, Mass., in place of J. E. Williams. Incumbent's commission expired April 12, 1942.

William F. O'Toole, South Barre, Mass., in place of W. F. O'Toole. Incumbent's commission expired June 23, 1942.

John F. Malone, Southwick, Mass., in place of J. F. Malone. Incumbent's commission expired June 23, 1942.

Arthur J. Fairgrieve, Tewksbury, Mass., in place of A. J. Fairgrieve. Incumbent's commission expired June 23, 1942.

Raymond F. Gurney, Wilbraham, Mass., in place of R. F. Gurney. Incumbent's commission expired June 23, 1942.

MICHIGAN

Ernest O. Coy, Alden, Mich., in place of E. O. Coy. Incumbent's commission expired June 23, 1942.

Thomas Earl Barry, Baraga, Mich., in place of T. E. Barry. Incumbent's commission expired June 23, 1942.

Arthur E. Dann, Beaverton, Mich., in place of A. E. Dann. Incumbent's commission expired June 23, 1942.

John Leon Breckenridge, Breckenridge, Mich., in place of J. L. Breckenridge. Incumbent's commission expired June 23, 1942.

Robert J. McCormick, Carleton, Mich., in place of R. J. McCormick. Incumbent's commission expired June 23, 1942.

Arthur Little, Cass City, Mich., in place of Arthur Little. Incumbent's commission expired June 23, 1942.

James D. George, Crystal, Mich., in place of J. D. George. Incumbent's commission expired November 30, 1941.

Blanche L. Verplanck, Edmore, Mich., in place of B. L. Verplanck. Incumbent's commission expired June 23, 1942.

Elfreda L. Mulligan, Grand Marais, Mich., in place of E. L. Mulligan. Incumbent's commission expired June 23, 1942.

Ruth G. Templeton, Harbor Beach, Mich., in place of R. G. Templeton. Incumbent's commission expired June 23, 1942.

Ernest G. Corbin, Hart, Mich., in place of E. G. Corbin. Incumbent's commission expired June 23, 1942.

Eugene E. Hubbard, Hudsonville, Mich., in place of E. E. Hubbard. Incumbent's commission expired June 23, 1942.

Jessie E. Lederle, Leland, Mich., in place of J. E. Lederle. Incumbent's commission expired June 23, 1942.

Edward J. Talbot, Manistee, Mich., in place of E. J. Talbot. Incumbent's commission expired June 23, 1942.

Alfred J. Rochon, Marine City, Mich., in place of A. J. Rochon. Incumbent's commission expired June 23, 1942.

Floyd T. King, Marysville, Mich., in place of F. T. King. Incumbent's commission expired June 23, 1942.

C. Maude Russell, New Era, Mich., in place of C. M. Russell. Incumbent's commission expired June 23, 1942.

Edward L. Kenny, Onekama, Mich., in place of E. L. Kenny. Incumbent's commission expired June 23, 1942.

Edwin E. Thompson, Oscoda, Mich., in place of E. E. Thompson. Incumbent's commission expired June 23, 1942.

Catherine C. Laing, Otisville, Mich., in place of C. C. Laing. Incumbent's commission expired June 23, 1942.

Mildred E. Walsh, St. Charles, Mich., in place of M. E. Walsh. Incumbent's commission expired June 23, 1942.

Floyd H. Leach, Scotts, Mich., in place of F. H. Leach. Incumbent's commission expired June 23, 1942.

Percy A. Bowen, Tecumseh, Mich., in place of F. S. Gillespie, deceased.

Gordon W. Huffman, Tustin, Mich., in place of G. W. Huffman. Incumbent's commission expired June 23, 1942.

MINNESOTA

Bert C. Hazle, Alden, Minn., in place of B. C. Hazle. Incumbent's commission expired May 12, 1942.

Gertrude M. McGowan, Appleton, Minn., in place of G. M. McGowan. Incumbent's commission expired June 18, 1942.

Charles B. Fraser, Battle Lake, Minn., in place of C. B. Fraser. Incumbent's commission expired May 12, 1942.

Joseph C. McGowan, Benson, Minn., in place of J. C. McGowan. Incumbent's commission expired June 13, 1942.

Timothy Hurley, Bird Island, Minn., in place of Timothy Hurley. Incumbent's commission expired June 18, 1942.

Alex C. Wahoske, Odessa, Minn., in place of A. C. Wahoske. Incumbent's commission expired February 26, 1942.

Ewald G. Krueger, Vergas, Minn., in place of E. G. Krueger. Incumbent's commission expired May 12, 1942.

Elizabeth C. Bahr, Waconia, Minn., in place of E. C. Bahr. Incumbent's commission expired June 13, 1942.

Margaret J. McGarry, Walker, Minn., in place of M. J. McGarry. Incumbent's commission expired June 13, 1942.

William F. Sanger, Windom, Minn., in place of W. F. Sanger. Incumbent's commission expired June 3, 1942.

Oscar W. Groth, Wright, Minn., in place of O. W. Groth. Incumbent's commission expired June 3, 1942.

Sarah E. Jones, Zimmerman, Minn., in place of S. E. Jones. Incumbent's commission expired May 12, 1942.

MISSISSIPPI

Fletcher H. Womack, Crenshaw, Miss., in place of F. H. Womack. Incumbent's commission expired April 27, 1942.

Woodard M. Herring, Inverness, Miss., in place of W. M. Herring. Incumbent's commission expired June 23, 1942.

Frances G. Wimberly, Jonestown, Miss., in place of F. G. Wimberly. Incumbent's commission expired June 23, 1942.

Bettie S. McLeod, Kreole, Miss., in place of C. G. Siurua, resigned.

Florence Churchwell, Leakesville, Miss., in place of Florence Churchwell. Incumbent's commission expired June 23, 1942.

Viva H. McInnis, Rosedale, Miss., in place of V. H. McInnis. Incumbent's commission expired June 23, 1942.

Beall A. Brock, West, Miss., in place of B. A. Brock. Incumbent's commission expired June 23, 1942.

MISSOURI

Samuel B. McCollum, Bucklin, Mo., in place of S. B. McCollum. Incumbent's commission expired June 23, 1942.

Floyd L. Decker, Crocker, Mo., in place of F. L. Decker. Incumbent's commission expired June 23, 1942.

Wilbur S. Scott, Deepwater, Mo., in place of W. S. Scott. Incumbent's commission expired June 23, 1942.

Anvil A. Lewis, Eminence, Mo., in place of A. A. Lewis. Incumbent's commission expired June 23, 1942.

Sam B. Shackleford, Ewing, Mo., in place of S. B. Shackleford. Incumbent's commission expired June 23, 1942.

John G. Trautwein, Gerald, Mo., in place of F. G. Lane, retired.

Pat Malone, Jamesport, Mo., in place of Pat Malone. Incumbent's commission expired June 23, 1942.

James P. Moore, Liberal, Mo., in place of J. P. Moore. Incumbent's commission expired June 23, 1942.

Frank E. Sibley, Matthews, Mo., in place of F. E. Sibley. Incumbent's commission expired June 23, 1942.

Verne H. Gracey, Reeds Spring, Mo., in place of V. H. Gracey. Incumbent's commission expired June 23, 1942.

Ernest C. Buehler, South St. Joseph, Mo., in place of E. C. Buehler. Incumbent's commission expired June 23, 1942.

Emmett R. Burrows, Van Buren, Mo., in place of E. R. Burrows. Incumbent's commission expired June 23, 1942.

James E. Ferguson, Williamsville, Mo., in place of J. E. Ferguson. Incumbent's commission expired June 23, 1942.

Frederick L. Stafford, Windsor, Mo., in place of F. L. Stafford. Incumbent's commission expired June 23, 1942.

MONTANA

Eugene T. Kirchner, Circle, Mont., in place of E. T. Kirchner. Incumbent's commission expired June 23, 1942.

Harry J. Andrus, Dillon, Mont., in place of H. J. Andrus. Incumbent's commission expired June 23, 1942.

Ludwig S. Rigler, East Helena, Mont., in place of L. S. Rigler. Incumbent's commission expired June 23, 1942.

William L. Thompson, Fairview, Mont., in place of W. L. Thompson. Incumbent's commission expired June 23, 1942.

Joseph P. Sternhagen, Glasgow, Mont., in place of J. P. Sternhagen. Incumbent's commission expired June 23, 1942.

George Clarence Moore, Harlowton, Mont., in place of G. C. Moore. Incumbent's commission expired June 23, 1942.

Rudolph P. Petersen, Rudyard, Mont., in place of R. P. Petersen. Incumbent's commission expired June 23, 1942.

Flossie A. Marsh, Sheridan, Mont., in place of F. A. Marsh. Incumbent's commission expired June 23, 1942.

Lucile D. Knight, Twin Bridges, Mont., in place of L. D. Knight. Incumbent's commission expired June 23, 1942.

Lucy B. Cullen, Wibaux, Mont., in place of L. B. Cullen. Incumbent's commission expired June 23, 1942.

NEBRASKA

Walter G. Mangold, Bennington, Nebr. Office become Presidential July 1, 1942.

Louis C. Kuster, Tecumseh, Nebr., in place of L. C. Kuster. Incumbent's commission expired April 27, 1942.

NEW HAMPSHIRE

George H. Simpson, Bradford, N. H., in place of G. H. Simpson. Incumbent's commission expired June 23, 1942.

Irving H. Brown, Campton, N. H., in place of I. H. Brown. Incumbent's commission expired June 13, 1942.

George W. Moulton, Lisbon, N. H., in place of G. W. Moulton. Incumbent's commission expired May 29, 1942.

NEW JERSEY

William L. Scheuerman, Basking Ridge, N. J., in place of W. L. Scheuerman. Incumbent's commission expired June 23, 1942.

William H. Thompson, Farmingdale, N. J., in place of W. H. Thompson. Incumbent's commission expired June 23, 1942.

John F. Dugan, Garwood, N. J., in place of J. F. Dugan. Incumbent's commission expired June 23, 1942.

Walter H. Applegate, Lakewood, N. J., in place of C. C. Thompson. Incumbent's commission expired August 26, 1939.

John D. Bunn, Long Valley, N. J., in place of J. D. Bunn. Incumbent's commission expired June 23, 1942.

James D. McErlane, Morris Plains, N. J., in place of J. D. McErlane. Incumbent's commission expired June 23, 1942.

Katherine A. Cooney, Pedricktown, N. J., in place of K. A. Cooney. Incumbent's commission expired June 23, 1942.

Robert W. Kidd, Penns Grove, N. J., in place of R. W. Kidd. Incumbent's commission expired June 23, 1942.

James E. Porter, Jr., Rumson, N. J., in place of J. E. Porter, Jr. Incumbent's commission expired June 23, 1942.

Allen J. Thomas, Scotch Plains, N. J., in place of A. J. Thomas. Incumbent's commission expired June 23, 1942.

Jane L. Garland, Sea Bright, N. J., in place of J. L. Garland. Incumbent's commission expired June 23, 1942.

Joseph S. Devlin, Sea Girt, N. J., in place of J. S. Devlin. Incumbent's commission expired June 23, 1942.

Michael A. Carroll, South Bound Brook, N. J., in place of M. A. Carroll. Incumbent's commission expired June 23, 1942.

May W. Veitch, Wenonah, N. J., in place of M. W. Veitch. Incumbent's commission expired June 23, 1942.

NEW MEXICO-TEXAS

Perla E. Darbyshire, Anthony, N. Mex.-Tex., in place of P. E. Darbyshire. Incumbent's commission expired June 23, 1942.

NEW MEXICO

Arthur L. England, Clayton, N. Mex., in place of A. L. England. Incumbent's commission expired June 23, 1942.

Joseph H. Gentry, Fort Stanton, N. Mex., in place of J. H. Gentry. Incumbent's commission expired June 23, 1942.

James W. Patterson, Fort Sumner, N. Mex., in place of J. W. Patterson. Incumbent's commission expired April 1, 1942.

NEW YORK

Gerald Aldrich, Bemus Point, N. Y., in place of Gerald Aldrich. Incumbent's commission expired June 23, 1942.

Mildred E. Brown, Bliss, N. Y., in place of M. E. Brown. Incumbent's commission expired June 23, 1942.

Michael G. Gaffney, Clinton, N. Y., in place of M. G. Gaffney. Incumbent's commission expired June 23, 1942.

Mary I. Callahan, Deferiet, N. Y., in place of C. C. Wenzel, resigned.

Walter S. Blade, Delanson, N. Y., in place of W. S. Blade. Incumbent's commission expired June 23, 1942.

Clayton I. Burch, Earlville, N. Y., in place of C. I. Burch. Incumbent's commission expired May 14, 1942.

Emily C. Stevens, Eldred, N. Y., in place of E. C. Stevens. Incumbent's commission expired June 23, 1942.

Eugene E. Towell, Fillmore, N. Y., in place of E. E. Towell. Incumbent's commission expired June 23, 1942.

Louis C. Donovan, Mount Morris, N. Y., in place of L. C. Donovan. Incumbent's commission expired May 14, 1942.

Dennis A. Shannon, New York Mills, N. Y., in place of Dennis Shannon. Incumbent's commission expired June 2, 1942.

Clarence A. Chamberlain, Orangeburg, N. Y., in place of C. A. Chamberlain. Incumbent's commission expired June 23, 1942.

NORTH CAROLINA

Elsie F. Shuford, Arden, N. C., in place of P. E. Rickman, transferred.

William M. Jefferson, Belmont, N. C., in place of W. M. Jefferson. Incumbent's commission expired June 23, 1942.

John E. Brown, Jr., Boone, N. C., in place of W. G. Hartzog. Incumbent's commission expired June 23, 1942.

George E. Wilson, Jr., Charlotte, N. C., in place of P. R. Younts, removed.

Jack Barfield, Mount Olive, N. C., in place of Jack Barfield. Incumbent's commission expired June 23, 1942.

Dennis Staton Inscoe, Raleigh, N. C., in place of C. L. Williamson, resigned.

NORTH DAKOTA

Ronald Keeley, Hazen, N. Dak., in place of Ronald Keeley. Incumbent's commission expired May 4, 1942.

OREGON

J. Dayton McLucas, Hood River, Oreg., in place of J. D. McLucas. Incumbent's commission expired June 23, 1942.

Oscar L. Groves, Monmouth, Oreg., in place of O. L. Groves. Incumbent's commission expired June 2, 1942.

Elton A. Schroeder, Myrtle Point, Oreg., in place of E. A. Schroeder. Incumbent's commission expired May 22, 1942.

Harvey C. Knapp, North Portland, Oreg., in place of H. C. Knapp. Incumbent's commission expired June 2, 1942.

Phyllis H. Ryman, Westfir, Oreg., in place of E. M. Stewart. Incumbent's commission expired December 23, 1941.

PENNSYLVANIA

Lewis M. Sutton, Camp Hill, Pa., in place of L. M. Sutton. Incumbent's commission expired June 23, 1942.

James Nevant, Farrell, Pa., in place of James Nevant. Incumbent's commission expired June 23, 1942.

John L. Clover, Knox, Pa., in place of J. L. Clover. Incumbent's commission expired June 23, 1942.

William J. Cannon, Lansford, Pa., in place of W. J. Cannon. Incumbent's commission expired June 23, 1942.

Wilbur G. Warner, Lehighton, Pa., in place of W. G. Warner. Incumbent's commission expired June 6, 1942.

Penrose L. Young, Northampton, Pa., in place of P. L. Young. Incumbent's commission expired June 6, 1942.

Fred Favo, Oakmont, Pa., in place of Fred Favo. Incumbent's commission expired June 23, 1942.

Joseph P. Caufield, Verona, Pa., in place of J. P. Caufield. Incumbent's commission expired June 23, 1942.

PUERTO RICO

Teresa Melendez, Arroyo, P. R., in place of Teresa Melendez. Incumbent's commission expired June 3, 1942.

Luis E. Kolb, Utuado, P. R., in place of L. E. Kolb. Incumbent's commission expired June 3, 1942.

SOUTH CAROLINA

Marion G. Andersen, Conway, S. C., in place of M. G. Andersen. Incumbent's commission expired June 23, 1942.

TEXAS

Rufus F. Stanley, Brownwood, Tex., in place of J. E. Johnson, resigned.

WYOMING

Minnie C. Corum, Encampment, Wyo., in place of M. C. Corum. Incumbent's commission expired May 11, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 1942:

IN THE ARMY

TEMPORARY APPOINTMENT IN ARMY OF THE UNITED STATES

To be major generals

Donald Hilary Connolly
William Ormon Butler
LeRoy Lutes
Philip Bracken Fleming
Troy Houston Middleton
John William Leonard
Fred W. Miller
Ralph Corbett Smith
James Kerr Crain
William Glenn Livesay

To be brigadier generals

Harry John Collins
Edwin Luther Sibert
Newton Longfellow
Alfred Bixby Quinton, Jr.
Maurice Levi Miller
Theodore Earl Beuchler
Benjamin Greeley Ferris
James Pratt Hodges
Luther Stevens Smith
Edgar King
Clovis Ethelbert Byers
Wolcott Paige Hayes
Roger Manning Wicks
Frederick Willis Manley
Patrick Weston Timberlake
George Vernon Keysar
Frederick McCabe
Charles Frost Craig
John Martin Clark
Franklin Otis Carroll
William Dan Powell
Paul Wolcott Rutledge
Thomas Dresser White
Aaron Edward Jones
Lawrence Augustus Lawson
Victor Herbert Strahm
Willis Ratcliffe Taylor
George Matthew Halloran
Benjamin Wiley Chidlaw
Nathan Bedford Forrest
Percy Lee Sadler
Warren Rice Carter
Haydon Lemaire Boatner
Hugh Tullock Mayberry
Leo Andrew Walton
William Henry Holcombe
Julian Francis Barnes
Stanley Lonzo Scott
Floyd Emerson Galloway
Gordon Philip Saville
Horace Oscar Cushman
James Alexander Mollison
Wilhelm Arthur Andersen
Howard Ellsworth Fuller
Cyrus Rowlett Smith

APPOINTMENTS IN THE REGULAR ARMY

To be first lieutenants, Medical Corps, with rank from date of appointment

Maurice Blair Johnston
Edward Alton Ricketts
John Bradley Moring
Thomas Lewis Ozment
John D. Lecky
Victor Henry Smith
Robert Alfred McCall

To be second lieutenant of Field Artillery with rank from date of appointment

George Sterling Brown, Jr.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 9, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of infinite mercy, we pray in the name of Him whose nature glows with the brightness of the firmament and shines like the stars forever; in Him is the divine rage against iniquity and falsehood. O river of God flow forward with Thy cleansing power, guiding our youth with emblems of knowledge in their hands; our workers hurrying toward shop and factory, girding our civilians for their tasks that they may be warned of the rocks and shoals on which millions have perished.

O Lord God, be with our marshaled hosts which are making straight through the desert a highway for the marching of the emancipated peoples of earth; if need be, valor will accord them a common death, but history will give them a common fame and posterity a common monument. Pity, oh pity the victims who have fallen martyrs to despotism and greed. Help them to turn from their captors, who are destined to shame and dishonor in a free world. Grant that the Congress, with a single and a unified purpose may make human freedom blaze forth before the eyes of all men. We humbly beseech Thee to be at the side of our President day and night; be pleased to bless our Speaker and these servants of free government and Thine shall be the praise. In the holy name of our Redeemer. Amen.

The Journal of the proceedings of Thursday, November 5, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Vice President had on November 2, 1942, appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following Department:

Post Office Department.

The message also announced that the Acting President pro tempore had on November 5, 1942, appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following Departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Department of the Treasury.
5. Department of War.
6. District Court of the United States for the District of Columbia.
7. Federal Security Agency.
8. National Housing Agency.
9. Securities and Exchange Commission.
10. The National Archives.
11. War Production Board.

AMENDMENT TO SELECTIVE SERVICE ACT

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

CALL OF THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 120]

Anderson, N. Mex.	Hancock	Osmers
Angell	Harness	Patman
Barnes	Hébert	Pearson
Beam	Heffernan	Peterson, Ga.
Bennett	Hendricks	Plauché
Boggs	Hinshaw	Ploeser
Bradley, Mich.	Hobbs	Plumley
Buckler, Minn.	Holbrock	Reed, Ill.
Bulwinkle	Hook	Rizley
Byron	Houston	Robertson, N. Dak.
Cannon, Mo.	Hunter	Rockwell
Cartwright	Isac	Rodgers, Pa.
Case, S. Dak.	Jackson	Rolph
Chenoweth	Jacobsen	Romjue
Claypool	Jarrett	Sabath
Cluett	Johns	Sacks
Cochran	Johnson, Calif.	Schaefer, Ill.
Coffee, Nebr.	Johnson, W. Va.	Schulte
Coffee, Wash.	Kee	Scrugham
Collins	Keefe	Shafer, Mich.
Creal	Kelly, Ill.	Shanley
Crosser	Kerr	Shannon
Crowther	Kilburn	Sheridan
Cullen	Kilday	Smith, Pa.
Cunningham	Kocialkowski	Smith, W. Va.
Davis, Ohio	Kramer	Smith, Wis.
Dies	Lambertson	South
Dingell	Lanham	Spence
Drewry	Larrabee	Starnes, Ala.
Duncan	LeCompte	Steagall
Dworshak	Lewis	Stefan
Edmiston	McKeough	Stevenson
Eliot, Mass.	McLean	Stratton
Ellis	Maciejewski	Sullivan
Engel	Maciora	Sumners, Tex.
Fellows	Magnuson	Tenerowicz
Flaherty	Mansfield	Terry
Flannagan	May	Thill
Fogarty	Miller	Tinkham
Ford, Leland M.	Mills, La.	Voorhis, Calif.
Gehrmann	Mundt	Vreeland
Granger	Murdock	Wasielewski
Grant, Ind.	Nelson	West
Green	Nichols	Whelchel
Hall,	O'Connor	Williams
Leonard W.	O'Day	Winter
Halleck	O'Leary	Zimmerman
	Oliver	

The SPEAKER. Two hundred and eighty-five Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings, under the call, were dispensed with.

AMENDMENT TO SELECTIVE SERVICE ACT

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RANKIN of Mississippi. Mr. Speaker, I offer a motion to instruct conferees, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the motion of the gentleman from Mississippi.

The Clerk read as follows:

Mr. RANKIN of Mississippi moves to instruct the managers of the conference on the part of the House to accept, agree to, and concur in the Senate amendment contained in section 7 on page 7 of the bill as it passed the Senate, which amendment reads as follows:

"SEC. 7. No person under 20 years of age inducted under this act shall be placed in actual combat duty beyond the territorial boundaries of continental United States until after he has had at least 1 year's military training following his induction."

The SPEAKER. The question is on agreeing to the motion.

Mr. THOMASON. Mr. Speaker, I move the previous question.

Mr. RANKIN of Mississippi. Will the gentleman withhold that for a moment?

Mr. THOMASON. I withhold it for a moment.

Mr. RANKIN of Mississippi. Mr. Speaker, I desire to say to the gentleman from Texas that the adoption of this motion will not in any way delay the passage of this bill, but on the other hand it will expedite it. I have no desire to take up the time of the House or to in any way obstruct the proceedings as they now stand, but I sincerely trust that every Member will vote for this motion to give these 18- and 19-year-old boys at least 1 year's training before sending them into foreign combat.

There are plenty of men within the present draft age, in this country and the countries allied with us, to meet the demands, at least until these young boys are adequately trained.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. McCORMACK. I have a letter from General Marshall, dated November 9, which I would like to read.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, November 9, 1942.

Hon. JOHN W. McCORMACK,
House of Representatives.

DEAR MR. McCORMACK: This is in response to your request for a letter indicating the effect which restrictions on the use of soldiers will have on the war effort.

My views on this matter were stated in a letter to Mr. WADSWORTH and in testimony before the Military Affairs Committee. In addition I might state that after detailed study the War Department finds that these restrictions will make it necessary to secure authority to induct an additional 500,000 men above our previously calculated requirements. The War Department is faced with a realistic situation and must proceed with the organization of units and replacements in accord with the necessities of the war.

In addition to complicating the critical manpower problem, these restrictions will force the induction of large numbers of men with dependents and others engaged in vital war industries. They will also force us to assign men to combat units who are not physically equipped to meet the rigors of active warfare.

For months the War Department has worked on strategic plans, which are based upon a definite troop and replacement basis. The restrictions referred to will seriously affect these plans, to a degree which I do not believe is generally understood. I most earnestly hope that the Congress will not hamper us at this critical period. I am more interested in giving adequate training to our young men than almost any other individual in this country, because I am fully aware of the peril of employing partially trained troops, and I am in a position of the greatest responsibility in this matter.

Faithfully yours,

G. C. MARSHALL,
Chief of Staff.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield further?

Mr. THOMASON. I yield.

Mr. RANKIN of Mississippi. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD at this point and to quote from General Pershing on this proposition of sending men overseas without adequate training.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, one of the worst blunders we could make would be to send these 18- and 19-year-old boys into combat without giving them at least a year's training.

We remember too well the tragedies of the last war, when men, even grown men, were sent into foreign combat without adequate training. With all deference to General Marshall, whom I admire very much, I wish to quote from Gen. John J. Pershing, commander of our overseas forces in the last war, on this very subject. On page 278 of volume 2 of his memoirs, General Pershing says:

> Among our troops recently arrived there was a serious lack of training in the use of the rifle. It seemed inexcusable to send over men who were deficient in this very elementary step in preparation, even though there may not have been time to train them otherwise. The idea apparently prevailed at home that three months' instruction was sufficient, but it was never conceded by me that this was anything like adequate. Even though the shipment of troops was much more rapid than was ever expected, making it often necessary to send units whether their personnel was trained or untrained, some instruction in the use of the rifle should have been given.

It is bad enough to draft these teenage boys at all, but to do so without guaranteeing them at least 1 year's training before sending them into foreign combat is to me unthinkable.

It is said that Napoleon in one of his campaigns wrote back to Paris to send him men and not to send any more boys.

In the words of Jefferson Davis, let us not grind the seed corn of the Republic by stripping our farms of these young boys and then sending them to the battlefronts of the world without adequate training, as was done in the last war, according to the words of General Pershing which I have just quoted.

I hope my motion is adopted.

Mr. ANDREWS. Mr. Speaker, the following points are pertinent in a discussion as to the effect which the restrictions imposed by the O'Daniel amendment will have on the Army, the Nation, and the war effort:

THERE IS A GREAT DIFFERENCE IN THE TIME INVOLVED IN THE TRAINING OF AN INDIVIDUAL AND THE TRAINING OF A UNIT

A division is a team and must have experience working together as a team. The artillery must be taught not to fire on the infantry. The staff and command system must be trained to work smoothly. The kinks must be taken out of the supply and communication agencies.

If team training is complete, it is not necessary that any particular individual or group in the division have a year's training because experience in combat has indicated that sizable proportions of individuals can be assimilated by units without the efficiency of the unit as a whole deteriorating. Also a sizable proportion of Army units are nondivisional and technical in nature. The team training of these units can be completed in a much shorter time than that required for a division.

THE RESTRICTION WHICH GREAT BRITAIN HAS PUT ON 18-YEAR-OLDS IS NOT PERTINENT TO OUR PROBLEM

One complication of the situation is the restriction which England has placed on movement of 18-year-olds overseas. England's situation in this matter is entirely different from ours. A sizable number of 18-year-olds in England are entering the R. A. F. and these restrictions do not apply to flights over Europe which with the hazards involved nullify the restriction. Also, the British Isles themselves are a potential front line at any time and continuously subject to invasion. It is advantageous to keep the younger and more vigorous men employed at that critical spot.

ASIDE FROM THE TREMENDOUS ADMINISTRATIVE BURDENS INVOLVED, THESE RESTRICTIONS WILL DISRUPT OUR PLANNED EMPLOYMENT OF UNITS FOR CONTEMPLATED OPERATIONS

Consider the case of a division which was activated 6 months ago. It has been training as a unit and in the judgment of the War Department will be ready for combat in another 6 months. There invariably exist in units of this kind a number of vacancies which may run into the thousands. They may be due to normal attrition, to the furnishing of cadres, or due to transfers to fill up another division scheduled for imminent movement overseas. The latter procedure is what the War Department is trying to stop. At any rate, there are, say, a thousand vacancies which must be filled if the division is to continue its training.

Where are the men to come from to complete the strength of this division? The logical source is the group which has just completed 3 months' training at a replacement training center. Suppose a large proportion are 18-year-olds and we assigned them to this particular division. The new men are a small proportion; they join units filled, comparatively speaking, with veterans. Within a week they learn tricks that it would have taken months to learn were they on their own in a division of recruits. They join a going concern, and being younger are more adaptable. Suppose this division continues its training for another 6 months and is ready to go overseas. The division must be lined up, all records examined, and a compilation made to see who has served 365 days and who has not. The division has had a year but some of its members have had only 9 months' service, and under the present limitations imposed on us the 18-year-olds have to be transferred out and the division finds itself exactly as it was 6 months ago with the same number of vacancies. In effect it has marked time for 6 months.

An alternate proposal, of course, would have been to assign older men to this particular division. However, the Army already has too many older men and it is the young men who are wanted. It is the older men that the War Department is trying to get rid of. And instead of being able to utilize American manpower to its best advantage, the War Department is particularly restricted because of a group which has had perhaps 11 but not the 12 months' training required by law.

One of the principal reasons the War Department especially desired the 18- and 19-year-old men was to stop the steadily rising average age in our trained divisions. The imposition of the proposed restriction will aggravate rather than correct this condition, since the only source of men from which we can fill existing units, that must be employed before the expiration of a year's time, will be from the older men now being inducted, and whose induction would necessarily continue.

Under this restriction these men cannot be used in the ground echelons of the Army Air Forces combat groups which comprise 75 percent of the air forces overseas. If we are to continue to build up our air forces in overseas theaters, many older men must be stripped from the training establishment in the United States at a time when our pilot and combat crew training program is already under a most severe strain. This heavy turn-over might very well cause the collapse of the Air Forces training structure with disastrous results to our air effort.

A PARADOXICAL EFFECT OF THESE RESTRICTIONS WILL BE THAT SOME MEMBERS OF THE ARMY WILL BE GIVEN MORE TRAINING IN THE UNITED STATES THAN IS NECESSARY

When the 18-year-olds are assigned to divisions they will join trained cadres composed of men who have been in the service some time. The members of these cadres are picked for their qualifications and in most instances have had a year or possibly a year and a half's service when the new division is activated. The cadres are made up of men available for combat and they form the nucleus of the new division. By the time the 18-year-olds in the new division have completed a year's training, a portion of the division will have completed two or two and a half year's training, and although the division may well have been capable of moving overseas prior to the completion of the year, both the 18-year-olds and the experienced soldiers must remain in the United States. With respect to the experienced soldiers, this means that the men who need the training the least will get the most. When spread all over the Army this requirement now imposed by pending legislation will involve thousands of men and will slow up the rate at which we can use our effectives for offensive operations.

THESE RESTRICTIONS WILL INEVITABLY RESULT IN AN INEFFICIENT USE OF OUR PERSONNEL

Consider a 19-year-old technician—a radioman, for example. He gets his basic training which has given him the fundamentals of soldiering. The signal unit to which he is assigned has been in existence and is scheduled to be moved to a location where the possibilities of physical combat with the enemy are remote. After 6 months' service he is ready to go overseas and he would be in what we would consider a safe locality. His unit needs him, and he has the qualifications, but because he has not served a

year, he is left behind. The Army then has to find another unit which has a vacancy for a man of his qualifications and yet will not leave before his year is up. If no such unit exists, it has to do something with him, and an expert radio technician may end up wielding a pick and shovel. In other words, the War Department will not be able to assign these men where their talents can best be utilized. There are many nondivisional technical units in the Army which do not require a year's training before they can be sent overseas. In other words, their unit training can be shortened tremendously because of their size and the nature of their duties, which often involve service in rear areas. The utilization of these small units overseas would be tremendously restricted if any of the 18-year-olds were assigned to them. Consequently, it may become impracticable to use the technicians that are inducted among the 18-year-olds.

A similar situation exists with regard to other nondivisional units, such as general service engineers whose work is essentially individual, or a truck company for which many men have adequate experience when inducted. In such units the year's team training necessary for a division is not required. Many of the units of this nature are necessary for air base maintenance units and there is no necessity whatsoever for its members having a year's training.

Many men who have natural aptitudes for such relatively secure assignments as motor mechanics, clerical workers, electricians, and so forth, would nevertheless of necessity have to be assigned to combat units to carry a rifle or fire a machine gun. This not only prevents the most efficient use of the man and his natural aptitudes and abilities, but reduces his own opportunities to render maximum service. It will, in most cases, expose him eventually to far greater hazards than he would otherwise have encountered.

THE REQUIREMENT THAT 18- AND 19-YEAR-OLDS CANNOT LEAVE THE UNITED STATES IS NOT CONSISTENT WITH THE INTENT OF THE RESTRICTION

It very often becomes desirable to send units to overseas bases at which immediate combat is not anticipated and where they can complete their training. For instance, there are thousands of troops in Hawaii, various island bases in the Caribbean, in Iceland, and in Newfoundland. Although they are fulfilling a very definite mission, they need not have the year's training before they leave the United States and can complete their training overseas. Their movement to these bases is often necessary on short notice because of our critical limitation in shipping or to vacate urgently needed housing in the United States. These movements have a particular advantage because these troops are able to finish their training in the climate and terrain in which they will probably operate.

The fact that a man is stationed in the United States does not make his service safer. For instance, the Army annual death rate in the United States is running about 2.15 per thousand; in Iceland, it is 1.62 per thousand, a substantially lower figure. The death rate among Army troops in Bermuda is about half that of the United States, but yet under these restrictions the War Department could not send a soldier in combat units to Bermuda until he had had a year's training in the United States. The absurdity of the present restrictions as passed by the Senate is indicated by the fact that the War Department could not send a man to Puerto Rico where to date the principal hazard has been sunburn, but it can take an 18-year-old boy who has been in the service for 1 day, fly him to Alaska and put him in action against the Japs without any training at all. Also, under these restrictions troops in this category could not be moved into either Canada or Mexico in case of an emergency.

THE WAR DEPARTMENT SHOULD BE PERMITTED TO DECIDE WHEN TROOPS SHOULD BE SENT OVERSEAS

The Army is the only agency competent to judge whether or not the soldier's training has reached the point where he is competent to engage in combat. The War Department is faced with the responsibility of conducting operations and it would negate all efforts if mer were sent into combat before they were suitably trained. In other words, the War Department would be the most reluctant of all to send a man in combat before the proper time.

THESE RESTRICTIONS WILL PREVENT US FROM BUILDING UP AN IMMEDIATELY AVAILABLE POWERFUL STRIKING FORCE CAPABLE OF TAKING QUICK ADVANTAGE OF ANY STRATEGIC OPPORTUNITY WHICH MIGHT ARISE

Military history is replete with examples where unexpected opportunities have arisen for decisive action which was not taken because of failure to provide a powerful exploiting force or other means. The Germans' first use of gas in 1915 at Ypres, the British first tank attack at Cambrai in 1917, and the German failure to follow up Dunkerque are examples.

This country should be able to take quick advantage of any opportunity which may arise to bring the war to an unexpected close. There must be built up in this country a powerful force poised for swift and decisive action in any theater. If the War Department is hampered by legislative restrictions, it cannot build up such a force, and even were it available, the restrictions would delay its employment, possibly at a critical phase of the war.

THESE RESTRICTIONS WILL COMPLICATE TREMENDOUSLY OUR PRESENT NATION-WIDE MANPOWER PROBLEM

Regardless of new legislation, the War Department must go ahead and expand the Army into a force that can be used in accordance with present commitments or as the necessities of the situation dictate. The 18- to 19-year-olds will have to be inducted in addition to other quotas, which would probably mean that 500,000 additional men would have to be inducted in 1943. This will mean—

First. That large numbers of farmers, defense workers, and so forth, will have to be called with the attendant disorganization of industry.

Second. We will have to continue calling the older men with dependents, which is exactly what we do not wish to do.

Third. It will be impracticable to carry out our present plans for releasing many of the older men.

IF THESE RESTRICTIONS ARE IMPOSED ON THE WAR DEPARTMENT, IT MAY WELL ESTABLISH A PRINCIPLE WHICH WILL RESULT IN THE LOSS OF THE WAR

Perhaps the most devastating effect of this proposal is that it ties the Army's hands in time of war. Every resource, every bit of ingenuity, every bit of native ability which exists in the United States is going to be necessary in order to win this war.

With the shortage in shipping, the tremendous length of the line of communications, the colossal logistic requirements of warfare today, any factor large or small which in any way adds to present difficulties, is a menace to the security of this Nation.

One-third of our divisions—all of the new ones to be created in 1943—and many of their supporting combat and service units will be frozen under this restriction. Our enemies will not be so remiss as to fail to calculate the effect of this amendment on our combat capabilities. It will be a source of great comfort to them to know that one-third of our ground combat strength can be discounted for at least another year.

In a measure this limitation sets the Army back 2 years in the war effort. It sets it back to the restrictions which were placed on the utilization of our soldiers by the original Selective Service Act. At that time the Nation was at peace and although the War and Navy Departments realized the precariousness of our position, they had to go ahead while their hands were shackled with legislative restrictions. It is easy to recall the involved administrative difficulties while planning the movement of a comparatively small number of men to Iceland, a movement which has been of critical importance to us ever since.

Also, 3 months before Pearl Harbor a measure to prevent the disintegration of the Army was passed by one vote.

There is more to this particular proviso than meets the eye. The big matter at stake is whether the War Department is to be permitted to operate this war on the basis of efficiency or drag along beset with restrictions imposed by particular groups. Public sentiment on the War Department's proposal appears to be about evenly divided. The parents of 18-year-old boys bitterly attack the proposal. The other half, which consists principally of wives and relatives of the older men, think the proposal is fine because it will mean that these older men wil be released from the Army.

Both groups are motivated purely by the way the issue affects themselves. The fate of this Nation is at stake and the War Department cannot be expected to wage a successful war against such unrelenting and ruthless enemies as the Germans and Japanese if handicapped by unreasonable limitations and restrictions.

WITH WARFARE AS IT IS BEING FOUGHT TODAY IT IS IMPOSSIBLE TO DEFINE "ACTUAL COMBAT DUTY"

The development and use of the airplane has made the entire world a combat zone. It is possible that troops stationed in the United States would become immediately involved in "combat duty" in the event of an air raid. During the present war everyone is potentially on combat duty wherever he is. This even extends to civilians who perform air-raid functions, demolition clearing functions, etc. It is thus impossible to define combat duty and any attempt to do so would involve the War Department in a hopeless entanglement of technicalities. Under this restriction an 18-year-old radio operator in the crew of an airplane could not fly off the United States shore in an antisubmarine patrol until he has had 1 year's training.

THE IMPOSITION OF THESE RESTRICTIONS WILL VERY PROBABLY RESULT IN GREATER CASUALTIES AMONG THE 18- 19-YEAR-OLD GROUP

The only practical way in which we could handle the 18- and 19-year-olds under this proposed restriction would be to concentrate them in units earmarked as not available for overseas service until 1944. Since the only such units that we could practically employ for this would be new combat divisions, this would mean that we must assign practically all of these men to combat divisions, irrespective of their aptitudes, education, occupational skill, and so forth, thus practically nullifying the very thorough classification system now in use. The effect of this procedure would be to give us many divisions composed almost entirely of 18- and 19-year-old men, instead of leavening the experience and stability of older units with the qualities of youth. Although they will, in a measure, be elite divisions, it can be expected that these young divisions when committed to combat will suffer losses unduly heavy because of the natural daring of youth and the lack of the leavening of older men who furnish steadiness and experience. On the other hand, battle casualties and other losses in forces now overseas or to go overseas must be supplied for the next year from the older age groups—from married men and men with dependents. Instead of these older units being revitalized with tough, enthusiastic young soldiers their battle efficiency will be depreciated.

THE IMPOSITION OF THESE RESTRICTIONS WILL ACTUALLY WORK AGAINST THE INTERESTS OF THE GROUPS THEY ARE DESIGNED TO PROTECT AND WILL REDUCE THEIR OPPORTUNITIES IN THE ARMY

The officer candidate schools must produce officers for existing units, as well as for new units being activated. Since existing units must be shipped overseas according to a planned program, we could not send the 18- and 19-year-old men in any large numbers to the candidate schools and use up facilities that must provide officers for units moving overseas and for units already overseas. The proposed restriction would, therefore, greatly curtail promotion opportunities for these young men and would deny us their services as officers for a considerably longer period than is, in many cases, necessary.

A high percentage of our enlisted personnel is sent to technical schools where they obtain training not only of value to the Army but that will be of inestimable value to the men when they return to civil life. This technical training provides probably the greatest opportunity for advancement in noncommissioned grades. The new divisions, in which the 18- and 19-year-olds would have to be concentrated, use probably the smallest proportion of these technically trained men than any other type organization. The effect of the restriction in this instance also would deprive these men of the opportunity for valuable technical training and would greatly reduce their promotion opportunities.

Mr. JENKINS of Ohio. Mr. Speaker, when this matter was before the House I voted for the provision that would have provided that 18- and 19-year-old boys would have at least 1 year's military training before they would be sent into foreign service. I am still of that opinion, and for that reason I shall vote for the Rankin motion to instruct the conferees to support the Senate amendment which provides for this training.

I also voted in the House to omit the 18-year-old boys from the draft at this time, but that provision was defeated in the House and is not before us today.

Mr. RICH. Mr. Speaker, another solemn moment in the life of a Congressman has arrived, a moment when we are called upon to vote on the question of whether the 18- and 19-year-old youth of America shall be drafted by the Army to fight on foreign soil. A person is better qualified by reason of training and experience, regardless of what the job may be, or the age of the person, and this is particularly true of boys 18 and 19 years of age. After all, a youth is only a boy until he has reached his twentieth birthday. Certainly a year's military training in college or the Army would much better fit a boy for warfare at home or abroad, where he would be 3,000 to 1,200 miles away from home and family.

On October 30, 1940, Mr. Roosevelt made his famous promise in a speech at Boston, Mass., and I quote from that speech:

And while I am talking to you, fathers and mothers, I give you one more assurance. I have said this before, and I shall say it again, and again, and again. Your boys are not going to be sent into any foreign wars.

Well, today I may say that if the 18- and 19-year-olds must be sent to foreign countries, it is our responsibility to see that they are given proper and adequate training. We should give them every protection we possibly can, and the best thing we can do for their protection and ours as well is to see that they are trained and properly qualified for combat service. Let us have no more inductions today and overseas tomorrow. We should benefit by the lessons we learned in this regard in World War No. 1.

Let me quote General Marshall in his testimony:

If he is a replacement—meaning replacing a casualty for some reason or another—in a trained unit, we could start him toward an active theater with fair efficiency at the end of 3 or 4 months, plus the time necessary to get him to the theater. If it is a new unit being organized, then a minimum of 12 months is necessary; the Germans take 24 months.

Let me quote Senator GILLETTE, of Iowa:

In 1918 I received orders to have a group of junior officers to train 1,800 newly inducted draft men and to have them ready for embarkation in 3 weeks' time to send to France. We did that.

Let me quote Senator JOHNSON of California:

In New Zealand on July 22, 1942, 18-year-old boys were called, but they are not sent overseas until they are 21. They are kept in camps and trained until they are 21.

In Canada men between the ages of 19 and 45 are subject to service, but Canada is actually calling men only 19 to 40 and only single men. Nineteen-year-old men were not called until about the end of September, and Canada is not now taking 18-year-old boys.

After deliberation and plenty of meditation, I shall vote to give the 18- and 19-year-old youths of our land a year's training before they be sent abroad.

Mr. THOMASON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Mississippi, Mr. RANKIN.

The question was taken; and on a division (demanded by Mr. RANKIN of Mississippi and Mr. ANDREWS) there were ayes 40 and noes 178.

Mr. RANKIN of Mississippi. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER (after counting). Thirty-four Members have arisen; not a sufficient number.

The yeas and nays were refused.

The SPEAKER. The Chair appoints the following conferees: Mr. MAY, Mr. THOMASON, Mr. HARTER, Mr. ANDREWS, and Mr. SHORT.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to insert in the RECORD in connection with my remarks on the extension of the draft act, the letter received from General Marshall.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to insert in the RECORD, in connection with the motion of the gentleman from Mississippi, [Mr. RANKIN], to instruct the conferees, a short statement covering this motion.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to insert in the RECORD an English translation of the address of President Roosevelt delivered in French to the French people; second to insert an English translation of the statement broadcast by General Eisenhower to the French people; and third, to insert an English translation of the joint American-British declaration regarding the present activities in north Africa.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech I made over the radio recently.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LOVE STORIES AND THE WAR EFFORT

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, a week ago the people of the United States demanded that we give full support to the war effort. Last Saturday morning in the New York Herald Tribune there was a 2-column release by the Office of War Information to the effect that they were going to train 30,000,000 American people to write love stories. Is it not time that agencies of the Government stopped fooling away the people's money and got behind the war effort instead of impeding it?

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert therein a communication I desire to call to the attention of the membership.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. FULMER, Mr. COLE, Mr. CASEY of Massachusetts, and Mr. BURDICK asked and were given permission to extend their own remarks in the RECORD.)

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the President of the United States to His Eminence, Cardinal Dougherty, together with addresses by the Right Reverend Monsignor J. Carroll McCormick, chancelor of the archdiocese of Philadelphia, and the Right Reverend Monsignor John J. Bonner, diocesan superintendent of schools in Philadelphia at a solemn pontifical mass in the city of Philadelphia for victory for our armed forces. The celebrant was the Most Reverend George L. Leech, bishop of Harrisburg.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks on three subjects and to include therein correspondence with the Washington Post, and other matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a magazine article by Eduard C. Lindman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a recent radio address.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in two instances, one concerning peanuts and one concerning Thanksgiving.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from Hon. James A. Farley.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MANSFIELD] may be permitted to extend his own remarks in the RECORD and include an address by Maj. Gen. Thomas M. Robins, Assistant Chief of Engineers, United States Army, before the Intracoastal Canal Association of Louisiana and Texas at Harlingen, Tex., on October 31, 1942.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. KLEBERG]?

There was no objection.

Mr. KLEBERG. Mr. Speaker, I further ask unanimous consent to extend my own remarks in the RECORD and to include an address by the Honorable J. J. MANSFIELD, chairman of the House Committee on Rivers and Harbors, read to the delegates present at the thirty-seventh annual convention of the Intracoastal Canal Association of Louisiana and Texas, held at Harlingen, Tex., on October 31, 1942.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. KLEBERG]?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a copy of a letter I have written today to Leon Henderson.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

(Mr. HOLLAND asked and was given permission to extend his own remarks in the RECORD.)

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two instances: One, to include a poem appearing in the New York Times by Mr. Arslinger of the Library of Congress; and, two, a statement on motion pictures and the war, published in the New York Times of today.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on gas rationing in Michigan.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. RABAUT]?

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and also to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LEA]?

There was no objection.

[Mr. LEA addressed the House. His remarks appear in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may address the House for 20 minutes on Tuesday next after the disposition of business on the Speaker's table and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

(Mr. PADDOCK asked and was given permission to extend his own remarks in the RECORD.)

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of prohibition.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on tomorrow after disposition of matters on the Speaker's table and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that on Wednesday next, after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered, the gentleman from Massachusetts [Mr. GIFFORD] may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, at the conclusion of all legislative business tomorrow and after any special orders

heretofore entered, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENSON (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of sickness in family.

To Mr. DIES, indefinitely, on account of death in family.

To Mr. LECOMPTE (at the request of Mr. GWYNNE), for 1 week, on account of illness.

To Mr. DINGELL (at the request of Mr. RABAUT), indefinitely, on account of sickness.

To Mr. FLANNAGAN (at the request of Mr. BLAND), for 1 day, on account of official business

To Mr. OLIVER (at the request of Mr. BLAND), indefinitely, on account of official business.

To Mr. ELIOT of Massachusetts, for 1 day, on account of illness in family.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway land in the District of Columbia; and

H. R 7621. An act to amend the District of Columbia Unemployment Compensation Act.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Tuesday, November 10, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1936. Under clause 2 of rule XXIV, a letter from the Chairman of the Reconstruction Finance Corporation, transmitting the report of the Reconstruction Finance Corporation for the month of August 1942, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOUGHTON:

H. R. 7762. A bill to facilitate, to the extent required for the effective prosecution of the war, the free movement of persons, property, and information into and out of the United States; to the Committee on Ways and Means.

By Mr. KLEBERG:

H. R. 7763. A bill to preserve certain drawback rights upon the exportation of sugar products; to the Committee on Ways and Means.

By Mr. NICHOLS:

H. R. 7764. A bill to amend the Civil Aeronautics Act of 1938, as amended, to further regulate the operation and navigation of aircraft using the navigable air space overlying the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG:

H. Res. 567. Resolution to amend section II of House Resolution 125, Seventy-seventh Congress, as amended by House Resolution 403, Seventy-seventh Congress; to the Committee on Rules.

H. Res. 568. Resolution providing an additional $50,000 for the Select Committee to Investigate Air Accidents; to the Committee on Accounts.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 10, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious and merciful Lord, we pray that we may grow into that higher life in which our hearts go out lovingly to our fellow men with all the tender ties of friendship, human and divine. We rejoice that hope is strong and faith dare not be weak for the earth is Thine and truth and justice shall never have a sunset. We pray that we may be men and women of God, repeating words which Thou hast said, reflecting the life which Thou hast shown, being only—"Broken lights of Thee, and Thou O Lord art more than they."

We praise Thee that Thou has unveiled the face of that One who is the world's supreme guide and teacher, the ideal of all that is best and the revelation of all that is truest in the breast of divine love. For love's sweet sake give guidance and counsel, leading us to stoop and toil with patient hands to clothe others with our thought and sympathy, lifting the shield above the shrinking sufferers. With tireless zeal may we plan and labor for the unfortunate and for the children of the unhappy poor. Oh, grant that we may never use our superior power or position to thrust back, but may honor and truth sanctify all our works. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Acting President pro tempore had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments:

1. Department of Agriculture.
2. Department of Commerce.
3. Department of the Navy.

THE UNITED STATES MARINE CORPS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, the United States marines fighting our cause on distant battlefields today are inspired by events of the past as well as the present. They are the possessors of a proud tradition which had its inception with the beginning of American freedom in 1775.

On November 10, 1775, a Corps of Marines was authorized by the Continental Congress. Today the Nation joins the Marine Corps in observing the one hundred and sixty-seventh anniversary of that birth.

During these 167 years, American marines have distinguished themselves in action throughout the world. As the shore arm of the Navy, or serving on land with the Army, and now winging through the skies, the marines have gained honor and respect for the United States wherever they have gone.

The Marine Corps tradition of victory began in the early days of the Revolutionary War when a detachment of the new sea fighters landed at New Providence and captured Forts Montague and Nassau. The victory was an important one, for the prize taken was a large store of ammunition and equipment.

With Washington on land and with John Paul Jones at sea, the marines continued to add their share of heroism to the victories that set America free.

At Derna, Tripoli, in 1805, the marines raised the first American flag ever to fly over an Old World fortress. They had taken an active and courageous part in the difficult task of conquering the Barbary pirates who had made the Mediterranean a death trap for American citizens and ships.

In 1812, when the *Constitution* defeated the *Guerriere*, the marines were in the thick of the fight. Carrying on their tradition of fighting on land as well as at sea, they gained praise for action with General Dearborn and with General Jackson at New Orleans.

Through the Mexican War and the Civil War the marines carried forward their tradition of victory. At the same time they were doing their part in important missions undertaken by the Navy. Detachments of marines formed part of Commodore Perry's expedition to Japan when he opened the doors to the Mikado's realm in 1854.

Guantanamo Bay was the scene of the marines' major achievement during the Spanish War. There they led an attack that cleared the enemy from the vicinity of the bay so that it might be used as a base for successful action against the Spanish Fleet in nearby waters.

In 1917 and 1918 the Fourth and Fifth Brigades of Marines established traditions of sacrifice and victory that can never die. Especially in the Chateau Thierry, the Aisne-Marne, and the Meuse-Argonne offensives did they fight so valiantly that not only their own

countrymen but all the Allied peoples gave the corps their highest praises.

Not only in times of war but in times of peace, when the security or the honor of the United States has been threatened, our people have become accustomed to the news: "The marines have landed and have the situation well in hand."

Now that we are engaged in the greatest conflict of all time, it is reassuring to observe that the United States Marine Corps today rededicates itself to the preservation of these traditions. To the victories of the past 167 years are being added the vital victories of 1942.

The American people are proud of the United States Marine Corps and are confident it will do its part to perpetuate for the future the great freedoms won by blood and toil in the past.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein comments from the Los Angeles Times.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

(Mr. SATTERFIELD asked and was given permission to extend his own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PORT OF BALTIMORE

Mr. MEYER of Maryland. Mr. Speaker, I was very much distressed to read in the columns of the local paper, the Sun, this morning that Mr. Stevenson Masson, president of the Baltimore Custom House Brokers' and Forwarders' Association, feared for the future of the local port of Baltimore. Charges were made by Mr. Masson last night that the War Shipping Administration has never shown the slightest cooperation in its dealings with brokers and forwarders of the port of Baltimore and that ambitious politicians have taken business from the local port.

As a Baltimorean, I have always been justly proud of the port of Baltimore, which ranks third in the Nation. When I became a Member of the Seventy-seventh Congress one of the first things I undertook was assistance to the port of Baltimore. I tried to work out a friendly relation between the Maritime Commission, the War Shipping Administration, and the port of Baltimore. As a member of the Committee on the Merchant Marine and Fisheries I took an active part in the deliberations of the committee on the bill known as the Bland Act, which was intended to bring the forwarding of United States lend-lease shipments back to the hands of American forwarders.

According to Mr. Masson, the War Shipping Administration is not carrying out its duties and is not properly administering the regulations under the Bland Act. If this be the case, I think that a serious situation exists which should be of interest to all Congressmen along the Atlantic coast and I think we might well look into the matter. If politics plays a part in the disuse of the port of Baltimore and its facilities, this is serious enough to warrant the prompt investigation of the facts and swift remedial action of a dignity justified by the disclosures.

Whether or not Mr. Masson's charges can be supported, there are certain facts which certainly do not make sense. Why in this critical period of shipping war supplies abroad should the third port of the Nation be permitted to dissipate its manpower and waste its equipment and facilities? In several instances during the past year, at the urgent request of the freight forwarders, longshoremen, and the Baltimore Association of Commerce, I have made demands upon the Federal agencies to increase the volume of lend-lease shipping through the port of Baltimore. In most of these instances it was asserted by the port authorities that Baltimore was without any ships to load, yet Philadelphia and Boston were extremely congested and short of needed manpower and facilities because of an oversupply of cargo vessels. It was conceded by all parties that Baltimore is a direct route and has ample facilities to meet all exigencies. It is also a fact that Baltimore is one of our largest shipbuilding centers. It does seem strange that the finished ships must leave here empty.

LEAVE OF ABSENCE

Mr. EATON. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New Jersey [Mr. POWERS] be granted an indefinite leave of absence on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RATIONING OF GASOLINE, FUEL OIL, AND KEROSENE IS UNNECESSARY AND IMPRACTICAL IN OIL-PRODUCING AREAS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

[Mr. CARLSON addressed the House. His remarks appear in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the other special orders, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GOVERNMENT EXPENDITURES

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I want to present something new to the Members of the House this morning, new simply because of its greatness.

When I look at the Treasury statement of November 6, I find we are in the red over $98,000,000,000. This is the highest mark we have ever reached. Since July 1, 17 weeks ago, we have gone in the red $19,500,000,000, or over a billion a week. The President of the United States should immediately stop all unnecessary expenditures and do as he promised the people he would in 1932, consolidate offices and eliminate bureaus. There are many, many, many bureaus that could be eliminated now because they are a hindrance to the war effort rather than a furtherance.

One reason why so much money is being spent is because of lease-lend. We are a little too free in passing things out to the other fellow, but this administration has always been in that category.

The staggering expenditures this administration is making can be realized a little better when we learn that Great Britain's spending amounts to only about $14,000,000,000 a year. Great Britain raises $7,000,000,000 a year in taxation. Let us compare that with figures for our own country. The United States is now spending $80,000,000,000 a year—about $74,000,000,000 for war and lease-lend and about $6,000,000,000 for the operation of the regular Government activities. We are raising by taxation about $23,500,000,000. This means we shall be compelled to borrow this year about $57,000,000,000. Does not this appall you? Is not this the biggest thing you can think of? Certainly we ought to get right down to sound thinking and appeal to this administration to comb out every extravagance. This would eliminate a sizable part of the spending. If this cannot be done, I fear for the safety of America, because when a country breaks down financially it breaks down in every way.

Mr. President, I appeal to you today to issue an order stopping wasteful and extravagant expenditures.

EXTENSION OF REMARKS

Mr. TARVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial from the Rome (Ga.) News-Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE 40-HOUR WEEK

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Speaker, the conferees are now considering the bill which will take the high school and other boys 18 years of age into the service. These boys will go into the service on a 24-hour basis. Many of them will be under fire, just as the marines in the Solomons are under fire 24 hours a day. You, I, and all of us will have to answer to the American people as to why it is, if a shortage of manpower is responsible for this condition, that we sit here and say to the industries of this country, "40 hours is your limit, and beyond that you must not work."

If manpower is needed to the extent that we are to consider drafting 18-year-old high-school boys, and emptying our colleges—yes, even taking the 18-year-olds away from their home environment—then the 40-hour-per-week law is indefensible. This world is on fire, and it is no time for 40-hour soldiers or 40-hour-per-week war workers. This is my protest against what I regard as an unjustifiable wrong about to be committed.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HEFFERNAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a prayer delivered at the dedication of a service flag in memory of the Butler family at Marymount College, in Tarrytown, N. Y.

The SPEAKER. Is there objection?

There was no objection.

ALASKA TERRITORIAL LEGISLATURE

Mr. PATTON. Mr. Speaker, I call up the conference report on the bill (H. R. 5458) to amend the Organic Act of Alaska, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas that the statement be read in lieu of the report?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman from Texas [Mr. PATTON] or the Delegate from Alaska [Mr. DIMOND] be good enough to explain the bill?

Mr. PATTON. The Delegate from Alaska [Mr. DIMOND] is familiar with the bill, and I will ask him to explain it.

Mr. DIMOND. Mr. Speaker, this bill passed the House many months ago by unanimous consent. It is a bill for the reapportionment of the Alaska Territorial Legislature. The principal purpose of the bill is to provide that the house of representatives of that legislature shall be elected on a population basis rather than in equal numbers from arbitrary judicial districts, as is now the case. When the bill went to the Senate, the Senate added an amendment seeking to make the bill immediately effective, but at the time the bill passed the Senate, the primaries in Alaska had already been arranged for, and so it would have been impossible to put the bill into effect immediately. The bill went to conference, and the conferees have agreed that instead of attempting to make the bill go into effect right away, which is obviously impossible, as the general Territorial election was held on September 8 of this year, the bill shall go into effect for the election of the next legislature, in the Territory of Alaska, to be held in 1944. That is when the change will take place.

Mr. MARTIN of Masachusetts. And that is the only change in the Senate bill?

Mr. DIMOND. Yes.

Mr. MARTIN of Massachusetts. And this is a unanimous report on the part of the conferees?

Mr. DIMOND. Yes. The bill came out of the House Committee on Territories by unanimous report, and passed the House by unanimous consent. It passed the Senate by unanimous consent, and all of the conferees have agreed to this report. The statement attached to the report gives the details.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5458), "To amend the Organic Act of Alaska", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the bill.

That the engrossed bill be further amended as follows:

On page 2, line 8, strike out the term "1942" and in lieu thereof insert the term "1944";

On page 2, line 15, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth";

On page 7, line 18, strike out the word "sixteenth" and insert in lieu thereof the word "seventeenth".

And that the Senate and the House agree to the same.

LEX GREEN,
NAT PATTON,
LEWIS K. ROCKEFELLER,
USHER L. BURDICK,
Managers on the part of the House.

M. E. TYDINGS,
A. H. VANDENBERG,
GERALD P. NYE,
CARL HAYDEN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill, H. R. 5458, to amend the Organic Act of Alaska, submit the following statement in explanation of the effect of the action agreed upon by the conference and recommended in the accompanying conference report:

The bill provides for reapportionment of the Alaska Territorial Legislature, increasing the membership of both Senate and House and placing representation in the House on a population basis. The conferees have agreed that the Act should not go into effect until 1944 when the next General Territorial Election will be held.

The bill was passed by the Senate after the closing date for filing of declarations of candidacy for the Alaska primary election, wherein candidates for the Legislature are nominated by the political parties, or may file as independent candidates.

The Senate amendment added Section 4 (b) to the bill in an attempt to provide for filling the additional legislative places, namely, eight in the Senate and eight in the House, for the 1942 election, which occurred September 8, 1942, and also to provide, in case of necessity, for a special election for that purpose. Despite the Senate amendment embraced in proposed Section 4 (b), no legal machinery exists in Alaska whereby such additional candidates could have been or may now be nominated either in primary elections or in party conventions, and hence the eight additional members of the House and eight additional members of the Senate provided for in the bill could have been elected at the general election held on September 8, 1942, only through having their names written in by the individual voters on the official ballots. The general election in Alaska for 1942, having already taken place, there is not sufficient justification for calling a special election to fill the additional members of the Legislature provided by the bill.

A part of Alaska is now a battle-ground, several of the Aleutian Islands having been seized by the enemy. With war at their doors, it appears that the people of the Territory are so much preoccupied with the war effort that they much prefer to continue for the present without legislative change and to postpone the effective date of the act until the next general election, that of 1944.

In view of the war conditions and the difficulty and expense which would necessarily result from putting the act into effect immediately, it is considered better to postpone the going into effect of the act until 1944 when a new Legislature will be regularly elected. Accordingly, the adoption of the amendments suggested in the conference report would postpone the effective date of the act until 1944. This action has been recommended by the Territorial Board of Administration, consisting of the heads of the several administrative departments in Alaska including the then Acting Governor, and is concurred in by the Delegate from Alaska.

LEX GREEN,
NAT PATTON,
LEWIS K. ROCKEFELLER,
USHER L. BURDICK,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include a short article on gas rationing as it affects my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILLIE. Also, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a short editorial.

The SPEAKER. Is there objection?

There was no objection.

THE DRAFTING OF TEEN-AGE YOUNG MEN

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, in reply to the gentleman from North Carolina [Mr. BARDEN] it is unnecessary for me to say that I did every-

thing that I could to get a year's training for these teen-age boys before sending them into foreign combat, where they are to take the places of those men, within the present draft age, who are using their positions on the Federal pay roll and with certain labor organizations as an excuse for exemption from the draft.

I was told this morning that there are 50,000 labor unioneers who have been exempted from the draft because of their positions.

Mr. Speaker, we must put a stop to permitting these loafers around these industries—war industries and private industries—from using their positions in order to escape the draft, and unload their responsibility upon these boys from 18 to 20 years of age.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent that tomorrow, after all other business and other special orders I be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein two editorials.

The SPEAKER. Is there objection?

There was no objection.

OFFICE OF CENSORSHIP

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks and include therein a speech made by Byron Price, Director of Censorship, in New York on October 28.

The SPEAKER. Is there objection?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks and include a descriptive article about the Aleutian Islands.

The SPEAKER. Is there objection?

There was no objection.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include therein an address delivered by His Eminence Cardinal Dougherty at Convention Hall mass, in Philadelphia.

The SPEAKER. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks and include telegrams and a copy of a letter addressed to the President.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a news article and press release from the Office of War Information with reference to an attempt to teach 30,000 pulp writers in the United States to write love stories.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain data and statements concerning the lease-lend and what it has to do with making possible the northern African expedition at this time.

The SPEAKER. Is there objection?

There was no objection.

COMPENSATION FOR INJURY, DEATH, OR DETENTION OF EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RANKIN of Mississippi. Reserving the right to object, Mr. Speaker, may I ask what this bill is about?

Mr. CELLER. This bill provides benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States. Primarily it grows out of conditions that obtained in the islands of Guam and Wake, which are typical cases, where those employees of contractors with the Army and the Navy, engaged in projects necessary to the war effort, were killed, disabled, or taken prisoner by the enemy. All of those injuries and deaths were the result of war hazard and enemy action. In many cases the families of those employees are in dire distress, and there is no provision in the statutes for relief for the families of those employees on Wake and Guam islands, except stopgap and unsatisfactory personnel arrangements now made by the military authorities. This bill aims to grant coverage in the way of compensation with reference to those employees who may be injured in other parts of the world where we have our troops or where we are engaged in the building of these war projects, like dams, bridges, the dredging of harbors, and so forth.

Mr. RANKIN of Mississippi. It seems to me, Mr. Speaker, that this is going rather far afield, with the enormous wages we are now paying in industries. As I pointed out sometime ago, you are paying men in these industries from 5 to 10 times as much per hour for their work as a man makes working on a farm. You give him time and a half for overtime and double time for Sunday; in other words, you pay him for loafing on Thursday and pay him double time for making it up on Sunday. It seems to me, with all the rake-offs these contractors are making, all the money they are making, they should be the ones to pay for injuries done to their employees.

Mr. CELLER. I can clear that situation up very readily.

Mr. RANKIN of Mississippi. What about the employer's liability? Are you going to step in and take his place in respect of liability? I have not up to date been able to get a bill through both Houses to hospitalize the men in the service who have broken down, some of whom are now in county jails or at home without assistance.

Mr. CELLER. This will not cost the Government one extra penny. At the present time all the contracts let by the War and Navy Departments obligate the Government to assume all war hazards and risks. All this bill does is to systematize the procedure and place responsibility for administration and payment of these benefits by the Government in the United States Compensation Commission.

Mr. RANKIN of Mississippi. Mr. Speaker, I am going to object for the time being. The gentleman states it is not going to cost the Government anything. I cannot conceive why it was brought here if that is the case.

For the time being, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Under the previous order of the House the gentleman from New York [Mr. CELLER] is recognized for 15 minutes.

Mr. CELLER. I withdraw my request for time.

SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I have two requests to submit: That after the conclusion of the legislative business and special orders on tomorrow, November 11, and on Thursday, November 12, I may on each occasion address the House for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I yield back the 10 minutes that was granted me today.

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. HOLLAND] is recognized for 10 minutes.

Mr. HOLLAND. Mr. Speaker, there should be some red faces in this House today.

And if editorial writers ever blush, they should be reddened, indeed, in many of the newsrooms of this Nation.

For months now we have heard our Commander in Chief assailed.

We have heard our war effort damned on the political and editorial hustings.

We have heard mutterings that our Army was no good; that our Navy was no good; that we were letting our Allies down; that we were stripping our own forces to supply our Allies; that our equipment was no good; that we were losing the war; that we were double-crossing MacArthur; that we were about to lose the Solomons; that we were about to lose Alaska; that the British could not or would not fight; that the President and official Washington were more

interested in winning elections than in winning the war.

That charming lady up in Connecticut said we were fighting a "soft" war. That energetic gentleman from Rushville said we were not fighting a peoples' war.

The State Department was called a nest of appeasers because it continued diplomatic relations with Vichy.

The Secretary of the Navy was ridiculed.

The Secretary of War was ridiculed.

American labor, which is doing the greatest production job ever witnessed in this world, was damned from hell to breakfast.

The reactionaries and appeasers, who had juggled the world and our country into this tragedy, had a field day criticizing the men who had vision enough to take the steps needed to prevent world conquest by Hitler and the Japs.

The minds of the people—naturally impatient, naturally itching for victories—were deliberately confused for political purposes. Their patriotism and their hatred for our enemies were played upon by the very forces who saw those enemies grow strong and who complacently said:

After all, the Nazis and the Japs are stopping the spread of communism.

The people were not told that preparation for victory is a slow and tedious job. A job of training and equipping armies; a job of strategy and generalship.

Oh, no; there was an election coming, and the Republican leadership was saying that only the Republican Party could win a war. This was a New Deal war, they said, and no wonder we were not getting any place. They were tough, said these Republicans; they would show the country how to run a war.

Mr. HOFFMAN. Mr. Speaker, may I ask the gentleman if he would not like to have a quorum present?

Mr. HOLLAND. No.

Mr. HOFFMAN. The gentleman is making a valuable speech and he ought to have a quorum.

Mr. HOLLAND. No; I do not think so.

Mr. HOFFMAN. Does not the gentleman think he ought to have a quorum?

Mr. HOLLAND. No.

Mr. HOFFMAN. Let us have a quorum present.

Mr. HOLLAND. I will finish in 10 minutes.

Mr. HILL of Colorado. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. HOLLAND. They would not play politics. Oh, no, indeed, not them.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Colorado has made a point of order.

Mr. HOLLAND. They were pure patriots, so help them.

Mr. MICHENER. Mr. Speaker, a point of order.

Mr. HOLLAND. From the right and from the left, they thundered. Kelland, Gannett, Landon, all that precious crew of reactionaries, told how they would fight the war.

Mr. MICHENER. Mr. Speaker, unless the gentleman who has the floor will show some respect for the rules of the House, I shall make a point of order. The gentleman has shown serious disrespect. He insists on talking when the Speaker tells him to keep still. The House is not interested in hearing him if he has that attitude and unless the gentleman will abide by the rules of the House I shall make the point. I withdraw the point now.

The SPEAKER. Does the gentleman from Colorado [Mr. HILL] withdraw his point of no quorum?

Mr. HILL of Colorado. I withdraw the point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOLLAND] will proceed in order.

Mr. HOLLAND. Mr. Speaker, Willkie and Clare Luce thundered from the left. They had another blueprint for victory.

It was a great show. There was no consistency in it, but it caught votes. A lot of Republicans were elected.

And we await, with trepidation, the votes of these "tough" Republicans in the hard days before us.

You can fool the American people once.

It is hard to fool them twice.

And a lot of the Republicans who were elected last week had better make good use of the 2 years they will spend here; they will not be coming back again.

Why? Because events are proving the falsehoods, the lies, the misleading propaganda that gave the Republican Party its measure of victory last week.

"Roosevelt is playing politics with the war," said they.

Today's news speaks for itself.

Had the President wished to play politics, what better politics could there have been than the launching of this great offensive to clear the Mediterranean Sea in the days preceding the election?

Does anyone doubt that had the news, now breaking, come over the radio and the news wires last week end, that a lot of Democrats who were defeated would have won, and a lot of Republicans who wor would have been retired?

But the Commander in Chief of our armies is no Hitler or Mussolini to time his war measures for political purposes.

We struck when the military was right—not when the necessities of politics demanded.

We have a government which values the lives of American boys more than it does an election victory.

Our armies moved when the time was right in Africa; not when the political timing in America demanded.

I thank God today, as I have done in the past and as so many millions of Americans have done since the days when the depression so sorely beset us, that Franklin Delano Roosevelt is President of these United States.

We heard from the Roosevelt-haters—from McCormick and Patterson, and even from Henry Luce, who should have known better—that the British were fighting for their Empire and letting us and Russia down.

Montgomery and his fighting Eighth Army have given the lie to that.

And we heard that our tanks were no good.

Now we read how our General Shermans completely outclassed Rommel's best German armor in the desert war.

And we heard how the Battle of the Solomons was going against us.

Now we read how the marines are having a disposal problem concerning the dead Japanese that are littering Guadalcanal.

And MacArthur, whom we are accused of ditching in a sideshow area, is pulling a pincers movement on the Japanese in New Guinea with the aid of air-borne troops in such numbers as our Army never before employed.

The turning point in this war has come.

Hitler is singing a new—and strange—and welcome song of defense.

Italy is war weary, and the jackal, Mussolini, has entrapped his poor people in yet another military debacle.

The Japanese were repulsed in the Solomons, and they have not come back for more as yet.

We are on our way.

And the critics of the President have their answer.

This House will harbor many such critics in the days to come. They will be here by virtue of the tempo of the war, not by virtue of any program they propose.

If the election were tomorrow, instead of last week, many of them would never have been elected.

But the news of this war renders all that unimportant, as unimportant as the petty critics of President Roosevelt, in Congress and out, will look when the history of these times is written.

EXTENSION OF REMARKS

(Mr. COSTELLO asked and was given permission to extend his own remarks in the RECORD.)

SPECIAL ORDER

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized for 15 minutes under previous special order of the House.

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and also I ask that my speech be printed in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

AMENDMENT OF THE SELECTIVE TRAINING AND SERVICE ACT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order to consider this afternoon the conference report on the bill H. R. 7528

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I presume that before we take up the conference report there will be a quorum call to give the House notice of the fact that the conference report is being taken up?

Mr. McCORMACK. Exactly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that this afternoon, at the conclusion of any special orders heretofore entered and the disposition of any matters on which the Chair may desire to recognize Members, the House stand in recess until 2:30.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article that appeared in the Index-Journal of Greenwood, S. C., on October 3.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(Mr. CELLER asked and was given permission to extend his own remarks in the RECORD.)

Mr. CAPOZZOLI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered in New York City.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RECESS

The SPEAKER. Under a previous order of the House, the House will now stand in recess until 2:30.

Thereupon, at 12:50 o'clock p. m., the House stood in recess until 2:30 o'clock p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p. m.

TEEN-AGE DRAFT BILL—CONFERENCE REPORT

Mr. MAY. Mr. Speaker, I submit a conference report and statement upon the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940, for printing.

Mr. Speaker, I now call up the conference report, and ask unanimous consent that the statement be read in lieu of the report.

Mr. WOLCOTT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 121]

Allen, Ill.	Bradley, Pa.	Cartwright
Anderson, N. Mex.	Buckler, Minn.	Case, S. Dak.
	Buckley, N. Y.	Casey, Mass.
Angell	Bulwinkle	Chenoweth
Barnes	Byrne	Claypool
Beam	Byron	Cochran
Bennett	Cannon, Fla.	Coffee, Nebr.
Boykin	Cannon, Mo.	Coffee, Wash.
Bradley, Mich.	Carlson	Cole
Collins	Jarrett	Rockwell
Copeland	Jenks, N. H.	Rodgers, Pa.
Creal	Johns	Rolph
Crosser	Johnson, Calif.	Romjue
Crowther	Johnson, W. Va.	Sabath
Cullen	Kee	Sacks
Cunningham	Kelly, Ill.	Sauthoff
Dies	Kerr	Schaefer, Ill.
Dingell	Kilburn	Schulte
Ditter	Kilday	Scrugham
Duncan	Kocialkowski	Shafer, Mich.
Dworshak	Kramer	Shanley
Edmiston	Lambertson	Shannon
Eliot, Mass.	Lanham	Sikes
Ellis	Larrabee	Smith, Pa.
Engel	LeCompte	Smith, Wash.
Faddis	Lewis	Smith, W. Va.
Fellows	McKeough	Smith, Wis.
Fitzgerald	Maciejewski	South
Flaherty	Magnuson	Starnes, Ala.
Fogarty	Mansfield	Steagall
Ford, Leland M.	Mills, La.	Stefan
Ford, Miss.	Mundt	Stevenson
Gehrmann	Murdock	Stratton
Gibson	Nelson	Sullivan
Gillie	Nichols	Sumners, Tex.
Granger	O'Brien, Mich.	Sutphin
Grant, Ind.	O'Connor	Sweeney
Green	O'Day	Tenerowicz
Haines	O'Hara	Terry
Halleck	O'Leary	Thill
Hancock	Oliver	Thomas, N. J.
Harness	Ormers	Tinkham
Hart	Patman	Tolan
Harter	Pearson	Van Zandt
Hébert	Peterson, Ga.	Voorhis, Calif.
Hendricks	Pheiffer, William T.	Vreeland
Hess		Wadsworth
Hinshaw	Plauché	Wasielewski
Hobbs	Ploeser	Wene
Holbrook	Plumley	West
Hook	Powers	Whelchel
Houston	Randolph	Williams
Izac	Rizley	Winter
Jackson	Robertson	Young
Jacobsen	N. Dak.	Zimmerman

The SPEAKER. On this call 263 Members have answered to their names, a quorum.

Mr. MAY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky that the statement be read in lieu of the report?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That so much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"'SEC. 3. (a) Except as otherwise provided in this Act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of eighteen and forty-five at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States.'

"SEC. 2. Section 5 (f) of such Act, as amended, is hereby amended to read as follows:

"'(f) Any person eighteen or nineteen years of age who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this Act during the last half of the academic year at such school or institution, shall, upon his request, have his induction under this Act postponed until the end of such academic year.'

"SEC. 3. Section 15 (a) of such Act, as amended, is hereby amended to read as follows:

"'(a) The term "between the ages of eighteen and forty-five" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.'

"SEC. 4. Section 5 of such Act, as amended, is amended by adding at the end thereof the following new subsections:

"'(i) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the land or naval forces of the United States while this Act is in effect because such person entered such service without the consent of his parent or guardian.

"'(j) No individual who has been convicted of any crime which may not be punished by death or by imprisonment for a term exceeding one year shall, by reason solely of such conviction, be relieved from liability for training and service under this Act.

"'(k) Every registrant found by a selective service local board, subject to appeal in accordance with section 10 (a) (2), to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under this Act, his selective service local board, subject to appeal in accordance with section 10 (a) (2), shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests such local board to determine, and such local board, subject to appeal in accordance with section 10 (a) (2), determines, that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.'

"SEC. 5. Section 3 (a) of such Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no man, without his consent, shall be inducted for training and service under this Act after he has attained the forty-fifth anniversary of the day of his birth.'"

And the Senate agree to the same.

A. J. MAY,
R. E. THOMASON,
DOW W. HARTER,
W. G. ANDREWS,
DEWEY SHORT,
Managers on the part of the House.

ROBERT R. REYNOLDS,
ELBERT D. THOMAS,
LISTER HILL,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, submit the following statement in explanation

of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill and the Senate amendment (secs. 1 and 3) both provided for extending the liability for training and service under the Selective Training and Service Act of 1940 to registrants of 18 and 19 years of age. The conference agreement makes no change in this respect.

Section 2 of the House bill provided that, upon their request, certain registrants who were in attendance at high schools, colleges, or universities during the academic year 1942–43 might be deferred from training and service in the land and naval forces until the end of such academic year, but in no event later than July 1, 1943. The Senate amendment provided that registrants in attendance at high schools or similar institutions of learning might, upon their request, have their induction postponed until the end of the academic year if they were ordered to report for induction during the last half of the academic year. The conference agreement retains the Senate provision and makes it clear that it applies to persons who are 18 or 19 years of age when they are ordered to report for induction.

Section 4 of the House bill and of the Senate amendment provided that no person between the ages of 18 and 21 should be discharged from service in the land or naval forces because he entered such service without the consent of his parent or guardian. The conference agreement retains this provision.

Section 4 of the Senate amendment also contained a provision corresponding to section 6 of the House bill under which a conviction for certain crimes which were not felonies or punishable by death or imprisonment for more than 1 year was not to be used as a basis for relieving the person convicted from liability for training and service in the armed forces, or for rejecting him, if the local Selective Service board determined that such person was morally fit for military service. The conference agreement provides that no person convicted of a crime not punishable by death or by imprisonment for more than 1 year should be relieved from such liability for training and service by reason solely of such conviction.

Section 5 of the Senate amendment provided for the deferment from training and service in the land and naval forces of persons found by the Selective Service local boards to be regularly engaged in an agricultural occupation or endeavor essential to the war effort, and also provided for making any person who left such an occupation or endeavor immediately available for military service unless, prior to leaving, the Selective Service local board determined that it was in the best interest of the war effort for him to leave for other work. There was no corresponding provision in the House bill. The conference agreement retains the Senate provision with clarifying changes, and makes such deferment applicable to men found by the local boards to be necessary to and regularly engaged in such agricultural occupations and endeavors.

Section 5 of the House bill contained a provision that no person who had been deferred from training and service should be inducted prior to induction of "all persons within the same State who have been placed in categories made subject to induction prior to the category in which such person has been placed." There was no corresponding provision in the Senate amendment. The conference agreement eliminates this provision of the House bill.

Section 7 of the Senate amendment provided that no person under 20 years of age who was inducted should be placed in actual combat duty beyond the territorial boundaries of the United States until after he had at least 1 year's military training following his induction. There was no corresponding provision in the House bill. The conference agreement eliminates the Senate provision.

A. J. MAY,
R. E. THOMASON,
DOW W. HARTER,
W. G. ANDREWS,
DEWEY SHORT,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MAY. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN of Mississippi. Mr. Speaker, I cannot support this conference report. I shall offer a motion to recommit it with instructions to the managers on the part of the House to amend the Senate amendment, section 7, to provide that no 18- or 19-year-old boy drafted under this act shall be sent into overseas combat service until he has been given adequate training. There is no reason on earth why every Member of the House cannot vote for that motion. If I thought that by doing this it would injure our war effort, I would not offer it, but it will not injure or impede our war effort in any way. Someone says these Army officers will see to it that they are adequately trained. Yes; they told us that in the First World War, and I read to you yesterday from General Pershing's memoirs, in which he told how they sent him men for combat duty who had practically no training at all.

One commander of a great division said the other day that he was called to attend the funeral of 20 men who died of disease in his division, and although they were volunteers he found that 15 out of those 20 men were under 20 years of age. We know the stories of the Civil War, of the countlesss thousands of young boys who died of disease and exposure. Napoleon, as I called to the attention of Members yesterday, once wrote back to Paris not to send him any more boys, but to send him men. When they attempted to get Jefferson Davis to further lower the draft for the youth of the Confederacy, he said, "I decline to grind the seed corn of the Confederacy." When you take these young boys, where are you going to send them? You are sending them into tropical countries where every disease on earth prevails, and you are sending them into combat in a war that is fought in a manner and under conditions never known before. Why should anyone object to seeing that they are given adequate training?

Oh, somebody says, that should be left to the Army officers. Yes; but we want them to understand that Congress is not an aggregation of rubber stamps, and that we are going to see that the ones who are charged with this responsibility are going to be held accountable. For my part, I think these boys should be given at least a year's training.

I do not think it would hurt very much if we broke up these professional football games and took some of those men instead of these teen-age boys. They could at least do guard duty, and in that way could relieve others for combat duty. Further, we might take some of the long-nosed, and even some of the short-nosed job holders in the Federal Government, and send them. Then we have tens of thousands of world-war veterans who would be very glad to take their places at the desks in these departments.

Go out just across the street out there and you will find 10 or 12 men digging around a hole, and you cannot tell whether they are digging it deeper or filling it up. I have never seen any more than 2 of them working at a time.

Take some of those men who are dodging the draft under the pretense that they are doing war work, and let them do some real war work. Do not grind the seed corn of this Republic by sending these teen-age boys into foreign combat untrained to do the other fellows' fighting.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. Yes.

Mr. COOLEY. Of course, we will be told that these men will be adequately trained before they are permitted to go into combat duties.

Mr. RANKIN of Mississippi. Yes; they told us that in the World War.

Mr. COOLEY. If I understand the purpose of the gentleman's motion, it is to charge some Government officer with the responsibility of first finding that each one of these boys has been adequately trained before he is permitted to go into combat.

Mr. RANKIN of Mississippi. And give him to understand that Congress is going to watch and see that that responsibility is carried out.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. Yes.

Mr. RICH. I would like to make a statement——

Mr. RANKIN of Mississippi. Oh, I have not the time for that.

Mr. RICH. Let me ask you this: General Gillette was requested in the last World War to get men ready for overseas duty within 3 weeks after they were enlisted, and in his testimony he said he thought he could do it, because he was compelled to.

Mr. RANKIN of Mississippi. Oh, yes; and General Pershing complained, as I read yesterday from his memoirs, that they were sending men over there that he had to send into combat, who had scarcely had a gun in their hands. It is bad enough to draft these boys 18 and 19 years old at all. They are not old enough to join a labor union, but they are old enough to send to war. They are not old enough to vote for you, or against, but they are old enough for you to send to war. For God's sake, let us protect them as best we can by requiring that they be given adequate training before they are sent to die on foreign battlefields.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. MAY. Mr. Speaker, I yield to the gentleman from New York [Mr. ANDREWS] 30 minutes of the time, subject to his disposition.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, it seems to me the Clerk read particularly well and clearly the statement of the managers on the part of

the House. So rather than go into an explanation of that report, I am going to submit myself to such questions as any Member may wish to ask.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. DONDERO. Will the gentleman make clear to the House the report on the part of the managers as to the difference between boys in high school and boys in college?

Mr. ANDREWS. The provision of the Senate bill gave the opportunity of deferment to high-school students in their last semester. The provision of the House bill added to that a deferment for students in colleges, or, in other words, students beyond high school or similar institutions. The House agreed to the Senate provision with clarifying language.

Mr. DONDERO. Will the gentleman yield further?

Mr. ANDREWS. I yield.

Mr. DONDERO. Do I understand that boys in college are not to be deferred until July 1, 1943, or are they to be deferred if they request that that be done?

Mr. ANDREWS. No. Young men in college are not to be deferred. I might point out in connection with that question, I think a great many of us have lost sight of this fact: At the present time there are over 200 colleges, land-grant colleges, and universities in the United States with R. O. T. C. units. Every young man in the senior section of these R. O. T. C. units in the colleges is automatically deferred. He is in the senior section of those R. O. T. C. units when he passes into what is the equivalent of his junior year. With the acceleration such as is taking place in most of the colleges, men in the second year of college attain what we look upon as the junior rank, or senior classification in the R. O. T. C. in about a year and a half, or on January 1 this year. So a man entering his second year of college today, approaching January 1, will be automatically deferred because of his membership in the senior R. O. T. C. section. In addition to those in the R. O. T. C. who are exempted in the colleges, are all the young men who are taking premedical courses, and engineering courses of certain specifications, upon a set-up arranged by the War and Navy Departments. In addition to that, every young man in any college in the United States, 18 or 19 years old, who has seen fit to enlist in the Army or Navy Reserve, is automatically deferred until such time as he is called into the Army or the Navy until he completes his course. There are thousands in the country today who are deferred because of their enlistment in the Reserve Corps.

We lose sight of the fact today that any young man in good health, if he wishes to complete his college course, may enlist in the Army or Navy Reserve and have an excellent chance of completing his college career. That will leave in the colleges, subject to the draft, the young men who are not in the R. O. T. C., who are not in premedical or engineering courses, and who are not in the Army and Navy Reserves. It will not leave those who are qualified. It will leave a great many whom the Army would not take anyway, because they could not get into the R. O. T. C. So I do not think the fact we have accepted the Senate amendment is such a serious threat to our college courses at the present time.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. ROBSION of Kentucky. There has been considerable criticism of the bill on account of the fact that many persons seem to think that young men 18 and 19 years old will be placed in the Army without proper training. General Summerall has stated how interested he is in having men properly trained before they enter combat service. As a matter of fact, does the Army place men in combat duty who have not had as much as a year's training? I mean, assuming that they have not had training before?

Mr. ANDREWS. There are very few in the present Army who have not had it.

Mr. ROBSION of Kentucky. A whole year's training?

Mr. ANDREWS. Yes.

Mr. BARDEN. I am somewhat confused over the gentleman's statement concerning the senior R. O. T. C., for only a few days ago I was furnished a bulletin which stated that a boy in a military school could only be classified or enter the school R. O. T. C. during the last 3 months of his second year.

Mr. ANDREWS. Is the gentleman speaking of a military school, an honor school, a smaller military school, or an accredited college with R. O. T. C. units?

Mr. BARDEN. These are accredited colleges supervised by Army officers, or accredited R. O. T. C. units, the same R. O. T. C. the gentleman is talking about.

Mr. ANDREWS. Any man in the senior group of the R. O. T. C. would be deferred. He must, of course, maintain a certain scholastic standard to attain that.

Mr. BARDEN. I am not talking about that; I am wondering where the gentleman got the authority to say that they will be exempted in the senior R. O. T. C. in January when the bulletin furnished me said they would be exempted only in the last 3 months of the second year?

Mr. ANDREWS. I am going on the statement furnished the conferees this morning by General White, of G-1 of the Army, and General Hershey, Chief of the Selective Service. On that I assume that if the draft board was about to take a man, we will say, in December who is in the junior section, but who is in an accredited R. O. T. C.-course university where he would sometime in January, between the 1st and 15th, enter the senior section, that the Regular Army instructor of that R. O. T. C. unit would state under his power to do so to the draft board, if the man was in good standing, that he should be allowed to continue in the school R. O. T. C., and that he would be deferred.

Mr. BARDEN. They are stepping it up to January instead of the last 3 months.

Mr. ANDREWS. Whenever they complete the semester. Not all colleges, of course, have accelerated, but I am speaking of the colleges that have accelerated where the so-called sophomore year ends about December or January.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Alabama, a member of the committee.

Mr. SPARKMAN. As a matter of fact, the basic Selective Service Act exempts members of the senior R. O. T. C.

Mr. ANDREWS. That is correct.

Mr. SPARKMAN. That means that those who have entered into that contract will be allowed to finish.

Mr. ANDREWS. That was when the period of instruction in most colleges was 4 years.

Mr. SPARKMAN. And it still holds in the case of those who enter such a contract regardless of what year of college work they may be in; he is exempted by the basic act.

Mr. ANDREWS. That is right.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. CELLER. We are naturally all pleased with the gentleman's explanation, but we are informed also that some 50 small colleges have already closed. Is there not a danger that we may suffer a sort of educational black-out unless the Army will consider this proposition and use our colleges to a greater degree?

Mr. ANDREWS. I may say that the Army in a statement of G-1, General White, has made it very clear that it is the Army's intention insofar as it can to select from those inducted, not necessarily those who are today in college but from others, young men who did not have the opportunity perhaps to go to college, but who may give outstanding evidence of ability, intelligence, and leadership, send them to college for further training.

Mr. CELLER. That is to treat the poor man's son as the rich man's son is treated, to give him a sort of subsidy or bursary?

Mr. ANDREWS. That is the way I understand it. That is one way the colleges will be aided.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. VORYS of Ohio. A great deal has been said about juniors and seniors, freshmen and sophomores. Regardless of whether a man is a freshman or a sophomore, I understand that if he enlists in the Army or Navy Reserve he may remain until he is called.

Mr. ANDREWS. In the case of those who enlist in the Naval Reserve, they remain somewhat longer than those who enlist in the Army Reserve and probably remain until the completion of their courses more particularly for the reason that the Navy has not yet completed its two-ocean navy. Secretary Stimson has said that the Army wants to leave them as long in college as it possibly can, consistent with the needs of the service; but there is no guaranty that they can complete their courses.

Mr. VORYS of Ohio. While there is no guaranty, they probably will remain for

the balance of the school year, will they not? So the effect will be almost the same.

Mr. ANDREWS. The chances are that young men who have enlisted in the Reserve with the intention of going into the Army Air Cadet Corps will probably be able to finish this year, because so many are going in they probably cannot take them all anyway.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. As I understand it, the conferees have agreed to the provision in the Senate bill providing that no man shall be inducted under the act after he has attained his forty-fifth birthday?

Mr. ANDREWS. That is correct.

Mr. REECE of Tennessee. I am interested in ascertaining if that provision is retroactive so that those who have heretofore been inducted after having attained their forty-fifth birthday may become eligible for discharge?

Mr. ANDREWS. The provision is not retroactive; however, I would think that the personnel selection of the Army will naturally give consideration to that. This is not retroactive.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. What, if any, are the gentleman's objections to the motion to recommit as described by the gentleman from Mississippi [Mr. RANKIN]?

Mr. ANDREWS. It does not mean anything. It is a sort of a sob-sister commitment, I may say.

Mr. COOLEY. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from North Carolina.

Mr. COOLEY. In reference to enlistments in the Navy of college students, did I understand the gentleman correctly to say that the freshman or sophomore can enlist in the Navy and remain in college throughout his course?

Mr. ANDREWS. That is my understanding. I would be glad to be corrected if the gentleman from Georgia [Mr. VINSON] is on the floor.

Mr. COOLEY. But the same rule is not applicable to the Army?

Mr. ANDREWS. It is not applicable to the Army.

Mr. COOLEY. In the Army you have to be in your junior or senior year before you can get over into the senior R. O. T. C.?

Mr. ANDREWS. The same thing applies to the Naval Reserve unit. The Naval Reserve and the Army R. O. T. C. are the same. What I was talking about before had to do with young men who enlisted in the Naval Reserve or Army Reserve. That is quite different.

Mr. Speaker, I yield back the balance of my time.

Mr. COOLEY. I would like to clear up this one thing.

Mr. ANDREWS. Mr. Speaker, I yield myself 1 additional minute.

Mr. COOLEY. If the enlistment is in the Naval Reserve he will be permitted to finish his course?

Mr. ANDREWS. Yes.

Mr. COOLEY. If he is in the Army Reserve, he may or may not be permitted to do that?

Mr. ANDREWS. That is correct.

[Here the gavel fell.]

Mr. MAY. Mr. Speaker, I yield the gentleman from Alabama [Mr. SPARKMAN] 5 minutes.

Mr. SPARKMAN. Mr. Speaker, while this conference report does not have in it everything I would like it to have—I do not believe I have ever known one that did meet that requirement—I am going to support this. I have been much concerned with reference to the educational program, and I know that a great many Members here have been. I have asked the War Department on several different occasions to give me some information regarding that feature.

I have a very brief prepared statement here, which I want to read because I believe it gives it more definitely than we have had it so far. This was prepared for me by the War Department:

The War Department plans to send qualified men to college as soldiers on an active-duty status in such numbers as it deems necessary for the training of specialists or individuals trained at the college level for Army requirements.

I have questioned, stopping right there, the limitations for Army requirements because I felt that essential needs should be taken care of. So I am told this in addition to that:

In determining the number of men that the Army will send to college, we recognize that there will be a continuing need for some men with this type of training to meet civilian and industrial requirements. The Army plans, therefore, to increase the number of men to train for its own requirements by a predetermined percentage in order that it will be possible to assist in relieving critical shortages of men with college training by the release of a limited number from the Army.

Men will be selected for training under this program on the basis of previous education, results of scholastic aptitude and achievement tests, and under tests of leadership and aptitude for military service as demonstrated during a period of service in the Army. Selection will be made from the Army at large and it will be accomplished by means of a system similar to that now in effect for the selection of candidates for the officer candidate schools. Any soldier may compete without regard to his financial status. Preference will be given to soldiers in the younger age group because of their more recent school experience and of the longer potential value to the Army. The Army will maintain those selected while at college. They will be under military control and the Army will prescribe the courses to be pursued. The courses will vary in length from 9 to 27 months and in the case of medical students will probably extend for a longer period. The principal subjects will be medical and premedical, engineering, and science. It is expected that this program will be initiated about February 1, 1943.

Mr. CELLER. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from New York.

Mr. CELLER. That is a very encouraging statement. I presume most all of us have great confidence in the Army officials that they will do the proper thing with regard to our colleges. I am curious to know, however, whether the gentleman can enlighten us as to whether or not it is the purpose of the Army to help the small colleges. There are about 50 small colleges already closed. The American Council of Education is working in harmony with the Army authorities. I am informed, however, that they have been primarily interested in keeping the large universities going. They have not paid particular attention to the small colleges; that is, those colleges having a student enrollment of less than 1,000 students. Can the gentleman tell us something about that?

Mr. SPARKMAN. I am sorry I cannot give the gentleman a complete answer. I do know that the Army officials are working with various educational organizations. I certainly express my own personal wish, at least, when I say that the entire range of colleges and universities should be utilized in this program. I know, too, that the program is rather far along in working out details. It has to be submitted to the educational institutions or organizations for their concurrence before the absolute details can be announced. We are told here that it will probably be ready to go into effect about February 1, 1943.

[Here the gavel fell.]

Mr. MAY. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. COOLEY. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from North Carolina.

Mr. COOLEY. Who is charged with the responsibility of selecting or classifying these boys and passing upon their scholastic accomplishments as a prerequisite to being assigned to some college to carry on the college course?

Mr. SPARKMAN. It is stated here that the method used will be something similar to that now in effect for the selection of candidates for the officers' training schools. I assume that that will be under the control of G–1 of the Army as far as the Army is concerned.

Mr. COOLEY. That will be by military authority rather than by local boards?

Mr. SPARKMAN. That is correct.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Louisiana.

Mr. BROOKS. I assume from what the gentleman has said that a man designated to attend one of these schools will be under military discipline and will be in uniform.

Mr. SPARKMAN. He will be in uniform and will be on the pay roll as a soldier, subject to military control and discipline, a soldier in every sense.

Mr. BROOKS. I am told that it is rather embarrassing now at times for members of the Army and Navy Reserves who are in school to explain their presence there when they are not in uniform. This will relieve that embarrassment.

Mr. SPARKMAN. That is correct.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from North Carolina.

Mr. BARDEN. Does the gentleman mean that these boys must be drafted into the Army before they are assigned back to the schools?

Mr. SPARKMAN. The gentleman is correct.

Mr. BARDEN. Does the gentleman mean they will take them out of the school and put them in the Army and get them out of joint for a month and then send them back to the schools to pick up their classes?

Mr. SPARKMAN. My own view would agree with the gentleman's view about that. I think the deferment ought to take care of it. Nevertheless, the Army does not believe that and is working out a substitute. The gentleman has correctly stated that they will be drafted and then, if they succeed in meeting the competition, will be put back in school.

Mr. BARDEN. Does not the gentleman believe that after they go through the usual red tape they will lose about 6 months' time from both the Army and the schools?

Mr. SPARKMAN. I am not quarreling with the gentleman. I agree with reference to deferment of college students. I worked for that in committee. I am sorry it is not in the bill. I do hope, however, that the selection for college work will be rapid and without a lot of red tape—I believe it will be.

Mr. BARDEN. It either should be done or it should not be done.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Illinois.

Mr. MASON. I want to know what the gentleman's reaction is to the implication of the gentleman from New York that it is the Army's business to aid the small colleges. Since when is it the business of the Army to aid small colleges?

Mr. SPARKMAN. I do not look upon it as being the job of the Army to aid small colleges. The Army in using the colleges for training Army personnel should utilize the whole range of colleges not for the purpose of aiding them but to take advantage of their facilities in this program.

Mr. MASON. The gentleman will agree that the Army ought to have specifically in mind aiding the young men in whom they are interested and whom they want to cultivate?

Mr. SPARKMAN. That is right; utilizing the whole range of educational institutions in doing so.

Mr. CLASON. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Massachusetts.

Mr. CLASON. By allowing this program to go through we are in effect losing 6 months out of the life of every boy by taking him out of college and putting him into the Army and then putting him back into the college again. Why should the Congress permit legislation of that type?

Mr. SPARKMAN. I do not agree with the gentleman that we are losing 6 months out of the life of every boy in college. I say again that I do not believe that they should have been taken out. Nevertheless we are getting the best that we can out of this provision.

Mr. CLASON. What right has the Army to use money to send to college boys who are not going to be used in the Army thereafter; who are going into civilian life?

Mr. SPARKMAN. This is part of a long-range program.

Mr. CLASON. The gentleman said that some of them will be going into civilian activities afterward.

Mr. SPARKMAN. In time of war we must have consideration not only for the Army out on the front. We must maintain the armies at home as well as out on the front. They are a part of it. This is essential.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Are not the young men who are not attending college given the opportunity to take this examination to go to college?

Mr. SPARKMAN. The gentleman is correct. This program treats everybody alike.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Did I correctly understand the gentleman to say that he is in accord with the idea that these boys ought to finish their college course this year, before they are inducted into the service?

Mr. SPARKMAN. I supported that amendment. If I had had my way in writing this report it would have been in the bill, but it is not.

Mr. RICH. I concur in that. I am very much in sympathy with it. If that is what the gentleman believes and what I believe, why do we not vote to permit them to be retained in college until they finish this college year? A boy will be equipped to be a better soldier and a better man if he is permitted to do that.

Mr. SPARKMAN. If I had the opportunity to vote for that on this conference report I would, but we cannot vote for everything that we want. We must take the best we can get. I believe in this program we are getting that.

[Here the gavel fell.]

Mr. MAY. Mr. Speaker, in view of the very clear statement of the conferees that was read to the House, I wish to take only a few minutes to point out to the Members one or two of the major differences between the House and the Senate provisions of the bill.

Since there has been so much discussion of the question of education and the deferment of high school students, I shall go next to the proposition submitted by the Under Secretary of War. Section 4 provides that notwithstanding any other provision of law, no person between the ages of 18 and 21 shall be discharged from service in the land or naval forces of the United States while this act is in effect because such person entered such service without the consent of his parent or guardian. There was no controversy about that provision. It is contained in both the House bill and the Senate bill.

Another provision was written into the bill by the House relating to the regulation of the Army that they would not accept for military service men previously convicted of crime.

The House agreed to the Senate provision with an amendment which provided that no individual who has been convicted of any crime which may be punished by death or by imprisonment for a term not exceeding 1 year, shall, by reason solely of such conviction, be relieved from liability for military training and service.

That was agreed to by the House conferees with that amendment.

Now we come to the proposition next in the Senate bill known as the Tydings amendment, on the subject of essential agricultural workers. That provision is contained in section 5 of the Senate bill. It provided that persons regularly engaged in an agricultural occupation or endeavor, essential to the war effort, shall be deferred, and so forth, and so forth. The only thing we did in amending that section was to make it very clear that he was not only engaged in an agricultural occupation, but engaged in a part of an agricultural occupation that is deemed to be necessary to the war, and that he must be regularly engaged in it and not a spasmodic employee.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield.

Mr. PACE. What is the interpretation of the word "endeavor" as used in the amendment agreed to, as contradistinguished from the word "occupation"?

Mr. MAY. A man might be engaged, for instance, in endeavoring to help an agricultural industry by the repair of machinery, equipment, tractors, and things like that, in a machine shop, somewhere aside from actual field work. He would be engaged in work that would not be regarded as strictly agricultural work, but essential to the agricultural industry.

Mr. THOMASON. Will the gentleman yield?

Mr. MAY. I yield.

Mr. THOMASON. It includes things like small canneries and such things as that.

Mr. PACE. Will the gentleman yield further?

Mr. MAY. I yield.

Mr. PACE. Does it go so far as to include one who is engaged in the transportation of agricultural commodities?

Mr. MAY. I would certainly say that the words "necessary to" would include a man who is hauling perishable products from the farm into market, because if they were not hauled to market the Government could not use them and the public could not use them. Therefore I take it that a farmer who is regularly and continuously engaged in driving a farm truck to market the products of the farm would be included.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield.

Mr. COOLEY. Would the gentleman give any information as to the order in which men will be inducted into the service upon the enactment of this bill? Will the 18- and 19-year-old boys who are not in school be inducted prior to the induction of those who are in school, and will high school boys be inducted ahead of freshmen in college, and will freshmen and sophomores in college be inducted ahead of the juniors and seniors in college?

Mr. MAY. The gentleman has propounded a question which could not be handled in any other way than by regulation within the Army.

Mr. COOLEY. I was wondering if the Selective Service Director gave the committee any information about it. A lot of people feel that the 18- and 19-year-old boys will immediately be inducted into service, while the upperclassmen in the colleges will continue to go on with their education.

Mr. MAY. I think there will be no discrimination between any group or any ages within the 18- and 19-year-old class, and the advanced students in colleges are not deferred at all, so they would naturally go first.

Mr. COOLEY. There are many others who feel that this effort to induct 18- and 19-year-old boys is being pushed at the present time to prevent the induction of married men, without chick or child to support.

Mr. MAY. No, no. They are still taking married men without children, but they do not propose to take married men with children. But this act would not have been necessary if they were going to completely register all the married men of the country and put them into the Army.

Mr. COOLEY. But the single men now will have to come in ahead of the married men with children?

Mr. MAY. That is right.

Mr. COOLEY. But not ahead of the married men without children?

Mr. MAY. Certainly not. As a matter of fact, the Director of the Bureau told us in conference as well as in committee that he had issued instructions to local draft boards to cease to draft married men with children.

Mr. COOLEY. One other question. Does the gentleman know whether or not it is proposed at the present time to release from active service men who are now 40 or 45 years of age?

Mr. MAY. Well, the plan, as I understand it, is to vitalize the Army by getting as many young men into it as possible. Therefore, that will of necessity bring about the discharge of some of the men who are sluggish and old and incapable of military service in the higher brackets. I was just going to come to the next amendment which deals with that particular subject, which will answer the gentleman's question.

Mr. BELL. Mr. Speaker, will the gentleman yield for a question?

Mr. MAY. I yield.

Mr. BELL. During the last 30 or 40 days quite a large number of married men with children have been taken into the service. Is there any plan to replace them with men without families or children?

Mr. MAY. I do not know anything about any such plan. I do not know what their plans are in that matter.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. GIFFORD. Inasmuch as there seems to be an overconsideration possibly for the farmer, I feel in duty bound to ask the gentleman whether any consideration was given to the matter of fishermen.

Mr. MAY. The question of going fishing did not come up.

Mr. THOMAS F. FORD. Is the objective of this measure for the purpose of fighting a war, or protecting the farmer?

Mr. MAY. It is for the purpose of carrying out our war effort. I come now to section 6 of the Senate bill, which relates to the elimination of men who arrive at the age of 45 years after they have been inducted. This is what was known as the Ellender amendment, the same as the Camp amendment which was proposed in the House. It provides that no man shall be inducted for training and service under this act after he has attained the forty-fifth anniversary of the day of his birth. All we did to that was to write into that provision an amendment that no man "without his consent" shall be inducted, inserting as an amendment the words "without his consent" so as to provide that those men above 45, or becoming 45, who want to go into the Army would not be precluded from going in. We left it optional with the man himself.

Mr. HARRIS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. HARRIS of Arkansas. Was any thought given to those men who have already reached the age of 45 and who are now in the service?

Mr. MAY. This does not cover those men, and the Army, as I understand it, is rapidly providing for their retirement to civilian tasks in the Army rather than where they are now.

Mr. COOLEY. That is the point I had in mind, that a lot of these people of 40, or up to 45, are now being inducted, and if they are not wanted or needed in the Army it seems to me you should forego the induction of these men at this time, because a lot of men do not want to get into the Army and then be turned out in 90 days from the time that they were brought in and be marked as not useful, and go home with the consciousness that they were unfit for service in any branch of Uncle Sam's Army. I ask the gentleman whether any wholesale dismissal of men of any age is contemplated, or whether you are going just to release those men you consider more vitally useful in other positions.

Mr. MAY. There is no wholesale dismissal of men expected or proposed in this war effort. In other words, we are in war, and we have to put men in instead of discharging them. The manpower problem is such as to require the utilization of every possible man in some part of the war effort and, of course, the Army will utilize all these older men in other than combat duties.

I now yield back to the gentleman from New York 17 minutes of time that he yielded to me.

Mr. ANDREWS. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Speaker, I have not only respect but a great deal of sympathy for the views expressed by the gentleman from Mississippi [Mr. RANKIN]. I know that he is earnest and sincere in his belief; and if I followed my own emotions, I perhaps would follow him in voting against this conference report; but, after listening to the hearings before we passed the amendment, and after having sat with the conferees of the Senate and the House for 3 hours yesterday and again for 3 hours today, after very carefully considering all of the testimony and evidence submitted before our committee by the Secretary of War; the Chief of Staff, General Marshall; General White, General Hershey, and by certain educators who appeared before both the Senate and the House committees, I am constrained to follow hard reason and cold logic and to support this conference report, which was unanimously adopted by both the House and Senate conferees. Naturally, we had to give as well as take in reaching this unanimous agreement.

Mr. Speaker, it is a terrible and awful thing to draft youths of 18 and 19 years of age and send them forth to fight and maybe to die, but war itself is a terrible and a cruel thing, and we must be realistic and face facts, unpleasant as those facts are. God knows I did everything in my power to keep us out of this war, but, now that we are in it, I want to do everything in my power to win it. It is not an easy matter for any Member of this House to vote to conscript the 18- and 19-year-old boys. It is most painful. It hurts. We do not welcome this issue, but we have got to face it, and we must fearlessly and faithfully discharge our responsibility to the Nation. The indisputable fact is that we are engaged in a terrible, devastating war that will require the combined, united efforts of all our people in order to win. Old men and young men, married men and single men alike must do their part. All of us must sacrifice. The foe is formidable. The enemy is ruthless and tough. We must fight fire with more fire, youth with more youth.

We are not going to defeat the Japs and the Nazis with 40- or 45-year-old potbellies. You can visit any Army camp in this country and you will find the hospitals loaded to capacity with men in the upper-age brackets who are incapacitated and cannot stand the gaff of modern mechanized warfare. They are a load rather than a lift. "The spirit is willing but the flesh is weak." This is not an old man's war. It is true that these youths will be sent to the Tropics and the jungles, to Iceland and Alaska, to the desert sands of Africa and India, and everywhere else to undergo hardships, but I want to say to my good friend from Mississippi that their recuperative powers, their resiliency, their daring, their endurance, their indomitable will, will enable them to come back

much faster and stronger than men their elders.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I am happy to yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. The gentleman heard my motion to recommit to require that these boys be given adequate training.

Mr. SHORT. We all agree with the gentleman, absolutely.

Mr. RANKIN of Mississippi. All right; now, I want to call the gentleman's attention to this fact: It takes longer to train some men than others. General Pershing, when we sent men over to him—and I have his words here but will not take time to read them—said among other things:

> Among our troops recently arrived there was a serious lack of training in the use of the rifle. It seemed inexcusable to send me over men who were deficient in this very elementary step in preparation even though there may not have been time to train them otherwise.

What we want to do and what my amendment proposes is to give these men adequate training and to see that no one overlooks that proposition and does again what was done in the last World War, send these 18- and 19-year-old boys over there without training.

Mr. SHORT. I believe every Member of the House will wholeheartedly agree with the gentleman from Mississippi. We know that in the first World War our boys were sent across the seas in some instances after only 3 months' training, and they were slaughtered due to inadequate training and lack of proper training. We want to avoid that; in fact, I was the Member of the House committee when the original hearings were held who pressed this matter with Secretary Stimson. I asked him, "Is it not the purpose of the War Department, Mr. Secretary, to give these boys a full year's training before they are sent into combat duty?"

He replied, in effect: "While, of course, the 12-month period of training is really the thing that we would like to have, you cannot have a division of soldiers made up of 18- and 19-year-olds; you cannot have it made up of 26-year-olds, or 35-year-olds and have an efficient mobile force. In order to have striking power you have got to have men of different ages intermingled; older men with younger; men 35 years of age, with mature judgment, who bring cool, calm, deliberate consideration on certain tactical matters with the youth who possess the daring and boldness in order to give the zip and the pep to a successful army." One does not have to be a military expert to realize the truth of this statement.

Mr. MAY and Mr. HOFFMAN rose.

Mr. SHORT. I must yield first to the chairman of my committee, the gentleman from Kentucky; then I will yield to the gentleman from Michigan.

Mr. MAY. What is going to be done with the thousands of young men who would be inducted within the ages of 18 and 19 who are qualified to function as skilled men in radio and other trades that would be needed? We would be kept out of their skilled knowledge for 12 months.

Mr. SHORT. Of course; the polytechnical schools and other institutions of the country, which prepare young men in the scientific trades such as radio, telephone, engineering, chemistry, and so forth, turn out men qualified and adept in their trades who would not need 12 months' training, and we would be deprived of their valuable services, if we write in restrictions. Interminable delays might lose us the war.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I yield.

Mr. McCORMACK. If the motion is adopted, it would mean that divisions will have to be trained as a whole of these young men of about the same age.

Mr. SHORT. Not necessarily so.

Mr. McCORMACK. That would be the case from a practical angle.

Mr. SHORT. The effect would be that the regiments and divisions could be trained as one football team, but that when it came time to send these units out of the country they would have to be stripped of these young men of 18 and 19 who may have had perhaps 10 months' training, taking perhaps one-third out of a division and disrupting the whole organization. You could not have a working team under such conditions.

Mr. McCORMACK. So, from a practical angle, they could not be trained as a division.

Mr. SHORT. Absolutely not. The gentleman is correct.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. SHORT. I must first yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman has been home campaigning. He talked to some of the home folks, did he not?

Mr. SHORT. To plenty of them.

Mr. HOFFMAN. What will the gentleman have to say to them when they take these boys 18 and 19 years old from the farms?

Mr. SHORT. I am glad the gentleman raised that point because the House conferees accepted an amendment by the Senate that will defer men necessary in agricultural pursuits that are essential to the war effort.

Mr. HOFFMAN. Now, wait a minute; you left it to the triple A in the different districts, and I know what they are doing in my district.

Mr. SHORT. That is a matter of administration and not of legislation; there are some things that Congress cannot cure by legislation.

Mr. HOFFMAN. We should try to reach it by legislation.

Mr. SHORT. I fully appreciate the difficulties of the farmers, but they will receive more and better consideration than in the past if this measure is passed. They cannot compete with the high wages paid by private industry or with the high wages paid by Government in defense plants.

The farmer finds it almost impossible to hire any help today. He cannot get anyone to dig a potato or to pick an apple. Unless we do defer more of these bona fide farmers, these boys who were born and reared on farms and who know how to farm, this country is going to face an acute shortage of food. That is the reason we kept the Tydings amendment in the bill.

Mr. RICH. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Pennsylvania.

Mr. RICH. Why is it that we are taking 18-year-old youths when Canada and New Zealand do not take them under 19 years of age? Why do we have to take these kids into the Army?

Mr. SHORT. Because we are smarter than they are in other parts of the world. We did not order this war, but we are determined to win it.

Mr. CELLER. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. CELLER. In answer to the remarks of the gentleman from Mississippi [Mr. RANKIN] should we not have implicit confidence in our Army authorities, particularly after their brilliant campaign in Africa?

[Here the gavel fell.]

Mr. ANDREWS. Mr. Speaker, I yield to the gentleman 4 additional minutes.

Mr. SHORT. What is the gentleman's question?

Mr. CELLER. Should we not have implicit confidence in the Army in reference to these matters, particularly after their brilliant campaign in Africa?

Mr. SHORT. Our allied forces are going strong now. For heaven's sake, let us do nothing to hamper or to hamstring our military authorities. This is no time for that. We all believe in adequate preparedness. I think it is a crime and a shame to send men into combat when they are ill-equipped or when they are undertrained. If we adopt the gentleman's amendment not to send these 18- to 19-year-old boys into combat until they have received adequate training, may I ask who is going to determine what "adequate training" is unless we leave it to the Army itself? They are the best people to pass upon that. When I go to the dentist I do not call in a blacksmith and I do not give him my personal advice. I let the doctor do the work. We have too many back-seat drivers today; too many parlor generals.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. In the last war we left it to some of these military men, and they sent these soldiers to General Pershing. There is his protest that they sent men over there who were untrained and he had to send them into battle without training.

Mr. SHORT. I may say to the gentleman from Mississippi that I hope and pray that we may profit by past mistakes. Of course, the Army is not infallible. They are human and prone to error, but in the main they are doing an excellent job.

Mr. RANKIN of Mississippi. We can do it by voting this amendment in.

Mr. SHORT. No; I do not agree. We have to depend upon these men not to send inadequately trained soldiers into combat.

Mr. HULL. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Wisconsin.

Mr. HULL. Is it not a fact that the provision having to do with the deferment of farm labor does not give the local selective boards any more than they already have under the present law?

Mr. SHORT. General Hershey told us today that they would exempt or defer more men from the farm.

Mr. HULL. But the power in the conference report is no broader than we already have under the general law?

Mr. SHORT. I think it is. I disagree with the gentleman from Wisconsin. I think it is definitely so. General Hershey admitted before our committee in the hearings that the manpower problem on the farm was the No. 1 problem facing this country.

Mr. BARDEN. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from North Carolina.

Mr. BARDEN. I think it would be appropriate to say right here, while there is so much discussion of the agricultural people, that the highest percentage of enlistments—and I refer to voluntary enlistments in the United States—came from the agricultural and rural areas.

Mr. SHORT. I agree with the gentleman. The farmer has given more than his proportionate share.

Mh. THOMAS F. FORD. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from California.

Mr. THOMAS F. FORD. When we say "adequate training," what assurances have we that a man will not be inadequately trained in a year, if he cannot take the training? These fellows want a year's training and say "adequate training in a year." He might be in there a year and still not get adequate training.

Mr. SHORT. Congress cannot determine what adequate training is. We have been assured by the Secretary of War and by the Chief of Staff that they will not send these young boys into combat service until they are well equipped and adequately trained. That is the only promise or assurance that we can get from anyone. There is no one else we can trust.

Mr. Speaker, after hearing the testimony and evidence in committee and after sitting for 6 hours in conference, I hope this report will be agreed to by the House by an overwhelming majority. The report, incidentally, was unanimously adopted by the conference committee. We must win this war or lose everything.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include some telegrams which I have received.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

Mr. TREADWAY. Mr. Speaker, the House now has before it the conference report, which reconciles the differences in the House and Senate bills.

The principal issue involved in the pending motion is whether we shall require not less than 1 year's training for 18- and 19-year-old draftees.

This proposal is strongly opposed by our highest military and naval authorities, who regard it as a definite impediment to the most efficient use of our manpower. As General Marshall, the Chief of Staff of the Army, has pointed out, the required period of training to make a capable soldier varies with type of service he is to perform. I am sure we can count upon our military and naval leaders not to subject any man to combat duty until he has received the thorough training which is prescribed. I am willing to take General Marshall at his word when he said in a recent letter to the chairman of the Senate Military Affairs Committee:

> Trust our judgment and our own insistence that we fight only with properly trained units, to see that each soldier has adequate training before he enters combat.

The period of training which a soldier is to be given is a matter which we can very properly leave to military men. It is not a matter on which Congress is qualified to lay down any definite ruling, to be applicable regardless of the actual requirements and without reference to different types of service.

In order to determine for myself just what the young men who are affected by the lowered draft age think of the limitation imposed by the Senate bill, I communicated with various educational institutions in my section. I have received replies from a number of representative students, all urging me to vote for the teen-age draft bill without any limiting amendments.

The following telegram is signed by the heads of several student organizations at Williams College:

> WILLIAMSTOWN, MASS.,
> *November 7, 1942.*
>
> The Honorable ALLEN T. TREADWAY,
> *House Office Building:*
>
> May we assure you, Mr. TREADWAY, of our warmest support in your efforts to right the O'Daniel rider to the 18-19-year-old draft bill. Speaking for many young men who will be directly affected by the new act, we are convinced that American youth is willing to serve the Army unconditionally and does not want to be tied to Congress' apron strings. We wish to serve the armed forces of America in whatever place and in whatever branch our superior officers deem best. Your stand for an unconditional 18-19-year-old draft bill will be a direct contribution to victory for the United Nations.
>
> GORHAM PHILLIPS,
> *President, Gargoyle.*
> FREDERICK S. NATHAN,
> *President, Williams Adelphic Union.*
> ROBERT B. KITTREDGE,
> *President, Undergraduate Council.*
> GEORGE Y. NEHRBAS,
> *Editor in Chief, Williams Record.*
> CHARLES W. SCHLOSSER,
> *President, Williams Lecture Committee.*

From the president of the student council at Amherst College I received the following telegram:

> AMHERST, MASS., *November 6, 1942.*
>
> Hon. ALLEN T. TREADWAY,
> *Member of Congress:*
>
> The student council of Amherst College, representing 800 male undergraduates, urges the passage of the teen-age draft law without limiting amendments. We realize that we have a job to do, and we are anxious to get on with it. Any amendments hampering the free use of the country's manpower we believe will prolong the war and make our job more difficult.
>
> THOMAS J. DONOGHUE,
> *President, Student Council,*
> *Amherst College.*

This telegram is from several students of the Deerfield Academy:

> DEERFIELD, MASS., *November 9, 1942.*
>
> Representative ALLEN T. TREADWAY,
> *House Office Building:*
>
> Strongly urge you vote against training amendment to 18-19-year-old draft bill. Believe settlement of this and related military matters should be left to discretion of responsible military leaders.
>
> HILDRETH K. CHASE,
> C. THURSTON CHASE, Jr.,
> HELEN FERGUSON,
> GORDON FERGUSON.

I also have a telegram from the adjutant of the American Legion in Massachusetts, reading as follows:

> BOSTON, MASS., *November 5, 1942.*
>
> ALLEN T. TREADWAY:
>
> The American Legion, Department of Massachusetts, strongly opposed O'Daniel amendment to draft bill providing young inductees training for year.
>
> COLEMAN C. CURRAN,
> *Department Adjutant.*

Mr. Speaker, in supporting the conference report, I am but following the wishes of the young men who will be affected. I feel sure that the telegrams from which I have quoted are generally representative of the sentiment of the young men throughout my district.

The policy of whether we are to draft 18- and 19-year olds is not before us today, having already been decided in the affirmative by a decisive vote in both branches. The only question with which we are now concerned is whether we are to nullify largely that action by imposing crippling amendments. I am glad to note that the conferees have agreed upon a report which eliminates the 12-month training limitation, and I am therefore supporting the adoption of the conference report. I do so with full confidence that not a single young man of 18 or 19 will be subjected to combat duty until he is thoroughly trained in the branch of the service in which he is to fight.

Mr. MAY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Speaker, the gentleman from Missouri [Mr. SHORT], in my opinion, made a very convincing argument as to why the proposed motion of the gentleman from Mississippi [Mr. RANKIN] should be defeated.

As I have said on previous occasions, one thing we must remember is that if we lose this war we lose our country. As the gentleman from Missouri [Mr. SHORT] well said, we cannot follow our emotions, we must follow our calm, deliberate judgment as to what course under the circumstances is for the best interests of our country.

The motion proposed to be offered by the gentleman from Mississippi [Mr. RANKIN], if adopted, would preclude flexibility on the part of our military leaders, a matter which is vitally important in the conduct of the war.

Within only the past few days we have witnessed an American expeditionary force moving into north Africa. We now know that for at least 3 months, under the cloak of necessary secrecy, these plans were being made, and under the cloak of necessary secrecy it was agreed that General Eisenhower should be designated as the commander in chief of the United Forces in western Europe and in northern Africa. If that matter had been debated in the open, as the question of unified command was debated during the World War, the probabilities are that no final action would have been taken.

The action of our troops in going into Africa and the fact that the preparation of the plans for this action covered at least 3 months show the necessity for leaving flexibility in the hands of our military and naval leaders.

I hope the motion proposed to be offered by the gentleman from Mississippi will be defeated and the conference report will be agreed to. It is absolutely essential that in war our military and naval leaders possess flexibility. The adoption of the amendment proposed to be offered by the gentleman from Mississippi would put into the law a rigidness which would be inconsistent with the best interests of our country.

REGULAR VETERANS ASSOCIATION,
Washington, D. C., November 4, 1942.
The Honorable JOHN MCCORMACK,
Majority Leader,
House of Representatives,
Washington, D. C.

MY DEAR MR. MCCORMACK: The Regular Veterans Association is genuinely opposed to the O'Daniel amendment to the teen-age draft bill.

We believe that 18- and 19-year-olds should be inducted and trained without delay, and as an old soldier I can tell you that military training will not hurt them.

The War Department must have a free hand in the conduct of this war and must be permitted to assign men to meet the requirements of the service.

It is generally recognized by military men that it is necessary and essential in certain phases of land warfare that soldiers be trained near the theater of action before going into combat.

The long stand on Bataan is a notable example of the soundness of this theory. Those men were trained in the Philippines for war in the Philippines. Officers and enlisted men trained here, in the States, and rushed to that theater of action could not possibly have done so well.

I have the highest confidence in our generals and in their ability. Not one of them wants to waste manpower. Far from it. They will not rush raw recruits into combat.

I hope, therefore, that the Congress will reject the O'Daniel amendment.

Most sincerely yours,
JACK KYLE,
National Commander.

Mr. MAY. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. RANKIN of Mississippi. Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. RANKIN of Mississippi moves to recommit the conference report to the committee of conference with instructions to the managers on the part of the House to accept the Senate amendment contained in section 7 with an amendment requiring that none of these 18- and 19-year-old boys drafted under this act shall be sent to foreign combat service until they have been given adequate training.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RANKIN of Mississippi) there were—ayes 40, noes 189.

Mr. RANKIN of Mississippi. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by my colleague the gentleman from Texas [Mr. POAGE] at the dedication of the new Army hospital at Temple, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain excerpts from newspaper reports.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain lists.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SULLIVAN (at the request of Mr. RAMSPECK), for the week, on account of important business.

To Mr. STARNES of Alabama (at the request of Mr. SPARKMAN), indefinitely, on account of official business in his district.

To Mr. ELIOT of Massachusetts, for November 10 and 11, on account of serious illness in his immediate family.

To Mr. HOBBS (at the request of Mr. SPARKMAN), for 2 days, on account of official business in his district.

To Mr. PETERSON of Georgia (at the request of Mr. BROWN of Georgia), indefinitely, on account of illness in family.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. I take this time, Mr. Speaker, to inquire of the majority leader if he can tell the House the program for the rest of this week and for next week also, if he has that available.

Mr. McCORMACK. There will be no business for the remainder of the week except such matters as can come up by unanimous consent, and there is nothing on the agenda for next week. It is the intention to adjourn today until tomorrow, because some Members want to make some remarks, tomorrow being Armistice Day. We will go over then until Thursday and adjourn from Thursday until Monday, and then if it is agreeable and unanimous consent can be obtained we will go from Monday to Thursday and then from Thursday until the following Monday of the next week.

Mr. CELLER. Is it the purpose of the leadership to call the Consent Calendar on Monday next?

Mr. McCORMACK. Yes. I am glad the gentleman called that to my attention. Outside of the call of the Consent Calendar on Monday next, there will be no other legislative business.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5458. An act to amend the Organic Act of Alaska.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on November 9, 1942, present to the President, for his approval, bills of the House of the following titles:

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; and

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Wednesday, November 11, 1942, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNS:

H. R. 7765. A bill to authorize the sale or transfer of property belonging to the Government for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. FULMER:

H. R. 7766. A bill to amend the Agricultural Adjustment Act of 1938 with respect to farm cotton acreage allotments; to the Committee on Agriculture.

By Mr. SOMERS of New York:

H. R. 7767. A bill to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BROOKS:

H. R. 7768. A bill to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNS:

H. R. 7769. A bill conferring jurisdiction upon the United States District Court for Connecticut to hear, determine, and render judgment upon the claim of Clara Mark; to the Committee on Claims.

By Mr. SIKES:

H. R. 7770. A bill for the relief of Howard Morgan; to the Committee on Claims.

By Mr. PATRICK:

H. R. 7771. A bill authorizing the President to present a gold medal to Frank Loesser; to the Committee on Military Affairs.

By Mr. WHELCHEL:

H. R. 7772. A bill for the relief of George Wesley Burns; to the Committee on Claims.

By Mr. WHITTEN:

H. R. 7773. A bill for the relief of Robert H. Pulliam; to the Committee on Claims.

By Mr. THOMAS of Texas:

H. R. 7774. A bill for the relief of Raymond W. Baldwin and Mattie Baldwin; to the Committee on Claims.

H. R. 7775. A bill for the relief of Clement B. Baldwin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3413. By Mr. GRAHAM: Petition prepared by Mrs. S. R. McCleary, secretary of the Woman's Society of Christian Service of New Castle, Lawrence County, Pa., and signed by 99 members of the society, requesting the passage of a statute making it a criminal offense for anyone to sell or have in their possession any beer or other intoxicating beverage on any military camp or reservation in the United States of America; to the Committee on Military Affairs.

3414. By Mr. McGREGOR: Petition of Mrs. Clyde F. Adams and other members of the C. E. Memorial United Brethren Church, of Newark, Ohio, to prohibit the use and sale of beer and other alcoholic drinks in and around the camps of our armed forces; to the Committee on Military Affairs.

3415. Also, petition of Mr. and Mrs. John Parker and other members of Advisory Council, No. 10, of Granville, Ohio, and vicinity, urging the time be changed back to eastern standard time for the convenience of the farmers; to the Committee on Coinage, Weights and Measures.

3416. By Mrs. NORTON: Petition of Multnomah Typographical Union, No. 58, Portland, Oreg., concerning working conditions at the Government Printing Office; to the Committee on Labor.

3417. Also, petition of Typographical Union No. 403, Tulsa, Okla., concerning labor relations in the Government Printing Office; to the Committee on Labor.

3418. Also, petition of Typographical Union No. 1, Indianapolis, Ind., pertaining to labor relations in the Government Printing Office; to the Committee on Labor.

3419. Also, petition of Typographical Union No. 10, Louisville, Ky., pertaining to labor relations in the Government Printing Office; to the Committee on Labor.

3420. Also, petition of Typographical Union No. 16, Chicago, Ill., pertaining to labor relations in the Government Printing Office; to the Committee on Labor.

3421. Also, petition of Typographical Union No. 128, South Bend., Ind., concerning labor relations in the Government Printing Office; to the Committee on Labor.

3422. Also, petition of Typographical Union No. 80, Kansas City, Mo., concerning working conditions in the Government Printing Office; to the Committee on Labor.

3423. Also, petition of Typographical Union No. 430, Miami, Fla., concerning labor relations in the Government Printing Office; to the Committee on Labor.

3424. By Mr. STEARNS of New Hampshire: Petition of sundry citizens of Keene, N. H., urging opposition to the pending amendment to the Selective Training and Service Act of 1940, restricting the use of the 18- and 19-year-old classes; to the Committee on Military Affairs.

3425. Also, resolution of the commanders and adjutant of the Department of New Hampshire American Legion, urging opposition to the pending amendment to the Selective Training and Service Act of 1940, restricting the use of the 18- and 19-year-old classes; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, NOVEMBER 11, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of our Fathers, we lift our voice to Thee as our hearts are filled with gratitude. For the glorious past of our country, we praise Thee; for the precious heritage of our forefathers, we praise Thee and we bless Thee for a united citizenship which preserves the integrity of our Republic. Send Thy blessing upon the ministries of this hour, taking no heed of fears as we rest in Thy mercies.

We thank Thee today for the deeds of every heroic soul; grant that their memory may remain a sacred trust, and in our consecration we shall find the title to our honor. We pray that to this weary world there may come a new life and in the name of the Prince of Peace may it arise and snatch redemption out of its sunless ruins. O God we are coming through an awful carnival of blood and tears; oh, arouse us to that height on which the nations may turn from its blinding flashes, convulsed in war. Let there come a gale from the high heavens, a rushing wind, a token of peace, that shall be coextensive with mankind. Summon us today not only by a cross blazing in the skies but by countless crosses, around which the breath of our Lord may moan and sigh; here may we build our sacrificial altars and realize the brotherhood of man in the fatherhood of God. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRESIDENT FRANKLIN D. ROOSEVELT

Mr. THOM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOM. Mr. Speaker, the little men of the United States and the great meddler, Mr. Wendell Willkie, ought to sit in great mental discomfort after their harassing attacks on the President of the United States as they see the grand strategy of his conception developing in north Africa. The President has planned a second front that will give the Allied Nations control of the Mediterranean coast as a jumping-off place for the dispatch of airplane squadrons into Italy and other territories under Germany. This will make airplane pounding of Germany possible from the west and the south, forming an encircling line of offense that will hasten the day of victory. Confidentially, why did we not all ourselves see the great wisdom of such an attack?

Said Mr. Willkie recently in his broadcast story of his trip to the East:

Take the vital matter of our production of war materials. Here we are supposedly the biggest industrial nation on the earth. But the flow of war materials out of this country to some of the nations I visited is not only small in itself, but as compared to the immensity of this global war we are engaged in it is tragically small.

Maybe so, Mr. Willkie, but the munitions were flowing in a great stream to back up the expeditionary force that is now throwing confusion and disunion into the ranks of the enemy. According to figures released by the Lend-Lease Administrator, the supplies sent to the front for the Egyptian-Libyan campaign have been of a value of $636,952,000, including motor vehicles, aircraft, ordnance, and so forth. This stream of shipments must now be continued to maintain our armies in the field at the highest standard of hitting power.

It is true, as now revealed, that the President did not summon the national chairman of the Republican Party to advise him of the plans for this frontal assault. He bore patiently the jibes and the cries of "less politics, more action" that rained down on us during the recent campaign aimed at us poor candidates for Congress, but really meant for the President of the United States.

As we look back to the dark days of 1933 when the whole country was near disruption and the President moved with intelligence and courage to remedy the intolerable situation of national bankruptcy, we realize that in this great crisis, too, no one can quite master it as well as Franklin D. Roosevelt.

Here are the words of an outstanding Republican citizen of my home district:

I hate Mr. Roosevelt; I dislike his wife and her every utterance; but how in the world, in this state of things, could we get along without him?

How many more of his enemies would like to say the same if partisanship did not restrain?

ASSISTANT TALLY CLERK—HOUSE OF REPRESENTATIVES

Mr. PATTON. Mr. Speaker, I present a privileged resolution (H. Res. 569), and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $3,600 per annum for the services of an assistant tally clerk, from November 1, 1942, who shall be designated by the Clerk of the House subject to the approval of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GASOLINE RATIONING

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAVENS. Mr. Speaker, even if it be assumed that there is a necessity for Nation-wide gasoline rationing—a conclusion which many doubt has been demonstrated—it should nevertheless be the definite objective of those in the Government who are charged with the duty of setting up and administering the program to take a realistic view of basic economic conditions in a sincere effort to avoid, as far as possible, disrupting business activities of an essential nature and to cause as little hardship as possible upon the consuming public. It goes without saying that needless interference can only have an irritating effect and deprive the program of that voluntary public cooperation which is vital to its success. No one realizes more than I the gigantic, difficult, and thankless task facing those who have the responsibility of carrying on the program.

In our national economy those engaged in the sale and distribution of foodstuffs and other necessities of life play a vital role and perform a distinctly essential service. The consuming public has come, through the years, to rely upon the services thus rendered. To suddenly cut off this service, by means of an unfair, inequitable, and arbitrary gasoline rationing system would be disastrous and under the circumstances inexcusable. This is especially true when it is entirely possible to devise a system of rationing which will avoid the abovementioned unfortunate circumstances and at the same time allow the saving of as much gasoline and the conservation of as much rubber as the now proposed plan.

Information which I have received indicates that each commercial traveler, regardless of the territory he covers, irrespective of whether the area in which he operates is thickly or thinly populated, and without consideration being given to other inherent variations, is to be allowed exactly the same number of gallons of gasoline per month. Obviously such an arbitrary allocation will immediately result in the complete stoppage of the business of some and will at the same time permit others to have a substantial excess over their business requirements. While it is true that the regulations on their face imply that some may have their ration reduced below the maximum permissive allowable, it is nevertheless patent that in practical operation the allowable for each commercial traveler, regardless of varying conditions, will be the same. Under the proposed regulations the class referred to cannot receive gasoline which will permit driving more than 470 miles per month. In a large part of the United States this figure is so grossly inadequate that it simply means paralysis for those concerns engaged in the sale and distribution of essential commodities.

In thickly populated areas the allowed mileage is more than ample. In such areas the salesmen will call upon a vast number of customers while traveling only a few miles. Indeed, it is conceivable that if he thoroughly works his limited territory he could not cover the permitted mileage. Moreover salesmen in such an area have at their disposal the facilities of a network of public transportation systems, which they may employ with both profit and convenience. Compare the situation which I have outlined with that facing the salesmen in other sections of the country. The only public transportation available touches only a comparatively few of the points he must go and such transportation, even when available at all, is on a widely spaced time schedule. His customers are necessarily widely separated. He must travel many miles between one customer and the next. While he is covering the distance necessary to see one customer the salesman in congested locations can see a dozen. To give the minimum coverage to the places he must serve he now travels in 3 or 4 days as many miles as in the future he will be allowed to cover in a month. The disastrous effect of such curtailment is not difficult to imagine.

Would it not be more equitable to all concerned to allot gasoline or mileage on the basis of a minimum demonstrated need, allowing to each commercial traveler the varying amount of gasoline which will enable him to function, and dependent upon geographical and population factors? It is true some would receive more than others, but so long as each received the requisite minimum amount according to demonstrated need none would be harmed. Neither would the total consumption of gasoline be increased beyond that which will be used under the plan to allocate the same amount to each without regard to the necessities of each. Under the plan now proposed by the Government rationing agency, many will receive more than they need while others will be far short of their minimum requirements. And when the score is compiled on an over-all basis no saving of tires or gasoline will have been accomplished. If we can conserve these articles and at the same time be fair and avoid unnecessary hardships, let us by all means do it.

No one need have any fear that traveling salesmen, if treated sensibly and fairly, will try to take advantage of the predicament in which war has forced us. Entirely aside from their patriotic interest in the outcome of the present war they know of the difficulties attendant upon obtaining tires and motor vehicles, and are fully appreciative of the necessity of conserving, not only from the standpoint of national emergency but for their own personal and economic welfare as well. The incentive to "fudge" will be eliminated by action on the part of the Government, which demonstrates to those interested that their problem is being handled in as practicable and realistic a way as is possible.

I have asked your indulgence for these brief observations on a subject which is not a thing remote but which confronts all of us now—a matter which we must solve if chaos and avoidable hardship to a large segment of our people is to be escaped. I believe, by adopting a policy as outlined above, the situation can be improved without sacrificing the unquestionably necessary conservation of tires and rubber. Your thoughtful consideration of and suggestions concerning the problem are earnestly solicited. Let us above all continue to urge upon those in charge of the program the absolute and immediate importance of removing the inherent unfairness in the present regulations before further damage is done and a large number of our people are faced with disaster.

ARMISTICE DAY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein an inspiring story and a letter written by a missing veteran, Commander John J. Shea, a native of my district, Cambridge and Arlington, Mass., to his son, which letter I wish could be published and given every school child in the United States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it is indeed cheering that we have received word that the French Fleet and other French fighting forces have joined the Allies. Coming as it does on this Armistice Day, it is particularly fine to know that the French, who fought side by side with us in the World War, are again with us.

In thinking today of those who gave their lives for us, I want to bring to the attention of the House the fact that we should not allow any insidious propaganda to get into the United States. We should not permit any infiltration of Nazi agents whose purpose is to weaken the structure of our Government and disclose valuable information to the enemy. It was insidious Nazi propaganda and infiltration of Nazi spies in France that temporarily turned the French against the Allies.

As the people all over the country are united in 1 minute's silent prayer for the veterans who have fought, I ask, Mr. Speaker, that we have 1 minute of silence.

The SPEAKER. If the Members desire to rise and stand a moment in silence, it will be in order.

The Members rose and stood in silence for 1 minute.

SUPREME COURT UPHOLDS LAW PENALIZING FARMERS FOR RAISING FOOD

Mr. SMITH of Ohio. Mr. Speaker, I should like to call the attention of every Member of the House to the decision which the Supreme Court has rendered in the 49-cent wheat penalty case.

If you read that decision, I am sure you will find it very interesting.

As was, of course, expected, the Court validated the 49-cent penalty, and thereby gave the highest legal sanction to the

A. A. A.'s program of artificial restriction of food production.

Referring to the Agricultural Adjustment Act of 1938, the Court says:

> The effect of the statute before us is to restrict the amount (of wheat) which may be produced for market.

For this frank statement the Court should be congratulated, for it puts to an end, once and for all, the false contention of the A. A. A. officials that this program does not restrict farm production—that it does not operate to produce a scarcity of food. Since the act applies to wheat, it must apply to all farm products.

Here is the way the Court deals with the retroactive feature of the 49-cent wheat penalty. Remember, the law which provided the 49-cent penalty was passed May 26, 1941, and was made to apply to wheat planted in the fall of 1940.

It was contended by Mr. Roscoe C. Filburn, the farmer in the case who sought to restrain the Government from collecting the penalty on his so-called excess wheat, that since his wheat had been sown the year before, the act of May 26, 1941, was retroactive and, therefore, not valid.

Says the Court:

> The penalty is incurred and becomes due on threshing. Thus the penalty was contingent upon the act which appellee (the guilty farmer) committed not before but after the enactment of the statute, and had he chosen to cut his excess and cure it or feed it as hay, or to reap and feed it with the head and straw together, no penalty would have been demanded. Such manner of consumption is not uncommon. Only when he threshed and thereby made it a part of the bulk of wheat overhanging the market did he become subject to the penalty.

So the Supreme Court has ruled that a farmer who planted so-called excess acreage of wheat was not guilty of violating the A. A. A. law, but he only became guilty if he threshed the excess wheat.

The Court intimates he had plenty of time to keep himself out of the hands of the law from the time the 49-cent penalty clause was enacted or the so-called wheat-quota referendum was held, which was May 31, 1941, and the day of threshing.

To avoid the penalty he could have mowed down his excess any time between May 31 and the complete ripening of the wheat and fed it as he pleased.

He could even have allowed it to ripen, reaped, and shocked it and fed it in this form and so avoided being penalized.

Just so the farmer fed the excess wheat "head and straw together" he was all right and no law was broken. But the moment he separated the little grains of wheat from the chaff he broke the law and had to pay for his misdeed.

Presumably the farmer could have evaded the penalty if he had plowed under his excess, or burned it.

It would seem the Supreme Court's decision gives legal sanction to the act of the Michigan farmer who burned his wheat to avoid paying a penalty.

This Court ruling should be of the greatest concern to all. We are in war, and are already facing an absolute and serious food shortage.

On a population basis, according to data supplied by the Agricultural Department, the United States now has 25 percent less hogs and cattle than it had in 1917 when we entered the other war. That data unmistakably shows this shortage has been caused by the operation of the A. A. A.

Yet in the face of this ominous situation created wholly by the triple A, farmers are being fined for raising food.

But did not Thomas Jefferson give us warning of what would happen if the time ever came that the politicians and bureaucrats in Washington ran our farms?

Here is what he said:

> Were we directed from Washington when to sow and when to reap we should soon want bread.

[Here the gavel fell.]

ARMISTICE DAY

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. BOLTON. Mr. Speaker, most of us recall, very vividly, that day 24 years ago when suddenly the fighting ceased. We remember the mad hilarity of the people, the shrieking sirens, the bells. As the years have passed here in America, we have until now continued the din in our usual fashion. Not so in England.

Eight years ago today I was in London. It was a gloomy, foggy day, with intermittent downpours. But from early morning until long after dark the streets were filled with streams of people. They were not rushing aimlessly about, they moved quietly and purposefully, to definite destinations. In the morning all who could get anywhere near the Cenotaph, crowded together to share the beautiful memorial service participated in by many dignitaries, and members of the royal family. Just before 11 o'clock other crowds gathered around certain designated war monuments. Again, at all these points, there were wreaths, and dignitaries, and prayers, and the quiet people.

My son and I chose the noisy Hyde Park corner and stood for some minutes rather appalled by the roar of traffic, and the confusion of that very busy place. Suddenly a bugler stepped from the ranks of the soldiers detailed to this monument and stood waiting. Way off in the distance we heard the dramatic calls for silence, and as if by magic, all was still. We stood in reverent salute to those who had died for their country, remembering their sacrifice. For you know, of course, that in England this day is called Remembrance Day. Our bugler blew Taps, as his squad stood by unashamed of the tears that coursed down their cheeks. And then he gave us reveille. Afterward he said to me, "Well you see, Ma'am, we like to feel that it's like that for them as dies." Later in the day we joined the long stream of people that had flowed in and out of the great cathedral, past the tomb of the unknown soldier, and like all the others, dropped a deep red rose upon the mound of roses on the stone. All day long the people of London and of England remembered their soldier dead, with quiet dignity, in simplicity and hope.

Today, once again, they are joining together in their remembering.

We, too, do well to lay aside all thought of noisy celebration on this day that marks the beginning of an interval between battles rather than an end of war. We do well to call it, from henceforth, Remembrance Day, and use it in such fashion that during its passage we may renew our courage, our faith, our hope, and our strength.

Never was there such need for a strong America. Never has there been a time when all the world so needed her strength. Not the superficial semblance of boastful promises, not the arrogance of childish braggadocio. No; not that; but the deep, inner strength built in humility of spirit, fashioned in the secret hearts of all the people.

Strength comes from stress and strain, from work, from contending with whatever problem lies at hand fearlessly. Strength comes from effort, not from letting the will to do grow soft from all too little courage. Strength comes from the knitting together of strong forces, not from keeping them apart with intolerances, bitterness, and mutual suspicion. Strength comes from the willingness of each to see the other's need as clearly as his own. Strength comes from caring more for the great whole than for any of its parts. Such strength will make America invincible. Such an America will keep her promises, and do her part in the winning of the war and the building of a framework for what will be, in God's own time, a new peace-loving world.

Such strength is ours to build right here in this House. Let us lay aside all littleness, all selfish interest, all petty politics. Let us so demean ourselves here on Capitol Hill that from one end of this great country to another our people will know that unity of purpose and unity of action determine our days. Let us so comport ourselves that all the world shall know that we are strong in sincere humility and grim determination to carry forward the essential principles upon which we base our dream of freedom and our sense of responsibility to all the world.

[Here the gavel fell.]

EXTENSION OF REMARKS

(Mr. SNYDER asked and was given permission to extend his own remarks in the RECORD.)

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a speech broadcast over the radio by me from the Bureau of Naval Personnel, Navy Department.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two separate subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of the Selective Service Act, and to include two other speeches delivered over the radio with mine on the same subjects. I am informed by the Government Printing Office that it will cost probably $135.

The SPEAKER. If there is no objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that after the other special orders of the day are disposed of I may address the House for 4 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OVERTIME PAY FOR CIVILIAN EMPLOYEES OF GOVERNMENT

Mr. CLASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CLASON. Mr. Speaker, I noticed in the Washington Evening Star of November 9 of this year a statement to the effect that post-office employees are not satisfied with the Senate version of an overtime bill designed apparently to help civilian employees of the Government meet the rising costs of living. I am also troubled by the fact that it appears that no important legislation will come before the House within the next few weeks.

I should like to know if it is possible at this time for the majority leader to indicate when we are likely to take up the question of increase in pay for civilian employees of the Government, in view of the fact, as I see it, that this is a very important matter and deserves the attention of the House at this time.

Mr. McCORMACK. This legislation is now under consideration in committees of the House. As soon as a committee is ready to report such legislation I shall be glad to bring it to the floor of the House shortly thereafter.

SELECT COMMITTEE TO INVESTIGATE AIR ACCIDENTS

Mr. PATTON. Mr. Speaker, by direction of the Committee on Accounts, I offer the following privileged resolution (H. Res. 570):

Resolved, That the further expenses of conducting the investigation authorized by House Resolution 125 and House Resolution 403, Seventy-seventh Congress, incurred by the select committee appointed to investigate air accidents, acting as a whole or by subcommittee, not to exceed $3,000 additional, including expenditures for the employment of experts, investigators, attorneys, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or any subcommittee thereof conducting such investigation, signed by the chairman of the committee and approved by the Committee on Accounts.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I should like to ask some questions of the gentleman from Texas with respect to this resolution. Just how much money has the committee already expended? Will this requested sum enable the committee to clean up their work and make a final report?

Mr. KLEBERG. I may say for the information of the gentleman from Massachusetts that when the committee was first set up we asked for $10,000. That was expended together with an additional $15,000. We then asked for a further $5,000. Of this latter sum we have approximately $2,000 left, but because of recent accidents that we have had to investigate we find this balance will be used entirely and in fact we shall not be able to clear up the work of the committee this year without an additional $3,000 to carry the committee through until January 1, 1943.

Mr. MARTIN of Massachusetts. How does the committee justify the request for more money?

Mr. KLEBERG. Because of additional work and the fact that we have had to investigate two recent accidents. We investigated one air accident at Miami in which an Eastern Air Lines transport under contract to the Government in the Army freight cargo service and an Army bomber collided on a runway, on the ground, prior to take-off. The Civil Aeronautics Authority had charge of the control tower at the Thirty-sixth Street Airport. This airport is owned by Pan-American Air Lines, Pan-American uses that airport, Eastern uses that airport, National uses that airport, Delta uses that airport, and the English Ferry Command uses that airport together with the Seventy-ninth Bomber Squadron and the Eightieth Bomber Squadron. There was pronounced confusion within the bomber command with reference to operations. The Seventy-ninth Squadron insisted that all bombers which left the field were to contact the control tower by radio and take orders from the control tower by radio. The other squadron, the Eightieth, insisted that its pilots should not contact the tower by radio for tactical reasons, but that they should contact the tower visually.

It was claimed by the Eightieth Bomber Squadron that their plane taxied down the north-south runway to the intersection with the east-west runway, and then took off in an easterly direction on east-west runway under orders of the Gulf Task Force. The Army cargo ship, operated by Eastern Air Lines under a contract with the Army, was authorized by the control tower to taxi west on the east-west runway for an east take-off. While the cargo ship was taxying down the east-west runway under orders from the control tower, the Army bomber, without any contact from the tower, started its take-off on the same runway. The two planes ran together.

The planes were completely destroyed. Because of the military secrecy involved in connection with some of the equipment used by Uncle Sam, I am not at liberty at this time to give you the exact figures on this matter.

Mr. MARTIN of Massachusetts. The gentleman is telling the story of an accident. Could not all that information be gathered by the regular departments?

Mr. KLEBERG. Just a moment. Let me continue. The Civil Aeronautics Authority had control of the tower. The Pan American station manager or airport manager had control of the airport. The Army officers had control of the operations of the Eightieth and the Army officers had control of the Seventy-ninth. In this accident there were destroyed two very valuable pieces of equipment costing at least 11 times what your committee has spent on all of its investigations.

We found that neither the Civil Aeronautics Board nor the Civil Aeronautics Administration considered that they had jurisdiction to investigate this accident. We therefore made arrangements to hold a joint hearing with the Army and representatives of the C. A. B. and the C. A. A. in executive session. Your committee was the only agency in existence empowered to conduct an investigation of such vital importance, and to secure the cooperation of all the civil and military agencies involved in this accident. As a result of our investigation into this accident an agreement was reached between the Army, the C. A. A., and other interested parties which will be instrumental in preventing further accidents of this kind.

Your committee has just returned from investigating a crash between an Army bomber and an American air liner occurring at 9,000 feet altitude in San Gorgonio Pass in southern California. The bomber was headed for Palm Springs. It was under the ferry command. The air liner was headed for Dallas, Tex. These two ships collided at 9,000 feet. Twelve lives were lost. The transport plane crashed and burned. The Army bomber was seriously damaged. All because of a misinterpretation of what are known as flight contact rules as set out by the Civil Aeronautics Administration. The Army placed an interpretation that contact flight rules meant that ships should not fly over 3,500 feet above the highest point in the terrain between two radio contact points. Therefore, the Army claimed that its ship had the right to fly at an altitude of 9,000 feet through this pass. The Civil Aeronautics Board established this rule, which the Civil Aeronautics Administration interprets as meaning that no ship flying under contact flight rules, that is, without a flight plan and at a specified altitude, should fly higher than 3,500 feet above the terrain immediately below the ship. If this interpretation of civil air rules had been followed the Army ship could not have been over 6,100 feet above the ground, consequently the accident which occurred at 9,000 feet would never have happened.

Mr. MARTIN of Massachusetts. What effect has resulted from the committee reports? Was anybody punished for these failures to perform properly or not?

Mr. KLEBERG. There is a trial pending now. The Army has preferred charges of manslaughter against its pilot. The Civil Aeronautics Administration, the ferry command, and interceptor command have agreed tentatively to an interpretation of contact flight

rules to be applied in the Rocky Mountain area. We are now working to cover the entire Nation with a plan which will leave no uncertainty as to the interpretation of contact flight rules.

Mr. MARTIN of Massachusetts. The gentleman thinks it is necessary then, because the Civil Aeronautics Administration and the Army have not done the job, that a committee of Congress intervene? In other words, it is believed the regular departments are dilatory in watching these things?

Mr. KLEBERG. I am not making any accusation and there is no accusation lying.

Mr. MARTIN of Massachusetts. The gentleman must be making an accusation when it is asked to continue this committee.

Mr. KLEBERG. No; there is no accusation.

Mr. MARTIN of Massachusetts. Then why spend the money?

Mr. KLEBERG. Let me give the gentleman the picture. I have tried to explain it and I thought the gentleman would understand it.

Mr. MARTIN of Massachusetts. The gentleman has uncovered a lot of negligence and confusion.

Mr. KNUTSON. They could not help but do that.

Mr. KLEBERG. If the gentleman will permit me to answer, I know very well this matter is not partisan.

Mr. MARTIN of Massachusetts. I am not trying to make it partisan.

Mr. KLEBERG. This is a matter involving the safety of equipment and men at a time when the airways are congested. The Army and Navy are operating, as they must, with certain military secrecy, and are without the jurisdiction of the Civil Aeronautics Board. The Congress of the United States makes appropriations for the Army and for the mail contracts under which the commercial air lines operate, and for the operation of the Civil Aeronautics Administration. There is only one agency of the Government today that has the authority and jurisdiction to call all of these three groups together to thresh out problems of this sort—this congressional committee. It cannot be done otherwise.

Mr. MARTIN of Massachusetts. It looks to me as if you should have some legislation to correct these evils. Should we maintain a standing committee all the time?

Mr. KLEBERG. In my opinion, it would be very short-sighted to disallow the expenditure of $3,000 to complete a job which for this year will probably insure the safety of more lives and more equipment than any job going forward in this Nation today with reference to aircraft, air travel, and air-borne commerce.

Mr. MARTIN of Massachuseets. Did your committee visit South America to investigate accidents, too?

Mr. KLEBERG. No, sir; we did not investigate accidents.

Mr. MARTIN of Massachusetts. What was the purpose?

Mr. KLEBERG. We investigated the operations of the air lines—Pan American and its subsidiary lines. From the committee's investigation came some very important recommendations which I should like to inform the gentleman are in operation on air lines in this country, and information which has been of value to the Army and the Navy.

Mr. MARTIN of Massachusetts. Was that authorized when this committee was created?

Mr. KLEBERG. The gentleman knows very well, if he will just refer to the papers and documents creating this committee, for which he voted, that the committee was given authority to investigate the operations of all air lines which had their original source and franchise from the United States of America. Pan American had such a franchise.

Mr. MARTIN of Massachusetts. At the same time, the Congress imposed a restriction by giving the committee $10,000.

Mr. KLEBERG. We did not ask for more. It cost $1,700 for that trip, if the gentleman is interested, and I should like to tell the gentleman that I would challenge him to procure the information this committee gave in its report for $70,000.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield gladly.

Mr. KNUTSON. The committee is doing a great job. I have often wanted to visit South America. Is there a vacancy on the committee? That is not a parliamentary inquiry, but I am asking if the committee intends to make another trip to South America.

Mr. KLEBERG. No; I think, if the gentleman will bear with me, the vacancy exists elsewhere. It is not in the committee.

Mr. KNUTSON. We appreciate that. Does the committee intend to investigate the crash of November 3?

Mr. KLEBERG. At Kansas City? It does, fully and completely.

Mr. MARTIN of Massachusetts. This will finish up the whole job, will it?

Mr. KLEBERG. No. I do not believe this job would permit me to indulge in either a facetious or a careless answer. The gentleman well knows that in 1943 air activity in this Nation will be even greater than it is now.

Mr. MARTIN of Massachusetts. Why not set up a regular standing aviation committee, if it is necessary to have a continuing committee?

Mr. KLEBERG. If the gentleman is interested, he will find that I have introduced a resolution which I propose to discuss later when more Members of the House are on the floor, asking that this committee be continued through 1943, and requesting an appropriation of $50,000. This resolution has already been introduced.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. The gentleman from Minnesota [Mr. KNUTSON] refers to the air crash of November 3. They have been pretending around here that that was a ground swell.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I will be glad to yield.

Mr. HOFFMAN. The gentleman has in mind the trouble we had when the Army took over the flying of the mails. Yesterday two transport pilots were in my office, one of whom I have known for several years. They are engaged in flying materials of war. The last trip one of these young men made was up to the Aleutians. They are what they call command pilots down here. However, there is a move on foot to have the Army take over the control, and included in that movement is a proposition to make these command pilots, these men with experience to fly the ships, subject to the orders of some of the men in the Air Force. They call them senior pilots, I think.

These boys were protesting vigorously because, they said—and this young man related one experience—at times the pilots down here would not let them go off because of the weather conditions, when they knew they could get through and did get through, while at other times one of these senior pilots would want to get into the ship and assume control. Will the gentleman's committee have something to do with investigating that situation?

Mr. KLEBERG. I doubt that very much.

Mr. HOFFMAN. Where can these boys take their complaints? These are men who fly these planes and who want to do it. This one fellow has been to the Aleutians, he has been to Iceland, and to Ireland. He wants to continue to get this material over there, but he does not want some swivel-chair officer superseding him in command.

Mr. KLEBERG. The only trouble is that men who make kicks like that are disinclined to follow the orders of superiors. This war is being fought under the direction of the War Department, the Navy Department, the Marine Corps, and the Coast Guard all of which operate under a Commander in Chief, who is in the White House. The jurisdiction of this committe has to do only with those accidents in which the operations of commercial air lines and the utilization of national airways are involved. Matters such as those, of course, are matters which come properly under the military command, I think. I am sorry our committee cannot do anything about that.

Mr. HOFFMAN. I want to go a little further with that. The gentleman intimated that some of these boys do not want to submit to authority, but the gentleman will recall as others do what a mess the Army made of flying the mail. We do not want a repetition of that.

Mr. KLEBERG. I agree with the gentleman.

Mr. HOFFMAN. These boys are the men who fly the ships, and the gentleman talks about superiors. Why, here are some fellows in swivel chairs—and I have seen some of them—who are far too big around and too slow moving, to be superiors. I know of a fellow in Detroit who was made a major over an engineer, and this fellow who was made the major and who could order the other man, could

not even read a blueprint. His chief qualification was in getting drunk in the clubs in Detroit, and it was all published in the newspapers. These boys do not want to follow people like that. Can the gentleman tell me where I can place this complaint?

Mr. KLEBERG. Of course, the gentleman is as well informed as to what can be done in that case as I am. Just as other people have, I have cases showing incompetency in various places in the Government. I am convinced as a matter of fact that there is no power that can be exercised by the Congress of the United States that can avoid these things and correct some of them and avoid the mistakes made in selecting people. At the same time, the gentleman must agree with me that the simple matter before the House is a small resolution.

Mr. HOFFMAN. And I am in favor of that.

Mr. KLEBERG. And answering the gentleman from Minnesota [Mr. KNUTSON], my good friend, a little further, who made the suggestion that we might investigate the accident that occurred on November 3, I might say that for the moment my mind was not inclined to partisan matters. The gentlemen may not be informed that on November 4 there was an air crash some 4,000 feet above the ground and I got the dates mixed. That may account for my answer. As far as the crash which occurred on November 3 is concerned, the gentleman can probably investigate that himself, and if he can tell us any new facts about it, I am satisfied that many of us would like to have them.

Mr. HOFFMAN. I am in favor of the resolution, but I would like to know where I am to take my complaint.

Mr. KLEBERG. Oh, bring it to our committee, and we will try to help the gentleman out.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. Yes.

Mr. COX. I very much regret that the gentleman finds himself in the position where he cannot state to the House that with the expenditure of this additional $3,000 the committee can complete this job. I am satisfied that the work of the committee has justified its creation, but the gentleman will recall that when this resolution was first offered, we were promised that it would not be an extended committee. In other words, there were certain things that the committee might do, which when done the committee could fold up and make its report about, and go out of existence. Let me say to the gentleman that there is a feeling that prevails in the House that while the committee has done and is doing a good job, it is time for the committee to fold up, and that public funds ought not to be expended for a continuation of the job of work that the committee is doing. It is felt by many that what the committee is doing are things that could well be attended to and are being looked after by other agencies of the Government.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. Yes.

Mr. RANKIN of Mississippi. Mr. Speaker, I do not share in the view of the gentleman from Georgia [Mr. Cox]. I think this committee was created 10 years too late. I think it should have been created in 1933. In my opinion, it has only scratched the surface. If we had had this committee in 1933, we would not have been compelled to back down on our job and have the Army fly the mail, and we would have been a great deal further along in airplane development than we are today.

Mr. COX. I think I am safe in predicting that the gentleman will meet with serious difficulty when it comes to the point of adopting a resolution by this House continuing the life of this committee.

Mr. KLEBERG. Will the gentleman permit me to say this: I know of no Member in this body who is more earnest or more able or who I think is a better friend of the present speaker than is the gentleman from Georgia [Mr. Cox]. I think the gentleman from Georgia is laboring under some confusion of mind. Of course, when this committee was created and when the request was made for this committee to continue its work, air traffic had not reached the point it has reached today. Pearl Harbor had not occurred. If the gentleman would be at all interested I would be glad to send him word so that he can come on the floor when I can make a connected statement, which I am sure, due to the gentleman's fairness and his openness to conviction and his desire to patriotically serve the best interests of the country, will clear away some of the clouds.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I agree with the gentleman from Georgia [Mr. Cox] that in times past I have been constrained to make no objection because of the fine character of the personnel of this committee. You, individually, feel that the committee ought to be continued. You feel that so strongly that you have introduced a resolution providing for an appropriation of $50,000 to continue the committee. When that time comes I think it will be a fair test of whether or not the views of the gentleman from Georgia and myself are the views of the House.

Mr. KLEBERG. Certainly. It may be that only one man will agree with me, but I shall certainly make an effort to see to it that this committee or some other agency is set up with authority to carry on a proper investigation. Only such a committee can bring together the groups interested in the development and safety of aviation without hampering the military operations of this Nation.

I do not care whether it is our committee. I do not care whether the personnel is changed. In order to be able to present the matter to the House, I introduced the resolution which I hope to discuss later.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. KLEBERG. I yield to the distinguished gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I want it understood that if we let this go by, and I am inclined to do so, I hope this will complete the job and you will not require any more money from the House to write the report after January 1.

Mr. KLEBERG. If we do not have any more accidents which the committee must investigate——

Mr. MARTIN of Massachusetts. Oh, well, now——

Mr. KLEBERG. I hope the gentleman will do me the honor at least of listening to me without interruption until I can make a connected and coordinated reply.

Mr. McCORMACK. Will the gentleman yield to me?

Mr. KLEBERG. Just a moment. Let me answer the gentleman from Massachusetts. This committee has been away from its homes and been away from the floor of Congress on many arduous trips. It has worked sincerely. It has not been a junket. This committee has a report which would take a proofreader from now until the 15th of January to read to its completion if he sat down and read 12 hours a day. This committee is studying the report as it comes out. The gentleman from Massachusetts wants to be fair, and I want to be honest with the House. If an accident should occur which this committee, under the power granted it and for which it was created with the duties incident to exercising that power, should feel ought to be investigated, and by our action we would delay the final completion of the report beyond the deadline set by the gentleman from Massachusetts, I am certain that the gentleman would not be worried about our being a few days late. We will get the report in and fold up with this $3,000.

Mr. McCORMACK. Will the gentleman yield to me?

Mr. KLEBERG. I yield to the distinguished majority leader.

Mr. McCORMACK. I have listened to this colloquy with a great deal of interest. I think we all admire our fine friend from Texas [Mr. KLEBERG] in that he feels there should be a continuance of the committee. In other words, he frankly admits his views on a unanimous-consent request, with the knowledge that his frank statement might bring about objection to the consideration of this resolution. I know we all appreciate his frankness and also his sticking to his own personal convictions. The thought enters my mind that this resolution might be passed and it will not be considered as evidence supporting his resolution which will come up later.

Mr. MARTIN of Massachusetts. Oh, we understand that thoroughly.

Mr. McCORMACK. Exactly. So that the RECORD will show, if nobody objects, there is complete reservation of rights to oppose the resolution when it is taken up.

Mr. KLEBERG. Of course, that is true.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield to the gentleman from Michigan.

Mr. BRADLEY of Michigan. The gentleman has just said that a continuation of this committee and the length of time required is contingent upon additional accidents. Is the gentleman's committee investigating a possible source for continued accidents? Here is what I refer to: Sometime ago the air lines leased certain planes to the Army for operation. I have a great many friends who are old-time pilots who are flying those planes today, and they tell me that they are becoming in an alarming state of repair or lack of repair because of the fact that the air lines now assume no responsibility for the maintenance of that equipment, and the Army claims that it has no responsibility for the maintenance of the equipment. Those pilots who are flying those ships all over the world today are flying them with the knowledge that they are flying faulty and dangerous equipment. I know one pilot who, in the last 30 days, has had two motors cut out on him under very serious and trying circumstances.

Mr. KLEBERG. May I say to the gentleman that the committee, of course, is taking cognizance of that, but the case he refers to here is an exception rather than the rule.

Mr. MARTIN of Massachusetts. What is the function of the Civil Aeronautics Administration if it is not to check up on these matters?

Mr. KLEBERG. The Civil Aeronautics Administration has checked up on such matters. The Civil Aeronautics Administration has nothing on earth to do with the planes operated by the United States Government and leased to the Army and Navy; but let me say it has been our experience that in 99 cases out of 100 our recommendations have been accepted by air lines, by the Army, and by the Civil Aeronautics Administration when we have discussed operations.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield.

Mr. GOSSETT. I just want to observe that a great deal of the most wholesome and beneficial work done by the Congress has been done as a result of its various investigating committees. It seems to me to be a bit strange that some gentlemen of the minority do not want these investigations continued but are willing to trust the entirely ex parte statements of Washington bureaucrats as to their various administrative activities.

Mr. MARTIN of Massachusetts. If the gentleman will vote as he talks we will have plenty of them in the next session.

Mr. GOSSETT. The gentleman expects to do that. In my opinion, this committee has done very valuable work. I understand that on its trip of investigation in South America it uncovered Nazi activities in that area and their revelations resulted in the suppression of a great deal of Nazi activity in South America and contributed materially to the war effort.

This committee is making a very small request, and certainly it ill behooves any of us to object to it in the light of the committee's record.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield.

Mr. FULMER. I preface my remarks by stating that I have a very high regard for my colleague the gentleman from Texas and his ability and deep interest in the line of work in which he is engaged, but after the remarks of the gentleman from Texas [Mr. GOSSETT] I feel it my duty to express my views on this matter.

I have been in Congress for quite a long time. During this time there have been many investigations. I want to state frankly out of my experience that in practically every instance we have had no beneficial result in the way of the passage of legislation or the stopping of the evil we have investigated. We have wasted millions of dollars in this way. At this time when we are spending billions and wasting millions in connection with our war effort we ought not to continue investigations that should be done by others in authority who have something to do with it. We should give the Civil Aeronautics Administration the power to do this by passing such legislation as is necessary and let the Congress remain at its post tending to the official business of the Congress. We should cut out the spending of money for that purpose.

Mr. KLEBERG. May I reply to my good friend the chairman of the House Committee on Agriculture, by which I am honored in being a member, that it will be my pleasure to send the gentleman evidence with reference to this particular investigation in the form of recommendations which have been made by this committee and adopted by the Civil Aeronautics Board, the Civil Aeronautics Administration, and by air carriers. Some of the legislation recommended by this committee has been adopted. We have prepared other legislation that is now pending. This will indicate to the gentleman that at least this investigation has not caused money to be expended without result. I shall be pleased, indeed, to send this to his office, because he is entitled to the information.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KLEBERG. I yield.

Mr. RANKIN of Mississippi. Let me say in reply to the gentleman from South Carolina that I have been in the House exactly the same number of days he has. I remember the Teapot Dome investigation, which, in my opinion, had the most wholesome effect. That was a committee that was worth untold millions to the American people. I participated in the investigation of the corruption of the New York Cotton Exchange of 1927. I participated in the investigation of the racketeering of disabled soldiers that was going on here in the District of Columbia in connection with a certain institution. I could go on down the list and name you many of these investigations that have been worth many times more than they ever cost. It is time that Congress got into the driver's seat and assumed its responsibilities and looked after the affairs of this Government as best it can. I know of nothing more effective in this line than the operation of just such committees as the gentleman from Texas represents.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield, and I do not care to prolong this discussion——

Mr. KLEBERG. I yield.

Mr. MARTIN of Massachusetts. I may say to the gentleman that I have not been casting any aspersions on the record of this committee.

Mr. KLEBERG. Why, of course not.

Mr. MARTIN of Massachusetts. I was in favor of this investigation, and I think on the whole the committee has done a good job. I think Congress should investigate some of these things that are not right. I am hoping and praying for some democratic support when we make requests next year for certain investigations. I do think, however, that after a job is done the committee should fold up; I do not think they should run on indefinitely. I am not, however, going to oppose this resolution.

Mr. DISNEY. Mr. Speaker, will the gentleman yield for one question?

Mr. KLEBERG. I shall be pleased to.

Mr. DISNEY. Does this committee's recommendations contemplate legislation that Congress may or may not pass that requires a correlation of these activities on the part of the executive department to cure these defects the gentleman has described?

Mr. KLEBERG. I may say for the gentleman's information that a bill was introduced on yesterday which, of course, will be reintroduced in the next Congress and receive consideration after January 1, but it was introduced yesterday for the information of the House requiring certain changes to be made.

Mr. DISNEY. Was that introduced on the basis of the information the gentleman's committee collected?

Mr. KLEBERG. Yes.

Mr. DISNEY. Very well. I want to join in the sentiments expressed by the gentleman from Mississippi [Mr. RANKIN]. The job of Congress is to investigate the executive department, especially in these days since it has got to be so top-heavy that it almost overshadows the Congress itself.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THIS ARMISTICE DAY

Mr. FOLGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. FOLGER]?

There was no objection.

Mr. FOLGER. Mr. Speaker, this is Armistice Day. The commemoration is largely that we may pay our respects and render that due to the memory of those who died to make the world safe. Their sacrifices were not in vain. I cannot contemplate what would have been our destiny or state if they had not given their last full measure of devotion for liberty's cause. We also commemorate this day in honor of those who fought and returned to see what we would make of their accomplishments. We had the

opportunity to carry on where they left off, but we failed, and now another war.

I stop here to speak of the worth of the life of Woodrow Wilson, who had seen the dangers which called us into the conflict of the war in 1917 and who saw the opportunity to make the world safe—safe for democracy, safe for our homes, our land and its institutions, and safe for the world, but who was denied the privilege to complete the work so gloriously carried on by our men in arms.

In the Washington Post there is set forth today what I believe to be true. The editorial reads, in part, as follows:

After the last war the feeling grew into a fixed idea that our participation had been a mistake. It became so general that Armistice Day speakers almost seemed to apologize to the dead.

The theme song of many of our orators was that the dead had been duped into fighting by selfish interests. * * * Last year the President, speaking at Arlington, declared truly that the dead—

And the editorial should have said those who survived—

fought to make the world safe—not safe for this or that, but safe.

There is no longer any need to labor the point. The sacrifice of our war dead—

And may I not add to the editorial the survivors of that war—

has been triumphantly justified, and it is only because we failed to keep the world safe—as the victors with their power could have kept it safe—that this generation must undergo the same agony as the last.

The sacrifices made in World War No. 1 served to deliver us from immediate bondage then and we shudder to wonder what the result would have been had we not turned the tide in favor of democracy and freedom and right. Oh, if we had just completed our job. We shall not make this blunder again. We shall see that in this war for freedom and home and country our men shall not have sacrificed or died in vain.

ARMISTICE DAY

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. RAMSPECK). Is there objection to the request of the gentleman from New York [Mr. EDWIN ARTHUR HALL]?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, 24 years ago today an armistice was signed which brought to a termination one of the most savage wars in all history. As a boy then 9 years old I remember vividly the great jubilation, the great joy of the people, which was brought about by the signing of that armistice and the bringing about of cessation of hostilities on the western front. I remember a few weeks later the boys coming home to their families and their friends in various communities, and I remember the great rejoicing of the fathers and mothers of our Nation at that time.

Today we are faced with the same determination to bring to a successful conclusion the great struggle in which we are now engaged. On this day I trust we will all renew our determination to do just that.

THE LATE MRS. FRANK B. NOYES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the entire country should mourn the passing of Mrs. Frank B. Noyes who did so much for the improvement and beautification of Washington and in securing legislation for that purpose, and for child-health and public-health improvement. Members of Congress who have been here for a number of years will remember her tireless devotion and persistent efforts in enlisting their support of measures close to her heart. She was a gracious and great lady. Bishop Freeman said of her in a brief eulogy when he praised her benefactions to Washington and to the Nation:

A life of such great value cannot end.

The editorial follows:

[From the Washington Star of November 10, 1942]

MRS. FRANK B. NOYES

Washington owes a great deal to Mrs. Frank B. Noyes which never has been and never will be adequately recorded. Intensely devoted to the city, she worked untiringly for its development as the beautiful Capital and the model metropolis that she knew it will some day become. She shunned personal publicity and the limelight. But she used the gifts of a charmingly compelling personality, a keen imagination, and a discriminating taste in persuading those in authority to work with her for Washington. Once convinced of the desirability of some public improvement, she made it a personal responsibility to see that others were likewise persuaded. Those who won her support—and many sought it—enlisted a loyal and zealous friend.

Her interests were varied and manifested in many fields. She was a pioneer in child welfare and public-health improvement in Washington. Because of her intimate knowledge of Washington's park system and her own sense of artistic values, her opinions and counsel were frequently sought in planning the treatment and expansion of park areas. She was a moving spirit behind the National Arboretum legislation and the subsequent development of this unique and beautiful sanctuary of plant life; the District War Memorial in West Potomac Park and the beautification of approaches to Washington. She lived a long and useful life, and she communicated to those who knew her something of her own invigorating enthusiasm for the really beautiful things in this world and her desire that others, in learning to know them, would share them.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to include as a part of my remarks an editorial in the Washington Star which covers so well many of her activities.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mr. WHITE. Mr. Speaker, in connection with my request obtained yesterday to extend my own remarks in the RECORD, I wish to supplement that request by asking now that in the extract of papers printed in that extension, they appear in date lines as I present them for printing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

AN AGGRAVATED LABOR SITUATION IN MINNESOTA

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]?

There was no objection.

Mr. AUGUST H. ANDRESEN. The Speaker, I wish to call the attention of the Members of the House and also the administration to a labor situation that is becoming very critical in Minnesota in connection with the Gopher Ordnance Plant at Rosemount. The American Federation of Labor unions in St. Paul seem to have complete control over labor employment. A good many thousand carpenters and other skilled mechanics have been employed on the Gopher job, but last week between three and four thousand carpenters and other skilled mechanics were discharged from the job under orders of the St. Paul carpenters union.

It seems rather strange that a union in a large center should have power to cause the dismissal of fellow unionists who live in the smaller communities throughout Minnesota. These skilled men in the smaller communities are as much entitled to work on a Government project as are the union men in the larger cities, and this discrimination against smaller communities should be stopped. When dismissals are necessary, all should be treated as equals.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a letter that I have written Mr. Leon Henderson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska [Mr. CURTIS]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 30 minutes.

POST-WAR PROBLEMS

Mr. GIFFORD. Mr. Speaker, I said on yesterday that I would divide my time. I would like to use about half of it, and during the remainder I hope for helpful suggestions from the rest of the House.

I trust the Members present will be interested in contributing to the discussion.

This is not to be a political speech. This might be an opportune time, but my subject is What Are We To Do After We Win the War? Of course, we assume we will win.

Great tidings came over the air just a little while ago—heaven forbid that it be not true—that Marshal Pétain has surrendered the French Army and the French Fleet to the Allied Nations, and had surrendered himself to Hitler. If true, it is one of the bravest acts recorded in history. Hitler is marching into Vichy, and Pétain was forced to a quick decision. What news on this Armistice Day! This event adds luster to its observance.

I have been somewhat deluged of late by letters from people who idolize their leaders who, because of their leadership and their high standing, have already committed this Nation to very serious promises and commitments. Is it possible that self-appointed leaders or those who assume leadership by virtue of high office should proclaim promises to the world and bind us to actions that later we might find ourselves unable to perform?

I am not pretending to be wise. If you are wiser than other men, try to hide it from them. I might call your attention to what one of our very wise Members recently said:

> Men are not wise. When I discovered that I was about as smart as anyone else I met, I lost practically all my respect for human intelligence.

My friend the gentleman from Texas [Mr. SUMNERS] made that remark. Does it not sound like him? He further said:

> Only God is great and His laws are man's only safe guide. I mean His work-a-day laws governing growing crops, sick people, and sick governments.

I am not attempting wisdom or philosophy or stating convictions, I am simply groping. I have a "Stop! look! and listen!" speech today, and I want help. I do not want visionary, dreamy-eyed people—although I should not do anything to dampen their enthusiasm—to commit us to promises that later on we could not possibly perform.

There is an old Yankee saying, "Make every bargain clear and plain that afterward no one can complain." High sounding bargains are now being made for us, and we should be fearful lest we could not follow through.

Many now lament: "Why didn't we join the League of Nations?" We all now know there was a clause in that document that stated that any nation could withdraw after 1 year's notice. Many powerful nations did withdraw. That made it a useless and highly dangerous document. Perhaps the League of Nations endorsed too many economic doctrines that many nations could not support. It fell by its own weight. Some people like to say that it was a hatred of President Wilson that caused its defeat. It would seem not. The people of this Nation hesitated, and wisely hesitated, of course, not to bind themselves to that sort of a league.

When one nation withdraws, others generally follow. We had our own Civil War to hold a United States of America. First one State determined to secede. Swiftly many others having similar interests also seceded. A dreadful war followed. Let us visualize that world of states we are now hearing about. It is highly persuasive. Even after all nations bind themselves—what real hope may we have that many might decide to secede when conditions imposed are not to their liking. Perhaps we might then have worse wars than ever before. Let us think this out. Indeed how difficult it would be to hold all the nations of the world together. Contemplate the great clash of interests and the superhuman efforts to be made to satisfy the aspirations of them all. Shall we erect another Tower of Babel? Many other great men of former generations have had great dreams of like nature. This is not new. Are all peoples ready for liberty and freedom? Their great men ardently desire it. God grants liberty only to those who love it, and are always ready to guard and defend it.

Are we ready to grant even the free flow of commerce? I wonder how many of us would resist economic depredations within our own borders. It is said that there is to be economic freedom for every nation. I dread to think of what my own country would do after having subscribed to a world of free commerce, when cheap-labor goods would pour into this country, with our own people out of employment. I do not know whether we could stand even that test or not, but that is but a small item in the intended commitments. We have recently somewhat approached that problem, but it has not been proven successful because war conditions have prevented a proper test. Secretary Hull has been leading us benignly and fairly cautiously along that highway.

I have here several utterances of great men that I tried to weigh carefully. I see my good friend from Georgia [Mr. COX] appears interested. I have spent a little time reading this book by Earl Browder which I have here. He proclaimed that at last he was welcomed to Georgia, the State of my friend [Mr. COX]. He states that he was carefully protected by many guards. He states: "I had the opportunity to study the solid South from the inside for 14 months." Read his testimony relating to Georgia. He has certainly condemned you to perdition. Read his chapter on the Democratic Party. He says that you will never become liberals, you people of those benighted regions." Of course, Mr. Browder also finds a great deal of fault with the Republican Party, but his greatest cry seems to be against the Norman Thomas Socialist Party. This would seem to be against his closest relation. Of course, his book is a book of apology and an attempt to justify himself.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. HOFFMAN. Is that the Browder who recently went to Illinois to ask for the defeat of a World War veteran who was a candidate on the Republican ticket?

Mr. GIFFORD. I think so. I do not think there is any other Browder of such importance. He appears to excuse himself for not being willing at first to enter the war. He claims that at first it was a war of imperialism; that we were going in to help England extend her imperialism. Therefore, he could not subscribe assistance until that popular government, his beloved Government of Soviet Nations, composing only the common people, was involved. Then he joyously went along. He says that Norman Thomas is still on the outside, still preaching against the war. When I see his followers as when they appear before the Dies committee, I am compelled to acknowledge some prejudice. I learn people by the friends they command. He said in the beginning of his book that we should have a post-war program, but in the very last chapter he declares that he has no blueprints for a post-war program. However, he insists that the economy of our own Nation shall be changed. He may mean by that that there are to be no more Kulaks, only the common people. The middle-class men no longer are the common people. So much for Browder. Let him try to wash himself and now talk about fifth columnists, but I think he was a real fifth columnist before the Soviets came in. However, I suggest "crows are never whiter by washing themselves."

What worries me much more than Mr. Browder is my own leader, Mr. Willkie. Whither is he going? Did he help us greatly to win this last election? Are we all out of step with him? So many idolize him.

If you Democrats take him as your candidate in the next election, you will have so many Republicans who idolize him that you will sweep the country. However, he is now my leader. He is the titular leader of the Republican Party. But did he lead in this last campaign? How helpful was he? I trust he will not again slip his moorings. These few remarks may be political. I admire Willkie greatly. I do indeed. If he is still my leader, he will probably find me following him if he will only tell me where he is going. He recently went abroad. He tells us about it over the radio. He says that the President of the United States asked him to do a few errands for him, but that he was a free agent; that he had a bomber furnished him, but that he could report to the people as he pleased, and he paid his own personal expenses. Then he recited how small the world in which we live now seemed; that we must now think in a global viewpoint. He went on to say that he finds our friends to be everywhere; that we have a great reservoir of good will; that everywhere the people admire us very greatly because of our great accomplishments in so many fields of endeavor. But he went on further to say our reservoir was leaking, leaking badly, in different places. Why? Because the goods that we promised had not been delivered. It does seem that we had tried to deliver them. He recites one warehouse nearly empty that should have been full.

I am wondering about those errands that the President asked him to do for him. Did the President ask him to tell Stalin that there was a second front being prepared in Africa? I doubt very much that the President informed him of that, because if he had I do not think that Mr. Willkie would have said over the radio that the military leaders needed prodding.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. COX. The gentleman is speaking a strange language. I wonder if anything has happened in the last few days that would enable him to join with me in singing "Praise the Lord and Pass the Ammunition"?

Mr. GIFFORD. Oh, yes.

Mr. COX. I am very much encouraged, because I find that in what has happened, after all, America is fundamentally sound.

Mr. GIFFORD. I wish that could have been the subject of my remarks. I knew nothing about the good news of this morning when I announced my program. I gave notice that I was going to talk about the commitments that our leaders are making for us in a post-war world. I want to make a "Stop! look! and listen!" speech. I am as sure that America is fundamentally sound as is the gentleman from Georgia. I am trying to fly a few danger signals. That is all. I also want to know Mr. Willkie's viewpoint more in detail. I want to know whether I can follow in his lead. He has a great hold on our people belonging to either political party.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. JENNINGS. Is there any living man who can commit the American people at this time?

Mr. GIFFORD. No, there is not; but some in high places can make the peoples of the world believe they speak with great authority. When the President, the Vice President, the candidate for President, the Secretary of State assure peoples of their freedom it has great weight. It almost commits us. Many times a President of the United States makes a commitment which does not really commit, but to save our own faces we have to support him.

Well do we remember occasions when the party whiplash has been used for that purpose. I do not want that to happen. I am not too conservative. I dread that I am too much of a radical at heart. I feel the necessity of calling attention to those promises that are being made. I fear too early commitments. Mr. Willkie advised about leakages in that we had not furnished what we said we would furnish; that the nations of the world want us to promise and guarantee them their freedom; that they begin to doubt us; that we should select representatives with authority to make realistic agreements assuring nations that they shall have their freedom. I look at my own country and I sometimes wonder if we are worthy of our own freedom. Are we so equipped, religiously and mentally, that we are protecting our own freedom? There may be some doubt about that. We seem to be hastening to a bureaucratic or dictatorship form of government. But Mr. Willkie does say that there are many nations that are not yet ready for freedom, but they demand a date. Who could name a date in such a world as that in which we are now living?

The other leakage is that we should meddle with India, and slap Great Britain on the wrist because of their present hesitancy in not declaring that India's demand be immediately met. He denounced imperialism—perhaps I can subscribe to that. But I want to be sure that imperialism is not supplanted by slavery. Something must follow the relinquishment of a force used to hold a people together. However, Secretary WALLACE and most of these others referred to declare "that every nation shall be free to determine the form of government they desire." They seemingly now forgive and want to forget the millions that were murdered in Russia in order that the common people—of which I hope I am one—may have the government they desire. Murder the kulak and bourgeois in order to get it. They want Spain to have the kind of government that nation may determine. It makes our blood run cold when we read of rather recent events in Spain. Ideologies caused neighbors to wholesale murder of each other until they determined what kind of government the majority or the strongest desired. Often outside interference added to those flames. Shall we unleash the Hindus upon the Moslems and vice versa, and wait until they kill off each other until they decide what kind of government they want? That seems to be the promises being made. It is now declared that we will feed, clothe, and police the world. I can only say, "How they would love to have us police them." We tried that in South America and with what disastrous results. There would be a leakage of good will in that operation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes. It is time you interrupted me. I want you to. I am really sincere when I say that I want you to do so.

Mr. McCORMACK. My purpose in asking the question is to see whether the gentleman's mind can be clearly expressed in the RECORD, because people read the RECORD. We have the benefit of the gentleman's very forceful and charming presence.

Mr. GIFFORD. "Charming" is gratefully acknowledged. I trust I do not lose my balance.

Mr. McCORMACK. Well, I consider the gentleman charming anyway, so that satisfies me. I take it that the gentleman from Massachusetts is not opposed to some proper efforts made to bring about a permanent peace in the future?

Mr. GIFFORD. The gentleman knows I am not.

Mr. McCORMACK. I know it, and that is why I asked the question so the RECORD would show, because the gentleman's entire utterances were to the contrary.

Mr. GIFFORD. Indeed they have not been to that effect. I am simply groping. I am asking the gentleman to help me by suggestions. I do not know whether to guarantee a quart of milk to everybody or a pint; I really do not. I do not know that it is wise to guarantee either. I refer to that remarkable speech of Secretary WALLACE.

Mr. McCORMACK. Of course, a quart or a pint of milk is not responsive to my inquiry. It is a serious inquiry, because we know that twenty-odd years ago there came a division in this country that prevented anything being done, which was a blow to the generation that is in the war now. The question is whether or not after we win this war we are going to betray the next generation that will grow up in 20 or 25 years, children of Members of this body, and children of the living generation. That is the question.

Mr. GIFFORD. I would like to ask the gentleman, does he think we should have joined the League of Nations 20 years ago?

Mr. McCORMACK. I think we should do anything from an international angle based upon international justice that will prevent the next generation from being used as cannon fodder. This is my conviction.

Mr. GIFFORD. That is not an answer to my question. May we not have an expression based on hindsight? Considering the situation as it was, things as they now are, does the gentleman think that we should have bound ourselves to the League of Nations?

Mr. McCORMACK. I have answered the gentleman's question clearly. I will stand for any kind of international action based upon justice that will bring about permanent peace and save the next generation from being cannon fodder.

Mr. GIFFORD. Everybody wishes that but still the answer is not yes or no. I rejoice in the invasion of Africa. Think of the close and careful preparation in detail for months before final action. Agreements in detail must be made before final commitments.

Mr. McCORMACK. And yet everybody was condemning the President and everybody else for not doing anything at the very time when all these plans were being made in the secrecy which was absolutely necessary in war to bring about the important element of surprise.

Mr. GIFFORD. The gentleman says: "Everybody." He will excuse me from that, will he not? However I am of little importance.

Mr. McCORMACK. Possibly the word "everybody" is a little too broad.

Mr. GIFFORD. I have always fondly hoped that some day I could make a speech of some importance to which people would listen, but I cannot. If I can get the leader of the House to say something it will be heralded in tomorrow's papers. What the gentleman says is important, and he is most careful in his statements.

Mr. McCORMACK. The gentleman elevates me unduly.

Mr. ROBSION of Kentucky. Mr. Speaker, if the gentleman will yield——

Mr. GIFFORD. I yield.

Mr. ROBSION of Kentucky. That, of course, was a campaign argument made by our New Deal friends in the primaries, as well as in the final elections—that the defeat of the League of Nations proposal in the United States Senate was the thing that caused the present war. I think we should not let out of our minds or lose sight of the fact that it was not our failure to enter the League that precipitated the present war, but that it was one of the member nations of the League who precipitated it.

Mr. GIFFORD. I thank the gentleman. I want to say to my friend from Massachusetts—we are extraordinarly good friends and always have been—that I am sometimes glad to be at the bottom where I can look up and see such men as he at the top, and who have never tasted failure. Happy is the man who hath never known what it is to taste of failure; but "to have fame is purgatory; to desire it is hell." I neither have nor desire fame. I would fear it greatly.

Mr. McCORMACK. The gentleman, of course, overlooks the fact that I was trying to make an observation and did so in language that probably reflected his own state of mind, but in that very fine, pugnacious, wholesome manner of his he took issue with me for controversial purposes. The gentleman is by nature controversial in a most charming manner.

Mr. GIFFORD—

> When I em controversial
> My perception is quite fine
> I always see both sides of it,
> The wrong one and mine.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield for a question?

Mr. GIFFORD. I yield.

Mr. JENKINS of Ohio. The gentleman has brought out a very important point, but he has not received an answer to it and was unable to get an answer from the distinguished majority leader as to whether it was his opinion that this war resulted from our failure to enter the League of Nations. The gentleman did not get an answer.

Mr. GIFFORD. No.

Mr. JENKINS of Ohio. I should like to know whether the gentleman himself has thought that through and can give us the benefit of his conclusion?

Mr. GIFFORD. The thought is that if we had signed article 10, to furnish military support to enforce the League's mandate, and with the other provision that any nation could withdraw in 1 year, we would have made a hideous error. I think our leader knows that. He must know, looking backward and seeing what actually has happened we must feel grateful that we did not tie ourselves to that League of Nations. We all subscribe to general statements desiring peace, but conditions and details wreck good intentions.

Mr. JENKINS of Ohio. I take it the gentleman feels that if we had we would have assumed the greater share of responsibility and be left to assume the responsibility in both men and money.

Mr. GIFFORD. Yes. Did we want to be so tied up with a League of Nations that we would engage in a civil war that might exterminate us in an endeavor to forcibly retain nations in the League? The United States cannot be held wholly accountable for the failure of the League. I am simply pleading caution. I am pleading with my leaders who want to guarantee liberty and freedom to the world that they do not bind us too early with promises we might not be able to fulfill. Then the leakage of good will would be very great. I am pleading with my leaders to do some very serious thinking before they make too broad promises. I hesitate to agree to police the world. I think about China now banded together to fight Japan. After she wins, will the war lords of North China still be willing to go along contrary to their accustomed ways? What are Chiang Kai-shek's chances of continuing control that he can assure us of the perpetuation of the new order? Willkie thinks he can. I hope he can. I suppose if I had gone around the world talking with these great men who see clearly what they themselves desire that I would come back imbued with the same spirit. But can they restrain their peoples and educate them to the duties and responsibilities of freedom?

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. KNUTSON. There are, of course, several promises that the gentleman has overlooked. For instance, the promise the President made up in Boston a few days before the last Presidential election. I cannot quote his words exactly, but he made his promise and reiterated it "again and again and again." Then there is Brother WALLACE who wants us to put a quart of milk at the elbow of every human being throughout the world three times a day.

Mr. GIFFORD. He said he was partially joking.

Mr. KNUTSON. He was partially joking?

Mr. GIFFORD. Yes.

Mr. KNUTSON. The trouble with WALLACE is, you cannot tell when he is joking and when he is serious, because he is more serious when he is joking than otherwise.

Mr. GIFFORD. One of the most remarkable statements made by Mr. WALLACE, which bothers me most, is that he wants this world built on the exact pattern of T. V. A. He wants the world to be another T. V. A., the most perfect example of socialism yet effected in this or any other country. It amuses me that my friend, the T. V. A. advocate from Mississippi, should hate socialism so much, yet endorse the T. V. A. 110 percent.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I listened with a great deal of interest to the gentleman's speech, but he cancels out all of his argument when he shows such a poor understanding of the Tennessee Valley Authority,

Mr. GIFFORD. I realized that I would by that remark alienate my friend's endorsement.

Mr. CRAWFORD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. In the early part of 1931 we enacted the lease-lend bill. We implemented it with an original appropriation of $7,000,000,000. So far six reports have been filed by the President of the United States disclosing operations under that bill. In his sixth report he shows the maximum amount of aid that can be provided, $62,944,650,000. In the fifth report the President enunciated the principle of equality of contribution of men, materials, and money, and had this to say:

> Each United Nation is contributing to the ultimate victory not merely its dollars, pounds, or rubles, but the full measure of its men, its weapons, and its productive capacity. Our reservoir of resources is now approaching flood stage.

I wish to ask the gentleman two questions.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. GIFFORD]?

There was no objection.

Mr. CRAWFORD. My first question is this, Did not the President in his fifth report cancel out all of the so-called lend philosophy or lease philosophy of that act?

Mr. GIFFORD. Why, the gentleman knows full well that what has been said heretofore should have prepared us for that. Whether he said it or not we know it is to be canceled out. In spite of all the information that comes to us to the contrary, England is today supplying us with only a few things. We might like to know what the proportions are. I want to ask one question. We are already committed by promises. We have told what we are to do. Now in all seriousness I want an answer. What are other nations promising that they will do? Have any of them come forward with any definite promises except that they will go along with us as long as we promise to protect them and to feed them? No promises have come from them; am I correct?

Mr. CRAWFORD. Correct. May I submit the other question, which is a compound question? Will the principle of equality of contribution not only cancel positively all that we might have thought we had in connection with lend and lease, but go a step further and place the American people in a position where they will, under the conduct of the lend-lease philosophy and its interpretations as tied into the fifth report of the President, become a great debtor measured by dollars, upon which our economy is based, in the fulfillment of our obligations and thereby have claims filed against us based on dollar concepts in the post-war period, thereby tying the whole operation together?

Mr. GIFFORD. The bookkeeping brings many complexities of settlement. Of course, we will be the great creditor, but there will be plenty who will claim us to be the debtor. What is expected of us is terrifying. We have a $300,000,000,000 debt facing us, it is said. How much further can we go?

Mr. KNUTSON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Our farmers are being urged to produce the maximum, while they denude our farms of farm labor, both by the draft and by war industries. We are told we are under the obligation to feed the world. If we start in feeding the world, who is going to feed us when we are hungry?

Mr. GIFFORD. While you pray for your farmers, will you also pray for my fishermen?

Mr. KNUTSON. The gentleman from Tennessee suggests that perhaps we will be fed by the ravens.

Mr. HILL of Washington. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Washington.

Mr. HILL of Washington. Going back to the gentleman's reference to Earl Browder, I hold in my hand a book written by Stuart Chase, who writes so charmingly yet so realistically. It is the second of a series of six books on When the War Ends. He has constructive thoughts. He is not like Mr. Browder, who has no blueprint whatever. He has constructive thoughts and constructive plans. I commend the reading of the book to the gentleman's attention.

Mr. GIFFORD. He has plenty of constructive thoughts. I have read many of his outpourings. I do not always agree with him. Even Earl Browder says some fine things. Some people may even believe what Earl Browder says about Georgia and the Democratic Party. Undesirable people are able to offer good advice, and if we did not know the author the argument might be persuasive. I often read Stuart Chase, and we should go back to his earlier writings. Is he always hewing to his original line? Is Tugwell still hewing to his original line? Heaven protect us from such new dealers.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Tennessee.

Mr. JENNINGS. The gentleman has made a very notable contribution in attempting to anticipate the unknown future. Let us get right down to the known present. Traveling salesmen have just been taken off the road as nonessential to the war effort. We cannot get coffee, we are limited on meat, we are rationed as to sugar, we have no tires. Farmers in many instances are quitting. They are selling their dairy herds. It seems to me we ought to get down to brass tacks and face the situation as we see it now. No man can tell the future.

Mr. GIFFORD. The voice of the people was heard in the land a week ago. The people tried to tell by their votes that they recognized ineptitude and hypocrisy.

Mr. KNUTSON. Could we not sum it all up with these few words: "By the taxes they impose on us we shall know them?"

Mr. GIFFORD. Yes, indeed.

[Here the gavel fell.]

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. I have been very much interested in the remarks the gentleman has made and the various questions propounded, but there is one thing I just cannot overlook. The gentleman has given a great deal of thought to this. I hope he will give some study to it.

When we come to sit around the peace table at some future time, with the hope of preventing wars, there is one thing I think is certain. Unless it is made possible by the terms of peace that every nation on the face of the earth that is involved can determine the form of its own government—and by that, I mean that the people can determine the form of their own government—we will simply have laid the foundation for future wars.

Mr. GIFFORD. I told the gentleman that. They would simply murder each other until the strongest prevailed.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think that observation is a very potent and a very correct one. Any effort in the future to that end must have complete regard for the sovereignty of nations. If any effort of an international nature were made to destroy the sovereignty of nations, it would have to exist by force, and it would be only a matter of time until it would destroy itself.

Mr. GIFFORD. I regret that I did not write out these remarks. However, I wanted a round-table forum. I feel grateful for the participation of the Members.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, instead of taking this time today, I ask unanimous consent that I may address the House for 15 minutes tomorrow following any other special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Washington Star, dated November 9, 1942, on the tire-inspection program.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. HILL] is recognized for 4 minutes.

CAUSES FOR REVERSALS IN THE 1942 ELECTIONS

Mr. HILL of Washington. Mr. Speaker, although only 50 percent of the votes cast in 1940 were cast in the recent election, a majority of the voters exercising their franchise favored my opponent, Mr. Hal Holmes. I cheerfully abide by their decision. I have always urged majority rule as the essence of democracy. I do so today in defeat as I did in my years of victory. The people have been very generous in their treatment toward me. First they sent me for three terms as their representative in the State legislature. Then for five terms as their Representative in Congress. I have at all times tried to serve them faithfully and efficiently. I have had convictions and expressed them, both in speech and votes. My judgment may not at all times have been sound but my conscience is clear. I have no regrets and I want to express my sincere gratitude to the people of the Fourth District for giving me the privilege of serving them so long.

Some commentators say and some disgruntled losers in the recent election think they have an alibi by saying that the 50 percent or more who failed to vote were either in the Army or absent in defense plants. Who has any authority to say that they would have cast their ballots for the incumbents? That is merely fatuous reasoning. Let us not deceive ourselves. The people throughout the country are intelligent and are well aware of conditions. They resent many of the things that are going on in the name of "Win the War." By experience they know the criminal waste going on in our camps and in our defense plants. It is an open secret. The fact that we are at war is no valid excuse. They also know that unusual wages are being paid in these plants and too often for labor not performed. Sons and fathers by the score have told me this. It is not hearsay; it is the tragic truth. They also know of countless cases of profiteering from the disclosures of the Truman committee and the House Naval Affairs Committee. They have seen on every hand scores of dairies slaughtered because farm help is unavailable due to high wages in defense industries. Personally I have seen acres upon acres of foodstuffs decaying or being destroyed because of shortage of farm labor.

During my brief 3 weeks in my State I contacted scores of small business men and visited small shipyards. Priorities for weeks and months prevented them from securing supplies and they were closing their doors. One shipyard had launched four coast guard boats but because of a small item of copper they

were not complete and could not be commissioned. The copper was in stock—plenty of it. Applications for priority had been made weeks ago. Red tape in W. P. B. delayed or refused it. These boats should be out on our Pacific coast so as to give space for new ones being constructed. This is neither economy nor common sense. It is just plain bureaucratic dumbheadedness and inefficiency. The war cannot be won in this manner. Food from our farms and materials for clothing are just as necessary as war implements. The people back home know this and insist on it—swivel-chair bureaucrats and brass hats back here in Washington, D. C., to the contrary notwithstanding. Not only are the people of this country awake to the serious situation, but they are just as loyal and patriotic—even more so—than those drawing down a fat salary. They have been buying bonds and stamps; they have been willing to pay heavy taxes; they are willing to sacrifice. But they insist that the funds appropriated and taxes levied be used in an all-out effort to win this war and not wasted as it is now too evidently done. The upsurge of the voters was a healthy sign of live democracy. For my part I was glad to see it. This, too, notwithstanding my personal defeat. Personalities, after all, are really secondary. Unless those in authority heed this warning and rectify these unsound and undemocratic practices immediately there will be a more serious and decided revolt in 1944. The people of the United States are sound at heart. Jefferson trusted them. Lincoln trusted them. Why should not we who proclaim these two as our heroes, also trust them? We can and will win this war, but it will be won by the rank and file in these United States and not by bureaucrats and visionaries here in Washington, D. C. Again permit me to say: Not only do I abide by the verdict of the voters back home, but I will continue to do my very best to help in correcting the political, economic, and social evils too prevalent in our beloved America. This is the duty and privilege of a private citizen the same as of a public servant.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. VINSON of Georgia, for 10 days, on account of important business.

ADJOURNMENT

Mr. DOMENGEAUX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Thursday, November 12, 1942, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIFFORD:

H. R. 7776. A bill relating to deferment of registrants regularly engaged in fishing essential to the war effort; to the Committee on Military Affairs.

By Mr. TABER:

H. R. 7777. A bill to allow payments in lieu of taxes on property taken by the United States Government; to the Committee on Public Buildings and Grounds.

SENATE

THURSDAY, NOVEMBER 12, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Father of Mercies, in Thee we live; away from Thee we perish. Thou only canst redeem our life from destruction.

As we witness man's inhumanity to man, we confess with sorrow that human devices and designs have deceived and betrayed every fair hope and brought ashes for beauty; the arm of flesh has failed us. Man has forsaken Thy ways all holy and slighted Thy word. Thou hast given him the faculty of creating beauty, and he has used the gifts of Thy grace to destroy the works of his own hands and the heritage of his children. In these latter days Thou hast granted him the dominion of the air, and he uses his wings to rain death and destruction upon the good earth, tearing to tatters the fair fabric of his own achievements.

By Thy mercy and by Thy judgments hasten the day when the devotion, the skill, and the knowledge of men shall channel broad streams of living waters of good will through the arid wastes of human need and in wildernesses blossoming as rose gardens shall plant trees of life abundant, whose leaves are for the healing of the nations. So out of the wrath of man may there come the reign of God, whose alone is the kingdom and the power and the glory. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, November 9, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills of the House:

H. R. 5458. An act to amend the Organic Act of Alaska; and

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5458) to amend the Organic Act of Alaska, and it was signed by the Vice President.

NOTICE OF HEARING ON NOMINATION OF LOUIS E. GOODMAN TO BE UNITED STATES DISTRICT JUDGE, NORTHERN DISTRICT OF CALIFORNIA

Mr. MURDOCK. Mr. President, as chairman of the subcommittee of the Committee on the Judiciary, which has before it the nomination of Louis E. Goodman, of California, to be United States district judge for the northern district of California, I give notice, under the rule of the committee, that there will be a public hearing in the Senate Judiciary Committee room a week from today, Thursday, November 19, 1942, at 10:30 a. m., at which time and place all persons interested may be heard.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Gillette	O'Mahoney
Austin	Green	Overton
Ball	Guffey	Pepper
Barkley	Gurney	Radcliffe
Bilbo	Hatch	Reynolds
Bone	Herring	Rosier
Brewster	Hill	Russell
Bridges	Johnson, Calif.	Schwartz
Brooks	Johnson, Colo.	Spencer
Brown	Kilgore	Taft
Bulow	La Follette	Thomas, Idaho
Bunker	Langer	Thomas, Okla.
Burton	Lee	Thomas, Utah
Byrd	Lodge	Tobey
Capper	Lucas	Truman
Caraway	McFarland	Tunnell
Chavez	McKellar	Vandenberg
Clark, Idaho	McNary	Van Nuys
Connally	Maloney	Wagner
Danaher	Maybank	Wheeler
Davis	Millikin	White
Downey	Murdock	Wiley
Doxey	Norris	Willis
George	Nye	
Gerry	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Nevada [Mr. MCCARRAN], the Senator from Kentucky [Mr. CHANDLER], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. MCNARY. The Senator from Vermont [Mr. AIKEN], the Senator from New Jersey [Mr. BARBOUR], the Senator from Nebraska [Mr. BUTLER], the Senator from Oregon [Mr. HOLMAN], the Senator from Kansas [Mr. REED], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

REPORT OF UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 7 (4) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit herewith, for the information of the Congress, the Fifth Report of the United States High Commissioner to the Philippine Islands covering the fiscal year beginning July 1, 1940, and ending June 30, 1941.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 12, 1942.*

[NOTE.—The report accompanied a similar message to the House of Representatives.]

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A letter from Mrs. M. H. Wilson, general delivery, Washington, D. C., in regard to the interpretation and administration of the laws relating to alien enemies and alien property by certain courts; to the Committee on the Judiciary.

A resolution of the House of Representatives of the General Assembly of Missouri; to the Committee on Military Affairs:

"House Resolution 11

"Whereas since the adjournment of the regular session of the Sixty-first General Assembly of the State of Missouri, and on December 7, 1941, Japan made a sneak assault upon citizens and possessions of the United States of America at Pearl Harbor; and

"Whereas on December 8, 1941, a state of war was formally declared; and

"Whereas since said 8th day of December 1941 the United States Government and the people of this Nation have been working together for an all-out war and an early victorious conclusion; and

"Whereas the President of the United States, Franklin D. Roosevelt, as Commander in Chief of our armed forces, has done each, all, and everything necessary to this time for the preservation of our democracy, our possessions, and the safety and welfare of our citizenship; and

"Whereas among other foresighted and important things done and accomplished, the President of the United States, Franklin D. Roosevelt, has appointed a native son of Hannibal, Mo., Donald M. Nelson, to the position of Chairman of the War Production Board, which office and appointment is one vital to the prosecution and early conclusion of this war; and

"Whereas the President of the United States, Franklin D. Roosevelt, and Donald M. Nelson have worked in full and complete unison and harmony for the advancement and progress of the United States of America in our war efforts; and

"Whereas many thousands of Missouri manhood, the cream of our citizenship, are now in the various branches of military service of their country; and

"Whereas many thousands more of our citizenship are engaged in defense employment; and

"Whereas the rest of the population of the State of Missouri are in full and complete unison, harmony, and accord with the President of the United States, Franklin D. Roosevelt, in the prosecution of the war effort and with his administration, and each and all things done by him in the furtherance thereof; and

"Whereas in World War No. 1, the citizenship of Missouri distinguished themselves in the service of their country, and especially such men as Rear Admiral Coontz, of Hannibal; Rear Admiral Willard, of Kirksville; General Crowder, of Trenton; and General Pershing, of Linn County; and

"Whereas the history of the United States has repeated itself in that in our present time of great trial God Almighty has again presented to the people of this Nation a great leader to guide and direct our course and destiny: So, therefore, be it

"Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Missouri, in extra session assembled, That the President of the United States, Franklin D. Roosevelt, be commended in each, all, and everything he has done as President of the United States and as Commander in Chief of the armed forces in the prosecution of this war and in the orderly and far-sighted judgment used in all things in connection with the war effort, and especially commending him in the selection of Donald M. Nelson as Chairman of the War Production Board, and that the people of the State of Missouri, by and through their representatives in the sixty-first general assembly, in extraordinary session assembled, hereby and by this resolution commend the President of the United States of America, and hereby reaffirm our faith and confidence in the President of the United States, Franklin D. Roosevelt; Donald M. Nelson; and the President's administration, in their ability, good judgment, and tireless effort for and on behalf of all these United States, their possessions, their people, and their welfare, and this House of Representatives of the Sixty-first General Assembly of Missouri, in extraordinary session assembled, collectively and individually bind ourselves to cooperate with the President of the United States, the Congress of the United States, and all the various agencies, civil and military, in an all-out effort for an early and conclusive victory: Be it further

"Resolved, That the chief clerk of the house be instructed to send a certified copy of this resolution to the President of the United States, to Donald M. Nelson, and to both Houses of the Congress of the United States, and that a copy hereof be spread upon the permanent records of this house."

By Mr. CAPPER:

A petition of members of the congregation of the Rosedale Baptist Church, Kansas City, Kans., praying for the enactment of legislation to prohibit the sale of alcoholic liquors in the vicinity of military camps and naval establishments; ordered to lie on the table.

LETTER AND RESOLUTIONS FROM DEPARTMENT OF CONNECTICUT, VETERANS OF FOREIGN WARS

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point and appropriately referred a letter which I have received from Mr. William P. Dibble, adjutant of the department of Connecticut, Veterans of Foreign Wars of the United States, together with copy of resolutions adopted by a meeting of the Department of Connecticut, Veterans of Foreign Wars of the United States, held at Thomaston, Conn., on October 25, 1942.

There being no objection, the letter and resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
DEPARTMENT OF CONNECTICUT, INC.,
Meriden, Conn., October 31, 1942.

Hon. FRANCIS T. MALONEY,
United States Senate,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: As the phraseology of the attached resolution bears out our feelings on the matter, we feel, Senator, and pray that you and your colleagues will do nothing to disturb the present basis of benefits to our comrades of World War No. 1, and that you have all been sincere in the enactment of amendments to the World War Compensation Act for our comrades of World War No. 2.

The present system has proven itself to be the best and most equal basis that we have had, and seems to me to carry out the wishes of the illustrious men who have gone before, who had a feeling for the disabled man. To meddle with a just arrangement is going to cause hardships on end, and the man who should be taken care of is going to suffer, just as was the case not so many years ago. This can best be said in the immortal words of the great Lincoln: "To care for him who has borne the battle, and for his widow and orphans." This never intended to have war veterans in need of special care to be classed as civilians. We want to keep what we have, Senator, and give to those that are now fighting our fight, everything that we can. If this is what might be called a special class, then let us have a special class, for without the efforts of these lads, we will have no class.

We pray, Senator, that you will give our resolution the consideration which we believe it merits, and that you will work for the ultimate defeat of H. R. 7484 and the immediate passage of S. 2827; we are not asking for more, we are asking for a continuance of the same treatment that is in force, and the Divine Providence knows they are worthy of this from a grateful Government.

Realizing the many problems that are yours in a time like this, but also realizing that you have been most square on problems that have confronted you regarding veteran legislation, we know that you will take time out on this and again act as you have in the past, for the best interests of your comrades and mine.

Thanking you again for the many favors which you have shown me, and with my best wishes for continued strength to meet the problems of all our people at a time like this, I am,

Sincerely yours,

BILL DIBBLE,
Department Adjutant.

At a regular meeting of the Department of Connecticut, Veterans of Foreign Wars of the United States, held at Thomaston, Conn., on Sunday, October 25, 1942, the following resolution was unanimously adopted:

"Whereas, it has come to the attention of this Department that by H. R. 7484, it is proposed to place the administration of Veterans Affairs in the control of the Federal Security Commission, and which bill would deprive veterans of past wars, of benefits under existing laws, and the existing system of care for disabled veterans, which have proven satisfactory in the past, and that S. 2827, also pending, proposes to continue those benefits as they are now administered: Now, therefore, be it

"Resolved by this department, That we most earnestly urge the defeat of said H. R. 7484, and the passage of S. 2827, to continue to present war veterans and those who shall

become disabled by reason of their sacrifice to perpetuate our freedom in the present war against our national existence and American principles of liberty."

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS

Mr. LANGER. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred a letter I have received from Herbert Brown, Rugby, N. Dak., respecting the prevention of liquor sales and the suppression of vice around Army camps.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

RUGBY, N. DAK.

To the Congress o, the United States:

HONORED GENTLEMEN: I humbly beg your permission to present the following statement.

It is my opinion that Senate bill 860, to prohibit vice (prostitution and red-light districts) and liquor in and around Army camps or some other bill with equal restrictions should be enacted into law immediately.

My reason for believing that such legislative action should be taken is as follows:

First, because we need the greatest efficiency in the prosecution of this war.

Secondly, because carefully made scientific tests have proven that the use of alcoholic liquor in any degree as a beverage retards the muscular and visual reactions of the person using liquor containing alcohol, thus lessening the efficiency of the person who uses it.

Third, because in lowering the draft age of our young men to 18 and 19 years we are placing mere boys in our armed forces and subjecting them to the influences of camp life at a period of their lives when that influence needs to be as wholesome and productive of physical and moral and spiritual strength as is possible.

And lastly, in inducting these young men into our armed forces we are asking them to give a number of years of their lives, and, if need be to give life itself, as many will do, in the waging of a war for which they are not responsible and under conditions more terrible than have ever existed before. We are asking them to die for a great cause and liquor and vice are the enemies of that faith which prepares men to die.

Respectfully submitted.

HERBERT BROWN.

Mr. REYNOLDS. I present and ask consent that there be incorporated in the RECORD at this juncture as a part of my remarks and appropriately referred several letters I have received from a pastor of various churches in a section of Virginia in reference to Senate bill 860 and the so-called Lee amendment.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. ROBERT R. REYNOLDS,
Chairman, Senate Military Affairs Committee, Senate Office Building, Washington, D. C.

DEAR SENATOR REYNOLDS: We are writing you, not personally, but officially, as chairman of the Senate Military Affairs Committee.

At a very representative service at Beach Grove Methodist Church, Spotsylvania County, Va., Sunday, October 25, 1942, the congregation requested the pastors present to write to you, stating that the congregation desires the passage of protective legislation for our armed forces from the liquor and vice traffics similar to that which was enacted by Congress in 1917.

Furthermore, the congregation urges you, as chairman of the Senate Military Affairs Committee, to insist that Senate bill No. 860 be taken from the calendar, and be brought before the Senate for careful consideration and for a vote by the Senate. Fair play demands that such procedure be followed, so that a roll call of the Senate may be had on the merits of the present bill, or upon the bill as amended for more effective protection.

You are requested to read this action of the congregation upon the floor of the Senate, and to ask that it be inserted in the CONGRESSIONAL RECORD.

Respectfully yours,
C. L. STILLWELL,
Pastor, Spotsylvania Charge, Spotsylvania, Va.

Hon. ROBERT R. REYNOLDS,
Chairman, Senate Military Affairs Committee, Senate Office Building, Washington, D. C.

DEAR SENATOR REYNOLDS: We are writing you, not personally but officially, as chairman of the Senate Military Affairs Committee.

At a very representative service at Tabernacle Methodist Church, Spotsylvania County, Va., Sunday, October 25, 1942, the congregation requested the pastors present to write to you, stating that the congregation desires the passage of protective legislation for our armed forces from the liquor and vice traffics similar to that which was enacted by Congress in 1917.

Furthermore, the congregation urges you, as chairman of the Senate Military Affairs Committee, to insist that Senate bill No. 860 be taken from the calendar, and be brought before the Senate for careful consideration and for a vote by the Senate. Fair play demands that such procedure be followed, so that a roll call of the Senate may be had on the merits of the present bill, or upon the bill as amended for more effective protection.

You are requested to read this action of the congregation upon the floor of the Senate, and to ask that it be inserted in the CONGRESSIONAL RECORD.

Respectfully yours,
C. L. STILLWELL,
Pastor, Spotsylvania Charge, Spotsylvania, Va.

Hon. ROBERT R. REYNOLDS,
Chairman, Senate Military Affairs Committee, Senate Office Building, Washington, D. C.

DEAR SENATOR REYNOLDS: We are writing you, not personally, but officially, as chairman of the Senate Military Affairs Committee.

At a very representative service at Zion Methodist Church, Spotsylvania County, Sunday October 25, 1942, the congregation requested the pastors present to write to you, stating that the congregation desires the passage of protective legislation for our armed forces from the liquor and vice traffic similar to that which was enacted by Congress in 1917.

Furthermore, the congregation urges you, as chairman of the Senate Military Affairs Committee, to insist that Senate bill No. 860 be taken from the calendar, and be brought before the Senate for careful consideration and for a vote by the Senate. Fair play demands that such procedure be followed, so that a roll call of the Senate may be had on the merits of the present bill, or upon the bill as amended for more effective protection.

You are requested to read this action of the congregation upon the floor of the Senate, and to ask that it be inserted in the CONGRESSIONAL RECORD.

Respectfully yours,
C. L. STILLWELL,
Pastor, Spotsylvania Charge, Spotsylvania, Va.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. REYNOLDS, from the Committee on Military Affairs:

S. 2786. A bill to equalize certain disability benefits for Army officers; with amendments (Rept. No. 1672).

By Mr. GERRY, from the Committee on Naval Affairs:

H. R. 7575. A bill to expedite the prosecution of war, and for other purposes; with an amendment (Rept. No. 1673).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCNARY:

S. 2890. A bill for the relief of Robert Paul Horst; to the Committee on Immigration.

By Mr. REYNOLDS:

S. 2891. A bill to amend paragraph 8, section 127a of the National Defense Act so to authorize certain service to be counted in determining precedence among officers when dates of rank are the same; to the Committee on Military Affairs.

By Mr. ANDREWS:

S. 2892. A bill for the relief of Mrs. Alethea Arthur;

S. 2893. A bill for the relief of F. M. Maloy; and

S. 2894. A bill for the relief of Sam Wooten; to the Committee on Claims.

By Mr. REYNOLDS:

S. 2895. A bill for the relief of Maj. George E. Golding; to the Committee on Claims.

(Mr. REYNOLDS also introduced Senate bill 2896, which was referred to the Committee on Finance, and appears under a separate heading.)

EXTENSION OF PROVISIONS OF NATIONAL SERVICE LIFE INSURANCE ACT TO AMERICAN WAR CORRESPONDENTS

Mr. REYNOLDS. Mr. President, American war correspondents are shattering all precedents and traditions in this war by sharing the dangers of front-line troops. Several have been killed in action; others are missing in action; yet more have been wounded in action.

Contrary to all previous wars, American war correspondents in this war are serving on battleships, aircraft carriers, destroyers; they fly into enemy territory in bombers and fighting aircraft; they ride beyond the front lines in tanks and armored cars; they go far beyond the front trenches, because trench warfare is only a phase and not always an important phase in modern warfare.

Despite all their hazards, these men are ineligible for war-risk insurance. They are likewise denied commercial insurance because of the excessive premiums required where such insurance is even offered them. Because they are, first, subject to military law and are under the control of the commander of the Army force—or Navy force—which they accompany; second, are treated as prisoners of war when captured by the enemy; third, subject to the Articles of War and all regulations for the government of the Army—or Navy—pursuant to war; fourth, are compelled to waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of accompanying troops; fifth, compelled to wear military uniforms, even though wearing a uniform may endanger his life; sixth, unable to quit their posts without the writ-

ten permission of his commander, these men should be made eligible for war-risk insurance while on assignment with the armed forces of the United States.

Every day war correspondents for the American press associations and newspapers are risking their lives. Only last Saturday, November 7, two American correspondents were wounded in Egypt—Alexander C. Sedgwick, of the New York Times, and Jack Lait, of International News Service.

The honor roll of war correspondents includes Jack Singer, of International News Service, killed in the loss of the *Lexington*; Witt Hancock, of the Associated Press; and H. L. Percy and William McDougal, of the United Press, lost in Java and Africa. There are many more.

These boys risk their lives while serving with the Army or Navy, and it is only fitting that they be made eligible to war-risk insurance.

In connection with these remarks, I introduce a bill relative to the extension of the privilege which I have been discussing.

The VICE PRESIDENT. The bill introduced by the Senator from North Carolina will be appropriately referred.

The bill (S. 2886) extending the provisions of the National Service Life Insurance Act of 1940 to American war correspondents was read twice by its title and referred to the Committee on Finance.

DEPENDENTS OF FRANK EDWARD DACE—AMENDMENT

Mr. HILL (for Mr. DOWNEY) submitted an amendment in the nature of a substitute intended to be proposed by Mr. DOWNEY to the bill (S. 2859) for the relief of dependents of Frank Edward Dace, which was referred to the Committee on Military Affairs and ordered to be printed.

SENATE ELECTIONS AND THE POLL TAX

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a short statement which was submitted in evidence before the Senate Special Committee on the Poll Tax showing the 48 States, in descending order by percentage of potential voting population, voting in the 1940 and the 1936 senatorial elections.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATE ELECTIONS AND THE POLL TAX

One vote for Senator in a poll-tax State is worth more than 3 votes in a non-poll-tax State. In my State of Kansas, for example, about 68 percent of the potential voting population votes in Senate elections. In the poll-tax State of Alabama, 18 percent of the potential voting population votes.

In the senatorial elections of 1940 and 1936 there was no State among the 8 which maintain the poll-tax restriction of the suffrage—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—in which as many as 29 percent of the potential voting population voted. In the 40 non-poll-tax States, 67 percent of the potential voting population voted. In Indiana, Illinois, Utah, Idaho, West Virginia, Connecticut, Delaware, Massachusetts, and New York, more than 75 percent of the potential voters voted. Of all of the non-poll-tax States only in the 3 which have only recently abolished the poll tax—North Carolina, Florida, and Louisiana—was the vote less than 49 percent of the potential voting population.

The following chart, which was submitted in evidence before the Senate Judiciary Subcommittee on the Poll Tax, shows the 48 States in descending order by percent of potential voting population voting in the 1940 and 1936 senatorial elections:

Senate elections showing States in descending order by percent of potential voting population voting, 1940 and 1936

West Virginia	84
Utah	83
Illinois, Indiana	80
Connecticut, Delaware	78
Massachusetts, New York, Idaho	77
Nevada, Missouri, North Dakota, Rhode Island	74
Nebraska	73
New Jersey, Colorado	72
South Dakota	71
Montana, Minnesota	70
Ohio, Wisconsin	69
Kansas	68
Iowa, Washington, New Mexico	67
Vermont, Pennsylvania	66
Michigan	64
California	61
Oregon	60
Kentucky	59
Maine, New Hampshire	57
Arizona	54
Maryland	53
Oklahoma	49
North Carolina	43
Texas	28
Florida	27
Tennessee, Louisiana	24
Virginia	19
Alabama	18
Georgia, Arkansas	15
Mississippi, South Carolina	12

Figures for 1936 used only for those States which held no senatorial elections in 1940.

WAR TAXES AND WAR BONDS

Mr. VANDENBERG. Mr. President, last Monday I made a brief statement regarding war taxes and War bonds, which I ask to have printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I seriously doubt whether taxes should again be increased in 1943, as the Treasury seems to contemplate. The country should have a year in which to adjust itself to the latest tax bill. These new taxes already approach the danger line so far as ordinary corporate existence is concerned just as they also drive close to the subsistence line for millions of our people. It seems to me that the prime consideration now to be borne in mind is that our major fiscal problem, in respect to the war, is that of successfully financing the enormous and inevitable deficits which will be left after every possible dollar of new tax revenue has been collected. For example, after this last tax bill raises eight billions of new revenue, there still remains a deficit of fifty billions for this same fiscal year. Next year's deficit will be substantially larger.

Adequate and prudent methods for the Nation-wide absorption of these bonds on a noninflationary basis is our next great problem. It involves 10 times as much money as could possibly be squeezed out of the American hide in the form of new taxes superimposed upon those already voted. Certainly it requires the maintenance of American business as a going concern to carry this load, and we are already warned by the War Production Board that we have already gone to the tax limit for sustaining a healthy national economy. Certainly it requires us to leave the individual taxpayer with some sort of a margin with which to face these other unavoidable responsibilities. We must avoid that last straw which breaks the camel's back. In other words, the additional collection of another and final three or four billions in further taxes is far less important than the Nation-wide absorption of forty or fifty billions in bonds, particularly if the former jeopardizes the latter.

As I see it, the next problem is a bond problem and not a tax problem, except as a further tax bill confines itself to stopping further loopholes and to correcting inequities and to improving administrative methods through larger collection at the source and to implementing the so-called Ruml plan for putting tax liabilities on a current basis. What we now need, and what we cannot escape is a practical program for the Nation-wide distribution—as far as possible in the hands of private investors—of at least five times as many War bonds as are now being subscribed. The unliquidated problem is not more taxes but more bonds.

VOLUNTEERS FOR OVERSEAS SERVICE FROM NEW HAMPSHIRE TRUCK OWNERS' ASSOCIATION

Mr. TOBEY. Mr. President, I ask to have printed in the RECORD at this point a brief article from the Manchester (N. H.) Union Leader telling of the volunteering within 24 hours of 27 men as drivers, mechanics, and dispatchers to serve as members of 1 of the 2 truck regiments organized by the American Trucking Associations for immediate service overseas on a vital mission. The article demonstrates that the spirit which animated the patriots at Lexington and Concord is still alive in the hearts of the men of New Hampshire.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENLIST 27 NEW HAMPSHIRE TRUCK DRIVERS FOR VITAL OVERSEAS MISSION

The war council of the New Hampshire Truck Owners' Association recruited within 24 hours a total of 27 drivers, mechanics, and dispatchers throughout the State to serve as members of 1 of the 2 truck regiments organized by the American Trucking Associations for immediate service overseas on a vital mission.

Immediately after being notified by the national association that the Army had called for volunteers, the State organization communicated with all sections of the State and within a day had raised the quota set for New Hampshire, according to A. J. Staby, secretary and general manager in New Hampshire.

The State men will be activated about November 20.

OVER 4,000 VOLUNTEER

Immediately following the national association's announcement of the drive, more than 4,000 volunteers were listed.

The New Hampshire list was gathered by the war council committee of four—Dana L. Clark, of Nashua; J. E. Faltin, Aime V. Plante, and Clark Jones, all of Manchester. Vernice W. Law, of Nashua, is president of the State association.

The Granite State volunteers are:

Ralph D. Bailey, Manchester; Euripides Koyladen, Goffs Falls; Vaughn Goss, Manchester; Louis N. Cote, Nashua; Lionel Theriault, Nashua; James V. Cochrane, Antrim; Henry Woods, Epping; Edmund J. Schneider, Rochester; John Byrnes, Somerville; Maurice Smith, Lisbon; Clifton Dexter, Lisbon; Charles Carpenter, Littleton.

Wilfred Dumont, Haverhill; Stanley Payne, Keene; Frederic Beauchesne, Keene; John Fountain, West Swanzey; George W. Gowen, Portsmouth; Silvio Cote, Nashua; Edias D. Benoit, Manchester; Walton Easton, East Rochester; John McKenna, Dover; John L. Butkiewicz, Claremont; Donald G. Worden, Goffstown; Harold W. Parker, Manchester; Furnell Wallace, Rochester; Richard Crosby, Laconia; and Charles Lowell, Laconia.

REORGANIZATION OF THE MISSOURI PACIFIC RAILROAD

Mr. TRUMAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter from the executive committee in charge of the reorganization of the Missouri Pacific Railroad, which has real bearing on the reorganization of that great railroad system. I should like to have the letter printed as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MISSOURI PACIFIC RAILROAD CO.,
New York, N. Y., October 23, 1942.

The Honorable HARRY S. TRUMAN,
United States Senate Office Building,
Washington, D. C.

DEAR SENATOR TRUMAN: On the floor of the Senate earlier this month, you and Senator WHEELER referred to interference in the plan of reorganization of the Missouri Pacific Railroad Co. There is interference in that reorganization. It threatens consequences of much greater gravity and national consequences than those mentioned by you or Senator WHEELER. That interference, however, is not the interference of any speculators (for whom I have no sympathy) but is interference by a closely knit group of financial institutions—life-insurance companies and banks—who are seeking to obtain control of the reorganized Missouri Pacific and in so doing threaten:

(1) To withhold many millions of dollars in cash which should immediately be paid to the Reconstruction Finance Corporation in liquidation of debt, thereby becoming available to the furtherance of the war program; and

(2) By an ingenious utilization of current rail reorganization procedure, to acquire control of a number of now competitive major rail systems in the hands of this same closely knit group of financial institutions; and

(3) A large-scale destruction of bona fide investment values in rail securities without financial justification.

I am sure that you would not wish misimpressions on a matter of such national importance to remain in the minds of your associates in the Senate either as a result of remarks made or omissions to state material facts pertinent to the reorganization of this railroad. Accordingly, I respectfully invite your attention to the salient facts of the situation.

1. The interference in the Missouri Pacific reorganization of a group of life-insurance companies and banks threatens to withhold many millions of dollars which should immediately be paid to the United States Government in liquidation of debt.

A closely knit group of life-insurance companies and banks is effectively obstructing the accomplishment of a number of constructive steps proposed in the Missouri Pacific reorganization, unnecessarily prolonging the reorganization of that railroad.

A glaring (and current) example is this: On October 30, 1942, we will move before Judge George H. Moore of the United States district court in St. Louis, that the trustee of the Missouri Pacific be directed to pay in full the principal of a Reconstruction Finance Corporation loan of $23,134,800, together with certain interest. There is now in the custody of Mr. Guy Thompson, trustee of the road, the extravagantly huge cash balance of nearly $70,000,000, while the interest continues to accumulate on the railroad's bank loans, Railroad Credit Corporation advances, Reconstruction Finance Corporation loan, and the like, to the detriment of the estate. If this Reconstruction Finance Corporation loan were paid off, the United States Government would immediately receive something in the neighborhood of $26,000,000 cash which could obviously promptly be put to use, directly or indirectly, in furtherance of the war program. Payment of this Reconstruction Finance Corporation debt at this time would produce savings to the debtor's estate of many millions of dollars. Yet this payment is being opposed by the financial institutional group sponsoring the pending reorganization plan and (we are informed) by the trustee, in the reorganization proceedings.

Similarly, last June when we urged that action be taken with respect to certain underlying bonds which would effect substantial savings to the trust estate, this same group and Mr. Thompson effectively blocked this step.

Since from the viewpoint of the interests of the bona fide investors in Missouri Pacific securities, and from the viewpoint of the public interest in making cash otherwise idle in the banks available for Government purposes, the repayment of this Reconstruction Finance Corporation loan at this time out of the huge cash balance on hand is so obviously desirable, the question arises: Why is this institutional financial group thus interfering in the Missouri Pacific reorganization? I invite your attention to certain facts from which the motives directing this interference become clear.

2. Current reorganization proceedings are being utilized to vest control of a number of major rail systems in a closely knit financial group.

Analysis of pending reorganization plans sponsored by protective committees representative of this closely knit group of life-insurance companies and banks shows that the reorganized companies will emerge under the actual control and domination of these very same financial institutions. This, of course, is subversive of the established congressional policy urged notably by Senator WHEELER and Commissioner Splawn and crystallized in the enactment in 1942 of the present section 5 of the Interstate Commerce Act and its amendment in 1940. Color of legality to the creation of this threatened new colossus of American rail control is afforded, however, by the Interstate Commerce Commission's separate approval of the various plans of reorganization. We cannot believe that in approving these separate plans the Commission is aware of the facts and interlocking interests which threaten this major disaster to the principles sought to be implemented by Congress in its enactment of its rail-control policy.

The procedure common to many of the current rail reorganizations emerges with clarity upon analysis of the interests represented on the dominant "protective" and "reorganization" committees and the devices of control injected by them into the respective reorganization plans. It may be summarized in the following steps:

(1) The mutual institutions (insurance companies and savings banks) are prohibited by State laws from buying voting stocks. This provision is lawfully circumvented, however, by their agreeing to the translation of their lawfully acquired rail bonds into voting stocks in reorganization proceedings.

(2) In some instances (not including the Missouri Pacific, North Western, or Milwaukee) the holdings of this closely knit group of financial institutions through new voting stocks emerging from the reorganization plans, will give them working control of the railroads involved. Some of these railroads are directly competitive because of their geographical location, and all of them are indirectly competitive because of their through rates and joint through-rate arrangements.

(3) In certain cases, for example, the Missouri Pacific, the Soo Line, the Milwaukee, and the North Western, their stockholdings alone would presumably not give them working control of these railroads and accordingly the reactionary device of a voting trust is injected into the plan and Interstate Commerce Commission sanction obtained thereof. The plans provide that sufficient voting stock will be deposited under the voting trust whereby to obtain effective control over the management of the roads. Provision is also made in the plan, approved by the Interstate Commerce Commission, that a majority of the voting trustees shall be named by the "protective" or "reorganization" committees which are dominated by this same interlocking institutional clique.

Thus, voting control over such highly competitive roads as the Milwaukee & North Western will emerge under the present reorganization plans in the common hands of the self-same "galaxy of stars" to whom Senator WHEELER referred in 1939.

(4) In the Missouri Pacific case the Stedman "protective" committee not only wrote into the plan that this same institutional group would name three out of the five voting trustees, but also wrote into the plan that it would name 9 of the original 15 directors of the road.

The records indicate that this group actually owns less than 10 percent of the outstanding securities of the Missouri Pacific Railroad Co.

It is the interference of this group in the Missouri Pacific reorganization that obstructs reorganization and the accomplishment of legitimate savings to the tens of thousands of smaller investors.

3. The Missouri Pacific reorganization threatens a large-scale destruction of bona fide investment values in Interstate Commerce Commission approved rail securities, without financial justification.

Senator TRUMAN, as Senator from the State where this railroad is domiciled, I respectfully urge you to examine the pending plan of reorganization for the Missouri Pacific Railroad—a plan sponsored by the insurance companies with their banking associates and approved by the Interstate Commerce Commission. Look first at the interests which compose Mr. John W. Stedman's first and refunding bond protective committee. Look at pages 20 and 25 of the plan (Finance Docket No. 9918) to see the provisions giving this financial group ironclad control of the reorganized company. Then see what the plan proposes to do to the investor in all of the bond issues junior to the issue represented by Mr. Stedman's committee. No better illustration could be given of the price that the bona fide investor is called upon to pay in order that this financial institutional group may add the control of another railroad to its collection.

This plan, although overwhelmingly voted down by six classes of security holders, would force junior bondholders to accept a minority interest in the common stock of the new company on a basis that defies any method of justification. The old preferred and common stocks are declared worthless. This ingenious plan also provides for certain sacrifices on the part of senior bondholders. May I point out that it is absolutely unnecessary for senior bondholders to sacrifice their position of lien in any plan of reorganization for the Missouri Pacific. Nor does this assertion comprehend the reorganization of the company on the basis of wartime earnings. We are more realistic than that, Senator. However, neither do we believe the company should be reorganized on the basis of "dust bowl" earnings in order that insurance-com-

pany bond holdings shall be translated into voting stocks.

Surely you believe that the bondholders should share in the tremendously improved present financial condition of the road. Cash is now close to $70,000,000 and increasing at the rate of more than $6,000,000 per month. This monthly increment is probably in excess of the entire cash in the road's treasury when the Interstate Commerce Commission approved the sale of the company's original securities to the public. We should think that the Commission would be gratified to find the Missouri Pacific fulfilling the Commission's original prophecy of earnings for the bonds, instead of approving the destruction of the investment of innocent bondholders in securities whose issuance the Commission approved.

Dr. Splawn, of the Interstate Commerce Commission, in his letter to Senator WHEELER, pointed out: "One of the prime purposes of reorganization, both under section 77 and in equity, is the preservation of the interests of the security holders entitled to share in the estate."

4. No speculators are currently interfering in the Missouri Pacific Railroad reorganization.

When Senator WHEELER (committee report, p. 8304) was criticizing the bringing of pressure in reorganizations by "speculators who are buying up railroad securities," you stated "that very thing is happening now in the case of the Missouri Pacific reorganization," and went on to say that Alleghany Corporation was interfering in that reorganization. Your impression that Alleghany Corporation is a speculator in the securities of Missouri Pacific is not true. Alleghany Corporation invested more than $100,000,000 in the purchase of Missouri Pacific securities, which were issued with the approval of the Interstate Commerce Commission—all several years prior to the initiation of bankruptcy proceedings in 1933. Official records on file with the Securities and Exchange Commission disclose that Alleghany Corporation has not purchased a single security in the Missouri Pacific or any other railroad or public utility in bankruptcy proceedings. The many thousands of holders of bonds of Alleghany Corporation, to secure which Alleghany Corporation's bona fide investments in Missouri Pacific are pledged, cannot fairly be characterized as "speculators"—nor can their debtor corporation—however great the sins of the original promoters in selling them their securities at investment prices.

We are entirely sympathetic to any curb on speculation whether it be in the bonds of reorganized rails or in steels or rubber. Our country is at war, and we have no patience with speculators or with speculation. However, curbing speculation should not be confused with eliminating the market for what Commissioner Splawn, in his letter to Senator WHEELER, called "necessitous sellers." We concur in Commissioner Splawn's desire to protect the legitimate investor who has made the construction of our great railway systems possible, whether he rides through the reorganization period with his investment or whether he is compelled by necessity to sacrifice it for cash during reorganization. We believe that the splendid work done by the Securities and Exchange Commission in restricting and regulating speculation has been one of the most constructive things that has ever happened in American finance. Yet even the most liberal members of the Securities and Exchange Commission recognize the fact that regulation of speculation may at times injure the bona fide investor by the destruction of the market for his securities, thereby piling misery upon misery. If I may respectfully venture a suggestion in this regard, would it not seem preferable that rather than legislating upon such a complex matter during the rigors of a tax bill the Securities and Exchange Commission be asked for its recommendations as to legislation to be acted upon after full study of the various aspects of the problem?

Senator, your interest in the Missouri Pacific Railroad is naturally great. Due to the pressure of legislation relating to the war, however, it would be astonishing if you were fully conversant with the ingenious and subversive pressures that are going on in that reorganization. Owing to the national importance and grave implications of this matter and its extreme urgency, I am taking the liberty of sending a copy of this letter to other Senators. I am sure you will have no objection.

Respectfully yours,

J. C. DAVIS,
Chairman, Executive Committee,
Missouri Pacific Railroad Co.

DIFFICULTIES OF ARIZONA COTTON FARMERS

Mr. McFARLAND. Mr. President, last Monday, November 9, I discussed briefly the ultimatum of the Honorable Claude Wickard, Secretary of Agriculture, and the Honorable Paul McNutt, Chairman of the Federal Manpower Commission, to the cotton pickers of my State. I now ask unanimous consent to have printed in the body of the RECORD an editorial from the Arizona Republic of November 7 entitled "Responsibility for Saving Cotton Crop Rests on Those Who Misstated Facts," which treats of the same subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic of November 7, 1942]

RESPONSIBILITY FOR SAVING COTTON CROP RESTS ON THOSE WHO MISSTATED FACTS

The acute situation in which cotton farmers of Arizona now find themselves, and which has brought a wholly unnecessary ultimatum from Claude Wickard, Secretary of Agriculture, and Paul V. McNutt, Chairman of the War Manpower Commission, is neither of their own making or of their choosing. The State's cotton growers are victims of that type of inefficiency and lack of essential knowledge on the part of some who are attempting to direct certain phases of the war effort that is slowing down the Nation's war prosecution and delaying the victory. They are being ground between the millstones for that reason as are men in many other industries.

When cotton growers, prior to the planting of this crop of long-staple, heeded the urgent demand of the Government, the Army, and the Navy to double their acreage because the fiber was needed as a substitute for silk in the war effort, they were promised the necessary manpower to plant and harvest the crop. Not one word was mentioned by those in authority, and under whose direction the campaign was carried on to induce the farmers, most of them against their better judgment, to double their acreage, that an attempt would be made to inject new social orders into the cotton-growing industry, or that changes in methods of pay for picking which have been in vogue for the past century would have to be made. The promise was that the necessary manpower would be forthcoming. They now find that it isn't, and they further learn they have been duped.

Cotton growing was one of the chief industries in the Nation for generations. None of those who are threatening through ultimatums and demands to ruin financially the cotton farmers of Arizona and the Nation, not to mention depriving the Nation of a greatly needed raw material in the war effort, has ever grown cotton or had any experience in solving the industry's problems. In their lack of knowledge of the industry they are attempting to enforce upon it conditions that not only are wholly unworkable but which have a doubtful purpose as their basis. They insist upon doing this in spite of the fact that here in Arizona going to ruin are many thousands of badly needed parachutes in the raw—vehicles of safety, which, unless made, will cost the lives of many hundreds of young men who are bravely battling a foe which threatens the freedom of all Americans.

Except for the definite promise that labor would be forthcoming if acreage were doubled, cotton farmers of Arizona would have grown their usual crop of long-staple cotton, recognizing before it was planted there would be difficulty in picking even a crop of the usual size. They were very reluctant to increase the acreage. It required a campaign of several weeks to induce them to do so. Patriotically they arose to the occasion and put in the crop demanded, relying on the promise, which now appears to have been misrepresented, that no difficulty would be experienced in obtaining labor. For their patriotism, the cotton growers of the State are now being browbeaten in an effort to obtain impossible contracts of which they knew nothing when they were being solicited earlier in the year.

Having risen to the bait of promises which at the eleventh hour of fulfillment appears to have been camouflaged, cotton farmers now are charged with the responsibility by high Government officials of saving the crop, when in reality the responsibility rests squarely and firmly upon the shoulders of those who failed to state the eventual facts during the month-long campaign to increase the cotton acreage last spring.

Cotton picking is not the type of a job that can be carried on under the kind of contract guaranty which it is now demanded that the cotton farmers sign before labor will be imported by the Manpower Commission into the State to pick the cotton. Every person familiar with cotton picking is well aware of that fact. It also is quite obvious to those who know the cotton industry that contract guaranties would create a never-ending controversy. The vital thing that should be uppermost is to get the State's long-staple cotton crop picked before it is ruined without starting a revolution in the entire cotton industry of the Nation.

ADDRESS BY THE VICE PRESIDENT AT THE CONGRESS OF AMERICAN-SOVIET FRIENDSHIP

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address entitled "A Tribute to Russia" delivered by the Vice President at the Congress of American-Soviet Friendship, in New York City, on November 8, 1942, which appears in the Appendix.]

ARMISTICE DAY SPEECH BY SENATOR MAYBANK

[Mr. HILL asked and obtained leave to have printed in the RECORD an Armistice Day speech delivered by Senator MAYBANK to the American Legion and citizens at Columbia, S. C., which appears in the Appendix.]

EDITORIAL TRIBUTES TO SENATOR NORRIS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD two editorials from the St. Louis Post-Dispatch, one entitled "Senator NORRIS Is Wrong" and the other entitled "The Grand Old Roman," and an editorial from the Springfield State Register, Springfield, Ill., entitled "What? NORRIS, Too?", which appear in the Appendix.]

PROGRESSIVES UNITE—ARTICLE BY SENATOR NORRIS

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an article entitled "Progressives Unite," written by Senator NORRIS and published in the New Republic of September 28, 1942, which appears in the Appendix.]

A PARTNERSHIP DRIVE FOR VICTORY—ADDRESS BY GOV. HAROLD E. STASSEN

[Mr. BALL asked and obtained leave to have printed in the RECORD a radio address on the subject A Partnership Drive for Victory delivered by Gov. Harold E. Stassen, of Minnesota, on Saturday, November 7, 1942, which appears in the Appendix.]

THE WAR AND LEADERSHIP—ADDRESS BY R. S. REYNOLDS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address on the subject The War and Leadership delivered by R. S. Reynolds, president of the Reynolds Metal Co., to the Alabama State Chamber of Commerce at Birmingham, Ala., on October 15, 1942, which appears in the Appendix.]

RURAL ELECTRIFICATION ADMINISTRATION—STATEMENT BY THE DEPARTMENT OF AGRICULTURE

[Mr. NORRIS asked and obtained leave to have printed in the RECORD a statement from the Department of Agriculture entitled "R. E. A. Systems in Sound Shape for War Effort," which appears in the Appendix.]

THE MANPOWER PROBLEM—STATEMENT BY GRENVILLE CLARK

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD remarks of Grenville Clark for the Town Meeting of the Air, October 29, 1942, on the topic "How Must We Change Our Manpower Methods to Win the War?" which appears in the Appendix.]

DEFENSE OF THE CONGRESS—ARTICLE BY T. W. MERRYMAN

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an editorial entitled "In Defense of the Congress of the United States," written by T. W. Merryman, president of the National Association of Master Plumbers, which appears in the Appendix.]

WARTIME CAR USE—STATEMENT BY RUSSELL E. SINGER

[Mr. BURTON asked and obtained leave to have printed in the RECORD a radio interview with Russell E. Singer, general manager of the American Automobile Association, on Wednesday, November 4, 1942, which appears in the Appendix.]

P. W. A. AND NATIONAL DEFENSE

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial from the Washington Evening Star entitled "P. W. A. and National Defense" which appears in the Appendix.]

THE RECORD OF JOSEPH LEIB

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD a statement relative to the record of Joseph Leib, which appears in the Appendix.]

CONDITIONS IN INDIA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article, an editorial, and a letter relating to conditions in India, which appear in the Appendix.]

LESSON FROM THE ELECTION

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial entitled "A Lesson to Be Learned," written by Josephus Daniels, editor of the News and Observer of Raleigh, N. C., which appears in the Appendix.]

REDUCTION OF DRAFT AGE LIMIT—CONFERENCE REPORT

Mr. GURNEY. Mr. President, I submit a conference report on House bill 7528, the bill to reduce the draft age limit, and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the report.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That so much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"'SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of eighteen and forty-five at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States.'

"SEC. 2. Section 5 (f) of such act, as amended, is hereby amended to read as follows:

"'(f) Any person eighteen or nineteen years of age who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this act during the last half of the academic year at such school or institution, shall, upon his request, have his induction under this act postponed until the end of such academic year.'

"SEC. 3. Section 15 (a) of such act, as amended, is hereby amended to read as follows:

"'(a) The term "between the ages of eighteen and forty-five" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.'

"SEC. 4. Section 5 of such act, as amended, is amended by adding at the end thereof the following new subsections:

"'(i) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the land or naval forces of the United States while this act is in effect because such person entered such service without the consent of his parent or guardian.

"'(j) No individual who has been convicted of any crime which may not be punished by death or by imprisonment for a term exceeding one year shall, by reason solely of such conviction, be relieved from liability for training and service under this act.

"'(k) Every registrant found by a selective service local board, subject to appeal in accordance with section 10 (a) (2), to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under this act, his selective service local board, subject to appeal in accordance with section 10 (a) (2), shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests such local board to determine, and such local board, subject to appeal in accordance with section 10 (a) (2), determines, that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.'

"SEC. 5. Section 3 (a) of such act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no man, without his consent, shall be inducted for training and service under this act after he has attained the forty-fifth anniversary of the day of his birth'."

And the Senate agree to the same.

ROBT. R. REYNOLDS,
ELBERT D. THOMAS,
LISTER HILL,
WARREN R. AUSTIN,
CHAN GURNEY,
Managers on the part of the Senate.

A. J. MAY,
R. E. THOMASON,
DOW W. HARTER,
W. G. ANDREWS,
DEWEY SHORT,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the immediate consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. GURNEY obtained the floor.

Mr. GEORGE. Does the Senator from South Dakota intend to explain the conference report?

Mr. GURNEY. I intend to give an explanation at this time of the action of the conferees.

Mr. President, the conference report is in the nature of an amendment to the National Selective Training and Service Act of 1940. The conferees met Monday afternoon for about 3 hours, and again Tuesday morning for another 2 hours. I believe the conferees have given thorough consideration to every phase of the bill as it passed the House and as it passed the Senate. The report is filed with the unanimous consent and signatures of all the conferees.

The bill, as it passed the House, and the Senate amendment, sections 1 and 3, provided for extending the liability for training and service under the Selective Training and Service Act of 1940 to registrants of 18 and 19 years of age. The conference agreement makes no change in that respect. I may call to the attention of the Senate the fact that the conference report is printed, and there is a copy on the desk of each Senator.

Section 2 of the bill, as passed by the House, provided that, upon their request, certain registrants who were in attendance at high schools, colleges, or universities during the academic year 1942–43 might be deferred from training and service in the land and naval forces until the end of such acadamic year, but in no event later than July 1, 1943. The Senate amendment provided that regis-

trants in attendance at high schools or similar institutions of learning might, upon their request, have their induction postponed until the end of the academic year if they were ordered to report for induction during the last half of the academic year. The conference agreement retains the Senate provision and makes it clear that it applies to persons who are 18 or 19 years of age when they are ordered to report for induction.

Section 4 of the bill as it passed the House, and of the Senate amendment, provided that no person between the ages of 18 and 21 should be discharged from service in the land or naval forces because he entered such service without the consent of his parent or guardian. The conference agreement retains this provision.

Section 4 of the Senate amendment also contained a provision corresponding to section 6 of the House bill under which a conviction for certain crimes which were not felonies, or punishable by death or imprisonment for more than 1 year, was not to be used as a basis for relieving the person convicted from liability for training and service in the armed forces, or for rejecting him, if the local selective-service board determined that such person was morally fit for military service. The conference agreement provides that no person convicted of a crime not punishable by death or by imprisonment for more than 1 year should be relieved from such liability for training and service by reason solely of such conviction.

I ask unanimous consent to have printed in the RECORD at this point the Army regulation affecting those who have been previously convicted by civil courts, and outlining their status should they apply or should the local selective service board order their induction at this time. This is desirable information to have, because I am sure every Member of Congress has at one time or another had brought to his attention some specific case in his own State of some person seeking to get into the armed services and not knowing the regulations under which he could enter.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

There being no objection, the regulation was ordered to be printed in the RECORD, as follows:

Change to paragraph 7b, Army Regulations 615–500:

b (1) Registrants who have previously been discharged from the Army, Navy, Marine Corps, or Coast Guard with a form of discharge certificate other than honorable or who were discharged under the provisions of section VIII, Army Regulations 615–360 or the equivalent regulations in the other armed services are acceptable for induction only in meritorious cases specifically approved in each instance by The Adjutant General.

(2) (a) Registrants undergoing confinement as a result of one conviction for the heinous crimes of treason, murder, rape, kidnaping, arson, sodomy, pandering, any crime involving sex perversion, or for any illegal dealing in narcotics or other habit-forming drugs will neither be considered nor accepted for induction under any circumstances.

(b) Registrants convicted of any of the foregoing crimes, but who have been discharged, released on parole, conditional release, placed on probation or suspended sentence for at least 6 months may be accepted for induction in especially meritorious cases specifically approved in each instance by the commanding general of a service command or department prior to the registrant being forwarded to a recruiting and induction station. An essential prerequisite to approval is determination of the time the individual has lived in a civilian community subsequent to his release from confinement, primarily that in this period his conduct has been above reproach and that the provisions of (4) and (6) below will be met.

(3) (a) Except for the offenses in (2) above, registrants who have been sentenced to and are undergoing confinement for a period in excess of 1 year may be approved for induction in individual cases specifically approved by the commanding general of a service command or department prior to the registrant being forwarded to a recruiting and induction station. As an essential prerequisite to approval evidence must be presented by the Selective Service System and the appropriate parole authorities that the individual is regarded as fit for life in a civilian community; that regardless of acceptability to appropriate parole authorities that the individual is regarded as fit for life in a civilian community; that regardless of acceptability to the Army he is to be placed on parole, conditional release, or discharged contingent only upon development of an adequate means of livelihood; that having been so released he will not be again confined other than for violation of the parole, etc., or commission of another offense; that the provisions of (4) and (6) below will be met and a recommendation as to the period, if any, the individual should be observed in his home community prior to presentation for induction.

(b) Except for first offenders, registrants sentenced and confined as indicated in (3) (a) above and who have been in a civilian community on parole, conditional release, probation, or suspended sentence for at least 90 days may be forwarded for induction at the discretion of the Selective Service System, provided their conduct during this period in the civilian community has been above reproach and the provisions of (4) and (6) below are met, and provided further that if the Selective Service System desires to forward a man in this category for induction prior to the 90-day period cited above a waiver may be requested from the commanding general of a service command or department. First offenders are equally subject to the foregoing stipulations except that their period in the community without a waiver from the commanding general of a service command or department shall be limited to 30 days.

(4) Regardless of the offense committed, registrants who are found to be in frequent difficulty with the law-enforcement authorities, who have displayed criminal tendencies or traits of character which would render them unfit or undesirable associates of enlisted men; or whose records indicate a long history of antisocial behavior; or who are otherwise of questionable reputation or moral character will not be accepted for induction. However, in instances regarded by the Selective Service System as exceptional, individual cases may be forwarded to the commanding general of a service command or department for decision prior to forwarding for induction.

(5) Registrants convicted of violation of the Selective Training and Service Act of 1940, as amended, will be accepted for induction at any time, provided the Attorney General of the United States has granted and subsequently suspended parole for the purpose of induction.

(6) In all instances, including any not specifically mentioned above, involving the induction of men on parole, conditional release, probation, or suspended sentence, it is mandatory that the parole, conditional release, probation, or suspended sentence be either terminated or suspended for the period of military service, either with or without credit for such service. Prior to being forwarded for induction evidence of such suspension or termination will be mailed to the recruiting and induction station concerned by the Selective Service System together with an official copy of the military waiver when the latter is required by these regulations.

Prior waivers are required for moral fitness only as prescribed in (1), (2), (3), (4), (5), and (6) above. In all other cases registrants will be forwarded to recruiting and induction stations on the judgment of the Selective Service System. However, a registrant will be rejected when the commanding officer of a recruiting and induction station determines that the waivers prescribed herein are required and have not been furnished. A letter report of the cause for the rejection will be submitted to the commanding general of the service command or department who will give similar advice to the appropriate State director of selective service.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. CONNALLY. Do the regulations of the Army provide that if a man has been convicted of a felony, regardless of how long he has been imprisoned and regardless of anything else, he cannot be inducted into the service?

Mr. GURNEY. The Army's basic thought in this matter—and the regulations so read—is that if the civil authorities feel that a previously convicted criminal has been discharged from the corrective institution, and is thought suitable, first by the warden, then by the parole board, and then by the Governor, to live among civilians, he is suitable for service with the armed forces. That is the basic thought and is covered by the regulation.

Mr. CONNALLY. I understand that, but suppose a man is free and walking around like everyone else.

Mr. GURNEY. Then it would be possible for him to enlist, or it would be possible for a local board to draft him, if his conviction was not for a major crime.

Mr. CONNALLY. That is the question I am trying to have answered. What is a major crime? Is any felony a major crime?

Mr. GURNEY. The regulation states definitely that no dealer in narcotics, such activity being a major crime, may be accepted. The Army does not want such a man among the soldiers. The regulation also lists kidnaping, and other offenses which we all know are major crimes. If the civil authorities feel that a man can resume his life, that he is a reformed person, and that it is all right for him to live among the people of his community, it is all right for him to serve in the Army.

Mr. CONNALLY. That policy has not heretofore been followed by the War Department. Has it not rejected all those who have been convicted of crimes?

Mr. GURNEY. Certainly there is a more liberal attitude on the part of the Army now than there has been, and it is so stated in the regulations.

Section 5 of the Senate amendment provided for the deferment from training and service in the land and naval forces of persons found by the selective service local boards to be regularly engaged in an agricultural occupation or endeavor essential to the war effort, and also provided for making any persons who left such an occupation or endeavor immediately available for military service unless, prior to leaving the selective service local board determined that it was in the best interest of the war effort for him to leave for other work. There was no corresponding provision in the bill as it passed the House. The conference agreement retains the Senate provision with clarifying changes, and makes such deferment applicable to men found by the local boards to be necessary to and regularly engaged in such agricultural occupations and endeavors.

I may say that the only change made by the conferees was to add four words, "to be necessary to."

Section 6 of the Senate amendment provided that no man should be inducted for training and service after he reached the age of 45. That was the amendment offered by the Senator from Louisiana [Mr. ELLENDER]. There was no corresponding provision in the House bill. The conference agreement retains the Senate provision with the qualification that induction of men of 45 shall not take place "without their consent."

Section 5 of the House bill contained a provision that no person who had been deferred from training and service should be inducted prior to induction of "all persons within the same State who have been placed in categories made subject to induction prior to the category in which such person has been placed." There was no corresponding provision in the Senate amendment. The conference agreement eliminates this provision of the House bill.

Section 7 of the Senate amendment provided that no person under 20 years of age who was inducted should be placed in actual combat duty beyond the territorial boundaries of the United States until after he had at least 1 year's military training following his induction. There was no corresponding provision in the House bill. The conference agreement eliminates the Senate provision.

Mr. President, I ask that the conference report be agreed to.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. OVERTON. I did not exactly understand what the Senator said about the Ellender amendment.

Mr. GURNEY. No change was made in the Ellender amendment except that if a man passes 45 years of age while he is still a registrant, and has not yet been called, he can either get in or stay out, whichever he wishes.

Mr. OVERTON. I thank the Senator.

Mr. O'DANIEL. Mr. President, the Senate-House Conference Committee has eliminated from the teen-age draft bill the Senate amendment providing that these youths be given 1 year's military training before being placed in foreign combat duty.

I voted for the teen-age draft bill with the amendment, and I shall also vote for it without the amendment, solely because our Commander in Chief has requested the passage of this bill as a war measure. I intend to support all war legislation requested by him during this crisis, because the people of the Nation have selected him as our Commander in Chief and, as such, upon his shoulders rests the undivided responsibility of conducting this war.

The amendment was added in the Senate by the proper functioning of our legislative machinery, and I supported the bill with the amendment. The amendment was later eliminated in the conference committee by the proper functioning of our legislative machinery, and inasmuch as I believe in our orderly democratic legislative system I shall support the bill with the amendment eliminated. The parliamentary situation is such that there is now no way for us to vote on reinstating the amendment which was stricken out by the conference committee. We are forced into the helpless position of either accepting the bill without the amendment or not accepting the bill at all.

I am sorry this situation prevails, but I have done everything I possibly could do to have my amendment retained in the bill.

Mr. President, I honestly believed that my amendment improved the bill, and I still believe that the bill would have provided the citizens of our Nation with assurance of a more thoroughly trained and better Army if my amendment had been retained.

I wish to state that my main reason for supporting the 1 year's training amendment was not, as proclaimed by some of our critics to be, on account of heartstring sympathy for the mothers of the teen-age boys. My sympathy goes equally to the mothers of all the boys and men in the service regardless of age, because I know that a mother's love for her son seldom diminishes as he grows older. To her he is always her boy, regardless of his age.

One of my main reasons for supporting the 1 year's training amendment was to strengthen our military forces, because surely nobody will dispute the fact that an army of fully trained soldiers is more protection to our Nation than an army of partially trained boys. I not only believe that our teen-age boys should have 1 year's training before going into foreign combat duty, but I believe that our soldiers of all ages should have at least that much training when they are to fight enemies who have, in most cases, had more training than that, and much actual experience in war.

In arriving at the proper minimum length of time of training a soldier should have, I relied upon the abundant testimony of some of our high-ranking Army officers, which was given before the Military Affairs Committee this year, and especially the testimony given last year when the military officers were trying to secure the enactment of legislation which would extend the training period from 12 months to 18 months. The argument and testimony of many military officers then was that 12 months was the minimum, and that the Selective Service Act should be amended so that our boys would have 18 months' training. If they needed 18 months' training during peacetime, when they had no enemies to fight, surely it is more important now during the wartime that they have even more military training before they are thrown into foreign combat duty against hordes of highly trained and long-experienced fighters.

Based on that testimony of many of our high-ranking generals, many Senators, including myself, agreed with them, and decided to strengthen their hands by writing into the law of the land the guarantee that they would have soldiers fully trained in accordance with their ideas. We were not opposing the views of the generals of our Army. We were in perfect agreement with them. We not only agreed with them, but we put it down in black and white in our amendment, so that any of their subordinate officers who might now, or in the future, differ with them, would still be bound to obey the law, and thus respect the wishes of the high-ranking generals, and of the Senators who shared the same ideas.

Our Nation is a government of laws, not edicts of individuals, or at least it is supposed to be, according to the way I understand our Constitution. Generals may come and generals may go, but our laws go on forever. According to our form of government, our people have come to depend more on the law than they do on the promises of individuals who may be here today and gone tomorrow. I am a strong believer in the idea that it is the duty of the Congress to write definite laws to accomplish definite purposes, and not simply shift important problems to various Government departments by loosely worded and indefinite legislation, in the hope that those upon whom the duties are imposed may be able to read the mind of Congress and properly carry out the will of the elected representatives of the people.

Mr. President, I have the feeling that the widespread discussion of this amendment has been beneficial to our national war effort, because those in charge of the training must now realize that they alone will carry the full responsibility of properly training our teen-age boys. If these boys should be sent into foreign combat duty with less than 12 months' training and meet serious reverses, certainly no blame can be placed on any of the 39 Senators who voted my amendment into the bill for that amendment, if it had been retained in the bill, would have made such training mandatory.

Mr. President, there is another phase of this matter about which I should like to make a few observations at this time. I have noticed that in the fight against the amendment carried on by some of the press, radio, and public officials, the argument has been quite extensively used that Members of Congress are not military experts and should, therefore, not exercise their own judgment, but, instead, should enact legislation dealing with military matters exactly as dictated by our military experts. That kind of argument on the surface carries some weight with some people, but when carefully studied and properly analyzed it

does not dovetail with our form of government. The same argument is used when tax matters are before Congress. It is said that Members of Congress are not tax experts; therefore, we should not rely on our own ideas, but should instead enact tax legislation as dictated by the Treasury Department. The same applies to labor legislation. It is asked, "What do the Members of Congress know about labor problems?" Therefore, we should not use our own judgment but should enact labor legislation as dictated by the experts in the Department of Labor. The same thing is true of our highly important agricultural problems, and other important problems which come before this body. So that argument, carried to its logical conclusion, would result in eliminating the need of any Congress at all. That is a philosophy of government to which I am unable to subscribe. I welcome sound, constructive criticism, but that kind is not sound. I believe most of the Members of the Senate resent that kind of argument, and I believe most of the good people of our Nation resent it. I do not know of any of the Members of Congress who claim to be infallible; neither do we admit that any other public officials are infallible. We are all human and, therefore, subject to error. But until the majority of the people of this Nation, by their votes, change our form of government, I intend to carry on in accordance with the terms of our present Constitution. Regardless of any criticism, ridicule, and abuse which may be hurled at Congress, I intend honestly and conscientiously to do everything within my power to help retain our American form of democracy so that it may still be functioning when our millions of brave, fighting soldiers have won this war and return home.

In conclusion, Mr. President, I want to make a few brief remarks about what I consider to be the real damper on our war effort. The drafting of our teen-age boys was made necessary largely because of a so-called man shortage. This so-called man shortage has been created by labor leader racketeers selling jobs for money. The more jobs they sell the more money they make. They have therefore put two men at most every bench and at every desk where one man could better do the job. Restricting the length of the work-week creates more jobs for these labor leader racketeers to sell for money. They also force slowdown practices in factories which create more jobs for them to sell for money. It is terrible to think of this horrible situation existing while our brave soldiers are fighting on distant battlefields, many of them dying, because of lack of sufficient war weapons.

The shortage of war weapons exists because our production line is not producing to its maximum capacity because of the racketeering practices being carried on by the labor leader racketeers. While I am a true friend of the honest men who toil, and I believe that they, too, abhor the practices forced upon them by their racketeering leaders, yet it is well known that I am opposed to the tactics of these labor leader racketeers. Ever since I came to Congress I have been endeavoring to obtain the enactment of legislation which would outlaw some of their nefarious racketeering. I have introduced bills to outlaw force and violence in labor disputes, to abolish the 40-hour work-week, and to abolish the closed shop. Until that kind of legislation is enacted we will continue to encounter grave problems adversely affecting our successful prosecution of the war.

Mr. President, it is my belief that the next grave danger facing us is serious food shortage, which is being brought on, in part, by this 40-hour week creating more high salaried jobs, which have attracted men from farms in such large numbers that our farm production has fallen off at an alarming rate, and will continue to decrease unless some prompt action is taken along this line to correct the situation. In this great land of plenty it is difficult to contemplate a serious food shortage. Nevertheless, it is staring us in the face right now. Rationing of some food commodities is now in effect, and food articles on grocers' shelves are rapidly diminishing.

Mr. President, I hope Congress will soon enact legislation which will curb the nefarious practices of labor leader racketeers which have slowed down and are still slowing down our whole war effort.

Mr. PEPPER. Mr. President, I have a word of comment relative to that portion of the conference report on the pending legislation which deals with the deferment of agricultural labor. That section, as set forth in the report of the conferees which is on the desks of Senators, reads as follows:

(k) Every registrant found by a selective service local board, subject to appeal in accordance with section 10 (a) (2), to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under this act, his selective service local board, subject to appeal in accordance with section 10 (a) (2), shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests such local board to determine, and such local board, subject to appeal in accordance with section 10 (a) (2), determines that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.

Mr. President, in the first place, I submit that that provision of the bill is inadequate to deal with the manpower problem. In the second place, it is unfair to the agricultural workers who would be frozen into their jobs by the proposed legislation.

I am sure there is no disagreement among Senators as to the necessity of carrying on essential farm operations. There is no failure on the part of any Senator to recognize the problem. We all desire to provide an adequate supply of labor to produce farm commodities which are necessary to the prosecution of the war effort of this country and of those associated with us in the war.

In the first place, the approach which the proposed legislation makes fails to take cognizance of the nature and character of the manpower problem. I believe it to be a fact that the administrative machinery of the Government has too long neglected the problem of manpower. In my judgment there has been a grievous division of authority and responsibility among the agencies of the Government dealing with the problem. I am told that there are 28 agencies of the Government purporting to deal with the question of manpower. There is a section of the War Production Board which purports to deal with manpower. There is a section of the Services of Supply in the Army purporting to deal with the same problem, independently of the War Production Board. There is the Manpower Commission, which has its own field and scope of operation, independent, in most activities, from the other agencies dealing with the subject.

The result is that the Federal Government has not comprehensively viewed the manpower problem and comprehensively dealt with it by setting up adequate and effective machinery to handle that problem. It can never be effectively dealt with until that is done. That is what ought to be done, rather than for the Congress to deal with a phase of the problem by legislative fiat. If the Congress is to lay down a policy with respect to manpower and the solution of the labor problem, surely Congress will not deal solely with agriculture, but with industry as well.

A subcommittee of the Senate Education and Labor Committee over which I have had the honor to preside has for weeks been hearing witnesses from almost every field of national endeavor on the acuteness of the manpower problem. We have heard those who told of industry's needs. We have heard representative members of draft boards who have come to tell about their problem, dealing with it with their limited authority and from their limited point of view. We have heard representatives of industry tell about their plight, and their inability to retain men in essential places in essential war industries.

There has been no machinery to enable them effectively to carry on the production of the most essential war goods and materials, whether they be engaged in tool making, the production of aircraft or tanks, the production of torpedo tubes for the Navy, or any other essential war activity which I might mention. They find the national manpower policy totally inadequate to meet the manpower needs of the Nation, a division of governmental responsibility and a multiplication of Federal agencies to deal with the problem, and a muddled philosophy behind the agencies which do exist.

The situation became so bad that a few days ago I believe it was almost assumed throughout the country—and perhaps also in the Congress—that some executive fiat was to be issued chaining every man to his job, or giving some man or agency the power to direct American citizens into involuntary servitude for the profit of their fellow citizens.

In this investigation we actually found, as was testified by the medical head of Mr. Kaiser's group hospital unit, that the medical association's representative in the State of Washington told the doctors in that hospital, which was giving medical care and attention to the employees of Mr. Kaiser's company engaged exclusively in war work, that if they attended the wives and children of the workers he would see to it that those doctors were taken into the Army through the machinery of the Selective Service.

Mr. President, some grievous things have been disclosed to the committee by witnesses from various parts of the country. In some of our Southern States, which already had a gross inadequacy of doctors—sometimes as few as one doctor to more than 4,000 people—a weighted quota was established by the American Medical Association. In South Carolina that quota was exceeded by voluntary enlistment, which was permitted, and by coercive practices, to the extent of 170 percent. In other States the quota was exceeded to the extent of more than 200 percent, until a part of the civilian population was deprived of medical care, to become the victim of any epidemic which might happen to come along.

In spite of the fact that tuberculosis is increasing as an incident of the war, there has been no increase in facilities; and although Dr. Parran testified that he had recommended the establishment of 290 hospitals to take care of the 5,000,000 migratory war workers coming as an additional burden to the several communities of this country, only 218 were approved, only 51 are under construction, and only 2 have been built.

So the record is that the manpower problem has been muddled administratively. Now we propose to muddle it legislatively. It has been dealt with in part when it could not be comprehensively dealt with in that manner; and now we propose to cure administrative deficiency by legislative inadequacy.

So what have we done, Mr. President? We have been asked to freeze agricultural workers into necessary jobs by Congressional enactment. Whose opinion is to govern? That of the national deferment boards, which have the whole picture, industrially and agriculturally, and from the point of view and perspective of transportation and service? No. Subject to a national agency which has the whole picture? No. We are asked to say that the local selective service board, which at best has only the perspective of a small area and a relatively small interest compared to the whole Nation, shall be called upon to determine whether a man is engaged in necessary agricultural activity, and whether or not he is irreplaceable.

Mr. President, from the viewpoint of the Nation, that is an inadequate approach to the manpower problem. The only way the problem can possibly be dealt with effectively is by having, in the first place, an effective coordination of all war activities under an essential authority so that it shall still be within a single source of power; and, secondly, a correlation and coordination of the whole civilian war effort.

On the contrary, the structure is so loosely knit, and there is so much lost motion in its operation, that we have overlapping of authority, conflict of power, inadequacy of point of view in certain agencies, and in many places a shortage of critical war materials which results in available labor and hungry machines standing idle.

Today, my distinguished friend from Texas [Mr. O'DANIEL] condemned all labor. I think it may be fairly said that he did so without factual justification. It was testified before our committee by the vice president of the Steel Workers' Union that the average workweek of the steel worker was only 37 hours, due to a shortage of material in that industry.

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. O'DANIEL. I should like to correct the statement of the able Senator from Florida. The Senator from Texas did not condemn all labor. He was merely referring to a few labor leader racketeers. I have the utmost respect for the laboring people of this Nation. I come from that class of people, and I believe they are doing a commendable job. They are working to the extent to which they are privileged to work, and they would like to work much longer.

Mr. PEPPER. I thank the able Senator. I am sure he would not want his remarks to be understood by anyone as being a blanket condemnation of all men who belong to unions, or who are engaged in war work as laborers. Unfortunately, in all categories—in political and professional life, as well as in the realm of agriculture and industry—there are those who "soldier" on the job or take advantage of and pervert their powers.

However, Mr. President, what I was saying was that in many instances we have not controlled the flow of raw materials so as to give work to the labor which is available. In many instances we have not sufficiently utilized the manpower which we have throughout the country.

A few days ago a man testified before the committee that when the President visited a certain airplane factory in the South, some bombers were brought in to give the impression that they had been manufactured in that factory, and when he left the bombers were returned to the place from which they had been borrowed to make a showing. Affidavits were presented to the committee from workers in that factory. In one affidavit a man stated that he had been on the job for 50 days, but that he had not been at work more than 6 hours because there was inadequacy of planning and ineffective utilization of the willing labor already on the job.

Mr. President, there is no more crucial problem facing the country or the world than the problem of dealing with manpower. As I have said, a few days ago it was almost assumed in Washington that the next day, or the day thereafter, there would be a proposal to the Congress to pass some compulsory or coercive act, and give to some person or agency the power to put the finger of compulsion on any American citizen. Mr. President, at some time the war may make demands upon us which will require the enactment of authority to require compliance on the part of those who are delinquent and derelict in duty and patriotism; but the record certainly establishes that today the fault lies not in the unwillingness of the citizenry of America to work but in the lack of intelligent planning and use of their willing and voluntary effort.

In the matter of agriculture it has been testified before the committee that two-thirds of the farm workers of the country produce only one-third of the agricultural output of the Nation in dollar value and volume. So if we freeze a workman in his job on the farm we may freeze him in a nonessential agricultural occupation to grow some commodity which we can do without. At the same time, we may be freezing him into a job in which, in the nature of things, he cannot contribute what he should be contributing to the national productive effort of agriculture. That shows the fallacy and error of freezing a man into the job he has, without regard to whether it is the place where he can best serve, or where he prefers to serve his country.

What about the individual, Mr. President? It is not necessary to tell Members of the Senate that agricultural labor is the lowest-paid group of our employees. Yet by this legislation they are chained to their jobs and denied the opportunity the industrial worker has to better himself by taking a better job. There may be in a given community a little factory paying an inadequate wage to its workers, but any one of its workers, hearing of a better job, can pick up and go to that employment without anybody restraining him from doing so. If, however, he happens to be a farm worker, instead of working in the little factory, the local selective service board will put him in the Army, if he dares to try to get a better job or more pay.

Mr. President, I wonder if the Congress desires to impose such a restraint and to deny equality of opportunity to the men and the women who work on the farms, particularly to the men who are eligible for selective service in this country. Are they, in the national interest for the duration of the war, to be condemned to an inadequate wage, when they do not generally have a War Labor Board to protect them, when they do not have a union to make their collective bargaining plea effective? We know that agricultural workers have not been effectively organized. A little worker on a little farm or a little worker on a big farm will come tripping up by himself, if he comes at all, to ask that he be allowed to better himself; but can the draft boards give him authority to do it and carry out the spirit of this legislation? No. There is not anything in the measure about his being allowed to better himself. We just "freeze" him and chain him to his job, although, in one part of the country or another, men on the farms today are working for less wage than any other respectable and honorable and essential part of the war effort. At least, Mr. President, if the worker is to be chained to his job on the farm, should there not be an obligation on somebody's part, the Economic Stabilization Director or some other appropriate agency, to see to it that he is fairly dealt with by his

country which commandeers his service? No. All we do is to freeze him in the noncontributory position in which he may happen to be found.

Mind you, Mr. President, I said that two-thirds of the agricultural workers of America are so situated as to be able to contribute only one-third of the Nation's dollar value of agricultural produce. So we are, relatively speaking, freezing two-thirds of the manpower engaged upon the farms in the place where they are not serving to their maximum capacity. Sometimes it is due to the soil upon which they work being poor; again it is due to the inadequacy of equipment because of lack of capital; sometimes it is due to bad management or it may be due to one of many causes, but the fact is that agricultural labor, in too many cases, is not now being given its maximum opportunity to serve its country in the production of essential agricultural commodities.

I realize that at this stage of the consideration of this measure the Senate is not going to be disposed to send it back to conference or change its attitude exhibited in the past, but I felt that some comment might be appropriate to the Senate and some suggestion might be made that we are simply "freezing" maladjustment into permanence when we adopt a provision of this sort. I am sure that we want to be fair to the country as a whole that requires adequacy of planning and effectiveness of administration in respect to this difficult subject; I am sure we want to be fair to every man; but the Senate, when it adopts this conference report today, will have frozen the first class of workers to their jobs. That is a serious thing, Mr. President. Remember we are not freezing the proprietors on their farms; we are freezing essentially the employees who work for profit for men engaged in private enterprise. If it is fair for the farmer, is it not fair for the factory? Would we be willing to adopt it now as a national policy?

In the last few days the Labor Management Committee of the War Manpower Commission has made a report to the President which has attracted national attention. It considers this problem to be soluble on a basis of voluntary cooperation by the workers. The President himself has indicated that it was premature to consider the compulsion of manpower. Day after day Mr. William Green, president of the American Federation of Labor; Mr. Philip Murray, president of the Congress of Industrial Organizations; Mr. Luhrsen, of the railway executives, the heads of many of the principal unions of the Railway Brotherhoods, the heads of most of the C. I. O. unions, the head of the machinist union, and the head of the electrical workers' union have come before our committee, and have pleaded for the privilege of cooperation and not to be made the victim of compulsion by a national manpower policy which misunderstood the nature and the difficulty of the problem.

Now the Congress, in the face of all those recommendations, in the face of the sentiment of the people of this country, who want more intelligent and efficient administration and less cover-up bungling by coercive legislation—the Congress, I say, is today about to "freeze" the first class of laborers to their jobs.

I wonder, Mr. President, if Senators would not rather the matter be further considered than that that most significant step be taken by the Congress at this time when all these efforts are underway to find a solution of this problem?

Here in the Senate itself the Committee on Education and Labor has been considering the problem and has had hearings for several weeks, and, by the Truman committee a report has today been filed or will be filed. A subcommittee of the Truman committee, headed by the Senator from West Virginia [Mr. KILGORE], is studying the manpower problem. The Military Affairs Committee has several bills pertaining to the problem before it, and it, too, has had several hearings. So at least two regular committees and one special committee of the Senate are considering this difficult problem and trying to find a solution.

Then here a week or more ago, a Senator rises on the floor and offers this agricultural deferment freezing amendment. It is adopted on the floor. It is slightly modified in conference. We adopt it, if we do what it is recommended we shall do here today on the floor, without any consideration whatever of the question of adequately solving this problem without any coercion upon any class of our people.

So, Mr. President, while I favor drafting boys 18 and 19 years of age, and I favor the other features of the conference report, I very strenuously disagree with this provision relative to freezing agricultural labor in a way that does not meet the needs of the Nation, in a way that is unfair and unjust and discriminatory to men who are the victims of this legislative mismanagement of the problem which already has been so sadly dealt with by our Nation, though at war.

Therefore, Mr. President, I move that the Senate disagree to the conference report, for the purpose of instructing the conferees further to consider the provision I have just read, which is paragraph (k) of section 4, set out on page 2 of the conference report.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Chair will state the first motion of the Senator is not in order, since the question is stated in the affirmative. The objective sought by the Senator can be achieved by a majority of the Senate voting in the negative.

As to the Senator's second motion, the Chair will state that the House already has adopted the report and the conferees of the House have been discharged. Therefore, the motion would not be in order.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. The proper motion, then, would be that the Senate disagree to the conference report.

The PRESIDING OFFICER. No. The Senator's objective, if he desires a rejection of the report, would be attained should a majority of the Senate vote against the motion which is stated in the affirmative, namely, that the conference report be agreed to. If the report were rejected, it would then be in order to make a motion for a further conference and to instruct the conferees.

Mr. PEPPER. Then it would be appropriate for the Senate, if it should choose to do so, to designate conferees and direct them to participate in a further conference and request a conference on the part of the House of Representatives?

The PRESIDING OFFICER. Such a motion would be in order after a motion to ask for a further conference were agreed to and before the conferees were appointed. A motion would then be in order to instruct the Senate conferees.

Mr. PEPPER. In view of the statement of the parliamentary situation by the Chair, I will not be in a position to make any affirmative motion. I wish to say, however, that, upon that sole ground alone, I shall vote against the adoption of the conference report. I hope the conference report will not be adopted and that the Senate immediately after its failure to adopt it, should it fail to adopt it, will then take the necessary steps to call a further conference with the managers on the part of the House and give instructions to the Senate conferees that this provision either be deleted or that it be further considered by the conferees.

ADDITIONAL REPORT OF SPECIAL COMMITTEE INVESTIGATING THE NATIONAL DEFENSE PROGRAM—MANPOWER (PT. 11 OF REPT. NO. 480)

Mr. KILGORE. Mr. President, with reference to the remarks just made by the able Senator from Florida [Mr. PEPPER], I think that this is an opportune time to render to the Senate a report prepared by the Committee to Investigate Defense Contracts. In submitting the report to the Senate, I have a few comments I desire to make before I place the report before this body.

Several weeks ago a subcommittee was designated by the committee to study the manpower problem. That subcommittee, finding that open hearings would not get the best information, held executive hearings in order that all information might be made available. At the conclusion of those executive hearings a full and detailed report, with supporting data, was rendered to the full committee. The full committee directed that information and supporting data of a strategic and confidential nature be stricken from the report to be rendered to the Senate, and that the remainder of the report be submitted.

I should like to point out a few high lights of the report before filing it.

In the first place, the War Manpower Commission was created by Executive order on April 18 of this year, with the Federal Security Administrator as Chairman. Its task, as set forth in the order, was to—

> Formulate plans and programs and establish basic national policies to assure the most effective mobilization and maximum utilization of manpower in the prosecution of the war; and issue such policy and operating directives as may be necessary thereto.

The President and the Congress expected and believed that the War Manpower Commission would complete its basic studies within a few months and that on the basis thereof it would formulate, at least, tentatively, the policies which its studies indicated should be established and would make recommendations designed to effectuate such policies. That was 7 months ago. The studies are incomplete, and no basic national manpower policy or program has been formulated.

The public knows there is a manpower problem, for every time one tries to hire a man he discovers its existence. We are sometimes prone to criticize the public and nongovernmental agencies for the existence of that manpower problem.

The formulation of such a policy is basic, and until it is formulated and tried out, it will be impossible to determine what if any legislation is necessary to effectuate it. Consequently, although the investigation being made by the subcommittee on manpower is not complete, and will continue, the subcommittee on manpower has rendered its report. The subcommittee is convinced that once a definite and clear-cut manpower policy which makes sense is announced to the public, and the cooperation of management, labor, and agriculture asked in its execution, such voluntary cooperation will be forthcoming in full measure from the overwhelming majority of the public.

When and if such voluntary cooperation falls short of making such a program fully effective, then Congress can and should provide for such compulsory compliance as is necessary, and only in the areas where it is necessary. The real strength of any program will always rest on patriotic, voluntary cooperation in making it effective. But it is futile to appeal for that kind of cooperation until a program is formulated.

It is the conclusion of the Subcommittee on Manpower that a basic manpower policy cannot be developed without covering the manpower requirements of the armed services, as well as those for war production and essential civilian work. The War Manpower Commission has been handicapped because it has had no voice whatever in determining the military manpower requirements or the rate at which they shall be met.

In an all-out war, a world-wide war, such as the one in which we are now engaged, which is the first one of its kind in which we have ever participated, the Nation becomes an integrated industry. There are really only two efforts. One is the military effort, which includes the governmental agencies necessary to carry on the war. The other is the civilian effort, which furnishes the supplies for carrying on the war, and for the subsistence of the civilians. Everything else comes within the luxury class. The two programs, the civilian effort and the military effort, must be completely coordinated, and each must work with full information of the other.

There are three variables which must be adjusted to our over-all manpower resources, including potential resources, before an effective over-all policy can be developed. One is the number of men to be taken for the armed services. A second is the amount of war production, and the manpower required to produce it, needed both to equip and supply our own forces, and to meet our commitments to our allies. The third variable is the volume of manpower required to supply essential civilian needs. The Subcommittee on Manpower believes that the third variable can and should be cut down as far as is necessary to win the war, and that there is still considerable conversion slack in this item.

But even if we begin by stripping our civilian economy to the bone, it is apparent that the other two factors, military manpower and military production, must be adjusted to fit our maximum potential manpower. Otherwise, we are in danger of recruiting a huge fighting force and then finding that we have cut down industry manpower so much that it cannot produce equipment and supplies needed by that fighting force.

This means, first, that our general staff must check its war strategy plans, insofar as manpower and production requirements are concerned, against our total manpower resources to make sure that an efficient balance is achieved; and second, that the official or agency responsible for manpower mobilization must have some voice in and knowledge of these war requirements in order to do an effective job. To do this we must determine whether we are going to fight an offensive or a defensive war, because the materials needed are different. So far as possible we should determine where and when and who we are going to fight and adjust our production accordingly. It is more important to have the right number of men in the right places equipped and the necessary transport and supplies to maintain them there than it is to have huge reservoirs of men and materials available for an attempt to meet the enemy after he has chosen the fighting ground and has gained the advantage of the initiative.

Such matters relate to the highest war strategy, and the strictest possible secrecy consistent with providing the men and materials should be maintained. We do not desire to know what such plans are. I am sure the Congress, and no Member of it, desires to know; I am sure the Nation does not want to know what they are. But it does desire assurance that such plans have in fact been formulated and that the size of the armed forces and the quantities of war materials have been coordinated with such plans. For instance, the war in the Pacific area would require different equipment from one in the north African area and one in the Asiatic area would require still different equipment.

We must avoid any attempt to determine our military requirements solely by the number of males of military age who can pass the physical fitness tests or our production of the important items of war material by the quantity of basic material available for use. The Subcommittee on Manpower has examined many of the figures on such matters which have been made public and some which have been furnished to it confidentially for the purpose of determining whether there are any fundamental adjustments which will have to be made.

The subcommittee has two main recommendations to make:

1. In order to assure a sound basic approach to the problem, the Subcommittee on Manpower recommends that military manpower and war production plans be balanced against our over-all manpower resources, that a single head be made responsible for the manpower program and that this director know and have a voice in final determination of military and war production manpower demands.

2. In order to assure that withdrawals of men from industry for the armed forces will be made in orderly fashion and will result in the least injury to essential production, the Subcommittee on Manpower recommend:

A. That all recruiting by the armed services be stopped immediately. Volunteering should be permitted, but only with the approval of Selective Service and local manpower committees. The Selective Service System and manpower agency should fix the date when a volunteer is called to active duty dependent on the length of time it will take to replace the volunteer at his work, in those instances where the volunteer's immediate severance from his work would disrupt production. The Subcommittee on Manpower has been told of numerous instances where unrestricted recruiting has seriously disrupted production. The withdrawal of several million men from industry in the next year can be accomplished without extreme damage to production only if the withdrawals are planned carefully and keyed to a training program for replacement workers. That, in turn, can be done only if one agency controls the withdrawals.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. BURTON. Am I to understand that the subcommittee itself and the full committee are drawing a sharp distinction between the recruiting campaigns and enlistments, and am I correct in understanding that the recommendation is that the recruiting campaigns be discontinued?

Mr. KILGORE. Yes.

Mr. BURTON. That individuals be permitted to enlist if they desire to enlist?

Mr. KILGORE. The Senator is correct, but that the time of anyone's withdrawal from industry, if it is an essential industry, be effected at the date when he can be replaced, not to take a keyman out of a factory, even under voluntary enlistment, until another man can be put in his place.

Mr. BURTON. It would put an end to high-pressure methods, and would provide for enlistments based on the needs of the individual and of the country?

Mr. KILGORE. And with the desires of the individual governed and covered by the needs of the war industry.

B. Selective Service and the United States Employment Service should be closely coordinated to carry out an effective over-all manpower policy. Both agencies should be under control of the manpower agency, nationally, regionally, and in local areas. Local manpower committees, including representatives of management, labor, and agriculture, should be set up to assist in the manpower program and to help solve problems by voluntary cooperation wherever possible. Wherever possible, they should be given, subject to appropriate appeals, the determining voice in how to apply locally the basic national manpower policies.

C. Wherever critical labor shortages develop in a particular industry, as is now the case in dairy and livestock farming and copper mining, the powers of selective service should be used to keep existing workers in these industries. This can be done by a directive to local boards to defer those essential to the industry with provision that such deferment is to be revoked immediately if the men leave the industry and seek employment elsewhere, or when replacements are made available. This procedure is now being utilized to meet the labor problem on dairy and livestock farms and could be used in other critical situations, both local and national.

3. In order to facilitate the bringing of four to seven million new workers into the labor force, most of whom must be women, the Subcommittee on Manpower recommends:

A. All industry training programs should be stepped up; unskilled men who are physically and otherwise eligible for military service should be excluded from such training—which will require action by the Congress to eliminate the limit on National Youth Administration training—and all such training programs should be supervised and controlled by the manpower agency.

B. Expansion of nursery schools and programs for care of school-age children after school hours should be expanded rapidly, so as to make it possible for mothers to take jobs in industry. The effect on her husband's dependency status under Selective Service of a wife working also should be investigated, and if it is found that this is preventing any substantial number of women from working, changes should be made. A public campaign should be conducted to encourage women to enter industry in large numbers.

C. An aggressive campaign, through local manpower committees, should be undertaken to make hiring policies of employers conform to manpower policies, and to eliminate hiring prejudices of all kinds, whether because of age, sex, or race. The Subcommittee on Manpower believes that the key to solution of our manpower problem lies in proper hiring policies rather than in coercive measures applied to the individual employee. Therefore, if voluntary measures to direct hiring into the proper channels fail, the Subcommittee on Manpower would urge legislation giving the manpower agency authority to control hiring by an employer when it found he was noncooperative, rather than legislation giving the manpower agency greater control over the individual employee.

D. A similar campaign, coordinated with that on hiring, should be undertaken to induce employers in nonessential industries, particularly trade and service enterprises, to reduce their total employment by reducing the services performed and to replace men with women wherever possible. This could be implemented, if necessary, by Selective Service regulations making deferment of men in such industries more difficult regardless of dependency status.

E. State and Federal regulations which interfere with the employment of handicapped persons or those receiving public assistance should be suspended for the duration. An example is the regulation which requires a complete reinvestigation of a person now receiving old-age assistance if he takes employment and later wants again to receive assistance. Another example is State insurance and safety laws which make it impossible or prohibitive in cost to an employer to employ handicapped persons. If necessary, the Federal Government should assume the extra costs involved in employing such persons for the duration. Many State laws and regulations which prevented obtaining maximum transportation on highways already have been suspended for the duration.

F. Study should be given to the possibility of ordering those industries and services which are least connected with the war effort to reduce their activities and thereby to release labor.

Mr. BALL. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. BALL. I am interested in paragraph C, and I believe it can stand underlining. I read from it:

The Subcommittee on Manpower believes that the key to solution of our manpower problem lies in proper hiring policies rather than in coercive measures applied to the individual employee.

It seems to me that too much of the approach, particularly in manpower, too much of our regulation of industry, has gotten down to the smallest possible unit. It seems obvious to me that if we are to try to handle the manpower problem by taking every individual American, 60,000,000 of them, by the scruff of the neck and putting them where some bureau decides they belong, we will create a manpower problem in Government itself which it will be impossible to solve. The number of employees who would be required to handle the job on that kind of basis simply are not available. If we are to do the job we must attack it on the broad basis of seeing that, through proper hiring policies, through campaigns to eliminate men in nonessential industries and for the replacement of men by women. We should do the job in that way, rather than by getting down to the individual citizens.

Mr. KILGORE. The Senator from Minnesota is absolutely correct, and I thank him. The really voluntary and democratic approach to the matter is through the hiring of employees, as the Senator has said.

The fourth recommendation of the Subcommittee on Manpower is that in order to increase the productivity of our present labor force to the utmost:

A. A vigorous campaign should be instituted against absenteeism in industry, which in some fields is cutting production as much as 10 percent. This campaign should be tied in with the two urged above and should include a strong publicity drive. If necessary in some industries, revocation of selective-service deferments in cases of chronic absenteeism could be used to implement the policy.

I happen to know that in the coal fields absenteeism is cutting production in most of the mines. It is straight absenteeism, not due to sickness, but due to laying off.

B. Conferences should be arranged with labor and management and local and State officials to obtain suspension or revision of any work rules, contract provisions, trade practices or usages, or statutory provisions which act as a curb on production. Examples are some of the extremely short hauls between division points on railroads which under present contracts constitute a full day's work for the train crew, the limitation of soft coal miners to 35 hours per week, and the restrictions on most effective utilization of labor in the construction field in building trades contracts, which by minute assignment of certain work to certain crafts sometimes requires the services of three or four men to do a job that one could do more quickly alone.

C. The workweek should be lengthened to at least 48 hours wherever practicable and any additional overtime wages which are paid should be required to be paid in War bonds cashable only at the end of the war and to be used during the war only to pay Federal taxes. Suspending the 40-hour week in non-war industries, with the proviso that employers be permitted to pay overtime to the extent paid in 1942, should be studied as a possible answer to severe labor shortages in our civilian industries.

D. Labor hoarding should be stopped. Because of the difficulty of obtaining labor and because in cost-plus-fixed-fee contracts the extra cost is borne by the Government and is no bar to the practice, many war contractors have employed men weeks and even months before they had work for them to do.

Mr. President, I personally saw a plant with 17,000 men on the pay roll and 12,000 workers. If that is not labor hoarding I do not know how it could be described.

The practice has been especially prevalent in the construction field, where in some cases it savors of racketeering. This not only wastes manpower, but has an extremely bad effect on public morale, undermining confidence in the whole war effort. The Subcommittee on Manpower believes that the most practical way to prevent this is for the Defense Plant Corporation and the contracting officers in the services to refuse to allow as reimbursable costs wages paid to labor which has not been used effectively. We strongly urge such action immediately by Defense Plant Corporation, the War and Navy Departments, Maritime Commission, and other governmental agencies.

E. Insofar as is possible, essential civilian production should be concentrated in those localities where there is large unemployment but which are unsuited for war contracts. New York City is an outstanding example of this sort of problem—

New York City has a gigantic labor pool with nothing to do; many other localities are in the same shape, while others have been overloaded with war factories—

and the War Production Board has plenty of power, through its control of priorities, to make it effective at once.

F. War production expansion should be planned so as to utilize or convert existing plants to the maximum possible, and new construction should be cut to the limit. Every time a new war plant is built, while an existing civilian plant is closed down for lack of orders, the manpower problem is complicated because the new plant requires a shift of workers, creating endless problems of housing, schools, and utilities and requiring the wasteful use of scarce materials and labor in new construction.

G. Relief employment on Work Projects Administration and similar programs should be cut drastically or eliminated entirely. Any person refusing to accept or continue work on a job he is capable of performing should be ineligible to receive any kind of relief or work relief.

H. The full skill and abilities of each worker should be absorbed. Easy jobs should be reserved for elder men and women. Students on vacation should be employed on seasonal jobs, particularly in agriculture, rather than being given permanent jobs for a temporary time. In every instance effort should be made to put the most able workers in the hardest jobs, providing a maximum of jobs to be filled by older women.

Mr. President, at this time I ask unanimous consent to file the report.

The PRESIDING OFFICER. Without objection, the report will be received and printed.

REDUCTION OF DRAFT AGE LIMIT—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

Mr. DAVIS. Mr. President, on many occasions heretofore I have addressed the Senate, but certainly never before under such circumstances as I speak today. This hour finds the United States and almost all the other nations of the earth locked in a battle to the death. This hour finds the Army and Navy of the United States under the greatest test in their history. It finds our vast industrial system pitted against the factories of our enemies in turning out instruments of war on an unprecedented scale. And because the first year of war has taken its greatest toll of our naval forces, this hour finds the United States building the mightiest naval armada the world has ever seen—an armada which will decide whether we and our children shall continue to be able to pursue the way of life on which this great country has been built. That is why I feel that this is a most critical hour.

During the past few months, it has been difficult for all of us, even for those of us who are close to those who are directing the conduct of the war, to think clearly of what has happened. But for the past 20 years, as United States Secretary of Labor, as a long-time member of the Naval Affairs Committee of the Senate, and as a Member of the United States Senate, I have had a personal interest in the development of our armed forces during peacetime, and in their performance in the present war. Within the past few days I have had particular reason to recall to mind our country's preparation for war—or rather the lack of it—since the time of the last war.

It is ironical that this year, 1942, should go down in history as one of the bloodiest and most tragic in the history of our country, for I recall that the year 1942 was looked forward to by all the leaders of a generation ago as a landmark of a far different sort. Nineteen hundred and forty-two was to be the year when the ideal of peace by universal trust and universal disarmament reached its final culmination—the year when naval armaments were finally to reach stabilization on the basis of fixed ratios, as determined by the Washington Naval Treaty.

In the light of terrible headlines that have screamed at us from the Nation's newspapers, I have had reason to think back to those peaceful days. I find it hard to recall how logical our dreams of a friendly family of nations seemed in those days. We have learned since then so much in the bitter school of experience.

I think it will help us to understand what has happened and what is now happening to recall briefly something of this vanished age. Only by understanding what has gone before can we see present battles in their true perspective, and guard against repeating our former mistakes when this bloody war is over.

Let me go back to one crisp morning in November 1921, when I attended a meeting of the great naval powers of the world in old Continental Hall here in Washington. The big room was filled with black-coated diplomats and admirals and Army officers who were gathered to discuss a problem which loomed large in the minds not alone of the American people but of the people of the world, the problem of ending the naval armament race which threatened eventually to destroy the peace hard won 3 years before. The time for that meeting was picked with an eye to its dramatic value. Fresh in my mind that morning—and surely in the minds of many other delegates gathered in the hall—were the impressive ceremonies of the day before, Armistice Day 1921. On that Armistice Day, in my official capacity as Secretary of Labor, I had joined the long parade of vehicles and people that thronged over the Highway Bridge over the Potomac to Arlington Cemetery, where the grave of America's Unknown Soldier was dedicated. On that day the memories of the tragedy of the war of 1914–18 were fresh in the mind of everyone who saw and heard that ceremony.

So, at the naval conference the next morning there was not a delegate present who did not have a deep desire to avoid a repetition of that tragedy. It was then that the then Secretary of State, the Honorable Charles Evans Hughes, rose and made some of the most startling proposals which were ever suggested. They involved a sharp cut in the size of the world's great navies, equalizing those of Great Britain and the United States, and stabilizing that of Japan. But there was no dissenting as he spoke. Secretary Hughes drew not only tears, but cheers when he spoke with passion and feeling of the day when the principles of peace would again rule the world.

I remember that scene as if it were yesterday. When the Hughes proposals were finally adopted, the people of Great Britain and the United States hailed the action sincerely and enthusiastically as the final solution to the problem of recurring war. It is safe to say, however, that Japan sowed at that conference the seeds of treachery which bore fruit 22 years later at Pearl Harbor, at Singapore, in the Dutch East Indies, and in Burma. Great Britain gave up forever her traditional position as possessor of the greatest navy in the world. We abandoned a navy building program which would have put us, in the course of time, in the lead among the world's great naval powers. True, Japan agreed to accept a navy limited to 60 percent of those of Great Britain and the United States. But she used that concession, which she never expected to live up to in the first place, to wring from Great Britain and the United States still other advantages in her favor. We agreed not to fortify the islands in her vicinity, and we signed with Japan the Nine Power Treaty, agreeing to respect the integrity of China. All of this tended simply to allay the suspicions of the world's great democracies and to keep them from sending military power into the Orient until Japan herself was sufficiently powerful to launch a campaign of aggression and terror.

As the result of the Washington Treaty, the United States voluntarily sunk a mighty navy. She scrapped more than 842,000 tons of naval vessels built and building, including 19 battleships already built and 11 other capital ships under construction. Thus for world peace we gave up more than any other power.

The Washington Naval Treaty looked like a magnificent forward step in world peace at that time. The only trouble was that Japan's concessions were only in the form of words, while those of the United States were in the form of great ships of the line reduced to hunks of useless steel on the scrap heap.

New difficulties arose rapidly; so in 1927 we tried again with another conference at Geneva, Switzerland. The first conference had failed to set a limit on the construction of any except capital ships. The conference at Geneva sought a formula to apply to cruisers, destroyers, and submarines. But no agreement could be reached, and the conference failed.

However, that same year—1927—a bill was passed authorizing the construction of 10 cruisers. In 1929, 15 additional cruisers were authorized. The London Conference reduced the number of cruisers to 18. We again deferred to Japan and Great Britain.

The result of the London conference was a treaty which limited the tonnage of smaller ships to a 5–5–3 ratio for Great Britain, the United States, and Japan, respectively. How Japan must have laughed. Already she was building with headlong speed for her attack on China. While all the rest of the civilized world hailed the London naval treaty as the climax of an era of aggression, as a milestone in the history of civilization, Japan laughed up her voluminous sleeve, for she knew that this treaty was the gravestone of all our hopes.

The United States, meanwhile, was pursuing the path of peace. Not only had we led in pressing low limits for our own and other navies, but we did not then even avail ourselves of the right to build within those limits. We wanted to show the world an example of a great nation willing to put her trust in good will rather than in the sword. Between 1922 and 1932 Great Britain built 112 warships. Japan constructed no less than 126 announced vessels, besides those she was building secretly. She also fortified her possessions in the Pacific. She was building stepping stones for offensive action against America and Great Britain. But during the same 10-year period the United States laid down keels for only 36 vessels. At the same time we even supplied the iron and steel scrap and the rolling mills and other machinery with which our enemy Japan was building, and furnished her the oil to store up for future use against us. While Japan was storing up oil for her use she was complaining about the United States storing oil in Hawaii. I saw this happening, but I could do nothing but look futilely on and hope for the best.

In January 1932 Senator Hale of Maine, then chairman of the Naval Affairs Committee, introduced Senate bill 51, authorizing the building up of the Navy to the strength permitted by the Washington and London naval treaties. This bill passed the Senate on May 6, 1932, but did not become a law, as the House of Representatives failed to pass it.

While we helped our enemies to build, the Navy of the United States—the world's greatest nation—dropped to a poor third place among the world's maritime powers.

In late 1931 the present World War in which we are now engaged began. This war began the day Japan marched into Manchuria that September. That was the first chapter in the new story of world violence and aggression. As a result of the Manchuria incident, bills were introduced and passed on to both Chambers of Congress by their Naval Affairs Committees to bring the Navy to full treaty strength. But the United States still looked the other way; the bills failed to pass.

I may say in passing that the present chairman of the Senate Naval Affairs Committee, the Senator from Massachusetts [Mr. WALSH], who succeeded Senator Hale as chairman, gave his wholehearted support to the program of naval expansion, and he piloted through the Senate the 20 Percent Expansion Act of 1938, the 11 Percent Expansion Act of 1940, the Two-Ocean Navy Act of 1940, and many other recent acts. Today the authorized strength of our Navy is about five times the treaty strength.

Returning to my theme, when Senate bill 51 failed to pass the House, at that particular time in Germany a fanatical Hitler seized power. In Asia Japan continued to absorb Manchuria, heedless of the world's futile criticisms, unsupported by action. Finally, in the United States we realized that we must act and act swiftly. And we acted. On June 16, 1933, the President was authorized to allot money for the construction of vessels within the terms of the London Naval Treaty. Moving swiftly, we apportioned $238,000,000 for the construction of 23 ships, including 2 aircraft carriers, 4 cruisers, 20 destroyers, and 4 submarines. During the next year further steps were taken. The Vinson-Trammell Act of March 1934 provided for the construction of other new cruisers and sufficient auxiliary ships to bring the Navy to treaty strength. Moreover, it gave legal sanction to the policy of replacing over-age ships when they became too obsolete to be effective.

But this was no time to rest content with what we had done. Our "friends" in Europe and Asia were at work in earnest now. This, mind you, Mr. President, was in 1934, when we thought our greatest dangers were economic perils from within. We were at peace with Germany, Italy, and Japan. They were our friends. Our Government leaned over backward to avoid offending them. Yet, secretly, cloaked by America's naive conception of international friendship—something which simply did not exist—these powers were bending every effort to prepare for a mighty war to bring us to defeat. Germany had already begun construction of pocket battleships of the *Deutschland* class.

The Italian Government announced the construction of new battleships. In December, Japan gave formal notice that she would no longer be bound by the London and Washington agreements. Three months afterward, Germany openly repudiated the disarmament clauses of the Treaty of Versailles and served notice that she was beginning to construct submarines.

Did we see in those small beginnings the great fleets of undersea raiders which were to send hundreds of American merchant ships to the bottom, together with the Americans aboard, or the German naval power that was to strike at Norway, at Britain, and at our own convoys, or Japan's immense naval power that was to reach its long tentacles as far as Hawaii and the Aleutians in the eastern Pacific, and was to envelop the Philippines, the Dutch East Indies, Malaya, and Burma to the south? Perhaps we did not grasp these dreadful portents, but we did go hard at work on 24 vessels under the Vinson plan. At the same time the Army was authorized to establish air bases on the Aleutian Islands.

We made one more pitiful attempt to salvage something from the ruins of the Washington Treaty. Late in 1935 a new naval conference was called in London. It met, ironically enough, on December 7, a day which 6 years later was to bring to a disastrous close the hopes of the United States for peace by disarmament. But by December 1935 the peoples of Germany and Italy and Japan had placed their destiny in the hands of men drunk with lust for power.

The conference was a failure; and the aggressor nations continued their plunder of the world. Italy turned her military machine loose against the almost defenseless natives of Ethiopia. Germany reoccupied the Rhineland. Germany and Italy cut their teeth on the war in Spain. Japan waged war on China proper, and finally the so-called anticomintern pact was signed, and by it was born the monstrous Axis which was to menace civilization itself.

In March 1938 Japanese flyers gave us a preview of what was in store for us by bombing and sinking the United States gunboat *Panay* in the Yangtze River. Japan said, "So solly." A year later German militarism swept over Austria.

Some of us here within our secure borders began to realize that this was all one war. We began to realize that the United States might indeed be in danger, fantastic as such a thought might seem. So in May 1938 Congress again took action. It passed a second Vinson Act, authorizing a 20-percent increase in the United States Navy and a further increase in the naval air force by 3,000 planes. I was on the Senate Naval Affairs Committee at that time, and it was with great gratification that I saw our Navy begin to acquire muscles—fighter's muscles, capable of throwing knockout punches.

Munich came and went.

Czechoslovakia fell.

Finally on September 1, 1939, all Europe burst into flames.

Abruptly America opened its eyes to the possibility of those flames sweeping even to its own inviolable shores. In 1939 Congress pushed forward, at a greatly accelerated pace, the preparedness program on land, sea, and air. We backed, to a man, the President's forceful declaration commiting the Nation to defend, at any cost, the territory and institutions of the New World.

The first consideration for the Senate Naval Affairs Committee was to build a Navy commensurate with the demands which it was feared might be imposed upon it. So immediately after the war broke out in Europe Congress passed the Eleven Percent Expansion Act and the Seventy Percent Expansion Act. These were followed by five other authorizations providing for a two-ocean Navy and a modern fleet of 3,750,000 tons.

Since then, and supplementing this vast increase, Congress has passed further bills authorizing construction of more than 3,000,000 additional tons. Of the 60,000-plane program for 1942 and the 125,000-plane program for 1943, the Navy is receiving a substantial allotment. Legislation passed only recently provided an additional sum of almost $4,000,000,000 for naval aviation. Thus Congress has insured a Navy of almost 7,000,000 tons—a 5-ocean Navy—a Navy that will have adequate ships and planes of every type to secure the overwhelming superiority on the sea and in the air, which must be achieved to bring about the final and utter downfall of our enemies.

Mr. President, ships alone do not make a Navy, for ships are useless without the bases that furnish them their fuel, their food, and the ammunition with which to fight. So important are bases that under certain circumstances a single base may be worth a hundred ships. The United States recognized this, and recognized its own lack of bases all too well. So in 1940, one of the greatest forward steps in the development of American sea power was taken when we traded to Great Britain 50 over-age flush-deck World War destroyers in return for a ring of mighty bases, stretching from Newfoundland in the north to British Guiana in the south. In the words of the President, it was an "epochal and far-reaching act of preparation for continental defense in the face of grave danger."

Those bases have already proved vital safeguards of our chain of supplies to our outposts in Iceland and Ireland, and to our English and Russian allies. They may well prove to be the saviors of the Panama Canal and a major aid in eliminating the submarine menace which has threatened our coastal lifelines.

So far, I have talked mainly of the Navy because the Navy was the first consideration, our first line of defense. But at the same time the Navy was growing in strength, factories from one end of the country to the other were being built or converted to the production of planes, tanks, and guns for the waging of land warfare on a scale never before conceived in our history.

I have described the battle for American naval and military supremacy on land, on sea, and in the air as I have seen

it fought and won in the halls of Congress during the past decade.

I have reason to remember that battle, for I followed every phase of it personally, from the Washington Disarmament Conference in 1921 to the most recent arms appropriation. My only hope is that this intimate personal experience may help me better to judge the steps that must be taken in the future.

So far I have spoken of a Navy that existed largely as an instrument of national policy. It was conceived by most people to be a force that was to ride the waves, close to American shores, in one ocean or the other, and by the mere existence of its ships, planes, and guns, was to leave Hitler and Yamamoto shaking in their boots.

But what of that Navy in action? What of our ships and men on the high seas, facing murderous salvos from below the horizon, facing streaking torpedoes from hidden submarines, facing screaming bombs from the death-laden skies overhead? What of this Navy, created in the halls of Congress, when it finally came within gun range or plane range of the Germans and the Japanese? Let me take a few moments to trace the world-shaking events of the first year of the greatest war in which we have ever been engaged.

War actually began for the United States on September 4, 1941, when our destroyer *Greer*, carrying mail and supplies to Iceland, detected a German submarine lurking ahead in waters vital to American defense. The *Greer* forged ahead nevertheless, and when within range of the submarine saw two torpedoes streaking toward it. The *Greer* avoided the two torpedoes and counterattacked with depth charges. From that incident forward the Navy was ordered to "shoot on sight."

On the inky night of October 16, the war was brought home in earnest to the Navy. The destroyer *Kearny*, answering a call from a convoy attacked by a pack of U-boats, was torpedoed without warning at close range. Eleven men lost their lives in the explosion, and the entire ship would have been lost had she not been one of the newest design, with compartmentation which kept her afloat until she could be repaired. Two weeks later to the day the most savage blow of all was struck. Steaming alone south and west of Iceland, the 21-year-old destroyer *Reuben James* was struck without warning by an enemy torpedo. She had none of the advantages that were built into the *Kearny*. Her entire forward half exploded and sank at once, taking 100 officers and men with it.

This, mind you, was when we were still at peace. No war had been declared between our Government and that of Germany. Yet Germany had struck treacherously and savagely; and the water-soaked bodies of scores of brave American sailors were the price paid for America's boast that war could be kept from her shores by simple faith in honor between nations. It seems incredible now that so many people in this great land could be numb to the fires of aggression that were licking at our shores. And yet people said it was 1917 all over again. Some destroyers were lost in the stormy Atlantic transporting goods to England. That was all. This was a little backyard squabble which we could win with our left hand.

Then it came.

December 7, 1941. On that day the United States of America was hurled by an act of perfidious treachery into the greatest war the world has ever seen—a war not on one ocean, or on two, but on the seven seas of the earth; a war not in one country or on one continent, but on all the continents of the globe; a war which has already cost the United States Navy more lives than all the previous wars in its history, and which has cost the United States Army more casualties—killed, wounded, or missing—than the total number of American soldiers killed in action in World War No. 1.

This was the reply of the peoples we had trusted. This was the price we paid for heeding their solemn entreaties to discuss peace. Only then did we of the United States—believers in human decency and the fraternity of man—believe that civilized people could use peace agreements to build for war. We were still talking peace in the light of amity and trust when the Japanese planes roared out of the darkness of night to rain death and destruction on American soil.

What viler act can any man commit than complete degradation of professed friendship? To this very hour the fiends are exhibiting the same inhuman treachery they displayed on December 7. Time and time again in the Solomon Islands they have displayed the white flag of truce, which has been recognized and honored by fighting men since the beginning of human warfare, and they have used that flag as a means of drawing American forces into death traps. Vermin capable of such fiendish desecration of human decency must be exterminated from the face of the earth.

Mr. President, after that first stunning blow, through the bleak and dragging weeks of December and January and even into February and March, the Navy was the target for endless storms of the most acrimonious criticism—criticism from the man in the street, from the Nation's press, and even from some Members of Congress itself. But I think we realize now that all that criticism was the result of a great and foolish error—the underestimation of Japan and the lack of realization of the gigantic scale of this global war.

Americans are unaccustomed to the bitter gall of defeat. It is no wonder that many were unnerved by the steady succession of bad news and failed to see the picture clearly. Let me tell you, though, Mr. President, that I personally did not rail at the Navy with fruitless gibes during those dark hours. Perhaps this was because my own son was seeing active service on the high seas; but I like to think it was because, as a member of long standing of the Senate Naval Affairs Committee, I knew what we were up against in a war with the Empire of Japan. I had seen them buy our rolling mills and scrap to make their steel; and every time a bill for our own naval expansion came up we had to consider the rumors of our potential enemy's secret building program. I knew that, magnificent as our Navy might be, we could not defeat Japan in 2 weeks or 2 months, and perhaps not in 2 years.

I knew that because I could see that, with Pearl Harbor, we had been plunged into a war for which there was no precedent in all history. This was global war—a new concept. To land on the enemy's coasts, against murderous fire—the most difficult of all military operations—to fight on every continent and every island of the world, to win control of those lands and of the air above them—this was the Army's responsibility. To win complete control of every foot of every sea the world around, and to control every foot of the skies above those seas—this was the Navy's responsibility. But it was the Navy's responsibility, as well, to see that every man and every scrap of material destined to carry on the fight on land reached their destination safely, and to maintain constant streams of supplies to American outposts the world around. To build up new bases from trackless jungle, to design and rush the completion of new ships by the thousands, to recruit and train 30,000 pilots and hundreds of thousands of officers and seamen each year, and to protect every inch of the 16,000 miles of coastline of the United States and her possessions—these, too, were the Navy's responsibilities. This, indeed, was a task without precedent in the history of war.

But, it may be asked, What is the point of talking about responsibilities? The acid test, the only test, is in actual results. How have we come out in the actual engagements? Very well, let us count off those engagements. Let us mark them up on the scoreboard of history.

Pearl Harbor: A stunning, crushing blow which failed in its prime purpose, which was to cripple forever our Pacific sea power, but which nevertheless must be classed as a tragic defeat.

Macassar Straits: A surprise sortie, in which a daring force of United States destroyers cut into a huge Japanese convoy, sinking five transports and throwing the escorting warships into complete confusion before our forces dashed away unscathed.

The Gilbert and Marshall Islands raids: Surprise blows of reprisal for Pearl Harbor, brilliantly conceived and executed.

The Coral Sea: Although we lost the *Lexington*, this 5-day battle was the first major set-back of the Japanese in their march of aggression in the South Pacific. We sank or crippled no less than 20 Japanese ships—a victory that set the Japs back 2 months in their anticipated assault against Australia.

Midway: The most significant, the most glorious triumph of the war in the Pacific—4 Japanese carriers sunk, with at least 275 planes destroyed, together with their crews; 2 or 3 battleships damaged, one severely; 2 cruisers sunk, and 4 more damaged; 3, and possibly 4, destroyers sunk, a blow from which Japan will never fully recover. We did not realize the enormous importance of the

Battle of Midway when the results were first announced, but we realize today that the Japanese Fleet which was stopped was no mere raiding task force. It was a major invasion fleet whose destination was not the sandy little scrap of land that is Midway, but was Hawaii itself. The Battle of Midway can be compared only to the Battle of Salamis, which saved ancient Greece from an alien invasion; or, in our own history, it might be compared to the taking of Ticonderoga and the turning back of Britain's invasion fleet on Lake Champlain in the Revolutionary War. That engagement, while seemingly no tremendous victory in itself, not only saved our struggling Colonial government from immediate annihilation at the hands of a stronger British force but made possible the later triumph at Saratoga, which was the true and final decisive battle of the war.

The Solomons: The battle for the Solomons marked the beginning of our offensive in the Pacific. The cost to us in ships and men has been severe, but so long as the gallant marines and soldiers hold our positions there, and the naval vessels and Army bombers continue to make it possible for them to hold, the Battle of the Solomons must be marked on the scoreboard of history as an American success.

These have been the major fighting engagements at sea, and I ask the Senate to look at the score. Five spectacular successes to two set-backs—five victories as against two defeats. And this score, mind you, Mr. President, does not take into consideration the damage inflicted by those other two intrepid sea services, the submarines and the motor torpedo boats. Let us not forget to pay tribute to them. Working alone and against tremendous odds, they have added scores of sinkings to our toll.

On land, it is no secret that this first year of war has been a year of tragic and bloody defeats. But in those defeats there was glory, for to the tradition of America they added exploits of individual heroism that are unsurpassed. We lost Wake Island, but we gained an example of fearlessness that will leave men misty-eyed so long as they can remember. We lost Bataan, but we gained a spectacle of dogged last-ditch courage against fearful odds that will live in our hearts beside the Alamo.

In land warfare, this has been a year of preparation. It has been a year in which to complete our vast training camps, to pour forth arms and uniforms and equipment to supply our soldiers—a year in which to train officers and get our Selective Service machinery running smoothly, and build up nuclei for new kinds of fighting groups. It has been a year in which to turn freedom-loving civilians into fighting men, capable of meeting and defeating the enemy wherever he may be.

The results of this year's work will be seen in next year's headlines.

Every Member of the Senate must feel the tension of this moment. This is the turning point. This is the crucial and precious moment which will decide whether America is worthy to continue enjoying the freedom which she has always held dear. America's appointment with destiny is here. Will we meet it? The demands of war have reached out to envelop all of us. There is probably not a family in America that has not been affected by the war in many ways during this first fateful year. But the time has now come when the demands of the war reach out to all Americans. The time has come when our youth—our lads of 18 and 19 years of age—must go forth to fight for the world they will live in. It is no longer enough for us to give up our pleasure driving, give up our five cups of coffee a day, our meat 7 days a week, our scrap for the steel mills, and our money for War bonds. Now we must give our sons. My boy is already serving his country on a warship on the high seas, as are the sons of countless thousands of other families throughout the land. The time has come when they must now be joined by their former schoolmates and companions in the one great fight against the powers of oppression.

I do not say these things without the most deliberate thought. I am one of those who opposed the peacetime Selective Service Act when it was first proposed. I think to this day that the difference of opinion on that first draft bill was justified because of the conditions in the country at that time. I knew then that our Government was burdened with the support of a great body of unemployed—able-bodied unemployed—from which, I believed, the Army would be able to recruit voluntarily a skeleton organization. Then when the exigencies of war or national defense made it necessary, it seemed to me that it would be possible to build a citizen army around this nucleus. I was not against the draft per se. I simply believed that we could approach the problem by a different means.

But I want to stress that, although I voted against the peacetime draft, I now say that it is absolutely essential for the security of our country and the winning of this war that all available young men between 18 and 20 years of age be inducted into the United States Army for training immediately, without delay.

Let me state why it is necessary. This is not a war of physical brawn, in which the winning or the losing depends upon the muscles of a warrior swinging a battle ax or broadsword. This is a war of machines; of speed and power and precision; of stamina and coordination. This is a war of machines, and it must be fought by youths who have grown up with machines, and who have lived with machines since their babyhood. It takes a young man to shoot straight and true in a tank speeding and bouncing over rough terrain at 40 miles an hour. It takes a young man to stand the terrific beating dealt out by a roaring motor torpedo boat. It takes a young man to win a modern aerial dog fight. In today's air warfare, a flyer's life depends on his ability to make decisions in one-seventy-fifth of a second, spitting hot lead into the plane in front of his sights, while he eludes the enemy plane on his tail, streaking through the air all the while at the speed of a bullet. This is no game for the men of 30, softened by years of desk work. And it is no game for the men of 23 or 25, who have too often left the football field and basketball court behind for adding machines and cocktail lounges. No; modern war is a game for the youths who are keen of eye, quick in mind, and coordinated in every muscle and sinew of their bodies.

The Navy has known this for a long time. For the last 50 years, war at sea has been a war of machines, and the Navy has known that it must be fought by young men. The average age of the enlisted man in the Navy right now is under 20 years of age.

The time has come for all of us to realize that this must be the age for the soldiers, as well as the sailors, who will win this war.

The Army and the Navy of today are as different from those of 1918 as those of the First World War were from the rabbles of the Crusades. What we must realize is that the Army and the Navy of today are, in reality, great educational institutions. From the standpoint of number of classrooms involved, number of instructors at work, variety of training given, and number of students enrolled, the United States Army and the United States Navy are the largest institutions of education and training in the entire world. For this is a war of specialization. No longer is a man just a sailor, or just a soldier. He is a technician, an expert. He is a radioman, or a machinist, or a photographer, or an electrician, or a signalman, or a hospitalman. He is a navigator, or a weather forecaster, or a pilot, or an ordnance expert. He is a driver, or a mechanic, or a storekeeper, or a cook, or a metalsmith.

The Army and the Navy will give the young man an education in one of these or many other specialized fields before he is ever sent to a fighting front. They will help fit him as an individual into civilian as well as military life. And the adjustment back again from military into civilian life, with the return of peace, will be easier after this war than was true at the end of any war that has ever been waged.

More than that, the Army and the Navy will teach our boys discipline at a time when it will mean more to them than any other time in their lives. They will teach them cooperation with their fellow man, and will encourage them to display every innate quality of leadership they may possess. And they will build in them sound and sturdy bodies. Throughout their military careers they will be given the best food and quartered in the cleanest and most livable quarters that can be obtained.

Mind you, Mr. President, I know what I am talking about. I have seen what the Navy has done to my own son, Jim. And I know what he thinks of that service. Take the matter of food. The last time he came home from sea duty I said to him, "Well, son, how does the grub on your ship compare with the food here at home?" He replied, "To be honest, Dad, I don't get devil's food cake like mother used to make—we don't get very fancy stuff—but it's the kind of darned good food that sticks to your ribs."

When our boys go out to fight they will go with an Army or Navy that has already tasted victory. By the time our boys ever get to a fighting front the tide will have turned. The battles of our first year have not gone well. We have been slow to put the enemy on the run. But we have sacrificed possible minor victories this first year for something far more essential to final, complete victory. We have built from the ground. We have prepared ourselves for any eventuality, and no United States force will be sent to face the enemy without a vast abundance of the finest equipment and the finest arms that American ingenuity and the resources of American industry can turn out. We have been slow, but we have built fighting forces against which no evil powers in all the world can long endure.

Mr. President, what of the peace that will follow the victory of the United Nations and the United States? The President has already made it clear that the criminal leaders of the aggressor nations will be made to answer for their inhuman crimes, and we may be sure that only the most practical considerations, guided by our memories of the bloodshed that was forced upon us, and not any false conceptions of idealism, will dictate our terms of peace. The brutality, the bestial cruelty that has been inflicted on the innocent populations of Poland, Greece, Czechoslovakia, Belgium, China—yes, and upon our own citizens who have been so unfortunate as to fall into the hands of the enemy—will not encourage us to handle the Nazi and Nipponese war leaders with kid gloves.

I hope that the peace to follow this war will be an insured peace. It will be a lasting peace, because the peace-loving nations of the world will back their peace by force. I do not like the expression, "Policing the world," but I do know that we who believe in man's right to freedom and decency must make sure, by every means at hand, that innocent people who want only to live and work undisturbed shall never again feel the tyrant's iron heel or stinging lash.

This means that America must never again put her trust in disarmament, in any form. If my past 22 years in our Government have taught me any one thing, it is that there are always nations in the world so perfidious as to use a semblance of peace to prepare for hideous war. I am a firm believer in the old saying that if a man fools me once, it is his fault; but if he fools me twice, it is my fault. We were fooled once into scrapping our Navy and reducing our Army to the size of that of Switzerland; but after this war we are going to match America's true greatness and her position in the family of nations with a might on land and sea in keeping with that greatness, and that will insure the permanence of our position among the family of nations.

In the jubilance of the armistice that will some day come, let us pause to remember how difficult was this hour, and how we were brought to this dark hour; and let us make sure, on that future victorious day, that our present hard sacrifices are not made meaningless by the blunders of tomorrow.

Mr. LANGER. Mr. President, I was very much interested in the remarks of the junior Senator from Florida [Mr. PEPPER] as to the matter of deferment of men engaged in agricultural pursuits, and I should like to ask the distinguished Senator from South Dakota whether he would be kind enough to give his interpretation of paragraph (k), particularly with reference to whether or not, if the report shall be adopted, it will result in freezing farm labor.

Mr. GURNEY. In reply to the inquiry directed to me by the Senator from North Dakota, I wish to say that paragraph (k) has to do with the deferment of men engaged in essential agriculture and men necessary to essential agriculture. This is known in the Senate as the Tydings amendment. It was adopted on the floor of the Senate by a vote of about 67 to 6, and therefore the conferees on the part of the Senate and the House had no particular choice in the matter. It was a mandate from the Senate by an overwhelming vote to retain this provision in the bill.

After talking the matter over in conference, the House conferees thought well of the amendment, and the conferees of the House of Representatives also thought well of it, as was indicated in the large vote of acceptance in the House day before yesterday.

So far as I am aware, it is not supposed this provision will result in a freezing of farm labor. Paragraph (k) merely defers those necessary to and regularly engaged in essential agriculture, and under it they would be deferred only when a local board otherwise would induct them. As I understand, no evidence was given before the Committee on Military Affairs or the conferees to the effect that it would result in a freezing of agricultural labor. It merely provides for deferment of those who would otherwise be immediately inducted by the local boards of the Selective Service. Does that answer the question?

Mr. LANGER. It answers the question. As I understand, the local board is not to be final?

Mr. GURNEY. The local board is not to be final on this particular phase of selective service, or any other phase of it. There is always opportunity for a registrant to appeal to the State board, and then on up to the President, if he so wishes.

Mr. LANGER. If the report shall be adopted, that opportunity will still exist?

Mr. GURNEY. Yes; and it is so stated.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. TAFT. I wish to ask specifically about this matter. As I understand the amendment, if a farm laborer is classified in 3–A by reason of having dependents, then the amendment would not apply to him, and he would be free to leave his service and go into industrial occupations if he wished to do so. Is that a correct interpretation of the subsection?

Mr. GURNEY. I am sure it is. I am sure that the sense of the amendment itself, and all the evidence before the committee, is to the effect that it would defer a man only if he were deferred solely because of being engaged in agricultural pursuits.

Mr. PEPPER. Will the Senator yield?

Mr. GURNEY. I yield.

Mr. PEPPER. Does the Senator construe this amendment as adding any authority to the draft boards which they did not already possess?

Mr. GURNEY. I do not.

Mr. PEPPER. Then what is the good of it? If it does not give them any power or authority which they do not already have, what is the purpose of it?

Mr. GURNEY. That, I am sure, could be more thoroughly explained by the author of the amendment, which was adopted by the entire Senate, and at the time it was adopted I am sure the same authority existed to issue the directives which had been issued by the national headquarters of the selective service.

Mr. PEPPER. Then if it were left out, if the Senate were not to agree to the conference report with this language in it, and if, by subsequent conference action it were left out, so far as the able Senator in charge of the bill knows, no disservice would be done to agriculture?

Mr. GURNEY. The provision confirms regulations already issued by the selective service. It puts in the law authority for regulations already issued under direction of the President through the selective service.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. GURNEY. I yield.

Mr. PEPPER. Does the Senator mean to say that prior to the directive of the War Manpower Commission, to which he has referred, there was no authority in the draft boards to make these deferments?

Mr. GURNEY. Oh yes, there was authority to do things like this, among other powers which have not been exercised by the selective-service headquarters. In other words, under the original Selective Service Act, the President, through his Administrator of selective service, was authorized to issue regulations, and under those powers deferment has already been ordered of those essential for the production of necessary food products.

Mr. PEPPER. Does the able Senator construe the directive of the War Manpower Commission as compulsory and authoritative and binding upon selective-service boards or local draft boards?

Mr. GURNEY. No, I do not. I believe that the directive from Washington gave the local board members something on which to hang a hat, for instance.

Mr. PEPPER. Does the able Senator regard the language of the bill dealing with this subject, that is, paragraph (k), as binding and authoritative upon the draft boards?

Mr. GURNEY. It is binding on the draft boards, but discretionary with the local draft boards with respect to their findings as to whether or not that plan is absolutely essential.

Mr. PEPPER. I believe the able Senator stated that the provision did not apply to 3-A men. Is there anything in the language to indicate that?

Mr. GURNEY. Will the Senator repeat his question?

Mr. PEPPER. I understood the able Senator, in reply to the question of the able Senator from Ohio [Mr. TAFT], to say that this provision did not, for example, forbid a 3-A man from bettering himself in some other industry. Is there anything in the text of the measure which justifies the Senator in making that statement?

Mr. GURNEY. I am sure there is. There is nothing in paragraph (k) of this amendment which freezes any agricultural laborers. It defers them only from immediate induction provided they otherwise would be subject to immediate call.

Mr. PEPPER. May I call the able Senator's attention to the following language in paragraph (k):

Provided, That should any such person—

"Such person" evidently refers to "every registrant found by a selective service local board * * * to be necessary to and regularly engaged in an agricultural occupation." In other words, the type of selectee to which reference is made is the registrant, and that is the only qualification that I see in the first part of paragraph (k). It says—

Every registrant found by a selective service local board.

Three-A's are registrants, are they not?

Mr. GURNEY. It say "registrants," but every bit of evidence was to the effect that it affected only those who were immediately liable for induction.

Mr. PEPPER. I started to call the able Senator's attention to the following language in paragraph (k):

Provided, That should any such person—

That is any registrant mentioned in the first line of paragraph (k).

Mr. GURNEY. I may interrupt there to say that "such person" means one who has previously been deferred from immediate induction because of necessary agricultural occupation.

Mr. PEPPER. The Senator does not mean that this provision is limited only to those who have previously been deferred by the draft board, does he?

Mr. GURNEY. The Senator is talking now about the man who might leave a place where he has been employed, and because he had previously been employed in a necessary agricultural occupation, he has secured deferment from his local board. Therefore, I conclude that if he tried to change his status, and moved to another location, he would have to receive the approval of his local board which had previously given him deferment.

Mr. PEPPER. Very well. I read the language in paragraph (k):

Provided, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under this act, his selective service local board, subject to appeal in accordance with section 10 (a) (2), shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests such local board to determine, and such local board, subject to appeal in accordance with section 10 (a) (2), determines, that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.

I ask the able Senator from South Dakota if a worker in a factory is today by statute subject to any such requirement or condition.

Mr. GURNEY. Is an industrial worker subject to immediate induction?

Mr. PEPPER. Yes; if he goes from one job to another.

Mr. GURNEY. If he has previously been deferred because of his present occupation, and he moves to another industry which is not essential in the war effort, his deferment will be taken away from him.

Mr. PEPPER. Is there any statutory provision to that effect?

Mr. GURNEY. No; that is by regulation.

Mr. PEPPER. So we are by statute putting a farm worker in a category in which we do not put the industrial worker?

Mr. GURNEY. That is correct.

Mr. PEPPER. The conclusion therefore is that with respect to selective service and in respect to deferment we are dealing legislatively differently with the industrial worker than with the agricultural worker? That conclusion is inescapable, is it not?

Mr. GURNEY. I will say to the Senator from Florida that we are herewith giving statutory deferment to the agricultural worker, the man necessary to and regularly engaged in essential agriculture and essential to the war effort.

Mr. PEPPER. Mr. President, the Senator a moment before, I believe, said that we were not giving him statutory deferment because the discretion was still left in the draft board, but I assume that the Senator means to say that we are telling the draft board, "You shall defer agricultural workers whom you find to be necessary," but we are not telling the draft board to defer industrial workers whom they may find to be necessary; we are leaving that entirely to their discretion?

Mr. GURNEY. Yes, as I see it.

Mr. PEPPER. That is what we are doing, is it not?

Mr. GURNEY. Yes.

Mr. PEPPER. Does the able Senator think that this is the way the Congress ought to legislate on the matter of occupational deferments?

Mr. GURNEY. The committee did not recommend it, but the Senate adopted it. The Senator will remember that I was one of those who voted against this amendment.

Mr. PEPPER. Mr. President, this amendment was initiated on the floor, was it not, by the able Senator from Maryland [Mr. TYDINGS]? This deferment amendment was offered, not by the committee, as coming from the committee, but was offered on the floor by the able Senator from Maryland, was it not?

Mr. GURNEY. It was offered by the Senator from Maryland, and adopted with the support of the junior Senator from Florida.

Mr. PEPPER. Mr. President, I will say that at the time the amendment came up the able Senator from Alabama [Mr. HILL] will recall that I went to him, and I think the RECORD will show that the Senator from Florida was not on the floor when the amendment was agreed to. When I came on the floor and discovered it I went to the able Senator from Alabama and protested against the amendment, pointing out substantially what I have said today, and I think the able Senator from Alabama will attest that fact, if he recalls it.

Mr. HILL. Mr. President, will the Senator from South Dakota yield to me?

Mr. GURNEY. I yield.

Mr. HILL. I will attest that fact. The Senator from Florida recalls, though, that the amendment was put in by the Senate. It was not reported by the Senate Military Affairs Committee, but was put in the bill by the Senate, by an overwhelming vote, and if my memory serves me correctly, it was put into it by a vote of 62 to 6. Not only was it put in by an overwhelming vote, but we had what used to be called in the House of Representatives, a field day, Member after Member rising on the floor and speaking for the amendment, and expressing his approbation of the amendment, and hoping that the amendment would be adopted. But I attest what the Senator from Florida has said.

Mr. PEPPER. I thank the able Senator from Alabama.

Mr. President, I wanted to ask the Senator from South Dakota another question.

Mr. GURNEY. Mr. President, I shall be glad to yield the floor to the Senator from Florida if he desires.

Mr. PEPPER. No, Mr. President. I desired to make a word of comment, but I wanted to ask the able Senator about another matter. There has not been, then, except for the fact that this amendment was offered on the floor, an investigation of this subject by the Military Affairs Committee, or a particular study made of this subject of occupational deferment by the committee? In other words, the amendment is not the result of study made by the Military Affairs Committee?

Mr. GURNEY. No; it is not. It was offered and initiated on the floor of the Senate by the Senator from Maryland [Mr. TYDINGS].

Mr. PEPPER. I should like to say a word——

Mr. GURNEY. I may follow through on that, if the Senator will permit me. The committee did not offer this amendment or this idea, because they had considered it thoroughly in committee during the hearing, when the amendment was originally proposed, away back in September.

Mr. PEPPER. But the committee did not make a recommendation on the substance of this amendment to the Senate?

Mr. GURNEY. No; it did not.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized in his own right.

Mr. PEPPER. I shall not cover again the points I attempted to cover earlier today. I realize how anxious Congress

is to give some relief to agriculture in respect to the existing shortage of agricultural labor. When this amendment was adopted by the Senate the other day, frankly, I had not given careful attention to the proposal, but after it was adopted, or about the time the Senate adopted it, I know that I did give some attention to it, and I thought it was a mistake for the Senate or for the Congress to legislate at this time in this way on the question of occupational deferment.

I think the able Senator from South Dakota has already shown by his response that if this language were left out of the bill we would not deprive agriculture of substantial relief which will come, no doubt, by the directive of the War Manpower Commission, which the able Senator in charge of the bill on the floor says has already been issued—that is, a directive by the War Manpower Commission to the local draft boards to respect necessary occupations in agriculture with respect to deferment.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. GURNEY. I should like to point out the correct status of the authority of any directive that the Chairman of the War Manpower Commission might issue at the moment. I do not believe he has any authority, either by statute or by Executive order of the President, to issue a directive to selective service nationally or direct to the local boards all over the country.

Mr. PEPPER. At least a directive of the War Manpower Commission indicates the determination of policy which has been arrived at by the War Manpower directive. I think the Senator's statement is true, and I agree with its veracity, which shows how inadequately we have dealt with the handling of this difficult question of manpower. The Manpower Commission has no more power than to give a directive, which may or may not be persuasive upon the local draft boards on the question of the proper utilization of our manpower.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Florida has made what I consider to be technically a rather well-founded objection, on the ground that by statute we undertake to defer one class of workers and not another class. In a very broad sense, perhaps we ought to give consideration to the whole subject, and not do anything about it until we have reached a conclusion satisfactory to us.

However, I should like to invite the Senator's attention to the fact that the clamor about the deferment of agricultural workers was almost Nation-wide. I believe the main facts are conceded. We were taking away from the farms those who are called upon to produce food not only for our Army and for the civilian population, but who, perhaps within a year or so, will be called upon to produce food even for our enemies, after we shall have conquered them—at least for millions of neutrals who do not now have, and within a year or two will not have, the facilities to produce the food necessary to avoid starvation.

While it seems to me that the Senator is perhaps technically correct, I believe that the Senate, in adopting this amendment by such an overwhelming vote, was responding to the cry from the country that the way our deferment had been handled, even though it was conscientiously and legally handled, we were bringing the country into such a position that we should be short of food, when everyone knows that without adequate labor we cannot produce enough food to meet the demand which is soon coming. Therefore, we felt justified in remedying the situation so far as we could. We attempted to meet a problem which to us appeared to be gigantic in its scope, namely, the problem of seeing to it that there was sufficient essential help on the farms to produce the food necessary to feed our civilian population, as well as our Army, which we must keep at the front.

It seemed to me—and I am still of the same opinion—that we were making a great mistake in depleting our farms of their herds and of the men who are necessary to maintain production. Even though the solution which we adopted might not be as good a way to meet the problem as though we should make a long study of it and include deferment of other classes, with respect to which no clamor arose and no claim of great injury was being made, as was true in the case of agricultural labor, it seems perfectly plain to me that when the situation was brought to our attention and the amendment was offered on the floor of the Senate, it was our patriotic duty to put something of that kind into the law. We may not have fully succeeded. It seems to me that we have done a pretty good job.

Does not the Senator from Florida believe that even though we might admit that the subject needs further consideration in regard to deferments of other classes, yet with respect to this particular outstanding class we were justified in doing something as quickly as possible? It seems to me that we should have done it a year ago.

Mr. PEPPER. Mr. President, the able Senator from Nebraska knows with what attentive and affectionate regard I listen to everything he says. Of course, there is much merit in what he says. As a lawyer, the Senator is familiar with the old adage that "hard cases make bad law."

The question in my mind, in balancing the interests of various groups, was whether this partial, inadequate, and in my opinion, unfair approach would do more harm than would be compensated for by the immediate good which it would accomplish. I do not quarrel with other Senators for having reached a different conclusion. I only regret that on the vital question of the use of manpower we think it is necessary to write into legislation not something which is the result of study by any committee or executive agency, but a proposal which emanates from a Senator on the floor of the Senate, and which has had no more consideration than brief debate on the floor and certain consideration by the conferees before becoming the law of the land. I was afraid that the Congress, by becoming a party to that method of handling the problem, would only contribute to the inadequacy with which the whole subject has so far been dealt by the Government.

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. O'DANIEL. I do not recall whether the Senator from Florida was in the Chamber at the time the amendment offered by the Senator from Maryland was thoroughly discussed. If he had been present at that time I believe he would recall that the seriousness of the farm situation and the dangerous food shortage threatening the Nation were well known to many Senators at that time, as was apparent from the debate, and that the amendment was therefore considered highly essential.

Furthermore, General Hershey, Director of the Selective Service System, had either asked that this legislation be enacted, or had heartily recommended the passage of the bill at that time. As stated by the Senator from Maryland, General Hershey desired that sort of legislation at that time. I presume the subject was thoroughly considered by General Hershey, and I am also inclined to believe that it must have had the consideration, either individually or as a group, of the Senate Military Affairs Committee, because the chairman of that committee, while opposed to adding any amendments to the bill, heartily approved this particular amendment and, as I understand, voted for it, making the vote almost unanimous.

Mr. PEPPER. The able Senator has just heard the able Senator from South Dakota [Mr. GURNEY], who was in charge of the bill, say that the amendment was not reported by the committee with the recommendation of the committee, and that he voted against the amendment on the floor of the Senate.

Mr. President, I am not disagreeing with what the able Senator from Texas has suggested, namely, that there is a very serious shortage of manpower on farms; but I am not sure that the shortage is equally distributed over the agricultural areas. If there is to be deferment I am not sure that the men should necessarily be deferred where they are, and I am not sure that they should be "frozen" into their present jobs. I still insist that under the proposed amendment they would be so "frozen," because if they should leave their jobs they would be put into the Army by the selective service board. I do not believe it is fair for farm workers to be "frozen" into their jobs without the Government, through some agency, seeing to it that the conditions under which they work comply with certain minimum requirements, as well as some minimum of sufficiency with regard to pay, hours of work, and conditions under which they serve.

Mr. President, in England men are deferred and "frozen" to their jobs in industry. The British have a lord presidents committee, which is a part of the

war cabinet. Therefore, the determination as to the allocation of manpower is made by a subcommittee of the war cabinet itself, the final governmental executive authority on the subject. They determine how many men shall be selected for the armed service, how many men shall be selected for industry, and how many men shall be selected for agricultural and other activities. In some cases they do "freeze" workers in their places, but, Mr. President, it was testified before our committee that before factory labor, for example, is frozen, the factory must pass inspection. It must pay a reasonable wage. It must employ its workers reasonable hours. It must comply with minimum conditions of work. The Government in turn sees to it that the man "frozen" to his job has some security and some protection in the job to which he is attached.

What I am saying is that the effect of this amendment would be to tell the draft boards of the country, "Keep the farm boys where they are regardless of whether they ought to be there; regardless of whether their employer is maintaining decent working conditions and giving them a fair wage; regardless of whether they are working fair hours, and regardless of whether the men can serve better somewhere else than where they are now serving."

Thus to enact legislation which has these fundamental inadequacies in it is a dear price to pay for an immediate emergency. If there is an emergency, instead of approving section (k) and "freezing" those inequities, and what Mr. Philip Murray called the present chaos in the use of manpower, I would rather see the President issue a directive to the Director of the Selective Service System saying, "I will allow the appeal of every man in agriculture who appeals if you do not instruct the draft board to give him substantially this treatment."

I would rather see the Chairman of the War Manpower Commission issue a directive and let us see if Director General Hershey will not follow it, since he was appointed by the President to lay down for the present, at least, the manpower policy of the country. Has any evidence been shown to the Congress that General Hershey has refused to abide by a directive of Mr. Paul McNutt? Has anyone brought this matter to the attention of the President and said that an Executive order was mandatory? Such procedure would serve the immediacy of the problem, but it would not write on the statute books a discriminatory piece of legislation which convicts us of the same inadequacy in dealing with the subject under discussion as administrative agencies of the Government have been responsible for during the past 11 months the war has been in progress.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. TOBEY. Mr. President, when the bill now under consideration was before the Senate I favored the amendment which called for 1 year of training of our 18- and 19-year-old youths before being sent overseas for combat service.

After lengthy consideration the conferees have deleted that provision. While I deeply regret it, nevertheless I shall support the conference report, because ever since Pearl Harbor and our entrance into the war I have supported, and will continue to support, measures which those charged with the duty of carrying on the war say are essential to its successful prosecution.

The Nation is in the throes of a great conflict. It is a time when we each have one supreme duty, and that is to hold up the hands of our Commander in Chief, of General Marshall, and of those at the head of each branch of our armed forces in regard to vital measures which they tell us are essential to victory.

Inasmuch as these leaders have plainly told us that the inclusion of this provision would seriously handicap them in prosecuting the war, while regretting that the provision for 1 year of training is not in the bill in its final form, yet I feel it my duty to give our war leaders my support in this time of national peril, and shall vote for the adoption of the conference report.

Mr. TAFT. Mr. President, after debate and a very decisive majority vote the Senate adopted an amendment which provided that there should be a year's training for boys under 20 years of age, and that either they should have 12 months of training or should be 20 years of age before being sent into combat service. That amendment has been abandoned by the conferees.

I do not agree at all with the statement of the Senator from New Hampshire [Mr. TOBEY] that we are bound to accept the opinion of the Army on a question of this kind. It seems obvious to me that if the Army says it must have seven and a half million men, it must have seven and a half million men, and I shall vote to give them seven and a half million men. However, it seems to me that whether they shall come from those who are 18, 19, 20, or 21 years of age, is a question on which we have a perfect right to pass judgment; and the Senate has passed judgment. I should like to ask the distinguished Senator from South Dakota [Mr. GURNEY] what efforts were made by the Senate conferees to convince the House conferees that the amendment should be inserted in the bill?

Mr. GURNEY. Of course, the House conferees were fully advised of the action of the Senate. The conferees met one afternoon for about 3 hours and the next morning for about 2 hours. The result was as I have already reported to the Senate.

Mr. TAFT. Did the Senate conferees attempt to reach any compromise with the House conferees? I believe it is clear that not only was there a large majority in favor of the amendment including boys up to 20 years of age, but that if we had voted in the Senate on the amendment including only those up to 19 years of age we should have had an even more overwhelming majority. Six or seven additional Senators would have voted to postpone any combat service until a boy was 19 years of age. In my opinion that age is more important than the age of 20, because it is the 18-year-old boys who are in the questionable class on the question of draft. I wonder if any effort was made to compromise by proposing that both Houses accept the amendment as originally offered by the Senator from Nebraska by changing the provision so as to make it apply, instead of to those under 20 years of age, to those under 19.

Mr. GURNEY. Mr. President, all those ideas and compromise plans were thoroughly discussed. The conferees on the part of the House were in no frame of mind to accept the Senate amendment, and I presume they feel vindicated by the overwhelming vote of acceptance which the House gave their judgment on the floor day before yesterday. I will say to the Senator from Ohio that every one of the Senate conferees went into the whole matter thoroughly, not for merely 5 minutes or 10 minutes or 1 hour or 2 hours, but for 5 or 6 hours where there were only 10 men around the table.

Mr. TAFT. Am I to understand, then, that the Senate conferees argued strenuously in favor of the Senate amendment with some modification of it?

Mr. GURNEY. I am sure the Senator from Ohio could so conclude and feel that he had reached a correct conclusion.

Mr. TAFT. May I ask the Senator from South Dakota whether, before agreeing to the House provision, the conferees were able to obtain from the Army any definite statements of principle on which they were going to try to give as much training as possible to boys under 20 years of age or treat them any differently from the older men?

Mr. GURNEY. We had a complete statement from the several Army men who came before us, at our request, that they would follow through the line of training as outlined originally by the Chief of Staff, General Marshall, and that the inductees would receive every bit of training that was necessary for them to have before they went into combat service.

Mr. TAFT. Does the Senator interpret that to mean that the great majority of them will have 12 months' training?

Mr. GURNEY. The very great majority of those who go into front-line combat will have 12 months' training, as they have had in the past. I might state to the Senator that they have not only had 12 months' training in the past but the great majority of them have had much more than that. When it comes to the Services of Supply, mechanics, truck drivers, and other allied branches essential to the Army, there is no necessity of men in those lines having 12 months' training.

Mr. TAFT. The amendment adopted by the Senate applied only to combat service; it did not apply to the Services of Supply and similar service?

Mr. GURNEY. That is correct.

Mr. TAFT. Can the Senator advise me as to the status of 18-year-old boys with respect to becoming officers? Was any assurance given that they would be accorded the same general treatment as is accorded older men? May they go to officers' training camps and become officers the same as the older men, so far as the law and regulations are concerned?

Mr. GURNEY. Definitely, the short answer to that is, yes. The experience of the past few years has been that the Army did not take into consideration age at all in giving aptitude tests, mental tests, physical tests to become eligible for officers' training; and, to my own personal knowledge, many 18- and 19-year-olds have become officers. Of course, I will admit that a greater percentage become officers after they are 21, as they have had more experience in life, and possibly a higher degree of college education. Such men have a better chance of becoming officers than those who have not had such experience and schooling.

Mr. TAFT. I thank the distinguished Senator from South Dakota. I should like to add a further word. The other day, when I spoke on this bill, I made the statement that the 18-year-old boys did not have the opportunity of becoming officers, and that that was unfair to them. I was called up by the War Department and was told that there is no regulation of law which prevents such advancement for younger men. However, I think the principle of what I said is still true. A boy of 18 drafted into the Army has very little opportunity of advancement. He must be recommended for an officers' training camp over a great many older men in his regiment who have been there for some time. So I think the substance of what I said at that time was true, in spite of the protest of the War Department. Trained younger men will not have the opportunity for as effective service as if they were drafted when they were somewhat older or if they had had a few years' military training.

Mr. O'DANIEL and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and, if so, to whom?

Mr. TAFT. I yield first to the Senator from Texas, who rose first.

Mr. O'DANIEL. The Senator from Ohio has called attention to the strong sentiment in favor of the 1-year training amendment as expressed by the vote in the Senate. I should like also to call attention to the fact that the RECORD shows that, in addition to the 39 Members who voted for the amendment, 14 other Members absent at that time were recorded as being favorable to the amendment, which shows a very strong sentiment in the Senate in favor of the amendment which was adopted by the Senate and which was rejected by the conferees.

Mr. TAFT. I thank the Senator. I might say that I think our conferees should have insisted on the amendment as modified to cover boys 19 years of age. I think the House would have accepted it, and I believe that it would have practically eliminated the inconvenience which the Army claims is involved in the amendment of wider scope. Such an amendment would have established in this country exactly the rule which the English have found to be proper after 3 years of warfare in protecting the 18-year-old boys whom they chose to draft.

I now yield to the Senator from Connecticut.

Mr. DANAHER. Mr. President, there is one point the Senator from Ohio made a few moments ago which it seems to me should be stressed with greater emphasis than has so far been made apparent; that is, that the amendment actually applies in its limitation only to putting 18- and 19-year-old boys into combat service. It is no answer simply to say that these boys might become truck drivers or they might become part of an air force ground crew, or might be in a mechanic service unit or something of that kind. It was to preclude their being put into combat service that the amendment was carried, was it not?

Mr. TAFT. Yes.

Mr. GURNEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. GURNEY. It is a fine point, but I should like to call it to the attention of both the Senator from Ohio and the Senator from Connecticut. The amendment adopted by the Senate not only contained the words "actual combat duty," but was further qualified by the words "beyond the territorial boundaries of continental United States." Are we to have a judge follow the troops around, say, in England or Africa, and say that a certain man 10 miles behind the line is not in combat duty? He might not be in such duty today, but tomorrow an airplane might come over and he would be right in the front line and in combat duty.

Mr. DANAHER. Mr. President, if the Senator from Ohio will yield to me, of course, all our air-raid wardens and our auxiliary police walking up and down the streets of Washington come within that category. We might be bombed some night, and that is why we have black-out curtains all over the city. That, of course, is not an answer; it begs the whole question that was involved as a matter of principle when we were arguing the proposition on the floor of the Senate.

Mr. GURNEY. I may say to the Senator from Connecticut I am sure that to have an efficient Army we would not want to charge our Chief of Staff with the duty of taking along with him Members of Congress or others to tell him after he has his troops over there that certain individuals must remain 30 or 31 miles behind the line.

Mr. DANAHER. Mr. President, will the Senator from Ohio yield further?

Mr. TAFT. I yield.

Mr. DANAHER. Of course, it is a singular thing that, let me say while the Senator from South Dakota is here and in view of his observation, that the Army, which is said to have known these needs, did not sponsor this legislation. I recall distinctly on the floor of the Senate that the Senator from South Dakota said that this was his idea. I remember the Senator from Michigan queried him on the point when the matter was before us a month ago. Of course, if the Army had really wanted these boys, it has had no reticence up to now in bringing forward legislation it chooses to sponsor. This idea, as the Senator from South Dakota has said, was his own.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from South Dakota.

Mr. GURNEY. I should like to correct the Senator's impression. It was my idea, and as to the legislation no one urged me. Certainly I had observed in many Army camps the need of it; and certainly the Army Chief of Staff would not overnight urge this legislation if he had not previously seen the need of it.

Mr. DANAHER. Mr. President, will the Senator from Ohio yield further?

Mr. TAFT. I yield.

Mr. DANAHER. I should like to have the Senator from Ohio retain the floor because I wish to ask him a question, but while we are on this point, I do not know anything about the state of mind of the Chief of Staff of late, but I hold in my hand the hearings containing his testimony and I know that in 1941 he was here telling us that men ought to have a minimum of 18 months' training before they would be qualified. Then he told us he was willing to take 15 months and he settled for 12 months in order to get a bill on the subject. That was his testimony.

In this connection let me say to the Senator from Ohio that in a letter addressed by me to Hon. Henry L. Stimson, under date of October 26, I quoted an excerpt from a letter which I had received from the parents of a New Haven, Conn., boy. The excerpt reads as follows:

> Parents of boys in Connecticut would like to know why boys here sent to Fort Devens are sent abroad in 6 weeks. It seems tragic and without any training. Thousands must be in the service longer.

Mr. Stimson's administrative assistant wrote me under date of November 3, as follows:

> DEAR SENATOR DANAHER: This acknowledges receipt of your letter of October 26, 1942, addressed to the Secretary of War—

I omit a small portion—

> Regarding the assignment of military personnel to overseas stations without sufficient training.
>
> The duration of military training given to military personnel depends upon the experience and qualifications of the enlisted man and the duty to which he will be assigned. The time required to train some men to perform their military assignments might be much shorter because of their civilian training than it would be for others. All units and individuals leaving the continental United States are not destined for areas immediately—

I emphasize the word "immediately"; the writer of the letter does not do so, but I do—

> Immediately threatened by severe combat, but many are sent to security garrisons offering special opportunities for further training.
>
> The War Department recognizes the anxiety of parents for the welfare of their sons in the service and you may assure your constituent that every possible effort is being made to provide adequately for the training as well as for the health, comfort, and contentment of the military personnel wherever they may be stationed.
>
> Sincerely yours,
>
> ——— ———.

I ask the Senator from Ohio if he had in mind in his earlier queries to the Senator from South Dakota the possibility that the conferees might easily have said

that "in our judgment, 18- and 19-year-old boys ought not to be sent into combat service until they shall have had a minimum of a given number of months' training," even though they omitted the provision of the amendment which the Senator from South Dakota has since stressed which would have prohibited their being sent beyond the continental limits of the United States?

Mr. TAFT. It seems to me that some modification could have been secured by our conferees that would have carried out the substance of the idea in which, I think all of us here are interested. I am anxious to take at full value the protestations of the Army that they are going to train these boys.

They are permitted to train them, and if they fail to train them properly before they go abroad, if they send them abroad when they should not go abroad, I feel that the responsibility is today completely on the officials of the United States Army. I wanted to make that point in this series of questions.

Mr. BROOKS. Mr. President, I had hoped that we might have an opportunity to register again in the Senate our desire to write into the law a provision for the guaranteed training of those who will be the youngest soldiers in the American forces.

We have gone a long way in the last few months, all the way from staying out of war until we are in all the wars of the world, on 40 fronts. Suddenly we need seven and a half million men, and in order to get them we must take 18- and 19-year-old boys. I am sure it seemed to all of us only fair that these boys when taken should be guaranteed adequate training.

I understand full well what it means to say we must not tie the hands of the military leaders, and surely none of us would want to tie their hands in any degree, but in a representative republic, in which the people have nothing to say to the Army except through their representatives, we might at least assure the hearts of the parents of America that their children will at least be trained adequately before they are sent to distant points of the world.

We shall vote in a moment, and when we vote we will say to the Army, "It is your responsibility." We have no other choice. According to the parliamentary rules, we must either vote for all the report or none of it. I shall vote for all of it, but I shall do so with the thought in my heart and mind that I have registered here the expression that it is the will of the people of America that these young men be trained before they are dispatched to the far corners of the earth to lay down their lives in this all-out war all over the world.

I want whatever I say now to be notice to the generals and the admirals, to the Commander in Chief, and to every one else, that this is a representative republic, so reemphasized recently, and much that we will do will be in the name of supporting the Commander in Chief, and that we will all do, of course. Much will be done under the guise of supporting the head of the armed forces, and that we will do, of course, but in doing so we are doing it to save a representative republic.

We, in this Chamber, represent the people of America, and it is our responsibility to assure them that untrained youths shall not be sacrificed all over the globe. There is no doubt these young men will make the greatest soldiers in the world. I know something about it. I served with such young men, I know the courage and the daring of young men, but thank God in the unit in which I had the privilege of serving we were all trained, and I hope these boys will be trained. I am sure that must be the will of every Senator, and I hope those on the Committee on Military Affairs, and the conferees, who did or did not make such a gallant fight to sustain the amendment of the Senate, will say to the admirals and to the generals, when they come, "Certainly it was the will of the Senate that you train these men before you send them to face their death under various climatic and physical conditions, and in conflict with the steel of the old world," much of which we sent them. These boys have a right to be trained before they face that steel and those trained armies.

If I had any other way to proceed than by voting against drafting them, I would utilize it, but I have no other way, so I want my expression to hold, so far as I am privileged to represent the people of my State, that I think now we should all reemphasize privately wherever we can that it is our will that these young men be trained adequately so that they can defend adequately their young lives and the whole future of America.

Mr. NORRIS. Mr. President, the Senate is confronted at this time with a condition which is often met in every legislature consisting of two branches. We have before us a conference report, and we are required to consider it and act on it. We are confronted with the situation that, in order to get what we believe to be good, we must take what we believe to be bad, and in order to prevent what, in our judgment, is evil, we have to vote even for the evil in order to get something which we believe to be right.

The bill as it passed the Senate contained two vital amendments, both of which received large votes in the Senate. One provided for the training of 18- and 19-year-old soldiers before they were put into combat service, and the other provided for a very important proposition, that we retain on the farms of America a sufficient number of experienced men to produce the food necessary to sustain our Army in the field, as well as for other purposes. One of the amendments has been agreed to, the other has been rejected.

I feel more deeply about the rejection of the amendment relating to the training of 18- and 19-year-old soldiers when I listen to the reasons given by military men as to why the amendment should not be agreed to. We have been taught over a series of years that the very minimum of training necessary takes 1 year. We all believe that to be so. We have been so informed by our military leaders. After listening to thousands of letters, and the prayers which came from the mothers of these boys, scattered all over the United States, we voted to bring about that result. These mothers knew, as we knew, that our military leaders had often said, "Our soldiers must have a minimum of one year's training." That seemed reasonable. Our recent experiences have taught us, in my opinion, that the period of training should be made longer. The soldiers now on the battlefields in all the various parts of the world are meeting conditions which have never before been met by soldiers anywhere. They have to combat the most unprincipled program which has ever confronted any civilized people. They should have at least the minimum training I have mentioned.

I agree with the Senator from Ohio [Mr. TAFT], who propounded some questions to the Senator from South Dakota, and I think the indications are that the Senate conferees did not make the effort they should have made before they surrendered on the amendment, which had received a large vote in the Senate. It seems to me that instead of an absolute rejection it should come before us in the conference report in some form of a compromise. It seems to me that out of all the controversy there should have been something left in the bill in answer to our votes and to the prayers of millions of mothers scattered all over the country.

These mothers have a right, under the circumstances, at least to be suspicious of the rejection of the amendment, because the same men in the military service who are now objecting to it, so-called experts, had been telling us, and telling the country, and telling the mothers, that 1 year's training was the minimum necessary for anyone of any age.

Mr. President, the argument now made against that is, "We do not intend to send these boys into combat across the seas. We are going to give them training, but we do not want any strings attached to their induction; we do not want any restraints placed in our way."

The answer to that comes back—it ought to come back from the Senate, but it comes back from the mothers of America—"If that is the way you feel, if that is what you are going to do, why not put it in the law?" It is no answer, Mr. President, to say that it does not require a year's training to teach a man to drive an automobile. Such a statement is begging the question, and I would have more respect for the sincerity of these men if they had not made such an argument, which to me seems to be foolish.

If the Senate amendment were agreed to, it would apply to combat service across the seas only. It would not apply in case of invasion of our country. The boys could be used here for combat service in case of invasion of the United States. We must have some Army here. The amendment has no application to such a situation.

Mr. President, I myself cannot help but feel a suspicion, of which I should like to clear my mind. I do not want to find fault with the conferees. I know the difficulty of their situation; it may be they have done everything they possibly could; but it seems to me that the Senate amendment, which was adopted on a

yea-and-nay vote in the Senate, after full debate, without limitation of debate should not be thrown out the window entirely. If 1 year of training is too much, let us have 9 months, or 6 months. If Senators do not wish the provision to apply to 19-year-old boys, why not make it apply to 18-year-old boys? There are a thousand ways in which a compromise might have been agreed to. It seems to me the conferees on the part of the House would have conceded something along that line if they had been met with a stubborn unanimous resistance from the conferees on the part of the Senate. In that case it seems to me our conferees would not have been turned down empty handed.

Mr. President, as I said in the beginning, we are confronted with the proposition of having to vote against one amendment, in order to obtain another amendment which we believe to be right. In order to keep evil out we have to reject some good. There is no alternative.

We are face to face with that responsibility. If, for instance, some Senators should say, "We will reject this conference report," and vote against it on the ground that this one amendment has been entirely thrown out, and if the result of the vote were that the conference report was agreed to, which it probably would be—and I do not think anyone doubts it—then the Senators who voted against the report, and who must go before the people in the future with that action on their record, would be faced with the charge that they had voted against this farm amendment, and, technically, the critic would be correct, at least to a very great extent, in condemning such action.

On the other hand, if the report were rejected, of course, a different conclusion or presumption would arise, because we would immediately have another conference report come back to the Senate. Under the circumstances it seems to me we are justified, when we consider everything, in accepting the conference report, much as I dislike to do so. I know if we do not it will be charged that we are delaying action by military experts in carrying on the war, which none of us wants to do, God knows; and, probably with the certainty that the conference report will be agreed to anyway, we ought not to go any further than to express, if we care to do so, our convictions on the subject.

Mr. WHEELER. Mr. President, I heartily agree with most of what the Senator from Nebraska has just said. I cannot agree, however, with the idea of voting for the conference report by reason of the fact that it contains the exemption with respect to farm labor. I agree with the distinguished senior Senator from Nebraska that the conferees on the part of the Senate did not put up the kind of fight they should have made in trying to obtain some compromise in the event they could not get all the Senate voted for. I do not think any showing has been made by anyone that 18- and 19-year-old boys are needed at this time. If a showing had been made that it was absolutely necessary to have them, then I would be willing to vote for the report. I am not going to vote for the report when in one breath the Army officials say it is necessary to give a year or 18 months training to a selectee, and in the next breath want to send the 18- and 19-year-old boys into combat service without that sort of training if they see fit to do so. We know that men are being sent to foreign shores today with practically no training.

Mr. President, I have received letters from some of the leading doctors of the country, some of them in my own home State, saying there is no question that the nervous systems of boys 18 and 19 years old do not stand up as well as those of men over 20 years of age.

So far as I am concerned, regardless of whether or not a little sop is given to the farmers of the country in this bill, I am not going to have it on my conscience that we turned these 18- and 19-year-old boys over to the Army officials, and said, "You can take them and send them into combat service any place in the world."

England does not do that. Canada does not do it. I do not know of any of our Allies who are doing it.

Mr. President, the question has been asked on the floor of the Senate: Are we doing our part in this war? We are furnishing food, we are furnishing money. I am not criticizing England. I do not go so far as Mr. Willkie does in his criticism of her. He was one who shouted that we had to do everything we could to help England. Some there were who shouted we must help England because we were dependent upon the British Navy. How silly that must seem at the present time to anyone with common sense. Oh, yes; we must have the British Navy to protect the United States of America from destruction. Winston Churchill said:

> Give us the tools and we will do the rest.

We gave them money, we gave them tools, we gave them ships, and then we gave them our Army and our Navy, and now they say, "Give us the kids, give us the boys. Take them out of the high schools. Take them out of the colleges; give us your teen-age boys. Give them to us, and let us send them to the four corners of the world."

Mr. President, that may be done by those who follow blindly anything asked of them by the administration. But the time will come when the people of the United States will say, "We do not want any dictatorship here and we do not want the Congress of the United States to abdicate." The people are already saying it. That was one of the reasons for the results of the last election. Make no mistake about that. The election did not result as it did because of the fact that only the well-to-do turned out to vote. What nonsense! It was not because the soldiers did not vote. It was because the people of this country were opposed to having the whole civil population of the country regimented by a lot of bureaucrats in Washington who do not know the problems of the people in the hinterland. The people voted as they did because they did not want any administration, Republican or Democratic, to have all these dictatorial powers.

Mr. President, the other day I picked up the the Journal published by the Teamsters Union, Dan Tobin's organization. What was said in it? I quote from an article by Lester M. Hunt:

> There will be men who say that we have become a dictatorship—that we have embraced the very philosophy we have gone to war to defeat. Well, how else can we win this war? The only way to defeat a hostile army is with a stronger army. Militaristic methods must be adopted to defeat militaristic powers. We must put our civil liberties in escrow.
>
> We are going to be forced to live under a dictatorship for a time. But it will be a dictatorship to preserve the democratic system we have always enjoyed. It will be administered for the protection of those who submit to it rather than for the profit of those who direct it.

Mr. President, think of a labor leader saying that. Think of him saying that in order to win the war against dictatorship we must set up a dictatorship in this country. Think of a labor leader saying that we must do away with our civil rights. Thank God this man does not speak for the rank and file of labor.

I do not care if every labor leader in the United States of America says we must do away with the Constitution and the Bill of Rights; I shall not be a party to such a movement. The people of this country are perfectly willing to make any sacrifice necessary to be made in order to win the war. I care not whether they are farmers or what they are, but they are not willing to turn over to the military authorities or to the administration dictatorial powers, unless it is shown to be absolutely necessary, and no such showing as that has been made or could be made. The only ones who are suggesting it and asking for it are some persons here in the departments who want to have control for their own selfish purposes.

Read this article in the Teamsters' Journal and then tell me if it is not almost the exact language used by Mr. Hitler to the people of Germany at the time he assumed dictatorial powers. I say shame on any labor man or labor leader who tries to tell the people of this country that we should do away with the freedom of speech, that we should do away with the right of trial by jury, that we should do away with the Bill of Rights simply because we are in a war. I say shame on any labor leader who says we have to set up a dictatorship in this country in order to preserve democracy.

If the Congress wishes to have the respect which it demands, it is time for it to exercise the power given to it under the Constitution, and not abdicate and turn over all its powers to the bureaucrats in Washington. So long as I am in the Senate I shall never vote to abandon the powers of Congress, and if the people of my State want somebody who will do so, they had better elect some one else to fill my place. I will not vote to turn over to the military authorities the right to take these children—for that is all many of them are—send them to the

four corners of the world, and put them into combat service, simply because of the fact that there is written into this bill a provision that the local boards may exempt farmers.

I believe that the committee representing the Senate at the conference, most of the Members of which were opposed in the first instance to such a course, did not stand up and fight as they should have fought to obtain a compromise or to carry out the wishes of the Senate.

Mr. BILBO. Mr. President, recently we have been impressed with the fact that in construing acts of Congress in the administration of our laws the courts and the bureaus of the Government go to the discussions of the legislation in the Congress by Members of Congress to ascertain the real purpose, intent, and implication of the law. That was brought out forcibly in our recent controversy about the right of our bureaucratic government to fix the ceiling prices of agricultural products. That being true, I wish to make a matter of record the construction of section 2 of the bill, which provides as follows:

SEC. 2. Section 5 (f) of such act, as amended, is hereby amended to read as follows:

"(f) Any person 18 or 19 years of age who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this act during the last half of the academic year at such school or institution, shall, upon his request, have his induction under this act postponed until the end of such academic year."

I wish to find out, if I can, from the members of the conference committee—preferably the Senator from South Dakota [Mr. GURNEY], the author of the legislation—just what this provision means, how far-reaching it is, and how we want it interpreted by the Selective Service Board, so that the people of the country may know who is to be exempt from induction for the remainder of the academic year when boys are summoned to the service of their country.

We all know, in a general way, what a high school is. In a general way we know something about the curriculum of a high school and the grades embraced in it. I should interpret the language "or similar institutions of learning" to eliminate any consideration of boys who are in their last year at a college or university, and who are about to obtain their degrees. They could not enjoy the exemption provided for, because no one would contend that a college or university is a "similar institution of learning" to a high school.

In my State we have in force the consolidated school system, by which students in rural sections are brought to central points. Some of those schools teach up to the tenth grade, and some as high as the twelfth grade. In the towns, not only of my State, but of other States, the high schools include the grades from the tenth to the twelfth. The consolidated schools begin with the lower grades and go up to the tenth or twelfth grade. I am wondering whether a consolidated school which teaches from the eighth to the twelfth grade, and includes the same course as that of a high school, would be construed to be a "similar institution of learning."

Furthermore, I wish to know the reason for the discrimination against boys who, because of lack of opportunity, lack of wealthy parents, or because of the death of the member of the family upon whom the family depended for a living, have been delayed in getting into high school. Are they to be denied the privilege of finishing an academic year of their education when they have entered primary schools and are trying to prepare themselves to enter high schools? Why the discrimination? I think a boy who is in the intermediate or primary school, working for a high-school education, is entitled to as much consideration in his effort to obtain an education for the battle of life as is the boy who happens to be fortunate enough to have completed his course and enrolled in a high school. I do not think it is quite fair to a boy who is in college and who, by finishing one semester, or 1 year, could obtain his degree from the college or university, to take him out of the university or college and rush him off to the Army when we allow high-school boys to finish 1 year—not necessarily the last year, but any one of the 4 years of the high-school course. I think there is a discrimination. We seem to be saying to the unfortunate boy who has not yet entered high school, "You Dumb Dora, we are going to take you out and put you in the Army, and yet we are going to let the high-school boy who has a 4-year course, be deferred until he finishes whatever year he may be in before he is called into the service of his country." I think that is discrimination. It is not fair, just, or righteous. It is so unrighteous that it is almost criminal.

I, for one, believe that this war will last from 5 to 10 years. The Japanese have said that they are prepared to fight for 20 years. It goes without saying that when boys of 18 and 19 years of age are inducted into service, their educational careers are over and they will go through life handicapped without the educational training to which they are justly entitled.

It will be remembered that during the debate on the bill I stated that I had no objection to the induction of boys into the Army provided they were kept in school until they were 20 years old and given basic military training while finishing their scholastic courses. I still believe that would be the fair, just, equitable, and patriotic thing to have provided for in this legislation. There is no reason why a boy should not receive his basic military training while pursuing his course in school. The boys in Annapolis and West Point receive academic training while they are taking their military training, as do the boys who have taken R. O. T. C. training in high schools and colleges. They are taking their academic training and at the same time receiving basic military training to fit them to be officers in the military forces after finishing school. There is no reason why teen-age boys should not be given an opportunity to continue their education up to the age of 20 and receive academic training and military training at the same time. If such a program were pursued, the boys would be better equipped at the age of 20 not only to fight this war, but to discharge the duties of good citizenship when the war is over.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. McKELLAR. I am in hearty accord with much of what the Senator has said. If I correctly understood the Senator, he started to ask the Senator from South Dakota [Mr. GURNEY] what is meant by the words "or similar institution of learning." I wonder if he will allow the Senator at this point to state what a "similar institution of learning" means. Does it mean the smaller colleges, or what does it mean?

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BILBO. I yield. My purpose in taking the floor was to get some expression from the Senator on this subject.

Mr. GURNEY. I am always glad to answer questions whenever I can. The able Senators from Tennessee and Mississippi must know that by now.

Mr. McKELLAR. Mr. President, if the Senator will permit me, I desire to enlarge somewhat upon my question.

A number of persons from the smaller colleges of the country are wondering whether those words apply to such institutions. They apply particularly to high schools. There can be no question about that. I do not know whether they apply to smaller colleges. I believe the term is sufficiently broad to apply to smaller colleges, and I am wondering if that is what was intended by the inclusion of those words. Certainly they have some meaning.

Mr. GURNEY. Will the Senator yield?

Mr. BILBO. I yield.

Mr. GURNEY. The section to which reference has been made has to do with deferment for high school instruction. It applies to those attending schools in grades from the ninth through the twelfth, or similar institutions of learning which have a curriculum covering courses of training from the ninth through the twelfth grade in the public schools of America. The words "similar institution of learning" mean preparatory schools of all kinds, military schools, parochial schools, schools sponsored by other religious institutions, private schools, and academies. In general, I should say that they refer to completion of the high-school course. The words "high school or similar institution of learning" mean that the students are given the right to complete the school course in those institutions where students are prepared to go into colleges. I should say definitely that students in small colleges which offer regular college work above what is commonly known as the twelfth grade would not secure deferment under this section.

Mr. McKELLAR. Suppose a small college included grades from the ninth to the twelfth, besides additional work. Would the fact that it included three high-school grades be sufficient to make it a similar institution of learning?

Mr. GURNEY. My answer to that would be, certainly, if a college gives high-school work, a student in such an institution who had not theretofore completed his high-school work, would receive the same treatment as a high-school student attending a public high school.

Mr. McKELLAR. I am very happy to have that statement by the able Senator. I recall that not long ago the able Senator from Michigan [Mr. BROWN], who had charge of a bill, gave his interpretation of the bill. His interpretation was held to be of such strength as to be second only to an interpretation by the Supreme Court. I am very happy to have that broad—and I think entirely proper—interpretation by the distinguished Senator in charge of the bill. I entirely agree with it.

Mr. GURNEY. I thank the Senator for the compliment.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BILBO. Before yielding to the Senator from Kentucky, I should like to ask the Senator from South Dakota a further question. Am I to understand that boys pursuing ninth- and tenth-grade work in a consolidated school, which teaches the ninth and tenth grades but does not go beyond those grades on up to the eleventh and twelfth grades—which would make a complete high-school curriculum—would be entitled to exemption as provided under the bill?

Mr. GURNEY. There is no question about it. They would come under the provisions of this section.

Mr. BILBO. That is very fine. I should like to ask a second question. In a junior college, where the first and second years are within the high-school bracket of the highest grades, yet there are taught two more grades which are the equivalent of the first and second years in the average college, would all students in such a junior college be entitled to the exemption provided by the bill?

Mr. GURNEY. If they were in classes which are comparable with the eleventh and twelfth grades in high school they would be accorded similar treatment.

Mr. BILBO. Very well. Some schools teach as far as the tenth grade and some as far as the twelfth grade. The Senator is basing his statement upon the fact that a high school, as recognized by the law, is a school that has the ninth, tenth, eleventh, and twelfth grades?

Mr. GURNEY. That is correct.

Mr. BILBO. I want to say that I feel the Senator from South Dakota has been very gracious in trying to give us his views and has been very fair all the way through.

Mr. GURNEY. I thank the Senator.

Mr. BARKLEY. Mr. President, if the Senator from Mississippi will yield, I should like to ask the Senator from South Dakota to clear up another point. While colleges doing high-school work up to the twelfth grade would be permitted to have deferred students within those grades, the right of deferment would not apply to students in the same colleges beyond the twelfth grade who are supposed to be doing college work.

Mr. GURNEY. Of course, it would not apply, because they would be doing work that would be above that of high school.

Mr. BARKLEY. The fact that part of their student body would be entitled to the deferment would not carry over into the whole student body unless they were in the specified grades.

Mr. GURNEY. The Senator is correct and his interpretation agrees with mine entirely.

Mr. BILBO. Mr. President, let me ask the Senator another question before he takes his seat. Am I to understand that under the gracious deferment provided for in the conference report for high-school students or students in similar institutions of the Nation no student under the ninth grade in the other schools of the Nation, whether consolidated schools, public schools, or private schools, would be entitled to have deferment?

Mr. GURNEY. That is the correct interpretation, as I see it. It only defers those in high school. No consideration is given to students in grades below the ninth grade.

Mr. BILBO. If I may be pardoned a slang expression, the conference committee had a weakness only for high-school students.

Mr. GURNEY. I am quite sure that it is entirely to the contrary, because the evidence is preponderant that very few 18- and 19-year-old boys are still in school and still taking work of the eighth grade or below.

Mr. BILBO. I am glad the Senator made that point, because I am complaining at the discrimination against not tens of thousands but hundreds of thousands of students throughout the Nation who are in grades below the grades of high school and who are seeking to prepare themselves in order to enter the high schools. It is not only true of white people in this country, but in my State, where Negroes constitute half the population, there are 18- and 19- and 20-year-old Negroes who have not yet gone far enough in their educational preparation to enter the first, or ninth, grade of high school. It is not proposed to give them any consideration whatever, but to yank them into the Army, although the bill favors the boy who happens to be in the ninth, tenth, eleventh, or twelfth grade.

Mr. President, I have repeatedly voiced my opposition to this proposed legislation. I agree with some of my colleagues who insist that there has not as yet been made any showing that there is any pressing, imperative need for the teen-age boys in the prosecution of this war. General McNarney of the Army before the Subcommittee on Military Affairs said plainly that there was adequate manpower within the military ages of 21 to 25 to build the Army up to 7,500,000 by December 1943. At that time I complained that the Army through their strict regulations as to the qualifications of the men they were inducting were eliminating those who had not passed beyond the fourth grade in the schools of our country. That would exclude the Alvin Yorks, of Tennessee, and Gen. Nathan Bedford Forrest, of military fame in the Civil War, neither one of whom had gone beyond the fourth grade, and one of whom could not write his name, yet became a great military hero. The Army have eliminated that class from the draft because they wanted boys and men who had passed the fourth grade in academic educational training. The finest physical specimens living in the country will be found in those sections, in the hamlets, in the mines, in the farms and in the woods of the Nation who have spent their lives in the open, men who have not gone beyond the fourth grade, but who are strong, who are hard, who are determined, who are physically perfect, and would make the ideal soldier, because they could speak the English language and could understand an order when given to them in the Army.

They could convey a "message to Garcia," if necessary, because they know that much about the English language. They could shoot; they could fight. Yet, through some whim, the Army have eliminated this great mass of manpower in the present war because they have not passed beyond the fourth grade in the schools of our country. I think it is a perfect piece of nonsense.

On the other hand, the Army has consistently rejected the induction of tens of thousands, yes, hundreds of thousands, of strong, able-bodied men who are infected with venereal diseases such as syphilis. That has resulted in leaving in many sections of the country great numbers of able-bodied men who are able to take the training, be treated for the disease, be cured, and render service to the country. In other words, the Army's position has placed a premium upon the possession of the dread disease, syphilis, in the induction of men into the service, and it has gotten to such a point in my State that the young Negro who does not want to go into the Army, and has a natural inclination to stay away from battle, has gone out and sought contacts in order that he might contract the disease so as to be exempted from Army service. In many cases, when the selective service board makes a draft, the Army medical officers make the physical examination, not the local doctor. The examination is made at Army camps. Forty men may be sent to the Army from a county, 20 whites and 20 blacks, but practically all the Negroes are returned to the community and are exempted, while the white man goes on and fights the battle because he has not contracted this dread disease.

As I have said once before on this floor, the records in my State show, as attested by the State board of health, that out of a million Negroes there are 250,000 cases of venereal disease. That gives an idea of how prevalent this trouble is. It is a disease which can be treated and the men can be isolated in the camps of the country. The Government has ample money with which to build adequate facilities to isolate and treat them and train them at the same time. No one need tell me that men afflicted with this disease cannot be trained; they can be. I know one doctor in Mississippi in Oktibbeha County who every Monday morning gives "a shot" to 125 Negro men. They stay out of the sawmill 1 day and the other 6 days go to the sawmill and work at the hardest task in the world.

Such diseases have nothing to do with the training of men. Until the Army officials, the generals, absorb this great reservoir of manpower, made up of men who have not passed beyond the fourth grade in school, but who are over 20 years of age, who are physically fit, and who will make good fighters, ideal fighters, and until the Army absorbs the great class of men who are being exempt from the Army because of their own fault and their own acts and such an exemption should not be dignified by notice from the Army, I shall insist it is wrong to go to the teen-age boys of 18 and 19 and take them out of the schools and colleges of the Nation and put them into the Army, especially when the Army will not agree to give them at least a year's training, although they could be inducted and allowed to stay in school and be given military training at the same time, and there would be no loss in their preparation to help fight this war after they reach the age of 21.

I have tried to help perfect the bill, and get as many favorable things in it as I could, but I shall continue, so long as I represent, in part, the people of my State, to vote against such legislation as that now pending under such circumstances as I have stated.

Mr. JOHNSON of California. Mr. President, we have about reached the end of the debate. So far as this body is concerned, we have reached the time when we have to go upon record one way or the other.

Of course, I am familiar with what has been going on here. The Senate is familiar with it. My colleagues know how much chance we have in presenting this amendment to the Senate again; but I should be wanting in courage, I should be wanting in manhood, if I did not stand here and fight again for the amendment as we presented it a week or so ago.

We have all felt great interest in this matter; we have felt that it is most important to the fathers and the mothers of this land. We have now reached a stage in the fight when we have to say whether we shall put the mark of acquiescence upon an amendment which was presented to the Senate and adopted by a vote of 39 to 31, or whether we shall put upon it the mark of our negation.

Why should we back and fill concerning the amendment? What could be the reason, what is there about the amendment that should cause men who are sentient, and bold, and who have no fear of any kind or character to feel that they must hide and bother themselves and hunt a tree behind which to retire, or do some other thing of peculiar character? What is there about the amendment that causes that sort of thing? I am unable to see anything.

I see the amendment merely as a provision which was adopted by the Senate, for which our conferees were in honor bound to fight, and to bring back something which would be like that which we gave them. It was up to them to bring back to us something of that kind. But they did not do it; and why? Echo answers—why? I shall not pretend to say why. They did not do it, and now, in the last moments of this day, we are presented a reason for making the motion again.

Various objections have been advanced by the Secretary of War. He is a very warlike man, mind you. He is a man who, if ever a question arose, would determine it according to his warlike proclivities. He would not fear at all. But he alone cannot determine this question. Do not forget that we have an equal right of determination. Some may not think so. Some may think that is a mistake, and that we should be of a kind that would not in any way do other than what the military might demand of us, that we should hold ourselves in readiness to take our medicine at all times. I am not ready to take mine. If others are ready to take theirs, well and good; I quarrel with no one, but I say if they are the sort of men I believe in, they will not tolerate backing and filling upon this amendment in the fashion that has characterized action thus far.

Many objections are made concerning this matter. I have here many letters about it. By the way, do you realize, Mr. President, that there are only two places on earth where there is opposition to this amendment, and they are—I dare say it—the Congress of the United States and the Parliament of Great Britain. In the Congress of the United States we find bitter opposition to it, so bitter that a yea-and-nay vote would not be given to the man demanding it in the House of Representatives. There is bitter opposition to it, in the hope that its opponents will be able to bury us with an avalanche of votes in the Senate.

Let them bury us. What difference does it make? When a man has reached my age, one more vote does not make any difference; he will stand up to the rack and take his medicine, and vote as he pleases without regard to any of the things with which we are familiar in this debate.

The debate which has been proceeding here has been predicated upon certain objections to the drafting of 18-year-old men. I wish to read a very careful report.

I believe that our present military leaders are trying to do a good job.

We all admit that.

They are now being tried in the fire of war. That some of them will not stand the test is inevitable. I hope the incompetent may be discovered before their erroneous judgment leads us into courses of action which will cause us disaster. The safety of us all depends upon competent leadership. I support our leaders. I rely upon them. I accept their judgments generally. But I shall not take their judgments as infallible and I shall reject their conclusions when ordinary experience proves them wrong.

I have read with interest the newspaper statements to the effect that Army officers, testifying before the committees of the Congress, stated that these 18- and 19-year-old youths make the best soldiers.

I may say frankly that I do not believe that statement—

Nor do I believe it. The very essence of anatomy convinces one to the contrary.

The testifying Army officers seem to contend that these youths are the physical cream of the country and that they are better fitted for war physically than older men. The field of sports offers a good test of a man's physical stamina. In major league baseball, which is a young man's sport, there are few teen-age youngsters used.

How well we all know that.

The best ballplayers are those in their twenties. In football, the college team is certainly superior to the teen-age high-school team. The best players on the college teams are the juniors and seniors, the very best often 23 and 24 years old, while the professional teams, made up of men above college age, are even better than the younger college teams. In crew, which is one of the most strenuous of all exercises, the frosh who are mainly 18- and 18-year-olds can't stand up against the varsity. In track, the college man is greatly superior to the high-school man, and in the greatest track meet of all—the Olympic games—many of the winners are older men, above college age. Virtually no teen-age youth places in the Olympic meets. Surveying then the field of sports which we know, it is apparent that teen-age youth is inferior physically to older men. That is not to be wondered at. The boys in their teens are not fully developed.

Can you not see that, Mr. President? Can you not realize it? When you meet a boy 16 or 17 years of age and take hold of his shoulders and caress him—we all love clean young men—can you not realize that those men are not equal to the older men in the world of sports, or in any other activity requiring strength and stamina?

As to judgment, I suppose no one, not even the testifying Army officers, would contend that teen-age youth has as much judgment as the older man.

It is a pity that we have to take this up ourselves, that we have to determine it ourselves. We have to determine the virility and the strength of the young men as against the older ones. That information should have been furnished us, it should have been given to the Committee on Military Affairs, it should have been stated here; but there has been no statement of it in this body during any of the time we have been considering this question.

I read further:

Today in combat judgment is necessary; the privates and noncommissioned officers act more independently than ever before. Upon their judgment often depends the success of a mission and the safety of themselves and the men about them.

Probably there is no difference in courage between the mature man and the teen-age youth. The teen-age youth may be and probably is more reckless—more rash. That in war can be a real handicap. Today it is essential that every particle of cover be used in order that one may survive and one rash move can endanger not only the life of the individual but also the lives of the men about him.

If 50 tanks manned by teen-age youths were put out to combat 50 tanks manned by men in their twenties and thirties, I think there would be no question as to the outcome of the combat. In judgment, skill, and in physical fitness the older man has the edge, and the statements of the testifying Army officers to the contrary belie our common experience.

From what experience with teen-age youths in combat did the Army officers draw their conclusions? Apparently it could not have been in Russia, for we are advised that our military men are not permitted to examine the Russian Army at close quarters, and the pictures we see of the fighting Russians

are pictures of men in their twenties and thirties, fully developed and hard. It could scarcely have been in Germany because we have been repeatedly told by our military experts that the German teen-age youths used on the Russian front were inferior soldiers. It could not have been in Britain, for the British Army is not fighting there. The British, although hard pressed for manpower, only drafted their 18-year-olds after the present bill went through the House, and then, apparently, not because they thought the draft of British 18-year-olds either necessary or desirable but only to keep step with the United States. What experience there has been on the African desert has involved a small number of troops. Even if teen-age youths have been used there in any considerable number (which I doubt), and even if they were used successfully, the whole African venture is on such small scale and under such peculiar conditions that any limited experience there cannot warrant any sweeping conclusion.

However, the bill to draft the 18- and 19-year-olds appears certain of passage. There is a movement now on to strike out the 1-year training period. As nearly as I can understand the position of the Army leaders on this, as stated in the papers, it is:

1. That many of these boys will be used in the service and supply forces and for that duty they do not require a year's training.

It seems to me I have heard that today, Mr. President.

If these teen-age youths are the best soldiers in the world, as these same Army officers have alleged, what monstrous folly to place them in the service and supply branches which certainly can be filled better with older men, men who are steadier and have had more mechanical and business experience. To put the cream of fighting men into service and supply is just nonsense.

Next, we are told that these boys, after 4 months' training, can be used as replacements for divisions depleted in action. It may be that 4 months' training is better than none, but certainly these boys with 4 months' training are not going to be well prepared to destroy the enemy or to protect themselves.

Mr. President, I suspend the reading of the letter at that point because of lack of time, and I do not want to bore the Senate.

Dr. Ray Lyman Wilbur said, concerning this measure, that it was a national disgrace. Dr. Wilbur is president of Stanford University, a medical man, a great educator, and an eminent citizen. He designates the proposed legislation as a national disgrace.

Mr. President, I have received letters from persons all over the United States, some of which are like the one I read, which attack the whole scheme from beginning to end, without rancor and without nastiness. Without exception they all tell us the same thing, that we are going to have a terrible time if the bill is enacted into law. I have before me letters from all over the country, from all kinds of people, and if Senators wish to see them they may see them. These letters have come to me unsolicited. They are letters which strike at the very heart of this difficulty.

Mr. President, I say again, that there is only one place in this country where the amendment can be defeated and destroyed, and that is in the United States Congress. Senators may be as proud as Lucifer of the particular body to which they belong. Mr. President, I venture the assertion that if we were to take a body of individuals of the same number and general character of those who compose this body, and if a vote were taken among its membership, it would be found that its members are overwhelmingly in favor of the amendment. I do not make this statement at random. That is shown by letters which have come to me from all sorts of people. The people of the Nation want this particular result; they want this particular amendment.

Mr. President, it is now 25 minutes to 5. I shall not detain the Senate longer than up to 21 minutes to 5. It will not do the Senate any harm to give me its attention for the remaining 4 minutes, so I shall continue.

I ask Members of the Senate to devote these 4 minutes to careful consideration of this particular question, and I believe there will be no confusion in their minds if in the action they are about to take they will vote just as they please and just as they desire. If my colleagues will think of the lads who would be the beneficiaries of the amendment which the Senate adopted it will not take them long to decide how to vote. If they will think of youth, and youth's prerogatives, youth's wish and desire to live, they will give our youth the benefit of the doubt at least and vote to retain the Senate amendment. If they will vote to protect our youth as youth should be protected, there will be no trouble at all.

Mr. President, if this matter is taken back to conference in the right spirit the Senate amendment can be made a part of the law. If it is not taken back in the right spirit, of course it will not be made a part of the law, and of course those who are so anxious that youth should wear a uniform, and proceed to engage in bloody combat, perhaps, will give youth the kind of uniform they desire. But if Senators will take this matter unto themselves, determine the question for themselves, and determine it as they think it ought to be determined, there will be no difficulty.

Mr. NYE. Mr. President, I voted against the teen-age draft bill at the time of its original passage through the Senate. Since that time I have not seen any reason for changing the belief I entertained at that time against the drafting of these youngsters. I have been deeply impressed with a story, which I believe to be quite authentic, coming back with Americans who returned from Japan on the *Gripsholm*, which left Japan, I believe, on July 16 or 17 of this year. Allegedly Americans returned from Japan with the story that up to that time, even though Japan had been at war for something like 6 or 7 or 8 years, not one Japanese schoolboy had been taken out of school, high school, or college.

Mr. President, for the life of me I cannot understand why we should ask of our youngsters what other nations are as yet failing to require of theirs.

I shall vote to return the conference report to the conferees, in the hope that at least we can have the safeguard of requiring 1 year of military training for boys under 20.

I rose to address myself very briefly to another phase of the controversy which is pending. Each morning for many months my desk has been burdened with letters from my farming constituents which reveal the utterly impossible position in which the individual farmer is being placed and left. More recently the letters are revealing the number of farmers who are disposing of their stock and of their farm interests, and moving into town for want of farm help. In connection with the pending measure we sought to stay that tide of farm help away from the farms. We wrote in the so-called Tydings amendment. I am delighted that our conferees have maintained the Senate's position with regard to that amendment.

But I am led to wonder in connection with it about the manner in which that particular phase of the law is going to be administered. The law will provide, if we finally adopt the report:

Every registrant found by a selective service local board, subject to appeal in accordance with section 10 (a) (2), to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces.

Mr. President, I do not suppose that anyone in this emergency is performing a more thankless task than members of local draft boards. My sympathies are with them all the way, and I rather resent the instances wherein draft boards have been reflected upon because of their failure to defer farm boys who were considered essential to the continuation of farm production. The local draft boards quite properly resent the insinuations which have been cast upon them. The local boards have been quite helpful, and in turn they are justified in turning to us in Washington and saying, "Do not blame us for what we are not doing. Get busy and write the kind of law that will prevent the continuing drafting of farm boys." They insist that the call upon them as members of the local boards is to furnish a certain number of men. I could recite endless communities in my State, as other Senators could in their States, where local boards have no one to draw upon at all if they do not draw upon the farm population.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. McKELLAR. I may say to the Senator from North Dakota that I have received a great number of letters from persons in my State in reference to this matter. What the Senator is speaking of may, perhaps, be the most important matter contained in the bill. It occurs to me from reading the language and studying it carefully that this will be a rule of conduct which will aid tremendously agriculture in our country. Does not the Senator from North Dakota agree that the rule which is here established in subsection (k) of section 4, will be effective for the purpose of deferring agricultural labor?

Mr. NYE. Mr. President, the Senator from Tennessee speaks my mind very accurately on that score, and I am glad to see it there in the law, where it will

be of much aid to the local draft boards which have been exceedingly embarrassed for want of this kind of law. With it, I do not see that we need longer be gravely concerned about what the construction of the draft boards is to be as to what is necessary farm help. The law tells them pretty definitely what they must do with essential farm hands.

Mr. McKELLAR. I entirely agree with the Senator; and I agree with the statement which he has made as to the fairness and efficacy of our draft boards throughout the country. In my State they are composed of the very best men available, and they have given a great deal of satisfaction. As the Senator knows, it is very difficult satisfactorily to fill the position of a member of a local draft board. I believe that the passage of subsection (k) of section 4 would go a very long way toward settling our agricultural problems.

Mr. NYE. I thank the Senator for the expression of thoughts which I so largely share.

I now come back to the problem which is presented to my mind, as to the manner in which the law would operate. Under the Selective Service Act the States are required to supply a certain number of men when the Military Establishment calls for men. Assume, now, an extreme case of a State which has no men in it except those who are engaged in agricultural pursuits. Certainly there are many communities which are as strictly confined. I know of local boards which no longer have on their lists men other than farm hands. I should like to inquire of the Senator from South Dakota what the attitude of the Selective Service authorities is to be when the local boards and the State boards are unable to supply the number of men whom they are under call to supply? With this provision in the law, which virtually exempts the farm hands, what is to happen to the so-called quota system?

Mr. GURNEY. The information on that subject from the Selective Service headquarters in Washington is more in the nature of an explanation of how they have handled the quota requirements in the past year, or since the original Selective Service Act became law. They have spread the quotas in accordance with the number of classified I–A men available in each State. During periods of need for agricultural workers the quotas are adjusted. As an example, the quota was set for the State of Washington, and it was found impossible to meet it because of conditions in that State. The quota was lowered, with the idea of making good the shortage a little later.

Mr. NYE. In that particular instance, respecting the State of Washington, who made the representation to the Selective Service Board which brought about the release or excuse from filling the quota?

Mr. GURNEY. I presume, the chairmen of the local boards.

Mr. NYE. Or the State board?

Mr. GURNEY. Through the State board, and then on into Washington.

Mr. NYE. Then there is nothing in the law which prevents the selective-service authorities from transferring quotas, so to speak, from one State to another, or excusing a State from filling the entire quota originally asked for.

Mr. GURNEY. I cannot quite accept that statement. I will say that there is nothing in the law which prevents the Administrator of Selective Service from saying to a State, "You will be short this month, but next month, or during the next 3 or 4 months, you can make good the shortage."

Mr. NYE. Is that what was done in the State of Washington?

Mr. GURNEY. As I remember, that was what was done in that particular case. The State of Washington was permitted to harvest its perishable fruit crops and to pick up the quota in succeeding months.

Mr. NYE. Whatever might be the excuse this month, next month would find the State still under obligation to fulfill its obligation under the quota system.

Mr. GURNEY. In accordance with the direct relation to the number of I–A men available in each State.

Mr. NYE. Then it follows that with paragraph (k) of section 4 of the pending legislation in effect, the excusing of farm hands who are deemed essential to farm production would still leave each and every State, however largely agricultural it might be, under the requirement of furnishing its full quota.

Mr. GURNEY. That is correct; but I must say to the Senator that it would not change the existing situation, because the National Selective Service headquarters has already told the local boards that they should defer necessary farmers in essential agricultural industries. That order has been in effect for many weeks.

Mr. NYE. But they have not at the same time told the States that they would be excused from filling in full the quotas asked for under the various calls which are issued for men.

Mr. GURNEY. That is correct.

Mr. NYE. Does it not follow, if that rule is to be pursued, that in some States where the population is so largely agricultural, men will be called who would not be called if they were in other States?

Mr. GURNEY. Men in some other occupations.

Mr. NYE. Men in other occupations; men with larger dependency; and men with greater obligations.

Mr. GURNEY. That is correct. Men in a State which is not essentially agricultural are being deferred because they work in airplane plants. All airplane workers are being deferred because they are in an essential industry. Therefore a greater load undoubtedly falls on farmers who are engaged in raising lettuce, artichokes, or products of that kind.

Mr. NYE. Does the Senator find that the authorities are giving any consideration at all to the possible necessity of altering the quota system?

Mr. GURNEY. Quotas are placed on each State by national headquarters in accordance with the number of men available for immediate military duty.

Mr. NYE. That is correct.

Mr. GURNEY. When the Army's order comes in for men, the State must go to the bin to fill the order. It must obtain the men from those who are already processed and available. An effort is made from month to month to even up the quotas so that the number of men coming from each State into the Army is not greater in direct ratio to population than in some other State. In the long run that course has been found to be very successful.

Mr. NYE. Very well. Take a State which is as strictly agricultural as are some of our States. It will have great difficulty in filling its quotas if farm hands are to be deferred in keeping with paragraph (k) of section 4.

Mr. GURNEY. Undoubtedly the local boards will comb closer those who are in other occupations in such States as the Senator's State and my State.

Mr. NYE. Let me suggest to the Senator that in some such States there are already local boards with no one except farm hands left on their rolls of registrants.

Mr. GURNEY. Then they cannot furnish any.

Mr. NYE. In that event what would happen?

Mr. GURNEY. The quota would be spread over the entire State. If the situation should become such that the State could not furnish the men, national headquarters would spread the quota elsewhere.

Mr. NYE. The Senator has finally answered my question.

Mr. GURNEY. I thought I had answered it before.

Mr. NYE. The Senator's final assertion is the complete answer. I appreciate the Senator's patience.

Mr. GURNEY. Heretofore, because of deferment of men engaged in essential airplane industries or in steel mills, quotas have been reduced, and the load has been taken on by other States which did not have such industrial deferments.

Mr. NYE. I understand. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I wish to make a brief statement for the information of the Senate.

It had been my purpose today, following the consideration and disposition of the conference report, to move that the Senate proceed to the consideration of Calendar No. 1716, House bill 1024, to amend an Act to prevent pernicious political activities, which was reported from the Committee on the Judiciary by the Senator from Nebraska [Mr. NORRIS]. However, the debate on the conference report has extended much longer than I had anticipated, and therefore I shall not make that motion today. I wish to state, however, that I shall make it tomorrow.

It is my understanding that a point of order will be made by the Senator from Mississippi [Mr. DOXEY] against the report of the committee. The point of order will be presented to the Chair for his decision. I feel that Senators ought to know that the point of order will be raised tomorrow. As I understand, from

a parliamentary standpoint the point of order cannot properly be made until a motion is made to take up the bill.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). In the opinion of the present occupant of the chair, the Senator is correct.

Mr. BARKLEY. So, in order that the point may be made, the motion will be made to proceed to consider the bill. Before the motion to consider the bill is voted upon the point of order must be disposed of.

The PRESIDING OFFICER. The Senator has correctly stated the parliamentary situation.

Mr. BARKLEY. So far as I can control it, that will be the procedure tomorrow.

The Senator from Arizona [Mr. MCFARLAND] wishes to have the Senate act upon a couple of bills which will not be controversial.

Mr. DOXEY. Mr. President, did I correctly understand the present occupant of the chair to say that a point of order to the motion by the distinguished leader would not lie until the motion is disposed of?

The PRESIDING OFFICER. No; the Senator misunderstood.

Mr. BARKLEY. I said that a point of order against the report of the committee would not lie until a motion was made to take up the bill for consideration.

Mr. DOXEY. I appreciate that; but when the able Senator from Kentucky makes his motion tomorrow and I make a point of order against the report of the committee, as I understand, the point of order must be disposed of before we vote on the motion.

Mr. BARKLEY. That is correct. I so stated that a moment ago.

Mr. DOXEY. I wanted to have the parliamentary situation clear so that no Senator will be confused.

Mr. BARKLEY. The point of order will be debatable as long as the Chair desires to hear debate. Whenever the Chair is satisfied as to his decision, he has control of any further debate on the point of order itself.

Mr. DOXEY. I wish to state to my distinguished leader that I have not conferred with the Chair and do not know what his attitude will be, but I intend to make a point of order against the report of the committee when the motion is made.

Mr. BARKLEY. I so understood the Senator.

The PRESIDING OFFICER. The understanding of the present occupant of the chair is quite clear.

Mr. BARKLEY. The Senator from Arizona [Mr. MCFARLAND] desires to take up for consideration a couple of bills which are not controversial.

LOANS TO PERSONS DESIRING TO ENGAGE IN THE PRODUCTION OF MINERALS

Mr. McFARLAND. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 1703, Senate bill 2746.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2746) to authorize the Reconstruction Finance Corporation to make loans to those desiring to engage in producing minerals of value to the United States in time of war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona [Mr. MCFARLAND]?

There being no objection, the Senate proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 14 (authorizing the Reconstruction Finance Corporation to make loans for mineral development purposes) of the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes", approved June 19, 1934, as amended (54 Stat. 897; U. S. C., title 15, sec. 606 (d)), is hereby amended by inserting in the second sentence of such section, after the words "engaged in", the words "or desiring to engage in."

Mr. McNARY. Mr. President, I have no objection to the present consideration of the bill. However, I wish the Senator would make a brief statement concerning its purpose.

Mr. McFARLAND. The only change the bill makes in the present law is to add in the second sentence of section 14, after the words "engaged in", the words "or desiring to engage in." In other words, it would enable the Reconstruction Finance Corporation to make loans where such enterprises are not now actually in operation.

Mr. President, I offer a clarifying amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. At the end of the bill, it is proposed to add a new section, as follows:

SEC. 2. Section 14 of the act approved June 19, 1934, as amended (54 Stat. 897; U. S. C., title 15, sec. 606 (d)), is amended by striking out the period at the end thereof and inserting a colon and adding the following: "*Provided further*, That nothing contained in this section, as amended and supplemented, shall be construed to limit or modify the authority to make mining or other loans vested in the Reconstruction Finance Corporation by subparagraph 2 of the fourth paragraph of section 5d of the Reconstruction Finance Corporation Act, as amended, or by any other act of Congress or Executive order."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOANS BY FEDERAL RESERVE BANKS FOR INDUSTRIAL PURPOSES

Mr. McFARLAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1704, Senate bill 2783, relating to loans for industrial purposes by Federal Reserve banks.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2783) to amend the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes, as amended, by authorizing loans for mineral development purposes in time of war, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That so much of section 14 of the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," approved June 19, 1934, as amended (54 Stat. 897; U. S. C., title 15, sec. 606 (d)), as reads as follows: "when, in the opinion of the Reconstruction Finance Corporation, there is sufficient reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations," shall be suspended during the period commencing upon the date of enactment of this act and ending 6 months after the termination of the present war or at such earlier time as the Congress by concurrent resolution or the President by proclamation may designate.

ORGANIZATION AND REGULATION OF COOPERATIVE ASSOCIATIONS

Mr. BURTON. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 1701, Senate bill 2046, relating to the organization and regulation of cooperative associations in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2046) to amend an act entitled "An act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes," which was read as follows:

Be it enacted, etc., That sections 41 and 44 of the act entitled "An Act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes," approved June 10, 1940, be, and the same hereby are, amended to read as follows:

"SEC. 41. Foreign corporations and associations: A foreign corporation or association operating on a cooperative basis and complying with the applicable laws of the State wherein it is organized shall be entitled to do business in the District of Columbia as a foreign cooperative corporation or association: *Provided*, That the same is licensed as required by section 44 hereof."

"SEC. 44. Taxation: Associations formed hereunder, and foreign corporations and associations admitted under section 41 to do business in the District of Columbia and entitled to the benefits of section 37, shall obtain from the Commissioners of the District of Columbia or their designated agent an annual license, the fee for which shall be $10. The first annual license shall be obtained prior to the issuance of the certificate of incorporation by the Recorder of Deeds, District of Columbia. All licenses shall expire on the 31st day of October following issuance. The Recorder of Deeds, District of Columbia, is empowered to suspend or revoke the certificate issued to any association or corporation which fails to obtain the annual license hereby required. Prosecutions for violation of this section shall be on information in the police court of the District of Columbia by the corporation counsel of the District of

Columbia or any of his assistants. Any association or corporation violating the provisions of this section shall, upon conviction, be fined not more than $300."

Mr. BURTON. Mr. President, this bill provides a penalty for the doing of business in the District of Columbia by cooperative associations unless they are licensed. They have been required to pay fees in the past, but no penalty has been provided for cases in which they did not do so. The pending bill applies a penalty in that situation. There is a clarifying amendment which I desire to present.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, it is proposed to strike out lines 3 to 7, inclusive, and in lieu thereof to insert the following: "That sections 41 and 44 of the District of Columbia Cooperative Association Act, approved June 19, 1940, are amended to read as follows:".

The amendment was agreed to.

Mr. BURTON. Mr. President, for the RECORD I wish to say that the purpose of the clarifying amendment is merely to correct the date and reference to the title mentioned in the amendment. The title to the pending bill should also be corrected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the District of Columbia Cooperative Association Act, approved June 19, 1940."

CONDEMNATION OF INSANITARY BUILDINGS

Mr. BURTON. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 1702, Senate bill 2734, relating to the creation of a board for the condemnation of insanitary buildings in the District of Columbia.

The PRESIDING OFFICER. The bill will be reported by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2734) to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes.

Mr. BURTON. Mr. President, this bill has to do with the board for the condemnation of insanitary buildings in the District of Columbia. There has been an extremely cumbersome system in the District under which, when procedure was taken to condemn a building, a hearing would be held before a committee of officials of the District, and if objection was taken to their finding, another committee could be appointed by the court and the entire procedure reviewed, not by the court, but by a second committee. It has been found that in these days, when there is necessity for condemning a number of insanitary buildings in the District, that practice has resulted in a considerable handicap to the orderly procedure in improving conditions in the city. Therefore it is requested by the District authorities that the law be amended as indicated in the bill. There is also a clarifying amendment to be offered to this bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

There being no objection, the Senate proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, is hereby amended to read as follows:

"SEC. 3. That said board for the condemnation of insanitary buildings be, and it is hereby, authorized to investigate, through personal inquiry and inspection by the members thereof, and through inquiry and inspection by officers, agents, and employees, appointed or detailed for that purpose, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. If any building or part of building be found, as a result of such investigation, to be in such insanitary condition as to endanger the health or the lives of the occupants thereof or of persons living in the vicinity, said board shall cause a notice to be served on each owner or part owner of such building requiring him to show cause, within a time to be fixed by the board, why such building or part of building should not be condemned. The time to be fixed by the board shall not be less than 10 days, exclusive of Sundays and legal holidays, after the date of service of said notice, unless the board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which event the board may fix a lesser time. If the owner or part owner of such building, within the time to show cause fixed by said board, shall in writing request a hearing before said board, said board shall fix a time and place for such hearing and shall notify the person requesting the same. If, within the time to show cause fixed by the board, or at such hearing, if the same be requested, the owner or part owners shall fail to show cause sufficient in the opinion of a majority of said board to prevent the condemnation of such building or part of building, said board shall issue an order condemning such building or part of building, and shall cause a copy of such order to be served on each owner or part owner thereof, and a copy to be affixed to the building or part of building condemned."

SEC. 2. Section 4 of said act is hereby amended to read as follows:

"SEC. 4. That from and after 15 days, exclusive of Sundays and legal holidays, after a copy of any order of condemnation has been affixed to any condemned building or part of building no person shall occupy such building or part of building."

SEC. 3. Section 5 of said act is hereby amended to read as follows:

"SEC. 5. That no person having authority to prevent shall permit any building or part of building condemned to be occupied, except as specially authorized by the board for the condemnation of insanitary buildings in the District of Columbia under authority of section 6 of this act, after 15 days, exclusive of Sundays and legal holidays, from and after the date of service of a copy of the order of condemnation on the owner of such building; or, if there be several part owners of such building, from the latest date of service on any part owner; or, if a copy of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on any owner or the latest date of service on any part owner, after 15 days, exclusive of Sundays and legal holidays, from the date on which said copy of such order of condemnation was so affixed."

SEC. 4. Section 7 of said act, as amended, is further amended by striking therefrom the words "where the repairs and/or alterations necessary to remedy the conditions which led to the condemnation thereof cannot be made at a cost not greater than 50 percent of the present reproduction cost of said building as may be agreed upon by a majority of said board," and also the words "carelessness or willful recklessness in."

SEC. 5. Section 8 of said act is hereby amended to read as follows:

"SEC. 8. That whenever said board for the condemnation of insanitary buildings is in doubt as to the ownership of any building or part of a building, the condemnation of which is contemplated, because the title thereto is in litigation, said board may notify all parties to the suit and may report the circumstances to the corporation counsel of the District of Columbia, who may bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said board to continue such proceedings looking toward condemnation, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose."

SEC. 6. Section 14 of said act, as amended, is hereby repealed.

SEC. 7. The Commissioners of the District of Columbia are hereby authorized to prescribe reasonable penalties of fine not to exceed $300 or imprisonments not to exceed 10 days, in lieu of or in addition to any fine, for the violation of any building regulation promulgated under authority of the act of Congress entitled "An act to authorize the Commissioners of the District to make and enforce regulations relative to the sale of coal, and also building regulations," approved June 14, 1878, and any regulation promulgated under authority of the act entitled "An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District," approved January 26, 1887, and any regulation promulgated under authority of section 2 of the joint resolution entitled "Joint resolution to regulate licenses to proprietors of theaters in the city of Washington, District of Columbia, and for other purposes," approved February 26, 1892.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment, which will be stated:

The CHIEF CLERK. On page 4, it is proposed to strike out section 4, lines 7 to 14, inclusive, and in lieu thereof to insert the following:

SEC. 4. Section 7 of said act, as amended, is amended to read as follows:

"SEC. 7. The owner or owners of any building or buildings condemned under the provisions of this act, which cannot be so changed or repaired as to remedy the condition which led to the condemnation thereof, shall demolish and remove such building or part of building within the time to be specified by said board in the order of condemnation. And if any owner or part owner shall fail or refuse to demolish and remove said building or part of building within the time so specified he shall be deemed guilty of a misdemeanor and liable to the penalties provided by section 13 of this act, and such building or part of building shall be demolished and removed under the direction of the board for the condemnation of insanitary buildings in the District of Columbia, and

the cost of such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected in the District of Columbia."

The amendment was agreed to.

Mr. BURTON. Mr. President, I ask the privilege to have inserted in the RECORD at this point the report of the committee on the bill, which contains a letter from the acting president of the Board of Commissioners of the District of Columbia explaining the measure in detail.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report (No. 1648) was ordered to be printed in the RECORD, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2734) relating to the creation of a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

A letter from the Acting President of the Board of Commissioners of the District of Columbia addressed to the chairman is attached hereto and made a part of this report for the information of the Senate. This letter explains in detail the purposes for which this legislation is sought.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, August 7, 1942.

Hon. PAT MCCARRAN,
Chairman, Committee on the
District of Columbia,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MCCARRAN: The Commissioners have the honor to forward herewith a draft of a bill to amend an act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes.

The purpose of this bill is to amend the act relating to the condemnation of insanitary buildings in the District of Columbia. The procedure provided by the existing statute is so unnecessarily cumbersome as to prevent speedy action to require the remedying of insanitary conditions, if the owner of the building is not willing to cooperate. At this time, when housing facilities are limited, and tenants and roomers are not free to leave, because of insanitary conditions, their present abodes and select new ones, it is imperative the municipal authorities be clothed with power sufficient to require property owners to keep their buildings in habitable condition.

The most important change made by this bill in the existing act is the repeal of section 14 thereof (sec. 5-614, D. C. Code, 1940). That section gives to a property owner, whose building has been condemned by the Board for the Condemnation of Insanitary Buildings, the right to institute an action in the District Court of the United States for the District of Columbia for the appointment of a new board of survey. Proceedings are had de novo before such Board. It is believed these proceedings in court are unnecessary if due process of law is afforded a property owner by giving him an opportunity to appear before and be heard by the administrative board. Section 3 of the existing act (sec. 5-608, D. C. Code 1940) is amended by section 1 of this bill so as to provide for such hearing upon request. Of course, this bill does not deprive a property owner of his right to resort to the courts if the Board should be guilty of arbitrary action. Section 3 of the act is also amended by reducing the time in which the owner must show cause from 20 days, exclusive of Sundays and legal holidays, to 10 days, exclusive of Sundays and legal holidays.

Sections 2 and 3 of the bill amend sections 4 and 5 of the act (secs. 5-604 and 5-605, D. C. Code 1940) so as to reduce from 30 days, exclusive of Sundays and legal holidays, to 15 days, exclusive of Sundays and legal holidays, the period during which a building may be occupied after service of notice of condemnation.

Section 4 of the bill amends section 7 of the act (sec. 5-607, D. C. Code 1940) by striking therefrom the provision that an insanitary building cannot be repaired but must be demolished if the cost of the repairs exceeds 50 percent of the reproduction value of the building. We believe it unreasonable to require an owner to demolish his building unless reasonably necessary for the protection of life, health, or safety. If an insanitary building can be put in a sanitary condition it is immaterial, so far as life, health, and safety are concerned, what relation the cost of the repairs bears to the reproduction value of the building. With this amendment the statute would only require an owner to demolish his building where it cannot be put in a sanitary condition.

Section 7 of the existing act requires a property owner to make good damages to adjoining premises caused by carelessness and willful recklessness on the part of the District in demolishing a building. We do not believe it just to charge a property owner with such damages. This bill, therefore, further amends section 7 by striking therefrom the words "carelessness or willful recklessness in."

Section 5 of the bill amends section 8 of the act (sec. 5-608, D. C. Code 1940). This section of the act provides that where the title to property sought to be condemned is in litigation certain proceedings must be instituted in that litigation. This bill amends section 8 so as to make the institution of such proceedings optional with the Board of Condemnation.

Section 6 of the bill repeals section 14 of the existing act for the reasons hereinbefore stated.

Under existing law the Commissioners are only authorized to prescribe penalties by way of fine for the violation of building and police regulations. It has been found that such penalties are inadequate since in many cases persons find it cheaper to pay the fine than to comply with the regulations. Section 7 of the bill gives the Commissioners the power to prescribe penalties of fine not to exceed $300 or imprisonment not to exceed 10 days in lieu of or in addition to any fine for the violation or building and police regulations.

The bill and reports thereon have been submitted to the Bureau of the Budget, and the Director of the Budget advises that there is no objection on the part of that office to the position taken by the Commissioners in connection with this matter.

Respectfully,

C. W. KUTZ,
Acting President, Board of
Commissioners, District of Columbia.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOMEN'S COAST GUARD AUXILIARY

Mr. PEPPER. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 1709, House bill 7629, to provide a Women's Auxiliary Corps for the Coast Guard.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7629) to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes, which had been reported from the Committee on Commerce, with amendments.

The PRESIDING OFFICER. The clerk will state the amendments reported by the Committee on Commerce.

The first amendment was, on page 3, line 3, after the word "aircraft", to insert "and shall be restricted to the performance of shore duty within the continental United States only."

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the word "act", to strike out the colon and the words "*Provided*, That notwithstanding the foregoing the provisions of subsection 211 of this act shall be applicable to members of the Women's Reserve who are assigned to duty outside the States of the United States."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the amendments of the committee.

Mr. PEPPER. Mr. President, I merely wish to state, for the information of the Senate, that the bill provides an auxiliary corps of women for the Coast Guard. It has been passed by the House; it has the favorable recommendation of the Navy Department; it was considered and favorably reported by the Committee on Commerce, the report being presented by the chairman of the committee, the Senator from North Carolina [Mr. BAILEY], and I ask for its passage as chairman of the subcommittee on the Coast Guard of the Senate Committee on Commerce.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORGANIZATION OF CONSUMERS

Mr. REYNOLDS. Mr. President, I ask to have inserted in the RECORD at this point a letter which I have received from a gentleman at Chapel Hill, N. C., the seat of our State university, together with an article in regard to consumers' organizations. In the letter he enclosed certain resolutions which he respectfully

requests that I ask permission of the Senate to incorporate.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From the Chapel Hill Weekly of October 23, 1942]

CONSUMERS ORGANIZED—F. F. BRADSHAW IS ELECTED CHAIRMAN OF NEWLY ORGANIZED ASSOCIATION

At its charter meeting last Friday evening at the elementary school the Chapel Hill Consumers Association adopted a constitution and bylaws, elected officers and directors, adopted resolutions on taxes, food, and defense activities, and moved to cooperate fully with the local office of civilian defense.

Officers elected were F. F. Bradshaw, chairman; Mrs. Guy T. Johnson, vice chairman; Mrs. Nathan Rosen, secretary; and J. W. Humphries, treasurer. The directors are James Andrews, Mrs. Fred Barela, J. M. Lear, and Earl H. Newcomer.

R. Glover Miller, field representative of the Southeastern Chain Store Council, talked about the place of chain stores in the Nation's wartime economy. He endorsed the establishment of consumer organizations and asked the association to send his organization any complaints or suggestions made by local consumers about the retail grocery business here.

Other speakers were Bert Bennett, president of the university student body, and Mrs. Fred Barela, president of the Carolina Dames Club, which is composed of the wives of students. Mrs. Barela read a paper by Mrs. Agatha Adams of the university's war information center in which Mrs. Adams described the consumers' information literature available at the center.

At a meeting of the new board of directors last Monday evening Mr. Breckenridge was appointed counsel of the association and Mr. Lebrun was appointed executive secretary.

CHAPEL HILL, N. C., *October 28, 1942.*

DEAR SENATOR REYNOLDS: Thank you very much indeed for your kind note of the 21st.

We would like to have those resolutions made a matter of public record. Future historians, delving through the CONGRESSIONAL RECORD, may be interested to find that additional bit of evidence that the people—in the midst of a war that all recognized was "all out"—were out in front of their leaders. Whether you approve of all of the items there or not, would you be so good as to have these resolutions inserted in the CONGRESSIONAL RECORD somewhere under your leave to print or to extend remarks. When you do, I would appreciate your sending me a note of the date and page number where it appears and, if possible, a copy of the issue of the CONGRESSIONAL RECORD that carries the item.

Again thanking you.

Sincerely yours,

HARVEY LEBRUN,
Acting Executive Secretary, Consumers Association of Chapel Hill and Orange County, N. C.

Whereas our country is engaged in a war which requires the united support and action of all the people; and

Whereas full success in the war effort of the people has been, and still may be, threatened by rising prices and lowering quality of consumer goods, and by unequal distribution of the burdens of the war and of the war's financing; and

Whereas our President has laid down a program for stopping the further spiral of inflation and for safeguarding the Nation's economy; Therefore be it

Resolved by the Consumers Association of Chapel Hill and Orange County, in meeting assembled, That:

(1) We heartily endorse the President's program and call upon all citizens and agencies to do all in their power to help make it effective.

(2) In line with that program, we desire that this association shall be affiliated with and shall cooperate to the fullest extent with the local, State, and National councils of defense.

(3) In line with that program, we advocate immediate enforcement of price ceilings on all goods and services, including wages, rents, farm products, profits, and net incomes.

(4) To prevent injustices in the distribution of available goods and services, no matter how priced, we advocate the immediate rationing of all the necessities of life which are either already scarce or in danger of becoming scarce before the war is over.

(5) Since a ceiling on prices is meaningless and futile without a floor to quality, we call upon Leon Henderson and the Office of Price Administration to set up and enforce quality standards for consumer goods and services, and to promote the standardization, grading, and proper labeling of the content and quality of such goods and services.

(6) In the interest of promoting true political and economic democracy, both during and after the war, we advocate greater participation by the people in the actual processes of government and business. The Office of Price Administration should do more than merely ask consumers to boycott violators of price and rationing regulations. It should promote the organization of consumers and bring consumers into its enforcement machinery, making that enforcement machinery more effective by creating a Nation-wide system of volunteer price checkers and quality wardens to cooperate with the Office of Price Administration.

(7) We are in sympathy with Henry C. Morgenthau and the Treasury Department's opposition to a general Federal sales tax. If taxes are needed to control inflation, we advocate a tax on expenditures, above the minimum essentials of existence, in proportion to the luxuriousness of the expenditures. We are opposed to all taxes which burden most heavily those who are least able to pay taxes or which increase the cost of living for consumers in proportion to their needs rather than in proportion to their ability to pay.

(8) To finance the war to the utmost practicable extent through current revenues, and to drain off surplus funds of individuals who might use them, directly or indirectly, to promote inflation, we favor drastic increases in the taxes on income, wages, salaries, wealth, profits, bequests, and inheritances. To the same end, we advocate compulsory savings, graduated in proportion to ability to save—that is, without sacrificing the minimum requirements of health, decency, and efficiency in the war effort.

(9) If our Nation is to be spared and our way of life is to continue, we must devote all our resources in men, women, children, money, goods, and materials to the prosecution of the people's war. This entails sacrifices which the people are ready to make now without waiting for the fall of elections to be over, and to a much larger extent than seems to be believed by certain leaders of our Government.

(10) To make sure, however, that these wartime sacrifices are universal and equal, and are utilized to the fullest advantage of the war effort, of wartime agriculture, and of essential production for the war, as well as to help prevent inflation, profiteering, racketeering, and sabotage, we join with the American Legion in demanding the conscription of all the human and physical resources of the Nation, including capital, labor, industry, management, agriculture, business, and the professions, as well as the fighting manpower of the country: Be it further

Resolved, That a copy of these resolutions be sent to Leon Henderson, to Henry Morgenthau, Jr., to our Representatives in Congress, and to the President of the United States.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Harold A. Berliner, of San Francisco, California, to be collector of internal revenue for the first district of California, in place of Clifford C. Anglim, resigned;

Several senior surgeons to be medical directors in the Public Health Service;

Dental Surgeon Henry T. Dean to be a senior dental surgeon in the Public Health Service;

Several assistant surgeons to be passed assistant surgeons in the Public Health Service;

Several engineers to be passed assistant sanitary engineers in the Public Health Service; and

Several engineers to be assistant sanitary engineers in the Public Health Service.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Walter Thurston, of Arizona, now a Foreign Service officer of class 1 and lately Minister Counselor at the American Embassy in Moscow, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to El Salvador.

By Mr. HILL, from the Committee on Military Affairs:

Maj. Gen. Mark Wayne Clark (lieutenant colonel, Infantry), Army of the United States, for temporary appointment as lieutenant general in the Army of the United States, under the provisions of law.

By Mr. GILLETTE, from the Committee on Naval Affairs:

Medical Director Ross T. McIntire to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of 4 years;

Medical Director Charles S. Stephenson to be a medical director in the Navy, with the rank of rear admiral, for temporary service, while serving as Director of the United States of America Typhus Commission, to rank from the 4th day of November 1942; and

Capt. Walter S. DeLany to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads.

Sundry postmasters.

POSTMASTER AT RALEIGH, N. C.

Mr. McKELLAR. Mr. President, today the Committee on Post Offices and

Post Roads reported the nomination of Dennis S. Inscoe to be postmaster at Raleigh, N. C. The senior Senator from North Carolina [Mr. BAILEY] is a member of the Committee on Post Offices and Post Roads, and he has requested that I ask unanimous consent for the immediate consideration and confirmation of Mr. Inscoe's nomination.

Mr. McNARY. Did the Senator state the nomination had been reported from the committee?

Mr. McKELLAR. Yes; it has been reported.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination? The Chair hears none, and the clerk will state the nomination.

The Chief Clerk read the nomination of Dennis S. Inscoe to be postmaster at Raleigh, N. C.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the Navy nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE MARINE CORPS

The chief clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the Marine Corps nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all confirmations made today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

ADJOURNMENT

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until tomorrow, Friday, November 13, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 12, 1942:

COMPTROLLER OF CUSTOMS

John J. Curley, of Boston, Mass., to be comptroller of customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Samuel T. Ladd, whose term of office expired on March 31, 1942.

WORK PROJECTS ADMINISTRATOR

James M. Bryant, of Mississippi, to be Work Projects administrator for Mississippi, effective as of November 9, 1942, vice Q. Edward Gatlin, deceased.

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

Maj. Gen. Mark Wayne Clark (lieutenant colonel, Infantry), Army of the United States, for temporary appointment as lieutenant general in the Army of the United States, under the provisions of section 127a, National Defense Act, as amended.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 12, 1942:

IN THE NAVY

TEMPORARY SERVICE

To be rear admirals

Charles H. McMorris
Calvin H. Cobb

PROMOTIONS IN THE REGULAR SERVICE

To be assistant dental surgeons

John L. Biedermann	James R. Robinson
Frank J. Kalas	Edward A. H. Gargiulo
Joseph H Scanlon	Clinton O. Olsen
Frank J. Smith	Richard A. Soja
John F. Bowman	David P. Dobson
Leo E. Brenning	Leonard E. Curphey
Howard W. Pierce	Damon E. Bernard
George E. Madden	Frank M. Wentz
George T. Moore, Jr.	Stephen E. Thorne
Angelo B. Costa	William J. Stevenson
John H. Cathcart	Robert E. Woolwine, Jr.
Richard J. Warnecke	
Gordon L. Miller	Frank C. Blair, Jr.
Benjamin F. Haymes	Phillip R. Zeiteoff
Emil A. Bolline	Wilbert C. Manke
Duane R. Shiffert	Warren E. Thornburg
Gilbert Klein	Frank J. Losey
Leonard L. Dailey	Fred L. Losee
Wendell J. Schwoerer	Glenn D. Richardson
Kenneth L. Morgan	Wilbur J. Sunderman
Bill J. Harris	Christopher E. Thomlinson, Jr.
Lyndon M. Virkler	
Von Rue McAtee	Charles C. Pruitt, Jr.
Robert J. McGuane	William P. Jones
William H. Gibbons, Jr.	Benson N Redding
	Thaddeus H. Williams
George W. Ferguson	James W. Cummins
Albert L. Vogel, Jr.	Jackson F. McKinney
Albert C. Matt	Donald R. Bragg
Frank S. Wozniak, Jr.	Frederic S. Hill
Roman G. Ziolkowski	

IN THE MARINE CORPS

PROMOTIONS

To be majors

Luther S. Moore
Charles J. Schlapkohl
Elliott E. Bard

To be first lieutenant

Henry A. Ellis, Jr.

To be second lieutenants

Frank X. Reagan	Beverly H. Spencer
Rupert C. Henley	Ralph A. Weller
Louis C. Griffin	William L. Bates, Jr.
Wallace Springstead	Thomas A. Durham, Jr.
Malcolm S. Crook	Ronald Jarvis, Jr.
Joseph T. Smith, Jr.	Edward B. Harrison
Richard M. Elliott	John I. Loy
Herbert E. Pierce	Wayne "D" Hudson
Raymond C. Portillo	

POSTMASTERS

INDIANA

William J. O'Donnell, Gary.
Joseph P. Sullivan, Whiting.

NORTH CAROLINA

Dennis Staton Inscoe, Raleigh.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 12, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the blessed gift of life, whose imperial spirit falls upon the homelands of the soul; grant that our great purpose shall be to live wisely, labor industriously, and at the last hand it back to Thee without blemish. In this wondering world we pray for a yearning sense of incompleteness; do Thou help us to stress the unrealized and thus grow in understanding and knowledge. Be pleased to fill up the open spaces of our characters with those fine aspirations and loves which shall never fail nor die.

Almighty God, an old world is dying, to us it will never be the same, a new one tarries to be born without legions, the triumph of the regal spirit of man. We wait, dear Lord, and pray for an early victory which shall bring the glad tidings of freedom from the suffering pangs of destitution and slavery. Oh prepare us for the use of an inevitable weapon in the progress of humanity, delivering us from the bludgeon of force. Let the aggressors against human freedom go down amid clouds as black as have ever been woven out of shame and dishonor. In the name of the Christ, the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on November 9, 1942, the President approved and signed bills of the House of the following titles:

H. R. 7491. An act to provide for the granting of rights-of-way for pipe lines for petroleum and petroleum products and for telephone and/or telegraph lines along and across certain parkway lands in the District of Columbia; and

H. R. 7621. An act to amend the District of Columbia Unemployment Compensation Act.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

There was no objection.

SIGNING OF TEEN-AGE BILL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House, the Clerk be authorized to receive a message from the Senate, and the Speaker be authorized to sign the enrolled bill of the House (H. R. 7528), an act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders today, I be permitted to address the House for 20 minutes upon the subject of the British Commonwealth of Nations.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPRINGER. Mr. Speaker, the people are greatly agitated over the proposal to ration gasoline in the Midwestern and Central States. In my own State of Indiana the workers in defense plants, the farmers, the salesmen, the businessmen, and people of every avocation are distressed over this proposed rationing of gasoline, because it will have a very depressing effect upon business of every kind.

In my own State of Indiana, which receives its supply of oil and gasoline largely by pipe lines, there is no transportation problem involved, and there is no problem of using the railroads for this transportation of this needed commodity. However, if this proposed rationing of gasoline is carried out, it will directly impede business of every character, and it will, in the end, operate as an obstruction of our war effort.

I have received many letters and petitions from people of every walk in life upon this subject. They realize that this rationing in sections where it is unnecessary, and it appears to be wholly unnecessary in my home State of Indiana, will have a very depressing effect upon business of every type. It will take away the opportunity to aid in the prosecution of the war on the part of many of our citizens, and it will have a very destructive effect upon the many plants which are now engaged in producing war munitions and supplies.

Many of the people in my section of the country urge that this rationing be postponed for a period of 90 days, and that a careful study be made of this subject before action is taken to ration this commodity which will have such a disastrous effect upon the business of our country. The people want to contribute to our war effort, but this proposal to ration the commodity which is so essential to business of every type will certainly slow down both business and the war effort on the part of the people in my section of the country. If, at the end of 90 days, this proposed rationing is found to be necessary in any section of our country—then permit the rationing in that section to be applied. But the people are opposed to any rationing of gasoline in those sections where gasoline is plentiful, and where the commercial gasoline is being wasted and destroyed because of inadequate storage facilities. This rationing is wholly unnecessary in Indiana, because we have a surplus of gasoline. Therefore there should be no rationing in that section at this time.

EXTENSION OF REMARKS

Mr. DOWNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Thursday next, the 19th of November, I be permitted to address the House for 30 minutes after other special orders.

The SPEAKER. Is there objection?

There was no objection.

THE LATE J. ZACH SPEARING

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOGGS. Mr. Speaker, during the recent recess of the House, New Orleans lost one of its ablest and most valuable citizens, the Honorable J. Zach Spearing, who sat as a Member of the House of Representatives from the Second Congressional District of Louisiana from 1924 to 1931. Mr. Spearing was well known to many of the older Members of this Chamber. He was a great civic leader in the city of New Orleans, particularly in the field of public education, having served prior to coming to Congress as president of the Orleans Parish School Board. The monument to his life are the many contributions which he made to the cause of public education in our great city.

I join his many friends here in expressing to his family and relatives our sincere sympathy and sorrow at his passing. He lived to the ripe old age of 78.

By permission of the House I include herewith an editorial on Mr. Spearing from the New Orleans Times-Picayune of November 4, and also one from the New Orleans Item of November 3:

[From the New Orleans Times-Picayune of November 4, 1942]

J. ZACH SPEARING

Thousands of Orleanians account the passing of J. Zach Spearing a personal as well as a community loss. For that civic-spirited lawyer, during a long and useful career that included public service, philanthropic, and fraternal activities with the successful practice of his profession, made almost countless acquaintances that ripened into personal friendships. A lifelong friend of good causes, his zestful service in their behalf gave him wide contacts, won the confidence, appreciation, and liking of coworkers in many walks.

Born of New Orleans parents during the war of the sixties, Mr. Spearing was a lifelong resident of this city, receiving his preliminary education in its public schools, and graduating with high scholastic honors from Tulane University Law School in 1886. With his success as a lawyer and the demands of his private practice upon his time and abilities he retained his keen interest in civic affairs and found time for unselfish work in good causes.

For 8 years he was a member of the Orleans Parish school board, which made him its president. From 1916–20 he served on the State board of education. From the founding of the Times-Democrat—now the Times-Picayune—doll and toy fund he was a hardworking member of its general committee, and for the past 10 years the energetic chairman of its executive committee.

Elected to the Federal House in the middle 1920's to serve out an unexpired term, Mr. Spearing repeatedly was reelected "on his own," his congressional service extending from 1924 to 1931. Member of fraternal societies, social clubs, and carnival organizations, Mr. Spearing lived a full and interesting life, honored for his civic services and high professional character and ability, and enjoying a wide popularity earned by his kindly and engaging personal qualities. This newspaper joins in the sincere, community-wide tender of condolence to the surviving members of his family.

[From the New Orleans Item of November 3, 1942]

J. ZACH SPEARING

A good man and a public-spirited citizen passes on in the death of Zach Spearing at the age of 78 years, all of which he lived actively until near the end. Graduating 56 years ago from Tulane's law school, he entered practice a few years later and remained in his profession uninterruptedly except for 12 years as a Member of Congress. His interest in public education was exemplified by 8 years of service on the Orleans school board, of which he became president in 1919, and also by 4 years as a member of the State board of education.

In politics he was his own man and made his affiliations as he pleased. That disposition made him a prominent and useful participant in more than one of the most important reform movements of the past 40 years. Adverse odds did not terrify him or prevent him from speaking his mind and acting accordingly.

Geniality and friendliness were among his most conspicuous traits. He was notable for charitable impulses, and, in particular, he loved children. His disposition made him a member of half a dozen fraternal organizations—of the Pickwick Club, the Orleans Country Club, carnival organizations, the Southern Yacht Club, and the Morphy Chess Club. Fishing and good cheer, often combined, were his favorite diversions. His brethren of the State and city bar esteemed him highly. And the wide range of his connections and friendships will make him many mourners.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech delivered by Senator TRUMAN, of Missouri, to the American Trucking Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address by the Director of the Budget, Mr. Harold D. Smith.

The SPEAKER. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

A SINGLE HEAD TO CONTROL OIL AND GAS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, we have heard much regarding the rationing of gasoline. It seems to me that every indication points to the necessity for a single person at the head

of gasoline and oil. We have one for rubber, and the situation in respect to rubber is clearing up. Today we in Massachusetts, and even here in Washington, face real suffering this winter if something is not done. The discrimination against New England has been glaring. The situation has grown much worse instead of better. It is chaotic with three or four departments having control. There should not be a single passenger automobile used for pleasure in my opinion if it is going to involve loss of gasoline and oil for the troops or if it is going to mean that people are cold in New England and elsewhere during the winter. It is an entirely inexcusable situation and should be rectified at once. A single head control I believe would do it. Remember, this war can be lost without oil—action in this matter is long overdue. Fix the responsibility in one person and see that that person gets results.

EXTENSION OF REMARKS

(By unanimous consent, Mr. MASON was granted permission to revise and extend his own remarks in the RECORD.)

TIRE RATIONING

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I have received from the Office of Price Administration a statement to be made out and sworn to, "Tire record and application for basic mileage ration, book A or D." This application blank requires the applicant's name, address, and serial numbers, and name of tires. I do not have any fault to find with any of this.

However, it seems to me we are fast, fast Russianizing this form of government of ours. Now let me quote the certification that one signs his name to:

I hereby certify that there is no gasoline ration book outstanding for use in connection with the motor vehicle herein described, except as listed above; that said motor vehicle is in use; that the tires on this vehicle will be kept in serviceable condition by repair and not operated beyond the recapping point; that I will not drive in excess of 35 miles per hour; that no passenger-car tires in excess of those listed above, except those mounted on other motor vehicles or equipment (including one spare per motor vehicle), are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage, or adoption; and that all of the statements contained herein are true and accurate to the best of my knowledge.

Then, beside the signature, in a square box in heavy black ink, you read the following:

Section 35 (A) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of 10 year's imprisonment, $10,000 fine, or both, to make a false statement or representation to any department or agency of the United States as to any matter within the jurisdiction of any department or agency of the United States.

In the above certification you state that the tires on the vehicle will be kept in serviceable condition by repair and not operated beyond the recapping point, that you will not drive in excess of 35 miles per hour. Well, think of this. Anyone driving a car today knows that when his tires are worn out he is going to have a pretty difficult time to get new ones. In my opinion, the individual is going to do everything he can to look after his tires. So to me the enforced inspection does not mean very much, not any more than that the individual will have to pay several times a year to have his tires inspected. I wonder if that is really sound, sensible business for the Government and the rationing board.

Now, another statement:

I will not drive in excess of 35 miles per hour.

Certainly we drive carefully today to save gasoline. When we start down a hill and let the car idle, the first thing you know you are running over 35 miles per hour on the straightway where it does not require any gasoline and does not injure the tires. In an instance of this kind it seems foolish to me to retard the speed of the car and use the brakes, but if you do not, you are apt to exceed 35 miles per hour by some few miles and then are subject to 10 years' imprisonment or $10,000 fine, or both. So great a penalty for so small an offense.

Gracious, goodness, what are we coming to? I realize we are in war, but is that any reason for these bureaucratic Government agencies to issue Government regulations of this kind and impair the efficiency of the Government in winning the war? Sometimes I wonder where we are headed internally in our Government. I do not believe a lot of these regulations that this administration is placing upon the people of this country are going to be for the good of the country, or the winning of the war, and I believe this regulation I call attention to is one of them. Mr. President, get rid of a lot of these brainbusters and let us get down to sane, sensible operation of our Government in wartime before it is too late.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BOGGS. Mr. Speaker, in connection with my remarks made earlier, I ask unanimous consent to have incorporated in the RECORD two editorials from New Orleans newspapers.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Detroit Free Press.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to extend my remarks and include a resolution passed by the Minnesota Car Dealers' Association.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 25 minutes.

THE CONDUCT OF THE WAR—ONE MORE CHANCE

Mr. HOFFMAN. Mr. Speaker, to some the result of the election was a symptom of a mild, bloodless, political revolution, a repudiation of New Deal policies, of resentment of war losses. To others who, during the days preceding the election, met the home folks in town hall, schoolhouse, on the street corner, or in their homes, it was evidence that, unless Washington mends its ways, there will be a revolution of a different character. A revolution that will not be bloodless, a revolution which may be a repetition of the French Revolution.

This last statement may seem an exaggeration, but to those of us who grasped the hands and looked into the faces of the parents, the wives, the sweethearts, who have sent their loved ones to die in distant lands, it is alarmingly accurate.

The questions which will be here asked, the statements which will be here made are but the repetition of questions which were asked, statements which were made by this, that, or the other individual or group during the campaign. When I state that Washington is on trial, I mean that the administration, the President of the United States, his advisers, the bureaucrats, and the Federal agencies, and, please note this, the Congress of the United States, are all on trial.

REPUBLICANS NEED NOT CONGRATULATE EACH OTHER

Some Republicans, notably so-called leaders, hail the election returns as a tribute to their astuteness. Never was a group more mistaken. In this election the leaders did not lead; the people pushed them along or out. In what is here said, no claim is made that it is an expression of all or even of a majority of the people of the district I represent. What was plain is that it was the voice of a number of the people expressing agreement with each and every statement made and that each and every statement came from an earnest, conscientious, loyal American, determined to win the war, but to put an end to all those things which are hindering the war effort, which threaten the destruction of our form of government.

THE ELECTION RESULT DUE TO RESENTMENT

The election result, in the judgment of those with whom I have since talked, in my own judgment, was due not to any aggressive, constructive, policy on the part of the Republican organization, but to resentment because of the manner in which the New Deal first wasted the money of the taxpayers and since the war began has devoted a large share of its effort toward the advancement of its own political interest at the expense of preparedness and an efficient carrying on of the war.

For almost 10 years the new dealers have been guilty of waste, extravagance, and inefficiency. They have deliberately circumscribed and reduced the liberty of the citizen. They have been guilty of granting special privileges to powerful political groups in return for political support. The administration, and that includes the President himself, has ex-

tended special favors to labor politicians, and to labor racketeers at the expense of the average citizen through the denial of protection of constitutional rights to American workers—American citizens.

FOREIGN POLICY NOT APPROVED

The people with whom I talked had no admiration for the provocative foreign policy of the President which did not keep us out of war. They had no patience with the policy of the rPesident which followed a line which day after day and month after month threw us ever nearer the war and which in the end permitted us to become involved in the war unprepared.

FORGIVEN BUT NOT FORGOTTEN

The people to whom I refer are willing to forgive the administration's folly, its mistakes, its stupidity which occurred prior to Pearl Harbor, but they have no patience with and they will not tolerate any charges of lack of patriotism on the part of those who were pro-American, who wanted to prepare for national defense, who wanted to avoid war. They have no patience with, and they are resentful toward, those rabid interventionists with financial connections abroad; those who are more interested in preserving and increasing our opportunities for world trade than they are in maintaining our constitutional rights, in preserving the "four freedoms" here at home.

THE PEOPLE BELIEVE IN AMERICA

The people have no patience with those, however high-minded they may be, who would join the whole world in a common brotherhood—by the sword force the people of India—all other peoples—to accept our or England's political theories of government. They are angry—deeply angry—at those who tell us that after this war is over—that after the victory has been won—the American farmer must furnish a quart of milk to every inhabitant of the world; that the American farmer must furnish the raw materials to feed and to clothe every individual member of a world-wide population, even though they choose to sit in idleness.

They have become resentful toward those who tell us that we must not only finance this war; that millions or more of our young men, the pride of our land, must die on foreign soil, playing the game of the world, but that we must feed and finance the world after the war.

REMEMBER—WE ARE PRO-AMERICAN

If those internationalists who live along the eastern seaboard have the idea that the patience of the American people is inexhaustible; that the financial interests of the East, with their foreign connections; that the great corporations, with their interlocking boards of directors on which sit financiers from the Old World, which are in effect but the tail on the dog, are, after our armies have been successful, going to wag the dog, they better prepare for a war here at home. The Middle West has fought. The Middle West can fight. The Middle West will fight for the preservation of a national independent constitutional government, and if the small group of internationalists who think they see in this war an opportunity to destroy our national existence—make us a part of a super united states of the world—have such an idea in the back of their heads, they better get rid of it or prepare to do some fighting themselves.

Women and men who have lost their loved ones in this struggle are going to fight with a fury and a determination that has never been surpassed to preserve here in America the liberty declared in Independence Hall, won by the barefoot, half-famished soldiers of the Revolution.

Yes; the people with whom I talked during the campaign are back of this war, not because they believe it was necessary, not because they believe it was inevitable, not because they believe it is being fought to preserve the so-called American way of life, but they are back of it because we are in it and they are determined that it shall be won.

As one sailor on furlough from active duty said to me at one of those meetings, after he asked me, "For what are we fighting?" and I had suggested that some answers might tend to impair his fighting spirit he made answer, "Mr. HOFFMAN, nothing that can be said will lessen our determination to win this war, but we know" and by "we" he meant the boys on his ship—"that we are not fighting for the 'four freedoms' here at home." He further said that unless we watch those in Washington, we will lose those "four freedoms," find them absent when we return. Then he said, "We are going to win this war; we are going to fight until it is won; but when we come back, the people in Washington are going to answer to us."

An ensign from the Navy on leave for the first time in 5 months, with a brother in the service, made a similar statement to me.

A mother who came up with tears in her eyes to grasp my hand and urge me to fight for the maintenance of our constitutional form of government, a woman who had lost one son, who had two others in the armed force, made a similar statement.

BACK OF THE WAR?

Yes; our people are back of the war, but they have not been fooled as to why or how we became involved. Nor have they any mistaken notion as to the issue involved. They are not unaware of what the Communists and the new dealers will do to this Government of ours if they are given an opportunity. Our people know that this administration is not devoting its undivided efforts to the winning of the war, nor to war production.

Our people are aware that the President is now calling for an armed force of 9,500,000 by the end of 1943. They have been told by the Brookings Institution that it will be necessary to increase the number of workers by 6,400,000 persons. That even if the administration plan to import 150,000 Mexican workers goes through, the increase in the armed force will make it necessary to employ 60 percent of the average nonfarm housewives over 45 years of age without children in war industries; that 15 percent of the youth between 14 and 19 who would normally be in school and 15 percent of the workers who normally retire from work will be required to serve in industries. They know, too, that to support the armed force demanded by the President it will be necessary to establish an average 40-hour week for all workers—men and women, young and old. They know that even when all these demands have been met the production of goods for civilian use will have to be reduced by one-third. The people know that this administration so far has not permitted Congress to take the steps necessary to support such an armed force.

Our people who have seen the land stripped of those who must furnish the labor to supply the food if the armed force and the civilian population is to live know that failure awaits us if that policy is not changed.

Our farmers whose young men have gone to the war, who have been forced to give up the cultivation of the land, are impatient when they learn that Walter Reuther has been deferred from military service. Walter Reuther is the man who when in Russia with his brother wrote back to his comrades in Detroit that they should "fight for a Soviet America." Walter Reuther is the man who was one of the leaders in the bloody violence during the sit-down strikes in Flint, Mich., in 1937. Walter Reuther is the man who has been in the forefront in so many of the strikes, the beatings, and the sluggings which have held up production in Michigan, which intimidated law-abiding citizens.

Walter Reuther is the man who is the pet of this administration and he is the man who has so often instigated action in violation of our laws. Yet he escapes combat service through the action of a Federal agency while the farmers' sons march off to war. Reuther remains here at home to create dissension in the ranks of the workers—carry on political campaigns in behalf of the New Deal, smear Republican candidates while other men are dying in defense of our country.

Our people are disgusted because the President takes under his protection the notorious Walter Winchell, known by hundreds of thousands of our people to be a dirty, lying spreader of scandalous gossip and of false charges.

Our people are astounded when they learn that the Communist, Earl Browder, the leader of the Communist Party in America, twice convicted and sentenced to prison, released by the order of the President himself, goes without rebuke from the President to the city of Chicago and assails the patriotism of Senator BROOKS, a veteran seven times wounded in the First World War, solely because BROOKS was a candidate for United States Senator on the Republican ticket.

I say the absurdity of it! It outrages the sense of decency of every patriotic American here.

The people in my district did not vote for me because they like me; they do

not; they tell me so to my face. They did not vote for me because they think I am smart; they know I am not; they voted for me because they know I represent here in Washington their convictions; that is why they voted, by the largest percentage—69 percent of the vote cast—the largest percentage that was ever given, to send me back. Do not make any mistake about this. There is no conceit in my mind; I am not deceived about that vote. I do not take it as a compliment; it was not; it was a repudiation of some of the things that have been going on not only in the administration down here at the other end of the Avenue, but right here in Congress. It was a vote of protest against our lack of courage to meet and deal with the situation which confronts us.

The President is free with his quips, his jests, his smart remarks, he is free with his criticism, his insinuations of a lack of patriotism on the part of his opponents, but we fail to find that he has ever criticized by a single word the dirty, nasty Winchell, the convicted Browder, or Walter Reuther, the advocate of violence, a defiance of the law, the denial of constitutional rights to American workers.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield briefly.

Mr. COX. Maybe this Congress will straighten itself out before the end of the war.

Mr. HOFFMAN. If we could have an election every 6 weeks, Congress would get straightened out; but when we get elected we come down here and on the first day we are here what do we hear? Over on our side we congratulate each other on the big vote we got and we tell each other how smart we were to get it. Those on the other side possibly may shed a few tears that this one or that one will not be back again, but contend it will not be long before they will return. But we do not get down to business and do what is necessary to straighten out the trouble. I venture to predict to the gentleman from Georgia that we are not going to do anything about straightening out the labor situation until the people get after us again.

Mr. COX. Mr. Speaker, will the gentleman yield further?

Mr. HOFFMAN. I yield briefly.

Mr. COX. I want to say to the gentleman from Michigan that there are serious Members of the House who belong to the Democratic Party, who are unwilling merely for the sake of conformity to continue to be forced into attitudes that do violence to their sense of obligation to principle and to the Constitution.

Mr. HOFFMAN. I understand that. I know what the gentleman is going to say. You will find it in an editorial appearing in the Chicago Tribune of yesterday, which pays tribute to some of the southern Members of this House. I hope the gentleman will put it in the RECORD.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Nearly every Sunday night we listen to some of the speeches of Walter Winchell, and in all of his tirades he directs attention to the gentleman from Michigan. I would like to know what success the gentleman from Michigan had in his district; what his majority was, and so forth. I would like to know that.

Mr. HOFFMAN. In the last Presidential year, with the wonderful Willkie oratory and all that, the vote for Congressman was 61 percent. This time it was 69 percent of the total vote.

Mr. Speaker, do not misunderstand me. We are back of this war, to the very last word, to the very last thought, to the very last deed. But I have no patience and our people have no patience with this policy of the administration, which hinders war production. That vote was not a Republican partisan vote—Democrats voted that way. It was a protest—an anti-New Deal vote.

When the reporters called the President's attention to the strikes which were interfering with war production, and he asked, "What strikes?" well might they have answered, "Mr. President, we refer to the strikes instigated and carried on by your protégé, Walter Reuther."

The people are bewildered by a policy which takes their 19- and 20-year-old boys and forces them into combat forces while at the same time it refuses to write into the law calling them to service a provision guaranteeing that they have adequate training before fighting. Their bewilderment is not lessened when they learn from a news dispatch from Ottawa, Ontario, Canada, that at the ill-fated Hong Kong expedition where nearly 2,000 Canadians were lost to the invading Japanese, an investigating commission of the Canadian Government admitted that some of the troops were inadequately trained and lacked mechanical transport.

With the teen-age boys being drafted for combat service, with no guaranty of adequate training written into the law, they wonder why it is that thousands upon thousands of apparently physically fit men of draft age are in soft jobs in the Federal Government. They just cannot understand why other thousands of union men are permitted to remain in positions of security, working a normal workweek of 40 hours, while their boys from the farms, who work 12, 14, and sometimes longer hours, are taken from essential food production.

Their bewilderment is increased when, turning their hands to war production on the farm, they find themselves powerless because the young men have gone to the war, because they themselves can no longer get adequate farm equipment and then read, as you and I read, accounts of strikes, slowdowns, and work stoppages in our factories. Amazed and shocked are they by these news reports similar to the one which this morning confronted me when I picked up the Washington Times-Herald and under black lines, "Building unions take holiday," learned that "thousands on United States jobs here quit work." And why did these thousands on November 11, Armistice Day, quit work here in the city of Washington? They quit work because working on Armistice Day they were not to receive pay and a half instead of regular pay—for example, a dollar and a half instead of the regular dollar an hour.

The boys fighting in Africa, in the Solomon Islands, all over the world, on every continent, on every sea, did not lay down their guns yesterday, on Armistice Day. Yet here in Washington, on the President's doorstep as it were, thousands of workers on Government jobs, one of which was the $70,000,000 war building, quit, refused to work yesterday just because they were not given pay and a half. Their action is due, similar action in the past has been due to the coddling, the political conniving of this administration with labor politicians and racketeers.

AN END TO SPECIAL PRIVILEGES

Not a farmer, not a laboring man, not a man behind the counter or in business in the Fourth Congressional District of Michigan is unaware of the hard, cruel fact that this administration is behind the policy which makes the American taxpayer pay a wage and a half for every gun, tank, ship, and plane which is produced in the 8 hours which follows the 40 hours of work in 1 week.

None is there who does not realize that every implement of war produced in this country is, because of the policy of the President and his administration, if it be produced on a holiday or Sunday, made to cost twice what it would otherwise cost. There is neither man nor woman nor school child 14 years of age who thinks on the subject who does not realize that after those in munitions factories have worked on war production 40 hours a week, if they work 8 hours more, produce one-third less for the same money than they would if we had a longer workweek. No one is so dumb that he does not understand and resent the administration's policy which for a given number of dollars gives us half as much war production on holidays and Sundays as we would get for the same amount of money were that policy not enforced. Double pay for war work, here at home—a dollar or $2 an hour just does not make sense to the parents of the boy who is fighting in Africa for $60 a month. The war cannot be won on a 40-hour week nor on pay and a half or double pay for those in safe jobs here at home.

While all know that there is this hampering of the war effort not all have understood why it has been permitted in wartime to continue. However, many do know and many at the polls expressed their disapproval by their ballots—many do know that this situation exists because in return for these special favors granted to labor leaders and labor racketeers the administration expects to get and has had the political support of those labor leaders. A more corrupt war hampering procedure it would be difficult to imagine.

Mr. COX. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Georgia.

Mr. COX. I take it that the gentleman is of a disposition to join hands with others who feel they are really serv-

ants of the people to prevent this continuation of effort to reform the country completely into a state of socialist dictatorship?

Mr. HOFFMAN. Listen, time and time again in the primary, time and time again in the campaign, I told the people to whom I was talking, that for 6 years down here the battle has not been between Republicans and Democrats, but that the fight has been between Republicans and Democrats on the one side and Communists and new dealers on the other. And there is where I stand. I am ready to join hands with the Democrats who stand for constitutional government any and at all times.

CONGRESS HAS FAILED TO LISTEN

The Republican Party has not as yet, nor have the Democrats in Congress as yet, listened to the resentment which has been growing against that kind of procedure throughout the country. True, the House twice has passed legislation which would have tended to remedy the situation. But the other body across the Capitol, under the influence of the President, has refused to even vote upon that legislation.

There is now pending before the House the Hobbs bill, so-called, which would aid in preventing racketeering which hinders the war effort but it has been buried by the leadership of this House and that has caused resentment.

WHAT THE PEOPLE WANT

Yes, the people are back of this war and they mean to win it. There is, throughout the country wherever I have been, a grim determination to do three things—to win the war—to preserve our American form of government—and to hold to strict account the administration and the Congress of the United States.

The people know that an army cannot be fed if the farms are stripped of those who must cultivate the land. Yet that is being done by this administration. The people know that taxes cannot be paid if 300,000 small businessmen are put out of existence. The people know that the cost of the war will be prohibitive and that it cannot be won if special favors are to continue to be shown to the racketeering, political leaders of organized labor. Some people believe that this administration to date has been more interested in preserving its political alliance with labor than it has been in devoting its efforts to winning the war. The people will accept, if that be necessary, all sorts of restrictions, all kinds of rationing, the making of every sacrifice demanded, if the administration and the Congress will get about its business of winning the war; of preserving the American Government and give assurance that our men will be returned to their homes when the war has been won, here to find still in existence the Constitution of the United States—still flying the Stars and Stripes—Old Glory.

If this administration and I include the President, and this Congress and that means all of us, do not get about the peoples' business wholeheartedly, there will be an accounting in the not too distant future and some of us may answer as did the thoughtless, and the heedless in the days of the French Revolution.

PAY DAY IS COMING

The people of America are patient; they are long-suffering; they are God-fearing; but let them once be convinced that their freedom is at stake; that their Government is playing politics with the lives of their boys, and retribution will be swift and sure and terrible in its consequences.

It is long past time when all Americans, good, bad, or indifferent, either come to the aid of their country or take the consequences.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES — INDEPENDENCE OF THE PHILIPPINE ISLANDS (H. DOC. NO. 885)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 7 (4) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith, for the information of the Congress, the fifth report of the United States High Commissioner to the Philippine Islands covering the fiscal year beginning July 1, 1940, and ending June 30, 1941.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 12, 1942.*

PERMISSION TO ADDRESS THE HOUSE

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on next Monday after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. KNUTSON]?

There was no objection.

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the life and character of a distinguished American who died recently on his eighty-ninth birthday and to include therein certain editorials.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. KEOGH]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes today at the conclusion of other special orders.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARCANTONIO]?

There was no objection.

Mr. WHITE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

SILVER LEGISLATION

Mr. WHITE. Mr. Speaker, this Congress will soon be called upon to reconsider and repeal all silver legislation now on the statute books as the result of a well-financed and an insidious campaign that has been carried on through various publications in this country. To my mind, this is such an important issue to the American people and involves such far-reaching benefits to business and to the people of this country that a thorough investigation of the whole subject of the use of silver as money should be conducted by this House. I have been unable to get the Committee on Coinage, Weights, and Measures to conduct such an investigation.

You will find in the RECORD of November 11, as a sample of the kind of campaign that is being carried on against the best interests of the American people and the only profitable fiscal operation of the Treasury, a statement which is a condensation of the newspaper articles appearing here in Washington, as a part of the campaign to influence the Congress and stampede its Members into repealing the only money-creating program of the Treasury on which our Government is making a profit.

[Here the gavel fell.]

EXTENSION OF REMARKS

(Mr. BOGGS asked and was given permission to extend his own remarks in the RECORD.)

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two editorials.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from committee:

WASHINGTON, D. C., *November 12, 1942.*

Hon. SAM RAYBURN,
The Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Interstate and Foreign Commerce.

Sincerely yours,

GEORGE A. PADDOCK.

ELECTION TO COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution.

The Clerk read House Resolution 571 as follows:

Resolved, That EVAN HOWELL, of Illinois, is hereby elected to membership on the Committee on Interstate and Foreign Commerce.

The resolution was agreed to.

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi [Mr. RANKIN], is recognized for 20 minutes.

RELATIONS BETWEEN THE BRITISH EMPIRE AND INDIA

Mr. RANKIN of Mississippi. Mr. Speaker, I was shocked to note that a member of another body, speaking in Boston yesterday, took the Prime Minister of Great Britain to task for his statement that he was not appointed or selected to liquidate the British Empire.

For some time now we have had these attacks on Great Britain, our chief ally in this war, because of the way she handles her internal affairs.

In 1926 the Premiers of the British Dominions met in London and adopted a conference report setting out the status of the various members. I inserted that report in the CONGRESSIONAL RECORD, and you will find it at page 2552 of the RECORD of January 29, 1927. In that report they called attention to the status of India and said that the relationship between India and Great Britain was governed by the act of India of 1919. That act has been renewed recently by an act of the British Parliament. Yet we find members of another body and the man presuming to hold himself out as the titular leader of the Republican Party directly and indirectly attacking the British Empire, which means the British association of nations, because of the conditions that prevail in India and her relationship to the British Empire.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. I yield to the gentleman from Georgia.

Mr. COX. Has the gentleman an explanation of the fact that all extreme left-wingers, crackpots, and Communists advocate the dismemberment of the British Empire?

Mr. RANKIN of Mississippi. I have only one explanation, and that is that they must be Marxist revolutionists.

In arguing a case before the Supreme Court of the United States on last Monday, in which he attempted to show that a Communist who belonged to an organization dedicated to the overthrow of this Government and who had been preaching revolution throughout the country should not be denied citizenship in the United States for that reason, Mr. Wendell L. Willkie went back and quoted the words of Thomas Jefferson and also the words of Abraham Lincoln. I submit that it was a desecration of the names and of the memories, if you please, of those two illustrious statesmen to try to twist their words or their meanings to justify an argument in favor of a Marxist and Communist revolutionist, who is in favor of destroying everything for which you and I stand.

Thomas Jefferson was not a Marxist revolutionist. He was using the words of Jefferson wherein Jefferson was not advocating Marxism or communism but merely a separation of the American Colonies from the British Empire, sustained by George Washington, Alexander Hamilton, Benjamin Franklin, Patrick Henry, and all the other great conservatives of that day.

The words of Mr. Lincoln he quoted you will find were uttered on January 12, 1848. Mr. Lincoln was not advocating Marxism and revolution but he was justifying the secession of Texas from Mexico. The reason I am so familiar with that text is that we use it often to show that while the Southern States did not have the power to maintain their secession, they had the right to make the attempt. We do not deny that if India should separate herself from the British Empire that she would have the right to do so, but that is a matter between India and the British Empire and is none of our affair.

If we are going to win this war, and we must win it, I submit there must be the closest possible relationship between the United States and her English-speaking Allies. Under this conference report adopted in 1926, these British Dominions virtually declared their independence.

Something I seldom do in this House is to read my own remarks, but I will read this statement that I made then:

> Mr. Speaker, during the months of October and November of last year a convention of the premiers, or representatives, of the various dominions of the British Empire, was held in London for the purpose of settling and defining their relations to the British Empire and to each other. The report of the committee on interimperial relations which was finally adopted constitutes one of the most far-reaching documents of modern times. With the possible exception of the Magna Carta and the Declaration of Independence, it is perhaps the most important document of its kind ever promulgated by the English-speaking race.

I stand by that statement. Those Dominions are subject to no compulsion whatsoever, but they have maintained their relationship with the British Empire, and their loyalty to the British Commonwealth of Nations, because it is their only hope of existence. Suppose someone here should rise up and suggest that Australia should be turned loose, as they say about India, and suppose Australia had been cast adrift without a navy, where would Australia be today—a small country from the standpoint of population? A country of the bravest people under the sun, but small in numbers, would have been cast to the mercy of the Japanese war lords. What would have become of the Commonwealth of South Africa, that great English-speaking country that we all love and admire so much? What would have become of New Zealand under the same circumstances? Of course, Canada is close enough to the United States that she could not be imposed upon. Yet these men come now, when Great Britain is fighting for her very existence, and take Prime Minister Churchill to task for saying that it is not his job nor his intention to liquidate the British Empire!

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. RANKIN of Mississippi. Yes.

Mr. THOMAS F. FORD. Does the gentleman remember that Mr. Willkie prefaced his remarks on India by saying that he did not know anything about it, and then went on and discussed the matter for a longer time than any other part of his talk?

Mr. RANKIN of Mississippi. Oh, Mr. Willkie knows so little about so many things that he ought to have no prejudice about them, and India is not an exception.

Mr. Speaker, suppose Great Britain or some one representing her should say that they are not satisfied with what the United States is doing with reference to our holdings. Suppose she were to say that the United States must turn Puerto Rico loose. Suppose she were to say we have no right to hold Alaska, that it should go back to Russia. They have just as much right to make that statement, in response to some outcry, as we have to say that Great Britain should dismember her Empire in the midst of this the greatest war the world has ever seen.

Suppose she were to say that the United States must get rid of Florida, and turn it back to the Spaniards or to the Indians. Suppose she were to say that the United States must get rid of Texas, and turn it back to Mexico, or get rid of California and turn it back to Mexico. She has exactly the same right to interfere with our internal affairs as we have to interfere with hers. I, for one, do not agree with those men who go out under these circumstances and aline themselves with the communistic element in this country as well as the communistic element in India, that would give the British Empire trouble, which would mean trouble for us and all of our Allies during these trying times.

Great Britain has her form of government and she is not going to give it up. We have our form of government and our institutions, and our way of life, and we are not going to surrender them. We do not want any revolution in America, and I do not relish the words of men in high places who go out and talk about this being a "people's revolution." This is not a revolution we are carrying on; it is a war between the United States, England, and those Allies fighting with us, and the dictatorships of Germany and Japan and Italy, and the countries associated with them.

The greatest blessing mankind has ever known from a governmental standpoint is the Government of the United States, and next to that is the Government of the British Empire. Probably a Britisher would put it the other way around and say the world's greatest blessing has been the British Empire and that next to that would be the Government of the United States. The British Empire built representative government. It was not created by Magna Carta. It was created by those old Whigs in the British Parliament, who fought and struggled until representative government as we know it was established for the people of Great Britain, and along with it came the development of the common law, and then, with the Declaration of Independence, and the

Constitution of the United States with its Bill of Rights, we have perfected a system of government surpassing anything else the world has ever seen. And we are not going to give it up. The English-speaking race that built this civilization, that built our form of government, is fighting for its very life, its very existence, which means the future civilization of mankind.

I question the wisdom of any man in high place who stands up and argues that these revolutionists ought to be put on a par with American citizens, or that we ought to interfere with the internal affairs of the greatest ally we have, the British Commonwealth of Nations. We are not seeking other people's territory, but we are not asking foreigners who come to our shores to revamp or revise our Government before they learn to speak our language.

I feel as Washington did at Valley Forge when he passed the word down to put only Americans on guard. I believe that this is the time when those of us who believe in the Constitution of the United States, those of us who believe in the fundamental principles of the common law, those of us who believe in the perpetuation of our free institutions should stand up in this House and elsewhere and answer those who peddle the dangerous doctrine that the men who established this Government or preserved it were Marxist revolutionists, and that we ought to repudiate our own system of government or destroy the system of government of one of our allies.

Mr. WHITE. Mr. Speaker, will the gentleman yield for a question?

Mr. RANKIN of Mississippi. For a question only.

Mr. WHITE. In view of the recent trends, does the gentleman feel we are progressing toward a more liberal form of government?

Mr. RANKIN of Mississippi. I will say to the gentleman from Idaho that we are in a war now, and if we maintain our form of government I think we will be lucky. That is what I am for. I am tired of somebody away off yonder trying to tell us how to run our own internal affairs.

Those millions of our boys in the service understand that we are fighting, not to destroy our institutions, not to turn them over to some flannel-mouth crackpots who want to destroy everything that we hold sacred and dear, but to maintain that which our forefathers built and that which we have always enjoyed, so that when they come back, as I said the other day, they will find the same flag flying at the same place and over the same institutions our forefathers established and maintained with their own blood and their own sacrifices.

Mr. Speaker, I ask unanimous consent to insert the address of Prime Minister Churchill, to which these critics refer.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

I notice, my Lord Mayor, by your speech you had reached the conclusion that news from the various fronts has been somewhat better lately.

In our wars, episodes are largely adverse but the final result has hitherto been satisfactory. Eddies swirl around us, but the tide bears us forward on its broad, restless flood.

In the last war we were uphill almost to the end. We met with continual disappointments and with disasters far more bloody than anything we have experienced so far in this. But in the end all oppositions fell together and our foes submitted themselves to our will.

We have not so far in this war taken as many German prisoners as they have taken British, but these German prisoners will, no doubt, come in in droves at the end, just as they did last time.

I have never promised anything but blood, tears, toil, and sweat. Now, however, we have a new experience. We have victory—a remarkable and definite victory. The bright gleam has caught the helmets of our soldiers and warmed and cheered all our hearts.

The late M. Venizelos observed that in all her wars England—he should have said Britain, of course—always won one battle, the last. It would seem to have begun rather earlier this time.

THE BATTLE OF EGYPT

General Alexander, with his brilliant comrade and lieutenant, General Montgomery, has made a glorious and decisive victory in what I think should be called the Battle of Egypt. Rommel's army has been defeated. It has been routed. It has been very largely destroyed as a fighting force.

This battle was not fought for the sake of gaining positions or so many square miles of desert territory. General Alexander and General Montgomery fought it with one single idea—to destroy the armed forces of the enemy and to destroy them at a place where the disaster would be most punishable and irrevocable.

All the various elements in our lines of battle played their part. Indian troops, Fighting French, Greeks, representatives of Czechoslovakia, and others. Americans rendered powerful and invaluable service in the air. But as it happened, as the course of battle turned, it has been fought throughout almost entirely by men of British blood and from the dominions on the one side and by Germans on the other. The Italians were left to perish in the waterless desert. But the fighting between the British and Germans was intense and fierce in the extreme.

It was a deadly battle. The Germans have been outmatched and outfought with every kind of weapons with which they had beaten down so many small peoples, and, also, larger, unprepared peoples. They have been beaten by many of the technical apparatus on which they counted to gain domination of the world. Especially is this true in the air, as of tanks and of artillery, which has come back into its own. The Germans have received that measure of fire and steel which they have so often meted out to others.

END OF THE BEGINNING

Now, this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

Hitler's Nazis will be equally well armed, and, perhaps, better armed. But henceforward they will have to face in many theaters that superiority in the air which they have so often used without mercy against others and of which they boasted all around the world that they were to be masters and which they intended to use as an instrument for convincing all other peoples that all resistance to them was hopeless.

When I read of the coastal road crammed with fleeing German vehicles under the blasting attacks of the Royal Air Force, I could not but remember those roads of France and Flanders crowded with fighting men, but with helpless refugees, women and children, fleeing with their pitiful barrows and household goods upon whom such merciless havoc was wreaked. I have, I trust, a humane disposition, but I must say I could not help feeling that whatever was happening, however grievous, was only justice grimly repaid.

It will be my duty in the near future to give a particular and full account of these operations. All I say about them at present is that the victory which has already been gained gives good prospects of becoming decisive and final, so far as the defense of Egypt is concerned.

ACTION BY UNITED STATES

But this Battle of Egypt, in itself so important, was designed and timed as a prelude and a counterpart of the momentous enterprise undertaken by the United States at the western end of the Mediterranean, an enterprise under United States command and in which our Army, Air Force, and, above all, our Navy are bearing an honorable and important share. A very full account has been published of all that has been happening in Morocco, Algeria, and Tunisia.

The President of the United States, who is Commander in Chief of the armed forces of America, is the author of this mighty undertaking and in all of it I have been his active and ardent lieutenant.

You have, no doubt, read the declaration of President Roosevelt, solemnly endorsed by His Majesty's Government, of the strict respect which will be paid to the rights and interests of Spain and Portugal, both by America and Great Britain.

To those countries, our only policy is that they shall be independent and free, prosperous and at peace. Britain and the United States will do all that we can to enrich the economic life of the Iberian Peninsula. The Spaniards, especially, with all their troubles require and deserve peace and recuperation.

FRANCE UNDER THE NAZI HEEL

Our thoughts turn toward France, groaning in bondage under the German heel. Many ask themselves the question: Is France finished? Is that long and famous history, marked by so many manifestations of genius, bearing with it so much that is precious to culture, to civilization and, above all, to the liberties of mankind—is all that now to sink forever into the ocean of the past, or will France rise again and resume her rightful place in the structure of what may one day be again the family of Europe?

I gladly say here, on this considerable occasion, even now when misguided or suborned Frenchmen are firing upon their rescuers, that I am prepared to stake my faith that France will rise again.

While there are men like General de Gaulle and all those who follow him—and they are legion throughout France—and men like General Giraud, that gallant warrior whom no prison can hold, while there are men like that to stand forward in the name and in the cause of France my confidence in the future of France is sure.

For ourselves we have no wish but to see France free and strong, with her Empire gathered round her and with Alsace-Lorraine restored. We covet no French possession. We have no acquisitive designs or ambitions in North Africa or any other part of the world. We have not entered this war for profit or expansion but only for honor and to do our duty in defending the right.

BRITAIN TO HOLD HER OWN

Let me, however, make this clear, in case there should be any mistake about it in any quarter: we mean to hold our own. I have not become the King's First Minister in order to preside over the liquidation of the British Empire. For that task, if ever it were prescribed, someone else would have to be found, and under a democracy I suppose the nation would have to be consulted.

I am proud to be a member of that vast commonwealth and society of nations and

communities gathered in and around the ancient British monarchy, without which the good cause might well have perished from the face of the earth.

Here we are and here we stand, a veritable rock of salvation in this drifting world. There was a time not long ago when for a whole year we stood all alone. Those days, thank God, have gone.

We now move forward in a great and gallant company. For our record we have nothing to fear. We have no need to make excuses or apologies. Our record pleads for us and we shall get gratitude in the breasts of every man and woman in every part of the world.

As I have said, in this war we have no territorial aims. We desire no commercial favors, we wish to alter no sovereignty or frontier for our own benefit.

We have come into North Africa shoulder to shoulder with our American friends and allies for one purpose and one purpose only. Namely, to gain a vantage ground from which to open a new front against Hitler and Hitlerism, to cleanse the shores of Africa from the stain of Nazi and Fascist tyranny, to open the Mediterranean to Allied sea power and air power, and thus effect the liberation of the peoples of Europe from the pit of misery into which they have been passed by their own improvidence and by the brutal violence of the enemy.

SINGLE POLITICAL CONCEPTION

These two African undertakings, in the east and in the west, were part of a single strategic and political conception which we had labored long to bring to fruition and about which we are now justified in entertaining good and reasonable confidence. Taken together they were a grand design, vast in its scope, honorable in its motive and noble in its aim.

British and American forces continue to prosper in the Mediterranean. The whole event will be a new bond between the English-speaking people and a new hope for the whole world.

I recall to you some lines of Byron which seem to me to fit event and theme:

"Millions of tongues record thee, and anew
Their children's lips shall echo them and say,
Here where sword the united nations drew
Our countrymen were warring on that day.
And this is much and all which will not pass away."

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert an article by a columnist in the Washington Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. MARCANTONIO] is recognized for 15 minutes.

PUERTO RICO

Mr. MARCANTONIO. Mr. Speaker, I rise at this time to call the attention of the House to the plight in which Puerto Rico finds itself. Puerto Rico is an island of 3,500 square miles, with a population of about 1,884,000 people. Puerto Rico today is doing everything possible to assist in the war against the Axis. It is giving everything it has. Its greatest contribution has been in manpower. So great has been that contribution that Puerto Rico is the only place in the United States where no draft is necessary. Puerto Rico's draft quota has been filled exclusively by volunteers, and there is always a large number of volunteers waiting to be accepted in the Army.

Puerto Rico finds itself today in a plight which in some respects is worse than the plight of some of the conquered nations. The war has brought about an economic situation in Puerto Rico which is the most pitiable that we have witnessed in its entire history. Prior to the war Puerto Rico was receiving monthly over 100,000 tons of shipments. Today, after frantic appeals to our Shipping Board, less than 30,000 tons of foodstuffs are reaching Puerto Rico each month.

Now, let us pause a moment and see what are the food staples of the Puerto Ricans. Beans, rice, codfish. Dealing with the latter, may I inform my colleagues that all of the codfish supply in Newfoundland was purchased prior to Pearl Harbor by the Portuguese Government. It has been openly charged and never denied that this codfish is being distributed by the Portuguese to Nazi Germany. In Puerto Rico there is therefore no supply whatever of codfish. On the docks in New Orleans there are tons and tons of rice. I have before me a report of October 24, by Mr. Paul Edwards, administrator of W. P. A. in Puerto Rico, in which it is stated that in Puerto Rico there is practically no rice. The normal consumption of rice in Puerto Rico is about 18,000,000 pounds per month.

Prices have gone sky high. For instance, let me read from an index recently prepared by the Office of Statistics, by Mr. S. L. Descartes, of the Governor's office of statistics in Puerto Rico. I shall read only a portion dealing with beans, just to give you an example. It reads as follows:

The decline in beans was due to a drop from 12 cents to 10 cents in price per pound of the imported pink beans which are the ones consumed in largest quantity in Puerto Rico, but the locally produced white beans rose from 13 cents to 14 cents a pound, and locally produced red beans from 12 cents to 14 cents a pound. The greatest increase in starchy vegetables was that of taniers which rose from 5 cents to 7 cents. Sweetpotatoes rose from 3 cents to 3.5 cents a pound and plantains .25—that is one-quarter of a cent—to 3 cents per unit.

The index of the retail cost of foodstuffs in Puerto Rico increased to .196 on October 14 compared to .189 on September 15.

So you have today in Puerto Rico a most serious food shortage and, literally speaking, thousands and thousands of families in Puerto Rico are facing starvation. Even such articles as soap and matches are practically nonexistent in Puerto Rico today. Besides the food shortage you have such prices as place whatever food supply there is on or may reach the island of Puerto Rico beyond the reach of the purchasing power of the people of Puerto Rico. Let us see what that purchasing power is. When a Puerto Rican is employed his average annual wage is a little over two hundred dollars. Puerto Rico is the only territory over which our flag flies where there has been no war boom at all, and by that I mean there are no war industries. Further, the gasoline shortage has almost paralyzed the life of the country, as Puerto Rico depends primarily on motor vehicles for its transportation. There was some work some time ago when we were building our landing fields and various other military construction was going on; there was some employment then, but all this military construction has been completed and the result is that as of the end of September 1942, according to the W. P. A. report filed here by its director in Puerto Rico, Mr. Paul Edwards, there were 240,000 unemployed persons on the island. The report submitted to the Governor of Puerto Rico by the Committee on Unemployment, prior to that showed that there were 176,000 unemployed. Since this report of September 1942 was submitted it has been estimated that unemployment in Puerto Rico has now reached the figure of approximately 325,000 people, affecting about 165,000 families.

I realize, of course, that to most of us here in Congress Puerto Rico is a far, far away place, but Puerto Rico to us from a very realistic standpoint is most important, so important that we have spent many millions of dollars to fortify it so as to make it the Gibraltar of the Caribbean. It is also very vital to us from the standpoint of winning this war when we bear in mind that Puerto Rico is a very important link in the chain of Western Hemispheric solidarity. It has been so since the early days of Spanish colonialism, when Puerto Rico was the vanguard of the West Indies. The people of Puerto Rico are Latin Americans; they are an integral part of the great 100,000,000 Latin Americans. A most important factor in this war are the 100,000,000 Latin Americans and their 20 Latin-American nations. To permit this condition to exist in Puerto Rico, to let this situation continue in Puerto Rico, is going to do more damage to Western Hemispheric solidarity, it is going to plunge a deeper wedge in our Latin-American front than a thousand Nazi submarines in the Caribbean or in the waters around North and South America.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. FULMER. The gentleman spoke of high prices which are working a tremendous hardship on the great masses of Puerto Ricans. I am wondering if anything is being done to hold down these prices or put a ceiling on prices in the interest of that class of people that is unable to pay such fancy prices.

Mr. MARCANTONIO. I am coming to that. I have just been picturing the conditions as they exist down there. I am going to discuss what efforts have been made and then point out what I think should be done.

Office of Price Administration, the Department of the Interior, and the Agricultural Marketing Administration have been grappling with this problem, but first let us analyze the problem. The primary immediate problem is that of getting food supplies down there, the problem of shipping. We all know there is a shortage of ships; every available ship is needed for war purposes, but I believe that in an emergency where people face starvation exceptions should be made. For instance, if the people on the Rock of Gibraltar were faced with a similar situation I am certain that Parliament or the British Prime Minister would not hesitate a moment to take over ships and rush foodstuffs to Gibral-

tar to prevent what exists in Puerto Rico—food shortage, starvation, and widespread unemployment. This most deplorable and tragic situation in Puerto Rico requires a positive order directing the allocation of ships sufficient to rush needed foodstuffs, seeds, fertilizers, and medicines so urgently required down there. Secondly, we have got to control prices in Puerto Rico. As I understand it, O. P. A., in fixing a spread and in taking into consideration the cost of transportation and the price which has to be paid for the foodstuffs purchased in the States for Puerto Rico, cannot bring prices within the reach of the average consumer in Puerto Rico. We must resort to subsidies. The Department of the Interior has a fund of $15,000,000 for Puerto Rico, the Virgin Islands, and Alaska, but the fund is being used scarcely at all for this purpose. The very first thing that is required is to direct the Agricultural Marketing Administration and the Department of the Interior to use the funds the departments have for the purpose of subsidizing so as to bring the prices down to a level within reach of the people of Puerto Rico.

Thus, we must first get the food there; second, we must get the prices down by subsidy and O. P. A. regulation; and third, these people must have money with which to buy—and they have none.

Now, if I may come back to the question of ships.

Puerto Rico comes under our coastwise shipping laws. Cuba has ships; according to the information I have, Santo Domingo has 5 ships and is building more. I believe ships can be made available from some of the South American countries. Under our coastwise shipping laws they cannot sail down our coast and bring foodstuffs to Puerto Rico and cargo back from Puerto Rico. So that what is necessary for the period of thie emergency at least is this: The coastwise shipping laws must be suspended so as to permit the carrying of foodstuffs down to Puerto Rico. The present system of permits, providing for the picking up in Puerto Rico of suitable cargoes, is cumbersome and does not meet the time element of the crisis. Only a blanket lifting of the coastwise shipping laws, so that ships of other nations may drop and pick up any cargo in Puerto Rico to and from the United States will be of some help.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARCANTONIO]?

There was no objection.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I observe the statements made by the gentleman about getting supplies into Puerto Rico, the scarcity there and the high prices. Perhaps the gentleman stated this, but I did not observe that he said anything about the amount of production in Puerto Rico. It has a fertile soil. How is the production carrying on? Do they have ships there to carry their products away from there to other countries so they can receive a return?

Mr. MARCANTONIO. They have no ships whatsoever.

Mr. ROBSION of Kentucky. They are not furnished any?

Mr. MARCANTONIO. They have none and they are not furnished any except ships delivering no more than about 30,000 tons of foodstuffs per month in the place of over 100,000 tons delivered in normal times.

Mr. ROBSION of Kentucky. Do they have products down there ready for shipment?

Mr. MARCANTONIO. Yes.

Mr. ROBSION of Kentucky. I wish the gentleman would tell us something about that.

Mr. MARCANTONIO. The warehouses of Puerto Rico have tons and tons of sugar on hand, and there is plenty of rum. In fact, Puerto Rico's main tax revenue is from rum. If they could get the ships down there to bring food supplies to the island, these ships could bring back rum and they could bring back sugar.

Mr. ROBSION of Kentucky. What about cotton?

Mr. MARCANTONIO. There is no cotton to speak of down in Puerto Rico.

Mr. ROBSION of Kentucky. How about fruits?

Mr. MARCANTONIO. Yes. They have pineapples and other fruits rotting in the fields because they cannot be shipped. Incidentally, the development of a pineapple cannery in Puerto Rico would help cut down United States appropriations for Puerto Rico. Development of fisheries would be a substantial factor. There is also some coffee down in Puerto Rico which, incidentally, is the best coffee in the world. Tobacco was at one time very important in the list of Puerto Rico's exports.

Mr. ROBSION of Kentucky. If they could get their coffee, sugar, and fruits away from there to other countries, then they will have some money and we would not have to subsidize them?

Mr. MARCANTONIO. That is true only to a limited extent. Puerto Rico must have ships, price subsidies, and funds for a large work-relief program, for the development of native industries and for a land program of subsistence crops.

Mr. ROBSION of Kentucky. I mean, if they had ships.

Mr. MARCANTONIO. Because of the gravity of the situation as it has developed, even if they had the ships we have got to subsidize these prices to bring them down. We have got to implement the funds of the Department of the Interior and other Government agencies to bring prices down within the reach of the purchasing power of the people of Puerto Rico. The island itself is doing its utmost. The other day the Legislature of Puerto Rico adjourned after having appropriated $10,000,000 to deal with their unemployed, to give them some purchasing power. It passed one of the steepest revenue bills in the history of the island. It adopted a Victory tax and it also provided that 70 percent of the revenue which is to be collected from taxation on rum is to go toward assisting the unemployed in Puerto Rico. But we know, the President knows, and every person who is familiar with the problem of Puerto Rico knows, and even if you are not familiar with it, if you will take the figures given to us by W. P. A. down in Puerto Rico, which show that as of September they had 240,000 unemployed, and it is estimated as of last week that the figure has reached 325,000, you must come to the conclusion that they certainly do need funds which must come from us. Puerto Rico's plight is not the fault of the Puerto Rican people. We are responsible for it, and we must accept our responsibility as a true democratic people. I do not like the use of the term "work relief," but I do not see what else you can give them at this time but work relief as an emergency measure by direct appropriation by the Congress of the United States. If Congress fails to do so, or until Congress acts, then I think, as a necessary war measure because of the vital military position of Puerto Rico to us, the President should exercise his power under the lend-lease war powers to use lend-lease funds to alleviate the suffering which now exists on the Gibraltar of the Caribbean. It is my most considered judgment that a minimum of $50,000,000 is needed for immediate food relief, price subsidies, and for a land program for subsistence crops.

Mr. FULMER. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from South Carolina.

Mr. FULMER. The gentleman has been giving a really interesting picture of the situation in Puerto Rico. As I understand it, they have tons and tons of products that could be sent into this country if they had the ships to move those products?

Mr. MARCANTONIO. Yes.

Mr. FULMER. In the meantime, instead of doing something about that, I understand that we are shipping into Puerto Rico some of the same products that they have down there for exportation to take care of our Army and our armed forces. Therefore, if some plan could be worked out to bring into this country their major product, sugar, which we are rationing in this country, and let the products of that country be furnished to our servicemen instead of shipping our own products down there, it would tend to relieve the situation?

Mr. MARCANTONIO. I think it would help relieve the situation to some degree, but it would not solve the problem. Further, we have never permitted Puerto Rico to develop its own refineries and other essential industries.

Mr. FULMER. A contributing cause to the unemployment problem down there is the fact that they are unable to get rid of what they have already produced and cannot go ahead and produce more?

Mr. MARCANTONIO. Yes; only one contributing cause. There are other

causes; the most decisive is colonialism; but I do not want to enter into any controversy at this time when I am pleading for relief from starvation. I simply point out that the war has brought sharply to the attention of the world, particularly to the Puerto Rican and his 100,000,000 Latin-American brothers, the dismal failure of the policy of colonialism in Puerto Rico.

Mr. FULMER. The shipping in and out of that country under some program and putting the people to work down there, or else giving them work somewhere else where they are needed, are two important things?

Mr. MARCANTONIO. I think the gentleman has offered some very valuable suggestions. Our War and Navy Departments have not availed themselves of the opportunity to make direct purchases in Puerto Rico. May I say that I tried to get the War Department to purchase Puerto Rican coffee for the armed forces.

Mr. FULMER. The trouble with that, may I say to the gentleman, is that they are hell-bent on doing some of those things that will cost more money. For instance, when they took the Japs away from California they had been used to buying products from the small packers. As they were interned, the products that were bought for them had to be Federally inspected and had to be brought miles and miles from the large packers instead of using the packers in that community. That is the same thing as exists with reference to shipping into Puerto Rico products that could be utilized in Puerto Rico without transportation down there from here.

Mr. MARCANTONIO. There is no question in my mind but what the armed forces could use some of the products that Puerto Rico now has on hand or else are rotting in the fields or kept in the warehouses. Some time ago, I placed in the RECORD copies of correspondence between me and Government departments in which I implored them to make direct purchases in Puerto Rico.

Mr. GWYNNE. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Iowa.

Mr. GWYNNE. Is it not true that they have established some kind of a pooling arrangement down there for the buying of food for Puerto Rico?

Mr. MARCANTONIO. Yes.

Mr. GWYNNE. That is responsible for some of the trouble.

Mr. MARCANTONIO. There is this $15,000,000 which is to be used for Alaska, the Virgin Islands, and Puerto Rico. A very small, insignificant amount has been used for the purpose of subsidizing prices, bringing prices down; in other words, subsidizing the seller so as to bring the prices down to the ultimate consumer.

Mr. GWYNNE. I have heard this criticism, and I wish the gentleman would discuss it, that the pooling arrangement down there has resulted in breaking up the normal channels of trade and has in itself reduced the flow of food.

Mr. MARCANTONIO. That is an incorrect statement. The situation must be considered very realistically. It is a question of having ships. Our coastwise shipping laws prevent us from using whatever ships that may be secured from places like Cuba, Argentina, and Santo Domingo for trade between Puerto Rico and the United States.

The lifting of the coastwise shipping laws would be a great help in that direction. But then you have to come down to the problem of what the people are going to buy these foodstuffs with. You may alleviate that unemployment problem only to a limited extent by the sale of whatever foodstuffs Puerto Rico now has, but experience has shown us that that does not solve to any considerable extent the rock-bottom number of unemployed in Puerto Rico. This problem and its causes I shall discuss some other time. Today you have no longer that rock-bottom number, you have 325,000 unemployed, affecting 160,000 families.

What are we going to do about it? What are our Latin-American brothers and cousins going to think of us? Are we going to permit Puerto Rico to be really the Gibraltar of the Caribbean, or permit Puerto Rico to continue to be an Ireland for us, or shall it become a Singapore and a Burma? That is the real question. I submit that in the interest of winning the war either Congress or the President or both must act boldly and must act immediately.

Mr. Speaker, I include herein a report on food prices in Puerto Rico, prepared by S. L. Descartes, of the Office of Statistics in Puerto Rico. In examining these prices I ask you to bear in mind that 325,000 out of a total population of about 1,884,000 people in Puerto Rico are unemployed and have no income. The average annual wage of Puerto Rican workers when employed is a little over $200:

OFFICE OF THE GOVERNOR,
OFFICE OF STATISTICS,
La Fortaleza, October 22, 1942.

RETAIL FOOD PRICES IN PUERTO RICO CONTINUE TO INCREASE RAPIDLY

(By S. L. Descartes)

The index of the retail cost of foodstuffs in Puerto Rico increased to 196 on October 14, compared to 189 on September 15, 1942, or 3.7 percent. The rate of increase rose again after having declined to 2.2 percent from August 18 to September 15.

The index of imported foodstuffs declined from 224 to 219, or 2.2 percent from September 15 to October 14, 1942, but the index of locally produced foodstuffs increased from 156 to 171, or 9.6 percent during the same period.

Of all food groups, there were declines in prices only in beans, of 8.5 percent; and in fats and oils, of 2.9 percent. Tomatoes increased 41.5 percent; starchy vegetables, 22.2 percent; eggs, 16.5 percent; and dairy products, 1.3 percent.

The decline in beans was due to a drop from $0.12 to $0.10 in the price per pound of imported pink beans, which are the ones that are consumed in largest quantities in Puerto Rico. But locally produced white beans rose from $0.134 to $0.14 a pound, and locally produced red beans from $0.12 to $0.14 a pound. The greatest increase in starchy vegetables was that of taniers which rose from $0.05 to $0.07; sweetpotatoes rose from $0.03 to $0.35 a pound; and plantains from $0.025 to $0.03 per unit. Milk sold through stores declined from $0.185 to $0.177 a quart, but delivered milk rose from $0.16 to $0.18 a quart. Pork fat backs declined from $0.20 to $0.18 a pound; tomatoes of local varieties increased from $0.12 to $0.17 a pound; and eggs sold for $0.07 each compared to $0.06 each on September 15.

During this period in which prices are increasing so rapidly, sometimes from one day to another, it is desirable to emphasize that prices on which this index is based refer exclusively to October 13 for locally produced foodstuffs, and to October 14 for foodstuffs sold through groceries. The prices of some foodstuffs have considerably increased since October 14.

Neither should it be expected that the prices paid by each family for each foodstuffs be the same as the price used in the construction of this index. Some groceries and locally produced foodstuffs stores sell at higher prices than others. In the construction of this index are used either the model or the average price of a number of groceries in the city of San Juan, and a number of locally produced foodstuffs stores in the Rio Piedras market, visited by the investigators of the insular department of agriculture.

Locally produced foodstuffs are sold at lower prices in the stores located in the Rio Piedras market than in San Juan or Santurce. For that reason, persons living in these localities pay more for eggs and starchy vegetables than the prices used in the preparation of this index. This fact does not affect the usefulness of the index, because the index shows the changes in prices, since when the price in San Juan increases, it is because the price in the Rio Piedras market has already increased. When eggs are sold in Rio Piedras for $0.06 each, in San Juan and Santurce they are usually sold for $0.07; when in Rio Piedras they rise to $0.07, in San Juan they sell for $0.08. Both the San Juan and the Rio Piedras price series may be used to present the trend of prices provided the same one is used continuously. The town or area to which the series refers should be stated, and this has been done in the case of this index, in the footnotes to the tables.

Prices in other cities of the island may vary somewhat from those in Rio Piedras and in San Juan. However, as Rio Piedras is the most important market for minor crops, and as San Juan and neighboring areas comprise the largest concentration of urban population, they undoubtedly constitute the best localities for the construction of this index. It is acknowledged, however, that sometimes there may be pronounced increases in the prices of certain foodstuffs in some places far away from distributing centers, on account of the internal transportation situation, and these increases may not be portrayed by this index. Probably the prices of some foodstuffs have increased more in rural areas than in San Juan.

This index is constructed on the basis of average food consumption in Puerto Rico, including both the rich and the poor. In the United States, these indexes are almost always based on the consumption of the laboring classes. In Puerto Rico it was impossible to do this last November, when the computation of the index was begun, because there were no facts on the consumption of the laboring classes. Thus far the increases in the prices of foodstuffs consumed in larger quantities by the poorer classes have been higher than those of foodstuffs more commonly used by the middle classes and the well-to-do. Therefore this index does not present fully the magnitude of the rise in the cost of the diet of the poorer classes.

EXTENSION OF REMARKS

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein certain tables.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ELIOT of Massachusetts, for November 12, on account of death in family.

ADJOURNMENT

Mr. DELANEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p. m), under its previous order, the House adjourned until Monday, November 16, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, November 18, 1942, at 10 a. m., to consider H. J. Res. 345 and H. R. 5764, H. R. 6858, H. R. 7550, H. R. 7709, and H. R. 7746.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 6489. A bill for the relief of I. Arthur Kramer and Georgene Kramer, a minor; with amendment (Rept. No. 2627). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 7171. A bill for the relief of Mrs. J. C. Tommey; with amendment (Rept. No. 2628). Referred to the Committee of the Whole House.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LELAND M. FORD:

H. R. 7778. A bill for the relief of Cecil Ray Murphy; to the Committee on Naval Affairs.

By Mr. KLEBERG:

H. R. 7779. A bill for the relief of Luther C. Nanny; to the Committee on Claims.

By Mr. MANSFIELD:

H. R. 7780. A bill for the relief of O. M. Minatree; to the Committee on Claims.

SENATE

FRIDAY, NOVEMBER 13, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, Thou hast made us for Thyself, and our hearts are restless until they find the rest of Thy peace. Thou hast taught us to love truth and beauty and goodness. May Thy truth make us free, free from prejudice and pride, from narrow nationalism and racial hatreds, and from all the ugly sins that do so easily beset us. Lift us above the mud and scum of mere things into the holiness of Thy beauty, so that the trivial round and the common tasks may be edged with crimson and gold. In times of crisis and alarm, as we offer our very lives for the preservation of all the precious things we hold nearest our hearts, give us courage, give us vision, give us wisdom, that we fail not man nor Thee. Lead us in the paths of righteousness for Thy name's sake. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, November 12, 1942, was dispensed with, and the Journal was approved.

AUGUST 1942 REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report covering operations of the Corporation for the month of August 1942, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITION

Mr. CAPPER presented a petition of members of the Lydia Bible Class of the First Baptist Church, Manhattan, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

THE PRESIDENT'S MESSAGE TO THE FRENCH PEOPLE

Mr. BARKLEY. Mr. President, on Monday last an English translation of the President's message of November 8, 1942, to the French people was published in the RECORD. I now ask unanimous consent to have printed in the RECORD the message of the President as it was delivered in the French language to the people of France on that date.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

Mes amis, mes amis qui souffrent jour et nuit sous le joug accablant des Nazis, je vous parle comme celui qui en 1918 était en France avec votre armée et votre marine. J'ai conservé toute ma vie une amitié profonde pour le peuple français, le peuple français entier. Je retiens et je garde soigneusement l'amitié de centaines d'amis français en France et dehors de la France. Je connais vos fermes, vos villages, vos villes. Je connais vos soldats, vos professeurs, vos ouvriers. Je sais bien combien est précieux au peuple français l'héritage de vos foyers, de votre culture, et des principes de la démocracie en France. Je salue encore et affirme encore et encore ma foi dans la liberté, dans l'egalité et dans la fraternité. Il n'existe pas deux nations plus unies par les liens de l'histoire et de l'amitié mutuelle que le peuple de la France et des Etats-Unis d'Amerique.

Les Américains, avec l'aide des Nations Unies, font tout ce qu'ils peuvent pour établir un avenir sur, aussi bien que pour la restitution des idéals de liberté et de la démocracie pour tous ceux qui ont vécu sous le tricolore. Nous arrivons parmi vous à repousser les envahiseurs cruels qui voudraient vous dépouiller pour toujours du droit de vous gouverner vous-mêmes, vous priver du droit d'adorer Dieu comme vous voulez et de vous arracher le droit de mener vos vies en paix et en sécurité. Nous arrivons parmi vous seulement pour écraser et pour anéantir vos ennemis. Croyez-nous bien, nous ne voulons vous faire aucun mal. Nous vous assurons, une fois que la menace de l'Allemagne et de l'Italie est éloignée de vous, nous quitterons votre territoire immédiatement. J'appelle a votre réalisme, a votre propre intérêt et aux idéals nationaux français. N'encombrez pas, je vous prie, ce grand dessin. Rendez-nous concours ou vous pouvez, mes amis, et nous verrons revenir les jours glorieux ou la liberté et la paix règneront de nouveau dans le monde.

Vive la France éternelle!

GENERAL PERSHING'S LETTER TO THE PRESIDENT

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a brief article published in the Washington Post of today which contains a letter addressed to the President of the United States by that great and distinguished general, John J. Pershing. The letter extends a dramatic invitation to his former comrades in arms in France to form their battalions again and join the Allied march past Chateau Thierry, St. Mihiel, and Verdun to victory at Berlin. That they will make that march no one now questions.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post of November 13, 1942]

THE AXIS HAS MET ITS MARNE—PERSHING ASKS HIS COMRADES IN FRANCE TO JOIN ALLIED MARCH

Gen. John J. Pershing last night issued a dramatic invitation to "my former comrades in arms" in France to "form their battalions" again and join the Allied march "past Chateau Thierry, St. Mihiel, and Verdun to victory at Berlin."

"The Axis has met its Marne," the aging commander of the American Expeditionary Force assured his French colleagues in the 1918 victory over Germany. The enemies who inflicted the horrors of a new war on the world have reached "the high-water mark of their conquest" and are now "in recession," he said.

General Pershing's declarations were made in a letter to President Roosevelt, only a day after he had stood with the Chief Executive at Arlington and paid tribute to one of his men of 1917 and 1918, the Unknown Soldier.

The general wrote:

"Yesterday I was privileged to stand by your side at Arlington before the tomb of an American soldier of 1918 who gave his life to arrest the course of German barbarism. I tried to imagine what his response would be to your promise that the enemy which he confronted again will be beaten and the dream of a better world for which he died surely will be realized. As you spoke, 24 years seemed to roll back, with the consequence that, as his Commander in Chief, I dare attempt in all humility to say to you today the words which he cannot say.

"I am certain with you that our enemies who have visited all the horrors of a new war on the civilized world face final, inevitable defeat, that the high-water mark of their conquest has been reached, and that they are in recession. I am positive with you that the peoples whom they brutalized and the territories which they ravaged will, in the days

not long ahead, be liberated. I am convinced with you that the civilization which Germany and its allies have attempted to turn back will be rebuilt, with fearless realism and without sophistry, on a more solid basis which does not contain this time the seeds of a new cataclysm.

"Over the last week end our troops, side by side with the fighting men of Britain and of France, took the first great step toward the total liberation of French soil and the soil of all the unconquered peoples. Patriotic Frenchmen will know that our presence in north Africa is the promise of their freedom, whether they are in German prisons, on the slave gangs of the German factories, or in the vast concentration camp which the German has made of France. My former comrades in arms will believe me when I tell them that the Axis has met its Marne, and that if they listen closely they will hear the tramp of marching men who not so long from now will be swinging along the Champs-Elysees on their way past Chateau Thierry, St. Mihiel, and Verdun to victory at Berlin. They will heed, I am certain, my invitation to form their battalions and join our ranks, so that the hills and the valleys of the patrie which I know and love so well will once more be free.

"Mr. President, in concluding, may I recall that the comrades of the boy whom we honored yesterday lie in rows of many thousands in the American cemeteries of France. I, their former commander, shall not be satisfied until the desecration in which they are now subjected is ended by the joint efforts of the United Nations, and they can sleep in peace.

"With high esteem and sincere regard, believe me,

"Faithfully yours,

"JOHN J. PERSHING."

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The VICE PRESIDENT. The routine morning business is concluded.

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of Calendar 1716, House bill 1024, to amend an act to prevent pernicious political activities. Before the motion is put, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Green	O'Mahoney
Austin	Guffey	Overton
Ball	Gurney	Pepper
Barkley	Herring	Rosier
Bilbo	Hill	Russell
Bone	Johnson, Calif.	Schwartz
Brewster	Kilgore	Spencer
Bridges	La Follette	Taft
Bulow	Langer	Thomas, Okla.
Bunker	Lee	Tobey
Burton	Lucas	Truman
Byrd	McFarland	Tunnell
Capper	McKellar	Tydings
Caraway	McNary	Vandenberg
Chavez	Maloney	Van Nuys
Connally	Maybank	Wagner
Danaher	Mead	Wheeler
Davis	Millikin	White
Doxey	Murdock	Wiley
George	Norris	Willis
Gerry	Nye	
Gillette	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Alabama [Mr. BANKHEAD], the Senator from Alabama [Mr. BROWN], the Senator from Kentucky [Mr. CHANDLER], the Senator from Missouri [Mr. CLARK], the Senator from Idaho [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the Senator from Utah [Mr. THOMAS], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent

The Senator from California [Mr. DOWNEY] and the Senator from Maryland [Mr. RADCLIFFE] are absent on official business for the Senate.

Mr. MCNARY. The Senator from Vermont [Mr. AIKEN], the Senator from New Jersey [Mr. BARBOUR], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Kansas [Mr. REED], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Idaho [Mr. THOMAS] are necessarily absent.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY] that the Senate proceed to the consideration of House bill 1024.

Mr. DOXEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOXEY. Is the motion of the Senator from Kentucky debatable?

The VICE PRESIDENT. The motion is not debatable.

Mr. DOXEY. If it shall not be acted on until after the end of the morning hour, at 2 o'clock, will it be debatable then?

The VICE PRESIDENT. It would not be debatable after 2 o'clock.

Mr. DOXEY. I desire to make a point of order against the motion made by the Senator from Kentucky [Mr. BARKLEY].

I make the point of order because the bill is not properly on the Senate Calendar, for the reason that there was not present and voting a quorum of the committee, and the bill was not reported by a majority of the committee present and voting.

Now, Mr. President, I desire to state the facts briefly.

The VICE PRESIDENT. While points of order are not debatable, the Chair would like to have a statement of the relevant facts, for his own information.

Mr. DOXEY. I appreciate that, and I can readily understand the position of the Chair, because I am sure he is not familiar with the facts. They were discussed briefly on the floor of the Senate on Monday, October 26, but the present occupant of the chair was not presiding at that time. Therefore, I shall proceed, with the indulgence of the Chair, to state the facts, which I think are undisputed, then I should like to discuss the rule, and then we will consider the precedents.

Mr. President, as I have just stated, I think we may proceed upon a statement of facts rather agreed upon. On Monday, October 26, 1942, the Committee on the Judiciary met, and there was presiding the distinguished chairman, the Senator from Indiana [Mr. VAN NUYS]. Nine members of the Judiciary Committee were present, the committee consisting of 18 members. The chairman announced that the committee would proceed to the consideration of the anti-poll tax bill. Thereupon I, being a member of the Judiciary Committee, made a point of order, and gave my reason for making the point, namely, that a quorum was not present and that therefore it was not in order for the committee to consider the various anti-poll-tax bills which were before the committee.

Naturally, there was some discussion regarding my point of order that a quorum was not present. After the discussion, the distinguished chairman of the Judiciary Committee overruled my point of order, and the committee, consisting of nine members present, proceeded to the consideration of the Guyer bill, House bill 1024. Some efforts were made to amend the Guyer bill, and I was continuously, I hope without being pestiferous, making points of order against each and every step being taken by the committee. The committee voted to strike out all after the enacting clause of the Guyer bill and insert in lieu thereof Senate bill 1280, known as the Pepper bill. Of course, I was objecting, making my points of order, to all this proceeding, and several times I did not vote at all on the various amendments and the various motions and propositions which were passed upon by the Judiciary Committee at that time. The Pepper bill was substituted for the Guyer bill, and then the committee proceeded to amend the Pepper bill, all over my strenuous objection.

After the Pepper bill had been amended to the satisfaction of the committee, the motion was put to report the bill as amended. I renewed my point of order on the ground that a quorum of the committee was not present. The distinguished chairman again overruled my point of order, as he had done repeatedly, and the roll of the Committee on the Judiciary was called.

The roll call disclosed that there were nine present and nine absent, yet the record shows that those who were absent, first one and then another, had proxies, and they voted on reporting the bill. I had no proxy, I had only my vote, which, of course, I cast against reporting the bill. The final result was announced as 13 to 5. I renewed my objection, but the distinguished senior Senator from Nebraska [Mr. NORRIS] was authorized to report House bill 1024, as amended.

In the committee, while I objected to all the proceedings, I stated, "I desire to file minority views, and this being Monday, I should like to have until Thursday to file them." That was perfectly agreeable to the committee, and the distinguished Senator from Nebraska very kindly said that when he asked consent to file the majority report he would also ask consent that the minority might have until Thursday to file minority views.

When the Senator from Nebraska came onto the Senate floor Monday morning, October 26, he stated that he was reporting the bill orally. When the distinguished Senator from Nebraska asked leave to make the report, and made the request that if the majority report were not made on Monday he be permitted to file it in the interim in case the Senate recessed until Thursday, of course, no objection was made, and at the same time he secured consent for the filing of the minority views, as I had requested.

Thereupon I addressed the Chair—the Vice President was presiding at the time. I made a parliamentary inquiry, as to whether I must make my point of order at that time against the bill and the reporting of it, or whether I would have an equal right to make the point of order at any time. The RECORD shows that the Chair stated that a point of order would lie at any time. This is the first opportunity I have had to make the point of order, and present the matter before the Senate and before the Chair for a ruling.

Of course, the bill went to the calendar, and now the motion is made by the distinguished Senator from Kentucky [Mr. BARKLEY] that House bill 1024, known as the anti-poll-tax bill, be made the order of business of the Senate.

In making my point of order, I realize that I could not make a motion to recommit at this time, because the bill is not before the Senate; but I feel, in the light of what has happened, that it is certainly necessary to state to the Senate at this time the reasons for my action, because to my mind this motion goes to the very root of things.

Mr. President, what was the situation in the Judiciary Committee? I am happy and deem it a great privilege to be a member of that committee. It is one of the great committees of the Senate. It is composed of fine, able Senators, and is presided over by the very distinguished and lovable Senator from Indiana [Mr. VAN NUYS]. We all have a peculiar affection and a high regard for him. The point of order, however, which I continuously made in the Judiciary Committee, was overruled.

The Senate has a rule, known as rule XXV, which prescribes what shall constitute a quorum in meetings of committees. It is as follows:

QUORUM OF COMMITTEES

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Mr. President, I am sure the facts with respect to the number of Senators present at the meeting of the Judiciary Committee will be undisputed. The Committee on the Judiciary has a legislative and executive calendar. Printed in the calendar of the committee are the rules of committee procedure. For the information of the Chair and of the Senate, I will read the following rules of committee procedure which have been adopted by the committee and ordered to be printed in the calendar.

I read rule No. 1:

That hereafter whenever a nomination for an appointment to the office of judge of any Federal court (not including the court of any Territory or possession) is referred to the Committee on the Judiciary, the nomination shall be referred to a subcommittee to be composed of at least three members to be selected by the chairman of the committee within 3 days after such reference to the committee.

That it shall be the duty of the subcommittee to which the nomination is referred to fix a date, which shall not be less than 7 days after the date such nomination is referred to such subcommittee, on which all interested parties shall have an opportunity to be heard with respect to the nomination, to insert in the CONGRESSIONAL RECORD a notice to that effect as soon as such date has been determined by the subcommittee, and to notify both Senators of the State of which the nominee is a resident.

That no such subcommittee shall make its report to the full committee with respect to any such nomination until the date so fixed has expired.

Following each rule of committee procedure there is shown the date on which the rule was adopted by the committee. I now read rule No. 2:

That hereafter no bill, resolution, or nomination which is referred to the Committee on the Judiciary shall be reported to the Senate until it has been acted upon at a meeting of the committee at which a quorum is present.

Mr. President, that rule is printed in the calendar of the Committee on the Judiciary under the heading "Rules of committee procedure." There is another rule of committee procedure printed in the calendar. I submit for the information of the Chair and of the Senate that there is no rule of the Committee on the Judiciary, evidenced by any written resolution, or any printed rule, to the effect that any number shall constitute a quorum of that great committee less than, of course, 10, which would be a quorum, there being 18 members on the committee.

Mr. President, I wish to be entirely frank, and if I misstate any fact it certainly will not be done intentionally on my part. I know it will be said that the Committee on the Judiciary has been proceeding when only six Senators were actually present at a committee meeting. When I made my point of order that there was not a quorum of the committee present at the meeting, the chairman of the committee, in overruling my point of order, said, "We have been considering a quorum of the committee to be present when six members were present, and nine members are now present." This was said in executive session. I do not mean to state anything about any other member of the committee if it is not entirely agreeable, but I am sure the distinguished chairman of the committee will bear me out when I say that that was the reason he gave when overruling my point of order.

I address an inquiry to the Presiding Officer. When the Senate adopted rule XXV authorizing various Senate committees to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of business, what did that rule mean? The rule says the committees are authorized to fix. What does "to fix" mean? I submit that it means that the only way to fix the number is by the adoption of a rule of a committee, as rules have been adopted and printed and shown upon the minutes of the committee; but no rule has been adopted by the Committee on the Judiciary, so far as I am able to ascertain, which provides that six members of the committee shall constitute a quorum; no such rule has been adopted in writing, by resolution, or motion, or in any other way. Therefore, the Committee on the Judiciary, according to my contention, has not fixed, according to law, and according to rule, the number of members who shall constitute a quorum by providing that any number less than 10 members of the committee shall constitute a quorum of the committee.

Mr. President, in investigating this question, I have studied precedents established by various Senate committees. I have before me a precedent with respect to the Interstate Commerce Committee. I do not know about its present rule, but when the precedent which I have before me was cited, the committee had a membership of 17, and the committee had fixed 7 as the number of its members which would constitute a quorum under rule XXV. But how did the Interstate Commerce Committee fix that number? It fixed it by a definite, solemn resolution passed upon by a majority of the members of the committee.

Mr. President, it can be seen how this situation might arise. I have not been a member of the Committee on the Judiciary for longer than a year, but I know that its members would have a perfect right to object if a motion or resolution had been presented to the committee by its distinguished chairman to fix the number of members who would constitute a quorum at any figure less than a majority. We all have high regard for the chairman's judgment, and endeavor to follow him when we can, but he has no more power on the committee than has any other member of the committee, other than to preside and to call meetings of the committee.

Let us suppose that the chairman of the committee were to say, "We will consider 6 members of the committee to constitute a quorum of the committee." Some members of the committee might say that they felt that perhaps 7 should be the number fixed as a quorum. Members would have a perfect right to say that. Other members might say, "No; we should not transact business without a real working numerical quorum being present, which is 10 members." It is the privilege of each committee member to present his own view of the matter. How could that question be settled? The only way it could be settled and be made a rule of the committee would be by a proper motion or a proper resolution voted upon by a quorum of the committee, as a quorum is considered. The matter of a quorum would thus be fixed, and fixed how? It would be fixed definitely, positively, and concretely by an overt act,

as it might be called. I submit that nothing of that nature has been done in the Committee on the Judiciary. I submit that if any number is fixed, other than what is known as a quorum, which is a majority of the entire membership of the committee, it has to be done in a positive, not in a negative, way.

That is the situation, Mr. President, with reference to Senate rule No. XXV, and those are the facts, as I have ascertained them to be, as they relate to the Committee on the Judiciary.

The members of the committee know that I have consistently opposed anti-poll-tax bills, and I was acting within my legal right in making the point of order, which was overruled. I think I am still acting within my legal right in making the point of order in the Senate at the first opportunity. This is the first opportunity I have had to make it.

I have made this statement of fact, Mr. President, and, as I said, I do not think there is any dispute as to the facts. I have endeavored to consult and to examine the precedents. The first precedent I was able to find dealing with this matter occurred on June 26, 1914, in the Sixty-third Congress, second session.

Briefly, the facts were these:

> The VICE PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Nebraska [Mr. Hitchcock] to take from the calendar and rerefer to the Committee on Banking and Currency a bill the title of which will be stated.

I believe it was admitted that a point of order at that time against the resolution to rerefer the bill would have been sustained, because the bill was not before the Senate, Senator Hitchcock presented the matter by a resolution.

A bill relating to the regulation of stock exchanges had been reported from the Committee on Banking and Currency. The Committee on Banking and Currency had a membership of 12.

The facts and the decision of the Vice President were developed on June 26, 1914. The present occupant of the chair knows that rule XXV, which I have just cited, was adopted by the Senate on April 12, 1912, but the rule had not yet been printed in the Manual, and there was no attempt by the Banking and Currency Committee to say that it had, by a constructive quorum, by consent, or by any other means, agreed to anything by a quorum other than a majority of the committee. To my mind the discussion throws light on the subject, because after considerable general discussion Senator Clarke, of Arkansas, who was one of the authors of rule XXV, which was adopted by the Senate on April 12, 1912, rose, was recognized by the Chair, and stated in substance that he did not desire to enter into a discussion of the merits of the bill, because it had been discussed pro and con, but he called the attention of the Senate to rule XXV, and said that whether or not a rule had been adopted by the committee pursuant to rule XXV—and such a rule had not been adopted, because Senator Owen had charge of the printing, and rule XXV had not yet been printed in the Manual—there was not a quorum present; and the only basis on which a quorum could have been considered to be present would be the adoption by the committee of a rule of its own, pursuant to rule XXV.

The facts, as related in the precedent, were that five members of the committee were present. Then, as one Senator was leaving to go to a very important meeting at the White House, another Senator came in, which made six members of the committee present. Senator Weeks, who was about to go to the White House, came back with his colleague and said:

> There are now six of us here. Record me, Mr. Chairman, as voting for the bill.

It developed that the bill was reported to the Senate and placed on the calendar. The resolution of Senator Hitchcock was that the bill be rereferred to the Committee on Banking and Currency. There was some effort to amend the resolution so as to put the decision off for 30 days, because the chairman of the committee was not present, but that amendment was rejected. The Senate was passing on the question. The Chair has a right to allow the Senate to pass on such questions. This precedent shows that the bill was immediately referred back to the Banking and Currency Committee of the Senate.

As I say, there was no question in that precedent about rule XXV, but there was a statement by Senator Clarke, one of the authors of the rule, as to what was the intent of the authors of rule XXV. It developed that Senator Smoot was the author of the second portion of rule XXV, which provides that, regardless of what number is determined to be a quorum of a committee, no bill may be reported by a committee unless it is voted upon favorably by at least a majority of a majority. It developed—although that was not the turning point of the decision—that only 3 members of the committee voted for the bill. The committee being composed of 12 members, a majority of the committee would be 7, and a majority of the majority would be 4, and, in accordance with the second portion of rule XXV, it would be necessary for 4 members of the committee to vote for the bill. When the Senate voted on Senator Hitchcock's resolution, the Senate referred the stock-exchange bill back to the committee.

I have tried in a general way to give the Chair the substance of this precedent, but I believe I can say without successful contradiction that he will not find a precedent involving this question, where objection was made in the committee as it was made in the committee immediately under discussion. In every one of the precedents I have been able to find the bill was reported without the point being made that no quorum was present; but I am sure that every member of the Judiciary Committee who was present on that day knows that I insisted at every stage that the committee could not transact any business because of the absence of a quorum.

The precedent which I have cited occurred on June 26, 1914, beginning on page 11166 of the CONGRESSIONAL RECORD for that date. There was a great deal of discussion about the merits of the bill, but I have given the substance of the discussion between Mr. Warren, Mr. Clarke, Mr. Hitchcock, and Mr. Reed regarding the question at issue. It is certainly shown by the debate in connection with this precedent that the action of committees in reporting bills should be jealously guarded. I wrote many such reports while I was a member of the other House. The report usually states that a majority of the committee, "a quorum being present," reports favorably, and so forth. The report of a committee, "a quorum being present," is the very essence of good legislation.

As I have said, the precedent does not show the vote of the Senate. It merely shows that the bill was rereferred by a vote of the Senate.

There is one other precedent to which I should like to call attention, because it involves rule XXV. It is of a more recent date, having occurred on July 8, 1918. It is reported in the debates of the Sixty-fifth Congress, second session, beginning at page 8860 of the RECORD for that date, and continuing for a number of pages. The discussion involved a bill providing for the control of telephone and telegraph facilities to be placed in the custody of the President, and most of the debate was on the subject of the merits of the bill.

The Senator from South Carolina [Mr. SMITH], who at that time, I believe, was chairman, reported the bill, and the following colloquy occurred between him and Senator Penrose:

> Mr. PENROSE. If the inquiry is proper, I should like to be assured by the Senator that a quorum of the committee was present.
>
> Mr. SMITH of South Carolina. A quorum of the committee, according to the rule of the committee, was present.
>
> Mr. PENROSE. What are the rules of the committee as to a quorum?
>
> Mr. SMITH of South Carolina. That a certain number shall constitute a quorum, and that absent Senators may request to be counted as a quorum.

The debate continued:

> Mr. PENROSE. That is the standing rule of the committee?
>
> Mr. SMITH of South Carolina. It is the standing rule of the committee. Enough were present to make an ordinary working quorum, and the request to be counted as a quorum made it absolute.

So far as I know, there is nothing in writing on the subject in the rules of the Judiciary Committee, but never since I have been a member of the committee have I known it to permit a quorum to be counted by proxy. I believe that such procedure would not be in accordance with the rules of the Senate or good parliamentary practice in the absence of a definite resolution to that effect. Do we find from the discussion between Senator SMITH and Senator Penrose, which I have read, that the Interstate Commerce Committee was governed by custom? No. By a resolution voted upon by the 17 members of the committee, or a quorum thereof, the committee definitely and specifically provided that 7 members of the committee should constitute a quorum. It could not in any other way have constituted as a quorum any number other than a majority of the full committee.

I maintain that without a definite, positive, and specific act of the committee—and the record shows that the committee to which I have referred did

take such action, and that the Judiciary Committee did not—no number can constitute a quorum, especially when a point of order is made, except a clear majority of the committee. In the Judiciary Committee I hold that such majority constituted 10 members, whereas when the pending bill was reported only 9 members were present.

Mr. President, the facts I have stated, the rule I have read, and the precedents I have discussed, all support my point of order.

Relative to the precedent I have just cited, let me point out that the following question was asked by the Presiding Officer:

> Does the Senator object to the reception of the report because a majority of the majority has not concurred in it?
>
> Mr. PENROSE. Yes; and I object on general principles.

During the discussion it developed, there being 17 members of the committee, that 9 constituted a majority. So it was necessary to have 5 members voting in the affirmative in order to have a majority of the majority voting in favor of reporting it. That would be so, according to a strict construction of the third paragraph of rule XXV, if the committee in prescribing the number which should constitute a quorum had acted with due regularity and conformed to the procedure laid down by the rule. Of course, when the Chair found that not even a majority of a majority had voted in favor of reporting the measure, the Chair very promptly referred the measure back to the committee, and sustained Senator Penrose's point of order; because the committee had adopted its own procedure and had definitely adopted a resolution stating that 7 would constitute a quorum.

Mr. President, in view of the facts, in view of the rule, and in view of the precedents—and I have not been able to find any later precedent which is adverse to any of the precedents I have cited—I submit in all seriousness and good faith that the point of order I have made to the motion should be sustained, not only because the proposition is a far-reaching one but because it will be a rule for the guidance of future Senate committees. I maintain that all the precedents which I have been able to find hold that a constructive quorum can be counted only by unanimous consent. To my mind there can be no question about that. That is true in our deliberations in the Senate. Perhaps at times we do business when a quorum is not present; but the moment suggestion of the absence of a quorum is made, the roll must be called, and the Chair must ascertain whether a quorum is present. If a quorum is not found to be present, no business can be transacted until a quorum is present. I cannot find any precedent to the contrary.

The pending measure should be referred back to the Judiciary Committee for consideration by the committee with a quorum present; and if the measure is reported, it should be reported because of the favorable vote of a majority of the quorum.

Mr. President, I realize that if my point of order is sustained, of course the bill automatically will be referred back to the committee. No great harm will be done. I am not a prophet, but I know it will not take long for the distinguished chairman of the committee and the other members of the committee to assemble in the committee room, and, in orderly procedure and with a quorum present, vote to report the bill. Then the bill will be reported and will be placed on the calendar, and certainly it will not be subject to the present point of order.

I maintain that the point of order raises a serious and far-reaching question, because it goes to the very roots of the method of doing business in committee, and, if sustained, it should constitute a guide in the future for committee work. I do not believe that the Senate wishes to have one of its committees report measures, especially ones so controversial in nature as is the pending measure, and have them placed on the calendar unless at the committee meeting at least half of the committee members were present. It will not be denied that, although 9 members of the committee were absent, every one of them was recorded as voting; but those who were absent certainly did not know that the committee had amended the bill as it had. They did not know that the Guyer bill—all after the enacting clause—had been stricken out, and that the Pepper bill had been substituted in its stead, and that the Pepper bill had been amended to the extent of deleting the whereases and various sections, so that the bill which we have before us now is very greatly different—not, of course, in principle, but in language and in wording—not only from the Guyer bill but from the original Pepper bill.

Yet we have a report from the majority of the committee—it is headed "Majority report." I do not think it will be contended that it is proper to count the votes of members of a committee who are absent, even though they may have told some member of the committee how they would want to vote. I do not think that would be very seriously argued by any Member of the Senate, because certainly I cannot find any precedent for such procedure. When Senator SMITH made the statement that his committee had adopted the resolution and that the committee could count proxies for purposes of voting—not for purposes of ascertaining the presence of a quorum—certainly the Chair did not rule other than that a proxy is not permitted to be counted in ascertaining the presence of a quorum, because the actual presence of a member is necessary in order that he be counted in ascertaining the presence of a quorum.

We have here a measure reported by only 9 members of a committee composed of 18 members. The other 9 members were recorded as voting; but, as I say, they were not present and did not participate in the action on the amendments or in the committee deliberations.

Of course, in committees a number of things may be done and are done in the interest, possibly, of emergency or efficiency or some other good and sound reason. Even on the floor of the Senate action may be taken by unanimous consent; but even though that is so, action cannot be taken if objection is interposed. I do not think there will be any question that objection was interposed to the entire proceeding in the Judiciary Committee from the time when it began consideration of the bill until the time when the measure was reported. Then, after it was reported, when I made my parliamentary inquiry, when the distinguished senior Senator from Tennessee [Mr. MCKELLAR] was in the chair, other statements were made by various Senators, including myself, the distinguished chairman of the committee the Senator from Indiana [Mr. VAN NUYS], the Senator from Nebraska [Mr. NORRIS], and the Senator from Connecticut [Mr. DANAHER]. All of them made statements about what happened in the committee that morning, and certainly we find all of them in entire agreement and accord. I have tried to relate the facts in accordance with what happened.

So I maintain that we do not have a case of committee action by a quorum, as is recognized by parliamentary procedure. The rule the Senate adopted does not apply to a committee unless it takes advantage of it and acts in accordance with the provisions of the rule—in other words, unless it fixes the number of a quorum.

Mr. President, I do not have before me any precedents later than the precedents I have cited. I have not been able to find any precedents contrary to those I have cited. All the precedents I have found hold that if a quorum is attempted to be fixed by a committee—less than a quorum in the ordinary sense—the word "fixing" implies some positive, concrete, definite action by the committee, taken my means of a vote had in the usual way by the committee, as evidenced by some minute or other document of the committee. In view of that fact and the other facts I have presented, I most respectfully submit that my point of order should be sustained.

Mr. NORRIS. In the first place, Mr. President, there is nothing in the record to show that there was anything irregular or wrong with the action of the committee. I desire to discuss that point briefly, and then I want to discuss the question from the point of view the Senator from Mississippi has taken.

No one will contend, for instance, that the Senate itself does not frequently pass laws of great importance and act on nominations of great importance when a physical quorum is not present. But suppose an attorney sought to have a law of Congress nullified on the ground that when the bill passed the Senate there was not a physical quorum of the Senate present, would any court take his statement for that fact? Could he get up in the Supreme Court and say "Your Honors, at that time I was a Member of the Senate or I happened to be in the gallery and I know, from my own knowledge, and no one will dispute the statement, that there was not an actual physical quorum present." Would that be accepted by a court? Is that the proper way to seek to nullify a law? If a law could be nullified in that way, more than half the laws of Congress and perhaps

of every legislature in the land would be nullified. The Chair will assume I take it that everything was regular unless the contrary appears in the record.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield to the Senator from Texas?

Mr. NORRIS. I shall yield in a moment. The Chair will not take the statement of a Senator that such and such was the record. I now yield to the Senator from Texas.

Mr. CONNALLY. If the Senator was present, I will ask him were there ever more than 9 members of the committee present?

Mr. NORRIS. I do not know that there were. I am coming to that after a while; I am going to take up that point.

Mr. CONNALLY. The Senator was present, and he knows that there never was actually a quorum of the committee at the meeting which reported the bill.

Mr. NORRIS. That is not the way to try a lawsuit; that is not the way to settle a record in a court—by taking the attorney's statement if there is any question about it.

Mr. CONNALLY. There is no other way to find out the truth except by the testimony of those who were present.

Mr. NORRIS. The only way to find out the truth is from the record, and the record does not show that there was not a quorum present.

Mr. CONNALLY. The record does show it.

Mr. NORRIS. We could come in here and say that nobody was there but the chairman, if we wanted to and, if that were true, that would be assumed as the record.

Now I shall discuss the question on the ground the Senator from Mississippi discussed it, that there was not a physical quorum present at the time the bill was voted to be reported to the Senate. I wish to say to the Senator from Mississippi and the other Members of the Senate that 1 member of the committee, the junior Senator from Kentucky [Mr. CHANDLER], while this matter was being discussed, was physically present in the committee, and he rose in his place there and said to the committee members who were there, "I have got to go; I cannot stay here until this discussion ends." He had some appointment; I do not know but that he said—I am not sure about it—he had to take a train; at any rate, he had some definite appointment making it necessary for him to leave the committee; and he did leave. But he said there to the members present, "I want to vote for the Pepper bill; I want to strike out all after the enacting clause of the House bill and insert the Pepper bill and report the bill in that way" I will ask the Senator from Mississippi if I am not telling the truth about that? Was not that about what occurred?

Mr. DOXEY. I want to beg to differ from my distinguished friend. He may be right; but the action was taken on Monday, October 26, and, as I remember, the Senator from Kentucky was not in the committee on that day at all. I have a record here as I kept it. I did not think we had to try a lawsuit; I thought we could proceed on a brief statement of facts, but, if my memory serves me well, the Senator from Kentucky was not present that day, and made no such statement. He may have been present and made a similar statement on another day prior to the time when a vote on reporting the bill was taken, but on this particular day, Monday, October 26, if my memory serves me aright, the Senator from Kentucky was not present, and that statement could not have been made if he was not there at the time.

Mr. NORRIS. The Senator from Mississippi may be right. I am stating my recollection of the incident. It may be that the Senator from Kentucky made the statement at a preceding meeting.

Mr. DOXEY. It was so made.

Mr. NORRIS. I do not think so, but, if he did, that would not make any difference, in my opinion. The point I am making is that the Senator from Kentucky let the committee know how he wanted to vote; he did it in person, and when the roll was called and the name of the Senator from Kentucky was reached he was, by unanimous consent—no member of the committee objected to it—put down in favor of reporting the bill. Everybody agreed to that, for they heard the statement which the Senator from Kentucky made, whether it was made on that day or another day, and I think, I will say to the Senator from Mississippi, it was made on that day, but, of course, if he thinks it was made on some other day, he may be correct and I may be wrong.

Mr. DOXEY. May I ask my distinguished friend if the Senator from Kentucky was present some other day and made a statement similar to the one to which the Senator from Nebraska has referred, would that, in anywise, affect his personal presence there on October 26 to constitute a quorum of the committee? It requires 10 members to constitute a quorum.

Mr. NORRIS. No; that would not constitute a quorum, but that would conform to the universal practice, so far as I recall, of every committee of the Senate ever since I have been a Member of the Senate. If a Member came before the committee—it has probably happened to most Senators—and said, "I want to be voted for this bill; I have got to go to New York on a train which leaves in 10 minutes and I cannot be here," his vote would be recorded. He would not hear all the debate, that is true, but he had formed his opinion, and told the committee how he wanted to vote. I should like to ask under those circumstances if there is a committee of the Senate that would not when the roll was called vote the Senator as he had asked to be voted?

I do not care whether this matter is considered from a purely technical standpoint, for if it is, the Senator from Mississippi has nothing on the record to bear him out. I do not care whether it be considered in that way. Take the statement of every committee member and there probably would not be much disagreement as to what actually occurred. It would be clear that we followed a procedure which, as the chairman of the committee stated, has been in vogue from a time whereof the memory of man runneth not to the contrary, that six constituted a quorum to do business, though not to report a bill, for when it comes to reporting a bill it is necessary to have a majority of the committee. The committee proceeded on the theory on which they have always acted. I do not know of a single exception. When a member of the committee wanted to be voted in a particular way, he was voted in that way. That included every member of the Judiciary Committee, so that it would appear that there were 13 votes for and 5 against.

Mr. DOXEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DOXEY. I understand the Senator to admit that six can do business, but, in order to report a bill, there has to be a majority present and voting?

Mr. NORRIS. No; I would not say that they have to be present and voting; they have to vote in favor of it; but the committee can let a member vote; the committee has that under its control. If the committee permits a Senator to say to the committee, "I want to be voted so and so; I have got to leave the room," and then he is voted so and so, that does not make the action of the committee illegal. In other words, that complies with the rule that the majority of the committee has got to be in favor of a bill in order to report it.

Mr. DOXEY. May I ask the Senator if the statement is made by a member of the committee at a meeting a week or 2 weeks prior to the time the actual vote was taken, does the Senator contend that the Senator making the statement can be counted as helping to constitute a quorum to vote for the bill even if he is not personally present?

Mr. NORRIS. I should think so. The Senator, however, has been too extravagant. Certainly it was not a couple of weeks before the committee took action that the Senator from Kentucky was present and made the statement.

Mr. DOXEY. I did not know we had to try a lawsuit, but if the Senator insists, I am going to ask to refer to the minutes of the committee. They will show that when a vote was called for the Senator from Kentucky was not present.

Mr. NORRIS. He was not actually there when the vote took place.

Mr. DOXEY. He was not; and I think the Senator is mistaken about his being there on that day.

Mr. NORRIS. I may be, but I do not think I am. He was there, however, while the committee had the bill under consideration.

Mr. DOXEY. Oh, yes.

Mr. NORRIS. And he did make that statement?

Mr. DOXEY. Yes; he was one of the 18 members who were there at some time during the period when the committee had the bill under consideration, but there were not 9 of them when the bill was voted on.

Mr. NORRIS. I do not think all the other members were there at any time. The Senator from Delaware [Mr. HUGHES], who was sick, was not present.

Mr. DOXEY. Possibly that is so.

Mr. NORRIS. He did not get back until after the bill had been reported, but he was permitted to vote.

Mr. DOXEY. The Senator from Delaware was there when we had some discussion about the bill, when it was sent to the committee, but that was away back yonder.

Mr. NORRIS. Yes; but he was not there when the committee voted; he was not there on that day.

Mr. DOXEY. Will the Senator permit me, or will it be proper for me to tell him, so far as the record kept by me goes, who was there and who was not there?

Mr. NORRIS. I do not care.

Mr. DOXEY. It was an executive meeting, and I want to refer to it with due regard to propriety.

Mr. NORRIS. I am sure the Senator does. I am not accusing the Senator of any sharp practice or any dishonorable act.

Mr. DOXEY. I am sure of that.

Mr. NORRIS. I do not want to insinuate anything of that kind.

Mr. DOXEY. I can say to the distinguished Senator just who was there, because I was keeping a record. I was as interested as the Senator was. He was on one side, and I was on the other.

Mr. NORRIS. I think I could state who was present, too; but I do not care. I will yield to the Senator.

Mr. DOXEY. I should be happy if the Senator would state who was present.

Mr. NORRIS. I do not care who was present. I am relying on the record which was made there.

Mr. DOXEY. Will the Senator permit me, or feel that it is not out of the way for me to state who was present?

Mr. NORRIS. If the Senator wants to do it, I will yield to him and let him state it.

Mr. DOXEY. I have here the number present the day we were considering this matter.

Mr. NORRIS. Very well.

Mr. DOXEY. Senator CONNALLY, of Texas, was present; Senator KILGORE, of West Virginia, was present; Senator MURDOCK, of Utah, was present; Senator MCFARLAND, of Arizona, was present; Senator DOXEY, of Mississippi, was present; Senator NORRIS, of Nebraska, was present; Senator DANAHER, of Connecticut, was present; Senator BURTON, of Ohio, was present; and the chairman, Senator VAN NUYS, was present and presiding. That makes nine present and nine absent, according to the record I kept. I do not know what value it would be given by the Chair or the Senator from Nebraska, but I think my record was correct, and I did not keep it for the purpose of trying to make a case; I kept it for my own information. The record certainly shows that Senator CHANDLER was not present.

Mr. NORRIS. I did not claim Senator CHANDLER was present when the committee voted.

Mr. DANAHER. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield.

Mr. DANAHER. So long as we are mentioning names, is it not a fact that the committee was advised that Senator AUSTIN was actually present right here in the Capitol, in another committee meeting, that very morning?

Mr. NORRIS. Yes; I understood that to be a fact.

Mr. DANAHER. It is my recollection that one or two other Senators, members of the committee, were also engaged on other committee business that morning. But irrespective of that, as a result of our discussion, the chairman's ruling, and our vote on the question, we felt it was not necessary to send for them.

Mr. NORRIS. That is correct.

Mr. DOXEY. Will the Senator from Connecticut yield?

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. NORRIS. Let me refer to what the Senator from Connecticut said first, and then I shall be glad to yield to the Senator from Mississippi.

Mr. President, committees of the Senate are of necessity obliged to do just what we did. That practice has always been followed. Never heretofore, so far as I know, has objection ever been made to it. The committee itself determines that a member who is not physically present, who has to leave, a member like the Senator from Vermont [Mr. AUSTIN], who was in another committee meeting at the time, may have his vote recorded. We have always followed that practice. All the committees do that. The committees have control of it. That is not a matter for the Senate to control, in my opinion. If a committee desires, it can say to a member of the committee, "You are over here in the other room, in a meeting of the Committee on Appropriations, and if you want to vote on this bill, we will permit you to do it." The member comes in and goes out. That is happening all the time.

It must be remembered, too, that the committees have no way of controlling the attendance of absent members. As the Senator from Connecticut has suggested, if we had sent to the other committee where the Senator from Vermont [Mr. AUSTIN] was in attendance, we had no way of compelling him to come to our committee. No one tried to do that. It was recognized he was doing something which other Senators do continually. We all do it. Senators are members of many committees, though that does not apply to me so much, because long ago I gave up the idea of trying to see how many committees I could serve on. I found it was useless and futile. But some Members of the Senate are members of five or six or seven committees, perhaps, and it may happen that several of the committees meet on the same day, at the same hour. It is a common occurrence for a Senator to come into one committee and stay there awhile and then go to another committee in order that both committees may be kept going and not block the progress of legislation. We have done that. We did it in this case.

If it is to be said, Mr. President, that no committee of the Senate has the right to accept a member's vote under any circumstances unless he is physically present legislation in the Senate will be tied up, practically, and no one wants that to occur. It is proper to consider what a decision sustaining the point of order would mean. It would mean that two-thirds of the time we would have to be waiting, we could not proceed, when we would otherwise be doing business.

There is not a quorum present in the Senate at this time, but if we should pass a bill, would our action be nullified on that account, although I have made the statement of the lack of a quorum? The records of the Senate would not show that there was not a quorum present. The report of the officials of the Senate, when they sent the bill to the House, would state that the Senate had passed such and such a bill, and it would be assumed that a quorum was present.

Mr. DOXEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield. I had intended to yield to the Senator before, but I had forgotten that he had asked me to yield.

Mr. DOXEY. The Senator would not deny for a moment, however, that in our present situation in the Senate, if a point of order were made that a quorum was not present, the Chair would have to ascertain whether there was a quorum present?

Mr. NORRIS. Yes.

Mr. DOXEY. In the committee the point of order was made by me all along that there was not a quorum present, was it not?

Mr. NORRIS. Not all along. I am willing to say that the Senator's point of order was standing right out all the time, but he was not urging it every minute. The Senator himself participated in action on the amendments, for instance, when we changed the Pepper bill to make its meaning plain, when we struck out the whereases. We went along by unanimous consent, practically everyone agreeing. We all thought it improved the bill.

Mr. DOXEY. The Senator knows I voted on some of the amendments, and on some of them I did not. I said that while I was for striking out the pernicious political activity, that was the only one. But I am sure the Senator will say that I made a continuous point of order against every step.

Mr. NORRIS. I am not trying to raise the point that the Senator did not make the point of order. I do not do that.

Mr. DOXEY. Let me ask a further question. If a Senator were in some other part of the Capitol, or anywhere else, he would not be voted here on a question in the Senate, would he?

Mr. NORRIS. No; but that is a different thing from action in a committee. The Senate cannot take my vote if I am out in the corridor.

Mr. DOXEY. Can a committee do so unless there is some definite, positive rule permitting it to be done?

Mr. NORRIS. If a committee cannot do it, a rule would not help.

Mr. DOXEY. Certainly a rule would help.

Mr. NORRIS. If a committee cannot do it, they cannot make a rule that would permit them to count one who is out in the hall in order to make a quorum, or

permit him to vote, although they knew just how he would vote.

Mr. DOXEY. I did not know that point would be seriously contended. It was certainly not held by the Chair, because the question was not there, but there was a discussion to the effect that proxies could not be taken by telephone.

Mr. NORRIS. Oh, no.

Mr. DOXEY. The Senator will agree with me that never during the committee meeting that morning were more than nine members present.

Mr. NORRIS. I would not say that. That may be true, and probably is true, but members at that meeting, as in the case of every other meeting, were coming in and going out. The members came in at different times. Some of them went out. Some of them went out and came back.

Mr. DOXEY. Did any member of the committee come into that meeting who was not there when the final vote was taken?

Mr. NORRIS. I do not know that. If I am right about the Senator from Kentucky [Mr. CHANDLER], there was one, at least. If what I have stated about him happened some other day, I am not right about it.

Mr. DOXEY. We differ because, if the Senator will permit me, I make the statement that there never were more than nine present.

Mr. NORRIS. So far as I am concerned—so far as the legal question and the parliamentary questions involved are concerned—I do not care.

Mr. DOXEY. I merely want to keep the record straight. I want to say further that I can refer the Senator to the RECORD of Monday, when we had a discussion, and the senior Senator from Tennessee [Mr. MCKELLAR] was in the chair. I can refer to it, because it is a public record.

Mr. NORRIS. I heard the discussion.

Mr. DOXEY. Our distinguished chairman, the Senator from Indiana [Mr. VAN NUYS], said, as did the Senator from Texas [Mr. CONNALLY], that never were more than nine present at the committee meeting.

Mr. NORRIS. I have never disputed that.

Mr. DOXEY. I realize that, but I wanted to have it made definite.

Mr. NORRIS. The Senator wants me to state positively that something was the case when I do not know whether it was or not. That might have occurred one way or the other.

Mr. DOXEY. The Senator knows I would not ask him to do anything which I thought would embarrass him.

Mr. NORRIS. No; and nothing happened in this matter that the Senator may ask about that would embarrass me.

Mr. DOXEY. I thank the Senator for yielding to me. I merely wanted to keep the record straight.

Mr. NORRIS. I do not know that I have anything else to say on the point of order. It seems to me perfectly clear what the ruling should be. Probably the chairman of the Committee on the Judiciary will himself have something to say about it. When the chairman ruled on six being a quorum to consider a bill there was not any evidence that the committee had ever adopted that rule. The rule of the Senate permits of the adoption by the committee of such a rule. The chairman of the committee said that so far as he was able to determine the committee, from time immemorial, without a single exception, has always assumed that six members of the committee was a working quorum, and the chairman overruled the point of order.

Does the Senator from Mississippi want the Presiding Officer of the Senate or the Senate to pass on the ruling of the chairman of the committee in overruling the point of order? In making his ruling the chairman said—and I do not think there is any contradiction of his statement to be found—that the committee had proceeded by unanimous consent on that theory during all the time he had been chairman. He asked other members of the committee who were present, who had formerly been chairmen of the committee, if they know anything different? They said no. No one has ever found anything to the contrary. So for 50, or 60, or 75 years, that has been the rule of the committee, the rule under which it has acted and proceeded all this time, and the chairman assumed that the committee had a right to continue that procedure, and he made his ruling accordingly.

Mr. President, even if the chairman's ruling were wrong, it would not affect the legality of the report of the bill. It is admitted that the bill has behind it 13 out of a membership of 18 of the committee. No one contradicts that assertion. It is admitted. Whether the committee's procedure in ascertaining that total is in line with the individual opinion held by any Senator or of the Senate itself, is, I think, immaterial. The committee has always acted in that way.

All Senate committees act in that way. Legislation depends upon the legality of such action. We have always proceeded on that theory. I do not think the Senate of the United States has the constitutional right to say to one of its committees, "You shall not do business unless a physical quorum of your committee is present." I do not think the Senate can say to a committee, "You cannot count a member who is in another room. You cannot permit the continuance of a practice which has been in effect in all Senate committees ever since the foundation of the Government. You cannot do anything of that kind."

Mr. President, the Senate would not take such action. No one would advocate that sort of procedure in committee. Frequently a few members of a committee get together and discuss bills of various kinds. Many times all the members of a committee are not present, but those who are present know what the absentee members think about certain proposed legislation, and what they want to do, and the members present vote to report measures, and in doing so count absent members according to their position with respect to the measures.

Mr. President, in this case I understand nine members were physically present, and the remaining members of the committee were counted for or against the measure, based on their position with respect to it. That is a procedure of the committee which, no one will deny, has always been pursued. It seems to me there can be no question about the committee having the right to pursue such a course. Perhaps the Senate itself would not pursue such a course, but that is not the question. The question is, Had the committee the right to do what it did? If it had the right to do it then, simply because we do not like the rule of procedure which was followed should not make any difference now.

Mr. CONNALLY. Mr. President, I do not want to weary the Chair or the Chamber, but I desire to submit a few remarks, inasmuch as I am a member of the Committee on the Judiciary.

Now and then it is a good idea for Senators and Representatives to forget all the blacksmith-shop political talk and urgings from certain quarters and little groups of voters hid out in the brush and get back to what the Constitution provides.

Mr. President, the only warrant for the existence of this body is the Constitution of the United States. The Constitution provides that each body shall have a quorum——

Mr. MCNARY. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

Mr. CONNALLY. I yield for that purpose.

Mr. MCNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Davis	Murdock
Barkley	Doxey	Norris
Bilbo	George	Pepper
Brewster	Gillette	Rosier
Bridges	Green	Taft
Bulow	Hill	Thomas, Okla.
Bunker	La Follette	Tunnell
Burton	Langer	Vandenberg
Capper	Lucas	Van Nuys
Caraway	McNary	Wagner
Chavez	Maloney	White
Connally	Maybank	
Danaher	Mead	

The PRESIDING OFFICER. Thirty-seven Senators have answered to their names. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. JOHNSON of California, Mr. KILGORE, Mr. MCFARLAND, Mr. MILLIKIN, Mr. NYE, Mr. TRUMAN, Mr. TYDINGS, and Mr. WILEY answered to their names when called.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CONNALLY. I cannot hear the Senator.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The motion is not debatable.

Mr. CONNALLY. I move that the Senate adjourn until Monday next.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Kentucky [Mr. BARKLEY] that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the motion of the Senator from Kentucky carry with it the arrest of absent Senators?

The PRESIDING OFFICER. No. The motion was that the Sergeant at Arms be directed to request the attendance of absent Senators.

After a little delay, Mr. ANDREWS, Mr. GUFFEY, Mr. LEE, Mr. MCKELLAR, Mr. O'DANIEL, Mr. OVERTON, Mr. RUSSELL, Mr. SPENCER, Mr. TOBEY, Mr. WHEELER, and Mr. WILLIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present. The Senator from Texas is recognized.

Mr. CONNALLY. Mr. President, it is highly important that the Senate of the United States be regarded by the country as responsive in the business it transacts to the mandates and the clear commands of the Constitution of the United States. We are in a great struggle for the maintenance of representative government, constitutional in form. That is merely a prelude, Mr. President, to the statement that under the Constitution the House of Representatives and the Senate each are required for the transaction of business to have a quorum, and a quorum is stated in the Constitution to be a majority of those elected.

Why was the roll called here? Why was nearly a half hour of time consumed in that way? In order to get an actual quorum, not a quorum of men out on the ranches of Wyoming and other men down in the dining room. Why should they have their lunch interrupted? According to the Senator from Nebraska, they should continue to eat and merely send a little note to the floor saying, "Regard me as present and just put me down; I am present." The Constitution did not contemplate that kind of a Senate; it did not contemplate that kind of a House of Representatives; it did not contemplate that kind of a committee.

What are the facts in this case? I happen to be a member of the Judiciary Committee. I was present at all the transactions of the committee. I call the attention of the Chair to rule XXV of the Rules of the Senate to which reference was made by the Senator from Nebraska. I should like to read paragraph 3, which is the concluding paragraph of rule XXV. It is headed "Quorum of committees." I should like to have the RECORD show it. It reads:

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members which shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

In other words, if the committee, by some formal action, such as a resolution, wants to make a quorum less than a majority, it may do so, but in no case shall such quorum be less than six; and, furthermore, even when it is six, no report of a bill can be made unless by a majority vote for the bill.

Mr. President, this rule has not been obeyed in this case. Members of the committee who are present in the Chamber and who were present in the committee will bear me out when I state that at the very threshold of the discussion in committee the Senator from Texas asked the chairman of the committee, the Senator from Indiana [Mr. VAN NUYS], and asked the clerk if the committee had ever by resolution at any time in the past exercised the authority conferred by the rule I have read to fix the number for a quorum. The answer was that the committee had never exercised that power, except, later on in the discussion, it was said, "Oh, well, we have been in the custom of counting for a quorum those who could be recorded as voting."

But, Mr. President, that kind of proceedings was not in the face of a challenge of no quorum being present. Every other member of the committee will bear witness that the Senator from Mississippi [Mr. DOXEY] when this matter first came to the attention of the committee made a point that there was no quorum of the committee present, and that the committee had not exercised its privilege under the rule to fix less than a majority for a quorum.

The common parliamentary law that obtains in every legislative body of which I am aware is that no action can be taken except by a majority, which is a quorum. That is fundamental. If there is no quorum present, there is no committee present. The Senator from Connecticut asked, with a great show, "Was not the Senator from Vermont [Mr. AUSTIN] in the Capitol here and off in another committee?" That may be true; but legally, under the rules of the Senate, it does not make any difference whether the Senator from Vermont was in another committee room or whether he was on the western front in Europe. The point is that he was not present in the committee; he never was in the committee room; and the Senator from Vermont, if he had been there, would have voted against reporting this bill, for he signed the minority report.

Mr. President, I have before me the record of the committee. Some question was made about these transactions. The record shows that there were never at any time more than 9 members present; counting every member who came and went, only 9 members were ever present in the committee room. The committee membership consists of 18. It takes 10 to constitute a quorum.

Mr. President, here is what the record shows, if the Chair wants the record. I do not think there is any necessity for holding a court of inquiry and putting us all under oath, but I am prepared to take the oath, if it is necessary, because I have stated nothing and I shall state nothing that is not here in the record. Here are the minutes of the clerk:

82 S. 1280; 269 H. R. 1024: The poll-tax bills—

Mr. CONNALLY objected to the consideration of these bills on the ground that a quorum was not present; that the Senate rules required that a majority of the committee be present to report a bill; that only eight members were present. (Mr. KILGORE later came in, making nine.)

Later on he made nine.

Discussion. Senator CONNALLY stated that he did not wish to appear technical or unfair, withdrew his objection. Senator DOXEY then made the same objection to a consideration of these bills.

All these things happened, of course, before the bills were voted upon. I temporarily withdrew objection, but the Senator from Mississippi [Mr. DOXEY] made the point of no quorum.

The chairman overruled the objection, stating that the committee had for years functioned on a quorum basis of one-third of the membership, or six.

Mr. President, I wish to call attention to that part of rule XXV. The reference to one-third of the membership, or 6, is not affirmative; it is negative. There is no grant of power there; it says that a committee must not fix a quorum at any number less than 6, but that does not mean that automatically 6 is a quorum. The committee can only determine the number that constitutes a quorum, if it is less than a majority, by resolution of the committee. That has never been done, and the record is absolutely blank on that point. So, in that state of affairs, it takes 10 members to constitute a majority.

The chairman overruled the objection, stating that the committee had for years functioned upon a quorum basis of one-third of the membership or six (6). Mr. DOXEY stated that he would continue to urge his objection on the floor of the Senate when the bill came up.

Then the minutes proceed to state that Mr. NORRIS moved that all after the enacting clause be stricken out, and so on. The committee then went ahead with their little group and perfected the bill.

On the roll call on reporting the bill, the committee did permit absent members by proxy to indicate how they would

vote, if present; but that was not on the quorum, because the question of a quorum had already been raised; and the chairman had already overruled it; so that the presence of members by proxy could not reach the jurisdictional question at all.

Furthermore, Mr. President, whatever the customs of committees may have been they had to be by unanimous consent, but that does not legalize what was done. The point I make is that, in the face of a point of no quorum, the committee could not go ahead without a quorum. The Senator from Nebraska says that frequently we transact business in the Senate without a quorum. That may be true, but we do not transact business if a Senator rises and says "Mr. President, I suggest the absence of a quorum."

One Senator can hold the Senate at bay with a simple point of no quorum, and it was held at bay here a short time ago when the minority leader, the Senator from Oregon [Mr. McNARY], made the point of no quorum. He did not require any army to support his views; he did not require a battleship, with heavy armament, but he prevailed under the Constitution of the United States, it being a jurisdictional question going to the very heart of constitutional government, which requires that the Senate when it acts shall have a majority, and when it acts through its agents, the committees, they must have a majority, unless they observe the rule which has been authorized by the Senate. Being a jurisdictional question, the Constitution gives a single Senator with a sword in his hand the authority to arrest the action of all the other Senators who may be present, simply because a quorum is not present.

I regret that the Senator from Utah [Mr. MURDOCK] is not at present in the Chamber. I wanted to call upon him, as he was present throughout the proceedings, to confer and ratify everything the Senator from Texas has said about the number of Senators who were present in the committee, about the number who were not present, and about the invoking of the rule that no quorum was present, upon the plain facts and the law. I am authorized to state that the Senator from Utah agrees with the position which I submit, that the point of order is well taken. He was present during all the transactions.

Mr. President, it seems to me the issue is very clear and very simple. I plead with Senators that in their mad rush to cram this bill down the throats of unwilling but innocent victims, they at least observe the forms of the Constitution. In their haste and anxiety to gorge us, I ask them, please, to use a little constitutional ointment, or something of that nature, not to leave all the rough edges, not to violate the Constitution itself at the very inception, at the very threshold, of the discussion of this question. We seem to hear them say, "Constitution or no Constitution, we have made up our minds, we have mixed the potion." What is it the witches mix?

> Eye of newt and toe of frog,
> Wool of bat and tongue of dog,
> Adder's fork and blind-worm's sting,
> Lizard's leg and howlet's wing.

That is what has been mixed up.

Mr. President, I note that the Senator from Utah [Mr. MURDOCK] has returned to the Chamber, and I should like to ask him whether he heard my remarks about what happened in the committee as to there being only nine Members present physically at any time during the consideration of the anti-poll-tax bill, and that the point of no quorum was made all along, through all the proceedings, and the presence of a quorum challenged.

Mr. MURDOCK. I am very sorry that I did not hear the distinguished Senator's remarks, but there is no question in my mind that the Senator from Mississippi [Mr. DOXEY] made his point of order, and made it so emphatically and so frequently that it was constantly before the committee, of course, on every item of the procedure, everything that was done. I do not think there can be any question about that. Nor do I not think that anyone contends that there were more than nine Senators present.

Mr. CONNALLY. Let me ask the Senator whether he was present when I asked the chairman and the clerk whether the committee had ever by resolution adopted any rule providing that less than a majority should be a quorum.

Mr. MURDOCK. I recall that.

Mr. CONNALLY. Does the Senator recall that the answer was in the negative; that the committee had never taken such action?

Mr. MURDOCK. I think that the answer given the Senator was that no such resolution had been adopted.

Mr. O'DANIEL. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Texas yield to his colleague?

Mr. CONNALLY. I yield.

Mr. O'DANIEL. Let me ask my colleague whether, when the Senator from Mississippi [Mr. DOXEY] was raising the question that no quorum was present, the committee did not at that time have the right and the privilege to adopt a rule fixing the number of members who would constitute a quorum?

Mr. CONNALLY. No; it could not have done so, because it did not have a quorum. If it did not have a quorum to report this bill, it would not have had a quorum to adopt a rule or resolution.

Mr. O'DANIEL. No offer was made?

Mr. CONNALLY. No; no offer of that kind was made.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. OVERTON. It is an accepted maxim of law, is it not, that where there is a positive rule of law, any custom to the contrary does not detract from the force of the rule?

Mr. CONNALLY. Certainly.

Mr. OVERTON. As the Senator has very well pointed out——

Mr. CONNALLY. It is not possible to repeal a law by violating it repeatedly.

Mr. OVERTON. That is correct; that is better stated than I possibly could have stated it.

Mr. CONNALLY. I beg the Senator's pardon.

Mr. OVERTON. I was merely about to make the observation that there is no question that in the absence of any rule to the contrary a majority of any body is required in order to constitute a quorum.

Mr. CONNALLY. Certainly.

Mr. OVERTON. A majority of the Committee on the Judiciary was required in order to constitute a quorum, and the Judiciary Committee has never adopted any rule fixing a lesser number.

Mr. CONNALLY. That is correct.

Mr. OVERTON. It was authorized to do so, providing it did not fix a number less than one-third of its membership.

Mr. CONNALLY. That is correct.

Mr. OVERTON. It never exercised that authority.

Mr. CONNALLY. No.

Mr. OVERTON. Therefore, a majority, or 10 members, was required to constitute a quorum.

Mr. CONNALLY. That is correct.

Mr. OVERTON. If the committee on a number of previous occasions had met and transacted business without objection, and with the consent of the committee, either express or implied, that did not create a new rule of procedure.

Mr. CONNALLY. No.

Mr. OVERTON. The only way to create a new rule of procedure would have been to adopt a formal resolution fixing a number less than a majority.

Mr. CONNALLY. Exactly. It is fundamental, it is absolutely basic, that any body must act by a majority. If we are to let a minority rule, we do not need a quorum, of course, but so long as committees and congresses fundamentally must act by a majority, then a majority is required in order to do business. On the other hand, constitutional provisions and rules of the Senate are made to protect and shield minorities, in order that a minority may see that a majority does not do something in violation of constitutional guaranties.

Mr. McKELLAR. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. In view of what the Senator from Texas and other Senators have said in discussing this matter, it seems perfectly clear that there was not a majority of the Judiciary Committee at the meeting referred to and a protest was filed at the time by the Senator from Mississippi [Mr. DOXEY], and therefore the act of the committee was void. I wish to know why it is so necessary to uphold this supposed or void action of the committee. Why can the bill not be sent back to the committee, and the committee pass upon it when there is a majority present? There is a majority of Senators, and I have no doubt a majority of the Committee of the Judiciary, present in the city at

this time. Why can not the bill be sent back to the committee? Why is such a hullabaloo made about it at this late day in the session? How does it happen to come here at all? Why did its sponsors wait so long in the session? While we are in a war trying to protect our Constitution and ways of life, and our Government itself, while we are trying to protect the liberties of our people against a foreign foe, why should this horrible discord be brought into our deliberations when we are about ready to adjourn and go home? Why is it necessary to pass upon this matter of peculiarly local interest, if I may so call a national situation? Why at this late day is it brought here? How is it brought here? Who is it that brought it here?

Mr. President, the motion was made by the distinguished leader. I happen to be a member of the Steering Committee of the Senate, but I have never heard of any instructions being given to our leader to bring this violently controversial question before the Senate. Why has it been done? I should like to know from our leader why it is that there is brought forward this controversial question, applying to our own internal situation here, in this time of war, in this time of danger when all our energies should be devoted to winning the war; the greatest war that has ever been waged against our people? Why is it that at the last moment this burning brand is flung into our midst to stir up the Senate as it seems to be stirred up about a matter which could well go over? Why is it that we are asked to vote on it when a majority of the committee was not present, and, of course, the committee could not report a bill unless a majority was present, or unless they had a rule that less than a majority could do it? And they seem to have had no such rule. Those are the questions which arise in my mind.

Mr. President, it seems to me the Senate should recommit the bill to the committee and let them consider it and report it with a majority present. It should not be thrust upon us at this time. The truth is that we have been in session almost constantly for 2 or 3 years, and everyone is entitled to a little cessation. Why is it we have to be required to fight over a question such as this, which has been controversial throughout our history? Why should we be required at the very last moments of the session, when all the general business has been transacted, to thresh out this question again?

I thank the Senator for having yielded to me. It seems to me that the Senate should send the bill back to the committee, and let a majority of the committee pass upon it before the Senate is asked to pass upon it.

Mr. CONNALLY. I thank the Senator from Tennessee. I beg the Chair's pardon; I will try to conclude as briefly as possible.

Mr. President, of course, the Senator from Tennessee has put his finger right on the point, that the Senate ought not to consider any bill until it has had the consideration of a committee by a quorum of the committee. Of course, I regret that this measure should be brought in at this time. We have been living under the Constitution for 150 years. This is the first time, so far as I know, in those 150 years, when it has ever been claimed or asserted by anyone that the Federal Government possesses the constitutional powers asserted to be possessed in this bill which is dragged in here.

The election is over. It will be 2 years before another election comes around. Let me say to Senators that if they want this for an election bill they should postpone action on it until another election approaches. People will forget all about it between now and then. They will want to know, "What have you done for me lately?" Expectations of reward in the future are much more compelling than rewards which have already been enjoyed and satisfied, and when a hunger has already been aroused for another reward.

Mr. President, we have been living under the Constitution for 150 years. Speaking as a Democrat—and I claim to be a Democrat—let me say that the southern democracy, the southern Democrats, during the period when the old party has been weak and wobbly and could not get its breath, have gotten out the oxygen tent, and have kept the party alive, nurtured it, and looked after it, and, finally, when there seems to be a chance for success we raise campaign funds and send them to New York or Washington or somewhere else—I do not know where—I never see them after they come here. In 1936 the Democrats of my State, Texas, sent here to the National Democratic Committee $285,000, and the committee never spent 5 cents of it in my State. We sent that money to elect Democrats in the North and the national ticket.

After we in the South record our suffrage, the edict then goes out, "To hell with them. Bring them out. Where are those white so-and-so's from the South, those Democrats? Bring them out. We are going to ram these pineapples down their throats." [Laughter.] "We are going to humiliate them. We are going to punish them. We are going to tear the Democratic Party in two, if we can."

Mr. President, let me say, in conclusion, that Thaddeus Stevens, in the days of reconstruction—in the deepest wells of his hatred—or Charles Sumner, in the most intense moments of his bitterness and rancor, never proposed an outrage such as this which is now tendered to us by our own party and by our own leaders, who prefer a few little votes somewhere to the support of respectable southern Democrats, who have fought the party's battles in season and out of season, for which we are now receiving as our reward contempt and humiliation, because we happen to come from a section of the country in which we were born—in which our fathers were born—a section of the country which reaches back to the very foundations of the Revolution. Our ancestors shed their blood upon the battlefields of the Republic. They shed their blood side by side with the men from the North in the Revolutionary War. Southern men shed their blood side by side with northern men in the Spanish-American War, and in the World War, and are now shedding their blood on foreign battlefields.

Mr. President, we are Americans. We are Democrats. We have some rights. The Constitution is as much our possession as it is yours. We are entitled to be shielded by it, protected by it, as well as men from other sections of the land. There are no geographical questions in the Constitution. The Constitution does not say that below a certain line such and such is the law, and above that line something else is the law. We have as much rights as have any others to cling to the Constitution, and we have as much right to say that when the Senate of the United States acts it has got to act by a majority or a quorum; that when one of its committees acts it has got to act by a quorum, such as is either established by the rules of the committee, or the common law, or the rules of the Senate.

Mr. President, I hope the Chair will bear in mind the importance of this matter. The importance of the ruling will extend far beyond this particular question. If committees in this body can simply conduct a sort of a running debate on the sidewalk, or in their offices, or in the restaurant, and then have their messengers sent over to a committee and have the committee act, we are doing away with orderly, legal, constitutional, free government in this Republic.

I insist, Mr. President, that since the committee did not have a quorum at any time to consider the measure, and since the committee has not adopted a rule fixing less than a majority as a quorum, and the point of no quorum having been made in order and in time throughout all the proceedings, the bill is improperly before the Senate, and ought to be sent back to the Committee on the Judiciary for further action.

Mr. VAN NUYS. Mr. President, as chairman of the Committee on the Judiciary, I have little to add to the remarks I made 2 weeks ago Monday when the bill was reported to the Senate. There is no controversy over much that has been said here this afternoon. Why we should build up a straw man to tear it down when there is no controversy, is beyond my comprehension. There were never at any time more than nine members present in person in the committee when the bill was being considered, and there are many members of the Committee on the Judiciary present who will sustain me on that point. I hope that statement will settle that aspect of the question.

Mr. DOXEY. Mr. President, will the Senator yield to me for a question?

Mr. VAN NUYS. Yes.

Mr. DOXEY. May I ask the distinguished chairman, Was the junior Senator from Kentucky [Mr. CHANDLER] ever present in the committee at any time during the morning of October 26, at the time this bill was ordered to be reported?

Mr. VAN NUYS. The junior Senator from Kentucky was not present at any time on October 26. He was present the preceding Monday, and I remember distinctly he was sent for by a page a minute or two before 12 o'clock. He had been designated as Acting President pro tempore, and was asked to come to the Senate Chamber to open the session of the Senate. On that occasion, before he left, however, he said in the presence of the entire committee, or of those members present, that he was emphatically in favor of the passage and approval of this bill, and wanted to be so recorded, and was so recorded by proxy on the 26th of October.

Mr. DOXEY. That was 1 week prior to the filing of the report?

Mr. VAN NUYS. That is correct.

Mr. DOXEY. May I ask my chairman a further question?

Mr. VAN NUYS. Yes.

Mr. DOXEY. Is it not a fact that the Senator from Kentucky was not in town on October 26?

Mr. VAN NUYS. Of that fact I am not advised.

Mr. President, I have been a member of the Committee on the Judiciary for more than 10 years. The distinguished Senator from Nebraska [Mr. NORRIS] has been a member for many years, and has also been chairman of the committee. I say without fear of contradiction that during the last 10 years—and to the recollection of the Senator from Nebraska for many years prior thereto—there has never been any business transacted unless six members of the committee were present in person.

Mr. President, there is a distinction between counting absent members for a quorum and counting them in the total of the votes cast. I say without fear of contradiction that in the 2 years I have been chairman of the committee there has been no action of any kind or character ever taken by the committee unless six or more members were present in person.

I say also from 10 years' experience on the committee that it has been an invariable rule to count absent members "yea" or "nay" at their request. That was done on this occasion. Three of the negative votes on the bill were cast by proxy. Six were cast in favor of the bill by proxy. It is a significant fact that not one of the nine absent members has appeared here and challenged the vote. They had a right to be recorded. That has been an invariable rule and practice.

So far as I am concerned, Mr. President, I have no pride in the matter of this bill, but when it comes to the Committee on the Judiciary I do have a pride, because I think it is one of the outstanding, if not the outstanding major committee of the Congress, both of the House and the Senate, and when its integrity is attacked, it is a personal attack on me and every other member of the committee. I do not want the news to be broadcast that this great, distinguished committee has done anything unfair, underhanded, or illegal. I deny any such imputation, because in everything we did on the occasion in question, and everything we have done during the past 10 years or 20 years, according to the Senator from Nebraska [Mr. NORRIS] we followed all the rules and practices and precedents of the committee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. VAN NUYS. I yield.

Mr. McKELLAR. The Senator knows in what high regard I hold him, and how great my esteem for him is. I feel the same way toward the other members of his committee. His is a great committee. I do not think it is any reflection on the committee—it certainly is not intended by me to be a reflection on the committee—to state that when the bill was reported from the committee the committee consisted of 18 members; that only 9 members were present; and that the point of no quorum was made. Under those circumstances I ask the Senator whether it would be any particular hardship for him to call a meeting of the Judiciary Committee, when a majority of the committee can be present, and under those circumstances report the bill by a majority of the committee? I do not think it would be any reflection on the committee. It would demonstrate the desire of the committee to be absolutely correct beyond the shadow of a doubt. Knowing the members of the committee as I do, I believe that they feel the same way. It seems to me that it would leave a better taste in the mouth of everybody and put us all in a better humor if the committee were called together again to pass upon this matter with a majority of the committee present.

Mr. VAN NUYS. Mr. President, in answer to the able Senator from Tennessee, I wish to call his attention to the fact that the Senate Judiciary Committee and the House Judiciary Committee have labored over this question for many months. The subcommittee gave very careful consideration to the constitutional aspects of the bill. It held public hearings at which leading lawyers and constitutional students appeared and expressed their opinions.

Mr. DOXEY and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield and, if so, to whom?

Mr. VAN NUYS. I yield first to the Senator from Mississippi.

Mr. DOXEY. I am sure the distinguished Senator from Indiana knows that nothing that I said or intended to say, and nothing I have done, is in any way a reflection on any individual member of the committee or on the committee as a whole—certainly not on the chairman, whom we all hold in the very highest regard. I merely wished to ask him whether he had reference to anything I have said or done, or any act I have committed, which might in anywise cause me to think that I have done anything that was not my legitimate constitutional right.

Mr. VAN NUYS. In answer to the Senator from Mississippi, as I said on the floor of the Senate last Monday, he handled himself in a particularly dignified and parliamentary manner in the committee, as he has done on the floor of the Senate. Not a thing in the world could be inferred from his remarks as reflecting upon the integrity of the committee.

Mr. DOXEY. I deeply appreciate that statement by the Senator. He knows how highly I regard the committee and how proud and happy I am to be a member of it. As I explained when I first made my point of order in the committee, I do not intend to do anything except what I have a constitutional right to do. I appreciate what the chairman says. He knows of my affection, not only for him but also for the entire committee.

Mr. VAN NUYS. Speaking not only for myself but for the entire membership of the committee, we shall be very, very sorry to see the Senator leave us next January.

Mr. DOXEY. I shall be sorry to leave. The Senator overwhelms me.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. VAN NUYS. I yield.

Mr. PEPPER. I was not sure whether the able chairman of the Judiciary Committee stated, in his remarks in regard to a fair opportunity having been given to consider all aspects of this measure, that special opportunity was afforded the attorneys general and the Governors of certain States to be present and to testify before the committee. So far as I know, all who requested such privilege were accorded it. I am sure that several attorneys general and several Governors actually appeared before the subcommittee.

Mr. VAN NUYS. That is true.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. VAN NUYS. I yield.

Mr. LANGER. That was done after the hearings had been closed. They were reopened especially for that purpose.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. VAN NUYS. I yield.

Mr. OVERTON. Did their presence constitute a quorum of the committee?

Mr. LANGER. The hearings had been closed 2 weeks previously.

Mr. OVERTON. Were the Governors counted for a quorum?

Mr. LANGER. They were given an opportunity to be heard.

Mr. OVERTON. The mere fact that governors and attorneys general appeared before the committee has no bearing on whether or not a quorum of the committee was present when the bill was ordered to be reported.

Mr. LANGER. It has a bearing on the good faith of the committee.

Mr. OVERTON. I do not think it is a question of good faith. It is a question of the rule.

Mr. VAN NUYS. Mr. President, it has been said that it is necessary to have a majority of the committee present in order to constitute a quorum. Rule XXV, which has been quoted so often, reads as follows:

> But in no case shall a committee, under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership—

Coupled with that is the provision—

nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

If it were the intent of the Senate to require a majority of every committee to be present, what is the reason for the provision that only a third may constitute a quorum?

It is the position of the chairman of the committee that by practice—as the Senator from Nebraska [Mr. NORRIS] has said, since time immemorial—we fixed six as the number constituting a quorum in the committee. I admit that it would have been better to have a specific, written rule, properly adopted by the committee. That is true; but over years and years of practice we have followed the rule that six constitutes a quorum. I think the Parliamentarian will bear me out when I state, as an academic, elementary principle of parliamentary law, that a rule established by long practice is as binding as a written resolution properly adopted.

So the whole question, Mr. President, is whether the Judiciary Committee acted in perfect accordance with its rules, practices, and precedents. I say, without fear of contradiction from any Member of the Senate or any member of the committee, that it did. I hope the point of order will be overruled.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 7528) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, and it was signed by the Vice President.

ELIMINATION OF THE POLL TAX IN ELECTIONS OF FEDERAL OFFICERS

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Chair is ready to rule on the point of order raised by the Senator from Mississippi [Mr. DOXEY].

Mr. BARKLEY. Mr. President, did the Chair say he was ready to rule?

The PRESIDING OFFICER. Yes. However, he will be glad to hear from the Senator from Kentucky.

Mr. BARKLEY. I hesitate to take the time of the Senate and the Chair if the Chair is ready to rule.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator from Kentucky.

Mr. BARKLEY. I would not take further time were it not that I feel I ought to respond to the reproach which has been leveled at me by the Senator from Tennessee and the Senator from Texas.

It has been said that I have flung a firebrand into the Senate in the shape of the pending motion which I have made, at a time when the Senate is about to adjourn because it has no further business to transact. If the Senate is about to adjourn this session it is news to me. I have no information to that effect, nor have I heard any rumors which would justify me in holding out any hope that the Congress will adjourn before it expires by operation of law, either on the beginning of the new session or shortly previous thereto.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield.

Mr. McKELLAR. Only about 6 weeks remain before that date shall have arrived, and we shall certainly adjourn then.

Mr. BARKLEY. Yes.

Mr. McKELLAR. Unless, of course, we throw away the remnants of the Constitution which are still held to be in existence.

Mr. BARKLEY. Mr. President, we have been a nation for more than 150 years, and during that time the Constitution has been under constant discussion. I doubt if we can do very much to it in 6 weeks.

I believe everyone realizes that a man in the position which I happen to occupy has difficulty in appeasing and satisfying all elements in the Senate, or in the country. I have been in favor of the proposed legislation from the beginning, because I do not believe that it is in harmony or in consonance with our theory of democracy, under which we can tell a man to shoulder a gun, fight, and die for his country, to tell him that he cannot vote without paying a poll tax.

Mr. BILBO. Will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BILBO. If the statement which the Senator has made is true, upon what theory shall we induct 18-, 19-, and 20-year-old boys into military service?

Mr. BARKLEY. I will deal with that subject when it arises. Were those boys inducted and permitted to vote, I assume that even the Senator from Michigan [Mr. VANDENBERG] would not amend his resolution providing for an amendment to the Constitution so as to require 18- and 19-year-old boys to pay a poll tax before voting.

I do not want to enter into a discussion of the merits of the proposed legislation. I realize how controversial it is. I realize how easy it is to impinge upon what may be thought to be the rights of localities in regard to a situation of this kind. As I have said, I was in favor of the legislation from its inception.

When we had under consideration the measure permitting absentee voting on the part of our soldiers and sailors, which was later passed, and this bill was offered as an amendment thereto, I stated that I was in favor of the bill and that I would vote for it when it was reported to the Senate from the Committee on the Judiciary, but that I could not support the amendment because I believed it would delay enactment of the then pending legislation so long that very few soldiers would be permitted to vote under it. Whether I was wrong about that I do not know. I believe it to be true that comparatively few have voted. It is true that the injection of the amendment into the consideration of the absentee soldier voting bill delayed the bill in the House of Representatives for a number of weeks.

Be that as it may, when the question was brought up I announced my support of the bill, and I then expressed the hope that the Committee on the Judiciary would promptly report it to the Senate in order that the Senate might act upon it, the bill having been in committee for a year and a half without having been acted upon. I do not make that statement in any critical sense, but it is a fact that the bill was introduced by the Senator from Florida [Mr. PEPPER] some time in 1941—I do not recall the date, but I believe it was about 18 months ago—and that for a long time no action was taken by the committee. When the House of Representatives displayed enough interest in the bill to discharge one of its committees under a rule which it adopted, pass it by an overwhelming majority, and send it to the Senate some 2 or 3 months ago, I felt that it was entitled to the consideration of the Senate, and I urged the Senate committee to report it in order that it might have a chance to be acted upon by the Senate.

I am not a member of the Committee on the Judiciary; but I accept as true, of course, as we all do, the statement that there was not a numerical quorum present at the time when the committee voted to report the bill.

I did not call the steering committee, let me say to the Senator from Tennessee, in order to get their permission to make the motion. I never have called the steering committee together in order to get permission to make any motion. The steering committee is a partisan committee. It is made up of only Democrats. It is supposed to function in the steering of legislation in the Senate. I have not called a meeting of the steering committee to pass upon legislation since Pearl Harbor, because all the legislation we have enacted has been of a nonpartisan nature, and I have felt it unwise to put a partisan flavor upon any legislation by calling the steering committee to pass upon whether the legislation should come before the Senate. I have not in any instance called the steering committee in order to get legislation before the Senate. I did not do so in the present case, and I think I acted properly in not doing so.

It was not my original intention to make the motion. Usually I defer to the chairmen of committees who have charge of legislation here, although I recall that during the early days of the present administration, when my distinguished predecessor, Senator Robinson, occupied this seat, in most cases he himself moved for the consideration of various measures. However, I have always tried to defer to the chairmen of committees, if possible, in the matter of moving that the Senate proceed to consider certain measures; and when we met yesterday I supposed that would be the course to pursue. However, the Senator from Indiana [Mr. VAN NUYS], in view of the interest I had manifested in the measure and in view of the fact that I had urged him and the other members of the committee to get

the bill on the floor, the Senator from Nebraska [Mr. NORRIS], and the author of the bill, the Senator from Florida [Mr. PEPPER], who introduced the bill originally, all felt that I should make the motion, in view of my position here and because I had manifested some interest in the measure, and because I had publicly and privately manifested my support of it. I made the motion.

I made it because, as majority leader of the Senate, I felt it my duty to make it, and I still insist that in such a situation as this I do not need any instructions from the steering committee in order to justify me in making the motion. Someone had to make it. It had to be made. I thought that I might as well make it as anyone else. I was willing to make it, and I made it. It is now before the Senate.

Mr. President, it may be that if the House of Representatives had not acted upon the measure under the circumstances which I have indicated there might not have been as much urgency upon the Senate Committee on the Judiciary to report the bill; because if the Senate committee had reported its own bill and if it had passed here, it would then have had to go to the House and be acted upon there. However, everyone understands that this subject cannot be disposed of by defeating the pending bill at this session by any method whatever. We know that when the Congress meets in January, if the bill has not been disposed of by that time, it still will be on our doorstep, and in all likelihood if the Senate does not act promptly upon it the House of Representatives will do so, even if it has to resort to the discharge of a committee, as it did in this case. So we do not dispose of the question simply by saying that we should not act upon it now in the midst of war. I regret these controversial matters; I regret that I cannot agree with my friends, for whom I entertain an affectionate regard. I do not see why there should be any reason for anger in regard to the question simply because I happened to make a motion to proceed to the consideration of a bill which is on the calendar and which has been reported to the Senate.

Be that as it may, we all do our duty here as we see our duty to be; and in these hectic times we cannot hope that in the performance of our duty we can receive the approbation of all our colleagues.

Now, I desire to refer for just a moment to the point of order. I realize, Mr. President, that if the Chair believes that under no method whatever can a Senator vote in a committee unless he is physically and personally present, the Chair will have to sustain the point of order made by the Senator from Mississippi; but when the Chair so holds, if he does, it would mean that no chairman of a committee could, outside of a formal session, take a bill to the members of the committee and get their endorsement of it in their own handwriting, and legally report it to the Senate. We all know that frequently we hold committee meetings. The Constitution does not require that a committee shall meet in a room. The rules of the Senate do not so provide. A committee might meet on a park bench, as was done by Bernard Baruch. The members of a committee may meet at any place, although there is a rule, which I should like to have the Chair recall that—

> In no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

On the same theory that in the House of Representatives, although they have 435 Members, 100 Members constitute a quorum in the Committee of the Whole for the transaction of business; and I presume it is on the same theory that Senate committees are authorized by the rules of the Senate to name less than a majority as a quorum for the transaction of business, although no report can be made of a bill or resolution without a majority. In other words, in this case it would take 6 votes—6 being a majority of 10 which would be a numerical majority of the committee—to make a favorable report of a bill to the Senate.

Then the rule continues:

> Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

I am not certain whether the word "authorized" means that members must be sitting around a table in a room when a majority of a majority authorizes the report of a bill, or whether a member of the committee who may be a member of another committee, in session at the same time, may leave his vote with the chairman of the committee. That frequently happens with most of us; it does with me. I have frequently been in the Committee on Finance when the Committee on Banking and Currency was in session at the same time; I have gone by the Committee on Banking and Currency and have left my vote there and have explained how I wanted to vote, and then have gone to the Committee on Finance. Other Senators have done the same thing. Vice versa, I have done the same in respect to the Committee on Finance when there was a meeting of the committee to consider a matter upon which I wanted to vote. If I had to be at some other place, I have gone by the committee and have authorized the chairman to cast my vote in a certain way.

The committees are servants of the Senate. They are created in order to facilitate the business of the Senate, and all of them act with more or less informality, as we all know. I believe that a Senator, a member of a committee, who is necessarily and unavoidably detained elsewhere at the time when a meeting is in progress in a committee has the right to have his sentiments recorded on the roll call in the committee; and that is done day after day, year after year, in all the committees of the Senate.

If the Chair holds that that cannot be done, of course that means that the chairman of a committee cannot secure the authorization by his own signature, outside of a formal session, to the reporting of a bill. It means that all our practice and our custom, which I grant may be informal and may not be strictly parliamentary, cannot be followed. However, I do not believe that the strict rules of parliamentary construction, as we have proceeded in the Senate, make it necessary in all instances that a Senator be within the four walls of a room in order that he may give his consent to the reporting of a bill or express his dissent from the reporting of a bill. If that is to be the rule, of course we all realize that it would be more difficult for the Senate to transact business through its committees; for, in the very nature of things, Members of the Senate are members of many committees which frequently meet at the same time. I have had as many as three committees of which I have been a member meet at the same time.

Mr. CONNALLY. Mr. President, let me inquire whether the Senator was present at all three at the same time?

Mr. BARKLEY. No; I said I was not. I said I could be at only one place at one time.

Mr. CONNALLY. Exactly.

Mr. BARKLEY. But in the Senator's committee I have authorized my vote; and I have been called up by the Senator's committee and asked if I would be willing to be recorded in order to make a quorum. That may be irregular and illegal.

Mr. CONNALLY. No one was making a point of no quorum, however.

Mr. BARKLEY. I grant that.

Mr. CONNALLY. If any member of the committee had made the point of no quorum, the situation would have been different. It is analagous to pairs in the Senate. When a Senator pairs he simply indicates that if he were present he would vote "yea" or "nay," but he is not counted as present on the roll call.

Mr. BARKLEY. Of course, the Senator knows that all committees operate with a great deal less formality than does the Senate. I think it would be impossible for committees to function if they had to observe meticulously all the rules which are provided for the conduct of the business of the Senate itself.

Mr. DOXEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOXEY. I should like to make this observation: In the consideration of legislation which may come before the Senate, it is not uncommon, of course, to have three or more committees meeting at the same time, and at the same hour, and a Senator may be a member of all three committees. The Banking and Currency Committee and the Finance Committee and the Appropriations Committee, for instance, may be meeting at the same time, and it is impossible for a member of the three committees to attend them all. So he is permitted to have his vote recorded if he so instructs the chairman and there is no objection. That is a different set of facts from what we have in this case. There is no question here about anybody voting if a quorum had been present. But no quorum was present, no vote counted, and no business could be legally transacted.

Mr. BARKLEY. If the Senator's contention is correct, and if the Chair so

rules on the Senator's point of order, which is based upon the fact that at no single time in the committee that day was there more than a membership of nine, I could not have done in that case, if I had been a member of the Judiciary Committee, what I have just described as the custom of many of us in regard to committees of which we are members, because we would have to be physically present within the four walls of the committee; otherwise any member could make a point of no quorum, and if there was no quorum present, notwithstanding half a dozen members were in the same situation as I described a moment ago, no business could be transacted.

Mr. DOXEY. But the Senator has admitted that it has to be somewhere near the same day or the same time.

Mr. BARKLEY. I am not talking about my colleague the junior Senator from Kentucky.

Mr. DOXEY. I was not, either.

Mr. BARKLEY. I do not know when he was in the committee. It may have been a week before or a day before. I have no information about that, and I do not base my contention upon the fact that he stated at any time prior to the vote that he wanted to be recorded for the Pepper bill. I think he had a right to do that, and any other Senator would have a right to do it. I take it for granted that when the nine Senators who were absent on the day in question authorized the chairman or the leading opponent of the bill to cast their votes one way or the other their votes would be recorded. It seems that six absentee voters voted for the report and three voted against it; so there was no question made as to the right of those who were against the bill to have their votes recorded.

My point is that if the Senator's contention is correct that there must be always a majority in the committee room when a bill is voted on, it would preclude any member having his vote recorded unless he was there in person, because, if he can do it from the next room he might do it from the White House or some other place in Washington or outside Washington.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I think the Senator from Mississippi has the floor.

Mr. DOXEY. I am glad to yield.

Mr. GEORGE. I should like to make a suggestion. The pertinent point of this inquiry is the committee action, not the action of individual members of the committee. Whatever may be the practice—and we have all accommodated ourselves to the informal manner of transacting business in the Senate—the point of the inquiry here is, Did the committee take legal action? Unless a majority of the committee was present, it was never legally organized, it could not be legally organized, and, whatever individual Senators may have done thereafter or in the meantime, it seems to me is entirely aside from the real point of controversy. If a majority of the committee should meet and organize the committee, it would be perfectly proper for any committee member to register his vote through the chairman on request or by proxy unless there was a rule of the committee to the contrary.

After the organization of the committee, it would not necessarily be broken up because some individual members of the committee desired to absent themselves from the committee room after having registered their vote. But it seems to me—and I suggest this thought for the consideration of the majority leader—that before there can be any legal action upon a piece of legislation it must be committee action, notwithstanding the fact that a majority of the whole committee if they were polled informally would vote for it and had indicated their intention and their purpose to vote for it. That is peculiarly true, Mr. President, when any member makes a timely objection that the committee is not organized, that there has not been a quorum present in the room at the committee meeting at the time and place to which the committee was called.

It seems to me that, although there is an inconvenience about it, the only possible safe course for legislation is to determine this issue just as if it were any ordinary question in which nobody had any feeling at all, and to say very frankly if there were no legal organization of the committee there could be no committee action.

I do not know what are the rules of the committee; I grant that less than a full majority may be declared by the committee to constitute a quorum for the transaction of certain kinds of business; but when a member of the committee who is present insists that he has a right to have the committee present to pass upon an issue raised, it is a very dangerous precedent to say that the committee is organized with power to transact business when there is not, in fact, a quorum present in the committee room.

Mr. BARKLEY. So far as the organization of the committee is concerned, I presume the Senator from Georgia contemplates organization each time it meets. Of course, committees are not organized in the ordinary sense that parliamentary bodies are organized. The Senate organizes the committees; the Senate names the chairmen of the committees, and when they meet they are organized so far as the committees themselves are concerned. I do not adhere to the belief that when a committee meets members who are unavoidably detained from the committee may not themselves authorize the chairman of the committee or some member of the committee to count them as present for a quorum so that they may express their views upon legislation.

I realize that, as a rule no one objects to such procedure. It may be said that it is always done by unanimous consent. Yet I think if we adhere strictly to the doctrine that an absent member of a committee cannot by any method except his own personal attendance have a record of his vote on legislation, that we unnecessarily tie the hands of committees and their members.

Mr. GEORGE. Mr. President, I do not want the Senator to misunderstand me on that point. If the committee is legally organized, if it is there, then the committee may decide that an absent member may be counted as present or may have his vote cast or may have his vote recorded, but the whole point of this inquiry is, has there been action by the committee, not by individual members of the committee.

I beg the Senator's pardon for referring to his statement that the Senate organizes the committees. The Senate constitutes the committees, and the committees meet at the times and places of call. That is obliged to be true. Until a quorum of the committee has met, it is not legally organized.

Mr. BARKLEY. Of course, I do not want to delay the proceedings on a technical controversy and I shall desist in a moment. I return to my original statement that the committees are agents of the Senate through which the Senate transacts its business in regard to legislation. Of necessity the committees are agents of the Senate and servants of the Senate, and a member of a committee so assigned by the Senate is still a member of the committee, though he may not be in the room at the time the committee takes action. He does not cease to be a member of the committee because he does not happen to be present at a particular meeting. In order that the Senate may function, and in order that the committees may function, we have, from time immemorial, recognized the right of members of committees to be recorded on legislation whether for or against it. If that is all "haywire," if it should never have been done, and the Chair sustains the point of order, in all likelihood it will not be done any more, because committees would not take the chance even of reporting a bill here by a poll. I have taken a poll of members of committees and obtained the unanimous signatures on the back of a bill and reported it on the floor of the Senate, and other chairmen have done the same thing.

If the Senator from Mississippi is right about the rule, that was wholly illegal. The committee ought to have been called out into a room and voted formally although they had authorized the report of a majority as a majority when they gave their authority by signature on the bill and O. K.'d its report. I believe that action taken in that way is authorized by the committee as much as if they went into a room, sat down, and discussed for a week the bill involved and then voted to report it. If the contention of the Senator from Mississippi is correct, that could not be done, because they would have to meet in a room somewhere and have a majority of all the members present.

Mr. DOXEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOXEY. What the Senator says about meeting in a room is not my contention at all. My contention is that if an attempt were made to poll the committee and a quorum did not sign the bill, and someone was there objecting to the polling of the committee, or objecting to the action of those who did sign, and made a point of order, the point of order

would certainly have to be sustained, whether they were in the room, upstairs, or anywhere else.

Mr. BARKLEY. I agree that if I could not get a majority of the committee to report a bill, or agree to report it, by polling, of course it would be subject to a point of order; but I do not believe I could go out on the floor of the Senate and poll a committee legally, even though I got all the members to sign the report, and had their signatures on the bill, unless the same members could do the same thing with respect to another bill in another committee, although some of the other committee members were meeting in a room. If Senators can authorize me or any other Senator here on the floor to vote them to report a bill, by polling the committee, they certainly have the same right, it seems to me, to make their wishes known if they cannot attend a committee meeting, or authorize that they be voted in the committee.

Mr. DOXEY. The Senator is making quite a distinction between polling a committee for the purpose he indicates and having a committee meet in regular session and report a bill.

Mr. BARKLEY. The principle is the same. I think the Senator is bound to recognize that if a committee can take action only in formal meeting, where there is a quorum present, it applies just as much to the polling of a committee which is not in session as it would to absent members of a committee which is in session.

Mr. DOXEY. If the Senator undertakes to poll a committee and there is strenuous objection to it, and all the time objection is being interposed, would that procedure be followed?

Mr. GEORGE. Mr. President——

Mr. BARKLEY. Of course, if a sufficient number of the members of the committee objected to that method of report to indicate that it should not be done, certainly no chairman who had consideration for the members of his committee would insist upon it. I certainly would not.

I yield to the Senator from Georgia.

Mr. GEORGE. I was merely about to suggest that the polling of the committee is a matter done purely by consent. In my honest opinion, if a single member objected to reporting a bill and entering it on the calendar, although all but the one member had signed the bill informally, on the street, or in the offices, from time to time, I think that single member would have a right to make a point of order, and to have the point of order sustained, because by no stretch of the imagination, as I see it, can it be said that the act of individual members of a committee is the act of the committee, when the committee has not been legally organized by having a quorum present.

Mr. BARKLEY. I apologize to the Chair for taking this time.

The PRESIDING OFFICER. The Chair recognizes——

Mr. OVERTON. Is the Chair about to rule?

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. OVERTON. I think it would be well to have a quorum called, so that all the Members of the Senate who desire to hear the ruling of the Chair may be present.

Mr. BARKLEY. I might suggest to the Senator that we probably have more Members of the Senate present than we would have at the end of a quorum call. That was true as to the last call.

Mr. OVERTON. I suggest the absence of a quorum.

Mr. LEE. Will the Senator withhold that point until I can make a report?

Mr. OVERTON. I am willing to withhold it.

Mr. LEE. I wish to report a bill from the Committee on Military Affairs, and I ask unanimous consent to have a very brief statement of explanation printed in my remarks at this point in the RECORD.

The PRESIDING OFFICER. The report will be received and go to the calendar, without objection.

Mr. NORRIS. I wish to object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. NORRIS. If this is a filibuster, we might just as well start into it.

The PRESIDING OFFICER. Objection is heard.

Mr. NORRIS. I make the point of order that the call for a quorum is dilatory. No business has been transacted since the last quorum call.

Mr. LEE. Does the Senator from Nebraska understand that I merely wanted to report a bill?

The PRESIDING OFFICER. Objection is heard, and the Senator cannot report the bill, since reports are not in order at this time. The request could only be entertained and the report received by unanimous consent.

The Chair overrules the point of order made by the Senator from Nebraska, since a considerable period of time has elapsed since the last quorum call, and the precedents permit at least two or three quorum calls before a call can be held to be dilatory. So, if the Senator from Louisiana insists upon his point of no quorum, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Doxey	Millikin
Austin	George	Norris
Ball	Guffey	Overton
Barkley	Hill	Pepper
Bilbo	Kilgore	Taft
Brewster	La Follette	Tobey
Bulow	Langer	Truman
Bunker	Lee	Vandenberg
Burton	Lucas	Van Nuys
Carraway	McKellar	Wagner
Connally	McNary	Wheeler
Danaher	Maloney	Wiley
Davis	Mead	Willis

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. CAPPER, Mr. JOHNSON of California, Mr. MURDOCK, Mr. NYE, Mr. O'DANIEL, Mr. O'MAHONEY, and Mr. ROSIER answered to their names when called.

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum is not present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY].

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. CHAVEZ, Mr. GILLETTE, Mr. SPENCER, and Mr. MAYBANK entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present.

The Chair recognizes that there is a very controversial question at issue. It seems that the genesis of paragraph 3 of rule XXV should be taken into consideration. It was not proposed as a rule to decrease the necessary number of Senators present to transact business. A study of the debate at the time the rule was adopted very clearly indicates that the author of the resolution and a majority of the Senate desired to provide for a larger attendance in person of Senators, and to prevent what some Senators at the time felt was an abuse—namely, two or three Senators getting together, constituting themselves a quorum of the committee, and utilizing proxies.

Two precedents have been cited. They are the only ones which have been brought to the attention of the present occupant of the chair. They do not seem to be in point, since in those instances it was clearly developed that not even a majority of the committee was recorded on the measures under consideration. As the Chair understands, there is no contention that a majority of the committee was not recorded on the measure. In fact, the entire membership of the committee was recorded.

It seems to the present occupant of the chair that in this amendment to the rule a distinction was made between the presence in person of a quorum and the authorization to more than one-half of a majority to act upon a bill or resolution. It is clear that at least one-third of the entire membership of the committee was present at the time action on the instant bill was taken.

Therefore it seems to the present occupant of the chair that the only question involved is whether or not the committee, under this rule, has ever established a quorum constituting not less than one-third of its membership. There seems to be no record extant that the committee ever took such action. However, it is a proper procedure of parliamentary bodies to build up rulings and precedents by continued action and practice. As a matter of fact, the rules of the Senate are not understandable, as they are exercised and practiced, except as one studies the rulings, precedents, and practices.

Therefore the Chair holds that the point of order is not well taken.

Mr. CONNALLY. Mr. President, I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the

Chair stand as the judgment of the Senate?

Mr. BARKLEY. I ask for the yeas and nays.

Mr. CONNALLY. Just a moment. That motion is debatable, is it not?

The PRESIDING OFFICER. The motion is debatable.

Mr. BILBO. Mr. President, I wish first to invite the attention of the Chair, as well as that of my colleagues, who will vote some day on the pending motion, to the fact that there are two sessions of the Congress in one term of 2 years, and that the Senate and the House reorganize at the beginning of a new term by electing a Speaker of the House and a new leader in the Senate. Clerks, the Sergeant at Arms, and other officers of the Senate are elected for a term of 2 years, covering the two sessions of the term.

It is my belief that it is necessary for the Senate, in some affirmative way, to adopt the rules by which it shall transact business, for the reason that article I, section 5, of the Constitution provides as follows:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

The Constitution delegates to each House the right, power, and function of determining the rules of procedure under which it shall operate.

For example, after an election such as that which took place on the 3d of November last, we may have an entirely new personnel in the House. It is their business to meet, elect a Speaker, and other officers. They certainly would not be bound by any rules under which the previous personnel of the House had operated. For that reason the Constitution provides that each House shall have the power to fix its rules of procedure. The personnel of the coming Congress will be somewhat different, and it will have the right to establish the rules under which it wishes to operate.

The same thing is true of a new term of the Senate. Every 2 years we are supposed to have 32 new Members of the Senate. The founding fathers believed it wise to stagger the membership of the Senate by requiring that one-third of the membership be elected every 2 years.

Some new Members are elected every 2 years. I regret to say that several new faces will appear in the Senate on the 3d of next January, and that that will also be true in the other House.

Referring to the observations of our distinguished leader, who said that he did not feel obligated to call a steering committee together to tell him whether he should make a motion to take up this monstrosity—the bill we are pretending to discuss—it strikes me that the signs of the times might suggest to our distinguished leader that it is about time to have a steering committee; otherwise there may be too many new faces in the Senate. If we had had more steering committees in the past few months and had done a little more regulating, it is possible that fewer new faces would appear among us next January. However, Mr. President, that is a matter within the jurisdiction of the leader.

I do not consider the Senate to be a continuing body from the standpoint of its right and duty to adopt its rules every 2 years, at the beginning of a new term, if the rules under which we operate mean anything. With all due deference to our colleague who is in the chair, subsection 3 of rule XXV reads as follows:

> That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized—

Authorized to do what?

> authorized to fix, each for itself—

That is, each committee—

> the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee.

The chairman of the Judiciary Committee very frankly and positively announced to the Senate that there was no record in his committee of any affirmative action taken by the committee to avail itself of the privilege granted by the rules of the Senate. The Judiciary Committee is under the jurisdiction of the Senate, and it has no more right to say that six, seven, or eight members shall constitute a quorum to transact business than it has to say that one member shall constitute a quorum. If the Judiciary Committee wanted to avail itself of the consideration granted by the rule which I have just read, which is the law of the Senate, and under which the Judiciary Committee was operating, it was necessary for the committee to express a willingness to accept the authority granted to the committee by the Senate under rule XXV. To do so it would have to act openly and make a record of it. It would have to adopt an order, or take some affirmative action in order to avail itself of the privileges granted by the rule.

The rule goes on to say:

> But in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of the entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

It is conceded by all that a majority of the entire membership of the committee was not present. The way in which they undertook to operate—and I am sure that that was in the mind of the present occupant of the chair in making his ruling—was on the basis that by mere custom, mere habit, their rule would be binding. However, I am stating that the committee has no authority to take advantage of the grace that is granted by rule XXV in making less than a majority of the committee a quorum, unless it has taken affirmative action in that respect. It cannot do so on the basis of custom.

This body is reputed to be the greatest lawmaking body in the world. We make laws. It is not our duty to break laws. If we are making laws, certainly we should be willing to live up to the law; and the law of the Senate—not of the Constitution—is that any committee appointed by the Senate can avail itself of the privilege of having a lesser number constitute a quorum by taking affirmative action to show that they have and are operating under rule XXV, section 3.

To my mind, I think the ruling is entirely wrong. It is in violation of the facts; it is not just. Now the chairman of the Committee on the Judiciary will tell the world that under no circumstances would he count a proxy or any instrument in writing in order to make up a quorum of his committee. Like Amos and Andy, the members of the committee would have to be present in person at the committee meeting in order to be counted and to be considered in the making of a quorum. When the committee was in session, after due notice had been given, and when the whole committee knew that the committee was meeting on that occasion, and meeting to consider that particular measure, only nine members were present. They had no right to count anyone else. Being nine, there was not a majority—under all parliamentary rules—because they had failed to avail themselves of the privileges granted by section 3 of Senate rule XXV.

So the Committee on the Judiciary, as a committee, as a governmental entity, not having taken advantage of the rule, has not yet acted upon the bill.

I grant that the chairman of the committee in good faith had proxies covering the entire personnel of the committee; but that is not the question. We have never raised that question. The only point we are making is that not a majority of the Committee on the Judiciary was present when the action was taken which reported the bill to this body, and the committee had no right to report unless a majority was present to take affirmative action.

Although I have great deference and respect for the intellectuality of the Senator who occupied the chair and who made the ruling, I think the ruling is wrong; in this case I think the Chair has gone wrong, as all good men will sometimes go wrong. I think he has gone "haywire" in a very conspicuous way; because the facts as enunciated today by my colleague, the Senator from Mississippi [Mr. DOXEY], prove conclusively that not a quorum was present. A number less than an actual majority of the committee will not suffice in this case; because the records of the Committee on the Judiciary prove that at no time, under no circumstances, either orally or in writing, did the Committee on the Judiciary ever avail itself and fix by affirmative action of the committee a number less than a majority of the committee as a quorum to take action in the committee. Not having done that, can they come to us and say, "Oh, it is just a good old senatorial custom," and propose to palm that off on us? If we are the greatest law-making body in the world, certainly we should live up to the rules and regulations under which we operate.

Mr. President, I am very sorry to take issue with the Senator who occupied the

chair and who ruled on the question; but I have no hesitancy in saying that he was entirely wrong.

At this point I desire to call the attention of the Senate to some of the facts and issues involved in this controversy. Let me say to the Senators now present that if they have any business to transact in their offices, I hope they will feel at liberty to attend to it; because I propose to hold the floor until the Senate adjourns. I am not speaking to them especially; I am speaking for the RECORD and to the country.

I wonder if my colleagues have taken time to read in the hearings before the subcommittee of the Committee on the Judiciary of the Senate, Seventy-seventh Congress, second session, held on July 19, 1941, and March 12, 13, and 14, July 30, and September 22 and 23, 1942, on Senate bill 1280, a brief or memorandum filed by the Honorable Arthur G. Edwards, of Montclair, N. J. To my mind, Mr. Edwards covered the matter thoroughly; and he covered it in such an intellectual way, in such a classical way, and in such a forceful way that if any Senator will take time to read and to analyze the contents of the memorandum I believe he will be convinced that if those who are urging the passage of this unconstitutional bill would stop and think, they would change their course.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. OVERTON. Let me inquire whether the Senator is about to read from the committee hearings.

Mr. BILBO. I am about to read from the committee hearings on the anti-poll-tax bill.

Mr. OVERTON. From what page?

Mr. BILBO. From page 404.

Mr. OVERTON. I thank the Senator.

Mr. BILBO. The distinguished leader, the Senator from Kentucky [Mr. BARKLEY], says that he has been for this bill because he believes that everyone should have the right to vote, and that it is wrong—criminally wrong, grievously wrong—to call a man to fight for his country unless he is given the right to vote. The other day he was very anxious to call out the 18- and 19-year-old boys to sacrifice their lives for their country, and yet he is making no effort to make provision for them to vote.

Unless some other Member of the Senate does so, before we conclude the discussion I shall offer an amendment to extend to the 18-, 19-, and 20-year-old boys of the Nation the right to vote in all elections, in every election; because if they are wise enough and sufficiently developed in mind, spirit, and body to go forth and fight for their country, and are willing to give their lives for their country, and if we are willing to trust them at the front to defend the country and all that is precious and priceless in the American way of life, let us be gracious enough to follow the spirit that prompted the expression from our distinguished leader, and give them the right to vote. Unless some other Senator offers such an amendment, before we conclude the discussion I shall do so myself.

In his memorandum Mr. Edwards states:

I. The bearing of the United States Supreme Court's decisions on the problems presented by the bill, S. 1280, have been most ably discussed by many speakers, including notably Hon. HERRON PEARSON in the House on September 11, 1940. For that reason I will confine my discussion largely to a detailed consideration of the meaning to be ascribed to the word "qualifications" as used in the Constitution of the United States. It appears to me that the bill seeks to alter or restrict the accepted standard meaning of the word, and if this is so, it seeks to withdraw elements of this meaning which the word possessed when it was introduced into the Constitution in 1787 in article I, section 2:

"And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," and when in 1913 the seventeenth amendment was added for the popular election of Senators with identical wording. There is also included a brief view of two very crucial and very recent cases.

II. Just why this bill, S. 1280, comes up for consideration at this time following a long succession of cases thoroughly exploring and judicially defining its subject matter, extending from *Ex parte Yarbrough* (110 U. S. 663 (1883)); *Williams* v. *Mississippi* (170 U. S. 213 (1898)), and culminating in *Breedlove* v. *Suttles* (302 U. S. 283 (1937)), and *Pirtle* v. *Brown* (118 Fed. (2d) 218 (1941)) in the United States Court of Appeals and 62 Sup. Ct. Rep. 64), is difficult to discern except as we give credence to frank editorial comment: "Proponents of the anti-poll-tax bills feel, however, that the present members of the Supreme Court would probably take a different view." (Congressional Digest, December 1941, p. 305.)

I digress from the reading to make a passing observation. I have talked to a great many distinguished jurists and lawyers, practically all of whom agree that the Constitution of the United States absolutely prohibits and denies the right of Congress to have anything to say about the qualifications of the electors within the sovereign States.

It is passing strange to me that after the expiration of 150 years in the life of the Republic some "wise guy" has suddenly discovered that there rests squarely in the Congress the power of regulating the qualifications of voters in the various States. It took them an exceedingly long time to find it out. It is the first time that anyone has had the audacity to propose such legislation. The secret of it is that, in all the years which have gone by, no one was brave enough to introduce into the Congress a measure of this type or even dared to attempt to regulate the qualifications of voters of the sovereign States, because they knew that there was a Supreme Court in the land, and that, as the Court was then composed, such a law, if enacted, would not last 5 minutes. Today, however, when the proponents of the measure think the personnel of the Court is different from what it has been during 150 years, they entertain the hope that if this question is ever brought to final adjudication in the Supreme Court of the United States, as now composed, the Court will hold such a damnable and unconstitutional law to be constitutional. I think it is an insult to the personnel of the present Court, as now composed, to intimate they are the first Court in 150 years that would dare override the express provisions of the Constitution and declare such a law to be constitutional and in keeping with the constitutional provision.

That is the only reason why, after 150 years, this proposed legislation is now before the Congress. Someone has been led to believe that the Court, as now constituted, will declare such a law to be constitutional. At the same time they know it is not constitutional.

I am glad to note that some of the best talent on the Judiciary Committee oppose the pending measure. I do not say that all those who favor the proposed legislation are ignorant, but the men who have the reputation of being profound lawyers, noted for their broad learning and erudition, regardless of the section of the country in which they may live, have joined with those of the Senate who believe that this proposed legislation is unthinkable. I note with special interest the position in the committee taken by the Senator from Vermont [Mr. AUSTIN], who has the reputation of being one of the most intellectual Members of the Senate, who has one of the broadest preparations in the ways of the law and a wide understanding of the principles of jurisprudence.

This is not a sectional question. I notice that some of the radio announcers say that the Senators from the South are fighting this measure. That is a very unfair indictment. It is not the Senators from the South because we find men, such as the Senator from Vermont [Mr. AUSTIN] and the Senator from Wyoming [Mr. O'MAHONEY], who come from sections of the country far removed from the South, pursuing their convictions that legislation of this character is clearly unconstitutional. With them it is not a question of sectionalism; it is not a question of politics.

I think it is purely a question of observing and obeying the obligation they took when they were sworn into this body to uphold the Constitution, and they do not propose, for the sake of political gain or partisan feeling, to swallow this kind of legislation which has suddenly been thought up and brought before the Congress at this late hour, although we have been "doing business here at the same old stand" for 150 years. The advocates of the bill think there is now a Supreme Court that will go along with them.

III. The decisions in two recent cases deserve careful study and attention as giving a definite indication of the attitude of the present members of the Supreme Court on the principles involved: *U. S.* v. *Classic et al.* (313 U. S. 299 (1941)) and *Pirtle* v. *Brown* (62 Sup. Ct. Rep. 64 (1941)).

The Classic case is important in this connection for two reasons:

First. Because only three changes, the retirement of Mr. Chief Justice Hughes and the accession of Justices Byrnes and Jackson, have occurred since the case was decided. The then eight members of the Court were unanimous in holding that Congress had the power to regulate the manner of holding primary elections for Federal officers by preventing and punishing corruption, though three of the Justices held the terms of the particular law under consideration did not refer to primaries.

I notice that the sponsors of this proposed legislation have covered the whole

field of elections. They have amended the House bill so that it will cover not only primary elections but all other elections affecting Federal officers.

Second. Because it furnishes numerous clues as to how 7 of the present Justices regard the principles declared in Ex parte Yarbrough, supra, the leading case on "qualifications." It is highly significant that in this classic decision Mr. Justice Stone, now Chief Justice, cited or mentioned the Ex parte Yarbrough decision some 7 times, and that Mr. Justice Douglas in his dissenting opinion, concurred in by Justices Black and Murphy, cites or mentions the Yarbrough decision 4 times, and in none of these 11 references in all to Yarbrough, quoted approvingly, does there appear a scintilla of doubt that the principles of the Yarbrough decision still, in the minds of at least 7 of the present court, correctly portray the constitutional provisions relating to the qualifications of voters, and is still the authentic text and guide on this subject. I can see no reason for believing—or for anyone hoping—that the proposed redefinition or limitation by Congress of the word "qualifications" would carry weight, or give any ground for believing that the court would hold that Congress had any power to make it a crime for a local election official to obey the constitution and laws of his own State in determining qualifications for the electors of his State legislature.

Of course that refers to the constitutional provision relative to the qualifications of electors who are entitled to vote for the members of the most numerous branch of the State legislature.

IV. The Pirtle against Brown case, supra, was, we are advised, carried to the United States Court of Appeals with the intention of there testing again all features of constitutional protection of voters covered in other recent cases, as well as new angles to the problem, with the expressed hope that it would disclose grounds for court of appeals finding powers in the Constitution which would warrant it in reversing the previous stand of the supreme court.

As I read the decision, handed down in 1941, some 4 years after *Breedlove* v. *Suttles*, supra, the circuit court of appeals made a careful review of the question whether the Tennessee Constitution did indeed deprive any citizen of suffrage rights guaranteed by the United States Constitution and again decided that not any of the provisions of the State constitution mentioned in the arguments did so deprive a citizen.

James G. Morrison, professor of constitutional law, Tulane University, in a pamphlet, The Poll Tax, published by the Southern Conference for Human Welfare, says at p. 14:

"The basic theory underlying the Pirtle case is that a right and privilege arising out of the Constitution of the United States is not subject to State taxation in any form. This doctrine of immunity from taxation is founded upon the essential nature of sovereignty."

This was obviously written before the three judges of the Circuit Court of Appeals for the Sixth Circuit unanimously rejected this new theory in the decision above, saying:

"The Tennessee statutes and constitutional provisions requiring the payment of an annual poll tax for school purposes as a condition precedent to the right to vote do not as respects right of electors to vote at an election to fill a vacancy in the House of Representatives deprive elector of any privilege or immunity protected by the Federal Constitution."

Note the use of "condition precedent" as a synonym for "qualifications," one of the meanings emphasized hereafter.

On October 13, 1941, the United States Supreme Court denied the petition for writ of certiorari in this case at 62 Supreme Court Reports 64. The only notation therewith says Justice Jackson took no part (presumably on account of his late qualification). The legal effect of this disposition of the case, I understand, is equivalent to saying that eight members of the Supreme Court were satisfied that the case was properly disposed of by the circuit court of appeals.

V. S. 1280 seeks an objective beyond the powers of Congress to enact. Congress has no power to subtract elements from the meaning of commonly used words in the American vocabulary—and in particular from "qualifications." For Congress to attempt to enact "that a poll tax be paid as a prerequisite to voting—is not and shall not be deemed a qualification of voters or electors—within the meaning of section 2 of article I of the Constitution" is for Congress to deny to the word "qualifications" meaning which it possessed as a part of the "vocabulary of the people which adopted it":

(A) When used in the Federal Constitution when adopted in 1787–89 and when amended in 1913.

The alarming thing about the contention of the sponsors of the proposed legislation is, as a matter of fact, that the only peg they have on which to hang their hats, for which anyone on earth who knows anything about law would have any respect, is the guaranty of the Constitution that the United States, as a central controlling superpower over the States, shall see to it that the States are guaranteed a republican form of government.

When the Constitution was adopted, in 1787, and the founding fathers provided that the qualifications of electors in the various States to vote for Members of Congress should be those of the electors voting for the personnel of the most numerous branch of the State legislature, every member of the Constitutional Convention knew that practically all the Thirteen Original Colonies at that time, as States, had property qualifications for voters, not the poll tax alone, but in many of the Thirteen Original States it was provided that before a man could exercise the right of franchise he had to possess so much money, or had to own so many acres of land, or had to own property of a certain value. All these qualifications were in force at the time the Constitution makers said that the qualifications of a man to vote for a Member of the United States Congress—what he should have and must have—would be the same qualifications as those of a man who was voting for a member of the legislatures in the respective States. I repeat, the only peg on which the sponsors of this legislation can hang their argument that is worthy of consideration is that the people in the States where the poll tax is imposed are being denied a republican form of government. That is the only ground that is worthy of consideration.

Is it not passing strange that for 150 years, beginning with the first year of the constitutional Government in 1787, or in 1789, when the machinery really became organized, various and sundry States have had property qualifications? Some have had the poll tax, some have had this, and some have had the other. No one has ever raised a question, or announced to the world that the people in these States, or the States themselves, were being denied a republican form of government. It took 150 years to discover that. It was not until after the lapse of 150 years that the Senator from Florida and the distinguished majority leader discovered that the people in 8 States were being denied a republican form of government, while during the 150 years the other 40 States had qualifications for their electors similar to those now obtaining in the 8 States. The people in these States, it is said, have been denied for 150 years a republican form of government, and now we find distinguished gentlemen weeping on the shoulders of a few colored brothers—Socialists, anarchists, some of them, as will be seen by reference to some of the folks who testified before the House committee. It was a motley crowd, to say the least. It is thought that the Supreme Court will go along with the legislation in violation of the Constitution. Mr. President, I do not hesitate to say that any man who knows anything about law and about the Constitution has to stretch his conscience a mile or so to support a measure of this kind, because he should know that it is in violation of the Constitution.

I now resume the reading:

(B) When used by various States in their State constitutions during the past century prior to its usage again in the XVII amendment added in 1913.

That was when we took away from the legislatures the power to elect Senators and put it in the hands of the people.

(C) When defined in Webster's and Century dictionaries;

(D) When defined by the United States Supreme Court in the Yarbrough and Breedlove cases cited above.

Congress might as well aspire to legislate that black is white, as to say that the conditions precedent or elements considered essential by various States for qualification for the right to vote shall hereafter cease to be necessary because of congressional redefinition of the word, and thereby deprive States of their reserved power to say what conditions precedent they consider essential as qualifications for electors for their own "most numerous branch of the State legislature," or to appoint Presidential electors "in such manner as the legislature may direct," discussed later at No. XX herein, or handicap the States' power to raise revenue for educational and other State purposes by forbidding the levy of a type of tax of long standing.

In my State the poll tax money goes into the various county treasuries, to be expended for the education of both blacks and whites.

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER (Mr. BUNKER in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. BILBO. I am delighted to yield.

Mr. OVERTON. I am taking the liberty of interrupting the very able presentation being made by the Senator from Mississippi on the point to which he has just been referring. It is contended by the proponents of the bill that it is unconstitutional for any State to prescribe as a prerequisite to voting, in any election in which a national officer is to be elected, the prepayment of a poll tax, and that therefore the Congress of the United States has ample authority to enact legislation of the character proposed.

Mr. BILBO. Of course the Senator understands that it took them 150 years to find out they had the power.

Mr. OVERTON. There can be no question about that. In that connection, of course, our predecessors in this body, and the predecessors of the sponsors of the proposal in the other House, whenever they desired to add a qualification or to withdraw a qualification, and especially to add a qualification, proceeded in the constitutional way. They proceeded to amend the Constitution of the United States; that is, both Houses, by a two-thirds vote, adopted a joint resolution proposing an amendment to the Constitution of the United States, for instance, to permit the Negro to vote; that is, that there could be no discrimination on account of race, color, or previous condition of servitude. Also, when they desired to permit the women of our country to vote it never occurred to the Congress to undertake legislatively to decree that the women of the land should be permitted to vote, appealing as that would be—much more appealing than the subject matter of the proposal now before the Senate. Therefore the Congress of the United States by a two-thirds vote finally adopted a joint resolution proposing a constitutional amendment, which was duly ratified. It is not because of any enactment by the Congress of the United States, but because the Constitution of the United States was amended, that today women are permitted to vote.

Mr. President, to recur to the subject matter in which I was interested, to which the passage from which the Senator just quoted referred, it is the contention of the proponents of the bill that Congress has the authority to prohibit any State from requiring the prepayment of a poll tax as a qualification to vote, because the prepayment of a poll tax is unconstitutional. That is the argument made by the proponents of the bill. If the requirement that there should be the prepayment of a poll tax as a prerequisite to voting is unconstitutional, is it a legislative question? Is it not a judicial question? If it is unconstitutional, the courts are open to pass upon that question. Why does Congress have to pass an act declaring that any action taken by the States is unconstitutional, when we have courts established in the land, from inferior courts on up to the Supreme Court of the United States, to determine whether or not any act of the Congress, any act of the legislature of any State, is repugnant to the organic law of the Federal Government?

So I take it that anyone who is deprived of the right to vote because he had not previously paid a poll tax, or any other tax, could go into court and say, "I have been deprived unconstitutionally, by the legislative enactment of my State, of the privilege of casting my ballot, and the act of the legislature which deprives me of that privilege is repugnant to the Constitution of the United States, and, therefore, I ask relief."

The courts are open to the granting of such relief. They are as much open to it as they would be if we were to pass 10,000 bills upon the same subject matter. It is not a legislative question at all. When the proponents of the proposed legislation bottomed their case on the theory that the restrictions imposed by the different States as to qualifications of electors violate the Constitution of the United States, then they removed the question from this legislative body, because they immediately conceded it to be a judicial case, and one to be determined by the courts of the land.

Therefore I ask the able Senator from Mississippi, who has given a great deal of thought and study to this question, whether he agrees with me in the statement, that if the proponents of the proposed legislation are right in their contention, the courts are then open to pass upon the question whether these qualifications prescribed by the different States are constitutional or are unconstitutional. Does the able Senator agree with me in that statement?

Mr. BILBO. I thoroughly agree with the conclusion reached by the distinguished Senator from Louisiana. His argument is unanswerable, because the sponsors of the bill are saying to the world, and, I repeat, it is the only ground upon which they can argue for their bill, that the people of these 8 States—formerly 48—now are being denied something which belongs to them under the Constitution; that they are denied the right of a republican form of government in violation of the Constitution. As my distinguished colleague said, if that be true, then those who are aggrieved have a case which they can carry to the courts, rather than to come to the Congress and ask the personnel of the Congress to violate their oaths by voting for such a monstrosity as this Pepper bill.

Mr. OVERTON. Mr. President, if that be true, of what benefit would any legislative declaration made by the Congress be upon the question? Would such a declaration be at all controlling upon the courts? Would the courts then sit down and undertake to ascertain what the purpose of the Congress was in passing such legislation, or would they not take up the question to determine whether or not the State's qualification—in this particular instance the prepayment of a poll tax—is a constitutional qualification? Would not the courts take the Constitution and determine the question solely upon the provision of the Federal Constitution, and not upon any legislative enactment we might undertake?

Mr. BILBO. Yes; most assuredly.

Mr. OVERTON. Then why consider this bill? Why is the bill before the Congress? I am sure the able Senator from Mississippi is probably not in a position to answer that question. It really ought to be answered by the proponents of the bill. If any proponent of the bill should rise to his feet during the course of the debate and undertake to speak in favor of the bill, I shall certainly propound to him the question I have raised, because I think it is a serious question; I think it is a sound question; I think it is a question which goes to the very root of the matter, and I think we ought to be afforded some explanation of the reason why the bill is being offered.

I thank the Senator from Mississippi for yielding to me.

Mr. BILBO. I want to thank the Senator from Louisiana for his pertinent and timely inquiry and observation in connection with what I was saying about the bill.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BUNKER in the chair). The Senator will state it.

Mr. NORRIS. Who has the floor, the Senator from Louisiana [Mr. OVERTON] or the Senator from Mississippi [Mr. BILBO]?

Mr. BILBO. Mr. President, I have the floor.

Mr. NORRIS. If the Senator from Mississippi has the floor I should like to call his attention to the fact that in my judgment he has lost the floor, and he is now engaged in making his second speech in one day on the same question.

Mr. BILBO. To whom is the Senator from Nebraska talking? I am still making my first speech today.

Mr. NORRIS. No, the Senator from Mississippi lost the floor when he permitted the Senator from Louisiana in his time to make a half-hour speech.

Mr. BILBO. I yielded to the Senator from Louisiana.

Mr. NORRIS. I understand, but the Senator from Mississippi cannot yield to another Senator to make a speech in his time.

Mr. BILBO. The Senator from Mississippi can yield to the Senator from Louisiana to ask a question, the same as the Senator from Mississippi is now yielding to let the Senator from Nebraska explode at this time.

Mr. NORRIS. If the Senator were to undertake to read the whole Bible he could not yield to other Senators to let them read from the Bible, and thus have the reading go on from one Senator to another. I submit that the Senator from Mississippi lost the floor to the Senator from Louisiana, and that the Senator from Mississippi is now making his second speech today on the subject.

Mr. BILBO. If the Senator from Nebraska is going to be supertechnical about the matter I shall have to decline to yield to the Senator in order to keep the floor. I try to be courteous and to yield when a Senator asks me to yield, and will do so, unless I should lose the floor by yielding.

Mr. President, I thank the Senator from Louisiana [Mr. OVERTON] for his statement. He said that perhaps a mistake was made when we submitted to the States the constitutional amendment to permit the women of the Nation to vote; that perhaps that objective should have been reached by legislation; that perhaps it was not necessary to amend the Constitution in order to accomplish that purpose. I am sure that if the Congress has the power to reach over into the sovereign States and tell the States that they cannot impose certain qualifications, and among them even property qualifications, or a poll-tax qualification, as a prerequisite for voting, then the Congress would certainly have had the right to reach over and tell the States of the Union that they were denying the right of human beings to participate in

the Government of this country simply because they were females. The tedious and long-drawn-out process of amending the Constitution in order to give suffrage to women was simply a waste of time. But the Senator from Louisiana forgets that that took place in the days when the people were not so informed as they are at the present time. That was not in the days of the PEPPERS and the BARKLEYS who know how to reach the result in a more direct way, through an act of Congress, in the hope that the court will sustain them in their attempted rape of the Constitution.

I continue to read from page 404 of the hearings:

VI. I will further develop these points (A) to (D) specified in the preceding section V:

(A) As to meaning and usage in 1787 no sounder source can be cited than Sir William Blackstone whose classic Commentaries were published in 1765–69 and already authority in America, from which I quote:

"The true reason of requiring any qualification with regard to property in voters is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own" (Commentaries I, ii).

Ownership of property and use of part of that property toward the sustaining of the Government by payment of taxes are both in the same category.

The poll tax is of ancient origin. In this country the tax, says Mr. Barry Bingham, "was clapped on the American colonists by their English masters in the days before our own Revolution."

A poll tax, in the origin of the name, is a tax on the poll or head and not upon the privilege of voting at the polls, and has no relation whatever to that kind of poll. Webster defines: "Poll tax, a tax levied by the poll or head; a capitation tax." It is the identical tax which Congress by article I, section 9, clause 4, is permitted to levy; a "capitation tax" when properly apportioned among the States. Aliens, in Georgia, who are not permitted to vote, are nevertheless assessed the poll tax.

Mr. President, I wish to take occasion to announce my position about the poll tax. I have no more patience with the imposition of a poll tax than possibly the sponsors of this bill have. For 4 or 5 years I have been fighting and urging the people of my State to repeal the poll tax as a prerequisite to participation in the party primaries of the State, which could be done by an act of the legislature. The poll tax is a prerequisite to voting under section 241 of the constitution of my State; but from time to time I have urged the legislature to do away with the payment of a poll tax as a prerequisite to voting in the party primaries. However, I am sorry to say that the people of my State have not seen fit to do so.

Many persons think that by repealing the poll tax we are paving the way for the Negro to vote. If one reads the hearings, he will find that the whole "racket" is about the poor Negro. The proponents of this measure wish to provide a way for him to vote. The bill would be worth as much to the poor white people of my State as to the Negroes. In fact, it would enfranchise about 200,000 white persons in my State.

Only last week I received a letter from one of the professors of the Alcorn Agricultural and Mechanical College, of my State, which is a Negro college. I happen to know the Negro who wrote the letter. He is a very fine Negro, highly educated, and an excellent scholar. Before I finish my speech I shall introduce into the RECORD the letter which he wrote to me. In the letter he very strongly urges the enactment of any legislation which would give the Negro the right to vote; but he is just as strong against this bill, because he knows that under the Constitution it is not the way to secure the right of franchise to the class of people in whose behalf the sponsors claim they are urging the proposed legislation.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. OVERTON. Does the Senator happen to know that in the State of Louisiana the poll tax was imposed as a prerequisite to voting, and that a number of years ago the State of Louisiana, by proper enactment, abolished that qualification for voting in the State of Louisiana, but that the State of Louisiana did not come to Congress for relief? It proceeded in the constitutional way. The State took its own action, and by State enactment abolished the poll tax as a prerequisite to voting.

Mr. BILBO. I was so advised at the time Louisiana abolished the poll tax as a prerequisite to voting.

Mr. OVERTON. May I ask the Senator a further question?

Mr. BILBO. I yield.

Mr. OVERTON. Under the law of Louisiana today there is no requirement for the prepayment of a poll tax in order to vote.

Mr. BILBO. That is true.

Mr. OVERTON. Does the Senator know that when that question came up the Louisiana Legislature did not memorialize Congress to enact any law on the subject, but proceeded to set in motion the machinery for a constitutional amendment modifying our own law?

Mr. BILBO. Absolutely. In connection with what the Senator has said about the poll tax, the abolition of the poll tax in Louisiana had no effect whatsoever upon the question of the Negro voting in Louisiana. It made no change.

Mr. OVERTON. Negroes do not vote in Louisiana, except to a very limited extent.

Mr. BILBO. The sponsors of the proposed legislation need not deny the fact—because the printed hearings which have been placed upon the desks of Senators prove it conclusively—that the whole fight is an effort to qualify Negroes of the eight poll-tax States to vote in elections. That is the crowd which is sponsoring the proposed legislation, as is attested by many witnesses who appeared before the Senate committee.

Perry Howard, a distinguished Negro from my State, who practices law in the city of Washington, appeared before the committee. He is the Republican national committeeman from my State. Howard was frank enough to tell the committee that, so far as helping the Negro to vote in Mississippi is concerned, the proposed legislation, which seems to be gnawing at the heartstrings of some of the politicians, would have no effect, and would do the Negro no good. It would not give him the right to vote.

As a matter of fact, there is nothing in the Constitution of the State of Mississippi which prohibits a Negro from voting. The proposed legislation would have no effect upon the race question in Mississippi so far as the Negro voting is concerned. If the sponsors of the proposed legislation should succeed in having it passed—and they may succeed next year—no more Negroes would vote than now vote.

The Constitution and laws of Mississippi provide that if anyone pays his poll tax on time for 2 years, and is registered, he may vote. There is nothing in the Constitution or the laws of Mississippi which prevents the Negro from voting. In fact, several thousand Negroes vote in that State. Yet, we hear all this crying and weeping about the poor Negro whom it is proposed to turn loose to vote, who is being denied his rights, and who should not go to war and fight because he is denied the right to vote. He is not denied the right to vote any more than are 200,000 white people in my State. A similar situation prevails in the other States which have a poll-tax law.

Personally and officially, I resent the implications of the pending bill. Forty-eight States make up the Union, and in the past practically every one of them has had as a prerequisite qualification the ownership of property, citizenship, and so forth.

By their efforts and their counsel during the past 150 years, the voters of those States repealed or changed this qualification and that qualification of the voter. The qualifications of voters in the various States differ. But when 8 States see fit, in the management of their sovereign business, to retain the poll tax as a prerequisite, the remaining 40 States get together and propose by force to make us do what they have been doing and what required some of them 150 years to do. In other words, the other States want us to do as they have done. They seem to have the attitude that they are somewhat better informed than States which require this prerequisite to voting. I say frankly to those States that we have not disturbed them during the past 150 years in the way in which they have conducted their business and qualified their electors, and that they have no business to interfere with us. It is none of their business, and I propose to fight this proposal to the finish.

I dislike to take up the time of the Senate. Some Members who have sponsored the bill have talked about unity and cooperation. They tell us that we must not disturb anything—that we must all pull for the winning of the war—yet we have had thrust upon us a proposal which would do more to disorganize the country—especially a part of the country—than anything which has been brought before the Congress in a quarter of a century.

I say very frankly to the sponsors of the proposed legislation that by trying to force this damnable piece of legislation

upon the eight States of the South which still have the qualification under discussion as a prerequisite they are administering the coup de grâce to the Democratic Party. I think it is very fitting that the leader, who made the motion to take up the bill, should administer the coup de grâce to the party which he leads.

I read further from the statement in the hearings before the subcommittee.

The Constitutional Convention of 1787 was aware of the abridgment of the right to vote in certain States because of failure to pay taxes as well as of other numerous abridgments mentioned hereafter.

That is what I have been contending all along. When the founding fathers provided that the qualifications of electors to vote for a Member of the House of Representatives should be the same as those of electors for the most numerous branch of the State legislature, they knew that practically every one of the 13 States had certain prerequisite qualifications before their citizens could exercise the right of franchise. Some had one qualification and some had another. Some of the States went so far as to require that the voter be the owner of a certain number of acres of land; other States required the voter to live in the State and precinct for a certain length of time. We have similar qualifications in the State of Mississippi. However, the sponsors of the proposed legislation are so grievously affected by the conditions which they find among their brethren in some of their sister States that they propose to cram this legislation down the throats of certain States when the same conditions prevailed for 150 years in other States before they were changed. If these 8 States are left alone, they will work out their own salvation. They all have a republican form of government; and they do not require an age of PEPPERS and others to find out what a republican form of government is.

I quote further from the statement in the hearings:

Nevertheless the Constitution they agreed upon provided, without exception, that the definition of the qualifications of electors was a matter for the States themselves, with their wide divergence in practice, to fix and determine. Their determinations were to be final so far as qualifications for electors for representatives were concerned.

"Words and terms are to be taken in the sense in which they were used and understood at common law and at the time the Constitution and amendments were adopted," with citations. (The Constitution of the United States of America (annotated), 68th Cong., S. Doc. No. 154; ch. on Rules of Construction, p. 45.)

Time does not detract or subtract legally from the original meaning content of the words of the Constitution—though the progress of time may expand meaning, as witness "commerce among the States." Qualifications as they existed and were understood in 1787 and 1913 are still qualifications in 1942, if the constitutions and laws of the States affected still so ordain. No pertinent change has been made in the Federal Constitution since either of these dates.

VII. (B) Prior to 1913, the Tennessee Constitution, quoted in *Pirtle* v. *Brown*, supra, provided:

"There shall be no qualification attached to the right of suffrage, except shall give satisfactory evidence if he has paid the poll tax assessed."

The Tennessee poll tax is a tax for school purposes, as is the Georgia tax involved in the Breedlove case. Other States used the word "qualification" in the same sense.

"Nine States require (as a right to vote) the assessment or payment of State or poll taxes, seven of them being in the South (Alabama, Arkansas, Florida, Mississippi, Tennessee, Texas, Virginia). Massachusetts simply requires assessment of poll taxes; Pennsylvania specifies actual payment" (Pennsylvania Constitution, art. VIII, sec. 4, but repealed 1933) (State Government and Administration in the United States, Arthur W. Bromage (1936), p. 113).

Among the 36 State legislatures whose ratification in 1913 incorporated the seventeenth amendment providing "the electors (for Senators) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures" were the Legislatures of Texas, Tennessee, Arkansas, and Pennsylvania. It must be presumed that these 4 legislatures knew that payment of poll taxes was by the constitutions and statutes of their respective States one of the qualifications or conditions precedent to the right to vote for members of their legislature. The ratifying legislatures of the other States must also be charged with like knowledge of existing qualifications in other jurisdictions. The word "qualifications" "should have a reasonable construction according to its terms as defined in the vocabulary of the people which adopted it" (Rules of Construction, supra, p. 37).

VIII. (C) Webster's Dictionary defines "qualification" as "a condition precedent that must be complied with for attainment of a status"—here the status of elector or voter. Also as "that which qualifies a person for or renders him admissible or acceptable for a place, an office, or employment, any natural or acquired quality, property, or possession which secures a right to exercise any function, privilege, etc., specifically legal power or ability, as the qualification of an elector."

And Century Dictionary:

"Property qualification—the holding of a certain amount of property as a condition to the right of suffrage, or the exercise of some other public function."

These definitions are equally applicable to the payment of public taxes as a condition of the right of suffrage, should the people of a State in adopting their State constitution so ordain.

Let me remark here that in my State in 1890, when we adopted the present constitution, we provided, under section 241, that in order to be a qualified elector the voter had to pay all taxes legally required of him on or before the first day of February of the year in which he offered to vote; but we commenced to liberalize the right of franchise; so in 1935 we inserted into the constitution, amending section 241, by a vote of 13,000 against to 39,000 for—which discloses the attitude of the people of my State—a provision by which we removed the payment of personal and realty taxes as a prerequisite to voting, and confined the requirement to the payment of the poll tax only. That is the requirement of the present constitution.

The memorandum continues:

"Qualify" is derived from the Latin qualis: "how constituted" (Webster); "of what kind" (Century). It connotes merely an inquiry as to what qualities are included or possessed, without any implications of particularly appropriate qualities or particular fitness. Qualification is a technical matter and not a personally analytical term or test. For an illustration, turn to Addison's Spectator, early in the same century as the Constitutional Convention, and note his usage:

"The first of them, says he, that has a spaniel by his side, is a yeoman of about 100 pounds a year, an honest man. He is just within the game law, and qualified to kill a hare or a pheasant."

Whether he could hunt hare and pheasant, but not deer, was very evidently not a matter of fitness, skill, or courage but of inclusion within a technical set of rules based on income governing qualifications.

Qualification as an elector has, indeed, embodied many concepts which are "tests of fitness," such as literacy, intelligence, good behavior, and wealth, which latter presumes an interest in community affairs. Though the history of many wealthy bosses—Tweed, Prendergast, et al.—disputes fitness because of wealth. But qualification has also included inhabitance of voting district, registration, a citizen or fighting ancestor, age, and sex. To say that sex as a qualification of electors was a "test of fitness to vote," as claimed by proponents is to say that during the century and a third preceding 1920 the women of certain of the States were fit to vote and did vote for Representatives and Presidential electors, whereas well into the twentieth century the women of over half of the States were still not "fit to vote." By this test the women of my own State, New Jersey, were "fit to vote" from 1790 to 1807, but "unfitted" thereafter until 1920. However, after 1915 they could regain "fitness" by removing to New York State. Nor did Congress in pre-1920 days have the right to say women were "fit to vote" or rather that they could vote. This was then an arbitrary qualification test which the States alone, with their varying standards, could make.

IX. (D) The Supreme Court's decision in *Ex parte Yarbrough* (110 U. S. 651 (1883)) deserves close analysis as it has been followed in so many later cases. It decides, first, "The State cannot prescribe the qualifications of voters for Members of Congress." The United States has done that through the Constitution; second, "the Constitution merely adopts the qualification furnished by the States as the qualification of its own electors for the popular branch of their legislature."

This exact formula must remain fixed until the Federal Constitution is amended. The United States accepts the determination of the States that one of its citizens is or is not qualified to vote for the popular branch of its legislature—it takes this decision "all or none." Congress is without power to pick and choose, accept or reject, items in the States' tests of qualifications.

The State's election officials cannot be required by Congress to prepare two poll lists for registered voters—one for State officials and another for national officials. The State prepares a list of those who "have the qualifications requisite for electors of the most numerous branch of the State legislature," guided exclusively by the State constitution and laws as to who are qualified for this list. This list, the United States by virtue of the Constitution accepts "sight unseen," and by the Federal Constitution, without further authorization, makes it, in its entirety, the list of those qualified to vote for Congressmen and Senators. While the seal of approval of qualifications flows from these two different sources—the Federal Constitution and the State constitution—the details of the two streams are not separable, since the former adopts the latter in toto. The body of eligible individual voters is identical in each State.

I do not know whether the sponsors of the pending measure have ever stopped to think what a predicament there would be in the eight poll-tax States if the

pending bill should become a law. There would be candidates to be voted for in the November election for Federal offices, such as Senators and Representatives. There would also be candidates nominated by the party primaries, to be voted for in November at the general election; and all those names would be on the same ballot. Two classes of voters would appear at the polls. The voters in one class would be qualified to vote for candidates for Federal offices and State offices; they would be qualified to vote the whole ticket, all the way down. Another class of voters would come to the polls in November, a class composed of those who could vote only for candidates for Federal offices; they would not be qualified to vote for candidates for Governor or other State offices or county offices. So a muddle would be created at the polls. Two classes of voters would be on hand on election day. The law of my State provides that all the tickets shall be on the same ballot; but that is a complication which is just about as justifiable as the rest of the bill.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BILBO. I yield for a question. The Senator from Nebraska says I cannot yield for any other purpose.

Mr. PEPPER. Let me ask if the able Senator from Mississippi shares the hope of the junior Senator from Florida that the growing awareness of the need for the removal by the action of Congress of the requirement that a sum of money be paid before a citizen can vote might not induce other States which still have the poll tax as a requirement for voting to eliminate that requirement, as have already most of the States of the Union, so that there would not be the difference in the classes of voters to which the able Senator has referred?

Mr. BILBO. It may be the prayer and the hope of the Senator from Florida, who is sponsoring the proposed legislation, that the States will attempt to follow the lead and suggestion of his bill to abrogate the payment of the poll tax by voters for all offices, but I will say to the Senator from Florida that we will do just what his State has done, we will remove these prerequisites for voting in our own good time and in our own way, and I think we can do it without any intervention on the part of Congress.

I understand that the poll tax has been abrogated by the Legislature of Florida, by the citizens of Florida, and immediately after the repeal the Senator from Florida [Mr. PEPPER] appeared on the scene and was promptly elected to office. Am I correct?

Mr. PEPPER. Will the Senator yield?

Mr. BILBO. I yield for a question.

Mr. PEPPER. The Senator is correct in assuming that I was voted upon in the primary next succeeding the action of the State legislature in repealing the poll-tax law for both State and Federal officials. The action of the legislature was after my election to the Senate, and after I had served a period in the Senate.

Mr. BILBO. Does the Senator mean to say that the Senator was elected after or before the repeal of the poll-tax law?

Mr. PEPPER. Both.

Mr. BILBO. Both?

Mr. PEPPER. I was elected in November 1936.

Mr. BILBO. Before the repeal.

Mr. PEPPER. Before the repeal. The Legislature of Florida repealed the poll tax in the session of 1937. I was renominated and reelected in the year 1938, and in my State there was an increase of over 100,000 in the number of voters participating in the 1938 primary over the number participating in the primary of 1936, wherein State officials were nominated.

Mr. BILBO. No doubt, great crowds of Floridians made their way to the polls to vote for such fine senatorial timber as the Senator from Florida.

I read further from the brief:

If a voter who has not paid his poll tax is denied the right to cast his ballot for Congressman and Senator, the ground for such rejection is not that he has not paid his poll tax, but rather that he is one whom the State—for its own reasons—has decided is not qualified to vote for State legislators.

X (D continued). The Supreme Court in 1937 in *Breedlove* v. *Suttles* (302 U. S. 283) decided:

"To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State, and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

In other words, the right to vote is an inherent right which comes from the power of the State. In the Convention of 1787 the States, for the sake of having a centralized government, surrendered certain powers, and in order that there might not be any misunderstanding about those powers they were put in writing and they were signed. They were definite, they were specific, and any power that was not found in that written document was reserved unto the States. The right to fix qualifications of voters was reserved likewise unto the States, and the States have enjoyed that right for 150 years, until the days of BARKLEY and PEPPER, and now it is proposed to force the eight States which see fit to continue requiring these qualifications, mild in form, not prohibitive at all, to abolish them. The money is used for a good purpose—for public education. Yet it is sought to intrude and help us run our affairs when those who seek to force this measure upon us have been running theirs for these 150 years. I think they are beside themselves. I think they are not even courteous. I think they are wrong, that they are radically wrong.

They may say, "We are looking after the downtrodden and the folks who are discriminated against. We are trying to enforce the true ideals, the great American ideals, in time of war." I know the speech they make. That is what they say. They want to make it thoroughly democratic, and to give all the Negroes in Mississippi who have to fight the right to vote. I say very frankly the bill is not worth the paper it is written on. It is not going to result in one single, solitary Negro vote. Put that in your pipe and smoke it.

We hear talk about wanting unity. The proponents of this bill are doing much to disturb the unity of the country in time of war, when we need to be brought together and to stand together shoulder to shoulder as brothers, to contribute everything to the winning of the war. Yet they inject a question here which has been undisturbed for 150 years, in connection with which it is desired to force 8 States to conform to the ideas of 40 other States, in time of war.

Not only is that being done but the finishing touches, I verily believe, are being put upon the success of the Democratic Party, of which I am a member; and I do not deny being a party man. I say that because the National Democratic Party will not have a ghost of a chance in any election to elect a President or to control the affairs of the Government unless it is backed up always by the solid South, and this piece of legislation will do more to lose the South to the Democratic Party than any legislation that has been brought forward in 150 years. Mark my prediction. We have had enough monkey business with some of the bureaucrats to lose many votes to the party in the South, but this is the coup de grâce, which the sponsors of this bill are administering to the party of which they claim to be members.

For Congress now to attempt to declare "that a poll tax to be paid as a prerequisite to voting * * * is a tax upon the right of privilege of voting" is likewise for it to declare that the Justices of the Supreme Court were unanimously in error in 1937. In the Breedlove decision, the Court said: "Moreover, Georgia poll taxes are laid to raise money for educational purposes, and it is the father's duty to provide for the education of his child." "Aliens are not permitted to vote, but the tax is laid upon them, if within the defined class."

In other words, everyone has to pay a poll tax in Georgia, even if he is an alien, and the money is used for the education of all the children, whether they are the children of aliens or not. It is also a qualification for voters.

"The privileges of the citizens of the United States" and their qualifications as voters are not identical, as "privileges" do not include the right to vote for Senator and Representative unless the citizen is also qualified by his State to vote for members of the "most numerous branch of the State legislature."

To assert by differing phraseology in the four sections of S. 1280 that obedience by any State or municipality, or by its officials, to the constitution and laws of the State with respect to the determination of those eligible to vote for members of its own State legislature which requires that a poll tax be paid before voting "shall be deemed an interference with the manner of holding elections for national officers" and "it shall be unlawful" and be considered a tax upon the privilege of voting, appears the height of futility and a most aggravated invasion of State affairs.

We seem to have forgotten the doctrine of State rights and the sovereignty of States.

XI. The right to vote in America has never been universal. American lawmaking bodies have always exercised their power of limiting the right to vote; that is, have denied this right to certain persons, have qualified or

abridged the right to those persons. In general, women were denied this right until 1920. The Colonies and the early constitutions of many States permitted only members of the dominant church or those holding certain religious beliefs to vote. Property ownership was a common qualification in 1787. In Rhode Island it continued until 1842 and was the reason for the attempt—largely by those disqualified—to overthrow the existing constitutional Government, resulting in Dorr's Rebellion.

The existence of this legislative practice of "qualifying" was clearly recognized by the Constitution makers, and in the 1787 Convention no effort was made to define the suffrage, this being left wholly to the States, as in article I, section 2.

It is urged in one of proponents' published documents which can presently only be identified by its heading: "A Statement s to the Constitutionality of Senate Bill 1280" that "there was no suggestion in the debate (Constitutional Convention 1787) that it would be improper for the Federal Government to determine the qualification."

And that the clause in article I, section 2, "and the electors in each State shall have the qualifications required for electors of the most numerous branch of the State legislature," was a compromise and justified as such. This argument for a present change in the meaning of words is wholly without merit as respects the validity or permanence of the "compromise." What the Constitution says on the subject is final, until amendment, and this compromise is no more to be upset or disregarded because of assumed changes of conditions than are the other great compromises—equal representation in the Senate, inclusion of "three-fifths of all other persons" in the basis for representation in the House (until amended by the XIV amendment), and no limit upon "importation of persons" until 1818. The admission that it was a compromise almost proves alone that the compromise must stand until changed by amendment as was the three-fifths representation clause. Not even citizenship of the United States as a prerequisite for voting for Congressmen was considered a matter of national concern. For a century and a quarter after the adoption of the Constitution aliens might vote in some States for members of the most numerous branch of the State legislature and hence for Members of Congress. Discrimination against aliens was not forbidden by amendments XIV (1868), XV (1870), and XIX (1920). The rights of citizens to vote were freed from certain types of discrimination by these amendments when it was federally declared that qualifications based on race, color, previous condition of servitude, and sex must no longer deny or abridge the right of citizens to vote.

There is a way, I will say to the Senator from Florida [Mr. PEPPER], who seems to be the principal sponsor of this devilment, by which property or poll-tax qualification can be removed. The founding fathers dreamed that there would be just such people as the Senator from Florida and the Senator from Kentucky in 1942, and they provided in the Constitution the way by which the Constitution could be changed. That way is open to the Senator. The Senator can obtain what he is after, and I am sure such a constitutional amendment can be passed by a two-thirds vote of the House and of the Senate, and I suspect that the three-fourths of the States necessary to ratify the amendment can be obtained, and that the Senator from Florida can reach his goal and his objective in that constitutional way, rather than to rape the Constitution and try to get his colleagues to violate the solemn obligations they took upon themselves when they took their oaths of office and swore to sustain the whole Constitution. The way is prepared for the Senator. I merely wish to point that way out to him. I trust he will pursue the course I have suggested, because I doubt whether he will get anywhere along the route he has begun.

If Senators who are sponsoring this proposed legislation had been here in 1920, they would have stopped the Congress from submitting to the States the constitutional amendment to bring about the right of women to vote. According to their viewpoint, it would not have been necessary to amend the Constitution in order to permit the women of the land to vote. In their view, it would simply have been necessary to pass an act of Congress on that subject. They would have said that the States are denying the right of republican form of government by not permitting the women to vote, and then would have passed a law on the subject. Oh, no; a constitutional amendment would not be necessary, especially when the proponents of the measure have the court they think they have now—but I think the sponsors of the proposed legislation are going to be fooled in their court.

Legal types of qualification or abridgement of suffrage have been based on characteristics, qualities, possessions, and conditions precedent, which I may classify as:

(a) Inherently personal: Sex (before 1920), age, literacy, or ability to read and write, intelligence or ability to interpret State constitutions, insanity, lack of probity of character as indicated by a record of criminal offenses as bribery and felony, desertion from Army or Navy.

Mr. President, I wish to say that in my State we do not permit idiots or insane persons to vote, nor do we permit Indians who are not taxed to vote. We have a considerable number of Indians in our State, but they are not taxed, and they cannot vote, and no person is permitted to vote who has committed a felony.

(b) Acquired personal or technical: Ownership of real property, ownership of any property of given value, pauperism, payment of property taxes, payment of poll taxes (these all essentially in the same category of financial ability), vagrancy;

(c) Community relationship: Citizenship; term of residence in State and voting district, registration as a voter with taking of statutory oaths, possession of a grandfather who had voted prior to 1867 or thereabouts, teaching of polygamy.

Qualifications to vote have included impartially not only the things a person is but also the things a person has and the things he does. Whether a person pays a tax required by a State constitution is a technical condition precedent—he has or he has not—and the State does not inquire into his reasons or circumstances for nonpayment.

Some have otherwise classified these rights and restrictions on two fundamental principles—the theory of individual rights and the theory of the good of the State—but they nevertheless remain qualifications. And status as a contributor to the good of the State through tax payments has frequently been required by different States, as evidence of attachment to the community.

XIII. A few words in further rebuttal of certain arguments of proponents of S. 1280 who lay such great stress on their own definition of "qualifications" that it may be said to almost hypnotise their arguments. They assert:

"Congress has the right to decide whether a given condition is in fact a qualification, that is a test of fitness."

which is the main theme of the unsigned statement mentioned at XI, above, from which the lines are quoted. And from the same statement:

"If in the States at the time of making their constitutions and continuously thereafter the word 'qualification' in relation to voting was used in the sense of a test of fitness, it seems reasonable to infer that it was used in that sense by the State delegates to the conventions, and that is the meaning of the word in the Constitution."

There can be no question about that.

Any argument based on that theory is utterly valueless because the premise is untrue. Confining at this time the review of word usage to the situation in 1913 when the seventeenth amendment was ratified, again placing this word "qualifications" in the Federal Constitution, the constitutions of the States of Tennessee, Mississippi, Arkansas, South Carolina, Louisiana, North Carolina, Alabama, Virginia, Texas, and Georgia then in effect, were all making poll-tax payment a qualification, a prerequisite, or a condition precedent for voting (The Poll Tax by Emory Forbush—Editorial Research Report, July 3, 1941). The legislatures of Tennessee, Arkansas, North Carolina, Texas, and Pennsylvania, who each knew what their own qualifications were, voted for the seventeenth amendment. In 1889 Florida adopted a statute with similar effect. And to this list must be added Pennsylvania's constitution, article VIII, which until amendment, in 1933 required payment of a State or county tax assessed against the prospective voter individually (in which category were only poll and occupational taxes), as a qualification for a qualified voter. The Pennsylvania situation is particularly valuable as a study because removed from the particular conditions which darken consideration of the subject in the South.

In one of the briefs recently filed with the committee, bearing several well-known names, it is declared—

"The payment of a poll tax has no rational relationship to the citizen's capacity to participate in the choice of public officials. The most shiftless of men may pay the tax because he found $5 on the street. The worthiest citizen may prefer to feed his family."

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is it not the custom, when a Senator has the floor, and a recess or adjournment is taken, if he has not concluded his remarks, that he be allowed to proceed the day following?

The PRESIDING OFFICER. The rule provides that the Chair shall recognize the Senator who first addresses the Chair.

Mr. CONNALLY. I realize that; but following the ruling of the Chair today, while there is a written rule, there is also a mass of private understandings, conversations, and agreements, which establishes a custom.

The PRESIDING OFFICER. In the absence of a technical construction of the rule, it would be the usual procedure to permit a Senator to be recognized if he had not concluded his speech. Of course, such an arrangement can be made by unanimous consent.

Mr. BILBO. I ask unanimous consent, if the leader wishes to recess, that I be given the privilege of the floor at the beginning of the session tomorrow. I do not wish to lose the floor.

Mr. BARKLEY. Mr. President, I am not particularly anxious to take a recess. I am perfectly willing to stay here. However, I do not wish to punish other Senators by requiring them to stay here and listen to a technical argument on an appeal from the decision of the Chair, which is the pending question.

Mr. BILBO. I was gracious enough in the beginning to announce that if any Senator had any business to attend to in his office, he could go and attend to it.

Mr. BARKLEY. I do not understand the Senator.

Mr. BILBO. I did not wish to punish Senators; and so, being just as gracious as is the Senator from Kentucky, I told Senators in the beginning that if they had any business at their offices they could go ahead and attend to it.

Mr. BARKLEY. Notwithstanding the Senator's injunction to Senators, no doubt he is gratified at the large number of Senators who have remained to hear him.

Mr. President, I have no objection to the Senator having the floor tomorrow when the Senate reconvenes.

Mr. BILBO. I am sure that what I am saying would do some Senators much good—especially the sponsors of the bill.

Mr. BARKLEY. I have no objection to the Senator resuming the floor tomorrow.

Mr. BILBO. With that understanding, I shall suspend at this point.

The PRESIDING OFFICER. Without objection, it is understood that the Senator from Mississippi will have the floor when the Senate reconvenes tomorrow.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of committees were submitted:

By Mr. McKELLAR, from the Committee on Appropriations:

James M. Bryant, of Mississippi, to be Work Projects Administrator for Mississippi, effective as of November 9, 1942, vice Q. Edward Gatlin, deceased.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Walter Thurston to be Envoy Extraordinary and Minister Plenipotentiary to El Salvador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Harold A. Berliner to be collector of internal revenue for the first district of California.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BARKLEY. I ask that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Public Health Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE ARMY—MARK WAYNE CLARK

The legislative clerk read the nomination of Mark Wayne Clark to be lieutenant general.

Mr. BARKLEY. I ask that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Saturday, November 14, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 13, 1942:

DIPLOMATIC AND FOREIGN SERVICE

Walter Thurston to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to El Salvador.

COLLECTOR OF INTERNAL REVENUE

Harold A. Berliner to be collector of internal revenue for first district of California.

PUBLIC HEALTH SERVICE

TO BE MEDICAL DIRECTORS

Walter T. Harrison	Rolla E. Dyer
Charles Armstrong	Justin K. Fuller

TO BE PASSED ASSISTANT SURGEONS

Ralph W. McComas	Louis Jacobs
William J. Brown	Bryan A. Dawber
Esta R. Allen	Carl L. Larson

TO BE SENIOR DENTAL SURGEON

Henry T. Dean

TO BE PASSED ASSISTANT SANITARY ENGINEERS

Walter Norris Dashiell
Franz Joseph Maier
Elmer John Herringer

TO BE ASSISTANT SANITARY ENGINEERS

Harvey Fred Ludurg
James Gordon Terrill, Jr.

IN THE ARMY

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

To be a lieutenant general

Mark Wayne Clark

DEPARTMENT OF THE NAVY

Ross T. McIntire to be Surgeon General and Chief of the Bureau of Medicine and Surgery with the rank of rear admiral, for a term of 4 years.

IN THE NAVY

TEMPORARY SERVICE

Charles S. Stephenson to be medical director with the rank of rear admiral (while serving as Director of the United States of America Typhus Commission).

Walter S. DeLany to be rear admiral, to rank from May 16, 1942.

POSTMASTERS

ALABAMA

Foster Webb Stanley, Greenville.

INDIANA

George H. Clarkson, Morocco.
Clarence C. Robertson, Nashville.
Cora Riley, Oaklandon.
William N. Burns, Otterbein.
James C. Talbott, Veterans' Administration Hospital.
Charles Lebo, Winamac.
Louis F. Fuelling, Woodburn.

NORTH CAROLINA

Elsie F. Shuford, Arden.
William M. Jefferson, Belmont.
John E. Brown, Jr., Boone.
George E. Wilson, Jr., Charlotte.
Jack Barfield, Mount Olive.

SENATE

SATURDAY, NOVEMBER 14, 1942

(Legislative day of Friday, November 13, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou God of might and wisdom, Thou knowest all the way by which we have come; Thou knowest the thorny path our feet are now treading; Thou knowest the unbeaten track before us. Our times are in Thy hands: Our God, we would have it so; we do not ask to see life's distant scenes—one step enough for us. Enough the blessed assurance that Thou art the Love that never forgets, the Light that never fails, the Life that never ends. May that Love at last bridge every yawning gulf of hate. May that Light at last dispel the blackest night of

ignorance. May that Life at last prove victor over boasting death. We ask it in the name of that One, holiest among the mighty and mightiest among the holy, who is the life and the truth and the way. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, November 13, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of War (2), Justice (2), Agriculture (16), Commerce, and Labor; the Smithsonian Institution, and Federal Works Agency which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The VICE PRESIDENT. The question is, Shall the decision of the Chair, overruling the point of order of the Senator from Mississippi [Mr. DOXEY] that the report of the committee on the pending bill (H. R. 1024) was not authorized by a quorum, stand as the judgment of the Senate?

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Davis	Nye
Barkley	Green	Pepper
Bilbo	Guffey	Rosier
Brewster	Johnson, Calif.	Truman
Bulow	La Follette	Vandenberg
Burton	McNary	Van Nuys
Capper	Mead	Wagner
Chavez	Millikin	Wheeler
Connally	Norris	Wiley

Mr. McNARY. The Senator from Vermont [Mr. AUSTIN], the Senator from New Jersey [Mr. BARBOUR], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Kansas [Mr. REED], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr TOBEY] are necessarily absent.

The Senator from Vermont [Mr. AIKEN] is en route to Washington, and will arrive a little later in the day.

The PRESIDING OFFICER (Mr. ROSIER in the chair). Twenty-seven Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators.

Mr. THOMAS of Oklahoma, Mr. LEE, Mr. LANGER, and Mr. KILGORE entered the Chamber, and answered to their names.

The PRESIDING OFFICER. Thirty-one Senators having answered to their names, there is not a quorum present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, Mr. GEORGE, Mr. GERRY, Mr. WILLIS, Mr. BRIDGES, Mr. MURDOCK, Mr. DANAHER, Mr. GURNEY, Mr. MALONEY, Mr. SCHWARTZ, Mr. BALL, Mr. TAFT, Mr. LUCAS, and Mr. O'MAHONEY entered the Chamber and answered to their names.

Mr. BARKLEY. Mr. President, under the previous motion made by me to direct the Sergeant at Arms to request the attendance of absent Senators, 44 Senators have appeared, 5 short of a quorum. I now move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GREEN in the chair). The Senator will state it.

Mr. CONNALLY. Is a motion to adjourn in order?

The PRESIDING OFFICER. It is in order.

Mr. CONNALLY. Mr. President, I submit a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. When a Senator answers the roll and then gets his hat and walks away from the Chamber, is he still to be counted for a quorum?

The PRESIDING OFFICER. The Chair rules that that is not a parliamentary inquiry.

Mr. CONNALLY. It certainly is not an unparliamentary inquiry.

The PRESIDING OFFICER. It certainly is.

Mr. CONNALLY. I disagree with the distinguished Senator from Rhode Island, who now occupies the chair. The point I make is that according to the procedure here it appears that if a Senator ever walks in and is recorded once he is on the roll until Gabriel blows his horn, unless a ruling to the contrary is made in the meantime.

The PRESIDING OFFICER. The Chair has made his ruling, and the Senator's remark is out of order.

Mr. CONNALLY. Mr. President, I am sorry if I irritated the Chair. I thought information was always in order.

After some delay,

Mr. BARKLEY. Mr. President, I ask that the Sergeant at Arms make a report to the Senate upon the effort he has made to compel the attendance of Senators.

The PRESIDING OFFICER. The Sergeant at Arms will make his report.

The SERGEANT AT ARMS (Chesley W. Jurney). Senator AIKEN is out of Washington.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Under what rule is this kind of proceeding authorized? I do not remember such a thing ever happening.

The PRESIDING OFFICER. Does the Senator from Texas make objection?

Mr. CONNALLY. I do.

The PRESIDING OFFICER. The objection is overruled. The Sergeant at Arms will proceed.

Mr. CONNALLY. That is a very efficient answer to a parliamentary inquiry. I am trying to ascertain the authority for the proceeding.

The PRESIDING OFFICER. It is authorized under rule V, paragraph 3. The Sergeant at Arms will proceed.

Mr. CONNALLY. I understand there is ample precedent for ordering Senators brought into the Chamber, but it does not necessarily follow the Sergeant at Arms can be brought in and testify and make a speech. No one else can make a speech at this time, and why should the Sergeant at Arms be permitted to do so?

The PRESIDING OFFICER. Under the rule, debate is out of order, and the Sergeant at Arms will proceed with his report.

The SERGEANT AT ARMS. Senator AIKEN is out of town.

Senator AUSTIN is out of town.
Senator BAILEY is out of town.
Senator BANKHEAD is out of town.
Senator BARBOUR is out of town.
Senator BONE is out of town.
Senator BROOKS is out of town.
Senator BUTLER is out of town.
Senator BYRD is out of town.
Senator CARAWAY is out of town.
Senator CHANDLER is out of town.
Senator CLARK of Idaho is out of town.
Senator CLARK of Missouri is out of town.
Senator DOWNEY is out of town.
Senator ELLENDER is out of town.
Senator GILLETTE is out of town.
Senator GLASS is out of town.
Senator HATCH is out of town.
Senator HAYDEN is out of town.
Senator HERRING is out of town.
Senator HOLMAN is out of town.
Senator HUGHES is out of town.
Senator JOHNSON of Colorado is out of town.
Senator LODGE is out of town.
Senator MCCARRAN is out of town.
Senator MCFARLAND is out of town.
Senator MURRAY is out of town.
Senator RADCLIFFE is out of town.
Senator REED is out of town.
Senator REYNOLDS is out of town.
Senator SHIPSTEAD is out of town.
Senator SMATHERS is out of town.
Senator SMITH is out of town.
Senator SPENCER is out of town.

Senator STEWART is out of town.
Senator THOMAS of Idaho is out of town.
Senator THOMAS of Utah is out of town.
Senator TOBEY is out of town.
Senator TUNNELL is out of town.
Senator TYDINGS is out of town.
Senator WALLGREN is out of town.
Senator WALSH is out of town.
Senator WHITE is out of town.
Senator DOXEY is in Washington, but cannot be located either at his office or his residence.
Senator MAYBANK is in Washington, but cannot be located either at his office or his residence.
Senator MCKELLAR is in Washington, but cannot be located either at his office or his residence.
Senator O'DANIEL is in Washington, but cannot be located either at his office or his residence.
Senator OVERTON is in Washington, but cannot be located either at his office or his residence.
Senator RUSSELL is in Washington, but cannot be located either at his office or his residence.
Senator HILL is in Washington, but cannot be located either at his office or his residence.
Senator BUNKER is in Washington, but cannot be located either at his office or his residence.

Mr. BARKLEY. Mr. President, there seems to have taken place an exodus from the Senate equal to the exodus of the Children of Israel from Egypt; but there is a sufficient number of Senators in town to make a quorum. I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators, and that the Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to ask if the execution of the warrants would require the Sergeant at Arms to go to the home States of Senators.

The PRESIDING OFFICER. The motion is not debatable.

Mr. CONNALLY. I am propounding a parliamentary inquiry, and the Senator yielded. He is making a motion.

Mr. BARKLEY. Of course, when the Sergeant at Arms produces a sufficient number to make a quorum, which is five—and there are more than that many Senators in Washington, as reported by the Sergeant at Arms—it is not expected that warrants of arrest will be sent to the home States of those who are absent.

The PRESIDING OFFICER. If the motion is so phrased as to exclude them, the warrants will not be sent to the home States; otherwise they would have to be.

Mr. BARKLEY. The motion I made would include all absent Senators, but the practical application of it would be limited to those who are in the city.

The PRESIDING OFFICER. The motion is limited to them?

Mr. BARKLEY. I am willing to limit the motion to those who are reported to be in the city of Washington, in the District of Columbia, for the day.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

The PRESIDING OFFICER. The order of the Senate will be executed.

At 2 o'clock and 8 minutes p. m., Mr. HERRING entered the Chamber and answered to his name.

At 2 o'clock and 10 minutes p. m. Mr. BUNKER entered the Chamber and answered to his name.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). The Senator from Texas.

Mr. CONNALLY. I rise to a question of privilege of the Senate.

The PRESIDING OFFICER. The Chair is advised that a quorum of the Senate has not yet responded to the call of the roll. In that state of affairs, no debate is in order.

Mr. CONNALLY. Mr. President, a further parliamentary inquiry. What the Chair said may be true, but I understand some things are being done, or are about to be done, in the name of the Senate, which the Senate has never authorized, and which pertain to the high privileges of the Senate. I understand that the Sergeant at Arms, under the direction of the majority leader, or someone here, is assuming the authority to deputize, or appoint as a deputy, one of the Senate custodians, with instructions to break down Senators' doors, enter their offices, and drag them out. The Senate has not ordered any such action as that, and I want to say to the Senate, or whoever authorized it, that if such person broke into my office, he would not be able to break into the office of anyone else for at least 24 hours. I simply want the Senate and the country to know the kind of tactics which are being forced upon Senators in this Chamber. It is a perfect outrage. It is in line with the unconstitutional, the unwarranted, and the absolutely outrageous action of a group in the Senate.

At 2 o'clock and 45 minutes p. m., Mr. AIKEN entered the Chamber and answered to his name.

At 3 o'clock and 19 minutes p. m., Mr. MAYBANK entered the Chamber and answered to his name.

At 3 o'clock and 40 minutes p. m., Mr. MCKELLAR entered the Chamber and answered to his name.

The PRESIDING OFFICER (Mr. BUNKER in the chair). Forty-nine Senators having answered to their names, a quorum is present.

Mr. BILBO. Mr. President, it is now 15 minutes of 4 on Saturday afternoon. It is rather annoying to be required to speak at this hour, because I come from the South, where poor people and Negroes do not work on Saturday afternoon.

Since there has been so much ado about the presentation of this very controversial measure in Congress at the present time in the midst of a World War, when there should be perfect unity and harmony in all sections of our country, and since there will inevitably be a disposition on the part of some newspapers and some politicians, as well as radio commentators, to endeavor to censure those of us who see fit to discuss the pending measure at length, I desire the country to know that the responsibility for the prolonged discussion does not rest upon those who are opposing this unreasonable and unconstitutional piece of proposed legislation. Before it was ever brought before the Senate the sponsors of the bill knew that it would involve extended discussion. So it was of their own choosing, of their own will, that they brought about the present impasse in the orderly processes of government in the midst of a war.

Other bills on the calendar are of far more importance to the country than the one which is now being urged. I recall, for example, Senate bill 1313, which attempts to provide educational facilities for the poor people of the poor States. The passage of such legislation, providing better educational facilities for poor people, would do more for the Negro race, for whom the pending bill is largely urged, than would the passage of this so-called Enfranchisement Act for the poor people and the Negro race.

I say that the bill is sponsored largely for the benefit of the Negro race because, in his report, the distinguished Senator from Nebraska [Mr. NORRIS] has made the statement that the proposed measure is intended largely for the purpose of permitting the Negroes of the country to vote, as though they were a race, class, or group discriminated against by the present imposition of the poll-tax prerequisite for voting.

In this connection I read what the Senator has said in his report:

> We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting.

He seeks to give the impression that the purpose of the poll-tax imposition as a prerequisite for voting is to prevent the Negro from voting in the eight States which still retain the poll tax. I deny the correctness of that statement, because the imposition of a poll tax in my State, which has a constitutional provision requiring the payment of a poll tax, found in section 241 of the constitution of 1890, is not for the purpose of keeping Negroes from the ballot boxes in Mississippi. The payment of a poll tax has no effect on, and has nothing to do with, the Negro vote in my State. In my State the Negro can pay his poll tax the same as can the white man; and if that were the only thing that stood in the way of the Negroes' voting in my State they would be voting as freely and as frequently as do the members of the white race.

We are opposing the bill on the ground that it is clearly unconstitutional and is a violation of the Constitution of the United States; and, with all due deference to my colleagues who have permitted themselves to be persuaded to favor

the bill, let me say that in view of the obligations they undertook upon becoming Members of the Senate I think they will have to stretch their consciences a long way and will have to dispel many doubts in their minds and hearts before they can consent to support the bill.

Notwithstanding the testimony of various and sundry groups before the committee, which I will treat in detail some day next week, I want it understood that in my State the better class of the members of the Negro race are as bitterly opposed to this legislation as I am myself. I mean that the intelligentsia of the Negro race in my State resent legislation of this kind. In substantiation of that statement, before taking up the thread of the thought which I was developing yesterday, showing the unconstitutionality of the legislation, I desire to read to the Senate and to the country a letter which I have just received from Professor Bowles, who is the outstanding educator at the Alcorn A. & M. College, at Alcorn, Miss., a college which has been established and supported by the Legislature of Mississippi for the higher education of the Negro youth of Mississippi. I call the letter to the especial attention of the sponsors of the bill who think that in urging its passage they are catering to the Negro vote of the country. I make that statement advisedly, because the whole thread of the testimony before the committee was that the purpose of the bill was to enfranchise the members of the Negro race who had been discriminated against by the makers of the constitutions and laws of the eight States which now have poll-tax requirements as a prerequisite to the exercise of the right of franchise.

The sponsors of the bill seem to forget that practically all the 40 States which do not have the poll tax have had in their laws provisions similar to the poll-tax provision at one time or another during the last 150 years.

Some of them required the payment of a poll tax as a prerequisite to voting; others required the ownership of land as a prerequisite to voting; others required the owning of personal property as a prerequisite to voting; but from time to time during a period of 150 years such qualifications have been eliminated. We ask that the Congress permit the constitutional processes to continue to operate in this country; for it may be that in the course of time the eight States affected will eliminate the poll tax, just as Louisiana, in the heart of the solid South, has eliminated it; just as Florida, which is supposed to be in the heart of the solid South, has eliminated it; and I understand that the State of Tennessee is geared at this time to eliminate the poll tax as a prerequisite to voting; and North Carolina is, too, so I am told. Then, why has it become so vitally important and why are the sponsors of the measure so insistent, why are they willing to go to such lengths to press for the passage of this bill, the consideration of which will tie up this Congress until the 3d of January, if it is sought to force the remaining 8 poll-tax States to do what the other 40 States have done, rather than permit them to pursue their own course in their own way and to take their own time to do what the other 40 States have seen fit to do over a period of 150 years; and when, I repeat again and again, the repeal of a poll tax in those States has not a thing on earth to do with granting the right of franchise to the Negroes? Why do they insist that the bill be passed at this time? What is the purpose of it? What motive is behind this drive? Why are they willing to split the solid South and to bring disunity and discord and dissatisfaction and to crucify the party to which they claim to belong, in the midst of a world war, in order to pass this unconstitutional proposed legislation?

When I say "unconstitutional" I am voicing my own sentiments, with all due deference to those who see fit to disagree with me. I have been curious to know what is to be gained by it. In little Rhode Island, which the other day went Democratic, a certain part of the voters are still required to own a certain amount of property before they can vote in some of the elections. Is Rhode Island being denied a constitutional form of government? It is passing strange to me that while all the other 40 States of the Republic have had from time to time during 150 years similar qualifications imposed as a prerequisite to voting, this is the first time in 150 years that any set of men or group of men have dared to say that the 8 States in question are denying their people a republican form of government.

I repeat what I said yesterday, that I resent the Hitler spirit, the Hitler domination, the centralized effort to use the power of this great Government to compel sovereign States that make up this Union to do things which under the Constitution they are not required or compelled to do. It is a bad spirit; it is evidence of the presence of a growing effort in this Government, in this Nation, to use the force of the central power to compel the States to do as those in authority would have them do. The other States were allowed to remove the poll tax in their own sweet time during 150 years. Why cannot the eight States be permitted to do as they please in their own sweet time?

Recurring to the letter, let me say that it presents the correct view. If the sponsors and promoters of this legislation will take the advice of this intelligent, educated, cultured Negro of Mississippi, who lives in the heart of the greatest Negro State of the Republic, they will find themselves "getting right" and getting in tune with the rest of the solid South. I do not mind being quoted, because I know the sentiments of my people. I went home the other day to vote; I spent 2 weeks among my people, and I tested out the sentiment of the people of my State. I do not hesitate to say that from 95 to 98 percent of the people of my State are bitterly opposed to this proposed legislation. They resent it as a Hitler domination of our South; and it will do more to destroy the Democratic Party than any other legislation which has been proposed in the past since the advent of the present administration, the New Deal.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BILBO. I yield for a question only.

Mr. PEPPER. I was about to ask the able Senator a question.

I wonder if the Senator's attitude is attributable to any possible misunderstanding of the nature of the bill which the people of the great State of Mississippi might have?

Mr. BILBO. No, Mr. President; eliminating the Negro from the literacy rule in my State, the percentage of intelligent people there is as great as in any other State of the Union, and those people thoroughly understand the implications and the motives behind the move for the passage of the bill. They know what it is all about. They know that if the Congress can exercise authority to pass legislation of this kind, Congress can go on to pass other obnoxious legislation, and that this is the first step, the entering wedge, to a centralized government and the wiping out of the State lines in this Republic. That is what they know; and if the Senator from Florida were as well informed as is the average citizen of Mississippi he would know it, too.

I now read the letter:

ALCORN AGRICULTURAL AND MECHANICAL COLLEGE,
Alcorn, Miss., October 29, 1942.

Hon. THEODORE G. BILBO,
United States Senate,
Washington, D. C.

DEAR SIR: I have been watching with feverish anxiety the struggle of the forces for and against the bill in the House of Representatives for the elimination of the poll tax as a prerequisite for voting for Members of the Congress. I confess my pleasure at its passing in the House, and particularly was I pleased to note that it was supported by certain southern Congressmen. Nevertheless, I experienced poignant regret that it had to pass in the way that it did; that is, over the protest of the Representatives from those States in which the measure, if it becomes a law, is supposed to be put to work.

For the life of me, I cannot escape the logic of the conclusion, no matter how it affects me personally, that in representative government those who are chosen to represent their constituents in the making of laws for all, are not there in their own right to vote their own convictions into law, but are simply the mouthpieces of those whom they represent.

I cannot grant that the people of Massachusetts, of New York, of the State of Washington or California, nor even of Alabama or Louisiana, have any right to tell Mississippi what shall be the requirements of electors who shall participate in electing Mississippi's Representatives to the National Congress.

That is our contention. This outstanding Negro educator of my State has in one sentence made the speech which I propose to make in the next 30 days.

Any departure from that is, to that extent, a departure from the principles of democracy. And that, to all who believe in the principles of democracy, is anything but wholesome. For the cause I find myself in perfect accord with the action taken by the Representatives of eight States, who solidly opposed the bill in its present form.

This is not a white man speaking; this is not a politician; this is an educator, an outstanding representative of the Negro race in my State, who practically says, in so many words, "No, thank you,

Mr. PEPPER; we do not need your kind of legislation."

As long as the majority of the people in the States which they represent are opposed to an annulment of the tax law, their Representatives in Congress, according to my way of thinking, have no other alternative. I would not advocate the curing of one act overriding a principle in one area by the commission of another which violated the same principle in another area. And, personally, I am Democrat enough to prefer not to have the fruits of such a repeal or annulment than to get it at the price of a sacrifice of the very principle for which I claim to be fighting.

If I have any quarrel with the action taken by the Representatives of those eight unyielding States it is not because they stood solidly against the repeal, but it is because, as leaders and fashioners of public opinion in their several States, they have seen the political conditions of our country and of our respective States so changed that the Negro, like any other citizen, is being called upon to give, to pay, to sacrifice, to suffer and die for the democratic way of life; they have seen him do that without complaint; or, if he complained at all, it was not because of the sacrifice but because he was called upon to make the sacrifice without being granted the same rights and privileges that are accorded other men who make a similar sacrifice.

In this connection I want to make some observations about our distinguished leader, the Senator from Kentucky [Mr. BARKLEY], for whom I hold a very high regard and to whom I am devoted. Yesterday he announced that he was for this bill from the beginning, because he did not believe it right but considered it wrong, very wrong, grievously wrong, to draft men and send them forth to fight and die for their country upon the battlefields of the world in this great war and then deny them the right to vote. That is a splendid, patriotic sentiment expressed by my beloved leader, but I was wondering when he was making that statement why it was that, although he has been in Congress for 30 years, about 15 years in the House of Representatives and 15 years in the Senate, although he has stood here as a lawmaker and as a leader through two wars, and, out of the nearly a million people in the District of Columbia who have not got the right to vote but have been denied the right to vote, has seen carried off to war thousands and hundreds of thousands of them, yet, in all these 30 years, he has never opened his mouth or made a move to give these people the right to vote under this republican form of government. But he is for this bill because he does not want to see anybody go to war without the right to vote. He can answer that for himself in his own time.

I say they have seen this change in the status of our common country, and of the Negro's relation to it, and have apparently done so little to change the thinking of the people back home, by trying to influence them to reexamine their creed for democracy, and recheck their practices in the light of that creed to see if they square with what we are telling the world we are fighting for.

I do not blame this Negro for taking that position. He is putting the blame where it belongs. It does not belong upon the Congress of the United States; it belongs upon the leaders of the eight States. If they have discriminated against the Negro, then they are to blame; it is their responsibility, and the Congress has nothing to do with it. But I say frankly they have not discriminated against the Negro, for the Negro has the same right as the white man to pay his poll tax. That is an obligation which all must meet, and which is imposed by the various States, from time to time in order to provide money for the education of the poor of those States.

In this connection I want to say that the question of obtaining funds with which to provide for the proper education of both the whites and the blacks in my State and in the other States that have a poll tax has been a real financial problem. We have been forced to adopt these extra taxes in order to secure money. If a man has no property upon which he pays taxes to support the schools and educate his children, if he has no personalty upon which he pays to provide support for the education of his children, then, it is nothing but right and fair that every man, the head of every family, should be called upon, as a good citizen, to contribute something to the education of his children. Perhaps if we had the wealth of some of the greater States of the North and East, where wealth has been concentrated, especially since the Civil War, it would not be necessary to impose a poll tax on the poor, on the whites and the blacks, in order to provide money for the education of the children of all, for the poorer they are sometimes the more children they have.

If in my blundering study of what so many great American statesmen, from Thomas Jefferson down, have spoken and written concerning the meaning and implications of democracy as a system in government, I have the slightest conception as to its meaning, then I know that it is indefensibly undemocratic for this measure to be passed and forced upon a State by a majority which is made up chiefly of people outside of the State.

Here is an intelligent Negro, here an educator saying to the sponsors of this bill—let me read it again to those who seem to be weeping on the shoulders of Negroes who claim to have been discriminated against; perhaps it will be some consolation to the proponents of the bill:

If in my blundering study of what so many great American statesmen, from Thomas Jefferson down, have spoken and written concerning the meaning and implications of democracy as a system in government, I have the slightest conception as to its meaning, then I know that it is indefensibly undemocratic for this measure to be passed and forced upon a State by a majority which is made up chiefly of people outside the State. And frankly, I would rather wait and not have it yet, than to have it come in that way.

That is what I am begging the sponsors of the bill to do. I say, wait and let us work out our own salvation, as the founding fathers of the Constitution meant for us to do.

But, Senator, it is equally indefensible for people in the place of power, and controlling the political destinies of the State, to be party to a system, and controlling factors in the party in power which taxes men and calls upon them to "give the last full measure of devotion" for the support of a government which denies them a voice in its councils.

I accept the observations made by my distinguished Negro friend. He puts the responsibility on me. It is on me and on others in my State if we have done the Negro race wrong.

The measure now goes to the Senate where I am sure you can be depended on to give the opposition to the measure the full weight of your influence, which is by no means inconsiderable; and in your effort for its defeat in its present form and under the present circumstances, you have my sincere good wishes.

It is rather gratifying to know that I will have the good wishes not only of all the white people in my State in opposing this undemocratic, un-American, unconstitutional measure, but that I shall have the good wishes and support of my colored friends in Mississippi. I read further from the letter:

I most sincerely do wish that this measure shall not be forced upon Mississippi; nevertheless, I do earnestly hope that you and men like you who stand high in the esteem of the controlling group in our State will move in every way possible, short of sacrificing your political safety, to bring the electorate of Mississippi to see how wrong and how inconsistent it is to call upon the Negro to make the sacrifice which he is now called upon to make to win the war for democracy and then deny to him a full measure of the fruits of their common sacrifice.

For 5 years I have been waging war in my home State for the abolition of the poll tax by amendment of the statute which regulates the voting in the primaries of Mississippi. Under our law the Negro can vote in our primaries. All he has to do is to pay his poll tax and register and say he is a Democrat, and he votes; and some of them have voted. I read further:

Democracy has been defined by someone as "a government of all the people, for all the people, by the expressed will of a majority, with all privileged to participate."

And such definition, if applied in practice, would seem to make possible the realization by every citizen of the "four freedoms" for which democracy is now freely pouring out its blood and treasure to maintain and defend. The wise and patriotic fathers who laid the foundation upon which this Nation was built held that "taxation without representation is unjust"; and, in the name of all that is fair and consistent, we call upon their sons to remember that if it was unjust when they were the taxed and the unrepresented, it is unjust still.

I believe I am sufficiently aware of the fact that in view of the cheap political propaganda upon which the electorate of Mississippi have been fed for the last 35 years, perhaps, or better, it is practically political suicide for a man, no matter how fair he might be disposed personally, particularly if he has designing and unscrupulous opponents in a campaign against him, for him to champion, in public, a measure like this; but it seems to me that at a time like this, when the whole democratic pattern of government is being so ruthlessly shot at, everything that it is right to do, that would clarify democracy's claims, and rid them of their uncoverable inconsistencies, and give them a free intercourse into the hearts and consciences of men, should be done without delay.

I wish to say, if Senators will pardon a personal reference, that this Negro educator writes me frankly and freely

because he knows I am a friend of the Negro race. I have been elected to State office in Mississippi, in State-wide elections, five times in my career, and at no time and under no circumstances have I ever pursued the policy adopted by some public men in some of the States of trying to ride into public office on the Negro issue.

I recall that in 1915, in my first race for the governorship, the Negro churches all over the State held prayer meetings, in which they prayed that I be elected, and when I was elected I received barrels of telegrams and letters of congratulations from the Negroes, because I happened to be the first man in public life in Mississippi who had made a race for the governorship without, in seeking office, using the question of prejudice against the poor Negro. They were happy to know that a man could be elected without appealing to race prejudice in a State such as Mississippi, where the Negroes are in the majority. They know I am their friend, and have been their friend throughout the years. As Governor of the State twice I saw that they were provided educational facilities. I improved their colleges, and encouraged them in every way, and since I have been in the Senate I have tried to be a friend of the Negro. That is why I have been urging, since I have been a Member of the Senate, the repatriation and resettlement of the American Negro in West Africa, the richest country on earth, where he would be free from the discriminations and free from the abuses suffered here, and could work out his own salvation, in a country all his own, where there would be no limitations upon him.

The intelligent among the Negroes know that is the only hope of the race; and any Negro who is race conscious is willing to be resettled in West Africa, where he could have a country of his own, in order to protect his own race, for every intelligent student of race relations knows that whenever two races live side by side in one common country, in the course of time the integrity of both races is destroyed, and there results a mongrel race which is weaker than either one of the two which have been commingled, living side by side. One who does not know that that has been verified over a period of 25 years of known history knows nothing about race relations. Of course, there are a few intelligentsia among the Negroes, who are exploiting their own race, who are unwilling to be resettled in a country of their own, because they are happy and are doing well now through exploiting their own race. I am talking about the great rank and file of the Negro race.

I am glad to see the American forces taking West Africa. Possibly they are getting ready for the repatriation move when the war shall be concluded. There is going to be a real attempt at the resettlement of the Negro in that rich land called West Africa. It is richer than the United States; it has a better climate; it has great resources; and there already has been a wholesome start of the Negro race in Liberia. They have a good form of government. They took the Constitution of the United States in 1847, adopted it, and made only two changes in it. They had more sense than we had. They provided in their constitution that no white man could own land in Liberia, and that no white men could vote there. That is what the Negroes did to the whites when they had their way, and I do not think they are in a position to say much about the white folks of the South.

I read further from the letter:

I believe, therefore, that men of influence like yourself cannot afford not to approach this issue through your churches and other nonpolitical channels and prepare the electorate of Mississippi to strengthen the arms of democracy abroad by acting more consistently with its claims at home and removing the question mark from the mind of the Negro, who stands as a ready and willing helper to do and dare with you for the preservation of this our country which, under God, has become the home of us both.

Most respectfully yours,

P. S. BOWLES.

Mr. President, under the rules of the Senate, if I should yield the floor for any purpose whatever, except for a question from one of my colleagues, I would lose it, and I do not desire to lose the floor, but I understand from the Parliamentarian that by unanimous consent I can yield for other purposes. I ask unanimous consent of the Senate that I be permitted to yield to the Senator from Wyoming [Mr. SCHWARTZ] for the introduction of a measure into the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. I am sorry that I am compelled to object to the request.

Mr. BILBO. Then I refuse to yield, because of my leader.

Mr. SCHWARTZ. I am very sorry.

Mr. BILBO. I, too, am very sorry. I do not think this measure is of so much importance that we have to be tied down to strict construction and regulation. "He that lives by the sword shall die by the sword."

Mr. SCHWARTZ. May I address the Chair?

Mr. BILBO. The Senator cannot while I am speaking, because I might lose the floor. He may talk to the Chair privately.

Resuming my presentation of the constitutional objections to this monstrosity where I left off yesterday, I wish to continue the reading of the brief submitted by Mr. Edwards, of Montclair, N. J.:

In one of the briefs recently filed with the committee, bearing several well-known names, it is declared—

"The payment of a poll tax has no rational relationship to the citizen's capacity to participate in the choice of public officials. The most shiftless of men may pay the tax because he found $5 on the street. The worthiest citizen may prefer to feed his family."

That is a most unworthy and hominem argument—the probabilities are that the $5 found by the shiftless man would go to other ends than a vote. This would be a moving plea for abstract justice and policy if addressed to the people of a State about to vote on a constitutional provision that no one could vote for a member of his State legislature unless he had paid his poll tax. What pertinence or weight the argument can presently have, however, is not clear when the authorization and levy of the tax is res gesta, when the State has years previously made its decision and adopted such a provision as a matter of fiscal policy into its constitution. Whether the relationship to the voter's "capacity for citizenship" is rational or irrational is immaterial; it is a condition precedent previously decided upon by the people of the State which cannot be dispensed with because other minds in other States deem and declare it irrational.

XIV. Framers of the Constitution used the word "qualification" a second time in article I, section 5:

"Each House shall be the judge of the elections, returns, and qualifications of its own Members."

This second use of "qualifications" warrants an examination of its exact scope of meaning and attention to whether the usage in the two sections, 2 and 5, should be regarded as identical. In both sections is the usage the one that has been ascribed to the word for a century and a half? Or as to section 2, is a new meaning that "qualification" is a "test of fitness" to be accepted? It is demonstrable that neither the Senate nor the House of Representatives in applying section 5 has ever judged a Member-elect, waiting to be sworn in, on the general basis that qualifications was written into section 5 in the sense of referring to the test of his fitness to become a Member, as meaning a test of his "intelligence, ability, character, wealth, community-consciousness," as S. 1230 contends it means when applied to "qualifications requisite for electors." "Qualifications," I have shown, "is a technical matter and not a personally analytical term or test"—"wholly without implications of particularly appropriate qualities or fitness." In the case of section 2 usage it is "a condition precedent to the right to vote" as decided in *Pirtle* v. *Brown*, supra. The congressional precedents will show that it is also used in the sense of "a condition precedent" in determining a Member-elect's right to serve under section 5.

The application of section 5 has always been an objective test of the Member-elect's ability to meet the five constitutional qualifications or test of eligibility, without which service in the Chamber is impossible: (1) Age, (2) years of citizenship of the United States, (3) inhabitance of the State from which elected, (4) whether "elected"—that is, actually elected without fraud, bribery, and corruption which would vitiate the election, and (5) whether disqualified by any of the conditions of amendment XIV, section 3 (1868), such as treason or disloyalty. These are all objective, ascertainable facts, wholly independent of the Member-elect's personal qualities. Border-line cases have raised additional questions whether, and to what extent, either House of Congress can add to these requirements. These have generally been answered in a practical way by holding that prior violations of the letter or spirit of certain acts of Congress may amount to a disqualification, as, for instance, the Edmunds Act of 1882, disqualifying any polygamist from office under the United States; the Sedition Act of 1795, the Test Oath Act of 1862, and the Espionage Act of 1917, defining political crimes inconsistent with Member's oath of office. In such instances of disqualification and exclusion, it has always been some specific instances relied upon as a basis for judgment, never the elect'a general moral or intellectual characteristics.

Mr. Edwards in his excellent discussion of the word "qualifications" has shown us that under the constitutional provision each House shall be the judge of election returns and of the qualifications of its own Members. The poll-tax requirement comes under that head. Mr. Edwards sets forth five requirements which must be met and fulfilled before a Member can be seated in either House of Congress.

XV. Senator Philander Knox, of Pennsylvania, when the Senate debated the exclusion of Reed Smoot, of Utah, because he was a Mormon (but not a polygamist), pointed out

that the constitutional disqualifications do not in any way involve the moral qualities of a man (1 Hinds' Precedents 561–590).

Again when a Representative was charged with having cruelly whipped Negro soldiers and bribed them not to testify, James A. Garfield, then in Congress asked if anything in the Constitution forbade that a moral monster should be elected to Congress. The House has also refused to inquire into a charge of seduction, and the Senate into one of embezzlement. There is some authority that a man who has been convicted of a crime after his election should not be seated, but there is sharp disagreement whether he should be excluded or expelled.

The "fitness" of a Senator or Representative is wholly a matter of responsibility of the electors who send him to Congress, who elect him from their own numbers to be representative of them in Congress. His prospective fellow Members have nothing affirmative to say regarding this. There may however be facts in his history apart from his general morality, intelligence, ability, character, etc., which S. 1280 sets up as ideal qualities of electors—and inferentially of those whom they elect—which will be construed as conditions precedent and which will disqualify him from service. This all goes to prove that qualifications are technical conditions precedent and not personal qualities and characteristics.

The Constitution, reciting the qualifications of Representatives, requires that he "when elected, be an inhabitant of the State in which he shall be chosen." States have attempted to add qualifications, e. g. that a Representative must live in his own district. Congress has always refused to recognize such State limitations as valid. Likewise Congress may well anticipate that the States will be equally jealous of their rights under article I, section 2, to determine the qualifications of electors and will oppose the assumption of Congress, should S. 1280 be passed, that it can redefine such an old word as "qualifications" and dictate to the States in this particular. To Congress "qualifications" are not the characteristics argued in the preamble to S. 1280 but are still a set of conditions precedent plus some specific fact or action which alone creates disqualification under section 5 of article I.

It strikes me that this presentation by Mr. Edwards of the use of the word "qualifications," as used in the Constitution, should be satisfactory and all-convincing even to the doubting Thomases.

XVI. The text of S. 1280—

That is the Pepper bill—

endeavors to make qualifications in section 2, of article I and manner of holding elections and regulations therefor in section 4 of the same article synonymous, or at least overlapping in the matter of who is eligible to vote for Representatives and Senators—to somehow encompass "qualifications" within the "manner of holding." The bill fails to take into consideration the sharp distinction between who and how. Who may vote is completely taken care of by article I, section 2, for Representatives.

That is, those who have been qualified by the States as electors to vote for Members of the most numerous branch of the State legislature.

As to Senators, article I, section 3, governed "chosen by the Legislature thereof" until in 1913; this was superseded by the seventeenth amendment which provided "elected by the people." These provisions give an absolutely complete answer to who, not specifically or impliedly modified or restricted by any other phrase or provision of the Constitution. Congress is incapable of changing or enlarging the terms of article I, section 2, and amendment XVII as S. 1280 endeavors to do.

"Qualifications" gives the complete answer to who is to vote for Senators and Representatives, and this determination is wholly a State function. The "how" or "manner of holding elections" follows, in time sequence, after determining who are entitled to go to the polls, and directs "the mode or method in which anything is done." "Manner" is to be initially "prescribed in each State by the legislature thereof," but Congress may make or alter such regulations. The States have already fixed upon "the qualifications requisite for electors of the most numerous branch of the State legislature." This is a complete power reserved to the States that Congress is given no authority to "make or alter."

Mr. President, that is exactly what the sponsors of the bill are trying to do. They are trying to violate the constitutional provision. The founding fathers, in 1787 in the city of Philadelphia, in writing the Constitution, provided specifically, definitely, and eternally with respect to those who should have the right to vote for Members of the House of Representatives, and the same provision was extended to voting for Senators in 1913. The persons who were qualified as electors in the 13 States in 1787, and today in the 48 States are qualified to vote for Members of the House and the Senate, are those who are qualified in the States to vote for members of the most numerous branch of the State legislature.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. BILBO. Yes; I yield.

Mr. CONNALLY. Is the Senator developing the idea that at the time of the adoption of the Constitution, and particularly section 2 of article I, the framers of the Constitution had in mind the fact that each 1 of the 13 States at that time had varying requirements for voting, and that the constitutional provision in article I, section 2, meant to continue to respect those requirements?

Mr. BILBO. Most assuredly, that is what I am leading up to. At the time of the adoption of the Constitution, when the method or manner of electing Members of the House was provided—at that time Members of the Senate were to be elected by the legislatures of the States—the founding fathers, in prescribing the qualifications of electors who could vote for Members of the House of Representatives, knew that practically every one of the Thirteen Colonies had a poll tax, property tax, personal tax, or real-estate tax as a qualification for a voter to vote for members of the most numerous branch of the legislature of the Colony. One day next week—or perhaps week after next—I shall put into the RECORD the qualifications of electors in the Thirteen Original Colonies at the time of adoption of the Constitution, when the Constitution makers said that Members of the House of Representatives—the same provision now applies to Senators—should be elected by electors who were qualified to vote for members of the most numerous branch of the various State legislatures.

It is the wonder of the New Deal that any Congress should attempt to override the express provision of the Constitution under some hazy, indefinite construction of other sections of the Constitution. The New Dealers are certainly optimists to think that at last we have a Supreme Court which is so weak and ill-informed in the construction of laws and constitutions that it will sanction such a piece of legislation as the pending bill.

Reading further from the memorandum:

The Constitution does not say how notices of a Federal election are to be given; how votes are to be cast, by ballot or recorded on voting machines; how counted and the result certified. These are elements of how or manner to be fixed by the States and subject to alteration by Congress. Congress may require that the "manner of holding the election" is honest, not corrupt.

In State elections, when electors of the State legislators select Members of Congress, if corrupt methods are resorted to, so that there is not an honest expression of the majority of the people of the State who are qualified to vote, the Congress may step in and protect its rights. No Congress is safe if it is filled with men who are corrupt and who through corrupt methods have sought and gained their seats in either the House or the Senate. That is why, from time to time, the Senate has thrown men out of this body when it has been determined after investigation that they had obtained their seats by the excessive use of money. That is a very wholesome exercise of the power of the Congress, not only to protect itself against the seating of men who have obtained their seats through corrupt or excessive use of money, but incidentally to protect Members of Congress themselves. If Senators sit idly by and allow any man, through the excessive use of money, to buy a seat in the Senate, possibly at the next election, if such a thing is permitted to continue, the money lords, who may want to unseat a Senator for some special reason, will swoop down on his State and buy a seat for somebody else. So Senators owe it to themselves to protect themselves and put a stop to the excessive use of money in the election of Senators and Representatives.

Reading further from the memorandum:

"But the right to vote is based upon the Constitution and not upon the State law, and Congress has the constitutional power to pass laws for the free, pure, and safe exercise of the right" (*Ex parte Yarbrough*, supra).

The dissenting opinion of Mr. Justice Field, concurred in by Mr. Justice Clifford, confirms my analysis of the meaning of "manner of holding" to an extraordinary degree, in *Ex parte Siebold* (100 U. S. 371, 1880). As to this particular aspect of the case I note no inconsistency between the views of Justices Field and Clifford and those of the majority of the Court. Mr. Justice Field says, about the middle of his opinion and in 10 Otto at page 732:

"And regulation as to the manner of holding them [elections of Representatives] cannot extend beyond the designation of the mode in which the will of the votes shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election or what shall

be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States."

That is the trouble with the sponsors of the present bill. They cannot differentiate. I think they have passed lightly over the Constitution, and all the decisions of the Supreme Court, in order feverishly to reach a political end while they believe they have a court which will go along with them.

I read further from the brief filed with the committee:

XVII. Interesting light as to how this matter of "manner of holding elections" was regarded in 1788, while adoption of the Constitution was in progress, may be gathered from Alexander Hamilton's paper LX in the Federalist, also LIX and LXI. From LX:

"The truth is, there is no method for securing for the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen are defined and fixed in the Constitution, and are unalterable by the legislature," i. e., by the Federal Congress.

Let me say to my one Republican friend who remains in the Chamber that he knows that Alexander Hamilton is one of his idols. The teachings of his party, and his party platforms, have been prone throughout the years to follow the suggestions of Alexander Hamilton, who tells us in his writings in the Federalist that the Congress has nothing on earth to do with fixing the qualifications of the voters in the various States, and that all the Congress can do is to regulate the times, places, and the manner of holding elections.

The qualifications of the persons who may choose or be chosen are defined and fixed in the Constitution, and are unalterable by the legislature, that is, by the Federal Congress.

I continue to read from the brief:

XVIII. Proofs that the American vocabulary has from 1787 to the present continuously used qualifications in the sense of including all conditions precedent, technical as well as personal, could be extended almost indefinitely. The most convincing test would be a study of the words actually employed in the constitutions of some dozen or more States which have included the payment of taxes of one sort or another as a "qualification required for electors." Some of these clauses have been repealed, but their record still remains as examples of the usage of our language. The Tennessee Constitution is quoted at VII above. If the Committee on the Judiciary should desire, I can collect the exact provisions of other pertinent State constitutions. I can neither find nor see any loss in meaning in qualifications from the ratification by the conventions of the States in 1787 and 1788 down to the present time.

It is abundantly evident that qualifications are not exclusively or even principally those which are inherent in personality as the preamble to S. 1280 asserts:

"Whereas these requirements [that a poll tax be paid] have no reasonable relation to the intelligence, ability, character, wealth, community consciousness, or other qualification of voters * * *."

In passing, let me say that when the Senator from Florida [Mr. PEPPER] introduced his original bill on this subject it contained a long preamble. The author of this memorandum is referring to the original bill. However, for some reason the sponsors of the bill, or the committee, eliminated the very elaborate preamble which the Senator included in his original bill.

I continue to read:

On the contrary, wealth and taxpaying ability are closely related.

These qualities as a group are not what "qualifications of voters" have ever meant, and no showing of relationship is called for.

XIX. Under the Elective Franchise Act, a reconstruction period act of Congress, repealed in 1894, it was provided:

"Every officer of an election at which any representative * * * is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States or by any State * * * who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States or of any State * * * is to be punished, etc. (R. S. sec. 5515).

The power of Congress to provide that it is a Federal crime for a State election officer to neglect or refuse to perform any duty in regard to such election required by him by any law of his State, was sustained in *Ex parte Siebold* (100 U. S. 371 (1880)), the defendant Siebold being a Maryland ballot-box stuffer and election official.

The current effort in S. 1280 is to have Congress ordain in 1942 that it is unlawful for any State official of elections to carry out some of the same election duties which in 1879 he was to be sent to jail by the United States for neglecting or refusing to perform—namely, "to require the payment of a poll tax as a prerequisite for voting or registering to vote" (sec. 4 of S. 1280)—a requirement in many States in both 1879 and 1942.

That statement shows how far the sponsors of the bill seek to go.

Let me read the last paragraph again; I am afraid that some of the Members of the Senate did not catch its import:

The current effort in S. 1280 is to have Congress ordain in 1942 that it is unlawful for any State official of elections to carry out some of the same election duties which in 1879 he was to be sent to jail by the United States for neglecting or refusing to perform.

Under its terms the Pepper bill, if it should become law, would make it unlawful for a State official of elections to perform a duty for failure in the performance of which, from 1879 to the time when the sponsors of the bill got busy in their efforts to rape the Constitution, he would have been put in jail. The sponsors of the bill seek to make it unlawful for such an official of elections to perform his duty, namely, to require the payment of a poll tax as a prerequisite to voting.

I continue to read from the memorandum:

Congress, it would seem, cannot have it both ways: At one time, 1879, a Federal crime to neglect or refuse to perform a duty required by State law, and a few decades later, in 1942, for Congress to declare it unlawful for the State to require compliance by its election officials with the same State laws and constitutions. Consistency should characterize Federal legislation and its adjudication.

In other words, if the Senate passes the bill it will say to those who, in a legal and lawful way, are selected as election officials in eight States of the Union, and who are required to carry on the elections in a certain way and to perform certain duties, that if they obey their State law and obey their State constitution the Senate will put them in jail, while, before the passage of the bill, if they fail to carry out the provisions of the State law and the State constitution, the State will put them in jail. God pity the election officers; they will not know what to do. That is the miserable condition which the sponsors of the bill try to bring about when they urge that Congress go beyond the powers granted it by the Constitution of the United States.

I repeat that legislation of this kind is the entering wedge to enable the Federal Government, the centralized Government in Washington, to fulfill the dream of certain bureaucrats and certain political manipulators and advisers, who are now hanging around Washington, by controlling all the States, all the counties, and all the Government of all the people from the banks of the Potomac River. It is an excellent idea to put an end to that dream now; and, God being my helper, that dream will not be fulfilled at least until the year 1943.

The memorandum continues as follows:

XX. The inclusion of "electors for Presidential electors" within the scope of S. 1280 raises additional and different problems. The Constitution, article II, section 1, provides: "Each State shall appoint in such manner as the legislature may direct a number of (Presidential) electors." These electors are not national officers in the same sense as Senators and Representatives, for "they are no more officers or agents of the United States than are the members of the State legislatures when acting as electors" (*In re Green*, 134 U. S. 379).

As to their qualifications, "power and jurisdiction of the States is exclusive," except as to the ineligibility of certain described persons (*McPherson* v. *Blacker*, 146 U. S. 25, at p. 35).

If appointment of Presidential electors is to be by popular election, as is now the common practice, the legislatures alone, and not the Congress, may direct which voters shall participate. If a State constitution says voters must pay a poll tax to qualify to vote for the State's Presidential electors as in the case of voting for its State legislators, then Congress is without power, as by this bill's sections 1, 2, and 3, to give the right to vote for Presidential electors who are State officers, to persons who are not eligible to vote under State constitutions and laws.

So, under the terms of the bill itself, the Senate would fail to give to the members of the group whom it says it is trying to enfranchise the right to vote for President and Vice President of the United States, because Presidential electors are most certainly State officers, not Federal officers. We must remember that the members of State legislatures are State officers representing the sovereignty of the States. Therefore, the bill will not reach the election of the President and Vice President of the United States. If we are not careful we shall have a President and a Vice President of one complexion, if the scheme, about which the sponsors of the bill are dreaming in connection with the proposed legislation, is enacted into law, and

a Congress of another complexion, and we shall have further complexities, contradictions, and so forth.

The memorandum continues:

(In passing, let it be noted that no persons whatsoever have the right to vote for President and Vice President as written in the bill.)

The voter cannot vote for President and Vice President; he has to vote for Presidential electors, who are State officers.

I read further from the memorandum:

XXI. For Congress, "ex cathedra" to declare in S. 1280 that "payment of poll taxes has been detrimental to the integrity of the ballot in that frequently such taxes have been paid for the voters by other persons as an inducement for voting for certain candidates" is an assertion which I feel warranted in saying is not established by legally assembled evidence. At most, in the words of the Supreme Court in *Williams* v. *Mississippi* (170 U. S. 213, at p. 215):

"It has not been shown that the actual administration was evil, only that evil was possible under them."

I remember that one witness who testified before the Senate committee had much to say about the practice prevailing in States by which interested parties would pay the poll taxes of large groups of voters. He said that a great many citizens had learned to wait until someone came along and paid their poll taxes and gave them a receipt. I know a little about political politics in a poll-tax-paying State, and I find this to be true: While there are men who pay poll taxes for groups of citizens, yet under the Australian ballot system they have no way of ascertaining or controlling the vote of the voter after they have qualified him by paying his poll tax. A man who pays a voter's poll tax is only taking a gamble, because we have so perfected our voting machinery that no one is in a position to tell how any citizen votes on election day, regardless of who pays his poll tax. That being true, there is not much room for the argument that the payment of the poll tax furnishes an opportunity for political manipulation or political corruption at the ballot box.

I read further from the memorandum:

To urge that Congress may prohibit payment of a State constitution-fixed poll tax since such taxes "make for fraud and corruption" attacks the problem backwards. It ignores the logical and obvious duty of Congress to make direct provision for the prevention and punishment of such "fraud and corruption," rather than acting to cut off the revenue of a State from this fiscal source. A simple method, for instance, would be to require that when a poll tax is paid by someone other than the taxpayer against whom assessed, an affidavit be signed by both the elector and his volunteer payer that no understanding exists as to the vote of such elector for any Federal officer, and that such affidavits be filed with and preserved by a Federal official for use as evidence in case perjury is thought to have been committed.

The writer of this memorandum has merely suggested a method by which a corrupt practice, if such exists, when the poll tax is paid by someone other than the one against whom it was assessed, could be broken up.

XXII. Consideration of the remedying of every presumed social injustice involves two factors:

1. Does a social-political condition exist which should be corrected or ameliorated?

2. Is the proposed remedial action permissible and the most effective?

I concede that the evidence as to the operations of the poll-tax laws in practice has presented a sorry and moving picture of discrimination, injustice, and inequality. As to their also being instruments of widespread political corruption, the evidence is not so extensive or convincing.

In conclusion, Mr. Edwards makes this striking statement:

For the reasons stated herein, I suggest that the proposed remedial action through S. 1280 is not permissible, being beyond the powers of Congress to exercise. Therefore, I, for one, petition the Members of Congress not to break their oath of office to uphold the Constitution, not to seek a remedy through this congressional proposal by the exercise of a power not delegated to the United States or the Congress, but reserved to the States by amendment X. It is an evil that the States themselves should promptly terminate.

Respectfully submitted.

ARTHUR J. EDWARDS.

MONTCLAIR, N. J., *September 3, 1942.*

In other words, Mr. Edwards, of New Jersey, is as strong a believer in the repeal and abrogation of the poll tax as are the sponsors of this bill. He thinks it is wrong and that it should be abolished. He is like my distinguished Negro friend from Mississippi, who thinks it is wrong and that it should be abolished.

Mr. CONNALLY. Mr. President, will the Senator yield for a question

Mr. BILBO. I am glad to yield.

Mr. CONNALLY. Has the Senator yet named probably one of the most distinguished sponsors of the proposed legislation, Mr. Earl Browder, the head of the Communist Party?

Mr. BILBO. I have not yet gotten to Mr. Browder.

Mr. CONNALLY. He is very eminent in the ranks of those sponsoring the measure.

Mr. BILBO. I am saving him for the third week. [Laughter.]

Listen to the prayers of Mr. Edwards, a man who believes as strongly in the abolition of the poll tax as do the sponsors of the proposed legislation:

Therefore, I, for one, petition the Members of Congress not to break their oath of office to uphold the Constitution, not to seek a remedy through this congressional proposal by the exercise of a power not delegated to the United States or the Congress, but reserved to the States by amendment X. It is an evil that the States themselves should promptly terminate.

The proponents of this bill have been 150 years getting rid of the poll tax in their States. Can they not give us a few more years to do the job? They will not have to violate the Constitution, they will not have to stultify their consciences, if they will wait. Time will eliminate the evils, if there be evils. Time will adjust the problems in those States at which the sponsors are so sore because of the qualifications they require of men and women for voting in elections.

Having presented to the country, through the RECORD, this very able argument and analysis of the distinguished jurist, Mr. Edwards, of New Jersey, I express the hope that my colleagues will take time to read it before casting their ballots on the pending measure, if and when we have a vote on it. I place it in the RECORD for the benefit of the country, the 50,000 readers of the CONGRESSIONAL RECORD throughout the United States, that they may know the truth about the pending bill, that they may know that in fighting it we are waging a righteous war in the interest of pure democracy, in the interest of a republican form of government, in the interest of constitutional government.

Mr. President, I am pleased to present for the RECORD, in order that it may reach the people of the Nation, a very able presentation of this matter by the minority of the Committee on the Judiciary of the Senate. These are the views of the minority as presented by my distinguished colleague, the Senator from Mississippi [Mr. DOXEY]:

The undersigned members of the Committee on the Judiciary of the United States Senate, which has given consideration of the pending bills relating to the requirement of the payment of a poll tax as a prerequisite to the right to vote for national officers (S. 1280 and H. R. 1024), submit this, a minority adverse report and recommend that the bill H. R. 1024, as amended, do not pass, for the reason that the passage of the bill would not be a constitutional exercise of the national legislative power.

We believe, and submit, that Congress is without power to enact the proposed legislation, and, to avoid repetition and because we feel that the same sets out the constitutional limitations affecting the subject matter concisely and fully, we incorporate herein the adverse report of the subcommittee on S. 1280, and the brief on the subject of qualifications for voters at Federal elections prepared by W. C. Gilbert and F. B. Horne, as follows:

"Poll-tax qualification for voting—Mr. O'MAHONEY, from the Committee on the Judiciary, submitted the following adverse report (to accompany S. 1280)."

Of course, it is understood that the Senator from Wyoming [Mr. O'MAHONEY] was the chairman of the subcommittee which conducted the hearings on the proposed legislation, and it should be enough to dispel from the minds of the country the thought that this is a sectional, southern fight against the pending proposal, when the Senator from Wyoming, who lives in the far west, through his profound erudition and learning, his understanding of the law and the Constitution, and familiarity with the history of the formation of the Government, the adoption of the Constitution, and the decisions of the Supreme Court for 150 years, after making a thorough investigation, comes to the conclusion that this attempt on the part of the sponsors of the pending bill is most certainly an attempt to rape the Constitution.

The Senator from Wyoming suggests that the proper way, the legal and constitutional way, to reach the end which is being sought by the sponsors of the bill, is through a constitutional amendment. The Senator is a native of Massachusetts, his home is now in Wyoming, he is the distinguished representative of the great Commonwealth of Wyoming, and he has never been associated with the South. He is as bitterly opposed to this attempt to violate the provisions of the Constitution as am I, hailing from the deep South.

Then there is the Senator from Vermont [Mr. AUSTIN], hailing from the far North, who is as bitterly opposed to this bold and dastardly attempt to violate the Constitution, to rape the Constitution, to flout the Constitution, and destroy it and break it down, as am I. No one can say that this is a fight of southern "rebels" who live in the Negro sections of the South. We place our opposition on the high ground that this is a flagrant attempt to violate the Constitution of the United States, and that it should not be given consideration at the hands of an informed Senate.

In these views we have the concurrence of these two great intellects, these two great Senators from Vermont and Wyoming. It is well known that the Senator from Wyoming and the Senator from Vermont are the outstanding intellectual Members of the Senate—lawyers, and expounders of the law. We are not ashamed of the company in which we find ourselves when we associate ourselves with what we consider to be some of the best talent in the Senate in opposing, on constitutional grounds, the measure in question.

I read from the adverse report:

The subcommittee of five members, to whom was referred the bill (S. 1280) concerning the qualification of voters or electors within the meaning of section 2, article I, of the Constitution, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or general election for national offices, having considered the same make this report to the full Judiciary Committee recommending that the bill do not pass upon the ground that it would not be a constitutional exercise of the national legislative power.

In considering the measure, the following provisions of the Constitution are of immediate application:

"ARTICLE I, SECTION 2

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

"ARTICLE I, SECTION 4

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

That, Mr. President, is article I, sections 2 and 4. If I know anything about the English language, if I have any ability to interpret and understand the English language, I cannot see how any Senator can escape the conclusion that the only power on earth, under the Constitution of the United States, that can fix the qualifications of electors for Members of Congress, both Senators and Representatives, resides exclusively in the legislatures of the 48 States of the Union. There can be no question about that. The language is plain; it is unmistakable.

Distasteful from the point of view of popular sovereignty as may be State statutes which make the payment of a poll tax a prerequisite to voting, any attempt by the Congress to abolish such a tax, even in election to Federal office, would seem to be a clear violation of the Federal Constitution and beyond the power of Congress.

Mr. President, these are the conclusions of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Texas [Mr. CONNALLY], and the Senator from Vermont [Mr. AUSTIN], members of the subcommittee which had this matter under consideration and who heard all the arguments and all the testimony in connection with it.

This is a reform which may and which, if desired, should be effected by constitutional amendment.

It strikes me that every Member of the Senate, if he wanted to save the strain upon his conscience, would be willing to vote down the bill, and then vote for a constitutional amendment, which is the way the founding fathers provided for amendment of the Constitution, which they realized would be necessary through the vicissitudes of time.

If Congress has the right, by statute, to strike down a qualification for voting legally prescribed by a State, then it also has the power to impose additional qualifications.

If the Congress can step over into Mississippi or into Kentucky or Pennsylvania, and strike from the laws of those States the qualifications fixed by the legislatures with respect to voters—in this case the poll tax, which is a prerequisite for qualification of a voter—then the Congress has the right to step into the State and make any additional qualification it wanted to make with respect to a voter.

Mr. President, I am not going to be fooled, and I do not want the people of the country to be fooled. If those who are sponsoring the proposed legislation succeed in passing it, and succeed in persuading the President of the United States and the Supreme Court to approve their act in raping the Constitution, their next step will be to pass a law to remove from the laws of the States the educational qualifications in various States requisite for the exercise of the great American privilege of voting, which is a sacred privilege and right. It should be considered sacred, and should not be exercised except by those who have cognizance of the duties and responsibilities of citizenship in our great Republic. That is the next step which will be taken, and after that step is taken other steps will be taken.

If Senators have lost faith in the sovereignty of State government, if they are willing to wipe out all State lines, and in the years to come allow the people of the 48 States to be governed by bureaucrats—mostly from Harvard—on the banks of the Potomac River, if Senators wish to let them conduct the business of their people at home, attend to our governmental affairs, and regulate our everyday life from Washington, then follow the lead of those who are sponsoring the proposed legislation. In doing so they will find themselves on the road to complete domination of the Government by bureaucrats, located on the banks of the Potomac River. Whether they be Republicans or Democrats makes no difference. One is as bad as the other. That is what we are headed for; but no progress along that road will be made this year.

If Congress has the right, by statute, to strike down a qualification for voting legally prescribed by a State, then it also has the power to impose additional qualifications. If it has the right to broaden the qualifications for voting in Federal elections, then it also has the right to narrow them.

That, Mr. President, is unanswerable logic; it is an unanswerable argument; it is an unavoidable conclusion.

But the Constitution clearly prohibits such a result, for it provides in section 2 of article I that the electors who are to choose the Members of the National House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Mr. President, I defy anyone sponsoring the proposed legislation to show where in the Constitution, either in its original form as adopted in 1787, or in the Bill of Rights, or in amendments which have been added since, this positive, affirmative declaration of the Congress in fixing the qualifications of electors of Senators or Representatives has been abrogated or repealed.

I will come to a discussion of the presentation made by the Senator from Nebraska [Mr. NORRIS] in a day or two.

Obviously, if Congress should attempt to say that some electors qualified to vote for members of the most numerous branch of a State legislature should not be permitted to vote for Members of the National House of Representatives, it would be an open violation of the Constitution.

In other words, we are headed for wholesale violation of the Constitution. Let me read that statement again. We are certainly indebted to the clear mind and clear thinking of the Senator from Wyoming [Mr. O'MAHONEY] and the other Senators who submitted the minority views.

Obviously, if Congress should attempt to say that some electors qualified to vote for members of the most numerous branch of a State legislature should not be permitted to vote for Members of the National House of Representatives, it would be an open violation of the Constitution.

The Constitution says that no one may vote for a Member of the House of Representatives—and the same provision now also applies to the Senate—unless he be a qualified elector who can vote for members of the most numerous branch of the State legislature. If we are to qualify a new kind of elector in the State and say that in the future the elector who is to vote for Senators and Representatives shall be an elector who is not qualified to vote for members of the State legislature, we shall be violating the Constitution. We had better take time and follow the tedious, circuitous route of amending the Constitution, as the founding fathers said we should do, and as proposed by the Senator from Wyoming.

Likewise, if it attempts—

As this bill does—

to say that persons who are not qualified to vote for members of the most numerous branch of a State legislature, may nevertheless vote for Federal officers, including Members of Congress, it would be equally in violation of the fundamental law—

Namely, the Constitution.

If one is open to conviction, I do not see the need of anything further to convince him. I have known some persons

who claimed to be open to conviction; but it took the devil to convince them.

It is acknowledged by the proponents of this bill that Congress has no power to fix or alter the qualifications of voters for State office and so they propose only to abolish the poll tax for election of Federal officials. To do this, they must deny that a poll tax is a "qualification."

Think of the predicament in which the various States would find themselves on election day. There would be two sets of voters appearing at the polls, one of which could vote for both Federal and State officers. All the names would be on the same ballot. Another set could not vote for any except State officers. How could they be separated? How could the election be conducted? What kind of a condition would be brought about?

In my State the law provides that there shall be one ballot, and upon that ballot shall appear the names of the Presidential electors—who, by the way, are State officers, and not Federal officers—as well as the names of candidates for Governor, for the legislature, for the office of sheriff, and so forth. One set of electors would be qualified under the Federal law—under this monstrosity which it is sought to pass—to vote for Federal officers, for Senators and Members of Congress; but they could not vote for Presidential electors. They could not vote for Governor. They could not vote for any other office in the State. There would be another set of voters who could vote for the whole ticket. How could they be separated? What kind of a Chinese puzzle would be confronted in conducting elections? How could such a situation be straightened out?

It is acknowledged by the proponents of this bill that Congress has no power to fix or alter the qualifications of voters for State office and so they propose only to abolish the poll tax for election of Federal officials. To do this, they must deny that a poll tax is a "qualification." Otherwise, they would be forced to admit an attempt to disregard section 2 of article I. This they cannot do without conceding the unconstitutional character of the bill.

That is clear.

So they adopt the ingenious ruse of declaring in the first section of the measure that the poll-tax requirement is not a qualification of voters but an interference with the "manner" of holding a Federal election and as such subject to regulation by Congress under section 4, article I. Here, however, they are met by the historic fact that when the Constitution was adopted all of the original States had property or tax qualifications for voters.

In other words, the sponsors of the bill have made themselves ridiculous before the people of the Nation. If Senators have followed the provisions of the Constitution and the decisions of the Supreme Court which I have been quoting during the past few days, they certainly must be convinced that the original use of the word "qualifications" in the Constitution still obtains, and that our friends who are sponsors of the pending bill are trying to escape this fact by hiding under the words "manner of elections," which is absurd and preposterous.

Reading further from the minority views:

The framers of the Constitution knew, for example, that the actual payment of a State or county tax was a voting qualification in Pennsylvania when the instrument was drawn, and that the other States had similar provisions.

The Constitution was discussed, debated, and finally approved in Philadelphia, in the heart of Pennsylvania. The framers knew that in the shadow of Independence Hall, in the city of Philadelphia, and elsewhere in the Colony of Pennsylvania, the qualifications were much greater, more stringent, and more burdensome than the qualifications of the poll tax. They knew that all the other Colonies had similar qualifications, and yet they did nothing to remove or regulate them.

I continue the reading:

The framers accepted these qualifications whatever they might have been in all of the States by the language of section 2 of article I, and nowhere did they give Congress the power to alter them.

Instead of giving Congress the power to alter them they said that the only man who could vote for a Member of the House was one who was qualified to vote for a member of the legislature of the State of Pennsylvania, or any of the other States. He could vote for a Member of the House of Representatives, and no one else. The sponsors of the pending bill are now attempting to make it possible for a voter to vote for a member of the legislature in his State and yet make it impossible for him to vote for a Federal official, such as a Member of Congress. However, the Constitution stares them in the face and states that if one is qualified to vote for a member of the legislature of a given State he is also qualified to vote for a Member of Congress.

Yet the bill sponsored by the Senator from Kentucky [Mr. BARKLEY] and the Senator from Florida [Mr. PEPPER] says that he may not so vote.

I quote further from the minority views:

They did give Congress the power to alter State regulations governing the times and manner of choosing Senators and Representatives as well as the places of choosing Representatives, but no such supervisory power over voting qualification was granted. Certainly such power cannot be implied by contending that although the Constitution makers, who were perfectly familiar with property qualifications, did not have them in mind when writing section 2 of article I which deals with qualifications, but did intend to give Congress power to change them, when they wrote section 4 of article I which deals with the manner of holding elections.

It would be difficult to imagine any language more clear than the first clause of section 2, article I.

Let me read that section.

The House of Representatives shall be composed of Members chosen every second year by the peoples of several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

That has been ringing down through 150 years as the qualification of electors for Members of the House of Representatives. It is now proposed to change it. The sponsors of the bill say, "To hell with the Constitution! We want the qualifications fixed to suit us." They are now so fixed in 40 States; and, Hitler-like, they propose to walk into the remaining 8 States, which are helpless, except that they are represented in the Senate and the House, and force them to pursue a policy which would violate the Constitution.

I continue to read:

If Congress by law should undertake to provide, as the proponents of this bill urge Congress to do, qualifications for the electors of Members of the National House of Representatives other than and different from those "requisite for electors of the most numerous branch of the State legislature" in any State, it would be acting in direct contravention of the mandate of the Constitution that they should be the same.

Here come the personal convictions of the authors of this document:

Property qualifications and poll taxes are outmoded.

To that many of us agree.

Universal when the Government was formed, they have been abolished now in all of the States save eight, but they were abolished by the action of the people of the States themselves without compulsion from the Federal authority.

Mr. President, we are living in a new day, in a new generation. New spirits are in control in Washington. We have new conceptions, new ideas on the banks of the Potomac River. There has sprung up, on the banks of the Potomac, a little coterie, the members of which have no respect for State sovereignty.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. Is it the contention of the Senator that section 2, article I of the Federal Constitution requires that a voter in an election for Representative in Congress or Senator shall have the qualifications required of persons voting in elections for State officers?

Mr. BILBO. Absolutely; and any act of Congress which would prescribe different qualifications would be absolutely unconstitutional.

Mr. CONNALLY. But if the Constitution requires that voters have such qualifications, why could we not simply wipe it out by a statute?

Mr. BILBO. Precisely so.

Mr. CONNALLY. Congress knows better than the Constitution; does it not?

Mr. BILBO. Certainly, under the new conception of Government which seems to be growing in strength on the banks of the Potomac. I do not know what kind of food is being eaten by those who support the new conception, but it is a peculiar diet that is bringing forth such a breed in Washington.

I read further from the minority views:

It is better to wait the wise action of the remaining States than by a strained construction of the Constitution—

Our friends put it rather euphoniously there—

to apply by statute the power of the Central Government to force upon any State a particular course of action in a field which the Constitution left to the States.

I think the characterization "strained construction" is too soft. I think that what is proposed is a direct, flagrant violation of the Constitution, not "a strained construction."

I repeat that I resent the Hitler spirit, the spirit of domination, the spirit of force. The bill is suggestive of the Force bill which was introduced many years ago. At one time or another during the past 150 years 40 States have provided for their voters qualifications similar to that of which complaint is now made. They have seen fit to change those qualifications; but before changing them they were guilty of the same abuse, if the poll tax is an abuse, that my State and the other seven poll-tax States are guilty of today. However, because we are outnumbered, they propose by their force and might, like Hitler, to cram the bill down our throats and to force us to do away with some of the qualifications which we believe should be required of a voter. I think the bill is an outrage; I think it is an imposition. I think it is offered in a bad spirit, a spirit which permeates the mind and heart of Hitler, who, because he thought he had an overwhelming force, believed he could overrun the helpless countries of Europe and Asia, and is trying to overrun the remainder of the world. Mr. President, I cannot understand why such a spirit should exist here on the banks of the Potomac when we are voting hundreds of billions of dollars and are sacrificing the lives of our boys in order that pure democracy shall reign on the face of the earth. Unless we are trying to destroy democracy, I cannot understand why we find such a move creeping forth under cover of the bill, which represents a movement based on the same spirit and attitude as Hitler's. Merely because those who favor the bill think they have the power and the votes to pass it, and because they think they have a court here on the hill that will O. K. it and back them up, they want to force us to do what their States have done—to change qualifications which their States permitted to obtain for 40, 50, or 100 years.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CONNALLY. The Senator just said that those who favor the bill think they have a court here. Personally, I think the bill is an insult to the Supreme Court as presently constituted.

Mr. BILBO. I think so, too.

Mr. CONNALLY. It is an asserted presumption that any court with any self-respect would upnold such an act. Therefore, if I were a member of the Court, I should construe it as an absolute insult to the Court.

Mr. BILBO. I think the Senator's suggestion is correct. The reason why in 150 years no Representative or Senator has been so brazen as to try to have passed any such piece of legislation is because the Members of Congress have believed that if they attempted to do so, there would have been a great fight throughout the country to hold their feet to the fire and to make them obey the Constitution of the United States. For 150 years they have not dared make such an attempt. However, the sponsors of the bill seem to think that the members of the present Court will let them get by with their proposed rape of the Constitution. I do not believe it. I still have faith in the members of the Court. I am "from Missouri"; I have to be shown.

I read further from the minority views:

This view of the constitutional aspects of the bill before us is sustained by the testimony of an able lawyer, Mr. John F. Finerty, attorney for the Workers Defense League and of the American Civil Liberties Union, who, though testifying in support of the measure (hearings, p. 394), declared that in his opinion it could not be safely based, as it is based, on section 4, article I.

The colloquy between Mr. Finerty and the Senator from Wyoming [Mr. O'MAHONEY] is very interesting, indeed.

Mr. President, if my distinguished friend and leader wishes to have the Senate adjourn, it will suit me to have it do so, but since I am in the middle of the case I have been presenting, I desire to finish it; because the presentation of this case and the presentation of the report of the Senator from Nebraska [Mr. NORRIS] go hand in hand, and I expect to have my speech printed when I conclude it. I should not want to interrupt it at this point; therefore, I ask unanimous consent that I may take the floor on Monday when we next meet.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. BARKLEY. Mr. President, the Senator knows that if we adjourn we shall start a new day on Monday.

Mr. BILBO. I think that by unanimous consent I may be given the floor.

Mr. BARKLEY. I would not agree that the Senator should take the floor following an adjournment. Of course, the Senator knows that if we adjourn the motion which is now pending lapses. There would be nothing before the Senate except the morning hour when the Senate meets on Monday.

Mr. BILBO. The Senator plans to move that the Senate recess, does he not?

Mr. BARKLEY. No; I am planning to move that the Senate adjourn; and an adjournment would vacate or lapse all proceedings under which we now are operating.

Mr. BILBO. Does the Senator mean to say that I could not obtain the unanimous consent of the Senate, which has been very gracious, in order that I might resume the presentation of my line of thought in developing this subject?

Mr. BARKLEY. Of course, the Senator understands that he was entitled to the floor today immediately upon the convening of the Senate.

Mr. BILBO. Yes; by unanimous consent.

Mr. BARKLEY. Yes; but the unanimous-consent agreement did not carry with it the right for the Senator to yield to another Senator to make the point of no quorum.

Mr. BILBO. I did not yield. I make this statement: That the record of the Senate was made when I was given the floor upon the convening of the Senate today, and the Vice President was in the chair and had the record before him. I was standing at my desk, waiting to be recognized. However, the Vice President would not even look my way, but instead he recognized the Senator from Texas, who suggested the absence of a quorum. If anyone violated the unanimous-consent agreement it was the Presiding Officer, not myself.

Mr. BARKLEY. Mr. President, I made no point about the Senator. I did not object to him taking the floor after the point of no quorum was made and the quorum was developed, but the Senator had the right to insist upon recognition immediately upon the convening of the Senate. He did not do that. A point of no quorum was made, and the Senator would have lost the floor, if he had had it and had yielded for that purpose. So that in order to be fair to the Senator I, of course, took no advantage of the fact that the Senator from Texas had gotten the floor and had made the point of no quorum.

Mr. BILBO. I did not yield the floor. It could not be proven that I did.

Mr. BARKLEY. Someone did. It had to be yielded, or the Senator from Texas could not have obtained it. I could not, of course, agree that after an adjournment the Senator should resume the floor. If we adjourn, we will have a morning hour Monday. Certainly, under the rules governing the morning hour, the Senator would not be entitled to the floor for a continuation of his debate, because the proceeding under which the Senator is now speaking will lapse. The motion which I made, and which is now pending, including the appeal from the decision of the Chair, will lapse if we adjourn today, and Monday will be a new day.

Mr. BILBO. Out of deference to my colleagues, who have been punished by being held here all day, and due to my utter horror at working on Saturday afternoon, I shall take the chance of getting the floor Monday and concluding my speech.

REPORT OF THE SERGEANT AT ARMS

The PRESIDING OFFICER. The Chair lays before the Senate the final report of the Sergeant at Arms in response to the direction given him earlier in the day, which will be printed in the RECORD.

The report is as follows:

SENATE OF THE UNITED STATES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, D. C., November 14, 1942.
5:40 p. m.

To the PRESIDING OFFICER OF THE SENATE.

SIR: Pursuant to the order directing me to compel the attendance of absent Senators who are in Washington, D. C., I beg to report the following:

Senator BUNKER appeared in the Senate at 2:10 p. m.

Senator MAYBANK appeared in the Senate at 3:20 p. m.

Senator MCKELLAR appeared in the Senate at 3:42 p. m.

Up to the present I have been unable to learn the whereabouts of Senators RUSSELL, DOXEY, O'DANIEL, OVERTON, and HILL.

Very respectfully,

CHESLEY W. JURNEY,
Sergeant at Arms, United States Senate.

THE MANPOWER PROBLEM

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial from the New York Times of November 14, 1942, entitled "America's Manpower," and a letter from Senator TRUMAN to the President and one from Senator TRUMAN to Hon. James F. Byrnes, which appear in the Appendix.]

FARM CONDITIONS IN NORTH DAKOTA

Mr. LANGER. Mr. President, I have just received from North Dakota copies of advertisements of additional auction sales.

One of them, by Algeo M. Norberg, of Hastings, N. Dak., contains the following:

Having been drafted in the Army, I am compelled to discontinue farming and am selling the following livestock.

I ask permission to print the advertisement in the RECORD at this point.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

AUCTION MONDAY, NOVEMBER 2, 2 P. M., HASTINGS, N. DAK.

Having been drafted in the Army, I am compelled to discontinue farming and am selling the following livestock:

Six milch cows (three to freshen in December, three to freshen in January).
Four heifers, 2 years old.
Two steers, 2 years old.
Two yearling bull calves.
One polled Hereford bull, coming 2 years old.
Three spring calves.
Two 3-year-old horses (nice riding horses).
Eleven spring pigs.
All Hereford cattle.

ALGEO M. NORBERG, *Owner.*
A. O. NORBERG, *Auctioneer.*
A. P. HANSON, *Clerk.*

Mr. LANGER. Mr. President, the second advertisement advertises the sale of the well-known Allan M. Sawyer herd of 55 Holsteins, which is one of the best herds in our State. I ask unanimous consent that the advertisement be printed in the RECORD at this point in my remarks.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

PUBLIC AUCTION SALE 55 HEAD PURE-BRED REGISTERED HOLSTEINS

The well-known Allan M. Sawyer Holstein herd will be sold at public auction 6½ miles southwest of Driscoll and 7½ miles southeast of Sterling, on Thursday, November 5, beginning at 12 o'clock.

Head sire, Jamestown Ormsby Burle Piebe, No. 833144, bred and raised at State hospital, Jamestown, N. Dak., and comes from line of especially good milk producers.

Five young bulls (eligible to registry). Approximately 1-year-olds. Herd bulls and females registered; other bulls subject to registry.

Twenty-eight cows, from 3 to 10 years old. All are bred and are freshening now and will be during the winter.

Seven young heifers, from 6 to 9 months old.

Fourteen heifers, up to year old, bred and will freshen during next few months.

Fifty head black-faced ewes 3 and 4 years old.

Starting in 1924 with two thoroughbred heifers, I have continued selecting and breeding for high production.

The herd has been Bangs disease tested twice and TB tested five times; never had a reacter.

This herd has blood lines which are bound to develop good cows.

This is your opportunity to get the cow you want at your own price.

Farm machinery: Hinman standard milking machine, 4 unit; one 2-horsepower Fairbanks-Morse stationary engine; one 4-horsepower Witte stationary engine; 20-gallon barrel churn; cream cans; two wagons; one Deering mower; one 12-inch John Deere gang plow; one Moline sulky plow; McCormick-Deering type E ensilage cutter; six spools barbed wire; two electric fence controls; other articles.

Lunch at noon by Lutheran Ladies' Aid of Driscoll.

Terms: Cash; no article to be removed until settled for.

Selling entire herd; no culling.

Reason for selling: Have been called into armed service.

ALLAN M. SAWYER, *Owner.*
J. H. RILEY, *Sterling,*
P. J. SCHMITZ, *Bismarck,*
Auctioneers.
H. E. WILDFANG, *Sterling,*
Clerk.

Mr. LANGER. Mr. President, I bring these sales to the attention of the Senate in view of the letter dated November 6 by John J. Corson, of the Federal Security Agency of the Social Security Board, written to me when I filed the protest of the Ashley Lions Club of Ashley, N. Dak., protesting the induction into the armed forces of a large number of farm boys from McIntosh County.

I particularly call the attention of the Senate to the second paragraph of Mr. Corson's letter, in which he states that Major General Hershey issued a memorandum to all the local boards of the Selective Service on December 4, 1941, in which he stated that deferments of farm labor rest with the local boards of the Selective Service.

While in North Dakota this week I again investigated this matter of inducting farm help and farm boys, and find that they are still being sent into the Army at a rapid rate.

The situation has become so serious that the United States Chamber of Commerce has publicly protested it, and their representative, Mr. James, speaking at Fargo, N. Dak., this week announced that unless a radical change was made that there would be a serious food shortage in approximately 6 months.

I was paired against the drafting of the 18- and 19-year-old boys, and on Thursday I voted against the conference report on the bill drafting them. In spite of the explanation made by the junior Senator from South Dakota, who is in charge of this measure, unless some stronger methods are devised than have heretofore been taken I have faint hope of these boys being left on the farms of the Northwest to raise the food which is all necessary in winning the war.

The American Farm Bureau Federation has taken the position that more men have been taken from agriculture than from industry, and if the bill which was finally passed on Thursday, and against which I voted, had any redeeming feature at all, it was in the provision for the deferment of farm boys.

As I view it, the bill which was passed day before yesterday does not change the status of farm boys or farm laborers who are asking for deferment, in view of the letter written by Mr. Corson, to which I have referred.

I further wish to state that at the convention held at Nashville, Tenn., recently, Edward A. O'Neal, president of the American Farm Bureau Federation, stated that there had been "a flagrant and unnecessary waste of precious manpower." He further stated that agricultural workers were not given equal consideration with industrial labor by local selective draft boards, despite the fact that President Roosevelt and Secretary of Agriculture Wickard have stated "food is just as important as munitions" in winning the war.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. Reports of committees are in order. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

WORK PROJECTS ADMINISTRATION

The legislative clerk read the nomination of James M. Bryant to be Work Projects administrator for Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

NOTICE TO SENATORS TO RETURN TO WASHINGTON—ADJOURNMENT

Mr. BARKLEY. Mr. President, before moving to adjourn, I wish to ask the officers of the Senate to notify all absent Senators to return to Washington. Legislation of importance will be under consideration, and I hope it will not be necessary to go through the experience of today in order to obtain a quorum to transact business. It has been unpleasant and disagreeable to have to resort to the rules of the Senate in order to secure the presence of a quorum, but it is my judgment that so long as Congress is in session and there is important

business to be transacted, it is the duty of Senators to remain in Washington, where they may be available for the performance of their duties. I am asking the officers of the Senate officially to notify absent Senators to return to Washington at once.

I now move that the Senate adjourn until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until Monday, November 16, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 14 (legislative day of November 13), 1942:

WORK PROJECTS ADMINISTRATION

Roy Schroder, of Florida, to be Work Projects administrator for Puerto Rico and the Virgin Islands, effective November 24, 1942, vice Paul Edwards.

APPOINTMENTS IN THE REGULAR ARMY

To be second lieutenant, Coast Artillery Corps, with rank from date of appointment

Second Lt. Grant Renne, Jr., Coast Artillery Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO FINANCE DEPARTMENT

Maj. Hilton Edward Heineke, Infantry (temporary lieutenant colonel), with rank from July 1, 1940.

TO CORPS OF ENGINEERS

Second Lt. Francis Joseph Crown, Infantry (temporary first lieutenant), with rank from June 11, 1940.

TO ORDNANCE DEPARTMENT

First Lt. Donald Max Simpson, Cavalry (temporary major), with rank from June 12, 1942.

Second Lt. Charles Richard Petticrew, Chemical Warfare Service (temporary major), with rank from October 5, 1942.

Second Lt. Charles Douglas Yelverton Ostrom, Jr., Corps of Engineers (temporary first lieutenant), with rank from October 5, 1942.

TO CHEMICAL WARFARE SERVICE

Second Lt. Thomas Eugene Watson, Jr., Infantry (temporary first lieutenant), with rank from July 1, 1941.

TO AIR CORPS

First Lt. John Porter Tomhave, Cavalry (temporary captain), with rank from June 12, 1942.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

TO BE COLONELS WITH RANK FROM NOVEMBER 1, 1942

Lt. Col. Woodfin Grady Jones, Infantry (temporary colonel).

Lt. Col. James Merriam Moore, Infantry (temporary colonel).

Lt. Col. James Patrick Hogan, Coast Artillery Corps (temporary colonel).

Lt. Col. Paul Clarence Paschal, Infantry (temporary colonel).

Lt. Col. Gooding Packard, Coast Artillery Corps (temporary colonel).

Lt. Col. Francis Marion Brannan, Infantry.

Lt. Col. Adam Empie Potts, Coast Artillery Corps (temporary colonel).

Lt. Col. William Rutledge Orton, Infantry.

APPOINTMENTS IN THE NAVY

The following to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names:

Donald N. Twaddell, January 25, 1942.
William B. Harkins, May 6, 1942.
Robert E. Coker, May 6, 1942.
John E. Moss, May 6, 1942.
Arthur B. Bradsher, Jr., May 6, 1942.
John C. Myer, May 6, 1942.
Albert C. Kelly, May 6, 1942.
Edmund N. Ervin, May 6, 1942.
Abram S. Kinne, May 6, 1942.
Sherman M. Peabody, May 6, 1942.
Angus M. Brooks, May 6, 1942.
Ralph Fred Allen, May 6, 1942.
Thomas H. Harvill, May 6, 1942.
William S. Credle, May 6, 1942.
Solomon Barnett Goldman, July 15, 1942.
Richard H. Driscoll, July 15, 1942.
John D. Langston, July 15, 1942.
Arthur N. Kelly, July 15, 1942.
William G. Paine, July 15, 1942.
John F. Geraghty, July 15, 1942.
Elmer E. Hinton, July 15, 1942.
Charles M. Grace, July 15, 1942.
John H. Wigton, July 15, 1942.
John R. Seal, July 15, 1942.
Raymond N. Olson, July 15, 1942.
Franklin B. Wilkins, July 15, 1942.
Arthur R. Payzant, July 15, 1942.
Byron E. Bassham, November 12, 1942.
John W. Flaiz, November 12, 1942.
Jean E. Neighbor, November 12, 1942.
Alvin B. Hayles, November 12, 1942.
Daniel R. Kohli, November 12, 1942.
Edward W. Kloth, November 12, 1942.
Joseph R. Connelly, November 12, 1942.
Erwood G. Edgar, November 12, 1942.
James K. Norman, November 12, 1942.
William C. Mulry, November 12, 1942.
Lloyd A. Stirrett, November 12, 1942.
Pierre F. LaBorde, Jr., November 12, 1942.
Joseph L. Nielson, Jr., November 12, 1942.
Leo S. Madlem, Jr., November 12, 1942.
Elmer R. King, November 12, 1942.
James E. Kelly, November 12, 1942.
John H. Gifford, November 12, 1942.
Don J. Weekes, November 12, 1942.
Louis A. Ensenat, November 12, 1942.
J. Robert Close, November 12, 1942.
Jack R. Bostwick, November 12, 1942.
Moffitt K. Holler, November 12, 1942.
Walter H. Johnson, November 12, 1942.
Richard L. Merkel, November 12, 1942.
Robert L. Bailey, November 12, 1942.
Henry R. Ennis, November 12, 1942.
Paul Reed, November 12, 1942.
William E. Steiner, November 12, 1942.
George A. Vail, November 12, 1942.
Stuart A. Patterson, November 12, 1942.
Harry R. Rowe, November 12, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 14 (legislative day of November 13), 1942:

WORK PROJECTS ADMINISTRATION

James M. Bryant to be Work Projects administrator for Mississippi, effective as of November 9, 1942.

POSTMASTERS

ARKANSAS

H. Spellman Evans, Cotter.
Elmer F. Dooley, South Fort Smith.

INDIANA

Edward M. Cripe, Camden.
Frank Eliett, Coatesville.
William L. Eastin, Ewing.
Edward V. Myers, Fremont.
Orel J. Montgomery, Holton.
Lloyd A. Rickel, Mentone.
Merle L. Venis, Waynetown.

MAINE

George H. Williams, Alfred.
John L. Tarr, Anson.
Erma G. Maxim, Corinna.
Leon C. Weed, Deer Isle.
Anna M. McLaughlin, Dryden.
Elsie S. Dow, Eagle Lake.
John A. Lyons, East Millinocket.
Irenee Cyr, Fort Kent.
Cyril Cyr, Jackman Station.
James A. McDonald, Machias.
Leo V. Keenan, Mars Hill.
Lillian L. Guptill, Newcastle.
Edna M. Ellis, North Anson.
Gertrude M. Sprague, Oakfield.
Howard H. Herrick, Rangeley.
Hildred M. Rider, Rockport.
Leo M. Cyr, Rockwood.
Mary C. Thorpe, Sabattus.
George E. Dugal, St. Agatha.
Frank R. Madden, Skowhegan.
George H. Foster, Unity.
Orrin V. Drew, Vinalhaven.

MICHIGAN

Ernest O. Coy, Alden.
Thomas Earl Barry, Baraga.
Arthur E. Dann, Beaverton.
John Leon Breckenridge, Breckenridge.
Robert J. McCormick, Carleton.
Arthur Little, Cass City.
James D. George, Crystal.
Blanche L. Verplanck, Edmore.
Elfreda L. Mulligan, Grand Marais.
Ruth G. Templeton, Harbor Beach.
Ernest G. Corbin, Hart.
Eugene E. Hubbard, Hudsonville.
Jessie E. Lederle, Leland.
Edward J. Talbot, Manistee.
Alfred J. Rochon, Marine City.
Floyd T. King, Marysville.
C. Maude Russell, New Era.
Edward L. Kenny, Onekama.
Edwin E. Thompson, Oscoda.
Catherine C. Laing, Otisville.
Mildred E. Walsh, St. Charles.
Floyd H. Leach, Scotts.
Percy A. Bowen, Tecumseh.
Gordon W. Huffman, Tustin.

MONTANA

Eugene T. Kirchner, Circle.
Harry J. Andrus, Dillon.
Ludwig S. Rigler, East Helena.
William L. Thompson, Fairview.
Joseph P. Sternhagen, Glasgow.
George Clarence Moore, Harlowton.
Rudolph P. Petersen, Rudyard.
Flossie A. Marsh, Sheridan.
Lucile D. Knight, Twin Bridges.
Lucy B. Cullen, Wibaux.

NEBRASKA

Walter G. Mangold, Bennington.
Louis C. Kuster, Tecumseh.

NEW HAMPSHIRE

George H. Simpson, Bradford.
Irving H. Brown, Campton.
George W. Moulton, Lisbon.

NEW MEXICO-TEXAS

Perla E. Darbyshire, Anthony.

NEW MEXICO

Arthur L. England, Clayton.
Joseph H. Gentry, Fort Stanton.
James W. Patterson, Fort Sumner.

OREGON

J. Dayton McLucas, Hood River.
Oscar L. Groves, Monmouth.
Elton A. Schroeder, Myrtle Point.
Harvey C. Knapp, North Portland.
Phyllis H. Ryman, Westfir.

PUERTO RICO

Teresa Melendez, Arroyo.
Luis E. Kolb, Utuado.

SENATE

MONDAY, NOVEMBER 16, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, out of our deep need we come, conscious of our limitations, lifting lame hands of prayer to Thee. We are weak, mortal men, immeshed in this world's affairs, exposed to temp-

tations, laden with responsibilities, liable to do less than our best. We would bring the solemn duties committed to our hands by the will of the people into the white light of Thy sustaining presence, Thou Holy One, higher than our truest thoughts, better than our noblest dreams. Thus may this revered chamber of national deliberation be to us a lofty temple of patriotism, pure and undefiled. May we come to its high altar with pure hearts and clean hands, not lifting up our souls to vanity nor swearing deceitfully.

Here we would confess anew our sure faith that evil dies and good lives on, loves on, and conquers all. Above other loyalties and fealties may our ruling passion be to do justly, to love mercy, and walk humbly before our God. And so, pausing for this still moment at the portal of a demanding day, we would humbly ask, make Thou our hearts an altar and Thy love the flame. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, November 14, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Dorsey	Nye	Willis
George	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Special Committee on Silver.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senators from Delaware [Mr. HUGHES and Mr. TUNNELL], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

ERECTION OF MEMORIALS AND ENTOMBMENT OF BODIES IN ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with the requirements of the Public Act No. 397, Sixty-sixth Congress, I transmit herewith the Annual Report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
November 16, 1942.

[NOTE.—The report accompanied a similar message to the House of Representatives.]

PETITION

Mr. CAPPER presented a petition, numerously signed, of sundry citizens of Horton, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

RESOLUTION OF FARMERS UNION LOCAL NO. 1147, RANDOLPH, KANS.—CEILING ON FLOUR: PARITY PRICE OF WHEAT

Mr. REED. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by Farmers Union Local No. 1147 of Randolph, Kans., and signed by Emil Samuelson, chairman, and Merle E. Isaacson, secretary.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

RANDOLPH, KANS., *November 9, 1942.*

We, the members of Farmers Union Local No. 1147, feel that the Government officials have double-crossed the farmer by placing a ceiling on flour and including parity payments in figuring parity price of wheat, as that was not the intention of the anti-inflation bill passed by Congress.

We hereby urge you to do your utmost in supporting Senate Resolution No. 308 to help clarify the wheat price and bring parity price for all farmers whether they are in on the Government program or not.

EMIL SAMUELSON, *Chairman.*
MERLE E. ISAACSON, *Secretary.*

RESOLUTION OF PUBLIC WELFARE BOARD OF NORTH DAKOTA—EXTENSION AND IMPROVEMENT OF SERVICES TO CHILDREN

Mr. LANGER presented a resolution adopted by the Public Welfare Board of North Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the war has increased the needs for health and welfare services to children, especially in instances where:

1. Children fail to receive proper care either before or after birth—particularly children of soldiers whose incomes will not cover adequate maternity care for their wives.

2. Children fail to receive adequate home supervision and guidance because of absence of the father or employment of the mother—situations which lead to many forms of juvenile delinquency.

3. Children fail to receive wholesome recreation due to a break-down of community facilities, their leisure time outside of school hours being used for nonconstructive purposes.

4. Children with special needs resulting from physical and personality handicaps fail to receive the type of service they require because of the availability of such specialized services only on a limited scale; and

Whereas in recognition of the responsibility of the Government to provide adequate services essential for the proper development of children, there have been introduced into the Senate and House of Representatives identical bills (S. 2736 and H. R. 7503) which would provide for the extension and improvement of services to children through Title V of the Social Security Act; therefore be it

Resolved by the Public Welfare Board of North Dakota in regular meeting assembled this 27th day of October 1942, That the board unanimously approves S. 2736 and H. R. 7503 and very respectfully urges their enactment by the Congress of the United States; be it further

Resolved, That copies of this resolution be sent to the North Dakota Congressmen, the President of the Senate, and the Speaker of the House of Representatives.

RESOLUTIONS ADOPTED BY CONFERENCE OF AMERICANS OF SLOVAK LINEAGE AT PITTSBURGH, PA.

Mr. DAVIS. Mr. President, I present a letter from V. S. Platek, president of the National Slovak Society, Pittsburgh, Pa., enclosing two resolutions adopted by a conference of Americans of Slovak lineage held in Pittsburgh, Pa.

In Pennsylvania and other sections of the Union, Americans of Slovak origin constitute a large, important, highly respected, and patriotic element of our citizenship. The resolutions adopted by the National Slovak Society have the ring

of true patriotism and express in befitting and eloquent words their deep loyalty to the Government of the United States, their abiding faith in its cause, and their pledge to further our war effort in every possible way.

I ask unanimous consent to have the letter and the accompanying resolutions printed in the RECORD and appropriately referred.

There being no objection, the letter and resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

NATIONAL SLOVAK SOCIETY
OF THE UNITED STATES OF AMERICA,
Pittsburgh, Pa., November 13, 1942.

Hon. JAMES J. DAVIS,
United States Senator,
State of Pennsylvania,
Washington, D. C.

SIR: Enclosed are two resolutions unanimously adopted at a conference of Americans of Slovak lineage held in Pittsburgh, Pa., on September 14, 1942, at which all leading fraternal, beneficial, and cultural organizations embracing over 300,000 members were represented.

These resolutions express the sentiments of the United American Slovaks and I am sending them to you as widely esteemed and worthy representative of a State in which many thousands of American Slavs make their homes.

Respectfully,

V. S. PLATEK,
President.

Whereas America, our country, is now at war; and

Whereas in this critical hour it is necessary that the people of America be a united people with but one will, with but one purpose, and that to win the war; and

Whereas this global war must be fought to the bitter end, until the United States of America and her Allies are victorious—if Americans are to live as freemen and not as slaves; and

Whereas in these critical days the American people know that they can trust their beloved President—their faith in him being based on his humanity, his courage, his vision, his wisdom, his passion for democracy; and

Whereas in this high hour there can be but one call to every true American, to every true disciple of democracy, and that is to consecrate everything he has, is, or hopes to be to the united war effort: Be it therefore

Resolved by the fraternal benefit societies and also the national cultural organizations of Americans of Slovak ancestry this day assembled in conclave at Pittsburgh, in the name and on behalf of their respective memberships totaling a half million, all Americans by birth or adoption, bound together as one by the common ties of brotherhood and patriotism in the thousands of lodges and branches established in virtually every State in the Union, That we give allegiance and full faith to the President of the United States, and that we pledge our wholehearted and unconditional support of the President and the Congress of the Nation in their determination to protect the honor of America and its ideals of right and humanity; and that we dedicate our lives, our fortunes, our all to this great and holy cause; and be it further

Resolved, That, in these critical days, every member of each of our societies and organizations, young and old, be an American in every thought and deed, and, in the high spirit of the founders of our great democracy, and with faith in the destiny of our beloved country and its cherished flag, fight shoulder to shoulder with America's armed forces, and where that is not possible, then serve in the most useful and helpful capacity possible in this great war between the forces of freedom and the forces of slavery, so that the great task to which the United Nations have set their hands shall be accomplished, so that America shall not fail; and be it further

Resolved, That our societies continue to add to the $10,000,000 of United States War Bonds now in their portfolios just as rapidly as their finances and circumstances permit; and be it finally

Resolved, That the original of this resolution be subscribed by the duly constituted and authorized representative or representatives of each society and organization here present, and be spread upon the minutes of this body, and that a copy of this resolution be dispatched to the President and to the Senate and to the House of Representatives of the United States of America.

Done at Pittsburgh, Pa., this 14th day of September 1942.

Slovak Catholic Sokol, Dominik Sloboda, president; Katolicky Sokol, Joseph Prusa, editor; National Slovak Society, Wendell S. Platek, president; John A. Willo, legal adviser; Narodne Noviny, Joseph Zary, editor; Ladies Pennsylvania Slovak Union, Garbriela E. Vavrek, president; Catherine Volosin, vice president; Veronica Genonsky, secretary; Maria Kolesar, treasurer; E. Zboray president, supreme court; M. Blatnica, member, supreme court; First Catholic Slovak Union, M. J. Wargovich, president; Jednota, Philip Hrobak, editor; Evangelical Slovak Women Union, Susanna Jandik, president, B. Sturman; Dennica, Maria Stankoviansky, editor, Slovak League of America, Joseph Husek, president; Paul Jamriska, vice president; Rev. Hrtanek, committeeman; A. M. Palkovic, treasurer; Frank J. Gurcak, Pennsylvania Slovak Union, John Kridlo, president; Ivan Bielek, editor; Rev. M. K. Mlynarovic; Roduverny Slovak, John S. Bradac, editor; Zivena, Paul Blazek, editor; Slovak Evangelical Union, Stephen Zeman, Jr., president; Paul Sturman secretary; Slovensky Hlasnik, Emil Stankoviansky, editor; National Association of Slovak Lutherans, Rev. P. Rafaj, president; Slovak Lutheran Synod, Rev. A. Daniel, president; Slovak National Alliance, Rev. J. J. Pelikan, president; John W. Golosinec, secretary; James Hovorka, treasurer; Czechoslovak National Council, John Galbavy, assistant secretary; New Yorksky, Dennik, Andrew Valusek, editor; Ludovy Dennik, Paul Hodos, editor; Slovak section of Inter-National Workers Order, Helen Vrabel; Slovak American section I. W. O., Frank Pavuk; Slovak Gymnastic Union Sokol, John Zeman, president; Jos. P. Kurcina; Independent National Slovak Society, Joseph Schmidt, president; Slovensky Kalvin, Rev. Frank Uherka, editor; Slovak Newspaper Association, Fedor Salva, secretary; Slovenska Obrana, Fedor Salva, editor; Osadne Hlasy, Peter P. Hletko, editor; Catholic Slovak Federation, Paul Kazimer, treasurer; Zenska Jednota, Rev. George S. Luba, editor; Men's and Ladies' Pennsylvania Slovak Union, Dr. J. J. Benedik; Hlas, Chas. Belohlavek, editor; Slovak Calvinistic Presbyterian Union, John Bayus, president.

Whereas America, our country, is now at war, a world struggle in which Americans are fighting to preserve all they hold dear; and

Whereas the rulers of Slovakia, which was separated from the Republic of Czechoslovakia in March of 1939 after the pact of Munich, have unfortunately allied themselves with Nazi Germany in this war against the democracies; and

Whereas the people of Slovakia, as lovers of democracy by inheritance, are not and cannot be in accord and in sympathy with this unholy alliance between their rulers and Nazi Germany; and

Whereas in this dark and turbulent hour the people of Slovakia, shackled as they are by Nazi might and terror, can say or do little to bring knowledge to the world of their wrongs and grievances and of their desires, hopes, and aspirations; and

Whereas it is none too early to talk of the post-war world, because victory for America and her Allies, the United Nations, can, must, and will be won, it being only a question of time when that victory of civilization over barbarism will be won; and

Whereas in the words of the President of the United States, "* * * we believe that any nationality, no matter how small, has the inherent right to its own nationhood"; and

Whereas as Americans of Slovak ancestry, proud of our ancestry, it is natural for us to have an interest in the country of our ancestors—Slovakia—and to have an interest in the welfare of our Slovak brethren across the Atlantic and in this hour of their unchosen but forced silence, to speak in their behalf; and

Whereas the world has been told that the United Nations are not going to hand out independence and self-government on a platter, but that the nations who want it must prove themselves worthy by working and fighting for it: Be it therefore

Resolved by the fraternal benefit societies and national cultural organizations of Americans of Slovak ancestry this day assembled in conclave at Pittsburgh, in the name and on behalf of their respective memberships totaling a half million, all Americans by birth or adoption but proud of their Slovak ancestry, and voicing the sentiments of their Hitler-enslaved Slovak brethren across the Atlantic, That we condemn the betrayers and the murders of the Slovak people, the rulers of Slovakia, who, under the command of Hitler, have declared war on the United States of America, the liberty-consecrated land which, during the past half century and even longer, has given asylum to all Slovaks who desired to escape the Magyar yoke under which the Slovaks groaned as an oppressed people for almost a thousand years before the creation of the Republic of Czechoslovakia; and be it further

Resolved, That we do all in our power to help our brethren across the Atlantic in their struggle to break the shackles of nazism and enable them to march to victory with America and her Allies, for only through victory by the democracies can the Slovaks and the Czechs—who, by the law of nature and law of necessity, are indispensable to each other—hope for a national future through the re-creation of the Republic of Czechoslovakia in accordance with the letter and the spirit of the Atlantic Charter and the "four freedoms"; and be it finally

Resolved, That the original of this resolution be subscribed by the duly constituted and authorized representative or representatives of each society and organization here present, and be spread upon the minutes of this body, and that a copy of this resolution be dispatched to the President and to the Senate and to the House of Representatives of the United States of America and to the President of the Government-in-exile

of the Republic of Czechoslovakia now domiciled in London.

Done at Pittsburgh, Pa., this 14th day of September 1942.

First Catholic Slovak Union, Michael J. Wargovich, president; Jednota, Philip Hrobak, editor; Slovak Catholic Sokol, Dominik Sloboda, president; Katolicky Sokol, Joseph G. Prusa, editor; National Slovak Society, Wendell S. Platek, president; Narodne Noviny, Joseph Zary, editor; Ladies Pennsylvania Slovak Union, Gabriela E. Vavrek, president; Pennsylvania Slovak Union, John Kridlo, president; Ivan Bielek, editor; Independent National Slovak Society, Joseph Schmidt, president; Slovak Evangelical Union, Stefan Zeman, Jr., president; Slovensky Hlasnik, Emil Stankoviansky, editor; Evangelical Slovak Women's Union of America, Susanna Jandik, president; Dennica, Maria Stankoviansky, editor; First Catholic Slovak Ladies Union, Helen Kocan, president; Zenska Jednota, Rev. George Luba, editor, Zivena Beneficial Society, Ruby Jelinek, secretary; Slovak League of America, Joseph Husek, president; National Alliance of Slovak Lutherans of America, Paul Rafaj, president; Slovak Catholic Federation, Paul C. Kazimer treasurer; Roduverny Slovak, John S. Bradac, editor; Slovenska Obrana, Fedor Salva, editor; Slovak Newspapermen's Association, Fedor Salva, secretary; Nove Casy, Stephen Huska, editor.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. VAN NUYS, from the Committee on the Judiciary:

H. R. 7162. A bill to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935; without amendment (Rept. No. 1674).

By Mr. MALONEY, from the Committee on Immigration:

H. R. 5554. A bill to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States; with amendments (Rept. No. 1675).

By Mr. SPENCER (for Mr. ELLENDER), from the Committee on Claims:

S. 2761. A bill for the relief of the First National Bank, of Huntsville, Tex.; without amendment (Rept. No. 1676).

By Mr. SPENCER (for Mr. BROWN), from the Committee on Claims:

S. 2449. A bill for the relief of Mary Frances Hutson; with an amendment (Rept. No. 1677);

S. 2680. A bill for the relief of Christine Lund; with an amendment (Rept. No. 1678).

H. R. 1383. A bill for the relief of Llewella J. Welsh; without amendment (Rept. No. 1679);

H. R. 2217. A bill for the relief of Wilson N. Yost; without amendment (Rept. No. 1680);

H. R. 3478. A bill for the relief of Glenn A. Pike; without amendment (Rept. No. 1681);

H. R. 5177. A bill for the relief of Irving Cowen; without amendment (Rept. No. 1682);

H. R. 5651. A bill for the relief of the Home Insurance Co. and the American Insurance Co.; without amendment (Rept. No. 1683);

H. R. 6078. A bill for the relief of Katherine S. Arthur; without amendment (Rept. No. 1684);

H. R. 6176. A bill for the relief of Shirley Jones; without amendment (Rept. No. 1685);

H. R. 6286. A bill for the relief of Lee Watts; with amendments (Rept. No. 1686);

H. R. 6380. A bill for the relief of Charles S. Smith; without amendment (Rept. No. 1687);

H. R. 6388. A bill for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs; without amendment (Rept. No. 1688);

H. R. 6751. A bill for the relief of J. C. Baker; without amendment (Rept. No. 1689);

H. R. 6817. A bill for the relief of Lloyd A. Emick; without amendment (Rept. No. 1690);

H. R. 6893. A bill for the relief of N. C. Lloyd; without amendment (Rept. No. 1691);

H. R. 6907. A bill for the relief of Mrs. P. R. Yager; without amendment (Rept. No. 1692);

H. R. 6970. A bill for the relief of Carolyn D. Griffin; without amendment (Rept. No. 1693);

H. R. 6990. A bill for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes; without amendment (Rept. No. 1694);

H. R. 6993. A bill for the relief of the estate of Marlin Croft, deceased; without amendment (Rept. No. 1695); and

H. R. 7177. A bill for the relief of Earl Carbaugh; without amendment (Rept. No. 1696).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. DOXEY, from the Committee on the Judiciary:

Ira Lamar Morgan, of Mississippi, to be United States marshal for the northern district of Mississippi, vice Kinloch Owen, term expired; and

Edward Burns Parker, of Alabama, to be United States attorney for the middle district of Alabama, vice Thomas D. Samford, resigned.

By Mr. CHANDLER, from the Committee on Military Affairs:

Second Lt. Grant Renne, Jr., Coast Artillery Corps Reserve, to be second lieutenant in the Regular Army, under the provisions of law; and

Sundry officers for appointment, by transfer, in the Regular Army.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

AMENDMENT OF BITUMINOUS COAL ACT

Mr. GUFFEY. Mr. President, I introduce a bill and ask to have it referred to the Committee on Interstate Commerce. It is a bill to amend the Bituminous Coal Act of 1937, as amended, and for other purposes. In this connection, I should like to say, for the benefit of the junior Senator from Virginia [Mr. BYRD] and his economy group, that the operations under the act will show a net profit to the Federal Government of $2,500,000 for the year 1942.

The VICE PRESIDENT. Without objection, the bill will be referred as requested by the Senator from Pennsylvania.

The bill (S. 2897) to amend the Bituminous Coal Act of 1937 as amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

REACQUIREMENT BY OWNERS OF REAL PROPERTY ACQUIRED BY THE UNITED STATES FOR WAR PURPOSES

Mr. SCHWARTZ. Mr. President, I introduce for proper reference a bill to provide that the owners of real property acquired by the United States for war purposes may reacquire such property when it ceases to be used for war purposes, and so forth, and I ask unanimous consent to submit for printing in the RECORD a short explanatory statement of the bill and of the reasons for its introduction.

The VICE PRESIDENT. The bill introduced by the Senator from Wyoming will be appropriately referred, and, without objection, the statement presented by him will be printed in the RECORD.

The bill (S. 2898) to provide that the owners of real property acquired by the United States for war purposes may reacquire such property when it ceases to be used for war purposes, to protect certain rights of persons holding permits or licenses for the use of property taken over for war purposes, and for other purposes, was read twice by its title and referred to the Committee on Public Lands and Surveys.

The statement presented by Mr. SCHWARTZ in connection with the bill is as follows:

Under the Taylor Grazing Act possession of sufficient private lands, water, or winter feed to insure year-round operations is necessary to render a grazier eligible to hold leases on public domain grazing lands. Similar provisions apply as to grazing permits in the national forests and other reservations.

Successful production of livestock in the West is dependent on a fixed or reasonably long-term tenure on private lands, with leases or permits in connection.

For necessary war purposes large grazing areas in the West have been taken over, including the private lands and the improvements thereon, as well as public domain grazing lands long held by stockmen under State and Federal leases and permits. Private lands taken are to be compensated for, and some arbitrary value of existing leases and permits is provided for under the act of July 9, 1942. The lessee or permittee has no voice in the fixing of such value and must accept the price fixed by the Army.

Presumably the property, leases, and permits now taken over by the War Department is wanted for the duration of the present emergency only.

What disposition will be made of this property and these leases and permits when no longer needed for war purposes?

If they are to be retained by the Government in its capacity as a landlord, it is just and reasonable that those from whom the lands and improvements, leases and permits were taken should have a preference or option to acquire the new leases and permits to be issued. My bill so provides. Such action will enable many livestock producers to reestablish themselves in the situation they enjoyed before they were practically put out of business. These people are compelled to go out of business now, for there is no unoccupied range to which they can move their herds and flocks.

If the Government decides to sell the lands and improvements now taken when no longer needed for war purposes, original owners or their successors in interest, in good equity, should have an option to repurchase at a price not in excess of the consideration paid by the Government. My bill so provides. Certainly, Uncle Sam should not seek to make a profit out of the war situation and at the expense of those whose property was taken for war purposes. Neither should such former owners be compelled at public sale to compete with other stockmen whose set-up was not interfered with during the war and

who for that reason would often have both desire and ability to outbid the man who had been put out of business during the war. There is yet another opportunity for the Government to do justice to the grazier whose property is now taken. When private property, water rights, or winter range is taken, the former owner thereof is no longer eligible to receive a lease or permit on public grazing lands. A section of my bill provides that although no longer the owner of such private holdings, such dispossessed stockman shall still be eligible to hold public domain leases to the same extent as he was while still owning such property. To this there will be in all probability objection by those in charge of granting leases and permits on public lands, good during summer grazing seasons only. It will be urged the dispossessed grazier no longer has winter feeding grounds to support the stock grazed on public lands during the permissible grazing season. He could, however, move his cattle, horses, sheep, or goats onto the hay lands in our large irrigation districts and feed the hay there for sale in the stack, feed them on the pulp by-product at the beet-sugar mills in the West. He could send a part of his stock to the markets or to the Corn Belt for fattening. As the situation now is, stockmen thus suddenly shorn of their grazing areas must sell most of their stock at once on a glutted market and at a heavy loss, with no time to make arrangements for feeding elsewhere.

SUFFRAGE FOR CITIZENS OF THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, the provision of the platform adopted at the recent convention of the National League of Women Voters, at Chicago, which places that organization on record as favoring the right of suffrage for the citizens of the District of Columbia, reads as follows:

The League of Women Voters works for the extension of the popular vote to the disfranchised citizens of the District of Columbia.

I am in hearty accord with the stand taken by this convention at Chicago. I think it is a great injustice to the people of the District of Columbia that they are deprived of the right of participation in their Government which is given to the citizens of the 48 States. I have introduced into the Senate a bill which undertakes to correct this great wrong, and I hope to see favorable action taken on it in the near future.

Mr. President, I ask to include as a part of my remarks a statement by Mr. Jesse Suter on the subject as printed in the Washington Evening Star. I am glad to say I heartily approve the sentiments expressed by Mr. Suter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Washington Star]

DISTRICT MEN FIGHT BUT OTHERS DO THE VOTING

Another national election day has passed with the District of Columbia people still only bystanders listening to election returns over the radio and reading them in the newspapers. However, District men in the armed forces engaged in the great global war were not merely observers on the side lines. They were privileged to stand shoulder to shoulder with other Americans and help carry the brunt of the battle.

Tuesday's election was of vital interest to the voteless and unrepresented people of the District for there were then elected one-third of its board of aldermen (the Senate) and the entire membership of the common council (the House of Representatives). These men and women, chosen by the Americans throughout the country, with the exception of those residing in the District of Columbia, are to be the rulers with exclusive legislative power over the District. Besides being the District's local legislative body, they constitute the Congress, which is also the District's national legislature.

There is special interest on the part of District residents in the fate of the members of the Senate and House who serve on committees dealing with District affairs. Political casualties among these members were slight.

THE LABOR PROBLEM

Mr. REED. Mr. President, when I was home in Kansas last week I made a report to the people of the State on the activity of the Kansas delegation touching the general labor problem, and farm labor in particular, and the failure of the executive branch of the Government to carry out the provisions of the Price Control Act as passed by the Congress. I made an address which was broadcast over a State-wide hook-up, and I ask unanimous consent to have my summary of the questions printed in the RECORD at this point as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CAN'T WIN WITH 40-HOUR WORKWEEK, SAYS REED—HITS NEW DEALERS ON UNSOUND LABOR AND FARM POLICIES

COFFEYVILLE.—Senator CLYDE M. REED, of Parsons, declared here last night it was folly to try to win the war on a 40-hour workweek basis.

He pointed to the farm-labor crisis and told what the Kansas congressional delegation has done and is doing about it.

Then he blasted the administration's farm program for its "crazy schemes" and asserted he and others were plunging into a new fight to try to stop the unsound policy being followed. Following is the text of his speech, which was broadcast on a Kansas network of six radio stations:

"Before returning to Washington this week I desire to talk with my neighbors of Kansas about matters of public policy of the first importance; importance so great that they concern the winning of the war in which we are now engaged. I want to make a report to the people of Kansas, to whom I am responsible because I bear their commission in the Senate of the United States.

"I had hoped to come home far enough ahead of the recent election to discuss these matters in the course of the campaign. The pressure of matters in Washington, in which I was carrying a share of the responsibility, prevented. There was time only for one brief discussion which was given the evening before the election.

NOT CAMPAIGN ORATORY

"Perhaps it is better this way. I am saying tonight only what I would have said earlier. Election day came. The people, not only of Kansas but of the Nation, declared themselves in protest against policies being followed. What I say tonight cannot be challenged on the ground that it is only campaign oratory.

"The election is over. The policies repudiated are still being followed, and President Roosevelt indicates that he will adhere to them—despite their overwhelming repudiation at the ballot box, the place of final judgment in a democratic form of government. Our Government is—at least was—such a form. When I return to Washington I shall devote my entire energy to legislation which will preserve our democratic processes, even if the President should disagree.

"In my campaign in 1938 I declared in every address that, if elected, I would not be a rubber stamp for anybody, not even for the President of the United States and not even if the President were of my own party. I stand upon that declaration. It has been my guiding star in 4 years of service in the United States Senate. It will continue to be. My every vote has been and will be cast upon my own conscience and my best judgment. If a time should come when I cannot do that, I shall retire from public life.

LABOR PROBLEM

"Let us begin with the labor problem. Long ago I was among those who declared that winning the war would require the entire energy of the whole people. Peacetime policies had brought about what are sometimes called social gains, by which is meant shortening hours of labor per day or per week. In rare instances this reduction in labor hours may have been for the benefit of the worker but mainly, almost entirely, it was done to employ more workers at a time when there were more men than jobs.

"When we have come to a place where there is a demand for greater and greater production of food and munitions of war, as well as maintaining a reduced supply of goods for civilian needs; when the requirements of production call for more man-hours of labor, it is absurd, almost criminally so, to insist upon limiting work hours per week below a standard measured only by the physical and mental capacity of the worker, without detriment to his welfare.

"The people voted against just that policy. It must be corrected. I have small doubt that early in the Seventy-eighth Congress which will convene January 3, 1943, legislation will be adopted which will suspend, for the duration, any and all laws limiting hours of labor to less than 48 hours per week, or the requirement of payment of penalty overtime below a workweek of 48 hours. I do not favor suggestions for 56- or 60-hour weeks in industrial plants, until shown to be absolutely necessary, but I certainly shall insist that 40-hour-week policies be abandoned.

"While on this point let me suggest that in Great Britain a workweek of 56 hours is standard; in Germany the average is 60 hours and in Russia a standard of 66 hours per week is followed. The over-all average employment of all factory workers in the United States is 43 hours per week.

CAN'T WIN THAT WAY

"Attempting to win a war of the scale of the present conflict on a 40-hour-week basis is folly. This policy has already increased the burden upon the people in the cost of the war by unnumbered billions of dollars and has restricted production to a dangerous degree. It is difficult to understand how any patriotic citizen or responsible official should undertake to defend so indefensible a policy—indefensible from every standpoint, including that of the worker himself.

"I think I am entitled to tell the people of Kansas that this is no hindsight pronouncement. On January 28, this year, 11 months ago, I introduced Senate bill No. 2232 which would suspend the 40-hours-per-week provision of the Fair Labor Standards Act of 1938, otherwise known as the 40-hour law. That bill received wide comment at the time. It was sent to the Senate Committee of Education and Labor, which is absolutely controlled by the New Deal administration.

"We, who favor this change in law, have not been strong enough to force it out on the Senate floor. After next January 3 I think we will have the votes to bring a similar bill out and pass it.

"I also insist on improving administration of the Wagner Labor Act. I have no objection to the principles of that law but I do resent its horrible maladministration. There

are other moves to be made as careful scrutiny develops a program.

FARM LABOR

"I want to talk about farm labor for a few minutes. Kansas is one of the most important farm States and it is our biggest business. The farms and farmers of America are expected to produce enough food for our own people and for the world or that part of it alined with the United Nations. It is a big job. This year showed the largest farm production in our history. Favorable weather greatly contributed to the total production.

"The prospect for 1943 volume of production is not so good. In this county and section and State farms are being wholly or partially abandoned. The same is true all over the United States. The prime reason is inability of the farmer to obtain farm labor. High wages in war plants and for factory workers in general have, in many cases, taken the farmer himself. His wages for a week in those places are, in many cases, more than he can make in a month on the farm. High wages for industrial workers have made it impossible for the farmer to compete in the labor-hiring market for the help essential to operate his farm.

"Dairy farmers are the hardest hit. There will be less milk production, from present outlook, in 1943 than there has been in 1942. Finally the country, even the New Deal administration has become alarmed.

"I want to tell you of the part the Kansas delegation in Congress played in bringing the country and the administration to a sense if the serious situation which confronted it—and daily and weekly growing worse. Again this is not a matter of hindsight.

GOT KANSAS FACTS

"In August of this year, 3 months ago, Congressmen LAMBERTSON, GUYER, WINTER, REES, CARLSON, and HOPE, and myself, were in Topeka for a conference with farm organizations and State officials over the rapid depletion of farm labor, due to the draft and to high wages in the war industries. Senator CAPPER was in Washington at the time. We then asked the Kansas State board of agriculture, the farm organizations, the Kansas Bankers Association, the Agricultural Adjustment Agency county committees, and other agencies to make a hurried survey of the actual farm situation, county by county, and let us have the figures in Washington at the earliest possible date. All these people cooperated and did a good job.

"When we got back to Washington the entire Kansas delegation, including Senator CAPPER and Congressman HOUSTON who had not participated in the Topeka conference, went into action. We had our case as thoroughly prepared as time would permit. Our survey showed that in 1942 around 3,000 farms were either wholly or partially abandoned. In 1943 this figure would be increased to approximately 10,000 farms.

"Fifty-two percent of the loss of farm labor had been to the military services. Thirty-five percent had gone to higher wages and shorter hours in the factories. Continued, this farm-labor depletion would spell disaster.

"As a delegation we started our round of responsible officials dealing with the labor problem. We called upon Secretary of Agriculture Wickard first and told our story, buttressed by the facts. Next day we talked the matters over with General Hershey. Our third visit was to Paul McNutt of the Manpower Commission. Next we went to Under Secretary of War Patterson, who supervises operation of all the Army war plants. We wound up with a second visit to Secretary Wickard.

"To each of them we insisted on full consideration of all the factors and of the disaster threatening the country. We challenged the common sense of a labor policy that was depleting the farms, where the average of hours worked per week runs from 60 to 96, to maintain forces in factories averaging 43 hours per week. We were insistent and at times the conferences would wax warm. But we told all of them just what we thought.

"We found confusion, indecision, uncertainty, everywhere. Perhaps the overwhelming expression of the people last Tuesday may jar some of the complacency out of Washington bureaucrats and clear away some of the confusion. When the current selective-service bill was in the Senate we wrote into it a deferment for essential farm workers. That should help a lot.

STATEMENT OF BELIEFS

"My colleagues of both Houses of Congress asked me to draw up a statement of our views and beliefs to be filed with the Secretary of Agriculture and to be made a part of the CONGRESSIONAL RECORD. I did and it was signed by all Members of both Houses and was put into the CONGRESSIONAL RECORD. I especially want to call your attention to some of our declarations. After reviewing the entire situation we declared that 'disaster threatened the country in its food supply.' We demanded that 'the labor policy be coordinated and that definite and concerted action be taken to meet the problem'; 'we speak earnestly because we feel earnestly,' we said and then—

"'And, finally, we declare it to be our belief that the United States of America cannot do its share in winning the war when a preponderance of labor is working on a basic-hours-per-week premise below the standard regarded as fair and reasonable for peacetime. We are in war. Peacetime rules are out.'

"We filed our statement back in September. Other States and sections followed. The Kansas declaration forced the issue and started agitation from other sources which is bringing results. More than any other State, we placed the issue before the people of the country.

"My time is running low. I must hasten on. I now want to talk about the extent to which an effort is being made to substitute the opinions of bureaucrats for the mandate of Congress; to make this a government of men and not of law. As usual, in this period, the farmer and the farm States are attempted to be made the victims, to the advantage of the industrial consuming sections.

THREAT

"On Labor Day the President sent a message to Congress in which he threatened to take dictatorial powers unless the Congress passed legislation pronto, which he wanted. The ironic thing is that the Congress would have passed substantially that legislation months ago except that the President held his New Deal majorities in the two Houses of Congress against any action that would disturb his labor policies. The President also held up to the country the idea that farm-commodity prices threatened inflation.

"Not since Orson Welles alarmed the timid with the story of an invasion from Mars has anyone so needlessly sounded an alarm. The President condemned the agricultural price program then in effect. He outlined one of his own.

"I was working, then, upon a Senate floor discussion of the total farm situation. I asked the Bureau of Agricultural Economics, in the Department of Agriculture, to prepare for me estimates of the money effect of the program the President complained of and the money effect of the program he wanted. The Bureau of Agricultural Economics, as it is called, did so. It is one of the most careful and reliable statistical agencies in the country. Its estimates are accepted as an official basis for legislation and for every purpose.

"It found that the difference, in money, between what the President complained of and what he proposed to substitute was about $15,000,000, on a total farm price base of nearly $14,000,000,000. In other words a difference of one-tenth of 1 percent.

FORCED TO COMPROMISE

"I have never had so close attention of the Senate as on September 22 when I spoke for 1 hour and 15 minutes covering this entire situation, including a full explanation supported by the Bureau of Agricultural Economics estimates, of the small difference between what the President criticized and what he proposed. So far as the Senate was concerned he lost his case that day and his legislative leaders were forced to a compromise.

"In the bill that passed specific direction was given that no maximum should be fixed on farm commodity prices, or, on commodities processed, like flour out of wheat, at less than the parity price. In his Executive order, issued October 3, the President disregarded the plain intent of Congress. That is what the present row is about. You have been hearing of it for some weeks. You will hear more, also.

"I could talk for an hour on this point, but time will not permit. Let me give one brief illustration. Leon Henderson, acting by direction of the President, fixed a maximum price for flour, based upon wheat at about 8 cents per bushel below the current market price. This would break the flour millers or stop the manufacture of flour. So Mr. Henderson proposed to pay a subsidy so the flour miller could buy wheat below the market price. He would go as far as to subsidize wheat purchase to the extent of 22 cents a bushel below the parity price. This year we are using some $95,000,000 to keep the price of wheat up.

"Now Henderson proposes to use somewhere between twenty and fifty million dollars to keep the price of wheat down. If that isn't a crazy scheme then I don't know one when I see it.

"Nowhere in the law passed is there the remotest bit of authority for any such scheme.

REAL FIGHT LOOMS

"Pardon a word personal. There are two resolutions and one bill now pending trying to stop such an unsound policy. I wrote them all. I introduced one resolution myself. Senator GILLETTE, of Iowa, who agrees entirely with the viewpoint I am stating here, joined me in introducing the other resolution and the bill. The fight in the Senate just now rages around these resolutions and the bill.

"I am going back to Washington to take part in the fight. It will be a daisy. Win, lose, or draw, I'm going to do my bit to protect the farmer and the farm States from such crazy schemes and to maintain a government of law and not of bureaucracy.

"My time draws to a close. I wish I could have more time, but I am happy to be permitted to talk to my neighbors about these important matters."

TRIBUTE TO SECOND BATTALION OF THE ONE HUNDRED AND THIRTY-FOURTH INFANTRY

Mr. TRUMAN. Mr. President, I have just received a letter from my cousin, R. E. Truman, who was formerly the general commanding the Thirty-fifth Division, in which he encloses a memorandum from the commanding officer of the One Hundred and Thirty-fourth Infantry commending the Thirty-fifth Division which is distinguished for its marksmanship, for its excellent participation in operations "in the North." I should like very much to have the letter and the accompanying memorandum printed in the RECORD.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *November 3, 1942.*
Senator HARRY S. TRUMAN,
United States Senate, Washington, D. C.

MY DEAR HARRY: Attached hereto is a memorandum issued to the officers and enlisted men of the One Hundred and Thirty-fourth Infantry which quotes a commendation from Gen. John L. DeWitt covering the action of the Second Battalion of the One Hundred and Thirty-fourth Infantry, which was undoubtedly in the Andreanof Islands.

This is a National Guard outfit commanded entirely by National Guard officers, it was a part of the Thirty-fifth Division which was also trained by National Guard officers.

With kindest personal regards, I am,
Sincerely yours,

R. E. TRUMAN.

HEADQUARTERS, ONE HUNDRED AND THIRTY-FOURTH INFANTRY REGIMENT,
Los Angeles, Calif., October 14, 1942.

Memorandum to Each Officer and Enlisted Man of the One Hundred and Thirty-fourth Infantry Regiment:

1. On Saturday, October 10, 1942, the commanding general Thirty-fifth Infantry Division, Maj. Gen. Maxwell Murray, in a telephone conversation with the commanding officer One Hundred and Thirty-fourth Infantry, conveyed the following information: "That Lt. Gen. John L. DeWitt, commanding general, Western Defense Command and Fourth Army, had informed him that the operation participated in by the Second Battalion, One Hundred and Thirty-fourth Infantry, in the north had been highly successful and was carried out in a most excellent manner and that the Second Battalion of the One Hundred and Thirty-fourth Infantry was to be highly commended for its exemplary action in this operation."

2. The commanding officer of the One Hundred and Thirty-fourth Infantry wishes to add his appreciation and pride in the accomplishment of the Second Battalion of this regiment. Their commendable action and outstanding devotion to duty should be an inspiration to this entire regiment.

BUTLER B. MILTONBERGER,
Colonel, One Hundred and Thirty-fourth Infantry, commanding.

P. S. This refers to the recent Aleutians action.

MAJ. GEN. R. E. TRUMAN AND THE THIRTY-FIFTH DIVISION

Mr. TRUMAN. Mr. President, in his appearance before the House Committee on Appropriations, Maj. Gen. John F. Williams, Chief of the National Guard Bureau, made this declaration:

The Thirty-fifth Division: General Truman was relieved last October at his own request. They gave him a different assignment from the command of his division, and it did not please him very well, so he asked to be relieved from service.

General Truman had no choice in the matter. He was relieved from his command, and was not even allowed to tell his division farewell, or to receive the commanding general who succeeded him.

I have not said anything about this situation because General Truman happens to be a first cousin of mine, and I did not want to have this appear in the RECORD as a family affair, but I did desire to make it perfectly plain that the general did not leave the division at his own request. He wanted to remain with it. I want to have that clear in the RECORD.

FEDERAL AID FOR EDUCATION—ARTICLE BY SENATOR ROSIER

[Mr. ROSIER asked and obtained leave to have printed in the RECORD an article on the subject Federal Aid for Education written by him and published in the Huntington (W. Va.) Advertiser, which appears in the Appendix.]

THE POLL TAX

[Mr. BILBO asked and obtained leave to have printed in the RECORD an article entitled "The Pending Poll Tax Bill" written by Mark Sullivan and published in the Washington Post of November 16, 1942, which appears in the Appendix.]

SERMON BY BISHOP O'HARA AT CENTRAL VEREIN AND N. C. W. U. CONVENTION

[Mr. MEAD asked and obtained leave to have printed in the RECORD a sermon by Bishop O'Hara in the cathedral in St. Louis on Sunday, August 23, 1942, on the occasion of the Central Verein and N. C. W. U. national convention, which appears in the Appendix.]

COLUMBUS DAY ADDRESS BY RT. REV. FRANCIS J. HAAS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address celebrating Founding Day, Fourth Degree Knights of Columbus, at Canton, Ohio, October 12, 1942, by Rt. Rev. Francis J. Haas, Ph. D., LL. D., dean of the School of Social Science, the Catholic University of America, which appears in the Appendix.]

COMMEMORATION OF FIFTY-SIXTH ANNIVERSARY OF DEDICATION OF THE STATUE OF LIBERTY

[Mr. MEAD asked and obtained leave to have printed in the RECORD statements made in connection with the ceremony sponsored by the American Committee for the Protection of Foreign Born to commemorate the fifty-sixth anniversary of the dedication of the Statue of Liberty at Bedloe's Island, October 28, 1942, which appear in the Appendix.]

CITATION OF WALTER WINCHELL

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article from the New York Mirror regarding the awarding of a citation to Walter Winchell by the California Department of the American Legion, which appears in the Appendix.]

FARM CONDITIONS

[Mr. LANGER asked and obtained leave to have printed in the RECORD a letter from James M. Witherow, attorney at law, Moorhead, Minn., discussing farm conditions, which appears in the Appendix.]

THE CALENDAR

The VICE PRESIDENT. The routine morning business is concluded. The calendar under rule VIII is in order.

Mr. BARKLEY. I ask unanimous consent that the call of the calendar be dispensed with.

Mr. CONNALLY and Mr. McKELLAR objected.

The VICE PRESIDENT. The clerk will proceed to call the calendar.

Mr. BARKLEY. I ask unanimous consent that, if the calendar is to be called, the call begin with calendar number 1681, which is the point where the last call ended.

Mr. BILBO. Mr. President, I object to the permission being granted, because it has been some time since we had a call of the calendar.

The VICE PRESIDENT. The clerk will call the first order of business on the calendar.

Mr. RUSSELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

RESOLUTIONS AND BILL PASSED OVER

The clerk will state the first order of business on the calendar.

The resolution (S. Res. 30) amending rule VIII so as to prohibit action by unanimous consent on bills in cases where a Senator has given written notice of his objection to their consideration was announced as first in order.

Mr. BARKLEY. I ask that the resolution be passed over.

The VICE PRESIDENT. The resolution will be passed over.

Mr. RUSSELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present. The clerk will state the next order of business on the calendar.

The resolution (S. Res. 96) making rule XVI applicable to amendments to relief and work-relief bills was announced as next in order.

Mr. BARKLEY. I ask that the resolution be passed over.

Mr. CONNALLY. Mr. President, will the author of that measure give the Senate an explanation of it? If the author is not present, perhaps some member of the committee can do so.

The VICE PRESIDENT. Request has been made that the resolution be passed over. The resolution will be passed over. The clerk will state the next measure on the calendar.

Mr. RUSSELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

The clerk will state the next measure on the calendar.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS AND NAVAL ESTABLISHMENTS

The bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

Mr. O'DANIEL. Mr. President, I move that the Senate proceed to the consideration of Senate bill 860, which has been on the calendar for some time. The liquor interests, it is claimed, are trying to build up their business by creating an appetite for alcoholic beverages among the soldiers. Now that we have agreed to induct 18- and 19-year-old boys——

The VICE PRESIDENT. The motion made by the Senator from Texas is not debatable. The question is on agreeing to his motion.

Mr. RUSSELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Bilbo	Capper
Andrews	Brewster	Caraway
Austin	Bulow	Chandler
Ball	Bunker	Chavez
Barbour	Burton	Clark, Idaho
Barkley	Byrd	Connally
Danaher	McKellar	Schwartz
Davis	McNary	Shipstead
Doxey	Maloney	Smith
George	Maybank	Spencer
Gerry	Mead	Taft
Gillette	Millikin	Thomas, Okla.
Green	Murdock	Truman
Guffey	Norris	Tydings
Herring	Nye	Vandenberg
Hill	O'Daniel	Van Nuys
Johnson, Calif.	Overton	Wagner
Kilgore	Pepper	Wheeler
La Follette	Radcliffe	White
Langer	Reed	Wiley
Lee	Rosier	Willis
Lucas	Russell	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Texas [Mr. O'DANIEL]. The motion is not debatable.

Mr. O'DANIEL. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Special Committee on Silver.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senators from Delaware [Mr. HUGHES and Mr. TUNNELL], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

I am advised that, if present and voting, the Senator from Missouri [Mr. CLARK] would vote "nay."

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Illinois [Mr. BROOKS], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 19, nays 44, as follows:

YEAS—19

Andrews	George	O'Daniel
Bilbo	Hill	Reed
Bulow	Kilgore	Russell
Capper	Langer	Smith
Caraway	Lee	Thomas, Okla.
Connally	McKellar	
Doxey	Maybank	

NAYS—44

Aiken	Guffey	Rosier
Austin	Herring	Schwartz
Ball	Johnson, Calif.	Shipstead
Barbour	La Follette	Spencer
Barkley	Lucas	Taft
Brewster	McNary	Truman
Bunker	Maloney	Tydings
Burton	Mead	Vanderberg
Chandler	Millikin	Van Nuys
Chavez	Murdock	Wagner
Danaher	Norris	Wheeler
Davis	Nye	White
Gerry	Overton	Wiley
Gillette	Pepper	Willis
Green	Radcliffe	

NOT VOTING—33

Bailey	Ellender	Murray
Bankhead	Glass	O'Mahoney
Bone	Gurney	Reynolds
Bridges	Hatch	Smathers
Brooks	Hayden	Stewart
Brown	Holman	Thomas, Idaho
Butler	Hughes	Thomas, Utah
Byrd	Johnson, Colo.	Tobey
Clark, Idaho	Lodge	Tunnell
Clark, Mo.	McCarran	Wallgren
Downey	McFarland	Walsh

So Mr. O'DANIEL's motion was rejected.

The PRESIDING OFFICER (Mr. BUNKER in the chair). The clerk will state the next bill on the calendar.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present. The clerk will state the next bill on the calendar.

BILL PASSED OVER

The bill (H. R. 4837) to safeguard the confidential nature of Board of Public Welfare of the District of Columbia case records in all types of relief cases, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

The clerk will state the next bill on the calendar.

RELIEF AND REHABILITATION OF PUERTO RICO

The bill (S. 1358) to amend section 1 of the act entitled "An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for rehabilitation and for other purposes," approved February 11, 1936, was announced as next in order.

Mr. BARKLEY. Over.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. I should like to have some member of the Committee on the District of Columbia explain the bill.

Mr. BARKLEY. I asked that it go over.

Mr. CONNALLY. I have the floor, and I do not yield for that purpose.

Mr. BARKLEY. I suggested that it go over as soon as the bill was called.

Mr. CONNALLY. But the Chair recognized me.

Mr. BARKLEY. Very well; I do not care to take the Senator off the floor.

Mr. CONNALLY. I do not object to the Senator taking time. I should like to have some Senator, in my time, explain the purpose of this particular bill. It seems to relate to communications of a confidential nature of the Board of Public Welfare. Is the Senator from Kansas [Mr. CAPPER] in the Chamber? He is a member of the Committee on the District of Columbia. Is any other member of the District Committee present? I should like to hear from some member of the committee on this bill.

Mr. OVERTON. What is the calendar number?

Mr. CONNALLY. The calendar number is 599.

The PRESIDING OFFICER. The last bill called was Calendar No. 618, Senate bill 1358.

Mr. CONNALLY. That is from the Committee on Territories and Insular Affairs, of which the Senator from Maryland [Mr. TYDINGS] is chairman.

Mr. OVERTON. I am not a member of that committee, but I may say in connection with the bill that a resolution has been submitted to provide an appropriation so as to conduct an investigation into the situation in Puerto Rico. According to my recollection, which I think is correct, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I do not think that committee has acted on the resolution; at least, it has made no report to the Senate as to whether or not an appropriation should be made for that purpose.

If I may be permitted to say so, I think the resolution is quite an important one, because, as I understand, the situation in Puerto Rico is rather a desperate one. I know that I have received letters from constituents in Louisiana advocating that an appropriation be made so as to permit an investigation of the situation in Puerto Rico, the extent of the suffering, and as to what could be done to alleviate it. I assume the Committee to Audit and Control, when it has the opportunity, will make an investigation as to whether or not an appropriation should be made. I have so written to my constituents, stating the consideration of legislation on this subject was awaiting action by the Committee to Audit and Control. That is about all I know of the subject matter.

Mr. CONNALLY. In the absence of the Senator from Maryland [Mr. TYDINGS], the chairman of the Committee on Territories and Insular Affairs, of course, I shall not press the matter, but I think it is very important, in view of the situation in Puerto Rico, which I understand is quite critical and emergent.

Mr. BARKLEY. I ask that the bill go over.

Mr. CHAVEZ. Mr. President, I should like to make a short statement on the bill before it goes over.

Mr. BARKLEY. I withhold the objection, if the Senator desires to make a statement.

Mr. CHAVEZ. I did not know who objected.

Mr. BARKLEY. I asked that the bill go over, but I withhold the request.

Mr. CHAVEZ. I thank the Senator. Concerning this particular bill, of course I have no objection to it going over, but I should like to say with reference to Senate Resolution 309, which has for its purpose an investigation of the social and economic conditions in Puerto Rico, that I certainly hope the leader will see his way clear to withdraw any objection, and allow the resolution to be considered.

The Committee on Territories and Insular Affairs reported the resolution unanimously 2 weeks ago. It then went to the Committee to Audit and Control, and I may say that the chairman of that committee was out of the city for some time, and did not return until lately. That is one of the reasons why I have not pressed the resolution heretofore. The Senator from Maryland [Mr. TYDINGS] is a member of the committee, and he is favorable to immediate action. The Senator from New Hampshire [Mr. TOBEY] is a member of the committee, and he is in favor of taking immediate action. The Senator from Arizona [Mr. HAYDEN], who happens to be absent today, is a member of the committee, but he voted to report the resolution from the Committee on Territories and Insular Affairs.

Let me say to my colleagues in the Senate that Senate Resolution 309 is extremely important to the United States and to the people of Puerto Rico. It was only on Saturday last that the President of the United States let the world know that the people of northern Africa were going to be fed, that the people of northern Africa were not going to be ignored or neglected, but within a stone's throw of continental United States many of our own citizens are today hungry. Two million people of Puerto Rico are now suffering from lack of food. Even the ones who can afford to buy food cannot buy it because it is not available.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. LUCAS. The statement of the Senator with respect to the hunger of the people in Puerto Rico is very interesting, and obviously I regret to hear it, but as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate I should like to have the Senator present to me some facts along that line. The committee which reported the resolution did so without any supporting evidence being adduced, as I understand. As chairman of the Committee to Audit and Control I am charged more or less with controlling the purse strings with respect to the spending of money, and I am compelled to sign all vouchers. I am concerned only with some kind of a written report as to the committee findings. Time and time again I have expressed this idea on the floor of the Senate. Frequently, indeed, almost invariably, standing committees hear some individual with respect to an appropriation said to be necessary for some sort of an investigation, and without taking a line of evidence the resolution of investigation is reported and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Frequently without any facts before us we are compelled to act blindly in granting whatever sum we believe to be necessary, to carry on an investigation. We are without any supporting evidence of any kind or character. This makes for a bad policy of administration. It cannot be justified.

I again renew my request, as chairman of the Committee to Audit and Control, that the standing committees, which have general power, at least, to ascertain from someone the reason or the necessity for going through with an investigation such as that under discussion, bring to our committee at least a short report to support the request for an appropriation. There is no report at this time in connection with the resolution under discussion.

I am not challenging the Senator from New Mexico in my statement, but I am saying once again that, in my opinion, before the Committee to Audit and Control should be asked to act haphazardly, so to speak, in the spending of the taxpayers' money, we should have some kind of a report from the committee recom-

mending the action. In the case before us we should have testimony of some kind showing the conditions existing, in Puerto Rico, as described in the resolution. I merely wanted to make that observation.

Mr. BREWSTER. Mr. President——

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired under the 5-minute rule.

Mr. CHAVEZ. Mr. President, I ask unanimous consent that I may continue for a short time, in order to answer the Senator from Illinois [Mr. LUCAS].

Mr. BARKLEY. Mr. President, I will not object to the Senator from New Mexico having another 5 minutes.

Mr. CHAVEZ. That will be sufficient.

Mr. BARKLEY. I shall not consent to further extension of time, however, because I think we ought to observe the rule.

Mr. CHAVEZ. We want to observe all rules of the Senate.

Mr. President, I do not know what experience the Senator from Illinois has had with other committees, but I know that the Committee on Territories and Insular Affairs had documentary evidence of the inventory of food in Puerto Rico on the 15th of October. Puerto Rico was then out of rice, was out of beans, out of meat, out of milk, out of feed for cattle. Eggs were selling for 15 cents apiece. Butter was selling for $2.50 a pound, but not a pound of butter was to be had. There was plenty of evidence about people suffering because of a shortage of food. There was plenty of evidence concerning babies actually going without food.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CHAVEZ. Yes.

Mr. LUCAS. All the Senator from Illinois can go by is the record. The Senator from Illinois has called the clerk of the committee asking for a report as to what the evidence discloses with respect to that matter, and the clerk of the committee advises my office that no hearings have been held on the resolution which was presented, and that there was no evidence before the committee which could be submitted to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHAVEZ. There is certainly plenty of evidence in the committee which can be presented if the Senator from Illinois will call on the committee for it.

Mr. LUCAS. Of course if the Senator from Illinois calls his committee together and holds hearings, no doubt evidence will be presented. I am not arguing as to whether the resolution should be adopted. I am contending for the principle involved with respect to the spending of money. The Senate of the United States has charged the Senator from Illinois and the committee of which he is chairman with the responsibility for properly disbursing its money. I do contend—and I make the statement in all seriousness—that the Committee to Audit and Control the Contingent Expenses of the Senate ought to have some kind of report to justify the expenditure of money, otherwise it will be necessary for the committee to start holding hearings itself to ascertain and determine whether or not the money should be spent upon the resolution which has been submitted. That is all I am contending.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. BREWSTER. Unfortunately the Senator from Illinois was absent, I believe, on very important business, when this matter was previously discussed. I think it has been made perfectly clear to all the Members of the Senate, and it is certainly known to almost everyone in the country, that food riots are now in progress in Puerto Rico; that when a little rice arrives in Puerto Rico the police must be called out in order to keep the people from looting the stores where it is held; that Governor Tugwell has stated that he is absolutely unable to do anything because the military and naval authorities will not allow the use of any ships for this purpose. I trust that the Senator from Illinois now may very speedily find it possible to give this matter consideration. I shall be happy to appear before the committee and present such evidence as the Senator may desire as to the extreme urgency of this case. Before we take over the responsibilities for all the rest of the world, I believe it is important that we show capacity for taking care of these charges of ours who are right on our own doorstep, as the Senator has said. I believe the matter is extremely urgent.

Mr. LUCAS. Mr. President, I appreciate what the Senator from Maine has said, and he may be correct about it. I am not saying that he is not.

Mr. BREWSTER. If I were the Senator from Illinois I would not even intimate that the Senator from Maine was not correct, until at least I had taken the time to look into a matter which involves the starvation of 2,000,000 people. Any Senator on the floor who has looked into the situation knows what it is.

Mr. LUCAS. When the Senator tells me that it involves the starvation of 2,000,000 people I will say to him that I do not think he knows what he is talking about.

Mr. BREWSTER. I think the Senator from Illinois is making it perfectly clear that he does not know what he is talking about, when he is ignoring a situation which exists on our own doorstep, with respect to our own charges.

Mr. LUCAS. The Senator from Maine can believe anything he wants to believe about the Senator from Illinois; but the Senator from Maine cannot impute anything to me.

Mr. BREWSTER. Except the ignoring of this matter for a month.

Mr. LUCAS. No; the Senator cannot impute even that to me.

Mr. BREWSTER. I realize that the Senator from Illinois has been busy, and while the Senator was absent in Illinois we did not complain, but the Senator has been back here a week now, and we think it is time that the matter receive his attention.

Mr. LUCAS. Is the Senator from Maine a member of the committee?

Mr. BREWSTER. No, I am not. Is that necessary?

Mr. LUCAS. I am asking the Senator whether there was any evidence submitted before the committee with respect to this matter.

Mr. BREWSTER. Mr. President——

Mr. LUCAS. I have the floor, and I refuse to yield for a moment.

Mr. BREWSTER. When was the Senator from Illinois recognized, Mr. President?

Mr. LUCAS. I refuse to yield.

Mr. BREWSTER. Has the Senator from Illinois been recognized? I understand the Senator from New Mexico has the floor, and the Senator from New Mexico yielded to me.

Mr. LUCAS. Did the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yielded first to the Senator from Illinois and then I yielded to the Senator from Maine.

Mr. BREWSTER. The Senator from New Mexico yielded to the Senator from Maine; is that correct?

Mr. CHAVEZ. Yes.

Mr. BREWSTER. Very well.

Mr. LUCAS. The Senator from Maine has the floor. When he finishes I want the floor.

Mr. BREWSTER. I simply would like to have it made clear that as a Member of the Senate I have been ready at any time to appear before the Committee to Audit and Control the Contingent Expenses of the Senate and present the evidence in this case. I do not know about the other committee, or its record, or responsibility. I simply know that the situation is most urgent, and I welcome the interest which the Senator from Illinois is now showing.

Mr. LUCAS. Mr. President, may I have the floor?

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LUCAS. I am glad to learn of the unusual interest on the part of the Senator from Maine at this particular time. This is the first I have heard of his interest; however, I know that he is tremendously interested in a great number of things.

Mr. BREWSTER. If the Senator would attend sessions of the Senate, he would know——

Mr. LUCAS. Mr. President, I refuse to yield to the Senator from Maine, and I do not mean maybe, either. As I said before, the Senator from Maine is tremendously interested in a great many things. This is the first time he has said anything to the Senator from Illinois about his concern which he has manifested in the people of Puerto Rico. But he takes this occasion to rise and impugn some bad motive to the Senator from Illinois for not reporting the resolution. The Senator from Illinois rose for only one purpose, in answer to the Senator from New Mexico, and I am certain the Senator from New Mexico will not impugn bad motives to the Senator from Illinois as the result of what I said.

Mr. President, this is not the first time I have risen on the floor of the Senate

and taken occasion to point out what other Senate committees do to the Committee to Audit and Control the Contingent Expenses of the Senate. If a committee fail to make any written report upon resolutions they report, I want the Committee to Audit and Control the Contingent Expenses of the Senate to start holding hearings; we can do it, and we will hold long hearings to determine whether or not the taxpayers' money should be spent in line with what such resolutions provide. That is all I have in mind. I have attempted in my limited way to handle the chairmanship of the committee as it should be, in line with what I thought the taxpayers of America deserve. Perhaps I have been wrong about it. Perhaps I should just take the word of the Senator from Maine and spend $15,000 or $20,000 and never consult anyone else in connection with this Puerto Rican situation. I know that the Senator from Maine would be happy to get the credit for that, because he is always looking for the credit in the right spot.

Mr. CHAVEZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. LUCAS. Mr. President, regardless of what anyone may say, regardless of what the pressure is in connection with this resolution until the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate has the evidence before him to justify the sending of a committee to Puerto Rico—I shall not acquiesce in the proposal. I am willing to go into the matter at any time. When we start hearings I shall cause the Secretary of the Interior, the Senator from Maine, who has so many facts in his head all the time upon everything, the Senator from New Mexico and others to appear before the committee and testify. Mr. President, I am willing to hear the evidence, and I will have a reporter to take the evidence so that we can have the facts upon which we can base an opinion and a decision with respect to the spending of this money.

Mr. CHAVEZ. Mr. President——

Mr. LUCAS. If the Senator from New Mexico wants to come before the committee in the morning, I, at least, will be there, as chairman of the committee. I do not see the Senator from New Hampshire [Mr. TOBEY] here; I do not see the Senator from Maryland [Mr. TYDINGS] here, or the Senator from Arizona [Mr. HAYDEN]. The latter is in his own State I understand. Whether the Senator from Maine believes it or not, I telegraphed 4 days ago to the Senator from Arizona to send his proxy one way or the other on this matter. I have not had a telegraphic reply as yet from the Senator from Arizona on that proposition. He is a member of the committee.

Mr. President, perhaps in the eyes of some I have not acted with all due dispatch that is necessary. I do not know whether the Congress is acting with dispatch at the present time upon many matters. But I do not want anyone to impugn my motives in connection with this resolution, because I am trying to do the job as best I can, and I shall continue to do it, regardless of any opposition on the other side of the aisle or any opposition on this side of the aisle. I am simply trying to perform as chairman of the committee in the interest of the taxpayers of the country.

The PRESIDING OFFICER. The time of the Senator from Illinois [Mr. LUCAS] has expired; likewise the time of the Senator from New Mexico [Mr. CHAVEZ] has expired.

Mr. BREWSTER. Mr. President, I am extremely sorry if the Senator from Illinois felt that his motives were being impugned in any measure.

Mr. LUCAS. The Senator stated that I had held up this matter for a week or a month.

Mr. BREWSTER. Unfortunately, I have the floor now. Will the Senator please be seated?

Mr. LUCAS. I am going to do just as the Senator did.

Mr. BREWSTER. Is the Senator going to wait and take it, or is he going to walk out?

Mr. LUCAS. I am going to stand here.

Mr. BREWSTER. The Senator should sit down.

Mr. President, the last thing I had in mind was to impugn the motives of the Senator from Illinois. I have been associated with him in both Houses. It is obvious that many of us feel very strongly about this matter, and have felt so for some time. The Senator stated that I had never spoken to him about it. The fact is that when the resolution was reported and the subject was under consideration the Senator was absent—I have no doubt on important business. I have no challenge of his absence. Often it is necessary for the Senator to be absent.

However, the committee for which he is responsible has this matter before it, and has had it under consideration for some time. Many Members of the Senate and other persons in Washington have a great deal of information about this subject, which I am sure they will be happy to present at any time the Senator from Illinois may find it convenient. I do not anticipate that long hearings, which he suggests, will be necessary. In the discussion of the matter which I have heard the suggestion is that perhaps $4,000 or $5,000 would be sufficient to conduct the investigation. I am very positive that it would be worth while to expend that comparatively small amount of money to determine whether or not the daily reports which we receive from Puerto Rico as to food riots and inadequate transportation are correct, so that the Congress and the administration, moving into very much larger spheres of responsibility, may make sure that we are taking proper care of the people who have been our charges for 40 years and who find themselves in an economic and social situation which is tragic in the extreme.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. CHAVEZ. No one would impugn the motives of the Senator from Illinois, chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. I, for one, wish to congratulate him for trying to take care of the money of the taxpayers. Personally, I think it is about time for the Senate to get down to that task, for it is extremely important that we safeguard the taxpayers' money.

The information which I have received is to the effect that, although there are no shipping facilities to transport merchandise from Puerto Rico to the continent or bring food back to Puerto Rico, and while there is not enough space to send rice and other food to Puerto Rico, there is space to send thousands of sacks of sugar from the continent to Puerto Rico, which has an abundance of sugar. I have received information from friends of mine and constituents in New Mexico who are now living in Puerto Rico to the effect that they cannot buy milk and other foodstuffs for their children. I do not believe that $5,000 would make a great deal of difference to the taxpayers of the United States. I hope the Senate will take the suggestion of the Senator from Illinois seriously and look after the taxpayers' money, not only with respect to the $5,000 which would be necessary to investigate food conditions in Puerto Rico but also with respect to many other matters.

Mr. BREWSTER. Mr. President, my latest information is that when a shipment of rice arrives in Puerto Rico it is necessary to call the police to guard the shipment.

Mr. LUCAS. Mr. President, where does the Senator get that information? Who is responsible for that statement?

Mr. BREWSTER. I read that statement this morning in the New York Times. I may say that my information has come almost entirely from representatives of the island, and residents on the island.

The PRESIDING OFFICER. The time of the Senator from Maine, as well as that of the Senator from New Mexico, has expired.

The clerk will state the next measure on the calendar.

Mr. RUSSELL. Mr. President——

Mr. BARKLEY. Mr. President, I ask for recognition for a moment so that I may speak on the subject under discussion.

Mr. RUSSELL. Does the Senator from Kentucky desire to discuss the Puerto Rican situation?

Mr. BARKLEY. Yes.

Mr. RUSSELL. Very well.

Mr. BARKLEY. I wish to emphasize what was suggested a few minutes ago by the Senator from Illinois. It has been customary, when a Senator introduces a resolution calling for an investigation, to refer the resolution to a committee of which the author of the resolution is a member, although it may go to some other committee. Frequently, out of courtesy to the Member, the standing committee reports the resolution and puts upon the Committee to Audit and Control the burden of determining whether the investigation should be held. I believe that every standing committee to which a resolution calling for an expenditure of funds for an investigation is referred owes to the Senate and to the Committee to Audit and Control the ob-

ligation of holding some sort of an investigation or hearing and making available, not only to the Senate, but to the Committee to Audit and Control, the evidence adduced.

Mr. CHAVEZ. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. BARKLEY. I yield for a moment.

Mr. CHAVEZ. While I am sponsor of the resolution under discussion, the request for the investigation, which came from people of Puerto Rico, went directly to the chairman of the Committee on Territories and Insular Affairs, the Senator from Maryland [Mr. TYDINGS]. After consultation between him and other members of the committee it was decided that my name should be attached to the request for the investigation.

Mr. BARKLEY. Mr. President, I am not complaining about the authorship of the resolution, but inasmuch as the Territory of Puerto Rico is under the jurisdiction of the Department of the Interior, and the resolution under discussion is one which involves the question of shipping facilities, I believe that someone from the Department of the Interior or from the War Shipping Administration should have been called before the committee so that it could have ascertained what the shipping situation was. In that way determination could have been made as to whether the situation could be remedied, no matter what the conditions might be. Certainly that much information is due the Senate, and I think the committee should have obtained it. It might have been unnecessary for the Committee to Audit and Control the Contingent Expenses of the Senate to have conducted any investigation of the situation if the Committee on Territories and Insular Affairs had done so.

In the absence of such information, I think the chairman of the Committee to Audit and Control would be derelict in his duty if he did not call before his committee someone from the Department of the Interior, the War Shipping Administration, or some other agency of the Government that knows about the situation, as well as others who are interested in the situation in Puerto Rico. If there are Puerto Ricans in Washington who know about it, they might be called before the committee. Certainly such information ought to be made available to the Senate.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. The Puerto Ricans in Washington have been trying to get to the committee.

Mr. BARKLEY. They may have been trying to get to the Committee to Audit and Control; but certainly the Committee on Territories and Insular Affairs would not have denied them a hearing if they had knocked at that door.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BREWSTER. In justice to the chairman of the Committee on Territories and Insular Affairs, the Senator from Maryland [Mr. TYDINGS], who is absent, let me state that I know he has personally given the matter attention for more than 6 months. I have repeatedy discussed it with him. I know that he has personally accumulated a great deal of information.

Mr. BARKLEY. Mr. President, I have nothing further to say. I call for the regular order and ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over. The clerk will state the next measure on the calendar.

Mr. RUSSELL. Mr. President, the Puerto Rican situation has generated some little feeling. In order to clear the atmosphere, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present. The clerk will state the next measure on the calendar.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 35) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia was announced as next in order.

Mr. BARKLEY. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Overton
Andrews	Gillette	Pepper
Austin	Green	Radcliffe
Ball	Guffey	Reed
Barbour	Herring	Rosier
Barkley	Hill	Russell
Bilbo	Johnson, Calif.	Schwartz
Brewster	Kilgore	Shipstead
Bulow	La Follette	Smith
Bunker	Langer	Spencer
Burton	Lee	Taft
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Truman
Caraway	McNary	Tydings
Chandler	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Idaho	Mead	Wagner
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Norris	Wiley
Doxey	Nye	Willis
George	O'Daniel	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

The hour of 2 o'clock having arrived, the call of the calendar is terminated under rule VIII.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

Mr. BARKLEY. I move that the Senate proceed to consider Calendar No. 1716, House bill 1024, to amend an act to prevent pernicious political activities, reported from the Committee on the Judiciary. Inasmuch as the motion is now debatable, I wish to make a brief statement with reference to it.

Mr. DOXEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BARKLEY. I will yield for a question, if the Senator from Mississippi desires to ask me a question.

Mr. DOXEY. I desire to propound a parliamentary question to the Chair.

Mr. BARKLEY. I will let the Senator do that, but I do not want to be taken from my feet.

Mr. DOXEY. I do not intend to take the Senator off his feet.

Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOXEY. The motion of the Senator from Kentucky having been made to take up House bill 1024, I intend further to press and make a new point of order against his motion.

Mr. BARKLEY. I assumed that that would be done. The Chair held the other day that that could be done at any time.

Mr. DOXEY. I merely want to notify the Senator, if he proposes to make a speech about it, that that is my purpose.

Mr. BARKLEY. I assumed that that was the Senator's purpose.

Mr. DOXEY. And I will ask the Chair to recognize me when the Senator from Kentucky shall have concluded.

Mr. BARKLEY. Mr. President, I wish to make a very brief statement with reference to this bill and to the situation in which the Senate finds itself. This bill is entitled, on the part of the Senate, to the same consideration that any other bill reported by any other committee would be entitled to.

The question has been asked—and it is not an improper question—why this bill is here and why an effort is being made to get consideration for it. I do not suppose that the effort to secure consideration of this bill needs an explanation or apology on the part of anyone supporting it, any more than those who oppose it need to apologize for their opposition to the bill.

I am the servant of the Senate and a servant of committees which report bills to the Senate. I have always regarded it, and I now regard it, as a part of my mandatory duty to assist committees, insofar as I can, in the facilitation of the consideration of the bills which they report to the Senate.

This question was brought up earlier in the session in the form of an amendment to another bill which was adopted.

When that amendment was under consideration, I then stated that as soon as the Committee on the Judiciary would report this measure as a substantive bill, and not as an amendment to some other bill, I would give it my support and do all within my power in a reasonable degree, to get consideration of the measure.

When the bill was reported from the Committee on the Judiciary many Members were absent. Even the proponents of the measure did not desire to take it up in the absence of Members who were away, exercising the right of suffrage in the election which was held on the 3d day of November. They had a right to be at their homes. We had urged everybody in the United States to vote; all of us, on both sides, had made speeches over the radio, urging the voters to vote, regardless of how they voted, and Senators rightfully felt that, as citizens, they were under the same obligation to vote as were the citizens whom they were urging to vote. The proponents of the bill did not desire to take the bill up before the election.

We had an understanding—and such understandings are frequently entered into, either informally or formally, as the case may be—that the bill would be taken up around the middle of November. There was no day fixed, but it was understood that the bill would be taken up for consideration and an effort made to dispose of it as soon as possible after the middle of November.

The motion was made last Friday to proceed to the consideration of the bill. That motion was opposed, and, as we know, every parliamentary device which may be availed of was resorted to within the rights of the opponents to prevent consideration of the measure.

Mr. BYRD. Mr. President——

Mr. BARKLEY. I yield to the Senator from Virginia.

Mr. BYRD. Is it not true that there are on the calendar coming ahead of this bill 71 bills which have been approved by committees, one reported as far back as March 24, 1941?

Mr. BARKLEY. I have not counted the bills on the calendar, but many of those bills have been on the calendar for months, and the proponents of those bills have not moved to take them up. The calendar has been called from time to time, and objection has been made to some of them, and they have gone over, but the chairman of a committee has the right at any time, as the Senator from Virginia knows, to move to take up a bill on the calendar, and among the 71 bills a motion has been made to take up only one of them, and that was defeated by a yea and nay vote here today.

Mr. BYRD. The Rules Committee, of which the Senator from Virginia is chairman, has on the calendar two resolutions which were submitted and reported by the late Senator Adams, and which the chairman of the committee would like to have considered now. They are on the calendar far in advance of the bill of which the Senator from Kentucky is speaking.

Mr. BARKLEY. No bill is in advance of another except as to its location on the calendar.

Mr. BYRD. If it is the purpose of the Senator to have taken up any bill the chairman of the committee reporting it desires to have taken up, I should like to have consideration now of Order of Business 148, Senate Resolution 30, submitted by the late Senator Adams, of Colorado, a resolution to amend Rule VIII so as to prohibit action by unanimous consent on bills in cases where a Senator has given written notice of his objection to their consideration.

Mr. BARKLEY. That resolution has been on the calendar ever since March 24, 1941. It has been called at least a dozen times on the call of the calendar, even during the life of the author of the resolution. Objection was made to it, and never during his lifetime, as I recall, did he make a motion to take it up.

Mr. BYRD. I think the Senator is mistaken about that.

Mr. BARKLEY. If the late Senator from Colorado made any motion to take the resolution up, it had to be acted upon, and it was not acted upon favorably by the Senate. I do not recall that the late Senator from Colorado ever moved to take up the resolution.

Mr. BYRD. The Senator spoke of either the patron of the bill or the chairman of the committee considering it. I am the chairman of the Committee on Rules, and if I am in order, I should like to make a motion to consider the resolution.

Mr. BARKLEY. The motion is not now in order. I have the floor, and I do not yield for that purpose. This is the first time the Senator from Virginia has indicated any desire to move that the first measure on the calendar be taken up.

Mr. BYRD. I make the suggestion now because the Senator has said that the chairman of the committee which reports a measure has a right to have it considered, and this resolution was reported by the Committee on Rules.

Mr. BARKLEY. Of course, at the proper time the Senator can move to take up the resolution, if he desires to do so. That has never been done up to this time, and my statement stands good.

I endeavor to cooperate with the chairmen of committees in having considered measures which they report and which they desire to have considered, and, so far as I recall, even if I had the right to do so, I have never at any time denied the right of a chairman, at any time when it was proper and he could secure recognition, to get the floor and undertake to have a bill considered. I have cooperated frequently in regard to measures which I myself did not support.

Mr. President, I have been making this statement because I think the Senate and the country should understand the situation in the Senate. I do not know what point I had reached when the Senator from Virginia interrupted me, but perhaps I can gather up the loose ends of my statement.

Mr. RUSSELL. Does not the Senator recall that he was at that portion of his remarks where he suggested that as majority leader he had always endeavored to have bills considered when he was pressed to do so by the chairmen of the committees reporting them?

Mr. BARKLEY. I made that statement; but I have not been pressed by the chairman of the Committee on Rules until this moment. During the more than a year and a half during which the resolution to which he has referred has been on the calendar, I have not been pressed by the chairman of the Committee on Rules, and I never was pressed by the author of the resolution, the late Senator Adams, of Colorado.

Mr. RUSSELL. Has the Senator been pressed by the Senator from Indiana to bring the pending question before the Senate?

Mr. BARKLEY. I do not know whether the Senator from Georgia would call it "pressed." The Senator from Indiana, as chairman of the Committee on the Judiciary, which reported the bill, discussed the matter with me. After the bill was reported by the Senator from Nebraska [Mr. NORRIS], the Senator from Indiana, the Senator from Nebraska, and the Senator from Florida, the author of the bill, conferred with me about a time when it might be taken up, and I told them that I thought the most convenient time would be about the middle of November. That was generally understood here. I do not know whether the Senator would call that pressure, but when we met around the 15th of October, perhaps it was the 14th, we had a general understanding that the bill would come up when Senators returned from the election.

The Senators I have mentioned urged me to assist in bringing about consideration of the measure. I do not know whether the Senator would call that pressure; but I was urged to attempt to bring it up, and I would have felt it my duty to do so, even if I had not been urged, in view of the general understanding we had when the bill was reported.

Mr. RUSSELL. May I ask the Senator from Kentucky with whom he had the general understanding with regard to the bill?

Mr. BARKLEY. I had a general understanding, I could not say with all Senators, and I do not know and do not recall whether we made it a matter of record, but the author of the bill, the Senator from Florida [Mr. PEPPER], the chairman of the Committee on the Judiciary, the Senator from Indiana [Mr. VAN NUYS], the Senator from Nebraska [Mr. NORRIS], who was active in securing the report, the minority leader, the Senator from Oregon [Mr. MCNARY], and many other Senators discussed the matter informally, and it was generally understood that no effort would be made to bring the bill up until around the middle of November, and in consonance with that agreement, which was not a binding agreement so far as the Senate was concerned—the Senator from Georgia was not bound by it, and no other Senator was bound by it——

Mr. RUSSELL. I can certify to the accuracy of that portion of the Senator's remarks.

Mr. BARKLEY. I hope the Senator will not question the accuracy of any portion of my remarks.

Mr. RUSSELL. I do not; but I was trying to clear up in my own mind what there could be about the bill which would make the Senator, as majority leader, feel himself obligated to press it upon the Senate of the United States. As stated by the Senator from Virginia, there are a number of other measures on the calendar which have been on the calendar for some time. I dare say that the chairmen of the committees which reported those measures, as well as the Senators who were their authors, or who sponsored them, have been anxious from time to time that they be considered by the Senate. But the Senator has stated that, as majority leader, he puts the stamp of his official leadership upon those bills which the chairmen of the committees particularly request that he move to have considered.

Mr. BARKLEY. I can assure the Senator from Georgia and the Senator from Virginia that if, at any time within the year and a half during which the resolution to which the Senator from Virginia refers has been on the calendar, either the Senator from Virginia, as chairman of the Committee on Rules, or the author of the resolution before his unfortunate and untimely death, had indicated to me any desire to move its consideration, at any time when the calendar was not being called under unanimous consent, when the bill had to go over, I certainly not only would not have objected to consideration but I would have assisted in the facilitation of the consideration of the measure.

Mr. President, to resume my statement, a motion was made, and Senators know what happened. It is understood, of course, that the opponents of the bill have a perfect right to resort to every parliamentary expedient available to them in order to prevent its passage. I have no complaint about that, and I have no feeling whatever on the subject. I am attempting to perform my duty as I see it, and I shall perform it only as I see it, and not as others see it.

We have had quorum call after quorum call today, and everyone understands the reason for that. It was to consume the time until 2 o'clock, so that the motion would be debatable. I do not complain at that. It is the right of Senators to follow that course.

Mr. OVERTON. Will the Senator yield?

Mr. BARKLEY. But I think that not only those who are opposed to the proposed legislation should facilitate the Senate's consideration of it by making it unnecessary to have quorum calls time after time, but that all those who are in favor of the proposal, or pretend that they are in favor of it, owe as much of an obligation to the Senate as do those who oppose it to remain here and facilitate consideration of the measure.

Mr. OVERTON. Mr. President——

Mr. BARKLEY. I shall yield in a moment.

Mr. CONNALLY. Will the Senator yield for a question?

Mr. BARKLEY. There are many Senators who before election claimed they favored the proposed legislation, and some of them have cooperated. The author of the bill, the chairman of the Committee on the Judiciary, the Senator who reported the bill from the committee, and others, have acted within reason in attempting to secure consideration of the measure. In my judgment, if the bill comes to a vote an overwhelming majority of the Senators will vote for it. In my judgment, an overwhelming majority of the American people are in favor of it. I may be wrong about that, but that is my opinion. Certainly if there is as much anxiety on the part of Senators who favor the proposal to have it enacted now as there was before the election, those Senators owe it to the Senate not to contribute to the delinquency of the Senate in the promptness with which it considers the proposal.

I now yield to the Senator from Louisiana, who I believe rose first.

Mr. OVERTON. Before I propound my inquiry, let me make the observation that the Senator from Kentucky has gone far afield from the matter he was discussing at the time I rose.

Mr. BARKLEY. I hope the Senator will bring me back to the point about which he wishes to inquire.

Mr. OVERTON. I hope to be able to do so. The Senator was making an observation as to what he considered the purpose of those opposing the bill.

Mr. BARKLEY. Yes.

Mr. OVERTON. May I ask the purpose of the majority leader in moving last Saturday evening for an adjournment of the Senate instead of a recess?

Mr. BARKLEY. Yes; and I shall be perfectly frank. The object of the majority leader was to bring about an adjournment so that we would have a morning hour today, and that I might possibly move to take the bill up during the morning hour, as I did on Friday, at which time the motion would not be debatable. That is a frank and truthful answer to the Senator. Of course, that object has been frustrated by the Senator from Georgia [Mr. RUSSELL]; and if it had not been frustrated by him, I am sure it would have been frustrated by someone else. I frankly acknowledge that.

Mr. OVERTON. So in a way it is tit for tat, is it not?

Mr. BARKLEY. I do not know whether it is tit for tat or tat for tit, or which is the most, the tit or the tat. [Laughter.]

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. The Senator from Kentucky observed, quite properly, that those who were opposed to the bill had a right to take advantage of all their privileges under the rules and the Constitution to oppose the passage of the bill, and that, on the other hand, those who favored it have the same right, and he urged the obligation on all who favored it to remain here because of quorum calls. What would the Senator say, however, would be the obligation and the duty of those Senators who technically, if they are forced up to the lick log, will vote for the bill, but who do not want it to come up, who think that the Senator from Kentucky, in bringing it up and forcing it on those who are opposed to it, is tearing down and disrupting the Democratic Party at a time when we want unity and harmony, during the war? What would be the duty of the Senators who really in their hearts do not want to bother with this thing, but who are under the threat of the Senator from Kentucky about the election? I do not see that the election should have anything to do with it. The Senator did not say in so many words, but he intimated that before the election many Senators were very much concerned that we must have this great reform.

One might think that some Senators would have lost some of their enthusiasm for the proposed legislation since the election; that the result of the election would rather have daunted them. What is a Senator's duty if he does not believe in the proposed legislation, if he does not want to face it or vote on it, but if forced to it will have to swallow it? Should he remain here, or absent himself?

Mr. BARKLEY. I think all Senators should stay here whether they are for the proposed legislation or not. I have not taken a census of the Senate, I will say, to ascertain how Senators would vote if they were dragged up to the lick log and compelled to vote. Certainly no Senator has indicated to me that he objected to the bill coming up, although he favored it, but that if dragged in here by a log chain and up to the trough he would drink out of the trough. No one has said anything like that to me. I do not know to whom the Senator from Texas refers.

Mr. CONNALLY. The Senator spoke of Senators who favor this bill, or at least pretend to favor it. The implication was that some Senators pretended to favor the bill, who did not in their hearts favor it. It is that group as to which I ask the question.

Mr. BARKLEY. I do not impute to any particular Senator a pretense.

Mr. CONNALLY. I understand that.

Mr. BARKLEY. I am satisfied that if the Senator from Texas will examine the roll calls last Friday and Saturday he will find the names of Senators who have heretofore indicated great enthusiasm over the bill.

Mr. CONNALLY. I was not speaking of the roll calls on Friday and Saturday. I was speaking of what the Senator from Kentucky said here today. He turned very dramatically and made a sweeping gesture——

Mr. BARKLEY. Oh no, I yield to the Senator from Texas when it comes to dramatics. The Senator from Kentucky is a plain, ordinary speaker. Sometimes the Senator from Kentucky thinks he is a comedian instead of a tragedian.

Mr. CONNALLY. The Senator from Kentucky is making a great effort to be a tragedian now.

Mr. BARKLEY. No, I am not.

Mr. CONNALLY. He is standing over the poor, old, prostrate Democratic Party, which came out of the last election with its legs almost shot off, and bruises and bandages all over its head, and just able to wobble a little, and he is trying now to give it the coup de grâce and destroy it for the next election, and the

next election is a full 2 years off. If Senators want to have the proposed legislation taken up for election purposes let them wait until a little before election time, when people's mouths are watering, and then bring the matter up. If the proposed legislation is enacted now the people will forget all about it between now and next election, and the matter will not do Senators a particle of good politically.

Mr. BARKLEY. I am not interested one way or the other in the effect the bill will have on the election.

Mr. CONNALLY. The Senator brought in the question of election. He spoke of "before election."

Mr. BARKLEY. I brought that in with respect to the attitude of Senators, many of whom have not been here to answer the roll call, some of whom claim to be for the bill. Whether they have made public profession with respect to the bill or not; if they are for it I think it ought to be indicated. I think they, even more than those who are opposed to the measure, ought to be here.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BREWSTER. The majority leader has turned his face very largely toward the Republican side of the aisle while speaking, and I think it should appear in the RECORD that during the proceedings of last Saturday a full quorum of those on the Republican side of the aisle was present. I do not know whether the majority leader turned his face this way because of his sensitiveness toward the Members behind him on the other side of the aisle, but I think if any injunction be made with respect to the matter of attendance it might be made to Senators on the other side of the aisle.

Mr. BARKLEY. If my face was turned to the Republican side, it was an inadvertence. [Laughter.]

Mr. President, I am not going to take much of the time of the Senate. I wish to say that I feel it my duty to take advantage of every parliamentary right I have in an effort to bring the bill before the Senate of the United States and to have it enacted. I am not going to discuss the merits of the measure. I may do so later, but I am not going to do it now.

As I said to the Senator from Louisiana [Mr. OVERTON], it was my purpose, in moving to adjourn Saturday instead of recessing, probably to facilitate the possibility of moving to proceed to the consideration of the bill during the morning hour. The amount of debate held on the motion to take up the bill is not going to change any Senator's vote. I realize that after the measure is taken up by a motion, that those who oppose it can talk indefinitely, unless some rule is invoked to prevent it. Whether such a rule could be invoked I do not know. I have made no effort to ascertain whether it could. My object in having made that motion having been frustrated by the consumption of time during the hours from 12 to 2, in my judgment, no progress can be made today by debating the motion to consider the bill.

Therefore, Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. Will the Senator from Kentucky withhold his motion to permit the Chair to lay an Executive message before the Senate?

Mr. BARKLEY. I withhold my motion only if I do not lose the floor and yield the right to make the motion.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ADJOURNMENT

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield only for the purpose of permitting the Senator from New York to insert something in the RECORD.

Mr. WAGNER. That is what I wish to do.

Mr. BARKLEY. I yield for that purpose.

Mr. CONNALLY, Mr. DOXEY, and other Senators rose.

Mr. BARKLEY. Mr. President, I decline to yield to the Senator from New York or to any other Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] that the Senate adjourn.

Mr. DOXEY. Mr. President, may I ask whether the Senator from Kentucky has made a motion that the bill be made the unfinished business of the Senate?

Mr. BARKLEY. I have not made that motion. With the adoption of the motion to adjourn, the motion to take up the bill will lapse.

Mr. DOXEY. So there is no motion with respect to the bill before the Senate?

Mr. BARKLEY. No; there will not be, if the Senate adjourns.

Mr. DOXEY. I am in favor of the Senate adjourning.

Mr. BARKLEY. I am glad to have the Senator's cooperation at least with respect to that matter.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 31 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, November 17, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 16, 1942:

INTERSTATE COMMERCE COMMISSION

The following-named persons to be Interstate Commerce Commissioners for the terms expiring December 31, 1949 (reappointments):

Clyde B. Aitchison, of Oregon.
Claude R. Porter, of Iowa.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named assistant dental surgeons to be passed assistant dental surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

Donald J. Galagan, July 25, 1942.
Edwin M. Short, September 23, 1942.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 16, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord of light and mercy, to Thee we lift our hearts in gratitude for the spirit that protects us, for the light that makes the world's darkness to shine, and for the tokens which are the promise of a new day. We pray, O Heart of the world's heart, for all who suffer because of the unrest of impatience and for all who hope for deliverance long delayed, sustain and bear them upword on the wings of a courageous faith.

Heavenly Father, pity us in our tendencies; when we put our trust in superficial beliefs and when we boast of our personal virtues, purge us and make us worthy of the bounties which Thou dost bestow upon us. Forgive our pride, our selfishness, our covetousness and deepen the channel of experience that is gained by looking through the lens of brotherly love. Wealth nor ease, leisure nor rank, but adversity and sacrifice make the anvil on which are beaten and shaped our claims to immortal memory; then will our dear America be the chivalrous knight errant of earth's sufferers. Teach us that no one comes to true greatness who fails to consider his surplus another one's need. "Whatsoever ye would that men should do to you, do ye even so to them"—we pray in our Redeemer's name. Amen.

The Journal of the proceedings of Thursday, November 12, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on November 13, 1942, the President approved and signed bills of the House of the following titles:

H. R. 5456. An act to amend the Organic Act of Alaska; and

H. R. 7526. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of Justice.
3. Department of Labor.
4. Department of War.
5. Federal Works Agency.
6. Smithsonian Institution.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2046. An act to amend the District of Columbia Cooperative Association Act, approved June 19, 1940;

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes;

S. 2746. An act to authorize the Reconstruction Finance Corporation to make loans to those desiring to engage in producing minerals of value to the United States in time of war; and

S. 2783. An act to amend the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," as amended, by authorizing loans for mineral development purposes in time of war.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments:

1. Department of Agriculture.
2. Department of Commerce.

SIGNING OF TEEN-AGE ACT

The Speaker laid before the House the following communication, which was read:

NOVEMBER 12, 1942.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the special order agreed to today, the Clerk received on this day from the Secretary of the Senate a message indicating that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7528) entitled "An act to amend the Selective Training and Service Act of 1940" by providing for the extension of liability.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

ENROLLED BILL SIGNED

Mr. KIRWIN, from the Committee on Enrolled Bills, reported that that committee had, on November 12, 1942, examined and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker:

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

The SPEAKER. The Chair desires to announce that pursuant to the authority granted to him on November 12, 1942, he did on Friday, November 13, 1942, sign the enrolled bill of the House (H. R. 7528), an act to amend the Selective Training and Service Act of 1940, by providing for the extension of liability.

SWEARING IN OF A MEMBER

The Speaker laid before the House the following communication which was read:

NOVEMBER 16, 1942.

The Honorable the SPEAKER,
House of Representatives.

SIR: The certificate of election in due form of law of Hon. HARRY E. NAREY as a Representative-elect to the Seventy-seventh Congress from the Ninth Congressional District of Iowa, to fill the vacancy caused by the resignation of Hon. Vincent F. Harrington, is on file in this office.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

Mr. NAREY appeared at the Bar of the House and took the oath of office.

MEMORIALS AND ENTOMBMENT OF BODIES, ARLINGTON MEMORIAL AMPHITHEATER

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Public Buildings and Grounds:

To the Congress of the United States:

In compliance with the requirements of the Public Act No. 397, Sixty-sixth Congress, I transmit herewith the Annual Report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater.

FRANKLIN D. ROOSEVELT.
THE WHITE HOUSE, *November 16, 1942.*

COAST GUARD AUXILIARY

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7629) to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women, in the shore establishment of the Coast Guard, and for other purposes, with the following Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 3, line 3, after "aircraft" insert "and shall be restricted to the performance of shore duty within the continental United States only."

Page 3, line 13, strike out all after "Act" down to and including "States" in line 17.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. I understand this is simply restricting the work of the auxiliary to shore duty.

Mr. BLAND. That is correct. When the bill was reported out by the Committee on Merchant Marine and Fisheries, it provided that those auxiliaries should be sent outside of continental United States. It was thought they might possibly be sent to Hawaii, Alaska, and other places, while such a provision is not contained in the bill creating a similar service for the Navy. The Coast Guard is under the Navy at the present time, and while a provision of that kind or a similar provision was desirable, it was thought that it would be better to work it out as applicable to both organizations under the same regulations.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include two speeches.

The SPEAKER. Is there objection?

There was no objection.

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that today, after the special orders and the regular business, I be permitted to address the House for 7 minutes.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent that on Thursday next, after the conclusion of any other special orders, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include therein an article from the Puerto Rico World Journal, embodying a speech by Attorney General Malcolm, of Puerto Rico, that I think will be of interest to the Members.

The SPEAKER. Is there objection?

There was no objection.

HON. MELVIN J. MAAS

Mr. GALE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. GALE addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. IMHOFF. Mr. Speaker, I ask unanimous consent to extend my own

remarks in the RECORD and include therein an article which appeared in two newspapers in the Eighteenth Congressional District of Ohio by Corp. C. L. McWilliams, a former newspaper reporter and photographer, now serving in the armed forces.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. BOYKIN] be allowed to extend his remarks in the RECORD by including two editorials, one from the Boston Post and one from the Bridgeport Telegram.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks and include excerpts from reports by Mr. Elmer Davis to the University of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

NOT TO INJURE ANY, BUT TO DO JUSTICE TO THE MANY

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RICH addressed the House. His remarks appear in the Appendix.]

ACCUMULATED LEAVE FOR GOVERNMENT EMPLOYEES

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I asked the gentleman from Pennsylvania [Mr. RICH] to yield, because he misunderstood me or I misunderstood him. I thought he was asking me about the salary bill for Federal employees, and I told him it would not be brought up by unanimous consent. The leave bill is a Senate bill that has already passed that body and has been favorably reported by the House committee. All it does is to permit the accumulation of the additional 30 days of leave, the purpose of which is to let the employees forego their vacations during the war emergency. It is urgently requested by the War Department and other agencies engaged in the war. I think the gentleman from Pennsylvania [Mr. RICH] misunderstands the purpose of it entirely. It does not give them any more leave. The purpose is to have them accumulate it rather than take it during the emergency, and give it to them later.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOREN. What is the greatest amount of accumulation they can reach under the bill?

Mr. RAMSPECK. Ninety days.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RICH. Do you know of any other employees in the United States working for anybody else who get such gratuities as Government employees get today in their leave?

Mr. RAMSPECK. Yes. I think private employees get just as much, if not more.

Mr. RICH. They do not in any industry that I know of. I would ask the gentleman if he will place in the RECORD the names of the companies in the United States which grant the gratuities he speaks about.

Mr. RAMSPECK. Every private employer in the world allows his employees time off to go to the doctor and things like that.

Mr. RICH. Certainly they do, but this is granting more.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein three articles, one by Dr. Grady, one by Dr. Borchard, and one by Dr. Ploechl.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BEITER. Mr. Speaker, I ask unanimous consent that at the conclusion of business on the Speaker's desk and following the remarks by the gentleman from Oklahoma [Mr. WICKERSHAM] I may be permitted to address the House today for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING PROGRAM

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BENNETT. Mr. Speaker, the people of the congressional district which I have the honor to represent are very much opposed to administration plans for rationing gasoline there, because they know we have no shortage of gasoline. They know we are engaged in a global war; that, as a result of administration bungling, we do not have sufficient rubber to carry on as usual; that they must forego unnecessary driving and that tires must be well cared for, but automobile owners are grown-ups who do not feel they need a guardian in Washington to force them to care for their tires.

Unnecessary interference with the people's rights is bad for the morale of the country. My people would willingly take all tires from their cars and give them to their Government if convinced such action was necessary for victory. They are intensely patriotic, but it is their love of country, as well as their desire to protect business from needless injury, which compels them to object to unnecessary restrictions. Thousands of people are fortunate enough to have good tires. They are thrifty and sensible enough to voluntarily conserve them. Unless they are permitted to carry on as a free people are entitled to do, many small businesses will be unnecessarily destroyed and thousands made jobless.

Mr. Speaker, it is time the people's Representatives in Congress should tell some bureaucrats that we have a war to win and that it can not be done by drying up sources of revenue and destroying the morale of the people. I have given much study to the matter of gasoline rationing in the Central States, and I am not convinced that it is either wise or necessary.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Texas [Mr. PATMAN] may extend his own remarks in the RECORD by including therein an article from the Times-Herald paying tribute to the Honorable SAM RAYBURN, Speaker of the House of Representatives. I have an estimate of cost from the Public Printer; it is $105. I again renew the request for the gentleman from Texas [Mr. PATMAN].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a speech I made before the Methodist Conference.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JARMAN. Mr. Speaker, I have two requests to submit: First, to extend my own remarks in the RECORD and include a short news article; and, second, that I may address the House for 1 minute and revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GEORGE O. MILLER

Mr. JARMAN. Mr. Speaker, within the hour the new legislature of Alabama will convene in special session and be organized. All of the jockeying for position, however, has long since been concluded and it is well known who the officers will be. Among them, presiding over that assembly, will be an able and distinguished gentleman from my little home town of Livingston, a dear old friend of my lamented father as well as of myself throughout the years. I am therefore proud indeed and predict that this gentleman will make a very able and distinguished speaker of that august body. Incidentally, he is the first speaker to hail from my county of Sumter in history. I say: All hail, congratulations, good luck, and godspeed to my distinguished friend, Speaker George O. Miller, of Alabama.

[Here the gavel fell.]

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, yesterday being the seventh anniversary of the establishment of the Philippine Commonwealth, I ask unanimous consent to insert in the RECORD a statement made by the Honorable Manuel L. Quezon, President of the Philippine Commonwealth, on the occasion of the seventh anniversary of the establishment of that Commonwealth.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OIL SHORTAGE

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. DISNEY addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein certain excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. NELSON. Mr. Speaker, I ask unanimous consent that on Thursday next, after the conclusion of the regular and special business of the House I may be permitted to address the House for 20 minutes and hold a brief discussion on what happened in Missouri.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects and in one to include a letter of the President in reference to the administration of petroleum matters by the Government.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. CELLER asked and was given permission to extend his own remarks in the RECORD.)

RETIRED PAY OF CERTAIN RETIRED JUDGES OF POLICE AND MUNICIPAL COURTS, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2503) to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any person not less than 70 years of age who has heretofore served for at least 12 years as a judge of the police court of the District of Columbia or the municipal court of the District of Columbia and who is no longer serving as a judge of any court of the United States or the District of Columbia shall be entitled to receive retirement pay, during the remainder of his life, at an annual rate equal to the product obtained by multiplying the number of years, not in excess of 30, he served as such a judge by one-thirtieth of the annual salary which he was receiving for his services as such a judge immediately prior to the time he ceased to so serve. Such retirement pay shall be payable in the same manner as, and from the same funds from which, salaries of judges of the municipal court for the District of Columbia are payable.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT OF 1925

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2122, to amend the District of Columbia Traffic Act of 1925.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the legislation?

Mr. RANDOLPH. Mr. Speaker, in connection with the inquiry of the gentleman from Massachusetts, the distinguished minority leader, may I say in connection with the passage of the judges' retirement bill, which just came before the House, that we debated that matter thoroughly several weeks ago and the reason we laid it over at the time was because the distinguished chairman of the Judiciary Committee of the House [Mr. SUMNERS] felt there might be a jurisdictional aspect, so I withdrew the bill. He withdrew that objection.

Mr. MARTIN of Massachusetts. I appreciate that, but what about this bill?

Mr. RANDOLPH. I want the House to be fully informed always of the District measures which are passed. There was no controversy on the other bill and that is the reason I did not speak on the measure today.

Mr. Speaker, this bill, S. 2122, came before the House at the same time several weeks ago and we discussed the matter of the forfeiture of collateral for violations of speed regulations in the District of Columbia in order that more time might be given to the judges of the police court for consideration of more serious offenses. The second section of the bill would relieve congestion in the jury trial docket of the police court by providing a penalty for operating a motor vehicle without a permit, reducing or removing the necessity for trial by jury. We believe that this amendment to the District of Columbia Traffic Act will make for more safety on Washington streets and will be helpful in cutting down the traffic deaths that are alarming and which have risen this year in excess of last year for a comparable period.

Mr. MARTIN of Massachusetts. This is a unanimous report?

Mr. RANDOLPH. Yes; and it passed the Senate unanimously.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsection (d) of section 9 of the District of Columbia Traffic Act, approved March 3, 1925, as amended, is amended to read as follows:

"(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction thereof, be fined not more than $300 or be imprisoned not more than 90 days."

SEC. 2. That subsection (e) of section 7 of the District of Columbia Traffic Act, approved March 3, 1925, as amended, is amended to read as follows:

"(e) No individual shall operate a motor vehicle in the District, except as provided in section 8, without having first obtained an operator's permit issued under the provisions of this act. Any individual violating any provision of this subsection shall, upon conviction thereof, be fined not more than $300 or be imprisoned not more than 90 days."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 7686, to amend the District of Columbia Unemployment Act to provide for unemployment compensation in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

Mr. SCHULTE. Mr. Speaker, reserving the right to object, and I will withhold it, the Chairman of the Committee on the District of Columbia [Mr. RANDOLPH] states he has some statements he would like to make.

Mr. RANDOLPH. Mr. Speaker, the gentleman from Indiana, who is a member of the District of Columbia Committee and has given splendid service there has told me that he will not allow passage of this bill today, and he has reserved the right to object and after the gentleman from Illinois [Mr. DIRKSEN] and myself make very brief statements we will under the circumstances withdraw the bill temporarily.

Mr. Speaker, this legislation is brought to the House, or will be brought to the House later, following months and months of most thorough study. We believe that in the District of Columbia the excessive amounts, which now total $30,000,000, paid in by employers to the compensation fund of the District of Columbia are unwholesome and top-heavy. We believe by amending the act whereby the payments will be cut down,

but the benefits will rise progressively, we will be eliminating certain confusion which exists in Maryland and Virginia in connection with the operation of the District of Columbia Unemployment Compensation Act.

We have it on the word of Mr. Marshall, who is Director of the Unemployment Compensation Commission for the District of Columbia, that his organization needs only $10,000,000 to operate effectively and pay benefits. In fact, he says that amount will allow a surplus to take care of requests for payments over a period of 5 years.

I regret that the gentleman from Indiana will object to the consideration of this bill today. We know that we were not to present controversial matters today and at this time I trust the gentleman from Illinois [Mr. DIRKSEN] can make a brief statement.

Mr. SCHULTE. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Speaker, the gentleman from West Virginia indicated that this matter has been receiving attention for months. As a matter of fact, it has been receiving the attention of a subcommittee of the District Committee for several years. We have the unprecedented situation whereby some $4 are paid into this fund for every dollar that is paid out in the matter of benefits. So it becomes an onerous burden upon the employers in the District of Columbia.

The objection registered, of course, goes to the so-called experience rating provision that is carried in the bill. Of the 51 jurisdictions that are covered by the Federal Act, more than 38 have experience-rating provisions today. It is felt fair that it be applied to the District of Columbia as well. Other jurisdictions under the Federal Act which do not have the experience-rating provision have it under study, and the trend is definitely in the direction of its adoption.

They have interviewed, I believe, 500 employers and contractors here. Two hundred and four of them made response, and 200 of those, representing 55,000 employees and $82,000,000 in annual pay rolls, are in favor of the provision which the subcommittee finally incorporated in this bill.

What it does is simply this. If an employer so stabilizes his employment that he has in the separate accounting fund for him an amount which is equal to or which exceeds 3½ percent of his annual pay roll, his unemployment compensation tax can drop to one-tenth of 1 percent. The bill contains a formula under which the tax can range from 2.7 percent to one-tenth of 1 percent. In every case, however, there will be an adequate amount in the fund to meet all contingencies and keep it solvent. The ordinary tax today is 2.7 percent, which obtains in most of the jurisdictions in the country. But it creates an incentive for an employer to stabilize his employment and thereby get a benefit in the form of reduced taxation.

It is absolutely unnecessary to have $30,000,000 in this fund, and it is building up every year. It becomes a genuine burden upon the employers and serves no good purpose, because the collections from the outset have been far in excess of benefit payments.

We tried to do the right thing on the other side. We have raised the weekly benefits in the District of Columbia in this bill until they are as high or higher than in any other place in the country namely, $20 a week. We have reduced the waiting time. Heretofore it was 2 weeks before the employee could share in unemployment compensation. We have reduced that to 1 week. We have made it possible for secondary beneficiaries, like relatives, children, and wives, to be included up to $1 per person for an aggregate of three persons in the family of the one to be compensated. So we have tried to work it out on an equitable basis.

I do regret that there is objection to it today, but on the next District day, obviously this matter must have attention, because the District of Columbia is not in line with the rest of the jurisdictions.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Pennsylvania.

Mr. RICH. Any business organization that reduces its hazard gets the benefit of it in its accumulated fund for the benefit of all the employees?

Mr. DIRKSEN. When his reserve goes up to 3.5 percent of his annual pay roll, then his tax will drop to one-tenth of 1 percent. That is a good incentive. It is a good provision, and it does not impair the solvency or the adequacy of the fund that is on account in the unemployment compensation.

Mr. RICH. Why would anybody object to this bill now?

Mr. SCHULTE. Mr. Speaker, I refuse to yield further.

The reason for my objection to the bill H. R. 7686 is not that a tremendous fund has been accumulated—I grant that—but that a tricky little clause that is in here will wreck practically all the social legislation on the books if it is adopted. The theory of this whole thing is that the strong will help the weak. Instead of that, we are going to reverse that trend if this bill is adopted, and it will be the weak who will be called on to help the strong. For that reason, all labor organizations are opposed to the bill H. R. 7686, realizing and appreciating what it will do to the social legislation that is now on the books.

For that reason, Mr. Speaker, I object.

DISPOSITION OF TRUST OR RESTRICTED ESTATES OF INDIANS DYING INTESTATE WITHOUT HEIRS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4533) to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 2, after "estate" insert "and subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder."

Page 2, line 15, after "sold" insert ", subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder."

Page 2, line 22, after "States" insert ", subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder."

Page 3, line 10, after "designate" insert ", subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder."

Page 3, after line 10, insert:

"SEC. 3. The provisions of this act shall not apply to the Indians of the Five Civilized Tribes or the Osage Reservation, in Oklahoma."

Page 3, line 11, strike out "3" and insert "4."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, do I correctly understand that the only material change in this proposed legislation is the elimination of certain tribes?

Mr. ROGERS of Oklahoma. The Five Civilized Tribes and the Osage Tribe in Oklahoma. You will observe that there is one other amendment which makes certain property subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder. We thought we had the bill drafted so that every creditor would be protected, but the Senate Committee evidently thought it was necessary to add this amendment to every paragraph in order to be sure to protect them.

Mr. MARTIN of Massachusetts. What is the effect of that amendment?

Mr. ROGERS of Oklahoma. Each section of the bill provides for the disposition of any money, land, or trust that an Indian leaves who dies intestate. The bill makes provision for the disposition of that property. The Senate added in each section the words—

subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder.

In other words, they want to protect anybody who has a claim against this property.

Mr. MARTIN of Massachusetts. So that it would include any lien had on the property?

Mr. ROGERS of Oklahoma. Yes, and the other amendment is, as the gentleman indicated, an amendment to exclude the Five Civilized Tribes and the Osages. The Senate committee evidently thought that because of existing legislation these Indians had already been taken care of. We had a lot of special legislation in respect to the Five Civilized Tribes and the Osages. There is another amendment which changes section 3 to section 4.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Oklahoma. Yes.

Mr. RICH. Was this bill approved by the Bureau of Indian Affairs?

Mr. ROGERS of Oklahoma. Yes. I have a letter here from the Assistant Commissioner, Mr. Zimmermann, in which he says that the amendments are minor, and are acceptable to the department.

Mr. RICH. And they favor the passage of the legislation?

Mr. ROGERS of Oklahoma. They asked me to ask the House to consider the amendments and pass the bill. I have a letter to that effect.

Mr. RICH. There certainly must be a reason why they eliminate the two tribes from this bill. I cannot understand why if this legislation is good for one it should not be good for the other.

Mr. ROGERS of Oklahoma. As I said before, we have a lot of special legislation for the Five Civilized Tribes and the Osages, that we passed years ago, which the Senate committee evidently felt took care of those people.

Mr. RICH. And would the adoption of this legislation require the expenditure of any funds from the Treasury?

Mr. ROGERS of Oklahoma. No; not at all. This just provides for the disposition of any property an Indian leaves who dies intestate. No expense to the Government is involved.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in, and a motion to reconsider laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following communication which was read:

NOVEMBER 16, 1942.

Hon. SAM RAYBURN, *Member Congress.*
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Because of my election to the House Committee on Interstate and Foreign Commerce, I submit herewith my resignation from the following committees:

Civil Service.
Labor.
Merchant Marine and Fisheries.
Patents.
Territories.

Sincerely,

JOHN B. SULLIVAN,
Member Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is consent day, and the Clerk will call the first bill on the Consent Calendar.

FRED B. WOODARD

The Clerk called the bill (H. R. 3759) to limit the operations of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PHILIPPINE ARMY PAY BILL

The Clerk called the bill (S. 2387) to equalize the rates of pay of all personnel in the United States Army, Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ANTHRACITE COAL INDUSTRY RESEARCH

The Clerk called the bill (S. 357) to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation and utilization of the mining, preparation and utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

AMENDING THE FEDERAL EXPLOSIVES ACT

The Clerk called the bill (S. 2515) to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

COURT OF CLAIMS TO CONSIDER CLAIMS ARISING OUT OF TARIFF ACT OF 1922

The Clerk called the bill (H. R. 1413) conferring jurisdiction upon the Court of Claims of the United States to consider certain claims arising after January 1, 1926, out of the Tariff Act of 1922.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CONCILIATION COMMISSIONERS

The Clerk called the bill (H. R. 7356) to amend section 75 (a) of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

WAR HAZARD COMPENSATION BENEFITS FOR EMPLOYEES OF WAR CONTRACTORS

The Clerk called the next bill, S. 2412, to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, this is a long and very detailed bill and involves an untold amount of money. I think perhaps we should look it over a little further before we allow it to be passed by unanimous consent.

For that reason, I ask unanimous consent that it be passed over without prejudice.

Mr. CELLER. Will the gentleman withhold that for a moment?

Mr. WOLCOTT. Yes; I yield to the gentleman.

Mr. CELLER. This bill has been asked for most urgently by the War Department and the Navy Department. It will not cost the Government an extra cent over what it costs the Government now. All it does is to codify and centralize the payment of benefits to the loved ones and dependents of those who may be imprisoned by the Japs or who may be injured by war hazards, in the United States Compensation Commission. It simply extends the provisions of the Defense Base Act of last year to other places where civilian employees and civilian contractors are engaged on various public projects in the interest of the war effort.

Mr. WOLCOTT. I think I understand the purpose of the bill, but I call the gentleman's attention to the fact that it passed the Senate on June 22. It was referred to the Judiciary Committee on June 23. It was put on the calendar under date of October 17. So it surely will not do any harm if the bill goes over for another 2 weeks.

Mr. CELLER. We have had an urgent call from Admiral Ben Moreell on Friday, asking for speed because of the difficulties and embarrassments now confronting the Navy Department in getting sufficient force of civil workers to places across the Atlantic and Pacific and to island bases in practically all parts of the world. Without the relief accorded by this bill, men refuse to go. They want to be sure that in the event of their death, injury, or being taken prisoner their loved ones will be protected.

Mr. WOLCOTT. Why did the Judiciary Committee hold it up for nearly 4 months if there was such an emergency?

Mr. CELLER. We conducted extensive hearings.

Mr. WOLCOTT. You should not have any objection to the House considering it for at least a week. This is a very important bill and I am not convinced that it does not involve the potential expenditure of a great amount of money. I think the purpose of this Consent Calendar is——

Mr. CELLER. Oh, it will not cost a great amount of money. The gentleman is in error.

Mr. WOLCOTT. Well, we want to find out whether it will or not.

Mr. WELCH. Mr. Speaker, the primary purpose of the bill under consideration (S. 2412) is to extend workmen's compensation benefits to unfortunate

American workmen now in Japanese detention camps on Wake and other Pacific islands.

I know the families of some of these men and they are badly in need of the benefits provided for in this bill.

The bill provides benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States and for other purposes.

The proposed legislation is designed to extend workmen's compensation benefits for the protection of employees outside of the United States who are working for Government contractors at the defense bases obtained from foreign countries, and upon lands and premises used for military and naval purposes located in the Territories and at other places, in cases of injury or death resulting from war hazards as defined in the measure, and in cases where such employees are detained by an enemy as prisoner, hostage, or otherwise, leaving dependents to be provided for. This bill is intended to operate in conjunction with the present Federal Workmen's Compensation Act of August 16, 1941, which makes the Longshoremen's and Harbor Workers' Compensation Act, administered by this Commission, applicable in the defense base areas. Provision is also contained in title III of the bill for an amendment to the said act of August 16, 1941.

It should really go further and contain the provisions included in S. 2829, introduced by Senator WALSH.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill be passed over without prejudice?

There was no objection.

ADJUSTING TITLES TO LAND

The Clerk called the next bill, H. R. 7366, to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That if the Secretary of Agriculture shall find within 10 years after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however*, That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States.

With the following committee amendments:

Page 1, line 6, after the word "control", insert "other than land acquired by exchange of public domain land or resources."

Page 2, line 14, after "United States", insert "and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF LANDS TO THE TOWN OF CORDOVA, ALASKA

The Clerk called the next bill, H. R. 5262, to provide for conveyance of lands to the town of Cordova, Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby conveyed to the town of Cordova, Alaska, a municipal corporation of the Territory of Alaska, for public use, two certain tracts or parcels of land, one designated as "right-of-way," being a portion of the former right-of-way of the Copper River and Northwestern Railway Co. within the corporate limits of said town between the north boundary of the "railway addition" and the Cordova wharf, to be used for highway purposes, and the other designated as "station site," being the "station ground tract A" of said railroad situated without the corporate limits of said town, to be used by said town for recreational purposes. Said tracts are described as follows:

RIGHT-OF-WAY

All that portion of the railroad right-of-way above mean high tide, held by the Copper River and Northwestern Railway Co., a corporation, and acquired pursuant to section 2 of the act of May 14, 1898 (ch. 299, 30 Stat. 409), by virtue of a certain "map showing line of definite location of Copper River Railway from Orca Inlet to Tasmina River, approved October 29, 1907," lying and being within the north addition to the town of Cordova, Alaska, beginning at station 38+44.8 where the north line of United States Survey No. 449 intersects such right-of-way, which is also the north line of the railway addition to the town of Cordova, and running thence in a generally northerly direction to station 14+82.6 on such right-of-way at the approach to the wharf known as "Cordova wharf," being 200 feet in width throughout; excepting that portion of such right-of-way, consisting of 50 feet on each side thereof, heretofore conveyed by deed from the Copper River and Northwestern Railway Co. to the town of Cordova, on December 5, 1938 (this tract herein described covering the portion of said right-of-way reserved to the grantor in said deed, consisting of 50 feet on each side of the center line of the railroad of the grantor as then established and maintained); and also excepting such part of said right-of-way as is within the boundaries of United States Surveys Nos. 829 and 879, reserved to the grantor in said deed; subject, however, to a certain lease of a part of said tract to Standard Oil Co. of California, a corporation, said lease being dated November 16, 1937, for a period of 25 years and covering that part of said property described as follows: Commencing at station 16+00 on the center line of the main line of the Copper River and Northwestern Railway, thence north eighty-five degrees twenty-nine minutes twenty seconds east twelve feet to the point of beginning; thence north eighty-five degrees twenty-nine minutes twenty seconds east eighty-eight feet to the margin of the right-of-way of said railway; thence southerly along the margin of said right-of-way one hundred and eighty and twenty-seven one-hundredths feet; thence north seventy-seven degrees eighteen minutes forty seconds west eighty-eight feet to a point twelve feet from the center line of said railway; thence northerly along a line twelve feet from, and parallel to, said center line a distance of one hundred and fifty-three and eighty-five one-hundredths feet to the point of beginning.

That certain tract of land, lying and being adjacent to the town of Cordova, Alaska, in Cordova recording district, Territory of Alaska, the main portion of which is within "station ground tract A" of the Copper River and Northwestern Railway Co., and the remainder of which passes through the right-of-way of such railway company, particularly bounded and described as follows: Commencing at a point on the center line of the Copper River and Northwestern Railway station No. 66+88.5; thence south 38°34' west 270 feet; thence north 86°16' west 220 feet; thence north 8°44' west 40 feet; thence north 86°16' west 95 feet; thence south 7°18' west 252 feet; thence south 67°44'40" east 375 feet; thence north 17°18' east 408 feet; thence north 38°34' east 233 feet, to the center line of the Copper River and Northwestern Railway; thence northwesterly along said center line of said railway to the place of beginning.

With the following committee amendments:

Page 1, following the enacting clause, strike out all down to and including line 1 on page 4 and insert "That the Secretary of the Interior is hereby authorized and directed to convey to the town of Cordova, Alaska, a municipal corporation of the Territory of Alaska, a certain parcel or tract of land to be used by said town for recreational purposes. Said parcel or tract being described as follows."

Page 4, line 18, after the word "thence", strike out the words "north eight" and insert "south three."

Page 5, line 5, after the word "beginning", insert "Any conveyance made pursuant to this act shall be subject to all valid existing rights and claims, shall reserve to the United States all mineral deposits in the lands and the right to prospect for and remove the deposits under such rules and regulations as the Secretary of the Interior may prescribe, and shall provide that the lands conveyed shall be used by the town of Cordova, Alaska, for recreational purposes only and that if the town shall cease to use the lands or any parts thereof for such purposes they shall revert to the United States. The Secretary of the Interior may declare a forfeiture of the grant if at any time he shall determine that the town has not used such lands for recreational purposes for more than 1 year. Such a determination by the Secretary shall be final, and thereupon such lands shall become a part of the public domain."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed. A motion to reconsider was laid on the table.

INCREASING WAGES OF EMPLOYEES OF ALASKA RAILROAD

The Clerk called the next bill, H. R. 7380, to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1 to December 31, 1941, inclusive.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask

the gentleman from Alaska what the purpose of this bill is?

Mr. DIMOND. The purpose of this bill is to grant increases in wages to certain employees of the Alaska Railroad for the period between September 1, 1941, and December 31, 1941.

In order to make the bill understandable it is necessary for me to explain it. Early in 1941 the employees of the Alaska Railroad, which, as the gentleman knows, is a Government-owned and operated institution, made application for increases in wages. At that time negotiations were under way in the United States, which later resulted in an increase in wages to railroad employees in the United States. The negotiations extended for months and months and the employees of the Alaska Railroad and the management of the Alaska Railroad agreed that if an increase should be granted it would date from September 1, 1941. However, it was not until December that the whole thing was adjusted. So the new wage increase actually went into effect on the 1st day of January 1942.

The office of the Comptroller General refused to permit the agreement between the employees and the management to be carried out, to make the increase retroactive to September 1, 1941. What is proposed here is to give to the employees of the Alaska Railroad precisely what was given to the employees of the railroads in the United States.

There is nothing more to it. It will result, it is estimated, in our paying out of the Alaska Railroad fund, which is under the control of the Alaska Railroad now, a total of around $86,000. If good faith means anything it means that this bill ought to be passed. The management and the railroad employees agreed to it, and there is nothing that I know of that ought to operate against its passage.

Mr. RICH. Did all the railroads in the United States have an agreement with their employees that this pay increase would be dated back to September 1, 1941?

Mr. DIMOND. That is my understanding.

Mr. RICH. And are there no railroad employees in the United States who did not get the general increase under that bill the gentleman spoke of?

Mr. DIMOND. There was no bill for the United States. It was, of course, the result of private arrangements and engagements between employers and employees, but I understand the general increase was dated back to September 1, 1941. This is precisely what we are asking be done here in this bill. In the case of the railroads of the United States no legislation was necessary because it was a matter of private arrangement, a matter of private agreement, but here it is necessary to do it by legislation because the Alaska Railroad is a Government owned and operated institution.

Mr. RICH. Are the wages of the men on the Alaska Railroad comparable to the wages paid on the American corporate-owned railroads?

Mr. DIMOND. They are based upon the wages paid on certain railroads in the United States, I think in the western part of the United States. The wages paid on the Alaska Railroad are some 20 percent higher than wages paid on certain railroads in the United States, but that increase is based upon the higher cost of living in Alaska. The cost of living in 1941 in Anchorage, Alaska, was more than 88 percent higher than it was in Washington, D. C., and much higher than it was along the lines of the railroad where these railroad men work upon whose wages our Alaska wages are based. Since then there has been a further increase, but there has also been an increase in the cost of living in Alaska; so I can assure the gentleman that the railroad employees in Alaska are not paid as much, considering the higher cost of living there, as are the railroad employees on railroads operating within the United States.

Mr. RICH. The gentleman states that the employees of the Alaska Railroad receive 20 percent more than employees of railroads in the United States. I call the gentleman's attention to the fact that we have just about completed a highway between the United States and Alaska, over which we are going to take foodstuffs and other things to Alaska. This means we are going to reduce the cost of living, because of the millions and hundreds of millions we have spent in building the road. I was one who tried to get that road because I believed it was worth while for the protection of Alaska. Not only is it of great importance in the protection of Alaska, but certainly it will result in reducing the cost of living in Alaska.

Mr. DIMOND. No.

Mr. RICH. Since the Federal Government has gone in the red during the 19 weeks of this fiscal year $20,372,913,912.21, and since the Federal Government has a debt of $98,314,000,000, can the gentleman tell me where we are going to get the money to pay all these bills?

Mr. DIMOND. Mr. Speaker, I can assure the gentleman—and this is no guesswork—that the building of the highway to Alaska is not going to lower the cost of living in Alaska.

Mr. RICH. What is it going to do?

Mr. DIMOND. It is going to result in the bringing to Alaska of a vast amount of military supplies and material that may be needed there, and it may facilitate the bringing into Alaska of supplies that are needed for the civilian population; but bringing food or anything else over some 1,600 miles of highway certainly will not reduce the cost of transportation of supplies to Alaska as compared to the cost of present water carriage when we have the ships.

Let me make the further point to the gentleman that there will be no reduction in the cost of living in Alaska by reason of the building of this highway. I agree with the gentleman that the building of the highway is one of the greatest things that has ever been done for the United States and Alaska, but it will not reduce the cost of living in Alaska.

Mr. RICH. The Delegate from Alaska is one of the best men we have in Congress; he is one of the best go-getters we have, and certainly none of us hates him for getting things for his district, but I call his attention to the fact that this railroad he speaks of has gone in the red every year.

Mr. DIMOND. No, no.

Mr. RICH. Oh, yes, yes; I have looked over the statement of the Alaska Railroad and I know it has gone in the red every year thousands and thousands of dollars. The gentleman cannot take the statement of that railroad and show me where it has been returning any revenue to the Government figuring in the cost of maintenance and operation.

I question very much whether we ought to do this thing but I am not going to block this legislation. I do not believe that something ought to be done in any particular place just because somebody else does it. Things should be done for our own people first. The gentleman is a good legislator, certainly good enough to know that if we are not more careful in the future than we have been in the past we shall bankrupt the National Treasury and then we are going to have a bad time indeed. Really, some of these requests should be a little more considerate of the Treasury of the United States.

Mr. DIMOND. Mr. Speaker, in order that the bill may be clearly understood I offer for inclusion in the RECORD the following excerpts from the House Territories Committee report thereon:

The purpose of the bill, which was introduced at the request of the Department of the Interior, is to fulfill an agreement made between the management of the Alaska Railroad and its employees relative to wages. Early in 1941 the employees applied for wage increases on account of substantially increased living costs. A little later the management of the railroad informed the employees that because of similar increases requested by employees of railroads all over the United States it was desirable to find out first what would be done with respect to increase of wages of railroad employees in the United States and then use that determination as a basis for considering the wage rates of those employed on the Alaska Railroad. This was suggested for the reason that from the commencement of operation of the Alaska Railroad the wage rates paid by the Alaska Railroad have, in general, for some categories of employees, been based upon wages paid to railroad employees in certain areas of the United States. At this time also the management of the Alaska Railroad informed the employees that if the negotiations in the United States were prolonged or resulted in retroactive wage increases, those factors would be taken into consideration in fixing the rate of wages for the Alaska Railroad employees.

In December 1941, the railroad-labor organizations and carriers in the United States entered into agreements for wage increases of railroad employees in the United States effective December 1, 1941, with lesser increases to operate retroactively after September 1, 1941. Following the decision made with respect to increase of wages of railroad employees in the United States, in December 1941, wage increases were granted to the employees of the Alaska Railroad and made actually effective January 1, 1942, although it was agreed by everyone concerned that the increase should be effective from September 1, 1941. Under the rulings of the General Accounting Office it is not possible to make payment of increases in wages retroactively and, therefore, the passage of this measure is necessary to carry out the agreement made by the management of the Alaska

Railroad with the employees involved concerning such wage increases. The passage of the bill would accord the same treatment with respect to wage increases to the Alaska Railroad employees that was accorded to the employees of the railroads in the United States and will call for no appropriation from Congress. The amount involved, approximately $86,000, is to be paid out of the earnings of the Alaska Railroad, and there is ample money in the funds of the Alaska Railroad for that purpose. Enactment of the bill is recommended upon sound principles of good faith and fair dealing.

The bill has clearance from the Bureau of the Budget.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for services rendered during the period September 1, 1941, to December 31, 1941, inclusive, increases in wages over the amounts or rates paid during said period in accordance with the then current wage schedule are hereby authorized for employees of the Alaska Railroad in Alaska, including contract employees, but excluding the general manager, longshoremen, Eska Mine employees, bridge guards, news agents, field representatives, employees paid $1 per annum or per month, and special agent, as follows: For locomotive engineers, locomotive firemen, brakemen, hostlers, hostler helpers, engine watchmen, and engineer-hostlers, 7½ per centum; for houly employees, 11.25 cents per hour; for per diem employees, 90 cents per day; for monthly employees, $22.50 per month; for per annum employees, $270 per annum; for contract river boat employees, $135 per season; overtime pay for monthly employees, 11.03 cents per hour. The said increases in wages shall be computed in accordance with the regular practice of the Alaska Railroad, and the funds of the Alaska Railroad shall be available for the payment thereof.

With the following committee amendments:

Page 2, line 2, after the word "and" insert "special agents other than the chief special agent and assistant chief."

Page 2, line 4, after the word "firemen" insert "conductors, baggagemen."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 7615, relating to the naturalization of persons not citizens who serve honorably in the military or naval forces of the United States during the present war.

The SPEAKER pro tempore (Mr. BULWINKLE). Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it is my understanding that under this bill in order to be eligible a person who is not a citizen must have an honorable discharge from the United States Army before becoming eligible. I may say, Mr. Speaker, that I shall not object to the bill if that understanding is correct.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 701 of the Nationality Act of 1940, as amended, is amended—

(a) By striking out "who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof" and inserting in lieu thereof the following: "who shall have been at the time of his enlistment or induction a resident of the United States, including its Territories and possessions."

(b) By inserting after the words "no declaration of intention" a comma and "no certificate of arrival,".

With the following committee amendments:

Page 1, line 9, strike out "been at the time of his enlistment or induction a citizen of" and insert in lieu thereof the words "enlisted or been inducted while in."

Page 2, after line 5, insert the following:

SEC. 2. The proviso to section 702 of the Nationality Act of 1940, as amended, is amended to read as follows: "*Provided*, That the record of any proceedings hereunder, together with a copy of the certificate of citizenship shall be forwarded to and filed by the clerk of a naturalization court in the district designated by the petitioner and be made a part of the record of the court."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 6763, permitting the naturalization of certain persons not citizens whose sons or daughters have served with the land or naval forces of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, the reason why I asked the question I did on the preceding bill was because it seems that under the bill which we now have under consideration, we are giving the parents of service men a greater advantage than we are giving the service men themselves, because in this bill if a man is now serving honorably in the armed forces, then the parent will be eligible if he complies with all the laws of citizenship notwithstanding the fact he has not filed a declaration of intention. Frankly, I think we are opening the door pretty wide, a little wider perhaps than we are with respect to the service man himself and, pending an amendment which will take care of the situation, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. RANDOLPH. Mr. Speaker, reserving the right to object, and I shall not object, let me state I do this in connection with the pending legislation, because I had an unusual experience on the night of November 2, when I presented a six-star service pin to a wonderful woman by the name of Mrs. Susie Demeter, who is a Hungarian. Her husband died when their eight children were small. She labored at all sorts of jobs to keep her family intact. She has no citizenship in this country, yet her six sons all enlisted and are serving in the armed forces of the United States. I was greatly impressed by the patriotism of this woman and by her real Americanism, even though she is not a citizen of the United States. I call this case to the attention of the House, feeling certain that this West Virginia woman, from the little coal-mining community of Galloway, is deserving of help.

Mr. RUSSELL. She could have become a citizen, could she not?

Mr. RANDOLPH. No. She has tried to do so. She states certain documents are lacking, and for this reason she is apparently unable to accomplish her desire. I feel strongly, as the gentleman from Texas does, about those who come to this country and fail to exercise their responsibility to become citizens.

Mr. WOLCOTT. I do not think this bill will help a situation of that nature. I quite agree with the gentleman that those are cases we would like to help. This bill merely waives the filing of declaration of intention. The enlistment of the son is taken in lieu of the filing of declaration of intention. They must comply with all the other provisions of law, as I understand it.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, in the case cited by the gentleman from West Virginia [Mr. RANDOLPH], it occurs to me that the House will be glad to pass a special relief bill to take care of situations like that until a law is passed covering the circumstances.

Mr. ROBSION of Kentucky. Mr. Speaker, further reserving the right to object, I want to confirm what the gentleman from South Dakota has said. I would be delighted to make that woman an American citizen, a lady who has six fine sons in the United States Army.

Mr. RANDOLPH. Mr. Speaker, I will look into the matter and see if it cannot be taken care of by legislation, as suggested by the gentlemen.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REVISING THE ALASKA GAME LAW

The Clerk called the next bill, H. R. 7472, to revise the Alaska game law.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE. Reserving the right to object, Mr. Speaker, this measure undertakes to revise the game laws in the Territory of Alaska. It has occurred to me to inquire of the Delegate from Alaska what provision there is in existing law or in this bill with regard to requiring licenses of our soldiers and sailors who are stationed in Alaska in order to permit them to take advantage of some of the famous hunting and fishing for which Alaska has been greatly advertised back through the years.

Mr. DIMOND. Mr. Speaker, in order to answer fully the inquiry of the gentleman from New York, it is necessary

to make a statement about this legislation generally. Under existing law, the Alaska Game Commission, which has supervision of fur and game in Alaska, has held that persons sent to Alaska in the military service may not become residents of Alaska by reason of that service and must, during the entire period of that service in Alaska, be considered as nonresidents.

Mr. COLE. May I inquire of the gentleman what is the status of civilian employees of the United States, in Alaska?

Mr. DIMOND. My understanding is that if a civilian employee of the Government claims that he went to Alaska to reside originally, at the expiration of a year he becomes a resident of Alaska. Of course, if in the meantime he should vote in some place in the States or if there should be some controverting evidence to indicate that he really did not intend to become a resident of Alaska, then he would still be considered a nonresident.

This bill was drawn in the Department of the Interior, and I am informed it has been agreed to by the War Department after a very thorough consideration of its terms. I introduced the first bill on the subject last February, but it met with objection somewhere, so it was not until August 6 that I finally received from the Department of the Interior a draft of the bill which is now before us and which I introduced.

Mr. COLE. May I inquire if, under this bill, it is possible for a soldier or a sailor to go fishing or hunting by obtaining a nonresident license?

Mr. DIMOND. Yes. Anybody can fish or hunt in Alaska by obtaining a nonresident license, but the nonresident license costs more than the resident license.

Mr. COLE. Will the gentleman tell us what the nonresident license cost?

Mr. DIMOND. I think the amounts are stated in the bill itself. I shall try to pick them out.

Mr. O'HARA. I think it is $50.

Mr. DIMOND. It is $50 for hunting big game and I think $10 for hunting small game. There is no license whatever required for sport fishing in Alaska at the present time.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Minnesota.

Mr. O'HARA. May I ask the gentleman from Alaska if it is not true that as to the soldiers and sailors stationed in Alaska, the situation has been that the Department of the Interior has refused to grant them anything other than a nonresident license; in other words, the boys stationed up there would have to pay $50 if they wanted to go hunting?

Mr. DIMOND. That is correct as to big game. I think the license for small game, for birds and so on, is $10 and not $50. However, the gentleman's point is correct, because the officials of the Department of the Interior have held, perhaps correctly, that being stationed in military service in Alaska does not establish residence on the part of the persons so stationed there.

Mr. O'HARA. At the proper time I wish to offer two amendments to this bill. The first one would direct the waiver of the nonresident provision so that the soldiers and sailors stationed there might have the opportunity to hunt and fish without paying the high cost of a nonresident license. The second amendment would eliminate for the men stationed in the armed services in Alaska the payment of these license fees.

Mr. DIMOND. Personally, I would have no objection to such amendments giving service men in Alaska the hunting privileges of residents, but as a member of the Committee on the Territories, which reported this bill unanimously after a thorough understanding of its provisions, I should be obliged to oppose them.

Mr. COLE. May I inquire of the gentleman if there is any danger of depleting the game and fish supply in Alaska by opening up to the armed forces the opportunity to do some hunting and fishing?

Mr. DIMOND. I am assured there is grave danger of that precise thing happening. That is the reason the bill was drawn in the form in which it appears here. Under it anyone in the military service in Alaska who has been stationed there for 1 year will be considered a resident of Alaska for the purpose of getting a hunting license or fishing license. The further provision, which I originally sought to have put in the bill, not to require any period of residence at all on the part of those in the armed forces, was not adopted by the Department of the Interior or by the War Department in order to conserve game. I understand the bill as drawn will treat the men who come to Alaska in the military service the same as civilians who come there for the purpose of residence. That is as far as the authorities in these two departments think they can safely go at this time.

Mr. O'HARA. The gentleman will agree that the Department of the Interior has been pretty hard on some of these rulings in the past. For example, it has been called to my attention that one of the officers, for the purpose of getting consideration for these men, brought proceedings to compel them to issue a resident license. The court directed that a residence license should be granted to the soldier who has been there more than a year, but the Department of the Interior or those in charge of the enforcing of game laws refused to issue a license. I believe the gentleman is familiar with that situation.

Mr. DIMOND. Mr. Speaker, I have heard about the situation. I do not know that I have all of the facts, but I think what the gentleman says is correct. There may be some other facts that neither of us knows anything about that would alter the situation.

Mr. O'HARA. Surely the gentleman does not believe that these men are going out with high-powered rifles and try to kill all of the big game in Alaska. If they have brains enough to defend us in Alaska, does the gentleman not think that these men would show some judgment in the matter of fishing and hunting?

Mr. DIMOND. Of course, the only answer that I can make to that is in the affirmative, but at the same time the men in the military service are like other hunters. We know what hunters will do.

Mr. O'HARA. Let me call the gentleman's attention to the fact that this bill is certainly solicitous in respect to Indians and Eskimos, and those under 16 years of age. They are permitted to hunt and fish without a license. Should not our men in the armed services have our solicitous attention just as well as those people without the stated exceptions?

Mr. DIMOND. The gentleman's view is exactly the same as my view personally, with respect to treating persons in military service in Alaska as residents, but I point out to the gentleman that if we try to get too much in this bill, the chances are that we will not have any legislation on the subject at all. The Indians, Eskimos, and Aleuts were in Alaska first. In my judgment, their rights should be preserved intact. No other person, resident or nonresident, should seek to be accorded the special status of the Indians and Eskimos and Aleuts with respect to hunting and fishing.

Mr. COLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes," approved January 13, 1925, as amended, is further amended to read as follows:

"SEC. 2. Definitions.—That for the purposes of this act the following shall be construed, respectively, to mean:

"Commission: The Alaska Game Commission.

"Secretary: The Secretary of the Interior.

"Director: Director, Fish and Wildlife Service, Department of the Interior.

"Executive officer: Executive officer, Alaska Game Commission.

"Territory: Territory of Alaska.

"Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

"Indians: Natives of one-half or more Indian blood.

"Eskimo: Natives of one-half or more Eskimo blood.

"Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

"Open season: The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

"Closed season: The time during which animals, birds, or game fishes may not be taken.

"Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

"Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears, which shall be known also as big game, and such other animals as the Secretary has or shall declare, as hereinafter provided, to be game animals, to be known also as big game if so designated in the declaration, including those that have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof.

"Fur animals: Beaver, muskrat, marmot, raccoon, pika, hare, or rabbit, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be fur animals: *Provided*, That whenever the Secretary shall find that in any section of Alaska any animal is predominantly taken as a game rather than as a fur animal, or is predominantly taken as a fur animal rather than as a game animal, he shall so declare and then and thereafter, so long as such declaration remains in effect, such animal in the specified section of Alaska shall be considered to be a game animal or fur animal as the case may be, to the same extent as if it had been expressly included in the foregoing definitions of game and fur animals.

"Game birds: Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oystercatchers, plover, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as crane; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be game birds.

"Nongame birds: All wild birds except game birds.

"Hunting: The taking, as herein defined, of game animals, game birds, and nongame birds.

"Trapping: The taking, as herein defined, of fur animals.

"Game fishes: Rainbow, steelhead, cutthroat, eastern brook, and Dolly Varden trout, and grayling, and such other fishes as the Secretary may declare, from time to time, to be game fishes.

"SEC. 3. Residence and citizenship: That for the purposes of this act a citizen or a national of the United States who has resided in the Territory for a continuous period of 12 months immediately preceding his claim for resident hunting, trapping, fishing, or other privileges under this act, or a person not a citizen or a national of the United States who has in good faith declared his intention to become a citizen of the United States, whose declaration of intention is in good standing, and who has resided in the Territory for a like period, shall be considered a resident: *Provided, however*, That whenever the Secretary shall determine the fur resources of Alaska are threatened by hunting or trapping, or from other causes, he may, in his discretion and for such periods as he shall determine, extend the required residence period in the Territory from 12 months to 3 years as a prerequisite to obtaining a resident trapping license; a citizen or a national of the United States who has not resided in the Territory for a continuous period of 12 months, or for the extended period of 3 years, as the case may be, immediately preceding his claim for resident privileges shall be considered a nonresident; and a person not a citizen or a national of the United States who is not a resident of the Territory, as defined in this section, shall be considered an alien.

"SEC. 4. Alaska Game Commission created: That a Commission to be known as the Alaska Game Commission is hereby created. The Commission shall consist of an executive officer and four other members. The executive officer of the Commission shall be the representative of the Fish and Wildlife Service of the Department of the Interior, designated by the Director to occupy that position, and he shall provide for the due administration of the functions of the Commission under this act. The other four members of the Commission shall be appointed by the Secretary to serve for 4 years unless sooner removed: *Provided*, That the present members of the Alaska Game Commission appointed pursuant to section 4 of the act of January 13, 1925 (43 Stat. 739), are hereby made the appointed members of the Alaska Game Commission as reorganized and continued hereunder, each to serve a term of office equal to the unexpired term of his office as a member of the Alaska Game Commission under the provisions of the act of January 13, 1925. Each member of the Commission appointed by the Secretary shall be a resident citizen of the judicial division from which he is appointed and shall have been a resident of Alaska for at least 5 years before his appointment, but not more than one resident of a judicial division shall serve on the Commission at one time, and no Federal or Territorial employee shall be appointed as a member of the Commission. The Secretary may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges, the Secretary may suspend such commissioner. The Secretary shall fill vacancies on the Commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

"Members of the Commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of $10 for each member for each day going to and from and in actual attendance at meetings of the Commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of $1,500, and that of any of the other members, except the executive officer, the sum of $900 in any one fiscal year, and each such member in addition shall have reimbursed to him actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties, in accordance with the fiscal regulations of the Department of the Interior, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of the Interior from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Fish and Wildlife Service in the Territory as the Director may designate.

"The Commission shall maintain and have its principal office in the capital of the Territory.

"A majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the Commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the Commission and ordered filed in its office, shall be, and be deemed to be the order of the Commission. The Commission shall have an official seal.

"SEC. 5. Duties and powers of the Commission, wildlife agents, and other persons: That each member of the Commission, any employee of the Department of the Interior authorized by the Secretary to enforce this act, any marshal, deputy marshal, collector or duty collector of customs, shall have power, in or out of the Territory, and it shall be his duty to arrest without warrant any person committing a violation of this act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and he shall have authority, with a search warrant, to search any place at any time. Any officer or other person empowered to enforce this act shall have authority without warrant to search any camp, camp outfit, fish creel, pack or pack animals, automobile, aircraft, wagon, or other vehicle, sled, or any boat, vessel, or other craft in the territorial waters of the United States, or any boat, vessel, or other craft of the United States on the high seas when such officer or employee has reasonable cause to believe that such camp, camp outfit, fish creel, pack or pack animals, automobile, aircraft, wagon, or other vehicle, sled, boat, vessel, or other craft has therein or thereon any of the animals, birds, or fishes, or parts thereof, or nests or eggs of birds, protected by this act taken, possessed, sold, intended for sale, or transported contrary to law. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, fishing tackle, boats, aircraft, wagons or other vehicles, dogs, sleds, and other paraphernalia used in or in aid of a violation of this act may be seized, and all animals, birds, game fishes, or parts thereof, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this act shall be seized within or outside the Territory by any officer or person authorized to enforce this act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 10 of this act. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of the Interior, to aid in carrying out the provisions of this act.

"SEC. 6. Bond of employees: That before entering upon the duties of his office, the executive officer shall execute and file with the Secretary a bond to the people of the United States in the sum of $1,000, with sufficient sureties, and each wildlife agent or other person authorized by the executive officer to sell licenses shall so file such a bond in the sum of $500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each person so bonded shall have reimbursed to him on proper voucher the premium paid by him on his bond.

"SEC. 7. Taking of animals, birds, and game fishes restricted: That, unless and except as permitted by this act or by regulations made pursuant to this act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to pur-

chase any game animal, fur animal, game fish, game bird, nongame bird, or any part thereof, or any nest or egg of any such bird, or to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this act shall be construed to prevent the collection or exportation of such animals, game fishes, birds, parts thereof, or nests or eggs of birds, for scientific or educational purposes, or of live animals, game fishes, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Director, pursuant to regulations hereinafter authorized to be adopted by the Secretary. Fur or game animals and game birds which escape from captivity, unless recaptured by their owners in accordance with regulations prescribed by the Secretary, and all fur and game animals and game birds which have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, are declared to be wild fur or game animals or game birds, as the case may be, and shall be subject to the provisions of this act.

"SEC. 8. Poison, use prohibited: That no person shall at any time use any poison to kill any animal or bird protected by this act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a wildlife agent or predatory animal hunter may use poison to kill wolves, coyotes, or wolverines, under such regulations as the Commission may adopt; and no person shall sell or give any strychnine or other poison designated by the Commission to any hunter or trapper. No hunter or trapper shall have any strychnine or other poison designated by the Commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the Commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the Commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any wildlife agent or other officer authorized to enforce this act, and he shall transmit such information monthly to the Commission.

"SEC. 9. Regulations: That the Secretary, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, exhibition, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or skins of black bear, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any aircraft, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sailboat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals, birds, or game fishes during the closed season when he is in need of food and other food is not available, but the shipment or sale of any animals, birds, or game fishes, or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals, birds, or game fishes for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals, birds, or game fishes is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, tag, aircraft, boat, vessel, automobile, sled dog, dog team paraphernalia, equipment, building or other improvement or property of the United States used in the administration or enforcement of the provisions of this act, or any poster or notice to the public concerning the provisions of this act or any regulation adopted pursuant hereto, or any marker indicating the boundary of any area closed to hunting, trapping, fishing, or other special use under the provisions of this act, or shall knowingly destroy, remove, tamper with, or imitate any seal or tag issued or used by the Commission or attached under its authority to any skin, portion, or specimen of a wild animal, bird, game fish, or other article for purposes of identification or authentication in accordance with the provisions of this act or any regulations adopted hereunder.

"SEC. 10. Licenses: Subdivision A—Nonresident hunting, trapping, and fishing licenses: That except as otherwise permitted by this act, or by any regulation or order made pursuant hereto, no nonresident as defined by section 3 of this act shall take or possess any of the animals, birds, or game fishes protected by this act, or by any regulation or order authorized hereunder, without first having procured a nonresident hunting, trapping, or fishing license as herein provided.

"Subdivision B—Resident export licenses and permits: No resident of the Territory shall transport therefrom any game animal, bird, game fish, or part thereof, unless he has (a) a resident export and return license, which will entitle him to transport out of the Territory for mounting and return to him in the Territory within 1 year such game animal, bird, game fish, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in the license, or (b) a resident export permit, which may be issued in such circumstances and upon such conditions as the Commission may prescribe, and which will entitle him to export from the Territory for other than return, but not for sale, such game animal, bird, game fish, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in the permit.

"Subdivision C—Resident hunting, trapping, and fishing licenses: The Commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting, trapping, and fishing licenses authorizing them to take animals, birds, and game fishes protected by this act, and after the effective date of such regulation, no resident shall take any animal, bird, or game fish protected by this act without having first procured resident hunting, trapping, and fishing licenses as herein provided. The fee for such licenses shall be as follows: For each fishing license the sum of $1; for each hunting license, which shall include the privilege of fishing, the sum of $2; and for each trapping license, which shall include the privilege of hunting and fishing, the sum of $3; but no such license shall be required of native Indians and Eskimos, or of residents under the age of 16.

"Subdivision D—Registered Guide License: Only a person who is a resident of the Territory, as defined in section 3 of this act, may act as guide for a nonresident in any section of the Territory where the Commission by regulation, and the Commission is hereby authorized to issue such regulations, requires nonresidents to employ guides prior to engaging in authorized big-game hunting privileges, and he shall first register with the Commission on a form which it shall provide for this purpose and procure a registered guide license as herein provided, and the Commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the Commission to be registered.

"Subdivision E—Alien Special Licenses: No alien shall take any of the animals, birds, or game fishes protected by this act, or own or be possessed of a shotgun, rifle, or other firearm, without first having procured an alien special license, except that an alien may take game fishes protected by this act upon first having procured an alien fishing license as herein provided.

"Subdivision F—Records, Reports: Each person to whom a license is issued to take animals or birds, or to deal in furs, shall keep records which shall show the kind and number of each species of animals or birds so taken, purchased, or otherwise procured under such license, the persons from whom they were purchased and to whom they were sold, date of purchase or sale, name of the trapper, and the number of the trapper's license, and shall, on or before 30 days after the expiration of his license, make a written report to the Commission on a form prepared and furnished by it setting forth in full the data herein required to be recorded. Such records shall at all reasonable times be subject to inspection and examination by any officer or other person empowered to enforce this act. Any licensee who shall fail correctly to keep such records or who shall fail to submit such report or who shall in any such report knowingly falsely state any such data or who shall refuse to exhibit his records for inspection and examination as herein required shall be punished as prescribed in section 15 of this act.

"Subdivision G—Fur-Farm License: No person shall engage in the business of farming fur animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

"Subdivision H—Fur Dealers, Licenses, Fees: No person shall buy or sell the skins of fur animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur animals protected by this act without first having procured a license as herein provided, but no license shall be required of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale, or of native Indians or Eskimos, or of cooperative stores operated exclusively by and for native Indians or Eskimos, or of stores operated by missions, exclusively for native Indians or Eskimos: *Provided*, That the stores exempted from procuring licenses as herein provided shall, on or before 30 days after the expiration of each license year as specified in this act, make a written statement to the Commission, on a form prepared and furnished by it, setting forth such material facts concerning the management and operation of such store as the Commission may by such form require and in addition thereto shall keep the records, make the reports, incur the penalties, and in all other respects be subject to the

requirements of subdivision F of section 10 to the same extent as licensed fur dealers.

"The applicant for such a license shall accompany his application by the required fee as follows:

"(a) If the applicant is a resident of the Territory, $10, or is an association or copartnership composed exclusively of residents of the Territory, organized under the laws of the Territory, for each member, $10.

"(b) If the applicant is a nonresident of the Territory but is a citizen or national of the United States, or is a corporation composed exclusively of citizens or nationals of the United States, organized under the laws of the Territory or of a State of the United States, or is an association or copartnership composed exclusively of citizens or nationals of the United States, organized under the laws of the Territory or of a State of the United States, any member of which is a nonresident of the Territory, $100.

"(c) If the applicant is an alien, or is a corporation, association, or copartnership, not organized under the laws of the Territory or a State of the United States, or is a corporation, association, or copartnership, any stockholder or member of which is an alien, $500.

"(d) If the applicant is a resident of the Territory and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a resident itinerant agent of such dealer, $10.

"(e) If the applicant is a nonresident of the Territory but a citizen or national of the United States and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a nonresident citizen or national itinerant agent of such dealer, $100.

"(f) If the applicant is an alien and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or an alien itinerant agent of such dealer, $500: *Provided*, That no license shall be issued to any agent whose principal has not procured a license in accordance with (a), (b), or (c).

"Subdivision I—Fees and Application for, and Issuance of, Licenses and Permits: Licenses and resident export permits shall be issued by the executive officer through wildlife agents and other persons authorized by him in writing to sell licenses. Resident export licenses and permits may also be issued by customs officers. Application blanks for licenses and permits shall be furnished by the Commission and shall be in such form as the Commission may by regulation determine. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory. Members of the Commission, wildlife agents, and other persons authorized in writing by the executive officer to issue licenses, and postmasters and customs officers, are hereby authorized to administer such oaths. The applicant for a license or resident export permit shall accompany his application with a license or permit fee as follows: Nonresident general hunting, trapping, and fishing license, $50; nonresident hunting and fishing license, but not including the privilege of hunting big game, $10; nonresident fishing license, $2.50; resident export and return license, $1 for each animal or bird trophy; resident export permit, if shipper is removing residence, $1 for each animal, $1 for each bird, or if shipper is not removing residence, $5 for each animal, $1 for each bird; registered guide license, $10; alien special hunting, trapping, and fishing license, $100; alien fishing license, $2.50; and fur-farm license, $2. Whenever the Secretary determines that the circumstances justify the charging of lesser fees for any class of licenses or permits than the fees specified in this section, he may by regulation prescribe reduced schedules of fees to be paid for the issuance of licenses or permits of that class, and during the period any such regulation is in effect no greater fee shall be charged for any license or permit of the class involved than the fee so prescribed by the Secretary.

"Subdivision J—False Statements in Application for and Alteration and Expiration of Licenses and Permits: Any false statement in an application for a license or permit as to citizenship, place of residence, or other material facts shall render null and void the licenses or permits issued upon it. Any person who shall make any false statements in an application for a license or permit shall be guilty of a violation of this Act and upon conviction of any such violation shall be punished as provided in section 15 hereof. No person shall alter, change, loan, or transfer to another any license or permit issued to him in pursuance of this Act, nor shall any person other than the one to whom it is issued use such license or permit, and each of such licenses shall expire on the 30th day of June next succeeding its issuance.

"Subdivision K—Proceeds of Licenses and Permits: The Commission is hereby authorized to prescribe regulations permitting each officer or person selling licenses or permits, other than officers or employees of the United States, to retain for his own use and benefit such portion of the proceeds of each sale made by him, not exceeding 10 percent thereof, as the Commission may from time to time allot for the purpose of compensating such officer or person for his services in connection with the issuance of licenses or permits, but the sums so retained shall be reported to the executive officer in accordance with the regulations of the Commission. Subject to the withholding of any compensation so authorized, each officer or person selling licenses or permits shall, as soon as practicable after the first day of each month, transmit the proceeds from such sales, together with a report thereof, to the executive officer who shall keep accurate records of such proceeds and promptly deposit 50 percent thereof in the Treasury of the United States to the credit of miscellaneous receipts, and transmit 50 percent thereof to the treasurer of the Territory to be covered into the Territorial school fund. Receipts from all other sources shall be accounted for and disposed of in like manner.

"Subdivision L—Tags and Seals: The Commission is hereby authorized and directed to adopt tags or seals of an approved type or design to be used for marking seized articles, and beaver and marten skins, or the skins of other fur or game animals when required by the regulations of the Secretary to be tagged or sealed, for purposes of identification and authentication.

"Subdivision M—Special Regulations, Permits, and Licenses: In addition to the hunting, trapping, and fishing licenses or permits required by any other provision of this act, or by regulations authorized to be issued thereunder, the Commission may from time to time prescribe regulations requiring residents, nonresidents, and aliens to obtain special licenses, upon the payment of fees fixed by such regulations, prior to the taking of specified game animals in specified areas, and may by such regulations limit further the number, kind, and sex of such animals that may be taken in such areas, and also may restrict the number of persons who may hunt in each such area. Whenever such additional restrictions are imposed by regulation, the executive officer shall issue to qualified applicants, upon receipt of the proper application and fee, the special licenses required by such regulations, in the number designated by the regulations and in the order of the receipt of applications.

"SEC. 11. Collectors of Customs, Duties of: That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of fur animals, game fishes, or parts thereof, and nests or eggs of game birds, received from or returned to the Territory, except when shipped for scientific, propagation, exhibition, or educational purposes under a permit issued by the Director pursuant to regulations of the Secretary; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this act with respect to shipments of game birds, game animals, skins of fur animals, game fishes, or parts thereof, and nests or eggs of game birds.

"SEC. 12. Burden of Proof: That the possession of any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any action in rem, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully.

"SEC. 13. United States Attorneys, Duties of: That it shall be the duty of the United States attorney for the division in which any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, has been seized because taken, transported, bought, sold, or possessed contrary to the provisions of this act, or in which any gun, trap, net, fishing tackle, boat, dog, sled, aircraft, wagon, or other vehicle, or other paraphernalia has been seized because used in the unlawful taking of any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, or in which any sled, boat, aircraft, wagon, or other vehicle has been seized because used in the transportation of any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, illegally bought, sold, or possessed contrary to the provisions of this act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution. In case of judgment being rendered in favor of the United States, the wild birds, game fishes, wild animals, or other articles forfeited shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 10 of this act: *Provided*, That no action in rem shall be required with respect to any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, or any gun, net, fishing tackle, trap, or other device possessed or used in or in aid of a violation of this act and legally seized when the claimant thereof releases such article or articles to the United States by a voluntary release in writing witnessed by two disinterested parties, in which case such articles shall be disposed of by the executive officer and if sold the proceeds shall be disposed of as provided in this section.

"SEC. 14. Continuance of Funds: That the unexpended balances of any sums appropriated by the Interior Department Appropriation Act for the fiscal year ending June 30, 1943, for enforcing the provisions of the act of January 13, 1925, as amended, for the protection of game animals, fur animals, and birds in the Territory, are hereby made available for the purpose of carrying into effect the provisions of this act and regulations made pursuant hereto, and all contractual obligations heretofore incurred under the provisions of the act of January 13, 1925, as amended, shall remain in full force and effect.

"SEC. 15. Penalties: That unless a different or other penalty or punishment is hereby specifically prescribed, a person who violates any provision of this act or of any order or regulation adopted pursuant to this act, or

who fails to perform any duty imposed by this act or by any order or regulation adopted pursuant to this act, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $500, or be imprisoned not more than 6 months, or both; and, in addition thereto, any person convicted of a violation of any provision of this act who is the holder of any form of license issued hereunder shall thereupon forfeit said license and shall surrender it upon demand of any person authorized by the Commission to receive it, and upon a second conviction he shall not be entitled to, nor shall he be granted a license of such form for a period of 1 year from date of such forfeiture, and upon a third or successive conviction, for a period of 5 years from the date of such forfeiture; and any cooperative store operated exclusively by and for native Indians or Eskimos, or any store operated by missions exclusively for native Indians or Eskimos, without a license as provided in this act, upon a second or third conviction for violation of this act, shall not be entitled to engage in the business of dealing in furs for such time as the court before whom such conviction is had may decide: *Provided*, That such prohibition shall not be imposed for the first conviction, nor for a period in excess of 1 year from date of the second conviction, nor for a period in excess of 5 years from date of the third or any subsequent conviction; and all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 10 of this act.

"Any licensed guide who shall fail or refuse to report promptly to the Commission any violation of this act of which he may have knowledge, shall be guilty of a violation of this act, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of 5 years from the time of his conviction therefor, or, of the establishment to the satisfaction of the Commission of definite proof of such offense.

"SEC. 16. Administration of Oaths for Purposes of Prosecution: That such officers, agents, or employees of the Department of the Interior as may be designated in writing by the Secretary or executive officer for the purpose are hereby authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of this act.

"SEC. 17. Authorization of Appropriations: That there is authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of this act and regulations made pursuant hereto, and the Secretary of the Interior is authorized out of such moneys to employ in Alaska and elsewhere such persons and means as he may deem necessary for such purposes, including printing; purchase, operation, maintenance, and repair of aircraft; construction of aircraft hangars and other structures; restocking depleted areas; emergency feeding of wildlife; investigation of wildlife and game-fish resources and conditions; and protection and rehabilitation of Territorial wildlife and game-fish resources.

"SEC. 18. Separability of Provisions: That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 19. Application to Mount McKinley National Park: That nothing in this act contained shall be construed as repealing or modifying in any manner section 6 of the act of Congress approved February 26, 1917 (39 Stat. 938), entitled 'An act to establish the Mount McKinley National Park in the Territory of Alaska.'

"SEC. 20. Date Effective: That this act shall become effective immediately upon its passage and approval, and shall be known by the short title of the 'Alaska Game Law.'"

With the following committee amendment:

Page 14, line 10, after the word "other", insert the word "sufficient."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. O'HARA. Mr. Speaker, I offer the following amendments, which I send to the Clerk's desk.

The Clerk read as follows:

Amendments offered by Mr. O'HARA:

On page 15, line 21, after the word "provided," strike out the period and insert a semicolon and the following: "except that members of the armed forces of the United States stationed in the Territory of Alaska shall be considered as residents, without requirement of any period of actual residence."

On page 17, line 2, after the word "sixteen", strike out the period, insert a comma, and the following: "or members of the armed forces of the United States stationed in the Territory of Alaska irrespective of the period of residence."

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. O'HARA. Mr. Speaker, part of the colloquy which I have just had with the Delegate from Alaska grows out of the unhappy condition that exists in the Territory of Alaska so far as the men stationed there in the armed service are concerned. These men who are stationed there, whether in the Army or the Navy, have so few facilities for recreation, and they do want to do a little hunting and fishing. Men from one of the regiments stationed there have written me, as have some of the officers. They have called my attention to the fact that this regiment has been stationed there for more than a year, but that the Department of the Interior and those in charge of the enforcement of the game laws in Alaska refuse to issue to these men who are up there a license, unless they pay the large sum of $50 for a nonresidence big-game hunting license and, I think, $10 for a small-game license. I think the Department of the Interior has been exceedingly harsh in their rulings on this matter and that the only way that we can get results for these boys is by these amendments which I have offered. The same provision does not apply to a civilian. If the civilian is there for a year, automatically he is entitled to a residence license. But these men who are in the armed forces have not been able, even though they have been there more than a year, to get a resident hunting and fishing license. I hope these amendments will be adopted in fairness to the men in the armed services.

I am for conservation of the wildlife of Alaska, as I am for the privilege of hunting and fishing of that wildlife by those who defend it. And I am for permanent dissolution and complete liquidation of the miserable discrimination that exists in Alaska against men who are in the uniform of our country, stationed there in defense of not only Alaska and the Alaskans but of us.

Mr. DIMOND. Mr. Speaker, I stated a moment ago that if I were to express my own views on the subject I should not oppose an amendment that would grant to persons in military service in Alaska the privileges of residents with respect to hunting, but the bill was considered very carefully by the House Committee on Territories, of which I am a member, and after such full consideration, was reported in its present form. However, from something said by the gentleman, I think he probably misconstrues the bill as it is now written. I am assured by the legal staff of the Interior Department that the bill in its present form will permit soldiers and sailors and others in the armed forces who have been a year in Alaska to secure hunting licenses as residents.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. Yes.

Mr. O'HARA. The gentleman and I know from experience of our own that Mr. Ickes has been very much against the granting of any resident fishing or hunting licenses to those men regardless of their time of service or their residence in Alaska. He has refused to grant them anything other than a nonresident's license.

Mr. DIMOND. Mr. Speaker, I think that was on account of the legal question involved. The point was as to whether one assigned to military service in Alaska could acquire a residence there while in such service. Of course, I have some knowledge about the case to which the gentleman refers. I think the court was right upon the facts presented to him in deciding that General Buckner, who is in charge of our armed forces in Alaska, is a resident of the Territory. But that is why I interested myself in this legislation and introduced it on two occasions, the first bill on February 6 and the last one on the 6th of August, which is the bill before us; that is, to treat people in the military service in Alaska precisely as other people who come to Alaska otherwise for residence. After 1 year a man in military service will be eligible for a resident hunting and fishing license, and without the gentleman's amendments.

Mr. O'HARA. Will the gentleman yield?

Mr. DIMOND. I yield.

Mr. O'HARA. The gentleman realizes that some of these men are stationed in very barren parts of Alaska. Does he think it is fair to demand that those men shall have a nonresident hunting and fishing license for a solid year? Does he think that is fair?

Mr. DIMOND. Personally, as I have said two or three times before, I agree with the gentleman's opinion, that persons in military service in Alaska should be treated as residents with respect to hunting licenses. But they are not entitled to any more favored status than that of ordinary residents of Alaska. It

is not possible to get everything we want in any piece of legislation. I am told there is grave danger of depletion of the game. Nothing will be gained if we throw the Territory wide open to hunting by everybody, and then at the expiration of a year or two have no game. Then we might have complete closure of hunting to everybody.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from New York.

Mr. COLE. May I inquire of the gentleman if this issue was considered by the Committee on the Territories?

Mr. DIMOND. It was considered, because I explained it to the committee. I think some of the Members at least were inclined to the view that there should be no period of residence required for persons in military service in Alaska, as a prerequisite to securing resident licenses. This matter has been completely reviewed by the War Department and the Interior Department. It was under dispute between the several departments for some time, and finally both departments agreed upon the bill which I introduced.

Mr. O'HARA. The War Department is very anxious to have this provision in here so that the men will not have to wait or be required to have a nonresident license. The Assistant Secretary of War told me he was very interested in it.

Mr. COLE. The Committee on Territories took no positive action on this issue?

Mr. DIMOND. Except to report the bill out in its present form. I offer for inclusion in the RECORD the following excerpts from the House Report No. 2623 on the bill:

The present Alaska game law was originally enacted in 1925 (act of January 13, 1925, 43 Stat. 739). It has been amended in minor details by subsequent acts of Congress.

The purpose of the bill under consideration is to revise the law, reenacting most of it but changing it in several particulars. The important changes are as follows:

1. Treats the assignment to military service in Alaska as the taking up of residence therein so that at the expiration of 1 year of military service in the Territory, members are eligible for resident hunting licenses just the same as though they were in civilian life and had resided in the Territory for 1 year.

2. Clarifies the status of Filipinos so that they shall be treated as citizens of the United States for the purposes of the game law. There has been some doubt as to their status in the past.

3. Gives the Alaska Game Commission control over game or fresh-water fishes, making it possible to restock depleted streams and lakes and to stock waters that are at present barren and to control fishing of game fish to prevent depletion.

4. Permits complete integration of the fisheries service and the wildlife service in Alaska in the interest of more efficient administration.

5. Gives the Alaska Game Commission authority to more fully control the hunting of big game animals in any area where they may be taken in numbers greater than the population warrants by putting a limit on the total number of such animals that can be taken out of any area.

The bill has the approval of the Alaska Game Commission, the Department of the Interior, and, in fact, so far as known, of all persons affected thereby. The approval of the Department of the Interior is indicated by a letter dated November 4, 1942, addressed to the chairman of the committee by the Secretary of the Interior which also indicates that the Bureau of the Budget has no objection to the measure. The Secretary's letter follows:

THE SECRETARY OF THE INTERIOR,
Washington, November 4, 1942.

Hon. LEX GREEN,
Chairman, Committee on the Territories, House of Representatives.

MY DEAR MR. GREEN: Reference is made to your letter of August 12 requesting a report on H. R. 7472, entitled "A bill to revise the Alaska game law."

This proposed legislation is designed to revise the provisions of the Alaska game law of January 13, 1925 (43 Stat. 739) in a number of particulars with respect to which the advisability of amendment is indicated by the experience had under that law. I recommend its enactment at an early date.

The principal changes incorporated in H. R. 7472 are directed to the accomplishment of three main objectives. The first is to extend to game fish and to additional species of wild animals the essential protection afforded much of the wildlife of Alaska under the existing provisions of the Alaska game law. The second objective is to remove some of the burdensome requirements regarding domicile in connection with the obtaining of certain types of licenses and at the same time to define more clearly the hunting, trapping, and fishing privileges of the several classes of licenses. Thirdly, the proper administration of a wildlife resource of great economic importance will be facilitated through a redesignation and redistribution of the functions and duties of the Alaska Game Commission and of the Secretary of the Interior.

Although conditions affecting wildlife in the Territory of Alaska have changed materially since the enactment in 1925 of comprehensive legislation covering the protection of game animals, land fur-bearing animals, and birds of Alaska, and the establishment of an Alaska Game Commission, there have been few amendments substantially affecting the form of protection to be afforded such wildlife or the administration of the act. Until recently little attention has been given to the protection of game or fresh-water fishes although they now have attained an economic value of considerable importance to the residents of the Territory and should receive appropriate protection. Again, by reason of changed conditions in Alaska, certain species of animals heretofore taken and protected as game animals now are taken as fur animals. Many of these conditions have been brought about by the rapid increase in the population of Alaska which has occurred within the last year.

In order to accomplish the first objective mentioned above, the appropriate provisions of the act have been amended in two respects. A definition of the term "game fish" has been added to section 2 and the term has been inserted elsewhere in the act so as to place game fish on the same footing with other protected wildlife. A provision authorizing the reclassification of the game and fur animals protected under the provisions of the act, in accordance with the circumstances from time to time presented, has also been added. By such action each of these classes of animals will receive the protection necessary to its class and the proper development of the fur animal resource as well as of game animals will be facilitated.

Under existing law resident hunting and trapping privileges have been limited to persons who show that they have been domiciled in the Territory for not less than 1 year for the purpose of establishing a permanent home therein. Section 3 of the pending bill provides that resident privileges shall be granted to persons who have resided in the Territory for a continuous period of 12 months and does not require domicile for the purpose of establishing a permanent home as a prerequisite to the issuance of resident licenses. One purpose of this change is to make it possible for members of the armed forces stationed in Alaska to participate in the enjoyment of the game resources of the Territory from which the domicile requirement now excludes them. While the new provisions substituting residence in lieu of domicile will grant resident privileges to an increased number of persons, section 3 at the same time provides a safeguard against depletion of the fur resources of the Territory by authorizing the lengthening of the required residence period for trapping licenses whenever it has been determined that the fur resources are threatened by hunting, trapping, or other causes. By extending eligibility for residence licenses to nationals, as well as to citizens and aliens who have declared their intention to become citizens, the proposed new language in section 3 also permits Filipinos to obtain resident privileges.

Those portions of the Alaska game law covering the status and the duties and functions of the Alaska Game Commission have been amended so as to permit of more effective coordination of the activities of the Alaska Game Commission with those of the Fish and Wildlife Service of the Department of the Interior than is possible under existing legislation.

The Secretary of Agriculture and subsequently the Secretary of the Interior, under provisions of the Alaska game law, always have been authorized to issue the regulations covering the taking of wildlife in Alaska. However, the duties of enforcing the provisions of the act and regulations, and of performing other major administrative functions outlined in the act have rested with the Alaska Game Commission.

Originally, by reason of the geographic location of the subject matter covered by the act, this form of administration may have been desirable. Even in practice, however, it has been necessary for the executive officer of the Commission to perform the function of administering the act and the regulations, and in recent years the administration of this resource properly has become more and more integrated with the functions of the present Fish and Wildlife Service of the Department of the Interior. That this was the intent of the several reorganization plans is clear but complete and economic integration of parallel functions is not possible under the provisions of the present law.

While there has been a considerable rewording of the sections relating to the functions and duties of both the Alaska Game Commission and the Secretary of the Interior, the main steps taken to promote effective administration of the Alaska game law include (a) a transfer to the Secretary of the Interior of the authority to employ personnel and supervise the expenditure of funds appropriated for the purposes of that act; (b) the conferring of authority to issue the licenses and permits required in the administration of the act upon the executive officer and the Director of the Fish and Wildlife Service; and (c) the designation of the executive officer as the person to direct the activities of the Commission. These changes appear in sections 4, 5, 6, 10, 16, and 17 of the bill.

The proposed revision also provides appropriate procedures for the limitation of hunting in particular areas where quantitative controls upon the number of hunters or other special restrictions are desirable; makes equitable adjustments in the fees for certain classes of licenses or permits; authorizes the reduction of the fees for any class of licenses or permits whenever the circumstances justify such action; and clarifies the meaning or improves the application of a number of other provisions in the present act. All of

the proposed changes appear to me to be sound, and I believe their enactment would be productive of beneficial results.

The act of October 10, 1940 (54 Stat. 1103), amended section 10 of the Alaska game law for the purpose of clarifying the provisions relating to the taking of game during closed seasons by Indians, Eskimos, prospectors, and travelers when such persons are in need of food "and other sufficient food is not available." In the comparable provision of H. R. 7472 (sec. 9, p. 14, lines 6 to 10, inclusive) the word "sufficient" has been omitted. This omission might be construed to restrict the right of such persons to take game for the satisfaction of their needs, and I believe that the phraseology now contained in section 10 of the Alaska game law should be retained. Therefore, I recommend that on page 14, line 10 of the bill, the word "sufficient" be inserted after the word "other."

Since H. R. 7472 is evidently intended to supersede H. R. 6644, entitled "A bill to further amend the Alaska game law," I assume that you no longer desire the report on the latter measure requested in your letter of February 26.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

[Here the gavel fell.]

Mr. MOSER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do not wish to prolong the debate, but in the light of the argument adduced by the gentleman from Alaska on the interpretation of law by experts in the Interior Department, I want to take occasion to bring to the attention of the House an example of how that Department interprets the law.

This House went on record some years ago prohibiting the payment of appropriations to aliens. In the denizens of the Interior Department has been a man by the name of Karl Eduard Lachmann, 27-year-old native of Germany, who came here 5 years ago and has been Assistant Solicitor in the Interior Department since 1939. Eugene E. Cole, District naturalization examiner, presented the applicants for naturalization. In hearing Lachmann's case, Justice Maguire asked Cole "whether an enemy alien could hold such a position in the Government." Cole said his investigation had revealed that Lachmann's position was not under civil service. We Members of the House all well know that civil service has nothing whatever to do with the prohibitory act applying to payment of appropriations to aliens without considering enemy status.

This may be presumed to have occurred as recently as September 1 of this year. The account was published in the Washington Post for September 2, 1942.

Thereupon I took personal occasion to direct the attention of the Secretary of the Interior to the matter. Secretary Ickes in his letter of September 17 evaded the issue I raised as to the sponsorship of this man for such employment. He showed his employment September 5, 1939, as a special agent at $2,600 per annum in the Consumers' Counsel Division of the Solicitor's Office in the Interior Department; his transfer July 1, 1940, to the position of assistant attorney in the office of the Solicitor without change in salary rate. He was given an automatic salary increase to $2,700 per annum, effective October 1, 1941, under the act of August 1, 1941. His status was changed, effective January 16, 1942, to associate attorney at $3,200 per annum in the office of the Solicitor.

I continued to press for information on his sponsorship, and in a letter dated October 1, 1942, Oscar L. Chapman, Assistant Secretary of the Interior advised, "Mr. Lachmann's appointment was not pressed on the Department by anyone, as your letter might infer," who listed his references as follows: "Wilbur G. Katz, dean of the University of Chicago Law School; Jerome N. Frank, then Chairman of the Securities and Exchange Commission; H. J. Martin, Jr., then director of the Marketing Laws Survey; Harry A. Bigelow, dean emeritus of the University of Chicago Law School; and Benjamin V. Cohen, then general counsel of the National Power Policy Committee."

In a subsequent letter dated October 13, 1942, Mr. Chapman contended:

At the time of Mr. Lachmann's appointment in 1939 there was no general legislation for all Government departments and agencies regulating the employment of aliens; nor was there a restrictive provision in the Appropriation Act for the Department of the Interior.

Now, if we are to depend on the Secretary of the Interior and his legal experts to interpret this act, as my friend, the Delegate from Alaska [Mr. DIMOND] has advocated, then I say it is utterly meaningless, because their answer was definitely that the House did not control that particular legal phase of their interpretation of the law. There was no appropriation specifically mentioned that this man should not be paid. But he was naturalized several weeks ago and the question was raised by Judge Maguire, well known personally to many of us Members in the chamber.

There were millions of American-born citizens in the United States on relief, work relief, and seeking employment. Congress was appropriating billions of dollars for relief, prohibiting its payment to aliens. If Mr. Lachmann entered the Nation legally somebody was his guarantor.

Mr. O'HARA. Does the gentleman feel, then, that there is wisdom in my amendment, compelling them to recognize what we say shall be recognized?

Mr. MOSER. Absolutely. I am for the amendment offered by the gentleman from Minnesota, and I am going to support it. If the amendment is not adopted I will object to the present consideration of the bill.

The SPEAKER pro tempore (Mr. BULWINKLE). The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 6529, to amend the Nationality Act of 1940 to permit the Commissioner to furnish copies of any part of the records or information therefrom to agencies or officials of a State without charge.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 342 (b) (9) of the Nationality Act of 1940 (54 Stat. 1161; U. S. C., title 8, sec. 742) is amended to read as follows:

"(9) Reasonable fees, with the approval of the Attorney General, in cases where such fees have not been established by law, to cover the cost of furnishing copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal. No such fee shall be required from officers or agencies of the United States or of any State or any subdivision thereof, for such copies or information furnished for official use in connection with the official duties of such officers or agencies."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAR HAZARD COMPENSATION BENEFITS FOR EMPLOYEES OF WAR CONTRACTORS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to return to No. 640 on the calendar, the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the title of the bill.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, since this bill was called on the calendar the first time I have gone over the matter with several Members of the committee. They have assured me that all of the objections there might be in the committee have been considered in the committee and the committee amendments apparently cover them all. For this reason I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.

TITLE I—COMPENSATION FOR INJURY, DEATH, OR DETENTION OF EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES AND CERTAIN OTHER PERSONS OR REIMBURSEMENT THEREFOR

INJURY OR DEATH

SEC. 101. (a) In case of injury or death resulting from injury—

(1) to any person employed by a contractor with the United States, if such person is an employee specified in the act of August 16,

1941 (Public, No. 208, 77th Cong.), as amended herein, and no compensation is payable with respect to such injury or death under such act; or

(2) to any person engaged by the United States under a contract for his personal services outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands; or

(3) to any person employed as a civilian employee of a post exchange or ship-service store outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands;

and such injury proximately results from a war-risk hazard, whether or not such person then actually was engaged in the course of his employment, the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916 (5 U. S. C., ch. 15), as amended, and as modified by this act, shall apply with respect thereto in the same manner and to the same extent as if the person so employed were a civil employee of the United States and were injured while in the performance of his duty, and any compensation found to be due shall be paid from the compensation fund established pursuant to section 35 of said act of September 7, 1916, as amended. This subsection shall not be construed to include any person who would otherwise come within the purview of such act of September 7, 1916, as amended.

DETENTION

(b) (1) Any person specified in subsection (a) who—

(A) is found to be missing from his place of employment, whether or not such person then actually was engaged in the course of his employment, under circumstances supporting an inference that his absence is due to the belligerent action of an enemy, or

(B) is known to have been taken by an enemy as a prisoner, hostage, or otherwise, or

(C) is not returned to his home or to the place where he was employed by reason of the failure of the United States or its contractor to furnish transportation,

until such time as he is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States, shall, under such regulations as the Commission may prescribe, be regarded solely for the purposes of this title as deceased; and the same benefits as are provided for death may be paid to his dependents residing in the United States or its Territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and the Philippine Islands), as provided under this title, until such time as his return has been accomplished or he is able to be returned, or death in fact is established or can be legally presumed to have occurred. Any payment made pursuant to this subsection shall not in any case be included in computing the maximum aggregate or total compensation payable for death, as provided in section 102 (a); but no such payment, on account of such absence of any such person, shall be made in any case to a dependent hereunder during any period such dependent has received, or may be entitled to receive, any other payments from the United States, either directly or indirectly, because of such absence of any such person, unless such dependent refunds or renounces such other benefits for the period claimed. In any case in which benefits are not payable under this subsection by reason of the detention of a person because such person had no dependents eligible therefor, the same benefits as are provided for total disability shall be paid to or for the account of such person until he dies, until he is returned to his home or place of employment, or until he is able to be returned to the jurisdiction of the United States, whichever first occurs.

(2) Upon application by such person, or someone on his behalf, the Commission may, under such regulations as it may prescribe, furnish transportation or the cost thereof (including reimbursement) to any such person from the point where his release from custody by the enemy is effected, to his home, the place of his employment, or other place within the jurisdiction of the United States; but no transportation, or the cost thereof, shall be furnished under this paragraph where such person is furnished such transportation, or the cost thereof, under any agreement with his employer or under any other provision of law.

(3) In the case of death of any such person, if his death occurred away from his home, the body of such person shall, in the discretion of the Commission, and if so desired by his next of kin, near relative, or legal representative, be embalmed and transported in a hermetically sealed casket or other appropriate container to the home of such person or to such other place as may be designated by such next of kin, near relative, or legal representative. No expense shall be incurred under this paragraph by the Commission in any case where death takes place after repatriation, unless such death proximately results from a war-risk hazard.

(4) Such benefits for detention, transportation expenses of repatriated persons, and expenses of embalming, providing sealed or other appropriate container, and transportation of the body, and attendants (if required), as approved by the Commission, shall be paid out of the compensation fund established under section 35 of such act of September 7, 1916, as amended.

LIMITATION OF BENEFITS TO DEPENDENTS IN FOREIGN COUNTRIES

(c) Compensation for permanent total or permanent partial disability or for death payable under this section to persons who are not citizens of the United States and who are not residents of the United States or Canada, shall be in the same amount as provided for residents; except that dependents in any foreign country shall be limited to surviving wife or husband and child or children, or if there be no surviving wife or husband or child or children, to surviving father or mother whom such person has supported, either wholly or in part, for the period of 1 year immediately prior to the date of the injury; and except that the Commission, at its option, may commute all future installments of compensation to be paid to such persons by paying to them one-half of the commuted amount of such future installments of compensation as determined by the Commission.

EXCLUSION

(d) The provisions of this section shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place of his employment, and (2) who is not living there solely by virtue of the exigencies of his employment, unless his detention begins while in the course of his employment.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

SEC. 102. (a) In the administration of the provisions of such act of September 7, 1916, as amended, with respect to cases coming within the purview of section 301 of this title, the scale of compensation benefits and the provisions for determining the amount of compensation and the payment thereof as provided in sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927 (44 Stat. 1424), as amended, so far as the provisions of said sections can be applied under the terms and conditions set forth therein, shall be payable in lieu of the benefits, except medical benefits, provided under such act of September 7, 1916, as amended: *Provided*, That the total compensation payable under this title for injury or death shall in no event exceed the sum of $7,500, exclusive of medical costs and funeral and burial expenses.

(b) For the purpose of computing compensation with respect to cases coming within the purview of section 101 of this title, the provisions of sections 6 and 10 of such Longshoremen's and Harbor Workers' Compensation Act, as amended, shall be applicable: *Provided*, That the minimum limit on weekly compensation for disability, established by section 6 (b), and the minimum limit on the average weekly wages on which death benefits are to be computed, established by section 9 (e) of such Longshoremen's and Harbor Workers' Compensation Act, as amended, shall not apply in computing compensation under this title.

DEFINITION

SEC. 103. As used in this title, the term "contractor with the United States" includes any subcontractor or subordinate subcontractor with respect to the contract of such contractor.

REIMBURSEMENT

SEC. 104. (a) Where any employer or his insurance carrier or compensation fund pays or is required to pay benefits—

(1) to any person or fund on account of injury or death of any person coming within the purview of this title or the act of August 16, 1941 (Public Law No. 208, 77th Cong.), as amended, if such injury or death arose from a war-risk hazard, which are payable under any workmen's compensation law of the United States or of any State, Territory, or possession of the United States, or other jurisdiction; or

(2) to any person by reason of any agreement outstanding on the date of enactment of this act made in accordance with a contract between the United States and any contractor therewith to pay benefits with respect to the death of any employee of such contractor occurring under circumstances not entitling such person to benefits under any workmen's compensation law or to pay benefits with respect to the failure of the United States or its contractor to furnish transportation upon the completion of the employment of any employee of such contractor to his home or to the place where he was employed; or

(3) to any person by reason of an agreement approved or authorized by the United States under which a contractor with the United States has agreed to pay workmen's compensation benefits or benefits in the nature of workmen's compensation benefits to an injured employee or his dependents on account of detention by the enemy or on account of injury or death arising from a war-risk hazard;

such employer, carrier, or fund shall be entitled to be reimbursed for all benefits so paid or payable, including funeral and burial expenses; medical, hospital, or other similar costs for treatment and care; and reasonable and necessary claims' expenses in connection therewith. Claim for such reimbursement shall be filed with the Commission under regulations promulgated by it, and such claims, or such part thereof as may be allowed by the Commission, shall be paid from the compensation fund established under section 35 of such act of September 7, 1916, as amended. The Commission may, under such regulations as it shall prescribe, pay such benefits, as they accrue and in lieu of reimbursement, directly to any person entitled thereto, and the insolvency of such employer, insurance carrier, or compensation fund shall not affect the right of the beneficiaries of such benefits to receive the

compensation directly from the said compensation fund established under section 35 of such act of September 7, 1916, as amended. The Commission may also, under such regulations as it shall prescribe, use any private facilities, or such Government facilities as may be available, for the treatment or care of any person entitled thereto.

(b) No reimbursement shall be made under this title in any case in which the Commission finds that the benefits paid or payable were on account of injury, detention, or death which arose from a war-risk hazard for which a premium (which included an additional charge or loading for such hazard) was charged.

RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

SEC. 105. (a) No benefits shall be paid or furnished under the provisions of this title for injury or death to any person who recovers or receives workmen's compensation benefits for the same injury or death under any other law of the United States, or under the law of any State, Territory, possession, foreign country, or other jurisdiction, or benefits in the nature of workmen's compensation benefits payable under an agreement approved or authorized by the United States pursuant to which a contractor with the United States has undertaken to provide such benefits.

(b) The Commission shall have a lien and a right of recovery, to the extent of any payments made under this title on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amounts recovered under this subsection shall be covered into the fund established under section 35 of such act of September 7, 1916, as amended.

(c) Where any person specified in section 101 (a), or the dependent, beneficiary, or allottee of such person, receives or claims wages, payments in lieu of wages, insurance benefits for disability or loss of life (other than workmen's compensation benefits), and the cost of such wages, payments, or benefits is provided in whole or in part by the United States, the amount of such wages, payments, or benefits shall be credited, in such manner as the Commission shall determine, against any payments to which any such person is entitled under this title.

(d) Where a national of a foreign government is entitled to benefits on account of injury or death resulting from a war-risk hazard, under the laws of his native country or any other foreign country, the benefits of this title shall not apply.

(e) If at the time a person sustains an injury coming within the purview of this title said person is receiving workmen's compensation benefits on account of a prior accident or disease, said person shall not be entitled to any benefits under this title during the period covered by such workmen's compensation benefits unless the injury from a war-risk hazard increases his disability, and then only to the extent such disability has been so increased.

ADMINISTRATION

SEC. 106. (a) The provisions of this title shall be administered by the United States Employees' Compensation Commission, and the Commission is authorized to make rules and regulations for the administration thereof and to contract with insurance carriers for the use of the service facilities of such carriers for the purpose of facilitating administration.

(b) In administering the provisions of this title the Commission may enter into agreements or cooperative working arrangements with other agencies of the United States or of any State (including the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands) or political subdivision thereof, and with other public agencies and private persons, agencies, or institutions, within and outside the United States, to utilize their services and facilities and to compensate them for such use. The Commission may delegate to any officer or employee, or to any agency, of the United States or of any State, or of any political subdivision thereof, or Territory or possession of the United States, such of its powers and duties as it finds necessary for carrying out the purposes of this title.

(c) The Commission, in its discretion, may waive the limitation provisions of such act of September 7, 1916, as amended, with respect to notice of injury and filing of claims under this title, whenever the Commission shall find that, because of circumstances beyond the control of an injured person or his beneficiary, compliance with such provisions could not have been accomplished within the time therein specified.

EFFECTIVE DATE

SEC. 107. This title shall take effect as of December 7, 1941.

TITLE II—MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 201. When used in this act (except when used in title III)—

(a) The term "Commission" means the United States Employees' Compensation Commission.

(b) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to the end of the present war, from—

(1) the discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(2) Action of the enemy, including rebellion or insurrection against the United States or any of its Allies; or

(3) the discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture, or processing thereof, or while stored on the premises of the manufacturer or processor); or

(4) the collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(5) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

DISQUALIFICATION FROM BENEFIT

SEC. 202. No person convicted in a court of competent jurisdiction of any subversive act against the United States or any of its Allies, committed after the declaration by the President on May 27, 1941, of the national emergency, shall be entitled to compensation or other benefits under title I, nor shall any compensation be payable with respect to his death or detention under such titles, and upon indictment or the filing of an information charging the commission of any such subversive act, all such compensation or other benefits shall be suspended and remain suspended until acquittal or withdrawal of such charge, but upon conviction thereof or upon death occurring prior to a final disposition thereof, all such payments and all benefits under such title shall be forfeited and terminated. If the charge is withdrawn, or there is an acquittal, all such compensation withheld shall be paid to the person or persons entitled thereto.

FRAUD

SEC. 203. Whoever, for the purpose of causing an increase in any payment authorized to be made under this act, or for the purpose of causing any payment to be made where no payment is authorized hereunder, shall knowingly make or cause to be made, or aid or abet in the making of any false statement or representation of a material fact in any application for any payment under title I, or knowingly make or cause to be made, or aid or abet in the making of any false statement, representation, affidavit, or document in connection with such an application, or claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

LEGAL SERVICES

SEC. 204. No claim for legal services or for any other services rendered in respect of a claim or award for compensation under title I to or on account of any person shall be valid unless approved by the Commission; and any claim so approved shall, in the manner and to the extent fixed by the said Commission, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under title I shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not more than $1,000 or imprisoned not more than 1 year, or both.

FINALITY OF DECISIONS

SEC. 205. The action of the Commission in allowing or denying any payment under title I shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

DETERMINATION OF DEATH OR DETENTION

SEC. 206. A determination that an individual is dead or a determination that he has been detained by the enemy may be made on the basis of evidence that he has disappeared under circumstances such as to make such death or detention appear probable.

ASSIGNMENTS, AND SO FORTH

SEC. 207. The right of any person to any benefit under title I shall not be transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid hereunder as reimbursement for funeral expenses or as reimbursement with respect to payments of workmen's compensation or in the nature of workmen's compensation benefits), or rights existing under such titles, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

TITLE III

AMENDMENT TO DEFENSE BASE ACT

SEC. 301. Section 1 of the act entitled "An act to provide compensation for disability or death resulting from injury to persons employed at military, air, and naval bases acquired by the United States from foreign countries, and on lands occupied or used by the United States for military or naval purposes outside the continental limits of the United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, and for other purposes," approved August 16, 1941 (Public, No. 208, 77th Cong.), is hereby amended to read as follows:

"That (a) except as herein modified, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, approved March 4, 1927 (44 Stat. 1424), as amended, shall apply in respect to the injury or death of any employee engaged in any employment—

"(1) at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government; or

"(2) upon any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States (including Alaska; the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone); or

"(3) upon any public work in any Territory or possession outside the continental United States (including Alaska; the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone), if such employee is engaged in employment at such place under the contract of a contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) with the United States; but nothing in his paragraph shall be construed to apply to any employee of such a contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract; irrespective of the place where the injury or death occurs, and shall include any injury or death occurring to any such employee during transportation to or from his place of employment, where the employer or the United States provides the transportation or the cost thereof.

"(b) As used in this section, the term 'public work' means any fixed improvement or any project involving construction, alteration, removal, or repair for public use of the United States or its Allies, including but not limited to projects in connection with the war effort, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project."

With the following committee amendments:

Page 2, line 4, strike out the word "herein."

Pages 3 and 4, strike out from line 22, page 3, down to and including line 22 on page 4, and insert in lieu thereof: "purposes of this subsection as totally disabled, and the same benefits as are provided for such disability under this title shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred: *Provided*, That if such person has dependents residing in the United States or its Territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and the Philippine Islands), the Commission during the period of such absence may disburse a part of such compensation, accruing for such total disability to such dependents, which shall be equal to the monthly benefits otherwise payable for death under this title, and the balance of such compensation for total disability shall accrue and be payable to such person upon his return from such absence. Any payment made pursuant to this subsection shall not in any case be included in computing the maximum aggregate or total compensation payable for disability or death, as provided in section 102 (a): *Provided further*, That no such payment to such person or his dependent, on account of such absence, shall be made during any period such person or dependent, respectively, has received, or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the period claimed.

"Benefits found to be due under this subsection shall be paid from the compensation fund established pursuant to section 35 of such act of September 7, 1916, as amended: *Provided*, That the determination of dependents, dependency, and amounts of payments to dependents shall be made in the manner specified in such act: *Provided further*, That claim for such detention benefits shall be filed in accordance with and subject to the limitation provisions of such act, as modified by section 106 (c) of this act: *And provided further*, That except in cases of fraud or willful misrepresentation, the Commission may waive recovery of money erroneously paid under this subdivision whenever it finds that such recovery would be impracticable or would cause hardship to the beneficiary affected."

Page 7, line 1, before the word "detention", insert "injury or death resulting from injury occurs or his."

Page 7, line 7, after the word "section", strike out "301" and insert "101."

Page 19, after the semicolon at the end of line 17, insert the following:

"(4) under a contract entered into with the United States or any executive department, independent establishment, or agency thereof (including any corporate instrumentality of the United States), or any subcontract, or subordinate contract with respect to such contract, where such contract is to be performed outside the continental United States and at places not within the areas described in subparagraph (1), (2), and (3) of this subdivision, for the purpose of engaging in public work, and every such contract shall contain provisions requiring that the contractor (and subcontractor or subordinate contractor with respect to such contract) (1) shall, before commencing performance of such contract, provide for securing to or on behalf of employees engaged in such public work under such contract the payment of compensation and other benefits under the provisions of this act, and (2) shall maintain in full force and effect during the term of such contract, subcontract, or subordinate contract, or while employees are engaged in work performed thereunder, the said security for the payment of such compensation and benefits, but nothing in this paragraph shall be construed to apply to any employee of such contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract."

Page 20, after line 5, insert the following:

"(c) The liability of an employer, contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) under this act shall be exclusive and in place of all other liability of such employer, contractor, subcontractor, or subordinate contractor to his employees (and their dependents) coming within the purview of this act, under the workmen's compensation law of any State, Territory, or other jurisdiction, irrespective of the place where the contract of hire of any such employee may have been made or entered into.

"(d) As used in this section, the term 'contractor' means any individual, partnership, corporation, or association, and includes any trustee, receiver, assignee, successor, or personal representative thereof, and the rights, obligations, liability and duties of the employer under such Longshoremen's and Harbor Workers' Compensation Act shall be applicable to such contractor.

"(e) The liability under this act of a contractor, subcontractor, or subordinate contractor engaged in public work under subparagraphs (3) and (4), subdivision (a) of this section, and the conditions set forth therein, shall become applicable to contracts and subcontracts heretofore entered into but not completed at the time of the approval of this act, and contracting officers of the United States are authorized to make such modifications and amendments of existing contracts as may be necessary to bring such contracts into conformity with the provisions of this act. No right shall arise in any employee or his dependent under subparagraphs (3) and (4), subdivision (a) of this section, prior to 2 months after the approval of this act. Upon the recommendation of the head of any department, or other agency of the United States, the United States Employees' Compensation Commission, in the exercise of its discretion, may waive the application of the provisions of subparagraphs (3) or (4), subdivision (a) of this section, with respect to any contract, subcontract, or subordinate contract, work location under such contracts, or classification of employees."

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. CASE of South Dakota. Will this bill as amended take care of the situation in respect of contractors and families of contractors who were employed on Wake Island?

Mr. WOLCOTT. I understand so.

Mr. CASE of South Dakota. Mr. Speaker, I hope the amendments are adopted.

Mr. MICHENER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, as suggested by the gentleman from Michigan [Mr. WOLCOTT] a while ago, this is a most important bill and might fix a precedent. This bill has been in the Committee on the Judiciary for some time. It has had much consideration, first by the subcommittee and then by the full committee. Because of its importance and because of the implications embodied in legislation of this type I was at first very skeptical about it; I mean as a member of the Judiciary Committee. The country today, however, is confronted with a condition because of this global war and not by a theory. Officials of the War Department and the Navy Department tell the committee it is practically impossible for them to administer existing law as now written.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. Does not the gentleman feel that the armed forces should be relieved of the responsibility of administering to those people who come within the provisions of existing law?

Mr. MICHENER. Yes; I was just getting to that. This bill should be enacted because the War and the Navy Departments have jobs to do; they are out to win this war, and their personnel and their activities should be centered today on that job—the military job. Compensation for injury should be taken care of by the Compensation Commission or some other agency of the Government set up specifically for that purpose and qualified to do that work.

I hope this bill and these amendments will become law, but understand I do not want to establish an iron-clad precedent. This thing is all coming back, we are going to have more of it as the years go by. Simply because we have taken emergency action here in behalf of the war effort I want the RECORD to show that a majority of the Judiciary Committee do not want this to be considered a precedent on which to base future legislation when the time comes—and it will come—when peace is here and we must work these things all out on a fair, reasonable, and sound administrative and economic basis.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. CELLER. I think the gentleman's statement covers the situation completely and fully, and that this is purely a war emergency measure. I may say, however, that the bill is really an extension of the act of August 16, 1941, which provided the same benefits for civilian employees employed on island bases secured from Great Britain.

I herewith insert:

First. Letter from Admiral Ben Moreell, Chief of the Bureau of Yards and Docks, Navy Department, addressed to Chairman VINSON, of the House Naval Affairs Committee, dated November 10, 1942.

Second. Letter of Secretary of War Stimson to Chairman SUMNERS, of the House Judiciary Committee.

Third. Analysis of the bill by section with reasons for committee amendments.

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., November 10, 1942.

The Honorable CARL VINSON,
Chairman, Naval Affairs Committee,
House of Representatives,
Washington, D. C.

DEAR MR. CHAIRMAN: It is expedient that the Navy Department have legislation such as proposed by Senate bill S. 2412, now pending before the House of Representatives, for the following reasons:

1. There is no authority to provide permanently for the dependents of contractors' employees who were captured, interned, or missing as a result of enemy action during the first few weeks of the present war.

2. Since the declaration of war, it has been necessary for the Navy Department to contract with the insurance companies, for payment of benefits for injury or death resulting from war-risk hazards.

3. The conditions resulting from the capture or detention of contractors' employees or from their injury or death from war-risk hazards, are causing an increasing administrative burden upon the Department. The proposed bill, contemplates that this administrative burden will be administered by the United States Employees Compensation Commission which has at its disposal, the necessary organization for such administration. In addition to this, the proposed legislation provides the necessary authority to provide benefits for the dependents of the contractors' missing personnel which is indicated necessary by the experience of the Navy Department in the present war.

In the near future the Navy Department will be called upon to reimburse various insurance companies for injuries or deaths resulting from war-risk hazards to employees of those contractors. Unless legislation similar to that proposed by Senate bill S. 2412 is enacted in the very near future, it will be necessary for the Department to assume the administrative burden of supervising the payments of the benefits provided by contracts with private insurance companies over a period of 6 to 10 years. If, prior to the time the Navy Department is required to make payments for benefits for injury or death resulting from war-risk hazards, legislation similar to S. 2412, is enacted, this administrative burden will then immediately be assumed by the United States Employees Compensation Commission.

Anything that you may do to expedite the early consideration of Senate bill S. 2412, by the House of Representatives, will be greatly appreciated.

Very truly yours,

B. MOREELL,
Chief of Bureau.

WAR DEPARTMENT,
Washington, July 2, 1942.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. SUMNERS: On June 23, 1942, there was referred to the Committee on the Judiciary, of which you are chairman, S. 2412, to provide benefits for the injury, disability, death, or enemy detention of employees of contractors of the United States, and for other purposes, which was passed by the Senate on June 22, 1942.

This measure is similar to and would accomplish substantially the same results as one prepared jointly by the War and Navy Departments and introduced in the Senate as S. 2266, but which later was replaced by S. 2412, the latter, as reported by the Senate Committee on Education and Labor, embodying, in addition to the proposals of the War and Navy Departments, provisions suggested by the Federal Security Agency for affording benefits and compensation for all civilians injured, detained, or suffering death by reason of war risk hazards, whether employed by Government contractors engaged in their usual pursuits or unemployed. The features suggested by the Federal Security Agency, however, were eliminated from S. 2412 on the floor of the Senate.

The legislation proposed by the War and Navy Departments and now embodied in S. 2412 is designed to meet a situation now existing, and which will continue to exist during the war, by utilizing so far as practicable, existing Federal laws, agencies, and instrumentalities as well as experience accumulated over years of practical application and administration of laws relating to compensation for injuries and deaths.

The War and Navy Departments are vitally interested in the early passage of S. 2412. The necessity for legislation of this nature is urgent, as it relates to workmen on defense and war projects at places outside the continental limits of the United States. Insurance companies engaged in writing workmen's compensation insurance are unable financially, and have refused, to undertake the writing of such insurance covering war-risk hazards. If able financially to withstand the possibilities of excessive loss from such hazards, insurance companies would be obliged to charge and receive premiums beyond the ability of the ordinary employer under a lump-sum or fixed-price contract to pay, and beyond any amount that reasonably could be included as an item of cost in the contractor's competitive bid. No statistical data now available would afford a proper guide for determining premium rates, and any rates fixed probably would be insufficient to cover the results of a major attack, and excessive if no such attack should occur. Under cost-plus-a-fixed-fee contracts, workmen's compensation insurance premiums constitute reimbursable items of contract cost payable by the Government.

In order to accomplish performance of contracts for construction projects in foreign bases and at other places outside the continental limits of the United States, where workmen's compensation insurance is necessary, the War Department has been obliged to enter into agreements with contractors or directly with insurance companies under which the Government assumes liability for injuries and deaths resulting from war hazards and enemy detention of employees. This necessity has resulted in the diversion of considerable sums of money appropriated by the Congress for construction projects to reserve funds set up for the purpose of meeting contingent liabilities from war-risk hazards.

Many cases of personal injuries and deaths of employees of Government contractors already have occurred, particularly at Pearl Harbor, Wake Island, and in the Philippines. It is believed that relief for such injured persons and dependents of those sustaining death should be afforded by the Congress.

Early passage of S. 2412 would relieve the War and Navy Departments of many administrative problems in the investigation, adjudication, and settlement of personal injury and death claims, for which neither is fully equipped, and would release funds now held as reserves. This legislation contemplates utilizing the services and facilities of the United States Employees' Compensation Commission, which now administers the United States Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, and several other similar statutes. The War Department is informed that the fund created by section 35 of the act of September 7, 1916, is regarded as sufficient for the time being to meet all ordinary demands resulting from war-risk injuries and deaths. It is proposed to make the benefits provided by S. 2412 payable from that fund, and, while the legislation authorizes appropriations by Congress, it is felt that no such appropriations will be necessary in the immediate future unless unprecedented and unexpected injuries or deaths occur.

The War Department will appreciate as early action on this legislation as it is possible to procure, and will gladly furnish witnesses to explain the effects of the bill and give further reasons for its urgent need, if that is desired by the committee.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

ANALYSIS OF THE BILL BY SECTION

TITLE I. COMPENSATION FOR EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES AND CERTAIN OTHER CONTRACTORS

This title provides compensation for injury or death proximately resulting from a war-risk hazard, or detention by the enemy, of employees of contractors with the United States and of persons engaged by the United States under a contract for his personal services outside the United States, and of persons employed as civilian employees of post exchange or ship-service store, outside the United States. It supplements the Defense Base Act of August 16, 1941 (Public, No. 208, 77th Cong.), which is permanent legislation, and has the effect of transferring the liability to pay compensation under such act for injuries or deaths proximately resulting from war-risk hazards and for detention of employees by the enemy from the temporary funds presently established for such purpose to the compensation fund established pursuant to section 35 of the United States Employees' Compensation Act of September 7, 1916. The title also provides for reimbursement to any employer, his insurance carrier, or compensation fund which pays or is required to pay benefits on account of any such injury, death, or detention.

Injury or death

Section 101 (a) provides for payment of benefits for injuries or deaths arising from a war-risk hazard to persons employed by a contractor with the United States if such person is an employee specified in the Defense Base Act and no compensation is payable with respect to his injury or death under such act. It also provides for the payment of similar benefits to persons having personal-service contracts with the United States while such persons are employed under contracts to perform services outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands. It also includes any person employed as a civilian employee of a post exchange or ship-service store outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands. Such benefits are provided irrespective of whether such person was actually engaged in the course of

his employment when the injury or death was sustained. The provisions of the Federal Employees' Compensation Act are made applicable in the same manner and to the same extent as if the person so employed were a civilian employee of the United States and was injured while in the performance of his duty. Persons who otherwise come within the purview of such Federal Employees' Compensation Act are excluded from the benefits provided by this subsection.

It will be noticed that the coverage extended by this subsection supplements coverage for injury or death arising out of and in the course of a person's employment under the Defense Base Act. Injuries or deaths sustained by employees of a contractor with the United States at the offshore bases if arising out of and in the course of employment are compensable under the provisions of the Defense Base Act. This includes injuries or deaths proximately resulting from war-risk hazards. This subsection extends similar benefits to such employees for such injuries or deaths when they are not compensable under such act (i. e., not arising out of and in the course of employment). In other words, the coverage of this subsection dovetails with the coverage of the Defense Base Act and 24-hour protection is therefore provided for such employees.

Detention

Section 101 (b) provides benefits, for detention by the enemy, of the persons specified in subsection (a). Where such person who is detained has dependents, such detained person is regarded for the purpose of paying detention benefits as deceased, and the same benefits as provided for death under the Longshoremen's and Harbor Workers' Act would be payable to the dependents of such detained person until his return had been accomplished or death in fact was established.

The bill provides that a detained person who has no dependents shall be entitled to benefits as are provided for total disability under such act until he dies, or is returned to his home or place of employment, or until he is returned to the jurisdiction of the United States, whichever first occurs. The benefits would be total disability compensation on the basis of 66⅔ percent of the average weekly wage, with a maximum payment of $25 per week.

Under the Longshoremen's Act compensation for death is based on a specified percentage of the average weekly wage, which is variable according to the class of dependents. Compensation for death in a case in which the only dependent is a widow is 35 percent of the average weekly wage, which for this purpose may not be considered more than $37.50 per week. The maximum weekly compensation that may be paid under the Longshoremen's Act to a widow is $13.13. If in addition to the widow there be a child or children under 18 years of age, 10 percent additional is payable for each such child. The maximum compensation for each child in which an award is also made to the widow is $3.75 per week. If there be a surviving child or children and no widow, 15 percent of the wages is payable for each such child. The maximum compensation for a child where no widow is involved is $5.63 per week. The compensation for death in the case of a dependent parent is 25 percent of the weekly wage, subject to a maximum benefit of $9.38 per week. The total amount payable shall in no case exceed 66⅔ percent of the weekly wage, or a maximum of $25 per week.

It will therefore be observed that under the terms of the bill as it was referred to the committee, a person missing or captive who has no dependents will have credited to his account benefits computed at the rate of 66⅔ percent of his average weekly wage, or a maximum credit of $25 per week. In the case of such person with dependents, the benefits may be substantially less, depending upon the number and class of such dependents.

Committee amendment

It was the view of the Commission that the benefits payable in such cases should be the same regardless of the existence of dependents, with appropriate provision for the payment of part of accruing benefits for the support of dependents. The amount paid to dependents would be the amount of death benefits, and the balance, if any, between such benefits and the amount of total disability benefits, would accumulate for such detained person. An amendment was suggested to carry out this purpose and was adopted by the committee. It is proposed to accomplish this by striking out the language beginning with line 22 on page 3 of the bill through line 22 on page 4, and substituting new language therefor.

A further amendment was suggested by the Commission in order to make the employees' compensation fund available for the payment of the contemplated benefits, and also to confer upon the Commission authority to waive recovery of payments erroneously made under a mistake of fact, except where such payment involves fraud or willful misrepresentation.

The Commission stated that the adoption of the proposed amendment will result in the payment of uniform benefits in all cases involving persons within the purview of the measure missing, as the result of enemy action or detained in the hands of the enemy. Also that the proposed benefits providing payment equivalent to the compensation payable for total disability are equitable and fair since the payment to the workman detained by the enemy will be the same as the payment to the workman who may suffer total disability by reason of the belligerent action of such enemy. It is the view of the Commission that any more liberal provision for the relief of a person detained by the enemy would result in unfair discrimination against the workman permanently disabled or killed by reason of the same hazard which caused detention.

Proposed Walsh amendment

Congressman CELLER offered an amendment suggested by the representative of the American Federation of Labor which was to substitute the provisions of S. 2329 (introduced in the Senate by Senator WALSH) for title I of the bill. The amendment was considered by the subcommittee and also by the full committee but has not been recommended. The War Department and the Navy Department through their representatives objected to the amendment. The committee was of the opinion that the matter should be considered separately, and not as an amendment to the present bill.

Section 101 (b) also provides that any amount which may be payable on account of such detention of any person shall not be made in any case during any period such dependent has received or may be entitled to receive any other payments from the United States, either directly or indirectly, because of such absence of any such person. Such dependent, however, is given the option to accept the benefits under this title or to accept such other direct or indirect payments. Paragraph (2) provides for the furnishing of transportation to such persons when they are released from the custody of the enemy and, in the case of death, funeral expenses and transportation of the body in a hermetically sealed casket or other appropriate container to the decedent's home or to such other place as may be designated by his next of kin.

Limitation of benefits to dependents in foreign countries

Section 101 (c) provides that persons who are not citizens of the United States and who are not residents of the United States or Canada shall be entitled to compensation in the same amount as provided for residents, but dependents who reside in a foreign country shall be limited to the surviving wife or husband or child or children, or if there is no surviving wife or husband or child or children, to the surviving father or mother whom such person has supported, either wholly or in part, for the period of 1 year immediately prior to the date of the injury. The United States Employees' Compensation Commission (which will administer this title) is authorized to commute all future installments of compensation to be paid to such dependents and to such person with respect to whom payments are authorized herein by paying to them one-half of the commuted amount of such future installments.

Exclusion

Section 101 (d) excludes from the additional coverage of this title relating to injury or death native or local employees who reside at or in the vicinity of the place of their employment. Protection to such employees with respect to injury or death is afforded under the Defense Base Act, but is applicable only during their working hours. Protection for detention by the enemy is afforded to such employees under this title during their working hours. Such employees are afforded protection only during their working hours since by continuing to live in the vicinity of their work they are subjected to no greater hazards from the war when they are not working than they would be if they had not been employed by a contractor with the United States.

Committee amendment

The above section excludes workmen whose residence is at or in the vicinity of the place of their employment from protection for war hazards when they are not working. The bill as it was referred to the committee would permit benefits to be paid such workmen in the event of detention while in the course of employment. The amendment recommended by the Commission and accepted by the committee would also permit benefits in the event of injury or death resulting from injury while in the course of employment.

Longshoremen's and Harbor Workers' Compensation Act

Section 102 provides that the rates of compensation benefits fixed by the Longshoremen's and Harbor Workers' Compensation Act shall be payable under this title. The maximum payment for injury or death is fixed at $7,500, exclusive of medical costs and funeral and burial expenses (which is the maximum sum payable for injuries or death under the Longshoremen's and Harbor Workers' Compensation Act). The minimum weekly compensation provided under that act for disability on account of injury and the minimum limit on the average weekly wages on which death benefits are to be computed are removed, and such benefits are to be determined on the basis of wages actually received.

Definition

Section 103 defines the term "contractor with the United States" to include any subcontractor or subordinate subcontractor with respect to the work covered by the principal contract with the United States. The bill protects all employees who engage in work covered by the contract upon the project whether employed directly by the contractor, a subcontractor, or any subordinate subcontractor who undertakes to do any part of the work covered by the principal contract.

Reimbursement

Section 104 provides for reimbursement by the United States to any employer or his insurance carrier or fund for expenditures made on account of injuries or death arising from

war-risk hazards (1) pursuant to any law of the United States or of any State, Territory, or other jurisdiction, (2) under any agreement with or authorized by the United States providing for the payment of benefits in the nature of workmen's compensation, or in respect to the death of any employee occurring under circumstances not entitling any beneficiary to benefits under workmen's compensation laws, or (3) for money paid during the period of failure of the United States or the employer to provide transportation of an employee to his home upon termination of employment. Such reimbursement is to be made not only with respect to payments to persons coming within the purview of the Defense Base Act, as amended by title III, but also with respect to persons covered by agreements specified in paragraphs (2) and (3) of subsection (a).

This provision is subject to the limitation that reimbursement is not to be made in any case in which an additional premium charge or loading was made in contemplation of the war-risk hazard out of which the injury or death arose.

This section also authorizes the Commission, in accordance with such regulations as it shall prescribe, to use any private facilities, or such Government facilities as may be available, for the treatment or care of any person entitled thereto under this title.

Receipt of workmen's compensation benefits

Section 105 provides that any person who receives workmen's compensation for the same injury or death under any other law of the United States or any State, Territory, possession, foreign country, or other jurisdiction, or under any agreement approved or authorized by the United States providing such benefits, shall be barred from receiving any payments under this title.

Subsection (b) gives the Commission a lien and a right of recovery, to the extent of any payments made under this title on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death. Any amounts recovered hereunder are to be covered into the fund established under section 35 of the Federal Employees' Compensation Act.

Subsection (c) permits the Commission to credit against the benefits provided under this title, any wages, payments, or benefits provided in whole or in part by the United States.

Subsection (d) of this section prevents a national of a foreign government from obtaining benefits under this title in the event he is entitled to benefits under the laws of his or any other foreign government.

Subsection (e) of this section provides that any person receiving an injury coming within the purview of this title and who is receiving benefits by reason of a prior injury or disease would be entitled to receive benefits under this title only to the extent that his disability has been increased by reason of a war-risk injury.

Administration

Section 106 places the administration of this title upon the United States Employees' Compensation Commission. Under this section, the Commission may arrange with other governmental agencies and with private persons, agencies, or institutions, within and outside the United States, to utilize their facilities in the administration of the title. This section also permits waiver of time limitations with respect to filing notice of injury and claims for compensation, whenever, because of circumstances beyond the control of a claimant, compliance with present statutory limitations could not have been accomplished. Under this section it will be possible to administer title I without an additional administrative set-up, as it would be possible at times and places whenever the circumstances justify the employment of this section, to draw upon the insurance carriers and the other governmental agencies referred to, for local handling and investigation of claims. Thus, in the administration of this title the expert services of claims investigators of insurance carriers and the services of the other governmental agencies may be had promptly when an emergency arises and may be dispensed with promptly when the emergency ceases, thus eliminating the necessity of maintaining a substantial administrative force awaiting the happening of such an emergency. With the world-wide scope of employment activity of Government contractors, the provisions of this section will afford the most flexible and economical means of carrying out the administrative functions of this title.

Effective date

In order to provide for the injuries or death, or detention by the enemy, of persons coming within the purview of this title, at Pearl Harbor, in the Philippines, Guam, Wake Island, and elsewhere, and in order to release funds committed by agreements hereinabove mentioned, title I of the bill is made effective as of December 7, 1941.

TITLE II. MISCELLANEOUS PROVISIONS

Definitions

Section 201 defines the terms "Commission" and "war-risk hazard."

Disqualification from benefits

Section 202 excludes a person from compensation or other benefits under title I after he is convicted in a court of competent jurisdiction of any subversive act against the United States or of any of its Allies, committed after May 27, 1941. It also provides that no compensation provided under such title shall be payable with respect to the death or detention of a person occurring after such conviction.

Upon a person's indictment or the filing of an information charging him with the commission of any such subversive act, all compensation or other benefits shall be suspended until he is acquitted or the charge is withdrawn, and in case of his conviction or death prior to disposition of the charge, all such payments and benefits shall be forfeited. If the charge is withdrawn or there is an acquittal, all such compensation withheld shall be paid to the person or persons entitled thereto.

Fraud

Section 203 provides for a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for knowingly making (or causing to be made, or aiding or abetting in the making of) any false statement or misrepresentation of a material fact in an application for payment under title I, or in connection with an application for any such payment.

Legal services

Section 204 requires all legal fees in connection with benefits under title I to be approved by the Commission. Such fees would be paid out of the compensation payable to claimant. It makes receipt of unapproved fees, or solicitation of employment in respect to any claim by or for himself or another person a misdemeanor, and punishment is prescribed of a fine of not more than $1,000, or imprisonment for not more than 1 year, or both.

Section 205, to facilitate administration and avoid expense of review, audit, and to eliminate litigation, makes conclusive the action of the Commission in allowing and fixing or denying benefits under title I, and protects certifying and disbursement officers in all payments made pursuant to such actions.

Determination of death or detention

Section 206, to facilitate administration and further the purposes of the act, authorizes a finding of death or detention to be made in cases where the evidence is not sufficient to show conclusively that the individual is dead or to show that he is detained, but does show that he disappeared under such circumstances as to indicate that he is probably either detained by the enemy or has died.

Assignment, etc.

Section 207 protects the Government and the person entitled to benefits under title I, by prohibiting the transfer or assignment of any right to such benefits except to the United States. It also provides that no rights to, or moneys paid or payable under such title shall be subject to execution, levy, attachment, or other legal process or to the operation of any bankruptcy or insolvency law, but excepts from this latter provision moneys which have been actually paid when such money is reimbursement (1) for funeral expenses, or (2) for payment of workmen's compensation, or (3) for payments in the nature of workmen's compensation.

TITLE III. DEFENSE BASE ACT

This title contains an amendment to the Defense Base Act of August 16, 1941 (Public Law No. 208, 77th Cong.), which provides compensation for disability or death with respect to persons employed at military, air, or naval bases acquired by the United States from foreign countries, and on lands occupied or used by the United States for military or naval purposes outside of the continental limits of the United States. Such amendment includes the Canal Zone in the said act for the reason that there is no workmen's compensation law in the Canal Zone covering employees of Government contractors, and in order to provide protection for such employees it has been necessary for the various Government departments to enter into voluntary agreements to afford a method of protection of such employees. These agreements vary, and consequently are only a stopgap until legislation is provided which will establish a uniform workmen's compensation law for contractor's employees in the Canal Zone. The operations of a voluntary coverage for such employees is not satisfactory and has resulted in commitments of military and naval appropriations which it is desirable to avoid.

The amendment also will apply that act in the same manner as it has heretofore been applied to Army and Navy bases, at those places in any Territory or possession outside the continental United States (including Alaska; the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone), where Government contractors are engaged in "public work." This term has been defined in subsection (b) of the amendment as meaning a fixed improvement or project involving construction, alteration, removal, or repair for public use. The purpose in including employees of Government contractors engaging in public work outside of the United States is to afford a uniform coverage for all employees of such contractors; that is, not only for those employees employed on military, air, and naval bases heretofore covered by the Defense Base Act, but for employees of such contractors who are engaged in construction and similar work at places not specifically within the confines of military and naval bases, which at some places may be contiguous thereto. This will eliminate the discrimination and inconsistency in affording protection to contractors' employees on military and naval bases and not affording similar protection to other Government contractors' employees, performing work for the United States often in the same general areas.

The extended coverage provided by this amendment will take effect as of the date of enactment of this act and will therefore be applicable only to those injuries or deaths which occur on or after such date.

Committee amendment

The United States Employees' Compensation Commission in its letter of July 10 (hereinbefore set out in this report) proposed an amendment under which every contract entered into with the United States for performance of public work outside the United States (at places not now covered or proposed to be covered) will be required to contain provisions requiring the contractor to secure to or on behalf of employees engaged in such public work, the payment of compensation provided by the act of August 16, 1941, and to maintain this security in effect during the term of the contract. As originally submitted the amendment would be applicable only to citizens of the United States as it was designed only to afford protection to those who leave our shores to undertake work at some hazardous place. The Commission in its modified draft of this amendment, at the request of the War Department, omitted this statutory limitation and substituted therefor an amendment which appears at the end of subsection (e) which would authorize the Commission to waive the application of the compensation coverage with respect to any contract, work location under such contract, or classification of employees.

This proposed amendment would provide a uniform arrangement whereby workmen's compensation benefits may be provided for employees in foreign lands, and there would exist a basis for verification of payments to employees and dependents so that the Government could determine that beneficiaries are receiving the full measure of benefits to which they are entitled and that the United States receives proper acquittance.

The United States Employees' Compensation Commission in its letter also stated:

"Another modification of the act of August 16, 1941, which the Commission suggests (which has been included in the enclosed draft), is the inclusion of a provision making the employer's liability under that act exclusive and in place of liability for workmen's compensation under the law of any State, Territory, etc. This has been included for the following reason: We have found that some employees injured at defense bases and who have been returned to the United States, have endeavored to secure benefits under State law, notwithstanding that their injury occurred within the purview of the Federal act. In one State (California) the State commission assumed jurisdiction in such cases on the theory that the contract of hire having been made in the State, the local law could be applied, irrespective of the fact that the injury occurred outside the States. This has resulted in needless confusion to contractors and has added expense to the United States. The amendment proposed will make it unnecessary for contractors to secure added insurance coverage (with added expense to the United States) for protection against the possibility of claims being filed under any of the State laws."

The committee accepted these suggestions of the Commission and the amendments have been included in title III of the bill and are recommended by the committee.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SETTLEMENT OF CLAIMS OF GOVERNMENT OF UNITED STATES AGAINST THE GOVERNMENT OF MEXICO

Mr. COX, from the Committee on Rules, submitted the following privileged resolution (H. Res. 572, Rept. No. 2630), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDMENT TO THE FEDERAL EXPLOSIVES ACT

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Mines and Mining may have permission to file supplemental report on the bill (S. 2515) to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board, for the purpose of complying with the Ramseyer rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to return to the consideration of the bill (S. 2515) to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board, No. 604 on the calendar, and its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I asked unanimous consent that this bill be passed over without prejudice for the purpose of allowing compliance with the so-called Ramseyer rule. I am informed by the gentleman from Florida [Mr. PETERSON] that that rule has now been complied with and supplemental report filed.

Mr. PETERSON of Florida. Yes; that is true.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 3 of the act of October 6, 1917 (40 Stat. 385; U. S. C., title 50, sec. 121), as amended by the act of December 26, 1941 (Public, 381, 77th Cong.), be, and the same is hereby, amended to read as follows: "This act shall not apply to explosives or ingredients which are in transit upon vessels, railroad cars, or conveyances in conformity with statutory law or with the rules and regulations of the Interstate Commerce Commission, or regulations of the Secretary of Commerce, or to explosives or ingredients which are in transit upon aircraft in conformity with statutory law or with the rules and regulations of the Civil Aeronautics Board."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I made today upon the bills H. R. 7380 and H. R. 7472, and to include therein excerpts from committee reports on the two bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska [Mr. DIMOND]?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may be permitted to revise and extend his own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. EBERHARTER]?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include brief newspaper articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an address by Rabbi Charles E. Shulman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. PADDOCK]?

There was no objection.

(Mr. MOSER and Mr. COCHRAN asked and were given permission to extend their own remarks in the Appendix of the RECORD.)

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill in reference to benefits to civilian employees, the bill just passed, and also to extend my remarks and to include a statement on the subject of victory and peace by Catholic prelates, which appeared in the New York Times of recent date.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. MURRAY] is recognized for 10 minutes.

A CONSTRUCTIVE SUGGESTION TO WIN THE WAR

Mr. MURRAY. Mr. Speaker, the following editorial from the Shawano (Wis.) Evening Leader of November 10, 1942, indicates that this newspaper sees the "handwriting on the wall" as far as milk production is concerned. In Shawano is located one of the Nation's largest dairy cooperative plants. The city and the county are conscious of the dairy situation. The plant, with 7 percent more patrons than a year ago, is receiving 8 percent less milk than a year ago. A dried whole-milk plant is being added to the equipment of this cooperative. This newspaper and this community evidently realize that now is the time to act; they realize that there is no use asking for billions of dollars of appropriations next year in an effort to get milk from cows already hanging in the cooler of some packing plant:

BLUNT TRUTH

Agriculture is one of our most essential industries, but it remains the orphan of the war effort, notwithstanding the political uproar that has surrounded its problems.

Manpower is the most critical of these problems, plus a lack of faith by the dirt farmers in the ability of the Washington swivel-chair farmers.

The Dairymen's League Cooperative Association of New York recently published some figures relative to thousands of producers going out of business, that make grave reading for the consumer. The blunt truth is that our farmers either will be given the opportunity to produce, or we will starve. And if we wait much longer, we will suffer severely because it takes years to replace a good milk cow that has been slaughtered for beef.

Dairy production can be maintained by making proper use of the knowledge of the dairy leaders and the farmers if the necessary labor, equipment, and services are provided. It is more apparent every day that food will win the war.

City after city is experiencing a milk shortage. This is so unnecessary. If any one of us had 1 percent of the power of one of the bureaucrats for 30 days, he could furnish enough milk to New York City to even drown the Tammany tiger and at 10 cents per quart at that. The dairy production war program needs some men who have milked a cow or men familiar with milk production. At least the war food production program should make use of practical men or we will be doing great harm to the war effort. The time to act is now. This is not an appeal for farmers; this is an appeal for the feeding of our armed forces; this is an appeal for the general welfare of our country.

A GENERAL RURAL ATTITUDE

Further, I wish to call your attention to the following excerpts of an editorial from the Farmers Union-Herald which is published at St. Paul, Minn. This organization and this paper most assuredly cannot be accused of being antiadministration. Whether or not you agree with this editorial, you can be assured that it reflects the attitude of a large number of the rural people of America and of farmers who are living on and operating farms. I had an opportunity in October to attend the Wisconsin annual convention of this group at Wausau, Wis. Individual members did not all see "eye to eye" as how best to proceed, but they were united in their demand and desire to follow the path which would best furnish food to win the war.

IT STANDS REBUKED

The result of the general election last Tuesday can be accepted only as a rebuke to the Democratic Party. The Republican Party has been somewhat rehabilitated, not primarily because it is trusted but because it was the only means by which the people could administer a reprimand for the meddling and muddling which the voter felt had been evident.

It is the habitual voter—the elector who goes to the polls regularly—who registers this verdict. The voter disregarded the claims of both parties—to the nauseation point—that their sole objective was to win the war. To claim as a virtue an inescapable duty, was insanity.

The voter saw beyond that and registered his objection to things that affected him personally or his affairs. He resented the muddling, visible in Washington, where a half dozen little Hitlers strutted as masters of the people, evaded laws and fought with each other over "powers" they fancied were theirs instead of fighting the common enemy. He disliked the "dollar-a-year men," those undercover agents who use their positions to feed their corporations and disrupt the production and flow of needed materials. He felt the strange shift of Washington toward big business which permitted the great trusts such as steel, petroleum, rubber, tin, and shipbuilding to dominate when they should serve, as well as the minor shifts to the packing, milling combines and their ilk, in concessions which gave them profits when the common man not only gave up his, but his life as well. Washington had become, to the voter, a madhouse of muddling and our early reverses in the war seemed to confirm this view.

But it was the meddling of the Democratic administration that enraged the voter. A sugar ration, which later was discovered to be almost unnecessary because the sugar trust had vast stores, and begged the housewife to buy more to relieve the pressure on storage space. The coffee ration, which seems but a repetition of the sugar. The meat rationing which, in effect, says to the country: "If we feed Great Britain the home folks must go unfed," hardly comes up to the Scriptural dicta: "If any provides not for his own * * * he is worse than an unbeliever." The gasoline rationing, unnecessary in the Northwest, where distances are great and supply easily accessible, is offered under the pretense of saving rubber. The rubber ration would not have been as necessary had not the steel, rubber, and petroleum trusts combined to prevent the manufacture of rubber from farm products. Add to this meddling with living, the scrap drives for aluminum, rubber, grease, tin, and iron, with the subtle-sensed thought that they profited the trusts and the junkman and made "suckers" of the patriotic donors.

Mr. Speaker, every Member of this House who is from a rural district knows what caused this attitude. In brief, it has been caused by, first, a lack of faith in the administrative agencies. When producers are promised $2.10 per hundredweight for milk and this price is not provided, a reaction is sure to follow. We should insist that a department keep its word as well as an individual is expected to; second, a feeling that the rural people have been subjected to undeserved restrictions. These rural people know they were asked to forego 1 day's recreation for themselves and family at their county fair under the guise of conserving their gas and rubber, but they also know that horse races are held daily and that when Alsab loses and Whirlaway wins that is still news. They know that these 10,000 to 30,000 spectators do not walk to these races nor do they go on roller skates. The farmer knows he has to waste more gas and rubber to get 3 or 4 pounds of sugar for his threshing and silo-filling crew than he would to go to 2 county fairs; third, the rantings of some of the metropolitan press and big financial writers about the farmers' viewpoint on the second price-control bill which caused great disservice to the war effort. The farmers were pictured as a greedy group of profiteers with a bloc that was harming the proper prosecution of the war. Cartoons, too ridiculous to mention, were published. Farmers were and are entitled to having their contributions appreciated as well as any other group of our people. No one has ever suggested giving them an "E" banner for excellence of performance, although Donald Nelson told the Agricultural Committee that "the farmers of this Nation have done a job not equalled by any other group." The farmer feels that he has been getting too much advice by too many people who know too little about what they are saying. They are beginning to lose confidence in these confusion-producing spokesmen and think of them as being about as reliable as some political poll.

A NATIONAL AGRICULTURAL CONFERENCE PROPOSED

In an effort to make a constructive suggestion, I would like to see Secretary Wickard call a conference of real agricultural leaders. Chicago is the logical place to call it, as Chicago is the agricultural capital of America as well as of the world. Around this center is produced the great percentage of American food.

The national farm organizations should be represented, including the Farm Bureau, Farmers Union, National Grange, National Milk Producers, Pure Milk Association, the National Livestock Association, the National Poultry Men's Association, the National Fruit Association, and the State agricultural commissioners. The field men of the Agricultural Department should be represented, including men from the Agricultural Adjustment Administration, Farm Security Administration, Production Credit Administration, the Federal Land Bank, and others. The Agricultural Extension Service representatives should be included. Here is one large group that many people feel could be more fully used in time of need. This would include the county agricultural agents, boys' and girls' club work executives, home-economic agents, and Smith-Hughes agricultural teachers, as well as the chairmen of the House and Senate Agricultural Committees.

In addition, the farm papers of the Nation should be invited. The country weeklies that are close to the problem should be invited, as you will find that the editors of these country weeklies in many places have a real picture of food production. They have spent a lifetime close to the food producer and have a pretty keen insight into what kind of a program should be adopted. It would do no harm to have some of the metropolitan press invited so they could see the other side of the picture.

In this group we would have in attendance a large number of practical farmers. The producer would feel he had a voice in his own program.

A farm program for 1943 could be presented and adopted which would be a real "food will win the war" program. While one man might now believe that the hog quota is too high, others might show that the 10-percent increase asked is altogether too low. The producers would feel it was their program and that it was not handed down to them from Washington. Whether true or not, these rural people many times feel that confusion in food production is caused by utterances from people who do not know much about producing food. You note that in one of these editorials they are called "Washington swivel-chair farmers."

Such headlines as "Consumers must change their diet—asked to eat more vegetables and cereals and less dairy products," "Farmers asked to produce more meat and eat less meat," when the farmer knows that any man doing physical labor whether in the armed forces, on a farm, in a war plant, or in the lumber camps, must have ample amounts of meat. These workers do not like to be asked to eat 2½ pounds of meat per week when they know that there is no limit to the number of 14-ounce steaks the bureaucrats can obtain. Headlines like "Too much cheese," "Not enough cheese," "Milk shortage developing in New York, Chicago, and Hagerstown" are confusing. We do not want to see a black market develop on any food product in our land. Black markets are unfair and can easily be avoided. All this causes confusion, and the producers do not know their position until they have read the paper or listened to the daily broadcast.

There are still two schools of thought, the one that thinks only of ceilings as a means of protecting the consumer when one has seen the ceilings put on but not the product available to the consumer, and the second school of thought that has maintained, and does now maintain, that the best protection to the consumer and greatest protection to our country is an abundance of production.

Let us all join in asking Secretary Wickard, as the one who has the responsibility of feeding our armed forces, our domestic population, and our Allies to make a supreme effort at this time to get the food-producing forces in hand so that 1943 will provide the food to help win this war. He has the power; he has the needed machinery; he has the responsibility on his shoulders to the consumer and the producer to put such a program into operation.

If we all do our part and if Mr. Wickard does his part, we will not only keep them flying and keep them rolling, but will also keep them milking, keep them plowing, and keep them eating.

May we all exert every ounce of our energy to help in this important civilian phase of the war effort. You all know that our colleague the gentleman from South Carolina, Hon. H. P. FULMER, chairman of the House Agricultural Committee, has been carrying his share of the load for a long time. Let us all do our share.

There is no intention on my part to criticize the program nor the results in food production in 1942 which was aided materially by favorable weather conditions. However, in 1943 we are confronted with less labor, less equipment, less services, and less servicing, which are all a part of food production. We are also confronted with a continually increasing amount of confusion. But one fact is most apparent, and that is the more Leon Henderson and company make unnecessary press releases the less food will be produced on the farms of our country. We hope Secretary Wickard will give us the strong leadership that is so urgently needed.

EXTENSION OF REMARKS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the text of the speech made by our colleague, the gentleman from Minnesota [Mr. MAAS] over the National Broadcasting System on November 12.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WICKERSHAM], is recognized for 7 minutes.

WAKE UP—HEED THE HANDWRITING ON THE WALL

Mr. WICKERSHAM. Mr. Speaker, considerable confusion is apparent about tires, rubber, gasoline, conflicting rules and orders emanating from the many Government agencies, especially the Office of Price Administration, Office of Defense Transportation, and War Production Board. I believe the gentlemen who are at the head of these departments are endeavoring to do the best they can; however, many of their understudies apparently are not familiar with conditions in the great Southwest, Midwest, and West.

I am a Democrat and have supported the war effort 100 percent, yet I reserve the right to criticize when I believe it will be helpful.

One group issues an order prohibiting the marketing of cream except on 3 certain days each week. Many times the farmers are unable to haul their cream to market on those days. When he does take it he finds the cream stations are crowded with other farmers and he is delayed until late at night, and lo and behold he is faced by another order issued by another agency stating that since his cream is over 4 days old it is considered No. 2 cream and he is docked in price.

Another group issues an order requiring all trucks to make application to an agency in far-off Detroit for a "certificate of necessity" in order to operate. So many applications were sent to Detroit that the time had to be extended. What does one agency in Detroit know about the needs of the entire country?

Still another agency urges the farmers to produce, produce, and then double production, yet another agency allocates to the farmers an amount equal to only one-fifth of the implements used in 1940.

GAS RATIONING

Distance is not a factor in the industrial East, but it is in the West, Midwest, and Southwest. The economy of many States is founded upon petroleum and its byproducts. Unless the black gold is allowed to be refined and transported from the areas where it gushes, then eventually a further shortage will exist in the eastern and shore-line areas. Oil States cannot produce the high octane aviation gasoline and other petroleum products so badly needed in our war effort without producing an abundance of gasoline for civilian use. It will be wasted if it has to be dumped back into the ground.

Citizens in the Southwest, Midwest, and West have complied with the 35-mile speed limit. They should be permitted to be given a trial for 90 days at least, in fact, I believe there should be no gas rationing in any of the 31 States which are supplied with gas and oil by pipe line or actual production. Then when these States are allowed to produce those areas which now have a shortage will have ample supplies. There is a sufficient number of Congressmen who feel as I do to enact legislation which I have introduced today calling for deferment or postponement of gas rationing indefinitely, or at least a sufficient number to postpone the rationing for 90 days.

Another order was issued requiring factories and homes to convert to coal. This calls for strategic iron and steel for grates, also additional labor at a time when labor is so scarce. Why not add a half dozen railroad tank cars daily in order that the affected areas may have sufficient gasoline and oil from the southwestern areas which are overflowing with the liquid?

One very important group, the traveling salesmen, was omitted from the B and C card gas rationing group. These men and their firms represent a large portion of the taxpayers. We must have taxes to operate and it is a crime to kill off little business as is being done. The traveling man is the best goodwill ambassador we have today outside the ministry and the country editors. The traveling man is a barometer of the pulse of the public, and he certainly occupies an important place in our war program.

Donald Nelson himself has the confidence of everyone, but he cannot know all the facts and intricate problems unless you and I, the nearest representatives the people have, consult with him. Occasionally, however, there are some persons who call themselves strategists or theorists who seem to think that only the main arteries of transportation are essential, but forget the smaller network

of transportation facilities. Figuratively speaking, they believe that the arteries of the body are all-important, but forget the fact that the veins supply the arteries. When gas rationing goes into effect many light loads and small shipments of produce, livestock, and so forth, will not move from the farms to the larger trunk lines.

Unless theorists, strategists, and bureaucrats wake up and see the handwriting on the wall, not only many Democrats in office will be beaten, but many of our Members, both Democrat and Republican, will be beaten. This will be a great loss to our Nation at a time like this; however, even this loss will not be as great as the loss to our war effort, caused by gas rationing and other ill-advised orders.

It is high time that those in office who do not hold elective positions realize that it is far better to receive voluntary cooperation from the people than through compulsory methods.

Last week 34,000,000 hours of time was lost by car owners crawling under the cars, securing tire serial numbers, filling out blanks and registering—at a time when every moment is precious.

Unless some of the rules are changed the methods that are about to be pursued will stagnate business, mean destruction to the economic structure of the Southwestern, Western, and Midwestern States, and hinder, instead of improve, the war movement of vital materials to other areas, will curtail the purchase of bonds, and lower our tax income.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BEITER] is recognized for 30 minutes.

POST-WAR PUBLIC WORKS CONSTRUCTION

Mr. BEITER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and following my remarks to include a copy of the bill which I introduced today, H. R. 7782.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, more than 19 months have passed since the President in two of his messages to the first session of this Congress suggested a post-war planning policy for public works construction and recommended the enactment of suitable legislation to make that policy effective.

In his annual Budget message of January 3, 1941, the President said:

> During this period of national emergency it seems appropriate to defer construction projects that interfere with the defense program by diverting manpower and materials. Further, it is very wise for us to establish a reservoir of post-defense projects to help absorb labor that later will be released by defense industry. * * * Throughout the Federal service * * * projects are being deferred until a more appropriate time. However, surveys and the planning of new projects will go forward so that construction can be resumed without delay. This will produce a long list of public works projects, apart from defense construction, arranged according to priorities. Such a list could be submitted to a future Congress for the appropriation of funds to put it into operation.

Again, in his message of March 17, 1941, the President said:

> Because of the current national emergency, projects not needed for defense have been temporarily deferred. As a result, we are now in the process of storing up a reservoir of nondefense work which can be loosed when the pace of rearmament slackens. * * * If projects are to be ready at hand for rapid inauguration in times of need, the surveys and investigations, the engineering plans and specifications must be prepared in advance.

In order to carry out the recommendations contained in these two messages, identical bills, S. 1617 sponsored by Senator WAGNER and H. R. 5638 sponsored by me, were introduced into the first session of this Congress during 1941. After extensive hearings during which no witness appeared to oppose the measure, the Senate bill, S. 1617, was reported favorably on January 16, 1942, by the Committee on Education and Labor. The Senate has taken no action yet on the bill.

In the meantime, my bill, H. R. 5638, was reported unanimously by the Committee on Labor on December 5, 1941. The Committee on Labor held no hearings on the bill since the committee felt that the hearings on the identical bill, S. 1617, before the Senate Committee on Education and Labor had covered the proposal thoroughly. The bill H. R. 5638 was called up for debate in the House of Representatives on February 19, 1942, and after a discussion that, in my judgment—and particularly in the light of subsequent events—reflected a misunderstanding as to the objectives and provisions of the proposed legislation, it failed of passage on a roll-call vote of 252 to 104.

Certainly, there appears to be no disagreement with the principles involved in my original bill, for since that time, the Congress has provided funds in the War Department Civil Appropriation Act, 1943, to enable the Corps of Engineers to prepare detailed plans and specifications for new authorized projects. As the House Committee on Appropriations so clearly stated in first reporting this bill to the House:

> It is imperatively necessary that there be built up a backlog of useful projects ready to be proceeded with immediately when the time comes to turn to peaceful pursuits.

Accordingly, I have prepared and am introducing today a new bill, H. R. 7782, as an alternate to my original bill. This alternate bill has been drafted so as to meet all the reasonable objections that were raised during the debate on my original bill.

The provisions of the legislation I have proposed today are grouped into four main parts: First, a declaration of policy by the Congress of the principles to be established by and the scope of the bill, along with the necessary definitions, citations, and so forth; second, title I, which authorizes the appropriation of funds for allotment to Federal agencies for plan preparation heretofore or hereafter authorized by law; third, title II, which authorizes the appropriation of funds for advances to State and local governments for plan preparation; fourth, title III, which sets forth certain conditions to govern the making of allotments or advances under the authorizations and provides for the administration of the proposed legislation.

Before discussing the provisions of the proposed legislation in detail, let me make it perfectly clear at the outset that—

First. The bill authorizes the appropriation of funds for only the preparation of plans. It does not authorize the construction of one single project, nor is the Congress committed to the appropriation of funds for the construction of any project for which plans are prepared under the proposed authorization. These facts are clearly stated in the bill, and there should be no doubt as to the intent of the bill in this respect.

Second. Insofar as allotments to Federal agencies are concerned, the bill clearly states that the plan preparation that can be undertaken must be authorized by law. In other words, the bill would not authorize new planning functions for Federal agencies nor would it supplant existing authorizations. Furthermore, to emphasize this point, the bill specifically provides that this allotment authorization would not interfere in any way with the conduct of the civil functions of the Army Corps of Engineers.

Third. No blank check is written with regard to authorizations for appropriations contained in this bill. Specific amounts to be authorized for appropriation are set forth. The question as to whether these amounts are too large or too small will be dealt with later in my statement when I take up the details of this proposed legislation.

Fourth. The conditions under which advances can be made to State and local governments for plan preparation are specifically written into the bill in detail. Adequate safeguards to maintain State and local autonomy and financial responsibility are provided.

Fifth. And finally, the objectives and purposes of this proposed legislation are so explicitly stated and the title of the bill, First Post-War Planning Act of 1942 is so clearly descriptive of the intent of the legislation that opposition to it on general principles cannot be interpreted except as opposition to the general policy of planning for the peace.

Upon this final and most important point, I can say only this:

In my judgment, one of the great lessons of this second World War has been that the democracies of the world have been more than sensitive—in fact almost touchy—to the immediate currents of public opinion but they have been incredibly and horribly inert when it came to the long-range view. Our people's immediate and burning desires for peace were largely responsible for our failure to take proper action in the period beginning with the Mukden incident in 1931 and culminating with the crash of the Japanese bombs at Pearl Harbor on December 7, 1941. These immediate desires so blinded us as to the necessity for a long-range policy for foreign affairs and for military planning and preparations that would defeat the aggressors before they had time to grow strong, that when the blow fell it nearly caught us unprepared.

Now the pendulum swings the other way. We are in a war fighting for our very lives and existence, and the cry now becomes, "Why plan for the peace? Let us first win the war!" If this be the main criticism of post-war planning legislation, then there is no alternative but to label such criticism as short-sighted and unrealistic. As democracies we must take the long-range view, otherwise we will not survive. The mere fact of the existence of the present war is our best example of our shortcomings in this respect.

It is almost a year since proposed legislation similar to the bill (H. R. 7782) that I have introduced today was first introduced into the Congress, and nearly 18 months since the President first brought the matter to our attention. The President has said on several occasions that we are not going to lose the peace. In times of war we must prepare for peace, otherwise all that we fight for may be lost. The Prime Minister of Great Britain and the President have declared the broad objectives for the post-war period in the Atlantic Charter, and subsequently these principles have been subscribed to by the declaration of the United Nations on January 1 of this year. Obviously, these objectives must be implemented by further planning on the part of each of the United Nations.

The proposed legislation which I have introduced today represents, to be sure, only a small part of our total participation in the post-war planning. But, in my judgment, it is a very necessary and important part.

The issue raised by the failure of the House of Representatives in the past to consider favorably legislation with this general objective is important to effective post-war planning, and, I believe, it has far-reaching implications that I fear have been overlooked. I hope that this misunderstanding will be corrected by a favorable consideration by the House of the bill that I have introduced today.

Now, as to the detailed provisions of the bill itself:

1. DECLARATION OF POLICY

The bill opens with a declaration of policy which makes clear that the intent of the Congress in enacting the proposed legislation would be to provide during the war for the preparation of those plans which would be necessary for undertaking public works and improvements in the post-war period as a means of assisting in providing employment opportunities and demands for industrial products when the Nation's men and machines are demobilized at the end of this war—section 1. From this policy declaration arises the citation of the proposed legislation, "First Post-War Planning Act of 1942"—section 2.

Furthermore, it is specifically stated—section 2—that the authorization conferred by this bill would remain in force for a period not to exceed 6 months after the termination of the present war. It is obvious that by then the proposed legislation will have accomplished the purpose stated in the opening declaration of policy.

It should be particularly noted that the declaration of policy does not commit the Congress to appropriating funds for the construction of any project planned with the funds made available under this proposed authorization. The bill does not state that it is to be the policy of the Congress to undertake a large program of public works and improvements in the post-war period to offset the unemployment problems caused by demobilization. Rather, the adoption of the policy declared in this bill means that if the Congress, in its wisdom, decides when the war is ended that one of the ways to assist in employing men and resources as they are demobilized is by expanding the construction of public works and improvements, plans will be ready. Then, if the Congress so legislates, men and materials can be put to work more quickly than would be the case otherwise.

Reduced to its simplest terms, the intent of this bill is to provide a form of insurance against a post-war emergency when public works and improvement programs may be necessary for employment-creation purposes. And the policy of providing for plan preparation as a form of insurance against unforeseen contingencies is not new to the Congress. The most striking example of it has been a very recent one in connection with our defense preparations.

Beginning late in 1940, the War Department embarked on a construction program to expand existing posts and to create new posts in a limited time to accommodate the increased strength of the Army. The original estimates of cost for the construction of these camps and cantonments proved to be inadequate, so that a large supplemental appropriation was necessary to complete the program. The committees of Congress examined very carefully the need for additional funds; and the Special Senate Committee Investigating the National Defense Program concluded that—

> The principal reason for the inability to make proper estimates and for the undue expense of the program was the lack of adequate plans.

In order to meet this demonstrated need for advance planning of military construction, the Congress in the Fourth Supplemental National Defense Appropriation Act of 1941 appropriated the sum of $15,000,000 for advance engineering plans and surveys. In reporting this proposal to the whole House, the House Appropriations Committee stated:

> The committee has included in the amount for military-post construction an item of $15,000,000 for engineering surveys. Colonel—
>
> Now General—
>
> Somervell has advised the committee that with such a sum the War Department could avoid many of the factors of the overrun of the present program in connection with any future construction. Such a study can be completed in this fiscal year and will result in providing an essential measure of preparedner both in the point of time and cost on any future construction that may become necessary.

This all occurred early in the spring of 1941. The results can be attested to by anyone who is familiar with the cantonment and cantonment-expansion program inaugurated early last winter.

But our failures to plan ahead can be as well illustrated as our successes. We all recall the times in the past when many months have elapsed between the making of appropriations for a large program of public works construction and improvements and the beginning of actual construction and employment on the site. This delay has been occasioned by the time necessary to carry out the preliminary surveys, studies, and investigations, to arrange for financing, to acquire land, to advertise for and receive bids and award contracts, and to organize operations.

An interesting study of this time element has been made in reference to the Public Works Administration program inaugurated in 1933. A check has been made of the elapsed time between the date of allotment and the awarding of the first contract for projects under the 1933 programs. Taking the total number of projects as equaling 100 percent, the proportion of the total under contract, in different numbers of elapsed days after the date of allotment, has been calculated. In the 1933 program it was over 1 year before 90 percent of the contracts covering 330 projects had been awarded. Nor had an appreciable proportion of the contracts been awarded within 50 days of the date of their allotment. One-half of the projects were not put under contract until almost 5½ months after authorization of allotment.

This bill is proposed in an effort to help shorten this period of delay between the appropriation or allotment of funds and the beginning of construction reducing to a minimum the delays that have been caused in the past in carrying out preliminary surveys, studies, and investigations, and making detailed plans and specifications after the Congress has appropriated money for the immediate construction of a project. The reduction of delays by a rescheduling of preliminary operations calls for advance planning to be undertaken long before the need for an expanded program of public works becomes apparent. And the key to such planning lies in the advance provision of funds for the conduct of surveys and investigations and the preparation of plans and specifications for projects proposed to be undertaken at a future date.

Also on the basis of these advance plans, the Congress would have more accurate data upon which to evaluate the merits of public-improvement proposals.

To provide funds some years in advance for the survey and engineering work involved on public projects presents, of course, the hazard that costs will be incurred on many projects that may never be undertaken. To the extent that this would occur, the procedure would be inefficient. However, the hazard is not particularly great if the financing of this preliminary work is properly administered. For example, the details of such planning and designing should not be

carried beyond the safe point where possible advances in technology might make obsolete the plans and specifications so prepared.

Exercise of sound administrative judgment should reduce to a minimum the losses involved. In any event, however, the losses that might come about could quite properly be considered as low-cost insurance against an emergency. The cost would, without question, be far less than the cost of being caught unprepared.

2. DEFINITION OF TERMS

Section 3 of the bill defines its scope in terms of the activities and agencies that will be concerned. The term "plan preparation" is defined to cover those planning engineering and architectural operations in connection with a project that carry it up to an appropriation stage. These preconstruction operations will not include the acquisition of land nor the institution of forms of legal proceedings so as to condemn and take land. "Federal agencies" is defined so as to be all inclusive as is the term "State or local agencies."

3. AMOUNT OF AUTHORIZATIONS

The bill proposes two authorizations of appropriations for plan preparation: (1) $25,000,000 to be allotted to Federal agencies, and (2) $75,000,000 to be advanced to State or local agencies. The discussion of procedures and methods for making such allotments and advances will be taken up a little later in my statement. What is important at this point are the figures themselves.

Several assumptions can be made as to the cost of plan preparation. To show the different amounts involved, the following table has been prepared. This table attempts to show the estimated cost of plan preparation in terms of the percent of the total construction cost of projects for various volumes of public works construction. Thus, for example, if we would wish to prepare plans for $500,000,000 worth of public construction and we estimated the average cost of plan preparation at 3 percent of the projects' total cost, the plan preparation would cost $15,000,000; if we estimated plan preparation at 5 percent, it would cost $25,000,000; and so forth.

Cost of plan preparation as percent of projects' total cost

	Cost of plan preparation when total cost of projects is—				
	$500,000,000	$1,000,000,000	$2,000,000,000	$3,000,000,000	$4,000,000,000
Percent of projects' cost:					
1	$5,000,000	$10,000,000	$20,000,000	$30,000,000	$40,000,000
1½	7,500,000	15,000,000	30,000,000	45,000,000	60,000,000
2	10,000,000	20,000,000	40,000,000	60,000,000	80,000,000
2½	12,500,000	25,000,000	50,000,000	75,000,000	100,000,000
3	15,000,000	30,000,000	60,000,000	90,000,000	120,000,000
3½	17,500,000	35,000,000	70,000,000	105,000,000	140,000,000
4	20,000,000	40,000,000	80,000,000	120,000,000	160,000,000
4½	22,500,000	45,000,000	90,000,000	135,000,000	180,000,000
5	25,000,000	50,000,000	100,000,000	150,000,000	200,000,000
5½	27,500,000	55,000,000	110,000,000	165,000,000	220,000,000
6	30,000,000	60,000,000	120,000,000	180,000,000	240,000,000

The next question that arises is, "How much public construction and improvements should be planned for?" From the estimates of the Department of Commerce covering public construction activity during the past two decades, it appears that Federal public works construction activity—excluding work relief construction—averaged as high as $675,000,000 annually, while public construction of State and local governments, including that done with Federal aid, averaged as high as $2,300,000,000 annually.

Assuming then that we wished to prepare enough plans in advance for the post-war period to cover an average pre-war year's public works construction, we should be looking forward to having plans for about $3,000,000,000 worth of work ready, with about one-fourth of such an amount for projects to be constructed and owned by the Federal Government and about three-fourths for those to be constructed by State and local governments. Assuming further that the plan preparation would cost, on a Nation-wide average, about 3½ percent of the total cost of construction, the resulting cost of post-war plan preparation would then be estimated at a little more than $100,000,000.

Therefore, the proposed bill proposes the authorization of appropriation for plan preparation of $25,000,000 and $75,000,000 for Federal and for State and local public construction, respectively. Obviously, there may be some disagreement as to whether these amounts are too large or too small, but I do believe that, as a minimum, plans should be available for not less than $3,000,000,000 of Federal, State, and local public works.

4. FEDERAL PUBLIC WORKS

Title I of the bill authorizes an appropriation of $25,000,000 for plan preparation by Federal agencies for public works to be constructed and owned by the Federal Government. It is important to note that no planning activities can be undertaken with funds provided by this authorization unless such activities have heretofore been, or hereafter should be, authorized by law. This bill is no blank check for plan preparation. No Federal agency can prepare plans by reason of its having funds allotted to it under this authorization unless that agency is already authorized to prepare such plans.

Furthermore, the proposed authorization would not supplant or duplicate the activities of the Corps of Engineers, the Bureau of Reclamation, or the Federal Works Agency. Nor does it create additional Federal agencies. Rather, the bill authorizes (sec. 101) an appropriation for plan preparation which the President can allot to existing Federal agencies, thus utilizing the existing planning and engineering facilities of these agencies.

Additional funds for plan preparation can, for example, be allotted under this bill to the following Federal agencies, to name only a few:

Veterans' Administration: For surveys and plans for additional hospital, domiciliary, and out-patient facilities.

Public Buildings Administration: For the preparation, in cooperation with appropriate agencies, of programs for the construction of Federal office buildings in Washington and the construction in the field of post offices, courthouses, Coast Guard stations, border stations, public health buildings, and hospitals, and so forth.

Public Roads Administration: For the development of integrated road-building programs.

Bureau of Reclamation: For the conduct of examinations and surveys of regular reclamation and water conservation and utilization—Wheeler-Case—projects.

Corps of Engineers: For making authorized preliminary examinations and surveys of river and harbor and flood-control projects, and for preparing detailed plans and specifications for authorized projects.

There is need also for coordinated planning and survey work by Federal, State, and local agencies, so that one agency is not working in ignorance of the proposals of another. For example, if one agency is planning a road system or studying a school-building program, and a Federal agency is planning a water project which may flood certain areas, or render them unsuitable for use, it is the better part of wisdom to make sure that no new roads or schools are planned for an area which eventually may be flooded. Better yet, the road, school, and water planning should be only segments of a coordinated or joint-over-all planning effort for the area involved. Section 102 of the bill states that in making allotments to Federal agencies for plan preparation, preference shall be given to just such coordinated or joint planning efforts.

Lastly, this title of the bill carries a specific statement—section 103—to the effect that none of the provisions of this title shall be deemed to interfere in any way with the conduct of the civil functions of the Army Corps of Engineers. When this general subject of authorizing post-war planning preparation was discussed previously in the House some fears were expressed that such an authorization would usurp the functions of the corps. Section 103 should remove all doubts on that point.

5. STATE AND LOCAL PUBLIC WORKS

Advances of funds to State and local agencies for plan preparation are authorized in title III, section 201, of the bill. These advances are of two types: First, repayable, and second, nonrepayable; and, in my judgment, the bulk of such advances should be of the repayable type.

The repayable advances—section 202 (a)—would cover the making of detailed architectural and engineering plans and specifications, and surveys and investigations for specific State and local public

works projects, such as a school, a bridge, a city hall, and so forth. It is specifically stated that these advances must be repaid to the Federal Government at the time when the State or local agency which has previously received the advance appropriates the funds or otherwise receives the money to build the project. This means that the bulk of the $75,000,000 authorized for advances under this title of the bill will be eventually repaid to the Federal Government.

The nonrepayable advances—section 202 (b)—which, as I have just indicated, should constitute the smaller proportion of the advances made under this title, would cover the more general survey, planning or programing operations. For example, before plans can frequently be prepared for an individual school building, a school plan for an entire city or county must be laid out. City, county, and State planning commissions have been developing comprehensive master plans covering such functional fields as transportation, water and sewer systems, and land use. The Los Angeles County Planning Commission has, for example, recently published a master plan of highways and a master plan of land use as parts of a comprehensive plan for the regional district. The Pulaski County, Ark., Planning Commission has developed highway and water resources plans for that county. The comprehensive master plan of the New York City Planning Commission covers many important Government functions. In a growing number of cases the planning agencies are developing local comprehensive plans at the request of communities faced with need for complete programs for redevelopment.

These nonrepayable advances are in many respects similar to those provided for planning under the Federal Highway Act. That act, as amended on June 19, 1939, provides that not to exceed 1½ percent of the funds apportioned for any year to any State shall be used, with or without State funds, for surveys, plans, engineering, and economic investigations of projects for future construction. In this way funds are made available to States for preparation by their own staffs of comprehensive and detailed plans for future public-works construction.

But even the nonrepayable advances authorized by section 202 (b) must be accompanied by the proper cooperation in the way of sharing costs by the State or local agencies to which they are made. The bill provides that such Federal advances could not be in excess of 75 percent of the total of such general-plan preparation cost, and that no such advance could be made if the State or local agency's minimum share of 25 percent were less than what it has spent on the average for such general-plan preparation during the 3 years immediately preceding. This would work as follows: Suppose that a city had been working on a new general street and transportation plan and had spent $10,000 on it for the past 3 years. Another $40,000 would be required to complete this general planning work. Under the provisions of the bill, the advance of 75 percent or $30,000 by the Federal Government would leave the city's contribution as $10,000, and since this would be the average amount the city had spent the 3 years immediately preceding, the Federal advance would be made, providing, of course, that the city agreed to contribute its share of $10,000.

These provisions for local cooperation also assure that no State or local agency will try to cut its general planning expenditures by transferring the burden to the Federal Government.

State and local autonomy in plan preparation is specifically provided for in section 203. It should be particularly noted that the bill does not propose Federal control of the design and planning work of State and local governments. Also, it does not propose that the Federal agencies should create staffs to replace the staffs of such State and local governments. Section 203 specifically guards against these possibilities, as well as any attempts to defraud the United States by misusing the funds.

Requests from State or local agencies for advances are to be referred to the appropriate Federal agencies for their review and comment before they are approved by the President—section 201. A request for preparing plans for a local public housing project might, for example, be referred to the National Housing Agency, for a street to the Federal Works Agency, for a hospital to the Federal Security Agency, and so on. These agencies would then review such requests before Presidential action. Also, at the time such an advance was approved, the Director of the Bureau of the Budget would then designate a Federal agency (or agencies) to follow through on the planning work undertaken under the advance to make certain that no such advance is misused.

These provisions for administration are such as to assure that Federal agencies which are specialists in particular fields of State and local public works undertakings are utilized to the utmost in the administration of this proposed legislation.

6. GENERAL PROVISIONS

In my judgment, the allotments and advances made under the authority of this bill should be for that type of plan preparation which must be undertaken if the water, land, and forest resources of the Nation are to be developed and put to their best use; if our future highways and airports are to be properly located and of the size necessary to carry the anticipated traffic; if the blighted areas of our cities are to be rebuilt; if the proper kinds and amounts of housing are to be provided; and if our public health services, our public buildings, and our welfare institutions are to be located and designed to provide a maximum service with a minimum outlay. Accordingly, and in order to assure that proper type of plan preparation, section 301 provides that such allotments or advances can be made only if they are for planning a project which, when constructed, will be in accord with, or are for developing, a long-term plan for community, State, regional or national development. Provisions are also included for authorizing the President to make such allotments and advances subject to such further terms and conditions consistent with the intent and provisions of the proposed legislation as may be necessary.

At this point, there is one thing in connection with the administration of this bill that I should particularly like to emphasize. Some may think that the authority provided in this bill would be too broad in its scope. The scope of the bill is not so broad when it is remembered that it provides for planning only—not for construction, nor for the authorization of construction. Any legislation which is designed to deal with all of the construction agencies of the Federal Government, 48 State governments, several island possessions, and several thousand local governments must of necessity be flexible. Otherwise, its administration becomes almost impossible.

Furthermore, in order that the Congress may be kept well-informed as to the operations under the proposed legislation, provision is made—section 302—for current reports on a quarterly basis as to the details of the allotments or advances made. I know of no better way for the Congress to be aware at all times of the way in which the legislation would be administered. This, I believe, provides a suitable safeguard for the broad authority delegated to the President in this bill.

Finally, of course, the bill authorizes the appropriation of funds for the administration of the proposed legislation—section 303.

Our last point arises in connection with the general policy which this bill proposes. Currently, the statistics indicate that the volume of all public works and private construction activity in the country will be greater this year than ever before in our country's history. In view of this fact, there are many who may claim that even if this bill were passed, the necessary engineers and architects to do the planning work could not be found.

I disagree with such a claim. The necessary engineering and architectural services will be available for the following reasons:

The end of the construction stage in our war effort is pretty well in sight. It is probable that the peak of our wartime construction boom will be reached some time early next year. Then construction activity will gradually taper off to those minimum operations that are absolutely indispensable for keeping our war plant in good running order.

This is not an unreasonable forecast, particularly in the light of what is happening right now. Under the various limitation orders of the War Production Board it is now practically impossible to start building anything that is not directly related to war activities. Moreover, many things now building may not be finished. Planned war plant expansions are being postponed. Troops are being quartered in hotels instead of in new cantonments. Materials available now are too precious to be used for building plants to produce possibly more materials later.

Do not misunderstand me to say that construction operations are going to be virtually nonexistent in the very near future. What I am saying is that the current construction boom probably will not last as long as the war itself. For as we become "tooled up" for producing the weapons of war the construction industry and the architects and engineers associated with it will largely have done their job insofar as our war effort is concerned.

Thereafter, as the war demands for architectural and engineering talent begin to slacken, these professional men will be available for the planning and designing of post-war public works construction undertakings. Certainly we could use this professional talent then to no greater purpose than to plan for the peace.

Mr. Speaker, under unanimous consent, I insert in the RECORD a copy of the bill H. R. 7782 which I introduced this morning:

Be it enacted, etc.—

SECTION 1. It is hereby declared to be the policy of the Congress to provide for the preparation now of such plans as may be necessary to facilitate and expedite the selection and inauguration during the post-war period of those public works and improvements that will assist in providing employment opportunities and demands for industrial products when the Nation's men and machines are demobilized: *Provided*, That any plans made pursuant to this declaration of policy shall not represent in any sense a commitment by the Congress to appropriate, or by the President to request the appropriation of, funds to undertake at any time any public works or improvement project so planned.

SEC. 2. This Act may be cited as the "First Post-War Planning Act of 1942," and the authorization conferred by this act shall remain in force for a period not to exceed six months after the termination of the present war.

SEC. 3. When used in this act, the term—

a. "Plan preparation" means and includes only the making of such examinations, surveys, investigations, comprehensive plans and programs, and architectural and engineering plans and specifications as may be necessary to facilitate and expedite the selection and inauguration of public works and improvements in the post-war period.

b. "Federal agency" means and includes any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, agency, division, service, office, authority, or administration of the Federal Government.

c. "State or local agency" means and includes any State, Territory, island possession, and any agency or political subdivision thereof.

d. "Act" means the "First Post-War Planning Act of 1942."

TITLE I

SEC. 101. There is hereby authorized to be appropriated a sum not in excess of $25,000,000 for allotment by the President to Federal agencies for plan preparation heretofore or hereafter authorized by law: *Provided*, That such allotments shall be made by the President upon the recommendation of the Director of the Bureau of the Budget.

SEC. 102. In making allotments authorized by section 101 of this act, the President shall give preference to such joint undertakings for plan preparation by two or more Federal agencies as will provide for the best coordination and integration of plans for the protection, conservation, or development of the Nation's resources.

SEC. 103. None of the provisions of this title shall be deemed to interfere in any way with the conduct of the civil functions of the Corps of Engineers, United States Army.

TITLE II

SEC. 201. There is hereby authorized to be appropriated a sum not in excess of $75,000,000 for advances by the President, through such Federal agency or agencies as he may designate, to State or local agencies for plan preparation: *Provided*, That prior to the approval of requests for such advances to State or local agencies, the Federal agency or agencies so designated by the President shall refer such requests to the Federal Works Agency, the Federal Security Agency, the National Housing Agency, and/or other appropriate Federal agencies, and these agencies shall review such requests and submit their comments and recommendations thereon: *Provided further*, That at the time such an advance is made, or previous thereto, the Director of the Bureau of the Budget shall designate a Federal agency or agencies which shall certify to the Secretary of the Treasury that the plan preparation under such an advance is being carried out in accordance with the provisions of this act, and that payment is justified.

SEC. 202. Advances to State and local agencies for plan preparation under section 201 of this act shall be subject to the following provisions for reimbursement or contribution of funds:

a. With respect to advances for that part of plan preparation which includes the making of architectural and engineering plans and specifications, examinations, surveys, and investigations relating to specific projects, the State or local agency receiving such advances shall repay the amounts thereof to the United States, if and when funds become available by reason of appropriation by, or grant gift, or loan to, such State or local agency for the undertaking of the public works and improvements so planned: *Provided*, That all such repayments of advances by State or local agencies shall be remitted to the Secretary of the Treasury and shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

b. With respect to advances for that part of plan preparation which includes the making of comprehensive plans and programs, and general examinations, surveys, and investigations, the State or local agency receiving such advances shall contribute no less than 25 percent of the total cost of such plan preparation: *Provided*, That the amount so contributed by such a State or local agency may be valued in funds or in services or materials to be used only in such plan preparation: *Provided further*, That no such advance shall be made to any State or local agency which, during the period covered by such advance, proposes to expend for such plan preparation from other than Federal funds at an annual rate lower than the average for such purposes during the 3 years immediately preceding.

SEC. 203. a. None of the provisions of this act shall be deemed to interfere in any way with the affairs of any State or local agencies, nor shall this act be construed as empowering State or local agencies to accept advances for plan preparation under section 201 of this act when such an acceptance would be contrary to State law.

b. All advances of funds to State or local agencies under section 201 of this act shall be for plan preparation by staffs and consultants of such State or local agencies with such provisions as may be necessary to protect the interests of the United States.

TITLE III

SEC. 301. All allotments or advances under sections 101 and 201, respectively, of this act shall be made only when the plan preparation provided for by such an allotment or advance is for either (a) planning a project which, when constructed, will be in accord with, or (b) developing a long-term plan for community, State, regional, or national development: *Provided*, That such allotments or advances may also be subject to such further terms and conditions consistent with the intent and provisions of this act as the President may prescribe from time to time.

SEC. 302. The President from time to time, but not less frequently than once every 3 months, shall transmit to the Congress a detailed report of the allotments and advances made under the authority of sections 101 and 201, respectively, of this act.

SEC. 303. There is hereby authorized to be appropriated such sums as may be necessary for the administration of this act.

GASOLINE RATIONING FOR TRAVELING MEN

Mr. AREND. Mr. Speaker, I ask unanimous consent to address the House for 7 minutes, and include two letters, one written by myself and one addressed to me by an organization in my district.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. AREND. Mr. Speaker, with the proposed Nation-wide gas rationing soon to become effective, I want to add my voice in protest regarding the proposal to limit traveling men to a mere 4 gallons of gas per week. Do you know what that would mean to all these good citizens in my part of the country? It simply would put them out of business.

Several weeks ago I spoke on this floor regarding gas rationing and expressed the hope that our people would be given fair consideration, if and when the program became Nation-wide. Now I am led to believe that no such consideration has been given, and I deplore this state of affairs.

I have both talked with and written the O. P. A. and am including herewith a copy of a letter sent to Mr. Henderson, setting forth some of the reasons why more attention must be given this problem.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., November 12, 1942.

Hon. LEON HENDERSON,
Price Administrator,
Washington, D. C.

DEAR MR. HENDERSON: I am in receipt of innumerable petitions signed by constituents throughout my district in Illinois. These individuals are all vitally concerned about the coming gas-rationing program and the effect it will have on them. As you know, distances are greater in the open spaces of Illinois which necessitates more than normal requirements of gas for business purposes. In addition, train and bus services are limited throughout our part of the country. If traveling men and farmers are not permitted to secure sufficient gasoline to carry on their normal pursuits, many of these individuals will be put out of business. No longer will they be able to pay taxes, buy bonds, send their children to school or be able to make a living for themselves and family. Consideration must be given these people.

The signers of these various petitions respectfully request that the present rationing period be delayed for 90 days in order that more study be given the problem. Patriotic citizens are now traveling but 35 miles per hour and making every effort to conserve their tires. Surely these people realize they will not likely be able to obtain other tires once their present tires are worn out. Let's not slam the door in the face of these people

and say, "That's the dose, take it or else." As loyal American citizens let's give them every consideration possible. As you are aware, there is plenty of gasoline available in Illinois and the problem of transportation does not affect our State to any appreciable degree.

I would like to have an answer to this letter at your earliest convenience.

Yours very truly.

Likewise I am including a letter written me by the president of the American Travelers Association, setting forth facts and figures as to possible results which may follow if traveling men throughout the great Midwest area are not able to secure additional gasoline:

AMERICAN TRAVELERS ASSOCIATION, INC.,
Bloomington, Ill., November 7, 1942.

The PRESIDENT OF THE UNITED STATES,
The CONGRESS OF THE UNITED STATES,
The OFFICE OF PRICE ADMINISTRATION,
The SECRETARY OF THE TREASURY,
The SECRETARY OF THE INTERIOR, and
Hon. JAMES F. BYRNES,
Washington, D. C.

GENTLEMEN: The Office of Price Administration has singled out the traveling business people of this country and has specified that they receive no more consideration than a joy rider or pleasure driver. Yet these people are the only ones in this country with knowledge of inventories and necessary needs of consumers. They are the only ones who can effectively distribute necessities through rationed channels from fabrication to consumption.

The following statistics show the losses our Government will suffer if the traveler is not allowed to pursue his occupation:

Loss of revenue to Government, per year:	
Income tax	$1,000,000,000
War-bond purchases	1,750,000,000
Loss	2,750,000,000
Additional loss in unemployment insurance	750,000,000
	3,500,000,000
War bonds liquidated for living expenses	1,750,000,000
Loss or withdrawals from United States Treasury	5,250,000,000

In addition, 500,000 retailers will be liquidated due to inability to purchase goods or receive same for distribution.

Consumers will be unable to get to market if local retailers are liquidated and traveling businessmen are put out of business.

A termination of the activities of the traveling business and agricultural people of this country will deprive this Nation of over $5,000,000,000 of annual revenue, will deprive consumers from obtaining necessaries, except from mail-order houses or governmental supervised distribution centers, will close all small retail business houses, will eliminate the wholesaler from our business structure, will place the manufacturer under the control of group buying and distribution centers supervised by the Government, and, unless the manufacturer bows to their dictates, he will lose his identity and his industry will be dissolved.

The entire pattern, as disclosed by David Ginsburg, attorney for Leon Henderson, shows that his Office is contemplating liquidation of all small business.

The issue does not now appear to be conservation of rubber or gasoline but a deliberate attempt to stifle retail distribution.

When gasoline rationing was put into effect on the eastern seaboard, the stated reason was a definite shortage of gasoline. This created a dissension in the East because the rest of the country was not rationed. There never was any shortage of gasoline in the West or South. Therefore, the Office of Price Administration was forced to obtain a further reason to ration the entire Nation on the grounds of rubber shortage. The tire industry advises that there will be no synthetic-rubber shortage if the Government gives them the go-ahead signal. There is no such shortage for business automobiles.

The traveling business and agricultural man wants to continue to earn a living and support the Government as he has been supporting the Government to the extent of over $5,000,000,000 per year. He points out the necessity of having sufficient gasoline to use in the operation of his vocation. He desires fair treatment by the Office of Price Administration and insists that the Office of Price Administration be instructed to direct the local ration boards to so classify the traveling business and agricultural man that he may have sufficient gasoline to continue in his business.

Respectfully,
AMERICAN TRAVELERS ASSOCIATION,
By JOHN DOW, *President*.

I was terribly disturbed a couple of weeks ago when I noted an A. P. release quoting David Ginsburg, general counsel of the O. P. A. Mr. Ginsburg told the West Virginia Retail Grocers Association that studies were being made how best to aid the retailers "to withdraw from business while still solvent and without the stigma of bankruptcy." Ye gods, I never thought the time would come in this country when we would find individuals studying plans to put people out of business. My idea of American progress has always been based on the theory that we tried to keep people in business and to permit them to expand and grow through their own initiative.

This question is more far-reaching than some people may think and I am pleased that other Members of this House are raising their voices in regards thereto. Let more and more Members do the same in an effort to be of aid in helping work out some sort of favorable solution to the problem so that this large group of citizens will not find themselves completely shut off from continuing their essential and vital work.

THE DRAFTING OF 18- AND 19-YEAR-OLD YOUTHS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KEE, indefinitely, on account of death in his family.

GASOLINE RATIONING IN OIL-PRODUCING STATES

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, today I introduced a concurrent resolution in the House stating simply that it is the sense of this Congress that Nation-wide rationing of gasoline should be postponed for a period of 3 months during which time a committee of real experts be appointed to investigate this entire matter of gas rationing and make a report as to the actual necessity of same.

Before briefly discussing this resolution I desire to make another unanimous consent request: Mr. Speaker, I ask unanimous consent to include at the close of my remarks for the RECORD a copy of the resolution on this proposed Nation-wide rationing of gas that has caused so much agitation, unrest, and bitter criticism in Oklahoma and other oil-producing States.

The SPEAKER pro tempore. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, and I shall not object, I take it the gentleman's resolution will be referred to a committee?

Mr. JOHNSON of Oklahoma. I assume it will, yes.

Mr. MICHENER. To which committee will it be referred—if the gentleman has that information?

Mr. JOHNSON of Oklahoma. I do not have that information, but I assume that the Speaker will refer it to the proper committee, as he always does. I also assume that a matter of such vital importance is entitled to and will receive early and serious consideration by such a committee and the Congress.

Mr. MICHENER. Is it the purpose in the gentleman's mind to prevent general gasoline rationing, or is it the gentleman's purpose to hold a general rationing order in abeyance until further investigation can be made to determine the practicability and the necessity of such an order in certain localities?

Mr. JOHNSON of Oklahoma. I will say to the gentleman that the purpose is to postpone Nation-wide rationing of gasoline for a period of 3 months. I, of course, have in mind the inevitably bad results of such rationing, especially in oil-producing States where there is an oversupply of gas. As the gentleman knows, there are more than 20 oil-producing States, all of which have refineries that will be forced to close down because of this ill-advised order of impractical bureaucrats in Washington. Certainly no harm could possibly be done by the adoption of this resolution to postpone gas rationing until further investigation and studies can be made. The resolution simply provides that a committee shall be appointed by the President, composed of one member from the oil fraternity, one member representing agriculture, and one representing the business and industrial interests in general.

Mr. MICHENER. Then the general purpose of the resolution is to set up a committee to function similar to the committee appointed by the President with reference to rubber?

Mr. JOHNSON of Oklahoma. That is correct.

Mr. MICHENER. I might say to the gentleman from Oklahoma that I made some remarks on the floor on the 10th of November covering this same subject. Those remarks are in harmony with what he seeks to accomplish by his resolution.

A majority of our people in Michigan are in hearty sympathy with a thorough investigation as to the necessity and practicability of a general gasoline-rationing order in all localities. In our country we almost live on wheels.

Mr. Speaker, I want to call the attention of the gentleman from Oklahoma to a telegram protesting gas rationing in Michigan at this time, which expresses the view of many others in Michigan. This telegram reads:

In Michigan the 35-mile speed limitation has accomplished within 3 percent the mileage cut requested by the Baruch report. Gasoline rationing will cripple the war effort in Michigan, and I urgently request your support of a bill to be presented by Congressman JED JOHNSON, of Oklahoma, asking a 90-day postponement to allow for investigation of mileage cuts brought about by 35-mile limitation.

It comes from one of the outstanding, patriotic leaders in our State.

I heartily sympathize with the views of the distinguished Representative from Oklahoma, and, while I have not read the resolution which he is introducing, nevertheless, I am sure that I concur in the objective. If gasoline rationing in every State and in every county in the Nation is necessary to win the war, then the people whom I have the honor to represent in Congress are 100 percent for it. They want to be shown, however.

This resolution will permit an investigation whereby the facts may be determined.

The gentleman from Oklahoma represents an oil State. Gasoline is available to his people without using transportation facilities. The only purpose, therefore, can be to conserve rubber. It is not reasonable that the economy of the entire country should be upset when there are other ways of protecting the rubber situation in certain localities. In Michigan we have plenty of gasoline, and those who know, are insistent that the immediate invoking of gas rationing will close many small business ventures, will take away the livelihood of many traveling salesmen, will almost put out of business many farmers, will entirely upset the transportation methods necessary to carry on the manufacturing of national defense necessities, thereby hindering rather than helping the war effort.

If all of this is necessary to win the war, then our people are ready for the sacrifice. I am sure the same is true in the gentleman's district. His 90-day resolution will do no injury to the war effort and possibly will be a lifesaver.

The gentleman from Oklahoma is one of the leaders of the majority. He is most intimate with the administration and we all recognize his influence with the powers that be. I hope that his resolution will get immediate consideration on the part of the majority leadership. I assure him now that as one member of Congress I shall be pleased to cooperate in every way possible to the end that only such gasoline rationing as is essential to the war effort may be invoked. If anything is to be done to hold in abeyance the Price Administrator's order which is effective December 1, then time is of the essence in this matter. If the distinguished gentleman from Oklahoma can suggest a single thing that I can do to expedite this resolution in the Congress, I shall be glad to cooperate.

Mr. JOHNSON of Oklahoma. Permit me to thank the able gentleman for his overgenerous compliment. I am also very appreciative for his very timely and appropriate remarks with reference to my resolution. I am delighted and encouraged that he, along with many other Members of Congress, in both parties are deeply interested and gravely concerned in this matter of such importance to our people. I am sure, considering his position of leadership on the gentleman's side of the House, and the high esteem in which he is held by all Members of this body that he will be of valuable assistance in helping to prevent Nation-wide gasoline rationing at this time. The patriotic people of the United States are willing to have gasoline rationed, rubber rationed, sugar, coffee, tea, and meats rationed, or undergo any inconvenience or hardship imaginable, if convinced they are essential to winning the war; but the bureaucrats in Washington who actually have the gall to ask for and urge the deferment of their own office boys as being indispensable, will have serious difficulty making the average citizen in Oklahoma believe it is essential to ration gasoline at this time to farmers, traveling salesmen, businessmen, and many others who are surely as deeply interested in winning the war as are these armchair patriots in Washington. Especially do our people resent such an order in States like Oklahoma, Texas, Kansas, California, Michigan, and many other oil-producing States, where the refineries are full to overflowing with gasoline, and where such an order, if carried out, will actually hinder the war effort rather than aid it.

As I stated a few weeks ago on the floor of this House, the people of the United States do not have to be made to do anything. They will willingly cooperate in every reasonable effort to win this war. They have not only given of their money freely in the purchase of bonds and defense stamps to carry on the war effort, but they have given their sons, fathers, husbands, and other loved ones in the present struggle to maintain and preserve for posterity our God-given American liberties.

The resolution, which I assume will go to the Committee on Banking and Currency, follows:

Whereas Nation-wide rationing of gasoline has been ordered and is to become effective on December 1, 1942; and

Whereas there is an oversupply of gasoline stored in several of the oil-producing States; and

Whereas Nation-wide rationing of gasoline would greatly increase transportation difficulties and drastically decrease the amount of tax collections, thereby actually hindering the war effort rather than aiding it: Therefore, be it.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that rationing of gasoline upon a Nation-wide basis should be postponed for a period of 3 months and that during such period a special committee (to be appointed by the President and to be composed of three members, one to represent the oil industry, one to represent agriculture, and one to represent business and industry in general) should make a further study of the problems involved in the Nation-wide rationing of gasoline and report to the President its findings and recommendations with respect to the necessity for such rationing.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2046. An act to amend the District of Columbia Cooperative Association Act, approved June 19, 1940; to the Committee on the District of Columbia.

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes; to the Committee on the District of Columbia.

S. 2746. An act to authorize the Reconstruction Finance Corporation to make loans to those desiring to engage in producing minerals of value to the United States in time of war; to the Committee on Banking and Currency.

S. 2783. An act to amend the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," as amended, by authorizing loans for mineral development purposes in time of war; to the Committee on Banking and Currency.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On November 12, 1942:

H. R. 5458. An act to amend the organic act of Alaska.

On November 13, 1942:

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability.

ADJOURNMENT

Mr. GORE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Thursday, November 19, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, November 18, 1942, at 10 a. m., to consider H. J. Res. 345 and H. R. 5764, H. R. 6858, H. R. 7550, H. R. 7709, and H. R. 7746.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1987. A letter from the Archivist of the United States, transmitting a list of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1988. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to extend the jurisdiction of naval courts

martial in time of war or national emergency to certain persons outside the continental limits of the United States; to the Committee on Naval Affairs.

1989. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill for the relief of Sgt. Maj. Richard Shanker, United States Marine Corps; to the Committee on Claims.

1990. A letter from the Archivist of the United States, transmitting a list of papers for disposition by him from certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1991. A letter from the Archivist of the United States, transmitting a list of papers for disposal by him from certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of West Virginia: Committee on Mines and Mining. Supplemental report to accompany S. 2515 (pt. II); without amendment (Rept. No. 2469). Ordered to be printed.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 7686. A bill to amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation in the District of Columbia, and for other purposes; with amendment (Rept. No. 2629). Referred to the Committee of the Whole House on the state of the Union.

Mr. COX: Committee on Rules. House Resolution 572. Resolution for the consideration of H. R. 7096, a bill to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico; without amendment (Rept. No. 2630). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes"; with amendment (Rept. No. 2631). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 7336. A bill to permit the reemployment of persons retired under the Alaska Railroad Retirement Act; with amendment (Rept. No. 2632). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUNTER:

H. R. 7781. A bill to define the real property exempt from taxation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BEITER:

H. R. 7782. A bill to provide for post-war planning, and for other purposes; to the Committee on Ways and Means.

By Mr. KLEBERG:

H. R. 7783. A bill to amend the Sugar Act of 1937, as amended; to the Committee on Agriculture.

By Mr. VREELAND:

H. R. 7784. A bill to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States in certain cases; to the Committee on the Judiciary.

H. R. 7785. A bill to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States to administer oaths in certain cases; to the Committee on the Judiciary.

By Mr. HARE:

H. R. 7786. A bill relating to transportation of the mails by common carriers by motor vehicle subject to the Interstate Commerce Act; to the Committee on the Post Office and Post Roads.

By Mr. JENKINS of Ohio:

H. R. 7787. A bill to amend the Bituminous Coal Act of 1937, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. PACE:

H. R. 7788. A bill to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; to the Committee on Agriculture.

By Miss RANKIN of Montana:

H. R. 7789. A bill to provide that men deferred from training and service in the land or naval forces of the United States on account of essential activity shall be deferred until all other categories of men suitable for such training and service have been exhausted, and for other purposes; to the Committee on Military Affairs.

By Mr. WICKERSHAM:

H. J. Res 357. Joint resolution to suspend gas rationing for 90 days in certain States and areas in the United States; to the Committee on Banking and Currency.

H. J. Res. 358. Joint resolution to suspend gas rationing in certain States and areas in the United States; to the Committee on Banking and Currency.

By Mr. JOHNSON of Oklahoma:

H. Con. Res. 85. Concurrent resolution to express the sense of Congress that Nationwide rationing of gasoline should be postponed for a period of 3 months pending further study of the necessity for such rationing; to the Committee on Banking and Currency.

By Mr. REECE of Tennessee:

H. Con. Res. 86. Concurrent resolution to create a joint committee of the Senate and the House of Representatives to inquire into the conduct of the present war; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3426. By Mr. ALLEN of Louisiana: Petition of the Winn Parish Baptist Association requesting the passage of a law to take steps to close all establishments engaged in the manufacture, sale, or storage of alcoholic liquors, beers, and wines for beverage purpose; to pass legislation to place all diseased prostitutes in a concentration camp and treat them as saboteurs, and conscript all others into war industry; to pass legislation to conscript all men in the United States with venereal diseases and all criminals and place them in a foreign legion; to declare a period of prayer every night except Sunday night at 9 p. m.; to the Committee on Military Affairs.

3427. By Mr. KRAMER: Petition of the twenty-fourth district, American Legion, Department of California, to remedy the injustices of the discriminations against Army and Navy nurses by endorsing House bill 7633, which provides for the same pay for Army and Navy nurses as male commissioned officers; to the Committee on Military Affairs.

3428. By Mr. MANSFIELD: Petition of a number of Baptist students in 66 colleges and universities in the State of Texas, urging the adoption of legislation to prohibit, for the duration of the present war, the sale of beer and all other alcoholic beverages within camps and within a radius of 100 miles of any camp or plant engaged in war work; to the Committee on Military Affairs.

3429. By Mr. MILLER: Petition of Charles C. Vois and signed by 26 citizens of Avoca, Pa., urging the passage of legislation prohibiting the sale of intoxicating beverages, including beer, to soldiers in the Army camps, to soldiers in uniform anywhere in the United States or its possessions, and to establish zones around our Army camps in which vice and the sale of intoxicating beverages shall be prohibited; to the Committee on Military Affairs.

3430. Also, petition of Rev. E. J. Waterstrife, minister of Church of Christ, and signed by 30 citizens of Luzerne County, Pa., urging the passage of legislation prohibiting the sale of intoxicating beverages, including beer, to soldiers in the Army camps, to soldiers in uniform anywhere in the United States or its possessions, and to establish zones around our Army camps in which vice and the sale of intoxicating beverages shall be prohibited; to the Committee on Military Affairs.

3431. Also, petition of Orrie N. Pollock, of Wyoming, Pa., and sundry citizens of Luzerne County, Pa., urging enactment of the legislation prohibiting the sale of all intoxicating beverages to soldiers in uniform anywhere in the United States or its possessions and to establish zones around Army camps in which vice and sale of intoxicating beverages shall be prohibited; to the committee on Military Affairs.

3432. By Mrs. NORTON: Petition of Typographical Union, No. 198, Fort Worth, Tex., concerning working conditions in the Government Printing Office; to the Committee on Labor.

3433. By Mr. SCOTT: Resolution adopted by representatives of the families and friends of 123 merchant seamen of Philadelphia and vicinity for recognition of merchant seamen under war conditions and authorization for placement of a gold star on service flags on same basis as for men in the armed forces; to the Committee on the Merchant Marine and Fisheries.

3434. By Mr. SPRINGER: Petition of the Muncie Foremans Club, of Muncie, Ind., protesting against the rationing of gasoline in Indiana and other sections where the supply is plentiful until a careful study is made of this subject, and that 90 days' time be granted for such study during which time the people will voluntarily ration themselves in the use of this commodity, and that in the event rationing is determined, that such plan be abandoned in districts 2, 3, 4, and 5; to the Committee on Banking and Currency.

3435. By the SPEAKER: Petition of wives and widows of World War veterans of Wisconsin, petitioning consideration of their resolution with reference to their annual State convention; to the Committee on Rules.

3436. Also, petition of employees, beneficiaries, and the domiciliary members of the Veterans' Administration Facility, Wood, Wis., petitioning consideration of their resolution with reference to the Wisconsin annual American Legion convention; to the Committee on Rules.

3437. Also, petition of the World War veterans of Wood, Wis., petitioning consideration of their resolution with reference to the annual American Legion convention, Wisconsin; to the Committee on Rules.

3438. Also, petition of the Missouri House of Representatives, Sixty-first General Assembly of Missouri, petitioning consideration of their resolution commending the President of the United States on the manner with which he has directed the prosecution of this war; to the Committee on Military Affairs.

SENATE

TUESDAY, NOVEMBER 17, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, with contrite hearts we come confessing that strident voices around us stop our ears to the still, small voice of the Divine, that the dazzling sights of the earth tempt us to be disobedient to the heavenly vision. Pilgrims in this bourne of time and sense, we are played upon by influences which are of the earth earthy. The breath of unworthy motives, of prejudice and intolerance, too often blights the garden where once bloomed the bright flowers of a love that seeketh not its own.

"Breathe on us, Breath of God,
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

"Breathe on us, Breath of God,
Till we are wholly Thine,
Till all this earthly part of us
Glows with Thy fire divine."

Breathe on us, Breath of God. Amen.

MESSAGES FROM THE PRESIDENT

Mr. Miller, one of the secretaries of the President, appeared at the door.

Mr. RUSSELL. A point of order.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

Mr. RUSSELL. Mr. President, a point of order. I invoke rule No. III, and ask that it be read.

The VICE PRESIDENT. The message from the President of the United States will be received.

Mr. RUSSELL. I make the point of order that, under rule III of the Senate, it is illegal for any action to be taken until it has been ascertained that a quorum is present. The Senate is not in session and it cannot receive a message from the President of the United States under this rule until it has been ascertained that a quorum is present. It is illegal for the Senate to undertake to do so.

Mr. BARKLEY. The point of order made by the Senator from Georgia is subject to the exception that a quorum is always presumed to be present unless a point of order is made that a quorum is not present.

Mr. RUSSELL. I have just made that point of order, and I insist on my rights as a Senator on this floor, under rule III, to have a quorum present.

Mr. BARKLEY. The Senator may have intended to make the point, but he did not make it.

Mr. RUSSELL. I said I made the point of order that the Senate was not legally in session until it had been ascertained that a quorum was present.

The VICE PRESIDENT. Does the Senator make the point of order that there is no quorum present?

Mr. RUSSELL. The Chair perhaps had difficulty in hearing me, but I made the point that, under rule III, the Senate was not in session until the presence of a quorum had been ascertained.

The VICE PRESIDENT. If the Senator has made the point and has asked for a quorum call, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	Pepper
Andrews	Gerry	Radcliffe
Austin	Gillette	Reed
Ball	Green	Rosier
Bankhead	Herring	Russell
Barbour	Hill	Schwartz
Barkley	Johnson, Calif.	Shipstead
Bilbo	Kilgore	Smith
Brewster	La Follette	Spencer
Bulow	Langer	Taft
Bunker	Lee	Thomas, Idaho
Burton	Lucas	Thomas, Okla.
Byrd	McKellar	Truman
Capper	McNary	Tunnell
Caraway	Maloney	Vandenberg
Chandler	Maybank	Van Nuys
Chavez	Mead	Wagner
Clark, Idaho	Millikin	Walsh
Connally	Murdock	White
Danaher	Norris	Wiley
Davis	Nye	Willis
Doxey	O'Daniel	
Ellender	Overton	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

The next order of business is the reading of the Journal of the preceding day. The Chair would like to inquire whether there is any objection, before the reading of the Journal of the preceding day——

Mr. RUSSELL. There is.

The VICE PRESIDENT. If before the Journal is read the courtesy might be extended to one of the secretaries of the President of the United States to receive a message——

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. Which the Chair would rule in advance would not be transaction of business.

Mr. RUSSELL. Mr. President, is the Chair making the ruling now that it would not be transacting business?

The VICE PRESIDENT. The Chair is making that ruling.

Mr. RUSSELL. I have no desire to delay the message from the President of the United States, but I should not like to waive any of my rights under that ruling.

The VICE PRESIDENT. No rights would be waived.

Mr. RUSSELL. Very well, then; I am perfectly willing to have the message received.

The VICE PRESIDENT. Without objection, the Senate will receive a message from the President of the United States.

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent——

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Senator from Kentucky has the floor.

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of yesterday be approved without reading.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL and Mr. MCKELLAR objected.

The VICE PRESIDENT. The Senator from Georgia objects. The clerk will——

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair has already ruled that receiving the message was not business.

Mr. BARKLEY. I make the point of order that no business has been transacted.

Mr. RUSSELL. The Senator from Kentucky has asked unanimous consent that the reading of the Journal be dispensed with. It has been held since time immemorial that——

The VICE PRESIDENT. The request was denied, so there was no business transacted.

Mr. RUSSELL. Mr. President, has the message from the President been received?

The VICE PRESIDENT. The message has been received.

Mr. RUSSELL. I make the point of order that that was certainly the transaction of business.

The VICE PRESIDENT. The point of order is overruled.

Mr. RUSSELL. I respectfully appeal from the decision of the Chair.

Mr. BARKLEY. I move to lay the appeal on the table.

Mr. RUSSELL. I make the further point of order that I had the floor and was addressing myself to the motion which I had made on an appeal from the decision of the Chair.

Mr. BARKLEY. Mr. President, the Senator cannot take an appeal from the ruling of the Chair and then hold the floor so as to deny another Senator the right to make a motion to lay the appeal on the table.

Mr. RUSSELL. I make the point of order that I respectfully addressed the Chair before the Senator from Kentucky addressed the Chair or made a motion to lay the appeal on the table.

Mr. BARKLEY. The question of recognition is one that is within the power of the Chair.

Mr. RUSSELL. Mr. President——

Mr. BARKLEY. I was on my feet at the time the Senator took an appeal. I was recognized. I made my motion. I had the right to make the motion.

Mr. RUSSELL. Mr. President, I make the point of order that I had first addressed the Chair.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Georgia from the decision of the Chair.

Mr. RUSSELL. I suggest the absence of a quorum.

Mr. BARKLEY. There having been no business——

Mr. RUSSELL. A motion to lay an appeal on the table certainly constitutes business.

Mr. BARKLEY. That is not business unless it is adopted or rejected.

The VICE PRESIDENT. No business has as yet been transacted.

Mr. RUSSELL. Certainly when a motion is made upon which the yeas and nays will undoubtedly be called, it constitutes transaction of business by the Senate.

Mr. BARKLEY. I do not care to argue the point with the Senator from Georgia. Obviously, the bare making of a motion does not constitute business, unless it is acted upon, any more than the request I made a while ago which was objected to constituted the transaction of business.

Mr. RUSSELL. I undoubtedly have a right to demand the yeas and nays on the motion of the Senator from Kentucky.

Mr. BARKLEY. Undoubtedly.

The VICE PRESIDENT. Is the demand sufficiently seconded?

The yeas and nays were ordered.

Mr. RUSSELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Danaher	Maybank
Andrews	Davis	Mead
Austin	Doxey	Millikin
Ball	Ellender	Murdock
Bankhead	George	Norris
Barbour	Gerry	Nye
Barkley	Gillette	O'Daniel
Bilbo	Green	Overton
Brewster	Herring	Pepper
Bulow	Hill	Radcliffe
Bunker	Johnson, Calif.	Reed
Burton	Kilgore	Rosier
Byrd	La Follette	Russell
Capper	Langer	Schwartz
Caraway	Lee	Shipstead
Chandler	Lucas	Smith
Chavez	McKellar	Spencer
Clark, Idaho	McNary	Taft
Connally	Maloney	Thomas, Idaho
Thomas, Okla.	Van Nuys	Wiley
Truman	Wagner	Willis
Tunnell	Walsh	
Vandenberg	White	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. RUSSELL. Mr. President, will the Chair state the question? This is not dilatory. I think this is an important issue, and the Senate should know that it is voting on the question whether or not the receipt of a message from the President of the United States constitutes the transaction of business.

The VICE PRESIDENT. No; the question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the appeal of the Senator from Georgia [Mr. RUSSELL] from the decision of the Chair.

Mr. RUSSELL. Will the Chair——

MESSAGE FROM THE HOUSE

The VICE PRESIDENT. Is there objection to receiving a message from the House of Representatives? The Chair hears none, and the message will be received.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia; and

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

The message also announced that the House had passed the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 4533. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs; and

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 6529. An act to amend the Nationality Act of 1940 to permit the Commissioner to furnish copies of any part of the records or information therefrom to agencies or officials of a State without charge;

H. R. 7366. An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7472. An act to revise the Alaska game law; and

H. R. 7615. An act relating to the naturalization of persons not citizens who serve honorably in the military or naval forces of the United States during the present war.

APPEALS FROM DECISION OF THE CHAIR

The VICE PRESIDENT. On the pending question the clerk will call the roll.

Mr. RUSSELL. Mr. President, I respectfully and deferentially request the Chair to advise Senators, some of whom have come into the Chamber since the ruling made by the Vice President, that an appeal was taken by the Senator from Georgia from the ruling of the Vice President that the formal receipt by the Senate of a message from the President of the United States was not the transaction of business, the point of order having been made by the Senator from Georgia previously that the receipt of such a message was the transaction of business.

The VICE PRESIDENT. The Senator from Georgia has correctly stated the question. The question is on the motion of the Senator from Kentucky that the appeal of the Senator from Georgia be laid on the table. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Utah [Mr. MURDOCK], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from

Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent. If present they would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], and the Senator from Oregon [Mr. HOLMAN] are necessarily absent.

The result was announced—yeas 41, nays 23, as follows:

YEAS—41

Aiken	La Follette	Schwartz
Ball	Langer	Taft
Barbour	Lee	Thomas, Idaho
Barkley	Lucas	Thomas, Okla.
Brewster	McNary	Truman
Burton	Maloney	Tunnell
Capper	Mead	Vandenberg
Chandler	Millikin	Van Nuys
Clark, Idaho	Norris	Wagner
Danaher	Nye	Walsh
Davis	Pepper	White
Green	Radcliffe	Wiley
Herring	Reed	Willis
Kilgore	Rosier	

NAYS—23

Austin	Doxey	Maybank
Bankhead	Ellender	O'Daniel
Bilbo	George	Overton
Bulow	Gerry	Russell
Bunker	Gillette	Shipstead
Byrd	Hill	Smith
Caraway	Johnson, Calif.	Spencer
Connally	McKellar	

NOT VOTING—32

Andrews	Guffey	Murray
Bailey	Gurney	O'Mahoney
Bone	Hatch	Reynolds
Bridges	Hayden	Smathers
Brooks	Holman	Stewart
Brown	Hughes	Thomas, Utah
Butler	Johnson, Colo.	Tobey
Chavez	Lodge	Tydings
Clark, Mo.	McCarran	Wallgren
Downey	McFarland	Wheeler
Glass	Murdock	

So Mr. BARKLEY's motion to lay on the table Mr. RUSSELL's appeal from the decision of the Chair was agreed to.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. The clerk will read the Journal, which is a matter of the highest privilege.

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum, business having been transacted since the last quorum call.

The VICE PRESIDENT. The point made by the Senator from Texas is overruled, because the vote has just demonstrated the presence of a quorum

Mr. CONNALLY. Mr. President, I appeal from the ruling of the Chair.

Mr. BARKLEY. I move to lay the appeal on the table.

Mr. CONNALLY. On that motion I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Texas from the decision of the Chair.

Mr. CONNALLY. On that I ask for the yeas and nays.

The VICE PRESIDENT. Is the demand sufficiently seconded?

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered in the affirmative.

Mr. RUSSELL. I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, that point is not in order. The roll call was in progress, and one Senator had already voted.

Mr. RUSSELL. I challenge that statement.

Mr. BARKLEY. The Senator from Vermont [Mr. AIKEN] voted when his name was called.

Mr. RUSSELL. I am perfectly willing to accept the statement of the Senator from Vermont, if he states that he voted.

The VICE PRESIDENT. The Chair is informed that the Senator from Vermont is recorded as voting.

Mr. AIKEN. Mr. President, the Senator from Vermont has voted.

Mr. RUSSELL. I withdraw the suggestion of the absence of a quorum.

The VICE PRESIDENT. The clerk will resume the calling of the roll.

The legislative clerk resumed and concluded the calling of the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

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Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent, and if present would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], and the Senator from Oregon [Mr. HOLMAN] are necessarily absent.

The result was announced—yeas 41, nays 23, as follows:

YEAS—41

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Barbour	Maloney	Thomas, Okla.
Barkley	Mead	Truman
Brewster	Millikin	Tunnell
Burton	Murdock	Tydings
Capper	Norris	Vandenberg
Chandler	Nye	Van Nuys
Danaher	Pepper	Wagner
Davis	Radcliffe	Walsh
Green	Reed	White
Herring	Rosier	Wiley
La Follette	Schwartz	Willis
Lee	Shipstead	

NAYS—23

Andrews	Connally	McKellar
Austin	Doxey	Maybank
Bankhead	Ellender	O'Daniel
Bilbo	George	Overton
Bulow	Gerry	Russell
Bunker	Gillette	Smith
Byrd	Hill	Spencer
Caraway	Johnson, Calif.	

NOT VOTING—32

Bailey	Guffey	McFarland
Bone	Gurney	Murray
Bridges	Hatch	O'Mahoney
Brooks	Hayden	Reynolds
Brown	Holman	Smathers
Butler	Hughes	Stewart
Chavez	Johnson, Colo.	Thomas, Utah
Clark, Idaho	Kilgore	Tobey
Clark, Mo.	Langer	Wallgren
Downey	Lodge	Wheeler
Glass	McCarran	

So Mr. BARKLEY's motion to lay on the table the appeal of Mr. CONNALLY from the decision of the Chair was agreed to.

THE JOURNAL

The VICE PRESIDENT. The clerk will proceed to read the Journal.

The Chief Clerk proceeded to read the Journal.

During the reading of the Journal:

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. I have casually examined the Journal of yesterday. I find that on the roll calls the names of absent Senators do not appear. On Saturday last, in connection with the roll calls, not only do the names of absent Senators appear in the Journal, but with respect to eight of them warrants were issued for their arrest. I desire to move to amend the Journal.

The VICE PRESIDENT. The motion of the Senator from Georgia is not in order at this time. It will not be in order until the Journal has been read.

Mr. RUSSELL. That is the very point I desire to elicit from the Chair—whether the amendment should be offered when the first roll call is reached, so as to make the Journal show the truth by including the names of absent Senators, or whether the Senator from Georgia should defer offering the motion until the conclusion of the reading of the Journal.

The VICE PRESIDENT. The Chair rules that the Senator should refrain from offering his amendments or corrections until the reading is completed.

The Chief Clerk resumed the reading of the Journal.

Mr. RUSSELL. Mr. President, because of the disorder in the Chamber, I am having some difficulty in following the reading by the clerk; but I understood him to announce the vote had at that time without stating how Senators voted. I wanted to know that.

The VICE PRESIDENT. The clerk will shortly come to that point.

Mr. RUSSELL. Very well.

The Chief Clerk resumed and concluded the reading of the Journal.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). That completes the reading of the Journal.

Mr. BARKLEY and Mr. RUSSELL address the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The rule under which the Journal has been read providing only that it shall be read and being silent on the subject whether it must be approved after having been read, I should like to inquire of the Chair what his ruling is as to whether the Journal having been read in compliance with the rule must by formal action of the Senate be approved.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that, in view of the fact that rule III makes no provision for approval of the Journal, such action by the Senate is not necessary. The theory of rule III is that the Journal shall be read unless the reading is dispensed with by unanimous consent; that if the right to have it read is insisted upon, when the reading is completed motions to correct it are in order, and if there be no motions to correct it or if all motions to correct it have been disposed of, then when such proceedings are concluded, the Journal stands.

Mr. RUSSELL. Mr. President, I was on my feet. I wish to say that my own construction of the rule is exactly in accord with that just stated by the Chair.

Mr. BARKLEY. I rose to obtain the ruling of the Chair—I make no question about his interpretation—the rule itself being silent as to whether after the Journal has been read, and any corrections that are offered are disposed of, it takes an affirmative vote of the Senate to approve the Journal.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that no such action is required by the rule.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. Rule IV of the Senate is as follows:

> The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages from the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

Those who designed the rules of the Senate were very particular in providing what should appear on the Journal of the Senate. The reason for that is quite manifest. The CONGRESSIONAL RECORD, while it is a record of the proceedings of this body and statements made on the floor are considered in arriving at the legislative intent, yet, for the determination of what actually transpires in the Senate the courts will not look beyond the Journal of the Senate.

Mr. President, a very casual reading of the Journal this morning, confirmed by a very serious listening to the efforts of the reading clerk—he read with some rapidity and I could not follow him altogether—discloses that on the roll calls we had here yesterday there did not appear in the Journal the names of Senators who did not answer to their names.

I insist, Mr. President, that it is just as important that there appear in the Journal the names of Senators who refused to answer to their names, those who absented themselves from the Senate, as it is for the Journal to disclose the names of those who were here and who did respond when their names were called.

That is all the more important, Mr. President, when we consider the very unusual proceedings in this body on Saturday last. At that time a quorum was called, and it disclosed that 52 Senators were absent from the Senate. The Rules of the Senate prescribe the method of procedure to be followed when there is less than a quorum present. Those rules were not followed on last Saturday. On the contrary, although the roll call disclosed that 52 Senators were absent from this body, an unusual and unheard of procedure was adopted, for, upon motion made, warrants were issued for the arrest of only 8 of the 52 who were absent.

Mr. President, I should like to point out that, by a strange coincidence, 7 of those 8 Senators who were held up to public obloquy and contempt happened to be from the States at which this infamous legislation is leveled and were known to be opposed to it; whereas, of the remainder of the 52, no effort was made whatever to bring them into this body; no warrants were issued; their names were not announced to the press; they did not go out over the radio, even though they might have been out on the golf courses, all of them absent without leave of the Senate. Eight Senators were selected from the 52 who were absent, and the Sergeant at Arms and his assistants thereupon rushed about the city to find those 8 without any power or authority to arrest the others among the 52 absentees if they had met them on the street. As a matter of fact, 2 of the other 44 absentees who are in favor of this bill came voluntarily into the Chamber, though no warrants had been issued for their arrest. This proved conclusively that they were present in the District of Columbia at the very time the Sergeant at Arms was ordered to arrest the 8 absent Senators who were opposed to this bill.

This was an unfair abuse of power. It was in violation of precedents and the rules. It was discriminatory against Senators who were at least at the seat of government and presumably about some public business and partial to Senators who were vacationing at some resort or at their homes.

Mr. President, I insist that this action is in perfect keeping with the policy which has been followed since this legislation was first proposed, leveled at eight States, selected in a certain section of the country, inspired and supported in many instances by those who have heretofore sought to keep alive and who have kept alive sectional legislation, leveled at the Southern States.

We are in the midst of a great war, a war which the President of the United States himself says is one of survival, a war in which we are calling upon the young manhood of this Nation to go forth and, if need be, to fight and die upon the battlefield in defense of their country, a war in which we are calling upon those who engage in the industries of this Nation to strain every nerve and every energy—indeed, to labor beyond human endurance—in the effort to produce tools and materials not only for the use of our own armies but to give to our gallant Allies to enable us to be victorious in this war of survival.

We are calling upon the civilian population to make unusual sacrifices. We even have the school children going about and organizing themselves into Victory groups in order that they may gather scrap iron and scrap rubber. We are calling upon the citizens to invest their substance in War Bonds, and now, in the midst of this period, we suddenly find that after 150 years someone, somewhere, has discovered that a poll tax in a State constitution is a pernicious political practice, and this sectional bill is brought here to attempt to deride the people of the Southern States as being incapable of self-government, at a time when, I say on this floor, those people are responding to the call of their country to a greater degree, commensurate with their means, than the people of any other section of the country.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I decline to yield at this time. I shall take only a brief time, and I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BARKLEY. I should like to make a parliamentary inquiry for the RECORD.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. BARKLEY. The Journal of the Senate for yesterday having been read, and there being no motion pending, upon what subject is the Senator speaking?

Mr. RUSSELL. Mr. President, I have been in the Senate for some time, and I have seen the Senator from Kentucky—who always is fortunate, the Chair recognizes him even after half a dozen Senators have addressed him first—I have seen him take the floor and deliver himself of a statement without any motion pending. But I will state, if the Chair requires it, but not in response to the Senator from Kentucky, because I think the question should have been addressed to the Chair, that I propose to offer an amendment to require the Journal to show what were the true facts of yesterday's proceedings with respect to those who did not answer to their names when the roll was called.

Mr. BARKLEY. I thought the Senator would do that, but the Chair knows, the Senator from Georgia knows, and all other Senators know, that I have always

insisted that the rule be complied with during the 2-hour period of morning business. The rule makes a motion to correct the Journal a privileged matter.

Mr. RUSSELL. Undoubtedly.

Mr. BARKLEY. But I do not think that, strictly speaking, the rule permits unlimited discussion with no motion pending before the Senate to correct the Journal.

Mr. RUSSELL. I have observed that there has been a tendency to disregard the efforts of some Senators to avail themselves of what they think are privileges granted by the Constitution and the rules. But I have no objection to offering the motion, which is a privileged motion.

The PRESIDING OFFICER. The motion will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A motion to amend the Journal by inserting after the names of Senators who answered to their names on the first roll call the names of Senators absent without leave of the Senate who did not respond to the call of the roll.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, when I was interrupted by the parliamentary inquiry, I think I was discussing some of the history of the poll tax in my own State. I do this for the reason that the report of the majority of the committee on the bill sought to be brought up arrives at the conclusion, and states that this legislation is necessary because the several States devised the poll tax as a means of disfranchising the Negro in the eight Southern States.

I challenge that statement, Mr. President, and denounce it as being absolutely false and without foundation. Back in the days of colonial Georgia, when we were living under King George III, there was a poll tax of 4 shillings and 6 pence in the colony of Georgia, which any voter was compelled to pay before he could avail himself of the privilege of the franchise in voting for the members of the colonial legislative body.

It has been urged here that it is undemocratic and improper—yea, unconstitutional—to require a man to go forth into battle for a State which would levy a tax upon his right of exercising the franchise. That would be news to those from my State of Georgia who entered the Continental Army and gave their all in order that we might enjoy the independence and the rights and privileges which are ours as American citizens today. At that time some people from other sections of the country, from which sections today people are trying to force this bill down our throats, were still making a great business of selling us Negro slaves, and the poll tax was then in existence. Yet it is said here that it is necessary to pass this bill because the poll tax was devised as a means of disfranchising the Negro.

In the Revolutionary War the colony of Georgia made a record of which it might well be proud. The youngest of the Thirteen Original Colonies, it was the only one which had ever received any direct monetary grants from the British Crown. For that reason many of the people were kindly disposed toward the British Government, for unusual favors shown. Brother was arrayed against brother. Some of the most horrible tragedies of all our history, equaling that when Sherman passed through spreading his trail of devastation and woe, were incidents which occurred in the battles between the partisan bands of patriots and Tories in Georgia during the great struggle for independence. Nearly every house in the State was burned, most of the men were killed or wounded, and the women and children suffered indescribable horrors. The Tories and British brought in the Indians to complete the work of destruction.

But the revolutionary patriots never wavered, and despite the fact they had a poll tax they carried on through it all to victory and freedom for us all.

We are proud of those who represented Georgia in the Continental Army. Col. Samuel Elbert, the leader of a group of Georgia Continentals on the bloody field of Guilford Court House, where the Southern States were saved from British domination and final victory for the States was assured, in order to cover the retreat of Greene's army stood with his men, until the last one of them was cut down to the ground. Elbert himself fell with seven wounds in his body, and after the British had stuck their bayonets in all the forms on the ground in order to make sure they were dead, they left Elbert for dead. But he experienced a miraculous recovery. Later he was honored by being elected Governor of Georgia, and a county of my State, in which lives Representative BROWN, whom I observe now in the Senate Chamber, is named in his honor.

Samuel Elbert marched forth to receive the wounds in his body at Guilford Court House, marched from a community where a poll tax was imposed; yet we are told here by the Senator from Kentucky that it is so undemocratic, so contrary to the concepts of a republican form of government, that it is necessary for us to strike it down, to invade the States and repeal provisions which have been in our State constitutions for over a hundred years.

Mr. O'DANIEL. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a brief question.

Mr. O'DANIEL. While the Senator is stating what the pioneers in Georgia did, I should like to call attention to the fact that at the present moment this pernicious bill is aimed at the great State of Texas, while one of our Texans, Admiral Nimitz, is commanding the fleet in the Pacific engaged in the terrible battle now proceeding, and another Texan, General Eisenhower, is commanding the Army in the Eastern Hemisphere.

Mr. RUSSELL. All Americans are proud of those men. Mr. President, I shall not delay to enumerate those composing that noble galaxy of heroes who went forth to fight for independence, for independence for States which then had not been dreamed of, but which are attempting to force this unconstitutional bill down our throats, and who went away from a poll-tax community back in the days of the Revolution.

Then came the War of 1812. Georgians did their part in that war. There was fighting along our coasts. The mountaineers of north Georgia took up their long rifles to march all the way down to New Orleans, La., with Andrew Jackson, and there, behind the cotton bales, they made their contribution toward winning the only battle the American forces really won in that war. They went away from their homes, and they thought they were fighting for the freedom and independence of this country. They left a community where a poll tax was imposed.

Now let us progress a little, to the time when the Texan struggle for independence was in progress, and I shall advert to it on account of the interruption of the Senator from Texas. In the Alamo, fever wracked, lying upon a cot, was a man named Colonel Bowie, from Burke County, Ga. He had his comrades assist him to his feet in order that he might take his place on the walls of the Alamo to repel the Mexican hordes. On the last day of the siege he was confined to his bed and could not even stand, so he had a pole driven into the ground by a faithful slave, and he held on to it with one hand, and with that knife to which he gave his name he struck down several Mexicans, whose bodies were found around where that hero fell.

Those who marched with Fannin to Goliad were in large measure Georgians.

The Lone Star flag of Texas was designed and made on Georgia soil by Miss Joanna Troutman, a Crawford County, Ga., girl, and was carried by Georgia volunteers, who went to fight with those who were struggling for the independence of Texas. And they left from a community where there was a poll tax, and they did not feel that they had to lay down their arms and say, "We will not fight for our country because we have a poll tax."

Then, Mr. President, we come to that tragic fratricidal strife of the sixties, when brother was arrayed against brother in the greatest tragedy of all our American history. The poll tax was in effect in Georgia during that war. After 4 years of heroic service upon the battlefields of Virginia and the West, the Georgia soldier accepted his defeat in good faith with his other southern comrades and returned to his home. My State suffered more from that bloody and awful struggle than almost any other State. It is not generally known, but in the Battle of Chickamauga, fought on Georgia soil, more men were actually killed in battle in 1 day than in any other battle of the Civil War.

The southern soldier came home, it is true, to find his home in ashes, and saw his wife and children coming up to greet him on a path which led from a house which had been occupied by servants

when he marched away to war. But he had courage, Mr. President, even though he lived in a community which levied a poll tax. He faced the situation as a man, and, standing in the fire-blasted ashes of all he held dear, he faced the east and swore he would build there on the ashes of the old civilization an even greater and brighter civilization. He carried on under great handicaps. There in that tragic era of reconstruction his every movement was made under Federal bayonets. His civil courts and authorities were stricken down. He was disfranchised. He was not even permitted to vote if he paid the poll tax, because he was proscribed by reason of having fought for the rights of the States which he regarded as dearer than life itself. He found all the institutions of his Government overturned and military Governors operating the States.

In that day, Mr. President, that tragic day, the military Governor of my State called for the gathering of a constitutional convention to write a new State constitution, to give force and effect to the amendments to the National Constitution which had been adopted here in Washington. In the election of delegates to that constitutional convention the average white man in the South was not even permitted to vote, and the election was held in the shadow of Federal bayonets. That convention, Mr. President, was known in Georgia as the Negro-carpetbagger-scalawag convention. Perhaps Senators from other sections of the country are not familiar with those terms. A carpetbagger was someone from outside the South who came into the South at a time when the people were helpless, in search either of a home or of a political job with the new governments which were being instituted, or to prey upon those who could not defend themselves. The name is derived from the fact that the man brought all his possessions in a small valise, which was called a carpetbag. Many carpetbaggers left after a few years, and left with much more than they brought. Some of them, be it said to their eternal credit, stayed in good faith in the South. They saw the conditions there, and today the viewpoint of their children is the same as the viewpoint of the children of those who fought on the side of the Confederacy. Some of the best citizens of my State are those who moved into that State immediately after the War between the States.

Mr. President, a scalawag was one who was born and reared in the South. More often than not he had perhaps, through force, served in the southern armies. Generally, however, he was a shirker or a straggler when a battle for the South and southern rights and honor was at its hardest. He was one who, when he came home and saw his own prostrate and bleeding people ground into the earth, instead of casting his lot with them and seeking to bind up their wounds, abandoned them in their hour of distress and went over to the carpetbaggers and the Negroes, and fawning upon them for the purpose either of getting political preferment, or of securing plunder and booty from a helpless people, joined hands and went into the forefront of those who had come from abroad to persecute his own helpless people.

Mr. President, it is little wonder that in their hour of agony the Southern people regarded the scalawags who added to their distress as being more infamous than either Judas Iscariot or Benedict Arnold. Even the soldiers from the North who were stationed in the South held the scalawags in unspeakable contempt because they had abandoned their people in their hour of trial and groveled before the Negroes and carpetbaggers. They were without principle and without conscience.

That was the complexion of the constitutional convention which assembled in my State in 1868 to rewrite a State constitution. Negroes, carpetbaggers, and scalawags met to frame a constitution for the State of Georgia, but when they met they wrote into that constitution a poll-tax provision as a requirement for voting, and I imagine that they would be utterly dismayed today to know that in this late hour it is said that the States had no right to levy this poll tax, and that it was necessary for the Federal Government to project itself into the State with some sort of a super-carpetbag-scalawag proposition as this from Washington, to go down and tell the people of the State what kind of a constitution they are to have, and to undertake by a mere Federal statute to repeal in the constitution of a sovereign State a provision which has been in it a hundred years.

Mr. President, I do not stand here as any advocate of a poll tax. It may be outmoded. It may be that the time has passed when it is necessary for people in their poverty to levy a head tax for any purpose, but I want to say, Mr. President, that it is very difficult for some Senators from the wealthier States to understand how important every dollar is that we are able to get into our State treasuries to make our schools operate in some of the less fortunate States which have been so long exploited.

That 1868 convention in Georgia wrote into the constitution the provision that this tax should every year be set up as a special fund for education. It is assessed against white and black alike. It is applied to the education of white and black alike. Yet we hear it said that it is a device framed by the eight Southern States to disfranchise the Negroes. That is most absurd. It is utter poppycock. It is as utterly without foundation as any contention which has been made in this body since I have been a Member here.

The poll-tax provision should perhaps be repealed, but insofar as Georgia is concerned it should be repealed by the people of Georgia. The Federal Government, after accepting us into the Union when we ratified the Constitution in 1788, with the poll-tax provision in our constitution, and after having let it exist even through the trying days of the Reconstruction, has certainly no right to invade my State now and attempt to hold it up to public scorn, and say "Here are these Southern States; they are so backward that they are not capable of administering their own affairs. We have got to go down in there from Washington and rewrite the constitution for them, and tell them what they can and what they cannot have."

No; I am no advocate of the poll tax, Mr. President, but I am a bitter opponent of any effort by the Congress of the United States to strike down by statute the Constitution of the United States and my State constitution, particularly when the effort is motivated by some of the influences which I see here behind the bill. It is supported by every professional South hater in the United States. Oh, those backward, illiterate southerners, with the lowest per capita income in the United States, trying to get a little money to keep their schools open to educate their youth down there through this tax, are then held up to national scorn. The professional South haters join hands with the professional reformers to come down there and reform us on the ground that we are not capable of looking after our own interests.

Mr. President, the people from my section did their bit in the Spanish-American War. They fought—and some of them died—as bravely and as truly as did the people of any other section of this Republic. They came from a section which had a poll tax. In the First World War they came from a community which had a poll tax, and no question was raised that they should not fight because they came from States where a poll tax was imposed. It is only now, after 150 years, that statesmen have been developed who are able to perceive that the poll tax is so iniquitous that it is violative of the Federal Constitution, even though it was in effect at the time the Constitution was approved.

We thought we had perhaps a few statesmen back in the early days of this Republic. We have been taught at school—and it is still in some of the obsolete history books—that those who framed the Constitution of the United States were men of some little ability. When the Constitution was framed no prohibition against the poll tax was written. On the contrary, the right of the States to levy it was specifically protected in that great document. The poll tax was in existence when the Constitution was approved. We thought we had some statesmen back in the early 1800's. In the early days of the 1800's, in the dramatic moments which led to the War between the States, we thought that some of our statesmen were men of ability. In some quarters, Clay, Webster, and other great men have been recognized as men of some ability. But, oh no, Mr. President, the true Messiahs had not yet put in their appearance. The men who strode across the stage of history in that period were mere weaklings when it came to really perceiving what was unconstitutional. When we compare them with these present-day giants who look back to 1785, and read in the minds of the colonial legislature of Georgia, an objective to disfranchise the Negro through a poll tax, those men were nothing.

We fought through a World War in 1917 and 1918. There were men of some ability in the Congress at that time. The

Senator from Kentucky [Mr. BARKLEY] was a Member of Congress at that time. The war was fought and won without anybody making the amazing discovery that it was illegal and unconstitutional for a man to be called upon to fight for a State in which a poll tax was imposed. For 150 years, down to the year 1939, not even the most fanatic of the advocates of centralizing power in Washington ever imagined that the Federal Congress had the power, by statute, to wipe out the provisions of a State constitution which has such a long historical background. It remained for the great Senator from Kentucky and the Senator from Florida [Mr. PEPPER] to make the amazing discovery that all these years we have been living under a vicious, unconstitutional system which they would now remedy by a simple statute.

Mr. President, I know something about the forces behind this bill. I took the trouble to run through the hearings before the Senate Judiciary Committee. I would not deny to any person who ever lived the right to appear before a Senate committee and give voice to his views and opinions. However, Mr. President, I resent some of the things which have been said about my people and my State. A witness who appeared with the Senator from Florida in support of this bill, a witness who is temporarily sojourning in my State, made the statement before that committee, not once, but two or three times, that it was the practice in the State of Georgia for certain persons to buy up a large number of poll tax certificates, and for one person to take those certificates to the polls and cast a large number of votes with the certificates.

Mr. President, there was never any greater fabrication of any matter before any committee of Congress in the history of the Republic. The statement to which I refer is false and untrue. There is no such thing in my State as a poll-tax certificate as a license to vote. The poll tax is not paid at the time of voting. The voter is not required to submit any form of certificate or showing whatever when he presents himself to cast his ballot. The constitution of the State of Georgia requires that the poll tax shall be paid 6 months before the holding of the election. The registrars make up the lists of voters by going to the office of the tax collector and ascertaining who has paid his poll tax. There is no such thing in my State as a poll-tax certificate as a license which is brought in by a person when he presents himself to exercise the right of franchise.

No State in the Union has fairer, cleaner, or purer elections than has the State of Georgia, which I have the honor in part to represent here. I resent the imputations of the holier-than-thou Members of Congress who have the bill in charge that the measure is necessary to assure pure elections in the Southern States. The original House bill, the text of which is before Senators at the present time, states that because of pernicious political activities in the South it is necessary for the Federal Government to invade our State and undertake to clean up elections among our poor, ignorant, and backward people, who do not know how to handle themselves.

Of course, Mr. President, in a matter of this kind equity means nothing. The sponsors of the proposed law never heard of the rule that he who seeks equity must come into court with clean hands. Men of that ilk care nothing of equity and decency. The "holier than thou" Members of Congress who have been anointed by the machine of Boss Kelly in Chicago, that great humanitarian and pure political organization, urge the passage of this bill on the ground that it is necessary in order to clean up elections in the State of Georgia. Mr. President, there is more fraud and corruption in the Kelly machine or the Hague machine in 5 minutes than there has been in all the Georgia elections in the past 50 years combined.

I resent some of the forces which are behind this bill. I have no quarrel with communistic Russia as a fighting organization. The Russians are powerful partners to have in a scrap. I have no objection to the people of Russia having the form of government that they desire. I am perfectly willing to go to the extreme limit in getting together all the tools, machinery, and matériel that we possibly can assemble, and go to great lengths in getting them to the battle front in Russia, to be used against our common enemy. However, Mr. President, I do not appreciate the fact that Mr. Earl Browder, the head of the Communist Party in the United States, is identified as one of the leaders in connection with the proposed legislation.

I am somewhat familiar with the program of the Communist Party in this country. Before there shall ever be a vote upon the pending bill in this body I propose to read on the floor of the Senate some of the documents of the Communist Party which have been scattered from one end of the South to the other. Speaking of disunity, if there ever was an effort to array one race against another, it has been made in the South by the Communist Party which is now sponsoring this bill.

The only thing which has done more than the Communist Party through the distribution of pamphlets to tear down good relations which men of good will in both races have painstakingly and earnestly created over a long period of years has been the proposal of measures such as that before the Senate at this time.

Mr. President, I have pamphlets which have been circulated by the Communist Party which demand that the States from the Potomac River to the Rio Grande, including Texas, shall be turned over wholly, solely, and exclusively to the colored people. The pamphlets state that the white people should be put out of those States bodily, and if they are not hurled out they should be liquidated, or made slaves of the blacks of those States, and that those States should be made into a great black communistic republic. For some time those leaflets have been scattered by the Communist Party in my State, and I shall exhibit them on the floor of the Senate before the debate is concluded. So when I see proposed legislation which bears the imprimature of Mr. Earl Browder and the Communist Party I scan it with unusual care.

I have seen pamphlets pertaining to the legislative program of that party. This bill is near the head of the list. The sponsors propose to follow it by other legislation which would wipe out all our registration and qualification laws and allow some little Federal official from some other State to preside at every polling precinct in the South during every election, not only congressional, but State and local as well. When I see them getting ready to make this the first step of such a program I resent it, and I shall do all that lies within my power to block that first step. Now, Mr. President, we have in Washington other organizations sponsoring the measure. We have Walter White, a Negro who runs the N. A. A. C. P., who is a great sponsor of this legislation. I understand that White used to be a constituent of mine. He has moved away now, and he has a good job as a Washington lobbyist. Of course, he has to have something to promote or the income will run out, and so he always has a bill. He has a right to urge his bill; but he is behind this legislation, and he appeared before the committee in conjunction with lobbyists from other colored organizations who are doing more to destroy wholesome racial relations in the South than men who have almost given their lives to build up good relations have been able to establish over a long period of years. It is a great tragedy, Mr. President, that we have men who in their haste to secure votes in some sections commit themselves to legislation like this without realizing the full implications of the legislation.

Mr. President, I shall not attempt to address myself to this subject at any length today. I do want to point out that as to those who are referring to the opposition which has been presented to the bill as being guilty of a filibuster, as engendering national disunity, the leadership has but to make a simple motion at 5 minutes past 2 to take up the bill to enable us to proceed to debate it upon its merits, to strip it of all the sham and pretense that have been thrown about it, to dispel all of the fogs of misrepresentation with which it has been shrouded, and to let the American people see what is really in the measure. It is merely a political punitive expedition into eight Southern States, and the forerunner of other efforts of the Federal Government to take charge of all of our election machinery. Vote for it if you will; cram it down our protesting throats if you can; I predict that the day will come when you will regret having given all power to the Federal Government and left the States impotent.

Mr. SMITH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield for a question.

Mr. SMITH. I merely want to call attention to the constitutional provision as

to the poll tax in my State and in the Senator's State. May I read a line from it?

Mr. RUSSELL. I shall be glad to have the Senator do so; but, Mr. President, I want to protect my right to the floor.

The PRESIDING OFFICER. Under the strict interpretation of the rule, the Senator from Georgia can yield only for a question.

Mr. RUSSELL. Then, Mr. President, I shall be compelled to decline to yield for anything other than a question.

Mr. SMITH. Very well; then I shall proceed in my own time, and shall speak for about 40 hours. [Laughter.]

Mr. RUSSELL. Mr. President, I hold in my hand one of the large daily newspapers of my State. In the Sunday edition, which is read by perhaps more people on account of the leisure of the day, there appears the following headline: "The arrest of RUSSELL and seven other Senators voted by associates."

Over on the page to which the article continues—page 14—there is a subheadline in large type: "Senator RUSSELL faces arrest."

I do not know, Mr. President, what has become of the warrant. If it helps to beat this bill, I am ready for it. I have heretofore expressed my indignation and my resentment against the unfair and illegal method by which this matter was handled, the singling out of 8 absentees out of 52 to be held up before the people of the Nation; but I desire to say now, Mr. President, that we who are defending ourselves here, we who are not only undertaking to protect our people but who are expressing our resentment at having them held up to scorn and attack with subtle abuse, have a right to avail ourselves of any privilege which is open to us. For my part I propose to avail myself of every right I have. Let the proponents make the most of it. Your warrants of arrest will not deter us in this fight. They will not stifle my protests or abate the contempt that I feel for some of the forces and motives back of this bill.

Mr. President, I notice that there is a tendency on the part of some Presiding Officers—and I certainly make no reference to the great Senator who is our present Presiding Officer—to take short cuts to deny Senators their rights under the rules, and to avoid seeing Senators who are standing upon their feet clamoring for recognition, look in another direction as if they are hoping and praying that some other Senator will seek recognition, and all the looking is away from those of us who oppose this infamous legislation, and it is all toward those who are seeking to cram it down our throats. In the consideration of the measure we are entitled, as Senators know, to a fair and square deal under the rules of this body. I, for one, shall insist and fight to the limit of my power and strength to see that no Member of this body is denied even one jot or tittle of any right that is his under the rules and precedents of this body merely because he opposes any such invasion of the States and infringements of the rights of the people of the States as is proposed in this legislation. This bill would lynch the Constitution of the United States and the constitution of the State of Georgia, but we shall endeavor to see that the rules of the Senate are not also raped and violated in the process.

Mr. President, there are probably some who are urging this legislation in good faith. They should perhaps be forgiven on account of their ignorance as to what they are doing; but they are doing more to cause race feeling and confusion in the South, they are doing more to delay the elimination of the poll tax in the Southern States, than is any person who might be in favor of retaining the poll tax. The poll tax is on its way out. It has already been voted out in North Carolina; there is no poll tax in the great State of Louisiana; there is no poll tax in the State of Florida, among the Southern States; and, Mr. President, I understand that the Democratic Party in Tennessee proposes to repeal the poll tax in that State this year. I happen to know that it was to be proposed in the Georgia Legislature this year to have the constitution so amended as to abolish the poll tax in the State of Georgia; and if a measure to that effect were submitted to the people of Georgia on a vote, as a voter in that State I should vote to repeal the poll tax as a State function.

That is one question, Mr. President. It is another to have to be compelled to stand on the floor of the Senate at intervals year after year and defend your people against legislation which is conceived with the idea of smearing the South and of putting the southern people in the light of being unable to attend to their own affairs. Let the poll tax be repealed, if it should be, at the proper place. We have not yet come to the state of affairs in Georgia where we need the advice of those who would occupy the position of the carpetbagger and the scalawag of the days of reconstruction to tell us how to handle our internal affairs. We have good government in our States. We have pure elections in our States. I say, further, Mr. President, that we are treating the Negro fairly in our States; and the Negro who is living with us there is not aided any when Walter White and these other Negro lobbyists get up legislation of this kind and bring it on the floor of the Senate.

Mr. President, I challenge all human history to show another instance where in the brief span of 75 years as much progress has been made by an uncivilized race as has been made by the southern Negro who was sold to us as a slave by our friends from the East but a short while ago in the life of a people. I challenge all history since the beginning of man to show any country or any people where two races as different as the white and the black races have been thrown together under such conditions as those by which the blacks and the whites have been thrown together in the South and where as much progress has been made in the brief period of 75 years in establishing fair and just relations between those peoples.

Oh, there are injustices, there are abuses; but I say that despite the burden that we have been carrying in the South, those injustices and those abuses are not any worse, if as bad, than those imposed between two different strata of society in the States which have practically no Negroes today.

I am tired of having the South pilloried with this type of legislation. Any fair-minded man who will study the history of the last 75 years would commend the South on the great work that we have done. Under the leadership of our own people those who were ignorant slaves 75 years ago have made great strides forward. They have been provided with educational facilities largely at the expense of the whites. Many of them own their own homes or businesses, and some have accumulated wealth. No minority race under similar circumstances has ever enjoyed as large a measure of justice and freedom in such a brief period. We have worked hard and painstakingly down through the years to evolve a plan of having the Negro in our midst with the least possible friction, and we have made remarkable progress in adjusting the inevitable problems and conflicts which arise when two races live side by side.

We have made this progress in spite of all the reformers, publicity seekers, vote hunters, and South baiters and haters who harass us year after year by undertaking to tell us from Washington how to run our local affairs, and make a business of criticizing the South. If you expect by this or similar legislation to force social equality and the commingling of the races in the South, I can tell you now that you are doomed to failure. You do a great injury to the southern Negro by urging legislation of this kind, and even though you have the votes to enable you to pass the law, you will never be able to enforce any such system in the Southern States. The Negroes are building up a social system and a civilization of their own within the social system and civilization of the South, but it is separate and apart, and you cannot bring them together by law or edict. It is not to the interest of either the Negro or white race that this should be done.

If some of you zealous reformers would but direct your attention to worse abuses and injustices that are nearer home and leave us of the South, white and black, alone, as we work out this problem, it will be much better for all concerned.

So, Mr. President, speaking as one Member of the Senate, I consider the motion to project this matter into the Senate at this time the most inexcusable one of which I have ever known. It is not justified by any fact or condition that has been brought to the attention of any committee of the Congress. Not a single committee has had before it a witness to testify that any pernicious political activities are being carried on in the Southern States. Not a single witness has appeared to testify that there is any different condition existing today than there was in 1785 when the poll tax was first imposed in Georgia. On the contrary, the Southern States are wiping this tax out step by step. If this bill shall be passed, if it shall be crammed down our throats and the Southern States shall be invaded and their election

machinery taken over, there will be torn down in the twinkling of an eye something that has been constructed very painstakingly and by the rule of trial and error over a period of many years. It will be a great internal tragedy in the midst of war.

We hear much said about disunity; it is asserted that the poll tax is calculated to bring about disunity, when it has been in effect for 150 years; yet no mention is made of the disunity that is caused by Democrats attempting to force down Democratic throats such legislation as this.

So, Mr. President, for my part, I shall fight to the last, to the bitter end, so long as I can stand and speak, against this legislation proposing to repeal by statute, not only the Federal Constitution but also the constitution of my State. The effort is all the more clearly unconstitutional since it was a custom, practice, and law in Georgia when my State approved the original Federal Constitution in 1778. If this bill be passed, it will wipe out the last right of the States. There would be no real excuse for their existence, and the State government would be a useless appendage.

I shall continue to denounce with all the vigor at my command those who assume and take the position that my people in Georgia and those in other Southern States are in need of a Federal guardian sent down from Washington to tell them the type of legislation they shall enact within the State, and who undertake to prescribe rules and requirements covering the life of my people at the behest and insistence of those who either hate them or who would capitalize politically on legislation directed at them. My people in Georgia are the peers of any in this Nation. They are doing their part in this war, as they have ever done in the past. There is no condition which deserves the odium this legislation would heap upon them, and they deserve better and fairer treatment at the hands of their fellow Americans.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. BARKLEY and Mr. MCKELLAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. If the Senator from Tennessee wishes to address the Senate, I shall not interfere, but I desire to be recognized.

Mr. MCKELLAR. I have no objection to the Senator proceeding. I wish to say, however, that I should like to address myself to a matter which has been adverted to by the Senator from Georgia [Mr. RUSSELL] to some extent, and it ought to be done at this time.

Mr. BARKLEY. I am perfectly willing to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia. The Senator from Tennessee is recognized.

Mr. MCKELLAR. Mr. President, on last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. Authority for it is in the rules, but never during that time, so far as I can recall or so far as I can ascertain, has any further action been taken when a quorum failed to materialize than to request the attendance of absent Senators. The action taken, therefore, was unusual, quite remarkable, and unexpected.

Mr. President, as I have said, I have been a Member of this body for nearly 26 years. During that time I think there has been only one Senator whose record for attendance upon the sessions of this body was so good as mine. That Senator was the late Morris Sheppard, of Texas, whom we had all loved and admired. I am not sure whether he had as good a record for attendance as I have; he might have had; but, if so, he is the only one.

On last Friday it was announced that if the Senate held a session on Saturday the Senator from Mississippi [Mr. BILBO] would consume the entire day. The newspapers carried that statement. I had made up my mind to prepare a speech on the bill under discussion, and, in part, I did so.

At this point, Mr. President, I desire to have the RECORD show a statement of my record of attendance since last January and the record of the Senator from Kentucky [Mr. BARKLEY], who made the motion for the issuance of the warrants, which were afterwards signed by the Vice President, calling for the arrest of certain designated Senators who, he said, were present in the city.

I digress long enough to present this record. I do not want it in my speech, but I ask unanimous consent that the attendance record of the Senator from Kentucky, who ordered my arrest, and that my attendance record be printed in the RECORD. The record is not one, I think, that justified his requesting such an order. I have had the Senate Library prepare this document, and it is official. I find that there have been 267 roll calls since last January when this session began. I find that on those 267 roll calls the Senator from Kentucky has been absent 21 times, and I have been absent only 8 times or a ratio of absence of 2½ times to 1. Yet when I was absent, preparing a speech, the Senator from Kentucky rises on the floor and has adopted an order directing the arrest of Senators, and that they be brought here in order to give him a quorum. Their names are in the RECORD, and I shall read them.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee to print certain matter in the RECORD is granted.

Mr. MCKELLAR. I thank the Chair. The document is quite lengthy, but I will ask that it be printed in the RECORD at the conclusion of my remarks.

(See exhibit A.)

Mr. MCKELLAR. Mr. President, before I proceed to make a reference to myself, I wish to call attention to those who were singled out for arrest by the Democratic leader, if you please. I have their names. They were Senator DOXEY, Senator MAYBANK, Senator MCKELLAR, Senator O'DANIEL, Senator OVERTON, Senator RUSSELL, Senator HILL, and Senator BUNKER. They were the ones who were singled out.

I digress long enough to say that sitting in the Chamber at the present time is the last Senator named, one of the grandest young men who have been in this body for years, who has been chosen more often to preside over this body perhaps than has any other Senator, and who has, at all times, made an excellent presiding officer and a splendid Senator. He, the Senator from Nevada [Mr. BUNKER], was singled out to have placed upon him the indignity of being arrested and brought into this body.

Mr. President, I have said it was a shocking performance, and I wish to tell why. Some 10 years ago there was a very close contest in the Democratic Party in the Senate over who should be its leader in this body. Two gentlemen were candidates for the place. There may have been others, but I think it finally came down to two. One was Senator Harrison, of Mississippi, with whom I had served in the House of Representatives, and whom I had known long and favorably ever since I first shook his hand. The other was Senator BARKLEY, of Kentucky, whom I had known in the same way, never dreaming that after all my years of faithful service, as I believe they were, he would rise on this floor, in my absence, a man who had been sitting here by me for the greater part of the time, one desk next to the other, and single me out as one of the eight who were so unworthy that they would have to be arrested and brought to this body.

As I said, both men, Senator Harrison and Senator BARKLEY, had apparently been friendly to me, and after going over the matter and weighing all the facts as they appeared to me at that time, I concluded to vote for Senator BARKLEY, and I did so. He was elected by one vote. I voted against a man who had been my friend at all times, and, Senators, he was my friend until his death, though I voted against him. Never did a grander man serve in this body than Pat Harrison, of Mississippi.

I would have sworn, prior to last Saturday, that Senator BARKLEY felt about me in the same way. Indeed, only last October 29 I prepared a letter in my own office, addressed to the President of the United States, from a copy of which I shall now read:

OCTOBER 29, 1942.

The PRESIDENT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: We, the undersigned Members of the Senate of the United States, desire to make a suggestion to you in reference to the filling of the vacancy on the Supreme Court of the United States.

Senator ALBEN W. BARKLEY is a splendidly educated and equipped lawyer. He was educated in the public schools of his home county, then received his A.B. degree in Marvin College, Clinton, Ky. He afterward attended Emory College at Oxford, Ga., and received his legal education at the University of Virginia. He was admitted to the bar in 1901 at Paducah. He has quite a fine experience as a lawyer, being first elected prosecuting attorney for his county and later on was elected judge in that county. He was in the United States House of Representatives from 1913 until 1927, and since that time has been a United States Senator.

For a greater part of your terms of office Senator BARKLEY has been the Democratic leader in the Senate. Therefore, his education, his long experience, his close and long association in legislative affairs, and his great ability all join in making him peculiarly eligible for the high office of Justice of the Supreme Court of the United States.

Senator BARKLEY's fine character, his clean life, his outstanding ability, and his great experience splendidly fit him for this important position.

His faithfulness to you and your administration, his cutting the wood and drawing the water during all these years have made it possible for him to accomplish great things for you in your administraiton.

We all know that to be so.

If ever a man by his work, faithfulness, and ability has come to deserve high favor at the hands of any administration we believe Senator BARKLEY has abundantly earned it.

I do not believe anyone on this floor would dispute that statement. He has served the administration as well as any man who was ever here has served it. I am wondering whether the administration is behind this bill. I am wondering. I do not know. No one answers, and I shall proceed:

We should regret to give him up as leader, but we know that his appointment to this high office in this hour of adversity would have a steadying effect upon the entire Nation. We commend him to you without reservation.

This letter was conceived, is written, and has been signed without the knowledge or consent of Senator BARKLEY.

With high respect,

Very sincerely yours.

That letter was signed by me and a number of other Senators, and was in the hands of Mr. Biffle the last I heard of it, which was last Saturday.

Mr. President, I never consulted Senator BARKLEY about the preparation of that letter. I wrote every word of it. I wrote it in good faith, never dreaming that the man I was recommending so highly would single me out, I who sit here right next to him, to put the indignity upon me of having me arrested, to come here and help out with a quorum, which he could not do anything with after he got it. [Laughter.]

I never mentioned the matter to him at all. Later he did speak to me about it, as I recall, and thanked me for having written the letter. As I recall, he stated he was not an applicant for the place.

For the greater part of the last 8 or 10 years my seat in the Senate has been next to that of Senator BARKLEY. At all times he has asserted friendship for me, and now I wish to read from the RECORD of last Saturday what occurred after the Sergeant at Arms had reported that Senators DOXEY, MAYBANK, MCKELLAR, O'DANIEL, OVERTON, RUSSELL, HILL, and BUNKER were in the city and had not been located. I digress there long enough to say, before I read what actually occurred, that it is very unusual for the Senate to hold sessions on Saturday. We all know that that is rarely done except when we are considering a bill which has been before us for quite a while. We do not usually hold sessions on Saturday.

I had taken Saturday off in order to prepare a speech, and I did prepare it; and I have added something to it since. I had prepared a speech which I shall deliver in a moment or two, after I get through with this preliminary matter.

Mr. President, I was engaged in the Government's business. My record for attendance is known to every Senator; and if there is a Senator who will question the statement that I am not as regular in attendance in this body as any other, I should like to have him rise and say so; and I refer to either side of this Chamber.

After the Sergeant at Arms had reported that Senators DOXEY, MAYBANK, MCKELLAR, O'DANIEL, OVERTON, RUSSELL, HILL, and BUNKER were in the city and had not been located, the following occurred:

Mr. BARKLEY——

[Laughter.]

Mr. BARKLEY, whom I had just recommended for the high office of Justice of the Supreme Court of the United States——

Senators may laugh, but it was not a laughing matter to me last Saturday. I digress from the reading long enough to say that when I was a boy, a student at the University of Alabama, and a classmate and a devoted friend of the distinguished senior Senator from Alabama [Mr. BANKHEAD], away back so long ago that the memory of man runneth not to the contrary, I am sorry to say, I received a letter from my honored and respected father, who was a lawyer in the State of Alabama. I shall never forget that letter. I cannot give the exact words, but the substance of it is indelibly impressed upon my mind. He said, "My son, I cannot live much longer. I have a very small amount of property, and it goes to your mother. I am sorry that I have nothing material to leave you. All I have to leave you is a good name and this advice: Whatever may come, whatever may happen, whatever life may bring you, keep your record clean, keep your record clean."

That was the inheritance, Senators, the only inheritance that I received from my lamented and respected father many years ago, when I was a student at the University of Alabama. It is advice which I have never forgotten. I have tried, as faithfully as ever any man has tried, to follow that advice and to keep my record clean. I thought I had kept it clean, even to the matter of attendance upon the Senate. Then, after having lived as long as I have and having kept my record clean, to think that that record should be besmirched by the man who sits beside me, by his offering and having adopted a motion ordering my arrest. I was shocked at that. I was tremendously shocked. I am hurt. I feel it acutely. I have not deserved it. My record during the 26 years I have been here, if it be examined, as I have had the record for the last year examined, will show that I have been one of the most faithful Senators in my attendance upon this body. Why is that, Mr. President? Because I like this body. Because, as a rule, the men I have met here were all high-minded men.

I continue to read from the CONGRESSIONAL RECORD:

Mr. BARKLEY. Mr. President, there seems to have taken place an exodus from the Senate equal to the exodus of the children of Israel from Egypt.

Mr. President, if I remember the Bible story correctly, and I think I do, when the children of Israel left Egypt they had a leader [laughter]; they had a Moses to lead them out of Egypt. Our leader has led us right square into the lap of the Republican Party; because I think, with one or two exceptions, every one of the Republican Senators voted just as our leader voted, while a great body of Senators on this side voted the other way. I am not criticizing any Senator for his vote. I simply notice great jubilation on the other side of the Chamber. The smile on the face of the Senator from Michigan [Mr. VANDENBERG], my dear friend for whom I have the greatest admiration, has not worn off since this debate started. I cannot blame him. It is true he has a new leader over on this side, but that is the accident of politics.

Listen to this, Mr. President:

Mr. BARKLEY. Mr. President, there seems to have taken place an exodus from the Senate equal to the exodus of the children of Israel from Egypt; but there is a sufficient number of Senators in town—

"There is my desk mate. It is true that he is the most faithful of Senators in his attendance on the sessions of the Senate, but when I want to do something, when I want to carry my point, there is no reason why I cannot have MCKELLAR arrested and bring him in here to help me, although I know he is on the other side. I can invoke a rule under which the Vice President can order his arrest."

And, Mr. President, he invoked that rule.

I continue to read from the RECORD:

but there is a sufficient number of Senators in town to make a quorum. I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators, and that the Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

I was just looking around to ascertain the whereabouts of my associate, the Senator from Texas [Mr. CONNALLY]. He seems to be one of the children of Israel. [Laughter.]

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to ask if the execution of the warrants would require the Sergeant at Arms to go to the home States of Senators.

The PRESIDING OFFICER. The motion is not debatable.

Mr. President, the Presiding Officer seemed to be intensely interested in this matter. I may be doing him an injustice. I take it back. I do not know whether the Vice President was presiding at that time, and I withdraw that portion of the statement. The RECORD says "The Presiding Officer," and usually when that appears in the RECORD it means that a Senator is presiding.

Mr. CONNALLY. I am propounding a parliamentary inquiry, and the Senator yielded. He is making a motion.

Mr. BARKLEY. Of course, when the Sergeant at Arms produces a sufficient number to make a quorum—

His desk mate and four others—

which is five—and there are more than that many Senators in Washington, as reported by the Sergeant at Arms—it is not expected that warrants of arrest will be sent to the home States of those who are absent.

The PRESIDING OFFICER. If the motion is so phrased as to exclude them, the warrants will not be sent to the home States; otherwise they would have to be.

Mr. BARKLEY. The motion I made would include all absent Senators, but the practical application of it would be limited to those who are in the city.

The PRESIDING OFFICER. The motion is limited to them?

Mr. BARKLEY. I am willing to limit the motion to those who are reported to be in the city of Washington, in the District of Columbia, for the day.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

Mr. President, I do not know just what time of the day that occurred. All the morning, and up to about 1:30 on Saturday, I was preparing a speech to be delivered on this question. I then took the book containing the celebrated Milligan case—the Seventy-first United States Reports, as I recall—a case which has a great deal to do with that instrument which most of us seem to have forgotten ever existed. I took the book containing the Milligan case under my arm and went on the street car to my hotel. I had lunch and went to my room and started reading the Milligan case. Thereupon the head maid knocked on the door and asked if the regular maid was in there. That was a peculiar question, was it not? I told her she was not. As she asked me the question, in walked Mr. Mark Trice, who told me that he had a warrant for my arrest. I came to the Senate and answered to my name. It is perfectly apparent that Mr. Trice had either overawed the head maid, or he had done something else that caused her to open the door. I make no point of it. I was there. I am against the bill, and I shall filibuster against it if it be called a filibuster. I will take any step that is honorable to defeat it, because I do not believe in the bill, but do believe in the Constitution of the United States.

Mr. President, as I said awhile ago, I was never more shocked in my life. It was unbelievable to think that the Senator from Kentucky [Mr. BARKLEY] would do this when he had known me for so long, and had known of his own personal experience that I was probably as regular an attendant on this body as any other Senator. When I speak of all roll calls, I am not speaking of roll calls on bills; I am speaking of all roll calls. I have missed only eight.

The Senator from Kentucky [Mr. BARKLEY] did not call me himself. He did not even have Mr. Biffle, one of the finest men God ever made, even say that they were thinking about issuing warrants for Senators. I did not know it. I thought, of course, that Senators would be asked to attend, as has been done for 26 years, until this time.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. Yes; I yield if I do not lose the floor.

Mr. RUSSELL. I should like to ask the Senator a question. The Senator stated that he has been here for 26 years. He has seen much of Senate proceedings. I ask him if he has ever heard of a case when of 52 absentees only 8, all of whom happened to be against the proposed legislation, were singled out to have warrants issued against them, when an ex parte hearing was held in the Senate, and one witness gave his opinion as to whether Senators were or were not in the city, even though it was later developed that other Senators, for whom warrants were not issued, were in the city, for they put in their appearance on the Senate floor?

Mr. McKELLAR. I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own Members here and maintain a quorum. That has been the history of the Senate for the 26 years I have been here. The Senator from South Carolina [Mr. SMITH] has been here a longer time than I have. Has that not been the history of the Senate since the Senator from South Carolina has been here?

Mr. SMITH. Yes; but everything has changed now.

Mr. McKELLAR. I found last Saturday that it was changed.

With respect to the letter which I read awhile ago, as soon as I returned to the Senate I hunted up Mr. Biffle and asked him to take my name off it. I did not want to endorse a man who would have his own deskmate arrested, humiliated, and put in an ignominious position merely to carry a little point the consideration of which lasted about 2 hours.

Mr. President, I wish to be perfectly frank and truthful. I had no interest in making a quorum. On the day before I had asked why this bill was brought up at what is commonly known as a "lame duck" session. I did not receive any answer. I do not know whether or not my rough treatment was the result of that inquiry. However that may be, that is what happened to me.

This is a so-called "lame duck" session. Not only do I mean no disrespect by the use of that term but nobody in the world is more regretful than I to see Senators leave this body. I have enjoyed the friendship of most Senators, and I am always filled with regret to see them leave. I mean no disrespect by the use of the term "lame duck." I merely wish to call attention to the fact that my distinguished friend the Senator from Nebraska [Mr. NORRIS] worked long and faithfully to bring about an end to so-called "lame duck" sessions. After many years he succeeded; but he does not seem to have cut the cloth close enough. Before the change, the "lame duck" session lasted until March 4. By an amendment to the Constitution its length was reduced to the time between election and January 3, and now it is proposed to legislate a provision out of the Constitution at a shortened "lame duck" session.

As the Senator from Nebraska has frequently stated, the reason for the amendment was that after men have been defeated in their own States they ought not to legislate for the country. That was a good reason. I voted for the amendment. The only regret I have is that the length of the so-called "lame duck" session was not reduced a little more, so as to end about November 15 instead of January 3. Last Friday I said that I did not think we ought to legislate during the "shank" of a session of Congress. For the past 4 years Congress has been in practically continuous session.

Mr. President, at this point I wish to have it understood that my position regarding this bill is due to the love I have for the Constitution of the United States and my devotion to that great instrument. I believe that this bill is a violation of its provisions. I want it understood that my position is not the result of any desire on my part to hold any place in the Senate which I do not now hold. Under no circumstances would I become an applicant for the place held by the Senator from Kentucky as leader. In the first place, my health and age would not permit it. In the second place, from my point of view, the positions which I now hold in the Senate are much preferable to any others. If the position of majority leader were tendered to me by the unanimous action of the Senate, including the Senator from Kentucky, I would decline it. I desire to have that question out of the controversy.

Someone caused the statement to be published in the newspapers yesterday that I left my seat in the front of the Chamber and moved to the rear of the Chamber. My dear young friend is entirely mistaken about that. I was merely conferring with my new leader, the Senator from Texas [Mr. CONNALLY]. He is the leader in this matter. I went back to confer with him. There was a vacant chair where my esteemed and much beloved friend the Senator from Virginia [Mr. GLASS] usually sits. I sat in that chair and talked with my leader. That may not be a good reason, but that was the fact. This seat suits me exactly, and I hope to spend a good many more years in it.

Mr. President, I desire to state some reasons for my position on the pending bill. In my humble judgment, the Constitution of the United States is being raped by this bill; and so long as I am here I shall not stand idly by and give consent to a law being enacted which I believe to be absolutely unconstitutional. I know it is popular these days to decry the Constitution. Some even denounce it. Some make excuses for it. Some think it is antiquated. So far as I am concerned, Mr. President, I believe in it and shall abide by it from its beginning to its end. I shall abide by the Constitution and every amendment thereto. I shall do so by my voice and by my acts, and I shall go the limit to uphold it and defend it.

Being called a filibusterer has no terrors for me. I say to Senators that if it is necessary I shall filibuster to the limit against this iniquitous measure which, for

political purposes, is being put forth in heat and passion.

I believe that the Constitution of the United States is the greatest human document ever written. I took an oath to uphold it and defend it. I did not take that oath idly. I took it believing that I ought to stand by it, and I have stood by it to the best of my ability.

Mr. President, I brought with me from my office this morning a copy of the opinion in the Milligan case for the purpose of reading to this body what the Supreme Court of the United States has said about the Constitution in times of war as well as in times of peace. The case is found in Seventy-first United States Report. The opinion is that of Mr. Justice David Davis, of Illinois, who was at one time a distinguished member of this body. He was a member of the Supreme Court at the time the opinion was delivered. Senators are paying me such close attention that I do not ask for anything better. However, this is a very important document, and I desire to read it.

Let me first state something about the case before I read what was said about it by Mr. Justice Davis.

After the Civil War Milligan was arrested in the State of Indiana, and tried by a court martial on the ground that the Constitution was not in force during the war, and that the military authorities had taken over control. He was convicted. The case is referred to as Ex Parte Milligan by lawyers and in the lawbooks. It grew out of a petition for a writ of certiorari. I now read what Mr. Justice David Davis said in 1866 in delivering the opinion of the court:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory and necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

That effort had just occurred.

Mr. President, since that time, under the protecting folds of our Constitution we have fought several great wars. This is the third great war. We have followed the Constitution, lived within it, worked within it, and under its provisions. What has happened? We won the first two wars and, as certainly as the sun shines in the heavens, we will win the present one. We will win it within the terms of our blessed Constitution.

Again Mr. Justice Davis said:

> But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true—

Said Mr. Justice Davis—

> it could well be said that a country preserved at the sacrifice of all cardinal principles of liberty is not worth the cost of preservation. Happily, it is not so.

Mr. President, that concludes the speech I prepared since yesterday. I now come to the speech on the subject which was prepared on Saturday, and from the preparation of which I was rudely disturbed by a warrant the like of which had not been issued in more than a quarter of a century, and heaven knows how long before. I think it would be well to look at the record and to ascertain whether such a warrant has ever before been issued.

Let me ask the senior Senator from South Carolina, who is the senior Member of the Senate in point of service, if he knows whether such a warrant has ever before been issued?

Mr. SMITH. No.

Mr. McKELLAR. The senior Senator from Nebraska [Mr. NORRIS] is the next Senator in point of length of service in the Senate. Let me ask whether he knows whether such a warrant has ever before been issued.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I yield.

Mr. NORRIS. Does the Senator want me to reply?

Mr. McKELLAR. Yes.

Mr. NORRIS. I think it has. I think that I myself have been submitted to such a warrant on one occasion since I have been a Member of the Senate.

Mr. McKELLAR. Then I feel that I am in better company.

Mr. SMITH. I do not remember that.

Mr. McKELLAR. I believe that the Senator from Nebraska is mistaken, and that such a warrant has never before been invoked since the Senator has been here. It might have been invoked in 1917; I am not sure.

Mr. NORRIS. I do not remember the occasion; but I remember being arrested on a warrant issued in order to secure a quorum, and I remember being brought to the Senate.

Mr. McKELLAR. That helps my feelings a little.

Mr. NORRIS. I never felt offended because I was arrested. I thought it was all right.

Mr. McKELLAR. The Senator is different from me. I do not think it is all right. I feel offended, and very greatly offended.

Mr. President, the provision of the Constitution as to the qualifications of voters is found at the very beginning of section 2, article I; and I ask Senators to listen to these words:

> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Can anything be clearer than that? That section does not say that Congress has the right to change those qualifications. The matter was actively contested in the Constitutional Convention; but at no place does the Constitution provide that the Congress shall have the power to change those qualifications. If anyone will take the trouble to read the history of that great instrument, as given by the books, he will find that this provision, like so many of the other provisions of the Constitution, was the result of a compromise. Some say that the provision is affected by section 4. I quote section 4:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives—

Not qualifications; qualifications had already been dealt with; they had already been fixed; they had already been determined; but this subsequent section was dealing with something else. It was specifically dealing with the times, places, and manner of holding elections—and in another part of the Constitution. I read on:

> shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

That provision is often inadvertently referred to as giving some excuse for interference by Congress with the qualifications of voters in the States. I cannot believe that any Senator would argue, except by inadvertence, that the section gave any reason for having Congress interfere with the qualifications of voters in the States. Why do I say that? I say that, let me say to the Members of the Senate, because of the fact that for 150 years that provision has been in the Constitution and has been followed absolutely; and never, until a short time ago when the Senator from Florida [Mr. PEPPER] found that the Constitution meant something else, did I hear it seriously contended that it had any other meaning. A mere glance at the provision shows that it applies solely to the times, places, and manner of holding elections. It has nothing to do with qualifications. The question of qualifications had already been settled when section 2 of article I was written.

Mr. President, during more than 150 years, as I have already said, no informed person who has studied the Constitution has questioned that under that provision the States have the right to fix the qualifications of voters in Federal elections. That was the situation throughout all our history until 1913, when the seventeenth amendment to the Constitution was ratified.

In the seventeenth amendment to the Constitution, directing that Senators shall be elected by the people, it is said:

> The electors—

Meaning the voters—

> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

If that language had not been proper, if it had not been constitutional, why did we enact it a second time in the amendment relative to the election of Senators? It has never been questioned. It has been upheld by ratification of the amendment relative to the election of Senators.

It will thus be seen, Mr. President, that for 124 years after the founding of our Government not once was the question ever raised as to this provision of the

Federal Constitution; but it was ratified and affirmed by the constitutional amendment providing for the election of Senators by the people.

Mr. President, taken by itself the language of section 2 of article I, the merest tyro in interpreting language must reach the conclusion, if he is capable of reaching a conclusion, that the qualifications of electors—meaning voters, of course—to vote in Presidential, senatorial, and congressional elections are to be fixed by the States. At no place is the Federal Government given the right to fix qualifications of voters in States.

Have Senators ever thought what the situation would be if we should pass the bill and the Supreme Court should declare it to be valid? We would have two elections in every State—a Federal election and a separate State election. We would have two elections proceeding at the same time.

Mr. President, at no place does the Constitution give the Congress the right to fix qualifications of voters in States; but clearly, unequivocally, and specifically the qualifications of electors were to be fixed by the legislatures of the various States when they fixed the qualifications of the electors for the most numerous branches of the State legislatures. However ignorant anyone might be of the use of language, he could not hold from this language that the Federal Government had the right to fix the qualifications of voters voting for the most numerous branches of the State legislatures.

As I have said, the passage of a law of the kind proposed would provide that two elections must be held; namely, one for election to the most numerous branch of the State legislature, and one for an election to Federal offices.

The provisions of section 2 of article I of the Constitution cannot nearly or remotely be construed to give the Federal Government control of the matter at all.

Later on, in section 4 of article II, again the Constitutional Convention specifically excluded qualifications when the right of Congress to alter certain things was mentioned. Under section 4 of article II, after section 2 of article I had been agreed to, the Constitution provides that the Congress can alter regulations as to times, places, and manner of holding such elections; but the matter of qualifications of electors was not included, because that matter had already been determined by the convention. For that reason, it is perfectly clear that section 2, article IV, has no application of any kind nearly or remotely to the qualifications of voters for Federal officers.

Mr. President, I have not learned this by chance. I was taught as a lawyer to go to the bottom of the question. So I went back to the original record to ascertain just what that great Constitutional Convention actually argued and actually concluded. It is all to be found; there is a record of it all; it is perfectly clear. The provision was framed by the committee that had been appointed to pass upon that question, and they had prepared this very language and had reported it favorably to the Convention.

As we all remember, there were some 55 members of that Convention, and they voted by States. When this matter came up it was very seriously objected to. I desire to read what occurred in the Convention, so as to show, beyond a shadow of doubt, that it was intended to leave this matter entirely with the States.

By the way, before I go into that, I should like to make a statement which I overlooked. In Tennessee the political powers that be, who are friendly to me, have declared for the State repeal of the State poll-tax law, and it will probably be repealed by the next legislature. That is perfectly proper. They have the power to do it if they want to do it, and if they have the votes to do it. There cannot be any question that the State has a right to repeal the poll-tax law. In my State the poll tax applies only to voters between 21 and 50 years of age. It does not apply to more than one-third of the voters. The proceeds are devoted to the school fund.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

Mr. McKELLAR. I yield.

Mr. BANKHEAD. In Alabama it applies only to those between 21 and 45 years of age, and all soldiers, white and black, of any war are exempted.

Mr. McKELLAR. All soldiers in my State are exempted from the poll tax. It may be a very wise thing for the State of Tennessee to repeal its poll-tax law, but the Congress has no power to do it. There is not a scintilla of power that can be found in the Congress to do such an act; anyone who will read the record of the Constitutional Convention is obliged to come to the conclusion, if he will think about it, that the Congress has no constitutional power to pass this bill.

An examination into the history of the Constitution clearly demonstrates that the Convention, after careful discussion, left to the States the fixing of the qualifications of voters as provided by the Constitution. I read from page 487 of the Documents Illustration of the Formation of the Union of the American States:

ART. LV. Sec. 1, 42, 43 taken up.
Mr. Gov'r Morris—

That is Mr. Gouverneur Morris—who was a member of the Convention—

moved to strike out the last member of the section beginning with the words "qualifications of Electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

That was the bone of contention in the convention. To leave the matter to the States was regarded as too liberal. There were certain reactionary members of the Convention who desired to restrict it. Mr. Gouverneur Morris was one of them. He offered the motion to restrict it to freeholders; that is, to those who own real estate.

Mr. Fitzsimmons seconded the motion.
Mr. Williamson was opposed to it.
Mr. WILSON. This part of the report—

That is, the report containing the provision exactly as we find it in the Constitution today and as it was put in the seventeenth amendment, which was ratified in 1913.

Mr. WILSON. This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States.

How natural that was. Think of yourselves in that great Convention and consider it.

Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.

What good reasoning that is.

Mr. GOUVERNEUR MORRIS. Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and 44 Representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depends on the will of the States, which he thought not proper.

Just as my friend from Florida now thinks it is not proper and that it ought to depend not on the will of the States but on the Congress, when not a scintilla of authority is given the Congress in that respect.

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing.

That is as provided in the report which had been submitted to the convention.

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

What a sensible statement! It is true today. Some of the gentlemen who want to disregard our Constitution, kick it under their feet, make waste paper of it, will find that the people back home in their States, if I am any judge, do not think well of what they are doing.

Colonel MASON.—

He was another one who was opposed to it. He wanted freeholders only to vote. By the way, there were 6 or 7 States, I think, in which only freeholders could vote at that time. Only freeholders in about 7 out of the 13 States, as I recall the number, were allowed to vote. I should want to examine the figures in order to be absolutely accurate, but, at any rate, a very considerable number of the States, more than a majority, as I recall, restricted the right to vote to freeholders.

Colonel MASON. The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders.

Anybody who owned land had the right to vote; but eight or nine States had extended it to allow voting on the part of some who were not freeholders.

What will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the legislature.

Mr. BUTLER. There is no right of which the people are more jealous than that of suffrage. Abridgements of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the Senates, who fill up vacancies themselves, and form a rank aristocracy.

Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without principle with which our country like all others, will in time abound. As to the unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at this time of freeholders, and will be pleased with it.

Mr. ELLSWORTH. How shall the freehold be defined? Ought not every man who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear a full share of the public burdens, be not allowed a voice in the imposition of them—taxation and representation ought to go together.

That is exactly what the Constitution provides. It is extended by the States to include all voters.

Mr. GOUVERNEUR MORRIS. He had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect on (45) him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens this (46) country with an aristocracy.

It is remarkable how men will reason.

The aristocracy will grow out of the House of Representatives.

Think of it! He was very badly mistaken.

Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers (47) who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words "taxation and representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest.

He was arguing against the provision which is in the Constitution. It was too liberal for him. He wanted to restrict it.

He did not conceive the difficulty of defining "freeholders" to be insuperable. Still less that the restriction could be unpopular; nine-tenths of the people are at present freeholders, and these will certainly be pleased with it. As to merchants, etc., if they have wealth and value the right they can acquire it. If not, they don't deserve it.

Colonel MASON.—

Col. George Mason was one of the great founding fathers, who lived in Virginia, whose home still stands, one of the most beautiful places in Virginia. He was an able man.

Colonel MASON. We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea, in his opinion, was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges.

And he was right.

Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment? Ought the merchant, the moneyed man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens?

Mr. MADISON.—

Students of history will, of course, be interested in what Mr. Madison had to say—

Mr. MADISON. The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a chang would meet with in (48) States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty.

I was astounded when I read that statement long, long ago. I am still astounded that a man so liberal as Mr. Madison could have expressed such sentiments.

In future times a great majority of the people will not only be without landed, but any other sort of, property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or which (49) is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side. The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders. The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States and it was in the boroughs and cities rather than the counties, that bribery most prevailed, and the influence of the Crown on elections was most dangerously exerted (50).

Dr. FRANKLIN. It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it.

Ah, he was a grand old man, 82 years old at the time, but he had a level head. I continue:

He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country; contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country. This proceeded he said from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of sufferage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament subjecting the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. MERCER. The Constitution is objectionable in many points, but in none more than the present. He objected to the footing on which the qualification was put, but particularly to the mode of election by the people. The people cannot know and judge the characters of candidates. The worse possible choice will be made. He quoted the case of the senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite; and by that means always prevail over the people of the country, who being dispersed will scatter their votes among a variety of candidates.

I next come to Mr. Rutledge, from the State of my distinguished friend the senior Senator from South Carolina [Mr. SMITH].

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

Here was the provision, and they wanted to strike it out. Those who were taking the matter up at that time wanted to restrict the provision, did not want the States to control the qualifications of electors, and here the vote is stated:

On the question for striking out as moved by Mr. Gouverneur Morris, from the word "qualifications" to the end of the third article.

New Hampshire, no; Massachusetts, no; Connecticut, no; Delaware, aye; Maryland, divided; Virginia, no; North Carolina, no; South Carolina, no; Georgia, not present.

So the provision was retained.

From the reading of this record it is easily seen why the qualifications of voters for Federal officers were left to the several States. A number of members of the Convention, as shown by this record, wanted the Congress to have the right, under the Constitution, to fix the qualifications of voters. Mr. Gouverneur Morris wanted to limit the right to vote. He wanted only freeholders to vote, but this was voted down, because the Convention believed, overwhelmingly believed, as shown by the vote to which I have just referred, that the provision leaving qualifications to be fixed by the several States was in every way more liberal, fairer, more just, and more in accord with the rights of a free people. Here the whole matter was discussed. Some of the most important men in that Convention felt that the Congress should fix the qualifications of voters. Mr. Madison thought so. Dr. Franklin thought so. Gouverneur Morris thought so. Mr. Mason apparently thought so. But when the States began to vote, it was 7½ to 1½, with Georgia not present, and New York, Rhode Island, and New Jersey apparently not voting.

I digress here long enough to say that whenever a question of suffrage is raised it causes a contest. This question is not new. Every time it has been brought up it has caused a contest and probably will continue to do so. I believe that the settlement made by the fathers of the Constitution was the best possible settlement that could have been made of the question. Why should not a State fix the qualifications of its electors? Do Senators want someone from Washington to do that? Do they want someone from some other State to fix the qualifications of electors in their own State? Mr. President, that does not make sense.

This matter was brought up again on August 7 by Gouverneur Morris, and decided as before.

Mr Madison proposed to strike out the clause about a month later in the Convention, which was done. He also proposed to omit the provision fixing the time when the legislature should meet.

Morris: In favor of leaving the time of meeting to the legislature, and observed that if the time be fixed in the Constitution it would not be observed, as the legislature would not be punctual in assembling.

Gorham: In favor of the legislature's meeting once a year and of fixing the time. They should meet, if for no other business, to superintend the conduct of the executive.

Would not that have created a remarkable situation? The more I read about the Constitution of the United States the more I admire and respect the marvelous ability of the framers of that great instrument. Here was a man talking about fixing the time when the legislature should meet in New Jersey, or in Indiana, or in Ohio, or in Michigan, or in Tennessee.

Mr. Mason was in favor of the annual meeting of the legislature. He said the legislatures are also inquisitorial and should meet frequently to inspect the conduct of the public officers. A provision might very well have been made with respect to inspection of the conduct of public officers.

Fourth article, 1. Electors to be the same as those of the most numerous branch of the State legislature.

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the National Legislature powers to alter the qualifications

It had already been decided by the committee. It had already been decided by an overwhelming vote of seven and one States to one and one-half. But they insisted upon voting upon the question again.

ELLSWORTH. If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

DICKINSON. It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders but from those who are not freeholders, free governments have been endangered. Freeholds are, by our laws of inheritance, divided among the children of the deceased and will be parceled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States.

ELLSWORTH. Why confine the right of suffrage to freeholders? The rule should be that he who pays and is governed should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them.

MORRIS. I disregard sounds and am not alarmed with the word "aristocracy"—

He said that a month before when he was arguing for the same thing—

but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they all are electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections. Unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders.

A man was never more mistaken than he was.

MASON. Everyone who is of full age and can give evidence of his common interest in the community should be an elector.

He had started out to be a liberal, but he had turned around.

By this rule, freeholders alone have not this common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country. Lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors.

MADISON. I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The knights of the shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the crown influence seen, where is corruption in the elections practiced? Not in the counties but in the cities and boroughs.

FRANKLIN. I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The revolutionary war is a glorious testimony in favor of plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of, to draw them from their allegiance to their country—threatened with ignominious halters, they still refused. This was not the case with the English seamen, who, on being made prisoners entered into the American service and pointed out where other prisoners could be made, and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens, the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections, the consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made authorizing the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country.

WEDNESDAY, AUGUST 8—QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES

GORHAM. The qualifications [being such as the several States prescribe for electors of their most numerous branch of the legislature] stand well. Gentlemen are in error who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city elections, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to the electors; they have been so time immemorial in this country and in England. We must not disregard the habits, usages, and prejudices of the people. Propose a window law in New England and you would offend the people; propose a poor tax in Old England, and it would in like manner offend the people. So if you exclude merchants and mechanics from the list of electors you will offend them.

Question respecting qualification of elector and between resident, inhabitant with residence of 3 years.

Morris proposed that freeholders only should be electors of representatives.

Rutledge proposed residence for 7 years in the State.

MASON. I am in favor of residence being a qualification of representation, otherwise a stranger may offer and by corruption obtain an election. Without this security we may have a borough system and English corruption. After several votes the question settled as in ye Constitution. (Pp. 873–876, documents illustrative of the formation of the Union of the American States, 69th Cong., 1st sess., House Doc. No. 398.)

Thus again the right to fix qualifications by the States was affirmed and confirmed, and it has been a part of the Constitution ever since.

I call especial attention to the statement of Mr. Ellsworth, as follows:

The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm (p. 873, Documents Illustrative of the Formation of the Union of the American States).

Even the Civil War, with all the discussion and heat it brought on, did not bring on a proposal to change or nullify this provision of the Constitution. Everyone, North and South, accepted the provision of the Constitution that the States under the Constitution had the right to fix the qualifications of voters and that these qualifications should be the same as those the several States fixed for the election of their most numerous branches of the State legislature.

Even after the turn of the present century an amendment was offered, passed, and became a part of the Constitution for the election of the United States Senators by the people, and again the qualifications of the voters were fixed the same as those fixed by the State legislatures for the election to their most numerous branches. The matter is so clear that, "He who runs may read."

Mr. President, we still have the Constitution. We have had it for 150 years. It has worked remarkably well. It has made us one of the greatest people and the greatest government on the face of

the earth. Why do we want to change it? Why do we want to change it toward the end of a session of the Congress when we ought to be working on matters relating to the war? I am delighted at the news from the theaters of war received today. We all ought to concentrate upon the winning of the war. We ought not to undertake by statute to repeal a perfectly plain provision of the Constitution. Why have we delayed doing so if it is action which should be taken, if it is action which should be taken so quickly, and if it is so necessary? Why have we waited 153⅞ years to do it? We all have regarded this as a right of the State in the past. Why at this late date should we undertake to repeal a constitutional provision to which everyone has yielded and, until a short time ago, has conceded was a constitutional provision?

Mr. President, I sincerely hope that this measure will not become law at this session. I renew my allegiance to the Constitution, and shall do everything I can to defeat the pending measure.

EXHIBIT A

Call of the roll, 77th Cong., 2d sess.

Prepared by the Senate Library, Nov. 16, 1942

No.	Date	Barkley	McKellar
1	Jan. 5, 1942	Present.	Present.
2	Jan. 6, 1942	do	Do.
3	do	do	Do.
4	Jan. 7, 1942	do	Do.
5	Jan. 8, 1942	do	Do.
6	do	do	Do.
7	do	do	Do.
8	Jan. 9, 1942	do	Do.
9	do	do	Do.
10	do	do	Do.
11	do	do	Do.
12	do	do	Do.
13	Jan. 10, 1942	do	Do.
14	do	do	Do.
15	do	do	Do.
16	Jan. 12, 1942	do	Do.
17	Jan. 14, 1942	do	Do.
18	do	do	Do.
19	do	do	Absent.
20	Jan. 16, 1942	do	Present.
21	do	do	Do.
22	Jan. 19, 1942	Absent.	Do.
23	do	do	Do.
24	Jan. 20, 1942	Present.	Do.
25	Jan. 22, 1942	do	Do.
26	Jan. 26, 1942	do	Do.
27	do	do	Do.
28	Jan. 27, 1942	do	Do.
29	Jan. 28, 1942	do	Do.
30	do	do	Do.
31	do	do	Do.
32	Jan. 29, 1942	do	Do.
33	Feb. 2, 1942	do	Do.
34	Feb. 3, 1942	do	Do.
35	do	do	Do.
36	do	do	Do.
37	Feb. 5, 1942	do	Do.
38	Feb. 13, 1942	do	Do.
39	do	do	Do.
40	Feb. 17, 1942	do	Do.
41	do	do	Do.
42	Feb. 18, 1942	do	Do.
43	Feb. 19, 1942	do	Do.
44	do	do	Do.
45	Feb. 23, 1942	do	Do.
46	Feb. 24, 1942	do	Do.
47	do	do	Do.
48	Feb. 25, 1942	do	Do.
49	do	do	Do.
50	do	do	Do.
51	do	do	Do.
52	Feb. 26, 1942	do	Do.
53	do	do	Do.
54	Mar. 2, 1942	do	Do.
55	Mar. 5, 1942	do	Do.
56	Mar. 9, 1942	do	Do.
57	do	do	Do.
58	Mar. 10, 1942	do	Do.
59	do	do	Do.
60	do	do	Do.
61	Mar. 11, 1942	do	Do.
62	do	do	Do.
63	do	do	Do.
64	Mar. 12, 1942	do	Do.
65	do	do	Do.
66	Mar. 13, 1942	do	Do.

Call of the roll, 77th Cong., 2d sess.—Con.

No.	Date	Barkley	McKellar
67	Mar. 13, 1942	Present.	Present.
68	Mar. 16, 1942	do	Do.
69	do	do	Do.
70	Mar. 17, 1942	do	Do.
71	Mar. 18, 1942	do	Do.
72	do	do	Do.
73	Mar. 19, 1942	do	Do.
74	do	do	Do.
75	do	do	Do.
76	Mar. 20, 1942	do	Do.
77	do	do	Do.
78	Mar. 23, 1942	do	Do.
79	do	do	Do.
80	Mar. 24, 1942	Absent.	Do.
81	do	do	Do.
82	do	do	Do.
83	Mar. 25, 1942	do	Do.
84	do	do	Do.
85	do	do	Do.
86	Mar. 26, 1942	Present.	Do.
87	do	do	Do.
88	do	do	Do.
89	Mar. 27, 1942	do	Do.
90	do	do	Do.
91	do	do	Do.
92	do	do	Do.
93	do	do	Do.
94	Mar. 30, 1942	do	Do.
95	do	do	Do.
96	do	do	Do.
97	Mar. 31, 1942	do	Do.
98	do	do	Do.
99	Apr. 1, 1942	do	Do.
100	do	do	Do.
101	Apr. 7, 1942	do	Do.
102	do	do	Do.
103	do	do	Do.
104	Apr. 20, 1942	do	Do.
105	Apr. 27, 1942	do	Do.
106	do	do	Do.
107	Apr. 28, 1942	do	Do.
108	Apr. 30, 1942	do	Do.
109	do	do	Do.
110	May 1, 1942	do	Do.
111	do	do	Do.
112	May 4, 1942	do	Do.
113	do	do	Do.
114	May 5, 1942	do	Do.
115	do	do	Do.
116	May 6, 1942	do	Do.
117	do	do	Do.
118	do	do	Do.
119	May 7, 1942	do	Do.
120	May 11, 1942	do	Do.
121	do	do	Do.
122	May 12, 1942	do	Do.
123	do	do	Do.
124	May 14, 1942	do	Do.
125	do	do	Do.
126	May 15, 1942	do	Do.
127	do	do	Do.
128	do	do	Do.
129	May 18, 1942	do	Do.
130	do	do	Do.
131	do	do	Do.
132	May 19, 1942	do	Do.
133	do	do	Do.
134	May 20, 1942	do	Do.
135	do	do	Do.
136	do	do	Do.
137	do	do	Do.
138	do	do	Do.
139	May 21, 1942	do	Do.
140	May 25, 1942	do	Absent.
141	May 26, 1942	do	Do.
142	do	do	Do.
143	May 27, 1942	do	Do.
144	do	do	Do.
145	May 28, 1942	do	Present.
146	June 1, 1942	do	Do.
147	June 8, 1942	do	Do.
148	do	do	Do.
149	do	do	Do.
150	June 11, 1942	do	Do.
151	June 15, 1942	do	Do.
152	do	do	Do.
153	do	do	Do.
154	June 18, 1942	Absent.	Do.
155	do	do	Do.
156	do	do	Do.
157	June 22, 1942	do	Do.
158	do	do	Do.
159	do	do	Do.
160	do	do	Do.
161	June 25, 1942	do	Do.
162	do	do	Do.
163	do	do	Do.
164	June 26, 1942	do	Do.
165	do	do	Do.
166	do	do	Do.
167	June 29, 1942	Present.	Do.
168	do	do	Do.
169	June 30, 1942	do	Do.
170	do	do	Do.
171	do	do	Do.
172	do	do	Do.

Call of the roll, 77th Cong., 2d sess.—Con.

No.	Date	Barkley	McKellar
173	July 1, 1942	Present.	Present.
174	do	do	Do.
175	do	do	Do.
176	do	do	Do.
177	July 2, 1942	do	Do.
178	do	do	Do.
179	do	do	Do.
180	July 6, 1942	do	Do.
181	do	do	Do.
182	do	do	Do.
183	July 7, 1942	do	Do.
184	do	do	Do.
185	do	do	Do.
186	July 13, 1942	do	Do.
187	July 14, 1942	do	Do.
188	July 15, 1942	do	Do.
189	do	do	Do.
190	do	do	Do.
191	do	do	Do.
192	do	do	Do.
193	July 16, 1942	do	Do.
194	do	do	Do.
195	July 17, 1942	do	Do.
196	do	do	Do.
197	July 21, 1942	do	Do.
198	do	do	Do.
199	July 22, 1942	do	Do.
200	Aug. 24, 1942	do	Do.
201	Aug. 25, 1942	do	Do.
202	do	do	Do.
203	do	do	Do.
204	do	do	Do.
205	Aug. 27, 1942	do	Do.
206	Sept. 10, 1942	do	Do.
207	do	do	Do.
208	Sept. 14, 1942	do	Do.
209	do	do	Do.
210	Sept. 17, 1942	do	Do.
211	Sept. 21, 1942	do	Do.
212	do	do	Do.
213	Sept. 22, 1942	do	Do.
214	do	do	Do.
215	Sept. 23, 1942	do	Do.
216	do	do	Do.
217	Sept. 24, 1942	do	Do.
218	do	do	Do.
219	do	do	Do.
220	Sept. 25, 1942	do	Do.
221	do	do	Do.
222	do	do	Do.
223	Sept. 28, 1942	do	Do.
224	do	do	Do.
225	do	do	Do.
226	Sept. 29, 1942	do	Do.
227	do	do	Do.
228	do	do	Do.
229	do	do	Do.
230	Sept. 30, 1942	do	Do.
231	do	do	Do.
232	do	do	Do.
233	do	do	Do.
234	Oct. 1, 1942	do	Do.
235	Oct. 2, 1942	do	Do.
236	Oct. 6, 1942	do	Do.
237	do	do	Do.
238	Oct. 7, 1942	do	Do.
239	do	do	Do.
240	Oct. 8, 1942	do	Do.
241	do	do	Do.
242	do	do	Do.
243	Oct. 9, 1942	do	Do.
244	do	do	Do.
245	do	do	Do.
246	do	do	Do.
247	Oct. 10, 1942	do	Do.
248	do	do	Do.
249	Oct. 15, 1942	do	Do.
250	Oct. 19, 1942	do	Do.
251	Oct. 20, 1942	do	Do.
252	do	do	Do.
253	do	do	Do.
254	do	do	Do.
255	Oct. 22, 1942	do	Do.
256	do	do	Do.
257	Oct. 23, 1942	do	Do.
258	do	do	Do.
259	Oct. 24, 1942	do	Do.
260	do	do	Do.
261	do	do	Do.
262	do	do	Do.
263	Nov. 12, 1942	do	Do.
264	Nov. 13, 1942	do	Do.
265	do	do	Absent.
266	do	do	Present.
267	Nov. 14, 1942	do	Absent.

Total number of roll calls (Jan. 5-Nov. 14) 267
Total number of absences:
Senator Barkley 21
Senator McKellar 8

Mr. BARKLEY obtained the floor.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. BARKLEY. I am sorry that I cannot yield.

Mr. President, I regret that I find it necessary again to address the Senate at this juncture of the proceedings involving the proposed legislation. I would not do so did I not believe that in my own behalf, as well as in behalf of the Senate, if for no other reason, I should not remain silent in view of what has been said during the debate today regarding me personally and officially.

It is always to be regretted when legislation becomes personal, and when the official conduct of a Member of the Senate is construed to be aimed in a personal way at any of his colleagues. We all have our differences of opinion. We have our own conceptions of what our duty is in regard to measures coming before the Senate.

I have been more or less castigated—which does not bother me a trifle—by some of those who have opposed, and who are now opposing the pending measure, because of my position with reference to it. I do not intend, Mr. President, to be goaded by any Member of the Senate into entertaining any animosity or ill feeling toward any other Member of it. Least of all do I intend to be goaded into any such animosity or ill feeling toward the Senator from Tennessee [Mr. MCKELLAR] or the Senator from Georgia [Mr. RUSSELL].

My father was born in Tennessee, and I was educated in Georgia. I have the profoundest respect, admiration, and affection for the people of those two States, in whose soil grew the roots of my own ancestry, as well as for the people of North Carolina, from whom I am descended. The grandfather of the Senator from Oregon [Mr. MCNARY] and my grandfather grew up together and were neighbors and friends through boyhood and manhood. They lived within 5 miles of each other in the State of North Carolina. It but illustrates how the human stream, like some sunken river, disappears now and then and reappears at another place on the surface of the earth. I am proud of the fact that the grandfather of the Senator from Oregon and my grandfather were boyhood friends in North Carolina. I am proud of his friendship in the Senate, notwithstanding our differences upon many issues.

Mr. President, the debate has wandered far afield from the motion made by the Senator from Georgia [Mr. RUSSELL] to correct the Journal by adding the names of absent Senators who did not respond to their names yesterday on the various roll calls. The rules of the Senate do not require that the Journal contain those names, although I am thoroughly indifferent to whether it contains them or not. So far as I know, it has never been required by the rules or by practice that the Journal of the Senate contain the names of absent Senators on a quorum call. They are recorded on yea-and-nay votes in connection with motions and measures. However, the mere calling of the roll to ascertain the presence or absence of a quorum has never involved the insertion of the names of absent Members in the Journal of the Senate proceedings. The object of a quorum call is to obtain a quorum; and when a quorum has been obtained, the Senate is not interested in the individual Senators who are absent. It is interested only in knowing that a quorum has answered to a roll call.

I presume that the Senate and the country know that it has been difficult to obtain and maintain a quorum here during the consideration of the proposed legislation. I am not complaining about any Senator exercising any right which he enjoys under the rules. It is obvious, and it has been announced by some of those opposing the pending bill, that a filibuster is in progress. One Senator announced that he would speak for 30 days. There is no use in our quibbling about what that means. Last Friday I made a motion which I had the right to make, and for the making of which I need to make no explanation or apology. Let that be understood, Mr. President.

Friday was spent. I was asked during the day whether we would have a session on Saturday, and I answered that we would have one if I could provide for it. It is always within the power of the Senate to defeat a motion to adjourn to another day. However, I stated then, without any equivocation, that it was my purpose to move that the Senate adjourn until Saturday, and that we should have a session on that day.

When we met at noon on Saturday it was obvious that an effort would be made to prevent the presence of a quorum. It was whispered about through the Chamber that such an effort would not be made until 1:30 o'clock in the afternoon. I had agreed on the day before that the Senator from Mississippi [Mr. BILBO] should have the floor upon the convening of the Senate the following day. That was not an unusual agreement. I had no desire to punish Senators by keeping them here into the night. I do not hesitate to say that in order to obtain a recess it was necessary to agree that the Senator from Mississippi might have the floor on the convening of the Senate on the following day. Instead of resuming the floor at the beginning of the session on Saturday, which the Senator from Mississippi said he was endeavoring to do—it was not obvious to me—whatever the facts may be, the Senator did not take the floor.

The Senator from Texas [Mr. CONNALLY] was recognized and made a point of no quorum and from then until nearly 4 o'clock the Senate was engaged in an effort to produce a quorum, 49 Senators out of 96. The first roll call produced 27 Senators. The second roll call produced a few more. After the second roll call I moved that the Sergeant at Arms be instructed to notify absent Senators that their presence was desired here to make a quorum. That is the usual motion. I made it because of the position which I occupy, because I had a right to make it, and because it was my duty to make it, unless I and the Senate were willing to announce to the country that the Senate was impotent to obtain even a majority of Senators for the transaction of business. I was not willing to make that admission to the country, and evidently the Senate was not willing to do so, because it adopted the motion which I made to instruct the Sergeant at Arms to notify absent Senators that their presence was needed. The Sergeant at Arms executed the order as best he could, and the result was still the absence of a quorum.

I then made the next motion, which was in order, and which was the usual motion, that the Sergeant at Arms be instructed to compel absent Members to attend in order that a quorum might be produced.

All those motions are of varying degree and confer varying degrees of authority upon the Sergeant at Arms. I do not know that I can state legally just what the word "compel" implies when the Senate instructs the Sergeant at Arms to compel Members to attend. Such authority is evidently something short of a warrant for arrest, because the motion to have a warrant for arrest issued is the next motion to make.

The order was that of the Senate, and not my order. The Senate could have defeated any one of my motions, but it did not do so. It was not my order that the Sergeant at Arms notify absent Senators. It was the order of the Senate. It was not my order that the Sergeant at Arms compel absent Senators, against whom my motion was directed, to attend. It was the order of the Senate. It was not at my order that the Sergeant at Arms compelled the attendance of Senators, although I made the motion. It was at the order of the Senate. On Saturday, when the Sergeant at Arms reported to the Senate—and that is according to the rules; from time immemorial when the Sergeant at Arms has been instructed to do something he has made a report to the Senate—he reported that certain Senators were out of the city, and that certain other Senators were in the city; whereupon I moved that the Vice President issue warrants for the arrest of all absent Senators, and that the Sergeant at Arms be instructed to execute the warrants until a quorum was obtained. That would have been the procedure, Mr. President, but for the fact that the distinguished Senator from Texas [Mr. CONNALLY] at that time interjected to inquire about, and by implication to object to, issuance of the warrants against Senators who were at home in their States; and the Senator asked me the question whether the Sergeant at Arms in executing the warrants would be required to go into the States of Senators who were in their home States.

Every Member of the Senate then understood, and now understands that what I was seeking to do and what the Senate was seeking to do was to obtain a quorum; and certainly it was not the duty or the desire of the Senate to send the Sergeant at Arms into States remote from Washington or near Washington in order to bring back Senators who were in their own States when the Sergeant at Arms reported that there were sufficient Senators in the city of Washington,

although they could not be located in their offices or in their homes, to produce a quorum if they could be brought into the Senate. It may be a coincidence that for the most part the Senators whom the Sergeant at Arms reported as being in the city of Washington were opposed to the bill. The motion which I made would have been made if all of them had been in favor of the bill. There was nothing personal whatever about the motion. When the Sergeant at Arms reported the number of Senators—eight, I believe—who were present in the city of Washington but who could not be located in their homes or in their offices, the Senator from Texas suggested that warrants should not be sent into the States, and I modified the motion so as to limit the issuance of warrants to those Members of the Senate who were reported by the Sergeant at Arms as being in the city.

So, Mr. President, if I was diverted from my original purpose to move, as I did move originally, that warrants be issued against all Senators, it was at the suggestion of the Senator from Texas. I am sure that the Senator from Texas had no personal view about the matter.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I feel quite sure that the Senator from Kentucky does not want to misconstrue or misinterpret what I said the other day. I did not think it could quite be said that I suggested changing the order or anything of the kind. I merely inquired whether it was the purpose of the majority leader to have the warrants sent to Senators who were in their home States. At this point let me observe, however, that I made another inquiry during the proceedings; I inquired whether a Senator could come into the Senate and report his presence, and then go on about his business, and not be subjected to being served with a warrant, as the other eight Senators were. I happen to know of one Senator who, with a great deal of glee, reminded me that he answered to the roll when his name was called shortly after 12 o'clock, and then left the Senate and spent the rest of the afternoon on the golf course. Of course, he was not included in the group of Senators who were brought in by means of the issuance of warrants of arrest.

Mr. BARKLEY. Of course, Mr. President, that is technical matter. The Senator from Texas, when he made the remarks to which I have referred, made them by way of complaint that the motion I made was all-inclusive, that it included Senators out of the city of Washington as well as Senators in Washington. If the order had been issued so as to include all 52 absent Senators, or whatever the number may have been, every Senator knows that as soon as a quorum was obtained the Senate would have proceeded to transact its business.

The report of the Sergeant at Arms revealed that 44 Senators had answered to their names. The fact that a Senator enters the Senate during a period of 3 or 4 hours when we are seeking to obtain a quorum, answers to his name, and then returns to his office does not change the situation. Senators do that; but in such case they have answered the roll, and they are a part of the roll call.

Following that, two Senators—the Senator from Vermont [Mr. AIKEN] and the Senator from Nevada [Mr. BUNKER]—who had been reported to be out of the city, entered the Senate Chamber and answered to their names. The Senator from Nevada was one of the eight Senators referred to. I do not know whether the Sergeant at Arms apprehended him. He entered the Chamber and answered to his name. He did it in a good-humored way, regardless of whether he was or was not apprehended by the Sergeant at Arms; and other Senators did likewise.

Mr. President, let me say that in connection with the order which was issued by the Senate and the motion which was made by me to issue the order there was not the slightest thought of the personal application of the order or of the motion. I could not tell what three Senators might be brought in in order to make a quorum. When the Sergeant at Arms reported that certain Senators could not be located in their offices or in their homes, how could I tell which three Senators among the eight Senators included, would be the first either to come in or to be brought in by the Sergeant at Arms in order to make a quorum?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. I am fully cognizant of the responsibilities of one who is selected as leader of the majority. I have not the slightest complaint to make of any stage of the proceedings which were had here on Saturday until it came to the point at which the Senator from Kentucky made the motion to confine the issuance of the warrants of arrest to 8 out of 52 absent Senators. It developed that our Sergeant at Arms was not infallible. The Senator said that he relied absolutely on his statement. The facts themselves disclose that there were at least 2 Senators, if not more, who were reported as being out of the city but who actually were in the city, and who put in their appearance on the floor of the Senate. No warrant was outstanding for either of those 2 Senators.

The effect of the motion of the Senator from Kentucky was to place a greater responsibility for a Senator to attend the session of the Senate because, forsooth, he happened to be in the District of Columbia. Ofttimes a Senator who is present in the District of Columbia has a great deal of business which he must transact, and therefore cannot be present at a session of the Senate, whereas a Senator might be outside the District of Columbia and be engaged in no business whatever. I have no complaint to make or fault to find with any of the motions the Senator made; but I did think it was violative of the precedents, I wish to say to the Senator, to confine the motion to 8 Senators, when there were 52 who were absent.

Mr. BARKLEY. Mr. President, I hope the Senator will believe me, and I think the RECORD will show, if the Senator reads it—and I suppose he has done so——

Mr. RUSSELL. I have read it with great care.

Mr. BARKLEY. That if it had not been for the suggestion of the Senator from Texas—one of the Senators who was strenuously opposing the bill—the motion which I made would have been adopted by the Senate as originally proposed by me and not as modified.

Mr. RUSSELL. Mr. President, I merely wish to say, if the Senator will pardon me, that I wish the Senator from Kentucky would in all cases follow the suggestions of the Senator from Texas as he did in that instance.

Mr. BARKLEY. I have an idea that if the Senator from Georgia will look back over the record of legislation handled here in the last few years since all of us have been in the Senate he will find that every now and then the Senator from Georgia and I have been on the same side of a proposition as to which the Senator from Texas was on the other side; and the Senator from Georgia might not want me to adhere without exception to the rule which he has suggested.

Mr. RUSSELL. I should not object to it for the remainder of the present session of Congress.

Mr. BARKLEY. I am perfectly satisfied that the Senator from Georgia would be perfectly willing to have me adhere to any suggestion made by the Senator from Texas with respect to the proposed legislation under consideration.

Mr. President, if I am blamable or censurable because I modified my motion at the suggestion of the Senator whom the Senator from Tennessee acknowledges as his leader in this particular situation, then I am to be censured. Perhaps I am blamable; but I think at least my action was a natural consequence of the suggestion made by the Senator from Texas.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I think the Senator is placing too broad an emphasis upon my part in the matter; and I believe that what I have just said will be borne out if the Senator will examine the RECORD. The Senator from Georgia has the record of what I said. I was anticipating in my own mind that the Senator would not want the Sergeant at Arms sent forth to summon absent Senators who were in their home States. In my own mind I was trying to accentuate, I thought, just what did happen—that the Senator from Kentucky was inquiring only as to absent Senators who were in the city.

Let me refer to the RECORD very briefly. I do not think I could be charged with having suggested what kind of a motion the Senator from Kentucky should make. In fact, I have been trying to fight shy of all the motions of the Senator from Kentucky for some time.

Here is what happened. I refer to page 8839 of the RECORD. The Senator from Kentucky [Mr. BARKLEY] had the floor, and he referred to the exodus of the children of Israel from Egypt, and so on, and then said:

I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators, and that the

Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to ask if the execution of the warrants would require the Sergeant at Arms to go to the home States of Senators.

The PRESIDING OFFICER.—

The Presiding Officer, with that marvelous zeal which every candidate for office usually has, said—

The motion is not debatable.

He would not let me make a suggestion, but said the motion was not debatable.

Mr. CONNALLY. I am propounding a parliamentary inquiry, and the Senator yielded. He is making a motion.

Mr. BARKLEY. Of course, when the Sergeant at Arms produces a sufficient number to make a quorum, which is five—and there are more than that many Senators in Washington, as reported by the Sergeant at Arms—it is not expected that warrants of arrest will be sent to the home States of those who are absent.

The PRESIDING OFFICER. If the motion is so phrased as to exclude them, the warrants will not be sent to the home States; otherwise they would have to be.

Mr. BARKLEY. The motion I made would include all absent Senators, but the practical application of it would be limited to those who are in the city.

The PRESIDING OFFICER. The motion is limited to them?

I do not think it is important; I think it is of minor significance whether I suggested it or not. I simply, in my own mind, had the idea then that in what the Senator from Kentucky proposed, he had no intention of sending for Senators who were out of town, but was going to send for the very ones he did send for, the ones who are opposed to this bill.

Mr. BARKLEY. As I said awhile ago, the fact that those eight Senators, or seven of them, are opposed to this bill was purely coincidental. The Senate has heretofore ordered the arrest of absent Senators. It has been done on previous occasions. It was done in 1927 or 1928 as I recall. The Senator from Nebraska [Mr. NORRIS] stated here a while ago that he was arrested on such an occasion and brought into the Senate in order to help make a quorum. After every other method has been exhausted, and has been unsuccessful, and an order is made for the Sergeant at Arms to arrest of Senators, of course, the Sergeant at Arms will go out and attempt to produce the Senators who are easiest of access. That means, of course, those who are in the District. Even if the motion had not been modified under the inquiry, even without the suggestion of the Senator from Texas, that is precisely what would have happened, anyway.

Mr. RUSSELL. Mr. President, that may be true; I do not desire to be critical in this matter; but I do say that it was improper and illegal and without any precedents to issue warrants for 8 out of 52 absent Senators. If 52 warrants had been issued, the Sergeant at Arms might have arrested the identical Senators who were placed under arrest and brought to the Senate, but it certainly would have created a different impression than to have the news go to the States of some Senators that they had been arrested. In some instances, the press stated, "Senator So-and-So and seven of his associates were arrested and ordered to be brought before the Senate." If it had been stated that warrants were issued for 52 Senators, a much different impression would have been created. In another case I read in the headlines: "RUSSELL and seven associates ordered arrested."

The Senator has referred to the precedents. I took occasion to look into this matter before I referred to it on the floor of the Senate, and I have been unable to find a precedent—and I challenge the Senator from Kentucky to find one—for the issuance of warrants confined to a small group when an effort was being made to obtain a quorum and when, manifestly, more than half of the Senate was not present.

Mr. BARKLEY. That may be true; I make no question about that; but I think the Senate understands the situation that existed here Saturday and the reason why the motion was made, or modified, in the form in which it was. I am not responsible for the newspaper headlines or for what commentators may say over the radio. Frequently they misinterpret and color the news as to what happens here, which is an injustice to the Senate. I am as sorry as anyone possibly could be if any Senator was done an injustice by what I did. Certainly I had no desire to do any Senator an injustice. Mr. President, let that be as it may, the record is made; it cannot be changed.

The Senator from Tennessee has brought before the Senate a matter the discussion of which I think would be embarrassing to any Senator. I do not know that it has any pertinent place in this discussion, and it certainly has no bearing upon the motion made by the Senator from Georgia.

The Senator from Tennessee and I have been friends for 30 years, and, so far as I am concerned, we are friends now. I have sat here beside the Senator. I have enjoyed his association and his friendship, and, so far as I am concerned, nothing that I will do or say or think regarding the Senator from Tennessee is going to interfere with that friendship. I mention that because the Senator has seen fit to bring into this discussion a letter which he addressed to the President pertaining to me. I am embarrassed to discuss it even, but I cannot do otherwise, in view of what he said about it.

Mr. President, as soon as Mr. Justice Byrnes resigned from the Supreme Court, Members of the Senate, Democrats and Republicans alike, came to me and asked if I would permit them to suggest my name to the President. One of the first ones who came to me with the suggestion was the distinguished Senator from Oregon, the minority leader, [Mr. MCNARY]. Other Senators on both sides, the very day on which it occurred, came to me, but I refused to give my consent to any or all of them to present my name to the President, though I appreciated, of course, the compliment involved in such a suggestion. No man could be otherwise than appreciative, because it is a goal which is the worthy ambition of every lawyer in America. It is a high and distinguished position; but it is a position in appointment to which, in my judgment, the President of the United States should always, without influence, without pressure, be left free to make his choice. Therefore I declined, because I was, in no sense, an applicant for the position; I have not been at any moment since the vacancy occurred, and am not now.

I went away to vote at my home in Kentucky. The next day after I arrived at my home I read in the newspapers an Associated Press dispatch that the Senator from Tennessee [Mr. MCKELLAR] had circulated what the newspapers called a "round robin" among Senators, most of whom were absent also, and that many signatures had been obtained to it, both of Democrats and Republicans. I was out in the country on a little farm which I own; the newspapers called me up and told me about it and asked what I had to say. It was embarrassing to say anything, but finally I said that, while I appreciated the compliment involved, it was being done without my knowledge, consent, or approval; and that was the truth.

When I returned to Washington a few days ago the Senator from Tennessee, sitting here by me, advised me that he had inaugurated the petition or letter in my absence because he did not want me to know anything about it; he did not want me to be in such a position that it could be said I approved it. I thanked the Senator from Tennessee. I told him I had read it in the newspapers and I had given out the statement to which I have referred because I did not want my own attitude to be misunderstood. I asked the Senator from Tennessee where was the letter or petition or round robin, whatever it may be called. He advised me that it had already gone to the White House. In that regard he was mistaken.

In his address awhile ago he stated that it was turned over to Mr. Biffle. I concur in what the Senator from Tennessee has said about Mr. Biffle. He is one of the most competent, one of the most honorable, and one of the most loyal men who ever served any legislative body or any other body or any individual. If there is one indispensable man in connection with our legislative duties here, he is Mr. Leslie Biffle. He thought it his duty to advise me that this letter had been written, and had been signed by a number of Senators, because I had said to him before my departure from Washington on numerous occasions, when Senators had asked him and he had asked me, that I desired nothing whatever done, directly or indirectly, to cause the presentation of my name to the President in connection with the vacancy on the Supreme Court.

I said to Mr. Biffle, "Where is that letter?" He advised me that it was still in his possession; and it is yet in his possession, because I instructed him not to send it to the President, and it has not been sent, and will not be sent, so far as I am concerned.

I regret deeply that my friend the Senator from Tennessee felt so hurt, because of the way in which I attempted to perform my duty last Saturday, that he

has asked that his name be stricken from that letter. I can assure him, if it is any consolation, that the letter will never be presented to the President. I hope he will not have his name stricken from it, because I appreciate more than I can express the compliment which actuated him in dictating the letter and in signing it. Though it will never reach the high official to whom it was addressed, if I may do so I should like at least to preserve it in my own files as an evidence of the high esteem which the Senator from Tennessee and other Senators at least once held for me, though I may not enjoy it at this time.

I presume I am like the Irishman who came across the ocean, migrating to the United States. He got all sorts of testimonials of good character from high-ranking men in Ireland in order that he might present them to people in the United States as evidence of their high esteem and of his good reputation. He was so proud of this certificate of good character that all the way across the ocean he took it out of his pocket and read it over and over again. One day while he was reading it a strong wind came along and blew it out of his hands into the ocean, and he was greatly disturbed because of the loss of the certificate of good character. Of course, it could not be recovered. He went to the captain of the ship and related his predicament, and asked if the captain would not write him another one. So the captain, seeing the situation, sat down at his desk and wrote out this document:

This is to certify that Patrick O'Hooligan once had a good character, but he lost it on the boat.

[Laughter.]

So, Mr. President, I suppose I have lost my good character on the boat, or in the Senate.

Having disposed of those personal matters in a way which I hope will leave no rancor in the breast of any person, I wish to discuss for a moment or two the proposed legislation which we are trying to consider.

I have no prediction to make as to whether the bill can come to a vote or cannot. I realize that most all the rules of the Senate favor those who are indulging in filibusters. There is only one rule of the Senate which gives any handle or any weapon to those who are seeking to oppose a filibuster, and that is the cloture rule, and that can be adopted only by a two-thirds majority.

I do not know whether the bill is coming to a vote or not. As I stated yesterday, I feel it my duty to exercise whatever authority I have, and to use whatever means are at my hand, to bring it to a vote. If I fail in that, I shall accept the result, I hope with good humor and in good temper.

If there is no other result that can come from this agitation than to arouse the people in the States involved so that they will themselves repeal the poll-tax requirement as a prerequisite for suffrage, this fight will have been worth while.

It has been intimated here by Senators that I have injected this matter into the Senate in order to divide and destroy the Democratic Party. I do not know whether any other Senator has through the years given more of his time and energy than I have given to promote the interests of the Democratic Party and the interest of democracy in its broader sense. If any Senator here has done more than I have done to promote democracy I yield to him the honor and the crown; but within my limited ability and my limited opportunities I have done everything I could to spread the gospel of democracy.

I am a follower of Thomas Jefferson, who was regarded as the greatest radical of his day, and who was denounced because he advocated equality among the people, because he was for the underdog, because he represented what was in those days called the great mass of the people sometimes referred to as radicals. Some of the historians have charged that Jefferson got his ideas from the French Revolution, whereas as a matter of fact it is more than likely that the French Revolution got its ideas from Jefferson.

He was the author of the immortal Declaration of Independence, in which he said, "All men are created equal." He did not say "all men are created equal if they pay the poll tax." He said, "all men are created equal," and that "they are endowed by their Creator with certain unalienable rights," not unalienable rights if they pay the poll tax. "That among these are life, liberty, and the pursuit of happiness." Not life, liberty, and the pursuit of happiness at a dollar and a half a head, not life, liberty, and the pursuit of happiness if they are deprived of the right to vote, but life, liberty, and the pursuit of happiness under terms of equality among the people of the United States.

Mr. President, the fact that there may have been a requirement for the payment of poll taxes in many of the States over the years, 150 years, is not very pertinent, it seems to me, but that in those States which still require it the question of democracy and its enjoyment and its fulfillment is a matter of pertinent observation.

A few days ago the senior Senator from Mississippi [Mr. BILBO] made the statement, and rather boasted of the fact, that the enactment of the proposed legislation would not enfranchise a single colored voter in his State; and that probably is true. It is probably true as to all the eight States where the poll-tax payment is required. But, although the Senator said that the enactment of the proposed legislation would not result in the enfranchisement of a single colored voter in Mississippi, it would enfranchise 200,000 white voters in Mississippi. In other words, under the poll-tax requirement now 200,000 white citizens of that State are denied the right to vote, although the landlords and the landowners, for whom many of these people may work for a dollar and a dollar and a half a day, can refuse or fail to pay the taxes upon their property until it is sold at the courthouse door for taxes, and can still vote but the man who works on the farm owned by the owner who lets it be sold for taxes at the courthouse door cannot vote unless he pays a dollar and a half for the privilege. And that is called democracy.

A primary was held in Mississippi recently in which the junior Senator from Mississippi [Mr. DOXEY] was interested, and we all regret that the able and courteous and fair and sincere Senator was not renominated. It has been complained that one of the reasons why he not renominated was that many of the great landowners in his State, if not most of them, opposed his renomination. I do not know anything about that, but it was claimed at the time that they opposed his renomination. If it be true that there are 200,000 white citizens of Mississippi who are denied the right to vote because the payment of a poll tax involves a price that may represent a pair of shoes to a barefooted child, and therefore cannot be paid, are we able to say that if they had been enfranchised, the result of the primary in Mississippi might not have been different and that the Senator from Mississippi might not have been returned? I do not know. Certainly if the great landed gentry were opposed to the Senator, and the hired hands on the farm who could not pay the poll tax were allowed to vote, I suppose it is a fair presumption that their suffrages would have been cast in behalf of a man who in the House of Representatives and in the Senate of the United States has been a spokesman of the downtrodden, average men, and those who are regarded as underprivileged. I honor the Senator for being such a spokesman.

Mr. BILBO. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BARKLEY. I yield.

Mr. BILBO. Of course, the Senator remembers that in my remarks the other day I announced that I had been fighting for 5 years to abrogate the poll tax as a prerequisite to a person voting in the primaries in Mississippi, and if the pending bill should pass it would remove, so far as the election of Federal officers is concerned, the payment of poll taxes for about 200,000 whites in the State who do not now participate in the election.

As to the result of the election a few days ago in Mississippi, in which my colleague was defeated, I shall cover that thoroughly in my own time.

I rose to ask a question of the Senator from Kentucky while he is on the subject. If by the passage of the bill we establish the fact that the Congress has the power to go into a sovereign State and strike down and remove certain qualifications which have been established by the State legislature, would not the Congress have the same right to go into the State and impose additional qualifications on the voters?

Mr. BARKLEY. The Senator will recall that that subject was discussed somewhat at length when we had before the Senate the soldiers' voting bill.

Mr. BILBO. I was not present at the time, and I should be glad to have the Senator's answer to the question I have asked.

Mr. BARKLEY. I appreciate the Senator's question, and it is a proper question, and I am sure it is propounded with the utmost sincerity. When that bill was before the Senate, and the amendment was offered providing that our soldiers who are outside the United States and away from their own States, should be allowed to vote without the requirement that they pay the poll tax, the question was discussed as to whether the requirement that a poll tax be paid was a qualification or a mere regulation regarding the holding of elections. Decisions of the courts, including the Supreme Court, I think, were quoted in the Senate in behalf of the contention that the payment of a poll tax or the requirement that a poll tax be paid, was not in the same category with a provision as to age of voters, which in most States, if not all, is 21 years of age, and of residence within the State, and so forth; that it was a regulation and not a qualification. I do not categorically adhere to that theory, I will say to the Senator from Mississippi.

Mr. BILBO. I am glad to hear that.

Mr. BARKLEY. But if it be a mere regulation with respect to the holding of Federal elections, and Congress can by legislation modify a regulation, or a State law with respect to the holding of elections for Members of the House and Senate, and President and Vice President, undoubtedly the Senator is correct by the implication of his question that if Congress could do it with respect to the poll tax, it might do it with respect to other regulations, but not do it with respect to fundamental qualifications of voters which are fixed by the legislatures and by the constitutions of some of the States.

Mr. BILBO. I will ask a further question. If the poll-tax payment as a prerequisite for voting is a qualification, would a registration requirement of the constitution or laws of a State be a qualification?

Mr. BARKLEY. It might well be. I think the original object of the law which we passed in regard to absent soldiers was to provide that they might vote without registration, and the amendment regarding the poll tax was offered to that bill.

Mr. BILBO. In other words, in the bill the Congress passed to permit the soldiers to vote during the war, not only was the qualification of the payment of poll tax removed, but Congress went a step further, and removed registration as a qualification?

Mr. BARKLEY. That is correct.

Mr. BILBO. If the Senator finds, as he will if he succeeds in having the pending bill passed, that the poll tax does not reach the end for which the bill is intended, then I take it the next step will be for Congress to pass a law to abolish registration in the States.

Mr. BARKLEY. Well, of course, I cannot——

Mr. BILBO. We have already done it in one case.

Mr. BARKLEY. We have done it so far as absent soldiers are concerned, yes; undoubtedly.

Mr. BILBO. Undoubtedly.

Mr. BARKLEY. So far as a next step is concerned, I will say to the Senator, if he refers to me personally, I have not in contemplation any next step. I pass upon legislation as it comes before me, one step at a time. I do not take steps out over a vast chasm of the future until we have approached the time when the step is appropriate. I do not think it is now.

Mr. BILBO. I am in sympathy with the suggestion of letting the soldiers who are fighting our battles have a voice in civil government at home while they are fighting, and I should be very glad to have them vote. But as I personally understand the Constitution I think the bill to give the soldiers the right to vote without the poll-tax-payment qualification or registration qualification, as provided in the constitutions of some of the States, is clearly in violation of the Constitution of the United States. I do not think we had any right to pass that kind of law. In other words, I think in doing so Congress was striking a death blow at the very thing we are fighting battles for. I consider a Member of the Senate who is fighting to defeat the pending piece of legislation, which strikes at the very heart of our dual scheme of government and which is the entering wedge to destroy the sovereignty of the States, and put all power in the centralized Government on the banks of the Potomac—I consider such a Senator who is fighting to kill this bill as much of a soldier in defense of American Government and American life and American ways as a marine in Guadalcanal who is today fighting the Japs. I do not think there is any difference between them, except that the marine in Guadalcanal is fighting the enemy on the outside and we here are fighting the enemies of the American system of government on the inside.

Mr. BARKLEY. The Senator is entitled to that viewpoint. Of course, there is this difference, that the marine is in much greater danger than anyone in the Senate who happens to be fighting.

Mr. BILBO. I only hope that the marines will be as sure of winning their fight as we are of winning this one.

Mr. BARKLEY. If the Senator is cocksure of that result, it ought to guarantee victory for the marines.

Mr. BILBO. I am cocksure of it.

Mr. BARKLEY. But I am satisfied, whatever the result here in the Senate, that the marines will win.

Mr. BILBO. I think we will win both battles.

Mr. BARKLEY. I am satisfied that the marines will win their battle.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER [Mr. LA FOLLETTE in the chair]. Does the Senator from Kentucky yield to the Senator from Florida?

Mr. BARKLEY. I yield.

Mr. PEPPER. As the author of the bill which is now being considered, I want very heartily to concur in what the able Senator from Kentucky has said. There is no other step within the contemplation of the author of the proposed legislation. This measure is simply intended to accomplish what it shows on its face it is designed to accomplish, namely, to strike down the requirement that any citizen of the United States has to pay to any party or any government a sum of money before he can participate in the election of Federal officials who determine the course and the destiny of this country, and to say, secondly, that, as the Senate knows, the Senator from Florida, who is the author of the bill in substance which is now pending before the Senate, was also the author of the amendment exempting the soldiers and sailors from being required to pay the poll tax.

It was the same Senator who offered it here on the floor of the Senate, who first went before the Senate Committee on Privileges and Elections, and advocated it after he had previously offered it, and had it incorporated in a general bill which went to the Senate Military Affairs Committee, and later offered the amendment on the floor at the time the absentee voting bill for soldiers and sailors was before the Senate.

It is all a part of the same purpose of exempting any citizen from the necessity of being required to pay a poll tax.

It is only fair to say, though not claimed with any vanity, or seeking any compliments, that it was the initiator of this proposed legislation who also initiated the exemption for the soldiers and sailors, and, generally speaking, the Senators who favored the exemption of the soldiers and sailors from the requirement that the poll tax be paid, are favoring, as is the able leader, the passage of the pending bill, which would exempt any citizen from being required to pay a sum of money before voting for a Federal official, such as a Member of Congress.

Mr. BARKLEY. I thank the Senator. Of course, we all know that everybody in the United States, no matter where he lives, is interested in the kind of Congress we have, the kind of President we have, and the kind of Vice President we have. While, of course, a citizen should not be permitted to vote outside his own local jurisdiction, all the people of the United States are tremendously concerned about what sort of Congress they have, for every Senator who casts a vote votes for all the people of the United States; he does not vote merely for the people of his own State. In the consideration of many local issues we undertake to serve the people of our own States. With respect to such issues we are primarily under obligation to them; but in a broad sense, legislation affecting the American people is voted upon by Senators as representatives of all the American people.

Democracy in any nation does not completely exist if there are situations and regions in which it does not prevail. The Democratic Party has enjoyed an unbroken history for 150 years. Thomas Jefferson was its founder. Without interruption it has been a live organization. I have sometimes felt and said that in many periods of our history it was a voice crying in the wilderness. In victory and defeat it has lived and survived, and it has survived because it has been the voice of the great masses of

common men and women in the United States. It will continue to survive in victory and defeat so long as it remains that voice.

I say to my Democratic colleagues, as well as to my Republican friends on the other side of the aisle, that if the only claim for survival on the part of the Democratic Party is the right to tax a man in order that he may cast a vote for Federal officers, then it has built its house on a foundation of sand. It was not born in that atmosphere. It has not lived in that atmosphere. God grant that it may not die in that atmosphere. I believe in democracy, because I believe in representative government; because I believe that our Nation is the finest example of democracy and representative government that has ever existed in all history. We are fighting for it today. Many of our men will give up their lives for it. I want that democracy to be universal. I do not want it handicapped by any relic of what I believe to be the feudalistic system by which men are required to pay for the privilege of exercising the right of suffrage.

The fact that the poll-tax once existed in wide sections of our country is no excuse for its continued existence. The fact that it existed in the New England States at one time is no longer any reason why it should continue. So far as I am concerned, I should infinitely prefer that the States themselves abolish it.

I have a feeling that when the issue is presented to the people of the States and they understand all its implications, its inconsistency with democracy and freedom, and its inconsistency with the very things for which we are now fighting here and throughout the world, they themselves will abolish it; but until that happens I believe that the Congress of the United States has the power and the duty to deal with the subject.

It has been stated in the debate that some of those advocating the proposed legislation have said that they are certain that the Supreme Court of the United States would declare it to be constitutional. I have not heard any such statement on the part of anybody who advocates the proposed legislation. I do not know what the Supreme Court will decide. Frequently the opinions I have expressed in the Senate and in the House of Representatives have been overruled by the Supreme Court. So let me say to the Senator from Mississippi and other Senators that I am not one of those who can predict in advance what the Supreme Court will decide on any subject. However, I believe that I have a right to vote for this measure under the Constitution; and if the bill should be enacted into law and the Supreme Court should sustain the act, I should be sustained. If the Supreme Court should overrule it, of course I should be wrong about it; but it would not be the first time I have ever voted for a measure which was later declared unconstitutional by the Supreme Court of the United States. I am not disturbed by that fact.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Louisiana?

Mr. BARKLEY. I shall yield in a moment.

Most of us claim some knowledge of the Constitution. We all have a duty to uphold it. We know that ever since it was framed and established and ratified by the required number of States, it has been the subject of dispute and controversy. Sometimes those controversies have been resolved by decisions of the Supreme Court. Sometimes they have not been so resolved. Many controversies are still raging and in existence in the minds of the people. I believe that the proposed law would be a constitutional enactment. However, if it is enacted into law, the final word can never be spoken upon it except by the Supreme Court of the United States; and, as in all such cases, I will accept the decision of that Court in regard to this measure.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield first to the Senator from Louisiana.

Mr. OVERTON. I understood the Senator from Kentucky to make the statement that he has not been advised of any proponent of the bill suggesting that its constitutionality would be upheld by the Supreme Court of the United States.

Mr. BARKLEY. I presume the Senator has reference to some of those who appeared before the committee.

Mr. OVERTON. I have reference to the statement made by the author of the bill.

Mr. BARKLEY. He may have stated that in his judgment——

Mr. OVERTON. I should like to read the statement into the RECORD.

Mr. BARKLEY. He may have stated that in his judgment it would be constitutional. That opinion, however sincere, would have no quality of finality about it.

Mr. OVERTON. Absolutely none; but in order to keep the record straight I should like to read into the RECORD what the author of the bill has said.

Mr. PEPPER. I hope the Senator will permit it to be read.

Mr. BARKLEY. The Senator from Florida seems as anxious to have it read as is the Senator from Louisiana.

Mr. OVERTON. I quote from page 4 of the hearings before the subcommittee of the Committee on the Judiciary. In testifying before the subcommittee the Senator from Florida [Mr. PEPPER] said:

> In the third place, we shall endeavor to show the committee that there is no doubt about the power of Congress to act in this premise, but at most, there is no more than a doubt; that there are now six Justices of the Supreme Court who were not members of the Supreme Court—two-thirds of the entire membership when the Breedlove case was decided, December 6, 1937; that the Breedlove case related to a State constitution and the statutory provisions governing qualifications for State election of State officers and not an election for Federal officers and has no connection with the issue which is presented by the bill in question.

Let me say incidentally that I believe that the general interpretation of the Breedlove case is to the effect that the bill which is now before the Congress is an effort on the part of the Congress to enact unconstitutional legislation.

Continuing with the quotation:

> The proponents of the measure therefore feel justified in asking Congress to pass upon the merits of the measure, and if, in the wisdom of Congress, the merit of the bill is such as to obtain approval of the Congress, then any legal doubt, particularly under the circumstances mentioned, should be removed in favor of allowing the presently constituted Court to pass upon the specific question presented by this bill.
>
> Senator O'MAHONEY. Are you suggesting that the change in the personnel of the Court might change the decision?
>
> Senator PEPPER. I am suggesting, Mr. Chairman, that just as a court will take judicial notice of certain legislative circumstances, the legislative branch of the Government may take legislative notice of change in judicial conditions.

Mr. BARKLEY. Of course, the Senator knows that the membership of the Supreme Court changes from time to time, and that it reverses other courts, and sometimes reverses itself.

Mr. OVERTON. That is not the question I am discussing. The Senator said that he had not been advised that any proponent of the proposed legislation had suggested that its constitutionality would be upheld by the Supreme Court.

Mr. BARKLEY. I suppose my remarks on that question would be subject to the modification that the Senator from Florida felt that the Supreme Court would hold it to be constitutional. Of course, he is entitled to that opinion.

I express no opinion. So far as I am concerned, I am never cocksure of what the Supreme Court will do about anything. It is like any other court. It not only has the power, but it has the duty to reverse itself whenever it feels that former decisions are erroneous.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to my colleague.

Mr. CHANDLER. I do not think it is unusual for a Senator sponsoring a bill to believe in its constitutionality. I believe it is his duty to ascertain to his own satisfaction that the measure which he is seeking to have enacted is constitutional. If it will be of any help to the Senator from Louisiana, I will join the Senator from Florida by saying that after listening to the discussion in the Judiciary Committee I formed the opinion that the bill, if enacted into law, would be constitutional. I do not know whether it would be so held; but I am not deliberately trying to have the Senate enact what I believe to be an unconstitutional measure. I should not want to waste my time or the time of the Senate in that way. I do not believe that there is any ground for objection because a Senator believes that a measure which he is sponsoring is constitutional. I do not believe that such a measure should be objected to on that ground.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. I wish to correct an erroneous impression under which the junior Senator from Kentucky seems to be laboring. As I interpret the testimony of the Senator from Florida, it is to the effect that in his judgment the Supreme Court of the United States, as presently constituted, would depart from the decision laid down by its predecessor in the Breedlove case.

Mr. CHANDLER. The Supreme Court is not bound by the decision in the Breedlove case. The Senator from Florida had a right to call attention to what everybody in the country knows, namely, that there are new members on the Supreme Court, that they are not bound by the decision in the Breedlove case, and that they may reach a different conclusion when and if they consider the question involved in the pending measure. There is nothing wrong with that attitude. Certainly if the membership of the Court had remained the same, the Senator from Florida might not be justified in making such a statement; but inasmuch as the membership of the Court has changed, he may have the feeling that perhaps the Court would reach a different conclusion.

Mr. BARKLEY. Even if the present Court should not hold such an act to be constitutional, there will be future changes in the Court; and some future Court, composed of different men, who may have a different viewpoint upon the constitutionality of such legislation, might even reverse the present Court, and hold it to be constitutional.

However, Mr. President, I have taken more time than I anticipated taking. So far as the motion of the Senator from Georgia is concerned, to include the names of absent Members in the Journal of yesterday, I do not care anything about it one way or the other, although, in view of the unbroken precedents of the Senate I think that on a quorum call the names of absent Senators are not put in the Journal, not even in the RECORD. Only the names of Senators who answered to their names are included in the RECORD; and they have never been included in the Journal. I think it would be establishing a bad precedent to require that the names of absent Senators be included in the Journal itself. So far as I am concerned, it is agreeable to me to have the Senate act upon the matter as it sees fit.

Mr. MAYBANK. Mr. President, I wish to say only a few words in connection with the warrants of arrest which were sworn out against certain Senators last Saturday. The distinguished Senator from Tennessee [Mr. MCKELLAR] has stated that we were singled out. I am glad to have in the RECORD the statement that we were singled out; because a leading newspaper in my State has carried the headline "MAYBANK dragged back to the Senate as the New Deal presses the poll-tax bill."

All my life I have adhered to law and order, and never in my life have I been arrested. I do not now consider that I was arrested, and I wish the RECORD so to show.

Insofar as the poll-tax bill is concerned, let me say that there are nearly 100,000 South Carolinians in the armed services, and I cherish among them many relatives of mine. The people of South Carolina want the Senate to go forward in the effort to help win the war, not to discuss a poll-tax bill, which has no connection with the war or with the efforts to achieve victory on land or on sea.

For the benefit of the Senators now present, I desire to say that the poll tax was first levied in South Carolina in 1702. I shall read the law.

I quote from the testimony of Governor Jefferies before the Committee on the Judiciary:

> The custom of levying a per capita tax on the people of South Carolina originated at a very early day. As early as 1702 an act of the general assembly to make Charles Town defensible provided:
>
> "That the said 550 pounds per annum be raised by a pole"—they spelled it p-o-l-e—"every man within the bounds of the town that is capable of bearing arms to pay 20 shillings per annum.
>
> "And every single woman or widow that is a housekeeper and finds a watchman in the constable's watch to pay also 20 shillings per annum."

The poll tax was used by the colony to defend itself against the Indians. When the carpetbaggers and scallawags, whom the distinguished Senator from Georgia [Mr. RUSSELL] so eloquently and aptly described on this floor today, met in South Carolina when the State was readmitted into the Union, they wrote their constitution. I wish to read article I, section 1, of the constitution written by the group which was sent there by the then President of the United States. I quote further from the testimony of Governor Jefferies:

> The convention adopted a new constitution for the State, and section 1 of article I thereof provided:
>
> "The general assembly, whenever a tax is laid upon land, shall at the same time impose a capitation tax, which shall not be less upon each poll than one-fourth of the tax laid upon each hundred dollars' worth of assessed value of the land taxed; excepting, however, from the operation of such capitation tax all such classes of persons, as from disability or otherwise, ought, in the judgment of the general assembly to be exempted."

Let me say that in the Democratic primary in South Carolina there is no poll tax. Every man and women who belongs to the Democratic Party is eligible to vote in the primary; and in order to make certain that the people are allowed to vote we send the books even into their homes, so that everyone may register. In the general election in a one-party State, such as is South Carolina, the payment of a poll tax is required before a person in eligible to vote; but in South Carolina there are 225,000 people who pay poll taxes, and less than 30,000 or 40,000 ever vote except when a Presidential election occurs; and even then the highest vote which I can recall was about 100,000.

However, in our primary more than 500,000 persons register. If they cannot write their own names, which, unfortunately, is the case in some instances because of the poverty of many of our people brought about by the activities of outsiders from 1865 to 1876, someone is sent along to write their names for them.

So, Mr. President, the issue is not an issue as to whether the Negro is to be disenfranchised. The issue, as I see it, is purely one relative to the constitution of our State. It is purely an issue as to the right of the people of South Carolina to pass their own election laws.

Mr. President, I do not propose to speak at length at this time; I do propose to take quite a long time to discuss the bill if it shall be considered by the Senate; but before I take my seat I should like to say that, although I do not consider myself as having been arrested or dragged in, but merely as singled out, as the distinguished Senator from Tennessee said, yet if my singling out will defeat the bill I hope I shall be singled out, if necessary, 100 times.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. BARBOUR. Mr. President, out of order I ask unanimous consent to have printed in the Appendix of the RECORD an article entitled "Chiefs of Staff Jointly Plan United States Operations." The article was written by Glen Perry, Washington correspondent of the New York Sun, and appeared in the November 13 issue of that newspaper.

The PRESIDING OFFICER. The Chair regrets that, the Journal not yet having been corrected and the pending motion not having been disposed of, no other business can be transacted.

Mr. MCNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCNARY. I desire to call the attention of the present occupant of the chair to rule VIII of the Rules of the Senate, for the reason that the——

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon is being recognized for the purpose of propounding a parliamentary inquiry.

Mr. MCNARY. For the reason, Mr. President, that two Senators-elect desire to take the oath for the short term of office, and at the time when they are sworn in I desire to present an order for their assignment to committees. I believe that the taking of the oath, being a privileged matter, would not interfere with the order of business of the Senate. If I may, I should like to have a ruling on that matter. Then I should like to have a further ruling——

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that until the question of the correction of the Journal has been concluded, it would not be in order to present the credentials of Senators-elect or to have them receive the oath. The rule reads:

> The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal.

Of course, what the Senator suggests could be done by unanimous consent.

Mr. MCNARY. That is not the question, Mr. President. Probably the Chair, having been occupied in discussing the

matter with the very efficient Parliamentarian, did not follow my request. Assuming that disposition has been made of the matter of correction of the Journal, I refer to a matter to occur tomorrow, when the regular order is before the Senate, namely, an appeal from the decision of the Chair. At that time would it be proper to present the Senators-elect in order to have them take their oaths, and immediately thereafter obtain an order for their assignment to committees? That is the point.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that until the question of the correction of the Journal is disposed of——

Mr. McNARY. I concede that. I have made that exception. I am assuming that that will be done today. What I want to know is whether, after that has been done, and when we are back on the regular order—which, as I stated a moment ago, is an appeal from the decision of the Chair—it would be in order to have the Senators-elect take their oaths and to have an order entered for their assignment to committees. I desire to have a ruling on that matter tonight, because I want to know whether to notify the Senators-elect to be present tomorrow.

The PRESIDING OFFICER. No appeal from the decision of the Chair is pending.

Mr. McNARY. So many motions and quorum calls have been made that I am not informed what motion would follow.

The PRESIDING OFFICER. The pending question is on agreeing to the motion offered by the Senator from Georgia to correct the Journal of yesterday.

Mr. McNARY. I appreciate that; and when that question is disposed of, we shall come back to the regular order of business.

The PRESIDING OFFICER. Unless some other motion to correct the Journal is offered.

Mr. McNARY. I am assuming that the Journal will have been corrected and that disposition will have been made of that matter. I should not attempt to present the Senators-elect until the pending business has been completed. I want to know whether, after that has been done, it will be in order to present those gentlemen in order that they may take their oaths of office, and at that time obtain an order for their assignment to committees.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the rule is clear that the presentation of credentials can be made at any time except during the reading and correction of the Journal, or while a question of order or a motion to adjourn is pending, or while the Senate is dividing.

Mr. McNARY. I think that is an accurate statement, of course, and that is why I have propounded the inquiry as to whether obtaining the order would in any way interfere with procedure on the floor. Would it take a Senator off the floor? Would he lose the floor thereby? Would it in any way disturb the orderly conduct of the business before the Senate? That is the point I am trying to have decided.

The PRESIDING OFFICER. If a Senator had the floor at the time the Senator desired to present the credentials of Senators-elect, under the precedents of the Senate he could yield for a privileged matter without losing the floor. But of course the present occupant of the chair is unable to say whether the decks will be cleared tomorrow, so to speak, so that the Senator could present the credentials.

Mr. McNARY. I agree to that, but what I have been trying to make myself clear about is concerning the order I wish to obtain relating to the assignment of the Senators to committees. Would the granting of the order in any way interfere with the procedure, or would it take a Senator from the floor?

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the assignment of a Senator-elect to committees is a privileged matter, and that a Senator having the floor could yield for that purpose without losing the floor.

Mr. McNARY. I thank the Chair. That is the decision I expected.

Mr. RUSSELL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Might not all these difficulties be obviated if the Senator from Kentucky would merely move, when the proper hour has arrived, whenever it may be, to take a recess, rather than to adjourn? I think that would relieve us of a great many of the difficulties. I wish to do all within my feeble limitations to assist the Senator from Oregon in the matter in which he is interested. It occurred to me that if the Senator from Kentucky would merely move to take a recess rather than to take an adjournment, there would be no difficulty whatever in the Senator from Oregon transacting the business to which he has adverted.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that until all questions concerning the Journal of the last session of the Senate are disposed of, no other business can come before the Senate.

Mr. RUSSELL. Of course, that could be altered by unanimous consent. It has been said often that the Senate can do anything by unanimous consent.

The PRESIDING OFFICER. The Senate can do anything by unanimous consent, as the Senator has observed.

Mr. BARKLEY. I had assumed that we would dispose of the Senator's motion to correct the Journal so far as Senators absent at the time of the roll call yesterday were concerned.

Mr. RUSSELL. As I recall, there were some 11 roll calls yesterday. Of course, the same question would apply to all the roll calls.

Mr. BARKLEY. I assumed the Senator's motion contemplated all of them.

Mr. RUSSELL. No; I merely made a test case of the first one, and the pending motion relates only to the first call had on yesterday. I might say that the Senator from Kentucky has shoved off this motion——

Mr. BARKLEY. Done what?

Mr. RUSSELL. The Senator said he did not think it was germane, and that it was contrary to the precedents of the Senate.

Mr. BARKLEY. No; I did not say I did not think it was germane. I said I thought it was not customary.

Mr. RUSSELL. Not pertinent, then.

Mr. BARKLEY. No; I did not even say that.

Mr. RUSSELL. The Senator certainly said he did not think it amounted to anything. He used those identical words, and if that does not mean it is not germane, I should like to have him explain what he did mean.

Mr. BARKLEY. I said I thought it was unusual, that it had not been done heretofore, to require that on a call to develop a quorum the names of absent Senators should be included in the Journal. They are not even included in the RECORD. As the Senator will note if he will examine every quorum call in the CONGRESSIONAL RECORD, from time immemorial, there are simply stated the names of those who answer to their names. The names of absent Senators are not stated.

Mr. RUSSELL. I stated definitely that the CONGRESSIONAL RECORD did not disclose the names, but I gave my reason for thinking the Journal should. Of course, the CONGRESSIONAL RECORD has no standing in a court of law. Courts do not pay any attention to the CONGRESSIONAL RECORD.

Mr. BARKLEY. But the Journal has never contained the names of Senators absent on quorum calls.

Mr. RUSSELL. Mr. President, in his discussion the Senator from Kentucky said that when a roll call vote was had the names of absent Senators did appear. Then certainly a very serious error has been made in preparing the Journal, because the Journal of the proceedings of yesterday did not contain the names of absent Senators.

Mr. BARKLEY. If I said what the Senator has stated I said, I did not mean just that. What I meant to say was that the RECORD shows those who vote for and against a proposition. The affirmative and negative votes are shown in the RECORD and in the Journal, but I did not mean to say that the names of absent Senators, who did not vote at all, were included in the Journal.

Mr. RUSSELL. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. In the event the pending motion should be disposed of by the Senate, and the Senator from Kentucky were to obtain the floor—and I have commented heretofore on the happy facility of the Senator from Kentucky in obtaining the floor—what would be the parliamentary status of objections which other Senators might tomorrow like to lodge against the Journal of yesterday, if a motion to adjourn were carried?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that in the absence of any motion to change or amend the Journal, if the

Senate were then to adjourn, the Journal would stand. In other words, there is nothing in the rules of the Senate which provides for approval of the Journal. There is a provision that the Journal of the preceding day shall be read and corrected. Therefore, it is the opinion of the present occupant of the Chair that, when there are no further motions pending concerning the Journal, and an adjournment is taken, the Journal of the preceding day would stand.

Mr. RUSSELL. Under the ruling of the Chair, a simple motion to adjourn would make it absolutely impossible to conform to the provisions of rules III and IV. There might be the most glaring defects and errors in the Journal, and the Senate would be absolutely helpless to correct those errors at any time, if a simple motion to adjourn were made. A motion to adjourn would cut off all debate, and no Senator would have the right or the power to refer to those errors, he could not discuss them in the Senate, and some very grave error might be in the Journal which could never be corrected, if the ruling of the Chair is correct. An appeal would not lie from the statement of the Chair at this time, of course.

The PRESIDING OFFICER. The Chair has only responded to a parliamentary inquiry and stated his opinion as to the interpretation of the rule.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. RUSSELL. I yield.

Mr. BARKLEY. Of course, the rule applies to the Journal of the previous day. It does not apply to any other Journal. While the motion of the Senator from Georgia is pending, no other business can be transacted. If the motion of the Senator from Georgia should be disposed of, either by its being adopted or being defeated, of course, the Senator could move for other corrections of the Journal. I am thoroughly aware of that. I do not have to advise the Senator of that, because he is so good a parliamentarian that I do not have to give him advice as to what to do to postpone consideration of this bill.

Mr. RUSSELL. I am always happy to have suggestions.

Mr. BARKLEY. Of course, the Senator would have the same right tomorrow he has today, and could proceed along the same line with regard to today's Journal.

Mr. RUSSELL. I am fully aware of my rights as to today's Journal, and I conceive that there may be many errors in yesterday's Journal, but that today's Journal might be letter perfect. There might not be any errors in it.

Mr. BARKLEY. I have no doubt that——

Mr. RUSSELL. And then there would go into the archives of the Nation this incorrect Journal of yesterday, with all its defects, and we never would have any opportunity to correct it.

Mr. BARKLEY. It would be a serious matter, which would have a tremendous effect upon the welfare of future generations, if by some oversight the Journal of today should slip through without correction. Very likely the Senator from Georgia can find the same defect in today's Journal that he found in yesterday's Journal. We have had a quorum call or two, and I do not suppose that the absent Members are included in the quorum call. We have had at least one or two quorum calls. We have had a roll call today. The absent Members are not included in the Journal on that call. So that the situation would be the same, and would be the same at the beginning of any day with respect to the Journal of the previous day's proceedings.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. RUSSELL. I yield.

Mr. THOMAS of Oklahoma. I should like the floor in my own right if I may.

The PRESIDING OFFICER. Has the Senator from Georgia concluded?

Mr. RUSSELL. I yield the floor at this time.

Mr. WAGNER. Mr. President——

Mr. THOMAS of Oklahoma. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. What is the question pending before the Senate?

The PRESIDING OFFICER. The pending question is the motion made by the Senator from Georgia relating to the Journal.

Mr. THOMAS of Oklahoma. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is that motion debatable?

The PRESIDING OFFICER. It is. It has been debated for some hours.

Mr. THOMAS of Oklahoma. I desire to debate it.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. THOMAS of Oklahoma. Mr. President, in a recent issue the Reader's Digest contains an article on our silver policy. [Laughter.]

Mr. BILBO. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. THOMAS of Oklahoma. No, Mr. President; I cannot yield.

Mr. BILBO. I simply want to make a small correction in the RECORD.

Mr. THOMAS of Oklahoma. Mr. President, this article in the Reader's Digest contains some glaring misstatements. I have been trying to obtain the floor to ask permission to incorporate in the Appendix of the RECORD a short statement pointing out these misstatements, and if I can obtain permission to insert a short statement in the Appendix of the RECORD I shall not take any further time of the Senate. Otherwise I shall be forced to read my statement.

I ask unanimous consent to have printed in the Appendix of the RECORD a short statement on our silver policy.

The PRESIDING OFFICER. No such business can be transacted until the pending matter is disposed of.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I refuse to yield. The statement is as follows:

To the question, "Is our silver policy sound?", my answer is, "Yes," and for the following reasons:

Throughout the ages silver, like gold, has been considered one of the precious metals.

Silver has served the nations of the past and still serves our Nation commercially and as a monetary unit and medium of exchange.

Today silver is the only redeemer of the currencies of the world.

What is our silver policy?

Before the birth of our Nation the Spanish milled silver dollar was adopted by the Colonies as the standard of value.

After the adoption of the Constitution the silver dollar was, by law, made the basis of our monetary system.

From the beginning silver has been and still is legal and Constitutional money.

Our Constitution has been amended many times but the amount of pure silver in the standard silver dollar has never been altered since its adoption as our monetary unit.

History records that silver has been slandered, traduced, and condemned, yet today all nations and all peoples are singing the praises of the white metal.

Former enemies of silver—writers, economists, and monetary experts—are now clamoring for silver. All seem to agree that for some war uses silver is indispensable.

The silver-purchase program was adopted in 1934 as a means of checking deflation and combating the depression.

At that time we had scarcely $5,000,000,000 of all kinds of money in circulation and we decided to make a wider use of silver in order to increase the amount of permanent money in circulation. The program was a signal success.

Through the use of silver we increased the circulation by one and one-half billion dollars.

This policy assisted in checking deflation, raised the price level, brought about higher prices and better times.

Today we have over 113,000 tons of silver in our war stock pile.

This is about one-third of all the commercial and monetary silver in the world.

How did we get this great hoard of valuable metal?

The answer—it was secured through our silver policy.

The 1934 law directed the Secretary of the Treasury to print silver certificates and to trade such certificates for silver bullion.

Under this policy we increased our stock pile from some 14,000 to over 113,000 tons of this valuable monetary and strategic war material.

Today we are short of copper, tin, and nickel.

In the production of war equipment silver is not only a substitute but for many uses it is better than either copper, tin, or nickel.

Today we have the silver—over 113,000 tons of the precious white historic metal—immediately available for delivery and use.

Contrary to the inspired and expensive propaganda, this silver has cost the taxpayers just enough to cover the cost of the paper and the printing of the certificates which were traded for the metal.

It is charged that our silver policy has cost the taxpayers $1,500,000,000.

Such charge is not true.

This silver has cost the taxpayers less than the cost of either one battleship or of one modern powder plant.

It is charged that the so-called silver bloc is preventing the War Production Board from using the silver stock pile in making necessary war supplies.

Such charge is likewise not true.

On the contrary, our silver is now being used just as fast as it is needed for war production purposes.

The so-called silver bloc approves of the use of all the silver that is necessary in our war effort.

It is charged that it will require legislation to make our silver available for war-production purposes.

This charge is also untrue.

No law has been passed and none is necessary to make any part or all of such silver available to the War Production Board. About one-half of the stock pile is free and unpledged and by calling in and retiring the outstanding silver certificates, all of such silver may be made available for war-production purposes.

All must admit that our silver policy has produced the vast stock pile now on hand.

All must admit that this silver is invaluable for war-production purposes.

All must admit that the silver is being used as fast as needed in our war effort.

All must admit that legislation is not necessary to make our silver available for making war equipment.

As chairman of the Special Senate Silver Committee, I report that all of our silver stock pile will be used if necessary to win the war.

Our silver policy has already helped us defeat a depression and is now helping us win a war.

Any governmental policy, costing so little and helping so much, must be sound.

Now, before I close, let me ask a question—In view of the existing shortage of copper, tin and nickel, what might have happened to our war effort had we not had this vast stockpile of silver produced by our silver policy?

The answer is obvious.

One other point must not be overlooked. Our silver policy, along with our gold policy, is responsible for the fact that we now have over one-third of the world's silver stock and over three-fourths of the world's gold stock in our Public Treasury today.

This vast treasure chest will help us win the war and after the war will help us dictate the terms of a just and, I hope, a lasting peace.

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a very able statement made by the Senator from Maryland [Mr. TYDINGS] on the occasion of the seventh anniversary of the establishment of the Commonwealth of the Philippines.

The PRESIDING OFFICER. In the opinion of the Chair, that business cannot be transacted.

Mr. WAGNER. I have asked unanimous consent. As I understand, I can always do that.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that no business can be transacted until the pending matter is disposed of.

Mr. WAGNER. Not even by unanimous consent?

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair. The rule provides that such a question shall be deemed a privileged question, and proceeded with until disposed of. The Senator could ask unanimous consent to suspend the rule.

Mr. WAGNER. I ask unanimous consent to suspend the rule so that I may have the statement referred to printed in the RECORD.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. VANDENBERG. Would the consent which the Senator from New York seeks constitute new business, which would then permit the calling of a quorum?

The PRESIDING OFFICER. If the request were agreed to, it would.

Mr. VANDENBERG. I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President, I move that the motion made by the Senator from Georgia [Mr. RUSSELL] to amend the Journal of yesterday be laid on the table.

Mr. RUSSELL. I ask for the yeas and nays.

Mr. BARKLEY. I will say to the Senator from Georgia that I do not wish necessarily to dispose of that motion today.

The PRESIDING OFFICER. The motion is not debatable.

Mr. BARKLEY. In view of the pendency of the motion, I should like to ask the Presiding Officer whether, if I should now move to recess until tomorrow the motion would be the pending business upon the reconvening of the Senate?

The PRESIDING OFFICER. It would be.

Mr. BARKLEY. And it would not be debatable?

The PRESIDING OFFICER. It would not be debatable.

Mr. BARKLEY. Having entered the motion, I shall presently move for a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. Mr. President, I should like to have the Chair explain the parliamentary situation. I have given a great deal of attention to the parliamentary situation today, and I have become somewhat confused.

The PRESIDING OFFICER. The parliamentary situation is as follows: The Senator from Kentucky has moved to lay on the table the motion of the Senator from Georgia.

Mr. RUSSELL. I understood the Senator from Kentucky to say that he proposes that action on the motion be postponed until tomorrow, when it will be the pending business.

Mr. BARKLEY. I said that if the Senate should now recess the motion would automatically go over until tomorrow.

Mr. RUSSELL. That is perfectly agreeable to me, if the Senator proposes to bring today's session to a close.

Mr. BARKLEY. That is my object.

Mr. RUSSELL. I did not understand the Senator.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, November 18, 1942, at 12 o'clock noon.

SENATE

WEDNESDAY, NOVEMBER 18, 1942

(Legislative day of Tuesday, November 17, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, our Father, whose life is the breath of our being, in these times that try our souls, as we gird the might of the Nation to defend our threatened liberties, we pray that we take care to strengthen the spiritual foundations of our democracy, knowing that without Thee we build on sinking sand. Give us hearts and minds big enough for those social reconstructions, for those daring feats of generous good will, that shall yet turn human life into a glad, gracious, and triumphant fraternity around this torn and tortured world.

With uncovered heads we think gratefully and tenderly of those who have so recently given the last full measure of devotion, counting not their own lives dear to themselves, that they might strike a blow for freedom and against tyranny. In this our noontide petition we offer again the prayer which has come from the lips of Thy servant our President, as the speaking air gave wings to his words:

"We thank Thee, God, for such men as these. May our Nation continue to be worthy of them throughout this war and forever." Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, November 17, 1942, was dispensed with, and the Journal was approved.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL] to amend the Journal of the proceedings of Monday, November 16.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Caraway	Guffey
Austin	Chandler	Herring
Ball	Chavez	Hill
Bankhead	Clark, Idaho	Johnson, Calif.
Barbour	Connally	Kilgore
Barkley	Danaher	La Follette
Bilbo	Davis	Lee
Brewster	Doxey	Lucas
Bulow	Ellender	McKellar
Bunker	George	McNary
Burton	Gerry	Maloney
Byrd	Gillette	Maybank
Capper	Green	Mead

Millikin	Schwartz	Vandenberg
Norris	Shipstead	Van Nuys
Nye	Smith	Wagner
O'Mahoney	Spencer	Walsh
Overton	Taft	Wheeler
Pepper	Thomas, Idaho	White
Radcliffe	Thomas, Okla.	Wiley
Reed	Truman	Willis
Rosier	Tunnell	
Russell	Tydings	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Utah [Mr. MURDOCK], and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL] to amend the Journal of the proceedings of Monday, November 16, 1942.

SENATORS FROM MINNESOTA AND WEST VIRGINIA — CREDENTIALS: ADMINISTRATION OF OATH

Mr. MCNARY. Mr. President, yesterday I propounded a parliamentary inquiry to the able senior Senator from Wisconsin [Mr. LA FOLLETTE], then the occupant of the chair, with respect to the presentation of credentials and the administration of the oath and orders assigning to committees two Senators-elect, who are now present. I ask unanimous consent to present the credentials of Senator-elect NELSON, of Minnesota, and Senator-elect SHOTT, of West Virginia, and I ask that the oath be administered to them.

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Will a unanimous-consent agreement that a Senator be permitted now to take the oath of office in any way interfere with the parliamentary situation regarding the motion I have made to lay on the table, which is not debatable?

The VICE PRESIDENT. There will be no interference with the present parliamentary situation.

Mr. BARKLEY. The motion would remain in the same status in which it now is?

The VICE PRESIDENT. That is correct.

Mr. BARKLEY. I have no objection.

Mr. MCNARY presented a telegram from the Secretary of State of Minnesota stating the Minnesota Canvassing Board had declared that ARTHUR E. NELSON was duly chosen by the qualified electors of the State of Minnesota a Senator from that State for the term ending January 2, 1943, which was read and ordered to be placed on file, as follows:

ST. PAUL, MINN., *November 18, 1942.*

Colonel HALSEY,
Secretary of the Senate,
Capitol, Washington, D. C.:

Minnesota Canvassing Board yesterday declared ARTHUR E. NELSON duly elected United States Senator, short term, November 3 to January 3. Certificate to that effect special delivery air mail mailed yesterday.

MIKE HOLM,
Secretary of State.

The VICE PRESIDENT. Is there objection to the Senator-elect from Minnesota taking the oath on the basis of the telegram just read? The Chair hears none.

Mr. MCNARY also presented the credentials of HUGH IKE SHOTT, Sr., duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term ending January 2, 1943, which were read and ordered to be placed on file, as follows:

UNITED STATES SENATOR (UNEXPIRED TERM)
A PROCLAMATION
(By the Governor)

Whereas it appears by the certificates returned by the commissioners of the county courts (who are ex officio the boards of canvassers) of the several counties composing the State of West Virginia, that at the general election held on the 3d day of November 1942, JOSEPH ROSIER received 207,678 votes; and HUGH IKE SHOTT, Sr., received 227,469 votes:

Therefore, I, Matthew M. Neely, Governor of the State of West Virginia, do by this my proclamation declare that HUGH IKE SHOTT, Sr., of Bluefield, in the County of Mercer, having received the largest number of votes cast at the said election, is duly elected United States Senator for the unexpired term ending January 3, 1943.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at the capitol in the city of Charleston, this 17th day of November in the year of our Lord 1942, and of the State the 80th.

MATTHEW M. NEELY,
[SEAL] *Governor.*

By the Governor:

WM. S. O'BRIEN,
Secretary of State.

The VICE PRESIDENT. If the Senators-elect will present themselves at the desk, the oath of office will be administered to them.

Mr. NELSON, escorted by Mr. SHIPSTEAD, and Mr. SHOTT, escorted by Mr. ROSIER, advanced to the Vice President's desk; and the oath prescribed by law having been administered to them by the Vice President, they took their seats in the Senate.

COMMITTEE SERVICE

Mr. MCNARY. Mr. President, I ask unanimous consent for the present consideration of the order, which I send to the desk.

Mr. BARKLEY. Mr. President, with the same understanding as suggested in my previous inquiry regarding the attitude of the Chair and the status of the motion, I have no objection.

The VICE PRESIDENT. The same understanding prevails. The clerk will read.

The order was read and agreed to, as follows:

Ordered, That the Senator from Minnesota [Mr. NELSON] be assigned to service on the Committees on Banking and Currency, Immigration, and Manufactures.

Mr. MCNARY. I make the same request with respect to the order, which I now send to the desk.

The VICE PRESIDENT. The clerk will read.

The order was read and agreed to, as follows:

Ordered, That the Senator from West Virginia [Mr. SHOTT] be assigned to service on the Committees on Education and Labor and Printing.

Mr. MCNARY. Mr. President, I may supplement the presentation of these assignments by stating that the committees mentioned are those to which Senator BALL, of Minnesota, was heretofore assigned.

AMENDMENT OF JOURNAL OF NOVEMBER 16, 1942

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL] to amend the Journal of the proceedings of Monday, November 16, 1942.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. RUSSELL. When were the yeas and nays ordered?

The VICE PRESIDENT. The Chair does not know at what particular hour they were ordered. He understands they were ordered yesterday.

Mr. BARKLEY. The Chair is mistaken. I was about to ask for the yeas and nays. They were not demanded yesterday.

Mr. RUSSELL. If the Senator from Kentucky desires to have the roll called, it is all right.

The VICE PRESIDENT. Is the demand sufficiently seconded?

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], and the Senator from Utah [Mr. MURDOCK] are absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Wyoming [Mr. SCHWARTZ], and the Senator from Maryland [Mr. TYDINGS] are detained in committee meetings.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Texas [Mr. O'DANIEL], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. LODGE], the Senator from Colorado [Mr. MILLIKIN], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent. If present they would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], and the Senator from Oregon [Mr. HOLMAN] are necessarily absent.

The result was announced—yeas 39, nays 21, as follows:

YEAS—39

Barbour	Clark, Idaho	Guffey
Barkley	Danaher	Herring
Brewster	Davis	Kilgore
Burton	Gerry	La Follette
Capper	Gillette	McNary
Chandler	Green	Maloney
Mead	Shipstead	Van Nuys
Nelson	Taft	Wagner
Norris	Thomas, Idaho	Walsh
Nye	Thomas, Okla.	Wheeler
Pepper	Truman	White
Radcliffe	Tunnell	Wiley
Reed	Vandenberg	Willis

NAYS—21

Andrews	Caraway	McKellar
Austin	Connally	Maybank
Bankhead	Doxey	O'Mahoney
Bilbo	Ellender	Overton
Bulow	George	Russell
Bunker	Hill	Smith
Byrd	Johnson, Calif.	Spencer

NOT VOTING—36

Aiken	Hatch	Murdock
Bailey	Hayden	Murray
Bone	Holman	O'Daniel
Bridges	Hughes	Reynolds
Brooks	Johnson, Colo.	Schwartz
Brown	Langer	Shott
Butler	Lee	Smathers
Chavez	Lodge	Stewart
Clark, Mo.	Lucas	Thomas, Utah
Downey	McCarran	Tobey
Glass	McFarland	Tydings
Gurney	Millikin	Wallgren

So Mr. BARKLEY's motion to lay on the table Mr. RUSSELL's motion to amend the Journal of the proceedings of Monday, November 16, 1942, was agreed to.

The VICE PRESIDENT. Without objection, the Journal stands approved.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Should a motion be made at the present time to proceed to the consideration of any bill, would such a motion be debatable?

The VICE PRESIDENT. It would, now that the Journal has been approved.

Mr. RUSSELL. Assuming that the Journal has been approved and that a motion were made to proceed to the consideration of any measure on the calendar, would such motion be debatable?

The VICE PRESIDENT. It would be debatable.

ROUTINE BUSINESS

The VICE PRESIDENT. The Chair is informed there are on the desk certain bills received on yesterday from the House of Representatives, together with other matters properly coming under the head of routine morning business.

Is there objection to the reference of the House bills and the receipt and appropriate action on the other matters, upon condition that the status quo of the pending business is not thereby changed?

Mr. BARKLEY. I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITION

Mr. CAPPER presented a petition, numerously signed, of sundry citizens of Parsons, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

WARTIME PROHIBITION—PETITION

Mr. REED. Mr. President, I present for appropriate reference and ask consent to have printed in the RECORD, without all the signatures attached thereto, a petition relating to wartime prohibition, signed by 31 citizens of Collyer and Quinter, Kans.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, without all the signatures attached, as follows:

Senator CLYDE REED,
United States Senate,
Washington, D. C.

DEAR SENATOR REED: We most earnestly protest the use of tons of grain, sugar, and fruit now used for alcoholic beverages when our Government is rationing food and while starvation is taking the lives of so many people among our war Allies. We, the undersigned, appeal to you to work for wartime prohibition.

MRS. DALLAS JAMISON,
Mr. and Mrs. R. E. EISENBISE
(And sundry other citizens of Collyer and Quinter, Kans.).

REPORTS OF THE COMMITTEE ON NAVAL AFFAIRS

The following reports of a committee were submitted:

By Mr. WALSH, from the Committee on Naval Affairs, without amendment:

S. 2887. A bill for the relief of Master Gunnery Sgt. Eugene M. Martin, United States Marine Corps (Rept. No. 1697); and

S. 2888. A bill to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941 (Rept. No. 1698).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2899. A bill to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States; to the Committee on Naval Affairs.

HOUSE BILLS REFERRED

The following bills received from the House of Representatives on the 17th instant were severally read twice by their titles and referred as indicated:

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive; and

H. R. 7472. An act to revise the Alaska game law; to the Committee on Territories and Insular Affairs.

H. R. 7366. An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control; to the Committee on Agriculture and Forestry.

H. R. 6529. An act to amend the Nationality Act of 1940 to permit the Commissioner to furnish copies of any part of the records or information therefrom to agencies or officials of a State without charge; and

H. R. 7615. An act relating to the naturalization of persons not citizens who serve honorably in the military or naval forces of the United States during the present war; to the Committee on Immigration.

ECONOMY IN GOVERNMENTAL EXPENDITURES

Mr. DAVIS submitted the following resolution (S. Res. 313), which was re-

ferred to the Committee on Expenditures in the Executive Departments:

Whereas present conditions effectively demonstrate the need for closer supervision by the Congress over fiscal practices of the Government; and

Whereas the Committee on Expenditures in the Executive Departments, which was established on April 18, 1921, is a standing committee of the Senate; and

Whereas such committee, as its name implies, was created for the purpose of examining the accounts and expenditures of the several departments of the Government: Therefore be it

Resolved, That the Committee on Expenditures in the Executive Departments is authorized and directed to conduct a continuing investigation of the accounts and expenditures of the several departments, independent establishments, offices, and agencies of the Government, including the necessity for, economy, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public funds; the security of the Government against unjust and extravagant demands; the economy and accountability of public officers; and the elimination of unnecessary activities and expenses, and, from time to time, to report to the Senate and the Committee on Appropriations the results of its studies and investigations.

For the purpose of carrying out its functions, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and Seventy-eighth Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 75 cents per hundred words. The expenses of the committee, which shall not exceed $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

Mr. BARKLEY. I move that the Senate proceed to the consideration of Calendar No. 1716, House bill 1024.

The VICE PRESIDENT. The clerk will state the bill by title.

The CHIEF CLERK. A bill (H. R. 1024) to amend an act to prevent pernicious political activities.

Mr. DOXEY. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. DOXEY. Mr. President——

Mr. BARKLEY. Mr. President, may I propound a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. In the event the yeas and nays should be ordered on the motion which I have made, would that have any effect upon the debatability of the question?

The VICE PRESIDENT. It would not preclude debate.

Mr. BARKLEY. It would not preclude debate? It would not preclude a point of order?

The VICE PRESIDENT. That is correct.

Mr. DOXEY. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

Mr. DOXEY. I feel at this time it would be proper, in order to clarify the RECORD to some extent with reference to the parliamentary situation, to relate briefly that on Friday last, November 13, 1942, the distinguished Senator from Kentucky [Mr. BARKLEY], the majority leader, made a motion similar to the one he made today, to make House bill 1024, ordinarily known as the anti-poll-tax bill, the order of business of the Senate. At that time I propounded a parliamentary inquiry to the Chair whether or not the motion at that time was debatable. The Chair very properly informed me that as it was made during the morning hour, the motion of the Senator from Kentucky was not debatable. Thereupon I made a point of order against the motion of the Senator from Kentucky on the ground that House bill 1024 was not properly on the Senate calendar for the reason that there was not a quorum of the committee present and voting and a majority of the committee was not present and voting when the bill was ordered to be reported. Thereupon the Presiding Officer very kindly permitted me to relate the facts to substantiate my point of order.

The present occupant of the chair was presiding at that time, but before the debate was concluded on the point of order another occupant of the chair finally ruled upon the point of order. During that discussion it was my purpose to relate briefly the facts to sustain my point of order. I related the situation to be that the bill was reported by the Committee on the Judiciary of the Senate on October 26, 1942. The Senator from Nebraska [Mr. NORRIS] filed a majority report. I filed minority views, which were signed by the distinguished Senator from Texas [Mr. CONNALLY], the distinguished Senator from Vermont [Mr. AUSTIN], and myself. I related the facts further to be that on October 26, 1942, when the bill was reported, there was not a quorum of the Committee on the Judiciary present. The record discloses that to be the fact, and it was so admitted by the distinguished chairman of the Judiciary Committee. The record which was introduced during the debate on last Friday, November 13, will bear me out.

On Monday, October 26, when the chairman of the Judiciary Committee, the distinguished Senator from Indiana [Mr. VAN NUYS] said that the committee would consider the various anti-poll-tax bills, I, being a member of that committee, very promptly made a point of order that the committee could not consider any legislation or transact any business for the reason that a quorum of the committee was not present, there being only 9 members present, the committee consisting of a membership of 18. There followed some discussion regarding my point of no quorum. The distinguished chairman of the Judiciary Committee overruled my point of order and called up House bill 1024. Thereupon the committee began to amend House bill 1024, to all of which proceedings I interposed the point of order that a quorum was not present, and that the committee could not transact any business. However, the proceedings went forward, and after House bill 1024 was to some extent amended a motion was made to strike out all after the enacting clause of House bill 1024 and insert in lieu thereof what is known as the Pepper bill, Senate bill 1280. To all those proceedings I continually made the point of order that there was no quorum present, and I said to the chairman that I did not mean to be pestiferous but I meant to preserve whatever right I had in a parliamentary way. He replied that I had a perfect right to do so, and that he had a perfect right to continue to overrule my point of order that there was no quorum present. I voted on some of the amendments and on some of them I did not vote. Regardless of how I voted, I was, of course, in the minority, because I was opposed to the bills.

The Pepper bill was amended very materially. I shall not go into the details. There was one amendment which I was very glad to see adopted by those present in the committee, although I maintained that a quorum was not present. I refer to the amendment to the title of the Geyer bill. It was stated that the Geyer bill was designed to prevent pernicious political activities, and its title was amended to show that it was not determined by the committee to be a fact that the poll tax was a pernicious political activity. Thereupon the Pepper bill was amended in various aspects, there never being more than nine members of the Committee on the Judiciary present, and the committee then moved to report the bill favorably. To such procedure I interposed as strenuously as I knew how the objection of no quorum being present, which objection was overruled. When the roll of the committee was called, although there were only nine members present, the nine who were absent were permitted to go on record as to how they would vote, if present, and finally the announcement was made by the chairman that the bill would be reported favorably to the Senate by a vote of 13 to 5. Of course, I was one of the five voting against the bill.

It was ordered that the distinguished Senator from Nebraska [Mr. NORRIS] report the bill.

I then asked leave to file minority views, and, as the day was Monday and I was busy, I inquired whether it could be agreed that I should have until Thursday to file them. It was agreed in the committee that when the distinguished Senator from Nebraska reported the bill orally and asked leave to file the majority report, we should have until Thursday to file the minority views.

When the Senator from Nebraska came into the Chamber on the morning of Monday, October 26, 1942, and orally reported the bill, at that time I addressed a parliamentary inquiry to the Chair, to the following effect: If I desired to make a point of order against reporting the bill or against its consideration, should I make my point of order then, or would a point of order lie at any time? The Chair informed me, as the RECORD shows, that in no wise would I lose any rights

by deferring making the point of order, and that I could make the point of order at any time.

Thereupon the report of the committee was accepted, and later, during recess, the majority report was filed. On Thursday following I filed the minority views, which were signed by the Senator from Texas [Mr. CONNALLY], the Senator from Vermont [Mr. AUSTIN], and myself.

Last Friday was the first time I had an opportunity to make the point of order that the bill was not properly on the Senate Calendar, when the Senator from Kentucky [Mr. BARKLEY] made his motion to take up the bill and make it the order of business of the Senate. I made the point of order against the Senator's motion on last Friday. The Senator from Nebraska [Mr. NORRIS], the Senator from Texas [Mr. CONNALLY], and the distinguished chairman of the Judiciary Committee, the Senator from Indiana [Mr. VAN NUYS], spoke on the point of order; and the occupant of the chair at that time, the distinguished Senator from Wisconsin [Mr. LA FOLLETTE] overruled my point of order. That was on Friday, November 13.

With reference to the reasons assigned in the ruling of the occupant of the chair at that time I shall make no comment other than to say that the point I was stressing was that there was not a quorum present in the Committee on the Judiciary, and therefore no business of any kind could be transacted by the committee. The point of order was overruled, apparently on the ground that even though only 9 members of the committee were present, the record showed that all 18 had voted. It was admitted, and nobody disputed the fact, that 9 of them voted by proxy. During that discussion I cited at least 2 precedents, but it was held that those precedents were not in point.

I shall not take the time of the Senate, and I am not endeavoring to make any lengthy argument based on the precedents which I cited on Friday last. As I understand, the parliamentary situation is as follows: After the Chair overruled my point of order, the Senator from Texas [Mr. CONNALLY] appealed from the ruling of the Chair. No motion was made to lay on the table the appeal from the ruling of the Chair, but the question was debated in the Senate on Friday afternoon.

My colleague from Mississippi [Mr. BILBO] had the floor Friday afternoon when the Senate recessed until Saturday, the same question being before the Senate. Some of us endeavored to persuade our distinguished majority leader not to have a session on last Saturday, but a session was held. I was unavoidably detained from the Senate on last Saturday. The RECORD shows that a point of no quorum was made by the Senator from Texas [Mr. CONNALLY] at the beginning of the session. It seems that there was some difficulty in obtaining a quorum last Saturday, to the extent that warrants were issued for at least eight Senators, one of whom I happened to be. When I reached home Saturday night I was informed by my wife that the Sergeant at Arms had been to my home armed with a warrant to take me to the Senate Chamber. I asked her if it was a bench warrant. She said she did not know whether it was a bench warrant or not. I never did find out what kind of a warrant it was, because no warrant was ever served on me.

But on Saturday, after a quorum was obtained, the senior Senator from Mississippi [Mr. BILBO], my colleague, was recognized, and proceeded with his argument on the appeal from the ruling of the Chair on the point of order which I had made. From the RECORD I ascertained that on Saturday afternoon, instead of moving that the Senate recess, as is usually the custom, the distinguished majority leader made a motion to adjourn. Of course, that motion carried, and necessarily, from a parliamentary standpoint, all business lapsed.

In what situation does that leave the RECORD? It leaves the RECORD, so far as it could be ascertained in future days by anyone who might want to determine what the Senate did with the appeal from the ruling of the Chair, in the condition of having nothing to show that there was an opportunity to vote or to do anything else regarding the point of order which I made on Friday, November 13, against the motion of the majority leader of the Senate, the Senator from Kentucky [Mr. BARKLEY]. That being the fact, the Senate never having had an opportunity, as was ordered, to determine whether the ruling of the Chair on the point of order was proper or improper, the appeal having been taken, and the Senate never having had an opportunity to vote upon it, I have not since that time had an opportunity in a regular, parliamentary way again to bring the matter before the Senate until at this time. This morning the majority leader has renewed his motion to make House bill 1024 the business of the Senate.

Mr. President, there is no dispute regarding the facts relative to the point of order. From my statement, from the statement of the chairman of the Committee on the Judiciary, and from the record of the minutes of the proceedings of the committee, which was introduced by the distinguished senior Senator from Texas [Mr. CONNALLY], there is no dispute as to the facts. The question involved at that time was, of course, whether a quorum of the Committee on the Judiciary was present when House bill 1024 was reported by the committee. On page 32 of the Senate Manual there will be found, under the title "Quorum of Committees," subdivision 3 of rule XXV, reading as follows:

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Mississippi yield to the Senator from Montana?

Mr. DOXEY. I shall be delighted to yield for a question. I do not want to be taken off my feet, let me say to the Senator from Montana.

Mr. WHEELER. I simply wanted the Senator to yield in order that I might insert a matter in the RECORD.

Mr. DOXEY. I shall be delighted to yield for a question; but if the Senator inserts something in the RECORD, some question might be raised as to whether I had been taken off my feet.

Mr. BARKLEY. Mr. President, I hope the Senator from Montana will not persist in his request, because if the request were agreed to and if the matter referred to by the Senator were inserted in the RECORD that would constitute the transaction of business, which would be ground for calling the roll to ascertain the presence of a quorum.

Mr. DOXEY. Very well, Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. DOXEY. I decline to yield for the reason that I desire to proceed in an orderly fashion.

Mr. President, under the precedents, as I have them before me, the rule which I have just read certainly supports the position I have taken. I say that very definitely. Let me say in passing that so far as I know in the discussion of the point of order no precedents other than those which I have cited have been presented—certainly no precedents which would change what I term an interpretation to substantiate the point I have made. It is agreed that the Senate Committee on the Judiciary has never at any time fixed by definite, positive rule, by motion, by resolution, or by any other evidence in writing that in conformity to the rule there should be any kind of a quorum other than what is known as a majority, which, in the case of the Committee on the Judiciary, is 10. To bear out that statement, let me say that the Senate Committee on the Judiciary has rules of procedure, and those rules are printed. They are printed in the Legislative and Executive Calendars of the Committee on the Judiciary. Among the other printed rules will be found rule No. 1, which reads, in part, as follows:

That hereafter whenever a nomination for an appointment to the office of judge of any Federal court (not including the court of any Territory or possession) is referred to the Committee on the Judiciary, the nomination shall be referred to a subcommittee to be composed of at least 3 members to be selected by the chairman of the committee within 3 days after such reference to the committee.

That it shall be the duty of the subcommittee to which the nomination is referred to fix a date, which shall not be less than 7 days after the date—

The rule is a long one, and I shall not read it all. Further on it provides:

That no such subcommittee shall make its report to the full committee with respect to any such nomination until the date so fixed has expired.

Rule No. 2, the only one which has ever been adopted and printed as a rule

for the committee's procedure in cases such as the one under consideration recites:

> That hereafter no bill, resolution, or nomination which is referred to the Committee on the Judiciary shall be reported to the Senate until it has been acted upon at a meeting of the committee at which a quorum is present.

That rule was adopted on February 17, 1941. Nowhere has any quorum ever been fixed by the committee as being 6, 7, 8, or 9 members, or any other number of members other than a quorum; and a quorum of a committee consisting of a membership of 18 is certainly 10, 1 more than one-half the number of the members of the committee. Ten members of the Committee on the Judiciary never at any time when the bill was reported to the Senate were present in person.

Mr. President, I desire to refer to the precedents. I shall endeavor to be as brief as I possibly can. There are other rules of the committee, but I shall not attempt to read them. I have read only those rules, and am endeavoring to cite only those precedents, which bear directly upon the point at issue; because I feel that the point of order goes to the very roots of the committee's transaction of business, not only as to the present committee, but as to future committees, for the matter is one which has previously been passed upon by the Senate. Of course, in previous cases the facts were somewhat different. For instance, when Senator Hitchcock, of Nebraska, presented a resolution to take from the calendar and to recommit to the Committee on Banking and Currency a bill, the title of which was stated, regarding regulation of stock exchanges, the question which is now raised was brought to the attention of the Chair at that time. In my judgment, a point of order against his resolution would have been sustained because the bill was not before the Senate; and there is no way for me to make a motion to recommit the anti-poll-tax bill at the present time, because the bill is not before the Senate. The motion before the Senate is to make the bill the business of the Senate.

The facts, briefly, in the case to which I refer were simply that attempt was made to recommit the bill to the Committee on Banking and Currency, where it belonged, until a quorum could be present to consider and vote upon it and report the bill. Frequently, perhaps, committees can do things without the presence of a quorum; but when it comes to reporting bills I cannot find any precedents holding other than that a committee cannot fix as a quorum a number less than a majority of its membership unless the committee has definitely, positively, and by some definite, concrete act, enacted a rule to that effect in accordance with Senate rule XXV. It must be done by some definite, positive act. No such action has ever been taken by the Committee on the Judiciary.

In relating the facts in regard to the precedent found in the proceedings of the Sixty-third Congress, second session, at page 11166 and continuing on through page 11172, I certainly would not burden the Chair with a reading of all the proceedings, because during the proceedings the merits of the bill were discussed, and the merits of the bill have no place here. But the point was that the Committee on Banking and Currency at that time consisted of 12 members, and there was no claim made that the Committee on Banking and Currency had ever attempted to adopt any rule in conformity with rule XXV of the Senate rules, although rule XXV was adopted by the Senate April 12, 1912.

The point was made on the straight ground that there was no quorum present.

Enlightening features cropped up in the discussion of the resolution of the then Senator from Nebraska. The then Senator from Arkansas, Mr. Clarke, who, it was developed, was the author of rule XV, made the statement that he was not taking part in the debate on the merits of the matter, but that, being one of the authors of the rule, he thought that there was no question that the bill should be recommitted to the Committee on Banking and Currency, for the reason that certainly no quorum was present, and it was not voted on by a majority of a majority.

I can read the precedents if the Chair is not familiar with them, but I imagine that he is familiar with the precedents, and there is no purpose on my part to inject any lengthy discussion if the Chair is familiar with them, as the Senator from Wisconsin [Mr. LA FOLLETTE], who occupied the chair on Friday last, said he was familiar with the precedents. I feel, however, that some Members of the Senate possibly may not be familiar with the ruling of the Chair in regard to this matter.

The meeting of the committee was attended by 5 Senators who were present at the time the resolution was adopted to report the bill. Three Senators voted to report it and 2 voted against reporting it. The Committee on Banking and Currency, I repeat, then consisted of 12 members. I should like the Chair to note that under the rules of the Senate at that time the invariable ruling was that a constructive quorum could only be counted by unanimous consent. I have not been able to find any precedent anywhere—and if the Chair has such a precedent I should like to have him produce it—that, even though a constructive quorum was present and business was attempted to be transacted, if any member present objected on the ground that no quorum was present, as was done in the instant case, and there is no dispute about that fact, certainly no business could be transacted, and, even though the Chair should hold that an absent member might be permitted to have his vote recorded, he could not vote because that would be business which could not be transacted any more than any other business, because no quorum of the committee was present, and therefore the committee was incapable of transacting any business whatsoever. It is certainly plain from this precedent that it was held that no quorum was present in the committee; the resolution of Senator Hitchcock was adopted, and the bill was recommitted to the Committee on Bankruptcy and Currency.

The question was passed on not by the Chair but by the Senate. The RECORD shows that the Chair said:

> The question recurs on the motion to recommit the bill to the Committee on Banking and Currency.

And the motion was agreed to. There was no yea-and-nay vote, and I do not know what the vote was, but that bill was certainly recommitted, and that action was taken for the reason I have assigned. Clearly that case constitutes a precedent.

As I have said, there is no disposition on my part to prolong this discussion except insofar as may be necessary to state the facts and lay them before the present occupant of the chair and before the Senate.

There is a second precedent which supports the contention I have made. It arose in connection with a matter in which the Senator from South Carolina [Mr. SMITH], who was then chairman of the Committee on Interstate Commerce, was interested. The proceedings took place on July 8, 1918, and are found in the CONGRESSIONAL RECORD at page 8860 of that date. There was a general discussion as to the merits of the bill, which, of course, has no place in the present discussion, and it continues to page 8867 of the RECORD of the Sixty-fifth Congress, second session, under date of July 8, 1918.

The facts, briefly stated, are that the distinguished Senator from South Carolina [Mr. SMITH] endeavored to report a joint resolution. I shall refer to what occurred before the joint resolution was placed on the calendar, without recommendation of the Committee on Interstate Commerce. The Senator from South Carolina sought to report a joint resolution authorizing the President at that time to supervise and take over the control of the telegraph and telephone lines. Senator Penrose, of Pennsylvania, in that discussion asked the chairman on page 8861 of the RECORD:

> Mr. PENROSE. If the inquiry is proper, I should like to be assured by the Senator that a quorum of the committee was present.

It will be recalled that the date was July 8, 1918, and the Senate rule had been in effect since April 12, 1912.

The Committee on Interstate Commerce consisted of 17 members, and it was definitely shown by the RECORD that by positive and definite resolution the committee adopted a rule and had it printed in resolution form, providing that 7 members of the committee should constitute a quorum. The committee was endeavoring to and did work under rule XXV. The Judiciary Committee never adopted any definite, positive resolution, by writing or otherwise, to that effect; but the Interstate Commerce Committee had adopted such a rule. The Senator from South Carolina [Mr. SMITH], in answer to the query of Senator Penrose if a quorum of the committee was present, said:

> A quorum of the committee, according to the rule of the committee, was present.
>
> Mr. PENROSE. What are the rules of the committee as to a quorum?
>
> Mr. SMITH of South Carolina. That a certain number shall constitute a quorum, and

that absent Senators may request to be counted as a quorum.

Mr PENROSE. That is the standing rule of the committee?

Mr. SMITH of South Carolina. It is the standing rule of the committee. Enough were present to make an ordinary working quorum, and the request to be counted as a quorum made it absolute.

Mr. President, if you will follow this discussion on through you will find that the number present in the committee was determined to constitute less than a quorum. After the general discussion and references to rule XXV, which was discussed in detail, it was definitely shown that 17 members constituted the Committee on Interstate Commerce, and that at the committee meeting in question there were 7 present, 4 of whom voted for the resolution and 3 against it. The Chair inquired:

Does the Senator object to the reception of the report because a majority of the majority has not concurred in it?

Mr. PENROSE. Yes; and I object on general principles.

The general principles were that, whether or not the committee had adopted a rule that 7 would constitute a quorum, there was not a quorum of the 17 members present.

Senator Penrose said:

I object on general principles so as not to interfere with or delay the prompt consideration of the agricultural bill.

And so forth. The Presiding Officer at that time ruled:

As stated, unless it is shown that a majority of a majority of the committee has concurred in this report, it must be rejected under rule XXV.

So the bill was recommitted to the committee.

Mr. President, I have devoted considerable time to examining the precedents on this question, and I might read a number of them, but I do not want the Chair or the Senate to think that I am unduly trying to delay. I merely wish to present the facts chronologically in as forceful a way as possible, and discuss the rule and discuss the precedents, for the reason that I hold and maintain that the precedents, certainly those I have been able to find, hold that a constructive quorum can be counted only by unanimous consent, that it cannot be counted if there is objection raised by anyone who has a right to object, and there is no question that a member of the committee, as I happen to be, has a right to object.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DOXEY. I should be delighted to yield for a question.

Mr. CONNALLY. If a quorum of the committee is never present, how can the committee grant any member the right even to be recorded? The committee would have no authority and no jurisdiction to do anything unless there were a majority of the committee present, because until a majority of a committee is present, the committee is not present, there is no committee. So that, even if the theory that a Senator should be allowed to be recorded be sound, how can a committee which has not a quorum, and therefore is not a committee, do anything? How can it authorize an absent Senator to be recorded? If he is recorded, it is no more than analogous to the situation when pairs are recorded in the Senate, it is merely an indication of how he would vote if present. But the fundamental consideration is that until a committee has a majority of its members present, it is not a committee, and therefore it cannot authorize anyone to be recorded or not to be recorded, for it is without jurisdiction, without power. I ask the Senator whether that statement accords with his view.

Mr. DOXEY. It certainly does accord with my view, and I began my discussion with the contention, and endeavored to make it as plain and as forceful as I could, that a committee could not transact business if a quorum were not present with which to transact business.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DOXEY. I am delighted to yield.

Mr. BARKLEY. The Senator is making an argument on a point of order that is not pending. I understand the Senator has not made a point of order. Is it the purpose of the Senator to make a point of order?

Mr. DOXEY. I feel that I have a right to make the point of order.

Mr. BARKLEY. I am not questioning that, but the Senator has not yet done so, and I wondered why he did not make his point, and then argue it.

Mr. DOXEY. I thank the Senator for that suggestion, but I feel that I have a right to make the point of order if I determine to do so. I may make it and I may not, I will say to the Senator.

Mr. BARKLEY. The Senator is now debating my motion to take up the bill.

Mr. DOXEY. That question is debatable. It was not debatable a few days ago when I made the point of order.

Mr. BARKLEY. I understand; I am merely trying to ascertain the status of the Senator who is occupying the floor. He is now arguing a point of order under the right to debate my motion.

Mr. DOXEY. Am I doing anything beyond any rights I have?

Mr. BARKLEY. Oh, no; I make no question of the Senator's right to occupy the floor on the motion I have made, but he is arguing a point of order which is not pending.

Mr. DOXEY. I will say to the distinguished Senator that I might make the point of order before I conclude. I think the RECORD should be clarified to such an extent that if a future Senator desired to ascertain what happened to the point of order which was made, he could do so. The RECORD is as silent as the tomb about the matter, because there was an adjournment ordered Saturday, and that made all business lapse, and Senators never had a chance to express themselves, favorably or unfavorably, on the appeal that was taken from the decision of the Chair. Therefore I am very much concerned, and I feel I am within my rights in renewing my point of order against the Senator's motion, and I shall do that, if I have time to do so, after I conclude the line of thought I wish to develop at this time.

As was stated by the distinguished Senator from Texas, it is not possible for a committee to do business without a quorum, and a constructive quorum can be counted only by unanimous consent. I feel that the bill should be recommitted to the Committee on the Judiciary, and remain there until a quorum is present to consider it, and a majority of a quorum decides to report it. I further feel that that question goes to the very roots of doing business in committees, and that the ruling on this question will no doubt stand for the guidance of future committee work. I do not believe the Senate desires to have bills reported and placed on the calendar when at least half the committee members are not present when a bill is amended and ordered to be reported.

I make the statement, Mr. President, that only nine members of the Committee on the Judiciary knew that the committee amended the bill by striking out all after the enacting clause of the Geyer bill, the House bill, and inserting in lieu thereof the Senate bill, known as the Pepper bill, and then proceeded to amend the Pepper bill in the manner in which it was amended. That was the procedure before reporting the bill. No Senator other than those who were present and taking part in the deliberations of the committee, and who were present at the time the vote was taken, could know what transpired at the time his vote was cast in the committee room. As I have said, it will not be contended by anyone that there were ever at any time on the morning of October 26 more than nine members of the committee physically present.

A number of things can be done by unanimous consent which cannot be done over objection, if objection is interposed; and certainly no one will deny that objection was interposed all along to the proceedings of the committee, challenging its right to do any business whatsoever, on the ground that no quorum was present.

There is no attempt to say that the committee had any rule about a Senator voting by proxy, and I do not see any need to argue that question, for the reason that there was no quorum present, and no Senator had a right, even if he were permitted, to vote by proxy and have his vote counted, because there was never a working majority of the committee present so that any business whatsoever could be transacted.

We have precedents to the effect that a Senator can no more authorize another Senator in a committee to act for him, or to be counted for a quorum, if he is absent, than he would have a right to authorize another Senator to act for him in the open sessions of the Senate. That is a right which cannot be delegated, and all the precedents, without the shadow of a doubt, seem to bear out that statement.

I wish to say to the Presiding Officer that we have a purported action by a minority of the committee, instead of a majority of the committee, although the rule that a committee cannot transact business without a quorum when objection is made is certainly universal.

Let me say to the distinguished Senator from Kentucky that, having related briefly the facts, having recited the precedents, and having discussed in a general way the rule, and in view of the

further fact that it is shown by the RECORD that the Senate has never disposed of the appeal taken by the Senator from Texas from the ruling of the Chair on the particular motion which I made on Friday, November 13, which was never acted on because the Senate adjourned Saturday instead of recessing, and therefore all proceedings lapsed, I now make the point of order against the motion of the Senator from Kentucky [Mr. BARKLEY] on the ground that the bill is not properly on the Senate Calendar, for the reason that there was not a quorum of the committee present and voting, and it was not reported by a majority of the committee present and voting.

I wish to say to the present occupant of the chair——

The PRESIDING OFFICER. The Chair is prepared to rule, if the Senator desires.

Mr. GEORGE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GEORGE. Is this motion debatable until a motion to table is made?

The PRESIDING OFFICER. No.

Mr. GEORGE. Is the point of order debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. GEORGE. No debate whatever can be had on the point of order?

The PRESIDING OFFICER. Not unless the Chair wants to be informed more fully on the point of order.

Mr. GEORGE. I am afraid the Chair is not seeking light.

The PRESIDING OFFICER. The present occupant of the chair will say to the Senator from Georgia that the Chair is seeking light.

Mr. GEORGE. I wish to state my position on the point of order, but I am not entering into any filibuster in doing so. However, I regard the question as important. The Chair having indicated that he was ready to rule immediately, that would preclude even a brief statement. I wish to state my position on the point of order.

The PRESIDING OFFICER. The Chair will recognize the Senator, then, when the Senator from Mississippi shall have concluded.

Mr. DOXEY. I appreciate the Senator from Georgia making the parliamentary inquiry, because I certainly was going to make a similar inquiry. I think the Chair will bear me out in my statement that, with reference to the precedents, I have not gone into them in detail. I did not know that the Chair was prepared to rule on the point of order to the extent of cutting off any debate at all.

The PRESIDING OFFICER. The Chair does not cut off debate. The Senate rule cuts off debate on the point of order, unless the Chair desires to be informed further.

Mr. DOXEY. Yes. Unless the Chair desires to have further discussion on the point of order I have just made perhaps he can preclude further discussion. If I had made the point of order when I first rose to my feet today, possibly we would not have had any discussion of the point of order at all.

Mr. President, I submit that I have discussed the point of order in a very brief way. There was another occupant of the chair when the point of order was debated on a previous occasion, and it was stated at that time by several Senators that they should like to have taken the floor on behalf of the point of order.

I wish to say to the distinguished majority leader that there has never been any disposition on my part unduly to take up the time of the Senate. If I had intended to do so, I could have read from precedents until I felt that the case had been presented sufficiently. I feel keenly about the point of order. I feel it is one which is certainly well taken. The occupant of the chair who previously ruled on the point of order stated that the question was a very serious one; that it went to the very roots of things, but he ruled adversely on the point of order. That is why the appeal was taken, and the appeal was before the Senate on the previous ruling of the then Presiding Officer.

In answer to my parliamentary inquiry, the present occupant of the chair said he was ready to make a ruling.

The PRESIDING OFFICER. Yes; if the Senator wants a ruling.

Mr. DOXEY. If I did not want a ruling I would not have made the point of order. I wish the Chair to know that I have presented the facts in a general sort of way, but before action is taken on the point of order I want the background of the question presented to a fuller extent.

The PRESIDING OFFICER. If the Senator from Mississippi will permit, the Chair will state that he would like to be advised further with respect to the point of order by the senior Senator from Georgia [Mr. GEORGE]. The Chair will state that he is ready to rule, however, but will withhold his ruling until the Senator from Georgia has said what he wishes to say.

Mr. DOXEY. If the Chair recognizes the Senator from Georgia, I shall, in order to show my good faith, gladly yield the floor to the Senator from Georgia to make whatever remarks he sees fit to make.

The PRESIDING OFFICER. The Chair is undertaking to show the Senator from Mississippi his good faith by giving the Senator from Georgia an opportunity to speak.

Mr. GEORGE. Mr. President, I have no disposition to detain the Senate for any length of time on the point of order, but I think it is important that points of order made, which become precedents of the Senate——

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CONNALLY. I shall be glad to suggest the absence of a quorum.

Mr. GEORGE. No; I would not ask for a quorum. I merely wish to state my position on the pending question.

The Senator from Mississippi last week made the same point of order he has made today, and last week a ruling was made by the Presiding Officer, and an appeal was taken from that ruling, but no vote was had by the Senate on the appeal. Therefore, the ruling of the Chair stands, so far as it goes at least, but the Senate itself has not spoken on the question. I have no desire to ask for a vote of the Senate on it, but in all sincerity I do say that the point of order is absolutely well taken, and I want the RECORD to bear my interpretation of it.

Mr. President, in 1912, I believe it was, the Senate adopted a rule—I wish the Chair would hear me.

The PRESIDING OFFICER. The Chair is listening to the Senator.

Mr. GEORGE. In 1912 the Senate adopted a rule which was intended to correct an evil practice which had sprung up in the Senate. Under the oldest interpretation or the oldest formula by which a statute, or a law, or a rule, is interpreted we look first to the evil, then to what the old law was, and then to what the new law is. It is the simplest principle and most deeply imbedded in the construction of all rules, regulations, and statutes that can be found anywhere.

What was the evil prior to 1912? The debates show it, as the Chair will see if he will refer to them. The committees had fallen into the loose habit of meeting, with a number of proxies on the table, so that the chairman of a committee might go to the committee room at the time and place fixed for the committee hearing, with proxies of a majority of the committee, and such proxies might justify him in voting to report a bill or a resolution.

In 1912 a rule was adopted providing that a majority of a committee shall constitute a quorum, but that a committee might resolve that less than a majority would constitute a quorum for the transaction of business, and with the further restriction that the number less than a majority of the committee which the committee itself might determine by resolution to constitute a legal quorum for the transaction of business, should not consist of less than one-third of the committee. There had developed in the Senate a loose practice—and all legislative bodies develop loose practices of that kind—under which, perhaps the chairman and another member or two of a committee would go into a committee room, act upon the authority of other members of the committee who were not present, resolve that a quorum was present for the transaction of business, and then proceed to report bills or resolutions and bring them to the floor of the Senate. That was precisely the evil which was sought to be corrected, and it was precisely for that reason that a rule was adopted providing that a quorum should consist of a majority of the committee, or the committee itself, by resolution, must resolve that at least one-third of its membership should constitute a quorum. There are very good reasons for that rule.

The occupant of the chair at the time the point of order was made last Friday, as I recall, recognized that the Committee on the Judiciary had never adopted a resolution—the Presiding Officer said

so in his ruling—providing for a quorum to consist of a number less than the constitutional quorum of a majority of the committee. But the Presiding Officer found in the practice of the committee warrant for holding that the committee, by a course of action, had adopted a contrary rule, that is to say, that less than a majority of the committee might constitute a quorum to transact business, if that number equaled at least one-third of the total membership of the committee.

Mr. President, that reasoning cannot be admitted at all, for the simple reason that the Senate rule itself was designed to prevent that practice. The rule itself was aimed at a practice which had developed in the Senate. The rule itself says that a practice cannot be established by following the custom of a chairman who goes into a committee room with his pockets full of proxies and ballots, and holds a session of the committee and votes to report bills and resolutions for the calendar of the Senate. If the Senate itself had not acted to prevent that very course of action, there would be much force in the suggestion made by the occupant of the chair when the point of order was presented to the Senate. But we have here the clear-cut situation of a rule having been adopted by the Senate to forestall and prevent the loose practice of less than a majority of the committee meeting and counting as present other members who had given their proxies to members who were present. We have here the definite rule of the Senate which provides that a majority of the committee shall constitute a quorum, but the committee may—not by practice, the very thing the Senate forestalled by its rule, not by a course of action, the very thing the rule of the Senate was designed to forestall and to prevent—but that the committee itself, by resolution, may provide that a quorum shall consist of a number less than a majority, provided the number is equal at least to one-third of the whole committee.

So, Mr. President, the question is an important one if there is to be orderly procedure in the Senate. In my opinion, in this instance, because a sharp controversy has risen over the matter, it is the clear duty of the Chair to rule that the point of order is well taken if it be admitted on the record that the Committee on the Judiciary never by any resolution provided that less than a majority of the committee should constitute a quorum to do business.

Mr. President, let me make a further point. Committees must act as committees. It does not matter if every member but one of the Judiciary Committee or any other committee wishes to report a bill favorably, and informally, in the corridors, in the cloakrooms, on the streets, or in the Senate Office Building, they indicate their willingness to do so and to sign the report. If one member of the committee insists that there be committee deliberation and decision, the decision should be by a legally constituted committee. There can be no legally constituted committee until a majority of the committee is assembled at a time and place designated in the call. Otherwise, whatever action is taken is not the legal action of the committee. It is the action of the individual members of the committee who, because of the pressure of business, or because of inconvenience, find it impossible or inconvenient to attend the committee meeting, and, therefore, send a proxy. Until a majority of the committee is in session the committee cannot receive a proxy. It cannot record a proxy, take a vote, record it, or report a bill to the Senate.

The only escape by the distinguished and able Senator who sat in the chair and passed upon the same point was that he found that by a long course of practice the Judiciary Committee had been accustomed to meet with less than one-half of the committee present, and had received proxies, recorded them, and counted them on resolutions or bills before the committee. That position cannot be maintained. It cannot be admitted when it is recalled that, without dispute, this very rule was adopted in order to prevent that very thing. The rule provides that a majority of the committee shall constitute a quorum, but that the committee itself, by resolution—not by falling back into the same evil practice sought to be corrected by the rule of the Senate—may establish a legal quorum of less than a majority; but under the rule the number counted as a quorum must be at least one-third of the members of the committee.

Mr. President, rules of the Senate are, of course, often set aside by unanimous consent. If, however, the Chair wishes to rule that a course of conduct in the very teeth of the rule itself is equivalent to a resolution—which was never offered to the Judiciary Committee and never adopted by the Judiciary Committee—that less than a majority shall constitute a legal quorum for business, he will go a long way toward forcing upon Members of the Senate the duty and responsibility of withholding unanimous consent. I hope it will not be the ruling of the Chair that in a case of this kind a rule of the Senate designed to correct this evil can be set aside upon the ground that the subsequent conduct of the Judiciary Committee itself had approved a course of conduct which allowed the committee to say that a legal quorum may consist of less than one-half of the committee. The way to end this unfortunate situation in the Senate today is to let the bill go back to the committee. If the committee then wishes to report it, in the light of what has happened in the Senate, and what will, of course, happen in the Senate so long as this bill remains before this body, the committee may act upon it. But, Mr. President, do not say that when a rule has been adopted to prevent a loose practice, that loose practice itself can immediately be availed of to show that the committee has adopted a contrary course of action, when the only right the committee has to act through a legal quorum depends upon a resolution of the committee.

Mr. President, that is all I have to say. I am not making the statement because I wish to prolong the debate but because I believe it to be important. I think it is important that the Senate have liberal rules and liberally construe them. I very well know that circumstances arise daily under which a committee may find itself with less than a majority of its members present. It follows the practice resorted to in this case. Until objection is made, of course such procedure is permissible; but when timely objection is made, as was done by the Senator from Mississippi [Mr. DOXEY] in the committee room upon every question and upon every motion, the Senator objecting is entitled to be heard, and the Senate itself ought to be the first to see that he shall be heard.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. WHITE. Mr. President——

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Will not the Chair indulge the Senator from Maine, who wishes to argue the point of order in good faith? I think the Chair ought to hear him.

The PRESIDING OFFICER. If we are to follow the rules of the Senate, the Chair would like to state the rule.

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

The Chair wishes to obtain information, and understood that the Senator from Georgia wished to advise the Chair. The Chair was glad to hear the Senator from Georgia. If the Senator from Maine wishes to advise the Chair, the Chair will indulge the Senator from Maine for that purpose; but the point of order is to be decided, under the Senate rule, without debate.

Mr. WHITE. Mr. President, if the Chair will indulge me, I should very much like to submit some views concerning the point of order and the practice of the Senate, as well as of committees of the Senate.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. WHITE. Mr. President, I hope the point of order will be sustained. If it should be overruled, I should be compelled to vote against the motion of the Senator from Kentucky to proceed to the consideration of the bill, because of my deep conviction that the bill is improperly before the Senate under the circumstances which obtain.

The procedural questions raised by the original point of order against the anti-poll-tax bill, by the ruling of the Chair, and by the pending point of order seem to me to be so important that I am constrained to make my views concerning them a matter of record.

The pertinent facts which have given rise to the present parliamentary controversy are as follows:

The Judiciary Committee is composed of 18 members. That committee was created by action of the Senate. Under the general rules of the Senate 10 members of that committee would constitute a quorum; but under the authority of paragraph 3 of rule XXV of the Standing Rules of the Senate, the committee

could have fixed a lesser number as constituting a quorum. However, there has been no designation of a lesser number then 10 as constituting a quorum of that particular committee.

On the roll call upon the motion to report the bill to the Senate it appears that only 9 members of the committee were present; but notwithstanding a point of no quorum then made by the Senator from Mississippi [Mr. DOXEY] through the use of proxies the entire 18 members of the committee were recorded as voting, 13 in support of the motion to report the bill and 5 against the motion. Without counting proxies, a majority of committee votes in favor of the motion to report the bill was not cast.

This situation presents the question of the right to count as present at a committee meeting members not present, and the right of a present Senator to vote an absent Senator by proxy.

Mr. President, I deny that there is authority, either in the rules of the Senate or in reason, for counting as present at a committee meeting for any purpose Senators who in fact and in truth are not present. It is certain that there is no rule of the Senate which supports the absurd contention that a Senator can be considered present when he is absent. Mr. Reed, as former Speaker of the House, long ago met and disposed of the converse of such a claim by asking a Member who was present on a quorum call but who would not answer to his name, if that Member denied that he was present. In the present instance it might well be asked of the nine members of the committee who were in fact absent when the roll was called, if they were in fact present. Affirmative answers could not be given. We know beyond doubt that there were not 10 members of the committee present at the roll call on the motion to report the bill.

Mr. President, does a committee have authority to waive the requirement of a quorum and proceed with the transaction of business when the absence of a quorum is suggested? Certainly not. The Senate itself, the creator of its committees, has no such power. On the contrary, rule V of the Senate prescribes the procedure of the Senate whenever the question of a quorum is raised, and it defines the limitations upon the Senate's power in the absence of a quorum. No absentees are counted for a quorum in this body and no business may be transacted by the Senate in the absence of a quorum. That majority requirement is the rule of the Senate, and the rules of the Senate govern and control committees of this body, save only as they are modified in the way and to the extent permitted by the Senate rules themselves. Where is there to be found the authority of a committee to count as present members who are absent? The answer, Mr. President, must be that such authority does not exist; and I assert that it should not exist.

It is clear to me that a legal quorum was not present when the committee acted on the bill in disregard of the point of no quorum made by the Senator from Mississippi and in disregard of all rules of orderly procedure.

Mr. President, the next question of interest and of importance in the present controversy and circumstances is whether a Senator can authorize another Senator to vote for him in the Senate or in a committee of the Senate. I know of no one who would assert that there exists any written rule of this body that a proxy may be made use of in the proceedings of the Senate or by committees of the Senate performing functions of the Senate. Where, then, is the authority for a Senator to designate another to represent the people of his State, to speak and to vote for him and for them either in the Senate or in a committee thereof? I recognize that there has been a growing tendency in late years—and in years past the same tendency existed—to resort to the use of proxies, but there has been no such practice, no such acquiescence, as to establish a rule and a right of use of proxies. Certainly the vagrant practices of chairmen and members cannot ripen into a right against the privileges of other Senators, against the privileges of the Senate itself, and against the privileges of the people of the States of the Union. The use of proxies, to whatever extent it exists, is now, in my opinion, correctly challenged by the Senator from Mississippi, for in their use are evils and dangers.

Mr. President, when a Senator attempts to give the right of decision and of action to another Senator he is exercising a power of appointment, an authority never given him by the electorate of the State which sent him here. The people of each State, wisely or otherwise, choose their representatives in the Senate. Those representatives are to bespeak their thoughts and to serve their interests. The people of my State have never authorized me to pass on to some other Senator from some other State the privileges and the responsibilities they intended that I should meet and discharge. That is true as to my State and it is true as to every other State. The use of a proxy involves, therefore, more than the convenience of individual Senators. The granting of a proxy, in my opinion, is in derogation of the right of a State to have the representative of its choice upon the Senate floor and in Senate committees.

Moreover, Mr. President, the giving of a proxy results in having the holder thereof become the representative of a State other than his own. No authority can be found for that.

Beyond that, Mr. President, the use of a proxy gives to a Senator at least a double voting power. Carried to its conclusion, the exercise of the power could give to the chairman of the Judiciary Committee the vote of 18 Senators and of 18 States to be cast by him in his committee. There can be no right to the lodgment in any Senator of a plurality of votes. It is a denial of that equality of State representation in the Senate which was of such great concern to those who framed the Constitution. Let it be conceded that a Senator may cast votes in addition to that which is his as a Member of the Senate and the provision of the Federal Constitution that no State shall be deprived of equal suffrage in the Senate will have lost its significance and its force.

Mr. President, I am utterly unwilling to agree that any measure brought before the Senate through counting as present in committees Senators who were not present, or that any measure brought to the floor of the Senate through use of proxies, is rightfully before this body. It is my deep conviction that the ruling of the Chair on the point of order made by the Senator from Mississippi last Friday was not in accordance with the authorized procedure of this body or with sound practice. I repeat the expressed hope that the pending point of order will be sustained.

The PRESIDING OFFICER. The present occupant of the chair——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. I did not hear what the Chair said. Did the Chair say he was ready to rule?

The PRESIDING OFFICER. The Chair was about to say that he was ready to rule.

Mr. NORRIS. Very well.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The present occupant of the chair is a member of the Committee on the Judiciary, and is familiar with the practices of the committee. On at least two occasions when more than a majority of the members of the committee were present, a delay was given on the bill at the expressed wish of the opponents of the bill; and the Chair knows that some members of the committee gave their proxies to other members of the committee actually in the committee room, and when they would have voted except for the fact that the opportunity to vote was denied them because of a postponement requested by the opponents of the bill.

As the Chair understands the matter, there is no contention that a majority of the committee was not recorded as voting on the bill. In fact, the entire membership of the committee is recorded as having expressed their wishes with respect to this proposed legislation. It is certain that at least one-third of the entire membership of the committee was actually present at the time when action was taken on the bill. Under the practice of the Committee on the Judiciary and the Committee on Military Affairs frequently much proposed legislation is ordered reported to the Senate when a majority of the members are not present, and frequently business could not be transacted if they were not willing to waive that requirement. That has been done on numerous occasions since the present occupant of the chair has been a member of the Committee on the Judiciary.

The present occupant of the chair feels that he must adopt in substance the view stated by the senior Senator from Wisconsin [Mr. LA FOLLETTE] when he occupied the chair on Friday last; and that is, that, for the reason stated, the point of order should be overruled, and it is overruled by the present occupant of the chair.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. I appeal from the ruling of the Chair.

Mr. BARKLEY. Mr. President, I move to lay the appeal on the table.

Mr. CONNALLY. Mr. President, the Senator should wait for a moment. I have not concluded.

Mr. BARKLEY. I thought the Senator made the same appeal the other day.

Mr. CONNALLY. I desire to discuss it very briefly.

Mr. President, this is a most fundamental matter. It has nothing to do with the poll tax; that is merely an incident. The question involved reaches into the fundamentals of the operations of the Senate of the United States. It goes deeper than that; it goes to the constitutional processes in their very essence and in their most elemental aspects. I desire to remind Senators that some one else will be in the minority some day. I desire to remind them that if we are to establish as the rule of the Senate that less than a majority of a committee of the Senate can by any kind of shell game or hocus-pocus report measures as the act of the committee we shall be going headlong into anarchy and chaos. That is plain and palpable in this case.

The Chair says that he knows all about the customs of the committee, and that he knows what happened, and so forth and so on. Unfortunately, the Senator who now occupies the chair was not present at the particular meeting of the committee, as I recall.

Mr. President, never when I have been in the Committee on the Judiciary or in any other committee when a member rose and made the point of the absence of a quorum has an absent member of the committee been counted in ascertaining the presence of a quorum. That never has happened so far as my association with committees goes. To my knowledge, never in any committee when a member has made the point that a quorum was not present has there ever been an attempt to count absent members and to say that theoretically they were there when they were not actually there. We all know that, unless some member of the committee makes a point of the absence of a quorum, the counting of absent members will occur, and has occurred, as pointed out by the Senator from Georgia. That is the very practice the rule was intended to correct.

Mr. BILBO. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. Yes; with the indulgence of the Chair.

Mr. BILBO. Yes; I ask the Senator to yield only for a question. Do I correctly understand the Senator to say, as a member of the Committee on the Judiciary, that never has there been a practice in the committee, when a quorum was not actually present, to declare a quorum present because some member of the committee had the written proxies of absent Senators?

Mr. CONNALLY. I did not go quite that far. I said that never in the committee when a member made the point that a quorum was not present was permission granted to count absentees in ascertaining the presence of a quorum.

Mr. BILBO. That is what I mean. When there was an objection never have absentees been counted. Is that correct?

Mr. CONNALLY. Never in the Committee on the Judiciary and never in any other committee of which I have been a member. It is so fundamental that the chairman and the other members always recognize the fact that there must be a quorum.

Mr. NORRIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. NORRIS. The point of order is that no Member of the Senate may make a motion and then still hold the floor.

Mr. CONNALLY. He may if he is recognized.

Mr. NORRIS. No; he obtains recognition to make his appeal, and then it is the duty of the Chair to say that the question is on the appeal. No Senator has the floor during that time, and it is open to the Chair to recognize the Member whom he selects as having addressed him first at that time.

I contend, Mr. President, that no Senator can rise and say, "I appeal from the decision of the Chair, and now I am going to make a speech." That is contrary to all parliamentary procedure.

The PRESIDING OFFICER. The Senator from Nebraska is correct. The pending question is the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Texas from the decision of the Chair, which is not debatable.

Mr. CONNALLY. The Chair did not recognize the Senator from Kentucky.

The PRESIDING OFFICER. The Chair did recognize the Senator from Kentucky.

Mr. BARKLEY. The Chair recognized the Senator from Kentucky, but, as a matter of courtesy to the Senator from Texas, I made no objection to his proceeding. It is the second time I have done the same thing.

Mr. CONNALLY. I intend to be very brief, if the Senator from Nebraska will permit me to proceed.

Mr. BARKLEY. With the Senator's assurance that he will be brief, and that I will not be deprived of any right, I shall not object.

Mr. CONNALLY. I shall not try to take the Senator off the floor. I want to be just as fair as those who are pushing this bill. I do not think I will have any difficulty in reaching that standard.

I challenge any other Senator to rise on this floor and say that he has ever been in a committee when another member raised the point of no quorum and seen the chairman overrule the point and permit absent Senators to vote to make a quorum. I have never seen it upon any of the committees of which I have been a member.

Mr. NORRIS. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. CONNALLY. I yield.

Mr. NORRIS. I call the attention of the Senator to what happened in the Judiciary Committee on this very bill, which contradicts the Senator's statement.

Mr. CONNALLY. What was it?

Mr. NORRIS. The point of order was made, and the chairman overruled it.

Mr. CONNALLY. It was overruled, but that was the first time in my whole recollection that such a thing has been done. I may cite that as a "horrible example."

Mr. NORRIS. The Senator said he challenged any Senator to give an instance where such a point of order was made and it was overruled, and I have given an instance.

Mr. CONNALLY. I was not discussing what happened in this particular instance——

Mr. NORRIS. I was.

Mr. CONNALLY. Because that is the first time it ever happened and the Senator from Nebraska was there and helped to do it.

Mr. NORRIS. The Senator is not now in order in discussing it, for it is not debatable.

Mr. CONNALLY. There is nobody in the Senate who has taken up more time since I have been here than has the Senator from Nebraska, yet he wants to shut me off when I am arguing legitimately a point of order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Texas from the decision of the Chair.

Mr. DOXEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is the motion in order to lay the point of order on the table?

The PRESIDING OFFICER. The pending motion is to lay on the table an appeal from the decision of the Chair. The motion is in order, and the Senate will proceed to decide it without debate.

Mr. CONNALLY. I ask for the yeas and nays on the motion. The Senate ought to make this record if it is going to be made.

Mr. BARKLEY. I suppose Senators can get here for a yea-and-nay vote.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], and the Senator from Utah [Mr. MURDOCK] are absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. CLARK], the Senator from Oklahoma

[Mr. LEE], and the Senator from Wyoming [Mr. SCHWARTZ] are detained on business in various Government departments.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Texas [Mr. O'DANIEL], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. LODGE], the Senator from New Hampshire [Mr. TOBEY], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Idaho [Mr. THOMAS] are necessarily absent. If present they would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], and the Senator from West Virginia [Mr. SHOTT] are necessarily absent.

The result was announced—yeas 37, nays 23, as follows:

YEAS—37

Barbour	Lucas	Taft
Barkley	McNary	Thomas, Okla.
Brewster	Maloney	Truman
Burton	Mead	Tunnell
Capper	Millikin	Vandenberg
Chandler	Nelson	Van Nuys
Danaher	Norris	Wagner
Davis	Nye	Walsh
Green	O'Mahoney	Wheeler
Guffey	Pepper	Wiley
Herring	Radcliffe	Willis
Kilgore	Reed	
La Follette	Smathers	

NAYS—23

Andrews	Connally	McKellar
Austin	Doxey	Maybank
Bankhead	Ellender	Overton
Bilbo	George	Russell
Bulow	Gerry	Smith
Bunker	Gillette	Spencer
Byrd	Hill	White
Caraway	Johnson, Calif.	

NOT VOTING—36

Aiken	Gurney	Murray
Bailey	Hatch	O'Daniel
Bone	Hayden	Reynolds
Bridges	Holman	Schwartz
Brooks	Hughes	Shipstead
Brown	Johnson, Colo.	Shott
Butler	Langer	Stewart
Chavez	Lee	Thomas, Idaho
Clark, Idaho	Lodge	Thomas, Utah
Clark, Mo.	McCarran	Tobey
Downey	McFarland	Tydings
Glass	Murdock	Wallgren

So Mr. BARKLEY's motion to lay on the table Mr. CONNALLY's appeal from the decision of the Chair was agreed to.

Mr. DOXEY. Mr. President, I desire to make a point of order against the motion of the Senator from Kentucky to make House bill 1280 the unfinished business of the Senate, and the ground for the point of order is that the Committee on the Judiciary of the Senate has no jurisdiction, under the Constitution of the United States, to consider a matter of such a nature as the so-called anti-poll-tax bill, that such legislation is beyond the power of Congress; and I desire to be heard on the point of order.

The point of order, of course, goes to the very heart of the situation. To my mind there is no question, after considering the precedents, in regard to the validity of a point of order on the ground, as I have indicated, that the Judiciary Committee had no jurisdiction, under the Constitution, to consider a matter such as the anti-poll-tax bill, and that it is beyond the power of Congress to consider it. I find that the rulings and precedents of more than a hundred years clearly sustain the position that the Chair is required to submit to the Senate the question of the constitutionality and the power of Congress, in order that the Senate may pass upon whether or not such a point of order is well taken.

On the question of the constitutionality, the first precedent I find, which is one of the strongest, I may say, was established on March 28, 1935, during the consideration of House bill 6359, which was a bill to repeal the "pink slip" provision of the revenue act.

The Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment proposing to amend the Revenue Act of 1934 by increasing the normal surtax rate on individuals. Senator Harrison, my predecessor, whom we all loved and respected and revered, made the point of order that the pending bill was not in a strict sense a revenue bill and to put a tax provision on the bill was contrary to the provision of the Constitution that all bills for raising revenue should originate in the House of Representatives.

Vice President Garner occupied the chair as President of the Senate, and of course he submitted the question to the Senate, on the ground that points of order involving the constitutionality of a matter were certainly questions for the Senate itself to decide, to determine, and to vote upon.

I could read all the facts with reference to the many precedents which I have, if the Chair should so desire, but the reason is, of course, that on a constitutional question, if the Chair were to undertake to interpret the Constitution, a majority of the Senators might have a different viewpoint, and of course the precedents of the Senate outline that that is a good and sufficient reason for submitting a constitutional question to the Senate for a vote. As the present occupant of the chair has so generously ruled, there is no question that the precedents hold that a point of order involving a constitutional question is debatable.

A further strong precedent on the same question, to which I wish to refer the Chair, was decided December 16, 1937, during the consideration of Senate bill 2787, known as the farm-relief bill. The Senator from Oklahoma [Mr. LEE] proposed a substitute for the bill which contained a provision to the effect that the President and the Tariff Commission were authorized and directed to promulgate such rates of import duties on cotton and articles processed from cotton and cotton substitutes as to bring the basic price of raw Middling cotton to the parity price fixed by the Secretary. To that the Senator from Louisiana [Mr. ELLENDER] made a point of order, and the ground set forth in the point of order was that the proposal was one to raise revenue on cotton and cotton goods, which, of course, was within the exclusive jurisdiction of the House of Representatives, as under the Constitution all revenue measures should originate in the House of Representatives.

It was at that time decided that when a point of order involving the Constitution of the United States is raised the Chair, in accordance with the precedents, will submit the question to the Senate. Therefore, in the instance I have cited, after some further debate, the Senator from Georgia [Mr. RUSSELL] made the following parliamentary inquiry addressed to the Chair:

> If the Senate should sustain the point of order made by the Senator from Louisiana, would it go to the entire amendment or would it merely strike out the section which, it is charged, offends against the provision of the Constitution?

The President pro tempore said that it would simply go to that portion of the amendment if the Senate held that that portion of the amendment constituted an unconstitutional provision. In other words, the portion to which the motion was directed would be stricken out.

Mr. President, the precedents are uniform in the Senate and in the House. I do not think that statement will be disputed. For instance, on March 19, 1941, the House of Representatives was considering House bill 4050, the $7,000,000,000 national defense appropriation bill, and the following provision was read:

> (f) In all $7,000,000,000, to remain available until June 30, 1943.

Mr. DIRKSEN made the point of order against the provision on the ground that it contravened the authority of the organic act, which provided that it should be effective until that date unless Congress by a concurrent resolution terminated it at an earlier date.

The Chairman, Mr. LANHAM, of Texas, in passing upon the point said:

> The Chair knows of no authority by which it is the function of the Chair to pass upon a constitutional question. * * * The question of the constitutionality of a measure is one for the House itself, and not for the Chair to pass upon.

This is to be found in the CONGRESSIONAL RECORD, Seventy-seventh Congress, first session, at page 2373.

Mr. President, I think the present occupant of the chair will not deny the fact that this matter is not only debatable but that it is a matter for the Senate to pass upon, and therefore I shall not further impose upon the Chair by citing precedent after precedent. If there is any doubt, however, in the mind of the Chair with respect to precedents and

holdings, I have them before me, and shall be delighted to submit them.

Mr. President, the passage by Congress of an anti-poll-tax bill, or any similar legislation, would, I feel, mean the institution of a lawsuit, and of course the question finally would go to the Supreme Court, and to my way of thinking the Supreme Court would certainly hold such a measure to be unconstitutional. But it is our responsibility in the Senate to pass upon the question raised by the point of order. The duty devolves upon us to consider the question raised when it is a constitutional one, with respect to which there are numerous precedents of the Senate. I feel that the Senate at this particular time should not only consider that question seriously, but I hope the Senate will reach the same conclusion I have, which is that the measure is certainly unconstitutional.

Mr. President, the agitation with respect to anti-poll-tax legislation has been going on for a number of years. Several measures dealing with the subject have been introduced in the House and the Senate. It is only recently, however, that any substantial headway has been made toward enactment of such a law by Congress. I want to be entirely reasonable and fair. I feel that many reasons could be assigned for agitation at the present time for the measure which is now sought to be brought before the Senate. Many reasons could be assigned for this agitation at the present time. In the minority views filed in the Senate on October 29, 1942, and signed by the Senator from Texas [Mr. CONNALLY], the Senator from Vermont [Mr. AUSTIN], and myself we find this statement:

> The undersigned members of the committee * * * submit this * * * report * * * for the reason that the passage of the bill would not be a constitutional exercise of the national legislative power.
>
> * * * * *
>
> We believe also, and submit, that the present emergency is not a proper time for the submission of controversial matters, which the instant bill is, particularly because, also, it is an attempt to accomplish an alleged reform by national action at a time when the whole attention and energy of the whole people should be devoted to the war effort and their attention not distracted by an issue such as this.

The speech made by the President of the United States last night rang with the injunction, the admonition, and suggestion and advice to devote our time and energy toward the winning of the war and the successful prosecution thereof. Certainly I cannot see what the agitation for an anti-poll-tax measure at this time has to do with the successful prosecution of the war, especially in view of the fact that the subject is so highly controversial.

In the minority views it is further stated:

> The bill would be a constitutional exercise of Federal legislative power that would be prohibited by the Federal Constitution.

The bill which it is now sought to have considered by the Senate, House bill 1024, was before the Senate Committee on the Judiciary, of which I am a member. It was amended there, as I said previously, when there was not a quorum present. That, however, is water over the dam so far as the question which is now before the Senate is concerned. In other words, the committee struck out all after the enacting clause of the House bill, known as the Geyer bill, and it inserted in lieu thereof what is known as the Pepper bill, which was amended by the Senate Committee on the Judiciary, and as the record shows, even though the votes of 9 members were cast by proxy, the bill, as amended, was favorably reported by a vote of 13 to 5. Of course, I was one of the 5 members who voted against it.

Mr. President, I very frankly say that, to my mind, the only legal question involved in the proposed legislation is with respect to its constitutionality. I have contended all along that such proposed legislation is unconstitutional and should not be enacted into law. It is a clear violation of States' rights, and it is beyond the power of Congress to enact. I feel that my position in this regard is sound and is borne out by the decisions of the courts of our land and by the intention and language of the framers of the Federal Constitution.

To me it is utterly absurd to say that the poll tax is not a qualification for voting. I do not know whether Members of the Senate have read the majority report, in which it is said that the poll tax is not a qualification for voting. The reasons assigned for that statement fall far short of the precedents which have been set and of the provisions of the Constitution itself. The statement has been made by a proponent of the measure:

> All the facts I have been able to gather in my study of the question convince me that a poll tax is not a qualification for voting.

Such an assertion is, I think, absolutely fallacious. Proponents of the measure must necessarily assume that the poll tax is not a qualification for voting; otherwise they would run headlong into article I, section 2, of the Constitution, which plainly states that the States shall prescribe the qualification of voters.

I know that Members of the Senate and the Presiding Officer are entirely familiar with section 2 of article I of the Constitution. It is not my purpose to read it at this time, but I desire to place the picture before the Senate and the Presiding Officer in as clear and convincing a manner as I can, and in an over-all way.

The point has been again recently confirmed in line with the views I am expressing, in Pirtle against Brown. Certiorari to the Circuit Court of Appeals for the Sixth Circuit was denied by the United States Supreme Court. That case is to be found in Three Hundred and Fourteenth United States Reports, page 621.

The Supreme Court prior to the Pirtle case, in the celebrated Breedlove case, reported in Three Hundred and Second United States Reports, page 277, held that the poll tax was a qualification for voting, and upheld the rights of the State to impose it. I doubt that there is an outstanding constitutional lawyer in the Senate who would for one moment seriously present the view that the different sovereign States do not have the right and power to set forth the qualifications for voting in their respective States, nor that the levying of a poll tax is anything except a qualification for voting. One may proclaim that a poll tax is a pernicious political activity, but certainly no single court in all the land has ever stooped to such subtlety. Even the Pepper bill, unlike the Geyer bill, does not do such violence to reason and to logic.

Mr. LUCAS. Mr. President, will the Senator yield to me for one question?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. DOXEY. I yield to my distinguished friend from Illinois on the condition that I do not lose the floor thereby.

Mr. LUCAS. The Senator from Mississippi cited the Breedlove case, which went up from the State of Georgia, as I understand.

Mr. DOXEY. That is correct.

Mr. LUCAS. In that case did the Supreme Court hold that the poll tax was a qualification or a regulation?

Mr. DOXEY. A qualification. If the Senator will bear with me, I shall discuss the Breedlove case, because it is one of the fundamental cases dealing with the question. I am endeavoring now to draw it to the attention of the Senate.

It has never held that the poll tax is a regulation instead of a qualification, except in obiter dicta in other cases, and, as I understand, it was not so held in the Breedlove case.

Mr. LUCAS. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. DOXEY. I yield.

Mr. LUCAS. Did I correctly understand the able Senator to say that the majority report holds that the poll tax is not a qualification?

Mr. DOXEY. I could not say what the majority report holds. The majority report infers that the poll tax is not a qualification. When we prepared the minority views we were thoroughly convinced that it was a qualification under the decisions of the court to which I shall briefly refer. I hope that my reference to them will be in a manner which will enable the distinguished Senator from Illinois, as well as other Senators, to grasp the gist of the decisions on the subject by the Supreme Court which I have been able to find.

I was about to say that the Pepper bill, unlike the Geyer bill, does not do so much violence to reason or logic. The supreme courts of many of the poll-tax States have adjudicated the question, sustaining the validity of the poll-tax qualification. Section 243 of the Constitution of the State of Mississippi provides as follows:

> A uniform poll tax of $2, to be used in aid of common schools, and for no other purpose, is hereby imposed on every inhabitant of this State, male or female, between the ages of 21 and 60 years, except persons who are deaf and dumb, or blind, or who are maimed by

loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year $3 on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

Under that provision in the State constitution, the legislature enacted a statute which is known as section 3127 of the code. It reads as follows:

There shall be assessed and collected each year a State poll tax of $2 on each and every inhabitant of the State over 21 and under 60 years of age who is not deaf and dumb or blind, or maimed by the loss of hand or foot, which shall be a part of the county common school fund and shall be used as provided by law.

Mississippi is a code State.

The supreme courts of the various poll-tax States have sustained the validity of these various statutes; and a similar provision is contained in the constitutions of most of the States to which I have referred. The Mississippi statute was upheld by the Supreme Court of Mississippi in the case of *Sproul* v. *Frederick*, 69 Mississippi, page 398, also reported in the Southern Reporter. It was also upheld in *Williams* v. *Mississippi*, which is reported in One Hundred and Seventieth United States Reports, page 213.

I shall cite briefly the case of Pirtle against Brown, coming up from the State of Tennessee. The case grew out of an election held on September 13, 1939. Pirtle brought suit in the United States District Court, seeking to require the election officials of Tennessee to permit him to vote in an election held for a Member of Congress.

Many cases might be cited, but when I cite a case I hope Senators will feel that it is in point.

The case to which I have just referred involved an election for a Member of Congress. To the refusal of the election officials to permit him to vote, Pirtle objected on the ground that the requirement of the payment of a poll tax as a qualification for voting in the election was violative of his rights as a citizen. The Federal District Court denied him the relief which he sought, and he appealed. The Court relied on the case of Breedlove against Suttles, as well as the case of Pirtle against Brown et al., which had been before the Supreme Court at the October term, 1941. In denying certiorari in Pirtle against Brown on October 13, 1941, the Court said:

Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

Certainly if the court denied certiorari it felt that no injustice had been done, and that under the Breedlove case and other authorities the Federal court had acted properly in saying to Mr. Pirtle that the election officials could require him to pay a poll tax as a qualification for voting in an election which was held for officers of the Government.

This ruling is definitely imperative authority showing unquestionably to my mind that the poll tax is a qualification; and hence since this is true, there is only one legal way to abolish the poll tax so far as Congress is concerned, and that is by enacting a constitutional amendment to that effect.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. DOXEY. I am glad to yield.

Mr. LUCAS. Do I correctly understand the Senator from Mississippi to say that in the case which he cited from Tennessee proceedings were brought to compel the election officials to allow an individual to vote, regardless of whether or not he had paid the poll tax?

Mr. DOXEY. To vote for a Member of Congress.

Mr. LUCAS. As I understand, the case went to the Supreme Court on a petition for writ of certiorari.

Mr. DOXEY. That is correct; and the Supreme Court denied the writ of certiorari. That is the latest utterance of the Supereme Court which I can find on the question.

This ruling is convincing that the poll tax is a qualification. That being so, if the poll tax is to be abolished, and if Congress is to have anything to do with abolishing it, the only part which Congress can play is to pass a constitutional amendment to that effect.

This grave hour is no time to play politics, or for 40 States to undertake to cram down the throats of the 8 poll-tax States an unconstitutional law. To my mind such procedure, at the sacrifice of trampling upon those 8 Southern States, will not help to perpetuate my Southland as a bulwark of democracy, so far as party alinement is concerned.

In the past we have had to rely upon the Supreme Court for the protection of the sovereign rights of our State, and may be forced to do so again. If the States desire to repeal the poll tax, well and good. That is certainly a State function. It should be exercised by the States. But when 40 States, through their elected representatives, undertake to legislate for the 8 remaining States, which have the poll tax, such an unconstitutional piece of legislation is certainly too much to submit to without a fight to the last ditch. We still believe in the sacred principle of States' rights. I thank God for the Supreme Court of the United States and for our great United States Constitution.

My State does not now require a voter to pay all property taxes, real and personal, before he may vote. A citizen otherwise qualified to vote may vote if he has poll-tax receipts for 2 consecutive years, whether he has paid his other taxes or not. However, there are probably other poll-tax States which require that all taxes be paid, including the poll tax, before a citizen may vote.

I ask in all candor, Can Congress, without a constitutional amendment, pass a law permitting a citizen to vote in those States which require that all taxes be paid before he is qualified to vote, regardless of whether such taxes have been paid or not? It seems to me that to ask the question is to answer it. To say that Congress has such power in the case of elections for Federal officers is to distort the wording of the Constitution and go contrary to the rule of reason and justice. Yet, if the Congress may do so as to poll-tax qualifications, I submit that it may do so as to other qualifications. The Congress has no such power, and will never have it unless and until a constitutional amendment is enacted.

The proponents of the bill admit that Congress has no power to fix or alter the qualifications of voters for State officers, but they propose to abolish the poll tax in the case of election of Federal officers.

Mr. President, every constitutional lawyer knows that in the case of *Wiley* v. *Sinkler*, reported in One Hundred and Seventy-ninth United States Reports, page 63, the court upheld the right of South Carolina to prescribe the qualifications for those voting for Federal officials, and again approved the construction of article I, section 2, of the United States Constitution, as set out in the case of *Ex parte Yarbrough*, reported in One Hundred and Tenth United States Reports, at page 663. In that case the court said:

The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for these eo nomine. They define who are to vote for the popular branch of their own legislature and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.

Mr. President, I submit that these potent reasons, cited from adjudicated cases, coming from the highest court of the land, should cause the Senate of the United States to vote against the motion of the distinguished majority leader, the Senator from Kentucky. The proposed law is patently unconstitutional. I firmly believe that a majority of the Senators will agree with me, and will vote to sustain the point of order which I have made, to the effect that the committee has no jurisdiction under the Constitution to consider a measure of such a nature as the so-called anti-poll-tax bill, and that it is beyond the power of Congress to enact such legislation.

Mr. President, the minority views to which I have referred have been given a great deal of thought and consideration. As I have said, the minority views are signed by the Senator from Texas [Mr. CONNALLY], the Senator from Vermont [Mr. AUSTIN], and myself, the Senator from Mississippi. I submitted the report from the Committee on the Judiciary, representing the minority views, to accompany House bill 1024. At the very outset the minority views state—

The undersigned members of the Committee on the Judiciary of the United States Senate, which has given consideration of the pending bills relating to the requirement of the payment of a poll tax as a prerequisite to the right to vote for national officers (S. 1280 and H. R. 1024), submit this, a minority adverse report and recommend that the bill (H. R. 1024), as amended, do not pass—

For what reason?—

for the reason that the passage of the bill would not be a constitutional exercise of the national legislative power.

We believe, and submit, that Congress is without power to enact the proposed legislation, and, to avoid repetition—

Because we did not desire to indulge in repetition if we could avoid it, and because we felt that it states the constitutional limitation concisely and fully, we incorporated in the minority views the report of the subcommittee composed of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Texas [Mr. CONNALLY], and the Senator from Vermont [Mr. AUSTIN]. They conducted long and extensive hearings on the measure; and when they reported they made an adverse report. The brief prepared by Mr. Gilbert and Mr. Horne on the subject of qualifications for voters at Federal elections was also included.

With the indulgence of the Senate, I desire to bring to the attention of the Senate the high points of the views of the minority which I filed. If the Senators now present have not read and studied the minority views, I think they could well do so, and thus be able to find the decisions and the reasoning possibly more easily and more quickly than they could by other investigations which they might make. Therefore, I ask the indulgence of the Senate while I point out what I believe to be the high points of the minority views.

The subcommittee of five members—

This is the report of the subcommittee reporting to the full committee, the report which was incorporated in the minority views—

to whom was referred the bill (S. 1280) concerning the qualification of voters or electors within the meaning of article I, section 2, of the Constitution, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or general election for national offices, having considered the same make this report to the full Judiciary Committee recommending that the bill do not pass—

Upon what ground?—

upon the ground that it would not be a constitutional exercise of the national legislative power.

In considering the measure, the following provisions of the Constitution are of immediate application.

I read from the Constitution of the United States, as incorporated in the minority views:

ARTICLE 1, SECTION 2

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

Mr. President, I could dwell at length on that constitutional provision. In fact, I could anchor our case on it, because all the decisions of the Supreme Court which I have ever found are uniform, except that in the Classic case the court says, in making a distinction, that the States do not provide the qualifications requisite for electors voting for Federal officials, but that the States having provided the qualifications requisite for electors voting for candidates for the most numerous branch of their legislature, which is the House of Representatives, by the very language of the Constitution which I have just read, which is article I, section 2, the Federal Constitution adopts those qualifications as the qualifications requisite for voters who vote for Federal officials. If any other distinction has ever been drawn with reference to the qualifications requisite for voters in any of the decisions by the Supreme Court of the United States in cases on the poll-tax question, we failed to incorporate it in the minority views which we tried to make complete.

I read further from the minority views—at this point quoting the Federal Constitution:

ARTICLE I, SECTION 4

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The only way in the world the sponsors of the bill or those who maintain that it is constitutional can try to establish their position is by trying to bring the measure within article I, section 4, of the Constitution, and claim that a poll tax is not a qualification, but a regulation. However, that point has been settled and decided. That is the only ground in the world they have to stand on.

I say to the Senate that the point of order certainly goes to the very fundamentals and foundations of the rights and powers of Congress involved in the anti-poll tax bills.

I shall read further from the report of the subcommittee. I ask Senators to bear in mind that I was not a member of the subcommittee. The subcommittee was composed of members of the Committee on the Judiciary who had been on the committee for many years. They not only held exhaustive and extensive hearings, but made a very exhaustive and able report. The report was made, as I have heretofore stated, by the distinguished, able, and learned senior Senator from Wyoming [Mr. O'MAHONEY]. The subcommittee further states:

Distasteful from the point of view of popular sovereignty as may be State statutes which make the payment of a poll tax a prerequisite to voting, any attempt by the Congress to abolish such a tax, even in election to Federal office, would seem to be a clear violation of the Federal Constitution and beyond the power of Congress.

I have endeavored to make my point of order follow the very language of the report and the findings of the court.

This is a reform which may and, which if desired, should be effected by constitutional amendment.

If Congress has the right, by statute, to strike down a qualification for voting legally prescribed by a State, then it also has the power to impose additional qualifications.

No one will deny that.

If it has the right to broaden the qualifications for voting in Federal elections, then it also has the right to narrow them. But the Constitution clearly prohibits such a result, for it provides in section 2 of article I that the electors who are to choose the Members of the National House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." Obviously, if Congress should attempt to say that some electors qualified to vote for members of the most numerous branch of a State legislature should not be permitted to vote for Members of the National House of Representatives, it would be an open violation of the Constitution. Likewise, if it attempts, as this bill does, to say that persons who are not qualified to vote for members of the most numerous branch of a State legislature, may nevertheless vote for Federal offices, including Members of Congress, it would be equally in violation of the fundamental law.

It is acknowledged by the proponents of this bill that Congress has no power to fix or alter the qualifications of voters for State office and so, they propose only to abolish the poll tax for election of Federal officials. To do this, they must deny that a poll tax is a "qualification." Otherwise, they would be forced to admit an attempt to disregard section 2 of article I. This they cannot do without conceding the unconstitutional character of the bill. So they adopt the ingenious ruse of declaring in the first section of the measure that the poll-tax requirement is not a qualification of voters but an interference with the manner of holding a Federal election and as such subject to regulation by Congress under article I, section 4. Here, however, they are met by the historic fact that when the Constitution was adopted all of the original States had property or tax qualifications for voters.

I am sure that before this debate is over someone will discuss the various tax and other qualifications which were required by the Original States and were in effect at the time the Federal Constitution was adopted.

The framers of the Constitution knew, for example, that the actual payment of a State or county tax was a voting qualification in Pennsylvania when the instrument was drawn and that the other States had similar provisions. The framers accepted these qualifications whatever they might have been in all of the States by the language of section 2 of article I, and nowhere did they give Congress the power to alter them. They did give Congress the power to alter State regulations governing the times and manner of choosing Senators and Representatives, as well as the places of choosing Representatives, but no such supervisory power over voting qualification was granted. Certainly such power cannot be implied by contending that although the Constitution makers, who were perfectly familiar with property qualifications, did not have them in mind when writing section 2 of article I which deals with qualifications, but did intend to give Congress power to change them when they wrote section 4 of article I which deals with the manner of holding elections.

It would be difficult to imagine any language more clear than the first clause of article I, section 2.

That clause has been read, but I will read it again, as being in the nature of a text for my contention:

The House of Representatives shall be composed of Members chosen every second year by the peoples of several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

If Congress by law should undertake to provide, as the proponents of this bill urge Congress to do, qualifications for the electors of Members of the National House of Representatives other than and different from those "requisite for electors of the most numerous

branch of the State legislature" in any State, it would be acting in direct contravention of the mandate of the Constitution that they should be the same.

That certainly needs no elaboration.

Property qualifications and poll taxes are outmoded. Universal when the Government was formed, they have been abolished now in all of the States save eight, but they were abolished by the action of the people of the States themselves without compulsion from Federal authority.

I should like Members of the Senate to know—and I feel that they do know—that those of us who are carrying on the fight in opposition to this proposed legislation not only deeply but keenly feel and believe that the Congress has no right to tell us what the qualifications of our voters shall be. That is a matter which, in all reason and justice and constitutional right, and in the view of the framers of the Constitution and according to the opinions of the courts, we have a right to decide. It is up to us whether or not we abolish the poll tax, as it is being abolished by States from time to time; but what we are fighting for is the right not only to prescribe the qualifications of the voters of our States but to be free from interference by the Federal Government.

It is better to wait the wise action of the remaining States than by a strained construction of the Constitution to apply by statute the power of the Central Government to force upon any State a particular course of action in a field which the Constitution left to the States.

Mr. President, I shall not take the time to read the testimony that is recorded in the hearings before the committee, but I invite attention to the testimony. Of course, a great deal of it is by those from minority groups who, for one reason or another, are very anxious to have poll-tax legislation, but the hearings also contain statements, evidence, and testimony given by some very fine constitutional lawyers to the effect that Congress has no power to deal with this all-important subject. I recommend to Senators who have not read the hearings that they obtain copies, of which an ample number is available, and read them.

That the framers of the Constitution did not regard property or poll-tax qualifications as in any sense in derogation of a republican form of government is proven by the fact that when they wrote section 4 of article IV, they did not abolish those qualifications in Federal elections. Indeed, they undertook to deprive all citizens of the privilege of voting directly for President by putting the electoral college between the people and their chief executive officer.

The Constitution was an instrument designed to preserve a balance between State and Federal Government, between local and central power. In a time when circumstances compelled the exercise of great central authority, the utmost care should be observed not to strike down unnecessarily the sovereign powers reserved to the States except in the manner carefully pointed out in the Constitution itself.

Mr. President, I have been reading excerpts from the report submitted by the subcommittee which consisted of the distinguished Senator from Wyoming [Mr. O'MAHONEY], the Senator from Texas [Mr. CONNALLY], and the Senator from Vermont [Mr. AUSTIN].

There are many interesting facts revealed in the hearings as to the qualifications of voters in the various States at the time the Federal Constitution was adopted. I could read from the case of Minor against Happersett, reported in Twenty-first Wallace at page 172, where Chief Justice Waite made various statements, but, in the interest of brevity, I do not care to read from that decision.

I could also read what is set out in the hearings with reference to the qualifications of voters in the States at the time the Federal Constitution was adopted. That is all very necessary; I feel it is a matter with which all Senators are not acquainted, and possibly it would be well to have it in the RECORD at this time; but it will be put in the RECORD, possibly, by other Senators who, I know, will want time to speak on this all-important question. There are references to the qualifications of voters at the time of the adoption of the Constitution in various States, such as Delaware, Virginia, New Hampshire, and other States. I call the attention of the Senate to the various qualifications which were in effect in the several States before the Constitution was even adopted.

Mr. President, having read the excerpts from the minority views, I desire to call the attention of the Senate, with the indulgence of the Chair, to some "Observations on Establishing Affirmative Qualifications for Voters at Federal Elections." These observations are a part of the minority views filed by me on October 29, 1942. They were prepared by Mr. W. C. Gilbert and Mr. F. B. Horne. We discussed them and considered them in the committee, and we thought so much of them that we made them a document of the committee.

I read further from the observations from the minority views submitted by me on October 29:

Current discussion and consideration of the problem of the poll tax has revolved about a number of questions, one of these being, "If it is granted that Congress can prohibit to the States a given qualification of electors at a Federal election, can it not equally prescribe affirmative qualifications?"

That question has been asked, and it is one which certainly deserves an answer.

Before going into the constitutional aspects of the problem, it is well to recall the statement of Charles Evans Hughes to the effect that the Constitution is what the Supreme Court says it is (Addresses and Papers of Charles Evans Hughes (1908), p. 139). On the matter of interpretation Mr. Justice Holmes has said, "The great ordinances of the Constitution do not establish and divide fields of black and white. Even the more specific of them are found to terminate in a penumbra shading gradually from one extreme to the other" (*Springer* v. *Philippine Islands*, 277 U. S. 189, 209).

What are qualifications insofar as voters are concerned? Is a qualification here a condition precedent that must be complied with for the attainment of a status, a modification, a restriction, or a limitation? The question of qualifications of electors was carefully debated in the Constitutional Convention. Serious consideration was given to the proposal that the right of suffrage be vested in freeholders as the best guardians of liberty. Mr. Morris, who proposed this limitation on the franchise, did so because he objected to making the question of qualifications dependent upon the will of the States. Mr. Ellsworth warned that the right of suffrage was a tender point and strongly guarded by most of the State constitutions and any change in the system might prevent approval of the proposed National Constitution. Mr. Wilson said the matter had been carefully considered in committee; that it was difficult to formulate a uniform rule of qualifications for all the States. He noted the possibility that a disagreeable situation might arise if electors of the State legislature and Congress were not the same. Mr. Mason called attention to the fact that eight or nine States had already abolished the freehold qualification. Mr. Madison nevertheless thought the regulation of right of suffrage in national elections ought not to be left to the States, arguing that viewing the subject on its merits, "the freeholders of the country would be the safest depositories of republican liberty." The Morris proposal was rejected and the questions of property as well as other qualifications were left to the States. It appears safe to conclude that the founders used the term "qualification" in the sense of a limitation or a restriction on the franchise.

The whole problem of providing uniform qualifications was summarized by Mr. Hamilton in The Federalist (pp. 284–285). "To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself." Note that it was specifically understood at the time of the adoption of the Constitution that the qualifying standard might be established or changed in the future; that this entire matter of the elective franchise was intended to be primarily one for each State to control subject only to the possible limitations of article I, sections 4 and 5, and article IV, section 4. Later the fourteenth and fifteenth amendments added other possible limitations.

One writer on the subject of the poll tax has pointed out that, paradoxically, it was first considered a major step in the expansion of the suffrage, in that a number of States made it an alternative to the ownership of property (53 Harv. L. R. 645, 646). Without laboring the point of whether payment of a poll tax is or is not a "qualification" within the meaning of the term as used in article I, section 2, and in the seventeenth amendment, suffice it to say that the Supreme Court in *Breedlove* v. *Suttles, Tax Collector* (302 U. S. 277) held that payment "as a prerequisite [to voting] is not required for the purpose of denying or abridging the privilege of voting. * * * Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but that use of the States' power is not prevented by the Federal Constitution. Cf. *Magnano Co.* v. *Hamilton* (292 U. S. 40, 44, p. 282). * * * Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate (*Minor* v. *Happersett*, 21 Wall. 162, 170 et seq.; *Ex parte Yarbrough*, 110 U. S. 651, 664–665; *McPherson* v. *Blacker*, 146 U. S. 1, 37–38; *Guinn* v. *United States*, 233 U. S. 347, 362)" (p. 283). Appellant in the Breedlove case had specifically contended that the privilege of voting for Federal officials was one to which he was entitled "unrestricted by a tax unreasonably imposed through State invasion of his rights as a citizen of the United States" (p. 279).

Persons who earnestly attempted to read meaning into the Breedlove case on the basis

of *Pirtle* v. *Brown* (118 F. (2d) 218) were no doubt greatly disappointed when the Supreme Court refused to grant certiorari (314 U. S. 621) (see Boudin, State Poll Taxes, 28 Va. L. Rev. 1). *United States* v. *Classic* (313 U. S. 299) in deciding that qualified voters in a Louisiana election have the right to have their vote counted as cast, within the protection of article I, section 4, offers little support to those desiring Federal legislation on qualifications of voters.

The States may not, of course, prescribe the qualifications of voters for Members of Congress as such, but qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Federal Constitution as the qualifications for this purpose. *Ex parte Yarbrough* (110 U. S. 651, 663). "It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State" (pp. 663–664).

Of course, there is a difference in the way various judges look at the matter, but the decisions are all to the same effect. I continue the reading:

Nor does their use make the statutes and constitutional provisions of the various States in reference to the qualifications of electors parts of the Constitution or laws of the United States. *Shoshone Mining Co.* v. *Rutter* (177 U. S. 505, 508) (dicta).

In the matter of denial to the States of the right to require a given qualification for electors at a Federal election, it may be stated that a review of the historical background of the constitutional provision discloses no real intention that this whole subject should be under the control of the Federal Government. In fact a converse intention is supported by the very adoption of the fourteenth and fifteenth amendments which demonstrate a common understanding that the final authority as to who shall vote rests with the States. It would indeed be a singular discovery if at this time it were found to rest with the Federal Government.

The question of providing affirmative standards was considered at the time the fifteenth amendment was adopted. At that time there was little real difference of opinion among leaders in Congress as to the desirability of enlarging the sphere of political liberty. "The chief difficulty in accomplishing the result lay in the fact is [sic] could apparently be done only by limiting the sphere of governmental action in all the States to a corresponding extent. There was a feeling too widespread to be safely antagonized that the regulation of the suffrage was a matter properly belonging to the State governments" (Mathews, Legislative and Judicial History of the Fifteenth Amendment (1909) (p. 12)). A foreign writer has noted that when the question of affirmative control was originally proposed in the fifteenth amendment, loyal States opposed such control under Federal law (see von Holst, the Constitution of the United States of America (1887) (pp. 240–241)).

Considerable time and energy has been devoted by proponents of Federal restriction of the poll tax to article I, section 4, and the case of *Ex parte Yarbrough* (110 U. S. 651) (see Appendix of the CONGRESSIONAL RECORD, vol. 87, p. A2373). Article I, section 4, provides that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed by the States but Congress may make or alter these regulations. This provision merely relates to the mechanical aspects of conducting an election. Granted that the Federal Government could step in and conduct the polls under this provision, the question could still be raised, "Who shall vote?" Article I, section 2, and the seventeenth amendment say they shall be those persons having qualifications requisite for electors of the most numerous branch of the State legislatures. It would therefore seem clear that the register of voters at the Federal polls must coincide with the State register. So much of the dicta in the Yarbrough case which says the States may not prescribe qualifications of voters for Members of Congress as such, is correct but it could have added that, conversely, the Federal Government cannot, so long as the above constitutional limitations stand, prescribe the qualifications of electors for the most numerous branch of the State legislature by requiring differing standards for electors at the Federal poll. The Constitution in effect adopts the registration list of the State and, until State restriction reaches the political question of the guaranty of a republican form of government or reaches a point warranting the invocation of article II of the fourteenth amendment, legislative remedy is lacking. Remedy, it appears, lies in further amendment of the Constitution.

In connection with article I, section 4, it is interesting to note that serious consideration was given to a proposal to delete the provision authorizing Congress to alter the times, places, and manner of holding elections when the seventeenth amendment was debated in Congress. Instead of enlarging Federal control, there was a definite and serious attempt to curtail it. The clause relating to qualifications of electors (par. 1) apparently raised no issue (see H. J. Res. 39, 62d Cong.; H. Rept. 2; S. Rept. 35: and CONGRESSIONAL RECORD, vol. 47, p. 203–243, vol. 47, pp. 1592–1594, 1735–1743, 1879–1925, 1949–1966).

Concluding on the question of prescription of affirmative qualifications by the Federal Government, it is difficult to see where proponents will find either constitutional or historical support of the contention that such affirmative power exists. Rather it would seem to be a political question of providing for such control by means of an amendment to the Constitution.

Another question has been raised, concerning the relationship of the poll tax to the guarantee of a republican form under the Constitution. "There never has been an authoritative definition of the word 'republican,' but nevertheless attempts have been made to stake off, in a positive as well as a negative way, the approximate limits of the idea. Every form of government essentially the same as the governments of the States at the time of adoption of the Constitution must be recognized as republican, for it is self-evident that these were and remain republican in the sense of the Constitution (von Holst, the Constitutional Law of the United States of America (1887) (p. 238)).

We give herewith abstracts of statements concerning a republican form of government and cases decided under article IV, section 4:

"A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure, and the efficacy which it must derive from the union.

"The two great points of difference between a democracy and a republic are first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended" (The Federalist (1818 ed.)—Madison, p. 53).

"The first question that offers itself is Whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the revolution; or with that honorable determination, which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible" (The Federalist (1818 ed.)—Madison, pp. 203-204).

"If we resort for a criterion, to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people; and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government, that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is sufficient for such a government, that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been, or can be, well organized or well executed, would be degraded from the republican character. According to the constitution of every State in the Union, some or other of the officers of the government are appointed indirectly only by the people. According to most of them, the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the coordinate branches of the legislature. According to all the constitutions also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of years. According to the provisions of most of the constitutions, again, well as according to the most respectable and received opinions on the subject, the members of the judiciary department, are to retain their offices by the firm tenure of good behavior" (The Federalist (1818 ed.)—Madison, pp. 204-205).

"In *Minor* v. *Happersett* the point was raised that a State government is not republican in form in which adult women are not permitted to vote. As to this the Court said: 'The guaranty is of a republican form of government. No particular government is designated as republican, neither is the exact form to be guaranteed, in any manner especially designated. Here, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all the people participated to some extent, through their representatives selected in the manner specially provided. These governments the Constitution did not change.

" 'They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution. As has been seen (in the argument that has gone before), all the citizens of the States were not invested with the right of suffrage. In all, save perhaps New Jersey, this right was only bestowed upon men and not upon all of them. Under these circumstances it is certainly now too late to contend that a government is not republican, within the meaning of this guaranty in the Constitution, because women are not made voters' (citing 21 Wall. 162)" (Willoughby:

The Constitution of the United States (1929), p. 223).

"When the question was discussed in the Senate as to whether the State of Louisiana, on the basis of its constitution of 1864, should be recognized as again endowed with full constitutional and legal rights, Charles Sumner said, February 24, 1865, in reply to a question by Henderson: 'I answer at once, as a constitutional lawyer, that at the present time, under the words of the Constitution of the United States declaring that the United States shall guarantee to every State a republican form of government, it is the bounden duty of the United States, by act of Congress, to guarantee complete freedom to every citizen, and immunity from all oppression and absolute equality before the law (!). No government that does not guarantee these things can be recognized as republican in form according to the theory of the Constitution of the United States, if the United States are called to enforce the constitutional guarantee' (CONGRESSIONAL GLOBE, 2d sess., 38th Cong., 1067). Congress adopted this view, for in the Reconstruction Act of March 2, 1867, it made the readmission of the rebel States to the right of representation in Congress dependent upon, inter alia, the conditions that their new constitutions should be 'framed by a convention of delegates elected by the male citizens of said State, 21 years old and upward, of whatever race, color, or previous condition,' and that 'such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates.' (Stat. L. XIV, 429.) Wherever Congress could do so, it interpreted this constitutional provision in the sense given it by Sumner. The act of February 9, 1867, for the admission of Nebraska provided: 'That this shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise or of any other right to any person by reason of race or color, except Indians not taxed,' and that the legislature should by a solemn public act adopt this condition (ibid., XIV, 392). The fifteenth amendment as originally proposed shows that Congress sought to make this new and radical interpretation of the expression obligatory upon all the States, but it was not possible to force it upon the loyal States as a Federal law. This, however, does not alter the fact that for part of the States this clause was construed in a way which the rest of the States would not permit in respect to themselves—in other words, the fundamental principle of constitutional law, the absolute equality of all the States, was overthrown, in a matter of cardinal importance by Federal laws" (von Holst, the Constitution of the United States of America (1887), pp. 240-241).

I commend to the Senate various other cases which are cited in the very able brief which was made a part of the minority views. Those cases deal with the basic question of showing in substance what we contend, that the Federal Government has no right to impose its authority to legislate for States with reference to the qualifications of voters in elections.

I feel that the concluding paragraph of the minority views should certainly be touched upon to some extent. It states that the present emergency is not the proper time for the submission of such matters as this. I contend that it is beyond the power of Congress to deal with the subject in a legislative way, and that the pending bill is an attempt to accomplish an alleged reform by Federal action at a time when all the people are devoted to the war effort, and when all their attention and energy should be directed toward winning the war.

Mr. President, I refrain from discussing many of the cases which have been cited, with which Senators are no doubt familiar. However, in view of the fact that my distinguished friend, the Senator from Illinois [Mr. LUCAS], propounded some interrogatories concerning my idea of the Breedlove case, I will say that Breedlove case is considered to be the ruling case. We have very few cases which are directly in point with reference to both the law and the fact. The Breedlove case is reported in volume 302 of the United States Reports, at page 277.

The case to which I have just referred was appealed from the Superior Court of Fulton County, Ga. The Superior Court of Georgia corresponds to the circuit court in the State of Mississippi. A 28-year-old Georgian felt that he had a right to a writ of mandamus to force the election commissioners to permit him to vote in the election, even though he had not paid the poll tax. The writ was denied by the Superior Court of Georgia. The decision was appealed to the Supreme Court of Georgia, which affirmed the ruling of the lower court. Appeal was then taken to the Supreme Court of the United States, and Mr. Justice Butler delivered the opinion of the Court.

Mr. President, for the purpose of this argument, I desire to read some excerpts from the statement of the case, as well as from the opinion. Bear in mind that the case is a rather recent one. It was argued on November 16, 1937, and decided on December 6, 1937. Briefly stated, the facts are as follows:

1. The Georgia statute exempts all persons under 21 or over 60 years of age, and all females who do not register for voting, from a poll tax of $1 per year, which is levied generally upon all inhabitants, and which, under the State constitution, must be paid by the person liable, together with arrears, before he can be registered for voting. Held that males who are not within the exemption are not denied the equal protection of the laws guaranteed by the fourteenth amendment.

2. On the basis of special consideration to which they are naturally entitled, women as a class may be exempted from poll taxes without exempting men.

3. Since this discrimination is permissible in favor of all women, a man subject to the tax has no status to complain that, among women, the tax is levied only on those who registered to vote, or that registration is allowed to them without paying taxes for previous years.

4. Payment of the Georgia poll tax as a prerequisite to voting is not required for the purpose of denying or abridging the privilege of voting.

5. Exaction of payment of poll taxes before registration as an aid to collection is a use of the State's power consistent with the Federal Constitution.

6. Voting is a privilege derived not from the United States but from the State, which may impose such conditions as it deems appropriate, subject only to the limitations of the fifteenth and nineteenth amendments and other provisions of the Federal Constitution.

7. A State law requiring payment of poll taxes as a condition to voting does not abridge any privilege or immunity protected by the fourteenth amendment.

8. The nineteenth amendment, forbidding denial or abridgement of the right to vote on account of sex, applies equally in favor of men and women, and by its own force supersedes inconsistent measures, whether Federal or State.

9. It was not the purpose of the nineteenth amendment to limit the taxing power of the State.

10. The Georgia statute levying on inhabitants of the State a poll tax, payment whereof is made a prerequisite to voting, but exempting females who do not register for voting, does not abridge the right of male citizens to vote, on account of their sex, and is not repugnant to the nineteenth amendment (183 Ga. 189; 188 S. E. 140, affirmed).

As I have said, the appeal to which I am referring was from a judgment of the Supreme Court of the State of Georgia affirming a decision of the superior court of that State, denying a writ of mandamus sought by the petitioner to compel the appellees, who were the election commissioners, to allow the appellant to register for voting for Federal and State officers at primary and general elections without first having paid a poll tax.

I shall not discuss any of the briefs which were filed; but this being such an important and ruling case, and one to which frequent reference is made in discussing the poll tax, I feel that, in keeping with our views, I should read the opinion of Mr. Justice Butler, who delivered the opinion of the Court:

A Georgia statute provides that there shall be levied and collected each year from every inhabitant of the State between the ages of 21 and 60 a poll tax of $1, but that the tax shall not be demanded from the blind or from females who do not register for voting. Georgia Code, 1933, sections 92-108.

That is the Georgia Code. No doubt, every other poll-tax State has a similar provision in its code.

The State constitution declares that to entitle a person to register and vote at any election he shall have paid all poll taxes that he may have had opportunity to pay agreeably to law. Article II, section I, paragraph III; code, section 2-603. The form of oath prescribed to qualify an elector contains a clause declaring compliance with that requirement. Section 34-103. Tax collectors may not allow any person to register for voting unless satisfied that his poll taxes have been paid. Section 34-114. Appellant brought this suit in the superior court of Fulton County to have the clause of the constitution and the statutory provisions above mentioned declared repugnant to various provisions of the Federal Constitution and to compel appellee to allow him to register for voting without payment of poll taxes. The court dismissed his petition. The State supreme court affirmed. (183 Ga. 189; 188 S. E. 140.)

The pertinent facts alleged in the petition are these. March 16, 1936, appellant, a white male citizen, 28 years old, applied to appellee to register him for voting for Federal and State officers at primary and general elections. He informed appellee he had neither made poll-tax returns nor paid any poll taxes and had not registered to vote because a receipt for poll taxes and an oath that he had paid them are prerequisites to registration. He demanded that appellee administer the oath, omitting the part declaring payment of poll taxes, and allow him to register. Appellee refused.

Appellant maintains that provisions in question are repugnant to the equal protection clause and the privileges and immunities clause of the fourteenth amendment and to the nineteenth amendment.

1. He asserts that the law offends the rule of equality in that it extends only to persons between the ages of 21 and 60 and to women only if they register for voting and in that it makes payment a prerequisite to registration. He does not suggest that exemption of the blind is unreasonable.

Levy by the poll has long been a familiar form of taxation, much used in some countries and to a considerable extent here, at first in the Colonies and later in the States. To prevent burdens deemed grievous and oppressive, the constitutions of some States prohibit or limit poll taxes. That of Georgia prevents more than a dollar a year. Article 7, section 2, paragraph 3; code section 2-5004. Poll taxes are laid upon persons without regard to their occupations or property to raise money for the support of government or some specific end. The equal-protection clause does not require absolute equality. While possible by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age, or condition, collection from all would be impossible for always there are many too poor to pay. Attempt equally to enforce such a measure would justify condemnation of the tax as harsh and unjust. (See *Faribault* v. *Misener*, 20 Minn. 396, 398; *Thurston County* v. *Tenino Stone Quarries* (44 Wash., 351, 355; 87 Pacific 634); *Salt Lake City* v. *Wilson* (46 Utah 60, 66, et seq.; 148 Pacific, 1104)). Collection from minors would be to put the burden upon their fathers or others upon whom they depend for support. It is not unreasonable to exclude them from the class taxed.

Men who have attained the age or 60 are often, if not always, excused from road work, jury duty, and service in the militia. They have served or have been liable to be called upon to serve the public to the extent that the State chooses to require.

So far as concerns equality under the equal protection clause, there is no substantial difference between these exemptions and exemptions from poll taxes. The burden laid upon appellant is precisely that put upon other men. The rate is a dollar a year, commencing at 21 and ending at 60 years of age.

The tax being upon persons, women may be exempted on the basis of special considerations to which they are naturally entitled. In view of burdens necessarily borne by them for the preservation of the race, the State reasonably may exempt them from poll taxes.

A long list of decisions bearing on that point is cited by Mr. Justice Butler:

The laws of Georgia declare the husband to be the head of the family and the wife to be subject to him. To subject her to the levy would be to add to his burden. Moreover, Georgia poll taxes are laid to raise money for educational purposes, and it is the father's duty to provide for education of the children. Discrimination in favor of all women being permissible, appellant may not complain because the tax is laid only upon some or object to registration of women without payment of taxes for previous years (*Aetna Insurance Co.* v. *Hyde* (275 U. S. 440, 447); *Rosenthal* v. *New York* (226 U. S. 260, 270)).

Payment as a prerequisite is not required for the purpose of denying or abridging the privilege of voting. It does not limit the tax to electors; aliens are not there permitted to vote, but the tax is laid upon them, if within the defined class. It is not laid upon persons 60 or more years old, whether electors or not. Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but that use of the State's power is not prevented by the Federal Constitution. (Cf. *Magano Co.* v. *Hamilton* (292 U. S. 40, 44).)

2. To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments, and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Citing cases to which we have already referred:

Minor v. *Happersett* (21 Wall. 162, 170, et seq.); *Ex parte Yarbrough* (110 U. S. 651, 664–665); *McPherson* v. *Blacker* (146 U. S. 1, 37–38); *Guinn* v. *United States* (238 U. S. 347, 362).

The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. (*Hamilton* v. *Regents* (293 U. S. 245, 261).)

3. The nineteenth amendment, adopted in 1920, declares: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." It applies to men and women alike and by its own force supersedes inconsistent measures, whether Federal or State. (*Leser* v. *Garnett* (258 U. S. 130, 135).) Its purpose is not to regulate the levy or collection of taxes. The construction for which appellant contends would make the amendment a limitation upon the power to tax.

Numerous precedents are to be found in the cases cited by Mr. Justice Butler. The opinion continues:

The payment of poll taxes as a prerequisite to voting is a familiar and reasonable regulation long enforced in many States and for more than a century in Georgia.

The reason for the regulation certainly is shown in the opinion. I shall conclude reading from the opinion of Mr. Justice Butler. He further says:

That measure reasonably may be deemed essential to that form of levy. Imposition without enforcement would be futile. Power to levy and power to collect are equally necessary. And, by the exaction of payment before registration, the right to vote is neither denied nor abridged on account of sex. It is fanciful to suggest that the Georgia law is a mere disguise under which to deny or abridge the right of men to vote on account of their sex. The challenged enactment is not repugnant to the nineteenth amendment.

As I have said, in the Breedlove case the Supreme Court of the United States affirmed the decision of the Supreme Court of Georgia. The Breedlove case sets forth a state of facts which come more nearly than do the facts in any other case of which I know to covering the situation regarding poll taxes generally, except for the facts in the case of Pirtle against Brown, as reported in volume 118 of the Federal Reporter, second series, page 218. The case of Pirtle against Brown is a more recent case. It originated in the Federal district court. The decision of the court was appealed, after the court decided against the appellant, Pirtle, who was endeavoring to have the court force the election commissioners in a county in Tennessee to permit him to vote for a Member of Congress. He was denied that privilege, and he brought the suit in the Federal court. The court's decision was appealed to the circuit court of appeals. The circuit court of appeals affirmed the decision of the district court. The case was then appealed to the Supreme Court of the United States, from the decision of the sixth circuit court of appeals. The case was disposed of by the United States Supreme Court.

I hold in my hand a statement which I have received from the Clerk of the United States Supreme Court showing that the case was disposed of. Being the most recent case, I feel that it is proper to call it to the attention of the Senate:

Order entered by the Supreme Court on October 14, 1931, in the case of *Pirtle* v. *Brown et al.*, No. 117, October term, 1941: Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

I have read from the order as sent me by the Clerk of the Supreme Court of the United States.

What did the judge of the sixth circuit court of appeals hold in his lengthy opinion in that case? I read from the syllabus in the case of Pirtle against Brown:

The people of a State may through a constitutional convention prescribe the qualification of voters and the limitation of the elective franchise, provided that the privileges and immunities guaranteed to voters by some provision of the Federal Constitution are not violated.

ELECTIONS

The General Assembly as used in Tennessee constitutional provisions fixing the qualification of voters includes the senate and the house of representatives, and the house of representatives is the "most numerous branch of the State legislature" within Federal constitutional provision that congressional electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I read further from the syllabus:

Suffrage is a political right which the people of a State may appropriately condition through its fundamental law or legislation in conformity therewith.

Taxation. The Tennessee statute providing for the payment of an annual poll tax of $1 for school purposes by every inhabitant between the ages of 21 and 50 years except persons who are deaf, dumb, blind, or incapable of labor and of earning a livelihood does not levy or assess a poll tax upon voters as a class.

Of course, it cites the very language of the code which was read to the Senate as being a part of the syllabus of the case.

I continue the reading:

The provisions of the Tennessee statute and constitution requiring the payment of poll tax as a prerequisite to voting do not so much connote a levy and assessment as they do an effective method of collecting poll tax levied for benefit of schools.

Now the constitutional phase of the matter.

To make payment of poll taxes a prerequisite to voting is not to deny an equal privilege or immunity protected by the fourteenth amendment, since the privilege of voting is not derived from the United States, but is conferred by the State and save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

The privileges and immunities protected by the fourteenth amendment are only those that arise from the Constitution and laws of the United States and not those that spring from other sources.

The Tennessee statute and constitutional provision requiring the payment of an annual poll tax levied for school purposes as a condition precedent to right to vote do not as respects right of elector to vote at an election to fill a vacancy in the House of Representatives deprive elector of any privilege or immunity protected by the Federal Constitution.

By the opinion of Judge Hicks, who was presiding judge of the sixth circuit, certainly no injustice was done anybody. The Supreme Court denied the writ of certiorari. The case originated in the Federal court. I shall, with the indulgence of the Chair, read from the opinion of Circuit Judge Hicks of the sixth circuit.

On September 13, 1939, a special election was held in the Third Congressional District of Tennessee to fill a vacancy in the House of Representatives of the United States. Appellant, Henry Pirtle, possessed all the qualifications required by the laws of Tennessee to entitle him to vote in this election except he had not paid his poll tax. For this reason the judges of election declined to allow him to vote.

The question is, Whether the constitution and statutes of Tennessee, which make the payment of a poll tax a condition precedent to the right to vote for Members of Congress, are repugnant to any provisions of the Constitution of the United States.

From an adverse decree, Pirtle appealed.

Article I section 2, of the Constitution of the United States, is as follows: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

(1) It is not to be doubted that the people of a State may through a constitutional convention prescribe the qualifications of voters and the limitation of the elective franchise, provided of course, that the privileges and immunities of the voters guaranteed to them by some provisions of the Federal Constitution are not violated.

It goes right back to the fundamental case to which all the cases refer, which is Breedlove against Suttles.

The Tennessee Constitution was adopted in 1870 and article IV, section 1, thereof fixed the qualifications for voters as follows:

Every male person of the age of 21 years, being a citizen of the United States, and a resident of this State for 12 months, and of the county where he may offer his vote for 6 months next preceding the day of election, shall be entitled to vote for members of the general assembly, and other civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the legislature shall prescribe, and at such time as may be prescribed by law, without which his vote cannot be received.

(2) The general assembly includes, of course, the senate and the house of representatives, the latter being the most numerous branch of the legislature.

Pursuant to this constitutional provision the legislature (sec. 2027 of the Code of Tennessee) enacted the following statute: "Every person in this State who is otherwise a qualified voter under the constitution and laws shall, as a condition precedent to the exercise of voting, furnish to the judges of elections satisfactory evidence that he has paid the poll tax, if any, assessed against him for the year next preceding the election, not later than 60 days prior to the day of said election, without which his vote shall not be received."

Article IV, section 1, of the Tennessee Constitution, above quoted, was adopted by a vote of 56 yeas and 18 nays. The principal objection to it is indicated by the separate protest (p. 178 et seq. of the journal of the proceedings of the convention) of Mr. Staley, Mr. Gibson, and others, members thereof, was that suffrage was a right and not a privilege that could be taxed. Mr. Gibson referred to it as a right such as the right to life, liberty, or property. This is not true. It is a political right which the people of a State may appropriately condition through its fundamental law or legislation in conformity therewith. But none of the protestants in their vigorous denunciation of the provision advanced the argument presented here, that the right to vote for a Member of Congress stems out of article I, section 2, of the Federal Constitution.

A pertinent preliminary inquiry is whether the State has levied a poll tax upon the exercise of elective franchise. Article II, section 28, of the Constitution of Tennessee provides that, "All male citizens of this State over the age of 21 years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than 50 cents nor more than $1 per annum. Nor shall any county or corporation levy a poll tax exceeding the amount levied by the State."

Article XI, section 12, of the constitution provides: "The State taxes derived hereafter from polls shall be appropriated to educational purposes in such manner as the general assembly shall, from time to time, direct by law."

Pursuant to these constitutional provisions, the legislature passed the following statute: "Every inhabitant between the ages of 21 and 50 years, except persons who are deaf, dumb, blind, or incapable of labor and of earning a livelihood, shall pay an annual poll tax of $1 for school purposes, which shall be collected by the trustee of the county and retained in the county where collected and appropriated to the schools of said county in the manner prescribed by law. Liability for poll tax and the exemption therefrom is determined and fixed according to the age of the inhabitant on the 10th day of January of each year." (Code Tennessee, 1932. Par. 1082, as amended by Public Acts, Tennessee, 1932, ch. 149.)

(3) It is clear enough that these provisions do not levy or assess a poll tax upon voters as a class. Voters are nowhere referred to. It is of course true that a large number of voters would be liable for the tax but it is just as true that a large number, such as those who are deaf, dumb, blind, incapacitated for labor or over 50 years of age, would not. Upon the other hand, a large class of inhabitants ineligible to vote at all, such as aliens, persons convicted of infamous crimes, persons who have not lived in the State and county for the requisite period of time, and all persons who do not choose to vote, are still liable for the tax.

Again it is worthy of note that the taxes levied by that section of the Tennessee Constitution dealing with taxation, while the disqualification of the voter for failure to pay it, is found in that section dealing with the qualification of voters.

The collection of the poll tax has always been attended with difficulty because the assessment falls upon many poor people but the State has earnestly insisted upon its collection. As an illustration (sec. 1559 of the code) the property taxpayer is not permitted to pay his tax without paying his poll tax at the same time and by the same section every tax collector who permits a violation thereof is held liable for all poll taxes which thus become delinquent.

The collection of the poll tax is stressed because when collected it becomes a part of an educational fund which the State, impoverished by war, began to build up, cherish, and protect as a governmental policy imbedded in the Constitution itself (art. XI, sec. 12).

I digress to say that we all know that in every poll-tax State, regardless of whether the tax is 50 cents, a dollar, $2 or $3—and I know of no State that levies a poll tax higher than or as high as $3—the revenue derived from such tax is devoted to school purposes and is used for the purpose of educating the youth of the State. It was originated not with an idea of discriminating against any class of voters, for, in many instances, the State, in its constitutional law, did not use the word "voters," as was the case in Tennessee, but in every instance the tax was apportioned to and appropriated to and set apart as an educational fund, for the poll-tax States were impoverished by the war; they had to build themselves up by taxation in any way they could. So this tax was called a poll tax, but it is used, in all the poll-tax States, for educational purposes.

Judge Hicks further stated in his opinion:

(4) Upon the whole, we think it is reasonable to conclude that the provisions requiring the payment of the tax as a prerequisite to voting do not so much connote a levy and assessment as they do an effective method of collection. They do not levy a poll tax upon any voter. They give due recognition to the poll-tax assessment laws hereinbefore quoted. They do not disturb any voter who is over 50 years of age, or deaf, dumb, blind, or incapacitated. They have their foundation in the idea that the normal voter will protect his franchise by paying his poll tax if it has been assessed against him.

We think this is at least a permissible construction which we should adopt if any constitutional objection may thereby be foreclosed.

But in any event we are not dealing with the question whether the payment of poll tax as a prerequisite to voting violates some natural right or fancied political right. The inquiry is whether such provision denied any privileges or immunities protected by the Federal Constitution. We have already seen that article I, section 2, of the Constitution of the United States guarantees to the elector for Members of Congress no other privileges than those accorded him by the States as an elector for the most numerous branch of the State legislature. But appellant goes beyond this. He urges that the quoted provision of article IV, section 1, of the Constitution of Tennessee, and section 2027 of the code violates the privileges and immunities clause of the fourteenth amendment; that his right to vote for a Member of Congress is not taxable, regardless of whether the amount of the tax imposed is trifling or substantial. We need not labor the point. It has been conclusively decided against appellant in *Breedlove* v. *Suttles*, supra (302 U. S. 283) * * *, where the Court said: "To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States but is conferred by the State and, save as restrained by the fifteenth and nineteenth

amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Then there is a long list of citations, and the judge further said:

The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. * * * The decree appealed from is affirmed.

Mr. President, that is the latest utterance I can find on the poll-tax question and on the law and constitutionality of it. The Supreme Court of the United States denied the petition for a writ of certiorari, and therefore the reason advanced by Judge Hicks in his opinion certainly, in the opinion of the Supreme Court of the United States, is good reading. I submit there is no case that holds contrary to the cases which I have cited.

Many cases could be cited, but I have read from these two cases because I sincerely believe that they are the ruling and governing cases regarding the law in the matter before us. Certainly they hold that it is beyond the power of the Congress to legislate with regard to the taxing of an individual by means of a poll tax, and making the payment of such a tax a qualification for voting.

The question involved here is more than one of States' rights. I feel that what was said this morning by Mark Sullivan in the Washington Post headed "A delaying action—filibustering for State rights," certainly is in conformity not only with the opinions of the courts and the pronouncements of those who have made pronouncements on this subject, but it is a part of this question, showing that the proposed action is beyond the power of Congress. I think that I should at least read to the Senate the article written by Mark Sullivan. It is as follows:

[From the Washington Post]

A DELAYING ACTION

FILIBUSTERING FOR STATE RIGHTS

(By Mark Sullivan)

True, the Senate filibuster against the poll tax is a delaying of legislative government. But it is a delaying only. As a mere delaying, it must be weighed in the balance against the thing which the filibuster is invoked to resist.

The present filibuster is invoked to resist a measure which, if enacted, would assert the right of the Federal Government at Washington to dictate the qualifications of voters, in every State and every election precinct in the country. This right is now solely exercised by the States. To take this right from the States, to transfer it to the Federal Government at Washington, would be a fundamental distortion of the basic blueprint of American Government. It would be more than a distortion. It would be the setting in motion of a process which ultimately would mean extinction of the States as units of government. For the most essential function any government can have is to fix the qualifications of its voters. Take that function away, and the States could not survive as governments.

The poll tax bill, which the present filibuster resists, would be, if enacted, the completion of a mechanism for revolution—slow moving and insidious revolution, but revolution surely. This bill would be the most animating motor. Other parts of the mechanism already exist. They show themselves frequently—though a country preoccupied with war fails to notice them.

The other day a Federal agency at Washington, a panel of the War Labor Board, asserted jurisdiction over a strike of city employees in Newark, N. J. This action not only gives Federal sanction to the assertion that employees of government have the right to strike. (A right so generally denied in the past and present that President Roosevelt within 3 years has denied it exists.) Further, if the War Labor Board makes a decision in favor of the strikers, the decision must take a form directing the mayor of Newark to take affirmative action—to restore strikers to employment, to raise strikers' pay or what not. If such decision of the Federal Government is to be made effective, it can only be done by some form of compulsion, force—compulsion exerted by Washington upon the functioning of a city government, which is solely a creature of the State.

Such examples of attempted invasion by the Federal Government upon the functions of the States and their subdivisions are frequent, and cumulative in their effect. They are, in some cases, distortions, and in other cases outright denials, of the fundamental charter and historic practices of American Government. It is this process, and the most portentous part of it, that the present filibuster resists.

As between the filibuster, and that which the filibuster resists, the filibuster is a perfectly legal, long recognized device of American parliamentary practice. While not frequently invoked, it has existed for 150 years. It is recognized by the rules, and stands firmly upon the rules. So completely is it recognized that a provision for ending it has long been written into the rules. A filibuster ends whenever two-thirds of the Senate says it ought to end.

How long ought the present filibuster fairly go on? Until there is complete public familiarity with the issue involved. Until every citizen of every voting precinct in Rochester, N. Y., and Des Moines, Iowa, and everywhere else knows that if Congress can undo a poll tax as a qualification for voting in some States, it can undo any and every qualification in any and every State, and dictate new qualifications from Washington. Until every citizen can free himself from preoccupation with the war long enough to become familiar with the whole process and all the details, by which rights of States and of individuals are being taken away, the forces behind the process, the end toward which it works.

There is one question the reader will ask, which ought to be answered. Why is it, if this bill is so portentous, that apparently a majority of the Senate would vote for it, if it were permitted to come up? To give the answer fully would require more space and careful discrimination among individual Senators. To the largest portion of the answer there is a clue. It is found in the position of two exceptionally able Senators who oppose the bill, Republican Senator AUSTIN, of Vern ont, and Democratic Senator O'MAHONEY, of Wyoming. These Senators, because they are men of courage and understanding of principle, would oppose the bill no matter what States they came from, or what the pressure of political groups upon them. But it happens to be symbolic (though symbolic only) that Vermont and Wyoming are two States which contain almost no Negro voters.

The key to the support of this bill, much of it extremely reluctant, is the large groups of Negro voters in several large Northern States, mistakenly influenced by leaders of their own race and white.

Mr. President, my argument is based on decisions made by the courts of the land with respect to the matter, and I believe that my point of order is well taken.

I do not know how many Senators have studied the bill. Once I thought of discussing it, section by section and paragraph by paragraph. I believe that will be done by some other Senator. Probably I have spoken possibly longer than I should have spoken, but I felt that I should make a full statement in behalf of the point of order. I sincerely believe that the Congress should not pass legislation of this type and character.

I have before me several cases which might be of interest to the Senate. I do not know whether any other Senator wishes to speak to the point of order now. I can continue to read from cases which go to the question before the Senate. I inquire if it is the purpose of the majority leader to recess or adjourn when the Senate concludes its business for the day? I will say to the Senator from Kentucky that it is immaterial to me what the Senator proposes to do in that respect, but I should like to know.

Mr. BARKLEY. I will say to the Senator frankly that it is my desire to dispose of the Senator's point of order this afternoon. In that event I would move that the Senate recess until tomorrow.

Mr. DOXEY. There is no disposition on my part to prevent the point of order being disposed of. I did not know whether the Senator proposed to let it go over until tomorrow.

Mr. BARKLEY. No; I should prefer to have the point of order disposed of this afternoon, if the Senator has concluded his remarks.

Mr. DOXEY. I have plenty more cases.

Mr. BARKLEY. Oh, I have no doubt of that. I am not trying to shut the Senator off nor goad him into speaking longer.

Mr. DOXEY. I know that.

Mr. BARKLEY. The Senator asked me a question and I have frankly attempted to answer it. I should like to have the point of order disposed of this afternoon. The motion which I made is still debatable and will be until disposed of. No Senator will lose his right of discussing it by reason of the point of order having been disposed of, and the Senate taking a recess, if that course is agreeable to the Senator.

Mr. DOXEY. I do not know whether the Senate desires to vote this late in the afternoon.

Mr. BARKLEY. That is a matter which, of course, may be submitted to the Senate. It is for the Chair to decide. I am not trying to jockey the Senator into a certain position.

Mr. DOXEY. I realize that. The leader has been very nice to me, and I appreciate it.

Mr. BARKLEY. I do not think it is too late to pass upon the question. It can be submitted to the Senate for determination. I do not believe anything will be gained by the opponents of the bill by having a decision with respect to the point of order postponed until tomorrow.

Mr. DOXEY. I am not trying to prolong it.

Mr. BARKLEY. I can assure the Senator if that is what he wants to know, that regardless of whether the point of order is disposed of tonight, I shall propose a recess until tomorrow, but I should

like to have the point of order disposed of.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. DOXEY. I yield.

Mr. CONNALLY. I feel this way about the matter: I am in entire accord with the majority leader in regard to the necessity of disposing of the matter. The Senator from Mississippi has devoted much time and labor to preparing his argument on the point of order. I think he should be allowed sufficient time to conclude in his own way. I do not know whether that would be 5 minutes or 10 minutes or longer.

Mr. BARKLEY. The Senator from Mississippi knows I have not objected to that procedure. The Senator asked me whether it was my purpose to move for a recess or adjournment, and I told him frankly that my purpose was to recess. But I still feel that we should dispose of the point of order so that when the Senate convenes tomorrow the motion I have made to take the bill up will be debatable, and the debate can be centered upon that motion.

Mr. DOXEY. I thank both Senators for their suggestions.

Mr. President, I really have some other matters in connection with my point of order, going to the constitutional phase of it, which I shall continue to discuss.

I have in my hand a book by Hilary A. Herbert, entitled "Why the Solid South?" I do not know whether its contents will be of information to Senators who are present, but it certainly was informative to me with respect to the question of States' rights. It bears out the contention that the Federal Government has no authority and that Congress has no authority over the States with reference to the qualifications they may prescribe for voters in the States. The author of the book is a recognized authority. I read from it:

> The death of Abraham Lincoln was an appalling calamity—especially to the South. Had the crazy assassin withheld his hand, reconstruction could never have been formulated, as it was, into the acts of March 2 and March 23, 1867.

I do not know how many Senators have ever seen this book or have read it, but it certainly shows that the leading thought at the time was that Congress should do everything it could to preserve States' rights and to protect them.

> Mr. Lincoln's leading thought in the conduct of the war was the preservation of the Government of the fathers, and he took issue squarely with those who, like Mr. Sumner, were seeking to take advantage of the times and "change this Government from its original form and make it a strong centralized power."

We all know that centralization of power in Washington is gaining by leaps and bounds, and that it will be further increased by the passage of such legislation as the so-called anti-poll tax bill.

> He believed—

Speaking of Mr. Lincoln—

> the Government to be, as Chief Justice Chase afterwards defined it, in Texas against White—

And that is a case with which some of us are familiar—

> "an indestructible union composed of indestructible States."

That, Mr. President, is well to remember.

> Upon this idea of the Constitution he based his theory of restoration—a theory which, at the time of his death, was well known, though it appears to have since been industriously forgotten. This theory was, that the insurrectionary States, notwithstanding the war, still existed as States—that they were never out of the Union and were always subject to the Constitution. Hence it followed that those people of these several States, who were entitled to vote by the laws existing at the date of the attempted acts of secession, had, when they returned to their allegiance and were pardoned, the power of reconstruction in their own hands.

Could anything be stronger than the thought of Mr. Lincoln on this very subject?

> On this theory President Lincoln aided the people to set up State governments in Tennessee, Louisiana, and Arkansas—all without any aid from Congress.
>
> But from the beginning there were eminent Republicans in Congress who denied the authority of the President to "intermeddle," as they called it, in this business. As early as 1861, Mr. Stevens, of Pennsylvania, had announced the doctrine, that the Constitution and laws were suspended where they could not be enforced.

Is there any question now about suspending the Constitution or the laws in the eight poll-tax States? They are as law abiding, and as peaceful as any other States in the Union. They are contributing as much toward the welfare of the country and to the winning of the war as any other States in the Union.

Mr. President, I shall continue to read——

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. DOXEY. I can yield only for the purpose of a question. I shall be delighted to yield for a question; but it has been ruled that if a Senator puts something in the RECORD, that is the transaction of business, and there may be a quorum call. I have no desire to have a quorum call.

Mr. WAGNER. I desire to put something in the Appendix of the RECORD.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. DOXEY. I can yield only for a question. Otherwise I should lose the floor.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield for any other purpose than a question.

Mr. DOXEY. Continuing to read from the book Why the Solid South?

> But Mr. Lincoln seems always to have stood on the declaration made by Congress in July 1861, that the war was being waged "to defend the Constitution and all laws in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects were accomplished the war ought to cease," etc.
>
> Pursuing steadily the spirit of these resolutions, even down to the day of his unhappy death, reconstruction as practiced by him was, simply, restoration of civil authority in the insurgent, but still existent, States by the people thereof, aided by the military power of the United States.
>
> More than 2 years after this question of power had begun to be mooted in Congress the President formulated and communicated to that body, in his message of December 8, 1863, the plan he proposed thereafter to follow. In no material particular did it differ from the theory upon which he had therefore acted. He said: "Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted."
>
> In the proclamation, embracing the plan, he offers pardon to all who will swear henceforth to support the Constitution of the United States, and so forth, and proclaims that when those who, accepting this amnesty, shall have taken the oath of allegiance, each "being a qualified voter by the election laws"—

What election laws? Not some election laws passed by Congress, or even hoped to be passed by Congress, but the election laws—

> "of the State, existing immediately before the so-called act of secession, and excluding all others, shall reestablish a State government, which shall be republican and in no wise contravening said oath; such shall be recognized as the true government of the state," etc., etc.
>
> This was President Lincoln's plan for restoring the insurgent States to the Union; it left the question of suffrage entirely in the hands of those who were qualified to vote under the laws existing at the date of secession. It was precisely this proposition—namely, that each insurgent State, at the time of rehabilitation, must decide for itself whether it would adopt Negro suffrage—that angered the Republicans in Congress when acted on by Andrew Johnson; and culminated in the impeachment proceedings.
>
> But Abraham Lincoln and Andrew Johnson were two different persons. Johnson was pugnacious—seeking always to beat down his adversary and never to conciliate. Lincoln, on the other hand, never needlessly antagonized those who could be won to his views, though he was accustomed to adhere to his matured opinions with inflexible purpose; as we shall see he did in this case, in the face of the fiercest opposition.
>
> When this message of December 1863 went in, many of the Republican leaders were claiming for Congress exclusive jurisdiction over the question of reconstruction under the clause of the Constitution which declares that: "The United States shall guarantee to every State in this Union a republican form of government." The counterclaim by the President, that he could aid the people to set up governments for themselves, seemed a challenge.
>
> Congress debated the question at length, and, finally, in July 1864 passed, by a small majority in each House, a bill, "to guarantee to certain States a republican form of government."
>
> This bill did not meet the wishes of extremists, because it did not give the ballot to

the Negro; but, if it became law, it would be a step gained for the extremists. It asserted the jurisdiction of Congress and provided expressly that the President should recognize by proclamation the State governments established under it, only "after obtaining the consent of Congress."

We have had that fight not only since the framing and beginning of the Constitution, but since before the War between the States, after the war, and even during the war:

The President refused to approve the bill and defeated it by a pocket veto. July 9 he made a public statement giving reasons for his course. The bill, he said, was received by him only 1 hour before the adjournment of Congress, and, among other things, he thought that the system of restoration it provided was "one very proper for the loyal people of any State choosing to adopt it." But he clearly was opposed to forcing it on any State by law, as he went on to say that he would at all times be "prepared to give the Executive aid and assistance to any such people"; that is, people who should "choose to adopt it," the congressional plan, "when the insurrection should be suppressed," etc. Senator Wade and Representative Henry Winter Davis responded in an angry protest. To the admirers of Mr. Lincoln this document, dated in July 1864, contains charges that are astounding. After stating that the signers had read the proclamation "without surprise, but not without indignation," the protest contends that want of time for examination was a false pretense. "Ignorance of its contents is out of the question," says the manifesto; and then argues that Mr. Lincoln was cognizant of a plan by which "the bill would be staved off in the Senate to a period too late in the session to require the President to veto it in order to defeat it, and that he," the President, "would retain the bill if necessary, and thereby defeat it."

The protest further says: "The President, by preventing this bill from becoming a law, holds the electoral votes of the rebel States at the dictation of his personal ambition," and complains that the will of Congress is to be "held for naught unless the loyal people of the rebel States choose to adopt it." It also calls Mr. Lincoln's action "a studied outrage on the legislative rights of the people."

Mr. President, the subject is as old as time itself. In the books and histories which deal with the question of States' rights and centralized power, there will be found two schools of thought which at one time or another reach the extreme. But it will be found that the leaders of thought, such as the great Abraham Lincoln, were champions of States' rights. In his fight with the leaders of his party, when dealing with the subject of the right of a State to regulate its own internal affairs, he followed that principle. In each Congress during the war and after the war the question was debated. During the sessions of 1864 and 1865, the Congress did not have to worry about what was happening so far as States' rights were concerned; but when Congress saw that the Confederacy was about to collapse, every Member of the Congress felt that unless there were a strong centralized government the conditions would be worse than they could explain. Throughout the controversy Mr. Lincoln was endeavoring to be, and was, a champion of States' rights.

It may be said that all States have gone through the fight to the finish to preserve their rights as States.

The pending bill proposes:

That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

Mr. President, I assert that when Congress attempts to enact laws purporting to carry out the language of the bill, it not only invades the rights of States but goes beyond any authority which can be found in the Constitution.

I have studied the reasoning and the position of the advocates of the proposed measure. They endeavor in the provisions of the proposed law to find as a fact that it shall be deemed that a qualification for voters voting or registering to vote at primaries or other elections within the meaning of the Constitution shall be, not a qualification, but, we might say, a regulation. When we come to the matter of enacting legislation making it unlawful for any State, municipality, or other government or governmental subdivision to prevent a person from voting or registering to vote in any primary or other election for a Federal officer on the ground that such person has not paid a poll tax, or providing that any such requirement shall be invalid, when in fact the poll tax is a qualification and not a requirement, and providing that it is void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election, we certainly are attempting to exercise a prerogative which Congress does not possess under the Constitution of the United States. The bill would attempt to say that—

No State, municipality, or other government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election.

Yes; the bill goes to the primaries as well as to the general elections of the States. Of course, the bill as written does not attempt to regulate the qualifications of voters to vote for any officers other than those Federal officers who are elected by the people, but section 3 of the bill provides—

It shall be unlawful for any State, municipality, or other Government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, Electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

Section 4 provides:

It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, Electors for President or Vice President, or for Senator or Member of the House of Representatives.

Mr. President, the point of order is directed at the bill which is couched in language such as that which I have read. It is a bill to make unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers. I am glad that the title is proposed to be amended. The original title was "An act to amend an act to prevent pernicious political activities."

Regardless of by what name the bill may be called, the question is, Is the bill constitutional; has the Congress the right to pass a bill of such a nature; and is it not beyond the power of Congress to legislate along that line, or of the Committee on the Judiciary or of any other committee to report such a measure?

Mr. President, I see that the hour is growing late. I understand that it is desired to bring the discussion to a close.

Having now discussed the constitutional phases of the matter in a general way, I desire to say that I do not know when I shall have another opportunity to address my colleagues. Therefore, Mr. President, I say to you and to my colleagues here that it is a great honor, privilege, and distinction to be a Member of the United States Senate. This distinguished body is the greatest deliberative body in the world. No finer, nobler, more patriotic, or more self-sacrificing group of men than those who compose the Senate of the Seventy-seventh Congress ever served their country.

No Congress was ever faced with more complex and perplexing problems. We declared war, and war was declared on our country. Even before, and certainly after Pearl Harbor, December 7, 1941, the duties and responsibilities of this Congress have been tremendous and terrific. We are passing through the most critical time in the world's history, certainly the most critical in the history of our own United States. We will be victorious and will come through triumphant.

My native State, Mississippi, has been wonderful to me. The people of that great State have honored me with public office time and time again, as county prosecuting attorney, district attorney, United States Representative, and United States Senator.

On September 23, 1941, the people of Mississippi elected me to the United States Senate to serve for the unexpired term of the great and beloved Mississippian, Senator Byron Patton Harrison. I said then and I say now that no one can fill the place of Pat Harrison in the United States Senate, but someone had to take his place. Senator Harrison's term of office will expire January 3, 1943, and on that date I shall leave this body with memories freighted and laden with friendships and associations which will always be a beacon light to my pathway as I journey down life's highway.

The many courtesies my colleagues have shown me and the honors the Sen-

ate of the United States has bestowed upon me are appreciated more than I can find words to express.

Every one of my fellow Senators and all who are in any wise connected with the Senate have been most considerate, in every way have made my tenure of office here most pleasant, and have enabled me to render to my State and Nation the best service of which I was capable. Never shall I forget my colleagues and friends here and my friends who elected me to represent the great State of Mississippi in this high and exalted position.

They have all been grand to me. I am truly and sincerely grateful, and I pray God's richest blessings upon them all, my State, our Nation, and the world.

Certainly, in the closing days of this Seventy-seventh Congress and toward the end of my service here among colleagues whom I honor and respect, and representing in part in the Senate of the United States a State and people that I love, I could not say or do anything or take any position on any question that I did not honestly and conscientiously believe was in keeping with the high and lofty ideals I have always tried to follow, and for the best interests of us all—a united Nation.

I know it is a mistake for the Senate at this time to agitate for, consider, or vote upon legislation dealing with the poll-tax question. It is a highly explosive question—one loaded with dynamite. It is a matter exclusively for the States, not the Federal Government. This is my calm, cool, deliberate judgment.

Mr. President, the white people of my State of Mississippi are predominately Anglo-Saxon. We have a heritage of which we are very proud. We are not going to mistreat the Negro as a race or as an individual. The Negro honestly appreciates our lack of hypocrisy in our daily contacts with him. He knows that the white people of Mississippi are not going to mix and mingle with him on an equal social footing; that we intend to keep control of our State and see that it always remains under the domination of Anglo-Saxon supremacy. We of the South well know that our civilization and way of life are actually at stake. We firmly believe that where a people have chosen to mix with another race, inferior in essential potentialities, the conglomerate mass does not rise to a greater status, but, on the contrary, always sinks into impotence. We hold that blood counts, and that the basic mental abilities and character of a people come from the plastic hand of Almighty God; and it is to the everlasting credit of my Southland that we intend to champion this philosophy until our lofty mountains crumble into dust.

The people of the North, living in communities where there are only a few Negroes, are far from understanding the problems which face us in the South. In the communities in the North where the Negroes are as numerous as the whites, the northerner joins with his brother of the South, many, many times, and tells us that we are definitely correct in our views about maintaining white supremacy.

Mr. President, we of the South remember the tribulations of our reconstruction days. In those dark days right after the Civil War my State once had a Negro lieutenant governor. Many ignorant Negroes held commissions as legislators and other high official positions all over the State. This did happen once in Mississippi, but it shall never happen again, not until the present race of men and women in Mississippi who guard their Anglo-Saxon heritage shall have passed into the dreamless sleep that marks the close of life on this earth.

Prohibiting the imposition of a poll tax would not automatically permit anyone to vote for a Federal official. There are other qualifications for voting in Mississippi besides the mere payment of a poll tax. We are not too greatly disturbed when we hear it argued that removal of the poll tax would permit millions of Negroes in the South to vote. No, we can and will handle all our problems as we face them, one way or the other. This, Mr. President, you may be very sure of. But what causes us to stand aghast at the proposed law prohibiting the imposition of a poll tax is the fact that it is an effort to pass a law clearly unconstitutional, for no other purpose than political expediency. Those who desire to wipe out the theory of States' rights are happy in the knowledge that at least one milestone has been passed. But, Mr. President, if this bill shall pass the Senate we will still have the Supreme Court.

The proponents of this nefarious measure may pass another milestone, and do in the Senate what they did in the House of Representatives, but we of the South and all others, wherever they may be, who still believe in States' rights, still have the highest court of the land for refuge and support.

Mr. President, I have, in the manner in which I have presented this subject, endeavored to show what the Supreme Court has said in regard to matters wherein they have rendered decisions involving the poll tax. I have referred to and read to some extent the decision in the Breedlove case, the decision in the Pirtle against Brown case, and referred to Ex parte Yarbrough, and to other cases, which, as I have said, conclusively show, in my opinion, that the proposal now before the Senate is certainly beyond the power of Congress, and that it is unconstitutional. The passage of an anti-poll-tax bill, or any other similar proposal, would be not only unconstitutional but, at this time, I feel that the Senate, having to pass upon the point of order which I have made, certainly, from what facts have been set forth, with the opportunities that have been presented, will sustain the point of order which I have made in all good faith and with sincerity of purpose of having the Senate pass on whether or not in its deliberate judgment the point of order should be sustained.

The majority leader has been very cordial and agreeable in suggesting that he would like to dispose of my point of order this afternoon. I notice we have not a quorum present, or anywhere near a quorum, but I wish to say that, so far as I am concerned, with reference to citing any further cases or arguing the point of order myself further, I have no disposition now, it being after 5 o'clock, to keep the Senate here. I feel that the question is debatable, and I am sure that the Chair will rule that it is debatable.

Mr. BARKLEY. Mr. President, the point of order made by the Senator from Mississippi is addressed to the Chair, of course. The Chair first has to decide whether it is a point of order upon which he can rule, or whether it will have to be submitted to the Senate.

I am familiar with the precedents which the Senator has quoted and referred to, and the only precedents had reference to revenue bills, when points of order were made against the constitutionality of amendments offered to revenue bills, or to bills not revenue bills, but where the amendments themselves were in the nature of revenue amendments. The Chair has announced that the Chair would not pass upon the constitutionality of such an amendment. Whether those precedents, which apply only to revenue bills, would apply to any general legislation which some Senator might think unconstitutional, and against which therefore he might make a point of order, is a matter which I would not argue. If the Chair thought he did not feel authorized to pass upon the point of order, and if he should submit it to the Senate for a vote, I would accept the decision, of course, and ask for a vote on the part of the Senate.

I have been anxious to dispose of the point of order this afternoon. I do not know how the Chair will hold, but assuming he would hold that he had no jurisdiction to pass upon the point of order, and would submit it to the Senate, I should like to get a vote on it this afternoon, or an agreement to vote at an early hour tomorrow.

I do not wish to be unreasonable about these matters, and I do not think I am. I realize that it is after 5 o'clock. I have conferred with most of the Senators opposing the bill, and they have all advised me they do not desire to argue the point of order, but are perfectly willing to have it passed upon. I think we should dispose of it this afternoon.

Mr. DOXEY. I wish to say to the Senator that I certainly have no disposition not to cooperate in every way. All I want is to have the point of order passed upon. I am thoroughly convinced of the validity of the precedents I have cited on the question of constitutionality. There are other precedents regarding revenue amendments. But when a question of constitutionality is presented, I feel it is a matter for the Senate to pass on. Like the Senator, I do not know how the Chair will rule.

Mr. BARKLEY. I suppose it is a correct theory that whenever the Senate votes on the passage of a bill one way or the other it is voting on its constitutionality. I always assume that when Senators vote for a bill they vote for it on the theory that it is constitutional, and if it is doubtful, the doubt is resolved in favor of its constitutionality. The Constitution provides definitely that revenue bills must originate in the House of Representatives. That is a mandatory provision, of which the House is very jealous, and on

numerous occasions it has returned bills to the Senate without even receiving them when amendments were attached to House bills, or where the Senate has passed an original bill which the House regarded as a revenue measure. It has returned such measures to the Senate without even receiving them. These precedents, which I shall not argue or go into, are based on the revenue section of the Constitution.

Be that as it may, the point of order is made to the Chair, and if the Chair is to rule that he will not pass upon the question, but will submit it to the Senate, I am perfectly willing to have the Chair make his ruling, and then, if the question is submitted to the Senate, I should like to have an early vote on it.

Mr. RUSSELL. Mr. President, there is no disposition to delay the vote. It might appear to some observers that the Senate has not made a great deal of progress today, but I feel that it has made very definite progress in disposing not only of vital questions, but perhaps some others. It would be perfectly agreeable for the Chair to make his ruling, but I really believe that after the Chair makes his ruling it would perhaps expedite the business of the Senate if the Senator from Kentucky would move a recess. There is no one present who would feel warranted in agreeing to the fixing of a definite time for a vote tomorrow on this measure.

Mr. BARKLEY. Not on the measure.

Mr. RUSSELL. I am speaking of the point of order. So far as I know, there would be no disposition to delay a vote on it, and it is my own opinion that a vote could be had at a very early hour tomorrow. Under the circumstances, I would not feel warranted in agreeing to a specific time for a vote, but I earnestly submit that if the Chair should make a ruling, and then the Senate should take a recess until tomorrow, it would probably be very helpful in arriving at some determination of the point of order. We have made some progress today. I think we are getting along fine. I wish the Senator from Kentucky would move a recess.

Mr. BARKLEY. If the Chair is ready to rule, so far as I am concerned, I am ready for him to rule.

Mr. DOXEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOXEY. I have the floor, have I not?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. DOXEY. I appreciate that. There is no disposition on my part to delay anything. I have said what I have said in the best of good faith, and in the sincere belief that the point of order is well taken and should be sustained. Of course, I do not know how the Chair is going to rule, but I have said, as the distinguished majority leader has said, that I shall avail myself of every legitimate means I have to present the matter to the Senate. If the Chair should rule against me on the point of order I feel that I might want to appeal from the ruling of the Chair. I am not insisting on anything unreasonable, but certainly we should have a vote of the Senate tomorrow on the question, even if it is a vote on a motion to table.

Mr. BARKLEY. Mr. President, I think the Senator from Mississippi ought to understand the parliamentary situation in regard to his point of order. If the Chair should pass on the point of order and overrule it, of course the Senator from Mississippi would have the right to appeal. If the Chair were to sustain the point of order I could appeal, or any other Senator could appeal, from the ruling. The Chair may hold that it is not a matter upon which he can pass. For the most part it has been within the jurisdiction of the presiding officer to pass on points of order as they affect the rules of the Senate. The Chair has probably no more jurisdiction to decide a constitutional question than has the Senate itself. So, if the Chair rules that he has no jurisdiction to pass upon the matter, but submits it to the Senate, the Senator from Mississippi would not have any right to appeal from the decision of the Chair, and although theoretically I might have the right to appeal from the decision of the Chair, I certainly would not do so. So that if that should be the decision of the Chair, the matter would stand in balance; the question would be submitted to the Senate, and the Senate itself would pass upon the question of constitutionality. I do not know how the Chair is going to rule, but I think he should rule in some way.

The PRESIDING OFFICER. The Chair is ready to rule when Senators get through talking.

Mr. DOXEY. The Senate ought to pass on the question anyway.

Mr. BARKLEY. The Chair to whom the point of order is addressed can control the debate upon it, and can shut it off whenever he is ready to rule, and he has announced that he is ready to rule.

Mr. DOXEY. We started off this morning in such a fine way, and after we have been here all day I believe we can make time simply by recessing.

Mr. BARKLEY. Is the Senator willing for the Chair to make his ruling?

Mr. DOXEY. I am not going to throw any monkey wrenches or oppose the orderly procedure of the Senate.

Mr. BARKLEY. I am not either. I hope the Senator will not feel overcautious, or feel that I am trying to put something over on him or the Senate. I certainly am not.

Mr. DOXEY. Oh, no; I do not entertain any idea that anyone is trying to put anything over. I feel we are all prompted by the same motives. I feel there is no use of my citing any more precedents. If the Chair says his mind is made up, I think the only sensible thing is to let the Chair rule.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. DOXEY. I yield.

Mr. NORRIS. Let me make a suggestion both to the Senator from Mississippi and to the Senator from Kentucky. Suppose the Chair does not rule directly on the question, but submits it to the Senate. Are we going to have an understanding that that action shall be subject to indefinite debate? I supposed the suggestion of the Senator from Kentucky was that we would dispose of the point of order, which would mean, I think, that an appeal would be taken from the Chair's ruling; or if the Chair submitted the question to the Senate it should be voted on by the Senate within the time fixed by agreement. If we cannot have the matter disposed of it is useless to leave it in the same situation in which it is now, with indefinite debate staring us in the face. I would not have any objection to an understanding that we dispose of the matter, no matter whether it is left in the hands of the Chair, or of the Senate itself on an appeal, or is directly submitted to the Senate by the Chair. Such action would be disposing of the question. I would not have any objection to fixing a time tomorrow when the matter may be disposed of. If it is desired to discuss it further, say until 1 o'clock, why could not the point of order be disposed of at that time without further debate? Are we about to have a request for unanimous consent, I will ask the Senator from Kentucky?

Mr. DOXEY. I will do whatever is necessary and agreeable, but I cannot agree to anything, because I do not know what is going to happen. I do not know what is before the Senate, and it is up to the Chair to rule.

Mr. NORRIS. It seems to me there is nothing to be gained by discussing the procedure, and that the Senator might continue with his speech.

Mr. DOXEY. I can continue to speak.

Mr. BARKLEY. I hope we are not going to wind up the day jockeying for position.

Mr. DOXEY. No, sir; I want to avoid that if possible.

Mr. BARKLEY. I have been seeking privately to arrange an agreement by which, whatever the decision of the Chair may be, or if the point of order is submitted to the Senate, we might vote upon it by 1 o'clock tomorrow. In view of the fact that Senators have said they had no desire to speak upon the point of order, that seems to me not to be an unreasonable suggestion. Of course, until the Chair makes some kind of a ruling I do not know just where we are.

Mr. DOXEY. I am willing that the Chair should rule.

The PRESIDING OFFICER. The Chair is ready to rule if the Senate is ready.

Mr. DOXEY. I am willing, and after that we can see what takes place. That will bring the matter to some kind of head.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The point of order raised by the Senator from Mississippi [Mr. DOXEY] poses a constitutional question. Under the uniform precedents of the Senate the present occupant of the Chair feels that this is a question that should be submitted to the Senate, because in the past such a question has been submitted to the Senate under similar conditions.

It is therefore ordered by the present occupant of the chair, subject to such appeal as may be taken, that the point of order be referred to the Senate as a whole.

Mr. BILBO. Mr. President, on that decision I want to be heard.

The PRESIDING OFFICER. The Chair is not making a decision. The Senate will have to make the decision.

Mr. BILBO. The Presiding Officer submitted the question to the Senate, and I want to discuss it.

Mr. BARKLEY. Mr. President, the Chair has made his decision definitely submitting the matter to the Senate.

The PRESIDING OFFICER. The decision of the Chair is that the point of order is submitted to the Senate.

Mr. DOXEY. Mr. President, I no longer have the floor, have I?

The PRESIDING OFFICER. The Senator has not the floor now.

Mr. BARKLEY. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The question now before the Senate is, Shall the point of order of the Senator from Mississippi [Mr. DOXEY] be sustained? The question of whether it shall be sustained or not is referred to the Senate.

Mr. BARKLEY. There is no dispute about that question being debatable.

Mr. BILBO. Mr. President, I understood I had the floor.

Mr. BARKLEY. I ask unanimous consent that the point of order raised by the Senator from Mississippi be voted upon at an hour not later than 1 o'clock p. m. tomorrow, without further debate.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. There is objection. I object.

Mr. President, I discussed this question with the Senator from Kentucky, and endeavored to explain to him how I am situated at the moment. I do not think it would avail anything to proceed further this evening with the session, without regard to how any other Senator may feel about it. Those of us who are opposed to the bill are perfectly willing to go on into the night. We are not trying to refrain from taking any punishment which might be put on us; but I can assure Senators that if we are compelled to go into the night there will undoubtedly be considerable discussion, and the discussion might be carried to a rather late hour. Undoubtedly there would be quorum calls, and some inconvenience.

I wish to reiterate my own honest opinion that it would be to the benefit and welfare of all concerned if the Senate were to take a recess at this time until tomorrow.

Mr. BARKLEY. Is the Senator from Georgia willing to agree to vote not later than 2 o'clock tomorrow afternoon?

Mr. RUSSELL. I will not enter into any agreement. I have stated that a conference is to be held in the morning to discuss this question, and that until after that conference has reached some decision I shall not be in a position to agree to anything. I can speak only for myself. I speak for nobody but myself.

Mr. BARKLEY. Mr. President, I have the utmost confidence in the good faith of the Senator from Georgia, and I would take his word for anything on which he might give it. I am going to take a chance——

Mr. RUSSELL. I do not want the Senator to go on the assumption that I have assured him that there will be a vote by 2 o'clock. I am assuring him that in my honest opinion it would expedite action on this matter if the Senate were to take a recess at this time until tomorrow.

Mr. BARKLEY. The Senator has not assured me that anything will happen. However, he has given me the assurance that the matter is under serious consideration, which may result in greater progress than we have been able to make thus far. With that assurance, I am perfectly willing to move that the Senate take a recess until 12 o'clock noon tomorrow. I now move that the Senate take a recess until 12 o'clock noon tomorrow, and I decline to yield.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY], that the Senate take a recess until 12 o'clock noon tomorrow.

Mr. BILBO. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. BILBO. I obtained the floor and secured recognition, I thought, from the present occupant of the chair. I should like to know whether or not I am recognized.

The PRESIDING OFFICER. No; the Senator from Kentucky has the floor.

SENATOR FROM ALABAMA—CREDENTIALS

Mr. HILL presented the credentials of JOHN H. BANKHEAD, duly chosen by the qualified electors of the State of Alabama a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942 JOHN H. BANKHEAD was duly chosen by the qualified electors of the State of Alabama a Senator from said State of Alabama to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His excellency our Governor, Frank M. Dixon, of Alabama, and our seal hereto affixed at the capitol, in the city of Montgomery, this November 13, in the year of our Lord 1942.

By the Governor:

[SEAL] FRANK M. DIXON,
Governor.

Attest:

JOHN BRANDON,
Secretary of State.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry assistant surgeons in the Navy (lieutenants, junior grade), to be appointed to rank from certain dates.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States received on the 17th instant submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on yesterday, see the end of Senate proceedings.)

RECESS

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky (Mr. BARKLEY) that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 24 minutes p. m.) the Senate took a recess until tomorrow, Thursday, November 19, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 17, 1942:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for promotion in the Foreign Service of the United States, effective as of October 20, 1942, as follows:

From Foreign Service officer of class 2 to Foreign Service officer of class 1:
Willard L. Beaulac, of Rhode Island.
Howard Bucknell, Jr., of Georgia.
H. Freeman Matthews, of Maryland.

From Foreign Service officer of class 4 to Foreign Service officer of class 3:
Howard Donovan, of Illinois.
Albert M. Doyle, of Michigan.
Richard Ford, of Oklahoma.
Edwin A. Plitt, of Maryland.
Christian M. Ravndal, of Iowa.

From Foreign Service officer of class 5 to Foreign Service officer of class 4:
David C. Berger, of Virginia.
Charles C. Broy, of Virginia.
Lewis Clark, of Alabama.
Cabot Coville, of California.
Leonard G. Dawson, of Virginia.
Gerald Keith, of Illinois.
Charles Roy Nasmith, of New York.
Samuel R. Thompson, of California.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:
Glenn A. Abbey, of Wisconsin.
Sidney H. Browne, of New Jersey.
J. Holbrook Chapman, of the District of Columbia.
DuWayne G. Clark, of California.
Basil D. Dahl, of Wisconsin.
Ernest E. Evans, of New York.
Landreth M. Harrison, of Minnesota.
Knowlton V. Hicks, of New York.
Nelson R. Park, of Colorado.
Albert W. Scott, of Missouri.
Miss A. Viola Smith, of California.
Edward G. Trueblood, of Illinois.
Clifton R. Wharton, of Massachusetts.

From Foreign Service officer of class 7 to Foreign Service officer of class 6:
J. Kenly Bacon, of Massachusetts.
Charles E. Brookhart, of Iowa.
Henry B. Day, of Connecticut.
Charles H. Ducoté, of Massachusetts.
Robert English, of New Hampshire.
Wilson C. Flake, of North Carolina.
Willard Galbraith, of California.
Randolph Harrison, Jr., of Virginia.
R. Horton Henry, of Arizona.
J. Wesley Jones, of Iowa.
Stephen E. C. Kendrick, of Rhode Island.
Frederick P. Latimer, Jr., of Connecticut.
Cecil B. Lyon, of New York.
Walter P. McConaughy, of Alabama.

John J. Macdonald, of Missouri.
Calvin Hawley Oakes, of South Carolina.
John B. Ocheltree, of Nevada.
Avery F. Peterson, of Idaho.
Harold D. Robison, of Utah.
Gerald Warner, of Massachusetts.
Kenneth J. Yearns, of the District of Columbia.

From Foreign Service officer of class 8 to Foreign Service officer of class 7:
William C. Affeld, Jr., of Minnesota.
Reginald Bragonier, Jr., of Maryland.
John K. Emmerson, of Colorado.
T. Muldrup Forsyth, of Virginia.
Walter W. Hoffmann, of California.
Theodore J. Hohenthal, of California.
U. Alexis Johnson, of California.
H. Gordon Minnigerode, of the District of Columbia.
Harold E. Montamat, of New Jersey.
Edward E. Rice, of Wisconsin.
John S. Service, of Ohio.
Wales W. Signor, of Michigan.
Orray Taft, Jr., of California.
Robert M. Taylor, of Washington.
William E. Yuni, of Washington.

From Foreign Service officer, unclassified, to Foreign Service officer of class 8:
W. Stratton Anderson, Jr., of Illinois.
William Barnes, of Massachusetts.
Aaron S. Brown, of Michigan.
Harlan B. Clark, of Ohio.
William E. Cole, Jr., of New York.
Herbert P. Fales, of California.
Forrest K. Geerken, of Minnesota.
Jule L. Goetzmann, of Illinois.
Edmund A. Gullion, of Kentucky.
Francis C. Jordan, of North Carolina.
G. Wallace La Rue, of Missouri.
Perry Laukhuff, of Ohio.
Gordon H. Mattison, of Ohio.
Roy M. Melbourne, of Virginia.
John Frémont Melby, of Illinois.
Herbert V. Olds, of Massachusetts.
Elim O'Shaughnessy, of New York.
Paul Paddock, of Iowa.
David T. Ray, of California.
G. Frederick Reinhardt, of California.
Milton C. Rewinkel, of Minnesota.
Walter Smith, of Illinois.
Philip D. Sprouse, of Tennessee.
Charles W. Thayer, of Pennsylvania.
David A. Thomasson, of Kentucky.
Ray L. Thurston, of Wisconsin.
Evan M. Wilson, of Pennsylvania.
William Witman 2d, of Pennsylvania.

APPOINTMENTS AND PROMOTIONS IN THE MARINE CORPS

The below-named lieutenant colonels (temporary) to be lieutenant colonels in the Marine Corps from the 29th day of April 1942:
Samuel W. Freeny
George D. Hamilton
Donald Spicer

Lt. Col. (temporary) James M. McHugh to be a lieutenant colonel in the Marine Corps from the 30th day of June 1942.

Lt. Col. (temporary) Samuel B. Griffith II, to be a major in the Marine Corps from the 29th day of April 1942.

The below-named majors (temporary) to be majors in the Marine Corps from the 29th day of April 1942:

John J. Heil	James V. Bradley, Jr.
Frank P. Pyzick	James R. Hester
Harry C. Lang	Francis H. Williams

The below-named majors (temporary) to be majors in the Marine Corps from the 30th day of June 1942:
John A. White
George R. Weeks

First Lt. Charles S. Todd to be a captain in the Marine Corps from the 8th day of July 1940.

Capt. (temporary) Howard L. Davis to be a captain in the Marine Corps from the 29th day of April 1942.

Capt. (temporary) John F. Carey to be a first lieutenant in the Marine Corps from the 1st day of June 1942.

The below-named first lieutenants (temporary) to be first lieutenants in the Marine Corps from the 1st day of June 1942:

Hugh A. Tistadt, Jr.	John S. Fantone
William F. Harris	Richard M. Huizenga
Ralph C. Mann, Jr.	Willard B. Holdredge
James D. McBrayer, Jr.	William F. Hogaboom
Jack Hawkins	Carter B. Simpson
Charles H. Bennett	

The below-named citizens to be second lieutenants in the Marine Corps from the 15th day of May 1942:
James K. Eagan, a citizen of Wisconsin.
James P. Rathbun, a citizen of New York.
Albert G. Carr, a citizen of North Carolina.
Thomas R. Shepard, a citizen of Ohio.

The below-named citizens to be second lieutenants in the Marine Corps from the 6th day of August 1942:
Ernest G. Atkin, Jr., a citizen of Iowa.
Raymond G. Coyne, a citizen of Massachusetts.
Frank E. Garretson, a citizen of Washington.
Earl J. Cook, a citizen of Nebraska.
John H. Ellis, a citizen of Ohio.

The below-named meritorious noncommissioned officers of the Marine Corps to be second lieutenants in the Marine Corps from the 26th day of September 1942:
First Sgt. Robert A. Thompson
Platoon Sgt. James K. Linnan
Platoon Sgt. George A. Lavis

SENATE

THURSDAY, NOVEMBER 19, 1942

(Legislative day of Tuesday, November 17, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, into the calm and confidence of Thy presence we would bring our drained and driven souls that the benediction of Thy peace may fall upon our restless lives. May this little shrine of daily devotion, built by our fathers on this high hill of the Nation, open for us vistas of green pastures and still waters, where our jaded souls may be restored. In this difficult and desperate era, be Thou our pillar of cloud by day and of fire by night, as patiently and obediently we follow the kindly light. May we close our national ranks in a new unity, as deadly peril threatens the birthright of our liberties.

Save us from living on a small scale in a great day, from toying with the tiny when we ought to be lured by the titanic. In this hour of destiny, oh be swift, our souls, to answer Thee; be jubilant, our feet! Hasten the coming of that radiant kingdom when each man's rule shall be all men's good and universal peace shall lie like a shaft of light across the lands and like a lane of beams across the seas. In Thy name, we ask it. Amen.

MESSAGES FROM THE PRESIDENT

Mr. Miller, one of the President's secretaries, appeared at the door.

The VICE PRESIDENT. Is there objection to receiving messages from the President of the United States? The Chair hears none, and the messages will be received.

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state his inquiry.

Mr. CONNALLY. Does the Chair hold that a message from the President of the United States is not business?

The VICE PRESIDENT. That is correct.

Mr. CONNALLY. It is not business?

The VICE PRESIDENT. It is not business.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, November 17, 1942, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Guffey	Russell
Bankhead	Herring	Schwartz
Barbour	Hill	Shipstead
Barkley	Johnson, Calif.	Shott
Bilbo	La Follette	Smith
Bulow	Langer	Spencer
Bunker	Lee	Stewart
Burton	Lucas	Taft
Byrd	McKellar	Thomas, Idaho
Capper	McNary	Thomas, Okla.
Caraway	Maloney	Truman
Chandler	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Idaho	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Nelson	Wagner
Davis	Norris	Walsh
Doxey	Nye	Wheeler
Ellender	O'Mahoney	White
George	Overton	Wiley
Gerry	Pepper	Willis
Gillette	Radcliffe	
Green	Reed	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON],

the Senator from Montana [Mr. MURRAY], the Senator from Texas [Mr. O'DANIEL], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from West Virginia [Mr. KILGORE] is attending hearings in West Virginia on behalf of the Special Committee to Investigate the National Defense Program.

Mr. McNARY. The Senators from Vermont [Mr. AIKEN and Mr. AUSTIN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Maine [Mr. BREWSTER] is attending hearings in West Virginia on behalf of the Special Committee to Investigate the National Defense Program.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

Mr. Swanson, one of the clerks of the House of Representatives, appeared at the door.

The VICE PRESIDENT. Is there objection to receiving a message from the House of Representatives? The Chair hears none, and the message will be received.

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia;

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the Act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board;

H. R. 4533. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs; and

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

REPORT OF THE CIVIL SERVICE COMMISSION

Under the permission subsequently granted during the course of today's proceedings, the following routine business was transacted:

The VICE PRESIDENT laid before the Senate the following message from the President of the United States which was read, and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States approved January 16, 1883, I transmit herewith the Fifty-ninth Annual Report of the Civil Service Commission for the fiscal year ended June 30, 1942.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 19, 1942.*

[NOTE.—The report accompanied a similar message to the House of Representatives.]

REPORT OF THE DIRECTOR OF SELECTIVE SERVICE — SELECTIVE SERVICE IN PEACETIME

The VICE PRESIDENT laid before the Senate the following message from the President of the United States which was read, and, with the accompanying report referred to the Committee on Military Affairs:

To the Congress of the United States:

I am transmitting herewith, for the information of the Congress, the report of the Director, Selective Service System, for the period from September 16, 1940, to December 8, 1941.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 19, 1942.*

SENATOR FROM DELAWARE—CREDENTIALS

Mr. TUNNELL. Mr. President, I ask unanimous consent that without changing the parliamentary situation as to the pending matter I may be permitted to present the credentials of the Senator-elect from Delaware.

The VICE PRESIDENT. Is there objection to the request of the Senator from Delaware? The Chair hears none.

Mr. TUNNELL presented the credentials of CLAYTON DOUGLASS BUCK, duly chosen by the qualified electors of the State of Delaware a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

PETITION

Mr. BARKLEY (for Mr. HUGHES) presented a petition of sundry citizens of Wilmington, Del., praying for the prompt enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANAHER, from the Committee on Banking and Currency:

S. 2889. A bill to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes; with amendments (Rept. No. 1699).

By Mr. LEE, from the Committee on Military Affairs:

S. 2891. A bill to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same; without amendment (Rept. No. 1700).

By Mr. HILL, from the Committee on Military Affairs:

S. 2852. A bill to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; without amendment (Rept. No. 1701); and

S. 2885. A bill to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; without amendment (Rept. No. 1702).

BILL INTRODUCED

Mr. WAGNER introduced a bill (S. 2900) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority, which was read twice by its title and referred to the Committee on Banking and Currency.

HERALD TRIBUNE FORUM ADDRESS BY THE PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the radio address delivered by the President in connection with the Herald Tribune Forum, November 17, 1942, which appears in the Appendix.]

STATEMENT BY SENATOR TYDINGS ON THE SEVENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE COMMONWEALTH OF THE PHILIPPINES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement by Senator TYDINGS on the occasion of the seventh anniversary of the establishment of the Commonwealth of the Philippines, which appears in the Appendix.]

DEFENSE PLANTS CORPORATION—LETTERS FROM JESSE H. JONES AND DREW PEARSON

[Mr. BUNKER asked and obtained leave to have printed in the RECORD letters dealing with the Defense Plants Corporation, as printed in the Washington Merry-Go-Round column of the Washington Post of November 19, 1942, which appear in the Appendix.]

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The VICE PRESIDENT. The question is, Shall the point of order made by the Senator from Mississippi [Mr. DOXEY] that House bill 1024 is unconstitutional be sustained by the Senate?

Mr. BILBO. Mr. President, before taking up the line and thread of my argument as to the constitutionality of the bill sought to be brought before the Senate, and the point of order made by my colleague the junior Senator from Mississippi [Mr. DOXEY], I wish to direct the attention of the Senate to an editorial in the Washington Post of November 15 under the title "Senatorial Antics."

The editorial staff of the Post has given to the country some very able editorials, much food for thought. I appreciate that the Washington Post is a Republican publication, and naturally one would expect it to take advantage of anything happening under the Democratic administration which it considered to the advantage of the party to which it subscribes. I presume that is proper and legitimate, but I wish to call the attention of the Senate to one point in the

editorial, and in order to do that I shall read the first paragraph, after which I propose to answer the Senator from Kentucky [Mr. BARKLEY] as to why my colleague was defeated in the recent senatorial primary in Mississippi. To do so it becomes necessary to give to the Senate and to the country an idea of the type of speech that was made by his opponent, Mr. Eastland, in which the Senate was made the issue, not Senator DOXEY, but Senators, including the Senator from Michigan [Mr. VANDENBERG], whom I see attentively listening to what I am saying.

I read from the editorial:

> The Senate punched a gaping hole in its reservoir of good will yesterday. Senator BILBO's filibuster had previously sloshed a good deal of water over the sides of that same reservoir. Today it is leaking in much the same way that it leaked several months ago when Congressmen voted pensions for themselves. And the precious fluid that is running out is the faith of the American people in their chief instrument of representative government.

In other words, that is an attack not only upon Democratic Senators but upon Republican Senators who make up this body, because the attack is made on the whole body—"and the precious fluid that is running out is the faith of the American people in their chief instrument of representative government," to wit, the United States Senate.

This editorial writer charges that a few months ago the Senators voted themselves a pension. I thought the American people had been advised and informed that that was known to be the greatest political lie that was ever circulated, disseminated, and published to the American people. The Members of the United States Congress did not vote themselves a pension, and any statement to the contrary is absolutely untrue.

Twenty-two years ago the Congress passed a law setting up a retirement fund; and in order to provide money for the retirement fund for those who became disabled in the service of the Government, or reached old age, and were necessarily retired, each and every employee was assessed a certain part of his salary at the end of each month, the proceeds going into a great fund called the retirement fund, which drew 4 percent interest. Whatever sum was necessary in order to make the fund adequate to meet the demands of those who were retiring and those who were disabled was supplemented from time to time by appropriation by the Congress.

Considering the number of people who subscribed to the retirement fund, the annual contribution of the Congress to the fund was very small indeed. It was in the nature of old-age security compensation provided for those who had given 30 years of their lives to the service of the Government and had become too old to render good service, and were retired, but who through the 30 years had contributed their money to help establish the retirement fund.

Mr. President, after 22 years, and after a million or more employees have participated in the fund, the Ramspeck bill was introduced in the House, which extended the benefits of the retirement fund to about 250,000 additional Government employees. It raised the amount of the assessment from 3½ to 5 percent of their salaries. The bill included in its provisions elective Federal officers as well as appointive Federal officers. I have never been able to understand why there should be a line of distinction drawn between a man who receives appointment to a Federal office upon the recommendation of some Senator or Representative and thus begins working for the Government, or one who takes the civil service route, and a person elected by the people to office, and thus placed in the employment of the Government. If an appointed officer or employee is entitled to participate in the retirement fund, why should not a person elected to office by the people be entitled to participate in the retirement fund? At any rate Members of Congress were included in the provisions of the Ramspeck bill. It passed the House without a dissenting vote, and came to the Senate, and after some discussion and amendment it was approved by the Senate by about a 2 to 1 vote, and was signed by the President of the United States.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BILBO. I would rather not yield. I cannot yield now. Let me complete the initial part of my morning address, and then I will yield to the Senator from Connecticut.

Mr. President, this was not a pension in any sense of the word. It was only extending to elective officers, including Members of Congress, the right to contribute $500 to the retirement fund, and after they had reached a certain age they were to be permitted to draw a small stipend as a security compensation in their old age, after having given the greater number of the years of their lives to the service of their country. It is true that such officers were elected and not appointed, but I think they are as much entitled to the privilege of participating in the retirement fund as bureaucrats and other employees of the Government are entitled to this graciousness on the part of the Government. It is in no sense a pension. Any one who says it is a pension is either misinformed or is viciously misrepresenting the facts for a purpose.

Mr. President, the Senator from Minnesota [Mr. SHIPSTEAD] wishes to present the commission of his colleague [Mr. NELSON] to the Senate. If I yield for that purpose I wish to know if I would lose the floor.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to present the certification of the Minnesota Canvassing Board.

The PRESIDING OFFICER. Is there objection to the Senator from Mississippi yielding for this purpose?

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. With the understanding that by so yielding the parliamentary situation is not changed?

Mr. VANDENBERG. Very well.

The VICE PRESIDENT. Is there objection? The Chair hears none.

SENATOR FROM MINNESOTA—CREDENTIALS

Mr. SHIPSTEAD presented the credentials of ARTHUR E. NELSON, duly chosen by the qualified electors of the State of Minnesota a Senator from that State for the term ending January 2, 1943, which were read and ordered to be placed on file. (The oath of office was administered to Mr. NELSON and he took his seat in the Senate on the 18th instant.)

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

Mr. BILBO. Mr. President, before beginning my answer to the explanation made by the Senator from Kentucky [Mr. BARKLEY] as to why my distinguished colleague [Mr. DOXEY] was defeated, I wish to insert two matters in the Appendix of the RECORD.

I ask unanimous consent to have printed in the Appendix of the RECORD an article entitled "A Delaying Action—Filibustering for State Rights," by Mark Sullivan, published in the Washington (D. C.) Post of November 18, 1942. I invite Senators' especial attention to the article, and suggest that they read it.

The VICE PRESIDENT. Without objection, the article will be printed in the Appendix.

Mr. BILBO. Mr. President, if one wants an illustration of what will result from the passage of the pending legislation and how even municipal affairs will be regulated from Washington under the strained construction of war powers, it can be found by reading an article entitled "Democracy and the Poll Tax" by Mrs. Nellie Nugent Somerville.

Mr. President, I also ask unanimous consent to have printed in the Appendix of the RECORD the article "Democracy and the Poll Tax," by Mrs. Nellie Nugent Somerville, a distinguished woman lawyer of my State.

The VICE PRESIDENT. Without objection, the article will be printed in the Appendix.

Mr. BILBO. Mr. President, last Tuesday the distinguished leader of the Democratic Party in the Senate, the Senator from Kentucky [Mr. BARKLEY], made the following statement:

> A few days ago the senior Senator from Mississippi [Mr. BILBO] made the statement, and rather boasted of the fact, that the enactment of the proposed legislation would not enfranchise a single colored voter in his State; and that probably is true. It is probably true as to all the eight States where the poll-tax payment is required. But, although the Senator said that the enactment of the proposed legislation would not result in the enfranchisement of a single colored voter in Mississippi, it would enfranchise 200,000 white voters in Mississippi. In other words, under the poll-tax requirement now 200,000 white citizens of that State are denied the right to vote, although the landlords and the landowners, for whom many of these people may work for a dollar and a dollar and a half a day, can refuse or fail to pay the taxes upon their property until it is sold at the courthouse door for taxes, and can still vote, but the man who works on the farm owned by the owner who lets it be sold for taxes at the courthouse door cannot vote unless he pays a

dollar and a half for the privilege. And that is called democracy.

A primary was held in Mississippi recently in which the junior Senator from Mississippi [Mr. DOXEY] was interested, and we all regret that the able and courteous and fair and sincere Senator was not renominated. It has been complained that one of the reasons why he was not renominated was that many of the great landowners in his State, if not most of them, opposed his renomination. I do not know anything about that, but it was claimed at the time that they opposed his renomination. If it be true that there are 200,000 white citizens of Mississippi who are denied the right to vote because the payment of a poll tax involves a price that may represent a pair of shoes to a barefooted child, and therefore cannot be paid, are we able to say that if they had been enfranchised, the result of the primary in Mississippi might not have been different and that the Senator from Mississippi might not have been returned? I do not know. Certainly if the great landed gentry were opposed to the Senator, and the hired hands on the farm who could not pay the poll tax were allowed to vote, I suppose it is a fair presumption that their suffrages would have been cast in behalf of a man who in the House of Representatives and in the Senate of the United States has been a spokesman of the downtrodden, average men, and those who are regarded as underprivileged. I honor the Senator for being such a spokesman.

When that statement was made by the Senator from Kentucky I announced that in my own time I would briefly review the reasons why my distinguished and able colleague [Mr. DOXEY] was defeated in the primaries. In the first place, out of 350,000 voters in Mississippi only 130,000 participated in the recent primary in Mississippi, in which Mr. EASTLAND defeated Mr. DOXEY by a vote of 17,999. There were many factors which entered into the campaign. While I regret to call the attention of the Senate to some of the things that took place in the campaign, I think I owe it to my colleague to give the real reasons why he was defeated, because a man who has a record of 14 years of faithful, loyal, patriotic service to his State in the House, and a year's service in the Senate, does not deserve such a defeat at the hands of the Democrats of Mississippi, especially when his opponent was a man who had never rendered any public service to the State or to the Nation. He was a member of the Mississippi Legislature for 4 years during my term as Governor, and so far as accomplishment by way of constructive, remedial, and helpful legislation is concerned, he was not the author of any such legislation, and did not attend the sessions more than half the time. I call Senators, his colleagues at that time, as witnesses to the fact that during the 88 days he was in the Senate of the United States he was not the author of any constructive, remedial, or helpful legislation for the people of his State or of his Nation.

Eight or nine months before Senator DOXEY returned to Mississippi to make his campaign, this young gentleman, by the use of unlimited money, thoroughly campaigned the State and propagandized the people of the State on the idea that during his 88 days in the Senate he was responsible for legislation to increase the price of cottonseed and cotton to the farmers of the State. It will be remembered that immediately after he left the Senate the price of cottonseed did increase. It was a very easy matter to reason with the unsophisticated and ill-informed that he was the cause of it. Having been in Washington 88 days, after he left the price of cottonseed and cotton advanced. Therefore he claimed the credit for it, and there was the proof of the fact that he had done it. We all know that there was nothing in the contention. It was an entirely fraudulent claim.

Senators should bear in mind that Mississippi was suffering from the same elements, politically speaking, from which the rest of the country was suffering when the election was held on the 3d of November. The people were disturbed. They were disappointed at the progress of the war. They were propagandized with a great amount of literature which placed the blame on the Congress and on the President for the way in which the war was being conducted. At that time we were being rationed on rubber tires and threatened with a gasoline-rationing program.

I believe that the most inexcusable, unreasonable regulation of the bureaucrats in control of the war effort in Washington, under the powers granted by the Congress, is the threatened rationing of gasoline in sections of the country where there is more gasoline than can be stored. My State has 348 oil wells. We are producing nearly 3,000,000 barrels of oil a day. To talk to our people about gasoline rationing is absurd from their viewpoint. The rest of the country feels the same way about it.

There may have been some excuse for rationing gasoline on the eastern seaboard, because of the question of transportation and the difficulty of obtaining adequate amounts af gasoline to supply all the civilian needs and the war needs at the same time, and because of the submarine menace to our tankers and the limited facilities of the railroads, with no pipe lines to bring gasoline from the oil fields of the South and the West. We have enough gasoline to supply the entire world. There was some justification for rationing on the Atlantic seaboard, but for the life of me I can find no justification for rationing the rest of the country.

It is said that the purpose is to conserve rubber. I do not have much patience with that argument, for the reason that I have been in the Senate and know what has been happening in the inner circles on the question of rubber. Monkey wrenches have been thrown into the machinery by the big boys who want to continue in control of the rubber situation of the Nation during the war and after the war. Otherwise we should have been producing all the synthetic rubber necessary to meet civilian needs at this time.

Mr. Henderson, the gentleman in charge of rationing and price fixing, saw fit to turn over to the executive departments of the States, the Governors of the States, whether Democratic or Republican, this very juicy piece of patronage, which meant a great army of employees to carry out the manifold functions of the price-fixing program. The Governor of our State was making a heroic fight against Senator DOXEY, and he had charge of all this patronage, along with the draft activities and other gubernatorial patronage.

These were all thrown in as elements contributing to the defeat of my distinguished colleague [Mr. DOXEY]. The people were disturbed, dissatisfied, and perturbed, and they were looking for someone to vote against, someone to crucify, someone to blame for everything that was going "haywire" at that time. Having been a member of the New Deal, and a Member of Congress for 14 years both in the House and in the Senate, Senator DOXEY was the first victim the voters of Mississippi had a chance to crucify.

The distinguished gentleman who made the race against him played upon every discordant note in the State. He appealed to every dissatisfied element. His most vicious attack against Senator DOXEY was his attempt to destroy the confidence of the people of Mississippi in their Senator. Never in all my experience, or in all the history of the country, has any man who has occupied a seat on the floor of the Senate for 88 days gone before the people of the State and denounced the body of which he was a member and denounced his colleagues in such a vicious attack.

To substantiate that statement I had a court reporter take down the first speech made by Mr. EASTLAND in his campaign, in the city of Forest, Miss., on the courthouse lawn, on Saturday afternoon, June 20, 1942, at 3:10 o'clock. The speech was certified as to its correctness by Mr. L. K. Ramsey, 506½ East Pearl Street, Jackson, Miss. There can be no question about what was said about the United States Senate by the opponent of Senator DOXEY. Of course, whatever he said about the Senate would reflect upon Senator DOXEY, upon me, and also upon all other Senators.

In order that Senators may know exactly what was said, I shall read from the transcript of his speech. Senatorial stock is very low in Mississippi after the successful campaign of abuse, denunciation, accusation, crimination, and recriminations resorted to by Mr. EASTLAND. I read from the speech:

> We are even discriminated against in old-age pensions, my friends. The aged of Mississippi receive only $4.50 per month from the Federal Government, because under the present law the Federal Government will only match what each State can pay. The aged of California receive $18.50 per month; the aged of New York receive $13.50. The old folks of Mississippi are just as good as the aged of any other section of this country. [Applause.] I favor the payment of a fair and full old-age pension that will give them the comforts of life, out of the Federal Treasury, and pay the same amount to the citizens of every other State. [Applause.] That amount can be supplemented by whatever each State is able and is willing to pay.

Those are his sentiments on the subject of old-age pensions.

I continue to read from the speech:

Picture in your eye a fat, sleek politician, making $10,000 a year, who has just voted himself a pension in addition to that $10,000, where he gets several things on the side that I am going to discuss in a few minutes.

That is the hand-out and graft which Senators are alleged to receive on the side.

When he voted himself a pension he didn't provide there that before he could collect a pension that the State must match whatever the Federal Government paid him. I favor the same system for the aged of Mississippi, the same system that the politicians used when they voted themselves a pension.

In other words, before any campaign to refute this pension campaign lie was put on in Mississippi, for 6 months the people had been led to believe that Senators had actually voted themselves a pension. As a matter of fact, as I stated a while ago in answer to the editorial from the Washington Post, they were given the right to participate in the retirement fund by paying $500 a year.

I now come to the real juice of the speech:

I told you that they—

Meaning Senators—

got some things on the side, and when I went to Washington all I could hear them talking about, when they were discussing politics, some of them called it their "perquisites," and some of them called it their "prerequisites." They were talking politics and I didn't know what they meant, and so I got a dictionary and looked that word up, and found that the "perquisite" was an emolument for which they did not have to account—that it was a tip—and I got to thinking what those tips were that you were paying for. I found that one of the perquisites, they pay themselves mileage at the rate of 20 cents a mile to and from Washington, the same as it was in the days of Andrew Jackson. Congress will adjourn one day and reconvene the next and they do not go home, but they take your money just the same.

If any Senators are guilty of that practice, it is just too bad.

I continue to read:

I found that they were running a big house, with plush carpets on the floor, and a marble swimming pool, and that they had electric baths, and a big yellow Negro in there to rub those old boys up so they could look pretty and pass a beauty contest. [Laughter]. Then upstairs there was a free barber shop, with some Negroes in there to doctor them up. They would guarantee to bring back hair on the bald head. I got to wondering what all that cost, and I found out that that was confidential information, that the man who paid the tax bill wasn't entitled to know. And then I found that the different committees gave you all the stationery you wanted, but they voted themselves $200 a year as another tip to buy the stationery, and put that money right down in their pockets.

When any man who served in the Senate for 88 days goes back to a confiding people and tells them on the stump that the Members of the Senate actually voted themselves $200 each for a stationery bill, but, instead of buying stationery with it, put the money in their pockets as a piece of graft, could we expect the people of the State to vote for any man who is a Member of the Senate? That is the argument which that gentleman used when it came to the defeat of the junior Senator from Mississippi [Mr. DOXEY]. In other words, he accused the junior Senator from Mississippi of having $200 of graft money in his pocket; he accused me of having $200 of graft money in my pocket. He accused each and every other Senator of putting $200 in his pocket; and yet he sought to obtain a seat among such gentlemen of questionable integrity and honesty.

I resume the reading:

I thought that when a man died that his perquisites were bound to cease, but I went to the funeral of a Senator, and found his funeral expenses were all paid, and that his family received $10,000, free of taxes, out of the Federal Treasury.

I suppose he presumed he would not die during his sought term.

Then I realized why it was that they didn't want them to get sick, so that they would have to go to all that expense when they die.

And I found out that they furnished you, so the Senator wouldn't have to work, a secretary to the tune of $3,900 a year—

Mind you, Mr. President, he said that in order that Senators would not have to work, each of them has a secretary receiving a salary of $3,900 a year—

and so that secretary wouldn't have to work, they gave him an assistant secretary at $2,400 a year; and so the assistant secretary could loaf around and talk politics, they got an assistant-assistant secretary at $2,250 a year—

Now the secretaries do not have to work—

and so the assistant-assistant secretary wouldn't have to work, they had three little girls in the office at $1,800 a year, apiece, who did all the work for the assistant-assistant secretary for the assistant secretary for the secretary and for the Senator.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BILBO. Yes, if I may do so without losing the floor. I shall yield for a question.

Mr. McKELLAR. Yes; I ask the Senator if he will yield to me for a question.

Mr. BILBO. Yes; I yield.

Mr. McKELLAR. What department was that in?

Mr. BILBO. The Senator's department.

Mr. McKELLAR. My department?

Mr. BILBO. Yes; in the Senator's department. [Laughter.]

Mr. McKELLAR. Was it connected with a warrant of arrest?

Mr. BILBO. Evidently he entertained the same opinion that the Senator from Kentucky entertained—that the Senator from Tennessee was not working. [Laughter.]

I resume the reading:

And then that wasn't enough. During the month of February, at the very darkest hour in history, they voted themselves an "executive assistant," to the tune of $4,500 a year. They had run out of names, so they just called the last one an "executive assistant."

Of course, that is something that never did happen; but he held it out to the people as something that did happen.

What man is it, making $10,000 a year, that is entitled to a pension from his Government? You have got to lay aside for a rainy day, if you don't want to starve. Many earn a much less income than that. A man who can't save money on $10,000 a year has got no business being in Congress.

And you know, that was the smartest thing I ever saw. Those boys got them up a pension bill. It passed the Senate, and in the Senate they didn't want to call the roll, but Senator BYRD got up and just raised sand, and they called the roll, and got one of them on the record—one of them running against me in this race; and it went through the House of Representatives without a roll call. Nobody knew anything about it, and the newspapers got ahold of it. Then what happened?

They walked up and says, "We didn't know there was such a bill; we didn't even know there was a pension for us in that bill." And then, when they got behind them, some of them said, "We didn't vote for it," and some of them said, "We didn't vote for it and didn't vote agin it." And some of them said, "I don't remember whether I was on the floor at that time, or not." When I go back to Washington, you know what I am going to do? I am going to find that son-of-a-gun that's got that pension grease, the very first thing. That's the slickest stuff I ever saw, to grease a bill and put it through, and none of them know anything about it. And you notice, those old boys passed their pension in 3 days, but it took them 5 months to raise the soldier's pay.

That is the type and character of campaign thunder which was used by an ex-Member of this body in seeking the defeat of the junior Senator from Mississippi [Mr. DOXEY].

(At this point Mr. BILBO yielded to Mr. TUNNELL to present the credentials of the Senator-elect from Delaware, which will be found at another point in the RECORD under the appropriate heading.)

(Mr. BILBO also yielded to Mr. TYDINGS, who addressed the Senate briefly on the question of the deferment of Government employees from the military service. Mr. TYDINGS' remarks appear following Mr. BILBO's speech of today.)

Mr. BILBO. Mr. President when I granted the floor to the Senator from Maryland [Mr. TYDINGS] I was discussing the reasons and the methods resorted to in order to accomplish the defeat of my distinguished and able colleague, the junior Senator from Mississippi [Mr. DOXEY], in the recent Democratic primary in Mississippi. I was discussing this matter in answer to the reasoning presented by the Senator from Kentucky [Mr. BARKLEY]. Remember, this was Senator EASTLAND'S first speech in the campaign. After this original speech, in the campaign. After this original speech, after the formal opening of the campaign, he enlarged and elaborated upon his attacks on the Senate, and had much to say about the fact that there were provided for the Senate various mineral waters, that Senators as a body were too lazy to walk from the office building to the Senate Chamber, and that they had had dug for themselves an underground electric-railway tunnel so that they might ride instead of walking to the Senate Chamber to perform their duties as Senators; and they named that the "Doxey Electric Underground Railway," in the campaign.

After playing up to the elements in the State opposed to the present administration, the New Deal, every dissatisfied man and woman in the State, and play-

ing on their prejudice, he reinforced that with this wholesale attack on the Senate in every speech in the campaign, asserting that Senators were not performing their duties, that they were lazy, that they themselves did not work or look after their business, that their three secretaries did not work, and that what little work was done was performed by three girls in the office. He continued to enumerate the various lines of handouts, or graft, or "racketeering," in which the Senate was participating. After many months of attack along this line, there was built up in the State such a strong sentiment against the United States Senate and Senators that the people were ready to vote against any man who belonged to the Senate at that time.

In addition to all the things I have enumerated as being the causes of my colleague's defeat, the indications are that there was an unlimited amount of funds used to carry on the campaign, and to manipulate it to the successful conclusion in favor of Mr. EASTLAND. Of course, that is a matter which belongs under the jurisdiction of the committee of the Senate whose business it is to investigate the use of excessive funds in a campaign. I do not know whether they are looking into that matter or not, but it is safe to state that if it had not been for the use of excessive amounts of money in the campaign my colleague would have been elected, despite all the attacks and charges made.

The statement made by the Senator from Kentucky [Mr BARKLEY], that if the anti-poll-tax bill had been in force as a law at the time, and the 200,000 white people in Mississippi who did not vote because of failure to pay the poll tax had participated, my colleague would have been elected, is not true, because I think there would have been the same situation to deal with if all those people had been voting as existed when a small percentage of them were voting.

I repeat, Mr. President, for 5 years I have been fighting in my State for the elimination of the poll tax as a prerequisite to voting in the Democratic primaries of the State, and I am as strong an advocate of the abolition of the poll tax in party primary voting as is any other man in the country.

I have just received, as no doubt other Members of the Senate have, a mimeographed letter addressed to the Senate from the Honorable Philip Murray, president of the Congress of Industrial Organizations, written from Washington, D. C., 718 Jackson Place NW., dated November 16. I wish to read his letter into the RECORD, and then make some observations about it. It reads:

DEAR SENATOR: The Nation today stands aghast and enraged at the tactics of the small bloc in the Senate which is seeking to frustrate majority rule in this Nation.

These tactics have been regarded as reprehensible when used in times of peace as a measure of obstruction to democratic functioning. In this period of national crisis, however, the opening of our polling places to every qualified citizen in the Nation by the elimination of poll-tax restrictions which disfranchise large numbers of American citizens is a measure essential to our war effort. It is a step which this Nation must take if our national morale and our democratic structure are to stand firm against the attacks of our Axis enemies.

In a very real sense that small bloc which now seeks to stand in the way of the will of the Nation is carrying into our very midst the aggressions of our Fascist foes. A failure to defeat their tactics will constitute a failure to support the heroic forward movement of our armed forces in Africa and other parts of the world today.

The people of America look to every Member of the Senate to spare no effort to bring about a speedy effectuation of the desires of the American people.

Sincerely yours,

PHILIP MURRAY.
President.

Being an advocate of the abolition of the poll tax in my home State, I wish to say that after a thorough study of the constitutional inhibitions against the sort of legislation now proposed, I feel that today I am as much a soldier fighting the enemies of our American dual system of government as is any marine on Guadalcanal who is fighting on the outside enemies who desire to destroy the great American scheme of representative democratic government.

The abolition of the poll tax is not the issue involved. The real issue is the protection of our dual scheme of government, for as surely as that the sun shines in the heavens day by day, if this bill is permitted to become a law and is approved by the Supreme Court of the United States, it will be the entering wedge, it will be the authority to the Congress of the United States to step not only into the eight States which today have the poll tax but into North Dakota, South Dakota, and all the other States, and regulate the qualifications of the electors for Senators and for Representatives in the American Congress.

When the Senator from Kentucky [Mr. BARKLEY] had the floor a few days ago, I asked him the direct question, granting that the payment of the poll tax is a qualification—and there can be no doubt about this construction of the Constitution—if by the bill proposed the Congress steps into a State and strikes down one of the qualifications of a voter, then by the same logic, the same rule of law, the Congress can step into a State and strike down other qualifications, or it can prescribe additional qualifications. In other words, the whole field of legislation relating to the qualifying of an elector will be turned over to the American Congress, instead of reposing in the States, as now obtains under the constitutional provision adopted in 1787. To my mind, that is as clear as a bell. To my mind, there can be no question about it.

In the colloquy referred to I asked the Senator from Kentucky if the Congress had the power to strike down poll tax qualifications, would it not also have the power to strike down registration qualifications, and the Senator was forced to admit that that was true, that it would be a natural consequence. Some of the States insist that a person must live in the State 2 years before he can participate in an election. Other States require that a person must live in the State 1 year before participating in an election. Other States provide a period of 6 months. Some require a shorter time of residence than 6 months. Some States provide that a citizen must live in a voting precinct, or ward, or town, or city, for a year as a voting requirement; some provide a period of 6 months, some 3 months, some 30 days, and others only 2 days.

Mr. President, if those on the banks of the Potomac River who seek control of the affairs of the people of this Nation should succeed in having the proposed legislation passed, and the flood gates are opened to them to go into the States and regulate and control and establish the qualifications of voters, then the next step they would take would be to go into a State and say that a person should be permitted to vote if he is a bona fide citizen of the United States, and that there shall be no requirement with respect to residence in any particular spot in the United States for any length of time. Thereby they will do away with the requirements in various States that a person must be a resident of a State for 2 years, 1 year, 6 months, 90 days, 60 days, or 30 days, in order to vote in the State. Then it would be logical to say that if a person is a bona fide citizen of the United States he should be permitted to vote for Senators and Representatives wherever he might be, because he would be voting to elect men to the Senate and to the House to control and regulate the affairs of the United States, not of the State, or the county, or the city, or the precinct; therefore he should be permitted to vote, no matter where he might be, or how long he had lived in his place of residence, just so long as he was a bona fide citizen of the United States. We cannot escape that logic, Mr. President. We cannot escape such a position being taken.

It may develop in the days to come that because of the fact that some Members of Congress are having trouble with a particular political organization or religious sect, they may decide they do not want persons to vote who entertain such political or such religious views. Therefore they may attempt to reach over into the States and say that anyone who subscribes to a certain theory of government, or who subscribes to certain religious tenets, is not a good citizen, and ought not to be permitted to have a part in electing Members of the Congress. They could attempt to place an additional inhibition on the voters and eliminate a group of people from the body of the voters. There is no end to the devilment that can be brought about in the days to come if the precedent is thoroughly established by the passage of the proposed legislation, and affirmation thereof by the Supreme Court of the United States. While it is a trite saying, it is, verily, verily, opening Pandora's Box and giving freedom to centralized government to interfere with what has heretofore been considered to be the functions of State government.

Mr. President, I have no criticism of Mr. Murray. No doubt he wrote the letter in good faith, but I doubt seriously whether Mr. Murray, with his many duties in looking after his rather active organization, the C. I. O., has ever taken the time to investigate the Constitution of the United States and see just what

it provides. Mr. Murray is asking United States Senators, as I see it, to violate their oaths to uphold and to protect the Constitution of the United States, when he insists that they vote for this measure as a war measure. In times like these the snakes of government begin to crawl, and murder is almost committed in the name of the war effort. There are now some bureaucrats in the Government who have been given temporary authority to regulate the internal affairs of the people. They are thinking of doing things, and perhaps they have already done some things, which are unthinkable in a free country, even in time of war. But they justify their actions by the patriotic statement that it is in furtherance of the war effort.

Here we have Mr. Murray insisting that we shall strike down the fundamental laws and provisions and inhibitions of the Constitution of the United States as a war effort. He says that a small bloc in the Senate is seeking to frustrate majority rule in this Nation. No doubt the majority of the people of the United States are against the poll tax as a qualification for voting. That is evidenced by the fact that most States have done away with it, and that there are only eight States that have not gotten so far along in their concept of their duty to their citizens in the matter of their exercising the right to vote.

Mr. Murray says we are seeking to frustrate the majority rule in this Nation. That may be true insofar as the poll tax is concerned, but Mr. Murray forgets that the majority of the people of the United States have abrogated the poll tax as a prerequisite to voting, and have done it in the constitutional way. It has been done through the act of the State legislatures, as the founding fathers provided it should be done, but because the job is not yet complete Mr. Murray joins in with the Hitler crowd that wants to do by force anything which pleases their whim. They are dissatisfied with the progress the States are making in meeting their idea with respect to who shall be a qualified elector, and because they think they have the power, and the force, and the majority, they propose to force their idea down the throats of the people of these eight States who have not yet seen fit to remove this prerequisite for being qualified voters in their respective States. I am afraid my friend Murray has not stopped to analyze what his statement means.

He says in his letter:

> These tactics—
>
> Of filibuster in the United States Senate—
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> have been regarded as reprehensible when used in times of peace.

Mr. President, I will say from my study of constitutional law, and of my country as it has made progress over a period of 150 years, and from my study of the legislative history of the Congress, that I am unable to call to mind any single outstanding piece of legislation in the 150 years that was defeated through a filibuster which should not have been defeated. I have not been able to find that in any such case a mistake was made by filibustering. Time has proved that such a course was a wise one to pursue. Time has proved that that was the best thing to be done for the people of the Nation.

Mr. President, by exercising the right which belongs to representatives of the sovereign States in the Senate, a right which is not accorded to the Members of the House at the other end of the Capitol, we have been able from time to time throughout our 150 years to block and to prevent the enactment of legislation which would have been disastrous to our American scheme of government, just as we hope that what we are doing now in all good faith and good conscience will be a contribution to constitutional government in the United States.

Mr. Murray further says that every citizen in the Nation should be permitted to vote. The statement that every citizen should be permitted to vote is a rather broad statement. Nearly a million people reside in the District of Columbia. Throughout the years the Congress has never been persuaded that it would be right or proper to accord the right to vote to the people who live in this little spot of the United States, which has been set aside and dedicated as the place where the affairs of this great Government shall be conducted. Those who live around the Capitol of the United States, within the District of Columbia, which is the home of the Government, have not been accorded the right to vote. It was not the idea of the founding fathers, I am sure, to accord the right to vote to the people who had to live in this little piece of territory, where the seat of the National Government is established. Otherwise such provision would have been made in the Constitution itself.

Mr. President, without announcing my final decision on the question of according the right to vote to the people who live in the District of Columbia, I want to repeat what I said to my friend the Senator from Kentucky [Mr. BARKLEY] the other day, that some Senators who have been here for years, and are urging this proposed legislation upon the eight States that have not seen fit as yet to eliminate the poll tax as a prerequisite for voting, have not, so far as I have heard or know, taken any step toward, according to the citizens of the District of Columbia, the privilege or the right to vote in the election of the President, Vice President, Senators, and Representatives.

Mr. Murray says:

> It is a step which this Nation must take if our national morale and our democratic structure are to stand firm against the attacks of our Axis enemies.

I believe that if the bill should be enacted into law, the people back home in the eight States would feel that they had been outraged and that the Constitution had been raped in an attempt by force in time of war to take away from them their inherent rights. I believe that the enactment of the bill would do more to break down unity and sympathetic cooperation among the people and go further toward the destruction of the morale of the people, at least in those eight States, than anything the Congress could do. I believe the question has been exaggerated on the part of my friend Murray and others. The Axis Powers are not interested in a legislative fight of this character. They are not interested in whether or not the people of my State, before being permitted to vote, must pay a poll tax which goes to the education of the children, both black and white. That is not a break-down of democracy. If it is a break-down of democracy and of our democratic form of government, then for a quarter of a century after the establishment of the Republic we did not have any republican form of government, or any democracy, because for many years after the adoption of the Constitution in 1787 all the States provided property qualifications for voters. The founding fathers knew that the States were imposing such property qualifications. Some of the States had the poll tax, others a money qualification, others the ownership of land, and so forth. Our friends who are urging the proposed legislation say that it is the only way by which we can have a democracy. We did business at the old stand for, lo, these many years, when all the States had property qualifications or poll-tax qualifications for voters. For at least 100 years of this Republic a great majority of the States had such qualifications for voters.

According to the argument of my friend Murray and other sponsors of the proposed legislation, we have been doing business for more than half the time in this Republic without a republican form of government, without a democracy. So there is nothing in his argument. He is merely trying to push his case and take advantage of the war situation. He says that a failure to pass this proposed legislation would indicate a lack of support of the heroic soldiers who are now fighting the battles of this Nation on all the battlefronts of the world. I have received many telegrams and letters from the boys in the service congratulating me and urging me to go with this fight and protect the sovereignty of my State of Mississippi, and protect our form of government. If the boys who are in the service understood this issue as we understand it, as the beginning of the end of the dual system of government in this country, they would feel more like laying down their guns and coming back home than going on to fight the enemies on the outside who are seeking to destroy all that is priceless and precious in the American way of life and the American form of government.

So my friend Murray is all wrong in his contention. I am not censuring him. I do not say that there is anything willful or vicious about his attitude; but I must say that he has failed, from my viewpoint, even to read the Constitution, because a casual reading of it would show that the proposed legislation would be the beginning of the end of the American way of life and the American scheme of government. I am sure that it would be the end of the American way of life, because if the people of this Nation are to be ruled and controlled in their home States in all their everyday-life affairs, eco-

nomic and otherwise, by a group of bureaucrats in Washington, whether Democrats, Republicans, or Socialists are in power, the American way will be at an end. That is what this bill would mean if it should become a law.

A few days ago, my friend the Senator from Kentucky said that some of the opponents of the proposed legislation had asserted that the sponsors of the pending bill had contended that the present Supreme Court would approve the legislation. I, for one, did not say that. I said that I had a suspicion that some of the sponsors of the proposed legislation as well as some of those who are behind the movement to force such legislation upon the eight States having poll-tax laws, entertained the hope that the Supreme Court, as now composed, would look with favor upon this rape of the Constitution. I further said that I believed they were wrong in their view and that their hopes would be blasted, because I have more faith in the Supreme Court of the United States than to believe that this piece of proposed legislation would be determined by it to be constitutional.

In this connection, Mr. President, I desire to read into the RECORD an open letter which was written to the editor of the Evening Star, Washington, D. C., in reference to the present contest and my part in it. The letter is dated Arlington, Va., November 15. It read as follows:

EDITOR, THE EVENING STAR,
Washington.

DEAR SIR: I can imagine nothing more unfair than the criticism by certain people of Senator BILBO's opposition to consideration of the poll-tax bill. Senator BILBO did not force this hateful issue upon the country in the time of its distress.

I wish indelibly to stamp that statement upon the mind of every Senator and newspaperman in the gallery, as well as upon everyone else in the world.

Senator BILBO did not force this hateful issue upon the country in the time of its distress.

No; I did not bring it into the Senate in this time of distress, when we are in the midst of a war, when we should have unity. However, I did not stop there. I went to the sponsors of the pending bill and begged them not to bring it before the Senate. I said to them, "You have no chance on earth to pass it. There are enough Senators who believe it is unconstitutional, and who are willing to fight to uphold what they believe to be constitutional, to keep the matter under discussion until the 3d day of January, when the new Congress will convene." I then went so far as to suggest to my distinguished leader that he order his Christmas tree put up in the Senate Chamber, because it would be the only Christmas tree he would see in 1942 if he should persist in his effort to bring this matter up for consideration.

I read further from the letter:

Senator BILBO did not force this hateful issue upon the country in the time of its distress.

I want the world to know that I should be free of any censure or criticism on the part of any man or woman in America for my fight on this bill, because I have tried to keep it out of this Chamber and prevent it from coming up for consideration.

Let me say in this connection that as long as I have the floor I shall be willing at any time to discontinue my discussion and help pass any measure which is necessary for the prosecution of the war. No one can rightfully charge that the part I am playing in this filibuster is instrumental in holding up, stopping, or retarding the passage of any legislation to help win the war. I shall, of course, discontinue only with the understanding that when such legislation shall have been passed I shall be restored to my status quo on the floor, with the pending measure in the same parliamentary position as it occupied when I stopped.

I continue to read from the letter:

It was brought to the front by the people who hate the South and are determined to ruin it, to pick up where Thaddeus Stevens left off, and crush everything which the South holds dear in its social organization. Communists, racial fanatics, unassimilated Europeans who have an academic dislike for the South—which they are utterly incapable of understanding—all are attempting to take advantage of war to destroy the southern people. The poll-tax offensive is merely a task-force operation intended to weaken the southern defensive position, to "soften it" for the final assault, which, if successful, will also bring in ruins the most intelligent and responsible elements of the northern population.

I am a woman, and, being a woman, am unable to understand how any Representative or Senator can find it in his heart to support this menacing hostility to the homes of the thousands of men from Georgia, Texas, Mississippi, Virginia, North Carolina, and other Southern States who are fighting, and many of whom are dying for the entire country, North and South. Whether or not they live in poll-tax States, southerners—and northerners—should realize the evil intent of this measure and stand shoulder to shoulder against it.

Respectfully yours,
ANNIE BELLE MINGLEDORFF.

I admit that some of the statements the lady made may be a little extreme; but the Members of the Senate who do not live in the section of the United States where three-fourths of the Negro population are now living know not what they are seeking to do; because, if the purpose of the legislation could be fulfilled, they would admit the Negro population to full voting privileges.

If the South is let alone, if we are allowed to work out our own salvation, if we are allowed to solve our race-relation problems in our own way, there will not be any trouble in this country, there will not be any trouble in the South. However, just so surely as we live, if Senators undertake to force this issue, if they undertake by the proposed legislation, because they have the power, in a Hitler-like way to attempt to compel the coming of the day when there will be full voting by the Negro race in the South before we get the Negroes ready for suffrage, there will be some truth in that old saying, "Hell is going to break loose in Georgia."

Mr. LANGER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. BUNKER in the chair). Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. BILBO. I yield.

Mr. LANGER. What is the Senator's solution of the problem?

Mr. BILBO. If the Senator wants to know my solution, let me say that I have already introduced a bill, which is now pending in committee, and I spent half a day trying to present it to the Senate and to the country. I have sent out over 100,000 copies of my speech and of the bill. My solution to the race problem—and I believe it is the only solution—is a physical separation by the repatriation in western Africa, the richest country on earth, of the entire Negro race. It might be a surprise to the Senator to know that about 4,000,000 American Negroes signed a petition to the President and to the Congress asking that the bill be passed, and that they be given an opportunity to resettle themselves in their fatherland in western Africa. Four million American Negroes have signed that petition.

If the Congress proceeds with this kind of monkey business and tries to force this issue on the eight poll-tax States of the South, the Members of Congress who take such action will be here pleading for the passage of my bill to resettle every American Negro in Africa because we will be headed for serious trouble.

There will not be any trouble in North Dakota; there will not be any trouble in South Dakota; there will not be any trouble in Vermont, where there are only 41 Negroes. But in the States in which Negroes comprise from 25 to 49 percent of the population, when we coddle them and plant in their minds hopes and aspirations for things which they are not able to obtain, and with a number of radical leaders organizing them and arousing them to take steps to secure the objectives of their false hopes, the condition which will obtain as a result will be such that I can only say God pity the South and God pity the Nation.

A distinguished Senator from the North, a very dear and close friend of mine, said to me yesterday, "I do not know of any outstanding Negro who is insisting upon social equality." Well, my friend was simply misinformed. If Senators will read the speeches and writings of Walter White, who is at the head of the N. A. A. C. P.—the most outstanding Negro organization in America—they will find that social equality is his dream, his ultimate end, what he is fighting for. If they will read the writings and speeches of Ford, the head of the other organization—the Pullman-car organization—they will find that he says, "We want social equality and all that goes with it, or we want nothing." That is their position. Of course, the less radical members of the race are not so insistent; but I am talking about the heads of the Negro movement in America.

In round numbers there are in the United States 12,800,000 Negroes, out of a total population of 130,000,000. Of course, they are outnumbered. No Member of the Senate is a better friend of the Negro than am I. I have tried to

be the Negro's real friend. I have tried to be his helpful friend; but some of the intelligentsia of the Negro movement do not think I am the Negro's friend. I know that I am their friend. I am their friend when I am trying to stop this movement which will mean bloodshed and destruction to their race.

A few weeks ago I was sitting in my office when two well-dressed, good-looking Negroes walked in. I greeted them and gave them seats. One of them said to me, "Before I begin the conversation I must tell you who I am." He handed me his card. He is one of a firm of seven lawyers in Chicago, an outstanding lawyer in the city of Chicago. He said "I am the son-in-la of Booker T. Washington, of Alabama."

The other Negro, who was also an educated Negro, said, "I have come here to talk to you because we consider you the only real friend the Negro has in this city. You have tried to do something for the Negro, and you have been his friend both since you have been in the Senate and during the 8 years when you were governor of your State. You have been his friend in trying to do something that ultimately will help him and his race. I have come here to talk to you about the seeds that are being sown in the minds of the Negroes in Chicago, where I live, and throughout this country. The politicians, the manipulators, the heads of certain Negro and political organizations that are trying to secure the vote of the Negro, to coddle the Negro, to put false hopes in him, make false promises to him, are the ones who are planting in their minds and hearts ambitions, desires, and dreams which cannot come true with the social situation which exists in the South today. When the war is over, if they served as soldiers, they will come back and demand that recognition; and when the demand is made the clash will take place."

Let us work out our salvation. We are helping the Negroes; we are educating the Negroes. The Negro is receiving economic consideration, and the white man is the friend of the Negro.

Now I desire to invite the attention of the Senate to an article by John Temple Graves.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. BILBO. Yes; I yield.

Mr. LANGER. Will the Senator tell us more about the bill which he introduced? Would he mind doing so?

Mr. BILBO. I shall be glad to do so. Upon receipt of petitions signed by nearly 2,000,000 persons to introduce the legislation, with the assistance of some of the best Negro talent in America, both in the North and in the South, and of other friends who are interested in the real salvation of the Negro race, the bill was prepared. Let me say in a general way that the bill provides—I shall not go into the minute terms of it—that the Government shall finance—or let me say grubstake; I suppose the Senator knows the meaning of that word—the Negro as he is being transported to his future home in West Africa, primarily Liberia. The bill provides that the Department of State shall negotiate with Great Britain and France to secure four additional provinces which adjoin Liberia so as to create a greater Liberia. Senators must know that in 1847 the Republic of Liberia was established on land which was turned over to the Negroes who then lived in Liberia, upon condition that every other lot of land in Liberia should be held in trust for the settlement of the American Negro in the days to come. With that understanding, the American Colonization Society, which was established in 1817, and was headed in the early days by Presidents of the United States and other outstanding citizens—I believe that President Monroe was the first of our Presidents to be associated with the organization, and the capital of Liberia is named "Monrovia" for him—arranged that the Negroes who had settled in Liberia, and who had asked for independence, in order to establish a republic of their own, would have those lands conveyed to them on the one condition that half the land—every other lot—should be held in trust, and be dedicated for use in the settlement of the American Negroes in Liberia.

Mr. LANGER. Mr. President, will the Senator yield for another question?

Mr. BILBO. Yes; I yield.

Mr. LANGER. Are there any white folks in Liberia, or are all the persons in Liberia Negroes? In the land to which the Senator's bill proposes that the Negroes be sent, do only Negroes live?

Mr. BILBO. That is a fact. There are a few white people who are merchants and are engaged in business, but the constitution of Liberia, which is similar to the Constitution of the United States, provides that no white man can own land in Liberia. Any white man there is merely a sojourner, a boarder. The constitution of Liberia provides further that no white man can vote in Liberia. So they have a president, they have a vice president, they have senators, they have representatives in their Congress, who are Negroes. They have a perfect scheme of government. There is a population of from a million and a half to two million in Liberia. The land is there waiting.

I went so far as to have my Negro friends send a commission of Negroes to Liberia to ascertain from the president, whose name is Barclay, whether the resettlement of the American Negroes would be acceptable to the Republic of Liberia. The commission brought back the message that Liberia would be glad to receive Negroes from America with outstretched arms. They want the American Negroes to come there, because a great many of the American Negroes are educated and have become engineers, doctors, newspapermen, and so forth. Liberia needs an influx of such Negroes in order to continue the development and education of the Liberian Negroes. A great many of the Liberian young boys are brought to the United States and educated in Howard University here. They come to see me. We have discussed the question of the resettling of the Negro in his native fatherland.

Of the adjoining colonies to Liberia, which will be necessary before we can ever hope to resettle the great percentage of the American Negroes in Africa, one belongs to France and the other to Great Britain. I had hopen that in the war settlements provision could be made so that these adjoining territories would be available for the establishment of a greater Liberia, a great Negro republic, to which American Negroes educated and trained in the American way of life could go to their fatherland and could render great service in the further development of the Negroes in that part of Africa, many of whom are uncivilized.

A very dear friend of mine, Dr. H. H. Jones, who was born and reared in my home State and educated at Chicago University, was fired with an ambition to do something for his own race, and so he went to Liberia.

He landed at Monrovia, but he did not, as a great many Negroes do, stop at the seacoast. He made his way into the hinterland of Liberia, and attached himself to a tribe of Negroes that had not yet been civilized. He spent his life civilizing that tribe, and today he has hospitals and churches there, and the members of that tribe have been educated and are now strong factors in the life of Liberia.

There is work to do in Africa for every Negro in America; but so long as they live in America, whether it is in the North or in the South, the Negro is going to be discriminated against. I resent that. The only way to keep the Negro from being discriminated against politically, socially, economically, and in every other way, is to resettle him in a country all his own.

If we insist on letting the two races live here side by side, with the consequent clashes and differences, the result will be in the years to come, as proven by the history of the world for 20,000 years, a complete commingling of the two races in this country; we will have no white race and no black race, but will have a mongrel race. If anyone has no objection to his posterity, his kinfolk, in the many years to come being mongrels instead of red-blooded Americans, then, very well; let the Negro stay here; but I assure you, Mr. President, that will take place.

There are today over 25,000 Negroes who are crossing the color line, passing for whites, marrying white women, and marrying white men in the United States, and that number is increasing every year.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. BILBO. Yes.

Mr. LANGER. In the Senator's bill, how does he define a Negro and which ones would he have transported to Africa?

Mr. BILBO. One drop of Negro blood makes a Negro—anyone of African descent.

I started to advert to a recent article by John Temple Graves, of Charlottesville, Va., who has been the outstanding friend of the Negro in the South for many years.

Mr. LANGER. Mr. President, will the Senator yield for another question?

Mr. BILBO. Yes.

Mr. LANGER. I am puzzled about the Senator's bill. How would the Negroes who would be transported to Africa be selected?

Mr. BILBO. It would be voluntary. It is not proposed to send anybody, but merely those who wish to go. We as a nation have no more right to send a Negro to Africa than we have to send a white man. The Negro is as much a citizen of this country as I am. It would be purely a voluntary movement; there would be nothing compulsory about it. The Negro wants to go of his own accord. He knows it is for his best interests. He wants to be in a country where his opportunities will be unlimited, where he will not be discriminated against, and where he can go the limit. It would all be voluntary. Some of the Negroes in trying to arouse prejudice against me have said I want to compel the Negro to go, that I want to force him to go. I have never given expression to such a thought in my life. My purpose is to provide a way, pay the expenses, build them homes, open up farms, equip them, grubstake them for a year until they get their feet on the ground while they are being repatriated in their fatherland. The Negro himself wants to go. I have a petition signed by 4,000,000 Negroes who want to go. A few of the intelligensia, like Walter White and Ford, do not want to go. They are living on the fat of the land; they are on the top; they are riding the waves. But I am pleading for the great rank and file of the 12,800,000 Negroes in this country who have to suffer discrimination, who are discriminated against, who are not having a fair show in this country, and will not have until finally, they merge their blood into the veins of the whites, and we are all mongrels and there are no whites and no Negroes at all. That is just what is coming, or history belies itself. It has been tried in India, in Egypt, but wherever it has been tried that has been the result. Because, however, it is so far ahead, 1,000, 2,000, or 3,000 years, I have been unable to get the people of the present generation interested in solving this question as all authorities say it can be solved, and the only way it can be solved—by physical separation.

Mr. President, I did not mean to go into that line of thought. I wanted to call attention to the article of John Temple Graves.

Mr. LANGER. Mr. President, will the Senator yield for a further question?

Mr. BILBO. Yes.

Mr. LANGER. Does the Senator's bill carry any appropriation and, if so, how much, and how will the money be used?

Mr. BILBO. I estimate that it will take about 40 years to resettle the Negro. It is not proposed that the old Negro shall go but the young generation so as to build up a new country, a new republic, a republic of their own. The bill provides for adequate appropriations to take care of whatever expenses the Commission provided for in the bill may incur. It is thoroughly safeguarded, and the funds will be provided by the Congress of the United States. I estimate it will take between fifteen and twenty billion dollars over a period of 40 years to do the job. That would be the best money ever spent; it would be the best investment both for the white race and for the black race. Any Negro who has any race consciousness about him resents the intermingling and the miscegenation between the whites and the blacks as much as the white man himself does, and any white man who has any race consciousness should resent it also.

Mr. LANGER. Mr. President, will the Senator yield for a further question?

Mr. BILBO. Yes.

Mr. LANGER. I am from the North, and I should like to have the ideas of the Senator on the question of race riots and what causes them. The Senator has prophesied that there will be trouble in the future unless something is done. What causes race riots, and how, in the Senator's judgment, are they to be avoided?

Mr. BILBO. In the South we draw the color line. We have no mixing between the races in social life in the South. For the time being, we will forget the political side of it; but on the social side as the Negro tries to force himself into the social life of the South, the present generation of white men will rebel; and we will have clashes; we will have bloodshed, riots, and everything that is bad.

All those who are sponsoring this bill, among them Negroes, all those who are trying to do something for the Negro, as they think, all those who want to get the Negro behind it, as they force this situation in the eight States before the people get ready for it will raise false hopes in the minds of the Negroes. There will be difficulty, and there is more trouble now than is dreamed of in the South, that is kept out of the press. Because of its possible effect on the war program, I would not tell what is already taking place.

Mr. LANGER. Mr. President, will the Senator yield for another question?

Mr. BILBO. I yield.

Mr. LANGER. As I understand, the Senator was Governor of Mississippi for 8 years.

Mr. BILBO. Yes.

Mr. LANGER. Will he please tell us what he found the situation to be when he was Governor, and also tell us to what committee his bill has been referred, and whether hearings have been held on it?

Mr. BILBO. No hearings have been held. I was Governor of the State for 8 years, and I did everything I could to help promote Negro education. I rebuilt colleges for the Negro; I sponsored educational movements for the Negro—agricultural, industrial, and of other kinds. I tried to stop all lynchings, called out the National Guard where it was possible to stop a lynching. I was a real friend to the Negro, and we had no trouble. Every Negro in the South knew he had a friend in the Governor's office, and when he came to my office I saw him.

I remember a gentleman walked into my office a few months ago and said, "While you were Governor of Mississippi you made me angry enough to kill you." I said, "What did I do?" He said, "I rushed into your office one day when I wanted to see you. Your office was full, and over by the door sat an old Negro mammy with a bandanna handkerchief over her head. Your secretary walked out and ushered the Negro woman into your private office to see you, ahead of me." He said, "I could have shot you." I said, "Do you know why she got in first? It was because she came first, and she was as much a citizen of Mississippi as was any white man, and she was entitled to see her Governor. Her little affairs, possibly about her nephew, or grandson, who was in trouble, were as dear to her as those of any other citizen to him." I gave the Negro exact justice while I was Governor.

Mr. LANGER. Where is the Senator's bill at the present time, and why have not hearings been held on it?

Mr. BILBO. Because I have not asked for hearings. I have been carrying on a campaign. There is an organization throughout the United States, and nearly 4,000,000 Negroes have signed the petition, but during a war is not the time to bring the question up. If I am here when the war is over—and God willing and the people willing I shall be—I propose to carry on the fight, and I think I shall have more help than in the beginning, because people will realize the need of physical separation of the races, and there will be peace in the country. Do not forget that whatever affects one State affects all States in this Republic. We are all one great family, and every member should be protected.

What I resent about the bill under discussion is that it is an attempt by the majority of the members of this family to cram down the throats of other members of the family something which they are not ready to accept. The other States have had 150 years in which to fix their laws as they wanted to fix them in order to meet their conditions.

Mr. LANGER. Mr. President, will the Senator yield again?

Mr. BILBO. I yield.

Mr. LANGER. If the bill shall pass, how will it affect Mississippi?

Mr. BILBO. I think quite a number of Negroes will take advantage of the opportunity to be resettled in their fatherland, which is one of the richest countries on earth.

Mr. LANGER. The Senator misunderstood me. I am referring to the bill we will discuss when we get around to it, the bill which was reported by a majority of the Committee on the Judiciary. How would the enactment of that bill affect Mississippi?

Mr. BILBO. I shall be glad to answer that question. So far as the repeal of the poll tax is concerned, it would not enable a single, solitary Negro to vote in Mississippi in addition to those now qualified. That is not why I am fighting the bill. I am fighting the bill because I know that if it is possible to pass this bill and remove the qualification of the poll tax as a prerequisite to voting, it will be possible to pass a bill to remove some

other qualifications we have in Mississippi.

If the Senator will pardon me, I can illustrate my point by the story of the animal convention, which, no doubt, my colleagues have heard. When all the animals met, a polecat came walking down the aisle, and all the other animals ran away. They got together the second time, and the skunk walked up the second time, and they all went away except the opossum. The skunk said, "Why do all the animals leave when I walk in? I have a beautiful tail, I have a perfect form, I am a good-looking animal. I have not done anything against the animal kingdom. Why do they leave?" The opossum said, "It is not how you look, it is not what you have done that makes all the other animals leave when you appear on the scene. It is what they are afraid you will do." [Laughter.] I am fighting this bill in the fear of what will be done if it should be enacted and should be affirmed by the Supreme Court of the United States.

Are there any further questions?

Mr. LANGER. Yes. I think the Senator has not yet answered the last question I asked. If the anti-poll-tax bill shall be enacted, just how will it affect the State of Mississippi? What does the Senator anticipate will happen there?

Mr. BILBO. For the time being nothing will happen, but at the next session the same group which thinks that removing the poll tax will permit the Negro to vote will be back here in an effort to remove the registration qualification, the educational qualification of the Negroes. The Senator from Kentucky [Mr. BARKLEY], admitted that that was the next step. If that is done, we will have no way of preventing the Negro from voting, because then the educated and uneducated, the qualified and unqualified, every human being, will be voting, and when that is done, there will be trouble in the land; and I do not mean trouble to me. Then, as the Negroes get their political power, they will demand social rights, economic rights, and other rights.

Let us take the State of Pennsylvania, for example. I am sorry my colleague from Pennsylvania is not present. The Republicans for years and years voted the Negroes in Pennsylvania. The Republicans fed the Negro on promises; they would not pass legislation which the Negro wanted. Finally the Democrats said, "Let us get in and we will give it to you." So the Democrats went into power, with the Governor and the legislature, and they gave the Negro all he asked. What did he ask? He asked that he be permitted to register and sleep and live in the white man's hotel, to be served in the white man's barber shop, to swim in the white man's swimming pool, to share everything the white man had. That is the law there.

There is a bill pending here now, introduced by the Senator from New Jersey, to give the Negroes in the District of Columbia the very things they have been given in Pennsylvania. When the Negro has the power to vote, he has something with which to bring pressure to bear to get these things done. Whenever that is started in the South, hell will break loose in Mississippi, and in Georgia, as well.

Mr. LANGER. How does the Senator answer the argument that since we call upon the Negroes to fight, why should they not vote?

Mr. BANKHEAD. If the Senator will permit me to answer, how does the Senator from North Dakota answer the argument that we are calling upon boys 18 years old to fight, but do not let them vote?

Mr. BILBO. We are taking them 18, 19, and 20 years old, and not only that, we are taking hundreds of thousands of men in this country, some from North Dakota, some from South Dakota, from Pennsylvania, and from every State in the Union, to the battlefront, and they are fighting for the preservation of the American scheme of government and all that is precious to the American people, yet they cannot vote; they have never voted; they are not qualified. They do not care to exercise the right to vote. They have never voted in their lives. From the woodlands of the North the lumberjack has been taken and put in the front lines and made to fight but he never voted in his life. Army men do not vote, as a rule. The colonels and captains and generals never take any part in elections. They never vote. And I do not suppose the Negro is any better than they are. I know he is not any better than the 18-, 19-, and 20-year-old boys we are putting on the battlefront. There is nothing in the laws of my State to keep a Negro from paying his poll tax and voting.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. TYDINGS. I think it would be well for me to point out for the RECORD that Army men who live on Government reservations, such as the Aberdeen Proving Grounds, and the Edgewood Arsenal, in my own county, and many similar reservations in other parts of the country, are not considered to be living on the soil of the State, per se, in which the reservation is located, and therefore they cannot register and cannot vote, because the land on which they live is under the direct supervision of the Federal rather than the State Government, in most respects.

As a corollary to what the Senator is saying it seems to me it would be well if the advocates of the bill would propose to enfranchise men who stand ready at all times to give up their lives for their country before they go into these extraneous fields.

Mr. BILBO. In other words, the Army men who live on Government reservations are in the same fix as the Washingtonians.

Mr. TYDINGS. The point is, aside from the merits of the bill, that if the Federal Government can by law tell the State who shall or shall not vote, and who shall or shall not pay a poll tax, then the Federal Government, by the same analogy could compel the States to permit those who live on military reservations to vote. Certainly it seems to me that the logic is inescapable that if the Federal Government can tell a State who can vote in one category it can tell a State who can vote in other categories, no matter what conditions a State has provided as a requisite for voting.

Mr. BILBO. Most certainly. I think it was perfectly horrible, because it was so evidently unconstitutional, of the Senate to pass the bill the other day which gave the soldiers the right to vote without registration or without payment of a poll tax. By doing so Congress struck down the provisions of the constitutions of the States with respect to registration and other qualifications. In other words, in the name of the war effort Congress practically raped the Constitution.

Mr. TYDINGS. Mr. President, will the Senator again yield?

Mr. BILBO. I yield.

Mr. TYDINGS. In the State of Maryland, which I in part represent in this body, we have a law called A Declaration of Intentions Act. If a man comes into Maryland from another State he cannot vote, even though he lived in Maryland for 20 years, unless he declares his intention to become a citizen of the State of Maryland a year before the particular election in which he offers himself as a voter. The reason for that was, as there is reason for most laws, that many years ago it was customary in a very close congressional district known as the Fifth Maryland Congressional District, to transport large trainloads of voters into southern Maryland on election day, and there were sent into the district in that way enough voters who did not live there but who took advantage of the voting hospitality of Maryland, to throw the election contrary to the will of the majority of the voters of the district. So the State, in order to avoid a recurrence of that in the future, now requires that when a man comes from another State into the State of Maryland and wants to become a citizen and to vote, he must formally go to the election board, or to the clerk of the court, and make an affidavit that he desires to become a citizen of the State. If he does not do that he cannot vote, even if he spends his whole life in Maryland. I am not arguing that that is a good thing or a bad thing. I am simply pointing it out as an existing fact. But the logic of this bill is that if the poll tax can be abolished by Federal fiat, for that is what it amounts to, then the Declaration of Intentions Act in Maryland can be abolished by having enacted a congressional law to that effect.

Mr. BILBO. Certainly.

Mr. TYDINGS. Of course, that procedure could be carried all up and down the whole category. I do not doubt very much that then we could say here that no municipality in America shall have as a qualification for voting, the payment of taxes. Most of the cities of Maryland as a matter of tradition have a legal provision that only those citizens can vote in municipal elections who own a certain amount of property, usually it is $200 worth, and all the people in my own city of Havre de Grace who vote must pay taxes on at least $200 worth of property in order to have a voice in the

city elections. I do not see why that municipal provision is not an infringement of the sublime right to vote, if the poll-tax provision is an infringement of the right to vote, and why, if it is, cannot there be enacted a Federal law which would provide that no municipality in America, as a prerequisite to voting, shall require that the voter own or pay taxes on a certain amount of property.

So when we get away from the field of local responsibility, as I prefer to call it, rather than the outmoded and sometimes insulting label of "State rights" as it is spoken of—when we get away from the field of local responsibility into the larger field of national responsibility, we find there are very good reasons for the line of demarcation between the two, and nothing could so quickly cause the decay of this Government as to try to have the Congress of the United States act as a State legislature on the one hand and a Maryland city council on the other hand for every State and municipal government from Maine to California, and from Florida to Washington.

Mr. BILBO. If we pass the pending bill, I might paraphrase the lines:

Little city, don't you cry,
Washington will attend to you bye and bye.

Mr. President, again I wish to advert to the address by John Temple Graves. He is a man who has given his life to the welfare and progress of the Negro in the South, and he has gone so far that a great many southern people have denounced him as being a negrophilist, as being a Negro lover, and have said some ugly things about him. But the attempts on the part of a few groups in this country—and during the present administration, I will say—to plant false ideals and hopes and aspirations and ambitions in the mind of the Negro have been so disastrous that I want to put into the RECORD certain words written by Mr. Graves to show the Senate how he has been disillusioned to a large extent.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LANGER. I should like to have the Senator's ideas in respect to what the Senator from Maryland said as to the action by the Virginia Legislature, which is cited in the majority report, in barring a large number of persons from voting.

Mr. BILBO. I shall make a note of it and shall be glad to discuss that point when I come to it.

I read from the words of Mr. Graves:

The simple and tragic truth of the race situation in the Southern States, where three-fourths of the country's Negroes live, is that in a time of total war northern agitators of the black man are giving new leases of life to southern agitators of the white man.

That is, the northern agitator for the black man gets busy, that gives ground for the southern agitator to get busy with the white man. I never rode into office on the Negro issue in my life. I never played on the prejudices of the people against the Negro. During my political career the Negroes outnumbered the white men in my State.

The whole story is in that. Its tragedy goes especially hard with those southerners who have loved and fought for the Roosevelt administration through three terms and who have admired the First Lady for her industrious and undoubted humanitarianism.

The issue of race segregation, which the South considers a thing apart from the general issue of advancement for the Negro, had already been raised, hatefully and dishonestly, by Talmadge when the war came. It was not a genuine issue then. Talmadge could have been beaten on it. But it became genuine when Negro leaders outside the South, with the apparent backing of Mrs. Roosevelt and the possible support of the administration, made the war an occasion for the most intensive campaign ever launched against any and every differential, minor or major, between white man and black. If these leaders had been willing to confine their fire to discriminations against the Negro in war-production plants and in training schools, the Talmadges and all they represent in demagogy, fanaticism, Ku Kluxery, and psychopathic hate and fear would not have been given new leases. They have chosen, however, to go crazy with their championings, scouring the land for trouble, entering loud complaint even against the calling of Negro babies "pickaninnies," and making plain beyond question an intent to use the war for settling overnight the whole, long-complicated, infinitely delicate racial problem. Their argument has its appeal, true. They say that America must prove the democracy for which it is asking its people to fight abroad by making it complete at home.

That is the argument made by some of the sponsors of the bill.

In the circumstances, however, they might as logically say that because America's house is on fire, America must take the occasion for renovating the kitchen or putting Venetian blinds in the parlor. So little are they concerned by the fact that their all-embrasive crusade means a domestic war while their country is making supreme war abroad that they have invited their followers to think in terms of a double V-for-victory—victory in battle with Hitler and victory in battle at home. Victory, unhappily, doesn't work that way. The battle at home begins to threaten the battle against the man with the little black moustache. He happens to be the greatest race-hater in history, the Jim Crow of all the ages. He has called the Negro "lower than the ape" and will treat him so if he gets a chance.

Any Negro who has any sense knows that he is fighting for his very existence when he is fighting against the control and domination of the world by Hitler and the Japs. He would not have a ghost of a chance. He has some chance now. He is receiving some consideration now; and when this war is over, the way will be open for him to fulfill all his dreams by resettlement in Africa. But with Hitler and Tojo in control the Negro would fare a great deal worse than the Jews fared in Germany.

These Negro leaders who insist on appeasement as their price of full participation in the war say that southern white liberals who are opposing them in what these liberals think are the interests of the Negro and the Nation do not properly estimate the current feeling among the Negro population. An answer is that these leaders themselves and their backers in high political place have brought the feeling to its intensities. A more compelling answer is that there is another feeling which is being agitated to white heat too: that is the feeling of white majorities in the South—where most of the Negroes live. Listen, for grim example, to Horace C. Wilkinson, Birmingham lawyer-politician, who had retired from a career of talented gadflying until the present race excitements brought him back for a speech to the Kiwanis Club of Bessemer last July 22. Mr. Wilkinson began by quoting a Birmingham bus driver who had pointed to a group of Negroes and told him, "Right there, mister, is where our next war will break out, and it may start before this one is over." Following a courtroom method which practice has made perfect in him, Mr. Wilkinson told his audience: "I regard that as an overstatement of the situation, but I was impressed with the man's sincerity when he detailed numerous recent instances of insolent, impudent conduct on the part of Negro passengers that necessitated 'calling the law,' as he expressed it. I learned that there seems to be a disposition on the part of many Negroes to disregard and resist the Jim Crow law and that in many instances it has been necessary to stop and hold busses and streetcars until officers could be summoned to make unruly Negroes occupy the part of the car reserved for them or remove them because they refused to do so."

Nothing gives the Negro who has the wrong viewpoint on relationships more pleasure than to rush in and take a seat in the white compartment of a railroad car, hotel, or depot. He will do it if he has an opportunity, although adequate and equal provisions have been made for him on the train, on the streetcar, at the depot, and in the hotel.

"Montgomery is having similar experiences." The speaker then launched into a long list of "atrocities." He told of a telephone call to the Louisville & Nashville Railway office in Birmingham from a conductor in Anniston who was holding his train because "a Negro was determined to ride in the white car, the law to the contrary notwithstanding." He told of white men at the Republic Steel works who are complaining about Negroes being given jobs that have always been filled by white men—they want the situation relieved by law, but they want it relieved. He described a scene in a Dothan liquor store where Negroes had grown tired of waiting in line and decided to take matters in their own hands and practically took over the store. He recalled the Montevallo incident, when a number of young ladies attending the State College there were insulted by Negroes throwing kisses to them as they waited at the railroad station for a train to carry them home.

The Senator from North Dakota [Mr. LANGER] has just addressed a couple of questions to me. I do not know how the people in North Dakota would feel. I do not know whether or not they would resent Negroes throwing kisses at white girls in any community in that State; but an affront of that kind in the South means trouble. Our feeling of resentment, our prejudice—I will admit that it is prejudice, whether right or wrong—our race consciousness, and our determination to draw the color line will not tolerate Negroes throwing kisses to white girls anywhere in the South. Whether my northern friends like that sentiment or viewpoint is absolutely immaterial to

me; but it exists in the South, and properly so.

He mentioned "race trouble narrowly averted at Tuskegee when there was a clash between the white civil authorities and the Negro military police in the white business section of the city," and how, when the Negroes had been disarmed, officials at Tuskegee demanded that their pistols be restored. "The situation is regarded as extremely serious by many of the most substantial people. One man in whom I have utmost confidence told me that practically every responsible male citizen in the town was a special officer of some kind." Mr. Wilkinson then spoke of a legal action "filed by a group of Negroes in the circuit court of Jefferson County undertaking to force the American Legion in Alabama to charter Negro posts." He quoted Wendell Willkie's address to the National Association for the Advancement of Colored People at its Los Angeles convention and declared that Willkie had "advocated a program that, in my judgment, would inevitably result in two things; namely, the destruction of segregation and the amalgamation of the races. * * * As I see it, the difference oetween Mr. Willkie and the national leadership in the opposing party is the difference between tweedle-dee and tweedle-dum." He noted the local morning paper with an account of a demand for a racial show-down made on the President of the United States by A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, and cited Randolph for making much of two lynchings and of the execution of Odell Waller, a Negro sharecropper in Virginia, for cold-blooded murder.

There has been more done in Washington by Executive orders and other orders to plant false hopes in the Negro race than has been done in any other part of the country so far as I know. The situation has been so pronounced that Walter Davenport, in a recent edition of Collier's, has written an article under the title "The Negro Lifts His Head." In connection with the article he displays pictures of white girls being forced to dine with Negro girls in the various department cafeterias in Washington. The situation is considered to be a great victory for the Negro race. By Executive orders, all the barriers in the cafeterias in the Government departments in the city of Washington have been broken down and Negro girls are now dining side by side with white girls.

In the article to which I have referred a picture is displayed showing a white man seeking a job from a Negro employment or personnel officer in a department of the Government. Also, there are pictures showing the familiarity which exists in some of Mrs. Roosevelt's West Virginia schemes of colonization. Officials in Washington have gone so far as actually to remove partitions in the cafeterias which had been erected to separate the eating places of the blacks from those of the whites. Since the removal of the partitions members of both races eat together. Once there were separate lockers for the members of each race. The lockers are now used in common. The Negro asserts that no greater accomplishment in behalf of his race has taken place in the District of Columbia than that which has been brought about by compelling white girls to serve as stenographers to Negro divisional heads in the various departments. The Negro believes he is making some progress in the world. He has reached such a point of intimacy and social equality with the white race that he has a white girl as a stenographer. The rulings of bureaucrats in Washington have forced hundreds of southern girls to leave Washington rather than serve as stenographers to Negro subbosses in the various departments of the Government.

With our ideas in the South of social relations between the races, and the drawing of the color line for the protection of both races—because both races are more or less race conscious—we resent such a condition. It may be tolerated in the District of Columbia. It may be tolerated under the shadow of the Capitol. It may be tolerated here under the influence of an administration which is a party to it; but if an attempt is made to enforce such a condition south of the Mason and Dixon's line hell will break out in Georgia, or in any other Southern State where such enforcement is attempted. Our ideas of social relationships between the races will not tolerate such practices.

Mr. LANGER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. BILBO. I yield for a question.

Mr. LANGER. I should like to learn from the majority leader his views on this question.

Mr. BILBO. The Senator from North Dakota has my consent to "feel out" the distinguished majority leader as much as he wishes. I suggest however, that he should wait until the Senator from Kentucky gets the floor.

I continue to read from the statement by John Temple Graves:

Then, like the preacher who gives 55 minutes to luscious descriptions of sin and closes with a 5-minute appeal against sinning, Mr. Wilkinson said: "These instances, like boils on the body, are indicative of a condition that needs attention. They are not mentioned for the purpose of arousing feeling against the Negro race but for the purpose of showing you that the time has arrived for discussion that will provoke serious consideration of the situation in Alabama and the South and bring forth suggestions for a solution of the problem within the law and under the Constitution of the United States. * * * About 10 percent of the population of this country are Negroes. The whites being in the majority, it is their right and responsibility to work out the problem within the law and by a law that all whites and blacks must obey. It must be done that way. Extra-legal methods, however necessary or effective they may have been in days of yore, are not to be resorted to now."

Mr. Wilkinson's speech has been quoted and passed about all over the South. Its pieties against extra-legalism were not among the popular parts. I have outlined it here without prejudice to questions of fact and of right-and-wrong. Its significance is in the feelings it represents and those it arouses. Set these against the ones that are being aroused among the colored people and you have your trinitrotoluol.

Alabama's United States Senator BANKHEAD found his State in such a fever of racial trouble and anticipation of trouble when he came home last summer that he wrote a letter to General Marshall, Chief of Staff, suggesting: "If you feel obliged to have Negro soldiers in the South as a result of social or political pressure, can't you place southern Negro soldiers there and assign the other Negro soldiers in the North, where their presence is not likely to lead to race wars?"

Mr. McKELLAR rose.

Mr. BILBO. Mr. President, let me inquire whether the Senator desires to ask a question.

Mr. McKELLAR. I desire to ask a question. First I should like to read a short editorial, if the Senator will permit me to do so, and then I should like to ask the Senator if the views expressed in it are in accord with his views.

Mr. BILBO. I shall be pleased to answer the Senator's question; that is all that I can yield for.

Mr. McKELLAR. Well, the editorial is a part of my question.

Mr. BILBO. Very well.

Mr. McKELLAR. In the Evening Star of this afternoon, November 19, 1942, in the second column on the editorial page, appears the following editorial:

POLL-TAX CONTROVERSY

As the Senate battle over the bill to abolish the poll tax in national elections increases in bitterness and scope, the wonder grows as to why this particular time was chosen to force a showdown on such a highly controversial issue.

The objections which have been raised against this tax are varied and confused. To some extent, no doubt, it tends to restrict voting. Yet the tax itself in the eight States where it remains in effect is small—$1 or $1.50. In terms of dollars and cents, it is perhaps the least onerous of all the taxes imposed by the States. Furthermore, it is a matter of common knowledge that many people in the poll-tax States, although well able to pay the tax, do not vote because they are unwilling to take the trouble to pay it, or to register, or even to go to the polls. These people are not debarred from voting by the poll tax. In all States there are many persons who simply do not care enough about the privilege of voting to comply with any preliminary requirement. A good example of this was given in New York City (where there is no poll tax) earlier this month, when the voters stayed away from the polls in large numbers because they were unwilling to take the trouble to register, despite urgent appeals from the President and State officials that they do so.

Similarly, there is little substance to the charge that the poll tax discriminates against Negroes. In the States where it remains in effect it applies to all alike, and it is no more discriminatory, and far less burdensome to the poorer classes, than the automobile taxes or the State sales taxes, to mention two of many.

But, even if full weight be given to the contentions that the tax is antisocial and undemocratic, the fact remains that the States themselves gradually have been getting away from it. At one time a poll tax, or an equivalent, was in force in practically all of the older States. Slowly, but by voluntary action, it was abandoned in one State after another, until finally it remained only in the Southern States. But even there the trend has been against the tax. In recent years Louisiana and Florida have dropped it, and it is on the way out in Tennessee.

This being the case, it is surprising that Majority Leader Barkley has selected this particular time, when the war puts a premium on harmony in the Senate, to force an issue which, in the opinion of some Senators, involves a very grave constitutional threat to the integrity of the States. Even if he is successful ultimately in overriding the Sena-

tors from the poll-tax States, it is apt to be discovered that very little has been gained and a great deal lost.

My question is, Does the Senator from Mississippi agree 100 percent with the views expressed by the writer of the editorial?—an editorial which I think is a splendid statement of the case, and to be found in this afternoon's edition of the well-known Washington Star.

Mr. BILBO. I appreciate the Senator's interruption and contribution. I think the views expressed in the editorial are very pertinent, wise, and timely. I could not do otherwise than endorse it.

Mr. President, I continue to read from the statement by Mr. Graves:

A fact as sure as science is that the white majorities of the South are unwavering and total in their determination not to have race segregation abolished.

Mind you, Mr. President, I am reading from a statement by a man who has been denounced for being a friend of the Negro in the south, who has been laboring in their behalf, and who has been fighting their battles.

I read further:

And southern liberals, who in other days have befriended and championed the Negro to the point of getting themselves mentioned adversely in Klan circles, are too well aware of this to believe that anything but harm to the Negro, the South, and the Nation at war can come of current agitations. "The southern Negro," said Mark Ethridge, editor of the Louisville Courier-Journal, in his now famous statement as a member of the President's Committee on Fair Labor Practices at the hearings in Birmingham last July, "cannot afford to drive from his side, in his march to a greater fulfillment of his rights, the southern white men of good will who have been his chief asset and his chief aid."

That is the statement of Mr. Ethridge in reference to the Negro.

I read further:

Mr. Ethridge said this in prelude to his historic declaration that "there is no power in the world—not even in all the mechanized armies of the earth, Allied and Axis—which could now force the southern white people to the abandonment of the principle of social segregation.

That is true; we would die first.

It is a cruel disillusionment, bearing the germs of strife and perhaps tragedy, for any of their (the Negroes') leaders to tell them that they can expect it, or that they can exact it as the price of their participation in the war.

I am not unaware of the fact that in 19 States and the District of Columbia intermarriage is permitted between the members of the black and white races; but so far as the South is concerned we are not ready for miscegenation or intermarriage between the races.

Earlier in my remarks I referred to a prominent and well-educated Negro from Chicago who came to see me the other day. He said that if the American people knew just what was being discussed on the streets in the Black Belt in Chicago—things that have been placed in the Negroes' minds by the Negrophilists and Negro columnists and politicians—they would be roused to do something about it. He was in Washington trying to do something about it, trying to help remove such false ambitions and hopes from the minds of the Negroes who are not yet prepared for such things and who are not going to be accorded those rights—either in the South or in more than a very few places in the North.

I read further from the statement:

Mr. Ethridge was speaking of a fact. He was passing no judgment, simply stating a truth without recognition of which there can be no practical approach now to the very real problems and needs of the Negro in the South. A New Dealer, a favorite of President Roosevelt for many posts and missions, a publicist criticized in some southern quarters for his championings of the Negro, and a member of the President's Fair Employment Practices Committee, he found it necessary as a man accustomed to getting things accomplished to make this statement of fact.

The writer there refers to Mr. Ethridge.

The article continues:

Much as the statement disappointed some of his liberal friends in other parts of the country and angry as it made the national Negro leaders, it disappointed and angered even more the reactionaries in the South who are looking to gathering racial tensions as a shining chance for discrediting not only the New Deal but the whole liberal position.

Let me digress at this point to make an observation. The scattered Republicans of the South and those who are not pleased with the legislation provided by the New Deal are taking advantage of what is happening here in the pressure for the passage of the bill, and of all these other things, to play upon the feelings of the people of the South, to arouse them and prejudice them against the New Deal, against President Roosevelt, and against all that has been done by the New Deal for the underprivileged of America. Yet when we call their hand and ask them to name any particular legislation of the New Deal, any acts of the New Deal, they are more or less confounded; because it is hard for them to name anything that they dare publicly condemn; but they condemn all of it as a whole, using this coddling and playing to the Negro as an excuse to fight the President and the New Deal.

The race issue is one on which, when once it is hotly enough raised, anybody can beat anybody below the Potomac. To have southern liberals like Mark Ethridge and Virginius Dabney taking forthright stands against agitation for settlement of the whole Negro problem overnight in the face of an enemy across the sea, even as they lead in demands for the Negro's full participation in the industrial and military tasks of the war, has been confusing to the Talmadges of Dixie, to the Fascists, to the Klansmen who are itching so to ride, and to those gentlemen who took it upon themselves recently to use the club on a great Negro singer in Rome, Ga., who had nothing but peace and good will in his heart.

That is the point I have been trying to make all afternoon. As a friend of the Negro, I say that these radicals, offbrands, pinks, organizations, unions, politicians that are trying to force this legislation before we are ripe for it, to force this issue before we have been developed to the point where we are ready for this kind of philosophy, are only furnishing ammunition to the radicals of the South who want to play upon the Negro's prejudice, who want to use this measure for political purposes, who want to use it to defeat the Democratic Party, who want to use it to bring the President of the United States into disfavor and break down the New Deal and all it has done for the unprivileged in America. I want it understood that I am not yet apologizing for anything the New Deal has accomplished. It has made some mistakes, as we all make mistakes, but, on the whole, it is the first time in a century or more that the people, the underprivileged people, have had a break in the affairs and administration of their Government and the laws that are passed by the Congress.

The no-compromise leadership among the Negroes will have none of this fact-facing on segregation, however.

Now, listen:

At the thirty-third annual convention of the National Association for the Advancement of Colored People in Los Angeles last July, Assistant Secretary Roy Wilkins is quoted as vowing there would be no faltering in the all-or-nothing policy: "The issues are clear; the stakes are great; the path is straight; the tensions are tremendous; the pressure crushing. This is our answer to the Ethridges of Kentucky, the Dabneys of Virginia, the Graves of Alabama. This is the watchword that must go forward. We cannot give up the trust." And A. Philip Randolph declared: "It is better to die fighting than to live begging."

That is the real attitude of the Negro leaders as a result of all this "politicking" and coddling of the Negro by negrophilists.

What is it that makes them so determined, these leaders who, in most instances, are perfectly honest in their conviction not only that their race has suffered much and is entitled to much, but also that this is the great time? There is, of course, their quite correct estimate of the difference between the democratic battle cries with which this Nation has gone to war and the want of democracy in many of our practices, especially toward the Negro. There is their correct understanding, too, that the Roosevelt administration, both for political reasons and for genuinely humanitarian ones, is inclined to back any and every proposal now for advancement of the Negro. More basically, there are the not-to-be-disputed facts of suppression, injustice, cheating, and denials practiced against Negroes by whites all over this land, with resultant low standards of living and low chances of improving the standard. There was a very real need of the famous Executive Order No. 8802 against discriminations in wartime industrial jobs. There was need of it not only as a measure for fullest employment of American manpower, but also to protect the Negro against economic hardships resulting from discriminations on the part of both management and labor in war industries, especially in the North.

The issuance of Executive Order No. 8802 is a story worth telling. In the summer of 1941, because of Nation-wide discriminations in war industry jobs and training schools, A. Philip Randolph of the Brotherhood of Sleeping Car Porters called for a Negro march on Washington. With the support of Secretary Walter White, of the National Association for the Advancement of Colored People, he arranged for busses and special trains to bring an estimated 50,000 Negroes to the Capital. This proposed dramatization turned out to be too dramatic. Mrs. Roosevelt asked that the march be called off, and was refused.

When President Roosevelt made the same request he too was refused, until he agreed to issue the order banning discrimination against Negroes in war industries and setting up the Fair Employment Practice Committee, two of whose seven members were to be Negroes.

At this point let me make an observation. This statement proves my contention that the white man understands the Negro in the South and treats him fairly—we have a few scallawags, but I am talking about the great majority—while in the North, where we find for political purposes, the sponsors and advocates of the Negro cause, it becomes necessary for the President to issue the famous Order 8802 in order to break down and do away with discrimination in the industrial plants of the North.

Someone sent Walter White copies of my syndicated southern column criticizing him for the proposed march. "On numerous occasions," he wrote me on July 14, 1941, "we have pleaded with the President to break his silence and to speak out against this discrimination which not only was doing an injustice to the Negro but was definitely jeopardizing our national security through reduction of our productivity by approximately 10 percent.

Mr. CONNALLY. Mr. President, I ask unanimous consent to make a statement about the pending business, and I ask unanimous consent that it not disturb the legislative procedure or interfere with the Senator from Mississippi having the floor.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Is there objection?

Mr. McNARY. Mr. President, what is the nature of the request?

The PRESIDING OFFICER. The request is that the Senator from Mississippi yield in order that the Senator from Texas may make a statement without interfering with the present status of business.

Mr. McNARY. I thank the Chair.

Mr. CONNALLY. Mr. President, these proceedings have been going along for several days. Those of us who have been opposing the bill and opposing taking it up for consideration have been denounced by some of the press and by some of those who are proposing the bill as being obstructionists, as seeking delay, and as interfering with the processes of parliamentary government, and things of that kind.

I want to say, Mr. President, that many of us who are opposed to this bill are just as anxious to dispose of it, and probably more so, than are those who are proposing it. So, speaking for the group that is opposed to this measure, I now propose to the majority leader, the senior Senator from Kentucky, this proposition:

Those of us who are opposing the motion to take up the bill, to consider the bill, will agree to withdraw our opposition to its being brought before the Senate for consideration, with the understanding, however, that those who are proposing the bill shall prepare and take such steps as are necessary to bring about a vote on cloture on Saturday of this week at 1 o'clock; and with the further proviso that if cloture is refused the bill shall be laid aside for this session of the Congress and not be further considered.

Mr. President, I am prompted to make this statement through no desire for any parliamentary or other advantage. I make it in behalf of our group in vindication of the course we have pursued up to this time.

I may say, Mr. President, that, so far as the outbreaks of certain critics are concerned, they will have no effect whatever upon those of us in the minority who are resisting this bill. We have a sufficient number of Senators who are prepared to discuss the measure, we have the parliamentary advantage that the bill has never yet been brought before the Senate, and we can resist through every parliamentary advantage known to the law and known in any of the books purporting to be the law, until the expiration of this session of Congress.

But we do not desire to have the Senate attacked and criticized any more than is necessary. We want to refute the contention of those who say that we are not ready to meet this issue. We are ready to meet it under the proposal I make, that the Senate, under its powers as to cloture, take a vote on cloture next Saturday at 1 o'clock.

It may be said that some of the absent Senators should be notified. Mr. President, they have been notified. They have been notified through the press of the unusual procedures which have been adopted here within the last few days to obtain a quorum. The majority leader announced in one of our sessions that he would instruct the officials of the Senate to notify all absent Senators that they must return to Washington and be here prepared to act on this measure, and to act on all the incidental questions pertaining thereto. There is not a Senator in the United States today who cannot get here by Saturday at 1 o'clock, if he wants to come. The airways are open, the trains are open, the busses are open. So we make that proposal at this time. I make it in the form of a unanimous-consent request.

Mr. BARKLEY. Mr. President, it is not necessarily proper to propose a unanimous-consent request in view of the parliamentary situation. The Senator from Texas, representing the opponents of the bill, now comes forward with a suggestion that they will withdraw opposition to making the bill the unfinished business provided immediately I file a motion for cloture and a vote on the motion at 1 o'clock on Saturday.

I do not know just why Saturday is selected as the day upon which the proposed vote on cloture should be had. I do not wish to rehash any history about what happened last Saturday, but all Senators know of the difficulty we had in securing a quorum last Saturday.

I realize that the prolongation of this filibuster—which it is—is not conducive to the high esteem in which the public should hold the Senate of the United States. It is a regrettable fact, for which the Senate itself is responsible, and has been for 150 years, that all the rules of the Senate, if there are any, and all the precedents, with very rare exceptions, work into the hands of those who seek to obstruct legislation, and there is not a single rule which can be used by those who seek to promote legislation in the face of determined opposition.

I think that is a legislative and parliamentary situation which does not exist in any other legislative body in the world. The Senate has the power to correct the condition, but it has never done so. The only instrument in the rules designed to prevent what has transpired and what is transpiring is the so-called rule on cloture, which has been interpreted to apply only to a measure, and parliamentary presiding officers have interpreted the term "measure" to mean either a bill or a resolution. I do not complain of that interpretation, it is probably correct; but ever that plays into the hands of those who wish to prevent legislation, because it allows unlimited debate on any motion except a motion to table.

Mr. President, I have stated the situation in the Senate due to the Senate's own unwillingness to reform and modernize its own rules, but we have to face that situation whenever there is a determined and organized effort to prevent legislation.

I am willing to grant, for I always try to be frank with the Senate and with the country, that I have received many telegrams and letters asking why I make no effort to apply cloture to the motion to take the bill up or to the point of order now pending, which has been submitted to the Senate. The country does not know, but it should know, that cloture cannot be applied or sought, under the interpretations of the rule, on a motion to proceed to consider a bill. It cannot be applied on the pending question, which is a point of order submitted to the Senate. It cannot be applied until a bill has been made the unfinished business, or has been laid before the Senate on a motion carried by the Senate to proceed to its consideration. So that there is no way by which any Member of the Senate can begin to inaugurate a movement for cloture on the pending question, and when the point of order shall have been disposed of, it will be impossible for any one to file a petition for the closing of debate on the motion itself.

Mr. President, that is due to an unfortunate oversight on the part of the Senate when it adopted the so-called cloture rule, but it is the rule, and we have to abide by it; we have to be governed by it; we are subject to it.

I make this statement because it seems to me the supporters of the bill throughout the country are entitled to understand that until the bill itself shall be taken up for consideration by the Senate, no cloture rule which would close debate can be applied or sought.

Inasmuch as the point of order made by the Senator from Mississippi and submitted to the Senate is debatable, it is conceivable that if a sufficient number of Senators desire to do so, they can talk on the point of order until the Senate shall adjourn automatically on the 3d of January. My motion to take the bill up

would never be reached if a sufficient number of Senators were willing to organize to discuss the matter until the point of order should be disposed of, or until the session should expire by operation of law.

Even when the point of order shall have been disposed of, then the motion will come up for discussion, and if a sufficient number of Senators desire to do so, and organize for that purpose, they can discuss the motion to take the bill up until the 3d day of January. That is undoubtedly true. Whether they would do that I am not saying, but they could do it; they have the power to do it.

I make this explanation because there are many people in the country who do not understand why we cannot shut off debate now on the point of order which is before the Senate, and on the motion to take the bill up.

Mr. President, the Senator from Texas openly in the Senate suggests to me that if we who are for the bill will agree to vote on cloture on Saturday at 1 o'clock the opponents of the bill will withdraw their opposition to making the bill the unfinished business. I am as anxious as is anyone, and I imagine I am more anxious, with justice to everyone in the Senate and out of the Senate, to bring this controversy to a conclusion.

In my judgment the longer it continues before the Senate reaches a point where it can act on the bill and disposes of it, the greater will be the injury done to the dignity and the reputation of the Senate of the United States, and the esteem in which it is held. That is unfortunate at this time, when we are all making a strenuous and tragic effort to maintain parliamentary government in the world, to restore it where it has been abolished, and to maintain it in this country.

I grant that it is the duty of all Senators to be present. That was the position I took last Saturday, which has resulted in so much unfortunate unpleasantness among Members of the Senate, which I regret more than anyone, but which I cannot help.

Granting that Senators should be here, granting that they should have been here last Saturday, granting that they should have been here every day, I think it is fair to those who are not here to give them an opportunity to be present when the question of cloture is voted upon.

Many Senators on both sides of the pending question, and both sides of the aisle, have not returned to the city since the election. I do not know how they would vote on cloture. Whether they would vote for it or against it I do not know. But in an important matter such as the one we are discussing, there should be as full an expression of the Members of the Senate as is possible on a motion for cloture.

I have said privately and I have said publicly here, and I repeat, I feel, and I have felt, that it is my duty to exert whatever parliamentary rights I have to bring this matter to a vote, to the extent of offering a motion for cloture, which I should do if the bill were laid before the Senate. If we cannot obtain cloture, we cannot pass this bill. I know that. Every other Senator knows it. We cannot pass the bill unless we can close debate under what we call cloture. Wether we can obtain cloture at any time is doubtful, to say the least. But, Mr. President, I do not believe I ought to be required on short notice, on Thursday afternoon at 3:30 o'clock, to agree that if the opposition to taking up the bill is withdrawn today, and the bill is made the unfinished business today, we shall vote on cloture at 1 o'clock on Saturday, because that gives those who are absent for any reason less than 48 hours in which to return to Washington.

I do not want to be charged with taking a position which will delay consideration of this matter or final determination of it. I am actuated by my sense of fairness to the Members of the Senate who, for whatever reason, are not now in the Senate and in the city of Washington. They have taken note of the debate here. They have read in the newspapers that there is under way a filibuster, frankly avowed, and that it will be a good while before there will be a vote on anything. They may have been actuated by that situation in not returning to Washington. I think they ought to have an opportunity to be notified that on a day certain, at an hour certain, the motion for closing debate will be voted upon. Then it is for them to determine on that basis whether they shall return to Washington or remain at their homes in their States. If they do not see fit to return, knowing the situation, and having the time to get here after it has been determined that a vote will be had on cloture at a certain hour on a certain day, that is their responsibility.

We certainly would have a quorum here on any day on which we might vote. No one could complain on account of the absence of a quorum. Insofar as I am concerned, and so far as I can speak for those who support the bill, we will abide by the vote on the question of cloture; but I think the Senate ought to have a fair opportunity to pass upon it, and I think Senators who are not here ought to have more than 45 hours, as it is now, to get back to Washington before a vote on cloture is taken.

Therefore, I suggest to the Senator from Texas that, so far as I am concerned—and I will undertake to speak for those who support the bill—whether the opposition to the motion to take up the bill is withdrawn today, or tomorrow, or on Saturday, I would agree, insofar as I can agree, that the motion for cloture be filed early enough that a vote upon it might be had at 1 o'clock p. m. on Tuesday next. I think that is a fair proposition. I think it is fair to all Senators. I do not think we who favor the proposed legislation will have any advantage by reason of that delay. I think of those who are absent, probably as many are against cloture as are for cloture. I do not think the Senator from Texas or his group would lose any advantage by reason of a 2 days' delay, but I believe it would be more fair to Senators who are away, than to undertake to compel a vote on the question day after tomorrow.

Mr. CONNALLY. Mr. President, I, of course, can only construe the proposal of the Senator from Kentucky as a refusal of my proposition to vote on the question Saturday. I appreciate the position of the Senator from Kentucky as to the absentees, but, Mr. President, do not the absentees owe us any duty? Do not the absentees who are at home, playing golf, walking around among their cattle, owe us any duty to be here?

Are we under any obligation to sit here and go through the agony of all this debate—and it is agony, I will say to the Chair and to the Senate, and everyone knows it is. It is no pleasure. Does anyone think we get any enjoyment out of the stress and the strain of discussing what we know involves the very fundamentals of our political life, of our institutions, and of the rights and freedoms and the liberties of our people? Yet we are asked to wait now because some absent Senator is not here. No one knows how he will vote. No one knows whether he is going to come back at all. Yet we must sit here and go into winter quarters.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. Is the Vice President here? Can he sign orders of arrest and get absent Senators back here by Saturday, if it is desired? The Vice President is here, and, as I understand, he is still able to sign his orders of arrest of absent Senators.

Mr. CONNALLY. I assume the Vice President is in town. I will say to the Senator from Tennessee, and I am sure the Senator from Tennessee is well advised of the Vice President's authority, without really asking me about it. [Laughter.]

Mr. McKELLAR. I assure the Senator I am very well advised as to the facility by which orders of arrest can be obtained in this body, and that they can be executed, and that it will not take any longer than Saturday morning to have any Senator here whom it is desired to have here.

Mr. CONNALLY. Mr. President, I have no objection to any absent Senator coming here and casting his vote, but he cannot cast it, as we have observed heretofore, out in Colorado, or Oklahoma, or New Mexico. He must be present in the Senate. He does not have to be present at a meeting of a committee of which he is a member in order to vote, but he has to be present on the floor of the Senate in order to vote.

Mr. President, I will make one final proposal. I propose to the Senator from Kentucky, as the majority leader—and this proposal includes the Senator from Florida [Mr. PEPPER], the Senator from Nebraska [Mr. NORRIS], and all other Senators who are supporting the bill—that we will agree to withdraw opposition to the motion to take up the bill; we will do that today, if necessary, and debate the bill with the distinct understanding that a vote be had on cloture at 1 o'clock on next Monday, and, of course, the

necessary proceedings to secure cloture to be complied with, the signing of the petition and all the necessary legal requirements, and that if the motion for cloture is rejected, or fails, that this bill shall be laid aside, and not thereafter be considered during the present session of the Congress.

Mr. CHANDLER. Mr. President——

Mr. CONNALLY. Just a moment, please. Mr. President, that will give every absent Senator who wants to be here a chance to be here. Those who do not want to be here do not have to come. I do not apprehend that any motion for their arrest will be made, and that they will be brought here under arrest.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The Senator from Texas, of course, is familiar enough with the rules to know that orders for arrest only occur in the absence of a quorum.

Mr. CONNALLY. I grant that.

Mr. BARKLEY. So there is no use of confusing the issue here by saying that we can send out to arrest Senators. When there is a quorum in the Senate we cannot do that.

Mr. CONNALLY. I agree with the Senator from Kentucky on that point. By what I said I was not trying to confuse anyone. What I have in mind is that only those who want to come, will come, and that any Senator who has as much enthusiasm for the bill as some Senators seem to have, would get on an airplane, or ride old Pegasus, or walk, in order to get here in time to vote, if he is concerned with voting.

Mr. President, I do not see why the Senate should go into winter quarters during the Russian winter and wait here on the battleground for Senator Flub-dub, who is not eager enough about the bill to be here. He has been notified through the press of what has been going on. He was notified a few days ago by the majority leader that absent Senators should come to Washington and attend to their business.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I do not know to whom the Senator refers as Senator Flub-dub, unless perchance he might be some one of the newly elected Senators who are coming into the Senate at the beginning of the year. But be that as it may, I am willing to enter into this agreement with the Senator from Texas and with the Senate: If the opposition to the motion to take the bill up is withdrawn now, I will agree to file a motion for cloture, to be voted on at 1 o'clock Monday, so that we can notify absent Senators at once, and give them from now until 1 o'clock Monday to return. I am willing to agree to that proposition.

Mr. CONNALLY. That was not the whole of the proposal. The remainder of the proposal was that if upon such a vote Monday at 1 o'clock cloture was denied, the bill would be definitely laid aside for the session.

Mr. BARKLEY. That agreement ought to be made subject to the condition that if some Senator who has not had an opportunity to express briefly his attitude on the bill wants to do so, he may do so.

Mr. CONNALLY. To make a speech, yes, but I am talking about laying the bill aside.

Mr. BARKLEY. I would say to the Senator that I should myself feel under those circumstances that it was my duty not to press the bill further during the session.

Mr. CONNALLY. Mr. President, I should like to ask the Senator from Kentucky a rather personal question. The Senator says that so far as he is concerned he is willing to enter into such an arrangement. Does the Senator feel that he is authorized to speak for the Senator from Florida [Mr. PEPPER] and the Senator from Nebraska [Mr. NORRIS]?

Mr. BARKLEY. I believe I am.

Mr. CONNALLY. The Senator is aware, of course, that any Senator may make a motion to proceed to the consideration of the bill. I respect the Senator, and I know that he is acting in good faith. Please believe that.

Mr. BARKLEY. I understand that.

There can be no doubt about my position. Last Friday or Saturday—or perhaps it was Monday—I stated that after I should have exhausted all the parliamentary rules which are available to me in an effort to bring the bill up for consideration, even to the point of voting on the question of cloture, if I could not obtain cloture I should feel that that was an expression of the Senate on the question of whether it wished to limit debate; and in such a situation I should not press the bill further. Let me state to the Senator that if cloture is voted down at 1 o'clock next Monday, I shall feel bound as majority leader of the Senate to move to lay the bill aside for the consideration of any other business which may be before the Senate. There will be no difficulty on that score.

Mr. CHANDLER. Mr. President, reserving the right to object, I am not willing to participate in an arrangement under which a Senator who wishes to obtain consideration of a bill is required to agree, in consideration of his being permitted to get his bill before the Senate, to file a petition for cloture. I have observed that no Senator likes to vote for cloture, although some of us will vote for it if we have to do so. Others will not. We are confronted with a proposal to gag the Senate. I am not willing to have any Senator require that another Senator, in order to have his bill brought before the Senate, shall say in advance that he will surrender rights which he has, and agree, whenever it suits the opposition, to have a vote on a petition for cloture, and that, if he is defeated he will withdraw the motion to take up the bill. I am not willing to establish that precedent, so I object to the request of the Senator from Texas.

Mr. BARKLEY. Mr. President, there is no question of unanimous consent pending. I appreciate the attitude of my colleague——

Mr. CHANDLER. I understood that there was a request for unanimous consent.

Mr. BARKLEY. There is no question of unanimous consent pending. The Senator from Texas has proposed that, in order to obtain an expression of the Senate on the question of cloture, if the opposition to making the bill the unfinished business is withdrawn, I shall file a petition for cloture.

That is not a unanimous-consent request. I have stated publicly and privately that I will do so, and I will do it. As soon as possible, and a sufficient time in advance to comply with the rule in order to obtain a vote next Monday, I will file a petition for cloture. I appreciate the attitude of my colleague; but unanimous consent is not required to file a petition for cloture.

Mr. CHANDLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHANDLER. Did not the Senator from Texas propose a unanimous-consent agreement to the Senate?

The PRESIDING OFFICER. That is true.

Mr. CHANDLER. Then, I object to it.

Mr. CONNALLY. Mr. President, one of the conditions of the proposal was that the senior Senator from Kentucky was speaking for the proponents of the bill. In view of the action of the junior Senator from Kentucky, I shall be forced to withdraw the proposal.

Mr. BARKLEY. Mr. President, let me say to my colleague that I do not require unanimous consent in order to file a petition for cloture. I can file it as soon as the bill is made the unfinished business of the Senate. I propose to keep faith with both sides on this question. I have said that I would file such a petition. There is no question of unanimous consent involved. My colleague would not have to agree to anything by way of unanimous consent.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. The Senator from Texas made a request for unanimous consent. I objected to the way in which he made it, because if he can do what he is undertaking to do in connection with this bill, he can do it in connection with any other bill which comes before the Senate.

Mr. BARKLEY. The unanimous-consent feature was entirely superfluous to the proposal of the Senator from Texas.

Mr. McKELLAR. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. As I understand, unanimous consent has been requested, and has been refused. Is that the parliamentary situation?

The PRESIDING OFFICER. The Senator correctly states the parliamentary situation.

Mr. McKELLAR. I demand the regular order.

Mr. BARKLEY. Mr. President——

Mr. McKELLAR. I demand the regular order.

Mr. BARKLEY. The regular order is that the Senator from Mississippi [Mr. BILBO] has yielded——

Mr. McKELLAR. I know that. That is why I am asking that the Senator from Mississippi be allowed to proceed.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. BILBO. Mr. President, when I was unnecessarily interrupted——

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. BILBO. If I may yield without losing the floor, I shall be glad to do so.

Mr. BARKLEY. I would not want the Senator to lose the floor.

In view of the situation which has been precipitated, I think I ought to announce to the Senate that unless the situation changes we will endeavor to have a session of the Senate on Saturday; and I now give notice to the Senate that it is my intention to have a session on Saturday. I give that notice to the supporters of the bill no less than to the opponents.

Mr. BILBO. Mr. President, when unnecessarily interrupted I was attempting to bring to the attention of the Senate the observations of John Temple Graves as bearing upon the situation incident to the pending bill.

The meeting referred to was one between the President, Secretary of the Navy Knox, Under Secretary of War Patterson, A. Philip Randolph, and others.

The first time I urged him to do this was at a conference at the White House last September 25 (1940) at which were present Secretary of the Navy Knox, Under Secretary of War Patterson, A. Philip Randolph, and others. On that occasion and on several others the President gave as a reason for not taking definitive action against this discrimination that "the South would rise up in protest." On several occasions I have said to him "What South are you talking about, Mr. President? The South of BILBO and Cotton ED SMITH, or the South of Frank Graham and Mark Ethridge?" (This was before Mr. Ethridge had faced the facts about segregation and incurred the displeasure of the national Negro leadership.) I assured the President that apparently I had more faith in the inherent decency of Southern white people than he did in that I was certain that at least on an issue like this far more southerners would approve his taking an unequivocal stand than would disapprove. * * * But for 5 months we were given the run-around. Appeal after appeal was made to Washington with little tangible result. Conference after conference was held, and nothing happened. Knudsen of Office of Production Management refused even to meet or discuss discrimination with any Negro delegation.

He is from Missouri.

Discontent and bitterness were growing like wildfire among Negroes all over the country. Communists were trying as usual to capitalize on this. It was only then that Mr. Randolph and several others of us planned the march as a last resort to get some consideration of the plight of the Negro. * * * We are glad that things turned out as they did, though the Executive order does not go nearly as far as the circumstances warrant or the needs of the situation demand."

Unquestionably there was need of Federal interference in the Negro's behalf, and both the Negro and the war effort have been helped.

That is the help which the President gave by the issuance of order No. 8802, which dealt with the industrial plants and had nothing to do with mixing the races in cafeterias and offices in the District of Columbia.

In the great melee of men and goods and money which war production brought about, the Negro was losing his relative economic status quo. With peace jobs eliminated and war jobs denied, he was in danger of being worse off than before in comparison with the white man. During the boom times before 1929 he had been admitted more and more to skilled trades and the training required for them, but in the following days of depression he had lost out—as he generally does.

That is why I have insisted that the Negro will be discriminated against so long as he lives in this country.

There is an old saying which became current at the beginning of the recent panic which started before the Roosevelt administration. It is alleged to have emanated from a Negro in the North. It is to the effect that the Negro was always the last to be hired and the first to be fired.

Representing about 10 percent of the total population, he accounted for about 20 percent of the unemployment during the 1930's. After war production began, the situation grew worse rather than better. Of 29,215 employees at 10 war plants in the New York area only 142 were Negroes.

This ought to be sufficient proof to the Negro that when Republicans promise him anything—as is well known, most of the industrialists are Republicans—their promises are mere scraps of paper, because after the war-production program started, of 29,215 employees at 10 war plants in the New York area, only 142 were Negroes. That is the kind of deal the Republicans give the Negroes.

In 56 plants at St. Louis there was an average of only 3 Negroes to each.

I noticed that that statement was published the other day.

There were practically no provisions for training. But in the year after Executive Order 8802 was issued the situation improved, partly as a result of the increasing manpower needs and partly as a result of the order. The aviation industry, which had less than 300 Negroes in January 1941, had 3,500 in April 1942. The number employed in navy yards increased more than 300 percent.

Liberal southern leadership, especially the liberal press, has applauded these gains and defended against other southerners the Executive order and the Fair Employment Practice Committee which have contributed to them. But southern liberals have tended to draw away from the administration and from the Negro leadership as evidences multiplied of an intent to use the war for breaking down the whole structure of southern race relations.

I have read all the contribution by John Temple Graves. It leads to this one statement—and this is the meat in the coconut:

But southern liberals have tended to draw away from the administration—

From Roosevelt, from the New Deal, from the Democratic Party—

and from the Negro leadership as evidences multiplied of an intent to use the war for breaking down the whole structure of southern race relations.

That is why the southerners are balking at some of the orders that come out of the White House and the orders issued by some of the bureaucrats and politicians in the set-up at Washington; because they are trying to take advantage of the war situation to break down and destroy a creed, a sentiment, a feeling, and a condition which have obtained for 100 years or more—to break them down overnight, and to force upon the South things that would so flagrantly violate the rules of social relationships between the races in the South that we would die before we would submit to what those who are making such attempts or are thinking about making such attempts are trying to do.

I read further from the article:

Editor Virginius Dabney wrote in the Richmond Times-Dispatch—

Remember that Virginius Dabney, along with Graves, is one of those who has been trying to befriend the Negro and help him out—

last April that the National Association for the Advancement of Colored People (and its magazine, The Crisis) had been "responsible for many important and justifiable advances on the part of the Negroes, but the manner in which it has stirred Negro citizens, and particularly Negro soldiers, to demand the complete wiping out of all racial differentiation overnight, is one of the chief reasons why there is such inter-racial tension among us, and why some Negroes are indifferent to America's war effort. * * * So difficult and complex a problem as the race problem cannot be solved in any such abrupt and hasty fashion as the National Association for the Advancement of Colored People seems to desire."

That is true. A great many Negroes in the South are not interested in this war, and they do not want to take any part in it. They go out and hunt a case of syphilis in order to escape it, rather than to take a part in it. The sponsors of this legislation are trying in the name of the war effort to do something that has taken others at least 150 years to do. They are trying to take advantage of the situation, because they think they have the power to cram this constitutional monstrosity down the throats of the people of eight States.

Let us run our own business. The people of other sections of the country may need our aid some day, especially the people who live on the Pacific coast. When the oriental question becomes rather acute, they will need the help of the 140 or 150 Representatives of the Southern States in solving their problems and in saving themselves from the rule of the orientals and from the oriental scourge.

I continue to read from the article:

Against this attitude of the liberal southern white man is the persisting one of northern Negro leaders. Reciting injustices to the Negro "particularly in the Southern States," The Crisis—

That is White's paper, of the N. A. A. C. P.—

declared editorially in March 1941: "The Crisis leaves to its readers the question of

whether there is a great deal of difference between the code for Negroes under Hitler and the code for Negroes under the United States of America—the leading democratic Nation in the world."

That is exactly what the smart, intelligentsia Negro leaders are doing to their race. They are cramming this kind of stuff into the minds of the rank and file of the Negroes; and the Negroes are showing signs of resentment. They are showing signs of revolution. They are showing signs of balking on our united front to win the war.

Let me read again what that Negro, White, says:

The Crisis—

That is his paper—

leaves to its readers the question of whether there is a great deal of difference between the code for Negroes under Hitler and the code for Negroes under the United States of America—the leading democratic nation of the world.

Mr. President, what do you suppose a Negro thinks, and how do you suppose he feels—does he feel like going out and fighting Hitler?—when his leader, Walter White, tells him that he will get just as good a deal under Hitler as he will under the United States of America? The Negroes think, "Then why should we risk our lives for the American Government?" That is what that false leader of the Negro race, Walter White, is doing. He is nothing in the world but a racketeer and a profiteer, racketeering and profiteering off a few misguided white folks and off the members of his own race, living on the fat of the land. That is all he is playing the game for.

Reading further:

Roy Wilkins vowed in Detroit after the Sojourned Truth riots that the Negroes are "fed up with this democracy stuff."

That is another expression by one of their great leaders—

And when an official of the National Association for the Advancement of Colored People, William Pickens, issued a statement praising the Ninety-ninth Pursuit Squadron at Tuskegee, first Negro aviation unit in history, he was officially dropped from the executive board for implied acceptance of segregation.

I want Senators to understand that:

When * * * William Pickens—

One of the officials of Walter White's New York N. A. A. C. P.—

issued a statement praising the Ninety-ninth Pursuit Squadron at Tuskegee—

The Negro school in Alabama—

first Negro aviation unit in history, he was officially dropped from the executive board for implied acceptance of segregation.

In other words, White's position was that he would have nothing to do with Negroes who permitted themselves to be segregated at Tuskegee, a great Negro school in the South, to be trained for service of their country; that they should not have moved a peg or done anything else to get ready to win the war; but that they should be trained together—not isolated, but taken in, all over the United States, and trained side by side with the whites.

That is the spirit and attitude of all the Negro leaders who are behind this piece of legislation. When the rank and file of the Negroes follow their leadership, imbibe their teachings, share their sentiments, and begin to clamor for the recognition and reception of the things which those leaders are putting in their minds, hell is going to break loose in the entire South, and at the same time there will be trouble in the black belt in Chicago, too.

Reading further:

Southern Negro leaders have not made up their minds whether to follow the Southern white liberals or the Northern crusaders for all or nothing.

They want to know. Some of the Negroes want white wives, and some of the Negro girls want white husbands. That is all. That is their dream.

I read further:

But they are for the most part willing, nevertheless, to stress the national need in wartime and the boon of this country to all of its people. "In spite of the immemorial denials of so many democratic blessings to him," wrote President James E. Shepherd, of the North Carolina College for Negroes, in a letter last spring to the St. Louis Post-Dispatch, "the Negro will be loyal because he knows that at our worst he has higher hopes here than any other land will offer him at its best."

That is pretty good.

And President F. D. Patterson, of Tuskegee Institute, has denounced Walter White and the current activities of the National Association for the Advancement of Colored People as definitely harmful to his race.

Thank God we have a few sensible Negro leaders.

"Walter White's ego," he wrote a southern Negro editor last March, "is undermining the effectiveness of the National Association for the Advancement of Colored People. This organization has shown itself to be an effective instrument of protest against injustice in the courts and discriminations which have an implied State and Federal sanction.

We are all against injustices to the Negro.

The decisions it has been able to obtain from the Supreme Court in regard to these have been significant and far-reaching. But in the realm of practical adjustment of Negroes in American life it fails miserably. The very nature of progress is a give and take affair. The extent to which White has been able to get the official ear in Washington has accomplished little because it has been used to protest adjustments short of what he has deemed was complete democratic integration."

That northern Negro leaders are determined to use the war as their shining chance for immediate and all-inclusive elimination of racial distinctions is a matter not in dispute, since they proclaim it. What about the Roosevelt administration?

If there be any one listening to me or any one reading what I am saying, who has reached such a point that he thinks a Negro is as good as a white man, of course, we cannot agree. I have not as yet reached that point. In Philadelphia they have schools where white children go to school with the Negro and sit side by side in the schoolroom, a Negro boy and a white girl on the same bench, with Negro teachers, primary teachers, superintendents of schools. When the true history of that attempt to mix the races in Philadelphia is known to the people generally, there will be a demand that something be done about it. I have some letters in my files received in the last 2 or 3 days describing things that are happening in the Philadelphia schools as the result of this attempt to miscegenate the two races in the schoolroom.

Is it, too, looking in that direction? Throughout most of the South the activities of White—

That is Walter White—

Randolph, and the others are identified with Mrs. Roosevelt and her known position on the race question. What the administration itself has in mind I do not attempt to say, but there is a growing disposition among anti-New Dealers in the South to believe that it follows the First Lady. Governor Frank Dixon, of Alabama, a nephew of Author Tom Dixon ("The Klansman," "The Leopard's Spots," etc.) intensified this point of view last July when he refused to sign a contract with the Defense Supplies Corporation for 1,750,000 yards of cloth to be made by Alabama convicts. He gave as his reason a clause in the contract against race discrimination in performance of the work.

Mr. McNARY. Mr. President, will the able Senator yield to me?

Mr. BILBO. I yield.

Mr. McNARY. I have a letter from Perry Howard, the national committeeman from Mississippi, commenting upon the statement he made before the Judiciary Committee of the Senate and some implications that might be drawn from the remarks of the able Senator from Mississippi who is now enjoying the privilege of the floor. I should like to have the privilege, if I may, of having the letter read.

Mr. BILBO. If it is a request for unanimous consent, I am willing to agree if I will not be taken off the floor.

Mr. McNARY. No, Mr. President; I do not offer the letter for the purpose of removing the Senator from the floor.

Mr. BILBO. If it will not take me off the floor, I shall be delighted to yield.

The PRESIDING OFFICER. Is there objection to the letter being read without disturbing the parliamentary situation on the pending bill?

Mr. McNARY. Mr. President, I thank the Chair. Let me say, in fairness, that, although the Senator from Mississippi is mentioned, there is no implication or any form of characterization of the Senator from Mississippi. It is simply probably a good-natured disagreement.

Mr. BILBO. I am sure the Senator from Oregon would never have such a thing in mind, but there are some on the floor whom I would not trust. I should be glad to have the letter read.

The PRESIDING OFFICER. The Chair hears no objection, and the letter will be read.

The legislative clerk read as follows:

REPUBLICAN NATIONAL COMMITTEE,
November 17, 1942.

Senator CHARLES L. MCNARY,
Minority Leader, Senate Office Building, Washington, D. C.

DEAR SENATOR MCNARY: My attention has been drawn to the remarks of Senator BILBO

on the floor of the Senate on November 13, 1942, while the Senate had before it the motion to take up the bill to abolish the poll tax as a prerequisite to voting in elections of Federal officers. At page 8833 of the CONGRESSIONAL RECORD of that date, Senator BILBO is quoted as having said:

"Perry W. Howard, a distinguished Negro from my State, who practices law in the city of Washington, appeared before the committee. He is a Republican National committeeman from my State. Howard was frank enough to tell the committee that, so far as helping the Negro to vote in Mississippi is concerned, the proposed legislation, which seems to be gnawing at the heart-strings of some of the politicians, would have no effect, and would do the Negro no good. It would not give him the right to vote."

Read in its context this statement implies that I opposed the anti-poll tax bill before the Senate Judiciary Committee. I wish to disavow that implication. A cursory reading of my statement before the Senate Judiciary Committee shows that I uttered no word in opposition to that measure. On the contrary, I sought to have the committee write into the bill additional provisions to make certain that the desired end—the enfranchisement of poor white people and Negroes—would be obtained.

I specifically attacked the arbitrary actions of registration officials, who, under the guise of an educational test, require Negroes seeking to register to read and interpret a section of the Constitution, and asked the committee to amend the bill so as to give to each major political party representation in the matter of registering voters. If each major political party should be given representation at the registration of voters, the representatives of those parties would see that those of their political faith are not arbitrarily excluded from registering, which, like the poll tax, is a prerequisite to voting.

In order that there may be no mistake of my position in this matter, may I state unequivocally that I favor the passage of the Pepper-Geyer bill and the wiping out by congressional action of every device resorted to by Democratic States to disfranchise large segments of the population. I repeat what I told the committee that "a colored man is qualified to vote for his country if he is qualified to fight for it."

If the opportunity presents itself, I shall appreciate your inserting my letter in the CONGRESSIONAL RECORD so that it may receive the same circulation as Senator BILBO's statement.

Yours very truly,

PERRY W. HOWARD.

Mr. BILBO. I am glad to have this contribution from the Republican national committeeman from my State. I will make some observations on his letter when I come to it.

Especially objectionable to southern employers is a practice under which the United States Employment Service is said to permit of no entries indicating race on its cards. Employers who are able to adjust their plant operations to the working of white and colored employees together are confronted with an irreconcilable situation when the Employment Service, which has a monopoly of available new workers, sends them colored stenographers, clerks, or secretaries to be installed in the same offices with white employees.

Here is an attempt of Mrs. Roosevelt and Executive orders and employees and appointees to carry out the policy of forcing a breakdown or destruction of racial relationships in the South. This is done by the bureaucrats, appointees, officeholders by appointment under the authority of Congress, granted in an effort to help win the war; and there is nothing Senators can do about it. But Senators from the South are being blamed for all this monkey business on the part of these appointees and employees, men who could not be elected constable in their home districts if they should run for office; yet they occupy swivel chairs in Washington, and overnight direct a transformation of the social relations of the whole southern portion of the United States, relations which have been in the process of building for a period of 100 years.

The anti-poll-tax bill is merely one wing of the campaign, and I have a very strong suspicion that it was partially conceived at the other end of Pennsylvania Avenue, and not in the executive departments, either.

This practice is the greatest single source of irritation and suspicion in the whole anti-discrimination policy of the administration. For many southerners it constitutes proof that Washington is interested not merely in manpower for the war effort and a fair share of jobs for the Negro but in breaking down race segregation in the South under cover of war. A definite departure is indicatated in Section 5 of a United States Employment Service Bulletin, issued July 1, 1942. This permits the honoring of "discriminatory specifications * * * if the employer refuses to eliminate" them. Governor Dixon criticized in his statement "those who seek to foster their own pet social reforms in a time of national crisis." Jumpy as he may have let himself become on the race issue and hostile as he may be to the administration, he will have company of southerners more liberal than himself if his suspicion that the Administration is using the war to force reforms in this or any other field is correct. More and more there is growing an appreciation of the fact that domestic crusades which mean a division in the face of the enemy are suicidal and that the so-called double V (for victory over enemies abroad and over enemies at home) is really a double X, a double-crossing of hopes for the very arena in which domestic crusades are waged.

Race segregation is an issue which cannot be forced in the South without hate, fear, violence, and a tragic dissipation of energies that belong to the war. Whatever the right and wrong of it, there are too many irreconcilables to make a solution possible now.

Something which the agitators for complete equalities between the races overlook is the vast difference between the Southern situation and that elsewhere. Of the 12,800,000 Negroes in the United States, more than three-fourths are in the South. The "Negro problem" in a State like New York, where Negroes are only 4 percent of the population, is different both in nature and in degree from the problem in Mississippi where Negroes are 49 percent of the population.

In many counties of my State 95 percent of the population are Negroes.

And the differences are multiplied by variations in education, living standards, health, civic responsibility, and law-abiding. In part, it is the southern white man's fault that the southern Negro is less qualified than he might be and should be for the full participation now being demanded. But the fact of that lesser qualification is sure. The kinds of advancement to which he is most entitled and of which he is most in need are those which will qualify him for participation. Most of the agitation for doing away with segregation and all other racial distinctions now comes from States where the percentage of Negroes is small, but the basic problem is in States where the percentage is large. The difference is too often overlooked.

I appreciated the frankness of the Senator from North Dakota [Mr. LANGER] when he said he came from a State where there were no Negroes, and therefore he was not advised about the problem. If all Senators from States where there are not many Negroes and who know nothing of the situation and the problems we have to meet and solve in States where there are such large populations of Negroes would take a similar position they would not be so ready to be led off by the radical politicians who are trying to play the poor Negro for his vote with this kind of fool legislation.

Proportions of Negro to total population—

This will be interesting—

Proportions of Negro to total population

	Percent
Illinois	5
Pennsylvania	5
New York	4
California	2
Ohio	5
Indiana	4
New Jersey	5
Connecticut	1.9
Georgia	35
Alabama	35
Mississippi	49
Louisiana	36
South Carolina	43
North Carolina	27
Virginia	25
Florida	27

Not until the last census did the white population show any excess over the Negro in Mississippi. The Negroes have been in the majority in Mississippi until the last census. Give us a little more time and we will improve that situation.

If individuals and organizations undertaking to lead the Negro were forced to live where most of the Negroes live there might be a much better meeting of minds on the subject.

The most distressing, I might say disgusting, experience is to carry on a conversation with a citizen from a section of the United States where there are no Negroes and where there is no Negro problem, and to hear him tell about how the Negro should be treated and how he should be handled. My sympathy is aroused when I meet such a person because I know it is a case of lack of opportunity to become familiar with the facts. In other words, his position is due to downright ignorance of the problem he discusses.

An argument among those who are proposing that the war be made an occasion for forcing advances for the Negro is that promises of advancement after the other World War were not fulfilled. If the promises were of total elimination of all racial wrongs, discriminations, underprivileges, and economic hardships, they have indeed not been honored. But if they were promises of a progress greater than the race had ever made before and greater than any other group is

making, with a constant more in prospect, there are aspects in which they have been honored in excellent degree.

Some of the Negro leaders do not care how many hospitals we give the Negroes or how many colleges we give them. The only thing in which they are interested is the social relations. They want white wives, they want to sit down at the white man's table, they want to sleep in his bed. They do not care anything about the hospitals or the colleges for the Negroes.

There has been a striking advancement in Negro education; for example, in 1910 about 30 percent of all Negroes were illiterate. Today only about 8 percent are in that classification.

Mississippi is doing all it can to eliminate illiteracy among the Negroes.

There were 64 Negro high schools in 1915, today there are 2,500. There has been advancement in health. Fifty years ago the annual death rate among Negroes in the United States was approximately 33 per thousand. "Heroic improvements in health facilities and modes of living," reports President Edwin R. Embree, of the Julius Rosenwald Fund, "have cut that rate more than in half—to an estimated 14 per thousand. This is still 32 percent above the annual death rate of 10.6 for the United States as a whole, though it compares favorably with the death rates for total populations in all but a few very advanced countries." And it is immensely better than the Negro death rate of about 25 per thousand before the last World War. There has been advancement in organization. The National Association for the Advancement of Colored People has expanded from about 50 local chapters to more than 500.

Walter White is having a big time now. His revenues are copious.

The National Urban League (of Negroes) is organized in 48 cities. The National Negro Congress has 102 chapters. The ranks of organized labor have been opened. In Alabama one-third of the 102,000 Congress of Industrial Organizations members are Negroes. Reflecting the improving lot of the Negro is the Negro press. There are now 230 Negro papers in the country, with a total circulation of 1,406,800. Negro business organizations have also flourished. The North Carolina Mutual Life Insurance Co., largest Negro business in the world, had assets of $476,695 in 1918. Today those assets are $7,222,192. The company's insurance in force has grown in the same period from $16,096,722 to $57,730,690.

That is a southern Negro insurance company.

A very great advance has been in factors represented by the radical decline in lynchings. Careful records of Tuskegee Institute include only two lynchings of Negroes this year.

With the ideas which have been pumped into the Negro's head, and with the Eleanor Clubs throughout the South, I am afraid we shall not be able to show that good a record after the war.

The number has been similarly near to zero for several years. It compares with 64 lynchings in 1918, 80 in 1919, or, going further back, 130 in 1901. Unhappily the number may increase now as a result of the agitations of the white man against the black and the black against the white.

So we may look for more. This will be very gratifying to Walter White, because he thrives wonderfully when he can start his fight for the antilynching bill. If we in the South were left alone we could keep up the record we had before the present situation arose. That situation will afford a great opportunity for Walter White to start his tirade in favor of the antilynching bill again, when, as a matter of fact he and his crowd are responsible for conditions which are increasing lynchings in certain places in the country. If Congress were to pass the antilynching bill it would take a special recorder to keep up with the number of lynchings which would occur in the South. But we cannot convince the Negro agitator who is profiteering from the poor Negro and a few poor deluded white persons.

Another advance has been in the number of leading southern daily newspapers that have championed the Negro. This, in some respects, is the most notable advance of all, for the friendship of the white liberal southerner is the Negro's basic hope in the South.

That is if he is going to stay in the South.

An improving point of view among southern whites toward the Negro was illustrated, too, in the South-wide outcry against Governor Talmadge, of Georgia, when he interfered with his State's higher educational system and raised the race issue in excuse.

The greatest advancement for the Negro—in what it promises even more than in what it has brought about—is his discovery by the Democratic Party.

I think I had better read that last sentence again.

The greatest advancement for the Negro—in what it promises even more than in what it has brought about—is his discovery by the Democratic Party. For the first time in history the Negro vote went to this party in 1932. It went again in 1936 and 1940. Insofar as it represents something near to a balance of power in pivotal States like Illinois, Pennsylvania, Indiana, and Ohio, it may have become now of more value to the Democratic Party than is the vote of the white man in the South.

That is a new idea for Senators to think about, that the Negrophilists of the North, Democrats and Republicans, figure that they can get more votes in the electoral college and make greater progress for their political parties by playing all-out to the Negro and give him social equality and let him marry into white families. That is what the Negro demands. That is his ultimate dream. Perhaps better political progress can be made in that way than for the Democratic Party further to depend upon the solid Democratic South. I am afraid that it might be true of some of those who are sponsoring the proposed legislation that they are willing to sacrifice the solid South, because if they have any political sense they ought to know that they are wrecking the solid Democratic South. They apparently would rather sacrifice the solid Democratic South and make up with the Negroes in other sections of the country.

The Negro may actually exercise more political power in the Nation now than do the white southerners who vote. That is a tremendous fact. Its implications run in many directions and some of them are tragic. In an increasingly political and Federal day the Negro is going to be competed for by both parties in years to come and on a basis of concessions that will bring unprecedented advancement—

For the Negro. The words "for the Negro" are not in the text. I have put them in. The Negro is smart enough to know that. I received a letter from a distinguished lawyer in the South, who had a vision of what is coming to the South by reason of the attempt of the Negro group to force these things on the South, in which he asks that the Congress be gracious enough to grant the South a plebiscite to decide whether we want to continue to do business with a gang which tries to cram that sort of thing down our throats.

The Supreme Court has also discovered the Negro.

I repeat that statement—

The Supreme Court has also discovered the Negro. It has decided against lower court convictions of Negroes where Negroes had been excluded from the jury.

We have no objection to putting the Negro on the jury when a Negro is being tried in the South. A Negro does not have to be put on the jury when a white man is being tried. The fact is that if a Negro is being prosecuted I would rather have a Negro on the jury, because a Negro takes great delight and pleasure in convicting another Negro.

It has ruled that the pay of Negro and white school teachers must be the same, that railroad and other facilities must be equal in quality and service, that equal graduate schools must be made available.

The Supreme Court did not say that a Negro must be allowed in a Pullman car with a white man or white woman. It did not say that the Negro must eat in the same dining room. The Supreme Court said that the Negro must be given equal facilities with the white man, and it is up to the railroads to provide equal facilities.

An interesting result of the decision for equal pay of school teachers, as Jonathan Daniels has pointed out, is that the teaching profession among Negroes tends to be more than ever one of the best paid ones available to the race and to draw, therefore, the best talent of the race, while the same pay for white teachers, representing a low income according to white standards, will continue in its present tendency to discourage talent in school teaching among that race.

Teaching draws the best talent among the Negroes. Negroes are willing to stay in the schools and teach, because by reason of the high standard set for teaching throughout the country, they can get more money at teaching than in other occupations. But the best talent in the schoolroom in the white schools will go out and hunt something else, because white teachers can get more outside the schoolroom than in the schoolroom, by reason of the poor salaries paid to school teachers generally, according to white standards.

Each of these Supreme Court decisions means enormous forward marches and promises for the Negro. But the promise can be spoiled by any sharp aggravation of race relations in a South which seems for the present honestly seeking an adjustment to the decisions.

The poll-tax bill, sponsored by my friend the Senator from Florida [Mr. PEPPER], is one of those sharp aggravations.

The Negro was discovered, too, by the New Deal. Even though some of the measures brought actual hardships on him rather than help during the first years, the whole target was the underprivileged American; and since the Negro is as a class the most underprivileged, it is he who has received most of the benefits and who will profit most from the social and economic measures as they are adapted and systematized in years to come.

The Negro in the South has gloried in the New Deal help to the underprivileged in the W. P. A. The fact of the matter is that the Negro, until the war program came and wages soared to such heights, had quit working in the South and was devoting his attention and time to the W. P. A.

Best of all for him, in the long run, the Negro has been discovered by the economists.

God pity the Negro.

There was a time when, except for his own convenience and the conscience of white men, it made little or no economic difference whether the Negro ate anything or wore anything, was sheltered anywhere or had the comforts and gadgets of civilization. But that was before mass production made mass consuming a practical necessity of a machine age. More and more now the great corporations and business establishments know that the final process in their economic integration is the manufacture of customers. And just as the South as a whole contains, because of its comparative poverty, the great potential customer pool in America, so does the southern Negro, whose economic lot is the lowest, represent the southern purchasing power that offers most to development.

Much of this advancement of the Negro has come about as a result of efforts by the very leaders and organizations that are agitating him now to demand a radical and immediate more in the midst of a war which threatens him most of all Americans. The very hands that have given him so much of this are in danger now of taking it away. If the war is lost or if the peace between white men and black in the South is lost, there will be no advancing, nor any holding of advances made. This war must be won. And the black man in the South, where most black men live, must get on with the white man in the South, no matter what Washington orders or New York demands.

Or, I may add, Pennsylvania.

Segregation in the South is not going to be eliminated.

I repeat that statement—

Segregation in the South is not going to be eliminated. That is a fact to be faced, but it does not preclude a constant improvement in the Negro's side of Jim Crow. Universal suffrage is not going to be granted the Negro in the South now, either, and that, too, is a fact to be faced. But it does not eliminate the Southern process under which more and more Negroes are being permitted to vote.

The poll tax, an institution operating far more against white voting than Negro and preserved considerably more in the interests of those who fear union labor and the tenant farmer than those who fear the black man, must be abolished.

I am one of those who have been urging the abolition of the poll tax in party affairs in my State.

But many southern liberals believe the repeal must be left to the States themselves, that the Federal Government has proved too rough-handed and uncomprehending to settle suffrage problems in the South. It is interesting to note—and pertinent to all that has been written here—that Alabama would in all likelihood have lightened its cumulative poll tax in 1939 but for outside agitation against race segregation. When the Southern Conference for Human Welfare met in Birmingham in the spring of 1938, Frank Dixon had just been elected Governor on a platform calling for reduction to two of the number of years of back payment required under the law. With a legislature completely in his hand at that time he could have brought about the reform if he had put the whole power of his office into the effort. He was prepared to do so. But when some of the Northern Negro leaders, Northern Federal officials, and Communists who composed a part of the Southern Conference for Human Welfare made a scene over race segregation (required by Birmingham city ordinance), there resulted such a flare-up of racial and anti-Communist feeling that the new Governor changed face altogether on his poll-tax promise and made only the most perfunctory request for it when the legislature met.

A real advance, even though small, which the South was about to grant under spur of its own developing liberal impulses, was destroyed by untimely outside agitation for the impossible. And that is what threatens now. The Negro needs much and is promised much but there is no hope for him unless he gets along with the white men of the South.

If the Negro believes that he and his negrophile friends of the North can invade the South and enter into the realms of paradise, according to his dreams, let him try it and find out that there is no gold at the end of the rainbow.

In further support of our position on this question I am pleased to put into the RECORD—I shall take the time to read it, because I have plenty of time—an editorial from the Baltimore Sun of Wednesday, November 18, 1942. The Baltimore Sun is a great metropolitan newspaper of the North, having readers throughout the Nation. Its circulation is 161,517 in the morning, 173,294 in the evening, and 254,412 on Sunday. This is what the Baltimore Sun says:

WE ALL HAVE SOMETHING AT STAKE IN THE POLL-TAX ISSUE

The so-called poll-tax bill now before the Senate involves more than the comparatively simple question whether the eight States which now require the payment of poll taxes as a prerequisite of voting shall be allowed to continue that requirement in force. A still broader and more fundamental question than this is whether the States shall continue to enjoy the power to determine the qualification of their own voters, which our Constitution confers upon them.

The power of the States to say who shall vote, and to regulate the voting procedure, is basic in our Federal system. If the Federal Government, by means of this bill or by any comparable measure, can dictate the qualifications of voters and lay down electoral procedure, the Federal Government can dictate to the States on just about anything over which it may choose to take jurisdiction. And when the Federal Government begins dictating to the States in this way, the end of State sovereignty will be in sight.

In other words, if Congress should establish its power to invade the rights of the States by the passage of the pending fool poll-tax bill, it could pass laws regulating the affairs of people throughout the Nation. It could pass a law requiring all the ladies to wear a certain style of hat, a certain tailored uniform, or use a certain grade of lipstick, rouge, or powder. There is no limit to which it could not go. It could pass a law that no woman should vote. It could pass a law that no red-headed man or woman should vote. It could pass a law that no white-headed man or woman should vote, and that no man should vote after he had reached a certain age. The proposed legislation would be the entering wedge. It would open the flood gates. It would prize open Pandora's box. There would be no end to what could be done. The proponents of this proposition are maneuvering to get a Senate and a House which will do anything that is ordered at the other end of Pennsylvania Avenue.

I continue to read from the editorial:

Let no one make the mistake of thinking that State sovereignty is a mere academic issue. It is a very practical matter affecting the lives of all of us, no matter where we live. Ours is one country of 130,000,000 people. It is also a land of diversified local interests and local customs. Our national unity in those concerns in which national unity is essential depends in no small degree on the maintenance in full force and vigor of institutions which enable us to adapt our laws to the needs and desires of the various regions of which our Nation is made up.

This task of local adaptation has, under our Federal system, been the responsibility of the State governments. They take account of those differences between the people of one section and the people of another, which must be reflected in the laws if the laws are to be observed and enforced. To impair their sovereign powers, as this bill would do, is, therefore, to strike at the roots of our Federal system. Such a change would be as bad for the Central Government as for the States, for if everything were dictated from Washington the structure of the Government there would soon become too top-heavy to function effectively.

Those who are opposing the passage of the bill which would override State poll-tax laws are thus standing on a principle more important than the specific detail of the bill. That principle is an affirmative and sane conception of government. Their filibustering methods may seem objectionable, as filibusters usually are, but the willingness of their opponents to override all the sound principles on which our Federal system was built seems to leave them no other course than the one they have taken.

That is why I have said I would be willing to speak for 30 days, or 60 days if necessary, in order to prevent the passage of this proposed legislation. I believe I have some faint conception of what it means and what its effect would be in the future.

I read the concluding paragraph of the editorial:

As for the specific thing, the poll tax, it is about to be eliminated as a prerequisite in Tennessee, and this by State action. In other States, agitation is under way to get this requirement modified or abolished. It is much better to leave this question to be disposed of in this manner by State action than to attempt to determine it in Washington, at the risk of undermining of the Federal system by the subordination of the States to the Central Government.

A group of bureaucrats on the Potomac would be telling the people in Montana, Alabama, California, and Florida—it would not be so bad on Florida—what to do.

At this juncture, and for the information of the public, I desire to place in the RECORD statistics showing the racial composition of the population of the United States, by States, as established by the last census. I am sure the public will be glad to have the information, because it is very valuable.

The white population of the United States constituted 89.8 percent of the total population on April 1, 1940; the Negroes 9.8 percent, and other races 0.4 percent, Director J. C. Capt of the Bureau of the Census, Department of Commerce, announced today on the basis of final 1940 census tabulations. Changes in the racial composition of the United States population between 1930 and 1940 were negligible. The whites constituted the same proportion of the total population in 1930 as in 1940, the Negroes constituted 9.7 percent of the 1930 population, and other races 0.5 percent. The census returns also show that only 9.7 percent of the whites were foreign born in 1940, as compared with 12.7 percent in 1930.

The immigration laws seem to be doing some good.

Mr. President, I ask unanimous consent that the entire record showing the relative proportions of the different races—the race ratios—be made a part of my remarks at this point.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection——

Mr. GUFFEY. Mr. President, I object. Let the Senator read it if he wants to get it in the RECORD.

Mr. BILBO. Does the Senator object?

Mr. GUFFEY. I do.

Mr. BILBO. Very well. I think the Senator is wise in his objection; because if he will occupy his seat and will let me read the record to him he will know more than he did when I commenced reading.

White population. Between 1930 and 1940 the white population as a whole increased by 7.2 percent, the same proportionate increase as that for the entire population. Native whites increased 10.9 percent, whereas foreign-born whites decreased 18.3 percent.

They seem to be better breeders.

These changes contrast sharply with those of the decade 1920 to 1930, during which the white population as a whole increased 16.3 percent, the native whites 18.7, and the foreign-born whites 2.0 percent.

The 18.3 percent decrease in the foreign-born white population between 1930 and 1940 is in large measure due to the curtailment of foreign immigration during this decade, there having been a net loss through emigration of 47,000 persons. The foreign-born white population has, therefore, not been replenished by new immigrants; and the mortality among its members has been relatively high during this intercensal decade because of the large percentage of old persons in this group. Unless the present quota laws are relaxed—which hardly seems probable—the foreign-born white will have ceased to form a numerically important element of our population within 20 or 30 years.

Negro population: In 1940, Negroes numbered 12,865,518, an increase of 974,375, or 8.2 percent, over the number enumerated in 1930. This rate of increase was only a little greater than that for the total population (7.2) and was considerably lower than the rate of increase for Negroes in the preceding decade—13.6 percent. The regional and divisional patterns of Negro population increase were quite different from those for the total population. In all 3 divisions of the South the Negroes showed a smaller proportional increase than the total population between 1930 and 1940, while in the divisions of the North and West their rates of increase were uniformly greater than those for the total population. The Negro population increased 15.8 percent in the North during the decade just passed, 5.8 percent in the South, and 41.8 percent in the West. These facts indicate that there was a large migration of Negroes during the 1930's from the South to the North and West, probably out of the rural areas in the South to the urban areas of other parts of the country. Over three-fourths of the Negro population (77 percent) still lived in the South in 1940, but this represents a slight decrease from the proportion of 78.7 in 1930. The North had 21.7 percent of the total Negro population in 1940, as compared with 20.3 percent in 1930, and the West had 1.3 in 1940, as compared with 1.0 in 1930.

Other nonwhite races: There were 333,969 Indians enumerated in the United States in 1940, mainly concentrated in the West North Central, West South Central, Mountain, and Pacific States. This number represents an increase of five-tenths of 1 percent over the number enumerated in 1930, which was 332,397. The Indian population enumerated by the Census Bureau is somewhat smaller than that reported by the Office of Indian Affairs on the basis of their registration records. Because of differences in definitions used by the two agencies and differences in methods of collecting the statistics, it is quite probable that many persons classified as Indian by the Office of Indian Affairs are returned by census enumerators as Negro or white.

The Asiatic races—Chinese, Japanese, Filipino, Korean, and Hindu—were concentrated mainly in the West, 76 percent of them living in the three Pacific Coast States, Washington, Oregon, California.

The idea of a Senator from any of those three States lining up against the wishes of the solid South! The Pacific Coast States are going to have trouble of their own, and they will need help.

I resume the reading:

Of these five races, only the Chinese and Filipinos increased their numbers, the Chinese showing a gain of 3.4 percent, and the Filipinos an increase of 0.8 percent. The other three races decreased, the Japanese by 8.6 percent, the Hindus by 23.2 percent, and the Koreans by 8 percent. Members of other nonwhite races than those already discussed—Hawaiians, Samoans, Siamese, etc., numbered 788, as compared with 780 in 1930.

Table 1 shows the population of the United States by race, with nativity for the whites, for 1940 and 1930, and the amount and percent of increase or decrease. Table 2 presents the racial distribution for 1940 by regions, divisions, and States.

Table 1: Population by race, for the United States: 1940 and 1930

I will state what the table sets forth:

All classes of races: 131,669,275, in 1940; in 1930, 122,775,046; or an increase of 8,894,229, or 7.2 percent.

The white population of the United States was 118,214,870 in 1940. In 1930 we had a white population of 110,286,740. The increase is 7,928,130, or 7.2 percent.

Native whites: In 1940, 106,795,732; in 1930, 96,303,335; or an increase of, 10-492,397, or 10.9 percent.

Foreign-born whites: In 1940, 11,419,-138; in 1930, 13,983,405; or a decrease—represented by the minus sign—of 2,564,-267. That was a decrease of 18.3 percent for the white foreign-born population.

Negroes: In 1940 there were 12,865,518 Negroes. In 1930 there were 11,891,143 Negroes—or an increase of 974,375, or 8.2 percent, during the decade.

Other races: 588,887 in 1940; 597,163 in 1930—a decrease of 8,276. The decrease was 1.4 percent.

Indians: In 1940 there were 333,969 Indians; in 1930 there were 332,397 Indians—or an increase of 1,572 or 0.5 percent.

Chinese: In 1940 there were in the United States 77,504 Chinese. In 1930 there were 74,954. There was an increase of 2,550, and the percentage increase is 3.4.

Japanese: In 1940, according to the census, there were 126,947 Japanese, and in 1930, 138,834, showing a loss of 11,887, or 8.6 percent.

Filipinos: There were 45,563 in 1940, and 45,208 in 1930, an increase of 355, or only eight-tenths of 1 percent.

Hindus: There were 2,405 in 1940, and 3,130 in 1930, showing a decrease of 725, or 23.2 percent.

Koreans: There were 1,711 in 1940, and in 1930 1,860, a decrease of 149, or 8 percent.

Of all other races there were 788 in 1940, 780 in 1930, an increase of 8, or 1 percent.

Mr. President, that shows the population of the various races in the United States, indicating their increase and decrease during the decade 1930 to 1940.

Now I come to a most interesting part of this tabulation, which I think the people of the country should have before them, so they will know just how many whites and how many Negroes there are in the various States. Then they will be in a better position to judge the attitude of some Members of Congress. All this agitation is about the Negro and for the Negro. The white man never was thought of in its inception or in its prosecution.

I shall begin with the State of Maine. Of all classes Maine has a population of 847,226. Total white population, 844,543. Native-born, 760,902. Foreign-born, 83,-641. There are 1,304 Negroes in the State of Maine. The total of all other races is 1,379.

In New Hampshire there is a total population of all classes of 491,524. White race, 490,989. Native-born whites, 422,693. Foreign-born, 68,296. The Negroes in the State of New Hampshire number 414. Total of other races, 121.

In Vermont of all classes there are 359,-231 people. The white total is 358,806. Native white, 327,079. Foreign-born, only 31,727. Negroes, 384, in the whole State of Vermont. There are 41 of miscellaneous races.

In Massachusetts there is a total population of 4,316,721. Total white, 4,257,-596. Native-born, 3,408,744. Foreign-born, 848,852. The Negro population, I am surprised to find, is only 55,391. Other races number 3,734.

In Rhode Island the population of all classes is 713,346. Total white, 701,805.

Native whites, 564,021. Foreign-born, 137,784. There are 11,024 Negroes, and 517 of other races.

In Connecticut the population of all races is 1,709,242. The whites number 1,675,407. Native-born, 1,347,466. Foreign-born, 327,941. Negroes, 32,992. All other races, 843.

Mr. President, that shows the distribution of the Negro and white populations of the New England States.

Now I come to the Mid-Atlantic States. New York's total population of all classes is 13,479,142. Total white population, 12,879,546. Native whites, 10,026,016. Foreign born, 2,853,530. I wish to repeat that. The foreign-born population of New York State is 2,853,530. That is where all this monkey business is coming from. There are 571,221 Negroes. There are 28,375 of other races.

In New Jersey the total population of all classes is 4,160,165. Total white population, 3,931,087. Native white population, 3,235,277. Foreign born, 695,810. The Negroes in New Jersey number 226,973. All other races, 2,105.

Pennsylvania: Total population, 9,900,180. Total white, 9,426,989. Total native white, 8,453,729. Total foreign-born white, 973,260. Total Negro, 470,172. Total of other races, 3,019.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. OVERTON. In view of the comparison of figures of population, and the break-down between whites and Negroes in the State of New York and the State of Pennsylvania, I am at a loss to understand why it is that the able Senator from Mississippi says that all this "monkey business" is coming out of the State of New York. Is it possible that the State of Pennsylvania has nothing whatsoever to do with it?

Mr. BILBO. It is stopped on its way to Washington and refined in Pennsylvania. [Laughter.]

Mr. OVERTON. I thank the Senator.

Mr. BILBO. The east North Central States. Ohio has an enormous population. Total population, all classes, 6,907,612. Total white, 6,566,531. Total white native, 6,047,265. Total white foreign born, 519,266. Total Negro, 339,461. I will have to modify my statement in regard to what is coming out of New York and Pennsylvania. Total of other races, 1,620.

Indiana has a total population of 3,427,796. Total white, 3,305,323. Total native white, 3,194,692. Total white foreign born, 110,631. Total Negro, 121,906. Total of other races, 557.

Illinois: Total of all classes, 7,987,241. Total white, 7,504,202. Total white native, 6,534,829. Total white foreign born, 969,373. Total Negroes, 387,446. Total of other races, 5,593.

Michigan: Total all classes, 5,256,106. Total white 5,039,643. Total white native, 4,356,613. Total white foreign born, 683,030. Total Negroes, 208,346. Total all other races, 8,118.

Wisconsin: Here we will uncover something. All classes, 3,137,587. Total white, 3,112,752. Total white native, 2,823,978. Total white foreign born, 288,774. Total Negroes, 12,158. Total other races, 12,677. In other words, there are 12,000 Negroes out of 3,000,000 persons in Wisconsin.

That concludes the distribution of the white native and white foreign-born and Negro population in the east North-Central States.

Mr. President, I shall be detained for some considerable time in stating for the RECORD the figures with respect to populations, over the objection of my good friend, the Senator from Pennsylvania [Mr. GUFFEY]. I will say to the majority leader that I am ready to continue, but if he wishes to suspend for the day—it is now 5:15 p. m.—I am perfectly willing to yield the floor, if I may regain it on the Senate convening tomorrow. I presume the majority leader will move that the Senate recess.

Mr. BARKLEY. I have, of course, no objection to the Senator from Mississippi retaining the floor. I realize that he has not delivered more than four-fifths of his speech, and I do not want the RECORD or the country to be deprived of the other one-fifth of it. Therefore I am willing to agree that the Senator be recognized tomorrow.

Mr. BILBO. I yield with the understanding that I shall be recognized by unanimous consent on the convening of the Senate tomorrow to continue my speech.

DEFERMENT OF GOVERNMENT EMPLOYEES FROM MILITARY SERVICE

During the delivery of Mr. BILBO's speech,

Mr. TYDINGS. Mr. President, will the Senator from Mississippi yield for a question?

Mr. BILBO. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator—I do not want to take him off the floor—how long he thinks he will speak? I ask that question for the reason that I have just received from the Selective Service System a report on the men in Government service who have been deferred from the draft because of occupation. I am very anxious to submit the report to the Senate and to make some comments thereon; but I do not want to interrupt the Senator unless he is willing to be interrupted.

That leads me to ask the Senator another question: Would he object, unless he desires to continue now, to having the Senator from Maryland ask unanimous consent to proceed for 15 minutes so that he might present the report, provided that the Senator from Mississippi would not lose the floor by so doing?

Mr. BILBO. I always try to accommodate my colleagues, especially the Senator from Maryland. If he can obtain unanimous consent, I shall yield.

Mr. TYDINGS. I thank the Senator.

Mr. President, I ask unanimous consent that the Senator from Maryland may have the floor for 15 minutes, and that at the conclusion of that time the floor be returned to the Senator from Mississippi, so that the parliamentary situation will not change, and the Senator from Mississippi will then have the floor.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Is there objection to the request of the Senator from Maryland? The Chair hears none, and the Senator's request is granted.

Mr. TYDINGS. I thank the Senator from Mississippi.

Mr. BILBO. I am glad to yield.

Mr. TYDINGS. Mr. President, the Senate will recall that about a year ago a subcommittee composed of the Senator from Nevada [Mr. MCCARRAN], the Senator from Oregon [Mr. HOLMAN], and the Senator from Maryland, who is speaking, was constituted to make certain inquiries into Government procedure. In the course of those inquiries we went into the question of deferment from the draft of persons in the Government service who otherwise would be subject to the draft.

Therefore, in the questionnaire submitted to the various Government bureaus and departments we asked for a statement as to the number of persons who had requested deferment from military service. The questionnaires were returned. They showed that up to that time approximately 6,000 persons in the special agencies examined in the Government services had been deferred from military service. A further examination of the facts adduced by the questionnaires disclosed that a great many of the deferments, sometimes on the ground that the persons concerned were indispensable, were of men who were under 26 years of age. That fact elicited the curiosity of the committee as to how young men who were 26 years of age could be so indispensable to the Federal Government that the Government could not spare them to serve the Nation during the war.

As a result of our examination into the facts, we asked General Hershey to review some 800 or 900 cases which seemed to us to be at least worthy of reexamination, to say the least. We did not give the names of the individuals concerned to the newspapers at the time, because to do so might throw on an individual who had been properly deferred a stigma which, when the facts were adduced showing that his deferment was justified, he would never be able to remove. For that reason I shall not state any of the names involved in the 900 or so special cases into which General Hershey's staff made an examination.

However, in summary, we find that 42.41 percent of those who were originally deferred are not now deferred. In other words, nearly half the deferred persons whose cases we requested General Hershey to examine have since had the deferment lifted or erased, and they are now avalable for military service.

Another 14 percent had deferments which expired automatically. Those deferments were for a limited time only. This leaves about 44 percent of the persons involved in the original 900 special cases as even yet deferred. Some 60 of those have been deferred because of dependency, which is proper, assuming that there is dependency. The remaining 323 have occupational deferments.

Without attempting to pass on the individual cases of the 323 who still remain in the deferred class, I find by consulting the table that a great many of those gentlemen are very young men.

That fact brings up the question as to whether the Government policy of deferment is too liberal.

For example, in the Department of Agriculture we find that there is a young man who is an engineer aide. He is 29 years old, is single, and is in classification II–B. Here is another one: He is a junior chemist, and is only 23 years old. He is single, and is in classification II–A. Here is another one, a young man 28 years of age, single, who is an assistant scientific aide. He is in classification II–B. Here is one 25 years old, an associate engineer, single, and yet he is classified as II–B. Here is a junior chemist who was 24 years old, and single. He was in class II–A. Only recently has his deferment expired.

What I have just cited could be duplicated many times by reference to the sheets which I have before me. I do not care to take time to read them all.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Tennessee.

Mr. STEWART. I understood the Senator's committee to have reported some time ago that there were supposed to be about 6,000 instances of Government employees in the District of Columbia, I believe, who had been exempted.

Mr. TYDINGS. They were mostly, I think, in the District.

Mr. STEWART. Comment in the morning papers—I believe an editorial in the Washington Post of this morning—refers to the suggestion as to there being 6,000, and states that the number, very likely, is nearer 25,000. I should like to ask the Senator whether that is correct?

Mr. TYDINGS. The Senator will recall that the committee of which the Senator from Maryland was chairman made only a limited inquiry into those connected with various governmental functions. It did not primarily go into the Navy Department or the War Department and various other agencies that were actively engaged in the war effort because the primary purpose of our inquiry was to find where personnel could be transferred from nonwar effort to war effort. Therefore we did not go into the agencies such as the War Department and in the Navy Department having to do primarily with the war effort. I cannot answer accurately the question of the Senator from Tennessee, but I can say that the 6,000 cases we had called to our attention were not by any means all the deferred cases in the Government service. Whether the figure 25,000 is correct, I do not know, but I do know that the figure 6,000 is away below the total number of deferred Government employees.

Mr. McKELLAR and Mr. MAYBANK addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield; and if so, to whom?

Mr. TYDINGS. I yield first to the Senator from Tennessee, but I hope the interruption will not be prolonged.

Mr. McKELLAR. I desire to ask the Senator a question. Did his investigation disclose how many deferred employees of the Government in Washington were between the ages of 20 and 30 years? I see innumerable numbers of young men working for the Government between those ages, and I understand that they are deferred from military duty. I am wondering, first, how many there are, if the Senator has any figures, and whether they go before the draft boards here or the draft boards at their own homes in order to obtain deferment?

Mr. TYDINGS. As I said at the beginning of my remarks, there were about a thousand cases of young men who were under 26 years of age to whom the committee especially directed its attention upon the theory that if these young men were single and were under 26 years of age they would almost have to be in the category of geniuses to be doing work indispensable to the Government's conduct of the war in order to be entitled to obtain occupational deferment. There were about a thousand of those cases.

After the light of publicity had been turned on this matter, all of them have since had their deferment either expire or have had it reconsidered, and they are now available for service, with the exception of about 323, and I was just reading what some of the 323 men are doing.

I do not want to use my time by reading all the names, but, for example, here is another one, a man who is 26 years old, employed as an assistant technologist; he is single, and is in category II–B.

Here is a young man, who is 26 and single, who was a senior engineer and draftsman, who is in II–B.

Here is a young man, a smoke jumper, rigger, whatever that may be, who is single and 26, who is in III–A.

Here is another man who is 28, single, and an assistant chemical engineer, who is in II–B.

So there are still in the Government service a great many cases of comparatively young men and single who are deferred.

General Hershey says he believes in a majority of these remaining cases the grounds of deferment as considered by the local boards seem to be warranted, and there has been a stricter application of the rules permitting deferment now than was the case a year ago.

So we are in the process gradually of clearing up a great many of what appear to be unjustifiable deferments.

Mr. McKELLAR. Mr. President, I know from the facts appearing before the Appropriations Committee that there are thousands of young men here engaged in research. Can the Senator, from his examination, say whether, under the rules, the fact that a man is engaged in research work is a ground for deferment?

Mr. TYDINGS. It would depend upon what kind of research work the man was engaged in. In order to answer indirectly the Senator's question, let me point out that a great many of these deferments are in the Department of Agriculture; a great many of them are in the Department of Justice; they are pretty well scatterd throughout the Government service. There are 140, I believe, in the Tennessee Valley Authority——

Mr. McKELLAR. Under the new rules is the Tennessee Valley Authority considered to be a war agency so that all young men of military age working for it are allowed to be deferred? If it is, we should change the law.

Mr. TYDINGS. In the short table I have here, which I am trying to interpret accurately, 140 in the Tennessee Valley Authority had occupational deferment. That means that there was an extremely large number in that one authority.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. TYDINGS. I shall be glad to yield in a moment. The point is that there is no doubt, from this very brief examination into the deferment situation, that there is apparently a lack of uniformity throughout the country as to when a man can be and cannot be deferred because of his occupation. Then, too, there has been too much of a liberal attitude toward occupational deferments of men who could, in my judgment, readily be replaced.

I think that those two observations are sound, and I believe that the conditions which they encompass are being, to a large extent, corrected from day to day.

I have great confidence in General Hershey and in the staff under him. I think they are trying to do an impartial and a fair job. It is not the staff in Washington which has permitted this situation to exist, but rather it is the local boards throughout the country. I know that General Hershey's forces are to a greater and greater extent sending word to the local boards telling them just when a Government employee should be deferred and when he should not be deferred, whereas heretofore they have had very few yardsticks to guide them. So, there is that to be said in explanation of the matter; but the fact remains that employment under the National Government has been too much of a haven for young men who are qualified for military service and whose services rendered to the National Government are not indispensable and are not irreplaceable.

I now yield to the Senator from South Carolina.

Mr. MAYBANK. Mr. President, I should like to ask the consent of the Senator and of the Senate, in keeping with this discussion, to have printed at this point an editorial entitled "Federal Deferments," which brings out the fact that there are some 25,000 now who are dodging the draft, as the Senator has so ably set forth.

Mr. TYDINGS. I should be glad to have the editorial printed in the RECORD.

The PRESIDING OFFICER (Mr. STEWART in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERAL DEFERMENTS

The President's order canceling the draft deferment of all Government employees except those "who by reason of unique experience are really irreplaceable" was long overdue. Some of the Federal agencies have consistently and wisely refused to seek deferment for employees. But there has nevertheless been palpable circumvention, on a very considerable scale, of selective service. Particular care ought to have been taken not to allow this to happen. For it has served

to aggravate public resentment over the way in which Government agencies have handled other aspects of their own manpower problem. The Presidential order will at least facilitate the prompt reclassification of those Federal workers who should be subject to the same process of selection that applies to nonessential workers in private industry.

There is, apparently, no reliable over-all estimate of the number of Government workers who now have a deferred status. Senator TYDINGS asserted last June that the total was in the neighborhood of 6,000 persons, and his estimate has since been raised, on good authority, to 25,000. Assuming this to be no more than a very rough approximation, it is clear that the Presidential order incidentally constitutes the merest beginning in the business of efficient utilization of manpower in the Federal agencies. Repeated charges, in Congress and outside of it, that the Government is the chief waster of labor have been too well substantiated to warrant further delay in reappraising Federal employment requirements and in seeking to place workers in jobs for which they are best qualified.

Mr. TYDINGS. Mr. President, a day or two ago President Roosevelt issued an order, I understand, forbidding hereafter occupational deferments in the Government service, and I think the President acted wisely and fairly when he issued that order. However, I cannot escape the belief that the facts which our committee adduced formed the basis of the record of improper deferments which caused the President to take this action.

I do not believe that the issuance of that mere order, or the facts which I have presented here, which have been covered by the Selective Service System in their various examinations into these cases, have cleared up the matter by a great deal. I think there are still in the Government service a great many men who are improperly deferred, who should not be deferred, and I am hopeful that General Hershey will continue his investigations until all men who are improperly deferred are made available for military service.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from General Hershey to me dealing with the subject I have been discussing.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL HEADQUARTERS,
SELECTIVE SERVICE SYSTEM,
Washington, D. C., November 17, 1942.

Hon. MILLARD E. TYDINGS,
Chairman, Subcommittee on Inquiry in re Transfer of Employees Under Senate Resolution 223, Committee on Appropriations, United States Senate.

Subject: Final Report on Investigation of Selective Service Classifications of Certain Federal Employees.

DEAR MR. CHAIRMAN: Under date of June 16, 1942, you transmitted to this headquarters a list of certain governmental employees who were registered under the Selective Training and Service Act of 1940, with the request that investigation be made with regard to their classification.

From time to time during the investigation I have reported to you certain developments which have arisen, which would give you preliminary information on the progress of the investigation.

This investigation has now been completed, and I am attaching herewith the full report, showing the classification presently assigned to the registrants, together with other pertinent information which has been obtained.

In conducting this investigation, contact was first made with the governmental agencies concerned, and information obtained which would primarily indicate the reason or basis for the claim made by the agency for the deferment of the registrant. In addition, the agency was requested to furnish certain other information which would be of value.

Upon the completion of this investigation, this headquarters undertook to obtain from the local boards having jurisdiction over the registrants, through the State directors, a check on the information furnished by the governmental agency, together with the reason for granting the request. This thorough investigation necessarily required a considerable length of time, but was deemed advisable in order that the report should be as complete as possible. Both the governmental agencies and the local boards displayed a high degree of cooperativeness in furnishing the information required.

I have had the results of this investigation broken down by classifications within the Selective Service System as they relate to the individual agency, and am attaching herewith this information.

In reviewing this tabulation, it is interesting to note that the report for the subcommittee shows 42.45 percent of all registrants investigated are not deferred. The registrants in this group are either in class I-A (available for military service); class I-C (member of land or naval forces of United States); IV-E (available for work of national importance; conscientious objector); or IV-F (mentally, morally, or physically unfit). The national average for these same classes is 27.4 percent.

In addition to this figure of 42.45 percent, a large majority of the 14.8 percent shown under occupational deferments which have expired and whose classification is still pending, will undoubtedly be classified in class I-A, as immediately available for military service. If this entire group were reclassified in class I-A, this would then show a total of 57.25 percent, or better than half of these registrants presently not in a deferred classification.

The information which has been collected in each individual case is, of course, on file in this headquarters for your further examination, in the event any individual questions arise, and I should be very pleased to furnish any further information you wish.

It is hoped this information will prove satisfactory to your subcommittee, and I wish at this time to express my thanks for the cooperation of your subcommittee in calling these matters to my attention, and for your complete understanding of all matters pertaining to the Selective Service System.

Sincerely yours,

LEWIS B. HERSHEY,
Director.

Mr. BILBO. Mr. President, I ask unanimous consent that the matter presented by the Senator from Maryland [Mr. TYDINGS] and the other proceedings be placed in the RECORD after the conclusion of my speech so that there will be no break in what I have to say.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE BUSINESS

After the conclusion of Mr. BILBO's speech for the day,

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Chair is informed that there are certain matters of routine business on the desk which should be properly referred and disposed of. Is there objection to the reference of a bill and the receipt of and appropriate action on other routine matters? The Chair hears no objection, and it is so ordered.

(The matters referred to appear elsewhere in the RECORD under the appropriate headings.)

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GREEN, from the Committee on Foreign Relations:

Sundry persons for promotion in the Foreign Service of the United States.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER (Mr. SPENCER in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Edward Burns Parker to be United States attorney for the middle district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Ira Lamar Morgan to be United States marshal for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the Navy nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Friday, November 20, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19 (legislative day of Tuesday, November 17), 1942:

THE JUDICIARY

UNITED STATES ATTORNEYS

Edward Burns Parker to be United States attorney for the middle district of Alabama.

UNITED STATES MARSHAL

Ira Lamar Morgan to be United States marshal for the northern district of Mississippi.

IN THE ARMY

APPOINTMENT IN THE REGULAR ARMY

To be second lieutenant, Coast Artillery Corps

Grant Renne, Jr.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

To Finance Department

Maj. Hilton Edward Heineke.

To Corps of Engineers

Second Lt. Francis Joseph Crown.

To Ordnance Department

First Lt. Donald Max Simpson.
Second Lt. Charles Richard Petticrew.
Second Lt. Charles Douglas Yelverton Ostrom, Jr.

To Chemical Warfare Service

Second Lt. Thomas Eugene Watson, Jr.

To Air Corps

First Lt. John Porter Tomhave.

PROMOTIONS IN THE REGULAR ARMY

To be colonels, to rank from November 1, 1942

Woodfin Grady Jones, colonel, Infantry.
James Merriam Moore, colonel, Infantry.
James Patrick Hogan, colonel, Coast Artillery Corps.
Paul Clarence Paschal, colonel, Infantry.
Gooding Packard, colonel, Coast Artillery Corps.
Francis Marion Brannan, colonel, Infantry.
Adam Empie Potts, colonel, Coast Artillery Corps.
William Rutledge Orton, colonel, Infantry.

IN THE NAVY

APPOINTMENTS

To be assistant surgeons, with rank of lieutenant (junior grade)

Donald N. Twaddell	Charles M. Grace
William B. Harkins	John H. Wigton
Robert E. Coker	John R. Seal
John E. Moss	Raymond N. Olson
Arthur B. Bradsher, Jr.	Franklin B. Wilkins
John C. Meyer	Arthur R. Payzant
Albert C. Kelly	Byron E. Bassham
Edmund N. Ervin	John W Flaiz
Abram S. Kinne	Jean E. Neighbor
Sherman M. Peabody	Alvin B. Hayles
Angus M. Brooks	Daniel R. Kohli
Ralph Fred Allen	Edward W. Kloth
Thomas H. Harvill	Joseph R. Connelly
William S. Credle	Erwood G. Edgar
Solomon Barnett Goldman	James K. Norman
	William C. Mulry
Richard H. Driscoll	Lloyd A. Stirrett
John D. Langston	Pierre F. LaBorde, Jr.
Arthur N. Kelly	Joseph L. Nielson, Jr.
William G. Paine	Leo S. Madlem, Jr.
John F. Geraghty	Elmer R. King
Elmer E. Hinton	James E. Kelly
John H. Gifford	Robert L. Bailey
Don J. Weekes	Henry R. Ennis
Louis A. Ensenat	Paul Reed
J. Robert Close	William E. Steiner
Jack R. Bostwick	George A. Vail
Moffitt K. Holler	Stuart A Patterson
Walter H. Johnson	Harry R. Rowe
Richard L. Merkel	

POSTMASTERS

CALIFORNIA

Lillian I. Webb, Fair Oaks.

FLORIDA

Cecil C. Smoak, Deerfield Beach.

GEORGIA

Esther D. Martin, Broxton.

ILLINOIS

Erwin J. Mahlandt, Breese.
Budd L. Kellogg, Downes Grove.
Eulalie E. Mase, Forreston.
John P. Hook, Fulton.
DeCourcy Lloyd, Glencoe.
William I. Tyler, Granville.
Porter J. Campbell, Hardin.
Oliver P. Dickson, Homer.
George H. Wales, Lanark.
Carl E. Saur, Malta.
Ruth A. Tilford, Mansfield.
O. Cammie Seeders, Palestine.
David W. Leigh, Ramsey.
Marcus M. Wilber, Sorento.
William Hubert Darby, Tampico.
Curtis E. Veach, Valier.
Grove Harrison, Viola.
Floyd E. Madden, Willow Hill.

KANSAS

Tillman W. Floyd, Ashland.
James D. Egbert, Cimarron.
Asa I. Cox, Colony.
Stephen E. Murray, Jamestown.
Lafranier M. Herrington, Kanopolis.
Lee Calvin, La Cygne.
Axel A. Peterson, La Harpe.
Francis G. Burford, Longton.
Elizabeth Mansfield, Lucas.
Noah D. Ziegler, Oakley.
Cecil C. Pember, Olathe.
Lovisa J. Peacock, Protection.
Robert R. Morgan, Rexford.
Leigh D. Dowling, St. Francis.
Harry F. Geistfeld, Washington.
James A. Hanks, Wetmore.
Paul L. Turgeon, Wilson.

KENTUCKY

Watson G. Holbrook, Whitesburg.

MICHIGAN

Melvin B. Mills, Benzonia.

MISSISSIPPI

Fletcher H. Womack, Crenshaw.
Woodard M. Herring, Inverness.
Frances G. Wimberly, Jonestown.
Bettie S. McLeod, Kreole.
Florence Churchwell, Leakesville.
Viva H. McInnis, Rosedale.
Beall A. Brock, West.

MISSOURI

Floyd L. Decker, Crocker.
Wilbur S. Scott, Deepwater.
Anvil A. Lewis, Eminence.
James P. Moore, Liberal.
Verne H. Gracey, Reeds Spring.
James E. Ferguson, Williamsville.
Frederick L. Stafford, Windsor.

NEW YORK

Gerald Aldrich, Bemus Point.
Mildred E. Brown, Bliss.
Michael G. Gaffney, Clinton.
Mary I. Callahan, Deferiet.
Walter S. Blade, Delanson.
Clayton I. Burch, Earlville.
Emily C. Stevens, Eldred.
Eugene E. Towell, Fillmore.
Louis C. Donovan, Mount Morris.
Dennis A. Shannon, New York Mills.
Clarence A. Chamberlain, Orangeburg.

NORTH DAKOTA

Ronald Keeley, Hazen.

TEXAS

Rufus F. Stanley, Brownwood.

WYOMING

Minnie C. Corum, Encampment.

HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 19, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, as falsehood and deception have no rights which we are bound to respect, give us a mighty passion for the truth, mediated by the unaging Christ. With humility we pray that we may ever be aware that this loftiest shape of the soul is the armor which makes men free; it is the master in the realm of knowledge; it is the everlasting foundation of the divine kingdom on earth; in its atmosphere, we pray Thee, to keep our vision clear and the inner eye unblind.

Grant that spiritual enrichments may fall upon the soul of our country, making urgent transformations that our way of life may break clear around the world. Oh stay the chilling blows of unjust criticism, the words of the ready, of the misinformed critic and of those who think the half is greater than the whole. Dear Lord, at times the silence of awe is upon our lips; men are dying, our sons are giving the last full measure of supreme sacrifice, homes are being made desolate, and the tides of hope are passing out that the lights may come on again all over the world. O Man of sorrows, help us that all may find in Thee that self-forgetfulness and that peace which is born of pain and the path that shines through the darkness. In our Redeemer's name. Amen.

The Journal of the proceedings of Monday, November 16, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House:

The Honorable the SPEAKER,
House of Representatives.

SIR: The certificate of election in due form of law of Hon. VERONICA BOLAND as a Representative-elect to the Seventy-Seventh Congress from the Eleventh Congressional District of Pennsylvania to fill the vacancy in that district is on file in this office.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

The SPEAKER. The Member-elect will present herself at the bar of the House and take the oath of office.

Mrs. BOLAND took the oath of office.

RESIGNATION OF HON. CHARLES I. FADDIS

The SPEAKER laid before the House the following communication, which was read:

HON. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I have this day tendered to the Governor of Pennsylvania my resignation as a Representative in Congress from the Twenty-fifth Congressional District of Pennsylvania to take effect on December 4, 1942.

Very truly yours,
CHAS. I. FADDIS.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day I may address the House for 20 minutes on the subject that is now producing the filibuster in the United States Senate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders today I may address the House for 20 minutes on the subject of a better method for the collection of income taxes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. EATON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to insert a short but very important editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on the Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Fifty-ninth Annual Report of the Civil Service Commission for the fiscal year ended June 30, 1942.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 19, 1942.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—REPORT OF THE DIRECTOR OF THE SELECTIVE SERVICE SYSTEM

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Military Affairs:

To the Congress of the United States:

I am transmitting herewith, for the information of the Congress, the report of the Director, Selective Service System for the period from September 16, 1940, to December 8, 1941.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 19, 1942.*

THE POLL-TAX BILL

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLMER. Mr. Speaker, recently when the ill-timed and unfortunate so-called anti-poll-tax bill was before this House, as the result of the pressure of the "left wingers," the C. I. O., the Society for the Advancement of Colored People, and the Communist Party, I made some rather pointed observations. Among other things, I stressed the fact that it was calculated to bring about disunity in the Republic at a time when unity of all of our people was the most coveted objective. Moreover, I emphasized the injustice to that great section of our common country—the South—in this effort, spear headed by the Democratic Party, to bring about a revival of the days of the force bills, following the Civil War.

Mr. Speaker, I regret that my observations are now being realized. For today we have in the Senate body of this Congress, where the rules of debate are more liberal, the unfortunate spectacle of ruffled tempers, discord, and disunity such as has not prevailed in that great body of the Congress in many generations; and the majority leader of the Democratic Party and the administration's spokesman is resorting to drastic measures in his effort to force this unconstitutional legislation upon a great segment of our people. This, indeed, is most unfortunate. The people of this great country do not understand this procedure. Unlike the reformers in high places in this Government the great masses of our people are interested in but one thing, and that is the winning of this war. It is difficult for them to understand how, at a time when our boys are fighting our enemy and shedding their precious blood on the battlefields of Africa and the South Pacific as well as upon the seven seas, those in important positions in civil life should be fomenting and aggravating strife and discord.

Mr. Speaker, at the risk of being considered, indeed, presumptuous, but cognizant of my responsibility as a Member of the Congress of the United States, and as a member of the majority party, I am going to be so bold as to suggest to those in high places in this Government who have it in their hands to desist in this unfortunate and vain struggle that this controversial cup may be passed without requiring a great people to drink its unwelcome potion. It is, indeed, to be hoped that in the name of and desire for national unity the administration will remove this controversy from the national scene before the sectional fires already kindled shall flare into engulfing flames of national discord and disunity.

EXTENSION OF REMARKS

(Mr. HÉBERT and Miss SUMNER of Illinois asked and were given permission to extend their own remarks in the RECORD.)

Mr. KELLY of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein four addresses made last week at the American Petroleum Institute's annual convention in Chicago, one by William Lloyd, Jr., of Texas, one by the Secretary of the Interior, one by the Deputy Oil Coordinator, Mr. Davies, and one by the Railroad Coordinator, Mr. Eastman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a geographical analysis of committee assignments by George Rothwell Brown.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter I have received from an old friend dealing with a most serious problem.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIOTT of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD pertaining to the dairy situation in the State of California; also I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a poem entitled "The Card or the Flag."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DRAFTING OF DAIRYMEN

Mr. ELLIOTT of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIOTT of California. Mr. Speaker, more than a year ago, and many times since, I have talked to the Agriculture Department, to the Secretary himself, and also to General Hershey in regard to taking away from the farms the dairymen. I pointed out at that time that our dairy products would be greatly needed to feed our people and the people abroad.

After we became involved in the war, naturally the need for dairy products was greater than ever before in order to feed our armed forces at the front and our Allies, in addition to our people at home. I pointed out to General Hershey that every time a dairyman was taken away from the farm, it was creating a shortage of milkers and dairymen to the point that cattle would be sold. I felt that the few dairymen who could be left would be of great help in preserving products derived from the dairy animal.

Now, what has happened? Being an experienced dairyman, I could see the danger developing day by day. And now, according to the latest reports, we may expect to be rationed on dairy products.

Why is it that officials in our departments and in our Government do not listen when the facts have been placed before them time and again?

In Los Angeles County, in the State of California, during the month of October 5,000 dairy cows were being slaughtered each month, according to a State report. Yes, consideration is being given by the State council of defense through its committees on agriculture resources, health, welfare, and consumers' interests, and human resources and skills. Data compiled by the Bureau of Markets, State Department of Agriculture, disclose reports from brand and hide inspection agents that there is a September 1942 increase of 40.7 percent in dairy cattle being sold for beef in the Los Angeles market. It is estimated that out of 88,000 dairy-cow population in the Los Angeles area, over 5,000 cows are being slaughtered each month, I repeat again.

That same condition exists throughout the State of California, and I presume the same condition exists throughout the United States.

In my home city of Tulare, Calif., we have the largest dried-milk plant in the United States, which is furnishing milk in that form to our armed men.

There is a reason to be rationed on products which have been shipped here in the past from foreign countries, but here in the United States, where we have an abundance of feed, territory, and equipment to produce all the butterfat that is needed, we take away many who are actual dairymen and who cannot be replaced at once, and because of the slaughter of the dairy cow that produces the dairy products, that dairy cow cannot be replaced immediately, either. When you destroy the dairy cow you destroy her offspring.

Practically all the dairymen in my section of the country work long, hard hours. I know of many dairy herds where 2 or 3 men are doing the work of caring for 100 cows or more in each dairy.

Let us be reasonable about this thing. Immediately men are actually in the work of our dairy products, they should be frozen in those positions for the duration of the war. In my dairy section, and other dairy sections in the State of California, the draft boards have continued to take dairymen to fill their quotas. Why? Because after information is sent out from General Hershey that agriculturists can be exempted and the various types of agriculture named, No. 1 on the list is the dairyman, but they enclose a letter reading "We must have our quota filled." Therefore, the draft boards continue to take dairymen from the ranches thereby forcing the sale and slaughter of cattle.

Today there is a shortage of milk in both canned and dried supplies in my State, and it will not be long until crying babies will be at the table asking for milk that we have not got. It does no good to have investigations and hearings if, after you give those responsible the facts and figures far in advance and they disregard the Congress and continue to do so as they see fit.

I, for one, am sick and tired of seeing our American people placed in a position of being rationed on dairy products which could have been prevented by just using a little common sense.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent that at the conclusion of business on the Speaker's desk and after any special orders heretofore entered for the day I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial published in the Sunday School Times.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SMITH]?

There was no objection.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. VREELAND]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WELCH. Mr. Speaker, I ask unanimous consent that on Monday next after disposition of the regular business on the Speaker's desk and after any special orders heretofore entered I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. WELCH]?

There was no objection.

EXTENSION OF REMARKS

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short quotation from the Saturday Evening Post.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota [Mr. BURDICK]?

There was no objection.

SUSPENSION OF GASOLINE RATIONING FOR 3 MONTHS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, a few days ago I introduced a joint resolution in this House proposing to suspend gas rationing throughout the country for a period of 3 months during which time a committee would be appointed by the President to make a real study and investigation of the necessity for so doing. Since that time I have received hundreds of telegrams from practically every State in the Union in reference to this matter which is of such vital importance to our people.

I have requested this brief time to announce that several Members who are especially interested have called a meeting this afternoon immediately after the adjournment of the House, in the Caucus Room of the Old House Office Building for the purpose of discussing and possibly formulating a program in an effort to delay this gas-rationing order that will otherwise become effective December 1. Members of this body who may be interested and who feel that the matter is of sufficient importance to justify such a meeting are invited to attend. We have no program or agenda outlined for the meeting. A full and free discussion of the whole situation will be had.

Mr. BECKWORTH. Will the gentleman yield

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Texas.

Mr. BECKWORTH. I am interested in the matter which the gentleman is discussing. The purpose of this meeting is not to stop rationing, as I understand, but to discuss methods and means by which it might be modified, if possible.

Mr. JOHNSON of Oklahoma. The gentleman is correct. There are many of us who feel that gas rationing, especially in States like the gentleman's State of Texas, and my State of Oklahoma, where we have enough gasoline to supply the whole Nation, is the height of folly. Our people are willing to give their tires, cars, or homes if need be to aid in the present war effort, but they are not convinced this gas rationing proposal will aid in the least. On the other hand, we are convinced this proposal will hinder and seriously impair the war effort.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made by Justice Jacob Panken, on the subject The Hitler Record—Murdered a Million; Killed Many Millions.

Mr. Speaker, in this connection I have received an estimate from the Public Printer which states that it will cost $105 to print this. I ask that it be printed notwithstanding the estimate and that it may be incorporated in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

THE AMERICAN MEDICAL ASSOCIATION AND THE WAR EFFORT

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I have previously called the attention of this House to a critical situation which exists in the field of medicine through-

out the country today. To alleviate this situation I have introduced a bill (H. R. 7231) to create a medical academy to be under Government supervision.

In my remarks I will point out who is responsible for the present lack of physicians in this country. I submit that there is a group of medical barons who have been withholding from the students properly entitled to enter medical schools the opportunity of entering our established medical schools. This discrimination is a disgrace and steps must be taken to remedy this situation.

Sometime ago I addressed this House on the advisability of establishing a medical West Point comprised of nine Government-sponsored medical schools, located in each corps area to provide for the medical education of young men who may wish to become doctors in our Army establishments.

Strange as it may seem, my proposal evoked opposition in a place where I never expected any opposition could be found against such a proposal, the Medical Society of the State of New York.

Why the Medical Society of the State of New York should oppose such a proposal is one of the mysteries that the lay mind of a mere Member of Congress could not possibly grasp. But the subject is of sufficient public importance to be discussed on the floor here, and I desire at this time to make some pertinent observations.

Sometime past there has been public comment upon the problem of shortages of medical services due to the fact that a large number of doctors are now in the armed forces of the Nation. The discussion, conducted by the public press, shows that it will be impossible for civilians to obtain adequate medical service for some time to come, that doctors will not be found in certain communities and that the case load which each doctor will be obliged to carry will be far in excess of the present facilities.

I charge this situation on the discriminatory policies which our medical schools have pursued for years past. This shortage of doctors is due to the fact that our medical schools have not been training enough young men in the medical profession. There surely was no lack of candidates and there surely is no lack of candidates at the present time. I believe that every Member of this House can find among his constituents young men who have applied for admission to the medical schools and who have been refused admission, not because they do not possess the necessary qualifications, but because a large number of medical schools have followed the policy of refusing admission to any student who does not meet the standards of either social or racial background, which the particular school deems desirable. Medical schools, without authority of law, have established quotas for students of the type and background they do not particularly care for, and unless a particular young man fits into the quota he is simply refused admission, no matter how high his qualifications.

That such is the fact is even admitted by the Medical Society of the State of New York. Look at the implication of these words, which I quote from the official organ of the Medical Society of the State of New York, volume 42, No. 14, page 1331:

> It seems curious, to say the least, that Mr. SAMUEL DICKSTEIN should bring up the race and religious question vis-à-vis medicine on June 13 when, as reported on June 8, the Supreme Court in a 5-to-4 decision ruled that the exercise of free speech, a free press, and religious freedom may be limited by legislative bodies "to times, places, and methods not at odds with the preservation of peace and good order."

For another view see the first amendment to the Constitution of the United States and the minority, dissenting, opinion of Chief Justice Stone. Notice the peculiar implications of this misinterpretation of the Supreme Court's decision. Can you believe that since the Supreme Court ruled that there are certain regulations in the exercise of free speech and a free press and religious freedom, the Medical Society of the State of New York jumps at the conclusion that it is perfectly proper to restrict admission to the practice of medicine in a manner in which it deems fit to do so?

Does the Medical Society of the State of New York believe that it is proper to refuse admission to the practice of medicine to certain individuals because they belong to a particular race or creed?

This brings up the question of an individual, whom I will not name at this time, although I know that he has been in the forefront of the movement to restrict the practice of the medical profession in this country and perhaps more than anyone else is to blame for the shortage of doctors in this country at this time.

This gentleman sought for many years to prevent admission to the practice of medicine of American students who, due to the restrictive limitations of our medical schools, were forced to obtain their medical education in Europe.

This gentleman sought to give the impression that a medical student in Europe can pass an examination without study or practical training and without attendance of clinics. A superficial glance at any of the official curricula of a European university will convince one that this is impossible.

The question of not giving commissions to graduates of foreign universities is not a measure which was passed against the refugee doctors and one should not confuse this with a limitation to practice for foreigners. This is just one phase of a well-organized movement to squeeze certain individuals of a background which this gentleman does not like out of American medicine. This plot dates back more than 10 years and had its start with his appointment to director of the study commission of foreign medical education. This movement is supported by certain members of the American Medical Association who put their own selfish interests before the interests of the American people. In the middle twenties these narrow-minded, intolerant, and rabid people decided on a "numerus clausus" in the medical schools. The nationalities who were discriminated against had to leave their country and seek a medical education in Europe. Thus the "numerus clausus" did not accomplish its aim immediately. In the first years of the thirties the American Medical Association started a campaign, with this gentleman as its leader, to prevent certain Americans from going to Europe and the European universities received letters from the association asking them not to admit American students unless the association approved them. The American Medical Association approved only those already eligible for admission to a medical college in the United States.

Insurance companies, hospitals, plants, even those manufacturing war materials, and a variety of other organizations, including even medical agencies, refuse to list foreign graduates for positions.

The problem of foreign graduates cannot be treated from a purely academic point of view as a question of discrimination. This question has a tremendous importance for the health and the welfare of the American people, and winning of this war is intimately connected with this question. According to the gentleman's own admission, one-third of the licenses in New York State are issued to foreign graduates. In 1931 not less than 800 American-born citizens were studying medicine in Edinburgh alone. I do not have the figures for all Europe, but it must have been very high, as about 12,000 premedicals are here each year, and from these only 5,000 were admitted to medical schools in this country. How many of these students went abroad can be seen from the reports of the various State boards, as the various State boards had to be notified of the intention of an American to study medicine, and these State boards had to approve the training of these students. Thus the State boards approved the training and also issued licenses in each case to the graduates of these foreign schools, the graduates of which are not permitted to have commissions in the Army. Thus the State boards approved the training and now the approved training is not approved by certain members of the armed forces, acting on the advice of the American Medical Association.

Of course, there was a whole lot of talk and many articles were written to the effect that we had adequate medical men in this country, that we did not need the foreign graduates in the Army, and that the foreign graduates were not equal in qualifications with the American graduates, as shown by the gentleman's report. This man, however, does not speak any of the European languages and when he visited the various European medical schools he relied, according to his own admission, on information from people whom he happened to meet in the various towns and who spoke English. Occasionally these people were waiters, hotel keepers, and people of similar occupations, as he freely admitted. In France, that is, in Strasbourg, which is not representative of France, he spoke with one professor personally. In spite of his admitted incapability of judging the situation thoroughly, he is accepted as an expert on foreign education and the

propaganda against American physicians trained abroad goes on.

How adequate is the supply of physicians today? We had to reduce the medical curriculum from 4 to 3 years and had to increase the number of students to each class to turn out more doctors faster. But we know well that these students are not able to learn in 3 short years as much as the so-called foreign graduates learned in 5½ years in laboratories and clinics which were not overcrowded. This could be accomplished only if the students were supermen, as the receiving capacity of the brain is definitely limited and it is impossible to crowd in more, in a given time, than the capacity is able to receive. For years the medical curriculum had to be extended because of additions to the medical science. If we reduce the time now we must necessarily have to reduce the amount of material presented, and by so doing we must necessarily produce inferior doctors. Great Britain admitted this a long time ago, and every doctor who found refuge there was admitted to practice. In contrast to this, our Army had a rule that graduates of approved medical schools who are qualified to practice in the State they reside are eligible for commissions in the Medical Corps and Medical Reserve of the Army. Now the Army does not accept foreign graduates due to the insistence of the American Medical Association, but the Army did have interns in the Army hospitals, who could apply for commissions until June 1942, who were not graduates of medical schools but osteopathic schools. Can these cult schools be compared favorably with the high standard of European medical schools?

The Medical Week carried a report of the resolution of the New York County Medical Society, October 28, 1940, to the effect that foreign graduates should be given commissions. This resolution was, however, later, at the insistence of the gentleman about whom I have been talking, reversed. Other attempts to have this resolution put through have also been reversed through the influence of this gentleman.

The medical situation requires a thorough study at this time and quick action by Congress.

I call your attention to an article appearing in the New York Times on October 19, 1942, reading as follows:

> The critical shortage of physicians brought about by the demands of the Army and Navy has prompted Paul V. McNutt, Chairman of the War Manpower Commission, to approve what purports to be a plan of action but which leaves us exactly where we have been these many months. In other words, the Procurement and Assignment Service, little more than a registry of physicians, accepts the responsibility of ascertaining the needs of the civilian population for medical service and providing the medical personnel to meet them.
>
> The service has no authority, no personnel and, to judge from its record, no competence to accept any such large responsibility. It can do no more than follow the present absurdly cumbrous procedure.
>
> Suppose that there is an acute shortage of physicians in some State. Because of State licensing laws, the only outside doctor who can be sent in is a uniformed member of the Public Health Service staff. The Public Health Service cannot act spontaneously. It waits until a request is received from the State health authorities. But the State health authorities wait for the State medical society to act, and the State medical society for the State and local committees of the Procurement and Assignment Service. The Washington headquarters of the Procurement and Assignment Service also waits, because it cannot give orders to its committees. When at last it has heard from its State branch and at last the State health authorities have acted, the Public Health Service may come to the rescue. Since the committees of the Procurement and Assignment Service are virtually arms of the State and local medical societies, and since doctors, no more than businessmen, encourage competition, it is easy to understand why in one case 4 months elapsed before the Public Health Service could send one of its men to an area in which there was no doctor nearer than 20 miles.
>
> If we are to reduce production losses now, traceable to a rising tide of sickness in mushroom communities where the population has doubled, trebled, even quintupled, it is plain that the doctors still left must be shuffled about. Industrial organizations and labor unions are helpless because of State licensing laws. We have heard enough of the formula that "Whenever possible the civilian needs as determined by these committees should be met through local arrangements, resources, and agencies." There are no local resources and even no State resources in much of the West and the South. The Public Health Service is the only national organization qualified to deal with the emergency. The time has come for an Executive order or congressional legislation to put the Service in command of the situation for the duration of the war, with full power to act directly.
>
> Let us enact H. R. 7231. Let us give all our young men and women qualified and eager to study medicine the opportunity to follow the profession of their choice. Let us protect their constitutional rights and at the same time protect our country against a recurrence of the present shortage of physicians to take care of our people during an emergency.

[Here the gavel fell.]

CORRECTION OF A POSSIBLE FOOD SHORTAGE IN UNITED STATES

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. MURRAY. Mr. Speaker, our agricultural sins are most assuredly catching up with us. The morning papers tell us of the new proposed rationing of cheese, milk, and butter. A couple of months ago, when the metropolitan press and others were questioning the patriotism of the farmers of America, they were following a path which will lead to a food shortage. The time to correct this feeling is now.

While a few months ago, cheese and condensed milk storages were thought embarrassing, we now find that rationing is proposed. The arm-chair dairymen who have been juggling butter storages and rigging butter prices for years have not yet woke up to the causes of the low summer storage stock of butter. They could not understand why there were only 65,000,000 pounds of butter in storage on August 1 to juggle.

The sooner we put our agricultural house in order, the sooner the consumer will have the protection of an abundant food supply. With millions of consumers without any increase in income, it is time that people familiar with the facts have a voice in the proceedings.

It may be easy to ration in a country that imports 40 percent of its food but it is a different picture in a country capable of producing millions of more pounds, bushels, and tons than have ever been produced if and when we get ready to use the knowledge and facts of agricultural production and put them into operation. Black markets can be better prevented by an abundance of food production than they ever will be by hiring snoopers. So many people will be hired to watch their neighbors, there will not be many left to do the work of the Nation.

Any shortage of milk and dairy products at this time is due to the programmers and their unsound procedure.

ACCOMPLISHMENTS OF THE SEVENTY-SEVENTH CONGRESS

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. EDWIN ARTHUR HALL]?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, a great deal of substantial legislation was passed by the Seventy-seventh Congress up to this time and there will probably be more before the session is over. The most important legislation considered and accepted by this body has been the various acts beneficial to the men in the service. The Seventy-seventh Congress has stood by the men in the armed service and has done everything possible for their welfare and benefit.

The most outstanding of all legislation passed had to do with doubling of the base pay of the soldiers, increasing the pay from $21 to $42 per month, and the subsequent adoption of the Rankin amendment which further increased the soldier's pay to $50 per month. However, Mr. Speaker, this work has only started. It is my sincere hope that as time goes on more benefits will be given the men in our armed service.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that today at the conclusion of the special orders heretofore entered I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a poem by Mr. Horace C. Carlisle.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

GASOLINE FOR THE FARMER

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. O'HARA. Mr. Speaker, the matter of gasoline rationing in the Middle West is a matter of grave concern not only to the people of the Middle West but to their Representatives as well. We are faced with gas rationing to conserve gasoline, and particularly tires, for defense needs. Each farm is a defense plant and the efficient operation of each farm in the production of food has the same importance as the operation of our war plants and factories. Any blow to farm production is a blow to our war effort.

In the rural sections it is imperative that the farmer have sufficient gasoline to deliver his products to market, to obtain his supplies and repairs and machinery, and for the multitude of necessities for the operation of the modern farm.

I urge that the seriousness of the Middle West's situation and the fact that there is excellent gasoline supply to the Middle West, and the further fact that the people of the Middle West, and the farmers in particular, have much greater distances to travel for necessary car use, be considered by the O. P. A. before any drastic gasoline rationing is put into effect, and that further investigation and study be made.

I include an editorial of the Mankato Free Press of November 13, which so well emphasizes the situation confronting the Middle West in general and the farmer in particular:

GASOLINE FOR THE FARMER

Delay in gasoline rationing until December 1 should provide additional time for Office of Price Administration officials to consider a special and urgent problem in connection with such restrictions.

That is the consideration that is to be given to the farmer of the Middle West and Northwest in the matter of mileage allowances under the rationing program.

Purpose of the entire gas rationing plan is to conserve both gasoline and tires, particularly tires, for essential defense needs. That envisions a possible long war during which the tires of private car owners might be requisitioned to carry plant workers to their jobs. It is all a question of insuring sufficient transportation facilities and fuel to carry on, however long the war may last.

Point that seemingly has been overlooked, or at least has received no special emphasis thus far by Office of Price Administration officials is that each and every farm is a war plant in itself. Every week and every month emphasizes anew the fact that the products which the farmer produces are fully as essential as arms, ammunition, tanks, and planes.

Therefore the efficient operation of each individual farm is just as necessary as the efficient operation of individual war plants and factories.

In the East, where farms are small, bus and railroad facilities cover the countryside in a dense network, the problem of transportation for the farmer is not so vital. A bus or truck line runs past most farms, or a short distance away at the farthest, railroad terminals are within short distances of most farmers.

Out here in the Middle West it is a different matter. Inability to get to a market that will supply him with repairs, with machinery, with the multitude of needs that enter into the operation of a modern farm, could and will seriously hamper the farmer's production. Any lag in farm production is a blow to the Nation's war effort.

These are matters which should be taken into consideration by the Office of Price Administration in instructing rationing boards regarding the mileage allowances that are to be made for farm owners of cars and trucks. They are matters in which Midwestern Representatives in Congress might well show an interest and concern as well. This is not a special plea for consideration for the farmer over other individuals, it is merely a warning that unless the farm is properly regarded as a defense plant and an integral cog in our wartime machinery, for which transportation is an essential and important need, the Nation as a whole and our entire war effort may suffer serious consequences.

GASOLINE RATIONING

Mr. HOPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOPE. Mr. Speaker, under present orders gasoline rationing will go into effect in the entire United States on December 1 next. This in spite of the fact that in many States like Kansas there exist great surpluses of oil and gasoline—so great, in fact, that it is necessary to restrict production from existing wells.

Of course, the argument is made that the purpose of rationing gasoline in States which have a surplus is to conserve rubber. If that is true, then why does not the Office of Price Administration get away from the hypocrisy of attempting to save rubber through gasoline rationing? Any sound program for the conservation of rubber must necessarily contemplate the most effective and efficient use of the tires now on our automobiles. Along with this, every consideration should be given to those whose present occupation requires the use of motor vehicles. It is certainly not asking too much of the O. P. A. to urge that its regulations put as few existing businesses out of existence as possible.

The effect of gasoline rationing as contemplated at present will be to put hundreds of thousands of small business institutions and their employees out of business. In many cases these business institutions and their employees have cars equipped with tires which will last for from 1 to 4 years with careful use. That is, if these tires are driven the same number of miles that they have been driven for business purposes during the preceding years, they will last from 1 to 4 years. Yet the attitude of the Office of Price Administration is that it is better to restrict the use of these vehicles, put the man out of business and let his tires rot on the wheels rather than give him enough of the surplus gasoline supply to enable him to carry on his normal business activities. Does this make sense? Is it any wonder that the fine, solid, sound-thinking patriotic citizenry of this country is fast becoming fed up with the blundering way in which the vast, overstaffed, underefficient, and arrogant bureaucracy of Washington is day by day destroying business, creating unemployment, and needlessly regimenting and controlling the daily activities of our people?

Pursuant to leave given to me to extend my remarks, I am herewith including a copy of a letter which on yesterday I addressed to Mr. Leon Henderson, Administrator of the Office of Price Administration, in which I call attention to the inequity and the utter lack of consistency in the present regulations if their purpose is to really conserve rubber:

NOVEMBER 18, 1942.

Mr. LEON HENDERSON,
Administrator, Office of Price Administration, Washington, D. C.

DEAR MR. HENDERSON: The imposition of gasoline rationing in those areas of this country where a surplus of gasoline exists is doing more to break down public morale and impede the war effort than anything which has yet happened. The people in these States are intensely patriotic. They want to do everything possible to win the war, but as they see it the imposition of gasoline rationing is going to seriously impede their efforts in this direction.

They have been told that the purpose of gasoline rationing is to conserve rubber. If that is true, they cannot understand why gasoline is used as a basis instead of rubber. There are hundreds of thousands of cars in this area, the tires on which have a life of from ten to thirty thousand miles. These cars are used for strictly business purposes, yet the highest allotment of gasoline which can be granted in most cases is a ration for a maximum of 560 miles of driving per month or 6,720 miles per year. On this basis the rubber on these cars will last from 1½ to more than 4 years. Why should these cars, now used for essential business purposes, be taken off the road when they have much more than enough rubber on them to carry them through as long a period as we are likely to be confronted with a lack of rubber for business and occupational purposes?

To illustrate what I mean I call to your attention specifically the case of Cornell & Co., a firm of auditors and accountants at Hutchinson, Kans. This firm employs 10 accountants. Its business extends all over the State of Kansas. In addition to a considerable amount of private accounting work, this firm has contracts and agreements for auditing the books of public officials of 29 counties and 27 cities and school districts in the State for the year 1942, the work to be completed by December 31, 1943. These counties and municipalities are located in all parts of the State. Many of them are in an area where railroad and bus transportation is not only inadequate, but in many cases nonexistent. If you will take a look at the map of Kansas you can

very readily see that we have practically no north and south public transportation in the west three-fourths of the State. Even east and west transportation in the west three-fourths of the State is very inadequate. With the imposition of gasoline rationing, public transportation facilities are going to become more congested and more inadequate than ever.

Heretofore, all travel by this firm of accountants has been by motorcar and that is still the only way by which they can adequately serve their territory. These men know from past experience how much mileage they will have to cover in the way of business travel. They have also made a careful estimate of the life of their present tires in miles. The names of the accountants, together with the mileage in their present tires and the miles needed for business travel are as follows:

Accountant	Life of present tires in miles	Miles needed annually for business travel
Ed. J. Hammel	20,000	10,000
Perry S. White	20,000	10,000
V. W. Cochran	30,000	8,000
Royal G. Sanborn	15,000	8,000
Milton O. Cole	20,000	8,000
J. T. Lenoir	20,000	6,000
F. S. Evans	8,000	8,000
R. C. Anderson	15,000	8,000
R. C. Schmelzer	15,000	6,000
D. J. Newby	20,000	6,000

It will be seen by reference to the above that, based upon the mileage needed annually for business travel, these men have on their cars now a sufficient amount of tire mileage to run them from 1 to 3¾ years. The question then presents itself whether it is more conducive to winning the war to permit these tires to rot on the wheels than to make sensible and moderate use of them for strictly business purposes.

I agree that we must conserve our tires—that pleasure driving must be cut down and perhaps eliminated altogether. If we are to conserve rubber, however, why don't we do it on that basis? If it has to be done through the medium of rationing gasoline, why shouldn't the local rationing board, in making allocations for business purposes, be authorized to take into consideration the condition and the probable life and mileage existing in the tires now on the car? If, for instance, a set of tires has a probable life of 20,000 additional miles by careful usage, and it is necessary for the owner to drive 10,000 miles annually for business purposes, why shouldn't he be given an allotment of gasoline sufficient to carry him 10,000 miles per year? Under the system of tire inspections now being set up it will be possible at all times to determine the condition of tires and any abuse of the same on the part of the owner could be penalized by cutting down his gasoline ration. Wouldn't that be a much more sensible way to approach the question of conserving rubber than a purely arbitrary allocation of gasoline?

What I have said with respect to the firm of auditors is 100 percent applicable to traveling salesmen and all others whose business requires any considerable amount of travel. An even stronger case can be made for an accountant inasmuch as a large part of his municipal and county work consists of audits which are required by law. Leaving that out of consideration altogether, however, it seems to me that any sensible application of a plan to conserve rubber can only be based upon rubber consumption rather than upon gasoline consumption.

Proposals have been made to you and resolutions are pending in Congress which provide for a deferment of gasoline rationing for 90 days until a further study of this matter can be made. I think this deferment should be granted before the American people have saddled upon them an ill-advised, poorly conceived system of rationing which cannot help but seriously impair our war effort.

Very sincerely yours,

CLIFFORD R. HOPE.

EXTENSION OF REMARKS

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain letters from constituents.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DRAFT DEFERMENT FOR NECESSARY AND ESSENTIAL MEN

Miss RANKIN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Montana?

There was no objection.

Miss RANKIN of Montana. Mr. Speaker, on Monday, November 16, I introduced H. R. 7789, to extend draft deferments for necessary and essential men until such time as all other categories and classifications are exhausted.

Section 4 (b) of the Selective Training and Service Act of 1940 provides that quotas of men to be inducted for training and service shall be determined on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof who are liable for training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces on the date fixed for determining quotas.

This bill proposes that quotas shall be determined on the basis of the number of registrants rather than on the basis of the number of residents. The bill also proposes that quotas for induction shall be so determined that essential men wherever located will be deferred until all available nonessential men have been called. This provision is a limitation designed to correct present conditions whereby some local boards are required to reclassify essential men as available for training and service, whereas other local boards have a large supply of nonessential men available.

Since the manpower behind the line is an essential part of the military system, some corrections must be made in the present method of determining the value of the service contributed.

This bill may not cover all the adjustments necessary, but its consideration will develop other problems, and an application of sound logic and practical common sense on the serious condition that exists, especially as it concerns food, may contribute to a victory for the people.

REDUCTION OF NONESSENTIAL EXPENDITURES

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, the cost of this war is going to be tremendous. About this we can do but little, for we must win the war regardless of such cost. However, while we do not want to see any funds wasted through our war efforts, there is another angle to present-day expenses and what proper attention to these expenses now may mean for the future. I am talking of the nonwar, nonessential expenditures which have been made so freely during the past 10 years. Each and every Member knows that while making some cuts, we could well in the past have economized to a far greater extent. Therefore, I am now calling on the Appropriations Committee of the House, who will soon start their hearings on the next year's appropriations, to scan as never before every single nonwar request for funds that comes before their committee. The Appropriations Committee, to my way of thinking, has one of the greatest responsibilities and opportunities to be of service to our country in their handling of all future appropriation matters. This committee should not come to the floor of the House with a single appropriation item until it has been carefully analyzed and reviewed. We are of necessity going to have to reduce these nonessential expenditures, hurt as it may, if we are to have our post-war fiscal policy in good shape. Now is the time during this war to cut down or entirely eliminate W. P. A., N. Y. A., overlapping bureaus and agencies. We hear a cry for more manpower. All right, let us get this manpower out of nonproductive jobs and into essential work. The way to do that is to cut off the funds for such nonproductive agencies.

So I want to lay directly in the lap of the House Appropriations Committee this responsibility to stop all unnecessary expenditures of the taxpayers' money. Our citizens are now being called upon to pay the highest taxes in history, with more yet to come. Under such circumstances there can be nothing else to do except reduce or cut off all and every nonessential expenditure. As legislators, we owe that to our country. Stop this spending.

EXTENSION OF REMARKS

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Fort Wayne News-Sentinel.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein speeches delivered at the Departmental Auditorium in the city of Washington on October 28, 1942, in commemoration of Axis aggression against Greece. These include addresses by the Honorable Sumner Welles, Under Secretary of State; the Greek Minister of Information; and the Greek Ambassador;

also a letter from the President of the United States to the Ambassador of Greece, and the Ambassador's reply.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GASOLINE RATIONING

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, a group of Congressmen have called a meeting for this afternoon at 2:30 o'clock in the old House Caucus Room to discuss the matter of postponing gas rationing for 90 days. I hope every one of you will attend. A number of you signed this call. Many more would have signed it had they had the opportunity. Only seven of those contacted declined to do so. This matter is of greater importance than most of you believe. I hope you will be there at 2:30, in the old House Caucus Room.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that my colleague from Pennsylvania [Mr. WEISS] be permitted to extend his remarks by inserting a speech by the Secretary of the Navy, Hon. Frank Knox.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the Appendix by inserting a copy of a speech made by myself in Pittsburgh, Pa., on the occasion of the twenty-fifth anniversary of the Balfour Declaration on November 2, 1942.

The SPEAKER. Is there objection?

There was no objection.

PRINCE LEOPOLD, AUSTRIAN NATIONAL HERO

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, on Sunday last an exceptional address was delivered by the Reverend Louis A. Sander, of Portland, Oreg., over the Columbia Broadcasting System Church of the Air. This address has particular significance to those of Austrian descent and those who are interested in the great history of that country. Therefore I ask unanimous consent that I may insert a copy of that speech in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD by inserting therein the advertisement of Montgomery Ward which appeared in the Washington Post of November 8, being a reply to the National War Labor Board.

The SPEAKER. Is there objection?

There was no objection.

MONTGOMERY WARD

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I hope the membership, if they have not read this advertisement to which I just referred in the newspaper, the reply of Montgomery Ward to the National War Labor Board, will do so. I think it is high time that the Congress take some action in the things that the radical labor leaders are doing through the National War Labor Board. That Board is a stepchild of the old Defense Mediation Board, and the labor members resigned from that Board because they could not get what they wanted. Instead of the President appointing other labor members who would give honest, conscientious consideration to the things happening, he appointed the old members to a new board, and now they have their own way. They are trying to wreck business in this country; and if the Congress does not act shortly, we will find that we will have a labor government in this country, and it is going to be too bad when the national labor leaders compel every man and every woman in this country to join the labor union and do the things that these radical leaders want them to do. It is high time that we acted.

[Here the gavel fell.]

FOOD

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. BOLTON. Mr. Speaker, the food situation of this country is going to be increasingly difficult. The farmers are having continually more trouble in keeping men and women on the farms and prices are always higher when there is scarcity. It seems to me high time that we have an over-all study of the food situation as it relates not only to our men in the service, but the men on the production lines as well. We cannot keep up morale on too little food. It is advisable that we treat this whole problem as seriously as any other part of our war program. We should make food production a basic industry.

This would insure adequate labor supply. Planning for the consumption of essential foods by the armed forces, the production forces and the civilian population can come only after there is a realistic program for adequate production.

Only such an over-all food program will bring the best results for this country and for the world.

EXTENSION OF REMARKS

Mr. CLEVENGER. Mr. Speaker, on Monday last I received permission to extend an address by the Attorney General of Puerto Rico. I am advised by the Public Printer that this runs over the usual amount to the extent of about $120. I ask unanimous consent that it may be printed notwithstanding.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING IS NOT NECESSARY IN THE CENTRAL STATES

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENNETT. Mr. Speaker, I have on various occasions called attention of this House to the fact that rationing of gasoline in the Central States is unnecessary and unwise; that such action will result in destruction of many small businesses and dry up sources of much needed Federal and State revenues, not to mention the unemployment it will cause.

We have no shortage of gasoline in Missouri and other Central States, but our people are voluntarily cooperating in the plan to save tires by reduced mileage and speed. As evidence, I submit that the collection of State tax on gasoline sales in Missouri for the first 10 months of 1942 was $1,327,254.98 less than it was during the first 10 months of 1941.

No other State has a finer system of highways than Missouri. Our highways were built from sale of bonds payable from funds collected from sale of automobile license plates and a tax of 2 cents per gallon on gasoline. Rationing of gasoline in Missouri would force us to levy a tax on all personal and real property to pay interest and provide sinking fund for retirement of such bonds.

Missourians are ready to make any sacrifices necessary to win the war, but they should not be forced to suffer needlessly. Rationing gasoline in Missouri would be like rationing hard coal in Scranton, Pa., oranges in Florida, oysters in Maryland, and potatoes in Maine. Try that and see how the patriots of the Eastern States, who want Nation-wide rationing of gas just because it may be scarce here, respond.

The bureaucrats admit that there is no shortage of gasoline in most of the States, but tell us rationing of gasoline is necessary to compel us to take care of our tires. Then, to add insult to injury, they require tire inspection. If gasoline rationing will make us preserve our tires, why the inspection to see if we are preserving them? Is it contemplated that all those thrown out of work by gasoline rationing will be hired as tire inspectors and put on the Government pay roll? There are some of us, Mr. Speaker, who do not concede that American citizens are so foolish and improvident that they will fail to take care of their own property unless compelled to do so. Probably a small percent do need a guardian, but, if so, why punish all for the shortsightedness of a few?

Do we really have a serious shortage of tires for civilian needs? Retreads are being made at the rate of 1,500,000 monthly, and new tires of reclaimed rubber at 500,000 per month. This is a total of 2,000,000 replacements against a normal 3,000,000 replacements. The Office of Price Administration tells us that the 35-mile speed limit adds approximately 40 percent to the number of miles in a given tire, and if they are correct, the

slower speed at which we are driving should bridge the gap between present and normal replacements until we have a sufficient stock of synthetic tires.

Mr. Speaker, there is one other matter to which I want to direct the attention of the House. All automobile owners have paid a fee and received a stamp which entitles them to use their car for 12 months from date of such payment. If the Government, which collected about $175,000,000 from sale of such "use stamps," now unnecessarily prohibits the use of our automobiles by rationing of gasoline, the damage to the morale of the people will be very great at a time when we need unity and full cooperation. Let the administration keep faith with the people, and the people will do their part.

Mr. Speaker, the American people are willing to make any sacrifice when convinced that it is necessary for winning the war. All of us are making sacrifices now. But should we be asked to suffer unnecessarily just to satisfy the whims of those who are as much interested in regimenting the people as they are in bringing victory on the battlefields?

Those who receive gasoline now must sign a pledge to their Government that they do not own more than five tires and will not drive over 35 miles per hour. Section 35–A of the United States Criminal Code, a section reprinted in each gasoline ration coupon book, makes it a criminal offense, punishable by a maximum of 10 years in prison, a $10,000 fine, or both, to disobey these rules. Heavy is the hand of regimentation.

LEAVE TO ADDRESS THE HOUSE

Mr. JOHNS. Mr. Speaker, I ask unanimous consent that today, after the disposition of other matters, I be permitted to address the House for 10 minutes on the subject of Union for Democratic Action.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WOLVERTON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with respect to contemplated changes in the rules governing the obtaining of proxies by the Securities Exchange Commission under sections 14 (a) and 14 (b) of the Securities Exchange Act.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. MUNDT was granted permission to extend his own remarks in the RECORD).

POLL-TAX LEGISLATION

Mr. PACE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks and include therein an article by Mark Sullivan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PACE. Mr. Speaker, there are two activities going on from which we should take a lesson. Those of us who live in the States along the eastern seaboard have been struggling with the problems of gas rationing for many months. Those Members living outside of the rationed area have shown little interest or concern in the problems which we have had. Now the lightning is about to strike you. We have a similar situation with regard to legislation pending in the Senate. We have there a bill to invade the rights of certain States, and through an unconstitutional measure to break down State laws. Those of you who are not immediately affected have followed the course of least resistance and voted for that bill. But I warn you today that if the groups which are back of that bill succeed in securing its enactment, then you will shortly be confronted with their demands for additional legislation, not only to break down State rights in eight Southern States, but to break down the rights of other States in other sections of the Nation. Then you will cry out, when it is too late, just as so many of you are now complaining about the rationing of gasoline.

In this connection, I call your attention to the following comments by Mark Sullivan:

[From the Washington Post]

A DELAYING ACTION

(By Mark Sullivan)

FILIBUSTERING FOR STATE RIGHTS

True, the Senate filibuster against the poll tax is a delaying of legislative government. But it is a delaying only. As a mere delaying, it must be weighed in the balance against the thing which the filibuster is invoked to resist.

The present filibuster is invoked to resist a measure which, if enacted, would assert the right of the Federal Government at Washington to dictate the qualifications of voters in every State and every election precinct in the country. This right is now solely exercised by the States. To take this right from the States, to transfer it to the Federal Government at Washington would be a fundamental distortion of the basic blueprint of American government. It would be more than a distortion. It would be the setting in motion of a process which ultimately would mean extinction of the States as units of government. For the most essential function any government can have is to fix the qualifications of its voters. Take that function away, and the States could not survive as governments.

The poll-tax bill, which the present filibuster resists, would be, if enacted, the completion of a mechanism for revolution—slow-moving and insidious revolution, but revolution surely. This bill would be the most animating motor. Other parts of the mechanism already exist. They show themselves frequently—though a country preoccupied with war fails to notice them.

The other day, a Federal agency at Washington, a panel of the War Labor Board, asserted jurisdiction over a strike of city employees in Newark, N. J. This action not only gives Federal sanction to the assertion that employees of government have the right to strike (a right so generally denied in the past and present that President Roosevelt within 3 years has denied it exists). Further, if the War Labor Board makes a decision in favor of the strikers, the decision must take a form directing the mayor of Newark to take affirmative action—to restore strikers to employment, to raise strikers' pay, or what not. If such decision of the Federal Government is to be made effective, it can only be done by some form of compulsion, force—compulsion exerted by Washington upon the functioning of a city government, which is solely a creature of the State.

Such examples of attempted invasion by the Federal Government upon the functions of the States and their subdivisions are frequent, and cumulative in their effect. They are, in some cases, distortions, and in other cases outright denials, of the fundamental charter and historic practices of American government. It is this process, and the most portentous part of it, that the present filibuster resists.

As between the filibuster, and that which the filibuster resists, the filibuster is a perfectly legal, long-recognized device of American parliamentary practice. While not frequently invoked, it has existed for 150 years. It is recognized by the rules, and stands firmly upon the rules. So completely is it recognized that a provision for ending it has long been written into the rules. A filibuster ends whenever two-thirds of the Senate says it ought to end.

How long ought the present filibuster fairly go on? Until there is complete public familiarity with the issue involved. Until every citizen of every voting precinct in Rochester, N. Y., and Des Moines, Iowa, and everywhere else, knows that if Congress can undo a poll tax, as a qualification for voting in some States, it can undo any and every qualification in any and every State, and dictate new qualifications from Washington. Until every citizen can free himself from preoccupation with the war long enough to become familiar with the whole process, and all the details, by which rights of States and of individuals are being taken away; the forces behind the process, the end toward which it works.

There is one question the reader will ask, which ought to be answered. Why is it, if this bill is so portentous, that apparently a majority of the Senate would vote for it, if it were permitted to come up? To give the answer fully would require more space, and careful discrimination among individual Senators. To the largest portion of the answer there is a clue. It is found in the position of two exceptionally able Senators, who oppose the bill—Republican Senator AUSTIN, of Vermont, and Democratic Senator O'MAHONEY, of Wyoming. These Senators, because they are men of courage and understanding, of principle, would oppose the bill no matter what States they came from, or what the pressure of political groups upon them. But it happens to be symbolic (though symbolic only) that Vermont and Wyoming are two States which contain almost no Negro voters.

The key to the support of this bill, much of it extremely reluctant, is the large groups of Negro voters, in several large Northern States, mistakenly influenced by leaders of their own race and white.

ADJOURNMENT OVER AND ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman give us the program for next week?

Mr. McCORMACK. I will be very glad to.

Monday will be District day. I have no knowledge whether the Committee on the District of Columbia will have any bills to present, but it is District day and if they have any bills they will be taken up. I hope, however, they will be noncontroversial.

Then on Monday afternoon the Mexican claims bill will be taken up, and if the gentleman from Michigan agrees, if a roll call is had on the passage of that bill it will go over until Tuesday.

Mr. MICHENER. You mean we will have the roll call on Tuesday?

Mr. McCORMACK. Have the roll call on Tuesday.

Then the Panama Canal bill, for which a rule has been granted, will be taken up on Tuesday. Outside of that I have no knowledge of any legislation for next week.

Mr. MICHENER. The Panama Canal bill is a bill which would authorize the payment of compensation to certain civilian employees who assisted in the construction of the Panama Canal?

Mr. McCORMACK. Exactly.

Mr. MICHENER. The Mexican claims bill is a bill reported by the Foreign Affairs Committee and for which a rule was granted some time ago, but which rule was just reported within the last few days?

Mr. McCORMACK. That is my understanding.

Mr. MICHENER. Aside from that, the distinguished majority leader has no other legislation in mind for next week?

Mr. McCORMACK. No. I have no other legislation in mind.

Mr. LUTHER A. JOHNSON. I understood the gentleman to say the Mexican claims bill would be taken up on Monday.

Mr. McCORMACK. It will be taken up on Monday with the understanding that if there is a roll call, the roll call will go over until Tuesday. That is, insofar as the leadership is able to carry out that plan.

I have no other legislation in mind except matters which can be taken up by unanimous consent. Of course, next Thursday is Thanksgiving Day. I can see no reason why we should not adjourn over Thanksgiving. There is no legislation coming up. That would mean that if we get through on Tuesday we would adjourn from Tuesday until Friday, because we must meet on Friday in order to adjourn until the following Monday.

Mr. MICHENER. There would be nothing controversial at all at least until the first Monday after Thanksgiving?

Mr. McCORMACK. Exactly; with the exception of the two bills I have mentioned, which might be controversial.

Mr. MICHENER. And with a good prospect that there will not be much controversy before the first of the year?

Mr. McCORMACK. I am very hopeful that that situation will exist and I will do all I can to see that it does.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7781) to define the real property exempt from taxation in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. McCORMACK. This bill came out of the District Committee, introduced by the gentleman from Ohio [Mr. HUNTER]. Its purpose is to meet a situation that exists in the District of Columbia, where certain religious and educational property, particularly religious property, was put on the tax rolls, which property had never been on the tax rolls before. The bill has been very carefully worked out. This is the same bill that was reported out of the Senate committee with one amendment in the House committee. The gentleman from Ohio [Mr. HUNTER] will more fully explain the bill; but it is a very deserving bill and is aimed to meet an unnecessary and uncomfortable situation that exists in the District, where certain religious property and probably some educational institutions, heretofore tax-exempt, have been put on the tax rolls.

Mr. MICHENER. In other words, the real purpose of the bill is to carry out tax exemption in the District of Columbia as it has heretofore been interpreted and understood until very recently?

Mr. McCORMACK. The bill undertakes to carry out such objective to the extent that it is felt it should go.

Mr. MICHENER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the real property exempt from taxation in the District of Columbia shall be the following and none other:

SECTION 1. (a) Property belonging to the United States of America.

(b) Property belonging to the District of Columbia.

(c) Property belonging to foreign governments and used for legation purposes.

(d) Property belonging to the Commonwealth of the Philippines and used for Government purposes.

(e) Property heretofore specifically exempted from taxation by any special act of Congress, in force at the time of approval of this act, so long as such property is used for the purposes for which such exemption is granted. The Commissioners of the District of Columbia shall report annually to the Congress the use being made of such specifically exempted property, and of any changes in such use, with recommendations.

(f) Art-gallery buildings belonging to and operated by organizations which are not organized or operated for private gain, and are open to the public generally, and for admission to which no charge is made on more than 2 days each week.

(g) Library buildings belonging to and operated by organizations which are not organized or operated for private gain and are open to the public generally.

(h) Buildings belonging to and operated by institutions which are not organized or operated for private gain, which are used for purposes of public charity principally in the District of Columbia.

(i) Hospital buildings, belonging to and operated by organizations which are not organized or operated for private gain, including buildings and structures reasonably necessary and usual to the operation of a hospital.

(j) Buildings belonging to and operated by schools, colleges, or universities which are not organized or operated for private gain, and which embrace the generally recognized relationship of teacher and student.

(k) Buildings belonging to and used in carrying on the purposes and activities of the National Geographic Society, American Pharmaceutical Association, the Medical Society of the District of Columbia, the National Lutheran Home, the National Academy of Sciences, Brookings Institution, the American Forestry Association, the Carnegie Institution of Washington, the American Chemical Society, the American Association to Promote the Teaching of Speech to the Deaf, and buildings belonging to such similar institutions as may be hereafter exempted from such taxation by special acts of Congress.

(l) Cemeteries dedicated to and used solely for burial purposes and not organized or operated for private gain, including buildings and structures reasonably necessary and usual to the operation of a cemetery.

(m) Churches, including buildings and structures reasonably necessary and usual in the performance of the activities of the church. A church building is one primarily and regularly used by its congregation for public religious worship.

(n) Buildings belonging to religious corporations or societies primarily and regularly used for religious worship, study, training, and missionary activities.

(o) Pastoral residences actually occupied as such by the pastor, rector, minister, or rabbi of a church: *Provided*, That such pastoral residence be owned by the church or congregation for which said pastor, rector, minister, or rabbi officiates: *And provided further*, That not more than one such pastoral residence shall be so exempt for any one church or congregation.

(p) Episcopal residences owned by a church and used exclusively as the residence of a bishop of such church.

(q) Buildings belonging to organizations which are charged with the administration, coordination, or unification of activities, locally or otherwise, of institutions or organizations entitled to exemption under the provisions of this act, and used as administrative headquarters thereof.

(r) (1) Grounds belonging to and reasonably required and actually used for the carrying on of the activities and purposes of any institution or organization entitled to exemption under the provisions of this act.

(2) Additional grounds belonging to and forming a part of the property of such institutions or organizations as of July 1, 1942. Such exemption shall be granted only upon the filing of a written application to the Commissioners, supported by an affidavit that such additional grounds are not held for profit or sale but only for the enlargement and expansion of said institution or organization.

If, however, at any future date the grounds so exempted, or any portion thereof, shall be sold and a profit shall result from such sale the taxes thereon for each year from the date of acquisition of such property for which no tax has been paid shall immediately become due and payable, without interest: *Provided, however*, That the total of such taxes shall not exceed 50 percent of the net profit derived from such sale. The Commissioners shall be furnished a copy of the contract of sale together with other evidence necessary to establish the amount of profit or loss therefrom at least 10 days prior to the date of settlement of such sale. Taxes

assessed under this subparagraph shall constitute a lien upon such property.

SEC. 2. If any building or any portion thereof, or grounds, belonging to and actually used by any institution or organization entitled to exemption under the provisions of this act are used to secure a rent or income for any activity other than that for which exemption is granted such building, or portion thereof, or grounds, shall be assessed and taxed.

SEC. 3. Every institution, organization, corporation, or association owning property exempt under the provisions of paragraphs d to q, inclusive, of section 1 of this act, shall, on or before March 1, 1943, and on or before March 1 of each succeeding year, furnish the Commissioners of the District of Columbia a report, under oath, showing the purposes for which its exempt property has been used during the preceding calendar year. Upon written application by the institution, organization, corporation, or association filed before March 1 of any year, the Commissioners may extend the time for filing said report for a reasonable period. A copy of such report shall be forwarded to the Congress by the Commissioners.

If such report is not filed within the time provided herein, or as extended by the Commissioners, the property of the institution, organization, corporation, or association affected shall immediately be assessed and taxed until the required report is filed: *Provided, however*, That such tax shall be for a minimum period of 30 days.

SEC. 4. The Commissioners of the District of Columbia, upon written application by the owner of real property, filed within 90 days from the date of the approval of this act, are authorized to abate any tax assessed against any real property exempted by this act where such tax was assessed after January 1, 1941, or to refund any such tax within the limitations of appropriations therefor.

SEC. 5. Any institution, organization, corporation, or association aggrieved by any assessment of real property deemed to be exempt from taxation under the provisions of this act may appeal therefrom to the Board of Tax Appeals for the District of Columbia in the same manner and to the same extent as provided in sections 3 and 4 of title IX of the District of Columbia Revenue Act of 1939, as amended: *Provided, however*, That payment of the tax shall not be prerequisite to any such appeal.

SEC. 6. The Commissioners are authorized to make and promulgate such rules and regulations as they may deem necessary to carry out the intent and purposes of this act.

SEC. 7. The following acts or parts thereof are hereby repealed:

(a) Section 1 of "An act exempting from taxes certain property in the District of Columbia and to amend the 'Act to provide for the creation of corporations in the District of Columbia by general law'," approved June 17, 1870 (16 Stat. 153);

(b) Section 8 of "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875 (18 Stat. 503);

(c) Section 8 of "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," approved March 3, 1877 (19 Stat. 399);

(d) Section 14 of "An act providing permanent form of government for the District of Columbia," approved June 11, 1878 (20 Stat. 108);

(e) "An act to construe an act entitled 'An act to relieve the churches and orphan asylums of the District of Columbia and to clear the title of the trustees of such property'," approved March 3, 1881 (21 Stat. 513);

(f) The second paragraph of section 5 of "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, reading as follows: "That hereafter property used for educational purposes that is not used for private gain shall be exempt from taxation and all other property used for educational purposes shall be assessed and taxed as other property is assessed and taxed" (32 Stat. 616); and

(g) The last sentence of "An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.," approved August 15, 1916 (39 Stat. 514–515, ch. 342), relating to the exemption from taxation of a rectory, parsonage, glebe house, or pastoral residence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASE OF PAY AND ALLOWANCES OF ARMY NURSE CORPS

Mr. MAY. Mr. Speaker, I call up the bill (H. R. 7633) to increase the pay and allowances of members of the Army Nurse Corps and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. MAY. Mr. Speaker, I yield to the gentleman from Texas [Mr. KILDAY] who reported the bill, for an explanation of the bill.

Mr. KILDAY. Mr. Speaker, this bill has for its purpose the equalization of the pay of the Army Nurse Corps. It provides for the relative ranks from colonel to second lieutenant. You will recall that at the time the Women's Army Auxiliary bill was on the floor a commitment was made that this legislation would be considered by the committee and promptly reported. As I say, the first purpose of the bill is to equalize the pay of the Army Nurse Corps.

A second portion of the bill permits the commissioning also of physical therapists and dietitians in the Army service.

The bill was reported unanimously by the Committee on Military Affairs.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mrs. BOLTON. This bill is of immediate importance, is it not, in the securing of an adequate nursing service for the armed forces and for the proper care of the sick in all our hospitals?

Mr. KILDAY. That is true. It is interesting to note that since the beginning of this emergency and the extension of our Army the Nurse Corps has grown from 949 to a present total of 17,507. It is further important to realize that by the time the Nurse Corps reaches the strength it should have for our present armed forces its membership will increase to 32,000.

The War Department states that this bill is urgently needed in order to carry out the war program.

Mrs. BOLTON. I thank the gentleman.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. CARTER. How much additional cost is this readjustment of salary going to entail?

Mr. KILDAY. I would not be able to give the gentleman the over-all cost. It will have the effect of changing the pay of nurses from the present status of $90 per month and room and board, and put the nurses on the same status as other officers of the Army holding comparable rank. The over-all cost will, of course, depend upon the ultimate program for nurses in the Army.

Mr. CARTER. Is not the gentleman interested in the increased cost? Does he not believe this is something about which the House should be informed before letting a bill of this kind come up?

Mr. KILDAY. I assure the gentleman we went into that with the War Department in the hearings before both the subcommittee and the full committee. Because of the fact that it is not possible to know the exact number of nurses who may be inducted into service they cannot give us any picture of the over-all cost; but I submit to the gentleman that with pencil and paper and the figures I have given him he will be able to figure it out. My mathematics do not carry me that far, but the gentleman being a member of the Appropriations Committee will doubtless be able to figure it out for himself.

Mr. CARTER. Was this matter submitted to the Bureau of the Budget?

Mr. KILDAY. It was submitted to the Bureau of the Budget, but as the report shows, the Bureau of the Budget had not completed its investigation of it and its report has not as yet been received.

Mr. CARTER. Does not the gentleman believe the matter should be withheld until the Bureau of the Budget does make its report?

Mr. KILDAY. Ordinarily, yes; but we are assured by the War Department that this is emergency legislation needed to permit them to place adequate forces in the theater of operations. Under existing circumstances the corps is not sufficient, and the compensation is not adequate. In addition to that we find that we cannot get our physical therapists and dietitians into the theaters of operations where it is essential they go. All who are familiar with the martial law of the situation realize that no civilian should go into the theater of operations when we can prevent it. This bill has for its purpose the conferring of military status upon these people whom it is essential we get into the theater of operations. On the theory that this is actually emergency legislation that must be passed, I submit there is not time to await the report to which the gentleman refers.

Mr. CARTER. Will not these dietitians and nurses be available even though this legislation does not go through and the salary adjustment does not take place?

Mr. KILDAY. Not if they retain their civilian status. The gentleman must be aware of the fact that the status of a civilian in the theater of operations is a very awkward one and there has been some reluctance on the part of the Army to allow civilians in the theater of operations. They hold a very precarious position under international law.

Mr. CARTER. Mr. Speaker, it is only upon the strength of the gentleman's statement that this is emergency legislation and that failure to pass it might

interfere with the war activities that I am restrained from objecting to the bill. Otherwise I would feel that I should object. May I say that I do not believe the House, even in wartime, should pass legislation without knowing what the financial outlay is going to be. Committees should not bring in a bill before it has received a report from the Budget Bureau. However, having a great deal of faith in the statement of the gentleman, I will withdraw my objection and defer to his judgment in this matter.

Mr. KILDAY. I want to assure the gentleman that this is emergency legislation and I call his attention to the fact that the report which the committee is now filing carries with it a table showing the present compensation and the higher rate, together with an estimate and the numbers to which the Nurse Corps will go. Therefore, within the record it is possible for one who can multiply and add to determine the additional cost of the legislation that is involved in this report.

Mr. EBERHARTER. Mr. Speaker, reserving the right to object, I have been very much interested in this legislation for some time. I spoke on this subject on the floor of the House on more than one occasion and I am very happy to see that the Committee on Military Affairs of the House has acted with such dispatch. May I call the attention of the Members to the fact that the Army authorities are in favor of this bill, and that there has been no objection from any source whatsoever. I am familiar with this subject and I say further that the Army has been studying this particular type of legislation for some time.

This merely equalizes the pay of Army nurses who hold the relative rank of those in the Women's Army Auxiliary organization who hold the same relative rank; therefore, the measure is only fair and just. It is emergency legislation because we cannot get the nurses to volunteer in sufficient number to take care of the needs unless this legislation is passed. I sincerely trust there will be no objection to its immediate passage.

Mr. BENNETT. Mr. Speaker, further reserving the right to object, I should like to say to the gentleman that in my State public-school teachers with college degrees receive only $90 per month and pay their own board and room. May I inquire of the gentleman whether or not this increase is to be effective for the duration of the war only or if it is to be from now on?

Mr. MAY. It is for the duration of the war.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I concur, and I am sure practically everybody on this side concurs, with the position taken by the distinguished gentleman from California [Mr. CARTER], in reference to this bill. It has been the policy here that no bill involving the expenditure of money should be called up and passed by unanimous consent until a report is received from the Bureau of the Budget as to the cost of the legislation. Emergency measures are the only exception.

Some of us are convinced that the proposed bill is an emergency war measure and should be enacted now for the best interests of the national defense. For that reason we withdraw our objection. This exception, however, is not to be considered as a precedent.

The SPEAKER pro tempore (Mr. WHITTINGTON). Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of any other law the members of the Army Nurse Corps, during the present war and for such period thereafter as the Secretary of War may deem necessary, shall have relative rank and shall receive pay and allowances as follows:

(a) The Superintendent shall have the relative rank of colonel and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the sixth pay period;

(b) Assistant Superintendents shall have the relative rank of lieutenant colonel and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the fifth pay period;

(c) Directors shall have the relative rank of major and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the fourth pay period;

(d) Assistant directors shall have the relative rank of captain and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the third pay period;

(e) Chief nurses shall have the relative rank of first lieutenant and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the second pay period;

(f) Head nurses and nurses shall have the relative rank of second lieutenant and shall receive the pay and allowances prescribed by law for commissioned officers without dependents of the first pay period.

SEC. 2. Any nurse paid under the provisions of this act shall receive an increase of 5 percent of the base pay of the period to which she is entitled for each 3 years' service not exceeding 30 years. For the computation of service for this purpose there shall be counted all active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as a contract nurse prior to February 2, 1901, and service as a Reserve nurse of the Army or Navy subsequent to February 2, 1901.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article written by Mr. Gould Lincoln in the Washington Star.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

AMENDMENT TO PAY READJUSTMENT ACT OF 1942

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2723) to amend the Pay Readjustment Act of 1942, and its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. MAY. Mr. Speaker, I yield to the gentleman from Alabama [Mr. SPARKMAN], whose committee gave consideration and study to the bill, and request that he make an explanation.

Mr. SPARKMAN. Mr. Speaker, the bill (S. 2723) reported by the House committee has two parts. The first is to meet a ruling made by the Comptroller General recently with reference to the Pay Readjustment Act which this Congress enacted earlier in the year.

When we reported that bill it was the purpose of the committee that all officers should be treated alike in the calculation of the longevity pay, but the Comptroller General ruled that the language was not sufficient to give National Guard officers and Reserve officers a part of the benefit of longevity pay. Some of those officers were actually paid by the finance officers and had to refund that money. The first part of this bill corrects that situation.

The second part, which is an amendment that our committee has added, seeks to give longevity credit to officers in all of our armed services for previous enlisted service and service as warrant officers, Army field clerks, and so forth. That part is effective only in time of war. The great need for this is that we have a large number of enlisted men, master sergeants, first sergeants, warrant officers, commissioned warrant officers, who have had long years of service. They possess all of the qualifications of leadership that will make them good commissioned officers, but in order to accept a commission they have to take a reduction in pay and it is difficult to get them to do this. This seeks to remedy that situation. The report of the committee is unanimous.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the eleventh paragraph of section 1 of the Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended to read as follows:

"In computing the service for all pay purposes of officers paid under the provisions of this section, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard of the United States, or in the Officers' Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service of Coast and Geodetic Survey officers authorized in section 2 (b) of the act of January 19, 1942 (Public Law 402, 77th Cong.): *Provided*, That for officers in service on June 30, 1922, there shall be included in the computation, in addition to the service set forth above, all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time. Longevity pay for officers in any of the services mentioned in the title of this act shall be based on the total of all

service in any or all of said services which is authorized to be counted for longevity-pay purposes under the provisions of this act or as may otherwise be provided by law."

SEC. 2. The first paragraph of section 3 of the Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended to read as follows:

"SEC. 3. When officers of the National Guard or of the Reserve forces of any of the services mentioned in the title of this act, including Reserve officers, are authorized by law to receive Federal pay, except armory drill and administrative function pay, they shall receive pay as provided in section 1 of this act, and in computing their service for pay they shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard of the United States, or in the Officers Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service authorized in section 2 (b) of the act of January 19, 1942 (Public Law 402, 77th Cong.)."

SEC. 3. This act shall become effective as of June 1, 1942, but no back pay or allowances for any period prior to such date shall accrue by reason of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION FOR CERTAIN GOVERNMENT AND OTHER PERSONNEL

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table, for immediate consideration, the bill (S. 2740) to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, has this bill been passed on by the House Committee on Military Affairs?

Mr. MAY. It has been thoroughly considered and studied, with adequate hearings, and it is brought in by a unanimous report of the whole committee.

The bill deals with the situations that are presented all over the country where large plants have been constructed in isolated sections and where Maritime Commission operations along the seaboards have been augmented by thousands and thousands and thousands of employees who live long distances from their place of employment and have no housing facilities.

The purpose of this proposed legislation is merely to authorize the Navy, the Army, and the Maritime Commission, as well as the Office of Defense Transportation, to provide adequate facilities for the transportation of these passengers to and from their places of employment, only if and when it is shown that there are no private facilities available for that purpose.

Mr. MICHENER. Does the gentleman consider this to be an emergency measure?

Mr. MAY. Yes; very much so.

I may say to the gentleman from Michigan that the committee was particularly cautious in guarding against any of the things that usually creep into such legislation, such as authorizing the Government to take over the railroad systems of the country. We prohibited that by an amendment to the bill. We all remembered the terrible plight in which the railroads were found following Government operation during the last World War and we do not intend such a thing to again happen if we can prevent it, and for that reason we wrote in the amendment to which reference has been made.

Mr. MICHENER. Assuming that the department wants to furnish transportation, how will it proceed if there is some transportation available?

Mr. MAY. It will merely make arrangements with the available transportation companies that are partially capable of carrying the obligation, to furnish them additional facilities and to cooperate with them in any way they can to make it possible for these people to be transported.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever during the continuance of the present war the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall determine that the effective conduct of the affairs of his department or agency in connection with the prosecution of war requires assured and adequate transportation facilities to and from their places of employment for personnel attached to or employed by such department or agency, including personnel attached to or employed by private plants engaged in the manufacture of war material, he is hereby authorized in the absence of adequate private or other facilities to provide such transportation, subject, however, to the following provisions and conditions:

1. The equipment required to provide such transportation facilities may be either purchased, leased, or chartered for operation by the War Department, the Navy Department, or the Maritime Commission, and when so obtained may be maintained and operated either by enlisted personnel, civil employees of the War Department, the Navy Department, or the Maritime Commission, or by private personnel under contract with such departments or agency. Equipment so obtained may also be leased or chartered to private or public carriers for operation under such terms and conditions as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, or such official within their respective departments or agency as they may designate, shall determine necessary and advisable under the existing circumstances: *Provided*, That any equipment purchased, leased, or operated by authority of this act shall have a seating capacity of 12 or more passengers.

2. That in each case where transportation facilities are provided hereunder, reasonable rates of fare for the service furnished shall be established and charged under such regulations as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall prescribe; the receipts from such fares, and the proceeds from the leasing or chartering of any equipment as provided in the foregoing paragraph, shall be accounted for in accordance with such accounting procedure as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, respectively, may prescribe, and shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

3. The facilities and service authorized hereunder shall be utilized only for the transportation of personnel heretofore enumerated and for the purpose heretofore stated, under such rules and regulations as may be prescribed by authority of the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission: *Provided, however*, That where the equipment and facilities herein provided for are pooled under lease or charter agreements, the reciprocal use of Government-owned and private-owned equipment shall be deemed to be within the intent of this paragraph.

4. The authority herein granted the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission shall be exercised in each case only after a determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means, and that its exercise will result in the most efficient method of supplying transportation to the personnel concerned and a utilization of transportation facilities consistent with the plans, policies, and programs of the Office of Defense Transportation.

5. Nothing in this act shall be construed to modify or limit in any manner the authority vested in the Chairman of the War Production Board by any Executive order or act of Congress. All vessels purchased, leased, or chartered under this act shall be procured by or through the War Shipping Administration to the full extent of the authority and jurisdiction of the War Shipping Administration.

SEC. 2. It shall be the duty of the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission, respectively, to file with the Congress, within 60 days after the end of the fiscal year, a summarized report of the exercise of the authority herein granted, which report shall include (1) location, nature, and size of the plant for which transportation facilities were provided; (2) type, amount, and original cost of equipment furnished; (3) outline of lease or charter for rented or reciprocally used equipment with total costs for period of use or operation; and (4) citation of authority of the Office of Defense Transportation under which exercised.

Mr. MAY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: On page 2, line 4, after the word "transportation" insert "by motor vehicle or water carrier."

The committee amendment was agreed to.

Mr. MAY. Mr. Speaker, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: At the conclusion of section 2, change the period to a comma and add: "except that in the case of the Maritime Commission such receipts and proceeds shall be deposited in its Construction Fund in accord with the Merchant Marine Act of 1936, as amended, and other applicable provisions of law: *Provided*, That appropriations for the Military

Establishment and the Maritime Commission may be used to carry into effect the provisions of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF THE PAY READJUSTMENT ACT OF 1942

Mr. MAY. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill (S. 2723) to amend the Pay Readjustment Act of 1942 was passed be vacated and that the bill be now considered, so that certain committee amendments may be offered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the eleventh paragraph of section 1 of the Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended to read as follows:

"In computing the service for all pay purposes of officers paid under the provisions of this section, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard of the United States, or in the Officers' Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service of Coast and Geodetic Survey officers authorized in section 2 (b) of the act of January 19, 1942 (Public Law 402, 77th Cong.): *Provided*, That for officers in service on June 30, 1922, there shall be included in the computation, in addition to the service set forth above, all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time. Longevity pay for officers in any of the services mentioned in the title of this act shall be based on the total of all service in any or all of said services which is authorized to be counted for longevity pay purposes under the provisions of this act or as may otherwise be provided by law."

SEC. 2. The first paragraph of section 3 of the Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended to read as follows:

"SEC. 3. When officers of the National Guard or of the Reserve forces of any of the services mentioned in the title of this act, including Reserve officers, are authorized by law to receive Federal pay, except armory drill and administrative function pay, they shall receive pay as provided in section 1 of this act, and in computing their service for pay they shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard of the United States, or in the Officers Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service authorized in section 2 (b) of the act of January 19, 1942 (Public Law 402, 77th Cong.)."

SEC. 3. This act shall become effective as of June 1, 1942, but no back pay or allowances for any period prior to such date shall accrue by reason of the enactment of this act.

Mr. MAY. Mr. Speaker, I offer certain committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. MAY:

Page 1, line 11, after "National Guard" insert "or in the National Guard Reserve."

Page 3, line 8, after "National Guard", insert "or in the National Guard Reserve."

Page 3, after line 16, insert:

"SEC. 3. The Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended by inserting after section 3 thereof the following new section:

"SEC. 3A. During the existence of any war declared by Congress and for 6 months immediately following the termination of such war, in computing the service for all pay purposes of officers paid under the provisions of section 1 or 3 of this act, such officers, in addition to the time required to be credited by such sections, shall be credited with full time for all periods during which they were enlisted or held appointments as warrant officers or Army field clerks or as commissioned warrant officers in any of the services mentioned in the title of this act, or in the Regular Army Reserve, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the enlisted Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary. The provisions of this section shall not be construed to permit any commissioned officer to receive pay and allowances in excess of the maximum limitations imposed upon the total pay and allowances of any rank or grade by any of the provisions of this act."

And in line 17 change "sec. 3" to "sec. 4."

The SPEAKER pro tempore. Without objection, the committee amendments are agreed to.

Mr. CARTER. Reserving the right to object, Mr. Speaker, were these amendments all agreed to by both the majority and minority members of the committee?

Mr. MAY. It was a unanimous report, both on the bill and on the amendments.

Mr. CARTER. The gentleman is offering only the amendments that were agreed to in the committee?

Mr. MAY. That is right. I would not think of offering anything else.

The SPEAKER pro tempore. Without objection, the committee amendments are agreed to.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT TO UNITED STATES MILITARY ACADEMY AND NAVAL ACADEMY OF SONS OF VETERANS OF WORLD WAR

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 658, authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received or disease contracted in line of duty during the World War.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. Will the gentleman please explain the bill.

Mr. MAY. Mr. Speaker, this Senate bill, S. 658, has been on the Speaker's desk for some time. The House took the bill up and considered it and reported out a House bill, H. R. 2794, which contains an amendment, and if consent is obtained, I desire to move to strike out everything in the Senate bill following the enacting clause and substitute the provisions of the bill H. R. 2794.

The SPEAKER pro tempore. That motion is not yet in order. The matter before the House is the request whether the bill should be considered.

Mr. MICHENER. Mr. Speaker, I reserve the matter to object. As I understand, this bill passed the House some time ago.

Mr. MAY. Yes.

Mr. MICHENER. As I understand the situation, it is this. The House passed a bill containing everything that this bill, if enacted today, will include. That bill went to the Senate. The Senate also had a bill with a particular Senator's name attached, doing the same thing. And this particular Senator wants his bill enacted, and apparently he had influence enough in the Senate to delay the matter and did so in an effort to force his bill through. I condemn any such tactics in dealing with the work of legislation, if those facts stated by me are correct. However, I do not want to interfere with the passage of the bill that the gentleman refers to. The American Legion called up this morning and they are very much interested in this bill. The bill should go through with the proposed amendment, but they are not interested in the authorship, as to whether it is a House or a Senate bill.

Mr. MAY. And I say to the gentleman from Michigan that neither am I interested in authorship, nor is my committee. All we want to do is to see that justice is done the sons of World War veterans, who are suffering from service-connected disability, or who have died as a result of that, and the House bill which I propose to offer as an amendment, if unanimous consent is given, includes that provision. As I understand it that is entirely agreeable to and in fact is desired by the American Legion.

Mr. MICHENER. Some Members on this side were not here when the matter was disposed of in the House, and they want an explanation of the bill.

Mr. MAY. Very well. I am talking now about the bill that passed the House. It provides that the sons of World War veterans who died as a result of service-connected injuries or as a result of service-connected disabilities, may be admitted to the Military Academy on the

same terms and under the same conditions as others who are now by law permitted to enter the academy. Further, the Veterans' Administration has approved the amendment which we have included in the legislation.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. MOTT. In what respect does this change existing law? Any of these boys are eligible to admission to the service schools if a Member of the Congress or the President wants to appoint them. How does the bill change existing law?

Mr. MAY. It does not change existing law, except that it applies to those sons of the veterans of the World War whom I have mentioned.

Mr. MOTT. The sons of these veterans are eligible for appointment to the Military and Naval Academies at the present time. My question is how this bill proposes to change existing law?

Mr. MAY. I did not get the gentleman's question at first. I yield to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Speaker, I served as chairman of the subcommittee which considered this bill. Shortly after the close of the World War there were 40 appointments authorized at the Military Academy for the sons of men killed in action in that war. Of course, there are no longer any sons of men killed in that war who are eligible for admission to the Military Academy or the Naval Academy because they would be above the maximum age limit. This bill will change the qualifications of a son whose father was killed in action to a son of a man who has died of service-connected disability.

Mr. MOTT. Does the bill provide for additional appointments to take care of these?

Mr. KILDAY. There are no additional appointments, nor are the appointments of any appointing officials diminished or increased. They are chosen under the basic act by the President. That makes them appointed by the President, but it is based upon competitive examination of those who qualify, under existing law, as being the son of one killed in action; and under the proposed legislation, on a competitive examination, from among those whose fathers have died of service-connected disability.

Mr. MOTT. These are Presidential appointments?

Mr. KILDAY. These are Presidential appointments.

Mr. MOTT. Then they would increase the number of appointees to the academies?

Mr. KILDAY. No. The present law authorizes 40. Under existing law 40 are authorized.

Mr. MOTT. But they have never been appointed?

Mr. KILDAY. Oh, yes; but the pool has been diminished, you understand, from lapse of time, so that it is practically exhausted now. This creates a new pool, all of whom will be sons of men who served in the World War and who died of service-connected disabilities. Heretofore they must have been killed in action.

Mr. THOMASON. Under the present law these men are not eligible at present.

Mr. KILDAY. They are not eligible.

Mr. THOMASON. And this bill makes them eligible?

Mr. KILDAY. That is correct.

The SPEAKER pro tempore (Mr. WHITTINGTON). Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of the act of June 8, 1926, entitled "An act to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes'" (44 Stat. 704), be, and the same is hereby, amended to read as follows:

"That the number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female) and Navy Nurse Corps (female) employed in the active service by the War Department or Navy Department, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in line of duty during the World War: *Provided*, That the determination of the Veterans' Administration as to the cause of death shall be final and conclusive and shall be binding upon the Secretary of War and Secretary of the Navy, respectively."

Mr. MAY. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MAY: On page 1 of the Senate bill following the enacting clause, strike out all after the enacting clause and insert the provisions of H. R. 2794, as follows:

"That the second paragraph of the act of June 8, 1926, entitled 'An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes"' (44 Stat. 704), be, and the same is hereby, amended to read as follows:

"'That the number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female), and Navy Nurse Corps (female) employed in the active service by the War Department or Navy Department, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during the World War (as defined by existing laws providing service connected compensation benefits for World War veterans and their dependents): *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be final and conclusive and shall be binding upon the Secretary of War and Secretary of the Navy, respectively.'"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in active service, during the World War."

UNIFORM ALLOWANCE FOR OFFICERS AND WARRANT OFFICERS IN THE ARMY OF THE UNITED STATES

Mr. MAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MICHENER. Mr. Speaker, reserving the right to object, does this bill have the unanimous consent of the gentleman's committee?

Mr. MAY. This is a unanimous report from the committee.

Mr. MICHENER. I am not asking if it is a unanimous report. I am asking if it has the unanimous consent of the committee?

Mr. MAY. Certainly it has.

Mr. MICHENER. Some of these bills are far reaching and when they are brought in without any previous notice and unanimous consent is asked for their consideration, it places one who wants to be a little careful about legislation in a rather unusual position for fear he might object to something that is absolutely needed now because of the war emergency.

Mr. MAY. Let me say that I took this matter up with the ranking minority member of the Military Affairs Committee of the House, with the next ranking member, and the next ranking member.

Mr. MICHENER. Some of them should be on the floor.

Mr. MAY. There was one of them present awhile ago. He is not here now apparently. I talked to him before this was called up.

Mr. MICHENER. I do not want to call any names. Will the gentleman explain the bill?

Mr. MAY. I will yield to the gentleman from Louisiana [Mr. BROOKS] for an explanation of the bill.

Mr. BROOKS. Mr. Speaker, this bill also is made necessary by a ruling of the Comptroller General. It is an emergency matter, because in writing the original law covering uniform allowance it has been necessary, through the years, to

amend and reamend that law until at the present time there must be six or seven provisos attached to the law. As a result of it, it has been found by the Comptroller General that certain officers being called into active duty in the Army are not entitled to a uniform allowance. For instance, one of the most glaring cases is the case of a Reserve officer who has been a Reserve officer for a number of years, who has done his duty and gone to camp in the summer and has done everything he should do. In certain cases, when that man is called into active service, he is not entitled to a uniform allowance, yet another Reserve officer who has failed to take his tour of duty at the proper time may be entitled to a uniform allowance.

As the law is written in this particular case it places a premium actually upon the Reserve officer for not doing his duty. This bill is designed to cover every case of a Reserve officer who goes into active service so that he will receive an allowance for uniforms.

In addition to this, the bill increases the amount to be paid for the uniform allowance from $150 to $250 for each officer under the rank of major at the time of his appointment. This increase is made necessary by the increased costs of the uniforms required and by the increase of the amount of equipment needed during times of war. In the itemized figures showing the actual costs of this equipment at the lowest prices, the essentials required of the Army for its officers runs to a total of $260.65, which is the minimum amount of equipment required at the present time. To those officers who in recent years have failed to receive the allowance, when called into active service, will be paid the difference between the amount paid to them previously and the sum of $250, which is allowed under this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 14, 1940 (54 Stat. 212), the act of March 9, 1942 (Public Law 492, 77th Cong.), and any provision of any other law authorizing the payment of a uniform allowance to any person upon being appointed a commissioned or warrant officer in any component of the Army of the United States, are hereby repealed, but any payments heretofore made pursuant thereto, if otherwise correct, are hereby validated.

SEC. 2. Except as otherwise provided in this act, an allowance of $250 for uniforms and equipment is hereby authorized to be paid to the following personnel of the Army of the United States or any component thereof:

(a) Any person on active duty on the date of approval of this act, or thereafter accepted for active duty, in the grade of second lieutenant, first lieutenant, or captain, and entitled to the pay of the first, second, or third pay periods; and

(b) Any person on active duty on the date of approval of this act, or thereafter accepted for active duty, in any temporary or permanent grade of warrant officer (including any person appointed as a flight officer), except that of chief warrant officer entitled to receive the base pay and allowances provided for officers of the fourth pay period.

SEC. 3. (a) The uniform allowance authorized in section 2 hereof shall not be paid more than once to any person without regard to appointment in or promotion to a grade for which the allowance is authorized.

(b) Any uniform allowance heretofore paid under the provisions of the act of May 14, 1940 (54 Stat. 212), the act of March 9, 1942 (Public Law 492, 77th Cong.), section 4 of the act of June 3, 1941 (Public Law 97, 77th Cong.), or section 6 of the act of July 8, 1942 (Public Law 658, 77th Cong.), to any person entitled to a uniform allowance under this act, shall be deducted from the allowance payable under section 2 hereof and only the difference paid to the person entitled thereto. The certificates of officers or warrant officers, including flight officers, of the Army of the United States relating to facts regarding payments received under the acts herein cited shall be accepted as supporting such facts as stated without the necessity of other supporting evidence.

(c) The uniform allowance authorized in section 2 hereof shall not be paid to any graduate of the United States Military Academy.

SEC. 4. The uniform allowance authorized by this act shall be payable only to persons now serving in the Army of the United States or who hereafter serve therein at any time during the period of the wars in which the United States is now engaged and for 6 months thereafter.

Mr. MAY. Mr. Speaker, I offer a committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: On page 2, strike out lines 5 to 15, inclusive, and insert in lieu thereof the following:

"(a) Any person on active duty on April 3, 1939, or thereafter accepted for active duty, in the grade of second lieutenant, first lieutenant, or captain, and entitled to the pay of the first, second, or third pay periods on June 3, 1939, or at the time of such acceptance for active duty; and

"(b) Any person on active duty on April 3, 1939, or thereafter accepted for active duty, in any temporary or permanent grade of warrant officer (including any person appointed flight officer), except that of a chief warrant officer entitled to receive the base pay and allowances provided for officers of the fourth pay period."

On page 3, insert the words "on active duty" after the word "serving" in line 13, and after the word "serve" in line 14.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill (H. R. 7633) to increase the pay and allowances of members of the Army Nurse Corps was passed be vacated in order that an amendment may be offered by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the title of the bill.

Mr. MAY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MAY: Strike out all after the enacting clause and insert in lieu thereof the following:

"That hereafter, during the present war and for 6 months thereafter, the members of the Army Nurse Corps shall have relative rank and receive pay and allowances, including mileage and other travel allowances, as now or hereafter provided by law, for commissioned officers, without dependents, of the Regular Army in the sixth to the first pay periods, respectively.

"SEC. 2. Hereafter, during the present war and for 6 months thereafter, there shall be included in the Medical Department of the Army such female dietetic and physical therapy personnel (exclusive of students and apprentices) as the Secretary of War may consider necessary, whose qualifications, duties, and assignments shall be in accordance with regulations to be prescribed by the Secretary, and who shall be appointed and, at his discretion be removed, by the Surgeon General, subject to the approval of the Secretary. Such personnel shall have relative rank and receive pay and allowances, including mileage and other travel allowances, as now or hereafter provided by law, for commissioned officers, without dependents, of the Regular Army in the third to the first pay periods, respectively. Persons appointed under the provisions of this section and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as members of the Army Nurse Corps and their dependents.

"SEC. 3. The superintendent of the Army Nurse Corps shall receive pay and allowances of the sixth pay period and have the relative rank of colonel; such assistant superintendents or directors as the Secretary of War may designate shall receive pay and allowances of the fifth or fourth pay periods and have the relative rank of lieutenant colonel or major, respectively; one chief dietitian may be designated by the Secretary of War as Director of Dietitians and one chief physical therapy aide may be designated by the Secretary of War as Director of Physical Therapy Aides, each to have the relative rank of major and receive the pay and allowances of the third pay period; all other assistant superintendents and assistant directors, chief dietitians and chief physical therapy aides shall receive pay and allowances of the third pay period and have the relative rank of captain; chief nurses, head dietitians and head physical therapy aides shall receive the pay and allowances of the second pay period and have the relative rank of first lieutenant; and head nurses, nurses, dietitians and physical therapy aides shall receive pay and allowances of the first pay period and have the relative rank of second lieutenant. Every person paid under the provisions of this act shall receive an increase of 5 percent of the base pay of her period for each 3 years of service up to 30 years, and during any period of service while on sea duty as such duty may be defined by the Secretary of War, or duty in any place beyond the continental limits of the United States or in Alaska, an increase in base pay of 10 percent. In computing service of members of the Army Nurse Corps there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as contract nurse prior to February 2, 1901, and service as a Reserve nurse on active duty since February 2, 1901. In computing service of female dietetic and physical therapy personnel there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical therapy categories rendered subsequent to April 6, 1917, as a civilian employee of the War Department.

"SEC. 4. Employment by the military establishment of female dietetic and female physical therapy personnel (except students and apprentices) shall be limited to persons appointed under the provisions of this act while its provisions are in effect. Appointments of such personnel (except students

and apprentices) under the provisions of any other law are hereby terminated as of the last day of the third month following the month in which this act is enacted, if not sooner terminated. Persons whose appointments are terminated by the provisions of this section may be appointed under the provisions of this act in accordance with such regulations as may be promulgated by the Secretary of War.

"SEC. 5. The Secretary of War is authorized to use appropriations available to the Military Establishment to carry into effect the provisions of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a letter from the Assistant Secretary of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 20 minutes.

WAGING WAR

Mr. PIERCE. Mr. Speaker, the present world war, so far as America and Japan are concerned, appears to me to be just another racial conflict. I believe historians of the future will view it as one in a long line of such contests which have swept across continents and involved peoples in wars for centuries. Surely, our war on the Pacific is a definite attempt to beat back oncoming hordes and swarms of the yellow race. It is the inevitable conflict between races holding to totally different ideals, both aggressive, determined, and dominated by the desire to apply modern science and invention to their material betterment. The scientific progress which the Japanese have made under the tutelage of western nations is now turned to destructive purposes. They are waging war relentlessly.

CIVILIZATION HAS WON THREE CONTESTS

Think a moment of the onslaughts our ancestors encountered after they came out of central Asia, long years ago. In several land migrations, they sifted into southern Asia, Europe, and Africa. In recent times, they have passed over the high seas which have become the great highways into all parts of the globe. Around the Mediterranean Sea our ancestors developed the great civilizations of the ancient world. Rome was the finest achievement in government which appeared before the Christian era. Before the days of Christianity, civilization was, indeed, cruel, cold, heartless—built on human slavery.

THREATS TO WESTERN CIVILIZATION—CARTHAGE

Our ancestors met no really serious opposition from the native tribes, or coalitions of such tribes, in their steady march from Central Asia until the Punic wars, before the Christian Era. Ancient Carthage, situated on the southern shores of the Mediterranean on the northern coast of Africa, was the first real rival of Rome, the pride of the ancient world. While Roman civilization was far from humanitarian, the Carthaginian civilization was much more inhuman, with several vices added. Had Carthage won in the Punic wars, and established supremacy over Rome and the Mediterranean, there would have been no foundation upon which to build the modern world. Rome displayed great courage and recuperative powers, especially in the contest with Hannibal, which was generally known as the Second Punic War. That great Carthaginian general crossed the Straits of Gibraltar, taking his formidable army, and elephants, into Spain, through southern France, across the Alps, on to the plains of northern Italy, defeating the Romans in many engagements, and inflicting a stinging blow at Cannae. Then, moving closer to the gates of Rome, camping on public land with his army and elephants, Hannibal sent his emissaries to demand the surrender of Rome. The Romans invited the messengers from Hannibal to visit the Forum, where they were holding a spirited auction. They had mapped and divided the land upon which Hannibal's army was camped and were selling it at public auction. The Romans brought their money and jewels and eagerly bid for sections where Hannibal's army and elephants were then stationed, outside the gates of Rome. The Roman officials turned to the messengers from Hannibal and said, "This is our answer to the demand for surrender." With the treasure chest realized from this auction, the Romans organized another army. They learned how to drive the fighting elephants from the battlefield with firebrands. They defeated the great Hannibal and drove his army back to Africa, finally wiping out Carthage.

While Rome deserves credit for teaching the world the art of government, it should never be forgotten that it was a civilization vastly different than that which we enjoy. This can be illustrated by a story of a great architect who lived in Rome. Because of jealousies of his competitors, he was banished from the imperial city. He had influence enough to secure an audience with Augustus Caesar, who was then on the throne. He plead his case and begged for a pardon. At a critical point in the interview, the architect drew from under his toga a glass drinking vessel and asked Augustus to make sure it was glass; then he threw it on the marble floor. The glass bent, but did not break. It is said the architect then restored the glass drinking vessel to its proper shape, and handed it back to the surprised ruler who said, "Can you make glass that will bend and not break?" The architect replied in the affirmative. Augustus said, "Then you must die. I cannot allow you to be banished. If you have such ability, you may take the lightning that plays round the Alps and bring it down to light the city of Rome. Why, you may be able to render our slaves useless and valueless. You may change the whole trend of civilization and make a mechanised world in place of the world we enjoy today." That is the way Rome often treated her great men. In America we honor inventors and scientists.

THE MOSLEMS AND MONGOLS

Jesus of Nazareth brought into a cruel pagan world the doctrine of love and kindness which has been slowly penetrating the dark recesses of men's minds. The great challenge to our Christian civilization came in the eighth century when Mohammed appeared as the rival of Christendom. Foremost in his religious faith was the doctrine that unconverted heathen, the unbeliever, should be killed. The teachings of the Koran spread rapidly through Asia and Africa. The Moslems were checked near Paris, at Tours, and turned back by the victory of Charles Martel and his followers.

Five centuries after the great invasion of the Moors there came the Mongol invasion of Europe, a little more than 700 years ago. In succeeding waves, under Genghis Khan and Tamerlane, they rode over the steppes of Russia, through the Caucasus, over the Ural Mountains, down to the very gates of Vienna, where they were turned back and, by gradual degrees, were driven to the grass lands from which they had come.

These two threats were faced by a less numerous Christian world, which probably numbered about 60,000,000 people. Had these two great pincers closed at the same time, they possibly would have pinched out our Christian ancestors, and the civilization that we today enjoy might not have developed. Fortunately, these great conquering movements were five centuries apart and our ancestors were able to defeat them singly. One by one, Carthage, the Moslems, and the Mongols were overcome.

CIVILIZATIONS HAVE PASSED

Our Government is often compared to that of ancient Rome and there are many things in common. Students tell us that there have been 21 civilizations on this earth where man has worked his slow way up from savagery to quite a high degree of culture. Fourteen of these 21 times they have left nothing except perhaps a staircase here, a mound there, a picture on a cave wall—no written record, only the barest fragments of a people long ago passed and gone. Is it possible that we are again sinking into a period like the Dark Ages? I cannot believe it. I still see a star of hope, and firmly believe that this country will ride the storm to carry the spirit of the Declaration of Independence through ages yet to be.

Gen. Hunter Liggett, who commanded the American forces in the Argonne Woods, in the First World War, said to me, "Governor, if you ever live to experience another World War, I fear you will see much of Europe degenerate into semisavagery, and the scepter of empire will pass from Europe, possibly to Asia." As I think of the cruelty, the inhumanity practiced by Hitler and his followers, I often recall the remark of the wise old general.

FREEDOM CANNOT BE TRANSFERRED

We often repeat, "That which thy fathers have bequeathed to thee, earn it anew, if thou wouldst possess it." Freedom—the right to worship God; the right of independent, individual action; the right to think and to act as judgment dictates—these rights have been won for us by our ancestors. They nobly did their part to transfer to us the precious heritage. If we would possess it, we must win it anew. No truer statement was ever made than "eternal vigilance is the price of liberty."

AMERICA FACES JAPAN—THE ERA OF THE PACIFIC

The scene shifts from the Mediterranean, and civilization faces the most terrific onslaught in the Pacific. The American people are now the protectors of our modern civilization. The leadership has been placed in our hands. Eighty-nine years ago Commodore Perry forced his way into the Japanese islands and made it possible for European civilization to flow into that land. In the short intervening period of time these prolific people, amazingly imitative, have assimilated that part of our civilization which especially attracts them—the mechanism for conquering and controlling. Feeling certain that they had acquired the tools that would make them the supreme rulers of earth, they challenged America to mortal combat on the 7th of December 1941. We had no choice. They threw the gauntlet at our feet. We must fight in this mechanized war and we must win it, or we perish.

Western civilization faces its most critical contest. Apparently, there is now just opening the greatest struggle of all time between the Christian ideal, as developed by the white races, and the non-Christian civilization, as developed in Asia and now under the leadership of Japan. The battle cry "Asia for the Asiatics" means "Asia for Japan." The Christian English-speaking world today faces the most resourceful enemy that has ever appeared in the path of progress since our ancestors came out of central Asia. In the long struggle for supremacy, the Japanese expect to win because they multiply so much more rapidly and ask so little of life. They expect to occupy and overrun the islands of the Pacific, and the countries of South America which have admitted them. One way or another they have forced themselves into North America. They believe that the world control will ultimately pass into the hands of the yellow races, with Japan leading and making the terms.

We must throw into this war our every material possession and all our skills, knowledge, and resources. Never should we cease battling for our cause until the means to make war has been taken from the hands of the treacherous Japanese. When Germany breaks, a great drive for peace will set in. Some of the rich and powerful will want to make terms with the Japanese, so they may have laborers. Some religious groups will want to offer peace terms in the hope of gaining converts. It will require all our moral strength and courage to prevent a treaty of peace before the Japanese are entirely and completely disarmed, so that, for generations, it will be impossible for them to participate in another world conflict.

OUR ATTEMPTS AT APPEASEMENT

It is far too late to question the acts of our State Department in allowing scrap iron, gasoline, lubricating oil, to be shipped in such quantities to Japan to aid them in their attempt to conquer China, but we should draw a lesson from our mistakes. The lesson is this: The Japanese cannot be trusted, they cannot be appeased. It is sad to think that the gasoline that drove the airplanes over Pearl Harbor came from our own wells. Our boys were killed by scrap iron which this country shipped to Japan to be shaped into instruments of death. We have shown great weakness and despicable greed. We were appeasers at the time of the *Panay* incident when we "lost face" in Asia. How bitterly we and our allies should regret those periods of cowardly appeasement of which each nation has been guilty.

WAR WITH JAPAN INEVITABLE

We who have lived on the Pacific Coast and have intimately known the Japanese, several years ago arrived at the conclusion that war between the United States and Japan was inevitable. We realized that it could be delayed, but that it had to come eventually. Across the peaceful waters of the Pacific on a few islands there had developed an aggressive nation with ideals and principles directly opposite to the Anglo-Saxon. The decision as to which nation should predominate in the Pacific cannot now and never could be made by a compromise nor treaty. It can be decided only on the field of battle. One or the other of the systems must perish. The irresistible force had met the immovable object.

JAPANESE WAR MACHINE NEVER DEFEATED

During the contest that lies ahead of us we must remember that the Japanese have never known defeat. They have always won wars. They came into the western world thoroughly trained to death and to war, and worshiping the sword. They are, in no sense, peace-loving and peace-seeking people. Thirty-eight years ago they seized Port Arthur from Russia, just the way they went into Pearl Harbor, and they kept it. Japan became involved in that war with Russia, striking without warning when negotiating for peace. They used the same deception at the outbreak of the World War when they seized, by fraud and deceit, the German-held Kiaochow in the Province of Shantung. At the Naval Conference in 1921, the Japanese deceived the conference in accepting the mandate of the islands of the Pacific with the understanding they would not fortify them. Today they have strong fortifications in these mandated islands. Eleven years ago, by invasion and treachery, the Japanese took the northern portion of China, seizing Manchuria and calling it Manchukuo. They were supposed to have established an independent state, but it is entirely Japanese, and there is no freedom. The Japanese conquered Korea and made it a province, abusing and deceiving the Koreans. The entire Empire of Japan has been built on lies and deceit. Formidable, indeed, is that war machine. They are a fanatical people and will risk anything for the Rising Sun. We must achieve complete victory in the face of such legend and tradition.

GUAM

Speaking of the mandated islands, brings to my mind the foolish and ignorant charge made in the campaign that I had voted against "the fortification of Guam" thereby causing death and disaster at Pearl Harbor. Many false and misleading statements have been made in regard to Guam. Guam is a small island, 30 by 6 miles, far out in the Pacific Ocean, 5,100 miles from San Francisco. It is as far from San Francisco as it is from Washington to Honolulu. It has a population of 22,000, 90 percent being natives. Guam is surrounded by islands, mandated to Japan after World War No. 1. There never was a bill before the Congress to fortify Guam. The chairman of the Naval Affairs Committee, on the floor of the House, said "I repeat again and again, there is nothing in this bill authorizing the fortification of Guam." It was an authorization for $5,000,000 for improvements in the harbor at Guam. The vote stood 205 against the authorization and 168 for it. I voted against the dredging of the harbor, for it could have benefited only the Japanese and would have proven a death trap for our men.

JAPAN'S CLAIM OF SUPERIORITY

A Japanese is taught from early childhood that the Emperor is of divine origin. The Japanese honestly and sincerely believe they are superior to all other people and that they are destined to rule the world. It is said the entire Japanese race believe they are also descendants of the divine. They are fatalists, with a suicidal tendency. Death on the battlefield means to them that they are immediately transported to glory, and they ask no kinder fate. Our American soldiers are not fighting ordinary men. They are fighting fanatics—organized bandits, highly trained savage killers who are skilled and scientific. From early childhood the Japanese are trained to become regimented warriors. The veneer of civilization is very thin, indeed, over the hide of a Japanese. He places loyalty to his government and the Emperor above all else. Patriotism is his religion. Christian missionaries claim Japan is one of the hardest fields in which to work. The Japanese are not actuated nor moved by the same sentiments which guide and motivate western nations.

SOME JAPANESE CHARACTERISTICS

The Japanese believe it was perfectly right and justifiable to send envoys to Washington to negotiate for days and weeks while they were preparing and perfecting the attack on Pearl Harbor. They knew they were deceiving Secretary Hull and President Roosevelt. They were not seeking peace but they were seeking time to get more gasoline and

more scrap iron. The very day and very hour when bombs were dropping on our boys at Pearl Harbor, they were in the State Department as peace envoys.

Some years ago I was acting as attorney for a corporation in California which had many dealings with Japanese. I remember saying to a Japanese one day, "You made a contract to do certain things for this company. You have not kept your contract." He looked up at me and said, "I have arranged it so you can get no damages against me. A Japanese just make contract fool other fellow. Nothing wrong break contract if to advantage." I said, "Do you realize that Americans want to keep contracts and that it is a better way?" "Maybe so," he said, "but we are trained the other way. First thing we do is find out whether we have to pay damage. No damage, then break contract if advantage to do so." The Japanese never make treaties with intention of keeping them. In his smiling, suave, apparently humble way, the Japanese would cut your throat, or commit any dastardly crime while smiling and acting in the most servile manner. We must teach our people to understand these traits which are so foreign to those of our blood. We have dealt so little with the Japanese that we are inclined to underestimate them, to be totally deceived by appearances.

JAPANESE AIMS

The Congress should be guided by the experience of the Pacific coast people, when they make decisions on the Japanese. They will be found the toughest warriors, the bravest men, the most sacrificing army that our soldiers have ever met on the field of battle. The Japanese are inured to hardship and privation. They can live on half of what an American soldier must have. It will be extremely hard for Americans who have not come in contact with them to realize their strong power. We must remember that they aspire to complete and absolute domination of the Pacific. They have their plans carefully worked out embracing the domination of the mainland of Asia and the islands of the Pacific, including a billion people under Japanese hegemony.

The war with Japan, which will have to be finished when the Germans are conquered, is a war of aggression in which we were compelled to assume the defensive. This generation and this present Government is burdened with the greatest undertaking which has ever rested upon any nation. Our every action now reaches far into the future and determines the fate of peoples of every race on this earth.

The cities of Japan are said to be made of paper and boards and can easily be bombed and burned. It is sad to think that we, a Christian Nation, must apply the torch. George Eliot, in Romola, says:

> The Moors drove mathematics into the brain of medieval Europe on the point of a Moorish lance.

So the democracies of the twentieth century must drive into the brain of the Axis Powers—Japan and Germany—on the point of a torpedo the knowledge that the masses of this earth have a right to enjoy the four freedoms without let or hindrance from these bandit nations: Freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want, freedom from fear.

In 1861, Stonewall Jackson said to his class:

> If I ever draw my saber, I will throw the scabbard away.

It must be so with America in this war. The saber is already drawn. Our people must understand Japanese war aims and plans for the control of Asia.

JAPANESE INVASION OF AMERICA

We have known for years that the Japanese were very anxious to secure the fur-bearing islands of the North Pacific and the profitable fishing grounds in and around Alaska. They have edged in on every treaty, violated the terms with impunity and their promises have meant nothing. They sent their finest engineers into the Alaskan waters, disguised as fishermen, to draw maps and take soundings. They have the best maps and records of those strategic regions that are to be found anywhere. We have struggled with the questions of Japanese admission into our country, of picture brides, and of their right to own land. We have generally yielded and lost. We have been too lenient. We have long realized the menace of the Japanese in Hawaii, but we have foolishly refused to face the issue. It is because our own people have been unwilling to do what they have regarded as menial labor that they have yielded so much to these Japanese. We must learn to grow our own vegetables and to pick up potatoes for ourselves.

JAPANESE LAND OWNERSHIP IN OREGON

Nearly 30 years ago, when I was a member of the Oregon Senate, a Government official visited Oregon and asked the Oregon Legislature not to pass the laws, then under consideration, which excluded the Japanese from owning real estate in Oregon. I clearly recall, when, in executive session, he made his strong appeal, in the name of Christianity, that we should extend to the Japanese the hand of Christian fellowship and welcome them to our shores. We knew the men from across the seas far better than the Government knew them. We passed the land laws and then shrewd lawyers told the Japanese how they could get around them by buying the lands in the names of their children who were native-born Americans. The result has been that nearly half of Oregon's most beautiful and productive fruit valley is in Japanese hands. They are the onion and lettuce growers in another rich valley. They are the market gardeners for Portland. They farm some of our choicest irrigated lands. The rich returns flow to the Bank of Yokohoma. Even now, with the Japanese evacuated, 35 percent of the income is credited to that bank, though held by the Alien Property Custodian. I am told that only three pieces of their fruit property have actually been sold. The others are leased. Where are the owners? They were temporarily held in evacuation camps, pending preparation of camps under the War Relocation Authority.

WAR RELOCATION CAMPS

One of these relocation camps is on the southern border of Oregon. I recently visited it. There are 15,000 Japanese settled on lands in a 20,000-acre reclamation project intended to benefit war veterans. Here a Japanese baby is born every day; they are multiplying at a frightful rate. Our Government is furnishing them schools with white teachers lured from positions in our own schools which pay less. I am told their young people are sent to Middle West colleges for higher education at the expense of this Nation whose youth is drafted to fight the Japanese nation.

The strong young Japanese in these centers are very reluctant to work to save the crops of local farmers. No one obliges them to work outside. They constitute a privileged class. I would not treat them harshly, but I would confine them to their camps or I would plan more adequately to use their labor. There are two reasons why we are bound to exercise care and judgment: First, the Geneva Convention binds us, as an honorable nation, to certain limitations in dealing with noncitizens; second, decency and fear of retaliation upon our 100,000 citizens in Japanese prison camps makes us cautious.

We now have a Japenese problem; we have long had a serious Japanese problem on the Pacific coast. We shall have a worse Japanese problem when this war ends.

OUR MISTAKES—ACTION NEEDED

We have been exceedingly kind to the Japanese who have come to our land. They have expressed their appreciation with bombs. We provided schools for their children and taxed ourselves to educate them. The Japanese children, after going to our schools, have attended Japanese school after hours and on Saturdays and Sundays. At the Japanese school they were taught the superiority of their race and the traditions of the Japanese people. Their false conception of history has been instilled into the youngsters. Even as Governor of the State of Oregon I did not fully realize the seriousness of the Japanese schools in Oregon. This war gives opportunity to cut them out, root and branch, and it must be done. Japanese who were well-to-do often sent their children, American citizens, to Japan for education.

Now is the time to announce that the Japanese must return to their native land and cannot live in any part of the United States after this war is over. Their rate of increase is nearly three times ours. If allowed to remain here, they will soon make a racial problem of tremendous proportions. They cannot be assimilated into our life. This Congress should now consider ways and means to get rid of the Japanese. Those who doubt the necessity for such action should look into the matter of dual citizenship.

DUAL CITIZENSHIP

The Japanese Empire contends that a child born of Japanese parents, regardless

of the place of birth, is a citizen of Japan. The United States has always acted on the theory that a child born in this country was, because native-born, an American citizen, even though its parents could not take out citizenship papers. Our courts held, some years ago, that the Mongolian could not through naturalization become a citizen of the United States. About 40 years ago the case of Wong Kim Ark, a Chinese boy, was brought before the Supreme Court of the United States. This boy was born in San Francisco, of Chinese parents. The young man went back to China and, after some years, returned to the United States and claimed citizenship. The Supreme Court held that, being born in the United States, although of Chinese parents, he was a citizen of the United States—One Hundred and Sixty-ninth United States Reports, page 649. There was a dissenting opinion written by Melville Fuller, Chief Justice, and concurred in by Justice Harlan. In that minority opinion, the justices claimed that a child born in this country of Mongolian parents, was himself barred from citizenship. If a Japanese child is taken to the consulate, and his parents make open declaration that they want the child to be an American citizen only, and they have evidence that the Japanese Government concurs in their wish, then the child is an American citizen.

Dual citizenship should at once be abolished and the child of parents who cannot become citizens should, in no case, be considered a citizen of the United States. A case carrying these points is now again on appeal to the Supreme Court of the United States and it is hoped that the minority opinion of Chief Justice Fuller and Associate Justice Harlan will, in this retrial, become the majority opinion of our Supreme Court.

FREE MEN

There has always been a striking force, an unconquerable spirit that gives strength and power to free men whenever they fight for home, fireside, and freedom. It was displayed at Thermopylae when a little band defeated an immense army. It was displayed at the Alamo when the prisoners preferred death to retreat and surrender. It was displayed at Bunker Hill, where men fought till they exhausted their powder, then used the butts of their muskets as clubs. It was displayed at Valley Forge. It was displayed at Trenton on Christmas Eve when men crossed the river with floating ice cracking against the boats. The same spirit was displayed at battles in the Coral Seas, at Midway Island, and the Solomon Islands. Men, under such circumstances, prefer death to surrender. Since Midway I have received a letter from an Oregon boy who was there with the marines. I quote from the letter of Lieutenant Bassett:

Here has been proven, beyond any measure of doubt, that the men of the Army, Navy, and Marines are made of the finest stuff ever stuffed inside a white skin. I've seen youngster officers go out there to meet the Japs knowing they were hopelessly outnumbered and facing a bad percentage in the gamble with death. I have seen the remnants of those boys come back for more ammunition and go out again, knowing that they could not come back a second time. A lot of them went out that way, but not one tried to stay behind. They did an awful lot of dying in those two days, but they packed an awful lot of living into their last 48 hours. Since this has been the first test of a new generation of Americans in action, I know that it is as good or a better Army than the one preceding it by twenty-some years. The heathen Emperor of Japan has a rendezvous with defeat, and the date was made out here in the middle of the ocean in the past three days.

THIS IS NOT "A WAR AS USUAL"

When the First World War started, in 1914, Lloyd George, of England, said, "The side that can raise the last £100,000,000 in gold will win." That statement was probably true a quarter of a century ago, but it is not true today. The almost $24,000,000,000 in gold that we have in our vaults, 80 percent of the monetary gold of the world, does not make us invincible. Experts tell us that it is not as valuable in this titanic struggle as an equal tonnage of strategic metals. Up to this time, the superdreadnought has been queen of the high seas. The nation that commanded the ocean has been, for centuries, the ruling nation of the world. Now the dive-bomber can send to the bottom of the seas the Arizona, the Prince of Wales, the Rescue, the Lexington, and the Yorktown. Today we crown the super flying fortress queen of the battlefield.

To mellow up the enemy by encouraging revolt at home through fifth columnists is as old as civilization, but in this war it has taken on new phases never before known. One must go far back into the misty past to find a parallel to the inhuman cruelty of murdering hostages. Think of the more than 1,500 innocent humans murdered for the timely death of the second man in command of the Gestapo! Where can students of history find a parallel to the murder of a quarter of a million hostages in Europe, the enslavement of France, the murder of Poland? Indeed, this is not a war as usual. The old type of war is as out-moded as is the armored feudal warrior and the horse, that for 20 centuries carried the armed warrior from the snow-swept steppes of Russia to the shifting sands of the Pyramids. Hospitals, plainly marked with the red cross, are now points of attack. We must meet this ruthlessness with skill and war machines. Can people of our blood really wage war?

WE SHALL NOT LOSE THE WAR

We are not going to lose this war with the Axis Powers. We have been and still are a peace-loving nation. We are the most highly industrialized country the world has ever known, devoted to the arts of peace and commerce. Our industries, prior to December 7, 1941, were making quantities of motorcars, trucks, tractors, radios, bathtubs, and all the devices that go to make modern life comfortable. It was a world on wheels, traveling thousands of miles over perfect roads. We were in the main, happy and contented.

A few of us have been called crepe hangers because we were much disturbed over the unchecked Italian conquest of Ethiopia and our part in the cruel crucifixion of the liberal government of Spain. When Adolf Hitler gave the German people their new Bible, Mein Kampf, making it a textbook for schools, teaching the doctrines of deceit, falsehood, and cruelty, then the crepe hangers became thoroughly alarmed. We urged that our own country at once be put in the very best possible shape for military defense. The deep, dark clouds of war hung low on the horizon, but they were plainly visible, long before Munich, to those who would honestly look and see.

You who would criticize should not forget that it is a gigantic task to take 134,000,000 peace-loving people, imbued with the spirit and the gospel of love and kindness, and teach them overnight to wage war which, in reality, is wholesale murder. It is some task to imbue such a people as the Americans with the spirit necessary to meet these killer nations on the battlefields.

We have accomplished some things. Five million boys have gone from homes that they loved. We have put them in uniforms and taught them the modern methods of killing other boys. We have taken the finest factories the world has ever known, retooled them, and over the assembly lines today are coming instruments of death—airplanes, guns, bombs, and those things necessary on battlefields. They are coming in quantities. From our assembly lines are rolling out the finest airplanes the world has ever seen, planes equipped to fight in altitudes 7 to 8 miles above the earth. We have not only equaled, but have excelled the enemy in the production of these munitions and instruments of conquest. We are making progress. Three new vessels go into the waters every day to be added to our fleet. There is no visible sentiment in this country that we are going to quit. We know that we must literally crush Japan and we will do it. We must transmute that shining golden hoard now buried in the depths of the earth, in the vaults of Kentucky, into the flying fortresses that will sweep the air free of our foes.

OUR DUTY

Everything that we have and everything we hope to be, we must offer on the altar of our freedom. The time has come when the Pacific Ocean cannot continue to be totalitarian on one shore and democratic on the other. The United States of America, the most perfect achievement of all the ages, is, indeed, the last great hope of earth. We must not, in the words of Lincoln, "meanly lose, whatever the sacrifice and whatever the cost." The United States of America, with all its faults, with all its shortcomings, is the best government the world has ever known and it must not succumb to the barbarian hordes who seek to turn back the wheels of civilization for a full thousand years.

It is the duty of everyone, whether in the Congress or out of it, to contribute his all in money, skill, ingenuity, and service to our great cause. Members of the Congress should now refrain from criticizing colleagues for their isolationist stand before Pearl Harbor; for, since that great massacre, such voices have

been stilled. Pearl Harbor united the Congress and united the American people. One of our greatest dangers today is that the press exaggerates the differences that arise over the trifles, thus causing the people to underrate the Congress and lose confidence in their Government. That is the lesson taught this Nation on November 3. We must pray that petty prejudices shall not overshadow great issues. Instead of criticizing each other, we should be throwing our full force against our real enemies. The bitter animosity developed over parity is to be regretted, because the administration needs the full fighting force of every farmer to raise food and fibers. Entirely unfair and very harmful is the feeling against the so-called farm bloc, which has been worked up by newspapers, radio commentators, and critics.

I will admit I am a bit jealous of those young men now just coming onto the stage of action, who will take their places in the greatest struggle for freedom ever waged since humankind came out of the caves, with men on fighting lines in every country on the globe. Some are using modern implements of warfare which climb high into the air, and others ride far beneath the waves. It is certainly a spectacular and stirring time in which to live and play one's part in the affairs of men.

THE DESIRE TO SERVE

Like every red-blooded American, I asked myself this question, "Where can I best serve my country in this hour of our greatest danger?" I again became a candidate for Congress. I have been placed among the defeated. I shall attempt to give my service elsewhere. I am extremely thankful that I have been given life during the last fourscore years—a marvelous period of world history. I have been a part and parcel of the development in my native country and in the State of my adoption. When told of my defeat, I reminded my friends that for 30 of my 60 years in Oregon its people had honored me by giving me public office. Perhaps I was actuated by the spirit of the old English lady who had also passed an eightieth birthday. As the German bombers were sighted she and her husband took to the nearest shelter. When the raid was over they returned to their ruined home. Everything they had possessed was destroyed. The old husband turned to his wife and said, "Mary, let's get a room, turn on the gas, and it will all be over for us in a few minutes." Mary turned to her husband, doubled up her fist, and said, "And let 'itler win?" I agree with Mary. I want to do everything I can do to keep Hitler from winning in this titanic struggle for the existence of our Nation and our civilization. That desire spurred me on to stay in the Congress where I thought I could best serve my country because of my long experience and my close association with those who are guiding our destiny. Like the mellow old philosopher, I shall "cooperate with the inevitable," spending my remaining days in efforts to be helpful in any way and place where my services are acceptable. In gratitude for what life has given me, I desire to serve. With the poet, I say:

> You have set me among those who are defeated.
> I know it is not for me to win, nor to leave the game.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Illinois [Mr. PADDOCK] is recognized for 20 minutes.

A DELEGATE IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Mr. PADDOCK. Mr. Speaker, Washington, the headquarters of the United Nations, is now the world's most important city. Its antiquated municipal organization is one of the least efficient in the United States.

This country is fighting a world war to maintain our democratic principles of government. Our National Capital contains hundreds of thousands of residents with no vote whatever on local or national affairs.

One of these facts affronts our intelligence, the other challenges our sincerity. Both of them can be, and should be, eliminated by prompt congressional action.

If any one of us were given the responsibility of writing a charter for a large American city, there are three basic elements which would undoubtedly be included.

First. A centralized and thoroughly coordinated executive branch, with full powers to protect the lives, health, and property of the people.

Second. A legislative body, composed of community residents, meeting frequently to regulate the city's affairs.

Third. An electorate of legal residents empowered to choose their local officials.

Not one of these elements exists today in the city of Washington.

Considering first the executive branch of Washington's government, we find a situation of startling confusion and admitted inefficiency. The "charter" of Washington, originally enacted in 1878, has never been revised or modernized by thorough and systematic methods. New and conflicting agencies have been created by patchwork and unscientific legislation. Many powers absolutely essential under modern conditions have not been authorized. As was stated in the Griffenhagen report to Congress in 1939:

> The existing organization has been built around an act adopted over 60 years ago and has obviously grown without plan or system; it is now unbelievably complex, confused, illogical, and cumbersome.

In spite of a general agreement that existing conditions are thoroughly unsatisfactory, Washington's municipal structure remains inefficient, and there are no pending plans for reorganization. The citizens are without power and without even an official representative to urge reforms. Congress, burdened by its many other responsibilities, has not taken the time to give the Nation's Capital a form of government which would compare with other great American cities.

Since Washington has had no legislative body of its own since 1874, Congress is not only the source of all basic legislation regarding the District of Columbia, but must also act as a city council. Minor local problems, which would receive immediate legislative attention in other communities, must be passed upon by 96 Senators and 435 Representatives, acting under the same formal and deliberate procedure which is properly applied to questions of great national importance. Such decisions must now be reached without the assistance of even one elected representative of the 800,000 people whose affairs are involved. This procedure is inevitably slow, unscientific, and inadequate. It satisfies neither Congress nor the District.

The third intolerable factor in Washington's civic affairs is the complete disfranchisement of its citizens. In the remote past, there may have been some justification of this, since a large percentage of the population were transients, with no intention of remaining permanently. Today a great majority of the city's residents have severed all connection with former residences, or are lifelong residents of the District. Withholding of voting rights is an unjustifiable violation of fundamental American principles. It also insures poor government for Washington by eliminating from political activity the people most familiar with local conditions.

Some weeks ago I introduced H. R. 7339, a bill providing for an elected Delegate from the District of Columbia in the House. According to my information, this is the first bill of its kind for more than 20 years, although there have been several proposals for constitutional amendments giving greater rights to the people of Washington.

I sent copies of H. R. 7339 to more than a thousand Washington residents including the officers of leading civic and business organizations. I received a large number of replies, nearly all of which were favorable to the proposal. While my bill will not be considered by the House during the present session, a similar measure will be introduced after the first of the year, sponsored by a large committee of representative and influential Washington men and women.

There is no doubt that a capable and well-qualified Delegate elected by the votes of the people of Washington would be of the greatest assistance in preparing and considering the large amount of District legislation which comes before us. Such a Delegate would render the same important services which are now performed by Mr. DIMOND, of Alaska, and Mr. KING, of Hawaii, who so ably represent their respective Territories. He would be a most valuable member of our District of Columbia Committee, whose present membership has to consider District matters without the help of a single committee member living amid the problems which require legislation. When we consider the growing importance of Washington's civic affairs, and their increasing complexity, we must realize the difficulty of dealing with them under our

present methods. There are many legislative situations calling for immediate action which cannot be satisfactorily handled because of the delay in obtaining sufficient information and in properly transforming it into adequate legislation.

We all know that our own home districts are constantly presenting problems which can only be solved by our personal attention, based on first-hand knowledge of the facts in question. Surely the District of Columbia, whose affairs are no longer local, but now national and international in effect, deserves the representation which only can be given by the full-time attention of an elected Delegate.

A few questions and answers may be useful as a summary.

Question. Why is Washington's present government necessarily inefficient?

Answer. Because it contains more than 60 uncoordinated agencies, with conflicting powers, and without authority to solve many urgent municipal problems.

Question. What changes can take place by congressional action without a constitutional amendment?

Answer. Congress can authorize an elected Delegate from the District of Columbia in the House of Representatives, and can reorganize the District government, granting the right to vote for local officials and on local questions.

Question. Would an elected Delegate in the House assist in giving Washington people a more efficient local government and the right to vote in national elections?

Answer. The presence in Congress of a well-qualified, aggressive spokesman for the people of Washington would certainly promote their just requests regarding both local and national affairs.

Question. What present objections to full franchise for Washington residents would be disposed of by the election of a qualified Delegate?

Answer. Such an election would demonstrate the number of voters in Washington and the type of candidates which they would elect to office.

In conclusion, may I emphasize my certainty that Congress urgently needs the assistance of an elected Delegate from the District of Columbia. At present, it is a practical impossibility for us to act as national legislators, representatives of our home districts, and efficient city councilmen of Washington. Many of us have to delegate our Washington responsibility to our able but overworked colleagues on the District Committee. This is manifestly unfair to them, and inevitably results in delay or inadequate action on Washington matters. Our Territorial Delegates are among the most useful members of the House, and a District Delegate would be of equal value to his colleagues.

A District Delegate bill will come before the Seventy-eighth Congress with the sponsorship of the people of Washington, evidenced by a large committee of representative men and women. I hope it will receive favorable consideration. If it passes, Congress will then be in a better position to act promptly and wisely on the important affairs of our Nation's Capital City. Its enactment will remove the stigma of total disfranchisement from the citizens of a great city of free Americans. Washington will be back in the Union.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Missouri [Mr. NELSON] is recognized for 20 minutes.

THE 1942 ELECTION IN MISSOURI

Mr. NELSON. Mr. Speaker, because thousands of central Missouri voters, especially in "Little Dixie," failed to go to the polls, I soon shall be going home. When I go back to the places, the things, and the people I love, it will be as a rich man, one rich not in money but in memories. To spend 18 years in this House, to have been associated with the men and women who make up its matchless membership, is a privilege. I say "matchless" and I mean it. In ability, in honesty, in sincerity of purpose, and in high patriotism the House of Representatives stands superior. Often attacked, maligned, and misunderstood, the legislative branch, the people's branch, of our Government, has stood through every storm. This is as it must be if freedom is to survive.

November 3 marked the open season for shooting at Congress rather than at individual Congressmen. As a result of constant criticism from many, including commentators, columnists, and cartoonists, the public naturally turned upon the membership as a whole rather than take time to learn of the work, good or bad, of individual Senators or Representatives. In many places the people went to the polls not to record their preferences but to register their peeves. Those who were displeased naturally held the party in power responsible, so Democratic losses were heaviest.

It is my purpose to discuss the Missouri situation, but because Missouri is a central State, having much in common with many others, I first refer to the general situation.

We are at war. People are never pleased with the conduct of any war until it has been won. The present is no exception to this rule. In the days immediately preceding the election the war news was the worst. Had the story of great battles won been told in time, the result in many a congressional district might have been different. As it was, the people were discouraged and many felt that we were actually losing the war. The story of the sinking of the *Wasp*, withheld for weeks, was released just before election. As if this were not enough, the House was forced to vote on the teen-age draft bill, which measure alone meant a heavy loss of votes to many Democratic members. If a studied effort had been made to put Congress on the spot, it could not have been more effective.

The President's Labor Day speech had served to fan into flames the smoldering fires of dissatisfaction felt by many farmers. Working long hours, threatening no strikes, and receiving small returns as compared with highly paid workers in industrial plants, they felt that a decided injustice was being done them. Urged to produce food to win the war, they wondered how they could get the job done as sons were inducted into the service and as hired help went to work in defense industries at prices far beyond what any farmer could afford to pay. These conditions, together with orders limiting farm machinery, simply did not make sense. It mattered little if the Congressmen had protested these things, just as I did. Many farmers, displeased with conditions, sought the only means of showing their displeasure.

If Leon Henderson, Harry Hopkins, Secretary Perkins, and others as little liked, had been candidates, the voters might have been satisfied to take a few direct shots and stop. But in Missouri, as in some other States, with no Senator to elect, the only Federal place to be filled was that of Representative in Congress, so this candidate got every shot directed at the administration.

Among farmers there is a feeling that certain labor leaders, who profess to speak for labor but who do not, in fact, represent the rank and file of labor—and that rank and file is absolutely loyal—should long ago have been "given the gate" instead of the key to the White House door.

Many employed in defense industries and at high wages resent the fact that in order to work they first were compelled to pay for the privilege, and frequently these fees were excessive. With a real he-man as Secretary of Labor much trouble might have been avoided. Despite misdirection and difficulties, let it be said to the credit of labor, and I am not condoning jurisdictional strikes and other stoppages, there has been no time when less than 99 percent of labor was at work. Capital, too often guilty of no-start strikes and of exorbitant profits, can show nothing better.

With a Nation at war every real American is willing to make all necessary sacrifices. All that he asks is to know that they are necessary. The necessity for many regulations has not been explained and too often orders have been conflicting and confusing. As the child told to "do" or "do not" asks "why," so does the grownup. More clarity and less confusion would have meant less complaint. An administrator does not have to be offensive in order to be effective. Cussing and threatened coercion do not assure cooperation.

Undoubtedly, orders rationing sugar, tires and gasoline, with talk of more stringent regulations to follow, had their effect in the recent election. Constant changes and lack of explanation irritated. Others willing to comply asked "why". Why, for instance, in States having ample supply of oil, should the residents be asked to use coal? Other examples might be cited.

Expressions of displeasure, as recorded at the polls or as indicated by those who

failed to vote, is not directed at President Roosevelt but at administration officials and the thousands of others who proceed with programs which, at best, must be unpopular.

Busy as he is with the conduct of the war, and I believe he is the best man in all the world to get the job done, the Commander in Chief of the Army and Navy does not have time to look after every detail. He is, though, blamed for every bit of arrogance, every show of inefficiency on the part of those who under his administration deal directly with the public. It is unfortunate that this fact is not fully realized.

Businessmen, many of whom were saved from utter ruin in the early part of the Roosevelt administration, forget all this and bitterly complain because of the treatment received at the hands of some young and inexperienced Labor Board attorney or at having to fill out seemingly endless forms. Surely corrections are due here. The larger service, though, should not be forgotten. Apparently, one fails to remember the boulder taken out of his road while conscious of the grain of sand in his shoe. It should not be so.

As one devoting his life to the cause of agriculture and battling in this Congress, as in all others in which I have served, for a square deal for the farmer, including the costs of labor in fixing parity, I would contrast farm conditions now with those at the close of the Hoover administration. At that time a pound of live pork would not buy a postage stamp. Corn sold at 15 cents a bushel and wheat at but little more. Everywhere farmers were going broke. Banks were closing. There was wreck and ruin. Before protesting too much, it is well that we recall these things.

Speaking of banks closing, if President Roosevelt had done no more than, during the first days of his administration, saved the financial structure of the United States, he would have done enough to be remembered forever.

I feel, as I believe you do, that right now, with millions of our men in arms, many of them fighting on far-flung battle fronts, all frills, furbelows and fancies should be "gone with the wind." We can well afford to forget about the saving of social gains while first saving America.

Here I want to make it perfectly plain that despite any mistakes President Franklin D. Roosevelt may have made in selection of men or in his peacetime policies, when we have won the war under his leadership, as we will, he will rank with the greatest of all Presidents.

Mr. Speaker, before I close I must talk a little about Missouri. Here five experienced Democratic House Members were succeeded by Republicans, this "mortality" being equaled only by Connecticut, Illinois, and Pennsylvania, and exceeded only by Ohio, where eight Democratic Representatives were defeated. Why was this?

First, Missouri is one of few States requiring civilian voters to be in the State on election day in order to be permitted to vote. With so many employed in out-State defense industries or holding Government positions, this alone meant a heavy loss. Workers were unable or unwilling to lose time and money to make a trip home under present travel conditions.

Second. Missouri, for the first time, had an absolutely secret ballot. So every voter, whether displeased with rationing, taxation, or the draft, or actually pro-German at heart, was afforded an opportunity to express it in silence, but feeling some satisfaction in getting it out of his system, even though ashamed.

Another influence felt in Missouri went back to 1940 and the election of a Governor. A slur and smear campaign was conducted against the Democratic candidate, who, because he resembled in physical make-up a discredited political boss, was portrayed as the advocate of all that is evil, while the Republican candidate, somewhat like Lincoln in appearance, was proclaimed as the personification of purity. Truth is that both are good men. After the election an unsuccessful and unwarranted contest, later abandoned, was started against the successful Republican candidate. In the recent election, while there was much publicity about the "attempted governorship steal" on the part of Democrats, no reference was made to the character of the 1940 campaign conducted by Republicans.

The things I have mentioned are comparatively minor. The biggest influence of all having to do with Democratic losses in Missouri was overconfidence, coupled with apathy and indifference. Certainly this is true of the district I represent. In my mind, there is no doubt but that I would have been returned by a good majority had I been thought in danger of defeat. As late as Sunday preceding the election the city press—and Missouri lacks a militant Democratic metropolitan daily press—did not question my election. It was generally conceded. The election of the young man who is to succeed me, and for whom I ask your cooperation, came as a complete surprise even to Republican leaders.

But I am soon to go. I shall go not in discouragement but with the satisfaction that I have given to my constituents my best, and happy in the thought that again I shall be a free man at home, the best place in all the world.

May I say in conclusion, Mr. Speaker, that this body is the finest body in the world when it comes to taking the measure of men. If I were on trial for my life, I would gladly take my chances with this group as a whole or with those who sit on either side of the aisle.

Yes; I am going back home, happy in the thought that I shall be with those I love, that I shall be able to play with my dogs, look over my Shorthorn cattle on the old home farm and spend my days in peace and quiet; but always in my heart there will be a warm place for the fine membership of this great House of Representatives.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Permit me to state that I have listened with a great deal of interest to the timely and informative address delivered today by the gentleman from Missouri. What the gentleman has to say is always enlightening and constructive. I just want to add that during my several terms in Congress my activities and work have been closely associated with the gentleman from Missouri and I am sure he knows that I am sincere when I say that for many years I have had a very deep and abiding affection for him. In fact, he was one of the first Members of Congress I met when I came to Washington. I believe the gentleman was starting on his second term then. I have seen him promoted during these years from a position on some of the minor committees reserved for new Members, to the great and powerful Rules Committee where he has for several years been one of the active recognized leaders of the Congress. His recent defeat by a few hundred votes was not only unfortunate for the district that he so ably represents in Congress from the great Commonwealth of Missouri, but is a real loss to the Nation. No new Member, irrespective of his ability, could possibly render as valuable service to the district, State, and Nation. I feel confident I speak the sentiment of every Member of this Congress when I say that no Member is held in higher esteem by his colleagues here with whom he comes in contact daily than is the distinguished gentleman from Missouri, who is now addressing this body.

Mr. NELSON. I am grateful for those words.

Mr. COOPER. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Tennessee.

Mr. COOPER. During my period of service here I have never known a Member who enjoyed a greater degree of confidence, respect, and affection of all the Members of the House than the gentleman from Missouri.

Mr. HOBBS. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Alabama.

Mr. HOBBS. May I say "Amen" to the tributes which have been paid by the gentlemen from Oklahoma and Tennessee. I believe honestly that they voice the sentiment of the membership of this House on both sides in singular unanimity.

Mr. NELSON. Mr. Speaker, I am very embarrassed by these words, but I am very deeply appreciative of them.

Mr. BROOKS. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Louisiana.

Mr. BROOKS. Mr. Speaker, I have been sitting here listening to my colleague from Missouri, and I want to say that I have had occasion within recent years to work rather closely with my friend who has just spoken. I have appeared before the Rules Committee, of which he is a member, and I have engaged with him there and on the floor of this House in the discussion of much important legislation. He has always approached these problems with sincerity and great earnestness. In at-

tempts at solution of them I have noticed that he has approached them from the viewpoint of the best interest of his district and of the Nation. His record stands as a mute monument to his unflagging zeal and unfailing attention to his work.

Over the period of the years my friend from Missouri has made many fine friendships which he leaves behind in the House of Representatives. We shall not forget him; and as he returns home and pursues the avocation for which he has expressed such an ardent desire we who remain wish him all kinds of pleasure and happiness back there in the hills of his grand State and among his family and his friends.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Mr. Speaker, I was here a short time before the gentleman, but I have served with him for many years. There is no Member with whom I have served for whom I have had a more kindly feeling or greater respect than I have for the gentleman from Missouri. I know that he will carry back to Missouri with him the regards, affection and esteem of those on both sides of the aisle of this great body.

Mr. NELSON. I am most appreciative of those kind words, more especially so coming from my long-time friend from Kentucky. The fact that the center aisle divides us makes no difference when it comes to real friendship.

Mr. PIERCE. Will the gentleman yield?

Mr. NELSON. I yield to the gentleman from Oregon.

Mr. PIERCE. Just a word, in addition to what has been said. My acquaintance with the gentleman from Missouri commenced in this House. I have been highly pleased at the interest he has taken in public affairs and the work he has done. It is to be regretted that when these great waves of public sentiment set in all over the country they remove very often from public life some of the real men who should be left in office. It seems when that comes the people do not want to be convinced. They get just a little impression and they go off in a tidal wave. I am among the fallen myself, but I deeply regret that the same fate befell the brilliant Congressman from Missouri.

Mr. NELSON. I appreciate those words, and may I say to the gentleman from Oregon that I wish he might have stayed and I might have gone.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Friday next, the 27th of November, I may be recognized for 30 minutes after the business on the Speaker's desk and other special orders have been disposed of to speak on reminiscences of past elections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from New Jersey [Mr. McLEAN] is recognized for 20 minutes.

PAY-AS-YOU-EARN INCOME TAXES

Mr. McLEAN. Mr. Speaker, March 15, 1943, will be a day of confusion which may well develop into demoralization. This is the day on which payments will be due under the 1942 tax bill. Of course, payments can be made prior to that date, but it is not likely many people will take advantage of the privilege.

In the enactment of the bill Congress proceeded with the single purpose of raising revenue. Little if any thought was given to the resulting hardships to the taxpayer, the fact that all Federal taxes must be pyramided upon local taxes, and the desirability of facilitating payment by some plan to ease the burden.

We have increased the number of taxpayers, we have added new taxes, and we have increased rates. By various sorts of exemptions, credits, and deductions we have complicated the procedure by which tax liability is to be arrived at, but we have made no changes in the obsolete method of assessment and collection. Such changes are necessary to ease the burden for the taxpayer and to avoid losses of revenue which are bound to result from antiquated methods.

Personal income taxes should be paid out of current earnings or according to some pay-as-you-earn plan.

To meet this situation the following suggestions, which are contained in bills I have introduced in the House, are offered:

First. Personal income taxes should be payable in monthly installments, the first installment to be paid on or before the 10th day of February.

Second. The base for fixing the amount of the tax should be changed so that the taxes would be determined on the anticipated income for the current year rather than upon the income of the previous year, as under existing law.

Third. Persons subject to the tax should file at the beginning of the year a tentative return of anticipated income for the current year, accompanied by payment of one-twelfth of the amount shown to be due, and continue such partial payments monthly. At the time of final payment a definitive return of income actually received would be filed, accompanied by payment of the balance, adjusted to the whole amount due for the entire year.

Fourth. Collection of personal income taxes should be decentralized. In the more populous centers where field agents of the Department are now located, a cashier could be designated. In less populated districts the postmaster could make collections with the facilities he now has as manager of the Postal Savings System. This would replace the present practice of many taxpayers of purchasing postal money orders with which to make payment of income taxes.

Fifth. Compulsory payment by the employer deducting taxes from employees' pay envelopes should be avoided. Such a practice reflects no credit on our boast of the success of democracy. A local government agent with information of factory pay rolls at his disposal can accomplish the same purpose and preserve to the taxpayer his inalienable rights of citizenship to participate in governmental affairs.

Sixth. It may appear that this program will require payment of 2 years' taxes in one. Mr. Beardsley Ruml has suggested the cancelation of the taxes for the previous year. It has been made to appear that this suggestion would result in a loss of 1 year's taxes to the Treasury with a resulting windfall to the taxpayer.

I have suggested that the previous year's taxes be deferred payable at the convenience of the taxpayer or subject to regulations promulgated by the Treasury Department, meanwhile to remain a lien on the estate of the taxpayer, any balance to be collectible with inheritance taxes.

After all, there is justification for the argument that the taxes we pay really apply to the current year, and that the income of the previous year enters into the program only as the base or measure for the determination of the tax. If that argument can be sustained, it disposes of any need for concern over any supposed unpaid income taxes.

The language of the act, which is the Tariff Act of 1913, under which income taxes originated, is as follows:

> There shall be levied, assessed, collected, and paid annually upon the entire net income arising or accruing from all sources in the preceding calendar year, to every citizen of the United States whether residing at home or abroad, etc., * * * and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income of all property owned of every business, trade, or profession carried on in the United States by persons residing therein.

It will be noted that the act does not specify to what year the tax shall apply. It merely says that it shall be collected and paid annually, and it would seem that what Congress had in mind was that such annual tax should apply to the year in which it was paid and that the income of the previous year was simply the measure or the base by which the amount of the tax should be determined. The first payments under this act were made in 1914. They were taxes collected for the year 1914, and, by the construction of the act which I have suggested, were taxes which should be applied to that year, and the income for 1913 was fixed merely as the base or the measure by which 1914 taxes should be determined; consequently, under present law we will pay our 1943 taxes, measured by the income received in 1942. The change which I have suggested would base our 1943 taxes on an estimate of anticipated income for the current year, with an adjustment at the end of the year to income actually received, rather than upon the actual income received in the preceding year. Such change in procedure will, in no way, affect the Government's income. Everybody will pay income taxes in 1943, as they did in 1942 and as they will in

1944. Even a hypothetical cancelation of the taxes for a preceding year will not be too much of a price to be paid for the benefits resulting to the Federal Government and the convenience to the taxpayers in permitting them to get on a current basis and pay their taxes in monthly installments.

Our Government is now, as a part of its anti-inflation program, discouraging the practice of installment purchases. By continuing the antiquated and obsolete method of collection of income taxes, it does not set a good example.

I have said that no change in the method of the collection of taxes has been made since 1913. This is not quite true, because we have adopted the use of tax-anticipation notes, upon which the Government pays interest, which the taxpayer can buy for use in the payment of taxes, and also we have added to our tax system the compulsory payment of what is known as the Victory income tax. The Victory income tax is made payable out of 1943 incomes, so that on the theory that we pay in the current year taxes for the previous year, we now have two income taxes. We have an income tax on the theory that we are paying for the 1942 income, the first payment of which shall be made on the 15th of March 1943, and we have a Victory tax which is payable out of 1943 income, and which is to be deducted by the employers from the earnings of all employees, the payment of which will begin on January 1. So that instead of facilitating the collection of taxes and simplifying our system, we have added confusion, and instead of easing the burden to make collection of taxes easier, we have made it more difficult, and consequently built up a greater resistance to tax payments. By adopting the system that I have suggested, the practice of issuing tax-anticipation notes and all of the expense incident thereto can be eliminated. As it is now, our present income taxes will amount to $10,000,000,000 annually. Five billion dollars is to be added by the new bill.

The first collection, except for the Victory tax, will be made on the 15th of March, when we will get one-fourth and so on quarterly through the year. Under my plan we would collect one-twelfth of this $10,000,000,000 on the first of February, and one-twelfth of it monthly thereafter. The advantages to the Government are obvious as are the advantages to the taxpayer in making monthly installment payments out of current income.

The program which I have suggested of anticipating taxes follows the New Jersey system for the payment of real estate taxes. We had a system somewhat comparable to that which now exists in the Federal Treasury. Real estate taxes were not payable until December of the taxable year. In the meanwhile a municipality would borrow money in anticipation of the collection of its taxes. This was an added burden to the municipality and a worry to the taxpayer to raise his entire tax at the end of the year. Under the present system the taxpayer is sent a bill in the month of January for the first half of his taxes for the current year. The bill is based on the taxes of the previous year. His first payment is made in February, his second in May. In the meantime the budget is arranged, the tax rate is fixed, and a corrected bill based upon the budget estimate for the current year is sent to the taxpayer, and the taxes are paid for the last half of the year on the adjusted or corrected basis in the months of August and November. Thus the municipality has the use of the money when it is needed; the taxpayer has the convenience of paying in installment payments out of his current income. The system has worked out to the complete satisfaction of everyone.

There should be no difficulty in the taxpayer being able to approximate his income for the current year and making payment upon that basis. If any contingency arises which would increase or decrease the taxes, adjustment can be made during the year by the filing of amended returns. The privilege of making adjustments at the end of the year to the amount actually received will obviate the necessity of making claims for refund, and will eliminate the bother incident thereto, to the advantage of the Government as well as the taxpayer.

In any system of taxation we must anticipate the cost of collection. In the plan I have outlined I am satisfied that the entire collection under this plan can be made without adding any employees to the Government pay roll. We already have an army of field agents throughout the country, any one of whom is capable of acting as cashier, and could be designated as such, and we have the Federal buildings where they can house themselves to make these collections. As a matter of fact, many taxpayers now use the post offices. I have personal knowledge that at the Elizabeth, N. J., post office at the last income-tax collection period there were upward of a thousand money orders sold. Ordinarily the number of money orders sold at that post office on those days is 200. It was well known that taxpayers were purchasing these money orders for the purpose of making payment of their income taxes.

When it is realized that all these Federal taxes must be pyramided upon what our citizens have to pay for local taxes, it is not difficult to visualize the hardship that is going to result. I refer particularly to that large class of people who are on salary, familiarly known as the white-collar man, whose income has not increased under present conditions and ordinarily remains stable. They try to maintain a respectable habit of life. Their principal object is to own their own homes. They are purchased with purchase money mortgages. In addition to interest and local taxes, they have insurance premiums to pay, and they have demands upon them for the education of their children; they must live according to a fixed station in life, sometimes bordering at a point above their ability to pay. They are people, in most instances, who are educated and whose children are entitled to have college educations. We all know the expense of a college education and the burden it is upon the salaried people in the metropolitan areas of our country.

So my appeal to the Congress is to change the method of payment so that this vast army of people may have the benefit of installment payments and live on their income and pay as they go as they try to do, by budgeting their accounts. By this method that I have suggested you will also reach the new taxpayer who has given the Congress so much concern—those people not heretofore taxable who are making very large incomes under present abnormal conditions. The machinery which I have provided will enable the local tax collectors to reach all of those who are making enhanced incomes and who we fear are not going to be definitely settled in any particular place. The local tax collector, aided by the pay rolls from neighboring factories, will be able to determine who is liable to pay taxes, and if the tax is not paid at the end of the month can, by existing machinery, levy upon the income for the next month. One or two experiences of that kind will teach any man what his duty is to his government and he will pay future installments regularly.

The only resistance that there can be to any plan for the payment of income taxes currently is this fear of bringing about the payment of 2 years' taxes in one, or giving the large taxpayer a windfall. As I have said, there are means whereby that can be deferred and made a lien upon the estate, but the more I study it and the more I think about it the more I am convinced there can be no windfall, or that there can be any concession to any taxpayer, because the taxes now paid are the taxes for the current year, and the previous year only enters into it as a measure or base for the amount to be paid.

This matter is entitled to very serious thought and prompt attention. Our time is short, and we ought to reconstruct our method of collecting income taxes before the 15th of March when the new law goes into effect. In fact, we should have it arranged so that on the 1st of February when a man knows what his income is going to be as a result of the experience had in the month of January, some such improved system such as I have suggested can become effective.

Mr. MARTIN J. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. I yield to the gentleman.

Mr. MARTIN J. KENNEDY. I have listened very carefully to the gentleman and I have enjoyed his remarks. The gentleman seems to object to the fact of salary reduction or tax deduction on the theory that it would violate the dignity of the worker by taking it out of his pay roll and not trusting him.

Mr. McLEAN. Yes.

Mr. MARTIN J. KENNEDY. But does not the gentleman think that unless we do something of that sort, mindful of your suggestion about calling upon him a month later to show that he paid it or by filing some statement, that the very

man you are trying to reach will have disappeared and the tax will have gone with him?

I agree with the gentleman. I am very much opposed to the employer's deducting that money, because, the first thing you know the employee will presume that he is not getting his full salary and the employer will be put in the position of having taken it away from him. In spite of that, however, the situation is so urgent that we may have to adopt this emergency plan even though our pride be hurt and our dignity somewhat trampled, but a great deal of good will be accomplished.

Mr. McLEAN. I feel that when we speak about the gentleman who is going to vamoose and do his Government out of the tax we are speaking about a very, very small minority of loyal American citizens. We cannot reach perfection; there are always going to be defects in every system, but as I know the American workman in my neighborhood, and as I know the average American citizen, the losses resulting by reason of an employee's running away from his obligation, getting out of the community with his wages without payment of taxes will be very small and, besides, in course of time you are bound to catch up with him, and do we not have the social security and unemployment taxes whereby he can be reached?

I fear this compulsion in our American life. The gentleman remembers the coal strike of 1904 when Theodore Roosevelt was President. What brought about that strike was the fact the mine workers in Pennsylvania were compelled to buy all their supplies from the company store. They never saw a dollar of their money; all they got was a receipt. As a result of the resentment that caused that strike the company store ceased to exist. At the present time we deduct from the pay roll of these men their social-security taxes. In many cases they have group insurance and we deduct the premium for that from their salaries. In many places they all subscribe to community-welfare funds and their subscriptions are deducted.

Mr. MARTIN J. KENNEDY. And War bonds also.

Mr. McLEAN. And at the present time we have a system for the purchase of War bonds, payments for which are deducted from the pay roll. In some places there is also deducted hospitalization, and I am informed there are many factories where union dues are also taken out of the pay envelopes and turned over to the union leaders. How far are we going in pyramiding the deductions taken out of the pay envelope of the American worker? Does it not make the gentleman think of things that have happened in other countries?

Mr. MARTIN J. KENNEDY. I, like the gentleman, of course, am very much opposed to it, but we are going to introduce to the paying of taxes hundreds of thousands, perhaps millions, of people who never paid before because of the exemptions. They will have to be brought into the fold; they will have to be acclimated to making out returns and paying. It is a difficult thing. People do not rush in and pay. The gentleman knows this from the way the average person pays his normal bills. I have a high regard, as does the gentleman from New Jersey, for the average worker, but we are in no place to think too minutely of overrefinement. The men are employed for a day or 2 days at a time and work by numbers instead of by name. There is a tremendous turn-over of such labor, and large sums of money are involved in such pay rolls; so in my opinion, regardless of the merit of it, or lack of merit, it will be the only sure way we can adopt whereby this tax will be collected.

Mr. McLEAN. Another thought that comes to my mind is the desire of having the average citizen tax minded, and the best way to educate the average individual in citizenship is through the payment of taxes. Deprive him of this privilege and you deny the country the benefit of the education resulting and the interest which an individual making tax payments takes in governmental affairs. A higher value is placed on his citizenship by the individual who exercises the privilege of making payments for himself out of his own earnings.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. MARTIN J. KENNEDY] is recognized for 5 minutes.

NATIONAL SERVICE LIFE INSURANCE FOR AMERICAN WAR CORRESPONDENTS

Mr. MARTIN J. KENNEDY. Mr. Speaker, today I am introducing in the House a companion bill to S. 2896 which extends the provisions of the National Service Life Insurance Act of 1940 to American war correspondents. I am doing this because in my opinion this group of men are performing a most unusual and necessary service. Day by day we read accounts of our Army, our Navy, and our Marine Corps. These accounts come to us practically from the field of battle. It is possible for us to obtain this information because of the thousands of loyal men and women who are serving as war correspondents. It is purely a volunteer service, but once they are accepted or approved by the War or the Navy Departments they in substance become members of the armed forces insofar as they are regulated as to where they go, or what they may do, or what they may say. Certainly we are thrilled when we turn on our radios in the morning and are told that London will come in, or Moscow, or Australia, or as I heard the other morning, Egypt, Libya, Tunisia, and all the other places where today these stories are told as if they were just around the corner from us. I have in mind one correspondent in particular to whom I have listened many times. I have listened to him in London and I listened to him the other day from our battle front in Tunisia.

Men doing this type of work are exposing themselves to imminent danger. They are captured as prisoners; they are shot; they are injured. The only benefits to which they are entitled in case of injury are such as their employers may provide. Certainly, we cannot be unmindful of the high character of their services, and I believe we should extend the benefits of this National Life Insurance Act so that they can take advantage of its provisions. I am sure there is not a citizen in this country who does not recognize the fine work they are doing. They are keeping us right with the armed forces. We are with the Army and Navy every day. We know what is going on, and we know what we may expect.

These men cannot color the news. We know most of it is subject to certain military regulations; however, the very fact they are out there on the front lines brings to the soldiers a strong sense of moral support as well as an ability to furnish us with news. The soldiers realize that these men are out there working on their own, purely on a voluntary basis, in order to keep the home folks advised as to what is happening. I think of these men very intimately, as you do. Many of them we knew around the Capitol and at home. We read of them being killed, and, aside, perhaps, from a lone newspaper paying them a tribute by way of an eulogy or editorial, that is all the recognition they get. They are not eligible to be buried in the National Cemetery or to receive any honors of that kind.

I have talked to a number of men who have been in active campaigns and who have returned home, and they tell me that the newspapermen in their opinion are the greatest force for bringing together all of the troops and all of the men, regardless of their background, their home, or their peculiarities as to race or religion. These newspapermen supply the soldiers with the news. They talk over loudspeakers and they tell the men of the news they are sending home. The soldiers are encouraged.

I believe that the people of the country demand the news and they should get it, but, on the other hand, while we demand the news, expect the news, and get the news, we should not be unmindful of that army of men who are supplying the news to us. I hope the membership of the House will examine my bill. At the earliest opportunity I am going to ask for a hearing and a favorable report. I am sure if you will consider all of these factors you will readily agree that it is not only a privilege to give these men recognition but it is our duty. When the matter comes up I hope to have the support and vote of every Member of the House.

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER pro tempore. Under a special order previously agreed to, the gentleman from Alabama [Mr. HOBBS] is recognized for 15 minutes.

Mr. HOBBS. Mr. Speaker, I rise today, without suggestion or request, to pay deserved tribute to an army of unsung heroes who have served the United States of America and the United Nations gloriously, without ever firing a gun. Few of them are in uniform. Most of them serve utterly without compensation, financial reward, or the hope thereof. Theirs is largely a thankless job. No band plays, no bugle sounds, no cheers acclaim as they do their stern duty honestly and with patriotic devotion. No medals are struck for them. Their high reward is a sense of invaluable work

done faithfully without fear or favor. To those of the Selective Service System, these are they.

They administer the sacred trust of dealing with issues involving life and death and the destinies not only of the millions of registrants, but also of the families, friends, associates, employers, and employees of those directly affected by their decisions.

Of course, mistakes have been made. Nothing human is perfect, but on the whole, what agency of Government has functioned better? There has been no suspicion or taint of unworthiness, no breach of faith.

Our Selective Service System is of the pattern of "the American way." It is local self-government in action, with rights of review consonant with the emergency. From the thousands serving on the local boards, up through State committees and the governors, who are the responsible heads of the Selective Service System in their respective States, on up through national headquarters and the Director, to the President of the United States, who is the head of the entire system, the consciousness of all is permeated by the spirit of "the golden rule."

Today the President sent Congress a message transmitting the annual report of the Selective Service System. It is an illuminating document, well worth reading. It presents a plain, unvarnished, and uncolored story of a momentous year's work, with becoming modesty. A small part of the stupendous task may be appreciated when we remember that 27,000,000 men have been processed by the 6,500 local boards, and that the selection has been so carefully done that less than one in five was placed in Class I. The other 22,000,000 were distributed in Classes, II, III, and IV. Think of the facility and experience these local boards have gained in the two years they have been becoming expert in dealing thus with their friends and neighbors.

Naturally there has been some lack of uniformity in the decisions. Realizing that this would be so, the system was set up so that the right of review was provided for each registrant. By the use of the remedies available uniformity has been approximately achieved. That there is still room for improvement, General Hershey and his official family freely admit. And the service is being improved continually. This is an indication of strength, not of weakness. Many of us are convinced that its theory, structure, and practice are fundamentally sound, and that any substantial change would be a gamble.

Some question has been raised as to the capability of these local boards to pass upon occupational deferments because of a lack of technical knowledge. But this same criticism, with even more logic, has been made of juries. Yet the jury system, for the more than 700 years since Magna Carta, has proven itself the best means of administering justice. The genius of each system is that honest men desiring to do justice, whose minds are not prejudiced by too great familiarity with technical details, may be supplied by competent witnesses with all necessary information to enable them to decide issues fairly. Local juries and local selective service boards have demonstrated admirably that they have and exercise this genius.

The Selective Service System has ever been mindful of its high duty. It has furnished the required number of men to the armed forces by induction, and by deferment has rendered available to industry, agriculture, and other necessary vocations those who could be spared from the combat forces.

The Selective Service System has done well and will do better if let alone and permitted to improve itself. Every day's experience makes it better automatically.

The Selective Service System represents the best thought of both the executive and legislative branches of our Government. It is built upon the successful experience with a similar system in World War No. 1. It is our system, it is the President's system, it is the people's system. Let us maintain its integrity.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to withdraw my request for time today and that I may be permitted to address the House for 30 minutes on Monday next immediately after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a special order previously agreed to, the gentleman from New York [Mr. WILLIAM T. PHEIFFER] is recognized for 5 minutes.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I cannot refrain from again calling to the attention of the Congress and the country an incident in the remarkable saga of Battery F, of the Two Hundred and Forty-fifth Coast Artillery which is on duty at Fort Hancock, N. J., one of the key bastions of our coastal defense.

You may recall that on June 22 of this year I took the floor to tell you of the fine and patriotic action of each member of Battery F in subscribing for at least one war bond within 24 hours after the President had affixed his signature to the pay raise bill. This striking instance of devotion to our flag and country which the lads of this Army unit are so bravely serving was nobly supplemented by a voluntary act of the entire battery on Armistice Day last week. In observance of that historic day, and in commemoration of one of their deceased comrades, Private Michael G. Hartery, of the Bronx, N. Y., the entire personnel of Battery F voluntarily appeared at the headquarters of the Red Cross at Fort Hancock for the purpose of donating blood to the Red Cross blood bank. Some of the lads were required to stand aside because of being afflicted with colds or because their medical histories show that while on Army service in the tropics they had suffered from malaria. However, one pint of blood was drained from the veins of each of the 100 members of the battery.

An amusing, yet significant, incident of the affair was that one member of the battery who was doing penance in the guardhouse insisted on being allowed to stand in line with his comrades and give his blood. I am glad to say that his request was granted. The zeal and unity which characterized this sacrifice is exemplified in the fact that the battery commander, Capt. Justin J. Yates, of New York, headed the line of donors and he was the first to give his blood. When the last man had made his donation, the entire battery repaired to its mess hall where Captain Yates was the host at a special steak dinner which was also attended by the battalion commander, Major Derby, and the regimental commander, Colonel Inghram. Despite the enervating effect of the loss of blood, each donor was right on the job from reveille to taps the next day.

While I take great personal pride in saying that well over half of the members of this fine Army unit are from my home State of New York, and one of them, Corp. William S. Shea, is a former member of my secretarial staff, yet the roster of the battery carries the names of lads from several other States of the Union, and of almost every racial origin. It is a group which symbolizes the glorious melting pot which is America. There is a Cassidy, a Cohen, a Kelly, a Napolitano, and a Greenbaum from New York, a Bjerkin from Minnesota, an Engelbretson from South Dakota, a Pearson from Missouri, a Basiewicz and a Lyons from New Jersey, a Dillon from Illinois, a Fournier from Vermont, a Pitts from Indiana, and a Hutton from California. I am sure you will agree with me that the sacrifices made by these soldiers of Battery F are a shining page in the history of this war for the survival of decency and right principles. Those civilians who are prone to chafe at the necessary restrictions of our wartime economy, and to indulge in self-sympathy because of having to forego some of the luxuries and conveniences of the sunny days of peace, might well pause long enough to read this simple, yet magnificent story which tells of the stuff and fiber of the men who compose our armed forces. Surely they will weep no more, but instead take a hitch in their belts and strip down for battle action on the home front with a firm resolve to be worthy of the sacrifices and heroic deeds, not alone of Battery F of the Two Hundred and Forty-fifth Coast Artillery, but likewise of every other unit of our armed forces.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Wisconsin [Mr. JOHNS] is recognized for 10 minutes.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes if it becomes necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. JOHNS]?

There was no objection.

Mr. JOHNS. Mr. Speaker, the fall election for 1942 is now over. It has been my privilege to serve in this House for two terms.

These 4 years have been trying and exacting ones for all of us. Most of you have been returned to serve another term during a critical period while we are fighting the most bloody war of all time.

It was my desire to be with you for another 2 years at least, to aid with my experience gained through 4 years of service, but the voters have decreed otherwise. Had their decision been based upon true facts, it would have been pleasant to take defeat because the American people always come to a correct conclusion when their decision is based upon the true facts.

There is no bitterness on my part in what I have to say today. It is only a statement of facts as they exist, which I feel the membership of the House is entitled to know.

I have lived long enough to know from experience that if wrongs have been committed against any members of this body in the recent election, the Ruler of our destiny will see that they are corrected at the proper time, and those who have been wronged will receive their just reward, and those responsible for these wrongs will be justly punished.

I have discovered that a man can be too conscientious about his service in this House. Sometimes it may be best for himself and his constituents if he does not take his duties too seriously.

To explain what I mean: Had I gone home and neglected some of my duties here, I would have been reelected. As it so happened, I remained at my post here until it was too late to overcome the great damage done in my district by the Union for Democratic Action and those affiliated with it and those who had been duped by it.

Most of the voters did not know of its history and those responsible for it. Its dirty smear was scattered from one end of my district to the other. You could pick up the Supplement to the New Republic almost any place you cared to look for it. New Deal headquarters were supplied with it. I know because I picked it up there. Business houses were supplied with it. It was distributed generously. If the statements made in it about me were true no one should complain, but they were utterly false and libelous per se.

For instance, the article written about me said that a company I controlled and operated as president had been found guilty by the National Labor Relations Board of unfair labor practices, that I had opposed the organization of the men in my factory by the American Federation of Labor, and had paid low wages to the men over a long period of time—all of which is wholly false. The fact is that the company discussed in the article was not my company at all but another across the river from me that did have some trouble and had a lawsuit over it, but was finally vindicated in the court of appeals in Chicago. The writer of the article in the Supplement to the New Republic must have known his statements were false when written because any investigation would have supplied him with the truth.

The fact is that William Green of the American Federation of Labor endorsed me for reelection in 1940 and again in 1942, and of course any sensible man knows that William Green, the president of the American Federation of Labor, would not have endorsed me if I had had a record such as was outlined in the article in the New Republic Supplement of May 18, 1942.

The unfortunate thing is that Tom Amlie, the director of the Washington Bureau of the Union for Democratic Action, is a former Member of this body, repudiated by the voters of Wisconsin for return to Congress, and also a defeated candidate for nomination to the United States Senate from the same State. When running for nomination to the Senate, he received only 83 votes in my home county, where I have my business. You are all familiar with what happened to him when the President tried to appoint him to a position with the Federal Government. His record was so bad that the President finally withdrew his name from the Senate. You Members remaining in Congress had better keep your eyes on this fellow from now on. You are likely to find him on the pay roll here in Washington. I quote from the Dies committee report, No. 2277, page 7, on Mr. Amlie as follows:

Whether Amlie is a Communist or not, there can be no doubt that his views as expressed by himself on these tremendously important political and economic questions coincided perfectly with the views of the Communists.

Had I alone been selected for the slaughter by this crowd, it would not have mattered so much, but according to the Times-Herald, the local daily newspaper, 144 Members of Congress were slated for political slaughter. There were only 11 casualties, of which I happen to be one. But let the Times-Herald article of November 17, 1942, speak for itself:

Only 11 out of 144 Members of the House of Representatives whom the Roosevelt administration, the Willkieites, the Communists, and the left-wing press sought to purge in the 1942 elections were defeated at the polls. Of eight Senators marked for liquidation by the purgers, one was defeated.

The purge campaign was directed against both Democrats and Republicans, both pre-war interventionists, and pre-war noninterventionists, most of the candidates apparently having been judged primarily by their votes for or against collectivism in domestic affairs.

* * * * *

Edward J. "Paving Block" Flynn, chairman of the Democratic National Committee, was the first to call for a purge of the Republicans in Congress. Soon after Pearl Harbor he asserted that a Republican victory in the 1942 congressional election would be comparable to a major military disaster. Charles Michelson, publicity director of the Democratic National Committee, ascribed responsibility for the present war to the Republican Party, which he charged with blocking Woodrow Wilson's League of Nations proposal.

On May 18 the left-wing magazine New Republic, collaborating with the so-called Union for Democratic Action, published a special purge supplement, which blacklisted both Democrats and Republicans. * * *

The Dies committee on un-American activities issued a special report on the Union for Democratic Action, which distributed hundreds of thousands of copies of the purge supplement in the 1942 primary campaigns. The committee denounced the Union for Democratic Action as the spearhead of a Communist conspiracy to destroy representative government in the United States. The report found that 27 of the Union for Democratic Action's national leaders had been affiliated with an organization (the American League against War and Fascism), which openly advocated sabotage of American war industries, in time of peace and war.

The primary purge was almost a complete flop, but in October the New Republic got out a new purge supplement for the November 3 general election. This time it undertook to purge virtually the whole Republican Party. Adopting Democratic Chairman Flynn's argument as its own, the New Republic said: "If this Congress should go Republican on November 3, Hitler will have won a major battle."

Of the eight Senators slated for defeat, only one, a Democrat, was defeated in the primary, and the man who defeated him was in turn defeated in the final election by a Republican, a noninterventionist.

Here is what the Dies report has to say on page 4 of its report about the Union for Democratic Action and its aims and purposes:

The Union for Democratic Action purports, in its 32-page document, to analyze the votes of the Members of Congress on 20 arbitrarily chosen bills which have been up for passage during the past 2½ years. Ten of these measures were in the field of foreign policy and 10 in the field of domestic affairs. Where the Member of Congress voted in accordance with the union's opinions, he is given a plus sign; where he voted contrary to the union's views, he received a minus sign. According to the union's tabulation, only 18 Members of the House of Representatives have all plus marks.

Completely disregarding its own tabulation, the Union for Democratic Action concludes its document by calling for the defeat of a group of Representatives and Senators whom it describes as the obstructionists.

The Union for Democratic Action betrays a remarkable fact concerning its own objectives—namely, that its interest in winning the war against the Axis Powers is a secondary matter. This is clear from the fact that the union calls for the purge of various Members of Congress whose voting record on the 10 measures dealing with foreign policy has been 100 percent in support of the administration. The only possible conclusion which can be drawn from the union's position is that it belongs to that relatively small group of radicals who are trying to use the war emergency to advance their own revolutionary programs within the United States.

You Members remaining in Congress, and those coming in, will have the job of preserving our form of government. I know most of you personally on both sides of the House. A deliberate attempt has been made to destroy representative government in the United States. It has failed because of an aroused public

opinion. Keep on guard and do not permit a thing of this kind to happen in America again.

We are engaged in a great World War. We are told it is to preserve freedom throughout the world, to establish our ideals everywhere. It is a great task and, if accomplished, must necessarily lower our standard of living in our own United States. If our ideals are accomplished, it is worth all the sacrifices we may be called upon to make.

We need not minimize the bewildering complex of human life and the puzzling intricacy of its unfoldings to history. We need not shut our eyes to the tragedy of it all, but in the slow, painful years the splendor of achievement has far outweighed the tragedy. If we keep our ideals clearly before our minds, we shall yet survive and continue our civilization. The powers of mind and matter ready in this age to be organized toward high and worthy objects, are of unprecedented scope and content. The present-day economic and intellectual revolution has opened the door of human possibility wider than it ever was opened before.

In these days that so distress and disconcert us, it is preeminently fitting that we pull ourselves together and anew submit to the crucible of thought, our estimate of the human achievement, the validity of our ideals for humanity, and of our notions as to what constitutes human progress.

The noblest end of human effort is the development and elevation of men and women. There is an urgent cry for the improvement of the human race.

The world must not fail in the present crisis. I think our real purposes may be accomplished. But surely not unless God shall give us men and women cast in heroic mold; men and women endowed, not only with the understanding heart, which feels and appreciates the condition of the present, but with the philosophic mind, which weighs with just discrimination the accumulated experiences of the past; men and women who can withal lift up their eyes in abiding faith to the hilltops of the future, which even now, are touched and glorified by the light of the approaching day.

Keep our Government as it is, for the men and women who are fighting to save it, and they will take over when they return, and see that subversive elements in America are taken care of in proper form in the future.

This perhaps will be the last time I shall speak on this subject on the House floor. It has been my privilege to meet and know most of you—some quite intimately—and I have learned to know and to appreciate the sacrifices that many of you are making. May you have the guidance of God in all your deliberations during these trying hours.

Personally, I never had any desire to run for Congress. Friends persuaded me it was my duty during this critical period to do so, that I owed it to my country which had been so generous and kind to me.

I have done my best in a conscientious way to repay that debt I owe to my country and to humanity. How well I have succeeded, history only will record. I have done what I could in my humble way. God grant that the United States of America may survive that civilization may endure and progress.

In closing, may I say to you Members of the House on both sides, who hold the destiny of America in your hands:

Build today, then, strong and sure
With a firm and ample base;
And ascending and secure
Shall tomorrow find its place.
And only the Master shall praise us,
And only the Master shall blame,
And no one shall work for money,
And no one shall work for fame;
But each for the joy of working
And each in his separate star,
Shall draw the thing as he sees it
For the God of things as they are.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4533. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs; and

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia; and

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 4533. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs; and

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p. m.), under its previous order, the House adjourned until Monday, November 23, 1942, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Special Subcommittee on Petroleum Investigation of the Committee on Interstate and Foreign Commerce at 11 a. m., Monday, November 23, 1942. Business to be considered: Hearing on production, transportation, refinement, and distribution problems of petroleum products.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1992. A letter from the chairman of the Joint Committee on Internal Revenue Taxation, transmitting a report of the committee, dated November 19, 1942, covering refunds and credits of internal-revenue taxes for fiscal year ending June 30, 1941 (H. Doc. No. 886); to the Committee on Ways and Means and ordered to be printed.

1993. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill to amend an act entitled "An act to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments," approved August 14, 1937; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 7781. A bill to define the real property exempt from taxation in the District of Columbia; without amendment (Rept. No. 2635). Referred to the Committee of the Whole House on the state of the Union.

Mr. KILDAY: Committee on Military Affairs. H. R. 7633. A bill to increase the pay and allowances of members of the Army Nurse Corps; with amendment (Rept. No. 2636). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPARKMAN: Committee on Military Affairs. S. 2723. An act to amend the Pay Readjustment Act of 1942; with amendment (Rept. No. 2637). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes; with amendment (Rept. No. 2638). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROOKS: Committee on Military Affairs. H. R. 7768. A bill to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; with amendment (Rept. No. 2639). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN of Louisiana: Committee on Immigration and Naturalization. H. R. 7746. A bill to authorize the deportation of aliens to countries allied with the United States; with amendment (Rept. No. 2640). Referred to the Committee of the Whole House on the state of the Union.

Mr. PAGÁN: Committee on Agriculture. H. R. 7505. A bill authorizing a supplementary appropriation for the Department of Agriculture for emergency supplies for the Territory of Puerto Rico, and for other purposes; with amendment (Rept. No. 2641). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 6179. A bill for the relief of Thomas H. VanNoy; without amendment (Rept. No. 2633). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 7857. A bill for the relief of Mrs. Bulah Fiori; with amendment (Rept. No. 2634). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of New Mexico:

H. R. 7790. A bill to authorize a per capita payment of $10 to the members of the Santa Clara Pueblo of New Mexico from funds on deposit to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. COLE:

H. R. 7791. A bill relating to the naming of naval vessels; to the Committee on Naval Affairs.

By Mr. DOUGHTON:

H. R. 7792. A bill to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad; to the Committee on Ways and Means.

By Mr. FULMER:

H. R. 7793. A bill to amend the Agricultural Adjustment Act of 1938 with respect to farm acreage allotments; to the Committee on Agriculture.

By Mr. HARTLEY:

H. R. 7794. A bill permitting the naturalization of certain persons not citizens whose sons or daughters have served with the land or naval forces of the United States; to the Committee on Immigration and Naturalization.

By Mr. HARRIS of Virginia:

H. R. 7795. A bill to increase by 1 year the period within which certain oyster growers may file claims against the United States in the Court of Claims; to the Committee on Rivers and Harbors.

By Mr. HOUSTON:

H. R. 7796. A bill to provide for the appointment of one additional United States district judge for the district of Kansas; to the Committee on the Judiciary.

By Mr. KEEFE:

H. R. 7797. A bill to amend the Labor-Federal Security Appropriation Act, 1943; to the Committee on Appropriations.

By Mr. MANASCO:

H. R. 7798. A bill to set aside certain provisions of orders and regulations requiring the registration and inspection of tires and tubes; to the Committee on Banking and Currency.

By Mr. MURDOCK:

H. R. 7799. A bill to authorize the Reconstruction Finance Corporation to make loans to those desiring to engage in producing minerals of value to the United States in time of war; to the Committee on Banking and Currency.

H. R. 7800. A bill to amend the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," as amended, by authorizing loans for mineral development purposes in time of war; to the Committee on Banking and Currency.

By Mr. STEAGALL:

H. R. 7801. A bill to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority; to the Committee on Banking and Currency.

By Mr. WOLVERTON of New Jersey:

H. R. 7802. A bill to suspend the authority of the Securities and Exchange Commission under section 14 (a) and section 14 (b) of the Securities Exchange Act to issue rules relating to the solicitation of proxies, consents, and authorizations during the period of the war emergency; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN J. KENNEDY:

H. R. 7803. A bill extending the provisions of the National Service Life Insurance Act of 1940 to American war correspondents; to the Committee on Ways and Means.

By Mr. HOBBS:

H. J. Res. 359. Joint resolution to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; to the Committee on the Judiciary.

By Mr. PRIEST:

H. J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States relating to the method of ratification of treaties; to the Committee on the Judiciary.

By Mr. McMILLAN:

H. Res. 573. Resolution granting a gratuity to the father of Wilson R. Langston; to the Committee on Accounts.

By Mr. HOFFMAN:

H. Res. 574. Resolution requesting the Secretary of Labor to furnish the House of Representatives the number of representatives of the Department who are engaged in investigating, arbitrating, or settling labor disputes; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H. R. 7804. A bill for the relief of E. F. Hathorn and E. D. Hathorn; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 7805. A bill for the relief of Sallie Grossenbacher; to the Committee on Claims.

By Mr. HARRIS of Virginia:

H. R. 7806. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of J. R. Dixon; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3439. By Mr. BURGIN: Petition of Rev. A. Odell Leonard and members of the Christian Endeavor of the Second Evangelical and Reformed Church of Lexington, N. C., urging the passage of Senate bill 860; to the Committee on Military Affairs.

3440. By Mr. CASE of South Dakota: Petition of the Ladies' Aid of Willow Creek Lutheran Church, Dell Rapids, S. Dak., presented by Rev. Ole M. Odland, requesting that the sale of intoxicating liquor in camps and schools where men and women are trained for armed service be prohibited; to the Committee on Military Affairs.

3441. Also, petition of Henry E. Shrader and others of Kennebec, S. Dak., to prohibit intoxicating drinks, including beer, in and around Army camps and naval stations; to the Committee on Military Affairs.

3442. Also, petition of Mrs. A. B. Huglin and others of Spearfish, S. Dak., to prohibit intoxicating liquor in and around Army camps and naval stations; to the Committee on Military Affairs.

3443. Also, petition of the Women's Society of the Methodist Church of Egan, S. Dak., to prohibit the sale of all liquors in and near Army camps; to the Committee on Military Affairs.

3444. Also, letter of Rev. Walter S. Van, of Colman, S. Dak., urging that liquor be prohibited in and about Army camps, especially in view of drafting 18- and 19-year-olds; to the Committee on Military Affairs.

3445. By Mr. McGREGOR: Petition of Nannie Van Winkle and other residents of Bladensburg, Knox County, Ohio, urging the enactment of Senate bill 860, for the protection of our armed forces from all forms of vice; to the Committee on Military Affairs.

3446. By Mr. MILLER: Petition of Jane R. Lohman, president, Service Mothers Club, Trucksville, Pa., and signed by 31 members and friends, urging the passage of Senate bill 860, for the protection of our Army and Navy against insidious influence of vice and intoxicating liquors, etc.; to the Committee on Military Affairs.

3447. Also, petition of Louise M. Hartman and signed by 26 citizens of Wyoming, Pa., Twelfth Congressional District, favoring the passage of Senate bill 860, the so-called Sheppard bill, prohibiting the sale of all alcoholic beverages to soldiers in uniform anywhere in the United States or its possessions and to establish zones around Army camps in which vice and sale of intoxicating beverages shall be prohibited; to the Committee on Military Affairs.

3448. Also, petition of Fred Schultz, of Plymouth, Pa., and signed by 16 sundry citizens of Luzerne County, Pa., urging the passage of legislation prohibiting the sale of intoxicating beverages, including beer, to soldiers in the Army camps, to soldiers in uniform anywhere in the United States or its possessions, and to establish zones around Army camps, in which vice and the sale of intoxicating beverages shall be prohibited; to the Committee on Military Affairs.

3449. Also, petition of Harry E. Edwards, of Shickshinny, Pa., and 19 sundry citizens of Luzerne County, Pa., urging passage of legislation prohibiting the sale of intoxicating beverages to soldiers in uniform anywhere in the United States or its possessions and to establish zones around Army camps in which vice and the sale of intoxicating beverages shall be prohibited; to the Committee on Military Affairs.

3450. By Mr. REES of Kansas: Petition signed by Mrs. Henry Mugler and 107 other citizens of Riley County, Kans., opposing the use and sale of liquor in and around our training camps; to the Committee on Military Affairs.

3451. Also, petition signed by Frank Colyer, R. C. Scott, and other citizens of Council Grove, Kans., protesting against the use and sale of liquor in and around our training camps and other vices around these camps; to the Committee on Military Affairs.

3452. Also, petition signed by Mrs. S. A. Vanscoik and 70 other representative women of Marion County, Kans., protesting against the sale of liquor and immoral conditions in and around our training camps; to the Committee on Military Affairs.

3453. By Mr. SMITH of Wisconsin: Resolution of the Beloit Real Estate Board, Beloit, Wis., protesting against the unjust discrimination of the rights of property owners in the provisions of the national rent law; to the Committee on Banking and Currency.

3454. By Mr. WHEAT: Petition of members of the Woman's Society of Christian Service, Camargo Methodist-Episcopal Church, Camargo, Ill., urging the passage of Senate bill 860; to the Committee on Military Affairs.

3455. Also, petition of sundry members of the congregation of the United Brethren Church of Argenta, Ill., urging passage of the bill prohibiting sale of intoxicating liquor

in and near the vicinity of the Army camps of the United States; to the Committee on Military Affairs.

3456. Also, petition of sundry members of the Charleston Woman's Club, Charleston, Ill., urging that men in the armed service be forbidden to buy or receive liquor; to the Committee on Military Affairs.

SENATE

FRIDAY, NOVEMBER 20, 1942

(Legislative day of Tuesday, November 17, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Dear God and Father of us all, whate'er our name or sign, under the canopy of Thy goodness and mercy we pause to seek Thy face. Gather our wandering minds and our wayward spirits into Thy secret place where, even before we lift our own voices concerning the affairs of these perplexing times, we may have ears to hear those voices which tell us the meaning and worth of life. On the tablets of our hearts may there be written Thy decrees.

In days when eyes are fixed on the victory of our righteous arms may we not forget that he that is slow to anger is better than the mighty and he that ruleth his own heart better than he that taketh a city. Let all that is low, abominable, selfish, vindictive, and of a mean report be put away from us, and may all things pertaining to Thy spirit live and grow in us. Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most, the golden currency of faith and hope and love. We ask it in the name of man's Best Man, love's Best Love. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, November 19, 1942, was dispensed with, and the Journal was approved.

SENATORS FROM MISSISSIPPI AND NEW HAMPSHIRE—CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of JAMES O. EASTLAND, duly chosen by the qualified electors of the State of Mississippi a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

The VICE PRESIDENT also laid before the Senate the credentials of STYLES BRIDGES, duly chosen by the qualified electors of the State of New Hampshire a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

SENATOR EXCUSED FROM ATTENDANCE

Mr. TAFT. Mr. President, I ask leave of the Senate to be absent tomorrow in order to attend the funeral of a friend in Cincinnati.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the Senator from Ohio is excused from attending the session tomorrow.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed the following bills of the Senate, severally, with amendments, in which it requested the concurrence of the Senate:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in line of duty, during the World War;

S. 2723. An act to amend the Pay Readjustment Act of 1942; and

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes;

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; and

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia.

Under permission subsequently granted during the course of today's proceedings, the following routine business was transacted:

PETITION

Mr. CAPPER presented a petition of sundry citizens of Yates Center, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 7408. A bill to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes"; without amendment (Rept. No. 1703).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2769. A bill to authorize the rank of rear admiral in the Dental Corps of the United States Navy; without amendment (Rept. No. 1704).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation six lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 19, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia; and

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 2901. A bill for the relief of Jacob Oblock; to the Committee on Claims.

S. 2902. A bill to prevent discrimination against blind persons and persons with impaired visual acuity in the administration of the civil-service laws and rules; to the Committee on Civil Service.

By Mr. PEPPER:

S. 2903. A bill for the relief of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla., a partnership composed of W. P. Richardson, George W. Hessler, and L. C. Park, by reason of certain claim arising within the World War period; to the Committee on Claims.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar as indicated:

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes; to the Committee on Military Affairs.

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; to the calendar.

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia; to the Committee on the District of Columbia.

ISSUANCE OF CERTIFICATES OF WAR NECESSITY BY OFFICE OF DEFENSE TRANSPORTATION

Mr. O'MAHONEY (for himself and Mr. WHEELER) submitted the following resolution (S. Res. 314), which was referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investi-

gation and study of (1) the circumstances and conditions surrounding the issuance by the Office of Defense Transportation of ODT Order No. 21 (relating to certificates of war necessity), (2) the administration of the provisions of such order, (3) the standards under which certificates of war necessity are issued pursuant to such order, and (4) any other matters relevant thereto. The committee shall report to the Senate at the earliest practicable date the results of such investigation and study, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and Seventy-eighth Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ARMISTICE DAY ADDRESS BY SENATOR WALSH

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address delivered by him on Armistice Day entitled "Winning the War," which appears in the Appendix.]

THE MILITANT POWER OF WORK—ADDRESS BY SENATOR AUSTIN

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an address by Senator AUSTIN at Indianapolis, Ind., November 19, 1942, at the annual dinner of the national executive committee of the American Legion, which appears in the Appendix.]

THE RELATION OF THE WAR TO OUR CIVILIAN ECONOMY—ADDRESS BY HON. JAMES F. BYRNES

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address on the subject The Relation of the War to Our Civilian Economy, delivered by Hon. James F. Byrnes on November 16, 1942, in connection with the New York Herald Tribune Forum, which appears in the Appendix.]

SUPPORT OF WAR MEASURES BY CATHOLIC CHURCH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article from the New York Herald of November 16, 1942, entitled "Catholic Church Supports War as Duty of United States," which appears in the Appendix.]

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS—ARTICLE BY ARTHUR KROCK

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an article entitled "The Legal and Policy Issues in the Filibuster," written by Arthur Krock and published in the New York Times of November 19, 1942, which appears in the Appendix.]

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The VICE PRESIDENT. The question is, Shall tne point of order made by the Senator from Mississippi [Mr. DOXEY] that House bill 1024 is unconstitutional be sustained by the Senate? The Senator from Mississippi.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. BILBO. I yield, provided I do not lose the floor.

The VICE PRESIDENT. It is so understood. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	Radcliffe
Andrews	Green	Reed
Austin	Guffey	Russell
Bankhead	Herring	Schwartz
Barbour	Hill	Shipstead
Barkley	Johnson, Calif.	Shott
Bilbo	Kilgore	Smith
Brewster	La Follette	Spencer
Bulow	Langer	Stewart
Bunker	Lee	Taft
Burton	Lucas	Thomas, Idaho
Byrd	McKellar	Thomas, Okla.
Capper	McNary	Truman
Caraway	Maybank	Tunnell
Chandler	Mead	Tydings
Chavez	Millikin	Vandenberg
Clark, Idaho	Murdock	Van Nuys
Connally	Nelson	Wagner
Davis	Norris	Walsh
Doxey	Nye	Wheeler
Ellender	O'Mahoney	White
George	Overton	Wiley
Gerry	Pepper	Willis

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Texas [Mr. O'DANIEL], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] has been called from the city to attend the funeral of the late Democratic national committeeman from Connecticut.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present.

The question is, Shall the point of order made by the Senator from Mississippi [Mr. DOXEY] that House bill 1024 is unconstitutional be sustained by the Senate?

Mr. BILBO. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Several Senators rose.

Mr. BARKLEY. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I yield.

Mr. BARKLEY. I wish to state for the benefit of all Senators that I think we all understand the rule, and that we should observe it. I do not believe insertions in the RECORD are of sufficient urgency that we cannot forego the pleasure for the time being. I shall have to object to the Senator yielding for the purpose of mere insertion of matters in the RECORD.

Mr. BILBO. Mr. President, I am not unmindful of the rules of the Senate, but at this time I wish to ask unanimous consent that I may yield the floor, preserving my parliamentary status, and finish my speech later. I was in the midst of the statement of a matter which should be concluded, but the senior Senator from Wyoming [Mr. O'MAHONEY], who was chairman of the subcommittee during the hearings on the bill, and who heard all the testimony and all the discussions, would like to speak on the bill, and I ask unanimous consent that I may yield the floor in order that he may address the Senate. I am sure every Senator desires to hear the Senator from Wyoming, because he has specialized on this question. After he shall have spoken, I should like to conclude my remarks.

Mr. GUFFEY. I object.

Mr. BARKLEY. I desired to comment for a moment on the request, but objection has been made.

Mr. BILBO. The Senator from Pennsylvania objects, as usual, and I shall yield the floor, in the hope that the Senator from Wyoming [Mr. O'MAHONEY] may be permitted to speak.

THE CONSTITUTIONAL QUESTION

Mr. O'MAHONEY. Mr. President, because of the fact that, through no choice of my own, but by the action of the chairman of the Committee on the Judiciary, I was made chairman of the subcommittee to study the measure now under discussion——

Mr. CONNALLY. Mr. President, there is some confusion, and I hope all Senators will give heed to the Senator from Wyoming, because he understands the question we are considering as thoroughly and as well as any other Senator on the floor.

Mr. O'MAHONEY. I hope the compliment of the Senator from Texas may be deserved, but I doubt it.

I was about to say that I feel an obligation to discuss this matter because I

was chairman of the subcommittee to which was referred the bill introduced by my distinguished friend, the Senator from Florida [Mr. PEPPER]. I presided at all hearings which were held, and listened to all the testimony. I entered the hearings with a feeling, which I still retain, that the poll tax as a requirement for voting should be abolished. So what I have to say has nothing whatever to do with the merits of the poll tax as a qualification for voting.

I do not stand here to advocate in my own person or to urge upon the Members of the Senate that they should advocate the erection of poll-tax requirements as a means of preventing any person or any class from participating fully in the electoral franchise. So long as I can remember, I have been an advocate of universal suffrage, including woman suffrage.

I make this preliminary statement, Mr. President, because I feel that it is important to an understanding of what I am about to say to know that I am moved only by a deep conviction that the constitutional questions involved in this debate are about as important as any which have been presented to the Senate and to the Congress throughout the long life of Congress and that these questions deal with the rights of the people and the States.

This Government of ours is a dual government. It was envisaged by the founders as an indestructible Union of indestructible States, and the framers went to great length to make certain that the States, as States, should retain their sovereignty and their right of self-government for their own people. Can there be any doubt of that?

Mr. President, this body would not be in existence if it were not for the underlying conviction of the framers of the Constitution that the States, as States, were sovereign and equal entities. It was provided in the fundamental law, after much study and much consideration, that all the States should be equal in the Senate. No matter how large in area or how small, no matter how large in population or how small, all the States are represented upon this floor and have been from the beginning, as equal sovereignties. The provision that each State should be represented in the Senate by two Members was written into the Constitution precisely because the framers were fearful that without such a provision the time would come when the populous States, States in which great cities should arise, would control the Government, overwhelming the power and authority of the small States. There was no other reason for it. There can be no other reason for it.

THE STATES HAVE EQUAL SOVEREIGNTY

Not only is it the fact that the framers of the Constitution decreed that the States should all be equal in representation in the Senate, but they took another step to provide carefully against the exercise of the power of a majority to overwhelm a minority. Having drafted the Constitution, having carefully prescribed what the powers of the Federal Government should be, and what the reserve powers of the States should be—and, indeed, the reserve powers of the people—they said in words that can not be misunderstood that if there were to be any change in that fundamental law it should be made by constitutional amendment. Article V of the Constitution, like the provision which creates the equality of the States in the Senate, was designed for the purpose of making it necessary when any fundamental change of our system was desired, to present that change to the people through the States before it should become effective in order to maintain State power.

Oh, Senators may say that is a difficult and wearisome process. Mr. President, the framers of the Constitution made it a difficult and wearisome process. They provided that a resolution of amendment to the Constitution should first be passed by two-thirds vote of each body, and then before it should become effective that it should be ratified by three-fourths of the States. Why did they do that? Because again it was their desire to protect the minorities; it was their desire to protect the small States and the scattered population from being overridden by central power.

And here we stand today in 1942, in the Capitol at Washington, and we see all about us the erection again of the central power which the framers of the Constitution sought to break down. I am not referring now to what is transpiring in the United States of America itself. I am referring to the fact that throughout the world the central authority has again become almost supreme, and we are engaged in this war only because central arbitrary power has risen and we are seeking to reverse the trend.

This Government of ours, when it was established in 1787, was the high-water mark of a struggle which had continued for centuries to break down the arbitrary central power of the king and bring about the distribution of political power among the people. The founding fathers were so jealous of the idea of the distribution of power that they were careful, in the ways I have already indicated, to preserve minorities against majorities.

CENTRALIZATION OF POWER

Mr. President, I say that the bill which is now presented to us seems to me to involve something far more important than the question whether the payment of a poll tax should be a qualification for voting. The issue here is whether or not by a majority vote of the Senate and the House of Representatives we shall undertake to amend the fundamental law without going to the trouble and the care of submitting a constitutional amendment. In other words, what this question means is whether or not we shall abandon the States as a part of our dual sovereignty, and centralize power in the Federal Government to do here precisely the thing which, having been done abroad, has involved us in this war.

Is it a small matter? O Mr. President, pick up the Congressional Directory; look at the list of Federal bureaus which control the affairs of the people. Disregarding altogether such executive departments as the Department of State, the Treasury Department, the Post Office Department, the War Department, and the others, I ask Senators to turn only to those pages of this volume which list some of the independent offices, agencies, and establishments which control the economic and political life of the people of America. This steady trend toward centralization has been in progress for more than a generation. It has crept up on us almost without our observing it. Much of it has been necessary. I myself have voted for the creation of many of these boards and commissions, because prior to the time that Washington stepped in to control and regulate the economic life of the people, there was a central financial power in New York which was doing the same thing. It was centralism in monopoly which required the people of the United States to turn away from their habitual exercise of State power and appeal to Federal power to prevent what they considered to be an abuse.

The danger is that we are rapidly tending toward an almost equal abuse upon the other side. There is not a Member of this body or of the other House who has not in his daily life as a Senator or a Representative observed innumerable instances of the extent to which the multitudinous Federal agencies are exercising discretionary power over the lives of the people, many of them in almost conflict with one another.

Only yesterday, Mr. President, some of us had a conference with Mr. W. M. Jeffers, who is called—and perhaps the term is rather significant—the "rubber czar." It is significant that to a greater and greater degree we are setting up "czars" who, by their own personal decrees, may govern and control the lives of the people. I do not quarrel with that practice. I know that it is necessary in order to win the war; but it is important that we understand precisely what we are doing.

In the conference with Mr. Jeffers some of us were endeavoring to determine what we could advise our constituents with respect to what they should do to obtain a satisfactory certificate of war necessity for the operation of necessary trucks. We found, as everyone knows, that the Office of Defense Transportation, the Office of Price Administration, and the Rubber Division under Mr. Jeffers, all have jurisdiction of the question whether a farmer shall receive 50 or 112 gallons of gasoline for a 1,000-mile journey. The determination is made, not in the county or the State where the farmer or the commercial operator conducts his business, but in a bureaucratic office in Detroit. The clerk in Detroit, who tells the farmer or commercial operator how much gasoline he may have, without ever having seen the county or the town in which he operates, is not elected by the people. He is an appointive official.

Let me suggest that beginning at page 385 of the Congressional Directory, one will turn page after page listing independent offices and establishments, until he reaches page 423, before exhausting the mere listing of those which were established before the war.

BUREAUCRACY IN THE SADDLE

The point I am making, Mr. President, is that the trend toward centralism—which could not be avoided, but which must be understood—has brought about such a condition that the affairs of the people of the United States are conducted by appointive officials, most of them serving without fixed tenure, and not by elected officials. Bureaucracy has risen to power. It supervises the affairs of the people from ocean to ocean, from the Gulf to Canada; and there is no way under heaven for the people to express their resentment against such conditions except by voting against Members of Congress, who have had little or no part in the responsibility for what is being done except to the degree they have permitted the bureaus to expand.

Mr. President, if an explanation of the last election is desired it may be found in the fact that the Government has been removed from the people, and that between them and the officials who direct their economic and political lives this vast bureaucratic establishment has been erected.

Only the President of the United States is elected by all the people of the United States. Senators represent the States; Members of the House represent their respective districts. If they so much as dare to utter a sentiment on behalf of their people at home, they are denounced in the newspapers and upon the air as little men, with no national point of view; politicians who are guided only by selfish motives.

Let nobody make a mistake. The warning in the last election was a warning to reestablish direct control between the people of the country and the public officials who administer the law.

Great as is the President of the United States, wise as has been his social and international policy, lofty as will be his place in the record of history, we know perfectly well that it is, nevertheless, absolutely impossible for him to pass upon the innumerable details which day by day are handled in the various bureaus, affecting the interests of the people of the United States.

So, Mr. President, I assert that this is a most important constitutional question. It may be that we should abandon the States. I do not think so. Throughout my service in this body, to the best of my ability I have resisted every attempt which has been made to invade the authority of the States. But, if the States are to be abandoned, it seems to me that those who have taken an oath to maintain and support the Constitution as it is written have no recourse except to work for that change in the manner prescribed by the Constitution itself.

THE POWER TO FIX QUALIFICATIONS OF ELECTORS

We now come to the question whether or not the pending bill represents a constitutional attempt to exercise constitutional congressional power. To me the answer to the question is so clear that I wonder how it can be debatable. At the very outset of the hearing on the pending bill I propounded the constitutional questions and asked the advocates of the bill to present arguments in support of their contention that the power to fix the qualifications of voters resides in a majority of Congress rather than in the States. The answer to that question has been merely the ingenious and clever stringing together of words, phrases, and emotional appeals by special pleaders who found themselves confronted by language and history which no person can misunderstand.

Bear in mind the fact that the framers of the Constitution clearly intended to make the States equal, and that they were careful to preserve in the States those powers which were not delegated to the Federal Government. We are confronted with the question of what they did about determining who should be the electors and who should fix the qualifications of the electors.

Let it be remembered that the men who sat in the Constitutional Convention and drew this instrument, which everyone recognizes as one of the most remarkable instruments ever drafted, did not provide for popular election of Senators. They provided that Senators should be elected by the State legislatures; and of course they neither exercised any jurisdiction, nor attempted to exercise any jurisdiction, over the qualifications of members of the legislatures. Their decision was that so far as the Members of the Senate were concerned the selection should be made by whomever the people of the several States might choose to send to the State legislatures.

Even in the matter of the election of the President, they erected a barrier between the people and the Chief Executive by creating the electoral college. The idea was that a group of wise men should be chosen as electors by the several States—chosen independently in the several States; let us not forget that—that such electors should meet in their own States, that they should not come together in any general body to debate, but that, meeting separately in their several States, they, in the exercise of their judgment, should choose the President. The genius of the people of America for self-government was so great, however, that though we have never changed the electoral college, the electors now, as a matter of course, vote for the candidates chosen by the parties by whom they in turn are nominated.

Of course, it may be pointed out here with respect to the election of Senators that the seventeenth amendment made no change in the fundamental concept of the independence of the States or the right of the States to determine the qualifications of the voters.

Bearing in mind that Senators as Federal officials were not to be elected by the people, and that the President was not to be elected by the people, we find the explanation of section 2 of article I, which is the only provision in the Constitution dealing with voters' qualifications. It has already been read during the course of this debate; but for the sake of the continuity of my argument let me read it again:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

What is the answer? One of the principal advocates of the bill before us, in an article which he prepared for a law journal, acknowledged that for years it was generally assumed that the sole power to fix the qualifications requisite for electors for the House of Representatives resided in the States; and he said there never was any thought otherwise until some bright mind conceived the idea of separating the qualifications requisite for electors of Federal officials from those requisite for electors of State officials, and of arguing that a poll-tax requirement is not a qualification, but merely an interference with the manner of holding an election, because section 4 of the first article provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

So the argument of the proponents of this bill must be that the poll-tax requirement is not a qualification, but an interference with the manner of holding an election.

Can anyone say that that is not a strained construction—so strained, Mr. President, that some of the advocates of the bill are not content to rely upon it, but say that the real basis of the bill lies in the provision of the Constitution by which the United States is required to guarantee to each State a republican form of government. Then we are asked to believe that a poll-tax requirement is a violation of the principles of a republican form of government. How can that be contended in the face of the fact that the men who drafted the section, the men who drafted the Constitution, had been chosen by the people of States in every one of which there was some form of a property-ownership or tax-payment qualification?

O Mr. President, the poll-tax requirement as a prerequisite for voting was not abolished in the State of Massachusetts—and I speak of Massachusetts because I was born there and because I know that it has been one of the most progressive and liberal States of the Union—until 1892. It was not abolished in the State of Pennsylvania until 1933. So during all that time, from the moment when the Constitution was written by men chosen in States which recognized the ownership of property and the payment of taxes as qualifications for voting, right down to this decade, the right of the States to impose or to repeal such a qualification had been recognized; and no one sought to question it until the bright idea dawned that, by calling red blue, we could amend the Constitution—a qualification is not a qualification. Let the Congress by a majority vote so declare, and the necessity of amending the Constitution as the founding fathers directed us to do in article V would be obviated.

WHAT DID THE FRAMERS INTEND?

Mr. President, let us examine the matter. We need have no doubt as to what the framers of the Constitution meant or what were the conditions under which they were operating. All that has been set down very clearly in Madison's notes on the Constitutional Convention. The committee on detail, which had worked laboriously and very ably in drafting the Constitution, brought in the section providing that the qualifications requisite for electors of Members of the House of Representatives shall be the same as those requisite for electors of the most numerous branch of the State legislature.

Gouverneur Morris, a very distinguished and able delegate from the State of New York, was fearful that if the power to fix the qualifications requisite for electors was left to the States they would probably extend those qualifications in such a manner as to be injurious to certain classes of the population of New York. New York at that time, as now, was very jealous of the rights of big business. So Gouverneur Morris said, "Let us fix these qualifications in the Constitution. Let us take this power away from the States."

This is what he said according to Madison's notes. I read from page 385 of volume 5 of Elliot's debates:

Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors", in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Clearly what Gouverneur Morris wanted to do was to provide by specific language in the Constitution not only that the right of fixing the qualifications of those who should vote for Federal electors should be withdrawn from the States but that the right of suffrage should be confined to freeholders, namely, the owners of real property.

Mr. Fitzsimmons seconded the motion.
Mr. Williams was opposed to it.

Mr. Wilson, of Pennsylvania, then rose to discuss the matter and this is what he thought, according to Madison's notes.

This part of the report was well considered by the committee, and he did not think it could be changed for the better.

Observe this language:

It was difficult to form any uniform rule of qualifications for all the States.

What is the meaning of the words "difficult to form a uniform rule"? Obviously it was Mr. Wilson's opinion that there should not be a uniform rule, but that the States should be left to their discretion.

Unnecessary innovations he thought, too, should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature.

So the bright idea of separating the qualifications of those who are to vote for Federal officials from the qualifications of those who are to vote for State officials was not understood for the first time when this bill was drafted; it was foreseen by the members of the Constitutional Convention, and they warned against it, and they defeated the motion of Gouverneur Morris which would have effected it.

But that is not all, Mr. President. Morris continued the debate. He said:

Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it in several of the States.

Here is the testimony of Gouverneur Morris that at the time the Constitution was drafted the qualification that only those who owned land could vote already existed in several of the States. So the requirement to pay a tax as a qualification for voting was well understood by these gentlemen, and they knew it to be a qualification because they were debating the very question of whether ownership of property should or should not be a qualification. In these circumstances how idle it is for any person to ask "What possible relationship can there be between the payment of a tax and qualification for voting?" That is the burden of the majority report. The payment of a poll tax is not a qualification, the report contends. It has nothing to do with the ability or the integrity or the character of the voter. Granted; but the point, Mr. President, is only that the framers of the Constitution were of the opinion that the qualifications should be fixed by the States, and they were living in States in which such a qualification was universal in one form or another.

Now listen to what Morris said:

Another objection against the clause, as it stands—

That is the clause we are talking about, section 2 of article I—

is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

What can you say about that, Mr. President? Morris was arguing against this clause which we find in the Constitution, saying that it was objectionable because it makes the qualifications of the National Legislature depend on the will of the States. What is the use of arguing, as the proponents of this bill do, about a tax payment not being a qualification when the man who objected to it and sought to make it even more rigorous than it was in some of the States clearly and unmistakably declared that unless that provision were changed the power to fix the qualifications would remain with the States?

THE STATES ARE THE BEST JUDGES

Now let us listen to Mr. Oliver Ellsworth, of Connecticut.

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

Observe this language:

The States are the best judges of the circumstances and temper of their own people.

The proponents of this bill, however, tell us that that is not the case; that the States shall not be permitted to continue to be the judges of the temper and the circumstances of their own people, but the States in this regard shall be overridden by a majority in the House and the Senate, and the constitutional provision with respect to the qualifications of electors shall be not what the Constitution says it shall be but what a majority of the Congress at any time may determine it to be.

Observe, Mr. President, if we have the right by a majority vote to decide through an act of Congress in a negative way that such and such shall not be regarded as a qualification, then, most certainly the reverse is true, and we have the equal right by a majority to say positively what the qualifications shall be. So the minute we take this step, though we may argue ourselves into the belief that we are doing it for a salutary purpose, we are opening the door to some future Congress to do what we do but to do it in reverse and take away the right of the people to vote.

I say, Mr. President, that as long as we hope or desire to maintain the dual form of government, which is the only excuse for the existence of a Senate, then we have no recourse, it seems to me, than carefully to observe all the provisions of the Constitution, for, if we once undertake to amend the Constitution by majority vote, we turn over to the majority of the people, regardless of State lines, the power to invade every State represented on this floor and to order and regiment the lives of the people of that State.

There are some other comments in this debate by Mr. Dickenson:

Mr. Dickenson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without principle with which our country, like all others, will in time abound.

There, Mr. President, if I may so characterize a member of the Constitutional Convention, spoke the reactionary mind of that day. I cite the statement only to show what the framers were thinking about.

Mr. Ellsworth came back to the debate to ask:

How shall the freehold be defined? Ought not every man, who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers who will bear a full share of the public burdens, be not allowed a voice in the imposition of them?

Then observe this sentence:

Taxation and representation ought to go together.

I have heard some talk about Mr. Madison and about his idea of what the qualifications should or should not be. Let us read his own comment:

Mr. MADISON. The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature.

Here was Madison arguing for the definition of qualifications, not by the States nor by the Congress, but by the Constitution.

A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms.

Whether the constitutional qualification ought to be a freehold, would with him, depend much on the probable reception such a change would meet with in States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject on its merits alone, the freeholders of the country would be the safest depositories of republican liberty.

FRAMERS LEFT POWER WITH THE STATES

Therefore it seems to me to be perfectly clear, from the text of the debate in the Constitutional Convention itself, that the men who drafted this instrument knew precisely what they were doing, and when they defeated Gouverneur Morris' amendment to fix the qualifications in the Constitution, they did so precisely because they wanted that right to fix qualifications to remain with the States. This was because, in the words of Mr. Wilson, that it would be disagreeable to have two sets of electors, one voting for State officers and the other voting for Federal officers.

The proposal was voted down in the Constitutional Convention. The proponents of the bill ask us to vote it up by a statute. They contend that although the Constitutional Convention said that the qualifications for those who are to choose the only Federal officials who are to be elected by the people shall be the same as the qualifications of those who are to choose the most numerous branch of the State legislature, we should now alter that program, that procedure, that policy, and should make the qualifications different. So they say that the new Supreme Court which we now have, with a much more liberal point of view than the courts which have preceded it, will follow this reasoning, this special pleading advocacy of an amendment to the Constitution by legislative enactment. It is said they will sustain the proposal, and why not let them do it? Why not surrender your own judgment, Senators and Representatives, and pass it on to the Supreme Court, and let them be the judges of the constitutionality of the law?

O Mr. President, when we stood upon this rostrum and took the oath to support and maintain the Constitution, I conceive it to be a fact that by that oath we declared that, so long as we were Members of the Senate, creatures of the Constitution, which made the States equal, we would exercise our judgment and our conscience as to whether the bills we passed upon were within our power or not, and that we would not take the easy way, the slipshod and impatient way, of passing the judgment along to the Supreme Court. If that were done, I fear me that the proponents of the bill would not gain very much satisfaction. How easy it is to pull a sentence or two or a paragraph out of a decision of a court and argue from that without reviewing the facts.

WHAT THE SUPREME COURT SAYS

The Supreme Court decision upon which the proponents of the bill rely is the decision rendered by the present Court on May 26, 1941, in the case of United States against Classic. It is reported in Three Hundred and Thirteenth United States Reports, at page 299.

Now let me show how easy it is to gain a misconception of the meaning of a judicial opinion. In the syllabus of this case, paragraph 3 says:

The right of the people to choose Representatives in Congress is a right established and guaranteed by article I, section 2, of the Constitution and hence is one secured by it to those citizens and inhabitants of the States who are entitled to exercise the right.

The right to vote for Representatives in Congress is a right "derived from the States," only in the sense that the States are authorized by the Constitution to legislate on the subject, as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its power to regulate elections under section 4, and its more general power, under article I, section 8, clause 18, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The advocates of the bill read that syllabus as an indication that this Supreme Court will be ready to abandon the theory of the Constitution that the power to fix the qualifications of electors for Federal officers resides in the States.

This case came to the Supreme Court from the State of Louisiana. The question which was involved in the case was whether or not a criminal law, sections 18 and 19 of the Criminal Code, I think, applied to primary elections as well as to general elections.

There had been a question in the minds of lawyers and of judges as to whether or not power to regulate elections contained in section 4 of article I extended to primaries. This was one of the points that was raised in the famous Newberry case. Four members of the Supreme Court decided that, since primaries were unknown to the drafters of the Constitution, the constitutional power to regulate elections did not extend to primaries. Four members of the Court decided that it did, and one member of the Court, as I recall, took the position that if the primaries were established after the adoption of the seventeenth amendment, then the power did extend to the primaries. But here was not involved any question of the election of a Member of the Senate or a Member of the House. Here was involved a criminal indictment, in which certain election officials were charged with fraud, which was prohibited and penalized by the criminal code.

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Wyoming yield to the Senator from Louisiana?

Mr. O'MAHONEY. Certainly.

Mr. OVERTON. Is it not true that in the Newberry case the constitutionality of a Federal statute which undertook to regulate primary elections was involved, while there was no statute regulating the conduct of primary elections involved in the Classic case?

Mr. O'MAHONEY. In the Classic case the Criminal Code which forbade certain practices which were deemed to be corrupt was involved, so a statutory power was involved. But that statute had been written and adopted before the primary law was adopted, and in terms it applied to the general election, not to the primary.

Mr. OVERTON. That is correct, but the point I was undertaking to make was that in the Newberry case a statute, passed by Congress, undertaking to regulate in detail general elections and primary elections, and imposing penalties, was involved, and that situation did not obtain in the Classic case.

Mr. O'MAHONEY. That is correct. I wish to read a few extracts from the decision by Mr. Justice Stone, now Chief Justice of the United States, in the Classic case:

Two counts of an indictment found in a Federal district court charged that appellees, commissioners of elections, conducting a primary election under Louisiana law, to nominate a candidate of the Democratic Party for Representative in Congress, willfully altered and falsely counted and certified the ballots of voters cast in the primary election.

Observe—

The questions for decision are whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted is a right "secured by the Constitution" within the meaning of sections 19 and 20 of the Criminal Code, and whether the acts of appellees charged in the indictment violate those sections.

Observe the first question for decision was—

Whether the right of qualified voters to vote in the Louisiana primary—

I emphasize the word "qualified." Mr. Justice Stone did not say all citizens, all persons born or naturalized; he said the question is "whether the right of qualified voters." Is there any word or paragraph in this decision which undertakes to say that the State of Louisiana did not have the right to fix those qualifications? Not a word, Mr. President; not a paragraph.

Again I read, on page 308, language to show exactly how the mind of the Court was working:

The charge, based on these allegations, was that the appellees conspired with each other, and with others unknown, to injure and oppress citizens in the free exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States, namely, (1) the right of qualified voters who cast their ballots in the primary election to have their ballots counted as cast for the candidate of their choice.

THE CONSTITUTION "COMMANDS" US

I now turn to page 310. This is what Mr. Justice Stone said, and I doubt not it indicates what he thinks.

Article I, section 2, of the Constitution—

That is the provision upon which this whole argument is based. Here is the Supreme Court talking about the provision which we must set aside if we undertake to support this bill.

Article I, section 2 of the Constitution—

Says Mr. Justice Stone—

commands that "The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The Supreme Court tells us that this provision of the Constitution, article I, section 2, "commands" that the qualifications of the electors shall be those of electors for the most numerous branch of the State legislature. Can any more important, any more mandatory, any more undebatable word be used than the word "commands"? It is the word that this Supreme Court uses in interpreting this section of the Constitution.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. O'MAHONEY. I yield.

Mr. BANKHEAD. Does the Senator intend on that point to advert to the repetition of that command in the seventeenth amendment to the Constitution which provides for the election of United States Senators?

Mr. O'MAHONEY. I think it may be important to do that.

Mr. BANKHEAD. I think it would, because it is the only provision in the entire Constitution I know of that is repeated in exactly the same language, thus adding emphasis to it.

Mr. O'MAHONEY. I made a brief reference to that a moment ago, when a Senator handed me a note. I shall read it since the Senator from Alabama has made the suggestion. I read from the seventeenth amendment:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then comes the sentence—

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. BANKHEAD. May I now inquire of the Senator if he has observed that that language is a repetition of the language of section 2 of article I; a language which was adopted by the Congress and by the people 125 years after section 2 had been adopted and written into the Constitution?

Mr. O'MAHONEY. The Senator is quite right, and that leads me to make this observation. In the light of the debate which I have already read earlier today it is clear that if the framers of the Constitution had wanted to make a Federal rule of qualification, since it is clear that they knew exactly what the issue was, they would have written it into the Constitution. One member, seconded by another member of the Convention, indeed tried to do that, and the effort was defeated, and then, as the Senator from Alabama has so cogently remarked 125 years later, when the people of the country were providing for the popular election of United States Senators, they decreed again that the qualifications of the electors who should choose the Senators should be the same as those of the electors of the most numerous branch of the respective State legislatures. There can be no question, it seems to me, of the meaning of the language.

Mr. CONNALLY. Mr. President, will the Senator yield for a question only?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. The Senator from Wyoming stated that the framers of the Federal Constitution could, if they had desired, have adopted a uniform standard, and they deliberately rejected that theory. Did they not in section 2 of article I adopt a Federal standard, and was not that Federal standard a varying standard depending upon what each State did within that State, and when the State once did do it, it then became a Federal requirement, because the Constitution commands, as the Senator so well points out, that the elector shall have the qualification—not may, but shall have, the qualification—of an elector for the most numerous branch of the State legislature?

Mr. O'MAHONEY. The drafters of the Constitution, and the States, when they amended the Constitution to provide for popular election of Senators, did precisely what the Senator from Texas said; they decreed that the Federal qualifications in each State should be those which each State adopted for itself. That is not only my view, the view of the Senator from Texas, the view of the minority on the Judiciary Committee; it has been the view of every person who has commented upon the Constitution from the time it was written and adopted down to the hour when the sponsors of the proposed legislation undertook to separate Federal qualifications from State qualifications.

Let me now go back to Mr. Justice Stone and the Classic case. I am quoting again:

> Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places, and manner of holding elections for Representatives.

Mr. President, to contend that a qualification known by all the framers of the Constitution to be a qualification is not a qualification is to repudiate common sense.

We have the plain language of the Constitution, the declarations of the delegates who participated in the constitutional debate, and, finally, the clear language of the Supreme Court of the United States.

The whole question involved in the Classic case was whether or not the criminal code extended to primary as well as to the general elections. Before discussing the question I desire to read one or two more sentences from the opinion delivered by Justice Stone. I read from page 314:

> The right of qualified voters to vote at the congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice.

Again we find the words "qualified voters."

> We come then to the question whether that right is one secured by the Constitution. Section 2 of article I commands—

And here is the word again—

> That Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes.

How can the proponents of the bill get any comfort out of the Classic case, Mr. President, when the spokesman of the Court has said in simple words:

> Section 2 of article I commands that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it—

That is, section 2, article I, of the Constitution—

> prescribes.

Let him who argues that Congress has the right to amend the Constitution by a majority vote and by statutory enactment gain comfort if he can from this most recent pronouncement of the Supreme Court. We are asked, "What are you bothering about? Why do you expose yourself?"—and, in the language of the day "Why do you stick your neck out? Let the Supreme Court do it." What comfort can the person who offers that easy avenue of escape from legislative duty obtain from the language of Justice Stone?

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. OVERTON. Does not the able Senator from Wyoming think that the language of Justice Stone is perhaps even stronger than he has suggested, when it is considered that in the sentence which he just read the word "it" may refer to the State itself rather than to the Constitution of the United States? The language is:

> Electors, the qualifications of which it—

The State—

> prescribes.

Mr. O'MAHONEY. I will say to the Senator from Louisiana, that, in my judgment, the word "it" refers to the Constitution and not to the State. I believe the grammar of the context requires that construction.

Mr. OVERTON. Either construction would strongly support the argument made by the able Senator from Wyoming.

Mr. O'MAHONEY. The sentence which I just read is followed by another, reading as follows:

> The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution and hence—

Observe this phrase:

> and hence is one secured by it to those citizens and inhabitants of the State entitled to exercise the right.

Nowhere is there any suggestion that the title to exercise the right is to be conveyed anywhere or in any way except as decreed in section 2 of article I, namely, by the States when they fix the qualifications of electors for the most numerous branch of the legislature.

Mr. President, it would be possible to spend a great deal of time in threshing out the pending question and refining the argument. I do not propose to do so. I do not think it is necessary. However, I desire to add another word lest those who think that, because the present

Supreme Court is supposed to be one of more liberal and advanced ideology than the courts which have gone before it will overthrow the Constitution and, at the behest of a majority, authorize Congress by indirection to do by statute what should be done only by an amendment to the Constitution. I invite their attention to the fact that in the Classic case, which revolved about the power of Congress by statute to punish offenses in the conduct of a primary, three members of that Court—Justice Douglas, Justice Murphy, and Justice Black—dissented. They said that Congress could not extend the criminal law to primaries without an explicit declaration to that effect.

I cite that dissent, Mr. President, to demonstrate the fact that the three members of the Court who at least in popular thought are believed to be among the most liberal members of that body were careful in their determination to adhere to a strict construction of a statute. If those three justices held that view with respect to a statute, who will say that they will likely toss out the window the provisions of the Constitution as the Senate is requested to do?

Mr. OVERTON. Mr. President, will the able Senator from Wyoming yield for a further question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. O'MAHONEY. I yield.

Mr. OVERTON. There is certain language in the pending bill which I do not understand, and I should like to ask the Senator from Wyoming if he can state why it has been inserted by the proponents of the bill.

The bill as amended by the committee provides as follows:

> That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

The Constitution provides that each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives, thereby leaving entirely to the State the determination of the manner in which electors shall be selected. With this in mind, as well as the fact that section 2 of article I, and the seventeenth amendment, are the only two constitutional provisions which refer to the qualifications of electors, and that they refer to the qualifications of electors solely for electing Representatives and Senators, why has there been incorporated in the pending bill an attempt to regulate the action of the States in determining how electors for President and Vice President shall be chosen? Was that matter discussed before the committee?

Mr. O'MAHONEY. No; it was not discussed in the hearings, I assume, because the members of the committee felt that the purpose of the sponsors of the bill was obvious, namely, to provide that all Federal officials should be elected by electors possessing qualifications to be prescribed by Congress; and since the President is a Federal official, it was deemed necessary to include him. Since he could not be included in any way except through the Presidential electors, it would be necessary to amend the Constitution with respect to the selection of Presidential electors as well.

However, I do not give a great deal of weight to that viewpoint because by their own action, by custom and by force of habit, the people have already provided that electors shall become merely rubberstamps, so to speak, for the great mass of the voters.

THE MAJORITY REPORT

I now desire to refer to one or two of the statements and arguments which appear in the majority report. It is probable that I have already covered this question in my main argument; but I believe it is important to make specific allusion to the language used in the majority report. I now read from page 2 thereof:

> The qualification of a voter is generally believed to have something to do with the capacity of a voter.

Mr. President, I submit that that statement is a complete misconception of history and of argument.

The qualifications requisite for electors were not deemed to have anything to do, except indirectly, with the capacity to vote. Can there be any doubt of it, since it was necessary by constitutional amendment to extend the right of suffrage to women?

No one—

Says the report—

> can claim that the provision of the Federal Constitution above quoted would give a legislature the right to say that no one should be entitled to vote unless, for instance, he had red hair or had attained the age of 100 years or any other artificial, pretended qualification which, in fact, had nothing to do with the capacity or real qualification of the voter.

Mr. President, the answer to that is that that is precisely what the States did do. For more than 100 years they said that a woman could not vote—a pretended, artificial exclusion or, to use the exact language of the majority report, an "artificial, pretended qualification which, in fact, had nothing to do with the capacity or real qualification of the voter."

So the argument that the poll-tax-payment prerequisite is not a qualification completely falls to the ground. The word "qualification" was used not in the sense of determining the intellectual capacity, the character, the vision, the statesmanship, or the patriotism of those who should vote, but purely to designate the rules and regulations which the States chose to put around the exercise of the right to vote. Who is there to say that, from that point of view, a boy of 21 is more qualified than a boy of 20? Just the other day, the distinguished Senator from Michigan said he would introduce a constitutional amendment to provide that, since those who fight should vote, the Constitution should be amended so as to provide that boys of 18, 19, and 20 should be qualified voters. Is not the arbitrary age of 21 a purely artificial choice, wholly unrelated to any specific measure of inherent individual quality? By habit and custom, we have decided that the age of 21 is the proper age for coming into the adult rights of citizenship; so qualifications, as referred to in the Constitution, have no relation whatsoever to personal ability but solely to the terms and conditions on the basis of which the right to vote shall be extended.

Here again the report says:

> We believe there is no doubt but that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the States power to set up qualifications, by using other artificial means and methods which in fact have no relation whatever to qualifications.

That statement is utterly contrary to the whole history of our development.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MURDOCK. Does the Senator take the position that the poll-tax laws and poll-tax provisions of the Constitutions of the eight Southern States were enacted as qualifications for voting; or, as was argued by at least some of the attorneys general of the Southern States, is it the Senator's position that the poll-tax law was not a qualification for voting but purely a revenue measure? The attorneys general made the argument in support of its being a revenue measure, rather than a qualification for voting, that it applied not only to the voters of the States but to everyone, including aliens, and that the only effect it had on voting was that the payment of the poll tax was made a prerequisite for voting, rather than a qualification.

It seemed to me that all the attorneys general from the South whom I heard explicitly took the position that it was a revenue measure, not a measure enacted as a qualification for voting.

Mr. O'MAHONEY. Mr. President, my recollection of the hearings is that for the most part those who came before us from the so-called poll-tax States told us, in effect, that, given time, with a little patience, and without the application of force by the Federal Government, the States themselves would extend the right of suffrage.

Mr. MURDOCK. However, what the Senator has said does not answer my question.

Mr. O'MAHONEY. Perhaps not.

Mr. MURDOCK. I agree that they said that. If I did not make myself clear, may I interrupt the Senator in order to ascertain whether his position is that the purpose of the poll-tax is to

impose a qualification requisite for voting, or whether the Senator believes, as was stated by the attorney general of South Carolina, as I recall, that the poll tax was enacted, not for the purpose of imposing a qualification for voters, but purely, solely, and exclusively as a revenue-raising measure, for the benefit of the schools of South Carolina. If the attorneys general from the South take the position that the poll tax was enacted, not as a qualification for voting, but purely and simply as a revenue-raising measure, and merely placing the burden of paying the tax as a requirement for voting, it seems to me that we must make the distinction as to whether the poll-tax law is a measure imposing a qualification or requirement requisite for voting or whether it is a revenue measure.

Mr. BILBO. Mr. President, will the Senator yield so that I may ask a question?

Mr. MURDOCK. If the Senator from Wyoming will yield. I have not the floor.

Mr. BILBO. If the Senator will yield, let me say that if payment of a poll tax is a prerequisite for voting, would not it be a qualification requisite for voting?

Mr. MURDOCK. That is the question which is before the Senate today—whether the prerequisite of the payment of the poll tax is a qualification or whether it is not. If it is not a qualification, it does not come within section 2 of article I of the Constitution, from which the distinguished senior Senator from Wyoming is arguing.

Mr. BILBO. I am attempting to ascertain how the attorneys general argued the matter. Of course, the States differ in their requirements in that respect; the requirements in all the States are not exactly the same.

Mr. MURDOCK. That is true.

Mr. BILBO. I am endeavoring to ascertain whether any attorney general argued that if the payment of a poll tax is a prerequisite for voting, it is not a qualification for voting.

Mr. MURDOCK. I should say, if the Senator will further yield, that the argument of the attorney general of South Carolina was, in answer to my question, that the poll-tax law was enacted, not as a qualification requisite for voting, but purely and simply as a revenue-raising measure for the benefit of the schools of South Carolina. He pointed out that it applies not only to the voters of South Carolina but to aliens who may be resident in South Carolina.

Mr. BILBO. He may have a situation entirely different from that in other States. I know his situation is different from that in Alabama.

Mr. McKELLAR. Mr. President, will the Senator yield for a moment?

Mr. MURDOCK. Very well, if I may have the permission of the Senator from Wyoming.

Mr. McKELLAR. So far as concerns the constitutional provision of the State of Tennessee, it specifically provides for the presentation of a poll-tax receipt, without the presentation of which a voter shall not be qualified to vote or shall not have the right to vote. The Tennessee Constitution makes specific provision to that effect; that provision is in the constitution itself. However, regardless of whether the provision were in the constitution, it would be a qualification, because the effect of it is to bring about a qualification. There may have been various purposes in having such provisions enacted by the States; but whatever the purposes were, the fact remains that they are qualifications, and so intended.

Mr. O'MAHONEY. Mr. President, I think that the history of poll-tax legislation is a definite and clear answer to the Senator's question. Our decision does not depend upon what this or that witness may have had in the back of his head. Our decision must depend upon facts, history, and the interpretation of the Constitution and of the poll-tax statutes.

The poll-tax statutes, in the first place, were adopted in several States for the purpose of extending the suffrage. It was felt by the legislatures of those States that it was improper to confine the suffrage only to those who were owners of property. It was felt, for example, as in the State of Pennsylvania, that the sons of a farmer who had reached the age of 21 and were living on the farmer's homestead should not be deprived of the right to participate in an election because they were not the owners of real property. So a statute was enacted to provide a poll tax. Furthermore, the poll tax, as in the State of Massachusetts, which abandoned it only as late as 1892, applied to all, to aliens as well as to citizens; but the requirement was, as the Senator from Tennessee has said, that in order to vote one must have paid a poll tax. In other words, it was the payment of the tax which was the prerequisite of voting, and, therefore, a qualification. So my answer to the Senator from Utah is precisely that it is a qualification.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. TYDINGS. I should like to ask the Senator a question. When a State recognizes the qualifications which a voter must have as outlined in the Federal Constitution, I ask whether or not, in addition thereto, it may make other qualifications provided they do not conflict with the qualifications set forth in the Federal Constitution? Do I make my question plain?

Mr. O'MAHONEY. Well, the qualifications set forth in the Federal Constitution are simply that the electors shall have the qualifications requisite for electors for the most numerous branch of the legislature.

Mr. TYDINGS. Yes. What, then, would be the objection——

Mr. O'MAHONEY. The Senator's question is indicative of a rather general misconception.

Mr. TYDINGS. That is what I am coming to.

Mr. O'MAHONEY. There are a great many people who think that the Constitution prescribes independent Federal qualifications; but that is not the fact.

Mr. TYDINGS. The Senator is correct.

Mr. O'MAHONEY. The Constitution adopts the qualifications fixed by the States.

Mr. TYDINGS. What I am getting at, and what prompted me to ask the question, was this: As I understood, the Senator from Utah raised the question, by inference, that a State could not impose upon a voter any additional qualifications which the Federal Constitution itself does not impose; in other words, the Senator puts it as a bar to the right of a citizen to vote if, for example, the State sees fit to extend the qualifications by providing, say, that the voter must be able to read or write. I was wondering whether the Senator had had occasion, in his researches, to reach a conclusion as to whether such an act on the part of the State would or would not be constitutional.

Mr. O'MAHONEY. The State, unquestionably, has the right to fix the qualifications it decides for the electors who are to choose the members of the most numerous branch of the State legislature.

Mr. GEORGE. Provided, of course, the qualifications fixed do not offend some provision of the Constitution, as the fifteenth or nineteenth amendments.

Mr. O'MAHONEY. Certainly.

Mr. TYDINGS. For example, then, a State, as I take it, could make a law that no person shall be entitled to vote who cannot read. Am I correct about that? I am not questioning whether it would be wise or whether it would be unwise; I am talking about the right.

Mr. O'MAHONEY. Exactly.

Mr. TYDINGS. So that, if a State could do that, it would not be a bar to Federal suffrage at all?

Mr. O'MAHONEY. Not at all.

Mr. TYDINGS. That is my thought about it.

Mr. GEORGE. Mr. President, if the Senator from Wyoming will pardon me, I think the Senator from Utah, who is not on the floor, undoubtedly meant to raise the question which has been frequently raised, that a distinction has been sought to be drawn, first, upon the proposition that the so-called poll tax is a revenue measure and that the prohibition against voting until the payment of a poll tax has been shown is an unauthorized abridgment of the right of a citizen who is qualified to vote; in other words, that it is an undue limitation upon what is asserted to be a Federal right of the voter to cast his vote.

In the Breedlove case, as the distinguished Senator from Wyoming will recall, the opinion, written by Mr. Justice Butler, as I recall, did say that the Georgia poll tax was a revenue measure, but that the provision that the voter could not vote until the tax had been paid was not an undue limitation or infringement upon the right of the citizen to vote; in

other words, that the State had a right to collect this tax if it levied it as a tax, and it had the right to provide that the payment of the tax should be a necessary condition and qualification for registration and voting as a means of collecting revenue. I think Mr. Justice Butler's opinion in the Breedlove case would probably have to be very narrowly restricted to the Georgia poll-tax question.

Mr. O'MAHONEY. The Senator is quite right. As I pointed out, the argument of the proponents of this proposed legislation depends, first, upon the contention that a qualification which was recognized by the framers of the Constitution is, in fact, not a qualification but an interference with the manner of holding elections, or, secondly, that, though these restrictions upon the right to vote were recognized and universal at the time the Constitution was drafted, nevertheless, their existence now in 8 of the 48 States constitutes a denial of a republican form of government.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. I have wanted for some days to correct an impression which seems to prevail. I desire to call the attention of the Senator from Wyoming to the fact that in the State of Vermont the legislature authorized municipalities to impose poll taxes for voting in municipal elections. That is now the law of the State; it is a requisite to the exercise of suffrage in the municipal elections in Vermont. That was told to me by a voter who saw another voter rejected because he had not paid his tax. So I consulted the Senator from Vermont [Mr. AUSTIN] and he confirmed what I am stating. So the poll tax is not as yet wiped out in the other sections of the country.

If the Senator will permit one more brief interruption I shall be through, and shall not bother him further.

Mr. O'MAHONEY. I am glad to yield.

Mr. CONNALLY. A moment ago the Senator was discussing—and very soundly discussing—the point that the Federal Government had never in the Constitution or by statute defined Federal suffrage or Federal franchise, and what it consisted of, because under section 2 of article I the Constitution adopted the qualifications provided by the States. It is perfectly conceivable, is it not, that, under that article, one State might prescribe that a man may vote when he is 18 and another State might provide he may not vote until he is 23 or 25?

Mr. O'MAHONEY. Precisely.

Mr. CONNALLY. Or one State can say that a voter must register a month ahead of the election and another say that he must register 2 months ahead of the election or 6 months ahead of the election, and so on. So that bears out the contention of the Senator, that nowhere, up till now, has there been any effort to fix what shall be a Federal franchise apart from the State franchise.

Mr. O'MAHONEY. Mr. President, I was about to conclude.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator will also recall, from reading the proceedings of the Constitutional Convention, that one of the arguments made by those who had prepared and were espousing this particular portion of the Constitution was that different laws and different qualifications were provided in the several States, and the writers of the Constitution did not want to stir up the voters in any particular State where they had been in the habit and custom of voting as provided by the State laws and constitution. It seems to me, from a reading of the history of the Convention, that that was the commanding argument, that the States had already adopted qualifications of various kinds, and that they should not be interfered with, and that argument prevailed in the Convention, I am sure the Senator recalls.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. President, I have been pointing out the arguments which have been advanced by the supporters of the measure we are discussing, first, that a qualification is not a qualification; second, that a poll-tax qualification is a denial of a republican form of government.

There are two other arguments—third, that the fourteenth amendment gives the Congress the right to pass the proposed legislation; and, finally, fourth, that a poll-tax prerequisite is a tax upon a Federal function, and therefore unconstitutional.

It seems to me these arguments can be disposed of very quickly. Section 2 of article XIV of the amendments is the section which deals with this matter. It reads as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

It seems to me reading of that section leaves no possibility for any other conclusion save this, first, that the men who drafted it were still of the belief that the qualifications for those who would vote for Federal officials should be the same as of those voting for State officials, because otherwise they would not all have been grouped in the same clause.

> When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State—

Of a State—

> or the members of the legislature thereof is denied.

Here we have the same group of officers, all officers, Federal and State, grouped together.

Finally, there is the closing phrase, that if there is a denial of the right to vote, or an abridgment, the recourse is to be found, not in changing the qualifications, not in altering the qualifications, not in extending them or restricting them, but in a reduction of representation as set forth in these words:

> The basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Wyoming yield to the Senator from Texas?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. Is not the provision the Senator just read a recognition of the right of the State to fix the qualifications, and, except in the particulars where it seeks to prohibit it, it is therefore free to fix any other qualification it may see fit to exercise? Is not that necessarily implied by the rule of exclusion?

Mr. O'MAHONEY. It is in express words, practically, a recognition of the State's right to do this thing, but it says, "If you do it, you do it at this peril."

As to the last argument, that it is a burden upon a Federal function, on page 5 of the majority report I find this sentence:

> It therefore follows that these State poll-tax constitutional amendments were in direct violation of this statute and, therefore, absolutely unconstitutional.

Here, I note, the sentence I have just read refers to the statute of readmission in the case of Virginia. That follows exactly the same line of argument that is made on the tax question. Here is the sentence I wanted to read, found on page 4:

> One might add that, since voting is one of the fundamental governmental rights, the right to tax this fundamental privilege by a State would be giving to the State the power to destroy the Federal Government. No State can tax any Federal function.

The obvious answer to that is that if such a statute in any State levying a poll tax, and making it a requirement to vote, is in fact a burden upon a Federal function, and therefore unconstitutional, no legislation is necessary. If it is unconstitutional, all that has to be done is for those who feel that the right is abridged, that an unconstitutional act is performed, to take the case to the Supreme Court and have it passed upon. There is no law superior to the Constitution. That

is the fundamental law. It is the supreme law of the land, and if, as the proponents of the bill argue, poll-tax laws are in violation of the Constitution upon either one of these two grounds, namely, as being a tax upon a Federal function, or a violation of the constitutional statute of readmission, then all that is necessary is to take the case to the Supreme Court.

If it be said that a poor man who could not afford a dollar and a half, or $5, or $10, or what not, to pay a poll tax, cannot afford to take a case to the Supreme Court, the answer is that the same organizations which sent their attorneys to appear before the Committee on the Judiciary of the United States Senate, and which have defended and properly so, in my judgment, the invasion of civil rights in various parts of the Union, can bring the case.

Mr. President, as I stated at the outset, the question before us is not a bald question of whether or not the payment of a poll tax should be a requirement for voting. I personally believe poll-tax requirements should be abolished. I know that when 40 of the 48 States have already decreed that poll-tax payments shall not be a requisite, it will be only a matter of time before the remaining 8 States will follow in their path, if only we are patient, if only we are tolerant. But if we undertake to apply the force of a mere majority to compel States to act, then we shall have the effect of impeding the reform.

Governors of States came before the committee, among them the Governor of Alabama, who testified that he had personally urged upon his Alabama legislature the repeal of the statute which provides for cumulative payment of taxes. It has been reported to me that two of the other States would in all probability repeal the poll-tax laws in the coming sessions of the legislatures.

There is a steady trend everywhere in America toward the liberalization of the standards of voting. If we attempt to break down State rights in order to hasten that reform the inevitable result will be the continued expansion of the Federal power, and it seems to me of overwhelming importance that we in the Senate particularly shall do nothing about which there is the slightest constitutional doubt which will tend to destroy the capacity of the States, as States, to function as the framers of the Constitution provided and deemed that they should function.

Mr. President, in my judgment, the bill is absolutely unconstitutional and would bring about evil far greater than those evils which are now being corrected by State action, but which it seeks to eradicate by the application of legislative force.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Davis	Norris
Austin	Doxey	O'Mahoney
Bankhead	Ellender	Overton
Barbour	George	Russell
Barkley	Gillette	Shott
Bilbo	Green	Smith
Brewster	Herring	Stewart
Bulow	Hill	Tunnell
Bunker	McKellar	Tydings
Burton	McNary	Vandenberg
Byrd	Maybank	Van Nuys
Capper	Mead	Wagner
Caraway	Milliken	White
Chandler	Murdock	Willis
Connally	Nelson	

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Forty-three Senators having answered to their names, a quorum is not present. The clerk will call the names of absent Senators.

Mr. CONNALLY. Mr. President——

Mr. RUSSELL. I move that the Senate adjourn until Monday next.

Mr. BARKLEY. On that motion I ask for the yeas and nays.

Mr. McNARY. Mr. President, a parliamentary inquiry. What is the motion?

Mr. BARKLEY. I will say to the Senator from Oregon that the motion is to adjourn until Monday.

The PRESIDING OFFICER. The Chair understood the motion to be to adjourn; not to adjourn until Monday.

Mr. RUSSELL. Yes; the motion was to adjourn until Monday next.

Mr. BARKLEY. Yes; the motion was to adjourn until Monday. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that a motion to adjourn until Monday is not in order in the absence of a quorum, but that a motion to adjourn is in order.

Mr. RUSSELL. I ask the Chair to restate his ruling.

The PRESIDING OFFICER. A motion to adjourn until Monday is not in order in the absence of a quorum. A motion to adjourn is in order.

Mr. RUSSELL. I move that the Senate do now adjourn until 12 o'clock noon tomorrow.

Mr. BARKLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. STEWART (after having voted in the affirmative). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Texas [Mr. O'DANIEL] and allow my vote to stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], and the Senator from Illinois [Mr. LUCAS] are detained in various Government departments.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Texas [Mr. O'DANIEL], the Senator from Arkansas [Mr. SPENCER], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] is absent attending the funeral of the Democratic national committeeman from Connecticut.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 22, nays 37, as follows:

YEAS—22

Andrews	Connally	Overton
Austin	Doxey	Russell
Bankhead	Ellender	Schwartz
Bilbo	George	Shott
Bulow	Hill	Smith
Bunker	McKellar	Stewart
Byrd	Maybank	
Caraway	O'Mahoney	

NAYS—37

Aiken	Kilgore	Taft
Barbour	La Follette	Thomas, Okla.
Barkley	Langer	Truman
Brewster	McNary	Tunnell
Burton	Mead	Vandenberg
Capper	Millikin	Van Nuys
Chandler	Murdock	Wagner
Chavez	Nelson	Walsh
Davis	Norris	White
Gerry	Pepper	Wiley
Gillette	Radcliffe	Willis
Green	Reed	
Herring	Shipstead	

NOT VOTING—37

Bailey	Butler	Glass
Bone	Clark, Idaho	Guffey
Bridges	Clark, Mo.	Gurney
Brooks	Danaher	Hatch
Brown	Downey	Hayden

Holman	McFarland	Thomas, Idaho
Hughes	Maloney	Thomas, Utah
Johnson, Calif.	Murray	Tobey
Johnson, Colo.	Nye	Tydings
Lee	O'Daniel	Wallgren
Lodge	Reynolds	Wheeler
Lucas	Smathers	
McCarran	Spencer	

So the Senate refused to adjourn.

Mr. RUSSELL. Mr. President, I now move that the Senate adjourn until Monday next. I understand that some Senators who would not support the previous motion will support the one I now make.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). The question is on agreeing to the motion of the Senator from Georgia.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I make the same announcement as on the last vote, that I have a general pair with the Senator from Oregon [Mr. HOLMAN], which I transfer to the junior Senator from Texas [Mr. O'DANIEL], and will vote. I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], and the Senator from Illinois [Mr. LUCAS] are detained in various Government departments.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Texas [Mr. O'DANIEL], the Senator from Arkansas [Mr. SPENCER], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] is absent attending the funeral of the Democratic national committeeman from Connecticut.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 24, nays 35, as follows:

YEAS—24

Andrews	Connally	O'Mahoney
Austin	Doxey	Overton
Bankhead	Ellender	Russell
Bilbo	George	Schwartz
Bulow	Hill	Smith
Bunker	Kilgore	Stewart
Byrd	McKellar	Tunnell
Caraway	Maybank	Tydings

NAYS—35

Aiken	La Follette	Shott
Barbour	Langer	Taft
Barkley	McNary	Thomas, Okla.
Brewster	Mead	Truman
Burton	Millikin	Vandenberg
Capper	Murdock	Van Nuys
Chandler	Nelson	Wagner
Chavez	Norris	Walsh
Davis	Pepper	White
Gerry	Radcliffe	Wiley
Green	Reed	Willis
Herring	Shipstead	

NOT VOTING—37

Bailey	Gurney	Murray
Bone	Hatch	Nye
Bridges	Hayden	O'Daniel
Brooks	Holman	Reynolds
Brown	Hughes	Smathers
Butler	Johnson, Calif.	Spencer
Clark, Idaho	Johnson, Colo.	Thomas, Idaho
Clark, Mo.	Lee	Thomas, Utah
Danaher	Lodge	Tobey
Downey	Lucas	Wallgren
Gillette	McCarran	Wheeler
Glass	McFarland	
Guffey	Maloney	

So the Senate refused to adjourn to Monday next.

Mr. RUSSELL. Mr. President, I hold in my hand an editorial——

Mr. BARKLEY. Mr. President——

Mr. RUSSELL. Does the Senator from Kentucky desire me to yield?

Mr. BARKLEY. I do not know who was recognized.

The PRESIDING OFFICER. The Chair recognized the Senator from Georgia.

Mr. BARKLEY. I merely desire to say that I have no desire to discuss the point of order, but I merely express the hope that we may vote on it.

Mr. RUSSELL. I do not think anyone has any doubt that the Senator from Kentucky is anxious to vote on the point of order.

Mr. President, there is published in my State a newspaper known as the Atlanta Journal, now owned by former Gov. James M. Cox, of Ohio, a distinguished Democrat, and a former candidate for President of the United States. In that newspaper there appears an editorial on the question before the Senate, and I should like to have it read at the desk by the clerk.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will read as requested.

The legislative clerk read as follows:

[From the Atlanta (Ga.) Journal]

POLL-TAX POLITICS

Regardless of the merits or demerits of the general proposition that poll taxes should be abolished, it was extremely ill-advised that such an issue was set aflame in Congress at this juncture. When all the energy we can muster and all the teamwork we can inspire are needed to win the most fateful war in our history, why drag in a dissension-breeding question that has no claim to urgent or primary importance? Those who have insisted on passage of the bill to outlaw poll taxes as a requirement for voting, in Federal elections, must have foreseen the sort of controversy they were inciting. Theirs is the first, the basic responsibility for the filibuster tactics in the Senate and for the breach in Democratic ranks at a time when concord is so greatly needed for the country's good as well as the party's.

The bill is aimed at the eight Southern States—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—which still levy an annual poll tax, $1 in most of them and in none more than $2, as a prerequisite to voting. In all other States where it ever existed this type of taxation, so far as it concerns the suffrage right, has been abandoned, and there are many observers who believe that it is on the way to self-repeal in all the South. North Carolina, Louisiana, and Florida have led in that direction by legislative acts of their own. But this free process is quite a different thing from forcing the States by a Federal act into surrendering what they consider an essential right of self-government. Though legal opinions differ, there are able authorities who maintain that the pending anti-poll-tax bill does violence to that section of the Constitution under which the States alone have power to determine the qualifications of their electors. Certainly, it does violence to common sense and to the common interests of America by precipitating, in the midst of our war for survival, a controversy that makes for disunion and impedes the most urgent business of Congress.

The fact is, this coercive measure was thrust forward partly, if not principally, as a device for catching votes in doubtful fields of northern politics. It has no bearing on broad national issues. It applies solely to one region, and there to problems which can be worked out to far better advantage by free discussion and local initiative than by another Federal force bill. We in the eight Southern States that still retain a poll tax as a prerequisite to voting would do well to study the matter with open and realistic minds. But politicians on Capitol Hill who are fiddling for pet "reforms" while the gales of fate are blowing would do better still to get down to the grim business of winning the war.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Brewster	Chandler
Andrews	Bulow	Chavez
Austin	Bunker	Connally
Bankhead	Burton	Davis
Barbour	Byrd	Doxey
Barkley	Capper	Ellender
Bilbo	Caraway	George

Gerry	Murdock	Stewart
Green	Nelson	Taft
Herring	Norris	Thomas, Okla.
Hill	O'Mahoney	Truman
Kilgore	Overton	Tunnell
La Follette	Pepper	Tydings
Langer	Radcliffe	Vandenberg
Lee	Reed	Van Nuys
McKellar	Russell	Wagner
McNary	Schwartz	Walsh
Maybank	Shipstead	White
Mead	Shott	Wiley
Millikin	Smith	Willis

Mr. McNARY. The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present.

Mr. BILBO. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. McNARY. Mr. President, may I make an announcement?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. BILBO. Certainly.

Mr. McNARY. I announce that the senior Senator from New Hampshire [Mr. BRIDGES] is necessarily absent because of a serious eye infection.

Mr. BILBO. Mr. President, yesterday, while I was discussing the pending motion the distinguished and beloved Senator from Oregon [Mr. McNARY] introduced into the RECORD as I was speaking—and I was glad to concede that privilege to him—a letter from Perry W. Howard, the Republican national committeeman from my State. I have read the letter carefully, and I find no fault with the letter at all; it is a very frank letter. I did not in my remarks say whether Mr. Howard was for or against this measure. I only said that he told the committee very frankly that it would not help any Negro in Mississippi to cast his vote. But Howard was afraid that the impression might go out that he was opposed to the proposed legislation. I did not mean to convey that idea.

Since he has written this letter, in an attempt to get himself and his position before the country, I wish to refer to his testimony before the committee; but I do not want the country to believe the things he said before the committee. I read from his testimony:

> There is one phase that peculiarly affects colored people and prevents them from voting in certain States—in my State we have the only State in which there are 1,800,000 colored people and only 700,000 whites.

Howard is a distinguished attorney, and I understand he is a good lawyer. I am at a loss to know why an informed and intelligent lawyer would go before a Senate committee and make such a wild statement as that there are 1,800,000 Negroes in Mississippi and only 700,000 whites. In order to keep the record straight, I am pleased to give the population of the races in Mississippi according to the 1940 census.

There are 2,183,796 inhabitants of Mississippi, of all races. There are 1,106,327 white people. There are 1,100,339 native whites. There are 5,988 foreign born. There are 1,074,578 colored people. In other words, Lawyer Howard missed the number by about 800,000, when he stated the number of Negroes. If he is as far from the truth in his other statements as he was in giving to the committee the statement of the population of his State, I doubt whether what he said is worthy of belief.

He makes another statement which was an attack upon Mississippi. He said:

> That constitution is so arranged that the first line, for example, goes east, and the second line goes south, and so on throughout the reading of the constitution. So, no one can read it.

There is not a word of truth in that statement. The Constitution of Mississippi is published in all the official documents of Mississippi. It is printed as other State constitutions are printed, and why this leading Republican from Mississippi should go before a Senate committee and make a wild statement of that character passeth all understanding.

He said again in his testimony:

> We are going to send more colored soldiers than white soldiers out of Mississippi.

That is another absurd statement, because the last census shows that the white people in Mississippi are 30,000 in excess of the colored people, and how does Lawyer Howard estimate that Mississippi will send more colored soldiers than white soldiers into the war? As a matter of fact, I have called the attention of the War Department to the fact, and I have mentioned it also on the floor of the Senate, that because of the existence of 250,000 cases of syphilis among the million Negroes of Mississippi, the War Department has been turning down and sending back, after the draft boards have sent them to the Army encampments, practically half the Negro soldiers who are picked for service in the war.

Not only that, but in the beginning the Army rejected all soldiers who were below the fourth grade in their schooling, and because of the illiteracy of a great many Negroes in Mississippi, of military age, a great many of them are sent back when they are drafted, because of illiteracy. How Lawyer Howard can reason Mississippi will send more Negroes to the Army than whites is beyond my comprehension. As a matter of fact, I think it will be found that the records show that there are about two whites to every Negro, although the populations are practically the same.

He said further:

> We [the Negroes] are allowed to register, perhaps, but not allowed to vote.

I know of no Negroes who have been driven away from the polls in Mississippi with shotguns. I know of certain Negroes who voted in the Democratic primary in Mississippi, because, as good citizens, they had paid their poll taxes, and had been permitted to register.

He again stated:

> So I say again, that there is an injustice, a definite injustice where there are 1,800,000 colored people in the State, and of that number only about 2,000 actually vote.

There are in my State between two and three thousand Negroes who are qualified to vote, and who do vote. They go to the polls in November and vote. There is no way to keep them from voting, unless one uses a shotgun, and certainly we are not a lawless people. They have a right to go to the polls and vote, and they do vote. I resent the wholesale misinformation being disseminated by this Republican committeeman from Mississippi, that we have resorted to force to keep the Negro from the poll box in Mississippi.

I am glad to state that Lawyer Howard is very much in favor of the proposed legislation, because he is smart enough to know that if the Congress by a majority can force this measure through, and get the Supreme Court of the United States to approve it—and I verily believe the Supreme Court would approve it, although it is unconstitutional, I do not hesitate to say the next step will be that other qualifications of Mississippi voters and of the voters in other States will be tinkered with. That is admitted. It has already been done in the bill designed to permit the soldiers of the war to vote. It was provided in the face of the constitution of my State, that both the poll tax and the necessity for registration should be eliminated, which I think makes the law clearly unconstitutional. But it is just another effort to do in the name of the war effort things which are absolutely unconstitutional. That is why there is such urgency for this proposal, that it is in the interest of the war effort, and it is on that ground that it is hoped it may get by.

So much for Mr. Howard, the Republican national committeeman from the State of Mississippi.

At this juncture I wish to read an editorial from a leading daily newspaper of my State, a newspaper which has never supported me in all my political career, but since this fight has been under way, because of the appreciation of all the people of my State, practically 99 percent of the people, of my efforts to stop this rape of the Constitution, this newspaper has this to say:

> BILBO COMES THROUGH
>
> Senator BILBO comes through.
>
> Mississippians time after time "work up a mad" against BILBO, in a multitude of little things.

I will say for Mississippians that we have our differences, we have our family quarrels. We are all Democrats. There are not enough Republicans in Mississippi to fill the Federal offices when the Republican ticket wins in the Nation. We

are all Democrats. We have our family differences, and we fight. We talk about each other; we denounce each other; but in a great crisis such as the present one, when a majority of the Congress seeks to rape the Constitution and take from the sovereignty of Mississippi its inherent constitutional right to fix the qualifications of its electors, even for Federal officers, we all stand together against the common enemy. So this newspaper proceeds to say:

Along comes BILBO in a crisis to defend Mississippi and the South in bigger things.

The bigger things drive all the little things away.

At the moment BILBO, with other loyal southern Senators, is fighting administration efforts to outrage and to enslave the solid South.

In the anti-poll-tax fight Senator BILBO takes the dynamic lead.

To defy our national administration requires far above the average in courageous statesmanship.

BILBO and his fellow southern Senators are fighting in a sacred cause—

"States' rights"—the constitutional privilege of local State-wide home rule.

With greedy enemies in all quarters of the globe, we fight to defend democracy from certain death.

Hence, in the name of heaven, why declare war against the cradle of our real democracy at home?

The obvious answer: Low-down, filthy national politics.

Our seamen drown, soldiers die, airmen crash—who cares?

Politics still reigns supreme in Washington.

BILBO and associates will fight unto the end—for moral and political integrity.

Freedom may win or lose in the Senate of the free United States.

In either case, two inescapable realities present themselves:

We glory in Senators who "defy the lightning" in defense of constitutional liberty.

Second, the scars of Washington injustice will forever rankle in the southern breast.

"The land of the free; the home of the brave."

The words of the Master Teacher still ring true—to paraphrase—

"What shall it profit a nation to save liberty around the world, only to lose its own immortal democratic soul?"

I appreciate those words of approval and commendation of my feeble efforts to protect constitutional government, even in the midst of a war. I repeat, as I have said frequently in the last 4 days of this discussion, what I say nearly every day, while we are not responsible for this matter being before the Senate and are not responsible for the prolonged discussion and for the impasse we have reached, at any time when there is any measure affecting the war upon which the Senate should act, if we are guaranteed a parliamentary status, we will lay this fight aside until the war measure has been attended to. But we will not agree to take up anything else and surrender our rights, because, I repeat, I think we are performing just as great a service in trying to save the Government at home from the enemies within as are the soldiers on the battle fronts of the world trying to save the Government by fighting and defeating the enemies abroad.

Mr. President, when we suspended the discussion yesterday evening I was placing in the RECORD the figures of the population of white people and colored people in the 48 States. I am sure the American people will be glad to have the figures brought to their attention through the CONGRESSIONAL RECORD. The RECORD will be a handy reference for them.

I ask unanimous consent that the release from the Department of Commerce dealing with the racial composition of the population of the United States, be inserted in the RECORD at this point without reading.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Without objection, it is so ordered.

Mr. BILBO. I appreciate the unanimous consent granted. I am glad the Senator from Pennsylvania [Mr. GUFFEY] has left the Chamber.

The matter ordered to be printed in the RECORD is as follows:

RACIAL COMPOSITION OF THE POPULATION, FOR THE UNITED STATES, BY STATES, 1940

(This release shows the total population of the United States by race for regions, divisions, and States. Statistics on the Japanese population were presented separately in release Series P–3, No. 23, issued December 9, 1941, and statistics by race for each State are presented in release series P–6.)

The white population of the United States constituted 89.8 percent of the total population on April 1, 1940; the Negroes, 9.8 percent, and other races 0.4 percent, Director J. C. Capt of the Bureau of the Census, Department of Commerce, announced today on the basis of final 1940 Census tabulations. Changes in the racial composition of the United States population between 1930 and 1940 were negligible. The whites constituted the same proportion of the total population in 1930 as in 1940, the Negroes constituted 9.7 percent of the 1930 population, and other races 0.5 percent. The census returns also show that only 9.7 percent of the whites were foreign born in 1940, as compared with 12.7 percent in 1930.

WHITE POPULATION

Between 1930 and 1940 the white population as a whole increased by 7.2 percent, the same proportionate increase as that for the entire population. Native whites increased 10.9 percent, whereas foreign-born whites decreased 18.3 percent. These changes contrast sharply with those of the decade 1920 to 1930 during which the white population as a whole increased 16.3 percent, the native whites 18.7, and the foreign-born whites 2 percent.

The 18.3 percent decrease in the foreign-born white population between 1930 and 1940 is in large measure due to the curtailment of foreign immigration during this decade, there having been a net loss through emigration of 47,000 persons. The foreign-born white population has, therefore, not been replenished by new immigrants; and the mortality among its members has been relatively high during this intercensal decade because of the large percentage of old persons in this group. Unless the present quota laws are relaxed—which hardly seems probable—the foreign-born white will have ceased to form a numerically important element of our population within 20 or 30 years.

NEGRO POPULATION

In 1940, Negroes numbered 12,865,518, an increase of 974,375, or 8.2 percent, over the number enumerated in 1930. This rate of increase was only a little greater than that for the total population (7.2) and was considerably lower than the rate of increase for Negroes in the preceding decade—18.6 percent. The regional and divisional patterns of Negro population increase were quite different from those for the total population. In all three divisions of the South the Negroes showed a smaller proportional increase than the total population between 1930 and 1940, while in the divisions of the North and West their rates of increase were uniformly greater than those for the total population. The Negro population increased 15.8 percent in the North during the decade just past, 5.8 percent in the South, and 41.8 percent in the West. These facts indicate that there was a large migration of Negroes during the 1930's from the South to the North and West, probably out of the rural areas in the South to the urban areas of other parts of the country. Over three-fourths of the Negro population (77 percent) still lived in the South in 1940, but this represents a slight decrease from the proportion of 78.7 in 1930. The North had 21.7 percent of the total Negro population in 1940, as compared with 20.3 in 1930, and the West had 1.3 in 1940, as compared with 1 in 1930.

OTHER NONWHITE RACES

There were 333,969 Indians enumerated in the United States in 1940, mainly concentrated in the West North Central, West South Central, Mountain, and Pacific States. This number represents an increase of five-tenths of 1 percent over the number enumerated in 1930, which was 332,397. The Indian population enumerated by the Census Bureau is somewhat smaller than that reported by the Office of Indian Affairs on the basis of their registration records. Because of differences in definitions used by the two agencies and differences in methods of collecting the statistics, it is quite probable that many persons classified as Indian by the Office of Indian Affairs are returned by census enumerators as Negro or white.

The Asiatic races—Chinese, Japanese, Filipino, Korean, and Hindu—were concentrated mainly in the West, 76 percent of them living in the 3 Pacific Coast States, Washington, Oregon, and California. Of these 5 races, only the Chinese and Filipinos increased their numbers, the Chinese showing a gain of 3.4 percent and the Filipinos an increase of eight-tenths of 1 percent. The other 3 races decreased, the Japanese by 8.6 percent, the Hindus by 23.2 percent, and the Koreans by 8 percent. Members of other nonwhite races than those already discussed—Hawaiians, Samoans, Siamese, etc.—numbered 788, as compared with 780 in 1930.

Table 1 shows the population of the United States, by race, with nativity for the whites, for 1940 and 1930, and the amount and percent of increase or decrease. Table 2 presents the racial distribution for 1940 by regions, divisions, and States.

TABLE 1.—*Population, by race, for the United States, 1940 and 1930*

[A minus sign (−) denotes decrease]

Race	1940	1930	Increase, 1930–40	
			Amount	Percent
All classes	131,669,275	122,775,046	8,894,229	7.2
White	118,214,870	110,286,740	7,928,130	7.2
Native	106,795,732	96,303,335	10,492,397	10.9
Foreign-born	11,419,138	13,983,405	−2,564,267	−18.3
Negro	12,865,518	11,891,143	974,375	8.2
Other races	588,887	597,169	−8,276	−1.4
Indian	333,969	332,397	1,572	.5
Chinese	77,504	74,954	2,550	3.4
Japanese	126,947	138,834	−11,887	−8.6
Filipino	45,563	45,208	355	.8
Hindu	2,405	3,130	−725	−23.2
Korean	1,711	1,860	−149	−8.0
All other	788	780	8	1.0

TABLE 2.—*Population by race, for the United States, by divisions and States, 1940*

Region, division, and State	All classes	White			Negro	Other races							
		Total	Native	Foreign-born		Total	Indian	Chinese	Japanese	Filipino	Hindu	Korean	All other
United States	131, 669, 275	118, 214, 870	106, 795, 732	11, 419, 138	12, 865, 518	588, 887	333, 969	77, 504	126, 947	45, 563	2, 405	1, 711	788
Regions:													
The North	76, 120, 109	73, 206, 738	63, 836, 960	9, 369, 778	2, 790, 193	123, 178	83, 136	25, 738	4, 971	8, 126	597	350	260
The South	41, 665, 901	31, 658, 578	31, 032, 902	625, 676	9, 904, 619	102, 704	94, 139	4, 926	1, 049	2, 351	169	40	30
The West	13, 883, 265	13, 349, 554	11, 925, 870	1, 423, 684	170, 706	363, 005	156, 694	46, 840	120, 927	35, 086	1, 639	1, 321	498
The North:													
New England	8, 437, 290	8, 329, 146	6, 830, 905	1, 498, 241	101, 509	6, 635	2, 483	3, 238	340	499	32	15	28
Middle Atlantic	27, 539, 487	26, 237, 622	21, 715, 022	4, 522, 600	1, 268, 366	33, 499	9, 303	16, 408	3, 060	4, 088	342	149	149
East North Central	26, 626, 342	25, 528, 451	22, 957, 377	2, 571, 074	1, 069, 326	28, 565	19, 732	4, 799	816	2, 782	204	166	66
West North Central	13, 516, 990	13, 111, 519	12, 333, 656	777, 863	350, 992	54, 479	51, 618	1, 293	755	757	19	20	17
The South:													
South Atlantic	17, 823, 151	13, 095, 227	12, 894, 186	201, 009	4, 698, 863	29, 061	25, 076	2, 047	442	1, 410	50	17	19
East South Central	10, 778, 225	7, 993, 755	7, 948, 859	44, 896	2, 780, 635	3, 835	2, 756	944	43	70	12	9	1
West South Central	13, 064, 525	10, 569, 596	10, 279, 885	289, 711	2, 425, 121	69, 808	66, 307	1, 935	564	871	107	14	10
The West:													
Mountain	4, 150, 003	3, 978, 913	3, 716, 924	261, 989	36, 411	134, 679	122, 031	2, 853	3, 574	883	119	107	22
Pacific	9, 733, 262	9, 370, 641	8, 208, 946	1, 161, 695	134, 295	228, 326	34, 663	43, 987	112, 353	34, 203	1, 520	1, 124	476
New England:													
Maine	847, 226	844, 543	760, 902	83, 641	1, 304	1, 379	1, 251	92	5	30	1	-------	------
New Hampshire	491, 524	490, 989	422, 693	68, 296	414	121	50	63	4	3	-------	-------	1
Vermont	359, 231	358, 806	327, 079	31, 727	384	41	16	21	3	1	-------	-------	------
Massachusetts	4, 316, 721	4, 257, 596	3, 408, 744	848, 852	55, 391	3, 734	769	2, 513	158	250	20	12	12
Rhode Island	713, 346	701, 805	564, 021	137, 784	11, 024	517	196	257	6	39	4	2	13
Connecticut	1, 709, 242	1, 675, 407	1, 347, 466	327, 941	32, 992	843	201	292	164	176	7	1	2
Middle Atlantic:													
New York	13, 479, 142	12, 879, 546	10, 026, 016	2, 853, 530	571, 221	28, 375	8, 651	13, 731	2, 538	2, 978	243	114	120
New Jersey	4, 160, 165	3, 931, 087	3, 235, 277	695, 810	226, 973	2, 105	211	1, 200	298	333	47	12	4
Pennsylvania	9, 900, 180	9, 426, 989	8, 453, 729	973, 260	470, 172	3, 019	441	1, 477	224	777	52	23	25
East North Central:													
Ohio	6, 907, 612	6, 566, 531	6, 047, 265	519, 266	339, 461	1, 620	338	921	103	118	40	33	10
Indiana	3, 427, 796	3, 305, 323	3, 194, 692	110, 631	121, 916	557	223	208	20	81	5	6	6
Illinois	7, 897, 241	7, 304, 202	6, 534, 829	969, 373	587, 446	5, 593	624	2, 456	462	1, 930	41	54	26
Michigan	5, 256, 106	5, 039, 643	4, 356, 613	683, 030	208, 345	8, 118	6, 282	924	139	581	113	70	9
Wisconsin	3, 137, 587	3, 112, 752	2, 823, 978	288, 774	12, 158	12, 677	12, 265	290	23	75	5	3	16
West North Central:													
Minnesota	2, 792, 300	2, 768, 982	2, 474, 078	294, 904	9, 928	13, 390	12, 528	551	51	250	3	1	6
Iowa	2, 538, 268	2, 520, 691	2, 403, 446	117, 245	16, 604	883	733	81	29	37	-------	1	2
Missouri	3, 784, 664	3, 539, 187	3, 425, 062	114, 125	244, 386	1, 091	330	334	74	328	6	16	3
North Dakota	641, 935	631, 464	557, 192	74, 272	201	10, 270	10, 114	56	83	16	-------	-------	1
South Dakota	642, 961	619, 075	575, 023	44, 052	474	23, 412	23, 347	36	19	4	1	-------	5
Nebraska	1, 315, 834	1, 297, 624	1, 215, 771	81, 853	14, 171	4, 039	3, 401	102	480	52	2	2	------
Kansas	1, 801, 028	1, 734, 496	1, 683, 084	51, 412	65, 138	1, 394	1, 165	133	19	70	7	-------	------
South Atlantic:													
Delaware	266, 505	230, 528	215, 695	14, 833	35, 876	101	14	30	22	26	-------	-------	------
Maryland	1, 821, 244	1, 518, 481	1, 436, 766	81, 715	301, 931	832	73	437	36	272	10	2	2
District of Columbia	663, 091	474, 526	440, 312	34, 014	187, 266	1, 499	160	656	68	567	4	3	11
Virginia	2, 677, 773	2, 015, 593	1, 992, 596	22, 997	661, 449	741	198	208	74	252	8	1	------
West Virginia	1, 901, 974	1, 784, 102	1, 742, 320	41, 782	117, 754	118	25	57	3	16	11	6	------
North Carolina	3, 571, 623	2, 557, 635	2, 558, 589	9, 046	981, 298	22, 690	22, 546	83	21	31	7	2	------
South Carolina	1, 899, 804	1, 084, 308	1, 079, 393	4, 915	814, 164	1, 332	1, 234	27	33	36	2	-------	------
Georgia	3, 123, 723	2, 038, 278	2, 026, 362	11, 916	1, 084, 927	518	106	326	31	48	2	3	2
Florida	1, 897, 414	1, 381, 986	1, 312, 125	69, 861	514, 198	1, 230	690	214	154	162	6	-------	4
East South Central:													
Kentucky	2, 845, 627	2, 631, 425	2, 615, 794	15, 631	214, 031	171	44	100	9	14	3	1	------
Tennessee	2, 915, 841	2, 406, 906	2, 395, 586	11, 320	508, 736	199	114	60	12	2	2	8	1
Alabama	2, 832, 961	1, 849, 097	1, 837, 140	11, 957	983, 290	574	464	41	21	42	6	-------	------
Mississippi	2, 183, 796	1, 106, 327	1, 100, 330	5, 988	1, 074, 578	2, 801	2, 134	743	1	12	1	-------	------
West South Central:													
Arkansas	1, 949, 387	1, 466, 084	1, 458, 392	7, 692	482, 578	725	278	432	3	7	2	-------	3
Louisiana	2, 363, 880	1, 511, 739	1, 484, 467	27, 272	849, 303	2, 838	1, 801	360	46	612	15	1	3
Oklahoma	2, 336, 434	2, 104, 228	2, 083, 869	20, 359	168, 849	63, 357	63, 125	112	57	33	17	12	1
Texas	6, 414, 824	5, 487, 545	5, 253, 157	234, 388	924, 391	2, 868	1, 103	1, 031	458	219	73	1	3
Mountain:													
Montana	559, 456	540, 468	484, 826	55, 642	1, 120	17, 868	16, 841	258	508	155	7	99	------
Idaho	524, 873	519, 292	495, 176	24, 116	595	4, 986	3, 537	208	1, 191	24	4	20	2
Wyoming	250, 742	246, 597	229, 818	16, 779	956	3, 189	2, 349	102	643	76	-------	19	------
Colorado	1, 123, 296	1, 106, 502	1, 036, 031	70, 471	12, 176	4, 618	1, 360	216	2, 734	276	8	24	------
New Mexico	531, 818	492, 312	477, 065	15, 247	4, 672	34, 834	34, 510	106	186	13	19	-------	------
Arizona	499, 261	426, 792	389, 955	36, 837	14, 993	57, 476	55, 076	1, 449	632	239	65	13	2
Utah	550, 310	542, 920	510, 622	32, 298	1, 235	6, 155	3, 611	228	2, 210	69	13	15	9
Nevada	110, 247	104, 030	93, 431	10, 599	664	5, 553	4, 747	286	470	31	3	7	9
Pacific:													
Washington	1, 736, 191	1, 698, 147	1, 494, 984	203, 163	7, 424	30, 620	11, 394	2, 345	14, 565	2, 222	23	12	59
Oregon	1, 089, 684	1, 075, 731	988, 092	87, 639	2, 565	11, 388	4, 594	2, 086	4, 071	573	21	24	19
California	6, 907, 387	6, 596, 763	5, 725, 870	870, 893	124, 306	186, 318	18, 675	39, 556	93, 717	31, 408	1, 476	1, 088	398

Mr. BILBO. Mr. President, it will be interesting to the country, and to the Senate as well, to know what the outstanding newspapers of the Nation are saying about the filibuster and the facts involved in this issue. The Washington Evening Star of Thursday, November 19, carried an article by Mr. Gould Lincoln. I will say for Mr. Lincoln that he has the reputation of writing and giving to the public some very able articles. He attempts to be accurate in the information he gives. I shall read the article into the RECORD so it will appear in the body of the RECORD as a part of my speech:

[From the Washington Star of November 19, 1942]

FILIBUSTER AGAINST POLL TAX BILL FORCED TO PREVENT PLAIN INVASION OF CONSTITUTION

(By Gould Lincoln)

It is a sad commentary that only a "filibuster" is standing in the way of the passage by the Senate of a measure which in the opinion of some of the best legal minds in the country is clearly unconstitutional—the so-called poll-tax bill.

The principal question at issue is not whether a poll tax, as a requisite of voting in elections, is a good thing. It is whether the Congress shall undertake, by a simple law, to repeal a provision of the Constitution. It involves, moreover, a complete control by the Federal Government over election in the State.

Obviously, if Congress by the enactment of a law can prevent a State's imposing a poll tax as a qualification for voting, it can prevent a State's imposing a law for registration of the voters. It can prevent a State's imposing a 6-months' residential qualification for voting.

At this point let me remark that it has already been intimated on the floor of the Senate by the sponsors of the bill that such action will become necessary, that it will be legal, that it will be constitutional; that they will pass a bill to remove the residential qualification and the registration qualification of

voters. They have already done so in the soldiers' voting measure. That is one reason why we are fighting to the finish, and will continue to fight to the end against this bill, for we know that if they can have this bill passed and get the Supreme Court to O. K. it, then the floodgates will be open, and they will go on with all sorts of regulation of the voters of the various States of the Union, in order to control the Congress, in order to operate the affairs of the Government from the banks of the Potomac River.

Mr. President, it is not the poll tax we are fighting. I repeat that I have been fighting to repeal the poll tax law in my State for 5 years, in connection with party primaries. I am in favor of repealing the poll tax. But the passage of the pending measure will prepare for something else, and that something else is on the way. Those who are scheming for control of the country's affairs from the banks of the Potomac, and certain sponsors of this kind of legislation, say "We must remove the educational qualification for voting, and the registration qualification for voting." Mr. President, that will be the next sort of bill with which we will have to contend, and the same group and the same forces will be behind it.

It can, in fact, do anything it wants to control elections in every voting precinct in the country.

Said Mr. Lincoln:

And when it does, gone will be the very shadow of State sovereignty. The dual system of government set up under the Constitution will have been smashed to atoms. Everything will be centralized in Washington.

I wish to say that if any Senator who favors the bill is present on the floor and feels that he has to vote for it in order to save his political scalp from the groups who are determined to put this legislation through, I pray to God he will be big enough in the hour of the vote to rise above his own selfish interest and his own ambition, and tell the authors of the proposed legislation to go to, and that he will vote to preserve the Constitution and protect the people of this Nation, and also to uphold the Constitution as he has sworn to do.

The Constitution itself provides a method of amending the fundamental law of the land—and the passage of an act of Congress is not the method. In every case where the voting qualifications have been changed for the entire Nation, during more than 150 years of this country's existence, a constitutional amendment has been submitted first to the States, in accordance with the constitutional plan for amendment.

Why is it that certain groups—Negroes, the C. I. O., the American Federation of Labor, the Railroad Brotherhoods, the Communist Party, Mr. Browder, if you please—are not satisfied to have Senators say that they would like to fulfill their obligations and live up to the oaths they took when they became Senators? Why are they not satisfied by the promise that an effort will be made to reach the objective sought by the constitutional route, by amending the Constitution of the United States itself? Why do not Senators proceed in that manner? They had better do so and thus save their own consciences.

It requires a two-thirds vote of the House and Senate to submit such an amendment to the States for ratification, and ratification may be had only when three-fourths of the States have approved the amendment. This was the course followed when Negroes were enfranchised nationally. It was the course adopted to give the women the vote nationally.

Before the woman suffrage amendment was adopted in 1920, some of the States permitted women to vote. Miss JEANNETTE RANKIN was elected to the House in Montana in 1916, for example. Yet Congress did not seek to impose woman suffrage on the Nation as a whole by the mere passage of a law.

Montana gave the women the right to vote by State law. Women were qualified to vote for members of the most numerous branch of the State legislature. Under the Constitution a woman who is given the right to vote and is an elector in the State also has the right to be elected to the Congress of the United States, and a woman was elected to Congress before universal woman suffrage was provided. The Congress did not undertake to force all the other States to do what Montana did, to give women the right to vote, but the representatives of the States came to the Congress and said, "We want woman suffrage throughout the Nation, and we will obtain it in the constitutional way. We will pass a measure by a two-thirds vote of each House of Congress. We will then submit the amendment to the States, and when 36 States of the Union approve the amendment, then we shall have universal woman suffrage."

That was the way it was done in 1920. But there are a few smart, keen manipulators and dreamers who are trying to take hold of the Government and run it from Washington, who are trying to take advantage of the war situation, and to do what they are doing in the name of the war effort.

They propose to do away with the constitutional method of amending the Constitution and slide through and push through and cram through a law, because they have a majority on the floor of the House and the Senate. They propose to pass legislation in violation of the inherent constitutional right of eight States of the Union who have not seen fit up to this good hour to repeal the poll-tax provision as a prerequisite for voting in their States.

Mr. President, as the Senator from Wyoming [Mr. O'MAHONEY] said earlier today, they could not maintain their position under section 2 of article I of the Constitution, and the only peg they have on which to hang their hats, the only constitutional argument on which they are basing their right to pass the proposed legislation, is that to impose a poll tax upon the voter is a violation of a republican form of government.

What must the people of Massachusetts think about that? What must the people of Pennsylvania think about it? The Senator from Wyoming told the Senate earlier today that Massachusetts, until 1892, had a law which made the payment of poll tax a prerequisite for voting. Massachusetts repealed the poll-tax law. Pennsylvania also had a poll-tax law in effect until 1933. Is it possible that all through the years, since 1789, when the Federal Government began to function, poor old Massachusetts and poor old Pennsylvania, two of the Original Colonies, were denying the people of their States a republican form of government, in Massachusetts until 1892 and in Pennsylvania until 1933? That is the grounds upon which the argument is now made that this monstrosity is constitutional.

Two reasons exist for the present effort to trample on the Constitution and put through this poll-tax law. One is that too many have come to a conclusion that the poll tax as a requisite for voting denies to thousands of citizens—particularly in the South—the right to participate in the elections of Senators and Representatives in Congress, and of Presidents and Vice Presidents. It is all wrong, they say, to make a money qualification, no matter how small, a necessary preliminary to exercising the right of franchise, the greatest right any citizen has.

Perhaps it is wrong. For the sake of the argument I will grant that it is wrong. I will grant that it is not a wise qualification; and if it is desired to get rid of it, my permission to do so is given. But, my God, do not rape the Constitution to do it. Do it in a constitutional way.

The other reason is not admirable. It is a desire to influence the Negro vote in States where the Negroes do vote in large numbers—particularly in such big States as New York, Pennsylvania, Illinois, and Ohio, where the Negro vote might at times hold the balance of power. Today only eight States in the Union have a poll tax as requisite of voting. All of them are located in the South—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. All of them have large Negro populations. The poll tax has operated to keep many of them from the polls on election day. So the promise is made to the Negroes in the other States that their brothers in these eight States of the South shall be enfranchised by the repeal of all poll taxes and permitted to vote for Members of Congress and for President and Vice President.

Yet Lawyer Howard came before the committee and very frankly told it that the pending bill would not turn the trick, that it would not help the Negroes in Mississippi, or in any of the eight States which have a poll tax. However, that does not deter those who are urging the proposed legislation, because they are smart enough to know that if they could succeed in having the bill passed they could later bring about the abolition of registration, educational qualifications, or anything else which now stands in the way, in order to enfranchise the Negro vote in those eight States.

That is why they would urge this bill until kingdom come, even though they know that it would not qualify a single Negro to vote in any of the eight States. But that is not what they are thinking about; they are thinking about what is to come after the proposed legislation is

established as a policy of the Government, approved by the Supreme Court.

Both the Republicans and the Democrats in Congress—except those from the South—have for the most part made this promise in the hope that the Negroes will support their party when elections are held and their votes are needed in Illinois, New York, and other States where their vote may be the balance of power. In the Senate, not all of the Republicans nor all of the Democrats, outside of the solid South, believe the proposed law is constitutional—and not all of them are prepared to vote for its passage. But a majority of both will support the legislation if it can be forced to a vote.

I am willing to hazard the guess—I have no information on the subject—that in the corridors of the Senate Chamber, the leading Negro lobbyists in Washington are calling out Democratic Senators and telling them that if they will vote for the bill the Negroes will stand by the Democratic Party, and that they are also calling out Republican Senators and telling them that if they will support the bill the Negroes will vote for the Republican ticket at the next election.

I continue reading from the article:

Article I, section 2 of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature." These eight States which still have the poll-tax law, provide that the payment of a poll tax shall be a requisite for electors of the members of their State legislatures.

Pennsylvania had a poll tax as a prerequisite for voting from about 1789 until 1933. How must a Senator from Pennsylvania feel when he seeks by his vote to cram the proposed law down the throats of the eight poll-tax States merely because they did not follow his State in abolishing the poll-tax law which had been in existence in Pennsylvania for nearly 140 or 150 years?

I continue reading:

The pending bill does not seek to prevent the States from imposing poll taxes on electors who vote for the members of the State legislatures. It merely seeks to prevent the imposition of such a tax on electors who vote in the States for Members of Congress and for President. The supporters of the bill have acknowledged that Congress has no power to fix or alter qualifications of voters for State officials. They seek to distinguish, however, between the election of a State officer and a Member of Congress.

To do this they deny that the payment of a poll tax is a "qualification" for voting. They insist that a poll tax is an interference in the "manner" of holding a Federal election.

As shown today by the able Senator from Wyoming [Mr. O'MAHONEY], from the days of the founding fathers to the present time the poll tax has always been regarded as a qualification for voting, just as the owning of certain real estate is a qualification, or just as the owning of a certain amount of personal property is a qualification.

I continue reading:

It is a tenuous line of argument, especially in view of the fact that when the Constitution was first adopted all the States had property or tax qualifications for voters and continued them in effect.

Gradually the States themselves have repealed their laws requiring the payment of poll taxes as a requisite for voting. It is a matter which should be left to the States. Tennessee is about to repeal its poll-tax law today.

When fanatical "drys" in this country insisted on national prohibition—forcing dry laws on States which were not ready for them and did not wish them—they sought a constitutional amendment. They did not seek to impose the Federal bill on the States by a mere act of Congress.

The Senate has been forced to be a spectacle to the entire world—with a filibuster in full swing—for days now by the insistence of the proponents of the anti-poll-tax bill. In the midst of a great war, this measure is pushed to the front. A majority of the Members of the Senate regret that this has been done. Better a filibuster, however, with all its antics, than a plain invasion of the Constitution.

That is exactly the way the opponents of the pending bill feel in making this fight.

Better a filibuster, however, with all its antics, than a plain invasion of the Constitution.

That is why they are pledged in their hearts to remain here until the 3d day of January next rather than to see the proposed legislation become a law.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. LANGER. What does the able Senator from Mississippi propose to do after January 3?

Mr. BILBO. That depends altogether on what is done by the proponents of the pending measure. If they again undertake to rape the Constitution by this kind of legislation the senior Senator from Mississippi will be found doing the same thing he is doing today, and he will become stronger as the years go by.

In this connection, and for the benefit of the American people, I desire to read into the RECORD an editorial from the Washington Post of today, November 20. The Washington Post is the outstanding Republican newspaper in the Nation's Capital.

Throw it out. Six days of filibustering in the Senate have been a heavy drain upon the prestige of that legislative body.

Remember that the blame for this filibuster does not rest upon my shoulders. It rests upon the shoulders of our distinguished leader, the Senator from Kentucky [Mr. BARKLEY], the Senator from Nebraska [Mr. NORRIS], and the Senator from Florida [Mr. PEPPER]—the sponsors of the bill—who brought it up in the Senate in the midst of a war, and during the closing days of the Seventy-seventh American Congress. The opponents of the bill repeatedly went to them and begged them not to bring it up because if they insisted upon doing so it would be necessary for us to fight to the bitter end rather than allow the Constitution to be raped and the sovereignty of the States to be destroyed. Why fight a war and save the American scheme of government and then sit idly by and see enacted into law a measure designed to centralize government on the banks of the Potomac River and wreck government within the States?

Six days of filibustering in the Senate have been a heavy drain upon the prestige of that legislative body. Citizens who are interested in getting on with the war cannot avoid a feeling of disgust when they realize that some representatives of the people are willing to put aside all the momentous issues of our day and indulge in an endless gabfest designed to prevent action on a bill.

In the midst of the war situation, our leader, the Senator from Kentucky [Mr. BARKLEY], the Senator from Florida [Mr. PEPPER], and the Senator from Nebraska [Mr. NORRIS] are willing to put aside all the war measures and all the momentous issues of the day, open the box, and turn loose this gabfest. They knew it was coming. They were warned that it was coming. They were promised it.

This loss of prestige will hurt the Senate as a body as well as the Senators who are turning themselves into mere talking machines.

My action in this behalf may be displeasing to Mr. Earl Browder, to Mr. Walter White, of the N. A. A. C. P., to A. Philip Randolph, and to a few other men of that type. I may have little popularity at the other end of Pennsylvania Avenue; but what do I care, when I know that I am fighting to save the American dual system of government. Or, to put it on a political basis, what do I care, when 99 percent of the people of Mississippi are 100 percent behind me on this question?

The editorial continues:

By now it is obvious, however, that the filibustering southerners would rather block the anti-poll-tax bill than preserve the dignity of the Senate or get ahead with the solution of war problems.

I repeat that I would agree any day to stop in order to solve or help solve any war problem or to pass any war legislation.

The position they have taken is especially indefensible in wartime, but they have already demonstrated that they have no intention of conforming to democratic procedure.

That is what we are conforming to—to a procedure that will save the democratic, representative form of government.

That throws a special burden upon the Senate majority, and particularly upon Majority Leader BARKLEY, to stop this morale-destroying performance before any further damage is done.

I am glad the editorial writer has in this instance found the proper place to put the blame.

The editorial continues:

After all, the leaders of the Senate have the foremost responsibility of preventing that body from going into a seemingly endless tailspin during wartime. Knowing the volatile character of the issue this bill raises, they should not have permitted it to encroach upon the closing weeks of the session. In any event, their obligation to end the filibuster is now apparent, and that can apparently be done only by withdrawing the bill from further consideration. Indeed, the advocates of this measure would be well advised to transfer their fight from Washington to the capitals of States still taxing the voting privilege. That is where the fight should have been made in the first place.

That is very fine advice to our leader. I hope he will take it.

It is unsatisfactory, of course, to have any bill blocked by a filibuster, but it would also

be unwise for Congress to pass a bill so repugnant to the Constitution as this seems to be. Certainly the bill is not worth what its intrusion upon a wartime session of Congress is costing in terms of congressional prestige and wasted legislative time. There is now no alternative to throwing it out, and the sooner the better.

Mr. President, in that connection, from the same edition of the Washington Post I desire to read into the RECORD an article by the Honorable Mark Sullivan, under the title "Senate Filibuster Serves an Informative Purpose."

Here is a writer who has found some real good in this filibuster. Let us see what it is:

The Senate filibuster against the bill forbidding poll taxes in States can perform a useful service in respects not directly connected with the issue. It can enable the public to learn how easily, and how frequently, it is led into incorrect impressions about public matters. Demand for passage of the poll-tax bill, and criticism of those who oppose, is based upon a welter of misconceptions.

I have received a dozen or so letters, I suppose, from persons living in various sections of the United States who criticize me for my filibustering, if you want to call it that, or prolonged discussion of the measure, and denouncing me for it. They did not make me angry. I was rather moved to compassion, pity, and sympathy for the poor, deluded fools. They did not know what they were talking about. As the Saviour was on the cross, being crucified, he prayed, referring to his persecutors: "Father, forgive them; for they know not what they do." And I forgive these wild outbursts from these uninformed people scattered over the United States, because they do not know what is involved in this issue.

I read further from the article by Mark Sullivan:

A telegram of protest against the filibuster and endorsement of the poll-tax measure was sent to the Senate and made public, by 21 persons, including some of the highest standing. The telegram charged that Senators opposing the measure "are endeavoring to continue the discriminatory poll tax. * * *" By "discriminatory" the signers of the telegram meant discrimination on grounds of race, discrimination between Negroes and whites. That this was their meaning is proved by a further sentence in the telegram, calling for "immediate repeal of those laws which encourage discrimination because of race, color, or religion."

There are many ill-informed people who think that the poll tax is a discrimination between whites and Negroes, and is imposed to keep the Negroes from voting. It is imposed on the white people just as it is on the Negroes. There is no discrimination.

Now the poll-tax laws in eight Southern States are not discriminatory as between the races. They are not discriminatory in any respect whatever. To call these laws discriminatory, it would be necessary to say that literally every law of any kind is discriminatory. The sole discrimination is between those who conform to the law, and those who do not. The poll-tax laws merely say that a citizen, before voting, must have paid a poll tax. The law applies to whites exactly the same as to Negroes. A Negro can pay the tax and vote, exactly as a white person can. Nonpayment of the tax is a bar to a white man voting, the same as to a Negro. True, there is discrimination between races in some Southern States. But the poll-tax laws are not discriminatory.

An incorrect impression, almost universal, is that those opposing the poll-tax bill in Congress are by that fact trying to preserve poll taxes as such. This is not true. In the debates, Senator after Senator from Southern States have said they think the poll-tax laws ought to be repealed. Senator CONNALLY, of Texas, as I recall, used the word "outmoded." He meant that just as poll-tax qualifications for voting, and similar qualifications, have been repealed in Northern States, most of which formerly had them, so ought they now be repealed in Southern States. The sole insistence of most of the southern Senators is that the repealing be done by the States themselves, voluntarily—not imposed on the States by compulsion of the Federal Government.

Actually, poll taxes have already been repealed by all the Southern States except eight. In one of these, Tennessee, action looking toward repeal is under way. True, in some of the remaining States the poll tax is embedded in the constitution, and hence is cumbersome to repeal.

That is true in my State, and I will say that we are making progress. We adopted our constitution in 1890. Section 241 of the constitution provided that before any citizen could vote he was required to pay on or before the 1st of February of the year in which he offered to vote all taxes which he had an opportunity to pay for the 2 successive years preceding. That meant all taxes. He had to pay personal taxes, real-estate taxes, and poll taxes. Thereafter, we commenced to liberalize that provision of our constitution. In 1934 we had an election in which we voted to take out of section 241 of our constitution the words "all taxes," and to substitute therefor the words "all poll taxes." Today, under the provisions of the Constitution of Mississippi, all a man has to do to enable him to vote is to pay his poll tax. Until 1935, if a man owed $1,000, $2,000, $5,000, or $10,000 in taxes he had to pay every cent of it before he could vote. Now all that a rich man has to do is to pay the poll tax, just as the poor man has to pay the poll tax.

Mr. LANGER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. BILBO. I yield.

Mr. LANGER. What is the total voting population in Mississippi?

Mr. BILBO. The largest vote we have polled in any Democratic primary has been 375,000, or in the neighborhood of that number.

Mr. LANGER. How many voters of voting age reside in the State?

Mr. BILBO. I really do not know. I shall obtain that information for the Senator and shall put it in the RECORD one day next week.

Mr. LANGER. Do 20 percent of the people of Mississippi vote?

Mr. BILBO. We now have a population of 2,183,000, in round numbers, and in the State we have approximately 300,000 qualified voters. I suggest that the Senator figure out the percentage for himself.

Mr. LANGER. How many voters voted in the last election?

Mr. BILBO. In the last Democratic primary for United States Senator, in which only one seat was in issue—Senator DOXEY'S seat—130,000 votes were cast.

Mr. LANGER. How many votes were cast in the November election?

Mr. BILBO. I have not seen the returns for the election held on the 3d of November. It would not make any difference how many there were, because we had no contest; there was only one candidate.

Mr. LANGER. I understand.

Mr. BILBO. That is the difference between the situation in Mississippi and in States which have two parties. In the Senator's State and other two-party States the big election is in November; that is when the Democrats and the Republicans fight it out, and that is when all the votes are brought out. However, in Mississippi the Democratic primary settles the question. We do not have enough Republicans to have a Republican Party ticket; we do not have enough Socialists to have a Socialist Party ticket. We have no party other than the Democratic Party; so all we need is one vote in order to make it legal.

I desire to say at this point that because of that fact some of the sponsors of this legislation have been so unfair as to quote the vote polled in November as evidence of the fact that the poll tax is disqualifying people in Mississippi, when in our primary we polled as many as 375,000 votes as against, I shall say, 35,000 or 40,000 cast in the November election. That shows how unfair they are and how they try to mislead the public. They could not be fair and urge this bill, to say the least of it.

I read further from the article by Mr. Sullivan:

But this does not alter the fact that sentiment favors repeal, or the reasonable certainty that repeal will come. And decidedly, neither this condition nor any other alters the fundamental principle in the present controversy—the principle, that fixing qualifications for voting shall continue to be the right of the States, and should not be taken over by the Federal Government.

If the poll tax has been, is being, and can be ended by action of the States themselves, why the present demand that it be done by the Federal Government? And why is this extremely controversial demand pressed at a time when the country is at war, when domestic controversy ought to be minimized in the interest of national unity for war? Answer that—and you will know most of the story.

Without imputing particular motives to all who demand action by Congress, it is a fact that much of the more strident demand springs from radical sources. What they wish can be inferred from their broad attitude on many aspects of government and society. They are engaged in what, when they are candid, they frankly speak of as revolution. Keystone of any revolution in the American system of government must be the breaking down of the States as units of government; taking away from them functions they exercise, depriving them of powers assigned to them by the Constitution.

In any attempt to accomplish this, a fundamental necessity is to take away from the States their right to fix the qualifications

of voters. This is the cornerstone of government. Take it away from the States, and little will be left of the States as governments.

This aspect of the present controversy in Congress is little seen or understood. Time can make it clear, and this is the justification for delay. The controversy in Congress so far has been mainly technical and parliamentary—whether the bill was properly acted upon by the committee that considered it, whether the procedure by which attempt is made to bring it on the floor is correct. Assuming this will be settled, and the bill comes upon the floor for debate on its merits, the true and broad implications of the measure will be made clear by some of the ablest men in the Senate, from the North as well as from the South.

I want to say to the Senators who are present that if they did not hear today the speech of the Senator from Wyoming [Mr. O'MAHONEY] they should take time off tonight or tomorrow morning to read it and analyze it. There has not been delivered on the floor of the Senate an abler, greater, or more profound and erudite address than that presented by the Senator from Wyoming on this occasion.

Mr. President, this bill, it is conceded by all, is in the interest of the Negro; the sponsors will admit that to be so; it leaks out through all the testimony in the extended hearings that it is in the interest of the Negro; and yet we find that our reverend and distinguished and beloved friend the Senator from Nebraska [Mr. NORRIS] seems to be the moving spirit behind the prosecution of this legislation at this time.

It will be of interest to the Senate to know that in Nebraska there are 45 counties in which there is not a single Negro, and there are 22 counties in which there are less than 10 Negroes. In Mississippi there are 35 counties in which the Negroes outnumber the whites. In the home county of the Senator from Nebraska—Red Willow is the name of the county—there are about 11,000 people, and every one of them is white except 6, and they are Indians. There is not a Negro in his county. His county may be like some of the counties I have found in the North recently. For instance, the largest county in the State of Missouri is named Texas, and it is thickly populated, but there is not a Negro in Texas County, Mo. They will not let a Negro stay overnight. I drove into that county to make a speech in a Presidential campaign. I had as my chauffeur a Negro, a bright mulatto, a graduate of Alcorn College in Mississippi, who had been with me for 15 years; but I had to trade him off for a Filipino in order to let him stay all night in Missouri.

I spent a day in Madison County, Ind., the home county of the great Wendell Willkie. The white people of Elwood, the town from which he came, ran all the Negroes out of Elwood, a city of 10,000, and put signs on the roads leading into the city, "No Negro admitted into this city." That is the city where the Republican candidate was reared, and his daddy helped throw the Negroes out.

Living in a State, Nebraska, where there are only 12,000 Negroes, out of a population of over 2,000,000, a State in 45 counties of which there is not a Negro and in 22 counties there are less than 10, the Senator from Nebraska dares to come here and tell the Southern States, that have three-fourths of all the Negroes in the United States within their borders, how they should treat, control, handle, and solve the race problem, governmentally, economically, and socially, when he does not know anything about it. He may understand the T. V. A., but he does not know a continental rap about race relations. One has to live with the problem in order to know it and understand it.

Now, Mr. President, from the New York Times of November 19, 1942, I read an article entitled "The Legal and Policy Issues in the Filibuster" by Arthur Krock:

WASHINGTON, November 18.—That method of obstructing legislation called a filibuster, which a number of Senators have employed to prevent consideration of the anti-poll-tax bill, is ancient if not honored in Congress.

Of course, some of the younger generation never heard of a filibuster. They think it is an animal, something wild or something radical, that it is something awful, and unlawful; but it is an ancient custom of the Senate, and it is an honored custom.

It is the only method by which a small minority can make any effective stand against the effort of a large majority to pass legislation which seems to the minority to violate its rights or that of its constituents.

We are Senators, we are here as representatives of sovereign States, I am an ambassador from the little republic of Mississippi, the Senator from North Dakota [Mr. LANGER] is an ambassador from the republic of North Dakota. He is here representing the entity of a government, and when a majority of the representatives from the sovereign States who make up this Republic attempt to destroy the Constitution, and take away rights and privileges of the States which were guaranteed to them, and which were reserved by them in the adoption of the Constitution, our only method of defense is through the ancient and honored practice of a filibuster.

I have no apologies to make for my opposition. I do not need to be defended for taking the position I have assumed. Merely because Senators have the power, they think they are going to run over these sovereign States and cram down their throats and down the throats of the people certain measures, and make them cease doing what other States did for almost 150 years, but because they made up their minds to change their laws, they intend to make us change ours.

I read further from the article by Mr. Krock:

Sometimes a filibuster is popular with the general public and those conducting it are hailed as constitutional statesmen. Sometimes it is unpopular and the filibusterers are charged with an attempt to thwart that will of the majority which in our constitutional system is supposed to prevail. The Senate rules make room for a filibuster, and no majority has been willing to change them, because it wishes to have the protection of these rules when it becomes the minority.

Those present will live to see the day when the distinguished Senators from the Pacific coast will be here asking the Congress to pass laws to help regulate their internal affairs because of the presence of the Orientals who flock to the Pacific coast.

There are certain questions of parity, certain questions of silver, certain other questions which affect various communities throughout the United States, which are peculiar to certain sections, and some here are going to find themselves in difficulty; they are going to find themselves being overpowered by a majority, and their only defense will be the filibuster, of ancient origin and of dignified history. So, before Senators seek to join hands with PEPPER, of Florida, and NORRIS, of Nebraska, to place upon men who are trying to defend the sovereignty of their States a rule which will destroy our right of defense, they had better think twice before they vote or sign.

I read further from Mr. Krock:

This device of obstructing majority will has been particularly unpopular in the country when the delaying tactics were also holding up essential legislation next on the calendar, or when no truly debatable issue was involved. In the present instance it should be noted that the filibusterers are delaying nothing of any importance except the immediate bill, and that the issues they have raised are highly debatable.

Yet there will be found many crackpots going around over the country, even newspapers, saying, "Oh, the filibusterers are blocking important war measures, when our boys are dying on the battle fronts of the world," when, if Senators will consult the calendar, they will find there is not a piece of legislation that is of more importance than what we are considering. Even if there were, who brought this matter into the Senate? Who is the father of it? Who is the instigator of it? Who is the daddy of it? To ask the question is to answer it.

Mr. Krock further says:

The only legislation of consequence that is maturing are two bills—one to give to the President unlimited war powers over tariffs and immigration quotas—

And there will be another filibuster before that is allowed to pass—

which the Ways and Means Committee shelved today for further study, the other to set up a consolidated control of the war program. Neither proposal has had the careful committee consideration which both will require before they come to the floor.

I do not think we should have any more legislation enacted until the new year. Eighty-eight new Members of Congress were elected by the people on the 3d of November. The personnel of Congress has considerably changed. There are too many "lame ducks."

Mr. BANKHEAD. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The Senator will state it.

Mr. BANKHEAD. The Senator from Mississippi is making a great speech, and I at least should like to hear it. I therefore ask the Chair to secure order in the Chamber. I want to hear the speech of the Senator from Mississippi.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BILBO. I appreciate the kindly suggestion of the Senator from Alabama,

but personally I was speaking to the country through the RECORD.

Mr. BANKHEAD. I am a part of the country.

Mr. BILBO. I read further from Mr. Krock:

The issues are whether Federal powers over State qualifications for voters shall be extended far beyond the limits which the courts have steadily defined throughout our history, and whether the Pepper bill is, in fact, constitutional as well as good public policy.

It is neither.

The Pepper bill provides that the payment of a poll tax as a prerequisite to voting or registering in primaries for candidates for Federal office shall be "deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers." It bans the poll tax as unlawful.

Is it not strange that it took 150 years to find a CLAUDE PEPPER? Our Government has been in existence for 150 years, and we have never found anyone smart enough to contend that under any provision of the Constitutional Congress would have the right to take away from the States the power to fix the qualifications of electors, either for State officers or Members of the Congress. But we have at last found a CLAUDE PEPPER.

Even a cursory glance at the long line of High Court decisions, from 1833 forward, on the right of the States to fix electoral qualifications for all offices will show that the Pepper bill runs counter to these. It has been repeatedly held that admission to suffrage is not a right but a privilege within the powers of the States to bestow on terms not inconsistent with the Constitution. That document forbids any State to deny suffrage to citizens on the bases of race, color, previous condition of servitude, or sex.

It is true that the operation of the poll tax has the intended effect of keeping many poor southern whites and more Negroes from the ballot box. But the courts have repeatedly decided that, where an effect is incidental and not on its face prescribed, the States are within the rights specifically reserved to them in the Constitution.

I take issue with Mr. Krock at that point. The poll tax is not keeping them from voting. They can go to the ballot box and vote.

FROM JOHN MARSHALL ON

In *Barron* v. *Baltimore* (1833), a dictum the Court often reiterated, Chief Justice Marshall held that the Bill of Rights, the first 10 amendments, "contain no expression indicating an intention to apply them to the State governments," and in 1875 the Court declared that it is "too late to question the correctness of this construction." In *United States* v. *Cruikshank* (1876) the Supreme Court asserted that the right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination (race, color, sex, etc.) comes from the United States. "The first has not been granted or secured by the Constitution of the United States, but the last has been."

Later the Court decreed that when the Constitution conferred citizenship in the fourteenth amendment it did not necessarily confer the right of suffrage, that the right of suffrage is not coextensive with citizenship—

That is rudimentary, academic—

and repeated that the Constitution left with the several States the power to determine voters' qualifications to choose candidates for all offices. Thus the establishment of a literacy test was upheld, since "on its face" it did not discriminate between whites and Negroes. Conversely, the "grandfather clause" was nullified because "on its face" it discriminated.

Only a few years ago the Court decided that the equal suffrage amendment does not confer on women the "right" to vote or purport to do so; it merely prohibits sexual discrimination against them in prescribing the qualifications of electors, "a very different thing."

The Senate filibuster may be opposed by those who are unconcerned over extension of Federal powers, who favor the Pepper bill, or who would put no restraints on a majority. But its objective has a long and continuous line of constitutional law behind it.

So says Mr. Krock, in the New York Times of November 19.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BILBO. I yield for a question.

Mr. CONNALLY. I ask unanimous consent that I may make a statement, and that it not disturb the parliamentary status of the Senator from Mississippi, or his rights.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CONNALLY. It will be recalled that yesterday we witnessed an effort to arrive at some accommodation with respect to the particular bill under discussion and the motion to proceed to its consideration. Of course, it is understood that the debate so far has been upon the point of order made by the Senator from Mississippi [Mr. DOXEY] as to the constitutionality of the bill. When that question shall have been disposed of, the question then will be on the motion of the Senator from Kentucky to proceed to the consideration of the bill. Both the point of order and the motion are debatable, and according to our thesis, they would be debatable until the end of the present Congress. In the event they should be disposed of, the bill then probably would come before the Senate and, of course, it would be debatable, as would innumerable amendments which might be offered to it.

Those of us who are opposing the bill are not opposing it in a spirit of pique. We have tried to get before the country the knowledge that our purposes are sincere, that we have substantial and high motives in opposing the measure, and that our opposition is based firmly upon the very fundamentals of the Constitution of the United States.

In that behalf the Senator from Wyoming [Mr. O'MAHONEY] today made a very valuable contribution to the public understanding of the measure, and we are hopeful that the press of the country will be as generous in showing up the merits of our contention and the integrity of our motives as some of the press has been in undertaking to create a contrary opinion.

Mr. President, we are seriously and honestly opposing the bill, and though we are denounced as filibusterers, we are something more than a bunch of legislative ragamuffins. We are fighting the bill, but we want to avoid any impression that the Senate of the United States is spending its time in frivolous matters during this grim and tragic period of the world history, when we are engaged in a great war, and when every ounce of our energy should be devoted to the prosecution of the war, and to the advancement of the high principles and purposes of our Republic.

With this statement, Mr. President, I wish now to renew, in substance, the proposition we made yesterday. I propose now to the Senator from Kentucky, as the majority leader, that those of us who are opposing the bill will withdraw any objection to the further consideration of the point of order and any further objection to the motion to take up the bill, with the proviso that the majority leader shall immediately take whatever steps he may deem necessary under the rules with respect to cloture; and it is understood and agreed that on the motion for cloture the Senate shall vote next Monday at 1 o'clock; that there shall be no adjournment over until any other period of time, but that action shall be taken at 1 o'clock next Monday; that, upon the failure of cloture, the Senator from Kentucky will move to lay the bill aside; and that it is generally understood that no further action looking to the consideration of the bill or bringing it before the Senate for consideration shall take place at any time during the present session of the Congress.

Mr. BARKLEY. Mr. President, we all realize that we are faced with a practical situation in regard to this measure. I do not deem it necessary to repeat what I said yesterday, the effect of which was that, in view of the opposition to the bill, and what Judge Gus Thomas in Kentucky called the "numerosity" of Senators who were willing to speak against it, I was convinced, as I think every other Senator is convinced, that without cloture we cannot bring the bill to a vote.

In my judgment no amount of pressure brought to bear upon individual Senators is going to change their attitude on the subject of cloture. Many Senators have deep convictions upon the subject. I realize that many who will vote for the bill finally, if it shall be brought to a vote, will not vote for cloture. I believe that substantially as large a vote in proportion to attendance will be obtained on next Monday as would be obtained on the following Monday, or on any other subsequent date. If cloture cannot be obtained in order that the bill may be brought to a vote, I think the sooner the Senate knows it the better.

So for myself, and I think I speak generally for the proponents of the bill, I am willing to agree that immediately upon the making of this bill the unfinished business today I shall file a petition for cloture, which already is prepared and on my desk, and that the Senate will have a session tomorrow. It is necessary to have a session tomorrow in order to comply with the rule. I would not, of course, under those circumstances think of adjourning over or recessing over until Monday. So that immediately upon the adoption of my motion to make the bill the unfinished business, or to proceed with its consideration, I shall comply with the rule by filing the petition for closing debate. There will be a session tomorrow and on Monday. It is not necessary to agree to vote at 1 o'clock on

Monday. The rule itself provides that 1 hour from the hour of the convening of the Senate, which will be 12 o'clock, the petition for cloture shall be laid before the Senate, and a roll call shall be had upon it; and if the cloture rule is rejected, of course I myself will not only make no further effort to press the bill but will feel myself in honor bound and in good faith to the Senate to proceed with the consideration of other legislation now on the calendar or that may then be on the calendar.

Mr. CONNALLY. And the Senator will also feel obligated to prevent other Senators from pressing the bill insofar as he can do so.

Mr. BARKLEY. Yes.

Mr. CONNALLY. I assumed that.

Mr. BARKLEY. The Senator can assume that I am not going to enter into an understanding here and then even remotely violate it——

Mr. CONNALLY. Certainly.

Mr. BARKLEY. By conniving with somebody else, and I have not the slightest idea that any further effort will be made on the part of anyone.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. GEORGE. I think the majority leader has made a very fair statement about the situation in which the Senate finds itself with respect to this bill, and I hope there will be no objection, because, in any event, if the pending point of order is withdrawn and the motion to consider the bill is agreed to, if the Senator from Kentucky, himself, or any other Senator wishes to file the motion for cloture, it would be in order that a vote be taken on the question, as he says, on Monday, provided there is a session of the Senate tomorrow. I think there should be a session tomorrow, because on the question of cloture, as well as matters in the bill, there may be many Senators who would like to be heard.

Mr. BARKLEY. Yes. I think it is entirely likely that between now and the hour for voting on the cloture petition on Monday there may be a number of Senators who will wish to express themselves upon the measure.

Mr. CONNALLY. That is correct.

Mr. BARKLEY. And I think they ought to be given an opportunity to be heard. I will say frankly that when the day's business is disposed of, I shall move that the Senate recess until tomorrow.

Mr. CONNALLY. I agree with the Senator.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. PEPPER. I want to make an inquiry and a brief comment before this matter is regarded as finally disposed of, if I may do so.

In the first place, as the leader has suggested, there has obviously been no opportunity so far for the proponents to discuss the merits of the bill, or its constitutionality, without contributing to what has been announced as the positive intention to defer consideration and to deny consideration of the bill insofar as voting upon it is concerned. So I wondered if what the able Senator from Texas said indicated that, for example, the time could be equally divided between the proponents and the opponents between now and the time for voting.

Mr. BARKLEY. If I may reply to that inquiry, I will say that the Senator from Texas and I have discussed that matter, and entered into an informal agreement which I am perfectly willing to have made a part of the RECORD, that if the petition for cloture is filed so that it is in effect under the rule, the time for debate between now and 1 o'clock on Monday shall be equally divided between the two sides, the Senator from Texas to control one-half and I myself to control the other half. That was an agreement which we entered into informally. I am perfectly willing to have it spread on the RECORD.

Mr. PEPPER. I thought it was only fair that some such statement should be made.

Mr. BARKLEY. We were coming to that, but it is not necessarily a part of the agreement.

Mr. NORRIS. Mr. President, may I interrupt? Has the Senator from Florida concluded?

Mr. PEPPER. I will defer temporarily, but I do want to make further comment before the matter is concluded.

Mr. NORRIS. I want to call attention to the fact that the proposed agreement suggested by the Senator from Kentucky contains no limitation on debate. Under that agreement one Senator could obtain the floor and take up all the time.

Mr. BARKLEY. No; under the agreement that the Senator from Texas and I would control the time, we would yield a certain number of minutes to any Senator.

Mr. NORRIS. If that is the understanding, it will be satisfactory.

Mr. BARKLEY. Yes.

Mr. NORRIS. That the one controlling the time will not yield to any one Senator only.

Mr. BARKLEY. No; we would not yield the whole time to any one Senator. A Senator could speak only so long as the time he was given.

Mr. BILBO. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BILBO. I should like to know what would be the time limit on any suggested amendment to the bill. If cloture is to be asked for, and that question will be voted on next Monday at 1 o'clock, should not all amendments to the bill be filed by then?

Mr. BARKLEY. Under the Senate rule, if cloture shall be voted, no amendment will be considered that has not already been presented prior to the vote.

Mr. BILBO. I wanted to have that made plain.

Mr. BARKLEY. Yes. Any Senator can offer any amendment he wishes to offer up to 1 o'clock on Monday.

Mr. PEPPER. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. PEPPER. It is obvious that the proponents of this measure have found themselves in a position of great embarrassment. Under the rule which has now been brought to the attention of the Congress and the country, if any Member of the Senate moves to take up the measure, all that any other Member has to do is to make the point of order on the ground of unconstitutionality, and to have with him enough Senators to be willing to speak endlessly upon the measure, even 24 hours a day, if 24-hour sessions were determined upon, and it becomes utterly impossible even for nine-tenths of the Senate to bring the discussion to an end or the question of the consideration of the measure to a vote.

The only way that a vote could possibly be brought about was for the proponents first to agree to a time when the question of cloture would be presented, voted upon, and agreed to. Had the proponents not agreed that the vote on cloture might be had at a particular time, the opponents would not have made any agreement at all, and the debate would have proceeded without interruption.

The present situation has illustrated, it seems to me, the necessity for a reexamination of the Senate rule on cloture, as to whether it should be amended so as to provide that at least two-thirds of the Senate may conclude debate on either a point of order or any other question which may have to do with legislation or resolutions pending before the Senate of the United States. It has now been brought to the attention of every one that unless the rule of cloture is amended so as to apply to motions and points of order, a few Senators have the power, if they choose to exercise it, to deny to the Senate of the United States the opportunity of considering a measure. Such a group not only has the power to prevent the passage of legislation, it has the power even to prevent the consideration of legislation by the Senate of the United States. So certainly I am going to make whatever effort I individually can—and I hope other Senators will join in the effort—to amend the cloture rule so that at least two-thirds of the Senate can, if they choose to do so, bring any legislation before the body for consideration.

I want to say one other thing, Mr. President. Having that legislative or parliamentary situation before them, the proponents were faced with the alternative of seeking some solution, or allowing the opposition to the measure to block all legislation between now and the end of this session, and to exhibit to the world—not only to the United States—that this body, which has been called in another day the greatest deliberative body in the world, was absolutely impotent.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. PEPPER. If I am considered to have the floor I will gladly yield.

Mr. CONNALLY. I will yield to the Senator from Mississippi.

Mr. PEPPER. I was actually speaking by the indulgence of the Senator from Texas.

Mr. BILBO. Mr. President, I think the observation of the Senator is rather unfair to the opponents of this measure. I have occupied the floor for 5 days. As I recall, I have announced every day that the opponents of the bill would be willing, by unanimous consent, to stop at any

time in order to consider any war measure or any other measure of greater importance than this, if there is such a measure. The blame cannot be put upon the opponents of the bill.

As to the Senator's suggestion that we amend the rule of the Senate so far as cloture is concerned, which rule is time honored, I am not surprised at that, when he is trying to amend the Constitution of the United States by legislative enactment.

Mr. PEPPER. Mr. President, I shall briefly conclude what I have to say—

Mr. CONNALLY. Mr. President, I am enjoying very much the remarks of the Senator from Florida, but I hope he will confine his remarks to something akin to what we are discussing, rather than general questions.

Mr. PEPPER. I wish briefly to supplement what I have already said.

There is pending on the calendar Senate bill 1313, a bill to provide Federal aid for public education in the United States. That bill and many other important bills would be delayed, if not denied consideration altogether, if this prolonged debate were to continue until the end of the present Congress. I am hoping that as soon as the pending bill is laid aside the chairman of the Senate Committee on Education and Labor, the Senator from Utah [Mr. THOMAS], and the able Senator from Alabama [Mr. HILL] who have been particularly dealing with it, will move to proceed to the consideration of Senate bill 1313, which provides Federal aid for public education in America, of which the South is to be the principal beneficiary.

So, out of consideration for the desirability of foregoing consideration of the pending measure under the circumstances, in favor of the consideration of other measures which in my opinion are very important, not only to the South but to the country as a whole, and in order that the world may not witness the spectacle of the United States Senate incapable even of considering legislation, so far as I am personally concerned, I am willing to concur in the agreement which has been made by the able Senator from Texas and our able leader, and will support the agreement to the very best of my ability, regretting the necessity for its having been consummated.

Mr. CHANDLER. Mr. President, I should like to ask the Senator who has the floor to yield to me.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. BILBO] has the floor.

Mr. BILBO. Mr. President, I shall be glad to yield to my distinguished friend from Kentucky; but before doing so I wish to say that I heartily agree with the Senator from Florida as to the importance of Senate bill 1313. So greatly am I impressed with the importance of that measure that I went to the Senator from Florida and made a proposal to lay aside this filibuster and proceed to the consideration of Senate bill 1313, but he would not agree to the proposal.

I now yield to the junior Senator from Kentucky.

Mr. CHANDLER. Mr. President, yesterday the Senator from Texas asked unanimous consent that an agreement similar to this be approved by the Senate. On that occasion I objected. If the request were again made in that form I should object to it, for the reason that if the Senator from Florida should seek to obtain consideration for Senate bill 1313, and a group of Senators should wish to establish for that measure the same conditions which now prevail with respect to the pending measure, we should have the same result.

The Senator from Mississippi states that he offered to the Senator from Florida a proposal or arrangement, about which I know nothing. As I understand, the Senator from Texas is making a proposal which is agreeable to my colleague [Mr. BARKLEY] and to the Senator from Florida [Mr. PEPPER], one of the principal sponsors of the bill. It is merely a proposal made by one side and accepted by the other in order to arrange to kill the pending measure. That would be the result of it if it were carred out. I am not in a position to object, because unanimous consent is not asked. I do not know anything about the arrangement which has been made for killing the bill or for the subsequent funeral; but this situation will rise to plague us in the future whenever any group of Senators wish to kill a bill or make arrangements with its sponsors to kill it unless they will agree to something else. I do not like the arrangement at all. If I had an opportunity to prevent it I should most certainly contribute my efforts in that direction.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield if I am permitted by the Senator from Mississippi to do so. Will the Senator from Mississippi permit me to yield to the Senator from Nebraska?

Mr. BILBO. I yield to the Senator from Nebraska.

Mr. NORRIS. As I understand, the Senator from Texas is not proposing an amendment to the Senate rules; but if the agreement were entered into it would have that effect. Unless he proposes it in the form of a unanimous-consent agreement, I do not see how it can have any legal effect upon any Senator. We would all abide by the agreement if it were a unanimous-consent agreement; but there is no proposal to make it a unanimous-consent agreement.

The PRESIDING OFFICER. The present occupant of the chair understands that it is a gentleman's agreement.

Mr. CHANDLER. Mr. President, the Senator from Kentucky understands that that is what it is. I wish to distinguish between such an agreement and a unanimous-consent agreement. If the Senate is called upon to enter into a unanimous-consent agreement, any Senator who does not agree to the proposal may object.

The PRESIDING OFFICER. The present occupant of the chair does not understand that unanimous consent has either been asked or granted.

Mr. NORRIS. Nobody has entered into an agreement except the Senator from Kentucky and the Senator from Texas. It has been done in our hearing and in our presence, and no Senator would like to overthrow it. Nevertheless, I do not like to be put in the attitude, or have the Senate put in the attitude, that such an agreement must be adhered to and must have the effect of a unanimous-consent agreement. The Senator from Kentucky has stated what his position is; and if the opponents of the bill wish to accept the proposal, they have a right to take any action they see fit to take; but such an agreement would not bind any other Senator. Technically, it would not bind the Senate.

If we are to have this kind of an agreement, I should like to have it in the form of a unanimous-consent agreement. If the junior Senator from Kentucky or any other Senator wished to object to a unanimous-consent request, he would have that right, just as he would in connection with any other request for a unanimous-consent agreement. It is hardly fair to make an agreement which, in effect, would bind us in honor, and yet not legally bind us, as would a unanimous-consent agreement. We do not do so in connection with other legislation, and we ought not to be bound in that way. I am not saying that I shall object. I feel like following the leader in this case; but I do not wish to do so under a disguise.

Mr. BARKLEY. Mr. President, I do not wish to enter into another tangle about the difference between unanimous consent and an agreement. Unanimous consent is not required to withdraw the point of order now pending. Unanimous consent is not required for the Senate to agree to my motion to proceed to consider the bill. Unanimous consent is not required for me to file a petition for cloture. That is all there is to this proposal. I have frankly stated the situation to my colleagues, and I do not believe that any Senator misunderstands it. I repeat what I said a while ago that this is not a matter for unanimous consent. It does not require it. It did not require it yesterday.

Mr. President, I am informed that if a request for unanimous consent is made there will be no objection. I do not propose to make a request for unanimous consent merely because some Senator agrees not to object to it.

Mr. CHANDLER. I am not trying to have the Senator make a request for unanimous consent.

Mr. BARKLEY. This is not a matter with respect to which unanimous consent is required. I have already explained that, and I believe Senators understand it.

I hope we can go ahead with the understanding which we have reached, and let the point of order be withdrawn so that my motion may be voted upon. Then I will carry out my word to the Senate. I will immediately file a petition for cloture, upon which we can obtain a vote. None of these things require unanimous consent. This would involve having a session tomorrow. That is all there is to it.

Mr. RUSSELL. Mr. President——

Mr. BILBO. Mr. President, I have the floor, and I should like to make an observation at this time.

As I understand the agreement, immediately upon the motion of the Senator from Kentucky being agreed to, he will file a petition for cloture. A 1 o'clock on Monday we shall vote on it; and if the Senate refuses to agree to cloture, the Senator from Kentucky will withdraw from the fight for the consideration of the bill. My understanding is that in agreeing to do so the Senator from Kentucky speaks for the sponsors of the bill, the Senator from Florida [Mr. PEPPER] and the Senator from Nebraska [Mr. NORRIS], who are very much interested.

I have no objection to that agreement, because if the leader and the two Senators who are primarily sponsoring the bill are satisfied to quit after the vote on cloture, and any other Senator has enough nerve to make a motion to take up the bill, the opponents of the bill will be put back where they now are. Actually, they will be a little further behind, because a point of order will be made by my colleague from Mississippi [Mr. DOXEY], and we shall get back to where we are now. Then we shall be ready to go on until Christmas. I am not uneasy about what will happen.

Mr. BARKLEY. Mr. President, if the Senator will yield, I think the Senator is conjuring up fears which are without foundation.

Mr. BILBO. I have no fear. I do not think any Senator would have the hardihood to make a motion to take up the bill after such an agreement was entered into; but if any Senator should dare to do so——

Mr. BARKLEY. The Senate has ways by which it can summarily dispose of a motion of that sort.

Mr. BILBO. That is correct. I have no uneasiness about the matter.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What Senator has the floor?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. BILBO. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I have earnestly endeavored to work with my colleagues who have been opposing this unnecessary and unconstitutional measure. I have known all along that under the rules of the Senate, if 20 Members of this body are so possessed of the consciousness of the righteousness of their cause that they are willing to make the necessary sacrifice to stay in the Chamber and utilize every rule of the Senate in an effort to defeat such legislation as this, they have the right and the power to do so.

No step which could be taken by the other 76 Members of this body could possibly enact the bill into law before the third day of January. I have very reluctantly entered into the agreement. I had not voted for it in the conferences which were held on it; but because of the fact that Senators who have been in this body longer than I have, and for whose opinions I have great respect, had agreed to enter into the agreement, and to support it, I had gone along. I had done so with full knowledge that we could defeat the bill despite all that the proponents might do if we were willing to stay here and to take the punishment, and to make the proponents stay here and take the punishment. There has been talk about having night sessions. It has been my judgment that the opposition to the bill should have forced night sessions and should have seen who would last the longest and who would be the first to cry quits.

I realize that we are surrendering the rights to which the Senator from Mississippi referred. He said that we could raise again the constitutional question which is now pending—a question which we could debate until Christmas. I tell my friend that he is wholly in error. If the vote on cloture is had, the bill is before the Senate—and has to be, under the rules, before there can be a vote on cloture. The Senator talks about discussing the motion to take up the bill, and says we can discuss that. However, I tell my friend that that is not the case, because the motion to take up the bill will be water over the dam, and no Senator would be able to retrieve it, no matter how much the minority might desire to do so.

Mr. BILBO. Mr. President, my friend misunderstood me. I said that if the Senator from Kentucky [Mr. BARKLEY] and other Senators now agree that after the motion is disposed of the bill will be withdrawn, if a motion then is made to consider the bill, we can go back to where we started, and can debate it until Christmas. That is the position I am taking. If cloture is invoked, we are out of luck, and the Constitution is gone to hell. [Laughter.]

Mr. RUSSELL. Mr. President——

Mr. STEWART. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I do not think the Senator from Mississippi can hold the floor while sitting down. I addressed the Chair, and was recognized, and I think I have the floor in my own right.

Mr. STEWART. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I ask the Senator to pardon me until I state my position on this matter.

Mr. President, I am so possessed of the consciousness of righteousness in my cause in fighting this infamous legislation that I hesitated to surrender the position of vantage we have. I had the sure knowledge that we could defeat it, and I hesitated to go ahead and take a chance on the cloture vote. However, I was of the opinion that under the understanding, some Senators who have been pressing this cup to our lips would be bound in the event the Senate asserted itself and refused to vote cloture, not to bring this bill here again this session.

The Senator from Nebraska, who has been very active in sponsoring the bill, now takes the floor of the Senate and says that no Senator is bound not to press the bill any further if the cloture vote shall fail. Thus those who are fighting this infamous legislation could be put in the unhappy position of having the bill pending as the unfinished business of the Senate. In that event motions could be made to table any amendment which might be offered, and those who had spoken twice on the question would be estopped from speaking further; and after the bill has been pending here for perhaps 2 more weeks, Members of the Senate would change their minds and then would be in favor of voting for cloture.

I realize my predicament in the matter, Mr. President. I realize that those who are fighting this legislation believe they are perfectly safe in entering into the agreement, and I know that one Senator cannot defeat the measure. A Senator opposing it must have some support. Other Senators must be willing to vote to call the roll. Other Senators must be willing to stand up and fight for their rights, instead of risking everything on one turn, as they are doing on the cloture proposition with no real assurance the bill will be finally withdrawn if cloture fails.

If any Senator feels that he has a right under this agreement just suggested to support further motions to take up the bill, and not to fight to keep the bill from being brought before the Senate, so far as I am concerned I shall have no part or parcel of such a proposition as has been advanced to conclude the matter.

I realize, as I have said, that I, myself, without the aid or assistance of my colleagues who have carried on this fight, cannot continue it; but speaking for myself, before the arrangement is made, if there are 12 Senators on my side of the question who are willing to go ahead with the fight, I will go ahead with it before I will enter into the agreement with the knowledge that thereafter any Member of the Senate will have a right to keep pressing the bill on us and offer motions for cloture week after week until Christmas. We had better keep on with the fight while we have a constitutional point to stand on in fighting for the preservation of the Constitution of our forefathers than to surrender under such circumstances.

Mr. BILBO. Mr. President, let me make a suggestion to my friend the Senator from Georgia while he has the floor. I realize that there is merit to the suggestion of the Senator from Georgia. I realize that if the informal agreement is entered into, then we shall have waived the motion to take up the bill, the opposition to which has great advantages, and we shall have waived, at least for the time being, the point of order which is of tremendous advantage to the opponents. We would do that in order to get a vote on cloture.

Mr. RUSSELL. I am not seeking any vote on cloture, let me say to the Senator.

Mr. BILBO. But the object of the proposed agreement is to let the vote on cloture come. That is the effect and purpose of it, and but for that I assume no Senator would advocate the agreement; because I think—and I have gone into the agreement on that basis—that we clearly have sufficient votes to defeat cloture.

However, now the point develops, assuming that that statement of position is correct, and that cloture is refused,

that thereafter some Senator could start the fight all over again. I know that the Senator from Kentucky is not going to do so.

Mr. RUSSELL. I desire to say right here that I accept in absolute good faith every word which the Senator from Kentucky said; but, Mr. President, I see that there are times when all of the Senators on this side do not follow the Senator from Kentucky, and there seems to be a cleavage in the ranks of those favoring the bill on this matter.

Mr. BILBO. I am sure that the Senator from Nebraska—although he has not made a statement on the matter today—would follow any statement he might make; and I know that the Senator from Florida would do so as to any statement he might make.

However, let me make this suggestion to the Senator. It will be a test of the good faith of every Senator, and will develop clearly whether there is to be a fight. I suggest that the Senator move to amend the unanimous-consent agreement by including in it a provision that if cloture is refused, and if thereafter any Senator moves to take up the bill, all the proceedings be vacated, and the parliamentary status be put back just as it is now, with the point of order pending, and with the motion to take up the bill undisposed of, so that we shall not be put at a disadvantage.

Mr. RUSSELL. Mr. President, I should be happy to have my friend the Senator from Alabama make such a request for unanimous consent; but I cannot conceive that any Senator in the opposition would allow it to go by when Senators who are on my side of the question are rushing in to surrender their rights, in the face of the statement of the Senator from Nebraska that no Senator except the Senator from Kentucky and the Senator from Texas is bound by what takes place here.

Mr. BARKLEY. Mr. President, I think the Senator from Georgia thoroughly understands my position.

Mr. RUSSELL. I think I thoroughly understand it, and I attribute the fullest of good faith to the Senator from Kentucky.

Mr. BARKLEY. Of course, there is no legal way to bind a Senator not to make a motion of any kind at any time. We could not do so even by unanimous consent. If a Senator had the floor and made a motion, the motion would have to be put to the Senate, in my judgment.

If the Senator will bear with me a moment, let me say that what I am saying now is addressed as much to the supporters of the bill as to the opponents. I did not introduce this legislation. When the bill was reported here I felt it my duty, as I think everyone understands, to go as far as I could go in undertaking to have it considered. Whether anyone else who supports the bill is convinced, I am convinced—and I am not afraid to say that I am convinced, because I have no parliamentary situation to preserve—that the bill cannot be brought to a vote. Everyone knows that, and anyone who pretends otherwise is not frank with himself or with the Senate or with the country.

Mr. RUSSELL. Mr. President, if the Senator makes that statement in reference to me he is in error. I do not know how the Senate is going to vote.

Mr. BARKLEY. I am not talking about the Senator. I am saying that the bill cannot be brought to a vote. My remarks have no reference to the Senator from Georgia.

Mr. RUSSELL. The Senator was addressing himself to me.

Mr. BARKLEY. I did not intend to do so. I say that I am convinced, and have been convinced, that the bill cannot be brought to a vote by any manner of procedure. The Senator misunderstood me. What I said did not refer to the Senator from Georgia. If the Senator will analyze what I said I think he will realize that.

I said I am convinced that the bill cannot be brought to a vote. The Senator does not disagree with that statement, I assume.

Mr. RUSSELL. No; I do not. If the Senator says he is so convinced I accept it.

Mr. BARKLEY. I said further that I believe Senators here are convinced that it cannot be brought to a vote. I do not suppose the Senator from Georgia disagrees with that statement.

Mr. RUSSELL. I hope that it cannot be brought to a vote.

Mr. BARKLEY. I do not think it can be brought to a vote; and in that I certainly am not offending the Senator from Georgia.

Mr. RUSSELL. Not in the slightest degree. I hope that the Senator is correct and the bill will never be voted upon.

Mr. BARKLEY. In view of the situation, I have a conviction—and I think I certainly am entitled to be accorded an element of good faith in entertaining it—that the bill cannot be brought to a vote; that, except under an arrangement such as that which we are about to enter into, the point of order cannot be brought to a vote, and that the motion I have made to take up the bill cannot be brought to a vote; and in the light of that situation I feel that I have done my duty in undertaking to bring the bill to a vote.

I do not think any of the proponents of the legislation have a right to complain that I have not done everything I could. I could have declined, with good reason, at the very beginning, to make the motion to take the bill up. I made the motion because, as I have heretofore explained, the author of the bill, the chairman of the committee, and the Senator from Nebraska, who urged it on the committee, joined in asking me to make the motion. We have proceeded for a week, and we have not made any progress on the bill. All the progess we have made has been to lacerate and irritate the feelings of Senators in the most unfortunate way.

It seems to me, in view of that situation, that the proponents of the bill, those who would vote for it if it were brought to a vote, certainly have no right to object now if I seek to deal with this situation realistically, in the light of what I know are the facts, and in the light of what I know is the power of those who oppose the proposed legislation.

I hope the opponents and the proponents of the legislation will be realistic enough to permit this arrangement, which does not require unanimous consent. I do not think the fears of Senators that if cloture shall be defeated, and the bill is laid aside, someone else will make a motion to take it up, are worthy of much serious consideration. If I, as I have done, enter into an agreement that I myself will not press the bill further, but will seek to lay it aside, certainly the Senate can depend upon me to oppose any effort upon the part of any other Senator to bring it up. If I cannot be trusted in that regard, I do not know that I am entitled to be trusted at all.

Mr. RUSSELL. I have not expressed the slightest doubt of the good intentions and of the good faith of the Senator from Kentucky.

Mr. BARKLEY. I know that, but the Senator from Georgia and the Senator from Mississippi seem to fear that someone here, unauthorized, will rise and make the motion to take the bill up. I do not think that would happen, and if it did happen, I should oppose it.

Mr. RUSSELL. There is no necessity of making any motion to take the bill up. The bill will be before the Senate, even if we win the cloture vote. It will be pending in this body, and the Senator from Nebraska, who is one of the chief sponsors of the bill, his efforts having been second only to those of the Senator from Florida to force the bill upon us, has stated that no Senator would be bound by anything that was done or said here, except the Senator from Texas and the Senator from Kentucky.

Mr. BARKLEY. If the Senator will yield, the bill will be before the Senate just as other bills on the calendar are.

Mr. RUSSELL. No; it will be the pending business, and the Senator knows it, after the vote on cloture.

Mr. BARKLEY. No. If the Senator means what he says, he must think I did not mean what I said when I stated I would move to lay it aside.

Mr. RUSSELL. There is no doubt that the Senator from Kentucky would move to lay it aside, but the Senator from Kentucky has been moving to take up the bill, and it has not been considered yet, and if we are not going to get the bill laid aside, we might as well fight it out while we have some advantage.

Mr. BARKLEY. I think I would have more success in moving to lay it aside than I have had in moving to take it up.

Mr. RUSSELL. The Senator would have more cooperation from the Senator from Georgia.

Mr. NORRIS. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. NORRIS. The Senator from Georgia stated once or twice in his remarks that I made the assertion that if the arrangement went through no one would be bound by it except the Senator from Kentucky and the Senator from Texas. Does not the Senator believe I stated the truth when I said that?

Mr. RUSSELL. I do.

Mr. NORRIS. Then the Senator is not complaining.

Mr. RUSSELL. I am not complaining of it. I am undertaking to protect my rights.

Mr. NORRIS. I stated a parliamentary proposition which I think no one will dispute. The only way to bind the Senate in this matter is by a unanimous-consent agreement. I realize that if the Senator from Kentucky did what he has stated he would do, and any Senator were dissatisfied with what he did, he probably would not get very far in trying to renew the fight. It is up to those, like the Senator from Georgia, who have the advantage now, if they wish to end the fight, and believe that this would be a good way to end it, to withdraw the point of order and to withdraw the opposition to taking up the bill. If they think that will not work, and that that will defeat them, then from their point of view they certainly should not agree.

I am not objecting to the position the Senator from Georgia has taken. I have no personal feeling about this matter. I do not blame any Senator for taking advantage of any right which the rules give him. I would not criticize anyone in that respect, and I do not want to be put in the light of criticizing. A few moments ago, in opening his remarks, the Senator said he wanted to get rid of this unconstitutional and vicious measure, or words to that effect. I suppose that if I said we want to pass this very good and constitutional measure, I might offend someone.

Mr. RUSSELL. The Senator has made that statement.

Mr. NORRIS. I do not take any offense at what the Senator says. I know that in a filibuster one is justified in doing all those things, and I am not finding fault with it. If those who oppose the bill feel that they would be injured in their prospect of winning the struggle by accepting the proposition made, they should not accept it. I would not find any fault with anyone if he did not accept it, any more than I would with the other side which wants to do it. But it is not possible to bind the Senate by anything less than a unanimous-consent agreement, and that is what I called attention to.

Mr. RUSSELL. I understood the Senator from Nebraska to indicate that he would not feel bound.

Mr. NORRIS. I would not. I realize what the proponents of the bill would lose if the Senator from Kentucky withdrew his support of it, and I am not trying to make an ineffectual struggle for something when I know there is no chance to bring it about. Yet, when I am asked to agree to a unanimous-consent request that I will not do this and not do that, when the rules of the Senate give me the right to do it, I will not agree, even though I intend to do just what is asked. I do not think the Senator should require it. My agreement to do it would not bind the Senator from Kentucky, it would not bind the Senator from Alabama, or any other Senator. I do not intend to respond to that kind of a request. I do not mean to indicate disrespect in saying that, but it seems to me the Senator should not expect all the Senators to rise one by one and pledge what they will do or will not do.

Mr. RUSSELL. I have not asked anything of the Senator from Nebraska, least of all that he surrender any rights he has under the rules. I expect to stand on my rights under the rules of the Senate and the Senator from Nebraska may do the same. I would not ask him to waive any of his rights in this body.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understand, the Senator from Kentucky and the Senator from Florida, who introduced the bill, do agree, however, that they will not prosecute this matter further, but will lay aside the bill, if they can, in the event they are defeated on cloture. That is my understanding. If I have made a mistake, I should like to have the Senator from Florida correct me.

The Senator from Nebraska has not made any such agreement, but I think that if he is willing to agree to that, as I understand indirectly he is, I think he should say so to the Senate, so that there could be no misunderstanding or misconstruction. That is the way the matter strikes me.

Mr. RUSSELL. I seem to be out of harmony with my colleagues who have been with me in this fight, as well as those who have been advocating the bill, and I will conclude my statement in a few minutes if I can proceed without any interference.

Mr. NORRIS. The Senator is not out of harmony with my position. I think he is alright in his viewpoint.

Mr. RUSSELL. I thank the Senator.

Mr. NORRIS. And I am not finding fault with it.

Mr. BARKLEY. Mr. President, if the Senator will yield, so that there may be no misunderstanding about what my intentions are, it is my purpose, if cloture shall be defeated, to move immediately to lay the bill aside, and I have stated as emphatically as I can that not only will I not move to take it up again but that I would oppose a motion by anyone else to take it up during the rest of this session.

If I could be asked to do anything more, I cannot conceive what it would be. I have not the slightest doubt that when the bill is laid aside, no effort will be made to bring it up again, although I agree with the Senator from Georgia and the Senator from Nebraska that, even if we entered into a unanimous-consent agreement undertaking to bind every Senator not to make such a motion, it would not be binding on any Senator, at least not on any Senator who is not now present, if it would be binding on anyone.

In view of this situation, I hope the Senator from Georgia will not feel that he is losing any rights or losing any of the position he and his colleagues have taken in regard to this measure.

Mr. RUSSELL. There can be no doubt that we would be abandoning very substantial rights. There can be no question about it.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield, but I might say this is the last time I shall yield to any Senator, because I intend to address myself to this question for only 2 or 3 moments.

Mr. CHANDLER. Mr. President, I find myself in the same situation on my side as the Senator from Georgia [Mr. RUSSELL] finds himself on the other side. I am confident that the majority leader, my colleague [Mr. BARKLEY], has done all he can do to get the bill before the Senate. If my colleague had previously made the statement which he has now made, I should not have objected as I did. I do not like to see the author of the bill, or those in charge of the bill placed in the position of being forced to accept conditions in order to get the bill before the Senate. If it will be any comfort to the Senator from Georgia, I will say that I will not undertake any steps to have the bill taken up after cloture is refused, if it shall be refused. I shall be glad to adhere to the so-called gentlemen's agreement. But I will say that if my colleague had previously stated that all efforts to get the bill up having been exhausted, he proposed that we should follow the procedure now suggested, I would not have objected. But I do object to a procedure which forces any Senator who wants a bill taken up to have conditions prescribed for him by which he can either have it taken up or have it killed.

Mr. RUSSELL. Mr. President, the Senator from Kentucky, I am sure, is entitled to his views. His colleague, however, is usually very well able to handle himself on the floor, I have observed over a period of years, without need of any particular assistance with regard to parliamentary procedure.

Mr. President, I wish to say a few words in view of the statement made by the Senator from Nebraska. No Senator has been more diligent than has the Senator from Nebraska in working for the proposed legislation. I grant him the full right to his views on the matter. So far as I am concerned, though, and speaking as one opponent of the bill, I do not propose to enter into any agreement or approve any agreement when the Senator from Nebraska, who is largely responsible for the bill being before the Senate today, states on the floor of the Senate that he does not feel bound not to continue his effort to pass this bill in spite of what the vote may be on the question of cloture. My colleagues can take their chances with the matter if they choose. I realize one Senator in this body is powerless to make a long fight, however right he may be. He has to have some help. I for my part disapprove of any agreement which will waive the substantial parliamentary right we have here in this matter, and which will enable the opponents of the bill, if they are determined enough, to beat it, whether there is any vote on cloture or not. I refuse, for my part, to waive those rights when it is stated here on the floor of the Senate by the Senator who is as largely responsible for the bill being here as any other Senator, that neither he nor any other Senator is bound not to take the floor immediately after the vote on the cloture, and start speaking on the

bill, and hold the Senate here for a week or 2 weeks longer.

Mr. NORRIS. Mr. President, I wish to say a word in view of what the Senator from Georgia has said. I will say that my attitude with respect to the bill has been practically the same as with respect to any other bill I have studied. I was placed on the subcommittee of the Committee on the Judiciary. I did not know that the bill was going to be introduced. I had nothing to do with its preparation. I had not studied the constitutionality of the bill. I had not examined the Constitution with reference to it. I was somewhat familiar with article I, section 2, dealing with the qualifications of electors. I entered upon the hearings, and although I told no one about it I was sorry I was on the subcommittee. I was not consulted about being placed on the subcommittee. I served on it only because I believed it to be my patriotic duty to carry out the orders of the Committee on the Judiciary and try to take care of proposed legislation, which was referred to that committee. I had no idea, for my own part, when we started considering the matter, other than that the bill was unconstitutional. I believed we would have to make a report that it was unconstitutional. I listened to the hearings. I heard some of the ablest legal arguments made on both sides of this question that I have ever listened to, and I became interested in the legal proposition, solely, in the question as to whether the bill was constitutional or not.

After the bill was taken up in committee I began to study the question. I gave a great deal of time in my own weak way to studying the bill and trying to inform myself with respect to the questions involved. After listening to the testimony and studying the question I began to see that there was something in the arguments which were being made in favor of the constitutionality of the bill. To make a long story short, after I had studied the question as much as I could and after having read what I could on it, I became convinced that the measure was perfectly constitutional, and that as a member of the subcommittee it was my duty to report that fact to the Judiciary Committee, and I did so. I supposed then that what I was reporting would become the minority report of the committee. But in the Judiciary Committee the opposite view was taken, and the majority of that committee reached the conclusion that the bill was constitutional. I never gave any consideration to anything in connection with it except the legal proposition, and I believe now as much as I believe anything on earth, that the bill is constitutional.

Believing as I did, I maintained that position, even though it would bring about what I thought would be very ungentlemanly and discourteous and offensive treatment on the part of some Senators, whose enthusiasm I can well understand in their discussion of matters dealing with other than the legal side of the question. I have never found fault with a single Senator for anything he has said about the bill. I have listened to the debate, which at times has reached a point almost of violence. I have heard Senators refer to the bill almost disrespectfully. I could have taken offense at that. If I had referred to the bill with respect I think I might have given offense to some Senators.

Mr. President, I believe the measure to be constitutional. Nothing would give me more satisfaction than to see the bill go to the Supreme Court of the United States so it might pass upon the question. I have reached the conclusion that it is constitutional. I may be entirely wrong about that; I may have no leg to stand on with respect to the legal question, but I think I have a leg to stand on. I am convinced in my own mind and heart that I am right about the matter, and I am not afraid to let the question go to any tribunal and have it pass on the constitutionality of the measure.

Mr. President, while I have the floor, let me say that although I have not spoken on this matter, because I think the best way to beat a filibuster is to keep still and let the other fellow talk, and I would submit almost to anything rather than to engage in a colloquy about it, because I realize that that is just what those who are filibustering would like to have, yet, since I have expressed myself thus far and in order to be on record with the views which I hold, weak as they may be, that this is a constitutional measure, I wish to insert in the RECORD my reasons for my belief. I ask unanimous consent to have printed in the RECORD at this point in my remarks the portion of the report from the committee which I submitted to the Senate which discusses the constitutionality of the bill, which is practically the whole report. The language begins in line 13, on page 2, of the committee report, and I ask that the language from there on to the end of the report be included as a part of my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Practically the only question involved in this legislation is the constitutionality of the proposed legislation. The committee has reached the conclusion that the proposed legislation is constitutional and should therefore be enacted into law. Those who believe the proposed law is unconstitutional rely upon article I, section 2, of the Constitution which reads as follows:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The qualification of a voter is generally believed to have something to do with the capacity of a voter. We think it will be admitted by all that no State, or State legislature, would have the constitutional authority to disqualify a voter otherwise qualified to vote, by setting up a pretended "qualification" that in fact has nothing whatever to do with the real qualification of the voter. No one can claim that the provision of the Federal Constitution above quoted would give a legislature the right to say that no one should be entitled to vote unless, for instance, he had red hair, or had attained the age of 100 years, or any other artificial pretended qualification which, in fact had nothing to do with the capacity or real qualification of the voter.

The evil that the legislation seeks to correct is in effect that in taking advantage of the constitutional provision regarding qualifications, the States have no right to set up a perfectly arbitrary and meaningless pretended qualification which, in fact, is no qualification whatever and is only a pretended qualification by which large numbers of citizens are prohibited from voting simply because they are poor. Can it be said, in view of the civilization of the present day that a man's poverty has anything to do with his qualification to vote? Can it be claimed that a man is incapacitated from voting simply because he is not able to pay the fee which is required of him when he goes to vote? In other words, when States have prevented citizens from voting simply because they are not able to pay the amount of money which is stipulated shall be paid, can such a course be said to have anything to do with the real qualifications of the voter? Is it not a plain attempt to take advantage of this provision of the Constitution and prevent citizens from voting by setting up a pretended qualification which, in fact, is no qualification at all?

We believe there is no doubt but that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the State power to set up qualifications, by using other artificial means and methods which in fact have no relation whatever to qualifications.

However, the constitutionality in our opinion does not depend alone upon the language of the Constitution above quoted. There are other provisions in the Constitution and amendments to the Constitution to which we desire to call attention.

Section 4 of article I of the original Constitution reads as follows:

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of chusing senators."

The subcommittee to which this proposed legislation was referred has held rather extended hearings and has listened to very able and competent constitutional lawyers in the discussion of the constitutionality of the proposed legislation. These two provisions of the constitution above quoted have been discussed at great length and with great ability by some of the ablest constitutional lawyers in the country.

The pretended poll-tax qualification for voting has no place in any modern system of government. We believe it is only a means, illegal and unconstitutional in its nature, that is set up for the purpose of depriving thousands of citizens of the privilege of participating in governmental affairs by denying them a fundamental right—the right to vote.

The requiring of a citizen to pay a poll tax before he can vote is in effect the requiring of the payment of money to exercise the highest "qualification" of citizenship. It is in effect taxing a Federal function. The most sacred and highest of all Federal functions is the right to vote. It is not within the province of a State, or its legislature, to fix a fee or tax which a voter must pay in order to vote and try, in this way, to come within the Federal Constitution by calling this a qualification.

In the *Yarbrough case* (decided in 110 U. S. 651), the Supreme Court of the United States said:

"The right to vote for Members of Congress is fundamentally based upon the Constitution of the United States, and was not intended to be left within the exclusive control of the State."

Supreme Court Justice Miller in that case said:

"But it is not correct to say that the right to vote for a Member of Congress does not depend upon the Constitution of the United States."

In the Classic case, decided in 1941, Justice Stone of the Supreme Court said:

"The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution."

Justice Stone said further:

"While in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the State * * * this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'"

One might add that, since voting is one of the fundamental governmental rights, the right to tax this fundamental privilege by a State would be giving to the State the power to destroy the Federal Government. No State can tax any Federal function. This is a proposition which will have to be admitted by all and, if this Federal function—the right to vote—can be taxed by a State, then the State has a right to destroy this Federal function which is, after all, the foundation of any government. As a matter of self-preservation, the Congress in order to save the Federal Government from possible destruction, must have the right to prevent any State authority from destroying this cornerstone of the Government itself.

The right to vote for Members of Congress is a right, as the Supreme Court has said, granted under the Constitution of the United States and, therefore, any law, constitutional or statutory, of a State which taxes this fundamental privilege is contrary to the provisions of the Federal Constitution. It could be said, of course, if these poll-tax laws are unconstitutional, they could be taken to the Supreme Court and there challenged directly and that a law of Congress is therefore unnecessary to protect this constitutional right. This is undoubtedly correct, but it does not follow that, when the Congress of the United States has had brought to its attention these poll-tax laws by which millions of our citizens are in effect deprived of their right to vote, that it would not be the duty of Congress itself to pass the necessary legislation to nullify such unconstitutional State laws. Most of these people are deprived of their right to vote by these poll-tax laws which are a method of taxation. As a rule they are poor people and are unable to vote because they are poor. The very fact that it is this class of people whose rights are being taken away makes it clear that they could not rely upon their constitutional rights of carrying their cases to the Supreme Court of the United States. The expense would be absolutely prohibitive and it is therefore the duty of Congress to protect these millions of citizens in their most sacred right as citizens—the right to vote.

We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting. They attempted to do this in a constitutional way but, in order to follow such a course, they deemed it necessary even to prohibit the white voter the same as they did the colored voter and hence they devised the poll-tax method which applied to white and colored alike. In other words, the poll-tax laws were prohibitive to all people, regardless of color, who were poor and unable to pay the poll tax.

We desire to call attention to the Virginia constitutional convention which submitted an amendment which was afterward adopted to the Constitution of Virginia by which it was intended to disfranchise a very large number of Virginia citizens. We think this convention can be regarded as a fair sample of other conventions in other poll-tax States. Hon. CARTER GLASS was a member of that convention. Near the beginning of the convention Senator GLASS made a speech in which he outlined in very forceful language what the object was, after all, of the convention. He did this in his usual commendatory method of getting at the real cream in the coconut. Near the beginning of the convention he made a speech in which he said:

"The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to 'all persons and classes without distinction.' We were sent here to make distinctions. We expect to make distinctions. We will make distinctions."

Near the conclusion of the convention, Senator GLASS delivered another address in which he referred to the work already performed by the convention. He said:

"I declared then (referring to the beginning of the convention and the debate on the oath) that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ignorant Negro voters [great applause] whose capacity for self-government we have been challenging for 30 years past."

There is no doubt but what Senator GLASS stated the real object the convention had in view. The fact that his remarks were received with great applause indicates that his fellow members of that convention agreed with him and that the real object they had in view, and which they believed they could accomplish, was disfranchising 146,000 ignorant Negro voters.

Under the circumstances, can there be any doubt when perhaps the greatest leader of all stated what the object was and what was expected to be accomplished by the so-called poll-tax laws? If we concede that this was the object of the law, then we admit it is unconstitutional because, if this was the effect of the law, it in fact made an artificial qualification which, in itself, is illegal and unconstitutional, in order to come in under the qualification clause of section 2, article I, of the Constitution.

It ought to be borne in mind also that many, if not all, of these constitutional amendments in the poll-tax States are in direct conflict with the statutes under which these States were readmitted to the Union under the act of Congress of June 26, 1870 (16 Stat., p. 62). The provision which refers to Virginia reads as follows:

"The Constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote, who are entitled to vote by the constitution herein recognized, except as punishment for such crimes as are now felonies at common law, whereof they have been duly convicted under laws, equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters."

It therefore follows that these State poll-tax constitutional amendments were in direct violation of this statute and therefore absolutely unconstitutional.

It seems perfectly plain that the object of this poll-tax provision in the State constitutions was not to prevent discrimination among the citizens but to definitely provide for a discrimination by which hundreds of thousands of citizens were taxed for the privilege of voting and that, therefore, under section 2 of article I of the Constitution, it seems plain that such a provision in the State constitution, or State law, was simply a subterfuge to accomplish other aims by resorting to the so-called qualification clause in section 2 of article I of the Constitution. It is likewise equally plain that at the end of the War between the States, when these States were readmitted to the Union, they were readmitted under a statute of Congress which provided explicitly that the constitutions of the States "shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote."

It is therefore plain, under all the circumstances, that the so-called poll-tax laws of the State bringing about such a disqualification to its citizens in the exercising of suffrage is in clear violation of the laws of Congress in addition to being a violation of the Constitution of the United States. It is a clear violation of the agreement made by the State, when it was readmitted, that it should not provide for such discriminatory amendments to the State constitutions. It follows therefore that the so-called poll-tax laws, bringing about the disfranchising of its citizens in the exercise of suffrage, are a clear violation of the laws of Congress in addition to being a violation of the Constitution of the United States.

Those who believe the proposed legislation is unconstitutional rely on the statement of a historic fact that, when the Constitution was adopted, all of the original States had property or tax qualifications. This ignores entirely the testimony of scholars which clearly demonstrates why that fact alone does not prove the right of Congress today to forbid such requirements for voting in Federal elections. It seems to us that this regulation is subject to the criticism which Mr. Justice Holmes leveled against the use of history when he said:

"It is revolting to have no better reason for a rule of law than that it is laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since and the rule persists from blind imitation of the past." (Holmes: The Path of the Law, in Collection Papers, p. 187.)

We think, also, Justice Holmes was right when, in discussing the situation in *Missouri v. Holland* (252 U. S. 416, 433), he said:

"It—the Constitution—must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

The constitutional provision relied upon to strike down this legislation as unconstitutional must be considered with other constitutional provisions.

In article IV, section 4, of the Constitution of the United States, it is provided:

"The United States shall guarantee to every State in this Union a republican form of government."

What does this mean in the light of the present-day civilization? Can we have a republican form of government in any State if,

within that State, a large portion and perhaps a majority of the citizens residing therein are denied the right to participate in governmental affairs because they are poor? We submit that this would be the result if under section 2, article I, of the Constitution, the proposed law is held to be unconstitutional. The most sacred right in our republican form of government is the right to vote. It is fundamental that that right should not be denied unless there are valid constitutional reasons therefor. It must be exercised freely by free men. If it is not, then we do not have a republican form of government. If we tax this fundamental right, we are taxing a Federal privilege. We might just as well permit the States to tax Federal post offices throughout the United States.

Under the guise of a pretended qualification this provision of the Constitution, we believe, has been nullified every time a State has denied the right to vote to any of its citizens because they do not have the money to pay the State the fee set up as a pretended "qualification." We think that this fact has been fully demonstrated by requiring the payment of a poll tax for the right to vote.

It is conceded, we think, even by those who believe the proposed law is unconstitutional that, while the poll tax is comparatively small in amount, if any poll tax at all can be enforced so as to prohibit voting by those who do not have the fee, the principle involved would permit the State to fix a fee much higher than is usually fixed now, and it is not at all unlikely that, in carrying out the real provisions of the poll-tax laws, this amount could be increased so that the poll tax might be fixed at $10, $50, $100, or even greater. The constitutional right to fix any poll-tax fee concedes the right to fix that fee at any amount desired.

Section 1 of the fourteenth amendment to the Constitution of the United States reads as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is quite clear that the so-called poll-tax laws do abridge the privileges and immunities of the citizens of the United States. If citizens of the United States are required to pay a poll tax, it is clearly an abridgement of their privileges and immunities.

It is said that section 2 provides an exclusive remedy for a violation of section 1 of the fourteenth amendment to the Constitution. Section 2 refers to the apportionment among the several States of Representatives in Congress and provides for the reduction in the number of such Representatives whenever the right to vote is denied. We do not think this remedy is an exclusive one. Section 1 of the fourteenth amendment to the Constitution is positive in its terms and says that no State shall make or enforce any law which is an abridgment of the privileges and immunities of citizens of the United States.

The sponsors of the poll-tax laws do not admit that they have prevented anyone from voting. In fact these laws do not, on their face, directly prohibit any citizen from voting. The effect is brought about by the levying of a poll tax and providing that the citizen must pay this poll tax in order to vote. While he is not denied the right to vote, he is taxed for this privilege and, in case of poverty, this results in a denial of the privilege of voting and thus directly interferes with the citizen's right to participate in governmental affairs. Section 1 of the fourteenth amendment to the Constitution says that this shall not be done and these laws therefore come in direct conflict with section 1 of the fourteenth amendment.

The fourteenth amendment to the Constitution has other sections referring to the right to hold office by a Senator or Representative in Congress and with reference to electors for President and Vice President. Section 4 of this amendment refers to the public debt of the United States and prohibits the United States or any State from assuming or paying any debt or obligation incurred in aid of insurrection or rebellion against the United States. Section 2, as above stated, refers to the apportionment of Representatives among the several States.

There is no more reason why section 2 should modify section 1 than there is that section 3 or section 4 should be considered in connection with section 1.

It is quite clear that the so-called poll-tax laws do abridge the privileges and immunities of citizens of the United States. If any citizen of the United States is deprived of the privilege of voting by any of these poll-tax laws, it seems a clear abridgment of the privileges of citizens of the United States. One of the greatest privileges, and a fundamental one, of every citizen of the United States is the right to vote. If he is deprived of this right, he is denied the right to participate in governmental affairs. Such a citizen becomes an outcast. He is subjected to all the laws of the State. His citizenship is admitted, and the burdens which rest upon him are the same as rest upon all other citizens. He can be drafted into the Army and be compelled to face the foe and give up his life to protect the lives of his fellow citizens. Yet he is deprived of the most sacred privilege of all—the right to vote. It is quite evident that all these poll-tax laws are in direct violation of section 1 of the fourteenth amendment to the Constitution as well as being in violation of other constitutional and Federal laws heretofore referred to.

Mr. BARKLEY. Mr. President, I wish to propound a unanimous-consent request. We have a general understanding, I believe, that the point of order will be withdrawn; that then the motion which I have made will be voted upon; that, following that, I will file a petition for cloture; and that if on Monday cloture is rejected, I will then move to lay the bill aside.

I ask unanimous consent that when those steps have been taken, and I have moved to lay the bill aside, and the motion is agreed to, assuming that cloture is rejected, that no further motions shall be entertained by the Senate for further consideration of the bill during the present session.

The PRESIDING OFFICER. Is there objection?

Mr. CONNALLY. Mr. President, I did not hear all the Senator from Kentucky said. As I understand, he is asking unanimous consent that the point of order be withdrawn and the bill taken up, following which he proposes immediately to file a petition for cloture.

Mr. BARKLEY. I stated that the understanding is that the steps to which we have all agreed would be taken.

Mr. CONNALLY. Yes.

Mr. BARKLEY. If the motion for cloture is rejected, I will then move to lay the bill aside. At that point the unanimous-consent agreement which I am now seeking would take effect, namely, that no further motion to proceed to consider the bill shall be made or entertained during the remainder of the present session.

Mr. BANKHEAD. Does the Senator mean after he has made the motion to lay the bill aside?

Mr. BARKLEY. After I have made the motion and it has been disposed of.

Mr. NORRIS. Mr. President, I do not like to object to the unanimous-consent request. I do not know that I shall. The Senator from Kentucky should not make such a request. I have never heard of its being done. By his request he is seeking, in effect, to amend the cloture rule of the Senate. It could have no other effect. The result would be that that rule could not again be invoked during the present session. It seems to me that the Senator should not make such a request.

I admit that Senators who oppose the bill do so in the best of faith. I am not finding fault with them for their position. If they wish to accept the proposal which the Senator from Kentucky has offered, withdraw the point of order, and withdraw opposition to taking up the bill, on the theory that they will be successful in the vote on cloture, if cloture is proposed—and I presume it will be—let them do so. If other Senators do not wish to do so, nobody can find fault with them for taking the attitude which the Senator from Georgia has taken. But do not make a proposal which would bind every Member of the Senate to an agreement that during the remainder of the session no consideration shall be given to this bill. That is something which, it seems to me, should not be proposed by any Senator. I object to the unanimous-consent request.

Mr. BARKLEY. Mr. President, I made my request on the basis of what I thought was the statement of the Senator from Nebraska and the statement of my colleague [Mr. CHANDLER], to the effect that they would not object to such a request. If I misunderstood the Senator from Nebraska, or if he has changed his mind——

Mr. NORRIS. Mr. President, I will not go back on any understanding which I had with the Senator from Kentucky.

Mr. BARKLEY. Perhaps I misunderstood the Senator. I thought the Senator had indicated that he would not object to the request.

Mr. NORRIS. It seems to me that if Senators who oppose the bill believe that the proposed unanimous consent agreement would put them in a bad attitude, they ought not to enter into it. I should not find fault with them in that position. We can proceed as we have been doing.

Mr. PEPPER. Mr. President, it seems to me that the Senate is the victim of a technical situation, which is usually the difficulty when sharply clashing sides are seeking to arrive at a perfect accord.

As I understood the able junior Senator from Georgia, he understood the distinguished Senator from Nebraska to indicate that personally he entertained an intention to insist upon the retention of the bill before the Senate.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. NORRIS. I did not say any such thing. I never had such an idea in my mind. I hope Senators will credit me with enough sense to know when I am beaten in a fight, and to take it kindly, without offense, and not undertake to annoy anybody by referring to what has been done in the past.

I do not intend to do anything of that kind. However, I do not propose to be put in the position of being backed up against the wall, as it were, and told, "We want you to agree that never again during your time of service will you engage in the support of this bill." I have no idea that such an opportunity will ever be presented to me. It is furthest from my thought. It would be unreasonable for me to think of it in that way. I object to the unanimous-consent request, not because I intend to make a fight to take up the bill, or because I intend to continue the fight. I think I know when I am defeated. I do not want to be offensive by pushing the measure on an unwilling Senate if it does not wish to consider it; but while I have no idea in the world that the opportunity will ever be presented to me to support a motion to take up the bill, I will not agree in advance to surrender that right.

Mr. PEPPER. Mr. President, by his statement, I think the Senator has clarified the impression which may have been deduced a moment ago by the Senator from Georgia, which, as I said, represents the difference between a technical situation and what might be called a "gentlemen's agreement"; in other words, the difference between a binding unanimous-consent agreement which has parliamentary significance, and a general understanding on the floor of the Senate, which would in good faith require observance by Senators who were parties to it.

Everyone knows that the Senators who have been the most active proponents of the pending measure are the able Senator from Nebraska [Mr. NORRIS], the junior Senator from Florida, the majority leader, and other Senators who are now within the hearing of those of us who speak. I had made the statement that for certain reasons I was willing to concur in the agreement which had been arrived at as a common understanding.

I think all Senators now clearly understand that the Senator from Nebraska has no idea of taking the initiative in trying to retain the bill under consideration in the event that cloture should not be required by a vote of the Senate. As he has indicated, what good would it do any Senator, however earnest his endeavor to progress the legislation, to take such action? It seems to me that those utterances should satisfy the able Senator from Georgia, and that the agreement, which was a common understanding, and which was about to be adopted as a "gentlemen's agreement," might proceed. Let us come finally this afternoon to the withdrawal of the point of order, agreement to the motion of the able Senator from Kentucky to proceed to consider the bill, and filing of the petition for cloture, with an equal division between the two sides of the time between now and 1 o'clock Monday. At 1 o'clock on Monday we can vote on the question of cloture. Then we can proceed with the conduct of the business of the Senate.

Mr. CONNALLY. Mr. President, as I understand the position of the Senator from Florida with respect to the proposed agreement, if cloture is rejected he will cooperate with the Senator from Kentucky in laying the bill aside and not bringing it up again at this session.

Mr. PEPPER. I so stated, as clearly as I could at the conclusion of my statement a moment ago. In my judgment we ought not to press the matter further merely to rub sores. I think the Senate understands what has been said. I hope we will not try to cram down any Senator's throat a technical consideration which would involve any doubt as to our good faith in the common understanding at which we have arrived.

Mr. BARKLEY. Mr. President, so far as I can I wish to accept the suggestion of the Senator from Texas which he proposed awhile ago. I have not the slightest doubt that if that agreement is entered into and we proceed to carry it out, there will be no further difficulty with respect to this measure.

Mr. CONNALLY. Mr. President, let me say to the Senator from Kentucky that I am acting entirely in good faith; and I know that he is acting likewise. I have the utmost confidence in the ability of the Senator from Kentucky to have the bill laid aside, and in his power to keep the bill from coming up during the remainder of the session. We are not making this proposal by way of any horse play or dramatic appeal. We are making it in good faith.

Mr. BARKLEY. I think we are all trying to act as realists in view of the situation in which the Senate finds itself.

Mr. CONNALLY. That is correct. So far as I and the group with which I am associated are concerned, I am willing to make the agreement which has been outlined here, that we shall withdraw the point of order, let the bill be considered, file a petition for cloture, and take whatever steps are necessary so that we shall vote Monday at 1 o'clock; and that if cloture be refused, the bill shall be laid aside, not to be considered again at this session of Congress.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BARKLEY. I do not have the floor; but I had hoped that we could get along without much more debate.

Mr. DOXEY. Mr. President, I desire to ask a question, which may or may not be a parliamentary one, Has the agreement reached the most advanced stage of finality which it can possibly reach? I do not want to say anything now about the point of order, because my point of order is not now before the Senate; but, of course, if the agreement were entered into we could not proceed with my point of order against the motion of the Senator from Kentucky. Can the Chair state the degree of finality which has been reached in connection with the agreement?

The PRESIDING OFFICER. Of course the Chair cannot guarantee that efforts may not be made to enter into other agreements.

Mr. DOXEY. I desire to ascertain whether the agreements or discussions have reached any degree of finality. Of course, it is up to each Senator to state his own views about the agreement. Perhaps my inquiry was not a parliamentary one, but I made it in all good faith.

Mr. President, I do not intend to make a speech, but I desire to say that I feel as keenly about this legislation as possibly any other Senator can feel about it. I have tried to conduct myself properly in the attempt to oppose it and to avail myself of whatever parliamentary procedure and advantages might be available to me. In making the points of order I have made and in taking the position I have taken I have acted in good faith. From what I have heard and from what I know of the background of the agreement, regardless of whether it is reached by unanimous consent—and I know we have to take many things on faith—I am convinced in my own mind that if cloture is rejected, that will end this legislation for the present Congress. I am convinced of that by what has gone before, by what has been said here, and by the attitude of the leaders and those on both sides who are interested in what will be done. Of course, I know that no one can guarantee that a motion of the majority leader to lay the bill aside will be carried, but I understand that the proponents of the bill share the view of my distinguished friend, the senior Senator from Nebraska, who said, as I understood him, that he realizes that if cloture is refused the proponents of the measure will have lost the battle. Did I correctly understand the Senator to say that?

Mr. NORRIS. That is correct.

Mr. DOXEY. It is also my understanding that the Senator from Nebraska said, at least in substance, that he was not going to put himself in the position of endeavoring to do a vain thing.

Mr. President, I shall not detain the Senate in reaching an important decision by being at all otherwise than agreeable. However, I repeat that, if for one moment I thought that, with the rejection of cloture, the proposed legislation would not be dead for the remainder of the Congress, I should never consent to withdraw my point of order to the motion of the Senator from Kentucky, which, if agreed to, would make House bill 1024 the unfinished business before the Senate.

Believing that, if cloture is refused, the agreement will be carried out according to the intentions in the minds of all of us, I propose to withdraw, without prejudice. Oh, I realize the parliamentary situation, and that the qualification "without prejudice" does not help at all. I know what we are doing. When we are surrendering our advantages we are putting all our chips on the table and are staking everything on the chance that cloture will not be ordered. I am not doing this blindly. I am doing it thoughtfully. If cloture is not refused, the qualification "without prejudice" will not help us at all, because we are surrendering advantages we have, and I

will not have any alibi. However, I am taking this step because I know that the gentlemen's agreement and the arrangement which is entered into here will be carried out.

The crux of the matter is whether, when the Senate votes on Monday at 1 o'clock, cloture will be ordered. If it is ordered, it will be too bad for my way of thinking. If it is refused, I feel that this proposed legislation will have ended at least for the present Congress.

Therefore, Mr. President, I withdraw my point of order to the motion of the Senator from Kentucky.

The PRESIDING OFFICER. The point of order is withdrawn.

The question is on agreeing to the motion of the Senator from Kentucky that the Senate proceed to the consideration of House bill 1024.

Mr. RUSSELL. Mr. President, I merely wish to have the RECORD show that I vote in the negative on the motion to take up the bill.

The PRESIDING OFFICER. The RECORD will so show.

The question is on agreeing to the motion of the Senator from Kentucky to proceed to the consideration of House bill 1024.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 1024) to amend an act to prevent pernicious political activities, which had been reported from the Committee on the Judiciary with amendments.

Mr. BARKLEY. Mr. President, I send to the desk, and ask that the clerk be instructed to read, a petition under the rules to close debate.

The PRESIDING OFFICER. The Chair calls attention to the fact that the rule provides that the presiding officer shall at once state the petition.

Mr. BARKLEY. Yes; that is what I ask to be done.

The PRESIDING OFFICER. The petition is as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

The petition is signed by 16 Senators.

Mr. RUSSELL. Mr. President, I should like to have the signatures read. They are a material part of the petition.

The PRESIDING OFFICER. The signatures will be printed in the RECORD.

Mr. McKELLAR. Mr. President, let the signatures be read.

Mr. BARKLEY. Mr. President, let them be read.

The PRESIDING OFFICER. The clerk will read the signatures.

The LEGISLATIVE CLERK. The petition is signed by the following Senators:

Alben W. Barkley, Robert F. Wagner, James J. Davis, Joseph F. Guffey, Frederick Van Nuys, Elmer Thomas, Claude Pepper, G. W. Norris, Theodore Francis Green, Harold H. Burton, Arthur Capper, Abe Murdock, Jas. M. Mead, Clyde L. Herring, H. M. Kilgore, and Harry S. Truman.

Mr. BARKLEY. Mr. President, I suppose that the next matter is an executive session.

However, before that, I ask unanimous consent that during the further debate on the measure the time be equally divided between the proponents and the opponents, and that it be controlled and parceled out by the Senator from Texas [Mr. CONNALLY] and me.

Mr. RUSSELL. Mr. President——

Mr. NORRIS. Mr. President, I should like to call the Senator's attention to the fact that if by any chance cloture should be ordered, the rule itself provides how the time shall be allotted.

Mr. BARKLEY. Yes; but until such time the agreement which I have suggested would apply, if agreed to. However, it would not affect the rule.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. Has the Senator from Kentucky moved that the Senate proceed to consider the bill, so that it is now before the Senate?

Mr. BARKLEY. The motion to take up the bill has been pending for a week.

Mr. PEPPER. I know that; but has it been agreed to?

Mr. BARKLEY. Yes; it has been agreed to.

Mr. PEPPER. I wanted to know that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky as to the division of time? Without objection, the request is agreed to.

TRANSPORTATION FOR CERTAIN GOVERNMENT AND OTHER PERSONNEL

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2740) to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes, which were, on page 2, lines 3 and 4, after "transportation", to insert "by motor vehicle or water carrier"; and on page 3, line 11, after "Receipts", to insert a comma and "except that in the case of the Maritime Commission such receipts and proceeds shall be deposited in its construction fund in accord with the Merchant Marine Act of 1936, as amended, and other applicable provisions of law: *Provided*, That appropriations for the Military Establishment and the Maritime Commission may be used to carry into effect the provisions of this act."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ROUTINE BUSINESS

The PRESIDING OFFICER. The Chair is informed that there are on the desk certain matters of routine morning business which should be properly referred and disposed of. Is there objection to the receipt, and reference, and appropriate disposition of such routine matters? The Chair hears no objection, and it is so ordered.

(The matters referred to appear elsewhere in the RECORD under the appropriate headings.)

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Edward L. Cochrane to be Chief of the Bureau of Ships in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from November 1, 1942.

By Mr. CHANDLER, from the Committee on Military Affairs:

Sundry officers for appointment as general officers in the Army.

CAPT. EDWARD L. COCHRANE

Mr. WALSH. Mr. President, I have submitted a report from the Committee on Naval Affairs recommending the promotion of Capt. Edward L. Cochrane to be head of the Bureau of Ships, with the rank of rear admiral. I shall not ask for confirmation today, but tomorrow I shall ask that the nomination be confirmed. The committee made the report unanimously, but there are other Senators who desire to consider the matter, so I shall ask that action be taken on the nomination tomorrow.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the Foreign Service nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be forthwith notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Saturday, November 21, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 19 (legislative day of November 17), 1942:

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Lucien King Truscott, Jr. (lieutenant colonel, Cavalry), Army of the United States.

Brig. Gen. Lunsford Errett Oliver (colonel, Corps of Engineers), Army of the United States.

TO BE BRIGADIER GENERAL

Col. Paul McDonald Robinett (lieutenant colonel, Cavalry), Army of the United States.

Col. John Wilson O'Daniel (lieutenant colonel, Infantry), Army of the United States.

Col. Benjamin Franklin Caffey, Jr. (lieutenant colonel, Infantry), Army of the United States.

TO BE MAJOR GENERAL

Brig. Gen. James Harold Doolittle (major, Air Corps Reserve), Army of the United States.

IN THE NAVY

Vice Admiral William F. Halsey, Jr., to be an admiral in the Navy, for temporary service, to rank from the 18th day of November 1942.

Rear Admiral Henry K. Hewitt to be a vice admiral in the Navy, for temporary service, to rank from the 17th day of November 1942.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Rubye D. Green, Bolling, Ala., in place of Z. G. Pope, transferred.

Tillman Christian, Parrish, Ala., in place of J. B. Key, transferred.

ARKANSAS

Ben W. Walker, Lewisville, Ark., in place of B. W. Walker. Incumbent's commission expired June 23, 1942.

Mabel E. Whaley, Sulphur Springs, Ark., in place of M. E. Whaley. Incumbent's commission expired March 30, 1942.

Luther H. Cavaness, Yellville, Ark., in place of D. N. Matthews, resigned.

CALIFORNIA

Earl T. Whitaker, Moorpark, Calif., in place of E. T. Whitaker. Incumbent's commission expired April 20, 1942.

Spencer Briggs, Oleum, Calif., in place of Spencer Briggs. Incumbent's commission expired May 4, 1942.

Bernice M. Ayer, San Clemente, Calif., in place of B. M. Ayer. Incumbent's commission expired June 23, 1942.

David G. Mang, San Jacinto, Calif., in place of E. T. Tanner, retired.

Michael E. Neish, San Leandro, Calif., in place of M. E. Neish. Incumbent's commission expired June 23, 1942.

Edith I. Day, Woodlake, Calif., in place of E. I. Day. Incumbent's commission expired April 20, 1942.

FLORIDA

Mary Elizabeth Browning, East Palatka, Fla. Office became Presidential July 1, 1941.

Thomas Danson, Grand Crossing, Fla., in place of H. S. Alexander, retired.

GEORGIA

Christine Q. Crowley, Woodbine, Ga., in place of D. M. Proctor, removed without prejudice.

ILLINOIS

Harry C. Stephens, Ashley, Ill., in place of H. C. Stephens. Incumbent's commission expired June 23, 1942.

Louis E. Dixon, Biggsville, Ill., in place of L. E. Dixon. Incumbent's commission expired June 23, 1942.

Leslie O. Cain, Bowen, Ill., in place of L. O. Cain. Incumbent's commission expired June 23, 1942.

Marvin G. Diveley, Brownstown, Ill., in place of M. G. Diveley. Incumbent's commission expired June 23, 1942.

Charles A. Etherton, Carbondale, Ill., in place of C. A. Etherton. Incumbent's commission expired June 23, 1942.

Juanita H. Whitten, Coffeen, Ill., in place of J. H. Whitten. Incumbent's commission expired June 23, 1942.

James A. Cragan, Evansville, Ill., in place of J. A. Cragan. Incumbent's commission expired June 23, 1942.

Amelia K. Fink, Frankfort, Ill., in place of A. K. Fink. Incumbent's commission expired June 23, 1942.

George E. Brown, Franklin, Ill., in place of G. E. Brown. Incumbent's commission expired June 23, 1942.

Elmer R. Randolph, Golconda, Ill., in place of E. R. Randolph. Incumbent's commission expired May 11, 1942.

Harry M. Gerhard, Hines, Ill., in place of F. J. Clark, removed.

Charles M. McCoy, Hutsonville, Ill., in place of C. M. McCoy. Incumbent's commission expired June 23, 1942.

Nicholas A. Schilling, Mascoutah, Ill., in place of N. A. Schilling. Incumbent's commission expired June 23, 1942.

William P. Carlton, Oblong, Ill., in place of W. P. Carlton. Incumbent's commission expired June 23, 1942.

Joseph Donald Cotter, Stockton, Ill., in place of J. D. Cotter. Incumbent's commission expired June 23, 1942.

INDIANA

Edward A. Hemphill, Cannelton, Ind., in place of E. A. Hemphill. Incumbent's commission expired February 24, 1942.

Fletcher T. Strang, Culver, Ind., in place of F. T. Strang. Incumbent's commission expired June 23, 1942.

Carroll W. Cannon, Knox, Ind., in place of C. W. Cannon. Incumbent's commission expired June 23, 1942.

Charles L. Wolford, Linton, Ind., in place of C. L. Wolford. Incumbent's commission expired April 27, 1942.

Fred W. Mullin, Muncie, Ind., in place of L. H. Acker. Incumbent's commission expired March 24, 1941.

IOWA

Anthony F. Schrup, Dubuque, Iowa, in place of A. F. Schrup. Incumbent's commission expired June 23, 1942.

KANSAS

Carl G. Eddy, Colby, Kans., in place of C. G. Eddy. Incumbent's commission expired June 23, 1942.

Eyman Phebus, Coldwater, Kans., in place of Eyman Phebus. Incumbent's commission expired June 23, 1942.

John J. Lindsay, Horton, Kans., in place of J. J. Lindsay. Incumbent's commission expired June 23, 1942.

Bryan F. Scarborough, Iola, Kans., in place of B. F. Scarborough. Incumbent's commission expired June 23, 1942.

Pearl E. Holmes, Kincaid, Kans., in place of P. E. Holmes. Incumbent's commission expired June 23, 1942.

Lottie Victor, Larned, Kans., in place of Lottie Victor. Incumbent's commission expired June 23, 1942.

Pearl W. Smith, Meade, Kans., in place of P. W. Smith. Incumbent's commission expired June 23, 1942.

LOUISIANA

Solomon C. Knight, Elizabeth, La., in place of S. C. Knight. Incumbent's commission expired June 23, 1942.

Vernon M. Robert, Homer, La., in place of L. P. Fulmer. Incumbent's commission expired July 30, 1941.

Robert Leo Quirk, Washington, La., in place of Arthur Deshotels. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

Winfield S. Smith, Williamsburg, Mass., in place of R. F. Burke, retired.

MICHIGAN

Morton Rann, Perry, Mich., in place of Morton Rann. Incumbent's commission expired June 23, 1942.

Martha M. Rupprecht, Reese, Mich., in place of M. M. Rupprecht. Incumbent's commission expired June 23, 1942.

William M. Zeitler, Republic, Mich., in place of W. M. Zeitler. Incumbent's commission expired June 23, 1942.

Percy C. Carr, Rudyard, Mich., in place of P. C. Carr. Incumbent's commission expired June 23, 1942.

Oliver C. Boynton, Jr., St. Ignace, Mich., in place of O. C. Boynton, Jr. Incumbent's commission expired June 23, 1942.

Joseph R. Haferkorn, Vulcan, Mich., in place of J. R. Haferkorn. Incumbent's commission expired June 23, 1942.

Frank R. White, Webberville, Mich., in place of F. R. White. Incumbent's commission expired June 23, 1942.

Leo M. Neubecker, Weidman, Mich., in place of L. M. Neubecker. Incubent's commission expired June 23, 1942.

William G. F. L. Wentzel, Zeeland, Mich., in place of W. G. F. L. Wentzel. Incumbent's commission expired June 23, 1942.

MINNESOTA

Paul F. Preice, Calumet, Minn., in place of P. F. Preice. Incumbent's commission expired June 13, 1942.

John M. Augustin, Comfrey, Minn., in place of J. M. Augustin. Incumbent's commission expired June 23, 1942.

William Guthier, Emmons, Minn., in place of William Guthier. Incumbent's commission expired May 12, 1942.

Edward C. Feely, Farmington, Minn., in place of E. C. Feely. Incumbent's commission expired June 13, 1942.

James F. Fahey, Graceville, Minn., in place of J. F. Fahey. Incumbent's commission expired June 23, 1942.

Edward C. Ellertson, Gully, Minn., in place of E. C. Ellertson. Incumbent's commission expired May 6, 1942.

Robert H. Burrill, Hawley, Minn., in place of R. H. Burrill. Incumbent's commission expired June 18, 1942.

Arthur S. Peterson, Houston, Minn., in place of A. S. Peterson. Incumbent's commission expired June 23, 1942.

Bernadine M. Hilger, Iona, Minn., in place of J. M. Hilger, deceased.

Bernice M. Otto, Isanti, Minn., in place of Bernice Otto. Incumbent's commission expired May 12, 1942.

Stella C. Olson, Karlstad, Minn., in place of S. C. Olson. Incumbent's commission expired June 18, 1942.

Leroy G. Schmalz, Lester Prairie, Minn., in place of L. G. Schmalz. Incumbent's commission expired June 3, 1942.

Peter H. Riede, Mabel, Minn., in place of P. H. Riede. Incumbent's commission expired May 12, 1942.

Francis L. Dolan, Milroy, Minn., in place of F. L. Dolan. Incumbent's commission expired May 12, 1942.

John P. Lanto, Nashwauk, Minn., in place of J. P. Lanto. Incumbent's commission expired June 18, 1942.

Charles D. Dempsey, St. Peter, Minn., in place of C. D. Dempsey. Incumbent's commission expired May 12, 1942.

MISSISSIPPI

Ray B. Hall, Greenwood, Miss., in place of J. W. George, resigned.

Roy C. Bailey, Oxford, Miss., in place of J. W. Woodward, deceased.

Lucile C. Cox, Smithville, Miss. Office became Presidential July 1, 1942.

MISSOURI

Parker G. Wingo, Elsinore, Mo., in place of P. G. Wingo. Incumbent's commission expired June 23, 1942.

Harrison S. Welch, Higbee, Mo., in place of H. S. Welch. Incumbent's commission expired June 23, 1942.

Harry L. Cohagen, Middletown, Mo., in place of C. C. Ray, transferred.

Edward C. Glascock, New London, Mo., in place of L. M. Weaver, transferred.

MONTANA

Ethel E. James, Broadus, Mont., in place of E. E. James. Incumbent's commission expired June 23, 1942.

NEVADA

Ralph H. Burdick, Tonopah, Nev., in place of R. H. Burdick. Incumbent's commission expired June 23, 1942.

NEW JERSEY

Patrick J. Whelan, Manville, N. J., in place of P. J. Whelan. Incumbent's commission expired June 23, 1942.

Maurice F. Kiely, West Norwood, N. J., in place of M. F. Kiely. Incumbent's commission expired February 10, 1942.

NEW MEXICO

Aurora B. Pacheco, Old Albuquerque, N. Mex., in place of A. B. Pacheco. Incumbent's commission expired June 23, 1942.

Phillip J. Martinez, Tierra Amarilla, N. Mex., in place of P. J. Martinez. Incumbent's commission expired December 23, 1941.

NEW YORK

H. Mae Nolan, Clark Mills, N. Y., in place of H. M. Nolan. Incumbent's commission expired June 23, 1942.

William J. Casselman, Clayton, N. Y., in place of W. J. Casselman. Incumbent's commission expired May 14, 1942.

Henry A. Dye, Forestville, N. Y., in place of H. A. Dye. Incumbent's commission expired June 23, 1942.

James D. George, Gardiner, N. Y., in place of J. D. George. Incumbent's commission expired June 23, 1942.

Loretta Patton, Harrison, N. Y., in place of Loretta Patton. Incumbent's commission expired June 7, 1942.

Katherine C. Newton, Homer, N. Y., in place of K. C. Newton. Incumbent's commission expired May 22, 1942.

Joseph N. Peck, Honeoye Falls, N. Y., in place of J. N. Peck. Incumbent's commission expired June 23, 1942.

Francis J. Kelly, Hornell, N. Y., in place of F. J. Kelly. Incumbent's commission expired June 23, 1942.

Andrew E. Ryan, Manchester, N. Y., in place of A. E. Ryan. Incumbent's commission expired June 23, 1942.

Frank J. Baltzel, Newark, N. Y., in place of F. J. Baltzel. Incumbent commission expired June 23, 1942.

Edward J. Butler, Newport, N. Y., in place of E. J. Butler. Incumbent's commission expired June 23, 1942.

Chester A. Miller, Oneonta, N. Y., in place of C. A. Miller. Incumbent's commission expired June 23, 1942.

Charles I. Lavery, Poughkeepsie, N. Y., in place of C. I. Lavery. Incumbent's commission expired June 23, 1942.

Herbert Zahorik, Roscoe, N. Y., in place of Herbert Zahorik. Incumbent's commission expired June 23, 1942.

Bertha E. Damon, Rushford, N. Y., in place of B. E. Damon. Incumbent's commission expired June 23, 1942.

Thomas J. Reilly, Silver Springs, N. Y., in place of T. J. Reilly. Incumbent's commission expired June 2, 1942.

Frank Kilcoin, Swan Lake, N. Y., in place of Frank Kilcoin. Incumbent's commission expired June 23, 1942.

Nellie A. King, Verplanck, N. Y., in place of N. A. King. Incumbent's commission expired June 23, 1942.

Frank B. Mead, Victor, N. Y., in place of F. B. Mead. Incumbent's commission expired June 23, 1942.

Chauncey H. McLean, Wallkill, N. Y., in place of C. H. McLean. Incumbent's commission expired June 23, 1942.

Jeremiah F. Healy, Williamstown, N. Y., in place of J. F. Healy. Incumbent's commission expired June 23, 1942.

Nora B. King, Woodbourne, N. Y., in place of N. B. King. Incumbent's commission expired June 23, 1942.

John F. Maher, Woodridge, N. Y., in place of J. F. Maher. Incumbent's commission expired June 23, 1942.

Charles E. Meyers, Wurtsboro, N. Y., in place of C. E. Meyers. Incumbent's commission expired June 23, 1942.

NORTH CAROLINA

Roberts H. Jernigan, Ahoskie, N. C., in place of R. H. Jernigan. Incumbent's commission expired May 3, 1942.

Preston L. Morris, Broadway, N. C., in place of P. L. Morris. Incumbent's commission expired June 23, 1942.

Zula S. Glovier, Catawba, N. C., in place of Z. S. Glovier. Incumbent's commission expired June 12, 1942.

Rufas C. Powell, Denton, N. C., in place of R. C. Powell. Incumbent's commission expired May 14, 1942.

John F. Lynch, Erwin, N. C., in place of J. F. Lynch. Incumbent's commission expired June 23, 1942.

Carl H. Hand, Lowell, N. C., in place of C. H. Hand. Incumbent's commission expired June 16, 1942.

Martin B. Black, Midland, N. C. Office became Presidential July 1, 1942.

James C. Reins, North Wilkesboro, N. C., in place of J. C. Reins. Incumbent's commission expired April 16, 1942.

Louella Swindell, Swanquarter, N. C., in place of Louella Swindell. Incumbent's commission expired June 13, 1942.

NORTH DAKOTA

Herman A. Emanuel, Crosby, N. Dak., in place of H. A. Emanuel. Incumbent's commission expired June 23, 1942.

Richard J. Leahy, McHenry, N. Dak., in place of R. J. Leahy. Incumbent's commission expired June 23, 1942.

John F. Swanston, McVille, N. Dak., in place of J. F. Swanston. Incumbent's commission expired June 23, 1942.

OHIO

A. Harley Bolon, Bethesda, Ohio, in place of A. H. Bolon. Incumbent's commission expired June 23, 1942.

Charles M. Easley, Bloomdale, Ohio, in place of C. M. Easley. Incumbent's commission expired June 23, 1942.

Hettie Woodward, Chesterhill, Ohio, in place of Hettie Woodward. Incumbent's commission expired June 23, 1942.

Charles J. Bocklet, Cincinnati, Ohio, in place of C. J. Bocklet. Incumbent's commission expired June 23, 1942.

Paul W. Burkhardt, Edon, Ohio, in place of P. W. Burkhardt. Incumbent's commission expired June 23, 1942.

Emmett L. Partee, Defiance, Ohio, in place of E. L. Partee. Incumbent's commission expired June 23, 1942.

Blanche A. Fishburn, Forest, Ohio, in place of B. A. Fishburn. Incumbent's commission expired June 23, 1942.

Louis A. Marlatt, Lyons, Ohio, in place of C. W. Wilson, transferred.

Howard D. DeMar, Madeira, Ohio, in place of H. D. DeMar. Incumbent's commission expired June 23, 1942.

Everett Bennett, Morrow, Ohio, in place of Everett Bennett. Incumbent's commission expired June 23, 1942.

Helen Shilts, Mount Victory, Ohio, in place of Helen Shilts. Incumbent's commission expired June 23, 1942.

E. Herbert Katterheinrich, New Knoxville, Ohio, in place of E. H. Katterheinrich. Incumbent's commission expired June 23, 1942.

Stanley F. Kimmel, New Madison, Ohio, in place of S. F. Kimmel. Incumbent's commission expired June 23, 1942.

Lester D. Overfield, North Lewisburg, Ohio, in place of L. D. Overfield. Incumbent's commission expired June 23, 1942.

Russell T. Gfell, Norwalk, Ohio, in place of W. R. Williams, removed.

Agnes O. Schritz, Olmstead Falls, Ohio, in place of A. O. Schritz. Incumbent's commission expired June 23, 1942.

George E. Leist, Piketon, Ohio, in place of W. E. Farmer. Incumbent's commission expired March 25, 1942.

Milton L. Dickason, Richwood, Ohio, in place of M. L. Dickason. Incumbent's commission expired June 23, 1942.

Paul R. Clemson, Thornville, Ohio, in place of P. R. Clemson. Incumbent's commission expired June 23, 1942.

Wilma L. Aiken, Tiltonsville, Ohio, in place of W. L. Aiken. Incumbent's commission expired June 23, 1942.

Raymond W. Beverley, Vandalia, Ohio, in place of H. E. Smith, deceased.

Randle B. Hickman, Wilberforce, Ohio, in place of R. B. Hickman. Incumbent's commission expired April 15, 1942.

OKLAHOMA

Berry M. Crosby, Bixby, Okla., in place of B. M. Crosby. Incumbent's commission expired May 3, 1942.

Owen R. Hudson, Bluejacket, Okla. Office became Presidential July 1, 1942.

Cloyd H. Burton, Commerce, Okla., in place of C. H. Burton. Incumbent's commission expired June 23, 1942.

Erwin D. Keys, Earlsboro, Okla., in place of E. D. Keys. Incumbent's commission expired June 23, 1942.

Sylvia M. Grace, Laverne, Okla., in place of S. M. Grace. Incumbent's commission expired June 23, 1942.

Chester E. Halley, Minco, Okla., in place of C. E. Halley. Incumbent's commission expired June 23, 1942.

John V. Cavender, Porum, Okla., in place of J. V. Cavender. Incumbent's commission expired June 23, 1942.

Orville G. Conrad, Reydon, Okla., in place of E. P. Estes, transferred.

Harry James Barclay, Tonkawa, Okla., in place of H. J. Barclay. Incumbent's commission expired June 23, 1942.

OREGON

Albert H. Fasel, Estacada, Oreg., in place of A. H. Fasel. Incumbent's commission expired June 18, 1942.

Thomas R. Roe, Gaston, Oreg., in place of T. R. Roe. Incumbent's commission expired June 18, 1942.

Carl H. Massie, Grants Pass, Oreg., in place of C. H. Massie. Incumbent's commission expired June 2, 1942.

Harold C. Kizer, Harrisburg, Oreg., in place of H. C. Kizer. Incumbent's commission expired June 2, 1942.

May B. Johnson, Madras, Oreg., in place of M. B. Johnson. Incumbent's commission expired June 23, 1942.

PENNSYLVANIA

James F. O'Brien, Allison Park, Pa., in place of J. F. O'Brien. Incumbent's commission expired June 23, 1942.

L. Banks Wetzel, Beaver Springs, Pa., in place of L. B. Wetzel. Incumbent's commission expired June 1, 1942.

Daniel E. Hartman, Benton, Pa., in place of D. E Hartman. Incumbent's commission expired June 23, 1942.

Marie Kolasa, Clarence, Pa., in place of Marie Kolasa. Incumbent's commission expired December 9, 1941.

James P. Meaney, Conshohocken, Pa., in place of J. P. Meaney. Incumbent's commission expired June 23, 1942.

Amy A. Short, Conway, Pa., in place of A. A Short Incumbent's commission expired June 23, 1942.

Beulah E. Hayden, Dalton, Pa., in place of B. E. Hayden. Incumbent's commission expired June 23, 1942.

Mary R. Yocom, Douglassville, Pa., in place of M. R. Yocom. Incumbent's commission expired June 8, 1942.

Edwin A. Breinig, Egypt, Pa., in place of E. A. Breinig. Incumbent's commission expired June 8, 1942.

Laura E. Rich, Enola, Pa., in place of L. E. Rich. Incumbent's commission expired June 23, 1942.

Charles A. Hanlon, Hazelton, Pa., in place of C. A. Hanlon. Incumbent's commission expired June 23, 1942.

Willard K. Allison, Hickory, Pa., in place of W. K. Allison. Incumbent's commission expired June 23, 1942.

Bernard A. Devlin, Jenkintown, Pa., in place of B. A. Devlin. Incumbent's commission expired June 23, 1942.

Lehman I. Leister, McAlisterville, Pa., in place of L. I. Leister. Incumbent's commission expired June 23, 1942.

Elizabeth B. Miley, Marietta, Pa., in place of John Peck, removed without prejudice.

Helen T. Henrie, Meshoppen, Pa., in place of H. P. Henrie. Incumbent's commission expired June 23, 1942.

Elijah H. Follmer, Milton, Pa., in place of E. H. Follmer. Incumbent's commission expired June 23, 1942.

Ira D. Atcheson, Nemacolin, Pa., in place of I. D. Atcheson. Incumbent's commission expired June 23, 1942.

John H. Snyder, Richfield, Pa., in place of J. H. Snyder. Incumbent's commission expired June 23, 1942.

William D. McIntire, Stoneboro, Pa., in place of W. D. McIntire. Incumbent's commission expired June 23, 1942.

Earl R. Young, Weatherly, Pa., in place of E. R. Young. Incumbent's commission expired June 6, 1942.

Chester L. Boal, West Middlesex, Pa., in place of C. L. Boal. Incumbent's commission expired June 23, 1942.

Francis G. Ackley, Wyalusing, Pa., in place of F. G. Ackley. Incumbent's commission expired June 23, 1942.

Mary A. Fitzgerald, Wysox, Pa., in place of M. A. Fitzgerald. Incumbent's commission expired June 23, 1942.

SOUTH CAROLINA

Ann P. Chariker, Clover, S. C., in place of R. E. Love, resigned.

Basil T. Brinkley, Ellenton, S. C., in place of B. T. Brinkley. Incumbent's commission expired June 23, 1942.

Samuel F. Harper, Timmonsville, S. C., in place of J. C. Vassy, deceased.

SOUTH DAKOTA

Edwin H. Bruemmer, Huron, S. Dak., in place of E. H. Bruemmer. Incumbent's commission expired June 23, 1942.

TENNESSEE

Harry M. Calloway, Lenoir City, Tenn., in place of H. M. Calloway. Incumbent's commission expired June 23, 1942.

Marion C. Holt, Lynchburg, Tenn., in place of W. P. Stone. Incumbent's commission expired June 10, 1942.

Mary A. B. Dunn, Maryville, Tenn., in place of M. A. B. Dunn. Incumbent's commission expired June 23, 1942.

Clarence E. Kilgore, Tracy City, Tenn., in place of C. E. Kilgore. Incumbent's commission expired June 23, 1942.

TEXAS

Winnette D. DeGrassi, Amarillo, Tex., in place of W. D. DeGrassi. Incumbent's commission expired June 23, 1942.

Albert A. Allison, Corsicana, Tex., in place of A. A. Allison. Incumbent's commission expired April 11, 1942.

Riva C. Burnett, Miami, Tex., in place of S. E. Fitzgerald, deceased.

VERMONT

Maude E. Boucher, Derby, Vt., in place of A. C. Carr, removed.

VIRGINIA

David E. Bumpass, Jr., Mineral, Va., in place of D. E. Bumpass, Jr. Incumbent's commission expired June 23, 1942.

WASHINGTON

Marvin G. Elwell, Dayton, Wash., in place of J. C. Weatherford, resigned.

WISCONSIN

Lester H. Olsen, Egg Harbor, Wis., in place of L. H. Olsen. Incumbent's commission expired November 30, 1941.

Walter H. Severson, Ellison Bay, Wis., in place of W. A. Rogers, resigned.

Earl D. Young, Melrose, Wis., in place of E. D. Young. Incumbent's commission expired April 12, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20 (legislative day of November 17), 1942:

FOREIGN SERVICE

PROMOTIONS

To be Foreign Service officers of class 1

Willard L. Beaulac
Howard Bucknell, Jr.
H. Freeman Matthews

To be Foreign Service officers of class 3

Howard Donovan	Edwin A. Plitt
Albert M. Doyle	Christian M. Ravndal
Richard Ford	

To be Foreign Service officers of class 4

David C. Berger	Leonard G. Dawson
Charles C. Broy	Gerald Keith
Lewis Clark	Charles Roy Nasmith
Cabot Coville	Samuel R. Thompson

To be Foreign Service officers of class 5

Glenn A. Abbey	Knowlton V. Hicks
Sidney H. Browne	Nelson R. Park
J. Holbrook Chapman	Albert W. Scott
DuWayne G. Clark	Miss A. Viola Smith
Basil D. Dahl	Edward G. Trueblood
Ernest E. Evans	Clifton R. Wharton
Landreth M. Harrison	

To be Foreign Service officers of class 6

J. Kenly Bacon	Frederick P. Latimer,
Charles E. Brookhart	Jr.
Henry B. Day	Cecil B. Lyon
Charles H. Ducoté	Walter P. McConaughy
Robert English	John J. Macdonald
Wilson C. Flake	Calvin Hawley Oakes
Willard Galbraith	John B. Ocheltree
Randolph Harrison, Jr.	Avery F. Peterson
R. Horton Henry	Harold D. Robison
J. Wesley Jones	Gerald Warner
Stephen E. C. Kendrick	Kenneth J. Yearns

To be Foreign Service officers of class 7

William C. Affeld, Jr.	John K. Emmerson
Reginald Bragonier, Jr.	T. Muldrup Forsyth
	Walter W. Hoffmann
Theodore J. Hohenthal	John S. Service
	Wales W. Signor
U. Alexis Johnson	Orray Taft, Jr.
H. Gordon Minnigerode	Robert M. Taylor
Harold E. Montamat	William E. Yuni
Edward E. Rice	

To be Foreign Service officers of class 8

W. Stratton Anderson, Jr.	John Frémont Melby
	Herbert V. Olds
William Barnes	Elim O'Shaughnessy
Aaron S. Brown	Paul Paddock
Harlan B. Clark	David T. Ray
William E. Cole, Jr.	G. Frederick Reinhardt
Herbert P. Fales	Milton C. Rewinkel
Forrest K. Geerken	Walter Smith
Jule L. Goetzmann	Philip D. Sprouse
Edmund A. Gullion	Charles W. Thayer
Francis C. Jordan	David A. Thomasson
G. Wallace La Rue	Ray L. Thurston
Perry Laukhuff	Evan M. Wilson
Gordon H. Mattison	William Witman 2d
Roy M. Melbourne	

POSTMASTERS

FLORIDA

George W. Hughes, North Miami Beach.

MASSACHUSETTS

John E. Mansfield, Bedford.
Winona G. Craig, Falmouth Heights.
Hormisdas Boucher, Ludlow.
James E. Williams, North Dighton.
William F. O'Toole, South Barre.
John F. Malone, Southwick.
Arthur J. Fairgrieve, Tewksbury.
Raymond F. Gurney, Wilbraham.

SENATE

SATURDAY, NOVEMBER 21, 1942

(Legislative day of Tuesday, November 17, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, out of the depths we cry unto Thee. We come with strength which has been sapped, with patience strained, with ideals tarnished by the acids of cynicism, with poise shattered by the tensions of these times. Amidst the shouting and tumult of a warring world we would be still and know that Thou art God.

Forgive us that, like roiled and ruffled pools, we cannot reflect the bending blue of the tranquil sky. Breathe through the heats of our desires Thy calmness and Thy peace. Together with our inner needs we bring our deep solicitude for all the peoples of the world. We ask nothing for ourselves that we do not desire for Thy children across all the frontiers of border or breed or birth. Prepare our hearts to build again the waste places of the earth, as tyranny and hatred give way to brotherhood and reconciliation. In the fight to make men free open our eyes, that we may see not only the encircling might of evil but, also, on the hills about us, the chariots of God and the horsemen thereof. In the name of that One by whose redeeming grace we are made more than conquerors. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the

Journal of the proceedings of the calendar day Friday, November 20, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

NATION-WIDE GASOLINE RATIONING

Mr. CAPPER. Mr. President, I have before me two letters and several telegrams from Kansas with respect to the gasoline rationing program.

I regret very much that Mr. William Jeffers, National Rubber Director, announces positively that Nation-wide gasoline rationing will go into effect December 1.

I believe that another serious mistake is being made, and that it will severely hamper the production and distribution facilities of the Nation at a time when they should function as effectively and completely as possible.

I was one of those who warned many months ago that the criminal slaughter of dairy cows, forced upon dairymen by unwise governmental policies, would result in decreasing milk production at a time when greatly increased production is needed.

Nothing was done about that. The administration did not move as much as a little finger to correct the policies which took so much manpower from the farms that dairymen by the hundreds and thousands simply went out of production; and, at the same time, dairy cows were slaughtered by the hundreds of thousands.

The results of stubbornly continuing that destructive program are spread over the front pages this morning. The Government is impounding 40 or 50 percent of the butter supply of the Nation, and butter, cheese, and milk rationing will be necessary. There is talk of prohibiting the slaughter of dairy cows.

Mr. President, I very much fear an equally unwise—I may say almost criminal—policy in regard to gasoline rationing is going to be followed.

Failure to realize that manpower is necessary to obtain dairy production has resulted in actually decreased milk supplies when increased supplies are necessary.

Now, if, on top of this, the administration forces Nation-wide gasoline rationing along presently planned lines, without apparently realizing that in the midcontinent farming areas gasoline is necessary to assure maximum production of foodstuffs, the results are likely to be even more disastrous and on a much larger scale.

Let me read one or two out of hundreds of telegrams I have received in the past few days. Here is a telegram from Angelo Scott, publisher of the Iola (Kans.) Register, who says:

This is urgent. Office of Defense Transportation certificates war necessity for Kansas farm trucks are allowing in hundreds of cases one-half or even one-fourth amount of gasoline asked for and flatly necessary for operations. One farmer hauling half Iola's fluid milk supply cut to one-third minimum round-trip distance from farm to town. Our only pasteurizing dairy out of business in 30 days if no relief. Find out what is going on and raise all hell you can. This is really critical and serious.

I have hundreds of similar telegrams, citing specifically what will be the inevitable results of the present gasoline-rationing program. I shall not attempt to read them, but I ask unanimous consent to have a few of them placed in the RECORD at the conclusion of my remarks.

Mr. President, I am inclined to believe at times that this administration, which has a magnificent conception of the magnitude of the goals it desires to reach, has a very inadequate conception of the magnitude of the efforts required to move toward those goals.

I note by the newspapers this morning that Governor Lehman is to be named czar of world rehabilitation. He is to supply food and clothing and other necessities to the people of reconquered territories over a large part of the world.

If we are going to undertake this noble and unselfish task on such a large scale, then the farmers of the United States must produce food and clothing materials in undreamed-of quantities. That will require more manpower, more machinery and equipment, and more gasoline, oil, trucks and tractors, and tires.

It is my solemn judgment, Mr. President, that if the drastic gasoline rationing proposed is carried into effect, farm production is going to be less, much less, the coming year than this year, and that at a time when the needs will be so much greater. I plead with the administration to postpone this gasoline rationing until requirements and conditions can be more intelligently considered and until a program that will be helpful, not sacrificial, can be worked out.

Before yielding the floor I want to read one more telegram, from Athol B. Dunham, one of the publishers of the Beloit Gazette, signed also by a score of leading businessmen of Beloit. I read:

We business and professional men of Beloit, Kans., urge you to do all in your power to postpone gasoline rationing in Kansas pending further investigation into the necessity for such rationing. Surely rationing is unnecessary in a State where the supply is unlimited, as is the case in Kansas. The loss in revenue for the business and governmental departments in Kansas will far offset the national gain in saving of tires. The resulting revenue loss to all of Kansas will create unimagined hardship and depression.

Athol B. Dunham, Tweed W. Ross, R. E. Burke, J. D. Z. Sisson, Hildegarde Arend, H. C. Annan, J. E. Morris, Gladys Gay, R. D. Chapman, C. H. Groves, Jim Beardmore, Harry Carper, Fritz Gay, P. W. Schultz, Joe Krone, Roy Eldringhoff, John C. Hamburg, Harold C. Hill, Frank L. Hill, Fred E. Raleigh, O. J. Hiserote, F. W. Lampert, J. L. Schulte, Francis Fitzgerald, L. E. Foote, Christine Considine, H. B. Vallett, L. C. Booze, H. D. Arend.

I present the two letters and several telegrams and ask that they be appropriately referred and printed in the RECORD.

There being no objection, the letters and telegrams were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

EMPORIA, KANS., *November 19, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR: I am writing you in regard to our gas rationing system which is a disgrace and a blot on our farm situation which will hamper our war effort 100 percent as it is causing our farmers to call sales and quit. Dairy farmers are unable to keep going because they will not allow them enough gas to operate on. This thing is serious here because we cannot farm without gas, oil, and rubber. There is enough rubber in stock in each town to last for at least 2 years, absolutely lying idle and rotting on the dealers shelves, doing no one any good. The Office of Defense Transportation says there is a shortage of oil and gas coming up. They should catch that guy and send him to the mental insane asylum as he is crazy. Kansas oil wells are being ruined every day for want of pumping. We are only allowed 1 percent of our capacity. We can furnish oil by the millions if they would only let us. This ration of gas was put out by some eastern man that knows nothing of our situation out here. We have no horses, no wagons. If you own a horse you cannot buy a shoe to shoe him with nor nails to nail them on with. This is a fact as I am in the hardware business and we cannot even buy a horseshoe nail. Our roads are all paved or graveled so we cannot use horses. No wagons are even made any more. Rationing of gas here in the Middle West is uncalled for and a disgrace. No one can produce without something to produce with. Our farmers work 16 hours per day, no help, and they will sell out and let the deal go unless given some relief at once. There is no end to the red tape they are going through on this gas rationing and getting no place with it. It is simply driving the farmers to town to sit on the corner and wait until we change administrations. If this is a law it should be repealed or postponed. Please pour it on them up there. The 35-mile speed limit will take care of tire situation. We are strong for postponing gas rationing.

Yours truly,

ROY R. ROBB.

FORT SCOTT, KANS., *November 18, 1942.*

ARTHUR CAPPER,
United States Senator,
Senate Chamber, Washington, D. C.

U. S. GUYER,
House of Representatives,
Washington, D. C.

GENTLEMEN: This letter is to voice my protest over gasoline rationing in this part of the United States. In middle-sized towns like Fort Scott, where there is no streetcar or bus service, gasoline rationing will constitute a hardship. There is also no adequate service in this part of the country for transportation to nearby towns. The trains and busses are already crowded. For the class of people that have to use automobiles in their business in this part of the country, the results of gasoline rationing will be disastrous.

Yours very truly,

WALTER B. PATTERSON.

ELDORADO, KANS., *November 19, 1942.*

Hon. ARTHUR CAPPER,
United States Congress,
Washington, D. C.:

I have about 800 head of cattle to oversee and feed this winter in a radius of 150 miles. If gasoline rationing goes into effect I will have to sell at least half of them. Kansas

has plenty of gasoline and with the 35-mile-an-hour speed limit the rubber conservation program here will take care of itself. Please do all in your power to eliminate gasoline rationing for Kansas.

FRANK A. RICE.

SYRACUSE, KANS., *November 20, 1942.*
Senator CAPPER:

Food is important. Am going to be forced to dispose of 450 head of cattle if truck mileage and gasoline rationing is applied. Do the people of Kansas have a representative in Congress?

ALVIN T. SPIKES,
Garden City, Kans.

BURDETT, KANS., *November 19, 1942.*
Senator ARTHUR CAPPER,
Washington, D. C.

GENTLEMEN: Our territory, midwest Kansas, strictly agricultural; 25 miles nearest town; 1 or 2 small towns in Kansas must now drive 10 or 12 miles for a loaf of bread. Many cattle on wheat pasture; wheat to move besides many other items necessary to the defense of our country. Our farmers will give up everything necessary for our defense. We and they oppose the present gasoline rationing in Kansas, and unless you find this must be done we request you oppose gasoline rationing for the present. At least until it is definitely found necessary. If it comes we believe it will be a blow to our economics and a hindrance to defense.

THE FARMERS COOPERATIVE
GRAIN & SUPPLY CO.,
ALBERT H. MARTIN, *Secretary.*

WICHITA, KANS., *November 19, 1942.*
Hon. ARTHUR CAPPER,
United States Senate,
Washington, D. C.:

Transportation already serious problem in Kansas. All trains and planes overloaded. Urban and interurban busses overcrowded. Gasoline rationing means death to business in Kansas. Urge you support effort to suppress rationing. Gasoline supply abundant and delivery no problem here.

J. C. RAPP.

SALINA, KANS., *November 20, 1942.*
Hon. ARTHUR CAPPER,
United States Congress,
Washington, D. C.:

We urge you to protest and use your every power and influence to eliminate gasoline rationing for Kansas. It is not necessary, since Kansas has enough gasoline. If gasoline rationing goes into effect, it will mean the greatest depression our State has ever experienced.

P. W. HARTZEL.

TOPEKA, KANS., *November 20, 1942.*
Hon. ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.:

Trust you will do everything possible to delay gasoline rationing. It will paralyze the entire farm effort. There is no possible excuse for it in Kansas.

CLAYTON E. KLINE.

TOPEKA, KANS., *November 18, 1942.*
Hon. ARTHUR CAPPER,
United States Senate:

Please use all influence to support JOHNSON'S resolution to delay gasoline rationing in Midcontinent area for 3 months, at least, and preferably indefinitely. In our opinion, gasoline rationing in this area of plenty would not forward war effort but would greatly hamper agricultural pursuits and paralyze general business. Gasoline rationing would curtail activities and ruin business of more than 5,000 insurance agents, company representatives, fire-prevention inspectors, their office employees and families. More than $27,000,000 in premium written in Kansas will be sharply reduced and the populace left without adequate inspection or protection.

PRESIDENT, KANSAS ASSOCIATION
OF INSURANCE AGENTS.

WICHITA, KANS., *November 18, 1942.*
Hon. ARTHUR CAPPER,
Senate Office Building:

Kansas does not afford mass transportation facilities. North and south transportation in Kansas is dependent on busses. They are now overcrowded. East and west trains and busses are now overcrowded. Industrial workers are dependent on their automobile for transportation to necessary works. Farmers are dependent on cars and trucks to run ranches and farms, either directly or indirectly. Petroleum, farming, and defense works are consuming all Kansans' efforts. Necessary travel to carry on these essential efforts require more mileage than is allowed in the ration set-up. We are asking for a 90-day period of grace to determine if voluntary relinquishment of unnecessary driving will be a satisfactory answer to the present problem. Our faith in Kansas people indicates unnecessary travel will be cut out. We heartily endorse Representative JOHNSON'S resolution.

THE DERBY OIL CO.,
ZOLLER KELLER.

Mr. LANGER. Mr. President, I ask unanimous consent to insert at this point in the RECORD and to have appropriately referred some telegrams coming to me from different sections of North Dakota. The senders represent some of the most prominent business firms and some of the leading individuals in the State.

There being no objection, the telegrams were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WILLISTON, N. DAK., *November 21, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

Rationing gasoline will hamper my operations producing wheat and livestock, thereby curtailing our war effort. Please enter my protest.

E. W. HANSEN.

ROLLA, N. DAK., *November 20, 1942.*
Hon. Senator WILLIAM J. LANGER,
Washington, D. C.:

Imperative gas rationing be postponed to protect health and morale. No other means transportation, our distances home to school, hospitals cannot be compared to East. If the East and Army want food, they must stop taking away essential products that all work toward production. One wrong rationed item, combined with labor shortage, will drive the farmers off the farm. The farmer is having a hard time now. Don't make it harder. Too much labor, tires, gasoline wasted now over rationing and red tape. We live here; we know. Thanks, BILL.

MUNRO HARDWARE & LUMBER CO.
ROLLA OIL CO.
ROLLA IMPLEMENT CO.

MEDINA, N. DAK., *November 21, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:

The undersigned approve Congressman JOHNSON'S resolution to postpone rationing gas for 90 days.

ED TRAUTMAN.
PHIL HOFFMANN.
JAKE SCHAUER.
WALTER SCHWARTZ.
WALTER ROBERT JONES.
RUDOLPH GRAF.
REULE MOTOR.

GALCHUTT, N. DAK., *November 21, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

We urge that you support Congressman JOHNSON'S resolution postponing gas rationing outside the East for at least another 90 days.

Quality Oil Co., Farmers Union Oil Co., H. E. Syvertsen, Gilbert Johnson, Galchutt Farmers Elevator Co., O. A. Klubberud, R. W. Sether, Palmer Flaa, John Bjerkager, Walter Klubberud, Alvin Carlson, E. O. Troeve, Harold Syvertsen, William Johnson, W. P. Loff.

ALSEN, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

Please support Congressman JOHNSON of Oklahoma resolution to postpone rationing gasoline for at least 90 days.

FARMERS OIL CO.,
GEORGE A. ROHN, *Manager.*

ENDERLIN, N. DAK., *November 19, 1942.*
Hon. Senator WM. LANGER,
Washington, D. C.:

We urgently request that you give Congressman JOHNSON'S resolution to postpone gasoline rationing for 90 days your wholehearted support. We find program not ready to submit to public. Rationing committees confused. Rationing blanks and supplies inadequate. General public in state of confusion and disgusted. Reliable figures seem to prove entire program unnecessary. Why not give patriotic American citizens 90 days to show they do not need to be regimented?

AL GILBERTSON.

FESSENDEN, N. DAK., *November 18, 1942.*
Hon. WM. LANGER,
Washington, D. C.:

We urge Congress to postpone rationing. We feel it is absolutely not necessary in our State. Support Congressman JOHNSON.

Farmers Union Oil Co., Harry F. Seidel, Clarence K. Renden, Oliver Rodne, Albert Kuball, Aug. H. Seidel, Edward Seidel, Milton Pepple, Jacob Pepple, Fred Platte, W. H. Seidel, Erwin E. Seidel, John H. Edinger, J. A. Rodacker, John Dovre.

CASSELTON, N. DAK., *November 18, 1942.*
Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.:

In favor of Congressman JOHNSON'S resolution calling on O. P. A. to postpone gas rationing for 90 days.

MAPLETON CO-OP CO.,
JAMES FARRELL, *Manager.*

DICKINSON, N. DAK., *November 19, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

Believe gas rationing this territory not justified. Support Johnson resolution.

DEITRICH JOHNSON MOTOR CO.

ELLIOTT, N. DAK., *November 18, 1942.*
Hon. WM. LANGER:

We urge you to support Congressman JOHNSON'S resolution postponing gasoline rationing.

ELLIOTT FARMERS SUPPLY CO.

FARGO, N. DAK., *November 17, 1942.*
Senator WM. LANGER,
Washington, D. C.:

Please exert your influence in obtaining postponement of gasoline rationing for this area. Confident that ration will be serious handicap to agriculture.

MIDLAND PRODUCE CO.

FINLEY, N. DAK., *November 18, 1942.*
Senator WM. LANGER,
Washington, D. C.:
Support Congressman JOHNSON'S resolution to postpone gas rationing for 90 days.
FARMERS UNION OIL CO.

HUNTER, N. DAK., *November 18, 1942.*
Hon. WM. LANGER,
Washington, D. C.:
Please support Congressman JOHNSON'S resolution postponing gas rationing 90 days.
HUNTER CIVIC CLUB.

LIDGERWOOD, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER:
Back Johnson resolution on gas postponement; do what you can.
LIDGERWOOD MONITOR.

MINOT, N. DAK., *November 18, 1492.*
Senator WILLIAM LANGER,
Washington, D. C.:
I trust you will use your efforts in support of Congressman JOHNSON'S resolution asking for deferment of gasoline rationing for 90 days pending further surveys.
R. J. COUGHLIN,
President, Westland Oil Co.

NEW ROCKFORD, N. DAK., *November 19, 1942.*
Hon. WILLIAM LANGER,
United States Senator,
Washington, D. C.:
Due to the delayed registration it will be a hardship on a great number of people in our State if gasoline rationing is to go into effect on the twenty-second. We urge you to support Congressman JOHNSON to postpone gasoline rationing for 90 days.
ROCKFORD OIL CO.
HERMAN ALLMARAS.

STRASBURG, N. DAK., *November 19, 1942.*
Senator W. J. LANGER,
Washington, D. C.:
Please support Congressman JOHNSON'S resolution to postpone rationing gasoline.
JOHN J. BAUMGARTNER.

VALLEY CITY, N. DAK., *November 18, 1942.*
Hon. WILLIAM LANGER.
DEAR FRIEND: We understand Congressman JOHNSON, of Oklahoma, has introduced a resolution to postpone gas rationing outside of the East for 90 days. We, as an organization of the Farmers' Union, ask you to support Congressman JOHNSON wholeheartedly in his efforts.
Yours truly,
FARMERS' UNION OIL CO.,
GEORGE H. LANGE, *Manager.*

WYNDMERE, N. DAK., *November 18, 1942.*
Senator LANGER,
Washington, D. C.:
The wishes of majority of farmers this locality would like postpone rationing outside of the East for 60 to 90 days on gasoline.
WYNDMERE OIL CO.

BISMARCK, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
Support Johnson's resolution to postpone rationing 90 days. Highway travel reduced now 33 percent.
LOMAS OIL CO.

NEW ROCKFORD, N. DAK.,
November 19, 1942.
Hon. WILLIAM LANGER,
United States Senate:
Would appreciate any help given Congressman JOHNSON to extend gasoline rationing for 90 days.
F. F. ALLMARAS.

MINOT, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
Urge immediate support JOHNSON'S resolution postponing gas rationing here.
WARD COUNTY FARMERS' UNION.

HUNTER, N. DAK., *November 18, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:
Please support Congressman JOHNSON'S resolution postponing gas rationing 90 days.
TOWN BOARD OF HUNTER.

LISBON, N. DAK., *November 18, 1942.*
United States Senator WILLIAM LANGER,
Washington, D. C.:
People here very dissatisfied with thought of gas rationing. Please put up vigorous fight for Congressman JOHNSON'S motion delaying gas rationing 90 days.
M. O. SATRE.
GEORGE CRITES.

FINLAY, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
We urge you to support Johnson resolution to postpone gasoline rationing.
H. R. STARK, *Chairman,*
Board of County Commissioners.

MINOT, N. DAK., *November 18, 1942.*
Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.:
We urge your support efforts now being made to postpone gasoline rationing this area until thorough investigation can be made. Reduction in speed and release of excess tires have made North Dakota motorists conscious of rubber shortage. Further curtailment this State will have serious effect our already limited distribution facilities.
MINOT ASSOCIATION OF COMMERCE.

HUNTER, N. DAK., *November 18, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:
Please support Congressman Johnson resolution postponing gas rationing 90 days.
STATE OIL & AUTO CO.,
C. H. HOWELLS.

STRASBURG, N. DAK., *November 19, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
Please support Congressman JOHNSON'S resolution to postpone rationing gasoline.
BEAVER OIL CO.,
J. P. WICKENHEISER,
President and District Manager.

WYNDMERE, N. DAK., *November 18, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
Support Johnson resolution postponing gas rationing. Our farmers need gas.
WYNDMERE COMMERCIAL CLUB.

DICKINSON, N. DAK., *November 19, 1942.*
Hon. Senator WILLIAM LANGER,
Senate Office Chambers:
Please use your utmost influence to abolish Midwest gas rationing. This measure is most unpopular, infeasible, and harmful to people of North Dakota. Your efforts will be highly appreciated.
HENRY ABERSON.
STEVE MILLER.
FRED SCHWENK, Jr.

HILLSBORO, N. DAK., *November 20, 1942.*
Hon. WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:
We urge full support of Congressman JOHNSON'S resolution for postponement of gas rationing 90 days. This is imperative; late season, much hauling grain and livestock.
FARMERS UNION OIL CO.,
T. O. THOMPSON, *Agent.*
STEENS SERVICE STATION.
JAHNKE OIL CO.
AL'S STANDARD SERVICE.
TYDOL SERVICE STATION.

OAKES, N. DAK., *November 19, 1942.*
Hon. WILLIAM LANGER,
Senator, Washington, D. C.:
We strongly urge you support Congressman JOHNSON'S (Oklahoma) resolution postponing gasoline rationing 90 days.
ECONOMY OIL CO.
A. O. FOSTER OIL CO.
OAKES OIL CO.
WILHELMS TEXACO OIL CO.
A. H. DENNINGS SKELLY OIL CO.

WILLISTON, N. DAK., *November 19, 1942.*
Hon. Senator LANGER,
Washington, D. C.:
Rationing of gasoline will seriously affect livelihood of our Navy and reduce war effort.
WILLIAM FREEMAN.

WILLISTON, N. DAK, *November 19, 1942.*
Hon. Senator LANGER,
Washington, D. C.:
Rationing program will seriously hinder my efforts on behalf of the war.
FRANK KULPINSKI.

WASHBURN, N. DAK., *November 19, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
We urge your support of Congressman JOHNSON'S resolution on gas rationing postponement.
FARMERS COOPERATIVE OIL CO.

ROLLA, N. DAK., *November 19, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:
For North Dakota mileage rationing more feasible gas rationing endangers motorists' lives due to cars stalling, etc.
CLARK MOTOR SERVICE.

NEW SALEM, N. DAK., *November 20, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:
We ask you to support Congressman JOHNSON'S Oklahoma resolution calling on Office Price Administration to postpone gasoline rationing in our State for at least 90 days.
NEW SALEM LIONS CLUB,
MAX THIELE, *Secretary.*

NEW ROCKFORD, N. DAK.,
November 19, 1942.
WILLIAM LANGER,
United States Senator,
Washington, D. C.:
Any effort to extend gasoline rationing will be appreciated by us.
FRED BRUNS,
President, Kiwanis Club.

MAYVILLE, N. DAK., *November 19, 1942*
Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.:
Your efforts toward an extension of effective date on national gas rationing in Midwestern States would be appreciated. Small independent dealers will be forced to close up giving majors who have the finances and resources to continue to operate after independents are forced out of business.
CARL BRAUN.

HARVEY, N. DAK., *November 19, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:
Please cooperate with Congressman JOHNSON, Oklahoma, to fullest extent calling on

Office of Price Administration to postpone rationing of gas outside of the East.

CIVIC AND COMMERCE ASSOCIATION,
J. J. REIMER, *Secretary.*

WILLISTON, N. DAK., *November 20, 1942.*
Hon. Senator WILLIAM LANGER:

As a grain and livestock farmer seriously oppose gasoline rationing.

DWIGHT THURLOW.

WILLISTON, N. DAK., *November 20, 1942.*
Hon. WILLIAM LANGER,
Senator:

Seriously oppose gasoline rationing. Hindrance to my help in winning the war.

J. J. HARTLE.

UPHAM, N. DAK., *November 21, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:

As chairman county commissioners representing undersigned taxpayers, enter emphatic protest against gasoline rationing. Will work severe hardship on people this territory, far removed from trading and medical centers. Urge you attempt avert unnecessary move.

John Resler, J. Almquist, Carl Smette, August Zeretzke, Harvey Halvorson, Halvor Halvorson, Morgan Erickson, Walter Ervin, Bob Kersten, George Rice, Clarence Smette, Lester Moen, Herbert Bertsch.

GOODRICH, N. DAK., *November 19, 1942.*
Hon. WILLIAM LANGER,
United States Senate:

We request you support Congressman JOHNSON's resolution postponing gas rationing.

GOODRICH WELFARE ASSOCIATION.

DICKINSON, N. DAK., *November 19, 1942.*
The Honorable Senator WILLIAM LANGER:

Owing to distances, producer must travel from farm to market. We urge you support Congressman JOHNSON's resolution to postpone gasoline rationing. We feel this absolutely necessary in the best interest of the war effort.

SAX MOTOR CO.
SAX AUTO CO.

CASSELTON, N. DAK., *November 19, 1942.*
Senator WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:

Our Farmers Union Oil Co. of 300 patrons urge that you support Congressman JOHNSON's resolution for the postponement of gasoline rationing for 90 days.

L. G. HASKINS, *Manager.*

NEW ROCKFORD, N. DAK.,
November 19, 1942.
WILLIAM LANGER,
Senator, Washington, D. C.:

Your efforts to defer gasoline rationing will be appreciated.

NEW ROCKFORD JUNIOR CHAMBER OF COMMERCE,
NORMAN PEDERSON, *Secretary.*

WILLISTON, N. DAK., *November 20, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:

We, as farmers, protest strongly to rationing gasoline, as it slows up our war efforts in every way. Please intervene.

RAY W. BOYCE.
OSCAR O. PETERSON.

WILLISTON, N. DAK., *November 20, 1942.*
United States Senator LANGER:

The farmers and stockmen of the Northwest are considering to sell practically all their livestock and abandon farming unless some arrangement is made for reasonable amount of gas to operate. What is the matter with our Senators in Washington?

W. S. DAVIDSON.

WILLISTON, N. DAK., *November 20, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

As a producer of wheat and livestock rationed gasoline will slow down my operations thereby working against our war production therefore kindly enter my protest.

LUTHER DODD.

BOTTINEAU, N. DAK., *November 20, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

We will appreciate your efforts to have gas rationing postponed for at least 90 days. Conditions here are such that our farmers will suffer if they cannot complete fall work and haul fuel and food supplies.

BOTTINEAU COMMUNITY SERVICE CLUB,
E. C. SUCKSTORFF, *President.*

DICKINSON, N. DAK., *November 20, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

Please support Congressman JOHNSON's resolution to postpone rationing of gasoline. The Midwest needs gasoline to help keep up the home front. Distances are too great out here and if gasoline is rationed it will affect our war efforts accordingly.

J. P. GRADY.

HILLSBORO, N. DAK., *November 20, 1942.*
Hon. WILLIAM LANGER,
Washington, D. C.:

The Hillsboro Civic Club request that gasoline rationing be suspended until a more thorough investigation of the rubber supply can be made.

HILLSBORO CIVIC CLUB.

HILLSBORO, N. DAK., *November 21, 1942.*
Hon. WILLIAM LANGER,
United States Senate Office Building,
Washington, D. C.:

We urge you to postpone gasoline rationing in the Northwest until it is investigated and found to be necessary.

HILLSBORO JUNIOR CHAMBER OF COMMERCE,
T. O. THOMPSON, *President.*

KENMORE, N. DAK., *November 20, 1942.*
WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:

Labor shortage together with the increased demand for agriculture production makes gas rationing a sad blow for the farmers and businessmen of our State. We urge your support to postpone gas rationing in this area.

SPENCER BADEN FARMERS' UNION, LOCAL NO. 636,
F. E. BOUGHTON.

MCVILLE, N. DAK., *November 20, 1942.*
Senator WILLIAM LANGER:

We urge you to support Senator JOHNSON's gas-rationing resolution for 90 days.

FARMERS' UNION OIL CO.

OSNABROCK, N. DAK., *November 20, 1942.*
Senator WILLIAM LANGER,
Washington, D. C.:

Do everything possible to have gas rationing extended 90 days account farmers unable to get children into school on 4 gallons a week and no other way of transportation account no school busses.

OSNABROCK COMMUNITY CLUB.

E AWARDS FOR AMERICAN FARMERS

Mr. WILEY. Mr. President, I ask unanimous consent that a letter I have addressed this day to Hon. Claude Wickard, Secretary of Agriculture, be printed in the RECORD at this point, and also an editorial from the Milwaukee Journal under date of November 12, 1942, entitled "An E for Our Farmers."

The VICE PRESIDENT. Is there objection?

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
November 21, 1942.

Hon. CLAUDE WICKARD,
Secretary of Agriculture,
Washington, D. C.

DEAR MR. SECRETARY: No one on the home front has contributed more to the war effort than the American farmer.

Our farmers have produced the greatest harvest the world has ever known, and they are meeting the challenge of the biggest production job in world history.

Our armed forces are better fed than any army in the history of mankind. In addition to feeding our armed forces, the American farmer has supplied millions of tons of food for our civilian home front and for our Allies.

Chester Davis, of your Department, has said that England would have collapsed if it had not been for the shiploads of canned milk, eggs, and cheese from this country.

Mr. Secretary, 30 percent of those products come from Wisconsin, where we are producing 14,100,000,000 pounds of milk this year, and that is 500,000,000 pounds more production than last year.

In 1941 Wisconsin produced 476,000,000 pounds of cheese, and this year our production will top 545,000,000 pounds, which is half of the national production.

The production of evaporated milk in Wisconsin has been increased 28 percent. As you know, our Wisconsin egg production has been stepped up to 182,000,000 dozen, which is 21,000,000 dozen more than last year.

Wisconsin production of canned foods has been increased tremendously. We produced 268,800,000 pounds of canned peas this year as against 230,040,000 pounds in 1941.

Wisconsin farmers have increased their production of soybeans (for war plastics and explosives) from 37,000 to 85,000 acres in a year. We've increased our hemp acreage and our belladonna plantings.

All of these achievements have been accomplished despite farm labor and farm-machinery shortages.

Mr. Secretary, the American farmer deserves recognition by an E award for outstanding achievement and production on the home front.

This is a formal request for you to consider the possibility of making E awards to American farmers whose production has been particularly outstanding.

County agents, State colleges of agriculture, Federal Agriculture Department representatives, and State departments of agriculture could all cooperate in making nominations for this honor.

This war cannot be won without the achievements of the American farmer. It is high time that he be given recognition.

I will appreciate having the benefit of your comments at your earliest convenience and I hope it will be possible for you to take favorable action on this request.

Yours for victory,

ALEXANDER WILEY.

AN E FOR OUR FARMERS

Why not an official E for American agriculture with a silver star top rating for those in Wisconsin? No one on the civilian home front has done more to help in the war than the American farmer. Through

their own initiative and from their own skills and experience, spurred by deep loyalty, America's farmers have produced the greatest harvest the world has ever seen.

Almost overnight they high geared their farms from the moderate volume based largely on domestic peacetime demand to the biggest production job in history, not only feeding the home front but supplying the foods needed for the rapidly growing armed service, the best fed in the world, and on top of that, they shipped millions of tons to help feed an undernourished world.

Johnny Doughboy eats 2,485 pounds of food a year, about one and one-fourth tons. Mr. Civilian averages 1,406 pounds. Our farmers have produced the 1,000 more pounds needed for the fighting man, and in addition gone a long way to helping feed our Allies. Returning from a mission to England, Chester Davis of the Federal Department of Agriculture said that England a year ago would have been blitzed to her knees in collapse but for the shiploads of canned milk, eggs, and cheese from this country, of which a good 30 percent comes out of this State.

Just now, with the pinch of imported foods and meats showing up, the administration begins to show appreciation of what the farmer has gone through, the producing of more with less—less labor, less machinery and equipment.

Let's review a few facts of accomplishments of our Wisconsin farmers even though with stubborn handicaps of labor shortages and machinery restrictions. The farmer's hired man was lured away by the 40-hour week and high wages in the shops, and his son answered the call to colors. Even so, our farmers performed miracles in production of foods, feeds, and fiber.

* * * * *

Produce more milk, said military authorities.

Wisconsin farmers this year will produce 14,100,000,000 pounds, up 500,000,000 pounds from a year ago and 11.7 percent of the national production.

Hurry! We need more cheese!

In 1941 Wisconsin produced 476,000,000 pounds. This year the State has been producing 1,000,000 pounds of American (Cheddar) cheese daily and on all cheese will top 545,000,000 pounds, up 15 percent, and half of the national production.

We must have more evaporated milk!

Stretching production the farmers shipped enough milk to the condensing plants to turn out 6,000,000,000 pounds this year, an increase of 25 percent over last year, and in this State production was jumped 28 percent.

There must be more poultry and eggs.

The hatcheries responded and so did the farmer's wife. Instead of eggs for grocery money, the farm folks in this State who produced 150,000,000 dozens in 1940 will this year produce 182,000,000 dozens, or 32,000,000 dozens more than 2 years ago and 21,000,000 dozens more than last year.

Soybeans are needed for industry and war, plastics and explosives.

Wisconsin farmers jumped production from 37,000 to 85,000 acres in a year.

There must be more canned foods.

And Wisconsin upped its production of canned peas from 230,040,000 pounds in 1941 to 268,800,000 this year, and there was more corn, cherries, and sauerkraut.

Even more startling is how our farmers stepped in to fill voids. When importations of hemp stopped from the Philippines and the Orient, central Wisconsin farmers planted the crop to produce cordage the Navy must have. They may grow 30,000 acres next year. Just let the farmers know what is wanted and they'll grow it somewhere in this country.

We are short of belladonna, urgently needed by doctors.

Seeds of a strange plant once imported from the Balkans were skillfully transplanted by Wisconsin tobacco growers, and the Nation has belladonna to be used by the oculist and surgeon. A medical need was quickly filled.

* * * * *

Make no mistake about it. The farm victory, as Secretary Wickard says, is a victory over Axis foes. Every ounce of dried milk, every pound of cheese, helps a soldier or factory artisan punch harder in our fight. Every bushel of farm food hammers at the lines of the enemy.

If anyone has an E coming, it's our farmers.

HOMELAND FOR THE JEWISH PEOPLE—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. BILBO asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah at the Manhattan Center, New York City, November 17, 1942, under the auspices of the New Zionist Organization of America, which appears in the Appendix.]

ADDRESS BY SENATOR O'DANIEL BEFORE ALABAMA LEGISLATURE

[Mr. O'DANIEL asked and obtained leave to have printed in the RECORD an address delivered by him before the Legislature of Alabama on November 19, 1942, which appears in the Appendix.]

ADDRESS BY MR. JUSTICE MURPHY BEFORE ADVERTISING CLUB OF BOSTON

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address to the Advertising Club of Boston, delivered by Mr. Justice Murphy, on November 5, 1942, which appears in the Appendix.]

ORGANIZATION FOR FOOD SUPPLY—ARTICLE BY HON. HERBERT HOOVER

[Mr. CAPPER asked and obtained leave to have printed in the Appendix of the RECORD an article by Hon. Herbert Hoover on the subject Organization for Food Supply, published in the December 1942 issue of Farm Journal and Farmer's Wife, which appears in the Appendix.]

ARMISTICE DAY ADDRESS BY LT. GEN. LESLEY J. McNAIR, UNITED STATES ARMY

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD the Armistice Day address delivery by Lt. Gen. Lesley J. McNair, United States Army on Wednesday, November 11, 1942, which appears in the Appendix.]

ADDRESS BY HON. JOSEPH C. GREW AT OMAHA, NEBR.

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by Hon. Joseph C. Grew, former Ambassador to Japan, before an Office of Civilian Defense audience at Omaha, Nebr., on November 19, 1942, which appears in the Appendix.]

AMERICA'S MERCHANT MARINE OF THE AIR—ADDRESS BY JUAN T. TRIPPE

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an address on the subject America's Merchant Marine of the Air, delivered by Mr. Juan T. Trippe, president of Pan American Airways System, on November 16, 1942, at the Waldorf Astoria Hotel, New York, in connection with the New York Herald Tribune Forum, which appears in the Appendix.]

EFFECT OF GASOLINE RATIONING ON TRAVELING SALESMEN—STATEMENT BY J. S. KNIGHT

[Mr. DOXEY asked leave to have printed in the RECORD a statement prepared by Mr. J. S. Knight, executive officer of the Mississippi Traveling Men's Association, and his associates, on the subject of gasoline rationing, which appears in the Appendix.]

TELL THAT FOX—SERMON BY THE CHAPLAIN

[Mr. WILEY asked and obtained leave to have printed in the RECORD a sermon entitled "Tell That Fox," delivered by the chaplain, Rev. Frederick Brown Harris, D. D., in the Foundry Church of Washington, D. C., which appears in the Appendix.]

A UNITED NATIONS PEACE FORCE—ARTICLE BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "We Must Have a United Nations Peace Force," prepared by him and published in the December issue of the True Detective Magazine, which appears in the Appendix.]

ATTENDANCE RECORD OF SENATOR MAYBANK

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing my record of attendance in the second session of the Seventy-seventh Congress, as indicated by the roll calls.

I am glad to say that the RECORD shows I was absent from the Senate only 11 days during the session, despite the fact there was a death in my family, and despite the fact that I was engaged in a primary campaign. I ask that this compilation be printed in the CONGRESSIONAL RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

No.	Date	Record
1	Jan. 5, 1942	Present.
2	Jan. 6, 1942	Do.
3	do	Do.
4	Jan. 7, 1942	Do.
5	Jan. 8, 1942	Do.
6	do	Do.
7	do	Do.
8	Jan. 9, 1942	Do.
9	do	Do.
10	do	Do.
11	do	Do.
12	do	Do.
13	Jan. 10, 1942	Do
14	do	Do.
15	do	Do.
16	Jan. 12, 1942	Do.
17	Jan. 14, 1942	Absent.
18	do	Do.
19	do	Do
20	Jan. 16, 1942	Do.
21	do	Do.
22	Jan. 19, 1942	Present.
23	do	Do.
24	Jan. 20, 1942	Do.
25	Jan. 22, 1942	Do.
26	Jan. 26, 1942	Do.
27	do	Do.
28	Jan. 27, 1942	Do.
29	Jan. 28, 1942	Do.
30	do	Do.
31	do	Do.
32	Jan. 29, 1942	Do.
33	Feb. 2, 1942	Do.
34	Feb. 3, 1942	Do.
35	do	Do.
36	do	Do.
37	Feb. 5, 1942	Do.
38	Feb. 13, 1942	Do.
39	do	Do.
40	Feb. 17, 1942	Do.
41	do	Do.
42	Feb. 18, 1942	Do.
43	Feb. 19, 1942	Do.
44	do	Do.
45	Feb. 23, 1942	Do.
46	Feb. 24, 1942	Do.
47	do	Do.
48	Feb. 25, 1942	Do.
49	do	Do.
50	do	Do.
51	do	Do.

No.	Date	Record
52	Feb. 26, 1942	Present.
53	do	Do.
54	Mar. 2, 1942	Do.
55	Mar. 5, 1942	Do.
56	Mar. 9, 1942	Do.
57	do	Do.
58	Mar. 10, 1942	Do.
59	do	Do.
60	do	Do.
61	Mar. 11, 1942	Do.
62	do	Do.
63	do	Do.
64	Mar. 12, 1942	Absent.
65	do	Do.
66	Mar. 13, 1942	Do.
67	do	Do.
68	Mar. 16, 1942	Do.
69	do	Do.
70	Mar. 17, 1942	Do.
71	Mar. 18, 1942	Present.
72	do	Do.
73	Mar. 19, 1942	Do.
74	do	Do.
75	Mar. 20, 1942	Do.
76	do	Do.
77	do	Do.
78	Mar. 23, 1942	Do.
79	do	Do.
80	Mar. 24, 1942	Present.
81	do	Do.
82	do	Do.
83	Mar. 25, 1942	Do.
84	do	Do.
85	do	Do.
86	Mar. 26, 1942	Do.
87	do	Do.
88	do	Do.
89	Mar. 27, 1942	Do.
90	do	Do.
91	do	Do.
92	do	Do.
93	do	Do.
94	Mar. 30, 1942	Absent.
95	do	Do.
96	do	Do.
97	Mar. 31, 1942	Present.
98	do	Do.
99	Apr. 1, 1942	Do.
100	do	Do.
101	Apr. 7, 1942	Do.
102	do	Do.
103	do	Do.
104	Apr. 20, 1942	Do.
105	Apr. 27, 1942	Do.
106	do	Do.
107	Apr. 28, 1942	Do.
108	Apr. 30, 1942	Do.
109	do	Do.
110	May 1, 1942	Do.
111	do	Do.
112	May 4, 1942	Do.
113	do	Do.
114	May 5, 1942	Do.
115	do	Do.
116	May 6, 1942	Do.
117	do	Do.
118	do	Do.
119	May 7, 1942	Do.
120	May 11, 1942	Do.
121	do	Do.
122	May 12, 1942	Do.
123	do	Do.
124	May 14, 1942	Do.
125	do	Do.
126	May 15, 1942	Do.
127	do	Do.
128	do	Do.
129	May 18, 1942	Do.
130	do	Do.
131	do	Do.
132	May 19, 1942	Do.
133	do	Do.
134	May 20, 1942	Do.
135	do	Do.
136	do	Do.
137	do	Do.
138	do	Do.
139	May 21, 1942	Do.
140	May 25, 1942	Do.
141	May 26, 1942	Do.
142	do	Do.
143	May 27, 1942	Do.
144	do	Do.
145	May 28, 1942	Do.
146	June 1, 1942	Do.
147	June 8, 1942	Do.
148	do	Do.
149	do	Do.
150	June 11, 1942	Do.
151	June 15, 1942	Do.
152	do	Do.
153	do	Do.
154	June 18, 1942	Do.
155	do	Do.
156	do	Do.
157	June 22, 1942	Do.
158	do	Do.
159	do	Do.
160	do	Do.
161	June 25, 1942	Present.
162	do	Do.
163	do	Do.
164	June 26, 1942	Do.
165	do	Do.
166	do	Do.
167	June 29, 1942	Do.
168	do	Do.
169	June 30, 1942	Do.
170	do	Do.
171	do	Do.
172	do	Do.
173	July 1, 1942	Do.
174	do	Do.
175	do	Do.
176	do	Do.
177	July 2, 1942	Do.
178	do	Do.
179	do	Do.
180	July 6, 1942	Do.
181	do	Do.
182	do	Do.
183	July 7, 1942	Do.
184	do	Do.
185	do	Do.
186	July 13, 1942	Do.
187	July 14, 1942	Do.
188	July 15, 1942	Do.
189	do	Do.
190	do	Do.
191	do	Do.
192	do	Do.
193	July 16, 1942	Do.
194	do	Do.
195	July 17, 1942	Do.
196	do	Do.
197	July 21, 1942	Do.
198	do	Do.
199	July 22, 1942	Do.
200	Aug. 24, 1942	Absent.
201	Aug. 25, 1942	Do.
202	do	Do.
203	do	Do.
204	do	Do.
205	Aug. 27, 1942	Do.
206	Sept. 10, 1942	Do.
207	do	Do.
208	Sept. 14, 1942	Present.
209	do	Absent.
210	Sept. 17, 1942	Present.
211	Sept. 21, 1942	Do.
212	do	Do.
213	Sept. 22, 1942	Do.
214	do	Do.
215	Sept. 23, 1942	Do.
216	do	Do.
217	Sept. 24, 1942	Do.
218	do	Do.
219	do	Do.
220	Sept. 25, 1942	Do.
221	do	Do.
222	do	Do.
223	Sept. 28, 1942	Do.
224	do	Do.
225	do	Do.
226	Sept. 29, 1942	Do.
227	do	Do.
228	do	Do.
229	do	Do.
230	Sept. 30, 1942	Do.
231	do	Do.
232	do	Do.
233	do	Do.
234	Oct. 1, 1942	Do.
235	Oct. 2, 1942	Do.
236	Oct. 6, 1942	Do.
237	do	Do.
238	Oct. 7, 1942	Do.
239	do	Do.
240	Oct. 8, 1942	Do.
241	do	Do.
242	do	Do.
243	Oct. 9, 1942	Do.
244	do	Do.
245	do	Do.
246	do	Do.
247	Oct. 10, 1942	Do.
248	do	Do.
249	Oct. 15, 1942	Do.
250	Oct. 19, 1942	Do.
251	Oct. 20, 1942	Do.
252	do	Do.
253	do	Do.
254	do	Do.
255	Oct. 22, 1942	Do.
256	do	Do.
257	Oct. 23, 1942	Do.
258	do	Do.
259	Oct. 24, 1942	Do.
260	do	Do.
261	do	Do.
262	do	Do.
263	Nov. 12, 1942	Do.
264	Nov. 13, 1942	Do.
265	do	Do.
266	do	Absent.
267	Nov. 14, 1942[1]	Do.
268	Nov. 16, 1942	Present.
269	do	Do.
270	do	Do.
271	do	Do.
272	do	Do.
273	do	Do.
274	do	Do.
275	do	Do.
276	do	Do.
277	Nov. 17, 1942	Do.
278	do	Do.
279	Nov. 18, 1942	Do.
280	Nov. 19, 1942	Do.

[1] Appeared at 3:19 p. m.

Total number of roll calls: 280.
Total number of absences: 26; 11 days.

PERSONAL EXPLANATION

Mr. BUNKER. Mr. President, relating to the proceedings of the Senate 1 week ago today, I wish to read a short statement which appears in Time magazine.

The Sergeant at Arms' staff routed Nevada's Senator BERKELEY L. BUNKER out of his office by using a passkey.

It is so seldom that newspapers and periodicals make mistakes that when they do I think it is important that they should be corrected. No passkey was used in my office a week ago today in inviting me to come to the Senate. I was met at my door by one of the deputies of the Sergeant at Arms' office. I should like to read a statement which appeared in the Washington Post yesterday:

JURNEY DENIES "ARREST" OF SENATOR BUNKER

The Senate Sergeant at Arms, Chesley W. Jurney, told reporters yesterday that Senator BUNKER (Democrat), of Nevada, had not been arrested in a recent attempt to obtain a quorum for action on the anti-poll-tax bill, as was reported Saturday.

The Sergeant at Arms explained that BUNKER had been absent at lunch and was preparing to leave his office for the Senate floor when the deputies reached there. Jurney said no arrest warrant was served on the Nevadan who, he commented, was one of the most regular attendants at Senate sessions.

This clears the matter up once and for all, so far as I am concerned.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BUNKER. I yield.

Mr. McKELLAR. Has the Senator made any request about the matter? If not, I should like to make a unanimous-consent request that the RECORD be corrected, so far as the Senator from Nevada is concerned, and that the permanent RECORD should not show that the Senator from Nevada was arrested.

The VICE PRESIDENT. The Chair is informed by the Sergeant at Arms that the records do not show that the Senator from Nevada was arrested.

Mr. McKELLAR. I should like to have the RECORD show affirmatively that the Senator from Nevada was not arrested. I ask unanimous consent that the RECORD be corrected.

The VICE PRESIDENT. The Sergeant at Arms further states that none of the three was arrested.

Mr. McKELLAR. I have no request to make about the RECORD so far as I am concerned, not a particle.

Mr. BUNKER. I appreciate the comments of the Senator.

Mr. McKELLAR. I am perfectly willing to have the RECORD stand as it is so far as I am concerned, but I say for the RECORD to remain as it is about the splendid young Senator from Nevada would be, to my mind, an outrage, and it should not be in the permanent RECORD.

Mr. BARKLEY. Mr. President, I will say to the Senator from Nevada, and to other Senators interested, that there is nothing in the RECORD which shows that any Senator was arrested. The RECORD merely shows that Senators appeared at certain times and answered to the roll call.

Mr. BUNKER. That is true.

Mr. BARKLEY. I do not object to the RECORD showing the facts the Senator has stated. I certainly would not object to that request.

Mr. McKELLAR. Mr. President, I have asked unanimous consent that the RECORD show affirmatively that the Senator from Nevada was not arrested, and I ask that the request be submitted to the Senate.

Mr. MAYBANK. Mr. President, will the Senator from Nevada yield to me?

Mr. BUNKER. I yield.

Mr. MAYBANK. I should like to know in this connection where I stand. I have read much in the newspapers about what was done to me and what was not done to me.

Mr. McKELLAR. Will not the Senator allow this request, so far as the Senator from Nevada is concerned, to be put? The Senator from Nevada will go out of the Senate in January, and I do not think a blot should be left on his name if it can be prevented. I ask unanimous consent that there be expunged from the RECORD any reference to his being arrested, or to a warrant being issued for him. I hope the Chair will do me the honor to put the request to the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? Without objection, the request is agreed to, although the Chair may say there is nothing in the RECORD to be corrected. Nevertheless, Senators have agreed to the correction.

Mr. McKELLAR. Under the unanimous consent, I think the Senator from Nevada can have the RECORD fixed so as to show that he was not arrested.

Mr. BUNKER. I appreciate the remarks of the Senator from Tennessee, as well as the public statement that was issued by the very capable and efficient Sergeant at Arms, Mr. Jurney.

Mr. MAYBANK. Mr. President, I should like to ask what the RECORD shows in reference to me.

The VICE PRESIDENT. The RECORD merely states as follows:

To the PRESIDING OFFICER OF THE SENATE.

SIR: Pursuant to the order directing me to compel the attendance of absent Senators who are in Washington, D. C., I beg to report the following:

Senator BUNKER appeared in the Senate at 2:10 p. m.

Senator MAYBANK appeared in the Senate at 3:20 p. m.

Senator McKELLAR appeared in the Senate at 3:42 p. m.

Up to the present I have been unable to learn the whereabouts of Senators RUSSELL, DOXEY, O'DANIEL, OVERTON, and HILL.

Very respectfully,

CHESLEY W. JURNEY,
Sergeant at Arms,
United States Senate.

Mr. MAYBANK. The only difference between the three of us was as to the hour of arrival.

The VICE PRESIDENT. That is correct.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The Senate resumed the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

Mr. SMITH. Mr. President, I have not heretofore felt disposed to speak on the question which has been agitated——

Mr. BARKLEY. The Senator from South Carolina probably was not in the Chamber at the time we had an agreement. The time has been divided between the Senator from Texas and myself.

Mr. SMITH. I have spoken to the Senator from Texas. I did not feel very much like making a speech on so obvious a matter.

Mr. BARKLEY. What I mean is, the time is to be evenly divided.

Mr. SMITH. Five minutes is all I want.

Mr. CONNALLY. I yield 5 minutes to the Senator from South Carolina.

Mr. SMITH. Mr. President, I have been delighted to note the position assumed by the press on the question now before the Senate. For all these years every State has exercised what it thought was its constitutional right to regulate its suffrage. The poll tax in my State does not amount to a snap of the finger. So far as I am concerned, the law could be repealed, and it would not add or subtract a dozen votes. But it became a nail on which to hang a coat which spread over a week's debate in the Senate.

I was opposed to the principle of intruding on State rights. Two weeks ago we debated seriously a bill to tax the instrumentalities of a sovereign. Then comes another bill, to restrict its power to regulate its own internal affairs. Whither are we going? For 150 years we have unconsciously—and if our attention has been called to it, consciously—given to the States the right to regulate their own affairs. Now, in the year of our Lord 1942, we suddenly wake up to the fact that this Government, created by the States, a creature of the States, whose power to exist is in the hands of the States, which could have repealed every single article of the Constitution, has the power to repeal the charter of any State. The Federal Government is the creature of the States; the States are not the creatures of the Federal Government.

Mr. President, I merely wanted to put my State on record as being opposed to this gradual but very persistent encroachment upon our dual form of government. We will wake up some morning and find that the power of the States has gone, and that their affairs are being conducted by bureaucrats in Washington.

Mr. President, I have been greatly saddened to see the splendid form of our Government gradually being dissipated, changed, destroyed, not by reason of any principle which may be involved, but because someone hopes to get a few votes. I am glad my time is limited; otherwise I might say a great many things which would not be very agreeable in some quarters. I think the country is to be congratulated on the fact that we have in the Senate great statesmen who have become convinced in the last hours that the Federal Government does not now have all power over the States.

I wish to go on record and to congratulate those heroic Members of this body who have stood here and fought for the immemorial right of the States to attend to their own business, and I hope in the next election, as the fight was purely a political one, that evidence of this fight will be more apparent than it was in the last election.

Mr. CONNALLY. Mr. President, how much time did the Senator from South Carolina consume?

The VICE PRESIDENT. The Senator consumed exactly 5 minutes.

Mr. CONNALLY. I now yield 10 minutes to the Senator from Alabama [Mr. HILL], and if he does not complete his speech in that time I will yield him further time.

Mr. HILL. Mr. President, the Legislature of Alabama met in special session on Monday of this week, and both houses unanimously adopted the following resolution with reference to the pending poll-tax bill:

Be it resolved by the house of representatives (the senate concurring), That the Legislature of Alabama does hereby commend the Senators of the United States from this State and other Senators, particularly those from other sections of the Nation, for their magnificent fight against the measure now pending in Congress which is calculated to destroy our poll-tax law, upset our methods of holding elections, and seriously affect the friendly relations now existing between the races; be it further

Resolved, That the United States Senate is hereby earnestly implored not to pass said measure, thereby interfering in the right of the States to fix voting qualifications and destroying the last existing cornerstone of States' rights and local self-government.

Mr. President, in September, when the question of Congress passing legislation to abolish the poll tax first arose, I joined with the distinguished senior Senator from Texas [Mr. CONNALLY] in opposing such proposed action by the Congress. On the 10th day of September I rose in this body and made a speech protesting vigorously as I could against action by Congress to abolish the poll tax in the States which now have a poll tax. In my speech on September 10, I not only vigorously opposed such action, but I endeavored to show that it would be absolutely unconstitutional and would strike at the very foundation of our dual system of government.

Mr. President, I shall not now in the limited time allotted me attempt to repeat the arguments which I then endeavored to make against such action by the Congress; but I wish to say that those

of us who have opposed the bill joined together in solid phalanx. We pledged one to the other that we would use every power at our command, that we would use every parliamentary advantage within our grasp to bring about the defeat of the poll-tax bill.

During the days the bill has been before the Senate we have sought to carry out our plan and have stood fixed and steadfast in our determination that the bill should be defeated.

We who have made the fight, Mr. President, were conscious of the fact that the people of our States deeply resented the proposed action, that they deeply resented the bill, but we have felt that we were fighting not only for our own States, but for all the States of the Union. We have believed that we were fighting to safeguard the rights of the States, and to preserve their laws, their constitutions, their institutions, and their sovereignty.

The distinguished Senator from Wyoming [Mr. O'MAHONEY] yesterday in his very able and profound address made it perfectly clear that when the Federal Constitution was adopted it was then understood by its authors that the fixing of the qualifications of the voters should be left entirely in the hands of the States.

I am confident, Mr. President, from a reading of Madison's notes on the proceedings of the Constitutional Convention that brought into being the Federal Constitution, that had the Constitution when it was originally drafted made any provision other than that the qualifications of the electors should be fixed by the States, it would never have been ratified and adopted.

We recall that two of the greatest patriots of the Revolution, Patrick Henry, who sounded the tocsin of war and gave to us the battle cry of the American Revolution, and George Mason, who wrote the Virginia Bill of Rights, from which came the Bill of Rights in the Federal Constitution, opposed the ratification of the Federal Constitution because they believed that it took too much power out of the hands of the States and placed too much power in the hands of the Federal Government. The Constitution would never have been ratified had the provision in clear, definite, and unequivocal language not been written in section 2 of Article I placing in the States the power to fix the qualifications of the electors.

Mr. President, during all the 155 years of our history every time this matter has come before the Congress the Congress by its act has reaffirmed the principle that the fixing of the qualifications of electors is a power reposed in the States. The Congress reaffirmed this principle when it submitted the fourteenth amendment; again when it submitted the fifteenth amendment; and as late as 1913, when the Congress submitted the seventeenth amendment, it again affirmed that the determination of the qualifications of electors rests with the States. Even at a later date, in 1920, when the Congress submitted the woman-suffrage amendment, the nineteenth amendment, it once more affirmed the principle that the fixing of electors' qualifications is in the hands of the States.

Mr. President, there is a long line of Supreme Court decisions which throw light very directly upon the question of the fixing of the qualifications of electors and the fact that such power rests in the hands of the States. A search through the long line of decisions from the beginning of our Government down to the Pirtle case in 1941, 1 year ago, will disclose that every decision of the Supreme Court sustains the fact that the fixing of the qualifications of electors is, under the Federal Constitution, entirely in the hands of the States.

As we search through the constitutions and statutes of the various States we find many different provisions. Some States have a poll tax. Other States have other provisions. The Congress has no power under the Constitution to repeal or change such provisions.

Mr. President, we seek to maintain our dual system of Government. In this connection I desire to read to the Senate the words of Mr. Chief Justice White of the Supreme Court of the United States in the case of *Guinn* v. *United States* (238 U. S. 362), with reference to the fourteenth amendment. I invite Senators to listen to these words, because the language applies not alone to the States of Alabama, Florida, Louisiana, Texas, and other States in the South, but equally to every other State in the Union; it applies to the whole Federal system.

In speaking of the fourteenth amendment Mr. Chief Justice White had this to say:

> Beyond doubt the (fourteenth) amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Mr. President, when I read the resolution which was unanimously adopted by the Legislature of Alabama in which the legislature expressed its belief that the passage of the pending bill would destroy the cornerstone of State's rights, I recognized that my legislature was not speaking in any partisan or sectional sense, and that the Supreme Court of the United States, speaking through Chief Justice White, had made the same declaration.

Mr. President, we have opposed the pending bill and fought it with every means at our command because we believe, as did Mr. Chief Justice White, that once the Federal Government and the Congress step into the field of fixing qualifications, the camel will be getting his nose under the tent. Once we start abolishing the poll tax we must admit that the Federal Government and the Congress have the power to go into the whole field of qualifications, and can expand that field or narrow and limit it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CONNALLY. Is it not true that if we can negatively prohibit the requirement of certain qualifications to vote, we can also affirmatively impose qualifications?

Mr. HILL. There can be no question about it.

Mr. CONNALLY. We could impose a Federal poll tax upon the voters of every State in the Union.

Mr. HILL. The Senator is absolutely correct.

Mr. CONNALLY. Or we could abolish State registration laws and allow aliens to vote.

Mr. HILL. The moment it is admitted that Congress can enter that field, the Federal Government becomes sovereign in that field, and can exercise any power and do anything it wishes to do, as the Senator from Texas has so well suggested.

Mr. CONNALLY. Congress could provide that as soon as an alien puts his feet upon our soil he should be entitled to vote in New York, Massachusetts, and all other States where aliens are centralized.

Mr. HILL. The Senator is correct. When Congress once goes into that field it can make any provision it sees fit to make.

Mr. McKELLAR. Congress could go further than that; it could provide that children from 15 years of age up might vote.

Mr. HILL. The Senator from Tennessee is exactly correct.

Mr. BANKHEAD. Congress could go further than that and provide that an alien, even though naturalized, should never be allowed to vote.

Mr. HILL. The Senator is absolutely correct. Once this field is entered there is no limit to the power of Congress or to what it can do. The Federal Government would then be in a position to drive the States completely out of the field; it could take over the whole field and prohibit the States from fixing any qualifications.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HILL. I yield.

Mr. NORRIS. For the sake of the argument, and admitting all that the Senator has said to be true, would it not follow that if the Government should remain out of the field and allow the States to continue to tax the right to vote, the States could just as well charge $10 or $100 as $1.50?

Mr. HILL. No, I do not think so, but admitting for the sake of the argument——

Mr. NORRIS. Is it not a tax?

Mr. HILL. No; I would not say that it is a tax on a Federal function. The distinguished Senator from Georgia [Mr.

GEORGE], who is one of the most profound constitutional lawyers, not only in this body but in the whole Government, has stated——

Mr. NORRIS. If the States can tax a Federal function such as the right to vote, why can they not tax Federal post offices, courthouses, and other Government institutions?

Mr. HILL. I do not look upon the application of a poll tax as the taxing of a Federal function. It is merely a condition which the Supreme Court has said time and time again the States may prescribe.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McKELLAR. Various States have had this kind of taxation for 150 years. They have never done such an outrageous thing as to impose taxes of the nature which the Senator from Nebraska suggests. Would they be likely to do so at this late date?

Mr. CONNALLY. The very Constitution for which we are now fighting would prohibit their doing so.

Mr. HILL. The Constitution has held us together for 155 years, and the States have not yet done what the Senator from Nebraska suggests might happen. On the contrary, the whole disposition has been to get away from any property qualification or any tax for voting. The truth is that when the Colonies came together to form the Federal Union, practically all of them had either some form of property qualification or a poll tax as a prerequisite to the right to vote; and if the Senator will study the history of the poll tax he will see that in many instances the poll tax has been a major step toward the expansion of the right of suffrage, because the requirements of the States have pyramided to a sharp point. The States have got away from large property qualifications down to the small tax of $1.50 as a prerequisite to the right to vote.

Mr. NORRIS. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. NORRIS. Is there anything sacred about $1.50? Would it be wrong for a State having a poll-tax law to fix the tax at $2 or $3? Where is the limit?

Mr. HILL. No; it would not be wrong. The Senator from Georgia [Mr. GEORGE] made a very profound statement the other day which clarifies the situation. If I misquote him, I hope he will correct me. He stated that there is a limit of reasonableness. So long as we exercise the power in a reasonable, rational way, as we have exercised it for 155 years, we are entirely within our rights. May I ask the able Senator from Georgia if that is not the view he expressed a few days ago?

Mr. GEORGE. That is correct.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McKELLAR. The Senator from Nebraska asked if there is anything sacred in $1.50 or $2 as the amount which should constitute a poll tax. I do not think there is. But I should like to ask the Senator if there is not something sacred to every American citizen in seeing that the Constitution of the United States is implicitly observed? Is not that the sacredness of this situation?

Mr. NORRIS. I join in the sentiment expressed by the Senator from Tennessee.

Mr. HILL. I agree wholeheartedly with the Senator from Tennessee.

Mr. NORRIS. So do I.

Mr. HILL. The Senator from Nebraska says that he also agrees.

Mr. NORRIS. I do.

Mr. HILL. We heartily welcome the Senator from Nebraska. During the past week he has been on one side of the question under discussion and we have been on the other side. We are glad to have him join us in this respect.

Mr. NORRIS. I have never been on the other side. We all want to preserve the rights of free citizens. That is what we are trying to do through the proposed legislation.

Mr. HILL. Mr. President, my time has almost expired. In conclusion I wish to reiterate what I have already stated, that in making this fight, those of us who have so strenuously and bitterly opposed the bill have done so in the firm belief and in the faith that we were fighting for the rights and the sovereignty of all the States of the Union.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. SMITH. Does not the able Senator from Alabama realize that the cause of all this confusion is that when the Constitution was in flux and the framers were trying to formulate our dual form of government, the Constitution was not sufficiently seasoned with "pepper"? If it had been, I think it would have been all right. [Laughter.]

Mr. HILL. Mr. President, we have opposed the pending bill with every power at our command. I, for one, have no doubt as to what the outcome of the vote will be next Monday. When the vote is announced and the cloture rule is voted down, and the bill is defeated, it will indeed be a great victory for the rights and sovereignty of the States and for the preservation of the Constitution of the United States and our dual system of government.

Mr. BARKLEY. Mr. President, I yield 30 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes.

Mr. PEPPER. Mr. President, if one had heard the eloquent addresses which have been delivered in this body in the last week in violent denunciation of this measure, one would think that some hideous monster under the guise of tyranny and dictatorship had attempted to protrude its head into this democratic and humanitarian assembly. Certainly, one would think that some scalawag or carpetbagger was endeavoring to wrest from the glorious South its ancient honors, its privileges, and its rights. Certainly, its institutions have been stoutly defended by those who, I am sure, would not expect their right to be the spokesmen in an authoritative sense for the South to be questioned.

Mr. President, that eloquent, noble, and true spokesman for the South, not only a great Georgian but a great American, Henry W. Grady, quoting the words of another great American, in the city of Boston many decades ago, said, in substance, that "there was a South of slavery and secession. That South is dead. There is a South of union and freedom. That South, thank God, is living, breathing, growing every hour."

I should like posterity to determine, in so much as it may be interested in what any of us may say, who was the wiser counselor for the South we all love—the opponents or the author of this bill. This regrettable controversy, as it is, is not the first difference of opinion between my southern colleagues and me on national policy and legislation.

I have before me the vote of the United States Senate on the wage-hour law in 1937. That record contains conspicuously in the negative column many who are the eloquent opponents of this proposal.

There is likewise before me the record of the United States Senate on the question of the eradication of slums and the provision of adequate housing conditions for the people of America; and in the ranks of the opposition are to be found many Senators who have so eloquently, ably, and effectively opposed the passage of this bill.

There is still fresh in the memory of Senators the effort made at this session of Congress by one of the able Senators of the opposition who has been most vehement in the expression of his views—an effort to destroy the National Youth Administration and the Civilian Conservation Corps. That same able Senator, with the best of motives, pursuant to his rights, was one of a certain number of Senators responsible for the denial of an effort I made to secure from the Federal Treasury an appropriation of $3,000,000 a year, to be matched by a similar sum by the several States, to be devoted to research in the prevention and cure of the common cold, influenza, and pneumonia, which, according to the testimony of the Surgeon General of the United States Public Health Service, would assuredly have saved 20,000 lives a year in America.

However, whether it be upon a public-health program, a proposal for the eradication of slum conditions in housing, a wage-hour law giving to the workmen of America fair wage standards and maximum hours of labor not offensive to their physiques and well-being, or many other measures, not to speak of this, there has been a distinct, sharp, clear, and conscientious line of cleavage between us of the South.

Mr. President, I am not a judge, and I shall not presume to pass judgment upon the wisdom or the righteousness of the course of any man. Each one of us stands answerable to the small voice of his own conscience, to his constituency which honored him with election and

opportunity, and to that God before whose bar we shall all at last stand to give account for our deeds of omission and commission.

There are some who decry the passage of what they call the golden era of States' rights. Mr. President, let it be known for the record that if States' rights is interpreted to mean what is indicated by certain distinguished gentlemen prominent in the Democratic Party, I humbly beg to be excused from subscription and adherence to that theory and philosophy of States' rights.

Mr. NORRIS. Mr. President——

Mr. PEPPER. I yield to the Senator from Nebraska.

Mr. NORRIS. Right in line with what the Senator has said, I should like to ask him if he agrees with the views stated in the majority report which I made on the bill that in effect the poll tax is a tax on a Federal function—the right to vote.

Mr. PEPPER. Unmistakably so, let me say to the able Senator.

Mr. NORRIS. If that be true, then would it not follow that, exercising that right, if it existed on the part of the States, they could tax Federal functions so as to obliterate entirely and to destroy the Federal Government itself?

Mr. PEPPER. Beyond any question of doubt; and those who have spoken so ably about the preservation of the dual system of government forget the necessity of maintaining a principle which would allow the Federal Government as well as the State governments to survive.

Mr. President, I am a southerner by direct lineage for over 200 years. I have not within more than two centuries had an ancestor who was not born in and who did not die in the South, where some day I shall sleep with my own ancestors. Some of them wore the tattered raiment of the revolutionaries in the Revolution. Others did their best with other patriots in subsequent wars. Some, who wore the gray in the Civil War, sleep in heroes' graves.

But, Mr. President, I lament the policy of egotism and stubbornness on the part of certain honorable names who were southern statesmen who contributed to the fratricidal and unnecessary Civil War; and it was unyielding clashes such as those which we see from time to time in this body which produced that holocaust which came near to wrecking our Union. So no part of the country is to be exempted from blame for that tragedy.

Mr. President, I envisage a South where the feudal system will remain as a beautiful, romantic legend, but where democracy shall practically be a functioning institution.

Mr. President, when I advocated the wage-hour law I was singled out by some of my warm personal friends of my section who stated that I was a traitor to the South and its interests. Has time proved the wisdom or the folly of that Fair Labor Standards Act, Mr. President?

I foresee a South which will come to the bar of the Congress with clean hands asking justice, which will practice democracy and seek it from its Congress and fellow countrymen.

I envisage the doors of fair opportunity in all the Nation being thrown open to the people of the South by an interested, a considerate, and a fair Federal Government. I envisage provision being made for adequate health facilities which will make our beloved southern people healthy and strong in civilian and in military accomplishments. I envisage, Mr. President, the eradication of a discriminatory system of freight rates which will take the yoke off the laboring people of the South and give them fair access to the markets of the Nation. I envisage, Mr. President, the passage of Senate bill 1313, which will provide equality of educational opportunity to the people of my South who, happening to live in impoverished areas, are not afforded minimum standards of education in the ordinary public schools.

What kind of a reception is it likely we will be accorded in the Senate when we come in advocacy of Senate bill 1313, providing Federal aid for public education, when it is said, on the one hand, "What happens in the States is none of your business," and, on the other, "You must give it your primary concern."

I, therefore, believe in bringing the South with clean hands to the bar of the Congress and the country, striving before God and our fellow men to do justice, and asking it from those whose duty it is likewise to dispense it. It is a question of opinion, therefore, Mr. President, as to who of us of the South represents the wiser policy.

I do not question any other Senator's attitude or his right to maintain it. I do not say that he is right or wrong; I only offer in explanation of my own course a sentiment equally conscientious and a policy which I believe to be fraught with more good for the South we love than would be a contrary attitude.

Mr. President, what is it that this bill attempts to do? To regulate all elections? No. To regulate elections in the several States? No. This bill simply says that it is the duty of the Congress of the United States to protect the purity of congressional elections, to protect the right of the people of this Nation to enjoy the opportunity to vote for the members of their Congress who determine their destiny and, now, their lives. It simply says that, under the guise of a qualification, no sovereignty can be great enough to impose conditions which are a burden upon the enjoyment of those constitutionally accorded privileges to the citizen. It says, Mr. President, yes, we have a dual system of government and in the State and local sphere the State and local governments are paramount; in the Federal sphere the Federal Government is dominant. Surely that is no new doctrine.

It merely says, Mr. President, that the right to prescribe qualifications accorded by the Federal Constitution as a Federal function to State authority does not give the authority to whom it is delegated the power and authority to add burdens and conditions which hamper and restrain the free functioning of the Federal system.

In the limited time, Mr. President, which is available to me, I cannot, of course, go into the intricate details of the constitutionality of this measure. I prefer to say, first, that I speak of it because it pertains to the principles of democracy in our own Government, in every State and section of America. I speak of it because it proposes that which is best for the South itself and that which is right for the whole country.

Then, Mr. President, what a spectacle is presented by the Senate of the United States, with the greatest war in history in progress, with our men fighting and dying in every clime and country and continent; yet we who are the crusaders for democracy deny it to a large element of our people and to our own colleagues in the Congress of the United States.

Is this some monstrous proposal that leapt, like the ancient mythical goddess, full-grown from a wave, which suddenly, like an unexpected bomb, burst upon the Senate and the Congress? No, Mr. President; this bill has been before the Congress for more than 2 years. It was introduced in the House of Representatives by Representative Geyer, of California; it was considered before a committee of the House of Representatives, and was finally passed in the House of Representatives by an enormous majority. A similar bill was introduced in the Senate by the junior Senator from Florida and was considered by the Judiciary Committee of the Senate. The House bill came to the Senate as the legislative enactment of a coordinate body of the Congress. My Senate bill, with some amendments, was substituted for the House bill, and received a favorable vote of 13 to 5 in one of the most august committees of the Senate, the Commitee on the Judiciary.

Are the Senators who advocate that measure any less patriotic and any less devoted to the Constitution and to their country because they happen to disagree with other Senators? The bill was finally reported to the Chamber, Mr. President, by the "noblest Roman of them all," of such stature that no greater has ever risen or shall rise in this body, a man whose whole career epitomizes democracy and humanity, a man who has fought a lifetime against tyranny and dictatorship, and yet, Mr. President, he has been singled out as one who was endeavoring to impose both even upon his colleagues, let alone his generation.

So, Mr. President, the bill reaches the Senate. Important business is behind it yet to be disposed of, including the bill making provision for Federal aid for public education, additional deficiency appropriation bills, a bill in the Senate Judiciary Committee providing for tightening our laws against sabotage, made necessary by our experience with saboteurs a while ago. These and many other proposals are knocking at the door of the people's Senate. Yet, although the bill was passed by the sister legislative body, although it was recommended by nearly three times as many Senators as opposed it in the Judiciary Committee of the Senate, after public hearings, when it came to the Senate floor, then, Mr. President, admittedly a distinct minority

of the Senate determined that it would not even allow the Senate to consider the measure, and never, until the agreement of yesterday by which the arbiter of this issue was made a two-thirds vote, was it possible to get it even to the Senate floor.

So I say, Mr. President, that while this bill has for its purpose making democracy effective for a great many of the disfranchised of America, today we have seen a destruction and frustration of democracy in what has been called in a better day the greatest deliberative body in the world.

Mr. President, that is the reason I said yesterday, and that is the reason I announce now, that the time to permit filibusters in America has passed. The filibuster is an enemy of democracy. If we give 6 or 10 Senators the power to thwart the functioning of this body, who can be sure what kind of a peace is possible; what kind of a post-war world? Give one-tenth of this body the power to muzzle nine-tenths, and democracy, as a functioning institution in the Senate, has been destroyed. So, Mr. President, while we say "charity begins at home," we had better let democracy begin at home, too.

Therefore, I shall propose, in proper form, two amendments to the Senate rules: First, that a majority of the Senate of the United States, when a quorum is present, may determine when any measure, resolution, motion, or other question pending or put before the Senate shall finally be voted upon by the Senate, provided that such time shall not be less than 10 days from the time when the proposal is filed. That assures 10 days of debate, to warn the country of the menace, if one is proposed. That guarantees to the country and the world that democracy can work in the United States Senate.

Mr. President, here we are caught within the jaws of a rule which not only would not permit bringing debate to a close but would deny the Senate even the privilege of considering a measure passed by the House of Representatives and recommended by one of its own regular standing committees by a vote of 13 to 5. Such a preposterous position cannot be maintained by the Senate of the United States.

The second or alternative proposal which I shall venture to make, if the first one fails, is to apply the now existing cloture rule to any motion or proceeding, whether it be a point of order or other obstructive tactic, so that at least two-thirds of the Senate, when it wills it, may have a method by which it may bring a debate in the Senate to a conclusion.

While we are crusading for and trying to preserve democracy in the world, buying it with the lives of our people, which means the break-down of the tyrannical power of a minority, shall we exhibit to the world that a tyrannical minority may dominate the course of the United States Senate? Is that good faith to the men who die that democracy might live in the world?

I speak on behalf of the larger issue of democracy. Balance it, if you will, between the right of a State to perpetuate a wrong and the duty of a nation to preserve democracy in the world, and then make your decision.

What must the Axis radios be saying at such a spectacle as has been exhibited here within the past few days? And over what? Merely the effort of the Federal Government to say that the Members of Congress, who send its citizens to war, shall be elected by people reasonably qualified, not those who have been able to pay a sum of money. We have told the world that in America democracy is still a question of having the money to buy it. If that condition existed in the courts, America would have become contaminated by forces which would bring about its inevitable destruction. I wonder whether the same principle is not true in the arena of politics.

Mr. President, in the Constitutional Convention of 1787 there was a difference of opinion among the delegates, first as to whether the Federal Government should prescribe qualifications for Federal electors at all; secondly, whether the people should have the right to elect their Congressmen or whether the legislatures of the several States should do it. That was voted upon a number of times, but it was decided every time the vote was had that the people should elect their Congressmen. Popular franchise was the principle of democracy embodied in the constitutional provision.

Then in June, when this decision was made, one of the delegates, Mr. King, made the point that if the States were allowed supreme power in the prescription of qualifications, the States would have the opportunity to adopt practices and principles of election subversive to the Nation itself, and he emphasized the numerous conflicts which would arise between the States and the Federal Government.

Finally, in August of that eventful year, 1787, there was a proposal before the Convention that the qualifications of the electors for Members of Congress should be those which should be prescribed from time to time in the several States for members of the most numerous branch of the State legislatures. That was objected to by Gouverneur Morris, who said that gave the States the power to thwart the Federal existence. There was never a vote on that exact language, to give the States authority from time to time to prescribe the qualifications of electors for Congressmen, but it is significant that when the Committee on Detail reported this proposal, which was considered on the 7th of August, to the Committee on Style and Arrangement, in view, I surmise, of the debate on the language "from time to time" contemplating a prospective fixation of electoral qualifications, the Committee on Style and Arrangement brought the language back in the form in which it now appears in the Constitution, and eliminated those prospectively suggested words. That is simply section 2 of article I of the Constitution.

Likewise, the Constitution provided that the times, places, and manner of holding elections should be determined by the Congress, except in certain limited ways having to do with the place of the election of Senators, indicating, therefore, that the Constitutional Convention did not discharge entirely into the hands of the States exclusive authority to define the qualifications of electors for Members of Congress, exclusive power to determine who might vote in Federal elections.

We all know, of course, that there were certain States which required a voter to be a freeholder, yet it was stated in the Convention by one of the delegates that eight or nine States had already removed that requirement; and, as was said by the Senator from Alabama, it was already recognized that the trend was toward the liberalization of the electorate. So that it was clearly within the contemplation of the framers of the Constitution that there would speedily come a time when the right of citizenship should be synonymous with the right to vote.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BARKLEY. Does the Senator desire additional time?

Mr. PEPPER. I should like a few minutes, if I might be indulged.

Mr. BARKLEY. Would the Senator like to have 15 minutes?

Mr. PEPPER. I think so.

Mr. BARKLEY. I yield 15 additional minutes to the Senator.

Mr. PEPPER. I thank my able leader.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. PEPPER. We have, of course, the statement of James Madison, speaking about the necessity of preserving the right of the people in a democracy to vote. We have even the statement of Alexander Hamilton, pointing out just how this provision was evenly balanced, to give the States primary authority to define qualifications and to give the supervisory power to the National Congress, obviously for the purpose of providing against abuses which the States might commit.

At least the contemplation of the forefathers proved correct as regards the expanding nature of suffrage, because by the time of the Civil War only six States in the land had a poll tax as a condition precedent to voting, four in the North and two in the South. The poll tax was disappearing except in two States, Massachusetts, which abolished the poll tax in 1891, and Pennsylvania, which abolished it in 1933, until finally came the tragic era of reconstruction. Then there was set up a system of disfranchisement and discrimination. Some of the framers of the constitutions in the several States, or the proponents of the discriminatory statutes, were aiming at discrimination against the Negro vote, and I shall not be the one to criticize them for yielding to the necessity, with which they were faced, to commit an abuse in order to counteract more violent abuses leveled at them by their fellow countrymen, who did not appreciate or understand their problems, or who sought to erect personal political prestige upon the wreckage of a vanquished people.

The whole drift and spirit of the time however has been away from that kind

of condition precedent which puts voting not upon qualification but upon a cash consideration of having paid a sum of money.

What is there about the payment of a poll tax that has to do with the qualification of a voter? The way the tax is devised, it is a dollar to a dollar and fifty cents a year in the eight States where it still exists. In some of the States the individual may be required to pay as much as $36 before he or she can vote. In other States it is $47 and more. Let me give a statement of the due dates for the payment of the poll tax.

In Alabama it must be paid on or before February 1. The primary is in the late spring or summer; the general election is in November, in the fall.

In Arkansas it must be paid by the preceding October 1, when the primary occurs the succeeding May, generally, or the following November, a year hence.

In Georgia the tax must be paid 6 months before the election, primary or general.

In Mississippi it must be paid 30 days before election; in South Carolina 60 days before election; in Tennessee by February 1 of the year in which a primary occurs, which usually comes around May or June, or the election, which occurs in November.

Mr. STEWART. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. STEWART. Someone has given the Senator misinformation concerning Tennessee. The law of Tennessee requires the poll tax to be paid 60 days in advance of the regular election, that is, what we call the general election, at which time candidates are elected to office. But in the primaries the poll tax may be paid even on the day of the primary, and that person may vote.

Mr. PEPPER. But in the general election the poll tax must be paid 60 days in advance?

Mr. STEWART. Yes; 60 days in advance.

Mr. PEPPER. I thank the Senator from Tennessee for the correction. Has a recent statute been passed to that effect?

Mr. STEWART. That has been the law all the time. I think, first, perhaps there was a provision that the tax must be paid 30 days in advance, and later the time was extended to 60 days. I do not know where the Senator got the reference to February 1. The tax date, or the date on which all taxes are due in Tennessee, is the 10th day of January of each year. That applies to taxes on personalty and realty as well. It applies to the poll tax for those who have been assessed the tax. Beginning on that date penalties begin to accrue. That may be what the Senator has in mind. But as a condition precedent to voting the tax must be paid 60 days prior to a general election, but may be paid any time up to the day of election so far as primaries are concerned.

Mr. PEPPER. Mr. President, the information I was given comes from a compilation of laws on the subject of the poll tax by Miss Eleanor Bontecou, of the American Association of University Women, who has made a detailed study of this matter. While there may have been an inaccuracy in this case—and I will, of course, defer to the able Senator from Tennessee—I feel that generally the information is correct. This is the first time I have discovered anyone to question the accuracy of the information.

In Virginia the tax must be paid 6 months before the election.

Mr. President, the very nature of this requirement, let alone the requirement that the money be paid, is such as to deter the average untutored, unlettered citizen from actually making such payments and qualifying as a practical matter to vote. The confirmation of that statement occurs here in the figures as to what happened in two Southern States insofar as the number of voters is concerned when the poll-tax requirement was repealed by the States themselves, and I am reading from the authority I quoted:

> In Louisiana the total number of registered voters increased 44.5 percent when the tax was repealed. The number of women on the voters' list increased 77 percent and the number of Negroes decreased 12 percent, probably because of the new requirement that qualified voters must sign the sheriff's poll book annually as well as register periodically. The votes cast in the two gubernatorial primaries increased 64 percent over the average for the two preceding ones, and the one senatorial primary showed a 90-percent increase.
>
> In Florida the immediate effects of repeal were even more striking. The average number of votes cast in two senatorial primaries increased 140 percent over the average for the four preceding ones, and the one gubernatorial primary showed an increase of 91 percent over the four preceding.

Mr. President, those were primaries, and white primaries, in Louisiana and Florida. A 77-percent increase appeared in the number of women voters, 91-percent increase in another primary for the governorship, and 140 percent in a senatorial primary in which I was a participant.

So, Mr. President, it becomes obvious that there has been a practical preventive for the citizenry of the South in these eight States going to the polls and qualifying and casting their votes.

Mr. President, I think the principle that is involved in this matter is relatively simple. It is simply in essence the principle of the Edwards case, which had to do with the unconstitutionality of a statute of California which endeavored to say that no indigent person could be brought into that State. There was a criminal prosecution upon a man who brought a W. P. A. worker without a job into the State of California. He was convicted in the courts of California. The United States Supreme Court, the opinion by Mr. Justice Byrnes, held that that conviction was illegal under the Constitution of the United States, and in specially concurring opinions of Mr. Justice Douglas and Mr. Justice Jackson it was very clearly pointed out that in America citizenry was a national right and status. They pointed out that even before the fourteenth amendment there was a national citizenship for those born in the United States of America, and they pointed out that after the fifteenth amendment there was unquestionably the national status of citizenship for those persons born or naturalized in the United States.

Of course, a citizen had the right to move from one State to another without having to meet any property qualification.

Being citizens of the United States, Mr. President, do not those citizens have a right to vote for Federal officials? That being then a Federal right, a Federal franchise, a Federal privilege, indeed, Mr. President, a Federal obligation, can any other sovereignty burden the enjoyment of that right? Can it lay additional obligations upon the exercise of that franchise and cripple it? When the Federal Government requires its soldiers to register, can the States condition their performance of that obligation by the discharge of some obligation in addition thereto to the States?

The mere statement of the proposition, Mr. President, when the source of the right is recognized, shows that the right cannot be burdened by State authority, and that is all that is involved. Yet the States come in here as if this were a trespass upon their prerogatives. The Federal Constitution could have provided the qualifications of electors in so many words. Instead of choosing to do that, the Constitution merely said that the qualifications shall be those for the electors of the most numerous branch of the State legislature.

But, Mr. President, that Constitution did not say that the States may impose any conditions in addition to the qualifications they choose to impose. It did not say that they could use the fixing of qualifications as a method of collecting State taxes, which they have done in most cases. It did not say they could make the exercise of that franchise a means for the support of State schools. No, Mr. President, the States have long ago, in the consideration of this matter, ceased to regard it as the fixing of qualifications. They consider it, as the Supreme Court erroneously approved in the Breedlove against Suttles case, as their right to use the leverage of a Federal vote as a means of collecting a State tax or carrying out a State policy of discrimination against the poor.

How can such a proposition be maintained, Mr. President? Yet Senators say that the States in their sovereign capacity somehow or other are being trespassed upon. What rights do they have other than those accorded by the Federal Constitution in regard to Federal suffrage, Mr. President? What right could they have in consideration of the nature of our dual system of government, and how could the matter therefore be stated any clearer than the Senate knows it to have been stated in the Classic case, where it says:

> We come then to the question whether that right (to vote for representation in Congress) is one secured by the Constitution.

And then it goes on to use this language:

> While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States—

And at this point the opinion cites Minor against Happersett, United States

against Reese, McPherson against Blacker, and Breedlove against Suttles—

this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I—

What is the subject referred to in the beginning of that paragraph?

While in a loose sense, the right to vote for Representatives in Congress—

That is the subject. I continue to quote:

As provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." *United States* v. *Classic* (313 U. S. 314, 315 (1941), May 26, 1941).

So, Mr. President, Congress by this bill is not saying to the States what they must do. It is saying to the States what they shall not do. It is merely saying, "You shall not go outside of your scope in prescribing reasonable qualifications, and presume to regulate to the exclusion of the power of Congress the time, manner, and place of holding Federal elections."

So when properly understood, Mr. President, is this any transgression upon the powers of the States? Is Congress trying to invade their own sacred precincts? Are we trying to strike down their sovereign power? Are we telling them who shall vote in their elections? Are we saying to them that we are going to impose conditions upon the enjoyment of the States' rights?

What if the Congress passed a bill which provided that no citizen can vote for the Governor of any State unless that citizen has paid all his Federal income taxes, or has paid a license tax to the United States Treasury? Would not that destroy the power of the States to be supreme in their own sphere? We are not primarily concerned about who are their officials, but can the Congress fail to act when the heart of the Federal system is struck at by a consciously and cleverly devised system of discrimination, based upon the burdening of the enjoyment of a Federal right to vote for Representatives in Congress?

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BARKLEY. Mr. President, I yield 10 minutes more to the Senator from Florida.

Mr. PEPPER. I thank the able leader. I was about to conclude.

Mr. President, during the debate some have relied upon one case or another. The other day I was quoted by the able Senator from Louisiana as having made the prediction that the presently constituted United States Supreme Court would uphold the constitutionality of the proposed legislation. I did not say that, Mr. President, as indicating that I was a profound authority on what the attitude of United States Supreme Court would be on the subject, or that I had clairvoyant powers. When I made the statement I had in mind the language to which I have just referred, I had in mind the Edwards case, in which the Court said that citizenship for Federal citizens was national, and that no State could keep a citizen of the United States out of the State on the ground that he was indigent, or that he had no property, because as a citizen of the United States he had a right to move into any State in the Nation.

Mr. Justice Jackson stated a qualification. He said that a man who is diseased does not have freedom under the Federal Constitution to go from place to place. He said that a criminal incarcerated in a prison has no right to call upon the Federal Government to open the doors of the jailhouse and let him flee, like a free bird, to any sanctuary. Of course, he did not intend in any statement that he had previously made to deny such exceptions as that.

I am not saying, and none of the proponents of the bill has ever said, that the Federal Government may invade the whole field of the States or that the States, on the ground of reasonableness, of which the opposition has claimed the benefit, may not prescribe reasonable qualifications. That is what the Constitution intended. However, it was admitted by the attorney general of Virginia, in the hearing before the committee, that if we were to attempt to do what was done by two or three States at the time of the Constitutional Convention, and prescribe religious qualifications for voting, it would not be allowed. The opposition would say, "Yes; but that is unreasonable." I say that if we assert the unlimited and illimitable powers of the States in respect to this matter, we give to them, without restraint, the capacity for monstrous abuse. They may not only require religious qualifications or other qualifications equally obnoxious to the principles of democracy; but, as suggested by the able Senator from Nebraska, they may raise the poll tax to $100 or $1,000. They may not only make it necessary that the voter be a freeholder, but they may impose whatever their caprice may desire as a condition precedent to the enjoyment of the franchise to vote for Members of Congress.

If that question is put to the opposition, it will say, "Of course, the principle of reasonableness applies." Very well, I apply that principle, and say that the necessity of paying a sum of money to the State is no longer a reasonable prescription of a qualification to vote for a Member of Congress. How can anyone assert the contrary?

I might read the eloquent language of Governor Russell, of Massachusetts, wherein he recommended to his legislature in 1891 the abolition of the poll-tax qualification in the State of Massachusetts. He said that it was a means of fraud and corruption in the ballot; that it had outlived its usefulness, and was obnoxious to modern institutions. That was in 1891 before Cuba had been made free. It was before the First World War. It was before democracy was subjected to its most hideous assault of all time. My God, Mr. President! has not the surge of the wave of democracy touched our own shores? Has it not reached the borders and boundaries of the Senate? The bill has already passed the House. Mr. President, while we are trying to preserve democracy all over the earth, are we willing capriciously, arbitrarily, uncompromisingly, and at any cost, to deny democracy to the people of America?

Some time ago we had before us for consideration a bill granting to soldiers and sailors who, because of the war, could not get home the right to vote. That privilege was granted by Federal statute. Why? So as to give the men who fight for democracy the right to enjoy it when they can.

However, Mr. President, who proposed to abolish the poll tax requirement, which denied to many the privilege which was conferred by the bill to which I have referred? It was I, the obnoxious author of the pending bill, which has been so much maligned. Everyone knows that, and the record shows it. The opponents did not try to exempt the sailors, the soldiers, or our heroic eagles of the air from paying a poll tax. On the contrary so bitter was the opposition that it was once said upon the floor of the Senate that if a provision for poll-tax exemption should be included, it would kill the bill. Upon reconsideration, and for reasons satisfactory to themselves, the opponents chose not to filibuster on that particular bill, because they knew that such a course would place them in a bad light. They preferred to save their powder for this bill.

What is the difference in principle? Many who are at home and yet to be called into the service are being denied the opportunity to vote. The able Senator from Mississippi [Mr. BILBO] stated that in his State alone 200,000 white persons would be enfranchised if the pending bill should pass. In the great and glorious old State of Alabama, whose memories and associations I shall ever bear close to the innermost recesses of my heart, hundreds of thousands would be added to the white electorate if the pending bill should become a law.

Mr. President, let it be said that I prefer to speak for the poor people of the South. Let it be said that I believe so much in the principle of democracy that I would not deny it to those who are downtrodden, underprivileged, or mentally and physically handicapped in the fierce struggle of modern life.

Mr. President, I come of the South's poor, and, God being my helper, so long as I have the power, I will try to lighten the yoke upon their already galled necks. As long as I live I will challenge the feudal tradition in the South and those who would preserve it to continue a kind of economic slavery.

Why am I a liberal? Because the liberal tradition was born in the South. It is the fruitage of the uncomparable intellect and magnificent spirit of Thomas Jefferson. It has always had its most beloved lodgment in the romantic climes of the South. It is only when it has been choked into impotency that it has appeared dead. I prefer to believe that it is again the mission of the South.

The people of the South, without parallel in the Nation, volunteered to go to foreign lands, march under foreign battle flags, and die upon foreign battlefields for democracy and freedom. They did not need to be driven. They entered the battle for world democracy because of their sensitive patriotism.

Mr. President, I prefer to believe that this soldiery and citizenry of the South thinks of democracy not only on the battlefields, but in every place in all the land where human beings turn their weakened eyes upward to the broad horizon of an inviting sky and yearn to see in the glory of a rising dawn their own emancipation and liberation.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

OBSERVANCE OF ANNIVERSARY OF PEARL HARBOR BY PRAYER

Mr. WILEY. Mr. President——

Mr. BARKLEY. Mr. President, the Senator from Wisconsin wishes to speak for 10 minutes. Under the existing situation he cannot do so unless time is yielded to him. I am willing to yield to him now.

Mr. WILEY. I thank the distinguished majority leader.

Mr. President, I have appreciated this debate in all its implications since the pending bill came to the floor of the Senate a week ago. At times we have seen considerable acerbity manifested on the floor. I hope it has burned out.

Mr. President, the President of the United States recently stated that the way to observe December 7 is in silence. During the past week no doubt a great many persons have felt that it might be well for the United States Senate to observe silence. If silence is synonymous with prayer, I agree that that is a good way to observe the anniversary of December 7.

Recently there was called to my attention an editorial in the Milwaukee Sentinel suggesting the proper observance of the Pearl Harbor anniversary. The editorial suggests that the 2 days preceding December 7—being the Sabbath days of the great religious faiths to which many millions of our people adhere—be designated as national days of prayer. I believe that is a timely suggestion. The editorial suggests that we pray for victory, for wise and inspired conduct of the war, for an awareness by government as well as by the people, and for an awareness and understanding of the true meaning of faith. Our prayers should also be for the guidance and direction of the people in the post-war days. We know that our heart's desire is prayer. Montgomery expressed it in this way:

> Prayer is the soul's sincere desire,
> Uttered or unexpressed;
> The motion of a hidden fire
> That trembles in the breast.

There comes to mind a prayer of Robert Louis Stevenson which has become dear to the hearts of all who read the English language:

> We thank Thee for this place in which we dwell; for the love that unites us; for the peace accorded us this day; for the hope with which we expect the morrow; for the health, the work, the food, and the bright skies that make our lives delightful; for our friends in all parts of the earth, and our friendly helpers in this foreign isle. Give us courage and gaiety and the quiet mind. Spare to us our friends, soften to us our enemies. Bless us, if it may be, in all our innocent endeavors. If it may not, give us the strength to encounter that which is to come, that we be brave in peril, constant in tribulation, temperate in wrath, and in all changes of fortune, and down to the gates of death, loyal and loving one to another.

Mr. President, I ask that there be printed in the RECORD a prayer which I like—the Optimist's Prayer, by William J. Robinson.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

> O Unseen Power that rules and controls the destinies of the children of earth: Teach me the symphony of life so that my nature may be in tune with Thine. Reveal to me the joy of being loving, self-sacrificing, and charitable. Teach me to know and play life's game with courage, fortitude, and confidence. Endow me with wisdom to guard my tongue and temper, and learn with patience the art of ruling my own life for its highest good, with due regard for the privacy, rights, and limitations of other lives. Help me to strive for the highest legitimate reward of merit, ambition, and opportunity in my activities, ever ready to extend a kindly helping hand to those who need encouragement and succor in the struggle. Enable me to give a smile instead of a frown, a cheerful, kindly word instead of harshness and bitterness. Make me sympathetic in sorrow, realizing that there are hidden woes in every life, no matter how exalted or lowly. If in life's battle I am wounded or tottering, pour into my wounds the balm of hope and imbue me with courage undaunted to arise and continue the strife. Keep me humble in every relation of life, not unduly egotistical nor liable to the serious sin of self-depreciation. In success keep me meek. In sorrow, may my soul be uplifted by the thought that if there were no shadow there would be no sunshine, and that everything in life must have its antithesis. Grant that I may be a true, loyal friend, a genial companion with the broad honest charity born of an intimate knowledge of my own shortcomings. If I win, crown me with the laurels fitting to be worn by a victor, and, if I fail, may it be with my face to the foe, fighting manfully, and, falling, fling to the host behind—play up, play up, and play the game.

Mr. WILEY. Mr. President, as we reckon time, human life is but a short voyage; and, with Hubbard, we can say:

> Teach me to know and observe the rules of the game. Let me never lack due sense of humor; preserve me from growing stogy and unimaginative; deliver me from atrophy of the emotions. I desire to radiate health, cheerfulness, calm, courage, and good will; to live without hate, jealousy, envy, fear. I wish others to live their lives, too, up to their highest, fullest, and best. To that end I pray that I may never meddle, interfere, dictate, give advice that is not wanted, or assist when my services are not needed. If I can help people, I will do it by giving them a chance to help themselves; and if I can uplift or inspire, let it be by example, inference, and suggestion rather than by injunction and dictation. I desire to be radiant.

Mr. President, it was my privilege to read the President's recent Thanksgiving message. The first sentence of the President's proclamation, "It is a good thing to give thanks unto the Lord," arrests my attention. Did we ever ask ourselves, "Why is it a good thing to give thanks unto the Lord?" What is the effect upon us and upon others who hear us? The answer must be that the expression of gratitude is a form of worship by which man renews himself by drawing closer to his Maker. Plutarch said:

> The worship most acceptable to God comes from a thankful and a cheerful heart.

The sentence quoted by the President comes from the ninety-second Psalm. All through the Scripture we find the admonition to give thanks, to rejoice in all ways. The one hundred and eighteenth Psalm states the rule thus:

> O give thanks unto the Lord; for he is good: for His mercy endureth forever.

When we give thanks, we engage in the process of rejoicing. Thus, the Psalmist says:

> Let Mount Zion rejoice, let the daughters of Judah be glad. (Forty-eighth Psalm.)
> Offer unto God thanksgiving. (Fiftieth Psalm.)
> O sing unto the Lord a new song; for He hath done marvelous things. (Ninety-eighth Psalm.)
> O give thanks unto the Lord; call upon His name. (One hundred and fifth Psalm.)

That thought carries over into the New Testament. In the first chapter of the Book of Colossians we find:

> Giving thanks unto the Father, which hath made us meet to be partakers of the inheritance of the saints in light.

In the third chapter of the Book of Colossians we find:

> Let the peace of God rule your hearts, * * * and be ye thankful.

In the First Book of Thessalonians, chapter 5, we are told:

> In everything give thanks: for this is the will of God in Christ Jesus concerning you.

The Great Teacher, the Wayshower, said, "Father, I thank Thee that Thou hast heard me. And I knew that Thou hearest me always." He taught that "God is a Spirit," and that "in Him we live, and move, and have our being." God certainly dwells in a thankful heart—in the mind that is filled with gratitude.

Mr. President, today, in the midst of the greatest cataclysmic event of all time, let us inventory a few of our blessings. What have we to be thankful for? We could pile the answer as high as the highest cloud, and still we would not be able to enumerate all our blessings.

Here are a few of them:

A free land, where free people live, exercising the great freedoms; valiant brothers in the service who are going forth to battle to preserve those freedoms; loyal citizens on the home front who give their brothers and husbands to the war effort and who sacrifice and serve in the factories, on the farms, in Government, and in business in order that victory may be assured; the daily lessons which teach us to leave the perilous ways and bring us in harmony with the laws of God; the opportunity to serve God and country and humanity and to banish discouragement and defeatism; growth in understanding the problems which come to all; the privilege of overcoming human limitations

and striving toward perfection; joy of living, the beauty of nature, and human friendship.

To feel grateful, to be grateful, is a human obligation—a rule for freedom from human limitations. The spirit of gratitude provides a tonic for the mind and soul of man.

I conclude in the words of the Psalmist:

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High: to show forth Thy loving kindness in the morning, and Thy faithfulness every night. * * * For Thou, Lord, has made me glad through Thy work: I will triumph in the work of Thy hands.

Mr. President, I believe it would be very appropriate for the President of the United States to follow the suggestion made in the editorial printed in the Milwaukee Sentinel, and to proclaim that the anniversary of Pearl Harbor and the 2 days preceding it be observed in prayer. I ask unanimous consent that the editorial appearing in the Milwaukee Sentinel be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DAYS OF PRAYER—PROPER OBSERVANCE OF PEARL HARBOR ANNIVERSARY

The United States will have been at war 1 year on December 7, the first anniversary of the dawn attack on Pearl Harbor by the Japanese—an attack made in such circumstances that it will "stand in infamy," as President Roosevelt said.

We have suggested that this anniversary be observed in prayer, and that the 2 days preceding it—being the Sabbath days of the great religious faiths to which many millions of our people adhere—be designated as national days of prayer.

It is a proper suggestion.

The religious leaders of the Nation have given it their approval, and are making full arrangements for it.

The religious people of the United States—and there is no people on earth more conscious of the value of religion or more sincere in their faith—welcome the opportunity to do in unison what they are already doing individually in their hearts.

The American people are not strangers to prayer.

They believe in prayer, in its power and its wisdom and its goodness.

They believe in religion, and especially believe in respect for and tolerance of all religions.

They belong to their respective churches, and support them and understand the great good derived from them and recognize the great services rendered by them.

They are sustained by their religious faith, and seek guidance and strength from it, and find courage and wisdom in it.

The American people have not waited for a special day in this war as a suitable occasion for prayer.

On the day Pearl Harbor was attacked, many of them repaired to their churches and temples and familiar places of worship to affirm their faith.

Many of them bowed their heads where they were when the shocking news came, and silently and humbly and reverently prayed.

The American family has ever since been a place for prayer and the expression of faith.

Parents and loved ones have sent young men away with prayer.

They have steeled themselves against long silences and doubt and fear with prayer.

For the growing number to whom bereavement has come, an unfailing source of solace and comfort has been found in prayer.

It will be a wonderful thing for all of the American people to join in their prayers, to have national days of prayer—and to seek together what they instinctively and devotedly seek by themselves.

It will be good for them, and characteristic of them, and true to the ideals and examples of the founding fathers of this free land which we now defend.

No manner of observing the anniversary of Pearl Harbor could be more appropriate, more ennobling, more truly American than a prayerful observance.

Let us indeed observe December 5 and 6—the Sabbaths of our faiths—as national days of prayer.

We will pray for victory, of course.

But let us also pray for wise and inspired conduct of the war.

Let us pray for an awareness, by government as well as by the people, of our dire peril in the Pacific as well as in the Atlantic.

Pearl Harbor is still threatened.

The Philippines are still lost.

Aleutian Islands outposts still remain in the hands of the Japanese and menace the American mainland.

Our prayers should surely be for victory, but for understanding of our greatest dangers in addition.

Let us finally pray for an awareness and understanding of the true meaning of faith, which has never been better defined than by Abraham Lincoln in these words:

"I know that the Lord is always on the side of the right.

"My constant anxiety and prayer is that I and this Nation may be on the Lord's side."

The American cause in this war is right, it is just and it is morally and spiritually good, and we may confidently and devoutly conduct our prayers in this knowledge.

Mr. WILEY. Mr. President, recently a letter written by Louis J. Gulliver, Commander, United States Navy, was printed in the Christian Science Monitor, under the title "Fighting Men as Men of Prayer." I recommend the reading of the letter to every thoughtful person, and I ask that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor]

FIGHTING MEN AS MEN OF PRAYER

To the Christian Science Monitor:

"Don't worry about me, Mom. God has always watched over me, and now in war I know that He will protect and guard me."

Millions of homes throughout America—as well as in Britain and the Dominions—are treasuring messages like this from soldiers in camps, on the front lines in most parts of the world, and from sailors on the seven seas.

American soldiers and Navy men on board ship are asking radio stations to broadcast hymns. The men's preference is voted on each week and the favorite hymn is played and sung every Sunday evening on the Hour of Charm, Navy men afloat and ashore are listening to these hymns such as one I heard recently, God Be With You Till We Meet Again, followed by assurances to "mom and dad" that Navy chaplains are diligently ministering to the religious needs of the men in the service.

Army generals, from Washington to Pershing, have prayed. Not only have our American admirals (like Farragut) been praying men, but those in the forecastle. Nearly everyone remembers how, the month after Pearl Harbor, three naval aviation enlisted men were forced down in the south Pacific with nothing except a rubber life raft and a new-born belief that God's strength would sustain them if they asked Him for help. They drifted and prayed for 34 days. Their prayers were answered.

If the men in the crews of old naval ships followed their leaders, we can be sure that Admiral Farragut's men prayed as he did the night before the battle in Mobile Bay. He expressed himself to his wife in much the same words as men now are writing to "mom."

"It has pleased God to protect me thus far. I have been nothing more than an instrument in the hands of God, well supported by my officers and men. I am going into Mobile Bay if God is my leader as I hope He is and in Him I place my trust."

Farragut's well-worn prayer book which he kept with him during all his naval campaigns has been preserved and is now in the chapel of the Naval Academy, Annapolis.

One of the Navy's heroes at the battle of Santiago in 1898 was Capt. Jack Philip, commanding the *Texas*, who said after the battle, "Don't cheer, boys. Those poor fellows are dying." Captain Philip's naval chaplain said: "His Christian belief influenced all his actions but did not affect adversely his virile efficiency. I remember him for his dependence on God. After the battle he called the crew aft and said: 'All who wish may join me in thanks to Almighty God.' All hands took off their caps and knelt in prayer."

But prayer and divine service on board ship were never allowed to interfere with naval duty as Captain Philip saw it. He peremptorily called off a Sunday evening service when his ship was endangered by rebels in Rio Janeiro.

Finally Captain Philip's religious convictions had a practical every day application for all the men of the Navy. He directed some of his ambition to the creation of the first Young Mens' Christian Association.

Like Farragut, Nelson uttered his prayers on the eve of battle. Thus, as Trafalgar's fighting was about to begin, Nelson on his knees on the deck of the *Victory* prayed:

"May the great God whom I worship grant to my country a glorious victory and may no misconduct in anyone tarnish it, and may humanity after victory be predominant. I commit my life to Him who made me, and may His blessings alight on my endeavors for serving my country faithfully. To Him I resign myself and the just cause which is entrusted to me to defend."

After that Nelson composed the greatest naval signal ever hoisted in war or peace: "England expects every man to do his duty."

Gen. Robert E. Lee, who bore the hopes of the Confederacy, was always absorbed in his religious beliefs. When his armies failed him once in 1863, he wrote his wife: "The Ruler of the Universe willed otherwise." Again in 1863: "As soldiers we have sinned against Almighty God; we have relied too much on our own armies. God is our only refuge and our strength. God is the giver of victory. God's will ought to be our aim. I am contented that His designs should be accepted."

No general in history prayed so fervently and so often as Stonewall Jackson. "On Him I rely," said Jackson, "we are sustained by Divine Providence. The text of one's life is: 'God's will be done.'"

Jackson prayed while in camp and when under fire for divine help to do his duty.

Jackson saw the "visible finger of God," he said, in every incident of life.

LOUIS J. GULLIVER,
Commander, United States Navy,
Retired, Annapolis, Md.

Mr. WILEY. Mr. President, I have stated that this finite life is but a short voyage; but we have the faith that tells us that the infinite life in which we shall

live and move and have our being shall never cease.

I thank the majority leader for yielding to me.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The Senate resumed the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

Mr. BANKHEAD. Mr. President, I think that every reasonably well informed person in Alabama knows that I am unalterably against the pending bill. In the short time available to me it is impossible to state in an adequate way the countless reasons why I oppose the passage of this bill or any other bill patterned after it. Judge Ernest R. Lacy, the circuit judge of my home judicial district, has at my request furnished me a statement of his views on a highly important phase of the so-called poll-tax subject which has not been fully explored in the addresses delivered in the Senate. Judge Lacy is a clear thinker and has the complete respect and confidence of our people. I do not know how I could make a better contribution within the time allotted to me than by reading his statement.

Mr. President, in order to save time, to allow other Senators to speak, and to get through earlier, I am willing, with the consent of the Senate, to have the statement printed at this point in the RECORD as a part of my remarks, without reading it. I request unanimous consent for that purpose.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

It appears that the advocates for a Federal law which would in effect set aside and annul the laws of those States which require of the voter the payment of a poll tax, base their arguments upon three assertions or contentions, viz: (1) That the poll-tax requirement is burdensome to the extent that it prohibits the Negro and the poor whites from qualifying as a voter; (2) that that requirement is the cause of political corruption and fraud; and (3) that that requirement is undemocratic.

I do not see how any intelligent person, who knows the facts and who is fair and open-minded and who is not governed by prejudice or by stubborn-mindedness, can accept as true either of the three-named contentions. While there are some able and fair-minded people in our country, like Senator NORRIS, Senator BARKLEY, and a good many others, who now advocate the enactment of that Federal statute, yet I believe that they have reached their conclusions because the chief arguments of those who oppose that proposed Federal statute have been based upon the technical proposition that such proposed law would be unconstitutional. In other words, I am convinced that the Senators referred to accept as true the three contentions above referred to. The trouble is they do not know the true facts about the reasons for and the good which results from the poll-tax provision.

As an illustration of how good, intelligent citizens often go wrong about matters they have not analyzed and studied, I refer to the fact that several years ago at a convention of the Alabama Educational Association a resolution was adopted which favored the repeal of our poll-tax requirement. Since then I have talked with quite a number of teachers in Alabama about the adoption of that resolution, and they told me that the resolution was adopted without real debate or consideration; that it was proposed unexpectedly and followed by one or two talks by advocates of the resolution; and that the main argument in favor of the resolution was that we ought to repeal the present law and enact in lieu thereof a law compelling everyone over 21 to pay a poll tax and thereby increase the money collected in Alabama for educational purposes. They did not realize, of course, that to do that would incur litigation costing many times the amount of the poll tax if so many, as now do, failed to pay that tax. Every teacher I have talked to in reference to the law stated that he thought it was a good law. I have talked with miners who belong to the unions and who therefore followed their union leaders, who stated that they were in favor of the abolition of the poll tax, but who, when the purpose and effect of the law were thoroughly explained to them, agreed that the poll-tax law should not be repealed. The same thing is true with a good many farmers with whom I have discussed the subject.

I will discuss the mentioned contentions in the order stated:

1. There is no just foundation for the argument that the payment of the $1.50 a year during the best 24 years of one's life, every penny of which tax is used for educational purposes, is a burden and prohibits the poor from becoming qualified voters. I do not believe that there is one man or woman out of every thousand in Alabama who would otherwise be qualified to vote that cannot without hurt pay that $1.50 school tax (poll tax is a misnomer). That tax amounts to less than one-half of a cent a day. It amounts to not more than the price of 50 postage stamps at 3 cents a stamp. It is less than the price of 10 packages of cigarettes; it is less than the price of 6 tickets to the picture show; it is less than the price of 3 bleacher seats to a professional baseball game or a college football game; it is not more than the price of 30 Coca-Colas; it is less than the price of 15 plugs of tobacco; it is less than the price of 7 gallons of gasoline; it is less than the pay of great numbers of carpenters, miners, mechanics, etc., for an hour and a half's work. It is many times less than most members pay per month for the privilege of voting as a member of a union, etc.

I know and have talked with a large number of poor people in our county who have always paid their school (poll) taxes, and I have never heard one of them grumble (as some well-to-do northerners are now doing) about the payment of that tax. On the other hand, I have heard them say that they had rather pay that tax than any other, because it was small and because it all goes to the education of the boys and girls of our State, Negroes as well as whites. Those poll-tax payers seemed to take pride in the fact that they were contributing something, though small, to education, a cause as worthy as any that exists.

2. The contention that the requirement for the payment of a poll tax tends to produce fraudulent practices in elections is just as untrue as is the one discussed above. The truth of the matter is that the requirement of payment of poll taxes has proven to be one of the best preventatives of fraud and corruption in elections our State has ever resorted to. In that respect it has proven much more successful than its original advocates forty-odd years ago thought it would. When the 1901 Alabama Constitutional Convention was in session, and during the campaign for the adoption of that constitution, it was argued by many able and conscientious people (just as some northerners are now doing) that if the poll tax provision were adopted, then the well-to-do and the unscrupulous would go to the voters and offer to pay their poll taxes, provided such voters would vote for the candidates or measures favored by the vote buyers. Many people feared that such practices would result, but that fear has long since vanished, and many who voted against the adoption of the 1901 constitution now concede that the poll tax provision is a blessing. Under our laws the voter must on or before February 1st of the year in which elections are held pay his poll tax. That payment precedes the date of the next primary or general election by several months, and the vote buyer has learned that the one he sought to corrupt by the payment of the poll tax for him, is in most instances a changeable, uncertain type of citizen, who cannot be depended upon, and that in most instances he will cast his vote for the man who will pay him the most money for his vote on the day of the election. The man who will promise to vote a certain way if his poll tax is paid by another, does not as a rule hold his promise in high esteem, and is, because of his nature, more likely to be resentful and more likely to vote contrary to his promise to the vote buyer.

While it is true that there are in Alabama some poll-tax payers who will sell their votes, yet the vast majority of those citizens who pay those taxes are men and women of good character. They would not only resent corrupt offers and practices, but would help defeat any candidate who undertakes such corrupt efforts. The net result is that in Alabama we have not only good election laws but we select good election officials and conduct our elections in an orderly manner. No State has fewer election frauds than Alabama, and the poll-tax provision is entitled to most credit for that happy condition. A good way for one to determine whether the poll-tax requirement works best or not is to think over and then answer this question: Had you rather have your State or Government run by those citizens who are willing to contribute $1.50 a year to education, or had you rather let those who refuse to make that contribution manage the affairs of your city, county, State, or Nation? Of course there is but one answer.

3. Of all the blasphemies committed in the name of democracy, the greatest is that which charges that it is undemocratic for a sovereign State to assess a $1.50 school tax against a grown citizen who wishes to take part in the control and management of the State's affairs.

When and from what source did that conception of democracy come into being? Certainly not in those democratic States that have kept democracy alive in our Nation. Certainly not in Alabama, where for more than 41 years we have seen and experienced the benefits to our common schools, and the removal of many prior fraudulent and corrupt practices in our elections by reason of the provision which requires the voter to contribute a small $1.50 token of his interest in education, fair elections, and good government. Nothing done in our country was done in a more democratic way than the adoption of the provision for the payment of the poll tax.

The primary reason for the call of the constitutional convention which met in Alabama in 1901 was to consider that poll-tax provision. After the convention had adopted that provision, an election was held to ratify or reject it. From every section of the State, and in every newspaper in the State, that poll-tax provision was discussed and explained. The people knew well what they were voting for or against. In that campaign the arguments were made, just as they have been made in Congress, that the requirement for the payment of a poll tax would give the vote buyer an advantage over those unable or unwilling to resort to such practices, but in that election in which rich and poor, white and black, all participated, the voters, by a large majority, ratified and ap-

proved the constitution. Not once since then has there been any real effort made to repeal the poll-tax provision. On the contrary, large numbers of those who opposed that poll tax in 1901 now concede that our constitutional requirements for the payment of that insignificant token has had more to do with cleansing and purifying our elections than any other one thing which relates to elections. If those in other States who loath crooked and corrupt political activities, and who want to see democracy work for the benefit of their State could but realize what benefits those States would receive from requiring the voters to manifest an interest in their government by paying a small sum annually for educational purposes, then, they would be here fighting this ugly effort, which, if successful, will place our State and others back to conditions similar to those in several of the States where political corruption is all too prevalent and well known. I do not believe in that theory which is now thoughtlessly advanced by some, that it is to the best interest of our people or our Government that every Tom, Dick, and Harry in the country should vote.

If that theory is correct, then we should do away with all laws prescribing qualifications of voters, and in lieu thereof pass a law requiring every citizen to vote in each election; let every felon, every insane person, and every vagabond vote. If that theory is correct, then we should let everyone vote wherever he pleases and as many times as he pleases or as many times as he is paid to vote. Of course, such a law would destroy, and that quickly, any decent government. I take it that in each of our 48 States there are qualifications required of the voter. The right to vote is and should be considered a great privilege, and that privilege ought to be granted to every good citizen, but in arriving at the matter of who is a proper citizen to exercise such right, every State has, I take it, laid down some qualifications that are deemed reasonable. Can it be said that one who lives in a State and who enjoys the blessings of our educational system is really interested in his State and its institutions and yet refuses to pay the small sum of $1.50 a year for 24 years toward education?

Every citizen should be given the right to engage in any work or business he desires, which does not cause injury to his Government or his neighbors, but yet all over this land we require even the poorest citizen to pay a tax or license fee for engaging in most occupations, businesses and professions.

In most of the States the doctor, dentist, lawyer, druggist, merchant, insurance agent, grocer, butcher, peddler, auctioneer, lecturer, and many others, regardless of their financial standing has to pay a tax to engage in his business or profession. Are the laws making such requirements undemocratic? Certainly not. It is well known that many organizations, including trade-unions, do not permit one to vote or even become a member of such organizations unless such person pays for such privileges. Will anyone say that that is undemocratic? No; the cry that the payment of the poll tax is undemocratic is just a misleading slogan, which is without foundation of fact or reason.

This whole unfortunate, bitter, and uncalled for controversy has come about because of prejudice on the part of some, desire for notoriety on the part of some, and a lack of understanding and proper information and study by others. With the first and second above-named groups there is no use in arguing, but with the third group there is a hope that they will not act or vote hurriedly or rashly on a matter of such real importance to such a large section of loyal and patriotic citizens.

Some time ago I read in the papers where a Negro Congressman from Chicago made a speech in which he said in substance that "if the Negro is good enough to live in this country, and good enough to fight for his country, then he is good enough to vote in this country." That statement shows that that Congressman, like a great many other people, does not have a correct and proper appreciation of the responsibilities of a voter, nor of the importance of a voter having proper character and qualifications. According to that argument, all people of whatever age and whatever disposition, record, or character should be allowed to vote. In Alabama, and I guess in all other poll-tax States, the ex-soldier is, if he possesses the other legal qualifications, relieved of the duty to pay a poll tax. That is proper, because the soldier has proven by his military service that he is interested in and loyal to his country, just as is shown by the voter who meets his obligation by paying his poll tax. The military service takes the place in Alabama of the poll tax. But the mere fact that the would-be voter "lives" in this country falls far short of showing that that party has proper qualifications and sufficient interest in his country to authorize him to vote.

Mr. LA FOLLETTE. Mr. President, at the request and by the authority of the Senator from Kentucky [Mr. BARKLEY], I yield 10 minutes to the Senator from North Dakota [Mr. LANGER].

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. LANGER. Mr. President, as a member of the Committee on the Judiciary, I supported the Senator from Nebraska [Mr. NORRIS] and voted to report favorably the anti-poll-tax bill. I agree with the interpretation of the Senator from Nebraska as to the constitutionality of the measure. It is only because of the peculiar exigencies of this particular occasion that I shall vote on Monday against cloture. If I had my way about it, the measure would most certainly become the law.

I rise to pay tribute to the distinguished junior Senator from Florida [Mr. PEPPER]. During the time I have been a Member of the Senate I have not seen a more courageous fight made upon the floor of the Senate than the one put up by the Senator from Florida. It is a fight which, in my opinion, has the support of an overwhelming number of people in the northwestern section of the United States. I feel that I would not be true to my constituents in North Dakota, that I would not be true to all the great leaders of the farm organizations who have sent telegrams asking me to support this measure, and that I would not be true to the great body of church members who have sent messages to me asking me to support the Senator from Florida in his fight if I did not rise at this time, when it would seem that he has lost his battle for democracy, and tell him and the other Members of the Senate what the people of the Northwest think of the splendid, outstanding, and courageous fight which has been made.

I can add only that in case the measure is defeated, as it seems that it will be on Monday, under the agreement entered into, I hope the Senator from Florida will see fit at some future time to reintroduce it. If he does do so, I know that an overwhelming number of the poor people, those who constitute the underprivileged classes, not only in the Northwest but, I believe, in the entire United States of America will be solidly back of him in his fight for true democracy.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. GEORGE. Mr. President, I yield to the senior Senator from Florida [Mr. ANDREWS], if he desires to speak at this time, for such time as he may wish to speak.

The PRESIDING OFFICER. The Senator from Florida [Mr. ANDREWS] is recognized.

Mr. ANDREWS. Mr. President, up until today the debate has not been confined particularly to the merits or constitutionality of the bill. Today the debate is being confined more to the merits of the bill, and particularly as to its constitutionality.

When we came to the United States Senate each of us held up our hand and took an oath to defend and protect the Constitution of the United States. We did not hold up our hand and take an oath to support and defend any particular group, any particular religion, or any particular class or race, but to defend the Constitution of the United States as it is written. When reading our Constitution we find first the preamble. We find as the first article of the Constitution the one dealing with the legislative department.

The legislative department of the Federal Government is placed first as it is the most important. That is why it is dealt with first in the Constitution. The articles dealing with executive department and with the judicial department follow in their regular order. Of course, they are important; they are of tremendous importace.

The cornerstone of our Government was laid carefully in article I, section 1, which provides that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The Members of those two bodies constitute the personnel of the Congress—the legislative department.

Then arose the question as to whose duty it should be to place Senators and Representatives in position to become the legislative department of the Nation. The second section of article I provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

If any citizen desires to know who are qualified to vote for Representatives and Senators in his State, all he has to do is to look at the constitution of his State and the statutes of his State, and he will find the answer. He will not find it anywhere else.

The paying of a poll tax is inconsequential so far as the mere qualifying of electors in the States to vote is concerned. The amount is not excessive; in fact, in many States it is only $1 a year. The requirement for the payment of a poll tax has been in vogue in most of the States comprising the Union for many years; in fact, before the Constitution there was

a poll-tax requirement in the Colonies. In 32 States of the Union there is now levied a poll tax, but it so happens that in only 7 or 8 States of the Union the prepayment remains a qualification for registration and participation in elections at the polls.

The registration books constitute an honor roll of citizenship; indeed, they evidence the fact that a man or a woman is a member of the great body of interested and responsible citizenship of the United States and thus entitled as a citizen of the United States to express his or her views and wishes at the polls.

Some States have abolished the poll tax as a prerequisite to voting. It happens that my own State of Florida is one of the States which has entirely abolished the poll tax. In 1937 an act was passed by the Florida Legislature repealing the law providing for the payment of a poll tax as a qualification for registration and voting. The next regular session of the legislature in 1939, eliminated all poll taxes entirely. There were a great number of people who felt that the poll tax should not be repealed because the proceeds, though small, went directly to public education. Originally the poll tax was not levied for public-school purposes. Three-quarters of a century ago the poll tax was collected from persons who did not put in a prescribed number of days work on the public roads.

Since that time, however, public education has been developed and expanded, and the public-school system has become so necessary for the education of our people that, by statute, the proceeds from the poll tax have been devoted to the support of public schools. The repeal of the poll tax in Florida did not have any effect whatsoever on the casting of ballots so far as race, color, or previous condition of servitude were or are concerned.

The registration of voters regardless of race, creed, or party affiliations was greatly increased; but, so far as I am advised, there was no increase whatsoever in the vote cast by our colored people; yet there has been created all over the United States a feeling that if the pending bill could be passed it would have a profound effect upon the number of votes cast by the colored people. What has happened in the State of Florida is sufficient to show that no such result would be brought about. All may vote who are qualified and register in the poll books. There are infinitely more poor white people who probably did not vote by reason of the poll tax than colored.

I was in favor of the abolition of the poll tax in my State not only for the reason I have stated but for another reason. The poll-tax requirement for voting afforded designing politicians an opportunity, by collaboration with the heads of great organizations, to provide means whereby people who do not feel able to pay their poll tax had it paid for them, on condition they agree to vote a certain ticket. Such things perhaps have occurred all over the United States.

The question may be asked why should a person who believes as I believe, that it was wise to abolish the poll tax in Florida, oppose the pending bill? I have just read from the Constitution of the United States which provides, in clear terms, that the power to provide qualifications for voters was and is a power retained by the States. If the Congress can pass a law doing away with the qualifications now so provided in certain States, it could go further and pass a law providing that there shall not even be registration, which is now the prima facie evidence that one is entitled to vote. If such an attempt had been made during the Constitutional Convention, or during the time the Bill of Rights was under discussion, it would have failed. The same feeling and sentiment persist and have persisted through the decades since the Constitution was adopted, and let me remind the Senate that when the Congress submitted to the States of the Union for ratification or rejection the seventeenth amendment to the Constitution, providing that Senators shall be elected by direct vote of the people, the proposed amendment carried the same provision which I read a few moments ago from section 2 of the first article of the Constitution.

Let me say again that it provides that:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. President, that is exactly the same provision found in section 2 of article I of the Constitution.

If this type of legislation could be valid at all, we need not have submitted a constitutional amendment providing for woman suffrage. The facts are we adopted a constitutional amendment providing directly for woman suffrage, and it provided also that the Congress should have power to pass laws to carry the amendment into effect.

If it were necessary for Congress to pass laws to carry woman suffrage into effect, we can be sure that it was not necessary for Congress to provide the qualifications of persons to vote for Congressmen and Senators in the Constitution itself. The Constitution does not assume any authority at all to provide for the qualifications of the voter, not even that they must be citizens of the United States.

I know that most of this ground has been covered, and I shall not further delay the Senate at this hour, and I trust that the matter will be settled Monday, but in view of the fact that my able colleague the junior Senator from Florida [Mr. PEPPER] has taken the opposite view, and that I have been called upon many times to state my position, I thought it necessary to make this public statement for the record.

I am opposed now, and will be at all times, to any act which would infringe upon State rights to fix the qualifications not authorized by the Constitution. If there is a desire to know what valid legislation can be passed all one has to do is to look at our charter of government, the Constitution, and if it is not provided in the charter, the Congress does not possess the power.

The Constitution of the United States was created by the States. The States and the Colonies existed long before there was a United States. What is provided in the Constitution is purely a delegation of powers by the States, and the States reserved everything they did not delegate to the general government in the Constitution, and it is stated in the plainest of language.

So it is, Mr. President, that as a Congress we have not the authority to pass an act which would repeal a qualification laid down in State laws as a qualification for one to vote in an election for a member of the lower house of the legislature of a State.

As to whatever effect, if any, the requirement of the payment of a poll tax or the nonrequirement of the payment of a poll tax would have upon the actual operations of voting at the polls, I think that one of the best statements has been made by the very able columnist, Mark Sullivan. He analyzes the question, and I think very ably shows why it is sometimes necessary to engage in what is termed a filibuster. What I am saying today is not by way of filibuster, because we are today speaking on the merits of the bill itself.

This is the third time a filibuster has occurred in the Senate since I became a Member in January 1937. The first concerned the so-called court-packing bill, which was debated for many weeks. The second was the so-called antilynching bill, and I say so-called advisedly. There is not a word in any bill which has been proposed before the Congress which provides for punishment of any human being for participating, directly or indirectly, in any lynching. The bill attempted to impose punishment upon the Governor of a State, or a judge in a State, and to impose a fine on a county, to make the taxpayers pay a fine of $10,000, in a county where a lynching occurred.

Mr. President, this is the third filibuster of my short term as Senator. Filibusters have been justified in many instances, and I have named three cases in which I think filibusters were proper, and where they worked.

The United States Senate is the last unshackled deliberative body on earth today. This is not the first time Senators have stood in the pass and refused to let bills go through. Leonidas, of Sparta, with his 300 Spartans and 700 Thespians, stood in the pass at Thermopylae against the whole of Xerxes army, and all perished. But they saved Athens.

Anyone who has ever visited that portion of the coast of the Aegean Sea, near Athens, has seen the monument bearing one of the most impressive epitaphs in history. It says:

> Stranger, go tell the Lacedaemonians that we lie here in obedience to their orders.

As I have stated, that was not the only time a few men had stood in a pass, but when they have stood in the pass in the Senate, it has been in behalf of the Constitution of the United States. I swore to uphold the Constitution, and that is why I cannot agree to the passage of a bill of the nature of the one now pending, which would take the authority out of

the States to provide qualifications for voting, where the Constitution of the United States guarantees it shall remain.

I should like to insert in the RECORD at this point an able article by Mark Sullivan on this subject which appeared in the Washington Post on November 20.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE FILIBUSTER SERVES AN INFORMATIVE PURPOSE

(By Mark Sullivan)

The Senate filibuster against the bill forbidding poll taxes in States can perform a useful service in respects not directly connected with the issue. It can enable the public to learn how easily, and how frequently, it is led into incorrect impressions about public matters. Demand for passage of the poll-tax bill, and criticism of those who oppose, is based upon a welter of misconceptions.

A telegram of protest against the filibuster, and endorsement of the poll-tax measure, was sent to the Senate, and made public, by 21 persons, including some of the highest standing. The telegram charged that Senators opposing the measure "are endeavoring to continue the discriminatory poll tax. * * *" By "discriminatory" the signers of the telegram meant discrimination on grounds of race, discrimination between Negroes and whites. That this was their meaning is proved by a further sentence in the telegram, calling for "immediate repeal of those laws which encourage discrimination because of race, color, or religion."

Now, the poll-tax laws in eight southern States are not discriminatory as between the races. They are not discriminatory in any respect whatever. To call these laws discriminatory, it would be necessary to say that literally every law of any kind is discriminatory. The sole discrimination is between those who conform to the law, and those who do not. The poll-tax laws merely say that a citizen, before voting, must have paid a poll tax. The law applies to whites exactly the same as to Negroes. A Negro can pay the tax and vote, exactly as a white person can. Nonpayment of the tax is a bar to a white man voting the same as to a Negro. True, there is discrimination between races in some southern States. But the poll-tax laws are not discriminatory.

An incorrect impression, almost universal, is that those opposing the poll-tax bill in Congress are by that fact trying to preserve poll taxes as such. This is not true. In the debates, Senator after Senator from Southern States have said they think the poll-tax laws ought to be repealed. Senator CONNALLY, of Texas, as I recall, used the word "outmoded." He meant that just as poll-tax qualifications for voting, and similar qualifications, have been repealed in Northern States, most of which formerly had them, so ought they now to be repealed in Southern States. The sole insistence of most of the southern Senators is that the repealing be done by the States themselves, voluntarily—not imposed on the States by compulsion of the Federal Government.

Actually, poll taxes have already been repealed by all the Southern States except eight. In one of these, Tennessee, action looking toward repeal is under way. True, in some of the remaining States the poll tax is embedded in the constitution, and hence is cumbersome to repeal. But this does not alter the fact that sentiment favors repeal, or the reasonable certainty that repeal will come. And decidedly neither this condition nor any other alters the fundamental principle in the present controversy—the principle that fixing qualifications for voting shall continue to be the right of the States, and should not be taken over by the Federal Government.

If the poll tax has been, is being, and can be ended by action of the States themselves, why the present demand that it be done by the Federal Government? And why is this extremely controversial demand pressed at a time when the country is at war, when domestic controversy ought to be minimized in the interest of national unity for war? Answer that—and you will know most of the story.

Without imputing particular motives to all who demand action by Congress, it is a fact that much of the more strident demand springs from radical sources. What they wish can be inferred from their broad attitude on many aspects of government and society. They are engaged in what, when they are candid, they frankly speak of as revolution. Keystone of any revolution in the American system of government must be the breaking down of the States as units of government; taking away from them functions they exercise; depriving them of powers assigned to them by the Constitution.

In any attempt to accomplish this, a fundamental necessity is to take away from the States their right to fix the qualifications of voters. This is the cornerstone of government. Take it away from the States, and little will be left of the States as governments.

This aspect of the present controversy in Congress is little seen or understood. Time can make it clear, and this is the justification for delay. The controversy in Congress so far has been mainly technical and parliamentary—whether the bill was properly acted upon by the committee that considered it, whether the procedure by which attempt is made to bring it on the floor is correct. Assuming this will be settled, and the bill comes upon the floor for debate on its merits, the true and broad implications of the measure will be made clear by some of the ablest men in the Senate, from the North as well as from the South.

Mr. ANDREWS. I should also like to have inserted as a part of my remarks a very able editorial from the Washington Star of November 19.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star of November 19, 1942]

POLL-TAX CONTROVERSY

As the Senate battle over the bill to abolish the poll tax in national elections increases in bitterness and scope, the wonder grows as to why this particular time was chosen to force a showdown on such a highly controversial issue.

The objections which have been raised against this tax are varied and confused. To some extent, no doubt, it tends to restrict voting. Yet the tax itself in the eight States where it remains in effect is small—$1 or $1.50. In terms of dollars and cents, it is perhaps the least onerous of all the taxes imposed by the States. Furthermore, it is a matter of common knowledge that many people in the poll-tax States, although well able to pay the tax, do not vote because they are unwilling to take the trouble to pay it, or to register, or even to go to the polls. These people are not debarred from voting by the poll tax. In all States there are many persons who simply do not care enough about the privilege of voting to comply with any preliminary requirement. A good example of this was given in New York City (where there is no poll tax) earlier this month, when the voters stayed away from the polls in large numbers because they were unwilling to take the trouble to register, despite urgent appeals from the President and State officials that they do so.

Similarly, there is little substance to the charge that the poll tax discriminates against Negroes. In the States where it remains in effect it applies to all alike, and it is no more discriminatory, and far less burdensome to the poorer classes, than the automobile taxes or the State sales taxes, to mention two of many.

But, even if full weight be given to the contentions that the tax is antisocial and undemocratic, the fact remains that the States themselves gradually have been getting away from it. At one time a poll tax, or an equivalent, was in force in practically all of the older States. Slowly, but by voluntary action, it was abandoned in one State after another, until finally it remained only in the Southern States. But even there the trend has been against the tax. In recent years Louisiana and Florida have dropped it, and it is on the way out in Tennessee.

This being the case, it is surprising that Majority Leader BARKLEY has selected this particular time, when the war puts a premium on harmony in the Senate, to force an issue which, in the opinion of some Senators, involves a very grave constitutional threat to the integrity of the States. Even if he is successful ultimately in overriding the Senators from the poll-tax States, it is apt to be discovered that very little has been gained and a great deal lost.

Mr. ANDREWS. Mr. President, I should also like to place in the RECORD as a part of my remarks a very able article written by Gould Lincoln, which appeared in the Washington Evening Star of November 19, 1942.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FILIBUSTER AGAINST POLL-TAX BILL FORCED TO PREVENT PLAIN INVASION OF CONSTITUTION

(By Gould Lincoln)

It is a sad commentary that only a filibuster is standing in the way of the passage by the Senate of a measure which in the opinion of some of the best legal minds in the country is clearly unconstitutional—the so-called poll-tax bill.

The principal question at issue is not whether a poll tax, as a requisite of voting in elections, is a good thing. It is whether the Congress shall undertake by a simple law to repeal a provision of the Constitution. It involves, moreover, a complete control by the Federal Government over election in the State.

Obviously, if Congress by the enactment of a law can prevent a State's imposing a poll tax as a qualification for voting, it can prevent a State's imposing a law for registration of the voters. It can prevent a State's imposing a 6-month residential qualification for voting.

It can, in fact, do anything it wants to control elections in every voting precinct in the country. And when it does, gone will be the very shadow of State sovereignty. The dual system of government set up under the Constitution will have been smashed to atoms. Everything will be centralized in Washington.

METHOD PROVIDED

The Constitution itself provides a method of amending the fundamental law of the land—and the passage of an act of Congress is not the method. In every case where the voting qualifications have been changed for the entire Nation, during more than 150 years of this country's existence a constitutional amendment has been submitted first to the States, in accordance with the constitutional plan for amendment.

It requires a two-thirds vote of the House and Senate to submit such an amendment

to the States for ratification, and ratification may be had only when three-fourths of the States have approved the amendment. This was the course followed when Negroes were enfranchised nationally. It was the course adopted to give the women the vote nationally.

Before the woman-suffrage amendment was adopted in 1920 some of the States permitted women to vote. Miss JEANNETTE RANKIN was elected to the House in Montana in 1916, for example. Yet Congress did not seek to impose woman suffrage on the Nation as a whole by the mere passage of a law.

TWO REASONS FOR BILL

Two reasons exist for the present effort to trample on the Constitution and put through this poll-tax law. One is that too many have come to a conclusion that the poll tax as a requisite for voting denies to thousands of citizens—particularly in the South—the right to participate in the elections of Senators and Representatives in Congress, and of Presidents and Vice Presidents. It is all wrong, they say, to make a money qualification, no matter how small, a necessary preliminary to exercising the right of franchise, the greatest right any citizen has.

The other reason is not admirable. It is a desire to influence the Negro vote in States where the Negroes do vote in large numbers—particularly in such big States as New York, Pennsylvania, Illinois, and Ohio, where the Negro vote might at times hold the balance of power. Today only eight States in the Union have a poll tax as requisite of voting. All of them are located in the South—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. All of them have large Negro populations. The poll tax has operated to keep many of them from the polls on election day. So the promise is made to the Negroes in the other States that their brothers in these eight States of the South shall be enfranchised by the repeal of all poll taxes and permitted to vote for Members of Congress and for President and Vice President.

MAJORITY FOR BILL

Both the Republicans and the Democrats in Congress—except those from the South—have for the most part made this promise in the hope that the Negroes will support their party when elections are held and their votes are needed in Illinois, New York, and other States where their vote may be the balance of power. In the Senate, not all of the Republicans nor all of the Democrats, outside of the solid South, believe the proposed law is constitutional—and not all of them are prepared to vote for its passage. But a majority of both will support the legislation if it can be forced to a vote.

Article I, section 2, of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature." These eight States which still have the poll-tax law, provide that the payment of a poll tax shall be a requisite for electors of the members of their State legislatures.

The pending bill does not seek to prevent the States from imposing poll taxes on electors who vote for the members of the State legislatures. It merely seeks to prevent the imposition of such a tax on electors who vote in the States for Members of Congress and for President. The supporters of the bill have acknowledged that Congress has no power to fix or alter qualifications of voters for State officials. They seek to distinguish, however, between the election of a State officer and of a Member of Congress.

TENUOUS ARGUMENT

To do this they deny that the payment of a poll tax is a "qualification" for voting. They insist that a poll tax is an interference in the manner of holding a Federal election. It is a tenuous line of argument, especially in view of the fact that when the Constitution was first adopted all the States had property or tax qualifications for voters and continued them in effect.

Gradually the States themselves have repealed their laws requiring the payment of poll taxes as a requisite for voting. It is a matter which should be left to the States. Tennessee is about to repeal its poll-tax law today.

When fanatical drys in this country insisted on national prohibition—forcing dry laws on States which were not ready for them and did not wish them—they sought a constitutional amendment. They did not seek to impose the Federal bill on the States by a mere act of Congress.

The Senate has been forced to be a spectacle to the entire world—with a filibuster in full swing—for days now by the insistence of the proponents of the anti-poll-tax bill. In the midst of a great war, this measure is pushed to the front. A majority of the Members of the Senate regret that this has been done. Better a filibuster, however, with all its antics, than a plain invasion of the Constitution.

Mr. ANDREWS. Mr. President, if there are any of our citizens, any voters, any of the people of the country anywhere, who have doubts as to the position of those of us who have opposed the pending measure, I invite them to read these articles, because the writers have stated the arguments much better than I could.

Mr. BILBO. Mr. President, for 5 days I discussed the question now before the Senate, being stopped before concluding my line of thought and my presentation of the subject, and in order that my remarks in the RECORD may appear logically and sequentially, I ask unanimous consent to pick up the thread of my thought where I was cut off on a former day, and insert a part of the views of the minority of the committee, beginning on page 4, and including pages 5, 6, and 7.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

It is better to wait the wise action of the remaining States than by a strained construction of the Constitution to apply by statute the power of the Central Government to force upon any State a particular course of action in a field which the Constitution left to the States.

This view of the constitutional aspects of the bill before us is sustained by the testimony of an able lawyer, Mr. John F. Finerty, attorney for the Workers Defense League and of the American Civil Liberties Union, who, though testifying in support of the measure (hearings, p. 394), declared that in his opinion it could not be safely based, as it is based, on article I, section 4.

"Mr. FINERTY. That annotation in the United States Code, Annotated, leads me back to suggest to this committee that in my opinion the Pepper bill can only safely be based on article IV, section 4, of the Constitution, which is one guaranteeing to the States a republican form of government.

"Senator NORRIS. You mean article I, section 4.

"Mr. FINERTY. No; article IV, section 4, Senator NORRIS.

"Senator O'MAHONEY. In other words, what you say——

"Senator NORRIS. Article I, section 4, isn't it?

"Mr. FINERTY. No; I am referring to article IV, section 4. Article I, I don't think, is a safe reliance.

"Senator O'MAHONEY. As I understand, Mr. Finerty, it is that we cannot hope to argue from section 4 of article I that this is a bill which would come within the power of Congress to regulate the manner of holding elections.

"Mr. FINERTY. Well, Senator that is something that I confess I have always had the greatest doubt, as to whether that section, conferring power to regulate the manner of holding elections, conferred power to prescribe qualifications, but I am not even going to touch on that. I would say that apparently Classic case has disposed of the doubt, so far as the Supreme Court is concerned, but what I want to point out—I am referring to Mr. SOL BLOOM's little compilation of the Constitution—is that article IV, section 4—I have found that the most convenient form in which to carry the Constitution around—reads:

" 'The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or the executive when the legislature cannot be convened, against domestic violence.'

"Now, then, there is article I, section 2, and article——

"Senator O'MAHONEY. Now, do you mean to contend that under that provision of the Constitution the Congress of the United States has the power, authority, and right, on its own initiative, to intervene in a situation which it judges to be an invasion or a violation of the republican form of government?

"Mr. FINERTY. Certainly, and not only do I believe that but I believe its conclusion in that respect is not reviewable by the Supreme Court or any other court.

"The Supreme Court in *Texas* v. *White*, in 7 Wallace 730—I have the citation here, 7 Wallace 730—expressly held that was a question wholly within the power of Congress to decide as a political question.

"I want to point out, in answer to Senator NORRIS, that my doubt of the efficacy of either article I, section 2, or article I, section 4, to sustain the Pepper bill is because the Pepper bill forbids the poll tax in Presidential elections, and the election of Presidential electors. Neither article I, section 2 nor 4, has any reference whatever to Presidential elections, but apply entirely to Congress. Therefore, I think that primarily and fundamentally, the Pepper bill can be justified under article IV, section 4, to guarantee a republican form of government."

The provision urged by Mr. Finerty, namely section 4, article IV, is that which guarantees to every State "a republican form of government." That the framers of the Constitution did not regard property or poll-tax qualifications as in any sense in derogation of a republican form of government is proven by the fact that when they wrote section 4 of article IV they did not abolish those qualifications in Federal elections. Indeed, they undertook to deprive all citizens of the privilege of voting directly for President by putting the electoral college between the people and their chief executive officer.

The Constitution was an instrument designed to preserve a balance between State and Federal Government, between local and central power. In a time when circumstances compelled the exercise of great central authority, the utmost care should be observed not to strike down unnecessarily the sovereign powers reserved to the States except in the manner carefully pointed out in the Constitution itself.

JOSEPH C. O'MAHONEY.
TOM CONNALLY.
WARREN R. AUSTIN.

QUALIFICATION OF VOTERS IN THE VARIOUS STATES AT THE TIME THE FEDERAL CONSTITUTION WAS ADOPTED

In *Minor* v. *Happersett* (21 Wall. 162), at page 172, Chief Justice Waite said:

"When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power. Thus, in New Hampshire, 'every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request,' were its voters; in Massachusetts 'every male inhabitant of 21 years of age and upwards, having a freehold estate within the commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds'; in Rhode Island 'such as are admitted free of the company and society' of the colony; in Connecticut such persons as had 'maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate,' if so certified by the selectmen; in New York every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State'; in New Jersey 'all inhabitants * * * of full age who are worth 50 pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election'; in Pennsylvania 'every freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election'; in Delaware and Virginia 'as exercised by law at present'; in Maryland 'all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election'; in North Carolina, for Senators, 'all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election,' and for members of the house of commons 'all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes'; in South Carolina 'every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before said election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the government'; and in Georgia such 'citizens and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election and shall have resided 6 months within the county.'

"In this condition of the law in respect to suffrage in the several States it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared."

QUALIFICATIONS FOR VOTERS IN STATES AT TIME THE UNITED STATES CONSTITUTION WAS ADOPTED

(These statements are taken from *Minor* v. *Happersett* (88 U. S. 21 Wall. 162, 22 L. ed. 627, 629-630), in which Mr. Chief Justice Waite stated the suffrage requirements contained in various State constitutions at the time of the adoption of the Federal Constitution.)

"* * * No States permitted all citizens to vote. Each State determined for itself who shall have that power."

In New Hampshire: "Every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request," were its voters.

(Constitution of New Hampshire, adopted October 31, 1783; pt. II. The form of Government: the senate—"Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upwards, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the Senators in the county or district whereof he is a member * * *. All persons qualified to vote in the election of Senators, shall be entitled to vote within the town, district, parish, or place where they dwell, in the choice of Representatives.")

In Massachusetts: "Every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds."

In Rhode Island: "Such as are admitted free of the company and society" of the colony.

(Constitution of Rhode Island, adopted May 1843, article II, sec. 1: "Every male citizen of the United States, of the age of 21 years, who has had his residence and home in this State for 1 year, and in the town or city in which he may claim a right to vote, 6 months next preceding the time of voting; and who is really and truly possessed in his own right of real estate in such town or city of the value of $134 over and above all encumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any encumbrances therein being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion, or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified.")

In Connecticut, such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate," if so certified by the selectmen.

In New York: "Every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State."

In New Jersey: "All inhabitants * * * of full age who are worth 50 pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election."

In Pennsylvania: "Every freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election."

In Delaware and Virginia: "As exercised by law at present."

In Maryland: "All freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election."

In North Carolina, for Senators: "All freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election, and for members of the House of Commons all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes."

In South Carolina: "Every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land, or a town lot on which he hath been legally seized and possessed at least 6 months before such election, or (not having such freehold or town lot) hath been a resident within the election district in which he offers to give his vote 6 months before said election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the government."

In Georgia: "Such citizens and inhabitants of the State as shall have been attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

[The Court continues and says: "In this condition of the law in respect to suffrage in the several States, it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared.]

QUALIFICATIONS FOR VOTERS AT TIME OF CONSTITUTION IN DELAWARE AND VIRGINIA

Statute of Delaware, 1700–98

(Art. IV of Constitution of Delaware)

All elections of Governor, Senators, and Representatives shall be by ballot, and in such elections every white freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time having paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and the sons of persons so qualified, shall between the ages of 21 and 22 years, be entitled to vote, although they shall not have paid taxes.

(The following is taken from the Virginia acts, 1736–94.)

Declaration of rights, 1776

That elections of members to serve as representatives of the people in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

Chapter XVII of Virginia Acts entitled "An act concerning elections of members of general assembly" (December 20, 1785):

"SEC. II. Every male citizen (other than free Negroes and mulattos) of this Commonwealth, aged 21 years, or such as have given assurance of fidelity to the Commonwealth, being possessed, or whole tenant for years, at will, or at sufferance, of 25 acres of land, with a house, the superficial content of the foundation whereof is 12 feet square, or equal to the quantity, and a plantation thereon, or 50 acres of improved land, or a lot or part of a lot of land in a city or town established by act of general assembly, with a house thereon, of the like superficial content or quantity, having in such land an estate of freehold at the least, and, unless the title shall have come to him by descent, devise, marriage, or marriage settlement, having been so possessed 6 months, and no other person shall be qualified to vote for delegate to serve in the general assembly, for the county, city, or borough, respectively, in which the land lieth."

Mr. GEORGE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Hon. John S. Edwards, of Lakeland, Fla. I am well acquainted with Judge Edwards, a former circuit judge in the State of Florida. In a very straightforward way the letter sets forth the reasons why the pending bill is invalid under the Constitution. I commend the letter to Senators who will wish to pursue the matter, because it is simply the common sense view of a judge who himself is a citizen of a non-poll-tax State, without any attempt to refine, or, by the mere juggling of language, change the meaning of the Constitution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAKELAND, FLA., *November 19, 1942.*

Senator WALTER F. GEORGE,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: In the poll-tax bill, now before Congress, I have not seen any reference made directly to the unconstitutionality of the proposed statute. I have noted that it has been charged that the proposed bill is a violation of the Constitution. It seems so clear to me that this is true, both from the reading of the Constitution and the holdings of the Court on the question, that I am writing this letter to you.

We all realize that the Government of the United States is a limited Government of delegated powers as set out in the Constitution and its amendments and has no power or authority beyond the Constitution properly construed.

The tenth amendment to the Constitution reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Section 2 of article I, which specifies the qualifications of electors to vote for Representatives in the lower House of Congress, is as follows:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Section 4 of article I reads as follows:

"SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

The seventeenth amendment to the Constitution reads, in part, as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

It seems to me that it is clear that section 2 of article I and the seventeenth amendment specifically reserve to the States the right to decide the qualifications of electors eligible to vote for Congressmen and Senators. There is no grant in the Constitution to the Federal Government in any way, to alter these two quoted portions.

Section 4 of article I, heretofore quoted, refers to the times, places, and manner of holding elections for Senators and Representatives, but in no way refers to the qualifications of electors who may vote in such elections.

The tenth amendment to the Constitution, reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respecively, or to the people."

It naturally follows that, unless the States have in the Constitution surrendered to the Federal Government the right to decide who may vote in the several States, the right to control the qualifications remains in the several States, not subject to any control by the Federal Government, unless the qualifications should violate the fourteenth, fifteenth, and nineteenth amendments to the Constitution.

(In March of 1941 the United States Circuit Court of Appeals, Sixth Circuit, in a case from Tennessee, entitled *Henry Pirtle* v. *H. B. Brown et al.*, found in the 118 F. (2d) 218, and in American Law Reports, volume 139, page 557, passed upon this very question very pointedly and conclusively.) In this case Henry Pirtle presented himself to vote to fill a vacancy in the House of Representatives of the United States. The court says:

"Appellant, Henry Pirtle, possessed all the qualifications required by the laws of Tennessee to entitled him to vote in this election except that he had not paid his poll tax. For this reason, the judges of election declined to allow him to vote."

Pirtle applied to the District Court of the United States for the Middle District of Tennessee, in an action brought to determine the right of the appellant to vote at a congressional election without having paid a poll tax. The district court upheld the refusal to allow him to vote. Case was appealed to the circuit court, sixth circuit, which upheld the district court. Petition for writ of certiorari to the Supreme Court was denied on October 13, 1941, sustaining the circuit court.

The circuit court in its opinion makes this clear statement which should, it seems to me, convince some of the "constitutional lawyers" who are trying to drive this act through, to wit:

"Privilege of voting is not derived from the United States but is conferred by the State and save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

This case, as found in A. L. R., has following it a very extensive brief on the subject. I suggest that you let Senator BILBO read this case and citations to Congress.

I feel sure that the act, if passed, would be unconstitutional and that the courts would so hold.

As we fans say at the football game, "Hold that line."

With kindest personal regards, I am sincerely,

Your friend,

JOHN S. EDWARDS.

P. S.—Please tell Senator PEPPER to read the case of Pirtle against Brown.

E.

Mr. BARKLEY. Mr. President, may I inquire how the time stands between the two sides?

The PRESIDING OFFICER. The Chair is advised that the Senator from Kentucky has used 68 minutes and the Senator from Texas 52 minutes.

Mr. BARKLEY. I wanted to find out how much time we had both consumed. So far as I know, there is no other Senator who wishes to address the Senate today. Therefore I shall move that the Senate proceed to the consideration of executive business.

Mr. CONNALLY. Before the Senator does that, will he yield to me for a moment?

Mr. BARKLEY. Yes.

Mr. CONNALLY. I understand that the Senator from Tennessee [Mr. MCKELLAR] wishes to submit some amendments to the pending bill.

Mr. MCKELLAR submitted several amendments intended to be proposed by him to the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

The PRESIDING OFFICER. The amendments will be received and, without objection, they will be considered as having been read, and will lie on the table, and be printed, and printed in the RECORD.

The amendments submitted by Mr. MCKELLAR are as follows:

Amendment intended to be proposed by Mr. MCKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. (a) Every agency of the United States (including Government-owned corporations) having control or charge of public funds or property and receiving any sums in connection therewith as rents, profits, emoluments, or other payments, shall pay such sums into the Treasury of the United States as general receipts on or before the 30th day of June in each year.

(b) No such agency shall make any expenditures or payments of funds for any purpose except from such sums as have been or shall be appropriated for such purpose by law."

Amendment intended to be proposed by Mr. MCKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. It shall be unlawful to pay the compensation of any person holding any office or position under authority of the

United States, if such compensation is at a rate of $4,500 or more a year, out of any funds except funds appropriated by the Congress for the payment of such compensation. Any person who pays or authorizes the payment of any compensation in violation of this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. It is the sense of the Congress that no provision of the Constitution is more important than that which provides that 'No money shall be drawn from the Treasury, but in consequence of appropriations made by law.' In order to provide for adherence to and enforcement of this provision of the Constitution, all laws, regulations, orders, and practices which permit money to be borrowed by agencies of the United States (including Government-owned corporations) upon the obligations of such agencies and to be used without appropriation by the Congress are hereby declared to be null and void and of no effect; and no money shall hereafter be so borrowed or used."

Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. In the administration of the Selective Training and Service Act of 1940, as amended, no person, other than a person specified in section 5 (c) (1) of such act, shall be deferred from training or service in the land or naval forces because he holds a civilian office or position under authority of the United States."

Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. Hereafter, no subsidy shall be paid by any officer, department, or agency of the United States (including Government-owned corporations) from any funds for any purpose, unless the money for the payment of such subsidy shall have been appropriated by the Congress specifically for such subsidy; and no transaction in the nature of a subsidy shall be engaged in or carried out by any such officer, department, or agency, unless the Congress shall have specifically and with particularity authorized such transaction."

Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. It is the sense of the Congress that the Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men and women at all times and under all circumstances; that no doctrine involving more pernicious consequences was ever invented by the wit of man than that the provisions of the Federal Constitution can be suspended during war or any great exigency of the Federal Government; that such doctrine leads directly to anarchy or despotism and the theory of necessity on which such doctrine is based is false; and that the Government has all powers which are necessary to preserve its existence as has been proved by the results of all its wars, including the present war."

Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 1024) to amend an act to prevent pernicious political activities, viz: At the proper place insert the following new section:

"SEC. —. All offices or positions in the executive branch of the Government (including all departments, agencies, bureaus, independent offices, Government-owned corporations, and the armed forces) for which compensation is provided at a rate of $4,500 or more a year are hereby declared to be offices under the Constitution which may be filled only by appointment by the President, by and with the advice and consent of the Senate; and hereafter no person shall be appointed or promoted to any such office with compensation at a rate of $4,500 or more a year except by appointment by the President, by and with the advice and consent of the Senate."

Mr. BILBO. Mr. President, I submit an amendment to the pending bill.

Mr. BARKLEY. Mr. President, I ought to call attention to the fact that under the rules amendments not only have to be presented but have to be read to the Senate.

Mr. BILBO. I will ask that my amendment be read.

The PRESIDING OFFICER. Without objection, the amendment will be received and considered as having been read, and will lie on the table and be printed in the RECORD.

Mr. CONNALLY. Mr. President, does that comply with the rule?

The PRESIDING OFFICER. The Chair is advised that it does.

The amendment submitted by Mr. BILBO is as follows:

At the proper place insert the following new section:

"SEC. —. It shall be unlawful for any State, municipality, or other government or governmental subdivision, to interfere with the manner of selecting persons for national office by requiring that persons shall have attained an age older than 18 years as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void. No person otherwise qualified to vote in any primary or other election for any such officer shall be denied the right to vote in such election because of his age, if such person is 18 years of age or older."

Mr. CONNALLY. I ask unanimous consent that the same action may be taken with respect to the amendments submitted on behalf of the Senator from Tennessee [Mr. McKELLAR].

Mr. BARKLEY. Mr. President, I have no desire to have the amendments actually read if by unanimous consent they may be considered as having been read. With that understanding I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONNALLY. Mr. President, I also wish again to call the attention of all Senators to the fact that under the rule all amendments which may at any time be offered to the bill must be filed not later than 1 o'clock on next Monday. I wish to urge all the friends of the group with which I am associated, if they have such amendments, to see that they are properly filed before 1 o'clock Monday.

Mr. BARKLEY. I may say that is in accordance with the rule.

Mr. CONNALLY. Yes.

Mr. BARKLEY. I used a few minutes more than the Senator from Texas did, but there will be only an hour Monday.

Mr. CONNALLY. I will wash out that difference.

Mr. BARKLEY. We will let that difference go and divide the hour Monday between us.

Mr. CONNALLY. We admit that we have been in the minority all the time, so I am willing to take a minority of the time as well.

Mr. President, I also give notice that on next Monday I shall expect in the division of the time to take about 30 minutes to argue the merits of the bill and close the debate for our side.

Mr. BARKLEY. I presume that under that arrangement, being the mover of the petiton to close debate, I will be entitled to make a closing statement if I wish to do so. I am not certain that I shall wish to do so.

Mr. CONNALLY. I shall not indulge in any quarrel as to who speaks last. He who speaks best speaks last.

Mr. BARKLEY. I shall be the exception to that rule.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. MURDOCK in the chair) laid before the Senate a message from the President of the United States nominating several persons for appointment as foreign service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service, which was referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers (temporary) for permanent appointment in the Marine Corps;

First Lt. Charles S. Todd to be a captain in the Marine Corps, from the 8th day of July 1940; and

Sundry citizens and meritorious noncommissioned officers to be second lieutenants in the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

NAVY DEPARTMENT

The legislative clerk read the nomination of Capt. Edward L. Cochrane, to be Chief of the Bureau of Ships, with the rank of rear admiral, for a term of 4 years from November 1, 1942.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

That concludes the calendar.

Mr. BARKLEY. I ask unanimous consent that the President be notified of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be so notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Does the taking of a recess meet the conditions of the rule?

Mr. BARKLEY. Yes; it meets the conditions.

Mr. GEORGE. Yes, it does; because the rule applies to calendar days.

The PRESIDING OFFICER. The Chair will state that it complies with the rule.

The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and (at 2 o'clock and 29 minutes p. m.) the Senate took a recess until Monday, November 23, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 21 (legislative day of November 17), 1942:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Keeler Faus, of Georgia.
Harry Clinton Reed, of Ohio.
Thomas S. Estes, of Massachusetts.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 21 (legislative day of November 17), 1942:

IN THE ARMY

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be major generals

James Harold Doolittle
Lucian King Truscott, Jr.
Lunsford Errett Oliver

To be brigadier generals

Paul McDonald Robinett
John Wilson O'Daniel
Benjamin Franklin Caffey, Jr.

NAVY DEPARTMENT

Capt. Edward L. Cochrane to be Chief of the Bureau of Ships, Department of the Navy, with the rank of rear admiral, for a term of 4 years from November 1, 1942.

POSTMASTERS

IOWA

Martin W. Brockman, Clarksville.
Charles G. Vasey, Collins.
Henry C. Finnern, Denison.
Jacob A. Schwartz, Fenton.
Lilly B. Gibbons, Jefferson.
Herman L. Walker, Kalona.
Katharine Wallace Shaw, Redding.
Joseph P. Quinn, Riverside.
Lillian E. Gasseling, Walcott.
Paul Max Clark, Woodbine.
H. Clyde Calonkey, Woodward.

MISSOURI

Emmett R. Burrows, Van Buren.

SENATE

MONDAY, NOVEMBER 23, 1942

(Legislative day of Tuesday, November 17, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, in the abundance of Thy loving kindness humbly and reverently we come into Thy presence. Before we talk to one another about our homes, our Nation, and our world, we would listen for Thy voice, as with silenced hearts we wait for Thy word. Thou art light for life's meanings. Thou art wisdom for life's questions. Thou art strength for life's duties, and courage for life's unknown ways.

Each new day is a white page in the book of destiny if we but take it from Thy hand as trustees of Thy unfolding purpose. May we follow the gleam of the highest and best we know, as it leads o'er moor and fen and crag and torrent, till the evening comes and the busy world is hushed, and the fever of life is over, and our work is done. Then, of Thy great mercy, grant us a safe lodging and a holy rest, and peace at the last. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, November 21, 1942, was dispensed with, and the Journal was approved.

SENATOR FROM TENNESSEE—CREDENTIALS

Mr. MCKELLAR presented the credentials of A. TOM STEWART, duly chosen by the qualified electors of the State of Tennessee a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

LIQUIDATION OF THE WAR FINANCE CORPORATION

A letter from the Acting Secretary of the Treasury, submitting, pursuant to law, the final report of the Secretary of the Treasury on the liquidation of the War Finance Corporation (with an accompanying report); to the Committee on Banking and Currency.

SUBVERSIVE FEDERAL EMPLOYEES

A letter from the Attorney General, transmitting, pursuant to law, a report of the Federal Bureau of Investigation for the first quarter of the fiscal year 1943 (July 1 through September 30, 1942), relating to the investigation of employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Government by force (with an accompanying report); to the Committee on Appropriations.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury and Agriculture (4), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The Senate resumed the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

The VICE PRESIDENT. Does the Senator from Texas have the division of time in mind for this morning?

Mr. CONNALLY. I shall yield to the Senator from Minnesota [Mr. SHIPSTEAD], who desires to address the Senate. I shall yield to him for 5 minutes. [After a pause.] The Senator from Minnesota does not appear to be present.

Mr. President, we did not insist upon a quorum call in the interest of time. If some of the attachés of the Senate will see that the Senator from Minnesota comes to the floor shortly, we will save time in the long run. I inquire if the Senator from Illinois [Mr. LUCAS] is present.

Mr. MCNARY. Mr. President, I do not know anything about the arrangement, but the Members usually expect a roll call and they proceed upon that basis. I think we should have a roll call, and then, if there are only 50 minutes left, that it should be shared equally between the proponents and opponents of the bill.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Byrd	Gerry
Andrews	Capper	Gillette
Austin	Caraway	Green
Bailey	Chandler	Guffey
Bankhead	Chavez	Herring
Barkley	Clark, Idaho	Hill
Bilbo	Clark, Mo.	Johnson, Calif.
Brewster	Connally	Johnson, Colo.
Brooks	Danaher	Kilgore
Brown	Davis	La Follette
Bulow	Doxey	Langer
Bunker	Ellender	Lodge
Burton	George	Lucas

McKellar	Pepper	Thomas, Utah
McNary	Radcliffe	Truman
Maloney	Reed	Tunnell
Maybank	Russell	Tydings
Mead	Schwartz	Vandenberg
Millikin	Shipstead	Van Nuys
Murdock	Shott	Wagner
Nelson	Smith	Wallgren
Norris	Spencer	Walsh
Nye	Stewart	Wheeler
O'Daniel	Taft	White
O'Mahoney	Thomas, Idaho	Wiley
Overton	Thomas, Okla.	Willis

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] has been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. LEE], the Senator from Montana [Mr. MURRAY], and the Senator from North Carolina [Mr. REYNOLDS] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Seventy-eight Senators having answered to their names, a quorum is present.

Mr. CONNALLY. I yield 6 minutes to the Senator from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. President, Illinois is one of the truly great States in the Union. Within its borders live every race, creed, and color. On the south end of Lake Michigan we find Chicago, a metropolitan center that has few equals in the world. The problems of Illinois are many and complex. Our interests are diversified.

There is no controversial problem at the moment in our State which compels such a free, fair, and full expression upon the floor of the Senate as the cloture rule would prevent. I sincerely hope that the time may never come when the conditions in that sovereignty will compel the filing of a petition for the adoption of cloture.

But, Mr. President, no one knows what the future may hold. No one can gainsay or dare to predict that problems may not arise affecting State sovereignty in Illinois, or in any other State in the Union. No one knows when the invocation of the cloture rule might destroy some fundamental right peculiar to my own State or any other.

Mr. President, if that time should ever arrive, I would not want the record to show that at a time when dictatorship was rampant throughout the world, at a time when free speech and the liberties of individuals were threatened by a totalitarian menace which knows no bounds in its merciless crucifixion of the very things that have made America what it is today, I, as a Senator from Illinois, had voted for a rule which closed debate. Insofar as I can, I should like to preserve for my State every minority right within the parliamentary rules to resist to the last any future measure which then might be considered by Representatives of my State as a violation of the spirit and the letter of the Constitution, as is contended by the minority in regard to the important legislation now under discussion.

Mr. President, to me the constitutionality of the poll-tax measure is a close question. However, if the parliamentary situation were such that a vote could be taken upon the legislation before us, the Senator from Illinois would vote in the affirmative, but in order to accomplish that parliamentary situation I cannot weigh the present factors alone. I cannot consider that my own State is not affected by this cloture rule. I must weigh the possibilities of the future with the full realization that sometime some Senator from Illinois might want to stand upon this floor and fight to the death legislation which he considered trampled upon the rights of the free people of my sovereign State.

No, Mr. President, cloture is a serious step to take in this legislative Hall, which is the real citadel of liberty throughout the world. My country would have to be threatened with virtual annihilation before I could conscientiously vote for a rule of this kind.

Mr. President, the gravity of the situation can best be understood by considering what has happened during the last 10 days. Tempers have flared and old friends are looking askance at each other, all of which is to be regretted, especially so at a time when the world is threatened with a ruthless and godless despotism which has no parallel in history. America is in the center of the conflagration and the embers have been falling all around us. How much better it would have been during the last 10 days if we had been cursing Hitler, Mussolini, and Hirohito. How much better if all the long speeches which have been made had been addressed to the heroism and the gallantry, the ingenuity and tactical maneuvering of our brave boys in the Army, Navy, and Marine Corps. How much better for us all during these crucial days to unite and fight our common foe, rather than contend among ourselves.

Mr. CONNALLY. I yield 5 minutes to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, before the vote is taken I wish to state that in my years as a Member of the Senate I have never voted for a cloture rule. Down through the years I have been here it has been considered by some of us that enforcement of cloture in the Senate of the United States would be closing the last door to the demands of a minority. Now, in the days when we are fighting to protect minorities, a minority on the floor of the Senate should not be estopped from defending its right. I shall not vote to withdraw this right. I desire to make this statement to the Senate.

Mr. CONNALLY. Mr. President, if any other Senator who is in sympathy with my views would like to speak, I should be glad to yield him time.

Let me ask, What is the status as to the time? How much time have I used this morning?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. REED. Mr. President——

Mr. BARKLEY. I will yield the Senator from Kansas 2 minutes, if he desires to speak.

Mr. REED. Mr. President, I rise to state very briefly my position upon the pending question. I shall vote for the motion to close the debate. I am strongly of the opinion that the question has been fully considered and debated, and that the proponents and opponents of the main measure have had sufficient time to discuss its merits. I think a time must come when a majority of a legislative body should exercise its right to function. I think that time has now arrived in the Senate.

I am opposed to Senate bill 1280. To me the Constitution clearly provides that the qualifications necessary to vote for a Representative in Congress are the qualifications fixed by the State to make one eligible to vote for a member of the most numerous house of the State legislature. It is not claimed that distinction is made as between qualifications for voting for Members of the National House of Representatives and of the most numerous branch of the State legislature.

If debate is closed, and a vote comes on the main question, I shall vote in the negative. A very brief explanation will make my position clear.

I think that, as it presently stands, the Constitution clearly leaves this question to the States. If the National Government desires to exercise authority to declare these qualifications, it should be done by an amendment to the Constitution, and not attempted to be done by a statute, which, in my opinion, is in contravention of the rule laid down in the Constitution.

I am opposed to requiring the payment of any sort of tax or any property qualification in order to make a person otherwise qualified eligible to vote. I am in favor of removing any and all such restrictions, but I want it done in a constitutional way.

Mr. CONNALLY. Mr. President, I have only 19 minutes and, of course, cannot in that time adequately cover the question now before the Senate, but before we come to a vote upon what I regard as one of the fundamentals of the procedure of the Senate, I wish to place briefly before the Senate and before the country some of the reasons which have actuated those of us who are resisting this motion for cloture.

The issue before the Senate now is whether or not the Senate at this time shall cut off debate under the rule, and not permit those of us who are resisting the pending measure full and complete and thorough debate upon the fundamental constitutional issues involved.

Mr. President, this is the Senate of the United States. According to my conception, it is the last citadel in this Republic of free opinion and free discussion and free consideration of the great issues of government. One of its chief functions is to supply a forum where any Senator may speak his convictions and his will, and to serve to inform and enlighten the people of the United States. That is what we want and demand now. The people of the United States do not now sufficiently understand the question we are discussing. They confuse Federal and State action. They merely discuss and consider these matters in the abstract. They do not get down to the grass roots of these basic considerations.

So far as I now know, I shall never vote to close this forum to public discussion upon any great question. Should the Senate ever refuse legitimate discussion upon the very vitals of this Government and its structure?

Mr. President, I speak to Senators who are under responsibility, I speak to Senators who are under oath to uphold and protect and defend the Constitution of the United States. I am not speaking to a town meeting which has no responsibility with reference to this question. I am not speaking to men who have their ears closed to the obligations of the Constitution and to the traditions of this body. I am not speaking to men whose eyes are blinded to the importance and to the majesty of matters relating to the Constitution of the United States.

Mr. President, what is the immediate issue? It is cloture. Of course, we are opposed to invoking the cloture rule upon this fundamental constitutional question. What is the question? The bill which is tendered proposes to provide by congressional edict, by mere statute, that a poll tax or other similar qualification imposed by any State under the sanction of the Constitution of the United States shall not be respected but shall be disregarded.

What did the Constitution makers think about this question? They were of equal dignity with ourselves. When the representatives of the Thirteen States met in Philadelphia to write a Constitution they wrote it out of the sacrifices and out of the blood and out of the stress and strain not alone of war but of 8 years of confusion and chaos, under the Articles of Confederation. When they met they discussed this very provision. If they had not discussed it, if their attention had not been directed intimately to the very point we have now under consideration, there might be some who would say it was a mere generality. But they discussed the question whether the Federal Government itself in the Constitution should fix the qualifications for electors in voting for Members of Congress or whether that matter should be left to the determination of the States. After full and free and enlightened debate and consideration they said, in article I, section 2—and the language means the same today that it meant in 1787:

> The House of Representatives shall be composed—

Shall be composed—

> of Members chosen every second year by the people of the several States, and the electors in each State shall have—

That is a command, a mandate, a compulsion—

> shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The Constitution makers did not say "may have," they said "shall have."

I desire to propound a question to any Senator under his obligation and his oath. If he were an election judge in a State and a voter presented himself and said, "I want to vote for a Representative in Congress in the election," would he not as an election judge ask, "What right have you to vote?" Suppose the voter were to answer, "Here is an act of Congress which provides that I do not have to pay a poll tax, and I have not paid one." Would not a Senator as an election judge, having the Constitution of the United States in his hand, turn to it and read section 2 of article I, and say to the voter, "I am sorry; there is a statute which says you can vote without paying a poll tax, but, my dear sir, here is the Constitution of the United States which says that you cannot vote in this State without complying with its election and qualification requirements." What would a Senator who was acting as an election judge do in such a case? Would he follow the plain mandate of the Constitution and his oath, or would he be swayed by the political demand of some man who wanted to vote, and whose vote he wanted to obtain?

Mr. President, it is contended by those favoring the measure that under article I, section 4, the Congress, by reason of being granted the authority to change the times and places and manner of holding elections, has the right to enact the proposed legislation. It will be noted that in section 4 of article I the times and places and manner were to be prescribed by State legislatures, but it says—

> But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. President, if the Constitution makers ever contemplated that under any circumstance or under any assumption of a state of facts Congress might legislate on the subject of the qualifications of voters, why did they not put a similar clause in section 2 of article I, and provide:

> The House shall be composed of Members * * * chosen by electors possessing the qualifications requisite for electors of the most numerous branch of the State legislature, but Congress may at any time change such qualifications.

But they did not do that.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. AUSTIN. Is it not true that Congress expressed its opinion about this subject in 1912, when it ratified the express language the Senator is discussing by adopting the seventeenth amendment, and therefore declared that the policy of Congress, which had obtained for 124 years and which had been followed in a definite way, was still the policy of Congress?

Mr. CONNALLY. I thank the Senator from Vermont, who is one of the most distinguished lawyers, not alone in this Chamber, but before the bar of the Nation. Of course, let me say to the Senator, the seventeenth amendment to the Constitution adopted about 1912 or 1913——

Mr. AUSTIN. It was adopted by the Congress by resolution passed May 16, 1912, and was proclaimed by the Secretary of State to have been ratified by a sufficient number of States May 31, 1913.

Mr. CONNALLY. Yes; it was adopted by the solemn action of the Congress and ratified by three-fourths of the States. This is what was said in that amendment which provided for the popular election of Senators:

> The Senate of the United States shall—

Always "shall"—

> shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State—

Listen Senators, the reference is to your State and my State and all the other States—

> The electors in each State shall have—

Not "may have"—

> shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

How could language be more plain? How could it be more expressive? Let me remind the Senate, as was wisely pointed out by the Senator from Ohio [Mr. TAFT] in a former debate on this subject, that when the fourteenth amendment was adopted it was provided that—

> When the right to vote at any election for the choice of electors * * * is denied to any of the male inhabitants of such State * * * the basis of representation therein shall be reduced.

That is a clear restatement of the proposition that the States had the right to restrict suffrage, and that if they did do so they would be penalized by the reduction of their representation in Congress.

Let me say to the distinguished Senator from Vermont that not alone in the seventeenth amendment do we find such language, but in the nineteenth amendment, the amendment relating to woman's suffrage, it was provided—and I read from the nineteenth amendment:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Recognizing that the general field of control was within the States. This is merely a prohibition, a negation as to sex alone, leaving unimpaired, untouched, unmodified, and unchanged all the plenary and full power which the Constitution originally vested in the States.

Mr. President, what does the Supreme Court say about the matter? This direct question was before the Supreme Court in the case of Breedlove against Suttles,

not on a side issue, but on this identical point. This was a case from the State of Georgia, in which a voter who tried to vote was denied the privilege of voting—not the right, he was denied the privilege of voting—because he had not paid his poll tax. I now quote from the Supreme Court decision. This is not someone who plucks a Senator's coat when he goes out of this Chamber into the reception room. This is not someone who waylays a Senator in the Halls of the Senate to try to put political pressure upon him, to apply the heat before the oil ration goes into effect. Listen to the decision of the Supreme Court. I invoke this language against those who press this bill:

> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Mr. AUSTIN. What year was that?

Mr. CONNALLY. That was in 1937, only 5 years ago. The Supreme Court in the most solemn manner reiterates, reaffirms, and approves what the Constitution makers did in 1787, and which for 150 years had been unchallenged until assailed by the pending bill.

Mr. President, those who favor the bill rely upon the Classic case. The Classic case, coming up from Louisiana, related to a prosecution for conspiracy or illegal voting in a primary. I shall quote from what the Supreme Court said in that case, and I want Senators to listen. The case was decided in the October term, 1940. Is that recent enough? In order to bind Members of the Senate must a decision have been rendered yesterday? Do they have to have a daily pronouncement by the Court in order to keep them in line?

Of course, Senators have daily importunities in the cloakrooms, they have daily importunities in their offices and in the halls, and by letter; but the Supreme Court says:

> Section 2 of article I commands—
>
> Commands—
>
> that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes.

Can there be anything plainer? Can there be anything that so shines with light and understanding and reason as that plain statement? Listen, the Court goes on. This is the Court speaking:

> The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution.

Mr. President, my time has almost expired. I desire to lift my voice in the Senate for the maintenance of the integrity and sanctity of the Constitution of the United States. If it is to be destroyed or erased there will be no Senate, and no House of Representatives.

We hold town meetings, which are influenced by the passions and the prejudices of the mob. However, Mr. President, let us maintain the creator of ourselves, the Constitution of the United States.

The framers of the Constitution knew what they were doing. When the language to which I have referred was inserted in the Constitution, practically every State of the original 13 had property qualifications for voting. They had tax requirements for voting. They had all sorts of qualifications for voting. It was with such a background and such knowledge that section 2 of article I of the Constitution of the United States was adopted.

Mr. President, Benjamin Franklin sat in that Convention. Does anyone believe that that wise old man did not understand what he was doing? Does anyone believe that he was playing horse with the Congress and with the people when, in language as plain as any expression from a page of Poor Richard's Almanac, or from his correspondence as our ambassador to France, he helped write the language of the Constitution?

Mr. President, James Madison sat in that Convention. Does anybody assume that with his accurate and logical mind he did not know what he was doing when he participated in framing the Constitution of the United States?

I appeal to Senators on the other side of the aisle who are supposed to venerate the memory of Alexander Hamilton. He sat in that Convention. Throughout the debate for its adoption he approved it, as set forth in the Federalist. With a far-flung vision of public affairs and politics, Alexander Hamilton approved and signed the Constitution of the United States which contained the provision to which reference has been made.

The VICE PRESIDENT. The time of the Senator from Texas has expired.

Mr. CONNALLY. Mr. President, I ask for 1 minute more.

Mr. BARKLEY. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. CONNALLY. Mr. President, who else sat in that Convention? George Washington sat in it. He was the presiding officer of the Convention; and with the same hand that wielded the sword of the Commander in Chief at Yorktown, he signed the Constitution of the United States. Did he know what was in it? Did he approve it? Did he sanction it?

Mr. President, I set the names of James Madison, Alexander Hamilton, Benjamin Franklin, George Washington, and all the brilliant host who sat with them in that convention against the Communist Earl Browder, who placards to the world that he is the real leader of this campaign for Federal control of elections. I set them apart from the masses who assail Senators on their way to their offices, or from the galleries.

Today we stand upon the rock of the Constitution.

The VICE PRESIDENT. The time of the Senator from Texas has expired.

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram I have received from the Governor of Alabama.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MONTGOMERY, ALA., *November 18, 1942.*

Senator TOM CONNALLY,
Senator from Texas,
Senate Office Building:

You and the other Senators who are carrying the fight against Federal control of local elections deserve and will have the thanks and commendation of the country. Those seeking to ram this vicious misguided reform legislation down the throats of a people at war, and thereby bringing disunity, are rendering a service to our enemies. Our people here and the believers in democratic principles everywhere are anxiously watching and praying for your success. Please thank the other Senators who are helping.

FRANK M. DIXON,
Governor of Alabama.

Mr. BARKLEY. Mr. President, in the time remaining to me it would be folly for me to undertake to discuss the constitutional questions involved in the pending legislation. I shall not do so. For a few minutes I desire to discuss the question of the payment of a poll tax as a prerequisite for voting, whether such payment be required by State law, or by inference through national legislation. In my judgment the question presented by the pending bill, to abolish the payment of the poll tax as a requirement for voting, involves the very basis of democracy and freedom.

Thomas Jefferson, who was the greatest liberal of his or any other day, and, in my judgment, the profoundest philosopher of his generation, told the American people and the world that all governments derive their just powers from the consent of the governed. He made the American people believe that to be true. If what he said is true, that all governments derive their just powers from the consent of the governed, then all powers exercised by a government not derived from the consent of the governed are unjust powers. No one can deny that assertion without repudiating the philosophy of Thomas Jefferson.

Mr. President, can anyone claim that a citizen who is otherwise qualified, but who is denied the right to vote because of inability to pay his or her poll tax, has given consent to the powers exercised over him or her by the government? The people are not even allowed to vote on the question of whether that requirement shall be lifted from them.

The same Thomas Jefferson, in the immortal Declaration of Independence, announced for the first time in a political document that all men are created equal, and that they are endowed by their creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness. He placed no qualification upon this principle. He did not modify it by any reservation which required the payment of a poll tax or any other form of tax before the right to vote could be exercised. He did not say that the equalities or the unalienable rights of which he was speaking in the Declaration of Independence depended on the payment of a tax of any kind in order that they might be enjoyed and exercised.

Inspired by these new doctrines of liberty, these new conceptions of the relationships of God's creatures, who include and encompass all the populations of the world, our forefathers in the Revolution and every war since the Revolution fought with their blood and with their lives for the rights which Jefferson proclaimed.

The requirement of payment of a poll tax before one may vote is the demand by society through the State that the right be bought again with money. Such a requirement is a hang-over from feudalism. It is a hang-over from the property requirement in order that one may participate in government in the humblest capacity. It is a survival of Bourbonism, by whatever authority or wherever it may be imposed. The payment of no other form of tax is required as a qualification for voting. The landowner may allow his property taxes to become and remain unpaid until the sheriff or the tax collector sells the property at the courthouse door, but he may still vote, while the poor hired hand or the tenant who cultivates the landlord's land may not vote until and unless he buys the right by the payment of a poll tax.

This is a denial of equality. It is a denial of consent to the powers of government. It is equal to the disfranchisement of those who depend upon government to guarantee to them the right to life, liberty, and the pursuit of happiness. It is a repudiation of the Jeffersonian ideal.

Mr. President, the pending question is not racial or religious. The condition applies to all races, where they are otherwise eligible to vote. While efforts have been made to make it appear as a racial issue, it cannot be made so.

Opponents of the pending bill have asserted that the poll-tax law disfranchises more white than colored voters who, without it, could vote in all elections. I assume this to be true, and I believe it to be true. As proof of it, in 1940, in Alabama, 20 percent of otherwise eligible white voters voted; in Arkansas, 19 percent; in Georgia, 19 percent; in Mississippi, 15 percent; in South Carolina, 11 percent; in Virginia, 24 percent; and in Tennessee, 33 percent.

As further proof of it, Mr. President, let me point out that when the Legislature of North Carolina removed the requirement of the payment of a poll tax as a qualification for voting the vote increased 70 percent. In Louisiana, when that State removed the requirement that a poll tax should be paid as a qualification for voting the vote increased 90 percent; in the State of Florida, when the legislature of the people of that State removed the requirement that a poll tax should be paid as a prerequisite for voting, the vote increased 140 percent; and since then there has been no visible change in the form or complexion of the government of those States.

Mr. President, this question is not racial; it is not geographical. I have before me letters from Georgia, Alabama, and Tennessee supporting this proposed legislation. I have before me a letter from Mrs. Harvey M. Emerson, legislative chairman, Alabama division, American Association of University Women—a respectable organization in this country, made up of women who have been trained and educated in our colleges and universities. They do not belong to any irresponsible organization which may be importuning us to vote for this proposed legislation. I wish I had the time to read this letter, written from Birmingham, Ala.

The other day the Legislature of Alabama, so I am told through the newspapers, unanimously adopted a resolution condemning the bill and asking Congress not to enact it. I hope I may not give offense if I express the hope that the same legislature may submit to the people of Alabama a constitutional amendment by which they themselves may vote on whether they desire to retain the poll tax as a qualification for voting.

I have here a letter written on the stationery of the State Democratic Executive Committee of the State of Alabama, women's division, signed by Mrs. Albert Thomas, who is the director of the report plan of the State Democratic Executive Committee of Alabama. In the letter she upholds and commends the bill, and urges its enactment.

I have here a letter from a professor of political science of Emory University, in the very heart of Atlanta. The writer of the letter says:

> Keep up the fight on the poll tax and see it to a successful conclusion. I have studied the poll tax and find it is the cause of endless corruption. Nothing could be more undemocratic. Lurking in the background in this fight—
>
> Says he—
>
> are the vested interests.

I have here a letter from an educator in Alabama, one connected with the Alabama Polytechnic Institute, in which he urges the passage of the pending bill.

I have here a letter from the Honorable Wilson W. Wyatt, mayor of the city of Louisville, asking for the passage of the bill.

I have here a telegram from John L. Essary, president of the Tennessee Federation of Labor, asking for the enactment of the bill.

So, Mr. President, the problem which faces us is not racial; it is not geographical. It has been said that this is no time to bring this controversial question before the Senate of the United States. I know of no more opportune time to try to spread democracy in our country than a time when we are trying to spread it in other countries and throughout the world. Some day this war will end. Some day our boys who now are in north Africa, in Australia, in New Guinea, in the Solomons, in the Aleutians, and on Midway Island, some day our boys who now are fighting the battle of democracy and freedom around the world, will be back in the United States. I can imagine one of them walking up to a polling place in an election. It may be he will appear on crutches; it may be he will have an empty trouser leg or an empty sleeve. I can see him approach the election officers and ask for the right to vote, and I can imagine those officers saying, "What right have you to vote? What have you given in order that you might purchase the right to vote here?" He will lift up his empty sleeve, and say, "I gave that"; or he will show his empty trouser leg, and say, "I gave that." He may show a scarred and lacerated face, and say, "I gave that." But the election officers will say, "That is not enough. You have to give us in money a dollar and a half more before you can vote here. You cannot vote even then unless you paid it before last February." And I can imagine him saying, "Well, I was in north Africa last February," or "I was in the Solomon Islands last February," or "I was on the Pacific Ocean last February," or, it may be, "I was marching down Unter den Linden, in the heart of Berlin, last February," or "the Via Corso in Rome," or "the main street of Tokyo."

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. BARKLEY. My time is about up, let me say to my friend; otherwise I would yield.

Mr. BANKHEAD. The Senator has made numerous reference to Alabama.

Mr. BARKLEY. I have only quoted from reports I have received.

Mr. BANKHEAD. The Senator should know that in Alabama all soldiers are exempt from payment of the poll tax—and that is also the case in Tennessee.

Mr. BARKLEY. I was not speaking particularly of Alabama. I was speaking of any State which requires that the poll tax be paid.

Mr. President, what about the rule? I speak now of democracy in its broad sense, not as applied to any particular locality. If we are not fighting for that, we are not fighting for anything. What is the rule on which we are to vote in about 5 minutes? It is a rule which, if invoked, would enable the Senate to reach a vote on this measure. It is a rule without the invoking of which the Senate cannot vote on this measure; and a vote against the rule, 5 minutes from now, will mean a vote against voting on the bill. We cannot interpret it in any other way. That is what it will be. A vote against the rule, against the adoption of the motion to close debate, will mean that those who vote against it do not want to close debate. Those who do not want to close debate do not want to vote on the bill; because we cannot vote on it by any other way than by the adoption of the motion. I say frankly, as I have said before, that if the bill cannot be voted upon today by means of a two-thirds vote in favor of adopting the motion to limit debate, it cannot be voted for at any other time. No amount of pressure from the inside or the outside will have any other effect.

The Senate has voted on cloture 13 times since rule XXII was adopted and made a part of the rules. The Senate has adopted a motion to invoke cloture 4 times and has rejected it 9 times. Senators say they are afraid to vote for cloture now lest they be bound to vote for it at some other time. Those who give weight to that argument are shivering at a shadow. There are now in this Chamber Senators who will vote against the motion to invoke the cloture rule, but who heretofore have voted in favor of cloture. I now have in my hand a statement of the roll calls on all the votes which have

been taken in the Senate on motions to invoke the cloture rule. No Senator has ever been bound by a previous vote in determining how he would vote on a subsequent motion to close debate. I have not the time to read the roll calls. They may be revealing to peruse after the conclusion of the roll call which we are about to have.

Mr. President, I bring in question the integrity and the good faith of no Member of the Senate. I crave the respect and esteem of every Member of this body, without regard to politics or location. However, Mr. President, I desire to say to my friends on both sides of the aisle that I am glad I have made this fight. I have made it in behalf of what I believe to be the broad and true foundations of a true democracy. I should prefer to make it and lose it rather than not to have made it and receive any kind of reward for my cowardice in refusing to make it. Let no man misunderstand what this fight means. A vote in favor of the motion will mean the right to vote on the bill. A vote against it will mean denial of the right to vote on the bill. That is the issue, Mr. President. Let the roll be called.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the time of the Senator from Kentucky has expired, and the Chair, in accordance with the provisions of rule XXII, lays before the Senate the motion to bring to a close the debate on the bill (H. R. 1024) to amend an act to prevent pernicious political activities. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Andrews	Gillette	Radcliffe
Austin	Green	Reed
Bailey	Guffey	Russell
Bankhead	Herring	Schwartz
Barkley	Hill	Shipstead
Bilbo	Johnson, Calif.	Shott
Brewster	Johnson, Colo.	Smith
Brooks	Kilgore	Spencer
Brown	La Follette	Stewart
Bulow	Langer	Taft
Bunker	Lodge	Thomas, Idaho
Burton	Lucas	Thomas, Okla.
Byrd	McKellar	Thomas, Utah
Capper	McNary	Truman
Caraway	Maloney	Tunnell
Chandler	Maybank	Tydings
Chavez	Mead	Vandenberg
Clark, Idaho	Millikin	Van Nuys
Clark, Mo.	Murdock	Wagner
Connally	Nelson	Wallgren
Danaher	Norris	Walsh
Davis	Nye	Wheeler
Doxey	O'Daniel	White
Ellender	O'Mahoney	Wiley
George	Overton	Willis

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

The Chair submits to the Senate the question: Is it the sense of the Senate that the debate shall be brought to a close? Under the rule, the yeas and nays are ordered; no debate is in order; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. HAYDEN'S name was called). The Senator from Arizona [Mr. HAYDEN] has advised me by telegram that he is opposed to this motion, and desires to be paired against it.

Mr. McKELLAR (when Mr. HOLMAN'S name was called). The junior Senator from Oregon [Mr. HOLMAN] telegraphed me to the same effect.

The roll call was concluded.

Mr. McNARY. I desire to make certain announcements, which I ask the clerk to read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

Mr. McNARY announces the following pairs upon this question:

The Senator from Montana [Mr. MURRAY] and the Senator from California [Mr. DOWNEY], both of whom would vote "yea," with the Senator from Oregon [Mr. HOLMAN], who would vote "nay";

The Senator from Nebraska [Mr. BUTLER] and the Senator from New Jersey [Mr. SMATHERS], both of whom would vote "yea," with the Senator from Virginia [Mr. GLASS], who would vote "nay"; and

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Washington [Mr. BONE], both of whom would vote "yea," with the Senator from Arizona [Mr. HAYDEN], who would vote "nay."

All of these Senators are necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is absent because of illness. If present, he would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from South Dakota [Mr. GURNEY] are necessarily absent.

Mr. McNARY. My colleague, the Senator from Oregon [Mr. HOLMAN], is absent on official business, as he is engaged in conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] has been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. McFARLAND] are absent in the performance of duty in connection with hearings which are being conducted by them in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. McCARRAN] is absent on official business, as he is engaged in conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys. The Senator from Nevada advises that he is opposed to cloture, but is in favor of the anti-poll-tax bill.

The Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MURRAY], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Oklahoma [Mr. LEE] are necessarily absent.

The Senator from Montana [Mr. MURRAY] and the Senator from California [Mr. DOWNEY], who would vote "yea," are paired with the Senator from Oregon [Mr. HOLMAN], who would vote "nay."

The Senator from Washington [Mr. BONE] and the Senator from New Hampshire [Mr. TOBEY], who would vote "yea," are paired with the Senator from Arizona [Mr. HAYDEN], who would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] and the Senator from Nebraska [Mr. BUTLER], who would vote "yea," are paired with the Senator from Virginia [Mr. GLASS], who would vote "nay."

The result was announced—yeas 37, nays 41, as follows:

YEAS—37

Barkley	Kilgore	Thomas, Okla.
Brewster	La Follette	Thomas, Utah
Brooks	Lodge	Truman
Brown	Maloney	Tunnell
Burton	Mead	Vandenberg
Capper	Millikin	Van Nuys
Clark, Mo.	Murdock	Wagner
Danaher	Nelson	Wallgren
Davis	Norris	Walsh
Green	Pepper	Wiley
Guffey	Reed	Willis
Herring	Schwartz	
Johnson, Colo.	Taft	

NAYS—41

Aiken	Doxey	O'Mahoney
Andrews	Ellender	Overton
Austin	George	Radcliffe
Bailey	Gerry	Russell
Bankhead	Gillette	Shipstead
Bilbo	Hill	Shott
Bulow	Johnson, Calif.	Smith
Bunker	Langer	Spencer
Byrd	Lucas	Stewart
Caraway	McKellar	Thomas, Idaho
Chandler	McNary	Tydings
Chavez	Maybank	Wheeler
Clark, Idaho	Nye	White
Connally	O'Daniel	

NOT VOTING—18

Barbour	Gurney	McCarran
Bone	Hatch	McFarland
Bridges	Hayden	Murray
Butler	Holman	Reynolds
Downey	Hughes	Smathers
Glass	Lee	Tobey

The VICE PRESIDENT. Two-thirds of the Senators present not having voted in favor thereof, the motion to close debate is rejected.

Mr. ELLENDER. Mr. President, had the gentlemen's agreement made last Friday not been consummated, I was scheduled to speak at length in opposition to the poll-tax bill. I am glad that the Senate so overwhelmingly voted against cloture and thereby put the bill to sleep for the remainder of the present Congress.

I ask unanimous consent to have printed in the body of the RECORD, following my remarks, a very learned brief on the subject of qualifications of voters, prepared by Hon. Frank J. Looney, chairman of the Democratic State Central Committee of Louisiana, and an able and distinguished member of the Louisiana bar.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

QUALIFICATIONS OF VOTERS

FOREWORD

Very recently a southern Member of the United States Senate appeared on the radio to champion his bill to abolish the poll tax as a qualification for voting in Federal primaries and general elections. He made two statements for which he offered no proof in law, logic, or fact, except *United States* v. *Classic*. The first statement was: There are three ways to abolish the poll tax (or was it to fix Federal qualifications for electors?)—

the first by the State constitution; second, by State legislature; third, by Congress. The other statement was that there were two viewpoints as to whether or not Congress could fix qualifications for voters in State or local elections.

As to the first statement, he showed his preference by advocating Federal enactment of his bill. On the other proposition he expressed no opinion.

The purpose in this pamphlet is not to challenge the patriotism or intellectual qualifications of any Senator, but to attempt to provide data to set straight on a fundamental matter, all who may entertain these ideas.

Chapter I

The Constitution of the United States, article I, section 2, clause 1:

"SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This section was in the original Constitution, as adopted in convention September 17, 1787, and has never been amended in any way. On the contrary, it has been fortified by the seventeenth amendment, the first clause of which reads:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

The identity of the language as to qualifications shows no intention of changing one iota from the purposes of 1787. So that the same standard is to be understood as being accepted in 1787 and in 1912–13, or during and after 126 years. This is significant; especially in view of the fact that suffrage occupied the public and national mind as of utmost importance in 1869–70, as is evidenced by the fifteenth amendment, which did not pretend to fix qualifications for voters, but denied the State and the United States the power to abridge or deny "the right of citizens to vote * * * on account of race, color, or previous condition of servitude." There is no suggestion that a State should be prohibited from denying the right to vote for nonpayment of a tax.

We furthermore find language in the fourteenth amendment, 1866–63, which recognizes the right of States to deny the right to vote to male citizens, but penalize those States by reducing the basis of representation. See sectio. 2, fourteenth amendment. Section 3 of this amendment distinguishes between electors and elected and imposes a disability (which could be and has been removed by Congress) merely against officials.

The nineteenth amendment prohibits denial or abridgement of the right to vote on account of sex. This is the last constitutional provision dealing with suffrage, and again omits all reference to nonpayment of taxes.

The original Constitution in article 11, section 1, clause 2, goes even further in delegating power to the States over selection of electors for President and Vice President.

It reads:

"Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors."

Clause 3 of the same article thus deals with the power of Congress in this matter, and in a limitative manner:

"The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

The twelfth amendment provides the manner in which these electors evidence their votes, and, in event no person shall have received a majority, requires the House of Representatives to choose by ballot, from the three highest voted for by the electors, the President. It preserves the original language, changing only the spelling of "chusing," and provides, "But in choosing the President, the votes shall be taken by States, the representation from each State having one vote."

The twentieth amendment, which deals with the power only of the President and Vice President, Senators, and Representatives, amends portions of article 2, section 1, clause 2, of the Constitution, but nowhere touches on the qualification of voters who should choose electors.

It is interesting and proper to note the accuracy of the language employed, both in the original Constitution and in the amendments, and especially where the word "manner" is used.

In article 2, section 1, clause 2, we find, "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors." The word "elect" is nowhere used, and the manner of making the appointment and all matters incidental thereto, except as to times and days heretofore mentioned, are left to the discretion of the State legislatures. The selection of electors is a function of the State, and the State is the recognized unit where the selection of a President is left to the House of Representatives. This has been emphatically asserted by the Supreme Court of the United States and will be shown in another part of this discussion.

The word "manner" has a different application in article I, section 4, clause 1, which reads, as in the original:

"SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

This clause refers to "holding elections" only. In no way does it deal with the qualification of voters. Obviously, the members of the Constitutional Convention saw and made a clear distinction between what may be called the mechanics of elections, or rather, the mechanism, and the persons of electors.

Article I, section 5, clause 1, still as originally written, reads: "Each House shall be the judge of the elections, returns and qualifications of its own members." Again distinguishing between the electors and the elected, as to qualifications. In another chapter the congressional interpretation of these sections will be treated.

Chapter II

Qualifications of voters in the Thirteen Colonies

A reference to any standard encyclopedia will show the investigator that in the Colonies, both at the time of holding the Constitutional Convention and anterior thereto, provision was made as to qualification of voters. There were property qualifications in Connecticut, Massachusetts, Rhode Island, Delaware, New Jersey, New York (except in New York City and Albany), Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia; religious qualifications in Massachusetts, New York, and some others at times; limitation of suffrage to native-born subjects of England in Pennsylvania; to Englishmen or descendants and French Huguenots in South Carolina; and male suffrage only, in Virginia.

In 1787 all of the States required payment of taxes on real or personal property, and most of them required the ownership of a fairly valuable estate as a qualification for Governor, Senator, or Representative in the State legislature. A rather full statement of these provisions as to property and tax paying qualifications is to be found in *Minor v. Happersett* (21 Wall. (U. S.) 162, 172–173).

There was nothing in the Constitution as adopted to abridge or add to qualifications of voters in any State, but this subject was left in the hands of the States, with a full knowledge of the members of the Convention as to the different requirements in the different States.

Chapter III

Articles of Confederation

For the reason that the Constitutional Convention distinguished between the manner of holding elections or making appointment of electors, or "chusing" Senators by legislators, attention is directed to the provision in the Articles of Confederation which were adopted July 9, 1778.

Article 2, section 1:

"For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year."

Section 4 reads:

"In determining questions in the United States, in Congress assembled, each State shall have one vote."

This in the midst of war, shows how jealously each State guarded its right to provide the qualifications of those who voted and who represented it and its people, and the phraseology served as a guide, and in at least one instance as a model, to be followed in preparing the Constitution. Compare article II, section 1, clause 2: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, etc."

Chapter IV

Proceedings in the Constitutional Convention

When the Convention assembled, several members of the body offered drafts of constitutions. In order to provide a ready reference, the following citations will be of pages of Formation of the Union, a Government publication issued in 1927 under House Concurrent Resolution No. 23 of date May 10, 1926.

1. Edmund Randolph's plan, presented May 29, 1787 (p. 116):

"4. *Resolved*, That the members of the first branch of the National Legislature ought to be elected by the people of the several States every —— year for the term of ——, etc."

Alexander Hamilton's plan presented June 18, 1787 (p. 979) after providing for an "assembly" and a senate as the legislature of the United States:

"11. The assembly to consist of persons elected by the people to serve for 3 years."

In Charles Pinckney's draft, article III, read: "The members of the House of Delegates shall be chosen every —— year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures." (This language is not found in Formation of the Union, where the plan is skeletonized, p. 664, but in Elliott's Debates, second edition.) The language as to qualifications seemed to have influenced the phraseology used in the Constitution which substituted "electors of the most numerous branch of the State legislature" for "their legislatures."

After considering different plans and proposals affecting the qualifications of electors, the Committee of Detail to whom the plans and resolutions had been referred, on August 6th submitted its report (p. 471). Under article IV, section 1, they recited, "The Members of the House of Representatives shall be chosen every second year by the people of

the several States comprehended within this Union. The qualification of the Members shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures." A comparison with article I, section 2, clause 1, shows the above idea abbreviated and made more concise.

The Committee of Detail were: Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was chairman of the Committee of the Whole; Oliver Ellsworth and James Wilson, of Pennsylvania. John Rutledge was offered a place on the first United States Supreme Court and was afterward appointed Chief Justice. Edmund Randolph was Washington's first Attorney General. Oliver Ellsworth was Chief Justice of the Supreme Court. James Wilson was a member of that Court. The legal ability and their fitness to distinguish between shades of meaning in words employed to state a legal requirement cannot be questioned.

In the convention notes of Rufus King of date August 7 (Formation of the Union, p. 873), when the phrase "Electors to be the same as those of the most numerous branch of the State legislature," King quotes Morris, who offered as an alternative, "to add a clause giving to the National Legislature powers to alter the qualifications." Whereupon Ellsworth said, "If the Legislature (i. e., Congress) can alter the qualifications they may disqualify three-fourths, or a greater portion, of the electors. This would go far to create aristocracy—the States have staked their liberties on the qualifications which we have proposed to confirm."

John Dickinson wished to confine the electors to freeholders, saying, "not from freeholders but from those who are not freeholders, free governments have been endangered" (pp. 873–874); and Madison said, "I am in favor of entrusting the right of suffrage to freeholders only" (p. 874).

On August 8 the discussion being continued, Gorham spoke as follows: "The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well. * * * There is no risk in allowing the merchants and mechanics to be electors, they have been so time immemorial in this country and in England. We must not disregard the habits, usages, and prejudices of the people" (pp. 815–816).

In Madison's own notes, August 17, 1787 (p. 487), he reports Mr. Gouverneur Morris, "Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper." On this same date he reports James Wilson as stating, "This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature" (p. 487). Madison also reports, "Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people" (p. 487).

Dr. Franklin said among other things: "He did not think the elected had any right in any case to narrow the privileges of the electors" (p. 491). "Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one" (p. 491).

There may be those who will insist that these arguments are based on the fear that the power vested in the National Legislature, or in other words "the elected," might disfranchise, rather than enfranchise, but it is plain that the sword is two-edged, and Congress being without the power by fixing qualifications to diminish the number of electors, is equally without power to increase the electorate.

The Attorney General of the United States and these three appointees to the Supreme Court of the United States being of one mind in understanding the phrase "electors to be the same as those of the most numerous branch of the State legislature," how can a contrary interpretation be honestly accepted by any intelligence, 155 years thereafter?

Chapter V

The Federalist No. LII

(By Hamilton, though claimed as Madison)

"I shall begin with the House of Representatives. * * * The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.

"Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned * * *. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State; because it is conformable to the standard already established, or which may be established by the State itself" (p. 290).

The above was written by Hamilton, according to that best of authorities, General Washington. Hamilton believed not only in centralized government but in monarchial government, and we cannot charge him with States' rights ideas which influenced his explanation of the clear language of the Constitution and its exclusive—its properly exclusive—meaning.

In contrast to the provision for electors, the Federalist, No. LII, discusses the "elected": "The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention" (p. 291).

Chapter VI

In the State conventions held to consider adoption of the Constitution, there were no resolutions criticising the phrase, "the electors in each State shall have the qualifications requisite for electors in the most numerous branch of the State legislatures." There were, however, evidences of dissatisfaction with the concluding language of article I, section 4, clause 1, referring to times, places, and manner of holding elections, and which read, "but the Congress may at any time by law make or alter such regulations, except as to the place of chusing Senators."

Massachusetts, on February 7, 1788, recommended "That Congress do not exercise the powers vested in them by the 4th section of the 1st Article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution." (Elliott's Debates, second ed., p. 54.)

South Carolina, on May 27, 1788: "And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of the general government, that the right of prescribing the manner, time and places of holding the elections to the federal legislature, should be forever annexed to the sovereignty of the several States: This Convention doth declare, that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the general government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution." (Elliott's Debates, second ed., p. 350.)

New York, on July 26, 1886, "In full confidence * * * that the Congress will not make or alter any regulation in this State, respecting the times, places, and manner of holding elections for Senators or Representatives, unless the legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same" (Elliott, 2d ed., p. 363).

Rhode Island, on May 29, 1789, copied without change the New York declaration, and added after the final word there, a comma, and the words "and that in those cases such power will only be exercised until the legislature of this State shall make provision in the premises."

Chapter VII

Decisions of United States Courts

Bradley, Circuit Justice, in Federal Case No. 14, page 897, *U. S.* v. *Cruikshank*, speaking of the fifteenth amendment, declares, "It does not confer the right to vote. That is the prerogative of the State laws. It only confers a right not to be excluded from voting by reason of race, color, or previous condition of servitude, and this is all the right that Congress can enforce. It confers upon citizens of the African race the same right to vote as white citizens. It makes them equal. This is the whole scope of the amendment. The powers of Congress, therefore, are confined within this scope."

And, again, "It is not the right to vote which is guaranteed to all citizens. Congress cannot interfere with the regulation of that right by the States except to prevent by appropriate legislation any distinction as to race, color, or previous condition of servitude. The State may establish any other conditions and discriminations it pleases, whether as to age, sex, property, education, or anything else." (Of course "sex" has been added by the nineteenth amendment.) This case was decided in 1874.

In 1875, the case of *U. S.* v. *Reese* (92 U. S. 214) was decided by the Supreme Court of the United States, wherein, on page 217, the Court said, "The fifteenth amendment does not confer the right of suffrage upon anyone * * *." This case is of particular interest because of the discussion of the capitation tax in the dissent of Justice Clifford. Justice Clifford thus states the Kentucky law, "Such citizens, without distinction of race, color, or previous condition of servitude, in order that they may be entitled to vote at any such election (i. e., a municipal election) must be free male citizens over 21 years of age, have been a resident of the city at least 6 months, and of the ward in which he resides at least 60 days prior to the day of election, and have paid the capitation tax assessed by the city on or before the 15th of January preceding the day of election * * *" (92 U. S. p. 226). "Payment of the capitation tax on or before the 15th of January preceding the day of the election, is, beyond all doubt, one of the prerequisite acts, if not the only one referred to in that part of the section." The section referred to is section 3 of the Enforcement Act of Congress of May 31, 1870, 16 Statutes at Large 140. Section 3 of the Enforcement Act is explained by Judge Clifford, page 228,

and by the Court's opinion, page 216, as providing, "Whenever, under the constitution and laws of a State, or the laws of a Territory, any act is or shall be required to be done by any such citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, be deemed and held as a performance in law of such act." Judge Clifford further states, page 229, "Obviously, the payment of the capitation tax on or before the time mentioned is a prerequisite to qualify the citizen to vote." And again, page 231, "Had Congress intended by the third section of that act to abrogate the election law of the State creating the prerequisite in question, it is quite clear that the second section would have been wholly unnecessary."

Judge Hunt in his dissent, page 247, says: "By the second section of the fourteenth amendment, each State had the power to refuse the right of voting, at its elections, to any class of persons, the only consequence being a reduction of its representation in Congress, etc. * * * This was understood to mean, and did mean, that if any one of the late slave-holding States should desire to exclude all its colored population from the right of voting at the expense of reducing its representation in Congress, it could do so." Judge Hunt quotes the act of Congress, pages 239–240, and quotes from the indictment in this case, which specifically alleged "that by the statute of Kentucky to entitle one to vote in an election in that State the voter must possess certain qualifications recited and have paid a capitation tax assessed by the city of Lexington; that James F. Robinson was the collector of said city entitled to collect said tax; that Garner, in order that he might be entitled to vote, did offer * * * to pay any capitation tax, etc."

There is a recognition after the passage of the fifteenth amendment, by the Department of Justice and the courts, as well as by Congress, of the States' right to make a capitation or poll tax a prerequisite to voting.

In 1884, in the *Ku Klux cases* (110 U. S. 651), after quoting article I, section 2, the Court said: "The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election for Members of Congress, nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State." Later in this decision the Court said: "It is as essential to the successful working of the Government that the great organisms of its executive and legislative branches should be the free choice of the people, as that the original form of it should be."

In 1914, in *Guinn* v. *U. S.* (238 U. S. 347), speaking of the fifteenth amendment, the Court said: "It is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals and to the extent that obedience to its command is necessary. Thus the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both" (p. 362). In stating the Government's contentions, the Court had just previously said: "It (the United States) says State power to provide for suffrage is not disputed, although, of course, the authority of the fifteenth amendment and the limitation on that power which it imposes is insisted upon" (p. 359).

In 1916, in *U. S.* v. *Gradwell* (243 U. S. 476), the Court reviewed the acts of Congress in regulating the conduct of congressional elections, and said of this (p. 483): "It will be seen from this statement of the important features of these enactments that Congress by them committed to Federal officers a very full participation in the process of the election of Congressmen, from the registration of voters to the final certifying of the results, and that the control thus established over such elections was comprehensive and complete."

In 1919, in *Hawke* v. *Smith* (253 U. S. 221), on page 227, the Court said: "A legislature was then (i. e., in 1787) the representative body which made the laws of the people. The term is often used in the Constitution with this evident meaning. Article I, section 2, prescribes the qualifications of electors of Congressmen as 'those requisite for electors of the most numerous branch of the State legislature.'" And on page 228: "There can be no question that the framers of the Constitution clearly understood and carefully used the terms in which that instrument referred to the action of the legislatures of the States. When they intended that direct action by the people should be had, they were no less accurate in the use of apt phraseology to carry out such purpose. The Members of the House of Representatives were required to be chosen by the people of the several States" (art. I, sec. 2).

In 1920, in *Newberry* v. *United States* (256 U. S. 232), on page 249, we read, "We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4." The decision then quotes from Judge Iredell (afterwards of this Court) in the North Carolina Convention of 1788, "* * * the same observation may be made as to the House of Representatives, since as they are to be chosen by the electors of the most numerous branch of each State legislature, if there are no State legislatures, there are no persons to choose the House of Representatives" (p. 249). On page 255, the Court said, "Section 4 was bitterly attacked in the State conventions of 1787–89, because of its alleged possible use to create preferred classes and finally to destroy the State. * * * Mr. Hamilton asserted, 'The truth is that there is no method of securing to the voter the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon another occasion, are defined and fixed in the Constitution and are unalterable by the legislature.' (The Federalist, LX.) The history of the times indicates beyond reasonable doubt that if the Constitution makers had claimed for this section the latitude we are now asked to sanction, it would not have been ratified." (See Story, Constitution, sections 814, et seq.) It is highly noteworthy that the two authorities above cited, Alexander Hamilton and Justice Story, were perhaps, with Chief Justice Marshall, the most prominent proponents of a strong National Government and in no wise equally strong advocates of State sovereignty.

In 1931, in *Smiley* v. *Holm* (285 U. S. 355, p. 366), Chief Justice Hughes (Cardoza took no part): "The subject matter is the times, places, and manner of holding elections for Senators and Representatives. It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short to the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental rights involved. * * * All this is comprised in the subject of times, places, and manner of holding elections and involves lawmaking in its essential features and most important aspect." This case involved the power of the Governor to veto a congressional redistricting act passed by the legislature. There the Court said, "At the time of the adoption of the Federal Constitution it appears that only two States had provided for a veto upon the passage of legislative bills. * * * But the restriction which existed in the case of these States was well known."

In the same year, in the case of *Koenig* v. *Flynn* (285 U. S. 375), the argument of Henry Epstein, late candidate for attorney general and his brief, cosigned by John J. Bennett, contained authorities to sustain their contention that fixing the boundaries of congressional districts "calls for the exercise of the lawmaking function." And the brief for James A. Farley, filed by Robert F. Wagner and John J. O'Connor, argued that "the phrase 'prescribed in each State by the legislature thereof' means legislation in each State by whomsoever each State has determined to be its lawmaking power."

It is true that the question of "qualifications" is not raised in these cases, but the language of the United States Constitution which gives the Congress the power to "make or alter such regulations" is specifically explained in *Smiley* v. *Holm*, which is given as the basis for the Supreme Court's decision in the Koenig case. It is to be noted that not only are "qualifications" for voters distinguished from "the times, places, and manner of holding elections," but these latter provisions are in section 4 while the former are in the first clause of section 2 and are part of the same sentence that creates the "House of Representatives."

Chapter VIII

This brings us to the case of *United States* v. *Classic* (313 U. S. 299), which has been declared by the United States Senator first referred to as an authority for his position. An examination of the facts on which this case was founded refutes any contention that it even suggests an interference with the right of the States to fix qualifications for voters. Mr. Justice Stone, now Chief Justice, states that "The questions for decision are whether the right of qualified voters to have their ballots counted is a right 'secured by the Constitution within the meaning of sections 19 and 20 of the Criminal Code, and whether the acts of appellees charged in the indictment violate those sections" (p. 307). On page 308, "The charge * * * was that the appellees conspired * * * to injure and oppress citizens in the full exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States; namely (1) The right of qualified voters who cast their ballots in the primary elections to have their ballots counted as cast for the candidate of their choice." It is obvious that the "qualifications of voters" was not an issue in this case, but the voters involved were unquestioned "qualified voters," and the question was fraud in "holding" a primary election.

On the other hand, in the Classic case, the Court said, "That the free choice by the people of representatives of Congress subject only to the restrictions to be found in §§ 2 and 4 of article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted" (p. 316). Again, the Court said, "As we have said, a dominant purpose of section 2 so far as the selection

of representatives in Congress is concerned, was to secure to the people the right to choose representatives by the designated electors, that is to say, by some form of election." The restrictions, of course, are those imposed by the phrase, "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," and "the designated electors" are the electors designated in the same phrase.

We may add that as far back as the Fourteenth Congress (1815–17) in the case of *Potterfield* v. *McCoy* (C. and H. 267, 270), where there had been an agreement between the two candidates as to the classes of voters that were to be admitted, the committee to whom the contest was referred, held that the agreement of parties could not enlarge or diminish the rights of voters and decided the votes to be legal or illegal according to the Virginia law and the House adopted the report of the committee.

Chapter IX

The other question raised was as to the right of Congress to fix qualifications for voters in State or local elections. This matter should be set at rest by the authorities heretofore cited, but the exact matter has been dealt with in a definite manner. First, there is nothing anywhere in the Constitution itself fixing the qualifications for voters in State elections; second, in three places we find provisions in the Constitution that leave to the State or its governmental agencies the determination of the electorate:

(a) Article I, section 2, "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," to vote for Representative;

(b) Article I, section 3, clause 1, "The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for 6 years, and each Senator shall have one vote."

(c) "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, etc.," to vote for President and Vice President.

(d) The first and third cited provisions have never been changed.

Article I, section 3, clause 1, has been changed by the seventeenth amendment and made to conform to article I, section 2, clause 1, by making the same qualifications, to wit: "Electors of the most numerous branch of the State legislatures," the electors of United States Senators.

In *Hawke* v. *Smith* (253 U. S. 221), the Court said, page 227, "It is not the function of courts or legislative bodies, national or State, to alter the methods which the Constitution has fixed."

In *United States* v. *Cruikshank* (92 U. S. 542), page 556: "The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States; but the last has been." This decision was rendered by Chief Justice Waite in 1876.

The same Court at the same term, the same Justice speaking, in *United States* v. *Reese* (92 U. S. 214), on page 218, said, "The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment." These decisions were rendered during the days when factions pressed hard for legislation and adjudication that would make the Congress supreme and give it full jurisdiction over the situation in the South, and the above two cases arose in Louisiana and Kentucky, respectively.

In *McPherson* v. *Blocker* (146 U. S. 1), decided in October 1892, the Court considered a Michigan statute requiring electors for President to be elected by districts instead of the State at large, and held it valid. In the course of its decision, the Court said, "The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State." These comprehensive words, "the right to vote," necessarily preclude intervention by Congress and conclude all discussion, so that views contrary to the Supreme Court's continual rulings as to State elections cannot be treated as resting upon logic or law.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the voting laws of South Carolina recently enacted.

There being no objection, the laws were ordered to be printed in the RECORD, as follows:

No. 737

An act to amend sections 2358 and 2406, Code of Laws of South Carolina, 1932, so as to further provide for the enrollment and voting of persons serving in the armed forces of the United States or employed in Government-operated defense establishments or reservations

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2358, 1932 Code, amended—enrollment and voting of persons in armed forces of United States or employed in defense activities: That section 2358, Code of Laws of South Carolina, 1932, be, and the same is hereby, amended by adding the following proviso at the end of said section:

"*Provided, further,* That in case of the declaration of war, all persons serving in the armed forces of the United States of America or employed in Government-operated defense establishments or reservations wherever located, and qualified to vote shall be entitled to enroll or be enrolled and vote at their precinct, and provision for same shall also be made by the State committee and the secretary of each club shall have full power to enroll said voters without the signing of the enrollment books by said voters upon the secretary receiving information satisfactory to him that said voters are qualified hereunder but provided further that this amendment shall apply only until 1 year after peace is declared," so that said section when so amended shall read as follows:

"SEC. 2358. In cities of over 10,000 inhabitants, one or more clubs shall be organized in each of the wards. Each ward shall be a club district unless subdivided by county committee. And the county committee of each county in which such city is located may permit voters residing in the county outside of such city to belong to a club located in such city, and to vote therein in the club nearest to their respective residences calculated by the most practicable and convenient route. In cities or towns of less than 10,000 inhabitants the county committee may authorize the consolidation of two or more wards to form a club district, and where townships are embraced in part in such cities or towns, the county committee may permit the voters residing in such townships to belong to a club located in such town or city and to vote in such town or city in the club nearest to their respective residences calculated by the nearest practicable route: *Provided,* No person shall be enrolled or vote out of the county in which he resides. In cities or towns which are not divided into wards the county committee may designate the extent of the club district. *Provided,* That in the city of Sumter one or more clubs may be organized in each ward thereof, and the executive committee of any political party may provide for as many voting precincts in the wards of said city as in their judgment may be necessary.

"In all other cases the voter must enroll in the club nearest his place of residence, calculated by the nearest practicable route, regardless of township lines, and can only vote at the voting place of such club, and the territory included by this test shall be considered the club district of such club: *Provided,* That the county executive committee may define the club by metes and bounds, in which case the voters must vote at the club for said district.

"No person shall be enrolled to any club or take part in any club meeting or vote in any primary or be elected a delegate to the county convention, except in the club district in which he resides.

"There shall be in no case more than 1 voting place for each club. No club shall have less than 25 members: *Provided, however,* That any county committee may permit the organization of a club of less than 25 members at inaccessible points where there are less than 25 voters.

"No person shall vote except at the voting place authorized by the county committee for the club to which he belongs: *Provided,* That if he remove from a club district within 60 days prior to the first primary he may vote (in the year in which he removed) in the club district in which he previously resided: *Provided further,* That he must have enrolled before the closing of the club list.

"Federal, State, and county officers temporarily residing at or near the capital or county seat may retain their membership and voting rights in their former home clubs if they so desire.

"In case of mobilization of the National Guard of this State, the State committee shall provide for the enrollment and voting of all members of the National Guard qualified to vote. *Provided further,* That in case of the declaration of war, all persons serving in the armed forces of the United States of America or employed in Government-operated defense establishments or reservations wherever located, and qualified to vote shall be entitled to enroll or be enrolled and vote at their precinct and provision for same shall also be made by the State committee and the secretary of each club shall have full power to enroll said voters without the signing of the enrollment books by said voters upon the secretary receiving information satisfactory to him that said voters are qualified hereunder but provided further that this amendment shall apply only until 1 year after peace is declared."

SEC. 2. Section 2406, 1932 Code, amended—Persons in military service or employed in Government-operated defense activities vote by absentee ballot: That section 2406, Code of Laws of the State of South Carolina, 1932, be and the same is hereby amended by inserting after the word "sickness" and before the word "from" on line 2 of said section, the following "or on account of service in the military forces of the United States of America, or on account of employment in Government-operated defense establishments or reservations."

Amend further by inserting, after the word "sickness" and before the word "cannot", on line 2 of said section, the following: "or military service or employment in Government-operated defense establishments or reservations", so that said section when so amended shall read as follows:

"SEC. 2406. Any person being a qualified voter of this State when absent on account of sickness or on account of service in the military forces of the United States of America or on account of employment in Government-operated defense establishments or reservations from his voting precinct, or who on account of sickness or military service or employment in Government-operated defense establishments or reservations cannot go in person to his or her voting precinct during any primary election may vote as hereinafter provided for."

SEC. 3. Repeal: All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 4. Time effective: This act shall take effect immediately upon the approval of the Governor.

No. 245

An act to provide manner, procedure, qualification for registration and voting in primary elections in cities with a population of not more than 6,500 and not less than 6,000 according to the official United States census

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Municipal primaries, counties with city of 6,000 to 6,500—enrollment: In counties containing a city or not less than 6,000 inhabitants, nor more than 6,500 inhabitants, according to the 1940 Federal Census, the following provisions shall obtain for all municipal primaries:

Each applicant for enrollment shall, in person, write upon the club roll his full name and immediately thereafter, his age, occupation, and post-office address, and, if in a city or town, shall write the name of the street and the number of the house in which he resides, if such designation exists in said city or town. In the event of the inability of the applicant to write, he may make his mark upon the roll, which shall be witnessed by the secretary or other person then having the custody thereof, who shall fill in the other requirements.

SEC. 2. Enrollment books: The municipal committees shall furnish to the secretaries suitable books for such enrollment. The enrollment books shall be kept in the custody of the secretaries of the respective clubs, at such places as shall be designated by the municipal executive committee. The enrollment books shall be opened to inspection by any member of the party.

SEC. 3. Enrollment oath: Each voter applying for enrollment on any club roll shall take oath that he is duly qualified to vote in said election.

SEC. 4. Penalties: Every person enrolling himself who is not entitled to be enrolled, or who shall violate any of the provisions hereof, shall be deemed guilty of perjury, and the production of the books of enrollment, showing the enrollment of any such person, shall be prima facie evidence that the person so enrolled has acted in violation of the provisions of law.

SEC. 5. Official club roll: When said rolls have been revised and corrected by the said municipal committee, they shall be certified to, and shall thereupon become official club rolls.

SEC. 6. Managers—duties as to enrollment books and boxes: The original enrollment books shall be delivered to the managers of the primary elections by the municipal executive committee the day before the opening of the polls located in cities, and not more than 3 days before the opening of the polls. The managers of the primary elections shall return said enrollment books to the chairman of the municipal executive committee immediately after the counting of the vote, along with the boxes.

SEC. 7. Booths: There shall be provided at each polling precinct one booth for each 100 enrolled voters. The booths shall be made of wood, sheet metal, or any other suitable substance, shall not be less than 32 inches wide and 32 inches deep, and 6 feet 6 inches high; shall be provided with a curtain, hanging from the top in front to within 3 feet of the floor, and shall have a suitable shelf on which the voter can prepare his ticket.

SEC. 8. Table for managers: The polling places shall be provided with a table for the managers.

SEC. 9. Ballots, contents, numbers, amount: The tickets shall have a coupon at the top, perforated, so as to be easily detached. On the coupon shall be printed, "Official Ballot." "Club_____, Ward_____, No_____." The numbers shall run serially for each club. There shall be 50 percent more ballots than there are voters enrolled at each polling place.

SEC. 10. Ballots—duties of managers as to voting—second: The managers shall be responsible for all ballots furnished. When a voter presents himself he shall be given a ballot, provided he is a native citizen of the United States, or if he is a naturalized citizen he must show his naturalization papers before the managers shall give him a ballot. The manager in charge of the poll list shall enter the number of the ballot next the name of the voter. The voter shall forthwith retire alone to one of the booths and, without undue delay, prepare his ballot by scratching out the names of the candidates for whom he does not care to vote. After preparing his ballot the voters shall present himself to the managers. His ballot must be folded in such a way that the number can be seen and the coupon can be readily detached by the manager without in any way revealing the printed portion of the ballot. If the voter is not challenged, and takes the prescribed oath, the manager shall tear off the coupon, put it on file and the voter shall deposit the ticket in the box. If a voter shall mar or deface his ballot he may obtain one additional ballot, upon returning to the manager in charge of the ballots the ballot so marred or defaced, with the coupon attached. The manager in charge of the poll list shall change the number of the ballot on his poll list and place the defaced ballot on file. No voter shall be given a second ballot until he has returned the first one, with coupon attached.

SEC. 11. Persons assist in voting: No person shall be allowed within the booth except as hereinafter provided. If a voter cannot read or write, or is physically disabled, and by reason thereof did not sign the enrollment book, he may appeal to the managers for assistance, and the chairman of the managers may appoint two of the watchers representing different factions to assist him in preparing his ballot.

SEC. 12. Persons admitted to polling places and canvass of vote: From the time of the opening of the poll until the announcement of the result, the signing of the official returns, no person shall be admitted to the polling place except the managers, duly authorized watchers, and challengers, the chairman of the executive committee or member of the executive committee appointed in his stead to supervise this polling place, persons duly admitted for the purpose of voting, police officers admitted by the managers to preserve order or enforce the law: *Provided, however,* That candidates for public office voted for at such polling place may be present at the canvass of the votes.

SEC. 13. Interference with managers—obstruction of voting: If the watchers or officers of the law who are admitted to the polling place by the managers shall interfere with the managers of obstruct the voting, it shall be the duty of the managers to suspend the election until order is restored, or as may be provided by the rules of the party.

SEC. 14. Returns: Upon the close of the election, managers shall account to the executive committee for all ballots delivered to them, and make the following returns: (a) The number of official ballots furnished to each polling precinct; (b) the number of official ballots spoiled and returned by voters; (c) the number of official ballots returned to the executive committee; (d) the number of official ballots actually voted.

SEC. 15. Party rules: Except as herein provided, the primary election shall be conducted in accordance with the party rules.

SEC. 16. Penalties—oath: Any person violating the provisions of this article other than swearing falsely, shall be guilty of a misdemeanor and fined not over $500, or imprisoned not over 6 months, or both at the discretion of the court. Any person swearing falsely in any of the matters pertaining to primary elections shall be guilty of perjury, and punished as now provided by law for perjury. The officers and managers of all clubs, and members of the State and county executive committees of political parties, organizations, or associations, are hereby authorized to administer oaths in all matters relating to such primary elections, and to swear falsely before any of them, touching such matters, shall be perjury. The said managers shall be sworn to conduct the election fairly and legally, and each voter shall be sworn as to his right to vote and that he has not voted before at said election.

SEC. 17. Board of commissioners of election—appointment—term—removal—vacancy—compensation—powers—city executive committees: The board of commissioners of election in any city in which the provisions of this article are applicable shall consist of three members, who shall be recommended by the city executive committees of organized political parties participating in the primary elections from among the registered electors qualified to vote in said city. Upon such recommendation the names of such persons so recommended shall be certified by the committee or committees to the Governor of the State, who shall thereupon appoint the same to serve as the board of election commissioners for said city for the term of 2 years, and until their successors are appointed and have qualified, unless sooner removed by the Governor for cause, and any vacancy occurring on the commission shall be filled as herein provided: *Provided,* The term of office of the members of the board of commissioners in such city now provided for by law shall continue for the term of their appointment but no longer. The compensation of said commissioners shall be $40 a year each, to be paid quarterly by the city treasurer. Said commissioners shall take the oath of office as prescribed by section 26, article 3 of the constitution, and shall organize as a board by appointing one of their number chairman of the board, and such chairman shall be empowered to administer oaths. City executive committees hereinabove mentioned shall be made up of delegates from ward or precinct clubs or organized political parties and shall function under rules promulgated by such parties.

SEC. 18. Party primary nominate candidates for mayor or councilman—how conduct—time—persons's vote—voter's oath—candidates—ballots—votes necessary elect—second primary: There shall be no party primary nominations of any person as a candidate for mayor or councilman, unless said party primary election be conducted and the qualifications for suffrage therein to be enforced as herein provided. The primary election of any party for nominating mayor and councilman shall be held on the fourth Tuesday preceding the municipal election, and shall be conducted by the duly appointed board of commissioners of elections and board of managers of elections for the said municipal election, who shall be paid for the holding of said municipal election, and shall conduct the primary elections at the same places and in the same manner and with the enforcement of the same requirements for suffrage as are hereinafter set forth, having a separate box for each organized political party in said city, and for any violation of the law governing the same shall be subject to the same punishment as any violation of the law governing other elections: *Provided, however,* That no person shall be allowed to vote in any party primary election unless he or she be a member of said party, and shall subscribe to the following oath: "I do solemnly swear that I am a member of this club district, that I am a member of _____ party, duly qualified to vote at this election, and that I have not voted before at this election": *Provided further,* That no primary election shall be held for any political party unless the chief officer or officers in its city organization shall notify the chairman of the board of commissioners of elections for the municipal election at least 5 days before the time for the holding of the party primary election, and at such primary election three

members of such political party, duly appointed for the purpose by the proper officers of the party, shall have the right to be present at each polling precinct and advise the managers if any person offering to vote in said party primary be not a member of said party and file protest as ground for legal contest in case such person be allowed to vote by the legal managers. No ballot cast in said primary election shall be counted for any person who shall not have filed with the chairman of the board of commissioners of elections the pledge as to corrupt practices and an itemized statement as to expenditures, as provided in an act making certain offenses in primary elections, misdemeanors and prescribing penalties therefor, approved March 6, 1908, volume XXIV, in the statutes at page 949. All candidates in the primary election classed according to their party affiliation, to be published in a daily newspaper of the city from the time that they have become qualified as candidates up to and including the day of the primary election, and the said board shall provide the printed ballots to be used in the said party primary elections, the names of candidates for mayor and, also separately, the names of candidates for councilmen, arranged alphabetically, the ballots in each case to bear the words, "Vote for (the number to be elected)." The candidates receiving the largest majority vote shall be declared elected. In case a primary election does not result in a majority and a larger vote for the number of persons to be elected in the regular municipal election, a second primary shall be had on the seventh day after the first primary in which second primary the ballots shall contain for each position for which choice is to be made, the names of two persons; those receiving the highest vote at the preceding primary election.

SEC. 19. Books of enrollment—enrollment of persons—correct—certify—use—persons vote—lost: Books of enrollment for voting in the primary elections provided herein shall be caused to be opened by the board of commissioners of elections and board of managers of elections for the said municipal primary election in each ward of such city at least 60 days before the first municipal primary election. Notice thereof shall be given by the chairman of the board of commissioners of election and such other information with regard thereto as the chairman of said board may desire to give. Each applicant for enrollment shall, in person, write upon the roll his full name and immediately thereafter, his or her age, occupation, street and number of the house in which he or she resides. If the name be illegible, the one in charge of said enrollment book shall write his or her name beneath the signature of the applicant. In the event of the inability of the applicant to write, he or she may make his or her mark upon the roll, which shall be witnessed by the party who is in charge of said enrollment book, and such person so in charge of the enrollment book shall fill in the other requirements. Upon so registering, each enrolled applicant shall then be entitled to vote. The enrollment book shall be open to inspection by any member of the party. Thirty days before which any municipal primary election is to be held, the books shall close; and within 3 days thereafter, the chairman of said board shall forthwith cause to be made and shall certify a copy thereof and file the same with the clerk of the city for public inspection at all times. At least 10 days before the first primary, the board of commissioners of elections shall meet after 3 days' published notice in a newspaper of general circulation in the city of time and place of meeting and examine the rolls. Any person may complain of errors therein; and the said board of commissioners of elections, after hearing complaints, shall in a fair and impartial manner correct and purge the rolls, striking off the names of all persons not residing in the ward or voting precinct for which each roll was made up, or otherwise improperly enrolled, and adding any names improperly omitted: *Provided*, No name shall be striken from any roll without 3 days' notice by mail to the address appearing on the roll to the person whose name is proposed to be dropped. When said rolls have been revised and corrected by the said board of commissioners of elections, they shall be certified to and shall thereupon become the official rolls, and no names shall be added thereafter, except by the order of a judge of a court of record. Upon the completion of said revision, the chairman of said board shall immediately file in the office of the clerk of said city a list duly certified by him of all names added or dropped from said roll, with age, place or residence, and occupation, which list shall be preserved by the clerk along with the duplicate of roll on file in his office, any person may there inspect said roll and list of corrections at all times. The original roll shall be delivered to the managers of the primary election by the board of commissioners of elections before the day for the opening of the polls; and no person shall be allowed to vote at said election whose name does not appear on said original roll as herein required. The managers of election shall return said rolls to the chairman of the board of commissioners of elections immediately after the counting of the votes and the declaration of the result, or as soon thereafter as practicable: *Provided*, If the original roll be lost or misplaced, a copy of the duplicate as corrected by the board of commissioners of elections and filed in the clerk's office, such copy to be certified to by him shall be used in the place of the original.

SEC. 20. Qualifications for party membership—tax receipt not necessary enroll vote in primary: The qualifications for membership of such party, organization, or association in this State, and for voting at the primary shall be as follows, viz: The applicant for membership, or voter, shall be 21 years of age, or shall become so before the succeeding general election. He shall be a citizen of the United States and of this State. No person shall belong to any club or vote in any primary unless he has resided in the State 2 years and in the county 6 months prior to the succeeding general election and in the club district 60 days prior to the first primary following his offer to enroll: *Provided*, That public-school teachers and ministers of the gospel in charge of a regular organized church and Federal employees from this State shall be exempt from the provisions of this section as to resident, if otherwise qualified: *Provided*, That the State convention of any political party, organization, or association in this State shall have the power and authority to add to or to limit the qualifications for membership in such party, organization, or association, and for voting at the primary elections thereof, if such qualifications so added or limited do not conflict with the provisions herein as to the age and residence of members and voters: *Provided*, No person shall be required to have any poll-tax receipt nor any other form of tax receipt in order to be eligible to enroll to vote in said primary. He shall only be required to enroll as hereinabove set forth.

SEC. 21. Repeal: All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 22. Time effective: This act shall take effect upon its approval by the Governor.

No. 246

An act to provide for the issuance of absentee ballots in the municipal primaries in towns having a population between 6,000 and 6,500

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Issue absentee ballots to persons absent or unable to vote in person on account of sickness in municipal primaries, cities of 6,000 to 6,500: The election commissioners of any municipal primary in towns and cities of a population of not less than 6,000 nor more than 6,500 inhabitants according to the 1940 Federal census are hereby empowered, authorized, and directed to issue absentee ballots to any person being a qualified voter when absent, or who on account of sickness cannot go in person to his or her voting precinct during any primary election, in conformity with the provisions of this act as hereinafter provided for.

SEC. 2. Application for ballot: He shall make application in writing for a ballot to the committee on enrollment or club secretary, of his precinct, not less than 5 days nor more than 60 days prior to the primary in which he desires to vote, if he be within the confines of the United States. The application must be handed to the enrollment committee or club secretary and the applicant shall deposit the necessary postage or the correct amount in legal tender, necessary for registering the ballot, and full directions for mailing the same. But the failure to deposit necessary postage shall not render void a vote otherwise legally cast.

SEC. 3. Delivery of ballot and instructions: The committee on enrollment or club secretary shall, upon receipt of the application for ballot, if the applicant is duly registered in that precinct, enroll the name and address of the applicant on a list to be kept by them for that purpose and deliver to the applicant in person, or forward to the applicant, by registered mail the following: (a) An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of postmaster" (or other person mentioned in section 6); (b) An envelope for resealing the marked ballot, on which is printed the "voucher," form of which is hereinafter provided; (c) a properly addressed envelope for the return of said ballot; (d) a printed slip giving full instructions regarding the manner of marking the ballot, in order that the same may be counted, and how prepared and returned; (e) a "coupon," the form of which is hereinafter given.

"The voucher" called for in section 3 and printed on the envelope in which the ballot is to be sealed up after the same has been marked shall be in the following form: Voucher, This is to certify that the enclosed ballot was received by me as per my application to the committee on enrollment or club secretary of _____ precinct, _____ County (or city), S. C. The envelope marked "ballot within" was opened by me in the presence of _____ postmaster (or other person mentioned in section 6), of _____ marked while in his presence and office without assistance or knowledge on the part of anyone as to the manner in which same was prepared, and then and there sealed as provided by law. I further certify that I have not voted elsewhere in this election, and agree to support the nominee of the party.

(Signed) _____ _____

Attest _____ _____,

Postmaster.

(Or other person designated in sec. 6).

SEC. 5. Form of coupon: The coupon called for in section 3 shall be in the following form: Coupon. Name (given by voter) _____, color _____, height _____, age (given by voter) _____, color of hair _____, color of eyes _____, weight (esti-

mated) _____, birthplace (given by voter) _____, State and precinct where voter claims to have last voted _____.

To the best of my knowledge, the above information is correct and the applicant has complied with the requirements of the law as above provided. I have no knowledge whatever of the marking, erasure, or intent of the ballot enclosed.

Signed _____ _____, *Postmaster.*
(Or other person mentioned in sec. 6.)

SEC. 6. Marking and mailing of ballot: Upon the receipt of the registered letter, forwarded by the committee on enrollment or club secretary, the voter shall not open the sealed envelope, marked "ballot within," except in the presence of the postmaster, or his assistant, postal clerk, or rural letter carrier, or anyone authorized to administer oaths, and shall then and there mark and refold the ballot without assistance and without making known the manner of marking same. He shall then and there place the ballot in the envelope provided for the same, seal the same, and fill in and sign the voucher printed on the back of the envelope, in the presence of the postmaster or other person hereinabove provided, who shall witness the same in writing. The envelope, together with the coupon, which must be filled out and signed by the postmaster, or other person as herein provided, shall be enclosed within the envelope, directed to the committee on enrollment or club secretary, which shall then and there be sealed, registered, and mailed to the committee on enrollment or club secretary.

SEC. 7. Receipt and custody of ballot from voter: Upon the receipt of the ballot from the voter, the enrollment committee or club secretary shall, on the list kept of them, write in ink "received ballot on _____ date," and shall file the coupon enclosed with the sealed ballot with the letter of application and deposit the envelope containing the ballot unopened, in a sealed box to be provided for the purpose, and there it shall remain until the day of election.

SEC. 8. Delivery of ballots to managers: On the day of election the enrollment committee or club secretary shall deliver the box containing the sealed ballot, together with application and other accompanying coupon enclosed in the envelope, to the managers of election at his precinct, taking their receipt therefor.

SEC. 9. Counting of ballots: At the close of the balloting the box shall be opened by the managers of election and the ballot therein be counted along with the other ballots, the same being kept on a separate list, and the name of the voter entered by the clerk on the poll list.

SEC. 10. Construction—decisions of enrollment committee or club secretary as to person's vote by mail final: The provisions of this rule shall be liberally construed in favor of the absent voter, and the decisions of the enrollment committee or club secretary as to the necessity of any particular voter being allowed to vote by mail shall be final.

SEC. 11. Time effective: This act shall take effect upon its approval by the Governor.

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. Mr. President, under the rules it is impossible to move to lay the pending motion aside. The only motion which can be made which will have that effect will be a motion to take up some other measure. In view of the vote which has just been recorded, and in view of the understanding I had before the vote was taken that if we could not bring about the closing of debate it would be futile to pursue the proposed legislation further during this session, I shall ask unanimous consent that the bill be laid aside and returned to the calendar and that the Senate proceed to consider measures on the calendar to which there is no objection, beginning with Calendar No. 1681, House bill 4971.

The PRESIDING OFFICER (Mr. LUCAS in the chair) Is there objection to the request made by the Senator from Kentucky [Mr. BARKLEY] that the Senate proceed to consider measures on the calendar to which there is no objection, starting with Calendar No. 1681? The Chair hears none, and it is so ordered.

RESOLUTION OF BROOKLINE (MASS.) TAXPAYERS' ASSOCIATION—NONESSENTIAL FEDERAL ACTIVITIES AND EXPENDITURES

Mr. LODGE presented a resolution adopted by the annual meeting of the Brookline Taxpayers' Association, Brookline, Mass., favoring the elimination of all nonessential activities of the Federal Government and endorsing the activities of the Joint Committee on Reduction of Nonessential Federal Expenditures in its endeavor to eliminate needless expenditures, which was referred to the Committee on Finance.

REPORT OF THE COMMITTEE ON THE JUDICIARY

The following report of the Committee on the Judiciary, was submitted:

By Mr. DANAHER:

H. R. 7151. A bill to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession; with amendments (Rept. No. 1705).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Mr. DAVIS, by unanimous consent, submitted the following resolution (S. Res. 316), which was referred to the Committee on Rules:

Whereas present conditions effectively demonstrate the need for closer supervision by the Congress over fiscal practices of the Government; and

Whereas the Committee on Expenditures in the Executive Departments, which was established on April 18, 1921, is a standing committee of the Senate; and

Whereas such committee, as its name implies, was created for the purpose of examining the accounts and expenditures of the several departments of the Government; and

Whereas the membership of such committee is not sufficiently large to enable it properly to exercise such functions: Therefore be it

Resolved, That the Committee on Expenditures in the Executive Departments shall hereafter be composed of 21 Senators.

SIMPLIFICATION AND CURTAILMENT OF GOVERNMENTAL QUESTIONNAIRES

Mr. VANDENBERG. Mr. President, I ask unanimous consent to submit a concurrent resolution on behalf of the Senator from Virginia [Mr. BYRD] and myself, and ask that it be referred to the so-called Byrd committee. I ask further that a statement which I have prepared respecting the concurrent resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the concurrent resolution will be received and referred to the Joint Committee on Reduction of Nonessential Federal Expenditures, and the statement presented by the Senator from Michigan will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 38) was referred to the Committee on Reduction of Nonessential Federal Expenditures, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Reduction of Nonessential Federal Expenditures be directed to investigate the existing methods of all departments and bureaus in respect to the manner and form of questionnaires, reports, and all other methods of inquiry to which citizens and/or corporations are required to respond in connection with all phases of the war effort; and

Resolved further, That the committee be directed to report any legislative recommendations which would either eliminate or simplify or concentrate these processes to the end that citizens and/or corporations shall be relieved of any needless irritation, labor, or expense in this connection and that the war effort shall be relieved of any needless obstacles or complications and that the Federal pay rolls shall be relieved of any needless personnel.

The statement presented by Mr. VANDENBERG in connection with the resolution is as follows:

Jointly with Senator BYRD, I shall introduce a concurrent resolution in the Senate at the first available moment which I hope may produce a great simplification in the vast amount of so-called paper work which national-defense regimentation now involves. The number and extent of intricate questionnaires and reports now required of American business in countless multiplying directions is one of the greatest burdens suffered by American business. It often hampers the war effort by diverting energies that should be more productively applied. It often involves a wealth of inquisitive detail which would seem frequently to have far less to do with the war effort than with the ultimate nationalization of the American system of free enterprise. Certainly it must involve the maintenance of tremendous Government pay rolls if any sort of ultimate attention is given to the results of these inquisitions. Every possible effort should be made to reduce this process to an essential minimum. This is equally true of rationing questionnaires which our people as a whole must confront, and which will be needlessly unpopular in proportion as they are needlessly complicated or needlessly irritating. Business and citizenship want to cooperate wholeheartedly with Government in this crisis. Their cooperation should be made as simple as possible—not as difficult and perplexing as possible. A little more of faith in them and a little less of strait jacket would, in my humble opinion, produce better results. If the splendid Byrd committee were to call for a total exhibit of all the questionnaires and all the demands for reports and

all the rules and regulations which have converged upon American business and upon the American people in a period of 3 months, I venture to say the result would be too appalling for even Government itself longer to tolerate. We cannot escape large and far-reaching Government controls in this hour of crisis. I am not speaking against them. I am speaking for their greater success and their greater popularity through their greater simplification.

BILL INTRODUCED

Mr. WALLGREN (for himself and Mr. BONE) introduced a bill (S. 2904) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation.

APPOINTMENT OF SONS OF CERTAIN SOLDIERS, ETC., TO MILITARY AND NAVAL ACADEMIES

The PRESIDING OFFICER (Mr. LUCAS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 658) authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines, who were killed in action or have died of wounds or injuries received, or disease contracted in line of duty, during the World War, which were, to strike out all after the enacting clause and insert:

That the second paragraph of the act of June 6, 1926, entitled "An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the Act of Congress of April 19, 1910, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes'" (44 Stat. 704), be, and the same is hereby, amended to read as follows:

"That the number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female) and the Navy Nurse Corps (female) employed in the active services by the War Department or Navy Department, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during the World War (as defined by existing laws providing service-connected compensation benefits for World War veterans and their dependents): *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be final and conclusive and shall be binding upon the Secretary of War and Secretary of the Navy, respectively."

Amend the title so as to read: "An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in active service, during the World War."

Mr. RUSSELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, a similar bill, the bill (H. R. 2794) authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in service, during the World War, will be indefinitely postponed.

CIVILIAN WAR BENEFITS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes, which were, on page 2, line 4, to strike out "herein"; on page 3, to strike out all after line 21 over to and including "occurs", in line 22, page 4, and insert:

purposes of this subsection as totally disabled, and the same benefits as are provided for such disability under this title shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred: *Provided*, That if such person has dependents residing in the United States or its Territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and the Philippine Islands), the Commission during the period of such absence may disburse a part of such compensation, accruing for such total disability, to such dependents, which shall be equal to the monthly benefits otherwise payable for death under this title, and the balance of such compensation for total disability shall accrue and be payable to such person upon his return from such absence. Any payment made pursuant to this subsection shall not in any case be included in computing the maximum aggregate or total compensation payable for disability or death, as provided in section 102 (a): *Provided further*, That no such payment to such person or his dependent, on account of such absence, shall be made during any period such person or dependent, respectively, has received or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the period claimed.

Benefits found to be due under this subsection shall be paid from the compensation fund established pursuant to section 35 of such act of September 7, 1916, as amended: *Provided*, That the determination of dependents, dependency, and amounts of payments to dependents shall be made in the manner specified in such act: *Provided further*, That claim for such detention benefits shall be filed in accordance with and subject to the limitation provisions of such act, as modified by section 106 (c) of this act: *And provided further*, That except in cases of fraud or willful misrepresentation, the Commission may waive recovery of money erroneously paid under this subdivision whenever it finds that such recovery would be impracticable or would cause hardship to the beneficiary affected.

On page 7, line 1, after "his" where it occurs the first time to insert "injury or death resulting from injury occurs or his"; on page 7, line 7, to strike out "301" and insert "101"; on page 19, after line 17, to insert:

(4) under a contract entered into with the United States or any executive department, independent establishment, or agency thereof (including any corporate instrumentality of the United States), or any subcontract, or subordinate contract with respect to such contract, where such contract is to be performed outside the continental United States and at places not within the areas described in subparagraphs (1), (2), and (3) of this subdivision, for the purpose of engaging in public work, and every such contract shall contain provisions requiring that the contractor (and subcontractor or subordinate contractor with respect to such contract) (1) shall, before commencing performance of such contract, provide for securing to or on behalf of employees engaged in such public work under such contract the payment of compensation and other benefits under the provisions of this act, and (2) shall maintain in full force and effect during the term of such contract, subcontract, or subordinate contract, or while employees are engaged in work performed thereunder, the said security for the payment of such compensation and benefits, but nothing in this paragraph shall be construed to apply to any employee of such contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract:

On page 20, line 5, to strike out "project." and insert "project."; on page 20, after line 5, to insert:

(c) The liability of an employer, contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) under this act shall be exclusive and in place of all other liability of such employer, contractor, subcontractor, or subordinate contractor to his employees (and their dependents) coming within the purview of this act, under the workmen's compensation law of any State, Territory, or other jurisdiction, irrespective of the place where the contract of hire of any such employee may have been made or entered into.

(d) As used in this section, the term "contractor" means any individual, partnership, corporation, or association, and includes any trustee, receiver, assignee, successor, or personal representative thereof, and the rights, obligations, liability, and duties of the employer under such Longshoremen's and Harbor Workers' Compensation Act shall be applicable to such contractor.

(e) The liability under this act of a contractor, subcontractor, or subordinate contractor engaged in public work under subparagraphs (3) and (4), subdivision (a) of this section, and the conditions set forth therein, shall become applicable to contracts and subcontracts heretofore entered into but not completed at the time of the approval of this act, and contracting officers of the United States are authorized to make such modifications and amendments of existing contracts as may be necessary to bring such contracts into conformity with the provisions of this act. No right shall arise in any employee or his dependent under subparagraphs (3) and (4), subdivision (a) of this section, prior to 2 months after the approval of this act. Upon the recommendation of the head of any department, or other agency of the United States, the United States

Employees' Compensation Commission, in the exercise of its discretion; may waive the application of the provisions of subparagraphs (3) or (4), subdivision (a) of this section, with respect to any contract, subcontract, or subordinate contract, work location under such contracts, or classification of employees.

Mr. PEPPER. Mr. President, pursuant to advice from the War Department and other departments which have examined the amendments, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ADDRESS BY SENATOR THOMAS OF UTAH ON "THANKS TO RUSSIA MONTH" INAUGURATION PROGRAM

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah on the "Thanks to Russia Month" inauguration program, New York City, November 19, 1942, which appears in the Appendix.]

RECAPPING OF RUBBER TIRES—ADDRESS BY SENATOR ELLENDER

[Mr. STEWART asked and obtained leave to have printed in the RECORD a radio address on the subject of recapping rubber tires delivered by Senator ELLENDER on November 17, 1942, which appears in the Appendix.]

FREIGHT RATE ADJUSTMENTS—STATEMENT BY GOVERNOR ADKINS, OF ARKANSAS

[Mr. SPENCER asked and obtained leave to have printed in the RECORD a statement by Hon. Homer M. Adkins, Governor of Arkansas, before the Interstate Commerce Commission at Columbus, Ohio, on November 18, 1942, which appears in the Appendix.]

ALCOHOLIC BEVERAGE LICENSES AND ADVERTISEMENTS

The PRESIDING OFFICER. In accordance with the order previously entered, the clerk will proceed with the call of the calendar, beginning with Order of Business No. 1681, House bill 4971.

The bill (H. R. 4971) to prohibit the issuance of alcoholic beverages in certain localities in the District of Columbia, to prohibit advertising price of such beverages, and for other purposes, was announced as first in order.

AMENDMENT OF CLOTURE RULE

Mr. PEPPER. Mr. President, the poll-tax debate for this session of Congress has been concluded by the action just taken by the Senate. However, the sense and power of frustration of Senate functioning which has been exhibited by the vote this morning has not been repaired or corrected.

Mr. CONNALLY. Will the Senator yield for a question?

Mr. PEPPER. I shall yield in a moment if the Senator will allow me.

It has therefore become apparent to the whole country, Mr. President, that a technique has developed whereby a small number of Senators may not only prevent the enactment of legislation, whatever may be its virtues in the opinion of our colleagues or the country, but even may deny to the Senate of the United States the power to consider legislation. Therefore, the question becomes of vital significance to the country and to the world.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. If the Senator will excuse me, at the conclusion of my remarks I shall yield. I shall take only 3 or 4 minutes.

Mr. CONNALLY. If the Senator does not want to yield, he does not have to do so.

Mr. PEPPER. I shall gladly yield, but I wish to make a statement; then I shall yield.

Mr. CONNALLY. The Senator said he would yield in one moment. If the Senator does not want to do what he said he would——

Mr. PEPPER. I yield to the Senator.

Mr. CONNALLY. The Senator spoke about the doctrine of frustration, stating that the Senate cannot do what it wants to do. We just had the question decided by a vote of 41 to 37. The majority of the Senate has spoken on this subject. Does the Senator call it frustration of the Senate when a majority of this body takes action?

Mr. PEPPER. Mr. President, the Senator was not willing to subject this matter to a vote of the majority of the Senate, or he and those associated with him would not have determined that they would not allow the majority to express itself.

Mr. CONNALLY. We will get to that when the bill is brought before us.

Mr. PEPPER. I need not advise the able Senator from Texas that the vote was not a vote on the merits of the bill but on the question of cloture.

What I wanted to say, Mr. President, was by way of preface to the submission of a resolution proposing an amendment to the Senate rules, and I repeat, the parliamentary power is now vested in a few Senators to deny this body the right to consider legislation.

I was about to say that we are heading into a period when it will become necessary for this body to make the peace for America, and to determine the character of the post-war world. If a small group, a handful, of United States Senators, have the parliamentary power to thwart the victory we will gain by the arms of our countrymen, Mr. President, that is the power to lose the war. It becomes pertinent, therefore, to observe whether we shall win the war for democracy and lose it in the Senate of the United States, as we did a generation ago. [Manifestations of applause in the galleries.]

Mr. CONNALLY. A parliamentary inquiry.

Mr. BARKLEY. The Senate has agreed that measures on the calendar will be considered, and I hope that now the first bill on the calendar, which has been called, may be considered under the rule.

The PRESIDING OFFICER. The bill will be considered under the rule, and the Senator from Florida has about half a minute remaining. The Senate is proceeding under the 5-minute rule.

The Chair will say to the occupants of the galleries that under the rules of the Senate there can be no applause, whether they favor one side or the other. The Chair hopes the occupants of the galleries will respect the rules of the Senate, and that there will be no applause from now on.

Mr. PEPPER. Mr. President, in view of what I have said, I ask leave to offer at this time, out of order, a resolution proposing an amendment of the Senate rules, and to have it referred to the appropriate committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the resolution (S. Res. 315) was referred to the Committee on Rules, as follows:

Resolved, That that part of rule XXII of the Standing Rules of the Senate relating to cloture (as shown on p. 28 of the Senate Manual) is amended to read as follows:

"If there is presented to the Senate at any time a motion, signed by 16 Senators, to bring to a close the debate (1) upon a motion to take up a measure, together with any and all points of order against such measure, or (2) upon any pending measure, the presiding officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the secretary call the roll, and, upon the ascertainment that a quorum is present, the presiding officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"If such question shall be decided in the affirmative by a majority vote of those voting in the case of any such motion to take up a measure, together with any and all points of order against such measure, then such measure shall be deemed to be the unfinished business.

"If such question shall be decided in the affirmative by a majority vote of those voting in the case of any such motion to bring to a close the debate upon any pending measure, then such measure shall be the unfinished business to the exclusion of all other business until disposed of. Thereafter no Senator shall be entitled to speak in all more than 1 hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the presiding officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the presiding officer, shall be decided without debate."

ALCOHOLIC BEVERAGE LICENSES AND ADVERTISEMENTS

The PRESIDING OFFICER. Is there objection to the consideration of Calendar No. 1681, House bill 4971?

There being no objection, the Senate proceeded to consider the bill (H. R. 4971) to prohibit the issuance of alcoholic beverage licenses in certain localities in the District of Columbia, to prohibit advertising the price of such beverages, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 1, line 8, after the word "license", to insert a comma and the words "excludings hotels"; on page 2, line 3, after the word "Barracks", to insert "For the

purposes of this section, the term 'hotel' means an establishment operating under a hotel license and having in excess of 50 rooms used predominantly for transient occupancy; that is, for living quarters for nonresidents upon a short-time basis"; on page 2, line 11, after "class B", to insert "or wholesaler's license" so as to make the bill read:

Be it enacted, etc., That section 7 of the District of Columbia Alcoholic Beverage Control Act is amended by inserting after the third paragraph thereof the following new paragraph:

"No license under this act of any class shall be transferred to, or issued with respect to, premises which on the date this paragraph takes effect are not licensed, excluding hotels, if such premises are within 600 feet of the nearest boundary of premises on which is located a school, church, playground, public library, eleemosynary institution providing housing for the indigent, soldiers' home, Army post, navy yard, or marine barracks. For the purposes of this section, the term 'hotel' means an establishment operating under a hotel license and having in excess of 50 rooms used predominately for transient occupancy; that is, for living quarters for nonresidents upon a short-time basis."

SEC. 2. Section 9 of such act is amended by inserting at the end thereof the following new subsection:

"(g) No holder of a retailer's license, class A, or retailer's license, class B, or wholesaler's license shall, with respect to alcoholic beverages covered by such license—

"(1) advertise, by any means or through any medium, the price for which such alcoholic beverages are for sale;

"(2) distribute, sell, or give away any price list or information with respect to the price of such alcoholic beverages;

"(3) display in his place of business any price list or sign with respect to the price of such alcoholic beverages if any price on such list or sign is visible from the street, or

"(4) display, or leave in his place of business, in a place where customers may take it away, any price list or information with respect to the price of such alcoholic beverages."

SEC. 3. The amendments made by this act shall take effect 31 days after the date of its enactment.

The amendments were agreed to.

Mr. CLARK of Missouri. Mr. President, what is the bill we are now considering?

The PRESIDING OFFICER. It is Calendar No. 1681, House bill 4971.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. GUFFEY subsequently said: Mr. President, I move to reconsider the vote whereby House bill 4971 was considered. My attention was distracted, or I would have objected at the time the bill was called on the calendar.

Mr. McNARY. Mr. President, there was so much disorder in the Senate Chamber that the able Senator from Pennsylvania [Mr. GUFFEY] did not understand what bill was being called on the calendar. I ask unanimous consent that the vote by which the bill was passed be vacated, and that the bill be restored to the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJUSTMENT OF PAY OF ENLISTED NAVAL PERSONNEL TEMPORARILY APPOINTED TO COMMISSIONED RANK

The bill (S. 2795) to amend the act approved July 24, 1941 (34 U. S. C. Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes, was announced as next in order.

Mr. WALSH. Mr. President, Calendar No. 1685, House bill 7577, is identical with the bill just called, and I ask unanimous consent that House bill 7577 be substituted for Senate bill 2795 and be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7577) to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

Mr. McNARY. Mr. President, I ask the Senator from Massachusetts [Mr. WALSH] briefly to outline the provisions of the bill.

Mr. WALSH. Mr. President, under existing law it is possible for an enlisted man who has been a long time in the service, to be promoted to the rank of warrant officer and then promoted to be a commissioned officer. Under existing law the pay which he will receive as a commissioned officer will be less than he received as a warrant officer, because of his many long years of service. The bill is intended to prevent a reduction in salary for a warrant officer or enlisted man when promoted to a commissioned grade, which in its first stages pays less salary than he received in the lower grade, a condition which will continue until he has held the commission for a term of years.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2795 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2729) to authorize the filing of a short form of notice in certain United States courts to serve as constructive notice of the interest of the Government in realty of personalty under facilities contracts was announced as next in order.

Mr. McNARY. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2804) to define the real property exempt from taxation in the District of Columbia was announced as next in order.

Mr. BYRD. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM KOVATIS

The bill (S. 2822) for the relief of William Kovatis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That William Kovatis, formerly of the United States Marine Corps, shall be entitled to medical care at Government expense at a facility of the Veterans' Administration, until a finding by competent authority that no further improvement can be made by continued treatment, for the injury sustained at the Naval Prison, Portsmouth, N. H., on November 3, 1941: *Provided*, That no compensation, retirement pay, back pay, pension, or benefits other than benefits provided for herein shall be held to have accrued prior to or subsequent to the enactment of this act: *Provided further*, That nothing contained in this act shall operate to change the nature of the discharge given to William Kovatis on May 18, 1942.

AWARD OF SILVER STAR TO PERSONS SERVING WITH THE ARMY OF THE UNITED STATES

The bill (S. 2824) to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence of section 1 of the act of January 24, 1920, entitled "An act to amend an act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919,' approved July 9, 1918" (41 Stat. 398; 10 U. S. C. 1412), is hereby amended to read as follows: "For each citation of any person for gallantry in action while serving in any capacity with the Army of the United States, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he or she shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter."

ADDITIONAL RESOURCES OF STRATEGIC AND CRITICAL RAW MATERIALS

The resolution (S. Res. 301) reported on October 10, from the Special Committee to Study and Survey Problems of American Small Business Enterprises by Mr. MURRAY (for himself, Mr. MALONEY, Mr. MEAD, Mr. ELLENDER, Mr. STEWART, Mr. CAPPER, and Mr. TAFT), was considered and agreed to, as follows:

Resolved, That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Federal Loan Administrator, the Chairman of the War Production Board, and the Defense Supplies Corporation are hereby requested to transmit to the Senate at the earliest practicable date, but not later than November 1, 1942, reports concerning the progress made and results achieved by the War Department, the Navy Department, the Interior Department, the Federal Loan Agency, the War Production Board, the Defense Supplies Corporation, the Metals Reserve Company, and such other subsidiaries of the Reconstruction Finance Corporation as may be concerned therewith, toward the development of new and additional resources of strategic and critical raw materials, and toward the utilization of submarginal producers of such materials.

CAPT. RICHARD ROTHWELL

The bill (S. 2826) for the relief of Capt. Richard Rothwell, United States

Marine Corps, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $53 to reimburse Capt. Richard Rothwell, United States Marine Corps, for the value of personal property lost or damaged as a result of the flooding of public quarters, No. 425, Marine Barracks, Quantico, Va., during the absence of Capt. Richard Rothwell, United States Marine Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

TRAVEL COST OF DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL

The bill (S. 2818) to provide for payment of certain travel costs of dependents of military and civilian personnel of the Army and the War Department on a mileage basis in order to promote efficiency and economy in such payments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) in any case where, in lieu of transportation in kind, reimbursement for actual travel costs, or travel at Government expense, of dependents of military and civilian personnel of the Army and War Department is now or may hereafter be authorized by law, payment for authorized travel of such dependents shall be made after the completion of such travel (and subject to the provisions of subsections (b), (c), and (d) of this section) on a mileage basis at the following rates:

(1) Four cents a mile for each dependent 12 years of age or more;

(2) Two cents a mile for each dependent less than 12 years of age but not less than 5 years of age;

(3) Nothing for any dependent less than 5 years of age.

(b) The provisions of this act shall apply irrespective of the mode of travel, but shall apply only with respect to such part of authorized travel as takes place within the continental United States (not including Alaska).

(c) Payments shall be made under the provisions of this act for authorized travel heretofore performed by the dependents described in subsection (a) of this section for which reimbursement has not been made at the time of the enactment of this act.

(d) Reimbursement for such travel shall be computed on the basis of distances shown in the Official Mileage Tables of the War Department in effect at the time the travel is performed and if the distances cannot be obtained from the Official Mileage Tables they shall be computed over the shortest usually traveled route.

SEC. 2. The Secretary of War may prescribe any regulations necessary to carry out the provisions of this act.

EXCHANGE OF CERTAIN LANDS IN MINNESOTA

The Senate proceeded to consider the bill (H. R. 4465) to authorize the exchange of certain lands in Minnesota, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 19, after the word "surveyed", to strike out the comma and the words "unappropriated, and unreserved public lands", and insert "public lands, unappropriated, and unreserved except for Executive Order No. 6964, dated February 5, 1935, or public domain in national forests,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 294) requesting interval reports from the Federal Rubber Administrator concerning rubber supplies and production was announced as next in order.

Mr. WILLIS. I ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

THE UNITED STATES AS PARTY IN CERTAIN CASES

The bill (H. R. 5578) to permit the United States to be made a party defendant in certain cases was considered, ordered to a third reading, read the third time, and passed.

COORDINATION OF FEDERAL REPORTING SERVICES

The bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies was announced as next in order.

Mr. VANDENBERG. Mr. President, I desire to make a very brief statement in connection with this bill.

Mr. BARKLEY. Mr. President, at the request of the Senator from Montana [Mr. MURRAY] I am compelled to ask that the bill go over.

Mr. VANDENBERG. Very well. I should like simply to make still more briefly the statement which I originally intended to make. The bill deals with the same general subject to which a concurrent resolution addresses itself, which was submitted today by the able Senator from Virginia [Mr. BYRD] and myself. I certainly have no objection to the passage of this bill. I think the committee has done an excellent piece of work in its preliminary discoveries and disclosures and recommendations, and for that reason I have no objection in the world to the passage of the bill when the time comes, but I do not think it remotely touches the magnitude of the problem which has been precipitated upon the country by endless paper work dictated from Washington. I am simply undertaking to point out that there is nothing in conflict between this bill and the larger objective to which the Senator from Virginia and I are undertaking to labor.

Mr. TAFT. Mr. President, am I to understand from the majority leader that a Senator has requested that the bill go over? It seems to me that unless the bill is passed today the chances of it passing the House are rather remote.

Mr. BARKLEY. I think I am mistaken as to the identity of the bill. The measure which the Senator from Montana wanted to go over is the one affecting the right of investigating committees of the Congress to call upon Government employees to serve such committees. That is a different measure.

Mr. TAFT. That is a different measure. Does the Senator from Kentucky withdraw his objection?

Mr. BARKLEY. Yes.

Mr. TAFT. As I recall, the measure to which the majority leader makes reference is Senate Resolution 301, Calendar No. 1690.

Mr. BARKLEY. Mr. President, I renew my request, because I assured the Senator from Montana that that measure would go over, because he had either some objection or amendment he wanted to offer to it. I ask unanimous consent that the vote by which the measure was passed be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. I think again a mistake is made in the identity of the measure to which the Senator from Montana is objecting. As I understand it, it is Order of Business 1579, House bill 7297, authorizing the assignment of personnel from departments to certain investigating committees of the Senate. That bill has not been called today. I think it is the bill to which the Senator from Montana referred.

Mr. BARKLEY. Yes; that is the bill.

Mr. TAFT. I do not think he has any objection to Senate Resolution 301.

Mr. BARKLEY. The Senator from Ohio is correct. The bill to which reference was made is not on today's call.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 1666?

There being no objection, the Senate proceeded to consider the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies, which had been reported from the Committee on Education and Labor with amendments.

The first amendment was, in section 1, page 1, line 4, to strike out "1941" and insert "1942", so as to make the section read:

Be it enacted, etc., That this act may be cited as the "Federal Reports Act of 1942."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, after the word "practicable", to insert "and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public", so as to make the section read:

SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that

all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 13, after the word "for", to strike out "reports and"; in the same line, after the word "information", to strike out "from the public,"; in line 14, after the word "enterprises", to insert "from other persons"; in line 16, after the word "such", to strike out "reports and"; in line 17, after the word "the", to strike out "reporting" and to insert "information-collecting"; in line 20, after the word "such", to strike out "reports and"; in line 21, after the word "upon", to strike out "the public and", and after the word "enterprises', to insert "and other persons"; in line 24, after the word "for", to strike out "reports and", in the same line, after the word "from", to strike out "the public and"; in line 25, after the word "enterprises", to insert "and other persons"; on page 3, line 2, after the words "and any", to insert "other"; in line 5, after the word "such", to strike out "reports and other"; in line 7, after the word "prescribing", to insert "(with reference to the collection of such information)"; and after line 17, to add a new subsection, as follows:

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

So as to make the section read:

SEC. 3. (a) With a view to carrying out the policy of this act, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information, from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons.

(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

The amendments were agreed to.

The next amendment was, on page 4, line 9, to strike out "SEC. 4. (a)" and insert "(e)"; and in line 15 after the word "agencies", to insert "*Provided, however*, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon that Department by law", so as to read:

(e) For the purposes of this act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided, however*, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon that Department by law.

The amendment was agreed to.

The next amendment was, on page 4, line 21, to strike out "(b)" and insert "SEC. 4 (a)." and in the same line to strike out "Nothing in this act shall be construed to require any Federal agency to release any information which it has obtained in confidence from any person unless, in the opinion of the Director, the legitimate interests of such person will be adequately protected upon such release."; on page 5, line 1, after the word "any", to strike out "such confidential"; in the same line after the word "information", to insert "obtained in confidence by a Federal agency"; in line 2, after the words "released by", to strike out "any Federal agency" and insert "that agency"; in line 3, after the word "another", to strike out "such" and insert "Federal"; in line 9, after the word "information", to insert "and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency."

Also, on page 5, to strike out:

(c) No information received by any Federal agency solely for the purpose of providing statistical totals or summaries shall be released to or used by any other Federal agency except for statistical purposes, and no information so released shall be used by any Federal agency in violation of personal privilege or legal right.

And, also, on page 5, after line 20, to insert:

(b) Information obtained by a Federal agency from any person or persons may pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

So as to read:

SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the

information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert a new section 5 as follows:

SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 or more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information.

The amendment was agreed to.

The next amendment was, on page 6, line 22, to change the number of the section from 5 to 6.

The amendment was agreed to.

The next amendment was, on page 6, line 27, to change the number of the section from 6 to 7; on page 7, line 11, after the word "State", to insert "or territorial"; in line 13, after the word "State", to insert "or Territory"; after line 14, to insert the following new subsection:

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

So as to make the section read:

SEC. 7. As used in this act—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

The amendment was agreed to.

The next amendment was, on page 7, line 24, to change the number of the section from 7 to 8.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 2, line 15, after the word "information", it is proposed to strike out the word "and" and insert in lieu thereof a comma; and at the end of line 21 it is proposed to insert "and utilizing, as far as practicable, the continuing organization, files of information, and existing facilities of the established Federal departments and independent agencies."

Mr. LA FOLLETTE. Mr. President, I am highly in favor of the worthy objectives which the pending bill seeks to attain. The sole purpose of the amendment is to require the utilization of existing agencies, divisions, and sections of existing departments of the Government, and to prevent duplication. I believe the amendment which I am offering will appeal to all who are in sympathy with the bill.

Mr. THOMAS of Utah. Mr. President, I hope the amendment will be approved. I believe it would improve conditions.

Mr. VANDENBERG. Mr. President, I have already spoken briefly upon the matter. I inquire whether, as a matter of parliamentary right, I can be recognized to speak for 5 minutes on the proposed amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized, to speak for 5 minutes.

Mr. VANDENBERG. I desire to complete what I started to say when the able Senator from Kentucky [Mr. BARKLEY], suggested that the bill go over. I am in total sympathy with the measure, and I am not in any sense objecting. I hope it will pass. It cannot possibly do any harm, and it is calculated to do good.

I am frank to say, however, that I do not believe it encompasses the magnitude of the problem which now confronts us in respect to the paper work which has been forced upon the country by the organized regimentation which is probably unavoidable in connection with the war.

The bill deals almost exclusively with the powers of the Director of the Bureau of the Budget, and with the investigation and control of functions within the Government itself.

The resolution which was submitted today by the able Senator from Virginia [Mr. BYRD] and myself contemplates a total disclosure of what has become an almost insufferable burden upon American business in respect to questionnaires, reports, regulations, and rules which are descending upon it like a snow-storm, 7 days a week. Furthermore, today questionnaires in respect to rationing are often far more perplexing, confusing, and irritating than they need to be. If there is to be universal acceptance of rationing as such, every possible irritation should be removed.

It seems to me that the pending bill makes a splendid start in the right direction. I am merely trying to indicate that I hope the passage of the bill will not in any sense be deemed an estoppel to the larger undertaking which we have in mind.

For example, a manufacturer from the State of the able Senator who now occupies the chair [Mr. LUCAS] was in my office this morning. He told me that it has cost him $55,000 in 9 months to answer Government questionnaires. He has a plant with 2,000 employees. That is cited as a sample of what is happening. He also pointed out to me that the burden has doubled during the latter half of the 9 months. In other words, the trend is still rolling, and the burden is still multiplying. The net result is nothing short of staggering, not only in expense and irritation, but from the standpoint of actually deferring manpower which ought to be used for other and better purposes at the present time, to say nothing about the conservation of paper and perspiration.

Mr. President, let me give one other example of what can inadvertently happen in respect to the burden of paper work.

On the morning of the last day the tax bill was in conference, as I left the conference I received a letter from a manufacturer in New York State who pointed out to me that if the language in respect to reports under the Victory tax were left as it was drawn in the bill, four freight cars would be required to bring his reports to Washington at the end of each calendar year.

Nobody intended to require any manufacturer to use four freight cars to transmit reports to the Government in connection with the Victory tax. As soon as the matter was brought to the attention of the conference the language was promptly changed and immediately simplified so that all the reports will now be made under the social security reports. That is a perfect example of what can be done by a little rational and sane coordination.

But behind that, Mr. President, I very much fear that there is a deeper purpose in some of these reports. I particularly refer to the O. P. A. I know of no reason on earth to justify the so-called A and B financial reports which the O. P. A. required of 25,000 corporations last April, except to lay the foundation not only for regimentation to come but perhaps for nationalization after the war is over. The whole subject matter needs to be totally explored and totally corrected. That is the purpose to which the able Senator from Virginia and I have undertaken to direct our efforts today.

I am merely saying that the pending bill is a fine start in the right direction, but I hope it will not be considered as an estoppel to the broader undertaking which is so direfully needed.

Mr. THOMAS of Utah. Mr. President, as a sponsor of the bill I should like to say that I agree with the able Senator from Michigan, and trust that the bill will be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered,

without objection, the clerks will be authorized to renumber the sections.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to coordinate Federal reporting services, to eliminate duplication, and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies."

DISCOVERY OF OIL AND GAS ON THE PUBLIC DOMAIN

The Senate proceeded to consider the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war, which was read as follows:

Be it enacted, etc., That until the present wars with Germany and Japan are concluded by treaties of peace, all oil or gas leases issued pursuant to the provisions of section 17 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended (U. S. C., title 30, sec. 226), when the lands to be leased are not within any known geological structure of a producing oil or gas field, shall provide that during the first 10 years of such lease the royalty thereunder shall be 12½ percent in amount or value of the production, in lieu of the royalty prescribed by such section 17.

SEC. 2. Upon application filed before such wars are so concluded, by any lessee who on the date of enactment of this act holds a lease heretofore issued pursuant to such section 17, of lands not within any known geological structure of a producing oil or gas field, the Secretary of the Interior shall issue a new lease to such lessee in lieu of the lease then held by him. Such new lease shall provide that during the first 10 years after the issuance thereof the royalty thereunder shall be 12½ percent in amount or value of the production, in lieu of the royalty prescribed by such section 17.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add a new section, as follows:

SEC. —. That until the present wars with Germany and Japan are concluded by treaties of peace the Secretary of the Interior may, whenever in his judgment it is necessary to do so in order to promote the discovery of oil or gas on the public domain, provide by regulation under leases heretofore or hereafter issued to unappropriated deposits of oil or gas, conditioned upon the payment during the first 10 years of such leases of a royalty of not to exceed 7½ percent in amount or value of the production from tracts not to exceed 40 acres in area, upon which discovery wells may hereafter be drilled.

Mr. DANAHER. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. DANAHER. For how long a period would the Secretary of the Interior be authorized to make leases under the terms of the bill?

Mr. O'MAHONEY. During the pendency of the war.

Mr. DANAHER. For how long a period might a lease run?

Mr. O'MAHONEY. The general leasing act provides for 20-year leases. The pending bill provides that as an incentive to the production of oil—and the Lord knows we need it—the Secretary of the Interior may provide for royalties for not to exceed 10 years.

Mr. DANAHER. Mr. President, I have not had an opportunity to study the whole question, but in the letter from the Secretary of the Interior, which is made a part of the committee report, is the following sentence:

I do not favor the enactment of the bill.

The letter is signed by Harold L. Ickes, Secretary of the Interior. Will the Senator from Wyoming explain the position of the Secretary of the Interior with regard to this matter?

Mr. O'MAHONEY. Mr. President, I think there may be some alteration in that point of view. Whether or not that is the case depends upon developments. However, the explanation is as follows:

Heretofore in the Geological Survey the motto seems to have been not "business as usual," but "conservation as usual." If there was ever any objective for which we should conserve the oil upon the public domain, the objective is before us now, to supply oil and gasoline to the fighting forces of America.

The Committee on Public Lands and Surveys has held protracted hearings upon the matter, and I can say to the Senator, without burdening the Senate, that the committee is unanimous in its belief that we should now hold out this incentive in order that we may provide an opportunity for the discovery of new reserves of oil. The Secretary of the Interior has so stated. The War Department and the Navy Department have both stated that the reserves are needed. I happen to be able to say that since the invasion of North Africa the estimates of the War and Navy Departments have vastly increased. Within the past 2 weeks the War Production Board has delegated to Mr. C. E. Wilson, formerly of General Electric, as I recall, the task of endeavoring to double the production of airplanes. It will be impossible to operate the airplanes unless a sufficient quantity of oil is available.

I will say to the Senator from Connecticut that those of us who are on the Committee on Public Lands and Surveys know that there are areas upon the public domain which should be prospected for additional reserves of oil. The pending bill would provide for such action.

Mr. DANAHER. Will the able Senator from Wyoming further yield?

Mr. O'MAHONEY. I yield.

Mr. DANAHER. In line 4, on page 1, of the pending bill I notice that it is provided that the powers will run at least until the present war shall have been concluded by treaties of peace.

Mr. O'MAHONEY. That is correct.

Mr. DANAHER. Does the able Senator from Wyoming feel that the words "by treaties of peace" are essential to the bill?

Mr. O'MAHONEY. They may not be essential.

Mr. DANAHER. The reason for my inquiry in that regard is that in almost all grants of wartime power we have imposed other limitations than might be provided by such a phrase. It becomes important if one recalls that only within the past month Under Secretary Welles has stated that we might well not make a treaty of peace at the conclusion of this war.

Mr. O'MAHONEY. If the Senator desires to move to strike the words "by treaties of peace," I shall have no objection.

Mr. DANAHER. I so move, Mr. President.

Mr. VANDENBERG. Mr. President, if the Senator will yield, let me say that the usual language which we have been using is "upon the cessation of hostilities." That is the phrase which has been used as a standard in all such legislation.

Mr. O'MAHONEY. I am quite willing to use that expression, and I am sure the committee would agree. If the motion is made, let it be understood that the alteration has been made as suggested by the Senators from Connecticut and Michigan.

Mr. ELLENDER. Mr. President, as I understand the pending bill, it would merely amend existing law.

Mr. O'MAHONEY. That is correct.

Mr. ELLENDER. It would not in any wise affect oil which might be located under the coastal waters, would it?

Mr. O'MAHONEY. No; it applies only to the public domain as now known by law.

The PRESIDING OFFICER (Mr. WALLGREN in the chair). The question is on agreeing to the amendment of the Senator from Wyoming, as modified.

Mr. PEPPER. Mr. President, I do not desire to speak before any other Senator speaks; but before the matter is concluded I should like to say a word on the pending bill. Will the able senior Senator from Wyoming yield to me?

Mr. O'MAHONEY. Certainly; I yield.

Mr. PEPPER. I have not had an opportunity to read the bill; but in my State there is very great interest in the discovery of oil. It is believed by a great many persons that there are oil preserves in or under the State of Florida, and a great many of our citizens have come to my colleague and to me to inquire whether there might be any way whereby the United States Government could encourage exploration for the discovery of oil.

Mr. O'MAHONEY. Mr. President, I should be glad to call the attention of the Senator to the progress report which I filed on October 22 on behalf of the Committee on Public Lands and Surveys. The report contains several recommendations. Because of the importance of this matter—and I think that its importance cannot be exaggerated, for we have had a great crisis in rubber, we have had a great crisis in steel, and we are about to have a scandalous crisis in oil—this bill and this report were attempts upon the part of the Committee on Public Lands and Surveys to point out ways and means by which improvement could

be brought about. In the report there is a recommendation which would be immediately applicable to the State of Florida or to any other State in which prospective oil lands may exist.

I read recommendation No. II:

It—

Meaning the committee—

recommends that immediate steps be taken by the Office of Petroleum Coordinator, the War Production Board, and the Reconstruction Finance Corporation to finance exploratory drilling upon a sound financial basis under legislative authority already granted to the Reconstruction Finance Corporation. Long-term loans for not less than 5 years upon good oil land security should be extended, particularly to the independent wildcatter who is otherwise unable to finance a drilling program.

Of course, the bill deals only with the public domain.

Mr. PEPPER. Mr. President, let me express my hearty congratulations to the able Senator and his committee for entering upon this field; and I hope that the recommendations will find fruition in the administrative program.

Mr. LANGER. Mr. President, I ask that the bill go over, because I desire to study it. I particularly object to the idea of leasing land for a period of 20 years.

Mr. O'MAHONEY. Mr. President, such a provision is not contained in the bill. The present law provides for leasing for 20 years. The bill provides for leasing for 10 years; the bill cuts the presently authorized term in half.

I trust that the Senator from North Dakota will not object. The West, from which the Senator comes, has been suffering under restraints which have been imposed by persons who do not understand the needs of that section of the country. This measure will open the door for the development of our western areas. It will open the door for development in the Senator's State. I trust that he will not now impede action on the bill. We need the oil now.

The PRESIDING OFFICER. Is there objection?

Mr. LANGER. I desire to ask a question, if the Senator from Wyoming will yield to me.

Mr. O'MAHONEY. Certainly. I should be glad to have the Senator ask any question.

Mr. LANGER. What is the need for immediate action on the bill?

Mr. O'MAHONEY. Mr. President, the present session is rapidly drawing to a close. The House Committee on Public Lands is studying the bill. For a year the Committee on Public Lands and Surveys has been endeavoring to stimulate the executive departments to take steps to aid in the production of oil. We have been unsuccessful in that endeavor until now, and now is the opportunity for the Senate to extend such stimulation. I certainly trust that the Senator from North Dakota will not at this time make objection, because if the bill should not be passed at this session—today—in all probability it would die, and could not be revived until the next session of Congress.

Mr. LANGER. Has the Senator any objection to delaying the consideration of the bill for about 15 minutes, until the Senator and I have a chance to discuss it?

Mr. O'MAHONEY. Certainly not.

Mr. LANGER. I ask that the bill be passed over and be put at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

Mr. LANGER subsequently said: Mr. President, I withdraw all objection to Senate bill 2239, Calendar No. 1706. I have secured the information which I desired.

Mr. AIKEN. Mr. President, I should like to ask the Senator from Wyoming what constitutes a known geological survey of a producing oil or gas field. Does that identify the area?

Mr. O'MAHONEY. Yes; it is defined by geological methods.

Mr. AIKEN. Who identifies it, and how, and why?

Mr. O'MAHONEY. Oh, a geological indication of one kind or another, sometimes an escarpment. The phrase is intended to mean that the proposed incentive shall be granted for what are called wildcat areas—areas in which oil is not now known to exist. So we say to the prospectors, "If you will go out on the public domain and bring in a new reserve, we will reward you in this way."

Mr. AIKEN. That is, "If you go out and prove the scientists wrong, and find oil"——

Mr. O'MAHONEY. Oh, no; it is not such a matter as that. Sometimes the scientists say, "This is a field. We think that oil is to be found here." Then, upon drilling, it is found that they are wrong, and that oil is not there.

Mr. AIKEN. Is the southern Illinois field an example of an area in which oil was not supposed to exist, but in which it was found?

Mr. O'MAHONEY. That is a known field. Let me say to the Senator that the phrase is one contained in existing law which was carefully prepared more than 20 years ago. It never has been changed, and it describes exactly the technical conditions with which we are dealing.

Mr. AIKEN. I simply desire to say to the Senator from Wyoming that I am endeavoring to ascertain something about oil fields, because I should like to know something about a matter on which I am to vote. I am not sure about this matter, but I am not trying to raise any objection today.

Mr. O'MAHONEY. I hope the Senator will not do so. Let me say to him that, under the Leasing Act as it now stands, the law provides that the royalty shall be not less than 12½ percent. That makes it possible for the Secretary to impose higher royalties, and he does so in some cases, depending upon the amount and the value of the production.

Let me say that until about 5 or 7 years ago the law prescribed a royalty of only 5 percent on one-fourth of the area included within prospecting permits issued upon "wildcat" areas. I myself introduced the legislation which abolished that 5-percent royalty, because I thought it could be improved and that larger royalties should be charged. So now that all oil land royalty is not less than 12½ percent, this bill, as reported by the Committee on Public Lands and Surveys, merely provides that for 10 years, since we are in supreme need of oil, upon discoveries made in "wildcat" areas the royalty shall be a flat 12½ percent.

Mr. AIKEN. In view of the fact that this bill will have to pass the House of Representatives and also the scrutiny of the executive department before becoming a law, I shall not raise any objection to its consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL UNITED STATES DISTRICT JUDGE, EASTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF COSTS OF TRANSPORTATION OF CIVILIAN EMPLOYEES

The Senate proceeded to consider the bill (S. 2791) to authorize the Secretary of the Navy to pay the costs of transportation of certain civilian employees, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to effect appointments of civilian employees in the United States, or to effect the transfer of such employees in the Federal service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs of transportation of such employees from the place of engagement in the United States, or from the present post of duty in the United States or in Alaska, if already in the Federal service, to the post of duty outside the United States and return upon relief therefrom, and to provide for the shipment of personal effects of persons so appointed or transferred from the place of engagement or transfer to the post of duty outside the continental United States or in Alaska and return upon relief therefrom.

Mr. DANAHER. Mr. President, I desire to ask the Senator from Massachusetts a question. I invite his attention particularly to line 5 of the bill. After providing "That the Secretary of the Navy is hereby authorized to effect appointments of civilian employees in the United States," the bill goes on to authorize him "to effect the transfer of such employees in the Federal service in the United States." Do the words

"Federal service" mean in the employ of the Navy Department?

Mr. WALSH. Mr. President, the Secretary of the Navy would have no control over any Federal employees except those in his own Department.

Mr. DANAHER. So the term "Federal service" may be construed to apply solely to employees within the jurisdiction of the Secretary of the Navy; may it not?

Mr. WALSH. That is the intention.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY APPOINTMENT OR ADVANCEMENT OF COMMISSIONED OFFICERS OF COAST AND GEODETIC SURVEY

The bill (H. R. 7556) authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FUNCTIONS OF WAR SHIPPING ADMINISTRATION—BILL RECOMMITTED

The bill (H. R. 7424) to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes, was announced as next in order.

Mr. RADCLIFFE. Mr. President, since this important and highly desirable bill was reported by me to the Senate some objections have been made to certain of its provisions. It is believed that the objections can be considered better in committee than on the floor. I, therefore, intend to move that the bill be recommitted to the Committee on Commerce, where, we think, the various suggestions and criticisms can be considered very quickly, the bill reported back to the Senate, and then brought up for consideration and action.

This bill, as I have said, is very important. I think the procedure I have suggested will really make for expedition in the consideration of the bill. The chairman of the Committee on Commerce, the senior Senator from North Carolina [Mr. BAILEY], is in favor of this course, and the junior Senator from Maryland, who is chairman of the subcommittee, also believes that this is the wiser course to pursue. I ask, therefore, that the bill be recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, the bill is recommitted to the Committee on Commerce.

GRANT OF CERTAIN LANDS TO STATE OF NEW MEXICO

The bill (H. R. 7330) to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE, FIFTH CIRCUIT

The bill (S. 2867) to provide for the appointment of an additional circuit judge for the fifth circuit, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional circuit judge for the fifth circuit.

Mr. DANAHER. Mr. President, I ask unanimous consent that the report of the Committee on the Judiciary be printed in full in the RECORD at this point.

Mr. O'MAHONEY. Mr. President, what was the request made by the Senator from Connecticut?

The PRESIDING OFFICER. That the report of the committee be printed in the RECORD.

Mr. DOXEY. Mr. President, may I ask if it is the report of the Judiciary Committee on Senate bill 2867?

Mr. DANAHER. Yes.

Mr. DOXEY. I have no objection to the report being printed in the RECORD.

Mr. DANAHER. I will tell the Senator why I want to have the report printed in the RECORD. We were convinced in the Judiciary Committee that the additional judge was highly necessary, and, because the report so fully sustains the conclusions of the committee in this particular, I want the RECORD to show the report.

Mr. DOXEY. I will tell the Senator from Connecticut that, as he knows, I was chairman of the subcommittee, and there is no question that the additional judge is needed.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DOXEY. I yield.

Mr. VANDENBERG. I inquire whether a quorum of the Judiciary Committee was present when this bill was voted upon and ordered to be reported?

Mr. DOXEY. I think there was. To say the least, there was no point of a quorum made.

Mr. McKELLAR. If there was not a quorum present, I should object.

The PRESIDING OFFICER. Is there objection to having the report of the committee printed in the RECORD?

There being no objection, the report (No. 1659) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 2867) to provide for the appointment of an additional circuit judge for the fifth circuit, having duly considered the bill now report the same to the Senate favorably, and recommend that the bill do pass.

The chairman appointed a subcommittee consisting of Senator WALL DOXEY, chairman, Senator TOM CONNALLY, and Senator HAROLD H. BURTON, which subcommittee, on October 23, 1942, held hearings on the proposed legislation and gave careful consideration to the measure. It was developed that the conference of the senior circuit judges had given attention to the proposal for an additional circuit judge for the fifth circuit and recommended the enactment of the bill. The Administrative Office of United States Courts had also carefully examined into the matter and recommended the enactment of the proposed legislation. Mr. Henry P. Chandler, the Director of the Administrative Office of United States Courts, and Mr. Will Shafroth, of that Office, testified before the subcommittee, urging the passage of the bill. It was shown that the area embraced within the fifth circuit was one of the largest in the United States; that its population was also of the largest, and, in addition, it handles appeals from the Panama Canal Zone. Figures exhibited showed the case load per judge in the fifth circuit to be the highest, except one, of any circuit and that the present judges of the circuit have been disposing of the business of the court and writing opinions in greater than the average amount and number and greater than is considered good practice for any appelate court.

Mr. Shafroth filed with the subcommittee at the hearing tables and charts showing the following:

Case load per circuit judge for cases terminating with written opinion during the year ending June 30, 1942

Circuit	Number of judges	Cases terminated	Case load per judge
First	3	55	18.3
Ninth	7	152	21.7
Eighth	7	178	25.4
Sixth	6	159	26.5
District of Columbia	6	176	29.3
Fourth	3	95	31.7
Third	5	173	34.6
Tenth	4	177	44.2
Fifth	5	231	46.2
Second	6	289	48.2
Seventh	5	243	48.6
Total	57	1,928	
Circuit average			33.8

CASE LOAD PER CIRCUIT JUDGE FOR CASES FILED DURING THE YEAR ENDING JUNE 30, 1942

A chart showing an average of 56, and showing, as compared to that average, that the District of Columbia had 57, the third circuit, 58; the tenth, 61; the seventh, 65; the fifth, 76; and the second, 83.

Further, that the work of the fifth circuit during the past year had been accomplished, actually, by four judges, as Judge Sibley was ill and incapacitated for a considerable time, and upon his return to his duties Presiding Judge Foster became ill, an illness which resulted in his death.

The following letter was received by Senator FREDERICK VAN NUYS, chairman of this subcommittee, from the Director of Administrative Office of United States Courts:

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, D. C., October 14, 1942.

Hon. FREDERICK VAN NUYS,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR VAN NUYS: The judicial conference of senior circuit judges at its recent annual meeting took action on a number of legislative matters, some of which were discussed with you and Judge Sumners while you were present during one of the sessions. The report of the conference will shortly be forthcoming and I will send you a copy.

At this time I should like to call your attention to a recommendation that provision be made for a sixth circuit judge for the fifth judicial circuit comprising the States of Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and the Canal Zone. The judges of the court of appeals for that circuit and the judicial conference of senior circuit judges consider that a sixth judge is needed to deal with the business of the court and the statistics abundantly support that conclusion.

I enclose a memorandum prepared by Mr. Shafroth of this office showing the business of the court. The case load per judge, 76.6, is considerably above the average of 56.6 for circuit courts of appeals, and even with an additional judge would be on the basis of the business for the last fiscal year nearly

64, which is above the average for the country. The population of the fifth circuit, exclusive of the Canal Zone, was, in 1940, according to the United States census, 18,816,598, which was the highest in the country. The population of the Canal Zone in 1940 added 51,827.

I enclose also a draft of bill to provide for the additional judgeship recommended by the conference and if it meets your approval, as I trust it will, I shall be pleased if you will introduce it. I have discussed the proposal of the additional judgeship with the Attorney General and understand that it meets his approval. If there is any further information which you desire, I shall be glad to have you call on me.

With kind regards, I am,

Sincerely yours,

HENRY P. CHANDLER.

BILLS PASSED OVER

The bill (S. 2666) regulating compensation of employees working in excess of 40 hours per week in the executive departments and agencies, was announced as next in order.

Mr. O'DANIEL. I ask that the bill be passed over.

Mr. LANGER. Mr. President, I inquire who objected to the consideration of Senate bill 2666.

The PRESIDING OFFICER. Objection was made by the Senator from Texas [Mr. O'DANIEL].

Mr. LANGER. The junior Senator from New York [Mr. MEAD], who was in the Chamber a few minutes ago, had an amendment which he desired to offer to the bill.

The PRESIDING OFFICER. The bill has been passed over.

Mr. LANGER. I ask unanimous consent that the bill be placed at the bottom of the calendar until the Senator from New York can be present.

Mr. O'DANIEL. Mr. President, I ask that the bill be held over and not considered at this session of the Congress.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill has been passed over.

The bill (H. R. 6450) to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? I understand it has been reported by the Senator from Connecticut [Mr. MALONEY]. I do not see him present.

Mr. VANDENBERG. Let the bill go over.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4167) providing for the naturalization of certain alien veterans of the World War was announced as next in order.

Mr. McKELLAR. Mr. President, I think that bill should go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6250) to amend the Nationality Act to 1940 was announced as next in order.

Mr. McKELLAR. Mr. President, unless the Senator from Connecticut [Mr. MALONEY] is present, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF LAND TO HAWAII

The bill (H. R. 6013) to authorize the Secretary of War to transfer certain land to the Territory of Hawaii was considered, ordered to a third reading, read the third time, and passed.

ONA LOVCIKIENE AND CHILDREN

The bill (H. R. 1376) to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina, was considered, ordered to a third reading, read the third time, and passed.

KURT G. STERN

The bill (H. R. 3295) for the relief of Kurt G. Stern was considered, ordered to a third reading, read the third time, and passed.

WILLIAM B. FAWKNER AND IDA FAWKNER

The bill (H. R. 5059) to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner, was considered, ordered to a third reading, read the third time, and passed.

MRS. C. M. W. HULL

The bill (H. R. 6141) for the relief of Mrs. C. M. W. Hull was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 2786) to equalize certain disability benefits for Army officers was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

AUTHORIZATION FOR NAVY DEPARTMENT TO PROVIDE FOR CONSTRUCTION OF WAR FACILITIES

The bill (H. R. 7575) to expedite the prosecution of the war, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, what does expedite the war mean at this moment?

Mr. TAFT. May we have an explanation of the bill?

Mr. McKELLAR. I understand the Senator from Rhode Island [Mr. GERRY] reported the bill.

Mr. GERRY. Mr. President, the purpose of this bill is to reenact certain portions of the act entitled "An act to expedite the national defense, and for other purposes," approved June 28, 1940, which expired on June 30, 1942. The provisions proposed to be reenacted are deemed to be of continuing importance to the successful prosecution of the war effort.

On July 6, 1942, the President vetoed House bill 6355, a bill to extend the termination date of the first 11 sections of the act of June 28, 1940.

Apparently, the reason for the President's action in vetoing the bill was his opposition to the reenactment of those provisions which authorized the payment of compensation for overtime work performed by certain classes of employees of the War and Navy Departments, and also to a disagreement on his part to the provision for severe criminal penalties, including the deprivation of citizenship, in the case of any person making false statements in connection with the procurement or administration of Government contracts.

House bill 6355 reenacted certain important powers contained in the act of 1940. The President, in his message, suggested that most of those powers were not necessary for the purposes of the bill, with the exception of a provision appearing in the first section of the bill delegating certain powers to the Secretary of the Navy in regard to condemnation proceedings. Those powers are reenacted by the pending bill.

In the form, as now reported, the bill would overcome practically all the objections the President had to signing House bill 6355.

Section 2 authorizes an increase in the limit of cost of certain vessels and strikes out a provision extending the provisions of the act of 1940 which are already covered by the War Powers Act. The limit of cost was not increased by any definite figure, but was to be raised to whatever amount the Department might deem necessary. It was the opinion of the committee that the exact amount for the construction of the ships should be set forth and that the amount should be limited, and that is covered in the amendment.

Mr. LANGER. Will the Senator give us a specific instance to which this appropriation of money would apply?

Mr. GERRY. Does the Senator mean the authorization for the ships?

Mr. LANGER. Yes.

Mr. GERRY. It applies to the construction of six auxiliary vessels authorized by the act of July 30, 1937.

Mr. LANGER. I thank the Senator.

Mr. GERRY. It merely limits the appropriations to a definite sum, instead of making it an unlimited appropriation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in section 2, page 2, line 5, after the "(50 Stat. 544)", to strike out "and any statutory limitation with respect to the cost of any other individual naval project of construction are hereby increased as may be necessary to expedite the prosecution of the war" and to insert "is hereby increased to $60,000,000."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CUMULATIVE SUPPLEMENTS TO THE CODE OF FEDERAL REGULATIONS

The Senate proceeded to consider the bill (H. R. 7162) to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act, 1935, which was read, as follows:

Be it enacted, etc., That the provisions contained in the first sentence of section 11 (a) of the Federal Register Act (act of July 26,

1935, 49 Stat. 503, as amended, U. S. C., title 44, sec. 311) are hereby suspended until such time after the termination of the present war as the Administrative Committee of the Federal Register shall determine. The publication of a cumulative supplement to the Code of Federal Regulations instead of a new codification, prepared under the supervision of the Division of the Federal Register pursuant to the provisions of subsections 11 (c) and 11 (d) of the Federal Register Act, is hereby authorized.

SEC. 2. The first sentence of section 11 (a) of the Federal Register Act (Act of July 26, 1935, 49 Stat. 503, as amended, U. S. C., title 44, sec. 311) is hereby amended by inserting the phrase "or on the same date of every fifth year thereafter" before the period at the end thereof.

Mr. McKELLAR. Mr. President, will not the Senator from Indiana explain the bill?

Mr. VAN NUYS. Mr. President, this is a House bill to suspend for the duration of the war certain requirements of the Federal Register Act.

Under the Federal Register Act of 1935, on the first day of July 1938, and every 5 years thereafter, there must be a complete new codification of existing rules and regulations and Executive orders of widespread importance and interest. The Public Printer has estimated that the new codification would cost between $260,000 and $275,000. The bill before us provides that during the duration of the war the requirement for a complete codification be suspended, and that the usual codification be published, which will cost about $75,000 this year.

Mr. McKELLAR. What would the other cost?

Mr. VAN NUYS. From $260,000 to $275,000.

Mr. McKELLAR. I have no objection.

Mr. VAN NUYS. It would save about $200,000, together with a large amount for clerk hire to take care of the work, which would be wholly unnecessary.

Mr. DANAHER. Mr. President, on page 2, line 2, after the word "authorized", I move that the period be stricken out and that there be inserted the words "and required" and a period.

The amendment was agreed to.

Mr. DANAHER. I will state in a sentence the reason for the amendment.

The publication of the cumulative supplement is designed to take the place of the periodical compilation to which the Senator from Indiana has made reference. If we do not cumulate in a supplement the items normally to appear in the code of Federal regulations we might find ourselves without any reasonably convenient access to all the regulations and orders to which our attention is directed as a matter of law. If we insist, however, that they be printed, we will meet all the requirements. With the change I have suggested I very greatly favor the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PROTECTION OF NATIONALITY OF CERTAIN CITIZENS

The bill (H. R. 5554) to amend the Nationality Act of 1940 to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States was announced as next in order.

Mr. TAFT. May we have an explanation of the bill? I observe there is at one place only a partial sentence.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MALONEY subsequently said: Mr. President, I ask unanimous consent to return to Calendar 1729, House bill 5554, and that the bill be considered by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the bill (H. R. 5554) to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States, which had been reported from the Committee on Immigration with amendments.

Mr. MALONEY. Mr. President, I was temporarily out of the Chamber when the bill was called. I should like to point out that it is a House bill; that it makes a simple but a very necessary amendment to section 406 of the Nationality Act of 1940. Under existing law a naturalized American citizen living abroad, and members of that citizen's family, are given protection. Strangely enough, such protection is not provided in the case of a native-born American citizen. The amendment would simply afford the same protection to the child or spouse of an American-born citizen that is given to the family of a naturalized American citizen.

The PRESIDING OFFICER. The amendments of the Committee on Immigration will be stated.

The amendments were, on page 1, line 8, after the words "birth and", to strike out "who" and to insert "such spouse or parent"; and on page 2, line 1, after the word "years", to insert "has."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CHRISTINE LUND

The Senate proceeded to consider the bill (S. 2680) for the relief of Christine Lund, which had been reported from the Committee on Claims with an amendment, on page 2, after line 7, to strike out lines 8 to 19, inclusive, as follows:

SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

And to insert in lieu thereof the following:

SEC. 3. *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christine Lund, of Lane County, Oreg., care of Slattery and Slattery, Eugene, Oreg., the sum of $2,646, in full satisfaction of her claim against the United States for personal injuries sustained by her when struck on December 16, 1937, at 1½ miles north of Florence, Oreg., by an automobile of the United States operated by H. T. Schinaman, an employee of the Lighthouse Service, then engaged in the performance of his duties as such employee.

SEC. 2. The payment authorized to be made by this act shall not be made until the said Christine Lund has released, in a manner satisfactory to the Secretary of the Treasury, any judgment or other claim arising out of such accident which she may have against the said H. T. Schinaman.

SEC. 3. *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY FRANCES HUTSON

The Senate proceeded to consider the bill (S. 2449) for the relief of Mary Frances Hutson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$2,470" and insert "$2,245.90," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Frances Hutson, of La Junta, Colo., the sum of $2,245.90, in full satisfaction of her claim against the United States for compensation for personal injuries sustained, and reimbursement of medical and hospital expenses incurred, by her as a result of her having been hit by a bullet from a revolver fired during an altercation between two soldiers which occurred in La Junta, Colo., on December 13, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any

agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF HUNTSVILLE, TEX.

The Senate proceeded to consider the bill (S. 2761) for the relief of the First National Bank of Huntsville, Tex., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the First National Bank, Huntsville, Tex., the sum of $105.61, in full settlement of the claim of the said bank on account of two checks numbered 4120725 and 5455048, dated November 1, 1940, in the amounts of $27.66 and $77.95, respectively, drawn on the Treasurer of the United States by the Division of Disbursement, Treasury Department, over symbo No. 894–404, in favor of Jesse Cooper Hickman, and cashed by the said bank on the endorsement of Mrs. Jesse Cooper Hickman as temporary guardian, such checks thereafter being erroneously canceled by the Division of Disbursement, Treasury Department, and the amounts thereof included in a new check issued to Mrs. Jesse Cooper Hickman: *Provided*, That nothing herein contained shall be construed to relieve the said Mrs. Jesse Cooper Hickman from any liability to the United States on account of any amounts improperly received by her: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. DANAHER. Mr. President, there should be an amendment to the bill. On page 2, line 8, before the word "liability", the word "an" should be stricken out and the word "any" substituted.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LLEWELLA J. WELSH

The bill (H. R. 1883) for the relief of Llewella J. Welsh was considered, ordered to a third reading, read the third time, and passed.

WILSON N. YOST

The bill (H. R. 2217) for the relief of Wilson N. Yost was considered, ordered to a third reading, read the third time, and passed.

GLENN A. PIKE

The bill (H. R. 3478) for the relief of Glenn A. Pike was considered, ordered to a third reading, read the third time, and passed.

IRVING COWEN

The bill (H. R. 5177) for the relief of Irving Cowen was considered, ordered to a third reading, read the third time, and passed.

HOME INSURANCE CO. AND THE AMERICAN INSURANCE CO.

The bill (H. R. 5651) for the relief of the Home Insurance Co. and the American Insurance Co. was considered, ordered to a third reading, read the third time, and passed.

KATHERINE S. ARTHUR

The bill (H. R. 6078) for the relief of Katherine S. Arthur was considered, ordered to a third reading, read the third time, and passed.

SHIRLEY JONES

The bill (H. R. 6176) for the relief of Shirley Jones was considered, ordered to a third reading, read the third time, and passed.

LEE WATTS

The Senate proceeded to consider the bill (H. R. 6286) for the relief of Lee Watts, which had been reported from the Committee on Claims with amendments, on page 1, line 6, before the name "California", to strike out "Irvindale" and insert "Irwindale"; on line 11, after the words "occurring on", to strike out "July" and insert "June."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CHARLES S. SMITH

The bill (H. R. 6380) for the relief of Charles S. Smith was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. CHAPMAN, AND OTHERS

The bill (H. R. 6388) for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs was considered, ordered to a third reading, read the third time, and passed.

J. C. BAKER

The bill (H. R. 6751) for the relief of J. C. Baker was considered, ordered to a third reading, read the third time, and passed.

LLOYD A. EMICK

The bill (H. R. 6817) for the relief of Lloyd A. Emick was considered, ordered to a third reading, read the third time, and passed.

N. C. LLOYD

The bill (H. R. 6893) for the relief of N. C. Lloyd was considered, ordered to a third reading, read the third time, and passed.

MRS. P. R. YAGER

The bill (H. R. 6907) for the relief of Mrs. P. R. Yager was considered, ordered to a third reading, read the third time, and passed.

CAROLYN D. GRIFFIN

The bill (H. R. 6970) for the relief of Carolyn D. Griffin was considered, ordered to a third reading, read the third time, and passed.

G. F. ALLEN

The bill (H. R. 6990) for the relief of G. F. Allen was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF MARLIN CROFT

The bill (H. R. 6993) for the relief of the estate of Marlin Croft, deceased, was considered, ordered to a third reading, read the third time, and passed.

EARL CARBAUH

The bill (H. R. 7177) for the relief of Earl Carbauh was considered, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT OF CERTAIN NAVY PERSONNEL

The bill (S. 2888) to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums amounting in the aggregate not to exceed $1,203.84, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel for the value of personal property lost incident to the emergency evacuation of the United States Antarctic Service Expeditions' Antarctic base on Neny Fjord, Marguerite Bay, Palmer Peninsula, Antarctica, on March 21, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MASTER GUNNERY SERGEANT EUGENE M. MARTIN

The bill (S. 2887) for the relief of Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps, the sum of $1,796.60, which sum represents the value of personal property lost as a result of a fire which occurred in public quarters No. 143, United States Marine Barracks, Parris Island, S. C., on September 21, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SUBSTITUTION OF CERTAIN METALS IN COINAGE

The Senate proceeded to consider the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn

and uncurrent standard silver dollars into bars, and for other purposes, which had been reported by the Committee on Banking and Currency with amendments, on page 2, line 5, after the word "design" to insert "*Provided*, That in determining such physical properties the Secretary shall, in his discretion, take into consideration the use of such coins in coin-operated devices"; on page 2, line 15, after the words "section shall" to strike out "be in such denominations less than 10 cents as the Secretary of the Treasury may prescribe" and to insert "not be of other denominations than 1 cent, 3 cents, and 5 cents, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury," so as to make the bill read:

Be it enacted, etc., That (a) there shall be included among the coins of the United States one or more special series of coins: *Provided*, That the coinage, issuance, and circulation of the coins provided for by this section shall be subject in all respects to the conditions, terms, provisions, limitations, and exceptions specified in subsections (b) to (j) hereof.

(b) No denomination or series of coins provided for by this section shall be coined unless and until the Secretary of the Treasury shall have issued an order that shall (1) prescribe the particular denomination or series, stating the pertinent physical properties, including content, weight, dimensions, shape, and design: *Provided*, That in determining such physical properties the Secretary shall, in his discretion, take into consideration the use of such coins in coin-operated devices; and (2) state that he has determined, after consultation with the appropriate officials charged with the production of war material, that the coinage and circulation of the particular series will operate to conserve strategic metals in furtherance of the war effort.

(c) There shall be no coinage pursuant to the provisions of this section after December 31, 1946.

(d) The coinage provided for by this section shall not be of other denominations than 1 cent, 3 cents, and 5 cents, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury.

(e) Each denomination of coins provided for by this section shall constitute a series: *Provided*, That if one denomination is coined in more than one physical form or composition, the pieces of each different physical form or composition shall constitute a separate series.

(f) The coinage provided for by this section shall be in pieces of such metallic, or other or different content, weight, dimensions, shape, limits of tolerance, and design (including devices and legends), as the Secretary of the Treasury may by regulation prescribe for the particular denomination or series: *Provided*, That no silver shall be used for the coinage provided for by this section except as specified in subsection (g) hereof.

(g) For the coinage of any series, the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary of the Treasury deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver contained in any pieces coined under section 1 of this act shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the coinage of silver hereunder shall be accounted for by entries in the minor coinage profit fund. If any series is coined of silver or in part of silver, the pieces of said series shall nevertheless be deemed to be other than silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States.

(h) The coinage provided for by this section shall be minor coinage, and the provisions of amended section 3528 of the Revised Statutes (U. S. C., title 31, sec. 340) shall apply with respect to any necessary purchases of metal or other material for the coinage provided for by this section: *Provided, however*, That contracts for said purchases may be entered into in accordance with the provisions of title II of the First War Powers Act, 1941 (55 Stat. 839; U. S. C., Supp. 1, title 50, app., sec. 611).

(i) For the purpose of amended section 3529 of the Revised Statutes (U. S. C., title 31, sec. 341), the coinage provided for in this section shall be in the same category as the minor coins referred to in said section 3529.

(j) Except as provided in this act, the coinage provided for by this section shall be subject in all respects to the monetary laws of the United States, including, but not by way of limitation, the laws pertaining to counterfeiting, to legal tender, and to the distribution, exchange, and redemption of coins and currency.

SEC. 2. Title XII of the Second War Powers Act, 1942 (Public, No. 507, 77th Cong.), is hereby repealed.

SEC. 3. During the period when the coinage provided for by section 1 of this act may be coined, the Secretary of the Treasury is hereby authorized in his discretion to cause the coinage of any or all of the other minor coins to be suspended for the whole of said period or for any part or parts thereof.

SEC. 4. The Secretary of the Treasury shall cause all worn and uncurrent minor coin of the United States, heretofore or hereafter issued, received in the Treasury, to be melted down, the resulting metal and material to be used for coinage or sold, which sale is hereby authorized. Such coin (including any metal and material derived therefrom), and any loss resulting from the difference between the nominal or face value of such coin and the amount the same will produce in new coin, and any loss resulting from the sale of the metal or other material, shall be accounted for by entries in the fund established for the purchase of metal for minor coinage and said fund shall be reimbursed out of the special fund denominated the minor coinage profit fund: *Provided*, That the value of any coin (including any metal and material derived therefrom) accounted for as provided herein shall not be considered for the purpose of determining the statutory limit of the fund established for the purchase of metal for minor coinage. The proceeds from any sale pursuant to this section shall be accounted for by entries in the fund established for the purchase of metal for minor coinage.

SEC. 5. All worn and uncurrent standard silver dollars now held or hereafter received in the Treasury shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct; and the Director of the Mint is hereby authorized to cause the bars obtained pursuant to the provisions of this section to be used for coinage: *Provided, however*, That whenever such bars are obtained from standard silver dollars held as security for outstanding silver certificates, an equal amount of silver shall be allocated as security for outstanding silver certificates when such bars are used for coinage.

SEC. 6. The Director of the Mint shall cause the coinage provided for by section 1 of this Act to be coined in the United States coinage mints or to be coined in whole or in part at such other places or plants as the Director may, with the approval of the Secretary of the Treasury, designate; and the Director, with the approval of the Secretary, is hereby authorized to enter into such contracts as may be necessary to carry out the purposes of this act.

SEC. 7. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 which shall be available for expenditure under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with the carrying out of this act.

SEC. 8. The Secretary of the Treasury is hereby authorized to issue such orders, regulations, and instructions as he may deem necessary or proper to carry out the purposes of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DANAHER. I ask unanimous consent that the report of the committee be printed in full at this point.

There being no objection, the report (No. 1699) was ordered to be printed in the RECORD, as follows:

The Committee on Banking and Currency, to whom was referred the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The general purpose of the bill is to conserve the strategic metals required for war production purposes which are now used in minor coins. This is accomplished primarily by authorizing the issuance of new minor coins in which such metals either are not used or are used in more limited amounts than at present. By the two committee amendments the denominations of the new minor coins are limited to 1-, 3-, and 5-cent pieces, and the Secretary of the Treasury has discretion to take into consideration the need for the use of such coins in coin-operated devices.

The bill provides that there shall be no coinage pursuant to its provisions after December 31, 1946.

Provision is also made for the greater use of silver in minor coinage, and for the melting down of worn and uncurrent minor coins and silver dollars received in the Treasury.

The bill also authorizes the appropriation of $5,000,000 to carry out its provisions.

Your committee believe that it is in the interest of the war effort to provide for flexibility in the issuance of minor coins for the duration of the war without making it necessary to have new legislation each time certain metals become unavailable for coinage purposes. With this primary purpose in view, the committee recommend the speedy enactment of the bill as reported.

PRECEDENCE OF COMMISSIONED OFFICERS IN THE ARMY

The bill (S. 2891) to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the eighth paragraph of section 127a of the National Defense Act of June 3, 1916, as amended by section 5 of the act of February 28, 1925 (43 Stat. 1078; 10 U. S. C. 511), is hereby amended by

changing the second sentence thereof to read as follows: "When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army, which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 94, 97, and 99 of this act."

Mr. BYRD subsequently said: Mr. President, I should like to have an explanation of Order of Business No. 1754, Senate bill 2891.

The PRESIDING OFFICER. The bill has been passed.

Mr. BYRD. I should like to have the vote reconsidered, and if no explanation is made, I should like to have the bill go over.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed is reconsidered, and, on objection, the bill will be passed over.

DECORATIONS AND MEDALS FOR MEMBERS OF MILITARY FORCES OF UNITED NATIONS

The bill (S. 2852) to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in the present war.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this act.

EQUALIZATION OF BENEFITS FOR ARMY OFFICERS

Mr. LODGE. Mr. President, I ask unanimous consent that the Senate recur to Order of Business 1726, Senate bill 2786, and that it be considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2786) to equalize certain benefits for Army officers, which had been reported from the Committee on Military Affairs with amendments.

Mr. LODGE. Mr. President, this bill was reported from the Committee on Military Affairs, and I believe it was passed over merely because no one from the committee was on the floor at the time it was reached on the calendar.

Under the present law, if a temporary officer in the Army of the United States incurs a disability, he is retired with the rank he holds at the time. On the other hand, if a Regular Army officer, a National Guard officer, or a Reserve officer, incurs a disability while holding a temporary higher rank in the Army of the United States, he must be paid retired pay computed on the basis of his permanent lower rank.

The injustice of that seems obvious, and the sole purpose of this bill is to remedy that condition. I therefore hope the Senate will act favorably on the bill, which I believe was reported unanimously by the Committee on Military Affairs.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The first amendment was, on page 1, after line 9, to strike out section 2, as follows:

SEC. 2. Any officer of the Regular Army, except an officer on the retired list, who incurs physical disability while serving under a temporary appointment in a higher grade and is retired from active service because of such disability, shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

And to insert in lieu thereof the following:

SEC. 2. Any officer of the Regular Army who heretofore or hereafter has been or may be retired for physical disability while serving under a temporary appointment in a higher grade shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out section 6, as follows:

SEC. 6. The benefits of this act shall hereafter apply only to officers who incur physical disability in line of duty in time of war or national emergency or within 6 months thereafter, but shall extend to all such officers who shall have incurred physical disability on or since December 7, 1941, but not prior thereto; however, no back pay shall accrue by reason of the enactment of this act. The provisions of this act shall not otherwise affect the method in which officers are to be retired.

And in lieu thereof to insert:

SEC. 6. The benefits of this act shall apply to officers of the Army of the United States who were retired subsequent to April 6, 1917, or who may hereafter be retired for physical disability in line of duty in time of war or any emergency declared by the President, or within 6 months thereafter, while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under the act of June 16, 1936, who has been retired for physical disability in a lower grade.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to add a new section, as follows:

SEC. 9. No back pay shall accrue by reason of the enactment of this Act. The provisions of this Act shall not otherwise affect the method in which officers are to be retired.

The amendment was agreed to.

Mr. WALSH. Mr. President, may I inquire of my colleague, will the increase in rank which a retired officer will receive after disability involve an increase in retirement pay?

Mr. LODGE. Yes; I believe it will. I believe the retirement pay is geared to the rank of the officer, and it would involve an increase in retirement pay commensurate with the difference in rank.

Mr. WALSH. The only interest I have is that if the proposed law is different from that affecting the Navy I shall ask for the passage of a bill according the same rights to officers of the Navy.

Mr. LODGE. I will say to my colleague that I do not think that the pending bill proposes a law which is different from the law on the subject affecting the Navy. In fact I think it merely brings the situation with reference to the Army into harmony with the provisions of the naval law.

Mr. WALSH. Very well.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any officer of the Army of the United States or of any component thereof, except an officer of the Regular Army, who incurs physical disability while serving under a temporary appointment in a higher grade and becomes entitled to retirement pay because of such disability, shall receive retirement pay computed as otherwise provided by law for officers of such higher grade.

SEC. 2. Any officer of the Regular Army, who heretofore or hereafter has been or may be retired for physical disability while serving under a temporary appointment in a higher grade shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

SEC. 3. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for an officer of such higher grade retired on account of physical disability incident to the service.

SEC. 4. Any officer of the Regular Army on the retired list who shall have been placed thereon by reason of physical disability shall, if he incurs additional physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for officers of such higher grade: *Provided*, That the Secretary of War, or such person or persons as he may designate, shall find that the additional physical disability is incident to service while on active duty in the highest grade and not less than 30 percent permanent.

SEC. 5. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same grade as that held by him on the retired list, receive retired pay computed as otherwise provided by law for officers of such grade retired on account of physical disability incident to the service.

SEC. 6. The benefits of this act shall apply to officers of the Army of the United States who were retired subsequent to April 6, 1917, or who may hereafter be retired for physical disability in line of duty in time of war or any emergency declared by the President, or within 6 months thereafter, while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under the act of June 16, 1936, who has been retired for physical disability in a lower grade.

SEC. 7. The provisions of this act shall not apply in any case unless proceedings to obtain the benefits provided herein are initiated within 6 months from the termination of the temporary appointment held at the time when the disability is incurred or the disabled officer's release from active duty, whichever occurs earlier: *Provided*, That such proceedings may be initiated within 6 months

from the date of the approval of this act in any case where such termination of appointment, retirement, or release from active duty occurred prior to such approval. The Secretary of War is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this act.

SEC. 8. Nothing contained herein shall be construed to limit the power of the President under existing law, or to affect the right of any officer of the Regular Army to have the rank and retired pay of a higher grade than herein provided, or of any other officer of the Army of the United States to have the retirement pay of a higher grade than herein provided, if entitled thereto under other provisions of law.

SEC. 9. No back pay shall accrue by reason of the enactment of this act. The provisions of this act shall not otherwise affect the method in which officers are to be retired.

ALLOWANCES OF OFFICERS AND WARRANT OFFICERS COMMISSIONED OR APPOINTED IN THE ARMY OF THE UNITED STATES

The bill (S. 2885) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that House bill 7768, Calendar No. 1758, which has been passed by the House, is an identical bill. Is there objection to substituting the House bill for the Senate bill and considering it at this time?

There being no objection, the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2885 is indefinitely postponed.

REGULATION OF DELIVERY OF CERTAIN GOVERNMENT CHECKS

The bill (H. R. 7408) to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes," was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION OF RANK OF REAR ADMIRAL IN NAVY DENTAL CORPS

The bill (S. 2769) to authorize the rank of rear admiral in the Dental Corps of the United States Navy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the rank and grade of rear admiral, dental surgeon, is hereby established in the Dental Corps of the United States Navy, and dental officers shall become eligible for selection and promotion to this rank and grade under the provisions governing the selection and promotion of other staff officers to the grade of rear admiral contained in the Act of June 10, 1926, or in existing law. The pay, allowances, and retirement for rear admiral, Dental Corps, shall be the same as for other officers of equal rank and length of service.

The PRESIDING OFFICER. That concludes the calendar.

Mr. VANDENBERG. Mr. President, I understood that at the conclusion of the consideration of bills on the calendar, the Committee to Audit and Control the Contingent Expenses of the Senate was to report the resolution contemplating the investigation of Puerto Rican affairs. I now understand that the matter is to go over for at least two days. I wish to ask the able majority leader if that be the contemplation, if he will be good enough to agree to have the matter of reporting the resolution go over until Friday so that I can be sure to be present, inasmuch as I have a few observations to make.

Mr. BARKLEY. Yes; that is agreeable to me. I had suggested that the matter go over at least until Friday, and that is agreeable to me.

AMENDMENT OF PAY READJUSTMENT ACT OF 1942

The PRESIDING OFFICER (Mr. WALLGREN in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2723) to amend the Pay Readjustment Act of 1942, which were, on page 1, line 11, after "Guard", to insert "or in the National Guard Reserve"; on page 3, line 8, after "Guard", to insert "or in the National Guard Reserve"; on page 3, after line 16, to insert:

SEC. 3. The Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended by inserting after section 3 thereof the following new section:

"SEC. 3A. During the existence of any war declared by Congress and for 6 months immediately following the termination of such war, in computing the service for all pay purposes of officers paid under the provisions of section 1 or 3 of this act, such officers, in addition to the time required to be credited by such sections, shall be credited with full time for all periods during which they were enlisted or held appointments as warrant officers or Army field clerks or as commissioned warrant officers in any of the services mentioned in the title of this act, or in the Regular Army Reserve, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Enlisted Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary. The provisions of this section shall not be construed to permit any commissioned officer to receive pay and allowances in excess of the maximum limitations imposed upon the total pay and allowances of any rank or grade by any of the provisions of this act."

And on page 3, line 17, to strike out "3" and insert "4."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AUTHORIZATION TO SNAKE OR PIUTE INDIANS TO SUE IN COURT OF CLAIMS

Mr. McNARY. Mr. President, I desire to remedy an anomalous position which often occurs when the House passes one bill and the Senate passes a different bill on the same subject. I think on two or three occasions I have asked for the same order. I should like to have a statement which I send to the desk read by the clerk.

The PRESIDING OFFICER. Without objection, the statement will be read.

The Chief Clerk read as follows:

On May 13, 1941, the Senate passed the bill (S. 613) authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes, which was sent to the House and on May 19, 1941, was referred to the Committee on Indian Affairs of that body.

On March 12, 1942, several months thereafter, the House committee reported out House bill 622, of a similar purpose, taking no action on the Senate bill which had been pending before it for about 9 months.

The House bill was passed by the House on June 1, 1942, was transmitted to the Senate, and on June 4, 1942, was referred to the Committee on Indian Affairs of the Senate.

In order to get the matter before the President for action, one of the two bills in some form must pass both Houses.

A due observance of parliamentary procedure would have resulted in the House taking some action on the Senate bill. If unacceptable in its present form, it could have been amended by the House to correspond to its own bill, and in that way the House amendments could have been agreed to by the Senate or the bill sent to conference and differences adjusted in that way.

Therefore, in order to expedite the matter, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the House bill, that it be taken up for consideration by the Senate, and that the bill be amended by striking out all after the enacting clause and substituting the text of the bill previously passed by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the Committee on Indian Affairs was discharged from the further consideration of House bill 622, conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes, and the Senate proceeded to its consideration.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and insert in lieu thereof the following:

That jurisdiction be, and the same is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, anything in the Judicial Code of the United States and amendments thereto to the contrary notwithstanding, and notwithstanding the lapse of time or the statute of limitation, to hear, examine, and adjudicate the claims of, and decree just compensation for, any and all claims of the Snake or Piute Indians of the former Malheur Reservation of Oregon arising or growing out of the Executive orders of September 12, 1872, May 15, 1875, and July 23, 1880, setting aside certain lands as a reservation for said Indians, which lands were taken from them and restored to the public domain by the Executive orders of January 28, 1876, September 13,

1882, May 21, 1888, and March 2, 1889; and it is hereby declared that the taking and the loss, without just compensation to the said Indians, of their lands, reserved to them by the said Executive orders of 1872, 1875, and 1880, and which were restored to the public domain by the said Executive orders of 1876, 1882, 1888, and 1889, is sufficient ground for the court to render equitable relief, and the court shall determine the acreage of the lands set aside for the said Snake or Piute Indians by the aforesaid three Executive orders, as near as may be, and shall determine the value thereof as fixed and classified under the terms of the public land and mining laws of the United States, provided the minimum value shall be fixed at $1.25 per acre, and render just compensation for the value and loss of use of the same. For the purpose of this act, the Snake or Piute Indians of the former Malheur Reservation shall be defined to be all Snake or Piute Indians who occupied and used lands set aside under the said three Executive orders creating the Malheur Reservation (1) from September 12, 1872; (2) from the time of establishing their home on such lands if such home was established between September 12, 1872, and January 1, 1878; or (3) from time of their birth if they were born on such lands after September 12, 1872, and who continued to occupy and use such lands until their removal therefrom by force in 1878, and their descendants. Any payment or advances made to the said Indians by the United States shall not be pleaded as an estoppel but may be pleaded by way of set-off, where such payments or advances have inured to the benefit of said Indians.

SEC. 2. The claim of said Snake or Piute Indians of the former Malheur Reservation of Oregon shall be presented by petition or petitions to be filed within 5 years from the approval of this Act and shall make the said Indians party plaintiff and the United States party defendant. Such petition shall be verified and signed by such attorney or attorneys employed by the representative or agent of said Indians under and by virtue of authority given at a council of said Indians duly called by the Indian Department and held on October 1, 1934, and by virtue of a certain contract entered into by said Indians with their representative or agent dated October 6, 1934, in accordance with existing law, which may be made upon information and belief and no other verification shall be necessary. Official letters, papers, documents, maps, and other public records, or certified copies thereof, of any Department of the Government shall be available to the Government and the claimants, and may be used in evidence, and be furnished without cost.

SEC. 3. Upon final determination of such suit instituted hereunder, the Court of Claims shall have jurisdiction and fix and determine a reasonable fee for all services rendered before the departments of the Government, committees of Congress, and the courts, not to exceed 10 percent of the amount recovered. In addition thereto all necessary and proper expenses incurred in the preparation and prosecution of such suit hereunder, the said fees and expenses shall be paid by the Secretary of the Treasury out of any sum or sums found to be due said Indians, when appropriation therefor is made by Congress to pay any judgment rendered, and the balance of any sum or sums shall be placed in the Treasury of the United States as a trust fund to the credit of said Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 4 percent per annum from the date of said judgment, and shall be subject to appropriation by Congress for the benefit of said Indians.

SEC. 4. That for the purpose of the distribution of the proceeds of such judgment, the Secretary of the Interior is hereby authorized and directed to make a proper roll of said Indians within 2 years from the date of the approval of this Act. Each community of the Snake or Piute Indians of the former Malheur Reservation of Oregon shall prepare a roll of its membership, which roll shall be submitted to a council of the majority of their Indian chiefs, who lived on the above said Indian reservation, for its approval or disapproval. The said central council of these chiefs shall prepare a combined roll of all members and descendants of members of the respective communities of said Indians of the former Malheur Reservation of Oregon and shall submit the same to the Secretary of the Interior for a final approval which shall operate as final proof of such Indians to share in the benefits of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

NUMBER OF CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, not in the Appendix, a public statement made by me with respect to the number of civilian employees of the Government of the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The United States Civil Service Commission reports that as of August 31, 1942, there were 2,606,300 employees of the United States Government. If we add to this the employees of the local and State governments, then there are more civilian public employees than there are soldiers, sailors, and marines in our armed forces. During the months of September and October substantial increases were made, but the Civil Service Commission is unable to supply later figures.

Since Pearl Harbor, the monthly increase in civil-service employees has been in excess of 100,000, so that by January 1, and perhaps sooner, there will be 3,000,000 civilian employees of the Federal Government alone, and a total of approximately 5,500,000 if the local and State government employees are included.

Today the Federal Government is the chief offender in the waste and hoarding of manpower in America. In order to win the war we must utilize in the most efficient manner possible our manpower facilities. In time of peril and war the Government should be an example to its citizens, doing those things essential to our victory and to the preservation of our fundamental institutions, but nothing in all history—and I say this advisedly—is in any way comparable to the waste and inefficiency that now exist in the vast number of bureaus in our Government today.

In time of peace the waste of public funds is to be condemned severely, but in time of war the waste of manpower by the Government in nonessential activities, as well as the waste of public funds, is inexcusable and criminal.

The Joint Committee on Reduction of Nonessential Federal Expenditures, of which I am chairman, has already begun an investigation and will shortly start hearings to tell to the people the whole truth with respect to duplicated activities, the overmanning of practically every agency of the Government, and the useless employees that are carried on the pay rolls of these agencies, and will offer constructive suggestions to remedy these conditions. There is no time to be lost. We can shorten the war by the full utilization of all our manpower and reduce our casualties and cost. The Government cannot expect such utilization of America's effective manpower when it is itself the chief offender.

I know of no more imperative duty that Congress now has to perform than to take such action as may be necessary to eliminate those agencies of Government that are not contributing to the war effort and to institute methods of efficiency and economy in all agencies of the Government and eliminate the waste and inefficiency that now exist.

I predict that the people of America will be shocked and indignant when the comparative figures are shown as to the civil-service employees in the last World War and the civilian employment in this war.

On Armistice Day, November 11, 1918, there was a total of 917,760 civilian Federal employees. We have 3 times that many now. In the last World War we had 1 civilian employee for every 4½ members in the armed service. In this war, we have so far 1 civilian employee to every 1¾ members of the armed forces, the ratio being 2½ times more per soldier and we are still increasing our civilian personnel at the rate of over 3,000 daily.

It is, of course, true, as it was in the last war, that some of these civil-service employees are engaged in mechanical and construction work such as in navy yards, but these account for only a part of the colossal increase in Federal employment in the routine administration of the Government agencies.

On November 11, 1918, there were 30 agencies of the Government. Today there are 81 distinct agencies, many of these making no direct contribution to the war effort.

Notwithstanding that many agencies with their employees have been moved from Washington, the number of civil-service employees in Washington on August 31 was 275,362, as compared to 117,760 on November 11, 1918.

Outside of Washington, as of June 30, 1942, there were 1,594 branch offices of different agencies established in every nook and corner of the country, employing large and frequently unnecessary personnel, and overlapping and duplicating the activities of each other. The number has increased since then. These regional and branch offices have added enormously to the cost and confusion of the administration of the Federal Government.

Only prompt and drastic action by Congress will prevent a continued increase in civil-service employees above the 3,000,000 mark. So far as I can ascertain by my investigations, there are no plans contemplated to stop or reduce the monthly increase of 100,000 new employees that have been added since Pearl Harbor. In fact some of the new agencies, such as the Office of Price Administration have just gotten started. The Office of Price Administration will no doubt, in time reach its goal of 90,000 employees, as requested by Mr. Henderson before the Congressional committees, unless Congress takes action to prevent it.

In such new activities as are essential no effort, so far as I have observed, has been made to transfer employees from nonessential activities to those needed in the war. If Mr. Henderson, for example, needs employees, they should be transferred from those departments of the Government that are oversupplied with personnel. Mr. Henderson, too, should depend more on voluntary workers, as was done in the last war.

On August 31 the civilian employees of the War Department numbered 1,009,030 (now nearly 1,200,000), and this figure does not include those inducted into the Army who are doing clerical work.

On August 31 in the Navy Department the civilian employees were 500,565, as compared to a total of 110,823 on December 31, 1918.

In the Agriculture Department they numbered 81,645, four times as many as on July 1, 1919, and this figure does not include the employment of 100,000 agricultural committeemen drawing per diem and costing the Government alone $50,000,000 a year.

The Interior Department had 47,497, nearly three times as many as on July 1, 1919. The Commerce Department had 24,479, as compared to 10,632 on July 1, 1919.

The new agencies of Government created since the New Deal came into power and did not exist at all during the last World War have 252,853 employees.

I am now giving merely a few of these comparisons to indicate the extent to which bureaucracy has been established in our Federal Government and is extending its autocratic control over the lives of our citizens. Later on, a complete and carefully prepared report will be made to Congress showing in detail the employment of the various agencies, the salaries and other such information.

I am convinced that the waste of manpower by the Federal Government in the unnecessary employment in the boards, bureaus, and commissions is today a very dangerous obstacle to our full war effort.

Excluding the civil-service employees that are now engaged in mechanical and construction work, I am fully convinced that one-third of the remaining civilian employees of the Federal Government could be dismissed, resulting in a vast saving in manpower and cost and, at the same time, substantially promoting the successful prosecution of the war.

The thumb twiddlers in our Government service should be given other work to do.

The task of investigating these numerous agencies of Government is a colossal one, and the difficulty in obtaining prompt and accurate information is great. For example, the Civil Service Commission now is more than 60 days behind even in compiling the number of Federal employees.

The Joint Committee on Reduction of Nonessential Federal Expenditures has already sent to each agency of the Government a questionnaire which will disclose information upon which constructive recommendations can be made.

It is now very obvious that the administrative branches of our Government cannot be relied upon to take the measures necessary to do what must be done to streamline our various agencies of Government to save manpower and promote efficiency.

While the task for Congress will be most difficult, let us remember that Congress still has control of the purse. It is true that vast sums (approximating $175,000,000,000) remain as yet unspent from funds appropriated for the war effort and that much of this extravagance and waste comes from the use of such lump-sum appropriations, but if the need is sufficiently urgent and the demand of the people is sufficiently imperative, and I believe it is, Congress can take some effective steps to curb these abuses that are now threatening the security of our Nation.

Questionnaire sent by the Committee on Reduction of Nonessential Federal Expenditures to every agency of the Government with the request that the information be furnished promptly:

QUESTIONNAIRE

1. (a) Total number of employees.
(b) Total number of permanent employees.
(c) Total number of part-time employees.
(d) Total number of temporary employees.
(e) Total number of war-service appointments.
(f) Total number of employees paid from Emergency Relief appropriations.
(g) Total number of all other employees.

2. (a) Total amount of your pay roll.
(b) Total amount of permanent employees pay roll.
(c) Total amount of part-time employees pay roll.
(d) Total amount of temporary employees pay roll.
(e) Total amount of war service appointments pay roll.
(f) Total amount of emergency relief appropriations employees pay roll.
(g) Total amount of all other pay rolls.

3. (a) Total number of employees in each CAF grade (1-16).
(b) Total number of employees in each professional and scientific service grade (1-9).
(c) Total number of employees in each subprofessional service grade (1-8).
(d) Total number of employees in each custodial service grade (1-10).
(e) Total number of employees in each clerical-mechanical service grade (1-4).
(f) Total number of employees in each industrial and skilled trade grade.
(g) Total number of all other employees.

4. Total amount of pay rolls for each classification listed above.

5. These figures to be broken down by permanent, part-time, temporary war service appointments and employees paid from emergency relief funds.

6. Give all above information for September 1, 1939, November 30, 1941, June 30, 1942, and October 31, 1942, in Washington, D. C.

7. Give all above information for September 1, 1939, November 30, 1941, June 30, 1942, and October 31, 1942, outside Washington, D. C.

8. Give estimated number of persons to be employed during fiscal year 1943, and estimated total salaries.

9. Give number of regional offices your department has and number of district and State offices.

10. Has your agency been decentralized? _____. Give location. _____. Do you plan to decentralize? _____. Give location. _____.

11. Total number of positions decentralized _____ or to be decentralized _____.

12. Total number of persons accompanying _____ or expected to accompany agency _____.

13. Total square feet released _____ or expected to be released _____.

CHANGE OF SERVICE OF CONFEREES

Mr. ELLENDER. Mr. President, I ask unanimous consent that the junior Senator from Michigan [Mr. BROWN] be excused from further service as a conferee on House bills 3398, 5449, 5920, 4953, 4923, and 6410, and that in his stead the junior Senator from Tennessee [Mr. STEWART] serve as conferee on House bills 3398, 5449, and 5920; and that the junior Senator from Louisiana [Mr. ELLENDER] serve as conferee in place of the Senator from Michigan, on House bills 4953, 4923, and 6410.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I further ask unanimous consent that the junior Senator from Tennessee [Mr. STEWART] serve in the place of the former Senator from West Virginia [Mr. ROSIER] on House bill 6410.

The PRESIDING OFFICER. Without objection, it is so ordered.

POST-WAR PROBLEMS

Mr. WILEY. Mr. President, I desire the attention of the Senate for about 10 minutes.

In Washington we are thinking about the future more than ever before. For the first time in history the United States has become the greatest military power on earth. It will be for the American people to determine whether we shall maintain that power or again throw it away as we did several times in the past.

It is becoming more and more apparent that government must learn efficiency in the post-war period. On every front of activity government must learn to work for and with its citizens to solve the post-war problems—economic, social, political, and international.

In recent days the able Senator from Virginia [Mr. BYRD] has been doing a great job in bringing to the people the inefficiency and extravagance of government. It has been shown that 3,000,000 persons are employed in the civilian branches of the Government.

We know that when the war is over it will be impossible for anyone to present to the world a full-grown blueprint for a perfect future world order, and that it will also be impossible to present such a blueprint for America. Many problems will have to be left open for future consideration and settlement. In world affairs we will have to see to it that American interests retain their decisive influence in order that the course of history may go straight; and we will have to back up our policy by a maximum amount of power, exercised constructively.

It is not in the interest, in the tradition, or in the spirit of the American Nation, to interfere in the affairs of other people. But this world has grown very small, and in order to safeguard our own interests and again make valid international law, and, if necessary, force compliance with treaties, America must have the force that is necessary.

When our boys come back, we in America must see to it that individual enterprise will have a chance to recapture at least part of its former position in America. It was individual enterprise which made America great. Right now we know that individual enterprise is not lost. It is laid aside because of war. When peace returns, government must not hinder or sabotage this great inherent American trait. Government must foster it.

Among many officials and servants of the public, in recent years there has been too much of a tendency to confuse the master and servant idea and turn it in reverse. Public office or employment must not be regarded as a sinecure—as many regard it—but as a trust requiring of the officers or employees a dedication to the job and more efficiency and hours of work—not less.

Of course, during the post-war period, because of internal and external economic conditions, whenever it is necessary government must cooperate with its citizens who have initiative and who possess the traits of invention, industry, thrift, and courage. Not how big a government agency can grow, but how small it can be kept in order to do the job efficiently, is the test and rule which should apply and operate in government.

Mushroom growth of bureaucratic departments and bureaus, such as we have seen under the New Deal in peace and in war, will, I am sure, not be tolerated in the post-war period. During that period government will, of course,

have its place in our lives as our agent in the performance of functions delegated to it by the Constitution and to which the citizen cannot attend.

Because of the power which government has as the people's instrument, it must of necessity look after the Nation's interests in international affairs. In the interests of the public welfare, in domestic affairs its sphere should be limited instead of extended.

The people themselves must determine to what extent we shall take our part in policing the world. In the chaotic conditions which will follow wherever war has struck, we shall need practical idealists who will appeal for voluntary cooperation and who will know how to sell the advantages of our way of life, but we must not leave any doubts that anyone who again breaks international peace or the moral codes of our civilization will be regarded by this country as an enemy of mankind and treated as a criminal.

Therefore, it would appear that some sort of an international police force will be imperative. It is desirable that all nations, victorious and vanquished, participate in that police force. However, this country must be strong enough to insure that in the future no attempt will again be made by any nation or power to withdraw from its responsibility to mankind.

As the world emerges from the war we know that it will consist of many nations, very different in levels of political thought, economic standards of life, and social concepts. We cannot expect and should not try to achieve a position in which all of them would share our view of life or the American system. We must have brains enough to see that all peoples have a right to choose their political policies; but we can and must insist on the recognition of certain basic principles of national and international relations which make it possible for the world to progress and to march toward the realization of the five freedoms.

The American Bill of Rights, which has its equivalent in the English law and in the constitutions of all advanced nations, must represent the international goal toward which we seek to advance for all peoples. An international bill of rights, such as our own Bill of Rights, should be the common ground on which the structural future of international collaboration should and could be erected.

I have said that the officials and employees of Government must regard themselves as servants in the handling of trust affairs. In a more limited sense, all citizens, especially those of great wealth and talents, must have the same concepts of their responsibility to life.

Complicated times are upon us. Individuals must become less selfish, more cooperative, more appreciative of America's position in the world, and must become more sensitive to our individual responsibility for shaping a better world. If this takes place we will shape a better world and make America safe for ourselves as well as for those who come after us.

The tide of war has turned, but victory is a long way off. We must tighten our belts more and more to make victory sure.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McKELLAR:

From the Committee on Appropriations:

Roy Schroder, of Florida, to be Work Projects Administrator for Puerto Rico and the Virgin Islands, effective November 24, 1942, vice Paul Edwards.

From the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. VAN NUYS, from the Committee on the Judiciary:

James A. Bough, of the Virgin Islands, to be district attorney for the District Court of the Virgin Islands.

By Mr. WALSH, from the Committee on Naval Affairs:

Vice Admiral William F. Halsey, Jr., to be an admiral in the Navy, for temporary service, to rank from the 18th day of November 1942; and

Rear Admiral Henry K. Hewitt, to be a vice admiral in the Navy, for temporary service, to rank from the 17th day of November 1942.

POSTMASTER NOMINATIONS CONFIRMED

Mr. McKELLAR. Mr. President, earlier in the day I reported the nomination of James A. Collins to be postmaster at Minturn, Colo. I now ask unanimous consent that the nomination be confirmed today. The nomination is made at the request of the Department, and it has the approval of both the Senators from Colorado [Mr. JOHNSON and Mr. MILLIKIN]. I notice that the senior Senator from Colorado [Mr. JOHNSON] is present.

Mr. JOHNSON of Colorado. Yes; Mr. President, I desire to thank the Senator from Tennessee.

The PRESIDING OFFICER (Mr. WALLGREN in the chair). Is there objection to present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed.

Mr. McKELLAR. Mr. President, I also reported today the nominations of three postmasters in Mississippi. The clerk has the nominations at the desk. I ask that they also be confirmed, and that the President be notified forthwith as to them and as to the nomination of the postmaster in Colorado which the Senate has just confirmed.

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk read the nominations of Ray B. Hall, to be postmaster at Greenwood, Miss.; Roy C. Bailey, to be postmaster at Oxford, Miss.; and Lucile C. Cox, to be postmaster at Smithville, Miss.

The PRESIDING OFFICER. Without objection, the nominations are confirmed; and, without objection, the President will be notified forthwith of the confirmation of the postmaster nominations.

Mr. McKELLAR. Mr. President, there are no other nominations of postmasters to be considered.

The PRESIDING OFFICER. The clerk will state the nominations on the calendar.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask that the nominations and promotions of officers in the Marine Corps, as set forth in the executive calendar, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be notified forthwith of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That concludes the Executive Calendar.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I wish to state to the Senate that it is my purpose to move that the Senate adjourn until Wednesday, and then until Friday, so that we may observe Thanksgiving, and then until Monday. So far as I know, no outstandingly vital or important legislation is likely to come up this week; but because of the parliamentary and constitutional situation and the desire not to have a session on Thursday, it is necessary that the Senate adjourn until Wednesday, and then until Friday, and then until Monday.

ADJOURNMENT

Mr. BARKLEY. Mr. President, I now move that the Senate adjourn until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 51 minutes p. m.) the Senate adjourned until Wednesday, November 25, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 23 (legislative day of November 17), 1942:

IN THE MARINE CORPS

PROMOTIONS AND APPOINTMENTS

To be lieutenant colonels

Samuel W. Freeny	Donald Spicer
George D. Hamilton	James M. McHugh

To be majors

Samuel B. Griffith 2d	James R. Hester
John J. Heil	Francis H. Williams
Frank P. Pyzick	John A. White
Harry C. Lang	George R. Weeks
James V. Bradley, Jr.	

To be captains

Charles S. Todd	
Howard L. Davis	

To be first lieutenants

John F. Carey	Charles H. Bennett
Hugh A. Tistadt, Jr.	John S. Fantone
William F. Harris	Richard M. Huizenga
Ralph C. Mann, Jr.	Willard B. Holdredge
James D. McBrayer, Jr.	William F. Hogaboom
Jack Hawkins	Carter B. Simpson

To be second lieutenants

James K. Eagan	Frank E. Garretson
James P. Rathbun	Earl J. Cook
Albert G. Carr	John H. Ellis
Thomas R. Shepard	Robert A. Thompson
Ernest G. Atkin, Jr.	James K. Linnan
Raymond G. Coyne	George A. Lavis

POSTMASTERS

COLORADO

James A. Collins, Minturn.

MISSISSIPPI

Ray B. Hall, Greenwood.
Roy C. Bailey, Oxford.
Lucile C. Cox, Smithville.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 23, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our God and our Father, ever re-creating for the needs of Thy children, Thou goest forward, whitherward we know not, yet we have faith and confidence in Thy Fatherhood. Grant that no obstacle may come between us and the precepts of the Man of Galilee and the wonders of His Cross. As we wait at the altar of prayer, may all hearts be warmed by the touch of Thy Holy presence, our souls quivering in the heights and depths of spiritual capacity. Standing today in the embrace of brotherly comradeship, we would seek to make strong the right arm of justice for the liberation of the enslaved peoples of earth. Oh, lay Thy hand upon all selfishness and prejudice and transform our labors into sacraments of fellowship. We pray that our credentials may be deep sincerity and a bouyant optimism, pouring forth in tidal waves as servants of better days and higher things.

"Hold in Thy mighty hand
Our troops by sea and land,
In air and field.
Give them to do and dare;
In days of danger spare,
And guard them by Thy care,
O God, our shield."

Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Thursday, November 19, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

GIFTS FROM MEMBERS OF THE ARMED FORCES

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7792) to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina explain the measure?

Mr. DOUGHTON. Mr. Speaker, I shall be very glad to make a brief statement with reference to this bill. The bill was introduced by me and has a unanimous report from the Committee on Ways and Means. The bill was introduced as a result of a letter written by the Secretary of War to the Speaker of the House and by the Speaker referred to our committee. It was on that basis that I introduced the bill and it was considered and unanimously reported by our committee. It provides for the free entry of gifts sent by members of our armed forces abroad, not to exceed $50 in value, free of customs or exactions of any kind, including internal-revenue taxes. Its immediate passage is made important on account of this being near the holidays and many of these gifts will be sent by members of our armed forces abroad to their loved ones and friends at home. It is thought that in some cases the donees, possibly, would not be able to receive these gifts on account of the payment of the duties, and I am sure if the bill were understood there could be no reasonable objection to it.

I suggest, Mr. Speaker, as it is brief, that the letter from the Secretary of War be read by the Clerk for the benefit of the Members of the House. The letter sets forth fully and definitely the reasons for the bill. I therefore ask unanimous consent that the letter of the Secretary of War to the Speaker be read in my time.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the letter, as follows:

WAR DEPARTMENT,
Washington, October 12, 1942.

The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: There is enclosed a draft of a bill "To accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad" which the War Department recommends be enacted into law.

The purpose of the proposed legislation is to provide for the entry of so much of any shipment of bona fide gifts as does not exceed $50 in value without the payment of customs duties, charges or exactions or internal revenue taxes for the duration of the present war and 6 months thereafter when such gifts are sent by members of the armed forces on duty abroad.

It has come to the attention of the War Department that while gifts sent from American soldiers in the British Isles to relatives and friends here at home are not subject to British export license requirements, they remain subject to the United States customs regulations. Collection of the fees from the American senders in the British Isles has been found to be impracticable. As a consequence, the recipients of the presents in the United States are required to pay the customs charges on the articles received. The problem is not confined to gifts sent by members of the Army stationed in the British Isles but is applicable to gifts sent by our forces from any foreign country.

It is anticipated that during the Christmas season many gifts sent by members of our armed forces to relatives and friends will not reach intended donees if the donees are required to pay customs duties pursuant to existing law.

The proposed measure will not result in an increase in administrative expenses but will involve the loss of revenue relatively negligible in amount.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. DOUGHTON. Mr. Speaker, I yield to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I shall not consume very much time on this bill because I think it is thoroughly understood by the Members of the House as a result of the very informative statement made by our chairman. It is now approaching Christmas time and our boys by the thousands are scattered on 30 fronts throughout the world. These boys at this time are thinking, perhaps, more than ever before in their lives, of Christmastime and the loved ones at home, and they are anxious to send some little present. Their income is not large and in many instances their parents have no income at all. All this measure does is to permit the boys in these foreign lands to send some little gift to their people without having any customs collected on gifts under $50 in value. I am sure I speak the sentiments of this House when I urge that this request be granted and the bill passed by unanimous consent.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. HINSHAW. A number of gifts have already been sent upon which custom dues have been paid. Is this bill in any way retroactive?

Mr. REED of New York. It is not retroactive at all. What we are trying to do today is to facilitate the passage of this bill so that it will become a law in time to accomplish the purpose we have in mind. It was brought to our attention only recently.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection. I think it is a very meritorious bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value shall be admitted into the United States or its Territories or possessions free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free entry is claimed are bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States.

SEC. 2. This act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after the day following the date of its enactment and before the expiration of 6 months after the termination of the present war as determined by proclamation of the President.

With the following committee amendments:

Page 2, line 7, strike out the words "the present war" and insert in lieu thereof the word "hostilities."

Page 2, line 8, strike out the period after the word "President" and insert in lieu thereof ", or by concurrent resolution of the Congress."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, on November 12 I asked and obtained unanimous consent of the House to insert in the Appendix of the RECORD an address by the Director of the Budget, Mr. Harold D. Smith. I find that it runs very little over the regular limitation of two columns, to the amount of $105. I therefore renew my request and ask unanimous consent that, notwithstanding, this be printed.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING IN INDIANA

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to insert in my remarks a telegram from the Governor of Indiana, Hon. Henry F. Schricker, and a letter that I have received from Leon Henderson in regard to the mandatory rationing of gasoline.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, a voice that every citizen of Indiana respects has sounded a note of ominous warning in regard to the probable effect of mandatory coupon gasoline rationing in our State. It is the voice of the Governor of our Commonwealth who is held in universal esteem by the people of our State, regardless of their political affiliations, because of his vision, his patriotism, his sound judgment, and his demonstrated capacity to deal with important public affairs.

Wiring to Leon Henderson, under date of November 11, the Governor of Indiana said:

> It is my conviction that business and industry in Indiana will be paralyzed unless some concession is made in the original gasoline rationing plans for our section of the country. Public transportation facilities are wholly inadequate to meet the needs of our people.

It seems to me that a statement like that, coming from the head of a great State, ought to be most impressive. When he gives as his considered opinion that the proposed order would paralyze business and industry in a State of this Union it ought to cause Mr. Henderson and Mr. Jeffers to pause and grant the postponement of 90 days requested to give the people time to demonstrate that they can attain the same objective of rubber conservation without having to undergo the grueling hardships of mandatory rationing. I have no criticism of our Government officials, who think they are doing what is best, but it seems to me they have misjudged the possibilities of voluntary compliance. Our people are giving their sons to die on foreign battlefields and they are digging deep into their resources to buy bonds to finance the war. They are as ardently anxious to win the war as anybody in Washington, and I am sure they can be depended upon to comply wholeheartedly and willingly with whatever voluntary program may be necessary to achieve the main objective of rubber conservation. They do not want regimentation and I do not think it should be forced upon them.

Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD a copy of Gov. Henry F. Schricker's telegram to Leon Henderson and a copy of Mr. Henderson's reply to my letter of November 9 suggesting a 90 days' postponement of the gasoline rationing program.

These documents are as follows:

INDIANAPOLIS, IND., *November 11, 1942.*

HON. LEON HENDERSON,
Office of Price Administration,
Washington, D. C.:

The people of Indiana are in full sympathy with the views on gasoline rationing as expressed by Congressman LUDLOW in his letter to you on November 9. It is my conviction that business and industry in Indiana will be paralyzed unless some concession is made in the original gasoline rationing plans for our section of the country. Public transportation facilities are wholly inadequate to meet the needs of our people.

HENRY F. SCHRICKER,
Governor.

OFFICE OF PRICE ADMINISTRATION,
Washington, D. C.

The Honorable LOUIS LUDLOW,
House of Representatives.

DEAR MR. LUDLOW: Your letter of November 9, 1942, concerning the Nation-wide mileage-rationing program, is sincerely appreciated.

The Baruch committee has recommended an annual average mileage per automobile of 5,000 miles. It is true that voluntary measures may bring about a reduction of 20 or 25 percent in the national annual mileage per automobile; however, a reduction of this amount would not be adequate for the job of conservation with which we are confronted. In this connection permit us to point out that the annual average mileage per automobile in the present rationed area, under a strict system of tire and gasoline rationing, has been reduced to 5,170 miles. Although this figure is the result of a 60-percent reduction in passenger-car mileage, still we have not attained the figure set by the Baruch report as the maximum we can afford in view of the dire rubber shortage. Obviously, if a strict system of rationing does not attain the goal set by the Baruch committee, voluntary measures could hardly be expected to do so. Therefore, it has been definitely decided that the Nation-wide mileage rationing program must be put into effect as soon as possible. It will be necessary to delay the inauguration of the program until December 1, 1942, for administrative reasons.

Under the Nation-wide mileage-rationing program, people who have occupational need for gasoline will be eligible for supplemental rations for occupational purposes. It will also be possible to issue tires for their cars in view of the fact that the mileage-rationing program will provide a strict control over the operation of the cars. This control will include the 35-mile speed limit and a compulsory periodic tire inspection as well as the gasoline rationing. They will be issued a basic ration book providing 240 miles of travel per month calculated on the basis of 15 miles per gallon, and will also be eligible to receive supplemental rations to the extent presently provided by the B ration book. To qualify for supplemental rations, the applicant will be required to show that he is sharing his car with at least three other people or that it is impossible to do so and that alternate means of transportation are not available. The maximum mileage provided by the B book amounts to 320 miles per month. This, in addition to the mileage provided by the basic ration will make available a maximum of 560 miles per month for all occupational purposes not included in the preferred mileage category.

The Nation-wide program will make adequate provision for the needs of people living in rural areas. Preferred mileage (i. e., occupational mileage in excess of 470 miles per month) will be available to farmers for the operation of a passenger automobile to transport farm products and necessary farm supplies between a farm and a wholesale or retail establishment, a market, a shipping point, or another farm. Such mileage will also be available for the transportation of farm workers between their residences or lodgings and their places of employment.

Special rations will be available to farmers, under certain conditions, to make it possible for them to secure necessary medical attention or therapeutic treatment, or to procure necessary food and supplies. The program will also provide whatever amount of gasoline is needed for the operation of farm machinery or equipment, stoves, and household appliances.

The Nation-wide program will also provide adequate supplies of gasoline to enable workers in agricultural, industrial, or extractive establishments essential to the war effort to travel between their homes and their places of employment.

Concerning the necessity for this program, we wish to bring to your attention a statement made by the Baruch committee. The committee said: "The committee has given careful consideration to the objection against the use of Nation-wide gasoline rationing to conserve rubber. It realized that real hardships will be caused many persons, and that some industries, communities, and business pursuits will be particularly hard hit. However, the disadvantages are outweighed by the necessities for a sure, effective method for seeing that essential driving is maintained."

We trust that this information will serve to provide you with a better understanding of the Nation-wide mileage rationing program.

Sincerely yours,
LEON HENDERSON, *Administrator.*

COMMANDING GENERAL FOR THE MARINES

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and include as part of my remarks the military history of Lt. Gen. Thomas Holcomb.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, the marines are the fightingest sons that Uncle Sam has, and they cannot be outclassed in any man's army. Let us give them a four-star general to lead them.

When and wherever there is hard fighting—a tough job to be done—Uncle Sam sends in the marines and the enemy receives a sound shellacking. From Belleau Wood around the years and around the world to the Solomon Islands and

Guadalcanal, you will find the marines in every quarter of the globe standing firmly—the living symbols of the courage and fighting strength of the United States. Every other army has learned to respect and fear the marines.

I have just now introduced a bill providing that the marines shall have a commanding general of equal rank with the highest ranking Army officer on the active list. The Marine Corps is entitled to this recognition, and I hope that speedy congressional action will give it to them.

MILITARY HISTORY OF LT. GEN. THOMAS HOLCOMB, THE COMMANDANT, UNITED STATES MARINE CORPS

Born August 5, 1879, at New Castle, Del. Usual residence, New Castle, Del. Appointed a second lieutenant in the Marine Corps (from civil life), April 13, 1900; promoted first lieutenant March 3, 1903; captain, May 13, 1908; major, August 29, 1916; lieutenant colonel (temporary), July 1, 1918; lieutenant colonel, June 4, 1920; colonel, December 22, 1928; brigadier general, February 1, 1935. He was appointed major general commandant December 1, 1936, and on January 20, 1942, pursuant to an act of Congress he was promoted to lieutenant general, with title of the Commandant, United States Marine Corps.

On detached duty with company of marines organized for service with marine battalion attached to North Atlantic Fleet from September 1902 to April 1903. Served in the Philippine Islands from April 1904 to August 1905, and from October to November 1906. On duty with legation guard, Peking, China, from September 1905 to September 1906, and again from December 1908 to July 1910, being then detached from the legation guard, but continued on duty in Peking as attaché on the staff of the American Minister for study of the Chinese language, until May 1911. In December 1911 he was again ordered to the legation at Peking to continue his study of the Chinese language and remained on that duty until May 1914.

Has been most prominently identified with the development of rifle shooting, and served as inspector of target practice in the Marine Corps from October 1914 to August 1917, and was a shooting member of the Marine Corps rifle teams of 1901, 1902, 1903, 1907, 1908, and 1911, and of teams representing the United States in the Palma trophy match in 1902 and 1903.

From August 1917 to January 1918, commanded Second Battalion, Sixth Regiment marines at Marine Barracks, Quantico, Va., in preparation for overseas service, and from February 1918 to July 1919, served with the American Expeditionary Force in France, in command of Second Battalion until August 1918, and thereafter as second in command of the Sixth Regiment. He participated in all engagements in which the regiment took part—the Aisne defensive (Chateau-Thierry), the Aisne-Marne offensive (Soissons); the Marbache Sector; the St. Mihiel offensive; the Meuse-Argonne (Champagne) offensive; the Meuse-Argonne (Argonne Forest) offensive; and the march to the Rhine in Germany following the armistice.

In recognition of his distinguished services, he was awarded the Navy Cross, the Silver Star with three Oak Leaf Clusters, a Meritorious Service Citation by the Commander in Chief, American Expeditionary Forces, the Purple Heart, and was three times cited in General Orders of the Second Division, American Expeditionary Forces. The French Government conferred on him the Cross of the Legion of Honor, and three times awarded him the Croix de Guerre with Palm.

From September 1922 to June 1924, he commanded the marine barracks, naval station, Guantanamo Bay, Cuba, and on his return to the States, was ordered to the Command and General Staff School of the Army at Fort Leavenworth, completing the course as a distinguished graduate in June 1925. He was then ordered to headquarters, Marine Corps, for duty in the Division of Operations and Training, where he remained until June 1927.

From August 1927 to February 1930 General Holcomb commanded the Marine detachment, American Legation, Peiping, China, and in June 1930 went to the Naval War College as a student, senior course, from which he graduated in July 1931. He was then ordered to the Army War College, from which course he graduated in June 1932.

From June 1932 to January 1935 General Holcomb served in the Office of Naval Operations, Navy Department. He then served as commandant of the Marine Corps school at Quantico until November 1936, when he was ordered to Marine Corps headquarters to assume the office of Major General Commandant, December 1, 1936. On December 1, 1940, he was reappointed Major General Commandant for 4 years by the President.

With his advancement to Lieutenant General on January 20, 1942, the Commandant became the highest ranking officer ever to command the corps.

EXTENSION OF REMARKS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a statement in respect to cotton by the Honorable Burris B. Jackson.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include the inaugural address of Dr. Walter A. Lunden on "The Instrument of Leadership." I am informed that this will cost $108 more than is the regular allowance and I ask unanimous consent that it be printed nevertheless.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two items about Harry Bridges.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an editorial from the Marine News on the work of the Maritime Commission.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a proclamation issued by the President.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. BURDICK and Mr. HOPE were granted permission to extend their own remarks in the RECORD.)

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a letter received from a gentleman in St. Louis. I have taken the gentleman's name off of the letter because he did not wish publicity. I wish to insert it because it gives very good reasons why the National Labor Relations Board, as well as the Wagner Act, should be changed. I think it is wise to have it in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day I may address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include an address of Dr. Francis J. Haas, dean, School of Social Science, Catholic University of America, entitled "Labor in Wartime," presented for the Catholic University Forum, Hotel Pennsylvania, New York, N. Y., November 14, 1942.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker I ask unanimous consent to extend my remarks and include a radio talk recently made by me.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article by Mrs. Larsen, published in the Portland Oregonian.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a brief portion of a report.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I think that the rulings of the Office of Price Administration, which virtually put out of business every traveling salesman in America, are the most cruel things that this Government has ever done.

When some of these so-called experts determined that the salesmen were not "essential," they certainly did demonstrate that they did not understand the fundamental economy of America. For the most part, the traveling men call on the small business men. Without the traveling salesmen, countless thousands of businessmen in our small towns, our county seats, and at the crossroads are

seriously handicapped. It is doubtful if under present circumstances they can secure any merchandise at all.

In addition to all of this, the traveling man is a public servant who renders a great deal of valuable service to the United States Government. In many cases he does his own rationing, because his boss is interested in all of his customers, and they do a pretty good job of prorating what they have over a wide territory. The traveling salesman usually familiarizes himself with Government requirements, the price ceilings, markings, and other things, to help the small business man meets these requirements, so that the small merchant can stay in business without penalty.

It should be borne in mind that due to the manpower shortage that most wholesale houses are operating with fewer traveling men now than ever before. This means that they must travel greater distances, work longer hours, and serve a greater number of people in order that the American public may have those things that are necessary and essential to carry on our economy and win this war. Taking the traveling salesmen off the road is not a step toward winning the war, but is a step toward hampering the war effort.

Mr. Speaker, I hope that this Congress gives those officials in the Office of Price Administration no rest until they have corrected this ruling which is so harmful to our war effort and to the economy of this country.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. O'BRIEN of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a speech given by the distinguished head of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, in New York on November 19, before the Holland Society. I would like to add that the Holland Society bestowed its medal on J. Edgar Hoover for meritorious work during this emergency.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Randolph Herald News.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Dr. Herbert Wright.

The SPEAKER. Is there objection?

There was no objection.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a short article from a hometown newspaper.

The SPEAKER. Is there objection?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include a summary of conditions found in east Texas by the Department of Commerce.

The SPEAKER. Is there objection?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks and include three short telegrams.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by inserting a speech made by Mr. Ralph K. Davies at the twenty-third annual meeting of the American Petroleum Institute. I make this request because there is an extra cost of $157.50. I ask unanimous consent that it be printed notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent also to insert in the RECORD a speech made by William R. Boyd at a meeting of the Petroleum Institute of Illinois in Chicago on November 11. This will also require three and one-half pages at the same extra cost.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOW TO PREVENT A FOOD SHORTAGE

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANDIS. Mr. Speaker, the farmers of America are ready, willing, and anxious to produce the food to win the war. However, mere willingness of the farmers will not produce abundant crops. The essential things necessary to increase food production are:

First. The scarcity program should be abandoned for the duration of the war.

Second. Proper appreciation of the importance of agriculture in winning the war should be established. We must realize that millions of our farmers have been going at top speed, 10 to 14 hours per day. Their services must be given the recognition they so richly deserve.

Third. The Department of Agriculture should be more careful in fulfilling their obligations and promises to the food producers. The production of food must be approached from the same angle as any other war-producing activity.

Fourth. Farmers should be given an assured price in order that they can carry on the food program.

Fifth. A two-price system should prevail during the war. We should place a minimum price on all farm products for domestic consumption. This should be accomplished by a premium or an incentive payment to the farmers on products which are most essential to the war effort.

Sixth. Our farmers must have the tools to finish the job. Provision should be made to furnish the necessary farm machinery and equipment to do the work. For example, when the Secretary of Agriculture asks for 200,000,000 more chickens, he should realize that the farmers should get a few pounds of nails to fix the coops and a few gallons of gas to transport them to market.

Seventh. The farmers must have the necessary gas and oil to produce and market their crops. This is just as necessary as seed, fertilizer, and tools to carry on their work. Unless all of these factors receive the consideration they deserve, we can expect a marked reduction in our food production in 1943.

Eighth. We deferred real farm labor in the First World War. This war is much larger. We must realize today that a good farmer or a good farm hand is really an expert. He is a machinist, a husbandman, and an all around highly skilled and efficient workman. They are not numerous and their abilities should be appreciated. We cannot solve this farm-labor problem by importing people from Mexico and Puerto Rico or by the use of domestic unskilled farm hands. There is little hope in replacing trained farm labor with city workers.

Ninth. There are too many employees in the Agriculture Department. We could eliminate the confusion and red tape if we would transfer thousands of these workers to the farm or in defense activities. Farmers need more workers and less advice.

Tenth. We should remove the theorists who have been leading us in a scarcity program and replace them with men of common sense and practical experience.

Eleventh. We should make full use of the Agricultural Extension Service. This should include 4-H Clubs whose activities can be greatly expanded and especially adapted to the farm products needed to win the war. This should include victory gardens and home canning. Smith Hughes High School teachers can also be more advantageously used in this program.

Twelfth. Now is the time for action. In order for the farmer to plan his 1943 production we must realize that he secures materials, fertilizer, and seed long in advance. He also contracts to grow peas, beans, and many other crops months ahead. We must eliminate the confusion in the administration's 1942 commitments to the soybean and other growers.

Not only are we faced with a food shortage during the war, but a post-war food problem must be met to furnish food to more than 500,000,000 hungry people, if we intend to feed the world and have a lasting peace.

Our present duty and obligation is to put our agricultural house in order, if we are to meet our present domestic food requirements and fulfill our foreign commitments.

EXTENSION OF REMARKS

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include excerpts therein.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Washington Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GWYNNE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GAS RATIONING

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, may I have the attention of the gentleman from Texas [Mr. SUMNERS]? And I ask this, because I want to know what sort of answer to make to this letter I received from a farmer:

PINE LAKE ORCHARDS,
Dexter, Mich., November 10, 1942.
Hon. CLARE HOFFMAN,
Washington, D. C.

DEAR SIR: Have spent the day on two fuel-oil applications, gas-ration applications, car and tractor, trip to Hastings (22 miles) for truck ration (war necessity certificate received on large truck but none on pick-up, both mailed same time) only to find no blanks received at that office (call next week). Had car tires inspected, $1.50, and pick-up truck next. This to be repeated every 60 days.

This is rather expensive from rubber, gas, time, and finance standpoint. We, as most farmers, have more than we can possibly do without spending time on such trips as this. With no labor available and farm prices and equipment as they are looks as if some of the Washington bureaucrats will either have to find gainful and necessary work and release some farm help or many will have to quit farming and take war work—

This is the part I want to call particular attention to:

Have no use for idea Americans to be used to police world after war. Would appreciate whatever can be done to eliminate these nuisances.

Yours respectfully,
EARLE M. DUNLOP.

What answer shall I make to Mr. Dunlop? He but expresses the thought of his neighbors, of an overwhelming majority of the people of the Fourth Congressional District of Michigan. He knows that this war cannot be won if the new dealers, with their foolish planning, continue in power here in Washington.

He knows that the time and the money of those who constitute the foundation of our war effort cannot continue to be wasted in idle trips, in useless expenditures, all the result of regulation, demand, and directive piled upon businessmen, farmers—in fact, upon everyone who is not busy here in Washington or in a Federal job elsewhere.

The only adequate answer that I can make to this constituent is that, when the people are sufficiently aroused by the injustice and the futility of this administration's program to vote them all out of office, we can hope for a return to common sense.

That is the only peaceful solution of which I am aware. If anyone on the majority side has another one, let us have it.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, in reference to the inquiry made by the gentleman from Michigan and with reference to the general subject which is involved—rationing gasoline—I am going to ask unanimous consent that I may speak for 30 minutes tomorrow at the conclusion of the business of the day. If there is time left this afternoon and I can arrange it I may be able to discuss some of the problems that the committee dealing with this matter is considering.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on tomorrow after the conclusion of the legislative program of the day and other special orders I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein certain matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the CONGRESSIONAL RECORD and to include therein a speech on facts on the Navy in the Pacific delivered by the gentleman from Texas [Mr. WORLEY], over the Columbia network on November 17.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE RATIONING PROGRAM

Mr. HOOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I have heard much about gas rationing, the rationing of other goods, and the issuance of regulations. The trouble with the war effort is that while our boys are out shooting bullets at the enemies, Leon Henderson and his bunch of draft dodgers are shooting blanks at the American public to such an extent that the people and general public are so bewildered that they are in a fog that cannot be penetrated by the light of common sense.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. ELLIOTT] may extend his own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FUEL-OIL SITUATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, in yesterday's Sunday Star there was a very fine article by Mr. Newton on the oil and gasoline situation, but he made one error. He was quoting indirectly a Federal official. That Federal official was supposed to have said that no plans have been made for proper distribution of fuel oil and gasoline. Plans were made by Secretary Ickes, but he was not allowed to carry them out.

Up in New England, in Massachusetts in particular, we have had rationing of gasoline for months. I personally have not used my automobile since rationing went into effect. We are giving and giving, sacrificing and sacrificing for the war effort. Many of our boys already have given their lives in action in this war. We have more industries exhibiting the E award than any other State in the Union, and yet in spite of that we are in a most perilous crisis regarding fuel oil.

I maintain, Mr. Speaker, that it is practically a criminal thing to have allowed the situation to go as it has gone. Oil is more important in running the war than rubber, yet to date we have had no director of fuel who could go ahead and see that no part of the country suffered for its lack. Last week again I respectfully begged the President to appoint a person who could control the fuel oil and cut red tape. Up in New England, unless something is done soon there will be great suffering due to cold homes and buildings, and vital war industries will be affected.

Conflicting statements and orders by different governmental departments have brought about intolerance, confusion, and apprehension, and our situation on the east coast, which was bad when I first asked the President to have a well-coordinated agency with a single head to handle petroleum, but that was not done, and lately the situation has been desperate.

The situation could have been corrected months ago. The African campaign, which was brilliantly conceived and ably executed, was planned weeks—nay, months—ago, so it was well known that supplies would be sent overseas.

If necessary, every drop of gasoline should be taken away from cars for pleasure driving; taken from everyone in the country—not just one section—in order to transport oil to keep industries running and persons warm. I remind you that the East has been rationed in gasoline for months. Other sections of

the country are about to be rationed. I remind the Congress that the country should share, and share alike, in sacrificing in the war. That is only decent, common justice.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the legislative business for the day and other special orders, I may address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Anderson, Calif.	Fenton	McGregor
Andresen, August H.	Fish	McKeough
	Fitzgerald	McMillan
Andrews	Fitzpatrick	Maciejewski
Arnold	Fogarty	Maciora
Baldwin	Ford, Miss.	Magnuson
Barden	Gamble	Mansfield
Barnes	Gavagan	Marcantonio
Barry	Gerlach	Mason
Bates, Ky.	Gibson	May
Bates, Mass.	Gifford	Merritt
Beam	Gillette	Miller
Bender	Gillie	Mills, La.
Blackney	Gore	Myers, Pa.
Boehne	Gossett	Nichols
Boggs	Granger	Norton
Boland	Grant, Ind.	O'Connor
Boren	Green	O'Day
Boykin	Gregory	Osmers
Bradley, Mich.	Haines	O'Toole
Bradley, Pa.	Hall,	Pearson
Buckler, Minn.	Leonard W.	Peterson, Ga.
Buckley, N. Y.	Hancock	Pfeifer,
Burch	Hare	Joseph L.
Butler	Harness	Plauché
Byrne	Harris, Ark.	Rabaut
Byron	Hart	Randolph
Canfield	Heffernan	Reece, Tenn.
Cannon, Fla.	Hess	Reed, Ill.
Cannon, Mo.	Hill, Colo.	Rees, Kans.
Capozzoli	Holbrock	Rivers
Casey, Mass.	Houston	Rockefeller
Celler	Imhoff	Rockwell
Chapman	Jackson	Rodgers, Pa.
Chenoweth	Jacobsen	Rolph
Clark	Jarman	Romjue
Claypool	Jarrett	Sabath
Cluett	Jennings	Sacks
Cochran	Jensen	Schaefer, Ill.
Coffee, Wash.	Johnson, Ind.	Schulte
Cole	Johnson, W. Va.	Scott
Collins	Jones	Scrugham
Copeland	Kee	Shafer, Mich.
Crawford	Keefe	Shanley
Creal	Kefauver	Shannon
Crosser	Kelly, Ill.	Sheridan
Culkin	Kennedy,	Sikes
Cullen	Martin J.	Simpson
Cunningham	Kennedy,	Smith, Pa.
Davis, Ohio	Michael J.	Smith, Va.
Delaney	Keogh	Smith, W. Va.
Dickstein	Kerr	Snyder
Dies	Kilburn	Somers, N. Y.
Dingell	Kirwan	South
Dirksen	Kleberg	Starnes, Ala.
Disney	Klein	Steagall
Ditter	Knutson	Stefan
Domengeaux	Kocialkowski	Stevenson
Dondero	Kramer	Sweeney
Douglas	Kunkel	Taber
Drewry	Lambertson	Talbot
Duncan	Lea	Tarver
Dworshak	LeCompte	Tenerowicz
Elliott, Calif.	Lewis	Terry
Ellis	Lynch	Thomas, N. J.
Elston	McGehee	Thomas, Tex.
Faddis	McGranery	Tinkham
Traynor	Wene	Winter
Treadway	West	Wolcott
Vincent, Ky.	Whelchel	Wolfenden, Pa.
Vinson, Ga.	White	Youngdahl
Vorys, Ohio	Whitten	Zimmerman
Vreeland	Wigglesworth	
Weiss	Wilson	

The SPEAKER. Two hundred and fourteen Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Tuesday, November 24, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1995. A letter from the Archivist of the United States, transmitting a report of the Archivist of the United States on lists of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1996. A letter from the Attorney General, transmitting a draft of a proposed bill to make it a criminal offense for certain escaped convicts to travel from one State to another; to the Committee on the Judiciary.

1997. A letter from the Attorney General, transmitting a report of the Federal Bureau of Investigation made pursuant to the Appropriation Act of July 2, 1942 (Public Law 644, 77th Cong.); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DOUGHTON: Committee on Ways and Means. H. R. 7792. A bill to accord the entry to bona fide gifts from members of the armed forces of the United States on duty abroad; with amendment (Rept. No. 2643). Referred to the Committee of the Whole House on the the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 7316. A bill for the relief of Dr. J. M. Scott and Mrs. J. M. Scott; with amendment (Rept. No. 2642). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HINSHAW:

H. R. 7807. A bill to provide for the rank of the Commandant of the Marine Corps, and for other purposes; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

H. R. 7808. A bill to amend the Federal Crop Insurance Act to include citrus fruit and trees; to the Committee on Agriculture.

By Mr. WILLIAM T. PHEIFFER:

H. J. Res. 361. Joint resolution authorizing the erection in Washington, District of Columbia, of a monument in memory of Col. Robert G. Ingersoll; to the Committee on the Library.

By Mr. HOLMES:

H. Res. 575. Resolution granting a gratuity to Mrs. Eliot H. Robinson; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McGEHEE introduced a bill (H. R. 7809) for the relief of Sgt. Maj. Richard Shaker, United States Marine Corps; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3457. By Mr. GRAHAM: Petition of 64 members of Christian homes, churches, and Sabbath schools of Petrolia, Butler County, Pa., urging the prohibition of the sale or distribution of beer in or near all Army camps wherein are stationed any of our boys 18 years of age or older; to the Committee on Military Affairs.

3458. By Mr. HEIDINGER: Petition of the members of the Women's Society of Christian Service of the Methodist Church at Dahlgren, Ill., by Frieda Geiger, president, and Rose Underwood, secretary, to prohibit the sale of all liquors in and near Army camps; to the Committee on Military Affairs.

3459. Also, petition presented by Mr. and Mrs. John Bell, of Flora, Ill., urging legislation to prohibit the sale of intoxicating liquors in and near the Army camps; to the Committee on Military Affairs.

3460. By Mr. MILLER: Petition of Fred Updyke and other residents of Luzerne County, Pa., urging the enactment of Senate bill 860, for the protection of our armed forces from all forms of vice; to the Committee on Military Affairs.

3461. By Mr. WELCH: Resolution of the Peace Officers' Association of the State of California in regard to selective service, containing suggestions that the selective service boards and the manpower boards of the United States Government examine with careful scrutiny and with mature deliberation the situation of every person now engaged in such an office, in order that his call into the service of his country will not seriously impair the functioning of the law-enforcement agencies of which he is a part; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 24, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, with the consciousness of a great debt which we owe the historic past and with the faith in an encircling vision, we would humbly join our fathers in benediction and in solemn song: "We praise Thee, O God; we acknowledge Thee to be the Lord." Verily Thou hast dealt kindly with us; happily the treasures of field and orchard have filled our granaries and storehouses. In gratitude for these blessings, inspire us to respond to the stern dictates of conscience and sacrifice, singing the lowly annals of the poor. We rejoice that old systems are being caught up and are like icebergs dissolving in the warmth and glow of morning dawn.

We praise Thee that Thou art abroad on a mission of recovery. Labor and industry are feeling the power of a new impulse; old laws are being made more just; we pray that they may be made captives in the triumphal procession of Christ our Lord. Lift up the whole world toward knowledge, truth, and righteousness, sweeping all forces into the haven of the parliament of man. May the flag of freedom, emblazoned with the stars of hope, wave above those lands long since the scenes of slavery and oppression. Do Thou bless the flag of the Red Cross as it bears succor to the bewildered, the wounded, and the dying. Oh, guard our marching sons, reminding them of home, the altar, and mother's prayer. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1376. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina;

H. R. 1883. An act for the relief of Llewella J. Welsh;

H. R. 2217. An act for the relief of Wilson N. Yost;

H. R. 3295. An act for the relief of Kurt G. Stern;

H. R. 3478. An act for the relief of Glenn A. Pike;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5177. An act for the relief of Irving Cowen;

H. R. 5578. An act to permit the United States to be made a party defendant in certain cases;

H. R. 5651. An act for the relief of the Home Insurance Co. and the American Insurance Co.;

H. R. 6013. An act to authorize the Secretary of War to transfer certain land to the Territory of Hawaii;

H. R. 6078. An act for the relief of Katherine S. Arthur;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6176. An act for the relief of Shirley Jones;

H. R. 6380. An act for the relief of Charles S. Smith;

H. R. 6388. An act for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs;

H. R. 6751. An act for the relief of J. C. Baker;

H. R. 6817. An act for the relief of Lloyd A. Emick;

H. R. 6893. An act for the relief of N. C. Lloyd;

H. R. 6907. An act for the relief of Mrs. P. R. Yager;

H. R. 6970. An act for the relief of Carolyn D. Griffin;

H. R. 6990. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6993. An act for the relief of the estate of Marlin Croft, deceased;

H. R. 7177. An act for the relief of Earl Carbaugh;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico;

H. R. 7408. An act to amend the Act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes";

H. R. 7556. An act authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; and

H. R. 7577. An act to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1666. An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies;

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war;

S. 2449. An act for the relief of Mary Frances Hutson;

S. 2680. An act for the relief of Christine Lund;

S. 2761. An act for the relief of the First National Bank, of Huntsville, Tex.;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy;

S. 2786. An act to equalize certain disability benefits for Army officers;

S. 2791. An act to authorize the Secretary of the Navy to pay the costs of transportation of certain civilian employees and for other purposes;

S. 2818. An act to provide for payment of certain travel costs of dependents of military and civilian personnel of the Army and War Department on a mileage basis in order to promote efficiency and economy in such payments;

S. 2822. An act for the relief of William Kovatis;

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States;

S. 2826. An act for the relief of Capt. Richard Rothwell, United States Marine Corps;

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations;

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit;

S. 2887. An act for the relief of Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps;

S. 2888. An act to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941; and

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 622. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States and for other purposes;

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota;

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States;

H. R. 6286. An act for the relief of Lee Watts;

H. R. 7162. An act to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935; and

H. R. 7575. An act to expedite the prosecution of war, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received or disease contracted in line of duty during the World War;

S. 2412. An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes; and

S. 2723. An act to amend the Pay Readjustment Act of 1942.

The message also announced that the Senate had ordered that Mr. BROWN be excused from further service as a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3398) entitled "An act for the relief of Gerhard R. Fisher," and that Mr. STEWART be named to the vacancy created thereon.

The message also announced that the Senate had ordered that Mr. BROWN be excused from further service as a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4923) entitled "An act for the relief of the estate of Orion Knox, deceased," and that Mr. ELLENDER be named to the vacancy created thereon.

The message also announced that the Senate had ordered that Mr. BROWN be excused from further service as a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4953) entitled "An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta," and that Mr. ELLENDER be named to the vacancy created thereon.

The message also announced that the Senate had ordered that Mr. BROWN be excused from further service as a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5449) entitled "An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant)," and that Mr. STEWART be named to the vacancy created thereon.

The message also announced that the Senate had ordered that Mr. BROWN be excused from further service as a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5920) entitled "An act for the relief of E. A. Williams," and that Mr. STEWART be named to the vacancy created thereon.

The message also announced that the Senate had ordered that Mr. BROWN and Mr. ROSIER be excused from further service as conferees on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6410) entitled "An act for the relief of Alex Gamble," and that Mr. ELLENDER and Mr. STEWART be named to the vacancies created thereon.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following Departments:

1. Department of Agriculture.
2. Department of the Treasury.

THE PRESIDENT OF ECUADOR

Mr. McCORMACK. Mr. Speaker, there is in the city a distinguished president of a great people, His Excellency Carlos Alberto Arroyo del Rio, President of the Republic of Ecuador. It is fitting and proper that the Members should have the privilege of meeting our distinguished guest. Therefore, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time during the day, such recess to be subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair appoints the following Members as a committee to wait upon the President of Ecuador and escort him to the Chamber: The gentleman from Massachusetts [Mr. McCORMACK], the gentleman from Massachusetts [Mr. MARTIN], the gentleman from North Carolina [Mr. DOUGHTON], the gentleman from New York [Mr. BLOOM], the gentleman from Texas [Mr. LUTHER A. JOHNSON], and the gentleman from New Jersey [Mr. EATON].

The Chair thinks it proper to declare that the House stand in recess at this time subject to the call of the Chair.

RECESS

Accordingly (at 12 o'clock and 5 minutes p. m.) the House stood in recess, subject to the call of the Chair.

During the recess the following occurred:

The President of Ecuador and his party entered the Chamber at 12 o'clock and 7 minutes p. m., and the President of Ecuador was escorted to the Speaker's rostrum by the committee of Representatives appointed for that purpose.

The SPEAKER. Mr. President, in the name of the House of Representatives I welcome you to this Chamber.

Members of the House of Representatives, it is my great pleasure, my high privilege, and my distinguished honor to present to you the President of a great and free people, the President of the Republic of Ecuador.

The PRESIDENT OF ECUADOR. Mr. Speaker and Members of the House of Representatives, I appreciate profoundly this opportunity which has been given to me and this honor which I have had in being received here in the House of Representatives.

I speak in the name of Ecuador, my country. It is small in territory, but it is a country very great in its affection and its feeling for this hemisphere.

We are living in the hour of America. Now as never before it is completely necessary that there be a single thought, a single heart, and a single objective in our efforts together. There is no doubt whatever that the cause of democracy and of justice is ours, and that we are now fighting together to preserve them for our countries.

The countries of America are not able to be satisfied only with the winning of the war; there must be the winning of the peace, to the end that there shall be after this war a unity of all of the Americas.

The United States has now the embrace of labor and the embrace of justice, and it carries its flag high in company with the flags of Ecuador and the other countries of America. Among these flags is the flag of Ecuador, which stands out in its effort to attain liberty and in the general effort in these days for freedom.

I desire that the word of Ecuador, a word fraternal in its feeling, may resound in this House of Representatives, so that the House of Representatives, as it carries on democracy, shall know that there is a country in South America which is loyal and earnest and strong in its united efforts with you.

Thank you, Mr. Speaker.

The President of Ecuador stood in the Well of the House and was presented to the Members individually by Mr. BLOOM.

At 12 o'clock and 32 minutes p. m., the President of Ecuador and his party departed.

AFTER THE RECESS

The recess having expired, at 12 o'clock and 34 minutes p. m. the House was called to order by the Speaker.

The SPEAKER. Without objection, the proceedings had during the recess of the House will be printed in the RECORD.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WELCH. Mr. Speaker, I ask unanimous consent that on Monday next, after the regular business of the day and following any previous special order, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent that on Monday next, following any previous special order, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS

Mr. WOLVERTON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of proposed changes in the rules and regulations of the Securities and Exchange Commission, covering the solicitation of proxies.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include in my remarks a short newspaper editorial.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. PADDOCK addressed the House. His remarks appear in the Appendix.]

ORDER OF BUSINESS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that it be in order hereafter to take up for consideration by the House the bill H. R. 7722, and that general debate on this bill be limited to 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

EXTENSION OF REMARKS

Mr. RICHARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of prisoners held by the Japanese and to include therein a letter written by a Presbyterian minister.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROPOSED LEGISLATION ON SMALL BUSINESS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

[Mr. PATMAN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein the Senate report on this bill and a further explanation of it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LOUIS GEORGE FINCH

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend and revise my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to insert in the RECORD an article in the November 24, 1942, edition of the Times-Herald, of Washington, by George D. Riley and Page Huidekoper, in their Capital Compass column.

The SPEAKER. Is there objection?

There was no objection.

DEVALUATION OF THE GOLD DOLLAR

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I call the attention of Members of the House to an article by George D. Riley and Page Huidekoper in this morning's Times-Herald, which article I have been given permission to insert in the Appendix of the RECORD, in which they state they have been informed that the Treasury is about to further devalue the gold dollar, to raise the price of gold from $35 an ounce to approximately $40 an ounce. If this be true, it should be of vital concern to every American citizen.

EXTENSION OF REMARKS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from the Cleveland Plain Dealer, issue of November 19, 1942, by Russel Weisman entitled "An Economist's Point of View."

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from one of my Indian constituents.

The SPEAKER. Is there objection?

There was no objection.

SNAKE INDIANS OF OREGON

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 622) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatever nature, the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What is this?

Mr. ROGERS of Oklahoma. Mr. Speaker, I am simply asking for a conference.

Mr. MARTIN of Massachusetts. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Chair appointed the following conferees: Mr. ROGERS of Oklahoma, Mr. CARTWRIGHT, and Mr. GILCHRIST.

FARMING FOR VICTORY

Mr. FULMER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. FULMER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to extend my remarks upon the subject of tire inspection.

The SPEAKER. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks and include some telegrams and letters pertaining to gas rationing.

The SPEAKER. Is there objection?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of preferential draft and treatment of the young married men and include an article written by Constantine Panunzio, of the University of California, Los Angeles.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO FILE REPORTS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight to file a report on House Joint Resolution 359 and H. R. 7738.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD and include therein a short address recently made by the president of the Inter-American Bar Association, Dr. Jordão.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. HOFFMAN was granted permission to extend his remarks in the RECORD on two subjects.)

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a clipping from the Springfield (Mass.) News.

The SPEAKER. Is there objection?

There was no objection.

THE POLL-TAX LEGISLATION

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks will appear in the Appendix.]

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article from the United States News on Gold, Our Secret Weapon.

The SPEAKER. Is there objection?

LABOR LEGISLATION

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, just listened to what the gentleman from Mississippi [Mr. RANKIN] had to say about the courage of the Senate in refusing to end the debate on the so-called poll-tax bill. Now, we all realize that the right to vote is a fundamental right and everyone should vote, but everyone you know has to earn a living, at least all who would live and vote must eat and most of us, if we would eat, must work. May I ask: When is the Senate and the House going to get up the courage to vote to permit men to work without paying tribute to the C. I. O. or the A. F. of L.? Which is the more important, eating or voting?

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield

Mr. HOFFMAN. Yes.

Mr. RANKIN of Mississippi. I am all ready to vote on that now. If Congressmen are not willing to stop those labor racketeers from robbing these people, who want work, then they ought to resign and go home.

Mr. HOFFMAN. That is right, but get about it, then, over on your side.

If men must get the permission of a private organization in order to work what becomes of the freedom from want we have been hearing so much about?

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. WALTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 123]

Andresen, August H.	Gifford	O'Day
Andrews	Gillette	Osmers
Arnold	Gillie	O'Toole
Baldwin	Gore	Pearson
Barden	Gossett	Peterson, Ga.
Barry	Granger	Pfeifer, Joseph L.
Bates, Ky.	Grant, Ind.	Plauché
Bates, Mass.	Green	Rabaut
Blackney	Gregory	Randolph
Boggs	Haines	Reece, Tenn.
Boland	Hall, Leonard W.	Rees, Kans.
Boykin	Hancock	Rockefeller
Bradley, Mich.	Hare	Rockwell
Bradley, Pa.	Harness	Rodgers, Pa.
Buckler, Minn.	Hart	Rolph
Buckley, N. Y.	Heffernan	Romjue
Burch	Hess	Sabath
Butler	Hill, Colo.	Sacks
Byrne	Holbrock	Sasscer
Camp	Houston	Scanlon
Cannon, Fla.	Imhoff	Schaefer, Ill.
Cannon, Mo.	Jackson	Scott
Capozzoli	Jacobsen	Shafer, Mich.
Casey, Mass.	Jarman	Shanley
Celler	Jarrett	Shannon
Chenoweth	Jennings	Sheridan
Clark	Jensen	Sikes
Claypool	Johnson, Ind.	Smith, Pa.
Cluett	Johnson, W. Va.	Smith, W. Va.
Cochran	Jones	Snyder
Coffee, Wash.	Kee	Somers, N. Y.
Collins	Keefe	South
Copeland	Kelly, Ill.	Starnes, Ala.
Crawford	Kennedy, Martin J.	Steagall
Creal	Kennedy, Michael J.	Stearns, N. H.
Crosser	Keogh	Stefan
Crowther	Kerr	Stevenson
Culkin	Kilburn	Sweeney
Cullen	King	Taber
Cunningham	Kirwan	Talbot
Davis, Ohio	Knutson	Tarver
Delaney	Kramer	Tenerowicz
Dickstein	Kunkel	Thomas, N. J.
Dies	Lane	Thomas, Tex.
Dingell	Lewis	Tinkham
Dirksen	Lynch	Treadway
Disney	McGehee	Van Zandt
Dondero	McGregor	Vincent, Ky.
Douglas	McKeough	Vinson, Ga.
Downs	Maas	Vorys, Ohio
Drewry	Maciejewski	Vreeland
Duncan	Maciora	Wadsworth
Dworshak	Magnuson	Wasielewski
Eliot, Mass.	Mansfield	Weiss
Elliott, Calif.	Mason	Wene
Ellis	May	West
Elston	Merritt	Whelchel
Faddis	Miller	White
Fenton	Mills, La.	Wigglesworth
Fish	Monroney	Williams
Fitzgerald	Myers, Pa.	Wilson
Fitzpatrick	Nichols	Winter
Flaherty	Norton	Wolcott
Ford, Miss.	O'Brien, N. Y.	Wolfenden, Pa.
Gamble	O'Connor	Wright
Gavagan		Youngdahl
Gibson		Zimmerman

The SPEAKER. On this roll call 230 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MEXICAN CLAIMS

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. COX. Mr. Speaker, H. R. 7096, the Mexican claims bill, is scheduled for consideration today. It appears, Mr. Speaker, that section 8 of the bill, which happens to be the vitals of the measure, is subject to a point of order. With this section stricken out, I take it those handling the bill would not want to proceed further. I desire to offer an amendment to the rule when called, if there is no objection on the part of any member of the Rules Committee.

Mr. ALLEN of Illinois. There is no objection from the minority members.

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 for immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee of Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COX. Mr. Speaker, I offer an amendment to the resolution.

The Clerk read as follows:

Amendment offered by Mr. COX: On page 1 after the word Mexico in line 8 change the period to a comma and the following: "and all points of order against said bill are hereby waived."

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Pennsylvania, of course.

Mr. RICH. I understood the gentlemay to say he had to get unanimous consent to make this amendment to the rule in order that the bill might be passed. If this is the case I certainly shall object to it.

Mr. COX. The gentleman, of course, has the privilege of voting against the amendment if he wishes.

Mr. RICH. I shall vote against it.

Mr. COX. Mr. Speaker, as I have stated the bill is worthless with section 8 eliminated.

Mr. RANKIN of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN of Mississippi. Is the rule amendable before the previous question is voted down?

Mr. COX. Yes; I take it that the rule can be amended.

Mr. RANKIN of Mississippi. I should like to know just what the parliamentary situation is on this, Mr. Speaker.

The SPEAKER. The Chair, of course, will entertain a motion to amend any special rule at any time while the rule is pending if the gentleman in control yields for it or if he offers it himself or if the previous question should be voted down.

Mr. COX. Mr. Speaker, if the House wishes to consider this bill at any time soon I can see no justification for opposing the amendment to the rule, because if the amendment should be thrown out I take it that the bill would not be considered but would go back to the Rules Committee and that the Rules Committee would report a resolution waiving all points of order. This would mean that the bill would be considered finally under circumstances which would pertain now in the event the amendment is accepted.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. RICH), there were—ayes 62, noes 2.

So the amendment was agreed to.

The SPEAKER. The gentleman from Georgia is recognized for 1 hour.

Mr. COX. Mr. Speaker, I yield myself 5 minutes.

The SPEAKER. The gentleman from Georgia is recognized for 5 minutes.

Mr. COX. Mr. Speaker, there probably has been no time in all history when the world has been more troubled than it is at this very moment. People everywhere are engaged in the business of human slaughter. The god of war stands astride the world. Our ships ride every sea and our soldiers are fighting in every land, and in the holy cause of freedom for which they battle there is no disunity, no division, either in purpose or act in either heart or hand; but, Mr. Speaker, that is the extent to which unity and concord goes. Here at home in the handling of our domestic problems there will be differences of opinion. You, Mr. Speaker, will be reelected as the Speaker of this House, an honor that you richly deserve. As Speaker of this House you will be its servant; here your loyalty will abide and here your master will be found.

There is much for this House to do, there is much for this Congress to do in reinstating itself in the confidence of the people of the country. With the coming of the new Congress this middle line will divide in almost equal proportion the Membership of the House, but as for me I shall recognize no such division; the only division that I shall recognize is one of purpose, concept of duty. We are all Americans and we are interested in the saving of America. Congress has surrendered many powers which it must recapture; Congress must claim the right to perform all of its constitutional functions. If I understand the temper of the people of this country then I know they are sick and tired of government by bureaucracy.

They are completely fed up on the type of administration of public affairs that we have been experiencing for a good long time. If I know the temper of this House, it is that the membership proposes to recapture, reclaim, and exercise in its constitutional right all of the powers that have been filched from it.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, under the guise of administrative law, the bureaucrats have seized and have exercised powers which it was never intended they should have. They have, at times, made the Congress appear ridiculous. So, Mr. Speaker, let us understand one another. There will be no coalition against the Speaker of this House or anybody else. I would as soon think of joining a combination against my father or my brother as to join in a coalition against my Speaker. There will, however, be coalescence.

I recognize that there is a certain virtue in conformity, but, as for myself and speaking for myself alone, I shall not for party's sake be bound in any instance where a principle is involved. I shall put my country above all parties. I beg you to pardon me for that statement.

Mr. Speaker, the pending rule proposes to make in order consideration of the so-called Mexican claims bill. There has been an impression in some quarters to the effect that it means the expenditure of Federal funds. That is a mistake. The committee having this matter under consideration has given great care and exercised great pains in the preparation of its bill. It simply makes provision for the distribution of a fund something in excess of $40,000,000 which the Mexican Government has paid for the settlement of the claims of our own nationals.

I am not going to take your time to explain the bill. If the House is not sufficiently acquainted with its provisions, I will yield to the chairman of the Committee on Foreign Affairs or some other member of that committee to explain and give you the desired information.

Mr. Speaker, I now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, most of us are familiar with the conditions and terms of this Mexican claims bill. In July of 1940 we discussed this matter in full on the floor and at that time, on July 8, it was recommitted due to the fact that many, including our good friend the gentleman from Pennsylvania [Mr. RICH] objected because the bill would take money directly from the United States Treasury. Those who opposed the bill felt that before the United States Government should pay this money to the claimants the Mexican Government should first pay it to the United States Treasury. I will not deny that the gentleman from Pennsylvania [Mr. RICH] and others were correct in that assumption. However, the State Department in last November 1941 entered into a treaty with Mexico by which the Government of Mexico agreed to pay into the United States Treasury in installments the sum of $40,000,000 to be distributed to the claimants. So far I believe there have been $6,000,000 paid.

I say to you today that the objections of the gentleman from Pennsylvania [Mr. RICH] have been met. The motion to recommit made by the gentleman from Pennsylvania [Mr. RICH], and finally by the gentleman from New York [Mr. FISH], provided that this bill should be recommitted with the condition that when the Government of Mexico paid into the United States Treasury this money then it should be distributed among the claimants. From that time to now the objections of opponents of the bill have been met.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I am not clear as to the amount of money that the Republic of Mexico has actually paid to the United States in connection with these claims. Will the gentleman give the exact amount, if he has the figures?

Mr. ALLEN of Illinois. I would say that probably $6,000,000, although I was told this morning that within the last week they have paid two or three million dollars more.

Mr. JOHNSON of Oklahoma. If I understand the situation correctly, the only question raised in this legislation is the distribution of money to the 2,800 or 3,000 claimants that has heretofore been paid into the United States Treasury by the Mexican Government.

Mr. ALLEN of Illinois. That is correct.

Mr. JOHNSON of Oklahoma. And hereafter to be paid?

Mr. ALLEN of Illinois. And to be paid.

Mr. JOHNSON of Oklahoma. But in no instance and under no circumstances are any such claims now or in the future to be paid from the Treasury of the United States?

Mr. ALLEN of Illinois. It does not come out of the Treasury of the United States. No money will be distributed unless it has been paid, according to the Treaty of 1941, by the Government of Mexico to the United States Treasury.

Mr. BEAM. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Illinois.

Mr. BEAM. Does the gentleman desire to convey to the House the thought that the $40,000,000 is going to be paid by the Government of Mexico before it is distributed by the United States Treasury or is the Government of the United States going to pay this $40,000,000 anticipating payment by the Mexican Government?

Mr. ALLEN of Illinois. I will permit the chairman of the Committee on Foreign Affairs to answer that question.

Mr. BLOOM. Neither this $40,000,000 nor any money, as a matter of fact, will be paid out of the Treasury of the United States until Mexico deposits the money in United States currency with the Treasury of the United States.

Mr. BEAM. Will the gentleman accept an amendment then, which was incorporated in the motion made by the gentleman from New York [Mr. FISH], at the time this bill was before the House formerly, that no sums of money will be distributed by the Treasury of the United States until Mexico has actually paid those funds into our Treasury? Will the gentleman accept such an amendment?

Mr. ALLEN of Illinois. Who is for this bill? It has passed the United States Senate twice. The House Committee on Foreign Affairs unanimously reported it. When it came before the Committee on Rules, that committee granted this rule unanimously. The Secretary of State in conjunction with the Committee on Foreign Affairs helped prepare this bill. The Comptroller General approved this bill. The Director of the Budget approved this bill. In fact, everyone who has had an opportunity of thoroughly acquainting themselves with this measure is supporting it.

I would ask this question of those here, if there are any, who are opposing this bill today: Who is rightfully entitled to this money that is in the United States Treasury? Whose money is it? The Mexican Government in November of 1941 entered into a treaty with the United States Government to pay $40,000,000. Six million dollars of that sum is in the United States Treasury now. I would ask the opponents of this measure, if there are any, who rightfully is entitled to this money?

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Pennsylvania.

Mr. RICH. How many claims of American nationals are involved in this whole transaction?

Mr. ALLEN of Illinois. There have been three different commissions considering these claims. There was the general commission, then the special commission, and then the agrarian commission. In connection with the general and special commissions I understand about 2,800 different claims were filed by American citizens. About 800 agrarian claims were filed.

Mr. RICH. How many of these claims have been adjudicated?

Mr. BLOOM. If the gentleman will yield, may I say that to answer that question properly it will be necessary to give the picture of all the claims that have been filed. A little over 3,000 claims altogether were filed with the various commissions. Of this number slightly over 1,000 claims were not supported by any evidence presented to the commissions. As to a number of claims the Agrarian Claims Commission and the General Claims Commission did not understand exactly who had jurisdiction, so the claims were laid over temporarily. This legislation provides that a commission, a commission of only 1 man, shall decide those claims as to which the 2 commissions could not decide who had jurisdiction. Approximately 1,200 claims were allowed by the 2 commissions, that being the number of claimants who presented evidence.

Mr. RICH. The State Department told me yesterday that 3,000 claims had been adjudicated.

Mr. BLOOM. I just stated that there were a little over 3,000 claims.

Mr. ALLEN of Illinois. I cannot yield any further, Mr. Speaker.

Mr. RICH. I have not had an answer to my question. I was just getting to the point of it.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman was speaking about money that had been paid in or would be paid in to the Treasury by Mexico. Is any of that money to be replaced by lend-lease funds that we give them?

Mr. ALLEN of Illinois. I do not believe so.

Mr. HOFFMAN. It takes a good deal to convince the gentleman, I guess.

Mr. ALLEN of Illinois. In conclusion, Mr. Speaker, may I say that inasmuch as this money has been paid in to the United States Government to be distributed among these claimants, it will not cost the United States Treasury or the taxpayers one cent.

This bill has passed the Senate twice, it has been approved unanimously by both the Committee on Foreign Affairs and the Committee on Rules, the Secretary of State approves it, as does the Comptroller General and the Director of the Budget, and the President of the United States in including a letter about it stated that he commends it to the favorable consideration of the Congress.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. Yes; I yield to the gentleman.

Mr. BLOOM. I just want to add to what the gentleman has already stated that the United States Government is paid 5 percent of this $40,000,000, or $2,000,000, for administrative costs. That is what this legislation permits. It does not even cost them a cent for future administration or past administration.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I would like to know how much hearings the committee had on this matter. They said there were no hearings available in the House and there was only a statement by somebody from the State Department. The Senate hearings, apparently, comprise a large book, but it is mostly the testimony of lawyers who had claims, and there are only a few pages of questions by Senators in the report of hearings.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. Surely.

Mr. RICH. If Mexico is to pay $40,000,000, as I now understand, they have paid in $6,000,000 and they are to pay $2,500,000 annually until the $40,000,000 is paid. I also understand that 15 of these claims have not as yet been adjudicated. What is the object in trying to start payment of these claims until you know exactly what they are? It seems to me that would be the first business consideration. The second would be——

Mr. ALLEN of Illinois. Just a moment. I would say to the gentleman from Pennsylvania, who is a manufacturer, that if he, back in the years covered by this legislation, had sent down to Mexico $50,000 worth of his manufactured products and a commission had been appointed whereby he was stopped from negotiating for the payment of that account, and then they had entered into a treaty last November with respect to the matter, the gentleman from Pennsylvania would feel that if the Mexican Government paid him along with others $50,000 out of the 5 percent, and the Secretary of State had stated that he was entitled to it, the gentleman would not be standing here trying to stop gentlemen who are in a similar position from obtaining that $50,000.

Mr. RICH. But I would want to know what all these claims were so that I would know how to pay each one of them in order that the Federal Government might do a good, honest, first-class job. I would get all of the claims in and I would then know exactly what they were before I started to pay out.

Mr. ALLEN of Illinois. And I would say that there would be nobody here stopping the gentleman from Pennsylvania from receiving his $50,000.

Mr. GILCHRIST. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. GILCHRIST. Is it true that under this bill in addition to the amount that Mexico will pay to the United States Government, the United States Government itself will have to pay claims which it owes to Mexican nationals? That is to say, these two items are included in this bill, first the sums that Mexico will pay us for what they owe and secondly the sums that we will pay that we owe them.

Mr. ALLEN of Illinois. What we owe is very minute. We did not buy many products down there and the amount is very small, I believe.

Mr. GILCHRIST. I would like to have the facts about that.

Mr. ALLEN of Illinois. I yield to the gentleman from Texas to answer that question.

Mr. LUTHER A. JOHNSON. That question was settled in this treaty whereby we offset other claims against these claims.

Mr. GILCHRIST. I understand they are offset but they have to be paid under this arrangement.

Mr. LUTHER A. JOHNSON. We pay what we owe them and they pay what they owe us.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I would like to know what further adjudication may be necessary with respect to these claims. Is it true that the amount of $40,000,000 will cover whatever amount may be involved in the ultimate settlement of these claims? Is $40,000,000 the limit?

Mr. ALLEN of Illinois. I would say that this treaty entered into last November provided that they settle at $40,000,000, but I would rather have someone on the Foreign Affairs Committee answer that question and for that purpose I will yield either to the gentleman from Texas or to the chairman of that committee.

Mr. BLOOM. I may say that of the $40,000,000, $30,000,000 has been set aside already for the claims that have already been adjudicated. The balance of $10,000,000, we figure, will offset the claims that we are still to adjudicate, the claims that came in after 1937, which will be settled on a parity basis. So we have $30,000,000 to pay the claims already adjudicated and $10,000,000 for the other claims.

Mr. SMITH of Ohio. And the $10,000,000 will cover any amount of claims that may be adjudicated?

Mr. BLOOM. That is a very important point. If it does not, then all the claimants come in on a parity basis under the $30,000,000 and the $10,000,000.

Mr. SMITH of Ohio. Do I understand then that possibly, after all, the $40,000,000 may not cover all the claims which ultimately may be presented?

Mr. BLOOM. If it does not then each claimant will get 90 or 95 percent of the money paid in, but the $40,000,000 is all that is paid in on these claims.

Mr. SMITH of Ohio. That is all that can possibly be paid in?

Mr. BLOOM. Yes.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Indiana.

Mr. HALLECK. On that particular point I would like to suggest to the gentleman from Ohio [Mr. SMITH] that there are 290 claims of various kinds upon which there has never been an adjudication. The $30,000,000 was arrived at as the amount necessary to cover the claims upon which there has been adjudication and which should be taken care of.

Further, in the agreement between our Government and the Mexican Government, an additional item of $10,000,000 is to be paid by the Mexican Government, it being expected that that will take care of those of the 290 claims that are ultimately found to be due and owing to our nationals. The bill also provides for the setting up of a one-man commission to adjudicate those claims, and pass on them, and it is expected that that job can be done within a year's time.

Mr. BEAM. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes.

Mr. BEAM. I would still like to know where this $40,000,000 is coming from. I would like to ask the chairman to explain it, or the ranking member from Texas. Where is the $40,000,000 coming from? When you say there is $9,000,000 paid into the Treasury, where is this differential to come from? Are we going to wait until the Mexican Government pays it, or, is it the purpose to call on the Treasury of the United States to pay out this $30,000,000, until it is collected?

Mr. ALLEN of Illinois. My understanding is that it is going to be paid out pro rata as it comes in.

Mr. BLOOM. May I have just 1 minute? According to the treaty, $40,000,000 in United States currency must be paid into the Treasury before it is paid

to the claimants. Six million dollars are in the Treasury now. Two and a half million dollars is expected to be paid this month and every year the Government of Mexico pays into the Treasury of the United States two and a half million dollars until the $40,000,000 is paid. No money under any circumstance could be paid out of this by the treaty or this legislation, by the Mexican Government from any money. United States currency must be paid into the Treasury of the United States.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I am not taking this time and the time of the House because I have any fear about the action on this rule. I know that the rule will be adopted, and it should be adopted. However, it is obvious that there is considerable confusion of thought about the bill, and possibly I can clarify in some little measure some of the questions that have been raised.

I think we all ought to bear in mind that this bill as it is presented here today presents an entirely different proposition from the bill we had here before, and to which I am sure my very good friend, the distinguished gentleman from Illinois [Mr. BEAM] referred. When the bill was here before we undertook to pay certain claims that had been allowed by a general claims commission. That Commission was set up to determine and adjudicate claims of certain Mexican nationals against our Government and the claims of certain of our nationals against the Mexican Government. It was to be a two-way proposition. Claims were to be set off and any balance paid by the government owing it. When that Commission was set up a lot of us believed that the Government of the United States in effect took possession of those claims and undertook to be responsible for them, and that the rights of private claimants to proceed against the Mexican Government for the collection of their money was terminated by the making of that convention or treaty.

Mr. BEAM rose.

Mr. HALLECK. Please let me proceed for a minute. It was expected that the claims of the two Governments would be offset against one another, and that the one owing the balance after the offset would be required to advance that amount of money. That was the situation as presented by the other bill. In one way it would have involved taking certain moneys out of the Treasury of the United States to pay to certain claimants in this country. That bill did not succeed to passage at that time, principally because of the motion to recommit which undertook to limit the operations of the bill to the payment of funds only after they had been collected and covered into the Treasury of the United States. If I may say to the gentleman from Illinois [Mr. BEAM] this bill does specifically and directly the very thing that that motion to recommit, which the gentlemen supported, undertook to do at that time. In other words, this bill specifically provides that certain claims which have been adjudicated by previous commissions, or which have been allowed by the American Commissioners, or two of them, shall be considered as adjudicated, and shall be paid out of the money which we are to get from the Mexican Government and covered into the Treasury of the United States. It shall be used to pay these claims only as it is recovered from the Government of Mexico, and it does not involve taking a dime out of the Treasury of the United States, and that is the reason that I am a little surprised that some of the Members who were so concerned for the Treasury of the United States are here still insisting on their position against this bill. I now yield to the gentleman from Illinois.

Mr. BEAM. In the first place, I call the gentleman's attention to the fact that it was purely optional with any of these claimants, in the original treaty and form of commission.

Mr. HALLECK. The gentleman has made a statement and I want to answer that. It was not optional under the terms of the convention or treaty or agreement. The right of every individual to demand collection of his claim was taken from him and he was required to submit his claim to the action of this commission.

Mr. BEAM. Oh, I disagree with the gentleman.

Mr. HALLECK. And I leave it to the chairman of the committee if that is not so.

Mr. BLOOM. That is absolutely true, especially the one claim that the gentleman from Illinois is directly interested in, which is the claim of the Illinois Central Railroad. The Mexican Government wanted to pay to the Illinois Central Railroad the money, and our Government said it could not do that, that they had to give it to us.

Mr. HALLECK. I yield to the gentleman from Pennsylvania.

Mr. RICH. Would it not be the proper thing to have all these claims adjudicated—eliminate everything but the setting up of this one-man commission, and find out what these claims are, and then make your distribution after you know what the claims are going to be? Would that not be the sensible thing to do?

Mr. HALLECK. I am going to answer the gentleman from Pennsylvania, and I think when I finish he will agree with me. I hope I will be able to convince him. I have tried without success a time or two to convince the gentleman, even as he has tried to convince me a time or two without success. But he is always fair and he now recognizes that this is no raid on the Treasury, but he is talking about some claims that should be allowed. Let me suggest this to the gentleman: There have been three different commissions that have passed on claims: First, the General Claims Commission; second, the Commission under the protocol of 1934, and then subsequently in 1938 the Commission set up to handle agrarian claims. Now there has been an adjudication of claims. For years these matters have been before the various commissions appointed by our Government and by the Mexican Government to pass on the claims. The General Claims Commission allowed a number of claims. Under the convention treaty that was made setting up that Commission, those are said to be final, and they ought to be final.

Under the protocol agreement there was a Mexican commissioner and an American commissioner, and they were supposed to agree. They did agree on some claims, but there were a great many claims that our commissioner could never get the Mexican commissioner to do anything about. But the American commissioner went over them meticulously. He looked at the records which claimants had 12 long years to prepare. He appraised something like 870 of those claims, allowing about half of them. Now, certainly that gives as fair treatment to a national of the United States as it would be possible to get.

So this particular treaty undertakes to pay those claims that have been so allowed by the commissioner.

Under the agrarian treaty of 1938 there has also been appraisal of about 350 claims. The American commissioner, a man by the name of Lawson, whom I do not know and never saw, has allowed about 75 percent of those claims. Now, as the gentleman knows, when you go along with many of these claims since 1869, the time comes when you have to make some basis of agreement.

Now, what did our State Department do? I say they have done a good job with it. They entered into this agreement with Mexico to finally settle these old scores and to get the board even. They said "We will take these claims that have been adjudicated by commissions, and we will take those decisions of the American commissioner under the 1934 protocol and the 1938 agrarian agreement because we think he would give our people a fair deal, and we will add them up." It came to about $30,000,000. Then they said, "We will get the money to take care of those claims."

Then, in addition, there are not exceeding 290 claims that have never been adjudicated or passed on by anybody. So they said, "We want to take care of those." They said, "We will set up a commission, a 1-man commission, that has for its job the consideration and determination of those 290 claims that have not been adjudicated."

So what I finally come to is this, that the very things for which the gentleman from Pennsylvania has stood for have come to pass—first, the money is to be paid out only as it is paid in by the Mexican Government for that purpose; and, second, that the claims have been adjudicated and determined officially except not more than 290 and provision is made for appraising them.

These processes have been going on for years, and every one who came in and supported his claim and got a favorable decision from the commission, or even from the American commissioner without the Mexican commissioner joining with him, is to get his money under this

convention treaty. Now, what is the matter with that?

Mr. RICH. I think you have gone a long way toward getting this settled, but if you insist that if we appoint this one-man commission and give him 1 year to adjudicate these claims, and then bring it back, by that time you will not have the money in from Mexico even to pay those claims, then pay all these claims in proportion to the amount you allocate to each one, and then you will go to town. I will congratulate you if you do that.

Mr. HALLECK. It is obvious that I am probably going to fail in my effort to convince the gentleman from Pennsylvania about this, but I hope that the other Members will understand what this is all about.

The gentleman is talking about adjudicating more claims. There are not more than 290 to be adjudicated that have not been adjudicated. This bill is to set up a commission to do that very thing. The treaty has provided that an additional $10,000,000 shall be paid, to be used to pay those claims. There will not be any necessity for any more congressional action. We are going to bring our joint claims, the Mexicans against us and the Americans against Mexico, up to date. We have arranged a way to pay them. Why should we not now get the job done and get it back of us?

Mr. PLOESER. Does the gentleman contend that all of the claims listed in the so-called Underwood memorandum of the State Department have been adjudicated?

Mr. HALLECK. There were claims listed, of course, under that protocol agreement that were not allowed either by joint action of Mr. Underwood and the Mexican Commissioner or by Mr. Underwood alone. There were claims that were not allowed. The record discloses that Mr. Underwood, on his responsibility as the American Commissioner and as required of him by the protocol, went carefully over these claims. People were invited and urged to make their showing and to introduce their evidence to support their claims, and he went over them carefully and allowed about half of the 870 claims appraised by him. I believe the figure is 870 claims that never were acted upon by the Mexican Commissioner.

Mr. PLOESER. Has that list ever been published?

Mr. HALLECK. My understanding is that the list has been published and is known, but I cannot say definitely about that.

[Here the gavel fell.]

Mr. PLOESER. If the gentleman will yield further——

Mr. COX. Mr. Speaker, I yield to the gentleman time sufficient to complete his statement if he wishes to.

Mr. HALLECK. I yield.

Mr. PLOESER. It is a tremendously important point, because the claimants who have their claims allowed on the Underwood memorandum are without the knowledge of what decision Underwood ever made, and the Secretary of State in a memorandum to a Member of the United States Senate in 1940 said those claims had not been adjudicated.

Mr. HALLECK. If the gentleman, of course, interprets "adjudication" as he and I ordinarily understand the term it would contemplate that there had been an agreement between the Mexican Commissioner and the American Commissioner as to what ought to be paid. So, technically speaking, there never was a complete adjudication under the protocol of about 870 of these claims. The claims, however, received the favorable consideration of our Commissioner, Mr. Underwood, and it just seems very obvious and apparent to me that if anything could have happened to those claims after Mr. Underwood passed upon them it would have been that they would have been reduced by the commissioner of the debtor government, the Government of Mexico.

Mr. PLOESER. The interest of the debtor government, however, has been virtually dismissed with the agreement to make a lump sum settlement of $30,000,000; they would not care now who made a claim or for how much. There would be a pro rata division.

Mr. HALLECK. The fact of the matter is that the $30,000,000 figure was arrived at in consideration of the total amount of claims that they adjudicated according to the specific terms of the various agreements or were favorably considered and reported by the American Commissioner. The American claimants given favorable appraisals take the position, and I think justifiably so, that in effect the $30,000,000 becomes a trust fund in the hands of the Government to be used to pay off the claims that have been allowed or adjudicated. Certainly, it seems to me that with this money coming in and many of these people having been out of the use of their money for years and years, the Congress would be most remiss in its responsibility if we failed to take expeditious action to see to it that the people who have the money coming get the money as quickly as it is paid to our Government.

Mr. COX. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 79, noes 1.

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. RICH. Mr. Speaker, I withdraw my point of no quorum.

So the motion was agreed to.

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico, with Mr. BLAND in the chair.

The Clerk read the title of the bill.

Mr. BLOOM. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. BLOOM. Mr. Chairman, I believe that the statements made by the gentleman from Indiana and the other speakers with reference to this legislation tell the story as completely as it can be told. It should not take over a few minutes to tell the whole thing so you will understand it.

Please do not confuse this legislation with any other legislation dealing with Mexican claims that we have had before this House, or any bill with reference to the settling of claims between the nationals of this country and the nationals of Mexico. There is now a convention in existence, a convention ratified by the Senate. It is the law of the land; we could not do anything else but uphold it if we wanted to because that convention has been signed by the Governments of both Mexico and the United States. This convention states that the Mexican Government will do certain things and that the United States Government will do certain things. This bill merely sets up the machinery and puts into effect machinery to distribute the money that Mexico is going to pay to the Government of the United States; and the United States Government will appropriate about $500,000, the amount of its liability on account of claims of Mexican nationals against the United States.

These claims go back as far as 1868.

Some of the circumstances which happened are, for instance, a person being killed in Mexico, a United States citizen, and his widow has a claim. There are claims here of widows and orphans. Some of them are nearly 60 years old.

Mr. O'HARA. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Minnesota.

Mr. O'HARA. Does this take in claims involving confiscation of certain oil lands?

Mr. BLOOM. No. I am coming to that. In answer to the gentleman, since he asked the question at this time, may I say that this in no way takes into consideration claims for oil wells or oil fields or anything else except the agrarian claims and the general claims that have been tried by these two commissions.

Mr. RICH. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Pennsylvania.

Mr. RICH. It seems to me that the membership of the House who do not know what this bill contains should be here. The gentleman is chairman of the Committee on Foreign Affairs and is making a statement. There are only 15 or 20 of us here. I was going to demand a roll call awhile ago. Now, the

gentleman is going to come in here and rubber-stamp this bill through. It does not seem to me to be good legislation. The gentleman should send out and bring in about 50 or a hundred Members, anyway.

Mr. BLOOM. May I say to the gentleman that it would not make any difference if only the gentleman and myself were here, we could not disagree on this piece of legislation if we would look at it from the standpoint of truth and what is contained in the legislation. This simply provides that the money collected by the United States Government from the Government of Mexico will be distributed to the people entitled to receive the money. May I say that the money will come to the Treasury just the same and the $40,000,000 will lay there. We have letters and pleading notes from people all over the country asking, "Now that you have $6,000,000 from the Government of Mexico to be distributed to the claimants who have received adjudication of their claims, why do we not get some money? We have been waiting 60 years."

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. BLOOM. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. The bill does not specifically say that no money can be paid ahead of the time that the Government of Mexico pays its money.

Mr. BLOOM. Yes; it does.

Miss SUMNER of Illinois. The gentleman believes that the clause on page 8, section (e), does that, but I am quite sure it does not and several lawyers on the floor have agreed with me.

Mr. BLOOM. The legislation calls for it and the treaty calls for it. May I say to the gentlewoman from Illinois that if this legislation becomes law today, as it should, the Treasury of the United States can pay pro rata out of the $6,000,000 that the Treasury already has a certain percentage to the claimants who are entitled to this money. After the percentage of the $6,000,000 is paid and the new claims are adjudicated, then money will be paid to the new claimants so as to get them on an equal basis. When these claims are adjudicated within the first year, they get their same pro rata share of the $40,000,000 that has been paid into the Treasury.

Miss SUMNER of Illinois. There is nothing to prevent the Secretary of the Treasury from issuing checks ahead of the time they get payments from Mexico?

Mr. BLOOM. I must disagree with the gentlewoman.

Mr. EBERHARTER. I can answer that question directly.

Mr. BLOOM. I would be glad if the gentleman would.

Mr. EBERHARTER. On page 10, paragraph (c) states:

> The Secretary of the Treasury is authorized and directed, out of the funds covered into the fund pursuant to paragraphs 1, 2, and 4 of section (b).

That means he is only allowed to make payments out of this particular fund after he receives the money in accordance with the sections specified here, if he receives those funds.

Mr. BLOOM. And section 8, page 9.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Illinois.

Mr. CHIPERFIELD. Section 9 does provide that out of the Treasury can be appropriated the sum of $533,000 for claims of the nationals of Mexico.

Mr. BLOOM. Yes; there are two amounts. The United States appropriates that amount on account of claims of Mexican nationals, so that should not be taken out of here. There is $6,000,000 already in the Treasury that the Mexican Government has paid against the claims already allowed.

Mr. CHIPERFIELD. May I ask one other question?

Mr. BLOOM. Yes.

Mr. CHIPERFIELD. This bill provides for a one-man commission.

Mr. BLOOM. Yes.

Mr. CHIPERFIELD. Does it provide the amount that that commissioner shall be paid?

Mr. BLOOM. The Government deducts 5 percent of the $40,000,000 to pay the expenses of this one-man commission and also all of the expenses practically of the commissions that have gone heretofore for the simple reason that all previous legislation that the Congress has passed authorizing these commissions has called for 5 percent. That is why this calls for 5 percent. It is to pay for all back expenses.

Mr. CHIPERFIELD. But how much salary is this commissioner going to get?

Mr. BLOOM. It is supposed to be $7,500, but as far as I am concerned, I would like to see him get $10,000.

Mr. CHIPERFIELD. The Senate bill had $7,500 in it, but I do not find it in this bill.

Mr. BLOOM. That is the understanding, but may I say to the gentleman that as far as this one-man commission is concerned, please remember that Mexico has nothing to do with this commission. It is our own one-man commission to decide all these other claims. We have everything in our hands. As a gentleman stated here a few moments ago, the trouble with this legislation is that the commission is named the Mexican Claims Commission, whereas it ought to be called the American Claims Commission because we are getting the money.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CHIPERFIELD. Is there any particular reason why the hearings were not printed so they would be available to the Members?

Mr. BLOOM. Of course, your chairman believes in the doctrine laid down by the gentleman from Pennsylvania [Mr. RICH]. I want to conserve the funds of the United States Government as much as I possibly can. I did not think it necessary to print the hearings for the reason that after we had sent out notices only 1 witnesss appeared and he was from the State Department. We had a quorum of the committee there; I think 16 members were present, but only 1 witness appeared. The stenographic report is in the committee room. I did not think it necessary to print the hearings, because, to tell the truth, I thought this bill was going to go through in about 2 minutes. I cannot see anything to debate about it at all. We are going to get $40,000,000 and distribute it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman refers to this as the American Claims Commission. If that is the case, why were not the claims in regard to the oil properties considered? Why were not those matters included here, so all these claims could be settled at once?

Mr. BLOOM. We have here claims since 1868. Just think of it, 1868. I was born in 1870, so 2 years before I was born these claims started.

Mr. RICH. The gentleman does not look half that age.

Mr. BLOOM. I will give you the answer to that some day.

If we ever took up the oil claims, we would be here for more than 70 years settling them. This measure refers only to the legislation that has heretofore been enacted, and also to claims that these different commissions have considered.

Mr. RICH. The gentleman thinks it would take 70 years more to adjust the oil claims?

Mr. BLOOM. The way you are going here today, it would take longer than that.

Mr. RICH. Does not the gentleman think this would afford a pretty good trading post for the consideration of the oil claims and the lease-lend matters?

Mr. BLOOM. It seems to me that these people have been waiting long enough for this money. The money is there.

Mr. RICH. I want to see the American people straightened out on this; do not get me wrong on that, but I want to see this matter straightened up once and for all with Mexico so that it will be an honest-to-goodness settlement, so the United States and Mexico will be friends after it is over; but I do not want to see the United States pay the whole bill.

Mr. BLOOM. I may say to the gentleman that Mexico and the United States will be friends for a long, long time, and they have been friends, but now Mexico is showing its friendship by paying in to the United States Government $40,000,000 to settle everything, and we are paying in $500,000 on account of claims against us. I think this is the best opportunity to show good will and accept this payment in the same way that the Mexican Government has offered it to us.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I believe I can clarify this question respecting the oil claims.

Mr. BLOOM. Yes; it is all in the treaty. We could not change it if we wanted to.

Mr. SMITH of Ohio. It is provided for in the treaty, in the part which reads as follows:

> Claims of nationals of the United States of America against the Government of the

United Mexican States, which arose subsequent to August 30, 1927, and are predicated upon acts of authorities of the United Mexican States in relation to petroleum properties, which claims are the subject of special agreement;

I understand that this bill merely covers this convention. If so, this bill could not deal with that particular subject.

Mr. BLOOM. I have said so often today that we can go only as far as the treaty allows us to go. In that treaty is laid down how the settlement is to be made and everything else.

I may say to the gentleman from Pennsylvania that the Commission had 6 years in which to settle some of these claims, and it waited 7 years longer to try to get these people to bring in the evidence, but they did not do it. The Commission waited and waited and begged them and begged them and begged them to bring in the evidence, but they did not do it.

Mr. RICH. Then why did you not set a dead line, so that anyone who failed to bring in a claim within a certain time would be forever barred from asking that that claim be paid by Mexico? Mexico certainly ought to be relieved of this responsibility at some time. If we are good friends of Mexico, and want to do a good, businesslike job, we ought to set a dead line, so that any American claims which are not supported by evidence within a certain time will be dead.

Mr. BLOOM. All right; now I want to read something to you. You are just making my speech for me, because this is information from the State Department:

During the 7-year period between 1924 and 1931, the American agency repeatedly warned the individual claimants that their evidence should be submitted at the earliest possible date. In 1934 the claimants were put on notice that the period for filing evidence would definitely and finally expire in 1936. During this additional and final 2-year period the American agency made still more intensive and determined efforts to have the individual claimants file their evidence.

And they did not do so. I think these commissions and the State Department have been very lenient and very fair when they gave them 7 years beyond the 6 years within which they were supposed to file their claims. I have photostatic copies of letters from lawyers taking the position that now that they have $40,000,000 they want to come in and file new claims, saying "We will get them to open this matter and then we will get some money out of it." In the meantime these poor people are supposed to wait longer for their money.

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman.

Mr. PLOESER. Is it not true that the Mexican Government by an amendment of its own constitution adopted, I think, in 1934, directly prohibited any of the citizens of Mexico in any way to do anything that would result in the gathering of evidence for American claimants?

Mr. BLOOM. That I do not know; but even if it is so, the claimants had some 10 years to get evidence prior to that amendment.

Mr. PLOESER. Well, it is true, and it is very important in connection with the statement the gentleman has just made.

Mr. BLOOM. I do not know whether it is true or not, and I cannot say "yes" or "no" to that question.

Mr. PLOESER. I would think it would be an important fact for the chairman of the committee to learn.

Mr. BLOOM. I think it is an important fact to have the chairman of the committee learn all that he has learned about these Mexican claims.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I thought under their constitution of 1917 it was provided that nobody but Mexicans could own land, and it was also provided that compensation should be paid to nationals whose land was taken, and that subsequent legislation was passed implementing that provision of their constitution.

Mr. BLOOM. I really do not know about that.

Miss SUMNER of Illinois. I am quite sure that is correct.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman.

Mr. THOMASON. Assuming that what the gentleman from Missouri [Mr. PLOESER] has said is true, and it is my belief it is true, is there any provision made by which a claimant——

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield myself 2 additional minutes.

Mr. THOMASON. That a claimant whose claim was not approved has the right either to prove his claim, obtain a review, or file an appeal?

Mr. BLOOM. Under this law?

Mr. THOMASON. If this bill becomes law is the gate closed to everybody whether their claims are meritorious or not? I think every citizen is entitled to his day in court. Claimants who have legitimate claims and acted in good faith with due diligence should be treated fairly. I am for legislation on this subject but I want to be sure justice is done to all interested parties.

Mr. BLOOM. No; there are claims from 1927 and there are claims where they did not know who really had jurisdiction over such claims. Those matters will be decided, including any agrarian claims up to 1941 and also general claims not previously decided will have a chance.

Mr. THOMASON. I grant the gentleman that some specific and definite date must be fixed.

Mr. BLOOM. It is fixed.

Mr. THOMASON. Some date must be fixed when these people must file their claims, but it does seem to me that there may be conditions existing, or if they have not arisen they are likely to arise, by which a man with a meritorious claim who has been denied the right to get his evidence together ought to have some opportunity for a review of his case or an appeal.

Mr. BLOOM. Let me tell the gentleman that everyone who filed application to be heard or filed a claim was heard or given an opportunity to be heard.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield myself 3 additional minutes.

But I want to say to the gentleman that he must remember that this is not a dual claims commission. If you have evidence and you have a claim against Mexico you are not affected adversely because this is a United States Commission and everyone who has claims that have not had an opportunity to be heard will be heard.

Mr. PLOESER. Mr. Chairman, will the gentleman yield further?

Mr. BLOOM. Yes.

Mr. PLOESER. The point that would cause anyone to oppose this bill is not the limitation on the period for filing a claim, but the fact that there is included in this bill memoranda in the State Department freezing certain claims, which includes claims that have not reached final adjudication, and when you do that you say to these claimants that they must accept whatever this secret memorandum provides.

Mr. BLOOM. So far as the adjudication is concerned.

Mr. PLOESER. That is right.

Mr. BLOOM. What would the gentleman want?

Mr. PLOESER. I would want them to be heard and given a chance to submit their evidence.

Mr. BLOOM. They have been heard.

Mr. PLOESER. Have you ever sent for the memorandum of the State Department to be placed before your committee?

Mr. BLOOM. I do not know the memorandum that the gentleman refers to.

Mr. PLOESER. I am referring to the Underwood memoranda which were filed after the Mexican Commissioner failed to go on with the adjudication of these claims.

Mr. GILCHRIST. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. Gilchrist. I ask the chairman of this committee finally and once for all this question. Under this bill, how much, if anything, will our Government pay over and above (a) the amount we now owe to the Mexican nationals, plus (b) the amount that our Government will actually receive and have in the hands from the Mexican Government for application on claims of our nationals against the Government of Mexico?

Mr. BLOOM. The United States Government will appropriate on account of Mexican claims a sum nearly approximating $533,000. The Mexican Government obligates itself to pay into the United States Treasury $40,000,000 in United States currency at the rate of two and a half million dollars per year, until that $40,000,000 is paid. The United States Government can deduct from that $40,000,000, $2,000,000 to pay for all expenses.

Mr. GILCHRIST. We have to pay what we owe, and rightfully.

Mr. BLOOM. Yes; and the Mexican Government is giving us $40,000,000.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. THOMASON. I am in favor of this bill and expect to support it, and I think above all that these claimants who have had their claims adjudicated ought to be paid. In fact, they ought to have been paid long ago, but for the sake of argument, let us assume that an American national filed his claim, but due to some restrictions put upon the introduction of evidence by the Mexican Government, that claimant, who is acting in absolutely good faith, was denied the opportunity to get his evidence in order to present the facts about his claim. Does not the gentleman feel that some provision ought to be made by which a claimant of that kind ought to still have his day in court? I know L. M. Lawson, the Agrarian Commissioner. He lives in my city and is also the International Boundary Commissioner. He is a fair man and also very competent. I have the greatest faith in him dealing justly with all claimants coming under his jurisdiction.

Mr. BLOOM. I just informed the gentleman that they were given 7 years beyond the 6 years' time in which they were supposed to file their claims. They were repeatedly begged to submit it.

Mr. BEAM. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. BEAM. Then this $40,000,000 is to be paid into the Treasury over a period of 20 years?

Mr. BLOOM. About 13 years.

Mr. BEAM. How about these other claims that are not adjudicated and as to which the passage of this bill will act as a statute of limitation against their presentment, or any of these other cases, where final process has not been adjudicated?

Mr. BLOOM. I have explained that the $40,000,000 is to be used toward the payment of claims already passed upon and those to be passed upon by the Commission.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. EATON. Mr. Chairman, I am strongly in favor of the passage of this bill. After these negotiations have extended for 75 years, it is about time to come to some sort of a terminus, and in connection with that view, we have a treaty or convention which covers the foundation principles of the whole question, and this bill is simply an authorization to implement that convention. I think it will be an excellent thing for good will between us and Mexico. This has nothing to do with the oil problem, nothing to do with default of interest on bonds. It simply deals with questions that have been resurrected and buried and resurrected again over a period of a couple of generations, and we have come to a time now when it is possible to clean the deck, and probably begin all over again. So I am in favor of making as few and as short speeches as possible and voting on the bill.

Mr. RICH. Will the gentleman please tell me where this bill presents definite dates when all this will be finally settled? Whereabouts in the bill does it appear that it will settle the claims that we are talking about?

Mr. EATON. They will be finally settled when they are paid.

Mr. CHIPERFIELD. In section 3 it is provided that decisions must be presented within such period as may be prescribed therefor by the Commissioners. I am wondering if there should not be a limitation so that this matter will be closed up.

Mr. EATON. I once heard of a preacher who prayed himself into a good frame of mind, and then prayed himself out of it; and if we keep on fiddling around with this thing and trying to dust off every speck and investigate every comma, we will be here until midnight, and be just where we have been for several years, thanks to Brother RICH, of Pennsylvania. I think he has that in mind, but I hope he will change his mind.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. EATON. With pleasure.

Mrs. ROGERS of Massachusetts. The gentleman feels there is a treaty now, and the treaty is just as binding on individuals as it is on the Government, and the sooner we settle our contracts and our treaties the better?

Mr. EATON. It seems almost incredible that we ever could come to a settlement of these perennial matters, but I cling to the hope, like a drowning man to a straw, that this afternoon there will be wisdom enough and self-control enough in this House to put this bill through and get rid of it.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. EATON. With pleasure.

Mrs. BOLTON. Is the gentleman from New Jersey happy over the fact that we are bringing such a bill as this up at a time when there is practically no one in the House; when Members have been assured that no controversial matter would be brought up and many of them have gone home with that assurance? We had just one hearing on this matter in our committee. I understand from those who wanted to be heard before the committee that they did not have ample time given them to appear, and here we are rushing it through. Claimants could not get any sort of statement from the State Department as to what they are agreeing to if they agree. It does not seem to me that there is justification for the haste with which this thing is being done. Is the gentleman as unhappy about it as I am?

Mr. EATON. I am not particularly bowed down with grief over the situation.

Mr. RICH. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the gentleman think it would be a good thing to make a point of no quorum and see if we cannot get at least a hundred Members around here?

Mr. EATON. I think that would be a very bad thing. As long as the gentleman from Pennsylvania is here, why do we need a quorum?

Mr. RICH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 124]

Andresen, August H.	Gifford	O'Connor
Andrews	Gillette	O'Day
Arnold	Gillie	O'Leary
Baldwin	Gore	Oliver
Barden	Gossett	Osmers
Barry	Granger	O'Toole
Bates, Ky.	Grant, Ind.	Pearson
Bates, Mass.	Green	Peterson, Ga.
Beiter	Gregory	Pfeifer, Joseph L.
Blackney	Haines	Plauché
Boggs	Hall, Leonard W.	Rabaut
Boland	Hancock	Ramsay
Boykin	Hare	Randolph
Bradley, Mich.	Harness	Reece, Tenn.
Bradley, Pa.	Hart	Rees, Kans.
Buckler, Minn.	Hartley	Rockefeller
Buckley, N. Y.	Hefferman	Rockwell
Burch	Hess	Rodgers, Pa.
Butler	Hill, Colo.	Rolph
Byrne	Holbrook	Romjue
Byron	Hook	Sabath
Camp	Houston	Sacks
Cannon, Fla.	Imhoff	Sasscer
Cannon, Mo.	Jackson	Sauthoff
Capozzoli	Jacobsen	Schaefer, Ill.
Casey, Mass.	Jarman	Schulte
Casey	Jarrett	Scott
Celler	Jenks, N. H.	Shafer, Mich.
Chenoweth	Jennings	Shanley
Clark	Jensen	Shannon
Claypool	Johnson, Ind.	Sheridan
Cluett	Johnson, W. Va.	Sikes
Cochran	Jones	Simpson
Coffee, Nebr.	Kee	Smith, Pa.
Coffee, Wash.	Keefe	Smith, W. Va.
Collins	Kelly, Ill.	Somers, N. Y.
Copeland	Kennedy, Martin, J.	South
Crawford	Kennedy, Michael J.	Starnes, Ala.
Creal	Keogh	Steagall
Crosser	Kerr	Stefan
Culkin	Kilburn	Stevenson
Cullen	King	Sweeney
Cunningham	Kirwan	Taber
Davis, Ohio	Klein	Talbot
Delaney	Knutson	Tarver
Dickstein	Kramer	Tenerowicz
Dies	Kunkel	Thomas, N. J.
Dingell	Lane	Thomas, Tex.
Dirksen	Lewis	Tinkham
Disney	Lynch	Treadway
Dondero	McGehee	Van Zandt
Drewry	McGranery	Vincent, Ky.
Duncan	McGregor	Vinson, Ga.
Durham	McKeough	Vorys, Ohio
Dworshak	Maciejewski	Vreeland
Eliot, Mass.	Maciora	Wadsworth
Elliott, Calif.	Magnuson	Wasielewski
Ellis	Mansfield	Wene
Elston	Mason	West
Faddis	May	Whelchel
Fenton	Merritt	White
Fish	Miller	Wickersham
Fitzgerald	Mills, La.	Wigglesworth
Fitzpatrick	Mitchell	Williams
Flaherty	Monroney	Wilson
Fogarty	Myers, Pa.	Winter
Ford, Miss.	Nichols	Wolcott
Gamble	Norton	Wolfenden, Pa.
Gavagan	O'Brien	Youngdahl
Gibson	O'Connor	Zimmerman

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having under consideration the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico, and finding itself without a quorum he directed the roll to be called,

when 221 Members responded to their names, disclosing a quorum to be present, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its session.

The CHAIRMAN. The gentleman from New Jersey [Mr. EATON] may resume.

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, I rise once more for the purpose of obtaining some information. It appears to me that this bill may not be quite as simple as it is represented to be.

In the convention of November 19, 1941, there are exempted certain claims. I call to the attention of the chairman of the committee, that under article 2 of the convention certain claims are exempted—claims of the nationals of the United Mexican States against the United States—which were formally presented to the Government of the United States of America by the embassy of the United Mexican States in its note No. 2705, of May 16, 1941. In section 9 of the bill there is the following proviso:

SEC. 9. There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for credit of the fund established by section 8 of this act, the sum of $533,658.95, representing the total sum of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

The answer I would like to have is whether section 9 does or does not cover (b) of article 2 of the convention?

Mr. BLOOM. The gentleman has referred to both, and I would like to ask the gentleman a question. Does the gentleman mean, does this $533,000 which the Government of the United States pays to the Government of Mexico include all of the claims of Mexican nationals against the Government of the United States; because if that is what the gentleman means, the answer is "yes." The $533,000 that is placed in the Treasury of the United States to be distributed, is added to the $40,000,000. We could not very well change a convention by this legislation. Whatever the treaty calls for, as far as settlement of these claims between Mexican nationals and nationals of the United States, is what this legislation is supposed to implement.

Mr. SMITH of Ohio. Can the bill provide anything that is not in the convention?

Mr. BLOOM. Only as regards how the money is to be handled and paid out. In other words, the legislation before us now can only provide that we pay 30 or 40 or 50 percent of the $40,000,000 that is in the Treasury.

Let us say there is $6,000,000 now in the Treasury. Forty percent is to be paid to claimants whose claims have already been allowed. None of those claimants, however, who have received 40 percent will receive any more money until the other claimants have been paid 40 percent of their claims, too. Then it is proposed to distribute equally the $2,500,000 that will come in every year.

Mr. SMITH of Ohio. What I want to be certain about is whether section 9 actually covers all of the claims of nationals of the United Mexican States against the Government and nationals of the United States.

Mr. BLOOM. Yes.

Mr. SMITH of Ohio. Are there any other claims——

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 3 additional minutes to the gentleman from Ohio.

Mr. BLOOM. I said, "Yes"; but I want to add to that: The amount of money that is paid by the United States pays all the claims similar to those mentioned in the convention, and that covers everything; there is no question about it.

Mr. SMITH of Ohio. Here is another group of excepted claims of nationals of either country, those predicated upon injuries essentially personal which arose subsequent to January 1, 1927, and prior to the date of the signing of the convention. Does section 9 of the bill before us include those claims?

Mr. BLOOM. It includes claims of American nationals against the Mexican Government that our Commissioner is given power to deal with. It also includes some claims that were up before both Commissioners; that is, the agrarian claims and claims that the General Commission could not adjudicate because of lack of jurisdiction.

Mr. SMITH of Ohio. That hardly answers the question, for the gentleman's answer does not make clear whether section 9 covers the exemptions under article II.

Mr. BLOOM. I may say to the gentleman that the convention is still continued; the Commissioner to be appointed under this resolution will hear all these claims that arose subsequent to 1927.

Mr. SMITH of Ohio. But does this bill provide for covering the specific claims that the convention exempts?

Mr. BLOOM. If the convention exempts them they are not included; there is nothing about that.

Mr. SMITH of Ohio. But it includes some of those exempted in the convention.

Mr. BLOOM. Yes.

Mr. SMITH of Ohio. We are to understand then that section 9 does not include these exempted claims?

Mr. BLOOM. No; there is no question about that.

Mr. SMITH of Ohio. Here is another one: Subsection (b) of article II:

Claims of the nationals of either country, of the character of those included in paragraphs (b) and (c) of article I of this convention which arose subsequent to October 7, 1940, and prior to the date of the signing of this convention.

Mr. BLOOM. 1940 or 1941.

Mr. SMITH of Ohio. So section 9 does not cover all of the claims.

Then in subsection (e) under article II we have exempted more claims:

(e) claims of nationals of the United States of America predicated upon default in the payment of the principle or of interest on bonds issued or guaranteed by the United Mexican States, which were not filed with the Commission established pursuant to the convention signed September 8, 1923.

It appears, therefore, that this bill is far more complicated and involved than we have been led to believe up to the present time.

Mr. BLOOM. If the gentleman will permit, I should like the gentleman from Texas [Mr. JOHNSON] to answer that.

Mr. SMITH of Ohio. My time has expired.

Mr. EATON. Mr. Chairman, I yield the gentleman from Ohio 2 additional minutes.

Mr. SMITH of Ohio. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I think the gentleman's questions were very well answered in what he asked the chairman a moment ago. This convention primarily is to take care of those claims that have been considered by these three commissions made up of representatives of our Government and the Mexican Government, one covering general claims, one covering special claims, and the third covering agrarian claims. This legislation certainly would not cover any claims except those coming within these three categories.

Mr. BLOOM. Mr. Chairman, if the gentleman will yield, he is reading from article II and is reading everything that is not included.

Mr. SMITH of Ohio. That is right.

Mr. BLOOM. Why bring that up?

Mr. SMITH of Ohio. What I am trying to find out is what claims the Mexican Government now has and may have later against the Government of the United States and our nationals, and what part of such claims are covered by section 9 of this bill.

Mr. LUTHER A. JOHNSON. I can answer that question. All claims are included which have been considered by either the General Claims Commission, the Special Claims Commission, or the Agrarian Claims Commission. Claims not included in those three categories are not provided for.

Mr. SMITH of Ohio. That is not very elucidating to the House.

I am convinced there is much confusion about this measure. In my opinion, it has not had sufficient study and consideration. It should go back to the committee for further study, with hearings, that will fully clarify the problems involved.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I have requested this time to get some information. As I recall, the settlement of these claims of Mexican nationals against the citizens of the United States and citizens of the United States against Mexican nationals was initiated about 1922 or 1923 by an act of Congress. It was a Republican Congress that initiated this whole proposition, as I recall back through the years. It was President Coolidge, I believe, who in 1923 appointed the first commission.

Of course, Mexico appointed commissioners to act with our Commissioner.

If I understand this matter correctly, this General Claims Commission agreed upon a lot of claims. I assume they went over nearly all the claims. At any rate, they agreed on certain claims. Then, later on there was another commission appointed consisting of one Mexican and one United States commissioner; is that right?

Mr. LUTHER A. JOHNSON. That is right.

Mr. ROBSION of Kentucky. Those two Commissioners did not agree on any additional claims. The Mexican Commissioner withdrew, but our Commissioner went on and selected out of all the claims those that he considered just claims, 845. If I understand it correctly, the claims allowed or agreed upon by the first commission and these 845 that had been thought just by our Commissioner but had not been agreed upon by the Mexicans come together. That is, those two groups of claims together and those two groups of claims with some others make up this $30,000,000; is that right?

Mr. LUTHER A. JOHNSON. That is right, plus the agrarian claims.

Mr. ROBSION of Kentucky. Now, there are another set of claims that neither one of the three commissions have agreed upon; however, a new commission, made up of one man, Mr. Lawson, is now going over all these claims which have been denied or rejected for one reason or another by the three commissions to see if there is any claim denied, due an American citizen or national that is just and ought to be paid. It is estimated there might be $15,000,000 of those.

Mr. LUTHER A. JOHNSON. About $10,000,000.

Mr. ROBSION of Kentucky. The report estimates $15,000,000. In view of the fact that these three different commissions have heretofore combed these claims and found there are only $15,000,000 of claims left, it is very reasonable to suppose that not more than $10,000,000 of those will be found to be just and allowable. This $10,000,000 is put up to take care of those claims. If it should be found that there are $10,000,000, then the payments will be prorated.

Mr. LUTHER A. JOHNSON. They will all be prorated.

Mr. BLOOM. The first claimants will get their money now, and then they will not get any until the others come in. They will all get the same pro rata share.

Mr. ROBSION of Kentucky. Mr. Chairman, here are $40,000,000 which has been and will be paid in by the Mexican Government. No part of it has been paid or will be paid out of the pockets of the taxpayers of our country. From the great care that has been given in considering these claims, I believe they are just. A lot of them have been pending for years and years and ought to be paid. I can see no good reason why this bill should not be passed promptly and these just claims paid, especially since they will be paid by Mexican money.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we have before us today for discussion H. R. 7096, which is a bill brought before this committee by the Foreign Affairs Committee which heard only one witness, a member of the State Department. It did not open this bill up for public hearings and the committee did not give the bill the consideration that the members of the committee should have given a bill of this magnitude.

Let me recite a few things that have happened in trying to settle these Mexican claims. It is stated that these claims started away back at a time before the chairman of the Committee on Foreign Affairs was born, 1869, 73 years ago. There have been appointed three commissions to listen to the claims that have been presented to them during this time. Now they want to set up another commission of one man to hear additional claims.

Mr. Chairman, I am interested in legislation that is right and proper, legislation which will settle the differences between the claimants whether they be Americans or Mexicans involving any wrongs between the two Governments affecting the citizens of Mexico or affecting the citizens of the United States. I have no desire to hold this bill up nor to try to do an injustice to anyone. Certainly in connection with these claims that have been hanging for all these years, many of the people are dead and the estates are trying to settle them up. They should be settled, but I am going to say now that I have been here for 12 years. I have seen many commissions established, I have seen many things that had to be settled by this Government and it is a most difficult thing to get these matters to a point where they can be settled. This bill will not settle all of these claims. You will see them bob up here as long as you live unless you set a date or period within which the claims must be presented and within which all of the claims will have to be adjudicated.

Unless you bring in a bill which provides that the commission that is going to hear these claims will give consideration to everyone, but give them notice that on or before a certain date they must present evidence on their claims and that no claim will be considered after that date, and further provide that the commission must adjudicate all the claims on or before that date, you will not settle this question, I am here to tell you that.

Further, you are going to give this commission this power, and I quote from section 8 appearing on page 8 of the committee report:

> The Commission shall, at the time of entering an award on any claim, allow counsel or attorneys employed by the claimant or claimants, out of the amount awarded, such fees as it shall determine to be just and reasonable for the services rendered the claimant or claimants in prosecuting such claim, which allowance shall be entered as a part of said award.

You want the commission to determine what amount the attorneys shall be paid in connection with these claims. This may be a wise provision, but I am sick and tired of the Federal Government trying to regulate everybody's business. In the last year or so you have gotten this country into such a position that, if you do not stop it and stop it quick, you will have a regimented country because you will regulate everything. There are committees of the House considering a lot of things about rubber rationing and gasoline rationing. Now you are going to tell this commission just how much these attorneys shall be paid. It is about time that we get the Government out of business and have the Government stop snooping into everybody else's business.

The gentleman sitting back there in the Chamber, from the State Department, told me yesterday that about 3,250 claims have been presented. About 3,000 of them have been adjudicated; 250 of them remain to be adjudicated. Why do you not adjudicate these 250 claims and bring them in here with a bill and say, "We have them all adjudicated, we know how much they are, and we are going to close them up." Pay them all off pro rata.

You are supposed to get $40,000,000. The Mexican Government has paid in $6,000,000. It is going to pay $2,500,000 a year, so it will take 13 years before the Mexican Government pays all of this money. What is the rush in bringing in this bill now without proper committee hearings, and trying to say that we are going to settle part of the claims, that we will give them part of the money, and that we will wait 13 years before we get all of the $40,000,000? Does not that seem more like boys' play than good, sound business?

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from California.

Mr. HINSHAW. From the fact that a good many of the claimants continue to pay attorneys' fees trying to get some action out of the Congress, and each year it costs them more and more, does not the gentleman believe they ought to settle up these claims and get rid of the attorneys?

Mr. RICH. I want to have these claims settled, and the quicker you do it the better, but you are not going to settle them until you adjudicate all of them and notify the claimants that they cannot bring in any more claims after a certain period. A lot of lawyers around the country are trying to work up many of these claims so that they can get their fee money out of the Treasury.

Mr. HINSHAW. That is right. The lawyers who are now working on them will continue to work on them until they are finally paid. That is my point.

Mr. RICH. I think there is a lot of merit to that question. But why bring this bill here after notification that we were going to bring it in, without the committees giving it hearings except for one man from the State Department?

Is that the kind of hearing the gentleman would have by a committee before bringing in a bill of this magnitude for the House of Representatives to consider?

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. RICH. I cannot yield right now.

Mr. BLOOM. I always yield to the gentleman.

Mr. RICH. I want to tell you something.

Mr. BLOOM. The gentleman made a statement that is not so, and I resent it.

Mr. RICH. If the gentleman will give me time, when I get through answering this gentleman I will yield to him.

Mr. BLOOM. I will answer the gentleman myself. The gentleman has made a statement that is not so.

Mr. RICH. Is the gentleman mad at me?

Mr. BLOOM. No, I am not, but I want the gentleman to state the facts.

Mr. RICH. Then let me yield to this gentleman and give me a little time, and then I will answer any question the gentleman may bring up, if I can answer it.

Mr. BLOOM. No; I want to answer the gentleman. The gentleman has made a statement and I would like to answer him.

Mr. RICH. Wait. I want to tell you something of what we are doing in the country now. You ought to listen to this, too.

I have here the statement of Mr. Morgenthau, the Secretary of the Treasury. He and his predecessor, who have been in office since the New Deal came into power, have built up the greatest monument in America that we have ever had, and that monument is a $100,000,000,000 deficit. This statement shows that on the 20th of November the total debt was $99,000,000,000-plus. Every week we go into the red $1,000,000,000, so we have reached the $100,000,000,000 mark of the debt today. That is the greatest monument to inefficiency, to incompetency, and to the New Deal that has ever been built up in any nation in all the history of the world.

Now, a monument of that kind is nothing to be proud of in my judgment, because it is built on sand and that monument is going to topple over when you increase this amount another $100,000,000,000. When it topples over our nation topples over, and when that comes it will be a sad, sad day for America. I want you to bring in legislation here that is going to settle these claims once and for all. I do not want them to come to the American Treasury hereafter and try to drain it any more.

Mr. HINSHAW. I am for that.

Mr. RICH. Now if the chairman of this committee wants to give the time I will listen to his question and try to answer it.

Mr. BLOOM. I will yield myself time enough to answer.

Mr. RICH. I would like to hear the gentleman.

Mr. BLOOM. Mr. Chairman, I yield myself 1 minute to answer the gentleman from Pennsylvania.

Mr. Chairman, the gentleman from Pennsylvania [Mr. RICH] made a statement on the floor here with reference to the hearings that were held regarding this bill. The regular notice was sent out to all the Members that a hearing was to be held. Notice was sent to everyone who had signified any interest in any way in this legislation. There were several people who came—lawyers, I believe, representing claimants, but they did not ask to be heard. It was an open hearing, and the only one that we heard was a gentleman who came from the State Department. Present at this meeting were the chairman, Mr. LUTHER A. JOHNSON, Mr. JARMAN, Mr. ARNOLD, Mr. BURGIN, Mr. EBERHARTER, Mr. GREGORY, Mr. WASIELEWSKI, Mr. SIKES, Mr. DAVIS, Mr. FISH, Mr. EATON, Mr. CHIPERFIELD, Mr. VORYS of Ohio, Mr. MUNDT, and Mr. JONKMAN. There were six Republicans at the meeting that day. If they listened to the testimony, they knew what was going on. They had been there before, especially Mr. FISH and Mr. EATON, and knew all about this Mexican claims legislation. There is no reason for any Member to get on the floor here and charge the chairman of following other than the regular order with respect to hearings of this kind, and I wish the gentleman would kindly take from the RECORD any statement made to that effect.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. LUTHER A. JOHNSON. And the decision of the committee was unanimous in reporting this bill.

Mr. BLOOM. Absolutely unanimous.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I refuse to yield to the gentleman.

Mr. RICH. The gentleman does not want an answer to the question, then?

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. PLOESER].

Mr. PLOESER. Mr. Chairman, from my observation of the discussion on this bill today there seems to be a great deal of confusion. I am not at all certain I am entirely clear on the measure as it stands myself, but I am going to try to express very briefly what I understand it to be. First of all, while it has been debated, the bill does not consider or intend to consider any agreement made between the United States Government and the Government of Mexico. That has been settled by treaty. The Government of Mexico has settled for forty-some million dollars, the money to be paid into the United States Treasury. All claims eligible under that $40,000,000 therefore are no longer against the Government of Mexico, but against the Treasury of the United States and against that particular impound of money to be received from Mexico. Therefore all of the discussion that has been had here today as to whether or not there was any opportunity for review or rehearing or readjudication so far as the Government of Mexico is concerned, is just so much talk because Mexico has settled, so far as it is concerned, and is no longer interested in how much who gets of the $40,000,000. This is up to the Government of the United States.

During the course of making up this list of claimants it was difficult for many claimants to get their full and complete evidence, one reason being that much of this evidence had to be collected in Mexico where their property or claim existed and the Government of Mexico by decree, I understand, prior to 1934, and by constitutional provision since 1934, prohibited any of its citizens from in any way cooperating with any foreign nationals which might enable them to establish a claim. The result was that our people were prohibited from gathering evidence in Mexico.

In 1934 it seems that the Commission, which was composed of one Mexican Commissioner and Commissioner Underwood of the United States, had awarded 175 claims. Then extreme reticence was displayed on the part of the Mexican Commissioners and from that time on there was not any cooperation in the attempt to arrive at any further adjudication. All of the claims that were made up from that point on by Commissioner Underwood, the United States Commissioner, were eventually filed in the form of memoranda with the State Department. Secretary of State Cordell Hull himself said on March 1, 1940:

> The memoranda prepared by the American Commissioner were for use by him in connection with the arbitration and possibly by the Department in connection with later considerations of the claims. Since they have not been made up and the claims are still pending, unadjudicated, I regret that I am not in a position to furnish claimants with a copy of any of the memoranda he may have prepared in connection with any particular claim.

Mr. BLOOM. Will the gentleman yield and tell us who the letter is from?

Mr. PLOESER. This letter was not addressed to me. It was addressed to a Member of the United States Senate, but it has to do with one claim, a claim that I never heard of before, and therefore I do not want to extend that into the RECORD, because the claim is of no interest to me, nor is any other individual claim, and I do not want an individual claim referred to in this debate.

Mr. BLOOM. Will the gentleman yield?

Mr. PLOESER. I will, further, when I complete my statement. Here is the way the situation exists at the present time. Several hundred of these claimants are listed on this memorandum which has not been shown either to the claimants, nor as I understand from the debate today, to the Committee on Foreign Affairs. The memorandum is secret in the State Department. The House bill, contrary to the Senate version, which has already been passed, would freeze these memoranda so that all claimants would be compelled to accept whatever Commissioner Underwood noted in there for further use in any procedure for adjudication, and I say to you that while I am not a lawyer, that certainly seems to be un-American and an unprecedented way of accomplishing this adjudication of claims, on any equitable basis. For that reason I propose to vote against the bill. I am hopeful that the bill will be recommitted to the committee, that we might

either accept the Senate version, or have our committee iron out the difficulties between the two, so that those claimants who have not been in the group which would be established as preferred by the passage of this bill—and I am talking about the 175 just reported to me, as having been established—so that those other claimants may come in likewise and find equity in eventually arriving at what their just claims should be, and that all claims then will share in a pro rata proportion of the $40,000,000. If we do it in any other way, the 175 claims will become preferred claims, and the others will be committed by the secret memoranda that has been set up to determine their condition without having any further opportunity to present evidence which they have been able to gather since Mexico has relaxed on the enforcement of her prohibition against cooperation in the establishment of such claims.

I cannot imagine this Congress being so confused as it has been today on a matter of legislation which deals with equity to our own people, not to Mexico or Mexican people, but to our own nationals. Mexico is out of the picture so fas as the $40,000,000 are concerned, and we are now dealing with our own people and trying to give them equity. If we are doing that, then why freeze them into an inequitable situation by the preferment of these 175 claims to which I have referred, which were adjudicated before the Mexican Commissioner refused to cooperate any further? Personaliy I could not vote for this legislation in the form it is in. I am not prepared to offer the amendment that I think would probably straighten it out, and in view of that I shall vote against the bill or to recommit it to the committee.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. Yes.

Mr. BLOOM. How are you going to correct the situation? The gentleman does not seem to be consistent. If Mexico is out of the picture so far as the $40,000,000 is concerned, then how are you going to correct the picture and change the legislation? We have a treaty in existence.

Mr. PLOESER. Of course, the gentleman from New York should be able to answer that question himself.

Mr. BLOOM. I should like to have the gentleman answer it. He is suggesting it.

Mr. PLOESER. I am hoping that the gentleman will leave the way open in this legislation so that those people you are attempting to freeze by a secret memorandum in the State Department may have an opportunity for the completion of their evidence, as to what they might be expected to get in the way of a reward. The gentleman insists on confusing the issue.

Mr. BLOOM. Does the gentleman want the RECORD to show that a Senator asked the Secretary of State for information regarding these claims and that the Secretary of State refused to give the Senator the information?

Mr. PLOESER. The gentleman heard the letter read.

Mr. BLOOM. I heard something read. Does the gentleman hold that Secretary of State Cordell Hull refused to give a Senator of the United States information regarding these specific claims, for his own personal use?

Mr. PLOESER. Let me ask the gentleman this: Did the State Department give the gentleman's committee full information as to all details in that memorandum?

Mr. BLOOM. You answer my question and I will answer yours.

Mr. PLOESER. To my knowledge the State Department——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. EATON. I yield the gentleman 1 minute more.

Mr. PLOESER. And if the gentleman from New York will refrain from speaking while I am attempting to answer his question, he will be able to hear my answer. To my knowledge the Secretary of State and the State Department have refused to reveal to any of the claimants, or anyone interceding in their behalf, the knowledge of the amount suggested in this memorandum. Further, to my knowledge the gentleman's committee has never received that information against its attempt to legislate and place responsibility on Congress for an inequitable freezing of unjust amounts. I yield back whatever time I have remaining.

Mr. BLOOM. Mr. Chairman, I yield myself 1 minute to answer the gentleman. The Foreign Affairs Committee, which had this legislation under consideration, was considering a treaty. We could not go beyond that. We could not do anything else. We could not change the convention. At no time has the State Department either refused to the Foreign Affairs Committee any information on any question that was asked for the information of the committee or any of its members, but not for public news-seeking agencies, or anything like that. Naturally they did not want to give out any information. But we are only considering the articles of this convention and we cannot go beyond it. We cannot do anything else unless we change the treaty now existing between Mexico and the United States.

[Here the gavel fell.]

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield 1 minute to the gentleman from Missouri.

Mr. PLOESER. Is the distinguished chairman of the Foreign Affairs Committee attempting to tell this committee that the treaty between Mexico and the United States allowing for the payment of $40,000,000 has written into our procedure the method by which we shall make equitable distribution of that $40,000,000?

Mr. BLOOM. Oh, it does not say that.

Mr. PLOESER. That is the implication.

Mr. BLOOM. No, no. I did not say that at all.

Mr. PLOESER. Then what has the treaty to do with what bill is passed here?

Mr. BLOOM. We do not foreclose any of these other people. This treaty went into existence under arrangements made by the different commissions of Mexico and the United States. Now Mexico is out of it. The Commission now will only be a commission of the United States Government. All of these payments are made and this legislation is merely to make rules and regulations as to how this $40,000,000 should be divided. If it is to allow 80 percent or 90 or 95 percent, that is what this legislation provides for. That does not foreclose other claimants from coming in if they have a just claim.

Mr. PLOESER. Does not your bill freeze the State Department memoranda?

Mr. BLOOM. This legislation freezes nothing.

Mr. PLOESER. I do not so interpret it.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I have no further requests for time.

Mr. BLOOM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Chairman, the distinguished chairman of the Committee on Foreign Affairs has been shedding a great many crocodile tears about the poor claimants who have had claims for 75 years. I am curious to know how many of those claimants are alive today and will participate in any distribution of funds when the funds are finally distributed.

As I understand it, there are approximately 3,250 claims. Three thousand of those claims have been adjudicated. There are, however, 250 claims that have not been adjudicated. It certainly seems to me to be the fair and equitable thing to do, to report a bill that will set up a commission of three, if you please—and I am only suggesting this because the distinguished chairman wanted to know how to correct this situation—and let that commission pass on every claim there is. Then let us settle this matter at one fell swoop instead of doing it piecemeal.

It certainly seems to me that the moment you start making distribution of whatever funds you have on hand, you are going to close the door against these claimants who have not had their day in court.

May I call the attention of the Committee on Foreign Affairs to section 3 of this bill, which reads:

> For the purpose of this act, the following determinations heretofore or hereafter made with respect to claims of American nationals shall be regarded as final and binding.

As I understand that language, it means that everyone who has not had his or her claim passed on will not have an opportunity to share in this fund. We are dealing now with a matter that is solely within our control. Let us defeat this bill or send it back to the committee and then get legislation that will deal with all of the claims fairly and equitably.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Chairman, in answer to the gentleman from Pennsylvania [Mr. WALTER], who is a lawyer, and a good one, claimants whose claims will be considered, will be only those claims that have not been appraised and adjudicated. Section 3, to which the gentleman referred, enumerates the various claims that have been allowed and which will form the basis of the settlement.

In answer to his question why we should pay anybody until we receive all, the claimants whose claims have already been allowed will be only 43 percent at this time, and thereafter all of the other claims not adjudicated and appraised will be considered, and then on a pro rata basis all claims will be paid and paid alike. There will be no priority treatment, and everyone will be paid the same equitable proportion.

Mr. BLOOM. The gentleman means 43 percent of the money deposited?

Mr. LUTHER A. JOHNSON. Forty-three percent of the money deposited. I think no one who wants to protect the Treasury of the United States, least of all the gentleman from Pennsylvania [Mr. RICH], ought to oppose this bill, because we show him where we get the money in this instance, and we get it from Mexico, and we deduct 5 percent to pay overhead. So if he wants to protect the Treasury I think he should support this bill.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. Chairman, it seems to me that this bill which was presented to the Foreign Affairs Committee and considered very hurriedly one day with hearings which have not been printed, has taken on some implications and ramifications which should give this body pause to ponder before voting on the measure due to come before us.

After having more elaborate hearings on the same subject matter the Senate passed a vastly different bill from the one we are asked to pass today. This means that if this bill passes in its present form the conferees will have to write an entirely new bill to reconcile the differences between the legislation passed by the Senate and the legislation passed by the House; and since we did not have before our committee any of these people with claims who now wish to be heard, if the gentleman from Missouri carries out his suggestion and asks the committee to recommit this bill to the Foreign Affairs Committee, as one Member of the committee, I shall welcome the opportunity to hear these people and shall vote to recommit this bill for that purpose.

It seems to me this is a rather far-reaching piece of legislation. I have not any constituents out in South Dakota who have indicated an interest in this bill one way or another, but it is important enough so that we should not simply slide it through now with a bill over in the Senate already having passed, which means that the conferees meeting in secret will have to write a new bill. I feel that we should have open hearings in the Foreign Affairs Committee of the House on this legislation, and I believe the membership of the House is entitled to have printed hearings of the bill so they will know what they are voting for or against before being asked to commit themselves definitely.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. MUNDT. I yield.

Mr. BLOOM. The gentleman was present at the hearings, was he not?

Mr. MUNDT. That is right.

Mr. BLOOM. And the gentleman voted "aye" to report the bill out, and the bill was reported unanimously?

Mr. MUNDT. That is right.

Mr. BLOOM. And the gentleman made no objection to it at that time?

Mr. MUNDT. If the hearings were printed and available they would show that I did raise some questions during the course of the hearing but I made no specific objection because the State Department assured us that this was entirely a noncontroversial bill. Evidence subsequently presented, however, indicates there are some controversial features about the bill and that some people have been denied hearings who appear to have a right to be heard.

Mr. BLOOM. Has the gentleman read the report of the committee? The report is most complete and gives all the details with reference to this bill. The gentleman took no exception to the report, did he?

Mr. MUNDT. The hearings, if printed and distributed, would show that I did make some suggestions and objections at the time. I have no fault to find with the committee report so far as it goes. I simply want to be sure that no injustice is inflicted upon any citizen because he is denied his day in court. In some respects the Senate bill seems to provide a greater degree of equity.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Chairman, I am astonished to hear the remarks made by the gentleman from South Dakota, for he was present and much interested in the hearings on this measure, and everybody was given a chance to ask any question he desired. We went into the matter rather thoroughly and the bill was reported unanimously.

The gentleman from South Dakota makes the suggestion that because the Senate passed a different version of this same legislation we ought to recommit our bill. For the information of the House let me say that the bill adopted by the Senate passed by unanimous consent and without 1 minute's discussion of this very important piece of legislation, as he calls it. I cannot believe that to defer to the other body and accept a measure passed there by unanimous consent would be showing proper dignity to that branch of the Congress of which the gentleman from South Dakota is a member.

Mr. MUNDT. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. If I have time I shall be pleased to yield.

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Settlement of Mexican Claims Act of 1942."

SEC. 2. For the purposes of this act—

(a) The term "General Claims Commission" means the Commission established pursuant to the convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730).

(b) The term "Special Claims Commission" means the Commission established pursuant to the convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722).

(c) The term "Agrarian Claims Agreement of 1938" means the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively.

(d) The term "Agrarian Claims Commission" means the Commission established pursuant to the Agrarian Claims Agreement of 1938.

(e) The term "person" shall include an individual, partnership, or corporation.

(f) The term "United States" when used in a geographical sense shall include the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

(g) The term "American nationals" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States.

SEC. 3. For the purpose of this act, the following determinations heretofore or hereafter made with respect to claims of American nationals shall be regarded as final and binding:

(a) Decisions rendered by the General Claims Commission;

(b) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

(c) Appraisals made by the Commissioner designated by the United States pursuant to the said protocol in those cases in which the two Commissioners failed to reach agreements;

(d) Appraisals made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938; and

(e) Decisions rendered pursuant to sections 5 and 10 of this act.

SEC. 4. The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards or appraisals made in favor of American nationals referred to in subsections (a), (b), (c), and (d) of section 3 of this act.

SEC. 5. (a) There is hereby established a Commission, to be composed of a sole Commissioner designated by the President, which shall have authority to examine and render decisions in the following categories of claims on behalf of American nationals against the Government of Mexico:

(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission;

(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission;

(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939; and

(4) All other claims (except those predicated upon acts of Mexican authorities in relation to petroleum properties, and those filed with the General Claims Commission) which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals.

(b) All decisions shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of any independent investigation of cases as the Commission may deem it advisable to make.

(c) The Commission shall, upon the completion of its work submit a report to the Secretary of State, attaching thereto (1) a list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a statement of the reasons for the allowance or disallowance.

(d) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury a list of the awards made in favor of American nationals under this section.

SEC. 6. For the purposes of this Act appraisals made in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in those cases in which awards or appraisals bear interest, such interest shall be simple interest computed at 6 percent per annum, from the date specified in the individual awards or appraisals, to November 19, 1941.

SEC. 7. (a) Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 8 of this act, an amount not exceeding the principal of each award or appraisal certified pursuant to sections 4 and 5, plus the interest thereon, in accordance with the award or appraisal and the provisions of section 6 of this act. Such payments, and applications for payment, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) There shall be deducted from the amount of each payment made pursuant to subsections (c) and (d) of section 8, as reimbursement for the expenses incurred by the United States, an amount equal to 5 percent thereof. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) Payments made pursuant to this act, the act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, provided that if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator it may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

(2) If an award or appraisal has been made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, the Secretary of the Treasury may make payment to such person or persons found by him to be legally entitled thereto;

(3) In the case of a partnership or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(4) If a receiver or trustee for the partnership or corporation on behalf of which the award or appraisal was made has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court;

(5) In the case of an assignment of an award or appraisal, or any part thereof, or an assignment (prior to the making of the award or the appraisal) of the claim, or any part thereof, in respect of which the award or appraisal was made, by a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, such payment shall be made to the assignee, as his interests may appear; and

(6) In the case of an assignment of an award or appraisal, or any part thereof, after its certification to the Secretary of the Treasury, made in writing and duly acknowledged and filed, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interests may appear.

(d) Whenever the Secretary of the Treasury shall find that any person is legally entitled to any payment under th act, the act approved April 10, 1935 (49 Stat. 149), or the joint resolution approved August 25, 1937 (50 Stat. 783), such finding shall be an absolute bar to recovery by any other person.

(e) Nothing in the section shall be construed as the assumption of a liability by the United States for the payment or satisfaction of any claims of American nationals against the Government of Mexico.

(f) Any person who makes application for payment under this section shall be held to have consented to all of the provisions of this act.

(g) The decisions of the Secretary of the Treasury in making payments out of the Mexican Claims Fund and in making payments pursuant to the provisions of this act, of the act approved April 10, 1935 (49 Stat. 149), and of the joint resolution approved August 25, 1937 (50 Stat. 783), shall be final and conclusive and shall not be subject to review by any other officer of the Government.

Mr. BEAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as we all are aware, the so-called Mexican claims bill has been pending in the Congress of the United States for many years. It has been presented in many varied and different forms. It is considered one of the most controversial measures ever to appear in this honored and distinguished body; for the very plain and simple reason that its adoption will be a drastic change and departure in the national policy of our Government.

Do you know that the Congress of the United States has already passed 18 different appropriation measures aggregating $3,425,000 in the prosecution of these claims in behalf of our American citizens? Do you understand that claims involved in the proposed legislation go back as far as 65 years, and then, as pointed out on the floor in the course of the debate, do not constitute a full and complete adjudication of this intricate and involved affair? Only a few favored claims are given a preferential status as was so well pointed out by the gentleman from Missouri, in his discussion, a few moments ago.

As far as the $40,000,000 payment is concerned, you and I know that the Mexican Government is in no position to pay that money. There is between $300,000,000 and $400,000,000 due and owing the citizens of the United States today, from the Mexican Government, nothing of which is mentioned in this proposed legislation.

What do you suppose will be the result if we permit such legislation as is contained in this measure to become the law of the land? Why immediately, under the precedents herein established, a bill will be presented to pay the $300,000,000 or $400,000,000 obligations of the Mexican Government and open the gates to the most unbridled and unchecked raid upon the Treasury of the United States in the history of the Nation. I respectfully call the attention of the House to the fact that this sum does not include the oil wells and properties which the Government of Mexico has recently confiscated and from reliable sources, I am informed, will aggregate approximately $500,000,000.

If you write into the basic law of the land the precedents which they are attempting so to do by the adoption of this measure, you are today giving them your authorization and approval to present to the taxpayers of America, for payment, all the unadjudicated claims of the Mexican Government, the $300,000,000 to $400,000,000 outstanding obligation of the Mexican Government, and in addition to that the $500,000,000 claim of the oil companies, still undetermined.

If it is the intention of Congress to determine a policy to underwrite and pay the obligations of foreign governments with taxpayers' money of this Nation, then vote for the passage of this bill.

That is the issue, and the only issue, involved in a measure of this kind. You are today voting a declaration of policy, the ultimate effect and result upon the economic stability of our country will be impossible to predict or to foretell.

Today we are engaged in a great war to preserve our democratic form of government and for the liberty and freedom of mankind. Let us not bankrupt America by establishing precedents, as contained in the proposed legislation, which are unsound in fact and can only lead to economic disaster for our country in the future.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the distinguished gentleman from Illinois [Mr. BEAM] made a good speech, as he always does, but this time his speech was not supported by the facts. This particular bill has never been before the House of Representatives. The bill that we had before us on former occasions was a bill whereby our Government was to pay the claims, then collect it from Mexico. This bill is just the reverse of the other bill.

In this bill the Government of Mexico pays the bill and this provides for disbursing those funds among the rightful claimants.

Mr. THOM. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Ohio.

Mr. THOM. In the event that Mexico does not pay the $40,000,000, does that obligate the United States Treasury to pay the claims?

Mr. LUTHER A. JOHNSON. It does not obligate the United States for 1 penny and the Treasury will not pay out 1 cent more than it collects from Mexico. In addition to that, 5 percent is deducted from the sum paid in order to take care of the overhead expenses in disbursing the fund.

When the gentleman states that this bill is going to cost the taxpayers of the United States, he speaks without knowledge of the facts. The Mexican Government pays the money and we disburse it.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. The gentleman cannot say that there is anything in the bill which prevents the Treasury from paying out more money than it gets from Mexico.

Mr. LUTHER A. JOHNSON. I beg to differ with the gentlewoman from Illinois. She is a good lawyer, she is a good judge, and a good Member. This bill was drafted by the legal department of the State Department and by the legislating drafting branch of the House with that particular view in mind and the bill will not authorize the payment of 1 penny to anybody until it is collected from Mexico and put into the Treasury of the United States.

Miss SUMNER of Illinois. As Lincoln said, "I challenge you to name the spot." If the gentleman means page 10, paragraph (c), as has already been pointed out, that only authorizes and directs; it does not make it mandatory to not pay it.

Mr. LUTHER A. JOHNSON. The only time the Treasury can pay is when it is authorized to pay. That is the only time it is authorized to pay.

Miss SUMNER of Illinois. This town is full of lend-lease money.

Mr. LUTHER A. JOHNSON. There is no lend-lease in this.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The paragraph to which the gentlewoman referred is the one giving authority to pay out the money?

Mr. LUTHER A. JOHNSON. Yes.

Mr. ROBSION of Kentucky. Except for that language the Treasury could not pay out anything?

Mr. LUTHER A. JOHNSON. Absolutely. Here is the way the section reads, and this is the only place where the Treasury is authorized:

> The Secretary of the Treasury is authorized and directed, out of the funds covered into the fund pursuant to paragraphs 1, 2, and 4 of subsection (b) of this section, to make payments, in ratable proportions, on account of awards and appraisals certified pursuant to section 4 of this act.

The only place where it is authorized is right there. Now, make no mistake, we create a special fund from which these payments are made, from money collected from Mexico.

Miss SUMNER of Illinois. Will the gentleman state that it is not the intention of this committee or the Congress to have this money paid ahead of the time that it is received from the Mexican Government?

Mr. LUTHER A. JOHNSON. It is not only the intention not to pay it out ahead of time, but this bill will not authorize it to be paid ahead of time.

The Clerk read as follows:

SEC. 8. (a) There is hereby created in the Treasury of the United States a special fund to be known as the Mexican Claims Fund, hereinafter called the "fund." There shall be covered into the Treasury to the credit of the fund all funds hereinafter specified. All payments authorized under section 7 of this act shall be disbursed from the fund and all amounts covered into the Treasury to the credit of the fund are hereby permanently appropriated for the making of the payments authorized by section 7 of this act.

(b) The Secretary of the Treasury is authorized and directed to cover into the fund—

(1) The sum of $3,000,000, representing the total sum of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

(2) The balance of $2,573,180.40 remaining after deducting from the amount paid by the Government of Mexico upon exchange or ratifications of the convention signed November 19, 1941, the amount allocated to the settlement of special claims by section 10 of this act;

(3) The amounts hereafter paid by the Government of Mexico pursuant to the provisions of the said convention; and

(4) The sum of $533,658.95 authorized to be appropriated by section 9 of this act (in relation to claims of Mexican nationals against the Government of the United States).

(c) The Secretary of the Treasury is authorized and directed, out of the funds covered into the fund pursuant to paragraphs 1, 2, and 4 of subsection (b) of this section, to make payments, in ratable proportions, on account of awards and appraisals certified pursuant to section 4 of this act, according to the proportions which the respective awards and appraisals, exclusive of interest, shall bear to the total sum of the funds so covered into the fund.

(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the funds hereafter covered into the fund pursuant to paragraph 3 of subsection (b) of this section—

(1) To make similar payments, on account of the principal amount of such awards as may be certified pursuant to section 5 of this act, to such extent as may be necessary to bring the payments on account of such awards on a parity with the prorata payments made on account of awards and appraisals under subsection (c) of this section;

(2) After completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportion, on account of all awards and appraisals certified pursuant to the provisions of sections 4 and 5 of this act, according to the proportions which the respective awards and appraisals, exclusive of interest, shall bear to the total sum available for distribution at the time such payments are made; and

(3) After payment has been made of the principal amounts of the awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as may bear interest.

SEC. 9. There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for credit of the fund established by section 8 of this act, the sum of $533,658.95, representing the total sum of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

SEC. 10. (a) There is hereby established a Commission, to be composed of a sole Commissioner designated by the President, which shall have authority to adjudicate, in conformity with the provisions of the act approved April 10, 1935 (49 Stat. 149), claims or parts of claims which were filed both with the General Claims Commission and the Special Claims Commission and which were determined by the Commissioner referred to in section 3 (c) of this act, to fall within the purview of the convention signed September 10, 1923.

(b) After the Commission shall have determined the amount allowable on account of each claim it shall reduce the amount by 43 percent (that being the same percentage basis that the final awards of the Special Mexican Claims Commission were reduced in accordance with the provisions of section 4 of the act approved April 10, 1935) and shall enter a final award in the reduced amount.

(c) The Commission shall, not later than January 1, 1943, submit a final report to the Secretary of State, attaching thereto (1) a list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a statement of the reasons for the allowance or disallowance.

(d) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury a list of the awards made in favor of American nationals under this section.

(e) As a consequence of the determination referred to in subsection (a) of this section, and of the determination by the two Commissioners referred to in section 3 (b) of this act, that certain claims or parts of claims should be adjudicated as special claims, there is hereby allocated to the settlement of claims filed with the said Special Claims Commission the sum of $426,819.60, which sum shall be deducted from the amount paid by the Government of Mexico upon the exchange of ratifications of the convention signed November 19, 1941.

(f) The Secretary of the Treasury is hereby authorized to distribute to the beneficiaries of awards rendered by the Special Mexican Claims Commission and by the Commission established pursuant to this section, all moneys heretofore or hereafter received from the Government of Mexico pursuant to the convention signed April 24, 1934, including interest on deferred payments, and also the sum of $426,819.60 allocated by paragraph (e) of this section: *Provided, however,* That no further distributions pursuant to the act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), shall be authorized by the Secretary of the Treasury on account of awards rendered by the Special Mexican Claims Commission until the Secretary of the Treasury shall have authorized distributions to the beneficiaries of awards rendered pursuant to this section to such extent as may be necessary to place them on an equal percentage basis as to payments with the beneficiaries of awards of the Special Mexican Claims Commission: *Provided further,* That payments may be made at any time on account of distributions authorized prior to January 1, 1943, by the Secretary of the Treasury.

(g) So much of the act approved April 10, 1935, or the joint resolution approved August 25, 1937, as may be inconsistent with this act is hereby repealed.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 14, line 7, insert a new paragraph:

"(h) All allowances or awards made by the Commission may upon the application of any claimant be reviewed by the Circuit Court of Appeals of the District of Columbia."

Mr. WALTER. Mr. Chairman, I do not know whether or not the members have noticed the language contained in paragraph (a) of sec. 10:

There is hereby established a Commission, to be composed of a sole Commissioner designated by the President, which shall have authority to adjudicate—

And so on. Then, paragraph (b) in the same section provides:

After the Commission shall have determined the amount allowable on account of each claim it shall reduce—

And so on. I do not know of any man who would like to have as much power as is given to the Commission established under the provisions of this act. This man has the power to act as a judge and a jury. He can weigh the evidence, he can decide on the sufficiency of the evidence, and he can decide not to make an award because he does not happen to like the attorney who appears for the claimant. It seems to me that whoever the Commissioner is he would welcome an amendment such as the one I offer. It will certainly go to better administration. It will certainly make him more careful if he realizes that it is possible to have a court pass upon his decision.

I have suggested the Circuit Court of Appeals for the District of Columbia. I do that because the Commission will unquestionably sit in the District of Columbia.

Mr. Chairman, I trust that this amendment will be adopted.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Pennsylvania.

Mr. RICH. How does the gentleman get over the fact that section 6 (g) provides that the award shall be final and conclusive and shall not be subject to review by any other officer of the Government?

Mr. WALTER. I may say to my distinguished friend from Pennsylvania that despite a movement in that direction the courts are not yet a branch of the executive department of our Government, and a judge has never been construed as being part of the executive branch.

Mr. RICH. Does not the gentleman believe that section in this bill should also be changed?

Mr. WALTER. I do not believe that is necessary; no.

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Missouri.

Mr. PLOESER. Does the gentleman assume that his amendment would provide for sufficient delay in the settlement of all claims so that all claimants might get an equal and proportionate distribution of the total of $40,000,000?

Mr. WALTER. Unquestionably, if a claimant were to receive an amount less than his proportionate share, certainly that would be grounds for an appeal, and the court could then pass on the question of whether or not the award was adequate or whether the percentage was a proper one.

Mr. PLOESER. I yield to the legal judgment of the distinguished gentleman from Pennsylvania on the matter, and will support his amendment.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from New York.

Mr. BLOOM. Does the gentleman mean to say there would be any difference in the pro rata amount paid in the different awards?

Mr. WALTER. It is entirely possible.

Mr. BLOOM. No; the legislation specifically passes on that.

Mr. WALTER. I know all about legislation that has been passed on by members of the executive branch of the Government. It seems to me the only way we can protect any law we pass is by providing for judicial review of the decisions of the administrative branch of our Government.

[Here the gavel fell.]

Mr. EBERHARTER. Mr. Chairman, I rise in opposition to the amendment.

Generally speaking, Mr. Chairman, I am not averse to courts reviewing any decisions of administrative bodies, but I doubt if any of you can remember any other time when this Congress has set up a commission of this sort to implement a treaty and has allowed a court to review the decisions of that commission. If we adopted this amendment we would absolutely be departing from precedent because we have no precedent whatever for having a review by the courts of the decisions of any commission set up in response to a treaty.

This bill provides that these payments shall be made pro rata to every claimant who is found to have a meritorious claim. If you give 2,850 claimants whose claims have already been adjudicated the right to go into court, you will hold up the payment to every claimant who does not choose to go into court, because the Secretary of the Treasury will not be able to come to any conclusion as to what each claimant is entitled to on a pro rata basis. So if this amendment is adopted, you are in effect postponing the payment to every claimant.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. If one claimant should go into court, he could tie up the awards to all of the claimants, because they would have to wait until the litigation was concluded to know what amount the other claimants would be entitled to.

Mr. EBERHARTER. That is exactly the point I intended to make.

Mr. LUTHER A. JOHNSON. That is true——

Mr. WALTER. No, it is not.

Mr. LUTHER A. JOHNSON. Yes, it is—because the amount has to be prorated among all of the claimants.

Mr. EBERHARTER. In the amendment no time is stated when the appeal must be taken, so the matter would be tied up indefinitely; and, as I said before, we would certainly be departing from precedent.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman must bear in mind the fact that the entire fund is not going to be disbursed at one time. If the commission should decide arbitrarily or capriciously that a person did not have a good claim, certainly by the time the court passed on the question of whether or not the decision was a proper one there would still be funds available to make the distribution.

Mr. EBERHARTER. Mr. Chairman, in answer to the gentleman from Pennsylvania, I may say that the bill calls for pro rata distribution of a certain percentage of the funds immediately on hand and as they are paid, and as long as a claim is not finally adjudicated, and there may be half a dozen claims in court, the Commission and the Secretary of the Treasury would be prevented from paying any single claimant a single penny because it would be impossible to arrive at the pro rata amount to which any claimant was entitled.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. If this amendment is adopted, instead of settling these claims it would prolong the time of their payment.

Mr. EBERHARTER. It would certainly prolong the time of their payment. I think I can say that my very good friend, the gentleman from Pennsylvania [Mr. WALTER] does not want to see this bill passed at all and any amendment he offers is not for the purpose of improving the bill or helping to have the bill passed.

Mr. WALTER. If the gentleman will permit, I may say that if we are going to have such legislation I would like to see it in the best possible shape.

Mr. EBERHARTER. I do not believe the gentleman himself thinks his amendment would improve the legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER].

The amendment was rejected.

The Clerk read as follows:

SEC. 11. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to provide for the expenses of the respective commissions referred to in sections 5 and 10 of this act, including personal services in the District of Columbia or elsewhere without reference to the civil-service and classification laws; electric service, drinking water, and rooms and rent in addition, if deemed necessary by the Secretary of State, to the lawful per diem; rent, purchase of supplies and equipment, and stenographic, translating, and other services

by contract, if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); traveling expenses; communication service; purchase of lawbooks and books of reference; transportation of things; printing and binding; official cards; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified.

SEC. 12. The following provisions of law are hereby repealed:

(a) So much of the "Department of State Appropriation Act, 1936" (49 Stat. 76) of the "Department of State Appropriation Act, 1937" (49 Stat. 1320), and of the "Department of State Appropriation Act, 1938" (50 Stat. 271) as read as follows: "*Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 percent thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim."

(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: "*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts."

Mr. EATON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 15, after line 24, insert the following new section:

"SEC. 13. Nothing in this act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923."

Mr. BLOOM. Mr. Chairman, I have no objection to the amendment.

Mr. EATON. Mr. Chairman, I offer this amendment at the personal request of my distinguished colleagues the gentlemen from California [Mr. ROLPH and Mr. WELCH], who thought it better that it should be presented by a member of the committee.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Texas [Mr. LUTHER A. JOHNSON] a short while ago, in answer to our distinguished friend the gentleman from Illinois [Mr. BEAM], made a very clear and convincing statement and argument as to why this bill should pass. There is just one additional observation I want to make, and that is that the two Governments, the Government of Mexico and our own Government, have come to an agreement. This matter has been pending for many, many years. The State Department favors the bill now before the House. The Senate bill goes too far. The bill before the House is the measure which carries out the understanding between the two Governments.

The State Department very strongly urges the passage of the House bill. Coming at this particular time in the world's history, with a grave crisis confronting us, with our own Government and the Government of Mexico arriving at an agreement as expressed in the pending bill, it seems to me it would be very appropriate and very timely if our Government carried out its obligations and this body passed the pending bill. In addition to the arguments stressed by the various members of the committee, and so well expressed by our distinguished friend the gentleman from Texas [Mr. LUTHER A. JOHNSON], I call this additional observation to the attention of my colleagues, that this is a very important time for us to carry out the agreement made with out great and friendly neighbor to the south.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. BLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that the Commitee, having had under consideration the bill (H. R. 7096) to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico, pursuant to House Resolution 572, he reported the same back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered and the question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. PLOESER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. PLOESER. I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. PLOESER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PLOESER moves to recommit H. R. 7096 to the Committee on Foreign Affairs for further public hearings.

Mr. BLOOM. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit

The question was taken and on a division, there were, ayes 15, noes 70.

Mr. RICH. Mr. Speaker, I object to the vote upon the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Clerk will call the roll. The question is on agreeing to the motion to recommit.

The question was taken; and there were—yeas 31, nays 184, not voting, 214, as follows:

[Roll No. 125]

YEAS—31

Beam	Jenkins, Ohio	Pierce
Bender	Johns	Ploeser
Bennett	Kinzer	Rankin, Miss.
Bolton	Lambertson	Rankin, Mont.
Clevenger	Larrabee	Rich
Englebright	Ludlow	Rizley
Gale	Moser	Smith, Ohio
Gearhart	Mundt	Walter
Hill, Wash.	Murray	Young
Hoffman	Nelson	
Hull	Oliver	

NAYS—184

Allen, Ill.	Gwynne	Paddock
Allen, La.	Hall, Edwin Arthur	Patman
Andersen, H. Carl	Halleck	Patrick
Anderson, Calif.	Harris, Ark.	Patton
Anderson, N. Mex.	Harris, Va.	Peterson, Fla.
Angell	Harter	Pheiffer, William T.
Arends	Hébert	Pittenger
Barnes	Heidinger	Plumley
Beckworth	Hendricks	Poage
Bell	Hinshaw	Priest
Bishop	Hobbs	Ramspeck
Bland	Holland	Reed, N. Y.
Bloom	Holmes	Richards
Boehne	Hook	Rivers
Bonner	Hope	Robertson, N. Dak.
Brooks	Howell	Robertson, Va.
Brown, Ga.	Isac	Robinson, Utah
Brown, Ohio	Johnson, Calif.	Robsion, Ky.
Bryson	Johnson, Ill.	Rogers, Mass.
Bulwinkle	Johnson, Luther A.	Rogers, Okla.
Burdick	Johnson, Lyndon B.	Russell
Burgin	Johnson, Okla.	Sanders
Canfield	Jonkman	Sauthoff
Carlson	Kean	Scanlon
Cartwright	Kefauver	Schuetz
Case, S. Dak.	Kelley, Pa.	Scrugham
Chiperfield	Kilday	Sheppard
Clason	King	Short
Coffee, Nebr.	Kleberg	Smith, Maine
Cole	Klein	Smith, Va.
Colmer	Kocialkowski	Smith, Wis.
Cooley	Landis	Snyder
Cooper	Lanham	Sparkman
Costello	Lea	Spence
Courtney	LeCompte	Springer
Cox	Lesinski	Stearns, N. H.
Cravens	McCormack	Sullivan
Crowther	McGranery	Sumner, Ill.
Curtis	McIntyre	Sumners, Tex.
D'Alesandro	McLaughlin	Talle
Davis, Tenn.	McLean	Terry
Day	McMillan	Thom
Dewey	Maas	Thomason
Ditter	Mahon	Tibbott
Domengeaux	Manasco	Tolan
Doughton	Marcantonio	Treadway
Downs	Martin, Iowa	Van Zandt
Eaton	Martin, Mass.	Voorhis, Calif.
Eberharter	Meyer, Md.	Ward
Edmiston	Michener	Weaver
Engel	Mills, Ark.	Weiss
Flannagan	Monroney	Welch
Folger	Mott	Wheat
Forand	Murdock	Whitten
Ford, Leland M.	Narey	Whittington
Fulmer	Norrell	Wickersham
Gathings	O'Brien, Mich.	Wolverton, N. J.
Gerlach	O'Brien, N. Y.	Woodruff, Mich.
Gilchrist	O'Hara	Worley
Graham	O'Neal	Wright
Grant, Ala.	Pace	The Speaker
Guyer		

NOT VOTING—214

Andresen, August H.	Buckley, N. Y.	Coffee, Wash.
Andrews	Burch	Collins
Arnold	Butler	Copeland
Baldwin	Byrne	Crawford
Barden	Byron	Creal
Barry	Camp	Crosser
Bates, Ky.	Cannon, Fla.	Culkin
Bates, Mass.	Cannon, Mo.	Cullen
Beiter	Capozzoli	Cunningham
Blackney	Carter	Davis, Ohio
Boggs	Casey, Mass.	Delaney
Boland	Celler	Dickstein
Boren	Chapman	Dies
Boykin	Chenoweth	Dingell
Bradley, Mich.	Clark	Dirksen
Bradley, Pa.	Claypool	Disney
Buckler, Minn.	Cluett	Dondero
	Cochran	Douglas

Drewry	Jones	Rolph
Duncan	Kee	Romjue
Durham	Keefe	Sabath
Dworshak	Kelly, Ill.	Sacks
Eliot, Mass.	Kennedy,	Sasscer
Elliott, Calif.	Martin J.	Satterfield
Ellis	Kennedy,	Schaefer, Ill.
Elston	Michael J.	Schulte
Faddis	Keogh	Scott
Fellows	Kerr	Shafer, Mich.
Fenton	Kilburn	Shanley
Fish	Kirwan	Shannon
Fitzgerald	Knutson	Sheridan
Fitzpatrick	Kopplemann	Sikes
Flaherty	Kramer	Simpson
Fogarty	Kunkel	Smith, Pa.
Ford, Miss.	Lane	Smith, Wash.
Ford, Thomas F.	Lewis	Smith, W. Va.
Gamble	Lynch	Somers, N. Y.
Gavagan	McGehee	South
Gehrmann	McGregor	Starnes, Ala.
Gibson	McKeough	Steagall
Gifford	Maciejewski	Stefan
Gillette	Maciora	Stevenson
Gillie	Magnuson	Stratton
Gore	Mansfield	Sutphin
Gossett	Mason	Sweeney
Granger	May	Taber
Grant, Ind.	Merritt	Talbot
Green	Miller	Tarver
Gregory	Mills, La.	Tenerowicz
Haines	Mitchell	Thill
Hall,	Myers, Pa.	Thomas, N. J.
Leonard W.	Nichols	Thomas, Tex.
Hancock	Norton	Tinkham
Hare	O'Connor	Traynor
Harness	O'Day	Vincent, Ky.
Hart	O'Leary	Vinson, Ga.
Hartley	Osmers	Vorys, Ohio
Heffernan	O'Toole	Vreeland
Hess	Pearson	Wadsworth
Hill, Colo.	Peterson, Ga.	Wasielewski
Holbrook	Pfeifer,	Wene
Houston	Joseph L.	West
Hunter	Plauché	Whelchel
Imhoff	Powers	White
Jackson	Rabaut	Wigglesworth
Jacobsen	Ramsay	Williams
Jarman	Randolph	Wilson
Jarrett	Reece, Tenn.	Winter
Jenks, N. H.	Reed, Ill.	Wolcott
Jennings	Rees, Kans.	Wolfenden, Pa.
Jensen	Rockefeller	Woodrum, Va.
Johnson, Ind.	Rockwell	Youngdahl
Johnson, W. Va.	Rodgers, Pa.	Zimmerman

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. RAYBURN and he answered "no."

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Keogh with Mr. McGregor.
Mr. Gregory with Mr. August H. Andresen.
Mr. Delaney with Mr. Reed of Illinois.
Mr. Burch with Mr. Stefan.
Mr. Dies with Mr. Wolfenden of Pennsylvania.
Mr. Ellis with Mr. Jones.
Mr. Cullen with Mr. Grant of Indiana.
Mr. Drewry with Mr. Hess.
Mr. Cannon of Missouri with Mr. Douglas.
Mr. Ford of Mississippi with Mr. Fish.
Mr. Hart with Mr. Jensen.
Mr. Barry with Mr. Harness.
Mr. McGehee with Mr. Dirksen.
Mr. Cochran with Mr. Hancock.
Mr. Hare with Mr. Wolcott.
Mr. Beiter with Mr. Taber.
Mr. Mansfield with Mr. Stratton.
Mrs. Norton with Mr. Rees of Kansas.
Mr. Capozzoli with Mr. Shafer of Michigan.
Mr. May with Mr. Dondero.
Mr. West with Mr. Elston.
Mr. Buckley of New York with Mr. Gifford.
Mr. Crosser with Mr. Hartley.
Mr. Woodrum of Virginia with Mr. Thomas of New Jersey.
Mr. Celler with Mr. Kinzer.
Mr. Vinson of Georgia with Mr. Butler.
Mr. Tarver with Mr. Keefe.
Mr. Gavagan with Mr. Kilburn.
Mr. Starnes of Alabama with Mr. Powers.
Mr. Heffernan with Mr. Simpson.
Mr. Satterfield with Mr. Reece of Tennessee.
Mr. Randolph with Mr. Gehrmann.
Mr. Merritt with Mr. Rolph.
Mr. Clark with Mr. Johnson of Indiana.
Mr. Joseph L. Pfeifer with Mr. Hill of Colorado.
Mr. Green with Mr. Gillie.
Mr. Collins with Mr. Fellows.
Mr. O'Leary with Mr. Culkin.
Mr. Granger with Mr. Blackney.
Mr. Martin J. Kennedy with Mr. Fenton.
Mr. Peterson of Georgia with Mr. Crawford.
Mr. Rabaut with Mr. Baldwin.
Mr. Michael J. Kennedy with Mr. Chenoweth.
Mr. O'Toole with Mr. Gamble.
Mr. Thomas of Texas with Mr. Winter.
Mr. Fitzpatrick with Mr. Gilchrist.
Mr. Gossett with Mr. Scott.

The result of the vote was announced as above recorded.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Settlement of Mexican Claims Act of 1942."

SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the "Commission") and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $7,500 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

(b) The Commission may, subject to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under this act, and shall fix their compensation in accordance with the Classification Act of 1923, as amended.

(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this act.

(d) The authority of the Commission under this act, and the terms of office of its members, shall terminate at the expiration of 2 years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination has been made;

(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission; and

(7) Any claim decided by the General Claims Commission in which the United States filed a petition for rehearing.

(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damage suffered, or other evidence thereof which is satisfactory to the Commission.

(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make.

SEC. 4. (a) The Commission shall also have authority as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements, and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

(b) In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the

appraisals so made. Within a period of 30 days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal and certify such award to the Secretary of the Treasury.

(c) In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case and certify such award to the Secretary of the Treasury.

(d) In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith: *Provided*, That the Commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the Commission may, in its discretion, order the production of further evidence.

SEC. 5. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

(b) Each decision by the Commission pursuant to this act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

(c) In connection with any claim decided by the Commission in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 percent of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

(1) A list of all claims disallowed:

(2) A list of all claims allowed, in whole or in part (together with the amount of each claim and the amount awarded thereon), which have not been previously certified under sections 4 (b) and 4 (c);

(3) A copy of the decision rendered in each case; and

(4) A statement of the expenses of the Commission under this act.

SEC. 6. (a) For the purposes of this act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraphs (6) and (7) of section 3 (a) of this act; and

(2) Agreements reached by the commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844).

(b) The Secretary of State shall, as soon as possible certify to the Secretary of the Treasury lists of the awards and agreements made in favor of American nationals in the cases referred to in subsection (a).

SEC. 7. For the purposes of this act, appraisals made in favor of American nationals in terms of Mexicans currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 percent per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

SEC. 8. (a) There is hereby created in the Treasury of the United States a special fund to be known as the "Mexican Claims Fund," hereinafter called the "fund." All payments authorized under section 9 of this act shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 10 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

(b) The Secretary of the Treasury is authorized and directed to cover into the fund—

(1) The sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

(2) The sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

(3) Such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

(4) The sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, to make payments on account of awards and appraisals certified pursuant to sections 4 (b), 4 (c), and 6 of this act, of an amount not to exceed 30 percent of the award or appraisal in each case, exclusive of interest.

(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 10 (b)—

(1) To make similar payments of not to exceed 30 percent on account of the principal amount of the awards certified pursuant to section 5 (d) of this act;

(2) After completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

(3) After payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

SEC. 9. (a) Subject to the limitations hereinafter provided, payments pursuant to section 8 of this act, the act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) If an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(3) In the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(4) If a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

(5) If a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(6) In the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this act.

(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject

to review by any other officer of the Government.

(f) Nothing in this act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

SEC. 10. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this act.

(b) Upon the completion of the work of the Commission, the Secretary of the Treasury shall charge against the fund created by section 8 an amount equal to the expenses of the Commission certified pursuant to section 5 (d). An amount equal to the amount so charged against the fund shall be deducted from the fund and covered into the Treasury as miscellaneous receipts.

SEC. 11. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

(b) So much of the act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this act, is hereby repealed.

SEC. 12. As used in this act—

(a) The term "person" includes an individual, partnership, or corporation.

(b) The term "United States," when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

(c) The term "American national" includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

SEC. 13. The following provisions of law are hereby repealed—

(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: "*Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 percent thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim."

(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: "*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts."

Mr. BLOOM. Mr. Speaker, I offer the following amendment, to strike out all after the enacting clause and insert the bill H. R. 7096 as passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk reported the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, the Committee on Interstate and Foreign Commerce, of which I am a member, was sitting under consent of the House, when I was summoned from that committee to appear here, but I arrived too late to vote on the measure just passed. If present I would have voted for the bill.

EXTENSION OF REMARKS

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert an editorial.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposition of business of the House and any other special orders, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

ADDITIONAL JUDGE FOR FIFTH CIRCUIT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2867) to provide for the appointment of an additional judge for the fifth circuit for immediate consideration.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. WALTER. This bill provides for the appointment of an additional judge for the fifth circuit. This is the largest circuit in the United States in point of size, territory, and business. There are now five judges in the circuit, which means, of course, that two three-judge courts cannot be assembled at one time.

Mr. MARTIN of Massachusetts. Has this bill been before the House previously?

Mr. WALTER. No. I may say to the gentleman from Massachusetts that it was reported unanimously by the Committee on the Judiciary.

Mr. MARTIN of Massachusetts. When?

Mr. WALTER. This morning.

Mr. MARTIN of Massachusetts. What is the rush? Mr. Speaker, I think we ought not to take up a bill of this consequence for consideration at this late hour at night.

Mr. WALTER. I hope the gentleman will permit the bill to be passed. I may state that the gentleman from Michigan [Mr. MICHENER], a member of the committee, now present on the floor, was in favor of the bill. Everybody has been convinced that it is a necessity.

Mr. MARTIN of Massachusetts. I call attention to the fact that the hour is late and that most of the Members have left the Chamber, not knowing the bill was coming up at this time. I myself knew nothing about it.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. McCORMACK. Did not the gentleman from Pennsylvania consult with the minority leader?

Mr. MARTIN of Massachusetts. This is the first time I have heard about the bill.

The SPEAKER. The Chair suggests that the gentleman from Pennsylvania withdraw his request.

Mr. WALTER. Mr. Speaker, I withdraw the request.

The SPEAKER. The request is withdrawn.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

POSTPONEMENT OF NATION-WIDE GASOLINE RATIONING

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, the fight to postpone Nation-wide gas rationing until the facts can be fully and fairly presented to Congress and the country has aroused Nation-wide interest. It will be recalled that several days ago I introduced a resolution merely stating that it was the sense of Congress that Nation-wide gas rationing, which is to become effective December 1, should be postponed for a period of 90 days pending which time a committee of experts be appointed by the President to ascertain the necessity for so doing.

A few days ago more than 100 Members of this House met in an informal caucus to discuss this situation. I had the honor to act as chairman of that caucus which instructed me to appoint a committee to call on the various agencies of the executive branch of the Government and to use every possible means to secure a postponement of the gas rationing and if necessary to prepare legislation to present to Congress prohibiting Nation-wide gas rationing at this time. As Members know Judge HATTON SUMNERS, of Texas, chairman of the powerful Judiciary Committee, a man of great influence and power in this House, a great, loyal, sincere, patriotic, clear-thinking statesman, agreed to accept the place as chairman of a committee of 15 to perfom the duties for which the committee was appointed. A subcommittee has also been appointed,

headed by Hon. CLINTON ANDERSON, of New Mexico, which has held considerable hearings and secured valuable information, especially concerning the rubber situation. I am sure that this information will be available to Congress and the country shortly.

Within the past few days I have received literally hundreds of telegrams and letters from Maine to California with reference to this controversial matter that is causing so much anxiety, concern, and disunity in the country. More than 140 Members of the House have volunteered to say they are enthusiastically supporting our efforts, and I want to assure Members that we have by no means given up the fight.

Much has been said in the press and over the radio about the matter. Under the leave granted me I am including as a part of my remarks on this important and perplexing subject a very interesting and informative article from the National Petroleum News. It follows:

BUREAUCRATS SIC GESTAPO ON INDEPENDENT OIL MEN AS CONGRESSMEN FIGHT GAS RATIONING

(By Warren C. Platt, editor)

The "It Can't Happen Here" has happened.

In this, our free America, the Gestapo have been ordered to investigate those concerned with the great uproar of protest against the unnecessary gasoline rationing west of the Atlantic Coast area.

Even though this protest reached great volume after the protest of the voters against the New Dealers in this month's congressional and gubernatorial elections, and even though protests were made on the floor of Congress in resolutions for investigation, in statements by Congressmen and Senators and Governors for postponement of the rationing, the Gestapo were ordered out.

The press agent for Rubber Director Jeffers says they are seeking those who stirred up the protestants and who put up the money.

The magazine, Business Week, also states the above as a fact.

Earl Godwin, national radio commentator, over a national hook-up, said the same as the press agent: that Jeffers' office wanted him to kill the story of the protests, and that they were investigating the seeming leaders of the protestants.

Then, according to Congressman LUDLOW, of Indiana, Jeffers himself said there was no basis for such reports.

However, in Cleveland this week the regional director for the Office of War Information confirmed that the Federal Bureau of Investigation is investigating at the request of the Office of Price Administration, with the thought of making arrests; but, he pointed out, they were seeking only those who started rumors that gasoline rationing would be called off and not those who are protesting.

This country certainly has come to a fine pass if the rulers at Washington can call out their Gestapo whenever the criticism gets too much for them, whenever they make such serious mistakes that they have no defense.

Independent oil men have been protesting gasoline rationing because they have the facts in their own sales records as to what extent loyal American motorists are conserving their tires. Oil men would be negligent in their duty to their customers and to their country if they did not bring out these facts and ask delay of an important and drastic Government action until more such facts can be obtained.

Independent oil men are asking only for delay in rationing until the facts now developing that the people are daily doing a better job of conserving tires, can be had.

That is the part oil men have played in this storm of protest.

The protest never could have reached such large proportions, never could have gotten to congressional demand for an investigation of Jeffers and Office of Price Administration and the rubber situation, if the American people themselves did not know, each from his own actions, that what the oil men pointed out is true.

If what the oil men said—that the American motorists are today conserving their tires substantially, if not better, than the Baruch committee recommends—was false then these American motorists and their Senators and Congressmen and Governors and trade organizations never would have made the fight that they have. They would have kept silent.

As to who started the "rumors," Office of Price Administration and Jeffers could well look to themselves and their misadministration of rubber rationing. What better could start rumors of suspension of gasoline rationing than its postponement at the very last minute, especially in the face of this growing demand for postponement?

Who knows but what Congress may adopt the resolutions introduced, and who knows then but what such action may force postponement?

Is it treason to think such a thought?

Is it treason to speak it?

Is it treason to discuss it with the people's representatives?

Is it treason to work to accomplish such an end—the suspension and, yes, then the abolishment of gasoline rationing?

If such be treason, then "It Can't Happen Here" certainly has happened.

Only we don't believe it.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include therein a very informative article from a certain magazine in connection with the subject of Nation-wide Gas Rationing.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COORDINATION OF FEDERAL REPORTING SERVICES

Mr. PATMAN. Mr. Speaker, it is my understanding that the majority leader would like for the House to recess until Friday. I shall be compelled to object to this, I think, unless we can get an agreement about the passage of a bill that passed the Senate yesterday. I am sure no one will object to it.

Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill as passed by the Senate, S. 1666, to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies. That is discussed in today's RECORD commencing on page 9381.

It is a very fine bill. It passed the Senate unanimously. I am sure no one in the House will object to it, for everyone is opposed to unnecessary reports and useless questionnaires. This bill is for the purpose of reducing to the minimum the number of such useless reports and needless questionnaires.

Before noon I discussed this subject with the distinguished Minority Leader and he insisted that we have a committee report on it. The Committee on Expenditures in the Executive Departments, that has the bill for consideration, could not get a quorum this morning, but they agreed to have one tomorrow morning at 10 o'clock. They could find no objection to the bill, but everyone thought the House would be in session tomorrow. The distinguished Majority Leader thought we would be in session tomorrow and we just put it over until Wednesday. There ought not to be the delay of 1 hour or 1 minute.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, they are not going to be making many reports on Thanksgiving Day. Most business people will be in recess that day anyway. I do not know what harm will be done by having the bill go over until Friday. I do not think we should consider legislation that has never been before a committee. It is a very poor practice and it will be a discredit on Congress to take up legislation in this way.

Mr. PATMAN. May I say to the gentleman that the Senate committee went carefully into the bill and filed a report, which will be in the RECORD of today.

Mr. MARTIN of Massachusetts. I appreciate that fact and I am in perfect harmony with what the gentleman is trying to achieve, but after all, all the wisdom in the world is not in the Senate, and I say that with all courtesy.

Mr. PATMAN. In this case the gentleman is in accord with the effort of the Senate to prevent any unnecessary or useless questionnaires or reports. The author of the bill cannot be here Friday and that will have a tendency to delay the bill. The session will be over pretty soon.

Mr. MARTIN of Massachusetts. This is a very important piece of legislation and the gentleman is on the right track, there is no question about that. We talk about a lot of manpower that should be released for the war effort. By eliminating a lot of these questionnaires we can do that. So I am in sympathy with the gentleman but I insist that it go through a regular committee and be brought up here in the House in the regular way.

Mr. PATMAN. Would the gentleman be willing to meet tomorrow for that purpose?

Mr. MARTIN of Massachusetts. I will meet any time.

Mr. PATMAN. In view of that, if the gentleman is compelled to object, I hope that the gentleman from Massachusetts will not ask that we adjourn over until Friday.

Mr. McCORMACK. This colloquy is very interesting and I am very anxious to collaborate, but I insist that the majority leadership be consulted, as it is wise to do.

Mr. MARTIN of Massachusetts. The gentleman did consult with us.

Mr. McCORMACK. Let us look at this from the practical angle. Does the gentleman from Texas [Mr. PATMAN] want to take the position that in order to get this bill through tomorrow he will object to the House adjourning over until Friday, thus discommoding many Members? The gentleman cannot bring his bill up tomorrow unless the leadership consents to it and if the gentleman objects, I am going to protect the other Members. I would feel constrained to take that position, with all due respect and affection for my friend from Texas, and he knows

I have an affection for him. I could not let the matter come up until Friday, if the gentleman is going to ask us to do something that will discommode every other Member of the House, when, as a matter of fact, the bill can be brought up on Friday, and I will submit the unanimous-consent request myself.

Mr. PATMAN. If the gentleman had heard the testimony that has been presented before the Committee on Small Business of the House, he would be very anxious to have this bill passed without 1 hour's delay. The people are up in arms about these useless reports and unnecessary questionnaires. They are irritated by them and they are irritated at the Congress because the Congress will not do something about it. Now we have a bill here to do something about it.

Mr. MARTIN of Massachusetts. All we are asking is that it go before a regular committee of the House and get the approval of that committee. There is no question but what that should be done.

Mr. McCORMACK. Of course, it was intended to meet tomorrow.

Mr. PATMAN. The majority leader told me so.

Mr. MARTIN of Massachusetts. Why did not the gentleman call up this bill weeks ago?

Mr. McCORMACK. There will be no quorum tomorrow. I announced last week that the next bill after the bill we passed today would be the Panama Canal bill. There is going to be a fight on that bill so it is useless to bring it up tomorrow. There will not be a quorum present. Therefore, the common sense thing to do is to put it on the agenda for next week. The House should adjourn until Friday and then go over from Friday until next Monday. We do not want to sit on Thanksgiving Day. That is the practical thing to do. If the gentleman from Texas is out of town on Friday, I will promise to make the unanimous-consent request if he wants me to, or he may have some member of the committee make the unanimous-consent request.

Mr. PATMAN. The gentleman from New York [Mr. O'LEARY] is chairman of that committee and the gentleman from Mississippi [Mr. WHITTINGTON] is vice chairman. I feel that one of them will be here, and with the cooperation of the leadership on both sides, I will yield.

Mr. Speaker, I withdraw my unanimous-consent request.

Mr. McCORMACK. The gentleman from Texas has correctly stated the understanding, but circumstances have changed and it is simply a question of whether we want to discommode all the Members in order to please our charming friend from Texas. I know he will gladly forego that pleasure.

Mr. PATMAN. Mr. Speaker, as I stated, I withdraw the unanimous-consent request.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have a special order to speak for 15 minutes today. I ask unanimous consent that that 15 minutes may be granted me on Monday next, after disposition of business on the Speaker's table and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to speak for 1 minute at this time.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

GASOLINE AND OIL RATIONING

Mrs. ROGERS of Massachusetts. Mr. Speaker, may I say to the gentleman from Oklahoma [Mr. JOHNSON] that I hope his committee of 140 Members will remember that New England has had gasoline rationing for months, and that we should be considered also. More than that, before anything is done for any section of the country, they should see to it that New England is kept warm this winter. We will suffer greatly if something is not done. It is only just that every effort should be made to see that truck transportation is provided in other sections of the country where trucks can be used in order to release tank cars to carry fuel for New England. I maintain that tank cars are used to transport materials that are not needed in the war effort and where trucks can be used just as well. I have pleaded for weeks with the Members to have a single department to handle petroleum in order to fix the authority and to insure prompt action. The story of oil will be one of the sorriest pictures in the whole war effort because of conflicting action and delay by different departments. The situation is an incredible one. Oil has a vast importance in the war—oil for ships to carry men and equipment, gasoline and oil for airplanes and tanks, oil and gasoline to carry on on the home front. There have been good intentions here and there that have been nullified by lack of affirmative action. Good intentions do not win a war. Insofar as the east coast is concerned it looks as if the other sections are trying to hurt it. Why will you not share and share alike? Have you no shame? Will you try to secure gasoline for your sections of the country while New England faces perilous cold? Will my pleas continue to fall on deaf ears? Have you no conscience?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDERSON of California, for 30 days, on account of official business.

To Mr. MAGNUSON, for 30 days, on account of official business.

To Mr. BRADLEY of Pennsylvania, for Monday, November 23, and indefinitely, on account of official business.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three subjects, and to include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war; to the Committee on Public Lands.

S. 2449. An act for the relief of Mary Frances Hutson; to the Committee on Claims.

S. 2680. An act for the relief of Christine Lund; to the Committee on Claims.

S. 2761. An act for the relief of the First National Bank of Huntsville, Tex.; to the Committee on Claims.

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy; to the Committee on Naval Affairs.

S. 2786. An act to equalize certain disability benefits for Army officers; to the Committee on Military Affairs.

S. 2791. An act to authorize the Secretary of the Navy to pay the costs of transportation of certain civilian employees and for other purposes; to the Committee on Naval Affairs.

S. 2818. An act to provide for payment of certain travel costs of dependents of military and civilian personnel of the Army and the War Department on a mileage basis in order to promote efficiency and economy in such payments; to the Committee on Military Affairs.

S. 2822. An act for the relief of William Kovatis; to the Committee on World War Veterans' Legislation.

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States; to the Committee on Military Affairs.

S. 2826. An act for the relief of Capt. Richard Rothwell, United States Marine Corps; to the Committee on Claims.

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; to the Committee on Military Affairs.

S. 2887. An act for the relief of Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps; to the Committee on Claims.

S. 2888. An act to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941; to the Committee on Claims.

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes; to the Committee on Coinage, Weights and Measures.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1376. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina;

H. R. 1883. An act for the relief of Llewella J. Welsh;

H. R. 2217. An act for the relief of Wilson N. Yost;

H. R. 3295. An act for the relief of Kurt G. Stern;

H. R. 3478. An act for the relief of Glenn A. Pike;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5177. An act for the relief of Irving Cowen;

H. R. 5578. An act to permit the United States to be made a party defendant in certain cases;

H. R. 5651. An act for the relief of the Home Insurance Co. and the American Insurance Co.;

H. R. 6013. An act to authorize the Secretary of War to transfer certain land to the Territory of Hawaii;

H. R. 6078. An act for the relief of Katherine S. Arthur;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6176. An act for the relief of Shirley Jones;

H. R. 6380. An act for the relief of Charles S. Smith;

H. R. 6388. An act for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs;

H. R. 6751. An act for the relief of J. C. Baker;

H. R. 6817. An act for the relief of Lloyd A. Emick;

H. R. 6893. An act for the relief of N. C. Lloyd;

H. R. 6907. An act for the relief of Mrs. P. R. Yager;

H. R. 6970. An act for the relief of Carolyn D. Griffin;

H. R. 6990. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6993. An act for the relief of the estate of Marlin Croft, deceased;

H. R. 7177. An act for the relief of Earl Carbaugh;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico;

H. R. 7408. An act to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes";

H. R. 7556. An act authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; and

H. R. 7577. An act to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in active service, during the World War;

S. 2723. An act to amend the Pay Readjustment Act of 1942; and

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.), under its previous order, the House adjourned until Friday, November 27, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

1998. Under clause 2 of rule XXIV a letter from the national service director, order of the Purple Heart, transmitting the minutes of the tenth national convention of the Military Order of the Purple Heart, held at Newburgh, N. Y., August 6 to 8, inclusive (H. Doc. No. 887), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2645. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2646. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2647. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2648. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2649. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2650. Report on the disposition of record by sundry departments of the United States Government. Ordered to be printed.

Mr. WALTER: Committee on the Judiciary. H. R. 7728. A bill to provide for the appointment of an additional circuit judge for the fifth circuit; without amendment (Rept. No. 2651). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on the Merchant Marine and Fisheries. Interim report pursuant to House Resolution 281 (77th Cong., 1st sess.); without amendment (Rept. No. 2652). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. Interim report pursuant to House Resolution 281 (77th Cong., 1st sess); without amendment (Rept. No. 2653). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLAUGHLIN: Committee on the Judiciary. House Joint Resolution 359. Joint resolution to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; with amendment (Rept. No. 2654). Referred to the House Calendar.

Mr. RAMSAY: Committee on Immigration and Naturalization. H. R. 6858. A bill relating to the status of certain natives and inhabitants of the Virgin Islands; with amendment (Rept. No. 2656). Referred to the Committee of the Whole House on the state of the Union.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 7560. A bill to amend the Nationality Act of 1940 to preserve the residence for naturalization purposes of certain aliens who serve in the military or naval forces of one of the allied countries during the Second World War; with amendment (Rept. No. 2657). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS of Arkansas: Committee on Claims. H. R. 7185. A bill for the relief of Mrs. James Q. Mattox; with amendment (Rept. No. 2644.) Referred to the Committee of the Whole House.

Mr. LESENSKI: Committee on Immigration and Naturalization. S. 1099. An act for the relief of Leslie Charteris (Lesl'e Charles Bowyer Yin) and Patricia Ann Charteris; without amendment (Rept. No. 2655). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 7691) authorizing the President to present a Congressional Medal of Honor to Pvt. Leo Joseph Lopacinski; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOBBS:

H. R. 7810. A bill to provide for the appointment of an additional district judge for the northern district of Alabama; to the Committee on the Judiciary.

By Mr. McINTYRE:

H. R. 7811. A bill to grant to certain non-Indians owning land in the Wind River Reservation, Wyo., the right to renew certain leases and permits held or formerly held by them with respect to ceded lands in such reservation, and to provide for the appraisement of lands purchased or to be purchased in said reservation; to the Committee on Indian Affairs.

By Mr. SCANLON:

H. R. 7812. A bill granting free postage to members of the Women's Army Auxiliary

Corps (WAACS), and the members of the Women Accepted for Voluntary Emergency Service (WAVES), and the members of Women's Auxiliary of the Coast Guard Service (SPARS); to the committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOUSTON introduced a bill (H. R. 7813) for the relief of Max M. Levand; which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3462. By Mr. LECOMPTE: Petition of sundry citizens of Ottumwa, Iowa, urging the passage of Senate bill 860 as a contribution to a wholesome defense program; to the Committee on Military Affairs.

3463. Also, petition of the members of the Missionary Society of the First Presbyterian Church of Albia, Iowa, and of the Des Moines Presbyterial, urging that Senate bill 860 be brought before Congress and that it be acted upon favorably for the sake of our young men in training, for humanity and for the protection of our democracy; to the Committee on Military Affairs.

3464. By Mr. ANGELL: Petition of sundry citizens of Forest Grove, Oreg., asking that provision be made for the training of young men and women to fill positions of leadership during and after the present war; to the Committee on Education.

SENATE

WEDNESDAY, NOVEMBER 25, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mercies, at the ancient altar of gratitude we bow with thanksgiving that the Pilgrim faith is living still in this dear land of which they dreamed and for which they dared and died. We thank Thee that we are the spiritual heirs of those who, in spite of want and woe, erected here a faith's pure shrine and sang doxologies of praise on the bleak and wild New England coast, and, passing, left unstained what they had found—freedom to worship God. We come unto our fathers' God, their Rock is our salvation; and as we come our glad and grateful hearts are singing, "Bless the Lord, O my soul! And forget not all His benefits." May our national festival of Thanksgiving, with its wistful memories of our hearths and homes, stir us anew with the epic story of those who with the Pilgrim creed reared their altars and raised the white steeples of faith against the expanding horizon as they beat a thoroughfare for freedom across the wilderness.

Now God be praised, who hath matched us with this hour of world destiny when we are privileged with our all to defend the treasure committed to us, to guard our dream against sterner odds and darker perils than the Pilgrim mind could measure. In this agony of the world's black night make our spirits as candles of the Lord, and make our America the beacon of freedom for the whole world. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, November 23, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 622) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS of Oklahoma, Mr. CARTWRIGHT, and Mr. GILCHRIST were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 7792) to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received or disease contracted in line of duty during the World War;

S. 2723. An act to amend the Pay Readjustment Act of 1942;

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes;

H. R. 1376. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina;

H. R. 1883. An act for the relief of Llewella J. Welsh;

H. R. 2217. An act for the relief of Wilson N. Yost;

H. R. 3295. An act for the relief of Kurt G. Stern;

H. R. 3478. An act for the relief of Glenn A. Pike;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5177. An act for the relief of Irving Cowen;

H. R. 5578. An act to permit the United States to be made a party defendant in certain cases;

H. R. 5651. An act for the relief of the Home Insurance Co. and the American Insurance Co.;

H. R. 6013. An act to authorize the Secretary of War to transfer certain land to the Territory of Hawaii;

H. R. 6078. An act for the relief of Katherine S. Arthur;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6176. An act for the relief of Shirley Jones;

H. R. 6380. An act for the relief of Charles S. Smith;

H. R. 6388. An act for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs;

H. R. 6751. An act for the relief of J. C. Baker;

H. R. 6817. An act for the relief of Lloyd A. Emick;

H. R. 6893. An act for the relief of N. C. Lloyd;

H. R. 6907. An act for the relief of Mrs. P. R. Yager;

H. R. 6970. An act for the relief of Carolyn D. Griffin;

H. R. 6990. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6993. An act for the relief of the estate of Marlin Croft, deceased;

H. R. 7177. An act for the relief of Earl Carbaugh;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico;

H. R. 7408. An act to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes";

H. R. 7556. An act authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; and

H. R. 7577. An act to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes

COMPENSATION FOR LANDS SOLD TO THE UNITED STATES BY CHEROKEE INDIANS (S. DOC. NO. 288)

The VICE PRESIDENT laid before the Senate a letter from the Comptroller General of the United States, transmitting, in response to Senate Resolution 237, Seventy-seventh Congress, a report on per capita compensation for lands sold to the United States by the Cherokee Indians, which, with the accompanying report, was referred to the Committee on the Judiciary and ordered to be printed.

SETTLEMENT OF CLAIMS AGAINST MEXICO

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2528) to

provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

Mr. CONNALLY. Mr. President, I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CONNALLY, Mr. GEORGE, Mr. WAGNER, Mr. JOHNSON of California, and Mr. CAPPER conferees on the part of the Senate.

AUTHORIZATION FOR SNAKE OR PAIUTE INDIANS TO SUE IN COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 622) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCNARY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. THOMAS of Oklahoma, Mr. CHAVEZ, and Mr. MCNARY conferees on the part of the Senate.

SENATOR FROM NEBRASKA—CREDENTIALS

Mr. NORRIS. I present the credentials of my successor in the Senate, Hon. KENNETH S. WHERRY, and ask that they be read by the clerk.

The VICE PRESIDENT. The credentials will be read.

The credentials were read, and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF NEBRASKA

At an election held on the 3d day of November, A. D. 1942, KENNETH S. WHERRY was elected to the office of United States Senate for a term of 6 years, beginning January 3, A. D. 1943, and ending January 3, 1949.

DWIGHT GRISWOLD,
Governor.

Attest:
[SEAL] FRANK MARSH,
Secretary of State.

SENATOR FROM GEORGIA—CREDENTIALS

Mr. GEORGE presented the credentials of RICHARD B. RUSSELL, duly chosen by the qualified electors of the State of Georgia a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

PETITION

Mr. CAPPER presented a petition, numerously signed, of sundry citizens of Reno County, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

RESOLUTION OF TRADES AND LABOR COUNCIL, NASHVILLE, TENN.

Mr. MCKELLAR presented a resolution of the Trades and Labor Council, adopted at Nashville, Tenn., relating to the conscription of labor, which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Whereas there is a constant agitation in certain quarters for the conscription of labor; and

Whereas love of freedom, purchased for Americans with the lifeblood of the heroes of the Revolutionary War, has become so firmly implanted in the souls of free American citizens that the very suggestion of conscripted or enforced labor is repulsive to the liberty-loving people of the United States; and

Whereas this Nation has grown strong and powerful because it is made up of a free people; and

Whereas free labor will win this war for continued freedom: Therefore, be it

Resolved by the officers here assembled representing the State Federations of Labor of Kentucky, Arkansas, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, and North Carolina, That the lawmakers and citizens of the United States give due and thorough consideration of the seriousness of this proposed conscription of labor; it is further

Resolved, That in the event labor is conscripted in the name of national security, management likewise shall be so conscripted to serve the Nation in the same manner that labor is to be conscripted, should this drastic action be taken; it is finally

Resolved, That all labor represented by the above-named State federations of labor is hereby urged by these federation officials here assembled to fully and completely accept the conditions of conscription when our Commander in Chief says that the time has arrived for such conscription, trusting our Commander in Chief's sense of fairness and love of equal treatment to all, to conscript industry, business, and management at the same time and in the same way that labor may be conscripted.

GASOLINE RATIONING IN THE MIDWEST—PETITION

Mr. REED. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD, without all the signatures attached thereto, a petition regarding gasoline rationing in the Midwest, signed by 87 citizens of Syracuse, Kendall, and Coolidge, Kans.

There being no objection, the petition was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, without all the signatures attached, as follows:

SYRACUSE, KANS., *November 20, 1942.*

Senator CLYDE M. REED,
Washington, D. C.

DEAR SENATOR REED: We farmers of Hamilton County, who are trying to produce food in sufficient quantities to meet the demands of our Army and their Allies, feel that we must have as much or more transportation miles in 1943 as we had in 1942. So far the certificate of war necessity permits issued have been so low that we will be unable to continue farming operations anywhere near the scale of past years.

We respectfully ask that gasoline or so-called tire mileage be abolished for producers of food and fabric.

Sincerely,

T. J. POTTER, *Syracuse, Kans.*
WAYNE L. ROGERS, *Kendall, Kans.*
G. E. WILSON, *Coolidge, Kans.*
(And 84 other citizens of Syracuse, Kendall, and Coolidge, Kans.)

OVERTIME PAY FOR FEDERAL CUSTODIAL EMPLOYEES

Mr. DAVIS. Mr. President, I have received 25 letters or more from members of the United Federal Custodial Employees Association, requesting early and favorable consideration of Senate bill 2666, which provides overtime pay for all employees of the Federal Government.

This bill is now on the Senate Calendar, having been recently reported from the Committee on Civil Service by the junior Senator from New York [Mr. MEAD]. I have conferred with the Senator from New York, who informs me that it is his purpose to ask for consideration of the bill during the coming week. I am in sympathy with the purposes of the bill, and shall vote for its passage.

I ask unanimous consent that one of the letters may be printed in the RECORD, and that the names signed to the other letters may also be printed in the RECORD, and that the letters lie on the table.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the letters were ordered to lie on the table, and one of the letters, together with the signatures to all the letters, was ordered to be printed in the RECORD, as follows:

UNITED FEDERAL CUSTODIAL EMPLOYEES ASSOCIATION, INC.,
Philadelphia, Pa., November 17, 1942.

Honorable United States Senate, in Congress assembled, Washington, D. C.

GENTLEMEN: Senate bill 2666 which provides overtime pay for all employees of the Federal Government, is about to be considered by the Senate.

This bill with its amendments should give the custodial employees some definite compensation so that they will not meet the same fate as they did under the H. R. 6217 bill. It would therefore be very much appreciated if you gentlemen could and would use your good offices to advance the early passage of this just bill for the relief of this large group of worthy Federal custodial employees, especially since this group of employees are the most underpaid group of the entire Federal service.

Our hope and our trust is in your hands, gentlemen, and we pray for the passage of this S. 2666 bill.

Sincerely and respectfully yours,

JOSEPH JONES,
Employee, Custodial Service.

The signers to the letters presented by Mr. DAVIS, all of Philadelphia, Pa., are as follows:

Maurice S. Durnell, Jos. Segal, Walter C. Witmer, Matthew D. Fox, Emilio Spurri, William C. Peters, Alvin MacNew, John J. Goodwin, Charles Amato, Milton Friedman, John Occhinto, Wm. A. Overline, Geo. McCarthy, John W. Mizell, Salvatore Trubiano, Charles E. Matthews, Robert A. Frame, Michael J. Finley, James P. Mealiff, Ernest McDavid, Giuseppe DeVirgilio, Peter Marek, John R. Tate, Collier Tucker, John R. Hayes, Philemon J. Wilson, Jr., Blagoje Vasiliev, Herbert W. Lee, Hugh Nichols, Matthew Fowler, Angel A. Moals, George W. Evans, John Thomas, Robert

F. Wright, Clarence E. Barton, John D. Jenkins, Charles L. O'Neill, Ernest Searcy, Clarence Lee, Irvin Pollard, William McNeill, Anthony DeLuca, Antonio Scrocca, Columbus S. Wall, Rosario DiNoia, Harry Smith, Felix Canteimi, Henry Morris, Robert F. McHugh, Wm. J. Lang, Oliver J. Markley, Alexander Carfagno, Dennis J. Gilmore, A. P. Birkenmaier, Edward C. Reinking, Robert S. Davis, Arthur Smith, John J. Scott, Dansley C. McNeill, George Myers.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WHEELER, from the Committee on Indian Affairs:

S. 2707. A bill extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians; without amendment (Rept. No. 1707).

By Mr. VAN NUYS, from the Committee on the Judiciary:

S. 2754. A bill to eliminate private suits for penalties and damages arising out of frauds against the United States; without amendment (Rept. No. 1708); and

S. 2774. A bill to amend section 36 of the Criminal Code; with an amendment (Rept. No. 1709)

By Mr. MALONEY (for himself and Mr. TAFT), from the Committee on Banking and Currency:

S. 2560. A bill to provide for the effective utilization of existing stocks of rubber tires, to aid in making rubber tires available for essential uses, and for other purposes; with amendments (Rept. No. 1710).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 2385. A bill to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma; with an amendment (Rept. No. 1711);

S. 2744. A bill to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.; without amendment (Rept. No. 1714);

H. R. 4578. A bill to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes; without amendment (Rept. No. 1715);

H. R. 4635. A bill to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor; with amendments (Rept. No. 1712); and

H. R. 5359. A bill to declare that the United States hold certain lands in trust for Indian use; with amendments (Rept. No. 1713).

By Mr. SHIPSTEAD, from the Committee on Indian Affairs:

H. R. 4321. A bill for the benefit of the Chippewa Indians of Minnesota; without amendment (Rept. No. 1716).

By Mr. BULOW, from the Committee on Indian Affairs:

S. 2712. A bill for the relief of Victoria Jessie Lodge Skin, now Standing Bear; without amendment (Rept. No. 1717).

By Mr. WALLGREN, from the Committee on Indian Affairs:

S. 2829. A bill to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; without amendment (Rept. No. 1719); and

S. 2830. A bill to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket Irrigation District, Washington, and for other purposes; without amendment (Rept. No. 1718).

EXECUTION OF OBLIGATIONS UNDER CERTAIN TREATIES WITH PANAMA—REPORT OF COMMITTEE ON FOREIGN RELATIONS

Mr. CONNALLY. Mr. President, from the Committee on Foreign Relations I report back favorably, with amendments, the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments, and I submit a report (No. 1720) thereon.

I ask unanimous consent that the minority of the committee may have leave to file minority views.

The VICE PRESIDENT. Without objection, that request is granted; and the joint resolution reported by the Senator from Texas will be placed on the calendar.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. GEORGE, from the Committee on Finance:

John J. Curley, of Boston, Mass., to be comptroller of customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Samuel T. Ladd, whose term of office expired on March 31, 1942; and

Several assistant dental surgeons to be passed assistant dental surgeons in the Public Health Service.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Several persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VAN NUYS:

S. 2905. A bill to make it a criminal offense for certain escaped convicts to travel from one State to another; to the Committee on the Judiciary.

By Mr. BANKHEAD:

S. 2906. A bill to set aside certain provisions of orders and regulations requiring the registration and inspection of tires and tubes; to the Committee on Banking and Currency.

By Mr. NYE:

S. 2907. A bill authorizing the Postmaster General to grant leaves of absence without pay to fourth-class postmasters who desire to engage in war work; to the Committee on Post Offices and Post Roads.

HOUSE BILL REFERRED

The bill (H. R. 7792) to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad was read twice by its title and referred to the Committee on Finance.

UTILIZATION OF STOCKS OF RUBBER TIRES—AMENDMENT

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 2560) to provide for the effective utilization of existing stocks of rubber tires, to aid in making rubber tires available for essential uses, and for other purposes, which was ordered to lie on the table and to be printed.

TRANSPORTATION FACILITIES IN THE WAR EFFORT

Mr. O'DANIEL. Mr. President, I send to the desk a resolution and ask that it receive consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 317) was read as follows:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized to make such an investigation and study as it deems advisable in the public interest with respect to matters presented to the committee from time to time relating to the use of various types of transportation facilities in connection with the war effort. The committee shall report to the Senate from time to time the results of any investigations and studies undertaken pursuant to this resolution, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and Seventy-eighth Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $1,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. McNARY. Mr. President, the resolution may be very worthy, and I think it is, but in my opinion the Committee on Commerce already has full jurisdiction to proceed in the way indicated by the resolution. The resolution would have to go to the Committee on Commerce and be reported, and then go to the Committee to Audit and Control the Contingent Expenses of the Senate, which would result in some delay. Unquestionably it comes within the jurisdiction of the Committee on Commerce, and if funds were provided out of the contingent fund of the Senate for that committee it could proceed in the fashion indicated without any resolution. I have not any objection to the resolution being submitted, of course, and referred to the committee.

Mr. BARKLEY. I think the resolution should go to the Committee on Commerce.

Mr. O'DANIEL. That course is entirely satisfactory to me. I intended that the resolution be referred to the Committee on Commerce.

The VICE PRESIDENT. The resolution will be referred to the Committee on Commerce.

Mr. WHEELER subsequently said: Mr. President, a few minutes ago a resolution was submitted by the Senator from Texas [Mr. O'DANIEL], and request was

made that it be referred to the Committee on Commerce. It would authorize the committee to make an investigation and study, as it deemed advisable in the public interest, with respect to matters presented to the committee from time to time relating to various types of transportation facilities in connection with the war effort.

I have conferred with the junior Senator from Texas, and he tells me the resolution is not intended to provide for a general investigation of transportation, but in the language in which it is written the resolution should properly go to the Committee on Interstate Commerce, and I ask that it be referred to that committee.

The VICE PRESIDENT. The resolution will be so referred.

CONTINUANCE OF INVESTIGATION RELATING TO INDUSTRIAL AND SYNTHETIC ALCOHOL AND SYNTHETIC RUBBER.

Mr. GILLETTE. Mr. President, on behalf of the distinguished chairman of the Committee on Agriculture and Forestry [Mr. SMITH] I submit a resolution for appropriate reference.

The resolution (S. Res. 318) was referred to the Committee to Audit and Control the Contingent Expenses, as follows:

Resolved, That the authority of the Senate Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, under Senate Resolution 234, Seventy-seventh Congress, agreed to March 5, 1942 (providing for an investigation with respect to industrial alcohol, synthetic alcohol, and synthetic rubber), is hereby continued during the Seventy-eighth Congress; and the limit of expenditures under such resolution is hereby increased by $5,000.

PRODUCTION, TRANSPORTATION, AND USE OF FUELS IN CERTAIN AREAS WEST OF MISSISSIPPI RIVER

Mr. CLARK of Missouri (for himself, Mr. REED, Mr. THOMAS of Oklahoma, Mr. GILLETTE, Mr. CONNALLY, Mr. TRUMAN, and Mr. CAPPER) submitted the following resolution (S. Res. 319), which was referred to the Committee on Interstate Commerce:

Whereas the region lying between the Mississippi River and the Rocky Mountains and between the United States-Mexican and the United States-Canadian borders provides the major portion of the national production of crude petroleum and natural gas and a supply of coal ample for its regional needs; and

Whereas due to confusion of authority and of exercise of war powers delegated by the Congress relating to production, transportation, and use of essential fuels and other materials, this region is threatened with a shortage in the supply of these essential fuels which are produced within its borders: Therefore be it

Resolved, That a special committee of five Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete study and investigation with respect to the production, transportation, and use of fuels, including coal, natural gas, petroleum, fuel oil, and gasoline, in the region lying between the Mississippi River and the Rocky Mountains and between the United States and Mexican border and the United States and Canadian border. The committee shall report to the Senate as soon as practicable the results of its study and investigation, together with its recommendations, if any, for legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh and Seventy-eighth Congresses, to employ such experts and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $_____, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ALLOWANCES OF OFFICERS AND WARRANT OFFICERS COMMISSIONED OR APPOINTED IN THE ARMY

Mr. HILL. Mr. President, on Monday last the Senate on the call of the calendar passed the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof. In the bill as passed there is a typographical error on page 2, line 8 where the word "June" appears instead of "April." I ask unanimous consent to reconsider the votes whereby the bill was ordered to a third reading and passed, so that the error may be corrected and the bill passed again.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the votes are reconsidered. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 8, after the word "on," it is proposed to strike out "June" and insert "April."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POSTMASTER NOMINATIONS REPORTED AND CONFIRMED

Mr. McKELLAR. Mr. President, the Post Office Department has advised me that Erwin D. Keys, who has been nominated to be postmaster at Earlsboro, Okla., is about to be inducted into the military service. The Department desires that the nomination be confirmed immediately. So, as in executive session, from the Committee on Post Offices and Post Roads I report the nomination favorably, and ask unanimous consent that it be confirmed. It has the approval of both Senators from Oklahoma, and it is necessary that the nomination be confirmed today. I also ask that the President be notified.

The VICE PRESIDENT. The nomination will be stated.

The legislative clerk read the nomination of Erwin D. Keys to be postmaster at Earlsboro, Okla.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and, without objection, the President will be immediately notified.

Mr. McKELLAR. Mr. President, if I may be indulged a moment further, the Senator from Indiana [Mr. VAN NUYS] would like to have confirmed the nomination of Fred W. Mullin to be postmaster at Muncie, Ind. So, as in executive session, from the Committee on Post Offices and Post Roads I report the nomination and request its confirmation, and that the President be notified.

The VICE PRESIDENT. The nomination will be stated.

The legislative clerk read the nomination of Fred W. Mullin to be postmaster at Muncie, Ind.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and, without objection, the President will be notified.

THE GENERAL PRICE LEVEL

Mr. THOMAS of Oklahoma. Mr. President, from time to time I have taken occasion to call the attention of the Senate to the position of the general price level. Since 1926 the price level has been below 100 until within the last week when it rose above 100. On last Thursday the price level stood at 100.1, which meant that the dollar had lost value and was worth only 99 cents and 9 mills. The price level is now above 100 to the extent of one-tenth of 1 percent. I ask unanimous consent that I may insert in the RECORD as a part of my remarks an editorial which appeared in the New York Times of November 23 entitled "The 1926 Dollar."

The VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE 1926 DOLLAR

This week the Bureau of Labor Statistics index of wholesale prices crossed 100. The general price level was back to the 1926 level. The 1926 dollar, which 9 years ago was the objective of our national monetary policy, has returned. That the event has attracted so little attention indicates how far we have traveled from the point of view of 1933.

It was just 9 years ago that we were deep in the Warren commodity dollar experiment, designed to bring commodity prices back to 1926 averages. If we could not do it one way, we were going to do it another. The motto was: "Do it we will." Now, not we but war has done it, and done it at a time when our national policy was no longer to raise commodity prices, but to keep them as far as possible from rising.

It may help to give perspective to our current anxieties about inflation to be reminded that, after 3 years of rising wartime prices, we have only just achieved the almost forgotten goal of 1933. But it would be foolish to assume that, just because our prices now have only returned to 1926's "normalcy," all of the talk about inflation is exaggerated. The point is that 9 years ago, with all our pulling and hauling, we could not get a price rise really going; today for all our holding

back and sitting on the lid, prices continue to creep up. The general level of wholesale prices now is up better than 34 percent since war began. The 1926 dollar we have now recovered will only buy what 75 cents would have bought in August 1939, and it will only buy what 66 cents would have bought in 1933.

There is one goal of 1933 that we can well return to now, at least as an ideal, if not an altogether likely attainment. In 1933 the hope was that, once we had attained the 1926 dollar, we should "seek to establish and maintain a dollar which will not change its purchasing power during the succeeding generation." Right now that means doing all we can to keep prices from rising any further.

CRITICISMS OF DOMESTIC POLICIES

Mr. THOMAS of Oklahoma. Mr. President, following the insertion of the editorial, I ask unanimous consent to have printed in the RECORD as a part of my remarks a copy of a letter I have just sent to Mr. Leon Henderson.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 24, 1942.

Hon. LEON HENDERSON,
Office of Price Administration,
Washington, D. C.

DEAR MR. HENDERSON: My mounting volume of mail criticizing our domestic policies contains one letter which I consider significant. This letter is from a responsible citizen of my State of Oklahoma and opens with the following statement:

"If I had my choice of shooting a German, Jap, or a Washington bureaucrat, I honestly believe I would shoot the bureaucrat first."

Complaints are general with respect to the following policies:

(a) Labor;

(b) Farm prices and farm labor;

(c) Rationing of goods wherein no shortage exists;

(d) The threat of an order rationing gasoline; and

(e) The multiplicity of forms, reports, and questionnaires to be filled out and filed.

The growing discontent is being leveled first, at so-called bureaucrats and, second, at the Congress. Many of our citizens believe that they are being liquidated, not because of necessity but rather because department heads are trying to inaugurate and place in effect a system of regimentation which is altering, unnecessarily, their plan of doing business and way of life.

One highly intelligent correspondent writes:

"The big protest is over the rules and regulations prescribed by the bureaucrats. Congress passes a law, the law gives some board, bureau, or commission the authority to prescribe the rules and regulations under which to administer the law. Though the bureaucrats might be as wise as Solomon, still they could not prescribe rules and regulations applicable to the entire country."

It is alleged:

(1) That the wage scales approved for industrial workers are entirely out of harmony with the wages permitted to farm labor because of the restrictions on ceilings of farm products.

(2) That farm boys and farm labor have been drafted for the military service when there is a threatened food shortage.

(3) That agriculture is as much of and as necessary a war industry as munition making and should be recognized and treated as such.

(4) That in the fruit and berry sections the citizens were and are unable to can and preserve their accustomed food supplies because of inability to get sugar when there was no shortage of sugar.

(5) That used and commercially nonvaluable tires have been confiscated at a time when public junk yards are piled high with worthless tires.

(6) That worthless tires have been taken and no effort made to accumulate good rubber in the form of surplus inner tubes.

(7) That there is no shortage of gasoline and no rationing order should be issued applicable to those sections where gas can be had at no cost to, or inconvenience, or retardation of the war effort.

(8) That so many forms, reports, and questionnaires are demanded to be filled out and filed that citizens are embarrassed, slowed down, and disgusted.

Let me be entirely frank. The number and tone of my letters, messages, and calls have caused me to ponder as to what should and can be done to check and abate this increasing storm of criticism and discontent. If the threatened gas-rationing order is issued, applicable to my State of Oklahoma, I am unprepared to forecast the result. However, I am certain that the effects will be so terrible as to cause a suspension of many essential war activities—not the least of which will be food and fiber production.

The order, if issued, will affect adversely every citizen, industry, school district, village, town, city, and county as well as the State itself. The State and our several subdivisions will lose a heavy tax on gasoline, and, of course, all will suffer. If our people cannot get gas, they will be forced to store their cars, trucks, and tractors, and the State, in addition to losing the tax, will lose the registration-tag fees.

Our counties and cities use taxes on gas for road- and street-improvement purposes. Many of our bonds, both principal and interest, are based upon the tax on gas; hence, the effect of the loss of such funds will be more than local in effect. Our people use cars, trucks, and tractors almost exclusively; hence, gas rationing will deprive our people of both transportation and power facilities.

Our section is not comparable to the eastern seaboard section, where it is a physical impossibility to get the gas for lack of transportation facilities. We have the gas, plenty of it, available on short hauls, by any one of many means. Having the gas at no cost of transportation facilities and at no added drain upon our war effort, our citizens think they should not be interfered with so long as they have tires for their vehicles. When their tires are worn out and they can no longer secure replacements, they will thoroughly understand the reason and then they will have no just complaint.

If the order is issued at a time when they have tires and a surplus of gas, the complaints will be universal. Inasmuch as our domestic economy has been built on rubber, it seems to me that the sane and sound policy would be to try to get gas to all points of the country to serve the essential demands and needs of our people. Such policy would not demand that any gas-rationing order be issued for either those States which have ample gas or those States which may secure the necessary gas without making an added demand on our public transportation systems.

The people of the East understand that it is for the want of transportation facilities that they are unable to secure the gas they need, and it would seem that they should have no just complaint because other sections more fortunate should be allowed to use gas which is plentiful on every hand.

The storm against useless orders which is rapidly developing prompts me to send you this communication. I trust that it will have the consideration which I think it deserves.

Respectfully submitted.

ELMER THOMAS.

MEN AND MANAGEMENT IN AMERICA—THE HERALD TRIBUNE FORUM—ADDRESS BY W. M. JEFFERS

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an address, entitled "Men and Management in America," delivered by W. M. Jeffers, Rubber Director of the United States, at the Herald Tribune Forum in New York City on November 16, 1942, which appears in the Appendix.]

ADDRESS BY HON. FRANCIS B. CONDON, ASSOCIATE JUSTICE, SUPREME COURT OF RHODE ISLAND

[Mr. GREEN asked and obtained leave to have printed in the RECORD the address delivered by Hon. Francis B. Condon, Associate Justice of the Supreme Court of Rhode Island, on the occasion of the unveiling of the honor roll in the town of Warren, R. I., on November 15, 1942, which appears in the Appendix.]

ECONOMIC ASPECTS OF GRAIN PRICES—STATEMENT BY H. C. FILLEY

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a statement on the economic aspects of grain prices made before the Senate Committee on Agriculture and Forestry by H. C. Filley, Overseer, Nebraska State Grange, which appears in the Appendix.]

WILLKIE IN THE FOG—EDITORIAL FROM THE NEW YORK DAILY NEWS

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an editorial entitled "Willkie in the Fog," published in the New York Daily News, which appears in the Appendix.]

RATIONING OF FUEL OIL

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article by Ben W. Gilbert, entitled "War's Drain on Oil Hints New Cut in Home Usage," from the Washington Post of November 25, 1942, which appears in the Appendix.]

SURPLUS OF $75,000,000 LEFT BY GOVERNOR LEHMAN

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article by Warren Moscow from the New York Times of Monday, November 23, 1942, entitled "Dewey To Inherit $75,000,000 Surplus from Lehman Rule," which appears in the Appendix.]

VOCATIONAL REHABILITATION

[Mr. LANGER asked and obtained leave to have printed in the RECORD a letter received by him from Edward Erickson, State Director for Vocational Education and Vocational Rehabilitation of North Dakota, relating to Senate bill 2714, which appears in the Appendix.]

GASOLINE RATIONING

Mr. CAPPER. Mr. President, I want the Senate to know what the Office of Defense Transportation did to one Charles Johnson, of Trousdale, Kans., who operates a farm in Edwards County, in the matter of gasoline rationing for his farm truck. H. A. Borgelt, secretary of the Edwards County War Board, has sent me detailed statements concerning three farmers of Edwards County, covering their farm operations and what allowances were made by the O. D. T.

I believe anyone who reads this record will understand why the farming sections of the Nation have been protesting so indignantly the past few weeks over gasoline rationing. I quote from the letter of the secretary of the Edwards County War Board:

Mr. Johnson lives 15 miles from Belpre, Kans., and 19 miles from Macksville, Kans.,

the two towns which are used for the sale of grains. Mr. Johnson owns a Hudson pick-up, ¾ ton in size, and for the total operation in 1943 he was granted 840 miles by the Office of Defense Transportation. Mr. Johnson farms land that is from 1 to 3 miles from the place where he lives. The following figures, totaling 8,954 miles, are the mileage needed to produce the crops and livestock as indicated.

Mr. Johnson has 4,500 bushels of wheat on hand, can haul 50 bushels per load, and each trip will require 30 miles, or a total of 2,700 miles.

Hauling wheat from the combine, 45 bushels per load or 100 trips, at an average of 3 miles per trip, 300 miles. Hauling corn, grain sorghums, and barley from 250 acres or 5,000 bushels at 50 bushels per load at a 3 mile trip requires 300 miles of driving.

Livestock requirements: Grinding and hauling, 4,000 bushels of grain for 140 head of hogs at 60 bushels per load on an average trip of three-fourths mile totals 43 miles.

Marketing the hogs: Seven loads to Wichita, a total trip of 240 miles or 1,680 miles. Seven loads of hogs to Larned at 61 miles per round trip or a total of 427 miles.

Grinding and hauling 150 tons of roughage for 40 head of cattle at a load of one-half ton for trips of 3 miles each. This would require 900 miles.

Marketing cattle would require 5 trips to Wichita at 240 miles per trip or 1,200 miles, and 5 trips to Larned at 61 miles per trip or 305 miles.

Caring for cattle while on pasture in the summertime would require two 6-mile trips each week or a total of 144 miles.

Putting out 258 acres of wheat would require 40 days with a total of 8 miles per day would require 320 miles.

Caring for 250 acres of spring crops would require 60 days at 8 miles per day or 480 miles.

Since no horses are on this farm, haying is done with power machinery and the truck. A total of 150 miles is used for this purpose.

This would require a total of 8,954 miles to operate this farm and only 840 were allowed.

Mr. President, if this case is typical—and apparently it is—there is gross mismanagement of gasoline rationing in the matter of farm trucks. In this particular case, enough gasoline was allowed to enable Mr. Johnson to use his truck 840 miles during the year, whereas it is indicated that his necessary farming operations require sufficient gasoline to enable him to use it 8,954 miles, or forego its use to such a point that farm production will be decreased.

Mr. President, I think it is time some sense was put into the rationing program. Such instances as this, coming at the same time when we are told from the White House itself that it is proposed to have the farmers of the United States feed a good part of the world, do not indicate that sound sense and good judgment are being used in the bureaus which have taken over the conduct of the running of the affairs of the Nation.

I ask unanimous consent to have placed in the RECORD, as a part of my remarks, the entire letter from Secretary Borgelt of the Edwards County War Board.

Mr. President, I have just been informed by telephone from the Office of Defense Transportation that instructions have been, or are being, issued to district O. D. T. offices to ration gasoline for farm trucks in accordance with the recommendations of the county war boards. That will correct these cases, and, to this extent, is a move in the right direction, but I think we had better go ahead and find out what else is being done in the rationing program, for it is very likely there are similar instances along other lines, judging from the hundreds of complaints coming to my office every day as to what gasoline and fuel rationing threatens to do to farming and all lines of industry and business in my section of the country.

I also ask to have placed in the RECORD a telegram just received by me from the City Commission of Wichita, complaining that the rationing program there threatens to cripple plane production at the war plants near Wichita, together with other telegrams relating to the same subject matter.

There being no objection, the letter and telegrams were ordered to be printed in the RECORD, as follows:

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS,
Kinsley, State of Kansas.

Hon. Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR MR. CAPPER: At the present time there seems to be a lot of confusion among farmers in regard to truck gasoline rationing. According to the regulations, farmers were to estimate as nearly as they possibly could the number of miles which it would take for their trucks so that food could be produced on the farm. Undoubtedly, those in charge of the Office of Defense Transportation believed that the farmers turned in incorrect figures or the Office of Defense Transportation officials are not familiar with farm trucking.

Personally, I do not believe that it is the intention of the Office of Defense Transportation to cut farm trucking mileage to the extent that it is going to have an effect upon crop and livestock production. But as the certificates of war necessity are being returned to the farmers, we find that many of them have inadequate mileage for their essential needs.

The farmers in Edwards County are doing all they possibly can from the standpoint of food production to win the war. Even with increasing labor shortages, livestock production is soaring. I would like to present to you these figures in regard to livestock production for Edwards County to indicate what the trend is. Each year we make surveys among all the farmers in Edwards County in regard to livestock production. We have already made the survey for production in 1943. In 1942 in Edwards County there were 13,009 head of beef cattle marketed in the county. At the present time, however, farmers in the county own 40,882 head of beef cattle. This is more than three times the number which we had in 1942. From a standpoint of hog production, in 1942 farmers marketed 11,082 hogs. In 1943, however, plans have been made for the slaughtering of 22,653 head. Lamb production is also on an increase in the county. In 1942 resident farmers owned 16,400 head of sheep and at the present time there are 37,598 lambs on wheat pasture.

It would certainly be disastrous if truck rationing were responsible for farmers cutting down on production because they could not amply take care of their livestock. I would like to give you several illustrations which have been called to my attention in regard to the mileage farmers were given by the Office of Defense Transportation. In presenting these farm needs to you I would like for you to know that I worked with the farmers on estimating the work that they had to do, and I will say in every case that it is the minimum mileage that the farm can be operated upon and it is much less than was used last year, even though a smaller number of livestock were kept.

CASE NO. 1: EMIL FISHER, PELLSBURG, KANS.

Mr. Fisher lives 17½ miles from the nearest town in which grain can be sold. He operates approximately 900 acres of farming land. Besides raising wheat and spring crops, he feeds approximately 1,000 lambs, has 75 head of cattle, and raises approximately 75 hogs per year. Mr. Fisher asked for 15,000 miles from the Office of Defense Transportation. He was granted 5,950 miles with a minimum average load of 2 tons for the year for a truck rated at a 1½-ton capacity. These are some of the jobs that must be done on this farm within the next 12 months.

To haul 22,000 bushels of grain that is now stored on farms to Lewis, Kans., a distance of 17½ miles, or a round trip of 35 miles, hauling 125 bushels per load. This would make a total of 6,442 miles.

The 960 lambs that Mr. Fisher now has is creating a problem for him with trucking limitations. He keeps them on wheat pasture approximately 7 miles from his house, and it is necessary to visit them twice daily until approximately March 20, to take water to them. This would require approximately 3,840 miles.

Besides hauling water for the sheep, he will need to make allowance for the hauling of roughage on days when the wheat is covered with snow. We have estimated that there will be approximately 30 days that it will be necessary to do this. Since the round trip is 19 miles, it would require approximately 480 miles.

Mr Fisher keeps his 75 head of cattle in a pasture 5 miles away from home which would require 10 miles for a round trip. It necessitates a trip to his pasture approximately once each week during the summer months. This would necessitate another 600 miles.

It is almost impossible to estimate the number of miles that will be needed during harvest, since it is hard to know the amount of trouble that he will have. By not making all estimates, we will include only those jobs which he knows will be done.

Mr. Fisher has at the present time 320 acres of wheat, which we estimate will make 15 bushels per acre. He averages approximately 50 bushels to the load when scooping it into the bin. This would take 96 trips at a distance of a mile per trip, totaling 96 miles.

From a standpoint of corn and grain sorghums, Mr. Fisher will plant approximately 400 acres, and from this he estimates a production of 5,000 bushels. Hauling on an average of 75 bushels per load from fields, which are a mile away from home, would require 135 miles of driving. In order to have ample feed for livestock, it is necessary to put up approximately 300 tons of silage. The work is done with a field ensilage cutter and a truck is used to transport the ensilage from the field to the silo. On an average year it will take approximately 2 miles driving per ton of ensilage, or a total of 600 miles.

Hogs are usually marketed at Wichita. It would require 3 trips to market 75 head, with a total of 250 miles per trip, or a total of 750 miles. Additional livestock hauling on a farm would be cattle. Each year 6 trips on the average are made to the pasture to take livestock, with a total mileage of 60.

Of the ground for crops, 480 acres of wheat will be seeded in 1943. On the average farm it would take approximately 48 days to prepare and drill this land. At least three trips daily are made to the fields during this period, with an average mileage of 2 miles per round trip, or a total of 288 miles.

Approximately 400 acres of row crops and spring crops will be planted on this farm, and in order to adequately take care of these crops at least 65 days will be spent in the field. On the average, three trips will be made each

day of 2 miles each, or a total of 390 miles will be required to take care of row crop work. No allowances have been made for break-downs, trucking cattle to the farms, trucking sheep to railroad stations, grinding feed, getting protein supplementals to the farm, keeping the farmstead sanitary, or any other type of work that its nature cannot be exactly determined.

The total mileage given above will total 13,691 miles, and, as I stated before, only 5,950 miles were allowed. If an increase in mileage cannot be obtained, the first decrease in production will be in the sheep project. Mr. Fisher states that he would immediately ship the lambs that he has on wheat pasture to market.

CASE NO. 2: CHARLES JOHNSON, TROUSDALE, KANS.

Mr. Johnson lives 15 miles from Belpre, Kans., and 19 miles from Macksville, Kans., the two towns which are used for the sale of grains. Mr. Johnson owns a Hudson pick-up, ¾ ton in size, and for the total operation in 1943 he was granted 840 miles by the Office of Defense Transportation. Mr. Johnson farms land that is from 1 to 3 miles away from the place where he lives. The following figures are the mileage needed to produce the crops and livestock as indicated.

Mr. Johnson has 4,500 bushels of wheat on hand, can haul 50 bushels per load, and each trip will require 30 miles, or a total of 2,700 miles.

Hauling wheat from the combine, 45 bushels per load, or 100 trips at an average of 3 miles per trip, 300 miles. Hauling corn, grain sorghums, and barley from 250 acres, or 5,000 bushels at 50 bushels per load at a 3-mile trip requires 300 miles of driving.

Livestock requirements: Grinding and hauling 4,000 bushels of grain for 140 head of hogs at 60 bushels per load on an average trip of three-quarters of a mile totals 48 miles.

Marketing the hogs: Seven loads to Wichita, a total trip of 240 miles, or 1,680 miles. Seven loads of hogs to Larned at 61 miles per round trip, or a total of 427 miles.

Grinding and hauling 150 tons of roughage for 40 head of cattle at a load of one-half ton for trips of 3 miles each. This would require 900 miles.

Marketing cattle would require five trips to Wichita at 240 miles per trip, or 1,200 miles, and five trips to Larned at 61 miles per trip, or 305 miles.

Caring for cattle while on pasture in the summertime would require two 6-mile trips each week, or a total of 144 miles.

Putting out 258 acres of wheat would require 40 days, with a total of 8 miles per day, would require 320 miles.

Caring for 250 acres of spring crops would require 60 days, at 8 miles per day, or 480 miles.

Since no horses are on this farm, haying is done with power machinery and the truck. A total of 150 miles is used for this purpose.

This would require a total of 8,954 miles to operate this farm and only 840 were allowed.

CASE NO. 3: WILLIAM KURTH, OFFERLE, KANS.

Mr. Kurth lives 7½ miles from Offerle, Kans., the nearest grain buying station. He has a 1½-ton Ford truck, and was allowed 1,440 miles for the year. The following jobs are those which will be done on his farm during the next 12 months.

Hauling 4,000 bushels of wheat at 75 bushels per load at 15 miles per round trip, making a total of 810 miles.

Marketing seven loads of livestock, with an average distance to market of 60 miles, making a total of 450 miles.

Taking care of cattle by feeding rough feed, 150 days with an average mileage of 2 miles per day, 300 miles.

Putting out crops: 280 acres of wheat would require 45 days, with the average driving of 12 miles per day, or a total of 540 miles.

Putting out spring crops and summer fallow on 290 acres would require 55 days, with an average of 11 miles per day, or a total of 650 miles.

Harvesting 280 acres of wheat and hauling 4,200 bushels of wheat, at 75 bushels per load on trips that will average 6 miles, 360 miles.

Harvesting and caring for 150 acres of spring crops will require 60 days, with 16 miles per day, or a total of 960 miles.

In order to operate this farm it will require at least 4,050 miles of driving. Only 1,440 miles were allowed.

I have a number of other cases worked up in detail which will clearly show the need of additional mileage on trucks for farmers. But these three are perhaps an average sample of the allowances by the Office of Defense Transportation.

The majority of applications were cut from 50 percent to 75 percent of the mileage requested.

We hope that you will use your influence in any way possible to correct this situation.

Sincerely yours,

H. A. BORGELT,
Secretary, Edwards County War Board.

WICHITA, KANS., *November 24, 1942.*

Hon. ARTHUR CAPPER,
United States Senate:

At a meeting of the board of city commissioners of November 23, 1942, the following resolution was adopted and the city clerk directed to transmit copy of same to you:

"Whereas there are now insufficient mass-transportation facilities in the metropolitan area to move the necessary workers to carry on war industries from and to their places of work; and

"Whereas in the opinion of the Board of Commissioners of the City of Wichita the commencement of gasoline rationing on December 1, 1942, would paralyze the carrying on of the necessary war industries in this community; Now, therefore, be it

"*Resolved*, That the Board of Commissioners of the city of Wichita go on record as opposing rationing of gasoline in this community until there are sufficient tires and other equipment for mass transportation in order that workers may be transported to and from their places of work in the necessary war industries so important in the efficient prosecution of the war."

C. C. ELLIS, *City Clerk.*

WICHITA, KANS., *November 24, 1942.*

Hon. ARTHUR CAPPER,
United States Senate:

We are heartily in accord with Speaker RAYBURN'S ideas—at least the postponement of gasoline rationing until a thorough investigation is made and the actual necessity for this movement is shown.

Upon the present basis it threatens to paralyze the economic life of this part of the country due to the fact we are entirely without mass-transportation facilities except in cities similar to Wichita which have bus service, and that is already greatly overtaxed. We represent 800 independent firms and individuals who are entirely in accord with any curtailment necessary for the war effort, but we do think gasoline rationing should be investigated more thoroughly in the Middle West States.

NEIL C. KREECH,
President, Wichita Independent Businessmen's Association.

NATOMA, KANS., *November 24, 1942.*

Senator ARTHUR CAPPER:

Office of Price Administration form R–535 for gas rationing does not fit the farmers and stockmen in Middle West. They are made for the industrial East where drives are short. Out here farmers and stockmen have 10 to 18 miles to town and farther west from here the distance to town is farther. Do what you can.

V. R. PARKER.
GEORGE GREENE.
GUS BREEDEN.

BENTON, KANS., *November 24, 1942.*

Senator ARTHUR CAPPER,
Washington, D. C:

Gasoline ration will seriously impede our work at the aircraft plants. No subways or elevateds here.

GERALD PITCHER.
MYRL PITCHER.
JIM ROBINSON.
RICHARD BALLY.
LINCOLN KELLY.

CALL OF THE ROLL

Mr. BARKLEY. Mr. President, I may say to Senators that the President of Ecuador is to be the guest of the Senate today, and is ready to enter the Senate Chamber. It had been my hope that unanimous consent might be obtained so that, following the reception to the President of Ecuador, the Senate would stand in adjournment until Friday. I do not know of anything particular to come before the Senate.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OVERTON in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	O'Mahoney
Andrews	Gillette	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Bankhead	Herring	Reed
Barkley	Hill	Schwartz
Bilbo	Johnson, Calif.	Shipstead
Brewster	Johnson, Colo.	Shott
Brown	Kilgore	Spencer
Bulow	La Follette	Stewart
Bunker	Langer	Taft
Burton	Lee	Thomas, Idaho
Byrd	Lucas	Thomas, Okla.
Capper	McKellar	Thomas, Utah
Caraway	McNary	Truman
Chavez	Maloney	Tunnell
Clark, Idaho	Maybank	Van Nuys
Clark, Mo.	Mead	Wagner
Connally	Millikin	Wallgren
Danaher	Murdock	Wheeler
Davis	Nelson	White
Doxey	Norris	Wiley
Ellender	Nye	Willis
George	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness.

The Senator from Washington [Mr. BONE] has been called out of the city on important public business.

The Senator from California [Mr. DOWNEY], and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from Kentucky [Mr. CHANDLER] is absent on official business.

The Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana

[Mr. MURRAY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Georgia [Mr. RUSSELL], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. McNARY. The Senator from Michigan [Mr. VANDENBERG], the Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDING OFFICER. Seventy-one Senators have answered to their names. A quorum is present.

VISIT TO THE SENATE OF HIS EXCELLENCY, CARLOS ALBERTO ARROYO DEL RIO, PRESIDENT OF THE REPUBLIC OF ECUADOR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Chair appoint a committee of four Senators to greet the President of Ecuador and to escort him into the Chamber; and I ask that the Senate stand in recess during the proceedings incident to the reception of the President of Ecuador, and that at the conclusion of the ceremonies the Senate then adjourn until 12 o'clock noon Friday next.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. CONNALLY. Mr. President, reserving the right to object, does the Senator's request contemplate a recess at this time?

Mr. BARKLEY. Yes; that is included in the request.

Mr. WILEY. Mr. President, reserving the right to object, did the distinguished majority leader ask that immediately after the Senate shall have heard the address by the President of Ecuador, it then stand adjourned?

Mr. BARKLEY. Yes; that was my request.

Mr. WILEY. That will give no opportunity for any Senator who may wish to speak in the Senate today to do so.

Mr. BARKLEY. If the request be granted, of course it will not. If any Senator wishes to make a speech I am willing to modify the request, so that the Senate may reconvene after the ceremonies are concluded, and listen to any speeches Senators may desire to make.

Mr. WILEY. May I ask the distinguished majority leader at what time he expects the President of Ecuador to address the Senate?

Mr. BARKLEY. Immediately. I do not wish to shut off any Senator who desires to make a speech. I did not know that any Senator wanted to make a speech.

Mr. WILEY. I will say that I had desired to speak for about 10 minutes. I had expected that the Senate would reconvene, as is the custom, after the President of Ecuador concluded his address, though probably some Senators would leave the Senate Chamber at the conclusion of the ceremonies, but I have some ideas I should like to present.

Mr. BARKLEY. Mr. President, I will modify the unanimous-consent request, and ask that the Senate reconvene upon the call of the Chair following the ceremonies which are about to take place.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and the Chair appoints the Senator from Kentucky [Mr. BARKLEY], the Senator from Oregon [Mr. McNARY], the Senator from Texas [Mr. CONNALLY], and the Senator from Kansas [Mr. CAPPER] as the committee to greet the President and escort him into the Chamber.

Pursuant to the unanimous-consent agreement, the Senate will now stand in recess, subject to the call of the Chair.

The Senate being in recess, at 12 o'clock and 28 minutes p. m., His Excellency, Carlos Alberto Arroyo del Rio, President of the Republic of Ecuador, escorted by the committee appointed by the Vice President, consisting of Mr. BARKLEY, Mr. McNARY, Mr. CONNALLY, and Mr. CAPPER, entered the Senate Chamber.

The President of Ecuador was accompanied by His Excellency Vicente Illingworth, Minister of Finance of Ecuador; Señor Capitán Colón Eloy Alfaro, Ambassador Extraordinary and Plenipotentiary of Ecuador; the Honorable Dr. Caton Cardenas, Senator; the Honorable Dr. Manuel Benigno Cueva, Senator; the Honorable Dr. Pedro Hidalgo, Deputy; the Honorable Dr. José Ricardo Chiriboga, secretary general of the Presidency; Col. Pablo Borja, military aide; Maj. Gabriel Gallegos, aide de camp; Maj. Juan Ramirez, aide de camp; Lt. Eloy Alfaro, secretary; Señor Agustin Arroyo, secretary; and Brig. Gen. Ralph H. Wooten, United States Army, and Capt. Frank Loftin, United States Navy, military and naval aides, respectively.

The President of the Republic of Ecuador, having been escorted to a place on the rostrum in front of the Vice President's desk and the distinguished visitors accompanying him having been escorted to places assigned to them, the Vice President said:

Members of the Senate, ladies and gentlemen, our friend, the President of Ecuador.

[Applause, Senators and occupants of the galleries rising.]

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF ECUADOR

The PRESIDENT OF ECUADOR. Señor Presidente del Senado, señores Senadores, señoras y señores, me siento sumamente honrado de poder dejar oír mi voz ante el Senado de los Estados Unidos de América. Este acto tiene para mí un significado especial, porque es la oportunidad en que la voz de un pueblo sudamericano viene a resonar en este precinto augusto.

Se necesita que la voz de todos los pueblos de América se confundan. Se necesita que América tenga una sola palabra. Se necesita que América tenga en sus labios un solo canto. Se necesita que América tenga en su corazón un solo sentimiento. Y se necesita que América tenga una sola esperanza, la esperanza en el triunfo definitivo y absoluto de América. Y ningun lugar más adecuado para que la voz de América se deje oír que el Senado de los Estados Unidos de América. Porque el Congreso de cualquier país constituye la encarnación de su pueblo, pero el Congreso de los Estados Unidos constituye la encarnación más exacta de un pueblo que vivió siempre para el esfuerzo de la Libertad y para las luchas por la Democracia.

En los pueblos de América se ha seguido con verdadero interés la marcha del Parlamento de los Estados Unidos. Allí sabemos cuál ha sido el camino verdaderamente glorioso que ha tenido este Parlamento. Allí hemos conocido cuál ha sido su obra, desde las declaraciones del Congreso de Philadelphia, donde se consolidó la independencia de los Estados Unidos. Allí sabemos cuál es la preocupación con que el Congreso de los Estados Unidos atiende y mira la hora actual para la humanidad.

En mi país, yo también fuí miembro del Senado. Tuve la honra de ser Presidente del Senado. Yo sé perfectamente cómo, desde los asientos que Ustedes ocupan, ahora un legislador se identifica con el sentir de su pueblo. Yo sé cómo un legislador procura traducir de la manera más exacta el sentimiento del pueblo que representa.

Vamos a tener que hacer una América nueva: Una América en la cual se halla una idea que predomine, y es la idea de la Justicia. Ustedes, los ciudadanos de los Estados Unidos, tienen un gran símbolo, y ese símbolo es Jorge Wáshington. Wáshington fue un hombre que rindió culto a la Verdad. Fue un ciudadano que hizo de su vida un ejemplo de rectitud. Estamos en una hora en que América necesita que se hable la verdad; en una hora en que se requiere que América obre con indiscutible rectitud. Nosotros en la América del Sur tenemos también nuestros hombres representativos. Lo que se necesita ahora es que estos hombres no sean los representantes de un solo país, sino que sean los representantes de todo un continente.

Yo hago votos por que cuando llegue la hora de la paz, que será la hora de la más estrecha confraternidad americana, Wáshington sea nuestro, y Simón Bólivar os pertenezca también a vosotros. Las figuras que hoy dirigen la marcha de los Estados Unidos son para nosotros conocidos. El Presidente de los Estados Unidos tiene un nombre que es conocido en la América Latina. El Vicepresidente WALLACE, que es Presidente del Congreso, tiene una figura que ha despertado también el interés de la América Latina.

Os repito mi agradecimiento, señores Senadores, por haberme recibido en esta casa, y os aseguro que en el Ecuador, un país pequeño de Sudamérica, tendrán un amigo decidido que, si no puede prestarle todo esfuerzo de un apoyo material, le prestará el contingente entusiasta de toda su voluntad y todo el esfuerzo que seabposible realizar para la causa común en que está empeñada hoy el continente americano.

[Prolonged applause, Senators, distinguished visitors, and occupants of the galleries rising.]

During the course of its delivery the address of the President of the Republic of Ecuador was translated into English by Senor Francisco J. Hernandez. The English translation is as follows:

Mr. Chairman, honorable Senators, ladies, and gentlemen, I am profoundly honored at being permitted to address the Senate of the United States of America. I consider this event to be of particular significance, for in it lies the opportunity for the voice of a South American nation to be heard in these august precincts.

It is essential that the voices of all the American nations be merged. It is essential that America speak with a single voice, that on its lips there be a single chant, and that in its heart there be a single impulse. And it is essential that America harbor a single hope, the hope for the final, decisive victory of America. And there is no place in which the voice of America can be heard more fittingly than in the Senate of the United States of America, because the Congress of any nation is the incarnation of its people, but the Congress of the United States is the most exact incarnation of a people which has always fought for liberty and democracy.

In the American nations the march of the United States Congress has been followed with keen interest. There we know the truly glorious history of this Parliament. There we have known of its work from the first declarations of the Continental Congress of Philadelphia, wherein the independence of the United States was crystallized. There we know of the concern with which the United States Congress awaits and contemplates humanity's present crisis.

In my own country, I, too, have been a member of the senate. I had the honor of being chairman of the senate. And I am perfectly aware of how, from the bench which they occupy, legislators identify themselves with the will of their people. And I know how legislators attempt to translate, as exactly as possible, the will of the people whom they represent.

We must create a new America: An America in which one ideal shall predominate—the ideal of justice. You, the citizens of the United States, have a great symbol, and that symbol is George Washington. Washington was a man who worshipped truth. He was a citizen whose life was one of exemplary uprightness. We have reached the hour in which America must speak truly, the hour in which America must act with an unassailable uprightness. We in South America likewise have our representative men. But what is needed now is that these men be the representatives of an entire continent, rather than of a single nation.

I pray that, when the hour of peace is at hand, that hour in which the brotherhood of America shall be stronger than ever, Washington may also be ours, and Simon Bolivar may likewise belong to you. The President of the United States has a stature well known to us in Latin America. And Vice President WALLACE, the Presiding Officer of this Chamber, is likewise of a stature that has awakened the interest of Latin America.

Permit me to reiterate my thanks, Honorable Senators, for the welcome which you have given me to this Chamber. I can assure you that in Ecuador, although but a small South American country, you have a determined friend, which, even though it cannot give you all the material assistance which it desires to give, can give the enthusiastic support of its wholehearted will and whatever effort it can make on behalf of the common cause which America has adopted today.

Following his address, the President of the Republic of Ecuador and the distinguished visitors accompanying him were escorted from the Chamber.

At 12 o'clock and 42 minutes p. m., the Senate reassembled, when it was called to order by the Presiding Officer (Mr. O'MAHONEY in the chair).

The PRESIDING OFFICER. The Chair desires to announce that Senators who desire to greet the visiting South American statesmen may retire and assemble in the office of the Vice President.

CONFIRMATION OF NOMINATION OF ROY SCHRODER

Mr. McKELLAR. Mr. President, on the Executive Calendar of today is the nomination of Roy Schroder, of Florida, to be Work Projects Administrator for Puerto Rico and the Virgin Islands. The nomination has been favorably reported. It meets with the approval of both Senators from Florida. They have asked me to request confirmation of the nomination. I therefore ask unanimous consent that, as in executive session, the nomination be confirmed, and that the President be immediately notified.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed; and without objection, the President will be immediately notified.

CONFIRMATION OF POSTMASTER NOMINATIONS

Mr. McKELLAR. Mr. President, as in executive session, I ask unanimous consent for the confirmation of the postmaster nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the nominations? The Chair hears none. Without objection, the postmaster nominations are confirmed en bloc.

Mr. McKELLAR. I ask that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

ADDITIONAL RESOURCES OF STRATEGIC AND CRITICAL RAW MATERIALS

Mr. TAFT. Mr. President, on the call of the calendar on Monday last, the Senate agreed to Senate resolution 301, calling upon various departments of the Government for reports on the development of strategic materials. The resolution provided that the reports must be submitted by November 1, 1942. The resolution had been on the calendar for about 3 months. I ask unanimous consent that the resolution, which is merely a Senate resolution, be corrected by inserting the date December 31, 1942, instead of the date November 1, 1942.

Mr. BARKLEY. Several Senators have suggested that the vote by which Senate Resolution 301 was agreed to be reconsidered, so that the date may be given a little further consideration. If that is not objectionable to the Senator, probably that would be the best course.

Mr. TAFT. That would be agreeable.

Mr. BARKLEY. I ask unanimous consent, therefore, that the vote by which Senate Resolution 301 was agreed to on the call of the calendar on Monday last be reconsidered. Inadvertently the resolution carried the impossible date of November 1, 1942.

The PRESIDING OFFICER. Without objection, the vote by which Senate Resolution 301 was agreed to is reconsidered, and the resolution will be restored to the calendar.

Mr. TAFT. Mr. President, would it not be possible to correct the date to December 31, 1942, and agree to the resolution at this time?

Mr. BARKLEY. Let it go over until Friday.

The PRESIDING OFFICER. The resolution will go over.

REPORTS TO CONGRESS IN CERTAIN DEPORTATION CASES

Mr. MALONEY. Mr. President, on Monday last, while the calendar was being called, I temporarily left the Chamber. Upon my return I found that two bills which had been reported from the Committee on Immigration had been passed over. Neither of the bills is controversial, and I ask unanimous consent that they be considered at this time.

The bills are Nos. 1718 and 1719 on the calendar. The first of the bills, House bill 6450, would amend the Immigration Act so as to provide a change in procedure in the reporting by the Department of Justice concerning deportation proceedings, and otherwise. Under existing law the Department makes an annual report. Under the provisions of the bill the report to Congress would be made periodically.

The other bill, House bill 4167, provides for the naturalization of certain alien veterans of the World War.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut for the immediate consideration of the two House bills referred to by him?

Mr. McNARY. Mr. President, the able Senator has spoken to me touching the objectives in respect to House bills 6450 and 4167, calendar nos. 1718 and 1719. It seems that both bills have been reported favorably by the Department of Labor, and that the Immigration Committee has been unanimous in reporting them favorably. Therefore, I have no objection; but I hope that other requests will not be made because I should like to have the Senate keep the remainder of the calendar in its present status until we have a calendar day.

Let me ask the able majority leader whether it is anticipated that the calendar will be called on Monday.

Mr. BARKLEY. No; except for the fact that the Committee on Claims has today authorized the report of approximately thirty or forty House bills dealing with private claims, and they must be enacted soon in order to have the docket cleared. Therefore, in view of that situation, I had hoped there might be a call of the calendar not later than Monday, possibly on Friday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the first bill will be stated.

The Senate proceeded to consider the bill (H. R. 6450) to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, which had been reported from the Committee on Immigration with an amendment, on page 1, line 7, after the word "session" and the period, to insert: "Between the second and third sentences of the subsection insert: 'These reports shall be submitted on the 1st and 15th day of each calendar month in which the Congress is in session.'"

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATURALIZATION OF CERTAIN ALIEN VETERANS OF THE WORLD WAR

Mr. MALONEY. Mr. President, I now ask unanimous consent for the present consideration of the other bill mentioned by me, namely, House bill 4167, Calendar No. 1719.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4167) providing for the naturalization of certain alien veterans of the World War, which had been reported from the Committee on Immigration with amendments on page 1, line 11, after the figures "1902", to strike out "who" and insert "or who served on the Mexican border as a member of the Regular Army or National Guard from June 1916 to April 1917, who"; and on page 2, line 17, after the word "within", to strike out "two years" and insert "one year."

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AUTHORIZATION FOR COMMITTEE ON CLAIMS TO FILE REPORTS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Committee on Claims be authorized to file reports during the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIPBUILDING AT SOUTH PORTLAND (MAINE) SHIPBUILDING CORPORATION—INTERIM REPORT OF SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM (PT. 12 OF REPT. NO. 480)

Mr. KILGORE. Mr. President, on behalf of the Special Committee to Investigate the National Defense Program, I desire to file a report with the Senate. Before submitting the report, I should like to take 1 minute to call attention to three or four of its high lights.

In the first place, the report comes from the Subcommittee on Ships and Shipbuilding. The interim report is based on reports received by the committee that in the building of ships in the yards at South Portland, Maine, and at the Todd-Bath yards excessive profits per ship were made and excessive man-hours per ship were used.

The subcommittee made two trips to the yards. When we considered the over-all basis as to all the ships launched, we believed that the reports reaching Washington were somewhat exaggerated. On the British contracts 600,000 man-hours were required per ship; and the average for the other ships built, although excessive, is expected to be lowered in the near future. However, we did find that there were a number of subcontracts—one in particular for trucking — which showed exorbitant profits, and which should be renegotiated and be examined by the Department of Justice. We believe that the Maritime Commission should renegotiate the fees to be obtained under the contracts on a fair basis, instead of summarily discharging the contractors and attempting to build up a substitute organization.

The present report takes those factors into consideration, and also takes into consideration the improvements which have been made. We believe that inasmuch as the operation is a joint venture, the Maritime Commission should look into the interests of the two corporations engaged in it, and should pay them only for what they produce by renegotiating the fees to be paid under the contracts.

Those, in the main, are the high lights of the report which I file at this time.

The PRESIDING OFFICER. The report will be received and printed.

FREE ENTRY OF GIFTS FROM MEMBERS OF THE ARMED FORCES

Mr. GEORGE. Mr. President, from the Committee on Finance, I report favorably House bill 7792, without amendment, and submit a report (No. 1706) thereon. I ask unanimous consent for the immediate consideration of the bill.

Let me say that the bill merely would permit gifts from any member of the armed forces outside the United States to be admitted into the United States or any of its possessions without the payment of any duty or internal-revenue tax if the gift from the soldier or other member of the armed forces does not exceed in value $50.

The War Department is very much interested in the bill. Its passage has been recommended by the Secretary of War, the Treasury, and the Bureau of the Budget.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill (H. R. 7792) to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

COOPERATION BETWEEN THE SENATE AND EXECUTIVE IN FORMULATION AND CONSIDERATION OF POST-WAR PEACE TREATY

Mr. WILEY. Mr. President, lately I have heard and read many speeches, particularly speeches made by those who represent the powers that be in our Government, which have led me to the conclusion that America soon will have to face the question, Shall we, by constitutional amendment or otherwise, delegate to the Chief Executive the power virtually to make treaties and to have full and complete control of foreign affairs? Several times heretofore in the Senate I have spoken on this subject in a collateral way, but I have never come out so boldly as I shall now do.

It has been said that in Britain, which has not a written constitution, the Government—meaning the Cabinet—can declare war, although it has not the power to place the armed forces on a war footing. It is the duty of Government to summon Parliament at once after declaration of war. That is what happened when Chamberlain spoke to the House of Commons, after Hitler had invaded Poland. He informed the House that the British Empire was at war.

In Britain, the Government—meaning the Cabinet—can enter into treaties without Parliamentary sanction, and can accept obligations even when legislation is necessary. Secret treaties were made in 1898 and 1900, and not published until after 1918.

It is said that the reason why the British Government can exercise such powers is that it has back of it the support of the majority of the House of Commons. A vote of confidence is usually taken, confirming the acts of the Cabinet. If the vote is not favorable the Cabinet falls. We have no such provision in our Constitution.

We know that the practice in the British Parliament is for the Prime Minister to report to the House—I wish we had a similar practice here—and questions are addressed to the Minister on all aspects of administration. The House accepts prima facie a statement, justifying the nondisclosure of information which would not be in the public interest.

I digress from my prepared statement to say that on several occasions, even a year before we were in this war, I asked that the Senate agree to a resolution requesting the Secretary of State to appear before this body and report in relation to the state of affairs in the Far East. I say to the Senate that if he had done so at that time Pearl Harbor might never

have happened. But, no; the resolution could not be considered.

Later on, I had the temerity to submit to the Senate a resolution asking that the Ambassador of all the Russias, the Ambassador of Great Britain, and the Ambassador of China be invited to appear before us as our guests and to report to us—in executive session, if necessary—the condition of affairs. That resolution, too, was tabled.

Why we cannot step out in front and at least follow the progressive and constructive steps of other governments I do not know.

Mr. President, when our Constitution was formed—and we have heard a great discussion lately about the validity of the Constitution—the founding fathers evolved a concept different from that of the British Constitution.

Article II, section 2, of our Constitution provides that the Executive shall have the power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

In the past there has been instance after instance of the Executive ignoring the simple implications of the word "advice." The most flagrant instance occurred when President Wilson went to Europe and personally and exclusively, without any advice of the Senate, undertook to write a treaty of peace. It is said that during the negotiations the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House dined with the President; but it is history now that the Senate did not advise or have anything to do in relation to the plan.

In a recent very illuminating speech delivered by the distinguished Senator from Vermont [Mr. AUSTIN], my good friend, he stated that the late Senator Lodge said that President Wilson expressed no willingness to receive any communication from the Senate while that body was in session. Mr. President, I am not passing judgment on that incident; but for this occasion it aptly illustrates what may prove a tragic future condition.

I am saying, however, that as a Member of this body, I believe the Constitution itself is adequate to meet any emergency, providing that the leadership of the Senate and executive branch shows itself equal to such emergency.

To make the situation clear, let me say that I am not in favor of amending the Constitution. It is not necessary. I am not in favor of having a cabinet government, such as prevails in Great Britain.

Sometime ago I submitted in the Senate a resolution (S. Res. 290), reading as follows:

Resolved, That the Chief Executive be invited to join with the Senate in the creation of a Foreign Relations Advisory Council to be constituted of the following: The Secretary of State, the Under Secretary of State, other technicians whom the Secretary of State might designate, the chairman and the ranking minority member of the Senate Committee on Foreign Relations, and the chairman and the ranking minority member of the House Committee on Foreign Affairs, and such other Senators as the President might from time to time designate.

Mr. President, that resolution has not been reported. I sent a copy of my remarks and a copy of the resolution to the Secretary of State, Cordell Hull, and I received in reply a letter from him. He apparently saw no value in my suggestion. He spoke of his fine relations with Members of the House and the Senate, and indicated that the word "advice" in the Constitution meant the same as President Wilson interpreted it, and he deemed it better to follow the old practice. I ask, Mr. President, that at this point in my remarks a copy of the letter of Secretary Hull be printed in the RECORD.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, October 21, 1942.

The Honorable ALEXANDER WILEY,
United States Senate.

MY DEAR SENATOR WILEY: I have received your recent letter together with the copy of the speech you delivered on the floor of the Senate and a copy of the resolution (S. Res. 290), and have taken time to study them.

During my service in the Department of State I have made it a practice to maintain contacts with, and to counsel with, a large number of Members of the Congress. Having served in each House I fortunately have close personal relations with many of the Members of the House of Representatives as well as with Members of the Senate, whose advice I have valued and in whose judgment I have confidently relied.

Out of a long public experience—in the judiciary, in the legislature, and now in the executive branch—I have been increasingly convinced of the wisdom of those who drafted our Constitution and of the efficacy of the balance of power they arranged relating to the functions of the three branches of our Government. Under the Constitution the executive is charged with responsibility for the conduct of foreign relations. The Senate is vested with a distinct responsibility in giving its advice and consent to treaties and in considering for confirmation the persons whom the President desires to appoint to responsible office in connection with our foreign affairs, as well as with other matters presented in the form of prospective legislation. The House of Representatives as well as the Senate is charged with responsibility in several ways but particularly in relation to the funds to be voted or withheld to defray the costs of maintaining those relations.

Both the House and the Senate have determined to establish committees to consider the matters which pertain to their respective functions. I have constantly sought to deal with those committees as the authorized agents of the Congress, and it is my firm belief that not only cordial relations have been established and exist with them but that through formal and informal consultation and discussion with those committees and with their members a salutary situation exists in the relations between the executive branch and the legislative branch concerning foreign affairs, in keeping with the constitutional provisions.

In addition to discussions with members of those particular committees, it has been my practice to keep in frequent touch with a number of other Senators and Members of the House on subjects relating to foreign affairs. It seems to me better to follow that practice, which I conceive to be the essence of the spirit of our form of government as well as the one indicated by our fundamental law, than to confine consideration of those matters to the small and select group indicated by your proposal.

Sincerely yours,

CORDELL HULL.

Mr. WILEY. Mr. President, as will be noted, the letter of the Secretary of State was dated October 21. On October 23 I wrote him as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, October 23, 1942.

Hon. CORDELL HULL,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: Thank you for your letter of October 21, 1942, with reference to Senate Resolution 290, which I introduced on September 17, 1942, to establish a better working liaison between the executive and congressional branches in the formulation of any peace.

I was greatly interested to read that it is your practice to maintain contacts with and to counsel with a large number of Members of the Congress. It was gratifying also to read of your close personal relationships with many Members of the House of Representatives as well as with Members of the Senate.

This, Mr. Secretary, is however a purely personal matter and is, of course, evidence of the high repute and esteem in which you are held by Members of Congress.

Because it is purely a personal matter, however, it is obviously no answer to the lack of a working liaison between the executive and legislative branches of Congress in the formulation of peace treaties.

Your personal relationships with Members of Congress are a heartening factor in American hopes for the formulation of an effective peace, but, Mr. Secretary, they are no answer to the grave shortcomings inherent in a lack of machinery for collaboration between the State Department and Congress in the formulation of a treaty.

American history is studded with the sad stories of Secretaries of State who apparently were not blessed with your congressional friendships. American history and the history of your predecessors, which I need not review here, indicates conclusively that the presentation to the Senate Foreign Relations Committee of a treaty which is virtually a fait accompli or which has at best had only the informal advice of the Secretary's personal friends, may meet with a disastrous emasculation or rejection.

It is elementary, therefore, that the grave deficiency of machinery for collaboration between the State Department and Congress in the inception steps of the treaty cannot be casually dismissed by a faith in the efficacy of the congressional friendships of a Secretary of State. Such friendships, Mr. Secretary, are not an adequate substitute for a carefully planned machinery for collaboration between the executive branch and the Congress.

I read with interest also your comments of "the wisdom of those who drafted our Constitution and of the efficacy of the balance of power they arranged relating to the functions of the three branches of our Government."

I share your convictions in the imperative need for this balance of power, Mr. Secretary, and it is precisely for this reason that I introduced Senate Resolution 290. The delicate balance of power contemplated by the Constitution in the conduct of our foreign relations has sometimes been shattered by a dictatorial aloofness by the executive branch or by an arbitrary and possibly uninformed action by the Senate. If the balance of power idea is to be implemented, it must have a working machinery—a machinery which does not alter the existing balance of power one iota but merely provides for its more efficient expression.

You mention that my proposal would "confine consideration of those matters to the small and select group indicated by your proposal." I submit, Mr. Secretary, that this group might not be as small and as select a group as that with whom a Secretary might confer at his own discretion.

In any event, Mr. Secretary, the speech which accompanied the presentation of my proposal indicated clearly that it was not contemplated to limit "consideration of those matters" to a small and select group. My proposal, and my remarks indicate that clearly, was merely to insure that at least a necessary minimum might be consulted and my proposal in no way envisioned that this number could not be augmented by the informal conferences and consultations which apparently would be your sole reliance if the existing system is not altered.

Clearly, then, my proposal in no way limited consideration, but, in fact, would provide the nucleus for what might well be a widening circle of consultants on the matters of foreign policy embraced in any contemplated treaty.

Let me reemphasize also, Mr. Secretary, that my proposal would in no way alter the existing balance of power and would in no way invade either the province of the Chief Executive or the Congress with respect to treaties or foreign policy. It would, however, effectively implement this balance to make it effective and workable.

No one will deny that there have been grave deficiencies in the past in our treaty-making machinery and it is difficult to view these deficiencies with equanimity in view of the momentous issues which will be involved in the treaties written at the conclusion of this war. Surely we cannot admit our past shortcomings and then accept as unchangeable the same faulty treaty-making arrangements for the future.

Historians have lodged grave indictments against those responsible for the death of the Versailles Treaty and for its train of consequences.

So that history shall not lodge a similar or even a graver indictment after the conclusion of this peace we must now establish machinery to provide for effective collaboration between the Executive and the Congress in the formulation of any peace.

With that problem, Mr. Secretary, I am certain you are gravely concerned, and I share your concern, and it is solely in the hope that we may avert a repetition of past disasters that I venture to press for further consideration.

Yours for victory,

ALEXANDER WILEY.

On the 5th of November I received a reply to my letter of October 23, and I ask that the reply be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, November 5, 1942.

The Honorable ALEXANDER WILEY,
United States Senate.

MY DEAR SENATOR WILEY: Reading your letter of October 23 leads to the impression that either I failed to make myself clear or that you have not accepted the substance of my letter of October 21, 1942, as expressed in the third and fourth paragraphs.

Your letter relates to the relationship between the legislative and executive branches of the Government in regard to foreign relations. In the part of my letter just referred to, I expressed the thought that the suggestion you make seems to be at variance with the constitutional provisions relating to the separation of powers. The treaty-making power is by that instrument vested in the President, by and with the advice and consent of the Senate. The House, of course, has its part in legislative matters pertaining to treaties, a part which is not to be minimized.

Furthermore, each House of the Congress in accordance with its constitutional prerogatives has by its rules established its own agency to consider, initially, matters relating to our foreign relations. There is the closest cooperation between the Secretary of State, representing the President in such matters, and the pertinent committees of the two Houses of Congress.

If either the Senate or the House of Representatives should desire to change its rules with respect to these matters, it would be the sole business of that House provided it acted within the limitations imposed by the Constitution.

These matters are so elementary in our form of government that it has not seemed necessary to enter into an extended discussion of them.

As previously stated, it has been the policy of the Secretary of State to consult formally and informally with the appropriate committees established by the Senate and by the House of Representatives. It has been my practice to do so frequently, and as I indicated on the last occasion on which I had the honor to address you, I have also made it a practice to consult from time to time with Members and officers of the Congress on matters of Government policy, all of which seems to be in keeping with the provisions of the Constitution and with that spirit of cooperation which is essential to the proper functioning of the Government.

I quite agree with you that the complexities of the situation in the world today are the cause for grave concern, and I shall always be glad to discuss with you and with any other Members of the Congress matters relating to them.

Sincerely yours,

CORDELL HULL.

Mr. WILEY. Mr. President, it suffices to say that in his last letter the Secretary does not "budge an inch." To him the words "by and with the advice of the Senate" mean simply maintaining the supremacy of the Executive in this matter, following the old road that has led time after time to disaster.

Why should we not have a change in the mechanics, as suggested by the resolution submitted by me, which would work constructively toward eliminating, before they reach the floor of the Senate, differences which might arise between the Senate and the executive branch of Government?

When the war is over, are we to have a repetition of what transpired after the last war? Are we to "fumble the ball" in this great critical world situation?

Today we had the privilege of listening to the President of Ecuador, who spoke of the fine relationship between the two continents and expressed the hope that in the post-war period they might become even more closely knit.

The fathers who inaugurated this Government said when a peace treaty is made it shall be with the advice and consent of the Senate, and yet now the Senate and the Executive each stands on its own prerogatives, and the need is not seen for a working mechanism that might obviate all difficulties in the time which lies ahead.

Mr. President, let me say that period may not be very far distant. I am not a prophet nor the son of a prophet, but I say to the Senate, with the tremendous blows the Russians are inflicting upon the Germans in Russia, we may see a cracking up. That, however, is not the main thing. The main thing in the picture is that Germany today is not using her tens of thousands of airplanes. Why? The answer is very clear, that Germany has not the gas, and unless she goes through Turkey to the oil fields of the Near East, and gets a supply of gas, we may see a crack-up sooner than we expect.

Mr. President, are we in the Senate to sit here and, if peace should come tomorrow, or next month, or next year, find ourselves in a position such as that in which the Senate was when the last war ceased? Are we to find ourselves in such a position that a strong Executive will ignore the constitutional dictates if he pleases to do so? I for one will not cease pressing this matter until it shall be decided one way or the other.

If my resolution shall be agreed to, it will facilitate understanding, it will bring about cohesion and cooperation. It will not mean that the Secretary of State will talk merely to a few "buddies." It will mean that we will have in being, in actual operation, a liaison committee composed of the two branches of Government which are charged with building and making a treaty. Of course, the creation of such a committee would not bring about what some would like to have accomplished—a plan like that in the British Constitution, giving the Executive the full power. No; it would only make more workable the ideas of the builders of the Constitution. As I have stated, under the British Constitution the Prime Minister, with his Cabinet, is virtually the government. His undertakings, his treaties, decide war or peace. That is not the American way. America is not ready to give such power to the Executive. There was real reason for the Constitution provisions.

We now hear a great deal said about the need of international cooperation. Then why not arrange the mechanics which will make possible, when the time arrives, a vital, dynamic cooperation between the Senate and the Chief Executive—make it possible for the Senate to advise the Chief Executive?

AMERICA WILL HAVE A TREMENDOUS PART TO PLAY IN THE WORLD OF TOMORROW

New occasions in the lives of individuals, as well as in the lives of nations, create new responsibilities and new duties, and when such new responsibilities and duties arise, we should have adequate governmental machinery so that we can properly perform. America has a tremendous job ahead of her. She must be equal to the task. She must become equipped to do the job. The Constitution is adequate. Are we adequate for the occasion?

Mr. President, we shall win the war, and the reward for attending well to that duty will be the coming of power and vision to fulfill another duty, namely, the duty of aiding in the solution of the problem of obtaining a durable peace.

We must, with Lincoln, "have the faith that right makes might and in that faith dare to do our duty as we understand it," and pray Almighty God that our understanding may be sufficient to enable us

to complete our task. But prayer is not enough. It may give us the vision, but we must act to put the machinery in order. Let us profit by the lessons of the past.

Victory may be lost by a disastrous peace if we do not build a better working arrangement now, while we are at war. The word "advice" in the Constitution must not again be overlooked by the Executive after victory. If that shall happen, tragedy on such a tremendous scale as no man can foresee may once more befall America and all the world. I am proposing that we plug that hole now by my resolution.

In America the functions of the Senate—constitutional functions—must be reclaimed in practice in order that the peoples of the earth and we ourselves may be the beneficiaries of a job well done. I mean the Senate must have its part in producing the treaty, not merely in accepting it. That is what "advice" means.

The recent election is a mandate to us and to the Executive to get together and, when victory comes, to do a job worthy of that great hour.

The peace treaty to be written will determine the course of history for decades and perhaps centuries to come.

We will deal in global matters. The destiny of America and of the world will in a large way be affected by what we do or fail to do, and that is all the more reason why "the advice" of the people's representatives should be availed of in the shaping or formation of the treaty of peace. The resolution submitted by me restates the spirit of the Constitution in that it calls for cooperation of the Senate in the inception stage of the treaty. The Foreign Relations Advisory Council, which my resolution would create, would take no power away from the Senate itself or from the President. It would make the exercise of their powers more workable. Members of the Council would consult with the Foreign Relations Committee, exchange ideas with the State Department and President, and advise with the Senate leaders, before the treaty was formulated and transmitted to the Senate for rejection or ratification.

My proposal needs no legislation. It would provide an additional mechanism for legislative and executive constitutional action. It would be a vital liaison committee between and created by the Executive and the Senate. It would make for a better working relationship between the Senate and the Executive, and get away from the tendency toward independent action. It would result in cooperation between independent branches of government.

In presenting this matter again, I am thinking of a great nation's responsibility, and the responsibility of every citizen of the Republic, when victory comes.

In human minds we find the basic causes for war. We sought once to abolish war by international agreement, the Kellogg-Briand Pact. Our idealism took no account of the basic causes. We must never overlook them again. In the solution of the world's post-war problems, there will be ample opportunity for action by idealists and by practical men.

We know that only in moral and physical strength and vigilance will safety be found. Our security and the peace of the world will, in a large measure, depend upon our own strength. This power which destiny has placed in our hands must be tempered with justice and helpfulness. It must not, however, be dissipated. This Nation is called unto an ever-increasing high destiny. Therefore, we must know that His Presence will go with us in the performance of this job.

I believe that my resolution, if adopted and put into operation, will aid the Republic in being adequate to meet the responsibilities which a suffering, war-torn world will impose upon our people.

JUDICIARY NOMINATION CONFIRMED

Mr. BARKLEY. Mr. President, when certain executive nominations were confirmed earlier in the day, by oversight and inadvertence the first nomination on the Executive Calendar was not confirmed. I ask that that nomination be acted on.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of James A. Bough to be district attorney for the District Court of the Virgin Islands.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NAVY NOMINATIONS CONFIRMED

Mr. BARKLEY. The same situation exists as to the last two nominations on the Executive Calendar, and I ask that they now be confirmed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the nominations.

The legislative clerk read the nomination of William F. Halsey, Jr., to be admiral.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry K. Hewitt to be vice admiral.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of the confirmations in these three cases.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair) laid before the Senate a message from the President of the United States nominating Capt. George H. Fort to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942, which was referred to the Committee on Naval Affairs.

ADJOURNMENT TO FRIDAY

Mr. BARKLEY. I move that the Senate adjourn until Friday next at 12 o'clock noon.

The motion was agreed to; and (at 1 o'clock and 20 minutes p. m.) the Senate adjourned until Friday, November 27, 1942, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate November 25, 1942:

TEMPORARY PROMOTION IN THE NAVY

Capt. George H. Fort to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1942:

THE JUDICIARY

DISTRICT ATTORNEY

James A. Bough, to be district attorney for the District Court of the Virgin Islands.

WORK PROJECTS ADMINISTRATION

Roy Schroder to be Work Projects administrator for Puerto Rico and the Virgin Islands, effective November 24, 1942.

IN THE NAVY

TEMPORARY SERVICE

William F. Halsey, Jr., to be an admiral in the Navy, for temporary service, to rank from November 18, 1942.

Henry K. Hewitt to be vice admiral in the Navy, for temporary service, to rank from November 17, 1942.

POSTMASTERS

INDIANA

Fred W. Mullin, Muncie.

MASSACHUSETTS

Winfield S. Smith, Williamsburg.

OKLAHOMA

Erwin D. Keys, Earlsboro.

PENNSYLVANIA

Marlin W. Dissinger, Campbelltown.
Lewis M. Sutton, Camp Hill.
James Nevant, Farrell.
John L. Clover, Knox.
William J. Cannon, Lansford.
Wilbur G. Warner, Lehighton.
Penrose L. Young, Northampton.
Fred Favo, Oakmont.
Joseph P. Caufield, Verona.

SENATE

FRIDAY, NOVEMBER 27, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal Spirit, who art the center and soul of every sphere and yet who doth dwell also with those of humble and contrite hearts, Thou art never far from any one of us; but often we are very far from Thee. We would make of our hearts a shrine, where spirit with spirit may meet. May we be of that company of whom it can be said, "They looked unto Him and were radiant; and their faces were not ashamed." May a radiance divine transform and transfigure the unlovely which mars our motives and poisons the deep springs of our desires. Save us from accepting the low standards of the world across which we move. Being in the world, may we not be of it. Deliver us from the cowardly device of escaping moral decisions by spinelessly melting into our surroundings. Awaken the hero in our souls. Bring us to the hour of the one clear call, and to the "well done" of the Master of all good workmen, with life unspoiled and with spirit undefeated, having run

the race, finished the course, and kept the faith. In the ever blessed name of Him who is able to keep us from falling. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, November 25, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents in the files of the Departments of the Treasury (5), War (3), and Navy (3); Federal Security Agency, Federal Works Agency, and the District Court for the District of Colorado, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIAL

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT.

A letter in the nature of a petition from the Chicago (Ill.) Interdenominational Council of Negro Churches, praying for the enactment of antilynching legislation; to the Committee on the Judiciary.

By Mr. CAPPER:

A petition, numerously signed, of sundry citizens of Kansas City and vicinity in the State of Kansas, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. GILLETTE:

A memorial, numerously signed, of sundry citizens of the State of Iowa, remonstrating against the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, or the enactment of any form of prohibitory legislation relating to the alcoholic liquor traffic; ordered to lie on the table.

OVERTIME PAY FOR FEDERAL CUSTODIAL EMPLOYEES

Mr. GUFFEY. Mr. President, I present for appropriate reference 66 letters signed by members of the United Federal Custodial Employees Association, Philadelphia, Pa., requesting early and favorable consideration of Senate bill 2666, which provides overtime pay for all employees of the Federal Government. I ask consent that one of the letters, all of which are similar, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The letters will lie on the table.

One of the letters presented by Mr. GUFFEY is as follows:

UNITED FEDERAL CUSTODIAL EMPLOYEES ASSOCIATION, INC.,
Philadelphia, Pa., November 19, 1942.

Honorable United States Senate, in Congress Assembled, Washington, D. C.

GENTLEMEN: Senate bill 2666, which provides overtime pay for all employees of the Federal Government, is about to be considered by the Senate.

This bill with its amendments should give the custodial employees some definite compensation so that they will not meet the same fate as they did under the H. R. 6217 bill. It would therefore be very much appreciated if you gentlemen could and would use your good offices to advance the early passage of this just bill for the relief of this large group of worthy Federal custodial employees, especially since this group of employees are the most underpaid group of the entire Federal service.

Our hope and our trust is in your hands, gentlemen, and we pray for the passage of this (S. 2666) bill.

Sincerely and respectfully yours,
FRANKLIN TUCKER,
Employee, Custodial Service.

REPORTS OF THE COMMITTEE ON CLAIMS FILED DURING ADJOURNMENT

Under authority of the order of the 25th instant,

The following reports of the Committee on Claims were submitted during the last adjournment of the Senate:

By Mr. BROOKS:

H. R. 2436. A bill for the relief of Hjalmar M. Seby; without amendment (Rept. No. 1721);

H. R. 6016. A bill for the relief of Michael-Leonard Seed Co.; without amendment (Rept. No. 1722);

H. R. 6061. A bill for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions; without amendment (Rept. No. 1723); and

H. R. 7061. A bill for the relief of D. A. Sullivan & Sons., Inc.; without amendment (Rept. No. 1724).

By Mr. BREWSTER:

S. 1012. A bill for the relief of C. Y. Webb; with an amendment (Rept. No. 1747);

H. R. 331. A bill for the relief of the Mount Whitney Power & Electric Co.; without amendment (Rept. No. 1725); and

H. R. 3468. A bill for the relief of the Edward Gillen Dock, Dredge & Construction Co.; without amendment (Rept. No. 1760).

By Mr. ELLENDER:

S. 2413. A bill for the relief of Vodie Jackson; with an amendment (Rept. No. 1748);

H. R. 888. A bill for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.; with an amendment (Rept. No. 1739);

H. R. 1551. A bill for the relief of W. E. Floding Co.; without amendment (Rept. No. 1726);

H. R. 3113. A bill for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall; without amendment (Rept. No. 1727);

H. R. 4804. A bill for the relief of Claud R. Johnston; without amendment (Rept. No. 1728);

H. R. 5884. A bill for the relief of Mrs. Maude C. Massey, Ocala, Fla.; without amendment (Rept. No. 1731);

H. R. 5898. A bill for the relief of the legal guardian of Leonard Almas; without amendment (Rept. No. 1732);

H. R. 5957. A bill to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes; without amendment (Rept. No. 1729);

H. R. 6545. A bill for the relief of Spencer Meeks; without amendment (Rept. No. 1733);

H. R. 6558. A bill for the relief of Anne Berbig and Alfred E. Berbig, Jr.; without amendment (Rept. No. 1730);

H. R. 6619. A bill for the relief of M. Ray Waldron; without amendment (Rept. No. 1734);

H. R. 6629. A bill for the relief of the estate of Paul W. Layman; without amendment (Rept. No. 1735);

H. R. 6721. A bill for the relief of Mildred G. Gordon; without amendment (Rept. No. 1736);

H. R. 7149. A bill for the relief of David E. Clark; without amendment (Rept. No. 1737);

H. R. 7263. A bill for the relief of Mrs. J. R. Bennett; with an amendment (Rept. No. 1740); and

H. R. 7480. A bill for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor; without amendment (Rept. No. 1738).

By Mr. TUNNELL:

H. R. 1675. A bill for the relief of L. W. Collins; without amendment (Rept. No. 1741);

H. R. 1740. A bill for the relief of Luther Chitty and Susie Chitty; with amendments (Rept. No. 1742); and

H. R. 5714. A bill for the relief of William H. Cogswell, Jr.; with an amendment (Rept. No. 1743).

By Mr. WILEY:

S. 2530. A bill for the relief of Howard M. Sandus; with an amendment (Rept. No. 1759);

S. 2608. A bill for the relief of Dennis Hall; without amendment (Rept. No. 1757);

S. 2742. A bill for the relief of the Postmaster at Nome, Alaska; without amendment (Rept. No. 1758);

H. R. 6491. A bill for the relief of the heirs of John W. Adams; without amendment (Rept. No. 1744);

H. R. 6591. A bill for the relief of the estate of Emily Kraft, deceased; with an amendment (Rept. No. 1746); and

H. R. 6781. A bill for the relief of the legal guardian of Lorraine Novak, a minor; without amendment (Rept. No. 1745).

By Mr. STEWART:

S. 2135. A bill for the relief of Lt. M. V. Daven; without amendment (Rept. No. 1749);

S. 2473. A bill authorizing the Comptroller General of the United States to consider the claim of Lew O. Calhoun; without amendment (Rept. No. 1750); and

S. 2741. A bill for the relief of Charles E. Naghel; without amendment (Rept. No. 1751).

By Mr. CAPPER:

S. 2547. A bill for the relief of Mrs. Ernestine Fuselier Sigler; without amendment (Rept. No. 1752);

S. 2618. A bill for the relief of Beatriz Milan Vda. Vazquez; without amendment (Rept. No. 1753);

S. 2766. A bill for the relief of Almos W. Glasgow; with an amendment (Rept. No. 1755);

H. R. 3773. A bill to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock; with amendments (Rept. No. 1756); and

H. R. 5961. A bill for the relief of Alfred Lee Poynor; without amendment (Rept. No. 1754).

BILL INTRODUCED

Mr. VAN NUYS introduced a bill (S. 2908) to exempt certain officers and employees of the United States from certain provisions of the Criminal Code and Revised Statutes, which was read twice by its title and referred to the Committee on the Judiciary.

ASSISTANT CLERK, COMMITTEE ON EDUCATION AND LABOR

Mr. THOMAS of Utah submitted the following resolution (S. Res. 320), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 14, agreed to January 27, 1941, authorizing the Committee on Education and Labor to employ an assistant clerk during the Seventy-seventh Congress, to be paid from the contingent fund of the Senate at the rate of $2,880 per annum, hereby is continued in full force and effect until the end of the 78th Congress.

LEADERSHIP (S. DOC. NO. 289)

Mr. SHIPSTEAD. Mr. President, some time ago I asked to have printed in the RECORD an address delivered by Maj. C. A. Bach, United States Army, to the graduating officers at Fort Sheridan in 1918. The subject of the address is Leadership. The address was found so useful that the Marine Corps had it printed at the time for use among its officers. Since having the address printed in the RECORD, I have had so many requests from the Army officers and others for a copy of it that I ask unanimous consent that it be printed as a Senate document. According to the estimate furnished to the Joint Committee on Printing, the cost of printing the usual number of copies will be $56.20.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

CONSIDERATION OF THE CALENDAR

The VICE PRESIDENT. The routine morning business is concluded.

Mr. HILL. Mr. President, I ask unanimous consent that the Senate consider bills on the calendar to which there is no objection, starting where we left off at the last call of the calendar on November 23.

I may say that the first calendar number under the order would be Order of Business 1760, House bill 7151, on page 9 of the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the clerk will state the first bill under the order.

EXTENSION OF CENSORSHIP AUTHORITY OVER COMMUNICATIONS BETWEEN CONTINENTAL UNITED STATES AND TERRITORIES AND POSSESSIONS

The bill (H. R. 7151) to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession was announced as first in order.

Mr. McNARY. Mr. President, that bill seems to be of sufficient importance that some explanation should be made of its purpose. In the absence of explanation, I shall ask that it go over.

Mr. AUSTIN. Mr. President, if the Senator will accept an explanation by me, I might say that this bill is confined to the subject of censorship, as I interpret the bill; there is nothing else involved in it.

One of its purposes is to make clear the distinction between territory of the United States and territory that is on the continent but not contiguous to the States. The bill simply extends the censorship power to communications between the United States and its Territories and island possessions. It closes up a loophole that has existed in the law and makes our censorship more efficient than it has been.

I do not know whether that explanation satisfies the Senator.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. McNARY. Mr. President, I appreciate the kindness, courtesy, and thoroughness of the Senator from Vermont in the matter.

Mr. BARKLEY. Mr. President, I think no harm can come if this bill goes over for a little while. I myself should like to look into it.

The VICE PRESIDENT. The bill will be passed over.

Mr. BARKLEY subsequently said: Mr. President, a while ago I asked that the first bill called on the calendar, No. 1760, House bill 7151, go over. I have looked into the matter, and I have no further objection to the enactment of the bill. I ask that we recur to it.

The VICE PRESIDENT. Is there objection to recurring to Calendar No. 1760?

There being no objection, the Senate proceeded to consider the bill (H. R. 7151) to amend the First War Powers Act, 1941, which had been reported from the Committee on the Judiciary with amendments, in section 1, page 2, line 10, after "Territory", to insert "or possession"; on line 12, after the word "country", to insert "or Territory or possession"; in section 2, page 3, line 7, after the words "purposes of", to insert "section 303 of."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. DANAHER. I ask unanimous consent that the committee report be printed in full in the RECORD at this point.

There being no objection, the report (No. 1705) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 7151) to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession and any other Territory or possession, having considered the proposed legislation, report the same favorably to the Senate, with amendments, and recommend that the bill, as amended, do pass.

AMENDMENTS

Page 2, line 10, after the word "Territory", insert "or possession."

Page 2, line 11, after the words "foreign country", change the period to a comma and insert "or Territory or possession."

Page 3, line 7, after the words "purposes of", insert "section 303 of."

STATEMENT

The amendments made were suggested by national war agencies, are self explanatory, and add clarity to the bill.

It is the intention of the committee in defining "continental United States" to distinguish all that part of the United States which is territorially contiguous from any Territories which may be adjacent. Thus, for the purposes of section 303, as amended, Alaska is included as a Territory, but not as a part of "continental United States"; also the point should be noted that section 303 does not apply to communications which are interstate in character, although the section does apply, inter alia, to communications between any State and any Territory or possession of the United States, or any territory or possession of any foreign country.

The need for this legislation and explanation of the provisions are clearly set forth in the following communication from the Director of Censorship to the Speaker of the House in May 1942:

DIRECTOR OF CENSORSHIP,
Washington, D. C.

The SPEAKER OF THE
HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a proposed bill to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession.

Section 303 of the First War Powers Act, 1941, is identical with the provisions of section 3 (b) of the Trading With the Enemy Act, passed in 1917. This provision authorized the President, whenever he deemed it necessary for the public safety, to cause to be censored under such rules and regulations as he might from time to time establish communications by mail, radio, or any other means o ftransmission between the United States and any foreign country. The intent of this provision was the censorship of international communications.

Section 303 of the First War Powers Act, 1941, however, contains a loophole which makes the censorship of international communications difficult to enforce. Its provisions apply only to communications "passing between the United States and any foreign country." Thus, communications between the continental United States and any of its Territories or possessions are not subject to the control of the censor. Likewise, communications between one Territory or possession and another Territory or possession are not subject to regulation. It is evident, and it has been the experience of the Office of Censorship, that the transmission of information to the enemy is facilitated when communications to the outlying Territories and possessions are free from regulation.

Section 1 of the attached bill, accordingly, authorizes the President to censor communications between the continental United States and any Territory or possession of the United States or between any Territory or possession and any other Territory or possession. In addition, it clarifies the present law with respect to communications between the Territories and possessions of the United States and a foreign country.

Section 2 of the bill would add a new provision which defines the term "continental United States" so as to include the States of the Union and the District of Columbia, but not Alaska. Alaska is excluded from the definition of "continental United States" since it is covered by the term "Territory."

For the reasons stated, the Office of Censorship feels that the proposed legislation is

desirous and meritorious. It would be appreciated therefore if you would lay the attached bill before the House of Representatives.

A similar bill has been presented to the President of the Senate.

I have been advised that the Bureau of the Budget has approved the submission of this bill to the Congress as in accord with the program of the President.

Respectfully,

BYRON PRICE.

RECOMMENDATIONS

The following letters from the War Department and the Censorship Policy Board recommend the proposed measure:

WAR DEPARTMENT,
Washington, D. C., August 6, 1942.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. SUMNERS: The War Department urges the enactment of H. R. 7151, Seventy-seventh Congress, a bill which would amend the First War Powers Act of 1941 by extending authority to censor communications to include communications between the continental United States and any Territory or possession of the United States or between any Territory or possession and any other Territory or possession.

This bill, if enacted, will permit the censoring of communications which are now beyond the purview of censorship.

Since December 7, 1941, the War Department has been concerned with the control of certain communications between the continental United States and any Territory or possession or between any Territory or possession and any other Territory or possession.

It has come to the attention of the War Department in this connection that there is a considerable volume of such communications disclosing troop, convoy, and ship locations and movements and also data concerning construction of military installations.

Enactment into law of H. R. 7151 will do much to alleviate this problem, and will further the defense of the Territories as well as the United States by permitting a properly coordinated censorship of such communications.

The War Department has no way of ascertaining the fiscal effect of H. R. 7151.

It is respectfully urged therefore that H. R. 7151 be favorably reported by your committee.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., July 29, 1942.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. CHAIRMAN: There is pending before your committee, H. R. 7151, a bill to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession and any other Territory or possession.

On behalf of the Censorship Policy Board, I wish to urge that favorable consideration be given to the bill as those charged with the important functions of keeping the United States mails free of communications which would adversely affect the conduct of the war deem it highly desirable that such legislation be enacted at the earliest possible date.

Very truly yours,

FRANK C. WALKER,
Chairman, Censorship Policy Board.

TREASURY DEPARTMENT,
Washington, August 28, 1942.

Hon. FREDERICK VAN NUYS,
Chairman, Committee on the Judiciary,
United States Senate.

MY DEAR SENATOR: The Secretary of the Treasury, as a member of the Censorship Policy Committee, favors the objectives of H. R. 7151, which has been favorably reported from the House Committee on the Judiciary.

Very truly yours,

HERBERT E. GASTON,
Assistant Secretary of the Treasury.

BILL PASSED OVER

The bill (S. 2707) extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation? In the absence of an explanation, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ELIMINATION OF PRIVATE SUITS ARISING OUT OF FRAUDS AGAINST THE UNITED STATES

The bill (S. 2754) to eliminate private suits for penalties and damages arising out of frauds against the United States was announced as next in order.

Mr. McNARY. Mr. President, I should like to have a statement concerning the bill, if I may.

Mr. VAN NUYS. Mr. President, this bill, which is recommended by the Department of Justice, is designed to repeal an old law which was enacted in 1863, having to do with the question of private suits by individuals to recover damages for frauds committed against the Government.

The law of 1863 provided that any individual having knowledge of frauds against the Government could institute private suit in his own name, together with the Government, and, if a recovery was had, it was possible to recover the sum of $2,000 and all damages proven, one-half of which went to the private citizen instituting the suit. In the congressional debate at the time the old law was enacted in 1863 it was shown that this was an inducement to coconspirators to reveal to the Government alleged frauds.

Mr. McKELLAR. Mr. President, as I understand, then, this bill would merely repeal the old act to which the Senator has referred?

Mr. VAN NUYS. It would repeal the right of private citizens to institute suit under the law of 1863.

Mr. McKELLAR. I think the bill ought to be passed.

Mr. VAN NUYS. It has been shown in the letter of the Attorney General accompanying the report that this statute is being abused. The Government prosecutes criminally for fraud and then a private individual having no scintilla of evidence uses the facts developed in the lawsuit to bring the private action. All the authorities involved agree that this bill should be enacted, and the Judiciary Committee subscribes to that view.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2754) to eliminate private suits for penalties and damages arising out of fraud against the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3491 of the Revised Statutes (U. S. C., title 31, sec. 232) be, and it hereby is, amended to read as follows:

"SEC. 3491. The several district courts of the United States, the District Court of the United States for the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such acts shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit."

SEC. 2. Sections 3493 and 3494 of the Revised Statutes (U. S. C., title 31, secs. 234 and 235) are hereby repealed.

AMENDMENT OF SECTION 36 OF THE CRIMINAL CODE

The Senate proceeded to consider the bill (S. 2774) to amend section 36 of the Criminal Code, which had been reported from the Committee on the Judiciary with an amendment, in line 9, after the word "property", to insert "of the United States", so as to make the bill read:

Be it enacted, etc., That section 36 of the Criminal Code (35 Stat. 1096; U. S. C., title 18, sec. 87) be, and it hereby is, amended to read as follows:

"SEC. 36. Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property of the United States furnished or to be used for the military or naval service, shall be punished as prescribed in section 35 (C) of the Criminal Code (U. S. C., title 18, sec. 82)."

Mr. McKELLAR. Mr. President, will the Senator explain the bill?

Mr. VAN NUYS. Mr. President, this bill proposes to amend section 36 of the Criminal Code. The report on the bill contains a letter addressed to the chairman of the committee by the Attorney General, from which I quote, as follows:

MY DEAR SENATOR: I desire to call your attention to a provision in section 36 of the Criminal Code (U. S. C., title 18, sec. 87) which appears to give rise to doubt and uncertainty as to the punishment prescribed for violations of that section, and which, in my opinion, should be made more definite and specific.

Section 36 of the Criminal Code makes it a criminal offense to steal, embezzle, or unlawfully to sell or dispose of any arms, ammunition, or any property of the United States, furnished or to be used for the military or naval service. Such an offense is punishable "as prescribed in the preceding section." The preceding section is section 35 of the Criminal Code (35 Stat. 1095, as amended, U. S. C., title 18, secs. 80 and 82–86). That section as it was originally enacted covered two classes of offenses, each carrying a different penalty.

This bill is to make the penalty specific. The courts have been somewhat confused as to which penalty in section 35 applies to the theft or purloining of arms, ammunition, and other property of the Army and Navy. The bill is designed to make the penalty specific so that the

courts may determine how to sentence a defendant. That is the purpose of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UTILIZATION OF STOCKS OF RUBBER TIRES

The bill (S. 2560) to provide for the effective utilization of existing stocks of rubber tires to aid in making rubber tires available for essential uses, and for other purposes, was announced as next in order.

Mr. BILBO. Over.

Mr. McNARY. Was objection made?

The VICE PRESIDENT. Objection was made.

Mr. McNARY. I merely rose for the purpose of asking an explanation; but if objection has been made, of course, that will take the bill over.

Mr. BILBO. Mr. President, I hope the bill may go over until the next session of the Senate, because some of my constituents who would be affected by the proposed legislation are making an investigation into the matter.

Mr. ELLENDER. Mr. President, I had hoped that the Senator from Mississippi would withhold his objection so that I could have an opportunity to explain the bill. If he insists on waiting until next week, I do not suppose much good would come from an explanation at this time.

Mr. BILBO. I am very sorry, but I am compelled to make objection.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

KLAMATH RIVER RESERVATION INDIANS

The bill (S. 2744) to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the period of trust on lands allotted to Indians of the Klamath River Reservation, Calif., which expired July 31, 1919, and the legal title to which is still in the United States, is hereby reimposed and extended for a period of 25 years from July 31, 1919: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the act of February 8, 1887 (24 Stat. 388), and the act of June 21, 1906 (34 Stat. 326).

CORRECTIONS IN ROLL OF PUYALLUP INDIANS OF WASHINGTON

The bill (H. R. 4578) to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PROBATE AND DISTRIBUTION OF ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

The Senate proceeded to consider the bill (S. 2385) to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma, which had been reported from the Committee on Indian Affairs, with an amendment, on page 2, to strike out:

SEC. 2. Prior to the distribution to the individuals found entitled thereto under the provisions of section 1 of this act, the Secretary of the Interior shall collect and pay into the Treasury of the United States a fee of $20 in each case only where the estate has an aggregate value of $200 or more.

And to insert:

SEC. 2. Prior to distribution of the estate to the individuals found entitled thereto under the provisions of section 1 of this act, the Secretary of the Interior shall collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20 in those cases where the value of the estate is $250 or more but does not exceed $1,000; a fee of $25 where the value of the estate is more than $1,000 but less than $2,000; and a fee of $30 where the value of the estate is $2,000 or more.

So as to make the bill read:

Be it enacted, etc., That exclusive jurisdiction is hereby conferred on the Secretary of the Interior to determine the heirs after notice and hearing under such rules and regulations as he may prescribe, and to probate the estate of any deceased restricted Indian, enrolled or unenrolled, of the Five Civilized Tribes of Oklahoma, whenever the restricted estate consists only of funds or securities under the control of the Department of the Interior of an aggregate value not exceeding $2,500: *Provided*, That where such decedent died prior to the effective date of this act, the distribution of such funds and securities, including the decedent's share of any tribal funds, shall be made in accordance with the statute of descent and distribution applicable at the date of death: *And provided further*, That where the decedent dies subsequently to the effective date of this act distribution of all such funds and securities, including tribal funds aforesaid, shall be effected in accordance with the statute of descent and distribution of the State of Oklahoma.

SEC. 2. Prior to distribution of the estate to the individuals found entitled thereto under the provisions of section 1 of this act, the Secretary of the Interior shall collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20 in those cases where the value of the estate is $250 or more but does not exceed $1,000; a fee of $25 where the value of the estate is more than $1,000 but less than $2,000; and a fee of $30 where the value of the estate is $2,000 or more.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZATION TO SECRETARY OF THE INTERIOR TO INCUR CERTAIN OBLIGATIONS

The bill (H. R. 4635) to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill?

Mr. McNARY. Mr. President, the reading of the title would indicate that the bill proposes to confer a very unusual power on a member of the Cabinet. I should like to have the matter presented to the Senate, with the reason for this proposal.

Mr. THOMAS of Oklahoma. Mr. President, the question of the control of fisheries and wildlife, which includes fur-bearing animals, is becoming very important in Alaska, and the Department desires to have the right to handle matters pertaining to wildlife, as represented by fish and fur-bearing animals, and wants authority to make limited contracts or authorizations, to be paid for later out of direct appropriations. The bill would merely add the wildlife activity to the activities of the Department of the Interior in Alaska.

Mr. McNARY. I dare say there will be a deficiency bill before the end of the present session of Congress, and it seems to me strange that we should be asked to authorize a member of the Cabinet to expend money in advance of action and appropriation by the Congress. It may be perfectly all right, but the practice is anomalous, and to me it does not seem to be responsive to a good form of legislation. What are the reasons which make it essential to have a bill of this kind brought into the Senate, and a practice of this kind established?

Mr. THOMAS of Oklahoma. Frequently Congress authorizes appropriations, and later, after appropriations have been authorized or work contracted for, the appropriations are made. The question is whether we ought to give to the Secretary of the Interior the power sought with respect to the wildlife activities in Alaska. That is the whole extent of the bill.

Mr. McNARY. For a number of years I have been a member of the Committee on Conservation of Wildlife Resources, and I am very deeply interested in the conservation of wildlife, in Alaska and elsewhere. I would go far in the further expansion of the plan which has been very well worked out by the Committee on Wildlife Conservation, with the cooperation of the Senate Committee on Agriculture and Forestry.

The bill now proposed goes beyond the conservation of wildlife. It is the practice proposed that arouses my interest. Why should this not be done along the lines of the usual, established pattern followed by the Congress?

Mr. THOMAS of Oklahoma. It can be done in that way, of course, if the Congress sees fit to require that it be handled in that manner. The Secretary of the Interior has made this request, and it is now submitted in the form of the bill. If it is not agreeable, the chairman of the Committee on Indian Affairs has no disposition to urge it.

Mr. McNARY. As a member of the committee, I know how courteous and accommodating the Senator from Oklahoma is, but I cannot let this bill pass today without further consideration.

Mr. McKELLAR. Let me ask the Senator a question if I may. The exceptions which are made so as to allow contracts to be made in advance are usually those coming under the War and Navy Departments, involving the building of ships or making other extensive war preparations. Occasionally it is found necessary in the matter of erecting buildings, but so far as I know, this is the first time an effort has been made to extend the practice to the Secretary of

the Interior. It seems to me this matter could be worked out, if there is necessity for it, before the Committee on Appropriations, and that we should not allow a Cabinet officer to determine in advance what appropriations shall be made. This is a request for general authority, which I think goes entirely too far, and if the Senator from Oregon had not already objected, I had intended to object.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

TRANSFER OF LANDS FOR INDIAN USE

The Senate proceeded to consider the bill (H. R. 5359) to declare that the United States holds certain lands in trust for Indian use, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 10, after the words "within the", to strike out "States of Florida, Idaho, Michigan, Minnesota, Montana, North Dakota, Oklahoma, South Dakota, and Wisconsin" and to insert "State of North Dakota"; and on page 2, after line 14, to insert a new section, as follows:

SEC. 2. For the purpose of consolidation, the Secretary of the Interior is hereby authorized, in his discretion, under such rules and regulations as he may prescribe, to exchange with the proper State authorities any of the lands, including the improvements thereon, referred to in section 1 of this act, for State-owned lands, including the improvements thereon, within the State of North Dakota. Exchanges hereunder shall be made on the basis of equal value. Title to all lands and improvements so acquired by the Government shall be taken in the United States in trust for the group, band, or tribe of Indians to be benefited. Conveyance of the lands going to the States by exchange shall be by patent in fee or other applicable form of conveyance. The payment of fees and commissions in connection with such exchanges is hereby waived.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 4321) for the benefit of the Chippewa Indians of Minnesota was considered, ordered to a third reading, read the third time, and passed.

VICTORIA JESSIE LODGE SKIN, NOW STANDING BEAR

The bill (S. 2712) for the relief of Victoria Jessie Lodge Skin, now Standing Bear, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That to correct an award of money in lieu of an allotment of land under the acts of May 3, 1928 (45 Stat. 484), and June 14, 1935 (49 Stat. 340), erroneously made to Henry Leon Prue rather than to Victoria Jessie Lodge Skin, now Standing Bear, a Sioux Indian of the Rosebud Reservation, S. Dak., and the Indian rightfully entitled thereto, the Secretary of the Treasury shall pay the sum of $664 to the Secretary of the Interior or his authorized representative for deposit to the credit of Victoria Jessie Lodge Skin, now Standing Bear. The Secretary of the Treasury shall make such payment only when notified by the Secretary of the Interior that Victoria Jessie Lodge Skin, now Standing Bear, has agreed in writing that such payment shall be in full satisfaction of all her claims against the United States in connection with her right to an award of money in lieu of an allotment under the acts of May 3, 1928 (45 Stat. 484), and June 14, 1935 (49 Stat. 340), and such payment shall be in full satisfaction of all such claims. Money deposited to the credit of Victoria Jessie Lodge Skin, now Standing Bear, pursuant to this act shall be available for expenditure in accordance with the regulations relating to individual Indian money.

OROVILLE-TONASKET IRRIGATION DISTRICT, WASHINGTON

The bill (S. 2830) to provide relief to the owners of former Indian council land within the Oroville-Tonasket Irrigation District, Washington, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the action of the Secretary of the Interior, by order dated May 19, 1942, taken pursuant to authority contained in the act of June 22, 1936 (49 Stat. 1803), in the cancelation, deferment, and adjustment of irrigation charges due the United States against 908.47 acres of land formerly in individual Indian ownership, within the Oroville-Tonasket Irrigation District, Washington, is hereby confirmed as follows: (a) The cancelation of $11,963.76 of unpaid construction and operation charges; (b) the conditional cancelation of $28,045.31 of additional unpaid construction and operation charges to become effective upon the repayment, or upon the execution of contracts with individual landowners providing for the repayment in full, of the adjusted balance of $18,537.37 of unpaid like charges; (c) the continuation of the first lien against each allotment of land, notwithstanding any division or partitionment of such allotment resulting in separate ownership of different parts thereof, until the full amount due on the entire allotment has been paid and no refund or repayments shall be made to any landowner on account of any charges heretofore paid; and (d) the requiring of contracts with landowners, where necessary, covering the repayment over a period of years of their proper share of the adjusted balance of $18,537.37 of unpaid construction and operation charges: *Provided*, That the district may pay the said amount in one payment, in which event the lien of the Government shall be assigned to the district.

SEC. 2. The Secretary of the Interior is hereby authorized to enter into a contract with the Oroville-Tonasket Irrigation District, providing for the repair and rehabilitation of certain irrigation canals, laterals, and sublaterals necessary for the delivery of water to irrigate Indian lands, the cost of such construction work not to exceed the sum of $15,000, such contract to require the said irrigation district (1) to cancel all charges carried on its books as apportioned against the lands of the Indians up to and including the date of the contract; (2) to recognize the prior first lien of the United States for the repayment of the adjusted charges remaining against the former Indian-owned lands approved by section 1 of this act; and (3) to provide for the transfer of water rights from one tract of Indian-owned land within the said irrigation district to another, where, in the opinion of the Secretary of the Interior, such transfer is desirable and economically advisable in the proper utilization of the Indian lands.

SEC. 3. In order to prevent the accumulation of delinquent project assessments or other charges against the former Indian-owned lands within the Oroville-Tonasket Irrigation District, the Secretary of the Interior is hereby authorized, in his discretion, to take such action as he may deem necessary to protect the adjusted sums due the Government as approved by section 1 of this act, including the foreclosure of the Government's lien.

WAPATO INDIAN IRRIGATION PROJECT

The bill (S. 2829) to eliminate certain lands from the Wapato Indian irrigation project was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the action of the Secretary of the Interior taken on the 9th day of September 1942, pursuant to the act of June 22, 1936 (49 Stat. 1803), affecting certain lands of the Wapato Indian irrigation project, Yakima Reservation, Wash., is hereby confirmed as follows: (a) The elimination from the project of 386.10 acres of land described in the Secretary's order; (b) the cancelation of $14,512.03, representing unpaid assessments against the land for construction, operation, maintenance, and penalties; (c) the cancelation of $860.38 of accrued operation, maintenance, and penalties against land not eliminated from the project; (d) the credit of $58 on future operation and maintenance assessments against the southwest quarter northeast quarter, section 7, township 10 north, range 19 east, Washington meridian; (e) the cancelation, adjustment, or modification in proper cases of agreements previously executed; (f) the adjustments of project areas and the cancelations and adjustments dealt with in the Secretary's order, upon the condition, stated in the order, that the owners of the lands affected who retain any irrigable land within the Wapato project shall promptly settle any delinquent irrigation charges against the land retained in the project, either by cash payment or by the execution of contracts providing for the deferment of the amounts due.

SEC. 2. Any assessments made against the lands eliminated from the project pending the confirmation of the Secretary's order are canceled and all payments made on account of any such assessments shall be credited to the lands retained in the project by the respective owners.

SEC. 3. In order to prevent the accumulation of delinquent project assessments or other proper charges against the lands described in the said order of the Secretary of the Interior and to protect all sums due the Government by the project landowners, the Secretary of the Interior is hereby authorized, in his discretion, to take such action as he may deem necessary, including the foreclosure of the Government's first lien for such unpaid charges created by the act of May 18, 1916 (39 Stat. 154), or any other act of Congress.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama and other commitments was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

HJALMAR M. SEBY

The bill (H. R. 2436) for the relief of Hjalmar M. Seby was considered, ordered to a third reading, read the third time, and passed.

MICHAEL-LEONARD SEED CO.

The bill (H. R. 6016) for the relief of Michael-Leonard Seed Co. was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. WERNER M. BERTELSON AND ELLEN W. SESSIONS

The bill (H. R. 6061) for the relief of Mr. and Mrs. Werner M. Bertelson and

Ellen W. Sessions was considered, ordered to a third reading, read the third time, and passed.

D. A. SULLIVAN & SONS, INC.

The bill (H. R. 7061) for the relief of D. A. Sullivan & Sons, Inc., was considered, ordered to a third reading, read the third time, and passed.

MOUNT WHITNEY POWER & ELECTRIC CO.

The bill (H. R. 331) for the relief of Mount Whitney Power & Electric Co. was considered, ordered to a third reading, read the third time, and passed.

W. E. FLODING CO.

The bill (H. R. 1551) for the relief of W. E. Floding Co. was considered, ordered to a third reading, read the third time, and passed.

CECIL HIGGENBOTTOM

The bill (H. R. 3113) for the relief of Cecil Higgenbottom was considered, ordered to a third reading, read the third time, and passed.

CLAUD R. JOHNSON

The bill (H. R. 4804) for the relief of Claud R. Johnson was considered, ordered to a third reading, read the third time, and passed.

MRS. MARION YARNOTT

The bill (H. R. 5957) to compensate Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger was considered, ordered to a third reading, read the third time, and passed.

ANNE BERBIG AND ALFRED E. BERBIG, JR.

The bill (H. R. 6658) for the relief of Anne Berbig and Alfred E. Berbig, Jr., was considered, ordered to a third reading, read the third time, and passed.

MRS. MAUDE C. MASSEY, OCALA, FLA.

The bill (H. R. 5884) for the relief of Mrs. Maude C. Massey, Ocala, Fla., was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF LEONARD ALMAS

The bill (H. R. 5898) for the relief of the legal guardian of Leonard Almas was considered, ordered to a third reading, read the third time, and passed.

SPENCER MEEKS

The bill (H. R. 6545) for the relief of Spencer Meeks was considered, ordered to a third reading, read the third time, and passed.

M. RAY WALDRON

The bill (H. R. 6619) for the relief of M. Ray Waldron was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF PAUL M. LAYMAN

The bill (H. R. 6629) for the relief of the estate of Paul M. Layman was considered, ordered to a third reading, read the third time, and passed.

MILDRED G. GORDON

The bill (H. R. 6721) for the relief of Mildred G. Gordon was considered, ordered to a third reading, read the third time, and passed.

DAVID E. CLARK

The bill (H. R. 7149) for the relief of David E. Clark was considered, ordered to a third reading, read the third time, and passed.

MRS. CLAUD TUCK AND DARRELL CLAUD TUCK

The bill (H. R. 7480) for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF IVERSON THOMACON AND L. D. BYRD, JR.

The Senate proceeded to consider the bill (H. R. 888) for the relief of Charles Thomason, administrator of the estate of Iverson Thomason, and the relief of L. D. Byrd, Jr., which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$6,500" and insert "$4,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MRS. J. R. BENNETT

The Senate proceeded to consider the bill (H. R. 7263) for the relief of Mrs. J. R. Bennett, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the name "Bennett", to strike out "and expenses incident thereto."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

L. W. COLLINS

The bill (H. R. 1675) for the relief of L. W. Collins was considered, ordered to a third reading, read the third time, and passed.

LUTHER CHITTY AND SUSIE CHITTY

The Senate proceeded to consider the bill (H. R. 1740) for the relief of Luther Chitty and Susie Chitty, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$1,020.70" and insert "$151.90"; and in line 7, after the words "sum of", to strike out "$5,000" and insert "$2,500."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM H. COGSWELL, JR.

The Senate proceeded to consider the bill (H. R. 5714) for the relief of William H. Cogswell, Jr., which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$2,500" and insert "$1,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HEIRS OF JOHN W. ADAMS

The bill (H. R. 6491) for the relief of the heirs of John W. Adams was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF LORRAINE NOVAK, A MINOR

The bill (H. R. 6781) for the relief of the legal guardian of Lorraine Novak, a minor, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF EMILY KRAFT, DECEASED

The Senate proceeded to consider the bill (H. R. 6591) for the relief of the estate of Emily Kraft, deceased, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "$7,500" and insert "$6,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

C. Y. WEBB

The Senate proceeded to consider the bill (S. 1012) for the relief of C. Y. Webb, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$10,000" and insert "$1,500"; in the same line, after the word "his", to strike out "claims" and insert "claim"; in line 7, after the word "his", to strike out "daughters" and insert "daughter"; in line 8, after "Naomi", to strike out "and Florine"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. Y. Webb the sum of $1,500 in full satisfaction of his claim against the United States arising out of the death of his daughter, Naomi Webb, resulting from a collision between two trucks, the property of the United States, on December 31, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent of attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VODIE JACKSON

The Senate proceeded to consider the bill (S. 2413) for the relief of Vodie Jackson, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "the sum of", to strike out "$10,000" and insert "$3,686"; in line 8, after the word "injuries", to strike out "and property damage", and in line 9, after the word "him", to insert "and for medical and hospital expenses", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to

pay, out of any money in the Treasury not otherwise appropriated, to Vodie Jackson, of Obion County, Tenn. (post-office address, Fulton, Ky.), the sum of $3,686, in full satisfaction of his claims against the United States for compensation for personal injuries sustained by him and for medical and hospital expenses when his wagon, in which he was riding, was struck by a Civilian Conservation Corps truck near Fulton, Ky., on October 18, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LT. M. V. DAVEN

The bill (S. 2135) for the relief of Lt. M. V. Daven was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That M. V. Daven, first lieutenant, Quartermaster Corps, United States Army, is hereby relieved of any liability to the United States for repayment of sums amounting in the aggregate to $474.16 heretofore paid to him as compensation for services rendered by him during the summers of 1932, 1933, 1934, and 1936 as chief baker for the Texas National Guard, at Camp Hulen, Palacios, Tex.; and the Comptroller General is authorized and directed to allow credit in the accounts of Taylor Nichols and Lawrence E. McGee, formerly United States property and disbursing officers for the State of Texas, for so much of such sum as has been suspended against the accounts of each of said former officers.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said M. V. Daven the sum of $161.50, in full satisfaction of his claim against the United States for reimbursement of the sum which he paid to H. J. Weiler, United States property and disbursing officer for the State of Texas, to compensate said H. J. Weiler for a suspension in his accounts entered by the Comptroller General because of his having paid the said M. V. Daven the sum of $161.50 for services rendered as chief baker for the Texas National Guard, at Camp Hulen, Palacios, Tex., during the summer of 1937.

CLAIM OF LEW O. CALHOUN

The bill (S. 2473) authorizing the Comptroller General of the United States to consider the claim of Lew O. Calhoun was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of any other law, the Comptroller General of the United States is authorized and directed (1) to consider the claim against the United States of Lew O. Calhoun, of Marshfield, Oreg., arising out of an allotment of his pay to the National Bank of Tacoma, Tacoma, Wash., while the said Lew O. Calhoun was an enlisted man in the United States Army during the World War, and (2) to certify to the Congress any amount found to be due the said Lew O. Calhoun as a result of the making of such allotment.

CHARLES E. NAGHEL

The bill (S. 2741) for the relief of Charles E. Naghel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to allow credit in the official accounts of Charles E. Naghel, formerly disbursing clerk for the Department of the Interior at Juneau, Alaska, for disallowances by the General Accounting Office in the amounts of $67 and $12 under certificates of settlement Nos. G-111248-In. and G-118777-In., dated February 28, 1941, covering payments made to Waiya Carroll for telephone service rendered by her at Copper Center, Alaska, during the period October 1, 1932, to and including June 30, 1935.

The Secretary of the Treasury is hereby authorized and directed to refund out of any moneys in the Treasury not otherwise appropriated any payments made by the said Charles E. Naghel on account of the disallowances in question.

MRS. ERNESTINE FUSELIER SIGLER

The bill (S. 2547) for the relief of Mrs. Ernestine Fuselier Sigler was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Ernestine Fuselier Sigler, of Oberlin, La., the sum of $1,200, in full settlement of all her claims against the United States for personal injuries sustained by her and for expenses incurred as the result of an accident involving an Army truck engaged in Third Army maneuvers on September 25, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BEATRIZ MILAN VDA. DE VAZQUEZ

The bill (S. 2618) for the relief of Beatriz Milan Vda. de Vazquez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Beatriz Milan Vda. de Vazquez, of Sabana Grande, P. R., the sum of $4,200.70 in full settlement of her claim against the United States for personal injury sustained when the automobile in which she was riding was struck by a United States Army command car on Insular Road No. 1, near Barrio Montellano, Cayey, P. R., on June 29, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ALFRED LEE POYNOR

The bill (H. R. 5961) for the relief of Alfred Lee Poynor was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ALMOS W. GLASGOW

The Senate proceeded to consider the bill (S. 2766) for the relief of Almos W. Glasgow, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$5,000" and insert "$2,800", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Almos W. Glasgow, of Boise, Idaho, the sum of $2,800, in full satisfaction of his claims against the United States for compensation for personal injuries sustained by him when the car in which he was riding was struck by a United States Army truck in Boise, Idaho, on August 21, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF JOHN L. ALCOCK

The Senate proceeded to consider the bill (H. R. 3773) to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock, which had been reported from the Committee on Claims with amendments, on page 1, line 9, after "Department", to insert "or other governmental agents", in line 10, after the word "order" to insert "or orders"; on page 2, line 3, after the word "lumber", to strike out "for the use of the British Army in the prosecution of the World War, and" and insert "or"; in line 5, after the word "action", to strike out "in directing the canceling of" and insert "either in the cancelation of or stopping shipment on"; in line 10, after the word "contracts", to insert "and orders."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DENNIS HALL

The bill (S. 2608) for the relief of Dennis Hall was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Reconstruction Finance Corporation is hereby authorized, notwithstanding any provision of law prohibiting or restricting the payment of compensation to aliens, to pay, from any funds available to the Corporation for the payment of administrative expenses, Dennis Hall, a

citizen of the United States and an employee of the Corporation, in accordance with the terms of his employment, for services rendered by him during the period from December 31, 1941, to March 15, 1942.

POSTMASTER AT NOME, ALASKA

The bill (S. 2742) for the relief of the postmaster at Nome, Alaska, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Postmaster General and the Comptroller General are authorized to pay to the postmaster at Nome, Alaska, the sum of $184.40, or to credit his account in that amount, such sum representing a charge against the postmaster based upon his having employed and compensated, through misunderstanding, an employee, now separated from the service, as a temporary clerk instead of as a substitute clerk at the Nome post office.

Mr. LANGER subsequently said: Mr. President, reverting to Senate bill 2742, Calendar No. 1812, which was just passed, I wish to ask the Senator who reported the bill, the Senator from Wisconsin [Mr. WILEY], to give the Senate an explanation of the bill.

Mr. WILEY. Mr. President, I do not have the papers before me, but my recollection is that the bill provides for the payment of the sum specified to the postmaster, or that he shall be given credit for some payment that was made to an employee under a certain misapprehension. The bill would do justice to the postmaster. The Department asks that the postmaster be credited for a payment he made, as I recall. I will look the matter up, and if there is any further explanation which can be given of the measure, I will be glad to give it.

Mr. LANGER. I wondered why the bill did not come before the Committee on Post Offices and Post Roads.

Mr. WILEY. It came before the Committee on Claims, as I recall.

HOWARD M. SANDUS

The Senate proceeded to consider the bill (S. 2530) for the relief of Howard M. Sandus, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "$7,213.95" and insert "$5,700", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,700, to Howard M. Sandus, Waukegan, Ill., in full satisfaction of his claim against the United States for reimbursement for hospital and medical expenses incurred, and for compensation for personal injuries sustained, by him as a result of the motor vehicle in which he was riding as a passenger being struck by a United States Army truck, at the intersection of United States Highway No. 41 and Illinois State Highway No. 22, on April 16, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LEE. Mr. President, has the calendar been completed?

The VICE PRESIDENT. The calendar has not as yet been completed. The clerk will state the last bill on the calendar.

EDWARD GILLEN DOCK, DREDGE & CONSTRUCTION CO.

The bill (H. R. 3468) for the relief of the Edward Gillen Dock, Dredge & Construction Co. was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. That completes the calendar.

CREDIT FOR SERVICE PERFORMED BY NATIONAL GUARD OFFICERS

Mr. LEE. Mr. President, I request unanimous consent for consideration of Calendar No. 1754, Senate bill 2891, which was passed over on the call of the calendar on November 23, on request of the Senator from Virginia [Mr. BYRD], who asked for an explanation of the bill.

The PRESIDING OFFICER (Mr. BUNKER in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2891) to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

Mr. McKELLAR. Mr. President, will the Senator from Oklahoma explain the bill?

Mr. LEE. I shall be glad to do so. This bill is sponsored by the War Department. It amends paragraph 8, section 127a, National Defense Act, so as to credit, for purposes of determining precedence, service performed by National Guard officers at encampments and maneuvers, small-arms competitions, and service schools under sections 94, 97, and 99 of that act.

When a National Guard officer is called into Federal military service he is entitled to count service under the sections cited in determining his date of rank.

If, however, the National Guard officer is subsequently promoted, on the same day, for example, as is a member of the Officers' Reserve Corps, the National Guard officer is no longer entitled to count his service under sections 94, 97, and 99 at encampments and maneuvers, small-arms competitions, and service schools in determining his rank relative to that of the Reserve officer.

This is so by reason of the fact that such service has been decreed by the Comptroller General not to be "active commissioned service in the Army," within the meaning of paragraph 8, section 127a, National Defense Act.

EXAMPLE

Lieutenant A, of the National Guard, who is senior to Lieutenant B, of the Officers' Reserve Corps, becomes junior to B when both are promoted to captain on the same day, although the service which A may not count may have been identical to that performed by B.

If, therefore, A had commanded an organization, with B as his second in command, B now the senior, would necessarily succeed A in command.

The adverse effect on morale, both of officers and men, is apparent.

The bill is designed solely to eliminate the discriminatory effect of existing law, by so defining "active commissioned service in the Army" as to include the service performed at encampments and maneuvers, small-arms competitions, and service schools.

Mr. McKELLAR. Mr. President, I am perfectly satisfied with the explanation made by the Senator from Oklahoma. I think the bill should be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2891) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the eighth paragraph of section 127a of the National Defense Act of June 3, 1916, as amended by section 5 of the act of February 28, 1925 (43 Stat. 1078; 10 U. S. C. 511), is hereby amended by changing the second sentence thereof to read as follows: "When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army, which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 94, 97, and 99 of this act."

B. H. WILFORD

Mr. ELLENDER. Mr. President, has the calendar been completed?

The PRESIDING OFFICER. The calendar has been completed.

Mr. ELLENDER. Out of order I report favorably from the Committee on Claims House bill 6226, for the relief of B. H. Wilford, and I submit a report (No. 1761) thereon.

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

Mr. ELLENDER. I now ask unanimous consent that the bill be considered at this time. The bill involves the small sum of $235.99 for reimbursement to B. H. Wilford.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 6226) for the relief of B. H. Wilford.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

CLAIMS OF YOUNG MEN'S CHRISTIAN ASSOCIATION AND OTHERS OF COLUMBIA, S. C.

Mr. ELLENDER. Mr. President, out of order, from the Committee on Claims,

I report favorably, with an amendment, Senate bill 2810. The bill was considered last Wednesday when the Committee on Claims held a meeting, but by oversight the clerk of the committee did not present the bill on time.

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

Mr. MAYBANK. Mr. President, I ask unanimous consent for the present consideration of the bill which was just reported favorably from the Committee on Claims. The bill would authorize the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2810) authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, my attention was momentarily distracted by a Senator. I ask that the title of the bill be stated.

The legislative clerk again stated the title of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The amendment reported by the Committee on Claims was, on page 2, line 6, after the words "sum of", to strike out "$5,000" and insert "$5,500", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C., for the value of buildings and other improvements which were erected by said parties on certain portions of the Columbia cantonment lands, situated near Columbia, S. C., prior to the transfer of said lands to the United States on August 12, 1940, and to allow in full and final settlement of the claims the sum of $10,000 to the Young Men's Christian Association, the sum of $5,500 to the Young Women's Christian Association, the sum of $6,700 to the Richland County Post, No. 6, of the American Legion, and the sum of $2,600 to C. J. Nairn. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $24,800, or so much thereof as may be necessary, for the payment of the respective claims in the amounts above indicated: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fine in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINERAL RESOURCES OF THE PUBLIC LANDS

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably, without amendment, Senate Resolution 310, and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 310) submitted by Mr. O'MAHONEY on October 22, 1942, was considered and agreed to, as follows:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, authorized by Senate Resolution 53, agreed to May 1, 1941, to investigate the mineral resources of the public lands of the United States, hereby is authorized to expand from the contingent fund of the Senate $3,000 in addition to the amount heretofore authorized for such purpose.

INVESTIGATION OF ECONOMIC AND SOCIAL CONDITIONS IN PUERTO RICO

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, with an amendment, Senate Resolution 309, authorizing an investigation of economic and social conditions in Puerto Rico. The amendment is, on page 2, line 6, after the word "Seventy-seventh", to strike out "and Seventy-eighth Congresses" and insert in lieu thereof the word "Congress."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 6, after the words "Seventy-seventh", to strike out "and Seventy-eighth Congresses" and insert in lieu thereof the word "Congress", so as to make the resolution read:

Resolved, That a subcommittee of the Committee on Territories and Insular Affairs, to be composed of five members of such committee appointed by the chairman thereof, is authorized and directed to make a full and complete study and investigation with respect to economic and social conditions in Puerto Rico resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war. The subcommittee shall report to the Committee on Territories and Insular Affairs the results of its study and investigation, together with its recommendations, at the earliest practicable date.

For the purposes of this resolution the subcommittee, or any member thereof duly authorized by the chairman of the subcommittee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned period of the Senate in the Seventy-seventh Congress, to employ and to call upon the executive departments for such experts and such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it or he deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per one hundred words. The expenses of the subcommittee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the subcommittee.

Mr. VANDENBERG. Mr. President, does the Senator intend to make a statement with respect to the resolution?

Mr. LUCAS. I shall make a brief statement.

Mr. VANDENBERG. I wish to address myself to the resolution after the Senator has concluded.

Mr. LUCAS. Mr. President, Senate Resolution 309 was reported on October 15 by the Committee on Territories and Insular Affairs. On October 29 it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There was a short delay in the consideration of the resolution, primarily because, as I stated a few days ago, no evidence was adduced by the committee which first reported the resolution upon which the committee of which I am chairman could base any findings with respect to the amount, if any, which ought to be expended in connection with such an investigation.

I believe that the length and breadth of the proposed investigation will be apparent to anyone who will take the time to read the resolution, when we consider that the resolution specifically provides for a complete study and investigation "with respect to economic and social conditions in Puerto Rico resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war."

In the brief hearings which were held the able Senator from Maine [Mr. BREWSTER] suggested that under the terms of the resolution it would be possible to investigate the public power question in the Territory of Puerto Rico. He submitted for the record a lengthy statement along that line. As I recall, he later withdrew the same, because it was agreed that perhaps that question was hardly within the scope of at least the spirit of the resolution. This position was corroborated by the able Senator from New Mexico [Mr. CHAVEZ] who said that he, as author of the resolution, had in mind only an investigation of the food shortage which is said to exist in Puerto Rico at the present time.

Mr. President, if we were to investigate all the economic and social conditions in Puerto Rico, many thousands of dollars would be required to make such an investigation. The point which I made a moment ago was that, after all, some evidence should be submitted upon which the committee can properly base its findings as to the amount of money which should be expended in the investigation. I am of the opinion $5,000 is ample.

Mr. President, I believe that is all I care to say upon the resolution at this time. The committee took some testi-

mony at the hearing. The president of the Chamber of Commerce of Puerto Rico testified, as did the Senator from Maine and the Senator from New Mexico. The Secretary of the Interior wrote a letter in which he opposed the investigation.

Mr. Lew Douglas, of the War Shipping Administration, wrote a letter to the committee advising us of the shipping conditions to and from Puerto Rico. There also appears in the committee report the report of Governor Tugwell with respect to Puerto Rico's restricted tonnage requirements on an emergency basis, setting forth the minimum requirements necessary for food purposes on the island. The president of the chamber of commerce agreed that the minimum requirements set out in the report of Governor Tugwell were adequate.

Mr. LANGER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. LUCAS. I yield.

Mr. LANGER. How much money is proposed to be appropriated?

Mr. LUCAS. Only $5,000.

Mr. President, with that statement I yield the floor. I shall be glad to answer any questions which I can answer.

Mr. VANDENBERG. Mr. President, I am disturbed by the statement made by the able Senator from Illinois [Mr. LUCAS] chiefly because the proposed inquiry is to be closely limited in scope so as to embrace only the so-called food shortage in Puerto Rico. I believe that the Congress is challenged to far greater inquiry with respect to fundamental conditions in Puerto Rico. I should like to be sure that if the committee finds it advisable to make a broader investigation, it shall not be confined solely to an investigation of the food crisis—and undoubtedly there is one—and that the resolution shall be broad enough to include total information for the Congress regarding the amazing administration of Dr. Rexford Guy Tugwell, the Governor of Puerto Rico, whose nomination skinned through the Senate in August 1941 by the thin margin of a single vote.

The House Committee on Agriculture has already recognized the food crisis by approving an appropriation of $15,000,000 for starving Puerto Ricans; but the committee unanimously—and I emphasize the word "unanimously" because it is so significant—the committee unanimously, without any partisan division, voted that not one cent of the money appropriated for starving Puerto Ricans should be spent while Dr. Tugwell—whom I suppose we might aptly call the Don Quixote of the New Deal—remains as Governor of Puerto Rico.

Mr. President, if there is a food crisis in Puerto Rico, we ought to attend to it, regardless of who is Governor, because Puerto Rico gets her Governor by our warrant, and not with her consent. But if there is also a "Tugwell crisis," we ought to attend to that, too, and just as expeditiously, for our own sakes and for the sake of our island wards. I want to be sure that the resolution can go that far, if necessary.

Many of us remember the amiable Dr. Tugwell as a starry-eyed crystal gazer whose reddish dreams have already cost us hundreds of millions of dissipated dollars here at home, for which we have little or nothing to show except exploded nonsense. He was moved out of the administration when the country began to catch up with him. For an interim he was in private business—I believe it was the molasses business, which seems to have poetic connotations. Then he was reenthroned at San Juan as Governor and "chief commissar" of Puerto Rico. The American theatrical success called Hellzapoppin has had its Puerto Rican counterpart in real life ever since.

Meanwhile Congress has been beleaguered by rival exhortations. Apparently there is a strident "Tugwell Party" which likes what is going on, no matter what it costs. Then there are scores of Tugwell critics who apparently resent the new "Commune" for which they seem to be headed. The record seems to indicate the creation of a vast, new, and costly bureaucracy, involving some 20 new commissions, and such, which can give Tugwellian ideas rich play.

Most of us are familiar with these Tugwellian ideas, and his enthusiastic impatience with the American way of life. He is a frank revolutionist who really wants to do something about it. I frankly admire him for his candor, his courage, and his honesty, even though I have never been able to underwrite his wisdom or his dependability.

At any rate, there clearly seems to be a "Tugwell crisis" as well as a food crisis in Puerto Rico. I should like to be sure that the Senate investigators contemplated by this resolution will be prepared to furnish us with authentic information on the subject if the development of the situation indicates that we ought to have it.

I am particularly moved in my interest by an event which occurred on November 5 last in San Juan, P. R., George A. Malcolm, attorney general of Puerto Rico, was removed as attorney general by the President of the United States, without any charges having been presented against him and without any opportunity for defense against any charges which might have been filed.

Let us see who Mr. Malcolm is. I submit that he is not a fly-by-night payroller who can be summarily dismissed without serious consideration. I submit that Mr. Malcolm's record indicates that he is one of the chief career experts in the administration of American colonial and offshore possessions.

He began his career after his graduation from the University of Michigan in 1906, in the Bureau of Health in the Philippine Government. He was transferred to the Bureau of Justice as a law clerk, and became first assistant attorney general. He was transferred to the University of the Philippine Islands as professor of public law and dean of the college of law, which he founded.

In June 1917, he was appointed by the President as associate justice of the Supreme Court of the Philippine Islands. He remained on the court as associate justice and as presiding justice for over 18 years, until the inauguration of the Commonwealth of the Philippines. In January 1936, he was appointed by the President as assistant legal adviser to the United States High Commissioner, Frank Murphy, at Manila, and he continued in the same capacity with United States High Commissioner Paul V. McNutt. In September 1939, he was appointed by the President as Attorney General of Puerto Rico, on the personal recommendation of the then Attorney General, Mr. Murphy.

Mr. President, I submit that those credentials are reasonably formidable ones. Mr. Malcolm was appointed by the President as attorney general in September 1939, after a distinguished and powerful career. He was removed by the President on November 5, 1942, without any charges, without any opportunity to know why he was removed, and without any opportunity to confront those who were removing him.

However, it is quite clear why he was removed. I now read from the Puerto Rico World Journal of Wednesday, November 11, 1942. The World Journal is one of the leading daily newspapers in San Juan:

> The long-smoldering conflict between the attorney general's office and Gov. Rexford G. Tugwell flared into the open yesterday when Attorney General George A. Malcolm, speaking before a combined meeting of civic clubs in San Juan, charged Tugwell with extravagance and took direct issue with "an executive who would dump a whole series of half-baked projects onto a people in wartime to divide and confuse them and to divert time, energy, and money from what should be our sole object—to win the war."
>
> The attorney general declared a large number of important measures had been approved by Tugwell in the face of adverse legal reports, and that Tugwell has approved bills creating no less than 23 authorities, services, and offices, in addition to various advisers and coordinators, including a coordinator of information.
>
> Appropriations in 1942, he disclosed, have been increased by $14,500,000 over 1941, and he referred to the Organic Act of Puerto Rico, which empowers the auditor to call attention to extravagant and unnecessary expenditures.

Quoting now Mr. Malcolm's words as they appear in the newspaper text:

> "Nevertheless, the auditor was afforded no opportunity to make reports on bills involving appropriations totaling $10,000,000," said Malcolm. "Of the bills forwarded to the auditor for reports, 20 were approved by the Governor against the opposition of the auditor."
>
> Malcolm included figures to demonstrate that notwithstanding the poor economy of the island, Puerto Rico is maintaining the most expensive government under the United States flag.

Any Member of Congress who remembers Dr. Tugwell's flamboyant experiments with our money in building some of his experimental towns up and down the country can well understand how that might be true.

Continuing with the report:

> He—
>
> Meaning Malcolm—
>
> quoted a letter that Tugwell wrote him last December in criticism of a now historic speech made on the 150th anniversary of the

American Bill of Rights. In this speech Malcolm mentioned government inefficiencies, the growing Puerto Rican bureaucracy, and asked that the "spotlight of public opinion" be turned on unessential officers and bureaus in order that something tangible be accomplished for the welfare of the people, and in order to make all officials and employees remember a public office is a public trust.

Malcolm's December 1941 speech was subsequently quoted editorially by the World-Journal, and accompanying publicity drew Governor Tugwell's wrath upon the Attorney General.

"My hours as your Attorney General are numbered," said Malcolm in closing. "But while I remain in office, and afterwards as a humble citizen, I shall do everything within my power to assure a democratic government. Let's remain Americans."

Mr. President, in the face of that situation the Attorney General of Puerto Rico was removed by the President on November 5, 1942, without any charges having been made in public, I repeat, and with no opportunity for a defense. He was removed, as nearly as I can discover, because he was guilty of the high crime of pleading that we remain Americans.

The Puerto Rico World Journal for Wednesday, November 18, concludes a very caustic editorial with the following statement:

Governor Tugwell can do something worthwhile now, by resigning, and at the same time provide a sparkling example to the numerous political parasites who are getting fat while "the people" starve.

Those are not my words, Mr. President. Those are the words of the native press from Puerto Rico. I do not know the extent of the validity of those charges; I do not know their integrity; but I submit that if we are to investigate the food situation in Puerto Rico, the committee which does so should have full authority and opportunity to investigate the things which probably are behind the food crisis, especially in view of the fact that the House of Representatives, through its Committee on Agriculture, has taken the utterly unprecedented action of voting a relief appropriation to relieve famine in Puerto Rico, yet insisting that not one penny of it shall be spent so long as Guy Tugwell is Governor. In those circumstances, I submit, there is created a situation to which we can no longer blind our eyes.

In justice to Dr. Tugwell, in justice to the Puerto Ricans, in justice to the responsibility which rests upon us as Members of the House and Senate, I submit that those facts require that authentic information be promptly obtained.

Therefore, in supporting the resolution now reported from the Committee to Audit and Control the Contingent Expenses of the Senate, I do so only with the understanding that if the committee finds that the Tugwell crisis, along with the food crisis, is entitled to investigation, it is not foreclosed from doing its fundamental duty.

Mr. BARKLEY. Mr. President, the resolution which is now before the Senate has been pending since October 20, when it was submitted, and since October 29, when it was reported from the Committee on Territories and Insular Affairs. I share the distress which every Senator and everyone else feels with respect to the hunger of, and lack of food and suitable nutrition for, the people of Puerto Rico. No matter how many committees may be appointed to investigate the cause of that shortage of food, I presume we all know, and that the committee would be compelled to report, that the food shortage is due to a lack of shipping facilities between the United States and Puerto Rico. It may be that on account of the unfortunate economic situation in Puerto Rico the shortage of shipping affects the people there more disastrously and vitally than it does in other places where there is an equal, if not a greater, shortage of shipping.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. For several days reports have come to the Senate—and I say this because we are talking about the shortage of shipping for Puerto Rico—that our ships which go there come back in ballast, although there is an enormous amount of sugar in Puerto Rico, and that our ships take sugar from this country to Puerto Rico. I cannot say whether it is true; I simply say that within the last 3 days numerous Senators have told me it is true. If that is true, the situation is a preposterous one and should be corrected; and the facts should be ascertained by the committee, so as to allow the Congress to correct the situation, it seems to me.

Mr. BARKLEY. I have no information as to whether that rumor is correct. I do not know. There is a letter here from Mr. Lew Douglas, who formerly was a Member of the House of Representatives, and subsequently was Director of the Bureau of the Budget, and now is Deputy Administrator of the War Shipping Administration, setting out the situation. Of course, I do not know what the sugar situation is. I do not know whether ships are returning to the United States from Puerto Rico in ballast. If they are doing so, and if in Puerto Rico there are available commodities which the people of the United States need, and which should be shipped to this country, I should say that the practice complained of certainly should be discontinued. However, I have no information with respect to it.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. The only information that came before the committee as to the shipment of sugar from the continent to Puerto Rico was an article in the New York Times, which is considered to be a very responsible newspaper, to the effect that 50,000 bags of sugar were shipped from the continent to San Juan.

Mr. BARKLEY. Was that American sugar produced in the United States?

Mr. CHAVEZ. It was sugar that went from the continent of the United States to Puerto Rico. I do not know where it was produced.

Mr. BARKLEY. I do not know where it came from. Of course, if it was Louisiana sugar shipped out of the United States into Puerto Rico, where they produce sugar of their own and have a surplus, I should naturally want to inquire how that happened. I imagine, however, that probably that is not the situation; there may be a perfectly legitimate explanation of the fact, if it is a fact, that 50,000 or any other number of bags of sugar were shipped from continental United States to Puerto Rico.

Mr. OVERTON. Mr. President, if the Senator from Kentucky will yield, I think I can assure him that it was not Louisiana sugar.

Mr. BARKLEY. I do not care to go into the question whether it was Utah or midwestern sugar or sugar produced anywhere else in the United States. What I have in mind is that if they have more sugar in Puerto Rico than they need, and American-produced sugar is being shipped into Puerto Rico, I should want to know some good reason for that being done. It may not be true at all; I have no information about it.

I realize that the very mention of the name of the Honorable Dr. Rexford Guy Tugwell causes internal and frequently external explosions here in the United States. I hold no brief for Dr. Tugwell. It is very generous of the Senator from Michigan to admit that he is an honest and sincere advocate of what the Senator from Michigan calls revolutionary ideas. Maybe he is. So was Jefferson, so was Lincoln, so was Theodore Roosevelt, and so were many other outstanding Americans who advocated things that some of their contemporaries regarded as revolutionary.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. Since the Senator refers to me, I should not want him to expand my quotation into any justification for linking Tugwell with Lincoln and Jefferson.

Mr. BARKLEY. I am not expanding the Senator's quotation, but he did say that he admired the frankness of Dr. Tugwell and he did say that he thought he was honest and sincere.

Mr. VANDENBERG. That is correct.

Mr. BARKLEY. That is all I quoted the Senator as saying about Dr. Tugwell; and I say the same thing was said about other great Americans, but not always that they were sincere and honest, for they were frequently accused of not being either.

So far as the dismissal of Mr. Malcolm is concerned, I know nothing about that incident. I suppose that is a Presidential responsibility. I do not understand that Mr. Malcolm's appointment as attorney general was sent to the Senate and confirmed; Mr. Tugwell's was. The fact that he was confirmed by only one vote is beside the question. Frequently we pass important bills in the Senate by one vote. Whether he was confirmed by one vote or any number of votes, he was, nevertheless, appointed Governor of Puerto Rico; he is responsible, so long as he is Governor of Puerto Rico, for the administration of the affairs of Puerto Rico, and if the President of the United States or if the Governor himself, acting under the laws giving him such authority, appointed a man as attorney general who thereafter openly and

notoriously in public speeches condemned him and denounced him and his administration, the question would arise whether the attorney general, who is supposed to cooperate with the Governor, should be retained in office. I have not the slightest doubt if the Senator from Michigan were Governor of Puerto Rico or any other Territory or Governor of his own State, and he had the power to dismiss an attorney general who was spending his time making speeches criticizing him and denouncing him, that he would exercise that authority.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I agree completely with what the Senator says; under the circumstances, I do not see how the two men could be in the same administration; but I should want to know who is right and who is wrong, whether it is Tugwell or Malcolm.

Mr. BARKLEY. The Senator cannot get that information from me, because I do not know.

Mr. VANDENBERG. I think we could get it through the committee.

Mr. BARKLEY. I will say that if the committee to be appointed under this resolution, under the guise of finding out about the food shortage in Puerto Rico, is to go on a wild goose chase to investigate Tugwell, I would be opposed to the resolution. If Dr. Tugwell needs investigation, let him be investigated openly, and let a committee be appointed for that purpose, but let him not be investigated under the guise of a resolution intended to find out who is responsible for the food shortage in Puerto Rico.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I thank the Senator for his courtesy, and I will not interrupt him again. I call his attention to the fact that the language of the pending resolution includes authority for "a full and complete study and investigation with respect to economic and social conditions in Puerto Rico."

Mr. BARKLEY. Yes; "resulting from the interuption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war."

Mr. VANDENBERG. That is correct, but, according to the local press, and according to the attitude of the House Committee on Agriculture—and it must have had something to base its attitude upon—there is a definite and direct connection between the situation described in the resolution and the administration of Dr. Tugwell, and that is what I should like some information about.

Mr. BARKLEY. So far as the action of the House committee approving an appropriation of $15,000,000 to feed the hungry people provided that Tugwell does not handle the food is concerned, I do not desire to comment either on action taken by the House of Representatives or by any of its committees.

It seems to me, if I may make a frank statement, that the committee was more interested in striking a lick at Tugwell than it was in feeding the hungry mouths in Puerto Rico. The committee could have provided an agency, if they desired to do so, to handle the $15,000,000 appropriated for food. They had a way of doing it. They could have restricted it, and could have sent an agency or could have created one to take charge of the expenditure of the money. They did not do that. They appropriate the $15,000,000 as a charity, and then say, "If in some way you do not get rid of Dr. Tugwell, the people can all go hungry; they can starve; they can die, so far as we are concerned, so long as Tugwell remains in Puerto Rico." I think that is an indefensible attitude for a committee or for either House of Congress of the United States to assume.

Mr. VANDENBERG. I said precisely that. As the Senator will recall, I said that the famine in Puerto Rico must be met, regardless of who was Governor, but I also said that if the House committee could be driven to what I know is a totally indefensible position because of its information about the Tugwell regime, there must be something involved that is worthy of total and authentic inquiry.

Mr. BARKLEY. I do not know whether the committee was driven or went on a runaway or proceeded under its own steam. To me, it certainly presents an anomalous situation that the Congress, if it is so anxious to feed hungry people in Puerto Rico that it is willing to spend $15,000,000 out of the Treasury of the United States, should then provide that so long as Dr. Tugwell remains the people shall go hungry; they shall not be fed; they may even die of starvation, if necessary, in order that a blow may be struck at Dr. Tugwell.

As I have said, I have no brief for Dr. Tugwell. We all know that the Puerto Rican situation has been considerably involved for a long time. As we all know, there are two political factions in Puerto Rico. It may be that Dr. Tugwell undertook to inaugurate certain economic and social reforms in Puerto Rico a little more rapidly than some of the people there were ready for them, at least, more rapidly than the chronic opponents of any kind of reform in Puerto Rico were ready to accept. That may be so; I do not know about that. I have never been in the island—I wish I could go there—I should like to go with the committee if it is to visit Puerto Rico; but I am not a member of the Committee on Territories and Insular Affairs, so I am not eligible to appointment. I wish I could go as a member of the committee. I should like to see with my own eyes and hear with my own ears and digest in my own mind the conditions which have existed and which now exist in Puerto Rico.

That, however, is beside the question of the pending resolution. I am not opposing the resolution. I think all the information that may be made available by the committee's investigation is pretty well known. We all know about the present shortage in ships. The available tonnage is set forth in the reports of Secretary Ickes. I do not think anybody will dispute what he said in his letter to the committee, and his statement coincides with the statement of Mr. Lew Douglas, for whom everyone, I think, has respect, and who, no doubt is honest about it and has the information. The statements made by Mr. Douglas, of the War Shipping Administration, and Secretary Ickes are exactly alike with respect to the shortage in shipping.

The normal demand for shipping with which to transport food supplies between the United States and Puerto Rico is between fifty-two and fifty-three thousand tons a month, but due to the shortage of shipping and the necessity of sending men and equipment to support our armed forces all over the world, the shipping supply for Puerto Rico has been reduced to about 33,000 tons, so that there is a shortage of approximately 20,000 tons a month in shipping available to send supplies of food to Puerto Rico.

The shortage of shipping space for the traffic between the United States and Puerto Rico is no greater than the shortage between the United States and other points. The reason why we are having a shortage in coffee is not because there is any scarcity of coffee but because there is a scarcity of shipping from the coffee-producing countries to the United States. The reason why we cannot at times buy bananas is because there is a shortage of shipping space between the banana-growing countries and the United States. The same consideration applies to all the things we buy from Central and South America and the islands of the Caribbean, together with the things they depend on us to furnish them. It is inevitable and unavoidable.

This is not hard to understand when we consider the story recently carried by the newspapers. I do not have any confidential information about it, but it has not been denied that in the expedition to North Africa there were 500 transport ships and 350 warships, a total of 850, probably the largest armada that was ever assembled in the history of the world.

Submarines have been infesting the Caribbean Sea and have been sinking ships of all kinds and of all nationalities, so that not only do we have to convoy to the various fields of battle the ships carrying our soldiers and sailors and marines and the supplies for them but we also have to convoy ships between the United States and the islands of the Caribbean Sea. The situation has not been brought about by deliberation, negligence, or indifference on the part of anyone toward the welfare of the people of Puerto Rico and their relationship to the United States.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHAVEZ. The people of Puerto Rico realize the shortage of bottoms necessary for carrying to the island the commodities they need. What they contend is that those in authority in government should see to it that the small amount of tonnage to which they are entitled should be adequately and in a proper way utilized for the transportation of the things which are absolutely necessary. But instead of sending 30,000

tons of actual foodstuffs, in many instances there are sent to Puerto Rico articles which the people cannot eat.

Mr. BARKLEY. Fertilizer, for instance, is sent there. Considerable shipments of fertilizer have been sent to Puerto Rico. Of course, the people cannot eat fertilizer, but I presume it is sent on the theory that it will help produce things in Puerto Rico which the people can eat.

Mr. CHAVEZ. That is correct.

Mr. BARKLEY. And without it they cannot produce those crops, at least in as large quantities as by the use of fertilizer. It may be that someone should decide whether fertilizer is to be sent, or whether fish or rice is to be sent, but if the sending of fertilizer will enable the Puerto Ricans to produce more of the things they desire for foodstuffs, it is not altogether unwise to help them in the fertilization of their land.

Mr. CHAVEZ. I agree with the Senator completely.

Mr. BARKLEY. I think about 9,000 tons space was used for the shipment of fertilizer into Puerto Rico during one of the recent months.

Mr. CHAVEZ. The Senator from Kentucky knows very well that the people in every area in this country, and indeed throughout the world, have certain habits of diet; they eat certain foods. There are certain foods which are eaten in Minnesota which could not be sold in Puerto Rico in 10 years. When they need rice, and need beans, and need codfish, they are sent shredded-wheat biscuits. The only milk they have in Puerto Rico happens to be powdered milk, skim milk, and the people cannot use it because of the local laws in Puerto Rico prohibiting them from buying it. I think there has been a misapplication of the use of the allotted space in shipping.

Mr. BARKLEY. I am not in a position to argue with the Senator on that score. It may be that those responsible should have sent more of one thing than they did, and less of something else.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TYDINGS. I should like to say to the Senator from Kentucky that even if there had been no war at all, there would be a very aggravated Puerto Rican problem, due to the fact that in Puerto Rico there is found the densest population in the Western Hemisphere. The Puerto Ricans export only one thing, practically, sugar, and import nearly all the food they eat, including many vegetables, and practically all the meat, as well as a great deal of fish. The four principal products are sugar, coffee, tobacco, and some needle work.

I am rising at this point to say that I am hopeful that the committee, if one is appointed, in examining into the immediate cause of the aggravated conditions in Puerto Rico, will see the larger picture. After having spent some time in Puerto Rico and going all over the island, visiting every nook and corner, I think the ultimate solution will be to have a mixed commission, perhaps composed of Puerto Ricans and Americans, certainly with a goodly representation of the Congress on it, which will try to find some economic solution for Puerto Rico which, for example, will embrace consideration of emigration from Puerto Rico to some other place. The island is overcrowded. One is never out of sight of a person, the population is so dense. The health conditions in some of the cities are appalling.

Quite aside from the controversy over Governor Tugwell, with many of whose theories I do not find myself in accord, I am very hopeful that the committee will see this larger picture, and lay the foundation for a recommendation which will set up a committee to evolve a permanent solution of the problem.

In my last talk with Governor Tugwell he himself said that everything he might do would be only of a temporary nature, but there was this permanent problem, which had been brushed aside ever since the Spanish-American War. We have to find a solution; otherwise we will simply be pouring hundreds of millions of dollars into Puerto Rico, trying to ascertain what is fundamentally wrong, and trying to find how we can cure what is wrong, so that we will not have to pursue these expedient measures from time to time.

Mr. BARKLEY. I do not find myself in disagreement with the Senator from Maryland in that broad statement. I have no doubt that we have blinded our eyes too long to conditions in Puerto Rico. It reminds me of a remark Lloyd George made to me some years ago, in one of the most delightful hours I ever spent with any human being. We were discussing various world conditions. England had shortly theretofore recognized Russia, and I asked Mr. Lloyd George why they recognized Russia, and he gave me a very practical and what seemed to me to be a sound reason. Then I said, "Does your recognition of Russia mean that you approve everything that has happened in Russia?" This was his reply: "You may recall that Lord Nelson was blind in one eye, and whenever he wanted to look at something he did not want to see, he always put his telescope to his blind eye." We have been doing that with regard to Puerto Rico, it may be. For lo these many years, since the Spanish-American War, we may have been putting our telescope to our blind eye because we have not wanted to see everything that has gone on in Puerto Rico, and the conditions there.

Notwithstanding all that, Mr. President, I think nothing could happen which would be more unfortunate for Puerto Rico or for the United States, or the relationship between the United States and Puerto Rico, than to have a committee, appointed to investigate the cause of the food shortage due to the war, go to Puerto Rico and enter into a series of open hearings upon the political differences, the factional differences, which exist in Puerto Rico, whatever they may be. I hope, and I hope fervently—and this is one of the reasons why I shall not object to the resolution, and not oppose it—that the committee will confine itself to the terms of the resolution. Certainly no one can accuse Governor Tugwell of being guilty of anything that causes a shortage of food. It may be that some of his remarks have impinged upon the interests of certain groups in Puerto Rico. I am not sure about that; perhaps it is so.

I do not know that it would be necessary for the committee appointed under the terms of the resolution to go to Puerto Rico. I think probably they could find out nearly everything they needed to know without doing so; but if they should go, it would be most unfortunate to open up an ad libitum examination into all the things which affect Puerto Rico, especially factionalism, and groups for and against Governor Tugwell. I am supporting the resolution, I will say to the Senator from New Mexico, on the theory that the committee would confine its investigation to the terms of the resolution.

Mr. CHAVEZ. Of course the Senator from New Mexico does not know who the chairman of the committee will appoint on the subcommittee, but I feel sure that whoever is appointed will read the words of the resolution and follow the resolution. I think it is clear as to what it contains.

Mr. BARKLEY. I agree with the Senator. It certainly is clear, and I do not think any committee would have any justification in going beyond the terms of the resolution.

Mr. WILEY. Mr. President, we are informed as to the importance of the resolution, and I can agree with the conclusion of the Senator from Michigan [Mr. VANDENBERG], which, as I recall, was to the effect that when we add the phrase, "resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war," that limits the resolution.

I, for one, cannot agree with the statement just made by the majority leader. In my opinion, the people of Puerto Rico are our wards, and when we stepped in and took over that government, we assumed a responsibility, not only to the people of Puerto Rico, but to the Americans who have since gone there and are making their living there.

The situation as described by the Senator from Maryland [Mr. TYDINGS] is tragic, of course, but there is something else to be said. Puerto Rico is now made a great laboratory, in time of war, for a great social experiment, with the idea that perhaps the United States itself will be inoculated. I do not make that statement on hearsay. I have before me a letter written by a distinguished lawyer, a friend of mine, a resident of San Juan, P. R. I shall not take the time to read it, but I ask unanimous consent that the letter, without the signature, be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

NOVEMBER 17, 1942.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: We are having so much trouble in Puerto Rico that I thought it advisable to write you a letter to see what you can do in Congress to help us out here in Puerto Rico.

The situation at present is chaotic due to the lack of administrative capacity of Governor Tugwell and his attempt to set up in the island what looks like a form of dictatorship.

Due to the inability of Tugwell and his appointees to work out a plan for the transportation of food and supplies to Puerto Rico and their distribution, hundreds of thousands of Puerto Ricans are either on the verge of starvation or are actually starving. The other day a cargo of rice arrived in Puerto Rico, which is the staple food for the island, and riots occurred in nearly every store where rice was to be had.

Tugwell's present power is due to his close alliance with Luis Muñoz Marín, the leader of the political party that is now in control of Puerto Rico Legislature by a margin of two votes. At the last election, although the opposing party received more votes, the Popular Party now in power secured control of the legislature by a two-vote plurality. All past Governors in the island have held themselves above political squabbles, but Tugwell for the first time in the history of the island has joined up with the Popular Party and in all of his appointments to offices and positions in the government he has appointed nobody except members of the Popular Party headed by Muñoz Marín.

It is necessary to call the above political angle to your attention in order that you may understand how Tugwell and Muñoz Marín have passed recent legislation which has begun to result and will continue to drive out American capital as well as Puerto Rico capital from the island. In fact the legislation that has been passed is so destructive of business activities in Puerto Rico that it would seem that this group is deliberately trying to destroy the economy of the island either due to a hatred of capital in general and American interests in particular or due to an attempt to so antagonize everyone in Washington that the Congress will give Puerto Rico its independence in order to get rid of a terrible headache.

During the last year the following legislation has been enacted in Puerto Rico and is now in force:

1. All the sugar mills in the island have been declared public utilities and placed under the Public Service Commission and their income and charges are subject to regulation by the commission. If the rates are established at such a low figure that the sugar mills in the island find it impossible to continue operations, the government can take them over under the provisions of another law recently passed which permits the government to seize any business on the island that refuses or is unable to function during the war period and operate it with government capital.

2. The setting up of several commissions including a transportation authority, a communication authority, a public water power authority, etc., with powers to buy and operate all of the privately owned telephone, gas, electric light companies, bus lines, and other such activities in the island. Already, to the date of this letter, the following private enterprises have been taken over and are being operated by these authorities:

(a) The Puerto Rico Light & Power Co. (Canadian capital) and the Mayaguez Power & Light Co. (Puerto Rican capital), the two electric power companies in the island owning most of the facilities here.

(b) The White Star Bus Line (Puerto Rican capital), which operated the only highway transportation in the city of San Juan.

(c) The enactment of a bill authorizing the government to exercise the recapture clause of the Puerto Rico Telephone Co. (American capital), which operates and owns the entire telephone system in the island.

All of these commissions are under the direct control of Tugwell as to appointment of their executive officers and members of the commissions in all of these offices have been filled with only members of the Popular Party and they all cost a lot of government money for high paid salaries.

3. There are three acts creating a Puerto Rico Government Bank, a Puerto Rico Government Business Corporation, and a Planning and Zoning Act, all of which are under the direct control of Tugwell and which provide for the loaning of the government funds to any business or any operation that the Governor desires to encourage. Also the government is able to buy and operate private businesses under the government-owned corporation and to go into new fields of business that the government deems desirable. The Government-controlled Corporation Act provides that it shall borrow money from the government-controlled bank, if necessary, for its operations. The Planning and Zoning Act places all real estate, urban developments, zoning, future roads and streets under the control of a board appointed by the Governor so that any improvement on any private land is subject to the complete control of the board and no subdivision, plat, nor sale or lease of land can be made until permits have been issued by this board.

4. An act known as the Land Law of Puerto Rico which creates a body whose members are subject to appointment by the Governor that can purchase by the right of condemnation any rural property in the Island of Puerto Rico that they desire for their purposes, which is for the distribution of land to individuals and which also provides that any corporation or entity which owns land in excess of 500 acres subsequent to the date the act takes effect shall be taken over and operated by the Land Authority. Under this act, all of the cultivated lands in the island could be purchased by this Land Authority and operated by it.

5. A special meeting of the legislature was called by Tugwell and it has just passed, at Tugwell's request, greatly increased excise and income taxes, none of which go into the coffers of the Federal Government and none of which can be used for the war effort. The purpose of the Governor and the Popular Party is to use the Federal tax legislation imposed to win the war as a sample to follow in Puerto Rico with the one difference that none of the money raised in Puerto Rico goes into the war effort but into the Treasury of Puerto Rico in order to operate and to staff the various commissions, boards, and other governmental activities detailed above. Furthermore, there is a 5 percent so-called victory tax on gross income which is collected at the source by the employer on all wages but unlike the Federal 5-percent victory tax, none of this money is returned on the basis of a loan from the taxpayer after the war is over.

It has been suggested by competent observers of Puerto Rican affairs that until the Bureau of Insular Affairs is transferred back to the War Department where it had been except for recent years, the difficulties we have had with Tugwell during the war period may continue. The Chamber of Commerce, the Agricultural Association of Puerto Rico, the "Coalición," which is the leading political party opposite the "Populares" and other civic organizations in the Island have petitioned for the removal of Tugwell, including a resolution by the American Federation of Labor at its recent annual convention in Canada. However, the removal of Tugwell may or may not solve our problem as long as Puerto Rican affairs are handled by the Department of the Interior.

Both Army and Navy officers at many times during the past several months have been balked in their attempts to take the necessary measures for the defense of the island due to the fact that the Department of the Interior has been given the deciding word on any war policy for Puerto Rico. It is therefore one of the necessary solutions of this problem that the management of Puerto Rico affairs at least during the war period should be transferred back to the War Department.

Tugwell has surrounded himself with men whose aims and objectives, as shown by their words and deeds to date, are to implant an economic and political revolution in Puerto Rico with the control or ownership of most of the economic activities placed in the insular government in such a way that many legislative prerogatives guaranteed by our organic act will be swept away by executive fiat. The legislation described above is indicative of what they have done to date along these lines. An impartial and democratic governor for the remaining 2 years left while this group is in power until the next general election in Puerto Rico could hold the line until the voters themselves take the reins in their own hands in November 1944 and correct the situation. Without a change of governor the revolutionary changes now taking place should continue unabated until November 1944.

I am sorry to have to bother you with the above matters, but the only recourse we have in Puerto Rico is to appeal to Members of Congress, and particularly to those Members whose outlook and interests are beyond the particular interests of their own State and who have a genuine interest in both national and international affairs.

* * * * *

Sincerely yours,

_____.

Mr. WILEY. Mr. President, I simply call attention to a conclusion which the writer arrives at which I think the Senate could well bear in mind. I read from the letter:

It has been suggested by competent observers of Puerto Rico affairs that until the Bureau of Insular Affairs is transferred back to the War Department, where it had been except for recent years, the difficulties we have had with Tugwell during the war period may continue.

Listen to this, Senators:

The Chamber of Commerce, the Agricultural Association of Puerto Rico, the "Coalición," which is the leading political party opposite the "Populares," and other civic organizations in the island have petitioned for the removal of Tugwell, including a resolution by the American Federation of Labor at its recent annual convention in Canada. However, the removal of Tugwell may or may not solve our problem as long as Puerto Rico affairs are handled by the Department of the Interior.

Think of this statement, Mr. President, coming from a level-headed, realistic individual. Think of this language:

Both Army and Navy officers at many times during the past several months have been balked in their attempts to take the necessary measures for the defense of the island due to the fact that the Department of the Interior has been given the deciding word on any war policy for Puerto Rico. It is therefore one of the necessary solutions of this problem that the management of Puerto Rico affairs, at least during the war period, should be transferred back to the War Department.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. NORRIS. I am interested in information which may be elicited concerning the question before us. I think the Senator from Wisconsin has really closed an avenue of information when in his unanimous-consent request he asked

that the name of the writer of the letter be not printed. If the committee is going to investigate, it ought to seek to question the writer of the letter. The committee should look into the allegations he makes.

Mr. WILEY. Mr. President, I am frank to tell the Senator that the committee has the original letter, but as it was written to me I have no authority from the writer to make his name public. The letter, however, is in the hands of the committee.

Mr. NORRIS. Then, it is all right.

Mr. WILEY. I call attention to other statements contained in the letter. Under the domination of Mr. Tugwell—

During the last year the following legislation has been enacted in Puerto Rico and is now in force:

1. All the sugar mills in the island have been declared public utilities and placed under the public service commission and their income and charges are subject to regulation by the commission. If the rates are established at such a low figure that the sugar mills in the island find it impossible to continue operations, the government can take them over under the provisions of another law recently passed which permits the government to seize any business on the island that refuses or is unable to function during the war period and operate it with government capital.

2. The setting up of several commissions including a transportation authority, a communication authority, a public water power authority, etc., with powers to buy and operate all of the privately owned telephone, gas, electric light companies, bus lines, and other such activities in the island. Already to the date of this letter the following private enterprises have been taken over and are being operated by these authorities:

(a) The Puerto Rico Light & Power Co. (Canadian capital) and the Mayaguez Power & Light Co. (Puerto Rican capital), the two electric-power companies in the island owning most of the facilities here.

(b) The White Star Bus Line (Puerto Rican capital) which operated the only highway transportation in the city of San Juan.

(c) The enactment of a bill authorizing the government to exercise the recapture clause of the Puerto Rico Telephone Co. (American capital) which operates and owns the entire telephone system in the island.

All of these commissions are under the direct control of Tugwell as to appointment of their executive officers and members of the commissions in all of these offices have been filled with only members of the Popular Party and they all cost a lot of government money for high paid salaries.

Mr. President, the statements I have read come from a man who knows life, who knows Puerto Rico, who knows the Puerto Rican people, who is interested in them, and he concludes his remarks by stating that the policy to which he refers is driving capital out of the island. Capital, of course, is not safe there. Under those conditions what is our responsibility as the Senate of the United States? What is my responsibility? The people in Puerto Rico who own real estate, who own property, are in need, in want, and are asking the Legislature of the United States to take some action.

So, Mr. President, I move that the resolution be amended on page 1, line 5, after the word "economic" by inserting "political"; and in line 6, after "Puerto Rico" to strike out "resulting from the interruption of the normal flow of trade between Puerto Rico and the United States which has been brought about by the war."

Mr. LUCAS. Mr. President, I hope the amendment offered by the Senator from Wisconsin will be rejected.

I cannot add any more to what the Senator from Kentucky [Mr. BARKLEY] has said with respect to the political situation in Puerto Rico at the present time and agree with him. Ever since I have been a Member of the Senate, in fact a Member of Congress, Tugwell has been investigated and reinvestigated. It seems to be an old American custom. I do not even know the gentleman, and I do not agree with all his theories, but I hope that the Senate at this time will not start into a lengthy investigation of all the social, economic, and political problems which exist in Puerto Rico and cannot see how such an investigation would help the war effort.

Witnesses appeared before the Committee to Audit and Control the Contingent Expenses of the Senate, including the able Senator from New Mexico [Mr. CHAVEZ]. The Senator from New Mexico said that he offered the resolution for one primary purpose, and one only, to relieve a food shortage which apparently existed in the island of Puerto Rico, and when the question was brought up here a few days ago the distinguished Senator from Maine [Mr. BREWSTER] charged the Senator from Illinois with delaying consideration of a resolution which had for its purpose aiding starving people in Puerto Rico. Mr. President, that is the purpose and the intent of the resolution as it was submitted by the Senator from New Mexico and referred to the Committee on Territories and Insular Affairs.

While I am on my feet I wish to call the attention of the Senate to some evidence which was submitted before our committee last week, dealing with the report to Governor Tugwell on Puerto Rico's restricted tonnage requirements on an emergency basis. Governor Tugwell appointed on that committee four of the most prominent citizens of Puerto Rico, including George L. Holliday, of the Puerto Rico Chamber of Commerce. In the report, dated October 16, 1942, the summary of the findings discloses that the basic food stock, including secondary food stock, which the Puerto Rican people must have, is 24,315 short tons, as the minimum to take care adequately of the people in Puerto Rico.

Mr. President, a letter from Mr. Lewis Douglas of the War Shipping Administration, among other things, sets forth:

We have examined with care the report submitted to Governor Tugwell by his committee on tonnage requirements which was sent to me by the Governor on October 29. From it we note that the monthly requirements for all foodstuffs, basic and secondary, is 22,105 short tons, which corresponds to 19,736 long tons. Accordingly, on the basis of this report, the 32,241 long tons a month we have delivered in Puerto Rico since the 1st of July should provide a margin of some 12,505 long tons a month over the required tonnage of essential foodstuffs.

In other words, insofar as the total requirements are concerned, according to Mr. Douglas, they are now shipping over 12,000 tons per month in excess of the minimum requirements. But here is where it seems to me the trouble lies, according to the testimony of the president of the Chamber of Commerce of Puerto Rico. It is necessary to have 340 short tons per month of hams, smoked regular, smoked picnics, and smoked bacon; dry farmer style sausage, 125 short tons per month; canned meats, canned ends of Vienna sausages, canned potted meat, 205 short tons per month. This is what the Tugwell report also said is necessary.

At the present time, according to this testimony, they are not getting a single ton of that meat. That is important.

Another vital item to which I invite the attention of the Senate is in connection with rice. The testimony shows that they need 10,000 tons per month of rice, which is the basic food commodity of the island. According to the testimony they have not a single pound of rice. There is something wrong somewhere in the United States with respect to the proper allocation and shipping of those basic food commodities. We do not need to go any further than to ascertain why rice and meats are not going to the island from the United States according to schedule. If Mr. Douglas' letter is true, there are 12,000 tons in excess of the minimum requirements under the Tugwell report.

There are a number of other food items which are absolutely indispensable to the proper health of the people of Puerto Rico, and of which they are not getting their quota. The Senator from New Mexico [Mr. CHAVEZ] attended the hearings, and he realizes, as I do, that the real point to ascertain is why, if the necessary shipping facilities exist, the people of Puerto Rico are not receiving food from this country.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CHAVEZ. After Mr. Douglas' letter and the letter of Admiral Land were submitted to the committee the president of the Chamber of Commerce of Puerto Rico made a short analysis which bears out the remarks made by the Senator from Illinois. He said:

The decidedly unfavorable and disquieting inventory position of basic food commodities in Puerto Rico at the end of October last would seem to show in a compelling manner that tonnage allocated to Puerto Rico and to food in particular has been inadequate since the stocks on hand are not only the lowest on record, but, moreover, the island was out of 13 of the 28 so-called basic food commodities.

The tonnage was going there; but it appears that the things which were necessary were not being sent.

Mr. LUCAS. I agree with the Senator. That bears out the statement which I made a moment ago as to the vital thing which needs to be investigated at the present time. Certainly the Senator's committee can ascertain the facts and determine why rice and meats are not going to Puerto Rico, in view of the fact that the tonnage exists. That is the only point I make.

I ask for a vote on the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. NORRIS. Mr. President, I do not know that I have any objection to the resolution. I certainly have no objection to investigating Mr. Tugwell, although I am not one of those who want to crucify him under the guise of a resolution providing food for starving people. In my opinion the two questions have no connection. I do not wish to see Mr. Tugwell convicted on surmise and reports, without evidence. There has not been any evidence as yet.

I do not find fault with the man who does not like Mr. Tugwell I have no particular friendship for him, and I have no animosity toward him. My acquaintance with him is slight. I think he is a gentleman. I do not believe that he is a dangerous man to be at large on the streets. As I understand, the things which he has done required laws passed by the legislature of Puerto Rico.

In support of the suggested amendment the Senator from Wisconsin refers to some things which have already been done. The government of Puerto Rico has done an awful thing. It has taken over some electric light facilities. It has bought them or condemned them. I do not know how it has obtained possession of them, but they have been taken over pursuant to law. We have done that at times in this country. I presume that the Power Trust which owned the facilities before they were taken over does not like the action which has been taken. Perhaps it did not receive enough "blood money" when the facilities were taken over. Private owners usually receive at least 25 percent more than such facilities are worth from the dear people who have to pay for them in the end.

At any rate, the government of Puerto Rico, or some of the municipalities, have taken over some electric light facilities. Suppose they have. I hope they take them all over. In the United States we have taken over hundreds of such facilities. The result has been a reduction in rates to the starving poor in America. If all such facilities were taken over in Puerto Rico probably there would not be so many starving people. The people are tired of paying exorbitant prices to the Power Trust for electricity.

The only evidence offered in support of the amendment is that some electric-light facilities have been taken over. If it is desired to find out how many of such facilities have been taken over, and how much has been paid for them, I do not object. I should like to investigate that question. Like the Senator from Kentucky, I should like to be on the committee. If the Government of Puerto Rico has done a good job, it ought to take over some more of such facilities, if there are any more to take; and we ought to profit from that experience by giving the people of our own country the opportunity to obtain reduced electric, gas, and water rates.

But, Mr. President, do we want to go into that question? Because such things were done while Mr. Tugwell was governor, are we to crucify him? If we enter upon that kind of business, we shall have to crucify a good many governors in the United States for that reason, and we shall have to crucify some Senators who have not already been crucified.

If the suggested amendment is agreed to, we shall investigate the political conditions. Perhaps that would be profitable. It would enable us to wash in the Senate a great quantity of dirty linen from Puerto Rico. I presume that in Puerto Rico there are two parties. One is opposed to some of these things, and the other is in favor of them. I assume that the people must be in favor of such things or they would not have been done. There is no question that they have been done according to law. There is no charge that the people have stolen the electric facilities from the power trust. I presume they paid for them, according to law. Are we to complain about that? Do we complain about such a thing when it is done in Wisconsin?

Many municipal plants in Wisconsin have taken over what the Power Trust used to have. Not long ago I placed in the RECORD a list of cases in which that had been done. I wish Senators would read the conclusions derived from an analysis of the rates. In every case but one, I believe, a reduction in the electric power rates resulted. Hundreds of thousands of dollars are being saved annually in the State of Wisconsin. The author of the suggested amendment boasts of cheap cheese and good milk in Wisconsin. Mr. President, the people of Wisconsin have been receiving some glorious benefits from the operations in connection with public utilities. The CONGRESSIONAL RECORD shows many of those benefits. Do we begrudge the poor starving Puerto Ricans such benefits if they can obtain them? Even if Tugwell signed the bill which the legislature passed authorizing such action, are we to deny relief to the people of Puerto Rico merely because Tugwell wanted to take over some electric facilities? There seems to be some implication from the appropriation which recently passed one of the Houses of Congress that when we take the food to Puerto Rico and find starving women and children we shall hesitate while we look at them, writhing in the agonies of starvation, and say to them, "You cannot have this food unless you kick Tugwell out of the island."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. While they were kicking him out the food would rot.

Mr. NORRIS. Of course the food would rot, and the people would die. That may not be important, but undoubtedly that would be the result.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LUCAS. I wish to quote a portion of a letter written by Secretary Ickes——

Mr. NORRIS. Before the Senator quotes the letter, let me say that the writer of the letter which was read by the Senator from Wisconsin wishes to eliminate the Interior Department from the administration of the affairs of the island. Tugwell is not the only one who is being attacked. It is said that we are going to hades unless we eliminate the Department of the Interior in Washington from the administration of Puerto Rican affairs. Perhaps that would be a good thing; but that question has no connection with feeding starving people.

The resolution shows on its face the purpose of the investigation. A depression has come about as the result of a lack of transportation facilities. Nobody denies that. Perhaps we ought to rectify political conditions. Perhaps they ought to be investigated; but that question has no connection with feeding starving people. I now yield to the Senator from Illinois.

Mr. LUCAS. I merely wish to read into the RECORD a portion of the letter written by Mr. Ickes, to demonstrate the contrast between the action of the Puerto Rican Legislature and that of the body at the other side of the Capitol. Secretary Ickes says:

> Despite the severe economic conditions, upon recommendation of Governor Tugwell, a special session of the legislature has just imposed additional income taxes and a Victory tax of 5 percent on all incomes above $15 a week, and it has appropriated $10,000,000 of insular revenues plus 70 percent of the taxes on the manufacture of rum for relief purposes. I think that the Puerto Rican government and the people of Puerto Rico have done their part to relieve the situation.

I merely mention that to show the contrast between what the Legislature of Puerto Rico has done and what was done in the House with respect to the $15,000,000 appropriation.

Mr. NORRIS. Mr. President, from the discussion which has occurred here, it also appears that the distribution of skimmed milk in Puerto Rico has been prevented, because one of the laws of Puerto Rico—so I judge from what the Senator from New Mexico said—will not permit the use of that kind of milk there.

Mr. CHAVEZ. That is correct.

Mr. NORRIS. It seems to me that if the people of Puerto Rico are starving, and if the law to which I have referred stands in the way of the use of skimmed milk, the law should be repealed. I do not know anything wrong about skimmed milk. I have investigated it a good deal. My own family has used a considerable amount of it and has not had any bad effects. I think it would be proper to have the Puerto Rican law on the subject repealed, so that the distribution of skimmed milk would be permitted.

Mr. CHAVEZ. I, too, think that would be wise.

Mr. NORRIS. Yes. That law is another thing for which Tugwell may be blamed. He should work for its repeal; but the legislature should join with him in getting rid of that law, it seems to me, on the face of the matter. Perhaps not.

Mr. VANDENBERG. Mr. President, I desire to make it plain that the amendment suggested by the junior Senator from Wisconsin is not one in which I join, because I think that what it proposes is impracticable under the circumstances. In the first place, an investigation of the sort which the Senator's

language calls for would require certainly $50,000 instead of $5,000, in order to have the undertaking succeed. I want to discriminate between the proposition the Senator from Wisconsin submits in his amendment and the proposition I originally submitted to the Senate.

I say that the committee, while going to Puerto Rico upon a limited mission, still will have within the scope of its authority sufficient power to report to the Senate whether, from its observations in Puerto Rico, it has found that the broader inquiry to which I have addressed myself should be made. It would be perfectly absurd to say that a committee of the Senate should go to Puerto Rico, even on a limited inquiry, and be foreclosed from listening to the things it is bound to hear while it is there, and from giving us the benefit of its conclusions when it returns.

I submit that, as discriminating between the position I take and the position taken by the junior Senator from Wisconsin, I am not supporting the amendment he has suggested. I am hoping for an authentic suggestion from the limited committee, when it returns, which will indicate what are the larger responsibilities of the Congress; and I can assure the able senior Senator from Nebraska that, so far as I am concerned, the subject is not limited to a discussion of power, public or private. I never heard of the exhibit to which the junior Senator from Wisconsin referred until he presented it to the Senate. The subject I have presented cannot be limited in any such fashion. I have submitted the fundamental proposition that the attorney general of Puerto Rico has been removed because of his disagreement with the policy which Governor Tugwell represents in Puerto Rico. Ex-Attorney General Malcolm rises to the stature of the ablest career man who, as a public servant, ever served the United States of America. I repeat that he comes from 18 years of service as justice of the Supreme Court of the Philippine Islands. There is no more independent public servant on earth than George Malcolm. The issue respecting the fundamental policy which shall be pursued in Puerto Rico lies between Malcolm and Tugwell. The power question to which the Senator from Nebraska has referred almost exclusively in discussing the exhibit is an utterly insignificant one. The real issue is infinitely broader. I am opposing the amendment proposed by the Senator from Wisconsin because I think it impracticable under the circumstances; but I state again my belief that when the representatives of the Senate go to Puerto Rico upon their limited mission, they should look and listen, and should come back to us with an authentic recommendation as to what are our responsibilities. I am deeply hopeful that they will do so.

The PRESIDING OFFICER. The clerk will state the amendment reported by the committee.

The LEGISLATIVE CLERK. On page 2, line 6, after the word "seventh", it is proposed to strike out "and Seventy-eighth Congresses" and insert "Congress."

Mr. BARKLEY. Mr. President, is that the committee amendment?

The PRESIDING OFFICER. Yes; the question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Wisconsin [Mr. WILEY].

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

SENATOR FROM ILLINOIS—CREDENTIALS

The PRESIDING OFFICER laid before the Senate the credentials of C. WAYLAND BROOKS, duly chosen by the qualified electors of the State of Illinois a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

SENATOR FROM SOUTH CAROLINA—CREDENTIALS

The PRESIDING OFFICER also laid before the Senate the credentials of BURNET R. MAYBANK, duly chosen by the qualified electors of the State of South Carolina a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate a message from the President of the United States nominating Victor S. Mersch, of the District of Columbia, to be Register of Wills for the District of Columbia, vice Theodore L. Cogswell, resigned, which was referred to the Committee on the District of Columbia.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:
Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

FOREIGN SERVICE

The legislative clerk read the nomination of Keeler Faus, of Georgia, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Harry Clinton Reed, of Ohio, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Thomas S. Estes, of Massachusetts, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMPTROLLER OF CUSTOMS

The legislative clerk read the nomination of John J. Curley, of Boston, Mass., to be comptroller of customs for customs collection district No. 4, with headquarters at Boston, Mass.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Donald J. Galagan, to be passed assistant dental surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edwin M. Short, to be passed assistant dental surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I move that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. McKELLAR. I ask unanimous consent that the President be immediately notified of the confirmation of the postmaster nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be immediately notified of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. Mr President, if there is nothing further, as in legislative session I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, November 30, 1942, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate November 27, 1942:

REGISTER OF WILLS, DISTRICT OF COLUMBIA

Victor S. Mersch of the District of Columbia to be Register of Wills for the District of Columbia, vice Theodore L. Cogswell, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 27, 1942:

FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Keeler Faus
Harry Clinton Reed
Thomas S. Estes

COMPTROLLER OF CUSTOMS

John J. Curley to be comptroller of customs for customs collection district No. 4, with headquarters at Boston, Mass.

UNITED STATES PUBLIC HEALTH SERVICE

TO BE PASSED ASSISTANT DENTAL SURGEONS

Donald J. Galagan
Edwin M. Short

POSTMASTERS

ALABAMA

Rubye D. Green, Bolling.
Tillman Christian, Parrish.

CALIFORNIA

Earl T. Whitaker, Moorpark.
Spencer Briggs, Oleum.
Bernice M. Ayer, San Clemente.
David G. Mang, San Jacinto.
Michael E. Neish, San Leandro.
Edith I. Day, Woodlake.

GEORGIA

Christine Q. Crowley, Woodbine.

KANSAS

Carl G. Eddy, Colby.
Eyman Phebus, Coldwater.
John J. Lindsay, Horton.
Bryan F. Scarborough, Iola.
Pearl E. Holmes, Kincaid.
Lottie Victor, Larned.
Pearl W. Smith, Meade.

MICHIGAN

Morton Rann, Perry.
Martha M. Rupprecht, Reese.
William M. Zeitler, Republic.
Percy C. Carr, Rudyard.
Oliver C. Boynton, Jr., St. Ignace.
Joseph R. Haferkorn, Vulcan.
Frank R. White, Webberville.
Leo M. Neubecker, Weidman.
William G. F. L. Wentzel, Zeeland.

MINNESOTA

Bert C. Hazle, Alden.
Gertrude M. McGowan, Appleton.
Charles B. Fraser, Battle Lake.
Joseph C. McGowan, Benson.
Timothy Hurley, Bird Island.
Paul F. Preice, Calumet.
John M. Augustin, Comfrey.
William Guthier, Emmons.
Edward C. Feely, Farmington.
James F. Fahey, Graceville.
Edward C. Ellertson, Gully.
Robert H. Burrill, Hawley.
Arthur S. Peterson, Houston.
Bernadine M. Hilger, Iona.
Bernice M. Otto, Isanti.
Stella C. Olson, Karlstad.
Leroy G. Schmalz, Lester Prairie.
Peter H. Riede, Mabel.
Francis L. Dolan, Milroy.
John P. Lanto, Nashwauk.
Alex C. Wahoske, Odessa.
Charles D. Dempsey, St. Peter.
Ewald G. Krueger, Vergas.
Elizabeth C. Bahr, Waconia.
Margaret J. McGarry, Walker.
William F. Sanger, Windom.
Oscar W. Groth, Wright.
Sarah E. Jones, Zimmerman.

MISSOURI

Samuel B. McCollum, Bucklin.
Sam B. Shackleford, Ewing.
John G. Trautwein, Gerald.
Frank E. Sibley, Matthews.

MONTANA

Ethel E. James, Broadus.

NEW MEXICO

Aurora B. Pacheco, Old Albuquerque.
Phillip J. Martinez, Tierra Amarilla.

NEW YORK

H. Mae Nolan, Clark Mills.
William J. Casselman, Clayton.
Henry A. Dye, Forestville.
James D. George, Gardiner.
Loretta Patton, Harrison.
Katherine C. Newton, Homer.
Joseph N. Peck, Honeoye Falls.
Francis J. Kelly, Hornell.
Andrew E. Ryan, Manchester.
Frank J. Baltzel, Newark.
Edward J. Butler, Newport.
Chester A. Miller, Oneonta.
Charles I. Lavery, Poughkeepsie.
Herbert Zahorik, Roscoe.
Bertha E. Damon, Rushford.
Thomas J. Reilly, Silver Springs.
Frank Kilcoin, Swan Lake.
Nellie A. King, Verplanck.
Frank B. Mead, Victor.
Chauncey H. McLean, Wallkill.
Jeremiah F. Healy, Williamstown.
Nora B. King, Woodbourne.
John F. Maher, Woodridge.
Charles E. Meyers, Wurtzboro.

TENNESSEE

Harry M. Calloway, Lenoir City.
Mary A. B. Dunn, Maryville.
Clarence E. Kilgore, Tracy City.

VIRGINIA

David E. Bumpass, Jr., Mineral.

WISCONSIN

Lester H. Olsen, Egg Harbor.
Walter H. Severson, Ellison Bay.
Earl D. Young, Melrose.

HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 27, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, as we wait at the altar of prayer, we thank Thee for Thine arm that is ever stretched forth in our needs. Help us to learn the way of the higher life, living in such thoughts and deeds that shall make us worthy of the vocation to which we are called. Keep our hearts so pure, our vision of the Master so clear that our paths before and after shall be as the light of days.

Thou who art the joy of loving hearts and the font of life, enable us to see in our work not drudgery nor repression, but the dignity of service which speaks with unfaltering lips for the good of our country. Be near the lonely, the sick of heart, because the pulses of hope have slowed down. We humbly pray that we may learn the long, long lesson of patience, clothing us with a faith in the deathless truth, that in unthinkable sorrows with their unfathomable depths, we cannot fall out of the hands of the living God. To all who seek, hope, and patiently wait, the Word is: "Surely goodness and mercy shall follow me all the days of my life and I will dwell in the house of the Lord forever." In the name of our Great Shepherd. Amen.

The Journal of the proceedings of Tuesday, November 24, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Gatling, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended; and

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 622) entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes;" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. CHAVEZ, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2528) entitled "An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico;" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. GEORGE, Mr. WAGNER, Mr. JOHNSON of California, and Mr. CAPPER to be the conferees on the part of the Senate.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Massachusetts tell us what we may expect in the way of a program next week?

Mr. McCORMACK. Tuesday is private calendar day; then there is the Panama Canal bill if a quorum is present, and then the bill (H. R. 7722), which relates to the Columbia River Basin project in the State of Washington, and

I understand unanimous consent has already been obtained for this bill to be brought up with 1 hour of debate. I understand there is an agreement among the members of the committee that it will not be called up before December 1.

Mr. ROBINSON of Utah. Not before December 1.

Mr. MARTIN of Massachusetts. Such permission has already been secured?

Mr. McCORMACK. Permission has already been secured. That was taken up with the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Yes, I recall that but I did not know the request had actually been made.

Mr. McCORMACK. I understand that permission has already been obtained, so that will probably come up Wednesday.

Then the amendment to the Mexican claims bill has been disagreed to by the Senate and that measure will go to conference and I assume a conference report will be brought in.

These are the only bills I know of that will come up under the regular rules of the House next week. There is a bill pending before the Ways and Means Committee relating to tariff questions that we are all acquainted with and there is considerable opposition to it, principally on the ground it might change the immigration laws, although there is no desire to do that.

Mr. MARTIN of Massachusetts. Why was the legislation requested if there is no such desire?

Mr. McCORMACK. I cannot answer that question; I am just stating what I know. The bill has, so I am reliably informed, considerable importance in connection with the war effort, and while matters which it would govern at the present time can be taken care of, nevertheless something might arise in connection with the war that cannot be taken care of. The matter is pending before the Congress, and if such a situation should arise between now and the time when Congress meets the responsibility would be upon us.

Mr. MARTIN of Massachusetts. That would indicate there is some expectancy of Congress adjourning sine die. Certainly the gentleman would not anticipate we are not going to have regular sessions and if the matter came up we would be here to act.

Mr. McCORMACK. The gentleman and I both know, as a practical matter, the uncertainties of the next month viewed from a legislative angle. I hope the Ways and Means Committee may be able to report something out that from a minimum angle, at least, will meet the situation, and my own personal view would be to put on a time limit so that early next year we may be able to look into it with a view to legislation that will meet the situation during the emergency. This is simply a suggestion on my part with a personal hope that it may be carried out. If such a bill is reported out, of course, it is of vital importance that it should be taken up, and I am hopeful that the membership of the Ways and Means Committee may agree on the matter of time limit so that during the early part of next year the matter may then be taken up by unanimous consent.

Mr. MARTIN of Massachusetts. I see some of the members of the Ways and Means Committee here. I notice the gentleman from North Carolina [Mr. DOUGHTON] is present, and perhaps he can enlighten us concerning the legislation.

Mr. DOUGHTON. If the gentleman from North Carolina may inquire of the distinguished majority leader, in the event the Ways and Means Committee could agree upon and bring up a bill along the lines now under discussion, does the leadership of the House have a substantial hope that we will be able to hold a quorum here to consider the legislation?

Mr. McCORMACK. That is a very difficult question to answer. I have previously expressed the hope that the committee might get together and report out a bill that would have an expiration date of March 1 or April 1, giving the committee an opportunity to meet any emergency situation that might develop during the interim until the time when a bill is reported out and becomes a law, enabling the committee in the early days of the next Congress to consider the question.

Mr. DOUGHTON. If the gentleman will yield further, from the discussion had in the Committee on Ways and Means regarding this very important matter which was brought to our attention by the President through a letter addressed to the Speaker and referred to our committee, the committee is very anxious to do its duty. There has been a marked difference of opinion as to what we should do under the circumstances, but I think a decided majority of the committee would like to do something. It is hoped that we could get together on something, at least we determined to get together on something if we could have reasonable assurance that our work will not be futile. But if it is in the mind of the leadership that it is not probable that a quorum would remain here, or that if we should pass it in the House and there would not be time to act on the legislation in the Senate, we do not feel justified in taking all the time and undergoing the hard work that is necessary if there is any doubt about it. We are willing to do it if we have reasonable hope that we can accomplish something. If there is any doubt about it we would hesitate to go ahead.

Mr. McCORMACK. If my friend will notice, the suggestion I made was that the members of the Ways and Means Committee recommend something for the time being that will meet the situation—and it is a committee that I am proud of, having served on it for 12 years, and I am proud of the friendship of every member on that committee—there is an emergency here. Something might happen any minute. The President has been able to take care of the situation up to date, but something might arise where he might not be able to take care of it, relating to the war.

Mr. MARTIN of Massachusetts. Could the gentleman tell some of those things to us who are not so well informed about the reasons for the requested powers?

Mr. McCORMACK. I do not suppose any of us can anticipate what is likely to happen during the period of a war. Things arise that nobody could know about under normal conditions or could anticipate. The other side brings them into operation and we must have the power to meet them.

Mr. MARTIN of Massachusetts. If you pursue that theory, you would give away all the power Congress possessed.

Mr. McCORMACK. Now, do not put me in that position, because I am not advocating that. I am simply suggesting this, that the Ways and Means Committee consider the passage of a bill or resolution with a time limit, March 1 or April 1, that will permit at least the minimum angle, as far as necessary features of the bill are concerned, to meet the situation and give to the executive branch the power to meet any emergency that might arise. In the meantime, after the new Congress is in session in January, the committee can then level upon it and consider the question in its proper aspects.

Mr. MARTIN of Massachusetts. Well, they fought another world war fairly successfully and they did not need all this power. I would think you would want to give us some concrete illustrations where it is needed. That is all I am asking for.

Mr. DOUGHTON. Will the gentleman yield further?

Mr. MARTIN of Massachusetts. I yield.

Mr. DOUGHTON. With regard to what might possibly arise in the nature of an emergency, I do not know that those who testified before our committee, including the Attorney General and the Under Secretary of War, General Patterson, said that any emergency had arisen or that they contemplated any emergency that might possibly arise, but anyway they did definitely state that they had already encountered many difficulties in the administration or going forward with the war effort. In the light of their experience and the difficulties they had encountered, they urged our committee to enact this legislation.

Mr. MARTIN of Massachusetts. Did they tell you what those difficulties were?

Mr. DOUGHTON. I think they did. There were so many of them I would not attempt to enumerate them. They mentioned quite a number of them.

Mr. MARTIN of Massachusetts. Of course the gentleman is fully acquainted with the subject and the rest of the House are a bit in the dark. I am asking whether we might have a little of the knowledge the gentleman's committee possesses, in order we might know some of these actual cases which justifies the granting of this power.

Mr. DOUGHTON. May I suggest to my kind friend if he will get the hearings—and they are brief—conducted by our committee, where the Attorney General testified, and the Under Secretary of War, General Patterson, and quite a number of others representing the State Department and other departments of

the Government, he will get a detailed statement.

Mr. MARTIN of Massachusetts. Some specific reasons why it was needed?

Mr. DOUGHTON. Yes. He will find that much better than I can enumerate it and he will be able to familiarize himself with it in a short time.

Mr. CROWTHER. Mr. Speaker, will the gentleman yield to me?

Mr. MARTIN of Massachusetts. I yield to the gentleman from New York.

Mr. CROWTHER Of course, I do not attempt to speak for the committee. I am only speaking for myself, but in line with what the majority leader has said as regards a bill of particulars being necessary at this time, it is my opinion and the opinion of some other members of the committee, I think—in fact, it is not original with me, but the suggestion was made by the distinguished gentleman from California [Mr. GEARHART]—that perhaps we might get together, if the heads of the departments would specify to us where the log is stopping transportation or the transmission of news or information as a result of tariffs or anything of the sort.

If they would specify the particular places then we might by congressional action suspend those for a reasonable period of time until we had time to study something, as the gentleman from Massachusetts, the distinguished leader of the majority, suggests; and to me that would be a good idea rather than to give sweeping blanket authority with such powers as are indicated by the original bill. It seems to me something of this sort should be done.

Mr. McCORMACK. My principal concern now is to meet the situation that might develop in the immediate future at least pending that time in the next Congress during which the committee of that Congress gives consideration to the recommendation and take such action as it warrants in their judgment. I believe my position today is clearly understood; at least I have tried to make it understandable.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF of Michigan. Mr. Speaker, may I be permitted to say I have listened carefully to the different individuals who came before the committee, and I was impressed with one thought: That any difficulty they had met in the past they had surmounted without any particular trouble or waste of time. That was the way in which I was impressed by the testimony submitted to the committee.

Mr. MARTIN of Massachusetts. Returning to the program, nothing has been assigned for Monday?

Mr. McCORMACK. No.

Mr. CLASON. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. CLASON. I should like to ask the majority leader if he will tell us what is going to be done with reference to overtime pay for some of the civilian employees in the Government departments? The gentleman will recall that the resolution which was adopted a few months ago expires on Monday. What steps have been taken in order to prevent a lapse of its provision?

Mr. McCORMACK. I am unable to give the gentleman any information today. The bill, of course, is pending in the Senate and a bill dealing with this subject is pending in the House Committee on the Civil Service. It is realized that overtime pay provisions expire at the end of this month, but I am not in position where I can state anything definite until I know what the Committee on the Civil Service intends to do, what action it intends to take.

Mr. CLASON. Could not a resolution be adopted continuing the policy that has been established?

Mr. McCORMACK. I cannot give the gentleman any definite information, but so far as I am concerned I am very sympathetic to the passage of the legislation.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. TREADWAY. I wish to emphasize, Mr. Speaker, the fact the gentleman from New York brought out, that some detail of specific instances where this power is needed should be laid before us. The chairman of the committee spoke in reference to those details, but they were very general. I listened very carefully to the Attorney General and there were no detailed statements as to what the needs for the legislation in specific instances were. I feel that this point should be emphasized before the Ways and Means Committee goes very much further in the way of attempting to bring out legislation.

Mr. McCORMACK. If the gentleman will pardon me, he will remember that I did not refer to the passage of legislation to last during the emergency but temporary legislation to cover the period of a few months until the committee in the next Congress can act. This matter is on the doorstep of Congress; a recommendation is before Congress. If some situation arises that cannot be met without this legislation and the situation is related to the war effort, then the responsibility for the results that follow will be on us. I am trying to have something done in a minimum way that will meet the situation.

Mr. TREADWAY. The gentleman realizes, of course, that there was no time limit placed in the original bill as submitted to the committee.

Mr. McCORMACK. I understand that. I am talking now about a minimum bill that will meet the situation for a brief period of time so that the Ways and Means Committee can consider the broader question during the early part of next year; that is the thing I have in mind.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

Mr. RANDOLPH. Mr. Speaker, reserving the right to object, is the majority leader in a position to tell us what is proposed on the bill S. 1666, mentioned by the gentleman from Texas [Mr. PATMAN] on last Tuesday, seeking to coordinate reports required by the Government? That bill, or similar House legislation, should be considered without further delay. We must cut unnecessary red tape, to aid individuals and business.

Mr. McCORMACK. I understand that bill has been reported out today. I talked with the gentleman from Mississippi [Mr. WHITTINGTON] about this matter. I do not know whether he has consulted the minority leadership.

Mr. MARTIN of Massachusetts. Yes; he did. I understood he was going to call it up a little later today.

The SPEAKER. The Chair will recognize the gentleman from Mississippi for nanimous consent to call up this bill a little later.

Mr. RANDOLPH. I thank the Speaker. The measure is important and action in this House should be taken today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OF COMMUNICATIONS ACT

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until 12 o'clock noon tomorrow to file a report on the bill (S. 2598) to amend the Communications Act of 1934, as amended, to permit consolidations and mergers of domestic telegraph carriers, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MRS. ELIOT H. ROBINSON

Mr. PATTON. Mr. Speaker, I submit a privileged report from the Committee on Accounts, House Resolution 575 (Report No. 2660), and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, to Mrs. Eliot H. Robinson, widow of Eliot H. Robinson, late an employee of the House, a sum equal to 6 months' salary compensation, and an additional sum not to exceed $250 to defray funeral expenses of the said Eliot H. Robinson.

The resolution was agreed to.

SETTLEMENT OF CLAIMS OF THE GOVERNMENT OF THE UNITED STATES ON BEHALF OF AMERICAN NATIONALS AGAINST THE GOVERNMENT OF MEXICO

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, with House amendments, agree to the request of the Senate for a conference and that conferees be appointed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. BLOOM, LUTHER A. JOHNSON, and EATON.

UNIFORM ALLOWANCE FOR OFFICERS AND WARRANT OFFICERS IN ARMY OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof, with Senate amendments thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 8, strike out "June" and insert "April."

The SPEAKER. Is there objection to the request of the Gentleman from Louisiana [Mr. BROOKS]?

There was no objection.

The Senate amendment was agreed to and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert a telegram and a letter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. FULMER]?

There was no objection.

EXCHANGE OF CERTAIN LANDS IN MINNESOTA

Mr. FULMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4465) to authorize the exchange of certain lands in Minnesota, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, lines 19 and 20, strike out ", unappropriated, and unreserved public lands" and insert "public lands, unappropriated and unreserved except for Executive Order No. 6964, dated February 5, 1935, or public domain in national forests."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. FULMER]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand the gentleman's committee has unanimously agreed to this amendment?

Mr. FULMER. May I state that I spoke to several Members, including the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN], who introduced the bill and the amendment.

Mr. MARTIN of Massachusets. Will the gentleman tell the House what it does?

Mr. FULMER. This amendment is just a minor amendment, as read by the Clerk of the House, striking out "unappropriated and unreserved public lands" and inserting "public lands, unappropriated, and unreserved except for Executive Order No. 6964." This will give to the Department of the Interior and the Department of Agriculture the right to adjust these lands; that is, the right to dispose of certain little areas and the taking on of areas in order to work out a better position of the federally owned land, as we understand. As stated, the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] is not present, but he wired me that the amendment is acceptable to him.

Mr. COLMER. Mr. Speaker, further reserving the right to object, what does the bill do?

Mr. FULMER. The bill passed the House some time ago.

Mr. COLMER. What does the amendment do?

Mr. FULMER. The amendment simply changes the wording which was requested by one of the departments. I do not see any definite change except the reference to Executive Order No. 6964. It would not permit them to do anything that will interfere with the purpose of the Executive order. Under this bill they will have the right to sell, dispose of, work out, or fit in these areas so as to make them more beneficial and less expensive to operate.

Miss RANKIN of Montana. Mr. Speaker, reserving the right to object, does this give the Department any more power over unreserved lands?

Mr. FULMER. Not at all, except in the instance of these little areas that can be disposed of or worked out satisfactorily.

Miss RANKIN of Montana. Does it increase the amount of land that the departments may buy and sell?

Mr. FULMER. In some instances it may. Perhaps it would take some areas away while, on the other hand, they may dispose of some acreage.

Miss RANKIN of Montana. Does it increase the power over the acreage which the Departments can sell to individuals?

Mr. FULMER. No; except in these cases where it will be helpful.

The SPEAKER. Is there objection to the request of the gentleman from South Caroline [Mr. FULMER]?

There was no objection.

The amendment was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article concerning a very distinguished Democrat, Henry Clay.

The SPEAKER. Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert an article by Walter Davenport appearing in Collier's of November 28, 1942, captioned, "The rum racket returns."

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. BOEHNE]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SPRINGER. Mr. Speaker, I have two requests, first, that after all legislative matters on the Speaker's desk have been disposed of today and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SPRINGER]?

There was no objection.

Mr. SPRINGER. And, Mr. Speaker, second, I ask unanimous consent that I may be permitted to address the House for 1 minute at this time and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana, [Mr. SPRINGER]?

There was no objection.

[Mr. SPRINGER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Mr. Walter Lippmann on the subject of foreign relief and rehabilitation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

SHIPBUILDING

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Worcester Sunday Telegram of November 2.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent that on Thursday next, December 3, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WHAT'S WRONG WITH THIS PICTURE?

Miss SUMNER of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

[Miss SUMNER of Illinois addressed the House. Her remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from a Baltimore newspaper of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement I read before the Committee on Interstate and Foreign Commerce on Nation-wide gasoline rationing.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes on the subject of Nation-wide gasoline rationing.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RAMSAY. Mr. Speaker, I ask unanimous consent that on Monday, November 30, after the disposition of matters on the Speaker's table and following any other special orders, I may be permitted to address the House for 30 minutes on the subject, Shall We Enter Into Immediate Agreement With the United Nations for the Future Peace of the World?

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short newspaper article which gives a partial report of a recent address I delivered in my home city.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article in the current Progressive Farmer and an A. P. story regarding my colleague the Honorable HAMPTON P. FULMER.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two separate places and include therein certain letters and telegrams.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Springfield Union of November 26 in regard to the fuel-oil shortage in Massachusetts.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLASON. Mr. Speaker, I further ask unanimous consent to extend my own remarks in the RECORD, concerning cuts in farm-truck mileage under an order of the Office of Defense Transportation, and to include therein a letter I have received from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, we are a united Nation on winning the war. We are thrilled at recent military successes.

It was a year ago yesterday the President sent the secret ultimatum to Japan, "She has war in her lap, she can take it or leave it." Sixteen days later we were rationing tires in America. There was not much planning on rubber, an essential war material; the whole country right now is feeling the pinch of it.

Two and a half years after the First Emergency Act a manpower commission is set up—but nothing is yet planned. All proposed plans fall before the Perkins wage scale in defense and the Fair Labor Standards Act and yesterday we learned manpower may go to the Labor Department. Think of it.

While we had little planning on rubber and manpower, we are planning abundantly now on feeding the world, and overseeing it when hostilities cease, in order to guarantee the peace. We should all be concerned about this first real planning.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a newspaper article commenting upon a survey conducted by the National Association of Manufacturers.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HÉBERT. Mr. Speaker, I ask uanimous consent that today, upon the completion of all legislative business and following any prior special order, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EXTENSION OF REMARKS

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from Mr. Jeffers, the rubber czar.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain telegrams and letters.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that at the conclusion of the regular order of business and following any previous special order, I may address the House for 7 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE PROGRAM TO FEED THE WORLD

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, we have just had a word about the plans that are being formulated to feed the world. We have also received word that there is not going to be enough milk for our babies, our children, and those on our production lines. The records of the slaughterhouses show there is an enormous increase in the slaughtering of dairy cattle for beef because the farmers can no longer keep their herds.

I would like to bring to the attention of the House the very great seriousness of this milk shortage. This is due partly to the great quantity used for our troops and shipped abroad. Partly to mismanagement due to the lack of over-all planning for war. Without registration of our manpower before the draft, irretrievable losses of skilled labor were suffered on the production lines and on the farms. I submit, Mr. Speaker, that the skilled labor of the farmer has been dissipated. Our farms have not been thought important, nor the farmer's problems given adequate consideration. Now we are told there is insufficient meat and milk for our own people.

No one could desire to take food to the starving overseas more than I, but if we

have scarcity here, how can we hope to feed the world?

OLD-AGE PENSION PROGRAM

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

[Mr. ANGELL addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an editorial from the New York Herald Tribune in appreciation and commendation of the work of Admiral Land of the Maritime Commission.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include extracts from an article appearing in the Cleveland Plain Dealer.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program and following any previous special order I may address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RESIGNATION OF MEMBER

The SPEAKER. The Chair lays before the House the following communication from the clerk of the House.

The clerk read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D. C., November 27, 1942.

The honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith the letter of the Governor of Pennsylvania, together with enclosure, relative to his acceptance of the resignation of Hon. CHARLES I. FADDIS as a Representative in Congress from the Twenty-fifth Congressional District of that State.

Very truly yours,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

COORDINATION OF FEDERAL REPORTING SERVICES

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7756) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, with committee amendment.

The Clerk read the title of the bill.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I think I shall have to object to the consideration of this bill at this time unless we can agree on an amendment we have here and one which has been prepared, I may say, by the Federal Reserve Banking System and the Federal Deposit Insurance Corporation.

I want it distinctly understood, of course, that I am heartily in sympathy with the purpose of this bill and the bill as originally introduced, in my opinion, is without any objection at all.

An amendment which was passed in the Senate, which excepts from the provisions of the bill the Treasury Department, puts the situation in this condition: It simply eliminates from consideration the Federal Reserve Banking System and the Federal Deposit Insurance Corporation, and places the collection of statistics exclusively in the Comptroller of the Currency. That, I think, is entirely unfair. I have an amendment here which provides that the Federal Reserve banks and the Federal Deposit Insurance Corporation be placed on the same footing as they are now with the Comptroller General. In other words, if the Treasury Department, under the provisions of the Senate bill, should find it was necessary to centralize the collection agency of the banking statistics of the country they could not designate the Federal Reserve bank or the Federal Deposit Insurance Corporation either one, but would have to centralize that in the Comptroller of the Currency. All that these two agencies ask is to be placed on the same basis that they are. This is a definitely unfair provision concerning that matter. I hope the committee will agree to that amendment.

Mr. WHITTINGTON. In response to the gentleman's statement that this bill would prevent the Federal Deposit Insurance Corporation or the Federal Reserve bank from obtaining information, I have to say that under the terms of this bill those agencies would be required to do just what the other agencies of the Government are required to do, to wit, confer with the Director of the Budget with respect to their desire for information. I take it that if the Director of the Budget approves the annual appropriations for the operations of these agencies he would not deny any information that they would need in the execution of the functions conferred upon them by law.

I should also like to say that this is a bill which the gentleman from Texas [Mr. PATMAN], introduced, and undertook to bring up before the House adjourned on last Tuesday. It is a companion bill to Senate 1666, unanimously passed by that body earlier this week. The provision with respect to the exemption of the Treasury Department is a provision that obtained in the bill as it was reported by the Senate Committee on Education and Labor and as it passed the Senate. It is not a provision that was incorporated by way of amendment in the House committee that considered this bill. I also state that this bill was considered by the Committee on Expenditures in the Executive Departments; that there were no requests for hearings either by the Federal Reserve or by the Federal Deposit Insurance Corporation. I will state that in the committee—I think the gentleman from Michigan [Mr. HOFFMAN], was interested—there was some sentiment for the elimination of the provision that exempted partially the Treasury Department from the operation of the bill.

Mr. WALTER. Will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. WALTER. Do I understand the gentleman to mean that under the bill as written the Treasury Department and the Federal Deposit Insurance Corporation and the Comptroller General could all make examinations of the records of all the banks of the country?

Mr. WHITTINGTON. No; I would not say that at all. Under the terms of the bill as written, and in order that there may be no misunderstanding, the proviso exempting the Treasury Department is in the language which I shall quote—it being kept in mind that the purpose of this bill is to make effective the recommendations of the two committees on small business; to relieve small business and large business of the country from the onerous burden of making multitudinous reports as required by the Office of Price Administration, the War Production Board, and many other agencies, where it is believed reports are duplications and are not essential. The language with respect to the Treasury is as follows:

Provided further, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon the Department by law.

It was thought that the Treasury Department, particularly the Commissioner of Internal Revenue, should not in anywise be hindered or hampered in requiring any information for the collection of income taxes and other taxes. For that reason the committee exempted only the Treasury Department, and in exempting the Treasury Department it would apply, I am frank to say, to the Comptroller General with respect to the national banking system.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. HOFFMAN. If I understand this bill—and if I do not, I wish the gentleman would correct me—it has two objectives: One is to lessen the burden that the departments have been imposing upon the people, of making exhaustive and numerous unnecessary reports. That is one objective.

Mr. WHITTINGTON. Yes.

Mr. HOFFMAN. The other is to lessen the expense to the Government.

Mr. WHITTINGTON. Yes.

Mr. HOFFMAN. We are all in favor of those two objectives. The heads of all these departments belong to the same political party. They ought to be able to get along together. There is no reason why they should not. This bill in the beginning, as I understand it, provided that these reports should not be requested unless the Director of the Budget said it

was necessary. The purpose was to place upon the Director of the Budget, upon one man, the responsibility. Now the Treasury Department comes along and wants to be exempted from meeting the requirements of the Director.

Mr. WALTER. Will the gentleman yield to me at that point?

Mr. HOFFMAN. Just a moment. Now, before the committee there were representatives of other departments, and if I understand the English language, although they said they did not want to be exempted, that is just what they did want. Some of them said they wanted a hearing or they wanted to be consulted. If we are going to lessen the expense to the Government, if we are going to relieve businessmen, farmers, and everybody else from these annoying requests with which they cannot possibly comply—as one witness put it, those fellows down in the department are asking for a report in ounces when they should be asking for a report in tons—we must make some one individual responsible.

For example, one report requires a sheet-metal worker to report the number of square feet of sheet metal in his shop when everybody in the trade knows that sheet metal is dealt with in pounds or tons rather than square feet. If we want to get somewhere let us strike out this exemption of the Treasury Department, give the Director of the Budget authority and hold him responsible; because if you do not, the first time a kick comes in and you write the Director of the Budget a complaint he will reply that the head of the Treasury Department does not want it and that your protest falls within the jurisdiction of the Treasury Department and, like a puppy, you can just chase your tail all around the building. You will never get anywhere unless we make someone responsible. Now, let us make the Director of the Budget responsible, hold him to it, and if things do not go right ask him what is wrong and demand that he make correction.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. WALTER. The thing I am interested in is ascertaining whether or not the enactment of this legislation will relieve the small banks throughout the Nation of the onerous task that now is thrust upon them of constantly reporting to agency after agency of the Government.

Mr. HOFFMAN. Of course it will not, not even under the Director of the Budget. We should not exempt any of the various departments.

Mr. WHITTINGTON. Mr. Speaker, if the gentleman from Missouri will yield, and if the gentleman from Michigan will give me his attention: If the gentleman were to insist upon the elimination of the proviso as carried in the Senate bill and in the bill under consideration with respect to the Treasury Department, it strikes me there would be no occasion for the consideration of the amendment proposed or suggested by the gentleman from Missouri. Under the parliamentary situation, as the gentleman understands, he has the right to offer an amendment to strike out that part of the bill with respect to the Treasury Department.

Mr. HOFFMAN. I propose to offer that amendment for this reason: Time and time again I have had to swallow legislation a part of which was good, but wrapped up in it was a dose that made my people and it made me sick—nauseated, in fact—and I have got to the point now since the election when the people gave notice they wanted more effective opposition to the New Deal, where I do not propose to swallow any more of this kind of legislation.

Mr. WHITTINGTON. Mr. Speaker, if the gentleman from Missouri will offer his amendment—I have conferred with such members of the committee as are available, and in all frankness I may say to the gentleman from Michigan and to the gentleman from Missouri that, as the spokesman for the committee, there is no course for me to pursue except to undertake to secure the passage of the bill as reported—but in all fairness I may say further that if the gentleman offers his amendment to strike out the proviso of the bill to which he refers there will be no occasion—and I understand the gentleman from Missouri will be satisfied—for the gentleman to propose his amendment—I am agreeable to the proposition of having the amendment reported.

Mr. WILLIAMS. May I inquire of the chairman of the committee: If the amendment is offered, will it be accepted by the chairman of the committee?

Mr. WHITTINGTON. I would rather not be placed in the position of accepting an amendment; but I may say that if the gentleman from Michigan [Mr. HOFFMAN] offers the amendment, then I would rather see the amendment adopted than to see the bill go over, because I believe the bill is exceedingly important and necessary, as suggested by the gentleman from Pennsylvania, for the relief of the small business of the country.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I would suggest, in view of what has gone on, that there is a great deal of interest in the legislation Personally it would seem to me the gentleman would do well if he allowed half an hour's general debate and then had the bill read for amendment. The bill is worthy of more careful consideration than we are according it under the unanimous-consent request.

Mr. WHITTINGTON. If the gentlemen interested offer their amendments the matter can probably be settled in less than half an hour. I trust the gentleman from Missouri will withdraw his objection so that the amendment proposed by the gentleman from Michigan may be considered.

Mr. MARTIN of Massachusetts. I am speaking only for myself. I think the bill should have fuller consideration before the amendment stage is reached, but I withdraw my reservation of objection.

Mr. WHITTINGTON. If the gentleman from Missouri will do likewise then the bill will be in order.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, there is a good deal more to this bill than merely the elimination of unnecessary reports. Under section 2 (d) it seems to me you are vesting a lot of authority and power in the Director of the Budget.

> Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or any other proper purpose.

Certainly a considerable amount of information being collected by various governmental agencies is being so collected by direction of the Congress in response to specific legislation. Are we to infer that the Director of the Budget is to have final authority and power to set aside any legislation which the Congress has passed directing the collection of information?

Mr. WHITTINGTON. I may say in response to the gentleman's question that the purpose, and the important purpose, of the bill is to carry into effect the recommendations respecting reports of the two committees on small business. It is not a question of investigation and reports and information being required by law; it is a burden that is imposed by the bureaus without congressional authority and without law. The purpose of the bill was explained when it was under debate in the other body by the Senator from Michigan [Mr. VANDENBERG]. Its purpose is to reduce as far as possible and to eliminate as far as possible the burdens on business where no such burdens are required by law.

Mr. SMITH of Ohio. Will the gentleman accept an amendment which will provide that this power shall be given to the Director of the Budget only in those instances and cases where the authority has not been specifically given by the Congress to collect such information?

Mr. WHITTINGTON. May I say to the gentleman that I do not think there is any occasion for such an amendment because there is no such power in the bill. There has been no hearing on that particular point or on the necessity for the amendment, and if the amendments proposed by the committee are adopted, the bill may go to conference. I will be very glad to bring that matter to the attention of the conferees.

Mr. SMITH of Ohio. This says that the director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency, and so forth. It does not exempt the authority which has specifically been granted by the Congress to obtain certain information. This appears to me to be all-inclusive. Unless I can have some assurance that an amendment will be accepted that this act shall apply only to such information as is not already specifically authorized to be obtained by statute, I shall object to the consideration of the bill.

Mr. WHITTINGTON. I have answered the gentleman. I have stated repeatedly that this bill has been considered by the committees of the Senate and the House and its sole purpose is to

prevent duplication and to prevent the requirement on businessmen which puts them to an enormous expense. I have before me a statement that one business concern had expended $55,000 in submitting multitudinous reports that were duplications. The sole purpose of this bill is to vest in some agency of the Government discretion as to limiting these expenses. I believe that if the Director of the Budget passes upon the appropriations that Congress makes for the functioning of the various Federal agencies this particular part of their functions can be entrusted to him and I think under no circumstances would there be eliminated any information that by statute law the legislative body required to be obtained or furnished.

Mr. HOFFMAN. If I understand the gentleman from Ohio correctly, he is trying to amend the bill so that there will be some limitation upon the information requested, is that right?

Mr. SMITH of Ohio. That is right.

Mr. HOFFMAN. I understood that subsection (d) on page 3 was sort of a limitation. That is, the Director of the Budget could cut out some of the things that other departments wanted. Would it not satisfy the gentleman from Ohio, if his proposed amendment is objectionable to the committee, if at the end of the paragraph on page 4 we added some amendment like this: *"Provided, however,* That no information shall be called for by any department unless there is some Federal statute authorizing the collection of that information"?

Mr. WHITTINGTON. I may say to the gentleman from Ohio and to the gentleman from Michigan that, as the gentleman from Michigan has suggested, some discretion should be given an agency, and inasmuch as the Director of the Budget, by the terms of this bill, is given that discretion, I take it it can be assumed that in all of these cases where information is needed, inasmuch as there should be some agency to prevent the expense to the taxpayers, no better agency can be vested with that authority than the Director of the Budget. I say again that under the terms of this bill, not having seen the language that the gentleman has in mind there is no authority here for the repeal of statutory law requiring reports.

Mr. MARTIN of Massachusetts. It has been called to my attention that this legislation would make it possible for the Director to demand the income returns of any individual or corporation and give that to another agency if he wished; is that correct?

Mr. WHITTINGTON. That is not the intent, but I may say to the gentleman that it was for that reason that the Treasury Department, among others, was released from the provisions of the bill as it passed the Senate and as introduced in the House. It is my personal view that the Treasury Department should continue to be eliminated as provided in the bill as passed by the Senate and reported by the House committee. I favor protection of the taxpayers, and if the Treasury Department is to be protected in obtaining information with respect to income taxes, the amendment that the gentleman from Missouri has in mind might be offered.

Mr. BROWN of Ohio. If the gentleman from Mississippi will read subsection (e), beginning in line 6, page 4, of the bill, he will see that the Director of the Budget is authorized to transfer any information to any Federal agency that he may wish to transfer, with the proviso that the Treasury Department will not be required to turn over any information that the Secretary does not want to turn over, but if the Secretary of the Treasury is willing to turn it over, this makes it possible for any agency of the Government to check anybody's income tax.

Mr. WHITTINGTON. Not at all.

Mr. BROWN of Ohio. Oh, yes.

Mr. WHITTINGTON. I think income-tax returns are protected by law, and I have stated repeatedly that this bill does not undertake to repeal any substantive law. Instead of giving the Secretary of the Treasury the right to do whatever he wanted, the bill exempts the Treasury only to the extent that the function of that Department may not be hampered.

Mr. CASE of South Dakota. It seems to me that with the large number of business firms now represented in the War Production Board and the Office of Price Administration, this might afford an opportunity for one competitor to get the low-down on the business of a rival.

There is nothing that is taken care of in that proviso that would prevent the Secretary of the Treasury from giving out that information if in his estimation it did not interfere with the functions of his office, but it does not necessarily protect the business that is concerned from the loss of its business knowledge.

Mr. WHITTINGTON. In response to that suggestion, I would say that as a matter of common knowledge, instead of perpetuating and enabling the thing to be done that the gentleman has in mind, this bill would restrict it, because that information can now be obtained. I would say further that in the interest of efficiency and economy if any agency of the Government obtains information that is essential to the functions of government it ought to be made available to another agency of the Government, but not in violation of the law or by giving to the public any information that is prohibited by law from being given to the public.

Mr. CASE of South Dakota. I would agree with the gentleman if it were not for the fact that in the War Production Board today we have a great many dollar-a-year men, and some question has been raised about whether the loyalties of those men are entirely for the Government or partly for their businesses.

Mr. WHITTINGTON. Assuming that you do not pass this bill, if the gentleman will pardon me for interrupting, then that collection of information will continue, whereas if you pass this bill you will restrict it and do the very thing the gentleman has in mind.

Mr. SMITH of Ohio. Will the gentleman accept an amendment on page 3, line 23, after the word "purpose"?

Mr. WHITTINGTON. What part of the bill has the gentleman in mind? The gentleman evidently has a different bill or print than I have.

Mr. SMITH of Ohio. I have the bill S. 1666.

Mr. WHITTINGTON. We have under consideration the bill H. R. 7756.

Mr. SMITH of Ohio. It is practically the same.

Mr. WHITTINGTON. Yes; it is.

Mr. SMITH of Ohio. It is the same wording.

Mr. WHITTINGTON. Give me the comparable line in the Senate bill.

Mr. SMITH of Ohio. In the bill S. 1666 it is page 3, line 23, whereas in the bill H. R. 7756 it is page 3, line 20. The proposed amendment is, after the word "purpose", to insert *"Provided, however,* That this authority shall not exist where the collection of information is required by Federal statute."

Mr. WHITTINGTON. That amendment was not considered by the committee. Frankly, I see no objection to the gentleman proposing the amendment.

Mr. SMITH of Ohio. Will the amendment be accepted, then?

Mr. WHITTINGTON. I say that the committee has not passed on it. I would not have authority to accept the amendment, but would not personally oppose it.

Mr. SMITH of Ohio. We have no assurance, then, that the amendment will be accepted?

Mr. WHITTINGTON. I cannot go any further, because, frankly, the amendment has not been considered by the committee, and I have not had an opportunity to confer with my committee. I cannot do anything more than say that as far as the gentleman is concerned, and as far as the amendment he desires to offer, if he desires to offer it, is concerned, I cannot agree to it. However, I personally know of no reason why it should not be adopted.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Georgia.

Mr. COX. I hope the gentlemen who have expressed an interest in the measure will be able to come to some understanding that will make possible its consideration at this time, because the need for the legislation is so great that if it fails of consideration at this time other provision will be made so that it can be brought back here later. An objection would simply amount to delay.

Mr. ROBSION of Kentucky. If the gentleman will yield, I think the gentleman covers only one-half of the situation. I think it ought to provide that it shall not apply where information is required to be given or where information is required to be withheld. It ought to cut both ways.

Mr. WHITTINGTON. I think the gentleman's amendment might do that. If it does not, it could be perfected, in conference.

Mr. SMITH of Ohio. It is with the understanding that the gentleman agrees to do what he can to see that this amendment is included that I withdraw my reservation of objection, Mr. Speaker.

Mr. WHITTINGTON. Please do not put any words in my mouth. I have done the best I could for the gentleman.

Mr. DEWEY. Reserving the right to object, Mr. Speaker, may I ask my colleague from Missouri regarding his amendment? As it looks to me, the examination of banks by the Federal Reserve and various other agencies of the Government, unless they are considered part of the Treasury, would be eliminated. I was wondering what the gentleman's amendment would do regarding that.

Mr. WILLIAMS. I will read the amendment to the gentleman. I have the Senate bill here but not the House bill, so I cannot give the gentleman the particular page and line of the House bill, but in the Senate bill it follows the proviso ir line 15 on page 4, beginning—

Provided, however, That the provisions of this act shall apply to the Treasury Department only to the extent—

And so on. The amendment follows that proviso and reads as follows:

Provided further, That the provisions of this act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

In other words, it leaves the Federal Reserve banks and the Federal Deposit Insurance Corporation just where they are now in reference to collecting information from the banks for the purpose of supervising them. It does not affect the right of the Treasury or the Bureau of the Budget, if it is determined that for statistical purposes some other agency may collect that information. But we must not lose sight of the fact that the supervisory capacity of the banks is vested under the law in the Federal Reserve System and in the F. D. I. C. They are the responsible agencies.

They are the ones who supervise the banks, and to take away from them the power of securing this information is just simply ridiculous; it will not do at all. I am satisfied it is simply an oversight on the part of those who framed this legislation. I say, frankly, I do not think there was any intention to do that, but that is exactly what the bill does and for that reason, unless this amendment is agreed to, I shall have to object to the consideration of the bill, because it is a matter that goes to the very foundations of the supervisory system of the banks of this country through the Federal Reserve System and the F. D. I. C., the ones charged with that responsibility.

Mr. DEWEY. I would like to ask my colleague if there are any clauses in the law with respect to these examining authorities extending to the F. D. I. C. and the Federal Reserve banks so that there would be any fines or punishments with respect to information collected by them and improperly disclosed.

Mr. WILLIAMS. I think so. I do not have the particular section in mind, but I think there is a very severe penalty.

Mr. DEWEY. I think there is too. Would it not be advisable to apply those same penalties to the unlawful divulging of information by one agency for personal use or profit? I think this might also go into the forepart of subsection (e) of the bill I have in my hand, which is S. 1666, and provide penalties for the misuse of information given by one agency to another. I think that would probably satisfy the objection that my colleague from Ohio has raised that there are a great many accusations that information is improperly used. If we put in the same penalty that applies to bank examiners and others of that nature, I think that might aid the situation.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. DEWEY. I yield to the gentleman.

Mr. WHITTINGTON. I would just like to make this statement. As was disclosed in the debates in the other body, this is not a comprehensive bill. It does not authorize the disclosure of any secret information now prohibited by law. It is not the purpose of this bill to give information. The purpose of this bill is to curtail the enormous unnecessary expense to which little business and big business are being put. There is no enlargement of power whatsoever under existing law with respect to any information being given by one agency to another. The amendment of the committee goes to the extent of authorizing the utilization of information furnished to one agency by another insofar as that is practicable and, certainly, that means not in violation of the law.

Mr. DEWEY. I agree with the gentleman, but I would like to draw his attention to the fact that the amendment of the gentleman from Missouri [Mr. WILLIAMS] proves the fact that this bill could not have been thought completely through or they certainly would not have eliminated the examining powers of two of the chief examining agencies.

Mr. WHITTINGTON. If the gentleman will yield, this bill was considered and every witness that desired to be heard was heard, and in all fairness and in all candor there were representatives of the two agencies, or at least one of them, mentioned in the amendment of the gentleman from Missouri in attendance before the committee and none of them asked to be heard. Every person who desired to be heard was heard by the committee.

Mr. DEWEY. I would be very much surprised if the Federal Deposit Insurance Corporation or the Federal Reserve System wish to foreclose themselves from examination of the banks of the country.

Mr. WHITTINGTON. I am not authorized to speak for them, but I am saying that as far as the hearings are concerned the agencies of the Government had an opportunity to appear before the other body, this bill having been introduced, as I recall, some 3 or 4 months ago in the Senate or to be accurate on June 26, 1942. The report in the other body makes reference to the agencies that appeared, among others, the Bureau of the Budget, the Treasury Department, the Securities and Exchange Commission, the Social Security Board, the Department of Commerce, and the Department of Labor. There is nothing said about others having asked to appear before the other committee. They did not appear before the committee of the House.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. DEWEY. I yield to the gentleman.

Mr. FULMER. I would like to ask the gentleman from Mississippi with respect to his attitude toward the amendment offered by my colleague from Missouri, as to whether or not that amendment is acceptable to the gentleman.

Mr. WHITTINGTON. I stated to the gentleman that I stand by the bill as reported by the committee. I further stated that if the provision with respect to the Treasury remains in the bill, and I am inclined to think it should, regardless of the debate here, I saw no good reason why the amendment proposed by the gentleman from Missouri should not be enacted.

Mr. FULMER. May I state that for many years I operated a national bank, operating under the Federal Reserve System. I want to state frankly that the amendment offered by the gentleman from Missouri is very important and the gentleman made a very fine statement indicating just why his amendment should be adopted. If the bill is passed, I hope the amendment will be incorporated in it.

Mr. WHITTINGTON. I think I have answered the gentleman by saying that I think there is merit in it.

Mr. MARTIN of Massachusetts. As I understand it, if the gentleman obtains unanimous consent, the bill will come up for amendment, and anyone can offer an amendment who may desire to do so, and may have 5 minutes to debate the same. Is that not the situation?

Mr. WHITTINGTON. Yes; that is true.

Mr. RANDOLPH. Mr. Speaker, reserving the right to object, I am heartily in favor of the provisions of this legislation. I only reserved the right to object because I felt there might not be debate on the bill. On June 29, 1942, I made certain comment in this House which I believe is pertinent to this subject. I ask unanimous consent to include it at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANDOLPH. I desire to supplement the observation of the gentleman from Minnesota relative to the plight of the small business men in the country today. I believe this Congress, through its membership, is fully cognizant by communication and contact with the fact that the small business man, over the period of recent years has increasingly come in contact with the Federal agencies of government by way of filling out complicated forms which it is necessary for him to fill out under certain of the laws now operative. He is fearful in these days that he will be faced with an added burden of filling out, and I believe your committee brought out this information, a form A which has 14 pages of answers he has to make, and another form B of 6 or 7 pages. In other words, I think he is frightened by the very mechanics of the Office of Price Administration procedure in this matter.

The small business man I know in my district, as throughout the Nation, is fully desirous of cooperating in every way for the successful prosecution of the war, but he does at times, and I believe rightly so, fear that from Washington there is such a prying

and a prodding into the business he undertakes to carry forward successfully for himself, and a small group that in this particular he wants to be sure that the information is vitally necessary to the successful prosecution of the war. We should seek to help him, not harass him.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CASE of South Dakota. Reserving the right to object, what does the gentleman think of having a proviso on page 4 at the end of the proviso to read as follows:

Provided further, That the Treasury Department shall not make available to other agencies information obtained from income-tax returns.

Mr. WHITTINGTON. I do not think they would have the power to do it in the first place. I think that would be the law as it now exists. I stated that I stand for the bill, but if there be any doubt in the minds of a single Member of the House, I see no objection to that language.

Mr. WILLIAMS. As I understand, the gentleman has no objection to my amendment?

Mr. WHITTINGTON. I have said that personally I have not.

The SPEAKER. The Chair will state that the gentleman from Massachusetts [Mr. MARTIN] answered a great many of the inquiries. If unanimous consent is given, this bill will be read for amendment and any Member of the House may offer any amendment that is germane. The Chair will hold that now.

Is there objection to the request of the gentleman from Mississippi?

Mr. COOPER. Mr. Speaker, reserving the right to object, as I understood the request of the gentleman from Mississippi it was for the immediate consideration of the bill. I assume he wants to couple with that the request to consider the bill in the House as in Committee of the Whole?

The SPEAKER. The Chair is under the impression that if the request of the gentleman is granted, it would be automatic that the bill would be considered in the House as in Committee of the Whole.

Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Federal Reports Act of 1942."

SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

SEC. 3. (a) With a view to carrying out the policy of this act, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons.

(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

(e) For the purposes of this act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided, however*, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon that Department by law.

SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 or more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection—

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information.

SEC. 6. The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 7. As used in this act—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

SEC. 8. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

With the following committee amendment:

Page 2, line 15, strike out the word "and."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 19, after the word "persons" change the period to a comma and insert

the following: "and utilizing, as far as practicable, the continuing organization, files, and information and existing facilities of the established Federal establishments and agencies."

Mr. WHITTINGTON. Mr. Speaker, as I have already stated, this committee amendment is in the identical language of the so-called La Follette amendment proposed on the floor of the other body when this bill was under consideration, and unanimously agreed to by the sponsors of the bill, and recommended by that committee.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 6, line 18, after the word "include", insert "the General Accounting Office nor."

Mr. COX. Mr. Speaker, I ask for recognition for 1 minute. In all the discussion that we have heard this morning not one Member has raised objections to this amendment offered by the committee. This is significant and the reason for it perfectly apparent. It is a very great compliment to a very great American, a former associate of ours in this body, Hon. Lindsay Warren.

Mr. WHITTINGON. Mr. Speaker, with respect to this amendment it was the view of the committee, and there was no dissent, that the terms of this bill should not apply to the General Accounting Office. The General Accounting Office is one agency of the Government that is really the agent of the Congress. That agency is called upon to audit claims against the Government. There has not been any complaint, as far as I have been able to ascertain, from a single citizen, big business or little business, as to any information that has been requested by the General Accounting Office, to enable the General Accounting Office to pass on any claim against the Government, be that claim large or small. It was the unanimous opinion of the committee that the General Accounting Office should be eliminated, and not included within the terms of the bill.

I trust the committee amendment will be adopted.

The committee amendment was agreed to.

Mr. WILLIAMS. Mr. Speaker, I offer an amendment which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: At the end of section 3 change the period to a colon and add the following: *"Provided further,* That the provisions of this act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity."

Mr. WHITTINGTON. Mr. Speaker, as I have already stated in answer to the inquiries of the gentleman from Missouri [Mr. WILLIAMS], while this amendment was not passed upon by the committee and while it was not brought to the attention of the committee inasmuch as the supervision of the Comptroller of the Currency of the national banking system is exempt under the terms of the bill, I personally do not know of any reason why the amendment should not be adopted.

Mr. WILLIAMS. Mr. Speaker, I have already discussed the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. BROWN of Ohio and Mr. HOFFMAN rose.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: On page 4, line 17, after the word "law", strike out the period, insert a colon and the following: *"Provided further,* That the Treasury Department shall not make available to other agencies information obtained from income-tax returns."

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Would not an amendment to section 3, on page 2, offered by a member of the committee have precedence when the amendment is on the Clerk's desk?

The SPEAKER. If the amendment were germane and if the member sought recognition.

Mr. HOFFMAN. I sought recognition, Mr. Speaker.

The SPEAKER. The Chair did not know that the gentleman had an amendment on the desk. The Chair has recognized the gentleman from Ohio. The Chair will next recognize the gentleman from Michigan.

Mr. WHITTINGTON. Mr. Speaker, if the Chair will permit, as I understand, the amendment to be offered by the gentleman from Michigan should come after we dispose of these perfecting amendments, because his amendment is in the nature of striking out the section to which the perfecting amendments are offered.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BROWN], in support of his amendment.

Mr. BROWN of Ohio. Mr. Speaker——

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. WHITTINGTON. Let me suggest a purely clerical modification that should be made to the gentleman's amendment that it be inserted at the conclusion of the amendment just adopted rather than at the conclusion of section 3.

Mr. BROWN of Ohio. Mr. Speaker, I will accept the modification.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: At the end of the Williams amendment, change the period to a colon and insert the following: *"Provided further,* That the Treasury Department shall not make available to other agencies information obtained from income-tax returns."

Mr. WHITTINGTON. Mr. Speaker, I may say to the gentleman from Ohio that while, of course, I cannot speak for the committee as a whole, so far as I personally am concerned, I see no objection to the substance of the amendment, for there is no intention in this bill to permit the disclosure of the contents of income-tax returns.

Mr. BROWN of Ohio. Mr. Speaker, this amendment simply provides that the Secretary of the Treasury shall not furnish information taken from income-tax returns to any agency whether or not directed so to do by the Director of the Budget.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. COOPER. I assume that the gentleman's amendment certainly is not intended to relate to Congress or to committees of Congress.

Mr. BROWN of Ohio. No; it applies only to the departments and agencies covered by this legislation.

Mr. COOPER. Certainly the Ways and Means Committee of the House and the Finance Committtee of the Senate and the Joint Committtee on Internal Revenue Taxation not only have the right but have the responsibility of considering information taken from income-tax returns and formulating revenue legislation based thereon.

Mr. BROWN of Ohio. As I understand it, that is not definite and detailed information. The gentleman knows, of course, that the Congress is not considered a Federal agency.

Mr. COOPER. So that the gentleman's amendment would not have any effect on Congress or any committee of Congress.

Mr. BROWN of Ohio. That is my understanding.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. CASE of South Dakota. The first part of the paragraph to which the gentleman's amendment relates carries the phrase: "For the purposes of this act." It seems to me that this would give added protection to the Congress in the point raised by the gentleman from Tennessee.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. WHITTINGTON. As I understood the reading of the gentleman's amendment, it merely provided that information now prohibited by law should not be given; in other words, it contains nothing that would interfere with the functions of the committee of the House.

Mr. BROWN of Ohio. That is correct.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. HOFFMAN. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 4, line 12, after the word "agencies" strike out the colon, insert a period, and strike out the balance of line 12 and all of lines 13, 14, 15, 16, and 17.

Mr. HOFFMAN. Mr. Speaker, may I have the attention of the chairman of the committee?

It was my understanding that while I was on my feet before that while the chairman would not accept this amendment he was not going to feel too deeply grieved if it was adopted. It developed in the hearings before the committee that these other departments, if the Treasury Department was exempted, would be in asking exemption. Beyond any question, if you exempt the Treasury Department your action is going to be cited as a precedent and all the rest of these departments are coming up here and are going to say: "Now, listen, you did this for the Treasury Department; they do not have to comply with the directions of the Director of the Budget, or his requests, so why should we?"

I do not know of any Member of this House who does not respect and have confidence in the ability and the integrity of the Director of the Budget.

The objectives of this legislation are two: First, to reduce the burden on the individual businessman, of all those who are called to make reports; and, second, to reduce Government expense. To do that we must have someone we can put a finger upon. We have that man there and we trust him, a man who is able. Why do you not let him assume the responsibility and do the job we all know he will do? Why exempt the Treasury Department? I have a notion that the chairman of the committee and other Members who would like to do that very thing, but these departments and bureaus come up here and ask something of us and we get a little bit soft and we say: "Well, let us exempt this one, that one, and the other one."

Am I about right about that?

Mr. WHITTINGTON. In response to the gentleman's inquiry, may I say that I am in sympathy generally with the position the gentleman has taken, to wit, that the agencies of the Government should not be exempt from the provisions of this bill, and I will further state, in response to the gentleman's direct inquiry with respect to the Treasury, that so far as I am personally concerned, and not speaking for the committee, if the amendment proposed by the gentleman from Missouri [Mr. WILLIAMS] had not been adopted I see no reason why the Treasury exemption should remain in the bill. Since my statement to the gentleman was made, in all fairness, because I am in sympathy with the gentleman's position, his amendment should be modified.

Mr. HOFFMAN. Yes, I know the position the gentlemen have jockeyed me into by getting the previous amendments adopted. The gentleman said awhile ago he would rather have a bill without that exemption in there than not have any at all. Now think that one over.

Mr. WHITTINGTON. The amendment proposed by the gentleman from Missouri and the amendment proposed by the gentleman from Ohio having to do with the exemption of banks and with the disclosure of income returns, have been adopted. Your amendment, which merely strikes out the first proviso ought to in good faith, if you are not providing for exempting any, strike out the two amendments already adopted. Since the Treasury provision has been perfected all three provisos should be stricken out rather than the Treasury exemption.

Mr. HOFFMAN. I would like to strike it all out. When I was talking down here a while ago, if I understood the gentleman correctly, and I think I understand the English language, he said that the amendment I had in mind if adopted would make it unnecessary for the amendment of the gentleman from Missouri.

Mr. WHITTINGTON. That is right, assuming that the gentleman's amendment had been adopted before the amendment of the gentleman from Missouri had been agreed to.

Mr. HOFFMAN. Now the gentleman turns around and he gets those two amendments in in order to get this amendment of mine out on a limb.

Mr. WHITTINGTON. Let there be no misunderstanding, I stated that if your motion to strike out the Treasury was adopted there would be no occasion for adoption of the other two provisos, and I stand on that; but under the rules of the House, the two amendments were perfecting amendments, and a point of order against them could not be made. Now then, to carry out that proposition, if the gentleman insists upon striking out the Treasury, I respectfully suggest that he ought to strike out the amendments or provisos proposed by the gentleman from Missouri and the gentleman from Ohio, and previously agreed to.

Mr. HOFFMAN. I suggest that the gentleman offer an additional amendment because I intend to insist on that amendment and ask for a quorum vote on it.

Mr. WHITTINGTON. I would prefer that he perfect his own amendment.

Mr. HOFFMAN. If we had gone along in the regular way my amendment would not have needed any perfection. If it needs perfection now, I will get it back from the Clerk's desk.

Mr. WHITTINGTON. I suggest you do that and amend it.

The SPEAKER. Is there any further discussion on the amendment offered by the gentleman from Michigan?

Mr. HOFFMAN. Mr. Speaker, I would like time to perfect this amendment, if I may.

The SPEAKER. Will the gentleman withdraw his amendment for the time being?

Mr. HOFFMAN. Yes, Mr. Speaker.

Mr. SMITH of Virginia. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: After line 11, page 7, insert a new section 8 as follows:

"Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law and no other penalty shall be imposed, either by way of fine, or imprisonment, or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, afforded to any other person."

Mr. SMITH of Virginia. Mr. Speaker, I think the amendment speaks for itself. The people have become utterly confused with what the law is as to penalties, and why, and how, and for what reason a man may be put in jail or fined today for violations of regulations issued by various and sundry executive agencies of the Government, and the average citizen does not know what the penalty is for the violation of any regulation. It does seem to me, in fairness to our citizens, that we should put a limitation on the right of these agencies to prescribe particular criminal penalties or penalties of any kind, outside of those prescribed by the Congress, for the violation or for the failure to file replies to these questionnaires. For instance, we see in the papers that Mr. Henderson is going to take the gasoline away from us if we happen to get caught driving over 35 miles an hour. We have to file a registration of our automobile tires. What is going to happen to us if we do not do that? I had a recent experience in reference to getting these numbers off of an automobile tire; and if you gentlemen have not done it yet, I will tell you how it is done. You go out in the dark of the moon with a flashlight, you crawl underneath your automobile, and try to find the numbers. You may or may not find those numbers. What they are going to do with the numbers after they get them I do not know.

But what I want to know by this amendment is what they are going to be able to do to me, without authority of an act of Congress, if I fail to take my flashlight and crawl under my automobile.

The same thing pertains to whether you shall have any oil to heat your house this winter. They send you a questionnaire equivalent to such a questionnaire as you would have to use to file your income tax return. You have to get a ruler and you have to know something about algebra and geometry, and figure out the square feet in your house. If you do not happen to do that or if you do not do it right, what can that agency do to you by way of penalty? I want to fix it in this law so that they cannot do anything to me except what the law prescribes.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I am in sympathy with what I think the gentleman is trying to do, but I wonder just what effect his amendment will have, if adopted, as to penalties. I want to know what penalties, if any, will be inflicted on these people.

Mr. SMITH of Virginia. The penalties Congress has prescribed by law under the Constitution. Those are the only penalties that ought to be inflicted on any person under any circumstances.

Mr. HOFFMAN. It is printed on most of the blanks $10,000 and 5 years.

Mr. SMITH of Virginia. Yes, but then they take away certain privileges, and you may lose your priorities or your right to buy some gasoline or an automobile or some tires. That is what I am trying to get at.

Mr. HOFFMAN. Those are in addition to the ones I mentioned.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Do I correctly understand that the gentleman proposes to insert his amendment as a new paragraph following section 7, to be numbered section 8, thus: section 8 to section 9?

Mr. SMITH of Virginia. Yes.

Mr. WHITTINGTON. If I further understand correctly, it is the purpose of the gentleman's amendment to make clear that no agency of the Government has a right to impose any penalty unless that agency is by law authorized to impose the penalty?

Mr. SMITH of Virginia. Unless Congress has said that it shall impose it.

Mr. WHITTINGTON. That is what I said, unless prescribed by law.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. As I recall, the price control law authorized Henderson's organization to impose penalties.

Mr. WHITTINGTON. Then this amendment will not be applicable. The penalty has to be authorized by law.

The SPEAKER pro tempore (Mr. THOMASON). The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. HOFFMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 4, line 12, after the word "agencies," strike out the colon, insert a period, and strike out the balance of the paragraph as amended.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. ROBSION of Kentucky. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky: On page 4, line 17, after the word "law" strike out the period and insert a colon and the following proviso: *"Provided further,* That the provisions of this act shall not apply to any information now required by law to be given or required by law to be held."

Mr. WHITTINGTON. "Be withheld."

Mr. ROBSION of Kentucky. "Be withheld," yes.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I would say that the proviso the gentleman undertakes to amend has been stricken from the bill. Inasmuch as there is no exception under the terms of the bill, with all deference I see no occasion now for the gentleman's amendment. There might have been some reason for it if the proviso had remained in the bill, but that proviso having been stricken, there is no occasion for it now, as I see it.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to amend the amendment offered by me and instead of line 17, make it line 13.

Mr. WHITTINGTON. Changing the number of the line from one figure to another will not help the amendment because the whole thing has been stricken. Instead of saying "further provided," the amendment should state *"Provided, however."*

Mr. SMITH of Ohio. Mr. Speaker, may we have the amendment again read?

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky: On page 4, line 3, strike out the period, insert a colon and the following proviso: *"Provided,* That the provisions of this act shall not apply to any information now required by law to be given or required by law to be withheld."

Mr. SMITH of Ohio. Mr. Speaker, I rise in support of the amendment and I ask unanimous consent to revise and extend my remarks with reference to the discussion of this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, if this amendment is adopted, and it should be, I will, of course, withdraw mine because it covers my amendment and properly goes a little further.

We might, by the passage of this bill, abrogate a great many statutes passed by this Congress with reference to information that is to be collected by the various government agencies and it is that point that I think we should be very careful about. We should be careful not to delegate a great amount of power which would otherwise be delegated to the Director of the Bureau of the Budget. I think the amendment is proper and by all means should be adopted.

Mr. WHITTINGTON. Mr. Speaker, I have just this to say with respect to the amendment. There is no language in this bill which authorizes the elimination of any information required by law or that provides for the giving of any information or the making public of any information that is prohibited by law. The purpose of this bill is to prevent an agency from requiring information from the citizen, the little businessman or the large businessman, that he has already furnished another agency for the use of that agency and for the use of any other Government agency.

Let me remind both of the gentlemen who have just spoken that for the purposes of this bill the Director of the Budget is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of the enactment of this bill and all such agencies are directed to cooperate to the fullest extent practicable at all times in making all information available to such agencies. In other words, this provision is only applicable to information that may be furnished without the violation of any law and its sole purpose is to prevent unnecessary burden or expense to the citizen. If the Office of Price Administration requires information and the War Production Board needs similar information or the Department of Agriculture needs similar information, the citizen would be relieved from filing three separate reports giving to three separate institutions from time to time the same information. There is no reason on earth why that information furnished to one agency of the Government as authorized by law should not be made available to the other agencies of the Government. With all deference, there is no provision in this bill that authorizes any citizen not to give or relieves any citizen from giving, information that he is required to give by law; neither is there any authorization here to require any information that is prohibited or withheld by law. It deals only with information that the Federal agencies may require within the law, and in order to provide for economy and efficiency, it relieves duplication of the information that is permitted under existing law. It does strike me that the bill is clear and plain. There is no occasion for the language proposed in the amendment. Frankly, I do not want any citizen to be compelled to give any information that he ought not to give to his Government. This bill does not require him to do that. On the contrary, it relieves him from giving not once but a number of times information that the different agencies may require.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. ROBSION of Kentucky. The language is very broad, if the gentleman will observe, "for the purpose of this act the Director is authorized to require any Federal agency to make available to any other Federal agency any information"——

Mr. WHITTINGTON. That is right.

Mr. ROBSION of Kentucky. Which it has obtained from any person after the date of the enactment of this act.

Mr. WHITTINGTON. As provided and as contemplated by the bill.

Mr. ROBSION of Kentucky. This simply clarifies the whole situation so that they cannot hamstring the agencies of the Government that have been authorized by the Congress to give certain information; neither can any agency which has been prevented from giving out any information. I think it should be adopted.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. SMITH of Ohio. The gentleman then admits that this amendment, at its worst, is harmless.

Mr. WHITTINGTON. Absolutely. There is no occasion to write or repeat what is law already, because if we did that we would have to do it on every bill we pass. The amendment is without merit.

The SPEAKER pro tempore (Mr. THOMASON). The question is on the amendment offered by the gentleman from Kentucky [Mr. ROBSION].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to substitute a similar pending bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I move to strike out all after the enacting clause in the bill S. 1666 and substitute therefor the provisions of H. R. 7756, as amended, which has just been passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection the proceedings by which the bill H. R. 7756 was passed are vacated, and the bill laid on the table.

There was no objection.

DISPLAY AND USE OF THE FLAG OF THE UNITED STATES OF AMERICA

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," with a committee amendment.

The Clerk read the title of the House joint resolution.

The SPEAKER pro tempore (Mr. THOMASON). Is there objection to the request of the gentleman from Nebraska?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Nebraska tell us what changes are made by this legislation?

Mr. McLAUGHLIN. The changes are in the nature of perfecting amendments to the existing law.

One amendment is with respect to the manner of displaying the flag when it is not flown from a staff. It is pointed out that it should be displayed flat, whether indoors or outdoors, or so suspended that it will fall free, as though the flag were staffed. Another amendment has to do with the manner of saluting the flag.

Most of the others are changes as to wording. For instance, the word "lowering" is substituted for "hauling."

Mr. MARTIN of Massachusetts. Who requested this legislation?

Mr. McLAUGHLIN. As the gentleman will remember, this original legislation was introduced by our distinguished colleague the gentleman from Alabama [Mr. HOBBS] and was sponsored by a large number of patriotic organizations, including the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, for the purpose of codifying the rules and customs pertaining to the display and use of the flag.

Mr. MARTIN of Massachusetts. And have those same organizations approved the changes?

Mr. McLAUGHLIN. The same organizations which sponsored the bill are now urging these changes.

Mr. MARTIN of Massachusetts. And this is a unanimous report from your committee?

Mr. McLAUGHLIN. It is a unanimous report from the Committee on the Judiciary.

Mr. MICHENER. Mr. Speaker, reserving the right to object, and I am not going to object, but I do call attention to the fact—as I suggested in committee—that we should be paying more attention to the flag and not wasting time at this hour in writing rules and regulations as to how we are to hang the flag and how we are to salute it and what will happen to us if we do not act as directed.

This flag legislation has been before the Congress as long as I have been a Member. The Judiciary Committee had a bill for years and years. These patriotic organizations as a rule endorse any flag bill offered. For instance, take the Jenks bill. I think most of the Members are familiar with it. The committee held extensive hearings and when we finally analyzed it it provided among other things that there must be displayed from the highest point of every building owned or occupied by the Government between sunrise and sunset of each day the American flag. That would, for instance, put a flag on top of the emblem on top of the dome of the Capitol. It would put a flag on every latrine in every military camp in the country, on the highest point of every building throughout the country where post offices were located—that is, fourth-class post offices. There would have to be somebody to haul it up and haul it down. I notice we are changing the words to "lower" and "raise." The flag means much to all of our people. Too much attention should not be given to the technical manner of expressing our affection and respect for our national emblem. We want substance and not regulated form.

Mr. McLAUGHLIN. Mr. Speaker, I am in substantial agreement with much of what the gentleman from Michigan has said. However, I cannot agree that the patriotic organizations which endorsed the original Hobbs bill and the amendments in this bill as a rule endorse any flag bill offered. The gentleman refers to the Jenks bill. Of course, the Jenks bill is an entirely different type of bill and did not have the approval of the Committee on the Judiciary nor did it have the approval of the same patriotic organizations which have approved this measure. A discussion of the Jenks bill is not at all pertinent at this time.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. ROBSION of Kentucky. These minor changes and amendments make it easier to display the American flag, do they not?

Mr. McLAUGHLIN. Certainly. The minor amendments are simply perfecting amendments.

Further responding to the gentleman from Michigan I would say that some of the remarks he has just made might have been pertinent at the time the committee considered the original Hobbs bill, which was passed; but I do not recall that the gentleman made any such remarks at that time. This, however, is a bill designed to perfect the Hobbs bill, and has the approval of the same group of organizations which approved the Hobbs bill.

Mr. ROBSION of Kentucky. Is there any penalty or is it made a violation if you do not hang the flag exactly as prescribed?

Mr. McLAUGHLIN. There is no penalty in this bill and there is no penalty in the law which this bill purposes to amend.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," be, and the same is hereby, amended as follows:

1. Change the first sentence of section 3 (1) so that it shall read as follows:

"When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed."

2. In section 3 (m) strike out the word "hauling" and insert in lieu thereof the word "lowering."

3. In section 5 strike out the words "right hand" and insert in lieu thereof the word "military."

4. In section 5, after the words "men without hats", strike out the words "merely stand at attention" and insert in lieu thereof "should salute in the same manner. Aliens should stand at attention."

5. In section 6 strike out the words "the salute to the flag should be given" and insert in lieu thereof "all present should face the flag and salute."

6. In section 7, after the word "heart", change the semicolon into a period and strike out the words "extending the right hand, palm upward, toward the flag at the words 'to the flag' and holding this position until the end, when the hand drops to the side."

With the following committee amendments:

Page 2, strike out all of lines 7 and 8 and insert in lieu thereof the following:

"3. In section 5 strike out the words 'right hand' where it first appears and insert in lieu thereof the word 'military'."

Page 2, line 23, add a new section as follows:

"7. In section 2 (d) strike out 'Thanksgiving Day, last Thursday in November;' and insert in lieu thereof 'Thanksgiving Day, fourth Thursday of November'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL JUDGE FOR FIFTH CIRCUIT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2867) to provide for the appointment of an additional circuit judge for the fifth circuit, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman inform the House how many judges are going to be created this year?

Mr. WALTER. More judgeships have been recommended, I may say to my distinguished friend, than will be reported by the committee. In this case, however, and in two other cases there are very serious situations that must be dealt with promptly.

Mr. MARTIN of Massachusetts. Is there any great emergency or particular urgency why it should be passed by unanimous consent?

Mr. WALTER. Yes; there is great emergency; the case load has been increasing in this circuit right along.

Mr. MARTIN of Massachusetts. On several other occasions emergency action has been asked and granted on the creation of judgeships, yet the judges were not appointed until 6 or 8 months after the legislation was passed.

Mr. WALTER. I think that was a mistake.

Mr. MARTIN of Massachusetts. It makes us feel that these matters may not be so urgent as we are led to believe.

Mr. WALTER. We do our part. If the judges are not appointed, that is not our responsibility. I may say, however, that in the cases the gentleman has in mind it was necessary to assign judges from other sections of the country in order to continue the orderly work of those courts.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. KEAN. I notice that this bill is on the Consent Calendar. These bills usually come up on the Consent Calendar. Why not take it up in its ordinary course? I cannot see the immediate emergency. These Federal judges cannot be needed so badly that we cannot take a week to study the bill.

Mr. WALTER. If the gentleman would prefer to have a rule that would include a great many judges, we could accommodate him. We felt, however, that in this particular case where there could not be any valid objection the simplest way to bring the bill up was by unanimous consent.

Mr. MARTIN of Massachusetts. Why is there not something to what the gentleman has just said? Why not bring them all in at one time so we may know the whole picture?

Mr. WALTER. I do not think it is necessary in a case as plain as this one. In this circuit there are five judges. You might just as well have only three, because obviously you cannot have two statutory courts sitting at one time. This circuit stretches from Texas to Georgia and the Atlantic Ocean, and, in addition, it includes Panama. If three judges are sitting, the other two judges cannot confer with a third judge who sat with them, nor do other business. So it seems to me that just plain common sense would dictate that we have six judges in all those circuits where we only have five.

Mr. MARTIN of Massachusetts. How have we gotten along so many years without this extra judge?

Mr. WALTER. We have not got along. That is why we are asking for this additional judge. You must bear in mind that in this particular section where the fifth circuit is located there have been a great many condemnation cases, there has been much more Government work than in the past, with the result that the burden has increased to such an extent that the district courts are practically tied up because there are no decisions coming from the circuit courts.

Mr. MARTIN of Massachusetts. What is the reason for so many condemnation cases at this time?

Mr. WALTER. Because of the activity of the War Department and the Navy Department.

Mr. MARTIN of Massachusetts. That will probably be only temporary; that is water gone over the dam.

Mr. WALTER. I do not think so. I think there will be many more. As a matter of fact, two of the judges in this circuit are quite old. I am thoroughly convinced that these five judges will never catch up with the work. As a matter of fact, the Judiciary Committee reported this bill unanimously after careful consideration was given it.

Mr. KEAN. This will automatically come up 1 week from next Monday when bills on the Consent Calendar are called; therefore, if I have the right to do so now, I object.

The SPEAKER. The gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, I take it there will be the same objection to the next bill from the same source, so I will not make the request.

Mr. KEAN. Yes.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Friday next, December 4, after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

SPECIAL ORDERS

The SPEAKER. Under a previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 30 minutes.

GOVERNMENT BY THE PEOPLE—REMINISCENCES OF 57 YEARS OF PUBLIC LIFE

Mr. PIERCE. Mr. Speaker, as I am in the last days of a political career which commenced more than 57 years ago, I feel that it will not be out of place to record some political reminiscences of that far-off day when I first assumed an official position, on July 1, 1886, and of the intervening years of a rapidly changing era sadly notable for declining public interest in government.

I recite the record of my public career in order to show the variety and kinds of experiences on which I am basing my conclusions in regard to the change in the public attitude toward governmental affairs. In the long intervals when I have not held public office I have continued my active interest in government and in Party organization. Having lived my life in a State predominantly Republican, I have often accepted Democratic nomination for office when it was, indeed, a forlorn hope. I was for 10 years an attorney and for 40 years a wheat and cattle man, exceedingly busy with private affairs, but always attentive to the duties of citizenship.

The 57 years during which I have been in public office or prominently before the public, are more than one-third of the period spanned by our Republic since Jefferson wrote the Declaration of Independence.

VARIED POLITICAL EXPERIENCES

I served 4 years as school superintendent of Umatilla County, Oregon, 4 years as clerk of the same county. I served in the Oregon Senate 4 years as joint senator from Umatilla, Union, and Morrow Counties, and another 4 years as joint senator from Union and Wallowa Counties. I served as Governor of Oregon 4 years, from 1923 to 1927, and am now completing my tenth year in the Congress, from 1933 to 1943—momentous years. Sixty years of residence in Oregon—30 of them in public office. During practically all that time there was an adverse registered political majority. I have won 13 major political campaigns, lost 7. I am the only Democrat who has ever represented the Second District in the Congress.

INHERENT RIGHTS

In the closing days of my political career, I can say that I am extremely thankful to the citizens who have shown so much confidence in me by electing me so often. I appreciate the opportunity I have had to serve county, State, and Nation. I retire from the political arena with none but the kindliest feelings toward those who have sometimes fought me most bitterly, exercising the right of American citizens to oppose the policies of any public man. I am thankful to those who have supported me through so many hard-fought campaigns. My only object in making a record of my political observations is to be helpful to those who come after me, and the hope that younger men who carry on the fight for the inherent rights of the people may draw a lesson from my experiences. In inherent rights, I include the right to preserve for future generations, and to enjoy the full benefits in the present generation, of our natural resources—water powers and forests. I mean the right to the complete and undivided loyalty of their representatives in legislative assemblies.

AN ELECTION 52 YEARS AGO

As I watched the election returns come in, after the Democratic disaster of November 3, 1942, my mind went back to an election in 1890, in Umatilla County, Oregon, 52 years ago. That election was held in June, as was the law in Oregon, carrying over from a period when it took nearly 6 months for a newly elected Senator or Congressman to reach the National Capitol. I was the Democratic candidate for clerk of Umatilla County and won by a majority of 30 votes, receiving 1,740 against 1,710 cast for my opponent. As that remembrance flashed through my mind, I heard the radio announcer state that, in the election just concluded on November 3, 50 percent of the registered Republican voters had voted, and not to exceed 33 percent of the registered Democrats had participated in that privilege. I thought of that far-off day in June 1890 when almost the entire electorate voted—ninety-nine and a half percent of those who had the right to vote had used that right. County clerk of Umatilla County, Mr. George Hartman, had a careful survey made, after that election, in each precinct, in order to learn how many who had a right to vote had failed to do so. No registration of voters was then required. In several precincts every man who had a right to vote had cast his ballot. Women did not vote in Oregon at that time, nor for 23 years thereafter. Because of sickness or absence from the county, 17 were found who had not voted, in the entire county. In other words, all had voted except one-half of 1 percent. It is true that the contest for county clerk was one of the most intense county contests ever staged in the West. The bitterness of the fight helped to bring out the full vote.

I can recall several other elections where almost everyone entitled to vote cast his ballot. In those days those who failed to vote were not considered good citizens; voting was then thought to be not only a privilege but a duty. According to my political philosophy, it is just as much an obligation upon the citizen to vote as it is for the public official faithfully to perform his duties, and dereliction on the part of one is no more dangerous to a democracy than is negligence on the part of the other.

FIGURES DISCLOSE DANGEROUS TENDENCY

Referring to the United States census, I find that, in 1890, the population of Umatilla County was 13,381 and that Pendleton, the county seat, had 2,506. The census of 1940 gives the county population as 26,030 and Pendleton 8,847. Since that time, a big air base has been established at Pendleton and a great munitions storage plant at Hermiston, in the same county. The county has the same boundary lines as it had 52 years ago. Cities like Hermiston and Freewater have been entirely built since 1890. It is safe to say there are probably 10,000 more people in Umatilla County than there were when the census was taken in 1940.

According to the 1940 census there were in the county 9,674 males, and 8,120 females, or a total of 17,794 over 21 years of age. The registered vote in Umatilla County, for the November 3 election this year, was 6,844 males, 4,994 females—a total of 11,838. There were 5,856, of voting age, not registered to vote—more than the number who actually voted for Congressman. The total vote cast for Congressman in that county was 5,414. Since that census, war has been declared and many young men have gone into the service and into war industries. This does not account for the great number who did not take the trouble to vote. It is perfectly safe to say that at least half the voters in the county on November 3, 1942, were women—2,707. In other words, the men of Umatilla County cast 2,707 votes for Congressman in 1942.

In the contest in which I was a candidate 52 years before, there were cast by men alone 3,450 votes. Just think of it, 643 more men voted in that county 52 years ago than voted in the recent election! The population is three times what it was then. The conclusion I am forced to draw from these figures is that the people have lost their interest in elections. In 1890, 99½ percent voted; or it might be stated this way, that two-thirds of the possible voters did not register their choice on election day. I presume the same comparisons could be made in other counties that I have made for Umatilla.

VOTERS ARE NOW INDIFFERENT

A caller at my office recently brushed aside consideration of reasons for the light vote, saying, "Too much prosperity." Can it be possible that our form of government will endure if it is true that voters generally use the ballot only when in need of material benefits or resentful because of deprivation of certain privileges?

The county I have analyzed—Umatilla—is dependent for prosperity on the price of wheat. In 1932 wheat was about 30 cents a bushel there; in 1942 it was a dollar higher, owing to legislation enacted by this Congress under this administration. Nearly 20,000 more people voted in my district, when threatened with bankruptcy in 1932.

It is worth noting that the vote for Congressman in the Second Oregon District in November 1942 was the lowest for 10 years. Those who expressed a choice in 1942 numbered only 43,532, as contrasted with 78,361 in 1940. The population of the district was 210,991 in 1940, and the registered voters in 1942 numbered 96,745 out of a possible 137,775 of voting age. There has been marked increase in wealth and in population during the past 3 years. Some college student would find this an interesting field for study.

What can really be expected when one of the closest advisers to the President gives out a press release from the White House in which he is reported to have said it does not matter how the people vote, or whether they vote at all? This flippant attitude on the part of those entrusted with leadership in these dangerous times is deplorable. I do greatly fear the results to our country from the indifference of the ordinary American citizen. He must either take an interest in this Government or possibly lose his right to exercise the franchise, a right which should be considered the greatest privilege enjoyed by an American citizen.

CONDITIONS WERE PRIMITIVE—VOTERS WERE INTERESTED

At the time of the election 52 years ago, the telephone was not generally in use. The reports of our elections are now known 3,000 miles distant sooner than they were revealed to anxious voters 30 miles distant in that earlier period. There were no airplanes, no paved highways, no radios, few newspapers and magazines, no absentee ballots, no Australian ballots, no voters' pamphlets. Polls now are kept open from 8 in the morning till 8 at night, and workers are given time to vote. These changed conditions and improved instrumentalities have utterly failed to bring an increased interest in government on the part of the people.

The privilege of voting a half-century ago was more highly prized than it is today. I clearly recall that practically all the vote of the county was cast in the forenoon in that exciting election of 1890, and many men stood around the polls in the afternoon, awaiting the time when the judges would commence to count the votes. The returns from the precincts were brought in to the county seat by men riding horses, the horses having been kept standing at the hitching racks for many hours, awaiting the final tabulations of the judges and clerks.

The point I want to make clear is that the people then highly prized the voting privilege. They had attended the preelection campaigns. Few papers were published, but they were carefully read. I recall only one daily in the State of Oregon, the Portland Oregonian. In Umatilla County there were three weeklies, the East Oregonian and the Tribune, at Pendleton, and the Weston Leader. These papers had discussed the political issues and the characters of those who were candidates. In some of these earlier campaigns the rivals had often traveled in the same hack, speaking from the same platforms, the Democrat speaking first in one precinct and the Republican speaking first at the next—so many minutes allotted to each, and some of those discussions were very amusing. Abusive campaign leaflets were indulged in, but resulted in no libel suits.

Many of the voters were unlettered. Some of them could not write, but they could intelligently discuss the candidates and the issues at stake. It was then 25 years after the close of the War between the States, and many voters, men in middle life, had fought on one side or the other in the great war. I recall one famous character of that early day, said to be a nephew of the General Forrest who won wide fame by his definition of strategy as "gittin' thar fustest with the mostest men." The nephew was said to have written the ballots for a group in opposition to a special tax for school purposes, and those who were voting were invited to write on slips of paper the words "tax" or "no tax." The nephew spelled the words, "Knowe Tacks," and there was no tax. He may

not have known any more about spelling than his famous relative, but he did know for whom he was voting and he knew the reasons why he was voting. In a neighboring county there is a district still known as the "sawbuck school house" because the three interested and progressive directors used the X in place of a personal signature.

WE HAVE GROWN SOFT AND COMPLACENT

The totalitarian governments were fairly convinced, when they attacked the democracies, that we had grown so soft, complacent, and easy-going, we could not face the hardships of a war. They relied much upon the hardened troops of Germany and Japan to win in a great world struggle. It seems that the easy life, the cars, the perfect roads, the radios, telephones, movies, the city daily papers with their comics delivered away out in the country, make us very easy-going and very happy in our environment. On the other hand, such an environment has made us forget the hardships endured by our fathers and mothers who gave us the opportunity to enjoy the sweets and pleasures of this life. We have lost, to a great extent, their homely virtues, their self-reliance and their strong loyalty to, and firm belief in, our free institutions. Too much has come to most of us without any effort on our part.

WOMEN VOTERS

I was a school teacher at Milton, Oreg., before I entered upon my political career. At Milton, I first heard Mrs. Abigail Scott Duniway speak, advocating woman suffrage. I was much taken with her argument and invited her to speak to my class at school. From that day on, I have been an advocate of woman suffrage. Has it added to or detracted from the interest in government? No question but women are as much interested in government as are men, and often know better and more accurately the reasons why they cast their votes for or against a measure, or for or against a candidate. The women have not yet succeeded in increasing general interest in government.

TRAINING VOTERS IN PUBLIC SCHOOLS

Fifty years ago, greater emphasis was placed on citizenship training in our schools. McGuffey's Readers, the finest system of reading books for instilling patriotism and love of country, were then in universal use. Today they are found only in museums. Children in public schools were encouraged to memorize and deliver patriotic speeches. These deeply impressed the children who later became the aggressive citizens, such as I have described. I am well aware of the fact that in the public schools today, children are taught how to vote but I very much fear the schools have failed to make any impression as to why they should vote. The mere act of voting does not mean so much as the reasons for the voting and the intelligence applied to the choice between men and measures.

BALLOT PUZZLES VOTERS

As an illustration of the lack of knowledge about the fundamentals of the simplest duties of citizenship, I cite two incidents. I recall a man who appeared in Oregon as a leader in radical circles a few years ago. He talked long and loud about the duties of citizenship. One election day he was near the polls, making an address about voting, when it was discovered that he himself was not registered. He put in much time finding fault with me, then a State senator, and partly responsible for the law regarding registration of voters in Oregon. At that time, six freeholders were allowed to swear in a voter on election day, so I joined with five others in registering the agitator—the one who had talked about American citizenship. He went into the booth with his white ballot which was recognized when it came out of the box because he had signed his name on the ballot and made a cross before it. He had voted for and against every candidate for office and every measure listed on the ballot sheet. In fact, he had made an X at every space on the ballot.

In 1928, the candidate for Congress in our district withdrew after the primary election ballots had been printed and it became necessary for voters to write in a name and make a cross before it. One of the candidates was a well-known Granger who had been State master and had many supporters for the office. In his home precinct, where there was practically no foreign vote, 203 Republicans showed that they wanted to vote for this man for Congress, because they had gone to the polls and had written his name on the ballot. One-third of the votes of those Republicans could not be counted for him because they had voted for him for sheriff, for clerk, and for every other office named on the ballot, but had failed to vote for him for Congress by writing his name on the ballot in the proper place with a cross before it. I remember the former State master said to me:

I get discouraged, Governor, when I see the large number of our people who do not even know how to vote. How are they going to be taught to exercise the franchise wisely? Are we capable of governing ourselves?

I am a great believer in our ability to solve the problem of self-government. I have preached it from a thousand platforms and I have tried to make everyone of my political campaigns really educational in relation to public affairs. I am alarmed when incidents like these are brought to my attention, and when I find the large numbers of people who do not want to listen to arguments for or against a man or a cause. They are often impressed by some slogan or some foolish catchy phrase or a picture of a family group. A man was elected to a State office in Oregon because of a card picturing him with wife and eight children, and the slogan "Papa wants the office and we need the money."

THE OREGON SYSTEM

Oregon is highly literate and has pioneered the way in many governmental changes which have helpfully affected State and National politics.

In 1897, the Oregon Legislature failed to organize and disbanded after 40 days of what is known as the "hold-up session." The fight grew out of a contest for United States Senator in which the railroad companies were supposed to have bought enough votes for reelection of their candidate. The only way to prevent this was to keep the legislature from functioning. Shortly thereafter, because of exposure of this corruption, there was commenced an agitation in the State for what is known as the "Oregon system of popular government." This designation covers the initiative, the referendum, the recall of public officials, direct primaries, direct election by the people of United States Senators and the Voters' Pamphlet.

The initiative is a plan by which the voters can, by petition, have a bill placed on the ballot, at a general election, so voters may vote for or against it. This gives legislative powers to the people. The system also provides for the referendum, or the right of the people to demand popular vote on a measure enacted by the legislature. The Oregon system first inaugurated direct election of United States Senators, 7 years before this was made part of our national Constitution as the seventeenth amendment. No doubt, the direct election of United States Senators has bettered conditions in State legislatures. Senatorial quality may not have been improved.

As a part of the Oregon system, provision was made for the unique and valuable Voters' Pamphlet which is mailed by the Secretary of State to every registered voter before primary and general elections. Each candidate can secure one or more pages, as he sees fit, at a nominal cost, giving his own version of why he should be elected. Initiative and referendum measures are included, with proper arguments. The Voters' Pamphlet has been very generally opposed by the press of Oregon. I have always cast my influence for its retention. I am free to admit that it has not had as great an influence as I hoped it would have, but it is one of the bulwarks of our freedom.

Voters seem to be more readily convinced by the advertising press than they are by the statements of the political parties, or of the candidates.

The contest for the Oregon system ran through several years resulting favorably in elections of 1902, 1903, 1904. To the proponents, among whom I was numbered, it proved quite a costly financial venture which they undertook because they believed they were improving "government by the people." The total expense of enactment of the various laws, known as the Oregon system, was about $60,000, of which nearly 90 percent was furnished by the former Senator Jonathan Bourne, who was a very prominent figure in securing the enactment of the necessary measures. Because of his interest in it and his liberality, I have named him the "Father of the Oregon system."

I am free to admit that we have not realized from the enactment of the Oregon system anything like we hoped would be the results of the changes in the fundamental law of the State of Oregon. It has not assured the permanent interest of the people in our Government; this must come from constant vigilance and education.

PRESSURE GROUPS—LOBBIES

I cannot think of any pressure groups in the distant past that, in any way, form, or manner rivaled the pressure groups of this day. My 10 years as a Member of the Congress have given me a position where I can make a pretty fair estimate of the power of pressure politics. I have seen a few Congressmen quail in their seats, dodge votes, or cast them with great trepidation, wondering how the vote would affect them at the next election.

I have seen railroad financiers, Wall Street gamblers, private utility magnates, labor leaders, and some so-called farm leaders sit in the House galleries, watching their dupes on the House floor as they voted according to orders on the iniquitous Transportation Act of 1940, the bill for holding company regulation, appropriations for transmission lines to carry Bonneville current, and other legislation directly affecting Wall Street interests or the rights of our people. Let me record the fact that I have known many Representatives who courageously resisted such pressures and deserved better treatment than they received at the polls because voters did not understand the situation.

I have seen all sorts of pressure politics in these active 10 years here in Washington. I cannot recall anything, in the early days, that in any way compares in influence to the pressure politics of today. The big financial interests, various business and professional groups, and farm and labor organizations maintain Washington headquarters with experienced lobbyists in charge. Some of these are entirely legitimate and necessary in balancing and presenting the sectional and class interests which are an ever-present threat to our form of government. "Divided we stand" is a fit motto for our country when viewed from the standpoint of conflicting financial, agricultural, and business interests of our geographical sections.

Among the organizations which protect the legislative interests of scattered and loosely knit workers are the agricultural groups—the Grange, Farmers' Union, and Farm Bureau. Only because of numerical strength and skilled national leadership can these essential farm producers be heard above the din of demands of long-entrenched privilege—those of the great financial and industrial centers which have so much stronger numerical representation in the lower House. The National Grange has persistently and honestly sponsored and pressed through National and State legislative bodies measures essential to the welfare of American farmers—measures which have rescued them from the threat of peasantry.

There have always been lobbyists in Washington and in State capitals who have sought to secure the legislation they desired. It is recorded that the Capital was located on the Potomac River, rather than at Harrisburg, Pa., as a compromise with the group which believed in slavery. It is said by historians that the location resulted from a trade made between those led by Thomas Jefferson and the followers of Alexander Hamilton, one representing the South and the other standing for Atlantic border financial interests which had bought up claims of Revolutionary soldiers and wanted the Nation to assume the responsibility of paying them. It is probably true that trades have been made for votes from the very beginning of this Government and that they have affected the course of history. Anyone who doubts this should read the Journal of William Maclay, United States Senator from Pennsylvania, 1789–91.

LOBBYING AS A BUSINESS

The lobbyists today are skilled and scientific. They often move to the field where they are certainly more effective than at the Capital itself. When a lobbyist in Washington decides he wants any particular measure, and must cover up his tracks, the Congressman is not personally solicited, but the lobbyist gets into communication with the Congressman's constituents and gets them to wire or write the Congressman. The resulting flood of telegrams and letters creates a lack of confidence in honest expression of public opinion. It actually destroys the influence of such expression by thoughtful and informed individuals who have not been visited by friendly local representatives of predatory interests, but who speak because motivated by the idealism of good citizenship. The hundred telegrams which came to me from a small town in Pennsylvania, protesting holding company regulation in 1935, did not increase my confidence in popular government.

Our home folks are not entirely guiltless in respect to lobbies, as they are sometimes cajoled into putting up public as well as private funds to send men and groups to Washington on missions known to those men to be hopeless or dishonest. The trip to Washington and well-paid residence in the National Capital lures those who are slick and devious but utterly useless. Local representative groups on honest and important missions of temporary urgency are immensely effective before some committees and in the departments.

THE LIQUOR LOBBY

In the far-off days in the past, there was a direct political influence exercised by the saloon keepers; it was fully understood though saloon doors were closed; it was positive; it was assertive. I am doubting that it was any more effective 50 years ago than it was in the election of 1942. The saloon influence has come back into politics with terrific force. Now it is more stealthy and more perfectly managed and handled. The local saloon influence of earlier days has become the great, rich national liquor trade which seeks to suppress Federal and State regulation of the liquor traffic, control Army liquor policies, and by its widely extended advertising to silence the press.

The candidate for office who has the influence of the liquor group has the support of a powerful organization with a rich treasure chest. In former days, the candidate could buy drinks and influence voters—today the liquor companies subsidize campaign expenses of candidates, and often enlist, by subterfuge, the support of temperance organizations and cause them to vote into office the very men who represent the evil forces they wish to overcome.

ELECTION POLLS

When Governor of Oregon, I believed I had conclusive proof of the connivance of the Literary Digest and the Post Office Department in the polls made and published in the Digest. When I came to Congress in 1933, I was very anxious to expose to public view, by an investigation, the methods of the Literary Digest in taking the so-called polls. I failed to convince the committees of Congress that it was a matter of enough importance to warrant a congressional investigation. When the Literary Digest passed out of existence by reason of its action in 1936, I sought to show that the Gallup poll was not calculated accurately to measure public opinion, but was a potent influence in creating and molding political opinion. Because the Gallup poll influenced not only voters but Members of Congress who often quoted it, I thought its statistical practices, as well as its selection of questions and issues, should be fully understood and explained to the committees of Congress which are concerned with the conduct and expense of elections. Again I failed to convince the committee that a congressional investigation was justifiable.

The election of November 1942 clearly proves the utter futility of attempting to prophesy the results of an election from a so-called sampling of the vote. Dr. Gallup certainly gave no indication, in any of the estimates he made, of the great upheaval that was taking place in the electorate. The polls do undoubtedly help to keep people interested in public matters, but it is to be hoped that in the future the voters will recognize that a so-called poll is just an advertising attempt to make and not to measure public opinion, and to recognize it as an interesting syndicated newspaper feature which should not be accepted as the sole guide for the intelligent, conscientious voter.

COST OF CAMPAIGNS—CORRUPT PRACTICES

We had no reports to make a half century ago in regard to the amount spent for election purposes. It is possible that one way or another political campaigns were expensive, and the Corrupt Practices Acts have brought some improvement, though they have not prevented political corruption. That the Corrupt Practices Acts of today, as now enforced, do not mean much either in State or Nation is proven by the statement of conclusions of the Senate investigation of the 1940 campaign, from which I quote:

> Never before in American history has there been such an effort to debauch the American electorate through the expenditure of huge sums of money.

Men have been denied their seats in the United States Senate on account of the money they spent in purchasing them. Today the money is spent in a more scientific manner and it is also more effective. I have been told by those who ought to know that in the campaign

of 1940, $75,000,000 was the total spent. This is five times the amount spent in the 1896 campaign by Mark Hanna to defeat William Jennings Bryan, the greatest political campaign expenditure known up to that time.

The filing of the primary campaign expenses with the Oregon Secretary of State after the May 1942 primaries shows that the opposition to my candidacy was well financed by "cut out and get out" absentee timber companies, which fear my bills for protection of Oregon forests by requiring selective logging on a sustained-yield basis. It was somewhat surprising that I won that primary. The flaw in our Oregon act is the failure to require official publication and circulation of campaign expense filings. These are published only in the few city papers, and in fine print, not segregated and summarized by candidates.

THE HATCH ACT

I voted against the enactment of the Hatch Act, which was widely heralded as an effort to purify politics by preventing control of political conventions by patronage officeholders. I am very proud of that vote and I think I did right. This law has weakened legitimate party organization and simply affords a shelter to appointees who want to avoid their political responsibility. I was glad to vote for a modification of the act this last session so that public school teachers were freed from its penalties. It ought to be repealed in its entirety because it prevents participation in the activities and duties of citizenship.

CONSTITUENTS AND REPRESENTATIVES

Though deeply interested in government and an active participant in public affairs, I cannot recall ever writing a letter to a Senator or a Congressman during the early years of my career in Oregon. It is said that a half-century ago, one secretary could easily answer, in long hand, in a few hours, all the letters that came to a Congressman's desk. It is not so today; they come in bundles, and the fan mail stimulated by organized propaganda is no small part of that quantity. I know of a request for a farmer's bulletin which brought a 50-word telegraphic response from a Senator, but I have gladly acquiesced in the House practice of curbing such waste. An experienced Representative, or his secretary, sifts and sorts and gives attention and reply to his own constituents who express convictions or request his services in securing action on their business with Washington, forced on them by this era of centralization in government. I believe it to be the duty of constituents to make their views known to their Representatives, to ask for expression of his opinions, and to expect that the political campaign will be educational—a real school of citizenship.

A good Congressman very promptly attends to departmental business for his people and endeavors to justify their faith in government. To that end, he patiently replies to abusive letters, trying to build a structure for honest and effective relationships. The electorate must study government. There must be a determined effort to impress upon young people the necessity for interest in public affairs. Many of the ablest men, from Alexander Hamilton's time down to the present, have doubted the ability of the American people to govern themselves. It is true that in big cities the Government is some group which is able to control the electorate and the majority of the people have little to say. Firmly do I believe that the strength of democracy lies in the small villages and the country precincts. Many an old farmer, back in the hills, is often better posted on the real issues than are those in the steam-heated apartments of our cities. I still have great faith that the women of America will make a real study of our Government and cause intelligent voting in the years to come.

BUREAUCRACY

During the New Deal the Government bureaus have increased tremendously and there is no question but that one of the dangers which lies ahead is what is known as bureaucracy. It appears extremely difficult for this administration to end and close up any activity once undertaken. It is true the bureaus grew in power and strength before the days of Roosevelt, but they have now become much more menacing. Experienced legislators on the Hill have repeatedly said to me "You cannot put legislation through the Congress without the consent of the bureaus." People do not understand that nearly every bill introduced into Congress is referred not only to a congressional committee but also to a bureau before it is considered by the Congress. The influence and self-interest of the bureau chiefs is often effective in defeating many measures that should be enacted into law. There are, however, many able and devoted men in the bureaus.

One of the methods of getting the support for bureau measures is "dollar matching," meaning the Government will give a dollar if the State puts up an equal sum of money for some objective or office. Of course, the bureau is the dominating factor and the State just finds it is a contributor to the Government's bureau activities, and that it has surrendered to Federal domination and control. Many millions of dollars are wasted every year by the activities which have worked their way into government by creating supporting sentiment through the bureaus or Government agencies seeking aggrandizement.

BELITTLING CONGRESS

It has been said that President Roosevelt's Labor Day speech of 1942 was rewritten overnight, after wise friends had been called in and contents of the intended speech presented to them. He was advised to rewrite it. It is my judgment that it should have been again rewritten. I cannot believe that the President intended to give backing to the critics of the Congress as he did in that celebrated "or else" speech, when he threatened to fix farm prices under his war powers unless the Congress acted in a certain way before a certain date. The President was then quoted as an authority to prove that the Congress was venal, useless, and that it had refused to act. That was not true.

The President, undoubtedly, was effective in defeating many of the best friends he ever had in the Congress by the unfortunate wording in that speech. The only comparable political incident was the letter of President Wilson in 1918, when he asked the American people to elect a Democratic Congress. The people responded by electing a Republican Congress, rendering his closing days very unpleasant and very unhappy by their opposition to his humanitarian peace term proposals at the close of the first World War.

The President was but following the fashion set by the commentators who for months seemed bent on destroying public confidence in the Congress by holding up to scorn or ridicule the few unfortunate incidents which marred an otherwise admirable record for a Congress acting under great pressure and public clamor in a most difficult time. The campaign has been very effective. Unquestionably, it was started to cover up the shortcomings of big business, which took charge in Washington when we got thoroughly into the Second World War.

Public resentment against W. P. B. and O. P. A. was turned against the Congress which was held responsible for those wretchedly administered agencies. Never has this matter been better presented than by the English poet who said:

For forms of government, let fools contend,
That which is best administered is best.

President Roosevelt is, without question, the best friend that the farming world has ever had in the White House. I clearly recall how earnestly he took up the farmers' problems in the spring of 1933 and how he encouraged the Agriculture Committee of the House to bring forth the legislation known as the Triple A Act. I do regret that he has seen fit of late to take the advice of certain groups of men often called "plotters rather than planners" who I believe have not a clear, reasonable conception of American agriculture nor of our American democracy.

The Congress is the direct representative of the people. No sooner is a Congressman in his seat in Washington than he has to commence a campaign for reelection. As he goes before the electorate every 2 years, he has to have a strong standing at home or he cannot come back. He may be a statesman of the first degree, but if he does not have the support of the electorate in his home district he becomes, indeed, a "lame duck" or a discarded politician.

I shall leave this House believing that the majority of Members on both sides of the aisle are patriotic and moved by the highest motives. The differences in opinion seem to arise from different viewpoints which come from the various environments in which Members have lived and worked. Undoubtedly, their attitudes toward public affairs are also influenced by their professional and business training and experience. I have, indeed, enjoyed my personal associations with my colleagues, and I shall

think of the Congress with pleasant recollections of 10 happy years of association with men from all sections of this Nation.

DIFFICULT FOR DEMOCRACIES TO FIGHT A WAR

To fight successful battles some one person must be in supreme command. That is always resented in a democracy. It seemed very difficult for our fathers to close the second war with Great Britain, and never did they effectively fight a battle until after the war had closed, as they did at New Orleans. Lincoln found more difficulty in dealing with the enemies such as are now called fifth columnists than he found in the front line of the armies. In 1862 he practically lost control of the Congress as he had less than 20 majority, which was not a large enough majority to pass war measures. This is well discussed in the new book by George Fort Milton called "Abraham Lincoln and the Fifth Column." President Roosevelt has now lost control of the Congress and will find it extremely difficult to have put through measures necessary successfully to fight the war.

VICTORIES AND REVERSES

I refuse to accept the vote of November 3, 1942, as a just and final verdict on my work as Governor of the State and Congressman from the Second District of Oregon. I refuse to accept that vote as a final and just appraisement of what I have really accomplished and of my aims and ideals. I do not consider the adverse vote a repudiation of my public career and feel confident that time will render a verdict different from that of November 3 when I was caught in the maelstrom of public dissatisfaction and resentment. The calcium lights of publicity can safely be turned on the innermost chambers of my thought leading to public acts reaching through a period of more than a half century.

The Clerk of the House informs me that, as far as he can check the records, I am the oldest Congressman ever sworn in for a first term. That was in 1933. I was 72 years of age on May 30 of that year. I have served 10 years. I feel that I have made a record that ought to encourage those who find themselves set aside on account of the Biblical threescore and ten. I have deeply appreciated the opportunity of serving in the Congress.

In closing these personal references I quote a saying which has been in my mind for years:

Fame is a vapor, popularity an accident, riches take wings, those who cheer today can so easily curse tomorrow. Only one thing endures—that is character.

THE CLARION CALL FOR LEADERSHIP

I am well aware of the fact that old Father Time has a rendezvous with me which will prevent my come-back into the political arena. I do believe there will come forth a strong, vigorous young man or woman to take up the fight for the under-privileged and for the people's welfare which I am obliged to relinquish.

I hope that vigorous young leader will appear soon to make the fight for the distribution by the public of the electric power that our great and benevolent Government has developed on the Columbia River.

The young leader of whom I am dreaming will, I believe, compel absentee timbermen who are cutting off the last great trees of Oregon's unrivaled forests to leave a few seed trees so that coming generations may have some conception of the magnificent forests which we pioneers inherited.

The leader of whom I am dreaming must be able to strike a telling blow against the control exercised by the liquor interests, that are now firmly in the saddle. These three groups, when combined, private utilities, big-timber operators, liquor interests—three of a kind—are hard to beat. They have been beaten and they can be beaten again by a courageous and forceful leader.

"A NEW BIRTH OF FREEDOM"

There is no familiar expression more often falling from the lips of American orators than the words from Lincoln's Gettysburg Address. When he spoke those unforgettable last words of that brief masterpiece, he probably never dreamed that the indifference of the people themselves might be one of the dangers to free government by free men.

During the past 10 years this administration and the Congress have accomplished much, indeed, to justify the use of the term "government for the people." Within these 10 years, our people, not only the farmers but the wage earners, the merchants, the bankers have been rescued from complete bankruptcy and economic disintegration. They were so forgetful of the value of these benefits that less than one-third of them made the effort to vote on election day, November 1942, and two-thirds of the number who voted cast their ballots in favor of opponents of those who had made recovery possible. This was true not only in the Second District of Oregon, but from ocean to shining ocean.

The story which I have briefly told indicates that the danger of government of the people perishing from the earth comes from the indifference of the people—a silent but mortal assault on the citadels of our freedom. Let us call upon all true Americans to be awake and on the alert. Let Congress lead the way by action calculated to strengthen popular confidence in and esteem for all our free institutions. Let us, in the closing days of this Congress, repeat with our greatest leader, as a pledge, those sacred words made more impressive by the fact that our young men are now giving their lives on far-flung battle lines:

"We here highly resolve that these dead shall not have died in vain—that this Nation shall, under God, have a new birth of freedom—and that government of the people, by the people, for the people shall not perish from the earth."

LACK OF MANPOWER IMPERILS FOOD LINE

Mr. SPRINGER. Mr. Speaker, thousands of farms throughout the Nation will be idle in 1943 because of the lack of manpower and mechanical devices to operate them. This will imperil the production of the food which is so essential in time of war. Throughout our country our dairies have suffered immeasurably because it is almost impossible to successfully operate them with unskilled labor. As we scan the pages of almost every county-seat newspaper in the Central and Midwestern States, where farming is our principal industry, and this applies to Ohio, Michigan, Indiana, Kentucky, Illinois, Iowa, Nebraska, and Kansas, we find numerous advertisements in which farm sales are announced. These sale advertisements have doubled, and in some sections they have increased as much as three or four times over the normal advertising of farm sales, over that of any previous year.

In practically all of these sale advertisements, the notice begins as follows:

As I am quitting farming—

Or—

Because I have been inducted into the service of my country, I am forced to quit farming.

Or—

I am forced to hold a closing-out sale.

These very numerous sale advertisements indicate that something dreadful is happening, because many of these advertisements of sales are given by men who have followed agricultural pursuits throughout the active years of their lives, and by those who have never engaged in any other business except farming.

Mr. HOPE. Will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Kansas.

Mr. HOPE. In view of the allotments of gasoline which are now being made for farm trucks under the Gasoline Rationing Act, does not the gentleman think that some of these signs in the next few months will read: "Because I cannot get sufficient gasoline to carry on my farm operations I am forced to hold a public sale"?

Mr. SPRINGER. I think the distinguished gentleman from Kansas is entirely correct.

They are abandoning their lifetime occupation and they are selling out and quitting. Many of those whose sale advertisements now appear in the newspapers, and whose names are attached to the sale bills that are now posted all over the Nation, are members of families who have for generations been engaged in farming. They have been prosperous in the years gone by and they have never prepared themselves for any other business. Farming was their sole occupation. They have produced food for the Nation throughout the years.

Mr. Speaker, the people of this Nation, regardless of the place of their residence—whether they reside upon the farms or in the cities—are facing a very serious problem, and some of them have awakened to the fact that we are confronted with a serious food shortage in this country. The problem of the farmer is the problem of the people generally, because all look to the farmer for the food supply, and all must eat. We have an added duty in this crisis—we must feed the Army and the Navy, and the

burden will soon fall upon us to feed millions of hungry people in other countries. When war comes many of our people who have heretofore engaged in the production of food are forced, by reason of existing circumstances, to abandon their production, and they then become consumers of food.

With this very serious situation confronting the people of this Nation, we have witnessed the migration of many of those who were in the past available for farm labor leaving the farms and going into defense plants where they were attracted by high wages, much more than the farmers could possibly pay and continue to operate their business; then, too, untold thousands of the farm boys who have been reared in the country, who fully understand farming and who have little knowledge of any other business, have been called before the local draft boards and have been inducted into the Army for service to our country—these boys were producers of food, and this is a highly essential commodity in time of war; again, the question of priorities has played a very important part in the situation in which we now find ourselves, because our farmers cannot purchase the needed tools, and parts, which are so essential to production on the farm, and they cannot secure fencing, or lumber, or other necessary material for the operation of their farms; another factor which is now proposed, which will, if put into effect, cause a far greater injury to the production of our food supply in the future than any other plan of rationing or subjecting them to priorities is the general rationing of gasoline—and this will retard to a very great extent the farmers objective to produce food for the war effort. Many of our farmers have no possible means of transportation except their private automobiles. Driving horses are very scarce, and buggies are not to be found. Many farmers deliver their livestock to market in small trailers which are hitched to the rear of their automobile; they deliver their stock and market their produce by their own automobiles and trailer, they buy the necessities for their homes, and return to their work. If and when the general rationing of gasoline is forced upon them—and in many sections of our country gasoline is very plentiful, in fact there is a great surplus of it—this will operate to retard the farmer's opportunity to conduct his business and it will, in the end, cause a reduction of his production of food.

Mr. Speaker, without proper manpower, and without the opportunity to obtain essential farm machinery and tools, and parts, and with the only means of transportation largely taken away from our farmers by the needless rationing of gasoline, it means less food for our Army and Navy, and much less food for all of our people in this country, and it will mean our opportunity to produce food for the hungry and starving people of the other nations of the earth will be greatly reduced and limited.

Quite recently an article appeared in the Indianapolis Star, in which it was stated: "Lack of manpower makes farming difficult." The people in the Central and Midwestern States realize and know the force and truth of that statement. Those in charge in Washington do not appear to understand at this very late moment that when the food shortage comes, and it is now being experienced to some extent, that it will be due to the bungling in handling the manpower situation. The farmer's hired help has gone to the defense plant where he receives higher wages, the farmer's son has been drafted into the Army, and the farmer, who is in advanced years or has other disability, simply cannot plant and harvest the crops and care for the livestock upon his land. He cannot secure help. His only course is to curtail production.

Mr. HOPE. Will the gentleman yield again?

Mr. SPRINGER. I yield to the gentleman from Kansas.

Mr. HOPE. The gentleman is making a very splendid address and he is bringing out some matters that are very important to the country at this time. I would like to ask him a question. The Secretary of Agriculture is about to hold regional meetings all over the country, principally in the farm areas, for the purpose of outlining to the farmers what is expected of them next year in the way of food production and to insist that they increase their food production during the coming year because it is necessary. If the Secretary of Agriculture would labor among his fellow Government officials here in Washington and point out some of their mistakes and suggest corrections which they should make in their programs, does not the gentleman think he would be doing more to bring about increased food production than he will by going out and telling the farmers to do what they are willing to do if they have the opportunity?

Mr. SPRINGER. I thank the gentleman for his suggestion. You are entirely correct. Of course, the entire matter is inconsistent. On the one hand they are demanding that production be increased on the part of our farmers, and, on the other hand, they take away the farmer's opportunity which he might have to increase that production.

Mr. Speaker, today, as we look about us, we find the farm boys, whose life work has been farming and who know and understand the problems of farming by reason of long experience, being inducted into the Army—and the needed production of food materially curtailed by reason thereof. At the same time we look about us and we find untold thousands of strong, healthy and physically fit young men working in some department of government. They are drawing fat salaries, and in a large majority of those cases their services could and should be dispensed with during this emergency. In fact, if from one-third to one-half of those employees should be released and immediately inducted into the Army, the functions of Government would be carried on in proper fashion, and they would fill the gap which should be created by the deferment of the farm boys from military service. This would be helpful, and this would aid in preventing the very great food shortage which will certainly come in the future. It is high time for those in command to about face, and get down to business—and that most serious business is to do the things which are necessary to be done to produce food, and to prevent want and hunger in our country, and to aid in feeding the hungry and starving people of the world.

Our farmers are not complacent. To the contrary they are highly patriotic. They want to make their full contribution to the winning of this war. Yet, when their own Government places restrictive regulations upon them—when their own Government makes impossible their full participation in assisting in the prosecution of the war—when their own Government, and those in charge of the various departments thereof, promulgate rules which become a barrier against them in their all-out effort to aid in our victory—the farmers have become greatly concerned; they know a great shortage of food will impair our war effort; yet, they have done their best. They want to do more, but they must have the cooperation of their Government, and those in charge of the agencies which control their activities, if this is done. They want to produce more, but the rules and regulations have prevented it. The bureaucratic control and domination of the heads of agencies and departments of our own Government, and the bungling of the manpower situation in our country, has created the condition which will result in a greatly decreased production of food, and at the very time when our food production should be the greatest in our history.

It is my hope, Mr. Speaker, that the head of the Selective Service System, where the control of the drafting of our boys is vested, the War Production Board, which controls the question of priorities, and Mr. Jeffers, and Mr. Henderson, in charge of rubber conservation and gasoline rationing, will come to realize that "Food will win this war" and determine that they should not further jeopardize our war effort by placing obstructions of every kind against the producers of food—our farmers. It is my hope that those in power will not attempt to solve the food problem in the same manner in which the rubber problem has been handled—because that question has been mishandled—it has been mishandled in Washington by Washington. It is being mishandled, and we need rubber in this country so badly.

Quite recently, and when referring to the food shortage which is imminent, Boake Carter said:

> We are headed for serious food shortage—not because God has afflicted us with famine of the earth, but because we are afflicted with a famine of the brain and ordinary common sense in high places.

We must win this war. We must have an abundant supply of food to win it. I

call upon those in high places to face this problem and solve it. Our future and our security depend upon your action!

PERMISSION TO FILE REPORT

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the chairman of the House Committee on the District of Columbia may have until midnight tonight to file report on a bill which the committee has reported today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. HÉBERT]?

There was no objection.

The SPEAKER pro tempore. Under a special order heretofore agreed to, the gentleman from New Mexico [Mr. ANDERSON] is recognized for 20 minutes.

GASOLINE RATIONING

Mr. ANDERSON of New Mexico. Mr. Speaker, the newspapers of this country will carry in the next few days all sorts of stories and interpretations of the fight which has been made to postpone Nation-wide gas rationing until the full figures may be obtained. It is because of that possibility that I have asked for some time this afternoon to discuss the attitude which various Members of the House had in their campaign on this question.

We find, for example, in a Washington paper, the Daily News, a headline reading, "F. D. Warns House 'Gas Gang' That Rationing Must Start."

I think it is too bad that 150 or 160 Members of this House, certainly a majority of the House now present in Washington, meeting to consider this question, should be termed "a gang."

I also think it is too bad that the rubber director, Mr. Jeffers, should take it upon himself to try to appeal sentimentally to our people upon this question. Mr. Jeffers in his talk last night referred to the saving of the life of Capt. Eddie Rickenbacker, something in which we all take tremendous pride. He pointed out that Rickenbacker had been saved by a rubber lifeboat and then said:

> Those were your new tires that saved Eddie Rickenbacker.

I suggest to the Members of the House that there is not one word in the records of the Director of Rubber, not one word in the records of the War Department, or one word anywhere else, that would indicate that that lifeboat was made possible by the present or contemplated rationing of gasoline. As a matter of fact, at no time and in no place have those Representatives who have sought to postpone gasoline rationing made the slightest claims to the stocks of crude rubber from which these lifeboats are made. There is no possible connection between the military and naval program and this campaign which we are now discussing, because it has been made clear time and time again that the program which those of us who believe that gasoline rationing should be postponed sought to put into effect would not have disturbed in the slightest the military requirements of this Nation. I think it is too bad if we start talking about whether we would rather save Capt. Eddie Rickenbacker or have new tires. That is not the situation and that never will become the situation.

Further, I think it is too bad when the Director of O. P. A., Mr. Leon Henderson, includes this in his statement of last night, and I quote now from the Washington Post of today, page 6:

> Henderson added that rationing opponents were either "ignorant" or "intentionally traitorous."

This means, Mr. Speaker, that every farmer in the United States, every working man in the United States, every person in this country who has literally flooded the Congress of the United States with letters and telegrams, is either ignorant or a traitor. I think Mr. Henderson should start now to prove that sort of a statement. The result might be that he would run into some very embarrassing facts if he did.

Then later on in the Post's news story we find the declaration that the Baruch committee made certain recommendations, that the Baruch committee said that in rubber we are a "have not" nation. Then we have this quotation, which comes from the words of the President:

> Since then, the situation has become more acute, not less.

I believe the Members of this House would have a perfect right to try to find out why the situation has become more acute, not less. I think that is the very crux of our whole argument, and I think we might find some very stubborn facts in front of us.

We would find, for example, that the stock of crude rubber, as of October 31, had not shrunk materially from the high point of the year. It was still over 465,000 tons of natural rubber. This certainly indicates that the situation is not greatly harmed from the crude standpoint.

What is it from the standpoint of reclaimed rubber? There we have a tremendous improvement since the Baruch report was written, for the Baruch report—and anyone who wishes may examine it at page 59—points to the fact that there may be only 300,000 tons of scrap rubber in this country. The statement given by Mr. Jeffers before the Committee on Interstate and Foreign Commerce on Tuesday of this week—that is reasonably late—was that inventories were more than 587,000 tons as against the 300,000 tons which the Baruch committee had counted on.

Now, ask yourself this question: If the situation has grown worse instead of better, where has it grown worse? It has not grown worse in the stock of crude, because we still have 465,000 tons, and we are withdrawing only 29,000 tons per month. That is the testimony given Tuesday before the Committee on Interstate and Foreign Commerce by the departments of the Government in charge of it. So the crude situation is all right. Then, the situation on stocks of scrap rubber is vastly improved, according to the admission of every governmental person. Therefore, where have we grown worse?

The only thing that could be bad in the picture is the production of synthetic rubber. I need not remind the Members of the House that for a long time we debated the question of what to do about synthetic rubber. I need not remind them that a Senate committee held prolonged hearings, participated in by Members of the House at various times, trying to find out what to do with the rubber situation, and that the Senate and the House by almost unanimous votes passed a bill providing for a set-up which would have given us synthetic rubber from grain. That bill was vetoed. If we, therefore, are behind in our production of synthetic rubber, whose fault is it? Is it the fault of the Members of the Senate or the Members of the House? I say it is not.

Therefore, the situation must surely be all right. We must be making progress in the production of synthetic rubber. But if we are not, the fault does not rest with this House or with the body at the other end of the Capitol. Let me return to Mr. Henderson's statement as reported in the Post that rationing opponents were either "ignorant" or "intentionally traitorous." Who are some of these "ignorant and traitorous" persons? I have in front of me a telegram from just a plain, ordinary family, whose members have lived with credit in my State for 100 years, trading in that area, going there as pioneers, the Floersheim family.

They say:

> We, the Floersheim family, operate our ranch commonly known as the Jaritias Ranch, 17 miles east of Springer, Colfax County, N. Mex. This ranch consists of approximately 80,000 acres.

Roughly it is 30 miles deep and 50 miles long, and on that—

> We run 2,500 breeding ewes and 1,300 head of cattle in our herd, almost all breeding cows.

These things are important to the war effort.

> Our allowance for gasoline for our ranch pick-up was 3,100 miles per annum, Detroit, Mich., ration board approval. This pick-up used almost exclusively by ranch foreman and actual mileage needed on it 20,000 per annum. The Floersheim manager has a passenger car that he operates and needs 12,000 to 15,000 mileage gas allowance, being cut on this to 560 miles per month. Can you help us or shall we have to sell our livestock account of not being allowed to care for them?

This farmer is either "ignorant or traitorous," in the words of Mr. Henderson; ignorant because he does not know what to do. And how, in Heaven's name, can he know what to do when he is operating a farm of approximately 80,000 acres?

Let me read you another one. This is signed by W. T. Scoggin, who is the vice president of the Elephant Butte irrigation district:

> First card in from Detroit cut farm mileage on pick-up truck from 18,000 asked to 3,000.

This man farms 1,000 acres of land and is the largest grower of sweetpotatoes in

that part of the world, but because he does not know and cannot understand and cannot find out what to do to make the gasoline go around, he is either "ignorant or traitorous," to use Mr. Henderson's words.

Here is the Elephant Butte Agricultural Association with a telegram signed by some pretty fine names, including C. F. Knight, president, Elephant Butte Agricultural Association; Ord Gary, president of Elephant Butte Cotton Growers' Association; Lawrence Walker; and others. Mr. Knight is one of the most responsible businessmen in the lower Rio Grande Valley. Their wire read as follows:

Gas-rationing situation in New Mexico and west Texas for farmers and ranchers serious. Certificates received to date locally are along following lines: Farmer working 1,000 acres in radius of 40 miles received mileage allotment of 3,100 miles per year on pick-up truck. Another, cultivating 200 acres, received allotment of 3,100 miles yearly. A third, farming 2 acres, received allotment of 3,100 miles per year on same class of pick-up.

Do you not see the trouble? O. P. A. does not realize it takes more labor to farm and intelligently take care of the produce from 1,000 acres than it does to take care of the produce from 2 acres, and those of us who live in that part of the world and have seen farms in operation recognize that occasionally you have to have a little more mileage for a large ranch than you have to have for a small vegetable garden.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Kansas.

Mr. HOPE. I have a letter here from one of these "traitorous" persons who happens to live in my district. He is a farmer living eight and a half miles from his nearest market and 28 miles from his better market. He farms 1,350 acres of land, and he says:

For 12 years I have owned a truck. For 10 years it was the only truck I owned. I did all my hauling with this truck. The back tires were on the truck for 11 years. Last year I had them recapped and they will last 5 years or more. Then talk about rationing us on gas to save our rubber.

This gentleman, just as every farmer in the country, is going to save every bit of his rubber he can. Farmers are not going joy riding in their trucks. They are going to do everything they can to cut down their mileage. Yet this gentleman goes to say that he asked for 800 gallons for his big truck and was given 432 gallons, which is entirely inadequate to carry on his operations. I may say that I have hundreds of similar letters from farmers in my district.

Mr. ANDERSON of New Mexico. I thank the gentleman, and I am sure the farmers in his district have not had money enough to joy ride in the past and have not had money enough to joy ride in the present. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Mr. Speaker, I was interested in the gentleman's remarks about the pick-up trucks because I have a letter here from a man who lives 28 miles from one market and 42 miles from another. He could not afford two cars, so he bought a pick-up. He got a 1,300-mile allowance. If he had a passenger car he would have gotten 3,000 miles on his A alone. But with the pick-up he has, both with the passenger and the truck, he gets only 1,300 miles.

Mr. ANDERSON of New Mexico. I thank the gentleman. That is the problem constantly facing the farmers. Let me insert at this point a telegram which I have just received from Newman I. Lyle, chairman of the war board, Iowa Beekeepers Association, sent to me from Sioux City, Iowa, today:

Certificates of war necessity now being received by beekeepers for operation of their trucks indicate clearly that no consideration was given by Office of Defense Transportation of individual needs or importance of the industry in the war effort. Mileage and gasoline allotments bear no relationship to the applications submitted, indicating that irresponsible, haphazard action was taken in issuance of certificates, and this will result in a general chaotic condition in the industry, with resultant curtailment of beekeeping activity seriously affecting honey and beeswax production and, more important, the pollinization of other essential crops throughout the Nation when increased production is being requested. Action of this sort creates a distrust and lack of confidence in Government agencies set up to administer war legislation. Our industry willing to go along with necessary war requirements when handling reflects intelligence and fairness, but cannot see how program as now administered can produce anything but chaos and serious loss of agricultural production. Therefore, urge delay until an intelligent approach to industry needs can be had by Office of Defense Transportation.

NEWMAN I. LYLE,
Chairman, War Board,
Iowa Beekeepers Association.

Or, consider this letter which reached me only this afternoon from Hardwick Brothers, who are among the most substantial farmers in eastern New Mexico:

CLOVIS, N. MEX., *November 25, 1942.*

Hon. CLINTON P. ANDERSON,
Representative State New Mexico,
Washington, D. C.

MY DEAR SIR: With reference to certificates of war necessity No. 633746, No. 633749, No. 633750, and No. 875330 which we made application for and to date have received only No. 633750 on November 15, 1942. This certificate entitles our pick-up to 53 gallons of gasoline every 90 days, which is 1,240 miles per quarter, averaging 23.4 miles to the gallon of gas. This is impossible farming 3,000 acres of land. We have 6 farms and 4 ranches, and the produce from these includes peanuts and soybeans for oil, and feed for cattle and sheep. We use 5 tractors, 4 combines, 3 irrigation wells, 26 windmills, and watering places. We have over 35,000 acres of grass, running 900 head of cattle, 2,500 head of sheep, besides hogs and horses. These farms and ranches are in a semicircle within a 40-mile radius of Clovis. The roads are of a sandy nature which makes it inadvisable to cut across country from one place to another.

Taking the certificate No. 633750 for the pick-up that I, the manager, drive—it is equipped with a welding outfit and all the equipment needed for minor repairs of tractors, windmills, fences, etc. If I go to each place once a week, taking gas for tractors, cake, feed, and salt for the livestock, and not making any extra trips I will need enough gas for 60 miles a day and return trip, and 14 miles to the gallon is the average over the roads I travel.

If the other certificates come back with the same allotments of gas as this one we won't have enough combined gas in the next 90 days to do any of the following things:

Haul 3,500 bushels of peanuts to Portales.

Haul the cottonseed oil cake, 150 tons, from the railway to the warehouse, much less to get it to the ranches and feed lots.

Haul gas for the tractors to do the farming and feed grinding.

Haul grain from the field to the granary.

If we could get help we could do some of this work by teams, but where we worked 14 men 2 years ago we now have 8, and therefore need more gas because it is necessary to cover more territory quicker.

I believe the tires on the pick-up in question will last to the end of 1943 or longer and won't need over 4 recaps on the 24 tires.

We can get by on what the local committee recommends, but if we have to get by on the amount allowed it will mean that we have to kill the cattle and sheep and quit our farming.

Please advise us what can be done.

Sincerely,

HARDWICK BROS.,
By W. F. HARDWICK.

Let me suggest one or two factors that have changed this situation. I was quite sympathetic to the Baruch report. I thought it was a splendid document. I know that it comes from fine people. No person that I know in the entire group of representatives who have been protesting this, have, in the slightest, questioned the honor, integrity, and patriotism of Mr. Baruch and his associates on that committee. But I ask you if we are going to regard this as the Bible in part, why can we not take it all? The Baruch report says:

To insure that this mileage will prevail in fact—

The mileage which they set down as 5,000 miles—

the commitee recommends that Nation-wide gasoline rationing be instituted at the earliest possible moment.

Our critics stop there and say that is why you have to do it. But they did not finish the sentence. The rest of the sentence was—

be instituted at the earliest possible moment under policies to be determined by the Office of Defense Transportation and implemented by the Office of Price Administration.

In other words, the Office of Defense Transportation, which understands the transportation problem of this country, which is familiar with the Nation-wide picture, was to be responsible for deciding what policies were to be put into effect. But our critics take that portion of the Baruch report that deals with rationing, and skip everything else in it if it does not suit the convenience of the persons engaged in rationing.

Mr. HÉBERT. Will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. HÉBERT. Did the Office of Defense Transportation set the policy on rationing, or the Office of Price Administration?

Mr. ANDERSON of New Mexico. My understanding is that the Office of Defense Transportation was opposed to the establishment of Nation-wide gas rationing at this time. The policy was set by the Office of Price Administration.

Mr. HÉBERT. In other words, the tail wagged the dog?

Mr. ANDERSON of New Mexico. Very definitely the tail wagged the dog. Not only that, but there was a reason why the Office of Defense Transportation was not anxious to recommend immediate Nation-wide gasoline rationing. That was because O. D. T. recognized that the busses and trains and planes in this country are already overloaded. They realized that 70 percent of all the passengers in the cities are carried in private passenger automobiles. When you remove those private passenger automobiles from the streets you add tremendously to the transportation problem, of which we are already scraping the bottom of the barrel. Riding home on the streetcar two nights ago I saw exactly the situation, as we passed island after island while it was raining, unable to pick up another passenger, because the streetcar was overcrowded. Yet you say you should take the remaining private passenger cars off the streets. No. That is not the policy or purpose of the Office of Defense Transportation. That Office recognized, in establishing its policy, that it would be possible to so ration our cars so that the whole burden could be carried and all cars in all America kept running—not on new rubber, but on a small part of reclaimed rubber. O. D. T. realized that the program announced by the rubber manufacturers, calling for only 3,000 tons of crude annually as against a stock pile from which we are taking 300,000 tons a year and adding only 15 percent of the reclaiming capacity, only a little of butyl, and all the rest of it left to the Army, all other synthetics left, that they could keep every car in America running for the next 2 years.

Mr. HÉBERT. Will the gentleman yield further?

Mr. ANDERSON of New Mexico. I yield.

Mr. HÉBERT. Does the gentleman have any figures at all on the number of tires in stockrooms in America today?

Mr. ANDERSON of New Mexico. That is an interesting question for which I thank the gentleman. It so happens that we do know that an inventory of new passenger-car tires was taken by the Office of Price Administration on its R–17 forms on June 30, 1942, and again on September 30, 1942, and the results of that inventory are not yet available.

Mr. HÉBERT. Did the gentleman attempt to get those figures from the Office of Price Administration?

Mr. ANDERSON of New Mexico. Yes, indeed. I attempted to get those figures and I was told that they were not available, but, better than that, when Mr. L. D. Tompkins, of Mr. Jeffers' office, was on the stand before the Committee on Interstate and Foreign Commerce, he was asked by the gentleman from Oklahoma [Mr. BOREN], if he had the figures on the result of the June 30 inventory of tires, and that expert, that man whose responsibility it is to tell whether or not we need rationing, did not know whether we had 1 tire, 6,000,000 tires, or 10,000,000 tires, not because he was negligent, because he was not, but because the Office of Price Administration had not yet finished tabulating the cards of the June 30 inventory.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Miss SUMNER of Illinois. We know that they are not letting the people who could manufacture synthetic rubber produce it. We know that they are shipping tire-manufacturing plants to other countries. Assuming, for the purpose of this question, that Henderson is neither ignorant nor traitorous, what is the point of this? Is it internationalism that wants to keep America dependent on a few little islands out in the Pacific that are easily taken by enemies in time of war, or is it political chicanery that is desired to extend a big political machine of regimenters across this country?

Mr. ANDERSON of New Mexico. I may say to the gentlewoman from Illinois that I cannot answer her question because I must plead ignorance, but quite obviously the answer seems to be that it takes a long time to divide up the business of the world and we cannot rush these plants into operation too rapidly until everybody understands each other. Those people who try to develop plants all over the country had splendid ideas. None of them were to go into my part of the country, but one was to be built in Illinois, one was to be built in Nebraska, and one in Iowa; but those plants have not been built, and I can only conclude they have not decided what rubber firm is going to operate them when the war is over.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of New Mexico. I thank the gentleman from South Dakota.

Mr. THOM. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. THOM. Did I understand the gentleman to say that the ranches in New Mexico received ration cards from Detroit?

Mr. ANDERSON of New Mexico. That is true.

Mr. THOM. How does that happen?

Mr. ANDERSON of New Mexico. I do not know.

Mr. THOM. Has the gentleman attempted to find out?

Mr. ANDERSON of New Mexico. I just got this telegram this afternoon. I understand the entire policy is being established from Detroit.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield.

Mr. HOPE. Every farmer, every ranch owner in the United States gets a certificate of necessity from Detroit.

Mr. THOM. The gentleman is talking now about certificates of necessity and not gasoline rationing.

Mr. HOPE. I am talking about a certificate of necessity which contains a certificate of the amount of gasoline to which a farmer is entitled every quarter of the year next year.

Mr. THOM. The certificate of necessity, of course, is applied for in one's own community at the Office of Defense Transportation.

Mr. HOPE. Yes; then it goes into Detroit and some clerk in Detroit determines from the figures that are sent in how much gasoline and how much mileage that particular tractor is entitled to. They come out very uniformly to 3,100 miles. I do not know just why they use that figure so much, but frequently a 2-acre tract and a 1,000-acre ranch come out at 3,100 miles, quite frequently.

Mr. ANDERSON of New Mexico. Not only quite frequently, I may say to the gentleman from Kansas, but almost without exception. Now, just one or two final things and then I will try to conclude.

I say that the situation has changed, and I am not trying to contradict the President in this because obviously he has been acting upon information given him which ought to be of the very best, but it would seem to be inadequate information. Our crude stocks are in good shape, everything was going nicely, but something has happened that completely changed the picture and it is this: There has been a tire turn-in in this country, a so-called idle tire turn-in. To the tremendous surprise of everyone that turn-in is going to reveal 6,000,000 usable tires. The poorer tires were turned in in the earlier scrap drive, but the recent idle tire turn-in has produced at least 6,000,000 tires. No one knows the exact figures. We know that as of October 31 there were more than 2,300,000 of them in Government warehouses, and the figures have been going up and up. I used Mr. Jeffers' very conservative estimate that there are 6,000,000 of them. Now, when you add to these 6,000,000 tires at least another 6,000,000 in new tires which the dealers' inventory would show, the R–17 form when finally tabulated, we get a huge figure. This means approximately twelve million passenger-car tires that could be used in this country. That is a figure that was not disclosed in the Baruch report. Perhaps it might have changed the opinion of the people had it been considered.

But that is not all. When the Baruch report was written we were expecting that Stalingrad might finally fall and the oil fields of Russia might be lost to the Allies. Today, however, Stalingrad is in no danger and Berlin seems to be in far more danger than the Russian city. This is a factor which should be taken into consideration.

In addition to that we thought months ago that the British would lose Ceylon and thereby lose 90,000 tons of rubber per year, but now with the Allied occupation of North Africa and with the number of American bombers now pouring into India it seems quite evident that we shall not lose Ceylon and its rubber production.

The Russian rubber situation is satisfactory; these people are making substantial progress with synthetics, so the situation has greatly improved rather than having been harmed. On the other hand, we get some statements that show what things are being found out about traffic. I have a report on the Federal Works Agency dated October 3, which states traffic on our rural highways declined 49 percent in gasoline-rationed areas and 27 percent in the nonrationed areas in August; and we are expected to believe that the only way we can save rubber is by gasoline rationing. Later, however, the same group, the Federal Works Agency, issued at the same time table G–32–A covering a complete figure for August in 32 States. I do not know why only 32. That is something they can perhaps figure out. But it indicates that the saving was 18.9 percent in the rationed areas and 10.5 percent in the nonrationed areas. That does not indicate a spread of 20 or 22 percent, does it? It does not indicate a 10-percent spread. It indicates barely an 8-percent difference. And I call your attention to the fact that these figures were worked out before the 35-mile-an-hour speed limit became effective all over the country. There had been stricter rationing in this part of the country. No such rationing had taken place elsewhere. So those of us who have tried to struggle with this problem have suggested that we eliminate this thing that was causing friction, that was destroying national unity, which was hurting a lot of people who were trying to work, people who have to depend upon the private automobile for transportation.

We felt it was not unreasonable to suggest that this might be postponed until we could have a chance to examine the figures to see if new factors had come into the picture and if they had, what they meant in terms of the American farmer who is also trying to make a contribution and to the factory worker who is not able to get to and from his work without transportation.

Mr. CARLSON. Will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Kansas.

Mr. CARLSON. May I say that the gentleman has been doing a fine piece of work in the past few days on this problem. He has also done an excellent job this afternoon in going into it thoroughly and I trust he will not let these bombastic statements by Henderson that we are ignorant and unpatriotic prevail upon him or interfere with the work he is doing. As a matter of fact, as time goes on and this country finds out that they have destroyed transportation in a great section of this Nation and have interfered with food production, we will hear a different noise from this section of the country. I have one case that I put in the RECORD today of a farmer who is feeding 175 head of cattle 2 miles from his home place. He was given 4 gallons of gasoline per week to haul the feed to these cattle. He says he is going to ship them in 2 days. That is a situation that is general. It is not an isolated case.

Mr. ANDERSON of New Mexico. I appreciate the gentleman's contribution. I think one of the most serious things that is happening is the destruction of the livestock of this country because of unusual circumstances. I hope the gentleman will appreciate that I am not talking wholly theoretically when I speak of the farmers. I farm a thousand irrigated acres. If the conditions that obtain with reference to dairy stock and livestock generally continue, we are going to be in very bad shape.

Mr. JOHNSON of Oklahoma. Will the gentleman yield for a brief observation?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I desire to compliment the able gentleman from New Mexico for his very timely, temperate, and informative address on a subject of such importance to the people of the country, especially through the Midwest and South. I compliment the gentleman for holding his temper under unusually trying circumstances. Although the gentleman from New Mexico has not been here as long as some of us he has certainly made a mighty fine impression on all with whom he has come in contact in the Nation's Capital. Neither he nor the other 140 men who have joined in a sincere effort to postpone Nation-wide gasoline rationing need any defense because of silly, intemperate, and untruthful charges made by a self-inflated bureaucrat who evidently envisions himself as the big bad boy with a big stick, who must make the American people jump at his beck and call. The gentleman from New Mexico is entitled to and will receive the plaudits of the God-fearing patriotic people of his State for the straightforward, sincere, unbiased, factual statement he has made to the Congress today, and I am sure that neither he nor any of the other Members of Congress who have pledged themselves to do everything in their power to prevent Nation-wide gasoline rationing at this time will be deterred or sidetracked from what they conceive to be their duty to themselves and to the people they represent. Again I congratulate the gentleman for the good job he has done in assembling facts and figures for the Congress and the country and the able, fair, and temperate manner in which he has just presented them to this House.

Mr. ANDERSON of New Mexico. I thank the gentleman.

Mr. HOFFMAN. Will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Will the gentleman permit me to add my word of appreciation, then to ask a question? The farmers and the businessmen—in fact, everyone back home—apparently knows that this program cannot be carried out—and I refer to the one that is being advocated at the present time—and still produce the things we all must have. I should be glad to become a member of the gentleman's group, and I ask him, What is he going to do, in view of the order that rationing go into effect on December 1? Are we going to sit down and let these fellows frighten us out of the position we have taken or are we going ahead and make them take it?

Mr. ANDERSON of New Mexico. I assure the gentleman I am not too terrified, and I assume he is not. I think the committee is going to ask something along the line that the rationing of goods be transferred to the hands of people who understand the problem. For instance, the Office of Petroleum Coordinator has done a splendid piece of work in bringing into that office men who know the oil business. That office should have more to do with the rationing of fuel oil. The Office of Defense Transportation understands thoroughly the transportation needs of this country and it ought to have something to say about mileage rationing. It is absolutely impossible for a man to act as Price Administrator and in that capacity be the champion of the people, their protector, and their defender, then, on the other hand, be the rationing board to take away things from them. His duties are confused. I think the first thing we must do is to simplify matters all the way down the line. The man who establishes price ceilings should have but one loyalty and one alone, whereas the man who is trying to establish rationing of commodities, the man who has the say as to how much rubber and how much oil we shall have, should have that responsibility and no conflicting responsibility. When that can be brought about in this country we may begin to get some clear thinking in the gasoline picture.

[Here the gavel fell.]

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. HÉBERT] is recognized for 15 minutes under previous order of the House.

Mr. HÉBERT. Mr. Speaker, when will the effrontery, the audacity, and the insolence of the bull-in-the-china-closet of American unity, Leon Henderson, ever cease?

I hold in my hand a copy of the Washington Post of this morning, and I read from that, quoting a story:

> Henderson stated flatly over the radio that rationing will definitely go into effect December 1. He denounced opponents of rationing as men who would gamble America's future, not for a mess of pottage but for a gallon of gasoline. A Government survey indicates that there is organized opposition to keeping faith with those fighting men, Henderson said.

Can you imagine a Government official charging not only Members of Congress but every citizen of America who disagrees with that official so far as gas rationing is concerned that he is a traitor to this country, that he is not keeping faith with our fighting men at the front?

Mr. SHORT. Will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Missouri.

Mr. SHORT. Anyone making such a statement as attributed by the gentleman who just read it should be arrested and found guilty of indecent intellectual exposure.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Michigan.

Mr. HOFFMAN. May I ask the gentleman from Missouri where he gets that "intellectual" business? Where is there anything intellectual about such an exhibition?

Mr. SHORT. I wish to say that the gentleman has propounded a question too deep for me to use my time trying to answer.

Mr. HOFFMAN. If the gentleman had said "indecent" of his gall, I could have understood it.

Mr. SHORT. Perhaps there is more gall than brains.

Mr. HÉBERT. I thoroughly enjoy the colloquy and perhaps agree with it to a great extent, but it is not as laughable as it would appear from the exchange.

Mr. HOFFMAN. The gentleman is right about that.

Mr. HÉBERT. These are serious charges.

Every Member of this body who opposes Nation-wide gasoline rationing, according to this man Henderson, is a traitor. Every individual in the United States who opposes Nation-wide gasoline rationing, according to this man Henderson, is a traitor.

Mr. Speaker, I oppose Nation-wide rationing of gasoline at this time, and I will continue to oppose it until such time as I am convinced it is absolutely necessary in the prosecution of this war. Dare Mr. Henderson call me a traitor?

The Governor of the State of Louisiana and the mayor of the city of New Orleans, the city which I have the honor of representing in this body, oppose Nation-wide rationing of gasoline. Dare this man Henderson call these splendid American citizens traitors? Dare he charge them with being willing to gamble the future of America for a gallon of gasoline? It seems to me to be rather intemperate language for a man who is supposed—and I say to the gentleman from Missouri, "supposed"—to have the respect of the American public.

The members of the New Orleans Association of Commerce, composed of splendid businessmen of the city, just as other chambers of commerce throughout America are composed, oppose Nation-wide rationing of gasoline at this time. Dare Mr. Henderson tell these men that they are traitors?

Mr. Speaker, the people of my State, the people of Louisiana, oppose Nation-wide gasoline rationing. These are the same people who sent their sons to the battle front to protect the American way of living. These are the same people whose blood has stained the soil of many lands in defense of their country. Dare Mr. Henderson call these patriots traitors?

I have observed Mr. Henderson ever since he assumed the role of self-appointed American Caesar. For my part, I will take the patriotism, loyalty, and appreciation of what a real democracy is and how it should function from my own people in Louisiana, in preference to Mr. Henderson's ideas on democracy and the republican form of government.

Mr. Henderson envisions the day when democracy will make way for a complete bureaucracy and regimentation of the American people. That day, and pray God hold back the dawn of that day, will be the day of Mr. Henderson's complete triumph.

We who oppose Nation-wide rationing of gasoline at this time are "men who would gamble America's future, not for a mess of pottage but for a gallon of gasoline," says Mr. Henderson.

What has been Mr. Henderson's price for sowing the seeds of disunity and discord among the American people at a time when national unity, united efforts, and concentrated action for one goal, the goal of triumph for the right of people to live in the manner in which they desire to live, are most important and most needed? What has been his price? Has it been the power? Has it been the price of a dream that he and he alone would emerge the dictator and whip boss of the American people?

Many splendid Members of this body are not coming back for the Seventy-eighth Congress. Most of our colleagues who were defeated in the recent election were defeated not because of themselves but because of the resentment of the American people against Leon Henderson and his autocratic and bureaucratic regimentation. The American people could not vote against Leon Henderson; of course not. He is not an elected official. He does not hold his position through the suffrage of the electorate. They could not vote against him but they could vote against Congressmen in protest of Henderson, and that is just what they did.

Mr. Henderson should have taken his cue from the results of the recent elections but, typically, instead of reading the handwriting on the wall, he now flaunts more violently and more arrogantly than ever his will on the American public and charges those who do not agree with him with being traitors.

Mr. Speaker, I call upon this man Henderson to furnish proof to this Congress and to the American people of his charge that there is an organized opposition toward keeping faith with those fighting men. If such a Government survey has been made, what are the facts? It is our right to know them. If there is such an opposition in this country, it is his duty to lay the facts before the people. If he does not, and I do not think he will, then he is certainly much less the patriot and loyal American he parades himself to be.

It is an easy thing to make reckless statements and wild charges, but it is something else to substantiate them with proof.

I stand before you today not to discuss the merits of Nation-wide rationing of gasoline. There is a difference of opinion on that subject, and I respect the opinions of those who do not share my thoughts. I believe they are sincere and honest.

I have no quarrel with a man who differs from my views, but I do have a quarrel with any man, whether he be elected official or bureaucrat, who dares to charge the bulk of the American people with being traitors to their country in time of war, who dares tell the American public that they are participating in an organized opposition against keeping faith with our gallant fighting men.

Down in Louisiana these are fighting words, and I know they are fighting words in every other part of the country. Mr. Henderson would not dare to walk into our State and tell our people that. Of course, he would hide behind the screen of the radio.

If ever Leon Henderson proved himself unfit to hold the position which he holds, he proved it last night when he made such a statement concerning the Members of this Congress and the people whom they represent.

Who is the traitor to the American way of living? Who has not kept faith with the fighting men?

Is it the man whose every action has been contrary to our concept of the American way of living? Is it the man who has attempted to regiment and regiment and regiment an American people who hate and despise regimentation? Is it the troublemaker, the agitator who causes unrest among the American people? Or is it the man who is willing to fight for what he believes to be right? Or is it the man who is willing to lay down his life for his country? Or is it the man or woman who is willing to give their flesh and blood to protect a heritage which was given to them by those who wanted us to be freemen?

Mr. Speaker and gentlemen of the House, I submit to you that the greatest contribution that can be made for the war effort today is for President Roosevelt to fire Leon Henderson.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield for a very short but appropriate observation?

Mr. HÉBERT. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Inasmuch as the bureaucrat to which the gentleman refers questions the patriotism of those of us and our people who dare speak our minds, I would remind the Congress and the country that this same bureaucrat demonstrates his conception of patriotism and his desire for business as usual in his own O. P. A. setup, by rushing to draft board No. 2 in Washington with an affidavit signed by this self-admitted patriot that a youngster in his legal division who, incidentally, had never tried a lawsuit, was indispensable and actually succeeded in getting him deferred from the draft. I might add that a member of the draft board gave me the information, and it is a matter of public record.

Mr. HÉBERT. It is not surprising at all.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield.

Mr. SHORT. I wish to say to the gentleman that in the Tri-State mining area of southwest Missouri, southeast Kansas, and northern Oklahoma, we have more gasoline and more oil in storage than we had a year ago. Yet the arbitrary order has gone out from Washington that the consumption of gasoline and oil be cut 50 percent in that

area. They are insisting that we convert our oil-burning furnaces to coal which would require many strategic materials, many man-hours of work, and there is a real shortage of coal in that area and no transportation to bring in the coal, although the oil is already there. There is no common sense, no logic whatever in a demand that is so unreasonable and unfair that the people, regardless of politics, are rising up in a body against such high-handed tactics, and I agree with the gentleman from Louisiana that it is just such arbitrary, unintelligent, and unpatriotic commands issued by the tax-eating bureaucrats in Washington that are doing more than anything else to destroy unity among the people in our country.

Mr. HÉBERT. I may say to the gentleman from Missouri in that connection that these people who hold up the bureaucrats, as the gentleman from New Mexico has pointed out, follow him where it meets with their approval and when it does not suit their purpose, they do not. As an example of this, the Office of Defense Transportation is set up as an agency to establish a policy which Henderson's office is to implement. Yet we find the Office of Defense Transportation against Nation-wide gasoline rationing at this time, which is being done by the office which is supposed to implement the Office of Defense Transportation. As I have said, the tail is wagging the dog.

Mr. SHORT. I believe the gentleman will agree that the American people, regardless of who they are or in what section they may live, are willing to sacrifice and give up and deny themselves in order to win this war. I know that the Ozark hillbillies of my district are willing to live on 'possums, pawpaws, and persimmons if necessary to win this war, but we have enough hard, common sense to know that vicarious suffering is not going to win this war. I have nothing against my friends in New England. Some of the most prosperous and happiest times of my life were spent in New England, but why should they demand that the people in the oil-producing States of Wyoming, Kansas, Oklahoma, Texas, Arkansas, Illinois, Indiana, and Michigan, where we have a surplus of oil where it is spilling over, if you please, why should they demand that we be rationed out there because they lack an adequate supply in New England?

The citizens of Wichita, Omaha, and Kansas City might as well demand that the New Englanders in Maine go without their lobsters and the people in Massachusetts give up their Cape Cod shrimp. It is just as unreasonable to demand Nation-wide rationing as it would be if New York, after being bombed, insisted that St. Louis be bombed also. There is no common sense to it. There is no virtue in it. I am glad there is a sufficient number of Members in this House to rise up on their hind legs, Democrats and Republicans alike, to demand that some semblance of common sense and of fair play and of American principles shall determine our future action. I want to congratulate the very able Representative from Louisiana [Mr. HÉBERT] as well as the gentleman from New Mexico [Mr. ANDERSON] who has so ably spoken before him, in taking the stand they have taken today.

Mr. HÉBERT. I thank the gentleman.

The SPEAKER pro tempore (Mr. MILLS of Arkansas). The time of the gentleman from Louisiana has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. BOREN. Mr. Speaker, I ask unanimous consent that after the other special orders I may be permitted to proceed for 15 minutes today.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITE. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD and include a certain communication.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after everyone else has finished, I may be allowed to proceed for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. WICKERSHAM] is recognized for 7 minutes.

GASOLINE RATIONING

Mr. WICKERSHAM. Mr. Speaker, I do not question the sincerity of our President. I firmly believe he is the best President we have ever had and I have supported him in every phase of the war effort. But I do not consider this gas rationing aiding the war. In fact, I feel it is just the opposite.

Mr. HOFFMAN. May I ask the gentleman a question?

Mr. WICKERSHAM. Yes.

Mr. HOFFMAN. Before you finish, will you tell us what you are going to do about it? I want to do something about it.

Mr. WICKERSHAM. All right. It takes a great deal of the three G's to get up and buck and fight in the face of opposition. That is grit, grin, and—intestinal fortitude. I shall do my part. Inasmuch as the gentleman from Oklahoma [Mr. JED JOHNSON] and I started this last movement by the introduction of bills to postpone gasoline rationing 90 days, I do not want those who say that some who believe as we do are traitors to consider that he [Mr. JOHNSON] is one or to infer, as Mr. Henderson has done, that I am one. I do not want anyone to feel that the 116 Members who met the other day and unanimously adopted a resolution urging the postponement of gas rationing for 90 days to be considered as traitors.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. WICKERSHAM. I yield.

Mr. JOHNSON of Oklahoma. I am sure that you will agree with me that people generally do not take anything Leon Henderson says seriously.

Mr. WICKERSHAM. You are correct. I agree with you.

In this last election approximately 100 Members, some Republicans and some Democrats, were confronted with an opponent that they did not know they had. You have heard of dark horses, but they really had a dark horse. Leon Henderson was there. The people could not find his name to vote against him, but they voted against a lot of good men. If Leon Henderson were an elective officer or a true representative of the people, then he would be more careful about making unfounded statements.

Mr. HOFFMAN. Will the gentleman yield?

Mr. WICKERSHAM. Please let me finish. If Mr. Jeffers were a direct representative of the people, he, too, would be more careful about some of the statements he has made. After all, Mr. Jeffers is an important individual, having the confidence of a considerable portion of the public of this day. He is honest, I am sure. In the future I am sure that our capable President will be more careful in making selections of men like Leon Henderson. If Leon Henderson thinks the people of Oklahoma are traitors or trying to interfere with the war effort, then I want him to answer to me why it is that Oklahoma is No. 1 in percentage of volunteer enlistments in the Nation, and has been for a long time. If Leon Henderson comes to Oklahoma, or any place in the great Southwest, either barefooted or with his shoes on, pedaling his bicycle, with or without a cigar, as he has appeared in many pictures, he will not make many statements like that, or he will go out of there without his bike, without his cigar, after those patriotic people finish with him, but with his shoes on, because there are plenty of grass burrs down there.

In the recent studies of our committee we found many interesting things. We had a committee of 15 and then we had 2 or 3 subcommittees. We found the crude-rubber supply is as follows: The Gillette committee learned that the pile as of January 1, 1942, was 532,000 long tons. The Baruch report found 578,000 tons on hand July 1, 1942. Mr. L. D. Tompkins, who is Mr. Jeffers' assistant, testified last week that as of October 31, 1942, we still had 463,323 long tons. The table on page 30 of the report shows we will have a carry-over, a much larger carry-over than we had expected. In fact, we will have a bigger stock pile in 1944 than we will have at the end of 1943. This does not indicate a need for rationing. The withdrawal of crude rubber for all purposes is limited now to only 29,000 tons per month, according to Mr. Tompkins. In other words, we have a 16-month supply of crude rubber alone for all purposes at this time. Since the Baruch report was made it now seems we shall have approximately 90,000 tons of rubber from Ceylon. We found that because of the amount of crude rubber that is now in the British Isles we were in a position to reduce the amounts of crude rubber shipped to England under lease-lend, thereby making another available supply.

SCRAP COLLECTIONS

We found that the Baruch report indicated that only 300,000 tons of reclaimed rubber would be secured. The petroleum industry alone brought in 454,000 tons. The Rubber Reserve Company in its last report reports 433,000 tons in storage. The best figures we could find indicate 600,000 long tons of scrap now on hand and more coming in daily. Mr. Tompkins gave the figure as of October 31 to be 587,000 long tons. There is a sufficient quantity of scrap rubber now in sight or in process of collection to run all available reclaiming facilities through 1943 and 1944.

Furthermore, scrap-rubber shipments by dealers have already amounted to:

March	23,848
April	23,879
May	29,215
June	25,721
July	20,038
August	26,033
September	16,077
October (preliminary)	17,609

Furthermore, there are 1,500,000 tires on good used cars on dealers' lots.

Estimates of idle tires turned in by patriotic citizens throughout the country run from three to twelve million tires. Jeffers gives the amount as running around 6,000,000; the Office of War Information released a statement to papers on Saturday, November 21, setting the number at 2,872,000 tires turned in.

[Here the gavel fell.]

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to proceed for 4 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WICKERSHAM. Many more have not arrived at the central warehouses. Mr. Tomkins said on Tuesday morning that actually a total of 5,000,000 idle tires have been turned in. In all probability when other shipments are tabulated the figure will reach 8,000,000.

You can readily understand the basis of our arguments in favor of postponing gas rationing for a period of at least 90 days to allow time for a thorough study and investigation.

Last July the rubber manufacturers, predicating a program on a 40-mile speed limit with a reduction of car mileage of 40 percent below the 1941 level, stated that 23,000,000 cars not then included as eligible for rubber could be provided with new or recapped tires made from reclaimed rubber or of such materials as thiokol or butyl for the next 2 years by providing 30,291,000 recaps from reclaimed rubber, thiokol, or butyl; 13,233,000 new tires from reclaimed rubber, thiokol, or butyl; and 4,660,000 of the standard quality tire that are now frozen under existing tire-rationing regulations.

The only raw materials required to carry out this 2-year plan were listed by these men who know the tire business as being 97,420 long tons of reclaimed rubber, 3,332 long tons of crude rubber, 33,188 tons of thiokol, 32,475 tons of butyl. It should be noted that this proposal is for a 2-year period.

This plan still leaves the military and noncivilian requirements nearly all of the crude-rubber supplies, also over 85 percent of the reclaiming capacity, also all projected Buna-s and neoprene capacity, and a portion of the expected thiokol and butyl production; and it would have kept America rolling on wheels for 2 long years.

We found that the trains, interurbans, busses, and carriers are already taxed to the limit.

We found that synthetic rubber plants were progressing almost on schedule.

We found that in nonrationed areas the drivers were conforming to the 35-mile speed limit.

We found citizens believed that little business, taxes, bonds, Government economy, and so forth, are necessary to the war effort.

We are in a position similar to that of a defendant in a lawsuit wherein the court orders the jury to bring in a directed verdict. The plaintiff put on his testimony, but the defendant had no chance for a hearing or presenting any testimony.

Let me at this point correct an incorrect feeling that has developed in some New England States. Some good citizens in that area feel we are trying to freeze them out. This is not true. In reality we are anxious to supply them with a surplus of gasoline and fuel oil which we have. All the supplies the rationed areas receive come from our nonrationed areas. We fear that when rationing is placed in effect the problems in the New England States will be even greater.

Let me sum up by saying that when in the depths of this next winter some people have cold feet in December and January, when they see thousands of little businesses closed up in January and February, and then when 106 new economy minded Members arrive in January; and then when you have completed your tax reports and all citizens have made an effort to borrow enough money to pay their taxes in March; then when in all probabality we shall hear of heavy losses in April and May—even though we may be winning the battles—with nine new members on the Appropriations Committee, each likewise economy minded, then with consideration of all fiscal year needs we shall see an elimination of at least 25 percent of some of these agencies. We shall see a reduction in appropriations of other agencies that are not essential of at least 25 percent.

[Here the gavel fell.]

Mr. TALLE. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma be permitted to proceed for 2 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TALLE. Mr. Speaker, will the gentleman yield?

Mr. WICKERSHAM. I yield.

Mr. TALLE. Does the gentleman believe in view of what has been brought out here this afternoon and in view of the facts which we knew before, that the prospect of enforcing gasoline restrictions may be bright?

Mr. WICKERSHAM. I am sure they will have much difficulty.

I now yield to the gentleman from Oklahoma [Mr. RIZLEY] to whom I promised I would yield.

Mr. RIZLEY. The gentleman from Oklahoma has made a very fine statement. He knows his subject and has been very active as a Member of Congress in attempting to bring about a postponement of the rationing of gasoline. As I understood the gentleman's remarks, Mr. Henderson has referred to practically everyone who does not favor gasoline rationing as either being ignorant or traitorous.

Mr. WICKERSHAM. That was what the newspapers reported he said.

Mr. RIZLEY. I am sure the gentleman received from the Executive Secretary of the State Defense Committee of the State of Oklahoma a resolution, a copy of which I received, and which is too long to incorporate in the gentleman's remarks, in which the State Defense Committee of the State of Oklahoma favored the postponement of gasoline rationing.

Mr. WICKERSHAM. Yes; that is right.

Mr. RIZLEY. I also have received hundreds of telegrams, and I will not refer to many of them. I have one here from the Pomona Grange, one of the prominent farm organizations in Oklahoma, one from the Blackwell Kiwanis Club, Blackwell, Okla., others signed by the Home State Life Insurance Co., the Association of Farmers Union, Retail Merchants Association of Oklahoma, the Association of Hardware Implement Dealers of Oklahoma, the Cottonseed Crushers & Ginners Association of Oklahoma, the Real Estate Association of Oklahoma, and the Association of Motor Carriers, and other associations in Oklahoma. Does the gentleman think that the remarks of Mr. Henderson, in which he suggests that all who oppose are unpatriotic, are applicable to these variable agencies in Oklahoma?

Mr. WICKERSHAM. They certainly would not be applicable to any of the groups mentioned by you.

The greatest need is for some of these ingenious departments to advance some substitute for rubber tires; then we could proceed with civilian and war effort without delay.

The SPEAKER pro tempore. Under a special order previously agreed to, the gentleman from Illinois [Mr. JOHNSON] is recognized for 5 minutes.

GASOLINE RATIONING

Mr. JOHNSON of Illinois. Mr. Speaker, I would like to pay my respects and admiration to the previous speakers, my colleagues, who have gone into this thing so deeply. They have given us some very factual information. In my contact with these gentlemen, especially during the past week, may I say that there are no better patriots anywhere than are these gentlemen. It is not a question of whether we want to joy ride or supply the Army and win the war. There is no question about our loyalty to the military. We are all agreed on that. It is preposterous to bring up such a subject as that when true Americanism is the only thing that dominates all these gentlemen

who have previously spoken, and some more I believe to follow.

What we are vitally interested in is to keep our way of life, not by bureaucracy, but by giving the people a chance to be put upon their honor, as has already been stated today. We have already learned that in the several States in which gas sales of October 1942 were compared with October 1941, the decrease varies all the way from 25 to 50 percent and even more.

All we are asking is a postponement of this for a period of 90 days. If you want to change it to 60 days, that is all right too, until a thorough congressional investigation may be made as to the need for this. It is unfortunate that the people who know the transportation business, the Office of Defense Transportation, are not the ones who are handling this. Also the Petroleum Coordinator should sit in.

The whole thing involves productiveness and the Office of Defense Transportation is vitally interested in that. We are not going to be able to produce more food unless something is done. I could tell many instances similar to what has been stated today. I warn you that unless we are given reasonable gasoline rationing, at least for agriculture and other essential business, we are not going to win this great battle of food production which is so necessary to win the war. If it were absolutely necessary to ration gasoline in order to save rubber, I would be for it, and I know every one here would be for it. But we do not see it that way at this time. There are others who impugn our integrity and patriotism. I challenge any man to question my personal patriotism or that of any Member who has preceded me on this subject.

Mr. ANDERSON of New Mexico. Will the gentleman yield?

Mr. JOHNSON of Illinois. I yield to the gentleman from New Mexico.

Mr. ANDERSON of New Mexico. May I say as one individual who has been closely associated with the gentleman recently in connection with this matter that I have not heard him make an improper suggestion, but I have heard him make dozens of very patriotic suggestions.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. JOHNSON of Illinois. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. It has been my pleasure and privilege also to work with the gentleman from Illinois on this committee and I have been very much pleased with the sincere, patriotic spirit by which he approached the entire subject matter. As one Member of Congress who joined in calling the meeting of Members to discuss this problem, and later as chairman of that large group of over 100 Members, I deeply appreciate the fine contribution that the gentleman has made. Now, let me add in passing that my own thought is that one of the greatest contributions that could possibly be made to the war effort right now would be the announcement of the sudden resignation or dismissals of several half-baked Washington bureaucrats who are drunk with desire for power and who have a contempt for the Congress as well as for the people of the country.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of Illinois. I thank the gentleman and now yield to the gentleman from Georgia.

Mr. COX. It pleases me tremendously that my colleagues on my side of the aisle, if I have a side, have made these observations. I recall that Burke once said that when bad men combine it is time for good men to associate or else they will fall ultimately one by one in unpitted sacrifice in a contemptible contest. I thank the gentleman for the association.

Mr. JOHNSON of Illinois. I thank the gentleman for his contribution.

Mr. WICKERSHAM. Will the gentleman yield?

Mr. JOHNSON of Illinois. I yield to the gentleman from Oklahoma.

Mr. WICKERSHAM. May I say to the gentleman that I have also been associated with him on this committee here lately and I appreciate the good work he has done. Not only that, but the gentleman from Illinois [Mr. JOHNSON], who is speaking, has been associated with me on three rubber committees and he knows more about rubber than many of these bureaucrats who profess to know so much about all of it.

[Here the gavel fell.]

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to proceed for an additional 4 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. WICKERSHAM]?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I appreciate all of the nice things that have been said of me, but this is not a testimonial meeting. We are talking about rubber here.

It has been testified that we had 587,000 tons of reclaimable rubber bought and paid for by the Government on October 31 of this year, and there are thousands and thousands of tons yet to come in.

They tell us also that it takes about 4 pounds of reclaimed rubber and a shade less than 2 ounces of crude rubber for material to recap a good, serviceable tire. Do you realize that we have about 35,000,000 automobiles on the road today? That is enough reclaimed rubber to recap the tires of every car this coming year and the following year. And remember that whenever you take off an old tire that rubber is reclaimable again.

We are not touching on that large, very special stock pile of rubber for the military. They should have the best, and we want them to have it. We can go along with the scrap and still have plenty, and have plenty more scrap coming in.

We are not in a desperate situation. Remember that the Baruch report told us about the program they plan to carry through. Mr. Jeffers tells us that we expect to be in production by the middle of this summer of some 242,000 tons of synthetic rubber, and that by the beginning of the year following, in 1944, we will be in full production of the entire planned program, which is a little over 700,000 tons.

Let me call your attention to another thing about the Baruch report. They do not tell you some of these things. You know they criticized the past bungling of the rubber program quite a little bit. They said this:

> One example of inexplicable administration that we can mention is the failure to obtain detailed technical information concerning the experience of Soviet Russia in making synthetic rubber. Russia has been manufacturing synthetic rubber successfully for more than 10 years. Had the offer of the Soviet Government made in February to exchange full information been accepted, it is conceivable that plants for producing synthetic rubber by the Russian processes might well be on the way to completion. To date we have no detailed information as to the Russian experience, nor analyses of Russian tires. We feel this information should still be obtained.

I think it was 2 weeks ago that I read that a commission had been sent to Russia to learn about that.

However, we do have in this country scientists who know about synthetic rubber. Dr. Szukiewicz has been up here at the Publicker Co. ever since the first of the year. He put in the process he developed in Poland, the butylene glycol process, from agricultural products. It was actually in production when they ran him out of Poland. He testified that Germany had been using agricultural rubber also. He had at the Publicker Co. a pilot plant, and some of us have been up there to see it. That pilot plant can have an expansion as large as you want simply by a multiplication of the number of 10-foot tubes of critical material.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. BOREN], is recognized for 15 minutes.

Mr. BOREN. Mr. Speaker, I think it fitting at the outset that we extend some assurances to others of our colleagues here that at least as far as those of us who have entered into this particular problem are concerned we stand, even should we lose this immediate cause, ready to prevent the unlimited extension of this nonsense.

In that connection, I feel that it is fitting that we assure the gentleman from Alaska that, when the time comes shortly, we in Oklahoma will join with him in opposition to the rationing of reindeer meat and whale blubber in Alaska on the ground that it is not available in Oklahoma. The same assurance we could extend to you from Rhode Island as far as oysters are concerned, and we are perfectly willing to grant that for citrus fruit to you from Florida and California.

I mention this only to show that we who are following here our sincere conviction are ready to stand with you shortly, when that time comes. I presume that we can probably all unite when the ukase comes down for the rationing of water because there is a shortage of coffee.

Mr. Speaker, I want to talk reasonably about this problem. Those of us who

have united in opposition to Nation-wide gasoline rationing have done so on the basis of three very fundamental factors.

The first is that the method of rationing a product in which there exists a surplus of supply in order to control the allocation of a product in which there is a shortage of supply seems to us to be an indirect method, absurd and full of inequities. We have never had any objection to rationing rubber to any extent the facts might warrant, even the remotest need.

To show you how absurd the inequities are that multiply under this program, let me cite the case of a man in Kansas City who registered the other day for gasoline rations. He had wooden tires on his car. He was told by the local board that it was quite true that the object is to ration rubber and that they recognized that he did not have any rubber on his car, but unfortunately they did not have any power except to extend to him the basic ration which is authorized by the czar in Washington.

We have never had any objection to rationing rubber, but we have opposed this senseless, roundabout way, this beating-around-the-bush to get at a problem dealing with rubber. On the other hand, it has been quite evident that those who would ration rubber have done so without having the full facts in hand. It has already been cited how many tons there are of raw rubber in this country. We are importing, in addition to that, 2,000 tons a month. We have 50,000 tons of importations assured for next year. We have 30,000 tons of reclaimed rubber per month for next year or the next 2 years, as the case may be. The scrap stock pile is in excess of 587,000 tons in addition to the 6,000,000 tires that have been taken from users. But the vital fact is that all of the advocates of rationing rubber even have said that there will be plenty of rubber in 1944. They have assured us there would be 800,000 tons of synthetic a year and at least 300,000 tons next year. With all this stock pile, which represents two-thirds of the world's supply of rubber, we are being limited at the present time to 30,000 tons a month. Simple mathematics would show we have ample to run us without this promised synthetic rubber for at least 18 to 25 or 30 months. But in spite of that, because someone has suggested it and believed it was a good idea for the moment, they decided they would carry out the program rather than back track and face the facts. They have insisted on forcing down on the American people the error of the claim once made.

When Mr. Jeffers was before the Committee on Interstate and Foreign Commerce the other day, I asked him and his assistants if they knew how many new tires there were in the country that had never seen use on an automobile. He and his entire staff admitted they had no idea. They have just got 6,000,000 tires in by request, voluntarily, from the people of America. They have millions in storage. Even they do not know how much rubber we have on hand, but they claim in broad assertions to know that it is essential that this gasoline rationing go into effect.

However, I did not intend to discuss at length whether the facts warranted rationing of rubber. Although there are grave doubts that that situation exists, we who are in opposition to rationing gasoline, are ready to concede that. The objection we have is, first of all, that it is an assumption of power not delegated by the Congress. This Congress, in the act to expedite the national defense of June 28, 1940, gave to the President the power to allocate such materials and facilities in which there existed a shortage of supply affecting the national welfare and the national defense, and we definitely defined it as a shortage of supply. Again, in the Second War Powers Act, passed March 27, 1942, I believe it was, we extended just a little some of the power granted there, but again the basis was shortage of supply. The subterfuge by which these bureaucrats have assumed the power to ration gasoline is evidenced in their order 5c, which rations gasoline Nation-wide. They state in the very body of the document that they are only rationing rubber. Assuming that, the rationing of gasoline by the wildest definition of the powers granted them, would have to be a condition to the rationing of rubber. There has been no such delegation of authority. There is no shortage of supply, and the Congress spoke with a clear voice when it put the base of such power on shortage of supply. This is the thing that strikes me with respect to the assumption of power, and this is not the first time, but there must be a limit. It has got so that the edicts in the Federal Register outnumber by 100 to 1—all these edicts having the force and effect of law—the actual laws that are enacted by this Government. We are getting more and more into a state of having a government of men instead of a government of law, which was the fundamental principle of the American system of government. It has come to the point where there is a bureaucrat behind every counter in America, behind the lingerie counter, behind the food counter, behind the stocking counter or the glove counter, wherever it may be, there is a bureaucrat there. There is a bureaucrat on every bookkeeper's stool in America and two standing down beside him. There is a bureaucrat sitting at the end of every cotton row in America and one riding on every wheat wagon. There is a bureaucrat standing by every oil well, and there is one sitting at every table when an American family sits down to eat. They even measure every man's coattail and shirttail. Now they propose a couple of bureaucrats for every gasoline pump in America and one to hide in every rumble seat to guard the gas tank.

The time has come when the bureaucrats in America are as numerous as maggots boring into a decaying carcass, and I fear with the same effect as far as the body of old Uncle Sam as a free government of liberty-loving people is concerned.

Mr. SHORT. Will the gentleman yield?

Mr. BOREN. I yield.

Mr. SHORT. In spite of this vast swarm of investigators, inspectors, and regulators, many good, honest people of this country are being made criminals because of these very arbitrary and unfair edicts issued by the bureaucrats?

Mr. BOREN. The gentleman is quite right.

Mr. SHORT. Making criminals of many of our very best citizens?

Mr. BOREN. Undoubtedly so.

Mr. SHORT. Whenever an attempt is made to ration any product of which there is a surplus, what other interpretation could any sane person give it than a brazen arbitrary attempt to fasten the yoke, put the halter upon the necks and heads of the American people?

Mr. BOREN. I think the gentleman from Missouri is quite right.

My colleagues, I want to point out to you that our opposition was a very reasoned opposition; an examination of the gross inequities of the program as it has been operated up to date; an examination into the byways of avoiding fundamental facts and inferential use of power not delegated. We were opposed to subterfuge.

Second, our opposition was based on the ground of opposition in general to an assumption of power not delegated but by individuals being wielded arbitrarily over the destiny and welfare of our people.

Third, and most important, I come to my concluding statement of fact concerning the opposition that we have had to gasoline rationing in the Nation, and that is this: The American people have been called on to do a job in the war. They have done it voluntarily. They have given generously of all the possessions in which they have a real pride, care, and interest. We did not need to have an army of men looking under the beds to drag American boys out and send them off to war. They went voluntarily. What kind of a man is it who would tell an American mother who is voicing her opposition to this senseless regulation that her opposition is on the basis of being unwilling to give a gallon of gasoline to her own son who is on some distant battle front? Voluntarily American mothers and fathers gave Uncle Sam their sons. Voluntarily they have given their dollars into the bond drives in a way that should be applauded even in the light of all past history. Voluntarily we were requested to contribute to the stock piles of steel, iron, and other shortage materials. I would not call all the things that come into that channel scrap. There were treasures, sentimental treasures; there were many things of real utility that went into that pile, because the American people were not satisfied simply to meet a request for voluntary action up to the point that it was indicated was necessary, but they went beyond that. Every time the American people have been called upon they have volunteered in excess of the demand. Even before the Baruch committee report came out, just as soon as it was indicated that there might be a shortage of rubber in the country, the American people voluntarily reduced the use of their automobiles from an average of 9,000 miles per car per year to an average of 6,700 miles per car per year. It is right in the Baruch report on page 35.

Before the Baruch report came out, the American people voluntarily reduced their driving 2,300 miles a year. When Leon Henderson came out with the proposal to compel them to reduce further, because he said they needed 1,700 miles a year more, and when we replied, "If you will simply call on the American people for another 1,700 miles they will give it," he wanted authority to make them do what they were already voluntarily doing. He was not willing to let them do what they would do voluntarily.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from Georgia.

Mr. COX. It pleases me greatly to hear the plain language which the gentleman uses. We might as well begin to talk plainly and understandably right now, because hereafter, under compulsion of an aroused and angry public opinion, it is going to be fashionable. I think it well that we put the bureaucrats on notice now that within a short period their reign will come to an end.

Mr. HOFFMAN. Will the gentleman yield?

Mr. BOREN. I yield.

Mr. HOFFMAN. In view of what the gentleman from Georgia [Mr. Cox] has just said, would it not be well for us to do that before we are driven to do it, so at least we would have some appearance of acting independently?

Mr. COX. It is at least comforting to know that some of us who have been contending for a long time, are now being given support which nothing can resist, not even government itself, and that is public opinion.

[Here the gavel fell.]

Mr. BOREN. Mr. Speaker, may I have 1 additional minute to conclude?

The SPEAKER pro tempore. Without objection the gentleman is recognized for 1 additional minute.

There was no objection.

Mr. BOREN. I want to make it clear that there is no American more intensely patriotic and devoted to our country's cause than the Americans known as Oklahomans. I am sure that is comparably true of the other States that have been charged with bad faith by the set of bureaucrats.

We pitch the fundamental issue of this fight on two grounds: First, the exercise of authority assumed without legal foundation in addition to the inequities of the program itself, and second, to the fact that we have a group of small Hitlers in our own country who are so determined to ride on horseback and wield the whip of compulsion that they are unwilling—in fact they said before my committee in categorical language—unwilling to trust the American people to do voluntarily anything more on this problem than they have already so generously done in the way of voluntary contribution and sacrifice.

[Here the gavel fell.]

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ANDERSON of New Mexico. The statement was made that various agencies of the Government have asked the F. B. I. to investigate this campaign. Has the gentleman received any mail, or telegrams, or has he associated with such people as the distinguished chairman of the Judiciary Committee and various other Members of this House to the extent that he believes there is any necessity of the F. B. I.'s investigating their motives?

Mr. BOREN. It is, of course, a ridiculous waste of time if the F. B. I. is making any such investigation, and, so far as Oklahoma is concerned, as you well know is the case of those of us here, I not only invite the F. B. I. to make such investigation, but challenge them to find a single instance, however, remote, in which there has been any inspiration for the opposition to this senseless order other than the inspiration born of sincere conviction and earnest thought.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Speaker, the last remark made by the gentleman from Oklahoma inviting the F. B. I. to make an investigation calls to my mind the day when one of the representatives of William Powers Maloney, the gentleman who was creating and spreading disunity by his investigations with his grand jury—when his representatives sat up in the gallery. Mr. Maloney was complaining because Mr. FISH, who was with the Army, was not available at the moment. I asked them if they wanted to call a witness to call me, which they afterward did, and as they may do to everyone who disagrees with the New Deal very strenuously or effectively, or who ventures to speak pro-American or to criticize the New Deal.

To me the showing by various Members of the House of their justifiable resentment against the charge, I take it, of one Leon Henderson, is a very healthy sign, but I think that some of the Members are a little thin-skinned. When you remember that for months a few of us—I know I have—have been called unpatriotic and pro-German, you should not get excited when more and more individuals are included in those false charges. Not only did this fellow in New York, that Winchell, who is another creator and distributor of disunity—not only did he try to tell the people of my district how unpatriotic I was but Maloney called me down before the grand jury four different times. Neither the false malicious charges of Winchell nor the unfounded insinuations of the smear artist Maloney hurt me politically. The average citizen knows the true character and purpose of their actions. One is polluting the air with his foul slander; the other is pouring what might be called sewage into what should be the clear stream of justice. Now you ought to get used to that, especially since the last campaign. I do not believe there is any of you who did not get a dose of it during the days preceding the election or in the primary campaigns, and it seems to me to lead up to one thing and that is: What are you going to do about it? You will recall that not so long ago those of us who opposed certain administrative policies which we believed were tending to get this Nation into a situation where it could neither defend itself nor successfully aid other nations were charged with being pro-German. That thing has progressed right along down the line until today every person no matter how honest, no matter how patriotic, no matter what sacrifices he has made, is accused of being disloyal if he ventures to protest, for example, the rationing of gasoline or rubber. Do you get my point? Everyone in this wide, wide land of ours, every one of the 134,000,000 people who ventures to suggest that some order of some bureaucrat is not 100-percent perfect is disloyal.

I do not know whether you know what my answer to those fellows was. When they came along during the campaign I merely said: "You're another; you're another; you are the fellow who is unpatriotic." And I did my best to prove it and apparently convinced at least 69 percent of the people who voted in the election.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BOREN. The gentleman has made the inquiry: "What are you going to do about it?" I will say to the gentleman that we are counting noses to see what the sentiment is for legislative action to undo this work, but in the event that no legislative action can at this time be taken I invite the gentleman still to join with us in formulating a new victory song, "Trillions for the war, but 15 cents for Leon is 15 cents too much."

Mr. HOFFMAN. That is very well, but go one step farther, introduce a bill, let the roll be called and the Members be counted. I hesitate now to raise my voice against the New Deal or any of these bureaucrats because I have a fear and trembling of what William Maloney may do to me. Or have I? Perhaps it was just as well that I was not around in view of the fact that all the Americans, as said a moment ago, who do not go along are charged with being unpatriotic and I have had more than my share of such false charges.

But I think we ought to do something. I want to repeat my question, What are you going to do about it? I gather from the remarks made here today that Henderson said last night that we were unpatriotic when we made this protest. That all those who protested gas rationing were unpatriotic. Is that about the substance of what he said?

Mr. BOREN. Certainly the implication was there and I think probably that was pretty well treated by the gentleman from Louisiana [Mr. HÉBERT], a little earlier rather completely and forcibly. Certainly Henderson implied there was a lack of patriotism in that connection.

Mr. ANDERSON of New Mexico. The exact words were:

> They were either ignorant or intentionally traitorous.

Mr. HOFFMAN. Intentionally traitorous? I can only say, "He is another." He just does not tell the truth, and I do

not believe he is ignorant. Do you get my meaning?

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I make that statement in view of the statements which the gentleman said Henderson made. That is the only answer anyone can make to him—"You are another." We know and our people know that they just cannot get along without gasoline and tires. I listened to Mr. Jeffers when he appeared before your committee the other day and said that those who suggested the postponement of this order, by their action might cost the life of some soldier over across the sea. No doubt that statement was true, if so many are sent that they cannot be properly equipped. But if he and Henderson and those who advocate cutting off this gasoline and these tires to our farmers insist upon their program being carried out to the letter, not one but many soldier boys are going to starve on account of the lack of something to eat, not because the farmers will not produce it but because they will be unable to do so. It makes little difference to the soldier boy insofar as his usefulness to his country counts whether he is shot or starved to death over there.

Here is what I want to know again, and I am sorry to have to repeat it: What are you gentlemen going to do about it, and I refer to you on the majority side? It is up to you. Are you going to take this charge of Henderson's sitting down? Are you going to let him get away with it? Are we here in this Congress just going to talk about it and wait until a new Congress comes in or are we going to have the courage of our convictions, bring in a bill, pass it through here, send it over to the Senate and put it up to them? If the Senate and the President want to kill it, let them do it. As the gentleman from Georgia said, the time is coming when we will have to act. Do we want to be driven to it, taken up to the trough, our nose shoved down into it and made to drink, or are we going to act as free independent agents and do the thing we should do?

I beg of the majority leadership to bring in whatever legislation may be necessary and put it through this House next week. According to the House leaders we have not much to do next week. Let us put it through, send it over to the Senate and let the responsibility be placed by the people where it belongs, either upon the Senate or upon the shoulders of the President of the United States. The people gave same indication at the last election of what they want done. They defeated some good men. Those men will not come back because they listened to these bureaucrats and crazy crackpots downtown. Why not bring the bill in now? I would like to vote for any reasonable bill which will end the confusion—aid the war effort. If we do not do it now people will say, "There they are, down in Congress, still talking about it, but they will not legislate." The people are tired of just talk.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska [Mr. DIMOND]?

There was no objection.

Mr. DIMOND. Mr. Speaker, on the twentieth day of this month the highway to Alaska through Canada, generally called the Alcan Highway, was formally opened. In my judgment, the building of the road to Alaska during the past summer was a remarkable achievement.

The road was built under the direction of the Army engineers, but the Army engineers and the Engineer Regiment of the Army who participated in the construction of this highway did not do the entire job. Too great credit cannot be given to those who had the supervision of the work for the Army and to the rank and file of soldiers and men who participated in it. The Federal Roads Administration is also entitled to very great credit for assisting in the work.

Altogether, it was an impressive combination of intelligence, energy, and persevering labor, resulting in a worthwhile job being done in record time. On the 15th of November the Federal Works Agency issued a statement telling of the part played in this project by the Federal Roads Administration.

Mr. Speaker, I ask unanimous consent to insert that statement at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska [Mr. DIMOND]?

There was no objection.

The statement referred to follows:

Mobile forces of more than 6,000 civilian workers were moved into Canada and Alaska by plane, truck, boat and railroad to join with United States Army engineers in cutting and bulldozing the Alcan road through the wilderness of the Northwest with unparalleled speed, Commissioner Thomas H. MacDonald of the Public Roads Administration announced today.

Returning from Alaska after a month of directing and inspecting work of the Public Roads Administration on the trail and highway job, Commissioner MacDonald reported to Maj. Gen. Philip B. Fleming, Federal Works Administrator, that the civilian force was the largest ever put to work on a single highway job and, he believed, the most effective. This force worked at all times in closest cooperation with the Army engineers who were in charge of the undertaking, Mr. MacDonald said.

With it into the wilderness went the trail and highway building equipment of 52 Canadian and American contractors, supplemented by hundreds of tractors, power shovels, portable repair shops and electric plants hastily assembled from Civilian Conservation Corps camps in many States.

The Public Roads Administration, a constitutent of the Federal Works Agency, began assembling the big civilian force, quietly, on March 6, when it was requested by the War Department to cooperate in the location and construction of a permanent, modern road.

Under an agreement with the Department the Roads Administration undertook to make reconnaissance and location surveys, prepare plans, award contracts or otherwise arrange for and supervise construction. All steps were planned in close cooperation with the Chief of Engineers of the War Department and were subject to his approval.

Under the plan agreed upon, the War Department undertook construction of a truck-trail road following as closely as practicable the route selected for the permanent road after reconnaissance surveys.

Launching of such a large project and completing the many steps preliminary to construction required an all-out effort on the part of Public Roads engineers. A headquarters office for the project was established at Seattle, Wash., and field offices were located at several points along the route. A force of 500 engineers and engineering aids was rushed into the field to make surveys and supervise the work of contractors.

For quick enlargement of the supervisory staff, contracts were negotiated with four well-known engineering firms to act as project managers. These firms were C. F. Lytle Co. and Green Construction Co. (organized as a single firm) of Sioux City, Iowa; Dowell Construction Co. of Seattle, Wash.; R. Melville Smith Co., of Toronto, Canada, and Okes Construction Co., of St. Paul, Minn.

These contractors immediately recruited 52 construction contractors who, after approval of the individual contracts by the Public Roads Administration, began the movement of men and materials to the job. E. W. Elliott, of Seattle, Wash., took a contract for movement of all equipment and the erection of shops, warehouse, and other buildings.

A great quantity of equipment was transferred from the Civilian Conservation Corps to supplement the equipment owned by contractors. Among the major items were 300 tractors equipped as scrapers, bulldozers, or trailbuilders, 1,000 trucks, 125 air compressors with drilling accessories, 55 power shovels, 200 electric light plants, 65 portable repair shops. Mixers, rollers, pumps, and trailers were also supplied.

Approach to the job was by three main routes: (1) by rail via Edmonton, Canada, to Dawson Creek, the beginning of the project, (2) from Seattle via the inland water route to Skagway, thence by narrow-gage railroad to Whitehorse and to the job, and (3) from Seattle by inland water route and across the Gulf of Alaska to Valdez and thence by highway to the job.

For water transportation the Public Roads Administration has obtained the use of 5 steamships, 1 motor ship, 5 yachts, 14 barges, and 10 tugs. About 1,200 men were flown to the northern end of the project to establish living quarters, shops, warehouse, and other essentials for operation.

Equipment for kitchens and living quarters came from Civilian Conservation Corps supplies.

Actual construction operations began at many points along the route in May and June and have progressed continuously under maximum pressure. The original plan for the Army engineer forces to build a truck-trail road and the Public Roads Administration to follow with the building of a permanent highway on or near the truck trail was revised in August because of the necessity of opening the entire length of the route to truck travel at the earliest possible date.

The forces of the contractors have been given the job of placing a gravel or other type of surface on the entire length of the route and of maintaining it in condition for use. They are working with the Army forces in grading many sections of the road.

All major structures requiring special designs are being designed by the Public Roads Administration and constructed under its supervision. The Peace River, near the southern end of the project, is now crossed by ferry. For use during the winter a temporary timber trestle is being erected.

Workers are housed in buildings from over 40 Civilian Conservation Corps camps that have been dismantled, transported to the job, and reassembled.

American and Canadian contractors have already brought to near completion the grading and surfacing of 102 miles of permanent road built to high modern standards. Seventy-seven miles of this work is on the south end of the project, where it was not necessary to build a pioneer road. Army and contractors' forces have operated jointly to produce a satisfactory Army road for use during the coming winter. In this pooled operation, forces of the contractors graded and surfaced many miles of the road. On hundreds of additional miles they have followed behind Army engineer forces, widening the road and doing additional grading and surfacing. These operations cover a total of 1,184 miles of the 1,600-mile route.

Mr. MURDOCK. Will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Arizona.

Mr. MURDOCK. I sometimes feel that the populous part of our country on the Atlantic seaboard is not sufficiently acquainted with the western portion of our country. I personally have never visited the great region called Alaska, but I would like to ask the gentleman a question or two. Is there relatively as great lack of understanding on the part of all the people in the continental United States about that great, rich possession as there is of the populous East concerning our thinly settled West?

Mr. DIMOND. In answer to the gentleman from Arizona, may I say that the people of the United States are generally less well informed about the Territory of Alaska than they are about the State which he so ably represents in the Congress and the other States of the West and Southwest. After all, many, many of our citizens in the East, the North, and the central parts of the United States have visited the southwestern part of the country and, therefore, have some personal familiarity with it, but only a few handfuls of people have ever been to the Territory of Alaska. The distance has been too great and the cost too high.

However, since the war came on and with the building of the highway to Alaska, the newspapers and the magazines of the United States have carried many highly informative articles about the Territory of Alaska and a number of books have been written about it so that the people of the United States generally are rapidly acquiring a pretty fair knowledge of what Alaska is and what it means. They know something of the vast agricultural lands of Alaska, which can grow hundreds of millions of bushels of grains and of vegetables of various kinds if necessary for the support of the people of the United States or of the world, or the greatly increased population which we hope to have in Alaska within a short time.

Mr. MURDOCK. May I say that the building of this road in so short a time, in addition to being a great engineering feat, is probably one of the most significant features of our war effort in making possible the defense of Alaska, which is vitally important; and more than that, it will mean a better utilization of that immense treasure chest by the remainder of the country. Incidentally, the gentleman, the present Delegate from Alaska, has done much to acquaint us with the possibilities of that strategic and rich Territory.

Mr. DIMOND. I thank the gentleman.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DAVIS of Tennessee, for today, on account of official business.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2412. An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on November 25, 1942, present to the President, for his approval, bills of the House of the following titles:

H. R. 1376. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundo and Regina;

H. R. 1883. An act for the relief of Llewella J. Welsh;

H. R. 2217. An act for the relief of Wilson N. Yost;

H. R. 3295. An act for the relief of Kurt G. Stern;

H. R. 3478. An act for the relief of Glenn A. Pike;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5177. An act for the relief of Irving Cowen;

H. R. 5578. An act to permit the United States to be made a party defendant in certain cases;

H. R. 5651. An act for the relief of the Home Insurance Co. and the American Insurance Co.;

H. R. 6013. An act to authorize the Secretary of War to transfer certain land to the Territory of Hawaii;

H. R. 6078. An act for the relief of Katherine S. Arthur;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6176. An act for the relief of Shirley Jones;

H. R. 6380. An act for the relief of Charles S. Smith;

H. R. 6388. An act for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs;

H. R. 6751. An act for the relief of J. C. Baker;

H. R. 6817. An act for the relief of Lloyd A. Emick;

H. R. 6893. An act for the relief of N. C. Lloyd;

H. R. 6907. An act for the relief of Mrs. P. R. Yager;

H. R. 6970. An act for the relief of Carolyn B. Griffin;

H. R. 6990. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6993. An act for the relief of the estate of Marlin Croft, deceased;

H. R. 7177. An act for the relief of Earl Carbauh;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico;

H. R. 7408. An act to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories and possessions, and for other purposes";

H. R. 7556. An act authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; and

H. R. 7577. An act to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.), under its previous order, the House adjourned until Monday, November 30, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Special Subcommittee on Petroleum Investigation, Committee on Interstate and Foreign Commerce, at 10 a. m. Monday, November 30, 1942.

Business to be considered: Hearing on production, transportation, refinement and distribution problems of petroleum products.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1999. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 23, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of Salmon Creek, in the vicinity of Juneau, Alaska; to the Committee on Flood Control.

2000. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated October 15, 1941, submitting a report, together with accompanying papers and two illustrations, on a preliminary examination and survey of the Cheat River and tributaries, West Virginia, for flood control, and other purposes, authorized by the Flood Control Act approved on June 22, 1936; and under the provisions of the River and Harbor Act approved on August 30, 1935; to the Committee on Flood Control.

2001. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 3, 1942, submitting a report, together with accompanying papers, on a reexamination of St. Lucie, West Palm Beach, Hillsboro, North New River, and Miami canals, Florida, requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted on March 26, 1940, and of the Committee on Commerce, United States Senate, adopted on February 1, 1940; to the Committee on Rivers and Harbors.

2002. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 11, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Marais des Cygnes River, Kans., authorized by the Flood Control Act approved on June 22, 1936, and by the act of Congress approved on May 6, 1936; to the Committee on Flood Control.

2003. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 4, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of Gulfport Harbor, Miss., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

2004. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill authorizing the Secretary of the Navy to construct and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States a hospital, dispensary, or other memorial, for heroic services to men of the United States Navy; to the Committee on Naval Affairs.

2005. A letter from the Attorney General, transmitting a draft of a proposed bill to exempt certain officers and employees of the United States from certain provisions of the Criminal Code and Revised Statutes; to the Committee on the Judiciary.

2006. A letter from the Archivist of the United States, transmitting a list of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTINGTON: Committee on Expenditures in the Executive Departments. H. R. 7755. A bill to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services and to minimize the burdens of furnishing information to Federal agencies; with amendment (Rept. No. 2658). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 7810. A bill to provide for the appointment of an additional district judge for the northern district of Alabama; without amendment (Rept. No. 2659). Referred to the Committee of the Whole House on the state of the Union.

Mr. [illegible]: Committee on Interstate and Foreign Commerce. H. R. 6729. A bill to authorize the Secretary of Commerce to establish fees or charges for services performed or publications or forms furnished by the Department of Commerce; with amendment (Rept. No. 2661). Referred to the Committee of the Whole House on the state of Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 7447. A bill to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914; without amendment (Rept. No. 2662). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. H. R. 7141. A bill to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes"; with amendment (Rept. No. 2663). Referred to the Committee of the Whole House on the state of the Union.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. S. 2598. An act to amend the Communications Act of 1934, as amended, to permit consolidations and mergers of domestic telegraph carriers, and for other purposes; with amendment (Rept. No. 2664). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McLAUGHLIN:

H. R. 7814. A bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. FLANNAGAN:

H. R. 7815. A bill to amend sections 1 and 2 of the act approved June 11, 1940 (54 Stat. 262), relating to the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia; to the Committee on the Public Lands.

By Mr. SNYDER:

H. R. 7816. A bill to provide for the display of the American flag in every post office in the United States; to the Committee on the Post Office and Post Roads.

By Mr. JOHNS:

H. R. 7817. A bill to provide that the day designated as "I am an American Day" shall be designated as "New Voter's Day"; to the Committee on the Judiciary.

By Mr. RAMSPECK:

H. R. 7818. A bill to provide for geographical uniformity in the rationing of the purchase of commodities at retail; to the Committee on Naval Affairs.

By Mr. RAMSAY:

H. J. Res. 362. Joint resolution advising the President of the United States and the Secretary of State to immediately enter into international pacts and agreements with the United Nations; to the Committee on Foreign Affairs.

By Mr. REED of New York:

H. Res. 676. Resolution authorizing the printing of "Questions and Answers on the Tax Bill"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H. R. 7819. A bill for the relief of Brooklyn Iron Works, Inc.; to the Committee on Claims.

By Mr. O'BRIEN of Michigan:

H. R. 7820. A bill for the relief of Thomas Callanan, Jr.; to the Committee on Naval Affairs.

By Mr. LUDLOW:

H. R. 7821. A bill for the relief of the Farrell-Argast Electric Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3465. By Mr. MAHON: Petition of Ed C. Hart and 10 other registered pharmacists of Plainview, Tex., urging Congress to enact House bill 7432 or Senate bill 2690, providing a pharmacy corps in the United States Army; to the Committee on Military Affairs.

3466. By Mr. ALLEN of Louisiana: Petition of members of the Woman's Missionary Union and others of Zion Hill Church, Winnfield, La., urging the prohibition of liquor and vice within specified zones in and about military camps, industrial and other strategic centers, and for the enforcement of laws for winning the war; to the Committee on Military Affairs.

SENATE

MONDAY, NOVEMBER 30, 1942

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, by thronging duties pressed we come seeking light upon our darkened way and strength and cleansing within our own hearts. In this age on ages telling, in the dire need of the ravaged earth we hear Thy call to be partners with Thee in making a new heaven and a new earth. For this moment of insight, turning from all the turmoil and chaos without, we would look within at our own lives, knowing that out of the heart are the issues of life. For every echo of the world's evil tempers within our own hearts, its hatreds, its prejudices, its spite, and its pride, we would repent in contrition of spirit. We cannot be builders of a clean and true and kind world if our inner lives are unclean, untrue, and unkind. In all the maddening maze through which lies our daily path may things not be in the saddle; may we hold the reins of our own hearts—so may we be saved from the tyranny of the tangible. Awaken in us the realization that for the sort of victory for which we dare pray we must convert our minds as well as our mills, we must dedicate our faculties as well as our factories. So make us more than conquerors as we are loyal to the royal in ourselves. We ask it in the Dear Redeemer's Name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Friday, November 27, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of the secretaries, who also announced that the

President had approved and signed the following acts:

On November 24, 1942:

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

On November 25, 1942:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLOOM, Mr. LUTHER A. JOHNSON, and Mr. EATON were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota; and

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

The message also announced that the House had passed a joint resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2412. An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes; and

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

SENATOR GEORGE W. NORRIS

The VICE PRESIDENT laid before the Senate a resolution adopted by members of Jones Valley Lodge, No. 1409, Brotherhood of Railway Clerks, in the State of Alabama, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas in the general election of November 3, 1942, the voters of the State of Nebraska have seen fit to retire their venerable and able senior United States Senator GEORGE W. NORRIS; and

Whereas Senator NORRIS has devoted 40 years of his life as a servant of the public—10 years in the United States House of Representatives and 30 years in the United States Senate—and has always placed as his criterion the needs of mankind, especially those who labor by the sweat of the brow; and

Whereas by Senator NORRIS' wisdom and endeavors in the passage of statutes, those laborers banded together under the bonds of brotherhood have forged to the front in America today: Therefore be it

Resolved by the members of Jones Valley Lodge, No. 1409, Brotherhood of Railway Clerks, in regular meeting assembled this 6th day of November 1942, Express our appreciation of the services rendered by Senator NORRIS and voice our regrets that the voters of his State in their hurry and worry over worldly affairs with our Nation at war, have neglected to return him to his post, where his labors have been so outstanding; it can be truly said of him, "This was the noblest Roman of all * * * This was a man"; be it further

Resolved, That a copy of these resolutions be mailed to Senator NORRIS, a copy be mailed to the Secretary of the United States Senate, and another copy be mailed to the President of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, reporting, pursuant to law, relative to the personnel of the land forces; to the Committee on Military Affairs.

WAGES OF REDCAPS

A letter from the Secretary of Labor, transmitting, pursuant to the terms of Senate Resolution 105, Seventy-seventh Congress, a report of the Wage and House Division, recommending that the Fair Labor Standards Act of 1938 be amended to prohibit the application of tip receipts to the payment of the minimum wage under that act, relating to the employment of redcaps in railroad and terminal companies (with an accompanying report); to the Committee on Education and Labor.

REPORT OF OFFICE OF PRICE ADMINISTRATION

A letter from the Administrator of the Office of Price Administration, submitting, pursuant to law, the second report of that office, covering operations between May 1 and July 31, 1942 (with an accompanying report); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of Agriculture (16) and Commerce, and the Federal Security Agency which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

CREDENTIALS

Mr. O'MAHONEY presented the credentials of E. V. ROBERTSON, duly chosen by the qualified electors of the State of Wyoming a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

Mr. GERRY presented the credentials of THEODORE FRANCIS GREEN, duly chosen by the qualified electors of the State of Rhode Island a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

PETITION

Mr. CAPPER presented a petition of sundry citizens of Council Grove, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

RESOLUTION OF SEWARD COUNTY (KANS.) POMONA GRANGE—INFLATION

Mr. CAPPER. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the Seward County Pomona Grange of Moscow, Kans., protesting against certain inflationary activities which they believe will work against the best interests of farmers.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR MR. CAPPER: Enclosed find Resolution No. 1, sent to you by Seward County Pomona Grange:

"INFLATION

"Whereas agriculture has asked no guaranteed returns, but merely that ceilings be not placed so low as to drive farmers out of production; and whereas the latest index of the Department of Agriculture shows that the average level of farm prices now is about 150 percent of the 1909–14 base and the hourly earnings of industrial workers about 387 percent of the 1909–14 base: Be it

"*Resolved*, That the Seward County Pomona Grange go on record as protesting this unfair attempt to saddle the farmers with any responsibility for the drift toward inflation, and respectfully petition our Congressmen and United States Senators to take steps to remedy this unfair allegation."

Respectfully,

MRS. FREE W. MOORE,
Secretary, Seward County Pomona Grange, Moscow, Kans.

RESOLUTION OF KNOX COUNTY (OHIO) POMONA GRANGE—GASOLINE RATIONING

Mr. TAFT. Mr. President, I present and ask to have printed in the RECORD and appropriately referred a resolution adopted by the Pomona Grange of Knox County, Ohio, seeking a simplification of truck and tire rationing.

The VICE PRESIDENT. Without objection, the resolution will be printed in the RECORD, and appropriately referred.

The resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Whereas rationing in general and, as applied to the use of autos, trucks, and other farm necessities arising from the use of gasoline in internal combustion engines in production is causing widespread dissatisfaction: Therefore be it

Resolved, That Knox County Pomona Grange respectfully requests our Congressmen and Senators to enact legislation to

simplify the present procedure forthwith so that much manpower can be saved for essential war service and the people's rights and basic needs be preserved.

THE FARM LABOR SHORTAGE

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point and appropriately referred a letter from Mr. Palmer Levin, secretary of the Walsh County Farmers' Union, Park River, N. Dak., dealing with the farm labor shortage, together with attached resolution and article.

There being no objection, the letter, resolution, and article were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

PARK RIVER, N. DAK.,
November 26, 1942.

Senator WILLIAM LANGER,
Washington, D. C.

DEAR SENATOR: The Walsh County Farmers Union adopted the enclosed resolution at its annual convention in Park River, November 21. I was instructed to send you a copy.

The farm labor shortage is getting serious and unless steps are taken to keep remaining farm labor here there is going to be a good many idle farms around here next year.

Sincerely,

PALMER LEVIN, *Secretary.*

P. S.—See enclosed clipping from Park River paper of farm sales cried this fall by local auctioneers.

John L. Johnson, chairman of the resolutions committee, moved the adoption of the following resolutions. They were adopted unanimously.

"Whereas there are certain concerns soliciting labor through the medium of the radio; and

"Whereas a recent survey shows that farm production of essential war crops in 1943 will fall approximately 15 percent because of farm labor shortage; and

"Whereas Congress has begun to recognize that the farm and farm labor are essential to the war effort, by deferring essential war labor, and

"Whereas the farmer under present price regulations and rules is not in a position to compete for labor with yards and other war industries: Therefore be it

"Resolved by the Walsh County Farmers Union, at its annual convention held in Park River, N. Dak., this 21st day of November 1942, That these practices be condemned as detrimental to farming and the best interests of the Nation.

"We further respectfully appeal to and solicit all governmental agencies connected with labor to refrain from promoting the trend of shifting farm labor into war industries.

"We further ask other farm organizations to file similar protests with State and national offices."

AUCTIONEER STROMLI CLAIMS RECORD FOR CONSECUTIVE SALES

Auctioneer Oscar P. Stromli thinks he has set up a record this fall in number of consecutive auction sales held. In 36 consecutive days (not including Sundays) he cried 38 sales, 37 being farm auction sales. On 2 occasions he held 2 sales in 1 day, once on 2 nearby farms, the other time being a night sale of furniture, etc., in Park River. He challenges any auctioneer in the State to top this record

Mr. Stromli has at least 2 sales still to cry this fall, one the coming Saturday, Mac S. Graham, owner. Graham had been called into military service and will hold a sale on his farm 2 miles west, 2 miles north, one-half mile west of Edmore, starting at 1 p. m. On Wednesday, December 2, Laddie F. and Joseph Hodney will hold an auction sale on their farm southwest of Lankin, near Bechyne Hall. List of articles to be sold will be found elsewhere in this paper.

THE FARM LABOR PROBLEM—COMPARISON BETWEEN FARM AND INDUSTRIAL WAGES

Mr. NELSON. Mr. President, I desire to refer to and to comment briefly on an advertisement which appeared in the St. Paul Pioneer Press at St. Paul, Minn., on Tuesday, November 24, 1942. The advertisement speaks for itself and demonstrates clearly one of the prime reasons why we are faced with a serious farm labor problem.

It is brief and to the point. Let me read it:

Carpenters: $500 per month, in addition to room and board, transportation, clothing. No lost time due to weather conditions. If now employed on defense work, do not apply. Personal interview and references required. Mail inquiries will not be answered. Apply 614 Endicott Building, St. Paul, Minn.

From information I have received, the work referred to is on a United States Government project in northeastern Canada, and the job will last about a year. Assuming that this enterprise will last the expected year, the net income to a carpenter, of $6,000, would appear to be more than the average farmer and his family could make, net, in more than 5 years in the Middle West, and more than a skilled farm laborer in the same section of the country could net in 7 years.

From some quarters we have heard claims that high wages in war production, compared with the farmer's income and compensation to skilled farm labor, have been exaggerated. This advertisement is one of many concrete answers to those claims. Every Senator who has worked on a farm, as I have, or who is familiar with farm operations, knows that many farmers are quite capable carpenters; in fact, they are required to be jacks-of-all-trades. I hope that this startling example may help in concentrating the attention of those primarily concerned with solving our food and manpower problems upon the wide disparity between what many of our farmers will receive by remaining upon their farms producing needed food for ourselves and our Allies, under present restricted farm prices, and what they possibly can receive in war production work. I believe we all recognize that this example is not unique.

ADMINISTRATION OF GAS RATIONING PROGRAM

Mr. VANDENBERG. Mr. President, I desire to present an important letter in the nature of a petition, and I should like to comment briefly upon it. I do not know whether under the rule I am entitled to do so under the present order of business.

Mr. BARKLEY. Mr. President, the Senator, I think, would be entitled to 5 minutes. If he wants more time, I shall not object.

Mr. VANDENBERG. I thank the Senator.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan. The Chair hears none, and the Senator may proceed.

Mr. VANDENBERG. Mr. President, I desire to present a letter from the master of the Michigan State Grange, and, in connection with it, I wish to say that the gas rationing situation in Michigan, particularly in respect to the method of its administration, is presenting a highly serious, if not inflammatory, problem. At the moment, the gas rationing situation in Michigan and the Middle West has, of course, been settled in its basic aspects by the President's decision to initiate Nation-wide rationing tomorrow; but the decision is premature and inadvisable, first, because preferable conservation alternatives have not been exhausted, and, second, and particularly, because administrative arrangements for servicing minimum transportation needs are totally inadequate. I particularly stress this latter stubborn fact.

I sympathize with Mr. Henderson and the O. P. A. and with Mr. Eastman and the O. D. T. in respect to the tremendous administrative burdens they confront under this new order; but I sympathize vastly more with the thousands upon thousands of citizens, all of them eager and anxious to do what they can in cooperation with the war effort, who confront impossible curtailment, to say nothing of confusion and chaos in the immediate administration of these restraints.

Mr. Jeffers, Mr. Eastman, and Mr. Henderson have all assured us that the minimum gas necessities of all car and truck operators will be recognized and serviced, but all the testimony from the field indicates that, no matter how earnest this desire and purpose, it is impossible under the hasty set-up which has been mobilized to administer this latest regimentation in an equitable and efficient fashion.

I wish to present a letter on the subject from Mr. W. G. Armstrong, master of the Michigan State Grange. The position he holds indicates that he is a citizen of substance and one who is entitled to speak with substantial authority in behalf of himself and his associates.

Mr. Armstrong, Master of the Michigan State Grange, writing from Berrien County, Michigan, says:

A meeting was called yesterday because of the fast-growing indignation over the gas rationing plan as so far administered. At this meeting were representative farmers, merchants, and manufacturers of our section of Berrien County.

In the first place, there was little sympathy with the gas-rationing program. Not the least indication was shown of any disloyalty to our Government, but the experience of those who had made application for their allotment of gasoline varied so greatly in its equity that wide-spread dissatisfaction is already here.

I wish to emphasize again the fact that I am now discussing the administration of the order. The order has been made; it is probably beyond our recall. Certainly it is outside our legislative jurisdiction at the moment. But a terrific administrative mess remains to be liquidated, and this fact must be emphasized.

I continue quoting from Mr. Armstrong's letter, and, while this is a very homely sort of a localized exhibit, Mr. President, I know from my mail, as other Senators must know from their mail, that this situation is duplicated countless times in every city and village and hamlet in the United States today. It is the typical American experience:

As an example, two garages making application to O. D. T., performing practically the same service, had a variance of 600 percent in the amount of gasoline allotted them.

In other words, we are running squarely into the same problem we had under the draft law, where there was such discrimination between the decisions made in one locality and another, and between one draftee and another.

A lumber company handling coal was allotted but five gallons per truck per week with which to make deliveries.

And deliveries in that area at the present time are absolutely indispensable. It it particularly illuminating to remember that those in charge of gasoline conservation are asking the people to transfer from oil to coal as a fuel, and yet the trucks which deliver the coal cannot have enough gas to get the coal to the point where conservation is to occur.

The letter continues:

One groceryman was allotted enough gasoline to make complete deliveries while another is allotted a very insufficient amount. One milkman finds himself unable to deliver more than a small part of his territory while another has sufficient gas. Coal dealers find the same situation. * * *

We are asked to save rubber, and yet, the only method provided to secure a reconsideration of the allotment granted by Office of Defense Transportation is to appear personally before the rationing board which means the farmer or merchant must go to Detroit or South Bend, Ind.

He cannot make his appeal at home, he cannot get a decision at home. He has to go 50, 100, 200 miles away, in order to make his appeal.

This is a waste of time and money he can little afford to spare. If he finds it possible to drive, it is a waste of both gasoline and rubber, as well as time.

It was the concensus of opinion of this group, which I said before were representative farmers, merchants, and manufacturers, that if we are forced to accept this rationing program, the authority for the allotment should lie in the hands of the local rationing board who are thoroughly familiar with the individual requirements and could come far nearer making an equitable decision than could a board located many miles away.

We find the people of this community, and this community is no different than the thousands of communities in our State, putting forth every effort to further the war program. They have submitted willingly to such sacrifices as they have been called upon to make and have gone all out in the scrap drive and other activities to make more certain the victory that we trust will soon be.

It is probably unnecessary to call your attention to the fact that this is the most outstanding agricultural community in this or any other State. Thousands of bushels of our products are of the perishable type and, therefore, hundreds of trucks are necessary to move it. This situation is not understood by those even intimately acquainted with other types of agriculture. This is a further reason why we believe the local board should be given authority to render the final decision within the law.

The citizens of this community are insistent that such bungling cease and a practical and workable plan be adopted.

I repeat, I have been reading the comments of the master of the Michigan State Grange.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. BUNKER in the chair). Does the Senator from Michigan yield to the Senator from Kansas?

Mr. VANDENBERG. I yield.

Mr. REED. I do not wish to take too much time in the morning hour, but I desire to state that I support everything the Senator from Michigan has said and read into the RECORD.

Some time ago my colleague the senior Senator from Kansas [Mr. CAPPER] presented for the RECORD a large number of telegrams and letters from Kansas farmers along the line of the letter just read by the Senator from Michigan. I myself have postal cards and letters by the hundreds, literally by the hundreds, complaining of this situation.

I wish to repeat for the RECORD what I have said before, that this question was taken up by the Kansas delegation, as a delegation, some weeks ago, and I placed in the RECORD the statement we made collectively and which we filed with the responsible agency.

I should like to ask the Senator from Michigan for information on one point. I have a high regard for Joe Eastman; I think he is the foremost transportation statesman in the country; but he, himself, knows very little about farming needs. Yet the Office of Defense Transportation, of which he is the head, started out on an impossible program. There are in the neighborhood of 4,500,000 trucks in this country. Every operator of a truck had to make an application; the applications went to one central office, at Detroit, and there persons wholly unfamiliar with farm necessities undertook the impossible task of passing judgment upon farm needs.

I particularly wish to question the Senator from Michigan on this point. My understanding and information from the Office of Defense Transportation is that the rationing board in every county is given authority to say how much gasoline operators of trucks for farm purposes shall have. If they are being required to go to a distant office, which would, perhaps, be the O. D. T. district office instead of the county office, that is contrary to the information which the O. D. T. has given me, and I wish to call that particularly to the attention of the Senator from Michigan, because, if the information given the Senator from Michigan by his informant is correct, then the O. D. T. has given me the wrong information.

Mr. VANDENBERG. Mr. President, I thank the Senator from Kansas for his observations. I am afraid I am unable authentically to enlighten him, because there seems to be a total lack of definiteness in any of these arrangements. I assume that the master of the Michigan State grange knows what he is talking about when he says his farmers must travel all the way across the State of Michigan to Detroit, or all the way down to South Bend into the State of Indiana, in order to make an appeal.

Mr. REED. Will the Senator yield again?

Mr. VANDENBERG. Briefly, but I am speaking by leave of the Senate, and I do not wish to offend.

Mr. REED. As far back as October 29, I called the attention of Mr. Eastman to the great difficulty the administration of the program then outlined would encounter. This is no new thing. We Senators from the farm States are outraged; our constituents are outraged. Never was a more colossal blunder made in administration than has been made in this matter by the Office of Defense Transportation, and others responsible.

Mr. VANDENBERG. Mr. President, it applies not only to the farm States and the farm sections of my State, but it applies very definitely to the metropolitan situation in my State. I think one of the fundamental difficulties is that the national rationers are depending upon their experience in the eastern rationed area as a sort of basis and yardstick for application of rationing in the wide open spaces out west. That analogy simply will not work. For instance, the upper peninsula of Michigan, which represents only 8 percent of the population of Michigan, covers a territory as large as the States of Massachusetts, Rhode Island, Connecticut, and Delaware, with 355,000 acres left over. It is not possible to apply rationing yardsticks in that sort of an area with any expectation of coming out with the same averages which have been applied in the congested East. Allotments which would be adequate in the one instance become literally just a drop in the bucket in the other instance.

Furthermore, Mr. President, so far as the metropolitan areas of Michigan are concerned, the eastern analogy is equally deceptive because the transportation reliance in the Detroit sector is at least 60 percent upon private transportation, and there is not the wealth of the alternative mass transportation facility available in the East.

Whatever the reason for these rationing provisions may be, I am merely submitting in all good faith to the administrators of the law, whose difficulties I fully understand, that they must go into the field and discover what is happening to them and their system, so that they may know at first hand that they are headed for a serious break-down in their system.

Mr. Henderson assured me personally, in my last conference with him, that every effort has been made to establish a localized responsiveness to any difficulties which might arise, so that there could be prompt and adequate correction. But, Mr. President, that is not the way the system is working. The chaos is almost unbelievable in some of its aspects.

I have a communication from a very reliable citizen who was sent to five different cities for his particular type of

rationing decision before he ever found the place to which he was supposed to have gone in the first instance, and he probably burned up more rubber and more gas arriving at a point where he could be rationed with respect to rubber and gas than he will ever save as the result of the rationing. Meanwhile, of course, he also burned out most of his good nature and most of his disposition to cooperate.

I am very much afraid that this new tire inspection program, at 25 cents a car, will merely add further fuel to the flame and create an ultimate situation west of the Allegheny Mountains, straight across to the Pacific coast, which will seriously interfere not only with our intimate national unity but without effective war effort.

The thing for which I am pleading is not any legislative interference with essential executive functions. I fully realize that we confront a rubber shortage and a gasoline shortage. I fully realize that something must be done about it. I think the American people are perfectly willing—I know those in my area are—to cooperate with the Government in every possible way to meet any demonstrated emergency; but the administrators themselves must make every possible effort not only to simplify their system but to see to it that it reaches its ultimate objective with the least possible burden and terror to the individual citizen who has to live under this regimentation.

I respectfully submit to Mr. Henderson, to Mr. Eastman, and to Mr. Jeffers, that their system as at present set up will not work, and that it had better be promptly reviewed, before it breaks down, and the country breaks down with it.

PROHIBITION OF SALE OF GREEN COFFEE

Mr. BILBO. Mr. President, without giving the name of the sender of the letter, I want to read into the RECORD a letter which I have just received from a prominent businessman in my State, in order to call the attention of the Senate to some regulations which are being imposed upon the people by our bureaucratic form of government:

DEAR SIR: On November 17, Mr. J. L. Lotterhos, State food rationing specialist, Jackson, Miss., issued Rationing Bulletin No. 2 on the subject of summary of coffee rationing program. The above-mentioned order, fourth paragraph reads: "No green coffee may be sold to any consumer."

You will be readily able to see that this order is another dig and effects only the already much-abused farmer, because farmers, virtually, are the only people that now use or purchase green coffee. This order, of course, will place many thousands of dollars in the coffee roasting crowd's pockets and numerically speaking, they are a small fraction of 1 percent of the population of the United States of America.

It is only natural that we, and we believe we speak for the farmers as well, are willing to do anything possible for the successful prosecution of this war, which is the excuse that is now being used by the administration for destroying the domestic economy of this country. We believe, along with all other patriotic people, that Congress should support the executive departments in any movement that will in any way aid the prosecution of the war, but there isn't anybody in Washington with good judgment that can successfully claim that preventing a farmer from buying green coffee has any effect other than help to finish destroying whatever confidence he may have in the executive departments, boards, bureaus, and commissions, many of which are needlessly existing in Washington.

Just why a few strong, well-balanced Senators in joint action with an equal number of the same type of Congressmen do not put a stop to some of the burdens being placed on farmers and small business people is beyond our imagination.

Mr. President, in line with that expression, I have another letter from a prominent businessman of my State who makes the same complaint. He writes:

We have had delivered to us today a copy of an order issued by Office of Price Administration, Jackson, Miss., from Mr. J. L. Lotterhos, State food rationing specialist, under date of November 17, Rationing Bulletin No. 2, the subject of which is summary of coffee rationing program.

The order above mentioned, among other things, states in one paragraph that no green coffee may be sold to any consumer. This order, of course, hurts and injures only the farmers of the State of Mississippi, but at the same time, it automatically increases the income of the coffee roasters of the United States of America many thousands of dollars.

Mr. President, I simply wish to observe that there is no lack of interest, sympathy, and cooperation on the part of the great rank and file of the people of this Nation in helping to win the war. When the Congress in its great desire to help win the war votes and puts into the hands of the executive department, in the hands of the Commander in Chief, power to prosecute the war, we all appreciate the necessity for such action; but when the persons to whom the President delegates the power to do the things which are necessary for the public good and the economy of our country, and in fact to prevent inflation by halting increases in prices of products necessary to take care of the civilian life of the Nation, make such fool regulations as the one to which I have called the Senate's attention, it puts the Congress in bad with the American people.

Senators who want to know why the November election went as it did can get some faint conception of what is in the minds of the people of this country when they consider some of the regulations which, without any justification, are being imposed upon the people.

There are 500,000—I might say 1,000,000—farmers in this country who have never bought anything except green coffee. They get it at a cheaper price, of course, than roasted coffee. They take the green coffee home and do their own roasting. No sweeter aroma has ever tickled the nostrils of a human being than the aroma which comes from parching or roasting coffee on the farm. Each farmer is equipped with a hand mill in which he grinds his coffee. He parches only a few days' supply in advance because coffee which has been roasted for some time deteriorates in quality and taste. The farmers keep the green coffee and roast about 3 days' supply at a time.

Mr. President, when a bureaucratic branch of the Government issues a mandate—an order—prohibiting the merchants of the country who are already supplied with stocks of green coffee from selling such coffee to the consuming public—to the people of this Nation who have been roasting green coffee and grinding it for a hundred years—it is enough to disgust and discourage the American people and break down their morale. Such a regulation is in line with many other regulations which the people have been forced to put up with in the name of the war effort.

Mr. President, I think it is time that the Congress itself should step into the picture and demand that there be some sanity exercised on the part of the bureaus—on the part of the swivel-chair fixers—in order to keep them from imposing upon the rank and file of the people.

In this connection I might say a word about the red tape which must be complied with in connection with any rationing program or any regulation that may be of benefit to the war effort. There is so much red tape; it is so multitudinous and so conflicting and so unintelligible to the average mind as to disgust the American people. The Congress itself ought to step into the picture to bring about greater simplicity in place of the incomprehensible forms which are being dished out and forced upon the people, and with which they must comply before they can obtain favorable treatment at the hands of the Government under the various and sundry rationing programs we have had, and those which are yet to follow.

I merely wanted to call the attention of the Senate to this fool regulation with respect to green coffee in the hope that something might be done about it.

Let us consider tire rationing and gasoline rationing. It would take a Philadelphia lawyer to understand and fill out the various and sundry questionnaires and forms which must be filled out before one is permitted to enjoy the small consideration obtainable at the hands of the Government under these rationing programs.

REVOCATION OF CERTAIN PROJECT RATINGS OF TENNESSEE VALLEY AUTHORITY

Mr. McKELLAR. Mr. President, in the Federal Register of November 24, 1942, a publication in which Executive orders are published, I find that the War Production Board has issued four orders revoking certain project ratings of the Tennessee Valley Authority. These orders prohibit certain construction at three dams, as follows: Fort Loudon Dam, Fontana Dam, and, presumably, the Gilbertsville Dam in Kentucky. One order is designated as preference rating order P-19a, serial No. 16-A; one is designated as preference rating order P-19a, serial No. 148-A; one is designated as preference rating order P-19-A, serial No. 5678-A; and the fourth is designated as preference rating order P-19a, serial No. 6898. These orders prohibit the continuation of certain construction at these dams, revoke priority on machinery, stop preference ratings on turbines, and the like.

In other words, the Board in these orders is undertaking to stop the work

which last January, as every Senator knows, was claimed on the floor of the Senate to be so necessary to the war effort.

Some time ago the newspapers carried stories that the Tennessee Valley Authority had stopped work on the dams on the Holston and Watauga Rivers in east Tennessee, on which dams a great deal of work had been done.

Mr. President, it was only the early part of this year when all these projects were considered absolutely necessary to the successful prosecution of the war effort. Indeed, one member of the Tennessee Valley Authority said that unless the Douglas Dam were built and made ready to furnish electricity this year, it was likely that the war effort would fail, and that the Germans would win. That shows how enthusiastic the Authority was over the building of these dams on which now they have stopped working.

I wonder what has happened in the meantime to change the situation. The construction of these once vital projects is being stopped. It is being stopped voluntarily by Mr. Lilienthal. As everyone knows, Mr. Lilienthal has his man Friday, J. E. Krug, in the War Production Board as chief engineer.

Mr. REED. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED. It occurs to the Senator from Kansas that possibly through the efforts of the senior Senator from Tennessee [Mr. McKELLAR] and the senior Senator from Kentucky [Mr. BARKLEY] the Tennessee River is now so full of dams that there is no room for building more dams.

Mr. McKELLAR. Mr. President, the Senator from Kansas is entirely mistaken. There is room for a number of additional dams, and they may be built.

With Krug, who never studied engineering in his life, as Manager of Power and also Chief Engineer of the War Production Board, it is easy to have such orders issued and placed in the Federal Register. Later I shall ask unanimous consent to have printed in the RECORD the orders to which I have referred for the information of Senators who may desire to read them.

Mr. REED. Mr. President, I am sure the Senator from Tennessee will permit me to say that I usually vote with him when he is trying to stop the building of dams on the Tennessee River. The only time I am in opposition to him is when he is trying to build more dams on the Tennessee River.

Mr. McKELLAR. I am quite sure that the able Senator from Kansas is correct in what he says. I believe that he agreed with me when I was opposed to the building of the Douglas Dam. I shall have a word to say on that subject in a moment or two.

Mr. REED. I did not want the able Senator from Tennessee to forget it.

Mr. McKELLAR. I have not forgotten it at all.

I am also informed, Mr. President, that the celebrated Douglas Dam, about which we heard so much last January, without which we were told the war could not be won, and which caused so much trouble and discussion early in this year and during the latter months of 1941, has been found to have large fissures or caves under it, one of them being 500 feet long and tall enough for a man to walk in. They are under this dam, the construction of which we were told was absolutely necessary to win the war.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY. I do not quite follow the able Senator from Tennessee in his statement.

Mr. McKELLAR. I am sorry that the Senator does not.

Mr. McNARY. I do not criticize the Senator at all, but I wonder if the discontinuance of the construction of the dam to which reference has been made is due to the lack of material and manpower, or to fissures and physical infirmities?

Mr. McKELLAR. Mr. President, I will say to the distinguished Senator from Oregon that no request has been made to stop work on the Douglas Dam, where there are fissures and physical infirmities, but the order has been given to stop all work on the good dams which would produce electricity, and which the Congress has authorized to be built.

That section of the country is of limestone formation, and such a condition as the one mentioned is not surprising. It shows conclusively, however, that proper borings and exploratory work were not done on the site before it was insisted the dam be placed there.

I am sure that Members of the Senate will recall the statement of Mr. Lilienthal that no other than the Douglas Dam could be built in time to save our country from losing the war. That was the substance of his testimony.

Mr. President, I now come to a subject which will interest the Senator from Kansas, although he seems to have left the Chamber. I am informed that there are 3,400 working daily on the Douglas Dam at $1 an hour. Most of them are trying to fill with concrete the caves which have been found under the dam.

I have brought this matter up because I fought so vigorously against construction of the dam at its present location, involving, as it does, the destruction of many fine farm properties on the French Broad River. It ought never to have been built. It was little short of a crime to have built it. Its construction was forced upon us. I am informed that many of the 3,400 men now working on the fissures and caves in the dam so as to make it possible for the dam to be completed were taken from the projects now being discontinued by the orders of the W. P. B.

Mr. President, I presume that the stopping of work on some of the other dams under consideration was to enable the authorities to concentrate all forces on the Douglas Dam in an effort to fill the caves under it with concrete.

I have not had time to have the situation examined, but I wish to assure the Senate that in January the Appropriations Committee will appoint a subcommittee to examine into the facts and report to the Senate and to the country.

I ask unanimous consent to have the four orders appearing on pages 9763, 9764, and 1965 of the Federal Register for November 24, 1942, printed in the RECORD as a part of my remarks.

There being no objection, the orders were ordered to be printed in the RECORD, as follows:

WAR PRODUCTION BOARD—TENNESSEE VALLEY AUTHORITY—REVOCATIONS OF PREFERENCE RATING

Preference Rating Order P–19a, serial No. 16–A, builder; Tennessee Valley Authority, Knoxville, Tenn.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber, and other materials used in construction, for defense, for private account, and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered:

1. Revocation of project ratings: Preference Rating Order P–19a, serial No. 16–A, heretofore issued and assigned under date of July 24, 1941, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked, insofar as it applies to the following-described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

In item 2 of serial 16–A, No. 4 steam turbine generator unit of Watts Bar steam plant rated 60,000 kilowatts together with boilers, auxiliaries, connections, equipment, and structures not necessary to deliver the power of unit No. 3 (which is to be completed) to the main transmission system.

In item 6 of serial 16–A, all additional hydrogenerating units after the first and second units as provided for and as amended and issued July 29, 1942, relating to item 6, Fort Loudon development and any connections, auxiliaries, equipment, or structures not necessary to deliver the power of units No. 1 and No. 2 to the main transmission system.

In item 7 of serial 16–A, all transmission facilities except those necessary to connect the hydrogenerating equipment provided for in items 1, 3, 4, and 5 of serial 16–A to the main transmission system.

2. Revocation of other ratings: All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. Effect of revocation: This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. Prohibition of construction: The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of 30 days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid

undue damage to or deterioration of materials.

5. Prohibition of deliveries of material: Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. Notice to suppliers: The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. Application for exception: The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. Effect on prior orders: This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. Communications: All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref: P-19, Washington, D. C.

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12250; filed, November 21, 1942; 12:21 p. m.]

Preference Rating Order P-19a, Serial No. 148-A, builder: Tennessee Valley Authority, Knoxville, Tennessee.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber, and other materials used in construction, for defense, for private account, and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered:

1. Revocation of project ratings: Preference Rating Order P-19a, serial No. 148-A, heretofore issued and assigned under date of August 6, 1941, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked, insofar as it applies to the following described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

(1) Hydro generating unit No. 4.

(2) Hydro generating unit No. 5.

(3) Parts of hydro unit No. 3 not embedded in the concrete structure and provided for in the amendment of serial No. 148-A issued August 3, 1942.

(4) Connections, auxiliaries, and structural parts not needed to deliver the power of units Nos. 1 and 2 to the load.

(5) That part of the transmission line not required for units Nos. 1 and 2.

2. Revocation of other ratings: All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. Effect of revocation: This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. Prohibition of construction: The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of 30 days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. Prohibition of deliveries of material: Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. Notice to suppliers: The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. Application for exception: The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. Effect on prior orders: This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. Communications: All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref: P-19, Washington, D. C.

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42—12249; filed November 21, 1942; 12:21 p. m.]

Preference Rating Order P-19-A, serial No. 5678A, builder: Tennessee Valley Authority, Knoxville, Tenn. Project: Defense project described and defined in Preference Rating Order P-19-A, serial No. 5678A.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber, and other materials used in construction for defense, for private account, and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered:

1. Revocation of ratings: Preference Rating Order P-19-A, serial No. 5678A, heretofore issued and assigned under date of February 21, 1942, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked. All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the above project described (hereinafter referred to as "the project").

2. Effect of revocation: This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. Prohibition of construction: The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of 30 days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. Prohibition of deliveries of material: Neither the builder nor any supplier, shall deliver or accept delivery of any further materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. Reports: The builder shall file with the War Production Board, Materials Redistribution Branch, such reports as may be required by the Director General for Operations.

6. Notice to suppliers: The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. Application for exception: The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked. Applications for exception under this paragraph shall be addressed to the War Production Board, Ref. P-19, Washington, D. C.

8. Effect on prior orders: This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. Communications. Communications concerning this revocation shall be addressed to the War Production Board, Ref. P-19, Washington, D. C.

Issued November 21, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12248; filed, November 21, 1942; 12:21 p. m.]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 61 of the Petroleum Coordinator for War.

I hereby approve said recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 20, 1942.

[F. R. Doc. 42-12282; Filed November 23, 1942; 11:14 a. m.]

Preference Rating Order P-19a, serial No. 6898, builder: Tennessee Valley Authority, Knoxville, Tenn.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber, and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

It is therefore ordered:

1. Revocation of project ratings: Preference Rating Order P-19a, serial No. 6898, heretofore issued and assigned under date of February 9, 1942, to deliveries to the above-named builder, and to deliveries to his suppliers, is hereby revoked, insofar as it applies to the following-described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

(1) All additional hydrogenerating units after the first and second units provided for in serial No. 6898 as amended July 30, 1942.

(2) All connections, auxiliaries, equipment, and structures not required to deliver the power generated by units No. 1 and No. 2 to the main transmission system.

2. Revocation of other ratings: All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. Effect of revocation: This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. Prohibition of construction: The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of 30 days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. Prohibition of deliveries of material: Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. Notice to suppliers: The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. Application for exception: The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. Effect on prior orders: This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. Communications: All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref.: P-19, Washington, D. C.

(P. D. Reg. 1, as amended, 6 F. R. 6680; W. P. B. Reg. 1, 7 F. R. 561; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12287; filed, November 23, 1942; 11:39 a. m.]

Mr. McKELLAR. I also ask unanimous consent to have printed in the RECORD as a part of my remarks an Associated Press news article on this subject which recently appeared in this Memphis Commercial Appeal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TENNESSEE VALLEY AUTHORITY PRIORITY RATINGS ARE REVOKED BY WAR PRODUCTION BOARD—FIVE POWER GENERATING UNITS INVOLVED IN STOPPAGE

WASHINGTON, November 23.—The War Production Board revoked Monday priority ratings which had been granted the Tennessee Valley Authority for construction and installation of 5 power-generating units at 3 locations having a total capacity of 190,700 kilowatts.

The units had been scheduled for completion in 1944.

War Production Board said the work stoppage was in line with its policy of curtailing the flow of critical materials to construction projects.

The projects ordered stopped were: Hydrogenerating Nos. 3, 4, and 5, each with a capacity of 32,000 kilowatts, at Kentucky Dam on the Tennessee River near Paducah, Ky. Units Nos. 1 and 2 at the same dam are not affected, and are scheduled for completion in 1943.

Steam turbine generating unit No. 4 of 60,000 kilowatt capacity at the Watts Bar steam plant in east Tennessee. Units Nos. 1 and 2 are already in operation, and No. 3 is scheduled for completion in 1943.

Hydro-generating unit No. 3 of 66,700 kilowatt capacity at the Fontana Dam on the Little Tennessee River in North Carolina. Units Nos. 1 and 2 are not affected.

Mr. GEORGE. Mr. President, I wish to make a few observations with reference to the statement just made by the distinguished senior Senator from Tennessee.

I know nothing of any controversy existing between the officials of any public projects to which the distinguished Senator from Tennessee has referred. If such controversy does exist, and if it has resulted in abandonment of work upon certain public projects it is, of course, most regrettable. However, Mr. President, I believe this much should be said: Some time ago the Chairman of the War Production Board announced that work would have to be suspended upon many private and public projects for the sole purpose of conserving strategic materials which were badly needed by the War Department, the Navy Department, and the Maritime Commission. So far as I know, that was the dominant and controlling motive of the War Production Board in placing stop orders on certain public projects throughout the country, as well as on many private projects.

If it appears that there is unseemly controversy between the proponents of various projects for permission to be allowed to complete the projects, one being preferred over another, it is most regrettable. Such controversy is highly reprehensible, and the situation should be immediately corrected. If, however, there is necessity for the conservation of strategic materials and manpower in order to carry on the war, I believe the Senator from Tennessee appreciates the necessity for the orders to which he has referred. So far as private projects are concerned, many of us have been affected by the restrictions imposed by the War Production Board.

Mr. McKELLAR. Mr. President, as usual, the Senator from Georgia is entirely correct. We all realize that strategic materials should be conserved. There is no doubt about it. However, in the effort to conserve, a newer dam has been selected, one which is almost impossible of successful construction. It is to be continued, while the construction of at least three other dams—older in point of time of construction, and designed to furnish more electric power for the use of the Nation in the war effort—is being stopped. The preferred project, which seems to have a divine immunity about it, is being carried on. That is the only point I wish to make.

Of course, if it is in the interest of the war effort to discontinue construction of dams, it ought to be stopped in a proper way. I am sure we all realize that. No one wants to interfere in the slightest degree with the war effort; but in making these peculiar distinctions we certainly ought to stop the right ones.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. STEWART. Does the Senator have any information as to whether the steel necessary to complete the dams upon which construction has been discontinued has been fabricated?

Mr. McKELLAR. I so understand. My information is not of the highest kind, but that is my information.

Mr. STEWART. The Senator did not refer to the middle Tennessee situation. In middle Tennessee there are two other dams on which construction has been discontinued. One is on the Cumberland River at about the Kentucky line, and the other is on the Caney Fork, a tributary of the Cumberland River, in the middle portion of Tennessee.

My information—and I think it is very accurate or I should not state it—is that every single, solitary piece of steel and everything else necessary to go into the construction of the dam—and I refer to the dam on the Caney Fork, a tributary of the Cumberland—not only has been fabricated and constructed but is actually on the ground and premises where the dam is being built. These dams, however, are not under T. V. A. supervision.

Mr. McKELLAR. Mr. President, my information is exactly in accordance with that of the junior Senator from Tenneseee. Of course, if the steel is

fabricated it can be used as scrap. It would cost the people and the Government an immense amount of money, but it can be scrapped. The project does not fall under the beneficent influence of one David E. Lilienthal. If it had fallen under his kindly eye or under his influence it never would have been stopped. He stops what he pleases, because he has an independent organization down there with $800,000,000 of Government money, and up to date we have had no report on it for the last 9 years.

TWENTY-FOURTH ANNIVERSARY OF UNION OF YUGOSLAV PEOPLES

Mr. CONNALLY. Mr. President, tomorrow, December 1, will be the twenty-fourth anniversary of the union of the Yugoslav peoples. In view of the anticipation that the Senate will not be in session tomorrow, I desire to submit some remarks at this time with regard to one of our Allies.

December 1, the twenty-fourth anniversary of the union of Yugoslav peoples, is Yugoslavia's greatest national holiday, often called Unity Day.

Therefore it is fitting that we should pause for a moment to pay tribute to the heroic people of Yugoslavia whose bravery will live on in song and story so long as human courage and self-sacrifice continue to appeal to freemen everywhere.

When, in the latter part of March 1941, the Nazi hordes surrounded Yugoslavia on every frontier and the "bad man" of Europe demanded that the German machine be allowed to roll through the country to crush gallant little Greece and, thus, extricate Mussolini from the dire consequence of folly, the Yugoslav people rose, overthrew an appeasement government and defied Hitler.

We remember very vividly how we thrilled to the news of that desperate, one could almost say reckless, defiance of the military power which had swept over Europe.

Yugoslavia, built by heroes, refused to sell her soul. The weak regime of the regency was ended. Young King Peter II ascended the throne surrounded by a grim group of soldiers and a cheering, singing populace. Yugoslavia had regained her soul.

The new government repudiated the agreement which the regime of appeasers had concluded with the Nazis and rather than bend the knee to Hitler, the gallant Yugoslavs decided to fight even against what seemed to be hopeless odds.

The mechanized German armies overran Yugoslavia, and the principal cities of the country were bombed almost out of existence. The ordinary type of resistance crumbled rather quickly, but the will to resist did not crumble among this people that have been noted through history as remarkable fighters.

Yugoslavia was partitioned and torn asunder by German, Italian, Bulgarian, and Hungarian forces. Some strips have been sliced off the country almost all along its borders and the remainder was divided into small vassal states.

One of these small states, the so-called independent State of Croatia, is blighted with a despicable regime of criminals—the puppet regime of Dr. Ánte Pávelitch, the Croatian Quisling, whose terrorist organization called Ustashi, it will be recalled, had planned and executed the murder the late King Alexander.

Pávelitch and Mussolini hope to turn Croatia into an Italian puppet state and to establish the Italian Duke of Spoléto on a puppet Croatian throne. But the Italian Prince, fearful of losing his life, has been staying on an island in the Adriatic Sea, off the Croatian coast, hoping against the time when some order might be enforced in his kingdom.

Yes, Yugoslavia paid dearly for its refusal to submit. Hitler visited a terrible revenge upon the defenseless population.

But the Nazi victory was only on the surface, and 20 months after the event we find the torch of liberty still burning brightly in the mountains of Yugoslavia and kindling sparks throughout the conquered countries. The Yugoslavs are still in arms, still undaunted and still in a position to offer substantial resistance to the Nazi conquerors. Yugoslavia is still fighting, with her soul stronger from the trial.

The legal entity of Yugoslavia is being continued by her lawful King and Government. Five months ago the Senate of the United States had the pleasure of welcoming in its midst the youthful King Peter, of Yugoslavia, whose bright smile and boyish geniality cloak a saddened but courageous heart. His Majesty was accompanied by the distinguished Foreign Minister of Yugoslavia, Dr. Mumcílo Nínchich, and the very capable Yugoslav Ambassador, Constantin Fotitch.

King Peter is the living symbol of the Yugoslav people. His only concern is the liberation and welfare of his people. Said the youthful monarch on his memorable visit to the Senate:

> We shall judge our citizens not by their political views, not by their racial or religious affiliations, but by their conduct in this present struggle. Whoever fought with us shall share with us in the blessings of victory.

The hills of all Serbia, Bosnia, and Montenegro today resound with a fighting spirit which is unconquerable.

Gen. Drája Mikhaílovitch, the commander of the Yugoslav patriots, has become a legendary hero. Entrenched in the heart of his mountains, he has built up an army of more than 150,000 patriots pledged to die with him rather than surrender.

These patriots are fighting fiercely and effectively in the villages and the craggy fortresses of their black mountains. They resort to fighting techniques that are second nature with the Balkan peoples.

According to reports, groups of 50 to 100 patriots strike without warning at enemy communications or concentrations. Such blows are usually delivered after darkness has fallen, and, long before the element of surprise has worn off, the attackers have vanished into the hills or mountains in order to prepare for the next foray. They tear up railroad lines, disrupt the shipment of oil from Rumania up the Danube River, attack Nazi-Fascist garrisons and even raid Italian territory.

It is reported that General Mikhaílovitch has fairly complete control over a considerable area of the old Serbian portion of the country. His desperate need for supplies has been partly met by raiding the convenient Italians. The value he places on the Italian divisions in Yugoslavia appears from rates quoted on a sort of barter of prisoners for gasoline. Mikhaílovitch will trade one Italian prisoner for one can of gasoline, one colonel for 50 cans.

In an effort to terrorize the Yugoslav people into submission, the Nazis and Fascists are using the now familiar formulas for dealing with those who resist them, including starvation, exile, concentration camps, torture, and death. They have even resorted to wholesale slaughter of innocent women and children, and burning of entire villages, but they have failed to daunt these fearless patriots.

The Yugoslavs are not easily intimidated. They know that if they submit because of the fear of wholesale executions they will be doomed to a craven way of life.

So, for 20 months these indomitable patriots have been fighting what most military experts would pronounce, no doubt, a hopeless battle. Nevertheless, they keep on fighting, performing miracles of valor and suffering unbelievable hardships.

Already these gallant Yugoslav patriots have become so menacing to their enemies that the Germans and Italians have been forced to keep some 23 divisions away from the Russian and African fronts in order to protect themselves in what was once Yugoslavia.

Moreover, Yugoslav resistance in April 1941 threw the Nazi timetable askew. Many persons do not realize how critical to Hitler was the delay of some weeks caused by this disruption of his Yugoslav and Greek timetable. Some authorities think it was the turning point in the subsequent campaign against Russia, since it delayed the German invasion of the Soviet Union by at least 2 months, brought the Russian winter's searing cold into the battle picture, and stopped the German drive short of Moscow. Had Yugoslavia and Greece fallen voluntarily into Hitler's lap like the proverbial ripe plums—say like Rumania and Bulgaria—the Russian Army might be fighting today with its back to the Urals, instead of counterattacking gloriously in the Stalingrad sector and pushing toward Rostov.

These, Mr. President, are the invaluable services of Yugoslavia to the cause of freedom.

Undoubtedly, the occupation of northwestern Africa by the American troops and the brilliant United Nations victory in Libya have given much courage and hope to the brave Yugoslavs.

The brave land of the Serbs, Croats, and Slovenes will soon be freed from the grip of the brutal oppressors. Ere long Belgrade and the other ruined cities of Yugoslavia and other ravaged nations will rise again in a free world—a world of the "four freedoms."

When that day comes the name of Drája Mikhaílovitch and his brave pa-

triots will stand high on the list of those who dared that man should be free.

REPORTS OF COMMITTEES

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The Senate is still proceeding in the morning hour. Reports of committees are in order.

The following report of the Committee on Irrigation and Reclamation was submitted:

By MR. CHAVEZ:

S. 2904. A bill to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes; with amendments (Rept. No. 1763).

EXECUTION OF OBLIGATIONS UNDER CERTAIN TREATIES WITH PANAMA—VIEWS OF MINORITY OF COMMITTEE ON FOREIGN RELATIONS

Mr. NYE, pursuant to leave heretofore granted, submitted the views of a minority of the Committee on Foreign Relations on the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936, with Panama and other commitments, which were ordered to be printed as part 2 of Report No. 1720.

CONTINUANCE OF INVESTIGATION RELATING TO INDUSTRIAL AND SYNTHETIC ALCOHOL AND SYNTHETIC RUBBER

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, with an amendment, Senate Resolution 318, submitted by the Senator from Iowa [Mr. GILLETTE] for the Senator from South Carolina [Mr. SMITH] on November 25, 1942, authorizing continuance of the investigation relating to industrial and synthetic alcohol and synthetic rubber, and ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendment was, on page 1, line 8, after the word "by", to strike out "$5,000" and insert in lieu thereof "$3,000", so as to make the resolution read:

Resolved, That the authority of the Senate Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, under Senate Resolution 224, Seventy-seventh Congress, agreed to March 5, 1942 (providing for an investigation with respect to industrial alcohol, synthetic alcohol, and synthetic rubber), is hereby continued during the Seventy-eighth Congress; and the limit of expenditures under such resolution is hereby increased by $3,000.

The amendment was agreed to.

The resolution, as amended, was agreed to.

MANUFACTURE AND DISTRIBUTION OF NARCOTIC DRUGS

Mr. GEORGE. From the Committee on Finance I report back favorably, with certain amendments, the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, and I submit a report (No. 1764) thereon.

Mr. President, the bill recently passed the House of Representatives unanimously, and I should like to ask to have it considered by the Senate at this time, because three or four important amendments have been recommended by the Senate committee, and the bill must go back to the House for concurrence in the amendments, if the House desires to accept them.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. MCNARY. Mr. President, I do not think I have any objection; little as I know about the bill, I think I favor its passage, but, before consent is given, I should like to have a brief summary of the bill.

Mr. GEORGE. Mr. President, I shall be very glad to explain the bill.

Under the international opium convention of 1912 the Government of the United States, along with some 59 or 60 other world powers, entered into an agreement to suppress the abuse of narcotic drugs, their manufacture and distribution. By subsequent agreement made between the United States and other countries further steps were taken to control the manufacture of narcotics and also to control the distribution of narcotic drugs.

Heretofore the United States has secured the greater part of this drug necessary for medicinal and scientific needs, from the Near East. The war, of course, has broken up that arrangement; and recently in our country the growth of the poppy seed has been undertaken in certain of the States. This bill merely undertakes to control and regulate the production of the poppy in this country. When it is necessary to increase production, as is the case at the present time, for war needs over and above the trickle of imports which may now be coming in and over and above the production in this country, which, of course, is outlawed, the bill provides for this scheme: The Secretary of the Treasury is given authority to license the production of the poppy in this country, and, if the amount of the drug that is obtainable both from imports and from the licensees is inadequate, the Secretary is authorized, through the Department of Agriculture, to produce or to grow poppies for necessary medical and scientific purposes.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LANGER. Is it contemplated by the bill that a farmer's wife, for example, could not raise poppies in her garden?

Mr. GEORGE. No; such a provision was in the Senate bill, but it was eliminated by the House bill. The production of poppies for ornamental and other purposes of that kind was eliminated by the House bill; but it might be necessary for anyone who wished to produce poppies for the seed to have a license from the Secretary of the Treasury. First, the Secretary of the Treasury is to grant licenses, and if the licensees do not produce enough, then the Secretary of the Treasury himself, through the Agricultural Department, may produce the poppy for medical and scientific purposes.

Mr. LANGER. Then, as I understand, if a lady wanted to have poppy flowers she would not be required to have a permit to grow them?

Mr. GEORGE. No, I do not think so; that is not contemplated.

The Finance Committee gave consideration to this bill and adopted certain amendments. The first amendment is on page 6, in line 11, of the bill, where it is proposed to strike out the period and add the following:

Provided, however, That nothing contained in this act shall be construed as requiring the Secretary of the Treasury to issue or renew any license or licenses under the provisions of this act.

The purpose of the committee was to prevent the vesting of any interest in the producers of poppies in this country so that they might set up a claim in court to compel the Secretary to issue licenses.

Generally there is no desire to produce in this country the poppies from which narcotic drugs are obtained. We wish to obtain them through importation. But in this war period it is necessary, bot' for the purpose of controlling the existing growth, and for the purpose of increasing the supply of narcotic drugs, to issue licenses. That was the whole purpose of the committee in offering the amendment.

On page 9, line 3, of the bill, the committee proposes to strike out the word "require", and to insert the words "will not be met by importation or licensed production." That is to say, the Government itself will not go into the production unless it is necessary to do so, because we cannot supply our needs through imports or through operations of licensed producers.

Then, since the bill itself sets out very fully all the restrictions and provides for penalties, it was deemed wise by the committee to strike out lines 15 and 16, on page 10, as follows, "or knowingly violates any regulation made, prescribed, and published hereunder."

It was the opinion of the committee that it was wholly unnecessary, in this bill, since it goes into great detail, to vest in the department the authority to make regulations and rules the violation of which would subject the citizen to imprisonment and to heavy penalty.

Mr. President, I now beg leave to submit the report from the committee, which I may say was unanimous after these amendments were agreed to, and I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. The report will be received. Is there objection to the request of the Senator from Georgia for the immediate consideration of the bill?

Mr. McNARY. In view of the very lucid statement of the able Senator, I have no objection.

There being no objection, the Senate proceeded to consider the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, which had been reported from the Committee on Finance with amendments.

THE PRESIDING OFFICER. The clerk will state the amendments of the committee.

The LEGISLATIVE CLERK. The first amendment was, on page 6, line 11, to strike out the period and add a colon and the following proviso: "*Provided, however*, That nothing contained in this act shall be construed as requiring the Secretary of the Treasury to issue or renew any license or licenses under the provisions of this act."

The amendment was agreed to.

The next amendment was, on page 9, line 3, to strike out the word "require" and to insert "will not be met by importation or licensed production."

The amendment was agreed to.

The next amendment was, on page 10, lines 15 and 16, to strike out "or knowingly violates any regulation made, prescribed, and published hereunder."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H. R. 7568 was read the third time and passed.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 25, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in active service, during the World War;

S. 2723. An act to amend the Pay Readjustment Act of 1942; and

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY:

S. 2909. A bill to provide for suspending the enforcement of certain obligations against the operators of lode or placer mines who are forced to cease operations because of the war; for the relief of owners of gold mines required to suspend operations by reason of restrictions arising from the war effort; and for the suspension of assessment work on lode and placer claims for the duration of the war because of the shortage of manpower and materials; to the Committee on Mines and Mining.

By Mr. CHAVEZ:

S. 2910. A bill for the relief of substitutes in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. AUSTIN (for Mr. BARBOUR):

S. 2911. A bill to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States to administer oaths in certain cases; and

S. 2912. A bill to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States in certain cases; to the Committee on the Judiciary.

By Mr. BARKLEY (for Mr. MEAD):

S. 2913. A bill to provide wartime compensation for employees of the Federal Government, and for other purposes; to the Committee on Civil Service.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," was read twice by its title and referred to the Committee on the Judiciary.

ASSISTANT CLERK, COMMITTEE ON FOREIGN RELATIONS

Mr. CONNALLY submitted the following resolution (S. Res. 321), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 172, agreed to October 9, 1941, authorizing the Committee on Foreign Relations to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $3,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

INFORMATION RELATIVE TO EMPLOYEES RECEIVING SALARIES OF $3,000 OR OVER IN CERTAIN AGENCIES

Mr. McKELLAR submitted the following resolution (S. Res. 322), which was ordered to lie on the table:

Resolved, That the War Production Board, the Office of Price Administration, the Office of Rubber Administrator, and the Office of Petroleum Coordinator are requested to transmit to the Secretary of the Senate, at the beginning of the Seventy-eighth Congress, first session, the following information:

The names of all persons in said bureaus who draw a salary of $3,000 per annum or over, stating the title assigned to each of said individuals; also salaries of each;

Age of said person, in said positions;

Education of said persons, in said positions;

Business or professional affiliation during the 5 years immediately preceding employment in said bureau; and

Date of employment of said persons.

THE BATTLE AGAINST DISEASE—ADDRESS BY THE VICE PRESIDENT

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address entitled "The Battle Against Disease," delivered by the Vice President on the occasion of the dedication of the Chicago Intensive Treatment Center at Chicago, Ill., on November 9, 1942, which appears in the Appendix.]

PRIME MINISTER CHURCHILL'S VICTORY SPEECH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the Hon. Winston Churchill, on Sunday, November 29, 1942, which appears in the Appendix.]

WAGE STABILIZATION PROGRAM

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a joint radio address delivered November 25, 1942, by William H. Davis, Chairman of the National War Labor Board and L. Metcalfe Walling, Administrator of Wage and Hour and Public Contracts Division, Department of Labor, describing the operation of the wage-stabilization program, which appears in the Appendix.]

ARTICLE ON ARMY SERVICE BY PRIVATE MACON REED

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "Inside, Looking Out," by Private Macon Reed, published in This Week magazine of November 29, 1942, which appears in the Appendix.]

INDIANS AS SOLDIERS—ARTICLE BY JACK DURANT

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an article entitled "Indian Called Best Soldier in the Army," written by Jack Durant and published in the Washington Star of November 29, 1942, which appears in the Appendix.]

CIVILIAN GOVERNMENT EMPLOYEES—ANTI-POLL-TAX BILL—EDITORIALS FROM HOPE (ARK.) STAR

[Mr. SPENCER asked and obtained leave to have printed in the RECORD two editorials published in the Hope (Ark.) Star, one dealing with the number of civilian Government employees, and the other with the anti-poll-tax bill, which appear in the Appendix.]

SMALL BUSINESS AND GOVERNMENTAL REGULATIONS

[Mr. BILBO asked and obtained leave to have printed in the RECORD a letter from D. P. Cameron, on behalf of the Merchants Co., of Hattiesburg, Miss., relating to the effect of rationing regulations on small business, which appears in the Appendix.]

INSURANCE AND THE FEDERAL INVESTIGATION—ARTICLE

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article on the subject Insurance and the Federal Investigation, written by Milton W. Harrison and published in the Savings Bank Journal for November 1942, which appears in the Appendix.]

INFAMOUS PRELUDE TO PEARL HARBOR—ARTICLE BY ARTHUR KROCK

[Mr. BYRD asked and obtained leave to have printed in the RECORD a portion of an article by Arthur Krock on the subject Infamous Prelude to Pearl Harbor, published in the November 6, 1942, issue of the New York Times Magazine, which appears in the Appendix.]

TO WASHINGTON: AN E FOR INEFFICIENCY—ARTICLE BY JERRY KLUTTZ

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article entitled "To Washington: An E for Inefficiency," written by Jerry Kluttz and published in the November 1942 issue of the Reader's Digest, which appears in the Appendix.]

PURCHASE OF FIGHTER PLANE BY THE LOYALTY COMMITTEE

[Mr. AUSTIN, on behalf of Mr. BARBOUR, asked and obtained leave to have printed in the RECORD a recital of the presentation by the Loyalty Committee of a check for $48,500 for the purchase of a fighter plane to be named *Loyalty*, which appears in the Appendix.]

CHIEFS OF STAFF JOINTLY PLAN UNITED STATES OPERATIONS—ARTICLE BY GLEN PERRY

[Mr. AUSTIN, on behalf of Mr. BARBOUR, asked and obtained leave to have printed in the RECORD an article entitled "Chiefs of Staff Jointly Plan United States Operations" written by Mr. Glen Perry, Washington correspondent of the New York Sun, which appears in the Appendix.]

THE BILL TO SUBSIDIZE EDUCATION—EDITORIAL FROM THE HARTFORD (CONN.) COURANT

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial entitled "The Bill To Subsidize Education," published in the November 24, 1942, issue of the Hartford Courant, which appears in the Appendix.]

RESULTS OF THE RECENT ELECTION—REVIEW BY WALTER E. HELMKE

[Mr. WILLIS asked and obtained leave to have printed in the RECORD a review by Walter E. Helmke, chairman of the Republican Committee of Allen County, Ind., on the subject of results of the recent election, which appears in the Appendix.]

UTILIZATION OF GOVERNMENT SUPPLIES AND EQUIPMENT (H. DOC. NO. 890)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read by the legislative clerk, referred to the Committee on Appropriations, and ordered to be printed:

To the Congress of the United States:

Under our system of direct appropriations by Congress to operating agencies for specific purposes, each executive agency proceeds quite independently to acquire and utilize the materials, supplies, equipment, and other property which it deems necessary for the purposes of each appropriation. Both the Bureau of the Budget in preparing the annual budget and supplemental or deficiency estimates of appropriation, and the Congress in appropriating funds, must consider the needs for such items on the basis of the individual appropriation and function to be performed. The legislative branch quite properly insists that the cash and equivalents made available in an appropriation to the executive branch shall be used exclusively for the specific purposes of the appropriation. I recognize fully that unless the integrity of our appropriation structure is so maintained our entire budgeting and appropriating systems would be nullified.

On the other hand, I find that with respect to operating materials, supplies, equipment, and other property, existing limitations, or, perhaps more accurately, lack of affirmative legislation, unnecessarily handicap efficient management. Standards of supply and equipment stocking and utilization exist only here and there throughout the executive branch and are quite uncoordinated. Excessive stocks, inefficient utilization, lack of fluidity of use among kindred action programs, and waste in other forms are all too apparent.

Only to the extent that property is found to be "surplus" to the needs and purposes of the appropriation under which it was acquired can it be made effectively available for other uses. In Executive Order No. 9235, of August 31, 1942, I provided, as far as appeared possible under existing law, for an over-all executive control of "surplus" supplies and equipment. New legislation is necessary, however, to provide for such a measure of control of the vast quantities and wide variety of supplies and equipment in the possession of our executive departments and establishments as will insure their complete mobilization for war, and also provide that degree of fluidity of use which is essential to efficient peacetime management.

As an example of the need for this legislation in the interest of the successful prosecution of the war, there is an urgent demand on the part of certain war industries for air-conditioning equipment, which need could be met in considerable part by utilizing for this purpose equipment now in Government buildings.

I, therefore, recommend early consideration by the Congress of legislation, in amendment of the Budget and Accounting Act of 1921, which will promote a more effective utilization of Government supplies and equipment both during and after the war.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 30, 1942.*

RETIRED PAY FOR JUDGES OF THE POLICE AND MUNICIPAL COURTS OF THE DISTRICT—VETO MESSAGE (S. DOC. NO. 290)

The PRESIDING OFFICER also laid before the Senate the following veto message from the President of the United States, which was read by the Chief Clerk, and, with the accompanying bill, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 2503, a bill to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia.

The bill provides that any person not less than 70 years of age who has heretofore served for at least 12 years as a judge of the police court or the municipal court of the District of Columbia and who is no longer serving as a judge of any court of the United States or the District of Columbia shall be entitled to retirement pay during the remainder of his life at an annual rate equal to the product obtained by multiplying the number of years, not in excess of 30, such person served as a judge by one-thirtieth of his annual salary immediately prior to the time he ceased to serve.

The Congress has recently enacted, and on July 1, 1942, I approved, a bill consolidating the police court and the municipal court of the District of Columbia and creating a Municipal Court of Appeals for the District of Columbia. Under this law any judge of the consolidated court, the Municipal Court of Appeals, or the Juvenile Court, may retire after 20 years of service at an annual rate of pay equal to such proportion of the salary received by such judge at the date of retirement as the total of his aggregate years of service bears to the period of 30 years.

Approval of the bill under consideration would provide retirement benefits similar to those contained in the act of July 1, 1942, but without the requirement of a minimum of 20 years' service. Moreover, the granting of a retirement status as proposed by the bill for service previously rendered by judges not now in the service would establish an undesirable precedent whereby other judges who in the future may not render such service as would qualify them for retirement, would urge the enactment of special legislation on their behalf.

Accordingly, and in concurrence with the recommendation of the Board of Commissioners of the District of Columbia, I am withholding my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 30, 1942.*

EXTENSION OF CENSORSHIP AUTHORITY OVER COMMUNICATIONS BETWEEN CONTINENTAL UNITED STATES AND TERRITORIES AND POSSESSIONS—MOTION TO RECONSIDER

Mr. DANAHER. Mr. President, I wish to enter a motion to reconsider the vote by which on Friday last the bill (H. R. 7151) to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession, was ordered to a third reading and passed.

The PRESIDING OFFICER. The motion will be received and entered.

Mr. DANAHER. And Mr. President, I ask that the Senate make request of the House that the bill be returned to the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none; and, without objection, it is so ordered.

Mr. DANAHER. Mr. President, I should like the RECORD to show simply that I am acting in this behalf at the request and by vote of the Committee on the Judiciary.

The PRESIDING OFFICER. The RECORD will so show.

GASOLINE AND FUEL-OIL RATIONING

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter received by me from Mr. Al. Gilbertson, manager of the McLaughlin Oil Co., Inc., of Enderlin, N. Dak., on the subject of gasoline and fuel-oil rationing.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MCLAUGHLIN OIL CO., INC.,
Enderlin, N. Dak., October 23, 1942.

Senator WILLIAM LANGER,
Washington, D. C.

DEAR SENATOR: Thank you for your wire and letter in response to my wire to you regarding rationing.

Think you down there should know more of the details of the confusion that exists

around the country. I operate a small business selling gasoline and fuel oil and other petroleum products. For the last month and a half have spent all my time in trying to keep up with the different orders and regulations; the last 3 weeks have hired a secretary to help, but we still cannot see our way clear to keep up with all the red tape and answer all the questions that the public, in the state of confusion they are, are asking. They have no place to go to get this information, so they come to us. In 1 day alone we had 200 people in here for information, and the sorry part of it is that on many questions nobody can tell us the answers and others are so complicated that, study all we want, the answer is beyond us.

In my small business here I have been working 14 to 18 hours a day, besides hiring help, and still I do not get any time to take care of my own business. After this program goes into effect I estimate it will cost me at least $200 per month to take care of this program. This will insure that I must lose money for the duration of the program, and my only hope is that something will be done before myself and many others like me must go out of business, and we really are giving a necessary service, but we can only take a loss so long. It would be the biggest relief to get out of this business right now and get into the service, where I was the last war, but when you owe thousands of dollars this is impossible until we are forced out the hard way.

The public is up against the same thing; they do not know what is expected of them or how to comply if they are told, as the whole set-up on both fuel oil and gasoline is too complicated and incomplete to be put in force at the present time. Many truck owners have not received their application blanks for certificate of war necessity; very few have received their certificates. The rationing boards ran short on supplemental and nonhighway blanks and nobody knows when the farmers will get them; nobody knows when they can get them filled out, as there is no set-up to help them fill them in.

My guess is that the confusion amongst the people will not be cleared up for 3 months and not even then unless the Government puts men in the field to give individual instructions and hunt up the people that still don't know what it is all about.

If this letter does not bring out the points I wished to express in the proper way please blame it to long hours of work with hardly time to eat and a conscientious worry about wanting to do everything possible to win the war as all patriotic American citizens wish to do.

And the sorry part of it is that the petroleum industry, dealer, and jobber organizations have figures to show that prove beyond a doubt to me that in these Northwest States at least the rationing of gasoline, fuel oil, and kerosene is not necessary. Then why not as long as the program is not complete and in a state of confusion, why not give the 3 months' extension asked for? It would keep a lot of us in business a few months longer. Not because of the amount of business done during those months but because of money saved in trying to live up to all regulations. We here know that the people are rationing themselves and have been for some time, they are taking care of their tires because they know it is necessary. No wonder they are confused when it took the farmers here with trained voluntary help from 2 to 5 hours to make out their applications for certificate of war necessity.

Why should it be necessary for the great majority of the people in the rural communities to work 70 to 90 hours a week when the high salaried munitions worker gets big pay for 40 hours a week with no worries and these same short hours in munitions factories holding up production of the equipment our boys need to fight with sometimes around the clock and how many of our boys are going to lose their lives because of shortage of equipment caused by these short hours. Is this social program more important than winning this war and saving as many of our boys' lives as possible?

Dear Senator, I have written this letter in order to let you know a few things we are up against and what a great many people have on their minds. Could go on for pages but hope you can use some of this information.

Sincerely yours,

AL. GILBERTSON.

UNUSED GRANARIES

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from Mr. Sam W. Robertson, of the Robertson Lumber Co., of Minneapolis, Minn., dealing with the question of unused granaries in the Northwest. The letter was published in the Grand Forks (N. Dak.) Herald of November 26, 1942.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To Herald Mail Bag:

Our attention has been called to an editorial that appeared in your paper a few days ago headed: "Unneeded granaries are being built."

It might be an interesting fact for you to know that we have just checked up in the towns in which we operate. We operate in 21 towns in North Dakota and we have 7 towns in Minnesota that are in the grain district. In these 28 towns by actual count, we have found a total of 634 empty granaries that have been built by the Government this summer. We think, also, that you will find that the average storage capacity of each granary is better than 2,000 bushels.

In spite of this oversupply, the Government is still letting contracts for granaries and giving the contractors a very high priority for the purchase of lumber.

While this goes on, the retail lumber dealer is not permitted to purchase any lumber whatsoever and the lumber he handles is very much in demand at the present time for upkeep and maintenance on the farms.

ROBERTSON LUMBER CO.,
SAM W. ROBERTSON.

MINNEAPOLIS, MINN.

PRINTING IN PERMANENT RECORD OF SUMMARY ON STABILIZATION OF COST OF LIVING BILL

Mr. McNARY. Mr. President, I think it appropriate that I make a brief statement concerning a matter which is found on page 8698 of the CONGRESSIONAL RECORD of Monday, November 2, wherein it is shown that I stated:

I desire to say a few words with reference to the proceedings of the Senate in connection with a conference report * * *.

On October 2 the able Senator from Michigan (Mr. BROWN) discussed the conference report on the so-called price-control bill. Subsequently, in the days following, controversy ensued as to whether a summary describing the conference report and the contents thereof was authentic.

Mr. President, on that day I asked for a continuation of 30 days in the printing of the permanent RECORD. This is the last day that is left under the order of the Senate made based upon my request.

The record to which reference was made is to be found on page 7972 of the daily CONGRESSIONAL RECORD of October 2, wherein a long summary appears as a part of the remarks of the able Senator from Michigan [Mr. BROWN]. This is in type which would indicate it was part of the speech, whereas, as a matter of fact, it was inserted in the RECORD following the delivery of the speech. I have no objection to that, if it is identified, not as a part of the Senator's remarks, but as the product, probably, of another, who has certain definite views concerning the construction to be placed upon the price-control measure.

I understand that the Senator from Michigan has requested that there be correction of the permanent RECORD so that the summary submitted by him, probably prepared and analyzed by another, shall be in small print, following the rule of the Senate, therefore distinguishing it from the remarks the Senator made on the floor, no opportunity being given for debate or cross-examination, which might have developed into colloquy, concerning the insertion.

The Committee on Agriculture and Forestry met this morning and considered this matter, and I may say the members of the committee were unanimously opposed to the construction placed upon the act by the Senator from Michigan [Mr. BROWN]. In that connection, doubtless the summary was not prepared by the Senator from Michigan, because on page 7973 of the daily RECORD it appears from the memorandum that it was an instruction for the Senator from Michigan to follow, rather than his own interpretation, since the following appears:

In order to remove any doubt concerning the interpretation of the Taft amendment, a colloquy is suggested when the conference report reaches the floor, bringing out these points.

That would indicate that the Senator from Michigan did not prepare this summary, but that it was prepared by another. It embraced not only an analysis of the act, conformable, of course, to the views of the one who prepared the memorandum, but it also contained an instruction to the Senator from Michigan to make some inquiry when the amendment of the Senator from Ohio [Mr. TAFT] was proposed.

I make this statement in fairness to the RECORD and to my request. I am not criticizing the able Senator from Michigan, because doubtless after concluding his remarks he had some manuscript—and where he obtained it was a matter which rested wholly within his own disposal—which was placed in the RECORD apparently as a continuous part of his remarks. If the permanent RECORD shall be corrected as I think it will be, to indicate that the memorandum was not a part of the Senator's remarks, but was a summary prepared supplemental of his remarks, and in view of the able Senator's desire to correct the RECORD, I have no intention now to make any further attempt at correction of the RECORD, because I think that has been done very adequately by the Senator from Michigan.

I merely add that anyone who reads the RECORD must understand that the memorandum does not represent the views of the Committee on Agriculture

and Forestry, or any great number of Members of the Senate, probably, but is the view of someone who prepared the memorandum for the junior Senator from Michigan.

EXECUTION OF CERTAIN OBLIGATIONS UNDER TREATIES WITH PANAMA

Mr. BARKLEY. Mr. President, if there be nothing further to be taken up, I move that the Senate proceed to the consideration of executive business.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Would the Senator from Kentucky have any objection if I should move to take up for consideration Senate Joint Resolution 162, in order that it may be made the pending business, and that then the Senate recess over until Thursday?

Mr. BARKLEY. No; I have no objection.

The PRESIDING OFFICER. Does the Senator from Kentucky withhold his motion?

Mr. BARKLEY. I do.

Mr. CONNALLY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1774, Senate Joint Resolution 162, in order that it may be made the pending business when the Senate reconvenes on Thursday.

Mr. McNARY. Mr. President, I did not clearly hear the request.

Mr. CONNALLY. The request is that the Senate consider the measure dealing with the execution of certain obligations under treaties with Panama.

The PRESIDING OFFICER. The title of the joint resolution will be stated for the information of the Senate.

The CHIEF CLERK. A joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

Mr. McNARY. That is the treaty which comes up for consideration on Thursday, as I understand?

The PRESIDING OFFICER. Has the Senator from Texas moved that the Senate proceed to consider the joint resolution?

Mr. CONNALLY. I have.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of Senate Joint Resolution 162.

Mr. McNARY. Mr. President, I should object to the motion unless it has coupled with it the request that no action be taken on the matter until Thursday next.

Mr. CONNALLY. The Senator from Oregon did not hear my motion. I moved that the Senate proceed to the consideration of the joint resolution in order that it may be the pending business before the Senate when we recess today, and that it then be taken up when the Senate reconvenes on Thursday next.

The PRESIDING OFFICER. The Chair did not hear the motion in its entirety either. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments, which had been reported from the Committee on Foreign Relations, with amendments.

Mr. VANDENBERG subsequently said: Mr. President, in connection with the Panama agreement which has been made the unfinished business, I submit a letter written in behalf of the American Federation of Labor, which presents some new material which was not presented either to the subcommittee or to the full Committee on Foreign Relations, bearing in an important fashion upon the matter involved in the agreement. I ask that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., November 30, 1942.

Hon. ARTHUR H. VANDENBERG,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I transmit herein the information regarding the situation which will transpire under the adoption of Senate Joint Resolution 162.

The Panama Railroad Co. filled in the land on Manzanillo Island and owns it under several treaties with Panama.

There is a hospital, high school, hotel, primary school, play shed, fire station, bachelor quarters, and 500 family quarters. These were built for the American employees of the American Government on the Canal Zone and their valuation is $4,677,242.07. There is also all utilities such as water, sewer, electric system, etc., to serve this townsite, all located on this made land.

Congress has not appropriated enough money to furnish sufficient quarters for its own American employees on the Canal Zone, and if the above buildings are given over to the Republic of Panama, which has no claim on them, it will simply aggravate an already bad situation.

The Central Labor Union on the Canal Zone cabled me last Monday in regard to this matter and said they were furnishing me the data. It did not arrive, however, until late Friday afternoon and I have since been unable to contact Senator CONNALLY.

Will you kindly insert the matter contained herein in the CONGRESSIONAL RECORD as it is the only copies I have of the data.

With thanks in advance and with the regret that I was unable to have Senator CONNALLY handle these papers as suggested by you, I am,

Sincerely yours,

W. C. HUSHING,
Chairman, National Legislative Committee, American Federation of Labor.

P. S.—I suggest that Senate Joint Resolution 162 be amended to prevent this transfer and to properly protect the interest of all American employees.

W. C. H.

GERHARD R. FISHER—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3398) for the relief of Gerhard R. Fisher, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the figures "$50" insert "$950"; and the Senate agree to the same.

ALLEN J. ELLENDER,
TOM STEWART,
ALEXANDER WILEY,
Managers on the part of the Senate.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

The report was agreed to.

EMIL LASSILA ET AL.—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4953) for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the figures "$1,057.65" insert "$1,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figures "$3,300.65" insert "$1,600"; and the Senate agree to the same.

ALLEN J. ELLENDER,
JAMES M. TUNNELL,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

The report was agreed to.

MRS. CECILE HERZOG AND LUCILLE HERZOG, AN INFANT—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5449) for the relief of Mrs. Cecile Herzog and Lucille Herzog, an infant, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

ALLEN J. ELLENDER,
TOM STEWART,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

The report was agreed to.

E. A. WILLIAMS—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5920) for the relief of E. A. Williams, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the

amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the figures "$4,000" insert "$5,000"; and the Senate agree to the same.

ALLEN J. ELLENDER,
TOM STEWART,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

The report was agreed to.

SETTLEMENT OF CLAIMS AGAINST THE GOVERNMENT OF MEXICO

Mr. CONNALLY. Mr. President, will the Senator from Kentucky again yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. The conferees on Senate bill 2528, to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico, have reached an agreement. In view of the fact that the Senate is about to take a recess until Thursday next, I ask unanimous consent that when the report is completed it may be filed as of today, in order that it may come up for consideration on Thursday.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the House will have to act on the conference report first.

Mr. CONNALLY. That is true, but cannot the Senate conferees file the report when it is completed? I am asking that the conferees be authorized to file the report during the recess.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. Can the Senator from Kentucky tell us whether, when the matter of the Panama treaty is disposed of, there will be any more important legislation in the month of December? Is there any program for the remainder of the year?

Mr. BARKLEY. Mr. President, it is impossible to answer the Senator's question categorically whether there will be any other important legislation brought up during the month of December. A good many bills are on the calendar. Whether any effort will be made to have any of them considered I cannot say. Whether there will be any further important action taken by the Senate may depend upon the action of the other body in regard to proposed legislation which might be regarded as of emergency character. I may say there is nothing on the Senate Calendar now which I regard as of outstanding importance and which is likely to be taken up, if it should involve serious controversy.

Mr. TAFT. Is there any intention to take up Senate bill 2666, relating to overtime pay for employees in the executive departments and agencies, the so-called overtime pay bill?

Mr. BARKLEY. No, I will say that the bill by that title will not be brought up. The Committee on Civil Service is attempting to draw up a joint resolution providing for further extension of the overtime payments made under temporary statutes which expire today, and also to see if some temporary arrangement can be made to take care of those who are not receiving overtime payment, with a view to extending the present laws until the 1st of next July, so as to enable the Congress to deal more deliberately with the whole question of overtime pay. We hope a joint resolution extending the present situation with such additions as may be worked out, may be adopted in the next few days.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LANGER. Is there any possible way by which Senate bill 2666 can be taken up for consideration? The situation is that there are some Federal employees with families who are trying to live on a hundred dollars a month. I cite the case of the young man who drives the car in which we ride from the Senate Office Building to the Capitol. He receives $1,500 a year and has a large family to support. Some Senate employees have not received an increase in salary since 1934.

As ranking member of the minority of the Civil Service Committee I will say that we have had extended hearings, and it seems to me that after the committee has considered the matter for many months some action should be taken on the bill.

Mr. BARKLEY. Mr. President, we are in the situation which frequently confronts us toward the end of the session, where the question arises whether it is worth while to attempt to pass Senate bills which are controversial, which probably have no chance of being passed in the other House. In view of that situation we have felt, and I hope it can be worked out, and it will do no one an injustice, that we may be able to continue the existing situation until the end of the present fiscal year, with reference to those who now draw overtime pay, and also include those who do not. In that way not only will no harm come to employees in the Government service who now receive overtime pay but others may be included, so as to work out a better balance. That will also give the Congress a little more time to deliberate with respect to the whole subject. The committee is now working on that problem, and it is my hope that it will be practicable to introduce a joint resolution covering that situation and consider and dispose of it this week.

Mr. LANGER. I wonder whether the Senator is familiar with the fact that there are several hundred thousand employees who are not now receiving overtime pay?

Mr. BARKLEY. Yes, I realize that. I think 58 percent of the employees are getting overtime pay and about 42 percent are not.

Mr. LANGER. That is true, and we provide in the bill that the pay be retroactive to October 1, 1942.

Mr. BARKLEY. We would accomplish nothing for the employees if we were simply to pass a bill in the Senate which would not become law. We hope to work out a temporary arrangement, which will give more time for consideration, and take up the whole subject at the next session, in order that more comprehensive legislation may then be enacted.

Mr. LANGER. I thank the Senator from Kentucky.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of the Committee on Post Offices and Post Roads were submitted:

By Mr. MCKELLAR:
Sundry postmasters.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MCKELLAR. I ask that the postmaster nominations be confirmed en bloc, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc; and, without objection, the President will be notified forthwith.

That completes the Executive Calendar.

RECESS TO THURSDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 33 minutes p. m.) the Senate took a recess until Thursday, December 3, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 30, 1942.

POSTMASTERS

ARKANSAS

Ben W. Walker, Lewisville.
Mabel E. Whaley, Sulphur Springs.
Luther H. Cavaness, Yellville.

FLORIDA

Mary Elizabeth Browning, East Palatka.
Thomas Danson, Grand Crossing.

ILLINOIS

Harry C. Stephens, Ashley.
Louis E. Dixon, Biggsville.
Leslie O. Cain, Bowen.
Marvin G. Diveley, Brownstown.
Charles A. Etherton, Carbondale.
Juanita H. Whitten, Coffeen.
James A. Cragan, Evansville.
Amelia K. Fink, Frankfort.
George E. Brown, Franklin.
Elmer R. Randolph, Golconda.
Margaret Echols, Flossmoor.
Harry M. Gerhard, Hines.

Charles M. McCoy, Hutsonville.
Nicholas A. Schilling, Mascoutah.
William P. Carlton, Oblong.
Joseph Donald Cotter, Stockton.

INDIANA

Edward A. Hemphill, Cannelton.
Fletcher T. Strang, Culver.
Carroll W. Cannon, Knox.
Charles L. Wolford, Linton.

MARYLAND

Lillie M. Pierce, Glyndon.
John M. Pearce, Monkton.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 30, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou art patient, tender, and long-suffering, dispelling anxious forebodings, and easing the pains of yearning hearts. Thou didst come and the blind caught the light, the weary walked, and the broken found the comfort of heaven. How great are Thy mysteries and how inscrutable are Thy ways. Beyond the language of the lips is the language of the heart, too deep for utterance. Strengthened in Christian faith, our prayer is for the suffering and the dying in yonder wounded city, mute in the torrents of tragedy and death. Oh, do Thou unveil Thy merciful presence and be with them as the shadows darkly gather.

"We know not what the future hath
Of marvel or surprise,
Assured alone that life and death
His mercy underlies."

We are grateful, our Father, that human freedom planted in the breasts of men still lives. The world of freemen stands today in reverential homage to the gallant French who sacrificed all save honor. We pray that the heroism of that tortured land may send America forth with a bounding soul on the pathway of its most glorious mission. Oh, let come that world release in which there shall be liberty of faith, liberty of speech, and liberty of assembly. In the name of our dear Redeemer. Amen.

The Journal of the proceedings of Friday, November 27, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 23, 1942:

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

On November 24, 1942:

H. R. 4583. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 331. An act for the relief of the Mount Whitney Power & Electric Co.;

H. R. 1551. An act for the relief of W. E. Floding Co.;

H. R. 1675. An act for the relief of L. W. Collins;

H. R. 2436. An act for the relief of Hjalmar M. Seby;

H. R. 3113. An act for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall;

H. R. 3468. An act for the relief of the Edward Gillen Dock, Dredge & Construction Co.;

H. R. 4321. An act for the benefit of the Chippewa Indians of Minnesota;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 4804. An act for the relief of Claud R. Johnston;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.;

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions;

H. R. 6226. An act for the relief of B. H. Wilford.

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6545. An act for the relief of Spencer Meeks;

H. R. 6556. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 6781. An act for the relief of the legal guardian of Lorraine Novak, a minor;

H. R. 7061. An act for the relief of D. A. Sullivan & Sons, Inc.;

H. R. 7149. An act for the relief of David E. Clark; and

H. R. 7480. An act for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1012. An act for the relief of C. Y. Webb;

S. 2135. An act for the relief of Lt. M. V. Daven;

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2413. An act for the relief of Vodie Jackson;

S. 2473. An act authorizing the Comptroller General of the United States to consider the claim of Lew O. Calhoun;

S. 2530. An act for the relief of Howard M. Sandus;

S. 2547. An act for the relief of Mrs. Ernestine Fuselier Sigler;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatriz Milan Vda., de Vazquez;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear;

S. 2741. An act for the relief of Charles E. Naghel;

S. 2742. An act for the relief of the postmaster at Nome, Alaska;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2754. An act to eliminate private suits for penalties and damages arising out of frauds against the United States;

S 2766. An act for the relief of Almos W. Glasgow;

S. 2774. An act to amend section 36 of the Criminal Code;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post No. 6 of the American Legion, and C. J. Nairn, all of Columbia, S. C.;

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes;

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket Irrigation District, Wash., and for other purposes; and

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 888. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.;

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 3773. An act to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock;

H. R. 5359. An act to declare that the United States holds certain lands in trust for Indian use;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 7151. An act to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession; and

H. R. 7263. An act for the relief of Mrs. J. R. Bennett.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the Joint Select Committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of the Navy.
2. Department of the Treasury.
3. Department of War.
4. Federal Security Agency.

5. Federal Works Agency.

6. United States District Court for the District of Colorado.

EXTENSION OF REMARKS

Mr. BOEHNE. Mr. Speaker, on Friday last, I made a unanimous consent request to extend my remarks in the RECORD. I find that the remarks exceed by about one-third of a page the limitation set on extensions, and will cost $105. I renew my request that this be printed, notwithstanding.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANASCO. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Alabama [Mr. BOYKIN] be permitted to extend his remarks by the inclusion of a newspaper article.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that at the conclusion of other special orders today, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

THE FIRE IN BOSTON

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, on Saturday night last at a restaurant called Cocoanut Grove at Boston occurred almost the worst disaster from fire that ever occurred in the United States. I was not in the restaurant, but I understand there were deeds of heroism there. I rise to pay my tribute to those I witnessed assisting outside the restaurant—to the firemen, the policemen, all of the relief agencies—the Red Cross, the U. S. O., the social service, the A. W. V. S.—and also the taxi drivers, the Public Safety Commission, and last but not least to the doctors and nurses, for their great helpfulness in caring for the victims after the horrible tragedy, where hundreds were burned to death. Also, I want to express sympathy and pay tribute, Mr. Speaker, to the men and women who are so horribly burned and injured and to their families. I have never seen greater fortitude anywhere. They were an inspiration to us all. One thing that we should make sure of, Mr. Speaker, is that those people who died unnecessarily should not have died in vain, because we should see to it that from now on such a fire as that can never take place again.

LEW MICHNER

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and include in my remarks a letter I addressed to Mr. William H. Davis, Chairman, National War Labor Board.

The SPEAKER. Is there objection?

There was no objection.

[Mr. LELAND M. FORD addressed the House. His remarks appear in the Appendix.]

LEAVE TO ADDRESS THE HOUSE

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New Jersey [Mr. HARTLEY] be permitted to address the House for 30 minutes tomorrow after the regular order of business.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the regular business, I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the conclusion of other special orders today I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include certain resolutions passed by a group of veteran organizations.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that, after all other special orders today, I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent that I be permitted to extend my remarks in the RECORD and include an address I prepared for delivery at Syracuse, N. Y., on taxation.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLSON. Also, Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a radio address that I delivered.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent that after the disposition of business regularly before the House tomorrow and other special orders, I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial by Mr. George Rothwell Brown.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Green Bay Press of November 26, 1942.

The SPEAKER. Is there objection.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include an article I had published in the Rostrum, entitled "Free Speech in a Free World."

The SPEAKER. Is there objection.

There was no objection.

GASOLINE RATIONING IN KANSAS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. REES of Kansas addressed the House. His remarks appear in the Appendix.]

REGULATING HOURS OF EMPLOYMENT FOR WOMEN IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7447), to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what this bill purports to do?

Mr. RANDOLPH. In answer to the inquiry of the distinguished minority leader, this bill (H. R. 7447) is reported unanimously from the House Committee on the District of Columbia. It is a measure which would amend the present act dealing with the employment of women in the District of Columbia.

Under the present law women cannot work more than 8 hours a day or more than 48 hours a week. It is proposed that we allow the Minimum Wage and Industrial Safety Board of the District of Columbia to consider requests made by companies or concerns within the District to suspend, for the duration of the war, or not to exceed 6 months after its conclusion, the provisions of that original act, so that on a proper showing women might be allowed to work more than the prescribed number of hours.

I might say, in addition, that certain safeguards are provided in the proposed legislation. First, a temporary permit would be granted within the discretion of the Minimum Wage Board; second, such temporary permit shall be in such

form and for such periods of time as that board may designate; third, the provisions of the bill are applicable only to the time of the war in which the United States is engaged, or for a period of 6 months after its conclusion. I may say in that connection——

Mr. MARTIN of Massachusetts. The gentleman does not mean the entire United States? It is only for the District of Columbia?

Mr. RANDOLPH. It is only a District problem, for the duration of the war in which the United States is engaged, or for 6 months after the conclusion of the conflict.

We have had presented to the committee documentary evidence from the Washington Terminal Co., the Western Union, and other companies which are faced with the loss of their regularly constituted manpower due to so many men entering the armed forces. They are employing women, but under the present law they have no right to extend the hours. We feel, as a committee of the House, that we are cooperating with the war effort in requesting the passage of this legislation. In that connection I also would like to say that the labor organizations themselves were called into conference on this matter. The C. I. O. Council representing the District of Columbia and Maryland was conferred with at length, and we have a letter, which has been made a part of the report, from that council in which it is stated the C. I. O. has no desire to delay the legislation because as the secretary, Mr. Katz says, they want to assist in the war effort.

Mr. MARTIN of Massachusetts. We might cure some of the problems by the Government letting go some of these useless employees that they have around here.

Mr. RANDOLPH. I am certainly in agreement with the gentleman and I have advocated for many months that unnecessary employees in civilian agencies, even connected with the war effort, should be dismissed. There are, however, thousands of Government workers who are performing vital tasks in a fine manner.

Mr. MARTIN of Massachusetts. If they did that, we might release some people for some of this work in the city.

Mr. RANDOLPH. I do not think the gentleman, of course, would want to hamper this legislation, which aims at just what he is desiring.

Mr. MARTIN of Massachusetts. I am not talking about this legislation. I am throwing that out as a suggestion as one way you might cure the condition.

Mr. RANDOLPH. Yes. I have tried to bring that about, as have other Members on both sides of the aisle. We have worked toward that end.

Mr. MARTIN of Massachusetts. I know the gentleman will join with me next year when we try to do some real work in that direction.

Mr. RANDOLPH. The gentleman from West Virginia desires to do what is right in the matter.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mrs. BOLTON. How many hours a day do the men work in these same positions in which these women are to go?

Mr. RANDOLPH. They are working, I believe, under the stress of the war, 54 to 60 hours, but with no limitation.

Mrs. BOLTON. Is that under contract with the unions?

Mr. RANDOLPH. At least they must be cognizant of the fact that it is going on.

Mrs. BOLTON. Is it suggested that the women work the same hours?

Mr. RANDOLPH. There is no suggestion as to the number of hours. Each case would be considered on its merits. We believe that the Minimum Wage Board which is charged with the responsibility of safeguarding the health of female employees in the District of Columbia should and will consider each request for an extension of hours on its merits.

Mrs. BOLTON. Possibly it might militate to the general benefit of men as well.

Mr. RANDOLPH. It will, of course, release certain manpower and will perhaps bring the relief which we feel necessary.

Mrs. BOLTON. And their working hours may be considered also on an even basis.

Mr. RANDOLPH. The gentlewoman from Ohio is always interested in welfare problems.

Mr. WALTER. Mr. Speaker, reserving the right to object, recently I read in the public press where the Secretary of Labor had decided that children under 18 years of age could be employed on war work. I believe this ruling is in violation of the law. If the Secretary of Labor had the authority to make such ruling why is this legislation necessary?

Mr. RANDOLPH. We are governed in the District of Columbia by the act approved February 24, 1914, which regulates the employment and safeguards the health of females employed in the District of Columbia.

Mr. WALTER. Who is charged with the administration of the act?

Mr. RANDOLPH. The Commissioners; but, of course, the Minimum Wage and Industrial Safety Board of the District of Columbia is charged with the direct administration of the act.

Mr. WALTER. Does that come under the Department of Labor?

Mr. RANDOLPH. No; that comes under the District Commissioners.

Mr. O'HARA. Mr. Speaker, reserving the right to object, will the gentleman explain why this legislation should apply only to the District of Columbia and why it should apply only to women in the District of Columbia?

Mr. RANDOLPH. Many in the District of Columbia jobs to which I referred are, of course, working in excess of 48 hours a week, but under our present law, adopted in 1914, women in business or industry in the District of Columbia can be employed only 48 hours a week. We are asking that this provision be done away with for the duration of the war, for it is felt they could well work longer hours and, as a matter of fact, many women appeared in behalf of this legislation.

Mr. O'HARA. Will there be proper safeguards of the health of women?

Mr. RANDOLPH. Yes; proper safeguards will be thrown around the health of the women. Each case will be considered on its own merits and the Minimum Wage and Industrial Safety Board of the District of Columbia will pass on each request.

Mr. BARDEN. Mr. Speaker, reserving the right to object, did I understand the gentleman to use the phrase "women working in industry"?

Mr. RANDOLPH. I used the word "industry," but in Washington, of course, we do not have the particular manufacturing industry we find in other sections of the United States. The example of the Union Station, which in reality is named the Washington Terminal, is a case where manpower has been diverted by the war and where Mr. Bernard Tolson, the president of the company, feels that he must have the right at least to request the Minimum Wage Board and Safety Council to give him power to employ women beyond the 48-hour limit.

Mr. BARDEN. I am wondering if the gentleman knows of any town or city in the United States where the percentage of single men of war age is as great as it is in the District of Columbia.

Mr. RANDOLPH. I may say that it has been my observation that there are a great number of single men in Washington, D. C. I presume they have come here from all sections of the country.

Mr. BARDEN. If this great need should arise in the best-fixed city in the United States so far as labor is concerned, why would not the same problem arise throughout the country?

Mr. RANDOLPH. The gentleman from North Carolina and myself are in complete agreement. I have been in favor of a suspension for the war of certain provisions of the wage-hour legislation which Congress passed several years ago and have so stated publicly.

Mr. BARDEN. Is that what is being done now by this legislation?

Mr. RANDOLPH. We are suspending such a principle in connection with females employed in the District of Columbia.

Mr. BARDEN. Is this an amendment to the Wage-Hour Act?

Mr. RANDOLPH. No; this is simply District legislation. I know the gentleman's interest in general legislation on this subject.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, can the gentleman get it across to his folks here in the District that women throughout the country in the smaller towns and on the farms have been working much longer than 48 hours a week? Can the gentleman get that across to them?

Mr. RANDOLPH. I may say to the gentleman from Michigan that when this legislation was considered we had many women before our committee saying they wanted the opportunity of working in excess of the 40 or 48 hours a week which they are now allowed.

Mr. HOFFMAN. But you know we Members from the rural areas when we get folks from home to come here to Washington find that those people are in the habit of really working for a living. When they get down here, about the first thing that happens is a group gets around them, telling them that that is all wrong, that the first thing they should do is to get more money for less work. If the gentleman can do something to get rid of that sort of teaching here, it will be a help to many of us in our offices and in the Government, too.

Mr. RANDOLPH. I thank the gentleman.

Mr. HOFFMAN. Get the idea over to these folks, men and women alike, that they do have to work for a living sometime somewhere.

Mr. RANDOLPH. I think that is a sound philosophy not only in peacetime but especially in wartime.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, on page 2 it is stated:

May issue to employers engaged in businesses or occupations specified in this section of the act.

I do not see any businesses or occupations specified in this bill.

Mr. RANDOLPH. Those are businesses in the District of Columbia that are not strictly governmental. The organic act states these occupations.

Mr. SMITH of Ohio. This applies to all types of private employment?

Mr. RANDOLPH. Private employment; yes.

Mr. SMITH of Ohio. And only to private employment?

Mr. RANDOLPH. That is right; only to private employment.

Mrs. BOLTON. Mr. Speaker, reserving the right to object, there are not enough women to continue on the 8-hour-day basis.

Mr. RANDOLPH. It appears so. We made an exhaustive study, I may say, and it is indicated that this legislation is needed. Otherwise we would not bring it here and certainly the gentleman from West Virginia, chairman of the Committee on the District of Columbia, as well as the gentlewoman from Ohio, want to safeguard the health regulations and the safety of women workers.

Mrs. BOLTON. The gentlewoman from Ohio is also interested in safeguarding men's health.

Mr. RANDOLPH. I realize that.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914, be amended as follows: By changing the period at the end of section 3 to a colon and inserting the following: "*Provided*, That the Minimum Wage and Industrial Safety Board of the District of Columbia, during the existence of the present war in which the United States is engaged and 6 months thereafter, may issue to employers engaged in businesses or occupations specified in this section of this act, upon satisfactory showing to the said Board that such action is essential to the war effort, a temporary permit, for such period of time and in such form as it may deem advisable, to employ females for more than 8 hours in any one day, or more than 6 days or more than 48 hours in any one week: *Provided further*, That in cases where said Board has issued permits under this section the employer shall not be required to post the notice required in section 4 of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—AMENDMENT TO BUDGET AND ACCOUNTING ACT OF 1921 (H. DOC. NO. 690)

The SPEAKER laid before the House the following message from the President of the United States which was read and referred to the Committee on Expenditures in the Executive Departments and ordered to be printed:

To the Congress of the United States:

Under our system of direct appropriations by Congress to operating agencies for specific purposes, each executive agency proceeds quite independently to acquire and utilize the materials, supplies, equipment, and other property which it deems necessary for the purposes of each appropriation. Both the Bureau of the Budget, in preparing the annual Budget and supplemental or deficiency estimates of appropriation, and the Congress, in appropriating funds, must consider the needs for such items on the basis of the individual appropriation and function to be performed. The legislative branch quite properly insists that the cash and equivalents made available in an appropriation to the executive branch shall be used exclusively for the specific purposes of the appropriation. I recognize fully that unless the integrity of our appropriation structure is so maintained our entire budgeting and appropriating systems would be nullified.

On the other hand, I find that, with respect to operating materials, supplies, equipment, and other property, existing limitations, or, perhaps more accurately, lack of affirmative legislation, unnecessarily handicap efficient management. Standards of supply and equipment stocking and utilization exist only here and there throughout the executive branch and are quite uncoordinated. Excessive stocks, inefficient utilization, lack of fluidity of use among kindred action programs, and waste in other forms are all too apparent.

Only to the extent that property is found to be "surplus" to the needs and purposes of the appropriation under which it was acquired can it be made effectively available for other uses. In Executive Order No. 9235 of August 31, 1942, I provided, as far as appeared possible under existing law, for an over-all executive control of "surplus" supplies and equipment. New legislation is necessary, however, to provide for such a measure of control of the vast quantities and wide variety of supplies and equipment in the possession of our executive departments and establishments as will insure their complete mobilization for war, and also provide that degree of fluidity of use which is essential to efficient peacetime management.

As an example of the need for this legislation in the interest of the successful prosecution of the war, there is an urgent demand on the part of certain war industries for air-conditioning equipment, which need could be met in considerable part by utilizing for this purpose equipment now in Government buildings.

I therefore recommend early consideration by the Congress of legislation, in amendment of the Budget and Accounting Act of 1921, which will promote a more effective utilization of Government supplies and equipment, both during and after the war.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
November 30, 1942.

POWER OF ARREST CONFERRED UPON OFFICERS, ETC., OF MILITARY INTELLIGENCE DIVISION OF UNITED STATES ARMY

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7784) to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States in certain cases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. WALTER. Mr. Speaker, under this bill it is contemplated giving to the Army and Navy Intelligence and Counter-Intelligence Corps the power to make arrests for felonies committed within territory under military jurisdiction without a warrant. It is the common law authority that is now vested in all peace officers.

Mr. MARTIN of Massachusetts. It is just on military reservations?

Mr. WALTER. Military and naval reservations.

Mr. ROBSION of Kentucky. Mr. Speaker, reserving the right to object, this applies, as I understand it, only to felonies?

Mr. WALTER. Felonies committed in the presence of the officer or where there is reasonable ground for believing that a crime has been committed.

Mr. FISH. Mr. Speaker, reserving the right to object, I assume this legislation is now desirable and meritorious, but I wonder if the gentleman can give me any information in reference to an article which appeared in a newspaper today saying that the military were using the phones—that is, tapping the telephones—and checking up on calls between Army officers and Members of Congress?

Mr. WALTER. I have no knowledge of such a situation, but may I say this legislation would in nowise affect a practice such as that.

Mr. FISH. I am sure it will not, but I did not want this to be any precedent for such tactics. Someone just handed me this a few minutes ago.

Mr. MICHENER. Mr. Speaker, reserving the right to object, this bill has the support of the Army and the Navy and is strictly a war necessity?

Mr. WALTER. It is temporary legislation.

Mr. MICHENER. And the Committee on the Judiciary has gone into this very carefully. If there is war necessity legislation, it seems to me that this is such legislation and proper at this time.

Mr. ROBSION of Kentucky. Mr. Speaker, reserving the right to object, I think it is the law in practically all jurisdictions everywhere that where a felony is committed in the presence of any person, private citizens or otherwise, they may arrest; but to remove any doubt about this matter the intelligence officer is given this right only on military or naval grounds or reservations to arrest?

Mr. WALTER. And territory within the jurisdiction of the Army and Navy.

Mr. ROBSION of Kentucky. To arrest in case of a felony being committed in their presence?

Mr. WALTER. That is right.

Mr. WHITE. Mr. Speaker, reserving the right to object, the gentleman stated that this is temporary legislation. When does it terminate?

Mr. WALTER. It terminates on cessation of hostilities.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That in time of war, whenever necessary in order to exercise effectively the powers and duties of an officer, agent, special agent, or duly accredited representative of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States, such officer, agent, special agent, or duly accredited representative (or any other member of the Army of the United States who has the same powers and duties possessed by officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence or Military Intelligence Division of the Army of the United States) is empowered to make an arrest without warrant anywhere for a felony which has been committed or which he has reasonable grounds to believe has been committed within the military establishment, jurisdiction, reservation, or occupied territory under military jurisdiction or involving any personnel thereon or assigned thereto and which is cognizable under the laws of the United States in any case in which there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be immediately taken before a committing officer.

With the following committee amendments:

Page 1, line 7, after the word "States", insert the following: "or of the Naval Intelligence Service of the Navy of the United States."

Page 1, line 9, after the word "Army", insert "and Navy."

Page 2, line 3, after the word "States", insert "or of the Naval Intelligence Service of the Navy of the United States."

Page 2, line 9, after the word "thereto", insert "or within the limits of any naval district and areas comprising the Potomac and Severn River naval commands, naval jurisdiction, reservation, or occupied territory under naval jurisdiction."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended so as to read: "A bill to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States, or the Naval Intelligence Service of the Navy of the United States in certain cases."

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

(Mr. JENKINS of Ohio asked and was given permission to extend his own remarks in the RECORD.)

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a communication received from the Economists' National Committee for Monetary Policy, together with the signatures attached to that communication. I wish them to appear in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

CHARLES THOMASON AND L. D. BYRD, JR.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 888) for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

On page 1, line 7, strike out "$6,500" and insert "$4,500."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JOHN L. ALCOCK

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3773) to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, after "Department", insert "or other governmental agents."

Page 1, line 9, after "order", insert "or orders."

Page 2, line 2, strike out all after "lumber" down to and including "and", in line 4, and insert "or."

Page 2, line 4, strike out "in directing the canceling of" and insert "either in the cancelation of or stopping shipment on."

Page 2, lines 8 and 9, after "contracts", insert "and orders."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain these amendments?

Mr. HARRIS of Arkansas. These amendments merely clarify the terms of the bill. The first amendment, which the Clerk has just read, is on page 1, line 9, after "Department", to insert "or other governmental agents."

Mr. MARTIN of Massachusetts. What does that mean with respect to this particular bill?

Mr. HARRIS of Arkansas. The language beginning in line 8 is as follows:

The Spruce Production Division of the War Department in promulgating the order refusing to permit further shipments under his contracts and foreign orders for the shipment and delivery from February to December 1918 of 6,000,000 feet of spruce and fir lumber.

This bill is to confer jurisdiction on the Court of Claims of the United States to hear and determine and render judgment upon a claim of John L. Alcock.

Mr. MARTIN of Massachusetts. It simply sends the bill to the Court of Claims for adjudication?

Mr. HARRIS of Arkansas. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MRS. J. R. BENNETT

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7263) for the relief of Mrs. J. R. Bennett, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "and expenses incident thereto."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

WILLIAM H. COGSWELL, JR.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5714) for the relief of William H. Cogswell, Jr., with a Senate amendment

thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$2,500" and insert "$1,500."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ESTATE OF EMILY KRAFT, DECEASED

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6591) for the relief of the estate of Emily Kraft, deceased, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$7,500" and insert "$6,500."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LUTHER CHITTY AND SUSIE CHITTY

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1740) for the relief of Luther Chitty and Susie Chitty, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$1,020.70" and insert "$151.90."

Page 1, line 7, strike out "$5,000" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Miss SUMNER of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from a constituent.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House, the Chair recognizes the gentleman from California [Mr. WELCH] for 20 minutes.

DEVELOPMENT OF IRON AND STEEL FACILITIES OF THE PACIFIC COAST AREA

Mr. WELCH. Mr. Speaker, for years I have repeatedly called attention to the fact that the full resources of the entire Pacific coast area should be developed in the interest of national defense. Long before the outbreak of the second World War in Europe, President Roosevelt indicated in a personal conversation with me that he recognized the necessity for developing the iron and steel resources of the West as a measure of national defense and he strongly favored their development. The tragic events of the past year have fully justified that judgment.

Selfish interests, well intrenched in high Government offices thwarted these developments before the dastardly Pearl Harbor attack, and evidence submitted before subcommittees of the House Committee on Merchant Marine and Fisheries in recent months clearly indicates that these same interests are now primarily interested on the maintenance of this throttle-hold in the post-war period to come.

Shrewd military and naval authorities, with breadth of vision and the Nation's interests at heart, rather than their own personal gain recognized many years ago that this war would be a highly mechanized war—a war of ships, planes, tanks and men. They recognized that our greatest danger was in the Pacific. They knew that Japan had been preparing for this war for more than 40 years, and they recognized that the west coast of necessity would be the center of our military and naval activities in such a war.

In February 1935, testimony presented in executive sessions of the Committee on Merchant Marine, Radio and Fisheries by officials of the Department of Commerce and the Navy Department, pointed out the potential dangers then existing in the great fleet of Japanese fishing boats operating up and down the entire Pacific coast from the Panama Canal to Alaska, with their main base of operations centered in the port of Los Angeles. That testimony brought out the fact that the officers and crews of these boats were actually officers of the Japanese Navy, that they were exploring every harbor and cove along the entire Pacific coastline, that they had a cruising range extending all the way to the Panama Canal, that they were equipped with high-powered short-wave radios capable of direct communication with Japan at any time, that they could be quickly armed and be made terribly destructive of shipping along that coast, that they invariably followed ships of the United States Navy on fleet maneuvers, observing fleet formations and battle practice with high-powered binoculars, and thoroughly acquainting themselves with all necessary information to make the Japanese forces more effective in war against this country.

It was evident that national defense demanded that the United States Government take steps to prepare for the inevitable attack by Japan through the development of every possible resource along the Pacific.

Notwithstanding the fact that 40 years ago a great shipbuilding industry, that produced such ships as the *Oregon*, thrived on the Pacific coast, and further, that during World War No. 1 Pacific coast shipbuilding established what was then a world's record for the speedy construction of ships, it has been a long, uphill fight against greedy sectional interests under the control of the steel masters of this country to rehabilitate the shipbuilding industry since World War No. 1. This has not been entirely confined to those who own the mines, the mills, and the shipyards, for they have been upheld by some men of narrow vision high in public office.

The most outstanding of these public officials who have opposed the development of west coast national defense activities has been Emory S. Land, now Chairman of the Maritime Commission, who as Chief of the Bureau of Construction and Repair of the Navy Department in 1936, a full year after the testimony submitted by other Navy Department officials who were fully alert to the dangers in the Pacific, appeared before the Committee on Naval Affairs of the House of Representatives for the specific purpose of opposing legislation I introduced and which had the support of President Roosevelt, to allow a differential in construction costs as a defense measure to stimulate and encourage the rehabilitation of the shipbuilding industry on the Pacific coast. And this opposition of Admiral Land was made notwithstanding his own admission that the shipbuilding plants and facilities then existed but that shipbuilders in the eastern part of the country were able to give lower bids for ship construction. What he failed to tell the committee was that many of these eastern shipbuilding yards were owned or controlled by the steel industry that dominated the whole industry from the mining of the ore through to and including the actual construction of the ships, and that their plants were located within 700 miles of this Capitol building. They did not want to see shipbuilding rehabilitated on the Pacific coast and the record shows Admiral Land supported them by his testimony.

The Pacific coast workingmen building ships have again repeatedly smashed world records, first by launching a 10,500-ton cargo vessel within 10 days, and more recently by launching another in 4 days 15 hours and 21 minutes. These records have been made notwithstanding the fact that it is now necessary to transport the steel that enters into these ships from areas east of the Missouri River. The railroads of the United States transported 34,229,213 tons of steel during the first 6 months of 1942 and of this total 2,688,087 tons, or almost 8 percent, was destined for points in the three Pacific Coast States of California, Oregon, and Washington. A very small fraction of this total originated within these same States, but the bulk of it was shipped across the United States. While only a third of the steel reaching the West is destined for hulls of ships, more than one-half of the total number of cargo ships launched during the month of October 1942 in the entire United States were built on the Pacific coast.

Mr. WOODRUFF of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WELCH. Yes.

Mr. WOODRUFF of Michigan. I rise to add something about the wonderful record that the Pacific coast has made in the building of and putting ships into

operation, and to say that that ship, of which the gentleman spoke as having been launched in 4 days and 15 hours, was in commission, loaded with goods and on its way inside of I think 14½ days.

Mr. WELCH. I thank the gentleman from Michigan for his contribution.

These same selfish steel interests have been content to maintain their dominating position in a limited area of the country and they are unalterably opposed to decentralization of the steel industry, forgetting that the course of civilization ever marches westward. Adequate ore deposits of tremendous proportions have long been known and governmental agencies are fully informed about their high mineral analyses. When our Government handed the steel industry nearly a billion dollars for expansion of its facilities a year ago these interests saw to it that a negligibly small percentage of this amount was spent in the West. Instead of allocating the funds for plants near the great undeveloped areas of the uncongested West where untold quantities of iron ore are available, where natural gas, hydroelectric power and coke-producing coal so necessary in the manufacture of steel are also available, over 800,000,000 or more than 90 percent of this Government money was spent to expand their steel plants in the East. One-fourth of the population of the United States and one-half of the country's entire area are west of the Missouri River. The steel industry has failed in its obligations to the American people and the Federal Government must at this time step in and insure a speedy development of western resources which include not only iron ore but many other strategic metals so necessary for the winning of this war.

According to the protected steel industry's own propaganda organization, the Iron and Steel Institute, in its report of steel production in the calendar year 1941, less than one and a half percent of the Nation's pig iron output was produced by furnaces west of the Missouri River, and this area which once boasted of eight blast furnaces, all but the four located in Utah and Colorado, had been put out of business by 1941. The recent building of new facilities with Government money under the influence of these same interests, however, will restore only one of the four furnaces that in 1908 were located in the Pacific Coast States. In fact, the total number of furnaces that are today operating and under construction in the entire area west of the Missouri River will equal only the number which were in existence in 1909. In other words, when the building program is completed, the total tonnage capacity will still be less than one-fourth the total tonnage of steel which is today being consumed by the industries now located in these same three States. Notwithstanding every conceivable type of opposition, the Kaiser interests were successful in securing financial assistance from the Government for the building of a Pacific coast steel plant. When this plant was well under construction it was discovered that 58 additional tons of steel would be required to complete it. The plant would have a capacity of 1,200 tons of pig iron daily. The War Production Board officials handling steel allocation refused to give a high enough priority rating to manufacture this 58 tons of steel and representatives of the company in the meantime located 58 tons lying idle in a warehouse. It required 60 different conferences, telegrams, or actions to secure this 58 tons of steel to complete the plant, and this only after the matter was personally taken up with Mr. Donald M. Nelson. Mr. Nelson, with his usual breadth of vision and understanding of such problems, immediately ordered the release of the steel to complete the plant, notwithstanding the threats of some of his officials to resign their positions. The delay brought loss of more than 60,000 tons of steel so badly needed in the war effort.

During recent weeks a tremendous Nation-wide drive has been in full swing to collect all possible scrap iron, so essential in the production of steel necessary for the construction of ships, tanks, and planes. Sooner or later there will be no scrap iron available. As a member of the subcommittee investigating the steel shortage, I have heard the testimony of Mr. H. A. Brassert, one of the world's outstanding engineers in this field, to the effect that a most economical substitute for scrap is sponge iron. Sponge iron, which in reality is iron ore reduced to metal by simply baking it at about 1,200 degrees, is a process which uses cheap gas, lignite, or other byproduct fuel instead of expensive coking coal. The product is a porous, sponge-like metallic, that can be made in small furnaces, set up in local communities where the ores are found without long hauls to blast furnaces, far more economically than even the collection of scrap—according to eminent steel and engineering authorities. It is apparent that the development of this process would be a further milestone in the revolutionizing of the steel industry, but because it can be so produced independent of the centralized control of the steel masters, they and many of their former officials and employees now holding Government positions, have not been favorable to the process. Like the difficulty above-mentioned to secure 58 tons of steel to produce 1,200 tons of pig iron daily, it was only after 4 months of delay, referred to as consideration, and when the full facts in the matter had been developed by this subcommittee of the House investigating the steel shortage that the War Production Board gave its approval to the construction of a large sponge-iron plant by one of the large steel companies, the funds for which are being supplied by the Defense Plant Corporation, a Federal agency.

Steps should be taken immediately to develop the vast natural resources of the Pacific area, including the sponge-iron process and any other that will produce results with speed. This development should include the building of blast furnaces, rolling mills and all other necessary equipment to produce steel, from the mine to the finished product, thus relieving our already overtaxed transportation facilities, eliminating the costs of transportation, and increasing the facilities for national defense in the areas close to the Pacific coast.

The long anticipated war with Japan which is now a fact clearly demonstrates the importance of the Pacific coast. Full national defense is predicated on the immediate development of these resources so vital to the security of the Pacific coast and the Nation as a whole. The security of this country transcends the post-war interests of the steel masters. The stranglehold of this giant combine must be broken and the great steel industry must be decentralized.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. WELCH. Yes.

Mr. CRAWFORD. I think the gentleman has made a tremendously important contribution here today, and I say that by reason of his knowledge of labor conditions and of shipping conditions, and of the operations of the Maritime Commission. I think it takes some courage to get up and make a statement of this kind. Personally I am delighted to have it for the RECORD and for the country as a whole. I shall ask the gentleman this question, and shall not press him for an answer. In view of the contacts and the studies that he has made of the subject discussed by him here today, Does he consider that the prosecution of this war from here on is primarily one of building and operating cargo ships?

Mr. WELCH. They are absolutely essential for the winning of this war. We cannot ship men, nor can we ship material to the men without cargo ships.

Mr. CRAWFORD. I submitted my question in that way because we are supplying men and goods for export. We are prosecuting a war all over the face of the earth, according to the testimony of Mr. Biddle, before the Committee on Ways and Means in connection with the War Powers Act that the President is asking for at the present time. It seems to me that without those ships in tremendously increased quantities, it will be utterly impossible for us to win the war, and I wanted to get the gentleman's reaction on that question. In the opinion of the gentleman, who is familiar with the port facilities and port activities of the country and the coming and going and unloading of ships, does the gentleman feel—and I shall not press this question to an answer—that the head of the Maritime Commission, Mr. Emory S. Land, is the man for that job at this particular time?

Mr. WELCH. It is my intention, I say to my friend from Michigan, to answer the question he has just asked very fully at a later date.

Mr. CRAWFORD. I thank the gentleman.

The SPEAKER pro tempore (Mr. SHEPPARD). The time of the gentleman from California has expired.

JUDICIARY COMMITTEE—LEAVE TO FILE REPORT UNTIL MIDNIGHT

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary of the House may have until midnight tonight to file a report on the bill H. R. 7814.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PADDOCK] is recognized for 20 minutes.

WAR AIMS OF THE UNITED STATES

Mr. PADDOCK. Mr. Speaker, many people sincerely feel that there should be an announcement to the rest of the world of the war aims of the United States. After studying many of the speeches and articles supporting this contention, I have prepared some brief comments. This statement is not a complete summary of my own opinions but it does contain facts which must be carefully considered in reaching a final decision.

First. Our war aims are the results which we are determined to accomplish before we stop fighting and the purposes for which we will, if necessary, again go to war.

Second. Since the United States is a republic with a written constitution, our peace terms and our grounds for another war cannot be finally stated in advance of official action by the treaty-making and war-declaring authorities named in the Constitution.

Third. Intemperate or premature statements by individuals as to war aims, which they think should be officially adopted, result in confusion and dissension at home and abroad. Wartime speeches are weapons which should be loaded, aimed, and fired with accuracy and discipline at our enemies, not our Allies. Freedom of speech carries with it the privilege of silence.

Fourth. The American people must obtain from every source all possible information regarding the problems which the peace treaties will attempt to solve. Our traditional policies must be examined in the light of changed world conditions. We must consider with open minds all proposals which do not prevent us from successfully defending by our own strength those institutions which our people regard as essential. This war must end in peace, not an armistice.

Fifth. Our officials, in planning their actions, and our citizens, in forming their opinions, must remember the words in which the destiny of this Nation is stated in the preamble to the American Constitution:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

These words in the Constitution, which we have all sworn to uphold, limit the rights and duties of our Government. They define the bounds of intervention and isolation. They contain the purposes for which we pass laws, levy taxes, and send our people into the perils of war. Within them must be found every aim for which we are fighting and which we shall write into the peace.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 15 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to make my remarks after the other special orders instead of at this time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under previous order of the House the gentleman from West Virginia [Mr. RAMSAY] is recognized for 30 minutes.

WORLD PEACE

Mr. RAMSAY. Mr. Speaker, I arise to discuss House Joint Resolution 362, which I recently introduced, seeking to invite the President of the United States to take immediate action to reach some Executive agreement with the United Nations now engaged with us in warring against the Axis Nations, to guarantee the future peace of the world.

Personally, I believe the President of the United States should now, without awaiting the final outcome of the war, insure the future peace of the world by entering into all pacts, agreements, and contracts with our allies that will be necessary to assure this peace. Such assurances, I really do believe would bring greater unity and strength to our cause in this war. The people of the United Nations are fighting, praying, and hoping for such action on our part. Such assurance to the world will bring joy and speedy triumph to the united arms.

Let us, as the Congress of the United States, make our contribution by a speedy passage of this joint resolution, and give assurance to the world that the Congress of the United States will not stand in the way, but will join with our Commander in Chief in maintaining this peace, that the peoples of the earth have been ready to welcome with open arms ever since the dawn of civilization.

In his Presidential address to the American Bar Association in 1923, John W. Davis laid before the American lawyers some very pertinent matters as to the action the American Congress should take to establish world peace.

Mr. Davis said:

> Year by year, as our wealth and population increase, our influence expands, our interests widen, and our points of contact with the outside world multiply. More and more it will be found necessary to regulate our foreign intercourse by convention and agreement; and greater and greater must grow our needs for promptitude in decision, responsibility in action, and continuity in foreign policy. So large a vessel as the United States of America is unsafe upon the high seas itself, and is likewise a menace to others, unless it can answer to the helm. Can it be truly said our present system is adapted to that end? Can we shut our eyes to the proverbial jealousy between the executive and legislative branches of our Government; the practical impossibility of a unified party control over two-thirds of the Senate, and the natural tendency of every legislative body to debate rather than to decide. * * * It does not contribute either to national influence, prestige, or safety that the process of ratifying or rejecting treaties should degenerate into an effort to discover some qualifying formula acceptable to a minority.

These statements express the mature judgment of a great man, who formerly served the people of my district as their Congressman; who served the United States as one of its greatest Solicitors General and as Ambassador to the Court of St. James's, where he witnessed the desires of all the peoples of the world for universal peace broken and destroyed after the last war; when every hater of race, color, and creed conspired to break the peace-loving heart of the world; when our administrations of the twenties aided and abetted the desire and lust for wealth, and encouraged every self-seeking dictator with the assurance that he would be perfectly safe in again arming for conquest and setting the stage for the present holocaust.

When Mr. Davis made this address, he was thinking of the tragic election returns of 1918, a political misadventure that made possible the death of the League of Nations, under an archaic and antidemocratic rule requiring affirmance of treaty by a vote of 1 to 2 in the Senate. So today we are confronted with the unanswerable logic of Mr. Davis.

Let us hope this is not another death knell to all hopes of world peace, but the reactions of those who opposed peace in 1918 sound ominous. Newspaper reports show the Ohio gang sure of victory in 1944—as they see it, have entered a 2 years' training course, when they expect to see the acts of special interests shooting higher above the Capitol dome than any oil well ever shot above Teapot Dome.

Will we see our duty to America now, or will we permit political hatreds to again wreck the peace of the world? Will we see that broader duty to our country; the elimination of stranleholds on democracy, or will we still play politics while permanent peace and mother humanity are being starved and murdered in all quarters of the globe?

Mr. Speaker, we can safely take this action, because the President can, by executive agreement, do anything he can do by treaty, provided Congress will by law cooperate with him. This statement, I know, may be doubted by some well disposed persons who have not given the subject their special study; it may be challenged by some who from motives of hate insist upon privilege in minority of the Senate to dictate the kind and character of agreement and contracts our Government may enter into with foreign nations. But may I assure the House that the decisions of our Supreme Court have freed the question from all doubt.

Dr. Wallace McClure of the State Department, in his original and valuable work on International Executive Agreements cites the fact that—

> During the first 50 years of government under the Constitution, the President is known to have entered into some 27 international acts, without invoking the consent of the Senate, while 60 became law as treaties; for the second half of the century, the figures appear to be 238 executive agreements and 215 treaties, and for the third similar period 917 executive agreements and 524 trea-

ties, and more executive agreements have entered into force since the World War than treaties since the War with Spain, which inducted the United States into large scale world affairs.

The method of Executive agreement has from the beginning played a leading part in giving effect to our country's international policy. Its first known appearance was when Washington's Postmaster General arranged for interchange of mail with Canada. In fact, more than two-sevenths of our entire lists of postal agreements with foreign nations have been executed by such executive agreements, and commercial equality and reciprocity agreements have been so executed.

This matter was thoroughly studied and discussed at the time of the passage of the Trade Agreements Act of 1934 and again in 1937, in connection with the extension of the act, when the Senate Committee on Finance reported its conclusion as follows:

We consider it is clear that no constitutional or other legal considerations required ratification of executive agreements. (Ways and Means Committee report (Rept. No. 111 of the Committee on Finance, 75th Cong., 1st sess., p. 3).)

A number of trade agreements not requiring legislative ratification were concluded under the Dingley Tariff Act of 1897.

In *Altman Co.* v. *United States* (224 U. S. 583), the Supreme Court described the reciprocity agreement entered into with France under this act as—

An international compact—

Although—

not a treaty possessing the dignity of one requiring ratification by the Senate.

Again, in the case of the *United States* v. *Curtiss Wright Export Corp.* (299 U. S. 304), the Supreme Court made it clear that the Federal Government possesses as an essential part of its sovereign powers—

The power to make international agreements that do not constitute treaties in the constitutional sense.

Of course, I do not want to be understood as advocating that the President can enter into any and all kinds of Executive agreements without the consent of the Congress. I do believe, however, that in correct theory, the President has full authority, regardless of the subject matter, to enter into executive agreements, but he must not violate any provision of the Constitution, statutes or law of the land by so doing, and as a practical matter, some Executive agreements cannot be carried out except with the aid of legislation. This is also true of treaties. Congress, of course, always possesses the final power in case of a conflict between a legislative and Executive act. What I am trying to say is—that with the cooperation of Congress, the President can accomplish through Executive agreement anything he can accomplish by treaty, and thereby avoid a veto by a minority in one body alone.

Of course, the most outstanding incident in our country's history, where Congress and the President accomplished by Executive agreement what they could not do by treaty, was the admission of Texas into the Union, an act which may be accounted as more than an international agreement. It was an amalgamation of peoples as well as the extension of the boundaries of the United States.

The annexation of Texas was first submitted to the Senate by treaty signed by John C. Calhoun, Secretary of State, and by the Texas Representatives, Van Zand and Henderson, on April 12, 1844, whereupon the Senate rejected this treaty by a vote of 16 ayes to 35 noes.

President Taylor then requested action by the Congress, and said:

The power of Congress is fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished.

In compliance with the request, a joint resolution was introduced in the House, to take the place of the formal treaty, and later, this resolution was passed in the Senate by a vote of 27 to 25, and in the House by a vote of 132 to 76, and Texas by a majority vote of both Houses took its place in the Union.

In this case, the treaty power could not operate, and a more democratic procedure within our institutions was evoked and worked perfectly. The same procedure was pursued in the Executive agreement made with Hawaii and the acquisition of other acquired territory including Horseshoe Reef, and joint occupation of San Juan Island.

I believe I have clearly shown that agreements and articles of maintaining the peace contracts of the world can be entered into by our country with other nations by the President of the United States by and with the consent of both Houses of Congress, without the necessity of seeking to appease and satisfy every minority objection that may be raised. If such action on our part is to be controlled again by minority objection, then we are in a fair way to repeat the same mistakes that were made by the Senate after the last World War. To avoid this, we must resort to a more democratic congressional process—a majority vote on such peace agreements in each House.

These may be the last words that I shall utter on this floor, and I want to take this opportunity to thank my colleagues for their kind and courteous treatment afforded me during the time I have served in this House. I have enjoyed my associations with you and shall never forget the enjoyment it has given me.

I also want to thank the people of my district for giving me the opportunity to represent them and serve in this body during the greatest and momentous period of our history, especially during the 100-day session of 1933, when business was prostrate and toppling into bankruptcy by the thousands every day, and 14,000,000 men were out of employment and walking the streets looking for a job, while women and children sat at home freezing and starving. Yes; from that time through the momentous declarations of war against the world's dictators in 1941, up to the present day.

I have tried to be a real and true servant of my people, looking only to their best interests as God has given me the light to see the right and truth of their every cause.

On the 3d day of January, I shall depart from these Halls, proudly remembering my services here of the past. I go realizing the great responsibility that rests upon the shoulders of my colleagues. I hope and pray for them an early success in the winning of the great war, the establishment of a permanent peace, and the preservation of our glorious Republic and its institutions. I know you cannot and will not fail.

[Here the gavel fell.]

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 5 minutes.

UNIFIED LINE OF ECONOMIC COMMAND

Mr. VOORHIS of California. Mr. Speaker, I want to speak briefly about the importance of a unified line of economic command for America's war-production program. It is inevitable that a dictatorship like Hitler's dictatorship or like Japan's dictatorship should have an original advantage over a democracy in a total war. It is also true that in order to try to put a nation like our own democracy in line to fight that war effectively, some difficult things and some difficult adjustments have to be made. The people can and will understand those adjustments if the right approach is made to them. But that approach is of utmost importance.

To my mind, the order of the day in Washington ought to be to coordinate and concentrate policy-making authority, to eliminate duplications, and to streamline the whole war-production program.

To give point to my speech at the very beginning I want to say I am tremendously interested in, and in support of, the central principle of legislation that has been introduced by my colleague from California [Mr. TOLAN] and by certain Senators. The number of Mr. TOLAN's bill is H. R. 7742. This bill proposes to set up an Office of War Mobilization, which would be the central policy-making body, able to do, for example, the following things:

To set the policy with regard to manpower so as to balance judgment as to the number of people in the armed forces on the one hand and people needed to produce the necessary supplies, equipment, and food for those people in the armed forces on the other hand. Our objective must be not simply an Army of a certain size but a superbly equipped Army of a certain size. And that shows clearly how important is the relationship between the size of the Army and the production of food and equipment. Such an over-all policy-making office would be able in the second place, with regard to agriculture, to do the following: To have under it an Office

of Food Administration such as we have heard about recently, whereby directives regarding agriculture could come from one central place, so that price policies with regard to agriculture, manpower policies, the ability of farmers to secure necessary machinery, would be coordinated with the goals set for production. Obviously you cannot separate those things. Obviously decisions about selective-service draft on the one hand and need for manpower elsewhere are not two separate decisions, but one decision which has to be made originally, and then the administration of it passed down the line.

In my judgment, one of the greatest difficulties in connection with the Office of Price Administration at present is the fact that it is attempting to operate in one field of our economic activity without close enough relationship to the effect of its work upon the whole general central purpose of achieving the maximum possible production in all lines, for the purpose of winning this war.

There are certain other aspects of this problem. May I put it this way, that the main thing we have to do is to win the battle against confusion. I think confusion has been one of the worst enemies the American people have had to combat, and I do not think they should have to combat it. One thing that makes it worse is the fact that everybody is talking about how much confusion there is, exaggerating the difficulties to some extent, but at the same time I think it is the duty of everyone in Washington to do everything we possibly can to remove that confusion and to centralize this policy-making responsibility, to secure this unified line of economic command, about which I spoke in the beginning.

There is no doubt in my mind that we are going to get the better of this problem. I have spoken many times before this and pointed out that when people were concerned about the future position of the Congress and the legislative arm of our Government, the thing that they needed to consider was not how they could vote "No" against some proposal of the Executive, but that the way to assure the position of the Congress was for the Congress itself to bring forward its own constructive program for meeting the problems that the American people face.

Here is a proposal brought forward by the Congress and one which I think should receive the very most careful consideration of every single Member of this body.

As a matter of fact, I believe that in the problem of small business, which, to my mind, is one of the most serious we have, much might be accomplished by having at the center of our whole economic program one policy-making agency, which could issue a directive to the effect that the facilities of that small business were to be used to the maximum possible extent. Congress has passed a number of pieces of legislation about this matter, but so far we all know how far we are from a solution.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

DUTIES AND OBLIGATIONS OF THE SEVENTY-EIGHTH CONGRESS

Mr. FISH. Mr. Speaker, the incoming Congress has a duty to put an end to legislation by governmental agencies and bureaucrats, and to assume full responsibility itself for formulating its own legislative program and insisting that it be enforced.

For the past 10 years the heavy New Deal majorities in the House and Senate have permitted the administration to run wild and feel free to do as it pleased. Vast powers have been delegated by a complacent and partisan Congress, in time of peace, to the President. With almost unrestrained power the administration cared little about the protests of the minority, and stopped at nothing to carry out its program of collectivism and state socialism, even indulging in punitive attacks on business and attempts to purge its Democratic and Republican opponents in Congress.

The only authority that could stop the march to social revolution and dictatorship in America were the people themselves, and by an overwhelming vote they protested against the regimentation and collectivism of the New Deal and its Gestapo methods that threaten free government. They repudiated, on election day, bureaucratic government, national socialism, and totalitarianism, and the efforts to establish a one-party and one-man government in our own country while our sons were fighting for the four freedoms throughout the world.

The mandate of the people is clear and convincing, and calls for the immediate return to free American enterprise, free speech, a free press, freedom from fear, and for the restoration of representative and constitutional government in the United States.

I believe the recent election saved American democracy and constitutional government by serving a mandate on Congress to stand on its own rights and prerogatives as an independent and coordinate branch of the Government and not to surrender its constitutional powers to President Roosevelt, his radical New Deal spokesmen, and policy-making unofficial cabinet, or to the Washington bureaucrats.

The New Deal era of government by Executive order, or by bureaucrats, was terminated by the people on election day. The new order calls for government by law instead of by individual bureaucrats.

One of the first duties of the new Congress is to formulate a law to prohibit the placing of a limitation of $25,000 annually on earned incomes, which has been done by Executive order in defiance of Congress and the Constitution. There is a high constitutional principle at stake, involving the right of Congress to legislate.

In addition the limiting of earned income to $25,000 smacks too much of communism, and actually represents part of the 1928 Communist Party national platform. If, by Executive order, the President can usurp the legislative functions of Congress and set a $25,000 limit on earned income, he could reduce it to $2,500 if he wanted.

The fact is that limiting earned incomes to $25,000 would mean a very considerable loss of taxes to the Government. The higher brackets pay upward of 90 percent in income taxes, whereas if salaries were reduced to $25,000 by the big corporations the Government would lose at least 50 percent in revenue.

Our American system is based on individual initiative and profit. Of course an able executive should be worthy of his hire. The attempts to limit salaries by Executive order is wrong in principle, unconstitutional and, if effective, would undermine and endanger our economic and industrial system based on free enterprise, merit, and private initiative, and cause a further advance to collectivism, communism and national socialism in the United States. It would, in addition, result in financial disaster to private charities, schools, churches, and hospitals.

The new Congress should put an immediate end to government by personal edicts and bureaucrats instead of by law.

The SPEAKER pro tempore. Under the previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 15 minutes.

THE NEED FOR A SINGLE PETROLEUM ADMINISTRATOR

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have repeatedly appealed to the Members of the House for assistance in our plight in New England. We face, I believe, actual freezing in New England if something is not done to aid us. The gentleman from California has spoken of the extreme confusion in Government departments at the present time. Only a few days ago Mr. Ickes, testifying before the Truman committee, maintained what his group and others told me at a meeting called at my request months ago: That New England would receive 75 percent of her oil for heating and industrial purposes based on a normal year's consumption; but on the very next day Mr. Henderson came out with a statement declaring that he would allow New England but 65 percent of her previous year's consumption of oil for heating purposes, and it was to be cut still further. I understand today that Mr. Henderson said this will not be necessary.

We have confusion worse confounded, and the people in New England are living not only in fear of freezing, but they are living in anger.

I have a bill pending before the Committee on Interstate and Foreign Commerce which will provide a petroleum authority with one person in charge as coordinator. This, in my belief, will solve the problem. It should have been done months ago. I asked months ago for Presidential action. I have expected that would be done hourly for weeks. It is incredible to me, Mr. Speaker, that this should not have been done when you

realize the vast importance oil plays in winning the war. Look into the shipments of oil of any country at war and you realize oil's importance in winning the war on both the war front and the home front.

There is one thing, Mr. Speaker, that my colleagues can do, and I am pleading with them to do it, and that is to find out in their own districts whether tank cars, instead of being used for the transportation of chemicals and certain other commodities, cannot be displaced by tank trucks. I found only the other day that one Government department was using 150 tank cars for the transportation of a commodity that could be transported just as well in tank trucks. I am glad to say that the situation has been remedied and now that commodity, which is needed in the war—I grant you that—will be transported in trucks; so 150 tank cars will be saved for the moving of oil, I hope, to New England, to keep us from freezing.

It is an extremely serious situation, Mr. Speaker, a situation that in my opinion will go down in history as one of the most outstanding abuses of that section of the country, of any loyal section of the country, that has ever occurred. There is no possible excuse for it, and I ask for immediate action to have a petroleum "czar" appointed before New England freezes.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the gentleman from California, Mr. THOMAS F. FORD, for 7 days, on account of official business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1012. An act for the relief of C. Y. Webb; to the Committee on Claims.

S. 2135. An act for the relief of Lt. M. V. Daven; to the Committee on Claims.

S. 2325. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

S. 2413. An act for the relief of Vodie Jackson; to the Committee on Claims.

S. 2473. An act authorizing the Comptroller General of the United States to consider the claim of Lew O. Calhoun; to the Committee on Claims.

S. 2547. An act for the relief of Mrs. Ernestine Fuselier Sigler; to the Committee on Claims.

S. 2530. An act for the relief of Howard M. Sandus; to the Committee on Claims.

S. 2618. An act for the relief of Beatriz Milan Vda. de Vasquez; to the Committee on Claims.

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear; to the Committee on Claims.

S. 2741. An act for the relief of Charles E. Naghel; to the Committee on Claims.

S. 2742. An act for the relief of the postmaster at Nome, Alaska; to the Committee on Claims.

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.; to the Committee on Indian Affairs.

S. 2754. An act to eliminate private suits for penalties and damages arising out of frauds against the United States; to the Committee on the Judiciary.

S. 2766. An act for the relief of Almos W. Glasgow; to the Committee on Claims.

S. 2774. An act to amend section 36 of the Criminal Code; to the Committee on the Judiciary.

S. 2310. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association; the Young Women's Christian Association; the Richland County Post, No. 6, of the American Legion; and C. J. Nairn, all of Columbia, S. C.; to the Committee on Claims.

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash.; cancel and adjust certain charges, and for other purposes; to the Committee on Indian Affairs.

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes; to the Committee on Indian Affairs.

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same; to the Committee on Military Affairs.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 1, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the committee at 10 o'clock on Wednesday, December 2, 1942, for consideration of H. R. 7826.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2007. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 26, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of Pequest River and its tributaries, Warren and Sussex Counties, N. J., authorized by the Flood Control Act approved August 11, 1939; to the Committee on Flood Control.

2008. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 27, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Salmon River, Idaho, a tributary of the Snake River, authorized by an act of Congress approved on March 4, 1937; to the Committee on Flood Control.

2009. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 3, 1942, submitting a report, together with accompanying papers and four illustrations on a preliminary examination and survey of the Palouse River, Wash., and Idaho, a tributary of the Snake River, Idaho, Wash., and Oreg., authorized by an act of Congress approved on March 4, 1937 (H. Doc. No. 888); to the Committee on Flood Control and ordered to be printed with four illustrations.

2010. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 27, 1942, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of the Short Creek and its tributaries, in Jefferson and Harrison Counties, Ohio, authorized by the Flood Control Act approved on June 28, 1938 (H. Doc. No. 889); to the Committee on Flood Control and ordered to be printed with five illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H. R. 7784. A bill to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States in certain cases; with amendment (Rep. No. 2665). Referred to the House Calendar.

Mr. McLAUGHLIN: Committee on the Judiciary. H. R. 7814. A bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; with amendment (Rep. No. 2666). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7632) granting a pension to Mrs. Martha Frizzell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBSEN:

H. R. 7822. A bill creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. JONKMAN:

H. R. 7823. A bill to amend the Emergency Price Control Act of 1942 so as to protect established and bona fide business practices and methods; to the Committee on Banking and Currency.

By Mr. PETERSON of Florida:

H. R. 7824. A bill making certain regulations with reference to fertilizers or seeds

that may be distributed by agencies of the United States; to the Committee on Agriculture.

By Mr. RAMSAY:

H. R. 7825. A bill to authorize and direct the Secretary of the Treasury to establish and put into operation "The Slogan Way of Bond and Stamp Promotion" plan to promote the sale of war bonds and stamps; to the Committee on Ways and Means.

By Mr. DOWNS:

H. R. 7826. A bill to authorize the sale or transfer of property belonging to the Government for other purposes; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEITER:

H. R. 7827. A bill for the relief of Garnet Charles Williams; to the Committee on Military Affairs.

By Mr. DAVIS of Tennessee:

H. R. 7828. A bill for the relief of John Sweeney; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3467. By Mr. BENNETT: Petition of Ida M. Slagle and 41 others of the Slagle Baptist Church, Polk County, Mo., asking Congress to prevent the sale and use of all intoxicating liquors and especially in and near Army camps; to the Committee on Military Affairs.

3468. By Mr. BISHOP: Petition of the Patriot Guard of America, Inc.; to the Committee on Military Affairs.

3469. By Mr. LECOMPTE: Petition of members of the Woman's Christian Temperance Union, of Allerton, Iowa, in the interest of the welfare of boys in camps and asking for the removal of liquor in all forms from the camps and around the camps; to the Committee on Military Affairs.

3470. By Mr. McGREGOR: Resolution adopted by a unanimous vote of the Knox County Pomona Grange at its regular meeting November 21, 1942, and presented by Ray McDonald, of Fredericktown, Ohio, master of the Grange, protesting against the rationing program as applied to the use of automobiles, trucks, and other farm equipment, and urging the Congress to take steps to immediately simplify the present procedure, thereby saving manpower for essential war service, to the Committee on Banking and Currency.

3471. By Mr. MASON: Petition signed by Rev. H. C. Chapin and other citizens of Kendall County, Ill., against liquor and vice among America's armed forces; to the Committee on Military Affairs.

3472. By Mr. SMITH of Wisconsin: Memorial of Harry J. Voelker, treasurer, W. H. Kranz Co., Racine, Wis.; to the Committee on Banking and Currency.

3473. Also, resolution of the rural State graded and village school boards of Walworth County, Wis.; to the Committee on Banking and Currency.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 1, 1942

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, the God of the ages, everywhere present, be merciful and forgive our sins and help us to be true to ourselves. In quiet and in tumult, with calmness and serenity, enable us to meet every problem and quit ourselves like men. As the wind bloweth where it listeth and we know not whence it cometh nor whither it goeth, so we know not how Thou dost bless, yet Thy Spirit doth make every place a sanctuary. He who maintains allegiance to our Master and exemplifies faith in Him as guide, whatever the sacrifice or loss, cannot fail.

Blessed Lord, as duties are ours and results are Thine, we pray that with a steadfast self-denial and fortitude, Thou wilt help us not only to endure but to embrace them; thus life becomes a joyous benefaction. Give us strength that means moral courage, ability to stand against ridicule, to resist temptations, and to silence discouragements. Barriers thus surmounted need neither crown nor title to herald the strength and the majesty of such manhood. Inspire us to follow the example of the apostle who glorified valor and a noble purpose: "I can do all things through Christ."

"Then let us prove our heavenly birth
In all we do and know,
And claim the kingdom of the earth
For Thee and not Thy foe."

In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 3398. An act for the relief of Gerhard R. Fisher;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant); and

H. R. 5920. An act for the relief of E. A. Williams.

The message also announced that the Senate had ordered, that the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7151) entitled "An act to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession," together with Senate engrossed amendments thereto.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the Joint Select Committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government" for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of Commerce.
3. Federal Security Agency.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. COOPER. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix.]

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SMITH]?

There was no objection.

[Mr. SMITH of Washington addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. GATHINGS]?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from Leon Henderson.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BECKWORTH]?

There was no objection.

THE SITUATION OF THE FARMER

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. ARENDS]?

There was no objection.

Mr. ARENDS. Mr. Speaker, surprises come to all of us at various times, but the farmer now has had so many surprises that he must begin to accept them as everyday events. Can you imagine what his latest surprise must mean to him when this morning he picks up the paper and reads that as a farm operator he is

going to be permitted to pay higher wages to his help. In fact, he is going to be given permission to pay up to $2,400 per annum for any year-round helper. His right to increase wages to his hired help is for the purpose of allowing him to compete with wages paid in war industry and to keep the help down on the farm. Now, just one wheel is out of line in this astounding display of not thinking things through, and that is, Where do these department heads or bureaucrats think the farmer is going to get the money to pay any such proposed increased wages? Right now the corn and wheat farmer is having trouble enough to make ends meet and at the same time have money enough to buy the few necessary materials to carry on with the increased production program desired by the Department of Agriculture. So once more "goofy" thinking takes the place of sound reasoning and honest desire to work out practical solutions in order to be of true assistance to the farmer.

So this morning Farmer Jones' picture is brighter. All he has to do is first find the fellow who will work on the farm; next, agree to pay him war-industry wages; and, finally, try to find the money to pay the fellow with. Is not that just too easy?

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an analysis by Alf Landon of our gasoline shortage muddle.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MASON]?

There was no objection.

Mr. RODGERS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a report by the National Grange.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RODGERS]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

[Mr. PLUMLEY addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks by inserting in the CONGRESSIONAL RECORD an article by Warner Oliver, entitled "The Coming Crisis in Iron," which appeared in the Saturday Evening Post of recent date.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. WELCH]?

There was no objection.

PERMISSION TO FILE COMMITTEE REPORT

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a report on eight bills that have been favorably reported by the Committee on Military Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]?

There was no objection.

WAR MANPOWER SITUATION UNSATISFACTORY

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. PIERCE. Mr. Speaker, several months ago I called the attention of this House and various governmental agencies to the fact that a food shortage would occur if farm labor problems were not solved immediately. For many months the war manpower authorities have discussed the situation but positive action was delayed to the point of danger. I have already inserted in the RECORD for the information of the Congress, and the public, several statements from livestock producers in Oregon. I have just received a letter from a woman who is attempting to carry on a farm, in Oregon, without any help. One son had already volunteered and last August her second son, who was her helper and mainstay, was drafted. Here is her story. It ought to impress someone to the point of taking positive action, especially in face of the fact that there is talk of poultry rationing. There seems to be an actual paralysis among responsible agencies in Washington. A coordinator is much needed.

Life has been very strenuous for me as I have attempted to carry on my son's work—an impossibility. He had 5,550 turkeys, 140 hogs with another 120 due from farrowing, almost 4,000 chickens, besides general farm work from which he was taken by the draft in August. My husband attempted to help in haying and suffered a stroke. I have struggled along, selling off stock and poultry as fast as possible, but it doesn't seem right that a place which was built up to produce 200,000 pounds of meat yearly should go out of production, but I suppose there is no chance of my boy being released from service and help and health are such that I can do almost nothing alone. Still I can't feel that it is right to let the place go out of production.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House today for 15 minutes after disposition of business on the Speaker's table and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial by William Allen White.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. GUYER]?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article appearing in the Fort Wayne News-Sentinel on November 28, 1942.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein a newspaper article from the morning press.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

AMENDMENT OF FIRST WAR POWERS ACT, 1941

The SPEAKER laid before the House the following communication from the Secretary of the Senate:

IN THE SENATE OF THE UNITED STATES,
November 30, 1942.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7151) entitled "An act to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession," together with Senate engrossed amendments thereto.

Attest:

EDWIN A. HALSEY,
Secretary.

The SPEAKER. Without objection, the request is granted.

There was no objection.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the United States News of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein parts of a splendid address delivered by the Assistant Secretary of Commerce for Air, Mr. Burden.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

RONALD LEROY CHEN

The Clerk called the first bill on the Private Calendar, H. R. 6677, for the relief of Ronald Leroy Chen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws of the United States, relating to the issuance of immigration visas for admission to the United States and relating to admissions at ports of entry of aliens as immigrants, for permanent residence in the United States, the provision of section 13 (c) (title 8, sec. 213 (c), U. S. C. Annotated) of the Immigration Act of May 26, 1924, which excludes persons of races ineligible to citizenship, shall not hereafter be held to apply to Ronald Leroy Chen, who is the minor son of Mrs. Letty W. Huston, a citizen of the United States, and the said Ronald Leroy Chen shall be admitted to the United States if he is found to be otherwise admissible under the immigration laws.

With the following committee amendment:

On page 1, beginning in line 3, strike out all after the enacting clause and insert the following: "That in the administration of the immigration and naturalization laws Ronald Leroy Chen, the half-Chinese child of a widowed United States citizen mother of the white race, may be admitted to the United States for permanent residence if he is found to be admissible under the immigration laws other than those relating to inadmissibility because of racial ineligibility, or because of having been born in the area specified in section 3 of the act of February 5, 1917 (U. S. C., title 8, sec. 136 (n))."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTHONY FAMIGLIETTI

The Clerk called the next bill, S. 1334, for the relief of Anthony Famiglietti.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Famiglietti, of Providence, R. I., the sum of $500, in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Work Projects Administration, in the village of Chepachet, in the town of Glocester, R. I., on March 22, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES E. SALMONS

The Clerk called the next bill, S. 2195, conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons, of Sedalia, Mo., against the United States for compensation for the death of his wife, Nadine Salmons, as a result of a collision between the automobile in which she was riding as a passenger and a United States Army Air Corps tractor on Highway No. 50, near Tipton, Mo., on August 10, 1941: *Provided*, That the judgment, if any, shall not exceed $5,000.

SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any acts committed by any of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

With the following committee amendment:

On page 1, beginning in line 3, strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Salmons, of Sedalia, Mo., the sum of $3,500, in full settlement of all claims against the United States for the death of his wife, Nadine Salmons, as a result of a collision between the automobile in which she was riding and a United States Army Air Corps tractor on Highway No. 50, near Tipton, Mo., on August 10, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "An act for the relief of Charles E. Salmons."

REIMBURSEMENT OF CERTAIN NAVY PERSONNEL

The Clerk called the next bill, S. 2593, to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the Administration Building, Naval Operating Base, Norfolk, Va., on January 26, 1941.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $3,633.39, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged in the fire which destroyed the Administration Building, Naval Operating Base, Norfolk, Va., on January 26, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERCY RAY GREER

The Clerk called the next bill, S. 2363, for the relief of Percy Ray Greer, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to the lawful guardian of Percy Ray Greer, a minor, of Rayville, La., in full satisfaction of all claims against the United States for compensation for personal injuries sustained by the said Percy Ray Greer on July 19, 1941, as the result of an accident involving a United States Army command car in which he was riding as a passenger: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GWENDOLYN ANNE OLHAVA AND ANTHONY L. OLHAVA

The Clerk called the next bill, H. R. 5409, for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony L. Olhava, Omaha, Nebr., the sum of $1,500. The payment of such sum shall be in full settlement of all claims against the United States for damages on account of injuries received by Gwendolyn Anne Olhava, infant daughter of the said Anthony L. Olhava, when she was struck, on July 20, 1939, at the city of Omaha, Nebr., by a United States Army truck.

With the following committee amendment:

At the end of the bill change the period to a colon and insert the following: *"Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BESSIE SCHAKETT

The Clerk called the bill (H. R. 6749) for the relief of Mrs. Bessie Schakett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Bessie Schakett, of Columbus, Ohio, the sum of $650. The payment of such sum shall be in full settlement of all claims of the said Mrs. Bessie Schakett against the United States on account of personal injuries sustained by her on June 21, 1941, when the automobile in which she was a passenger was struck by a United States Army truck.

With the following committee amendment:

At the end of the bill, strike out the period, insert a colon and the following: *"Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RELIEF OF POSTMASTER AT NOME, ALASKA

The Clerk called the bill (H. R. 7465) for the relief of the postmaster at Nome, Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General and the Comptroller General are authorized to pay to the postmaster at Nome, Alaska, the sum of $184.40, or to credit his account in that amount, such sum representing a charge against the postmaster based upon his having employed and compensated, through misunderstanding, an employee, now separated from the service, as a temporary clerk instead of as a substitute clerk at the Nome post office.

With the following committee amendments:

Line 4, after the words "pay to", insert "Guy E. Mish." At the end of the bill add: ": *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to substitute for the bill H. R. 7465 the bill S. 2742.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General and the Comptroller General are authorized to pay to the postmaster at Nome, Alaska, the sum of $184.40, or to credit his account in that amount, such sum representing a charge against the postmaster based upon his having employed and compensated, through misunderstanding, an employee, now separated from the service, as a temporary clerk instead of as a substitute clerk at the Nome post office.

Mr. DIMOND. Mr. Speaker, I offer the following amendment to the Senate bill.

The Clerk read as follows:

Amendment by Mr. DIMOND: Strike out all after the enacting clause, and insert the language of the House bill (H. R. 7465), as amended.

The SPEAKER. The question is on agreeing to the amendment to the Senate bill.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill for the relief of Guy E. Mish."

RELIEF OF LITCHFIELD BROS.

The Clerk called the bill (H. R. 7012) for the relief of Litchfield Bros., Aurora, N. C.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Litchfield Bros., Aurora, N. C., the sum of $1,350. The payment of such sum shall be in full settlement of all claims of the said Litchfield Bros. against the United States arising out of the delivery in April 1941, of potatoes to Fort Bragg, N. C. Such delivery was made under a War Department contract issued to A. G. Shore & Co., Winston-Salem, N. C., and later transferred by such company to the said Litchfield Bros. Under provisions of existing law, the War Department is unable to recognize the transfer of such contract, and, therefore, payment has not been made to the said Litchfield Bros.

With the following committee amendment:

At the end of the bill strike out the period, insert a colon, and the following: *"Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

SILAS FRANKEL AND LOUIS M. KOREN

The Clerk called the bill (H. R. 7247) for the relief of Silas Frankel and Louis M. Koren.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Silas Frankel and Louis M. Koren, of Peoria, Ill., the sum of $5,193, in full settlement of all claims against the United States. Such sum represents reimbursement for the loss sustained by said persons on account of the forfeiture to the United States of a like amount under a bail bond executed by the said Silas Frankel and Louis M. Koren and conditioned upon the delivery in court of one Herbert G. Baumhoff, alias "Chubby." By reason of the nonappearance of the said Herbert G. Baumhoff, alias "Chubby," said bail bond was declared forfeited in the United States District Court for the Eastern District of Missouri, Eastern Division, on October 24, 1939:

With the following committee amendments:

Page 1, line 5, strike out the words "and Louis M. Koren"; and, on line 6, page 1, strike out "$5,193" and insert "$2,596.50."

Line 8, strike out the words "said persons" and insert the word "him."

At the end of the bill strike out the period, insert a colon and the following: *"Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Silas Frankel."

ROY DELAVERGNE

The Clerk called the bill (H. R. 6771) for the relief of Roy Delavergne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roy Delavergne, of Monroe Center, Ill., the sum of $10,000, in full satisfaction of his claim against the United States for compensation for the death of his son, Ivan Delavergne, who died of personal injuries sustained by him as the result of an accident involving an Army truck and a Ford coach in which he was a passenger on the Blackhawk Road (Kishwaukee Forest Preserve Road), near Camp Grant, Ill., on June 19, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "Roy Delavergne"; insert in lieu thereof "Lillian J. Delavergne and Myrla Delavergne."

Page 1, line 6, strike out the figures "$10,000"; insert in lieu thereof the figures "$3,500."

Page 1, line 6, strike out "his" and insert in lieu thereof "their."

Page 1, line 7, strike out "his son."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Lillian J. Delavergne and Myrla Delavergne."

THOMAS W. DOWD

The Clerk called the bill (H. R. 6863) for the relief of Thomas W. Dowd.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas W. Dowd, Revere, Mass., the sum of $6,500. The payment of such sum shall be in full settlement of all claims of the said Thomas W. Dowd against the United States on account of personal injuries sustained by him on July 21, 1941, when the automobile in which he was a passenger was in collision on United States Highway No. 1, at Saugus, Mass., with a truck in the service of the Civilian Conservation Corps.

With the following committee amendments:

Page 1, line 6, strike out "$6,500" and insert "$3,833."

At the end of the bill strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH F. GORDON

The Clerk called the bill (H. R. 6924) for the relief of Joseph F. Gordon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph F. Gordon, of the District of Columbia, the sum of $1,083.34. Such sum represents the amount of salary which the said Joseph F. Gordon would have received from March 1, 1941, to July 31, 1941, inclusive, as an inspector in the Wage and Hour Division of the Department of Labor if he had been restored to such position on March 1, 1941, in accordance with the provisions of the joint resolution entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, as amended. The said Joseph F. Gordon left such position in January 1941, to perform active duty in the military service of the United States with the One Hundred and Sixty-sixth Field Artillery of the Pennsylvania National Guard, and upon being relieved of such duty, was, contrary to the provisions of such joint resolution, denied reemployment prior to August 1, 1941.

With the following committee amendments:

Page 1, line 6, strike out the figures "$1,083.34", insert in lieu thereof the figures $1,083.30", and at the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GARLAND GAILEY AND MRS. MAE GAILEY

The Clerk called the bill (H. R. 7035) for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Garland Gailey, of Baldwin, Ga., the sum of $10,000 and to Mrs. Clara Mae Gailey, of Baldwin, Ga., the sum of $10,000, in full satisfaction of their claims against the United States for compensation for the death of their minor daughter Marilyn Gailey who was killed on April 14, 1941, by being struck by a forestry truck being operated by an employee of the Emergency Relief Administration in the service of the forestry department of the United States at and near the home of said Marilyn Gailey, in Banks County, Ga.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the name "Garland Gailey", strike out the comma and insert in lieu thereof the words "and Mrs. Clara Mae Gailey."

Page 1, line 6, after the words "sum of", strike out "$10,000 and to Mrs. Clara Mae Gailey, of Baldwin, the sum of $10,000" and insert in lieu thereof the figures "$3,100."

The committee amendments were agreed to.

Mr. SCHULTE. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 2, line 1, after the word "operated", strike out the words "by an employee of the Emergency Relief Administration" and insert in lieu thereof the words "a relief worker."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEVING CERTAIN EMPLOYEES OF THE VETERANS' ADMINISTRATION FROM FINANCIAL LIABILITY FOR OVERPAYMENTS

The Clerk called the next bill, H. R. 7288, to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the employees responsible for the excess or erroneous payments represented by the sums (including interest accruals) herein stated be, and they are hereby, relieved of financial liability therefor and the Comptroller General is authorized and directed to allow credit in the settlement of the accounts of the following-named former disbursing officers of the Veterans' Administration and Guy F. Allen, chief disbursing officer, Treasury Department, in such amounts not exceeding the sums (including interest accruals) stated herein, which have been or hereafter may be disallowed, as may be necessary to relieve such disbursing officers of financial liability therefor: *Provided*, That this act shall not be construed to bar recovery of the amounts herein specified from the persons to whom and through whom such amounts have been paid.

First. J. B. Schommer, former disbursing officer, Veterans' Administration, Washington, D. C., in the sums of $30, symbol 11666, and $688, symbol 11532, which amounts were expended during the period from June 1, 1933, through June 30, 1934.

Second. N. B. Harrison (Mohen), former disbursing officer, Veterans' Administration Facility, Los Angeles, Calif., in the sum of $132.30, symbol 11384, which amount was expended during the period June 1, 1933, through December 31, 1933.

Third. Guy F. Allen, chief disbursing officer, Treasury Department, Washington, D. C., in the sums of $22.05, symbol 11559; $7,789.86, symbol 11561; $1.33, symbol 11564; $2.28, symbol 11565; $225, symbol 11569; $199, symbol 11570; $445, symbol 11571; $48.96, symbol 11574; $17.25, symbol 11578; $2.08, symbol 11581; $3,212.95, symbol 11647; $896.98, symbol 89888; $22.77, symbol 99280, which amounts were expended during the period July 1, 1934, through July 31, 1940.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

BEATRIZ MILAN VDA. DE VAZQUEZ

The Clerk called the next bill, H. R. 7290, for the relief of Beatriz Milan Vda. de Vazquez.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to substitute a similar bill, S. 2618, for H. R. 7290.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Beatriz Milan Vda. de Vazquez, of Sabana Grande, P. R., the sum of $4,200.70 in full settlement of her claim against the United States for personal injury sustained when the automobile in which she was riding was struck by a United States Army command car on Insular Road No. 1, near Barrio Montellano, Cayey, P. R., on June 29, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7290) was laid on the table.

ARKANSAS GAZETTE ET AL.

The Clerk called the next bill, H. R. 7333, for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $96.25 to the Arkansas Gazette, of Little Rock, Ark.; to pay the sum of $63 to the Hope Star, of Hope, Ark.; to pay the sum of $85.75 to the Hope Journal, of Hope, Ark.; to pay the sum of $98 to the Arkansas Democrat Co., of Little Rock, Ark., in full settlement of all claims against the United States for advertising under instructions from the constructing quartermaster, Southwestern Proving Ground project, Hope, Ark., during the months of September and October 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$63" and insert "$66.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES E. NAGHEL

The Clerk called the next bill, H. R. 7569, for the relief of Charles E. Naghel.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to substitute a similar bill, S. 2741, for the House bill, H. R. 7569.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to allow credit in the official accounts of Charles E. Naghel, formerly disbursing clerk for the Department of the Interior at Juneau, Alaska, for disallowances by the General Accounting Office in the amounts of $87 and $12 under certificates of settlement numbered G–111248–In. and G–118777–In., dated February 28, 1941, covering payments made to Walya Carroll for telephone service rendered by her at Copper Center, Alaska, during the period October 1, 1932, to and including June 30, 1935.

The Secretary of the Treasury is hereby authorized and directed to refund, out of any moneys in the Treasury not otherwise appropriated, any payments made by the said Charles E. Naghel on account of the disallowances in question.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VICTORIA JESSIE LODGE SKIN, NOW STANDING BEAR

The Clerk called the next bill, H. R. 7586, for the relief of Victoria Jessie Lodge Skin, now Standing Bear.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill, S. 2712, for H. R. 7586.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That to correct an award of money in lieu of an allotment of land under the acts of May 3, 1928 (45 Stat. 484), and June 14, 1935 (49 Stat. 340), erroneously made to Henry Leon Prue rather than to Victoria Jessie Lodge Skin, now Standing Bear, a Sioux Indian of the Rosebud Reservation, S. Dak., and the Indian rightfully entitled thereto, the Secretary of the Treasury shall pay the sum of $664 to the Secretary of the Interior or his authorized representative for deposit to the credit of Victoria Jessie Lodge Skin, now Standing Bear. The Secretary of the Treasury shall make such payment only when notified by the Secretary of the Interior that Victoria Jessie Lodge Skin, now Standing Bear, has agreed in writing that such payment shall be in full satisfaction of all her claims against the United States in connection with her right to an award of money in lieu of an allotment under the acts of May 3, 1928 (45 Stat. 484), and June 14, 1935 (49 Stat. 340), and such payment shall be in full satisfaction of all such claims. Money deposited to the credit of Victoria Jessie Lodge Skin, now Standing Bear, pursuant to this act shall be available for expenditure in accordance with the regulations relating to individual Indian money.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7569) was laid on the table.

ETTA A. THOMPSON ET AL.

The Clerk called the next bill, H. R. 7587, for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to remove from the records of the General Accounting Office the debts which have been raised against the following employees of the Farm Security Administration, Department of Agriculture: Etta A. Thompson, Franklin, Tenn., in the sum of $40, plus accrued interest; Ruth Irene Morgan, Anadarko, Okla., in the sum of $51, plus accrued interest; Marion E. Graham, Anadarko, Okla., in the sum of $41.25, plus accrued interest; and Alice K. Weber, Fairmont, W. Va., in the sum of $221.78, plus accrued interest; representing the loss of public funds for which they were accountable, through no fault or negligence on their part.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH B. RANDALL

The Clerk called the next bill, H. R. 7649, for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif., who is accountable to the United States in the amount of $3,615, the value of food stamps stolen from his custody on March 20, 1941, in the county office of the Farm Security Administration, at Visalia, Calif., shall not be required to reimburse the United States for such loss; and the Comptroller General of the United States and the Secretary of Agriculture are hereby authorized and directed to remove from their records the debt against the said Ralph B. Randall in the amount of $3,615, the value of the stolen food stamps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. LEO A. LUTTRINGER

The Clerk called the next bill, H. R. 7650, for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the account of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania, the sum of $2,105.30, public funds for which he is accountable, which sum was paid by him to the Keystone Tailoring Co., Philadelphia, Pa., on vouchers for services for which bona fide bids were not obtained, and which amounts have been disallowed by the Comptroller General of the United States.

Mr. SCHULTE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: At the end of the bill H. R. 7650 add the following proviso: "*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Col. Leo A. Luttringer the sum of $2,105.30 in full settlement of his claim against the United States for a like amount refunded by him to the United States, growing out of the aforementioned disallowances."

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. CASE of South Dakota. Will the gentleman explain the purpose of the amendment? The bill as drawn authorizes the payment of this amount.

Mr. SCHULTE. I will say to the gentleman because of the fact that the War Department recommended the change.

Mr. CASE of South Dakota. Under my study of the bill I was not aware that both were necessary. It appeared on the face of the bill that what was needed was a credit to the account of Colonel Luttringer, and it was not apparent in the report on the bill that he had actually settled the claim.

Mr. SCHULTE. All I know is that the War Department recommended that the change be made and that this amendment be offered.

Mr. CASE of South Dakota. Mr. Speaker, is it in order to ask unanimous consent that this bill be passed over temporarily and called at the end of the calendar?

The SPEAKER. The Chair would entertain such a request.

Mr. CASF of South Dakota. Mr. Speaker, I ask unanimous consent that this bill be passed over and called at the end of the calendar.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WILLIAM F. PERKINS ET AL.

The Clerk called the next bill, H. R. 7651, for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz., who is accountable to the United States in the amount of $720, the value of food stamps stolen from his custody on January 13, 1941, in the Pinal County office of the Farm Security Administration, Arizona, shall not be required to reimburse the United States for such loss; and the Comptroller General of the United States and the Secretary of Agriculture are hereby authorized and directed to remove from their records the debt against the said William F. Perkins in the amount of $720, the value of the stolen food stamps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WARREN M. ENGSTRAND

The Clerk called the next bill, H. R. 7652, for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif., who is accountable to the United States in the amount of $9,000, the value of food stamps stolen from his custody on March 27, 1941, in the county office of the Farm Security Administration, at Bakersfield, Calif., shall not be required to reimburse the United States for such loss; and the Comptroller General of the United States and the Secretary of Agriculture are hereby authorized and directed to remove from their records the debt against the said Warren M. Engstrand in the amount of $9,000, the value of the stolen food stamps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD L. GRUNSKY

The Clerk called the next bill, H. R. 7653, for the relief of Donald L. Grunsky.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit in the accounts of Ensign Donald L. Grunsky, Supply Corps, United States Naval Reserve, the sum of $1,500, being the amount stolen from United States funds by a person or persons unknown and charged against the accounts of the said Donald L. Grunsky, ensign, Supply Corps, United States Naval Reserve, on the books of the Treasury Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALEX LAWSON

The Clerk called the next bill, H. R. 6366, for the relief of Alex Lawson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Alex Lawson, of Glenbrook, Conn., in full settlement of all claims against the United States for expenses incurred and personal injuries sustained on October 10, 1940, in Westerly, R. I., as the result of a collision of the automobile in which he was riding with a National Youth Administration truck operated by Louis Gradilone, an employee of the National Youth Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "$5,000" and insert in lieu thereof "$3,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD WORKMAN

The Clerk called the next bill, H. R. 5175, for the relief of Edward Workman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Workman, father of Robert Workman, the sum of $3,000 in full settlement of all claims against the United States for the death of said minor, caused by having been struck and run over by a Civilian Conservation Corps truck, at or near the Wawasee State Fish Hatchery in the State of Indiana, on September 2, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MICHAEL L. FITZPATRICK

The Clerk called the next bill, H. R. 5274, for the relief of Michael Leo Fitzpatrick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Michael Leo Fitzpatrick, the sum of $13,110.11. The payment of such sum shall be in full settlement of all claims against the United States for injuries sustained by Michael Leo Fitzpatrick when he was struck by a United States mail truck at Chicago, Ill., on October 22, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$13,110.11" and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALICE COMAS ET AL.

The Clerk called the next bill, H. R. 5649, for the relief of Alice Comas, Robert Comas, and Frances Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice Comas the sum of $66.93, to pay Robert Comas the sum of $81.75, to pay Frances Williams the sum of $70.73, in full settlement of all claims against the United States for damages and personal injuries sustained when car driven by Robert Comas was struck by truck driven by an employee of the Post Office Department, near Harvard Bridge, Boston, Mass., on October 28, 1938.

SEC. 2. Payment shall not be made under this act until the above-named claimants have released all of their claims against the said Frederick R. Griffin, in a manner satisfactory to the Secretary of the Treasury: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM E. AVERITT AND UNITED STATES CASUALTY CO.

The Clerk called the next bill, H. R. 5812, for the relief of William E. Averitt and United States Casualty Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William E. Averitt the sum of $1,600, and to United States Casualty Co. the sum of $1,879.54. The payment of such sums shall be in full settlement of their claims against the United States for personal injury to William E. Averitt, resulting in the loss of an eye, and the payment of compensation by the United States Casualty Co., when the automobile in which William E. Averitt was riding was struck by a Civilian Conservation Corps truck assigned to Civilian Conservation Camp No. 342070 near Morganton, N. C., on April 17, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLARENCE A. HOUSER ET AL.

The Clerk called the next bill, H. R. 6285, for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence A. Houser and his wife, Mrs. Jewel Houser, of Vicksburg, Miss., the sum of $5,000 in full settlement of all claims against the United States for the death of their son, Clarence Robert Houser, who was killed when a bank of dirt and gravel fell on him, negligently left overhanging in a gravel bed by Civilian Conservation Corps officials in and near the Vicksburg, Miss., National Military Park: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$5,000" and insert in lieu thereof "$3,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF ELMER WHITE

The Clerk called the next bill, H. R. 5154, authorizing and directing the Secretary of the Treasury to reimburse the legal guardian of Elmer White, deceased, for personal injuries which resulted in the death of Elmer White by being struck by a truck owned by the Civilian Conservation Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Elmer White, deceased, the sum of $5,170, in full settlement of all claims against the United States for personal injuries which resulted in the death of said Elmer White, a minor, on account of being struck by a truck owned by the Civilian Conservation Corps in the Department of Agriculture and operated by an enrollee of the Civilian Conservation Corps under the direction and by the authority of the duly authorized officers and agents of said Department on a village street in the village of Newberry, Mich.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "legal guardian", insert in lieu thereof "estate."

Page 1, line 6, strike out the figures "$5,170", insert in lieu thereof the figures "$3,670."

Page 2, line 6, after the name "Michigan", insert "on December 16, 1939."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the estate of Elmer White."

CATHERINE BARRETT

The Clerk called the next bill, H. R. 4029, for the relief of Catherine Barrett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of Catherine Barrett, widow of William Barrett, whose death was allegedly caused as the result of an injury received on April 1, 1932, while employed by the Post Office Department as a supervisor at the Ferry Post Office, San Francisco, Calif., and her claim for compensation, as dependent widow, is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if she files such claim with the United States Employees' Compensation Commission not later than 6 months after the date of enactment of this act.

With the following committee amendments:

Page 1, line 3, strike out "17" and insert "15."

Page 2, after line 6, insert the following:

"SEC. 2. The compensation which the said Mrs. Catherine Barrett may be entitled to receive by reason of the enactment of this act shall begin on the 1st day of the month during which this act is enacted."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEIRS OF SIMON M. MYHRE

The Clerk called the next bill, H. R. 4853, for the relief of the heirs of Simon M. Myhre.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Kyle Anderson, Waupaca, Wis., as attorney for and for the use of, the following-named persons, heirs of the late Simon M. Myhre, the sum of $1,080: Mahna Braastad, Ole G. Lindvik, Karoline M. Braastad, Halvor G. Lindvik, Haakon Braastad, Anna L. Braastad, Else Braastad, Olava Mathilde G. Lindvik, Anna Elisa G. Bue, and Ludvik K. Braastad, all of Norway; and Eliza Myhre, Osborn Stamstad, Ole Myhre, Emma Myhre, Mathilda Stamstad, Freeman Myhre, Helen Bergen, and Milo Myhre, all of Waupaca

County, Wis. Such sum represents the expenses incurred by the aforesaid persons in defending themselves against a deficiency assessment erroneously assessed against them by the Collector of Internal Revenue by reason of the alleged failure of their ancestor, the said Simon M. Myhre, to file a Federal income-tax return for the year 1921. Such return had in fact been filed and reposed in the office of the Collector of Internal Revenue in Milwaukee.

With the following committee amendment:

Page 2, after line 11, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES FRANCIS FESSENDEN

The Clerk called the next bill, H. R. 6155, for the relief of Charles Francis Fessenden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of Charles Francis Fessenden, of Waverly, Pa., who allegedly was injured and became permanently disabled while engaged in the performance of his duty in October 1916 as an employee at the Navy Yard, Charleston, S. C., and as a result of such duty, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than 6 months after the date of enactment of this act: *Provided*, That no benefits hereunder shall accrue prior to the approval of this act.

With the following committee amendment:

Page 1, line 3, strike out "17" and insert "15."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANE A. THORNTON

The Clerk called the next bill, H. R. 6520, for the relief of Jane A. Thornton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jane A. Thornton, of Lexington, Ohio, the sum of $2,614.50, said sum being in full settlement of all claims against the United States for personal injuries, resulting from a collision on March 31, 1939, when the truck in which she was riding was struck by a vehicle of the Soil Conservation Service near Wellington, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$2,614.50" and insert "$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. M. JESSE

The Clerk called the next bill, H. R. 6780, for the relief of J. M. Jesse.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. M. Jesse, Argonne, Wis., the sum of $1,631. The payment of such sum shall be in full settlement of all claims against the United States arising out of the destruction on July 15, 1940, of real and chattel property owned by the said J. M. Jesse by a fire which resulted from the actions of an agent or agents of the Work Projects Administration (Project No. 10487).

With the following committee amendment:

Page 1, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAUDE LEACH

The Clerk called the next bill, H. R. 6873, for the relief of Maude Leach.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude Leach, of Portland, Oreg., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for personal injuries sustained by her on or about September 9, 1940, in Portland, Oreg., when she sustained personal injuries by falling as she entered the south doorway of the old United States Post Office, in Portland, Oreg., from the Morrison Street entrance.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert "$2,500."

Page 2, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contact to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ADA F. OGLE

The Clerk called the next bill, H. R. 6923, for the relief of Mrs. Ada F. Ogle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Ada F. Ogle, of Burlington, Vt., the sum of $100. The payment of such sum shall be in full settlement of all claims against the United States on account of the destruction of personal property owned by the said Mrs. Ada F. Ogle in Jericho, Vt. Such loss occurred during the week of April 7 to 15, 1941, when the farmhouse which contained such personal property was broken into at a time when access thereto was prevented by an order of the United States Army closing the road to such farmhouse because of military activity in the vicinity.

With the following committee amendment:

Page 2, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VERNON E. DEUS

The Clerk called the next bill, S. 2292, for the relief of Vernon E. Deus.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,377 as hereinafter provided, in full satisfaction of a judgment of the District Court of the United States for the District of Columbia on January 27, 1942, in civil action No. 7786 against Vernon E. Deus as a result of injuries sustained by Fred Walker, Jr., on June 24, 1940, while he was being detained at the guard room of the Senate Office Building; To Fred

Walker, Sr., $60.50; to Fred Walker, Sr., as guardian for his minor son, Fred Walker, Jr., $1,250; and to the clerk of such court as costs in such civil action, $46.50: *Provided*, That such payments shall be made only upon the said Vernon E. Deus being relieved from all liability on such judgment: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such civil action, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$1,377" and insert "$627."

Page 2, line 1, strike out "Fred Walker, Sr., as guardian for his minor son" and insert "legal guardian for."

Page 2, line 3, strike out "$1,250" and insert "$500."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "An act for the relief of Fred Walker, Sr., legal guardian for Fred Walker, Jr., the District Court of the United States for the District of Columbia."

BOTHILDA STENDER

The Clerk called the next bill, H. R. 4898, for the relief of Bothilda Stender.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bothilda Stender the sum of $5,000, in full settlement of all claims against the United States for personal injuries sustained by said Bothilda Stender when struck by a United States mail truck at the intersection of Fresno Street and Solano Avenue in the city of Berkeley, State of California, on February 4, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and insert "$4,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF F. E. WESTER

The Clerk called the next bill, H. R. 5157, to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. E. Wester, 717 West Washington Street, Marquette, Mich., the sum of $900, on account of extra work performed for the War Department on Civilian Conservation Corps Camp No. 1620 in Escanaba, Mich., contract No. W-56-QM-371, dated October 19, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$900" and insert "$802.66."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. L. SMITH AND MARGUERITE SMITH AND H. L. SMITH, JR.

The Clerk called the next bill, H. R. 6095, for the relief of H. L. Smith, husband of Mrs. H. L. Smith, deceased, and Marguerite Smith and H. L. Smith, Jr., minor children of the aforesaid Mrs. H. L. Smith, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. L. Smith, husband of Mrs. H. L. Smith, deceased, of Port Tampa City, Fla., the sum of $5,000, and to pay to said H. L. Smith, as legal guardian of Marguerite Smith, minor daughter of the said H. L. Smith and Mrs. H. L. Smith, deceased, the sum of $2,500, and to pay to the said H. L. Smith as legal guardian for H. L. Smith, Jr., minor son of the said H. L. Smith and Mrs. H. L. Smith, deceased, the sum of $2,500, in full settlement of all claims against the United States for the death of said Mrs. H. L. Smith, on October 28, 1941, which death resulted when the said Mrs. H. L. Smith was struck by a United States Army truck in or near the city of Tampa, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, in line 5, beginning with "H. L. Smith", strike out the remainder of line 5 and down to and including the word "Florida", in line 8, on page 2, and insert the following: "the estate of Mrs. H. L. Smith, deceased, of Port Tampa City, Fla., the sum of $5,000, in full settlement of all claims against the United States for the death of Mrs. H. L. Smith sustained as a result of a collision between the car in which she was driving and a United States Army truck near the city of Tampa, Fla., on October 28, 1941."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the estate of Mrs. H. L. Smith, deceased."

J. A. FOWLER AND THE ESTATE OF OLA FOWLER

The Clerk called the next bill, H. R. 6409, for the relief of J. A. Fowler and the estate of Ola Fowler.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Fowler, of Fairfield, Ill., the sum of $5,000 and to the estate of Ola Fowler, late of Fairfield, Ill., the sum of $10,000 in full settlement of all claims against the United States for personal injuries and property damage sustained by the said J. A. Fowler and the death of Ola Fowler, as the result of an accident on July 29, 1941, at Arkadelphia, Ark., resulting from a collision between the automobile in which they were riding and an automobile belonging to the Civil Aeronautics Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "J. A. Fowler, of Fairfield, Ill., the sum of $5,000 and."

Line 7, strike out "$10,000" and insert "$5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the estate of Ola Fowler."

WILLIAM R. IVEY

The Clerk called the next bill, H. R. 6653, for the relief of William R. Ivey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Ivey, Jacksonville, Fla., the sum of $6,500. The payment of such sum shall be in full settlement of all claims of the said William R. Ivey against the United States arising out of the destruction on February 1, 1942, of real and personal property owned by the said

William R. Ivey when a United States Navy airplane fell on his residence.

With the following committee amendments:

On page 1, line 6, strike out "$6,500" and insert "$5,579.82."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ESTHER MANN

The Clerk called the next bill, H. R. 6695, for the relief of Mrs. Esther Mann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Esther Mann, of Milford, Mass., the sum of $10,000, in full settlement of all claims against the United States for the death of her husband, Mack Mann, who died about 3 hours after being struck by a United States Army scout car USAW-602787, traveling south on Route 128, at the intersection of Route 109, at the Westwood-Dedham line, in Massachusetts, on August 13, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$6,358.10."

Line 7, after "States", insert "for personal injuries suffered and medical and other expenses incurred by Mrs. Esther Mann, and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELMORE LEE LANE

The Clerk called the next bill, H. R. 7167, for the relief of Elmore Lee Lane.

There being no objection, the clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elmore Lee Lane, Cookeville, Tenn., the sum of $1,000. The payment of such sum shall be in full settlement of all claims of the said Elmore Lee Lane against the United States for personal injuries sustained in 1940, when he lost two fingers of his left hand while working in the carpenter shop of the Federal prison, at Montgomery, Ala.:

With the following committee amendments:

Page 1, line 8, strike out "in 1940" and insert "on February 11, 1941."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GROVER C. WEDGWOOD

The Clerk called the next bill, H. R. 7168, for the relief of Grover C. Wedgwood.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grover C. Wedgwood, Goldendale, Klickitat County, Wash., the sum of $9,232.10, upon either the making of an assignment of all rights under, or the filing of a discharge and satisfaction of, a judgment (including costs) for a like sum rendered in the Superior Court of the State of Washington for the county of Clark on January 5, 1942, against C. Stuber Miller, an employee of the Department of Agriculture, in favor of the said Grover C. Wedgwood in a suit for damages arising out of personal injuries sustained by the said Grover C. Wedgwood on January 10, 1941, near Goldendale, Wash., when the automobile in which he was a passenger was in collision with an automobile in the service of the Department of Agriculture while it was being operated by the said C. Stuber Miller in the performance of his duties. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as a result of such injuries.

With the following committee amendments:

Page 1, line 6, strike out "$9,232.10" and insert "$4,732.10."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES E. SAVAGE

The Clerk called the next bill, H. R. 7705, for the relief of James E. Savage.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20, inclusive, of the act entitled "An act to provide compensation for the employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of James E. Savage, who is alleged to have sustained injuries to his leg in the line of his duties on March 23, 1923, while employed in veterans' hospital No. 25, at Houston, Tex., and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act.

SEC. 2. The monthly compensation which the said James E. Savage may be entitled to receive by reason of the enactment of this act shall commence on the first day of the month during which this act is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATES OF ROBERT C. MEALS AND OTHERS

The Clerk called the next bill, H. R. 6335, for the relief of the estates of Robert C. Meals and Mrs. Bessie Mae Morgret, Mrs. Margaret J. Meals, Donald Meals, a minor, and Betty Wrighthouse, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following persons the amounts indicated:

(1) The administratrix of the estate of Robert C. Meals, of Shiremanstown, Pa., $15,992.50, for distribution as part of the personal estate of the said Robert C. Meals;

(2) The administratix of the estate of Mrs. Bessie Mae Morgret, of Shiremanstown, Pa., $5,684.50, for distribution as part of the personal estate of the said Mrs. Bessie Mae Morgret;

(3) Mrs. Margaret J. Meals, of Shiremanstown, Pa., $3,496.94;

(4) The guardian of Donald Meals, a minor, of Shiremanstown, Pa., $4,043.50.

(5) The guardian of Betty Wrightstone, a minor, of Shiremanstown, Pa., $4,034.50.

The payment of such amounts shall be in full settlement of all claims against the United States arising out of a collision on November 25, 1939, on Trindle Road, near Carlisle, Pa., between an automobile driven by the late Robert C. Meals and a United States Army truck operated by a unit of the Pennsylvania National Guard. Such collision resulted in the death of the said Robert C. Meals and Mrs. Bessie Mae Morgret, in personal injuries to the said Mrs. Margaret Meals, Donald Meals, and Betty Wrightstone, and in damage to personal property.

With the following committee amendments:

Page 1, line 5, after "appropriated", strike out "to the following persons the amounts indicated:" and insert "to the estate of Robert C. Meals, the sum of $5,742; to the estate of Mrs. Bessie Mae Morgret, the sum of $4,000; to the legal guardian of Donald Meals, the sum of $2,616.50; to Mrs. Margaret Meals, the sum of $2,996.94; to the legal guardian of Betty Wrightstone, the sum of $4,043.50."

Page 2, strike out all of lines 3 to 15, inclusive.

At the end of the bill add the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES B. SHULER

The Clerk called the next bill, S. 1953, conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of James B. Shuler, of McClellanville, S. C., in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased, against the United States of America for alleged damages as the result of a collision between the automobile of James B. Shuler and a Civilian Conservation Corps truck on United States Highway No. 17, about 1½ miles north of McClellanville, S. C., on August 7, 1938, in which Elise Morrison Shuler, wife of James B. Shuler, and Ellie S. Shuler, son of James B. Shuler, were fatally injured, and James B. Shuler was injured.

SEC. 2. In determination of such claims, the United States shall be held liable for the acts of its officers and employees to the same extent as if it were a private person, except that any judgment rendered on each claim shall not exceed $5,000.

SEC. 3. Suits upon such claims may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding lapse of time or any statute of limitations. Proceedings for the determination of such claims and appeals from and payment of any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James B. Shuler, of McClellanville, S. C., the sum of $10,000, in full settlement of all claims against the United States for the death of his wife, Elise M. Shuler, and his son, Ellie S. Shuler, and personal injuries to himself sustained as a result of a collision between the automobile in which he was driving and a Civilian Conservation Corps truck, on Highway No. 17, near McClellanville, S. C., on August 7, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "An act for the relief of James B. Shuler."

CAPT. SAMUEL N. MOORE

The Clerk called the bill (S. 2705) for the relief of Capt. Samuel N. Moore, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Samuel N. Moore, United States Navy, the sum of $734.20 for the value of personal property lost or damaged in the hurricane at Tutuila, Samoa, on January 1, 1926: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "Capt. Samuel N. Moore" and insert "Camilla C. Moore, widow of the late Capt. Samuel N. Moore."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "An act for the relief of Camilla C. Moore."

DENNIS HALL

The Clerk called the bill (H. R. 7289) for the relief of Dennis Hall.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Reconstruction Finance Corporation is hereby authorized, notwithstanding any provision of law prohibiting or restricting the payment of compensation to aliens, to pay, from any funds available to the Corporation for the payment of administrative expenses, Dennis Hall, a citizen of the United States and an employee of the Corporation, in accordance with the terms of his employment, for services rendered by him during the period from December 31, 1941, to March 15, 1942.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that Senate bill S. 2608 be substituted for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Reconstruction Finance Corporation is hereby authorized, notwithstanding any provision of law prohibiting or restricting the payment of compensation to aliens, to pay, from any funds available to the Corporation for the payment of administrative expenses, Dennis Hall, a citizen of the United States and an employee of the Corporation, in accordance with the terms of his employment, for services rendered by him during the period from December 31, 1941, to March 15, 1942.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider laid on the table.

A similar House bill (H. R. 7289) was laid on the table.

BERNICE PYKE AND OTHERS

The Clerk called the bill (H. R. 7518) for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That upon the assignment to the United States by Bernice Pyke, collector of customs at the port of Cleveland, Ohio, Arthur P. Fenton and Carl E. Moore, former collectors of customs at the port of Cleveland, Ohio, and Clifford W. Pollock, former acting collector of customs at the port of Cleveland, Ohio, of their rights of recovery under a bond dated March 28, 1927, from Edwin M. McCarty as principal and the United States Fidelity & Guaranty Co. of Maryland as surety to Arthur P. Fenton, then collector of customs for Collection District No. 41, and to his successors, the Comptroller General of the United States is authorized and directed to credit the accounts of the said Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock in a sum equal to the total sum of any amounts due or hereafter found to be due the United States on account of the embezzlement of Government funds by Edwin M. McCarty, former deputy collector of customs at the subport of Akron, Ohio, and all liability of the said Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock to the United States on account of the said embezzlement shall thereupon be abolished.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider laid on the table.

I. ARTHUR KRAMER AND GEORGENE KRAMER

The Clerk called the bill (H. R. 6489) for the relief of I. Arthur Kramer and Georgene Kramer (a minor).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to I. Arthur Kramer, of Hempstead, Long Island, N. Y., the sum of $1,845 in full settlement of all claims against the United States for personal injuries and expenses, and the further sum of $5,000 to said I. Arthur Kramer as parent and natural guardian of Georgene Kramer (a minor), in full settlement of all claims against the United States by reason of the death of said Georgene Kramer, growing out of the crash of a United States military airplane at Jerusalem and Florence Avenues, Hempstead, Long Island, N. Y., on September 2, 1941: *Provided*, That no part

of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$1,845" and insert "$1,500."

Line 8, strike out "$5,000" and insert "$3,000."

Line 9, strike out the words "as parent and natural guardian" and insert "father."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of I. Arthur Kramer."

MRS. J. C. TOMMEY

The Clerk called the bill (H. R. 7171) for the relief of Mrs. J. C. Tommey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of $10,000 to Mrs. J. C. Tommey, of Atlanta, Ga., for personal injuries received as the result of being struck by a truck driven by an employee of the Civilian Conservation Corps on October 4, 1936.

With the following committee amendments:

Line 7, strike out the figures "$10,000" and insert in lieu thereof the figures "$5,000."

At the end of bill add ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS H. VANNOY

The Clerk called the bill (H. R. 6179) for the relief of Thomas H. VanNoy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the postal-savings account of Thomas H. VanNoy, postmaster at Kelso, Wash., with the sum of $4,525, such sum representing a shortage in said account caused by the loss or accidental burning of postal-savings stamps of the defense issue in that amount on or about June 30, 1941.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BULAH FIORI

The Clerk called the bill (H. R. 7357) for the relief of Mrs. Bulah Fiori.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Bulah Fiori, the sum of $10,000, in full settlement of all claims against the United States for personal injuries sustained by her on June 6, 1941, when she was struck by a United States Army truck operated by Pvt. Orville Parsons, at the intersection of the Governor Ritchie Highway, Sixth Avenue and Franklin Avenue, Brooklyn Heights, Md.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert "$5,407.43."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Madeline Fiori."

DR. J. M. SCOTT

The Clerk called the bill (H. R. 7316) for the relief of Dr. J. M. Scott and Mrs. J. M. Scott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. J. M. Scott, the sum of $3,175.72, and to Mrs. J. M. Scott the sum of $1,500 in full settlement of all claims against the United States for personal injuries and property damage sustained when the car in which they were riding was struck by a station wagon belonging to the National Youth Administration near the intersection of Township Road and the Ohio State Road No. 164, in Carroll County, Ohio, on April 22, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$3,175.72" and insert "$2,175"; and, in line 6, strike out "$1,500" and insert "$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. JAMES Q. MATTOX

The Clerk called the next bill, H. R. 7185, for the relief of Mrs. James Q. Mattox.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. James Q. Mattox, Henderson, Tex., the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Mrs. James Q. Mattox against the United States on account of personal injuries sustained by her on September 29, 1941, when the automobile which she was driving on Highway No. 26, near Henderson, Tex., was struck by a United States Army motorcycle.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert "$2,190.55."

Page 1, line 9, after the word "injuries", insert "and property damage."

Page 2, line 2, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LESLIE CHARTERIS ET AL.

The Clerk called the next bill, S. 1099, for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Leslie Charteris (Leslie Charles Bowyer Yin), the husband of a citizen of the United States, and his daughter Patricia Ann Charteris, shall be held and considered to have been lawfully admitted to the United States for permanent residence on September 8, 1939, the date the said Leslie Charteris and Patricia Ann Charteris were last admitted to the United States for temporary residence.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to place in the RECORD an address by Hon. Joseph A. Conry, a former Member of this House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RECOGNITION OF SERVICES OF CIVILIAN OFFICERS AND EMPLOYEES ENGAGED IN THE CONSTRUCTION OF THE PANAMA CANAL

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 553, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1481) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Merchant Marine and Fisheries, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. WHITTINGTON. Mr. Speaker, a point of order. I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. WHITTINGTON (interrupting the count). Mr. Speaker, I withdraw the point of order at this time.

The SPEAKER. The gentleman from Georgia [Mr. Cox] is recognized.

Mr. COX. Mr. Speaker, this resolution makes in order consideration of the bill S. 1481.

It is hardly fair to those sponsoring this legislation for me to present this rule. However, I have found it impossible to locate anyone else on the Rules Committee who is favorable to the adoption of the bill.

Senate bill 1481 is a measure which is intended to make provision——

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. MARTIN of Massachusetts. Did I understand the gentleman correctly to say that there is no member of the Committee on Rules who is in favor of the legislation?

Mr. COX. I have found no one on this side. The resolution was reported by the chairman of the committee.

Mr. MARTIN of Massachusetts. How did it get out of the committee?

Mr. COX. I do not recall the circumstances under which this resolution found its way out of the Committee on Rules.

Mr. WHITTINGTON. Mr. Speaker, a point of order. In view of the statement made by the gentleman from Georgia [Mr. Cox], I renew the point of order that there is not a quorum present.

Mr. BLAND. Will the gentleman withhold that for a moment?

Mr. WHITTINGTON. I will withdraw it temporarily.

Mr. BLAND. Mr. Speaker, I have just seen a copy of the rule. The rule provides that the time shall be divided between the chairman and the ranking minority member of the Committee on the Merchant Marine and Fisheries. I would hope that in the consideration of the rule the rule would be amended in that respect, because the chairman of the committee is not supporting the bill.

Mr. WHITTINGTON. Mr. Speaker, I renew my point of order that there is not a quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that a quorum is not present.

BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on November 30, 1942, present to the President, for his approval, a bill of the House of the following title:

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 56 minutes p. m.) the House adjourned until tomorrow, Wednesday, December 2, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the committee at 10 o'clock on Wednesday, December 2, 1942, for consideration of H. R. 7826.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2011. A letter from the Assistant Secretary of Agriculture, transmitting a draft of a proposed bill to amend section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, so as to simplify and clarify the provisions for the annual election of the local and county agricultural conservation committees; to the Committee on Agriculture.

2012. A letter from the Archivist of the United States, transmitting a list of papers for disposition by him from certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

2013. A letter from the Administrator, Office of Price Administration, transmitting the second report of the Office of Price Administration, covering the operations of the Office between May 1 and July 31, 1942 (H. Doc. No. 891); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FULMER: Committee on Agriculture. House Joint Resolution 360. Joint resolution to provide for the training of nonfarm rural youth for farm labor, and for other purposes; with amendment (Rept. No. 2667). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 4238. A bill to prescribe fair standards of duty and procedure of administrative officers and agencies, to establish an administrative code, and for other purposes; without amendment (Rept. No. 2668). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSAY: Committee on Immigration and Naturalization. H. R. 7709. A bill to amend section 347 (b) of the Nationality Act of 1940 so as to extend for a period of 2 years the time within which petitions for naturalization filed prior to the effective date of that act may be heard; with amendment (Rept. No. 2669). Referred to the House Calendar.

Mr. WALTER: Committee on the Judiciary. H. R. 7785. A bill to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States to administer oaths in certain cases; with amendment (Rept. No. 2670). Referred to the House Calendar.

Mr. EDMISTON: Committee on Military Affairs. S. 2268. An act to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty; without amendment (Rept. No. 2671). Referred to the Committee of the Whole House on the state of the Union.

Mr. KILDAY: Committee on Military Affairs. S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge; without amendment (Rept. No. 2672). Referred to the Committee of the Whole House on the state of the Union.

Mr. COSTELLO: Committee on Military Affairs. S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy; without amendment (Rept. No. 2673). Referred to the Committee of the Whole House on the state of the Union.

Mr. FENTON: Committee on Military Affairs. S. 2619. An act to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments; without amendment (Rept. No. 2674). Referred to the House Calendar.

Mr. DAVIS of Tennessee: Committee on Military Affairs. S. 2798. An act amending the first sentence of Article of War 52, relative to execution of court-martial sentences; without amendment (Rept. No. 2675). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENDS: Committee on Military Affairs. S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States; without

amendment (Rept. No. 2676). Referred to the Committee of the Whole House on the state of the Union.

Mr. GATHINGS: Committee on Military Affairs. S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; without amendment (Rept. No. 2677). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of New Jersey: Committee on Military Affairs. S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same; without amendment (Rept. No. 2678). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 7707) for the relief of Mrs. Lila A. Wemp, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULMER:

H. R. 7829. A bill to amend the Agricultural Adjustment Act of 1938 with respect to farm acreage allotments, to provide for an adequate supply of peanuts needed for oil and other uses during the war emergency, to include farm wages in determining the parity price of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. RANDOLPH:

H. R. 7830. A bill to amend section 1107 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. RODGERS of Pennsylvania:

H. R. 7831. A bill to incorporate the Mothers of Military Servicemen; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 2, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, help us to love Thy law and walk in Thy ways. We pray that we may keep the way of kindly utterance, so that, whether the lessons be easy or difficult, we may accept them cheerfully, making our privileges commensurate with our labors. Bless us with a gentle spirit which restrains temper and selfishness, leading us to bear and forbear with one another. From the childhood of the soul let come a sweet, simple passion so humble, showing forth an unyielding trust in the supremacy of the Divine purpose; we thank Thee that the crystal tides of Thy love flow richly and forever.

We pray for our own dear America, that she may always remain a happy, contented land of churches, homes, and schools with a national theme of tolerance and good will to all within her borders. Let the challenge of our democracy be righteous ambition, freedom in the fields of action, and a deep desire for the spirit of godliness. Summon the heralds of peace, tokening the day in which saint and scholar, child and sage shall unite in the chorus: "Great and marvelous are Thy works, O Lord." Morning, noon, and night be Thou at the side of our President; bless our Speaker and the Congress and guide us in all our counsels. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a poem by Thomas H. Williamson, of Aiken, S. C.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent that the special order of 15 minutes that I had for yesterday be transferred to tomorrow at the proper time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes today at the conclusion of the legislative business of the day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that at the expiration of the legislative business of the day and other special orders I may address the House for 20 minutes today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HOFFMAN] may address the House for 20 minutes today at the conclusion of the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. FLANNAGAN asked and was given permission to extend his own remarks in the RECORD.)

MEXICAN CLAIMS

Mr. BLOOM submitted a conference report and statement on the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, for printing, under the rule.

PAY OF GOVERNMENT EMPLOYEES

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, if it is not possible to get a general bill passed taking action to correct some of the inequalities in pay of Government employees, then, in my judgment, before this session ends we ought, at least, to do something to provide an increase for the postal clerks, carriers, and other employees in the Post Office Department who have received so many assurances that something would be done about the matter, but who have not received an increase in pay since 1924.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KEAN. Mr. Speaker, I ask unanimous consent to insert certain newspaper articles in the Appendix of the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. KEAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEAN. Mr. Speaker, I have asked for the inclusion in the RECORD of certain articles from a responsible newspaper which reflect on the integrity of the Federal Deposit Insurance Corporation.

The members of the Banking and Currency Committee have been jealous of the reputation of this Corporation.

Now it is charged that the Corporation took over many properties in Jersey City which had been written off as worthless by banking institutions in order to produce tax revenues for that city.

It is charged that the Corporation has made no attempt to reduce the assessed valuation of these properties to figures comparable to other neighboring properties.

It is charged that on the last day of the fiscal year in 1939 the Corporation made a payment to that city of over half a million dollars to increase its cash surplus.

It is charged that this was done as a political reward for the mayor of that city.

The reputation for impartial, nonpolitical, fair dealing by this Corporation, which affects the very life of banking institutions and through them the economic life of every individual, must be maintained.

If these charges are untrue, they must be disproved. If they are true, someone must be punished. The F. D. I. C., like Caesar's wife, "must be above suspicion."

To get at the bottom of these charges, I have today introduced a resolution providing for an investigation of the Corporation's dealings by the Banking and Currency Committee.

EXTENSION OF REMARKS

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter addressed to Mr. William M. Jeffers, Rubber Administrator.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota [Mr. ROBERTSON]?

There was no objection.

Mr. THOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech on International Students' Day, by Dr. Antonin Obrdlik.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. THOM]?

There was no objection.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article entitled "Give the Armed Forces a Break," by R. T. Milner.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. COLMER]?

There was no objection.

NATURALIZATION OF CERTAIN ALIEN VETERANS OF THE WORLD WAR

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4167) providing for the naturalization of certain alien veterans of the World War, with Senate amendments thereto, and to concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 11, strike out "who" and insert "or who served on the Mexican border as a member of the Regular Army or National Guard from June 1916 to April 1917, who."

Page 2, line 15, strike out "2 years" and insert "1 year."

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this simply extends the act to men who served on the boundary previous to the First World War?

Mr. DICKSTEIN. And to men who served in the World War. The Senate amended it also to include certain persons who served in the Regular Army on the Mexican border.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDMENT TO NATIONALITY ACT OF 1940

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5554) to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out "who" and insert "such spouse or parent."

Page 1, line 9, after "years", insert "has."

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from New York explain the amendment and also the bill?

Mr. DICKSTEIN. This only applies to a native-born American who is doing service for the country abroad and whose wife and children are with him. Under the Nationality Act we want to try to preserve the citizenship of that wife and child while he performs his duties abroad for the Government of the United States.

Mr. MARTIN of Massachusetts. What does the amendment do?

Mr. DICKSTEIN. The amendment is simply a clarifying amendment. Instead of using the word "who", the Senate incorporated the words "such spouse or parent" to make clear what we intend to do, and the Senate has also inserted the word "has."

Mr. MARTIN of Massachusetts. It is merely a clerical amendment?

Mr. DICKSTEIN. That is all; nothing more.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDMENT TO IMMIGRATION ACT OF FEBRUARY 5, 1917

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6450) to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended with Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, after "session", insert "These reports shall be submitted on the 1st and 15th of each calendar month in which the Congress is in session."

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, just what does this amendment do?

Mr. DICKSTEIN. Mr. Speaker, under the Smith Act passed several years ago, the Attorney General was directed to file a report to the Congress within the first 10 days of each session with regard to the cases that would come under the provisions of the Smith Act. In his report he has to state all the facts of each individual case and the reasons why he had stayed deportation. The committee felt that he should be permitted to file his report at any time during the session. We want the reports made to the Congress twice a month as to what the Attorney General does with these hardship cases so that the Congress may be acquainted with what is being done with them. This is a unanimous report of the committee, and it was approved by the Senate, the Senate having added just a few slight amendments. This is beneficial to the country.

Mr. MARTIN of Massachusetts. This is to make more frequent the reports?

Mr. DICKSTEIN. The reports to the Congress of the United States so that we will know what they are doing.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DEPORTATION OF ALIENS TO COUNTRIES ALLIED WITH THE UNITED STATES

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7746) to authorize the deportation of aliens to countries allied with the United States. This bill is very important to the war effort.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RANKIN of Mississippi. Reserving the right to object, Mr. Speaker, I should like to have the entire bill read so that we will know what is in it.

The SPEAKER. The Clerk will report the bill in full.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 20 of the act of February 5, 1917, as amended (39 Stat. 890; U. S. C., title 8, sec. 156), be, and it hereby is, amended to read as follows:

"SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Attorney General, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then

to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States; or if the United States is at war, the deportation of any alien who is deportable under any law of the United States may, in the discretion of the Attorney General, be to the foreign country wherein is located the government in exile of the country whence such alien came, if that foreign country will permit him to enter its territory."

Mr. MARCANTONIO. Reserving the right to object, Mr. Speaker, is this the bill that provides for the deportation of refugees and seamen?

Mr. DICKSTEIN. That is so.

Mr. MARCANTONIO. Then I object, Mr. Speaker.

Mr. DICKSTEIN. Will the gentleman withhold that objection for an explanation?

Mr. MARCANTONIO. I will withhold it for an explanation, but I will have to object.

Mr. DICKSTEIN. Mr. Speaker, this bill is requested by the Justice Department for the purpose of expediting shipping. A number of seamen, probably 5,000 or 6,000, deserted their ships when they entered the port of New York and other ports of the United States, and these seamen do not want to go back on those ships to the countries whence they came. Under the present law, we cannot deport them anywhere but to their own countries. Their own countries have been destroyed; they are gone. The provisional governments of those countries are in England.

All we seek by this measure is to try to get these seamen back to England, where their governments are set up, so that they may be used for manning the ships of their respective governments to carry war materials to the various parts of the world.

The representatives of these seamen who appeared before the committee claimed that the seamen were needed more in this country, since the United States is the shipping center of the Allied Nations, and that an international hiring hall should be established in this country to assign all these seamen where they were most needed. The War Shipping Administration, however, took the position that we have all the men we need to man our ships and that these seamen should be sent back to their respective governments. The Department of Justice took the position that these men had deserted their ships, were here illegally, and should be deported.

Mr. REED of New York. Reserving the right to object, Mr. Speaker, I am sorry I did not hear the first part of the gentleman's statement, but we have pending before the Committee on Ways and Means a bill in which they are asking for powers for the President to do precisely what you are asking here, apparently.

Mr. DICKSTEIN. No; I do not think so.

Mr. REED of New York. In other words, these men came here and deserted their ships; is that the idea?

Mr. DICKSTEIN. These are seamen who came in from the other side on ships bringing in freight and materials. They do not belong here. They are all aliens.

Mr. REED of New York. I know, but they deserted their ships?

Mr. DICKSTEIN. They deserted their ships, and we want to get them back to the countries whence they came.

Mr. REED of New York. You cannot get them back to the countries whence they came, in many instances. You are going to send them where; to London?

Mr. MARCANTONIO. That is the point.

Mr. REED of New York. That is exactly the point. We have before us now in the Committee on Ways and Means a similar bill. I am not objecting to the consideration of this bill, I just want to know why two committees should be handling the same thing.

Mr. DICKSTEIN. Is it the intention of the Congress to allow the 5,000 or 6,000 seamen who do not belong here, who are not legally in the country, to remain here, and leave all these ships idle?

Mr. REED of New York. Certainly not, but I am telling the gentleman that the same proposition is before our committee and I am wondering why they go to the gentleman's committee and then come to our committee for similar legislation.

Mr. DICKSTEIN. This legislation had no business before the gentleman's committee in the first place.

Mr. REED of New York. That may be, but it is there.

Mr. MARCANTONIO. I object, Mr. Speaker.

COMPENSATION OF THE CHAPLAIN OF THE HOUSE

Mr. PATTON. Mr. Speaker, I call up House Resolution 138, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, increase of compensation of the Chaplain of the House at the rate of $820 per annum.

With the following committee amendments:

In line 1, after "That", insert "effective December 1, 1942."

In line 2, strike out "increase of" and insert "additional."

In line 3, after "compensation", strike out "of" and insert "to."

In line 4, strike out the period, and insert a comma and the following: "so long as the position is held by the present incumbent."

The committee amendments were agreed to.

The resolution was agreed to, and a motion to reconsider was laid on the table.

WILSON R. LANGSTON

Mr. PATTON. Mr. Speaker, I call up House Resolution 573, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House to the father of Wilson R. Langston, late an employee of the House, an amount equal to six months' salary compensation, and an additional amount not to exceed $250, to defray funeral expenses of the said Wilson R. Langston.

The resolution was agreed to.

INVESTIGATION OF SHIPYARDS

Mr. PATTON. Mr. Speaker, I offer the following resolution (H. Res. 577), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the further expenses of conducting the studies and investigations authorized by House Resolution 281 of the present Congress, incurred by the Committee on the Merchant Marine and Fisheries not to exceed $2,000 additional including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee conducting such studies and investigations or any part thereof, signed by the chairman of the committee and approved by the Committee on Accounts.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia unless otherwise officially engaged.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PATTON. Yes.

Mr. MARTIN of Massachusetts. This is to appropriate $2,000 for the Merchant Marine Committee to continue its investigation of shipyards?

Mr. PATTON. Yes; to finish their investigation.

Mr. BLAND. Mr. Speaker, if the gentleman will yield, the gentleman from Massachusetts is correct. It is to continue their investigation.

Mr. MARTIN of Massachusetts. Then let me ask the gentleman a question. I have read with a great interest the shocking revelations the committee has brought out in respect to the South Portland yard. I understand there are other yards where the committee thinks it may find similar conditions. After the gentleman made his report—and I congratulate the committee on the report—what happened to those who were severely criticized?

Mr. BLAND. The matter has been turned over to the Department of Justice, and one of the counsel for the unit having this in charge was present during a part of the investigation and is still approaching the problem in respect to the recovery of money, and also prosecution, if satisfied that conviction can be had. In addition to that, the committee has a very satisfactory understanding with the Maritime Commission and the General Accounting Office to coordinate their activities so as to run down these matters and all others that they may discover and report.

Mr. MARTIN of Massachusetts. The committee has done its part and now it is up to the prosecuting officers to protect the public.

Mr. BLAND. Yes. So far as the South Portland investigation is concerned, I should say that so long as the committee is in existence it will be watching very carefully that and all other matters brought to the attention of the committee—to see to it that there is a satis-

factory solution in the case of the South Portland problem and all others that may come before the committee. The gentleman will recall that $25,000 was appropriated for the investigation by this committee. In the case of the South Portland investigation it is estimated that the minimum amount of recapturable profits will approximate $225,000. Already there has been a tender for credit on some of the claims of $6,079.50; this was brought about by the work of the committee. In the South Portland inquiry alone the result of the investigations of the committee will recover much more than the expenses of the investigation of the whole committee. In the South Portland situation, in the cancelation of the Higgins contract, the steel-shortage inquiry, and other matters, including the submarine menace and many other inquiries made by the committee, some of which are outlined below.

Mr. MARTIN of Massachusetts. Has the gentleman found the Maritime Commission cooperative in its effort to clean up these bad situations?

Mr. BLAND. I think I can safely say yes. I think they are fully in line with the work of the committee. I have recently discussed our work with the present Price Adjustment Board of the Maritime Commission and they have not only asked for our cooperation but they have assured me of their cooperation in trying to renegotiate contracts, discover fraud, waste, extravagance, excess profits, and to save money for the Government.

Mr. MARTIN of Massachusetts. I notice in this report the committee dwelt particularly upon the bad management, and, as a matter of fact, when the yard was first started there was no management at all.

Mr. BLAND. That is our conviction.

Mr. MARTIN of Massachusetts. That was interesting reading to me because some months ago a shipyard in my district whose management had built boats during the last war could not obtain a contract because the management was not considered satisfactory. In other words, experienced men who had built ships in the first war were not considered sufficiently competent to get a contract. Then, when I looked at the gentleman's report of the South Portland yard and found where men who had been working as mechanics——

Mr. BLAND. Oh, there was too much favoritism.

Mr. MARTIN of Massachusetts. In 3 months' time were qualified as expert boatbuilders, and they were practically an inexperienced group of workers.

Mr. BLAND. That is condemned by the committee, and I may say that the committee has appointed a subcommittee to take up with the Maritime Commission the problem of the cancelation of the contract of the South Portland Co., with a view of saving very large fees that would be paid. The Truman committee has made a somewhat different report, but I think substantially agree as to mismanagement. I have a letter now from the chairman of the Maritime Commission saying that Senator TRUMAN has requested to be heard on the recommendation of that committee. My committee had requested to be heard on its recommendations, and, as the Maritime Commission desires to hear us both, consideration is being given to the probability of a joint meeting.

Mr. MARTIN of Massachusetts. What did the Maritime Commission say as to this management when the facts were put up to them?

Mr. BLAND. They did not justify it.

Mr. MARTIN of Massachusetts. I think the gentleman's committee has done a grand work, and I am in favor of an additional appropriation. I hope they keep on exposing frauds wherever found.

Mr. CLASON. Mr. Speaker, will the gentleman yield?

Mr. BLAND. Yes.

Mr. CLASON. One of the local papers in the district of my colleague the gentleman from Massachusetts [Mr. TREADWAY], the Berkshire Eagle, brought out the fact that former Governor Brann, of Maine, was given a position of $25,000 a year following his defeat at the recent election in the Portland, Maine, district. He was given a position whereby he was to look out for labor conditions in and about the yards on the Maine coast at the same time that the companies had employed a well-known labor representative from New York State. I would like to know whether the Government is to be called upon to pay salaries for persons like Governor Brann, who apparently are put on the pay roll to satisfy someone other than the officials of the companies.

Mr. BLAND. The company put Mr. Brann on the pay roll, and it was taken up, as I understand, with the Maritime Commission. The employment is made by the company, but it is a reimbursible item by the Commission. It is not $25,000 salary, as I recall, but a lesser sum.

Mr. OLIVER. I would be glad to advise the gentleman that it is $10,000 per year, according to my information.

Mr. CLASON. What service can he render to those companies which is not already being rendered by high-priced employees whom they have secured to carry on duties of exactly that nature?

Mr. BLAND. I would not undertake to pass on what service he can or cannot render, but we advocate the cancelation of the contract with his employer. The responsibility will be with the Maritime Commission.

Mr. CLASON. But they had a big walk-out even yesterday at these yards.

Mr. BLAND. I know they did.

Mr. MARTIN of Massachusetts. Does not the whole problem go deeper than that? Are not these cost-plus contracts which we are giving out responsible for all this? People do not care what they pay as long as they get on the pay roll and swell the cost price so that they can get a larger fee.

Mr. BLAND. I do not know what the answer is to that. I know this, and I will be perfectly frank with the gentleman. This contract was made under legislation that we passed providing for a sliding scale; a fixed fee, plus a bonus, if the ships were out in time and there was less cost than the estimate, and also subject to a penalty if the contract was not carried out. I thought it was a very excellent thing when the matter was submitted. I am not so sure about it now. It is one of the things that the committee, if it is continued in its studies in the future, will have to study, not alone with reference to the present condition, but in the future. It is not working satisfactorily.

Mr. MARTIN of Massachusetts. Certainly in Maine, where men who were receiving $1.05 an hour were made officials of the company in a short time, it has not worked. The record of production was less than anywhere in the country, and it did not work there.

Mr. BLAND. One of the gentlemen on the other side at the time I had that bill pending before the House raised then a question as to the wisdom of that legislation. I said it was the best I thought that could be worked out at the time, but I frankly admit that it does not look like it is working out satisfactorily to me.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. CRAWFORD. I should like to ask the chairman of the committee with reference to this particular extension of appropriations if he was in the Congress at the time the Black committee investigated the old Shipping Board?

Mr. BLAND. Yes.

Mr. CRAWFORD. Now, comparing the conditions which you are running into at the present time with those which were found to exist at that time, do you feel that what you are uncovering is about as bad as that, or is it worse?

Mr. BLAND. I would not undertake to make a comparison. I do know that was bad enough. I hope that this is better.

Mr. CRAWFORD. You think that conditions are better?

Mr. BLAND. I think that conditions are better. Remember, we are dealing now with one concern, and I hope over a broad range, when we shall have finished the work, we will find that conditions are considerably better.

I want to call attention to one other thing. This discussion has all turned around the South Portland Shipbuilding Corporation. The Higgins investigating subcommittee has done and is doing a splendid job. The steel shortage subcommittee has done and is doing a splendid job. One of these subcommittees or possibly both brought out the existence of a black steel market that was not known by the W. P. B. authorities. Other inquiries are in progress.

I think that apart from the South Portland inquiry the work this committee has done would well warrant a continuance of the study it is making. I pointed out the particular recoveries which show that this committee has really saved more than the Congress had appropriated.

Mr. CRAWFORD. Oh, I think so.

Mr. O'BRIEN of New York. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. O'BRIEN of New York. It might be well to state for the benefit of the House that some of these individuals who were working in the South Portland shipyards and receiving $1.05 an hour and were then afterward raised these tremendous increases were due to the fact that they were made officials of the company, in some minor capacity.

Mr. BLAND. That is true.

Mr. BROOKS. Will the gentleman yield?

Mr. BLAND. I yield.

Mr. BROOKS. Has the gentleman gone far enough to form any idea as to whether or not we have reached the time when we should go back more to the competitive-bidding type of contract rather than the cost-plus basis?

Mr. BLAND. No; I have not, because we have set up by law readjustment boards, and I am hopeful the Army, the Navy, and the Maritime Commission, all of them, in the readjustment of these contracts, will take care of that matter. I think that the readjustment provision is a sound provision.

I may add that one of the subcontractors of South Portland has expressed, as I understand, his willingness to repay approximately $33,000 in addition to the credit of $6,079 already allowed. If, in addition to those sums, cancelation of the contract with South Portland should follow, your committee believes the savings will run into millions on that contract alone. We believe that the figures mentioned by us are extremely conservative.

I should say, also, that under the resolution of investigation, your committee has gone into such problems as: First, submarine menace, on which it has made recommendations to the Navy and the Coast Guard; second, fishery problems in national defense; third, threatened shortage of containers in the fishery industry; fourth, ship-shore radio stations; fifth, repatriation of American seamen shipwrecked abroad; sixth, manning of foreign-flag and domestic vessels; seventh, reports of General Accounting Office on Waterman Steamship Co., Tampa Shipbuilding Co., and purchase of *Seneca*; and eighth, McEvoy Shipbuilding Corporation, Savannah Shipbuilding Co., and other contracts.

The work on many of these inquiries will not be completed at this session of Congress, but where unfinished, the material secured will be of great assistance in the future.

Your committee under the authority of the resolution also went very fully into the operation of the lend-lease and other transportation problems which your committee believed affected adversely the interests of our American merchant marine. The committee secured legislation designed to protect American interests. There are many other matters to be followed closely.

In addition, the investigating staff has secured considerable information which will be of material aid to it, to the General Accounting Office, to the Price Adjustment Board of the Maritime Commission, and to the War Frauds Unit of the Department of Justice. Several matters involved in the inquiry have been already referred to the War Frauds Unit of the Department of Justice for further inquiry.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PANAMA CLAIMS BILL

Mr. COX. Mr. Speaker, I ask unanimous consent to withdraw the pending resolution making in order the consideration of the Panama claims bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LILLIAN LaBAUVE LINNEY

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (S. 2317) for the relief of Lillian LaBauve Linney for printing under the rules:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2317) entitled "An act for the relief of Lillian LaBauve Linney" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to same with an amendment, as follows: In lieu of the figures "$7,117.50", insert "$6,500"; and the House agree to the same.

DAN R. McGEHEE,
SAMUEL A. WEISS,
Managers on the part of the House.

ALLEN J. ELLENDER,
TOM STEWART,
RALPH BREWSTER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2317) for the relief of Lillian LaBauve Linney, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying report.

The bill as passed the Senate appropriated to Lillian LaBauve Linney, the sum of $5,000, as compensation for the death of her husband, Fred C. Linney, who died September 19, 1941, as a result of injuries sustained on September 17, 1941, when the car in which he was riding was struck by an Army truck at the intersection of College Avenue and Johnson Street in the Parish of Lafayette, State of Louisiana.

The House increased the amount appropriated to $7,117.50, and at the conference, a compromise of $6,500 was agreed upon.

DAN R. McGEHEE,
SAMUEL A. WEISS,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (S. 2317) for the relief of Lillian LaBauve Linney and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

EMIL LASSILA ET AL.

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 4953) for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta for printing under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4953) for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4; and agreed to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows: In lieu of the figures "$1,057.65", insert "$1,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: In lieu of the figures "$3,300.65", insert "$1,600"; and the Senate agree to the same.

DAN R. McGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4953) for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The bill as passed by the House appropriated to Emil Lassila, the sum of $929.25; to the legal guardian of Martha Lassila, the sum of $1,057.65; to the legal guardian of Ellen Huhta, the sum of $3,300.65; and to the legal guardian of Sylvia Huhta, the sum of $1,557.65, for personal injuries and property damage sustained when the automobile in which they were riding was struck by a truck operated in connection with the United States Coast and Geodetic Survey on September 23, 1939, on United States trunk line numbered 41, between Houghton and Chassell, Mich.

The Senate amended the bill by reducing the amounts as follows: The amount to Emil Lassila, from $929.25 to $361.25, the amount to the legal guardian of Martha Lassila, from $1,057.65 to $557.65, the amount to the legal guardian of Ellen Huhta, from $3,300.65 to $1,100.65, and the amount to the legal guardian of Sylvia Huhta, from $1,557.65 to $557.65.

At the conference the following compromise amounts were agreed upon. Emil Lassila, the sum of $361.25; to the legal guardian of Martha Lassila, the sum of $1,000; to the legal guardian of Ellen Huhta, the sum of $1,600; to the legal guardian of Sylvia Huhta the sum of $557.65.

DAN R. McGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for

the present consideration of the conference report on the bill (H. R. 4953) for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta, and ask that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

E. A. WILLIAMS

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 5920) for the relief of E. A. Williams for printing, under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5920) for the relief of E. A. Williams, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate with an amendment as follows: In lieu of the figures "$4,000", insert "$5,000"; and the Senate agree to the same.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5920) for the relief of E. A. Williams, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The bill as passed by the House appropriated to E. A. Williams the sum of $5,540, for personal injuries sustained on February 4, 1941, when he was struck by a United States Army truck in the town of Comanche, Tex.

The Senate reduced the amount appropriated to Mr. E. A. Williams from $5,540 to $4,000 and, at the conference, a compromise of $5,000 was agreed upon.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5920) for the relief of E. A. Williams, and ask that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

GERHARD R. FISHER

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 3398) for the relief of Gerhard R. Fisher, for printing under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3398) for the relief of Gerhard R. Fisher having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate with an amendment as follows: In lieu of the figures "$50", insert "$950"; and the Senate agree to the same.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

ALLEN J. ELLENDER,
ALEXANDER WILEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3398) for the relief of Gerhard R. Fisher, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The bill as passed by the House appropriated to Gerhard R. Fisher, the sum of $1,950 for loss of equipment, owned by him, aboard the United States dirigible *Macon* which crashed at sea on February 12, 1935.

The Senate reduced the amount appropriated to Mr. Fisher, from $1,950 to $50 and, at the conference, a compromise of $950 was agreed upon.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (H. R. 3398) for the relief of Gerhard R. Fisher, and ask that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

MRS. CECILE HERZOG AND LUCILLE HERZOG

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 5449) for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant), for printing, under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5449) for the relief of Mrs. Cecile Herzog and Lucille Herzog, an infant, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and the Senate agree to the same.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5449) for the relief of Mrs. Cecile Herzog and Lucille Herzog, an infant, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The bill as passed by the House appropriated to Mrs. Cecile Herzog, the sum of $7,500, and to her as general guardian of Lucille Herzog, an infant, the sum of $2,500, for the death of George W. Herzog, who was killed by the collision of a United States naval plane with private plane piloted by him, near Floyd Bennett Field, New York, on December 23, 1940.

The Senate amended the bill by reducing the amount payable to Mrs. Herzog, from $7,500 to $3,750, and reducing the amount to her as general guardian of Lucille Herzog, an infant, from $2,500 to $1,250 and, at the conference, the conferees agreed to the Senate amendments.

DAN R. MCGEHEE,
THOMAS D. WINTER,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5449) for the relief of Mrs. Cecile Herzog and Lucille Herzog, an infant, and ask that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

APOLOGY BY LEON HENDERSON

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. HÉBERT]?

There was no objection.

Mr. HÉBERT. Mr. Speaker, on last Friday afternoon I had occasion to call upon Mr. Leon Henderson to produce facts relative to the Members of this body and those opposed to gasoline rationing whom he declared in a radio address were either ignorant or intentionally traitorous.

I desire now to read Mr. Henderson's reply to that challenge which is a statement issued to the press by Leon Henderson as of yesterday. The statement reads:

To my deep regret the firm impression has been created that I said, in a radio program, that opponents of mileage rationing were ignorant or traitors.

This impression is incorrect, but since it came from my own words I owe and sincerely offer my apologies to all honest opponents. Whatever is needed to erase this unfortunate impression I am prepared to do.

The facts are these:

In my radio talk last Thursday I said a Government survey showed certain organized groups were misleading the American people. All through the broadcast my remarks were directed at this group and not toward local individuals and Members of Congress. A reading of the radio script will satisfy anybody as to this. Moreover, I had

knowledge that Nazi propaganda, broadcast over short waves by a traitorous American, had sought to influence the resistance to rationing.

I offer the above as explanation, and offer my apologies to any and all I have offended.

Mr. Speaker, in view of this confession as to the irresponsibility of these charges and the vocabulary curves used by Mr. Henderson, I resubmit what I suggested the other afternoon, the greatest contribution to the war effort in this country would be for the President to fire Leon Henderson if he does not resign.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes today at the conclusion of business on the Speaker's table and after disposition of other special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

ADDITION OF CERTAIN LANDS TO THE SEQUOIA NATIONAL FOREST, CALIF.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4975) to add certain lands to the Sequoia National Forest, Calif., with Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out lines 3 to 6, inclusive, and insert "That, subject to existing valid claims, the boundaries of the Sequoia National Forest, Calif., be, and they are hereby, extended to include the following described lands, which shall hereafter be subject to the laws, rules, and regulations relating to said national forest."

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. ROBINSON]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this simply alters the boundary lines and there is no dispute involved.

Mr. ROBINSON of Utah. That is correct. The amendment just clarifies the language in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. ROBINSON]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication which was read:

DECEMBER 4, 1942.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender to you my resignation as Representative in Congress from the Fourth Congressional District of the State of Illinois, said resignation to take effect as of midnight December 6, 1942.

Respectfully submitted.

HARRY P. BEAM.

EXTENSION OF REMARKS

Mr. FORAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island [Mr. FORAND]?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from a southern California business magazine.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a clipping from a newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CLASON]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that after disposition of the regular business of today and at the conclusion of special orders heretofore entered I may be allowed to proceed for 5 minutes

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include three resolutions.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

REVISION OF THE NATIONAL BANKRUPTCY ACT

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. McLAUGHLIN]?

There was no objection.

Mr. McLAUGHLIN. Mr. Speaker, on Friday, November 27, I introduced the bill (H. R. 7814) to amend the Bankruptcy Act of 1898. It is a substitute for H. R. 4394, which I introduced on April 16, 1941, upon which exhaustive hearings were held and is in the form of H. R. 4394, with the amendments adopted in the Committee on the Judiciary.

The fundamental purpose of the bill is to bring about, so far as possible, the long-sought-for system of full-time salaried referees in bankruptcy to take the place of the present system under which most all referees in bankruptcy serve on a part-time basis and all referees are paid on a fee basis. It is a technical bill, and the Subcommittee on Bankruptcy of the Committee on the Judiciary has spent much time and effort in conjunction with experts on bankruptcy, having all points of view, to work out a desirable piece of legislation.

The report on the bill which I submitted from the Committee on the Judicity on November 30 contains a copy of the bill showing changes in existing law made by the bill, a full statement of the background, history, and purposes of the bill, and an explanation of proposed amendments to existing law contained in the bill.

H. R. 7814 will be called on the Consent Calendar next Monday, December 7. In order that the membership may have an opportunity, in the meantime, to acquaint themselves with the bill, its purpose and effect, by having ready access to its provisions and to the report, I ask unanimous consent to extend my remarks and to include at this point in the RECORD following my remarks a copy of the report, No. 2666, on the bill H. R. 7814.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. McLAUGHLIN]?

There was no objection.

The report referred to follows:

The Committee on the Judiciary, to whom was referred the bill (H. P. 7814) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, having considered the same, report favorably thereon and recommend that the bill do pass.

This report is in three parts. Part I contains the background and a summary of the bill. Subdivision A indicates that the primary purpose of this measure is to create a system of full-time, salaried referees. Subdivision B contains a brief summary of the bill by sections. Subdivision C contains a historical résumé of the genesis of the bill and the consideration that it has received. Subdivision D lists the many endorsing bodies and agencies.

Part II of this report contains a detailed explanation of the proposed amendments section by section. All of the changes in existing law are specifically pointed out, together with the reasons for the change and, wherever relevant, the source of the recommendation.

Part III contains a reprint of the bill with the changes in existing law indicated in compliance with clause 2a of House Rule XIII.

PART 1. BACKGROUND AND SUMMARY OF THE BILL

A. PURPOSE OF THE BILL

This bill is aimed primarily at setting up a system of full-time, salaried referees to replace the present system of essentially part-time referees compensated on a fee basis.

The survey of the Attorney General's Committee on Bankruptcy Administration revealed that out of approximately 470 referees only 44 were really doing full-time work. Fifty percent of the part-time referees spend 15 hours or less, or under 2 days a week, and 90 percent spend 30 hours or less, on bankruptcy work.

At the time that the Bankruptcy Act of 1898 was passed the problem of accessibility was a very important one. There were not automobiles, good roads were few, and there were few telephones. These difficulties of communication and travel accounted for the provisions in this act which apparently required a referee for every county. That problem, however, has largely disappeared during the ensuing 40 years. Experience has indicated that 1 referee today can serve without any difficulty as many as 45 counties, and indeed in some places an entire judicial district. It was in recognition of this fact that

the Chandler Act of 1938 amended section 37 to provide that full-time referees be appointed wherever possible. It should be noted, however, that under section 34 of this act the number of referees to be appointed is still solely within the province of the district judge or judges, and little attention has been paid to the precatory provisions of section 37.

The present fee system of compensation for referees has been subject to almost constant criticism. The difficulties inherent under the present system may be briefly summarized as follows:

(1) The method of ascertaining compensation is extremely cumbersome. The four bases of compensation—the $15 filing fee, the 25-cent claim fee, the 1-percent commission on disbursements to creditors, and the one-half of 1 percent commissions on compositions and extensions are not integrated units. Rather, they are a group of heterogenous items added from time to time to meet the demand for increased compensation. Their dissociated character has given rise to many legal questions. The bases upon which they are to be taken are uncertain and fluctuating. The system lends itself readily to abuse.

(2) The dependence of the referees, particularly in rural areas, upon the $15 filing fee has sometimes caused an attitude of easy-going administrations. The bankruptcy court must, in effect, compete in the sale of discharges with other common-law and extra-legal methods of liquidation.

(3) Wide disparities of income, which are bound to result under a fee system, tend markedly to lower the quality of administration. Small incomes necessarily decrease skill and the incentive to attain it. Large incomes create adverse comment.

(4) The system makes the referee an interested party in practically every consequential decision which he makes. Basic principles of disinterestedness in judges are violated. Criticism and suspicion result, adding to the inherent difficulties of the bankruptcy courts.

These objections have not gone unnoticed. Both the Lowell bill of 1880 and the Torrey bill of 1890 each provided for salaried referees. However, the latter bill was amended shortly before its enactment as the Bankruptcy Act of 1898 to reinstate the fee system. The proposal reappeared in the Hastings-Michener bill of 1932, which was drafted in connection with the Thacher report. Under that bill salaries were to be not over $10,000 annually, the amount to be fixed by the Attorney General after taking into account the volume of business likely to be transacted in the district. The salary proposal was renewed in 1935 by Representative Duffey. His bill provided for salaries ranging from $5,000 to $15,000 annually, with the amount to be fixed by the conference of senior circuit judges. The existing fee schedule was to be retained, but all amounts collected were to be paid into the Treasury. The last bill on the subject, drafted by the Department of Justice and introduced by Senator Ashurst (S. 2550, 76th Cong., 1st sess.), provided for salaries to be fixed by the Attorney General on the recommendation of the senior circuit judges. A maximum of $9,000 was set, with a further provision that referees receiving more than $7,500 should not practice law.

For a long period of time the opinion evidence of referees, judges, creditor organizations, and of almost every group interested in adequate bankruptcy administration, has favored a salary system. There has been a marked divergence of opinion, however, in agreeing upon the mechanics of any plan which would put such a system into effect. Most of the basic objection has centered about the fact that in many of the previous proposals to effect this change the Attorney General has been the deciding official. It was therefore felt that his selections and decisions might be tempered to some extent by political considerations. This bill overcomes all of these objections by leaving the final decisions to the conference of senior circuit judges. Thus the judiciary itself will be the deciding body and not any official or department of the executive branch of the Government.

The retention of the fee system of compensating referees in bankruptcy has been an anachronism. They are almost the sole Federal officials remaining in that class, since both the United States court clerks and the United States attorneys are now on a salaried basis.

The Bankruptcy Act today is far broader in its scope than the former act of 1898, which provided primarily for the liquidation of insolvent estates. It covers such complex features as railroad reorganizations, agricultural compositions and extensions, municipal reorganizations, real-estate reorganizations, wage earner amortizations, arrangements and corporate reorganizations. Its adequate administration requires the constant attention and study of a full-time official rather than the sporadic interest of a referee who is also seriously concerned with his private law practice.

The economic dislocations created by our defense effort have already resulted in a fairly high degree of business mortality. That, however, is probably much less than what may be expected in the future. The time has come to recognize that a bankruptcy act will undoubtedly remain a permanent part of our legislation and that the referees who administer it are, in effect, judges of a court of first instance in bankruptcy.

This bill is a recognition of that fact and is aimed at attracting and securing the most competent personnel for what is today a very important judicial post.

B. SUMMARY OF THE BILL

Section 1 of the bill amends section 1 of the Chandler Act by adding explanatory definitions of several new terms recurrently used in the bill, namely, "circuit," "senior circuit judge," "conference," "council," and "Director."

Section 2 amends section 34 of the act. The appointment of referees remains in the hands of the district judges. Where there is more than one district judge in the territory, appointments are to be made by concurrence of a majority. This clarifies a present ambiguity.

The term of the office is extended from 2 to 6 years, and a full-time referee is entitled to reappointment for successive terms, unless the Director of the Administrative Office of the United States Courts recommends against reappointment on the ground of incompetency, misconduct, or neglect of duty and transmits to the referee and to the council a copy of his report. If the Director recommends against a reappointment the district judges shall not reappoint without the approval of the council, and if he recommends a reappointment the district judges shall not refuse to reappoint without the concurrence of the council.

The removal of a full-time referee during his term of office is governed by a similar procedure. Part-time referees may fail of reappointment or be removed if it is found that their services are no longer needed.

Section 3 amends section 35 of the act by prohibiting a full-time referee from holding any State or other Federal office of profit or emolument.

Section 4 completely rewrites section 37 of the act. The Director is required to make a study of conditions throughout the country in order to recommend to the district judges, the councils, and the Conference of Senior Circuit Judges the number of referees to hold appointment and the territory which each shall serve.

The initial survey shall be made by the Director within 2 years after the bill is enacted. A part-time referee may be appointed for a particular area if the conference finds that the employment of a full-time referee would not be feasible.

The Director is to report his findings to the district judges, the councils, and the conference, for the determination by the conference of the number of referees to be appointed, the territories to be served, the salaries to be paid, and the schedules of additional fees which may be charged in asset, arrangement, and wage-earner cases. The district judges and the councils are to transmit their views to the conference. Upon determination by the conference, the district judges shall appoint the designated number of full-time and part-time referees, making their selections, as far as practicable, from the referees then in office.

After such determination the conference may, from time to time, in the light of the recommendations of the Director and of the councils, change the number of referees and the territories to be served.

Section 5 amends section 39 (b) of the act, by prohibiting full-time referees from practicing law.

Section 6 completely rewrites section 40 of the act. All referees shall be on a salary basis and shall be paid salaries fixed by the conference in the light of the recommendations of the Director, the district judges, and the councils, at not less than $3,000 nor more than $10,000 per year for full-time referees, and not more than $3,500 per year for part-time referees. The salary of a full-time referee may be changed by the conference not more than once every 2 years, and the initial salary of a full-time referee may not be reduced during his tenure of office.

A referees' salary fund and a referees' expense fund shall be set up in the Treasury of the United States, into which shall be covered all fees and allowances for services of referees and their expenses, including their services as special masters. Salaries shall be paid out of the salary fund and expenses, including those of their clerical assistants, out of the expense fund. Any deficiency in either fund shall be made up by the Treasury temporarily, with reimbursement later as the funds accumulate a surplus.

With each petition filed, primary or ancillary, the clerk shall collect a filing fee of $17 for the referees' salary fund and a fee of $15 for the referees' expense fund. Additional fees may be charged for each fund against each asset estate liquidated in bankruptcy, and shall be computed upon the gross assets realized; against each arrangement case confirmed under chapter XI, computed upon the amount paid to unsecured creditors in accordance with the terms of the arrangement; and against wage-earner cases under chapter XIII, computed upon the payments made to creditors. The Director, with the approval of the conference, may revise the schedules from time to time and may make rules and regulations for the effective operation of these schedules.

The initial funds are to be made up from the balances remaining in the hands of the present referees when the amendatory act becomes operative. The pending cases of out-going referees shall be re-referred.

Adequate provision has been made for the retirement of full-time referees who have reached the age of 70 years while in office and who have served continuously for 10 or more years, and for those referees who become permanently disabled. Upon such retirement they are to receive an amount equal to one-half of their last annual salary. A retirement fund for the payment of such sums is to be set up in the Treasury. Into

it will be placed an annual 5-percent contribution deducted from the salaries of the active referees, as well as a sum to be allocated by the Director and the conference from the referees' salary fund. The referee's filing fee has been increased from $15 to $17, while the clerk's fee has been reduced from $10 to $8. Thus, while the over-all cost remains the same to the litigants, it shou'd insure an additional sum of approximately $100,000 for the retirement fund. This is predicated upon the fact that there are slightly over 50,000 filings each year. The aggregate amount thus available, according to the computations of the Government actuary, should be sufficient to maintain the fund on a self-supporting basis. Should unforeseen contingencies decrease the amounts available provision is made for an appropriation by the United States to make up whatever small residue may be necessary. The retirement features are not applicable to part-time referees.

Section 7 amends section 43 of the act. When a vacancy occurs in the office of a referee, or when its occupant is absent or disqualified to act, the clerk of the district court shall so notify the Director. In any such case, another referee may be designated by the judge, or the council may designate another referee from the same circuit, or the conference may designate another referee from another circuit, to act. A permanent vacancy shall not be filled by a new appointment unless it is authorized by the conference.

Section 8 amends section 51 of the act. The clerk is required to collect the various fees provided and transmit all such moneys to the Treasury. An amendment to section 52 reduces the clerk's fee from $10 to $8. Thus the increase of $2 in the referee's filing fee to $17 will not affect the total of $25 now required of every bankrupt, and will permit the retirement system to be self-supporting, without the necessity for any governmental subsidization. This carries out the intention of the bill to make the bankruptcy system an entirely self-supporting entity, as it is today.

Section 9 amends section 53. As revised, section 53 imposes upon the Director the duty to gather all statistics in regard to the operation of the act and to make annual reports thereon to Congress, a function that he is now performing in accordance with the act creating his office.

Section 10 repeals section 54, as amended.

Section 11 amends section 62 of the act. The actual and necessary expenses of referees shall be paid, when authorized and approved by the Director. The referees are to have free mailing privileges and may employ, when authorized by the Director, necessary clerical assistants at rates of compensation to be fixed by the Director, and may remove such assistants at will. Provision is also made for payment of travel and subsistence expenses of referees and their assistants when authorized by the Director.

Section 12 amends section 64a (1) of the act, by according to the fees for the referees' salary and expense funds, priority, as an administration expense, on a parity with the other items set forth in that clause.

Section 13 amends section 72 of the act by reiterating that salaries shall be full compensation for referees and that allowances to them while acting as conciliation commissioners or special masters under the act shall be covered into the Treasury.

Section 14 amends section 117 of the act by emphasizing the advisability of making the special references under chapter X to the referees rather than to outsiders, except in unusual circumstances.

Sections 15, 16, and 17 amend sections 624 (3), 633 (2), and 659 (1) and (3) of chapter XIII of the act (wage-earner plans) by conforming changes. The amended sections deal with the fees for services and expenses of referees in wage-earner proceedings.

Section 18 provides that sections 1 and 10 of the amendatory act, and so much of section 4 as amends section 37 (b), shall become effective when the bill is enacted. The other provisions shall become effective 60 days after the conference has promulgated its initial determinations.

Section 19 contains the customary safeguards regarding repeal of inconsistent provisions and the severability of provisions which may be invalidated.

C. HISTORY OF THE BILL

The bill is based primarily upon the recommendations of the Attorney General's Committee on Bankruptcy Administration. The committee was created in April of 1939 to make an examination of the existing law, to investigate its operation and actual practice, and to prepare appropriate recommendations for needed improvements. The reasons impelling the Attorney General to create the committee were clearly stated by him at that time:

"In seeking to improve the administration of justice in the Federal courts, one of the most important subjects that require attention is the manner in which estates of bankrupt and insolvent concerns are liquidated and administered. For a long time there have been many complaints that the administration of bankrupt and insolvent estates in the Federal courts has been at times inefficient, costly, and dilatory. I am requesting the committee which I have appointed to make a study of the field with a view to determining to what extent such complaints are well founded and to formulate constructive recommendations in order to eliminate conditions that are found undesirable."

The committee at the outset made a careful investigation of the extent to which these questions had been studied by previous investigations, the treatment that they had been accorded by the revisions incorporated in the Chandler Act, and the manner in which the very extensive changes made by that act were working. On the basis of that survey the committee concluded that it could most profitably devote its attention to the administrative features of bankruptcy administration and the workings of the referee system.

The committee's procedure was thorough and painstaking. Extensive questionnaires were circulated to all of the United States district judges, to the referees in bankruptcy, to trustees, receivers, creditor organizations, bar associations, members of the National Bankruptcy Conference, and a number of other experts in the field. In addition, the committee was fortunate in securing the very helpful assistance of a considerable number of law schools, whose students analyzed almost 1,700 bankruptcy cases. Finally, all of this material was supplemented by a number of field studies at first hand, and extensive conversations and conferences were had with many of the foregoing individuals and bodies.

In the fall of 1940, after more than a year's research and collation, a tentative report and recommendations were drafted. This was circulated among the members of the National Bankruptcy Conference and was the subject of very extensive consideration by that body for 3 days, at a meeting held in Washington in October of that year. The conference endorsed without qualification the committee's recommendation that there was an essential need for a coordinating and supervisory body and that that body could function most effectively as a unit in the Administrative Office of the United States Courts. The conference at that time appointed a special subcommittee to confer further with the staff of the Attornel General's committee in regard to its recommendations concerning the appointment and compensation of referees.

Pursuant to that reference the subcommittee of the National Bankruptcy Conference and the staff of the Attorney General's committee met several times. Further refinements and additions were made to the committee's tentative recommendations as a result of these meetings, and upon the basis of a favorable report of this subcommittee, the bankruptcy conference approved the recommendations of the Attorney General's committee as they are contained in part III of its final report.

This final report of the Attorney General's committee was released early in January of 1941 and was immediately circulated among the members of the Supreme Court, all of the United States circuit judges, and all of the United States district judges. Copies were also sent to the clerks of court, the referees, State and local bar associations, creditor organizations, and collection agencies, with a request that they feel free to transmit to the committee any comments or criticisms that might suggest themselves.

A special meeting of the Conference of Senior Circuit Judges was convened by the Chief Justice in Washington, during the latter part of January 1941, to act upon the report. At the request of Mr. Chandler, the Director of the Administrative Office, each of the district and circuit judges was asked to communicate his opinion on the report and its recommendations to the representative in the conference from his circuit, so that the action of the conference may be said fairly to represent the considered body of opinion of the judiciary throughout the country. The conference approved, without modification, part I of the report, calling for the creation of a Bankruptcy Division in the Administrative Office. That Division has been created and is now in operation. At the same time the conference accepted, with some minor modifications and changes of emphasis, the recommendations of the report relating to salaried referees.

Immediately thereafter the committee proceeded to draw up a draft of a bill containing the legislation necessary to put into effect the remainder of the recommendations. This draft was the subject of very extensive consideration by the special subcommittee of the National Bankruptcy Conference. Additional suggestions were secured from the Senate Legislative Council, the Treasury, the General Accounting Office, the Securities and Exchange Commission, and the Administrative Office of the United States Courts.

Successive tentative drafts were thoroughly considered and approved by the National Bankruptcy Conference at its meeting in Chicago in March 1941 and also by the bankruptcy subcommittee of the section on commercial law of the American Bar Association. Additional comments were secured from the members of the judicial conference.

The original bill, H. R. 4394, was introduced in the House of Representatives by Mr. McLAUGHLIN on April 16, 1941, and a companion bill, S. 1437, was introduced by Senator VAN NUYS in the Senate on May 1, 1941. The House bill was referred to a special Subcommittee on Bankruptcy and Reorganization of the House Judiciary Committee, and extensive hearings were held on it from June 2 to June 10, and from June 24 to June 27, 1941. The witnesses who appeared before the subcommittee may be classified into six categories: Representatives of the Attorney General's Committee and the Department of Justice, representatives of the Administrative Office of the United States Courts and the Conference of Senior Circuit Judges, representatives of the National Bankruptcy Conference, representatives of all of the creditor organizations, such as the National Association of Credit Men, the National Retail Credit Association and the American Retail Federation, representatives of the interested governmental agencies such as the Treasury Department and the Securities and Exchange Commission, and finally, a number of the most expert men in this field in the country,

such as Walter Chandler, the author of the 1938 act and the present mayor of Memphis, and Reuben G. Hunt, of Los Angeles, Calif. The testimony reflects the considered opinions of an excellent cross section of the most expert individuals and organizations in the bankruptcy field in this country, and it was almost uniformly in favor of the bill.

The measure received further consideration at the meeting of the section of commercial law of the American Bar Association in September of 1941 at its meeting at Indianapolis. The section reported, and the house of delegates approved, a resolution recommending the appointment of a special committee of the association to confer with the Attorney General's committee. A conference of these two groups took place on February 16, 1942; and an agreement was reached on all of the changes to be presented to the House Judiciary Committee. These were relatively minor and were incorporated in the second committee print of H. R. 4394 of February 18, 1942, together with a number of perfecting changes suggested by a special committee of the National Bankruptcy Conference. A resolution of the house of delegates, acting for the American Bar Association, then approved the bill as revised and recommended its enactment by the Congress.

D. ENDORSEMENTS

The bill has been endorsed by every organization which has appeared before the committee. These include the National Bankruptcy Conference, which consists of representatives of the American Bar Association, the American Bankers Association, the creditor groups, referees, accountants, law professors, and bankruptcy experts. It has also received the serious consideration and endorsement of the Administrative Office of the United States Courts and the Conference of Senior Circuit Judges, the three largest creditor organizations in the country, namely, the National Association of Credit Men, the National Retail Credit Association, and the American Retail Federation, the American Bar Association, the Commercial Law League of America, the Bureau of Internal Revenue of the Treasury Department, and the Securities and Exchange Commission. It also has the enthusiastic endorsement of the Honorable Walter Chandler, the author of the present Bankruptcy Act. Finally, endorsement has been received from the following 14 State and local bar associations:

Bar Association of Baltimore City.
Chicago Bar Association.
Bar Association of the City of Richmond.
Brooklyn Bar Association.
New York County Lawyers' Association.
Bar Association of City of New York.
Federal Bar Association of New York, New Jersey, and Connecticut.
Milwaukee Bar Association.
El Paso Bar Association.
Houston Bar Association.
Louisville Bar Association.
California Bar Association.
Los Angeles Bar Association.
Bar Association of the District of Columbia.

PART II. EXPLANATION OF PROPOSED AMENDMENTS

NEW DEFINITIONS—SECTION 1

The act creating the Administrative Office of the United States Courts (Public, No. 299, 76th Cong., 1st sess.) set up the office of Director (sec. 302) and provided for councils (sec. 306) composed of the circuit judges of each circuit, to act as the primary administrative bodies of the circuit. A considerable portion of the framework of this bill revolves about the Administrative Office, particularly those sections relating to the surveys to be made to ascertain the total number of referees that will be necessary, the territories that they are to serve, the salaries that they are to receive, and the charges which are to be assessed against estates. It has therefore been necessary to define these terms.

The creation of this office has eliminated one of the main objections that had been advanced against all previous measures to place referees on a full-time, salaried basis, since the surveys and final determinations are to be made by the judiciary itself rather than by some agency of the executive branch of the Government.

The definitions contained in section 1 have been inserted in alphabetical order to conform to the present arrangement of the section.

APPOINTMENT OF REFEREES—SECTION 34A

The power of selection and the appointment of referees remains in the hands of the district judges, where it presently resides. The district judges have a more intimate knowledge of local conditions and of the lawyers in their area and are the ones best fitted to make these selections. An amendment to this section makes it clear that in districts with more than one judge, or in cases where the territorial jurisdiction of a referee extends over more than one judicial district, appointments shall be by the joint action of a majority of said judges. There has been no uniformity of practice in this regard and it is important to define the locus of the appointing power in order that there may be a definite responsibility for the conduct, and removal if necessary, of every referee. In accordance with the recommendation of the judicial conference, appointments by a majority are to be mandatory and the power cannot be delegated to any one judge.

Under the present statutory provisions, in the event that no majority exists, the power of appointment resides in the senior district judge (sec. 200 of the Judicial Code; 28 U. S. C. 376). At the suggestion of the Conference of Senior Circuit Judges the power of appointment in such cases has been placed in the local judicial council, thus avoiding the possibility of any friction among the district judges whenever a deadlock ensues.

The conference has also clearly indicated that roving judges appointed to serve in more than one district in a State were to participate in such appointments. The mandate of the conference in this regard should be sufficient and obviates the necessity of any additional statutory provision.

Referees are today appointed for a term of 2 years, but can be removed at any time. This bill extends the term to 6 years and in the case of an appointment to fill a vacancy, the term is 6 years and not the unexpired term of the predecessor. The security of tenure afforded by the bill is one of its most important features. Judge Learned Hand, the senior circuit judge of the United States Court of Appeals for the Second Circuit, indicated during the hearings on the bill that in over 30 years as a judge he has found that the security of his position was of the greatest importance to him in maintaining his judicial independence. The increase in the length of the term, together with the safeguards on reappointment and removal provided elsewhere in the bill, should go far toward assuring a competent referee practically life tenure. It should be noted that the former Hastings-Michener bill (S. 3866, 72d Cong., 1st sess.), which resulted from the Thacher investigation, had also recommended a 6-year term, as did a number of subsequent bills.

The initial terms of the first appointees are to be separated into three groups and the groups have been staggered to expire every 2 years so that the Director will not have the task of reporting on every referee at the same time (secs. 34b, 37b (2)). All subsequent appointments and reappointments are to be for a full term.

The removal provisions of present section 34 (1) have been considerably expanded and are now incorporated in section 34c. Clause (2) of this section, providing for changing the limits of the districts of referees, has been transferred to section 37c. The present proviso in the same clause (2) has also been transferred to section 37 and incorporated in subdivision a at the end of the paragraph with minor conforming changes.

REAPPOINTMENT OF REFEREES—SECTION 34B

This subdivision is intended to provide additional security of tenure to competent referees by insuring them against arbitrary refusal or failure of reappointment. At the end of a referee's term the Director is to appraise the work of the referee and report to the district judge or judges recommending the reappointment of a referee, or recommending his nonreappointment upon the grounds of incompetency, misconduct, or neglect of duty. In the event that the district judges disagree with the Director's recommendation they must secure the approval of their judicial council before taking any action contrary to his recommendation.

Experience has shown that in many instances changes in referee personnel have occurred as a result of new judicial appointments, either because the political affiliations of the new appointee differ from those of his predecessor, or for other reasons. Under the present provisions of section 34 reappointments are solely within the province of the district judge and there is no assurance of continuity in office. Some such assurance is vitally necessary if the office is to be made attractive in order to secure the most competent referee personnel and in order to act as an inducement to lawyers who today refuse to give up a lucrative law practice for an uncertain tenure as referee.

The report of the Director required by this subdivision also affords a periodic occasion for review of the work of each referee. This is important, for in a majority of the cases today the judge only sees a referee's work in those few instances when a case is certified to him for review. Judge Hincks, of Connecticut, in commenting upon this feature of the bill, noted that the district judge is very much in the same position as a teacher, with everyone being reluctant to come to him with any complaints that they might have. He felt that an impartial and thorough survey at stated intervals would be of great assistance to him in evaluating the work of his referees. The report is to be submitted to all of the reappointing judges concerned, in the light of the change made in section 34a, which requires all of the district judges to participate in the appointments and reappointments.

The bases for nonreappointment and removal originally included the word "inefficiency." This has been deleted in accordance with the suggestion of the special committee of the section of commercial law of the American Bar Association, on the ground that the words "incompetence" and "neglect of duty" fully covered any possible situation that might come within the definition of "inefficiency."

One additional ground for nonreappointment or removal has been inserted for part-time referees—namely, that their services are no longer necessary. This provides a needed flexibility should the conference find a diminution of bankruptcy business, or the possibility of extending another referee's area, makes this advisable.

Provision has been made for review by the judicial council of the circuit in the event that the district judges disagree with the Director's recommendation as to reappointment or nonreappointment. In addition, in the event that a referee is not reappointed, he can appeal to his judicial council, and he has the right to be heard by that body on such appeal. Where reappointment is in issue the referee is to remain in office until final determination has been made by the judicial council.

These provisions will tend to make secure the position of a competent and industrious referee, and at the same time provide the requisite flexibility for weeding out those men unfit to be retained in office.

REMOVAL OF REFEREES—SECTION 34C

Referees today are removable at the will of the district judge, either because their services are not needed or for other cause. The proposed provisions again aim at increasing security of tenure by providing for removal only for specified cause, the causes being the same as those in subdivision b relating to reappointment. Removal proceedings may be initiated by the Director by a report to the judge or judges concerned, or they may be initiated by the judges themselves. The referee is to be entitled to a copy of the specification of charges for his removal, to a hearing by the removing judge or judges, and to a review of any such order by the judicial council of his circuit, with an opportunity to be heard on such review.

The judicial conference has also suggested the addition to the powers of the judicial council of the power of removal of any referee if the district judge or judges fail to act after a report recommending removal has been submitted by the Director, and this has been adopted.

QUALIFICATIONS OF, AND PRACTICE OF LAW BY, REFEREES—SECTIONS 35 AND 39B

The amendments to section 35 will prohibit full-time referees from holding any other office, but an exception for part-time referees has been retained similar to that which now exists. An amendment to clause (2) of this section clarifies the prohibition against holding office so as to include any local instrumentality of government as well as the State and Federal Government.

It is unnecessary to except the office of conciliation commissioner from the provisions of this clause (2). The Comptroller General of the United States, in an opinion rendered on September 27, 1934, stated that according to the wording of section 75, which authorizes the appointment of "one or more referees to be known as conciliation commissioners," it was proper for referees to hold both offices, and this has been the practice since that time.

An amendment to clause (3) indicates that the relationship of a referee to one of the appointing district judges, or one of the appellate judges of his circuit, shall be a bar only if it existed at the time of his appointment. Thus if his brother-in-law were later appointed a district judge he could continue in office as referee.

The changes in clauses (4) and (5) are merely conforming ones to permit a referee's residence, the maintenance of his office and his admission to the bar of a district court to be in either district if his territory extends over two districts. This is necessitated by the provision of section 37a which permits the conference to fix a referee's territory so that it will lie within the territorial jurisdiction of more than one court of bankruptcy, but within the same circuit. The proviso in clause (4) is intended to eliminate the requirements of local residence and office in case of any temporary transfer required pursuant to section 43, or in case the director has recommended the appointment of an existing referee serving in one area to a judge or judges of another area where the second appointment would be in the nature of an advancement. It is hoped that the possibility of such recommendation might provide a marked incentive for the younger men who become referees at a low salary and who thus might have some hope of advancement to better positions in other areas as their experience developed and openings became available.

Frequent criticism has been voiced at the present system which permits referees to engage in the private practice of law at the same time that they hold office as referee It not infrequently happens that his duties as referee may conflict with his obligations to his personal clients. As Judge Learned Hand so aptly stated it during the hearings on this measure:

"The different strains of influence which the practice of law inevitably creates—and I do not mean improperly—are apt to be inconsistent with his [the referee's] duties."

The prohibition against the practice of law by full-time referees contained in the amendment to section 39b is exactly the same as that for district judges, and the language follows that used in 28 United States Code, section 373. This provision, however, is not intended to prevent any referee from teaching law after working hours. Neither would it prevent a referee from conducting or owning an abstract of title business or a title guaranty business.

Active part-time referees (and those receiving retirement benefits under sec. 40d (3)) will be permitted to continue to practice law but will be prohibited from practicing in any proceedings under this act, as at present. With the essentially full-time system contemplated by this bill such exceptions for part-time referees should be relatively few.

NUMBER AND TERRITORIES OF REFEREES—SECTION 37 A AND B

There still remain over 470 referees in bankruptcy in office today, most of whom are part-time men. The report of the Attorney General's bankruptcy committee indicated that, using 300 cases closed per year as a base standard for full-time work—a base which was arrived at by the Thacher investigation in 1931—only 44 referees out of this total number were really doing full-time work. Fifty-five percent of the part-time referees serve only 5 counties or less, yet 1 referee manages to serve 45 counties and several other referees serve over 30 counties effectively.

The Chandler Act amended section 37 by indicating that a policy of full-time referees was preferable. An examination discloses that the present precatory language of this section has not been effective and that few reductions and consolidations have resulted, although the opportunities have been many. It is evident to the committee that under such a provision any further consolidation will never be substantial.

This bill provides that the Director shall have 2 years within which to make a survey of the entire country in order to ascertain the total number of referees needed, the territories they are to serve, the salaries they are to be paid, and the fees that are to be charged, keeping in mind a full-time system wherever possible. In making these determinations he is to consider both Nation-wide and local conditions, including the amounts available for salaries, the areas and populations to be served, the transportation and communication facilities, the previous types and amount of business under this act in such areas and where such business is centered, the existing personnel, and any other material factors.

The Director and the Administrative Office are best suited to perform a task of this kind. The Bankruptcy Division in that office is in possession of a good deal of the necessary information, having at hand the necessary bankruptcy statistics and possessing considerable other data which are essential to a survey of this kind. The work could be done thoroughly and impartially. The Judiciary Committee does not think it wise for Congress to fix by legislation the referees' districts for either the entire United States or for each judicial district separately. The bankruptcy system needs flexibility, since there may be a considerable variation in the amount of bankruptcy business from year to year. It would be unwise to freeze into a statute a fixed number of referees and the territories that they are to serve. It seems more advisable to entrust this task to the Conference of Senior Circuit Judges and to the Director of the Administrative Office, who is its agent, allowing for such future modifications as may be necessary without the necessity for constant legislative amendment and the risk of attendant local pressures.

In the course of making these surveys the Director is to take into consideration the views of district judges, referees, bar associations, trade associations, and any other interested bodies and individuals. His final recommendations are to be submitted back again to the district judges, and transmitted to the circuit councils and to the judicial conference. The district judges will then have an opportunity to transmit their views to their own judicial councils, and the latter will have an opportunity to do the same to the conference by informing the senior circuit judge who represents them in the conference of their opinions. Thus the conference, prior to making the final determinations, will have the benefit of the views of the Director and of all the judges concerned.

In the event that the Director finds that the size of the territory to be served or the amount of business in an area would not feasibly support a full-time referee, he will recommend a part-time referee. Thus, the way is left open for a small number of part-time referees if they are necessary, a suggestion adopted in accordance with a recommendation of the judicial conference.

Where it is deemed advisable, the conference may designate a referee to preside over an area which lies within more than one judicial district. While this would undoubtedly be unusual, it gives the system a good deal more flexibility than would otherwise be possible. Where it does occur, the territory will generally lie among districts in the same State, so that there will be no difficulty in applying the State law as to exemptions, priorities, etc. Moreover, no particular difficulty should be experienced even if this territory is located in districts in different States. A great many legal questions involving the laws of different States are now decided by many judges, especially those in the various circuit courts of appeal. Federal judges are also shifted about frequently and serve without any difficulty in an area other than the one to which they are appointed.

The proviso in this same subdivision a, relating to the jurisdiction of referees, is almost identical with the one found in present section 34.

INITIATION OF THE SYSTEM—SECTION 37B (2) AND (3)

As soon as the conference has promulgated its final determinations the Director is to divide by lot the total number of referees first to be appointed into three equal groups. The terms of the referees in group 1 are to expire at the end of 2 years, the terms of those in group 2 at the end of 4 years, and the terms of those in group 3 at the end of 6 years. This is patterned after an identical provision incorporated in the United States Constitution for the initial terms of Senators. It is intended to stagger the expiration dates so that the Director will not be required to report on all of the referees at one time, such report being provided for by section 34b.

Finally, the Director is to inform the district judges of the referees each is to appoint, the territory to be served, and the salary to be paid. The judges will then appoint the referees, confining their selection, insofar as it is possible to do so, to referees then in office in their district. The terms of these appointees are to commence 60 days after the promulgation of the conference's determinations.

CHANGES IN NUMBER AND TERRITORY OF REFEREES; TEMPORARY ASSIGNMENTS OF REFEREES—SECTIONS 37C AND 43

Whenever the office of referee is vacant the clerk is to notify the Director of such vacancy. If the vacancy is a permanent one no ap-

pointment to fill it shall be made until the judges are authorized to do so by the conference. The conference is empowered, in the light of the recommendation of the Director and of the councils, to change the number and territories of referees, pursuant to section 37c. This subdivision permits reductions in the number of referees to be made only after the office is permanently vacant. A referee can be removed only pursuant to the provisions of section 34c. However, deaths, resignations, and the power of temporarily assigning existing referees from other areas will allow more than ample leeway for contracting or expanding the system as the amount of business may require.

Temporary changes and assignments are provided for by section 43c. The district judge may himself perform the work of the referee (as he may now do) in the event that the referee is disqualified, or the office is vacant, or the exigencies of bankruptcy administration demand it; or he can assign another referee from within his jurisdiction to act; the judicial council may designate another referee from within the same circuit to act; and finally, the conference can assign a referee to serve from another circuit. This last provision is intended to take care of unusual situations such as might arise in the District of Columbia, where there is only one referee and where, if the office is temporarily vacant, a referee would have to be brought in from another circuit. The provisions of this section provide the widest possible latitude for the fullest utilization of the available referee personnel, and are in accord with the recent trend of having Federal judges from areas with little business assigned to others which are far behind in their calendars, to assist in the more prompt dispensation of justice.

COMPENSATION OF REFEREES—SECTION 40 A AND B

Referees under the present act derive their compensation primarily from three charges—a $15 filing fee for every case filed, a 25-cent fee for each claim filed in an asset case, and 1 percent on all sums distributed to creditors. This is supplemented by sums earned while acting as special master or conciliation commissioner. The present fee charges have in practice proven to be unsatisfactory in their operation and have been subject to considerable misinterpretation and confusion. They have resulted in variations in income to individual referees ranging from sums as low as a few dollars a year to over $60,000 a year, and recently as high as $28,000 a year. In the case of part-time referees whose income has been so small as to deter the referee from becoming conversant with the complex provisions of the Bankruptcy Act today they have resulted in a much poorer type of administration than parties in interest are entitled to receive.

The amendments to section 40 provide for placing all of the referees upon a salaried basis, with full-time referees receiving between $3,000 and $10,000 a year. The cost will be borne by the bankrupt estates. The amount of the salary is to be fixed by the judicial conference, after it has received the recommendations of the Director, the district judges, and the councils. While suggestions have been made that the ceiling be placed at a higher sum, the committee do not believe that this is necessary in view of the fact that the increase in security of tenure and retirement benefits are partly compensatory for the decrease in income of the top referees, and together they should be adequate to insure a competent referee personnel even in the larger urban centers.

The maximum salary for part-time referees has been fixed at $2,500, a sum slightly below the minimum for a full-time man. This reflects the fact that in any area not warranting the appointment of a full-time referee at a minimum salary the amount of business will be so small that a part-time referee should necessarily receive a lesser sum. In fixing the amount of salary to be paid, consideration is to be given "to the average number and the types of, and the average amount of gross assets realized from, cases closed and pending in the territory which the referee is to serve, during the last preceding period of 5 years, and to such other factors as may be material." The phrase "and to such other factors as may be material" has been recommended by the National Bankruptcy Conference, to permit the judicial conference to take into consideration such factors as the cost and standard of living in any locality.

The experience of the Department of Justice indicates that the fixing of graduated salaries can be successfully carried out, for it has been doing this for the clerks of the United States district courts and for the United States attorneys for a considerable period of years.

Subdivision b of this section is aimed at assuring a referee that he will receive throughout his term as referee the minimum amount of salary fixed for him at the time that he originally takes office. It would be difficult to induce a man to forego a well-established law practice and to accept office as referee if he were not to be assured of at least his starting salary. The security of tenure provided by the safeguards on reappointment and removal would mean little if the referee could be forced out of office by a marked decrease in his salary. The committee does not believe that this provision will prove either unduly expensive or make the act too inflexible, for the conference can expand or consolidate the territory of a referee and can appoint a man in a lower bracket whenever the office becomes vacant.

The proviso at the end of subdivision b is intended to discourage frequent small changes in the salaries of referees. It should be noted, however, that the salaries of part-time referees can be changed at any time and, subject to the prescribed maximum, in any amount.

REFEREES' SALARY AND EXPENSE FUNDS—SECTION 40C

The existing provisions for referees' compensation have been previously noted. The bases for the charges for referees' expenses are even more complex and diverse. The present act and general orders contemplate reimbursement for actual expenditures only, but the vagueness of the provisions has resulted in the most varied practices imaginable. Practically no two local indemnity rules are alike, and even where a rule has been properly drafted it has all too frequently been misinterpreted or misconstrued by the referees, with the result that excessive and improper sums have been taken. The report of the Attorney General's Bankruptcy Committee recites a considerable number of instances where this has occurred. As a consequence the mandate of section 72 prohibiting any additional compensation has not been too effective.

This bill accomplishes two things in this regard. Firstly, it is intended to simplify the fee charges for referees' expenses and compensation so that they will be easy of computation and uniform throughout the country. Secondly, insofar as it is possible to do so, it is intended to transfer the fiscal functions of the referee to the clerk and to leave the referee solely with his more important judicial and administrative tasks.

The bill contemplates a simplified system based upon two essential levies—(1) a fixed filing fee, and (2) an additional fixed charge in asset, arrangement, and wage-earner cases graduated according to the size of the estate. These charges will replace the present complex ones. The compensation and expense charges can be automatically combined, since the bases probably will be the same, and they have the additional merit of being readily ascertainable and easily collectible. The committee feel that they will probably be as accurate an apportionment of the cost of administration among various cases as is the highly complex and varied system now in effect. Each case will bear part of the cost, and the asset cases, which generally are the largest and require the most attention, will pay a larger proportionate share.

Paragraph (4) provides for the creation of two trust funds in the Treasury of the United States. One is to contain the receipts from referees' compensation, including any fees or allowances earned by the referees while acting as special masters or conciliation commissioners, and is to be primarily utilized for the payment of their salaries. The other is to contain the funds collected for referees' expenses and is to be utilized to pay the salaries of their clerical assistants, their office and travel expenses, etc. If there be any slight deficiency in these revolving funds, the Treasury is to make the payments due out of the general funds of the United States. Whenever it becomes necessary, the Director is to adjust, with the approval of the conference, the schedules of graduated charges so that reimbursement may be made to the Treasury as soon as the appropriate fund creates a surplus.

It is intended that the total amount of fees and allowances to be collected for referees' compensation and for their expenses will approximate, respectively, the total amount of the salaries of the referees in active service and the total amount of their expenditures on a yearly basis, as well as providing the balance required for the maintenance of the retirement system above the referees' contributions, so that the system will remain self-supporting as it is at present. Since there will undoubtedly be some discrepancies, the Director is authorized to raise or lower the graduated fee charges once a year if necessary, but in an amount which is not to total more than 10 percent of the previous year's collections.

Paragraph (3) allows for charges for special services by the referees, such as certifying records, supplying transcripts, notarial services, etc. The charges are to be fixed by the Director and the conference, are to be collected by the referee, and transmitted by him to the clerk for deposit in the referees' expense fund in the Treasury. This is the only instance in which the referee acts as the collecting agent, and the exception is necessitated by the fact that the frequency and the small amount of these charges make this the most convenient procedure to follow.

Paragraph (1) abolishes the so-called pauper petitions. Under the existing statutory provisions the bankrupt is permitted to file a petition without the payment of any compensation fees where he accompanies it with an affidavit indicating his inability to pay them. In such instances, however, many of the referees have later collected the filing fees in installments from the bankrupts. In some areas the judges have refused to permit the filing of any pauper petitions, apparently feeling that some payment could ultimately be made. It has been deemed desirable, in lieu of the present widespread practice of demanding payment ultimately, to abolish pauper petitions. With referees on a salaried basis there will be considerably less incentive to demand ultimate payment, and the total collections might be seriously jeopardized. It seems more advisable to provide for installment payments in meritorious cases and to leave the exact procedures for incorporation in the General Orders of the Supreme Court. This has the additional merit of permitting future modifications as experience develops in a relatively simple and direct fashion.

The language used in clause b of paragraph (2) of subdivision c has been taken from present section 48f and is clearer than the phraseology now found in section 40a.

RETIREMENT PROVISIONS—SECTION 40D

The committee believes that the retirement provisions for referees contained in this bill are an integral and important part of the entire plan. These provisions will furnish a very real inducement to attract competent lawyers as referees. They will tend to insure stability to the referee system. Finally, they will add to that feeling of independence so necessary for an impartial judiciary.

The retirement provisions of subdivision d follow very closely similar provisions now existing for district judges (28 U. S. C. 375), although the amounts involved will be much less substantial. In the first place, retirement is to be at half pay, as contrasted with full pay for district judges. This, of course, will provide an incentive for referees to continue in active service, and reduce the number of referees who will be paid under the retirement provisions. Secondly, the salaries themselves, graded from $3,000 to $10,000, are not as large as the amounts involved for district judges. Finally, the retirement provisions are applicable only to full-time referees, not to part-time referees. Referees are to be eligible for retirement after they have reached the age of 70 while in office and have served continuously for 10 years or more, previous service under the fee system to be included in their tenure.

Paragraph (2) provides for retirement for disability. As with district judges, no specified period of service is necessary prior to the invocation of the provisions of this paragraph. Under it a referee may also be retired for permanent mental or physical disability by the appointing judge or judges, or by the council.

The bill provides for the creation in the Treasury of the United States of a referees' retirement fund for the payment of such sums as may be necessary. The fund will be supplied from 2 sources. First, the bill provides for an annual 5-percent contribution deducted from the salaries of the active referees in accordance with the provisions of paragraph (6) of this subdivision. These contributions are to be returned if a referee dies or leaves the service before he becomes entitled to retirement benefits. This source is expected to yield about $45,000. Second, the bill provides in paragraph (3) that the Director, with the approval of the judicial conference, may make additional allocations from the referees' salary fund, and this fund has itself been augmented by a reallocation of the filing fees presently collected. Bankrupts today pay $25 to the clerk of the court at the time each petition is filed, $15 of which goes to the referee and $10 of which remains with the clerk. Investigation discloses that the $10 retained by the clerk for his bankruptcy services are greater in proportion than the amounts which he collects for other services. The bill, therefore, reduces the amount retained by the clerk to $8, and increases the referee's fee to $17. Since there have been an average of slightly more than 50,000 petitions filed in bankruptcy each year this increase of $2 should result in augmenting the referees' salary fund by approximately $100,000, which will be available for the referees' retirement fund.

An attempt has been made to ascertain the probable cost of the retirement system. The basic data, such as the number of referees to be required, the amounts of their salaries and their respective ages, must, of course, be approximations. With that qualification, figures compiled by the Government actuary indicate a total cost between $110,000 and $140,000 per year, once the system gets into operation. The two sources should thus be somewhat more than adequate to make the retirement system entirely self-supporting. In the unlikely event, however, that there should be a marked decrease in the sums collected and deposited in the referees' salary fund which would materially affect the sums available for the retirement fund, provision has been made in paragraph (7) for financing by the Government of the remaining sums necessary to continue the retirement system. This safeguarding provision will probably never be called into operation, and if it ever is, the amount involved should be very small.

Provision has been made to utilize the services of retired referees in the event that the referee is desirous of working and he is called upon by a district judge. The retired referee does not, by this service, return to his salary status; he continues to receive only his retirement allowance. On the other hand, regular collections for the referees' salary fund and expense fund are to be made from each of the estates which he administers.

DUTIES OF THE CLERKS—SECTION 51

The changes made in this section are merely conforming ones. They place the duty upon the clerk of collecting the various fees and allowances for the referees' compensation and expenses, and of transmitting the sums collected to the United States Treasury for deposit in the respective salary and expense funds. Referees today are ill-suited to perform all of these fiscal functions and the present practice, particularly with regard to the indemnity moneys and the installment collections of filing fees, has given rise to many defections and irregularities. The clerk's office is in a much better position to perform this task, and its assumption by the clerk will free the referee for much more important matters.

The exception for pauper petitions has been deleted from present clause (2) in accordance with the change made in section 40c (1), and the exception for installment payments has been substituted.

STATISTICS—SECTIONS 53 AND 54

Under the present provisions of section 53 the Attorney General is charged with the duty of collecting the bankruptcy statistics enumerated therein and reporting them annually to Congress. However, this section has been construed as having been repealed by implication, in accordance with the resolution of the Conference of Senior Circuit Judges adopted in January 1940, stating that referees were subject to the jurisdiction of the Administrative Office. Thus the provisions of section 304 (2) of chapter XV of the Judicial Code, relating to the compilation of statistical data by the Director, became applicable. As a result, bankruptcy statistics are now being compiled by the Administrative Office. The amendment to this section recognizes this change.

It is probably advisable not to enumerate in detail the exact nature and type of the statistics to be gathered, although if this is thought desirable such enumeration may be later specified in the General Orders of the Supreme Court. Undoubtedly, with the creation of the Bankruptcy Division in the Administrative Office, a good deal more attention will now be given to this feature and many changes will be necessary from time to time as experience indicates the need for them. The inclusion of the fiscal information on the operation of the referee's salary and expense funds will give some indication of the efficacy of the operation of the system.

The present section 54, which gives to the Attorney General the power to request information from subordinate bankruptcy officials to assist him in compiling the statistical data required by section 53, is repealed. The Director is now compiling these statistics and he already has the requisite authority to request such information pursuant to section 304 (7) of chapter XV of the Judicial Code.

REFEREES' EXPENSES—SECTION 62A

The present practices with regard to the treatment of referees' expenses are subject to the widest variations. In some districts the local rules enumerate the maximum amounts which may be spent for items such as rent and clerical aid. In other districts the judges, by order or otherwise, have indicated the types and amounts of expenditures that they have deemed reasonable. In most areas, however, the referees make their own determinations, and the only limitation has been the total amount of funds available in their respective indemnity funds. The widespread divergence in the treatment of referees' expenditures and the lack of any effective auditing procedure or sanctions has probably resulted in more derelictions here than under any other portion of the act.

The primary purpose of the amendments to section 62 is to cover this defect and to secure uniform supervision, together with standard auditing and bookkeeping procedure, by bringing all of these expenditures within the jurisdiction of the Director. This is most necessary, for in order to fix the expense charges provided for by section 40c, he must of necessity have some control over the total amount of expenditures. The committee is of the firm belief that this will undoubtedly result in far better working conditions and equipment for most of the substandard referees than is possible under the existing system.

The provisions of paragraph (1) are identical with those now found in present section 62a, except that the words "other than referees" have been inserted. The authorization and allowance of referees' expenses are considered in greater detail in the subsequent provisions of the section. The insertion is also necessary due to the expansion of the meaning of the word "court" by the Chandler Act, so as to include the referee. Obviously it was not intended to have a referee audit his own accounts.

Paragraph (2) of this subdivision places all office and other expenditures under the supervision of the Director of the Administrative Office, and is merely a logical extension of the jurisdiction that he now exercises over the clerks of the district and circuit courts, probation officers, judges, and other judicial personnel. In fixing the salaries of the referees' clerical and other assistants, the Director is to take into consideration the classifications for similar work in the offices of the clerks of the district courts so that they may be as nearly uniform as possible. Provision is also made for unusual cases that may require prompt action by the referee, such as may occur when a very large business or corporation files a petition. In such instances, expenditures may be authorized by the district judge in the event that it is not feasible to secure the prior authorization of the Director.

The authorization for the employment of clerical assistants by the referee in paragraph (3) follows similar provisions by which the clerks of the Federal courts employ their assistants upon the authorization of the Director. The inclusion of these provisions will permit the referees to utilize to a considerable extent their present skilled personnel, as well as give them a free hand in selecting and discharging their subordinates.

Travel, lodging, and subsistence expenses of referees and their assistants are set out in subdivision b. Again, such expenditures are to be subject to the authorization and approval of the Director. Paragraph (1) is patterned after a similar provision for Federal judges, although the maximum is to be $7 a day as contrasted with $10 for the latter. No provision is made for a per diem for referees, again following the practice with respect to the district judges.

The assistants of referees are to be treated the same as regular governmental employees in the executive branch of the Government, with the present $6 maximum per diem al-

lowance for expenses. The Director, however, can fix such lower limit for various classifications of assistants as he sees fit.

The inclusion of paragraph (4) under subdivision a, granting the franking privilege to referees, is made necessary by the decisions of the Postmaster General. The latter has consistently held that, while all matters relating exclusively to the Government of the United States were entitled to be mailed free by a referee, notices concerning sales of property of bankrupts and statements made to creditors by a referee, as well as advertising circulars, dividend checks distributed to creditors, acknowledgments of the filing of proofs of claim and power of attorney, etc., related to the affairs of private litigants and were not entitled to be mailed free of postage under the franking privilege. The phraseology used is almost identical with that employed in section 75s (4), according a similar privilege to conciliation commissioners.

PROHIBITION AGAINST ADDITIONAL COMPENSATION—SECTION 72

Referees are to receive only the amount of their salaries for all services under this act, and they are to act as special masters and conciliation commissioners without receiving any additional compensation. All sums so earned, either as compensation or reimbursement for expenses, are to be covered into the Treasury to the credit of the respective salary and expense funds. The foregoing applies also to part-time referees.

AMENDMENTS TO CHAPTER XIII—SECTIONS 624, 633 AND 659

The changes in these sections of chapter XIII are essentially conforming ones. They provide for schedules of fees to be fixed by the Director in a manner similar to that provided in section 40c (2). The maximum expense fee is limited to $15, and provision again is made for installment payments which may be authorized by a General Order of the Supreme Court. Again, all sums received by the clerk for referees' compensation and expenses under this chapter are to be covered into the Treasury of the United States instead of being paid to the referee.

TRANSITIONAL PROVISION—SECTION 40C (5)

Paragraph (5) of section 40c leaves to the district judge or judges the task of allocating, from funds on hand for pending cases, the amounts due the referees for services rendered and expenses incurred in such cases prior to the inauguration of the new system. After the inauguration of such system, the judge or judges are also to decide whether any subsequent charges should be made against these pending cases for services to be rendered, keeping in mind the payments already made and the new schedules of charges as fixed by the Director.

There will undoubtedly be a considerable amount of money transmitted to the Treasury from the filing fees and indemnity funds of pending cases which have not been fully administered. To this will be added the filing fees of all the new cases filed, so that it would seem that there will be sufficient funds on hand for the payment of the referees' salaries and expenses under the new system, with very little need for initial financing from the Treasury.

MISCELLANEOUS AMENDMENTS

(1) Section 64a (1): A clause enumerating the fees for the referees' salary and expense funds has been inserted to clarify their status as an item of prior expense.

(2) Section 117: This is the only section in chapter X that has been amended. It is aimed at making mandatory all references under this chapter to referees, either as referee or special master. However, an exception is made for the extraordinary or rare case such as may arise where the referee may not have the requisite qualifications. A preliminary survey indicates that this limitation should not seriously affect the treatment of these cases, since the practice in most of them at present has been to make such references to referees. More than 85 percent of the cases in which the Securities and Exchange Commission has participated up to October 28, 1940, and in which a reference was made, had such reference, whether general or special, made to an individual who was a referee in bankruptcy.

PART III. PROPOSED CHANGES IN EXISTING LAW

In compliance with clause 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

"A bill to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto

"Be it enacted, etc., That (a) section 1 of the Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, as amended, is amended by inserting after paragraph (5) the following new paragraph:

"'(5a) "Circuit" shall mean "judicial circuit" and shall include the District of Columbia, and "senior circuit judge" shall include the Chief Justice of the United States Court of Appeals for the District of Columbia;'.

"(b) Such section 1 is further amended by inserting after paragraph (7) the following new paragraph:

"'(7a) "Conference" shall mean the conference of senior circuit judges provided for by section 2 of the Act of September 14, 1922 (42 Stat. 838);'.

"(c) Such section 1 is further amended by inserting after paragraph (8) the following new paragraph:

"'(8a) "Council" shall mean the council of circuit judges for the circuit, as defined in section 306 of the United States Judicial Code;'.

"(d) Such section 1 is further amended by inserting after paragraph (14) the following new paragraph:

"'(14a) "Director" shall mean the Director of the Administrative Office of the United States Courts appointed pursuant to chapter XV of the United States Judicial Code;'.

"Sec. 2. Section 34 of such Act, as amended, is amended to read as follows:

"'SEC. 34. Appointment, *reappointment, and* removal [, and districts] of referees:

"'*a. Appointment.*—The judges of *the several* courts of bankruptcy shall [, within the territorial limits of which they respectively have jurisdiction, (1)] appoint referees. [each for a term of two years and may, in their discretion, remove them because their services are not needed or for other cause; and (2) designate and from time to time change the limits of the districts of referees: *Provided*, That the jurisdiction of such referees in matters referred to them shall not be restricted to the districts so designated for them, but shall, unless otherwise provided in this Act, be coextensive with the territorial limits of the jurisdiction of the courts of bankruptcy appointing them.] *Where there is more than one judge of a court of bankruptcy, or where the territory to be served by a referee includes territory in more than one judicial district, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such court or of the courts of bankruptcy of such judicial districts, and where there is no such concurrence, then by the council. Except as otherwise provided in section 37 of this Act, each appointment and reappointment shall be for a term of six years.*

"'b. Reappointment.—Not later than ninety days before the end of each term of a referee, the Director shall report in writing to the judge or judges who have the power to reappoint such referee or to appoint his successor, recommending the reappointment of the referee or recommending, upon the ground of incompetency, misconduct or neglect of duty, against his reappointment: Provided, however, That, in the case of a part-time referee, an additional ground against reappointment shall be that his services are not needed. A copy of the report shall at the same time be transmitted to the council and to the referee. Where the report recommends against a reappointment, it shall contain a full specification of each ground alleged. The failure of the Director to make such report within the time hereinabove specified, or his failure in such report to recommend against the reappointment of a referee, shall be deemed equivalent to a report recommending reappointment. Where the report recommends against reappointment, the referee shall not be reappointed without the approval of the council. Where the report recommends in favor of reappointment, the referee shall be deemed reappointed unless the judge or judges of the judicial district or districts in which such referee serves, by a concurrence of a majority where there is more than one judge, shall, prior to the end of the term of the referee, advise the council of an intention not to reappoint such referee, and unless the council shall, within six months after being so advised, approve such refusal to reappoint. In any case the referee, except in the case of a part-time referee whose services are not needed, shall not fail of reappointment without opportunity to be heard by the council. Until final determination by the council, where determination by the council is required, and, where such determination is in favor of reappointment, until the reappointment of the referee, he shall remain in office.

"'c. Removal.—Removal of a referee during the term for which he is appointed shall be only for incompetency, misconduct or neglect of duty: Provided, however, That, in the case of a part-time referee, an additional cause for removal shall be that his services are not needed. Any cause for removal in respect of any referee coming to the knowledge of the Director shall be reported by him to the judge or judges of the judicial district or districts in which such referee serves, and a copy of such report shall at the same time be transmitted to the council and to the referee. Such judge, or judges may, upon receipt of such report, or upon their own motion, remove the referee for any one or more of the above-mentioned causes; where there is more than one judge, such removal shall be by a concurrence of a majority of the judges, and where there is no such concurrence, then by the council. If the Director shall report to such judge or judges any of the above-mentioned causes for removal of a referee and the judge or judges shall fail to remove such referee, the council may remove him from office for any one or more of such causes. Before any order of removal shall be entered, except, in the case of a part-time referee where the cause for removal is that his services are not needed, a full specification of the charges shall be furnished to the referee, and he shall be accorded by the removing judge or judges an opportunity to be heard on the charges and he shall further, on petition, be entitled to review of such order by the council, and opportunity to be heard on such review.'

"SEC. 3. Section 35 of such Act, as amended, is amended to read as follows:

"'SEC. 35. Qualifications of referees: Individuals shall not be eligible to appointment as referees unless they are (1) competent to perform the duties of a referee in bankruptcy; (2) not holding any office of profit or emolument under the laws of the United States or of any State *or subdivision thereof* [other than]: *Provided, however, That part-time*

referees may be commissioners of deeds, justices of the peace, masters in chancery, or notaries public; (3) at the time when originally appointed not relatives of any of the judges of the courts of bankruptcy, or of the justices or judges of the appellate courts of the districts wherein they may be appointed; (4) resident [within the territorial limits of the court of bankruptcy] and have their offices [in the districts for] within the judicial district of the court or one of the courts of bankruptcy under which they are to [be appointed] hold appointment: Provided, however, That where a referee shall be temporarily transferred or permanently appointed to another judicial district, residence or office in such other district shall not be requisite for eligibility; and (5) members in good standing at the bar of the district court of the United States in which they are first appointed or, if appointed to serve in territory within more than one judicial district, at the bar of one of such district courts: Provided, however, That the [this] requirement of membership at such bar shall not apply to referees holding office on the date when this amendatory Act takes effect.

"SEC. 4. Section 37 of such Act, as amended is amended to read as follows:

"'SEC. 37. Number and territories of referees: [Such number of referees shall be appointed as may be necessary to assist in expeditiously transacting the bankruptcy business pending in the various courts of bankruptcy, but, insofar as possible, the number shall be limited with a view to employment of referees on a full-time basis.]

"'a. The Director shall recommend to the district judges, the councils, and the conference the number of referees to hold appointment and the territory which each shall serve, after he has made a careful study of conditions throughout the country as a whole, and of local conditions, including the estimated amount of funds available for salaries, the areas and the populations to be served, the transportation and communication facilities, the previous types and amount of business under this act in such areas and where such business is centered, the existing personnel, and any other material factors. The territory of a referee may, if it is deemed advisable, lie within more than one judicial district, but shall be within one circuit: Provided, however, That the jurisdiction of a referee in any matter referred to him shall not be restricted to the territory to be served by him but shall, unless otherwise provided in this Act, be coextensive with the territorial jurisdiction of the court or courts of bankruptcy whose judges participate in appointing him.

"'b. (1) The Director shall, within two years immediately following the date of the enactment of this amendatory Act, make the initial surveys required by this subdivision a of this section, and required for subdivisions a and c of section 40, paragraph (2), of section 633, and paragraph (3) of section 659 of this Act. Thereafter, the Director shall from time to time, make such surveys, general or local, as the conference shall deem expedient. In the course of such surveys, the Director shall give consideration to suggestions from any interested parties, including district judges, referees, bar associations, trade associations, and the like. The surveys shall be made with a view toward creating and maintaining a system of full-time referees. However, should the Director find, as a result of any such surveys, any area in which the employment of a full-time referee would not be feasible because of the small amount of business under this Act and the extent of the territory to be served, he shall also report separately thereon, with a statement of all the pertinent facts and data and his recommendations and the reasons therefor. Upon the completion of the initial surveys, the Director shall report to the district judges, the councils, and the conference concerning the number of referees, their respective territories, the amounts of their respective salaries, and the schedules of additional fees to be charged in asset, arrangement, and wage earner cases. The district judges shall advise their respective councils, and the councils shall advise the conference, in respect thereto, stating their recommendations and their reasons therefor. The conference shall determine, in the light of the recommendations of the Director and of the councils, the number of referees, full-time and part-time, to be appointed, the respective territories which they shall serve, including the regular place of office and the places at which court shall be held, their respective salaries, and schedules of graduated additional fees to be charged in asset, arrangement, and wage earner cases, and such determinations shall become effective sixty days after they are promulgated by the conference.

"'(2) The Director shall upon such promulgation divide by lot the total number of referees first to be appointed as equally as possible into three classes. The initial terms of the referees in the first class shall expire at the end of the second year, in the second class at the end of the fourth year, and in the third class at the end of the sixth year.

"'(3) Thereupon the Director shall report in writing to the judge or judges of the several courts of bankruptcy the number of referees to be appointed by them in each of the three classes above specified, the respective territories which such referees shall serve, and the respective salaries to be paid to them. The judge or judges shall thereupon appoint, pursuant to subdivision a of section 34 of this Act such referees in each of the specified classes for terms commencing sixty days after such promulgation of the determinations of the conference, and shall select them as far as practicable from the referees then in office within their respective judicial districts.

"'c. Except as otherwise provided in this Act, the conference may, from time to time, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, change the number of referees and the extent of the respective territories to be served by them, as the expeditious transaction of the business of the several courts of bankruptcy may require.'

"SEC. 5. Subdivision b of section 39 of such Act, as amended, is amended to read as follows:

"'b. Referees shall not (1) act in cases in which they are directly or indirectly interested; [(2) practice as attorneys and counselors at law in any proceeding under this Act;] or [(3)] (2) purchase, directly or indirectly, any property of an estate in any proceeding under this Act. Active full-time referees shall not exercise the profession or employment of counsel or attorney, or be engaged in the practice of law. Active part-time referees, and referees receiving benefits under paragraph (3) of subdivision d of section 40 of this Act, shall not practice as counsel or attorney in any proceeding under this Act.'

"SEC. 6. Section 40 of such Act, as amended, is amended to read as follows:

"'SEC. 40. Compensation of referees; referees' salary and expense funds; resignation and retirement of referees: a. Referees shall receive as full compensation for their services [, payable after they are rendered, a fee of $15, deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt; a fee of 25 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration; and from estates which have been administered before them, 1 per centum commissions on all moneys disbursed to creditors by the trustees or, upon confirmation of an arrangement, one-half of 1 per centum on the amount to be paid to creditors in respect to the composition of debts and one-half of 1 per centum on the amount of the debts whose maturity is to be extended and of the debts, if any, to be paid in full. Referees in ancillary proceedings shall receive as full compensation for their services, payable after they are rendered, a fee of $15 deposited in each case with the clerk of the ancillary court at the time the ancillary proceeding is instituted, and 1 per centum commission on all moneys disbursed in the ancillary proceeding to lien creditors, as well as on all moneys transmitted and on the fair value of the property turned over in kind by the court of the ancillary jurisdiction to the court of primary jurisdiction. The judge may, however, by standing rule or otherwise, fix a lower rate of compensation so that no referee shall receive excessive compensation; and, in any case of an extension, the judge may prescribe terms and conditions for the payment of the referee's compensation.] salaries to be fixed by the conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, at rates no less than $3,000 nor more than $10,000 per annum for full-time referees, and not more than $2,500 per annum for part-time referees. In fixing the amount of salary to be paid to a referee, consideration shall be given to the average number and the types of, and the average amount of gross assets realized from, cases closed and pending in the territory which the referee is to serve, during the last preceding period of five years, and to such other factors as may be material. Disbursement of such salaries shall be made monthly by or pursuant to the order of the Director.

"'b. [Whenever a case is transferred from one referee to another the judge shall determine the proportion in which the fee and commissions therefor shall be divided between the referees.] The conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, may increase or decrease any salary, within the limits prescribed in subdivision a of this section, if there has been a material increase or decrease in the volume of business or other change in the factors which may be considered material in fixing salaries: Provided, however, That during the tenure of any full-time referee his salary shall not be reduced below that at which he was originally appointed under this amendatory Act, and during any term of any such referee his salary shall not be reduced below the salary fixed for him at the beginning of that term: And provided further, That no salary fixed under the provisions of this section for a full-time referee shall be changed more often than once in any two years, or in an amount of less than $250.

"'c. [In the event of the reference of a case being revoked before it is concluded, and when the case is specially referred, the judge shall determine what part of the fee and commissions shall be paid to the referee.] (1) Except as otherwise provided in this Act, there shall be deposited with the clerk, at the time the petition is filed in each case, and at the time an ancillary proceeding is instituted, (a) $17 for each estate for the referees' salary fund, and (b) $15 for each estate for the referees' expense fund, as hereinbelow established: Provided, however, That in cases of voluntary bankruptcy such fees, as well as the filing fees of the clerk and trustee, may be paid in installments, if so authorized by General Order of the Supreme Court of the United States.

"'(2) Additional fees for the referees' salary fund and for the referees' expense fund shall be charged in accordance with the schedules fixed by the conference: (a) against each estate wholly or partially liquidated in a bankruptcy proceeding, and be computed upon the net proceeds realized; (b) against each case in an arrangement confirmed under chapter XI of this Act, and be computed upon

the amount to be paid to the unsecured creditors upon confirmation of the arrangement and thereafter, pursuant to the terms of the arrangement and, where under the arrangement any part of the consideration to be distributed is other than money, upon the amount of the fair value of such consideration; and (c) against each case in a wage earner plan confirmed under chapter XIII of this Act, and be computed upon the payments actually made by or for a debtor under the plan. Such schedules of fees may be revised by the Director, with the approval of the conference, not more than once during each calendar year, so that the total amount of fees, allowances, and charges collected and to be collected from all sources for the referees' salary fund and for the referees' expense fund will, as near as may be, equal for each fund, respectively, the total amount of salaries paid and to be paid to referees in active service plus the amount to be paid to the referees' retirement fund pursuant to paragraph 3 of subdivision d of this section, and the total amount of their expenses: Provided, however, That such schedules of fees shall not be so revised for any year that the total collections estimated by the Director for such year shall exceed by more than 10 per centum the total collections in the preceding year. The Director, with the approval of the conference, may make, and from time to time amend, rules and regulations: prescribing methods for determining net proceeds realized in asset cases, fair values of considerations, other than money, distributable in arrangement cases, and payments actually made by or for a debtor under the plan in wage earner cases; prescribing the procedure for collection by the clerk of fees and allowances for the referees' salary fund and the referees' expense fund; and providing for the effective administration of the provisions of this paragraph (2).

"'(3) Charges for the expense of special services relating to or in connection with proceedings before referees shall be made and collected by the referees in accordance with regulations to be prescribed by the Director, with the approval of the conference, and the proceeds shall be paid by the referees to the clerk for transmission to the Treasury of the United States for deposit in the referees' expense fund.

"'(4) A referees' salary fund and a referees' expense fund shall be established in the Treasury of the United States, and the amounts of the various fees and allowances collected by the clerks for the services of referees, and for their expenses, including the fees, allowances, and charges for their services and expenses as conciliation commissioners and as special masters under this act, shall be covered into the Treasury of the United States for the account of such salary fund and expense fund, which funds are hereby permanently appropriated for the purposes of the respective funds. The salaries of the referees in active service shall be paid out of such salary fund, and the expenses of the referees, including the salaries of their clerical assistants, shall be paid out of such expense fund. Any deficiencies of such salary fund or expense fund shall be paid out of any funds in the Treasury of the United States not otherwise appropriated and appropriations to pay such deficiencies are hereby authorized: Provided, however, That there shall be covered into miscellaneous receipts of the Treasury of the United States in any subsequent year so much of the surplus, if any, arising in the salary fund or expense fund respectively as may be necessary to reimburse the Treasury of the United States for payments made on account of such respective funds in any prior year.

"'(5) As of the day preceding the date when the referees, as provided by paragraph (2) of subdivision b of section 37 of this Act, are to take office, an allocation shall be made by the judge or judges of the several courts of bankruptcy of all filing and other fees, commissions, and allowances, and of all expense funds, due the then existing referees for services rendered and expenses incurred in the cases pending before them, whether as referee, conciliation commissioner, or special master under this Act. The balances of such filing and other fees, commissions, and allowances and the expense surpluses shall be covered into the Treasury of the United States by the referees and the clerks, to be deposited to the credit of the respective salary and expense funds. All cases pending before outgoing referees shall be rereferred, and no additional filing fees shall be required, but additional salary and expense charges may be assessed in such cases in such amounts as the judge or judges of the several courts of bankruptcy may deem equitable, taking into consideration the schedules of additional fees fixed by the Director and the payments previously made therein.

"'d. (1) Any referee having reached the age of seventy years while in active service as referee, and after having held such office continuously for at least ten years, including any time served as referee prior to his appointment under paragraph (2) of subdivision b of section 37 of this Act, may resign or retire from his office and receive the benefits provided by paragraph (3) of this subdivision d.

"'(2) Any referee who becomes unable because of permanent mental or physical disability to perform the duties of his office may retire from active service upon certifying his disability in writing and furnishing a like certificate made by the senior circuit judge of the circuit in which the territory of the referee is located. If the judge or judges of the court or courts of bankruptcy under which a referee is serving, or the council, shall find, after an opportunity for a hearing has been afforded, that such referee is unable to discharge efficiently the duties of his office by reason of permanent mental or physical disability, such judge or judges, or the council, shall retire such referee.

"'(3) A referees' retirement fund shall be established in the Treasury of the United States. All sums collected pursuant to paragraph 6 of this subdivision d shall be paid into said fund. The Director, with the approval of the conference, shall annually make such additional allocations and transfer such funds from the referees' salary fund to the referees' retirement fund as may be appropriate to provide for the amount of pension payments authorized and allowed by this subdivision d. Any referee who resigns, retires, or is retired under the provisions of this subdivision d shall during the residue of his natural life, receive annually one-half of the annual salary receivable by him as referee at the time of such resignation or retirement, payable in equal monthly installments out of the referees' retirement fund: Provided, however, That where part of the tenure of such referee occurred prior to his appointment as a salaried referee under this Act, the annual amount he is to receive shall be fixed by the conference, which shall take into consideration, in respect to such prior tenure, the number of years of his service, the actual time devoted to bankruptcy work and the average annual income earned as such referee, and, in respect of his tenure as a salaried referee, the number of years of his service and the average annual salary paid to him. The provisions of section 35 of this Act shall not apply to a referee after he has resigned, or has retired or been retired, under the provisions of this subdivision d.

"'(4) Any referee who has retired or been retired under the provisions of paragraph (1) or (2) of this subdivision d may, if called upon by a judge of a court of bankruptcy, perform, without compensation, such duties of a referee, conciliation commissioner, or special master, under this Act, within the jurisdiction of such court, as such referee may be able and willing to undertake: Provided, however, That, when so acting, compensation for his services shall be allowed and paid or deposited and his expenses shall be allowed and paid, as in the case of an active referee.

"'(5) Paragraphs (1), (2), (3), and (4) of this subdivision d shall not apply to part-time referees.

"'(6) There shall be deducted from the basic annual salary of each referee appointed under this Act a sum equal to 5 per centum thereof, which sums shall be deposited in the referees' retirement fund to the credit of miscellaneous receipts as contributions toward the benefits provided by paragraph (3) of this subdivision d: Provided, however, That, in the event of the death of a referee, or his resignation, retirement, or separation from the service, before he becomes entitled to such benefits, the deductions from his salary as hereinabove provided, with interest thereon at the rate of 3 per centum per annum, compounded annually on June 30 of each year, shall be repaid to him, or to his estate or his legal representatives, as the case may be.

"'(7) There shall be appropriated annually, out of any funds in the Treasury of the United States not otherwise appropriated, such amount as may be required to provide the benefits authorized by this subdivision d.'

"SEC. 7. Section 43 of such Act, as amended, is amended to read as follows:

"'SEC. 43. a. Vacancies; Referee's absence or disability: Whenever the office of a referee is vacant, or its occupant is absent or disqualified to act, the [judge may act, or may appoint another referee, or another referee holding an appointment under the same court may, by order of the judge, temporarily fill the vacancy.] *clerk of the district court in which the territory or any part of the territory served by such referee is located shall immediately notify the Director of such fact.*

"'b. Whenever the office of a referee is vacant, the Director shall recommend to the district judges, the councils, and the conference whether a new appointment should be made, and no such appointment shall be made until authorized by the conference.

"'c. Whenever the office of a referee is vacant or its occupant is temporarily absent or disqualified to act, or whenever the expeditious transaction of the business of the court or courts of bankruptcy may require, the judge, or any one of the judges, may act, or another referee holding appointment under such court or courts of bankruptcy may be designated by the judge, or by a concurrence of a majority of the judges where there is more than one judge, and where there is no such concurrence, then by the council, to act; or the council may designate another referee from within the same circuit to act, or the council may order that pending cases be rereferred and future cases referred to one or more referees within the same circuit; or the conference may temporarily assign a referee from another circuit to act.'

"SEC. 8. (a) Clause (2) of section 51 of such Act, as amended, is amended to read as follows:

"'(2) collect the fees of the clerk [, referee,] and trustee *and the fees for the referees' salary fund and referees' expense fund provided in paragraph (1) of subdivision c of section 40 of this Act* in each case instituted before filing the petition, except [the petition of a proposed voluntary bankrupt which is accompanied by an affidavit stating that the petitioner is without and cannot obtain the money with which to pay such fees;] *where installment payments may be authorized pursuant to section 40 of this Act, and collect the various other fees, allowances, and charges for the services of referees and for their expenses, including their services and expenses as conciliation commissioners and as special masters under this Act;".*

"(b) Clause (5) of such section is amended to read as follows:

"'(5) *transmit to the Treasury of the United States all fees, allowances, and charges collected for the referees' salary fund and the referees' expense fund, and transmit to the trustee,* within ten days after [each] a case has been closed, [pay to the referee, if the case was referred, the fee collected for him and to the trustee] the fee collected for him at the time of *the* filing *of* the petition.'

"SEC. 8a. Subdivision a of section 52 of such Act, as amended, is amended to read as follows:

"'SEC. 52a. Clerks shall charge and collect for their services to each estate, whether in a court of primary or ancillary jurisdiction, a filing fee of [$10] *$8* [except]. *The clerk may collect this amount in installments when installment payments have been authorized by General Order of the Supreme Court of the United States* [a fee is not required from a voluntary bankrupt].'

"SEC. 9. Section 53 of such Act, as amended, is amended to read as follows:

"'SEC. 53 [Duties of attorney general] *Statistics:* The [Attorney General] *Director* annually shall lay before Congress statistical tables [showing for the whole country and by States and Federal districts and divisions thereof the number of voluntary and involuntary cases referred, a classification of the bankrupts therein by occupations, the number of cases concluded, the number of discharges granted and denied, the net total of proceeds realized, the average amount realized per case, the amount of the administration expenses, total and classified, and the percentages of such total and classified expenses as compared with the total net realization, the total amounts paid to creditors of all classes and the amounts paid to each class, the percentages in a comparison of the total amount and the amount of each class with such total net realization, and the amount of the obligations owing to creditors in total and by classes and the amounts and percentages paid on such total and to such classes out of such net realization. Like information relative to cases arising under the provisions of chapters VIII, IX, X, XI, XII, and XIII of this Act shall be compiled and included in such tables.] *which will accurately reflect the business transacted by the several bankruptcy courts, a statement of the amounts received and disbursed for the referees' salary fund and referees' expense fund, and all other pertinent data.*'

"SEC. 10. Section 54 of such Act, as amended, is hereby repealed.

"[SEC. (54) Statistics of bankruptcy proceedings: Officers shall furnish in writing and transmit by mail such information as is within their knowledge, and as may be shown by the records and papers in their possession, to the Attorney General, for statistical purposes, within ten days after being requested by him to do so.]

"SEC. 11. (a) Subdivision a of section 62 of such Act, as amended, is amended to read as follows:

"'SEC. 62. Expenses of administering estates; unauthorized sharing of fees; withholding allowances: a. (1) The actual and necessary costs and expenses incurred by officers, *other than referees,* in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred.

"'(2) *The actual and necessary office and other expenses of referees shall be allowed when authorized and approved by the Director, including compensation of clerical, stenographic and other assistants of referees at rates to be fixed by the Director, taking into consideration the rates for comparable services prevailing in the respective offices of the clerks of the several district courts, and the costs of establishing and maintaining their offices with equipment and supplies adequate for their efficient and economical operation, including mechanical equipment and devices and law libraries. Such expenses may be allowed when authorized by a judge of the judicial district or districts in which a referee serves in cases of emergency where it is not feasible to secure prior authorization of the Director. The Director, with the approval of the conference, may prescribe such rules and regulations as may be necessary for the purpose of carrying out the provisions of this paragraph (2).*

"'(3) *When, in the opinion of the Director, the public interest requires it, he may, on the recommendation of a referee, which recommendation shall state facts showing the necessity for the same, allow the referee to employ necessary clerical, stenographic and other assistants. The referee may at his pleasure remove any assistant in his employ. If the office of a referee shall become vacant, the employment of his assistants shall not thereupon be terminated: Provided, however, That during such vacancy the Director may terminate the employment of any assistant, if, in his opinion, the services of such assistant are no longer needed.*

"'(4) *Referees and special masters under this Act shall be entitled to transmit in the mails, free of postage, under cover of a penalty envelope, all matters which relate exclusively to the business of the courts, including notices in proceedings under this Act.*'

"(b) Subdivision b of such section is amended to read as follows:

"'b. [When approved by the judge, the necessary costs and expenses of referees incidental to the prosecution of proceedings and the administration of estates pending before them may be apportioned to and paid out of such estates by such method as may be authorized by rule prescribed by the judge. In the case of referees whose offices are exclusively devoted to the conduct of the business of the court, such costs and expenses shall include necessary disbursements approved by the judge for the establishing, equipping, and maintaining of such offices, and any property acquired for such offices shall belong to the United States for the use and be under the control of the court.] *(1) When authorized and approved by the Director, the actual expenses of travel, and the actual expenses for lodging and subsistence not to exceed $7 per day, shall be allowed a referee while absent from his regular place of office on official business.*

"'(2) *When authorized and approved by the Director, the assistants of referees shall be entitled to the same travel allowances as are provided for employees of the executive branch of the United States Government under the standardized Government travel regulations issued by the President, while absent from their regular place of employment on official business.*

"'(3) *Payment of the expenses allowed or per diem granted under subdivision b and paragraph (2) of subdivision a of this section 62 shall be by or pursuant to the order of the Director.*'

"SEC. 12. Clause numbered (1) of subdivision a of section 64 of such Act, as amended, is amended to read as follows:

"'(1) the actual and necessary costs and expenses of preserving the estate subsequent to filing the petition; *the fees for the referees' salary fund and for the referees' expense fund;* the filing fees paid by creditors in involuntary cases; where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the cost and expense of one or more creditors, the reasonable costs and expenses of such recovery; the costs and expenses of administration, including the trustee's expenses in opposing the bankrupt's discharge, the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases and to the bankrupt in voluntary and involuntary cases, as the court may allow;'.

"SEC. 13. Section 72 of such Act, as amended, is amended to read as follows:

"'SEC. 72. Limitation of compensation of officers of court: No [referee] receiver, marshal, or trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services as required by this Act, than that expressly authorized and prescribed in this Act.

"'*No referee shall receive any compensation for his services under this Act other than his salary; and allowances made to a referee for compensation or expense while acting as a conciliation commissioner under section 75, or as a referee or special master under any chapter or section of this Act, shall be paid to the clerk, and by him transmitted to the Treasury of the United States for deposit in the referees' salary fund and referees' expense fund respectively.*'

"SEC. 14. Section 117 of such Act, as amended, is amended to read as follows:

"'SEC. 117. The judge may, at any stage of a proceeding under this chapter, refer the proceeding to a referee in bankruptcy to hear and determine any or all matters not reserved to the judge by the provisions of this chapter, or [he may refer the proceeding] to a "*referee as*" special master, [who may be a referee in bankruptcy,] to hear and report generally or upon specified matters. "*Only under special circumstances shall references be made to a special master who is not a referee.*" The appointment of a receiver in a proceeding under this chapter shall be by the judge.'

"SEC. 15. Paragraph numbered (3) of section 624 of such Act, as amended, is amended to read as follows:

"'(3) where a petition is filed under section 622 of this Act, by payment to the clerk of $15 to be distributed, $10 to the [referee] *Treasury of the United States for deposit in the referees' salary fund* and $5 to the clerk, in lieu of the fees of $15 and $10 as prescribed in sections 40 and 52 of this Act: *Provided, however, That such fees may be paid in installments, if so authorized by general order of the Supreme Court of the United States.*'

"SEC. 16. Paragraph numbered (2) of section 633 of such Act, as amended, is amended to read as follows:

"'(2) the debtor shall submit his plan, and deposit with the [referee, if any, such sum, as the referee may require,] *clerk,* [not to exceed $15, as indemnity for the expenses of the referee;] *for payment into the referees' expense fund a fee, not to exceed $15, to be graduated and charged in the manner outlined in paragraph (2) of subdivision c of section 40 of this Act: Provided, however, That such fee may be paid in installments, if so authorized by general order of the Supreme Court of the United States.*'

"SEC. 17. Paragraphs numbered (1) and (3), respectively, of section 659 of such Act, as amended, are amended to read as follows:

"'(1) [the actual and necessary costs and expenses of the referee;] *the costs of the referee as specified in paragraph (2) of section 633;*'.

"'(3) [the commissions to the referee of 1 per centum, to be computed upon and payable out of the payments actually made by or for a debtor under the plan, which commissions shall be in addition to the fee of $10 to be paid to the referee out of the fees deposited by the debtor with the clerk of the court,] *an additional fee for the referees' salary fund, to be graduated and charged in the manner outlined in paragraph (2) of subdivision c of section 40 of this Act, and to be computed upon the amount of the payments actually made by or for a debtor under the*

plan; and commissions to the trustee of 5 per centum to be computed upon and payable out of the payments actually made by or for a debtor under the plan;'

"Sec. 18. Sections 1 and 10 of this amendatory Act and so much of section 4 of this amendatory Act as amends subdivision b of section 37 of the Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, as amended, shall be effective upon approval of this amendatory Act. All other provisions of this amendatory Act shall become effective sixty days after promulgation of the determinations of the conference, as provided in the said subdivision b of section 37, as amended by this amendatory Act: Provided, however, That the references contained in paragraph (1) of subdivision b of section 37 as amended by this amendatory Act to 'subdivision a of this section and required for subdivisions a and c of section 40, paragraph (2) of section 633, and paragraph (3) of section 659 of this Act' are intended to refer to those subdivisions and paragraphs as they will be amended when sections 6, 16, and 17 of this amendatory Act become effective, and section 4 of this amendatory Act becomes fully effective.

"Sec. 19. a. All Acts or parts of Acts inconsistent with any provisions of this amendatory Act are hereby repealed.

"b. Nothing herein contained shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any Act or Acts of which this Act is amendatory.

"c. If any provision of this amendatory Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this amendatory Act which can be given effect without the invalid provision or application, and to this end the provisions of this amendatory Act are declared to be severable.

"d. Section and subdivision headings shall not be taken to govern or limit the scope of the sections or subdivisions to which they relate."

The SPEAKER. Under a previous order of the House, the gentleman from Texas [Mr. SUMNERS] is recognized for 30 minutes.

FOOD PRODUCTION

Mr. SUMNERS of Texas. Mr. Speaker, I do not expect to occupy 30 minutes, but I do want to direct the attention of the House to what I think is one of the most serious problems that confronts the American people.

I notice in the paper this morning a statement by the Associated Press that farmers face penalties for nonproduction, and in the papers of the day before yesterday a statement by the Secretary of Agriculture to the effect that the requirements upon agriculture for the year 1943 will be perhaps the greatest they have been for many years. The goal for hogs is 13,800,000,000 pounds, as against an estimated production for this year of 10,800,000,000 pounds. The program for other foods runs in about the same proportion. The following is from an article by Associated Press writer, Martin, appearing recently in the papers:

[From the Washington Post of November 30, 1942]

WICKARD PLANS RECORD OUTPUT OF FOOD IN 1943

(By Ovid A. Martin, Associated Press staff writer)

Stating that the greater part of the responsibility for supplying United Nations war food needs rests with American farmers, Secretary of Agriculture Wickard outlined yesterday a 1943 farm-production program calling for the largest output in history.

The program set up production goals for individual crops and livestock, dairy, and poultry products which are designed to provide a pool of food greater than this year's record production. The goals placed greatest emphasis on those crops and livestock products most essential to the war effort.

In general, the goals called for more meat and milk, more poultry and eggs, more of the vegetables high in food value, more corn and less wheat, more peanuts for food and vegetable oil, more long-staple cotton and less short-staple cotton, and more potatoes, dry beans, and peas.

"The 1943 goals," the Secretary said, "represent the most crucial and important task our farmers have ever been asked to perform. The role of American food in the war strategy of the United Nations puts the farmer on the front line and dictates the trends of our 1943 farm-production program."

Wickard said the goals represent "minimum requirements" of this country, its armed forces, and the lend-lease program. He said military and lend-lease requirements were expected to take a fourth of the estimated 1943 food output.

"Furthermore, as the United Nations' offensive progresses, we shall have the added responsibility of furnishing food for the people in the countries freed from the Axis yoke," he said, "We shall need to use our food to rehabilitate the people in these countries so that they will be able to join us in the war against the aggressors. We must not fail to keep faith with these people."

* * * * *

Some of the most important goals were: Hogs, 13,800,000,000 pounds compared with this year's estimated output of 10,800,000,000 pounds; cattle and calves, 10,910,000,000 pounds compared with 10,160,000,000 this year; milk, 122,000,000,000 pounds compared with 120,000,000,000 this year; eggs, 4,780,000,000 dozen compared with 4,414,000,000 this year; chickens, 4,000,000,000 pounds compared with 3,118,000,000 this year; corn, 95,000,000 acres compared with 91,098,000 this year; wheat, 52,500,000 acres compared with 53,427,000 this year; soybeans for vegetable oil, 10,500,000 acres compared with 10,900,000 this year; peanuts for food and vegetable oil, 5,500,000 acres compared with 4,173,000 this year; cotton, 22,500,000 acres compared with 24,005,000 this year; and potatoes, 3,160,000 acres compared with 2,845,000 this year.

The combined crop acreage of the goal program was the same as this year, but there were some shifts in crops.

Secretary Wickard is right as to our requirements. Let us see what is being done to bring about that sort of results. I am talking now to the Members of the House who are in responsibility in this situation, because it is our country, it is our people's war. We are the people's representatives. The people are the Government in America, and we are their representatives. I am bringing this matter to our attention because it is not the problem of the Secretary of Agriculture primarily; it is not the problem of Mr. Henderson and his organization. They are not the Government.

What are we doing? Interfering with the farmers. Crops are not being raised in Washington. They cannot be produced on paper. We are already far advanced in the coming crop year. People to raise these crops are not in the fields. They are not on the farms. Cows to produce this milk are on their way to the slaughterhouse. Farmers to meet this production requirement are, many of them, gone from the farms.

If we had any desire to make it impossible for the farmers of America to produce the crops we require, we could not have pursued a better program than that which we have pursued and are pursuing now.

That is a pretty serious statement and I would not make it if it was not a dangerous situation. We are advised that some of the peoples who are fighting on our side in Europe have put grain on the same priority as ammunition.

What are we doing about it? This is one thing we have been doing about it. I do not want to bring up anything that has gone before, but when we had the legislation before the Congress last September after this Government had helped to raise labor prices in industry and entered into these cost-plus contracts in munitions plants, with the sky the limit on the wages paid there, the amendment to allow increased farm labor cost resulting from the necessity to compete with these prices was defeated in the Senate. That was not all.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Georgia.

Mr. PACE. I just want to state that the House Committee on Agriculture has reported out a bill which we hope to have considered tomorrow, which will include all farm wages in the parity formula.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Let me make a statement just a minute. Let me get going a little bit first.

The horse is about out of the stable when we come to lock the door.

I have been home recently. I am not like some of you folks, I am just an ordinary-looking fellow, and I can walk into where a bunch of farmers are talking and they will keep on talking about what they were already talking about when I got there. I do not have a large agricultural constituency, but I have some agricultural communities. I went out there as the hired man of those people. That is what I am. That is what some of these other birds are, too, if they just knew it. I invited them to talk to me as their hired man, coming back up here to try to take care of their business, not mine. This is what those people told me, and I know it is true, and I am going to put something in the RECORD about it if I may have that permission.

This is the substance of what they told me. The agricultural agent of my county was along with me. He took down notes. They told me in substance that their labor was gone and their sons were gone from the farm, taken away by the draft, and taken away by munitions plants. One man made the statement that he and his wife and his wife's sisters were cultivating a farm where they produce a good deal of truck for the Dallas market. He would get on his truck along about 3 or 4 o'clock in the morning, go to Dallas, come back and get on his tractor, and they would work as long as they could see.

He stated—and I know this to be a fact—that his nephew, working in one of the munitions plants, was making more money than he and his wife and his wife's sister were making with their farm, their tractor, and their truck.

A man out in the community where I used to live, whom I have known all his life, a man by the name of Wallace—I am giving you some concrete things—was running a little dairy out there, selling milk to his neighbors, selling at the cheapest price at which he could sell, which was 10 cents a quart delivered. Washington came along here and froze not the price of milk but the selling price of each individual. Think how smart that was.

Mr. Wallace was having to compete with these munition plants for labor. Feed was up, the farmer could not continue selling at 10 cents, and he went to Dallas to see if he could not get permission to raise the price of his milk to 12 cents. He offered to bring in a petition from his customers stating that they wanted him to raise the price to 12 cents. But he was not permitted to do that. He has to go out of the picture. One of the big chains sells to these same people for 14 cents. His cows, some of them at least, go to the slaughterhouse.

I went down in Ellis County; I used to represent these people. They had a fine local dairy at their county seat town. The people were proud of it. The proprietor got caught at a 12-cent ceiling. He could not continue business at 12 cents. What is the smart thing that happened? His cows, that were not ready to go to slaughter, were put in trucks—just think of this—and hauled up to Fort Worth, about 40 or 50 miles away, in order that the milk from those cows could be sold at 14 cents, because the purchaser's ceiling was 14 cents.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CARLSON. I rise to suggest this thought. Some of the dairymen in Kansas, 1,000 miles away from Dallas, have to go to Dallas in order to raise the price of their milk 1 or 2 cents a quart.

Mr. SUMNERS of Texas. They are lucky if they can get that permission after they go down there.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CRAWFORD. I understand that under the new ruling, to be put into effect, in order to get exemptions from the Selective Service, to stay on a dairy farm, one has to be running a farm of 15 cows or more. I am somewhat familiar with the situation at Waxahachie. Suppose you have a herd of 10 cows, and you are right at the consuming point. I am up at Ballinger, with 15 or more cows, a hundred or 200 miles distance between them. The man at the nearby point is to be put out of business, and you force the use of rubber and oil and gas to bring in the milk from the far away point. I think the gentleman is making a fine contribution here in exposing these facts. I hope in his remarks that he will say that we are required to share our foodstuffs with over 500,000,000 people over and above those in the United States, according to a statement made by Governor Lehman, the other day.

Mr. SUMNERS of Texas. I would like to make this clear. I am not taking this time for the purpose of criticizing; I am not taking this time to try to embarrass anybody, but we have a job to do. I mean that we have a job to do in America, for our people are going hungry, and we will fall down on next year's requirements. I don't know but that we have waited until it is now too late. Some people have been trying to do something about this for many months—pointing out the danger of our policy. They were denounced as a farm bloc.

I have talked to farmers all over the country, and the statement they make to me is that the acreage next year will be reduced from 15 to 25 percent, because they cannot get sufficient labor on their farms to cultivate the acreage of this year, and that the cultivation would be of a lower quality. The farmers want to do this job.

One year ago there were 137 retail dairies in Dallas County, my county. When I was home only 27 were left. In their desperation a group of dairymen from the neighborhood of Dallas and Fort Worth came up to Washington to see if they could get permission to increase prices so they could stay in business. I went with them. They stated the situation to these "powers that be." They pleaded for some encouragement that they might persuade some dairymen to hold on a little longer. The only promise they got was that the matter would be studied.

I got this wire from Mr. A. B. Jolley, the agricultural agent of my county, who headed this group which came up here to appeal to Washington for the opportunity to live and do their part toward meeting a part of the food requirements which the Secretary of Agriculture is talking about. It came some days after these people returned home. This is the wire:

> Request for increased milk price turned down. Action will force large numbers of producers out of milk production. Results will be disastrous to war efforts. Three herds being sold today.

Three herds in that one little county. Now I understand they are talking about subsidizing. You cannot subsidize a cow into producing milk that has gone to the slaughterhouse. These men came up here not to ask for aid, but to ask for permission for the modification of their price and they did not get it.

I saw in the papers recently that the A. A. A. personnel is to be doubled in my State next year, and there is an elaborate program requiring some more people to be taken out of production and turned in to eat out of the war chest, while ordering around and shifting about these American farmers who are already harassed to the breaking point.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HOFFMAN. The co-ops in my district asked for trucks so that they could collect the milk from the farmers, and bring it in and utilize it. When I took the matter up with the Department of Agriculture there was several weeks' delay, and finally I insisted upon an answer. A man named Wickshire down there advised me to tell the farmers to hold the milk and I asked him whether the farmer was to hold it or the cow was to hold it. He said that I was foolish and that was all the satisfaction I could get.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. RANKIN of Mississippi. I think the gentleman will find his whole trouble is the carrying out of a plan that has been worked out, or is being worked out, for a number of years by a man named Mordecai Ezekiel in the Department of Agriculture, and until Congress has the courage to take back its powers and legislate on this proposition, we might as well not talk about it.

Mr. COX. Does it occur to the gentleman from Texas that one of the things we should do is to divorce this Administration from the paying of subsidies. A subsidy is paid for the purpose of establishing domination and control over the farmer.

What the gentleman has called attention to is simply an indication of what should be expected when we are yielding day after day—extending further authority under the kind of government that the "new orderites" have been carrying forward. It is simply a mild indication of what we may expect if Congress does not take a stand and reestablish itself.

Mr. SUMNERS of Texas. What we are complaining about is that our bureaucratic Government, which we have pretty well developed now—it is not absolute, but it is just about—we are complaining that bureaucracy is acting now according to the nature of a bureaucracy. Do I make myself clear on that? We are complaining that a bureaucracy is now in America acting according to the way bureaucracy acts. It is doing to this people as it is the nature of a bureaucracy to act toward a people whom it is governing.

Mr. COX. It is simply another method in the plan to socialize America.

Mr. SUMNERS of Texas. Now, let me make my own statement. People are complaining that a bureaucracy is doing to them what it is in the nature of a bureaucracy to do to the people. That is the fundamental fact about it.

Mr. JOHNSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. JOHNSON of Illinois. The gentleman has been making a very interesting, plain, clear statement. With reference to the subsidies or bonuses or whatever we call them, we had the Secretary of Agriculture before our committee. We told him the farmers did not want to go around with a tin cup in their hands. All they wanted was a fair price in the market place. He said: "You cannot do away with subsidies." We asked him why, and he said: "Because the Government will lose control of the farms of America."

Mr. SUMNERS of Texas. I do not know what you have seen, but when I went around and listened to those people, realizing what they were up against, I observed the finest spirit, and for those who really believe in democratic government and hope to see it live in this country, the most hope-inspiring upsurge of democratic impulse, democratic fitness, and disposition upon the part of the people to stand on their feet that I have seen since the First World War. That is what some people cannot understand here in Washington. Just when it looked as if the people were completely doped by borrowed money and were ready for wholesale regimentation this manifestation comes up from the body of the American people. It is a remarkable thing; it is a fascinating thing to see people break loose, people who are awakening from having been doped by borrowed money got by mortgaging the taxpaying power of their children and their children's children. It reminds me of the kid we country people have whom you see sometimes being toted around at the circus—and the folks believe in carrying him—and after a while he gets a bit restless and begins kicking and raising the dickens. He wants to get down and walk on his own feet. That is the suggestion of nature to him, that he has got to do it or lose the ability to walk. That is exactly what has happened to the people in America where the democratic instincts and impulses of the people are not dead and we do not seem to realize it.

God Almighty has intended that people shall be free to run their own business under their own laws and be the masters of their own government. In the goodness of God Almighty He has put it somewhere in the nature of people, a sort of instinct that seems to warn them when they are in danger of losing their ability to govern, to get down and stand on their own feet and exercise their capacity to govern before they lose it by its nonuse. That is what has happened in America. There is not a bit of doubt about it. It is a fine thing. It is an essential thing. It has happened without any assistance from the powers that be here in Washington. There is too much ambition for a place in history as a great governor of a people, rather than an earnest desire to be a useful servant of a great people which is the only aspiration a public official in a democracy has any right to have.

I want to make this statement clear: When we talk about bureaucrats we are not talking about the honest, earnest Federal employee, conscious of the fact that he is not the governor of the people but the servant of the people, undertaking to operate economically and fairly the functioning machinery of the Federal Government and doing a good job for his Government. His position and security are imperiled by this enormous army of 2,500,000 people piled up on the overburdened backs of the American taxpayers by the sort of government here in Washington, constantly increasing the tax burden and narrowing the tax base. We are not talking about them. We are talking about this bunch of people who do not appear to know anything about the American Government and care less, who have worked their way into the functioning machinery of this Government. Some of them do not much more than get into this country until they are trying to tell us how to run this Government. Those are the people I am talking about, and the people who are tied in with them. By the way, do not think that these old boys in the forks of the creek are not doing some thinking. They are doing it with the thing that is on the top of their own spinal columns as they have not done in 25 years. For a while they were swallowing this canned thinking passed out by these radio people and columnists, swallowing the whole thing can and all. They realized they were getting some intellectual indigestion and they are beginning at least to open the can and examine its contents before they swallow it. That is a fine thing in this country. I am not criticizing the columnists and these radio speakers. They are all right. They are merchants of words. They are selling words. Some of them are smart. Under the law of averages many of them have got some good stuff scattered in their words. They must have it, with as many words as they are marketing, but there is no human being who can know as many things as they pretend to know; and the folks are catching on to it. There was a time in my country when if anybody in Washington was talking, the general attitude was, "Keep quiet," as though God were talking.

No longer, thank God, no longer. We are developing in America a breed of people fit to be free, a great breed—and it is a great responsibility for Members of this House to represent such a people. They are willing to do the job; they are way ahead of us. I think there is not a bit of doubt but that the strength and the will and the wisdom to save America are coming up from the body of the people. It has to come from that source.

I have made some examinations; in fact, I have examined lots of things. I came into this world knowing nothing and I realized it. I never had been here before and I was curious about the world into which I had been born. I have not been able to accept things as facts because somebody I had confidence in knew them. I had to work them out through my own machinery; and the process has been slow. I discovered very shortly after my arrival on this earth that there is a big boss, a great God, a plan, design, and execution. If anybody wants really to know how a thing should be done, he should not be traipsing after fellows who have got a lot of theories; he should look for the purpose and the plan of the Big Boss, and the purpose and the plan of the Big Boss, it is clear to see, is to develop people.

Upon that one thing is focused all the energies of God Almighty, as far as we are concerned, and that plan is to have the people do things. That is why this general plan of a great Federal overlord messing around with everybody and everything, doing the planning and thinking for a nation, has to break down. A free government is the sort of government designed by God Almighty for the people of the earth. That is why they naturally aspire to be free. That aspiration causes them to struggle with the problems of government, just as that country kid at the circus wants to struggle with the difficulties of walking. Thereby he develops his strength to walk and later to run, and later to have the strength of a sturdy man. It is a God-implanted aspiration. He has provided a thing to guide men in the operation of their government. That thing is public opinion. It is well to note that; you cannot make it, for it is an arrangement of nature—public opinion—not the opinion from Washington, not the opinion from officeholders, but that magnificent fascinating thing that comes up from the body of a people fit to be free. God Almighty has provided it as the only safe guide for people who would be free. Public opinion is beginning to assert itself again. Oh, the opportunity of the American Congress now to help the American people as they seek to fight their way back through the confusion of these times and stand again on this earth as a free people fit to guide and govern themselves. Of course, it is conceded that extraordinary powers must be given to the Executive now in order that our Government may have a stronger power and a quicker pick-up than our institutions functioning normally can provide, but that does not mean that advantage shall be taken or permitted of the public peril from without to increase the public peril from within by those who would substitute a bureaucrat for our democracy. We need all the powers moved away from Washington that are not essential to the conduct of this war, back into the smaller units of government and back into the people that we may better devote ourselves here to winning this war and in order that the people, by the exercise of their capacity can increase their governmental power and make their maximum contributions.

You know, in a way, it is bad that these things are as they are; but, after all, it is sort of good, for these conditions that are not right are acting as a mustard plaster on a heretofore lethargic conditions. The people cannot stand this thing any longer. Think of these farmers. Their boys are in the war. They are their boys, their war, their country, their responsibility. They want to get up, are willing to get up, before it is daylight and work until dark, but Washington will not let them sell their stuff at a price that will enable them to hire the labor or keep their own kids on the farm in order to do their jobs, their duty to this country. The bureaucrats want to regiment them, want to freeze labor on the farm, and do all that sort of messy stuff. All those old boys with corns in their hands need is to be let alone so far as this pestiferous program is concerned, and be given a chance. This morning I read in the paper another Associated Press story headed "Farmers Face Penalties for Not Producing."

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. COFFEE of Nebraska. I want to thank the gentleman from Texas for the wonderful speech he is making. I feel that if the majority of the Members of Congress would reflect the philosophy that the gentleman from Texas is expounding this country would be free and be safe in the future. I do want, however, to point out one thing in connection with this agricultural problem and that is that the Office of Price Administration apparently is imbued with the theory that they must provide these agricultural products to the consumer at a low price regardless of what the cost of production is. Unless Congress can force them to change the objective to maximum production rather than low price as the ultimate objective, we shall not have the necessary production in this country of foodstuffs, livestock products, and so forth, necessary to carry on the civilian population and our armed forces. We have got to put the emphasis on maximum production with retention of the profit incentive as a means of attaining that objective of maximum production.

Mr. SUMNERS of Texas. There is another thing I found out among these farmers. I do not know whether you people know farmers so well or not, but I want to tell you that the man who works out in the open, who walks in the silent places, is thinking and thinking clearly.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may proceed for 10 additional minutes.

The SPEAKER. If there is no objection it is so ordered.

There was no objection.

Mr. COX. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Georgia.

Mr. COX. Can the gentleman agree with me in the observation that the people of this country, north, east, south, and west, have reached the point where they are willing to break with tradition and no longer remain bound to any sort of an organization being used as an instrument for its undoing, that the people of my and your section of the country are suffering indignities, hardships and humiliations that were not excelled in the days of the carpetbag rule?

Mr. SUMNERS of Texas. The farmers cannot understand it. They cannot understand how it is when they are conscious of the fact that they want to do a job that somebody up here will not permit them to do the things which are necessary for them to do the job. They just cannot understand that. They do not like this trend that indicates a disposition not to let them take care of their own business, a trend that is putting more and more Federal employees, who do not help them, at the job of ordering them around. They are getting pretty tired of being ordered around.

Mr. Speaker, you would be surprised how much those fellows out there know about what is going on. They know that we now have on the Federal pay roll around two and one-half million people operating the kind of government we are running and that the salaries of those people total up toward $5,000,000,000 per annum. They have caught on to the fact that the cost of those plants and projects that we are putting in our districts do not come out of thin air. They are catching on to the fact that we have been running for office on projects built by money that we led them to believe we got from Uncle Sam. They know these projects are not paid for and they know that we have mortgaged the taxpaying power of their children and their children's children to the third, fourth, or fifth generation. They know that anybody can make a big showing on borrowed money. They do not like that any more. They would like to have the chance to run their own business.

They told me about ammunition plants and factories down there. People are working there 5 days a week. One man who is running a farm, working 14 hours a day, stated in one of our meetings that he has a nephew down there working on a 40-hour-a-week basis. He works 5 days a week and gets more money than he, his wife, and her sister, the three of them, could make on the farm, putting the farm in on the proposition. They are talking about all those things. These boys and girls who have gone into those plants go back home on Sunday and tell the people what they are doing and what they are getting. They know this Government is paying those wages. What do these farmers have to say? The farmer says, "Well, I want to keep going, but I cannot keep this dairy running at the prices I am getting, and they will not let me raise my price." Farm labor is gone and yet we have this program for increased production. One old, sweating farm boy who knows his stuff is worth more than three recruited laborers put out there. What do you think the farmer boy who is listening has in his head? Has he the thought in his head to go home and work on that farm when his cousin is working at the plant making more money than the whole outfit? Those are some of the practical propositions.

I hope you will believe me when I say I am not attempting to criticize anybody. I am speaking here as one of the hired men of the Nation that is fighting with its back to the wall in the greatest war of all time, recognizing that we have to feed these people from the products of our farms and that we have to feed our allies if they are to have the physical strength necessary to win this war. This is everybody's job. We do a very dangerous thing by denuding these farms of their labor, handicapping and harassing with time-consuming pestiferous regulations the manpower still on these farms.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. May I say to the gentleman that I agree with what he says. This Mordecai Ezekiel program that is being worked out by these bureaucrats contemplates driving the independent farmer out of business and establishing what they call community farming in this country. Now, there is only one power on earth to stop that and that is the Congress of the United States.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I enjoy very much the speech the gentleman is making. But may I ask, where are we going to start? The Supreme Court rendered a decision on the wheat penalty case a few days ago. Would it not be a fine thing to start in with abolishing the law that levies a penalty on farmers for raising the things that we need to nourish our bodies? Would that not be a good thing to start in with?

Mr. SUMNERS of Texas. I do not want to go into details. My purpose now is to lay the picture as it was revealed to me in my contact with farmers before the Congress of the United States and before the people of the United States.

Mr. MURDOCK. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Arizona.

Mr. MURDOCK. I also want to express my appreciation for the homespun philosophy of the gentleman from Texas. I agree in the main with it and I have enjoyed this expression as well as many others of the gentleman. He has just stated he did not want to go into detail in regard to this, but stick to a general statement. The gentleman does not regard it as sacrilegious to speak of the voice of the people as the voice of God, does he?

Mr. SUMNERS of Texas. I do not.

Mr. MURDOCK. I am wondering if the gentleman from Texas has not had the same embarrassment as I have had sometimes in inquiring as to what is in reality the voice of the people. I have naturally a high respect for public opinion when it can be determined. If the gentleman would only help me a little bit in determining what is real public opinion, I would appreciate it.

Mr. SUMNERS of Texas. There is confusion frequently between public opinion and group desires for their own advantage. I do not believe that public opinion for the guidance of government can come from any people other than those who love their country with patriotic fervor and want to do the fair, just thing, and who have in their hearts a keen desire to know the truth and the will to follow that truth wherever it may lead. Under those conditions God in the plan of nature puts into operation the machinery that brings about public opinion. The earnestness of desire to know that which is right, and the heat of discussion—like the heat that melts the gold in low-grade ore and separates the gold from the dross—separates the dross of ignorance, prejudice, selfishness, and predisposition, and leaves public opinion, that which is nature's supreme law among free peoples, provided for the guidance of public policy.

Mr. MURDOCK. I recognize the gentleman's high appraisal of the sacredness of collective human thought and human aspiration as it comes from all of our people. Ours is a government of the people to effectuate the will of the people.

Willfully to misrepresent the thought of the people is, in my judgment, a greater sin than for public servants to fail to carry out the will of the people.

If public opinion, then, is a sacred thing, is it not very important that the Nation gets public opinion which is correct? Is it not a dangerous thing, a sacrilegious thing, for anyone to palm off upon the public that which is not public opinion but which purports to be such?

Mr. SUMNERS of Texas. That is self-evident.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Our hearts rejoice to hear the gentleman. He knows I quote him often. But what caused all this? Who is to blame for all this? I want to make one suggestion. In the future I wish the leaders we select here would lead us and not drive us at the will of a power somewhere else. The gentleman from Georgia spoke along that line once, and I talked with him before that. That has been the crime about the whole thing. You over there take orders from higher up. They do not lead you, they have driven you to do things you did not want to do. Now they have gotten you to the precipice. Is there any other road or must they simply retrace?

Mr. SUMNERS of Texas. My judgment is that for the first time in 25 years the American people are going to assume the responsibilities of leadership.

I had intended incorporating excerpts from the statements made by the farmers whom I contacted, but it has become evident similar statements have been made to many of you. From the standpoint of the vital national and world interest imperiled by our agricultural difficulties, it is best candidly to face them. They challenge this Nation's best contribution. All we can do cannot fully correct our mistakes. It was a most unfortunate thing that the consideration of these matters on their merits, when the element of time was not so pressing, was prejudiced by the denunciation as a farm bloc of those who warned of the dangers.

I know that there are those of my party who will not be pleased by what I have said, but I presume to warn my brother Democrats of this policy which seems to begrudge my party the loyal support of the single American farmer and the support of those who can appreciate the close involvement of the most vital national interest. I make bold to advance this prophecy that if the Democratic Party is to survive, it can only survive as the champion of the principles of democracy, which is a government of the people and a government of laws, and not a government by regulations. A government by regulations is not a democracy.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some excerpts from a bulletin.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of the special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SCOTT] is recognized for 20 minutes.

NONESSENTIAL GOVERNMENT PROJECTS: A FURTHER REPORT

Mr. SCOTT. Mr. Speaker, having on September 17, 1942, addressed the House on the subject of nonessential Government projects, and having at that time condemned the needless wastage of vital materials and skills needed for the war effort, I think it fitting and consistent with my duty to the House to make this further report. There were many inquiries from constituents and others as to whether I had brought to the attention of the responsible parties the conditions which were the subject of my rather critical comments. I had, and this is the account of what has happened since.

In attacking the unrealistic policy of continuing nonessential projects in time of war, I spoke at some length with reference to a news release of the War Production Board dated August 22, 1942, which purported to announce the cancelation of certain nonessential projects.

At that time—September 17, 1942—I called the attention of the House to the fact that private and municipal projects—as distinguished from Government projects—had very properly been canceled in order to release critical materials for the war effort. I noted that the news release was perhaps a little less than candid in that it contained a supplemental list purporting to enumerate "Government projects proceeding on low priorities or unrated," from which the deduction might reasonably have been reached that continuance of Government projects was to have been made secondary to the demands of the war. I further pointed out that as a matter of fact the Government projects referred to would actually compete with necessary military and civilian efforts.

I also commented that the news release was principally significant for what it left unsaid; for, in fact, it was but another way of saying that a great many Government projects, some of them of enormous scope, were proceeding on full priority. The enumeration of the Government projects as to which it was represented that work would gradually be slowed down appeared to be designed to divert attention from other Government projects which presumably were continuing at full speed, although proof was lacking as to the justification for their continuance in view of the detouring to their use of vital critical materials and skills.

I also stated on the same occasion:

> Perhaps many Members of Congress believe that nonessential projects have been put aside for the duration. As to authorized Government projects, this is not the case, and if the war powers of the Executive are not adequate to suspend these projects altogether, or if the Executive will not act because unwilling to interfere with the long-term plans of the New Deal, then the Congress should be plainly told that these nonessential projects are not going to be suspended, war or no war.
>
> Unless the Congress is promptly furnished with a statement by the War Production Board indicating whether these projects can be abandoned under Executive authority or must be set aside by congressional action, the necessary information must be obtained from the War Production Board by introduction in Congress of a resolution of inquiry. Nor should we wait long for the information. The war is not waiting on the bureaucrats.
>
> If congressional action is required, it would be the plain duty of Congress to provide legislation suspending all nonessential money-wasting, labor-consuming, material-grabbing "pork barrel" schemes. The boondoggling builders of unnecessary or unusable dams should know that the war comes first, dams or no dams. Let us dam Hitler and Hirohito and damn the dams we do not need for that job.

I attached the W. P. B. news release referred to and will not encumber the RECORD by again including it.

Although I clearly stated that unless these projects were abandoned, it would be necessary to resort to "introduction in Congress of a resolution of inquiry," nothing was heard from the War Production Board. On October 6, 1942, I wrote the Acting Chief of the Power Branch of the War Production Board the following letter:

> I enclose copy of speech made by me on the floor of the House and will be glad to send you additional copies if you so desire.
>
> Would you be good enough to go over carefully the statements I have made and advise me whether or not there has been any change in the situation since the issuance of the news release referred to?
>
> I am particularly anxious to know whether the same Government projects are continuing on low priority or unrated, or whether any effort has been made to suspend these projects for the duration of the war. I would appreciate it if you would answer specifically, and at your earliest convenience.

Whether the right of a Member of Congress to exhibit an interest in the progress of the war effort was in question so far as the War Production Board was concerned, or regarded as presumptuous or obstructive, I do not know. It may be that the status of Congress as a separate and independent branch of the Government was not well recognized in the executive bureaus prior to November 3. It may also be that the action of the American people on that date will lead to some reorientation of thinking as regards the status of the people's representatives.

In any event, hearing nothing I again wrote to the Acting Chief of the Power Branch on October 20, 1942:

> On October 6 I wrote you requesting specific and detailed information as to whether certain projects, particularly including Government projects, were continuing on low priority or unrated, or whether any effort had been made to suspend these projects for

the duration of the war. I enclosed copy of a speech made by me on the floor of the House and in case this has been lost, I am enclosing another copy. I would prefer not to have an answer delayed until any possible contemplated action has been completed, as my inquiry had to do with the present status of these projects and any action then pending with reference to suspension of any or all of these projects.

If it is not your custom to answer letters from Members of Congress, I will be glad to call on you personally and receive your answer at your office, since the subject matter of our correspondence involves the national welfare and I believe the public is entitled to full information, promptly. For that reason I cannot understand why an answer from you should be longer delayed.

On the same date I wrote Mr. Donald M. Nelson, as follows:

I enclose copy of letter I have this date sent to the Acting Chief of the Power Branch. I also enclose copy of the speech referred to.

I understand that some action is under way with regard to correcting the waste of critical materials and valuable engineering skills and I have reason to believe that a reply to my letter is being delayed until the best possible face can be put upon the matter.

Since I fully intend to ask for a congressional investigation unless I receive prompt and specific information from your Acting Chief of the Power Branch, it occurred to me that I should keep you advised of the correspondence.

I think that you personally are doing a splendid job for the people of this country, and I assure you that my interest in the activities of the Power Branch is based upon authentic information that this Bureau has permitted continuance of projects which are not in furtherance of the war effort.

If I can be assured that the waste of critical materials and the continuance of nonessential Government projects is to be suspended for the duration of the war, I will feel that my purpose has been accomplished.

* * * * *

With assurances of my sincere personal regard for you * * *.

I was gratified to learn via an Associated Press news release of the following date that the nonessential projects which I had criticized would definitely be terminated. I quote from the news release:

Chairman Donald M. Nelson, of the War Production Board, announced today he would limit Government construction to projects directly essential to the war effort.

Mr. Nelson notified the heads of eight governmental agencies that he had given instructions to revoke priority assistance to a large part of nonmilitary construction for the Federal Government and said a review now was under way of all military projects of the Army, Navy, and Maritime Commission, with the same end in view.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. What is the date of that news release?

Mr. SCOTT. The date of the news release is October 21, 1942.

Mr. SMITH of Ohio. They waited all that time before they took any action?

Mr. SCOTT. They waited all that time; in fact, they waited since Pearl Harbor before the took any action.

"As things now stand," Mr. Nelson said, "facilities and construction, including many projects not related to the war effort, programs for 1943, with the carry-over of uncompleted 1942 projects, will absorb between one-fifth and one-fourth of the total war effort."

He added that the aggregate demand for these projects for materials, labor, transportation, manpower, and technical and engineering services "is so great as to not only jeopardize the various military and essential civilian programs in general, but to force the most essential war projects dangerously behind schedule." * * *

Mr. Nelson said experience had indicated that the situation cannot be effectively controlled merely through granting of low priority ratings. "Unessential projects must be stopped," he added. "Accordingly, I have given instructions that priority assistance be revoked and appropriate action be taken with respect to all non-military construction for the Federal Government, except insofar as it is directly essential to the future of the war effort, and have instructed that a review be made of all military projects as well with the same end in view."

On October 24 the Acting Chief of the Power Branch telephoned me that the decision to abandon the projects had been reached around the 1st of October, subsequent to my address before this House on September 17, and that the decision to terminate the nonessential projects was reached by the new Facilities Board, to whom the W. P. B. had decided to refer the matter, "about October 20." It is to be noted that this is the same date on which my letters to the Acting Chief of the Power Branch and to Mr. Donald M. Nelson were sent, and it is my own firm belief that final decision was actually made on October 21, which would seem to be confirmed by the Associated Press release of October 21.

The Acting Chief of the Power Branch likewise informed me, on October 24, that the cancellation of nonessential Government projects related to the T. V. A. and Department of Interior projects and that he had been personally advised by the Corps of Engineers that they had halted work on their projects.

On October 27, 1942, the Acting Chief of the Power Branch wrote me pursuant to my specific requests:

I am writing to confirm the information I gave in my telephone call on October 24 in answer to your inquiries of October 6 and October 20.

When your letter of October 6 was received, the Federal electric generating projects which you referred to were in the process of being reexamined. The following history is necessary to understand the status of the matter at that time.

Late last July, after these projects had been considered at two full meetings of the War Production Board, the Board decided that they should be permitted to proceed, but only under conditions assuring that they would not compete for critical materials with projects more urgently required in the war program. To make this decision effective the Board ruled that any of the projects which had higher ratings should be derated to A-6 and that any with lower ratings or with no ratings should remain unchanged as to priority status.

When this ruling was made, it was thought that some work could be performed, particularly on dams, without additional critical materials. Because the entire power program, public and private, had at that time been drastically curtailed by the War Production Board, it was felt that if these projects could proceed to some extent with low ratings that would be a desirable result since it would facilitate rushing them to completion later on if power shortages materialized. Following the action of the War Production Board in July, the Power Branch communicated with each of the Federal agencies concerned and requested them to report the necessary revisions in construction schedules occasioned by the Board decision.

Some of the projects were new dams, others installations of generating machines and existing dams or dams which were under construction. As to the new units contrasted with dams themselves, the conclusion was reached that it would be very difficult, if not impossible, to continue any work on them without utilizing additional critical materials. Special directives were therefore issued pursuant to order M-76 requiring that all work be halted on the new machines pending further review.

During the latter part of September and early October, prior to the receipt of your letter, we received communications from the several Federal agencies informing us that experience with the low ratings had demonstrated that no substantial progress could be made under them and that, therefore, either higher ratings should be assigned or the projects halted altogether. I immediately discussed the problem with my superiors. It was agreed that consistently with the policy adopted by the War Production Board in July these projects should be halted. However, since the original decision had been made by the full War Production Board, it was also agreed that the matter should be submitted to the Board for final disposition.

Mr. Speaker, in order to make perfectly clear what I am talking about, I am referring to all of the Government projects for the construction of dams which were itemized in that news release on the 22d of August last. They included Fontana, many T. V. A. projects, many Department of the Interior projects, the Corps of Engineers projects in this country and all nonwar Government projects.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. MURRAY. What is that big project up there in Pennsylvania that we go by when we go home, where they are moving a town out of there?

Mr. SCOTT. What is the gentleman referring to? It may be a military secret, for all I know.

Mr. MURRAY. It is not a military secret. I understand it is to keep Pittsburgh from getting washed out, or something like that.

Mr. SCOTT. If it refers to flood control, some Member of that committee would be better able to answer the question than I.

Mr. MURRAY. I noticed this summer the magnitude of the undertaking, the number of tractors and trucks that were being used. The local people are moving out of the town. They seemed to think that, since they had got along without the project for 150 years or so, perhaps now they could go along 3 or 4 years longer without the dam being put in at this particular time, but they said the administration went right ahead and was going to put up this dam.

Mr. SCOTT. The dam is one with which I am not familiar, since you do not identify it more fully. As there are no dams in my district, I can assure the gentleman that no such projects

are continuing in my district. I have no doubt that throughout all the States of the country the construction of many dams is continuing which could well be eliminated, at least for the duration of the war.

Mr. MURRAY. I thank the gentleman.

Mr. SCOTT. To complete this letter, the Acting Chief of the Power Branch goes on to say:

At about this time the new facilities committee was set up within the War Production Board to handle matters of this character, and the problem was, therefore, taken up by it. As a result, early last week action was taken by the War Production Board to halt work on the projects of the Tennessee Valley Authority and the Department of the Interior referred to in your letter. I understand that similar action is to be taken in the case of the Army engineers, although I do not believe that a directive has as yet been issued. However, I have a report from the Army engineers that they have actually taken steps to halt work even without receiving a formal directive.

I trust that this information fully answers your inquiries. As I stated in our telephone conversation, I regret very much personally that replies to your letters were delayed, and I sincerely hope that it has caused you no inconvenience. If you have any further questions concerning these matters, I shall be very glad to try to answer them.

It is to be noted that in the above letter the statement is made that the decisions to cancel the projects were made "prior to the receipt of your letter"—to my letter of October 6 or of October 20—but this decision was clearly subsequent to my address to the House of September 17, 1942, and the failure to answer my letters of October 6 and October 20 until after the press release of October 21 is no way explained except upon the ground of oversight. The delay in answering them can certainly be overlooked in view of the resulting decisions, reported in the answer when finally received, results in part due to my efforts and certainly due to the efforts and interest of many other Members of this House.

On October 28 I wrote the Acting Chief of the Power Branch:

Thank you for your letter of October 27.

Does this mean that all projects enumerated in the press release of August 22 (copy of which list I enclose) have been definitely abandoned for the duration of the war? I would like information both as to the Government projects referred to in the enclosed list and private or municipal projects listed. I would also like to know, as to the scope of the decision of the facilities committee, as to what other projects have been halted as nonessential. What is the total unexpended amount involved in the order of the facilities committee halting nonessential projects; also, what is the amount involved (unexpended appropriations) in the Government projects contained on the enclosed list, which I understand from you have been halted?

I would appreciate information on this at your earliest convenience.

And I subsequently received from the Acting Chief of the Power Branch a letter dated October 29, 1942, of the following content:

I have your letter of October 28 in reference to my letter of October 27.

Most of your further inquiries relate to matters which are in the hands of the facilities committee, and I am therefore referring your letter to that committee for its attention.

I can, however, clarify some of the questions you ask. All of the projects listed in the press release of August 22 as "Projects halted or suspended in whole or in part," whether public or private, have had priorities completely revoked or suspended. This means that all work on such projects has been halted except for negligible operations necessary to bring the construction to a safe stopping point.

As to the projects listed in the press release of August 22 under the heading "Government projects proceeding on low priorities or unrated," as indicated in my letter of October 27, priorities have either been revoked or, as I understand it, are in the process of being revoked by action of the facilities committee.

I doubt whether anyone could say with absolute assurance whether or not it might be necessary before the close of the war to reinstate some of these projects. That question should depend upon future developments in the situation with respect to power supply and requirements.

I have never been advised by the facilities committee or by the Acting Chief of the Power Branch as to the unanswered questions which, I was informed, were referred to the facilities committee for reply.

Before concluding this report I wish again to call attention, as I did on September 17 last, that there were and are in the Power Division those who from the beginning have tried to avoid the waste of critical materials as distinguished from those who put their personal ideologies ahead of the task of winning the war. Both groups were undoubtedly sincere but one point of view was concerned only with winning the war, with a single-mindedness which does them credit; the holders of the other point of view set aside their peacetime playthings with reluctance. Nevertheless, the fact is outstanding that the Power Division of the War Production Board did give the people of this country some action, however late they were, and the nonessential projects have been terminated. There are numerous other bureaus in Washington who have done nothing whatever toward the termination of nonessential projects, so far as Members of Congress are able to judge from their reports, or lack of reports. It is time these other laggard bureaus came in for some attention.

One final word of warning: We can look for efforts from now on to get some of the suspended projects put back on the active list of projects to be completed, notwithstanding competing war demands. This will be done under the guise of war necessity, but they will be the same Government projects which have been heretofore terminated as wasting critical materials and skills. We will probably hear from Mr. Ickes, the Bonneville Administration, the Bureau of Reclamation, the R. E. A., and other New Deal agglomerations avid for an opportunity to participate further in the public spending.

Without eternal vigilance we will certainly lose some of the ground gained. Pressure will be put on the War Production Board, great pressure, and it will be exerted on Members of Congress on the ground of local interest. It is sincerely to be hoped that the national interest will not be permitted to suffer by reason of any such pressure. Some of this pressure against Members of Congress will take the form of smear comments and innuendo by New Deal columnists and radical-supported newspapers and magazines. The public will thus be made aware of whose ox is being gored. By their howls ye shall know them.

This report is submitted primarily for the purpose of exhibiting the need for alertness in examining the method of operation of the various bureaus set up for the prosecution of the war. The construction of some of these Government projects may be desirable and such construction might properly be resumed as promptly as possible after the war. Insofar as they interfere in the war's prosecution by diverting vital critical materials and skills they should have been terminated long before October 21, 1942. They should have been terminated right after December 7, 1941. It should not have taken nearly 11 months to learn the lesson of Pearl Harbor.

LEAVE TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the legislative business and any other special orders, I be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 20 minutes.

DO SOMETHING

Mr. HOFFMAN. Mr. Speaker, the gentleman from Texas, Judge SUMNERS, when on the floor a moment ago, made a very fine talk, repeating many things which people have known for some time. As he talked the thought came to me, What are we going to do about it? Anything? It is all right to point out the danger. I am glad he did. It is all right that the House should be advised of what the people are thinking. It is all right that the Members should be told that the responsibility rests upon them, and then comes the thought, What are you going to do about it? The gentleman from Texas has been here many, many years. I know of no one in the House whose opinion is more respected. I know of no one in the House who is listened to with a greater degree of respect and consideration than the gentleman from Texas. I can remember when I first came here. When it was announced or when it appeared on the calendar that the gentleman from Texas was going to speak, I not only came over myself but I insisted that everyone in the office come over and listen to him. I never yet have listened to the gentleman from Texas without profit; but many times I have wondered why it is that a man of his influence, a man of his ability and of his position in the House apparently is not able to induce the majority party of which he is one of the most influential members, to do something along the lines the gentleman has suggested at

various times. During the last campaign I was accused by my political opponent of never having done anything, never having a bill adopted, or of being able to push through the House a legislative bill of any importance.

I have to admit that being a member of the minority party, I have not been able to do much in the way of legislation. I was able to point out to my political opponents that I had introduced many bills and many resolutions, and then always came back the answer, "Yeah, and they went into the waste basket." It was not my fault that they went into the waste basket. It is not my fault that the New Dealers are incorrigible. Perhaps it is not the gentleman's fault that some of these things that he advocates have gone into the waste basket, but, after all, the Democratic Party—that is the name of it, although it has been under and controlled by New Deal leadership, so far as action goes—the Democratic Party is still in control of the House, and I see here the gentleman from North Carolina [Mr. BARDEN], a member of the Committee on Labor—and I agree with the things that he has said many times on the floor along the line of needed labor legislation, although we do not get it, and why? Why do we not get it? If the majority party, and those who agree with the gentleman from Texas, and the gentleman from North Carolina [Mr. BARDEN], and the gentleman from Georgia [Mr. COX], will make the effort, they will find that they will get enough help on the Republican side to restore the Government to the people.

The gentleman from Texas [Mr. SUMNERS] made several statements which to me were quite interesting. All those illustrations that he gave about the hardships caused by the orders of the O. P. A., and by Mr. Henderson, can be duplicated a dozen times in my district, and I believe in the district of every man who has any farmers or businessmen in his district. There was nothing exceptional about the unnecessary hardships caused citizens by the bunglers. There is nothing new about it, and every Member almost—I am sure every Republican that I know—can add illustrations to those that the gentleman gave. For example, this morning a letter came from a well driller, a well repairer, in a farming community. A farmer's well breaks down, and he wants it repaired. He goes to the local store or to the local well man, for repairs and he finds he cannot get them until he gets a W. P. B. order. Of course the farmer can draw water for his family use from his neighbor's well. But he cannot draw water for a dairy herd, and he cannot haul water to his stock. It just cannot be done.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes, to the gentleman from Wisconsin, the great milk, cheese, and butter State.

Mr. MURRAY. That part is not necessary, because we all know that.

Mr. HOFFMAN. Oh, there are a few people who do not realize the greatness of Wisconsin even though they may have met the gentleman.

Mr. MURRAY. I do not want to get into a mental combat with the gentleman, because I have seen how others have fared with him, but I want to explain something about that well business, because I believe it part of the production of a farm, and I do not think that I could go home and be a candidate for Congress if I could not have a farmer's well fixed. As far as the War Production Board is concerned, they have unfrozen not only pipe but also the cylinders, and I have not had any trouble in very expeditiously getting that matter fixed up.

Mr. HOFFMAN. That only demonstrates the gentleman's outstanding ability. That shows how he just puts the rest of us in a hole, but I wish the gentleman would help me out with the W. P. B. in my district for this well man about these repairs.

Mr. MURRAY. I think I could.

Mr. HOFFMAN. And my political opponent 2 years from now is going to quote the gentleman and my statement as showing my lack of success—and is not that a nice thing for you to stick into my speech? That is not all. If you really want to see some heat, or feel it, just wait a little bit until this tire-inspection business goes a little further. Twenty-five cents to inspect each tire, and 50 cents if they take them off the wheels. Who cares more about the condition of his tires and their prospective use than the man who owns them? Does the gentleman from Texas know anyone who is more interested in the condition of the tires than the man who owns them?

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. HOFFMAN. For an observation; yes.

Mr. COX. If I understand the gentleman, he means to tell this House that the people of this country have had enough of regimentation?

Mr. HOFFMAN. Well, I do not know. When I complained about the New Deal and criticized the New Deal, as I have once or twice in the last 8 or 9 years, many men have said to me, "Well, what is your remedy?" And they had me stumped, because the only thing I could tell them was that until it got so bad that they could not stand it or until we had a political revolution—I must not use that word "revolution" without putting the word "political" before it—until the people arose . . their indignation and resentment and brought enough pressure to bear upon the Congress and throw the New Deal out the window, we would not get anywhere. We would not get relief. If they are going to be required to pay for this inspection of tires they will build fires under us that will burn the shirt tail off of not only the gentleman from Texas [Mr. SUMNERS] but off the rest of us, too. Perhaps you noticed the new order that to save cloth shirts were to be made shorter. I hope the gentleman from Texas and Judge Cox and some of the others will influence the leadership, the majority party, to do something. Then, when the House passes a bill, as we did the Smith amendments twice, and sent it to the Senate, let us back up in the breeching until the Senate does something. Let us cut off their shaving money, their beauty parlor money. Let us cut off everything over there that they have until those boys get up and pull a little in the collar.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BARDEN. Is the gentleman serious about some idea in the minds of some of the folks in the bureaus to charge 25 cents to inspect a tire?

Mr. HOFFMAN. Did not the gentleman know that?

Mr. BARDEN. Does the gentleman know it?

Mr. HOFFMAN. Surely. I can give you a letter from the boy who paid it.

Mr. BARDEN. What is the source of the gentleman's authority? I am not trying to prod the gentleman. I am serious about this.

Mr. HOFFMAN. The fellow who paid the 25 cents. It was 25 cents for each tire, and if the tire was taken off for inspection it was 50 cents a tire.

Mr. BARDEN. I do not care if it is only 5 cents for all the tires on the car. I cannot conceive of even Mr. Henderson or anybody imposing a thing like that on the people.

Mr. HOFFMAN. You cannot? It was imposed on them.

Mr. BARDEN. No; I cannot. Can the gentleman from Michigan?

Mr. HOFFMAN. You have been here throughout the workings of this New Deal and you cannot figure that out?

Mr. BARDEN. I have seen everything the gentleman has seen.

Mr. HOFFMAN. Well, if you have you did not recognize it, and you are smarter than I am. But the people who are paying are feeling it and it is hurting. But here is the point. We are short of wool, are we not?

Mr. BARDEN. Is the gentleman asking me?

Mr. HOFFMAN. Yes.

Mr. BARDEN. I am unable to answer that question. They say they are short of wool, but on every menu card you pick up you see lamb chops, lamb stew, and so on, so if they are short on wool, would not just common, ordinary sense cause anyone to think we should stop killing 100,000 lambs every week? I do not know whether we are short on wool or not.

Mr. HOFFMAN. I stand corrected. They say we are short on wool. Now, if that goes on and they apply the same rule—you know they have cut a couple of inches off shirt tails, do you not?

Mr. BARDEN. No. All I have missed is an inch off of my pants.

Mr. HOFFMAN. All right, they have cut the shirt tails. The order has been announced in the press. Now, if we are short of wool, or if they think we are short of wool, pretty soon they will come in and inspect the blankets before or after you go to bed, to see if they are too long. They are going to reach into the homes. If they get time they will go all down the line.

Mr. BARDEN. Maybe that is where we will get clear of them.

Mr. HOFFMAN. I hope so.

Mr. REED of New York. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. REED of New York. The gentleman was speaking about a shortage of wool. I was told by a gentleman in my district awhile ago that while they had gone to raising sheep, they had wool in storage that they cannot even get the Government to look at.

Mr. HOFFMAN. I had the same complaint from a farmer the last time I was home, who said he could not get anyone to buy the wool.

Mr. REED of New York. That is it.

Mr. HOFFMAN. And the gentleman has had similar complaints?

Mr. REED of New York. Yes.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GIFFORD. The gentleman from Texas [Mr. SUMNERS] quite convinced us there has been a great awakening among our people. I had begun to think that we were an idolatrous people. Perhaps I had better say that I thought that was proven by the result of the third term. Does the gentleman think the people have awakened sufficiently so that we may be bold enough here to feel that they are boldly back of us if we do anything boldly?

Mr. HOFFMAN. I can speak only for the people of the Fourth District of Michigan. That is the way I have talked down here. The worst thing that was said about me was that I represented the people of my district but that I lived in a benighted district. A wholly false statement insofar as it reflects upon the intelligence and loyalty of the people of that district.

Mr. GIFFORD. Does the gentleman believe the country as a whole is over this era of idolatry?

Mr. HOFFMAN. I doubt it; but if we have a little more rationing, a little more tire inspection, a little more sticking of their noses into people's private business, a little more dictatorship, a little more clamping down, a few more orders that only do harm, they will get sick of it and end it. I think, however, as somebody told me when I was campaigning before the general election, the people may come down here to Washington and let us know in no uncertain terms what they want and intend to have. Now, I shall be criticized for making that statement and they will say: "You are exciting a revolution," yet I believe it was only the other day that the distinguished gentleman from Texas said there was a feeling "akin to revolt" in his district. I ask the gentleman from Texas if I have quoted him right; is not that the statement the gentleman made on the floor of this Chamber?

Mr. SUMNERS of Texas. Something like that.

Mr. HOFFMAN. Now just a minute. Members may laugh if they want but it is no laughing matter. The gentleman from Texas is a Democrat; he has been here years, and years, and years. He is a constitutional Democrat. He is a lawyer, a judge. He knows about these things. He can and does accurately judge the sentiment of the people of his district. I am only a Republican, and an anti-new dealer. I hope everybody knows that by this time; but here we find ourselves finding the same thing, the same opinions, he way down on the Mexican border and I up just a few miles from Canada. It means something, of course, and my guess is that the people are coming to Washington if we do not clean house down here, and they will clean it themselves, maybe, just by way of assembly and petitions. Let us hope that is the way it is going to be done.

The gentleman from Massachusetts brought to mind one statement made by the gentleman from Texas about the people's doing some thinking. The gentleman from Texas [Mr. SUMNERS] said that the people in his district, when he was home, gave evidence that they were thinking. An intimation that they had just commenced to think. I dislike to disagree with the conclusion he arrived at, but the people have been thinking, they have been doing a lot of thinking ever since this New Deal came into power. But some were lulled to sleep; some liked Santa Claus. It has not been a lack of thinking on the part of some of the people. It has been a lack of realization of the people's attitude on the part of their Representatives here in Congress, a refusal to accept their thinking, and a lack of courage or disposition to carry out the will of the people who sent us down here.

Mr. COX. Mr. Speaker, will the gentleman yield to permit an observation?

Mr. HOFFMAN. In just a minute.

The gentleman from Texas said he was the people's hired man. As long ago as 1934 I printed over my campaign ads in the primary, "Let me be your hired man"; and I have kept that thing nailed right there ever since, because that is my desire—to be there thinking, acting. I have no other desire than to intelligently represent them, and the last letters I sent out today were requests to tell me how I could raise more hell with the New Deal between now and '44, because I think it is the one thing which will ruin our country and lose this war if we do not get rid of it, or force out of responsible positions those who are destroying our form of government.

No; do not worry, the people have been thinking, all right. We are the ones who have been negligent; we are the ones who have failed to act right here in Washington.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes; for an observation.

Mr. COX. I hear the question asked almost hourly that, in view of the fact Congress has given away all of its powers, what are you going to do to correct the bad situation that now exists?

Here is the observation: We have stripped ourselves of most of our rightful powers. There is only one that we still hold, and that is control over the purse strings. This power ought to be used and appropriations denied to the extent of starving out the rats that are gnawing away the foundations of constitutional government.

Mr. HOFFMAN. In addition to that, and the sooner we are without them the better, is there any reason, I say to the gentleman from Georgia, is there any reason why this House should not pass an act repealing the power we have given to these bureaucrats, taking it back into our own hands? Let the House pass it; let the House pass a bill the way it wants it and tell the body at the other end of the Capitol: "Here is the bill that is going to be passed, and this is the form in which it is going to be passed; get busy on it. Better it if you can and must, but get busy." It would pass, for the sentiment of the country would rally behind us.

Mr. COX. Mr. Speaker, will the gentleman yield further?

Mr. HOFFMAN. I yield.

Mr. COX. I know of no reason why Congress should not exercise all of its power to regain the powers that it should never have delegated to any other individual or group and all of which have been shamefully and criminally abused through the guise of administrative law.

Mr. HOFFMAN. All right; now, there are the gentleman from Georgia and the gentleman from Texas, leaders on the majority side. The gentleman points out the remedy. Tell me, then, why these leaders do not bring in a bill and put it through the House? Or why we do not force it through in spite of the leaders? I am ready. You can get the votes over on our side. Now I say: Bring it in; bring it in. You realize the danger, you know the remedy; why do you not bring it in here and let us get some action on it?

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. REED of New York. There is one thing that possibly has been overlooked and that is that Congress may give away its power by a majority vote, but cannot get it back without a two-thirds vote.

Mr. HOFFMAN. That is all right, but we can try it.

Mr. REED of New York. When we were giving them away, that was one thing.

Mr. HOFFMAN. I get the gentleman's point. We should not have given those powers away—but get them back.

Mr. REED of New York. Getting them back is something else again.

[Here the gavel fell.]

Mr. KEEFE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. COLMER). Is there objection to the request of the gentleman from Wisconsin [Mr. KEEFE]?

There was no objection.

Mr. KEEFE. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. May I say to the gentleman that I have listened with some interest to the comments which he has made. I returned from my district this morning. I was in my district at the beginning of gasoline rationing, and I want to say to the Members of this body who are not familiar with it that unless you have had the opportunity to sit in a rationing board as I did for 2 days and see

that stream of people going through the rationing board and hear the comments that they have made, you cannot understand how the Congress sits here doing nothing to remedy this situation. If we expect production, we are going to be surprised in this country because of the attitude of the people not only on the farms but in the factories.

Let me call your attention to one thing in the face of exposures of scandalous waste of public funds. They have set up in my county and in an adjoining county, effective December 1, a rent-control body, designating it as a defense rental area when there is not a problem of rental of housing in either county. And they propose to rent the whole floor in an expensive building and staff it with a great big staff of high-powered, high-salaried employees. To do what? To just draw their fat salaries out of the Treasury of the United States and attempt to meddle in a question where there is absolutely no problem. Within the next 2 or 3 days I am going to bring before this Congress some information that I have collected from my recent visit back to Wisconsin which I think will startle the Members of this House. It is time that we begin to become awake and alive as to what the people of this country are thinking today. I will tell you that they are awake, they are thinking, and they are going to have something done or they are going to do it themselves.

Mr. REED of New York. Will the gentlemen yield further?

Mr. HOFFMAN. I yield to the gentleman from New York.

Mr. REED of New York. Not only are the people thinking about that, but it has finally gotten through to the people as to what has been going on abroad in every one of these totalitarian countries. They have gone through this same process of rationing, making people stand in line for hours and hours, until they fall from exhaustion, to get the necessities of life. They have finally tamed the people that way. Those they could not tame they have put in front of a firing squad. People are becoming alert to the fact that they have got to take some action now through their duly elected Representatives in order to save our form of government.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Texas made another statement. He said, "You would be surprised how much the people back home know." When I first came down here, a very good friend of mine and an old Member of the House said to me when I was a little impatient one day: "If you would only sit still and keep quiet, you would get along better." That was true, but I said in answer to him: "If you would only go home once in a while you would know a whole lot more about what the people at home are thinking." And what they want. Do not worry about the people back home. They are worrying about us.

The people have not discovered anything new of late. They have been on to this New Deal for a long time. But the American people are patient; they are long-suffering, and they have taken many impositions; they have submitted to many injustices, but now, with their boys abroad fighting and dying, they have come to the end of the road. They do not intend to submit any longer. They want action here at home, and if they do not get it they may give us action. What the gentleman from Texas said is all very true. I agree and endorse everything the gentleman from Texas said, but you did not hear him say one single thing that someone on the minority side has not been telling the majority for the last 6 years.

So I get back to the beginning and ask, "What are you going to do about it?" I challenge the majority to bring in a bill here retaking from the President some of those powers which he has misused and which today are being used in the departments down here to oppress the people. Let us have action with our talk. Talk may be the butter, but action is the bread of our bread-and-butter existence. We can do without the butter. The bread we must have. Give us action.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I am going to take the Members away from this political excitement for a moment and bring them back to a problem which concerns them all, to the grim realities of this war, the savage massacres of millions of innocent victims of Nazi sadism and barbarism. The Polish Government in exile asserted a few days ago that Heinrich Himmler, the Nazi Gestapo chief, had ordered the extermination of one-half of the Jewish population in Poland by the end of the year and that through the month of September 250,000 had been slaughtered in cold blood under that program. They did not give us the percentage of Catholics and Christian people who were slaughtered and killed in cold blood, but through some sources we have the figures on the killing of the Jewish people in that area.

Mr. Speaker, we are nearing Christmas. Christmas has meant much in past years to the German people. Every family feasted and looked forward to a cheerful New Year. Under the present circumstances the Nazi government is doing its best to make the most of the traditional spirit of Christmas and New Year. There is to be special rationing for the population of Germany, and 1 kilo of peas and beans and 1 kilo of flour and sugar and a large sausage for every soldier on leave, while the Czechs and the Poles and the Greeks and the French and the Yugoslavs and the Rumanians are going to starve by the hundreds of thousands.

Hitler ought to include also that he has drawn enough of Jewish and Catholic blood from several millions of people to paint every Nazi in Germany for the Christmas and New Year's holiday. He has drawn enough blood from Jews and Christians to paint the sidewalks and houses of the Nazis a bright gay red.

Poland has today become the official slaughterhouse for all occupied territory. The Nazis take people from all parts of Poland, Czechoslovakia, France, Rumania, Lithuania, Yugoslavia and Holland, and they take them into Poland in sealed, armored trucks, and there the mass murders take place on a typical German plan—well organized and brutal as only the diseased brain of a Nazi fanatic can execute it.

In one instance, Mr. Speaker, the Nazis brought in 2,000 Jews and 800 or 900 Christians, Catholics and Protestants, from Czechoslovakia, France, and Holland, and told them they were going to be transported to labor camps. They herded them into several railroad cars, sealed the cars, and sent them to a little town in Poland where there were several factories manufacturing poison gas. A great number of the unfortunate people had died or suffocated on the way. The people who were still alive were dragged out of the filth of their cars and used as guinea pigs for experiments with various poison gases. Within a short time all but the ones who had been kept alive to dig the graves, died a horrible death.

The people who dug the graves were then shot and thrown on top of the other victims. The young Nazis were very systematic—the task assigned them was done in record time. There was no wavering, no display of sympathy or compassion—a Nazi mind knows no such reactions—human decency is not a part of the Nazi curriculum. Women are being raped, little children are being stabbed right in the arms of their frantic mothers, the whole European continent is being drowned in the blood of an innocent people. The whole world seems to have gone mad in an orgy of blood and steel, of plunder and destruction, yet here we stand and quibble and squabble about gas rationing, and other insignificant, temporary problems.

Why does the Vatican keep silent in the face of these unspeakable horrors? Why does not the Pope use his influence to stop this madness that is consuming millions of defenseless human beings? Where are all the Christian gentlemen who pride themselves to be the true followers of Christ? What good are religious beliefs and doctrines when people do not live up to them in an emergency?

You know that 5,000,000 people were forced to go to Germany to do forced labor, and you know that among these are many, many Christians who are dying by the thousands—dying because of starvation, contagious diseases, and tortures.

The world does not know that the Nazis have picked out thousands of young girls from all the countries I have named, Germany, Poland, Czechoslovakia, France, Rumania, Lithuania, Holland, and Yugoslavia, and have delivered them to the Nazi Gestapo to be taken to the front for houses of prostitution. Some of those girls who were able to commit suicide have done so, as they preferred death to prostitution. And let me remind you, this fate befell not only Jewish women but also Christian women in occupied territory.

A lot of people used to say, "Well, they are killing the Jews—so what?" Yes; they were and are killing the Jews by the millions, but they did not stop there—your people came next. A lot of people had an idea that the Nazis would

never treat Christians the way they treated the Jews. You have learned your lesson now. I hope you have learned that there cannot be any appeasement—that a madman cannot be reasoned with once he has tasted blood. As for the Jews, we have had other Hitlers in our history. They have perished; we have survived. Hitler, too, will fail in his mad and horrible task to exterminate the Jewish people. He cannot destroy them because God has created them; he cannot destroy any race of people because God has put them on this earth.

The American people and their Allies should remember the horrible barbaric acts of the last few weeks when the time of judgment comes. The people who have brought so much suffering to the whole world should receive the proper punishment. Look at our newspapers; listen to accredited representatives of our Government who spent some time abroad. Day in and day out we hear about innocent victims—women and children, innocent men—taken from their homes, separated from their families, their women taken away for prostitution—men and women being slaughtered in the most cruel fashion, so that the German myth of a "Herrenvolk" may be upheld. Yes; this has been going on now for 3 years, and yet we go on quibbling about nonessentials.

Well, Mr. Speaker, by this time, with the killing of more than 2,000,000 Jews and probably four or five hundred thousand Christians, the Aryan superrace should have satisfied its thirst for blood. But no; this purge is to go on and on and will go on until the Allies can do something to stop it. Yes, my friends; the accounts of the bloody massacres are terrifying. It is hard to believe that such complete madness is possible. And yet there are such perverts, even in our own country, who sympathize with the Nazi program because they have the same ideas and ideals.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. KEEFE. Does the gentleman have a suggestion as to what he thinks the American people can do beyond what is now being done to alleviate the situation which he so very graphically has portrayed?

Mr. DICKSTEIN. We have had many opportunities to save human lives but we did not live up to the faith put in us and the example set by the founders of this country. We could have set aside a portion of the desert of this country, or of Alaska, and opened the door for the duration and saved millions of human beings from destruction—and I am not talking about Jews alone, but about all the unfortunate people who felt the wrath of the German conqueror.

Mr. KEEFE. Do I understand the gentleman's contention to be that America, the United States, is to be condemned and criticized because it has not opened the door to take in unrestrictedly these millions of people to whom he refers?

Mr. DICKSTEIN. Oh, no, not unrestrictedly. I came here 4 years ago and appealed to this Congress, under certain protective conditions, of course, to open Alaska to refugees. The Interior Department was in favor of this proposal and had even worked out a plan by which a group of Christians and Jews who were capable of building up Alaska could be settled there. We would have done our duty as human beings, we would have saved the lives of some fellow men, and at the same time we would have had some devoted and loyal subjects to develop Alaskan resources and to defend Alaska against any possible attack by our common enemy. The question was raised that the people might not stay in Alaska but might go on to the United States proper, and we safeguarded this by putting in a provision that refugees would have to remain in Alaska for quite a number of years before they would be permitted to enter the United States proper. The Interior Department was attacked for its stand on this measure. I was attacked for sponsoring the bill—in short, the restrictionists won—no action was taken on the bill and the people we could have saved, perished in the blood bath Hitler needed for the purification of the Aryan race.

Mr. KEEFE. Conceding for the moment that there may be some justice in what the gentleman says, that is water that is over the dam, that is a matter of history. I am anxious to know what the gentleman's suggestion is to deal with this problem now. If I understood him correctly, he was rather critical of the United States.

Mr. DICKSTEIN. Oh, no; not of the United States, but of certain people who have certain ideas that were responsible for our not saving some of our fellow men when they were in desperate need of help.

Mr. KEEFE. I would like to know what the gentleman has in mind, as to what this country ought to do beyond what it is doing now.

Mr. DICKSTEIN. I love my country too much, and we are now in war.

Mr. KEEFE. Oh, we know that.

Mr. DICKSTEIN. I wish we would cut some of the red tape and permit more people who want to join the Allies' fight for the cause of justice and peace to do so. There is too much red tape, and we are not using all the human resources at our command.

Mr. KEEFE. The gentleman means for foreigners to get into the Army?

Mr. DICKSTEIN. Yes; the people who hate Hitler and hate fascism, who have suffered and are willing to give their lives to destroy the dark forces that have destroyed their homes and their loved ones.

Mr. KEEFE. I understand the gentleman's suggestion is that those whom he thinks would make proper soldiers who are situated in foreign lands ought to be permitted to join the Army so that they can fight against Hitler. Is that it?

Mr. DICKSTEIN. That is right. That is one of the suggestions. There are thousands of scientific men in this country, thousands of refugees, able bodied, who are begging for a chance to join our armed forces, and who are not permitted to join them for some reason or other. I say that we ought to utilize every man and woman, every scientist and chemist. Just because he happens to be unfortunate enough to have come from Germany or Holland or from some occupied area, that should not prevent him from fighting for the country that gave him a new hope for freedom and decency. Then there is the matter of doctors. There is a shortage of physicians in this country now and there will be an even greater need for and shortage of medical men in the territories the Allies will eventually free from Axis domination. Yet medical schools are permitted to continue their discriminatory policies of restricting admission to their schools to certain classes of people. They are allowed to continue having a numerus clausus which will keep down the number of students of certain races to a required minimum. We are fighting a war brought about by the dark forces of fascism, forces which have grown on intolerance and discrimination, yet we allow discrimination and intolerance to gain a stronghold in our own schools and colleges.

Mr KEEFE. Will the gentleman yield?

Mr. DICKSTEIN. Let me conclude my point. Medical schools limited their quotas, and thousands of our young men were compelled to go to Scotland and England, to France, and Germany, or Ireland to study medicine. They were caught there when the war broke out, and some of them could not even get back. Today we are facing the danger of epidemics because we do not have enough physicians to cope with the emergency and yet a clique of men in control of the American Medical Association is able to keep American citizens who have received their training abroad from receiving commissions. They can even keep them from being recognized physicians in some places by not permitting them to join the A. M. A.

Mr. KEEFE. I don't know just how serious that situation may be. My personal observation is that there are a lot of refugee doctors who work in this country at the present time. I would like to have the gentleman be perfectly specific in what he said. If I understood him correctly he thinks that one of the things that is wrong in this country is the fact that people of certain names have been denied admission to the medical schools.

Mr. DICKSTEIN. That is true. I am not discussing refugee physicians now. I am speaking about American citizens who were unable to enter American medical schools because of certain restrictions and were forced to get their training abroad.

Mr. KEEFE. Am I to understand that the gentleman means——

Mr. DICKSTEIN. I am not criticizing my Government; I am criticizing a policy adopted by certain institutions in this country which are not controlled by the Government.

Mr. KEEFE. Do I understand the gentleman then to say, if I am to speak frankly, so that we understand what he means, that there has been discrimination against Jews in the matter of attendance at medical schools? Is that what the gentleman means?

Mr. DICKSTEIN. If that is what the gentleman wants, I will say "Yes."

Mr. KEEFE. No. It is not what the gentleman wants. The gentleman is asking a question.

Mr. DICKSTEIN. The answer is "Yes, positively." But, as I tried to point out before, discrimination and intolerance may be used just against one minority group in the beginning—but it never stops there. Sooner or later it is carried over to other groups and soon hits your own people. There are a lot of fine Americans, born in this country, with a good background, whose parents were poor, and had to work hard to give their children the educational foundation required for admission to a professional school.

Mr. KEEFE. Now, may I suggest to the gentleman that he not attempt to classify himself in a separate place in our State. He should not refer to me as of my people and himself as of his people.

Mr. DICKSTEIN. I did not mean it in that sense. I am glad you brought this to my attention, as I would not want to be misunderstood. I am using these words in a general sense. The only classification I want to make is that of people who are being discriminated against and the people who do the discriminating.

Mr. KEEFE. I hope that the gentleman is not drawing that kind of a distinction in his talk.

Mr. DICKSTEIN. And I hope the gentleman does not take any other kind of a distinction.

Mr. Speaker, we won the last war, but we lost the peace. I hope and trust that we have learned our lesson and that we all realize that a victory—in order to be complete and worthy of all the sacrifices made—must mean a moral victory of our principles around the conference table as well as a physical victory on the battlefield. A complete victory must mean the defeat of the enemies of democracy on all fronts, foreign as well as domestic. Our boys are beating the forces of darkness on the battlefields. Let us at home protect the home front for them against the evils which brought our enemies into power.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today after the close of other special orders.

The SPEAKER pro tempore (Mr. COLMER). Is there objection?

There was no objection.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Wisconsin [Mr. MURRAY] is recognized for 5 minutes.

HON. JOSHUA L. JOHNS

Mr. MURRAY. Mr. Speaker, I wish at this time to call your attention and that of the Members of this House to the fact that next session we will all miss one of our outstanding colleagues, the Honorable JOSHUA L. JOHNS, of Wisconsin.

I had never met Mr. JOHNS until January 1, 1939, when we came here to Washington. My appreciation of him is the result of 4 years of association as a Member of this body. An indication of the respect the Wisconsin delegation had for Mr. JOHNS is shown by the fact that he was selected as chairman of our Wisconsin delegation. He has held this position up to this time. He has been fair and just to every member of our delegation.

Mr. JOHNS was born in a log cabin in southern Wisconsin. He worked his way through high school, through the Chattanooga (Tenn.) Law School and the law division of Yale University. The personal sacrifices he had to make to obtain his education no doubt account for the interest he has shown in education and opportunities for the youth of our Nation. His membership on the educational committee of the House is further indication of this interest.

Mr. JOHNS has held many honorable positions. They include the secretaryship to a former Wisconsin Governor and that of president of Kiwanis International.

He is a successful businessman and a successful farm operator. He has been a splendid Congressman. He has wholeheartedly applied himself to his duties. He has maintained an efficient office; he has been devoted to his committee work, not only on the Commitee on Education but on the Rivers and Harbors Committee as well, and he has most sincerely, studiously, and fairly considered all legislation brought on the floor of this House. This is shown by his support of farm, labor, and business legislation. He ever had the interests of the people of his district in mind.

The Members here well appreciate his abilities. I have observed his friendship with the majority Members of this House and know the respect both sides of this aisle have for his integrity and hard work. The aisle in this room meant little to him, and no Member has done more than he to obliterate the prejudices which exist as to the Mason and Dixon's line.

His ability and sincere devotion to his public duties have also been equaled by his friendship. He is truly a friend and one who is not to be found wanting.

I know of no more fitting expression of his friendship than that of Francis Cable, the life motto of Mr. JOHNS, which is as follows:

I want the men I meet, each day,
  Wherever I may be,
To know that joy and happiness
  Just radiate from me.
I want to put so much into
  The hand clasp I extend,
That every man I meet will say:
  I know he'll be a friend.

I want to greet my fellow men
  With such a hearty smile,
That it will banish all their care
  And make life seem worth while.
I want to understand their need
  And such assistance lend
That every man I know will feel:
  I'm glad he is my friend.

I ask not honor, not reward,
  For anything I do
I just would open wide my heart
  And let the love shine through.
Though I but meet a brother once,
  One touch, one smile I'd send,
And cause that man to sing for aye
  I'm glad he was my friend.

Mr. Speaker, his district has lost a devoted public servant; our body has lost one of its outstanding Members.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. BARDEN] is recognized for 10 minutes.

RATIONING

Mr. BARDEN. Mr. Speaker, I have just returned from a few days in my district. During my visit to the district I had an opportunity to mix with the people, associate with them, hear them talk of the things that concerned them most at this particular time. I saw most of my people running around with from 1 to 5 complicated blanks trying to find someone who could help them fill them out correctly.

I happen to represent a rural district, approximately 200 miles in length and about 100 miles in width, in which there are no large cities. My people are patriotic people. They love their Government. They love its institutions.

I expect to say some things that probably will not be construed as very complimentary to some of those who are carrying out the policies and instructions of some of the departments. Should I do this I sincerely hope it will not be construed as evidence of any lack of patriotism on my part or any lack of love for my Government or any lack of a sincere desire to serve. It so happens that I volunteered in the armed forces during the last World War and I am perfectly willing to do anything within my power physically or mentally during the present emergency.

During my visit I went around and saw some of the rationing boards, clerks, and officers in operation. Now bear this in mind: My people are willing to be rationed, they are willing to give, they are willing to work, they are willing to make any sacrifice under God's sun that is necessary, right, and fair or just in order to win this war or to further the interests of the United States Government. But this rationing business and complex W. P. B. requirements are the greatest waste of manpower in America today, the way it is being conducted.

I saw with my own eyes, hour after hour, rural people, farm people, town people, white people, Negro people, all of them, men and women, boys and girls, standing in lines 50 yards in length, waiting, waiting, waiting, for what? For a blank that some man down here in this department with a thimblefull of brains could have made available to them without their having to drive from 1 to 40 miles for it. Conserving gasoline and oil? Could anyone imagine what saving there will be when you require a farmer to stop his work to drive 40 or 45 miles, and at some points in many of my counties farther than that, for what?

To get a blank to file a request to get a permit to buy a couple of gallons of kerosene to burn in the oil lamps in his home at night. Mind you, it takes 3 gallons of gas to go there, 3 gallons to come back, and one man told me he had been to the office twice and had used up 2 weeks' gasoline allotment trying to get enough kerosene to have a light in his home. With all the fourth-class post offices, with all the school buildings, with all the R. F. D. mail routes available to this bunch down here, they could send those blanks to the people and let them continue their work on their farm, in their homes, in the shipyards, and so forth. But, no. I can see nothing except that somebody down in the O. P. A. wants to get the American people in the habit of crawling to them on hands and knees, asking for something, if it is nothing but a blank sheet of paper. I resent that kind of treatment of my people and I believe the American people feel the same way about it.

How many times have they been there? They have been there for every conceivable thing. Then Mr. Leon Henderson will run the papers full of news items, "We are going to be short on so-and-so," "We are going to be short on so-and-so," and pound that into their heads and then immediately create an emergency by starting buying of that particular commodity, to the extent that they feel rationing will be justified—the dumbest procedure I can imagine.

Is it possible that there is a group of people who desire to create these emergencies? I want to see somebody with a sincere desire to solve some of them rather than create so many. I am going to give you another illustration by telling you of an incident that happened to a farmer I know—a quiet, unassuming, hard-working, horny-handed farmer who has been able to accumulate but little of this world's goods. He is an honorable man—not persistent—just able to get along. I saw him walk up to a rationing office and ask for a blank. They told him he could not get it; that they were closed for that day because they were closing at 1 o'clock and it was then 1 o'clock. He said, "I want a permit to get me a pair of boots to clean out my ditches on the farm. This is the third time I have been 23 miles after that permit to get my boots." Still he was refused. He walked down the hall and I walked to the elevator behind him and said, "Mr. So-and-so, maybe I can help you."

He said, "My Government can't do this to me. I don't believe my Government wants to treat me this way."

I said, "You come back."

I walked around to the board's office and said, "Give me a blank to get a permit for boots."

I did not ask for more than one, but they gave me three. I took them out and handed them to the farmer. He looked at me and I honestly believe he was madder than he was before. He said: "Now, ain't that a damned shame."

And, being stumped for any better answer, I had to agree with him.

I cannot imagine—I cannot imagine that there exists in this Government a group of men who desire to make our form of government unpopular, and yet I see a great absence of actions which tend to make it popular.

[Here the gavel fell.]

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. Briefly.

Mr. KEEFE. May I ask the gentleman if in his visits to the rationing boards he discovered the situation I found to be true in Wisconsin: That these men who are serving without pay, voluntarily, have had to buy lead pencils to accommodate the volunteers to make out these tire-rationing forms; they have had to pay for any mimeographing they have had done, pay for it out of their own pockets; if they have had to call State headquarters in Milwaukee to find out about the orders they have had to pay for the long-distance calls out of their own pockets; that there has not been a single dime set aside by Mr. Henderson to reimburse these poor gentlemen who are giving of their time to carrying on this rationing program? But these people are bearing these incidental expenditures to carry out the work they volunteered to do and are still trying to do. Did the gentleman find that to be the case in his district?

Mr. BARDEN. Let me say to the gentleman from Wisconsin that my criticism is not directed to those fine citizens who are rendering this service on the local rationing boards.

Mr. KEEFE. I understand that thoroughly.

Mr. BARDEN. The rationing board in my home town is composed of a group of fine public-spirited citizens; the employees are fine folks. But they are taking their instructions from higher-ups and they get about a cartload every day. Let me say—and I am not trying to make a Democratic or a Republican speech—I do not care a hang about politics in this situation; I am more concerned with saving my Government and trying to represent my people than I am about the Democratic and Republican situation; but I want to tell you this, that in the last 3 days I have been told by three department heads in this Government that they could function better with a third fewer employees than they had. I want to point my finger at one department of this Government for which I have always had the highest respect and regard and with which I have tried to go along; that is the Civil Service Commission. In my opinion they are one of the greatest offenders in this very thing because they have a peculiar system down there of saying that a man is classified as CAF–6 or –7, or some other high number, that his salary depends on how many people serve under him; so immediately the first thing that fellow does if he lacks about 5 or 6 in order to make another grade he adds 5 or 6 more employees; then he is lifted to a higher salary. The Civil Service Commission ought to be made to answer for that.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mrs. ROGERS of Massachusetts. On the other hand, no matter how able a man may be, if he does not have a certain number of employees under him he cannot be paid more than a certain salary.

Mr. BARDEN. That is the way I understand it. It is amazing to me that anybody could put in a system of that kind.

These people who are handling the price administration downtown have lost all idea of being servants of the people. They are getting bold, they are forgetting that they owe a sense of responsibility either to the Government, to Congress, or to the people whose money goes to pay their salaries. They are getting bolder each day. I heard my good friend from Texas talk today. He mentioned the question of dairying. That is a pathetic situation. I received a letter the other day with some handbills advertising the sale of dairy herds. They were sold. A day or two later I got more handbills advertising dairies for sale because they could not sell their products for enough to hire the necessary labor to take care of the cows. All right; that clamp was held on top of dairymen and then what do we see in the last few days? Now we are going to ration butter.

They have already started to ration whipping cream. Does it not look as if someone should interest themselves in taking the lid off those dairymen so that they may furnish the things the people need instead of looking for an opportunity to clamp some other restriction on them? Again I say my people are willing to be rationed, they are willing to make any sacrifices that are necessary, but how in the name of the high heavens are we going to ever see sunrise if we keep going along the same road we are traveling now?

Mr. Speaker, I want to refer to something that is of interest to every Member of the House whether he is on the floor or not and whether he comes here in January or leaves in January. You are being charged with the detailed handling of this program. The people say that you either passed that law putting that on us or it is your responsibility to bring about the necessary changes which will relieve us. To be right frank about it, there the responsibility rests and we cannot avoid it. So far as I am concerned, I am willing to take any one of them, let Congress take them by the collar, give them a good shaking and say, "Here, you are either going to use some common sense in the administration of this power that the Congress has given you or you are going out and somebody is going to take your place or the act is going to be repealed." That responsibility we cannot avoid, make no mistake about that. In 90 percent of the cases a law, order, or

regulation is no better than its enforcement, and in these particular cases or most of them, they are rotten orders, badly administered, and the results are obvious to all.

There has been some finger-pointing here about whose fault it is. I am not going to concern myself with trying to pick out who is at fault. I am going to burden myself with trying to find some remedy. I would have thought that it would have taken only a simple suggestion to the O. P. A., the mere bringing of it to their attention, that the wise thing to do, and at the same time save millions and millions of dollars in expenses and millions and millions of hours of man labor, would be to take those blanks and use the facilities that are available in the R. F. D., the post offices, the school buildings, and through broadcasting them throughout the counties have put one in everybody's hands. It does not cost 5 cents to print 100 of those blanks. Think about how much it costs for one man, yes, millions of men and women to quit work, go down and stand in line to get one of these blanks. Can you conceive of anybody not taking that kind of a suggestion when it is made? Yet I made it. I said, "Why do you not quit worrying my people to death and let them go to work? They have a job to do and are anxious to do it." Yes, the American people have a job to do and they will do it if you do not worry them to death or prevent them by complicated and clumsy procedure. I tell you right now that we are suffering from a severe case of Federalitis and it is beginning to get to the acute stage. When it gets to the point that men have to leave the shipyard, as they did at my home, and men have to leave the construction of military camps, farms, and so forth, and go to some office and stand in line with their identification buttons on for 2 or 3 hours, something has got to be done. And they say that is a sensible program. No, there is not one bit of sense to it.

If these folks down yonder in the department cannot hear us, if they cannot hear me, I for one say, let them feel us by passing such legislation as is necessary to restore the people's government to the people.

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

Mr. VOORHIS of California. Mr. Speaker, there is a dual responsibility on the shoulders of every Member of the Congress. Our responsibility is not going to be discharged simply by saying the things which unquestionably many people want us to say right now.

Some of the things that the gentleman from North Carolina has pointed out seem to be indefensible and inexcusable; yet, as he said, the basic program of price control was inaugurated in this Congress by an act of Congress. When that bill was passed I said in my speech that there was another way to handle that problem. There is, there was, and there always will be. It is the tough way. It is the way whereby you really pay for the war as you go along, either out of taxes or out of compulsory savings from the people, so that you will not have the problem of an inflationary gap to deal with, so that the only administration of price control that is necessary is the administration of particular prices by an organization which can see that nobody takes unfair or undue advantage of a monopolistic situation. Out in my State now there are people standing in line in connection with gasoline rationing. I have telegrams in my office by the dozens about the matter. We have a great dispersed population of 3,000,000 people spread out over one of the largest counties in the United States, a county almost wholly dependent upon private automobile transportation to get around and carry on its business.

I have tried not to take any position here just because it would be of benefit to me personally. I know some things that would be popular things for me to say. I have tried not to speak unless I had a constructive alternative to the things that I was complaining about. I spoke briefly the other day about my earnest belief that the proposal for an Office of War Mobilization was a constructive one, whereby policy-determining decisions might be made by one central office and then all the administration from that point on down the line would consist of carrying out this policy-making decision instead of having one agency set up by the Congress trying to deal with one phase of the economic problem and another agency dealing with another phase of the economic problem and coming to cross purposes, as is now the case in agriculture.

I also made an appeal in connection with the problems of agriculture and stated that there ought to be only one agency—I do not see why the Department of Agriculture cannot do it—which would have the power first and the responsibility first for determining the goals of agricultural production. Then having determined the goal of agricultural production, that same agency should be the one to have the final word on what the price ceilings ought to be, and on the question of the number of selective service exemptions necessary to carry out that goal of agricultural production and the working out of a solution of the manpower problem.

Coming back for a moment to the gasoline rationing, I proposed that in those sections of our country where distances are great and where there is so much dependence upon automobile transportation the amount of gasoline allowed per coupon should, at least in the beginning, be increased over what it is now in order to make it possible for the people to have a period of adjustment to these new conditions, and to make sure that necessary business is not disrupted.

These things are all going to be tough on the people. It is our duty to try to see that Government officials administer these things in a most careful and considerate manner.

Indeed, I am frank to say that I think the approach to the American people has in many cases been wrong. I believe that had they been talked to something like this, better results would have been obtained:

"We have a problem here. We do not honestly know just how critical this problem is, but we know it is serious. We know we cannot take any chances on seeing the American armed forces without rubber or without meat or without something else which they need to carry on their war and our war. We are going to have to ask the American people's cooperation. We know we are going to get it. Will you please help us out?"

An approach like that would have been lots better than some of the approaches that have been made and it would have yielded much different results.

What I most want to say today, at the close of this debate to which I have listened very carefully this afternoon, is that every single Member of Congress has a duty not only to point out what is wrong, not only to seek its correction with any means at our command—and there are means at our command—but also to try to interpret to the American people the problem that this country is up against, and to remember that even though we have occupied North Africa this war is not yet over, that there may be bitter and difficult days ahead and hard campaigns ahead, and that in the midst of a total war it just is not possible for us to have our country, our land, and the lives of our people operate in the way we would like to see them operate and the way they can operate in peacetime. There are going to be problems, and there are going to be difficulties. It is up to us to help with that understanding, as I see it.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. The gentleman recognizes, does he not, that one of the purposes of rationing is to control prices?

Mr. VOORHIS of California. Partly; but I think the main purpose of rationing, frankly, is to assure that certain people with a great deal of buying power are not able to get the whole supply of some commodities that may be scarce, but that where there is a real scarcity of something everybody shall be able to have what he needs of it. That should be the purpose of rationing.

Mr. SMITH of Ohio. The gentleman does recognize that a part of the purpose is to control prices?

Mr. VOORHIS of California. That is true, of course.

Mr. SMITH of Ohio. Under the present policy of printing an enormous volume of dollars, is there any escape from complete and total rationing of all the things we consume?

Mr. VOORHIS of California. I understand the gentleman's question. In other words, the gentleman means that as long as the banks of America are creating money by the billions to buy Government bonds with, there is an inflation of the monetary supply taking place all the time, and he is right; that is true. The reason that happens is, first, that our taxes, plus our purchases

of War bonds, are not enough to pay for the war; and, second, we let the banks create money instead of doing it through our Government, as, in my judgment, it always should be done. But the gentleman's criticism from the standpoint of inflation would be just as valid in one case as it would in the other.

The problem of trying to control these prices does not necessarily lead to rationing, in my judgment, unless there is a real, actual scarcity of the commodity in question. In other words, you could put a ceiling price over a commodity, but if the supply of that commodity were adequate, I do not see any reason in the world for introducing rationing in connection therewith—not any at all. For that reason, I have no patience at all with any policy which does not seek and bring about the very maximum possible production of the things we need.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from New York.

Mr. DICKSTEIN. The last speaker, the gentleman from North Carolina [Mr. BARDEN] asked why a workingman could not file an affidavit in connection with getting a supply of gasoline, or whatever the commodity might be, and mail it in to the rationing board, thus saving the time required to leave his business or his work. Would not such a system be better for the common people?

Mr. VOORHIS of California. Just offhand, it seems to me it would be, but I do not know. I am not prepared to say that I understand all the problems that might arise if you tried to do it by mail. It might be that many people would not be reached, and would not know they were not going to be reached until too late. A good many problems might arise. Certainly I think that for country people that could be done, because you could give the rural carrier enough forms or whatever it was to cover his route. People on rural routes could be served in that manner, it seems to me.

There is one other thing I want to say. In my judgment one reason why some of these difficulties arise is because the Congress does not foresee some things that are going to take place in the future and anticipate them. In my opinion it is profoundly incumbent upon us to be certain that we are prepared to meet in a democratic manner—without a continuance of kinds of governmental control that we do not want but with an assurance of full employment and jobs for all—the problems and the economic adjustments that will come upon us when the war is over. I am positive that the men in our armed forces today will thank us more for doing that job than any other one thing we can do in their behalf. And yet I have had a resolution for a committee of Congress and the people—people outside Government—to go to work on this problem before the House all this session, and no action has been taken upon it. I am not giving up hope. This matter is too important for that.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 1 minute in order to ask him a question.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DICKSTEIN. Would it not be advisable for men of various districts of the country, and other sections of the country, to create a congressional committee to study these questions of just what their people want and submit that proposition to Mr. Henderson or any other rationing bureau, so that we could get some place?

Mr. VOORHIS of California. I think there has to be an open-mindedness on the part of every one of these administrators on these completely new things to the American people. I think there has to be an open-mindedness on their part, so that everyone of these difficult restrictive measures can be corrected and improved as it goes on and I think Members of Congress could render service from that standpoint.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

EXTENSION OF REMARKS

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a radio address I delivered recently to the people of Italy.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a letter that I have written to General Hershey.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PETROLEUM ADMINISTRATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the President of the United States this morning signed an order which creates the Petroleum Administration for War, with Secretary Ickes as the head, ex officio, to be known as the Administrator, and in so doing I think he has gone quite a step in the direction of solving the petroleum problem. I have been asking for this for a good many weeks and months. I have not seen the entire Executive order, but I am told authoritatively that it places a much stronger set-up in the operation of petroleum and gasoline and that it makes for much better cooperation with the Navy, the War Department, the State Department, lend-lease, and gives a good deal more control over W. P. B. and much more authority over the O. P. A. Under this order the Administrator decides where the need is, where gas and oil should be sent, where there should be rationing, or whether there should be rationing or not. The President at last is placing the responsibility under one head. Now Members of Congress who are vitally interested in this problem can go to one head. It should put a stop to conflicting stories and chaotic conditions. I hope it will prevent New England from freezing this winter. Our crucial months are the next 4 months in the matter of oil transported into New England. New York has suffered, but New England more, and this ought to solve our problem. Administrator Ickes has a very grave responsibility. We shall see how he carries it out. I believe he will do well.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Thursday, December 3, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

2014. Under clause 2 of rule XXIV, a letter from the Acting Secretary of Agriculture, transmitting a report of a survey of the Little Tallahatchie watershed in Mississippi, based on an investigation authorized by the Flood Control Act of June 22, 1936. The report outlines a plan of action for "run-off and water-flow retardation and soil-erosion prevention" in aid of flood control (H. Doc. No. 892), was taken from the Speaker's table, referred to the Committee on Flood Control, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATTON: Committee on Accounts. House Resolution 138. Resolution to increase the compensation of the Chaplain of the House; with amendment (Rept. No. 2680). Referred to the House Calendar.

Mr. PATTON: Committee on Accounts. House Resolution 573. Resolution granting a gratuity to the father of Wilson R. Langston; without amendment (Rept. No. 2681). Referred to the House Calendar.

Mr. PATTON: Committee on Accounts. House Resolution 577. Resolution providing for the further expenses of conducting the investigation by the Committee on the Merchant Marine and Fisheries authorized by House Resolution 281; without amendment (Rept. No. 2682). Referred to the House Calendar.

Mr. FLANNAGAN: Committee on Agriculture. H. R. 7824. A bill making certain regulations with reference to fertilizers or seeds that may be distributed by agencies of the

United States; with amendment (Rept. No. 2688). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. H. R. 7829. A bill to amend the Agricultural Adjustment Act of 1938 with respect to farm acreage allotments, to provide for an adequate supply of peanuts needed for oil and other uses during the war emergency, to include farm wages in determining the parity price of agricultural commodities, and for other purposes; without amendment (Rept. No. 2689). Referred to the Committee of the Whole House on the state of the Union.

Mr. PACE: Committee on Agriculture. H. R. 7788. A bill to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; without amendment (Rept. No. 2690). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 7801. A bill to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority; without amendment (Rept. No. 2691). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON:

H. R. 7832. A bill to facilitate, to the extent required for the effective prosecution of the war, the free movement of property and information into and out of, and of persons out of, the United States; to the Committee on Ways and Means.

By Mr. KLEIN:

H. R. 7833. A bill to provide for compulsory allotments to pay to dependents of enlisted men of the first, second, and third grades, and for other purposes; to the Committee on Military Affairs.

H. R. 7834. A bill creating the Office of Photographic Imports and providing for the admission into the United States duty-free of certain historical, educational, documentary, or religious photographic dry plates and films; to the Committee on Ways and Means.

By Mr. O'LEARY:

H. R. 7835. A bill to amend the Budget and Accounting Act; to the Committee on Expenditures in the Executive Departments.

By Mr. IZAC:

H. R. 7836. A bill authorizing the Secretary of the Navy to construct and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States, a hospital, dispensary, or other memorial, for heroic services to men of the United States Navy; to the Committee on Naval Affairs.

H. R. 7837. A bill to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States; to the Committee on Naval Affairs.

By Mr. KEAN:

H. Res. 578. Resolution providing for an investigation of the operation of the Federal Deposit Insurance Corporation; to the Committee on Rules.

By Mr. LESINSKI:

H. Res. 579. Resolution to amend clause 24 and clause 40 of rule XI of the Rules of the House of Representatives of the Seventy-seventh Congress; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3474. By Mr. JONKMAN: Petition of members of the Ladies' Bible Class, Third Reformed Church, and of the Oakdale Park Reformed Church, both of Grand Rapids, Mich., advocating Federal legislation prohibiting liquor and vice within specified zones in and about military, naval, marine, and air reservations, industrial and other strategic centers, etc., and for the effective enforcement of such suppressive laws for early winning of the war; to the Committee on Military Affairs.

3475. By Mr. REES of Kansas: Resolutions adopted by the Woodson County Grange on subsidization, dictatorship, truck service, food shortage, gasoline rationing and synthetic rubber, the draft limit, liquor, farm labor, and cream station regulations; to the Committee on Appropriations.

3476. By Mr. TREADWAY: Petition of sundry residents of Orange, Mass., urging the prohibition of liquor and vice within specified zones in and about military, naval, marine, and air reservations, and industrial and other strategic centers; to the Committee on Military Affairs.

3477. Also, petition of sundry residents of Adams, Hancock, Cheshire, North Adams, and Williamstown, Mass., protesting against burlesque shows, and the provision of certain reading material and entertainment in Army camps; to the Committee on Military Affairs.

SENATE

THURSDAY, DECEMBER 3, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, in a day of tribulation Thou hast called us to dedicate our little lives to a vast and vital cause. Forbid that, fronting a day such as this, freighted with sobering and solemn significance for the long years that stretch ahead, and for all Thy children everywhere, we should meet Alpine issues with the molehills of small conceptions, petty patterns, and selfish designs. Broaden the areas of our sympathy exposed to the world's woes. Save us from being callous and complacent at strength that strangles weakness and at might that crushes meekness. Fit us to be citizens of a redeemed world worthy of the crimson cost now so heroically being paid for it. For, as Thou art our judge, we aim not merely at a victory of the sword but, above that, at a victory of the spirit; else we know tragedy will wait us even in triumph. Beyond the horror of this struggle against that which denies and betrays man's most cherished hopes we look to a fairer homeland of humanity, whose alabaster cities gleam undimmed by tears of want and woe and selfish coercion. Following the gleam of this vision splendid, may we toil in these fields of time in the sense of the eternal. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, November 30, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on December 1, 1942, the President had approved and signed the following acts:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in active service, during the World War; and

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1099. An act for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris;

S. 1334. An act for the relief of Anthony Famiglietti;

S. 2363. An act for the relief of Percy Ray Greer, a minor;

S. 2593. An act to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the Administration Building, Naval Operating Base, Norfolk, Va., on January 26, 1941;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatriz Milan Vda. de Vazquez;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear; and

S. 2741. An act for the relief of Charles E. Naghel.

The message also announced that the House had passed the following bills, severally with amendments, in which it requested the concurrence of the Senate:

S. 1953. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased;

S. 2195. An act conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons;

S. 2292. An act for the relief of Vernon E. Deus;

S. 2705. An act for the relief of Capt. Samuel N. Moore, United States Navy; and

S. 2742. An act for the relief of the postmaster at Nome, Alaska.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 888. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.;

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of Feb-

ruary 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased; and

H. R. 7263. An act for the relief of Mrs. J. R. Bennett.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 3773. An act to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock;

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War; and

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the House to each of the following bills of the Senate:

S. 2317. An act for the relief of Lillian LaBauve Linney; and

S. 2528. An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills of the House:

H. R. 3398. An act for the relief of Gerhard R. Fisher; and

H. R. 5920. An act for the relief of E. A. Williams.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills of the House:

H. R. 4958. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta; and

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant).

The message returned to the Senate, in compliance with its request, the bill (H. R. 7151) to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession, together with the engrossed amendments of the Senate thereto.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4039. An act for the relief of Catherine Barrett;

H. R. 4858. An act for the relief of the heirs of Simon M. Myhre;

H. R. 4[illegible]. An act for the relief of Bothilda Stender;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 5812. An act for the relief of William E. Averitt and United States Casualty Co.;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6155. An act for the relief of Charles Francis Fessenden;

H. R. 6179. An act for the relief of Thomas H. VanNoy;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6385. An act for the relief of the estates of Robert C. Meals and Mrs. Bessie Mae Morgret, Mrs. Margaret J. Meals, Donald Meals (a minor), and Betty Wrightstone (a minor);

H. R. 6386. An act for the relief of Alex Lawson;

H. R. 6409. An act for the relief of the estate of Ola Fowler;

H. R. 6489. An act for the relief of I. Arthur Kramer;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677. An act for the relief of Ronald Leroy Chen;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myrla Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Galley, of Baldwin, Ga., and Mrs. Clara Mae Galley, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7447. An act to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7567. An act for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7651. An act for the relief of William P. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky;

H. R. 7705. An act for the relief of James E. Savage; and

H. R. 7784. An act to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States or of the Naval Intelligence Service of the Navy of the United States in certain cases.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 391. An act for the relief of the Mount Whitney Power & Electric Co.;

H. R. 838. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.;

H. R. 1551. An act for the relief of W. E. Floding Co.;

H. R. 1675. An act for the relief of L. W. Collins;

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 2436. An act for the relief of Hjalmar M. Seby;

H. R. 3113. An act for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall;

H. R. 3398. An act for the relief of Gerhard R. Fisher;

H. R. 3468. An act for the relief of the Edward Gillen Dock, Dredge & Construction Co.;

H. R. 3773. An act to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock;

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War;

H. R. 4321. An act for the relief of the Chippewa Indians of Minnesota;

H. R. 4466. An Act to authorize the exchange of certain lands in Minnesota;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 4804. An act for the relief of Claud R. Johnston;

H. R. 4958. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant);

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife, a native-born national of the United States;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas;

H. R. 5920. An act for the relief of E. A. Williams;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.;

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions;

H. R. 6226. An act for the relief of B. H. Wilford;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; title 8, sec. 155), as amended;

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6545. An act for the relief of Spencer Meeks;

H. R. 6558. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 6781. An act for the relief of the legal guardian of Lorraine Novak, a minor;

H. R. 7061. An act for the relief of D. A. Sullivan & Sons, Inc.;

H. R. 7149. An act for the relief of David E. Clark;

H. R. 7263. An act for the relief of Mrs. J. R. Bennett;

H. R. 7480. An act for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor; and

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of CHARLES L. MCNARY, duly chosen by the qualified electors of the State of Oregon a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

Mr. BARKLEY presented the credentials of ALBERT BENJAMIN CHANDLER, duly chosen by the qualified electors of the State of Kentucky, a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

Mr. BYRD presented the credentials of CARTER GLASS, duly chosen by the qualified electors of the State of Virginia, a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

Mr. VANDENBERG presented the credentials of HOMER FERGUSON, duly chosen by the qualified electors of the State of Michigan, a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

TRIBUTE TO SENATOR NORRIS BY A. F. WHITNEY

Mr. BARKLEY. Mr. President, on behalf of my colleague [Mr. CHANDLER] I ask unanimous consent to have printed in the RECORD a statement made by Mr. A. F. Whitney, president of the Brotherhood of Railroad Trainmen, concerning the Senator from Nebraska [Mr. NORRIS].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Of that noble statesman and friend of the people, Senator GEORGE WILLIAM NORRIS, the Detroit Free Press said, following the recent election:

"You are wrong about that 'final verdict,' Senator NORRIS. There is never anything final about the lives of men of your heroic mold. You say, 'God knows, I've tried to do the job.' Millions know how magnificently you succeeded."

The only time NORRIS, of Nebraska, was wrong was when, in the natural emotions of the moment, he said his 40 years of public service had been a failure and he and his works had been repudiated. In the first place, the majority of the people of Nebraska voted for Norris liberalism on November 3, 1942, as they had been doing for 40 years, but the understandable confusion that arose from the three-way race resulted in the loss of the race, not by Senator NORRIS, but by the people. It was the war-busy people who suffered the real loss in that race.

Throughout our country Norris people were too busy to vote, too busy making the tools that will strike down those who hate the things that NORRIS, of Nebraska, stands for. Even the Gallup scientific election poll was wrong, not because the common people failed to vote the way the Gallup poll indicated, but because they did not vote.

Of course, the tory selfish interests whom GEORGE NORRIS has always fought are trying to make the people believe that his high ideals of public service have been repudiated. Some may even say that the Nebraska election offers proof and substance to the Nazi claims that the ordinary citizen lacks the wisdom and judgment that justify self-government and democracy. Perish the thought!

When a man can fight so nobly for so long and achieve so much public good and still be acclaimed even by those who disagree with his philosophy, there is no defeat for so rare a man. In his own heart, GEORGE NORRIS knows that the majority of the people of Nebraska and the vast majority of the people of America want his continued services. In fact, they shall have his services for generations to come, for GEORGE NORRIS personifies courage, humility, intelligence, honesty, social progress, and all that is good in public life. He has eternally endowed the American people with that priceless heritage. Countless millions of ordinary citizens thank him for better standards of living, security in their employment, their rights to their homes and cherished possessions.

The long record of NORRIS' contributions to our better way of life, established firmly in our law, constitute a living and undying memorial to him. As the father of Tennessee Valley Authority, Government control of Muscle Shoals, the destroyer of the lame duck congressional sessions, author of the Farm Forestry Act, the crusader who killed the "yellow dog" labor contract, ended labor spying, created rural electrification, and executed the vicious holding company, the name of NORRIS of Nebraska will live forever in the annals of American political history.

It is not surprising that so true a public servant found himself called upon time and again to serve the public against his own personal desires, and when he felt, and had a right to feel, that he had earned the privilege of the repose of retirement. Because this idealistic and realistic public servant always rose above partisan politics as a crusader in the cause of common men, he was elected and reelected without party or political machine. Our great President and Commander in Chief took time out from his arduous wartime duties to support the candidacy of NORRIS, of Nebraska, the American, not the Republican or Democrat or party man. Said President Roosevelt:

"His candidacy transcends State and party lines. In our national history we have had few elder statesmen who, like Senator NORRIS, have preserved the aspirations of youth as they acquired the wisdom of years."

When Life magazine polled the newspapermen in Washington a year ago, asking their off-the-record opinion of the men entrusted with making our law, the name of Senator NORRIS led all the rest. This factual poll showed that Washington correspondents rated NORRIS as the outstanding legislator in "industry, intelligence, and influence."

All his life this crusader remained constant and loyal to those from whose ranks he had sprung. As an Ohio farm boy he knew the toil of dawn-to-dusk farm labor. He entered public service soon after he had completed his legal education and made his home in his adopted State—Nebraska. He began as prosecuting attorney, was elevated to the circuit bench, and in 1903 moved into Congress where he has been ever since. He crusaded against corrupt political machines, disavowed even his own Republican Party when he campaigned against the Vare machine in Pennsylvania and against the Ohio gang while President Harding was in office.

Throughout his public life, NORRIS, of Nebraska, kept his eyes on the rights of labor, farmer, and the ordinary citizen whose cause he championed against the powerful political and financial lobbies of the special interests. He never forgot his own humble beginnings. He never lost his sense of values in the midst of political power and prestige that might have brought him personal advantages. All he asked in return was the right to serve his people with honesty, intelligence, courage, and loyalty.

So noble was the name, NORRIS, of Nebraska, that evil men tried to capitalize it, but Grocerman Norris and his conspiring supporters found out that the people of Nebraska were not misled by the phony copy with the same name as the genuine. Finally the people of a war-weary world suffered a loss through confusion, but NORRIS, of Nebraska, still belongs to the people of America.

Wherever the cause of freemen calls forth the great of their day, whenever liberals marshal their forces in the cause of the voiceless mass of people that is the United States of America, the brilliant gleam of the achievements of NORRIS, of Nebraska, will be a guiding, inspirational light by which they may steer their course to a better day.

No! Senator NORRIS, neither you nor your glorious achievements have been forgotten or repudiated. In the humiliation that came to you because of confusion and neglect on the part of others, you and your works have been immortalized through political martyrdom.

There is never anything final about the lives of men of your heroic mold.

TRIBUTE TO THE LATE HERMAN STABLER

Mr. MILLIKIN. Mr. President, on Tuesday, November 24, 1942, a public official died whose services to his Government and to the people are worthy of recognition here. I refer to Mr. Herman Stabler, who was Chief of the Conservation Branch of the United States Geological Survey.

In that position he had a share in the administration of the oil land leasing system, and was charged with supervision of actual operations upon the public domain. While deeming himself the representative of the Interior Department, and, as such, of the people in general, and requiring compliance by private interests with rules which he believed to be conducive to common benefit, he nevertheless was always ready, in an

understanding and courteous spirit, to discuss problems with those engaged in developing the petroleum resources of the public lands.

The people so engaged were not always in accord with the views and conclusions of Mr. Stabler, but whatever their differences may have been, they came to entertain for him a very high esteem, as a conscientious public official, and as a man. His service with the Department of the Interior was his career, and formed the major part of his life's work. He served, as do so many in the Government's service, without any great publicity. This was as he wished it. He was content with the performance of his duty and the recognition given by his associates.

As an incident to his position, Mr. Stabler was often invited to appear before committees of Congress, and there he impressed all by his knowledge of the material facts, often of a complicated nature, and by his grasp of economics and of practical phases of administration.

I ask unanimous consent that there be included in this brief and inadequate tribute to Mr. Stabler, a sketch of his career taken from the Washington Evening Star of November 26, 1942.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERMAN STABLER DIES; HEADED CONSERVATION IN GEOLOGICAL SURVEY—ADVISED CONGRESSIONAL COMMITTEES ON OIL AND MINERAL PROBLEMS

Herman Stabler, 63, Chief of the Conservation Branch of the Geological Survey, Interior Department, died Tuesday night at the Episcopal Eye, Ear, and Throat Hospital. He lived at 2700 Connecticut Avenue NW.

Mr. Stabler began service with the Geological Survey in 1903 as engineer, and was named Chief of the Conservation Branch in 1925.

A native of Brighton, Md., Mr. Stabler was educated at Earlam College, at Richmond, Ind., and at George Washington University, where he received his bachelor of science degree. From 1899 to 1903 he was an instructor at the National Correspondence Institute here.

ADVISED ON OIL PROPERTIES

Among his services in the field of conservation, Mr. Stabler in 1935 reported on preliminary work to a congressional committee for legislation governing the leasing of oil and gas lands on public domain. He also assisted a subcommittee of the Senate Public Lands Committee inquiring into problems of mineral, oil, and gas production in the West.

Mr. Stabler left the Geological Survey for 2 years in 1908 to work with the Reclamation Service. A specialist in his field, he was the author of many documents and contributed to several contemporary magazines.

FORMER HEAD OF CIVIL ENGINEERS

He was a member and former director of the American Society of Civil Engineers, a Mason, and a member of the American Institute of Mining and Metallurgical Engineers, the Washington Society of Engineers, the Geological Society of Washington, the Washington Academy of Sciences, the Friends Meeting, the American Geographical Society of New York, the Cosmos Club, and the Columbia Country Club.

Mr. Stabler is survived by his widow, Mrs. Bertha Regina Stabler, and a brother, G. Lee Stabler, both of Washington.

SHIPMENTS TO AND FROM PUERTO RICO

Mr. McKELLAR. Mr. President, on November 27, as shown on page 9146 of the RECORD, I interrupted the Senator then having the floor to ask concerning the shipments of sugar from Puerto Rico to the United States and from the United States to Puerto Rico. I have just received a letter from the Honorable Lewis W. Douglas, Deputy Administrator of the War Shipping Administration, in which he sets forth fully the situation, with the exception that he does not show what might have been carried by the Army and Navy.

I ask, in justice to the War Shipping Administration, that the letter, which is short, be read at the desk for the information of the Senate.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

WAR SHIPPING ADMINISTRATION,
Washington, December 3, 1942.

The Honorable KENNETH MCKELLAR,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I note that there was reference in the CONGRESSIONAL RECORD of November 27 to a rumor that some ships returning from Puerto Rico had been brought back in ballast. May I say that, insofar as War Shipping Administration ships are concerned, they always bring back sugar. The sugar quota from Puerto Rico is 710,000 tons a year. A total of 642,246 long tons of sugar have been brought in so far this year (i. e., through November), and, barring unforeseen delays, the full quota will at least be met and perhaps exceeded.

As regards the rumor that sugar has been exported from the United States to Puerto Rico, I can say that an analysis of the cargo reports of War Shipping Administration ships (excluding those loaded by the Army or the Navy) leaving United States ports for Puerto Rico since June shows that no sugar has been carried.

I should perhaps explain that the War Shipping Administration does not determine the kind or amount of cargo to be carried to Puerto Rico. This responsibility rests in other agencies of the Government. The War Shipping Administration merely provides the ships.

Ever faithfully yours,

L. W. DOUGLAS,
Deputy Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

COMPENSATION TO POSTMASTERS FOR INJURIES

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend the act of September 7, 1916, providing compensation for injuries to employees of the United States (with an accompanying paper); to the Committee on Education and Labor.

LITTLE TALLAHATCHIE WATERSHED, MISSISSIPPI

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, report of a survey of the Little Tallahatchie watershed in Mississippi, outlining a plan of action for "run-off and water-flow retardation and soil erosion prevention" in aid of flood control (with an accompanying report); to the Committee on Commerce.

AGRICULTURAL CONSERVATION PROGRAM PAYMENTS

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the assignment provisions of the Soil Conservation and Domestic Allotment Act, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

LOCAL AND COUNTY AGRICULTURAL CONSERVATION COMMITTEES

A letter from the Assistant Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, so as to simplify and clarify the provisions for the annual election of the local and county agricultural conservation committees (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT OF NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

A letter from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1942 (with an accompanying report); to the Committee on Printing.

MERITORIOUS SALARY INCREASES OF GOVERNMENT EMPLOYEES

A letter from the Executive Director and Chief Examiner of the Civil Service Commission, transmitting, pursuant to law, consolidated quarterly reports of especially meritorious salary increases of Government employees submitted by the various Government departments and agencies for the fiscal year ended June 30, 1942 (with accompanying papers); to the Committee on Civil Service.

RESOLUTIONS OF LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS

A letter from the chairman of the municipality of St. Thomas and St. John, V. I., transmitting copies of resolutions adopted by the Legislative Assembly of the Virgin Islands during its 1942 session, favoring the enactment of legislation to provide a Resident Commissioner in Congress from the Virgin Islands; favoring the selection of Hon. William H. King, former Senator from Utah, as the first Resident Commissioner of the Virgin Islands; favoring the enactment of legislation to make available $1,000,000 to subsidize farmers of the Virgin Islands for the duration of the war; and favoring crediting to the municipal treasuries, government of the Virgin Islands, of all internal-revenue taxes collected on liquors and articles from the Virgin Islands (with accompanying papers); to the Committee on Territories and Insular Affairs.

PETITION

Mr. CAPPER presented a petition, numerously signed, of members of the congregation of the First Christian Church of Wellington, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated:

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4858. An act for the relief of the heirs of Simon M. Myhre;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 5812. An act for the relief of William E. Averitt and United States Casualty Co.;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6155. An act for the relief of Charles Francis Fessenden;

H. R. 6179. An act for the relief of Thomas H. Van Noy;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6335. An act for the relief of the estates of Robert C. Meals and Mrs. Bessie Mae Morgret, Mrs. Margaret J. Meals, Donald Meals (a minor), and Betty Wrightstone (a minor);

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6409. An act for the relief of the estate of Ola Fowler;

H. R. 6489. An act for the relief of I. Arthur Kramer;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myrla Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.; and

H. R. 7705. An act for the relief of James E. Savage; to the Committee on Claims.

H. R. 6677. An act for the relief of Ronald Leroy Chen; to the Committee on Immigration.

H. R. 7447. An act to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914; to the Committee on the District of Columbia.

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky; to the calendar.

H. R. 7784. An act to confer the power of arrest without warrant upon officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States or of the Naval Intelligence Service of the Navy of the United States in certain cases; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEWART, from the Committee on Claims:

S. 644. A bill for the relief of Hiller & Wilbur, Inc.; without amendment (Rept. No. 1765).

By Mr. McCARRAN, from the Committee on the District of Columbia:

H. R. 5444. A bill to amend the act to regulate barbers in the District of Columbia, and for other purposes; with an amendment (Rept. No. 1766);

H. R. 5486. A bill to provide for means of egress for buildings in the District of Columbia, and for other purposes; with amendments (Rept. No. 1767);

H. R. 6171. A bill to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia", approved February 28, 1898, as amended; without amendment (Rept. No. 1769); and

H. R. 7447. A bill to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia", approved February 24, 1914; without amendment (Rept. No. 1768).

By Mr. MALONEY, from the Committee on Banking and Currency:

S. 2768. A bill to authorize the use for war purposes of silver held or owned by the United States; with an amendment (Rept. No. 1770).

By Mr. BROWN, from the Committee on Banking and Currency:

S. 2900. A bill to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority; without amendment (Rept. No. 1773).

By Mr. WILEY, from the Committee on Claims:

H. R. 1646. A bill for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased; without amendment (Rept. No. 1774).

By Mr. ELLENDER:

From the Committee on Claims:

S. 2375. A bill for the relief of Robert T. Groom, Daisy Groom, and Margaret Groom; with amendments (Rept. No. 1775); and

H. R. 194. A bill for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.; without amendment (Rept. No. 1776).

From the Committee on Naval Affairs:

S. 2790. A bill for the relief of Donald L. Grunsky; without amendment (Rept. No. 1772).

By Mr. RUSSELL, from the Committee on Immigration:

H. R. 6370. A bill for the relief of Mrs. Ching Shee (Ching Toy Wun); without amendment (Rept. No. 1777).

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

H. R. 7633. A bill to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes; with amendments (Rept. No. 1778).

By Mr. WHEELER, from the Committee on Interstate Commerce:

H. R. 6730. A bill to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry; with an amendment (Rept. No. 1779).

By Mr. WALSH, from the Committee on Naval Affairs:

H. R. 6839. A bill relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes; with amendments (Rept. No. 1780).

By Mr. REED, from the Committee on Interstate Commerce:

S. Res. 319. Resolution authorizing an investigation concerning the production, transportation, and use of fuels in certain areas west of the Mississippi River (submitted by Mr. CLARK of Missouri, (for himself), Mr. REED, Mr. THOMAS of Oklahoma, Mr. GILLETTE, Mr. CONNALLY, Mr. TRUMAN, and Mr. CAPPER on November 25, 1942); with an amendment; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 30, 1942, that committee presented to the President of the United States the enrolled bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDREWS:

S. 2914. A bill making certain regulations with reference to fertilizers or seeds that may be distributed by agencies of the United States; to the Committee on Agriculture and Forestry.

By Mr. O'MAHONEY:

S. 2915. A bill relating to the administration of grazing districts (with an accompanying paper); to the Committee on Public Lands and Surveys.

By Mr. WALSH:

S. 2916. A bill to establish a Chief of Chaplains of the United States Navy;

S. 2917. A bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; and

S. J. Res. 168. Joint resolution authorizing the Secretary of the Navy to construct and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States a hospital, dispensary, or other memorial, for heroic services to men of the United States Navy; to the Committee on Naval Affairs.

ASSISTANT CLERK, COMMITTEE ON IMMIGRATION

Mr. RUSSELL submitted the following resolution (S. Res. 323), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 15, agreed to January 27, 1941, authorizing the Committee

on Immigration to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,400 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON INTEROCEANIC CANALS

Mr. CLARK of Missouri submitted the following resolution (S. Res. 324), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 35, agreed to January 27, 1941, authorizing the Committee on Interoceanic Canals to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PRIVILEGES AND ELECTIONS

Mr. GREEN submitted the following resolution (S. Res. 325), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 28, agreed to January 10, 1941, authorizing the Committtee on Privileges and Elections to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,220 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. MALONEY submitted the following resolution (S. Res. 326), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 170, agreed to September 29, 1941, authorizing the Committee on Public Buildings and Grounds to employ an assistant clerk during the Seventy-seventh Congress, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON MANUFACTURES

Mr. OVERTON submitted the following resolution (S. Res. 327), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 44, agreed to January 27, 1941, authorizing the Committee on Manufactures to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PATENTS

Mr. PEPPER (for Mr. BONE) submitted the following resolution (S. Res. 328), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 12, agreed to January 27, 1941, authorizing the Committee on Patents to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,400 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

APPOINTMENT OF SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS—REOCCUPATION AND RECONSTRUCTION SUBCOMMITTEE

Mr. PEPPER submitted the following resolution (S. Res. 329), which was referred to the Committee on Foreign Relations:

Resolved, That there shall be established within the Senate Committee on Foreign Relations a subcommittee of five members appointed by the chairman of the Committee on Foreign Relations. This subcommittee, which shall be known as the Committee on Reoccupation and Reconstruction, is authorized and directed to study all problems relating to the economic reconstruction and political reorganization of areas reoccupied by the United States or any of its Allies among the United Nations. The subcommittee shall examine the effectiveness of reconstruction and reoccupation measures currently being undertaken or proposed as to their effectiveness in winning the war and achieving reconstruction of the reoccupied areas in harmony with the interests of the United States, friendly nations, and minimizing the possibility of future conflict. The subcommittee shall report to the Committee on Foreign Relations and to the Senate such findings as it may make, from time to time, relating to the problems of reoccupation and reconstruction together with its recommendations, if any, for necessary legislation. For the purpose of this resolution the subcommittee is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh Congress and ensuing Congresses, to employ such clerical and other assistants, to borrow from Government agencies and departments such special assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable within the limits of such funds as shall be set aside for its use by the Committee on Foreign Relations or shall be appropriated to it directly by resolution of the Senate. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, in addition to the cost of stenographic services to report such hearings, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

WHO WRITES THE PEACE?—ADDRESS BY SENATOR NYE

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an address delivered by Senator NYE before the English Speaking Union at the Willard Hotel, Washington, on Wednesday, December 2, 1942, which appears in the Appendix.]

STRENGTH IN DIVERSITY—ADDRESS BY HON. FERNANDO CARBAJAL, OF LIMA, PERU

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an address entitled "Strength in Diversity," delivered by Hon. Fernando Carbajal, of Lima, Peru, international president of Rotary International, at the celebration of the thirtieth anniversary of the Rotary Club of Washington, D. C., on December 1, 1942, which appears in the Appendix.]

ADDRESS BY HON. HERBERT H. LEHMAN ON RETIRING FROM GOVERNORSHIP OF NEW YORK

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the address delivered on December 1 by Hon. Herbert H. Lehman, on retiring from the governorship of New York, which appears in the Appendix.]

CRUDE OIL FOR THE NATION—ADDRESS BY HON. ALF M. LANDON

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject Crude Oil for the Nation, delivered by former Gov. Alf M. Landon at Neodesha, Kans., on November 30, 1942, which appears in the Appendix.]

POST-WAR PROBLEMS—ADDRESS BY HON. JAMES P. POPE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Hon. James P. Pope, Director of the Tennessee Valley Authority, before the Southern Institute of Local Government, at Memphis, Tenn., November 14, 1942, which appears in the Appendix.]

THANKS FOR FOOD—ADDRESS BY M. CLIFFORD TOWNSEND

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an address on the subject Thanks for Food, delivered by Hon. M. Clifford Townsend, Administrator of the Agricultural Conservation and Adjustment Administration, at the Thanksgiving harvest observance meeting at Carrollton, Ga., November 25, 1942, which appears in the Appendix.]

INFAMOUS PRELUDE TO PEARL HARBOR—SECOND INSTALLMENT OF ARTICLE BY ARTHUR KROCK

[Mr. BYRD asked and obtained leave to have printed in the RECORD the second installment of an article by Arthur Krock, on the subject Infamous Prelude to Pearl Harbor, published in the November 8, 1942, issue of the New York Times magazine, which appears in the Appendix.]

COMMON SENSE—EDITORIAL BY BASIL VLAVIANOS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Common Sense," written by Basil Vlavianos and published in the Greek National Herald of Sunday, October 18, 1942, which appears in the Appendix.]

SIMPLIFICATION AND CURTAILMENT OF GOVERNMENTAL QUESTIONNAIRES

Mr. BYRD. Mr. President, I ask unanimous consent to report at this time Senate Concurrent Resolution 38, which was referred to the Joint Committee on Reduction of Nonessential Federal Expenditures. I ask for present consideration of the concurrent resolution.

The VICE PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The Chief Clerk read the concurrent resolution (S. Con. Res. 38), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Reduction of Nonessential Federal Expenditures be directed to investigate the existing methods of all departments and bureaus in respect to the manner and form of questionnaires, reports, and all other methods of inquiry to which citizens and/or corporations are required to respond in connection with all phases of the war effort; and be it further

Resolved, That the committee be directed to report any legislative recommendations which would either eliminate or simplify or concentrate these processes to the end that citizens and/or corporations shall be relieved of any needless irritation, labor, or expense in this connection and that the war effort shall be relieved of any needless obstacles or complications and that the Federal pay rolls shall be relieved of any needless personnel.

Mr. BARKLEY. I understand the Senator from Virginia has asked for the present consideration of the concurrent resolution.

Mr. BYRD. I do ask unanimous consent for its present consideration.

Mr. BARKLEY. I wish to reserve the right to object, in order that I may make an inquiry, or observation.

The concurrent resolution seems to have been referred to the joint committee with which it deals. That committee is made up of Members of both Houses of the Congress, and representatives of outside agencies, including the Secretary of the Treasury. I do not see how a concurrent resolution presented to the Senate, or in the House of Representatives, could be referred to a joint committee of the two Houses and other agencies on the outside. I make this observation because I think the record should be kept straight.

I do not understand that this joint committee is a legislative committee to which bills or resolutions can be referred. As I recall, the concurrent resolution was referred by the Presiding Officer at the time of its presentation. I do not recall that the authority conferred upon the joint committee includes authority to consider bills or resolutions. I do not desire that any precedent be set by reason of the fact that the concurrent resolution was referred to a mixed committee made up of Members of both Houses and the Secretary of the Treasury and others in executive departments. I think it should have been referred, and that all such measures should be referred, to the proper standing committee of the Senate.

The VICE PRESIDENT. Does the Senator object to immediate consideration?

Mr. BARKLEY. No; I do not object to immediate consideration, but I want the record kept clear with reference to the reference of measures of this sort to special committees. Several special committees of the Senate have been created from time to time. They are not legislative committees. They frequently prepare and sponsor bills, but any such measure must be referred to one of the standing committees of the Senate, and that has been the practice.

I hope the action in this case will not be regarded as a precedent under which bills or resolutions can be referred to a mixed committee made up of Members of both Houses and outsiders as well. I think that is something which should be kept in mind. I do not object to the consideration of this concurrent resolution.

Mr. BYRD. Mr. President, the Senator from Kentucky is entirely correct in his statement that the Joint Committee on the Reduction of Nonessential Federal Expenditures has no power or authority to report resolutions or bills. In this instance the Senator from Michigan [Mr. VANDENBERG] presented this particular concurrent resolution to the Senate, and asked that the Committee on the Reduction of Nonessential Expenditures make a report. That request, as I understood, was granted by the Senate. Of course, the committee will not attempt to take this as a precedent for any further action.

I wish to say, Mr. President, that the committee has held hearings for 2 days, and we are greatly impressed with the fantastic number of reports which are now being requested of the businessmen of the country by the different departments of the Government. By unanimous vote of the committee, in which the Secretary of the Treasury and the Director of the Budget concurred, we have recommended that the matter be fully investigated, and for that reason I am asking for the present consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

There being no objection, the concurrent resolution was considered and agreed to.

Mr. LANGER. Mr. President, in connection with the question which the Senator from Virginia [Mr. BYRD] just raised, I wish to read a letter I have received from North Dakota. It is as follows:

TEAPOT DOME OIL CO.,
Grafton, N. Dak., November 20, 1942.

Senator WILLIAM LANGER,
Washington, D. C.

DEAR MR. LANGER: I am enclosing OPA Form R-535: Application for supplemental mileage for gasoline rationing. For the past 10 days about all I have done is to help out farmers and others with their applications for basic mileage ration book A or D. Nearly every farmer will have to request for supplemental mileage as provided by the blank enclosed OPA Form R-535. Evidently this form was designed for industrial areas and not for the agricultural districts.

I don't know how anyone can fill out one of these forms intelligently for a farmer, for as you know conditions on a farm as far as the use of gasoline is concerned are vastly different than in the industrial centers. What most farmers are concerned with at this time of the year is getting enough gasoline to haul products to market, conveying children to and from rural schools, and going to and from market centers.

Frankly speaking, all of this red tape is going to cause the waste of more gasoline and rubber than if we didn't have rationing, especially in the Farm Belt. Ever since this thing started there has been a continuous stream of cars to the county seat, bringing people from all over the county, some of whom have to travel 50 miles or more, 100 miles round trip, to procure blanks, information about rationing, and looking for someone to help them fill the blanks. The Government does not provide help for this purpose, and as a matter of fact the local rationing board offices here are swamped with work in processing the blanks.

As for dealers and jobbers, I don't know how any of them, especially those who operate on a small scale and cannot afford to hire additional help, are going to get along with all the red tape connected with rationing. If it were going to help save gasoline and tires, most of us wouldn't mind the extra work, but as I see it, this thing is going to do just the opposite of what it is designed for. I note that there is a move in Congress to defer rationing of gasoline for another 3 months until such time as a complete survey has been made.

From the experience I have had in this business for the past 6 years, I can safely say that over 95 percent of all gasoline purchased in this farm area has been used for valid purposes. As a matter of fact the dealers have often wished that people would travel more, for we have had some nonprofitable years during the past 6 years. This year is going to be better because we have been blessed with good crops, and while transient trade has fallen off, local trade has more than made up for it. The reason is simply this—that people are required to travel more owing to Government red tape.

I trust that you will do your best to protect the interests of the people of the State in this very important matter. With kind personal regards, I am,

Sincerely yours,

WILBUR J. LAMARRE.

INFORMATION REQUESTED FROM THE WAR PRODUCTION BOARD AND OTHER AGENCIES

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Chair lay before the Senate Senate Resolution 322 requesting information from the War Production Board and certain other agencies relative to employees receiving salaries of $3,000 and over. If the resolution is considered, I wish to modify it, on page 1, line 2, after the word "Administrator", by inserting "the Office of Civilian Defense, the Office of Defense Transportation", so that the resolution will read:

Resolved, That the War Production Board, the Office of Price Administration, the Office of Rubber Administrator, the Office of Civilian Defense, the Office of Defense Transportation, and the Office of Petroleum Coordinator are requested to transmit to the Secretary of the Senate, at the beginning of the Seventy-eighth Congress, first session, the following information:

The names of all persons in said bureaus who draw a salary of $3,000 per annum or over, stating the title assigned to each of said individuals, also salaries of each; age of said person in said positions; education of said person in said positions; business or professional affiliation during the 5 years immediately preceding employment in said bureau; and date of employment of said persons.

The resolution merely asks for information. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 322), submitted by Mr. McKELLAR on November 30, 1942, as modified, was considered and agreed to.

INTERVAL REPORTS ON RUBBER SUPPLIES AND PRODUCTION

Mr. McNARY. Mr. President, the junior Senator from Indiana [Mr. WILLIS] has asked me to call up Senate Resolution 294. The resolution simply asks for information concerning the present status of our rubber supplies and production. The information is asked from Mr. Jeffers. I have spoken about the matter to the Senator from Iowa [Mr. GILLETTE], who is chairman of a special committee on the subject, and

also to the majority leader, the Senator from Kentucky [Mr. BARKLEY]. There is no objection to the resolution, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 294) which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 1, line 4, after the word "at", to strike out "thirty" and insert "sixty", so as to make the resolution read:

Resolved, That the Federal Rubber Administrator is hereby requested to submit to the Senate at the earliest reasonable date within 30 days of passage of this resolution, and at 60-day intervals thereafter, a report of the status of rubber supplies and of the progress of rubber production within the United States, including a statement of—

(1) The total national supply of natural crude rubber, synthetic rubber, and rubber substitutes available to the Nation's armed services and civilian population;

(2) The total amount of natural crude rubber, synthetic rubber, and rubber substitutes under contract for future delivery to the United States from abroad;

(3) The number, capacities, and estimated costs of all plants designed to produce synthetic rubber and all elements of its composition; and the raw materials from which such rubber and its elements are to be made;

(4) The number, capacities, actual costs to date, and estimated costs of such plants construction of which has been started; the raw materials from which the elements of the finished products are to be derived; the dates upon which contracts were let, the dates upon which construction was started, and the estimated dates upon which construction will be completed; and the amounts of critical construction materials already consumed and estimated to be consumed in completion of such plants;

(5) The number, capacities, and estimated costs of such plants construction of which has not yet been started; the raw materials from which the elements of the finished products are to be derived; the dates upon which contracts were let and estimated dates of beginning and completing construction; and the estimated amounts of critical construction materials to be consumed.

The amendment was agreed to.

The resolution as amended was agreed to.

VISIT OF MME. CHIANG KAI-SHEK TO THE UNITED STATES

Mr. WILEY. Mr. President, a great and gracious lady is visiting the United States. We are informed that she came here for medical treatment. Be that as it may, she is the guest of the Republic. She is one of the great women of the world—great in her own right and great as the helpmate and wife of Chiang Kai-shek, the strong man of China. She has been called the greatest woman and the most influential Christian in the world.

China is our ally, our friend. Down the highway of the centuries we should march as friends. We have much to learn from each other.

In this period when we are comrades in arms, this great woman, who has been at her husband's side through the long years of war with Japan, who has been his companion, adviser, and sustainer, has much to teach us, and when she recovers I hope the Vice President and the majority leader will invite Mme. Chiang Kai-shek to address the Senate.

On another occasion when I thought it advisable to have someone address the Senate I submitted a resolution. It lies in the dusty cobweb pigeonholes of the committee to which it was referred. Today I am not submitting a resolution, but I am making the suggestion, as I think that such an invitation would be wise, diplomatic, and gracious. Gen. Chiang Kai-shek is the virtual ruler of 400,000,000 human beings. His wife is a great sustaining force in his life and in the life of her nation. She has much to teach us. Though a great portion of China has been devastated by the Japs she can say, and I quote her own words verbatim:

> Despondency and despair are not mine today. I look to Him who is able to do all things, even more than we ask or think.

REVOCATION OF CERTAIN PROJECT RATINGS OF TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, the Senator from Tennessee [Mr. MCKELLAR] on November 30 made some comment concerning the action of the W. P. B. in suspending construction of some of the dams being built by the T. V. A. I have a communication from the Tennessee Valley Authority in respect to that matter which I desire to read:

Senator MCKELLAR appears to be under the impression that the War Production Board orders to stop work on the Watauga and South Holston Dams were prompted by the necessity of releasing men to put them to work filling fissures discovered in the foundations in Douglas Dam. He stated:

"Mr. President, I presume that the stopping of work on some of the other dams under consideration was to enable the authorities to concentrate all forces on the Douglas Dam in an effort to fill the caves under it with concrete."

The Senator is in error. Stoppage of work on the two dams mentioned, as well as similar orders with respect to generating units scheduled for installation at other projects, was part of a Nation-wide effort by the War Production Board to concentrate the use of critical materials and to expedite the construction of war plants which could be completed in 1943 by releasing men and materials otherwise occupied in construction which could not be finished in that time.

Work on the two Holston projects was stopped, therefore, and work on Douglas was not halted for the same reason that the construction of Douglas was originally recommended by Office of Production Management (the predecessor of War Production Board) and Watauga and South Holston Dams were not. Power from Douglas Dam will be available in 1943. Power from the dams where work has been discontinued could not have been available until 1944 under the most favorable circumstances.

That is why stop orders were issued. They had no relation at all to any problems connected with the foundation conditions at Douglas. With respect to that situation, Col. Theodore B. Parker states:

"The foundation conditions are little different from those we have encountered in many other projects built by the Tennessee Valley Authority. As a matter of fact, the problems at Douglas are routine compared to those encountered and solved successfully on the Chickamauga Dam near Chattanooga.

"Our engineers' judgment and methods on this project, as on all others, have been reviewed independently by a consulting board of engineers and geologists. These independent experts, seven in number, have reported favorably and in positive terms concerning the safety and feasibility of the Douglas foundation."

Senator MCKELLAR stated that:

"Many of the 3,400 men now working in the fissures and caves in the dam so as to make it possible for the dam to be completed were taken from the projects now being discontinued by the orders of the War Production Board."

These are the facts: The order to stop work on the two dams was dated October 20. On October 25 there were 1,554 employees working on the Watauga and South Holston projects. The War Production Board permitted the Tennessee Valley Authority to continue the work a reasonable time in order to conserve the work already accomplished and leave the projects in a favorable condition for the resumption of work when materials are again available. Men are being gradually released, therefore, and on December 1 only 292 were on those sites, engaged in protection and clean-up work. Of the 1,262 men whose energies were released for other war activities, only 264 have accepted employment at other Tennessee Valley Authority projects. And of these, only 58 have gone to work at Douglas. More than 200 are now employed on other Tennessee Valley Authority projects. Of more than 6,000 employees at Douglas Dam, therefore, only 58 were transferred from the projects stopped; less than 1 percent of the total Douglas employment.

In spite of the Senator's preoccupation with its difficulties, Douglas Dam will be built on schedule. The Senator is mistaken when he stated in column 9, page 9193, CONGRESSIONAL RECORD, that Douglas Dam "is almost impossible of successful construction." It will be completed successfully. It will add at least 85,000 kilowatts of continuous energy to the Tennessee Valley Authority power system in 1943, and that is assuming minimum conditions of stream flow during its first filling season.

THE BEVERIDGE PLAN FOR SOCIAL SECURITY IN ENGLAND

Mr. PEPPER. Mr. President, I wish to say that I am one of the many persons in this country and in the Congress of the United States who, I am sure, have looked with much approval and satisfaction upon the report to the British House of Commons known as the Sir William Beveridge report, which holds out in prospect to the people of Great Britain an opportunity after the war to share in the rewards and fruits of a democratic victory. A more adequate system of social security, giving provision to the aged and the infirm, providing medical care for mothers and children, and improved living conditions for the people generally, and greater horizons of opportunity for the average man who has borne so much of the burden of this war, is in my opinion highly commendable and consistent with the struggle for democracy that is going on today, and I hope there will be a counterpart of it found here in the Congress and in this country.

Mr. LANGER. Mr. President, I concur in everything the distinguished Senator from Florida has said. I hope the time will come when this body will appoint a committee to do exactly what England has done, and to work out a system of social security on a Nation-wide basis in conjunction with the various States.

EXECUTION OF CERTAIN OBLIGATIONS UNDER TREATIES WITH PANAMA

The Senate resumed the consideration of the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

Mr. CONNALLY obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator from Texas yield to me?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. Before the pending agreement is taken up for consideration I should like to make one correction in the RECORD with respect to the agreement. At page 9199 of the CONGRESSIONAL RECORD of November 30 will be found a letter from the American Federation of Labor, which I presented at their request, expressing their concern lest certain lands involved in the transfers covered by the pending agreement should include various housing projects required by the American employees in the Canal Zone. I now have a letter from Assistant Secretary of State Breckinridge Long, which would rather clearly indicate that the fears of the American Federation of Labor in this respect were groundless. Therefore I ask that the letter be printed in the RECORD and I am very glad to remove this particular section of the subject from controversy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, December 2, 1942.

The Honorable ARTHUR H. VANDENBERG,
United States Senate.

MY DEAR SENATOR VANDENBERG: I am informed that in connection with current consideration in the Senate on Senate Joint Resolution 162, you have had printed in the RECORD a letter, dated November 30, 1942, written in behalf of the American Federation of Labor by Mr. W. C. Hushing, chairman of the national legislative committee of that organization. Mr. Hushing has stated that on the land which is to be transferred to Panama under section 2 of the joint resolution referred to "there is a hospital, high school, hotel, primary school, play shed, fire station, bachelor quarters and 500 family quarters. These were built for American employees of the American Government on the Canal Zone and their valuation is $4,677,242.07. There are also utilities such as water, sewerage, electric system, etc., to serve this town site all located on this land."

I feel that I should bring to your attention the fact that the Panama Railroad Company owns two categories of lands in the cities of Panama and Colon; namely, (a) certain lands having a total estimated value of $11,500,000 in the cities of Colon and Panama which are leased to private persons who have constructed improvements thereon for private residential and business purposes, and (b) certain lands with improvements which are used for the operation of that railroad and for the operation, sanitation, maintenance, and protection of the Canal. The joint resolution before you proposes that the Panama Railroad Company convey to the Government of Panama all of its right, title, and interest in the lands described in (a). However, all right, title, and interest in the lands and improvements described in (b) are to be retained by this Government and are not to be conveyed to the Government of Panama. The Secretary of War has expressed his opinion that the lands mentioned in (b) are lands definitely needed for railroad purposes and for purposes related to the operation, maintenance, sanitation, or defense of the Panama Canal. Located on the lands in Colon to be retained by this Government are the improvements mentioned by Mr. Hushing.

I feel that Mr. Hushing may be glad to be informed in the sense of the foregoing and concerning the distinction which this Government in consideration of this proposal has been careful to make between lands which are currently needed by this Government and those which have been used only for commercial purposes. I should like to request that this letter also be made a part of the RECORD.

I am taking the liberty of sending copies of this letter to Senator CONNALLY and Representative BLOOM.

Sincerely yours,

BRECKINRIDGE LONG,
Assistant Secretary.

Mr. JOHNSON of California. Mr. President, because we are about to enter upon the discussion of a new theory in respect to the Constitution, and because of the singular importance of the particular measure which is now before the Senate, and also in order that the distinguished Senator from Texas may have an audience, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUCAS in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Guffey	Radcliffe
Austin	Gurney	Reed
Bailey	Herring	Russell
Barkley	Hill	Schwartz
Brewster	Johnson, Calif.	Shipstead
Brooks	Johnson, Colo.	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Bunker	Lucas	Taft
Byrd	McCarran	Thomas, Idaho
Capper	McKellar	Thomas, Okla.
Caraway	McNary	Thomas, Utah
Chavez	Maloney	Tobey
Clark, Mo.	Millikin	Tunnell
Connally	Murdock	Vandenberg
Danaher	Murray	Van Nuys
Davis	Nelson	Wagner
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Washington [Mr. BONE] has been called out of the city on important public business.

The Senator from West Virginia [Mr. KILGORE], the Senator from New York [Mr. MEAD], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are conducting hearings in Kansas City for the Special Committee to Investigate the National Defense Program.

The Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senators from South Carolina [Mr. MAYBANK and Mr. SMITH], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. MCNARY. The Senator from Ohio [Mr. BURTON] has been delayed because of his duties as a member of the Truman committee.

My colleague the Senator from Oregon [Mr. HOLMAN] is necessarily absent on public business.

The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Vermont [Mr. AIKEN] are necessarily absent.

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, the pending business is Senate Joint Resolution 162. It has for its purpose the carrying out of a treaty which was entered into on March 2, 1936, between the United States and the Republic of Panama.

I do not care to consume much of the time of the Senate, but I wish briefly to outline the situation obtaining in the Republic of Panama, and the necessity for the proposed legislation.

It will be recalled that in 1903 the Republic of Panama achieved its independence from Colombia through certain assistance and friendly advices from the United States. After achieving its independence, Panama succeeded, of course, to all the governmental rights which theretofore had existed in Colombia.

Colombia owned some of the properties which are now affected by the proposed legislation, namely, certain lots and lands in the cities of Colon and Panama, upon which had been erected, under lease, storehouses and business establishments. The reversionary interest in those lands was retained by the Republic of Colombia, but the fee was transferred to the Panama Railroad Co. Those transactions occurred as early as 1867.

The Panama Railroad Co. is a corporation, all of the stock of which is owned by the United States Government. In essence, it is merely the instrumentality and agency of the United States Government. At present the lands affected in Panama and in Colon are owned by the Panama Railroad Company, and the reversionary interest is in the United States Government, which, for all intents and purposes, is the same as the Panama Railroad Company. The lands to which I have referred are under lease.

It is proposed by the pending joint resolution to transfer the title to these lands to the Republic of Panama under certain conditions which I shall detail a little later.

It is also provided by the pending joint resolution that the water and sewerage systems within the cities of Colon and Panama now owned by the United States

shall be transferred to the Republic of Panama. At the present time we have an arrangement with Panama whereby in 1957 the title to these properties shall become vested in the Republic of Panama. The Republic of Panama has been paying for them under an amortization plan out of the rents and revenues received from the sewerage system. The pending joint resolution would anticipate that settlement and waive the remaining payments which otherwise would be made to the United States Government.

One of the chief motives for the proposed legislation is that for many years the Republic of Panama has urged the claim that it was a reflection on its sovereignty and its independence to have a foreign government exercising rights of ownership of private property within the Republic of Panama and exercising the rights and prerogatives of a landlord. However, Mr. President, the real reason for the proposed legislation is that under the treaty of 1936 with Panama it is provided that the Republic of Panama and the United States shall cooperate with respect to the maintenance of sanitation and other things relating to the Panama Canal, and with respect to all the necessary measures relating to its defense.

In the treaty of 1936, Panama contracted and agreed to do whatever is necessary, and to place at the disposal of the United States Government whatever facilities the Government finds necessary, for the protection and defense of the Panama Canal. So, in pursuit of that treaty provision and in pursuit of the arrangement in effect over the years between Panama and the United States with respect to the maintenance of the Canal and its defense, the Panama Government months ago made available to the United States Government at various places in the Republic of Panama as many as 80 sites for military establishments, for aircraft-landing bases, and for a great variety of other matters which I cannot detail because the military necessities require that no extra publicity be given to them. Those sites have already been acquired. Panama voluntarily and willingly conveyed them to the United States, with the exception that the action of the Panama Congress to make the conveyances final and enduring must be obtained. We are assured that that action will take place.

The United States has already taken possession of those sites and properties. The Republic of Panama made a very liberal arrangement so far as its own public lands were concerned. It provided that, for the consideration of $1, the right to the use of all the sites which were on Government lands should be transferred to the United States. However, there is in the joint resolution a provision that in the case of private lands the United States Government will pay to the Republic of Panama $50 per hectare. A hectare is approximately 2½ acres. So that flat rental was agreed upon in the case of any private lands necessary to be taken. Some are necessary to be taken. Some of those private lands are improved with buildings and facilities, and some are not; but the flat rate was agreed upon in the case of all such private property. The money is to be paid to the Republic of Panama itself, and it assumes the obligation of satisfying the owners and of acquiring the property.

Mr. President, in the case of the transfer of the sewer and waterworks properties in the cities of Colon and Panama, under the present arrangements the United States has the supervision, so far as sanitation and health conditions are concerned, of the waterworks and sewerage systems. The joint resolution provides that, although the title to those properties is transferred to Panama, the United States Government shall continue to exercise general supervision over the sanitary and health conditions with relation to the two plants within the cities of Panama and Colon.

I feel that I should state the valuations of those properties. In the case of the waterworks and sewerage systems it is estimated that if they were paid out under the amortization system in 1957, as originally conceived, the present value would be approximately $800,000, as I recall. In the case of the Panama Railroad's real estate and other property which is being transferred to Panama, the valuation, as I now recall—I will verify it—is approximately $11,000,000.

Mr. President, I need not tell the Senate how vital to the needs of this Government are the Panama Canal, its proper defense, and its proper maintenance, and how desirable and necessary it is to maintain with the Republic of Panama the most cordial and friendly relations. The present Government of Panama has been most cooperative and most helpful with all our authorities with regard to every step which has been taken in that area with reference to the defense and protection of the Canal and its proper maintenance. It will probably be recalled that some months ago there was a change in the administration. That change was all for the better for the United States.

Those who are opposing the measure object because the matter is brought before the Senate in the form of a joint resolution. They say it should be in the form of a treaty.

Mr. President, I am and have been and in the future shall continue to be ardent in my maintenance of the integrity and the rights of the Senate of the United States in all its proper functions as a branch of the Government; but the matter covered by the joint resolution has to be passed by the Congress sooner or later in some form, for the simple reason that under the Constitution of the United States, Congress alone can vest title to property which belongs to the United States. The Constitution itself confers on Congress specific authority to transfer territory or lands belonging to the United States. So, if we had a formal treaty before us and if it should be ratified, it still would be necessary for the Congress to pass an act vesting in the Republic of Panama the title to the particular tracts of land; because "the Congress" means both bodies. The House of Representatives has a right to a voice as to whether any transfer of real estate or other property shall be made either under treaty or otherwise.

Another reason why it is not necessary to embody the provisions of the joint resolution in a treaty or treaties is that so far as Panama is concerned, most of the results sought to be attained by means of the joint resolution have already been accomplished. We already have the sites; we already are occupying them; we already are putting installations upon them for the proper defense of the Canal Zone. The instrumentalities involved comprise not only airfields, but detector stations, searchlight stations, and all the other various instrumentalities for the proper protection of the Canal and its approaches.

Mr. VANDENBERG. Mr. President, will the Senator yield before he leaves that subject?

Mr. CONNALLY. I am very glad to yield.

Mr. VANDENBERG. When the question first arose as to whether the agreement would be valid as an agreement, and whether it is not necessary that it be translated into treaty form, I was not particularly impressed by the importance of the discrimination which was sought to be drawn; but I should like to say to the able chairman of the Committee on Foreign Relations that since then the use of agreements by the State Department in committing the United States seems to be expanding at such a rate that I have been forced to reexamine this particular subject in the light of whatever precedent it might create.

What I should like to ask the able chairman of the committee is this—and of course I do not want to divert him from his immediate text: On the general subject of the extent to which the State Department is entitled to go in making commitments by agreement, rather than by treaty, I am wondering if the able chairman, for whose opinion I have great respect, would be willing to indicate to the Senate to what extent he believes the State Department can commit the United States by agreement, instead of by treaty, respecting the ultimate treaty of peace which will conclude the pending war.

Mr. CONNALLY. The Senator from Michigan does me great honor by asking me that question. Categorically, I should say, of course, that the State Department, and no one else other than the President of the United States, with ratification by the Senate, can bind the Government of the United States to obligations relating to the settlement of the war.

I should advise the Senator from Michigan that when the World War came to an end—I do not think he was a Member of the Senate at that time—it was officially terminated by a Republican majority in both the Senate and the House, not by a treaty, but by a joint resolution, which I opposed and which I resisted with such powers as I then possessed, but unsuccessfully. I am sure that the Senator from Maine will recall that at that time he and I were serving in the House of Representatives. In

1920 and 1921, after the failure of the treaty in the Senate, the Republican majorities in both the House of Representatives and the Senate sponsored a joint resolution declaring the war at an end, and seeking to claim in the joint resolution such benefits as the Government of the United States might obtain from the Versailles Treaty, and acquitting the United States from all obligations under the treaty.

My view now is just what it was then.

Mr. VANDENBERG. I thank the Senator for his very frank statement. If he will bear with me for a moment further, I should like somewhat to amplify my question. I am not referring to this matter capriciously or critically.

Mr. CONNALLY. I understand.

Mr. VANDENBERG. I am greatly interested in the fundamental principle involved. I should like to know to what extent we are being committed by, and by the same token to what extent the United Nations can rely upon, agreements which are made in our name.

The Associated Press, describing the new Canadian-American agreement, says:

> The agreement, embodied in an exchange of notes made public tonight by the State Department, sets forth the principles which will guide the governments of the two countries in approaching the problem of economic settlements after the war.

The question in my mind is whether the State Department by an exchange of notes with a foreign power can commit the Government of the United States, without the advice and consent of the Senate, and without a treaty of peace, to economic settlements after the war.

Mr. CONNALLY. Of course, "economic settlements" is a very broad term. If the Senator refers to tariffs, for instance, of course the State Department cannot bind us by treaty with reference to tariffs, because tariffs must be enacted by the Congress. A tariff—if that is what the Senator refers to—requires action by the House of Representatives as well as by the Senate.

Mr. VANDENBERG. I thank the Senator. My opinion is the same as his own.

Mr. CONNALLY. I recognize, as the Senator must recognize, that there are certain executive agreements which do not rise to the dignity of treaties and do not impose obligations on the governments participating unless, in pursuance of such executive agreements, the governments do voluntarily, mutually, the things the executive agreement covers. There is the border line between a formal treaty and an executive agreement which provides, for instance, "We will send our warships over to the Mediterranean if you will send us certain quantities of wheat from Canada," and things of that kind. The line is somewhat shadowy; but the Senator from Michigan need not fear, so far as the Senator from Texas is concerned, that the Senator from Texas will not maintain what he thinks are the rights of the Senate in regard to the ratification of treaties and in regard to the conduct of our international relations. That is a pretty broad statement, but that is about as accurately as I can make it.

Mr. O'MAHONEY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Texas yield to the Senator from Wyoming?

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. I am prompted to ask the consideration of the Senator by the inquiry of the Senator from Michigan. I have in my hand what purports to be a complete copy of the notes which were exchanged by Hon. Cordell Hull, Secretary of State, and the Canadian Minister, Mr. Leighton McCarthy. Let me read a significant sentence from the letter of Hon. Cordell Hull, Secretary of State:

> To that end the Governments of the United States of America and of Canada are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

It seems to me that the significant phrase in that sentence is the phrase "by appropriate international and domestic measures." So far as the United States is concerned, I take it to be the fact that the appropriate domestic measure would be a treaty formally submitted to the Senate of the United States for ratification.

Mr. President, unless these two letters have heretofore been put into the RECORD, I ask unanimous consent that they be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

SECRETARY HULL'S NOTE

Secretary Hull's note read as follows:

DEPARTMENT OF STATE,
Washington, D. C., November 30, 1942.

SIR: I have the honor to set forth below my understanding of the conclusions reached in conversations which have taken place from time to time during the past year between representatives of the Government of the United States and the Government of Canada with regard to post-war economic settlements.

Our two Governments are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the basis of a just and enduring world peace, securing order under law to themselves and all nations.

They have agreed to provide mutual aid, both in defense and economic matters, through the Ogdensburg and Hyde Park agreements and subsequent arrangements. They are in agreement that post-war settlements must be such as to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations.

To that end the Governments of the United States of America and of Canada are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the joint declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

Our Governments have in large measure similar interests in post-war international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other United Nations with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded governments.

In the conversations to be undertaken between the Governments of the United States of America and of Canada they will seek to furnish to the world concrete evidence of the ways in which two neighboring countries that have a long experience of friendly relations and a high degree of economic interdependence, and that share the conviction that such reciprocally beneficial relations must form a part of a general system, may promote by agreed action their mutual interests to the benefit of themselves and other countries.

If the Government of Canada concurs in the foregoing statement of conclusions, I would suggest that the present note and your reply to that effect should be regarded as placing on record the understanding of our two Governments in this matter.

Accept, sir, the renewed assurances of my highest consideration.

CORDELL HULL.

MR. M'CARTHY'S NOTE

Minister McCarthy replied as follows:

CANADIAN LEGATION,
Washington, D. C., November 30, 1942.

SIR: I have the honor to refer to your note of November 30, 1942, setting forth your understanding of the conclusions reached in conversations between representatives of the Government of Canada and the Government of the United States with regard to post-war economic settlements. That understanding is as follows:

Our two Governments are prepared to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all people; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the joint declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

Our Governments have in large measure similar interests in post-par international economic policy. They undertake to enter at an early convenient date into conversations between themselves and with representatives of other United Nations with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by agreed action on the part of our two Governments and other like-minded governments.

In the conversations to be undertaken between the Governments of Canada and of the United States of America, they will seek to furnish to the world concrete evidence of the ways in which two neighboring countries that

have a long experience of friendly relations and a high degree of economic interdependence, and that share the conviction that such reciprocally beneficial relations must form part of a general system, may promote by agreed action their mutual interests to the benefit of themselves and other countries.

I am instructed to inform you that the Government of Canada concurs in the foregoing statement of conclusions and agrees to your suggestion that your note of November 30, 1942, and this reply should be regarded as placing on record the understanding of our two Governments in this matter.

Accept, sir, the renewed assurance of my highest consideration.

LEIGHTON MCCARTHY.

Mr. CONNALLY. Mr. President, I thank the Senator from Wyoming for his interruption. Of course, all Senators realize that contacts between our Government and foreign governments naturally have to be made by the Executive, but the vitality and the force of any agreements or arrangements which may thus be made are subject to our laws and our Constitution. An agreement might be made which never could be executed because we would refuse our assent; but there is no ground for quarrel that the Executive initially may take up with foreign governments any possible arrangement which the governments might approve. After all, however, such agreements have got to come back either to the Senate or to the Congress, depending upon the kind of action that is required.

Mr. President, I referred earlier in my remarks to the constitutional requirement that Congress shall exercise consent in the case of the disposal of real estate. Article IV, section 3, of the Constitution, among other things, provides:

The Congress shall have authority to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

So that, in any event, it would be necessary to have congressional action even though there were a treaty. In this case it would be necessary to have congressional action parting with title to these properties.

On the point as to just how far executive agreements may extend without ratification by the Senate, there is a case in point with relation to Panama itself. Some years ago the United States acquired a piece of land called Paitilla Point, in the Canal Zone, under the convention of 1903 and that of 1914 with Panama. This was a tract of land which the United States desired to use as a legation site.

So it became necessary to put the land back into the hands of Panama, because we would not want to build a legation on our own soil in the Canal Zone, and the United States desired to cede the sovereignty over it to Panama in order that the United States could use it as a legation site.

Mr. Stimson, who was then Secretary of State, telegraphed the American Minister to Panama on October 20, 1930:

The Department perceives no reason why transfer legation site cannot be effected so far as the United States is concerned by act of Congress followed by an exchange of notes, and observes that Panamanian Foreign Office states that such procedure will operate as valid acceptance of transfer by Panama.

So, in that case, the Congress voluntarily ceded sovereignty over that particular tract of land, Panama accepted it, and it became an accomplished fact.

The Congress passed an act, approved May 3, 1932—this was not under the present administration but both acts were under a former administration, the second being under President Hoover, and the other under a previous President—authorizing modification of the boundary between the Canal Zone and Panama in this respect—referring to Paitilla Point, as land to which title was acquired under the conventions, but stated that the act did not authorize the Secretary of State to convey or surrender to Panama the title in the land so detached from the Canal Zone and made a part of Panama. Naturally the United States desired to retain the title if we were to use it for legation purposes. The transfer was effected.

It is suggested by some of my correspondents that if we could thus cede sovereignty we could just as well cede title, in view of the power of the Congress.

I desire to refer to a Supreme Court decision with respect to this matter; but before doing so I may remind the Senator from Michigan that in the Boxer Rebellion, for instance, we received an award of money from China, several million dollars, and, after the payment of some claims, we voluntarily, by act of Congress, remitted the balance of the fund unexpended to China without the execution of a treaty.

In the case of the United States against Belmont et al., executors, decided by the Supreme Court in 1937, with respect to certain assignments to the United States by Soviet Russia through an executive agreement, this is what the Court said:

And in respect to what was done here, the Executive had authority to speak as the sole organ of that Government. The assignment and the agreements in connection therewith did not, as in the case of treaties, as that term is used in the treaty-making clause of the Constitution (art. II, sec. 2) require the advice and consent of the Senate.

A treaty signifies "a compact made between two or more independent nations with a view to the public welfare." *Altman & Co. v. U. S.* (224 U. S. 583, 600). But an international compact, as this was, is not always a treaty which would require the participation of the Senate. There are many such compacts, of which a protocol, a modus vivendi, a postal convention, and agreements like that now under consideration are illustrations.

I simply cite that case in order to indicate that there is a zone of power, the details of which I am not now prepared to discuss, but in this instance almost all the things relating to this particular situation are already accomplished.

We are simply transferring the title to the lands involved, it might be said, in consideration of the fact that Panama has already transferred the sites to which I have referred, but the State Department insists that at the time these sites were acquired there was no assumption of obligation by the Government of the United States to do anything; there was no compact, there was no promise, there was no contract; but that what we are now doing is simply a voluntary act on the part of the United States to remove the irritations of which the people of Panama have complained for many years respecting their sovereignty, and as an act to compose the good relations between the United States and Panama, and to give greater security to the Canal and its defenses.

Mr. President, there was an effort in the committee to defeat the joint resolution because the demands against Panama of certain claimants in the United States had not been satisfied.

Mr. VANDENBERG. Before the Senator leaves the other section of his address, may I ask him a further question?

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Texas yield to the Senator from Michigan?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. The Senator will recall the discussion in the committee regarding the reversionary right to the lands of which we are now divesting ourselves of title, the reversionary right originally in the Republic of New Granada, which became the Republic of Colombia. The Senator will recall that the controverted suggestion was made that there still lingers a reversionary right in Colombia to claim these lands at the end of the 100-year lease, which I think will be in 1957 or 1967. It is the Senator's position, and it is the position of the committee, as I understand, that Colombia has parted completely and finally with any reversionary right whatsoever, and that under no circumstances will the United States be liable to Colombia at the termination of the original period.

That position is taken by the able Senator from Texas, and by a majority of the committee, despite the debates in 1921, at the time of the ratification of the other treaty, when very able Senators on the floor of the Senate—and this matter will be detailed later—expressed the fear that we were leaving ourselves liable to this reversionary claim on the part of Colombia.

This is what I am coming to, with the Senator's forbearance. It was my understanding that the committee agreed, and that the State Department agreed, that there should be a specific, distinct discussion of this phase of the matter in the report of the committee, and that any reversionary claim on the part of Colombia should be definitely and conclusively denied in the language of the report. Can the Senator indicate to me any such language in the report?

Mr. CONNALLY. Before I answer the Senator's question categorically, I will say that I do not think there is any question on earth that whatever right Colombia, and New Granada before it, ever had, was extinguished absolutely when

the Republic of Panama secured its independence. Whether that independence was secured bona fide, or how it was accomplished, it was accomplished.

Panama assumed sovereignty over whatever public lands belonged to Colombia within the area which subsequently became Panama. Colombia parted with title, with the leasehold, at least, in 1867, and simply retained a reversionary interest. That reversionary interest vested in the Republic of Panama, and, by the treaty of 1903, the United States acquired, through the Panama Railroad, the lease, and acquired from Panama specifically the reversionary interest in those lands.

The Senator will recall that we paid Colombia a stipulated sum, I think a small sum, at that time, but a few years ago, though I do not remember the date of the treaty, we made a grant of $25,000,000 to the Republic of Colombia in the extinguishment of all claims, of every character and kind, which might arise out of the old trouble with Panama. The Senator is familiar with that, is he not?

Mr. VANDENBERG. Yes.

Mr. CONNALLY. How could we be liable to some claim in the future if all claims of every kind were extinguished? Of course, we cannot prevent Colombia, if she desires, making claim, and we cannot prevent others from claiming title to our houses or our automobiles, but that does not mean that they have a right to them. So I do not see how any shadow of claim could ever arise on the part of Colombia, and, so far as I am concerned, if such a claim should ever be brought forward, we would throw it out the door, if that is what the Senator wants me to indicate.

I have no time now to read through the Senate committee report. I read it at the time it was prepared, but I do not recall whether there is anything in it about this matter. If it is not in it, it was merely an oversight of the draftsman who prepared the report. I have no hesitancy in assuring the Senate that, so far as I am concerned, and I am sure I speak for the committee, if Colombia should ever advance any kind of claim in the reversionary interest in these lands, it would be hastily rejected.

Mr. VANDENBERG. Will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. My reason for propounding the inquiry was to have such a statement made. I am inclined to agree with the Senator's construction, and the construction by the State Department, that Colombia has no reversionary right; but I wanted to make it perfectly clear.

Mr. CONNALLY. Let me ask the Senator a question at that point. If Colombia has no right to take back Panama and exercise governmental authority, how can she say, "We want a reversionary interest in these lands"?

Mr. VANDENBERG. I do not think she can.

Mr. CONNALLY. Colombia was divested of every shred of sovereignty that ever existed in the territory which is now Panama.

Mr. VANDENBERG. I think that is true, but the fact remains that our own senatorial record can be relied upon by Colombia ultimately to sustain a claim to these reversionary rights.

Mr. CONNALLY. If the Senator will permit me again, is he referring to some Senator's speech?

Mr. VANDENBERG. I am referring to Senators who in 1921 spoke with the same authority in the Senate with which the able Senator from Texas now speaks.

Mr. CONNALLY. Senators who were trying to defeat the $25,000,000 treaty. Was not that the one?

Mr. VANDENBERG. I assume that was the occasion.

Mr. CONNALLY. With all due respect to the Senators, I do not think we can necessarily rely on what they said in the heat of such a debate, and in their earnestness to find boogers behind all the bushes, as being prophetic, and carrying with it the weight and the power of this Government. They simply stated their own views.

Mr. VANDENBERG. I think there is something to be said for the Senator's comment. The fact remains that some very distinguished Senators categorically said that this subject was still open, and it is to make sure, if we can, that we do not leave it open any longer, that I have raised the point, and that is the only reason why in the committee I first suggested a reservation to which, in the first instance, the State Department said it had no objection, and in respect to which there was subsequent agreement, I thought, that the matter should be categorically dismissed in the language of the report, rather than in any attempt to change the agreement itself. Apparently it was overlooked in the report.

I make no point of that, but since it was overlooked, what I wanted to get was precisely what the Senator from Texas has now asserted, namely, that the attitude of the Senate Committee on Foreign Relations, from its chairman down, and the attitude of the State Department, through every spokesman who appeared before us, is that there is and can be no claim to reversionary rights under the proposed transfer of property.

Mr. CONNALLY. I agree with the Senator. I have tried to make that as clear as I possibly could. So far as it not appearing in the report is concerned, that is perhaps my fault, because I probably did not tell the draftsman. But I had no intention of willfully ignoring or omitting the matter.

Mr. VANDENBERG. I am quite sure that is true.

Mr. CONNALLY. My views were expressed in the committee as freely and as frankly as they have been expressed on the floor of the Senate, and I feel sure that the committee to a man adheres to the view which I have already expressed, that whatever rights Colombia ever had have long since been extinguished, and that there is now no right on her part.

One other word, and I shall be through. There was some opposition to the joint resolution in the committee on the ground that certain claimants who had claims pending against the Republic of Panama had not been paid by Panama, and they opposed our giving any more land or money or anything else to Panama until Panama made payment of such claims.

Without going into the merits or demerits of the particular claims, suffice it to say that the committee did not regard the two matters as at all related, and did not deem it wise to hinge our action on this particular joint resolution on whether or not some claimant had been paid his money.

Furthermore, at the suggestion of members of the committee, the State Department agreed that it would take up with the Panama Government the particular claims mentioned and at issue and would handle them as they handle other claims under similar circumstances and would give the claimants the facilities of the State Department in properly presenting and handling their claims.

Mr. President, that is all I care to say at this time. It seems to me that in the critical situation in which we find ourselves, in view of the titanic importance of the Panama Canal and its safety and the necessity and desirability of maintaining the most amicable and friendly relations with the Republic of Panama, the joint resolution should be passed. We have already received whatever benefit would have been accomplished by means of a treaty. We have already received 80 or more military sites. It seems to me the Government of the United States can well afford to enact the legislation and transfer to Panama the properties which are contemplated in the joint resolution.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. TAFT. I am somewhat hazy on the subject of why an executive agreement should be confirmed by legislation instead of being made the subject of a treaty. I myself have had considerable difficulty in drawing the line. It does not seem to me that the mere fact that some legislation is necessary to implement this particular agreement necessarily excuses it from being made the subject of a treaty.

Mr. CONNALLY. As a legal proposition I think the Senator from Ohio is correct. The mere fact that legislation is required does not necessarily mean that we could not first, by means of a treaty, assume the obligations, and then carry out the obligations by the enactment of legislation. I will say very frankly to the Senator from Ohio—I do not think he was present awhile ago when we discussed that question—that the Senator from Texas is not prepared with the accuracy of a civil engineer to draw the boundary line between what can be done by executive agreement and what can be done by a treaty.

Mr. TAFT. Does not the Senator feel, however, that there are some subjects which can be dealt with only by treaty?

Mr. CONNALLY. Oh, yes; I made that very clear.

Mr. TAFT. There is a doctrine—in fact a book has been written about it—to the effect that anything can be done by executive agreement that can be done by a treaty.

Mr. CONNALLY. I do not agree with that at all. Let me say to the Senator that I pointed out as best I could early in the discussion, that naturally the executive has to initiate any agreement with a foreign government, but whatever agreement is made depends for its vitality and its force upon what we do under domestic law, either by treaty, or by a statute, or by recognized custom of the land, and I stated specifically to the Senator from Michigan [Mr. VANDENBERG] that in the case of a post-war settlement, for instance, if we assume obligations under that settlement, it would have to be done by means of a treaty, and that no one could commit or bind the Government of the United States except by a treaty in a matter of that kind.

Mr. TAFT. I have been interested in the 26 nations' agreement. I will read the agreement as it is signed by those nations:

1. Each government pledges itself to employ its full resources, military or economic, against those members of the tripartite pact and its adherents with which such government is at war.

2. Each government pledges itself to cooperate with the governments signatory hereto, and not to make a separate armistice or peace with the enemies.

That particular agreement or treaty it seems to me has never been submitted to the Senate for ratification, and I wondered whether the Senator felt that this Government by executive agreement could agree not to make a separate peace without the other signatory parties participating.

Mr. CONNALLY. No. I will readily agree to a certain extent with the Senator from Ohio. That is an agreement to do certain things. If the agreement involves the expenditure of a single dollar it cannot be expended except by authorization of the Congress of the United States. If it puts an obligation upon this Government to do something, if it is within the proper sphere, it cannot be accomplished except by a treaty. But let me call the Senator's attention to the fact that that purported agreement relates first to the operations of the Army and the Navy. The President of the United States under the Constitution is Commander in Chief of the Army and Navy. He could, I suppose, within that authority and power, say to another nation with which we are making war, "I will not quit fighting until you quit fighting." I am simply using a hypothetical case.

On the other hand the initiation of a treaty of peace or any other kind of treaty is within the President's control, because he is the Chief Executive. He can say to a nation with which we are joined in the war, "I will not entertain a treaty of peace until you do." I suppose that would be within his broad powers. But any treaty or agreement he makes must come back to the Senate for ratification and approval if it involves obligations on the part of the United States.

Mr. TAFT. When I read the language to which I referred, of course I thought it was a treaty and would be submitted to the Senate for ratification, but it is now, I think, almost a year since it was adopted, and has never been submitted to the Senate. So I take it the Senator's statement is that this language does not bind the Government of the United States as a whole, but merely binds the Executive not to initiate a separate peace or armistice without the joint action of the 26 other nations involved.

Mr. CONNALLY. I have not given any great attention to that matter, but since the Senator presents it, that would be my reaction at the moment.

Mr. TAFT. But the Senator feels that the question of peace in the final instance must be a matter of treaty confirmed by the Senate?

Mr. CONNALLY. Mr. President, I will have to repeat what I told another Senator earlier in the debate. The official ending of the World War by the Congress was not by a treaty but by a joint resolution of Congress. I resisted such action because I contended at that time that it ought to be the subject of a treaty. But the administration of Mr. Harding, including his Secretary of State, officially proposed to declare by a joint resolution that the war was at an end, and that the United States claimed all its rights which were given to it under the Versailles Treaty, and renounced all the obligations that it might be assuming under the Versailles Treaty. I thought that was an unworthy act, and I spoke against it in the House, where I was then a Member.

The question came up in 1920 and again in 1921, and on each occasion I set forth in a rather elaborate fashion Supreme Court decisions and other arguments endeavoring to show that it ought to be done by a treaty instead of by a joint resolution. But those in power wanted so badly to end the war in 1921—the war had not officially been ended two and a half years after the armistice—that the Republican majority rammed it down our throats in the House and in the Senate. That is one horrible precedent, but contrary to the present view of the Senator from Texas.

Mr. TAFT. However, as I understand it, that action simply declared a condition to exist. It did not assume any future obligations to any other nation binding upon the United States.

Mr. CONNALLY. No. It claimed all the benefits of the treaty and renounced all the obligations of the treaty, which I thought was a very shameful proceeding.

Mr. TAFT. Mr. President, will the Senator yield for one other question?

Mr. CONNALLY. I yield.

Mr. TAFT. The Senator does not feel that by executive agreement we could set aside a definite statutory tariff which is in effect?

Mr. CONNALLY. No; I do not.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield. I was hoping the Senator from Iowa would speak in his own time. I should like to have him make a speech.

Mr. GILLETTE. Mr. President, the Senator from Texas made a statement a few minutes ago which, in my opinion, is incorrect, and which I did not think he intended to make.

Mr. CONNALLY. I hope the Senator will correct the statement.

Mr. GILLETTE. As I understood the statement, it was to the effect that no executive agreement which required the expenditure of a single dollar or the disposition of property could be carried into effect without being implemented by an act of Congress—either by an appropriation or other appropriate act.

In my opinion that is not quite correct in view of the fact that the action by Congress can precede the executive agreement, as it did in the enactment of the Lease-Lend Act, by which we under our constitutional authority to dispose of property clothed the Executive with power to dispose of any defense articles as they are defined. Having already acted under our constitutional authority it is not the Senator's contention, is it, that it is necessary to bring that type of agreement back to Congress for further action?

Mr. CONNALLY. Oh, no.

Mr. GILLETTE. Action by Congress having been taken preceding the executive agreement.

Mr. CONNALLY. No; I thank the Senator very much. The point I make is still, I think, a good one. In the case cited, Congress acted in advance, but it had to act. It had to give the authority when it passed the lend-lease legislation. What was done later by the Executive, after all was done by the authority of the Congress.

Mr. GILLETTE. The Congress had given advice and consent by a preceding action.

Mr. CONNALLY. Exactly. I thank the Senator from Iowa. He is eminently correct. I think that fits in with my former position.

Mr. CLARK of Missouri. Will the Senator from Texas yield for a question?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I will say to the Senator from Texas that I was called from the Chamber for a few minutes, and he may have touched upon the subject to which I shall now address myself. If so, I do not wish to ask him to repeat. However, it has been called to my attention—perhaps by the minority views on the pending joint resolution—that the Republic of Panama evidently regards this matter as a treaty, because it has submitted it for ratification to the Panamanian Congress. Of course, that would not be binding upon the United States. It would necessarily be a matter of domestic law and would not be binding on us. However, if it be true that it has been submitted to the Panamanian Congress for ratification, that fact might be persuasive on the question whether the Republic of Panama, by its conduct, has regarded it as a treaty.

Mr. CONNALLY. Mr. President, there is nothing in the hearings or transactions of the committee to show whether or not the Republic of Panama has regarded it as a treaty. The Panamanian authorities said that it was necessary for the national assembly to pass upon the question; but whether that was because it involved parting with title to the tracts of land being given to the United States

Government, or sovereignty within Panama, or whether it is because of a treaty, I do not know. We are seeking the sanction of our own Congress. It may be that for the same reason the Republic of Panama feels that the question must be submitted to the Panamanian National Congress for approval. Perhaps the Senator from Iowa [Mr. GILLETTE] can answer that question more specifically.

Mr. GILLETTE. Mr. President, I believe the Senator from Missouri is inquiring about an entirely different matter than the pending measure.

On the 18th of last May our executive department entered into an agreement with representatives of the Panamanian Government. In the concluding article of that agreement with relation to certain defense sites there was the provision that it was to go into effect upon ratification by the parliamentary body of the Republic of Panama. That has not yet been done. I understand that that question is pending before the Panamanian Congress, but that was the agreement of May 18, 1942.

The pending measure is nothing but a joint resolution, which would require no action on the part of the Panamanian Government.

Mr. CLARK of Missouri. It all comes in pursuance of the agreement, does it not?

Mr. GILLETTE. That is a matter of opinion; but the passage of the pending resolution by Congress would require no action on the part of the Panamanian Government.

Mr. CLARK of Missouri. Does the Senator know whether the agreement to which the joint resolution is purportedly pursuant must be ratified by the Panamanian Congress?

Mr. GILLETTE. So far as the subcommittee was informed and could learn, there is no requirement of that nature.

Mr. CONNALLY. Mr. President, the able Senator from Iowa rendered the committee very outstanding service in respect to this whole matter. He was chairman of a subcommittee which gave much time and attention to the investigation; and I personally wish to express my very great appreciation for his eminent service.

Mr. President, I believe that is all I care to submit to the Senate at the present time. I shall be glad to answer any questions which I can answer with respect to the proposed legislation.

SENATOR FROM LOUISIANA—CREDENTIALS

During the delivery of Mr. CONNALLY'S speech,

Mr. OVERTON. Mr. President, will the Senator yield to me in order that I may present the credentials of my colleague.

Mr. CONNALLY. I yield. It is a very great pleasure to know that the Senator's colleague is to continue to be a Member of the Senate.

Mr. OVERTON. I thank the Senator from Texas. I shall now present the credentials of my colleague, the junior Senator from Louisiana, and ask that they be read.

Mr. OVERTON presented the credentials of ALLEN J. ELLENDER, duly chosen by the qualified electors of the State of Louisiana a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed.

CAPT. SAMUEL N. MOORE, UNITED STATES NAVY

The PRESIDING OFFICER (Mr. LUCAS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2705) for the relief of Capt. Samuel N. Moore, United States Navy, which were, in line 5, to strike out "Capt. Samuel N. Moore" and insert "Camilla C. Moore, widow of the late Capt. Samuel N. Moore", and to amend the title so as to read: "An act for the relief of Camilla C. Moore."

Mr. WALSH. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ESTATE OF ORION KNOX, DECEASED—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4923) for the relief of the estate of Orion Knox, deceased, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the figures "$5,000" insert "$6,300"; and the Senate agree to the same.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

ALEX GAMBLE—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6410) for the relief of Alex Gamble, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the figures "$2,000" insert "$3,500"; and the Senate agree to the same.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7162) to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5859) to declare that the United States holds certain lands in trust for Indian use; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ROGERS of Oklahoma, Mr. MURDOCK, and Mr. BURDICK were appointed managers on the part of the House at the conference.

EXECUTION OF CERTAIN OBLIGATIONS UNDER TREATIES WITH PANAMA

The Senate resumed the consideration of the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

Mr. NYE. Mr. President, I was privileged to serve with the Senator from Iowa [Mr. GILLETTE] upon the subcommittee which gave consideration to this subject matter.

As a "freshman" on the Foreign Relations Committee, I hesitate to give voice to any views which I may entertain. There are others much more capable of meeting the issues involving the reversionary rights as they may arise, and the question whether this is a treaty or a matter which we can properly ratify by a joint resolution. They are matters which I would much prefer to have handled by others more conversant with them than I.

I shall speak very briefly. I joined with the senior Senator from California [Mr. JOHNSON] in a minority report which is on the desks of Senators. I am sure there is not a great deal that I could add to what that report has undertaken to say. I believe that the subject as a whole should not be before us at this time at all. There is really no call for it. There seems to be no military need for pressing it now, and there has been no showing that the urge for the enactment of the pending measure is the result of diplomatic pressure on the part of the Republic of Panama. Indeed, there is cause to believe that the proposed legislation, like Topsy, was not born, but "just growed."

Our State Department advises us that the Panamanian authorities brought no pressure to bear in bringing about the proposed grant to Panama in Senate Joint Resolution 162. There has been no representation that dire things will happen if we do not pass the joint resolution. It has all the earmarks of being the result, in some degree, at least, of an unusually liberal moment in the life of Santa Claus, but accomplished without consulting those who would have to foot the bill after Santa had made his gift.

Mr. President, existing treaties give the United States every right needed to acquire such areas in Panama as we might need for military purposes; but we are now told that Senate Joint Resolution 162 is required to complete an arrangement of last May, whereby certain sites in Panama which were leased to us are now being developed, or have already been developed. In return for that alleged military favor, we are asked to enact Senate Joint Resolution 162, which obviously does not require action by the Panamanian Assembly or the Panamanian Government, because all it involves is a gift by the United States. What a gift it is, and what a price is proposed to be paid for something which I am sure we already possess, namely, the right to erect our defense establishments in Panama.

What are we paying? What are we giving in this joint resolution? First of all, we are canceling or assuming a debt properly owed to the United States, or directly to the Export-Import Bank, in the amount of $2,700,000, which was an advance made by the Export-Import Bank of Panama to be used for paying Panama's share of the cost of certain highway construction in Panama.

In addition, Mr. President, we are now building, and will continue to build, roads in Panama which might well cost as much as $30,000,000, $50,000,000, or even more. At the expiration of the war, or at the expiration of the 99-year lease period, these improvements will revert to Panama without any obligation upon Panama even to maintain them.

In addition, we are improving airports in Panama at a cost of many millions of dollars. The airports, with their improvements, will one day revert to the ownership of Panama.

Under Senate Joint Resolution 162 we are asked to give to Panama lands in the cities of Panama and Colon which are probably more valuable than any other lands in all the Republic of Panama. The lands lie in the heart of these two main centers of population in Panama. It has been estimated that their value is $11,000,000 or $15,000,000; but I point out to the Senate that such valuation was determined upon studies which were made as early as 1915. We all know what has happened to real-estate values since then. We certainly ought to appreciate what has happened to values in the past 25 years, particularly at the crossroads of the world, as Panama has proved to be. So it is not fair to say that the lands in these two cities which we are asked to give to Panama are valued at only $15,000,000. I am convinced that many times that amount would be a fair valuation.

Furthermore, we are asked to give to Panama a water and sewerage system which, it seems to me, is quite as valuable as the Canal itself.

A reading of the hearings will reveal the contention by the State Department that our responsibility for the water and sewerage system does not end with our surrender of those facilities to the Republic of Panama. What is to be said of our ability to fulfill our responsibility if we do not have ownership, or the degree of control essential to the fulfillment of responsibility? I have said that the sanitary facilities are as important to us in this hour as is the Canal itself. I believe that is a fair statement. Without sanitation and without health we could not hope to maintain our position in the Canal Zone. At this time, when we need the Canal more than we ever needed it before, we are asked to sign away our ownership and control, and yet declare that we are going to continue our responsibility there.

It does not make good sense to me, Mr. President, and I do not believe for a moment that Panama has demanded such surrender as is involved in the grant which Senate Joint Resolution 162 proposes that we make. Panama has not indicated that she would decline to continue her cooperation if we did not do the things which are provided for in the measure. For the life of me I cannot see who is injured. I cannot see other than great aid afforded in this hour of emergency if we continue the ownership of the water and sewer facilities in Panama until the expiration of the 99-year lease under which we are operating at the present time.

It has been said that we are giving this control in order that we can eliminate little irritants which are in the way of a smooth diplomatic functioning between Panama and the United States. Assuming that the Panamanians in possession of the water and sewer systems should not demonstrate an ability to maintain them and to afford the degree of sanitation which we all so earnestly want there, it can be argued that we could take over those systems, take them back, that the responsibility would be ours, and that we would have to do that. Mr. President, could anything be more irritating than a situation which would call for our taking such a step? We would make more trouble for ourselves by doing that than by doing anything else which we could do in the Panama Canal Zone. Panama is not demanding it. I do not know that Panama is even asking it.

For the life of me I cannot see why it would not be the part of good judgment so far as the Senate is concerned to return Senate Joint Resolution 162 to the Executive, with the request that the State Department renegotiate the whole subject matter, return it to the Senate in treaty form, and include in the treaty an arrangement or agreement—one which is not now in any wise before the Senate—involving the rentals and the arrangements to prevail in return for our use of certain lands and areas as defense sites in Panama.

I shall not move that such action be taken by the Senate just at this time, of course; but in the absence of such action by others, I certainly shall make request that the measure be returned with a request of that sort.

Mr. President, with respect to the question of reversionary rights—a question which has arisen during the course of the debate—let me say that I have found considerable interest in reading the debates in the Senate in 1921, when there was pending the treaty which called upon us to pay $25,000,000 to Columbia for certain rights. Some said that the payment was made for certain alleged wrongs which the United States had done to Colombia. However, nowhere in that debate—and the debate lasted for weeks—do I find any argument or any contention that the $25,000,000 settlement with Colombia ended any rights which Colombia might have had to certain properties in Panama. Senator Cummins, of Iowa, spoke at great length upon that subject during the debate. It seems to me that he brought all ends together rather strikingly when he said, in language which is found at page 481 of the CONGRESSIONAL RECORD of April 20, 1921:

> When this treaty—

That was the treaty involving the $25,000,000 settlement with Colombia—

> is ratified Colombia will have against us precisely the same claim which she has now and we will be compelled either to arbitrate or to compromise it. It is idle for anyone even to suggest that this treaty settles or adjusts this, the only claim which Colombia can in good faith make against the United States. Why it was not introduced into this treaty so that we might reach an end of the controversy I do not know. But so far as I am concerned I do not intend to be put in the position of paying this claim twice, or paying Colombia $25,000,000 with the knowledge that the next day she can assert again precisely the claim which she has been asserting for the last 17 years. How anyone can do it is a mystery to me and beyond my power of understanding.

Mr. President, in further connection with the item of reversionary rights let me read very briefly from the views of the minority of the committee:

> Senate Joint Resolution 162 proposes, among other things, the transfer to Panama of the fee titles to the lands acquired by the Panama Railway Company under the 99-year lease from the Republic of Granada, now the Republic of Colombia. The Republic of Panama, in its treaty with us of 1903, did attempt to convey the fee titles of the land covered by the 99-year lease to the United States, but the question arises to plague us, Did Panama have the fee titles to pass? This joint resolution presumes to give this land back to Panama as though it belonged to Panama in the first instance, which it never did. The fact remains that the Republic of Colombia may still entertain a reversionary interest in the land covered by the 99-year lease, and so long as that question is a pending one, the United States cannot make a transfer of the land to Panama without assuming the responsibility of having a claim to the land involved in the lease made by Colombia. If we agree to the transfer of the fee titles to Panama as proposed now, we may well anticipate a demand upon us to transfer the fee titles to Colombia when the 99-year lease shall have expired. Voices within our own Government in the years gone by—

Such as that of Senator Cummins, whom I have quoted—

> have rather definitely given to the Republic of Colombia the ground and the doubt upon which Colombia could well be expected to lay her claim.
>
> In his August 13 letter to Congress in support of Senate Joint Resolution 162, the President of the United States pointed out

that the leases proposed to be transferred were acquired from Colombia with the reversion in favor of Colombia accruing in August 1966. The President further states that the reversionary interest of Colombia was transferred to the United States by the Republic of Panama after creation of the latter republic as a consequence of a revolution against the Republic of Colombia. Subsequently, Colombia settled certain grievances arising out of the part of the United States in the Panamanian Revolution of 1903 and was paid $25,000,000, but at the time of the ratification of the Colombian Treaty numerous members of the Senate freely observed that the treaty did not dispose of Colombia's reversionary interest in these properties (this was in 1921 and 1922), but left that question to ultimate disposition when Colombia's right of reversion accrued in 1966.

Mr. President, there is one further point which I should like to discuss. I shall say merely a word. In the debates in 1921 and 1922, I find prevalent a thought which likewise is prevalent today with respect to what is the force and power which requires us to open our purse, as we do, to Panama and to other South American and Central American countries. There has been the contention and thought that the procedure of giving to Panama the things which are proposed to be given under Senate Joint Resolution 162 was the only way by which we could continue to enjoy the good will and cooperation of Panama at a time such as this. That can mean but one thing—that we are trying to buy cooperation, trying to purchase good will. I do not think any member of the committee entertains the view that it is necessary to buy cooperation or good will; but there is a great deal of thinking along that line. I cannot help but conclude that somewhere down the line that thought has entered into the consideration of the matter. I feel that such a thought is insulting to Panama itself; for, from what I can learn, during this emergency we have had the fullest measure of cooperation from Panama. There has not been the slightest threat on her part of what might be done if we did not do certain things. Let us, however, suppose now that such a threat were present, would we be justified in purchasing good will in that manner? Frankly, I think not. I do not believe good will can be purchased.

That thought was never better expressed than on April 20, 1921, when the Senator from Nebraska [Mr. NORRIS] gave vent to his feelings in this language:

> We cannot afford to buy the friendship of any country. We want the friendship of all countries; but if we are going to establish the precedent that we will pay $25,000,000 for the good will of Colombia, how much ought we to pay for the good will of Great Britain? If Colombia's good will and smiles are worth $25,000,000, then how much should we give to France for her good will? How much to Brazil? How much to Japan? And, mark you, we are not only paying $25,000,000 to Colombia, but we are obligating ourselves to pay hundreds of millions of dollars in the years that shall come in the maintenance of this Canal for her benefit and the benefit of the balance of the world.

Again in the same address the very able Senator from Nebraska said:

> In fact, you never paid blackmail in your life but what, when the fellow got out of money, he came back for some more; and I am justified in using the word "blackmail," because the great Senator from Massachusetts used it, as I remember, in his minority report. If we buy Colombia today, how long will she stay bought; and if we pay $25,000,000, how much of it is ever going to get to Colombia?

Mr. President, we can discount all thought of a demand upon us to pay toll, to buy this thing, valuable as cooperation of Central America is today. We can abandon it, because there has been no threat of any dire proceedings or anything other than cooperation, whether we do what we are asked to do by Senate joint resolution 162 or not.

I shall, at the proper time, after other Senators who, I understand, desire to speak, have had their opportunity to do so, propose that the joint resolution be referred to the executive department with such instructions as I have suggested.

The PRESIDING OFFICER. The clerk will proceed to state the amendments reported by the committee.

The CHIEF CLERK. The first amendment is on page 2——

Mr. NYE. I suggest the absence of a quorum, since I am aware that others desire to be heard before the amendments are considered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Guffey	Radcliffe
Austin	Gurney	Reed
Bailey	Herring	Russell
Barkley	Hill	Schwartz
Brewster	Johnson, Calif.	Shipstead
Brooks	Johnson, Colo.	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Bunker	Lucas	Taft
Byrd	McCarran	Thomas, Idaho
Capper	McKellar	Thomas, Okla.
Caraway	McNary	Thomas, Utah
Chavez	Maloney	Tobey
Clark, Mo.	Millikin	Tunnell
Connally	Murdock	Vandenberg
Danaher	Murray	Van Nuys
Davis	Nelson	Wagner
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. WHITE. Mr. President, the pending joint resolution authorizes the President to transfer to the Republic of Panama the water and sewerage systems installed by the United States in the cities of Panama and Colon; it authorizes the Panama Railroad Company, wholly owned by the Government of the United States, to convey to the Republic of Panama as much of the lands of the railroad company located in Panama and Colon as in the opinion of the Secretary of War is no longer needed for the operation of the railroad or for the operation, maintenance, sanitation, and defense of the Canal; and it authorizes the appropriation of a sum not to exceed $2,700,000 to enable the Secretary of the Treasury to pay to the Republic of Panama an amount equivalent to the principal and interest paid by that Government on account of the credit of $2,500,000 made available to it by the Export-Import Bank for the construction of Panama's share in the so-called International Highway and a further amount sufficient to liquidate the remaining obligations of Panama to this bank on account of the credit referred to.

The authority given by the joint resolution to transfer the water and sewerage systems is limited by the proviso that such action does not in any way modify the existing arrangements for the responsibility of the Public Health Service of the cities of Panama and Colon as specified in the convention between the United States and the Republic of Panama signed at Washington on November 18, 1903.

The first objection to the proposed legislation voiced in the minority report before the Senate is that the acts proposed are properly the subject of treaty agreement and should not be dealt with as here authorized. I find myself in concurrence with this view. We are here dealing by legislation with matters now the subject of treaty provisions. These water and sewerage systems were built by the United States under authority of treaty concessions. The collection of the water rates to be charged and the arrangements for the operation of the systems and the responsibilities of both the United States and Panama with respect to these public services are matters of treaty terms. I find it impossible to accept as proper procedure the authorized transfer of title to these physical properties by legislative act. I cannot support legislation which radically alters the situation with which the treaty deals. If the relation of either party to this treaty is to undergo modification, I feel that this change should be effected by treaty.

The minority report deals with the question of reversionary interests. I do not attempt to argue the question of the ownership of the reversionary interest in the lands of the Panama Railroad Company now proposed to be transferred to Panama. I do express my belief that there is a substantial question as to this title, and I agree with the members of the committee who submitted the minority report that our assertion of title and our proposed transfer of it will raise questions as serious and irritating as any now urged as a justification for this pending course of action.

I do not doubt that our title will be challenged and that we shall be called upon to meet a claim by Colombia that she has the title which we are purporting to convey; and Panama in turn will look to us to remove from her title the cloud raised by such a claim by Colombia. If we had the reversionary interest, I would not doubt our legal right to sell this interest to Panama, but I question greatly our moral right to work so substantial a change in the relations of American leaseholders. I think it conceivable and altogether certain that if Panama becomes their landlord during the remainder of their leases they will find themselves in a much less desirable situation than they are under our American landlord. I am reluctant to see this change in their status forced upon them.

My principal objection to the passage of this joint resolution is that it will convey to the Republic of Panama prop-

erty of the value of many millions of dollars without adequate consideration, while American citizens are futilely asserting claims against Panama for property expropriated by Panama.

In 1912 a group of Americans, principally residents of California, Missouri, and Utah, purchased from the record owners approximately 675,000 acres of land in Panama. This tract was sold in 1770 by Spain to a citizen of Panama. For nearly a century and a half title remained in this Panamanian citizen, his heirs, and their grantees. It was finally acquired by the Isthmian Timber Co., an Arizona corporation. So far as the record shows, there never was a challenge of the title of the record holders of this property until 1931. In that year the Republic of Panama brought suit against the then owners of the property, claiming that the land had been unlawfully severed from the public domain in 1770.

The suit was tried in the appropriate court of Panama and the complaint of Panama was dismissed. The Government of Panama, through its attorney general, took the case to the Supreme Court of Panama. In July of 1936, the supreme court confirmed the judgment of the court below against Panama. Proceedings for a rehearing might have been instituted within 90 days after this judgment by the supreme court, but upon the expiration of the 90 days without move for a rehearing the decision of the supreme court became binding upon the Republic, its officials, and its citizens. This litigation confirmed the title of the American owner in this vast tract of forest, mineral, and agricultural land. Thereafter, the subsequent acts and conduct of citizens of Panama, of officials of the Government, and of the courts is a story of corruption and brigandage. The record establishes a conspiracy against the property and the rights of American citizens of which I know no parallel.

Sometime in 1928, one Roberto Jiminez, a member of the national assembly, held a power of attorney from the Isthmian Timber Co. which named him as the local agent of the American company to receive service in litigation against the company as required by a Panama statute. As this attorney of record, Jiminez was to be paid a fee of $50 a year. In July of 1936, this Panamanian attorney sent the Isthmian Co. a bill for $450 for 9 years' alleged services at $50 per year. The company claimed these payments had been made. Later he sent a second bill demanding $1,100 for services. Correspondence concerning this claim took place between Jiminez and the Isthmian Co. In May of 1937 a third bill was sent by Jiminez, this time for $4,500, the increase over the original bill being due, it was alleged, to the procrastination of the Isthmian Co. in paying for earlier charges. In October of 1937 the American counsel for the company went to Panama by appointment to meet Jiminez in the hope of effecting a settlement, but Jiminez could not be found during the stay of the Isthmian attorney in Panama and negotiations for the adjustment of his claim were, therefore, impossible.

While this controversy over attorney fees was in process, the Isthmian Co. obtained from the proper Panamanian authority, the director general of registry of titles, a certificate of title. This certificate was issued on July 9, 1937, and discloses that no unpaid taxes were payable on this vast acreage belonging to this American company, that there were no attachments or liens against the land, and that no suits were pending against the American company. Later in the fall of 1937, the company revoked Jiminez' power of attorney and designated a prominent lawyer of Panama as its local attorney and gave him express instructions to contact Jiminez and adjust the fee controversy. This second attorney, after seeing Jiminez, assured the American company that Jiminez was unable to justify his bill and that the matter could be disregarded pending any action on the part of Jiminez to enforce his original demands.

For some time thereafter the company had no intimation of trouble with respect to its title. It later appeared, however, that in 1937, several months prior to the certificate from the director general of registry of titles, to which previous reference has been made, Jiminez filed suit against the American company for $11,000. At this time Jiminez still held his power of attorney as the local agent for the Isthmian Co. In this situation, he secured the service of his suit against the Isthmian Co. by having the process served upon himself. Acting in his personal capacity as plaintiff and at the same time as the agent of the defendant Isthmian company, he sought to bring the defendant within the jurisdiction of the court. Without question by the court as to its jurisdiction over the defendant, the American company was defaulted, and judgment was entered for the plaintiff. The judgment was in the amount of $4,500, the largest amount theretofore ever claimed by Jiminez.

Having secured this judgment, Jiminez then took an appeal and asked the appellate court to appoint an attorney to represent the American company. The court quickly appointed one of the clerks in Jiminez' own office, a clerk who, in fact, was a son of the Chief Justice of the Supreme Court of Panama. In this appeal proceeding, the only appearance or defense offered was a memorandum offered by this alleged Isthmian company's counsel, the plaintiff's law clerk, in which he argued to the court to the effect that Jiminez should be paid $11,000 instead of $4,500 found due Jiminez by the lower court. The appellate court then rendered judgment increasing the award to $11,000 and an award of attorney's fees for $1,800. This final judgment was entered in July 1937. I call attention to the fact that this was prior to the issuance of the certificate of title by the Director-General of Registry of Titles.

It is not clear from the record why this suit of Jiminez against the defendant American company, and the judgments of the lower court and of the supreme court did not show on the certificate of title; but I believe we are justified in our belief that it was to keep the defendant in ignorance of the proceedings against it. Counsel for the Isthmian company who examined the records in August of 1937 found no evidence of such suits.

After securing this judgment, Jiminez assigned it to one of his law partners, Jose Perez. After this assignment of the judgment by Jiminez to Perez, the latter entered into a contract with the Republic of Panama, dated August 5, 1939, under which the Government was to purchase this tract of land from Perez for $163,170. In order to be in a position to make the transfer of title to the Government, Perez, as holder of the alleged judgment, caused the land to be sold at public auction, at which he purchased it for $12,000. This put the record title in Perez.

When the time arrived to complete the transaction between Panama and Perez and to vest title to the land in Panama through the payment of the $163,170, the price agreed upon, Panama asserted a claim for unpaid taxes in the amount of $105,000 and this amount was credited against the $163,170 which Panama was to pay, thus reducing the unpaid balance of the purchase price to $58,170. It is unnecessary to trace in detail the steps or to describe the methods by which this balance was paid to Perez. The purpose of despoiling this American company of its property was fully effectuated.

It sheds light on the whole transaction that part of the balance of $58,170 was liquidated by the transfer to Perez of various lots in the city of Panama, which were in turn promptly reconveyed by Perez to persons in Panama who were closely related to and associated with high officials of Panama. Included among these was at least one member of the supreme court which confirmed the judgment obtained by Jiminez against the American company.

By the means which I have here sketched, Panama acquired the holdings of American citizens in that Republic. Those citizens were kept in complete ignorance of the proceedings involving their title until their legal rights and remedies had been lost; and now, notwithstanding this record of fraud, Panama refuses consideration of the claims of our citizens. It will not arbitrate; it will not negotiate; but it displays a complete willingness to accept from our Government property and advantages having a value of many millions of dollars.

Mr. President, I do not like to have this country pay tribute under any circumstances; but I especially deplore the willingness of our Government to negotiate with and to make huge payments to any nation while we have knowledge that the beneficiary of our favor is also the beneficiary of fraud upon our citizens. I cannot bring myself to approve the payment of any amounts to Panama unless and until Panama pays just compensation for the wrongs done our citizens.

Mr. NYE. Mr. President, will the Senator yield for a question?

Mr. WHITE. I yield.

Mr. NYE. Is the able Senator from Maine aware of the fact that some of

the lands which he has been tracing are now involved in sites which the United States is leasing from Panama?

Mr. WHITE. I believe that is correct.

Mr. CLARK of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNKER in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Gurney	Radcliffe
Austin	Herring	Reed
Bailey	Hill	Russell
Barkley	Johnson, Calif.	Schwartz
Brewster	Johnson, Colo.	Shipstead
Brooks	Langer	Shott
Brown	Lee	Spencer
Bulow	Lucas	Stewart
Bunker	McCarran	Taft
Byrd	McKellar	Thomas, Idaho
Capper	McNary	Thomas, Okla.
Caraway	Maloney	Thomas, Utah
Chavez	Millikin	Tobey
Clark, Mo.	Murdock	Tunnell
Connally	Murray	Vandenberg
Danaher	Nelson	Van Nuys
Davis	Norris	Wagner
Doxey	Nye	Walsh
Ellender	O'Daniel	Wheeler
George	O'Mahoney	White
Gerry	Overton	Wiley
Gillette	Pepper	Willis
Green		

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, I desire to speak only briefly on the general question of the propriety of putting this Panamanian matter into an executive agreement. I shall vote against the pending measure without attempting to pass on the merits or wisdom of the proposal, because it seems to me that it should be embodied in a treaty, and I believe that the Senate should insist that matters which should properly be in treaties be handled by treaties.

I am very much concerned about the extension of the theory that anything which can be done by treaty can be done by agreement. It seems to me that when we extend that power we abandon the power of Congress in all respects over the making of the foreign policies of the country, and possibly over such things as the making of tariff policies which vitally affect our own domestic economy. Obviously, if we are asked to do something by executive agreement, instead of by treaty, it is necessary to obtain in the Senate only a majority vote instead of a two-thirds vote. The founding fathers felt that the matter of assuming obligations or making promises to do something in the future for foreign nations was of sufficient importance to require that the proposal have the support of two-thirds of the Senators elected to the Senate.

Furthermore, if we admit that something can be done by executive agreement, we may be waiving all congressional rights to interfere with that action; because there is nothing in the Constitution which provides that an executive agreement with foreign nations must necessarily have been passed upon or approved by Congress. The Constitution contains no provision relative to executive agreements such as that which relates to treaties. It may be true that some executive agreements cannot be made without congressional legislation to implement them; but if we admit the power of the President to make executive agreements, there are other executive agreements which can be made, and certainly there are obligations of honor which can be assumed by means of executive agreement, without congressional legislation to implement them.

It seems to me that today there is some sign of a general attempt to guide the foreign policy of the country by executive agreements, without consultation with Congress and without the approval of the people of the United States, whose representatives the Senate and the House of Representatives are.

Executive agreements undoubtedly may be made in many cases; they may cover military arrangements. I believe that, roughly speaking, the President may do anything by executive agreement which he, as President, may, without legislation, do himself. In other words, if he has the power to do something, presumably he may make a promise that he will do that thing, and may embody that promise in an executive agreement with a foreign nation or nations. There are many things which the President is by law authorized to do which he could do by executive agreement—for instance, in the case of making executive trade agreements.

It seems to me exceedingly dangerous to grant that the President may make executive agreements, even though those agreements are not legal, because foreign nations do not make that distinction. If the President makes an agreement, the foreign nations concerned assume that it is an obligation of the United States.

If the President of the United States makes an agreement, they assume it to be the obligation of the United States, and that the obligation is binding on the Senate and on the Congress of the United States. So I question very much the wisdom of embodying any important matter in an executive agreement.

Of course executive agreements cannot have the effect of law unless they are implemented by Congress. Executive agreements obviously cannot set aside existing law or set aside existing tariffs. I am glad the Senator from Texas feels as I do, that tariffs in this country cannot be lowered by executive agreements.

I do not believe that an executive agreement can affect the fundamental foreign policy of the United States. I think the mere importance of the policy is one of the tests which require that action be taken by treaty, duly submitted.

In this particular case the matter is perhaps not of great importance so far as national policy is concerned, but the distinguished Senator from Maine [Mr. WHITE] has pointed out that every other matter relating to this property in Panama has been dealt with by treaty, and that a number of such treaties have been made. Now we are endeavoring, by an executive agreement, to change a status accorded by treaty. Every consideration should have led the State Department to seek amendment of the treaty by submitting another treaty instead of an Executive agreement. The manner in which they have proceeded seems to me to indicate a desire on their part to establish, so far as possible, the precedent of conducting foreign relations by executive agreement.

An executive agreement, I suppose, may be made by the President which will bind him and bind his administration, possibly, during his term of office to carry out so far as he can the policy agreed upon by action of the Executive.

It is suggested that the 26 nations agreement, in which the United States agreed that it would not make peace without the consent of 25 other nations is, as a matter of fact, only binding on the Executive personally, that he will not initiate a treaty of peace. If that is what it means, it removes my fear that the power of Congress is ignored. Yet people in Europe do not make that distinction. They feel that the United States itself has agreed not to make peace, and that it is not merely a personal promise binding on the President that he will not initiate the negotiation of a treaty of peace.

In the field of foreign relations the President already has tremendous power. It is all the more important, it seems to me, that that power should not be further extended and that Congress should insist upon its right as representatives of the people to participate in the making of foreign policy to the extent prescribed by the Constitution of the United States. More and more in foreign affairs there has arisen a theory that every international purpose can be secured by executive agreement. I have a book by Mr. Wallace McClure written apparently for the purpose of maintaining that anything that can be done by treaty can be done by executive agreement. It seems to me that that is an extremely dangerous doctrine and one to which the Senate should give no support.

As a matter of fact, no treaties of any importance have been submitted to the Senate since I have been a Member of the body. We have ratified a few minor treaties, but, so far as anything of importance is concerned, I cannot remember during the past four years any vitally important matter having been submitted in treaties. There seems to me to be a tendency toward executive usurpation in this field just as there seems to be in the field of domestic legislation.

The so-called Atlantic Charter, of course, was never submitted to the Senate for ratification. It is perhaps properly an Executive agreement. It is a joint declaration of the President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom. It was made between two men, and yet by the President, as President of the United States.

It is stated in the Atlantic Charter that the President and Mr. Churchill—

> Deem it right to make known certain common principles in the national policies of their respective countries.

Then follow various clauses expressing hopes and beliefs, in which we all unanimously and sincerely concur. There is one clause, however, in which it seems to me the President assumes to make

foreign policy for the future; that is the fourth clause, in which it is said:

Fourth. They will endeavor, with due respect for their existing obligations, to further the enjoyment by all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.

If this clause means what it says apparently, and what I presume foreign nations interpret it to mean, it commits the United States to give every other nation access to our trade and to our raw materials, not only to our raw materials but apparently to our domestic trade. That would mean an abandonment of the entire tariff policy so long established in this country.

It may be noted that the clause promises an endeavor by the United States rather than by the President himself, and gives the impression to the world that the United States is assuming the obligation. Since the President did not submit it to Congress, however, it is clearly not a treaty, and I believe it can do no more than express the policy of the President and his administration. It is unfortunate, however, to give foreign peoples, who do not understand our system, the impression that we have entered into some kind of a binding obligation.

Mr. PEPPER. Mr. President——

Mr. TAFT. I yield to the Senator from Florida.

Mr. PEPPER. Did the able Senator from Ohio mean to imply that in the case just mentioned the commitment of the President as to raw materials was that applicants could come and take such raw materials without compensation or payment which might be satisfactory to the seller of the materials? Was it not rather a reference to giving all people, perhaps with due respect to existing obligations, the right to come and buy them upon terms satisfactory to the seller?

Mr. TAFT. I think the Senator is correct. The raw materials question does not bother me particularly, because all nations have always had access to our raw materials. Our policy has always been to give access to all raw materials, which has not been entirely true, for instance, of some members at least of the British Empire. A preference has been given to people within the Empire in obtaining raw materials. But when it is said that all peoples shall have access on equal terms to the trade of all the world, that seems to me to include our domestic trade as well as every other trade. It has been argued by people who thoroughly believe in the Atlantic Charter that, in giving access to raw materials, we must necessarily agree to take payment in some kind of imports in order to enable them to pay for our raw materials. That has been one interpretation placed upon the Atlantic Charter.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. TAFT. I yield to the Senator from Florida.

Mr. PEPPER. The able Senator from Ohio has no peer in this body as a lawyer, but I am sure that a careful reading of the context as well as the text of that declaration will indicate that the whole emphasis was upon equality of access; that is to say, if one nation and its nationals may come to our markets and buy, another nation would have the same opportunity. Rather it was a leveling declaration, as I understood it, to avoid such things as the able Senator mentions—namely, preferences which in some instances have been accorded to certain people over certain other people; and it grew out of the assertions of the Axis Powers that they went to war because they were "have not" nations and had to fight in order to obtain access to raw materials. So I assume that the purport and intent of that declaration, and in my opinion the responsible construction to be put upon it, are that its authors were making commercial opportunities open to all who came and applied in the usual and satisfactory way for access.

Mr. TAFT. It seems to be obvious, in order even to carry out the interpretation of the Senator from Florida, that access on equal terms to raw materials of our country means that foreign nationals can come to this country and buy raw materials at the same price as our own manufacturers can buy them, so that they may be on an equal basis.

Mr. PEPPER. I do not claim to be a student of the document, but the emphasis of the declaration, which was an international declaration, related so much to external affairs that I should be surprised if it meant that a national of this country and a national of another country should be put upon the same terms. I rather thought it meant that the nationals of all other lands would be put upon the same terms, not that a national of another country would be put upon the same level as a national of this country.

Mr. TAFT. I think it is much broader than the most-favored-nation clause. The Axis governments claimed that Germans, for instance, could not go into South Africa and buy raw materials at the same price the British could. Obviously, if that is what it is intended to meet, it must mean that all raw materials may be purchased everywhere at the same price as is paid by the domestic trade. I have no objection to that, particularly as to raw materials, because that has been our policy, and I see no reason why it should not be continued; but when we go further to the other side of the picture and say they shall have access to our trade on equal terms, it seems to me to imply that tariffs will be reduced and they will have full opportunity to sell their goods in this country just as our own merchants have opportunity to sell their goods.

Mr. PEPPER. I would, of course, always defer to the opinion of the able Senator from Ohio, but I have never heard that meaning attributed previously to that clause, and I have a rather strong confidence within my own mind that the question of the relationship between our nationals and our trade and people outside our country and our trade was not intended to be put on the same basis. They were trying to say to the people of the world who had complained about not having access to the raw materials which were captured and held by certain other powers that hereafter every man, whether he came from a little nation or a big nation, would have an opportunity to go into the market and buy upon equal terms, so far as the nations from which the buyers came were concerned. It was to bring about equality with respect to people coming from the outside, and I would think it a strange interpretation, which I hope is not the one the Senator adopts, that it relates to a lowering of trade barriers necessarily. It may be desirable to lower them, as Secretary Hull has indicated about negotiating trade treaties, but I am sure that I never construed the proposal to mean what the Senator has indicated.

Mr. TAFT. I have great respect for the opinion of the Senator from Florida, but I think I can show later how in the lease-lend agreements this very clause is expanded and made to mean exactly what I have said it apparently means.

I am not tremendously concerned about the Atlantic Charter. In the first place, it accomplishes so many good things that I do not even like to be in the position of criticizing it. I have come to the conclusion that, when finally analyzed, it is no more than a statement on the part of the President of the United States as to what his policy is. I cannot interpret it as anything further than that, and it seems to me that the only thing I would say in the way of criticism is that foreign nations, unless they understand that, are likely to give a broader effect to that agreement than can actually be given to it from a legal standpoint. In other words, I do not believe Congress is at all bound, because of the making of that agreement, to carry out the policy stated in the fourth clause.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. Does the Senator put the same interpretation upon the new Canadian-American agreement which has been announced just within the last 24 hours?

Mr. TAFT. I shall come to that. As I rather hastily examined it this morning, the agreement with Canada seemed to me not to be different from what is contained in most of the lease-lend agreements, and in a moment I shall refer to lease-lend agreements which embody the same clause.

On January 2 of this year the President entered into something called the 26 nation agreement, which he executed in the name of the United States of America, by Franklin D. Roosevelt. I assumed that that agreement would be presented to the Senate for ratification, but no such action has been taken. It is a simple agreement, one which, no doubt, the Senate would promptly ratify, for it contains only the following undertakings:

(1) Each government pledges itself to employ its full resources, military or economic, against those members of the tripartite pact and its adherents with which such government is at war.

Certainly we would agree to that.

(3) Each government pledges itself to cooperate with the governments signatory hereto, and not to make a separate armistice or peace with the enemies.

The Constitution clearly gives Congress only the power to declare war. It gives Congress only, I think, the power to complete a treaty of peace. It is hard to say how the United States of America can be pledged by the President alone not to make peace with its enemies.

It has been stated, and I am willing to accept the interpretation of the agreement, that all the President is undertaking to do in this agreement is to say that he will not negotiate any treaty of peace.

Mr. TUNNELL. Mr. President, I will ask whether the Senator from Ohio insists that Congress has the right to complete any treaty.

Mr. TAFT. I suppose the Senator means that, even after Congress has approved a treaty, it must be exchanged with the other nations through the President.

Mr. TUNNELL. The consummation is in the Executive.

Mr. TAFT. That is true. It is quite true that, broadly speaking, no treaty can be put into effect without the cooperation of both the Executive and Congress, and if the agreement we are discussing is interpreted as I understood the Senator from Texas to interpret it, as merely an agreement on the part of the President that he will not participate in any such treaty, I suppose it does not strictly infringe in any way on the rights of the Congress.

In my opinion, this 26-nation agreement, however, should have been promptly submitted to the Senate for ratification, because the whole problem of making peace is certainly a joint undertaking, in which Congress should participate. It seems to me that if we participate in the making of peace, we should participate in any agreement that we will not make peace until approved by 26 other nations.

I am arguing the question as to whether the theory of an executive agreement can be extended so far as to justify the making by the President of some agreement, supposed to be binding on the United States, not to make peace without the consent of 26 other nations. If the power can be extended that far it seems to me it can be extended almost indefinitely, to cover anything that can be done by treaty. To my mind, as a matter of fact, except as it may bind the President himself individually, I cannot see that this 26-nation agreement obligation is binding on the United States of America.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PEPPER. It is not a new principle in international agreements, is it, for nations which are bound together in a common cause to agree that they will not make peace until all of them are ready to make peace, so as to keep the union of nations from breaking up?

Mr. TAFT. No; it was a common matter in the case of what we might call the balance of power agreements of Europe, and in all the nations concerned probably the executive officers could make such agreements, but the Constitution of the United States came in under a different theory, namely, that the Congress must participate in such an obligation.

Mr. PEPPER. I am afraid the able Senator misunderstood the purport of my question. I am not speaking about who makes the agreement for the Nation but is there anything new about the fact that nations which are fighting a war together will enter into an agreement that they will all keep fighting until they all decide to make peace? There is nothing new about that, is there?

Mr. TAFT. I think there is nothing new, although I do not know of any instance in the history of the United States in which the United States of America has made such an agreement. I have not examined the record, but I do not think there was any such agreement during the World War, and conditions were almost the same as those which exist today.

Mr. PEPPER. The able Senator would probably find evidence of an implied agreement of that sort, if not an express agreement, would he not?

Mr. TAFT. I do not know that there is any such evidence, certainly of a legal agreement of that kind. As a matter of fact, I do not care particularly to argue the question as to whether it is a wise policy or not. I think that if submitted and requested by the President, I should be willing to vote to ratify the treaty. I am merely making the point that I do not think the President can make such an agreement without the consent of the Congress, or of the Senate.

Mr. PEPPER. I thoroughly agree with the Senator that it is to the common benefit of all fighting on the same side that they stand together until they come to a common conclusion about the desirability of peace, but assuming that, who would be better than the Commander in Chief of the Army and Navy, who has the responsibility, primarily, for the conduct of the war and the success of the arms of his country, to be anxious about such an agreement, and to try to get it effectuated?

Mr. TAFT. Undoubtedly he is the man who would have to initiate it, under any theory of law, but when it comes to saying that we will not make peace, it seems to me every consideration involves the participation of Congress in that obligation.

As a matter of fact, Mr. President, many of the other nations signing this agreement have submitted the agreements to their legislatures, and it has been ratified by the legislatures of a large number of the 26 nations which signed the agreement.

I notice that a somewhat similar agreement, the agreement between England and Russia, was ratified by Russia's Supreme Soviet, which met in extraordinary session on June 18, for that purpose, for the first time since March 1941, to ratify a somewhat similar pact or agreement, and also to ratify the understanding, whatever it was, which Commisar Molotov apparently arrived at with the President of the United States. But no such treaty or agreement has been submitted to the Senate or to the Congress of the United States.

I have no doubt that the President intends to submit to the Senate the peace treaty which may ultimately terminate the existing war, but more and more there seems to be an assertion on the part of the President that he has the right to determine economic policies and farm policies by a series of executive agreements, which during this waiting period between the armistice and the peace may gradually, if you please, extend the existing relations between nations to such a point that we finally reach an international settlement without any consultation of Congress and without any consultation of the people of the United States.

Undoubtedly wide powers have been given to the President already by statute to make reciprocal trade agreements and a good many other agreements of one kind or another. Some time ago Congress passed a law authorizing the President to prohibit or curtail the exportation of any military equipment, or munitions, or machinery, tools, materials, or supplies necessary for their manufacture. But whenever we pass such a law we find that it is gradually extended to include all kinds of other economic powers relating to foreign nations. In this matter of export, we prohibited the export of military equipment and munitions, the President established an Economic Defense Board, and then a Board of Economic Welfare, and the Board proceeded to assume jurisdiction to prohibit exports of all kinds, not for the purpose of providing materials for ourselves, as the statute contemplated, but for the purpose of carrying out throughout the world the general economic policies favored by the Board of Economic Warfare.

Congress has now corrected the situation by conferring finally complete power to prohibit all exports, through an act recently adopted, sponsored by the Senator from Utah [Mr. THOMAS].

Mr. President, we have the same extension of the statute referred to by the able Senator from Idaho [Mr. THOMAS], which simply gave the Navy power to import the material it needed for the construction of naval vessels. By Executive order the President extended the power of the other departments of the Government having any need for war materials. No possible construction of the Overman Act to my mind can be given which would in any way permit the extension of that power to any department except as it related to materials needed by the Navy of the United States. Yet it has been extended to many other bureaus. I only cite those things to show that even in the granting of power to the President we must be careful because the tendency today seems to be to extend the meaning of every statute to carry all powers in any way remotely related to the powers which Congress actually had in mind.

Perhaps the most extreme instance of the extension of powers granted by statute, and never intended by the stat-

ute, is that of the various lend-lease agreements. They go far beyond the proposed intentions of the Lease-Lend Act. The Lease-Lend Act was adopted for the purpose of providing war materials and other assistance to those nations engaged in fighting the Axis powers. That was its only purpose. It had no reference to post-war economic relationships. It was generally thought that the aid advanced could never be repaid by most of the nations assisted. The President was therefore given wide power to fix the terms and conditions upon which it might be given, in a clause which reads as follows:

> The terms and conditions upon which any foreign government receives any aid * * * shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory.

Article VII of the master agreement with China and other nations, however, attempts to tie the lend-lease agreement in with the Atlantic Charter and the United Nations agreement. It reads as follows:

> In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of China in return for aid furnished under the act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations.

That is a very general statement, and one which I think is perfectly reasonable; that there shall, for instance, be no debt remaining after the war which will interfere with the prosperity of the world, as did the debts after the World War. But the clause goes on to be more specific than that. It says:

> To that end they shall include provision for agreed action by the United States of America and the Republic of China, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, or production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers, and in general to the attainment of economic objectives identical with the Atlantic Charter.

There is a specific effort apparently to say to China, "In consideration of our tanks and guns and ships to fight your war with Japan we agree that you shall have full access to our market through reduced tariffs and removal of any possible discrimination after the war."

I believe that that is beyond the power conferred on the President under the Lease-Lend Act. I do not think he can do that any more than he could agree that in consideration of our giving a certain number of guns and ships, that after the war we would ship them an additional number of ships of different kinds. It is simply a gratuitous agreement on our part further to assist China after the war.

In my opinion the attempt of the Secretary of State to incorporate the provisions of the Atlantic Charter in the agreement made under the Lease-Lend Act is wholly void and is not binding on the United States Government.

I was interested in the suggestion of the learned Senator from Wyoming [Mr. O'MAHONEY] today that this does not really mean anything, because it says that:

> This provision for agreed action shall be by appropriate international and domestic measures.

Of course, if the agreement means that we are not in any way bound to reduce tariffs, that we do not mean what we say, that Congress is absolutely free to act as it chooses after the war, entirely disregarding the provisions of the lend-lease agreement, then I have no objection to that interpretation. But it seems to me that any foreigner at least reading this clause would assume that we had definitely agreed to reduce our tariffs and to admit foreign nations to domestic trade in the United States on substantially an equal basis with our own merchants and our own citizens.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Connecticut.

Mr. DANAHER. The interpretation upon which the Senator from Ohio has just commented, it would seem to me, is invalid when tested by the statement which was issued last February to accompany the executive agreement entered into between Mr. Sumner Welles and Mr. Winston Churchill. I direct the Senator's attention to page 1536 of the RECORD, where, after the executive agreement set forth an article VII which is precisely in the language cited by the Senator from Ohio as contained in the agreement with the Republic of China, we read further—

> At an early convenient date conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded governments.

Let me say to the Senator from Ohio, there was released to the press, and there has been printed in the RECORD for our information, an explanatory statement which goes on to say that this article VII is designed to implement the so-called Atlantic Charter, that it is designed to achieve ultimately a reduction in tariffs and other trade barriers. I quote:

> To that end article VII provides for the early commencement of conversations, within the framework which it outlines, with a view to establishing now the foundations upon which we may create after the war a system of enlarged production, exchange, and consumption of goods for the satisfaction of human needs in our country, in the British Commonwealth, and in all other countries which are willing to join in this great effort.

However laudable the objectives may be, is it not the view of the Senator from Ohio that no implementation as a matter of law can be achieved to further the declarations in that particular executive agreement without a ratification by the Senate of the United States of a treaty designed to carry into effect whatever agreement is negotiated?

Mr. TAFT. That is my opinion. The point I have been trying to make is that I do not believe the power of making executive agreements under the Constitution extends to any power to establish a brand-new economic policy for the United States in the post-war world. I think any attempt to do so is invalid.

Furthermore, I am extremely suspicious of general clauses like this power given in the bill now being considered in the House of Representatives to give the President power to suspend all tariffs, whenever he chooses to do so, because of the tendency constantly to expand any words, no matter what they may be, into a general power to deal with the entire subject without further consideration by Congress.

Mr. DANAHER. Mr. President, will the Senator yield to me further?

Mr. TAFT. I yield.

Mr. DANAHER. Calling the Senator's attention to Senate Joint Resolution 162 now pending before the Senate, we find in section 1 that there is designed to be accomplished certain objectives, and I quote:

> As specified in the second paragraph of article VII of the Convention between the United States of America and Panama, signed at Washington, November 18, 1903.

Reference to that convention, which appears in volume 2 of Treaties, Conventions, etc., by Malloy indicates that the treaty was concluded on November 18, 1903, but that ratification was not advised by the Senate until February 23, 1904 and that it was ratified by the President on February 25 following:

> In article 7 it is expressly provided that the waterworks, works of sanitation for the collection and disposal of sewage, and the like, are definitely controlled for a period of 50 years under the rights thus acquired by virtue of the treaty.

Certainly under our Constitution, which says that all treaties made under the authority of the United States shall be the supreme law of the land, American citizens have a perfect right to go to Panama or Colon, make their investments in those cities, adjudicate their own rights in their own minds, and plan their decisions in reliance upon the terms of the rights conferred by a treaty which would last not less than 50 years.

Let me ask the Senator from Ohio whether, by virtue of the pending joint resolution, are we now acting in derogation of rights which adhere by virtue of that treaty?

Mr. TAFT. It seems so to me—I do not see how a treaty can be modified by an executive agreement. The principle which gave dignity to the treaty certainly must extend to amendments made to that treaty. That is one reason why I shall vote against this particular provision.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WILEY. Is there any provision in the treaty for amendment by executive agreement?

Mr. TAFT. I have not studied it from that standpoint. Perhaps the Senator from Connecticut can answer the question.

Mr. DANAHER. I shall be happy to have the Senator from Wisconsin examine it with that end in view.

Mr. WILEY. Does the treaty itself provide a method by which it can be amended by an instrument which does not have the same dignity as a treaty?

Mr. TAFT. I feel confident that there is no such provision in the treaty.

Mr. President, turning for a moment to the lend-lease agreement, it seems to me that the President's power under the agreement is to provide a method of payment for aid rendered to China. It is more than farfetched to assert that China can pay us by accepting further aid, freedom from want at our expense, and the reduction of our tariffs so that their goods may compete with ours. Conceivably it is desirable to provide that the consideration shall not be such as to hamper international trade, as did the war debts after the last war; but the easiest way to accomplish this purpose is to agree that no payment need be made. The form of the lease-lend agreements seems to indicate a deliberate intention on the part of the Government to commit this country to a world-wide economic policy intimately affecting our own domestic economic structure, without any action by or authority from Congress. This new economic policy may be good or may be bad, but it is one which under our form of government requires the assent of Congress. I deeply regret the apparent attempt to base it on legislation which was not intended to have any relation to it, and does not support it.

Mr. President, if there is any doubt as to whether an agreement with a foreign nation is an executive agreement or a treaty, the Congress should insist that it be a treaty. The line is shadowy, but there certainly is a line. Everyone, including the learned Senator from Texas [Mr. CONNALLY] admits that there are things which must be done by treaty and which cannot be done by executive agreement. If we wish to retain in Congress the determination of our domestic policy we must insist first that matters of this kind be dealt with by treaty; and secondly, that any legislation giving power to make executive agreements, to suspend tariffs, or otherwise to deal in our relations with foreign nations, should be specific and should be confined to specific things, limited in time and purpose so that we shall not surrender the power to determine the fundamental policy of the United States.

Mr. VANDENBERG. Mr. President, the Senator from Ohio said that before taking his seat he would again refer to the Canadian agreement, which has been publicized within the past 24 hours.

Mr. TAFT. I was referring to a particular clause, which, as I read the Canadian agreement, is almost the same as the agreement with China.

Mr. VANDENBERG. The Senator is quite correct. The language is identical with that read by the Senator from Connecticut. I had in mind the opening paragraph of the Associated Press definition of what has happened. I hope it is understood that I am not discussing the merits of the thing. I happen to be one of those who heartily believe that Canada and the United States must work in the most intimate possible sort of relationship at all times. Like the Senator from Ohio, I am merely discussing the method of operation.

This is the first paragraph in the Associated Press definition of what happened within the past 24 hours.

> Canada and the United States disclosed tonight that they—

"They" refers to Canada and the United States—

> had reached an agreement looking toward a post-war world in which trade barriers would be lowered and production, exchange, and consumption of goods greatly enlarged for the satisfaction of human needs.

As I understand the Senator from Ohio—and I hope this is a correct interpretation, because I always like to find myself in agreement with him—it is the Senator's belief that Canada and the United States can come to no such conclusion with each other so far as the responsibilities of the Government of the United States are concerned, but that this is solely an agreement respecting the Presidential intention under his right to initiate an undertaking of this character.

Mr. TAFT. I entirely agree with the Senator. He has stated exactly what I believe. It seems to me that the lease-lend agreements can be interpreted only as a statement of policy on the part of the present administration in control of the executive departments of the Government of the United States.

Mr. VANDENBERG. It is important that the world should understand it, so that it may not misunderstand the nature of our commitments.

Mr. TAFT. I entirely agree with the Senator from Michigan.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from North Dakota.

Mr. LANGER. It is my understanding that this treaty must be ratified by the Congress of Panama.

Mr. TAFT. I am not familiar with the Panamanian Constitution. I am not a member of the Foreign Relations Committee. If some Senator can answer that question, I shall be glad to have him do so.

Mr. VANDENBERG. The agreement must be ratified by the National Assembly of Panama.

Mr. JOHNSON of California. Exactly; and it does not have to be ratified by the United States.

Mr. LANGER. As I understand, that is the intention.

Mr. CONNALLY. Let me say to the Senator that whether or not that statement is correct, the agreement must be ratified. I think the only information the committee had was that the granting of these sites had to be approved. Whether that is in the nature of what we are doing, or whether it is in the nature of ratifying a treaty, I do not know.

Mr. VANDENBERG. If the Senator will refer to the text—the Senator from Iowa [Mr. GILLETTE] undoubtedly has it before him, because he called it to my attention in the first instance—he will find that in the final article of that agreement is a specific requirement that it must be ratified by the National Assembly of Panama. I ask the Senator from Iowa if that is not true?

Mr. GILLETTE. Is the Senator speaking of the agreement of May 18?

Mr. VANDENBERG. Yes.

Mr. GILLETTE. Yes. I have the agreement before me. Article XIV is as follows:

> This agreement will enter into effect when approved by the National Executive Power of Panama and by the National Assembly of Panama.

Mr. CONNALLY. That could not in any wise bind the United States. Whatever the domestic law of Panama requires, she follows.

Mr. TAFT. I quite agree; but if as recent an addition to the democracies of the world as Panama requires consent and ratification by its legislative body, I think it is a suggestion, at least, that this country, which has always followed that policy, should continue to follow it.

Mr. WILEY. As I understand the Senator's position it is that if the terms of this agreement were embodied in the form of a treaty he would be in favor of ratifying such a treaty?

Mr. TAFT. I have said that so far as this particular treaty is concerned, I am not really familiar with the circumstances. I have no particular views on it. I am not a member of the Foreign Relations Committee. I have not studied the treaty. I am interested in only one question, and on the basis of that question I will vote against the bill. I do not pretend to be able to advise Senators on the merits of the gift to Panama. It may or may not be a desirable policy. I have not gone into it.

Mr. WILEY. I appreciate the statement of the distinguished Senator from Ohio. We know how the minority members of the Foreign Relations Committee feel in relation to this matter. I think it is important from the standpoint of international policy.

Mr. TAFT. I listened to the able Senator from North Dakota [Mr. NYE]. I believe he presented the views of the minority members who are opposed to the treaty.

Mr. JOHNSON of California. What was the inquiry of the Senator from Wisconsin?

Mr. WILEY. My inquiry is, What would the attitude of the minority members of the committee be if the terms of the executive agreement had been embodied in a treaty and submitted to the Senate?

Mr. JOHNSON of California. They should be embodied in a treaty. I do not know that I understand the Senator's question. If the terms of the agreement were embodied in a treaty, our answer would be "Yes."

Mr. NYE. Mr. President, if I could correctly understand the question of the Senator from Wisconsin, he is endeavor-

ing to ascertain whether, if the pending joint resolution were presented in treaty form, containing the same subject matter, the members of the minority would be ready to accept the treaty and support it?

Mr. WILEY. That is correct.

Mr. NYE. As one member of the minority, I am inclined at this time to say that I would not support it.

Mr. WILEY. Can the distinguished Senator say what is the attitude of the other minority members?

Mr. NYE. I would not undertake to state it.

Mr. CONNALLY. Mr. President, the Senator from Wisconsin speaks of the minority. I do not know whether he refers to the Senators who filed the minority report. Quite a number of the minority in the committee voted for the joint resolution. The Senator from Wisconsin [Mr. LA FOLLETTE] voted for the joint resolution. I do not know of any minority members of the committee who are opposed to it, except those who are today indicating their opposition. I am not trying to persuade the Senator, but I believe he desires information.

Mr. WILEY. I am very grateful to the Senator from Texas.

Mr. President, it seems to me that an important legal question is involved. The question is whether or not the subject matter should have been embodied in the form of a treaty. We have heard that question very ably discussed by the Senator from Ohio [Mr. TAFT]. It seems to me that from the viewpoint of international relations, the people of South America, particularly of Panama, should be made acquainted with the fact that if the pending joint resolution is voted down it will be because, in the view of the Senate, the Executive has not taken the proper approach to the subject.

Let me say in passing that I very sincerely echo the sentiments of the distinguished Senator from Michigan [Mr. VANDENBERG], who said that foreign countries should be made aware of the importance and significance of the Senate of the United States in all treaty matters concerning the United States. Following the last World War, President Wilson laid before the Senate a complete treaty, with which the Senate had had nothing to do. The treaty was not ratified. Then a great and distinguished member of the British Cabinet spoke upon the subject. I do not recall his statements verbatim, but they were to the effect that he could not comprehend the action which had been taken by the United States Senate.

I reecho the statement of the distinguished Senator from Michigan that all foreign countries should recognize that this Government is a government of limited powers; that the people of the United States have conferred upon the Executive and upon the Senate certain functions, and that in treaty making involving this country and any foreign country the cooperation, collaboration, voice, and consent of the Senate are required before a treaty can become effective. So, if the resolution is voted down, I think it is important that the people of Panama and the people of the countries of South America recognize that it was voted down because it was presented to the Senate in the wrong form.

Mr. GILLETTE. Mr. President, it had not been my intention to take any part in the debate other than to listen as attentively as I could to the arguments presented by my distinguished colleagues. I have followed with much interest the discussion presented principally by my colleagues on the other side of the aisle. Let me say that I am in almost complete agreement with what they have said. Almost all the statements they have made have met approval in my mind and in my thinking, but I have not reached the conclusion which the eminent Senators preceding me have reached because of that thinking.

A similar proposal was introduced in the House as a companion measure. It was introduced here in the form of the measure now pending before us. The House measure was reported, I believe unanimously, by the House Foreign Affairs Committee, is now on the House Calendar, and has been there since some time in September of this year. The joint resolution now before this body as a companion measure was introduced by the distinguished chairman of the Committee on Foreign Relations.

It happened that, through the appointment of the distinguished Senator from Texas, the chairman of the Foreign Relations Committee, I was a member of a subcommittee appointed to consider this matter and to make a report. The distinguished and able Senator from North Dakota [Mr. NYE], who has spoken, the Senator from Oklahoma [Mr. LEE], and I spent many days and long, long hours in hearing proponents and opponents of the pending measure. We struggled earnestly to reach a conclusion. Almost immediately, Mr. President, a number of legal questions were presented to us. I believe that my colleague the Senator from North Dakota is not a lawyer. I believe that the Senator from Oklahoma is not a lawyer. Perhaps I am mistaken. There is a great deal of question whether the Senator now speaking is a lawyer. We felt that we were unable to reach a definite legal conclusion on the close legal questions which were presented, many of which have been alluded to today, and that we could do nothing other than, in our report, to call them to the attention of the committee itself.

It seems to me that three substantive propositions are before us for determination. All of them have been discussed here. The first is, Would the measure carry into effect a justifiable policy in giving away $11,000,000, $12,000,000, or $13,000,000 worth of the property of the American people in the manner in which it is proposed to be given away? Is that a proper thing to do? Is that a wise policy?

Two objections have been raised to it. The first objection has previously been stated this afternoon. It is that we cannot purchase loyalty or cooperation.

The second objection is that the action taken in this connection might be used as a precedent by which other nations to which we have extended credits or favors might ask to have their obligations wiped off the books.

With respect to both those matters I desire to say it is true that we cannot purchase loyalty; but from the beginning of recorded history people who have been waging war efforts have come into an alliance on the basis of what they deemed to be the interests of their nation; and at this moment we are, through the pouring out of American treasure, trying to cement the closest alliance not only with the nations of this hemisphere but with those across the water. In the desperate struggle in which we are engaged, Panama, so far as any evidence presented to us shows, or so far as the President's message itself shows, has cooperated wholeheartedly. Let me state that we cannot discount the essential nature of that cooperation. No one can overemphasize the seriousness of the defense of the one little artery which unites our war effort in the Pacific, our war effort in the Atlantic, and our war efforts in the rest of the world. If that artery were severed, America would suffer a blow which would be more destructive of the possibility of her winning the war than the loss of any 10 States of the Union.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. GILLETTE. I am glad to yield.

Mr. LUCAS. Of course, the Senator hits the heart of the whole question, in my humble opinion. I should like to ask him whether he feels that the people of Panama would understand the fine legal questions which the Senators of the minority raise, if a treaty covering the subject were submitted to the Senate, as they would like to have done, and if it failed to receive the favorable vote of two-thirds of the Members of the Senate then present? Is it not a fact that the people of Panama would not understand, but would view the matter more or less in the light that in this dire extremity the American people were attempting to do something in the way of an injustice to them; and thereby, instead of promoting the good feeling which we must have in South America, would we not be doing the very opposite?

Mr. GILLETTE. Mr. President, I thank the Senator from Illinois. He has called attention to one of the elements which induced me to reach the conclusion which I have reached. I have decided to support the pending measure.

We must bear in mind that the temperament of the people of Latin America is different from that of the people of the Anglo-Saxon world. We also must remember that the United States of America, in comparison with many of our Latin-American allies, is a powerful nation.

We should recall what happened after the Revolutionary War. When 13 sovereign States tried to cement themselves into a coalition which would carry on as a nation, all the jealousies of the smaller States—smaller in population, smaller in resources—were turned toward resentment and objection against a coalition which might give a more powerful State domination. While that example is not wholly analogous, nevertheless the fact remains that it has been at the cost of

stupendous effort and preparation that we have been able to dispel to some extent the suspicion in which we were held by some of our neighbors to the south, and we have carried the so-called good neighbor policy to a point where it already has borne fruit and is bearing fruit.

I do not know whether the pending measure would be a wise one if it came up ab initio; but I know it is before us, I know its purpose is good, I am confident that the end to be attained is worth the effort. For those reasons I am not voicing any question about the policy.

The second objection which has been raised is that the Senate's action at this time might be used as a precedent. It is possible and conceivable that it might be used as a precedent, and that attention might be called to it in the future, but at the same time all such questions must stand on their own footing. We cannot predicate our decision in a matter of this kind on an ephemeral thing or an inchoate thing which might develop in the future. There is no question in my mind and, I believe, no question in the mind of any other Member of the Senate concerning the step which should be taken. The Senator from Illinois has clearly referred to the vital point: Refusal to take the step might be fraught with disaster which we could not bear.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. MURDOCK. Assuming that what is involved in the resolution comes within the treaty-making powers of the Constitution, would the Senator from Iowa or the Senator from Illinois take the position that the failure of the people of Panama or of any other country to understand the action of the Senate would be justifiable grounds for the Senate to disregard the provisions of the Constitution with reference to the ratification of treaties?

Mr. GILLETTE. By no means. I thank the Senator from Utah. I shall come to the third point in a moment and express my views regarding it, probably not with a great degree of clarity, but as best I can.

I first wanted to speak of the question of the policy involved. The matter having reached this position, I believe there can be no difference of opinion as to the advisability of the policy. The question now is, if we agree that it is justified as a matter of policy, is the pending measure constitutional? Has the Congress of the United States the right to pass the proposed legislation? There is not an opponent of the measure, and there will not be an opponent of the measure, who will assert that the Congress does not have full right, under its constitutional power, to pass this proposed act as it is now before the Senate.

Section 2 of article IV of the Constitution, which was quoted by the able chairman of the Committee on Foreign Relations earlier in the debate today, clearly clothes the Congress of the United States with the power "to dispose of * * * the territory or other property belonging to the United States." That is what we are now proposing to do. Perhaps we do not want to do it; perhaps we do; but there can be no question in the mind of anyone that we have the right to pass the joint resolution which is now before the Senate under the clear, explicit, and concise right given to the Congress by the Constitution.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GILLETTE. I gladly yield to the Senator from Texas.

Mr. CONNALLY. As the Senator so well pointed out, assuming that technically this purpose could have been accomplished by treaty, what are the facts? Panama has already done all that she is supposed to have done. She has given us these sites; she did not wait on the ratification of a treaty or the passage by Congress of this measure. She conveyed the 80 military sites to the Government of the United States. We now have them. All that is left to be done is for us to give title to these properties.

But, as was suggested, there was no agreement between us to do that, no binding obligation, no compact. What would be the sense of our saying, "Well, we are going to deed you these lands, but wait a minute; we will have to have a treaty about the matter"; and then sit down and negotiate a long treaty, taking perhaps months, following the negotiation and ratification of which we would have to do just what we are proposing to do now—pass an act which the Constitution requires must go through both branches of the Congress? We would have to pass an act granting title to these lands. That is the practical situation. Panama has not quibbled. She gave us these sites; she gave them to us when we wanted them in time of war; and what would she think of us now if we quibbled and ran out on her without doing our part?

Mr. GILLETTE. I thank the Senator from Texas. He clearly states the condition that exists at the present time.

Now, Mr. President, let me come to the third point I had in mind—namely, should this matter have been presented as a joint resolution for action by the Congress, or should it have been presented in the form of a treaty? That is an entirely different question, and I find myself on the side of those who believe that it should have been presented as a treaty. But it was not so presented.

In that connection I desire to make a few statements which perhaps I should not make. There is a trend, I will say to the Senator from Utah, which has not as yet crystallized into a policy but which is in process of crystallization, and which, if carried to its conclusion, will bypass the Senate of the United States and the treaty-making power. No one views that trend with any more perturbation than I do. I should have preferred that this matter should have come up as a treaty, as it could have come up, but even if it had come up in that form, and if the Senate had ratified the treaty, we would still have to pass legislation of this character in order to implement the treaty. If, however, it had come up in that form, these questions which have arisen would not be before us at the present time.

I also wish to say in this connection that there is widespread misunderstanding, or misquotation, if you will, of the provision of the Constitution relative to the treaty-making power. We hear it stated over and over again in newspaper comments, in editorial comments, in radio comments, and on the floor of the Senate, that the treaty-making power is in the Executive, that the power to negotiate treaties is in the Executive. It is not. There is no provision in the Constitution of the United States that says so. In article II, section 2, the Constitution says, in defining the Executive authority, that he "shall have power, by and with the advice and consent of the Senate, to make treaties."

The framers of the Constitution knew what they were saying. They did not say "he can make treaties which must be ratified by two-thirds of the Senate; he may negotiate a treaty and it may be approved by two-thirds of the Senate." The Constitution says, "He shall have power," followed by this significant phrase: "By and with the advice and consent of the Senate, to make treaties." "Make" is to bring into being.

Now let me tell you, Mr. President, that the House of Representatives of the United States, in a number of instances dating back to 1816, which are cited in Hinds' Precedents, considered this matter and said, in effect:

> A treaty involving a matter of appropriation or some authority in connection with the disposition of property requires action of the Congress in order to implement it, and, while the House of Representatives is not required to advise and consent to a treaty, yet we feel that, as one of the branches of the Congress of the United States charged with the duty of implementing such a treaty when made, we have the right and authority to give our advice and suggestions before the enactment of the treaty.

The House of Representatives has taken that position over and over again.

Now, referring to this particular matter, in my own mind, I hesitated long as to whether I should give it my approval. Certain questions have been very ably raised by the senior Senator from Maine [Mr. WHITE]. He called attention to the procession of events dealing with the expropriation—or, to use his words, "defrauding and banditry"—of certain rights of individual American citizens who held claims against the Panamanian Government. Granted that every word he said is true, granted that such a condition is reprehensible, granted that it is inexcusable and has no basis in decency or law of any kind, yet the fact remains that the interests of the people of the United States are paramount to the interest of any individual; and it would be absolutely impossible to write into the pending legislation a provision that these claims, which have not been established in any tribunal, should be paid as a condition precedent to the transfer of these properties.

It would be impossible to negotiate a treaty on that basis, because there has been no claims commission created, and before no court of competent jurisdiction, before no tribunal of authority, have these claims been established. So, however sympathetic I may be as an in-

dividual, I cannot reach the conclusion that my distinguished colleague from Maine has reached.

The second proposition has to do with reference to the transfer of the water and sewage systems. Immediately when this matter came before the committee this question arose in my mind: Why make such provision in this proposed act? Of course, it will be recalled that under our treaty with Panama in 1903, we were allowed to build water and sewerage systems, and the Panamanians bound themselves by treaty provisions to abide by our rules and regulations in the administration of the sanitary district.

There is a proviso in the joint resolution which reads:

> That the turning over to the Government of the Republic of Panama of the physical properties of the water and sewerage systems and the administration thereof, including the collection of the water rates, does not in any way modify the existing arrangement in respect to responsibility for the public health services of the cities of Panama and Colon as specified in the second paragraph of article VII of the convention * * * of 1903.

Immediately on reading that provision I said to myself that we were attempting, by an act of Congress, to change a treaty provision and to amend the original treaty. We were to turn this property over to Panama in 1957, but we are proposing to turn it over to them now and hold them to an obligation under the treaty in which they agreed to abide by our rules and regulations. It is one thing for them to agree to abide by our rules and regulations when we own the physical property, but it is another thing to ask them to be bound by them when we return the property to them. Then they will be the owners, and in my opinion we cannot bind them. A treaty is the supreme law of the land, and we cannot by a document of less than equal value impose on them an obligation unless they agree to assume it; and that point has been referred to in the debate.

Mr. President, I look back to the treaty of 1903, article VII, and I find the provision that when in 1957 we should turn over the physical property—

> The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character.

It would not make any difference when we turned it back, whether in 1942 or in 1957. They agreed, in the convention of 1903, to comply with our sanitary regulations in perpetuity. So we have not changed in any degree, in any shape or manner, any existing treaty.

A third question raised was as to the reversionary right in these lands. I confess that the distinguished chairman of the Committee on Foreign Relations and I are in disagreement as to that problem, and if I may be pardoned, I shall refer to that very briefly.

Along in 1857 or 1867 the Republic of New Granada leased to the Panama Railroad Company, a corporation organized under the laws of the State of New York, all the stock of which is owned by the United States, certain land in what was then the Republic of New Granada, under a 99-year lease, and not giving a fee title, but a term title, with a reversion to the grantor at the termination of 99 years.

Subsequent to that time Panama, aided and abetted, possibly, by the United States, rebelled, was set up as a new entity, and was recognized as an independent sovereignty by the Republic of Colombia, which succeeded the Republic of New Granada. At a subsequent time the Republic of Panama transferred to the United States her reversionary interest in these lands. We now are passing them back to Panama.

I asked the representatives of the State Department by what specific act the Republic of Colombia divested herself of the reversionary right in the property. The reply was, by the recognition of the sovereignty of the Republic of Panama, which passed the reversionary interest, as well as all other land titles. I myself do not believe it did, but that is merely the expression of one man's opinion. Whether it did or did not, nothing can be accomplished by the defeat or the passage or the changing of this proposal, which will foreclose or preclude the Republic of Colombia from presenting her claims at any time in the future. So it is entirely beside the point, so far as the passage of the joint resolution is concerned.

Mr. President, as to the matter before us, I have expressed very briefly my personal opposition to bringing subjects of this kind before the Congress in the way in which this has been presented, and I am convinced that certain negotiations could have been entered into before this proposal was brought forward which would have saved these questions.

Let me state another question that was presented; and again let me say it is a serious matter. The lands which are owned by the United States through the agency of the Panama Railroad Company, are in large measure valuable business properties, in the city of Colon, principally. It was stated to us that they were worth $100,000, or $150,000, as a result of improvements which the lessees have put on the land, relying on us as the lessors. There was evidence of certain high-handed methods which were alleged to have been followed in the expropriation of certain mercantile properties there. Many of these properties are managed by citizens of China or citizens of India.

The question arose, What are we to do? Are we to throw these lessees to the wolves—if the viewpoint is established that they are wolves? Are we to throw them in and say, "We wash our hands in the matter. Relying on us and our laws, you have made these extensive improvements. We are turning you over to Panama, and it is up to you to maintain your legal rights."

Is there no moral or legal obligation on us? If there is no legal obligation, is there no moral obligation to protect these people who, relying on our probity and our integrity, have made these expensive improvements? That question arose, and could well have been taken care of.

I presented to the committee an amendment, which the committee rejected, which a majority of the committee opposed, providing that in the instrument of conveyance to be included in the proposed act, when we enact it, there shall be an explicit covenant that the Republic of Panama shall hold us free and whole from any suit for damages or claims for damages to these nationals or the countries of their nationality.

Mr. President, I intend to offer that amendment, and I hope it will be adopted. But even if it shall not be adopted, I shall support the proposed legislation. This proposal is before us at a time when we are bending every effort to remove any possible sources of irritation. Perhaps the method is improper; as I have stated I think another would have been preferable; but the proposal is before us in this form, and the consequence of a refusal to act affirmatively, the consequence of a refusal to act at all, and to send the matter back with a request that it be made the subject of treaty negotiation, in my opinion would be to do the United States of America a distinct disservice.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Iowa yield to the Senator from Vermont?

Mr. GILLETTE. I gladly yield.

Mr. AUSTIN. I wish to ask the Senator a question because I understand he sat on the subcommittee which gave a thorough study to the evidence before acting on the joint resolution. Was there any evidence in the committee that the grantee of this property regarded the title deficient in any way? That is, did Panama before the committee make any objection that the title she would have by virtue of Senate Joint Resolution 162 would be deficient?

Mr. GILLETTE. The Senator refers to the title to the lands the reversionary interest in which has been discussed?

Mr. AUSTIN. Any property that is involved.

Mr. GILLETTE. There was no such evidence before the committee.

Mr. AUSTIN. I ask the Senator whether, from the point of view of the grantee, the joint resolution would be just as good as any other form of grant of the property.

Mr. GILLETTE. So far as any information that was presented before the committee is concerned; yes. There was no one before the committee representing the Republic of Panama. Those who appeared before the committee were objectors, representatives of claimants, persons appearing in an individual capacity raising these legal questions, and representatives of the State Department. The representatives of the State Department stated, I believe, on at least two or three occasions, that there had not been pressure from the Republic of Panama for the enactment of this particular proposal, but that it had been discussed at various times and that the conditions

which existed constituted a continuing irritant which they were hopeful of removing in the interest of comity and amity between the two nations.

Mr. JOHNSON of California. Mr. President, I think I heard the Senator from Iowa say there was no one present representing the Republic of Panama. Was not the Senator in error?

Mr. GILLETTE. Not intentionally. If I am in error, the Senator from North Dakota, who sat with us all the time, will correct me. I do not recall anyone representing the Republic of Panama.

Mr. JOHNSON of California. When I was present, there were in attendance six representatives of our State Department representing the Republic of Panama.

Mr. AUSTIN. Mr. President, I should like to submit one or two other questions.

Mr. GILLETTE. I yield.

Mr. AUSTIN. From the brief study I have been able to give the joint resolution today, and from listening to all the debate, as I have, it is not clear to me how the joint resolution in any way undertakes to amend a part of the covenant between Panama and the United States, but, on the contrary, it seems apparent that this is merely an undertaking to authorize a transfer of property of the United States. I ask the Senator whether I am in error about that.

Mr. GILLETTE. On the contrary, that is exactly the conclusion the Senator from Iowa reached. As I said, I approached the matter with some perturbation, because it seemed to me that it possibly contravened the law, and I was convinced, and am still convinced, that we cannot contravene the plain provisions of the law and make a treaty by an act of Congress. But after the most careful consideration I reached the conclusion just referred to by the distinguished Senator from Vermont, that the proposed action does not violate the provisions of an existing treaty.

Mr. AUSTIN. Mr. President, will the Senator yield for a further question?

Mr. GILLETTE. Yes.

Mr. AUSTIN. I notice on page 3, in subsection (b) of section 2 this provision:

(b) The provisions of the joint resolution entitled "Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Company on Manzanillo Island, Republic of Panama," approved July 10, 1937, so far as they may conflict with the provisions of this joint resolution, are hereby modified accordingly.

I ask the Senator from Iowa if he knows whether that was a transaction similar to this one, whereby joint resolution action was taken?

Mr. GILLETTE. I am sorry to say to the Senator from Vermont that my memory does not serve me in that respect. I remember interrogating witnesses with reference to the particular joint resolution referred to. That was a joint resolution, not a treaty.

Mr. AUSTIN. Yes. My curiosity is aroused by the reference to the joint resolution. I have not had time to look the matter up, but the Senator was a member of the subcommittee, and if he can answer, I should like to have him do so. The question is whether that transaction in 1937 was a transaction similar to this one, namely, a transfer of some property of the United States that was in the Panama Canal Zone, and whether the authority for its transfer was created by a joint resolution similar to the pending one?

Mr. GILLETTE. As I stated to the Senator, I regret that my memory does not serve me. It has been some time since the matter was under consideration.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. GILLETTE. I yield.

Mr. CONNALLY. I do not recall offhand what the situation was, but shall endeavor to ascertain in a moment. Let me call the attention of the Senator from Iowa and the Senator from Vermont to the fact that the treaty of 1936 was a general treaty with Panama relating to our conduct with regard to the Panama Canal. It is our contention now that the pending joint resolution is really carrying out some of the obligations which we assumed under the treaty of 1936. For instance, article 2 of that treaty, in part, reads as follows:

While both Governments agree that the requirement of further lands and waters for the enlargement of the existing facilities of the Canal appears to be improbable, they nevertheless recognize, subject to the provisions of articles I and X of this treaty, their joint obligation to insure the effective and continuous operation of the Canal and the preservation of its neutrality, and consequently, if, in the event of some now unforeseen contingency, the utilization of lands or waters additional to those already employed should be in fact necessary for the maintenance, sanitation, or efficient operation of the Canal, or for its effective protection, the Governments of the United States of America and the Republic of Panama will agree upon such measures as it may be necessary to take in order to insure the maintenance, sanitation, efficient operation, and effective protection of the Canal, in which the two countries are jointly and vitally interested.

Under that treaty stipulation, which was ratified by the Senate, this unforeseen contingency has occurred, to wit, the war. The parties consulted each other. It was necessary to obtain these 80 military and aviation sites in order to carry out that particular obligation which Panama and the United States assumed.

Article X of the same treaty provides:

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

Mr. President, that is just what we have done. Incidents or contingencies arose. The Governments were consulted. Panama gave us the military fields, and on our part, without any obligation to do so, without any contract or compact, since Panama had been irritated by these things over a long period of years, we simply decided that we would do what is proposed more or less in appreciation of what Panama had done. Panama did these things unquestioningly. Panama did not wait, did not haggle, did not demand, did not extort. Panama said, "We are going to take these actions under the treaty provisions."

Mr. AUSTIN. Mr. President, will the Senator from Iowa yield further?

Mr. GILLETTE. I yield.

Mr. AUSTIN. I should like to ask the Senator at this time if he can tell me to what the language refers on page 3 in subsection (b) of section 2?

Mr. GILLETTE. Mr. President, I am very glad to say that since the time the Senator previously asked me the question, when I was unable to answer him, I have referred to the hearings and find that the language has reference to a joint resolution passed by the Congress in 1937 authorizing the Panama Railroad Company to dispose of these same lands, not to the Republic of Panama, not to any specific agency or recipient, but simply to dispose of them, and the Company has never acted on it in any way.

Mr. AUSTIN. But that was done by a joint resolution similar to the pending joint resolution?

Mr. GILLETTE. That was done by a joint resolution passed by both Houses of Congress.

Mr. DANAHER. Mr. President, will the Senator yield to me?

Mr. GILLETTE. I am glad to yield to the Senator from Connecticut.

Mr. DANAHER. I should like to invite the Senator's attention, if I may, to section 3 of the joint resolution. Examination discloses it to be simply an authorization for an appropriation of a sum not to exceed $2,700,000 for purposes stated, does it not?

Mr. GILLETTE. Yes.

Mr. DANAHER. The Senator has no doubt that we have full power by joint resolution to legislate in that particular, has he?

Mr. GILLETTE. Does the Senator mean as we are proposing to legislate by that section?

Mr. DANAHER. By section 3 only; yes.

Mr. GILLETTE. I will answer that question in the affirmative. There is no doubt on my part about it.

Mr. DANAHER. In the same spirit and by the same token the pending Senate Joint Resolution 162 is legislation, is it not?

Mr. GILLETTE. Certainly.

Mr. DANAHER. Yes. And it is subject to repeal in another month by exactly the same kind of joint resolution?

Mr. GILLETTE. It certainly is.

Mr. DANAHER. So that in fact we may never indeed execute section 3 at all?

Mr. GILLETTE. That is true. As the Senator from Connecticut knows better than I, section 3 would require action in the House, and through the Appropriations Committees.

Mr. DANAHER. And will not the same statement, as a matter of the Senator's understanding, apply with reference to section 2 of the joint resolution?

Mr. GILLETTE. That it could be a matter of legislation?

Mr. DANAHER. Yes.

Mr. GILLETTE. Certainly.

Mr. DANAHER. So that under the Constitution we have the power actually by joint resolution to dispose, by all legal rules and regulations, of the property of the United States?

Mr. GILLETTE. There is no doubt in my mind about that.

Mr. DANAHER. We do own all the stock of the Panama Railroad Company, do we not?

Mr. GILLETTE. That is correct.

Mr. DANAHER. And we may therefore authorize that corporation to make transfer or disposition of its land?

Mr. GILLETTE. Yes.

Mr. DANAHER. The whole question actually turns on the interpretation of section 2, does it not, with reference to which the Senator has addressed his able argument?

Mr. GILLETTE. I think that is correct.

Mr. DANAHER. May I call to the Senator's attention that in the convention of 1903, which was ratified in 1904, there is an article known as article 21, which reads as follows:

ARTICLE XXI

The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

Is it the Senator's purpose to offer an amendment to secure some such protection for interests which may have arisen during the tenure which the United States has had since 1904?

Mr. GILLETTE. The sole purpose of the amendment to which I have alluded, and which I offered in the committee, is to insert a specific covenant in the instrument of conveyance by which these lands are transferred to the Republic of Panama, providing that the grantee will hold the United States free and whole from any claim for damages on the part of the lessees, or the countries of their nationality, or arising either prior or subsequent to the instrument itself.

Mr. DANAHER. Does anyone dispute the Senator's contention that in view of the nature of this grant an amendment providing that we be held harmless is reasonable and proper?

Mr. GILLETTE. A majority of the Foreign Relations Committee apparently took a different view and refused to approve the amendment.

Mr. DANAHER. I thank the Senator.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. CONNALLY. That was largely true because of the fact that the Panama Railroad and the Government of the United States are one, but so far as I am concerned I have no personal objection to the Senator's amendment. He can place it in the joint resolution.

Mr. DANAHER. Does the Senator from Iowa intend to offer such an amendment?

Mr. GILLETTE. The Senator from Iowa is prepared to and is going to offer it as soon as the opportunity permits.

Mr. DANAHER. Mr. President, will the Senator from Iowa yield further?

Mr. GILLETTE. I yield.

Mr. DANAHER. Article 24 of the convention is as follows:

ARTICLE XXIV

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

Let me ask the Senator if there was any evidence before the committee as to the purpose of article XXIV in the original treaty.

Mr. GILLETTE. I will answer that there was no evidence at all before the committee as to the article to which the Senator has just referred. The committee did not go into that specific treaty at all. The question to which I have referred was raised—that we might be contravening that treaty by imposing an obligation on Panama which was not embodied in the treaty, by transfer of the sewerage system and the water system.

Mr. DANAHER. Does the Senator understand that by the adoption of the pending joint resolution we should be lessening any rights previously given to us under the second paragraph of Article VII of the original treaty?

Mr. GILLETTE. I am strongly of the opinion that we should not be. I do not see how, by any provision in the pending measure, we could forfeit any right which we have under that convention.

Mr. DANAHER. The Senator's view, then, is that section 1 may be narrowed to the extent that we are yielding up whatever rights are contained in article I, paragraph 1, of the original treaty?

Mr. GILLETTE. I think that is true.

Mr. DANAHER. And that the grant under section 1 of the joint resolution is limited to that extent?

Mr. GILLETTE. That is my judgment.

Mr. DANAHER. I honor the Senator's judgment. I am sure it is entitled to receive, and does receive, great respect. I thank the Senator.

Mr. CONNALLY. Mr. President, I ask for a vote on the amendments.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the committee.

Mr. NYE. Mr. President, I do not know that I shall object to any of the committee amendments. However, the Senator from Missouri [Mr. CLARK] wishes to be heard, and I shall have to arrange for him to be present. Let the committee amendments be approved.

Mr. CONNALLY. The Senator from Missouri may speak either on the amendments, or on the joint resolution.

Mr. JOHNSON of California. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, I make the point of order that no business has been transacted since the previous quorum call.

Mr. JOHNSON of California. A great deal of business has been transacted.

The PRESIDING OFFICER. There is nothing on the record to show that business has been transacted.

Mr. CONNALLY. Only speeches.

Mr. DANAHER. Mr. President, will the Senator yield to me for the purpose of submitting a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Texas yield for that purpose?

Mr. CONNALLY. I yield, if I have the floor.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CONNALLY. I thought the Senator from California [Mr. JOHNSON] had the floor.

Mr. DANAHER. Mr. President, I wish to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANAHER. Does Senate Joint Resolution 162 constitute legislation——

Mr. CONNALLY. Mr. President, that is not a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut has not finished stating his parliamentary inquiry.

Mr. CONNALLY. Mr. President, the Senator from Missouri [Mr. CLARK] has returned to the Chamber.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Connecticut?

Mr. CONNALLY. I yield for a question.

Mr. DANAHER. I ask, as a matter of parliamentary inquiry, whether or not Senate Joint Resolution 162 constitutes legislation which may be repealed by subsequent legislation.

Mr. CONNALLY. The Senator from Connecticut knows that any legislation can be repealed. Its effects cannot always be repealed; but on the books it can be repealed.

The Senator from Missouri has returned to the Chamber. Does he wish to be heard?

The PRESIDING OFFICER. Let the Chair answer the parliamentary inquiry.

The joint resolution, if enacted into law, would be subject to amendment, modification, and repeal in the same manner and to the same degree as any other legislation.

Mr. DANAHER. I thank the Chair.

Mr. JOHNSON of California. I suggest the absence of a quorum.

Mr. CONNALLY. I make the point of order that no business has been transacted since the previous quorum call.

The PRESIDING OFFICER. The point of order is well taken, because the minutes show that no business has been transacted.

Mr. CONNALLY. Mr. President, I ask for a vote on the committee amendments.

Mr. CLARK of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Missouri?

Mr. CONNALLY. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. CLARK of Missouri. Mr. President, I shall detain the Senate for only a moment or two, because the point of view which I hold with regard to the nature of the pending measure has been so well expressed by other Senators that it is not necessary for me to repeat it in detail. I desire only to say that I shall vote against the joint resolution, with great reluctance and regret, solely because of the form in which it is presented to the Senate.

I believe that the policy which has been pursued by President Roosevelt ever since his inauguration in 1933, in the direction of the improvement of our relations with the republics to the south of us in North America, Central America, and South America, has been the greatest diplomatic achievement of his career as President, and one of the greatest achievements of any President of the United States.

I should be glad, under proper constitutional forms, to vote for any measure calculated to carry out the policy which has been inaugurated and so successfully conducted by the President, and I should not be disposed to scrutinize in any detail the actual cost or the financial wisdom of the expenditures necessary and desirable to carry out that policy. I believe that the policy which has been pursued is not only a great diplomatic achievement, but also a great humanitarian achievement. Vast as have been the expenditures out of the Treasury of the United States, I believe that in the long run the policy will operate to the financial advantage of the United States as well as that of other nations. Therefore, I should not be disposed to scrutinize the items comprised in this agreement, although, as to certain of them which happen to fall within my own knowledge, I may doubt the wisdom of the grants proposed.

However, Mr. President, it seems to me that a far greater question is involved in this matter than the mere grants which are proposed to be made to the Republic of Panama. I refer to the question of the whole process provided by the Constitution for the negotiation of treaties by the Executive and their ratification or rejection by the United States Senate. It seems to me that any proposal, however meritorious it may be in itself, which tends to break down that process is vicious and ought to be defeated. Without having examined in detail the items in the joint resolution, because I was unable to be present at the meeting of the Committee on Foreign Relations when the matter was considered, and without having had the opportunity to examine the particular items covered by the joint resolution, I should be prepared to vote for all of them if they had been submitted in the form of a treaty under the constitutional processes provided for the ratification of treaties.

Mr. President, to my mind the joint resolution is a bypassing of the constitutional function of the Senate to ratify, by a two-thirds vote of this body, treaties covering our international relations.

In the more or less distant future—I hope the immediate future—there are in prospect matters of the utmost magnitude concerning the future of this Republic, involving the international relations of this country. At the conclusion of hostilities many questions will be presented to this body for consideration. Under the law they should be presented to this body.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. Let me say to the distinguished Senator from Missouri that I have had somewhat the same attitude in relation to this matter as that which he has just expressed. In his discussion I wonder if he will point out in the joint resolution in what respects it is a modification or a bypassing of the treaty about which he speaks?

Mr. CLARK of Missouri. Mr. President, the joint resolution is in pursuance of an agreement made between the United States and the Republic of Panama. In my opinion, the agreement should have been a treaty and should have been submitted to the Senate of the United States for its consideration. I do not believe there is any dispute on the record on that point.

Mr. WILEY. Will the Senator further yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. I repeat that that was my approach to the subject; but I wish some Senator would put the treaty into the RECORD so that we may have an opportunity to examine it.

Mr. CLARK of Missouri. I shall be glad to yield to the Senator from Wisconsin if he wishes to put the treaty in the RECORD. I do not have the treaty before me. I do not know whether any other member of the committee has it.

Mr. WILEY. I should like to return to the statement of the Senator in which he said that it was a modification.

Mr. CLARK of Missouri. I did not say that it was a modification. I said it was a matter which should be contained in a treaty and submitted to the Senate. I did not say that it was a modification of the treaty. I said it was in pursuance of an agreement, which I understand to be true. I do not have a copy of the agreement to put in the RECORD, but I shall be glad to yield to the able Senator from Wisconsin, or to any other Senator, for that purpose.

Mr. WILEY. Mr. President, I am seeking light. I do not care to get into any discussion. If, for example, the Senator owed me an obligation the performance of which was to take place 5 years from now, and he came to me before the expiration of that period and said, "I will pay it today." I can see how that might be a modification of an agreement. However, can it be said in a case of the kind under discussion that it would be a modification of a treaty if some obligation under it should be performed before the time specified for it in the treaty?

Mr. CLARK of Missouri. Mr. President, I do not intend to enter into an exhaustive legal argument, for I do not have sufficient information at hand to do so. I believe it would be a modification of a treaty to change its terms of performance, as suggested by the able Senator from Iowa [Mr. GILLETTE], with whose views I agree.

The point I make, Mr. President, is that at the conclusion of the war the country will be confronted with questions of very serious import involving the interests of the United States. I believe it is of utmost importance that the constitutional process be followed, and that before any international agreement becomes binding on the people of the United States it shall be submitted to the Senate for ratification.

So far as I am concerned, I am not willing to cast any vote to enact any legislation which by any construction can be considered as setting a precedent for allowing the bypassing of the constitutional functions of the United States Senate.

Therefore, as I say, I shall regretfully vote against the joint resolution, much as I should like to vote for anything for which I can vote to carry out the policies which have been announced and put into effect by the President in his relationship and the relationship of the United States with the other Latin American republics.

Mr. BARKLEY. Mr. President, it is well known that since the present administration came into power, we have entered into at least two treaties with Panama, if not three.

Mr. CLARK of Missouri. I voted for the two.

Mr. BARKLEY. Those treaties required ratification by a vote of two-thirds of the Members of the Senate. If the President or the State Department desired to bypass the Senate, it could have been done in connection with those two treaties.

Mr. CLARK of Missouri. I realize that; and therefore it is a source of great regret to me that they now have pursued a course different from that which they heretofore pursued.

Mr. BARKLEY. If the proposed method of carrying out agreements already entered into between the United States and Panama is regarded as legislation in connection with a treaty—and it is nothing new, because frequently——

Mr. CLARK of Missouri. Does the Senator say that the pending measure

is legislation toward the carrying out of a treaty in effect?

Mr. BARKLEY. I think it is.

Mr. CLARK of Missouri. I do not agree.

Mr. BARKLEY. And it is not the first time that it has been necessary to pass legislation to carry out the terms of a treaty, for very few treaties are self-executing. They must be followed by legislative integration on the part of both parties to the treaty. I regard the pending measure merely as legislation carrying out, in effect, the provisions of treaties already in existence.

Regarding the situation which will confront us following this war, I have not heard from anyone in any responsible quarter, or even from anyone in an irresponsible quarter, any suggestion that the President or the State Department intends to bypass the Senate in the matter of any formal treaty which may be necessary to be entered into at the conclusion of this war. However, if we do have a treaty obligating the United States to do certain things, and if it is ratified, it subsequently will become necessary for Congress to carry out the provisions of the treaty by legislation.

Mr. CLARK of Missouri. Mr. President, of course, everyone must agree to that. However, I do not agree with the proposition that we can change the provisions of a treaty by legislation. I take that position under the familiar legal proposition that an instrument under seal cannot be varied except by an instrument of equal dignity and magnitude.

However, I did not rise for the purpose of arguing the question but merely for the purpose of stating my views and stating the reason why I shall very regretfully vote against the joint resolution.

The PRESIDING OFFICER. The clerk will proceed to state the committee amendments.

The first amendment of the Committee on Foreign Affairs was, on page 2, line 2, after the word "or", to strike out "a reasonable rate to be agreed upon by both Governments" and insert "such other reasonable rate as may be agreed upon by both Governments."

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "arrangement", to strike out "for the responsibility of the public health service of the cities of Panama and Colon" and insert "in respect to responsibility for the public-health services of the cities of Panama and Colon."

The amendment was agreed to.

The next amendment was, on page 2, line 23, after the word "Canal" and the period, to insert "The authority conferred by this section shall not be exercised after June 30, 1944."

Mr. McNARY. Mr. President, before the amendment is agreed to, let me say that the able senior Senator from California, who was in the Chamber a moment ago, I think had a word to say. Of course, I do not desire to suggest the absence of a quorum.

Mr. GILLETTE. Mr. President, will the Senator from Oregon yield so that I may present an amendment while we are waiting?

Mr. McNARY. I yield.

Mr. GILLETTE. I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 23, before the period, it is proposed to insert a colon and the following: "*Provided*, That any such instruments of conveyance shall contain a provision under which the Panama Railroad Co. and any of its successors in interest agrees to fully protect the Government of the United States against any claims for damages or losses heretofore or hereafter incurred by any lessee of any of the lands covered by such conveyance."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. SHIPSTEAD. Mr. President——

Mr. McNARY. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Is this a piece of legislation?

Mr. GILLETTE. It is an amendment to the joint resolution. The whole joint resolution is legislation.

Mr. SHIPSTEAD. I have no objection.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. WILEY. I should like to ask a question of the distinguished Senator from Iowa. Am I to understand that if the amendment were agreed to it would mean that a conveyance would protect the interest of those who relied upon title in the Government of the United States?

Mr. GILLETTE. So far as they could be protected by a covenant in an instrument of conveyance.

Mr. WILEY. Ordinarily when one has leased property—and that is what I suppose our Government did—he cannot convey the lessees' interest. The claim would be in the nature of a quit claim, and would be subject to the superior rights of the lessee. I was wondering if that were the intent of the amendment.

Mr. GILLETTE. I tried to state the intent a moment ago. It was simply to provide in the instrument of conveyance a distinct and direct covenant that the grantees shall protect the United States from claims now existing or arising in the future under the leases on the part of the lessees or the countries of their nationality.

Mr. WILEY. Such a provision would protect the United States.

Mr. GILLETTE. Yes.

Mr. WILEY. But I am particularly interested in seeing that the nationals of other countries or of our own who have made improvements on the property, for instance, shall not have it taken away from them, but that the Republic of Panama will recognize the rights which they obtained from us when we had title to the property.

Mr. GILLETTE. I recognize the Senator's purpose. It is a very laudable one, and I am in agreement with him. On the other hand, we must bear in mind that the people affected are nationals of another nation. Such redress as they may be entitled to must be obtained in pursuance of channels which they have a right to pursue. So far as we can protect them, I am attempting in the amendment to do so.

Mr. WILEY. I thank the Senator; but it seems to me that the justification—and all the argument has been to that effect—for agreeing to the resolution is that we are going to do it because it will benefit our Government. It seems to me that we also owe an obligation to our own citizens or to the citizens of other countries who have invested money and labor, and so forth, on the good old American doctrine that when a man deals with Uncle Sam he gets a square deal, and that Uncle Sam will not "sell him short." I should hate to see the word go out through South America that the United States, owning property, has permitted persons who dealt with this Nation to be "sold short."

Mr. McNARY. Mr. President, I think an understanding has been arrived at whereby the pending matter will go over until tomorrow. That is the hope expressed by the able senior Senator from California and, I think, concurred in by the generous Senator from Texas. Is that correct?

Mr. CONNALLY. The Senator from California has expressed a desire to address the Senate on the measure tomorrow. Because of that request, I am perfectly willing that the joint resolution go over until tomorrow as the pending business.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BAILEY, from the Committee on Commerce:

Prof. (temporary) Jerry B. Hoag to be a permanent professor in the United States Coast Guard with rank of lieutenant commander, to rank as such from September 9, 1940.

By Mr. McCARRAN, from the Committee on the District of Columbia:

Victor S. Mersch, of the District of Columbia, to be Register of Wills for the District of Columbia, vice Theodore L. Cogswell, resigned.

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

Sundry officers for appointment (by transfer) and promotion in the Regular Army.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. George H. Fort to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May, 1942.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

Mr. BARKLEY. Mr. President, on behalf of the Senator from Montana [Mr. WHEELER], chairman of the Committee on Interstate Commerce, I report two nominations which are reappointments to the Interstate Commerce Commission, and ask for their present consideration.

Mr. McNARY. Mr. President, I join the able Democratic leader in that request.

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk read the nomination of Clyde B. Aitchison, of Oregon, to be Interstate Commerce Commissioner for the term expiring December 31, 1949.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? Without objection, the nomination is confirmed.

The clerk will state the next nomination.

The legislative clerk read the nomination of Claude R. Porter, of Iowa, to be Interstate Commerce Commissioner for the term expiring December 31, 1949.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of both nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be notified forthwith.

That completes the Executive Calendar.

LILLIAN LABAUVE LINNEY—CONFERENCE REPORT

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2317) entitled "An act for the relief of Lillian LaBauve Linney, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to same with an amendment, as follows: In lieu of the figures "$7,117.50", insert "$6,500"; and the House agree to the same.

ALLEN J. ELLENDER,
TOM STEWART,
RALPH O. BREWSTER,
Managers on the part of the Senate.

DAN R. McGEHEE,
SAMUEL A. WEISS,
Managers on the part of the House.

The report was agreed to.

SENATOR FROM NORTH CAROLINA—CREDENTIALS

The PRESIDING OFFICER laid before the Senate the credentials of JOSIAH W. BAILEY, duly chosen by the qualified electors of the State of North Carolina a Senator for that State for the term beginning January 3, 1943, which were read and ordered to be filed.

EXPENSES OF INTER-AMERICAN FINANCIAL AND ECONOMIC ADVISORY COMMITTEE (H. DOC. NO. 894)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted to authorize the appropriation of such sums as may be necessary for the payment by the United States of its proportionate share in the annual expenses of the Inter-American Financial and Economic Advisory Committee.

FRANLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 3, 1942.*

CONTINUANCE OF PARTICIPATION BY THE UNITED STATES IN AMERICAN ADVISORY COMMITTEE (H. DOC. NO. 893)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted to enable the United States to continue participation in the Emergency Advisory Committee for Political Defense and to authorize the appropriation of such sums as may be required for such participation by the United States in this committee for the period of the war emergency or so long as the American republics may deem the continuation of its activities to be essential to the welfare of the hemisphere, but not exceeding the sum of $105,560 per annum.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 3, 1942.*

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Friday, December 4, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate December 3 (legislative day of November 30), 1942:

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO AIR CORPS

Second Lt. John Earl Atkinson, Quartermaster Corps (temporary first lieutenant), with rank from June 11, 1941.

Second Lt. David Christy Warwick, Infantry (temporary first lieutenant), with rank from February 20, 1942.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be lieutenant colonels with rank from December 11, 1942

Maj. Earl Thomas McCullough, Quartermaster Corps (temporary colonel).

Maj. Evers Abbey, Air Corps (temporary colonel).

Maj. Otto Lucratus McDaniel, Field Artillery (temporary lieutenant colonel).

Maj. Allan Francis Sullivan, Infantry (temporary lieutenant colonel).

Maj. William Clarkson Huggins, Field Artillery (temporary colonel).

Maj. Thomas Walter Roane, Infantry (temporary lieutenant colonel).

Maj. Herbert Hunter Harris, Infantry (temporary lieutenant colonel).

Maj. James Alva Murphey, Quartermaster Corps (temporary lieutenant colonel).

Maj. William Daniel Schas, Quartermaster Corps (temporary lieutenant colonel).

Maj. William Robert Schaefer, Field Artillery (temporary colonel).

Maj. Moses Alexander, Finance Department (temporary colonel).

Maj. Donald Dewey McCaskey, Infantry (temporary lieutenant colonel).

Maj. Allen Agee Goodwyn, Infantry (temporary lieutenant colonel).

Maj. Ralph Elmer Alexander, Infantry (temporary lieutenant colonel).

Maj. Robert Howard Wylie, Quartermaster Corps (temporary colonel).

Maj. Albert Pierson, Infantry (temporary colonel).

Maj. Sylvian Gaston Kindall, Infantry (temporary lieutenant colonel).

Maj. John Hancock Holder, Quartermaster Corps (temporary colonel).

Maj. Joseph Popenjoy Bailey, Air Corps (temporary colonel).

Maj. Kenneth Campbell McGregor, Air Corps (temporary colonel).

Maj. Rafael Louis Salzmann, Infantry (temporary lieutenant colonel).

Maj. Riley Finley Ennis, Infantry (temporary colonel).

Maj. Clarence Frost Horton, Air Corps (temporary colonel).

Maj. George Francis Wooley, Jr., Field Artillery (temporary colonel).

Maj. Clarence Edward Jones, Quartermaster Corps (temporary colonel).

Maj. John Joseph Johnson, Coast Artillery Corps (temporary colonel).

Maj. Porter Tate Gregory, Coast Artillery Corps (temporary lieutenant colonel).

Maj. George Henry Bardsley, Ordnance Department (temporary lieutenant colonel).

Maj. Ray Edward Dingeman, Coast Artillery Corps (temporary colonel).

Maj. Harry Albert Kuhn, Chemical Warfare Service (temporary colonel).
Maj. Arthur Edmond Wilson, Coast Artiller Corps (temporary colonel).
Maj. George Cobb Wynne, Quartermaster Corps (temporary lieutenant colonel).
Maj. George Franklin Nichols, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Harry Frederick Meyers, Coast Artillery Corps (temporary colonel).
Maj. Ola Aloysius Nelson, Coast Artillery Corps (temporary colonel).
Maj. Thomas North, Field Artillery (temporary colonel).
Maj. William Chauncey Hutt, Quartermaster Corps (temporary colonel).
Maj. Arthur Nicholas Ziegler, Judge Advocate General's Department (temporary colonel).
Maj. Henry Lee Kinnison, Jr., Cavalry (temporary lieutenant colonel).
Maj. Robert Homer Soule, Infantry (temporary colonel).
Maj. Pardoe Martin, Air Corps (temporary colonel).
Maj. John Augustus Hunt, Quartermaster Corps (temporary colonel).
Maj. Raymond Rudolph Brown, Air Corps (temporary colonel).
Maj. William Ernest Griffin, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Rudolph George Schmidt, Quartermaster Corps (temporary colonel).
Maj. Frank Willard Bullock, Signal Corps (temporary colonel).
Maj. David Lyddall Hardee, Infantry (temporary lieutenant colonel).
Maj. Joseph Elmer Monhollan, Infantry.
Maj. Whitfield Putnam Shepard, Infantry (temporary colonel).
Maj. Clifton Tredway Hunt, Corps of Engineers (temporary colonel).
Maj. Helmuth Ernest Beine, Infantry (temporary lieutenant colonel).
Maj. Robert Scuriark Moore, Finance Department (temporary colonel).
Maj. Aloysius Joseph Tagliabue, Finance Department (temporary lieutenant colonel).
Maj. Cleon Lyle Williams, Infantry (temporary lieutenant colonel).
Maj. David Ray Nimocks, Finance Department (temporary colonel).
Maj. William Thrower Pitts, Jr., Infantry (temporary colonel).
Maj. Fredrik Lorentsen Knudsen, Jr., Infantry (temporary lieutenant colonel).
Maj. Jesse Thomas Harris, Infantry (temporary lieutenant colonel).
Maj. Crowell Edward Pease, Quartermaster Corps (temporary lieutenant colonel).
Maj. Claude Bertram Avera, Quartermaster Corps (temporary lieutenant c lonel).
Maj. Newton Wesley Jones, Field Artillery (temporary colonel).
Maj. Elden Quincy Faust, Quartermaster Corps (temporary lieutenant colonel); subject to examination required by law.
Maj. Edwin Ray McReynolds, Air Corps (temporary colonel).
Maj. David Glenn Lingle, Air Corps (temporary colonel).
Maj. Harry Van Horn Ellis, Quartermaster Corps (temporary lieutenant colonel).
Maj. Robert Morris Webster, Air Corps (temporary brigadier general).
Maj. Ralph Hamilton Tate, Chemical Warfare Service (temporary colonel).
Maj. Harold Spigelmyre, Quartermaster Corps (temporary lieutenant colonel).
Maj. Frank Harl Curtis, Signal Corps (temporary colonel).
Maj. William Stanard Keller, Finance Department (temporary lieutenant colonel).
Maj. Paul Revere Smith, Chemical Warfare Service (temporary colonel).
Maj. Thearl Ward Essig, Infantry (temporary colonel).
Maj. Carter Marion Kolb, Quartermaster Corps (temporary colonel).
Maj. Harold Almon Gardyne, Finance Department (temporary lieutenant colonel).
Maj. Grover Adlai Summa, Finance Department (temporary colonel).
Maj. Sam Purswell, Infantry (temporary lieutenant colonel).
Maj. Charles Backes, Air Corps (temporary colonel).
Maj. Jesse Earl Canary, Infantry (temporary lieutenant colonel).
Maj. Richard Evans Glasson Opie, Infantry (temporary lieutenant colonel).
Maj. John Weckerling, Infantry (temporary colonel).
Maj. Forbie Hiram Privett, Infantry (temporary lieutenant colonel).
Maj. Sigmund Franklin Landers, Air Corps (temporary colonel).
Maj. Lawrence Eugene Heyduck, Field Artillery (temporary colonel).
Maj. Milo Neil Clark, Air Corps (temporary colonel).
Maj. Lewis Peyton Jordan, Quartermaster Corps (temporary colonel).
Maj. Frederick Reinhold Undritz, Infantry (temporary lieutenant colonel).
Maj. Franklin Harwood Caniett, Field Artillery (temporary lieutenant colonel).
Maj. John DeLorme Eason, Infantry (temporary colonel).
Maj. Charles Franklin Hudson, Infantry (temporary colonel).
Maj. Harrison Gage Crocker, Air Corps (temporary colonel).
Maj. John Myres Rooks, Quartermaster Corps (temporary colonel).
Maj. Frank Scott Frickelton, Quartermaster Corps (temporary lieutenant colonel).
Maj. Ole Gunnar Hoaas, Corps of Engineers (temporary lieutenant colonel).
Maj. Robert Stanley Beard, Corps of Engineers (temporary colonel).
Maj. Fernand George Dumont, Infantry (temporary colonel).
Maj. Ned Schramm, Air Corps (temporary colonel).
Maj. Don McNeal, Air Corps (temporary colonel).
Maj. Victor Lafayette Robinson, Quartermaster Corps (temporary lieutenant colonel).
Maj. Milton Edward Wilson, Quartermaster Corps (temporary colonel).
Maj. Edward Morris Robbins, Air Corps (temporary colonel).
Maj. James Weston Hammond, Air Corps (temporary colonel).
Maj. Leonard Francis Felio, Quartermaster Corps (temporary colonel).
Maj. Robert Emmet Coughlin, Corps of Engineers (temporary colonel).
Maj. Gaylord Burnam Kidwell, Quartermaster Corps (temporary lieutenant colonel).
Maj. Edwin Joseph McAllister, Infantry (temporary lieutenant colonel).
Maj. William James Daw, Signal Corps (temporary colonel).
Maj. Otto Ellis, Field Artillery (temporary lieutenant colonel).
Maj. David Wood Griffiths, Corps of Engineers (temporary colonel).
Maj. Arthur William Pence, Corps of Engineers (temporary colonel).
Maj. Leslie Richard Groves, Corps of Engineers (temporary brigadier general).
Maj. Frederic Bates Butler, Corps of Engineers (temporary colonel).
Maj. Leverett Griggs Yoder, Corps of Engineers (temporary colonel).
Maj. Harry Alexander Montgomery, Corps of Engineers (temporary colonel).
Maj. Mark Mayo Boatner, Jr., Corps of Engineers (temporary colonel).
Maj. David Ayres Depue Ogden, Corps of Engineers (temporary brigadier general).
Maj. Karl Browne Schilling, Corps of Engineers (temporary colonel).
Maj. Elmer Ellsworth Barnes, Corps of Engineers (temporary colonel).
Maj. William Wesley Wanamaker, Corps of Engineers (temporary colonel).
Maj. Beverly Carradine Snow, Corps of Engineers (temparary colonel).
Maj. Richard Lee, Corps of Engineers (temporary colonel).
Maj. Howard Louis Peckham, Corps of Engineers (temporary brigadier general).
Maj. Charles Richard Bathurst, Corps of Engineers (temporary colonel).
Maj. Wendell Phillips Trower, Corps of Engineers (temporary colonel).
Maj. Robert Gilbert Lovett, Corps of Engineers (temporary colonel).
Maj. Cornman Louis Hahn, Corps of Engineers (temporary lieutenant colonel).
Maj. Edwin Potter Lock, Jr., Corps of Engineers (temporary colonel).
Maj. George Brooke McReynolds, Field Artillery (temporary Colonel).
Maj. Morris Williams Gilland, Corps of Engineers (temporary colonel).
Maj. David Terrill Johnson, Corps of Engineers (temporary lieutenant colonel).
Maj. Randolph Piersol Williams, Air Corps (temporary colonel).
Maj. Arthur Joseph Sheridan, Corps of Engineers (temporary lieutenant colonel).
Maj. James George Christiansen, Corps of Engineers (temporary colonel).
Maj. Benjamin Franklin Chadwick, Corps of Engineers (temporary lieutenant colonel); subject to examination required by law.
Maj. Heath Twichell, Corps of Engineers (temporary colonel).
Maj. Joseph Jones Twitty, Corps of Engineers (temporary colonel).
Maj. Harrison Shaler, Ordnance Department (temporary colonel).
Maj. Edmund Wilson Searby, Field Artillery (temporary colonel).
Maj. Roger Manning Wicks, Field Artillery (temporary brigadier general).
Maj. Robert Everett York, Corps of Engineers (temporary colonel).
Maj. Chester Krum Harding, Corps of Engineers (temporary colonel).
Maj. William Clarence Bennett, Jr., Corps of Engineers (temporary colonel).
Maj. Claude Henry Chorpening, Corps of Engineers (temporary colonel).
Maj. George Vernon Keyser, Field Artillery (temporary brigadier general).
Maj. Frank Otto Bowman, Corps of Engineers (temporary colonel).
Maj. Joseph Shirley Gorlinski, Corps of Engineers (temporary colonel).
Maj. Albert Riani, Corps of Engineers (temporary colonel).
Maj. Orville Ernest Walsh, Corps of Engineers (temporary colonel).
Maj. Peter Paul Goerz, Corps of Engineers (temporary colonel).
Maj. William Aylett Callaway, Infantry (temporary lieutenant colonel).
Maj. Howard Voorheis Canan, Corps of Engineers (temporary colonel).
Maj. Vere Alfred Beers, Corps of Engineers (temporary colonel).
Maj. Doswell Gullatt, Corps of Engineers (temporary colonel).
Maj. John Bell Hughes, Corps of Engineers (temporary colonel).
Maj. Lawrence Bradford Bixby, Field Artillery (temporary colonel).
Maj. Harry Crawford, Field Artillery (temporary lieutenant colonel).
Maj. William Washington Webster, Field Artillery (temporary lieutenant colonel).
Maj. John Hamilton Hinds, Field Artillery (temporary colonel).
Maj. John Marks Moore, Coast Artillery Corps (temporary lieutenant colonel).
Maj. George Gage Eddy, Ordnance Department (temporary colonel).
Maj. Charles Edward Morrison, Cavalry (temporary lieutenant colonel).
Maj. William Powell Blair, Field Artillery (temporary colonel).

Maj. William James Epes, Field Artillery (temporary colonel).
Maj. John Hinton, Field Artillery (temporary colonel).
Maj. Eric Spencer Molitor, Field Artillery (temporary colonel).
Maj. Richard August Ericson, Coast Artillery Corps (temporary colonel).
Maj. James Vincent Carroll, Field Artillery (temporary lieutenant colonel).
Maj. Arthur Emil Mickelsen, Signal Corps (temporary colonel).
Maj. Paul Boyle Kelly, Coast Artillery Corps (temporary colonel).
Maj. Ernest Calhoun Norman, Field Artillery (temporary colonel).
Maj. Christian Knudsen, Cavalry (temporary colonel).
Maj. William Bobbs Miller, Finance Department (temporary colonel).
Maj. Charles Rolland Gildart, Field Artillery (temporary colonel).
Maj. Richard Carrick Babbitt, Infantry (temporary colonel).
Maj. Francis Bassett Valentine, Air Corps (temporary colonel).
Maj. Charles Edward Hixon, Field Artillery (temporary colonel).
Maj. Hammond McDougal Monroe, Infantry (temporary colonel).
Maj. Bryan Evans, Field Artillery (temporary colonel).
Maj. Bonner Frank Fellers, Coast Artillery Corps (temporary colonel).
Maj. John William Middleton, Infantry (temporary colonel).
Maj. Melton Adams Hatch, Coast Artillery Corps (temporary colonel).
Maj. Kenneth Seymour Stice, Signal Corps (temporary lieutenant colonel).
Maj. Francis Andrew March 3d, Field Artillery (temporary lieutenant colonel).
Maj. George Maurice Badger, Coast Artillery Corps (temporary colonel).
Maj. John Sheridan Winn, Jr., Field Artillery (temporary colonel).
Maj. Marion Van Voorst, Signal Corps (temporary lieutenant colonel).
Maj. Frank Johnstone Cunningham, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Thomas Tipton Thornburgh, Cavalry (temporary lieutenant colonel).
Maj. Hobart Reed Yeager, Air Corps (temporary colonel).
Maj. John Hiram Lewis, Jr., Field Artillery (temporary lieutenant colonel).
Maj. Gervais William Trichel, Ordnance Department (temporary colonel).
Maj. Vincent John Conrad, Infantry (temporary lieutenant colonel).
Maj. Thomas William Munford, Coast Artillery Corps (temporary colonel).
Maj. James Longstreet Whelchel, Quartermaster Corps (temporary lieutenant colonel).
Maj. David Adams Taylor, Cavalry (temporary lieutenant colonel).
Maj. Edward Ward Smith, Ordnance Department (temporary colonel).
Maj. Ronald Austin Hicks, Air Corps (temporary colonel).
Maj. John Hadley Fonvielle, Coast Artillery Corps (temporary colonel).
Maj. John Bartlett Sherman, Infantry (temporary colonel).
Maj. Elmer Vaughan Stansbury, Cavalry (temporary lieutenant colonel).
Maj. Joe David Moss, Coast Artillery Corps (temporary colonel).
Maj. John Joseph Breen, Ordnance Department (temporary colonel).
Maj. Joseph Kittredge Baker, Cavalry (temporary lieutenant colonel).
Maj. Frederick Pearson, Finance Department (temporary colonel).
Maj. Charles Frederick Colson, Infantry (temporary colonel).
Maj. Albert Walker Johnson, Judge Advocate General's Department (temporary colonel).
Maj. Willard Ames Holbrook, Jr., Cavalry (temporary colonel).
Maj. Auston Monroe Wilson, Jr., Coast Artillery Corps (temporary colonel).
Maj. Samuel Powell Walker, Jr., Cavalry (temporary colonel).
Maj. Robert Alwin Schow, Infantry (temporary colonel).
Maj. John Harrison Stokes, Jr., Infantry (temporary colonel).
Maj. Jesse Ellis Graham, Infantry (temporary colonel).
Maj. Jerome David Cambre, Infantry (temporary lieutenant colonel).
Maj. Eustaquio Sabio Baclig, Philippine Scouts.
Maj. Burrowes Goldthwaite Stevens, Infantry (temporary colonel).
Maj. Alexander Thomas McCone, Field Artillery (temporary colonel).
Maj. Thomas Markham Brinkley, Infantry (temporary colonel).
Maj. Donald William Sawtelle, Cavalry.
Maj. Paul Wilkins Kendall, Infantry (temporary colonel).
Maj. Charles Henry Moore, Jr., Infantry (temporary lieutenant colonel).
Maj. James Wentworth Freeman, Ordnance Department (temporary colonel).
Maj. Alexander John Mackenzie, Infantry (temporary lieutenant colonel).
Maj. Wiley Vinton Carter, Signal Corps (temporary lieutenant colonel).
Maj. Ira Platt Swift, Cavalry (temporary colonel).
Maj. Wilbur Eugene Dunkelberg, Infantry (temporary colonel).
Maj. Arthur Pulsifer, Signal Corps (temporary colonel).
Maj. Farrin Allen Hillard, Infantry (temporary lieutenant colonel).
Maj. Elliott Watkins, Infantry (temporary colonel).
Maj. Francis James Gillespie, Infantry (temporary colonel).
Maj. Jesse Lewis Gibney, Infantry (temporary lieutenant colonel).
Maj. Robert Hale Vesey, Infantry (temporary lieutenant colonel).
Maj. Clarence Miles Mendenhall, Jr., Coast Artillery Corps (temporary lieutenant colonel).
Maj. Kester Lovejoy Hastings, Quartermaster Corps (temporary colonel).
Maj. George McKnight Williamson, Jr., Field Artillery (temporary lieutenant colonel).
Maj. Howard Waite Brimmer, Field Artillery (temporary lieutenant colonel).
Maj. Walter Joseph Muller, Infantry (temporary colonel).
Maj. Harry Lovejoy Rogers, Jr., Infantry (temporary colonel).
Maj. George Bryan Conrad, Field Artillery (temporary lieutenant colonel).
Maj. William Stephen Murray, Infantry (temporary lieutenant colonel).
Maj. Raymond Wainwright Odor, Infantry (temporary lieutenant colonel).
Maj. James Clyde Welch, Infantry (temporary lieutenant colonel).
Maj. Miner Welsh Bonwell, Infantry (temporary lieutenant colonel).
Maj. Joseph Magoffin Glasgow, Cavalry (temporary colonel).
Maj. James Lawrence Keasler, Quartermaster Corps (temporary colonel).
Maj. Richard Bryan Wheeler, Infantry (temporary colonel).
Maj. Thomas Roswell Aaron, Infantry (temporary lieutenant colonel).
Maj. David Albert Newcomer, Corps of Engineers (temporary lieutenant colonel).
Maj. Alfred Maximilian Gruenther, Field Artillery (temporary brigadier general).
Maj. Herbert Bernard Loper, Corps of Engineers (temporary colonel).
Maj. Williston Birkhimer Palmer, Field Artillery (temporary brigadier general).
Maj. Robert Gibbins Gard, Field Artillery (temporary colonel).
Maj. Herbert Maury Jones, Adjutant General's Department (temporary colonel).
Maj. Orville Wells Martin, Field Artillery (temporary lieutenant colonel).
Maj. Forrest Eugene Cookson, Infantry (temporary colonel).
Maj. Alexander Sharp Bennet, Field Artillery (temporary lieutenant colonel).
Maj. George Sheldon Price, Field Artillery (temporary colonel).
Maj. Wyburn Dwight Brown, Field Artillery (temporary colonel).
Maj. Robert Miller Montague, Field Artillery (temporary brigadier general).
Maj. Charles Pollard Jones, Field Artillery (temporary colonel).
Maj. Anthony Clement McAuliffe, Field Artillery (temporary brigadier general).
Maj. Lester Francis Rhodes, Corps of Engineers (temporary colonel).
Maj. Albert Rhett Stuart Barden, Field Artillery (temporary lieutenant colonel).
Maj. Don Gilmore Shingler, Corps of Engineers (temporary colonel).
Maj. Harlan Nelson Hartness, Infantry (temporary brigadier general).
Maj. Louis Brainard Ely, Field Artillery (temporary colonel).
Maj. Julius Easton Slack, Field Artillery (temporary colonel).
Maj. Bertram Francis Hayford, Field Artillery (temporary colonel).
Maj. Ernest Aaron Bixby, Field Artillery (temporary colonel).
Maj. Robert Rossiter Raymond, Jr., Field Artillery (temporary colonel).
Maj. Harris Fulford Scherer, Adjutant General's Department (temporary colonel).
Maj. Thomas Benoit Hedekin, Field Artillery (temporary colonel).
Maj. Joseph Vincil Phelps, Field Artillery (temporary colonel).
Maj. Charles Norton McFarland, Field Artillery (temporary colonel).
Maj. Charles Alvin Pyle, Field Artillery (temporary colonel).
Maj. John Ray Hardin, Corps of Engineers (temporary colonel).
Maj. Maurice Place Chadwick, Signal Corps (temporary lieutenant colonel).
Maj. Foster Joseph Tate, Field Artillery (temporary colonel).
Maj. Richard Tobin Bennison, Quartermaster Corps (temporary colonel).
Maj. Henry John Dick Meyer, Field Artillery (temporary colonel).
Maj. Elton Foster Hammond, Signal Corps (temporary colonel).
Maj. Ernest Marion Brannon, Judge Advocate General's Department (temporary colonel).
Maj. John Wyville Sheehy, Infantry (temporary lieutenant colonel).
Maj. John Joseph Burns, Field Artillery (temporary colonel).
Maj. Leslie Edgar Jacoby, Field Artillery (temporary lieutenant colonel).
Maj. John Raikes Vance, Infantry (temporary colonel).
Maj. Richard Powell Ovenshine, Infantry (temporary lieutenant colonel).
Maj. Edwin Virgil Kerr, Field Artillery (temporary lieutenant colonel).
Maj. Thomas McGregor, Field Artillery (temporary lieutenant colonel).
Maj. Harrison Howell Dodge Heiberg, Cavalry (temporary lieutenant colonel).
Maj. William Irwin Allen, Coast Artillery Corps (temporary lieutenant colonel).
Maj. James Edmund Parker, Air Corps (temporary colonel).
Maj. William Wesson Jervey, Signal Corps (temporary colonel).
Maj. George Raymond Burgess, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Edward Lynde Strohbehn, Field Artillery (temporary lieutenant colonel).
Maj. Maurice Keyes Kurtz, Field Artillery (temporary lieutenant colonel).
Maj. Leo Clement Paquet, Infantry (temporary lieutenant colonel).
Maj. Thomas Maurice Crawford, Infantry (temporary colonel).

Maj. Eugene McGinley, Field Artillery (temporary colonel).
Maj. Hugh Brownrigg Waddell, Cavalry (temporary lieutenant colonel).
Maj. Lester DeLong Flory, Coast Artillery Corps (temporary colonel).
Maj. Isaac Haiden Ritchie, Coast Artillery Corps (temporary colonel).
Maj. Augustine Francis Shea, Air Corps (temporary colonel).
Maj. Carlisle Visscher Allan, Infantry (temporary colonel).
Maj. Marion Patton Echols, Field Artillery (temporary colonel).
Maj. Francis Otis Wood, Field Artillery (temporary lieutenant colonel).
Maj. Hobart Hewett, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Waldemar Sven Broberg, Ordnance Department (temporary colonel).
Maj. James Holden Phillips, Cavalry (temporary colonel).
Maj. Frederick Weed Drury, Cavalry (temporary colonel).
Maj. Leander Dunbar Syme, Infantry (temporary colonel).
Maj. Ellis Vern Williamson, Field Artillery (temporary colonel).
Maj. Leroy Clark Wilson, Infantry (temporary lieutenant colonel).
Maj. Nathaniel Alanson Burnell 2d, Coast Artillery Corps (temporary lieutenant colonel).
Maj. John Bartlett Murphy, Field Artillery (temporary colonel).
Maj. James Lowe Harbough, Jr., Judge Advocate General's Department (temporary colonel).
Maj. Virgil Farrar Shaw, Cavalry (temporary colonel).
Maj. Michael Gibson Smith, Field Artillery (temporary lieutenant colonel).
Maj. Syril Emerson Paine, Infantry (temporary colonel).
Maj. Arthur Maxon Parsons, Infantry (temporary colonel).
Maj. Harry Welling Barrick, Infantry (temporary colonel).
Maj. Howard Rand Perry, Jr., Infantry (temporary lieutenant colonel).
Maj. Edward Hamilton Young, Judge Advocate General's Department (temporary colonel).
Maj. Gerald Saint Claire Mickle, Infantry (temporary colonel).
Maj. Benjamin Randolph Farrar, Infantry.
Maj. Henry Ellis Sanderson, Field Artillery (temporary colonel).
Maj. Hugh French Thomason Hoffman, Cavalry (temporary colonel).
Maj. Walter Scott Winn, Jr., Infantry (temporary colonel).
Maj. Willard Gordon Wyman, Cavalry (temporary colonel).
Maj. John Leonard Wh'telaw, Infantry (temporary colonel).
Maj. Edward Henry Bowes, Infantry (temporary lieutenant colonel).
Maj. Edwin Malcolm Sutherland, Infantry (temporary colonel).
Maj. Joseph Andrew Holly, Infantry (temporary colonel).
Maj. William Douglas McNair, Field Artillery (temporary colonel).
Maj. Charles Forrest Wilson, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Robert Francis Carter, Quartermaster Corps (temporary colonel).
Maj. Hugh Garnett Elliott, Field Artillery (temporary lieutenant colonel).
Maj. Nathan Farragut Twining, Air Corps (temporary brigadier general).
Maj. William John Crowe, Ordnance Department (temporary colonel).
Maj. L. Hoyt Rockafellow, Adjutant General's Department (temporary lieutenant colonel).
Maj. Roland William McNamee, Infantry (temporary colonel).
Maj. John Carpenter Raaen, Ordnance Department (temporary colonel).
Maj. Winfred George Skelton, Infantry (temporary lieutenant colonel).
Maj. Lambert Benel Cain, Infantry (temporary lieutenant colonel).
Maj. Edmund Bower Sebree, Infantry (temporary brigadier general).
Maj. Merritt Brandon Booth, Infantry (temporary lieutenant colonel).
Maj. Raymond Clay Barlow, Infantry (temporary colonel).
Maj. Frank Greene Davis, Infantry (temporary lieutenant colonel).
Maj. Emmett James Bean, Finance Department (temporary colonel).
Maj. Donald Allen Fay, Infantry (temporary lieutenant colonel).
Maj. Charles Henry Noble, Cavalry (temporary colonel).
Maj. Walter Towle O'Reilly, Field Artillery (temporary lieutenant colonel).
Maj. Kenneth Pierce, Infantry (temporary lieutenant colonel).
Maj. Charles Henry Bryan, Cavalry (temporary colonel).
Maj. John Howell Collier, Cavalry (temporary colonel).
Maj. Dean Luce, Coast Artillery Corps (temporary colonel).
Maj. George Gordon Elms, Cavalry (temporary colonel).
Maj. John Dimmick Armstrong, Infantry (temporary lieutenant colonel).
Maj. Ralph Francis Stearley, Air Corps (temporary colonel).
Maj. Donald Handley Nelson, Cavalry (temporary lieutenant colonel).
Maj. Edward Ora Hopkins, Field Artillery (temporary lieutenant colonel).
Maj. James Verne Cole, Infantry (temporary colonel).
Maj. Clarence Archibald Frank, Finance Department (temporary lieutenant colonel).
Maj. Frederick Bradstreet Dodge, Jr., Coast Artillery Corps (temporary lieutenant colonel).
Maj. Clarkson Deweese McNary, Infantry (temporary lieutenant colonel).
Maj. Bernard Abert Byrne, Infantry (temporary colonel).
Maj. Warren Wilson Christian, Infantry (temporary lieutenant colonel).
Maj. Robert Barrett Hutchins, Infantry (temporary colonel).
Maj. George Dewey Rogers, Ordnance Department (temporary colonel).
Maj. William Henry Dunham, Jr., Coast Artillery Corps (temporary colonel).
Maj. Irvin Alexander, Infantry (temporary lieutenant colonel).
Maj. John Harvey Madison, Coast Artillery Corps (temporary colonel).
Maj. George Edward Bruner, Infantry (temporary lieutenant colonel).
Maj. Thomas Llewellyn Waters, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Urban Niblo, Ordnance Department (temporary colonel).
Maj. Kenneth Sharp Olson, Finance Department (temporary lieutenant colonel).
Maj. Robert Montgomery Springer, Judge Advocate General's Department (temporary colonel).
Maj. Russell John Nelson, Infantry (temporary lieutenant colonel).
Maj. Charles Maine Wolff, Coast Artillery Corps (temporary colonel).
Maj. Simon Foss, Infantry (temporary colonel).
Maj. Edward Melvin Starr, Infantry (temporary colonel).
Maj. Joseph Sladen Bradley, Infantry (temporary lieutenant colonel).
Maj. Arthur Launcelot Moore, Infantry (temporary lieutenant colonel).
Maj. Robert William Crichlow, Jr., Coast Artillery Corps (temporary colonel).
Maj. Martin Anthony Fennell, Cavalry (temporary lieutenant colonel).
Maj. Ralph Harris Bassett, Ordnance Department (temporary colonel).
Maj. Albert Sidney Johnston Stovall, Jr., Cavalry (temporary colonel).
Maj. Donald Carson Hardin, Infantry (temporary lieutenant colonel).
Maj. Wayne Clifton Zimmerman, Infantry (temporary colonel).
Maj. John Thomas Keeley, Infantry (temporary lieutenant colonel).
Maj. Joseph Conrad Odell, Quartermaster Corps (temporary colonel).
Maj. Josiah Toney Dalbey, Infantry (temporary colonel).
Maj. Logan Osburn Shutt, Coast Artillery Corps (temporary colonel).
Maj. Hilton Edward Heineke, Finance Department (temporary lieutenant colonel).
Maj. Galen Magnus Taylor, Ordnance Department (temporary colonel).
Maj. Daniel Phillip Buckland, Cavalry (temporary lieutenant colonel).
Maj. Philip McIlvaine Whitney, Adjutant General's Department (temporary colonel).
Maj. John Morris Works, Field Artillery (temporary colonel).
Maj. Christian Hildebrand, Infantry (temporary lieutenant colonel).
Maj. Joseph Holleman Warren, Infantry (temporary lieutenant colonel).
Maj. Edgar Mortimer Gregory, Coast Artillery Corps (temporary lieutenant colonel).
Maj. John David Frederick, Infantry (temporary lieutenant colonel).
Maj. Richard Ray Coursey, Infantry (temporary colonel).
Maj. William Robert McMaster, Infantry (temporary colonel).
Maj. Joseph Alfred Cranston, Infantry (temporary colonel).
Maj. Horace Speed, Jr., Quartermaster Corps (temporary colonel).
Maj. Fred William Makinney, Quartermaster Corps (temporary colonel).
Maj. William Benjamin Kean, Infantry (temporary colonel).
Maj. Harold Robert Emery, Infantry (temporary lieutenant colonel).
Maj. David Sanderson McLean, Judge Advocate General's Department (temporary colonel).
Maj. William Joseph Moroney, Infantry (temporary lieutenant colonel).
Maj. Russell Lowell Williamson, Air Corps (temporary colonel).
Maj. Howard Dohla Johnston, Infantry (temporary lieutenant colonel).
Maj. Franklin Leroy Rash, Infantry (temporary colonel).
Maj. Edgar Harvey Snodgrass, Judge Advocate General's Department (temporary colonel).
Maj. Claude Birkett Ferenbaugh, Infantry (temporary colonel).
Maj. Adna Chaffee Hamilton, Infantry (tempory lieutenant colonel).
Maj. Harold Stuart Ruth, Infantry (temporary lieutenant colonel).
Maj. Sterling Eugene Whitesides, Jr., Chemical Warfare Service (temporary colonel).
Maj. Lewis Stone Sorley, Jr., Infantry (temporary lieutenant colonel).
Maj. Albert Coady Wedemeyer, Infantry (temporary brigadier general).
Maj. David Best Latimer, Finance Department (temporary lieutenant colonel); subject to examination required by law.
Maj. Roswell Boyle Hart, Field Artillery (temporary lieutenant colonel).
Maj. Halvor Hegland Myrah, Coast Artillery Corps (temporary lieutenant colonel).
Maj. Frederick Brenton Porter, Field Artillery (temporary lieutenant colonel).
Maj. Bryan Sewall Halter, Infantry (temporary lieutenant colonel).

MEDICAL CORPS

To be major

Capt. Thomas James Hartford, Medical Corps (temporary lieutenant colonel), with rank from December 2, 1942.

To be captains

First Lt. Hubert Lynn Binkley, Medical Corps (temporary major), with rank from December 17, 1942.

First Lt. Murble Henry Pearson, Medical Corps (temporary captain), with rank from December 19, 1942.

First Lt. Harold Eugene Shuey, Medical Corps (temporary major), with rank from December 23, 1942.

DENTAL CORPS

To be captains

First Lt. Walter Jacob Powers, Dental Corps (temporary captain), with rank from December 15, 1942.

First Lt. Hubert Bernard Palmer, Dental Corps (temporary major), with rank from December 21, 1942.

VETERINARY CORPS

To be captain

First Lt. James Clayton McIntyre, Veterinary Corps (temporary captain), with rank from December 11, 1942.

CHAPLAINS

To be captains

Chaplain (First Lt.) Frank Bernard Henry, United States Army (temporary captain), with rank from December 4, 1942.

Chaplain (First Lt.) Samuel Everett Donald, United States Army (temporary captain), with rank from December 4, 1942.

Chaplain (First Lt.) William Curtis Shure, United States Army (temporary major), with rank from December 4, 1942.

Chaplain (First Lt.) James Joseph McGoohan, United States Army (temporary captain), with rank from December 4, 1942.

Chaplain (First Lt.) John Joseph McDonnell, United States Army (temporary captain), with rank from December 7, 1942.

APPOINTMENT, FOR TEMPORARY SERVICE, IN THE NAVY

Capt. Morton L. Deyo to be a rear admiral in the Navy, for temporary service, to rank from the 13th day of May 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 3 (legislative day of November 30), 1942:

INTERSTATE COMMERCE COMMISSIONERS

TO BE INTERSTATE COMMERCE COMMISSIONERS FOR THE TERMS EXPIRING DECEMBER 31, 1949

Clyde B. Aitchison
Claude R. Porter

POSTMASTERS

IOWA

Anthony F. Schrup, Dubuque.

MISSOURI

Parker G. Wingo, Elsinore.
Harrison S. Welch, Higbee.
Lawrence M. Fry, Lake Ozark.
Harrison F. Brill, Lincoln.
Harry L. Cohagen, Middletown.
Edward C. Glascock, New London.
Herbert Frank Nelson, Sweet Springs.
Mahlon N. White, Warsaw.
Christian E. Kleck, Wheatland.

OREGON

Albert H. Fasel, Estacada.
Thomas R. Roe, Gaston.
Carl H. Massie, Grants Pass.
Harold C. Kizer, Harrisburg.
May B. Johnson, Madras.

SOUTH CAROLINA

Ann P. Chariker, Clover.
Marion G. Andersen, Conway.
Basil T. Brinkley, Ellenton.
Samuel F. Harper, Timmonsville.

TENNESSEE

Annie Blair Waller, Philadelphia.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 3, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, the Lord of heaven and earth, we rejoice that Thy loving mercy never wearies. We pray Thee to teach us that wisdom that shall enable us to become eminent in the excellence of truth, of honor, and of manliness. Do Thou accept the poverty of our gratitude for all the constructive forces of this darkened world, chanting the might and the sovereignty of our God. When wrong seems to triumph, may we know that it is already perishing and that Thou dost stand within the shadows keeping watch above Thine own.

By the inspiration of Thy spirit, unveil the past that we may behold Thy servants who yielded their lives as martyrs and the heavens were opened and the glory of the only begotten of the Father was revealed. We praise Thee that in the world's stormiest skies and along the earth's convulsing foundations, the tokens of Thy will stood unchangeable and everliving. Oh, grant unto us the strength of Thy grace and clarity of vision that in the midst of all doubts, lifted above all tumults, we shall take Thee into the very depths of our souls and shall remain unshaken and unafraid.

"If I stoop
Into a dark, tremendous sea of cloud,
It is but for a time; I press God's lamp
Close to my breast; its splendors soon or late
Will pierce the gloom; I shall emerge somewhere."

Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 30, 1942:

H. R. 3478. An act for the relief of Glenn A. Pike;

H. R. 5177. An act for the relief of Irving Cowen;

H. R. 6176. An act for the relief of Shirley Jones;

H. R. 6380. An act for the relief of Charles S. Smith;

H. R. 6817. An act for the relief of Lloyd A. Emick;

H. R. 6893. An act for the relief of N. C. Lloyd; and

H. R. 7577. An act to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

On December 1, 1942:

H. R. 6751. An act for the relief of J. C. Baker;

H. R. 6970. An act for the relief of Carolyn D. Griffin;

H. R. 6993. An act for the relief of the estate of Marlin Croft, deceased; and

H. R. 7177. An act for the relief of Earl Carbauh.

TREATIES RELATING TO MANUFACTURE AND DISTRIBUTION OF NARCOTIC DRUGS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7568), to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 6, line 11, after "reserves", insert ": *Provided, however*, That nothing contained in this act shall be construed as requiring the Secretary of the Treasury to issue or renew any license or licenses under the provisions of this act."

Page 9, line 3, after "Nation", strike out (require) and insert "will not be met by importation of licensed production."

Page 10, line 15, strike out all after "act" down to and including "hereunder", in line 16.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, and I shall not object, of course; the gentleman is prepared to explain the simplicity of the amendments that the committee has agreed to?

Mr. COOPER. Yes, Mr. Speaker; I will be glad to do that.

It will be remembered that this bill was unanimously reported by the Committee on Ways and Means and passed the House by unanimous consent. It deals with the subject of the opium poppy. The bill went to the Senate and these three amendments were added to the bill in the Senate.

Mr. TREADWAY. They are clarifying amendments?

Mr. COOPER. Two of the amendments are clarifying in nature, and the third amendment eliminates any penalty for the violation of a regulation.

Mr. TREADWAY. It has nothing to do with the law itself? If the law is violated, then the person violating the law would be prosecuted under the language in the original bill?

Mr. COOPER. The gentleman is correct. The bill provides a penalty for the violation of this act, but the Senate amendment eliminates any penalty for the violation of any regulation that may be promulgated.

Mr. TREADWAY. I am sure the changes are acceptable to the minority members of the Ways and Means Committee.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

FEDERAL REGISTER ACT OF 1935

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7162) to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "authorized", insert "and required."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, just what does this amendment do?

Mr. TOLAN. In 1935 the Congress passed an act providing for the codification of all Executive orders and rulings which were of general interest. It was to start in 1938. The law provided that this should be done every 5 years, so we are up against it for 1943. The object of this bill is to print a supplement rather than to print an entire new code, which consists of all past Executive orders. The cost would amount to about $275,000 if we printed a new code, but the cost to print a supplement would be about $50,000 or $60,000. In addition to that, there is the labor and time that would be required to make that codification.

Mr. MARTIN of Massachusetts. What is the use of even a supplementary code at this time when these Executive orders are changed from day to day? A man does not know from one week to the other what they are going to be.

Mr. TOLAN. That was discussed in the Senate and in the House also. There have been so many passed that it was thought we should have some ready book that we could turn to.

Mr. MARTIN of Massachusetts. But by the time you get this book printed with all these Executive orders there will be another set.

Mr. TOLAN. Not before another year. It is now printed yearly.

Mr. MARTIN of Massachusetts. But there is a new Executive order every 5 minutes.

Mr. TOLAN. There have been several, I will say to the gentleman. But the bill passed the House and the Senate unanimously, and this amendment simply adds the words "and required."

Mr. MARTIN of Massachusetts. Let us get at the exact situation. We have to do something, according to the law, either print them in full or partially?

Mr. TOLAN. That is it.

Mr. MARTIN of Massachusetts. If I could put an end to all of it by objecting to this, I would do so, but I am put in this position, apparently, that if I object now, then you will proceed with the whole codification.

Mr. TOLAN. That is the law that is in effect; yes. I am in the same position the gentleman is in.

Mr. MARTIN of Massachusetts. That is, we had better take a partial list than the whole thing?

Mr. TOLAN. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MEXICAN CLAIMS

Mr. BLOOM. Mr. Speaker, I call up the conference report on the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Settlement of Mexican Claims Act of 1942'.

"SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the 'Commission') and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

"(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under this Act, and shall fix their compensation without regard to the Classification Act of 1923, as amended.

"(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this Act.

"(d) The authority of the Commission under this Act, and the terms of office of its members, shall terminate at the expiration of two years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

"SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

"(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

"(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

"(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

"(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

"(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

"(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

"(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damage suffered, or other evidence thereof which is satisfactory to the Commission.

"(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide the case upon the basis of the record before the General Claims Commission.

"SEC. 4. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention

of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

"(b) Each decision by the Commission pursuant to this Act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

"(c) In connection with any claim decided by the Commission pursuant to this Act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

"(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

"(1) A list of all claims disallowed;

"(2) A list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and

"(3) A copy of the decision rendered in each case.

"SEC. 5. (a) For the purposes of this Act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

"(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 3 (a) of this Act;

"(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

"(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals; and

"(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938.

"(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in subsection (a).

"SEC. 6. For the purposes of this Act, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

"SEC. 7. (a) There is hereby created in the Treasury of the United States a special fund to be known as the 'Mexican Claims Fund', hereinafter called the 'fund'. All payments authorized under section 8 of this Act shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 9 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

"(b) The Secretary of the Treasury is authorized and directed to cover into the fund—

"(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

"(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

"(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

"(4) the sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 9 (b), to make payments on account of awards and appraisals certified pursuant to section 5 (b) of this Act, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest.

"(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b, of this section, and after making the deduction provided for in section 9 (b)—

"(1) to make similar payments of not to exceed 30 per centum on account of the principal amount of the awards certified pursuant to section 4 (d) of this Act;

"(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this Act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

"(3) after payment has been made of the principal amount of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

"SEC. 8. (a) Subject to the limitations hereinafter provided, payments pursuant to section 7 of this Act, the Act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

"(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

"(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

"(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

"(6) in the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

"(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

"(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this Act.

"(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government.

"(f) Nothing in this Act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

"SEC. 9. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act.

"(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 7, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"SEC. 10. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

"(b) So much of the Act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this Act, is hereby repealed.

"SEC. 11. Nothing in this Act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923.

"SEC. 12. As used in this Act—

"(a) The term 'person' includes an individual, partnership, or corporation.

"(b) The term 'United States', when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

"(c) The term 'American national' includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"SEC. 13. The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: *'Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'.

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: *'Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

And the House agree to the same.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

WALTER F. GEORGE,
TOM CONNALLY,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill provided for the establishment of an American Mexican Claims Commission of three members to be appointed by the President, by and with the advice and consent of the Senate. Each such member was to receive compensation at the rate of $7,500 a year. The employees of the commission were to be appointed and their compensation fixed in accordance with the civil-service laws and the Classification Act of 1923, as amended. It was also provided that the authority of the commission should terminate at the expiration of two years after the date on which a majority of its members who were first appointed took office but an earlier termination date might be prescribed by the President by Executive order.

The House amendment provided for a single commissioner to be designated by the President to decide certain categories of claims of American nationals against the Government of Mexico, and for another commissioner to decide, not later than January 1, 1943, a limited number of claims known as special claims. In connection with this second category of claims, the House provision would have required a postponement of further payments on account of awards already rendered in similar cases until such time as the new award holders received 75 per centum of their awards. It might also have necessitated a reduction in the amount of the former awards. The employees of the two commissioners were to be appointed and their salaries fixed without regard to the civil-service laws and the Classification Act of 1923, as amended.

The conference agreement provides for one commission of three members to be appointed by the President, by and with the advice and consent of the Senate, with salaries at the rate of $10,000 a year each. The Senate provision with respect to the termination of the authority of the commission is retained, but the House provision with respect to employees is retained. The functions of the second commissioner provided for in the House amendment are to be exercised by the three-man commission, but the claimants who are entitled to have their cases decided by the new commission are to receive payments on the same basis as other claimants whose cases are decided by that commission, with the result that the former awards made to claimants in similar cases will not be disturbed.

There were certain differences in the Senate bill and the House amendment with respect to the types of claims to be decided. The principal difference was that with respect to appraisals made by the American commissioners designated pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934, and by the Agrarian Claims Agreement of 1938, respectively, the House amendment provided that those appraisals should be final and binding. The Senate bill, on the other hand, provided that petitions for review might be filed in such cases if the claimant was unwilling to accept the appraisal previously made. The conference agreement adopts the House provisions in this respect.

The Senate bill also contained provisions in respect to claims for losses sustained by American nationals in connection with their interests in foreign corporations or organizations. In such cases claims might be evidenced by an allotment to the claimant or by other proof satisfactory to the commission. There was no corresponding provision in the House bill. The conference agreement retains the Senate provisions.

Another difference was that in the Senate bill provision was made for decisions by the new commission with respect to (1) claims in which decisions were not rendered by the former General Claims Commission in conformity with the rules of procedure adopted by such commission and (2) those decided by such commission in which the United States filed a petition for rehearing. There was no provision in the House amendment relating to the review of those cases. The conference agreement provides for a decision by the new commission with respect to the first group of cases decided by the former General Claims Commission but not with respect to those in which a petition for rehearing was filed by the United States.

The Senate bill provided that the new commission might, upon written request of the claimant or any attorney employed by the claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to any claim decided by such commission in which an award was made. There was a limitation, however, that the amount of the fees should not exceed 10 per centum of the amount of the award unless in special circumstances the commission found that a larger fee was just and reasonable. The fees so determined were to be entered as a part of the award and a penalty of a thousand dollars was provided for the acceptance of a larger fee than that determined by the commission. There was no corresponding provision in the House amendment. The conference agreement adopts the Senate provision and makes it clear that the limitation as to attorneys' fees applies only with respect to claims decided by the new commission.

The Senate bill provided that the expenses of the new commission should be deducted from the payments made to award holders. Under the House amendment 5 percent of the amount of each award was to be deducted as reimbursement for expenses of the United States incurred in connection with the decision of claims for which payment was provided for under the act. The conference agreement retains the House provision.

The Senate bill made it clear that the new commission was not to consider or decide certain claims which were based upon the nonpayment of the principal or interest on bonds issued or guaranteed by the Government of Mexico. This limitation was contained in the House amendment only by implication, but the conference agreement retains the Senate provision.

The House amendment also contained a provision that the act should not apply to any claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923. There was no corresponding provision in the Senate bill. The conference agreement retains the House provision.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

Mr. BLOOM (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

Mr. SMITH of Ohio. Mr. Speaker, I object. I want to hear it read.

The Clerk resumed and concluded the reading of the statement.

Mr. BLOOM. Mr. Speaker, I have no requests for time.

I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONSOLIDATIONS AND MERGERS OF TELEGRAPH CARRIERS

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2593) to amend the Communications Act of 1934, as amended, to permit consolidations and mergers of domestic telegraph carriers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARCANTONIO. Mr. Speaker, this bill is very controversial. Labor is opposed to it. I therefore object.

The SPEAKER. Objection is heard.

INCLUSION OF FARM WAGES IN DETERMINING PARITY PRICE OF AGRICULTURAL COMMODITIES

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Speaker, I ask unanimous consent for the immediate consid-

eration of the bill (H. R. 7788) to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Georgia tell us what this bill does?

Mr. PACE. Mr. Speaker, the urgency for the consideration of this bill arises by reason of the following facts: The Department of Agriculture through its various agencies is now executing contracts with farm workers providing a minimum wage which in many cases is in excess of the wages in the community. They are now soliciting farm workers to go to different places and offering them contracts with wages in excess of those existing in the community. But the most important development arose yesterday in the following statement from the Chairman of the War Manpower Commission:

Plans are under way—

Mr. McNutt said—

to create full time continuous employment of mobile groups of experienced farm workers transported at Government expense from one area to another as the crops mature. The program will be worked out in detail through the winter months and they will be launched as soon as spring plantings begin.

I call particular attention to this statement:

It calls for an adjustment of farm wages to bring the income of farm workers more nearly into line with those of industrial workers.

We all know, Mr. Speaker, that if that is going to be set up for a standard there could hardly be any crops produced in the United States next year unless the farmer is given the opportunity of including this enormously increased labor cost in the parity formula and in the prices he is to receive.

This bill simply amends the present parity formula by stating that in addition to interest rates, freight rates, tax rates, and other costs of production, there shall be included in the formula the following:

Farm wages, on the basis of the national average, and to include the wages of hired workers, operators, and owners.

That is all the bill does in order to meet the emergency situation.

Mr. MARTIN of Massachusetts. Is this legislation that the President has been opposing?

Mr. PACE. I would not put it that way. There was some question as to modifying the price ceiling in order to include this, but the farmers, of course, cannot understand why every manufacturer is permitted to include his labor cost in the fixing of prices, yet the farmer has not been permitted to do so. I say to you, from the studies that the Committee on Agriculture has made, that it is not only necessary for farmers to include wages but that without it the Secretary will not be able to secure the production goals he is now asking the farmers to meet in 1943.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. PACE. Certainly.

Mr. HOPE. It is also true, is it not, that within the last few days the Coordinator of Economic Affairs, Mr. Byrnes, has announced that there is no ceiling and will be no ceiling on farm wages. This has entirely changed the situation from the one which existed at the time legislation somewhat along this line was before the Congress a few weeks ago. At that time it was understood that wages were to be stabilized. The farm wages paid were bound to advance.

Mr. PACE. The situation has changed radically since the House considered the matter about 6 weeks ago.

Mr. ARENDS. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman.

Mr. ARENDS. Was this brought about partly because of the statement made the other day that farm labor henceforth could get as much as $2,400 a year, which means that not one farmer out of a thousand could pay it?

Mr. PACE. That is not exactly right. The statement was made that there were no limits on any farm worker who received less than $2,400.

Mr. ARENDS. But the possibility was there that he could get up to $2,400?

Mr. PACE. It is rather an invitation.

Mr. MICHENER. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Michigan.

Mr. MICHENER. As a matter of fact, and stated shortly, the purpose of this bill is to make it possible for the farmer to include in his cost of production the labor cost?

Mr. PACE. And in the fixing of the parity prices.

Mr. MICHENER. But it all sums up to just the one thing, the right of the farmer to include in his cost of production the labor element?

Mr. PACE. Which is the biggest item that goes into the cost of producing a crop.

Mr. MICHENER. I may say to the gentleman that, as he knows, I am from Michigan, one of the great agricultural districts. I have 20 farmers down here now who came to Washington this morning, hard up as they are, at their own expense, for the express purpose of bringing to Congress and to the executive branch of the Government the facts as they exist concerning agriculture in Michigan. We are in the center of a great industrial activity. As Michigan goes industrially, so goes the war, and as the country goes agriculturally so goes the war. I do hope there will be no objection to the passage of this bill now.

Mr. PACE. I appreciate the gentleman's statement and I know that the delegation to which he refers will be gratified to learn that this bill has passed the House by unanimous consent, particularly in view of the statement last night by Mr. McNutt.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman.

Mr. WHITTINGTON. As I understand the bill, which I am in entire sympathy with, H. R. 7788, is identical with section 3 of the bill H. R. 7829?

Mr. PACE. That is right.

Mr. WHITTINGTON. I trust there will be no objection to it.

Mr. HOFFMAN. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman.

Mr. HOFFMAN. I notice the gentleman referred to the amendment as including the cost of the owner and operator.

Mr. PACE. Yes.

Mr. HOFFMAN. How about the farmer's wife and the farmer's children, are they going to come in that?

Mr. PACE. The children working on the farm are included and I say it is important to include them. The figures issued yesterday show that farm workers total 10,879,000, of which 8,000,000 are family workers and 2,827,000 are hired hands, which makes it imperative that we do include the family, and they are included in here.

Mr. MARTIN of Massachusetts. The gentleman is satisfied, then, that this legislation is in complete harmony with the administration's war program?

Mr. PACE. I may say this amendment is necessary to make it in harmony with that program, and I believe it will have sympathetic consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, be, and the same is hereby, amended by striking out the following in the first sentence of said section and paragraph, to wit: "and freight rates, as contrasted with such interest payments, tax payments, and freight rates" and inserting the following in lieu thereof: "freight rates, and farm wages (on the basis of the national average and to include the wages of hired workers, operators, and owners), as compared with such interest payments, tax payments, freight rates, and farm wages."

Mr. PACE. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

At the end of the bill add a new subsection as follows:

"(b) That subsection 301 (a) 1 is further amended by striking out the following in the first sentence of said section to wit: 'for which the base period is the period August 1909 to July 1914.'"

Mr. PACE. Mr. Speaker, in explanation of the amendment, may I say that the way this bill is drawn it leaves out tobacco. Tobacco is set up by itself and this amendment is necessary to also include tobacco.

Mr. HULL. What does it include?

Mr. PACE. It includes all farm commodities when this amendment is adopted. The base period for all commodities except tobacco is 1909 to 1914. Congress has set up a different base period for tobacco. If the bill remains as it is, tobacco is left out; so this amendment now makes it apply, in answer to the gentleman's question, to all agricultural commodities.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. If this amendment is agreed to, what will be the base period for tobacco?

Mr. PACE. This will not change it in the slightest.

Mr. WHITTINGTON. What will be the base period for tobacco if we strike this language out?

Mr. PACE. I do not strike out anything that has to do with tobacco, but I bring tobacco in notwithstanding the fact it has a different base period. If this amendment is adopted and the bill is passed, then section 301 (a) (1) will read as follows:

SEC. 301. (a) General definitions: For the purposes of this title and the declaration of policy—

(1) "Parity," as applied to prices for any agricultural commodity, shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period; and, in the case of all commodities which will also reflect current interest payments per acre on farm indebtedness secured by real estate, tax payments per acre on farm real estate, freight rates, and farm wages (on the basis of the national average and to include the wages of hired workers, operators, and owners), as compared with such interest payments, tax payments, freight rates, and farm wages during the base period. The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919 to July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940.

The base period for tobacco, as now set up by law, is 1919 to 1929, except in the case of burley and flue-cured tobacco the base period is 1934 to 1939.

Mr. WHITTINGTON. I am just wondering why it is necessary to strike out the base period for other agricultural products in the Agricultural Adjustment Act, and not for tobacco.

Mr. PACE. We do not strike it out.

Mr. WHITTINGTON. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The Clerk again read the amendment.

Mr. WHITTINGTON. If that language is stricken out, what will be the base period?

Mr. PACE. I studied this very carefully and came to the conclusion that tobacco was left out. Nobody wants tobacco left out. That is the sole purpose of the amendment. The sole effect of the amendment is to bring tobacco in.

Mr. WHITTINGTON. The language of the amendment does not apply to the other basic commodities?

Mr. PACE. The base period will not be changed.

Mr. THOM. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield to the gentleman from Ohio.

Mr. THOM. I do not believe it is a correct statement to say that in the computation of the original parity prices labor was never considered, because whatever price existed from 1909 to 1914 necessarily included a charge for labor.

Mr. PACE. Let us get that right.

Mr. THOM. What the gentleman is endeavoring to do now is to take cognizance of the increase in the price of labor.

Mr. PACE. Yes; but the gentleman is not exactly accurate. Of course, there have always been included the industrial wages of the people who make the things the farmers buy.

Mr. THOM. That is true.

Mr. PACE. But there has never been included up to this hour the cost of the farmer's own labor on the farm.

Mr. THOM. Yes; but when you adopted the price existing between 1909 and 1914, that price necessarily, without any legislation, included a portion for the cost of the labor expended upon that farm product.

Mr. PACE. That question might be debated.

Mr. THOMAS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Does not the gentleman from Georgia feel, after all this argument, that there should be full debate on this question? It is a controversial question.

Mr. PACE. I do not believe it is. I do not think any man can read the statement of Mr. McNutt and come to any conclusion other than that we had better act and act quickly.

Mr. THOMAS of New Jersey. The argument that has been presented already, even by the gentleman from Georgia himself, indicates that there is some difference of opinion.

Mr. PACE. No; there was some difference of opinion about what has been done in the past.

Mr. THOMAS of New Jersey. Certain other persons who have spoken have expressed some doubt and uncertainty as to just what was in this bill.

Mr. PACE. No one has that I know of.

Mr. THOMAS of New Jersey. Therefore I am constrained to object.

Mr. PACE. I hope the gentleman will not object.

Mr. WORLEY. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield to the gentleman from Texas.

Mr. WORLEY. Is it not true that without this legislation the goal set by the Department of Agriculture for full production cannot be achieved?

Mr. PACE. That is right.

Mr. THOMAS of New Jersey. There is one thing I want to make certain of, and that is that it will not result in higher prices for food products for the people in the cities and the urban areas, because the prices are already too high. If this is going to bring about spiraling prices, then I take it that it is about time we did something about it.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield to the gentleman from Oklahoma.

Mr. BOREN. Does not this bill just do one thing, erase the gross inequity and discrimination against a particular group of people—the producing farmers of America?

Mr. PACE. I would say that the farmers are clearly entitled to this provision.

The purpose and intent of this bill is to fix it so that hereafter all parity prices, all ceiling prices based upon parity prices, all prices of commodities processed or manufactured in whole or substantial part from any agricultural commodity, and the price of all farm commodities, shall include all costs of the labor engaged in the production of such farm commodities, including the hired worker, the operator, and those members of his family doing farm work, and the owner and those members of his family doing farm work. This is the biggest item entering the cost of producing a crop, and no one should ask or expect a farmer to sell his products at a price which does not include the full amount of the increase in these labor costs as compared with such costs during the base period.

In accordance with the unanimous consent given me I include in my remarks and call your special attention to the following report of the House Committee on Agriculture on this bill and the tables set out in this report:

The Committee on Agriculture, to whom was referred the bill (H. R. 7788) to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

Under the present law it is required that in calculating parity prices, the present interest rate on farm indebtedness secured by real estate, tax payments per acre on farm real estate, and freight rates, shall be contrasted with such interest payments, tax payments, and freight rates during the base period. It will be observed that no consideration is given to the present rate of farm wages as compared with those which existed during the base period, and the purpose of this bill is to require that farm wages be considered, such wages to be on the basis of the national average and to include the wages of hired workers, operators, and owners.

Your committee have studied farm conditions over the Nation and the attitude of the farmers. It has yet to find one single producer who is not concerned with finding out why it is that in setting up parity prices and ceiling prices no consideration is given to the biggest item entering into his cost of production, that is, the labor cost. The farmers are unhappy over the recent action on this subject. They ask no more than equality treatment. They know that every manufacturer is permitted to include his labor cost in figuring his cost of production and they are unable to understand why labor cost is not figured in establishing the prices they are to receive.

Farm wage rates are going up daily. The Government is making contracts which contain provisions for minimum wages on the farm higher than have heretofore been paid in the community. The President this week issued a statement removing all limitations on farm wage rates. Your committee anticipates a gradual and constant increase in farm wage rates, and we say emphatically that not only is the farmer entitled to have this increase included in the calculation of his prices but

that, if it is not included, the production requested by the Secretary of Agriculture will not be realized.

The committee feel sure that the following table will be of interest to every farmer and every Member of Congress. It was prepared at the committee's request by the Agricultural Adjustment Administration and shows (1) farm prices today as compared with prices received in 1918, when the cost of production was much less, (2) the freight rates on selected farm products in 1918 and today, and (3) the hourly wages of industrial workers now as compared with those received in 1918.

Prices of farm products, freight rates, and industrial wages, 1942, compared with 1918

FARM PRODUCTS

Farm product and industrial group		1918	1942	
			Farm price and industrial wage rate	Percent of 1918
		Dol.	*Dol.*	
Beef cattle	100 pounds	9.81	11.39	116.1
Hogs	do	15.99	13.44	84.1
Sheep	do	10.96	5.55	50.6
Lambs	do	13.99	12.05	86.1
Cotton	pound	.295	.1922	65.2
Cottonseed	ton	67.88	45.01	66.3
Wool	pound	.60	.397	66.2
Corn	bushel	1.509	.759	50.3
Wheat	do	2.042	1.044	51.1
Oats	do	.766	.443	57.8
Potatoes, Irish	do	1.157	1.084	93.7
Butter	pound	.436	.409	93.8
Milk, wholesale	100 pounds	2.48	2.89	116.5
Eggs	dozen	.40	.389	97.3
Chickens, live weight	pound	.215	.196	91.2
Peanuts	do	.075	.059	78.7
Rice, rough	bushel	1.967	1.469	74.7
Tobacco	pound	.253	.398	157.3

FREIGHT RATES ON MAJOR FARM PRODUCTS 1941–42 COMPARED WITH 1918

[United States average July 1913–June 1914=100]

		Pct.	*Pct.*	
Cattle	index number	116	171–P	147.4
Hogs	do	118	163–P	138.1
Sheep	do	114	149–P	130.7
Wheat	do	114	145–P	127.2
Potatoes	do	115	140–P	122.2
Truck crops other than potatoes	index number	115	147–P	127.5

HOURLY WAGES OF WORKERS IN SELECTED INDUSTRIAL GROUPS, SEPTEMBER 1942 COMPARED WITH 1918

		Dollars	*Dollars*	
Slaughtering and meat packing	hour	0.369	0.813	220.3
Cotton manufacturing	do	.267	.552	206.7
Saw mills	do	.337	.682	202.4
Woolen manufacturing	do	.342	.779	227.8
Clothing	do	.406	.674	165.2
Class I railway employees	do	.431	.810	187.9
Iron and steel	do	.577	.997	172.8
Boot and shoe industry	do	.336	.677	201.5

P=Preliminary.

NOTE.—Figures for 1942 are the latest available, farm prices being as of Nov. 15 and wage rates as of September. Figures for 1918 are from Real Wages in the United States, 1890–1926, by Paul Douglas, with the exception of that for railway workers, which was estimated from the Bureau of Labor Statistics revised series. Industrial wages for 1942 are Bureau of Labor Statistics data. The 1942 hourly wages figure for railway employees is as of August.

Freight rates are expressed as index numbers, with the base period of July 1913–June 1914 being 100. No figures are available for 1942 in this series, but on Mar. 18, 1942, a rate increase of 3 percent became effective on agricultural products.

The committee feel that the Congress will also be deeply interested in the following table, which was recently issued by the Bureau of Agricultural Economics, and which shows that the industrial worker and nonfarm family is today buying their food at less cost, compared with income, than at any time in the past 30 years.

It demonstrates that when Mr. Leon Henderson and representatives of the organized labor groups state that the farmers are responsible for inflation, that they are merely making unfounded and irresponsible statements, not borne out by the facts.

TABLE 1.—*Nonfarm family income and cost of family food purchases, 1913–42*

Year and month	Family income	Retail cost of all foods	Retail cost of 58 foods	Food cost as percentage of income	
				All foods	58 foods
				Pct.	*Pct.*
1913	$1,046	$326	$252	31	24
1914	1,013	334	258	33	25
1915	1,029	330	258	32	25
1916	1,176	370	285	31	24
1917	1,329	477	370	36	28
1918	1,513	548	424	36	28
1919	1,624	611	470	38	29
1920	1,857	688	514	37	28
1921	1,599	523	404	33	25
1922	1,629	489	374	30	23
1923	1,810	506	384	28	21
1924	1,829	501	381	27	21
1925	1,905	542	410	28	22
1926	1,944	560	418	29	22
1927	1,927	539	406	28	21
1928	1,942	533	407	27	21
1929	1,979	540	415	27	21
1930	1,762	514	391	29	22
1931	1,505	424	322	28	21
1932	1,159	353	270	30	23
1933	1,105	343	264	31	24
1934	1,251	382	295	31	24
1935	1,338	409	331	31	25
1936	1,548	413	342	27	22
1937	1,614	429	353	27	22
1938	1,471	399	321	27	22
1939	1,558	388	311	25	20
1940	1,671	394	314	24	19
1941	1,956	430	342	22	17
1935–39 average	1,506	408	332	27	22
1942:					
January	$2,152	$474	$378	22	18
February	2,173	476	381	22	18
March	2,200	484	384	22	17
April	2,233	488	386	22	17
May	2,259	496	392	22	17
June	2,313	502	398	22	17
July	2,342	508	401	22	17
August	2,366	514	402	22	17

Comparisons in this table are very rough estimates which refer to the typical workingman's family of 4.9 persons representing the average obtained in the 1918–19 Cost of Living Survey of the U. S. Bureau of Labor Statistics. The survey averages were $1,513 for family income and $548 for total food expenditure and it was assumed that these represented the calendar year 1918.

The series of family income estimates was obtained by applying to the $1,513 in 1918 changes in per capita nonagricultural income payments to individuals. The series of family cost of all goods was obtained by applying to the $548 cost in 1918 changes in the index of retail food prices as computed by U. S. Bureau of Labor Statistics. The cost of 58 foods is from table 1 of this report. These series should be interpreted with care. Both the cost of all foods and the cost of 58 foods refer to fixed quantities of each food as purchased in 1918. Under circumstances of changing income and changing food prices a typical family would alter quantities purchased and alter the food outlay. The comparisons do show the costs at which a family could purchase identical quantities of foods and what share of income this would require in each year.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CERTAIN FEES TO BE CHARGED BY THE DEPARTMENT OF COMMERCE

Mr. BOREN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6729) to authorize the Secretary of Commerce to establish fees or charges for services performed or publications or forms furnished by the Department of Commerce.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this measure is simply to allow the Department of Commerce to make a nominal charge for certain documents?

Mr. BOREN. The gentleman is absolutely correct.

Mr. MARTIN of Massachusetts. That is all there is to the legislation?

Mr. BOREN. That is absolutely all there is to it.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to establish, in his discretion, from time to time, a schedule or schedules of reasonable fees or charges for services performed or for any publications or forms furnished by the Department of Commerce or any of the agencies thereof, to, for, or on behalf of individuals, corporations, associations, or others, at their request or as required by law, except those services performed for or publications or forms furnished to the Government of the United States, its Territories or possessions, and the governments of the several States and the District of Columbia. All charges or fees authorized hereby shall be collected by the Secretary of Commerce or his representatives from the aforesaid individuals, corporations, associations, or others, and the proceeds thereof shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided*, That nothing in this act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publications or forms furnished by the Department of Commerce or any of its several agencies. Section 331 of title 46 of the United States Code is hereby repealed.

With the following committee amendments:

Page 1, line 4, strike out "in his discretion."

Line 6, strike out "or forms."

Page 2, line 1, strike out "or forms."

Line 14, strike out "Section 331 of title 46 of the United States Code is hereby repealed."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce."

BORROWING POWER, R. F. C.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7801) to authorize the Reconstruction Finance

Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority, which I send to the desk.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman explain what this legislation is?

Mr. STEAGALL. This bill, Mr. Speaker, merely provides additional funds for the Reconstruction Finance Corporation to further pursue carrying out the directions of the Congress in connection with the purchase and the manufacture of materials essential to the conduct of the war.

Mr. MARTIN of Massachusetts. And it comes to the House from the committee with a unanimous report?

Mr. STEAGALL. A unanimous report from the Committee on Banking and Currency.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. CRAWFORD. The gentleman said it provides funds. He meant to say that it authorizes the R. F. C. to issue bonds, and so forth.

Mr. STEAGALL. Yes; I mean that it authorizes funds under the provisions of the Reconstruction Finance Corporation Act.

Mr. CRAWFORD. And if the gentleman will permit this observation, I think we should again state to the House the obligations issued by the Reconstruction Finance Corporation are placed with the Treasury, and the Treasury is now doing the over-all financing for the R. F. C. and its operation.

Mr. STEAGALL. That is correct, and for the best of reasons.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $5,000,000,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN TRUST LANDS OF THE INDIAN

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5359) to declare that the United States holds certain lands in trust for Indian use, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. ROGERS of Oklahoma, Mr. MURDOCK, Mr. BURDICK.

EMERGENCY ADVISORY COMMITTEE FOR POLITICAL DEFENSE (H. DOC. NO. 893)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers referred to the Committee on Foreign Affairs, and ordered printed:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted to enable the United States to continue participation in the Emergency Advisory Committee for Political Defense and to authorize the appropriation of such sums as may be required for such participation by the United States in this committee for the period of the war emergency or so long as the American republics may deem the continuation of its activities to be essential to the welfare of the hemisphere, but not exceeding the sum of $105,560 per annum.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 3, 1942.*

INTER-AMERICAN FINANCIAL AND ECONOMIC ADVISORY COMMITTEE (H. DOC. NO. 894)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted to authorize the appropriation of such sums as may be necessary for the payment by the United States of its proportionate share in the annual expenses of the Inter-American Financial and Economic Advisory Committee.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 3, 1942.*

THE COLUMBIA BASIN PROJECT ACT

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7722) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes, and pending that I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GILCHRIST. Mr. Speaker, I reserve the right to object. Will the gentleman explain the bill? Does this bill bring in any more land by irrigation for farm purposes than is already provided by law?

Mr. ROBINSON of Utah. It does not.

Mr. GILCHRIST. It simply provides that the land there, already under the dam, may be operated as farms sooner than they otherwise would?

Mr. ROBINSON of Utah. That is correct.

Mr. GILCHRIST. Two years sooner?

Mr. ROBINSON of Utah. I do not believe any of this will be put into use for a number of years. It simply sets up machinery whereby they can get repayment contracts from the farmers in order that the Government can get its money back.

Mr. GILCHRIST. Mr. Speaker, under the statement made by the gentleman from Utah I withdraw my reservation of objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. I think the House should know what the bill contains before we give unanimous consent for its consideration.

Mr. ROBINSON of Utah. Mr. Speaker, this bill has two purposes. First, it sets up machinery whereby the Government can enter into contracts for the repayment of money that has been advanced, and that will be advanced to farmers under the reclamation laws. That is the first purpose of the bill. The other purpose is to amend the anti-speculation bill. In 1937 we passed an antispeculation bill with regard to this particular project which, in the opinion of the committee, was wholly inadequate. I might say that a bill was presented to the Committee on Reclamation and Irrigation by the Department, and the committee went into that bill very carefully and rejected it as proposed by the Department, and then set up a subcommittee to go into the problem and see if some solution of it could not be found. After hearings on the bill, extending over a period of a number of months, that committee reported unanimously the present bill. So, Mr. Speaker, this bill represents primarily the ideas of the committee, and has been written by the committee of the House with the idea of solving a problem which must necessarily be solved in order to proceed with the project.

Mr. MARTIN of Massachusetts. The original objections, in your judgment, have been removed?

Mr. ROBINSON of Utah. Not only in my judgment but the unanimous judgment of the committee.

Mr. THOMAS of New Jersey. Reserving the right to object, will the gentleman tell the House the amount of the contracts to which he referred?

Mr. ROBINSON of Utah. Yes. The amount of the contracts, as they start out, will likely be about $500,000 a year. These are repayment contracts. They provide for the repayment of the money to the Government.

Mr. THOMAS of New Jersey. You say to start with, $500,000 a year. What will be the total amount when it is all finished?

Mr. ROBINSON of Utah. It is estimated that there will never at any one

time be more of an obligation to the Government than $5,000,000.

Mr. THOMAS of New Jersey. If we have a case like in this particular instance, will it lead to other cases?

Mr. ROBINSON of Utah. No; this project was authorized by the Congress in 1935. We have already spent on the project $160,000,000. This is part of a project which is already authorized, and which, in order for the Government to get its money back on the reclamation part of this project, must put itself into shape where it can contract with the farmers who are going to take over this land.

Mr. THOMAS of New Jersey. Was that taken up at the time we started to make the original appropriation, that we would have to put in finally $5,000,000 in order to get the money back?

Mr. ROBINSON of Utah. Yes; that has all been considered by the committee.

Mr. THOMAS of New Jersey. I think this is another matter that we should not take up hastily. I am very sorry, but I will have to object. I object, Mr. Speaker.

The SPEAKER. Objection is heard. The Chair will state that unanimous consent for the consideration of this bill was granted several days ago. The gentleman from Utah is simply making the request that it be considered in the House as in Committee of the Whole, and that the debate be limited to 1 hour.

Mr. THOMAS of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of New Jersey. As I understand it, the gentleman made a request for unanimous consent. I realize that the request was for 1 hour of debate. I think there should be more debate. So I objected to the unanimous-consent request. Is not that objection in order?

The SPEAKER. At the time unanimous consent was given for consideration of the bill the gentleman from Utah asked unanimous consent that the bill might be in order and when it was taken up that there be 1 hour of general debate. The only difference in the request made by the gentleman today is that the gentleman from Utah is asking unanimous consent now that the bill be considered in the House as in Committee of the Whole.

Mr. THOMAS of New Jersey. And I object to that.

Mr. ROBINSON of Utah. Mr. Speaker, then I move that the House resolve itself into the Committee of the Whole House on the state of the Union——

Mr. THOMAS of New Jersey. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of New Jersey. I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. COX. Will the gentleman withhold his point of order for a moment?

Mr. THOMAS of New Jersey. I withdraw the point of order, Mr. Speaker.

Mr. ROBINSON of Utah. I understand the objection has been withdrawn?

The SPEAKER. No. The gentleman from New Jersey withdrew the point of order on the theory that the bill would be withdrawn at this time.

Mr. ROBINSON of Utah. Very well, Mr. Speaker; I will withdraw my request.

EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a radio address made by my colleague from Oklahoma [Mr. BOREN] last evening.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that at the conclusion of the business of the day and any other special orders, I may address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOM. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes today at the conclusion of the other special orders.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I have two requests. I ask unanimous consent that immediately after the regular business of the day and any other special orders, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

FARMER JOHN

Mr. MASON. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute at this time.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, the American farmer is in a bad way. His experienced help has been taken from him either by the Army or by the high wages paid workers in war industry. He is told he must produce more food this year than ever before. He must do this with less help and with an ever-increasing scarcity of farm machinery. Price ceilings below the cost of production have been established over farm products; production quotas are to be assigned each farm with penalties attached for not meeting them; the 49-cent penalty for overproduction of wheat has been upheld by the new blood on our Supreme Court; and Secretary Wickard now says Farmer John may pay his hired help up to $2,400 per annum. Farmer John is in a quandary. He talks to himself as follows:

"Where in the world will I get the $2,400 to pay my year-round helper? Right now I am having trouble enough to make ends meet with these price ceilings that have been established by the bureaucrats in Washington. My job may look easy to such men as Wickard or Wallace, but it isn't as easy as it looks. I must first find the fellow who will work on the farm; next I must pay him war-industry wages; and third, I must find the money to pay the fellow. I feel sure I am 'the forgotten man' that we have heard so much talk about."

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter I have addressed today to Hon. Harold L. Ickes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article written by David Lawrence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

QUALIFICATION OF PERSONNEL OF RATIONING BOARD

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANHAM. Mr. Speaker, on yesterday, our distinguished colleague from Texas [Mr. SUMNERS] with whom I have cooperated in efforts to correct our deplorable milk situation, made a very interesting and informative address on that problem. There is another serious problem among the many confronting the American people which has to do with our meat shortage, especially a problem in these days when a governmental organization is being set up to feed the world when there is no absolute assurance that under existing circumstances we are going to be able to feed ourselves.

I have received a most interesting communication from a good friend in Fort Worth, Tex., Judge Joe Montague, who is the representative of the cattle people of the Southwest and who has been endeavoring to have placed on the administrative board with reference to meat some member familiar with the raising of cattle. He has been unsuccessful in that effort.

At one of these conferences one of an administrative board asked him if they had both kinds of steers in the section he represented and he asked: "What do you mean by both kinds?"

The administrator said: "I mean male and female steers."

If some governmental agent could find a female steer and put it on exhibition at a price of admission, he would go far toward meeting the national debt.

The letter from Judge Montague follows:

Hon. FRITZ LANHAM,
Member of Congress, Old House Office Building, Washington, D. C.

DEAR MR. LANHAM: From time to time during the past several years I have discussed with you the situation of the cattle and meat industries. Our discussions have been more frequent during the past 6 months because the circumstances relating to our business have been so uncertain that we needed counsel and advice from you more than ever before.

You know that the people engaged in the business of producing cattle to insure an adequate supply of beef for the armed forces and civilian population of this country sincerely want to do everything that they can do to aid in the national program. You know us personally and you know our sentiments.

I regret that many of those with whom we must deal, and many of those who have such power over our affairs do not always seem to realize that we are Americans before and above being cowmen and that some of those persons in authority deal with us on the theory that they and they alone are actuated by a spirit of patriotism, apparently denying such inspiration to anyone outside of their own group.

Among the many acts of courtesy you have performed for me was one that I wish to recall to your mind. In the spring of 1941 the original price-control organization was functioning, although this was long before the enactment of the act by the Congress. The organization fixed a ceiling on hides. Immediately thereafter, I thought I could foresee what would happen and requested you to make an appointment for me with the Price Control Administration. You made this appointment for me, and I had a long conference with the officials in the then existing agency for price control. That conference convinced me that my impression of what was to happen was correct and, realizing that the business of cattle production and meat processing and distribution would certainly receive the attention of this control agency, I then, in the spring of 1941, requested the agency to name someone on its staff, or at least on its advisory committee, who knew something about cattle and cattle raising. I was told that my request would assuredly receive consideration. Perhaps it has been considered, but that is all that has ever happened to it, as it has never been granted although reiterated many times since it was first made.

I am convinced that much of the confusion and harm that now surrounds the meat industry has resulted from the failure of the Price Control Administration to realize that the production of cattle is one of the major angles to the meat industry. They have drawn from the major packing industry for their personnel, and have some persons who know something about feeding cattle, but they do not have, and apparently do not want, a cowman on any of their committee organizations, and the only reason that has ever been assigned to me for not wanting such a person is that it was feared the producer, that is, the cowman, would prove to be a discordant element in that he would be at war with the packers. That may be true because cowmen have been at war with packers for 70 years, but we do not think the Government should get all of its advice and all of its policies from sources that we have warred with.

The plight of the small independent packer has even been worse than that of the cattle producer. The abandoned and shut down independent plants throughout the country are mute testimony of their distress. It is my considered opinion that if the present policy of the Office of Price Administration with reference to the meat industry is continued, there will not be a small packer left in operation 6 months from this date. These packers and many others are wondering if this result is not the one desired by those who formulate the policy of the Office of Price Administration and those who administer that policy.

It might be interesting to review briefly the history of the development of the small, independent packing industry. Prior to 1916 there was no such industry. Then the big packing industry, the "big five" at that time, became absorbed in the filling of the war contracts incident to World War No. 1, and the small, independent packing industry took over the job of supplying the domestic market. When conditions changed after that war, the small packers continued to flourish and up to this time they have prospered. We cattle producers liked this. It gave us a competitive market for our livestock, and it spread the market; that is, decentralized it to such an extent that stockyards started up all over the country and flourished. This saved us vast amounts in freight rates and in shrinkage. It was also good for the country as a whole.

With the Office of Price Administration operating like it has and is, the small, independent packing industry is killed. The situation at Houston, Tex., is typical, and there these little packers are either closed up or are getting ready to lock their doors. That situation is most regrettable, and I know of nothing so detrimental to the morale of the country. Americans just can't understand this condition, and one hears the remark everywhere that a dictatorship at home is just as objectionable as one abroad. We wonder why we should fight for democracy as a principle and lose it as a fact.

I do not know what you can do about this, if anything, but something should be done now.

Sincerely your friend,

JOE MONTAGUE.

GASOLINE RATIONING IN RURAL AREAS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my own remarks, and to include a letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I feel very much encouraged by the action the House has just a few minutes ago taken in passing the bill to include farm labor in the parity formula for farm prices. This bill had a unanimously favorable report from the Committee on Agriculture of which I am a member. In my opinion this is the most broad-gaged and far-sighted action this House has taken in a long time. Justice has always required that the farmer be allowed to include advancing farm labor costs in the price of his products. Stern necessity now requires it. To win this war farmers must produce more. They cannot long produce at a loss because they have very slender capital reserves. Farm wages are advancing rapidly. This or similar legislation is essential to victory. I am happy that the House has at last recognized this truth.

There are, however, other matters on which the viewpoint here in Washington does not seem to have extended as far as it has on the matter of including farm wages in farm prices. I speak of the matter of gasoline rationing. There are still those who seem to think that we in the Southwest live under the same conditions that exist in the North and East.

They do not seem to realize that the objection that is raised by our people to gasoline rationing is raised in an effort to secure a proper recognition of conditions that exist in the western areas. I have just received a letter from the vice president of one of the large publishing companies in my State which I think explains the situation better than anything I have yet seen. I therefore include it as a part of my remarks.

The letter reads as follows:

DECEMBER 1, 1942.

Hon. WILLIAM ROBERT POAGE,
Washington, D. C.

DEAR MR. POAGE: There is considerable confusion here in Texas regarding the application of the gasoline rationing act, and it's possible that some of the opponents of rationing are not basing their reason for opposition on good grounds. I have never felt that the proposition generally is an unreasonable one, but I have felt that trying to pattern gasoline rationing for the Southwest after that being used in the East is irrational.

The East had a highly developed transportation system before the advent of the automobile. Practically all of its towns were built before the day of automobiles, and were provided with steam and electric railway transportation before the day of automobiles. In contrast, the Southwest is a new country. A great many of our towns were built after the advent of the automobile, and 40 percent of our population is serviced by no railroads. Most of these towns can be reached by bus, if you can get on the bus. The trouble is that the busses are already carrying capacity loads, and frequently refuse to take on additional passengers.

The most serious injustice in the gasoline rationing program is the attitude the rationing authorities have taken with regard to traveling salesmen. A study of the regulations indicates clearly that a deliberate attempt has been made to see that no traveling salesman gets gasoline for the purpose of carrying on his occupation. I presume that the theory back of this effort is that since goods are scarce, and the demand is great, no salesman is needed in any merchandising operation.

I think if the above theory were applied to only the scarce items, such as sugar, coffee, meats, and dairy products, it would be sound. No salesmen have been needed to sell items of this kind in the past. The men who have styled themselves traveling salesmen, in most cases, have done about as much delivery work as they have selling on staple commodities. At best, they could be called little more than "order takers."

But today the traveling salesman can perform a very distinct function for the economy of this country. The goods he will sell are the plentiful goods—the goods that American ingenuity has been able to develop as substitutes for scarce items. So nearly every dollar's worth of merchandise that is placed on the market through the efforts of the traveling salesman is going to absorb some of that buying power that would otherwise be in the market competing for scarce articles.

I feel, therefore, that we have taken a very short-sighted policy regarding the economic value of the traveling salesmen in a war economy. I think a great many traveling salesmen have covered their territory more frequently than is necessary, and I'm sure that some of them have been extravagant in their driving. I do think, though, that the economy would be better served by keeping them going, and keeping some of the surplus dollars of this country going into goods that are plentiful, and thus absorb some of the buying power that would be competing for scarce goods, and at the same time generate some profits that would be subject to income tax, which would help in paying for the war.

It may be reasoned that if these dollars do not go into merchandise that is plentiful they will go into War bonds. I don't think this is sound reasoning. With the demoralizing effect of the rigid gasoline rationing there will come a panicky attitude toward all rationing, and this money that is not going into goods that are plentiful will get panicky indeed and will increase the pressure for scarce goods.

It seems to me that the gasoline rationing for the traveling salesmen of the Southwest should be tailored to fit the bare needs of our economy. There is no doubt in my mind that every traveling salesman operating in this area could reduce his mileage from 10 percent to 25 percent. I think that the Office of Price Administration should issue the

salesmen ration books based on about 75 percent of last year's mileage. Most of these men have tires good enough to run them for another 12 months at their 35 miles an hour speed. If the tires are used, these men will perform a useful function. If they are not used, and they will not be when limited to 4 gallons of gasoline per week, the tires will deteriorate much more rapidly than if they were being used at the 35-mile speed. So the rationing of these salesmen is not going to have any beneficial effect on the rubber situation.

I have written to you at considerable length because I believe that the views expressed above are very generally held in the Southwest. I think it is your duty, not only to your constituency but to the United States as a whole, to see that this unjust and unsound attitude toward traveling salesmen is modified to the point where they can continue to make a living and do something constructive for their country, and I'm requesting that if you see the situation in the same light that you use all of the influence at your command to secure such a modification.

Sincerely yours,

E. W. JACKSON,
Vice President.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some excerpts from a pamphlet. I have an estimate from the printer that it will cost $120.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks on two subjects in the Appendix of the RECORD and to include a radio speech I made.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PLIGHT OF SMALL BUSINESS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, one of the problems of far-reaching importance to the Nation at the present time is that of preserving small business. This is not only a wartime problem, but it is one which will be of unquestionable importance in the years following the return of peace to the United States. There is at the present time a definite tendency, if not an underlying plan, in certain agencies of government, to stifle and smother small business under the guise of war necessity. Various means are being unfortunately used to accomplish this result. Little plants are going out of business when their facilities are badly needed at the present time to win the war. Plants are closing up when both War and Navy Departments need them badly in our war industrial program.

When this war comes to a close, the need for these little industries all over America is going to be sorely felt by our people. Not only will they be needed in aiding in absorbing the unemployment which, of course, must accompany the readjustment period, but they are now, and in the years ahead will be, badly needed to serve the people of America in the tens of thousands of little communities throughout the length and breadth of our land. The editorial which is set forth below is written along the right line and I for one hope the Small Business Committee will exert itself with utmost energy and zeal in saving the hundreds of thousands of small businessmen who are being forced to the wall.

Mr. Speaker, under unanimous consent to extend and revise my remarks I include herein an editorial on this subject entitled "Deserving Investigation":

[From the Shreveport (La.) Times of November 30, 1942]

DESERVING INVESTIGATION

Representative PATMAN, of Texas, brought his House committee on small business to New Orleans Friday to receive the complaints of Louisiana enterprises working under the Government's wartime controls. Press reports indicate that a sizeable number of grievances were placed before the visitors.

The most serious allegation was that fallacious policies of war procurement agencies had caused the closing of 47 Louisiana establishments.

One can readily understand that some factory shut-downs are inevitable in the present war crisis. Certain raw material needs are both acute and imperative, and a nonessential establishment which uses such raw materials can scarcely expect to continue an operation which would be harmful to the Nation.

However, the complaint advanced at New Orleans was that unnecessary restrictions—not necessary ones—caused the 47 shutdowns. That allegation ought to be investigated thoroughly by the Patman committee. If there are findings which show incompetency in any war agency, or deliberate willingness to hamper small enterprises unnecessarily, the facts should be spread before Congress and before the American people.

This war emergency is no time to adopt the philosophy that small business is of secondary importance in the Nation's life. Instead, the welfare of small business should be zealously guarded, so that when the postwar period arrives the preservation of small business will be one major goal of post-war planning.

Representative PATMAN is working in that direction. He deserves support in Congress and cooperative aid in all Federal agencies.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the New York Times of December 2.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WHAT HAPPENED TO THE AMERICAN RED CROSS BILL?

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I take this occasion to call to the attention of the House and of the country one of the most remarkable experiences any bill has ever had in Congress, especially in the Seventy-seventh Congress.

On July 21, at the behest of the American Red Cross and with the recommendation of the President of the United States and the Secretary of State, Mr. Cordell Hull, the chairman of the House Foreign Affairs Committee introduced H. R. 7420, and soon afterward we started consideration in the Foreign Affairs Committee of this bill to stop commercializing and trafficking in the name of the American Red Cross.

We found that different people were manufacturing shoes, cough drops, patent medicines, match pads, candies, and many other things called Red Cross merchandise and selling it to people, many of whom believed the profits accrued to the Red Cross. This bill was introduced to force discontinuance of that practice, but since then somebody has turned off the green light and I propose to find out who it is. I refuse to accept the supposition that Jimmy Roosevelt expects to go into the manufacture of Red Cross cough drops and patent medicines after the war. I believe there must be some other reason. I want to find out why this bill is held up, and why this protective legislation is not allowed to be passed.

In a day or two I shall speak to you further on the question, "Who turned off the green light on the American Red Cross bill?" In the meantime, if anybody can provide any information on this question, I shall be glad to hear from you. This bill should be passed by this Congress.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 10 minutes on Monday next after disposition of business on the Speaker's table and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

SPECIAL ORDERS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. EDWIN ARTHUR HALL] is recognized for 30 minutes.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, it will be my purpose today to review some of the activities in connection with the military and selective service programs which have come to my observation as a Representative of one of the most patriotic districts of the country. I shall also make certain recommendations for improvement of these conditions, and will refer to assisting the men in the service so far as the next Congress is concerned.

The news which has been coming in lately from foreign sources, from every section of the world, as a matter of fact, is much more encouraging than in many months. We read practically every day headlines in the newspapers from which we can only conclude that the American, British, and Russian soldiers are to a degree at least victorious on many fronts on which we are fighting. It is of especial satisfaction to us as Americans to observe that our forces are contributing more and more to this victorious effort and further that as our Army and Navy

become in ever-increasing numbers a part of the fighting forces the tendency seems to throw the balance on the scales of victory toward our side. In my opinion the secret of the successes of our Army and Navy is the step by step procedure which has been taken in this country to prepare very carefully for the great struggle before us.

The Congress of the United States has contributed in very large amount to the wonderful support which the Army, Navy, the Marine Corps and every branch of our armed service received from the Government itself. It was a wise Congress that passed the Conscription Act of 1940. It was a wise Congress which passed measure after measure to assist in the building up of our armed forces and in aiding the individuals engaged on the various fighting fronts. In a series of enactments since the passage of the Conscription Act of 1940 the House of Representatives in particular has made a name for itself so far as being a friend of the soldier and sailor is concerned.

I can well recall that when the original act was brought forward the soldiers were to serve for only $5 a month. We have gone a long way since that time and today after the passage of several acts by the Congress the base pay for the men in the Army, the Navy, and our various armed forces now stands at $50 per month. This is a monumental testimonial to the effort of the Congress of the United States in their behalf and I know that the men of our armed forces feel much more secure in the realization that the Congress is vigilant, active, and interested in everything that they are doing and in knowing that the Congress will help in every way that it possibly can.

As I have previously stated, it is my purpose today to discuss the several functions of the Selective Service Board and the administration of that act as it is being carried on throughout the country. I do not mind saying that there is a great deal of dissatisfaction on the home front with the ruthless way that the various boards are carrying out their functions. In my opinion, if there were a definite policy agreed upon in Washington and a direction from Washington to carry this policy out there would be more satisfaction at home and there would not be the dissatisfaction that the people at home entertain now toward the individual draft boards. In this connection I want to pay my respects to the men who are functioning as members of the various draft boards at home. They are giving of their time, of their energies, and have dedicated their services to the faithful prosecution of the big job that has been placed upon them, namely, getting as many men as possible into the service of Uncle Sam. They are doing this job in an orderly, forthright, honest fashion. However, there have been many inequities in the administration of the act. Many people at home are dissatisfied because they have observed that in several cases at least there has been unfair treatment of a nature they cannot possibly countenance. The maladministration of this act has been brought about by a confusion which exists as the result of statements which have come out of Washington from selective-service officials.

I refer particularly to speeches which I have heard General Hershey make over the radio and which I have read in the paper and also to remarks of various selective service officials throughout the country. It has been said that certain regulations would be set down and that certain rules would be promulgated for use of the draft boards at home and that these rules and regulations would be followed to the letter; yet the public, after having perused these speeches and after having digested many of the remarks that were made and having accepted them as the gospel truth, went to the individual draft boards and, to the dismay of the people, they found that the draft boards had had no such orders. They found that the draft boards had concluded these were simply radio speeches or public utterances, and the boards have directly ignored them. What the cause is I do not pretend to know. I do know that it is high time that the selective service get together, Washington, Albany, and every other State capital, with the local boards and come to a general agreement as to how they are going to administer the draft laws as the Congress intended them to be administered, so that there will be at least partial satisfaction on the part of the folks at home.

I am going to give as concrete examples several instances in my own district that, in my opinion, describe the situation as it now exists. Some months ago, General Hershey made a speech in which he said that no married men would be drafted into the service until all single men were taken, and he explicitly laid that down as the gospel truth, so to speak; yet on all sides there were various statements from draft boards giving different interpretations. I know in my own home city some of the draft boards were taking married men, others were not taking them, and still others were taking only certain groups among the married men, and so on.

There was a general misunderstanding and dissatisfaction created, and there was no rhyme, rhythm, or order put in their draft set-up.

I give that as an example, for this happened some months ago. More recently it has been evident in the administration of the Selective Service Act in relation to agricultural workers and people on the farms, if I am not mistaken, the House and the Congress set out in very explicit terms that the draft boards at home under the recent 18–19-year-old draft law were to use their good judgment. They were to defer, in every possible instance that they could, people engaged in agriculture who, they felt, were indispensable to the farms and necessary to the prosecution of the war effort in the production of food for freedom.

To my knowledge, in my own district, at least, none of the draft boards have any intimation that Congress ever intended such a thing, because they have not had instructions from the Selective Service System here in Washington and are interpreting these rules and regulations simply on the basis of the way they assume them to have been interpreted by the Washington office and not the way the Congress intended them to be interpreted.

The answer may be that the Congress has not been explicit enough in its legislation of the rules it wanted observed in the carrying out of the Selective Service Act, or it may be—and I think that this latter is more apt to be the case—that the Selective Service System is ignoring the implicit meaning of the Congress in the carrying out of the Selective Service Act.

In my own district particularly—and I am sure that this is evident throughout other districts where there are rural workers—many of the people have left the farms. They have gone into the defense plants of America and are lending their efforts to the production of planes, tanks, and guns, which our boys so sorely need. On the other hand, in their wake there is evident vacant farm after farm, in many cases grown over and abandoned. The dairy herds have been sold off. There is now no chance to produce the food for freedom which Congress and the Government have called upon the farmer to produce.

Men have left the farms because they could get more lucrative incomes from other sources. More and more of them have been taken by the draft boards in those localities, who should certainly realize that it is necessary to leave many men on the farms in order to do the proper work to produce this food. Our program is to feed not only our armed forces and our civilian population, but also the half billion people who, the administration has pointed out, must be fed before the war is to be thoroughly won.

I do not know what the solution will be, but I submit to the House today that it will be necessary to take some definite action before many more months have elapsed, and that unless the draft boards are charged with a constructive and orderly procedure in their induction program, America will be bereft of manpower to do the job on the farms. I submit that it is necessary for the Selective Service System here in Washington to get in line with the tone and the tenor of the spirit in which the Selective Service Act was passed by both Houses of the Congress.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. EDWIN ARTHUR HALL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Unfortunately, what the gentleman says about the action of the various draft boards is all too true. The gentleman's conclusion as to the effect of the action is unfortunately true. We have known that for 2 or 3 months. What are we going to do about it? What action does the gentleman propose that this House take?

Mr. EDWIN ARTHUR HALL. I will say to the gentleman that my solution would be that in the future, when we amend the selective-service law we definitely outline the procedure to be followed by the Selective Service System and not beat around the bush with general language, so that they can interpret it in any way they wish.

Mr. HOFFMAN. What the gentleman says is all very well, but it does not answer the present need. If we go on in the way we are going—and we all know it—the country is going to be hungry and the soldiers are not going to be fed.

Mr. EDWIN ARTHUR HALL. I agree with the gentleman.

Mr. HOFFMAN. I am not finding any fault with the gentleman's observations, because I think they are well made and should be made, but talking about it here does not answer the question. What are the gentleman and the other Members who are on the floor going to do about it? I am asking the same question I asked yesterday. What steps are we going to take, before everyone gets hungry, to remedy the condition which is going to bring that situation about? When the people get hungry they are going to get mad, and they will do something that we will not like. What does the gentleman suggest we do now?

Mr. EDWIN ARTHUR HALL. My answer to the gentleman is, first, that the Congress get back some of the powers that it has placed in the hands of the various departments.

Mr. HOFFMAN. We on the Republican side cannot do that, because the majority controls the procedure.

Mr. EDWIN ARTHUR HALL. I think the trend of the past election showed that the people are pretty thoroughly fed up with the way the Congress has abrogated its powers. When they appealed to an individual Member of Congress or to Congress as a whole, their requests were often met with the answer that the power was vested in other channels or in other departments. I feel that it is high time the Congress assert itself in such a manner that the administrative branch of the Government gives heed to the wishes not only of the Congress but of the people themselves.

Mr. HOFFMAN. The result of the last election will not in and of itself assure the end of the shortage of food, and that is what I am getting at. What does the gentleman think of some of us on the minority side objecting here to adjournments day after day until the majority takes some action? Are we going to wait until the new Congress comes in before we get any real help to the farmers, talked of today, or the businessmen, talked of yesterday?

Mr. EDWIN ARTHUR HALL. I say to the gentleman that unfortunately, being a comparatively new Member, I am not in a position to bring about the consideration of legislation I would like to, but I hope that in the future people like the gentleman from Michigan and other influential Members will see that such a thing is done.

Mr. HOFFMAN. I have difficulty in influencing myself even, and my folks are writing me that they are getting terribly tired of talk on the floor of Congress, and no legislation curbing the power of these bureaucrats, or getting rid of some of these rules and regulations that are oppressing them.

Mr. EDWIN ARTHUR HALL. I pledge to the gentleman my vote and support of any measure that will do this job.

Mr. HOFFMAN. Suppose the gentleman on one day and I on another object to consideration of matters until we get a quorum down here.

Mr. EDWIN ARTHUR HALL. That is fair enough. Mr. Speaker, I mentioned a little earlier in my discussion that I would talk a little about some measures the Congress has passed, particularly the House, in the interest of the men in the service. I think that each and every one of us will agree that the American boys who have gone to the military training camps and the fighting front on every continent of the globe are deserving of the greatest possible consideration and the fairest possible treatment that our Government can possibly give them. I say that if it had not been for the House of Representatives and for the Congress they would not today be enjoying many of the privileges they are now enjoying, and I refer particularly to the raising of the pay from $21 a month to $42 a month, and thereafter to $50 a month. If it had not been for the Congress, certainly the bureaucrat officials and the military would not have raised the pay of the men in the service. Congress is solely responsible for such action, and for that reason I am mighty proud and happy to be a Member of that Congress which voted those measures. I hope that in the future not only in this Congress but in the next Congress the program that was followed out during the past 2 years will be carried on, namely, of doing everything that we can in the interest of the men in the armed services.

I now bring to the attention of the House the subject of the all-free furlough transportation bill. As many will recall, just before Pearl Harbor I submitted an amendment in the House to the effect that men in the armed services be granted free furlough transportation, not oftener than once a year, but whenever their commanding officer during that year deemed it necessary that they be given a furlough, provided of course that privilege did not exceed once a year. I feel that this measure has a great deal of merit. My own brother is a lieutenant in the infantry now serving in Hawaii. He had some service in the training camps of this country before he left to serve on the fighting front. He told me that he has seen young men who have been granted furloughs sit crying on their camp bunks because they were unable to raise the money to get home and see their loved ones they had left behind. He told me further that he felt it was one of the great sins in the military of the United States that consideration had not been given to those boys so that they could go home during furlough when granted one. The tragedy of this whole subject is that the United States is the only country in the world that does not furnish free furlough transportation to its soldiers.

I emphasize that point by saying that every other allied nation does furnish men in service free transportation, and that even the Axis powers do that, as low as are the depths to which they have sunk. Although Hitler unceremoniously dumps his men out in training them for paratroops to the nearest village that he can reach to their homes when they are let out of the army on furlough, that is in a sense free furlough transportation. Great Britain and the Dominions have seen to it that their men in the service are given free transportation during furlough, and that was so even during the World War. I am not advocating that a man be taken away from the fighting front and given this privilege. I am simply saying that when his commanding officer, even if he is in military training camp in some remote section of the country, gives him a furlough, that he should not be compelled to bum or thumb his way home in uniform, and that is now well nigh become an impossibility, and that he should not be compelled to while away his furlough in camp. Rather he should be given transportation free of charge from the point where he is serving to his own home. You and I and every man in the service have been raised in the fine influence of a true American home. We are proud of our American homes, and of the institutions upon which those American homes have been built.

When we are away from home we are only too anxious to get back to see our relatives whom we have left behind; but sad to say, it is impossible for a substantial number of our men in training to go back home, even though they are given furloughs. It is absolutely out of the question for the average soldier to raise $20 or $30, which is the average amount he must pay for a round-trip ticket. To give an instance, my own brother had to send home for money to reach our home, which is in up-State New York, from Camp Benning, Ga. It was necessary for him to send home for at least $25. Fortunately we were able to supply it for him, but there are many, many men in training who are unable to receive such help from home. Consequently they are unable to get home at all, even though they have been granted a furlough.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. EDWIN ARTHUR HALL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Has the gentleman any information as to what other warring nations do with regard to transportation for their soldiers and sailors?

Mr. EDWIN ARTHUR HALL. As I have mentioned—and I dislike to mention it—the German Army is furnished with transportation during furlough. I am not basing my argument on the fact that they furnish transportation for their men. I mentioned that they unceremoniously dump their men at the nearest possible point of vantage, possibly some field or village near where they live, and they are forced to walk several miles to their destination. However, that is a form of furlough transportation. I do know, though, that Britain and the Dominions give their men free furlough transportation, and did it in the first World War. How that is done I do not propose to say here, because I do not have information on that point. I assume they are given some sort of a permission card or ticket that enables them to ride on the methods of transportation that are nearest and most practicable for

them to use. But I am safe in making the statement that Uncle Sam is the only nation in the world that does not furnish free furlough transportation for the men in the armed services.

Now, I have heard the argument advanced that the men have been given a great many privileges by the Congress and that there is little room for improvement of their lot or for assistance of them in the war that we are prosecuting. My answer to that is that even with their advanced base pay of $50 a month the great majority of them are forced to take out so much a month for miscellaneous details as are only too familiar to the men in training, and in many cases are forced to take out a substantial part of their $50 a month for dependents back home. In many cases a soldier has to provide for his wife or his mother or his aging father or some younger brothers and sisters who have no livelihood of their own. So for that reason the greatest part of their $50 a month is taken up by amounts of money that they cannot afford to get along without.

I submit the Hall free furlough bill once more, and I hope that some action will be taken on it in the future.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PACE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today on the bill H. R. 7788 and incorporate in my remarks the committee report on that bill.

The SPEAKER pro tempore (Mr. HARE). Is there objection?

There was no objection?

The SPEAKER pro tempore. Under special order of the House, the gentleman from Massachusetts [Mr. ELIOT] is recognized for 15 minutes.

CREATION OF HOUSE COMMITTEE ON SOCIAL SECURITY

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and at the conclusion of my remarks to print the New York Times summary of the Beveridge report.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ELIOT of Massachusetts. Mr. Speaker, every man has his own aspirations. Every nation has its own ambitions. But most people are alike in wanting a few simple things: Enough food and clothing and shelter to live decently, employment for themselves, medical care when they are ill, and the possibility of dignified retirement in their old age.

These are material wants. Because they are material, they are shared by hundreds of millions of people everywhere in the world. Freedom from want is the most natural of the "four freedoms" for all nations to unite upon. It is not a battle cry. It is not an ideology. It is just a recognition of human nature, of the simple needs of humble people everywhere.

Where tyranny keeps the people cowering and silent, they cannot make their desires known. They are promised abundance, but tyranny leads not to security and life but to war and death.

Where the people rule they can act to meet their own basic needs. Democracies began to realize their own power to solve their most primitive problems many years ago. In this country those problems were individual, not national, as long as the frontier lasted. Their existence was denied long after the frontier was closed. Finally a desperate era of depression woke us up. As a people, we began to help each other. We got the very sound idea that in meeting basic economic needs we must all work together and that what helps one helps all.

So we began to provide for what we call social security. Our endeavors were limited in scope necessarily, for even so limited, the program was vast and new. We sought to mitigate the suffering caused by industrial unemployment. We provided a very modest contributory retirement insurance for industrial workers. We increased the public health work of the Government.

But our Social Security System does not cover nearly all of our people. Nor does it meet all basic needs for those who do come within its scope.

Prior to the growth of war industry the Government tried to give employment to those without jobs in private industry, but in statistical tables we continued to call them "unemployed." A few progressive employers guaranteed their workers year-round pay and naturally made every effort to keep their factories running all the year round, too. But as a people we had not whole-heartedly and with conviction accepted the principle that as every man should have a chance to work for a living his Government must see to it that that chance is given him.

This week in England a new report has been made on the general subject of social security and the responsibilities of government. It includes recommendations for the most far-reaching legislation. It is the work of a commission headed by a great and respected authority on this subject, Sir William Beveridge.

Unlike any previous social security program in a democracy, the Beveridge report states as a basic premise the Government's responsibility for meeting the simplest needs of life itself. The Government would guarantee a very small income to every citizen. It would institute for all a single contributory insurance system covering the vicissitudes of unemployment, accident, illness, hospitalization, and retirement.

Already there comes word of protest against the Beveridge report, protest against its cost, which becomes virtually incalculable if you project the system far enough into the future. I am reminded of an earnest voice on the radio the other night saying "When our men come home from overseas, they will ask us in Congress, 'Why have you allowed the public debt unnecessarily to grow so large?'" Mr. Speaker, the men who actually ask that question will be few and far between. But what they will ask, by the thousands, by the hundreds of thousands, by the millions, is simply, "Can I get a job?" And later they may ask, "Can I get steady pay all the year round? Can I get a doctor when the kids are ill? Can I quit when I'm old, without burdening my children?"

That is what they will ask; and we have got to be able to answer "yes."

We must realize that if, as a people, we can put all of ourselves to work to make the instruments of war and death, then we can keep all of ourselves at work to make the goods of peace and life. If we do, incidentally, our social-security costs will be that much less. In time of peace, nothing costs as much as the closed factory and the shivering bread line. Social security is more than insurance against individual hardships; it means national stability as well.

Our own social-security program has been in effect now for 7 years. It was improved and slightly expanded in 1939. It needs a much greater expansion now.

Three months ago, I introduced a social-security bill which in some respects parallels the Beveridge report. It unifies contributions into one social-insurance payment. It greatly increases the coverage of the program. It includes disability insurance and provision for hospitalization.

Has it not always seemed anomalous that an unemployed man gets unemployment benefits as long as he is healthy, and then if he gets sick he stops getting benefits? That injustice occurs because the medical profession has largely opposed any professional participation in Government insurance systems. Insurance benefits cannot well be paid to men who are out of work because they are ill, unless a doctor certifies the fact of their illness. If the doctors object to playing any part in this certification process, then there is no disability insurance.

Surely the time has come for this professional prejudice to be done away with. I am no advocate of "government medicine." I think the profession itself, by group action, can probably solve the problem of the cost of medical care. But doctors should, and I think will, be ready to make possible the extension of Government protection to the working man who is not only unemployed but also ill.

This new social security bill, H. R. 7534, is sponsored by the American Federation of Labor, and has the support of other labor organizations. I urge every Member to study it—not because I introduced it, for someone else will doubtless introduce it in the next Congress—but because it deals squarely with the task of giving reality to those words, "Freedom from want." And I urge further that we give close study to the more far-reaching Beveridge report.

We will see, of course, that there are complications here which did not confront the Beveridge commission. Under our Federal system, for instance, the States for many years have had their own workmen's compensation laws. It would be unwise for us thoughtlessly to abolish these State laws in favor of Federal insurance for industrial accidents.

For the last 6 years, likewise, the States have had their own unemployment insurance laws. But here there is a different situation. An act of Congress caused the

States to enact those laws. Federal appropriations pay for the administrative expenses. The United States Treasury is the depository for the State funds. Most important of all, unemployment insurance is linked inseparably with public employment offices, and the thorough nationalization and expansion of the United States Employment Service is necessary today. It is time that we considered the advantages of bringing unemployment insurance into a single system of social insurance for the whole country.

In other ways, the Beveridge report is not identical with proposals here. I have already mentioned health insurance: that is an old story in Great Britain, and plays a central role in the social security picture there. The Beveridge report presumably advocates that benefits be paid alike to all, rather than having them scaled roughly to the previous earnings of the recipient. That is a present difference between their system and ours. It presents a question which is not merely administrative, but goes to the basic philosophy of the system—a question which deserves our thoughtful study.

The whole question of social security—of freedom from want—is likely to be the biggest domestic issue confronting every government when this war is over.

We have now an independent Federal Security Agency; the Beveridge report recommends a separate Ministry of Social Security in England.

In 1934, the President recognized the importance of the matter by appointing not only a Cabinet committee to study it, but a national advisory council of widely respected and public-spirited men to assist in the preparation of a concrete program. Some years later, by joint action of the Senate Finance Committee and the Social Security Board, a similar council was created which led the way in recommending wise amendments of the law while reassuring the public of the basic honesty and soundness of the original act. In a program so directly touching so many people, special study by a council of informed and able citizens from various backgrounds is a useful thing. Such a council rendered valuable service in 1934, and almost invaluable service in 1938. We hear rumors that the President may soon send to us his own recommendations for the expansion of the present act. We know that during this Congress, though many social security measures were introduced, the Ways and Means Committee was too busy with taxation to give them any consideration whatever.

All this points to two prime needs. First, there should be created, preferably by joint action by Congress and the President, an advisory council of leading citizens, to study all proposals and make comprehensive recommendations.

Second, there should be in this House a separate standing committee on social security. I say this in full recognition of the effective work of the Ways and Means Committee on this subject in 1935 and 1939. I say it only because the pressure of other business leaves that committee now with no time to give to social-security matters.

I had the great privilege, in the winter of 1935, of working with the Ways and Means Committee in its formulation of the social-security program. That experience gave me a deep respect for the work of Congress—and for the Members of Congress. I shall ever be grateful for that opportunity, and that education. Perhaps it is not too much to hope that if a separate standing committee on social security were created, some of the members of the Ways and Means Committee prefer to serve on the new committee.

After all, the raising of revenue is a necessary function, but the assurance of a decent living for all the people has become a vital function of government as well.

The job of a social security committee would be a vast one. It would be the task of showing the world that we mean what we say when we talk about freedom from want. We can start proving our own sincerity by pressing forward now toward the goal of greater security for our own people. We can begin to think now about keeping every man of working age at work. We had better do some rigorous thinking about that, and do it right now, or we will face the righteous wrath of millions whom the country called in time of war and discarded in time of peace.

I may seem to be emphasizing unduly a purely materialistic aim. But I submit that without the basic necessities of life, a man has little chance for high adventure, just ambition, and the enjoyment of freedom. Sometimes it is asked whether social security will not kill the vigorous spirit that makes a nation great. Usually that question is asked by people who have ample means themselves. And the question can be answered by another overwhelming one: How can a nation grow, how can its spirit survive, if its citizens cannot find work even to support themselves?

Some critics of the Beveridge report say that all-inclusive insurance will destroy the incentive to work. The benefits are so low, however, that there is no danger of luxurious idleness. The incentive might be something quite different—pressure on government and industry to cooperate in achieving full employment.

Some have said that social insurance is the last patchwork of an outworn economic era. Reactionaries and radicals alike have condemned it, for it is neither reactionary nor radical.

Social insurance is vital as a defense against the recurrent hazards which have hitherto characterized our industrial economy. But it is full employment at an adequate return which is the ultimate essential.

Social insurance is the common sense starting point for a great new effort for the common man, the effort to assure every man of a decent living earned by his own labor. Upon the success of that effort our hopes for world unity and stability and peace depend.

Freedom from tyranny has little chance if we do not achieve freedom from want, for mass poverty, tyranny, revolution, and war are all blood brothers. If victory is to mean anything, we must be ready to meet the challenge of victory. We must be ready for Americans to produce abundance in peace as they have produced weapons in war. We must be ready to provide that no American need fear starvation or costly illness, or the deadly stagnation of prolonged unemployment. From there we can go on, with like-minded men all over the world, to bring the basic necessities of life to humble folk everywhere, and on that firm foundation build the great structure of freedom and of peace.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ELIOT of Massachusetts. I yield.

Mr. SMITH of Ohio. I want to take exception to the statement the gentleman from Massachusetts made earlier in his remarks which can give the inference that the medical profession is the sole group that is opposed to socialized medicine. The gentleman is apparently laying the whole blame for opposition to socialized medicine upon the medical profession.

Mr. ELIOT of Massachusetts. The profession is certainly responsible for much opposition.

Mr. SMITH of Ohio. Solely responsible?

Mr. ELIOT of Massachusetts. I did not say "solely responsible," but certainly the organized members of the profession speaking through such organizations as the American Medical Association have been very strongly opposed to whatever they may have called socialized medicine. The gentleman will agree with that.

Mr. SMITH of Ohio. That is correct. I have opposed socialized medicine and I am also opposing this communistic scheme that is involved in the Beveridge report. Why do not you people call that program communism and be done with it?

Mr. ELIOT of Massachusetts. Because it is not.

Mr. SMITH of Ohio. I ask the gentleman this question then: Please distinguish between communism and the Beveridge report.

Mr. ELIOT of Massachusetts. The system of communism means government ownership and operation of all property. The Beveridge plan means no such thing whatever. I think that is the simplest answer. I might also point out that social insurance has been well established in capitalist countries for many years.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman answer a further question along that line?

Mr. ELIOT of Massachusetts. I shall be pleased to yield to the gentleman.

Mr. SMITH of Ohio. Does the Government itself have any power or any resources that it does not derive from the social group?

Mr. ELIOT of Massachusetts. The Government in a democracy—and I believe the gentleman will agree—derives its power from the consent of the governed, according to the theory of Rousseau which is, I believe, the basis of our Constitution.

Mr. SMITH of Ohio. The Government derives all of its power and resources from the people.

Mr. ELIOT of Massachusetts. That is right.

Mr. SMITH of Ohio. Then does the gentleman's scheme involve anything other than the old, old process of state coercion?

Mr. ELIOT of Massachusetts. I believe if the gentleman will read my remarks in the printed RECORD, he will find that I have answered the question, for I made the statement that I am not an advocate of Government medicine. I think the medical profession itself can probably work out a good solution of the problem of the cost of medical care. I do think, as I said, that doctors should and would be ready to certify unemployed men who are ill, so that they will not lose their unemployment-compensation benefits.

Mr. SMITH of Ohio. Has the gentleman made a study of socialized medicine, for example, in Germany, Russia, Czechoslovakia, and in England?

Mr. ELIOT of Massachusetts. I have spent a good deal of time on the question. I was general counsel of the Social Security Board and was counsel for the President's Committee on Economic Security in 1934; so I have made a considerable study of that. I am not advocating socialized medicine.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. ELIOT of Massachusetts. I yield.

Mr. HOOK. I understand that the British Information Service will have copies of the Beveridge report, which, I am informed, covers about two volumes, and a limited number will be made available. I understand that if anyone on the Hill is interested, they can contact them and a copy will be made available.

Mr. ELIOT of Massachusetts. I hope there will be interest in the report. I am, of course, including in my remarks a brief newspaper summary of the major provisions of the report.

[From the New York Times of December 2, 1942]

EXCERPTS FROM BEVERIDGE PLAN AND DIGEST OF ITS PROVISIONS

LONDON, December 1.—Following are excerpts from Sir William Beveridge's report on economic reforms for post-war Britain:

"The rise in the general standard of living in Britain during the 30 or 40 years that ended with the present war has two morals for us:

"Firstly, that new measures to spread prosperity are needed; a plan for social security designed to meet this need and establishing a national minimum over which prosperity can grow, with want abolished.

"Secondly, a study of the period between, say 1900 and 1936, which includes the first World War, proves encouraging, for it shows that it is wrong to assume that the present war must bring to an end economic progress for Britain or for the rest of the world.

"After 4 years of open warfare and diversion of effort from useful production to means of destruction between 1914 and 1918, there followed an aftermath of economic conflict. International trade was given no chance to recover from the war, and Britain entered a period of mass unemployment in her staple industries."

PROGRESS CONTINUED

"Nevertheless, across this wasteful period of destruction and dislocation, permanent forces making for material progress—technical advance and the capacity of human society to adjust itself to new conditions—continued to operate.

"Real wealth per head in Britain, with shrunken overseas investments and lost export markets, was substantially higher in 1938 than in 1933, even when we include all her unemployed.

"The present war may be even more destructive. It is likely to complete the work of the First World War in exhausting Britain's investments overseas and deprive Britain of another source of earning abroad by her shipping services: In these and other ways will change the economic environment in which the British people must live and work and may call for radical and, in some ways, painful readjustments.

"There are bound to be acute difficulties in the transition. Certainly there are no easy, carefree times in early prospect.

"But to suppose that these difficulties cannot be overcome, that the power of readjustment has deserted the British people, that technical advance has ended or can end, that the British of the future must be permanently poor because they will have spent their fathers' savings is defeatism without reason and against reason * * *."

WANT CAN BE ABOLISHED

"Want could have been abolished in Britain before the present war. It can be abolished after the present war unless the British people prove less productive than they and their fathers always have been. There is no sense believing to the contrary.

"But the question of whether freedom from want can be attained in the near future depends on four conditions:

"Firstly, that the post-war world is a world in which nations set themselves to cooperate for production in peace rather than plotting mutual destruction by war, whether open or concealed.

"Secondly, that British economic policy and structure after the war shall be adjusted in such a way as to maintain productive employment.

"Thirdly, that a plan for social security—in other words, a plan for maintenance of income—should be adopted free from unnecessary costs of administration and other wastefulness of resources.

"Fourthly, that decisions regarding the nature of this plan should be taken during the war * * *."

IDEAL MUST BE WON

"Freedom from want cannot be forced on a democracy or given a democracy. It must be won by them. Winning it needs courage, faith, sense, national unity—courage to face facts and difficulties and overcome them, faith in our future and ideals, freedom, the fair play for which century after century of our forefathers were prepared to die, a sense of national unity overriding the interests of any class or section.

"This plan of social security is submitted by one who believes that in this supreme crisis the British people will not be found wanting in courage, faith or national unity, in material or spiritual power, to play their part in achieving both social security and a victory of justice among nations, on which security depends. * * *

"In an investigation of the East London poor it was found that before the war the total surplus of those of the working class families who were above the minimum was more than thirty times the total deficiency of those families under the minimum.

"I am not arguing that redistribution of income should be confined to the working class. Still less do I argue that men should be content with mere avoidance of want with bare subsistence incomes. I merely cite this as a most convincing demonstration that abolition of want just before the war was easily within the economic resources of the community.

"In short, want was a needless scandal due to no one taking the trouble to prevent it * * *."

THE USES OF VICTORY

"A statement of a reconstruction policy by a nation at war is a statement of the uses to which that nation means to put victory when victory is achieved. In a war which many nations must wage together if they are to win the victory, such a statement of the proposed uses of victory may be vital.

"This was realized by the leaders of the democracies of the East and West Atlantic in putting their hands to a charter which in general terms set forth the nature of the world they desired to establish after the war. The Atlantic Charter since has been signed in behalf of all the United Nations.

"The fifth clause of that charter declares the desire of American and British leaders to 'bring about the fullest cooperation between all nations in the economic field with the object of securing for all improved labor standards, economical advancement and social security.'

"The proposals in this report are designed as a practical contribution toward the achievement of the social security which is named in the closing words. They cover the ground which in one way or another must be covered in translating the words of the Atlantic Charter into deeds.

"They represent not an attempt by one nation to gain for its citizens advantages at the cost of their fellow fighters' common cause, but a contribution to that common cause.

"They are concerned, not with increasing the total wealth of the British people, but with so distributing whatever wealth is available as to deal first with first things, with essential physical needs.

"They are a sign of the belief that the object of a government in peace or war is not the glory of rulers or race, but the happiness of the common man.

"That is the belief which, through all differences in forms of government, unites not only the democracies whose leaders first put their hands to the Atlantic Charter, but those democracies and all their Allies. It unites the United Nations and divides them from their enemies."

SUMMARY OF PLAN

A summary by Sir William Beveridge of his report on social insurance and allied services, as broadcast by British official wireless yesterday and recorded by the New York Times, follows:

I

"The plan covers all citizens without upper income limit, but has regard to their different way of life; it is a plan all-embracing in scope of persons and needs, but is classified in its application."

II

"In relation to social security the population falls into four main classes of working age and two others below and above working age, respectively:

"Class 1: Employees, that is, persons whose normal occupation is employment under contract service.

"Class 2: Others gainfully occupied, including employers, traders, and independent workers of all kinds.

"Class 3: Housewives, that is, married women of working age.

"Class 4: Others of working age not gainfully occupied.

"Class 5: Below working age.

"Class 6: Retired above working age."

III

"The sixth class would receive retirement pensions and the fifth would be covered by children's allowances paid from the Exchequer in respect to all children when a responsible parent is in receipt of an insurance benefit or pension and in respect to all children except one in other cases. The four other classes will be insured for security appropriate to their circumstances. All classes will be covered for comprehensive medical treatment and rehabilitation and for funeral expenses."

IV

"Every person in classes 1, 2, and 3 will pay a single security contribution by stamp on a single insurance document each week or combination of weeks. In class 1 the employer also will contribute, affixing an insurance stamp and deducting the employee's share from his wages or salary. The contribution will differ from one class to another according to the benefits provided and will be higher for men than women so as to secure the benefits for class 3."

V

"Subject to simple contribution conditions, every person in class 1 will receive benefits for unemployment and disability pension on retirement, medical treatment and funeral expenses. Class 2 will receive all these except unemployment and disability benefit during the first 13 weeks of disability. Class 4 will receive all except unemployment and disability benefit.

"As a substitute for the unemployment benefit a training benefit will be available to all classes other than class 1 to assist them to find a new livelihood if the present ones fail. A maternity grant, provision for widowhood and separation, and qualification for retirement pensions will be secured to class 3 by virtue of their husbands' contributions; in addition to the maternity grant, housewives who take paid work will receive the maternity benefit for 13 weeks to enable them to give up working before and after childbirth."

VI

"The unemployment benefit, disability benefit, basic retirement pension after the transition period and training benefit will be at the same rate irrespective of previous earnings. This rate will provide by itself the income necessary for subsistence in all normal cases. There will be a joint rate for a man and wife who is not gainfully occupied. Where there is no wife or she is gainfully occupied there will be a lower single rate: Where there is no wife but a dependent above the age for the children's allowance there will be a dependent allowance.

"The maternity benefit for housewives who work also for gain will be at a higher rate than the single rate in unemployment or disability, while their unemployment and disability benefit will be at a lower rate; there are special rates also for widowhood as described below. With these exceptions, all rates of benefit will be the same for men and women.

"Disability due to industrial accident or disease will be treated like all other disability for the first 13 weeks; if the disability continues thereafter the disability benefit at a flat rate will be replaced by the industrial pension related to the earnings of the individual, subject to the minimum and maximum."

VII

"The unemployment benefit will continue at the same rate without a means test so long as unemployment lasts, but will normally be subject to the condition of attendance at work or a training center after a certain period. The disability benefit will continue at the same rate without a means test so long as disability lasts or till it is replaced by an industrial pension, subject to acceptance of suitable medical treatment or vocational training."

VIII

"Pensions other than industrial would be paid only on retirement. They may be claimed at any time after the minimum age retirement of 65 for men and 60 for women. The rate of pension would be increased above the basic rate if retirement were postponed. Contributory pensions as of right would be raised to the full basic rate gradually during the transition period of 20 years in which adequate pensions, according to needs, would be paid to all persons requiring them. The position of existing pensioners would be safeguarded."

IX

"While permanent pensions would no longer be granted to widows of working age without dependent children, there would be for all widows a temporary benefit at a higher rate than the unemployment or disability benefit, followed by a training benefit where necessary. For widows with the care of dependent children there would be a guardian benefit in addition to children's allowances adequate for subsistence without other means.

"The position of existing widows on pension would be safeguarded."

X

"For a limited number of cases of need, not covered by social insurance, national assistance subject to a uniform means test would be available."

XI

"Medical treatment covering all requirements would be provided all citizens by a national health service organized under health departments, and post-medical rehabilitation treatment will be provided for all persons capable of profiting by it."

XII

"A Ministry of Social Security will be established, responsible for social insurance, national assistance, and encouragement and supervision of voluntary insurance, and will take over so far as necessary for these purposes the present work of other government departments and of local authorities in these fields.

"Following is an outline of the main financial proposals:

"An insured man would make a weekly contribution of 4s. 3d. to cover all the benefits and services provided. An employer would contribute 3s. 3d. Insured women would pay 3s. 6d., and an employer would pay 2s. 6d. The estimated cost to the national exchequer would be £350,000,000 in 1945, instead of £265,000,000 under existing commitments. The cost to insured persons would be £194,000,000 in 1945, instead of £69,000,000. The cost to employers would be £137,000,000, instead of £83,000,000.

"Following are the main changes from existing practice proposed:

"The employment benefit would be raised from 38s. a week for 26 weeks, followed by assistance on a means test to 56s. a week unlimited in time without a means test, subject to attendance at a training center if unemployment were prolonged. The old-age benefit from 20s. a week for man and wife, supplemented by an assistance board according to needs to 40s. a week on retirement from work plus 2s. a week increase each year that retirement is postponed. Widowhood from 18s. to 40s. a week. Maternity £2 to £4. Funeral from nil to £20. Industrial disability from a maximum of 35s. to a minimum of 56s. and a maximum of 76s. a week. Other disability from 18s. to 56s. a week.

"Medical treatment at present provides the service of a general practitioner for an insured man only with additional treatment and benefits in some cases. The plan envisages comprehensive treatment, including hospital, dental, ophthalmic and convalescent homes for a whole family, and the cost of medical rehabilitation."

SPECIAL ORDER

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 20 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial dated December 4 from the United States News.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, a resolution was today introduced by me calling for the appointment of a committee to investigate the actions of those who called most of us, if not all of us, unpatriotic and disloyal during the primary and the general-election campaigns.

More on this subject will be said by me on Monday next. Today permit me to ask just one question. After what happened down here last year in connection with the proceedings before the grand jury and after the Members read those stories in the Washington Post, the New Republic, and other smear publications:

Can you honestly say to yourself, after the campaign of misrepresentation that was carried on here in Washington and elsewhere by some newspapers, other publications and organizations, that you were not afraid to oppose some administration measures which you thought were unsound because you feared if you did you might be accused of lack of patriotism?

Did not that smear campaign against Members of Congress that was carried on in the press by such people as Winchell and William P. Maloney cause you to hesitate here in Congress to express your real thoughts, to exercise fully your constitutional right of free speech?

I ask that question in all seriousness. I will let it stand in the RECORD now, and next Monday I will ask again that same question on the floor and hope that some will make answer.

There is no question but that those who smeared us during the recent campaign will continue their campaign to discredit Congress. Unless this Congress takes some action, fellows like Maloney, who used the grand jury in an effort to smear some of us, will continue their slanderous and libelous statements. If we let those fellows like Maloney, Winchell, Browder, and publications such as the Washington Post, the New Republic, the Daily Worker, and the New Masses go on making false charges without exposing their falsity, the people will cease to have any confidence in the Congress. What they are trying to do, as I see it, is to bring about the destruction of Congress. They are trying to wipe out this third department of Government.

If you know of any reason why we should let them go on I wish you would let me know. I know the Dies committee is doing a great work, but the job it is doing now will keep that committee busy. We want another committee to expose these smearers and end their misrepresentation. The answer that some will make is that, "It did not hurt you in the election." Maybe it did and may-

be it did not, but whether it did or did not, I do not know any reason why we should let any group in the United States, or any individual in the United States, continue to assail the Congress by making false charges of disloyalty. Do not get the mistaken idea that I care very much about it personally, because the ultimate result of all their dirty slander and libel so far as the Fourth Congressional District of Michigan was concerned was to add to the number of votes which were cast for the Republican candidate. If we let them go on unexposed, however, they will destroy the influence that Congress does have and should have throughout the country.

I notice the gentleman from Mississippi [Mr. RANKIN] on the floor. One paper in the Middle West was after him—the Chicago Sun. They took him up one side and down the other, and if you on the majority side think you are going to escape the smearer, all you need to do is to look at the issues of the New Republic of May 18 and October 5, and see where you were listed.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. HOFFMAN. May I strike it out of the RECORD afterwards?

Mr. RANKIN of Mississippi. No.

Mr. HOFFMAN. I cannot yield.

Mr. RANKIN of Mississippi. I want to explain this to the gentleman. The Chicago Sun was afraid I would succeed in my effort to tax that large fortune that this fellow Field is going to come into possession of next September, amounting to probably a couple hundred million dollars. Unless the Congress exercises its powers and does its duty here, this fortune will fall into his hands and escape taxation. They are using that to finance the Chicago Sun, the PM, and probably some other papers of that kind. That is the reason they dislike me.

Mr. HOFFMAN. The point I want to make is that not only the gentleman from Mississippi [Mr. RANKIN], as an individual, but as a Congressman, and all of you from the South, all of you who stand for constitutional government, who are trying to preserve this Nation of ours, are due for more of what a lot of us got during the last campaign and I think that the gentleman from Mississippi and other Members on that side would at least like to know three things—Who is it back of this thing? who furnishes the money? and what are they really trying to do? Obviously they do not dislike the gentleman as an individual because they do not know him. They do not dislike these other men as individuals, but because you believe in the American system of government—are pro-American and do not hesitate to express yourself—you are on the blacklist.

Mr. RANKIN of Mississippi. If the gentleman will notice, that element of the press is now nagging the British Empire because they will not submit to destruction from the outside. It is trying to drive a wedge between the United States and our English-speaking allies.

Mr. HOFFMAN. My purpose in addressing my remarks in the gentleman's direction is, can and will you not, over Friday, Saturday, and Sunday, induce some of the gentlemen on your side, men like the gentleman from Georgia [Mr. COX], the gentleman from Virginia [Mr. SMITH], and 60 or 75 or 150 more of you to support the resolution I introduced today, and which I wish you would take a look at, so that we can have these men, those back of these publications, in here and demonstrate that that element of the press does not tell the truth and that their ultimate purpose is the destruction and the overthrow of our government, not necessarily by force, but by boring and working from within?

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. HOOK. Has the gentleman lost his faith in the Dies committee?

Mr. HOFFMAN. Oh, no.

Mr. HOOK. What is the matter with it, then?

Mr. HOFFMAN. I have not lost my faith in the Dies committee, but the gentleman and some others have criticized and hampered the Dies committee—I will not say "hampered" because you did not succeed.

Mr. HOOK. I wish I had. It would have helped the American people.

Mr. HOFFMAN. But you have criticized so often and so much that its critics have taken courage and they now have too big a job on their hands to handle all this. Would you not like to know, Frank, who it is that is calling you, in your district, disloyal?

Mr. HOOK. Since they picked up William Dudley Pelley, I am just wondering whether the Dies committee had much to say, when they did not have much to do with it.

Mr. HOFFMAN. The Dies committee laid the foundation for the prosecution of William Dudley Pelley.

Mr. HOOK. Oh, no. The gentleman will remember that was the fight that I had with the Dies committee. I dragged William Dudley Pelley before them when they protected him when he was down in the court and David D. Main was brought in under indictment. They were down there with their arms around him in the courtroom.

Mr. HOFFMAN. I have the greatest affection for the gentleman from Michigan. I remember very, very well the effort he made here on the floor, and I remember the letters he brought in here, you know, that were forgeries. I think I recall that later the gentleman was given permission to, and did, withdraw them.

Mr. HOOK. They were definitely not proven to be so.

Mr. HOFFMAN. I know you are smart, but once in a while they put one over on even you.

Mr. HOOK. The only person that said they were forged was the man that was later convicted of sedition.

Mr. HOFFMAN. I know you are smart, Frank, but once in a while they put one over on you, too. They sure put one over that time.

Mr. HOOK. They certainly did, but I would not like to see anyone put over on this Congress another investigating committee like the Dies committee. You might just as well take it as it is.

Mr. HOFFMAN. Do you not think that another committee might do better than the Dies committee? You do not contend that the Dies committee is the best committee that could be appointed?

Mr. HOOK. Any committee could have done better than the Dies committee.

Mr. HOFFMAN. If that were true, why not try again? I am trying to help the situation by getting another committee.

Mr. HOOK. Why not abolish the Dies committee first, then?

Mr. HOFFMAN. They have not quite finished; and if that committee is as bad as you intimate, why not keep it as a horrible example for all other committees?

Mr. HOOK. They want to go along and keep on this present civil war that seems to be arising within the ranks. It is about time that they cut out this civil war stuff in here and carry on to victory, instead of dividing the ranks of the people when we need unity throughout this Nation.

Mr. HOFFMAN. Words, just words, Frank. What do you mean, dividing the ranks of the people?

Mr. HOOK. Oh, day after day, what has been happening here lately. Since the election they have got up here and thought they were self-appointed.

Mr. HOFFMAN. Who?

Mr. HOOK. Well, the coalition—all right, let us say the coalition as suggested yesterday by the gentleman from Georgia, claiming that now they want to bring this country back to normalcy. What we are doing and what has been done in the last few days on the floor of this House in the way of creating a division among the ranks of the people in this country, has, I think, done more toward the prolongation of the war than any other one thing that could happen, by inflaming the farmers against the people and getting them all excited.

The farmer today is getting 100 cents on every dollar, he is getting 100 percent parity today. Why create dissension, why get them into the state of mind where they will not produce? The farmer will produce if you leave him alone. The farmer has produced under the program we gave him.

Mr. HOFFMAN. I cannot yield any more. I want to thank the gentleman from the bottom of my heart. I want to thank him for his observations, and include in my thanks an expression of appreciation of that slinging of his arm to emphasize his remarks. I thank him for that, too.

The gentleman is right when he says that if we let the farmer alone he will produce, but if I remember correctly, it has not been a week since the gentleman from northern Michigan got up here and peeled Leon Henderson because he would not let the farmer alone. If you characterize the statements that were made yesterday by the gentleman from Texas [Mr. SUMNERS], by the gentleman from Georgia [Mr. COX], and the gentleman from North Carolina [Mr. BARDEN], if

you characterize their efforts, their appeal for a return to constitutional government, their appeal for a return to fair and decent treatment for the American citizen, as creating disunity, then I just cannot understand your line of reasoning. And when you argue as you do now that the farmer is getting too much or all that he deserves, I just cannot follow you there.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I cannot yield.

Mr. HOOK. For a correction of the gentleman's statement in misquoting me.

Mr. HOFFMAN. And I suggest to the gentleman that as long as he feels as he does I cannot follow him, but I will go with him to the farmer and I suggest that we go over now to Mr. TOLAN'S room. Mr. TOLAN is a Democrat from California. In his room there is a delegation of farmers from Michigan, who came down here to see if they cannot get a little relief from what is happening to them. Will the gentleman go with me? Let us go over there and listen to those dirt farmers.

Mr. HOOK. Will the gentleman deny that the farmer is getting 100-percent parity today?

Mr. HOFFMAN. Oh, everybody familiar with the facts knows that he is not.

Mr. HOOK. Knows that he is?

Mr. HOFFMAN. Knows that he is not getting parity.

Mr. HOOK. Then you better look at these statistics.

Mr. HOFFMAN. Oh, you do not have to do that. All you need is to go through the country and look at the farmer and compare what he gets with the wage given the industrial worker. You are not going to claim that he is getting parity, when they do not count in the labor of the farmer and his wife and children.

Mr. HOOK. Up in my district they do not have to have child labor and they do not have it. I hope we do not get down to the fact that we have to bring the kids out of school to run the farms.

Mr. HOFFMAN. Oh, the kids out of school could not do it. They could not do real efficient work on the farm. One of my farmers tried it. It was a kid, as you call them, for he was 18 years old. He was the kind of a man that you are drafting in the Army, and sending off to fight. When that boy tried to use a cultivator, tried to drive the horse, he got the horse down on the cultivator, broke the handles of a new cultivator and almost ruined the horse. That is the kind of help you get when inexperienced men enter into a new job.

But the farmers' boys and girls have been helping to run the farms for years and will continue to do so. It is the farm boys and girls tried and tempered and hardened by work that become so many of the successful men and women of the cities.

The trouble with the gentleman is that he does not recognize the fact that it requires skill to run a farm. He thinks anybody can milk a cow. He is like a newcomer in my district. He came to me and complained because he said somebody had sold him a dry cow and he was supposed to get milk from the cow but was not getting it. So I went out there. It was in June, and the pasture was knee-high in the fields, but the poor old cow was tied in a fence corner eating hay. This man had six or seven children, and every time one of the children wanted a drink of milk, he would go out and milk the cow. He had come there from Chicago, he did not know any better. Of course, when you try to milk a cow six or seven times a day or every time somebody gets thirsty you are bound to find the cow pretty dry in a very short time. The New Deal has been milking the people of tax money in the same fashion and will have a dry people soon. You ought to be a better farmer than that, Frank.

Mr. HOOK. For the edification of the Members, will the gentleman tell us how many acres he has ever plowed?

Mr. HOFFMAN. Not so many, but I did break up a few acres of new ground when I was a boy and I remember the handles of the plow knocking me in the ribs as the plow hit a stone or a root. I did get down on my hands and knees and pick up a few Canada thistle roots as the ground was spaded; a very thorough way of getting rid of thistles. If you would get down in the dirt once in a while, you would have more sympathy for the farmer. I mean the dirt of Mother Earth. I do not mean that other kind of dirt with which you may or may not be familiar and I am not talking about that.

Mr. HOOK. The gentleman seems to be familiar with that kind all right.

Mr. HOFFMAN. And I may say that I am not talking for the edification of the House, but I am just trying to show how faulty your reasoning is.

Mr. HOOK. And the program that we put in is what brought the farmer out of the dumps. You do not hear of any more milk trucks being dumped out in the highway.

Mr. HOFFMAN. No; you do not. Under the New Deal milk is getting so scarce there is not enough to drink, to say nothing of dumping it.

Mr. HOOK. And you do not hear of any more rioting at courthouses and dragging judges off the bench.

Mr. HOFFMAN. No one approves of the procedure to which you refer but what procedure do you use when you select them for the bench? Does Boss Hague select all of them or did he just name the one? Let us be thankful there were no more selected in that way. What do you pick when you picked the bench of the Supreme Court?

Mr. HOOK. And they were not driven off by the farmers.

Mr. HOFFMAN. They take a justice out of a police court up in Michigan, out of a Detroit court, and put him on the Supreme Court bench down here in Washington, and when the gentleman talks about what they have done for the farmer, just recall what the Chairman of the Committee on Agriculture [Mr. FULMER] said here on the floor when the price-fixing bill was under consideration on September 23. See CONGRESSIONAL RECORD, page 7361. Has the gentleman forgotten that the chairman of that committee, of which the gentleman is a member, said in substance that we had increased by 30 percent the number of farm tenants since the New Deal began to operate on the farmer? He said that under the New Deal, since the New Deal has been in power, we have taken 30 percent of those who owned farms back in the period from 1909 to 1914, and made farm tenants of them. I am glad you called my attention to that for it demonstrates the fallacy of the New Deal. That is what your New Deal policy has done, according to the Chairman of the Committee on Agriculture on which committee the gentleman serves, to the farmers of the country.

Mr. HOOK. Will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. HOOK. And if you will get in touch with the Farm Credit Administration, they will show you a different statement.

Mr. HOFFMAN. Oh, perhaps the Farm Credit Administration has many of the farmers under its control, because it has so many of them owing it. The New Deal has succeeded in getting the farmers pretty well covered with mortgages.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

LEAVE TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Virginia [Mr. SMITH] for 15 minutes.

Mr. SMITH of Virginia. Mr. Speaker, I yield back the time allotted to me today, and ask unanimous consent that at the conclusion of the special orders on Monday I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. THOM] is recognized for 10 minutes.

INTERROGATION OF CABINET OFFICERS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. THOM. Mr. Speaker, I have today introduced a bill to entitle members of the President's Cabinet to occupy seats on the floor of the Senate and of the House of Representatives, to permit them to join in debate on matters affecting their respective departments, and to give Members of both legislative branches the authority to propound questions to Cabinet officers, either in verbal or written form, touching on matters within the jurisdiction of their respective departments.

Inasmuch as the bill would not, and constitutionally could not, extend to Cabinet members the right to vote, the suggested change could be accomplished

by a mere amendment to the rules of either or both bodies.

In one of his always informative newspaper articles, Mr. Walter Lippmann, whose mastery of the proceedings of Congress is outstanding, said:

> The two branches of the Government (executive and legislative) will quarrel endlessly at the expense of the Nation, depriving it of the unity it needs and the collective wisdom it should have, as long as the responsible men at both ends of Pennsylvania Avenue deal with one another suspiciously and at arm's length.

I am not sure that the executive and legislative branches can be brought into that sweet state of harmony Mr. Lippmann envisages. Perhaps he believes such unity of purpose could be achieved under exigencies such as we now face. Party rule, however, is a great temptation for the minority, whichever party it may be, to carry political war on the party in power in order to force an election upset. There may be profuse promises to go along, but underneath is the spirit of opposition that likes to see the ruling crowd maneuvered into hot water. As a matter of fact, I think history will demonstrate that once the party in power adopts a political program, the opposition party does just what its name indicates—it arrays itself against that policy. That has at least the merit of producing a clean-cut issue, on which the electorate passes as referee.

However, the introduction into our congressional procedure of the Cabinet officer as an active participant in debate would, in my judgment, bring greater cooperation between the White House and the Hill because it would serve to elucidate Executive proposals, and especially be the means of affording prompt answers to all criticisms. Quick clearing of the atmosphere of criminations and recriminations could be accomplished in no better way.

I must confess that there are many reckless and uninformed assaults made lightly and without investigation against those commissioned with carrying out the will of Congress. These tend to breed dissension.

The political upset of the last election, if my observation tells me anything, will precipitate in the next Congress a struggle that may seriously disrupt our program for the winning of the war in the shortest possible time. The temptation to anticipate the next Presidential elections is too great. Control of the House of Representatives was sought in the recent elections to tie the hands of the President; the next step is to destroy his political strength with the people. Prospects of a coalition between Democrats and Republicans of the same mind will increase the bitterness and fury of the assaults.

As a result, it will be in the nature of things that investigative committees will be named by the next Congress to probe the acts of departments. There will be a hue and cry by individual Members against some particular Cabinet member. If he deems it worth while to answer, he may do so by putting facts in the possession of a friendly Member of Congress, or he may indirectly answer through the newspapers. However, in either case, the delay ensuing between criticism and answer is so long that few learn where the truth lies. If the Cabinet officer himself is examined before a committee, he has for his audience only the members of that committee, and the rest of the House membership do not hear his defense.

Why not, therefore, adopt the simple purpose of this bill to have the Cabinet officer and the critic meet face to face before the bar of the House? Instead of accepting second-hand and sometimes third-hand knowledge about acts of the executive branch, let the investigation go to the best source of information—the Cabinet officer himself.

Most of us in this body are lawyers. By trial room experience we know that the constant effort of the judge is to bring the lawsuit to a clean-cut issue, stripped of unessentials and irrelevancies. Our debate in this House ought to pursue this objective. At present it does not always do this. I say this after almost 8 years of service, during which time I have sat on this floor to hear millions of words uttered. Many of the debates on bills have been outstanding, notwithstanding the cheap newspaper criticism to the contrary. Much of the debate, however, has been cheaply partisan and unworthy of attention.

This right to interrogate the Government is now exercised by representatives of the newspaper press, acting through the medium of the regular press conferences of the President. That right belongs logically and technically to the Members of the Congress, whose duty it is as holders of the purse to check and control the executive departments—a duty that can only be adequately performed if Congress has direct and open access to information of what is being done by the Executive.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. THOM. I yield.

Mr. KEFAUVER. I wonder what the gentleman's plan contemplates with reference to the conduct of committees. It seems to me that the object which the gentleman has in mind is to some extent served by the testimony of executive and Cabinet officers on occasions before committees. Would the hearings before committees be carried on as they are now?

Mr. THOM. I think so. The trouble with the appearance of a Cabinet officer before a committee for examination is that he has a limited audience—only members of the committee. Other Members of the House are reduced to reading the very scanty and incomplete reports published in the newspapers with reference to his testimony. They do not have time to read the voluminous records of the hearings. If you would come into this House and direct pointed questions to a Cabinet officer, either verbally or in written form, you would obtain from him his answer in the presence of this entire body.

Mr. KEFAUVER. I wonder if the gentleman would tell us how the English system is handled with reference to appearances before committees?

Mr. THOM. I am coming to that if I have sufficient time. I could tell you more about the operation of what is known as the "question hour" in the House of Commons.

As long as the Congress fails to seize the power to question in open session of the Congress those responsible for the execution of its will, so long will it stumble along, especially in time of war, without ability to correct unsound policies, and so long will it be unable oftentimes intelligently to interpret the purpose and objects of executive programs.

I do not deplore constructive criticism. May I interject that during this Seventy-seventh Congress no more objective and really illuminating indictment of Government officials was drawn than that of the distinguished Member from Michigan [Mr. ENGEL], who by painstaking investigation found and proved, in my judgment, the wholesale extravagance and utter mismanagement of the Army in the building of cantonments and other undertakings within their particular field. He did it logically, free from rancor, and in my opinion he helped check future waste of the public moneys. How much more effective, if the Secretary of War had had to appear on this floor to justify, if possible, the acts of his subordinates. That would have made a clash of opinion that would have filled every seat in this House.

I submit if a Cabinet officer had this privilege to reply, every Member of this body would refrain from attack, unless he first tested out his allegations and found them so authentic that he could risk the battle of words. On the other hand, Cabinet officers would instinctively know that if they did not master their job, if they did not act with caution and after the best possible investigation, they would find themselves unhorsed on the floor of the House and exposed to public ridicule. In every conceivable way, the tone of the debate would be elevated. We should cease the easy use of epithets. This would be true of ourselves as well as of Cabinet officers, for the face-to-face meeting would freeze a sometimes natural impulse to become nasty and abusive.

When we accept this innovation, then and then only will the House of Representatives, in the words of the theatrical business, play to full houses. If you doubt it, I suggest to you that the radio debates, oftentimes conducted in the form of question and answer, are eagerly listened to by millions.

This alteration in our system would require the selection of the strongest men to become heads of departments and require them to know in particularity the business of their offices. No ghost writers or prompters would be able to help them out of their troubles. It also would require the strongest men to be leaders of Congress and participate in debate. It would bring those men into conflict, stimulate their abilities and their efforts, and thus advance the public weal. This would assuredly result to the good of the country.

The indispensable thing of the English Parliament, old and experienced in the art of government is the question hour, when, in the presence of Cabinet Ministers, the members of that body turn a searchlight on every nook and corner

of the public service. This is the face-to-face meeting of the executive and legislative branches of the government to clear the atmosphere of misunderstanding by bringing public questions to an issue, free of irrelevancies, misinformation, and abuse.

When the Honorable Clement Atlee, of the English Parliament, spoke here recently, he repeated what we have heard from Mr. Churchill and others, that the English people are determined to hold fast to their parliamentary forms, even if war puts a heavy strain on them. Immediately he added, "We shall not give up the question hour." This revealed that the Englishman looks upon the right to interrogate the executive in open parliamentary session as the very heart of their democratic parliamentary system—a right not to be waived, come what will.

Briefly, here is how the question hour is regulated in the House of Commons. A member desiring to make an inquiry must prepare a draft of the question at least 1 clear day ahead. It must pass muster with the clerks of the table. Tradition has thrown around the formation of questions certain restrictions. A question must not contain any argument, inference, imputation, epithet, or ironical expression, nor must it contain extracts from newspapers, or quotations from speeches. Above all, the propounder must make himself responsible for the accuracy of the data on which it is based. All this tends to eliminate the reckless charge against government administrators, so often scattered to the four ends of the world before effort is made even to search out the facts.

The question is then printed on what is known as the "order paper," a document something like our House calendars, that lists the business of any particular day. Having had the inquiry before him at least 24 hours, the Cabinet Minister after search of his files and study of documents comes to Parliament on the appointed day to await the formal interrogatory. What an example of sensible and logical procedure! In the first place, the question implies that its contents may or may not be true. In the House of Representatives we have no such hesitancy or doubt; as a rule we hurl the charge of wrongdoing as if it were indisputable, and await the slow-moving reply, if one in fact ever comes. The English Cabinet officer makes his reply not on the spur of the moment, based perhaps on inadequate recollection of the act. Instead he is given the opportunity deliberately to examine his records, so when he speaks he does so armed as he could not possibly be if he were unexpectedly confronted with the question and expected to reply forthwith.

If the Cabinet Minister's reply to the interrogatory does not, in the opinion of the inquirer, hit the mark, the member of Parliament may, at the conclusion of his statement, ask a supplementary question. His exact language fitting this set of circumstances is:

> Arising out of the reply of the right honorable gentleman, the Minister for Health, is he aware, or will he state?

Again this question must be fair, not constructed to lug in some irrelevancy or imputation that was stricken out of the original question.

The number of questions answered orally by members of the House of Commons in the first 3 weeks of the session of 1929, upon the accession to office of the labor government, shows the range of subjects covered. The Foreign Minister answered 156 questions, the Home Secretary 123, the Minister of Transport 104, the President of the Board of Trade 100, the Minister of Agriculture and the President of the Board of Education each answered 79 questions, the Minister of Health 78, the First Lord of the Admiralty 60, and the Chancelor of the Exchequer 51.

Of the interchange of speech during the question hour, the Honorable H. Snell, member of Parliament, in a recent book, wrote as follows:

> There will be merry laughter at a verbal misadventure, shouts of party joy at a smart rejoinder or a telling jibe, and roars of protest against a mean insinuation or an unfair blow.

[Here the gavel fell.]

EDNA RAMSAY

Mr. PATTON. Mr. Speaker, I present a privileged resolution, House Resolution 381, from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Edna Ramsay, mother of Robert L. Ramsay, Jr., late an employee of the House, an amount equal to 6 months' salary compensation and an additional amount, not to exceed $250, to defray funeral expenses of the said Robert L. Ramsay, Jr.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. MASON] is recognized for 10 minutes.

IDEALISTS, REACTIONARIES, REALISTS—THE MAKE-UP OF CONGRESS

Mr. MASON. Mr. Speaker, for some time I have had in preparation a few philosophic remarks for the benefit of the House that I had hoped to give to the House. I think there is no more appropriate time for me to do that than at the present, following immediately, you might say, upon the exposition and approval of the Beveridge report by the gentleman from Massachusetts [Mr. ELIOT]. For that reason I want to give you those philosophic observations at this time.

Believe it or not, I was once considered an idealist, a progressive, a radical—and I was proud of it. That was "away back when," back in the days of my adolescence some 40-odd years ago; to be exact, 5 years before the young gentleman from Massachusetts [Mr. ELIOT] ever saw the light of day. However, when I became of age, when I grew up, when I had acquired judgment and experience, after I had bumped my head a few times against the stone wall of hard, cold, every-day facts, I became what I now choose to call "a realist."

The young gentleman from Massachusetts [Mr. ELIOT] is proud of his liberal views, and properly so, as I was once proud of my liberal views—before I grew up.

Mr. Speaker, I feel constrained at this time to define for the benefit of the House Members the three common but misused terms "idealist, reactionary, realist." My definitions, I assure you, will be somewhat informal, but decidedly realistic.

AN IDEALIST

According to my definition an idealist is a person who refuses to face the cold, hard facts of today; one who disregards or misreads the lessons of history; one who dwells entirely in an imaginative, idealistic future, and who, regardless of consequences, wants to catapult society overnight into that idealistic future, which exists solely in his own imagination. Every normal, healthy adolescent is an idealist. The very fact that a youngster is an idealist is a sure sign that he is a healthy adolescent. He outgrows this adolescent stage of life only after he bumps his head against the stone wall of everyday, hard, cold facts often enough to make a lasting impression upon him. One author expresses this thought very concisely in the following pregnant sentence:

> One believes what one wishes to believe until experience bangs one's head against the wall and awakens one from dreams founded on hope, a misreading of history, and ignorance of human psychology and science.

Some people never outgrow the adolescent stage of life because they are never forced to attend the school of hard knocks. They always remain idealists. Their heads are always in the clouds.

A REACTIONARY

According to my definition a reactionary is a person who also refuses to face the cold, hard facts of today; one who stubbornly refuses to look forward to, or plan for, a brighter, better tomorrow; one who insists upon living in an outmoded, outgrown past, in "the good old days." He is the one who insists "The youth of today are traveling the road to hell." The reactionary, ostrich-like, buries his head in the sand, in contrast to the idealist who keeps his head in the clouds.

A REALIST

According to my definition a realist is a person who first of all insists upon facing the cold, hard facts of today; he reads and studies history as a guide to present and future trends. He realizes that history, when read properly, proves that all permanent progress for society is attained through evolutionary processes, not through revolutionary processes. He agrees with the poet who said:

> Heaven is not reached at a single bound;
> But we build the ladder by which we rise.
> From the lowly earth to the vaulted skies,
> And we mount to its summit, round by round.

Now, Mr. Speaker, from personal observation during the 6 years I have been a Member of this House, I have definitely concluded, after due meditation:

First. That less than 1 percent of the membership of this House are idealists, as measured by my rather informal definition of an idealist.

Second. That less than one-half of 1 percent of the membership of this House are reactionaries, as measured by my definition of a reactionary.

Third. That more than 98½ percent of the membership of this House are realists, as measured by my definition; and it is a good thing for the country that these ratios are as they are.

Mr. Speaker, we need a few idealists to keep us alert, to point the way to better things. They perform a useful service. We also need a few reactionaries to keep the ship of state on an even keel, to act as deadweight or ballast for the ship. But, according to my way of thinking, if representative government is to function properly, efficiently, and successfully, the Congress must always contain a membership composed of more than 90-percent realists. When so composed, the country is safe.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. MASON. I yield.

Mr. RANKIN of Mississippi. In that connection, I call the attention of the gentleman from Illinois to the fact that the greatest tribute I ever heard paid to a man in my life was paid by the late James R. Mann of his State to the late Champ Clark of Missouri, in the services held in the House 2 days after Champ Clark died. Mr. Mann said that Champ Clark had his ideals in the clouds but always kept his feet on the ground.

Mr. MASON. Then Champ Clark must have been a realist, even according to my definition.

Mr. RANKIN of Mississippi. Yes.

Mr. MUNDT. Will the gentleman yield?

Mr. MASON. I yield.

Mr. MUNDT. I wonder if the gentleman has applied his definitive criterion to the bureaucrats downtown who are trying to remake America?

Mr. MASON. It would be hopeless under any other category but that category of "idealists," and they are idealists because they have not had an opportunity to bump their heads against the stone wall of cold, hard facts, and to make their way in the world. That is the trouble with too many of our bureaucrats, and that is why this Nation is in the muddle that it is in today.

Mr. MUNDT. They appear to be trying to keep both their heads and their feet in the air at the same time.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent that my colleague [Mr. BENDER] may extend his own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

GOVERNMENTAL QUESTIONNAIRES

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to include in my remarks certain publications of the O. P. A., including some tables in tabular form.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HINSHAW. Mr. Speaker, Mr. John Q. Public, your constituent and mine, is now learning something about the business of making out reports and applications and filling out forms for the Government. He has the sugar rationing forms and the coffee rationing business, the tire rationing, gasoline rationing, fuel-oil rationing, and how many more different kinds of rationing we do not know yet, but he is beginning to appreciate what the businessman is up against, although John Q. has only a small part of it for his own attention.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. CANFIELD. Would the gentleman say that Mr. John Q. Public is being "blanked out" for the duration?

Mr. HINSHAW. If the gentleman using the word "blank" means the snowstorm of blanks he has to fill out, I will go along with him 100 percent; he is being "blanked" to death. And—can you imagine anyone in the O. P. A. sorting out all of those little gas ration tickets by license numbers and States, that we now have to write on the backs of them? A lot of new clerks for the Federal pay roll if they do.

Here is a little notice sent out by the Office of Price Administration to all persons who deal in the institutional furnishing of food. I suppose that includes restaurants, hotels, soda fountains, "hot shoppes," hospitals, and all sort of places like that. Let me read it to you:

UNITED STATES OF AMERICA,
OFFICE OF PRICE ADMINISTRATION.

RECORDS REQUIRED OF ALL INSTITUTIONAL USERS OF FOOD

The following records covering the month of December 1942, must be kept separately for each establishment registered as an institutional establishment pursuant to the sugar rationing regulations. A report incorporating this information will be required to be filed at a later date on forms to be supplied by the Office of Price Administration.

1. Number of persons served during December 1942. If a person eats more than once in the establishment, he shall be counted separately each time.

2. Gross dollar revenue from service of food and beverages (nonalcoholic) during December 1942.

(An institutional establishment which renders a food and beverage service without charge shall disregard item 2.)

3. The quantity of each commodity listed below, used during December 1942, by the establishment.

Commodity:	*Unit*
Sugar	lbs.
Coffee	lbs.
Butter	lbs.
Poultry	lbs.
Meats (including canned and edible parts, such as liver, hearts, kidneys):	
Pork	lbs.
Beef	lbs.
Veal	lbs.
Lamb and mutton	lbs.
Sausage, scrapple, luncheon meats, etc	lbs.
Canned fish	lbs.
Cheese (except cottage, pit and bakers)	lbs.
Margarine	lbs.
Lard and compound shortening	lbs.
Cooking and salad oil	lbs.
Canned soup	lbs.
All canned fruits and vegetables	lbs.
All canned fruit and vegetable juices	lbs.
Commercially frozen fruits and vegetables	lbs.
All dried or dehydrated fruits	lbs.
All dried peas and beans	lbs.
Commodity—Con.:	*Unit*
Canned evaporated and condensed milk	lbs.
Fresh milk	gal.
Fresh cream	gal.
Ice cream	gal.

In determining the pound value of canned items, use the weight which is specified on the label of the cans.

In making the above computation for canned fruits and vegetables, and juices, include all those in tin, jars, or bottles. Also include catsup and chili sauce. Do not include olives, pickles, jams, and jellies.

4. The quantity of each of the commodities listed above on hand at the close of business December 31, 1942.

I ask you in all sincerity: Do you think that the person who is operating an institutional establishment pursuant to the sugar rationing regulations has the time to assemble all of that information for the benefit of the Office of Price Administration and at the same time run his business? He certainly does not have it; there is just no question about that, and he cannot go out and hire the help to collect and keep all of that information. However, he is bedeviled by the fact that he must get it because the Office of Price Administration wants it for the purpose of sugar rationing.

Why should the Office of Price Administration, which is so vigorously interested in sugar rationing regulations, need all of this information about every other commodity used practically except olives, pickles, jams, and jellies? I have not the slightest idea in the world what they want all of that stuff for. Probably when they get it they will make nice big tabulations from it and then file bales of it away in whatever empty garages they can rent here and there for reference of those who may do archeological research on the New Deal in the future.

I am now turning to a very slightly different subject. I am sure that John Q. Public, who is being called upon to make out reports and tell his family secrets these days, will be interested to know that his retail grocer has to make a few reports too. This folder is entitled "Retailers' Bulletin No. 2" issued by the Retail Trade and Services Division, Office of Price Administration, United States of America. Up in the corner here it says:

Make no price adjustments until you have read this bulletin carefully.

On the other corner it says:

Digest of adjusted and fixed mark-up regulations for certain food products.

And it is dated October 15. It proceeds to tell you all about how to apply the new O. P. A. mark-up formula. I will not read it, but will put it in the RECORD and you can look it over and see what Mr. Retailer has to do. I will read you a few paragraphs:

Beginning October 15, all food retailers can apply a new Office of Price Administration formula to determine new legal ceiling prices for 11 groups of foods where present mark-ups may be abnormally low.

On nine of these groups you may select one of two ceiling prices—either the adjusted ceiling price obtained by using this formula, or your old ceiling, whichever is higher.

On two groups, however—lard and dried fruits—

I do not know what lard has to do with dried fruits or why they were joined in this way because they come from entirely different parts of the country and they are totally unrelated. I never heard of anybody cooking dried fruits in lard—

you must immediately compute and use the new ceiling prices resulting from the formula and disregard any previous maximum prices.

The period for making adjustments under this new formula expires at midnight, December 31, 1942.

Right in the midst of the holiday business.

Then it goes on to tell you what to do and how to figure the various costs that you have. On the various items of goods you must deduct all discounts except discount for prompt payments. You may add charges for delivery from a wholesaler outside of your community when they are not shown on wholesaler's invoice, but you cannot add charges for local trucking or local unloading. It seems to me local trucking and local unloading is generally a charge on the business, especially if you have to pay somebody else to do it. Why you would not be able to charge for that, I do not know. Maybe they think that truck drivers and helpers working for local truckers work for nothing.

Then it goes on and tells you how to figure your official mark-up. Then it states further over here on the next page:

Important: You cannot change your existing customary discounts under this regulation. You merely apply them to any new ceiling price.

Once you have determined your new ceiling price for an item, immediately record all the facts on the retailer's report form. Your supplier may have furnished you with copies of this form. If not, then you must prepare your own, using the exact style and wording shown on page 4 of this bulletin.

Then it goes on and gives a whole lot of important general rules to remember in figuring out these things. Then it tells you what classifications of foodstuffs are affected by this bulletin. I will not read all of the items here. I will just indicate a few.

First comes breakfast cereals and here is the way they figure out breakfast cereals:

Bulk or packaged, processed cereal grains used as breakfast foods, both uncooked and ready-to-eat type. Included in this classification are hominy grits, puffed rice, and puffed wheat; excluded are rice, corn meal, pearled barley, and pancake or buckwheat flour.

Can you imagine this retailer dashing over and looking at the list to see what he has included and excluded and worrying whether he has left an item off, or put an item on that should not be included?

Quoting further:

Examples include: Kellogg's Pep, Post's Bran Flakes, Kellogg's Corn Flakes, Cream of Wheat, Wheatena, Mother's Oats, Ralston, Malto Meal, Maltex, etc.

What is your favorite cereal for breakfast? Your grocer doubtless carries it. That list could be greatly extended. And do you buy the small, medium, or large size package? It seems to me that my youngsters are always asking for the box top of some new brand of cereal and 10 cents and an envelop and a stamp.

Then there is the classification "coffee." There are several classifications of coffee, with many brands and weights. There is "canned fish." That includes all processed fish and sea food. Think how many there are.

Then comes cooking and salad oils, and I never knew there were so many cooking and salad oils, because I do not do the family buying. There are "Corn Oil, Mazola, cottonseed oil, Wesson, Royal Cook, Royal Aster, Mrs. Tucker's, Bird, Waverly, White Beauty, Emerald, etc."

The "etc.," I presume, is inclusive of everything else.

Then comes rice, and I did not know there were so many different kinds of rice, to say nothing of the brands and different sized packages.

Then there is hydrogenated shortening. It seems to me there are a lot of those. There are Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry, and Tex listed on this horrible example.

Then there is the heading "Other shortenings," and I do not know why they did not put in this item with the other, and put them all together.

Then there is "Sugar," and there are a lot of sugar items.

Following is canned vegetables. There is not anyone here who does not know that there are many different kinds and sizes and brands of canned vegetables. Then there is the subdivision dried fruits, and lard.

This list of 11 classifications constitutes about 40 percent of what each grocer has on his shelf. Pretty soon the O. P. A. will be wanting information on the other 60 percent.

Over on back of this page which I referred to a moment ago there is shown a retailer's report form and on this form which is approximately 10½ by 16 inches there are about 25 sets of entries to be made out on each page.

On this retailer's report form they must list first the method of calculating the new ceiling price. Then you have to list the class of product, whether it is canned vegetables or what. Then comes the name and brand of the item, like King asparagus, for example. Then the weight of container and size. It is a No. 2 can, we will say. Then the person you bought it from, the supplier's name, as, for instance, Smith & Co. Maybe my friend, Doc Smith, had something to do with that. Then the date of the last invoice next, and in column 8 comes "the customary unit of purchase," whether you purchase by the case, five-case lots, or carload, or what. Then there is a column, "net cost per customary unit of purchase." Then comes "applicable figure."

From that formula that I told you about, they figure out and tell you how much you can mark up each class of food. Then after you have applied the figure, you figure the new ceiling price for customary unit of sale, which is probably the per can price. Then finally, in column No. 12, you put down the old ceiling price for customary unit of sale, if you can pick it out from the several thousand you have posted already.

There is not a grocery store in the United States worthy of the name that does not have at least 200 such items on the shelf. I do not suppose in any of those 200 items there are less than 4 brands or grades. This would make about 800 different items when you consider merely the article and the brand or grade. I do not presume there are many articles that run less than 2 or 3 sizes to the brand. So you multiply that by the number of sizes and you find out that each retailer is going to have to make from 1,600 to 2,000 entries. At 25 entries to the page it will require 80 pages, in duplicate, to make his entries.

That is not all. Just call it roughly 2,000 items for a modest retailer. He has 12 different items of information to set down after each item he has listed on the left-hand column. Multiply the 2,000 items by 12 entries each and you have 24,000 entries that this retailer has to have written down on 80 sheets of paper in duplicate by the 10th day of January. Of course, he will have had to make 2,000 calculations at the same time, and then remark the prices on the merchandise.

If anybody can tell me how the average retailer in the United States can do that and do business at the same time, I would like to know. They just cannot do it and run their stores.

In the larger stores, those that will have several hundreds of items and who try to stock all of the standard brands, and try to carry complete stocks in different sized packages or cans in each brand and grade, they may run up as high as 5,000 different items of goods, for each of which they must make 12 entries, at least; and 5,000 twelves would be 60,000 different entries that they will have to put down on pieces of paper in duplicate before January 10, 1943.

There is no one in the United States who would go into one of these stores and offer to do that job, even for an ordinary small retailer, for less than $100, and probably $200, and maybe more. Very few of them have that much cash on hand, anyway. The retailer is having a hard enough time at the present time just to get help to come in and help him sell the merchandise and serve the people of the community. Furthermore, he is in competition with the local industries that are helping the war effort when it comes to paying the salaries of his clerks. I can remember a couple of years ago when the retail clerks' union in my district thought it had done a great job in getting a regular weekly wage for the retail clerks in the grocery stores of about $18 a week plus some overtime. Nowadays it is pretty hard to get them for $40 a week, yet the O. P. A. has sat down and figured the difference between the cost and selling price evidently without taking into consideration the increased wages.

As I understand, although I do not know this for sure, if you went through the income-tax reports for all retail food stores in the last year or so, I think you would find that the average mark-up for foods, which would include the rent and all the overhead and the help and whatever delivery service has to be furnished, and all the rest of the things, would be

around 22 percent. But the retailers are now going to be allowed anywhere from 7 percent mark-up to a maximum of 23 percent for the items listed, and that is for the class 1 independents with annual sales under $20,000. If the mark-up averaged 20 percent, he could make not more than $4,000 gross, out of which he must pay rent, light, heat, clerks' wages, taxes, insurance, and so forth, and hope to have something left for himself.

If you can tell me how these people can stay in business under such conditions and keep on serving us, the public, I want to know that, too. As a matter of fact, they are going out of business by the tens and twenties at a time in the larger cities and consolidating into the larger units. The smaller ones are going out of business now and the larger ones will be next.

I hope this "blank-itis" that seems to be plaguing us, and which I understand a committee of the Senate is investigating, will be stopped and stopped right now. We do not have time to make out a lot of forms. We have a war to win and things to do and mighty few people to do them with here at home. It is about time we were permitted to work and not have to make out so many of these forms that unquestionably will be piled in warehouses and never looked at again.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. What is the penalty for failing to make out one of those forms properly?

Mr. HINSHAW. I do not believe it says what it is on this statement I have here, but, as I recall, under the law if you violate any rule or regulation—and I presume that includes these things—of the Office of Price Administration, you may be subject to a $10,000 fine or 2 years in jail, or both. I may be wrong as to the number of years in jail you may have to serve.

Mr. SMITH of Ohio. How many retail dealers does the gentleman suppose will be able to keep out of jail if the Office of Price Administration really enforces the penalty provision in the law?

Mr. HINSHAW. There are not enough hours left in the weeks between now and January 10 for them to do this work and do their business. If they did nothing but sit down and figure and fill out this form, they would not have the time to do it. The chain stores can, but not the independent retailer.

ATTENTION ALL FOOD RETAILERS—RETAILERS' BULLETIN NO. 2

(Issued by Retail Trade and Services Division, Office of Price Administration, United States of America)

Make no price adjustments until you have read this bulletin carefully.

Digest of adjusted and fixed mark-up regulation for certain food products.

(Washington, D. C., RTD-31, October 15, 1942)

HOW TO APPLY NEW O. P. A. MARK-UP FORMULA

Food groups affected

New ceilings are optional on these: Breakfast cereals, rice, sugar, coffee, hydrogenated shortenings, canned fish, canned vegetables, other shortenings, cooking and salad oils.

New ceilings must be figured on these: Lard, dried fruits.

Beginning October 15, all food retailers can apply a new Office of Price Administration formula to determine new legal ceiling prices for 11 groups of foods where present mark-ups may be abnormally low.

On nine of these groups, you may select one of two ceiling prices—either the adjusted ceiling price obtained by using this formula, or your old ceiling, whichever is higher.

On two groups, however—lard and dried fruits—you must immediately compute and use the new ceiling prices resulting from the formula and disregard any previous maximum prices.

The period for making adjustments under this new formula expires at midnight, December 31, 1942.

What to do

1. Determine into which of the following five classes your business falls, using your gross sales for your last tax year as a yardstick:

Class 1. Independent retail outlets with an annual gross sales volume of under $20,000.

Class 2. Independent retail outlets with an annual gross sales volume of from $20,000 to $50,000.

Class 3. Independent retail outlets with an annual gross sales volume of from $50,000 to $250,000.

Class 4. Chain outlets with an annual gross sales volume under $250,000. (If you own four or more stores, you are classed as a chain.)

Class 5. Chain or independent retail store with an annual gross sales volume over $250,000.

NOTE.—The special mark-up formula differs according to these classifications. You must use only the table applying to your class.

2. Find the net cost of the food item you are pricing. If you buy this item from a wholesaler, "net cost" means the total amount paid as shown on the invoice for the particular item.

You must deduct all discounts, except discounts for prompt payment.

You may add charges for delivery from a wholesaler outside of your community when they are not shown on wholesaler's invoice.

You cannot add charges for local trucking or local unloading.

If you buy the item from a manufacturer "net cost" means the amount you paid delivered to your customary receiving point, less all discounts, except discounts for prompt payment. Any "advertising allowances" for which no proof of advertising is rendered must be deducted as a discount.

(The regulation intends that the calculation of your net cost be based on the most recent purchase from your usual supplier in customary quantity and shipped by the established mode of transportation.)

(Retailers are warned that any calculation of "net cost" on purchases from noncustomary suppliers in noncustomary quantities or with other than the usual means of transportation is an evasion.)

3. Multiply your net cost by the figure applicable to your class of retailers for the food group in which the item falls.

You may use the resulting figure as your adjusted ceiling price if it is higher than your former ceiling—except for lard and dried fruits on which you must use the new ceiling price even though it may be lower than your old one.

(Important: You cannot change your existing customary discounts under this regulation. You merely apply them to any new ceiling price.)

4. Once you have determined your new ceiling price for an item, immediately record all the facts on the retailer's report form. Your supplier may have furnished you with copies of this form. If not, then you must prepare your own, using the exact style and wording shown on page 4 of this bulletin.

You cannot begin to sell any item at your new ceiling price until you have entered the facts on the report form.

Remember these general rules

1. Fractions of cents: If a new ceiling price results in a fraction of a cent for your customary unit of sale for that item, you must reduce it to the lower cent if the fraction is less than one-half cent, or increase it to the next higher cent if the fraction is one-half cent or more. (Example: If the formula gives you a price of 12.4 cents per can for a particular item, you must use 12 cents as your ceiling price; if the adjusted price comes to 12.5 cents or above, you may legally price that item at 13 cents.

2. Unit of sale: Any new ceiling prices must be based on your customary unit of sale—jar, pound, can, etc.

3. Displaying ceiling prices: Several entire food groups and many items within other groups listed in this regulation are cost-of-living commodities. You must already be displaying your ceiling prices on these. Whenever a new ceiling is calculated, your new ceiling price must be displayed where your customers can see it easily. Consult your list of cost-of-living commodities every time you make an adjustment to see if you must change your posted price.

4. Filing the retailers' report form: This form showing your new ceiling prices and how you determined them must be filed with your war price and rationing board.

When: The retailer's report showing all changes must be mailed on or before January 10, 1943.

How: A duplicate of the special form on which you have recorded your individual changes should be used. For this reason it will be helpful if you keep this form in duplicate. Keep one copy at your place of business and file one copy with your local board.

5. Record keeping: All records (invoices, bills, receipts, etc.) used in computing each and every new ceiling price under this regulation must be preserved.

(Important: All new ceiling prices must also be added on a separate sheet to the base period statement required by the general maximum regulation. These prices, together with your general list of base-period prices, must be kept available at all times on your premises for inspection by your customers or the Office of Price Administration.)

6. Notice: If your net cost for an item you purchase in your usual quantity increases before the end of the adjustment period, you may recalculate a new ceiling price based on this new cost. Before making any sales at this new ceiling, however, you must record all facts on the retailer's report form, noting that this is another new maximum price. This new purchase at a higher price must also be one of a customary quantity from a customary supplier.

Official mark-up table

Class of food product	Class I. Independents, annual sales under $20,000	Class II. Independents, annual sales $20,000 to $50,000	Class III. Independents, annual sales $50,000 to $250,000	Class IV. Chains, annual sales under $250,000	Class V. Independents and chains, annual sales over $250,000
Breakfast cereals	1.22	1.22	1.20	1.13	1.11
Coffee	1.11	1.10	1.10	1.09	1.07
Canned fish	1.23	1.20	1.20	1.16	1.14
Cooking and salad oils	1.23	1.20	1.17	1.16	1.14
Rice	1.20	1.20	1.20	1.18	1.15
Hydrogenated shortening	1.07	1.07	1.05	1.05	1.05
Other shortening	1.16	1.14	1.12	1.09	1.07
Sugar	1.17	1.16	1.12	1.07	1.06
Canned vegetables	1.25	1.23	1.23	1.21	1.19
Dried fruits	1.27	1.25	1.25	1.23	1.22
Lard	1.20	1.20	1.18	1.13	1.10

Definition of food groups affected

Here are the 11 groups of foods affected and a brief definition of each group. (Caution: This formula applies only to these groups. Do not apply it to any other products.)

Breakfast cereals: Bulk or packaged, processed cereal grains used as breakfast foods, both uncooked and ready-to-eat types. Included in this classification are hominy grits, puffed rice, and puffed wheat. Excluded are rice, cornmeal, pearled barley, and pancake or buckwheat flour. (Examples include Kellogg's Pep, Post's Bran Flakes, Kellogg's Corn Flakes, Cream o' Wheat, Wheatena, Mother's Oats, Ralston, Malto Meal, Maltex, etc.)

Coffee: All roasted coffee, either whole or ground and all decaffeinated coffees, but not coffee concentrates such as G. Washington and Nescafé.

Canned fish: All processed fish and sea food in hermetically sealed containers, except shrimp and crabmeat, excluding fresh and frozen fish and sea foods such as oysters and clams in a raw state. (Examples include canned salmon, tuna, herring, lobster, sardines, anchovies, fishcakes, etc.)

Cooking and salad oils: All vegetable oils whether pure or mixed, but not including prepared dressings such as mayonnaise, salad dressing, and French dressing. Examples include corn oil, Mazola, cottonseed oil, Wesson, Royal Cook, Royal Aster, Mrs. Tucker's, Bird, Waverly, White Beauty, Emerald, etc.)

Rice: All bulk and packaged rice. (Examples: White coated, white uncoated, brown, wild, etc.)

Hydrogenated shortening: All fully hydrogenated pure vegetable shortenings. (Examples: Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry, and Tex.)

Other shortenings: All other shortenings except those included as hydrogenated shortenings, and excluding lard. (Examples include: Jewel, Scoco, Fluffo, Vegetol, Mrs. Tucker's, Durkee's, etc.)

Sugar: All bulk and packaged cane and beet sugar. (Examples: granulated, confectioner's, powdered, brown, lump, etc.)

Canned vegetables: All processed vegetables in containers of metal, glass, or any other material including all vegetable juices, pickles, tomato sauce, catsup, tomato paste, chili sauce, cocktail sauce, and pureed or chopped vegetables.

Dried fruits: Apricots, apples, nectarines, peaches, pears, prunes, raisins, currants, and any combination packages of the above fruits. Stuffed or glaced fruit and figs shall not be included.

Lard: Pure, packaged or bulk, crude or processed, derived wholly from pork.

(This bulletin contains only the main points of Maximum Price Regulation No. 238. A copy of the regulation itself may be obtained from your nearest Office of Price Administration State or regional office. Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses, all as provided by the Emergency Price Control Act of 1942.)

RETAILER'S REPORT FORM

(Your supplier may furnish you with copies of this form. If not, then you must prepare your own, using white paper approximately 10½" by 16". Make about 25 sets of entries on each page)

Form No.

Make 2 copies; keep 1; mail 1 to your local War Price and Rationing Board before Jan. 10, 1943.

United States of America—Office of Price Administration retailer's report on new maximum prices calculated under the adjusted mark-up method authorized in M. P. R. No. 238

Typewrite or use ink.

A. Name of retailer_____

B. Address_____ City_____

Street_____ State_____

C. Total annual sales volume (check 1):
Independent under $20,000____
Independent $20,000-$50,000____
Indpendent $50,000-$250,000____
Chains under $250,000____
Independent or chain over $250,000____

D. Number of pages this report___

Date of calculating new ceiling price	Class of food product	Name and brand of item	Grade and type	Weight or container size	Supplier's name	Date of last invoice	Customary unit of purchase	Net cost per customary unit of purchase	Applicable figure	New ceiling price for customary unit of sale	Old ceiling price for customary unit of sale
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Example: 10/18/42	Canned vegetables	King asparagus	Lge green	#2 can	Smith & Co.	10/17/42	24's	$7.33	1.25	$9.38	$9.35

(Use as many copies of this form as needed to list all ceiling price changes determined under the allowed mark-up method)

Notary_____

Name of retailer_____
Signature_____
Title_____

Send this form to your local War Price and Rationing Board on or before Jan. 10, 1943

In filling out the above form, observe the following instructions

Line D: Number of pages. At the time you send this report to your local War Price and Rationing Board, write the number of pages you are sending in this space.

Column 2: Class of food product. Write the class of food product in which this item falls, as listed in the table of mark-ups.

Column 3: Brand and name of item. Write brand and name of item. Examples: "Princess Corn," "King Salmon," "Queen Sugar," etc.

Column 4: Grade and type. Show additional description here. Examples: Standard, extra standard, etc. For canned goods. Granulated, brown, etc. for sugar.

Column 5: Weight or container size. Show weight or size of individual container. Examples: 1 pound, No. 2½ can, 1 pint, etc. For sugar, dried fruit, lard, etc. sold by retailers from bulk, show size of sack, can or box: 25 pounds, 100 pounds, etc.

Column 6: Supplier's name. Write name of company selling this item to you on your last purchase.

Column 7: Date of last invoice. Write date shown on invoice covering your last purchase of this item.

Column 8: Customary unit purchase. Write size of unit you normally purchase. Examples: Canned goods, unit: 24's, 36's, 48's, etc. Packaged rice, cereals, unit: 18's, 24's, 36's, etc. Bulk sugar, rice, dried fruit, unit: 25-pound, 100-pound, etc.

Column 9: Net cost per customary unit of purchase. If last purchase of this item was from a wholesaler, show price appearing on the invoice, less all discounts, except discount for prompt payment. If last purchase of this item was from a manufacturer, show price you paid delivered at your customary receiving point, less all discounts (except discount for prompt payment). If you purchased from a wholesaler and you paid for the delivery of this item from a point outside of your local community, you may add this delivery charge. Under no circumstances can you add charges made for local trucking or local unloading.

Column 10: Applicable figure. Show figure in mark-up table applying to this item for your class of business.

Column 11: New ceiling price for customary unit of sale. Write new ceiling price obtained by multiplying net cost (column 9) by applicable figure (column 10) and dividing this result by unit of purchase (column 8). Example: Net cost for 100-pound bag of sugar is $5.60. Applicable mark-up is 1.06. Unit of purchase is 100 pounds. Multiply $5.60 by 1.06 and divide by 100=5.. cents (6 cents after rounding fraction) per pound, your new ceiling price.

Column 12: Old ceiling price for customary unit of sale. Write ceiling price you have been using for this item before calculating the new ceiling price.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 331. An act for the relief of the Mount Whitney Power & Electric Co.;

H. R. 888. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.;

H. R. 1551. An act for the relief of W. E. Floding Co.;

H. R. 1675. An act for the relief of L. W. Collins;

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 2436. An act for the relief of Hjalmar M. Seby;

H. R. 3113. An act for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall;

H. R. 3398. An act for the relief of Gerhard R. Fisher;

H. R. 3468. An act for the relief of the Edward Gillen Dock, Dredge & Construction Co;

H. R. 3773. An act to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock;

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War;

H. R. 4321. An act for the relief of the Chippewa Indians of Minnesota;

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 4804. An act for the relief of Claud R. Johnston;

H. R. 4953. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant);

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas;

H. R. 5920. An act for the relief of E. A. Williams;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.;

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions;

H. R. 6226. An act for the relief of B. H. Wilford;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; title 8, sec. 155), as amended;

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6545. An act for the relief of Spencer Meeks;

H. R. 6558. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 6781. An act for the relief of the legal guardian of Lorraine Novak, a minor;

H. R. 7061. An act for the relief of D. A. Sullivan & Sons, Inc.;

H. R. 7149. An act for the relief of David E. Clark;

H. R. 7263. An act for the relief of Mrs. J. R. Bennett;

H. R. 7480. An act for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor; and

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

ADJOURNMENT

Mr. MANASCO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 46 minutes p. m.), under its previous order, the House adjourned until Monday, December 7, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2015. A letter from the Postmaster General, transmitting a draft of a proposed bill to amend the act of September 7, 1916, providing compensation for injuries to employees of the United States; to the Committee on the Judiciary.

2016. A letter from the Acting Secretary of Agriculture, transmitting a draft of a proposed bill to repeal the assignment provisions of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

2017. A letter from the Executive Director and Chief Examiner of the United States Civil Service Commission, transmitting the quarterly reports of especially meritorious salary increases submitted by the various Government departments and agencies for the fiscal year ended June 30, 1942; to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DOWNS: Committee on Public Buildings and Grounds. H. R. 7826. A bill to authorize the sale or transfer of property belonging to the Government for other purposes; with amendment (Rept. No. 2692). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATTON: Committee on Accounts. House Resolution 381. Resolution granting a gratuity to Edna Ramsay; without amendment (Rept. No. 2694). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEOGH: Committee on Claims. H. R. 6265. A bill to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Christoffer Hannevig through his trustee in bankruptcy; with amendment (Rept. No. 2693). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PLUMLEY:

H. R. 7838. A bill to establish a Chief of Chaplains in the United States Navy; to the Committee on Naval Affairs.

By Mr. COSTELLO:

H. R. 7839. A bill to provide that vessels under the control of the War Shipping Administration shall be named for soldiers, sailors, and marines who are killed or die of wounds received in action during the present war; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON of Utah:

H. R. 7840. A bill providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska; to the Committee on Mines and Mining.

H. R. 7841. A bill relating to the administration of grazing districts; to the Committee on the Public Lands.

By Mr. THOM:

H. R. 7842. A bill to provide that the heads of the executive departments may occupy seats on the floor of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. Res. 580. Resolution to appoint a committee to protect the integrity of Congress; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3478. By Mr. LAMBERTSON: Petition of A. M. Reed, of Manhattan, Kans., and 80 others of Riley County, against liquor and vice among America's armed forces and war workers; to the Committee on Military Affairs.

3479. By Mrs. NORTON: Senate Concurrent Resolution No. 21 of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States concerning Federal regulation of salaries and wages paid to State, county, and municipal employees; to the Committee on Banking and Currency.

3480. By Mr. SMITH of Wisconsin: Petition of L. W. Van Natta, of Racine, Wis.; to the Committee on Banking and Currency.

3481. By Mr. WIGGLESWORTH: Petition of members of the Braintree Baptist Church, Braintree, Mass., against liquor and vice among America's armed forces and war workers; to the Committee on Military Affairs.

3482. Also, petition of the mayor and city council of Brockton, Mass., opposing the discrimination being shown to New England in fuel oil rationing; to the Committee on Interstate and Foreign Commerce.

3483. By the SPEAKER: Petition of the municipal council of St. Thomas and St. John, V. I., petitioning consideration of their resolution with reference to their petition dated October 16, 1942; to the Committee on Insular Affairs.

SENATE

FRIDAY, DECEMBER 4, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, clouds and darkness are around Thee, yet righteousness and judgment are the habitation of Thy throne. Through the shadows give us eyes to see that Great White Throne which is established forever upon the moral pillars of the world. Thou hast called us to play our part in one of the creative hours of human history. Help us so to speak and so to act in this day of destiny that tomorrow we may live unashamed with our memories. Above the smoke and dust of battle may we see the Lord high and lifted up; as the changing social landscape melts away before our gaze may we hear the voice of the Holy One

whose kingdom is forever, declaring, "Behold, I am making all things new." In the midst of broken plans and ruined rainbows grant us sight and insight to meet with triumph and disaster and treat those two imposters just the same. So may we be delivered from the paralysis of pessimism and cynicism. Across the debris of ancient wrongs may our glad eyes see the glory of the coming of the Lord, as selfish exploitation makes way for brotherhood and for man. In Thy Name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, December 3, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 7788. An act to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; and

H. R. 7801. An act to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority.

SENATOR FROM MINNESOTA—CREDENTIALS

Mr. SHIPSTEAD presented the credentials of JOSEPH H. BALL, duly chosen by the qualified electors of the State of Minnesota a Senator for that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, JOSEPH H. BALL was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His excellency our Governor Harold E. Stassen, and our seal hereto affixed at the Capitol in St. Paul, Minn., this 30th day of November, in the year of our Lord 1942.

HAROLD E. STASSEN,
Governor of the State of Minnesota.
[SEAL] MIKE HOLM,
Secretary of State of the State of Minnesota.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF DIRECTOR OF THE COURTS ADMINISTRATIVE OFFICE

A letter from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1942 (with an accompanying report); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Department of the Treasury (2), Tennessee Valley Authority, the National Archives, and Office of War Information which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS

Petitions, etc., were presented and referred as indicated:

By Mr. CAPPER:

A petition of sundry citizens of Attica, Hazelton, and Hardtner, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

A resolution of the Woodson County Grange, Gridley, Kans., favoring the enactment of legislation to eliminate the liquor traffic and to suppress vice in the vicinity of military camps; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

H. R. 2970. A bill for the relief of Hyram Colwell; without amendment (Rept. No. 1781); and

H. R. 2973. A bill for the relief of George O. Hanford; without amendment (Rept. No. 1782).

By Mr. ELLENDER, from the Committee on Claims:

H. R. 4029. A bill for the relief of Catherine Barrett; without amendment (Rept. No. 1783);

H. R. 4898. A bill for the relief of Bothilda Stender; without amendment (Rept. No. 1784);

H. R. 5274. A bill for the relief of Michael Leo Fitzpatrick; without amendment (Rept. No. 1785);

H. R. 5409. A bill for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava; without amendment (Rept. No. 1786);

H. R. 5649. A bill for the relief of Alice Comas, Robert Comas, and Frances Williams; without amendment (Rept. No. 1787);

H. R. 6366. A bill for the relief of Alex Lawson; without amendment (Rept. No. 1788);

H. R. 6489. A bill for the relief of I. Arthur Kramer; without amendment (Rept. No. 1789);

H. R. 6520. A bill for the relief of Jane A. Thornton; without amendment (Rept. No. 1790);

H. R. 6653. A bill for the relief of William R. Ivey; without amendment (Rept. No. 1791);

H. R. 6695. A bill for the relief of Mrs. Esther Mann; without amendment (Rept. No. 1792);

H. R. 6749. A bill for the relief of Mrs. Bessie Schakett; without amendment (Rept. No. 1793);

H. R. 6771. A bill for the relief of Lillian J. Delavergne and Myrla Delavergne; without amendment (Rept. No. 1794);

H. R. 6780. A bill for the relief of J. M. Jesse; without amendment (Rept. No. 1795);

H. R. 6863. A bill for the relief of Thomas W. Dowd; without amendment (Rept. No. 1796);

H. R. 6873. A bill for the relief of Maude Leach; without amendment (Rept. No. 1797);

H. R. 6923. A bill for the relief of Mrs. Ada F. Ogle; without amendment (Rept. No. 1798);

H. R. 6924. A bill for the relief of Joseph F. Gordon; without amendment (Rept. No. 1799);

H. R. 7035. A bill for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.; without amendment (Rept. No. 1800);

H. R. 7167. A bill for the relief of Elmore Lee Lane; without amendment (Rept. No. 1801);

H. R. 7168. A bill for the relief of Grover C. Wedgwood; without amendment (Rept. No. 1802);

H. R. 7288. A bill to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers; without amendment (Rept. No. 1803);

H. R. 7316. A bill for the relief of Dr. J. M. Scott and Mrs. J. M. Scott; without amendment (Rept. No. 1804);

H. R. 7333. A bill for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.; without amendment (Rept. No. 1805);

H. R. 7518. A bill for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock; without amendment (Rept. No. 1806);

H. R. 7649. A bill for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.; without amendment (Rept. No. 1807);

H. R. 7651. A bill for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.; without amendment (Rept. No. 1808);

H. R. 7652. A bill for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.; without amendment (Rept. No. 1809); and

H. R. 7705. A bill for the relief of James E. Savage; without amendment (Rept. No. 1810).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2899. A bill to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States; with amendments (Rept. No. 1811); and

S. 2917. A bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; with amendments (Rept. No. 1812).

By Mr. RADCLIFFE, from the Committee on Commerce:

H. R. 7424. A bill to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes; (this bill had been recommitted); with amendments (Rept. No. 1813).

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or ordered placed on the calendar as indicated:

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce; to the Committee on Commerce.

H. R. 7788. An act to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; to the Committee on Agriculture and Forestry.

H. R. 7801. An act to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority; to the calendar.

ASSISTANT CLERK, COMMITTEE ON MINES AND MINING

Mr. GUFFEY submitted the following resolution (S. Res. 330), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 60, agreed to March 17, 1941, authorizing the Committee on Mines and Mining to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $1,800 per annum hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

CHARLES E. SALMONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2195) conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons, which were, to strike out all after the enacting clause and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Salmons, of Sedalia, Mo., the sum of $3,500, in full settlement of all claims against the United States for the death of his wife, Nadine Salmons, as a result of a collision between the automobile in which she was riding and a United States Army Air Corps tractor on Highway No. 50, near Tipton, Mo., on August 10, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The title was amended so as to read: "An act for the relief of Charles E. Salmons."

Mr. TRUMAN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

JAMES B. SHULER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1953) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased, which were, to strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James B. Shuler, of McClellanville, S. C., the sum of $10,000, in full settlement of all claims against the United States for the death of his wife, Elise M. Shuler, and his son, Ellie S. Shuler, and personal injuries to himself sustained as a result of a collision between the automobile in which he was driving and a Civilian Conservation Corps truck, on Highway No. 17, near McClellanville, S. C., on August 7, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The title was amended so as to read: "An act for the relief of James B. Shuler."

Mr. MAYBANK. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ASSISTANCE TO FARMERS AND SMALL LOGGERS

Mr. WILEY. Mr. President, lately I have received many letters from farmers and small loggers in the State of Wisconsin. Because of years of experience in the past, many Wisconsin farmers have had to supplement their earnings by small logging operations. Now the War Production Board has demanded a great supply of birch and other veneer lumber. Many hundred farmers in the communities of Wisconsin produce both milk and logs for the War Production Board. There has been great maladministration in the gasoline program in that section of the country, and as a result I receive letters each day stating that mills have shut down and that farmers will not be able to haul their milk to market.

Mr. President, I think I have some good news which should go into the RECORD. I understand that lately the O. P. A. and the O. D. T. got together and issued an order which provides for relief until the first of the year, and it is hoped that their program will thereafter be so arranged that the farmers and the loggers who operate trucks will get the gas necessary to carry on.

I wish to read the substance of the new order:

Any farmer who feels he has not been allowed sufficient gasoline to carry on his milk hauling and logging operations should apply at once to his Office of Price Administration war price rationing board for a temporary transport ration sufficient to operate through January 31.

That would give him 2 months. Then the rest of the order will go into operation.

This allotment will be made on the operator's own estimate of his needs regardless of allotment specified in his Office of Defense Transportation certificate of war necessity.

I may say, in respect to the certificate of war necessity, that there has been a great deal of maladministration, as I have heretofore stated. Apparently the persons who issued the O. D. T. certificates did not know what it was all about. The result was they caused a great furor among the people who produce throughout the country. I continue the reading:

After he has obtained temporary transportation ration the farmer should appeal for a revised certificate through the Farm Transportation Committee of his United States Department of Agriculture County War Board. The Farm Transportation Committee will study his case and make a recommendation to the farmer's Office of Defense Transportation District Office as to the amount of mileage and gasoline that should be allowed the farmer to operate through 1943. Office of Defense Transportation District Managers have been instructed to accept these recommendations unless errors in the Committee's calculations are detected. In such cases the Office of Defense Transportation District Managers will get in touch with the Farm Transportation Committee at once.

The gist of this is that the farmer or the small logger who operates trucks can immediately get a temporary suspension of the former certificate, which suspension will operate until February 1, 1943. Meanwhile he should assemble his facts, get his information together, so that he can present his case. Then, it is hoped, at least a rational certificate will be issued to him, so that he may carry on constructively during the remainder of 1943.

FARMING TO WIN THE WAR—ADDRESS BY SENATOR BANKHEAD

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address on the subject Farming to Win the War, delivered by Senator BANKHEAD on December 2, 1942, at the Orangeburg, S. C., Farming for Victory celebration, which appears in the Appendix.]

GASOLINE RATIONING—STATEMENT BY SENATOR CONNALLY

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a statement on the subject of gasoline rationing made by Senator CONNALLY on December 4, 1942, which appears in the Appendix.]

SOME PRINCIPLES OF CIVILIAN ECONOMIC ORGANIZATION IN TOTAL WAR—ADDRESS BY HON. HERBERT HOOVER

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD an address on the subject Some Principles of Civilian Economic Organization in Total War, delivered by former President Hoover before the National Association of Manufacturers in New York on December 2, 1942, which appears in the Appendix.]

FIRST PROGRESS REPORT OF OFFICE OF RUBBER DIRECTOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD, Progress Report No. 1, submitted to the Chairman of the War Production Board by William M. Jeffers, Rubber Director, together with a letter of transmittal, which appears in the Appendix.]

WE MUST GIVE HUMAN NEEDS PRIORITY—STATEMENT BY SURGEON GENERAL PARRAN

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a statement by Dr. Thomas Parran, Surgeon General, United States Public Health Service, entitled "We Must Give Human Needs Priority," which appears in the Appendix.]

ADMIRAL ROSS T. McINTIRE—THE PRESIDENT'S PHYSICIAN

[Mr. McNARY asked and obtained leave to have printed in the RECORD an article relative to Admiral Ross T. McIntire, published in the Sunday Oregonian, Portland, Oreg., of November 8, 1942, which appears in the Appendix.]

POWER TO REGULATE WHEAT PRODUCTION—EDITORIAL FROM NEW YORK TIMES

[Mr. McNARY asked and obtained leave to have printed in the RECORD an editorial entitled "Power to Regulate," published in the New York Times of November 13, 1942, which appears in the Appendix.]

REVENUES OF RURAL ELECTRIC SYSTEMS FINANCED BY R. E. A.

[Mr. NORRIS asked and obtained leave to have printed in the RECORD a release issued by the Department of Agriculture entitled "R. E. A. Systems Report Record High Revenues," which appears in the Appendix.]

MURRAY D. VAN WAGONER, GOVERNOR OF MICHIGAN—ARTICLE BY W. A. MARKLAND

[Mr. BROWN asked and obtained leave to have printed in the RECORD an article entitled "State to Lose a Good Governor," written by W. A. Markland, and published in the Detroit News of November 29, 1942, which appears in the Appendix]

CONDITIONS IN ENGLAND—LETTER FROM A BRITISH CITIZEN

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter addressed to him by Mr. Harry Dowsett, of Clacton on the Sea, Essex, England, dated July 27, 1942, which appears in the Appendix.]

WAYS FOR CITIZENS TO HELP WIN THE WAR—ARTICLE FROM NEW ORLEANS ITEM

[Mr. PEPPER asked and obtained leave to have printed in the RECORD the column entitled "How You Can Help Win the War," published in the New Orleans (La.) Item, which appears in the Appendix.]

EXECUTION OF CERTAIN OBLIGATIONS UNDER TREATIES WITH PANAMA

The Senate resumed the consideration of the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. GILLETTE], which will be stated.

The LEGISLATIVE CLERK. On page 2, line 23, before the period, it is proposed to insert a colon and the following: "*Provided*, That any such instruments of conveyance shall contain a provision under which the Panama Railroad Company and any of its successors in interest agrees to fully protect the Government of the United States against any claims for damages or losses heretofore or hereafter incurred by any lessee of any of the lands covered by such conveyance."

Mr. NYE. Mr. President, is it understood that the amendment is to be acted on without the Senator from Iowa being present?

Mr. CONNALLY. I suppose it would be agreeable to him.

Mr. NYE. I think we ought to have a quorum, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Pepper
Andrews	Guffey	Radcliffe
Austin	Gurney	Reed
Bailey	Herring	Russell
Barkley	Johnson, Calif.	Schwartz
Brewster	Johnson, Colo.	Shipstead
Brooks	Kilgore	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Bunker	Lucas	Taft
Burton	McCarran	Thomas, Idaho
Byrd	McKellar	Thomas, Okla.
Capper	McNary	Tobey
Caraway	Maloney	Truman
Chavez	Maybank	Tunnell
Clark, Idaho	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

My colleague the Senator from Oregon [Mr. HOLMAN] is necessarily absent on public business.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. GILLETTE].

Mr. JOHNSON of California. Mr. President, I should not occupy the time of the Senate today if I did not believe that there is at stake a very important principle which has been overlooked by many Senators.

In my opinion, nothing could be of greater consequence than the right of the Senate to pass upon treaties. There has been a determined effort for some years to take that right away and prevent its exercise by the Senate of the United States. There has also been a well defined effort on the part of many to deprive the Senate of its full position in respect to treaties and place it in such a position as that it should, under the circumstances of each case, determine the various matters involved, and then do what those who may present a treaty desire it to do.

Mr. President, I decline to submit to any such doctrine. I decline to submit myself mentally, intellectually, or otherwise, to the idea propounded by many Members of this body that we should not act upon treaties, and should not have the power to act in accordance with the Constitution. The proponents of this matter have presented to the Senate a joint resolution. The joint resolution propounds and sets out certain things which must be done. I read from section 1 of the joint resolution:

That pending the establishment of an independent water-supply system, and so long as the Republic of Panama desires to utilize a supply of water from the Canal Zone, it shall pay quarterly to the appropriate Canal Zone authorities the rate of B/0.09 per 1,000 gallons—

I am not sure that I read that correctly, but that is the way I interpret or translate the amount which is required to be paid under the joint resolution—

or such other reasonable rate as may be agreed upon by both Governments: *And provided further*, That the turning over to the Government of the Republic of Panama of the physical properties of the water and sewerage systems and the administration thereof, including the collection of the water rates, does not in any way modify the existing arrangement in respect to responsibility for the public health services of the cities of Panama and Colon as specified in the second paragraph of article VII of the convention between the United States of America and Panama, signed at Washington, November 18, 1903.

Mr. President, if there were nothing else in the whole transaction than that one paragraph, it would seem to me a certainty that we must exercise the right which is ours to pass upon this document as a treaty, rather than to accept it as a mere proposal for legislative enactment.

Section 2 of the joint resolution is as follows:

SEC. 2. The Panama Railroad Company is hereby authorized to convey to the Republic of Panama, in whole or in part, all of its right, title, and inte est in and to so much of the lands of the Panama Railroad Company located in the cities of Panama and Colon as in the opinion of the Secretary of War are no longer needed for the operation of the Panama Railroad or for the operation, maintenance, sanitation, or defense of the Panama Canal. The authority conferred by this section shall not be exercised after June 30, 1944.

That is another clause which makes it perfectly obvious that this document should be ratified by the Senate in the manner provided by the Constitution, but the endeavor is made to by-pass—that is a favorite word now—the Senate in the exercise of its formal duties.

(a) Any conveyance of any land in pursuance of the authority contained herein shall be deemed to release any and all reversionary rights of the United States in said property.

Mr. President, those who present this document are here dealing with the prop-

erty of the United States, are dealing with it specifically, and they ask that the Senate abandon its privileges and its prerogatives, and that it assent to this proposal.

(b) The provisions of the joint resolution entitled "Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Company on Manzanillo Island, Republic of Panama," approved July 10, 1937, so far as they may conflict with the provisions of this joint resolution, are hereby modified accordingly.

I do not know where the Island of Manzanillo is, and I do not care a rap, but those who present this document deal in that subsection with property over which the United States exercises jurisdiction, and the United States Senate, in connection with the exercise of that jurisdiction, must perform its constitutional function.

Then comes the third section:

SEC. 3. There is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated, a sum not to exceed $2,700,000, to enable the Secretary of the Treasury to pay to the Republic of Panama an amount equivalent to the principal and interest paid by that Government on account of the credit of $2,500,000 made available to it by the Export-Import Bank for the construction of Panama's share of the Chorrera-Rio Hato Highway, and to pay to the Export-Import Bank an amount sufficient to liquidate the remaining obligation of the Republic of Panama to that bank on account of the aforesaid credit.

Mr. President, it would seem crippling to a man's intellect to have to stand here and argue about these provisions of the joint resolution which require the Senate of the United States to act in a fashion and manner in which it may be supposed not to wish to act. Those who sponsor the joint resolution deal with property of the United States, with money of the United States, and they deal with it exactly as they see fit, and in no other fashion. For heaven's sake, is there anyone within the sound of my voice who cannot realize that what is dealt with here should be the subject of a treaty between the United States and Panama and not in any sense the subject of legislation?

As to the authorities upon this matter, they are not few but many. It will be appropriate at this time to supply the definition of "treaty." The law dictionaries, Webster, and the decisions of the courts agree that—

A treaty is an agreement, league, or contract between two or more independent states, nations, or sovereigns, formally signed by commissioners, properly authorized, and solemnly ratified by the several sovereigns of the supreme power of each state.

Citing Blank's Law Dictionary, *Cherokee Nation* v. *Georgia* (5 Pet. 60); *Edge* v. *Robinson* (112 U. S. 580); *Holmes* v. *Jennison* (14 Pet. 571); *United States* v. *Rauscher* (119 U. S. 407); *Ex parte Ortiz* (100 Fed. 962); Burr, Treaty-Making Power (p. 306); *United States* v. *Arredondo* (31 U. S. 691); *Santovincenzo* v. *Egan* (248 U. S. 30), and other citations.

There, Mr. President, is the law. Why should we disobey that law? Why should we run contrary to the Constitution of the United States, which all of us have sworn to obey? Why should we in any respect take the Constitution of the United States and toss it out the window, when the power of the Senate of the United States is so plainly and exactly written in the Constitution?

It is true that the power of the Senate of the United States is very great. No wonder that certain persons want to see its power curtailed, want to see it emasculated. No wonder that gentlemen who at this time and for some time past have felt the necessity for crying out against the powers of the United States Senate, as granted by the Constitution with respect to treaties, stand aghast and say, "We will not permit it any longer. We will no longer permit the United States Senate to stand as a bulwark of the liberties of this Nation, but we will destroy its treaty-making power which is set forth in the Constitution, and will not permit the Senate to have any redress." Why is it that they are opposed to the Senate having that power? Why is it that they try to emasculate the Constitution in that respect, and why is it that they demand that the Senate of the United States shall abrogate its power with respect to treaties? They wish it for reasons which are deep seated and ought to be fully understood. They wish it because they have some particular ulterior motive in preventing the exercise of the treaty-making power in the manner required by the Constitution.

Why should we permit it? That is the question. I care not if the majority in this body is 12 to 1 or 50 to 0; I care not whether Senators are from one State or another; they will rue the day they ever interfered with the Constitution or permitted it to be raped in the fashion which has been suggested. I am speaking now in the abstract. It should not be done. It should not be tolerated. Senators should be men enough to stand upon their feet and defend the Constitution as it stands, and insist that its provisions be carried out to the fullest extent.

So much for the law. I have not heard any law cited by the proponents of the pending joint resolution. I have not heard a single case in relation to this particular matter cited by Senators on the other side of the argument. Why must they put themselves in the position of being despoilers of the particular provision of the Constitution which I invoke? That is the whole question in a nutshell. If Senators wish to take the viewpoint of the proponents of the proposed legislation and seek to destroy the Constitution, they need not consider this a treaty. They need not consider the rights of one or the rights of another. They need not consider whether one side has been high-handed and has decided the question in a fashion which would not be tolerated in the case of the smallest litigant in any State.

Mr. President, it is the height of effrontery for the proponents of the pending measure to talk about appropriating $2,700,000 for the purpose of enabling the Secretary of the Treasury to pay to the Republic of Panama an amount equivalent to the principal and interest paid by that Government.

All the treaties to which reference has been made stem from the treaty of 1903. I leave out of view, because I wish to finish, the particular characteristics of those treaties. However, they all stem from the treaty of 1903, which was entered into by John Hay on the one hand and P. Bunau-Varilla on the other. If I were to digress for a moment I should like to say something concerning the life of P. Bunau-Varilla. However, I shall refrain from doing so at the present time.

It is proposed to pay at least part of the money which was given in 1903. It would be, of course, a payment by the United States of America out of one hand into the other.

I could cite many authorities holding that before a treaty can become effective it must be agreed to by the Senate, in whom rests the authority to ratify it.

Paragraph 2, section 2, of article II of the Constitution of the United States provides:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur;

The framers of the Constitution made that provision so absolutely plain that nobody should be mistaken concerning it. Yet neither of the agreements referred to in the pending joint resolution has been submitted to the Senate for its concurrence.

It is proposed to give this money to Panama for her to do with it as she pleases. In doing so we violate every principle of government which exists today. We do not ask anybody's consent. The State Department asks no man's consent. It may decide to give $20,000,000. The figure has now increased to something like $50,000,000 or $100,000,000. I do not know how much it is. However, it has greatly increased since the figures were first received by me.

Mr. President, I took the pains to ask Mr. Jesse Jones for a statement of the amounts of money he had paid to South American republics. He very kindly, and within a reasonable time, sent me a complete roster of those loans. Later, when the subject of this treaty came before us, I again asked him to send me a list of the amounts which had been expended on behalf of those countries; and from that time until now I have heard not a word from him. If Mr. Jones labors under the delusion that I am going to beg him to send me the figures, he has another thought coming to him. I will get along without figures rather than beg for them from someone who refuses or neglects to give them.

Mr. President, the money which was furnished to Panama was in the first instance loaned to her under the treaty of 1903. After it was loaned to her the money was given to her for the purpose of enabling her to make up the sum due and to discharge her debt to our country. It is a splendid idea; $2,500,000 is taken from one pocket, slapped into one hand, and given to Panama, and then we ask Panama to pay it back to Mr. Jesse Jones. Perhaps Panama has paid it back. I do not know. However, assuming that she has paid it back, she has paid an old debt

which she owed under the treaty of 1903. That is a marvelous way to do business. That process can be continued indefinitely, until the country is broke.

Panama insists that we have been guilty of creating an irritation, that we have treated her in a very bad fashion; but for the life of me I cannot see it—when she gets the money she owes, in order to pay it off in the fashion provided by the joint resolution. That is a nice way to do; is it not? It reminds me of the line in Tennyson's Locksley Hall:

> But the jingling of the guinea helps the hurt that Honor feels.

She feels the hurt which comes from the order which originally she entered into and gave to us. Despite her fear, and her hatred of us arising from that fear, we then turn around and give her the money; and so we continue on that course.

There is just one thing those people want. It is unfortunate that the people who have loaned the money or have made their investments in Panama are Americans. That is the unfortunate part of the whole situation. If they had been Englishmen they would have demanded their rights and would have been given their rights accordingly; but because they are simple Americans, men who themselves have earned the money which they have put into that country, they cannot get a hearing anywhere. It is nonsense to say that they have had a hearing before the State Department, because they had no hearing of any kind or character. They did have in the beginning. Their figures were accepted, their accounts were checked, and they were given the "go ahead" signal by the State Department; but afterward a change came over the spirit and the dreams of the Department. Now they have no remedy whatsoever, no remedy of any kind or character. It is because of that situation that we are asking that the Members of the Senate do not make any such mistake as that.

Those who are supporting the measure have said that they do not want the great record of this country marred or do not want our generosity in any degree denied. I do not want it denied. I do not want to see this country's record marred. I want to see this country stand up and be as it always has been, as it was under Theodore Roosevelt, at least—a country that would stand up to the rack and take its medicine when it was necessary to take it.

This whole matter arises in the most singular manner that could be imagined. The whole structure is created in such a way that it cannot be figured out. I am reminded of the mule in whose case a method was pursued which left him neither with pride in his ancestry nor hope of posterity. That is exactly what has been done in the present case, and that method has been pursued to the utmost.

I shall not talk long to the Senate. I realize how things are. I realize exactly how things may be in this body. I realize that no Member of this body can have anything to say here unless he says "Yes." I realize that there is no way in which a Member of this body can push himself unless he says "Yes." I realize that all the yeses gathered together give a singular majority. Let that come! Do not let it bother us! Let anyone here believe that to be a Senator was once something of an honor! To be a Senator is an honor yet; and if Senators have in their minds any sense of propriety as to their work, they should permit no individual to direct as to how or why they should vote.

To make the proposed gift to the Republic of Panama is a rank and rotten thing to do, a rank and rotten idea. It should not be done. To give what should be given to the men who made the investments in Panama is right, and should be done. I say to the Members of the Senate: Choose ye between. You are the bosses. I recognize that there is not much to say concerning the bosses here. They have things their way. Let them have their way if they will. The present proposal is just one more injustice, just one more instance of—

> Truth forever on the scaffold, wrong forever on the throne.

It is just one more case of taking the bread and butter from poor people. The people who made their speculations there were not rich people; all of them were poor people. Every one of them is a poor man, and he simply is asking that he be given some modicum of care, that there be manifested some little mothering instinct which might result in having aid extended to him as well as to the great office of the Secretary of State. He asks that the people who have been fussing and fuming at him for a long time shall give him justice. He asks only that he be given the right to which he is entitled by virtue of being one of many. He asks only that—only the right to be heard, only the right to present his case, only the right to have the officials of the State of which he is a citizen be his partisan. It would not be the same thing if the poor people had five or six officers of the State Department present at the hearing, representing them. The State Department's representatives were in the committee room all the time. No one represented the poor people except one lawyer. He was the only one who represented the individuals concerned.

In the last that I shall say upon this matter I leave to the Members of the Senate the determination of what should be done. Should they aid Panama or should they aid American citizens. That is the whole story. When American citizens are absolutely in the right, should the Members of the Senate take the side of Panama and determine the matter according to Panama's desire?

The PRESIDING OFFICER (Mr. ANDREWS in the chair). The question is on agreeing to the amendment of the Senator from Iowa [Mr. GILLETTE].

Mr. TUNNELL. Mr. President, there are just three parts, as I understand, to the joint resolution. The first refers to the taking over by Panama of the water and sewerage systems in its two cities of Colon and Panama.

The second provision would turn over to Panama the interest or right which the Panama Railroad Company has in certain lands which are no longer needed either by the Canal itself or for the defense of the Canal or by the railroad.

The third is to authorize the appropriation, out of any moneys in the Treasury not otherwise appropriated, of a sum not exceeding $2,700,000 for the purpose of balancing the amount due to the Export-Import Bank as the share of the Republic of Panama in certain roads built in Panama.

We have just been exhorted to be men. I have the highest opinion and esteem for the Senator who made the exhortation, and, therefore, I have no feeling of resentment at such advice. It is my opinion that those who will vote for the joint resolution think that they are men, that their votes will be their own votes, and I do not think they will vote because they have been told to do so, as was suggested in the speech to which we have just listened.

There are different methods, apparently, by which questions of international moment are met. This is not a new question. Sometimes those who have objected to the course of the Executive have been more fortunate than those who are now making this objection. In this instance the Constitution specifically provides for this method. In article IV, section 3, second paragraph, I find this language:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

It seems to me that if any other method than that of transfer by Congress had been attempted, we should have been met by the objection that Congress was the only power by which this territory or this property could be disposed of. There is no other method or authority to dispose of property of the Nation than that which is reposed in the Congress.

The three methods by which the Government acts are, first, that which is now suggested, namely, by treaty. There is objection made at this time, as I understand, that this attempt should have been made by treaty, notwithstanding the plain provision of the Constitution as to the power of Congress in the disposition of territory or other property.

The second objection, as I have understood it to be, is that, even though we are proceeding in the proper way, there should not be the transfer either of the waterworks, the sewerage system, or land, or the money provided in the third section.

I shall devote myself principally to the first of these objections, that is, as to whether or not a statute is the proper method or is a method by which this international agreement can be consummated. In doing so, I point first to the section of the Constitution read yesterday by the chairman of the Foreign Relations Committee and this morning by myself.

This question has been raised many times. Numerous books have been written on it. A most interesting discussion on the subject of Treaties and the Constitution was delivered by Hunter

Miller, Esq., historical adviser and editor of treaties, Department of State, to the students of Columbus University, Washington, D. C., on January 13, 1937.

The United States Supreme Court in the case of United States against Curtiss-Wright Export Corporation, on December 31, 1936, is quoted, as follows:

As a result of the separation from Great Britain by the Colonies, acting as a unit, the powers of external sovereignty pass from the Crown not to the Colonies severally, but to the Colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the Colonies were a unit in foreign affairs, acting through a common agency, namely, the Continental Congress, composed of delegates from the Thirteen Colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change, but sovereignty survives. A political society cannot endure without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect to the Colonies ceased, it immediately passed to the Union.

I quote further from the same case:

It results that the investment of the Federal Government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal Government as necessary concomitants of nationality.

From 1776 until March 1, 1781, there was no written fundamental law governing the Union of the Colonies. The Articles of Confederation were adopted by the Continental Congress on November 15, 1777. However, it was necessary for each of the 13 States to accept those articles in order for them to be fully enforced. A treaty with France was negotiated and signed on February 6, 1778. This was a treaty not alone of friendship and commerce but a treaty of alliance. This treaty reached the Continental Congress on May 2, 1778. Under the Articles of Confederation, each of the States had one vote. It was very desirable that there should be no votes against the ratification of this treaty. The minutes of the meeting simply state that the treaty was ratified unanimously.

Mr. Miller states that we can be sure that New Hampshire and North Carolina were not represented and there is doubt as to Delaware and Massachusetts. The minutes did not state what States were not represented. Under the Articles of Confederation, the assent of nine States was necessary to the ratification of any treaty. Of course, at that time there was no President and the entire control of foreign relations was in Congress. This procedure was entirely changed by the Constitution. In the case of United States against Curtiss-Wright Export Corporation, heretofore cited, the Court is quoted as follows:

Plenary and exclusive power * * * as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution.

Mr. Miller, in the same discussion, states as follows:

It is the President who begins, or severs, or resumes relations with another government. It is he who names plenipotentiaries and frames their instructions, a very important part of the process of treaty making. Again I quote: "The President * * * alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it."

The power of negotiation of treaties, the signing of treaties on the part of the United States, is absolutely in the President. After a treaty is signed, he exercises his own wishes as to sending it to the Senate for its advice and consent. After it is sent to the Senate, he may withdraw it at his pleasure. Even after the Senate acts favorably upon a treaty, he may refuse to ratify it. He may even ratify it, and then refuse to exchange the ratifications with the other nation negotiating the treaty. At every stage in the matter of the making of a treaty, the President has the right to terminate not only the negotiations, but the whole proceedings. When it comes to the ratification of a treaty by the Senate, it requires only two-thirds of a quorum. Under the Confederation, nine States were necessary for the ratification of a treaty. In 153 years, no treaty has ceased to function because of the fact that it was not constitutional. No portion of any treaty has ever been officially declared to be unconstitutional. This is particularly interesting in view of the fact that seldom is a treaty negotiated without the charge being made that the Executive has exceeded his constitutional authority in the negotiation of the contract. Mr. Miller further states as follows:

The international act that we call a bilateral treaty or convention embodies agreement between the two governments on the matters covered. In many cases substantially the same result may be and often has been reached without the making of any international act but by means of similar and more or less concurrent national acts on the one side and the other.

During the administration of President Jackson, the question of British colonial trade was a bothersome one. This matter was settled in 1830 by the passage of a statute on the part of the United States, together with a proclamation of the President, and on the part of Great Britain by a statute and two orders in council. There was no treaty.

A maximum and minimum tariff was provided by the Tariff Act of 1909. The President was authorized to apply the minimum tariff to countries which did not discriminate by tariff against the trade of the United States. President Taft issued 134 proclamations in 1910 applying the minimum tariff to the greater part of the commercial world. This was a national act on the part of the Government of the United States. It was not a treaty or other international act. Mr. Miller states as follows:

I suppose that the expression "executive agreements" may be said to mean international acts of the United States which are not submitted for the advice and consent of the Senate.

He states further that some executive agreements are made by authority of the President alone under express grant of power from the Constitution. He refers under this head to armistice or modus vivendi. His discussion of the settlement of claims, such as those referred to in Panama, in the following language is particularly interesting:

Not referring here to cases of mere contract obligations, it is well settled that claims against other governments arising from acts alleged to have been done in violation of international law or treaty and injuriously affecting American citizens are the subject of negotiation and agreement by the President. It is, of course, true that such claims may be and at times have been dealt with by treaty, but that the President may himself dispose of them conclusively is established by a practice which goes back in precedent to the administrations of Washington and John Adams.

However, a large majority of the executive agreements of our history have been made pursuant to legislative authority, or, in other words, authority of Congress, as distinguished from the authority of two-thirds of the Senators present. Both in number and in importance the field is extraordinarily extensive. The number of our executive agreements cannot be precisely stated, partly for the reason that here, as elsewhere, there is a twilight zone, but there must be more than 1,000 of them. In relativity of importance of the subject matter they range from vitally momentous to very minor. I shall mention a few of them.

In the political campaign of 1844, the question of the annexation of Texas was a burning issue. An annexation treaty with the independent republic of Texas, submitted to the Senate by President Tyler, had been rejected by the Senate in the spring of that year by a very decisive vote. A majority of the Senate were against the treaty; but the Democratic platform favored annexation and James K. Polk was elected President. Since the method of annexation by treaty had proved impossible the method of joint resolution was adopted. The enactment which granted authority for the proceedings which led up to annexation was passed by both Houses of Congress—in the Senate by the very close vote of 27 to 25; it was signed by President Tyler just at the close of his administration. Before the year 1845 was over annexation had become complete and Texas had been admitted as a State of the Union.

Had it been held to be necessary that a treaty be negotiated and ratified, I suppose that Texas would not yet be in the Union. I continue reading from Mr. Miller's address:

In 1897, under the McKinley administration, a treaty for the annexation of the independent republic of Hawaii was signed; but when it was found that such a treaty could not command the necessary two-thirds vote in the Senate the method of joint resolution was again adopted, and Hawaii became United States territory.

These two instances are of extraordinary significance in our constitutional history, for each of them was of highest importance: In each the treaty method of action was attempted and abandoned, and in each proceedings under authority of Congress were had.

The war debts to us from the governments of Europe totaled about $10,000,000,000 principal. Under the Harding and Coolidge administrations agreements were made for the adjustment of those obligations and their payment over long periods of years. Certainly such agreements might have been made by

treaty, but they were not. They were authorized or approved by statute.

One of the major policies of the Hoover administration has been the making of reciprocal trade agreements with other countries, more than a dozen of which have been entered into, some of very great importance. Authority for the making of these trade agreements was granted to the President by statute. All of us well remember that the enactment was bitterly opposed in Congress, but less than two-thirds of the Senate favored it, and that the policy was similarly opposed and overwhelmingly sustained in the recent election.

It was by authority of statute that the United States became a member of the International Labor Organization. The charter of that organization is to be found in the labor clauses of the Treaty of Versailles, a treaty which the United States rejected. But by executive action following congressional authority, the United States has become a party to those treaty provisions.

It will be observed that he here contends that not even a statute is necessary to enable the President to settle such claims. It is estimated that there have been more than a thousand of these executive agreements in the history of the United States, most of them by legislative authority, and none of them by treaties. I quote at length from the address by Hunter Miller as follows:

The subject matter of other executive agreements is very varied: Tariff duties, arbitration, copyrights, patents, most-favored-nation treatment, radio, aviation, shipping, measurement of vessels, and the cession of Horseshoe Reef in Lake Erie, are among them.

The most numerous category of executive agreements comprises the postal conventions and treaties of this Government which are now and since 1792 have been made under congressional authority. There are three exceptional instances of such treaties or conventions made following submission to the Senate. But the postal conventions made pursuant to the statutes with the approval of the President number several hundred.

So any picture of international acts of the United States which left the executive agreements out of consideration would be fragmentary. Such agreements have played a major part in our history from an early period and are making history now. To doubt their validity in law at this day would be almost as futile as to doubt their existence in fact. On this point I commend to your consideration the following observations from an opinion of the Supreme Court already cited, United States against Curtiss-Wright Export Corporation, one which is destined to be famous in our law:

"As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of the other members of the international family. Otherwise, the United States is not completely sovereign. The power to acquire territory by discovery and occupation, the power to expel undesirable aliens, the power to make such international agreements as do not constitute treaties in the constitutional sense, none of which is expressly affirmed by the Constitution, nevertheless exist as inherently inseparable from the conception of nationality. This the Court recognized, and in each of the cases cited found the warrant for its conclusions not in the provisions of the Constitution, but in the law of the Nation."

In a well-known work by Edward S. Corwin, page 40, the following language is used:

But though neither Congress nor the courts may direct the President in the discharge of his constitutional powers, yet either the Senate or the House separately, or both concurrently, may pass resolutions expressive of their desires in relation to questions of an international character, and the President may give such resolutions any weight he chooses, notwithstanding that they have no legal effect. Indeed, it is a part of the President's discretion to pay heed to such resolutions or not, as he elects.

Sometimes, however, Congress or one of the Houses has endeavored to go beyond an informal tendering of advice to the President and has sought to force his hand in some matter affecting his foreign policy. A noteworthy instance of this sort occurred in 1826, when opponents of the Panama Congress sought to attach to the appropriation bill for the mission certain conditions to it. Their efforts were frustrated, the principal argument on the constitutional question being that offered by Webster:

He would recapitulate only his objections to this amendment. It was unprecedented, nothing of the kind having been attempted before. It was, in his opinion, unconstitutional; as it was taking the proper responsibility from the Executive and exercising, ourselves, a power which, from its nature, belongs to the Executive, and not to us. It was prescribing, by the House, the instructions for a minister abroad. It was nugatory, as it attached conditions which might be complied with, or might not. And lastly, if gentlemen thought it important to express the sense of the House on these subjects, or any of them, the regular and customary way was by resolution. At present, it seemed to him that we must make the appropriation without conditions, or refuse it. The President had laid the case before us. If our opinion of the character of the meeting, or its objects, led us to withhold the appropriation, we had the power to do so. If we had not so much confidence in the Executive as to render us willing to trust to the constitutional exercise of the executive power, we have power to refuse the money. It is a direct question of aye or no. If the ministers to be sent to Panama may not be trusted to act, like other ministers, under the instructions of the Executive, they ought not to go at all.

Another instance of the same character occurred in 1864, when Congress was growing restive at the apparent complacency of the Administration at the progress of French aggressions in Mexico. On April 6 of this year Henry Winter Davis, chairman of the Foreign Affairs Committee of the House, introduced the following resolution:

"*Resolved*, etc., That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchial government erected on the ruins of any republican government in America, under the auspices of any European power."

I call this to the Senate's attention, to show that Mr. Davis, chairman of the Foreign Affairs Committee of the House in 1864, was protesting against a trend, which I heard Senators protest against yesterday, as if it had just begun.

I continue to read from Mr. Miller's address:

The resolution was passed unanimously, no constitutional question being suggested. Mr. Seward, however, in explaining it to Mr. Dayton, our Minister to France, wrote that while "it truly interprets the uniform sentiment of the people of the United States in reference to Mexico" yet it is another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States. While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico.

That is, the opinion of President Lincoln.

"It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department; and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt."

This dispatch of Secretary Seward having been communicated by the President to the House at its request, Henry Winter Davis, on June 27, made an elaborate report from the Committee on Foreign Affairs which concluded with the following resolution:

"*Resolved*, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well as in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy, not less in diplomatic negotiations than in the use of the national forces when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power."

When this resolution came up for debate, the following December 15, Mr. Blaine protested thus:

"To adopt this principle is to start out with a new theory in the administration of our foreign affairs, and I think the House has justified its sense of self-respect and its just appreciation of the spheres of the coordinate departments of government by promptly laying the resolution on the table."

In 1876 the Republic of Pretoria—later the Transvaal Republic—sent to Congress its congratulations upon the first centennial of our national independence. On motion of Mr. Swann, of Maryland, a recognition of this message of congratulation was passed. On January 26, 1877, President Grant vetoed the resolution on the following grounds:

Sympathizing as I do in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I cannot escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive. * * * The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers, and to receive all official communications from them, * * * making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states." If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise, when that

officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

On April 22, 1844, President Tyler sent a message to the Senate urging its consent to the ratification of the treaty of annexation of Texas to the United States. The fight against the ratification of this treaty by the Senate was led by Senator Benton. Two days after this treaty was rejected by the Senate, President Tyler took the step of sending the rejected treaty to the House of Representatives. President Tyler, in sending the treaty to the House of Representatives, used the following language:

While the treaty was pending before the Senate, I did not consider it compatible with the just rights of that body or consistent with the respect entertained for it to bring this important matter before you. The power of Congress is, however, fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished.

Both the House and the Senate passed a joint resolution for the admission of Texas to be a State, on an equal footing with the original States. This joint resolution was promptly approved by the President, and Texas became a State of the Federal Union. Hawaii became a part of the Federal Union by a joint resolution passed July 7, 1898. In Haynes, The Senate of the United States, pages 637, 638, and 639, the following language is used:

There is no question that the President may withdraw a treaty, which the Senate already has under consideration, even if it had been submitted by his predecessor. Within 10 days after his first inauguration, President Cleveland withdrew "for purposes of reexamination" three treaties which President Arthur had submitted to the Senate with urgent advocacy insisting that they would "respond to the national policy of intercourse with neighboring communities of the American system." This policy did not commend itself to the new President and these treaties were never returned to the Senate. Again, when Cleveland became President in 1893, there had just been laid before the Senate a treaty of annexation concluded with the Provisional Government of Hawaii, set up by the revolution of January 14, 1893. Impressed with the charges that unjustifiable American influence and force had brought about the revolution which dethroned the Queen and that the new government had been recognized with indecent haste, as a preliminary to investigation by a special envoy the President at once withdrew the treaty "for the purpose of reexamination," and the annexation project was balked.

Aside from withdrawals of treaties because of doubt as to their merit or policy, they have at times been withdrawn merely to perfect their phraseology.

HE MAY REFUSE TO RATIFY AFTER THE SENATE HAS GIVEN ITS CONSENT

What is the situation if the Senate by a two-thirds vote has consented to the ratification of the treaty in the exact form in which the President submitted it to the Senate? "That would conclude the transaction," declared Senator Brandegee. Other Senators have been more emphatic.

When this body by a two-thirds vote has ratified, advised, and consented to that treaty, the point of finality has been reached. Life has been breathed into the treaty by the action of the Senate. The manual delivery of the document has nothing whatever to do with its validity. * * * I do not hold to the doctrine that after this last act that the Government of the United States has to do with the treaty has been performed by the Senate, any man can nullify the action of the Senate by withholding the delivery of the document.

But neither the theory of the Constitution nor practice under it accords with this view of limitation upon the President's discretion when a treaty is sent back to the White House with the Senate's resolution of consent. Says former Ambassador John W. Davis:

"Here there returns to the President all the freedom which he originally enjoyed. He could have declined in the first place to negotiate; he could have elected not to lay the negotiated treaty before the Senate; he could at any time before the final vote have withdrawn it from their further consideration; and now he may decide to proceed no further upon the advice and consent which the Senate express. This is true as well when the action of the Senate is one of unanimous approval, as when it is one of grudging consent or mutilating amendment. In either case he may lock the treaty in his desk or consign it to cold oblivion in the public archives.

"The roster of such diplomatic casualties is by no means short. It displays the constant jealousy with which the Executive and the Senate have guarded their respective powers. There was a tremendous mortality, for instance, when the Senate and President Roosevelt locked horns over the arbitration treaties negotiated by Secretary Hay with a number of nations."

It should be observed that the phrases, "the Senate's ratification" and "the Senate's resolution of ratification," while in almost universal use, are inaccurate and convey a wrong impression. The Senate does not ratify—it gives or it withholds advice and consent to the ratification of a treaty. But the power of ratification belongs to the President alone, and the Senate's advice and consent, while they may be illuminating to him, are in no sense mandatory. In the words of Senator Spooner:

"Out of public necessity the President should be permitted to pocket a treaty, no matter if every Member of the Senate thought he ought to exchange the ratification. Why? Because the President, through the minister, ambassadors, consuls, and all of the agencies of the Government, explores sources of information everywhere; it is his business to know whether anything has occurred since the Senate acted upon the treaty which would render it for the public interest that ratifications be not exchanged. And he is empowered to withhold exchange of ratifications, if upon later knowledge he deems it for the public interest so to do."

I have examined somewhat the history of treaty making and negotiations by the Federal Government. There seems to be no question that the makers of the Constitution intended the Executive to be the one to negotiate treaties, to sign them, and then to obtain the advice and consent of the Senate before the treaties should become effective.

The second objection which has been raised by the opponents of the pending measure is that in any event the provisions of the joint resolution should not be carried into effect. Little has been said along that line. If the Panama Canal should be obstructed in any way because of our conduct here, or our votes, whether it were California, Maine, Delaware, or any other State that might be harmfully affected as the result of our inability to use the Panama Canal, I do not believe that many Senators would desire to assume the responsibility.

The chairman of the committee has already spoken of some of the things which have been done on the part of Panama which, in his opinion, in the opinion of the State Department, and in the opinion of the majority of the members of the Foreign Relations Committee of the Senate, justify the action which is now recommended. It seems to us that the experience which we have had within the past year should be sufficient to show that the State Department and the Executive are in a better position to know and to recommend the things which should be done than is any individual Senator.

We have heard Joe Stalin sneered at in this Chamber. We have heard the suggestion made that the United States was possibly joining in some kind of a league with him; and the President of the United States has been condemned because of some supposed friendliness on his part toward "Joe Stalin," as he has been repeatedly called. Those who have watched the progress of this world cataclysm now realize that without Joe Stalin, and the part which he has taken, the Government of the United States, the Government of Great Britain, and even civilization itself, would have been in a very unfortunate position. Yet within little more than a year we have heard expressed on the floor of the Senate sentiments such as I have indicated.

Mr. President, we have been told that there is no danger to Panama; and yet within the past year I heard one of the most influential, intelligent, and patriotic Senators say that in his opinion the Panama Canal was already gone. I hope there is no danger to the Panama Canal at the present time. I merely remind Senators of the statement to which I have referred because some have thought that there was danger to the Panama Canal. The people of the Republic of Panama have been aiding the United States in the defense of the Canal in a way which could not be specifically set out in any treaty.

If the opponents of the pending measure succeed in blocking it, it is possible that such action may result in obstructing to some extent the use of the Panama Canal. I, for one, do not care to be responsible for the obstruction of the Panama Canal to the extent of one shovelful of dirt, one bucketful of water, or one vote against the program of the President of the United States.

At this time, when we have been assured that the people of the Nation, regardless of party, are supporting the President in his foreign relations, it is particularly unfortunate that such objection should be made on the floor of the Senate, especially when the objection in part comes from the Pacific coast, which needs the Canal as an interocean connection as much as does the Atlantic coast. The Panama Canal is one of the most important things today in the defense of America, as well as in the war in which we are all struggling. I, for one, do not feel that any whim, or any personal dislike which I may have for

any person, in either the executive or legislative department, should prevent me from doing what I believe the President of the United States, the State Department, and the Foreign Relations Committee of the Senate desire to have done for the defense of America.

Let us take up the first objection, which has been referred to quite at length. It has been asserted that even though the joint resolution should be passed, even though it is a proper way to proceed, and even though its provisions are not in themselves objectionable, before passing the measure we should do a little "horse trading." According to the statements of some Senators, certain citizens of the United States have not received proper treatment from the Republic of Panama. I am inclined to believe that those particular citizens of the United States have a claim against Panama, and I believe that, if it is possible to do so without injuring the war position of the United States, the State Department will recognize such claims.

Moreover, in the midst of this war I do not believe that the United States should say, "We are not going to deal with the Republic of Panama, nor are we going to consider it as a sovereign power, until it settles certain private claims which citizens of the United States have against it."

There is a proper way to prove those claims, and they should be proven. If they are just and owing, the Government of the United States can use its good offices to see that the claims are paid. But now, in the midst of a world war, at the most dangerous time in the defense of America, to raise or agitate a question which may result in ill feeling on the part of a government which has the ability and the opportunity to interfere with the defense of America, is beyond what I believe we should do or what I believe the majority of the American people believe should be done.

I believe that the joint resolution should be passed and that the Senate should not interfere with the negotiation and the attempt on the part of the Secretary of State, the State Department, and the President of the United States to maintain perfectly harmonious relations between the Republic of Panama and the Republic of the United States.

Mr. McNARY. Mr. President, I do not know whether or not any other Senator desires to discuss this question. If there is to be a vote, I desire to suggest the absence of a quorum, in order that we may have present a sufficient number of Senators to sanction a yea-and-nay vote.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. CONNALLY. Would the Senator be agreeable to the suggestion that we dispose of the committee amendments and reach the point of voting, and then make the point of no quorum? I am afraid that the suggestion of the absence of a quorum at this time would result in bringing into the Senate Chamber some Senator with a speech in his bosom.

Mr. McNARY. Mr. President, I do not know about that matter. Senators usually have their speeches in their desks, I think, and have no difficulty in occupying the time available by discussing anything they desire to discuss.

Mr. CONNALLY. Only one committee amendment yet remains to be acted upon, and I shall agree to it.

Mr. McNARY. Is the committee amendment agreeable to the distinguished senior Senator from California [Mr. JOHNSON]?

Mr. CONNALLY. Oh, yes; I believe it is agreeable.

Mr. McNARY. The Senator from California is the ranking Republican member of the Committee on Foreign Relations. He is very much interested in the pending measure, and I make inquiry whether the amendment is agreeable to him.

Mr. GILLETTE. Mr. President, I have no means of knowing whether my amendment is acceptable to the Senator from California, except that I was advised that when the same amendment was presented in the committee the Senator from California voted for it. However, I was not present.

Mr. McNARY. Under those circumstances, and in view of that statement, upon which I may rely, I have no objection to the disposal of the pending amendment.

Mr. McCARRAN. Mr. President, I rise to a point of information.

The PRESIDING OFFICER (Mr. DOXEY in the chair). The Senator will state it.

Mr. McCARRAN. I desire to have the pending amendment read.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa [Mr. GILLETTE] will be read.

The CHIEF CLERK. On page 2, line 23, before the period, it is proposed to insert a colon and the following: "*Provided*, That any such instruments of conveyance shall contain a provision under which the Panama Railroad Company and any of its successors in interest agrees to fully protect the Government of the United States against any claims for damages or losses heretofore or hereafter incurred by any lessee of any of the lands covered by such conveyance."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. McCARRAN. Mr. President, I wonder if the Chairman of the Committee on Foreign Relations cares to explain the amendment.

Mr. CONNALLY. I shall be glad to do so. Let me say to the Senator from Nevada that the Committee on Foreign Relations rejected the amendment, not because of any opposition to it on the basis of its inherent merits, but on account of the fact that it might prove a little irritating to Panama. The properties involved are owned by the Panama Railroad. The Panama Railroad is a creature of the Government of the United States; the United States Government owns all the stock of the railroad company.

The pending amendment simply provides that in parting with the titles to the lands the Panama Railroad Company, the owner, shall indemnify the United States against any claim by lessees or others.

Mr. McCARRAN. The curious thing about it, if I understand it from a hurried consideration, is that the United States is the owner of all the stock of the Panama Railroad Company.

Mr. CONNALLY. That is correct.

Mr. McCARRAN. So, by agreeing to the amendment, we should be asking the United States Government, as the owner of all the stock of the Panama Railroad Company, to indemnify itself; should we not?

Mr. CONNALLY. I shall ask the Senator from Iowa to answer the Senator's question.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. GILLETTE. Of course, the language referred to did not meet with the approval of the Senator from Iowa who offered the amendment. The language was the language of the drafting service. However, I desire to call attention to the fact that the amendment provides that the instrument of conveyance shall contain a covenant that the Panama Railroad Company—which, as the Senator says, is a corporation organized under the laws of the United States—and its successors in interest shall hold the United States free and clear; and, of course, the "successor in interest" will be the Republic of Panama, if the joint resolution shall be passed.

Mr. McCARRAN. Will that mean, then, that by passing the joint resolution we can bind the Republic of Panama to hold the United States free and clear from such charges?

Mr. CONNALLY. No. Let me say to the Senator that the Committee on Foreign Relations did not adopt the amendment; because it thought, somewhat along the line of the thought of the Senator from Nevada, that the amendment, if agreed to, would have the effect of asking the railroad to indemnify the United States, which would be a matter of simply taking money out of one pocket and putting it into another.

However, the Senator from Iowa has been very helpful in connection with the proposed legislation, both in the committee and as chairman of the subcommittee; so I assumed responsibility, so far as I have the power to assume any responsibility, to agree to the amendment, for the reason that it does not undertake to do anything to Panama, but simply provides that when any grantor conveys title to a piece of property he may provide in the deed of grant any condition that he may see fit to provide.

All the amendment proposes to do, as I understand, is to require the Panama Railroad when it makes a conveyance to the Republic of Panama of these lands to indemnify the United States against any claims of leaseholders or others that held leases from the Panama Railroad.

Mr. McCARRAN. Then, we merely get back to the same homely, horse language, that the Panama Railroad, being 100 percent owned by the Government of the United States, it is the Government

of the United States that must transfer the property, for the Government of the United States owns the stock; and so again it comes down to the one proposition that the Government of the United States is to indemnify the Government of the United States. I do not think we can get away from that.

Mr. GILLETTE. But, Mr. President, the instrument of conveyance will have to be executed by the Panama Railroad Company.

Mr. McCARRAN. But is not the Panama Railroad Company an instrumentality of the Government of the United States?

Mr. GILLETTE. Yes, but the amendment, if adopted, will require that under the instrument of conveyance the grantee which becomes the successor in interest, namely, the Republic of Panama, will hold the United States free from any claim for damages arising under breach of the covenants of the lease.

Mr. McCARRAN. Which gets back to the same proposition again, that, by this joint resolution, we seek to bind the Panamanian Government to hold this Government free and to indemnify it.

Mr. GILLETTE. That is because these lands are held under lease of the United States or a corporation of the United States; the tenants, who are citizens, in many instances of China, of India, and of other countries, are holding a leasehold interest and they have made extensive improvements. It is proposed to transfer this property to the Republic of Panama under, of course, the laws of the Republic of Panama governing the tenants.

Under those laws, if there are infractions or breaches of the covenants of the lease, there may be claim made on the part of the lessees or the country of their nationality; they may institute a claim because they may say, "We have been dispossessed or we have suffered damages or one of our nationals has suffered damages because of a breach." Where are they going to go to look for their remuneration; where are they going to go; where are they going to present the claim? Are they going to present it to the United States, and say, "You executed a lease in the first place to our national; you have transferred the property to the Republic of Panama through the agency of your subsidiary; but we are going to protect our nationals against a breach of the covenant; they have been despoiled." So the amendment represents an attempt to require the instrument of conveyance to carry a provision that the grantee under the conveyance shall hold the United States free and whole.

So far as I am concerned I do not care whether the amendment shall be adopted or not. It is an attempt to save us from such a situation as might involve complications and an effort on the part of the Government of the Republic of China or some other government to come forward and say, "You executed this lease to our nationals, and you have abandoned them without protection; we are looking to you to protect them."

Mr. McCARRAN. If I am not mistaken—and I hope someone who is more familiar with the subject will correct me if I am—my recollection is from dealing with the subject in the Appropriations Committee that not only does the United States of America hold all the stock in the Panama Railroad but it owns and controls the railroad, and the President of the United States, if I am not in error, appoints and directs the administrative officers of that corporation, which leads all the more to confusion, notwithstanding the fine effort of my friend from Iowa to explain what, to my mind, is rather an unexplainable situation. In other words, we are trying to sugar-coat something for the American public to swallow and perhaps for some others to swallow, when we might just as well be plain with each other. It is merely horseplay.

Mr. GILLETTE. If the Senator will yield, I can assure him that the Senator from Iowa is not trying to sugar-coat anything.

Mr. McCARRAN. I understand that.

Mr. GILLETTE. The Senator from Iowa has been greatly disturbed over a number of the aspects of this important matter, which he tried to discuss yesterday. In an effort to try to protect the United States from these possible contingencies I offered this amendment in the committee. The committee turned it down, probably with the same enthusiasm the Senator might be willing to turn it down, but I again offered it on the floor of the Senate, in the hope that it would be helpful.

Mr. LEE. Mr. President, will the Senator from Nevada yield to me in order that I may ask the Senator from Nevada a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Oklahoma?

Mr. McCARRAN. I yield.

Mr. LEE. Would this expression meet what the Senator has in mind in this amendment, namely, that the amendment proposes that the United States shall give a quit-claim deed instead of a warranty deed to this property?

Mr. GILLETTE. Oh, no.

Mr. McCARRAN. No; it is the other way around, if anything.

Mr. LEE. I understood the Senator wanted to relieve the United States of any further obligation and thereby bind the Government of Panama to protect us from any further obligation.

Mr. GILLETTE. From any breaches of covenant under the lease to the lessees or the countries of their nationality.

Mr. McNARY. Mr. President, does the Senator from Nevada desire to discuss the question?

Mr. McCARRAN. Yes; briefly.

Mr. McNARY. I think the Senator from California should be present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Brooks	Caraway
Andrews	Brown	Chavez
Austin	Bulow	Clark, Mo.
Bailey	Bunker	Connally
Barkley	Burton	Danaher
Brewster	Capper	Davis
Doxey	Maybank	Spencer
Ellender	Mead	Stewart
George	Millikin	Taft
Gerry	Murdock	Thomas, Idaho
Gillette	Murray	Thomas, Okla.
Green	Nelson	Tobey
Guffey	Norris	Truman
Gurney	Nye	Tunnell
Herring	O'Daniel	Tydings
Johnson, Calif.	O'Mahoney	Vandenberg
Johnson, Colo.	Overton	Van Nuys
Langer	Pepper	Wagner
Lee	Radcliffe	Wallgren
Lucas	Reed	Walsh
McCarran	Russell	White
McKellar	Schwartz	Willis
McNary	Shipstead	
Maloney	Shott	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. GILLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The CHIEF CLERK. In section 2, page 2, line 23, after the word "Canal" and the period, it is proposed to insert "The authority conferred by this section shall not be exercised after June 30, 1944."

The amendment was agreed to.

Mr. NYE. Mr. President, I move that Senate Joint Resolution 162 be recommitted to the Committee on Foreign Relations with a view to having that committee ascertain why the subject matter of the joint resolution should not be renegotiated and submitted to the Senate in treaty form.

Mr. CONNALLY. I make the point of order that the motion goes far beyond any proper rereference, seeking to instruct the committee how to act and what it should do.

The PRESIDING OFFICER. A motion to refer with instructions is in order.

Mr. CONNALLY. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota. [Putting the question.] The Chair is in doubt.

Mr. NYE. I ask for a division.

Mr. CONNALLY. Mr. President, this motion goes to the very vitals of the joint resolution, and I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I understand that if present and privileged to vote he would vote "nay." I transfer my pair to the junior Senator from New Jersey [Mr. BARBOUR] and will vote. I vote "yea."

Mr. SCHWARTZ (when his name was called). On this vote I am paired with the junior Senator from New Hampshire [Mr. TOBEY]. I transfer that pair to the junior Senator from Alabama [Mr. HILL], and will vote. I vote "nay."

Mr. STEWART (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD], and will vote. I vote "nay."

The roll call was concluded.

Mr. STEWART. My colleague the senior Senator from Tennessee [Mr. McKELLAR] is necessarily absent. If present, he would vote "nay."

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness. I am advised that, if present and voting, the Senator from Delaware [Mr. HUGHES] would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family. I am advised that, if present and voting, he would vote "nay."

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business. I am advised that, if present and voting, the Senator from Utah [Mr. THOMAS] would vote "nay."

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. McFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. KILGORE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent. I am advised that if present and voting, the Senator from Kentucky [Mr. CHANDLER] and the Senator from West Virginia [Mr. KILGORE] would vote "nay."

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Massachusetts [Mr. LODGE] has a general pair with the Senator from Mississippi [Mr. BILBO].

The Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is necessarily absent. If present, he would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] would vote "yea" if present. He is necessarily absent.

The result was announced—yeas 26, nays 42, as follows:

YEAS—26

Aiken	Johnson, Calif.	Shipstead
Brewster	Langer	Shott
Brooks	McCarran	Taft
Burton	McNary	Thomas, Idaho
Capper	Maloney	Vandenberg
Clark, Mo.	Millikin	Wheeler
Danaher	Nelson	White
Davis	Nye	Willis
Herring	Reed	

NAYS—42

Andrews	Chavez	Guffey
Austin	Connally	Gurney
Bailey	Doxey	Johnson, Colo.
Barkley	Ellender	Lee
Brown	George	Lucas
Bulow	Gerry	Maybank
Bunker	Gillette	Mead
Caraway	Green	Murdock
Murray	Russell	Tunnell
Norris	Schwartz	Tydings
O'Daniel	Spencer	Van Nuys
O'Mahoney	Stewart	Wagner
Overton	Thomas, Okla.	Wallgren
Pepper	Truman	Walsh

NOT VOTING—28

Bankhead	Glass	McKellar
Barbour	Hatch	Radcliffe
Bilbo	Hayden	Reynolds
Bone	Hill	Smathers
Bridges	Holman	Smith
Butler	Hughes	Thomas, Utah
Byrd	Kilgore	Tobey
Chandler	La Follette	Wiley
Clark, Idaho	Lodge	
Downey	McFarland	

So Mr. NYE's motion was rejected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, will the Senator from Missouri withhold that request for a moment?

The PRESIDING OFFICER. The presence of a quorum has just been demonstrated by the vote.

Mr. CONNALLY. No business has since been transacted.

Mr. CLARK of Missouri. The joint resolution has been ordered to be engrossed for a third reading, and read the third time since the last vote.

Mr. CONNALLY. I did not rise to make a point of order, but to suggest to the Senator from Missouri that we have just had a test vote on the motion made by the Senator from North Dakota [Mr. NYE], and it was our hope that we could pass the joint resolution by a viva voce vote.

Mr. CLARK of Missouri. Mr. President, so far as I am concerned I think there ought to be a yea-and-nay vote on the passage of the joint resolution.

Mr. CONNALLY. I make the point of order that no business has been transacted since the last vote.

Mr. CLARK of Missouri. In response to that point of order, Mr. President, I call attention to the fact that the joint resolution has just been ordered to be engrossed for a third reading and has been read a third time.

Mr. CONNALLY. I withdraw the point of order.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	Nelson
Andrews	Gerry	Norris
Austin	Gillette	Nye
Bailey	Green	O'Daniel
Barkley	Guffey	O'Mahoney
Brewster	Gurney	Overton
Brooks	Herring	Pepper
Brown	Johnson, Calif.	Radcliffe
Bulow	Johnson, Colo.	Reed
Bunker	Langer	Russell
Burton	Lee	Schwartz
Capper	Lucas	Shipstead
Caraway	McCarran	Shott
Chavez	McNary	Spencer
Clark, Mo.	Maloney	Stewart
Connally	Maybank	Taft
Danaher	Mead	Thomas, Idaho
Davis	Millikin	Thomas, Okla.
Doxey	Murdock	Truman
Ellender	Murray	Tunnell
Tydings	Wagner	Wheeler
Vandenberg	Wallgren	White
Van Nuys	Walsh	Willis

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

The question is, Shall the joint resolution pass?

Mr. CLARK of Missouri. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I transfer that pair to the junior Senator from New Jersey [Mr. BARBOUR]. I understand that if present the junior Senator from Kentucky would vote "yea," and that if present the junior Senator from New Jersey would vote "nay." I am at liberty to vote, and I vote "nay."

Mr. STEWART (when Mr. McKELLAR'S name was called). My colleague the senior Senator from Tennessee [Mr. McKELLAR] is necessarily absent. If present, he would vote "yea."

Mr. SCHWARTZ (when his name was called). On this vote I have a pair with the junior Senator from New Hampshire [Mr. TOBEY]. I transfer that pair to the junior Senator from Alabama [Mr. HILL] and will vote. I vote "yea."

Mr. STEWART (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness. I am advised that, if present and voting, the Senator from Delaware [Mr. HUGHES] would vote "yea."

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family. I am advised that, if present and voting, he would vote "yea."

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business. I am informed that, if present and voting, the Senator from Utah [Mr. THOMAS] would vote "yea."

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. McFARLAND] are conducting hearings in western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. KILGORE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent. I am advised that if present and voting, the

Senator from Kentucky [Mr. CHANDLER], the Senator from Alabama [Mr. HILL], and the Senator from West Virginia [Mr. KILGORE] would vote "yea."

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Massachusetts [Mr. LODGE] has a general pair with the Senator from Mississippi [Mr. BILBO]. These Senators are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART]. The transfer of that pair has been announced. He is absent on public business.

The Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is necessarily absent. If present, he would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] is necessarily absent. If present, he would vote "nay." His pair has been announced.

The Senator from Wisconsin [Mr. WILEY] is unavoidably detained on official business.

The result was announced—yeas 40, nays 29, as follows:

YEAS—40

Andrews	Green	Radcliffe
Austin	Gurney	Russell
Bailey	Gurney	Schwartz
Barkley	Johnson, Colo.	Spencer
Brown	Lee	Stewart
Bunker	Lucas	Thomas, Okla.
Carraway	Maybank	Truman
Chavez	Mead	Tunnell
Connally	Murdock	Van Nuys
Doxey	Murray	Wagner
Hilander	O'Daniel	Wallgren
George	O'Mahoney	Walsh
Gerry	Overton	
Gillette	Pepper	

NAYS—29

Aiken	Johnson, Calif.	Shipstead
Brewster	Langer	Shott
Brooks	McCarran	Taft
Bulow	McNary	Thomas, Idaho
Burton	Maloney	Tydings
Capper	Millikin	Vandenberg
Clark, Mo.	Nelson	Wheeler
Danaher	Norris	White
Davis	Nye	Willis
Herring	Reed	

NOT VOTING—27

Bankhead	Downey	Lodge
Barbour	Glass	McFarland
Bilbo	Hatch	McKellar
Bone	Hayden	Reynolds
Bridges	Hill	Smathers
Butler	Holman	Smith
Byrd	Hughes	Thomas, Utah
Chandler	Kilgore	Tobey
Clark, Idaho	La Follette	Wiley

So the joint resolution (S. J. Res. 162) was passed.

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO FILE REPORT

Mr. THOMAS of Oklahoma. Mr. President, I understand that it is anticipated that there will be no session of the Senate tomorrow. I ask unanimous consent that the Committee on Agriculture and Forestry be accorded the privilege of filing reports from the committee up until midnight tomorrow night.

The PRESIDING OFFICER (Mr. DOXEY in the chair). Without objection, it is so ordered.

AUTHORIZATION FOR RECONSTRUCTION FINANCE CORPORATION TO ISSUE ADDITIONAL NOTES, BONDS, AND DEBENTURES

Mr. BROWN. Mr. President, I move that the Senate proceed to the consideration of House bill 7801. House bill 7801 is identical with Senate bill 2900, which would authorize the Reconstruction Finance Corporation to issue additional bonds and debentures in the sum of $5,000,000,000. Senate bill 2900 was reported yesterday from the Committee on Banking and Currency.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill (H. R. 7801) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $5,000,000,000.

Mr. CONNALLY. Mr. President, does the Senator from Michigan anticipate any debate in connection with the bill?

Mr. BROWN. The bill was reported unanimously by the House committee and by the Senate committee, and it was passed in the House yesterday without objection. I anticipate that there will be a little discussion.

Mr. CONNALLY. It is my purpose to call up the conference report on the Mexican claims bill. I shall withhold that if the discussion is to be brief.

Mr. BROWN. Frankly, I do not believe the discussion will require any great length of time. If it does, I shall be glad to yield to the Senator.

Mr. McNARY. Mr. President, I suggest to the able Senator from Michigan that he permit the conference report to come up. I wish to make several inquiries with respect to the very important measure to which the Senator from Michigan refers.

Mr. BROWN. If the Senator from Oregon insists, I shall be glad to yield to his wishes.

Mr. McNARY. Mr. President, I desire a complete explanation of the bill. I have had occasion to glance at the record of the hearing, which has not been printed, and probably will not be. I am astounded by some of the representations made by witnesses before the committee. For my part, I shall insist upon a very complete statement concerning the reasons for granting to the Reconstruction Finance Corporation a very large sum of money to be used without accounting for it in the usual way. I am not saying that I shall not be satisfied; but I am sure the bill would not be passed in a few minutes.

Mr. BROWN. Does the Senator desire that the conference report referred to by the Senator from Texas be considered first?

Mr. McNARY. Yes.

Mr. BROWN. That is satisfactory to me.

Mr. McNARY. Let me state why. I have always tried to be reasonable. A copy of the hearings before the committee has just been laid on my desk. Some matters were called to my attention which were unsatisfactory, and I desire to have them explained. I should like to have an opportunity to peruse the record a little further. For that reason I suggest that the Senate consider the conference report.

Mr. BROWN. I shall be very glad to withhold the motion and permit the Senator from Texas to proceed.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his motion?

Mr. BROWN. I withdraw the motion.

While I am on my feet, there is a very small claim bill which I should like to have disposed of.

GUY E. MISH

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2742) for the relief of the postmaster at Nome, Alaska, which were to strike out all after the enacting clause and insert:

That the Postmaster General and the Comptroller General are authorized to pay to Guy E. Mish, the postmaster at Nome, Alaska, the sum of $184.40, or to credit his account in that amount, such sum representing a charge against the postmaster based upon his having employed and compensated, through misunderstanding, an employee, now separated from the service, as a temporary clerk instead of as a substitute clerk at the Nome postoffice: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The title was amended so as to read: "An act for the relief of Guy E. Mish."

Mr. CLARK of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. BROWN. Mr. President, this is only a small claim bill.

Mr. CLARK of Missouri. If the Senator from Texas is about to call up the conference report on the Mexican claims bill, I wish to suggest the absence of a quorum.

Mr. CONNALLY. The Senator from Michigan does not have to yield for a quorum call unless he desires to do so.

Mr. BROWN. Mr. President, I feel that, as a matter of courtesy, I should yield to the Senator from Missouri.

Mr. CONNALLY. Mr. President, I claim the floor. I was on my feet when the Senator from Michigan concluded, and I think I am entitled to the floor.

Mr. CLARK of Missouri. Mr. President, I, too, was on my feet. The Senator from Texas has no priority in that regard.

The PRESIDING OFFICER. The Senator from Michigan has the floor at the present time.

Mr. CONNALLY. The Senator from Michigan yielded the floor.

Mr. BROWN. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Reed
Andrews	Gurney	Russell
Austin	Herring	Schwartz
Bailey	Johnson, Calif.	Shipstead
Barkley	Johnson, Colo.	Shott
Brewster	Langer	Spencer
Brooks	Lee	Stewart
Brown	Lucas	Taft
Bulow	McCarran	Thomas, Idaho
Bunker	McNary	Thomas, Okla.
Burton	Maloney	Truman
Capper	Maybank	Tunnell
Caraway	Mead	Tydings
Chavez	Millikin	Vandenberg
Clark, Mo.	Murdock	Van Nuys
Connally	Murray	Wagner
Danaher	Nelson	Wallgren
Davis	Norris	Walsh
Doxey	Nye	Wheeler
Ellender	O'Daniel	White
George	O'Mahoney	Wiley
Gerry	Overton	Willis
Gillette	Pepper	
Green	Radcliffe	

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. BROWN. Mr. President, I call attention to the fact that this claim bill is identical in amount as it passed the Senate and as it passed the House. The only change is the insertion of the name of the postmaster for whose benefit the bill was introduced, and the addition of the so-called 10-percent clause. The amount of the claim is $184.40.

I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. CLARK of Missouri and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, the Senator from Texas repeatedly announced to the Chair that he desired recognition in order to call up a conference report. I should like to know whether there is any hope of the Senator from Texas ever obtaining the floor.

Mr. CLARK of Missouri. The Senator from Missouri was on his feet, and the Chair could not do otherwise than recognize the Senator from Missouri.

Mr. CONNALLY. I, too, was on my feet, seeking to have some business transacted, against an outrageous filibuster.

Mr. CLARK of Missouri. Mr. President, I learned filibustering from the Senator from Texas. He is my master and mentor in that regard. [Laughter.]

The PRESIDING OFFICER. The Senator from Texas was not on his feet, and the Chair recognized the Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. I am sorry. I suppose I shall have to stand on my feet for the remainder of the day. I shall be on my feet seeking recognition. I hope the Chair will look in my direction.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

SETTLEMENT OF CLAIMS AGAINST MEXICO—CONFERENCE REPORT

Mr. CONNALLY. Mr. President, I submit the conference report on the Mexican claims bill and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The clerk will read the report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this act may be cited as the 'Settlement of Mexican Claims Act of 1942.'

"SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the 'Commission') and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

"(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under this act, and shall fix their compensation without regard to the Classification Act of 1923, as amended.

"(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this act.

"(d) The authority of the Commission under this act, and the terms of office of its members, shall terminate at the expiration of two years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

"SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

"(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

"(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

"(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

"(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

"(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

"(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

"(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damages suffered, or other evidence thereof which is satisfactory to the Commission.

"(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide

the case upon the basis of the record before the General Claims Commission.

"SEC. 4. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

"(b) Each decision by the Commission pursuant to this act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

"(c) In connection with any claim decided by the Commission pursuant to this act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

"(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

"(1) A list of all claims disallowed;

"(2) A list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and

"(3) A copy of the decision rendered in each case.

"SEC. 5. (a) For the purposes of this act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

"(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 3 (a) of this act;

"(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

"(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals; and

"(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938.

"(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in subsection (a).

"SEC. 6. For the purposes of this act, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

"SEC. 7. (a) There is hereby created in the Treasury of the United States a special fund to be known as the "Mexican Claims Fund", hereinafter called the "fund". All payments authorized under section 8 of this act shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 9 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

"(b) the Secretary of the Treasury is authorized and directed to cover into the fund—

"(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

"(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

"(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

"(4) the sum of $533,659.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 9 (b), to make payments on account of awards and appraisals certified pursuant to section 5 (b) of this act, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest.

"(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 9 (b)—

"(1) to make similar payments of not to exceed 30 per centum on account of the principal amount of the awards certified pursuant to section 4 (d) of this act;

"(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

"(3) after payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

"SEC. 8. (a) Subject to the limitations hereinafter provided, payments pursuant to section 7 of this act, the act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

"(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

"(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

"(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

"(6) in the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

"(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

"(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this act.

"(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government.

"(f) Nothing in this act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

"SEC. 9. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this act.

"(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 7, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"SEC. 10. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

"(b) So much of the act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this act, is hereby repealed.

"SEC. 11. Nothing in this act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising

out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923.

"SEC. 12. As used in this act—

"(a) The term 'person' includes an individual, partnership, or corporation.

"(b) The term 'United States', when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

"(c) The term 'American national' includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"SEC. 13. The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: *Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof is reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'.

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: '*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

And the House agree to the same.

WALTER F. GEORGE,
TOM CONNALLY,
ARTHUR CAPPER,
Managers on the part of the Senate.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. CLARK of Missouri. I object.

The PRESIDING OFFICER. Objection is made. A motion to proceed to the consideration of the conference report is in order.

Mr. CONNALLY. I move that the Senate proceed to consider the report.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. Is the motion debatable?

The PRESIDING OFFICER. It is not.

Mr. CLARK of Missouri. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of the conference report.

The motion was agreed to; and the Senate proceeded to consider the report.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, what was the motion?

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is not a conference report a privileged matter? I did not understand that a motion to proceed to its consideration is required.

The PRESIDING OFFICER. The report is privileged. The rule provides that a motion to take it up is not debatable.

Mr. CONNALLY. I do not desire to debate it.

The PRESIDING OFFICER. The motion to take up the conference report was agreed to.

Mr. CLARK of Missouri. Mr. President, I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, I understood that the motion to proceed to consider the conference report was adopted, and that the conference report is now before the Senate.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The conference report is now before the Senate. The Senator from Missouri has suggested the absence of a quorum, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri. [Putting the question.]

The "noes" appear to have it.

Mr. CLARK of Missouri. Mr. President, I call for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, did the Chair announce the vote on the motion to adjourn?

The PRESIDING OFFICER. The motion to adjourn was not agreed to.

Mr. CLARK of Missouri. Mr. President, I have suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. CONNALLY and Mr. CLARK of Missouri addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. Mr. President, I do not think it necessary for me to take up any time in discussing the conference report. The Senate, after full consideration, passed the bill some days ago. It went to the House of Representatives, and, with some slight amendments, was passed by that body, and was sent to conference.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I shall yield if I do not thereby lose the floor.

Mr. CLARK of Missouri. I ask the Senator to yield for a question.

Mr. CONNALLY. Very well.

Mr. CLARK of Missouri. Is it not a fact that this bill remained in the Foreign Relations Committee for several months until an amendment was agreed to by the committee on page 7, which reads:

Provided, That the commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the commission may, in its discretion, order the production of further evidence?

And is it not a further fact that this bill could never have passed the Senate in the first place, without a very stiff fight, unless it contained that amendment which has been deleted by the conferees?

Mr. CONNALLY. I do not agree with the latter part of the statement. I will say that this matter was before the Foreign Relations Committee for a considerable period, and was thoroughly gone into. The Senator from Missouri evidently is complaining about some claims.

Mr. CLARK of Missouri. Mr. President, will the Senator yield there?

Mr. CONNALLY. Yes.

Mr. CLARK of Missouri. The amendment was unanimously agreed to by the committee, or by such members as were present; there were only four or five members of the committee, I may say, present at any time during the consideration of this bill. I am not raising

the same point of order which the present distinguished occupant of the chair raised on the poll-tax bill a few days ago, that there was no quorum of the committee present.

Mr. CONNALLY. Is the Senator asking me a question?

Mr. CLARK of Missouri. I am trying to ask a question.

Mr. CONNALLY. I yield only for a question.

Mr. CLARK of Missouri. Very well, I shall be glad to speak in my own time at some length.

Mr. CONNALLY. I hope the Senator will speak at some length. I should like to hear him; he is one of the most eloquent men in the Senate.

Mr. CLARK of Missouri. If the Senator will stick around he will hear me.

Mr. CONNALLY. The Senator is asking me about certain claims. It is true that the committee did adopt the amendment, but the House did not; in conference the members of the conference committee on the part of the House were adamant and would not agree to the amendment; and so the conferees representing the Senate receded from it. If conferees do not recede on something when a measure is in conference it is not possible to have a bill passed. The Senator from Missouri knows that to be so. He is talking about not getting a chance to have his claims adjudicated. The Senator from Missouri is interested in some claims which he thinks ought to have been allowed, but which he says were not allowed.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. No; I will not yield.

Mr. CLARK of Missouri. I do not like to have the Senator put words in my mouth which I did not use. I never said anything along the line of the statement the Senator is now making. I should prefer to have the Senator let me make my own speech.

Mr. CONNALLY. Very well; I do not want to misquote the Senator.

Mr. CLARK of Missouri. I am sure the Senator does not.

Mr. CONNALLY. He referred to this amendment about claims which it was desired to have reopened in order to submit new evidence. Did he not say that?

Mr. CLARK of Missouri. I referred to the amendment but I did not describe the claims I had in mind.

Mr. CONNALLY. But I am describing the claims.

Mr. CLARK of Missouri. The Senator from Texas does not know what they are.

Mr. CONNALLY. I think I do. In all kindness to the Senator, I may say I know a good deal about many of these claims.

The claimants had three different opportunities to file their claims. They had opportunity up to 1927; then we gave them until 1929; then we gave them until 1931 to file their claims and adduce their evidence. Some of the claimants—I do not know whether they were the ones in whom the Senator from Missouri is interested or not—said, "We cannot present our claims because of a clause in the Mexican constitution which will not permit Mexican citizens to testify in a claim against the Government." That law was not adopted until 1934.

Some of the claims covered by the bill go back to 1868. The claims have long been a source of irritation with the Mexican Government. Now we have reached this point, that under the bill before us, if the conference report shall be adopted, $40,000,000 will be paid by Mexico, and the purpose of the bill is to establish a commission to prorate the $40,000,000 among claimants, American claimants, whose claims have been approved heretofore by various Mexican and United States commissions. There are only three claims covered by the bill which have not already been passed upon by one of these commissions.

One of the commissions about which complaint is made was the commission of which Oscar Underwood, Jr., was a member. He was the American representative on the joint general claims commission. The Mexican member served for a while and then declined to serve longer, and the old commission more or less became moribund, and passed out of existence. But Mr. Underwood continued to function much longer than the Mexican commissioner did, and he passed upon practically all the American claims, and made appraisals and made findings. Some of the claimants say, "Oh, well, he had no right to do that." He would certainly have been more generous with an American claimant than the Mexican commissioner would have been if he had been present.

So, Mr. President, these claimants have had, not months, but many years in which to present their claims, and now when it is desired to prorate the money and pay them, some of them wish to defeat all the other claims because their individual claims were not allowed. They want to tie up the money and prevent the payment of all claims which are uncontested, which have been acknowledged to be just, because, they say, "You did not approve my claim just as I wanted it approved, and I will kill the whole bill, and it shall not become law." That is what the Senate is up against in this instance.

This matter has been thoroughly considered. The State Department has over a long period of years labored and toiled with it, and the conference report is in entire agreement with the views of the State Department as to the justness of the claims. The Senate committee, out of a spirit of generosity, adopted an amendment providing that the claims which have already been allowed and approved might go before this new commission and the claimants introduce new evidence, if the commission approved. The House would not agree to that provision, so the conference struck it out. But had it been adopted, it would have resulted not only in delay, it would have resulted in interminable confusion, when the claimants have had years and years in which to present their cases. To grant them now a rehearing and another opportunity to go out and get new evidence would simply result in chaos and confusion and delay to the meritorious claimants whose claims have been passed upon and allowed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. As to the claims which might be involved in the amendment to which the committee agreed, and which the Senate adopted, but which the conference committee rejected, have they been considered and gone into and rejected by those who have dealt with the Mexican claims over the years?

Mr. CONNALLY. That is the record.

Mr. CLARK of Missouri. Will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. The Senator does not mean to say that all these claims have been rejected. Some of them have been allowed in part, and some have been treated in a great many different ways by various commissions, as I expect to show. The Senator would not state that all of them had been rejected?

Mr. CONNALLY. No; some of them have been allowed, and the claimants wish to get a little more. Some of them have been partially allowed and partially rejected. But regardless of what happened to them, the claimants have had their day in court; they have had their opportunity before the commissions, and now they want to hold up all the other claims and get a rehearing. One cannot get a rehearing unless he has had a hearing.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WHITE. I have not yet from the discussion been able to identify the particular measure that is before us, and I should like to ask the Senator a question. Is the conference report on a bill which was referred to a subcommittee of which the Senator from Utah [Mr. THOMAS] was chairman, and of which I was the minority member?

Mr. CONNALLY. The Senator is correct. This is what is called the Mexican claims bill, and the Senator from Utah [Mr. THOMAS] was chairman of the subcommittee having it in charge, and it was on his recommendation, as chairman, that the amendment to which the Senator from Missouri referred was adopted. Many members of the committee did not like it at all, but the committee agreed to it.

Mr. CLARK of Missouri. The Senator says many members of the committee did not like it. As a matter of fact, is it not true that not more than five members of the committee were present when it was approved, and does not the record so show?

Mr. CONNALLY. I did not say anything about the record. I merely referred to what I remembered.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WILEY. The Senator stated, I believe, that these claims had been considered by some tribunal on which this Government was represented.

Mr. CONNALLY. That is correct, except as to three, the three claims to which

the bill gives special treatment. Other than those three, I know of no claimant who has not had opportunity to go before a tribunal and present his claim.

Mr. WILEY. Some were allowed in full, some partially, and some disallowed?

Mr. CONNALLY. That is correct.

Mr. WILEY. But, in legal parlance, they all had their day in court, and the claims were considered adequately, in the Senator's opinion?

Mr. CONNALLY. That is my view, and under that state of facts I do not care to consume more of the time of the Senate. I shall be glad to yield for any question any Senator may desire to propound, but I very earnestly hope that the Senate will agree to the conference report.

Mr. CLARK of Missouri. Mr. President, I move that the Senate take a recess until Monday next at 12 o'clock.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The question is on the motion of the Senator from Missouri. [Putting the question.] The "noes" appear to have it.

Mr. CLARK of Missouri. I ask for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. I make the point of order that a quorum was developed not over 5 minutes ago.

Mr. CLARK of Missouri. Business has been transacted——

Mr. CONNALLY. Just a moment; I have the floor. If we are going to filibuster, let us proceed according to the approved rules.

Mr. CLARK of Missouri. Will the Senator yield?

Mr. CONNALLY. No; I will not yield. I have the floor and I desire to conclude. I make the point of order that a quorum was developed just a short time ago, and there is no occasion to have another quorum call at once. I yield.

Mr. CLARK of Missouri. I do not wish to have the Senator yield. I wish to talk in my own right.

Mr. CONNALLY. That is why I yield the floor.

Mr. CLARK of Missouri. May I address the Chair on the point of order?

The PRESIDING OFFICER. Certainly.

Mr. CLARK of Missouri. Under the uniform practice of the Senate, when business has been transacted, a point of no quorum may be made as a matter of right. Business has been transacted by the defeat of my motion for a recess and, therefore, under the uniform practice of the Senate, I respectfully insist on my suggestion of the absence of a quorum.

So far as the suggestion of the Senator from Texas is concerned that there should be conformance to some rule of filibustering which he lays down, I admit that the Senator from Texas is the greatest filibusterer in the history of the United States Senate or any other body, but I do not think the Senator from Texas should not only make the rules when he is filibustering, but should also attempt to make them for the other side when he is intent on passing a bill. I do not think we should have two sets of rules in the Senate, one when the Senator from Texas is filibustering and one when he is trying to "steam roller" a measure through.

The PRESIDING OFFICER. Business has been transacted since the last quorum call, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Radcliffe
Andrews	Guffey	Reed
Austin	Gurney	Russell
Bailey	Herring	Schwartz
Barkley	Johnson, Calif.	Shipstead
Brewster	Johnson, Colo.	Shott
Brooks	Langer	Spencer
Brown	Lucas	Stewart
Bulow	McCarran	Taft
Bunker	McNary	Thomas, Idaho
Burton	Maloney	Thomas, Okla.
Capper	Maybank	Truman
Caraway	Mead	Tunnell
Chavez	Millikin	Tydings
Clark, Mo.	Murdock	Vandenberg
Connally	Murray	Van Nuys
Danaher	Nelson	Wagner
Davis	Norris	Wallgren
Doxey	Nye	Walsh
Ellender	O'Daniel	Wheeler
George	O'Mahoney	White
Gerry	Overton	Wiley
Gillette	Pepper	Willis

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President, I move that the conference report be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. CLARK]. [Putting the question.] The "noes" seem to have it.

Mr. CLARK of Missouri. I ask for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The presence of a quorum has just been established by the call of the roll.

Mr. CLARK of Missouri. Mr. President, business has been transacted since that time.

Mr. BARKLEY. Mr. President, regardless of that, if a roll call within a minute has established the existence of a quorum, the point of order that the suggestion made by the Senator from Missouri is dilatory is in order.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. CLARK of Missouri. Will the Chair hear me on that question? The Constitution of the United States provides that there shall be a quorum present for the transaction of business. Business has been transacted since the presence of a quorum was ascertained, and the Chair is undertaking to overrule the Constitution of the United States in now finding that a quorum is present, when one is not present. Anyone can look at this body and count the Members present, and find that a quorum is not actually, physically present on the floor.

Mr. BARKLEY. Mr. President, I make the point of order that the rules of the Senate not only do not require but do not even permit the Chair to count the Members for a quorum. I wish the rules did so provide, but they do not.

Mr. CLARK of Missouri. Mr. President, I am not suggesting that the Chair has the right to count Members for a quorum, but I am suggesting that it is an obvious physical fact that a quorum is not present, and that, therefore, business having been transacted, it is the constitutional right of any Senator to demand the presence of a quorum before business can proceed.

The PRESIDING OFFICER. The point of order made by the Senator from Kentucky [Mr. BARKLEY] is sustained.

Mr. CLARK of Missouri. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARK of Missouri. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. Is the request sufficiently seconded? A sufficient number of Senators have seconded the request.

Mr. BARKLEY. Did the Chair count and find that a sufficient number of Senators had seconded the request?

Mr. CLARK of Missouri. The Chair announced that there was a sufficient number.

The PRESIDING OFFICER. The Chair found that a sufficient number of Senators had seconded the request.

The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered in the negative when his name was called. Mr. ANDREWS' name was then called.

Mr. McCARRAN. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARK of Missouri. Will the Chair repeat the ruling he made that at this time a Senator does not have the right to demand a quorum?

The PRESIDING OFFICER. The Chair holds that the presence of a quorum was established by the roll call a moment ago, and it is not now necessary.

Mr. CLARK of Missouri. Will the Chair also include in his ruling that that decision is made despite the fact that business has intervened since the last call of the roll?

Mr. CONNALLY. Mr. President, I suggest that the Chair simply rule, and not——

Mr. CLARK of Missouri. Mr. President, I think the Senate is entitled to the facts on which the ruling of the Chair is based.

Mr. CONNALLY. Senators were present and know what has taken place.

Mr. CLARK of Missouri. The Senator from Texas was not present all the time.

Mr. McCARRAN. Mr. President——

Mr. CONNALLY. I want the ruling to be based on the record; not on the word of the Senator from Missouri.

The PRESIDING OFFICER. The present debate is out of order, because the call of the roll has started and cannot be interrupted.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. Will the Chair please restate his ruling.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BARKLEY] made the point of order that a roll call had just been had and the presence of a quorum established; that therefore the Chair had no authority to count for a quorum. The Chair sustained the point of order made by the Senator from Kentucky. The Senator from Missouri [Mr. CLARK] appealed from the Chair's decision. The question now is: Shall the decision of the Chair stand as the judgment of the Senate? The clerk will proceed with the calling of the roll.

Mr. WHEELER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHEELER. Had business been transacted since the previous roll call?

The PRESIDING OFFICER. Business had been transacted. The clerk will continue the call of the roll.

The legislative clerk resumed and concluded the calling of the roll.

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. Not knowing how the Senator from Kentucky would vote if present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. STEWART. I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD], and will vote. I vote "nay."

My colleague [Mr. McKELLAR] is necessarily absent.

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. McFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Florida [Mr. ANDREWS], the Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senators from Mississippi [Mr. BILBO and Mr. DOXEY], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Virginia [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Georgia [Mr. GEORGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. LUCAS], the Senator from Texas [Mr. O'DANIEL], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS]. These Senators are necessarily absent.

The Senator from New Jersey [Mr. BARBOUR], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is necessarily absent on public business.

The result was announced—yeas 7, nays 46, as follows:

YEAS—7

Barkley	Norris	Tunnell
Connally	Pepper	
Johnson, Calif.	Schwartz	

NAYS—46

Aiken	Gurney	Russell
Austin	Herring	Shipstead
Bailey	Johnson, Colo.	Shott
Brooks	Kilgore	Stewart
Bulow	Langer	Thomas, Okla.
Bunker	Lee	Truman
Burton	McCarran	Vandenberg
Capper	Maloney	Van Nuys
Caraway	Maybank	Wallgren
Chavez	Mead	Walsh
Clark, Mo.	Millikin	Wheeler
Danaher	Murdock	White
Ellender	Murray	Wiley
Gerry	Nye	Willis
Gillette	O'Mahoney	
Green	Radcliffe	

NOT VOTING—43

Andrews	George	O'Daniel
Bankhead	Glass	Overton
Barbour	Guffey	Reed
Bilbo	Hatch	Reynolds
Bone	Hayden	Smathers
Brewster	Hill	Smith
Bridges	Holman	Spencer
Brown	Hughes	Taft
Butler	La Follette	Thomas, Idaho
Byrd	Lodge	Thomas, Utah
Chandler	Lucas	Tobey
Clark, Idaho	McFarland	Tydings
Davis	McKellar	Wagner
Downey	McNary	
Doxey	Nelson	

So the decision of the Chair was not sustained.

The PRESIDING OFFICER. In view of the decision of the Senate, the clerk will call the roll on the point of no quorum made by the Senator from Missouri [Mr. CLARK].

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President, I now move that the conference report be postponed indefinitely. Upon that motion, Mr. President, I claim the floor for debate.

My reason for the motion to postpone the conference report indefinitely is that I believe a very grave injustice has been done to a large number of claimants by the rejection by the House and the omission in the conference report of an amendment, proposed by the subcommittee of the Senate Committee on Foreign Relations which had the matter under consideration for several months, adopted by the Senate Foreign Relations Committee by a unanimous vote, albeit only four or five members of the committee were actually present when the report was made, and adopted by the Senate without debate because no Member of the Senate questioned the advisability or necessity of the amendment.

Mr. President, to explain the effect of the amendment I refer to Senate bill 2528, page 5, section 4. The preceding sections of the bill, let me say, provide for the setting up of a commission and the reference to it of various classes of claims, to supplement and wind up the findings of the various commissions and parts of commissions which had theretofore acted upon the matter.

Section 4 provides:

SEC. 4. (a) The Commission shall also have authority as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements, and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

(b) In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the appraisals so made. Within a period of 30 days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal and certify such award to the Secretary of the Treasury.

(c) In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case and certify such award to the Secretary of the Treasury.

Now, Mr. President, I come to subsection (d), which is the section to which the amendment in controversy was appended. Subsection (d) is found on page

6, beginning in line 21, of the Senate bill. It reads as follows:

(d) In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith.

There follows, Mr. President, the amendment which the Senate inserted, which the House rejected, and which the Senate conferees abandoned:

Provided, That the Commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the Commission may, in its discretion, order the production of further evidence.

Mr. President, the amendment is very simple. It simply provides that in cases in which the Commission itself decides that the interest of justice would be served by reopening the evidence and requiring additional evidence, the Commission in its discretion shall have the right to do so.

Such a provision is desirable and necessary, because many contingencies may arise. It is necessary, for one reason, Mr. President, because when some of the Commissions made findings a very limited time was prescribed during which evidence could be adduced or answers filed to the contentions. In one case it was only 70 days; and in the case of claimants of one estate of which I have knowledge the claimants were scattered all over the world. Some were actually in Alaska, some were actually in Australia, and others were scattered in various other parts of the world. Before there was sufficient time to enable them to respond the time prescribed expired.

There was a case in which the Commission itself had before it the matter of the amendment of the Mexican Constitution to penalize by loss of citizenship any citizen who aided in the establishment of any claim of any alien against the Mexican Government. All that has been wiped out now; because those claims are not against the Government but are against the fund which has already been adjudicated and set up; and, therefore, the provision in the Mexican Constitution which originally prevented those persons from being able to present their proof does not now apply. Therefore, it seems to me that the amendment adopted by the Senate committee, and later by the Senate, authorizing the Commission in its discretion to consider additional evidence, is a most reasonable and necessary one.

The Senator from Texas, as I understood him to say a few moments ago, indicated that the amendment had been agreed to without due consideration by the Senate committee.

Mr. CONNALLY. Oh, no.

Mr. CLARK of Missouri. If the Senator did not say that, I do not wish to put words in his mouth. I simply described the procedure which occurred in the committee. The matter was considered for months, and hearings were held for months in a subcommittee of which the Senator from Utah [Mr. THOMAS] was the chairman. He, with great industry, and with his usual meticulous care, devoted great time, attention, and effort to hearings on the subject of the bill.

The matter was presented to me by some of my constituents who are interested in some of the claims. I presented it to the Senator from Utah. He told me that he would have it considered by the subcommittee of which he was chairman. Some time later he told me that he believed it would expedite business to have the whole matter considered in the full committee, rather than merely in his subcommittee; and for that reason I attended a meeting of what was supposed to be the full committee, to present the matter. To my astonishment, only the Senator from Utah and I, of the full committee, happened to be present at the meeting. I presented to the Senator from Utah my arguments as to why an amendment—a more comprehensive amendment, let me say, than the one which was finally adopted—should be adopted; but, inasmuch as there were only two of us present at the full committee meeting, it was impossible for us to take any action.

A month or so later another meeting of the full committee was held, at which I think possibly five members were present. As I recall, the Senator from Texas, the chairman of the committee, the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Utah, and myself were the ones present at that meeting. Various amendments proposed by me were suggested to the committee to take care of the rights of the claimants, merely for the purpose of giving them a day in court when the Commission itself should decide whether it was in the public interest to permit them to submit further testimony.

The first amendment which I suggested at that meeting of the full committee was at the end of subsection (d) of section 4, page 21. The amendment is as follows:

(3) And such additional evidence as the claimant shall file within such periods as the Commision may prescribe.

That amendment was discussed at some length. I think some of the members of the committee who were present rather felt that the amendment gave too extensive a right of reopening the case, and made it a matter of right, and might bring about the reopening of more than a thousand claims which had been rejected outright, as being worthless, by Commissioner Underwood in his ex parte proceeding after the expiration of the Commission, which action has no legal effect at all unless the bill is passed.

I then proposed another amendment, in lieu of that one. In the amendment I provided:

(3) And such additional evidence as the claimant may file in rebuttal to the appraisal.

After some discussion it was suggested that that language was too broad.

I then suggested the amendment which was actually adopted by the full committee on the recommendation of the subcommittee, and which was in the bill as it passed the Senate. In that amendment I added the proviso:

That the Commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the Commission may, in its discretion, order the production of further evidence.

That certainly could not prejudice the rights of anyone. It simply means that when the Commission itself, on proper showing made, shall find an injustice would be done unless these people were permitted to furnish further evidence, particularly in view of the changed situation with regard to the attitude of the Mexican Government itself, they shall be permitted to have a day in court, which, in some instances, they have never had, and to have a chance to be heard.

Mr. President, legislation of this character, as the Senator from Texas has said, has been in controversy farther back than 1868. I have a decision of the Supreme Court of the United States which I shall read during the course of this debate—I do not know whether today or next week or next month——

Mr. CONNALLY. Or next year.

Mr. CLARK of Missouri. Which was decided in 1868, in the very year to which the Senator from Texas referred.

In any discussion of this legislation it is desirable to have a definition of terms and of the classes of claims affected. The classification of general and special claims originated with the general and special conventions of 1923. Special claims are those due to the acts of armed forces during the revolution, or revolutions, I should say, of 1910 to 1920. They were adjudicated by the Special Mexican Claims Commission, which was established under the Act of 1935.

I should say that general claims are all other claims, including agrarian claims, arising since 1868, the date of the last settlement.

Agrarian claims are those arising from seizures under the agrarian laws of Mexico. The lands which were seized under the agrarian laws were distributed to the peons by the Mexican Government.

Agrarian claims arising after August 30, 1927, called technically recent agrarians, were submitted to the Agrarian Commission by an exchange of notes dated November 1938.

Mr. McCARRAN. Mr. President, at that point will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. CLARK of Missouri. I yield to the Senator for a question.

Mr. McCARRAN. Did I correctly understand the Senator to say that those claims were submitted to some tribunal or quasi tribunal for adjudication?

Mr. CLARK of Missouri. That is correct.

Mr. McCARRAN. How was that tribunal set up?

Mr. CLARK of Missouri. I will say to the Senator I intended to trace the history of the various tribunals, but I

hesitate to do it from memory, because it is extremely technical. There were several different conventions and several different commissions or tribunals set up under the various conventions. The constitution of the commissions or tribunals was not exactly the same in all cases nor was the basis of the claims submitted to them the same. The convention under which most of the controversies arose was the one under which the Flores-Underwood Commission was set up, which provided, roughly, that the President of the United States should appoint one commissioner to represent the interests of the American claimants, that the Mexican Government should appoint one member to represent the Mexican Government, and that the two should have authority to select the third member.

As I recall—I am not absolutely certain about the facts without referring to my memorandum—the Mexican Government appointed Mr. Flores and the American Government appointed Mr. Underwood. The two were never able to agree upon a third member of the Commission, but they undertook to go ahead and settle the claims between themselves. I think they settled 39 of the claims. I will ask the Senator from Texas, Is that not correct?

Mr. CONNALLY. That is about the number.

Mr. CLARK of Missouri. They settled approximately less than 40 of the claims.

Mr. McCARRAN. They were settled by agreement?

Mr. CLARK of Missouri. By agreement between Flores and Underwood. Flores never attended any further meetings of the Commission, but Underwood, with such data as he had at hand and with such facilities as he had for obtaining data, went ahead and made an appraisal of the various claims on the basis of the information which had been submitted to him. The pending conference report seeks to "freeze" the findings Underwood made in his ex parte proceedings, acting alone without any authority whatever of the convention, and to treat them all on exactly the same basis as the findings of the full commission, that is, of the two-man commission composed of Flores and Underwood.

Mr. McCARRAN. There never was a full commission then?

Mr. CLARK of Missouri. There never was a full commission of 3 members, as I understand. The 2 members were never able to agree on a third member. They simply, by tacit agreement, disposed of some 39 claims by agreement between the 2 Commissioners. Then the Commission broke up, and Underwood went ahead, and with what data he was able to secure made appraisals, which, of course, were entirely unofficial because they did not fall within the terms of the convention.

Mr. McCARRAN. Were those appraisals made by Underwood ever accepted by Flores or the Mexican Government?

Mr. CLARK of Missouri. I do not understand they were except to this extent, that a later convention was entered into which agreed upon a sum of money or set up a fund which was to be prorated among the claimants. Thereafter, of course, the Republic of Mexico had no interest in the determination of the division of the money, because that was left to the United States. The agreement was on a flat sum of money—I believe it was $40,000,000; I will ask the Senator from Texas if that is not correct.

Mr. CONNALLY. I understand so.

Mr. CLARK of Missouri. Forty million dollars was about the sum agreed upon, in which the claimants were to participate. For that reason, as I said a while ago, it was not possible in many instances, to produce testimony as to the value, ownership, and other things which were impossible of production before this time by reason of the provision in the Mexican Constitution that any Mexican citizen would forfeit his citizenship if he were found guilty of giving any aid or assistance to any foreign government or any citizen of any foreign government in making his case. After the Mexican Government had agreed on the amount of the gross settlement, of course, they had no interest in enforcing the laws of citizenship against anybody who furnished evidence. It seems to me to be only fair that the matter should be reopened for further evidence in the discretion of the Commission.

Mr. McCARRAN. Was that the last action taken on these claims?

Mr. CLARK of Missouri. That is my understanding. Of course some claims involved in the conference report go back prior to the General Claims Commission.

I was trying to give a general description of the various kinds of claims because it is very difficult to understand what any one says about them unless we have a definition of the terms.

To repeat, agrarian claims, Mr. President, arising after August 30, 1927, called "recent agrarians," were submitted to the agrarian commission by an exchange of notes dated November 1938. Mr. Lawson, an engineer, is the American commissioner, and he is still acting.

General claims were filed with the old General Claims Commission of 1923 which sat with greater or less frequency, but never continuously, from 1925 until 1931, when it broke up. The old General Claims Commission under the agreement of 1923 made 139 awards. Nothing was done further until the protocol of 1934 which provided for a short-cut procedure and a commission of which Underwood and Flores were members. That is the Commission to which I referred in my answer to the question of the Senator from Nevada.

They agreed on 36 awards. I was in error before; I thought it was 39. They agreed on 36 awards, and dismissed over 1,500 worthless claims. Their time was up in 1937, leaving 850 American claims undecided. The Commission had no further authority to decide them.

Mr. McCARRAN. In the authority creating the Commission, whether it was by statute or otherwise, was a period provided within which they should serve?

Mr. CLARK of Missouri. I have the convention here, and I intend to read it before I conclude, but my understanding is that the Underwood-Flores Commission, appointed under the 1934 protocol, expired by limitation in 1937, and they left 850 American claims undecided. But after the expiration of any meetings of the Commission, Underwood, in a purely voluntary and ex parte proceeding, having no legal force whatever, proceeded to make appraisals of the remaining claims, and filed them with the State Department.

Among the general claims filed with the old General Claims Commission were some special claims inadvertently included. These never got to the 1935 special commission, and are still undecided. These were cases which were on the border line between the specials and the general claims, and they were inadvertently filed as general claims. Then the commission decided that they were not general claims, but should have been filed as special claims, and they were never filed. They never had any determination, because they could not be filed as general claims.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. How long has this matter been a controversial subject before the Committee on Foreign Relations?

Mr. CLARK of Missouri. I shall have to ask the chairman of the committee how long the subcommittee held hearings. The subcommittee had held a number of hearings when the matter was called to my attention, and I know it remained in the subcommittee for at least several months, and afterward was pending in the full committee, to my knowledge, for some 2 or 3 months.

Mr. McCARRAN. If I may address a question to the chairman of the committee without taking the Senator from Missouri off the floor, there has never been any question but that this was a highly controversial subject, I take it?

Mr. CONNALLY. I do not wish to interrupt the Senator from Missouri——

Mr. CLARK of Missouri. I shall be very glad to have the Senator answer the question.

Mr. CONNALLY. As to this particular aspect of these claims, the committee followed the advice of the Senator from Utah, and adopted his recommendation, and it was not very bitterly contested one way or the other, but the House of Representatives was firm against it. The action of Mr. Underwood after the Mexican Commissioner withdrew could not be construed as simply a voluntary and an ex parte proceeding, because he was still the United States Commissioner, and the claims in which he made appraisals were all United States claims. This treaty was negotiated on the theory that the $40,000,000 would take care of the appraisals made by Mr. Underwood and the figures he submitted.

Mr. McCARRAN. What I have in mind, listening to the Senator from Missouri, is that it appears that the appraisals made by Mr. Underwood were made by him largely as an individual, because he was not even sitting with Mr. Flores.

Mr. CONNALLY. The reason why he was not sitting with Mr. Flores was because Mr. Flores just withdrew and went back to Mexico City. But Underwood's status was not disturbed by that in any way, except that if there had been agreements, they would have been more binding, and of greater dignity. But Underwood proceeded, and in every case in which a claimant had a claim and presented any evidence, he passed on it, and made a finding and an appraisal.

Mr. McCARRAN. But those findings and those appraisals were never acquiesced in by the Mexican side of the convention.

Mr. CONNALLY. I would not say that, but since this now is a wholly ex parte proceeding of our own, we having $40,000,000 to divide among claimants, the State Department and others connected with it thought it would be fair to prorate it on the basis of the findings of Mr. Underwood.

Mr. CLARK of Missouri. Let me say to the Senator from Nevada, in answer to his question as to whether this was a controversial matter, that it would have been a highly controversial matter if the committee had not agreed to the amendment which I proposed. I should certainly have made as hard a fight in the committee as would have been possible for me to make, and I am very certain the bill would not have been reported out by four or five members of the committee. It would have been controverted as hard as I, as one Member of the Senate, was able to controvert it, on the original proposition. It was not controversial because of the inclusion of this saving clause which gave those interested a day in court.

Mr. McCARRAN. Will the Senator yield further?

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. Let me express this thought in questioning the Senator.

If this is a controversial question, then I am wondering why we are confronted tonight with this controversial question, which is indeed very highly controversial, in view of the statement of the majority leader, given out to the people of the country and to the Congress, that no controversial legislation would be brought before this body.

Mr. CLARK of Missouri. I should like to say to the Senator from Nevada and the Senate that I am unable to answer that question. Perhaps the majority leader would be able to answer it. I, like the Senator from Nevada, understood that controversial matters were not to be injected into this session. That was the understanding and the announcement after the poll-tax bill was laid aside.

Mr. McCARRAN. Is it not true that that was not only given out to the press by the leader of the majority, but that, in a statement made pursuant to an inquiry by a Member of this body a few days ago, a similar statement was made by the leader, that no controversial legislation would be brought before us?

Mr. CLARK of Missouri. That was my understanding. On the question whether this was a controversial issue, and everyone had notice it was a controversial issue, if the Senator from Nevada will permit me, I should like to recount what I did immediately on learning that the House had passed a bill simply striking out all after the enacting clause of the Senate bill and inserting a canned bill, sent up here by some clerk or assistant in the State Department, which he himself had abandoned before the Committee on Foreign Relations. He was present when we adopted the amendment, and raised no objection, then slipped over to the House and got the House to strike out all after the enacting clause of the Senate bill and take this canned bill, which was sent up from the State Department for the purpose of shutting off all these claimants, and was passed by the House in that form.

As soon as I learned that action had been taken, I waited on the chairman of the Committee on Foreign Relations of the Senate and requested him to give me an opportunity of talking with him before the conference met. The Senator from Texas, as I understood it, agreed to discuss the matter with me before it went to conference, and I think the Senator from Texas merely overlooked the matter of my request. I am not making any complaint about that. We are all very busy in this body, and I make no complaint whatever that the Senator from Texas overlooked my request to allow me to confer with him before he went into conference on the matter. But as soon as I learned of the character of the conference report, I notified the Senator from Texas, the chairman of the committee, and I notified the majority leader, that I considered this a most unfair treatment of a great body of these claimants, that I did not consider it was fair to the action of the Senate, which was taken unanimously, including action on the amendment, and that I proposed to exhaust every parliamentary resource at my command to see that this measure did not become law. So that there was no question on earth of the controversial character of this matter from the moment the conferees agreed.

I took the trouble to call the majority leader up and inform him of my wishes. How the majority leader reconciles the action with the statement that controversial matters would not be brought up I leave to the majority leader.

Mr. BARKLEY. Will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. I did not say categorically at any time that controversial matters would not be brought up. Furthermore, if I had said that, it could not have included conference reports, which are privileged matters. The Senator understood that.

Mr. CLARK of Missouri. I was answering the question of the Senator from Nevada. I am not complaining about anyone bringing the matter up. I am simply taking the rules as I find them, and exhausting every remedy at my command, as long as I am physically able to stand on this floor, to prevent this iniquity and injustice to those bona fide claimants.

Mr. BARKLEY. I confirm what the Senator said to the effect that he notified me several days ago that he was going to do just what he is now doing, and I recognize his right to do it.

Mr. McCARRAN. May I ask another question?

Mr. CONNALLY. Mr. President, not that the statement of the majority leader needs any confirmation, I wish to say that the Senator from Missouri advised me that he was going to exhaust every parliamentary resource against this bill, and I accepted that, and he has a perfect right to do it. I wish to say, however, as to the Senator's remarks about asking me to see him before the conference, I very frankly do not recall that. But I do not dispute the statement.

Mr. CLARK of Missouri. I make no complaint about it. I know Senators are busy, and I have overlooked things of that sort myself. I am merely mentioning it to show diligence on my own part.

Mr. CONNALLY. I do not recall it at all, but I do not question the Senator from Missouri making the request. The committee room is open all the time, and a secretary is always there to give to Senators information that is available. If the Senator made the request, it just slipped my memory entirely.

Mr. CLARK of Missouri. I was not looking for information; I had more information than I wanted then. I wanted to have a chance to urge on the Senator from Texas and the other conferees the justice of the amendment and the desirability of the Senate adhering to the action theretofore taken.

Mr. CONNALLY. It was just as incumbent upon the Senator from Missouri to find out when the conference would meet as it was on the Senator from Texas to hunt him up and tell him.

Mr. CLARK of Missouri. I am making no complaint. I simply stated that the Senator from Texas told me that he would let me discuss the matter with him before the conference met.

Mr. BARKLEY. Assuming the conference report shall be agreed to, I do not understand this is a final and last adjudication between all the United States claimants and Mexico.

Mr. CLARK of Missouri. It is.

Mr. BARKLEY. I mean, does it preclude Congress from coming in again later with a bill to take up any claims which might still exist?

Mr. CLARK of Missouri. Of course it precludes Congress. I know of my own knowledge that the old French spoliation claims used to be brought up every year in the House, and there would be a 2- or 3-day fight, as stringent as the House was on debate. There would be a fight every year, when I was the Parliamentarian of the House and the Senator from Kentucky was a Member, over those old claims, which arose immediately after the Revolutionary War, and which never have been settled.

If the Senator means to say that, after we pass a bill disposing of all the funds which are put up for the settlement of the Mexican claims, claimants shall waste any time or effort in an attempt

to get Congress to open up those questions in the future, it is simply expecting them to do something which would be absurd.

Mr. BARKLEY. As a practical matter——

Mr. CLARK of Missouri. As a practical matter they are absolutely precluded.

Mr. BARKLEY. But from a legal standpoint Congress is never precluded from opening a claim which it desires to open.

Mr. CLARK of Missouri. No; Congress could now go back and grant pensions to a lot of Revolutionary widows, but the Revolutionary widows would be dead, and such action would not do them any good. Congress could go back and pay the old French spoliation claims, but it is not likely to do so. Anyone who is familiar with the practical working of the Congress, as is the Senator from Kentucky, knows it is an absurdity to talk about it. Congress can go back and do justice to the Mississippi Choctaws. That is another matter Congress has been talking about for 50 years to my certain knowledge. But no one who has any sense expects Congress to do that. When Congress takes the action now proposed to be taken it will absolutely slap the door in the face of those whom we are speaking of, and they will not have had their day in court.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. I understand the situation to be this, then, that the matter which is now under consideration has nothing to do with Mexico. It is simply a bill which relates to the claimants to a sum of $40,000,000. Mexico has settled with the United States on that basis.

Mr. CLARK of Missouri. That is correct.

Mr. WILEY. I should like to get some information about that.

Mr. McCARRAN. Mr. President, may I interrupt right there? I do not understand it to be a $40,000,000 settlement. I understand that by the Underwood finding the sum of $40,000,000 was fixed, but it precluded a great many claimants. Am I correct about that?

Mr. CLARK of Missouri. Yes. About 850 claims were never determined by the Commission.

Mr. WILEY. I want to come to that. Perhaps we had better settle one thing at a time. There is $40,000,000 here.

Mr. CLARK of Missouri. Yes.

Mr. WILEY. That is a jack pot set aside to handle all claims of the citizens of the United States against Mexico?

Mr. CLARK of Missouri. Yes.

Mr. WILEY. That is determined as a matter of fact?

Mr. CLARK of Missouri. That is correct.

Mr. WILEY. Very well. Now, there are a number of claims which have been adjudicated. Does the Senator know the total amount up to date in dollars and cents of claims adjudicated as valid?

Mr. CLARK of Missouri. I do not have the figures before me, but I can get them for the Senator.

Mr. WILEY. It seems to me that is important. Secondly, it is apparent that those claimants will get only a pro rata share.

Mr. CLARK of Missouri. Yes.

Mr. WILEY. Consequently, if more claims are allowed, the present claimants will receive a smaller pro rata share.

Mr. CLARK of Missouri. That may be.

Mr. WILEY. I just heard the Senator say that some hundred claims had not been passed on. Is that correct?

Mr. McCARRAN. Mr. President, I wish to say to the Senator from Wisconsin, if I may interrupt, that the Senator has in his previous statement used an expression which is a misnomer. It is not a jack pot. If it were a jack pot, it would go to one person. A jack pot goes to one person. This is not a jack pot. This is a pot set up out of which everyone entitled to do so takes a little nibble.

Mr. WILEY. I will agree that the terminology I used is perhaps not correct. I am not familiar with the game of poker.

Mr. McCARRAN. That is not used in connection with poker.

Mr. BARKLEY. Senators should not use language which we do not understand. Perhaps some Senators do not understand the legal implication involved in the word "jack pot."

Mr. WILEY. I am surprised that the Senator from Kentucky would make such a statement to the Senate.

Mr. McCARRAN. Perhaps the Senator from Kentucky can tell us whether there is a legal implication in that word. I have not found any.

Mr. CLARK of Missouri. Mr. President, I will give the information requested more in detail before the debate is concluded. I shall now make a brief statement. General claims were filed with the old General Claims Commission of 1923 which sat more or less to 1931, when it broke up. It made 139 awards. That is the old General Claims Commission, which broke up in 1931.

Mr. WILEY. Can the Senator give the total amount?

Mr. CLARK of Missouri. I do not have the total amount. I simply have the number of awards. Nothing further was done until the protocol of 1934, which provided for a short-cut procedure. The old commission had a very elaborate, long-drawn-out procedure. The commission on which Underwood and Flores sat, that is the commission I described which has never been able to agree on the third man—this commission, composed of Underwood and Flores, agreed on 36 awards and dismissed over 1,500 claims as worthless. Nothing contained in my amendment, or in anything else, is intended to cover the 1,500 claims which were not considered.

Mr. WILEY. Nothing in the bill or in anything else will resurrect those claims?

Mr. CLARK of Missouri. Nothing in the bill or in the amendment will resurrect the claims which were decided by the Underwood-Flores commission to be worthless. They ruled them out because those claimants did not present any evidence which entitled them to have any further hearing. Their time was up in 1937. That left 850 American claims undecided. The Commission did not decide the 850 claims, but after the Commission broke up Underwood proceeded and made appraisals on his own hook and filed them with the State Department. He had no authority under the agreement to do it. It was purely an ex parte act on his part.

Mr. WILEY. Is it the claim of the distinguished Senator from Missouri that on those 850 claims, Mr. Underwood, the Commissioner of this Government, did not take proof, or did not have proof.

Mr. CLARK of Missouri. Mr. President, I have explained, or tried to explain some of the ways in which claimants were not able to make satisfactory proof.

Mr. WILEY. Yes; I understand.

Mr. CLARK of Missouri. Mexico was in an extremely hostile attitude, and would have revoked the citizenship of any Mexican citizen who gave testimony or aid to an alien or to a foreign government. There were several other elements which made it impossible for those claimants to present their proofs. The amendment simply provides that the Commission shall have authority to take further testimony when in its descretion it thinks it advisable to do so. That if the Commission feels that the purposes of justice and equity will be served, and that circumstances justify it, they can take further testimony.

As I said awhile ago, the committee rejected the amendment I proposed originally which would give the Commission the absolute right to reopen the cases. The claimants must show to the Commission that justice and equity will be served by permitting them to introduce evidence, and the only ground, I take it, on which the Commission would permit such evidence to be introduced would be the fact that for one of the various reasons I suggested, or for any other, the claimants have not actually had a day in court. That, it seems to me, is no more than a reasonable proposal.

Mr. WILEY. The only point the Senator makes is that he wants the Commission as now constituted to determine whether these claimants have had their day in court?

Mr. CLARK of Missouri. The Commission is already constituted under the bill. All I want to do is to give the Commission the discretion to permit the introduction of further testimony if they believe justice and equity will be served thereby. The Senator can very readily see what the situation is with respect to the question of value. Here was Underwood sitting in Washington. The attitude of the Mexican Government at that time was unfriendly toward these claims. That is something which has been obviated by an agreement on a gross sum. But here was Underwood sitting in Washington. The property was located in Mexico. One group of claimants in my State had 200,000 acres of land down there, I think. The question of the value of that land was a question which really could best be determined by Mexican sources. But they were shut off from them.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. Does the Senator know that the law in Mexico which prohibited its citizens from testifying concerning these claims was not passed until 1934?

Mr. CLARK of Missouri. Yes.

Mr. CONNALLY. And most of these claims had already been before the Commission and had been passed upon before 1934.

Mr. CLARK of Missouri. The Underwood-Flores Commission was not set up either until 1934. The law was in effect during the whole life of the Underwood-Flores Commission. The protocol was agreed to in 1934, and the Commission was appointed shortly thereafter.

Mr. CONNALLY. Yes; but there were treaties made before that, in 1927 and 1929. There were three periods in which the claimants had opportunity to present these claims.

Mr. CLARK of Missouri. Some of these claims did not arise until after that, Mr. President. The Mexican Government came along, and for the specific purpose of keeping American citizens, or British citizens, or citizens of any other country except Mexico from being able to prove their claims, inserted this provision in the constitution.

Mr. WILEY. Mr. President, will the Senator again yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. It seems to me it is important to ascertain the amount represented by the claims which are at present considered to be valid. Next, it is important to ascertain the amount represented by the 850 claims which the Senator from Missouri contends should have their day in court. Against that, one can easily see that there are two conflicting groups of American citizens here. If the second group is permitted to come in it will naturally take away from the pro rata share of the others.

Mr. CLARK of Missouri. Very well. It does not make the slightest difference to me. A limited sum of money is provided. Whether the pro rata share of some claimants is diminished or not, if other claimants have as good claims to their money as those who are already under the Underwood provision, those new claimants are entitled to their day in court, and to make proof of their claims. If they are under the Underwood appraisal, and the Underwood appraisal grossly undervalues their claims, then they have as much right as anyone else to come in, after proper showing is made, and to be granted by the Commission the right to present their evidence. If they do not present a prima facie case the Commission undoubtedly will not give them the right to present any further evidence. If they then cannot prove their case to the Commission's satisfaction, they will not get any relief. No one is going to profit by this proposal except someone who has a bona fide claim which he can prove if the Commission gives him a chance.

Mr. President, as I stated a moment ago, the so-called general claims against Mexico include all claims arising since the convention of 1868, up to 1927, and they were covered in the convention between the United States and Mexico signed September 8, 1923, and proclaimed March 3, 1924.

Before I conclude this brief statement I intend to read that convention and let the Senate see exactly what is in it.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BROWN. I wonder if the Senator from Missouri and the Senator from Texas [Mr. CONNALLY] would agree to permit me to take up the R. F. C. bill, to which I understand there is no objection, and dispose of it at this time. I do not believe that consideration of the bill would occupy more than 5 minutes. I am very anxious that the bill be passed, because I am inclined to believe that it will require some additional legislative action in the House.

Mr. CLARK of Missouri. Mr. President, I have no objection to the bill being taken up if it is understood that I shall not lose the floor when the discussion on the conference report is resumed.

Mr. BARKLEY. Mr. President, I hope that there will be no objection. The bill referred to by the able Senator from Michigan should be passed. I believe no objection will be raised against it, and that only a short time will be required to dispose of it. I doubt if a vote will be reached on the pending matter today. If it is agreeable to the Senator from Texas to allow it to go over until Monday we can take up the bill referred to by the Senator from Michigan and pass it today.

Mr. CONNALLY. It is also very desirable that the conference report be adopted, and I dislike very much to lay it aside. The Senator from Oregon [Mr. MCNARY] has stated that he desires a complete discussion of the R. F. C. bill.

Mr. MCNARY. Mr. President, I said that I had read a part of the hearings before the committee. I thought that some restrictions should be placed upon the additional authority proposed to be granted. An amendment has been prepared by the able Senator from Connecticut [Mr. DANAHER] which has been submitted to the able Senator having the bill in charge [Mr. BROWN]. I am satisfied that if the moneys which are to be taken from the Treasury by the R. F. C. have passed the examination and analysis of the R. F. C. Board, the bill should become a law. The Senator from Connecticut [Mr. DANAHER] has an amendment to offer and will make a statement. That is the reason I say to the able Senator from Texas that I stated that I desired to ask some questions.

Mr. CONNALLY. Mr. President, I shall not run counter to the wishes of the leader. However, I do not expect to let everything take precedence over the conference report, and permit it to be placed at the heel of the docket. So far as I am concerned, I will press for consideration of the conference report. If Senators who filibustered against the rubber bill and the silver bill will help me dispose of this matter they can fight out their squabbles among themselves a little later.

Mr. MCNARY. Mr. President, I am not pressing for consideration. It does not matter to me. The Senator need not point his finger at me.

Mr. CONNALLY. I am not pointing at the Senator from Oregon.

Mr. MCNARY. I merely state that if the bill does come up I want the amendment to which I have referred submitted and adopted.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARKLEY. Mr. President, I have no objection, with the understanding that the conference report will be laid aside only temporarily.

Mr. MCCARRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CLARK of Missouri. Mr. President, I shall first take up for discussion the subject of the general Mexican claims.

The so-called general claims against Mexico include all claims arising since the convention of 1868, up to 1927, and were covered in the convention between the United States and Mexico, which was signed on September 8, 1923, and proclaimed on March 3, 1924. The claims were of a general character, including agrarian claims arising out of the application of Mexican agrarian laws up to August 30, 1927, to property of Americans in Mexico.

The claims did not, however, include those arising out of the series of revolutions which occurred in Mexico from 1910 to 1920. They were called special claims and were dealt with under another convention.

The convention of 1923 provided that all claims of American citizens against Mexico, including claims of corporations, companies, and partnerships, and all claims of Mexican citizens of the same classes against the United States, should be filed with a Mixed Claims Commission to be composed as follows:

> Such a Commission shall be constituted as follows: One member shall be appointed by the President of the United States, one by the President of the United Mexican States, and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments.

That provision is found on page 3 of the convention of 1923.

Each Commissioner was to subscribe to a solemn declaration that he would carefully and impartially examine and decide, according to the best of his judgment, and in accordance with the principles of international law, justice, and equity, all claims presented for decision. That is article 2.

A decision of the majority of the members of the Commission shall be the decision of the Commission.

The convention further declared that the two governments were desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses and damages. That is the provision of article 5.

This is important because the House bill is in effect the same as the conference report. The House predominated in that conference, and the Senate yielded its views on practically every essential matter. The House bill, which, as I have said, was the old "canned" State Department bill, would do away with the method of adjudication which had been promised to the claimants.

With the understanding that the claims would be thus adjudicated by a three-man commission, and that the claimants would be afforded just and adequate compensation for their losses and damages, the claimants filed with the Commission 3,617 claims, of which 2,781 were American claims, having a face value of $513,000,000.

My authority for that statement is found on page 57 of the book on Mexican Claims Commissions, 1933 and 1934, by A. H. Feller, Special Assistant to the Attorney General of the United States, and sometime instructor in international law at Harvard Law School.

The convention of 1923 provided that each government should be represented before the Commission by an agent and counsel, who should present, orally or in writing, all the arguments deemed expedient in favor of or against any claim. I am referring to article 3.

Under this convention the claims were presented by memorial, with the evidence attached. To this, the other party filed an answer. The first party then had the right to file a reply. The first party then filed a brief, and the second party filed a reply brief. Sometimes a counter-brief was also filed. The claims were docketed, and each claim, as it was taken up by the Commission, was argued orally at length by the agents and counsel on both sides.

Under this procedure, which I believe everyone will agree was very cumbersome, 139 American claims out of 2,781, including property, death, and personal injury claims, were decided after oral argument by the General Claims Commission. That number of claims was handled from the time the Commission began to sit in 1925 until 1931, when it was discontinued.

In the cases of the 139 American claims considered, 124 awards were made to American citizens. However, it is worthy of note, and I call the attention of Senators to the fact, that no agrarian claims whatever were decided.

I refer again to the definition of agrarian claims. Agrarian claims are those arising from seizure under the agrarian laws of Mexico, when the Republic of Mexico seized vast tracts of land and donated them to the peons of Mexico. The agrarian claims were claims on behalf of American owners of much of that land. In addition, agrarian claims arising after August 30, 1937, which were called recent agrarian claims, were submitted to the Agrarian Commission by an exchange of notes in November 1938.

I again invite attention to the fact that in the 124 awards made to Americans under the convention of 1923 no agrarian claims whatever were included.

Mr. President, I believe it will readily be understood that the number of claims handled by the old General Claims Commission was due not only to extended oral arguments, but also to the difficulty of the two countries agreeing upon a third member of the Commission. Every time the Commission was renewed, which was every 2 or 3 years, it was necessary to make a new agreement as to the third member of the Commission. The first Commission sat for 3 years and was extended from time to time for periods of only 2 years each.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. As regards the first Commission, am I correct in my understanding that the Senator has said—and of course the Senator is very much more conversant with the subject than am I; he was a member of the Foreign Relations Committee—that the Commission was composed of only two men?

Mr. CLARK of Missouri. No. The General Claims Commission was under the convention of 1923. It was composed of three men. The Commission was originally created for 3 years, and afterward was continued for 2 years at a time, and finally was abandoned. Every time they agreed to set up the Commission each party got into a discussion about who would be the third member.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. I assume that the Senator will not conclude his remarks this afternoon. Does he desire that we suspend?

Mr. CLARK of Missouri. Let me ask whether it is anticipated that when we suspend we shall suspend until tomorrow or Monday?

Mr. BARKLEY. Until Monday.

Mr. McCARRAN. If the Senate now suspends until Monday, would the Senator from Missouri have the floor when the Senate reconvened on Monday?

Mr. CLARK of Missouri. I do not care about that; because when the matter is considered I certainly shall have the right to discuss it until it is disposed of.

VERNON E. DEUS

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2292) for the relief of Vernon E. Deus, which were, on page 1, line 5, to strike out "$1,377" and insert "$627"; on page 2, lines 1 and 2, to strike out "Fred Walker, Senior, as guardian for his minor son," and insert "legal guardian for"; on page 2, line 2, to strike out "$1,250" and insert "$500"; and to amend the title so as to read: "An act for the relief of Fred Walker, Senior; legal guardian for Fred Walker, Junior; the District Court of the United States for the District of Columbia."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Victor S. Mersch, of the District of Columbia, to be Register of Wills for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The legislative clerk read the nomination of Prof. Jerry B. Hoag to be permanent professor with rank of lieutenant commander.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of George H. Fort to be a rear admiral for temporary service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That completes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 53 minutes) the Senate took a recess until Monday, December 7, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate December 4 (legislative day of November 30), 1942:

COLLECTOR OF INTERNAL REVENUE

Stanley Granger, of Waynesburg, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Bennett W. Pruet, Anniston, Ala., in place of B. W. Pruet. Incumbent's commission expired June 23, 1942.

Elmer H. Carter, Castleberry, Ala., in place of E. H. Carter. Incumbent's commission expired June 23, 1942.

Bessie S. Combs, Fairfax, Ala., in place of B. S. Combs. Incumbent's commission expired June 23, 1942.

Benjamin F. Beesley, McKenzie, Ala., in place of B. F. Beesley. Incumbent's commission expired June 23, 1942.

S. Evelyn Selman, Mentone, Ala., in place of S. E. Selman. Incumbent's commission expired June 23, 1942.

Flora Mae Golson, Plateau, Ala. Office became Presidential July 1, 1941.

Russell F. Cowles, Ramer, Ala., in place of N. B. Rushton, deceased.

Ernest L. Stough, Jr., Red Level, Ala., in place of E. L. Stough, Jr. Incumbent's commission expired June 23, 1942.

Lula B. Ledbetter, Sycamore, Ala. Office became Presidential July 1, 1942.

John F. Harmon, Troy, Ala., in place of J. F. Harmon. Incumbent's commission expired June 23, 1942.

ARIZONA

June S. Haymond, Claypool, Ariz. Office became Presidential July 1, 1942.

ARKANSAS

Laura Clements, Cherry Valley, Ark., in place of Laura Clements. Incumbent's commission expired June 23, 1942.

William I. Fish, Dumas, Ark., in place of W. I. Fish. Incumbent's commission expired June 23, 1942.

John W. Paschall, Gould, Ark., in place of J. W. Paschall. Incumbent's commission expired June 23, 1942.

Virgil McCurry, Green Forest, Ark., in place of J. L. Conley, transferred.

Simpson A. Kemp, Hot Springs National Park, Ark., in place of S. A. Kemp. Incumbent's commission expired June 23, 1942.

John Robert Eppes, Madison, Ark. Office became Presidential July 1, 1942.

Norine C. Wilkerson, Newport, Ark., in place of N. C. Wilkerson. Incumbent's commission expired April 12, 1942.

William Quinby Swearingen, Norfork, Ark. Office became Presidential July 1, 1942.

Clyde Brown, Shirley, Ark., in place of Maude Simpkins. Incumbent's commission expired June 23, 1942.

Joseph E. Trahin, Siloam Springs, Ark., in place of C. F. Flatt, removed.

Lois Shaver, Strawberry, Ark. Office became Presidential July 1, 1942.

Charles K. Coe, Tuckerman, Ark., in place of C. K. Coe. Incumbent's commission expired June 23, 1942.

CALIFORNIA

Anna L. Fenton, Biggs, Calif., in place of W. I. Ricketts, deceased.

Paul O. Martin, Burbank, Calif., in place of P. O. Martin. Incumbent's commission expired June 23, 1942.

Leslie F. Ghezzi, Cayucos, Calif. Office became Presidential July 1, 1942.

Mae A. Kibler, Del Mar, Calif., in place of M. A. Kibler. Incumbent's commission expired June 23, 1942.

William D. Mathews, Fort Jones, Calif., in place of W. D. Mathews. Incumbent's commission expired June 18, 1942.

Viola F. Gorrell, French Camp, Calif. Office became Presidential July 1, 1942.

Vernie E. Sherraden, Ludlow, Calif. Office became Presidential July 1, 1942.

Marie J. Smoot, Mendota, Calif., in place of M. J. Smoot. Incumbent's commission expired November 30, 1941.

Augusta E. Pries, Norco, Calif. Office became Presidential July 1, 1942.

Joseph H. Allen, Riverside, Calif., in place of J. H. Allen. Incumbent's commission expired June 23, 1942.

Lillian B. Gilbert, Santee, Calif. Office became Presidential April 1, 1942.

Lena B. Elliot, Summit, Calif. Office became Presidential July 1, 1942.

COLORADO

Charles D. Shively, Holly, Colo., in place of J. T. Adkins, retired.

CONNECTICUT

Irwin C. Bohling, Deep River, Conn., in place of D. J. Kelley, resigned.

Charles Ernest Gray, North Stonington, Conn. In place of C. E. Gray. Incumbent's commission expired April 15, 1942.

Louis Ginsberg, Quaker Hill, Conn. Office became Presidential July 1, 1942.

FLORIDA

Marshall C. Pitts, Okeechobee, Fla., in place of M. C. Pitts. Incumbent's commission expired June 23, 1942.

GEORGIA

Nell V. Devine, Fort Screven, Ga., in place of M. V. Lynch, retired.

Marjorie C. Barineau, McRae, Ga., in place of P. H. Girardeau. Incumbent's commission expired March 30, 1942.

Frank S. Pope, Villa Rica, Ga., in place of L. R. Powell, resigned.

Elizabeth C. Baker, Zebulon, Ga., in place of J. W. Slade, transferred.

ILLINOIS

Viola E. Brown, Aroma Park, Ill. Office became Presidential July 1, 1942.

Dollie Rolla, Buckner, Ill. Office became Presidential July 1, 1942.

William S. Westermann, Carlyle, Ill., in place of W. S. Westermann. Incumbent's commission expired June 23, 1942.

Eugene P. Kline, East St. Louis, Ill., in place of E. P. Kline. Incumbent's commission expired June 23, 1942.

Harry L. Reinoehl, Flat Rock, Ill., in place of I. W. Cawood, deceased.

Jerry J. Zeman, Fox River Grove, Ill., in place of J. J. Zeman. Incumbent's commission expired June 23, 1942.

Frank G. Ring, Harvey, Ill., in place of J. S. Flaherty, deceased.

Melvin R. Begun, Hebron, Ill., in place of M. R. Begun. Incumbent's commission expired June 23, 1942.

James R. Maher, Hillside, Ill., in place of J. R. Maher. Incumbent's commission expired June 23, 1942.

Charles W. Farley, La Grange, Ill., in place of C. W. Farley. Incumbent's commission expired June 23, 1942.

Paul W. Poorman, Mattoon, Ill., in place of P. W. Poorman. Incumbent's commission expired June 12, 1942.

John L. Mead, New Boston, Ill., in place of J. L. Mead. Incumbent's commission expired June 23, 1942.

William A. Reeds, Oakland, Ill., in place of W. A. Reeds. Incumbent's commission expired May 28, 1942.

William C. Dufrenne, Prairie du Rocher, Ill., in place of W. C. Dufrenne. Incumbent's commission expired June 23, 1942.

Lorenz M. Lies, Riverside, Ill., in place of L. M. Lies. Incumbent's commission expired June 23, 1942.

M. Margaret Hawley, Sandoval, Ill., in place of M. M. Hawley. Incumbent's commission expired June 23, 1942.

Elmer M. Bickford, Wyanet, Ill., in place of E. M. Bickford. Incumbent's commission expired June 23, 1942.

INDIANA

Neil D. Thompson, Argos, Ind., in place of N. D. Thompson. Incumbent's commission expired June 23, 1942.

Alma C. Whiteside, Battle Ground, Ind. Office became Presidential July 1, 1942.

Meredith H. Bierly, Elizabeth, Ind. Office became Presidential July 1, 1942.

DeAnvie Griner, Fairland, Ind. Office became Presidential July 1, 1942.

Ellis B. Cates, Greentown, Ind., in place of E. B. Cates. Incumbent's commission expired June 23, 1942.

Pearl E. Barnes, Hamlet, Ind., in place of P. E. Barnes. Incumbent's commission expired June 23, 1942.

Walter J. Smith, Loogootee, Ind., in place of W. J. Smith. Incumbent's commission expired May 14, 1942.

Frank Chastain, Mitchell, Ind., in place of Frank Chastain. Incumbent's commission expired June 23, 1942.

Pauline M. Rierden, Montezuma, Ind., in place of P. M. Rierden. Incumbent's commission expired June 23, 1942.

Ora Stiver, New Parir, Ind., in place of Ora Stiver. Incumbent's commission expired June 23, 1942.

Harold C. Atkinson, Oxford, Ind., in place of H. C. Atkinson. Incumbent's commission expired June 23, 1942.

K. Burnell Hott, Pennville, Ind., in place of Lyman Thomas. Incumbent's commission expired June 23, 1942.

Harvey W. Doering, Wakarusa, Ind., in place of H. W. Doering. Incumbent's commission expired June 23, 1942.

Beulah P. Yates, West Lebanon, Ind., in place of M. N. Judy. Incumbent's commission expired June 23, 1942.

Eva M. Miller, Whitestown, Ind. Office became Presidential July 1, 1942.

IOWA

Margaret Audra Pearson, Ainsworth, Iowa, in place of M. A. Pearson. Incumbent's commission expired June 23, 1942.

Celia Boom, Aplington, Iowa, in place of Celia Boom. Incumbent's commission expired June 23, 1942.

Kenton R. McDermott, Bridgewater, Iowa. Office became Presidential July 1, 1942.

Herbert A. Lowenberg, Donnellson, Iowa, in place of H. A. Lowenberg. Incumbent's commission expired June 23, 1942.

Thomas J. McManus, Keokuk, Iowa, in place of T. J. McManus. Incumbent's commission expired June 23, 1942.

Russell G. Mellinger, Oakville, Iowa, in place of R. G. Mellinger. Incumbent's commission expired June 23, 1942.

KANSAS

Carey Olson, Bazine, Kans., in place of Carey Olson. Incumbent's commission expired June 23, 1942.

Samuel E. Notestine, Burdett, Kans., in place of S. E. Notestine. Incumbent's commission expired June 23, 1942.

Reba A. Fuller, Lenora, Kans., in place of K. E. Schieferecka, removed without prejudice.

Edmund C. Turner, Overland Park, Kans., in place of E. C. Turner. Incumbent's commission expired June 23, 1942.

James J. Owen, St. John, Kans., in place of J. J. Owen. Incumbent's commission expired June 23, 1942.

KENTUCKY

Henry D. Shanklin, Ashland, Ky., in place of S. G. Friel. Incumbent's commission expired March 30, 1942.

Nellie Clubb, Worthville, Ky. Office became Presidential July 1, 1942.

LOUISIANA

Vivien T. Swords, Kinder, La., in place of V. T. Swords. Incumbent's commission expired June 23, 1942.

Richard M. Almond, Tallulah, La., in place of R. M. Almond. Incumbent's commission expired June 3, 1942.

John H. Wise, Woodworth, La. Office became Presidential July 1, 1942.

MAINE

Corice E. Wallace, Mattawamkeag, Maine, in place of H. L. Osgood, resigned.

MARYLAND

Thomas B. T. Radcliffe, Cambridge, Md., in place of T. B. T. Radcliffe. Incumbent's commission expired June 23, 1942.

Roscoe C. McNutt, Fallston, Md. Office became Presidential July 1, 1942.

George Leicester Thomas, Jr., Lilypons, Md., in place of C. C. C. Thomas. Incumbent's commission expired January 20, 1940.

Joseph Wilmer Baker, Union Bridge, Md., in place of J. W. Baker. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

John H. McDonald, Andover, Mass., in place of J. H. McDonald. Incumbent's commission expired April 12, 1942.

Marceline Monteiro, Dighton, Mass. Office became Presidential July 1, 1942.

J. Francis Sheehan, Millis, Mass., in place of James Sheehan, retired.

Joseph H. LeClair, Southbridge, Mass., in place of A. J. Peloquin, removed.

MICHIGAN

Samuel J. Davison, Alpena, Mich., in place of S. J. Davison. Incumbent's commission expired June 23, 1942.

John C. Bannow, Mount Clemens, Mich., in place of J. C. Bannow. Incumbent's commission expired June 23, 1942.

Eleanor C. Lutz, Pullman, Mich., in place of E. C. Lutz. Incumbent's commission expired April 9, 1942.

Fred T. Cavill, Rapid River, Mich., in place of Fred Cavill. Incumbent's commission expired June 23, 1942.

MINNESOTA

Benjamin M. Loeffler, Albert Lea, Minn., in place of B. M. Loeffler. Incumbent's commission expired May 12, 1942.

Alice P. Nunn, Menahga, Minn., in place of J. H. Pelham, retired.

George Glotzbach, Sleepy Eye, Minn., in place of George Glotzbach. Incumbent's commission expired June 13, 1942.

Walter J. Mueller, Springfield, Minn., in place of W. J. Mueller. Incumbent's commission expired June 3, 1942.

Andrew Anderson, Thief River Falls, Minn., in place of Andrew Anderson. Incumbent's commission expired May 12, 1942.

MISSISSIPPI

Tressie V. Brogan, Petal, Miss. Office became Presidential July 1, 1942.

MISSOURI

Albert W. Mueller, Altenburg, Mo. Office became Presidential July 1, 1942.

Blanche D. Blagg, Harris, Mo., in place of W. L. Klein, transferred.

MONTANA

Theodore P. Hendrickson, Hingham, Mont. Office became Presidential July 1, 1942.

NEBRASKA

Theresa Mullan, Boys Town, Nebr., in place of Theresa Mullan. Incumbent's commission expired June 3, 1942.

Harold C. Menck, Grand Island, Nebr., in place of H. C. Menck. Incumbent's commission expired June 23, 1942.

Harold A. Langford, North Platte, Nebr., in place of H. A. Langford. Incumbent's commission expired June 23, 1942.

Frank C. Sieckman, Ohiowa, Nebr., in place of A. H. Bahe, transferred.

NEW HAMPSHIRE

Gertrude E. Cahalane, Charlestown, N. H., in place of D. V. Cahalane, retired.

Harry E. Plummer, Meredith, N. H., in place of W. J. Neal, resigned.

NEW MEXICO

Dominic Rollie, Gallup, N. Mex., in place of Dominic Rollie. Incumbent's commission expired June 7, 1942.

NORTH CAROLINA

Roy Prillaman, Stoneville, N. C., in place of Roy Prillaman. Incumbent's commission expired June 23, 1942.

OHIO

Joseph Davidson, Chagrin Falls, Ohio, in place of Joseph Davidson. Incumbent's commission expired June 23, 1942.

Leita M. Tuttle, Chardon, Ohio, in place of L. M. Tuttle. Incumbent's commission expired June 23, 1942.

Henry D. Coate, Coldwater, Ohio, in place of H. D. Coate. Incumbent's commission expired June 23, 1942.

Walter A. Geiser, Dunkirk, Ohio, in place of W. A. Geiser. Incumbent's commission expired June 23, 1942.

Daniel P. Mooney, Glouster, Ohio, in place of D. P. Mooney. Incumbent's commission expired June 23, 1942.

Claude E. Archambeault, Holgate, Ohio, in place of C. E. Archambeault. Incumbent's commissioned expired June 23, 1942.

Oscar I. Foster, Johnstown, Ohio, in place of L. V. Lake, deceased.

James A. Anderson, Millersburg, Ohio, in place of J. A. Anderson. Incumbent's commission expired April 1, 1942.

Harvey D. Bowers, Millersport, Ohio, in place of F. H. Kramer, transferred.

Harold H. Wisman, Montpelier, Ohio, in place of H. H. Wisman. Incumbent's commission expired June 23, 1942.

John L. O'Hara, New London, Ohio, in place of J. L. O'Hara. Incumbent's commission expired June 23, 1942.

George Wiest, Uhrichsville, Ohio, in place of George Wiest. Incumbent's commission expired June 23, 1942.

Charles M. Hogan, Wellston, Ohio, in place of C. M. Hogan. Incumbent's commission expired June 23, 1942.

Charles R. Treon, West Carrollton, Ohio, in place of C. R. Treon. Incumbent's commission expired April 1, 1942.

PENNSYLVANIA

Samuel M. Shirk, Denver, Pa., in place of Warren Hoffman, transferred.

Walter L. Huggins, Greensboro, Pa., in place of F. H. Black, resigned.

Allen J. Noble, South Mountain, Pa., in place of A. J. Noble. Incumbent's commission expired June 23, 1942.

John D. Cox, Tyrone, Pa., in place of J. D. Cox. Incumbent's commission expired June 23, 1942.

Dorothy R. Ayers, Webster, Pa., in place of W. M. Hodgson, resigned.

Charles M. Boyer, York Springs, Pa., in place of C. M. Boyer. Incumbent's commission expired June 23, 1942.

SOUTH CAROLINA

William B. Smith, Greer, S. C., in place of W. B. Smith. Incumbent's commission expired June 23, 1942.

Stephen E. Leverette, Iva, S. C., in place of S. E. Leverette. Incumbent's commission expired June 23, 1942.

Frederick W. Scheper, Port Royal, S. C. Office became Presidential July 1, 1942.

William W. Barr, Jr., Springfield, S. C., in place of W. W. Barr, Jr. Incumbent's commission expired June 23, 1942.

SOUTH DAKOTA

William G. Guhin, Aberdeen, S. Dak., in place of G. L. Kemper, deceased.

Mary A. Hornstra, Avon, S. Dak., in place of M. A. Hornstra. Incumbent's commission expired June 23, 1942.

Gertrude S. Severson, Brandt, S. Dak, in place of G. S. Severson. Incumbent's commission expired May 14, 1942.

William J. Nolan, Buffalo Gap, S. Dak, in place of W. J. Nolan. Incumbent's commission expired June 23, 1942.

Mattie E. Smith, Burke, S. Dak., in place of M. E. Smith. Incumbent's commission expired June 23, 1942.

Edward P. Amundson, Colton, S. Dak., in place of E. P. Amundson. Incumbent's commission expired June 23, 1942.

James R. Kohlman, Conde, S. Dak., in place of J. R. Kohlman. Incumbent's commission expired May 14, 1942.

Harm P. Temple, Davis, S. Dak., in place of H. P. Temple. Incumbent's commission expired June 23, 1942.

Lulu A. Turner, Ethan, S. Dak., in place of L. A. Turner. Incumbent's commission expired June 23, 1942.

Mary A. Ralph, Henry, S. Dak., in place of M. A. Ralph. Incumbent's commission expired June 23, 1942.

Harold L. Fetherhuff, Herreid, S. Dak., in place of H. L. Fetherhuff. Incumbent's commission expired June 23, 1942.

J. Russell Andersen, Irene, S. Dak., in place of J. R. Andersen. Incumbent's commission expired May 14, 1942.

Ella M. Ottum, Mellette, S. Dak., in place of E. M. Ottum. Incumbent's commission expired June 23, 1942.

Harry Dettman, Mission, S. Dak., in place of Harry Dettman. Incumbent's commission expired June 23, 1942.

Florence M. Langer, Olivet, S. Dak., in place of F. M. Langer. Incumbent's commission expired May 14, 1942.

George L. Egan, Parker, S. Dak., in place of G. L. Egan. Incumbent's commission expired June 23, 1942.

Cleveland F. Brooks, Platte, S. Dak., in place of C. F. Brooks. Incumbent's commission expired June 23, 1942.

Ena C. Erling, Raymond, S. Dak., in place of E. C. Erling. Incumbent's commission expired June 23, 1942.

Fae Thompson, St. Lawrence, S. Dak., in place of Fae Thompson. Incumbent's commission expired June 23, 1942.

Philip A. McMahon, Salem, S. Dak., in place of P. A. McMahon. Incumbent's commission expired June 23, 1942.

John W. Hoven, Selby, S. Dak., in place of J. W. Hoven. Incumbent's commission expired May 28, 1942.

William P. Smith, Stickney, S. Dak., in place of W. P. Smith. Incumbent's commission expired June 23, 1942.

Orville U. Melby, Summit, S. Dak., in place of O. U. Melby. Incumbent's commission expired June 23, 1942.

Joseph S. Petrik, Tabor, S. Dak., in place of J. S. Petrik. Incumbent's commission expired June 23, 1942.

Matt McCormick, Tyndall, S. Dak., in place of Matt McCormick. Incumbent's commission expired June 23, 1942.

TENNESSEE

Binnie H. Kinser, Alcoa, Tenn., in place of B. H. Kinser. Incumbent's commission expired June 23, 1942.

TEXAS

Julia A. O'Brien, Brownsville, Tex., in place of W. T. Burnett, deceased.

Milton D. Penry, Denton, Tex., in place of B. W. McKenzie, deceased.

Imogene B. Dunn, Goldsmith, Tex., in place of I. B. Dunn. Incumbent's commission expired April 6, 1942.

Anathalie Boyd, Ingleside, Tex., in place of Anathalie Boyd. Incumbent's commission expired April 26, 1942.

Glad Campbell Hill, Mertzon, Tex., in place of G. C. Hill. Incumbent's commission expired June 23, 1942.

Lon M. Peeples, Milano, Tex., in place of L. M. Peeples. Incumbent's commission expired June 23, 1942.

Seth S. Dorbandt, Mullin, Tex., in place of R. H. Patterson, resigned.

Oland A. Walls, Naples, Tex., in place of O. A. Walls. Incumbent's commission expired June 23, 1942.

Effie Rasmussen, Needville, Tex., in place of Effie Rasmussen. Incumbent's commission expired June 23, 1942.

William W. Spear, Nixon, Tex., in place of W. W. Spear. Incumbent's commission expired June 23, 1942.

William A. Gillespie, Overton, Tex., in place of W. A. Gillespie. Incumbent's commission expired June 23, 1942.

John W. Waide, Paint Rock, Tex., in place of J. W. Waide. Incumbent's commission expired June 23, 1942.

Morris W. Collie, Pecos, Tex., in place of M. W. Collie. Incumbent's commission expired June 23, 1942.

Otis T. Kellam, Robstown, Tex., in place of O. T. Kellam. Incumbent's commission expired June 23, 1942.

Ora L. Griggs, Sanatorium, Tex., in place of O. L. Griggs. Incumbent's commission expired June 23, 1942.

Clyde Griffith, Sanderson, Tex., in place of Clyde Griffith. Incumbent's commission expired April 11, 1942.

Hortensia M. Garcia, San Diego, Tex., in place of A. C. Garcia, deceased.

Ferdinand L. Herzik, Schulenburg, Tex., in place of F. L. Herzik. Incumbent's commission expired June 23, 1942.

Kirby L. Scudder, Slaton, Tex., in place of K. L. Scudder. Incumbent's commission expired June 23, 1942.

Thomas A. Bynum, Texas City, Tex., in place of T. A. Bynum. Incumbent's commission expired June 23, 1942.

Madeline G. McClellan, Waller, Tex., in place of M. G. McClellan. Incumbent's commission expired June 23, 1942.

Lou A. Sloma, Yorktown, Tex., in place of L. A. Sloma. Incumbent's commission expired June 23, 1942.

Emilie K. Dew, Ysleta, Tex., in place of E. K. Dew. Incumbent's commission expired June 23, 1942.

UTAH

Wallace H. Sorensen, Richfield, Utah, in place of W. H. Sorensen. Incumbent's commission expired June 23, 1942.

VERMONT

Edward L. Heney, Montpelier, Vt., in place of R. H. Standish, resigned.

VIRGINIA

Sidney H. Barnett, Bluefield, Va., in place of S. H. Barnett. Incumbent's commission expired June 23, 1942.

Josephine N. Porter, Louisa, Va., in place of J. N. Porter. Incumbent's commission expired June 23, 1942.

WASHINGTON

Curtis M. Wormell, Asotin, Wash., in place of C. M. Wormell. Incumbent's commission expired June 23, 1942.

W. Kenneth Kingman, Chelan, Wash., in place of W. K. Kingman. Incumbent's commission expired June 23, 1942.

Joshua J. Peak, Davenport, Wash., in place of J. J. Peak. Incumbent's commission expired June 23, 1942.

Thomas H. Van Noy, Kelso, Wash., in place of T. H. Van Noy. Incumbent's commission expired June 23, 1942.

Ed J. Claiborne, Ridgefield, Wash., in place of E. J. Claiborne. Incumbent's commission expired June 23, 1942.

Paul Rhodius, Sedro Woolley, Wash., in place of Paul Rhodius. Incumbent's commission expired June 23, 1942.

Walter D. Codd, Tekoa, Wash., in place of W. D. Codd. Incumbent's commission expired June 23, 1942.

Donald S. Farver, Tonasket, Wash., in place of D. S. Farver. Incumbent's commission expired June 23, 1942.

George Rodman, Wapato, Wash., in place of George Rodman. Incumbent's commission expired June 23, 1942.

Joseph H. Gill, Washtucna, Wash., in place of J. H. Gill. Incumbent's commission expired June 23, 1942.

Louis O. Cochrane, Yelm, Wash., in place of L. O. Cochrane. Incumbent's commission expired June 23, 1942.

WEST VIRGINIA

Willard I. Gulley, McComas, W. Va., in place of W. I. Gulley. Incumbent's commission expired June 23, 1942.

Ben Gillespie, Sutton, W. Va., in place of Ben Gillespie. Incumbent's commission expired June 23, 1942.

Bess M. Gwinn, Thurmond, W. Va., in place of B. M. Gwinn. Incumbent's commission expired June 23, 1942.

WISCONSIN

Theodore E. Wozniak, Athens, Wis., in place of T. E. Wozniak. Incumbent's commission expired May 31, 1942.

Dale J. Cannon, Birnamwood, Wis., in place of D. J. Cannon. Incumbent's commission expired June 23, 1942.

Homer J. Samson, Cameron, Wis., in place of H. J. Samson. Incumbent's commission expired April 12, 1942.

Alfa Ruth Anderson, Colfax, Wis., in place of A. R. Anderson. Incumbent's commission expired June 23, 1942.

Fern M. Dagnon, Ferryville, Wis., in place of F. M. Dagnon. Incumbent's commission expired June 8, 1942.

Claude E. Rochon, Florence, Wis., in place of C. E. Rochon. Incumbent's commission expired June 18, 1942.

Oliver E. Neuens, Fredonia, Wis., in place of O. E. Neuens. Incumbent's commission expired April 12, 1942.

Ethel E. Welch, Gleason, Wis., in place of E. E. Welch. Incumbent's commission expired June 23, 1942.

Roy E. Lawler, Gordon, Wis., in place of R. E. Lawler. Incumbent's commission expired June 23, 1942.

Max R. Alling, Green Lake, Wis., in place of M. R. Alling. Incumbent's commission expired May 25, 1942.

Edward Snoeyenbos, Hammond, Wis., in place of Edward Snoeyenbos. Incumbent's commission expired June 23, 1942.

James R. Alexander, Hayward, Wis., in place of J. R. Alexander. Incumbent's commission expired May 31, 1942.

Simon Skroch, Independence, Wis., in place of Simon Skroch. Incumbent's commission expired June 23, 1942.

Lillian N. Hughes, New Richmond, Wis., in place of L. N. Hughes. Incumbent's commission expired May 31, 1942.

Edward D. Feeney, Prairie du Chien, Wis., in place of E. D. Feeney. Incumbent's commission expired June 23, 1942.

Patrick H. Laughrin, Prentice, Wis., in place of P. H. Laughrin. Incumbent's commission expired June 23, 1942.

W. Joseph Hand, Random Lake, Wis., in place of W. J. Hand. Incumbent's commission expired April 12, 1942.

Edmund J. Piechowski, Redgranite, Wis., in place of E. J. Piechowski. Incumbent's commission expired April 26, 1942.

John T. O'Sullivan, Washburn, Wis., in place of J. T. O'Sullivan. Incumbent's commission expired May 31, 1942.

Roy D. Fahland, Webster, Wis., in place of R. D. Fahland. Incumbent's commission expired June 23, 1942.

WYOMING

William H. Watson, Dubois, Wyo., in place of W. H. Watson. Incumbent's commission expired June 23, 1942.

Ernest A. Littleton, Gillette, Wyo., in place of E. A. Littleton. Incumbent's commission expired April 15, 1942.

Andrew Morrow, Kemmerer, Wyo., in place of Andrew Morrow. Incumbent's commission expired May 4, 1942.

Dorsey T. Shoemaker, Torrington, Wyo., in place of D. T. Shoemaker. Incumbent's commission expired May 4, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 4 (legislative day of November 30), 1942:

REGISTER OF WILLS FOR THE DISTRICT OF COLUMBIA

Victor S. Mersch to be Register of Wills for the District of Columbia.

UNITED STATES COAST GUARD

Prof. Jerry B. Hoag to be permanent professor with rank of lieutenant commander, to rank from September 9, 1940.

POSTMASTERS

COLORADO

William J. Murphy, Breckenridge.
Mary E. Vogt, Burlington.
Glenn G. Ellington, Delta.
Harold W. Riffle, Ekley.
William H. Rhoades, Jr., Kit Carson.
Lewis Hollenbeck, Salida.

LOUISIANA

Solomon C. Knight, Elizabeth.
Vernon M. Robert, Homer.
Robert E. Loudon, Zachary.

NEVADA

Walter B. Collins, Austin.
Ralph H. Burdick, Tonopah.

NORTH CAROLINA

Roberta H. Jernigan, Ahoskie.
Preston L. Morris, Broadway.
Zula S. Glovier, Catawba.
Rufas C. Powell, Denton.
John P. Lynch, Erwin.
Carl H. Hand, Lowell.
Martin B. Black, Midland.
James C. Reins, North Wilkesboro.
Louella Swindell, Swanquarter.

OKLAHOMA

Berry M. Crosby, Bixby.
Owen R. Hudson, Bluejacket.
Cloyd H. Burton, Commerce.
Sylvia M. Grace, Laverne.
Chester E. Halley, Minco.
John V. Cavender, Porum.
Harry James Barclay, Tonkawa.

PENNSYLVANIA

James F. O'Brien, Allison Park.
L. Banks Wetzel, Beaver Springs.
Daniel E. Hartman, Benton.
Marie Kolasa, Clarence.
James P. Meaney, Conshohocken.
Amy A. Short, Conway.
Beulah E. Hayden, Dalton.
Edwin A. Breinig, Egypt.
Laura E. Rich, Enola.
Charles A. Hanlon, Hazelton.
Bernard A. Devlin, Jenkintown.
Lehman I. Leister, McAlisterville.
Elizabeth B. Miley, Marietta.
Helen T. Henrie, Meshoppen.
Elijah H. Follmer, Milton.
John H. Snyder, Richfield.
William D. McIntire, Stoneboro.
Earl R. Young, Weatherly.
Chester L. Boal, West Middlesex.
Francis G. Ackley, Wyalusing.
Mary A. Fitzgerald, Wysox.

SOUTH DAKOTA

Edwin H. Bruemmer, Huron.

TEXAS

Albert A. Allison, Corsicana.

VERMONT

Maude E. Boucher, Derby.

WASHINGTON

Marvin G. Elwell, Dayton.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO AIR CORPS

Second Lt. John Earl Atkinson.
Second Lt. David Christy Warwick.

PROMOTIONS IN THE REGULAR ARMY

Earl Thomas McCullough et al., for promotion in the Regular Army of the United States.

(NOTE.—A full list of the names of the persons whose nominations for promotion in the Regular Army were confirmed today may be found in the Senate proceedings of the CONGRESSIONAL RECORD for December 3, 1942, under the caption "Nominations," beginning on p. 9288 with the name of Maj. Earl Thomas McCullough and ending on p. 9292 with the name of John Joseph McDonnell.)

APPOINTMENT FOR TEMPORARY SERVICE IN THE NAVY

George H. Fort to be a rear admiral for temporary service, to rank from May 16, 1942.

SENATE

MONDAY, DECEMBER 7, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of the Free, on this national anniversary of infamy and perfidy we come asking that Thy everlasting mercy may cleanse our hearts of the poison of hatred and may take from our lips harsh cries for vengeance. On this day of shocked and painful memory we would turn our gaze to One who, betrayed by a mocking kiss, cried out from a cruel cross, "Father, forgive them! They know not what they do." In the new world which even now we see rising from the ashes of ancient towns—a world in which man is more than mammon and persons more than profits—we picture a place of constructive service to the common good for those whom today we call foes—the peoples who have been deluded by false lights and futile hopes.

On this fateful December date we register a new vow in high heaven that we will never falter, never desist, never compromise, never sheathe our righteous sword, until this torn and tortured world is made safe for decency, truth, honor, and the pledged word. Out of the broken bodies, the blasted ships, and the golden stars which since glow in the blue of our banners, we thank Thee for the new national unity, the grim purpose to close ranks, as there sounded out a trumpet that shall never know retreat. Steel and strengthen our hearts and minds for new Calvaries which yet loom ahead, the self-denials, the perils and the losses which will tear our hearts and smite our hearths before tyranny is dead. With deep repentance for our own sins, bring us to a united victory which shall make all men free. Amen.

NAMING OF PRESIDING OFFICER

The Secretary (Edwin A. Halsey) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., December 7, 1942.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SCOTT W. LUCAS, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. LUCAS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of the last session of the Senate be approved without reading.

Mr. CLARK of Missouri. Reserving the right to object, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Green	Radcliffe
Austin	Guffey	Reed
Bailey	Gurney	Russell
Barbour	Herring	Schwartz
Barkley	Hill	Shipstead
Brewster	Johnson, Calif.	Shott
Brooks	Johnson, Colo.	Spencer
Brown	Langer	Stewart
Bulow	Lee	Thomas, Idaho
Burton	Lodge	Thomas, Okla.
Byrd	Lucas	Tobey
Capper	McCarran	Tunnell
Caraway	McNary	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Walsh
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Murray	Wiley
Doxey	Nelson	Willis
Ellender	Nye	
Gerry	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] are out of the city on important public business.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are conducting hearings for the Special Committee to Investigate the National Defense Program.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], and the Senator from Nebraska [Mr. BUTLER] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Ohio [Mr. TAFT] is necessarily absent attending a meeting of the Republican National Committee.

The ACTING PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. A quorum is present.

Without objection, the Journal of the proceedings of the preceding session will stand approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on December 2, 1942, the President had approved and signed the following acts:

S. 2412. An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes; and

S. 2723. An act to amend the Pay Readjustment Act of 1942.

SENATOR FROM NEVADA—CREDENTIALS: ADMINISTRATION OF OATH

Mr. MCCARRAN. Mr. President, I send to the desk the credentials of the newly elected Senator from the State of Nevada, the Honorable JAMES G. SCRUGHAM, and ask that they be read.

The ACTING PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, JAMES G. SCRUGHAM was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States and to fill the vacancy therein caused by the death of Key Pittman, and that said vacancy was filled by the election of JAMES G. SCRUGHAM as aforesaid, according to law.

In testimony whereof, I have hereunto set my hand and caused the great seal of State to be affixed at Carson City, this 5th day of December, in the year of our Lord 1942.

E. P. CARVILLE,
Governor.

By the Governor:
[SEAL] MALCOLM MCEACHIN,
Secretary of State.

The ACTING PRESIDENT pro tempore. The credentials of the Senator-elect will be placed on file.

Mr. MCCARRAN. The Senator-elect is now on the floor of the Senate and ready to take the oath.

The ACTING PRESIDENT pro tempore. If the Senator-elect will present

himself at the desk, the oath of office will be administered to him.

Mr. SCRUGHAM, escorted by Mr. McCARRAN, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him by the Acting President pro tempore, he took his seat in the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated.

RELIEF OF DESTITUTION OF ALASKAN NATIVES

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report covering expenditures from the appropriation "Education of natives of Alaska, 1941–43" for the relief of destitution of natives of Alaska during the fiscal year 1942 (with an accompanying report); to the Committee on Appropriations.

REPORT ON HEALING ARTS PRACTICE ACT, DISTRICT OF COLUMBIA

A letter from the President of the Commission on Licensure Healing Arts Practice Act, District of Columbia, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1942 (with an accompanying report); to the Committee on the District of Columbia.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

The petition of Leonard H. Holder, trading as April Showers Co., Washington, D. C. (by Zach Lamar Cobb, attorney for petitioner, Los Angeles, Calif.), praying for a redress of grievances caused by the alleged repudiation in the War Production Board of its written authorization, duly issued and fairly obtained, in connection with the procurement of prefabricated copper tubing intended to be used in the erection of the Dorchester House Apartments (with an appendix); to the Committee on Education and Labor.

By Mr. CAPPER:

A resolution adopted by members of the Woman's Christian Temperance Union, of Marquette, Kans., praying for the prompt enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

COMMITTEE REPORT FILED DURING RECESS

Under authority of the order of the 4th instant,

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 7788) to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities, reported it on December 5, 1942, without amendment and submitted a report (No. 1814) thereon.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RUSSELL, from the Committee on Immigration:

H. R. 6677. A bill for the relief of Ronald Leroy Chen; without amendment (Rept. No. 1815).

By Mr. ELLENDER, from the Committee on Claims:

H. R. 5154. A bill for the relief of the estate of Elmer White; without amendment (Rept. No. 1816);

H. R. 5157. A bill to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba; without amendment (Rept. No. 1817);

H. R. 5175. A bill for the relief of Edward Workman; without amendment (Rept. No. 1818);

H. R. 5812. A bill for the relief of William E. Averitt and United States Casualty Co.; with amendments (Rept. No. 1819);

H. R. 6095. A bill for the relief of the estate of Mrs. H. L. Smith, deceased; without amendment (Rept. No. 1820);

H. R. 6179. A bill for the relief of Thomas H. VanNoy; without amendment (Rept. No. 1821);

H. R. 6285. A bill for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser; without amendment (Rept. No. 1822);

H. R. 6569. A bill for the relief of William M. Miller; without amendment (Rept. No. 1823);

H. R. 7012. A bill for the relief of Litchfield Bros., Aurora, N. C.; without amendment (Rept. No. 1824);

H. R. 7171. A bill for the relief of Mrs. J. C. Tommey; with an amendment (Rept. No. 1825);

H. R. 7185. A bill for the relief of Mrs. James Q. Mattox; without amendment (Rept. No. 1826);

H. R. 7247. A bill for the relief of Silas Frankel; without amendment (Rept. No. 1827);

H. R. 7357. A bill for the relief of Madeline Fiori; with an amendment (Rept. No. 1828); and

H. R. 7587. A bill for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber; with an amendment (Rept. No. 1829).

By Mr. MALONEY, from the Committee on Commerce:

H. R. 6729. A bill to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce; without amendment (Rept. No. 1830).

BILL INTRODUCED

Mr. RUSSELL introduced a bill (S. 2918) for the relief of Mr. and Mrs. Walter H. Kindon, which was read twice by its title and referred to the Committee on Claims.

LIQUIDATION OF THE WORK PROJECTS ADMINISTRATION—EDITORIAL FROM THE LOUISVILLE COURIER-JOURNAL

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial entitled "The Honorable End of a Noble Experiment," dealing with the liquidation of the Work Projects Administration, published in the Louisville (Ky.) Courier-Journal of December 5, 1942, which appears in the Appendix.]

ADDITION OF FARM LABOR COSTS TO PARITY PRICES—ARTICLE BY PAUL W. WARD

[Mr. BROWN asked and obtained leave to have printed in the RECORD an article dealing with the proposal that farm-labor costs be added to the formula by which parity prices are calculated, written by Paul W. Ward and published in the Baltimore (Md.) Sun of December 6, 1942, which appears in the Appendix.]

POST-WAR ECONOMIC CONTROLS—ARTICLE BY WALTER LIPPMANN

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article entitled "De-Control," by Walter Lippmann, published in the Washington Post of December 5, 1942, which appears in the Appendix.]

THE BEVERIDGE PLAN—ARTICLES BY HAROLD J. LASKI AND HARRY CALLENDER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an analysis of the Beveridge plan by Harold J. Laski, published in the New York Times of December 6, 1942, and also an article by Harold Callender dealing with the same matter, which appear in the Appendix.]

BLUE STAR MOTHERS OF AMERICA—ARTICLE FROM CLEVELAND PLAIN DEALER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article from the Cleveland Plain Dealer of December 6, 1942, entitled "Blue Star Lounge Open to Guests Tomorrow," which appears in the Appendix.]

AGREEMENTS AMONG UNITED NATIONS ON POST-WAR COMMITMENTS AND OBJECTIVES

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial dealing with more definite agreements among the United Nations on post-war commitments and objectives, published in the Birmingham (Ala.) Age-Herald of December 4, 1942, which appears in the Appendix.]

PROPOSED EXTENSION OF WAR-RISK INSURANCE TO WAR CORRESPONDENTS

[Mr. HILL asked and obtained leave to have printed in the RECORD an article dealing with the subject of extension of special protection of war-risk insurance to war correspondents, written by W. E. Daniel and published in the Messenger and Inquirer, of Owensboro, Ky., November 21, 1942, which appears in the Appendix.]

WIN THE PEACE WHILE WINNING THE WAR—STATEMENT BY A. D. QUAINTANCE

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a statement entitled "Win the Peace While Winning the War," by A. D. Quaintance, of Denver, Colo., which appears in the Appendix.]

SETTLEMENT OF CLAIMS AGAINST MEXICO—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

Mr. CLARK of Missouri obtained the floor.

Mr. CLARK of Idaho. Will the Senator yield?

The ACTING PRESIDENT pro tempore. The question is on the motion——

Mr. CLARK of Missouri. I suggest the absence of a quorum, before the question is stated. Business has been transacted since the last call.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Brown	Clark, Mo.
Andrews	Bulow	Connally
Austin	Burton	Danaher
Bailey	Byrd	Davis
Barbour	Capper	Doxey
Barkley	Caraway	Ellender
Brewster	Chavez	Gerry
Brooks	Clark, Idaho	Gillette

Green	Mead	Spencer
Guffey	Millikin	Stewart
Gurney	Murdock	Thomas, Idaho
Herring	Murray	Thomas, Okla.
Hill	Nelson	Tobey
Johnson, Calif.	Nye	Tunnell
Johnson, Colo.	O'Daniel	Vandenberg
Langer	O'Mahoney	Van Nuys
Lee	Radcliffe	Wagner
Lodge	Reed	Walsh
Lucas	Russell	Wheeler
McCarran	Schwartz	White
McNary	Scrugham	Wiley
Maloney	Shipstead	Willis
Maybank	Shott	

The PRESIDING OFFICER (Mr. SPENCER in the chair). Sixty-eight Senators having answered to their names, a quorum is present.

SENATOR FROM NEW JERSEY—CREDENTIALS

Mr. BARBOUR. I send to the desk the credentials of the newly elected Senator from New Jersey, ALBERT W. HAWKES, and ask that they be read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

STATE OF NEW JERSEY—CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify, that on November 3, 1942, ALBERT W. HAWKES was duly chosen by the qualified electors of the State of New Jersey a Senator from the said State, to represent the said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

In testimony whereof, the great seal of the State is hereunto affixed.

Witness the hand of His Excellency our Gov. Charles Edison, at Trenton, this 1st day of December A. D. 1942.

CHARLES EDISON, *Governor.*

By the Governor:

Attest:

[SEAL] J. A. BROPHY,
Secretary of State.

The PRESIDING OFFICER. The credentials will be placed on file.

COORDINATION OF FEDERAL REPORTING SERVICES

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MURRAY. I ask that the Chair lay before the Senate a message from the House of Representatives with respect to Senate bill 1666.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies.

Mr. MURRAY. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

The motion was agreed to.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, I make the point of order that the Senator from Missouri cannot take the Senator from Illinois [Mr. LUCAS] off the floor.

Mr. CLARK of Missouri. Business has been transacted. The motion made by the Senator from Montana [Mr. MURRAY] was agreed to.

Mr. CONNALLY. The Senator from Montana has not claimed the floor, and he is not entitled to the floor after the motion has been disposed of.

The PRESIDING OFFICER. The Chair has the right to appoint the conferees under the motion just agreed to. The Chair appoints as conferees on the part of the Senate on Senate bill 1666 the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Ohio [Mr. TAFT], and the Senator from Vermont [Mr. AIKEN].

Mr. CLARK of Missouri. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Green	Radcliffe
Austin	Guffey	Reed
Bailey	Gurney	Russell
Barbour	Herring	Schwartz
Barkley	Hill	Scrugham
Brewster	Johnson, Calif.	Shipstead
Brooks	Johnson, Colo.	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Burton	Lodge	Thomas, Idaho
Byrd	Lucas	Thomas, Okla.
Capper	McCarran	Tobey
Caraway	McNary	Tunnell
Chavez	Maloney	Vandenberg
Clark, Idaho	Maybank	Van Nuys
Clark, Mo.	Mead	Wagner
Connally	Millikin	Walsh
Danaher	Murdock	Wheeler
Davis	Murray	White
Doxey	Nelson	Wiley
Ellender	Nye	Willis
Gerry	O'Daniel	

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

ANNIVERSARY OF ATTACK ON PEARL HARBOR

Mr. LUCAS obtained the floor.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. LUCAS. I regret that I cannot yield at this time.

Mr. President, on this anniversary of Japan's infamy, shame, and treachery, America speaks to the liberty-loving people throughout the world with superior force, justice, and conviction.

One year ago this Nation was divided in thought and action, but the sneak attack upon Pearl Harbor left America no alternative. Since that fateful hour no nation so utterly unprepared to fight on every global front has done so much in such a short period of time.

It was interesting to read the newspapers yesterday and learn from Elmer Davis that during the past year America has produced 49,000 war planes, 32,000 tanks, 17,000 antiaircraft guns, and a total of 8,200,000 tons of merchant shipping. Mr. President, this is an example of production of guns, planes, and tanks which has no equal or parallel; and we have only begun to produce.

Mr. President, America is and always has been a peaceful nation. Following the last war we tried desperately to set up some type of international machinery which would outlaw the evil thing we call war. We were unsuccessful at that time in our attempt to do so. As a result of our determination to stay out of future wars America grew more or less soft prior to Pearl Harbor; and with a full realization of our philosophy of peace the dictators across the sea saw a golden opportunity to cash in on what seemed to be our weakness. But, Mr. President, they failed to realize the latent fighting spirit which exists in the bone and sinew of every American, especially when we are unjustifiably and unduly disturbed, as we were 1 year ago today.

In this conflict we have shown our despicable foes a brand of fighting spirit and a genius in planning which have literally caused the dictators to quake in their murderous and bloody boots; and, we have only begun to fight.

On this anniversary we proudly refer to our triumphs in the Coral Sea, at Midway, in the Solomon Islands, and on the northern coast of Africa. Only a short while ago it was said by some that the Navy was "through" in the Pacific. It was also said that we were losing the war in the Pacific, and that we had no united command. Mr. President, in the humble opinion of the Senator from Illinois, the glorious victories in the Pacific Ocean are a complete answer to those charges. How could we achieve the great victories which we have won in the Pacific if we did not have a united command, if we did not have complete cooperation between the Army, the Navy, and the Air Corps?

Mr. President, based upon the formidable record which has been made I unhesitatingly say that we are winning the war in the Pacific, and that we shall continue to win the war over the treacherous Japs.

The Monday morning quarterbacks who are attempting to outline the strategy of our war efforts in this great global conflict will, in the opinion of the Senator from Illinois, make a greater contribution to the war effort if they will use their gifted talents in trying to unify the home front of America where there seems to be confusion and chaos. Many of them are eligible to join.

With our great and glorious victories by the end of the first year of the war, under such adverse and limited circumstances, I say woe be unto Hitler and his sycophants, woe be unto Mussolini and his satellites, woe be unto Hirohito and his minions, once we are mobilized upon every front.

Mr. President, those wretches of despotism, those despoilers of the church, those murderers of innocent women and children, those blood butchers of Europe and Asia, must be thoroughly and soundly beaten if humanity and freedom are ultimately to spread their benevolent wings over the darkest of nights. This awful war was forced upon us by the

Axis criminals, by those who have jeered and sneered over a period of years at the American way of life, by those who have on many occasions declared that the liberty that you and I enjoy is only a myth. Everyone knows that in order to beat the combination of Axis criminals we shall have to suffer unusual sacrifices in blood, tears, and treasure. The road will be long; but America will find the end to that road. Some day MacArthur will return to the Philippines; some day he will liberate Wainwright and his gallant group of heroic Americans and Filipino Scouts. Some day MacArthur will look at the beaches of Japan, and finally march triumphantly ahead of his men down the streets of Tokyo.

What is true of the men in the Pacific is true of General Eisenhower and his men in Africa today. Some day, Mr. President, they, too, will find the end of that road. Even though it be long and filled with obstacles and many detours, they, along with the men of the other United Nations, will gloriously march down the streets of Rome and Berlin in complete triumph.

It was Samuel Adams, a great American Revolutionary patriot, who said:

He who has the strength to chain down the wolf is a madman if he let him loose without drawing his teeth and paring his nails.

Mr. President, when the adversaries seek to chain and enslave a free people, the tooth-and-nail doctrine expounded by that great philosopher 150 years ago must be applied to the present international outlaws if we are to have a semblance of permanent peace in the future.

So, on this first anniversary of the war, we not only remember Pearl Harbor but we also move forward to vindicate and avenge the unjustifiable attack which on a Sabbath morning was made upon the peaceful islands of Hawaii. We shall avenge every life that was lost. At this hour America pays tribute to every living soldier in every branch of the service. America remembers with deep consecration the brave and heroic boys who have died that liberty might live.

GRANT OF ADDITIONAL POWERS TO THE PRESIDENT

Mr. REED. Mr. President, today I have received a telegram from a very important flour-milling concern in Kansas. I desire to read the telegram at this time, and then shall offer a few remarks upon the subject matter. The Walnut Creek Milling Co., of Great Bend, Kans., sends me the following telegram:

The Office of Price Administration price ceilings have now completely paralyzed our business because we cannot sell flour. The Army is asking for bids on flour today, but we cannot offer because cash wheat today is 5 cents higher than when flour ceilings were established. All other mills in this territory in same position.

Mr. President, Kansas produces more wheat than does any other State. Kansas is the greatest flour-milling State. Today the Nation is threatened with a flour shortage, which means a bread shortage. The telegram I have just read is similar to numerous other telegrams which I have received from other Kansas millers. I have been visited by millers from Minneapolis, from Missouri, and from Illinois, who have told me the same story; and here and now I want to tell the Senate and the country where the trouble lies.

Last October 2 Congress passed what is known as the price-control bill or the anti-inflation bill. In that bill the Congress plainly directed that in the case of agricultural commodities no maximum or ceiling price should be fixed that did not reflect parity to the producer and allow an equitable margin to the processor. Wheat is the primary product from which flour is milled and bread is baked. The administration—I include in that term the President, the Price Administrator, the Secretary of Agriculture, and Mr. Byrnes, the Director of Economic Stabilization—those administration authorities proceeded plainly to disregard the law. They established a flour ceiling based on 76 percent of the price of wheat. Because the price of wheat has gone up, the millers are unable to buy wheat so they can mill and sell flour, within the price ceiling fixed.

This matter has been the subject of widespread newspaper comment. I offer only a few headlines from representative newspapers, in order to call attention to the seriousness of the situation.

The Baltimore Sun of December 5 said:

United States bread shortage is seen.

In the Journal of Commerce of this morning the headline is:

Flour operations reported stopped.

From the Washington Star of Saturday evening the headline is:

Flour sales stalled as Office of Price Administration continues retail price ceilings.

The Washington Post of Saturday morning said:

Flour ceilings seen bringing bread shortage.

Mr. President, if the unlawful rulings of the price authorities continue, the country will face a bread shortage within 30 days. Flour milling operations will be closed down entirely or almost entirely within 30 days. Millers cannot continue to operate under the present cricumstances. They are faced by bankruptcy if they continue operations. The people will be faced by a bread shortage if the millers discontinue operations. That is the situation I desire to lay before the Senate and the country.

Mr. President, I wish to discuss the matter from another angle. In the House of Representatives there is presently House bill 7832, which is a successor to House bill 7762. The first bill, the original version, carried a very wide delegation of authority to the President of the United States. It provided that he could set aside any law, tariff ruling, or immigration restriction. The present version is very stingy in its authority as compared with the authority provided by the original version. There is now pending in the Senate, Senate bill 2383, which is a companion measure to the original House bill.

Mr. President, I am opposed to any further extension of power to the President at this time. The President and his administrators have abused the power which has already been given them. I have described the situation very briefly. The tale in telling would bear much more attention than I have given to it, as how they have abused authority already reposed in them.

Mr. President, lest someone may say, "That is the farm-bloc point of view," let me read from an editorial appearing in the Washington Post of December 5. Of course, it is common knowledge that the Washington Post has no sympathy with the farm bloc. I shall quote only from the middle of a long editorial in which reference was made to the state of opinion and the condition of temper, if I may so say, in the Congress. It is not very good, as everyone knows. The Washington Post said, in part:

We refer to the interpretation of the recently enacted stabilization law. No matter how well turned the Attorney General's explanation, the feeling is rife that the administration pulled "a fast one" in interpreting that statute. Few Members of Congress, we imagine, thought that ceiling prices for the farm would not reflect full parity prices. They should not—

That is the opinion of the Post—

but the point is that the law says they should. None imagined—least of all the pilots of the stabilization bill—that the President would assume the right to authorize a salary ceiling, though the surmise as to the next step has not been falsified. This surmise was that the President intends to use his own administrative ruling as a weapon with which to try to drive through Congress an income ceiling.

Mr. President, those of us from the farm States, who have stood on this floor and elsewhere and told the story of the farmer, have found scant support and little sympathy from the great eastern newspapers. Only when the President proposed to use the administrative ruling which was made on the question of farm prices and apply it to salaries did the great eastern newspapers become exercised.

'Tis sweet to hear the watchdog's honest bark
Bay deep-mouth'd welcome as we draw near home.

The Washington Post has no sympathy with the farmer, but the Washington Post is extremely concerned about those with great incomes. So is my friend David Lawrence, whose United States News I read rather regularly. If I remember correctly, David Lawrence used about this language as applied to some of the administrative interpretations:

They were tricky interpretations made by a tricky administration.

I quote from memory from Mr. Lawrence.

Mr. President, I have discussed the bills to which I have referred with some of my colleagues on the floor. I have not undertaken to canvass the Senate, but I have talked informally with quite a number of Senators as to whether they are willing to grant additional power to the President at this time. I have found no disposition to do so.

I am not serving notice on the majority leader—I wish he were present at the time—I am only giving for his informa-

tion something that may be of advantage in working out a program for the remainder of the session.

I find so many objections in my mind to these bills carrying additional powers that I am quite sure that about 2 days will be required for me to express my objections. As I have discussed these matters with some of my colleagues, two of them said they could think of as many objections as I could, and if it would take me 2 days to express my objections they probably would require the same length of time to express theirs.

I have talked to a number of other Senators who have said that they had many objections but they thought they could state them, possibly, in 1 day, though they also stated that they wanted further time for consideration, and, perhaps they would find more objections which would require more than 1 day to state. I merely want to convey that information to the majority leader for whatever it may be worth in his consideration of a further program for the remainder of the present session.

Mr. President, I desire to refer to one other matter. We changed the Constitution to eliminate what was called the "lame duck" session of Congress. If anyone can tell me the difference between a "lame duck" session meeting, as it used to meet on the first Monday of December and continuing until March 4, when it expired by limitation, and the present "lame duck" session, which began after the last election in November and will expire by limitation on January 3, I should be pleased to have the distinction made. I have sympathy, of course, with the "lame duck" Members; I may be one of them myself some day; but there is no question, Mr. President, that the President of the United States is trying to drive through this "lame duck" session a measure granting him additional power, which I think there is no disposition to give him. Certainly the livestock growers of the West are still concerned about the possibilities of Argentine beef if the President can suspend all tariff rules and all restrictions.

Mr. CONNALLY. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. REED. I yield.

Mr. CONNALLY. Most of the restriction in the case of South American beef, particularly Argentine beef, is not really due to tariff duties, but is because of the foot-and-mouth-disease embargo.

Mr. REED. I understand that; the Senator from Texas has stated it correctly. The President could also suspend that regulation.

Mr. CONNALLY. He could not unless Congress authorized him to do so.

Mr. REED. And we are not going to authorize him to do it; at least, I do not think we are going to authorize him to do it.

The feed-grain farmers of the West are concerned about the statement of Secretary Wickard that there may be brought in from Canada some two or three hundred million bushels of feed grains free of duty if the President has power to suspend the duties. Certainly we have no intention of permitting anything of that kind.

I close with the suggestion that I am unalterably opposed to the bills which grant further and additional powers to the President. He has abused powers that have been given him; he has not showed good faith with the Congress; and if additional powers are needed, the time to give them to him is after consideration by the Seventy-eighth Congress, which will convene on January 3 next.

USE FOR WAR PURPOSES OF SILVER HELD OR OWNED BY THE UNITED STATES—AMENDMENT

Mr. McCARRAN. I ask unanimous consent to submit an amendment in the nature of a substitute for the bill (S. 2768) to authorize the use for war purposes of silver held or owned by the United States, and ask that it be printed in the RECORD.

There being no objection, the amendment in the nature of a substitute intended to be proposed by Mr. McCARRAN to Senate bill 2768, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. McCARRAN to the bill (S. 2768) to authorize the use for war purposes of silver held or owned by the United States, viz: In lieu of the language proposed to be inserted by the Committee on Banking and Currency, insert the following:

"That notwithstanding any other provision of law, the President is authorized, through the Secretary of the Treasury, upon the recommendation of the Chairman of the War Production Board, to sell or lease, upon such terms as the Secretary of the Treasury shall deem to be in the best public interest, to any person, partnership, association, or corporation, or any department of the Government, for use strictly in connection with the war effort, including but not limited to the making of munitions of war and the supplying of other industrial needs contributing directly to the war effort, any silver held or owned by the United States: *Provided*, That the price for all silver sold under this act shall not be less than 71.11 cents per fine troy ounce: *Provided further*, That at all times the ownership and the possession of an amount of silver of a monetary value equal to the face amount of all outstanding silver certificates heretofore or hereafter issued by the Secretary of the Treasury shall be maintained by the Treasury: *Provided further*, That no silver shall be sold under this act until all current supplies of imported silver and domestically mined silver shall have become reduced to an immediately available aggregate stock of 20,000,000 ounces or less: *Provided further*, That no silver shall be sold under this act for other than consumptive purposes: *And provided further*, That any silver sold or leased under this act which is not actually used in connection with the war effort shall be resold to and purchased by the Treasury at 71.11 cents per fine troy ounce, or, in the case of any silver leased under this act, returned within 1 year after the termination of the war.

"SEC. 2. Authority to sell or lease silver under this act shall expire on December 31, 1944."

CORRECTION IN THE ENROLLMENT OF HOUSE BILL 7568

Mr. WALSH. Mr. President, I ask unanimous consent to submit a concurrent resolution and to have it considered immediately. I make this request in the absence of the chairman of the Finance Committee, the distinguished Senator from Georgia [Mr. GEORGE]. It is a very simple resolution, and, perhaps by reading it I can explain its purpose.

That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, to make the following change, namely: In the language inserted by Senate engrossed amendment No. (2), strike out the word "of" and insert "or", so as to make the language read: "will not be met by importation or licensed production."

The concurrent resolution simply provides for the correction of one word in the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. McNARY. Mr. President, I recall that a few days ago the Senate passed a House bill covering the subject matter.

Mr. WALSH. That is true.

Mr. McNARY. The concurrent resolution seems to be merely designed to correct the phraseology of the bill, and I have no objection.

Mr. CLARK of Missouri. I ask that the concurrent resolution be read.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (S. Con. Res. 39), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, to make the following change, namely: In the language inserted by Senate engrossed amendment numbered (2), strike out the word "of" and insert "or", so as to make the language read: "will not be met by importation or licensed production."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

CALL OF THE ROLL

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	O'Mahoney
Andrews	Green	Radcliffe
Austin	Guffey	Reed
Bailey	Gurney	Russell
Barbour	Herring	Schwartz
Barkley	Hill	Scrugham
Brewster	Johnson, Calif.	Shipstead
Brooks	Johnson, Colo.	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Burton	Lodge	Thomas, Idaho
Byrd	Lucas	Thomas, Okla.
Capper	McCarran	Tobey
Caraway	McNary	Tunnell
Chavez	Maloney	Vandenberg
Clark, Idaho	Maybank	Van Nuys
Clark, Mo.	Mead	Wagner
Connally	Millikin	Walsh
Danaher	Murdock	Wheeler
Davis	Murray	White
Doxey	Nelson	Wiley
Ellender	Nye	Willis
Gerry	O'Daniel	

The PRESIDING OFFICER (Mr. DOXEY in the chair). Sixty-eight Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, communicated to the Senate the intelligence of the death of Hon. Philip A. Bennett, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1099. An act for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris;

S. 1334. An act for the relief of Anthony Famiglietti;

S. 1953. An act for the relief of James B. Shuler;

S. 2195. An act for the relief of Charles E. Salmons;

S. 2292. An act for the relief of Fred Walker, Sr.; legal guardian for Fred Walker, Jr.; the District Court of the United States for the District of Columbia;

S. 2317. An act for the relief of Lillian LaBauve Linney;

S. 2363. An act for the relief of Percy Ray Greer, a minor;

S. 2593. An act to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the administration building, naval operating base, Norfolk, Va., on January 26, 1941;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatriz Milan Vda. de Vazques;

S. 2705. An act for the relief of Camilla C. Moore;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear;

S. 2741. An act for the relief of Charles E. Naghel; and

S. 2742. An act for the relief of Guy E. Mish.

AUTHORIZATION FOR R. F. C. TO ISSUE ADDITIONAL NOTES, BONDS, AND DEBENTURES—AMENDMENT

Mr. THOMAS of Oklahoma. Mr. President, I submit an amendment to a pending bill, which I ask to have printed in the RECORD in full, and printed and lie on the table.

There being no objection, the amendment intended to be proposed by Mr. THOMAS of Oklahoma to the bill (H. R. 7801) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority, was received, ordered to lie on the table, to be printed, and to be printed in the RECORD as follows:

At the proper place insert a new section, as follows:

"SEC. —. That section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, be, and the same is hereby, amended by striking out the following in the first sentence of said section and paragraph, to wit: 'and freight rates, as contrasted with such interest payments, tax payments, and freight rates' and inserting the following in lieu thereof: 'freight rates, and farm wages (on the basis of the national average and to include the wages of hired workers, operators, and owners), as compared with such interest payments, tax payments, freight rates, and farm wages.'

"(b) That said section 301 (a) (1) is further amended by striking out the following in the first sentence of said section, to wit: 'for which the base period is the period August 1909 to July 1914.'"

SETTLEMENT OF CLAIMS AGAINST MEXICO—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528), to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

Mr. CONNALLY. Mr. President, the present situation in the Senate with respect to the conference report was caused by reason of a disagreement between the two Houses on the bill. In conference the House conferees insisted upon the elimination of certain provisions which were contained in the Senate bill. Upon conference with other Senators interested, notably the Senator from Missouri [Mr. CLARK], I think it will be possible, by a very slight change in the conference report, that is by reinstating one of the provisions contained in the Senate bill, to reach an agreement and dispose of the whole matter. From a parliamentary standpoint I understand it is necessary that the Senate further insist on its disagreement to the amendment of the House, and request a further conference with the House, and that the Chair appoint conferees on the part of the Senate.

Mr. McCARRAN. Mr. President, on that question other Senators, aside from those specifically in charge of the bill, have a right to be heard.

Mr. CONNALLY. I am not advised about that.

Mr. McCARRAN. I desire to be heard on the matter.

Mr. CONNALLY. Mr. President, I cannot yield to the Senator from Nevada for that purpose now.

The PRESIDING OFFICER. Has the Senator from Texas made a motion?

Mr. CONNALLY. This is a privileged matter, and I suppose it can be disposed of speedily. I move that the Senate further insist upon its disagreement to the amendment of the House, and request a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. McCARRAN. Mr. President, I wish to speak on the motion of the Senator from Texas. I am at a loss to know why a private arrangement should be made without an opportunity being given other Senators to be heard in connection therewith. We understand, and our understanding is not based on documentary evidence, that something has occurred somewhere in the proceedings, somehow which now impels the able Senator from Texas, as chairman of the Foreign Relations Committee, to make this rather unusual motion. We are given to understand, not from specific statements——

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McCARRAN. I will yield for a question only.

Mr. CONNALLY. I want the Senator to yield only for a question. I would not dare interrupt the Senator for any other purpose.

Mr. McCARRAN. I could not understand the Senator's last remark.

Mr. CONNALLY. I would not dare interrupt the Senator for any other reason. I did not hear the Senator's statement. Did the Senator express some doubt as to the motives of the Senator from Texas?

Mr. McCARRAN. Oh, no; I never doubt the Senator's motives. I think his motives are always high and lofty.

Mr. CONNALLY. I did not hear the Senator's previous statement.

Mr. McCARRAN. I am sorry the Senator did not. The Senator was engaged in conversation, and, of course, could not hear it. I always attribute the most lofty motives to the Senator from Texas.

Mr. CONNALLY. Mr. President, will the Senator from Nevada yield further?

Mr. McCARRAN. Does the Senator from Texas question my statement? Does he infer that I said or implied that the motives of the Senator from Texas were other than worthy and high?

Mr. CONNALLY. Oh, no; I am sure the Senator did not do anything like that. I do not think the Senator would do such a thing. I wish to say that my motion relates only to the Mexican Claims Commission bill. I am not interested in the silver bill. I am not interested in any other measure that any Senator may want to have come before the Senate or may not want to have considered. I want to get the Mexican claims matter through, and after going all over the situation I thought the best way to get it through was to make a slight concession. That is why I am making it. I am not concerned with the R. F. C. $5,000,000,000 bill. I do not care anything about it. I am in charge of the pending measure, and I will say to the Senator that the only motive on earth which actuates me is to get the bill through.

Mr. McCARRAN. I realize that, but at the same time there are 96 Senators

in this body, and each one of the 96 may be interested in the bill which is being sponsored by the Senator from Texas. We are interested and will remain interested in it, because it involves $40,000,000. Forty million dollars does not mean so very much in these days of elaborate expenditure, but, nevertheless, $40,000,000 will mean something in the dim and dismal future, as was indicated by the way the teeth of the people of the country were set into the election on the 3d of November last. I think many things will become important between now and the next ides of March. I think it might be well for every Senator to take very great interest in every bill which may come before the Senate. There are 96 Senators in this body, and each one of the 96 should be interested in each bill that comes before us.

Mr. President, the bill which is under consideration came out of the Foreign Relations Committee, as I understand. If I am wrong about that, I shall be glad to be corrected. I take it that the bill came out of the Foreign Relations Committee after a rather lengthy consideration of it. I base that assumption on the statement of the very able Senator from Missouri [Mr. CLARK], concurred in by the unusually able Senator from Texas [Mr. CONNALLY]. In matters involving claims between this Nation and foreign countries in which money is involved, somebody must pay the money. Somebody must liquidate the claims.

That brings us to the question, Where are we to get the money? Shall we continue to bleed the people of the country in order to pay claims which two Senators can adjust or settle? I wonder about that. Shall we ask the people of the country to buy bonds, and more bonds, so that we may adjust claims, the liquidation of which is involved in a private arrangement between two very able and very worthy Senators, admitting, as I unhesitatingly admit, that the private arrangement may have been without any ulterior motive whatever?

How do we raise money in America? What are the methods by which money is extracted—if I may use the term advisedly—from the people of the country? What are the avenues through which the money of the country goes into circulation, meets obligations, goes out of the Treasury, or is used by governmental agencies to support obligations guaranteed by the Republic?

The other day I read that the national indebtedness had reached the $100,000,000,000 mark. If I am not mistaken, that means a $100,000,000,000 indebtedness appears on the books of the Treasury; but to what extent have the Reconstruction Finance Corporation, a financial agency set up in 1931, or thereabouts, and other agencies of the Government, encumbered the credit of the country through obligations authorized and now outstanding?

While sitting as a member of the Appropriations Committee of the Senate I have had the unusual privilege of learning much about what is outstanding, what is obligated, what is authorized, and what is in the future. As I stated at the outset, $40,000,000 does not sound like very much. When the last appropriation bill came from the Appropriations Committee of the Senate—originating in the House of Representatives, as it must under the practice—amounting in round numbers to some $6,000,000,000, I voted for it. I did so without a blush. I would vote for it again, because it was a bill to increase the air force of the United States and to assist in building a navy which would help bring victory with a reasonable degree of promptness, considering the strength of our adversaries, relieve heartache in America, bring America back to where it belongs, and bring the world back to normalcy.

In voting for the bill many questions must have arisen in the minds of members of the Appropriations Committee. We realized that, as a matter of cold bookkeeping, there was no such sum of money in the Treasury of the United States. We were merely authorizing the expenditure of the money to build a navy and establish an air force. We should have authorized, and will authorize, much more than that for the armed forces of America.

Mr. President, while we are providing for such enormous appropriations, we are presented with a request for $40,000,000 to settle Mexican claims. In keeping with the innuendo of my good friend the very able Senator from Texas [Mr. CONNALLY], I suppose that I may be criticized for challenging, in one way or another, such a paltry sum as $40,000,000.

Mr. President, if without undue disclosure I may recite some things which have occurred in the Appropriations Committee, let me say that I have seen the committee sit for long hours wrangling, fighting, and arguing over amounts even less than $1,000,000. On the other hand, I have seen an appropriation of $6,000,000,000 approved by the committee after 2 or 3 days of hearings.

We come back to the question, How is money raised in this country? What is money in America? Are we to abandon the capitalistic system? Shall we destroy the financial structure which has been our foundation for 150 years? Shall we enter a new realm of economics following this war? I am exceedingly troubled by such questions, because I think I can read the signs of the times. I believe that I can see that unless we take up arms for the country which we love; unless we go into battle array after military hostilities have ended, in this war, so that private enterprise and individual effort may have their place in our Nation, as they have had for many years, and indeed, during its entire life; unless there be those in Congress who propose to reclaim for Congress the powers, the responsibilities, and the prerogatives which belong to Congress; unless we are ready to say that we stand as the champions of the American economy in the post-war period, then, Mr. President, you and I and everyone who listens to me today on the floor of the Senate should be concerned; for, if I read the signs of the times aright—and I am sorry if I read them otherwise—there is a movement which had its advent far abroad, but is being sponsored here and, indeed, by many who wave the flag, the flag being their shield for the propagation of their doctrine, that will set up communism in America—so much so, that if we win the war we may lose the peace.

That we will win the war neither I nor anyone else has any doubt. That for the safety of stabilization we must win the war is an abiding faith and an uncontradictable position; but if we are sending our blood and brawn and brain and strength into foreign fields to die, then their memory and their spirits returning here will question me and will question those in this body who listen to me as to why we allowed democracy, stabilized democracy, with its fine attendant features of individual human effort, to be lost while they were battling abroad.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McCARRAN. I am attempting to be as guardful as possible of my right to the floor. I ask the Chair to advise me whether, if I yield when request is made of me to yield the floor, I may reserve the right to have the floor thereafter, so that I shall not be deprived of the floor. Of course, I am somewhat familiar with the rule.

The PRESIDING OFFICER. Under the rule, if any Senator objects, the Senator may yield for nothing other than a question.

Mr. McCARRAN. Otherwise I still have the floor; is that correct?

The PRESIDING OFFICER. The Chair recognized the Senator from Nevada, but the Senator could have been taken off the floor if a point of order had been made. However, no point of order was made.

Mr. McCARRAN. If some other Member of the Senate makes the point of order after I have yielded the floor, then I am taken off the floor; is that correct?

The PRESIDING OFFICER. Yes; if, immediately after the Senator yields, a point of order is made, because the Senator did not yield for a question; he yielded for the transaction of business.

Mr. McCARRAN. That is correct.

The PRESIDING OFFICER. The Senator from Nevada is now recognized.

Mr. McCARRAN. Mr. President, I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, does the Senator realize that by doing so he is yielding the floor?

Mr. McCARRAN. Very well; I shall have the floor again.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Doxey	Russell
Andrews	Green	Schwartz
Barbour	Guffey	Spencer
Barkley	Gurney	Thomas, Idaho
Brewster	Herring	Thomas, Okla.
Brown	Johnson, Calif.	Tunnell
Burton	Johnson, Colo.	Vandenberg
Capper	Langer	Van Nuys
Caraway	McCarran	Wagner
Clark, Idaho	McNary	White
Connally	O'Daniel	Wiley
Danaher	Reed	Willis

The PRESIDING OFFICER. Thirty-six Senators have answered to their

names. There is not a quorum present. The clerk will call the names of the absent Senators.

Mr. McCARRAN. Mr. President, I move that further proceedings under the call of the roll be dispensed with.

The PRESIDING OFFICER. The motion is not in order. It will be necessary to have a quorum before business can be transacted.

Mr. McCARRAN. Am I to understand from the ruling that we cannot dispense with the call of the roll at any time?

The PRESIDING OFFICER. When it is disclosed that a quorum is not present, the call of the roll cannot be dispensed with. The Chair has announced that 36 Senators answered to their names, and ordered the clerk to call the names of the absent Senators. That must be done in order to develop a quorum.

The Chief Clerk proceeded to call the names of the absent Senators, and after several names were called——

Mr. McCARRAN. Mr. President, I ask unanimous consent that the further calling of the roll be dispensed with.

The PRESIDING OFFICER. The request is not in order. Unless a quorum is present, business cannot be transacted, by unanimous consent or otherwise.

The Chief Clerk resumed the calling of the roll, and after calling several names——

Mr. McCARRAN. I move that the Senate do now adjourn until we can have a quorum.

Mr. CONNALLY. Until we get a quorum, the Senator cannot make a motion.

The PRESIDING OFFICER. A straight out motion to adjourn is in order.

Mr. CONNALLY. Not while the roll is being called.

The PRESIDING OFFICER. A motion to adjourn is in order at any time.

The question is on agreeing to the motion of the Senator from Nevada that the Senate adjourn. [Putting the question.]

Mr. McCARRAN. I ask for a division.

On a division, the motion was rejected.

The Chief Clerk resumed and concluded calling the names of the absent Senators, and the following Senators answered to their names when called:

Austin	Hill	Nye
Bailey	Lee	O'Mahoney
Brooks	Lodge	Radcliffe
Bulow	Lucas	Scrugham
Byrd	Maloney	Shipstead
Chavez	Maybank	Shott
Clark, Mo.	Mead	Stewart
Davis	Millikin	Tobey
Elender	Murdock	Walsh
Gerry	Murray	Wheeler
Gillette	Nelson	

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum is present.

Mr. McCARRAN. Mr. President, before the call of the quorum I was discussing, in my rather feeble way, the methods by which and the avenues through which money in America was either created or established or raised. As I stated before, the $40,000,000 item sponsored by the able Senator from Texas, objected to by the able Senator from Missouri, amounts to but little. The Mexican claims, whether they amount to $40,000,000, or $400,000,000, or $4,000,000, could have been settled a long time ago.

Mr. CONNALLY. Is the Senator asking me a question?

Mr. McCARRAN. The Senator is inquiring of me?

Mr. CONNALLY. I thought the Senator was asking me a question.

Mr. McCARRAN. If the Senator desires to ask me a question, I shall yield for a question.

Mr. CONNALLY. I thought perhaps the Senator was disturbed by the fear that the $40,000,000 would be paid in silver, but I understand it will not be paid in silver; it will be paid in currency.

Mr. McCARRAN. If it were paid in silver, of course, it would be doubly paid—and I should not want it to be paid doubly—because the only money Mexico knows is silver; indeed, the only money two-thirds of the population of the world know today is silver. So it would be very easy to pay the claims in silver, and in view of the fact that silver costs the Treasury of the United States not 1 cent, it would be the cheapest way to pay the claims. I am, therefore, not interested in that, because I take it that those who sponsor the bill are not particularly interested in what it may cost.

Mr. President, I am interested in the avenues through which money is raised. The Reconstruction Finance Corporation has come to the Congress asking for greater financial fields, and I am advised that that is one of the matters to be considered hereafter. It would seem to me to be very advisable, carrying out the thought I have tried to express, that the people of this country might determine who are their tax barons, who is imposing the burden of taxation on America. We are told, and the people are told, in no uncertain terms, by press and radio. Even Harry Hopkins, if you please, told the people of America that those in authority would tax and tax and tax, and spend and spend and spend, and elect and elect and elect. That was the statement of Harry Hopkins. I shall not refer to the many agencies which have told the people of the country how they would be mulcted of their money. If I did so, I might go into the realm of Tommy Corcoran, who is taking the people's money now and has very unblushingly admitted it.

Mr. MURDOCK. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. MURDOCK. If and when the Congress passes the bill reported by the Committee on Banking and Currency to the Senate authorizing the R. F. C. to expand its borrowing power to the extent of another $5,000,000,000, as a very humble Senator, having a very meager knowledge of monetary and banking matters, I should like to ask the distinguished Senator from Nevada to enlighten me as to how and from what source the Reconstruction Finance Corporation will get the additional $5,000,000,000 which they need in their operations.

Mr. McCARRAN. Mr. President, when the able Senator from Utah says that he is a humble member of the Committee on Banking and Currency I must disagree with him, because he is a very outstanding member, and a serious student of subjects considered by the committee. I can best answer his question by reading the bill which created the Reconstruction Finance Corporation. It seems to me it would not be out of place for the Senate of the United States, now that it is about to extend the powers and prerogatives of the Reconstruction Finance Corporation, to go back to first principles.

My recollection is—and the RECORD before me shows—that the bill creating the Corporation was introduced along about 1932. I shall read from the remarks of Mr. SABATH of date January 11, 1932, in which the report of the committee is set out in full. He quoted from the report, as follows:

> The measure provides for the creation of a corporation with capital stock of $500,000,000, to be subscribed by the Treasury of the United States, with a board of directors, to be composed of the Secretary of the Treasury, the Governor of the Federal Reserve Board, the Secretary of Agriculture, and four directors, two of whom shall be appointed by the President of the United States and two of whom shall be appointed by the Speaker of the House of Representatives, and who shall be confirmed by the Senate. The term of office of the directors of the Corporation is fixed at 5 years and the salary prescribed is $10,000 each. The Corporation is authorized to issue its obligations to an amount aggregating not more than three times its subscribed capital—

I may say that we have gone far beyond that point since the original bill was passed. That is the reason I am raising the question. I am wondering where we are going to get all this money—

> which obligations are to mature not more than 5 years from their dates of issue and which are guaranteed by the Treasury of the United States.

Mr. President, that language causes me to suggest again, for it is in keeping with the thought which I first tried to present, that, no matter where the money comes from, the National Treasury has obligated itself, by way of guaranty, for its repayment. If the Reconstruction Finance Corporation were to fail, if it were possible for it to go into liquidation, if it could not pay its obligations, then the Treasury of the United States, under the language of the bill, will stand behind it. So that as we extend the issuing prerogatives of the Reconstruction Finance Corporation, we simply extend the obligations behind the Reconstruction Finance Corporation; in other words we extend the debt of the Nation. I think no one will take issue with that statement.

Mr. MURDOCK. Mr. President, will the Senator yield for another question?

Mr. McCARRAN. Yes.

Mr. MURDOCK. I am not sure that my information is correct on this point, but I believe the Secretary of the Treasury is at this time selling all the bonds that can possibly be sold to the individual citizens of the United States. We are all cognizant of the fact that there is under way now, and has been for months, a great campaign to sell the bonds of the United States, the direct obligations of the United States, to the people in order to bring money into the Treasury for the financing of the war. Am I correct in my assumption that if the proposed authorization to the Reconstruction Finance Corporation is granted by Congress, and is approved by the President, the bonds authorized to bring in the

additional money to the Reconstruction Finance Corporation will in all probability be sold to the banks of the United States? Are they not the usual and general market for R. F. C. bonds?

Mr. McCARRAN. I am not at all familiar with the method or manner by which these obligations are disposed of. My understanding is that the bill proposes to permit an extension of the powers of the R. F. C., and an extension of its stock in keeping with the extension of its powers. If I am in error about that I shall be glad to be corrected.

I return now to the discussion by Mr. SABATH in his presentation of the bill before the House of Representatives on January 11, 1932. He read further from the report of the committee as follows:

> The Corporation is authorized to make loans for a period of 1 year and the President is authorized to extend the time for making loans 1 additional year.

Mr. President, not many Senators are listening to me now, but I think if we were to study the law which it is proposed to amend, many Senators would be very much interested in the subject, because the obligations referred to are the obligations of the United States of America. They are just as much the obligations of the United States of America as the bonds referred to by the able Senator from Utah [Mr. MURDOCK]. He is entirely correct when he says that the people are being urged to buy bonds. Naturally the people are being urged to buy bonds. Over the radio last night, and the night before, and the night before that, we heard the continual urging, by most eloquent commentators, to buy the bonds. The real truth of the matter is that no one advertises over the radio without beginning with the phrase "buy bonds" and ending with the same phrase. We are in favor of that. I should be willing to occupy considerable time in urging my colleagues to buy bonds. I know from personal knowledge that some could perhaps not buy very many, but I know they will buy as many as is within their financial ability.

I would urge the people of the country to buy bonds, and one reason is the security behind them. If the obligation of America to pay the bond issue does not furnish sufficient security, then nothing is secure. If the bonds are not secure then the money of the country which is issued by the Government is itself worthless. Whatever is issued by the Government has behind it the guaranty of the Government. The guaranty of the Government is behind its bonds. So when the Senator from Utah draws my attention to that fact I am very much interested, because the more money we can bring into the Treasury, the more we will have to pay the $6,000,000,000 of which I spoke a little while ago; and the more able will the Government be to sustain its military forces.

Mr. President, there is only one thought behind this discussion. There is nothing on the floor of the Senate today, nor is there anything before the House of Representatives today which transcends in importance the bringing of our 130,000,000 people together into unity behind our war movement.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. THOMAS of Oklahoma. Am I correct in my assumption that the Senator from Nevada is against the enactment of the so-called Green bill, which proposes the repeal of the Silver Purchase Act?

Mr. McCARRAN. Yes. I expected to discuss that subject at the proper time. I am very much opposed to the bill, of course. I have today offered a substitute for that bill—a bill which is much in the future, I take it. I have offered an amendment by way of a substitute, which I have submitted to the author of the bill. I may say to the Senator from Oklahoma that I am advised—and if my advice is incorrect I shall be glad to stand corrected—that my substitute would have the approval of the Secretary of the Treasury of the United States, it would have the approval of the War Production Board, it would have the approval of the Metals Reserve Company. I thank the Senator from Oklahoma for bringing that point to my attention, but I cannot desist from continuing with the thought I have in mind.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. (Mr. TUNNELL in the chair). Does the Senator from Nevada yield to the Senator from Oklahoma?

Mr. McCARRAN. I yield.

Mr. THOMAS of Oklahoma. I realize that the Green bill is not before the Senate, but inasmuch as it is likely to be, I should like to interrogate the Senator with respect to one or two other points, as a matter of information for the RECORD.

Mr. McCARRAN. I am very glad to have the Senator do so.

Mr. THOMAS of Oklahoma. Is it not a fact that the silver-purchase program increased the permanent silver money in circulation from about $450,000,000 to almost $2,000,000,000?

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. Is it not a fact that the only money in circulation that can be redeemed in something of value is in the form of silver certificates?

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. Is it not a fact that if the Green bill should be adopted and the silver-purchase program repealed, it would be possible for the Treasury Department to call in the outstanding silver certificates, and therefore we would have no money in circulation that could be redeemed in anything save in other paper currency?

Mr. McCARRAN. The Senator's statement on that subject is entirely in keeping with his fine understanding of the entire subject, and I answer his question in the affirmative, naturally, because it is the truth, it is the fact.

Mr. THOMAS of Oklahoma. If I may I should like to interrogate the Senator a little further.

Mr. McCARRAN. Very well.

Mr. THOMAS of Oklahoma. Is the Senator aware that the Treasury Department is now calling in and retiring outstanding silver certificates?

Mr. McCARRAN. I have heard that they are calling in outstanding $5 certificates, and that they are issuing $1 certificates in place of the $5 certificates. I have also heard that they are retiring the $5 certificates. I do not know what the object is.

Mr. THOMAS of Oklahoma. If I may further pursue the inquiries: If the administration, as represented by the Treasury Department, can call in $5 certificates and retire them, is there any reason why it cannot call in the $1 certificates and retire them?

Mr. McCARRAN. None whatever. The same thing applies to the tens or twenties.

Mr. THOMAS of Oklahoma. Is it not a fact that under the present law the Treasury Department has the power to use, in any way it sees fit, the so-called free silver, which means the accumulated silver bullion which is not pledged to support outstanding silver certificates?

Mr. McCARRAN. The Senator is entirely correct.

Mr. THOMAS of Oklahoma. That means about one-half of our acquired store of silver bullion, our acquired store being about 113,000 tons.

The Treasury can make use of approximately one-half the accumulated silver for the war effort. It is calling in outstanding silver certificates and retiring them with Federal Reserve notes so I am advised, thereby freeing additional silver. Is it not a fact that this policy, if carried to the nth degree, might mean calling in and retiring all outstanding silver certificates, whereupon our silver hoard of 113,000 tons would be of practically no use except directly in connection with the war effort?

Mr. McCARRAN. The Senator's conclusion is entirely correct.

Mr. THOMAS of Oklahoma. If the Treasury Department has legal authority for doing what it is doing—and I do not question it—is there any occasion for additional legislation to make any part of our accumulated hoard of silver, or all of our silver, available for the war effort?

Mr. McCARRAN. There is no occasion to comment on the fact that all our silver may be made available for the war effort.

In that connection, and in reply to the Senator's query, let me say that I do not like to bring this matter up because it is foreign to the subject I had in mind, but the Senator's query on the subject brings me into the realm of what has been done by those who are behind this movement. Please understand that this excludes authors and Senators. I hope that Senators who are either sponsors or authors of the silver bill will not leave the Chamber, because I am about to say some things which will be a little harsh.

Mr. President, there are two ways of committing murder. One is by destroying the physical being by a bullet, a stab, gas, or otherwise. The other is by destroying the integrity of a man by destroying his reputation.

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the Senator

probably contemplates discussing an incident in the silver program, and inasmuch as that question will obviously be before us later, I wonder if he will permit me to ask him another question?

Mr. McCARRAN. I gladly yield for a question.

Mr. THOMAS of Oklahoma. Is it not a fact that the silver program was initiated in 1934 as one of the policies to break the then existing depression?

Mr. McCARRAN. That is correct. May I follow that up by saying that it was not only designed to do so, but did do so.

Mr. THOMAS of Oklahoma. I am glad to have the Senator's confirmation of my conviction.

If I may further pursue my interrogatories, is it not a fact that through the silver program we placed in circulation more than a billion and a half dollars of new money, which made money more plentiful; and as money became more plentiful it became cheaper, and as money became cheaper prices rose?

Mr. McCARRAN. That is a uniform and established rule which in my judgment cannot be contradicted. It was true then, and it will be true in the future.

Mr. THOMAS of Oklahoma. Is it not a fact that the silver program worked so successfully that by 1937, only 3 years after its adoption, the prices of all commodities had risen to such a point—and were still rising rapidly—that some of our people became alarmed that we might be on the verge of inflation, whereupon the authorities, who may be called the managers of our money, began to put on the brakes, checked the so-called inflation, or rising prices in 1937, and brought on a second depression?

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. Is it not a fact that the silver-purchase program, which may soon be before the Senate, had the direct result which was claimed for it when we sponsored the bill in the Senate, that of raising commodity prices, which I believe every one at that time agreed should be increased?

Mr. McCARRAN. The Senator is correct.

The Senator used an expression, in connection with the silver purchase program, to the effect that it will soon be before the Senate. Perhaps I did not catch the significance of that statement.

Mr. THOMAS of Oklahoma. I understand that the bill is now on the calendar.

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. I understand that some Senators very much desire that the bill be considered by the Senate.

Mr. McCARRAN. I so understand.

Mr. THOMAS of Oklahoma. I assume that inasmuch as some Senators desire that the bill be brought before the Senate some time before this session of the Congress adjourns, a motion will be made to proceed to its consideration.

Mr. McCARRAN. I understand that such a motion is in the offing.

Mr. THOMAS of Oklahoma. I have covered one point. My second point is this: Is it not a fact that at the present time the War Production Board—which means the managers of our war effort—is very short of a number of very important metals, such as copper, tin, zinc, and other comparable metals?

Mr. McCARRAN. That is true, as was testified before the committee of which the able Senator from Oklahoma is chairman, a committee which has been very much interested in the production of essential war metals.

Mr. THOMAS of Oklahoma. Is it not a fact, if I may further pursue this line of inquiry, that it is now conceded that for some purposes silver is not only a substitute, but is even better than copper, tin, and zinc for the manufacture of certain war materials?

Mr. McCARRAN. If I may make an extensive answer in response to the question of the able Senator from Oklahoma, let me say that the Secretary of the Treasury, together with Mr. Donald Nelson, appeared before the silver committee of the Senate, of which the able Senator from Oklahoma is chairman, and both of them made the suggestion that the so-called free silver, as they termed it, might, by common agreement, be released from the Treasury so that it could be used for nonconsumptive purposes in the war effort. All members of the committee, of which I have the honor of being a member, agreed; and up to the present time under that agreement nearly 16,000 tons of silver have been released from the Treasury of the United States to be used in the manufacture of conductors of electricity. The silver is still the property of the Treasury of the United States.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator further yield?

Mr. McCARRAN. I yield.

Mr. THOMAS of Oklahoma. Admitting that our vast amount of accumulated silver is now all important in the war program, is it not a fact that we have acquired this silver as a direct result of the so-called silver program?

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. Then, Mr. President, if I may make a brief statement, the silver program has done two fundamental things. First, it has helped break a depression which was world-wide. Secondly, it has resulted in the accumulation of some 113,000 tons of a most important metal for use in the war effort. Any attempt to repeal a law which has been so valuable, and stop a program which has been so successful should be resisted by all those who believe in the program, and I shall join in such resistance.

Mr. McCARRAN. Mr. President, I desire to continue the statement which I started to make when I was interrupted by the interrogatories propounded by the able Senator from Oklahoma.

I stated that there are two ways in which to commit murder. One is by murdering a man's reputation, his integrity, and his sincerity. The other is by killing him physically.

A man who writes the line that destroys another man's reputation, and thereby arouses those who do not fully understand the subject on which the writer dwells to say that they would take the life of a man against whom the article is written is an accessory before the fact. Those who wrote the lines in the Readers Digest under the caption "Twelve men against the Nation" and in the Saturday Evening Post under the caption "Silver scandal" were accessories before the fact to threats of murder. They knew it when they took the money for the articles. It was not denied before the Committee on Banking and Currency that they took money for their filthy lines, which they knew contained lie after lie, which subjected the chairman of the Special Committee on Silver and the Senator from Nevada, who now holds the floor, to threats that our lives would be taken unless we receded from our position. Yet, notwithstanding that, from the very time when the Secretary of the Treasury came before the silver group of the Senate until this hour, not only 12 Senators, but many more than 12 who were called into that group meeting, acquiesced in the request of Mr. Morgenthau and Mr. Donald Nelson that the so-called free silver be released from the Treasury.

Notwithstanding the fact that the Senator from Nevada who now holds the floor of the Senate met time after time with those who make jewelry and gewgaws and flatware and knives and forks out of silver, and said he would gladly help them in any way and that his whole group would gladly help them in any way to have sufficient silver so that they might continue with their production activities, the War Production Board said, "We need that silver for war activities."

Mr. President, in all the history of legislation there never was a more rascally thing than what has occurred in the last few months. I was visited in my office by a representative of one of the outstanding brokerage companies of America, the one outstanding brokerage company of America that has handled silver and has derived its profits from silver in the past many years. I was told that unless I consented to a repeal of the Silver Purchase Act the going would be pretty tough for me; and after that there appeared in the Los Angeles Times this statement:

> Even McCARRAN would not like to be pilloried.

Then followed the two articles, one in the Reader's Digest and the other in the Saturday Evening Post. If they did not pillory 12 men on the floor of the Senate, I do not know what pillorying is. Mr. President, I challenge the author of either of the two articles to show that any men have been more loyal, more American, or more faithful to an oath than have been the 12 men who have been pilloried in those two articles; and I challenge the authors of the articles to defend the truth of their statements, because there is not a single true statement in either of the articles so far as the use of silver for essential war purposes is concerned.

Today I put into the RECORD the whole theme of the Senators who are here defending the monetary system of the United States. Let it not be forgotten

that the Constitution of the United States has some place in the picture, notwithstanding the fact that for 10 years we may not have wanted to submit it to the people of the country for amendment.

The Constitution, if I recall correctly its provisions, says, in substance, that no State shall have any money save gold and silver. I wonder what that means. It simply means that gold and silver are the basic monetary metals behind our Treasury. Whenever we resort to the printing press for money, we have money so long as the printing press can turn over; but just so long as we keep behind our monetary system the precious metals which from time immemorial have been behind our monetary system and the monetary systems of other civilized countries, there cannot be inflation. There cannot be inflation because nature produces those two metals, and produces them in limited quantities.

The question propounded by the able Senator from Oklahoma [Mr. THOMAS] causes me to depart from the subject I had in mind, and gladly I depart from it.

Mr. THOMAS of Oklahoma. Mr. President, before the Senator proceeds I should like to ask a further question which I think is pertinent. The Reader's Digest article and the Saturday Evening Post article contained the statement that the silver-purchase program had cost the taxpayers a billion and a half dollars. Is that statement true?

Mr. McCARRAN. A more untrue statement never was made, because the purchase of silver, or the so-called purchase of silver, costs the people of the United States not one cent. It does not cost the Treasury of the United States one single sou marqué. Several members of the Appropriations Committee are now in the Senate Chamber; the able senior Senator from Oklahoma is one. Is there any Senator who can say that to the floor of the Senate or of the House of Representatives there ever has come an appropriation item for the purchase of silver? Can any Member of the Senate answer that question? Of course, the answer to the question is that no such item ever has come to the floor of either House.

Mr. THOMAS of Oklahoma. Mr. President, I desire to ask the Senator a further question, and then I shall subside. Will the Senator yield to me again?

Mr. McCARRAN. I yield.

Mr. THOMAS of Oklahoma. I can hardly subscribe to the statement just made by the able Senator. The Appropriations Committee appropriates money to buy a special brand of paper, the paper being used exclusively for the printing of money for currency. Is it not a fact that the paper is used for the printing of silver certificates; and, if it is, is it not a fact that the cost of the paper and the cost of printing the certificates is the exact cost which the people of the United States have to bear?

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. First, the cost of the paper; second, the cost of the physical work in the printing process and the cost of the ink required for the printing of the certificates. When those costs are paid, no other costs remain to be met by the people of the United States.

Mr. McCARRAN. That is correct.

Mr. THOMAS of Oklahoma. That cost is only a few cents for each thousand dollars' worth of silver certificates.

Mr. McCARRAN. That is correct.

Mr. President, let me make a further statement. At Fort Knox we have a great store of gold. We bought it at $35 an ounce. In the world at large the market price is $21.67. Does any Member of the Senate think that the Treasury of the United States or the Secretary of the Treasury would sell the gold for $21.67? I cannot imagine such a thing. Of course, the Secretary of the Treasury would not do so. If he were to attempt to do so, he would be brought to account here very shortly.

Let me now refer to the silver question from the standpoint of the two published articles and their fallacy. No ounce of silver in the Treasury of the United States ever cost the people of the United States one dollar or one cent. The Constitution provided what should be the money of this country. It provided that it should be gold and silver; and gold and silver are the money of the country. Evidence of the fact that the Treasury has gold and silver in its possession is made by a little certificate which is printed in the Bureau of Engraving and Printing, to which the able senior Senator from Oklahoma referred a moment ago. The only cost which the people have to pay in connection with the silver money of the country is the cost of the paper and the printing required for the silver certificates.

Mr. President, why is silver now brought into the picture so vehemently and so outstandingly? I want to dwell on this point for a moment. Great Britain has asked us for two and one-half million ounces of silver a month. Australia is asking us to send silver to her. India is praying for silver. China wants silver. Iran, Iraq, and other countries in Asia and Europe want silver for monetary purposes. Why? Mr. President, they have gone through wars in the past and they know what has happened. In Germany after the last war it took a million marks to buy a loaf of bread, and the French francs were not much better, but a little piece of silver as big as a thumbnail would buy a loaf of bread anywhere in the world. The peoples of the subjugated countries and the peoples of the victorious countries—and we hope and pray to God that they are victorious—now are clamoring for the thing that will buy a loaf of bread when the present conflict is over. So Great Britain asks us to send to her, if we can spare it, if we can find it, if we can get it, two and one-half million ounces of silver a month.

In India the price of silver has almost skyrocketed, if I may use a common expression. In China the 400,000,000 or 500,000,000 people know nothing as money except silver. Today the richest man in all the world is an East Indian, and his whole riches are evidenced by silver. I wonder why Great Britain has come into her very prominent place in the world.

That is not all. I am very much off my subject, but I am glad to dwell on this point: Industrially, silver has come into a prominent position, and there is a place for silver both industrially and monetarily. I received a letter which came to me through a rather indirect channel; it was addressed to the President of the United States. I am sorry I do not have it with me. However, I shall quote it in substance. I do so only because it shows how the unconversant mind on the subject may be misled by writing. The letter addressed to the President said:

> I dislike to annoy you because I know you are a very busy man. I have two boys in the military service of the United States. If either of those boys is killed or injured I shall have no hesitancy in going to Washington and killing PAT MCCARRAN or any of his group.

I do not blame the man who wrote that letter. I know the heartache he had. He thought the group of which I am a member was doing the things which have been attributed to us by the writers of the articles in the Reader's Digest and the Saturday Evening Post; he thought we were depriving the armed forces of this country of the silver necessary for their war activities. There never was a more untrue suggestion or statement made in print or otherwise, for, from beginning to end, from the time the Secretary of the Treasury came before the silver group of the Senate until this hour we have acquiesced, we have gone along, we have tried to make it possible for silver to be utilized in the war effort and we are and were willing to go even further.

This is not a fight for the use of silver in the war effort. I will tell the Senate what it is, and I shall do so while the author of the bill is on the floor of the Senate. I do not attribute it to him, because I know what is behind it. This is a fight to reduce the price of silver in the open markets of America, so that it may be used in the making of jewelry, in the making of gewgaws, in the making of flatware, in the making of knives and forks and spoons. A certain brokerage firm have made their fortune from dealing in silver and shaving off profits from both ends. They are the agency behind the two articles which were published, one in the Reader's Digest and the other in the Saturday Evening Post. They are the inspiring force behind the bill to which the able Senator from Oklahoma made reference. They will not deny it, because they came to my office and told me they were going to have the Silver Purchase Act repealed, and threatened to pillory us if we did not stand for its repeal.

So, Mr. President, we find the situation to be that Members of the Senate who stand for a principle are to be pilloried but not by the people of America, for the people of America, when they know the facts, will realize that the more silver we acquire the greater support we give not only to our monetary system but to our war effort as well.

Mr. President, I make the statement, and I challenge anyone to contradict it,

that the Treasury of the United States, with its 113,000 tons of silver, is today the envy of the world. That is not all. The gold which is buried at Fort Knox, and which belongs to the Treasury of the United States, is the envy of the world.

What are the facts behind my statement? Less than 90 days ago Great Britain sent word to the gold miners of South Africa to continue to produce gold as rapidly as possible. So the gold mines of South Africa are today producing gold to a greater extent than they ever did or, at least, they were doing so 30 days ago.

That is not all. The United States of America, in order to promote the production of gold in South Africa, is shipping mining machinery to South Africa, while, at the same time, we are denying mine machinery to the mines of the United States.

Will anyone say that gold is not going to play a part in the post-war program? Will anyone say that silver is not going to play a part in the post-war program? It is going to play so great a part that there are those today who envy the strength of our Treasury.

Let me recite a little incident of history. During the First World War, by reason of the pressure for silver in India, my late beloved colleague initiated and had passed through the Congress of the United States a bill under which we would sell Great Britain 200,000,000 ounces of silver at a dollar an ounce. In the Treasury of the United States that silver was worth $1.29 an ounce. We sold the silver to Great Britain, and then, under the provisions of the Pittman Act, we were to buy silver at $1 an ounce. The silver was taken by Great Britain and turned back after the war to tear down the price of our own silver in the Treasury of the United States. I wonder if anyone will contradict that statement?

That is another reason why I am opposed to releasing any silver except as it may be used and returned to the Treasury for essential war purposes.

The thoughts I have expressed up to this point have caused me to pass over the uppermost thought in my mind, which was the question of the enhancement or extension of the powers and authority and capitalization and issues of the Reconstruction Finance Corporation. So I now return to that subject, and I shall resume the explanation made on the floor of the House by Representative SABATH on January 11, 1932. He continued to read from the report of the committee, as follows:

It is provided that loans that may be made shall not exceed 10 percent of the capital and obligations which the Corporation is authorized to issue, and it is provided that the Corporation shall not make any loans upon foreign securities or for carrying or liquidating such securities or acceptances.

The purpose of the bill, as indicated by the title, is to provide emergency financing facilities for financial institutions to aid in financing agriculture, commerce, and industry, and for other purposes. The necessity for such relief is recognized on all hands. Agriculture is suffering to a point that has alarmed all students of public affairs. The farmers of the country are borne down by the burdens of debt and taxation. Thousands of them face the loss of their homes and complete bankruptcy. Trade and commerce have been curtailed, and industry in many instances has collapsed. A prime underlying cause of all this is the disintegration of our banking system.

The records show that there have been during the year just ended 2,290 bank failures, with deposits of $1,759,000,000. Of these failures, 410 were national banks with deposits of $473,000,000. One hundred and eight State banks that were members of the Federal Reserve System suspended business, with deposits of $302,000,000. During the last quarter of 1931 there were 1,049 bank failures, 199 of which were national banks and 51 of which were State banks that were members of the Federal Reserve System. During the month of October 1931 there were 522 bank failures, 100 of which were national banks and 25 of which were State banks that were members of the Federal Reserve System. During the month of December 1931 there were 353 bank failures, 64 of which were national banks and 18 were State banks that were members of the Federal Reserve System. Failures are still occurring in large numbers.

Representative SABATH continued, in explaining the Reconstruction Finance Corporation bill in its initial stages:

During the month of December the failing banks that were members of the Federal Reserve System had deposits of $133,000,000.

I hope the able Senator from Rhode Island [Mr. GREEN] and the able Senator from Connecticut [Mr. MALONEY] are here to listen to this, because it is very enlightening.

Mr. MALONEY. Mr. President, I should like to have the RECORD show that both Senators are here listening intently.

Mr. McCARRAN. I am very glad. They will learn much before we get through. I continue the reading:

The best advices are that the net losses to depositors in failed banks will average about 50 percent. There are, of course, no definite figures on the subject, but this estimate may be accepted as fairly reliable. The total net losses by depositors in national banks and banks that were members of the Federal Reserve System from the enactment of the national banking law down to 1930 was about $80,000,000.

Let me say at that point, in keeping with the interrogatories propounded to me by the able Senator from Oklahoma, no one ever lost a dollar that was invested in the silver in the Treasury of the United States. It could not be lost. It is always there. It is the only money that is recognized by the Constitution of the United States.

I continue, repeating just a trifle:

The total net losses by depositors in national banks and banks that were members of the Federal Reserve System from the enactment of the national banking law down to 1930 was about $80,000,000—an amount not far in excess of the total net losses of depositors incurred during the single year of 1931. These figures tell the story of what is happening in the banking structure of the United States.

At that point let me depart from the reading for a moment. The very principle that was enunciated by the Representative who was explaining the bill at that time is the principle that is recognized by the peoples of the Old World. They know that paper money may be issued until the printing presses run out of ink, but they also know that a piece of silver will buy a loaf of bread and, with that in mind, they are clamoring for silver. That is not true of the people of the conquered countries, the subjugated countries alone, but the people of Great Britain, with her fine position in the world—and we hope it may be finer as time goes on—are calling for the thing which her people knew to be money in the ages past.

But that is not all. The unnumbered millions of India, that province held by Great Britain during these hours, are calling for the only money India has ever known, namely, silver.

We may set up all the Reconstruction Finance Corporations the mind of man may devise, we may set up Federal Reserve banks until we are black in the face, but after they are through issuing paper, if the paper will not buy a loaf of bread, then the people know what will buy a loaf of bread. So unlimited millions throughout the world are calling for silver. They do not care so much for gold. Gold is buried at Fort Knox. Gold is coming in from South Africa. Gold is the money of the hoarder. Gold has been the money of the hoarder from time immemorial.

Let me give a homely example. Does any Member of the Senate recall when he had a $5 gold piece? If so, it was a long time ago. I will revive his recollection of his own impression, if I may. When he got a $5 gold piece, he said to himself, "I am not going to break this, because if I break it I will spend it," so he put it away down in his watch pocket, or into some personal and secret place where he would not break it. But if he had 5 silver dollars, or if he had 10 silver half dollars, he would say, "Come on; let us go." That was the common experience. It is human nature.

Silver has been the money of the spender from time immemorial. Silver is the money of the poor. Silver is the money of the masses. Silver is the thing which buys the homely articles of the common people. It has been so, it will continue to be so as long as men have faith either in their government or their fellow men.

The able Representative from Illinois in discussing the Reconstruction Finance Corporation bill when it was before the House for the first time—and I propose to go through the history of that legislation until the present day—makes mention of the thing which gave rise to my last parenthetical statement. Dwelling on these facts he read further from the report of the committee:

It presents an emergency that demands swift and effective action if relief is to be afforded in time to prevent most serious and far-reaching developments. The outstanding difficulty that confronts us springs from the loss of confidence and the general state of fear that has been created. Meantime the banks that are members of the Federal Reserve System find themselves without such paper to offer for rediscount as the Federal Reserve banks will accept. State banks that are members of the Federal Reserve System are in the same situation, and State banks that are not members of the Federal Reserve System are in the midst of practical difficulties equally as unfortunate, if not worse.

These developments have resulted in tying up deposits in large amounts, destruction of confidence, the breaking down of local credit

facilities, widespread depreciation in values, and general demoralization of business. This has unquestionably had a part in bringing about the widespread depression from which we are suffering, and regardless of other remedies we must have an improvement in our banking system before we may expect a return of normal conditions in economic affairs.

Many of the banks to which reference has been made are entirely solvent, but not in position to liquidate their holdings nor to take care of their liability to depositors in the present situation unless something is done to provide accommodations or to relieve the present disturbed state of mind on the part of the public. The credit facilities provided in H. R. 7360, if the measure is administered wisely and well, will unquestionably afford relief to many banks that are worthy of credit but unable to command necessary accommodations that are afforded in normal times. In addition to the relief which is sought to be furnished to other institutions the bill provides for loans upon the assets of any banks that are closed, insolvent, or in process of liquidation to aid in the reorganization or liquidation of such banks. It is hoped this provision will afford some measure of relief to communities that have been deprived of normal banking accommodations and aid such communities in the struggle for economic recovery.

The railroads of the country have been seriously affected in their revenues by the slackening of business, causing tremendous decreases in their freight loadings and income as well as in their passenger traffic. The state of the financial market also affects their ability to refinance maturities that are coming due and in some instances pressing. There are some railroads who were in the course of construction, having made substantial progress with a certificate of necessity from the Interstate Commerce Commission and financing themselves without difficulty until the collapse of the security market, which has in a few instances left projects, apparently necessary and helpful to the public if completed, in an incompleted condition.

Mr. President, the Representative from Illinois in explaining the Reconstruction Finance Corporation bill when it was first before the House was meticulous in his analysis of it. He gave the country a very fine explanation of it. The country has relied on that explanation until the present time. I wonder if the present Congress, after these many years have passed, has deviated from the theory under which the Reconstruction Finance Corporation was created. If it has done so, it might not be amiss for us to reconsider the subject, and think over what gave rise to a new financial system in America.

Mr. President, I depart from the explanation given in the House of Representatives to dwell on the subject of a new financial system in America. Those who framed our organic law had only recently passed through a great war in which the people of this country sought to rid themselves of agencies which for many years had denied them their right of individual human liberty. It was not a dislike entertained by the colonists for the British people which gave rise to the Revolutionary War. I do not believe it was a hatred for the British system of government which gave rise to that war. What gave rise to it was the recognition of the fact that those who were then in control of the Government of Great Britain refused to recognize individual human liberty, refused to give to those who had braved the wilds of this country the right to live as free men, and refused to unburden them from unjust taxation.

When the Constitution of the United States was established the people of our country knew that Great Britain, from which they had only recently broken loose, recognized only one money, that was a money based on gold and silver. So the framers of the Constitution wrote into that organic instrument the specific and yet unchanged provision that no State should have any money save gold and silver money. The people knew that banking systems could be changed by human agencies, and they knew that it might be possible for conditions to arise whereby the very thing for which the Revolutionary War had been fought would be lost. So they tried as best they could to make impossible that which Mr. Bryce in his analysis of the American Commonwealth draws attention to as being yet possible, that is, that a Chief Executive, with the Treasury in one hand and the Army in the other, could set aside the sacred provisions of the organic law. I do not believe that any President we have had has possessed the temerity to do such a thing, but I do believe that those who framed the organic law had in mind that the people themselves should be the very heart and soul of the Government of our country. The very first words in the organic law are "We the people." True, it may be said that in recent years there have been those who apparently have developed such a turn of mind that with them it is not a question of "We, the people" but, rather, a question of "I, the Government."

Mr. President, whenever the people of the country relax or release their power over the Treasury of the United States and over the armed forces of the country they will have lost their power over government. When the people of the country lose their power over government may God have mercy on us.

To the extent to which we continue to set up new and additional agencies to issue money, to that extent will the Congress lose its hold on government. The Congress is the representative of the people; and "We, the people" are the Government of the United States.

It has been very appropriately said that the people are not the law, and that the law is not the people. The law is the spirit of justice governing the people. So the law should be so framed and so surrounded with reverence and security that in a time of popular passion, for instance, the courts of the land will have the respect of the people, and be able to adjudicate the law as the spirit of the law demands. But, regardless of that, if the Congress loses control of the Treasury, if it loses control of the taxing power, or of the appropriating power, it will not be long before it will lose control of the armed forces. When it loses control of both, we can only pray that the advisers to the Chief Executive will not advise him to take radical steps.

Mr. President, the power to tax is the power to destroy. If this body and the one at the other end of the Capitol lose or surrender the power over money, they will have lost or surrendered the power to tax. We shall not need the power to tax if taxes can be levied ad libitum. Money can be raised so long as the printing presses run or so long as some man says that the printing presses may run. Let me underscore that expression. So long as some man who has not been chosen by the vote of the people says that the printing presses may run, just so long will our monetary system be at a loss to find an end to its expansion. That is why I dwell on the question which is in the offing. If we are to extend the power of the Reconstruction Finance Corporation day after day, year after year, period after period, and if the R. F. C., without the advice of Congress, may lend and lend and lend, the Congress must tax and tax and tax to meet the lending of the Reconstruction Finance Corporation.

It does no good to say that the Reconstruction Finance Corporation is a corporation, and that therefore its issue and its money are not a charge on the Government of the United States. It would be absurd to advance such an argument, and no one will do so. The Reconstruction Finance Corporation is one of those agencies which we nurture and guarantee, and which we make a part of our whole system. The issuing as well as the lending ability of the Reconstruction Finance Corporation are as much a part of the money of this country as is any other part of the credit of the country.

In explaining the original Reconstruction Finance Corporation bill in January 1932 Representative SABATH read from the report of the House Banking and Currency Committee on the subject, as follows:

> Under the present market conditions it is impossible for these to be refinanced, and there is danger of disaster overtaking the transportation system if they are not afforded some relief. They are, therefore, provided for in this bill when, in the opinion of the board of directors of the Corporation, such railroads or railways are unable to obtain funds upon responsible terms through banking channels or from the general public, and the Corporation will be adequately secure.

In making his explanation Representative SABATH was speaking of the security which stood behind the Corporation—in other words, the Government of the United States.

Mr. President, when we compute the debt of the United States we compute it only in Treasury terms. We do not compute it in terms of guaranty, warranty, or security. We forget that our Government has supported many issues which are yet outstanding, and which far transcend the debt of the Treasury. The debt of the Treasury is only a drop in the bucket when we are considering outstanding obligations. So when we tell the people of the country what their national debt is, it is not fair to them to say that it is only a hundred billion dollars. It is not fair to say to them that the Treasury debt is all the debt which we owe. It is far in excess of that. It is so much in excess of it that were we to conjecture in our very highest mathematical terms we could not compute the payment of the interest on the obligations.

That is what brings me to this subject. It causes me to ask my colleagues in the

Senate to pause before they destroy the basic thing behind sound money. It does no good to say that the printing press is the mother of sound money. The history of the world is replete with contradictions of such an assertion. Sound money is based upon the thing which the people of the world want; and wanting it, they will accept it in liquidation of the balance due on obligations as between one man and another. A bale of paper may not be acceptable to a man who holds a debt against another, but a piece of metal may be acceptable. The centuries are replete with instances which prove the truth of that assertion.

The report continues as follows:

The loans are limited in terms to the same terms as loans to banking and other financial institutions, and can only be made upon approval of the Interstate Commerce Commission. The committee is of the opinion that the aid promised them—

That is, the railroads—

in this legislation will probably enable them to secure financial accommodation elsewhere in large part, but the importance of the transportation system of the country is such that it would be calamitous for the country if a collapse in that system should be projected by the conditions recited.

Insurance companies throughout the country are confronted with unprecedented applications for loans by their policyholders. To meet these conditions the insurance companies are compelled to sell their securities to take care of such loans and to pay losses.

Then it says:

The measure under consideration provides a method of affording some degree of relief in this connection, where the public welfare requires.

Then Mr. Bankhead said:

Mr. Speaker, I move the previous question on the adoption of the resolution.

Then the previous question was moved. I quote further:

The SPEAKER. The question is on the passage of the resolution.

The resolution was agreed to.

Mr. STEAGALL, now chairman of the House Banking and Currency Committee, then a member of that committee, said:

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7360) to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce, and industry, and for other purposes.

The motion was agreed to.

The bill was passed. Then it came to the Senate.

The original bill was printed in the House committee hearings. I beg leave to read it:

Be it enacted, etc., That there be, and is hereby, created a body corporate with the name "Reconstruction Finance Corporation" (herein called the Corporation). This act may be cited as the Reconstruction Finance Corporation Act.

SEC. 2. The Corporation shall have capital stock of $500,000,000—

Five hundred million dollars was mere pocket change in those days—

all subscribed by the United States of America, payment for which shall be subject to call in whole or in part by the board of directors of the Corporation, with the approval of the Secretary of the Treasury, at such time or times as may be deemed advisable. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, for the purpose of making payments upon such subscription when and as called. Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership of the United States of America.

SEC. 3. The management of the Corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, the Governor of the Federal Reserve Board, and the Farm Loan Commissioner, who shall be members ex officio, and two other persons appointed by the President of the United States, by and with the advice and consent of the Senate. Each director shall devote his time not otherwise required by the business of the United States principally to the business of the Corporation. Before entering upon his duties each of the two directors so appointed and each officer of the Corporation shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or in any other act shall be construed to prevent the appointment and compensation as a director, officer, or employee of the Corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof. The terms of the two directors so appointed by the President of the United States shall be 5 years from the date of the enactment hereof, and thereafter the term of each director so appointed shall be 5 years from the date of the expiration of the term for which his predecessor was appointed. Whenever a vacancy shall occur among the directors so appointed, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. The two directors of the Corporation appointed as hereinbefore provided shall receive salaries at the rate of $12,000 per annum each: *Provided*, That any director receiving from the United States any salary or compensation for other services shall not receive as salary from the Corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the Corporation exceed $12,000 per annum.

SEC. 4. The Corporation shall have succession for a period of 10 years from the date of the enactment hereof, unless it is sooner dissolved by an act of Congress. It shall have power to adopt, alter, and use a corporate seal; to make contracts, to purchase or lease and hold or dispose of such real estate as may be necessary or convenient for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the Corporation, without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed, including the selection of its chairman and vice chairman, together with provision for such committees and the functions thereof as the board of directors may deem necessary for facilitating its business under this act. The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation, with the consent of any board, commission, independent establishment or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this act. The Corporation shall have such incidental powers as its board of directors shall deem necessary or expedient in carrying out the provisions of this act.

SEC. 5. The Corporation is authorized and empowered to make loans, upon such terms and conditions not inconsistent with this act as it may determine, to any bank, banker, savings bank, trust company, clearing house, or other association of banking institutions, building and loan association, insurance company or other financial institution in the United States (herein referred to as financial institutions). All such loans shall be fully and adequately secured in such manner as the Corporation shall require. The Corporation, under such conditions as it shall prescribe, may take over or provide for the administration and liquidation of any collateral accepted by it as security for such loans. Such loans may be made directly upon promissory notes of such financial institutions, or by way of discount or rediscount of obligations tendered by them for the purpose, or otherwise, in such form and in such amount and at such interest or discount rates as the Corporation may approve. Each such loan may be made for a period not exceeding 3 years, and the Corporation may from time to time extend the time of payment of any such loan, through renewal, substitution of new obligations, or otherwise, but the time for such payment shall not be extended beyond 5 years from the date upon which such loan was made originally. The Corporation may make loans under this section at any time prior to the expiration of 1 year from the date of the enactment hereof; and the President may from time to time postpone such date of expiration for such additional period or periods as he may deem necessary, not to exceed 2 years from the date of the enactment hereof. Within the foregoing limitations of this section, the Corporation may also make loans to or aid in the temporary financing of steam railroads engaged in interstate commerce, when in the opinion of the board of directors of the Corporation such railroads are unable to obtain funds upon reasonable terms through banking channels or from the general public and the Corporation will be adequately secured.

SEC. 6. Section 5202 of the Revised Statutes of the United States as amended (U. S. C., title 12, ch. 2, sec. 82) is hereby amended by striking out the words "War Finance Corporation Act" and inserting in lieu thereof the words "Reconstruction Finance Corporation Act."

SEC. 7. All moneys of the Corporation not otherwise employed may be deposited with the Treasurer of the United States, subject to check by authority of the Corporation, or in any Federal Reserve bank, or may, by authorization of the board of directors of the Corporation, be used in the purchase or redemption of any notes, debentures, bonds, or other obligations issued by the Corporation. The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and/or fiscal agents for the Reconstruction Finance Corporation in the general performance of its powers conferred by this act.

It is quite evident to the Senator from Nevada that my good colleague the senior

Senator from Virginia [Mr. GLASS] did not write this act, because, if he had done so, the expression "and/or" would not have been in the act, for one of his favorite pet indoor sports is to eliminate that peculiar expression wherever he may find it.

SEC. 8. In order to enable the Corporation to carry out the provisions of this act, the Treasury Department, the Comptroller of the Currency, the Federal Reserve Board, the Federal Reserve banks, and the Interstate Commerce Commission are hereby authorized, under such conditions as they may prescribe, to make available to the Corporation in confidence such reports, records, or other information as they may have available relating to the condition of financial institutions and/or railroads with respect to which the Corporation has had or contemplates having transactions under this act, or relating to individuals, associations, partnerships, or corporations whose obligations are offered to or held by the Corporation as security for loans to financial institutions or railroads under this act, and to make through their examiners or other employees for the confidential use of the Corporation examinations of such financial institutions or railroads. Every applicant for a loan under this act shall, as a condition precedent thereto, consent to such examinations as the Corporation may require for the purposes of this act and/or that reports of examinations by constituted authorities may be furnished by such authorities to the Corporation upon request therefor.

SEC. 9. The Corporation is authorized and empowered, with the approval of the Secretary of the Treasury, to issue, and to have outstanding at any one time in an amount aggregating not more than three times its subscribed capital, its notes, debentures, bonds, or other such obligations; such obligations to mature not more than 5 years from their respective dates of issue, to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest as may be determined by the Corporation: *Provided*, That the Corporation, with the approval of the Secretary of the Treasury, may sell on a discount basis short-term obligations payable at maturity without interest. The notes, debentures, bonds, and other obligations of the Corporation may be secured by assets of the Corporation in such manner as shall be prescribed by its board of directors. Such obligations may be issued in payment of any loan authorized by this act or may be offered for sale at such price or prices as the Corporation may determine, with the approval of the Secretary of the Treasury. In the event that the Corporation shall be unable to pay upon demand, when due, the principal of or interest on notes, debentures, bonds, or other such obligations issued by it—

This is what I drew the attention of the Senate to a little while ago—

the Secretary of the Treasury shall pay the amount thereof which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amounts so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such notes, debentures, bonds, or other obligations.

Some time ago, Mr. President, in the course of my remarks, I dwelt upon that subject, illustrative of the fact that, while the bill which is to come before the Senate augments and enhances the powers and the issues of the Reconstruction Finance Corporation, in reality and in fact it only pays out more money from the Treasury of the United States. In other words, the Treasury of the United States is the warrantor, the guarantor, of all the obligations of the Reconstruction Finance Corporation. The language I have just read is not subject to dispute in that respect. So that the stronger the United States Treasury, the more gold and silver it has in storage—and the Constitution says that only gold and silver shall be money in the United States; that the States shall have only gold and silver as money—the better off we will be, standing behind the Reconstruction Finance Corporation, if it should—though God forbid—fail, or be unable to meet its obligations.

Again I draw the attention of the Senate to the fact that it is not the report of the Treasury which discloses the indebtedness of the United States. The report of the Treasury may show that we are only a hundred billion dollars in debt, and the Chief Executive and his advisers might come before the Congress and say, "A hundred billion dollars indebtedness is nothing." But when we come to marshal all the outstanding indebtedness, plus the obligations which adhere to a guarantor, we finally come to find out what the United States owes.

It would be a long story if it were told in print. I do not care what it is if we can pay it, so long as it is addressed to a legitimate subject, such as the winning of the war. The winning of the war, whether we can pay or not, is the outstanding consideration.

The bill further provided:

The Federal Reserve banks shall have the same powers (1) to discount notes, drafts, and bills of exchange secured by obligations issued by the Corporation under this act, (2) to make advances to member banks on their notes secured by such obligations, (3) to use all paper so acquired, and (4) to purchase and sell such obligations, as they have with respect to bonds and/or notes of the United States: *Provided*, That the rate at which any such discount or advance shall be made by any Federal Reserve bank shall be 1 percent per annum above its discount rate on 90-day commercial paper then in effect.

Section 10 of the bill, the original bill, the bill which was passed in 1932, before I came to the Congress, and before many of my colleagues were here, provided:

SEC. 10. Any and all notes, debentures, bonds, or other such obligations issued by the Corporation shall be exempt both as to principal and interest from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Corporation shall be subject to State, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

Then comes section 11 of the original bill. Of course, the act has been amended, and I shall read the amendments made to the act before I conclude, because it would not be fair to the Senate that I should dwell upon the original bill alone, and not state the amendments which have since been enacted. Section 11 provided:

In order that the Corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Corporation, to be held in the Treasury subject to delivery, upon order of the Corporation. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other obligations.

SEC. 12. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as depositary of public money and financial agent of the Government, as may be required of it. Notes, debentures, bonds, or other such obligations of the Corporation shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

Section 13 of the original bill provided:

Upon the expiration of the period of 1 year within which the Corporation may make loans, or of any extension thereof by the President under the authority of this act, the board of directors of the Corporation shall, except as otherwise herein specifically authorized, proceed to liquidate its assets and wind up its affairs.

It will be recalled that the language of the original bill was, as stated here, "Upon the expiration of the period of 1 year within which the Corporation may make loans." Of course, we have gone on now for nearly 11 years, and the power of the Corporation has been extended from time to time by amendments to which I shall draw the attention of the Senate as I come to them. I read further:

It may with the approval of the Secretary of the Treasury deposit with the Treasurer of the United States as a special fund any money belonging to the Corporation or from time to time received by it in the course of liquidation or otherwise, for the payment of principal and interest of its outstanding obligations or for the purpose of redemption of such obligations in accordance with the terms thereof, which fund may be drawn upon or paid out for no other purpose. The Corporation may also at any time pay to the Treasurer of the United States as miscellaneous receipts any money belonging to the Corporation or from time to time received by it in the course of liquidation or otherwise in excess of reasonable amounts reserved to meet its requirements during liquidation. Upon such deposit being made, such amount of the capital stock of the Corporation as may be specified by the Corporation with the approval of the Secretary of the Treasury but not exceeding in par value the amount so paid in shall be canceled and retired. Any balance remaining after the liquidation of all the Corporations' assets and provision being made for payment of all legal obligations

of any kind and character shall be paid to the Treasurer of the United States as miscellaneous receipts. Thereupon the Corporation shall be dissolved and the residue, if any, of its capital stock shall be canceled and retired.

Had it not been for the changes in the law, the R. F. C. would long since have been dissolved.

SEC. 14. If at the expiration of the 10 years—

That time has long since passed—

for which the Corporation has succession hereunder its board of directors shall not have completed the liquidation of its assets and the winding up of its affairs, the duty of completing such liquidation and winding up of its affairs shall be transferred to the Secretary of the Treasury, who for such purpose shall succeed to all the powers and duties of the board of directors of the Corporation under this act.

In view of my previous remarks, I draw the attention of the Senate to the fact that the Reconstruction Finance Corporation as set up by the act is nothing more nor less than a lending agency, behind which the United States stands, and all obligations outstanding and all losses sustained by the Reconstruction Finance Corporation, and all interest on debentures, or payments on outstanding obligations, are guaranteed by the Government of the United States.

I hope this is nothing new to the Senate. I cannot imagine that it would be. So, whatever the outstanding obligations of the Reconstruction Finance Corporation may be, or whatever its losses may be, or whatever interest it is obligated to pay, they constitute only additional burdens on the taxpayers, and the more we extend the outstanding obligations the taxpayers eventually must meet the greater will be the burden.

There is nothing hidden in this matter. It is a good thing to read these acts once in a while so that we may see what is going on.

Section 14 of the bill continued:

In such event he may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under his general supervision and direction, of any such powers and duties, and nothing herein shall be construed to affect any right or privilege accrued, and any penalty or liability incurred——

Mr. BROWN. Mr. President, will the Senator yield?

Mr. McCARRAN. I will yield if I do not lose the floor. For what purpose does the Senator request that I yield?

Mr. BROWN. I merely desire to place in the Appendix of the RECORD an article by Paul W. Ward, published in the Baltimore Sun of September 6.

Mr. McCARRAN. If I do not lose the floor I have no objection.

Mr. BARKLEY. Mr. President, I would not take advantage of the Senator's yielding, but technically under the rules the Senator yields the floor when he permits anything to be inserted in the RECORD. I do not know whether any other Senator would take advantage of that point, but the Senator from Nevada ought to know that the point can be made.

Mr. McCARRAN. Very well, Mr. President, then I cannot yield. I apologize to my good friend the Senator from Michigan.

I do not like to repeat what I have read, and I hope the Presiding Officer will be indulgent until I find the place at which I was reading. I will repeat a few words.

And nothing herein shall be construed to affect any right or privilege accrued, and any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred hereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the Corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its legal obligations have been provided for, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the money belonging to the Corporation, and make the final report of the Corporation to the Congress. Thereupon the Corporation shall be deemed to be dissolved.

SEC. 15. The Corporation shall annually make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

SEC. 16. (a) Whoever makes any statement knowing it to be false, or whoever wilfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Corporation, under this act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the Corporation, or (2) passes, utters or publishes, or attempts to pass, utter or publish, any false, forged or counterfeited note, debenture, bond, or other obligation, or coupon, purporting to have been issued by the Corporation, knowing the same to be false, forged or counterfeited, or (3) falsely alters any note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the Corporation, or (4) passes, utters or publishes, or attempts to pass, utter or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

(c) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud the Corporation or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of or to the Corporation, or without being duly authorized, draws any order or issues, puts forth or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

(d) No individual, association, partnership, or corporation shall use the words "Reconstruction Finance Corporation," or a combination of these three words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $1,000, or imprisonment not exceeding 1 year or both.

(e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C. title 18, ch. 5, secs. 202 to 207, inclusive), insofar as applicable, are extended to apply to contracts or agreements with the Corporation under this act, which for the purposes hereof shall be held to include loans, advances, discounts, and rediscounts; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

The Secret Service Division of the Treasury Department is authorized to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section.

SEC. 17. The right to alter, amend, or repeal this act is hereby expressly reserved. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. President, nothing could be more interesting and enlightening than the statement made by the Honorable Eugene Meyer, then Governor of the Federal Reserve Board. I read from page 10 of the hearings of the House Committee on Banking and Currency, printed in a volume containing hearings before the House Committees on Agriculture, Banking and Currency, District of Columbia, Foreign Affairs, Irrigation and Reclamation, Rules, Ways and Means, and World War Veterans' Legislation, 1931–32, volume 587. The subjects in the volume vary. I think Mr. Eugene Meyer is now the owner of the Washington Post.

The CHAIRMAN. We will hear Gov. Eugene Meyer, Governor of the Federal Reserve Board. Governor Meyer, we have called you this morning for the purpose of giving you the time until the hour of meeting of the House to make such statement to the committee as you may see fit in your own way. We thought we would be able to let you do that without interruption. Your statement will have to do with H. R. 5060 and H. R. 5116, to provide emergency financial facilities and so forth.

Mr. GOODWIN. Governor Meyer, we have in our State of Minnesota a rural credit bureau organized and operated by the State and under authority of the State. Would this bill cover an institution of that character?

Mr. MEYER. I do not know. Is it a financial institution?

Mr. GOODWIN. It is, entirely.

Mr. MEYER. It could. It would be under "other financial institutions" I presume. I am only giving you my own personal opinion as I read the bill and as I understand it. I am not a legal authority, but I would say that any financial institution is eligible under the bill as drawn, as I read it.

The CHAIRMAN. Now, Mr. Meyer, unless some gentleman has something else, we are going to permit you to proceed without interruption.

The statement of Governor Meyer should certainly enlist the attention of Senators, because he is now the editor of the Washington Post. He was then the Governor of the Federal Reserve Board. As Governor of the Federal Reserve Board he was called before the Finance Committee of the House, where he gave his testimony. In view of the fact that there is now being proposed outstanding and very important legislation which would affect the situation, Members of the Senate should certainly be interested in the testimony.

In this matter I am not addressing myself to an empty subject. Senators may feel that to say that the Reconstruction Finance Corporation may extend its powers and prerogatives ad libitum does not amount to anything. However, the day will come when they will be held accountable for their stewardship. When that day arrives the people of the country will speak, and speak very emphatically.

As I have read to this body during the past several hours, the Reconstruction Finance Corporation is an organization which is authorized to plunge the country into debt. So long as it has that prerogative we may assume—in keeping with the bill which will come before the Senate in the not far distant future, or perhaps the very distant future—that it will continue to extend it. A reading of its history will show that up to the present time its tendency has been to extend its powers to put the country into debt. If the Reconstruction Finance Corporation can find any answer to that assertion, I should like to have it.

With that in mind, it might be well for Senators to give attention to what Mr. Meyer said. I shall read his testimony, which is quite extensive. I shall then read from other portions of the hearings.

Mr. Meyer continued as follows:

MR. MEYER. I am glad of the opportunity to appear before the committee in connection with your consideration of this bill. In approaching a measure of this importance it is necessary to have some fundamental and philosophical background, in my opinion, and I will refer to a meeting which I attended here in this committee room some 10 years ago, where we had a critical situation which particularly involved the country banks at that time and the agricultural interests. I then advocated some temporary emergency work to be done by the Government to meet an extraordinary and emergency situation. I said then and I feel now it is a sound principle of government in exceptional conditions involving national interest to depart from the ordinary rules of government activity and the ordinary principles of the Government's participation in the financial operations of the country related, of course, to the business of the country, to provide exceptional and temporary institutions and measures for dealing with temporary and unusual conditions.

I feel, Mr. Chairman and gentlemen, that the present situation is one of those occasions of such exceptional character and characteristics that I would be failing in my duty and in my present position as Governor of the Federal Reserve Board, or even if it were only that I was a private citizen with a private interest, I would feel it my duty, as I once did as a private citizen, to recommend and support a measure of this character. I will not say that every detail is before you, but in your deliberations you will consider the bill in detail. I have some minor suggestions on some unimportant matters perhaps in the bill to make as to details later on myself. But on the broad principle of the Government entering into this situation on a temporary basis, as is provided in the bill, and with powers that are unusual but that, I think, are justified by the unusual character of the situation that the mass of the people of this country are interested in, I believe the bill sound.

Mr. President, the R. F. C. Act has gone a long way, and has done a world of good in America. There is nothing to be said against the principle behind the Reconstruction Finance Corporation, and I am willing to testify that during the 10 years in which I have been a Member of the Senate the Reconstruction Finance Corporation has gone a long way to aid the country in emerging from an unhappy condition. I do not assert that its valuable and very effective service should not be enhanced. I wish only to direct the attention of the American public and of this body to the fact that if Congress abandons control over the money in the Treasury, it will have abandoned an obligation which was imposed upon it by the organic law.

If Congress does not retain control of putting money into the Treasury of the United States and paying it out, the time will not be far off when the people will write the verdict which Congress will have written for itself, namely, that we shall no longer be worthy to represent the people.

I hope that neither through the agency of the Reconstruction Finance Corporation, nor any other agency, will we relinquish our control over paying out the money of the taxpayers. I shall never vote for a bill having such an objective. Frankly, I have been guilty of voting for bills such as I would not vote for again.

I do not believe it was ever intended that the Chief Executive under our form of government should have, ad libitum, a blank check on the Treasury of the United States. Such a situation has been forced upon us under war measures and other emergencies. I hope that that day may soon be at an end. Be that as it may, if we continue to enlarge the authority of lending agencies whose commitments are guaranteed by the Government of the United States, we shall do the same thing in another way.

Mr. President, it is time for us to take an inventory of our whole situation. If we do not do so, the people will take one, and it will be a sad one. It will be one which will hold all of us to an accounting.

I will not willingly permit conditions to arise whereby the basic money of the country may be debased. I will not lend myself to a movement whereby the basic money in the Treasury of the United States will be caused to relinquish its position to a money-lending agency which has nothing behind it save and except the guaranty of this Government.

When the obligation guaranteed by this Government comes due upon what will the guaranty rest save and except the money which was recognized by the Constitution of the United States, namely, gold and silver?

Mr. President, the discussion by Mr. Meyer, who then was Governor of the Federal Reserve Board, is very interesting. He said further:

If I may review a little for the benefit of the committee, the experience of the War Finance Corporation, not so much under the war powers but under what we may call with, I hope, no offense to our friends of the South, the reconstruction work of the War Finance Corporation during that time for the benefit of the light it throws on the possibilities of this kind of an institution under present conditions. As you remember, the War Finance Corporation was organized during the war and had as its primary purpose the financial support of financial institutions and industries necessary and contributory to the prosecution of the war, and I think it was extremely valuable throughout the war period, during which period Governor Harding, of the Federal Reserve Board, was managing director.

In the war period the amount of money loaned was not very large, but the amount of support given to financial institutions was very important; it was a confidence-inspiring institution, and the records contain no figures to show adequately or accurately its value effectively. There were occasions where industries needed financing, and the support of the War Finance Corporation back of the bankers and that industry enabled the bankers to finance through the investment market. I remember that one of the activities at that time was to finance railroads where funds were not obtainable in the market. The railroads at that time being under Government control and operation, in many cases the railroads and their bankers thought that issues maturing or requirements could not be met in the investment market, found that when the Corporation agreed to take care of the situation in case the investment market and the bankers did not there was no difficulty, and there was no call made for the funds of the Corporation. Those figures, of course, are not in the record, because no money was loaned, but effectively it was better than if it had been loaned.

I mention the effectiveness of the work in support of the situation entirely apart from those cases where funds were actually used, because I anticipate, or should anticipate, with proper administration the main value of an institution organized substantially along these lines, if properly administered, would lie in the availability of funds. There would be lending, but the main value in an institution of this kind is the availability of funds if needed.

Evidently those funds have been very much needed, because the Reconstruction Finance Corporation now is asking for an extension of its lending power.

I continue to quote from Governor Meyer's statement:

We have a situation, gentlemen, where it is a fact, as is commonly stated, that fear is a dominant factor. We had a similar situation in 1921 after the war when the Agricultural Relief Act expanded and extended the powers of the War Finance Corporation for a period of a year, which was extended finally until December 31, 1924. It is important to analyze what that fear is, It is now, as it was then, I think and as I remember those years—I am sure I am right as to 1921 and 1922, and I believe it is true at this time—that it is not the fear of a borrower coming to a bank, a borrower of good standing and character; it is not a fear of the borrower or a fear of his security so much as it is a fear of a general situation and in many cases it is a fear of the strong. It is a fear in the minds of the strong or the weak. It is not the weak fearing the strong; it is the strong fearing the weak. We will take as a concrete example in that agricultural relief work in 1921 one particular case, and those are

always most convincing when they are concrete and specific, a situation in Iowa. There was a town in the State of Iowa with three good, strong banks and one perhaps small and weak. As long as that small, weak bank was in danger the three big strong banks would not lend any money; they would not renew if they could help it; they would extend no new credit, and they kept, perhaps justly under the circumstances, a contraction policy in effect in their operations.

So you hear, and you hear truthfully as a matter of fact, of strong banks afraid to function actively and normally. It is the fear of some neighbor or some neighboring town or something else, or maybe fears generated by events such as the Bank of England going off the gold basis and the conditions in Europe and South America, but that fear has become a dominating factor in the financing of the regular business of the country.

(At this point there ensued a brief conference between Mr. McCARRAN and other Senators.)

Mr. CONNALLY. Mr. President, let me ask what action the Senator has decided to take.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. McCARRAN. Mr. President, I have the floor, and I am not yielding the floor for a moment; but my understanding is—if I am in error I desire to be corrected—that on the pending question, which is on agreeing to the report of the committee of conference on the Mexican claims bill, the conference committee is ready to report, and will report, and that I will have the floor on the matter of the report of the committee of conference on the Mexican claims bill.

Mr. BARKLEY. In order to send the bill back to conference so that the conferees may bring in another report, the pending report must be rejected. Following the return of the bill to the conference, the conferees will bring in another report, which will be presented, and which, of course, will then be a new matter.

Mr. McCARRAN. Suppose nothing comes in from the conference committee. Then the subject to which I am addressing myself will be off the floor, because I will have yielded the floor. I am not willing to do that.

Mr. BARKLEY. Of course, if the pending conference report should be rejected and the bill be sent back to conference, and the Senator's assumption that there would not be anything further reported should be correct, of course, the Mexican claims measure would be out of the window. But the Senator may rely upon the fact that there will be another conference report.

Mr. McCARRAN. And may I rely on the fact that the conference report, whatever it may be, will be brought before the Senate at its next session?

Mr. BARKLEY. At its next session, whether tomorrow or some other day; and I will say to the Senator that I have planned to move a recess until tomorrow.

Mr. McCARRAN. I desire to be frank, and I may say that what I have in mind is that I do not want to lose the floor on the subject now pending, the conference report on the Mexican claims bill, which is before the Senate. If there be any plan on the part of those in charge to take the Mexican claims matter off the floor and not permit me to address myself to it——

Mr. BARKLEY. I may say to the Senator that technically the pending conference report will be taken off the floor, but when a new one has been presented, the subject will be back on the floor, just as the pending report is.

Mr. McCARRAN. Suppose the conference report is not back on the floor at the next session; in what position will the Senator who now holds the floor be?

Mr. BARKLEY. I should be very much inclined to move a recess until such day as it would be back on the floor.

Mr. McCARRAN. May that be understood?

Mr. BARKLEY. Yes; I am willing to have that understanding.

Mr. MALONEY. Just a moment.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. McCARRAN. I yield for a question. I have been met with a technicality, so that I have to be on guard.

Mr. CONNALLY. I do not want to take the Senator off the floor.

Mr. McCARRAN. I do not believe the Senator would.

Mr. CONNALLY. The situation is that, under the technical rules of the Senate, in order to change or modify in any respect the conference report, the Senate must reject it, ask for a further conference, and appoint new conferees, and if the House agrees, the new conferees will write up a new report. I may say to the Senator frankly that the new report will be ready tomorrow morning; it now is in process of preparation, but the House must act on it first. We understand that the House will probably act within half an hour or an hour after convening tomorrow morning. After the House has acted, and the action has been messaged over to the Senate, the Senate can act on the report within a few minutes, and we will be through with it.

Mr. McCARRAN. The new report will, of course, be subject to discussion and debate, and I shall address the Senate on it.

Mr. CONNALLY. I was thinking that if the Senate takes a recess over until Thursday, the Senator would not care to remain here and debate it.

Mr. McCARRAN. Perhaps I do not get the purport of the Senator's remarks.

Mr. BARKLEY. The point is that if a new conference report is to be brought in—and in all frankness it has already been agreed on—it cannot be brought in until the pending report is out of the way and the matter sent back to conference. That will be done in the House tomorrow—the House not being in session today, except briefly—if the Senate shall agree to the motion now pending. The House will get to it tomorrow, and just as soon as the physical mechanics can be gone through with, it will be brought back. It will be subject to debate, just as the pending report is.

Mr. McCARRAN. Very well.

Mr. BARKLEY. I will say to the Senator, however, that if the Senate should tomorrow agree to the conference report, of course, then I would personally feel inclined to move a recess until Thursday or Friday.

Mr. McCARRAN. That is a matter with which we can deal at the next session.

Mr. BARKLEY. That is correct. I hope the Senator will permit this motion to be agreed to. No one is seeking to take advantage of any rule to take the Senator off the floor.

Mr. McCARRAN. Very well. I am always inclined to follow the lead of the leader. He has never yet misled me.

Mr. BARKLEY. I thank the Senator.

Mr. ELLENDER. Does the Senator from Kentucky expect to move a recess until tomorrow?

Mr. BARKLEY. Yes.

Mr. McCARRAN. Mr. President, I am inclined to think that perhaps a recess in place of an adjournment over would be better.

Mr. BARKLEY. I am planning a recess, not an adjournment.

Mr. McCARRAN. Very well.

Mr. BARKLEY. I now suggest that the Senate act on the motion of the Senator from Texas.

Mr. McCARRAN. Before that is done, may we have a little further explanation from the Senator from Kentucky, the leader of the majority? In view of all that has occurred, I deem it advisable that the Senate recess until Thursday, rather than until tomorrow.

Mr. BARKLEY. The first suggestion I made on the subject of recessing several days ago was that we go over until Thursday, but that was not agreeable to all Senators, and therefore I modified my plan, and decided to move a recess until tomorrow. But the question as to recessing from tomorrow until some other day will be a matter we can discuss and decide tomorrow. To be frank, the Senator from Texas is compelled to leave the city Wednesday, and desires to have the Mexican claims matter disposed of before then.

Mr. McCARRAN. Assuming that the Senate will take a recess until tomorrow, may there be an understanding that, if some of us want to go over until Thursday, there will be no serious objection?

Mr. BARKLEY. I should approach the subject sympathetically.

Mr. CLARK of Missouri. I withdraw the motion to postpone indefinitely the consideration of the conference report, which is the pending question before the Senate.

The PRESIDING OFFICER. The motion to postpone the conference report indefinitely having been withdrawn, the question is on the motion of the Senator from Texas that the Senate disagree to the conference report, insist upon its disagreement to the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of certain nationals against the Government of Mexico, ask for a further conference with the House

thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CONNALLY, Mr. GEORGE, Mr. WAGNER, Mr. JOHNSON of California, and Mr. CAPPER, conferees on the part of the Senate at the further conference.

SENATOR FROM NEW MEXICO—CREDENTIALS

Mr. CHAVEZ presented the credentials of CARL A. HATCH, duly chosen by the qualified electors of the State of New Mexico a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF NEW MEXICO,
DEPARTMENT OF STATE,
Santa Fe, N. Mex.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, CARL A. HATCH was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His Excellency our Governor, John E. Miles, and our seal hereto affixed at Santa Fe, N. Mex., this 30th day of November 1942.

JOHN E. MILES,
Governor of New Mexico.

Attest:
[SEAL] JESSIE M. GONZALES,
Secretary of State.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate a message from the President of the United States nominating Mrs. Rose L. Day, of Nevada, to be register of the land office at Carson City, Nev., vice Mrs. Carrie H. Malone Delano, which was referred to the Committee on Public Lands and Surveys.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GUFFEY, from the Committee on Finance:

Stanley Granger, of Waynesburg, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

By Mr. MURDOCK, from the Committee on the Judiciary:

Louis E. Goodman, of California, to be United States district judge for the northern district of California, vice Harold Louderback, deceased.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Morton L. Deyo to be a rear admiral in the Navy, for temporary service, to rank from the 13th day of May 1942.

By Mr. McCARRAN, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

COLLECTOR OF INTERNAL REVENUE

Mr. GUFFEY. Mr. President, earlier today I reported from the Committee on Finance the nomination of Stanley Granger of Waynesburg, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania. I ask unanimous consent that the Senate now consider that nomination, and that the nomination may be confirmed.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Stanley Granger, of Waynesburg, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? The Chair hears none, and, without objection, the nomination is confirmed.

Mr. GUFFEY. I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

POSTMASTER, ASHLAND, KY.

Mr. McCARRAN. Mr. President, from the Committee on Post Offices and Post Roads the nomination of Henry D. Shanklin, to be postmaster at Ashland, Ky., was reported earlier today. The committee would like to have immediate consideration of the nomination, and I ask for its immediate consideration.

Mr. BARKLEY. Mr. President, I join in the request of the Senator from Nevada.

Mr. McCARRAN. The chairman of the committee has requested that the rule be suspended, and that the nomination be immediately considered.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Henry D. Shanklin, to be postmaster at Ashland, Ky.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? The Chair hears none, and, without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

The nominations on the Executive Calendar will be stated.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be notified immediately.

DEATH OF REPRESENTATIVE BENNETT, OF MISSOURI

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed consideration of legislative business.

The PRESIDING OFFICER laid before the Senate a resolution (H. Res. 581) from the House of Representatives, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES,
December 7, 1942.

Resolved, That the House has heard with profound sorrow of the death of Hon. PHILIP A. BENNETT, a Representative from the State of Missouri.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. CLARK of Missouri. Mr. President, I offer a resolution, which I send to the desk and ask to have read, and immediately considered.

The PRESIDING OFFICER. The resolution submitted by the Senator from Missouri will be read.

The resolution (S. Res. 331) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. PHILIP A. BENNETT, late a Representative from the State of Missouri.

Resolved, that a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. As the committee provided for in the resolution the Chair appoints the senior Senator from Missouri [Mr. CLARK] and the junior Senator from Missouri [Mr. TRUMAN].

RECESS

Mr. CLARK of Missouri. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until Tuesday, December 8, 1942, at 12 o'clock noon.

NOMINATION

Executive nomination received December 7 (legislative day of November 30), 1942:

REGISTER OF LAND OFFICE

MRS. ROSE L. DAY, of Nevada, to be register of the land office at Carson City, Nev., vice Mrs. Carrie H. Malone Delano.

CONFIRMATIONS

Executive nominations confirmed December 7 (legislative day of November 30), 1942:

COLLECTOR OF INTERNAL REVENUE

Stanley Granger to be collector of internal revenue for the twenty-third district of Pennsylvania.

POSTMASTERS

GEORGIA

Charles D. Bruce, Sea Island Beach.

KENTUCKY

Henry D. Shanklin, Ashland.

LOUISIANA

Thomas J. Franklin, Anacoco.
Marvin A. Kent, De Quincy.
Frederick J. Wisser, Jr., Gretna.

MICHIGAN

Lynn J. Pardee, Three Oaks.

OKLAHOMA

Bourke Hamilton Bayless, Claremore.
Orville G. Conrad, Reydon.

TEXAS

Winnette D. DeGrassi, Amarillo.
Riva C. Burnett, Miami.

VERMONT

Clayton H. Bailey, Island Pond.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 7, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Members will please rise, and remain standing in silence, in memory of our sacred dead at Pearl Harbor.

O holy and merciful God, we are weak; Thou art mighty. Use our weakness to magnify Thy strength. Let no threatening or suffering loss appall us. Do Thou awaken in us a buoyant hope and a compelling courage, forging a mutual life in a mutual world. Dear Lord, after every storm the skies clear, and for every problem there is a solution. Grant that an urgent duty may course through the veins of our being, trusting in the absolute triumph of the right and in peace with justice after victory.

With Thine approval, grant that strong wills may drive our purpose on with a chivalrous faith in a victorious tomorrow when the iron-toned discords of military vandals shall be no more. Thou who art of infinite goodness wilt not mock our prayers, and no love at Thine altar will vainly plead. On this day which marks our destiny, let a marvelous power knit all hearts under the influence of the fiery solvent of adversity. We pray that our deep sympathy for the lonely and our admiration for the brave men who formed a wall of fortitude may be as enduring as memory. Dear Lord, inspire our country to bear a clear title to our flag, whose colors symbolize everything that is good and great in the being of man. Oh, help us to carry on; carry on until the United Nations mount as do eagles. Again, O Lord, the alarm has sounded. An honored Member has fallen amid deserved honors and abundant labors. Give comfort to the strickened fireside. Let us all remember that life is a climbing vine that blossoms on the other side of the wall. Through Christ. Amen.

The Journal of the proceedings of Thursday, December 3, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 2, 1942:

H. R. 1376. An act to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina;

H. R. 2217. An act for the relief of Wilson N. Yost;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5578. An act to permit the United States to be made a party defendant in certain cases;

H. R. 5651. An act for the relief of the Home Insurance Co. and the American Insurance Co.;

H. R. 6013. An act to authorize the Secretary of War to transfer certain land to the Territory of Hawaii;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6388. An act for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs;

H. R. 6907. An act for the relief of Mrs. P. R. Yager;

H. R. 6990. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 7330. An act to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico; and

H. R. 7408. An act to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside of the United States, its Territories and possessions, and for other purposes.

On December 4, 1942:

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 4321. An act for the benefit of the Chippewa Indians of Minnesota;

H. R. 4804. An act for the relief of Claud R. Johnston;

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6558. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.; and

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. J. Res. 162. Joint resolution authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments; and

S. Con. Res. 38. Concurrent resolution authorizing the Joint Committee on Reduction of Nonessential Federal Expenditures to investigate the issuance of questionnaires by governmental agencies, with a view to simplification and reduction of expense.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1953. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Ella Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased;

S. 2195. An act conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons;

S. 2292. An act for the relief of Vernon E. Deus;

S. 2705. An act for the relief of Capt. Samuel N. Moore, United States Navy; and

S. 2742. An act for the relief of the postmaster at Nome, Alaska.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2317) entitled "An act for the relief of Lillian LaBauve Linney."

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased; and

H. R. 6410. An act for the relief of Alex Gamble.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following department and agencies:

1. Department of the Treasury.
2. The National Archives.
3. Office of War Information.
4. Tennessee Valley Authority.

RESIGNATIONS

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *December 7, 1942.*

The SPEAKER,
House of Representatives, United States,
Washington, D. C.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Nevada my resignation as a Representative at Large in the Congress of the United States from the State of Nevada.

Yours truly,

J. G. SCRUGHAM.

The SPEAKER also laid before the House the following communication which was read:

DECEMBER 4, 1942.

Hon. SAM RAYBURN,
Speaker, House of Representatives
of the United States,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender to you my resignation as Representative in Congress from the Sixth Congressional District of the State of Illinois, said resignation to take effect as of 12 o'clock noon, December 8, 1942.

Respectfully submitted.

A. F. MACIEJEWSKI.

The SPEAKER. Without objection, the resignations will be accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINES, for an indefinite period, on account of illness.

To Mr. JACOBSEN, for 2 weeks, on account of official business.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that tomorrow it may be in order to call the Consent Calendar.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

The SPEAKER. The Chair will recognize Members at this time to extend their remarks in the RECORD.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address by Gen. C. L. Corbin, and Lt. Comdr. Ernest L. Burwell, at ceremonies awarding the Navy and Army E to the manager and employees of the Matthews Cotton Mill, at Greenwood, S. C., November 28, 1942.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a short article.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in four respects one upon the subject of the merchant marine and the war; another upon the subject of Otto of Hapsburg and other monarchists; another on the subject Are Women Doctors Persons? and a fourth to insert in the RECORD an article entitled "To the Conscience of America," by Pierre van Paassen.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter and certain information on gas rationing.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein pertinent correspondence thereto.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix an editorial that appeared in the American Wool and Cotton Reporter of November 19, 1942, entitled "Winning the War."

The SPEAKER. Is there objection?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of legislative business and other special orders, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the National War Labor Board versus local self-government.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain correspondence I have had with respect to rationing.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therewith a resolution passed by the National Institute of Municipal Law Officers.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address by the Honorable Sumner Welles, Under Secretary of State.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and quote two brief excerpts from letters from the War Production Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(By unanimous consent, Mr. ROBERTSON of North Dakota, Mr. LEA, and Mr. HINSHAW were granted permission to extend their own remarks in the RECORD.)

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that my colleague [Mr. CARLSON] be allowed to extend his own remarks in the RECORD and include therein a telegram.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks and include some excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 38. Concurrent resolution authorizing the Joint Committee on Reduction of Nonessential Federal Expenditures to investigate the issuance of questionnaires by governmental agencies, with a view to simplification and reduction of expense; to the Committee on Rules.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LLEWELLA J. WELSH (H. DOC. NO. 895)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I return herewith, without my approval, H. R. 1883, a bill for the relief of Llewella J. Welsh.

The bill provides payment to Llewella J. Welsh of the sum of $359.33 in full settlement of all claims against the United States representing the expenses of herself and her 13-year-old daughter incurred on a trip from Scranton, Pa., to Seattle, Wash., and return, in June 1939.

The records available indicate that the trip was taken for the purpose of accepting a position as nurse and laboratory technician with the Anchorage, Alaska, hospital, and that she had been informed prior to leaving Scranton, Pa., that in order to be appointed to the position, she would have to pass a physical examination at Seattle. Notwithstanding this advice, she elected to make the trip under regulations applicable to Federal appointments generally, which regulations would not permit reimbursement for any part of her own or her daughter's travel expenses to and from Seattle, irrespective of whether she qualified at Seattle, as she failed to do, for the Alaskan appointment.

While it is unfortunate that Mrs. Welsh failed to qualify, she is in no worse position than many other applicants for Government positions who have failed to qualify therefor after having incurred transportation and other expenses. In fact, the claimant's training and qualifications for a position of this character are such that she may be presumed to have realized, before beginning the trip, that her physical condition might be found unacceptable upon being examined at Seattle.

To approve the relief sought in this instant case would create an undesirable precedent, as numerous applicants for Government positions have incurred expenses under somewhat similar circumstances which the Government is not authorized to pay under existing law.

For the above reasons, I am constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, *December 7, 1942.*

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1099. An act for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris;

S. 1334. An act for the relief of Anthony Famiglietti;

S. 1953. An act for the relief of James B. Shuler;

S. 2195. An act for the relief of Charles E. Salmons;

S. 2292. An act for the relief of Fred Walker, Sr., legal guardian for Fred Walker, Jr., the District Court of the United States for the District of Columbia;

S. 2317. An act for the relief of Lillian LaBauve Linney;

S. 2363. An act for the relief of Percy Ray Greer, a minor;

S. 2593. An act to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the administration building, Naval Operating Base, Norfolk, Va., on January 26, 1941;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatriz Milan Vda. de Vazquez;

S. 2705. An act for the relief of Camilla C. Moore;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear;

S. 2741. An act for the relief of Charles E. Naghel; and

S. 2742. An act for the relief of Guy E. Mish.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on December 4, 1942, present to the President, for his approval, bills of the House of the following titles:

H. R. 331. An act for the relief of the Mount Whitney Power & Electric Co.;

H. R. 888. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason and the relief of L. D. Byrd, Jr.;

H. R. 1551. An act for the relief of W. E. Floding Co.;

H. R. 1675. An act for the relief of L. W. Collins;

H. R. 1740. An act for the relief of Luther Chitty and Susie Chitty;

H. R. 2436. An act for the relief of Hjalmar M. Seby;

H. R. 3113. An act for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall;

H. R. 3398. An act for the relief of Gerhard R. Fisher;

H. R. 3468. An act for the relief of the Edward Gillen Dock, Dredge & Construction Co.;

H. R. 3773. An act to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of John L. Alcock;

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War;

H. R. 4321. An act for the relief of the Chippewa Indians of Minnesota;

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 4804. An act for the relief of Claud R. Johnston;

H. R. 4953. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog, an infant;

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas;

H. R. 5920. An act for the relief of E. A. Williams;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.;

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions;

H. R. 6226. An act for the relief of B. H. Wilford;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended;

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6545. An act for the relief of Spencer Meeks;

H. R. 6558. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 6781. An act for the relief of the legal guardian of Lorraine Novak, a minor;

H. R. 7061. An act for the relief of D. A. Sullivan & Sons, Inc.;

H. R. 7149. An act for the relief of David E. Clark;

H. R. 7263. An act for the relief of Mrs. J. R. Bennett;

H. R. 7480. An act for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor; and

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

THE LATE HON. PHILIP A. BENNETT

Mr. PLOESER. Mr. Speaker, I offer a resolution (H. Res. 581) which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. PHILIP A. BENNETT, a Representative from the State of Missouri.

Resolved, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. PLOESER. Mr. Speaker, all of us have learned with profound regret of the passing of our colleague, PHIL BENNETT, of Missouri. It was most unexpected. It was a shock to all. Saturday evening while on his way to attend a theater with his son and daughter-in-law, he was stricken with a heart attack. It was at 5 o'clock this morning that we lost him.

PHIL BENNETT was one of the best friends I have had. I have known him for probably 18 years. Some years back I watched with great admiration the splendid record that he made in the Senate of the State of Missouri. I later watched his elevation to the lieutenant governorship of the State of Missouri. He arrived in Washington with me, to serve in this House. I can honestly say that never in my life have I known a more honest or courageous or sincere public servant. Men of both parties admired and loved PHIL BENNETT.

He is a native Missourian. He was born on a farm in Buffalo, Dallas County, Mo. After receiving a good education PHIL BENNETT, when still hardly more than a boy, became the editor and publisher of a newspaper known as the Reflex, in Buffalo, Mo. Citizen BENNETT was from that point on a public servant, whether in office or out of office.

He was never known to compromise with evil; never known to compromise in the slightest with anything he thought was wrong. Politics to him was a career in which there existed an undying obligation to State and Nation and to the people, and he never once forgot it. We are the more saddened because Mrs. Bennett was in Missouri at the time of his passing. His son—and a mighty fine son—of whom any father could be proud, was at his bedside in the last moments. He is survived by his widow, Mrs. Bertha Tinsley Bennett, by his son, Marion T. Bennett, and by his daughter, Mary Edith Bennett.

Probably the greatest campaign he ever waged in politics was won by him this year in the general election. Seldom has a public servant in Missouri been more viciously and falsely maligned than was PHIL BENNETT this year; but he stood stalwart, never turning his head to the left or to the right or giving recognition to his critics. He knew the direction he was going. He had served well. He had kept the faith. I do not believe there was ever a moment when he doubted the decision of the people whom he knew and loved so well; and the people did not fail him. He has never failed them.

One of the outstanding accomplishments to his credit was his co-authorship of the Missouri centennial road law, as a Member of the Missouri Senate, which, as many of you know, made Missouri one of the great States of the Union in the development of the hard road system. He took pride in that—justifiable pride. He also took justifiable pride in the fact that as the presiding officer over the Missouri Senate for 4 years never was a decision challenged.

He was a man of a mighty dear family and he loved that family. He was a good Christian man, an active worker and teacher and disciple in the church. It was only last Saturday that PHIL BENNETT had luncheon with a group of us here in the Capitol. He was enjoying splendid health. I can remember our conversation as we walked back to his office, when he expressed thanks to his Maker that he had the privilege of having been elected one of the Members of

the Seventy-eighth Congress to come. He referred to it as the period of internal reconstruction of the America he loved so well. But these are cruel times and even the stoutest hearts may not endure physically; so we shall not have PHIL BENNETT with us in the Seventy-eighth Congress. Never was there failure in his spirit or in his courage. As one of his closer friends I feel that there is an especial obligation to help carry out some of the plans and the principles and the philosophies in which he and I agreed.

PHIL BENNETT was an able legislator; we shall miss him. He was a devoted father and husband; his loved ones will miss him. He was an outstanding Missourian; Missouri will miss his representation. He was as fine an American as ever walked this land; America will miss him. He was as great a friend as any man could hope to hold; I shall miss him.

Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN of Mississippi. Mr. Speaker, Members on the Democratic side, and especially those of us who served with Mr. BENNETT on the Committee on World War Veterans' Legislation, who had learned to know and love him, join the Missouri delegation in paying our final tribute to one of Missouri's most faithful public servants.

During the time that I served in the House, many of our best men, our most outstanding Members, have served with me on that committee. I recall our late lamented friend, Royal Johnson, who was chairman for many years and whose son is now a prisoner of war somewhere in Japan. I remember Mr. Sweet, of New York, who met his tragic death in an airplane accident some years ago; and Bird Vincent, of Michigan, one of the most conscientious and reliable Members I have ever known. These were Members of the opposite party. Along with them have passed away many on our own side. I can say without fear of contradiction that the servicemen of this Nation never had a better friend in this House than PHIL BENNETT of Missouri.

One year ago today the greatest calamity that ever happened to the American Navy occurred at Pearl Harbor. The facts were published on yesterday for the first time. Incidentally, I hope it will not be that long before we find out the real facts about what happened to the French Navy.

There was an element in this country which undertook to go behind Pearl Harbor and to question the patriotism of every man who did not agree with their crazy whims prior to that time. They concentrated on PHIL BENNETT of Missouri, and their attacks were resented by those stalwart Americans who constitute the rank and file in his congressional district. There was not a more patriotic man in this House than PHIL BENNETT. I am a Democrat, always have been, and probably always will be. He was a Republican, always had been, and probably would have been if he had lived for many more decades. I have long since learned to measure men in this House by their abilities, their integrities, their devotion to principle, and not by party ties or alleged party affiliations.

PHIL BENNETT believed in the cause for which we are fighting this war, not for the establishment of an international W. P. A., not for the establishment of a drainage project on the Ganges, a T. V. A. on the Danube, or a reclamation experiment on the Orinoco. He believed, as I do, that we are fighting for the preservation of American institutions, for the preservation of those things that our fathers established, passed down to us through the Constitution of the United States, the Declaration of Independence, the Bill of Rights, and all the sacred documents of Federal and State Governments of this Union. He believed not in "mobocracy"; he knew that this is a republic, a representative government; and when his eyes turned to behold for the last time the flag above this Capitol he was deeply conscious of the fact that one of its bright stars glittered to the glorious name of Missouri.

These are trying times; no one knows what lies ahead, but I am glad to see the American people and a large element of the American press now driving to cover those elements that would create dissension among our ranks and attempt to poison the public mind against a public servant because, forsooth, he had the courage to vote his convictions.

PHIL BENNETT was a personal friend of mine. I for one shall miss him. His name to me will be linked with many others with whom I have served most intimately and who have now passed to the Great Beyond.

When I remember all the friends
So linked together
I have seen around me fall
Like leaves in wintry weather,
I feel like one
Who treads alone
Some banquet hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed.

PHIL BENNETT is gone, but not forgotten; his memory will live on. Peace to his ashes!

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas—

Oh, why should the spirit of mortal be proud,
Like a swift-flitting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passes from life to his rest in the grave.

We bow in humility and reverence this morning to the Great Creator of the universe. Our colleague, our friend PHIL BENNETT, has taken his leave from our midst. He has gone to that undiscovered country from whose bourne no traveler returns.

PHIL BENNETT was my good friend, and he was a friend of the Members of this House. PHIL BENNETT was loyal. PHIL BENNETT was sincere. He was faithful to the task assigned him.

He represented the people of his district in this House with dignity and honor. PHIL BENNETT did not seek notoriety or applause. He was a wise legislator and a gentleman of the highest order.

PHIL BENNETT was kind, he was considerate of others, he had the deepest sense of justice, and he was truly a Christian gentleman.

Good-bye, good friend.
In God's good time,
In God's good clime,
We will meet again.

And in that land
Where we shall know
No pain or woe,
We'll understand.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Missouri [Mr. BELL].

Mr. BELL. Mr. Speaker, as I look about me this morning on both sides of the aisle I realize that the hearts of you, my colleagues, are saddened this morning to know of the passing of our distinguished Member from Missouri, Mr. BENNETT. While it had not been my pleasure to know him throughout the many years that he has been a public servant of the people of this country, I did become acquainted with him almost immediately after he came to Washington to serve his district in Missouri as a Member of the Congress. Although my personal acquaintance started at that time, I had known of him for many years as a distinguished, patriotic public servant from my own State. I belonged to an opposing political party. I was a Democrat and he was a Republican. I belonged to a different school of thought to some degree. I was thrown in some measure with a different group of people than he was. Yet throughout the long years I knew him as a public servant in Missouri never once did I hear man, woman, or child say one word which to my mind impugned his honesty, his integrity, his high patriotism, and his devotion to the State of Missouri and to the country which he loved.

As has been stated, he served in the Senate of Missouri in a distinguished way. He also served as Lieutenant Governor of Missouri. I had known his friends who knew him intimately, and they all agreed that he was a man who moved by the very highest principles.

When he came to Washington, I do not think he had been here more than 2 or 3 days until he did me the courtesy of dropping into my office to see me. After that we became better acquainted. This acquaintanceship, which ripened into friendship, has done much to enrich my life, because every time I met him I realized how high was his devotion to duty. I sensed the fine principles which moved his every thought and action. He was truly a Christian gentleman. He was truly a man who loved his friends, who loved his family, as he loved his country.

These are troublous times in which we are living. Again and again, since I have been a Member of this body for the last 8 years, I have learned of the passing of one of my colleagues. Yet in all of the years I have been here I have never known any man who to my mind took his

duties more seriously, a man who was moved by a greater love for that flag which hangs above the rostrum here. These are days when every American should forget that he is a Democrat or Republican. It is a time when our hearts should rejoice, to know that among this body are men to whom this great country of ours is greater than any political party; that we have among us men who are devoted to the fine principles and the high ideals which were set down for us by our forefathers when they founded this great country. So it is with sadness that I join my colleagues today in paying, in my humble way, tribute to the memory of this able, distinguished, and patriotic gentleman who has just left us.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, on this day of the sudden, sad departure of our colleague, PHILIP BENNETT, of Missouri, I shall say only this: "If the love and esteem of Thy fellowmen could have saved Thee, Thou hadst not died."

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. RIZLEY].

Mr. RIZLEY. Mr. Speaker, it was with deep regret and profound sorrow that I learned this morning from a radio broadcast of the untimely passing of my friend and colleague, PHIL BENNETT.

It was only quite natural that since coming from the same general section of the country, beginning our service as freshmen in the Seventy-seventh Congress, that we should become quite well acquainted. Many of the problems peculiar to his congressional district were likewise peculiar to my own district; and there has scarcely been a day when the Congress was in session that we did not visit either on the floor or in the cloak room.

From these more or less intimate visits I learned to know him quite intimately and well, and to know and appreciate his philosophy of life and his philosophy of government. He was first of all a Christian gentleman.

He was old-fashioned enough to still believe implicitly in the three coordinate branches of our Government, and to believe that none of the three should attempt to usurp the powers, duties, and responsibilities of the other. He was committed to a philosophy that all that the Government owes to any individual is to keep the channels of opportunity open and even.

He adhered to the principle that "what is right demands not only our respect, but our support as well."

He was an untiring worker, and often expressed an abiding faith that the good judgment and common sense of the American people would bring us out all right in the end.

A good man has gone to his reward. His family, his friends, and the people whom he so faithfully represented will miss him. They are to be consoled by the fact, however, that he was always faithful to every trust.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, one of the compensations coming to Members of Congress is the associations formed by us as we go about our daily work. It is, therefore, a privilege for me to rise with the others to pay my tribute of love, honor, and respect to the life, character, and public service of the late Representative PHILIP A. BENNETT, of Missouri.

His sudden death was a distinct shock to all of us. On last Saturday he was with us, apparently in robust health. That evening he was stricken. This morning he answered the final summons.

Measured by time, his service in Congress was all too brief, but during that period of service he made his way into the hearts of his colleagues. Blessed with a charming personality, a thorough knowledge of public affairs, and an intense loyalty to his constituents, he has made a place for himself in the councils of his party and in the Congress.

He was direct, frank, and unafraid in the discussion of legislation. His integrity was never questioned. His manner was persuasive and his reasoning was cogent. He believed thoroughly in what we are wont to call today the American way of life. He was able, industrious, and, last but not least, tolerant. The memory of this good man will linger with us long.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. COPELAND].

Mr. COPELAND. Mr. Speaker, PHIL BENNETT was also one of my closest personal friends and his passing leaves a vacant place in this House and in the hearts of his real friends—and to whom he in turn was a real friend—that will never be completely filled. It was my good fortune to meet him, his gracious wife, and family almost immediately upon my arrival in Washington 2 years ago, and I came to rely greatly upon his counsel and advice. His experience qualified him for the exalted position he held—a position not only high in politics, but a position equally high in the hearts of every friend and acquaintance—experience gained by a full life of public service—and a life fully dominated and controlled by Christian motives. His friends loved him and his opponents respected him. The great State of Missouri has suffered an irreparable loss, and it is my prayer that his family may be consoled and comforted in the knowledge that this Christian husband and father gave a full life of love, devotion, and service to them and also to the State and Nation that he loved so well.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, in the passing of PHIL BENNETT I feel a deep personal loss, and my heart goes out to the members of his family. PHIL BENNETT was one of the first men with whom I became well acquainted on coming to Congress. His advice, his counsel, and his friendship will ever be cherished by me.

In his passing the Congress lost a valuable Member, the State of Missouri a valuable citizen, and the State of Iowa a good friend and a good neighbor.

Paraphrasing the words of the Apostle Paul, PHIL BENNETT fought a good fight, he kept the faith, he finished his course; henceforth, there is laid up for him treasure in the hearts of all who knew him.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, the sudden death of Mr. PHILIP A. BENNETT came as a shock to me. He had his office just a few doors from mine. Since meeting him when he first came to Congress I became very well acquainted with him. I can sincerely say that I regarded Mr. BENNETT as a man of the highest integrity. I trusted him and had confidence in his forthrightfulness and ability. I valued greatly his friendship. He was an inspiration to me. The passing of Mr. BENNETT is a great sorrow to me and I shall always cherish the pleasant memory of my association with him.

Mr. PLOESER. Mr. Speaker, I yield to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker,

He went down as a kingly cedar green with boughs goes down, with a shout upon the hills—and leaves a lonesome place against the sky.

The longer on this earth I live and weigh the various qualities of men, the more I see the stern high-featured beauty of plain devotedness to duty; steadfast and still not paid with mortal praise, but finding amplest recompense from life's ungarlanded moments in hours well spent and unwasted days.

Cardinal Wolsey's dying words to Cromwell:

Fear not, let all the ends thou aimest at be thy country's, thy God's, and truth's; and then if thou fallest, O Cromwell, thou fallest a blessed martyr.

Mr. PLOESER. Mr. Speaker, I yield now to the gentleman from New York [Mr. WILLIAM T. PHEIFFER].

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, regardless of how long or how brief my tenure as a Member of the House may be, I shall always count among my finest privileges and most uplifting experiences while here my association and friendship with PHIL BENNETT. During these past 2 years I have had full opportunity to observe and evaluate his fine qualities, his spirituality, his everlasting devotion to the truth, and to those things which count most in life. At a time like this there is no center aisle in the House. We have all lost a great and a noble comrade. We are given some consolation in the abiding faith that a Divine Providence has ordered all things well, and that the indominable spirit of PHIL BENNETT will go marching along with us wherever the cause of true Americanism and our devotion to those immutable principles and ideals which have made our country great, may lead us. With Longfellow we may truly say: "Dead he is not, but departed"—for the great in spirit never die.

Mr. PLOESER. Mr. Speaker, I yield now to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Speaker, I join with the delegation of the State of Missouri in paying tribute to PHILIP A. BENNETT, a most distinguished member of their delegation whose unexpected death we all mourn this morning. It seems impossible that so soon this strong man should be touched by the hand of death. But—

Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set—but all—
Thou hast all seasons for thine own, O Death.

I am reminded again of the mortality in this House. I have been a Member of the House for almost 16 years. I have served under 7 Speakers, 5 of whom have answered the last roll call. The ever-increasing exactions of our service here has increased this mortality beyond what it was in the earlier years of our history. Mr. William Tyler Page, whose recent death we mourned, served as an officer of this House for over 60 years, yet he only served under 14 Speakers. In the earlier days Speakers were elected at an earlier age than they are at this time, which to some degree accounts for the difference. But the increasing exactions of the office account, no doubt, for most of the disparity.

I have known Mr. BENNETT for over 15 years and for the past 2 years intimately, having lived those 2 years in the same hotel. I knew him too down in his home in Springfield as a public official, as senator, and Lieutenant Governor. Our districts join for nearly 100 miles along that line which divided Kansas and Missouri in the days of the struggle which made Kansas a free State. All that old animosity has disappeared and the people of these border counties are now friends just like Mr. BENNETT and I were these past years. Mr. BENNETT was one of my closest friends in the House since he came, and I can testify to the mental and moral superiority of this Christian gentleman. I have never known a Member for whom I entertained higher respect nor one who deserved it more. In his passing Missouri lost a devoted, conscientious, public servant, and the Nation a patriotic and most discriminating statesman.

Mr. PLOESER. Mr. Speaker, it is with regret that I have to announce that our colleague [Mr. DEWEY SHORT] is absent from Washington at present on business. I know that he will be greatly saddened because of not having an opportunity upon receipt of the shocking news of Mr. BENNETT's death, to pay his tribute in person as others have done.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER appointed Mr. SHORT, Mr. DUNCAN, Mr. BELL, and Mr. PLOESER to attend the funeral of Mr. BENNETT.

The SPEAKER. The Clerk will report the final resolution.

ADJOURNMENT

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly (at 12 o'clock and 59 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 8, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will meet in open hearing on Thursday, December 10, 1942, at 10:30 o'clock a. m., to consider the report made by the General Accounting Office on the Tampa Shipbuilding Corporation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2018. a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 11, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of Hillsboro River, Fla., authorized by the Flood Control Act approved June 22, 1942; to the Committee on Flood Control.

2019. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 11, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Nisqually River, Wash., autnorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

2020. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 13, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Tia Juana River and tributaries, California, authorized by the Flood Control Acts approved June 22, 1936, and August 18, 1941; to the Committee on Flood Control.

2021. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 6, 1942, submitting a report, together with accompanying papers, on a review of reports on the Kankakee River, Ill. and Ind., requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on June 6, 1939; to the Committee on Flood Control.

2022. A letter from the Secretary of the Interior, transmitting a report covering expenditures made from the appropriation "Education of natives of Alaska, 1941–43," for the relief of destitution of natives of Alaska during the fiscal year 1942; to the Committee on Expenditures in the Executive Departments.

2023. A letter from the Acting Secretary, Department of Agriculture, transmitting a request that the bill H. R. 7824, should not be enacted; to the Committee on Agriculture.

2024. A letter from the Administrator, Federal Security Agency, transmitting First Quarterly Report of the United States Commissioner of Education on the education and training of defense workers, covering the period beginning July 1, 1942, and ending September 30, 1942; to the Committee on Appropriations.

2025. A letter from the administrative office of the United States Courts, transmitting a copy of its annual report by its director for the fiscal year 1942; to the Committee on the Judiciary.

2026. A letter from The Archivist of the United States, transmitting a list of papers for disposal by him from certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

2027. A letter from the President of the Commission, Commission on Licensure, Healing Arts Practice Act, District of Columbia, submitting its report showing the activities of the Commission for the fiscal year which ended June 30, 1942; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULMER:

H. R. 7843. A bill to amend section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, so as to simplify and clarify the provisions for the annual election of the local and county agricultural conservation committees; to the Committee on Agriculture.

By Mr. IZAC:

H. R. 7844. A bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; to the Committee on Naval Affairs.

By Mr. LEA:

H. R. 7845. A bill to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928; to the Committee on Indian Affairs.

By Mr. BLOOM:

H. J. Res. 363. Joint resolution providing for participation by the United States in the Emergency Advisory Committee for Political Defense, and authorizing an appropriation therefor; to the Committee on Foreign Affairs.

H. J. Res. 364. Joint resolution authorizing the appropriation of such sums as may be necessary to pay the proportionate share of the United States in the annual expenses of the Inter-American Financial and Economic Advisory Committee; to the Committee on Foreign Affairs.

By Mr. DOUGHTON:

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942; to the Committee on Ways and Means.

By Mr. SMITH of Virginia:

H. Res. 582. Resolution to investigate the power of the agencies of the Federal Government to regulate employee relationship of State governments and subdivisions thereof; to the Committee on Rules.

By Mr. HINSHAW:

H. Res. 583. Resolution amending the Rules of the House of Representatives; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII,

3484. The SPEAKER presented a petition of Leonard H. Holder, doing business as April Showers Co., for redress of grievances under the Bill of Rights, which was referred to the Committee on the Judiciary.

SENATE

TUESDAY, DECEMBER 8, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal Father, in days of old Thy prophets summoned Thy fearful and faithless children to the altar of the Most High for cleansing and strength. We would seek our salvation where they found it, at the altar of the Living God. Out of our dire need we cry, "Have mercy upon us according to Thy loving kindness and the multitude of Thy tender mercies."

We bless Thy name for the millions of devout believers called by their spiritual shepherds this day to supplication in home and church, when all the interests of suffering humanity will be tied as with golden cords of prayer around the feet of God; when confession will be made for personal shortcomings; when prayers will be offered for victory against the black paganism we fight, for a cleansed social order, and for a peace which shall fall like a benediction upon all mankind.

We thank Thee for the ancient church sanctified by the long centuries, whose altar lights went not out even in the Dark Ages and whose prayers unceasingly have ascended to the throne of grace like sweet incense across all the changing years.

With gratitude we take upon our lips the Te Deum of Thy servant Lincoln, uttered in other times that tried men's souls: "Thanks be unto God who in our great trial giveth us the churches." May the devotion and renewed faith they inspire leap from heart to heart and from altar to altar, until the spiritual life of the Nation be rekindled with fire from above. Amen.

THE JOURNAL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal of the proceedings of the last session of the Senate be approved without reading.

Mr. McCARRAN. I object.

The VICE PRESIDENT. Objection is made by the Senator from Nevada to the approval of the Journal of the preceding day.

Mr. McCARRAN. Mr. President, I think the objection entails the reading of the Journal.

The VICE PRESIDENT. Under the rule, the Journal is not read on the next day following a recess.

Mr. McCARRAN. Mr. President, I had the floor when the Senate recessed yesterday, and it is my understanding that I would have the floor when the Senate reconvened today. If I am in error about that, I should like to be informed.

The VICE PRESIDENT. The Senator from Nevada has been recognized.

Mr. MALONEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. MALONEY. I do not want the Senator to yield. I desire to know how he obtained the floor.

The VICE PRESIDENT. The Chair recognized the Senator from Nevada.

Mr. McCARRAN. Mr. President, I regret that I cannot yield.

Yesterday, at the time the Senate recessed, I was reading to the Senate a very interesting statement by Mr. Eugene Meyer, Governor of the Federal Reserve Board in 1931.

SENATORS FROM COLORADO—CREDENTIALS

The VICE PRESIDENT. Will the Senator from Nevada yield for the purpose of permitting credentials to be presented, without changing the parliamentary status?

Mr. McCARRAN. Very well, if that be the case.

Mr. MILLIKIN. I have the honor to present the election certificate of my distinguished colleague, Senator EDWIN C. JOHNSON, and ask that it be read.

The VICE PRESIDENT. The clerk will read the certificate.

The Chief Clerk read as follows:

CERTIFICATE OF ELECTION, STATE OF COLORADO, OFFICE OF SECRETARY OF STATE

I, Walter F. Morrison, secretary of state of the State of Colorado, do hereby certify that at a meeting of the State Board of Canvassers of the State of Colorado, held at my office in the city of Denver, on the 23d day of November A. D. 1942, said board proceeded to examine and make statements of the whole number of votes given at an election held on the 3d day of November A. D. 1942, for officers mentioned in section 246, chapter 59, 1935 Colorado Statutes Annotated, that were voted for at said election; which statements certified to be correct and subscribed by the members of said State board of canvassers, with a certificate of their determination as to what persons were duly elected to such offices, or any of them, endorsed and subscribed thereon, were filed in my office.

I further certify that, by said statements and certificates of determination, it appears that EDWIN C. JOHNSON having received the highest number of votes cast at said election for any one person for the office of United States Senator, said number being 174,612 votes, was by said State board of canvassers declared duly elected to said office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 24th day of November A. D. 1942.

[SEAL] WALTER F. MORRISON,
Secretary of State.

The VICE PRESIDENT. The certificate will be placed on file.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Nevada yield to me?

Mr. McCARRAN. I yield under the ruling made by the Chair.

Mr. JOHNSON of Colorado. I present the certificate of election from the State of Colorado of my colleague, Hon. EUGENE D. MILLIKIN, who was elected to fill the unexpired term of the late Senator Alva B. Adams.

The VICE PRESIDENT. The certificate will be read.

The Chief Clerk read as follows:

CERTIFICATE OF ELECTION, STATE OF COLORADO, OFFICE OF SECRETARY OF STATE

I, Walter F. Morrison, secretary of state of the State of Colorado, do hereby certify that at a meeting of the State Board of Canvassers of the State of Colorado, held at my office in the city of Denver, on the 23d day of November A. D. 1942, said board proceeded to examine and make statements of the whole number of votes given at an election held on the 3d day of November A. D. 1942 for officers mentioned in section 246, chapter 59, 1935 Colorado Statutes Annotated, that were voted for at said election; which statements certified to be correct and subscribed by the members of said State board of canvassers, with a certificate of their determination as to what persons were duly elected to such offices, or any of them, endorsed and subscribed thereon, were filed in my office.

I further certify that, by said statements and certificates of determination, it appears that EUGENE D. MILLIKIN having received the highest number of votes cast at said election for any one person for the office of United States Senator to fill vacancy, said number being 191,517 votes, was by said State board of canvassers declared duly elected to said office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver, this 24th day of November A. D. 1942.

[SEAL] WALTER F. MORRISON,
Secretary of State.

The VICE PRESIDENT. The certificate will be placed on file.

ADMINISTRATION OF OATH

Mr. JOHNSON of Colorado. Mr. President, my distinguished colleague is present and prepared to take the oath of office.

The VICE PRESIDENT. If the Senator-elect will present himself at the desk, the oath will be administered to him.

Mr. MILLIKIN, escorted by Mr. JOHNSON of Colorado, advanced to the Vice President's desk, and the oath prescribed by law was administered to him by the Vice President.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

EDUCATION AND TRAINING OF DEFENSE WORKERS

A letter from the Administrator of the Federal Security Agency, transmitting, pursuant to law, the first quarterly report of the United States Commissioner of Education on the education and training of defense workers, covering the period beginning July 1, 1942, and ended September 30, 1942 (with an accompanying report); to the Committee on Appropriations.

PROVISION OF BUTTER FOR PATIENTS OF ST. ELIZABETHS HOSPITAL

A letter from the Acting Administrator of the Federal Security Agency, transmitting a draft of proposed legislation relating to the provision of butter for the patients of St. Elizabeths Hospital (with an accompanying paper); to the Committee on Appropriations.

PETITION

Mr. CAPPER presented the petition of members of the Sunshine Sunday School class of the New Basel Reformed and Evangelical Church, of Elmo, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

REPORT OF THE COMMITTEE OF THE DISTRICT OF COLUMBIA

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7522) to

amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes, reported it with an amendment and submitted a report (No. 1831) thereon.

BILL INTRODUCED

Mr. HILL introduced a bill (S. 2919) to amend the Budget and Accounting Act with reference to transfer of property, which was read twice by its title and referred to the Committee on Expenditures in the Executive Departments.

EXTENSION OF AUTHORITY OF THE R. F. C.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. McCARRAN. No; I regret exceedingly I cannot yield, because the rule is being very rigidly and meticulously enforced against me, and I cannot yield.

Mr. President, I was continuing with the statement of Governor Meyer as given before the Committee on Banking and Currency of the House in 1931. He said:

In 1921 the creation of the War Finance Corporation removed in that small town in Iowa the fear of that one small bank, so that while the amount of money required in that particular case I have in mind was not important, the relief to the strong banks in that particular town serving agricultural interests was that a small amount of money directed to the weak spot released through the removal of fear a very large amount of money which does not appear on the books of the War Finance Corporation as ever having been loaned.

SENATOR FROM KANSAS—CREDENTIALS

Mr. McNARY. Mr. President, will the Senator yield in order that I may present an election certificate and have it read? It is a privileged question, and it will not interfere with the Senator's right to the floor.

Mr. McCARRAN. With that statement, I yield.

Mr. McNARY presented the credentials of ARTHUR CAPPER, duly chosen by the qualified electors of the State of Kansas a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November, 1942, ARTHUR CAPPER was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His Excellency our Governor, Payne Ratner, and our seal hereto affixed at Topeka, Kans., this 5th day of December, in the year of our Lord 1942.

By the Governor:

PAYNE RATNER,
Governor.

[SEAL]

FRANK J. RYAN,
Secretary of State.

EXTENSION OF AUTHORITY OF THE RECONSTRUCTION FINANCE CORPORATION

Mr. McCARRAN. Mr. President, Governor Meyer, in speaking of the War Finance Corporation, said:

I took the occasion to look up this morning out of one of the old reports of the War Finance Corporation, and the peak of loans to country banks—and the total number of country banks went to something over 4,300—was reached in May 1922. The act of lending began in the beginning of November. The peak reached was one hundred and thirty-four million in loans to country banks, or for the most part country banks. The aggregate amount was nearer two hundred million, but the peak at any one time was one hundred and thirty-four million. One year later, in spite of the fact that a great many new loans were made in the year, the aggregate amount outstanding had been reduced to sixty million, and a year later the aggregate amount outstanding, in spite of more new loans, was down to thirty-seven million. In addition to the loans to country banks at that time, one of the biggest situations that confronted the operations was the livestock situation. There it was a problem of finding ways to get money loaned out on livestock to carry cattle and sheep, particularly independent of the banks, and while some banks were willing to carry livestock and carry on livestock operations, it was necessary to use loaning companies, and a good many were organized, particularly one with a million dollars capital in Texas, another one in Cheyenne, Wyo., with a capital of a million dollars, another one of $400,000 capital in Portland, Oreg., $250,000 in Montana, $250,000 in Omaha, and all over the country. The aggregate amount of livestock loans, the maximum amount, the total amount was somewhere between eighty-five and ninety million dollars on cattle and sheep as security. The peak of those loans in May 1922 was sixty million. In spite of the fact large additional loans were made in the following year, the repayments brought the aggregate down to forty million, and a year later down to twenty-six million.

I am giving you these as absolutely concrete experiences to show how so-called frozen assets thaw out where the character of the credit is suitable to the situation. There was nothing more frozen in the country than a cow loan in the breeding area of the United States in 1921. The sheep and the cattle were unmarketable in quantity. Prices were demoralized. When corn gets down, as it did in 1921 in western Iowa and Nebraska, to 16 cents on the farm, why, of course, the note of the farmer in a corn area is also frozen, but when the farmers got the War Finance Corporation money through their 600 banks in Iowa, which were receiving advances, and not only money but plenty of time, they got with that money an encouragement to use the money. The country banks, I may say, had to be urged to operate on that line at the time. They were not eager borrowers; they were very reluctant borrowers in the beginning, but when they say it was a different kind of credit, they became more active and they bought more cattle and hogs to feed, as well as sheep from the Rocky Mountain district, and then, of course, the corn had a market in the feeding operation which it was impossible to get in the form of sales of cash grain. Now corn is one of our great crops; in fact, one of our greatest crops.

There has been an average of some 2,000,750,000 bushels of corn for the last 7 or 8 years, with only 1 year a crop failure, when it went down to 2,000,000. That feeding operation in the Corn Belt is not now going on as it did. The real reason is that the country banks are reluctant to borrow. They are organizing intermediate credit banks, and they are doing good work in stimulating feeding operations; but there is that fear which comes from an unliquidated condition, a fear on account of what is being read in the newspaper of what is going on in Europe and at home, and you also hear of bank closings.

I believe a bill of this kind—

Speaking of the Reconstruction Finance Corporation bill—

would be vital in restoring confidence in many areas where confidence is now lacking and that it would be of tremendous value from an economic standpoint. I would not want to predict what might happen to price levels in connection with this bill, and I did not predict it in 1921; but the agricultural prices in 1921 at the time of the passage of the Emergency Relief Act, according to the Bureau of Labor statistics, was about 83 compared to the 1926 price level of 100. By January 1924, which was 2½ years later, the price level on the same average basis was 112, a sensational advance, but still a very material one. So far as forced liquidation affects price levels and so far as the knowledge of people and markets that there is false liquidation affects price levels, credit under this act would, in my opinion, be helpful and possibly might be important in connection with price levels. The situation, of course, is quite different from 1921.

I would not like to have you think that I am taking a patent of that period and saying that the present conditions are a replica and that treatment should be applied in the same way and that, even if treatment is applied, the same results will necessarily follow. At that time, just after the war, we were in a most acute commodity price collapse of all kinds of commodities. Cotton, you will remember, dropped from 40 cents to 8 cents in a year. Mineral prices, the prices of mineral products and manufactured goods had more or less similarly declined. The price decline in the last 2 years is not the equivalent in magnitude of the price decline in 1921, but it is from a lower level to a lower level, and it is of sufficient proportions as to be a major factor in the situation. In a period of declining prices, people become reluctant to carry stocks. The carrying of stocks is a normal part of operations, and when it is hampered by lack of confidence or lack of credit or derangements such as now exist in the European markets, an abnormal situation is created. The principal effect on agricultural and other producers in reduction of stocks due to lack of confidence or inability of the financial machinery, particularly abroad, to function in a normal way is to force the carrying of the required stocks back onto the hands of the producers and the smaller banks in the producing territory and out of the visible supplies of wheat and cotton at the present time it is probable that a larger proportion is being carried by the producers than has been the case at any time in the last 10 years.

In 1921—

Said Mr. Meyer, then Governor of the Federal Reserve Board—

we had certain features which are again duplicated and which need to be thought of in the consideration of this measure and the present situation, and that is that a very large number of the important countries of the world, consuming countries in part and in part manufacturing countries, were using our raw materials and in part merchandising countries like England and Germany, in which countries under normal conditions large amounts of our products are bought for further distribution in either raw-material form or in partly manufactured or incompletely manufactured form, and both

Germany and England are accustomed, as jobbers and manufacturers, to give under normal conditions long-time credit to the buyers of their products. Manchester, for instance, in connection with cotton goods, is normally accustomed to extending credit to South America and China, and the Germans in Central Europe and in other parts. The international-exchange conditions in Europe effectively prevent that because, with the fluctuating pound and the difficult conditions in Germany, although currency is not fluctuating greatly, the conditions are such that the granting of credit is necessarily hampered. The burden is thrown on the producing country of an exceptional and unusual character, which means that the whole distribution of the production from this country is changed, altered, and hampered, and that calls for the most serious consideration.

When the War Finance Corporation went to work and began to advance funds to the livestock loan companies, the cooperative marketing associations, and the country banks in 1921, it not only put out into the country some $300,000,000 but it set in motion funds which revolved, and paid off and liquidated many times that amount of indebtedness. At that time the Federal Reserve system was rather heavily extended. A great deal more borrowing by member banks existed in 1921 from the Federal Reserve banks. But as this money, which was extended by the War Finance Corporation to the country banks, found its way into circulation it took over from these banks and, indirectly perhaps from the Federal Reserve bank to a considerable extent, indebtedness which they at the time thought were frozen, but which, taken over by an institution where a quick repayment was not demanded or expected, in the very nature of the transaction it relieved the pressure on the commodity markets to such an extent that the price level responded and permitted a liquidation and thawing out of frozen assets on a scale that nobody could have promised but which was the most effective thing, I believe, at the time in that picture, in easing the whole credit situation throughout the country.

At that time there was one other fundamental difference that I want to call your attention to, and I think it is important. I will just interrupt a moment to say that in all the history of this country easy money has always acted as a business reviver; that is, easy money for any considerable period; and the reason for that has been that with our growth of population on a 3-percent basis normally, compounded annually, we had a normal building-construction program in this country which if interrupted for a year or two began to create a demand for construction which with easy money was remedied very quickly in new activity, which is one of the most important and fundamental in our whole business situation; i. e. construction activity. Even where our overbuilding activity existed it only existed for a limited period and the overbuilding did not after a period of temporary suspension in the building activity interfere with the renewal after a couple of years.

One of the things that was quite evident in 1921 I remember I had occasion to point out to the Interstate Commerce Commission in connection with some of their decisions in the financing of railroads at that time because they were liquidating the railroad administration. One of the notable features in the 1921 comeback and the comeback of subsequent years was that beginning in 1921 we had a period of 8 years of subnormal construction in this country. I just happen to have a chart which will appeal to the eye very quickly.

As I will show you, that was due to the fact that 1913 and 1914 being inactive years in business and the subsequent years being war years, and even before we were in the war, and, of course, during the war, construction was almost forbidden except for the most essential purposes, a deficiency in housing and office space and all kinds of construction developed compared to the normal requirements of the growth of the country. There is your picture which is based on the per capita value of building permits in 50 cities on the 1913 cost basis, showing the great deficiency in building, which, with the return of normal money market conditions in 1921 and 1922, permitted with the ability to get money on mortgages again, beginning in the spring of 1922, a revival in construction that really was the basis of what proved to be a period of prolonged upward swing. In other words, the construction activity had in 1921 a very solid basis, a very solid foundation in a legitimate answering of the requirements of the people of the country. In the spring of 1922 building started on an extensive scale; mortgage money was available freely and values of lands and buildings on account of the rental increases and on account of the rise in the cost of building, as compared with pre-war, raised old buildings of a substantial and useful character to a new level, creating a good deal of speculative activity and, of course, further increasing the interest in real-estate activity and construction not only for homes, apartments, and office buildings but also through that expansion in building activity a tremendous expansion in production to take care of that building activity.

Nothing increases the movement of goods and the employment of labor more than the construction activity. It affects the mine and the forest; it employs great quantities of labor in transportation; it adds to the gross revenue of railroads. It seems to have the most general stimulating effect, and I think it was in that providing of space to meet the deficiency of construction, which had not lasted several years, that the so-called real-estate boom had its origin, a perfectly legitimate basis in its foundation, but unfortunately carried on too far, too long, and in the end in the latter part of the activity on a very unsound and dangerous basis with dangerous valuations and a good deal of very weak and unsound financing.

Now, I think it is a question as to whether or not, even taking the facts and figures as they are, there has been such an enormous overexpansion in providing space in this country, taking it as a whole on the normal basis of growth, and I would not like to pass on that; but I feel, personally, that the situation is more characterized by weakness in financing than actual overprovision of space, although, of course, it cannot be denied that there has been a great deal of overbuilding in certain areas; however, it must be remembered that space for housing or offices or any purpose is not liquid and movable. You may have overbuilding in the suburbs of Chicago, you may have overbuilding in certain areas of New York and you may have it in the Twin Cities, down in the South or in the West, and then there may be still a demand for space in other areas.

Even now, in the suburbs of the larger cities generally throughout the country there is a building activity going on, and that is due to the fact that people more and more are moving from the town to the suburbs of the country with the good roads and with the automobile and bus transportation. I believe that the prompt liquidation of unsound financing in the real-estate field is most important, because as long as mortgages are being foreclosed on properties which have been unsoundly financed, as long as properties are in a deficiency that furnishes a competition to honestly owned and operated properties, it is detrimental and confidence destroying. That is going on, and in some States the laws make it necessarily slow, but the real-estate situation is one of the big situations in the country. The building and loan associations, which under normal conditions serve a very useful purpose where they are well managed are suffering from the depression and demoralization in values which I will not say in every case but I believe in many cases is carried on to an extreme.

This building activity, as I suggested, is one of the most fundamental factors in the situation and the cessation of building, or, rather, the very extensive decline has affected the employment of labor, commodity prices, consuming power, and the volume of goods transported on the railroads, so that it is, as far as this country is concerned, I believe, the most important single economic factor of an unfavorable character.

Of course, foreign conditions are a major factor and without our going into that at this time, because they are large and complicated, with many ramifications, and without undertaking to analyze it for you gentlemen, because I am sure we will all have our own views and thoughts on the subject, I think at this time we have to recognize that the political and financial disaster in Europe is a fundamentally important factor in our country, entirely apart from the question of the investments that this country has made there or bank loans and relationship of debts or reparations or intergovernmental relations. We have in Europe, a disturbed financial situation, a disturbed political situation, and particularly from the point of view of the consideration of this bill, we have disturbed exchanges which materially interfere with commerce in the marketing both of our agricultural and mineral and commercial products.

Building and loan associations are mentioned in this bill, and savings banks, as being institutions that can be assisted. I believe in many of these situations experience will prove under careful and sound administration that a support of the situation will come more from a moderate amount of lending and from the strong support a corporation organized along these lines can give rather than from the actual loans made, although they should be made in sufficient quantity and maybe will be necessary in a very considerable quantity; but I consider that the ability to support the weaker situations will do more to enable the stronger resources to function is the important factor.

If I may, at this point, I should like to go over some of the details of the bill as written. Mr. Strong's digest here in reference to the capitalization and the authorization to borrow is just the same as it was in the War Finance Corporation at the time of the agricultural relief act—five hundred million capital and the authority to borrow a billion and a half.

The board of directors to consist of three ex officio, as stated in the bill, the two others to be nominated by the President with the consent of the Senate. It seems to me here that perhaps there ought to be four to be nominated by the President and confirmed by the Senate, and possibly it might be well to consider that, in view of the Secretary of the Treasury acting on so many boards ex officio, some general provision be inserted relating to an Under Secretary in lieu of the Secretary. I mean he might be an alternate, or in some other way might be added or substituted for the Secretary. I think the Under Secretary would be better, because Mr. Mills is not ex officio on so many institutions as Mr. Mellon.

Now, then, the authorization leaving a great deal of authority and judgment to the directors is, "to make loans, upon such terms and conditions as it may determine, to any bank, banker, savings bank, trust company, clearing house, or other association of banking institutions, building and loan association, insurance company, or other financial institution in the United States." I think that is drawn more or less along the line of the War Finance Corporation during the war,

with the exception that "clearing house or other association of banking institutions" is added, and which were not in existence at that time. Clearing houses were organized, but in connection with the national credit organizations as an association of banking institutions, both locally and nationally, which might serve as a type. Such associations, I think, were provided for in the Aldrich bill, and they are evidently in this bill for the purpose of broadening the area. Whether they would be used or not I do not know.

Mr. LUCE. May I ask if Mr. Meyer would like to have questions asked of him as we go along?

Mr. MEYER. I think it was before you came in it was agreed that I might go along without questions, although I love to be questioned by you, Mr. Luce.

The CHAIRMAN. The chairman made that announcement, Mr. Luce, before you came in.

Mr. MEYER. "All loans must be fully and adequately secured in such manner as the Corporation shall require, and they will be made at such interest or discount rates as the Corporation may approve." It is hard to anticipate what particular situations such a corporation, if authorized by you gentlemen, would have to meet, and I rather think these provisions with reference to security and the reliance on sound administration rather than restrictions in the law are, as a matter of policy, justified by the circumstances in the exceptional conditions which we are confronted with. I think the whole bill is written with a view to attacking the problem in a big way and with very broad powers and large resources. In that respect I can heartily support the bill. The restrictions that you as a committee undertake to work out probably will be helpful in certain respects that could not be earlier anticipated. I am frank to say that the bill as written seems to me to place an extraordinary amount of authority and responsibility on the board of directors, and it therefore relies, and Congress, in passing this bill, of course, knows that the administration of such an act is synchronous, both from the point of view of success in producing the greatest result for the benefit of the people, also for saving the Government from any ultimate loss.

Now, then, the period for which the Corporation is authorized is 1 year, with authority in the President to extend it for any part of a year up to an additional year, making a total of 2 years. I think that is wise. It is hoped that 1 year would be enough, and still the bill provides a little leeway in case of need. The loans of the Corporation may be made for not exceeding 3 years, with authority to grant additional time up to 5 years. I think that loans made on so-called slow or frozen assets or any other kind of assets for a period of 3 years would be ample; but if they are not, I think the extension ought to cover the requirements.

The railroads are mentioned here specifically, and I think that that has to be considered from this point of view, that today the railroad situation—the buying power of the railroads is hampered by their financial condition, and the railroads perhaps, next to the construction industries, are the most important single buying power in the country. If they could be put on a better basis financially and their buying power restored it would be probably very important in restoring business. But, entirely apart from that, we recognize the fact that the railroads today are owned by the people of the country in a most extraordinary degree, in the fact that the bonds, which are the investments of trusted institutions all over the country, rather than of individuals, or certainly more than individuals, are a matter of important interest, not to stockholders alone so much as they are to the holders of life-insurance policies, savings in savings banks, and depositors in all banks. That is a matter, gentlemen, for you to consider, and it would seem that the interest of the people of the country as a whole is very considerable in the soundness of railroad securities, by which I mean bonds.

Now, funds may be had from the Treasury up to $5,000,000. The Corporation is authorized to borrow for not exceeding 5 years and they may sell short-term obligations on a discount basis. These securities would all be tax exempt from all kinds of taxation, similar to the farm-loan system bonds and intermediate credit banks.

The Treasury is made ultimately liable for the debts of this Corporation if they cannot be met otherwise.

Mr. President, it was to that point that I directed the attention of the Senate yesterday. Not only is the national debt in excess of $100,000,000,000 so far as Treasury reports are concerned, but by the very language of the bill which is in the offing the Treasury is responsible for all the defalcations which may occur in the administration of the Reconstruction Finance Corporation.

I read further from the testimony:

That will, if accepted, be very important in the ability to market the bonds in the first place, and, in the second place, it will add to the assurance that the Corporation will be able to command the funds which it is authorized to borrow under the act, if passed in this form.

The Federal Reserve banks under this provision are authorized to discount notes, secured by obligations of the Corporation and to make advances to member banks on the notes, secured by said obligations, and to use all such paper so acquired and to purchase and sell such obligations as they have with respect to bonds or notes of the United States. That is a provision, of course, on the basis that these are ultimately Government obligations and their eligibility in the Federal Reserve System is made practically identical with that of Government bonds.

Mr. President, I wonder if it would not be well to depart from the language of Mr. Meyer to revert to my expression of yesterday, in which I said that our national debt is not encompassed by the language of the reports of the Federal Treasury. Our national debt is far in excess of that which is reflected by the reports of the Federal Treasury, for our national debt encompasses not only the overdraft, if I may term it thus, in the Federal Treasury but also must encompass all the issues for which the Federal Treasury stands as an obligor or guarantor in our national financial life. It was with that thought in mind that I arose to address myself to this subject because I think the people of the country should know where they are going. I think they should know what their Congress is doing.

I think the time is coming when the people are going to hold the Congress of the United States responsible for a situation of which the people themselves at this time have no conception, namely, that we are in debt far in excess of any sum that is published either in the newspapers or in the statements of our financial agencies reporting the condition of our Treasury, that the interest on the outstanding securities of which the Treasury of the United States stands as an obligor and guarantor, together with the interest on the national debt, if summed up would be startling to the people of the country, and would stun them even as the new tax bill will stun them when they realize the full force of its impact shortly after the first of the year. I say that the new tax bill will stun the people; because, no matter how the tax bill has been explained, even on the floor of the Senate and by the press, when it hits the man with a limited salary income and with an unlimited expenditure outgo he will wonder how he is going to meet it.

It will not be so bad for the man who has a cost-plus contract, because he can adjust himself; it will not be so bad for the man who is employed by concerns which might bring about an adjustment of salaries; but the man or woman who is on the Federal pay roll and who has a salary fixed by law but whose cost of living is going up by leaps and bounds, regardless of O. P. A. and all its activities, and against whom demands come daily to give and give and give, to buy bonds, to take out 10 percent of the salary, to donate to the Red Cross and to other fine agencies that naturally enlist the attention and sympathy of those who are interested in the welfare of humanity—when the new tax bill strikes such an individual, I am wondering where he is going to find the wherewithal to pay it unless he has been able to make some provision to that end.

There is a group in this country that is not going to be able to meet their taxes, for they have not made arrangements to meet any part of the new tax bill. I refer to the group that has been receiving the benefits of the cost-plus system of expenditure, who have been receiving the benefits of unusual and unheard-of wage payments. They have left agriculture, they have left the mines where essential war metals were being produced and have been induced by the Government—by the Government, I repeat—to go into various activities by the Government itself putting its sanction upon unusual and unheard-of wages. The result—and I speak from observation and study—has been to do the worker no earthly good, but has brought upon the country a pirating system by which the farm boy and the farm laborer have been taken away from the places where they had been wont to work and where they would be happy in working and have been lured into places where they receive a wage that imbues them with the spirit of "make it quick and throw it away just as quickly."

In other words, the man who has been taken out of a mine where he was making $8 a day and given employment in a shipyard or on cantonment construction or other kinds of war emergency construction, and given $1.40 an hour, the man who has been taken away from the farm where he could produce, and knew how to produce, and put into a place where he was given $150 or $200 a week, has not been benefited by the increase of salary he has received. That is so, because, in the new surroundings to which he went new conditions presented themselves and he was forced to meet new overhead charges; his family was, in all probability, far remote from him, so that he was compelled to support two families in place of one, two homes in place of one. All these conditions, together

with the natural tendency to spend when money comes easy, have brought about such a condition that that group, not thinking of the tax bill, have spent and spent to their own detriment, I am sorry to say, and will not be able to meet any part of the demand upon them for taxes. The group that has drawn money from the Treasury under the cost-plus system is not going to meet the tax bill at all; they will not try to meet it; they will not, as a matter of fact, be at the place where they have earned the money when the tax collector comes around for the return which is due.

I am not saying anything that is not known to everyone who has traveled around over the country. It is a condition, an unhappy one, that has been brought about by the system. The best we can do is to hope that it will terminate as speedily as possible.

I have departed somewhat from my subject, because taxation and money are very closely associated; at least, I have found them to be very closely associated, so much so that at times I have not been able to raise the money when the taxes were due. I think nearly everyone in this country has had similar experience; it is a common experience.

So, when we come to deal with the Reconstruction Finance Corporation, and with the condition of our Treasury at the present time, and consider, on one side, the debt and, on the other side, the means to pay the debt, we must not be blind to a situation that is now current, that all our national debt is not being reported for the knowledge of the people, because our debt as reflected in the reports of the Treasury is one thing and as reflected in our obligations for which the Treasury stands obligor is another. So our national financial condition is a matter to which some very wise heads, much wiser than mine, should give very careful consideration.

I shall now return to the discussion by Governor Meyer; and I wish to pay a compliment to Governor Meyer at this time, because I think he did a wonderful piece of work in aiding in setting up these early financial institutions. In my opinion he has shown himself possessed of a fine knowledge of financial affairs. He belongs to a class of conservatives in this country who should be listened to because of their experience, training, and knowledge of the subject of finance. Governor Meyer is now the editor of one of the Nation's great newspapers. I wish that his editorial column would bear more evidence of his fine experience and training in financial matters. It seems to me we are either in the hour or approaching the hour when men like ex-Governor Meyer, the editor of the Washington Post, could well afford to give their time and the force of their pens to thoughts which I think they must have during all this period.

Continuing his discourse before the House committee at the initiation of the Reconstruction Finance Corporation bill, Governor Meyer said:

> The Federal Reserve banks under this provision are authorized to discount notes, secured by obligations of the Corporation, and to make advances to member banks on the notes, secured by said obligations, and to use all such paper so acquired and to purchase and sell such obligations as they have with respect to bonds or notes of the United States. That is a provision, of course, on the basis that these are ultimately Government obligations and their eligibility in the Federal Reserve System is made practically identical with that of Government bonds. That is a matter which will, no doubt, be discussed a great deal on the theory that these are in fact Government. That may be seriously considered.
>
> On the other hand, it is only fair to say that this whole question of eligibility which is up for general discussion is considered by many who are sincerely interested in the welfare of the Federal Reserve System and the protection of the System as to make it undesirable to make these securities eligible, but it is to be noted that the rate at which any loans are taken or any advances made under this provision of eligibility is at 1 percent above the 90-day commercial rate in the bank. So there is a penalty rate there which would, I believe, tend very strongly, if not quite effectively, to prevent their being presented to the Federal Reserve banks. However, the question is a question that I would not want to undertake at this time in this first discussion to explore in all of its ramifications with you gentlemen. It is at this time one that I would rather direct your attention to for your own consideration and for further discussion with myself if you desire.
>
> Under the next provision, the amendment to section 5202 removes the restrictions from national banks which limits their borrowings and permits them to borrow without regard to the restriction on borrowing in national banks for the purpose of borrowing from this Corporation if they so desire.
>
> Then the Federal Reserve banks in the next paragraph are authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation and the reports of the various departments of the Government are made available for operation of the Corporation in ways that are to be determined by the examining agencies, and the examining agencies are also authorized to make examinations of institutions contemplating loans or where the Corporation wants the examinations made in connection with advances.
>
> The moneys of the Corporation not otherwise employed may be deposited with the Treasury, and the Corporation is required to act as depository, except receipts from customs; and it is also authorized to act as a financial agent of the Government. This is done to remove any doubt as to the constitutionality of the act. "The obligations of the Corporation will be lawful investments" and accepted as security for all fiduciary, trust, and public funds to make them more acceptable in the market and more marketable.
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> The usual penalty and criminal provisions are included apparently, and the last provision seems to provide in the bill in the first instance that the methods and means by which liquidation will be accomplished after the activity has terminated.
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> Now, as I stated heretofore, the resources are very large and the authority is very broad. This act, if passed, will have a tremendous effect, I think, by virtue of the large resources and breadth of its powers, even before actual loans are being made. I think the knowledge that a resource with flexible powers and large amounts at its disposal is in existence at this particular time would do more to reassure people who are in fear as to what might happen than any other one thing. A great many steps, many of them very useful and constructive, have been taken in the last 2 years and previously, but the conditions at the present time are such as to seem to me to justify that Congress should create for a temporary period and for an exceptional purpose an institution of this strength and power. There must be flexibility in the institutions, because conditions fluctuate violently; and while we may and very properly should carefully examine the mistakes of banking and business over the last 5 years at the proper time and seek to prevent the recurrences of mistakes that have been made, also review the mistakes that have been made, in our foreign investments which were made in the belief that the borrowers were good, I think the essential thing to do in considering this bill is to say that we have a condition confronting us, and what can we do about it is the question which will be in the best interest of the people of the country as a whole.
>
> I hope that that will be the attitude of the committee and of the Congress. I think it is the right attitude in approaching a consideration of such a measure. I think there are other bills that also attempt to deal with the situation in a large way, but I have not had opportunity to read all of them. There may be good suggestions in some of them. There may be better provisions in some of them, but I believe this bill is entitled to the most serious consideration and to the support of Congress on that very broad basis in the form of a temporary and an exceptional Government organization to meet what certainly is to be hoped a temporary emergency condition of the financial and economic character all over the world, so far as we can do things here at home under our own control.

Mr. MALONEY. Mr. President, a parliamentary inquiry. What is the business before the Senate.

The PRESIDING OFFICER (Mr. BURTON in the chair). There is no business pending before the Senate, but the Senator from Nevada has the floor.

Mr. MALONEY. I can hardly hear the Senator.

Mr. McCARRAN. There is plenty of room around me, if the Senator will move to a nearby seat. I invite him to come and sit closer. His companionship would be comforting.

I continue reading from the statement by Governor Meyer:

> I think, gentlemen, that I have given you an outline of my thought about this in connection with my support of this measure which you are considering, which I consider of importance, and I feel a responsibility that compels me to support this measure to the banks of the country that are in the Federal Reserve System and even to those who are not.
>
> I believe their capacity to serve the business interests, both agricultural, industrial, and commercial, will be strengthened and enhanced by a measure of this character substantially, and, while I am fully aware as you are, the banks exist to serve the business interests, and while the financial agencies are the agencies through which this corporation will function, the real aim, and I believe the real result, will be the benefits which through those agencies will be made available to the people of the country and in practically all parts of the country. The situation is not, as it was in 1921, concentrated peculiarly in the agricultural districts. It is a general situation. It exists in the town as well as the country, and only a measure on a very broad basis will deal with the situation on an adequate scale. There may be certain details wherein this bill can be improved; there may be things to be changed, let out, or added, but a general proposition of this kind I feel I can properly support and commend to your very favorable consideration.

Mr. President, Mr. Eugene Meyer, Governor of the Federal Reserve Board, con-

tinued in his discussion of the subject at a later date. I read from the report of the hearings of January 5, 1932:

The CHAIRMAN. Governor Meyer, we are ready to hear you further in the discussion of the proposed Reconstruction Finance Corporation legislation, as embodied in H. R. 5060 and H. R. 5116. Would you like to pursue the discussion further without interruption, in addition to the statement made by you at the former hearing? If so, we will be glad to hear you further.

Mr. MEYER. Thank you, Mr. Chairman.

The CHAIRMAN. Then, until such point as you desire to be interrupted, we will be glad to have you proceed.

Mr. MEYER. I think I had finished my general statement, Mr. Chairman. You gave me a generous allowance of time, and I not only covered the principles of the proposition, but discussed the provisions of the bill in a general way. I would prefer, therefore, to answer any questions that may occur to you or the members of the committee.

The CHAIRMAN. I want to ask you, Governor Meyer, if the language in the bill is broad enough and if it is intended that the funds of the corporation shall be used for loans upon the assets of closed banks?

Mr. MEYER. The bill in its present form would not permit such loans, Mr. Chairman. It would, however, permit the Corporation to assist in the reopening of a bank by making loans to a new institution organized for the purpose of taking over some of the assets of the closed bank and assuming its liabilities in whole or part. The bill is not intended, and does not authorize advances to receivers of closed banks. That matter, I think, was expected to be dealt with in a separate bill.

Mr. STRONG. Is there any more reason why an effort should be made to repay stockholders and depositors in a bank permanently closed than it would be to repay a man who lost money in any other investment

Mr. MEYER. It is assumed, Mr. Congressman, that depositors will receive ultimately, in liquidation, repayment of a substantial proportion, if not all, of their deposits. I do not think the chairman meant to ask whether or not this corporation would assume the deposit liabilities of closed banks. I do not think that was your intention, was it?

The CHAIRMAN. No; I did not have that thought in mind.

Mr. STRONG. I have several letters from persons who evidently had some deposits in closed banks, and of which they did not expect to get a very large dividend but who thought in some way the Treasury was going to reimburse them for their losses. Of course no such action is contemplated by Congress?

Mr. MEYER. I did not understand the chairman's question to cover any such proposal.

Mr. STRONG. All right.

The CHAIRMAN. No; I had no thought of any effort to take care of the losses of depositors in closed banks. In fact, I do not understand that the purpose is to take care of the losses of any character. What I had in mind was loans to liquidating agents and only for the purpose of effecting a realization upon the assets of banks that have been closed and which are in process of liquidation, and to aid in reorganization or liquidation, thereby granting relief from those conditions in communities where business activity and trade are tied up and disturbed by the failure of local banks.

Mr. DISNEY. Is this what might be called a "revolving fund" in common parlance; is it a revolving fund plan?

The CHAIRMAN. I presume the capital stock is to be treated as a revolving fund.

Mr. MEYER. There is a great deal of merit in the idea that something should be considered from the point of view of facilitating the payment of dividends by receivers of closed banks, along the lines you have in mind. It was felt, Mr. Chairman, that this corporation would have such a large task and such a wide scope of operations, under the bill as drawn, that perhaps it might be better to develop the idea and perhaps find a way of covering that matter, which is one of very great interest, in a subsequent measure.

The Senate committee conducted hearings on an identical bill before the holidays, and quite a large amount of testimony was submitted by various witnesses, but only one of them testified, I think, that he thought provision for advances to receivers of closed banks should be included in the bill.

To require the corporation to make advances to receivers of closed banks would, I think, be loading it with a tremendous additional administrative task, and would possibly hamper the operation to some extent and retard the speed with which it could begin to function in meeting problems that are even more pressing, not minimizing, however, the importance of the suggestion you are making, Mr. Chairman.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I beg the Senator's pardon for not yielding. The Senator is one of those, I think, who are ready to invoke the rule against me, and I cannot yield.

Mr. MALONEY. I will not take advantage of the rule——

Mr. McCARRAN. I will yield only for a question.

Mr. MALONEY. But I ask the Senator if he will yield so I may move that the Senate take up Senate bill 2768.

The PRESIDING OFFICER. The Senator from Connecticut is asking the Senator from Nevada a question.

Mr. McCARRAN. I did not quite catch the question.

Mr. MALONEY. I ask the Senator if he will yield to me. My purpose is partially to make his speech more effective and in keeping with the spirit of the occasion, by moving to take up for consideration Senate bill 2768.

Mr. McCARRAN. No; I do not yield for a statement, Mr. President.

Mr. MALONEY. That was not a statement; it was an inquiry.

The PRESIDING OFFICER. The Senator from Nevada does not yield except for a question.

Mr. MALONEY. My question is: Will the Senator from Nevada yield to me for the purpose of permitting me to move that the Senate proceed to the consideration of Senate bill 2768, the so-called silver bill?

Mr. McCARRAN. I apologize to the Senator, but am unable to yield. I fear that if I were to yield the Senator would immediately invoke the rule against me, and I would lose the floor. So I am not going to yield now or at any other time until my discussion of the matter shall have been concluded. I apologize to the Senator for my action, because he is very gracious, and I should like to be gracious to him.

The PRESIDING OFFICER. The Senator from Nevada has the floor and declines to yield.

Mr. McCARRAN. I continue to read from the hearings:

The CHAIRMAN. I can readily understand the view that it would be more important to avert, if it could be done, the collapse of a banking institution than to attempt the work of relieving those who are interested in the assets of an institution that has been closed. But if it were possible under this bill to render assistance in both cases, it seems to me there would be instances where it would be highly desirable and highly promotive of business recovery and revival if we could grant this relief; of course, always under the control of the board, exercising its discretion?

Mr. MEYER. Yes.

The CHAIRMAN. And with due regard to preserving the assets of the corporations, but to make such loans in such manner and upon such security and in instances where there was peculiar need for such relief in communities suffering from bank collapses.

Mr. MEYER. I agree fully on the desirability of considering a measure to deal with that phase of the situation and do not underestimate its importance. Some time ago—in September, I think it was—I wrote letters to the governors of the Federal Reserve banks, asking them to canvass with local bankers the problem of devising ways and means by which, in proper cases, advances might be made by commercial banks to facilitate the payment of dividends to depositors of closed banks; and a good deal of that sort of work has been done. In some cases advances as high as 50 percent have been made, such advances to be repaid out of the proceeds of the assets of the closed institutions. The Comptroller of the Currency, I understand, has been speeding up the distribution of dividends wherever it could be done; and a great deal of money has been paid out by the receivers of closed banks, both National and State.

I think it is generally the feeling that the matter is one that should be taken up without undue delay, but, nevertheless, it should be given sufficient consideration to see that whatever is done is done in a sound way, perhaps through legislation of a continuing or permanent character—the Reconstruction Finance Corporation, as you know, will be a temporary institution.

The CHAIRMAN. I fully appreciate that.

Mr. MEYER. The problem of liquidating closed banks is, of course, a permanent proposition.

The CHAIRMAN. I appreciate that. But I would also express the view that everything we are attempting to do here is just as important as a permanent undertaking.

Mr. MEYER. We hope not——

The CHAIRMAN. We would like to cure every situation permanently that we attempt to deal with in this bill, if we can, some plan of permanent law for dealing with the assets of closed banks. I, of course, realize that it must be worked out along sound lines. I have had that view for quite a while.

Mr. MEYER. This institution will have a lending period of 1 year, which may be prolonged for not to exceed another year; loans may be for periods not exceeding 3 years, and cannot be extended beyond 5 years from the dates on which they are originally made.

The closed-bank problem, I think, ought to be considered from the point of view of permanent treatment, instead of attempting to deal with it in a temporary way through this temporary institution.

The CHAIRMAN. It would be my thought that any temporary plan that might be considered as embodied in this legislation would have its place here along with temporary emergency plans, but purely supplemental of or in support of legislation of a permanent character, and not in any sense in conflict with it. That would be my suggestion.

Mr. MEYER. It is, of course, a matter for the Congress to decide, but I think it would be better to treat it as a separate problem and on a permanent basis, although it has emergency proportions.

The CHAIRMAN. Is not this true, when you analyze it, that the difficulties to which I

refer, growing out of the failure to realize on assets in banks in process of liquidation, is, in the larger sense, a temporary difficulty?

We are hoping, are we not, that certainly by the time this corporation terminates we will reach the end of bank failures at least in large measure? We hope for that.

Mr. MEYER. I certainly hope the situation will have changed long before that time.

The CHAIRMAN. I hope so, too. If we were to attempt to set up separate machinery for the relief of the frozen assets in a closed bank to cover that entire difficulty both for the present and for the future, it would take a very different piece of legislation to accomplish that and larger funds than it would if we were dealing with a temporary requirement in that connection and then to attempt by a smaller financial organization or method to handle the other difficulties along permanent lines. It has occurred to me that that was peculiarly a temporary necessity, and that therefore probably the better place for it would be in connection with this legislation.

Mr. MEYER. That is a matter for you gentlemen to decide.

The CHAIRMAN. If I understand you, do you make the statement that Federal Reserve banks have been making loans?

Mr. MEYER. Oh, no; I asked the governors of the Federal Reserve banks, as leaders in the banking world in their own communities, to interest themselves in enlisting the cooperation of the bankers in their districts. The Federal Reserve banks themselves could not make any advances to the receivers or depositors of closed banks.

The CHAIRMAN. I am sure you do not mean to convey the idea that they could.

Mr. MEYER. Occasionally, under special conditions and in the public interest, the governors of the banks may be called upon to cooperate with local bankers in matters which are not strictly Federal Reserve bank business.

The CHAIRMAN. You can readily understand, Governor Meyer, that in some communities in the country we must approach the difficulties in the banking world from the standpoint of banks that are in process of liquidation, because we have very few still running in many places.

Mr. STEVENSON. In reference to the relief of the depositors in failed banks: That is a matter that would more properly be controlled by the bureau of failed banks and their organization?

Mr. MEYER. You mean in the comptroller's office?

Mr. STEVENSON. Yes.

Mr. MEYER. So far as national banks are concerned.

Mr. STEVENSON. Now, if we were to set up machinery to help the depositors in those failed banks it would be merely a machinery for buying the assets that are of any value in those banks, I take it?

Mr. MEYER. Making advances secured by those assets.

Mr. STEVENSON. When the banks are in the hands of a receiver, there is no power to borrow.

Mr. MEYER. Any legislation that might be enacted should cover that point and give the receivers of failed national banks power to borrow.

Mr. STEVENSON. And give some institution, if you please, the power to loan?

Mr. MEYER. Yes.

Mr. STEVENSON. And naturally the comptroller's bureau of failed banks, I will say from my experience, are a pretty efficient crowd, and that would be a pretty good nucleus itself with which to build an organization to take care of that situation.

The CHAIRMAN. Would we not encounter this difficulty in any legislation giving the comptroller power to grant relief of this character? Would you not run into the difficulty of dealing with two systems—State banks and National banks—whereas this emergency corporation set up in this bill would be free from any difficulty in that connection and in just as good position to extend relief under the machinery of this legislation to State banks as it would be in a case of National banks?

Mr. MEYER. Legislation could be enacted by Congress which would cover both State and National banks. It would not be necessary to restrict it to National banks; a separate fund could be set up for the purpose of making loans to receivers of both State and National banks. In other words, Mr. Chairman, the alternative is not between this bill and a bill dealing only with closed National banks.

The CHAIRMAN. Not necessarily so. But it occurred to me there would be an inharmonious situation should we attempt legislation putting the machinery in the hands of the comptroller to grant this relief; that there would be difficulty as to State banks that would not exist if we authorized that relief through the machinery of this legislation.

Mr. BUSBY. I want to ask you if the Federal Reserve advocates the measure that is presented here by you, known as H. R. 5060?

Mr. MEYER. What do you mean by the "Federal Reserve"—the Board?

Mr. BUSBY. Yes.

Mr. MEYER. I am Governor of the Board. The Board has not passed on this measure.

Mr. BUSBY. It is in harmony with the administration's idea of what ought to be done—I will put it that way?

Mr. MEYER. I think it is. But, as I stated at the last hearing, the details of the measure are subject to discussion, and I suggested some amendments at that time.

Mr. BUSBY. Surely.

Mr. MEYER. I made a few suggestions at the last hearing.

Mr. BUSBY. I have no criticism of that, but what I wanted to get at was the purpose of our assembling here, and it was my understanding that we were trying to do something before it was too late to save live banks, instead of dealing with dead ones, that is, those in the hands of receivers and those broke; that the two subjects are not related at all, and that we are tweedling our thumbs in discussing the question of reclaiming closed institutions when we ought to be trying to save some of these which are still up and going, and that will join the ranks of the inactive, if we keep on talking about what should be done for those which already have their doors closed.

Mr. MEYER. I think, as Mr. Busby states, that time is important and that delay is undesirable. However, I do not feel that the question is one that should not be discussed, Mr. Busby.

Mr. BUSBY. I do not think so.

Mr. MEYER. We ourselves thought of it a good deal when the bill was being drafted.

Mr. BUSBY. But, so far as I have been able to familiarize myself with the bill, I do not think it is one of the matters that is yet incorporated in it.

Mr. MEYER. I gave the committee the reasons for not including in the bill authority to make advances to receivers of closed banks. It was felt, not that the question should not be considered, but that it would be better to deal with it in separate legislation.

Mr. BUSBY. I agree with you, so far as my judgment goes, that the legislation dealing with closed banks should be enacted and there should be a separate bill considered from the separate standpoint; but that haste, being one of the elements that we must regard now, we ought to go ahead with legislation that would give confidence and strength to banks that are yet trying to do business—banks that have their doors open. My understanding is that that is the purpose of our assembling here in such haste to consider the measure that is before us. What is your idea in that regard?

Mr. STRONG. If it is in order, I would like to make a motion to read the bill 5060 for amendment.

Mr. BUSBY. All right.

Mr. MCFADDEN. There are some questions I would like to ask.

Mr. STEVENSON. We have been delayed heretofore, and I want to say now that the promptness with which we reported and passed the bank bill evidences the fact that we are not trying to delay. But this is a tremendous proposition, and we have been criticized by a great many Members of Congress for not giving fuller hearings on that other bill. This is a bill in which very many Members of Congress have asked that we have full hearings on, and a good many of them want to be heard. So, if we start in reading this bill for amendments before we are through with the first gentleman who goes on the stand to explain it——

Mr. STRONG. If there are any witnesses——

Mr. STEVENSON. Before the members of the committee have had an opportunity to inquire as fully as they wish——

Mr. STRONG. We are not getting anywhere. We have spent 45 minutes doing nothing.

Mr. STEVENSON. I have seen a good deal of progress made by going entirely into matters at the first. There are Members who want to be heard, and also those who want to ask questions.

Mr. STRONG. I would like to adopt some procedure to do that.

The CHAIRMAN. This committee has the power to report without hearings. If the gentleman desires to make his motion, he can take that responsibility, not I.

Mr. STRONG. I wanted to know whether it was in order to proceed with the reading of the bill for amendment. I thought that by so doing we might discuss each paragraph as we came to it and save a lot of time.

The CHAIRMAN. You can make that motion, and the Chair will put it.

Mr. STRONG. No; I am not making that motion, but I want to make some progress.

The CHAIRMAN. All right; proceed.

Mr. BUSBY. I do not think I got any answer to my question before it was interrupted, but I will abandon further pursuit.

Mr. STRONG. Go right ahead. I thought you were through.

Mr. HANCOCK. Mr. Meyer, I want to know what is the relation between this corporation and the National Credit Corporation organized by the banks; whether this corporation contemplates taking over the work already done by the credit corporation?

Mr. MEYER. You mean the National Credit Corporation?

Mr. HANCOCK. Yes; the National Credit Corporation.

Mr. MEYER. I do not think there is any particular plan with respect to it. This corporation would be authorized to do the work that the National Credit Corporation has been doing, but, of course, it will cover a very much broader field and will operate with less restrictions and greater flexibility. As a matter of fact, when the National Credit Corporation was organized it was with the expectation that a measure of this kind might be presented to the Congress, and it was so stated at the time.

Mr. HANCOCK. Was it not organized to prevent the calling of Congress?

Mr. MEYER. The National Credit Corporation?

Mr. HANCOCK. Yes.

Mr. MEYER. I do not know; I am not responsible for the calling of Congress. Congress was not in session when it seemed that something should be done, and was done. The bankers of the country cooperated with the hope of meeting the situation that existed, pending the assembling of Congress.

Mr. HANCOCK. Do you think, Mr. Meyer, that the National Credit Corporation will continue to function after this bill is passed?

Mr. MEYER. I doubt that it will be called upon for new loans, because I think banks which need that kind of assistance are more likely to come to this corporation.

Mr. HANCOCK. And naturally the bankers would prefer that the Government furnish the money?

Mr. MEYER. I would say, as a member of the Federal Reserve Board, that, if this bill should be passed, I would prefer that these situations be dealt with by this corporation, and I would feel that member banks should go to it rather than to the National Credit Corporation, even though the facilities of the latter were available.

Mr. HANCOCK. Mr. Meyer, I would like to know the true purpose and intent of organizing the National Credit Corporation. Was it intended to be only temporary?

Mr. MEYER. It was not intended to be a permanent institution. I am not very familiar with the operations of the National Credit Corporation, but its funds were obtained through subscriptions from banks all over the country; local guaranties were required, and other conditions were imposed which probably were necessary. An institution of the kind contemplated by this bill would be organized on a different basis and would be much more flexible in its operations. It would have larger resources and broader powers; psychologically and otherwise, its value would, I think, be very much greater, although I want to say that the organization of the National Credit Corporation at that time was extremely important and valuable.

The CHAIRMAN. In that connection, Governor Meyer, it would be interesting to review briefly for us the service that has been rendered by that Corporation.

Mr. MEYER. The main service that it rendered was by the mobilization of a large fund, in order to be able to support weak situations, where conditions permitted and warranted. The availability of a large fund of that character was reassuring to depositors; it was reassuring to the bankers of the country; and the creation of the Corporation had a favorable reception everywhere. In addition to the generally beneficial effect, from a psychological point of view, of restoring confidence at a time when it was necessary, the Corporation has been very helpful in many individual cases.

The CHAIRMAN. In that connection, could you tell us how much money the National Credit Corporation has loaned?

Mr. MEYER. I think it must be around $50,000,000.

The CHAIRMAN. $50,000,000 out of $500,000,000?

Mr. MEYER. Yes; that was the figure I heard not long ago. But the corporation is, I understand, making loans from day to day and I do not know what the present figure is.

Mr. GOLDER. This morning's newspaper stated the amount as $55,000,000?

Mr. MEYER. Yes.

Mr. STEVENSON. Naturally, they are not putting it in the 47 newspapers as to what banks apply and are getting it, because it would raise a question mark as to the condition of that bank.

Mr. HANCOCK. Mr. Chairman, I would like to ask one further question: Mr. Meyer, could you tell us what proportion of the $2,000,000,000 you think it would be necessary to use for the aid of railroads?

Mr. MEYER. I have not any idea, Mr. Congressman. I pointed out at the last hearing that the availability of funds—knowledge that they can be obtained, if, and when needed—sometimes is more important than actual loans. Two things have been done recently that should be helpful to railroads: One was the increase in freight rates; the other was the creation of the credit pool by which that increase will be segregated, under the direction of the Interstate Commerce Commission, and made available, in the form of loans, to those railroads which are not earning their fixed charges for the purpose of paying interest on their bonds. That, however, does not meet the maturity situation.

Mr. HANCOCK. Do you not think the present serious situation demands that we have something more than just knowledge or availability that we can get money?

Mr. MEYER. Of course, money will be loaned.

Mr. HANCOCK. The reason I am asking that is that I have had some experience recently myself with the National Credit Corporation, and I am just wondering whether this new corporation will function like it has, or much more liberally and effectively. I am not criticizing the National Credit Corporation, though it is quite apparent that it has not done what it was advertised it would do in the form of actual relief and especially for the smaller banks.

Mr. MEYER. We must consider the mechanics of the National Credit Corporation. Many of the small banks did not, and many could not subscribe; there were necessarily restrictions on the use of the money; and being organized with private capital, it could not undertake to cover every situation. The Corporation contemplated by this bill, however, would have broader powers, larger funds, and wider scope. If we thought the National Credit Corporation could take care of all these situations, we would not be recommending this legislation.

The CHAIRMAN. Just allow me to ask one question in connection with raising the funds for the National Credit Corporation: How much capital did that corporation have?

Mr. MEYER. You mean the National Credit Corporation?

The CHAIRMAN. Yes.

Mr. MEYER. The subscriptions were, I think, between $400,000,000 or $500,000,000.

The CHAIRMAN. Subscriptions and capital are two different things. That is the difficulty; we have more obligations than are paid.

Mr. MEYER. That capital is available.

The CHAIRMAN. How much was paid in?

Mr. MEYER. The Corporation has just called the first 10 percent, which would be somewhere around $45,000,000 to $50,000,000. The remainder is available on call. Meanwhile, pending the call, I understand that some of the larger banks of the country agreed to make advances to the Corporation for the purpose of enabling it to make loans.

The CHAIRMAN. I am not minimizing nor in any sense criticizing the effort to grant the relief through that Corporation. I think it was a constructive thing, and I have no thought to the contrary; but it is an argument in favor of the legislation now under consideration by this committee, that the National Credit Corporation has not been able to deal effectively with the difficulties contemplated in its organization.

Mr. MEYER. Well, different people may have contemplated different things, but the creation of the corporation did have a very valuable effect at the time and it has done a great deal of good work. It may not have done everything that you or I, or someone else, hoped would be possible, but I think it has dealt with the situations that it could deal with in view of the limitations under which it was organized and which probably were necessary in order to get the subscriptions. This money was not commandeered by anybody; it was obtained by voluntary subscription, subject to certain conditions, and those conditions, I imagine, were essential to getting the subscriptions.

If the National Credit Corporation was all that was needed, this legislation would not have been proposed.

The CHAIRMAN. Governor Meyer, there has been, as you know, considerable discussion and some apprehension in connection with the provisions in this bill which make the securities of the proposed corporation eligible with the Federal Reserve banks, and I am sure some members of the committee would like to have your views fully in that connection.

Mr. MEYER. Mr. Chairman, the discussions before the Senate committee on that point were quite extensive. I have not expressed any very definite views on the subject, but I pointed out before the Senate committee that, while there are outstanding something like seventeen billions of Government securities, only about $358,000,000 were then held by the Federal Reserve banks as security for loans or discounts on which Federal Reserve notes had been issued.

There is a clause in the bill which prescribes a penalty of 1 percent on loans and discounts secured by the obligations of the Corporation. It was thought that potential eligibility might be helpful in marketing the bonds. But if the bill were passed as drawn, I should doubt that any important amount would be presented to the Federal Reserve banks as security for loans or discounts in view of the large amount of Government bonds which could be so used and in connection with which there would be no penalty.

However, as the matter has come up with such——

The CHAIRMAN (interposing). Is it your view that these securities, being guaranteed by the Treasury, have their proper standing and credit along with the Government bonds?

Mr. MEYER. I think they will undoubtedly be obligations of the Government. But I would say this, gentlemen, as long as the matter has come up for discussion and by way of suggestion: In the interest of eliminating controversial points and also because, perhaps, it is not of sufficient importance to devote to it the time that would be required, I would suggest, that the bill be amended so as to eliminate the provisions which authorize the Federal Reserve banks to make loans and to discount paper secured by the obligations of the Corporation. This could be done by striking out all after the word "powers" in line 13, on page 9, down to and including line 23, and substituting the following——

The CHAIRMAN. Just a moment. Let us read this before you do that.

Mr. MEYER (after pause). The bill as it now stands would make them eligible in the full sense of the word?

The CHAIRMAN. Just a moment. [After a pause.] All right now. What is the language you desire to substitute for that?

Mr. MEYER. "To purchase and sell such obligations as they have with respect to bonds and/or notes of the United States."

This would merely give the Federal Reserve banks power to buy and sell the obligations of the Corporation.

Mr. STEWART. Would you mind repeating that?

Mr. MEYER. Substitute the following: "To purchase and sell such obligations as they have with respect to bonds and/or notes of the United States." It is my understanding that the Senate committee probably will include in the Senate bill a provision authorizing the Federal Reserve banks to buy and sell the obligations of the Corporation.

In addition, if the change indicated is made, the Treasury should be authorized to purchase the obligations of the Corporation, so that the necessary funds may be assured. Of course, any purchases made by the Treasury probably would be temporary, but the Corporation might need funds at a time when a sale of its bonds would not be propitious, or would conflict with other Government financing, or it might be that by awaiting an opportune moment a larger amount could be raised.

Mr. STEWART. In other words, it would give the Treasury additional machinery to carry their burden, in connection with this legislation?

Mr. MEYER. Yes; in order to insure that the funds authorized will be available; that is essential.

Now, if you authorize the Treasury to buy these obligations temporarily, pending sale, and also authorize the Federal Reserve banks to purchase and sell them under their open-market powers—there would be no obligation to buy them and they could not be used as a basis for currency issue—I think you will have met, for the most part at least, the objections of those who feel that the obligations of the Corporation should not be made eligible in the full sense of the word. Does that cover the situation?

The CHAIRMAN. At least in part it eliminates any objection in that connection?

Mr. MEYER. Yes.

The CHAIRMAN. I had not viewed that provision of the bill with so much apprehension, but I knew of views along that line that should not be overlooked in framing this bill, and I think the suggestion you have made is much less likely to provoke opposition which existed to the original provisions of the bill. I am not sure it will eliminate all apprehension at that point, but it is an improvement.

Mr. MEYER. To cover the authorization to the Treasury to purchase these obligations, in case of need, the Treasury has suggested this amendment.

The CHAIRMAN (reading). At the end of section 9, page 9, insert the following:

"(b) The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder. The Secretary of the Treasury may, at any time, sell any of the obligations of the Corporation acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Corporation shall be treated as public-debt transactions of the United States."

Mr. MEYER. Now, Mr. Chairman, with the amendments suggested, the Corporation would have three ways of obtaining funds: The sale of its obligations to the public; the purchase of its obligations by the Federal Reserve banks, without, however, the right to accept them as security for loans and discounts, or to use them as security for currency; and the purchase of its obligations by the Treasury. The Corporation thus should be able to meet all its needs, and the controversial question concerning eligibility perhaps will be eliminated.

Mr. STEVENSON. In other words, if they purchase these they do not issue currency against them?

Mr. MEYER. No. That would probably be used temporarily, if at all.

Mr. BEEDY. You said "That would probably be used temporarily, if at all?"

Mr. MEYER. Yes.

Mr. BEEDY. What do you mean by that?

Mr. MEYER. You mean the Federal Reserve banks buying them?

Mr. BEEDY. I understand you to say these bonds would not be used for the issuance of Federal Reserve notes?

Mr. MEYER. Correct.

Mr. BEEDY. Then, you say that would be used temporarily, if at all?

Mr. MEYER. I was referring to the authority of the Federal Reserve banks to buy the obligations of the Corporation.

Mr. TIERNEY. They would go on the market as other Government bonds?

Mr. MEYER. Yes.

Mr. TIERNEY. And would be affected by a flood of bonds on the market?

Mr. MEYER. They would have to meet the investment-market conditions. They would be exempt from all taxation—except estate and inheritance taxes—and they would be short-term obligations. They, therefore, ought to find a market.

Mr. TIERNEY. They would probably find a market that might lower the general market value of Government bonds?

Mr. MEYER. If they were sold on a proper basis and distributed and handled properly, they would not. If this Corporation's operations are constructive and helpful, as we hope they will be, they should be helpful to the market for Government and all other bonds.

Mr. TIERNEY. They may increase the desire on the part of the public to purchase Government bonds at more favorable rates?

Mr. MEYER. An improvement in conditions will help the market for Government bonds like everything else.

Mr. MCFADDEN. May I ask a question?

The CHAIRMAN. Certainly. I was going to recognize you. I had forgotten you wanted to be heard.

Mr. MCFADDEN. On the point under discussion, I understand these securities or debentures to be issued can be purchased by the Federal Reserve banks in the market?

Mr. MEYER. What they call the open market. They might be purchased from the Corporation or from holders in the open market.

Mr. MCFADDEN. That is to say, each one of the 12 Federal Reserve banks can own these debentures and securities?

Mr. MEYER. Yes.

Mr. MCFADDEN. But when they hold them among their securities bought in the open market, can they turn them over to the Federal Reserve agency as securities?

Mr. MEYER. No; they cannot do that with Government bonds bought in the open market.

Mr. MCFADDEN. I wanted to get that clear.

Mr. MEYER. No; they cannot use as security for Federal Reserve notes Government bonds bought in the open market.

Mr. MCFADDEN. That is thoroughly understood?

Mr. MEYER. There is not any question about it, legally.

Mr. MCFADDEN. As I understand the amendment suggested, one of the member banks cannot use them as matters of rediscount to Federal Reserve banks?

Mr. MEYER. No; they would not be eligible.

Mr. MCFADDEN. So the only way they can get into the Federal Reserve banks is as investment?

Mr. MEYER. Yes; and that, of course, would be optional with the Federal Reserve banks.

Mr. MCFADDEN. And Federal Reserve notes cannot in any manner whatsoever be issued?

Mr. MEYER. Under the amendment I have suggested, they could not.

Mr. MCFADDEN. To go back to the origin of this: I was not privileged to be present the other day when the Governor was before the committee. This organization is largely predicated on the old War Finance Corporation's activities, is it not?

Mr. MEYER. It is somewhat related to it; that is, to the powers of the War Finance Corporation granted under the amendment of August 24, 1921, not the war powers.

Mr. MCFADDEN. Of rehabilitation?

Mr. MEYER. Whatever it was called—it was agricultural relief at that time.

Mr. MCFADDEN. When you came into the management?

Mr. MEYER. No; I was in it before.

Mr. MCFADDEN. I attended the conference at the White House, as you know, when we received the first information about the National Credit Corporation. I understood at that conference it was proposed that they would take care of the situation and that in all probability it would not be necessary to enact this re-creation of what was then mentioned as the old War Finance Corporation.

Mr MEYER. I think, Mr. McFadden, if you will look at the public statement issued at that time by the President, and which was read to the meeting, you will find the President stated that, if necessary, he would recommend the organization of such a corporation as this.

Mr. MCFADDEN. I recognize that.

Mr. MEYER. While the hope was expressed that it would not be necessary, the President stated that, in case it was found necessary, he would recommend it.

Mr. MCFADDEN. I remember at that meeting it was stated that this matter of the organization of the National Credit Corporation had been talked over with the New York Clearing House banks, principally, and that they were taking the initiative in the organization.

I am just curious, in connection with the organization of the National Credit Corporation, to observe the fact that that organization was instituted last October and now, 2 months later, is just beginning to ask the 10 percent. The general impression is that the National Credit Corporation has not been very active, and I would like to ask you whether or not it is a fact that, because of the uncertainty in regard to the economic and financial situation, that the Corporation does not desire to step in and take the risk, as it would be on the shoulders of individual bankers; but they were figuring on this governmental institution, which is literally the "back door of the Treasury of the United States," so that the whole people would assume the responsibility and risk on the advances which might be made.

Mr. MEYER. That is not my understanding of the situation, Mr. McFadden.

Mr. MCFADDEN. Is not that the practical situation?

Mr. MEYER. The National Credit Corporation was proposed in October. It took several weeks to develop its organization and to get the subscriptions; $500,000,000 is not assembled in subscriptions all over the United States overnight.

Mr. MCFADDEN. I appreciate that.

Mr. MEYER. An undertaking like the National Credit Corporation requires a good deal of effort and machinery. I do not believe the Corporation considered itself ready for business until 5 or 6 weeks after the President's announcement, pretty close to the middle of November.

Mr. MCFADDEN. It was agreed that a large part of the benefits derived from that organization has been psychological?

Mr. MEYER. Quite a lot; that was a very important result. I am not in close contact with the operations of the National Credit Corporation and I hope the committee understands that I do not consider myself qualified to testify with respect to them. But I happen to remember that it took some time to get it organized. It was desired to have it organized on a Nation-wide scale, and that, of course, required time. The Corporation, however, was lending money long before the first call was made, because it arranged to borrow money in anticipation of the call. The fact that it has just made the first call has nothing to do with the question of having funds to lend, because it was assured by some of the larger banks in the East and West of the necessary funds to meet its loan requirements. The delay in making the call was not, I think, a factor in the Corporation's activity.

However, as I stated, I do not consider myself qualified to testify on the National Credit Corporation.

Mr. MCFADDEN. Section 2 of the bill provides for $500,000,000 capital, all to be sub-

scribed by the United States. What is the total amount of debentures or obligations that this Corporation can incur?

Mr. MEYER. Three times that amount.

Mr. MCFADDEN. A billion, five hundred thousand?

Mr. MEYER. A billion, five hundred million.

Mr. MCFADDEN. A total of $2,000,000,000 is the outside expansion or financial limit in this Corporation?

Mr. MEYER. Yes.

Mr. MCFADDEN. On page 5, section 5, of the bill, it says [reading]:

"The Corporation is authorized and empowered to make loans, upon such terms and conditions not inconsistent with this act as it may determine, to any bank, banker, savings bank, trust company, clearinghouse, or other association of banking institutions, building and loan association, insurance company, or other financial institution in the United States."

Mr. MEYER. Some amendments to that clause have been suggested. One is to strike out the word "banker." The other is substitute the following:

"Or other bona fide financial institution in the United States having substantial resources whose obligation, endorsement, or guaranty would add materially to the security of loans to it by the Corporation" for the phrase "or other financial institution in the United States."

Mr. MCFADDEN. Of course, I recognize that this is the broadest kind of power being given to the corporation to make loans.

In addition to this, I understand that one of the principal functions of this institution will be to grant the necessary credit to the railroads of the United States.

Mr. MEYER. I would not say one of its principal functions, Mr. McFadden, but rather one of its important functions.

Mr. MCFADDEN. Is it in contemplation there, as soon as this institution is organized, to take over the business of the National Credit Corporation?

Mr. MEYER. I cannot speak for a corporation that does not exist.

Mr. MCFADDEN. You would have the authority to do that?

Mr. MEYER. There would be authority to do so. In the spring and summer of 1921, before the powers of the War Finance Corporation were broadened to cover loans to banking and financing institutions for agricultural and livestock purposes, a livestock-loan pool was organized at the request of the Secretary of the Treasury, very much as the National Credit Corporation was organized. When the amendment of August 24, 1921, was passed, some of the loans made by the pool were taken by the corporation, not from the pool itself but from banks or other financial institutions. Applications for loans were considered on their merits, and that would have to be done by this corporation. There is no understanding that anything will be taken over from the National Credit Corporation, if that is the point of your question.

Mr. MCFADDEN. You have authority to do this?

Mr. MEYER. The board here?

Mr. MCFADDEN. Yes.

Mr. MEYER. They would have authority to make loans in accordance with the terms of the act. I cannot speak for the proposed corporation, but I would say that there would be no undertaking to take over any loans from anybody. There is no such undertaking now, so far as I know.

Mr. MCFADDEN. Then, particularly, "The organization is authorized and empowered to make loans upon such terms and conditions not inconsistent with this act as it may determine, to any bank"?

Mr. MEYER. Yes.

Mr. MCFADDEN. That would mean that it could make any loans to any bank?

Mr. MEYER. Yes. The War Finance Corporation had authority to make loans to any bank for agricultural purposes.

Mr. MCFADDEN. Or it could purchase assets of any bank?

Mr. MEYER. No; it could not.

Mr. MCFADDEN. Could it take over acceptances?

Mr. MEYER. Only on the obligation of the bank. When you talk about buying assets, I understand you to mean without recourse?

Mr. MCFADDEN. No; I did not say without recourse.

Mr. MEYER. That is what buying assets ordinarily means.

Mr. MCFADDEN. Yes; I understand that.

Mr. MEYER. All loans under the bill must be made against the obligation of the borrowing bank; the corporation would not be buying assets, as you suggest.

Mr. MCFADDEN. Would this institution have authority to go into the open market and buy acceptances?

Mr. MEYER. No.

Mr. MCFADDEN. Nor Government bonds?

Mr. MEYER. No, I think not; I think there is no specific authorization to buy Government bonds.

Mr. MCFADDEN. Would this institution have authority under the law that is proposed here to buy acceptances from the Federal Reserve banks?

Mr. MEYER. I should think not. Of course, the terms "bank" and "financial institution" would include a Federal Reserve bank, but certainly no Federal Reserve bank needs to borrow, or will borrow; and there would be no occasion for this corporation to lend to institutions that do not need it.

Mr. MCFADDEN. Of course, the Federal Reserve bank could sell their acceptances in the market and buy these debentures to be issued by the Reconstruction Finance Corporation?

Mr. MEYER. Ordinarily the Federal Reserve banks do not sell acceptances. They allow them to mature, and run out, and be paid off. When you see a reduction in the bill holdings of Federal Reserve banks, it does not result from sales; it results from maturing obligations. Of course, I cannot speak for the Federal Reserve System prior to September 1930, but I think I can say that since then, no Federal Reserve bank has ever sold any acceptances.

Mr. MCFADDEN. What is the total amount of acceptances held by Federal Reserve banks?

Mr. MEYER. At this time?

Mr. MCFADDEN. Yes.

Mr. MEYER. My recollection is that it is somewhere between $300,000,000 and $400,000,000, less than half of what it was 2 months ago. The decrease has been due to the maturing of obligations that were held by the banks.

Mr. MCFADDEN. What is the total amount of acceptances held by Federal Reserve banks as security?

Mr. MEYER. I think that, except in the case of foreign currency bills, they are all held by the Federal Reserve agent as security for Federal Reserve notes.

Mr. MCFADDEN. In the $400,000,000 you would include the amount of the acceptances in the Federal Reserve agents' hands?

Mr. MEYER. I think all are in the Federal Reserve banks.

Mr. MCFADDEN. And none in the Federal Reserve agency?

Mr. MEYER. I should have said in the hands of the Federal Reserve agents. I think it is the practice of the Federal Reserve banks to place all their eligible paper, except foreign currency bills, with the Federal Reserve agents as security for currency. Is that right, Mr. Morrill?

Mr. MORRILL. Yes. No foreign currency bills are held by the Federal Reserve agents.

Mr. MCFADDEN. The bill also provides that these debentures can be held as security for public deposits. To what extent——

The CHAIRMAN. Mr. McFadden, will you suspend for a moment, before you take up this new subject?

Mr. MCFADDEN. Yes.

The CHAIRMAN. I wanted to ask, Does this bill authorize loans to intermediate credit banks?

Mr. MEYER. They are banks, and loans could be made to them.

The CHAIRMAN. It does not authorize loans specifically to intermediate credit banks?

Mr. MEYER. It does not mention them specifically, but they would be covered by the terms "bank" and "financial institutions."

The CHAIRMAN. What I had in mind is, this bill makes it possible, if the board in charge of these funds sees fit, to make advances, to intermediate credit banks?

Mr. MEYER. Yes.

The CHAIRMAN. They, of course, would have also——

Mr. MEYER. If it was necessary.

The CHAIRMAN. Well, that would be a matter of discretion, whether it was necessary?

Mr. MEYER. Yes.

The CHAIRMAN. They would also have the authority to loan to a Federal land bank or joint-stock land bank, would they not?

Mr. MEYER. Yes.

The CHAIRMAN. Let me ask you, in that connection, if it is contemplated that such loans or any such loans would be made under this Corporation?

Mr. MEYER. Gentlemen, I do not want to appear to be speaking for an organization which does not exist, but in the Senate committee the question was raised whether this Corporation would have power to make loans to Federal land banks or joint-stock land banks, and I think it was very clearly indicated that the power would exist.

Mr. MCFADDEN. It says or any other financial institution in the United States. That would include anything?

Mr. MEYER. It is a broad provision. I believe the Attorney General held that joint-stock land banks are banks.

The CHAIRMAN Would there be any objection, so far as you are concerned—and I would like to have your judgment of the matter—to putting specific language in here as to intermediate credit banks?

Mr. MEYER. I have no objection, but I am not sure it would be desirable.

The CHAIRMAN. That is the very thing I am talking about.

Mr. MEYER. I would not mention them specifically, because it is unnecessary to do so. Some of them might want some loans, but the present language would cover them. I certainly do not think Federal land banks will need anything from the corporation if the pending bill to provide them with $100,000,000 of additional capital is passed.

The CHAIRMAN. I had this in mind, that the land banks would not have access to this fund, but that the intermediate credit banks should have, and that it should be specifically stated in this law.

Mr. MEYER. It does not need to be stated. As a matter of fact, you know that the Federal Reserve banks have power to buy intermediate credit bank debentures and to buy them.

The CHAIRMAN. But that is a different proposition from this. I am one of those who has always had some faith in the operations of the intermediate credit banks as a facility for the accommodation of farmers; and that situation is certainly very distressing in many sections of the country now, and I am hoping that somewhere along the line we should be able to secure some kind of legislation that would put the intermediate

credit banks to functioning. To do so I am confident they will require aid in some way.

Mr. MEYER. They are functioning.

The CHAIRMAN. And I have thought they should be specifically named and let it be understood and let this committee so express itself.

Mr. MEYER. I have no objection to putting them in if the committee feels that it should be done.

The CHAIRMAN. And that is one of the things we contemplate doing.

Mr. MEYER. If you want to put them in, I have no objection. In fact, they are already in, and you would merely be referring to them specifically.

Mr. BEEDY. Mr. Chairman, might I suggest this thought? Referring to "any bank," a bank has been held to be any kind of a bank. If you start to inserting phraseology to fine the banks that are to participate in the benefits of this act, would you not run up against the rule that by attempting to fine you have excluded all those you have not named?

The CHAIRMAN. That is one of the points that I had in mind.

Mr. BEEDY. I think you would hurt the intermediate banks by inserting that. But you refer under that broad phrase to any banks.

The CHAIRMAN. I think that is probably true, but my own thought of the matter is really that the land banks stand in a different category from the others, and that they should not be included in this bill. But, I am exceedingly anxious that we make it plain that we do contemplate service to intermediate credit banks, and I think it would help this bill, in the view of quite a number of the Members of the House, if we were able to say, when we report it, if we do report it, that we expect that kind of service to be rendered.

Mr. MEYER. It is just a question, Mr. Chairman, whether you want to name the intermediate credit banks in the bill.

The CHAIRMAN. Pardon me.

Mr. STEVENSON. Before you leave that, I want to direct attention to the fact that according to my recollection the intermediate credit bank, in is final shape—I do not remember whether there is any power except to sell debentures.

Mr. MORRILL. Oh, yes; they can borrow.

Mr. STEVENSON. Is there power in that bill for that?

Mr. MEYER. Oh, yes; they do borrow.

Mr. STEVENSON. I know they sell debentures, which is borrowing.

Mr. MEYER. I know, but they also rediscount agricultural paper.

Mr. MCFADDEN. I am prompted to say this. The amendment put in the Federal loan act, which is pending somewhere in Congress, whether that $25,000,000 appropriation for moratorium for the Federal farm-loan borrowers is not necessary under this latitude, because this latitude is sufficient, and it will not be necessary to come back to the Congress for authority——

Mr. GOLDER. Are you excluding from the provisions of this act?

Mr. MCFADDEN. No, I was not—to advance money for the use of the Federal loan system and the joint stock and intermediate credit banks; that in the future it would not require legislative authority to get relief, because it is already provided in this bill.

Mr. MEYER. What are the terms of the bill relating to the Federal land banks?

Mr. MCFADDEN. How is that?

Mr. MEYER. Under what terms is Congress providing funds for the Federal land banks?

Mr. MCFADDEN. In connection with the $125,000,000.

The CHAIRMAN. The discussion is now being had in the Senate, and there is a proposal there to add $25,000,000 for the specific purpose of dealing with installments on mortgages; but that has not been acted on.

Mr. MEYER. Is that in the form of a loan by the Government?

The CHAIRMAN. It is in the form of subscriptions to the capital stock.

Mr. MEYER. That is different. This corporation could not subscribe to the capital stock of a Federal land bank. Of course, there is a very important difference between a capital stock subscription and a loan.

Mr. MCFADDEN. It makes available additional funds to the Federal farm-loan systems.

Mr. MEYER. But on an entirely different basis, which is very important.

The CHAIRMAN. It is not my view that the language used would cover Federal land banks or joint-stock land banks, but that it should be certain as to applying to intermediate credit banks.

Mr. MEYER. I think it is quite certain.

Mr. BUSBY. Let me call your attention to a thing which you know very well, however, that if you, in a measure, name a lot of specific uses to which this money may be put, you exclude, under legal construction, everything you have not named, and it looks to me as if that is the danger.

Mr. MEYER. Mr. Chairman, may I ask Mr. Morrill, who was formerly secretary and general counsel of the Federal Farm Loan Bureau, is it your opinion that the intermediate credit banks are eligible under this bill?

Mr. MORRILL. In my opinion, they are.

Mr. MEYER. Mr. Morrill expresses it as his opinion that they are eligible, if they should want to make application to the corporation.

Mr. MCFADDEN. May I ask whether that includes joint-stock land banks?

Mr. MORRILL. Yes, sir.

Mr. MCFADDEN. And the Federal land banks?

Mr. MORRILL. Yes.

The CHAIRMAN. How would a Federal land bank borrow from this corporation?

Mr. MORRILL. It would have power to borrow.

The CHAIRMAN. And the Federal land banks?

Mr. MORRILL. They would also have power to borrow.

The CHAIRMAN. How?

Mr. MORRILL. Just like any other corporation, depending upon what they can put up for security.

The CHAIRMAN. Do you know what part of the act that is in?

Mr. MORRILL. I do not happen to have the act here.

The CHAIRMAN. Have you looked into it with that particular point in view?

Mr. MORRILL. Yes; as a matter of fact, they have borrowed money.

The CHAIRMAN. I was not sure about that.

Mr. STEVENSON. I would like to ask one question about the intermediate credit banks. What is the necessity of the Government arranging to loan them money from this institution, when the recollection is that only half of the potential capital stock has ever been called for? It was provided in the original act that the intermediate credit banks should have $5,000,000, or $60,000,000 if it became necessary; and if it became necessary they could call on the Treasury to put up an additional $60,000,000. That is still available. They have never done that, have they?

Mr. MEYER. There is, I understand, $30,000,000 of uncalled capital. It was not needed and has been kept in reserve. I think it is correct that this uncalled capital is more useful——

Mr. STEVENSON. $60,000,000?

Mr. MEYER. No; $30,000,000 uncalled is more useful in establishing and maintaining the credit of the banks than it would be if it were called. The outstanding debentures now aggregate, I imagine, $80,000,000 to $85,000,000.

This bill is not designed particularly to aid the intermediate credit banks. All I am saying is that it can be done.

The CHAIRMAN. And I fully understand you, and it is that very thing I have in mind, that we would strengthen this bill in the House if it were made clear that that is one of the things contemplated.

Mr. MEYER. I think you are thoroughly justified in stating, unequivocally and as clearly as you desire to, that the bill would authorize loans to intermediate credit banks.

Mr. HANCOCK. Has not the President already stated that?

Mr. MEYER. I had not heard; I do not know.

Mr. MCFADDEN. I was asking about the use of these debentures as securities for public deposits by the Treasury. We all understand that the Treasury is authorized to accept certain classes of security for public deposit now, among which are Government securities and acceptances, and this bill, as I understand now, enlarges that right of the Secretary of the Treasury to accept these debentures or obligations issued here as security for public deposits, including postal savings; that is correct?

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MALONEY. We are now approaching the fourth hour since the Senate convened today. I should like to be advised as to what is the business before the Senate.

The PRESIDING OFFICER. As stated previously by the Chair to the Senator from Connecticut, there is no business before the Senate, but the Senator from Nevada has the floor.

Mr. MALONEY. I thank the Chair.

Mr. MCCARRAN. Mr. President, it is strange how some Senators forget so soon.

I continue to read from the hearings:

Mr. MEYER. I do not know whether acceptances are accepted as security for public deposits.

Mr. President, let me say to the able Senator who made inquiry that if he would listen to what I am reading he would learn many things which are very essential to the future of the country. I regret that my presentation of the matter has been so dull and uninteresting that the Senator does not know what is before the Senate. I hope the Senator will not leave the Chamber.

I read further from the hearings:

Mr. MORRILL. I am not certain. I think within certain limited classes, they are.

Mr. MEYER. I was not particularly familiar with the Treasury's requirements in such matters, Mr. McFadden.

Mr. MCFADDEN. Is it contemplated there might be a very large use of these debentures or certificates as security for public deposits, particularly postal-savings funds?

Mr. MEYER. It would be hard to anticipate that. I do not believe I can enlighten you on that point. It depends on who owns them. Naturally, if they go mostly into the hands of individuals they will not be so used. If banks held the obligations of the Corporation, and wanted to use them as security for public deposits, they could, of course, do so. I do not believe anybody can answer that question.

Mr. MALONEY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. MCCARRAN. Mr. President, if I may yield for a question without losing

the floor, I shall be glad to yield; but I will not yield otherwise.

Mr. MALONEY. Did the able Senator from Nevada have reference to me when he suggested that he hoped the Senator would not leave the Chamber?

Mr. McCARRAN. Yes.

Mr. MALONEY. Mr. President, I should like to remind the able Senator from Nevada that I have been present in the Chamber nearly all the time since the Senate convened, and I have no desire to leave, because I am very much interested in what the able and distinguished Senator from Nevada says and does.

Mr. McCARRAN. I thought the able Senator from Connecticut would be interested; and therefore I do not want him to leave unless I leave with him, and go along in a friendly way and talk this matter over with him so that he will understand it better.

Mr. President, I am glad to see that my good friend from Connecticut has now returned to the Chamber.

Mr. MALONEY. I will say to the Senator that I did not leave the Chamber.

Mr. McCARRAN. Very well.

I continue to read from the hearings:

Mr. McFADDEN. I am prompted to suggest that statement from the Treasury where it was said that the broad use of national credit debentures, which were also eligible as security for public deposits, would release other securities to banks and make them more liquid; and I was wondering whether the same thing would prevail here as regards the attitude of these debentures or securities—and, of course, that would mean postal-savings funds—for these deposits?

Mr. MEYER. They would be acceptable as security for postal-savings funds deposited in banks. But, I think, postal-savings funds could not be invested in the obligations of the corporation.

Mr. McFADDEN. Acceptances and other forms of securities of banks would be largely the same thing.

Mr. MEYER. I do not think the point you raise, Mr. McFadden, if I may say so, is one of great importance, because I do not anticipate that any great quantity of them would be so used. There might be, but most of the banks that have public deposits have an ample supply of securities to use for that purpose.

Mr. McFADDEN. The broad powers given here in section 5 and the fact that this bill is urged here for immediate passage raises a question which is in the minds of a good many people as to whether or not such authority as is sought in this bill does not recognize the fact that existing financial agencies have broken down to the extent that the Government must step in and take hold of the situation; is that your understanding?

Mr. MEYER. I stated at the last hearing—you were not here—that the present situation is unusual and exceptional, and that existing institutions really were not built, and probably could not have been built, to meet a condition such as that which now prevails all over the world.

Then Mr. Meyer read the amendment, which is printed in very fine print.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1008. An act to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938; and

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTINGTON, Mr. HUNTER, Mr. HART, Mr. HOFFMAN, and Mr. TALLE were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills of the House:

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased; and

H. R. 6410. An act for the relief of Alex Gamble.

EXTENSION OF THE AUTHORITY OF THE R. F. C.

Mr. McCARRAN. Mr. President, on January 5 the House of Representatives Banking and Currency Committee had this very matter under consideration. The committee met at 2:30 p. m. on the 5th of January, in the committee room, Hon. HENRY B. STEAGALL, chairman, presiding. The report reads as follows:

The CHAIRMAN. Gentlemen, we will now come to order. Has anybody any questions for Mr. Meyer? I did not mean not to give a full opportunity to everybody. Mr. Goldsborough, have you anything?

Mr. GOLDSBOROUGH. No; thank you.

The CHAIRMAN. Mr. Brand?

Mr. BRAND. No.

The CHAIRMAN. Mr. Hancock?

Mr. HANCOCK. No, sir.

The CHAIRMAN. Mr. Stewart?

Mr. STEWART. I would like to ask what comes within the further limitation of this: "Within the foregoing limitations of this section, the Corporation may also make loans to or aid in the temporary financing of steam railroads"? Would that exclude electric railroads?

Mr. MEYER. The electrification of steam railroads; no.

Mr. STEWART. I mean if the railroads were made electric.

Mr. MEYER. The Interstate Commerce Commission classifies steam railroads as being railroads using steam; but there may be some electrification of some part of them.

Mr. STEWART. For instance, take the Pennsylvania.

Mr. MEYER. The Pennsylvania is a steam railroad distinctly.

Mr. STEWART. I know, but in my section, down through my State, it is going to be electrified.

Mr. MEYER. It is still a steam railroad; the Pennsylvania Railroad System is a steam railroad system. It is a steam railroad, even if there are sections which are electrified, of course. The New Haven has electric power, a greater part of the New York Central is somewhat electrified, and those are all steam railroads.

Mr. STEWART. Considered under that classification?

Mr. MEYER. Yes; I would say they were so classified by the Interstate Commerce Commission.

Mr. GOODWIN. These are real electric lines?

Mr. MEYER. What do you mean; electric street railways?

Mr. GOODWIN. Yes.

Mr. MEYER. They are not prohibited, but they are not included.

The CHAIRMAN. You have electric lines that are not by any means within city limits and——

Mr. MEYER. No; interurban lines.

The CHAIRMAN. Or suburban operations from city to city.

Mr. MEYER. Interurban.

The CHAIRMAN. And which may cover a considerable distance, interurban, and the like. I had observed the language of that, and before we left this I was going to ask another question. This does not seem to touch the short line.

Mr. STEVENSON. I call your attention to the fact that the term "steam railroad" does not mean anything. The Federal courts have held that railroads that are built with the usual equipment and everything are steam railroads, for the purpose of carrying freight and passengers between cities; and although an interurban, in one sense of the word, is distinctly a steam railroad and not entitled to extend without the permission of the Interstate Commerce Commission, we have had that all litigated out in my district. I had an amendment put into the act when it was passed, and Mr. Esch and myself thought it over very carefully, providing this should not apply to street railways, electric interurbans, or electric railways of any kind, as we thought, and they have held that the railroad that the Dukes are building—they have built about 50 miles, and they have held that it comes within that, and there never has been a steam engine on it, never has run anything except by electricity, but I will be hanged if they have not held that it was a steam railroad and is within that section. So, when you say steam railroad, you mean all the great commercial railroads?

The CHAIRMAN. That would probably be true in any case. However, that construction might not apply in this particular enactment, because this will be construed by the board and there will be appeals from it, and we will be limiting it to the construction and kind, and we plan that the interpretation of it will be governed by the purposes contemplated in the enactment of the law; and I suggest this to you, Mr. Stewart, and I am sure you want to do the thing correctly.

Mr. STEVENSON. That is, the circuit court of appeals has decided it?

The CHAIRMAN. Yes.

Mr. STEVENSON. It is in the Supreme Court now, and they may reverse it.

The CHAIRMAN. I am sure what you say about it is correct, and for the purposes involved in that decision it would seem to me to be good law, insofar as I would attempt to pass upon it; but I do not think that would govern us in the framing of the language of this bill; because this is to grant emergency relief in the form of loans, and anything that is done would have to be done quickly and we would leave it to the interpretation to be put upon it by the board of what was evidently contemplated by the framers of the legislation. And so far as anything that so far has been disclosed goes to show, the purpose is to limit this to the

actual steam roads, as contradistinguished from electric lines, interurbans, or otherwise.

So that, if it is desired to extend the benefit of this to the electric lines, I think it would be well to follow the suggestion that Mr. Stewart has made, and change that language. Now, whether it is desirable to do that or not, I do not know, and I will be glad to hear from anybody else here, not with any particular thought about it, but if we want to fix it for the electric lines, we had better make it known.

Mr. GOLDSBOROUGH. It seems to me it is not the purpose of the act necessarily to help the steam railroads. The general purpose of the act is to meet that emergency situation that arises as affecting the general good of the community, and it may be that the board of the corporation, when organized, may deem it a matter of public policy to help a situation, wherein an electric railroad may be involved; and it may be that there will appear circumstances in some cases where the board will think that the general good will be helped by some assistance to some particular electric railroad; and I suggest that, in the enactment, we should give the last determination of what organizations should be helped to the board itself, so that no question may be raised before the board as to the form of the law. It is true, the administrators of the act should have the final say, by the authority given in the act to determine what constitutes——

The CHAIRMAN. Yes; we should be sure——

Mr. GOLDSBOROUGH (interposing). What shall come within the provisions of the act.

The CHAIRMAN. If I understand the gentleman, I am in accord with him. We should be sure that our language carries that authority.

Mr. GOLDSBOROUGH. Yes; I would not want the corporation brought into the court sometime to determine whether a certain institution comes within the purview of the act. I think we should give those whose duty it will be to administrate the act authority to say that this institution comes within the act, and let that be final.

The CHAIRMAN. And put it beyond dispute.

Mr. GOLDSBOROUGH. Yes.

The CHAIRMAN. Personally, I had thought this is a discussion that should probably come later; but I had thought that maybe the railroads should find their relief in some different method from this, but if we are going to include the railroads themselves, I think the language should be made clear so as to get all of them.

Mr. GOODWIN. Might I also suggest that another class of industry, in the United States, which is generally in distress, is the public utilities. I am prompted to suggest this because of the failure of the Commonwealth properties in Michigan, which went into the hands of a receiver yesterday, a $200,000,000 public utility corporation—they are entitled to consideration when the taxpayers' money is used to create relief; and it seems to me that is something else that should be given consideration, that all lines of industry have an equal right to relief.

Mr. GOLDSBOROUGH. Can we not take these matters up when we reach the amendments?

The CHAIRMAN. Before Mr. Meyer continues with his interpretation of the act, I suggest that he may make answer to Mr. Stewart's question.

Mr. GOODWIN. While Mr. Meyer is here, I would like to ask him whether or not the public utilities and electric railroads, such as we have discussed here, will be given relief under this bill, should the bill be passed?

Mr. MEYER. Public utilities are not in the bill, no, nor are the electric railways; and of course, if you begin to make direct loans to all industry, you are going to have a very much wider field and it will take a great deal more money, and it will be an almost impossible task of administration.

The loans to the banks and financial institutions and railroads were made on the theory, as I stated at the hearing, that the railroads are owned by the bondholders, and the bondholders are trust institutions, for the most part, banks, insurance companies, savings banks, are on a national scale; and if you begin to get into all the industries of the country, you get into a local and not a national situation.

I think the theory of the bill is that the scope of the bill, as drawn, is exceedingly wide already; that if the important results of underpinning the financial situation, especially through adding to the weak spots, the provisions of the bill as drawn are accomplished, so that there will be a gradual restoration of the normal functions of the investment market, and improvement in so many directions that the normal agencies which take care of the public utilities, street railways, and other industries of the country, will be restored to the normal function that they have been accustomed to.

Otherwise, gentlemen, you are going to take over a task of the banking business of the United States, and eliminate the private banks. I do not think it is the design of the Congress of the United States to replace the private banks of the country, of the United States, by a Government bank.

Mr. GOODWIN. Mr. Chairman, may I ask, in view of the statement that has just been made, that the control of the railroads is entirely held by the bondholders——

Mr. MEYER. I mean substantially. I am not saying technically.

Mr. GOODWIN. Yes; as to what security the railroads will have to offer the Reconstruction Finance Corporation, when they may borrow money from it? Is it to be a first lien, and are the bondholders' liens to be relegated to second place?

Mr. MEYER. They will have to offer security which they can offer, and it will be judged by the lending agents, in the light of the experience of the railroads, perhaps over a little longer period than one or two months; but I could not answer that question. The provision is for the security as outlined in the law; it is all in the amendments suggested.

Mr. GOLDER. May I ask a question? On page 5 it says:

"All such loans shall be fully and adequately secured in such manner as the corporation shall require."

That line does not mean that they will have to put up sufficient collateral——

Mr. MEYER. Is that the section concerning the railroads?

Mr. GOLDER. No, sir; that is section 5. That speaks of the institutions that are subject to help.

Mr. MEYER. Yes.

Mr. GOLDER. If that means that you put up sufficient collateral which, in the ordinary sense of the word, is sufficient security, then the rest of the page does not seem to be consistent.

Mr. MEYER. Yes. What do you mean, it is not consistent?

Mr. GOLDER. Well, the line, "such loans may be made directly upon the promissory note of such financial institution"; is it your thought that, when they give a promissory note, it must be secured by collateral in the ordinary sense of the word?

Mr. MEYER. Certainly.

Mr. GOLDER. All loans to these institutions must be secured by collateral?

Mr. MEYER. Yes. In the operation of the War Finance Corporation, many loans were made to institutions on their promissory notes, secured by collateral, and the collateral security proved adequate to discharge their obligations.

Mr. GOLDER. You would not pretend, under this act, to offer assistance to banks that could not support their loans with sufficient collateral?

Mr. MEYER. No; but that is a matter for the business judgment of the board of directors of this corporation. In some cases sometimes banks offer directors' guaranties, their own endorsement, as additional security. It is a matter of each loan being almost a special matter; under general rules, however. But I cannot see any contradiction there, Mr. Congressman.

Mr. GOLDER. No; each loan is to be adequately secured, I see.

Mr. STEVENSON. I do not see any language which means it will be secured by collateral. Collateral will be taken, but it is security that is satisfactory to the board.

Mr. MEYER. The security of the obligation of the borrower. That is the first security. The collateral is the collateral security.

The CHAIRMAN. Will you let me interrupt by a question? I am curious to know, Mr. Meyer, if any authority is conferred by the language in lines 20 and 21, "Such loans may be made directly upon promissory notes of such financial institutions"—that is one thing you are authorized to do?

Mr. MEYER. Yes.

The CHAIRMAN. Under this act, unless there is something else in there contradictory of that. Now, what is there in the bill that will prohibit the board from doing just what that language says may be done, "Such loans may be made directly upon promissory notes of such financial institutions"? That is what we want to find out. Can that be done, or is there something else in here that qualifies that?

Mr. MEYER. No; you have two methods of borrowing: One is a promissory note, and the other one is a note discounted; it is just another way of doing the same thing. In one case, the interest is paid in advance, and in the other on the maturity of the loan.

Mr. STEVENSON. "All such loans shall be fully and adequately secured"; that is the amendment.

Mr. MEYER. Yes.

Mr. GOLDER. Even when a bank comes in, or an institution, to make a loan, and gives its promissory note, behind that promissory note there must be security in some manner?

Mr. MEYER. Yes, sir.

Mr. STEWART. Large leeway is given to the directors for the security they take?

Mr. MEYER. Yes; a great deal would depend on the security.

Mr. STEWART. The general idea is to allow the board of directors to go beyond strict banking rules and be rather liberal?

Mr. MEYER. Well, they will do business on a banking basis, strictly in accordance with the terms of the act, only on adequate security, but it leaves elasticity as to the kind of security they make take.

Mr. STEWART. They are the sole judges of that?

Mr. MEYER. Nobody else can judge for the lender. You cannot supplant the judgment of the lender; it requires the good judgment of the lender.

Mr. STEWART. More liberal than existed before the stress——

Mr. MEYER. Well, you can use the word "liberal." I know, for instance, in 1921, in starting the War Finance Corporation, they lent money on sheep. We loaned what was called a liberal price. It only took a certain amount of money on the sheep to remedy the distress, and forced liquidation, and the sheep doubled in value in 2 months and never sold below that price in 8 years. So, it was on a sound basis; originally, it was called liberal, but actually it was ultraconservative.

Take cotton. The pre-war price of cotton for 5 years was over 12 cents. Somebody might say that 6 or 6.5 cents was a liberal loan on cotton, as compared to the market price, but I would not consider it a dangerously liberal loan.

Mr. MCFADDEN. Mr. Chairman, may I——

Mr. MEYER. Those are all words that are capable of lots of interpretation.

Mr. MCFADDEN. Supplement what has been said here in discussing this? I want to refer

to the amendment which is proposed on page 6 at line 12 which reads:

"Within the foregoing limitations of this section, the corporation may also, subject to the approval of the Interstate Commerce Commission, make loans to or aid in the temporary financing of steam railroads engaged in interstate commerce, when in the opinion of the board of directors of the corporation such railroads are unable to obtain funds upon reasonable terms through banking channels or from the general public and their prospective earning power together with the character and value of the security offered are such as to furnish reasonable assurance of their ability to repay within the time fixed therefor and to meet their other obligations in connection therewith. Any such railroad may obligate itself in any form as shall be prescribed and otherwise comply with the requirements of the Interstate Commerce Commission and the corporation with respect to the deposit or assignment of security hereunder, without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification, other than such as may be imposed by the Interstate Commerce Commission and the corporation under the provisions of this section."

We all know and understand, of course, that there is now a particular situation that confronts the railroads of the United States. Within the last 2 weeks one of the main railroad companies got out an issue of $100,000,000, and it is understood they, being unable to float them, used the issue as security for a $20,000,000 loan. We are particularly facing such a situation now.

It is important for us to know now, it seems to me, what security, under these circumstances, this corporation is going to have back of these loans. It is apparent to me that banks and bankers who usually finance the railroads feel that these securities are not safe. We should know here and now whether, out of the necessities of this situation, the Government funds are to be used to buoy control of the railroads.

Can you give us any information, Mr. Meyer, as to how these railroad loans are to be secured?

Mr. MEYER. What railroads are you talking about? I do not know what railroad you were talking about where $100,000,000 in bonds could not be used for more than $20,000,000.

Mr. MCFADDEN. I do not care to mention names here.

Mr. MEYER. I cannot give you any information, because I have not that information; but the proposition of getting good security would be an individual matter in each instance. It may be that in one case it would be one kind of obligation and in another situation it would be an entirely different matter. There is not any uniformity in the financial structure of railroads. We had occasion to make railroad loans in the period of Government control, and nobody knew what conditions were going to obtain 3 years later when those loans matured. They were all paid with interest in full, and in one case with a profit of over $200,000, from a road that looked to be in a very bad condition at the time. But the railroads have records of long periods of years, but I do not say that is a clear indication of future earnings; but railroad gross and railroad earnings have some relation to the average condition in the country; and I would say that some railroads obviously are safe to make advances to on their promissory notes, and they may not be able to borrow money at the present time from the banks.

The banks do not lend money to the railroads in the long run, and bankers do not lend money to railroads, except temporarily. The investment market is the place for the railroads to raise funds, and these loans would be in anticipation of the flotation of railroad securities in the investment market, when conditions are more favorable.

That is all I can say. I could not tell you about any particular railroad, because I don't know.

Mr. MCFADDEN. I was prompted to ask that question because of the situation as it now exists, supplemented by the statement you made just a few moments ago, that the control of the railroads was largely in the hands of the bondholders.

Mr. MEYER. I did not say control, Mr. McFadden. If I did, I did not mean to. I would say that the main interest of a railroad in its present situation is the interest which the bondholders have in the railroad. That represents the biggest financial present value in railroads.

Mr. MCFADDEN. I was wondering if in such a situation, if this institution loaned a railroad—whether or not control is carried with the loan; and with the new loans—who will be in control of the railroads?

Mr. MEYER. The control is in the voting power in a technical sense, but the main financial interest in a railroad is the interest which the bondholders have through their ownership of the bonds. Let us put it that way.

Mr. MCFADDEN. The usual situation that prevails when concerns are in the condition as outlined here is that, when new money is put into an industry or a going concern, it usually takes over the control, through control of the board of directors or—they have a voting trust or something of that kind—I am wondering if we are getting into that kind of situation by the creation of an institution as now proposed, which might mean the control of the railroads of the United States; might mean the control of the banks of the United States, and might mean the control of the industries of the United States. We all know the power of debt to control; and if, in an emergency like exists today, the Government is called upon to put up so-called blood money, is it going to leave these institutions entirely in the hands of the present management, or is it going to dictate the control of these institutions that are being taken over?

Mr. GOLDER. It calls for payment, though, in 2 years.

Mr. MEYER. There is no control contemplated other than the control which already exists through the Interstate Commerce Commission, which is prescribed by the law passed by the Congress.

Mr. MCFADDEN. I am referring to the power that we all know exists through the control of debt; that is a powerful influence of control.

Mr. MEYER. Of course, the money loaned by this corporation to the railroads would be a small part of the total debts. The railroad bonds now outstanding amount to some $12,000,000,000.

Mr. GOLDER. $12,000,000,000 of bonds and $8,000,000,000 of stocks.

Mr. MEYER. The entire amount of notes or bonds that are involved in the contemplated financing would be very small, a very small proportion of the total bond debts of the railroads.

Mr. MCFADDEN. Might I also inquire as to the provisions of the loans to the insurance companies?

The CHAIRMAN. Just a moment, before you leave this. I understood, Mr. Meyer—I am not entirely familiar with this amendment and have not it before me at the moment. I do not understand that it is in your mind that this Corporation would make loans to railroads without security.

Mr. MEYER. No.

The CHAIRMAN. And the sums they obtain on their notes has reference to their general operations?

Mr. MEYER. Yes.

Mr. MCFADDEN. Might I say one word there?

The CHAIRMAN. Yes.

Mr. MCFADDEN. I have noticed that in the last few days the Comptroller of the Currency has initiated, either by a statement or by a ruling, a liberalization of previous rules as regards the value to be placed upon the assets of national banks. In other words, the policy of making banks carry their securities at the market price has been changed, so that the banks can carry their securities at their actual value.

The CHAIRMAN. The book value?

Mr. MCFADDEN. And then the question comes up as to how you are going to determine what the actual value is. Heretofore I suppose the rule has been very general, because the banks were carrying their securities at the stock exchange list value; whereas, now, a new situation has developed whereby the new term of intrinsic value or book value or some other value is to be the rule.

I am wondering, in connection with the security that is to be taken here, whether the same elasticity is to prevail, or whether these loans that are made are to be secured on some other basis than that which has been known to bankers in the past as safe basis? It is extremely difficult now to arrive at values.

Mr. President, beginning at a point on page 54 of the hearing before the House committee, and down to page 80, may I ask that the proceedings be read by the clerk, and could that be done without impairing my right to the floor?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada that a certain section of the report be read by the clerk without his losing his right to the floor? The Chair hears no objection, and the clerk will read.

The legislative clerk read as follows:

Mr. GOODWIN. Mr. Meyer, at the last meeting of the committee, I stated that the Minnesota State has organized what is known as a rural-credit bureau, patterned somewhat upon the lines of the Federal land banks, loaning money to farmers upon farm securities. Under the provisions of this bill, would you consider that the State of Minnesota, operating its rural-credit bureau as a department of the State, or somewhat similar provision, can borrow money when it is in trouble?

Mr. MEYER. You asked me that question at the previous hearing. I told you I was not familiar with the organization of the rural-credit bureau. I do not know how it is organized. That would depend on the law under which it was organized, which would be a matter for opinion of counsel as to whether or not it is a financial institution.

Mr. GOODWIN. Well, would you consider that a State—a rural-credit bureau operated by a State—ought to have relief under the provisions of this bill?

Mr. MEYER. I do not think you can generalize on that. The bill is drawn in a very broad way to cover the great financial machinery of the country. As to whether any rural-credit bureaus or organizations come under the law as drawn would depend upon the law under which they were authorized. I should think they probably would. I think they would, but I could not—you are now asking me on a technical legal matter, and I am not a lawyer; and even if I were a lawyer, I would not know how to answer that question unless the act of the State of Minnesota were examined.

Mr. GOODWIN. Under this bill, the board would be authorized to extend aid to Federal land banks?

Mr. MEYER. A land bank is a bank; a Federal joint-stock land bank is a bank, and the intermediate credit bank is a bank. If the Minnesota rural-credit institution were qualified under this law, it would be under

"other financial institutions," the last in the list of institutions mentioned there.

Mr. STEVENSON. Is not that a department of your State government?

Mr. GOODWIN. Yes.

The CHAIRMAN. It would hardly be governed by this language if it is.

Mr. STEVENSON. It would not be covered by this.

Mr. MEYER. It may be organized in such a way under the Minnesota law—this land-bank system in the United States is organized under the Federal law in a way that makes it a bank.

Mr. STEVENSON. Yes; but if this is a department of the State government, it is essentially a loan to the State. We had that all up when South Carolina used to run the liquor business, and we tested it out in the Supreme Court here, and they held it was a department, and it could not be sued.

The CHAIRMAN. Which department of the State does this come under, the department of agriculture?

Mr. MEYER. Sir?

The CHAIRMAN. Which department of your State does this come under, the department of agriculture?

Mr. GOODWIN. No; the department of finance.

Mr. MCFADDEN. May I also ask whether institutions doing a mortgage business, operating as a bank or trust company, are to be included in this?

Mr. MEYER. Financial institutions?

Mr. MCFADDEN. Yes; for instance, some of these institutions guarantee and sell mortgages; would these come under the provisions of this bill, would they, and could they get relief?

Mr. MEYER. I am inclined to think that they could.

Mr. MCFADDEN. Such institutions as the New York Title & Mortgage Co., which has assets of possibly $60,000,000, and possibly in excess of $1,000,000,000 of guaranteed mortgages outstanding. Other mortgage companies similar to that would be able to get relief?

Mr. MEYER. I don't know under what law they qualify; whether they qualify as financial institutions, or not. Building and loan associations——

Mr. MCFADDEN. Take the one I have mentioned, which does a banking business in connection with its mortgage business, or did, and had depositors.

Mr. MEYER. That would be a bank, would it not?

Mr. MCFADDEN. Yes.

Mr. MEYER. It would be a bank.

Mr. MCFADDEN. But the main part of its operations would be to carry on the mortgage business; and I wonder whether an institution of that kind——

Mr. MEYER. Well, of course, a great many banks were authorized by law—I think that you, yourself, introduced it in Congress—to invest 50 percent of their time certificates in mortgages.

Mr. MCFADDEN. Yes. If a national bank can loan up to 50 percent of value of property, it would, under the authority of this provision, be able to loan money on the mortgage?

MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. The clerk will suspend the reading while the Senate receives a message from the House of Representatives.

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 357. An act to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation and utilization of the mining, preparation and utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort;

S. 2268. An act to further amend section 126 of the Act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty;

S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy;

S. 2619. An act to amend article of war 114 so as to broaden the power to administer oaths and take acknowledgments;

S. 2798. An act amending the first sentence of article of war 52, relative to execution of court-martial sentences;

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States;

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit; and

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

The message also announced that the House further insisted upon its amendment to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLOOM, Mr. LUTHER A. JOHNSON, and Mr. EATON were appointed managers on the part of the House at the further conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

The message also announced that the House had agreed to Senate Concurrent Resolution 39, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, to make the following change, namely: In the language inserted by Senate engrossed amendment No. (2), strike out the word "of" and insert "or", so as to make the language read: "will not be met by importation or licensed production."

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 7162. An act to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935; and

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

The PRESIDING OFFICER. The clerk will resume reading.

The legislative clerk resumed reading, as follows:

In section 5, it says, "any bank," and I am wondering whether any bank which was doing largely a mortgage business would be able to get money from this proposed corporation?

SETTLEMENT OF CLAIMS AGAINST MEXICO—CONFERENCE REPORT

Mr. CONNALLY. Mr. President, will the Senator from Nevada yield so that I may submit the conference report on Senate bill 2528?

The PRESIDING OFFICER. Does the Senator from Nevada yield for that purpose?

Mr. McCARRAN. I yield for that purpose.

Mr. CONNALLY. I submit the conference report on Senate bill 2528, to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

Mr. McCARRAN. I understand the report to which the Senator from Texas refers is the one which was under consideration in the Senate yesterday.

Mr. CONNALLY. Yes.

Mr. President, I ask unanimous consent for immediate consideration of the conference report.

The PRESIDING OFFICER. The conference report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Settlement of Mexican Claims Act of 1942.'

"SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the 'Commission') and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

"(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under this Act, and shall fix their com-

pensation without regard to the Classification Act of 1923, as amended.

"(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this Act.

"(d) The authority of the Commission under this Act, and the terms of office of its members, shall terminate at the expiration of two years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

"SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

"(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

"(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

"(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

"(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

"(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission, established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

"(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

"(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damage suffered, or other evidence thereof which is satisfactory to the Commission.

"(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide the case upon the basis of the record before the General Claims Commission.

"SEC. 4. (a) The Commission shall also have authority, within its discretion, as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

"(b) In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the appraisals so made. Within a period of thirty days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal and certify such award to the Secretary of the Treasury.

"(c) In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case and certify such award to the Secretary of the Treasury.

"(d) In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall, if it determines to review such case, decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith: *Provided*, That the Commission may, in its discretion, receive and consider additional evidence with respect to any claim in which it is established to the satisfaction of the Commission that it was impossible for either the claimant or his attorney, despite the exercise of due diligence, to obtain and file such evidence within any period prescribed for such filing by or in accordance with the applicable agreements between the Government of the United States and the Government of Mexico, or by or in accordance with the applicable rules adopted pursuant to such agreements.

"SEC. 5. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

"(b) Each decision by the Commission pursuant to this Act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

"(c) In connection with any claim decided by the Commission pursuant to this Act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

"(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

"(1) A list of all claims disallowed;

"(2) A list of all claims allowed, in whole or in part (together with the amount of each claim and the amount awarded thereon) which have not been previously certified under section 4 (b) or 4 (c); and

"(3) A copy of the decision rendered in each case.

"SEC. 6. (a) For the purposes of this Act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

"(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 3 (a) of this Act;

"(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

"(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals, except where such appraisals are reviewed by the Commission pursuant to section 4; and

"(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938, except where such appraisals are reviewed by the Commission pursuant to section 4.

"(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in paragraphs (1) and (2) of subsection (a).

"SEC. 7. For the purposes of this Act, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

"SEC. 8. (a) There is hereby created in the Treasury of the United States a special fund to be known as the 'Mexican Claims Fund', hereinafter called the 'fund'. All payments authorized under section 9 of this Act shall

be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 10 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

"(b) The Secretary of the Treasury is authorized and directed to cover into the fund—

"(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

"(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

"(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

"(4) the sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to the claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 10 (b), to make payments on account of awards and appraisals certified pursuant to section 6 (b) of this Act, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest.

"(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 10 (b)—

"(1) to make similar payments of not to exceed 30 per centum on account of the principal amount of the awards certified pursuant to section 5 (d) of this Act;

"(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this Act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

"(3) after payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

"SEC. 9. (a) Subject to the limitations hereinafter provided, payments pursuant to section 8 of this Act, the Act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe:

"(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

"(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

"(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

"(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

"(6) In the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

"(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

"(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this Act.

"(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government

"(f) Nothing in this Act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

"SEC. 10. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act.

"(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 8, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"SEC. 11. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

"(b) So much of the Act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this Act is hereby repealed.

"SEC. 12. Nothing in this Act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923.

"SEC. 13. As used in this Act—

"(a) The term 'person' includes an individual, partnership, or corporation.

"(b) The term 'United States', when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

"(c) The term 'American national' includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"SEC. 14. The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: '*Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'.

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: '*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

And the House agree to the same.

TOM CONNALLY,
ROBERT F. WAGNER,
ARTHUR CAPPER,
HIRAM W. JOHNSON,
Managers on the part of the Senate.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. McCARRAN. I understand that I was asked to yield for the submission of the report. I desire to protect my rights. I understand it is the desire of the Senator from Texas to dispose of the report, but I hope it may be disposed of without the Senator from Nevada losing the floor.

Mr. CONNALLY. Mr. President, I ask unanimous consent that the parliamentary status, so far as the Senator from Nevada is concerned, be not disturbed by the action taken on the report.

The PRESIDING OFFICER. Is there objection to the unanimous consent request made by the Senator from Texas?

Mr. MALONEY. Mr. President, may I ask what the unanimous-consent request was?

The PRESIDING OFFICER. The Senator from Texas [Mr. CONNALLY] asked unanimous consent that the Senate proceed with the consideration of the report without jeopardizing the right of the Senator from Nevada.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The conference report is a privileged matter, and action upon it does not disturb the status quo, as I understand. Is that not correct?

Mr. McCARRAN. I understand that submission of the report does not disturb the status quo, but I am apprehensive lest it be disturbed by action disposing of the report.

Mr. BARKLEY. Upon the adoption of the report, as I understand, the situation automatically becomes the same as that which existed prior to the submission of the report. I have no objection to the unanimous-consent request. I was simply doubting whether it was necessary to make the request.

The PRESIDING OFFICER. The Chair understands there is nothing before the Senate except the report of the conference committee, and it is open to debate, but the Senator from Nevada has the floor at the present time.

Mr. BARKLEY. The question, however, is whether the conference report, being privileged, would displace the Senator from Nevada, or whether automatically, upon its disposition, the status quo would then be resumed.

The PRESIDING OFFICER. The Chair understands that the report has been received, and that unanimous consent has been given for its consideration, but the Senator from Nevada was recognized following that, and he has the floor.

Mr. CONNALLY. Mr. President——

Mr. McCARRAN. Mr. President, I have the floor.

Mr. CONNALLY. A parliamentary inquiry.

Mr. McCARRAN. Mr. President, I will not yield if I am to lose the floor, although I am anxious to facilitate action looking to the approval of the conference report. I am anxious in every way to facilitate such action, but I will not go so far as to make it possible that the rule may be invoked against me so that I would lose the floor.

Mr. CONNALLY. Mr. President, I wish to make a parliamentary inquiry, without affecting the status of the Senator from Nevada.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. As I understand the rule, a conference report, being privileged, may be called up and acted upon, and when action has been taken the status quo which existed before the conference report was called up is automatically restored.

Mr. McCARRAN. If that is the rule, then I am content.

Mr. CONNALLY. That is the rule.

Mr. MALONEY. Mr. President, I should like to be heard.

Mr. CONNALLY. That is the rule of the Senate. Therefore, it is not necessary to ask for unanimous consent. I have no desire to disturb the status of the Senator from Nevada, and if necessary, I would ask unanimous consent, but it is not necessary.

The PRESIDING OFFICER. In reply to the parliamentary inquiry of the Senator from Texas the Chair will state that it is his understanding that, while the report has been received, and is now under consideration, the Senator from Nevada has the floor, and that he does not lose the floor merely because the report has been presented, or is now before the Senate.

Mr. BARKLEY. That is not the question I submitted, by inference at least. My point was that the submission of the report, which is a privileged matter, does not disturb the status quo; and also, that action on the report, which is debatable, does not disturb the status quo which existed prior to the submission of the report. It has been my understanding always that a privileged matter may be taken up at any time, and when it is disposed of, automatically the status that existed prior to the time it was taken up, is restored.

The PRESIDING OFFICER. In response to the Senator from Kentucky, the Chair will say that it is his understanding that the conference report was received, and the request that it be considered was agreed to without objection. Then the Senator from Nevada gained the floor, and he now has the floor. The report is now being considered by the Senate, and the Senator from Nevada has the floor.

Mr. BARKLEY. I understand that, but my point is that if the Senator from Nevada yielded the floor for the adoption of the conference report, upon the adoption of the report, the status quo which previously existed would be automatically resumed, and the Senator from Nevada, if he insisted, would have the floor after the adoption of the report.

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from Nevada did not yield the floor for the adoption of the report, but for the consideration of the report.

Mr. BARKLEY. I wonder if the Senator from Nevada would not yield for the purpose of action being taken on the report.

Mr. McCARRAN. I wish to be frank and fair about the matter. I yielded the floor for the purpose of permitting the report to be received, and for any action which the Senate chooses to take with respect to it, but on the condition that I not lose the floor.

Mr. BARKLEY. That is true. I am making the point that it is not necessary to have unanimous consent that the Senator from Nevada be permitted to resume. The consideration of and action on the report is privileged. Immediately upon its adoption the Senator from Nevada is entitled to the floor as a matter of right.

Mr. McCARRAN. But in the meantime the Senator from Connecticut [Mr. MALONEY] is trying to obtain the floor, as I understand. The situation is not entirely clear to me. The Chair has not clarified the situation, as to whether I shall have the floor before any other Senator after the adoption or rejection of the report.

Mr. MALONEY. Mr. President——

The PRESIDING OFFICER. Permit the Chair to make a statement. The Chair understands that the Senator from Nevada stated that he yielded for the purpose of permitting the reception of the report. Later the Senator from Texas [Mr. CONNALLY] asked unanimous consent that the Senate proceed with the consideration of the report, after which the Senator from Nevada be permitted to resume the floor, and, as the Chair understood, there was objection to that raised by the Senator from Connecticut [Mr. MALONEY].

Mr. BARKLEY. No; Mr. President, I did not understand that the Senator from Connecticut made objection.

Mr. MALONEY. No, Mr. President; the Senator from Connecticut, under the parliamentary situation, is quite aware that he could not object to consideration of the report. The Senator from Connecticut asks the right to reserve objection to resumption of the floor by the Senator from Nevada because he wishes to propound a parliamentary inquiry.

Mr. BARKLEY. Mr. President, I have no desire to interfere with that.

The PRESIDING OFFICER. The Senator from Nevada now has the floor.

Mr. BARKLEY. I was trying to obtain a ruling from the Chair on the point whether, if the Senator from Nevada yielded to permit the taking up of a privileged matter, he would have the right to the floor immediately upon the disposition of the privileged matter in the form of a conference report.

The PRESIDING OFFICER. The Chair is advised and believes that the precedents show that if there is a yielding for the submission of a conference report, it does not go beyond that point. Also, if there is a yielding for consideration by the Senate of a conference report, it does not go beyond that point. It was proposed that the Senator from Nevada yield beyond that point, but the request was not consented to. The Senator from Nevada would have the floor at the conclusion of the matter as to which the agreement had been made.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. If I should yield the floor for the consideration of the report, and for that purpose only, would I then have the floor immediately after the report had been disposed of?

The PRESIDING OFFICER. The precedents are not uniform on that question. As the Chair understands, the Senator wishes to yield for the consideration of a privileged matter. In accordance with the Senator's offer to yield for that purpose, the Chair will recognize the Senator from Nevada at the conclusion of the business for which he yields.

Mr. McCARRAN. Mr. President, will the Chair recognize me immediately after the disposition of this matter?

The PRESIDING OFFICER. If the Senator from Nevada wishes to yield for the disposition of this privileged matter, the Chair will recognize him upon the conclusion of that subject.

Mr. MALONEY. Mr. President, I appreciate the right of the Chair to recognize any Senator whom he may desire to recognize; but I should like the RECORD to be clear on the matter. As I understand, if the conference report should be

adopted, the Senator from Nevada would have no right to the floor unless and until he were recognized by the Chair.

The PRESIDING OFFICER. The Senator from Nevada had the floor and could have continued to hold it without yielding.

Mr. MALONEY. Mr. President, that is not so. I beg to differ with the Chair. The conference report has the right-of-way, and can be called up as a privileged matter.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian—and believes that that interpretation is in accordance with the precedents—that the Senator from Nevada cannot be interrupted without his consent. The conference report is a privileged matter, but the Senator from Nevada cannot be taken from the floor without his consent.

Mr. MALONEY. I beg the pardon of the Chair. I misunderstood.

Mr. McCARRAN. Mr. President, I decline to yield the floor.

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MALONEY. What would be the regular order of business after the disposition of the conference report?

The PRESIDING OFFICER. There is nothing before the Senate. The Senator from Nevada has offered to yield under the conditions already stated. The Chair has stated to the Senator from Nevada that he would be permitted to yield conditionally, and would be recognized upon completion of the consideration of the conference report.

Mr. MALONEY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MALONEY. Am I to understand that the able Senator from Nevada will have the floor from now on, and that there is no way by which to return to the regular order of business of the Senate?

The PRESIDING OFFICER. The Senator from Nevada has the floor in accordance with the rules of the Senate.

Mr. MALONEY. Is there any way in which to bring about the regular order of business after the adoption of the conference report?

The PRESIDING OFFICER. A motion may be made to adjourn.

Mr. McCARRAN. Mr. President, I still have the floor. Let me restate my position. If those in charge of the conference report, which is a privileged matter, wish to have it disposed of one way or the other, I will yield for that purpose on the condition that I may have the floor immediately thereafter; and I shall remain on the floor for that purpose.

Mr. MALONEY. Mr. President, if that requires unanimous consent, I object.

Mr. CONNALLY. Mr. President, it does not require unanimous consent. The word of the Presiding Officer ought to be sufficient.

The PRESIDING OFFICER. The Chair has previously stated that he would recognize the Senator from Nevada at the conclusion of this particular matter.

Mr. McCARRAN. Very well.

Mr. CONNALLY. I desire a vote on the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF AUTHORITY OF THE R. F. C.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. McCARRAN. Mr. President, I ask that the clerk resume reading from the hearings.

The legislative clerk read as follows:

Mr. MEYER. You are asking me a question I cannot answer, because I am not a lawyer, and I have not examined the charters of these institutions.

Mr. BRAND. It would clearly come under the term "financial institution."

Mr. MEYER. I do not know whether it would or not. Building and loan associations, of course, are specifically mentioned.

Mr. MCFADDEN. Would a bank, chartered under the State law, a bank chartered under the Federal law, to conduct a business such as I have mentioned here, be eligible to do business with this corporation and receive funds?

Mr. MEYER. The banks chartered under the Federal law, the national banks, and land banks, and credit banks, joint-stock land bank, as far as I know, would all be eligible. State institutions would be a matter for lawyers to pass on, whether or not they were organized as financial institutions, or whether they were not. The laws in different States, of course, vary very much, according to their laws of incorporation.

Mr. MCFADDEN. If these mortgage companies were organized as banks and were doing business, they would come under the language of this law?

Mr. MEYER. If they are banks, they are banks; there is not any use in calling it a mortgage business. If they are banks, they are banks; and many banks have loans on mortgages.

Mr. MCFADDEN. Is it your contemplation to make loans to insurance companies?

Mr. MEYER. They are mentioned here, and some of the larger insurance companies' heads were present in the Senate hearings, and I think they all agreed it was a good thing to have it in the bill. I think you were here at the hearing, were you not?

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Under what rule does the clerk have the right to carry on the filibuster?

The PRESIDING OFFICER. A short time ago, during the absence of the Senator from Illinois, the Senator from Nevada asked and obtained unanimous consent to have the clerk read into the RECORD certain pages from the hearings.

Mr. LUCAS. Does that mean that the clerk may read indefinitely?

The PRESIDING OFFICER. The pages of the hearings from which the clerk is reading have been noted in the RECORD. The Chair is under the impression that the authority for the reading extends to page 80 of the hearings.

The legislative clerk read as follows:

The insurance companies have a good many applications—in fact, they have a great many applications for policy loans, and if they could borrow money under this authority, they might do it, in preference to selling securities or forcing the payment of a maturing mortgage, which would distress the borrower. They would want to relieve the pressure, and they would need it in case increases in policy borrowings had to be made. I do not think that any insurance company that was present testified that they expected that they would have to use it, on the outlook as at present; but on the other hand, I think they all agreed it was a good thing to have in the law.

The CHAIRMAN. Did not some representative of an insurance company state in the Senate hearings that some insurance companies felt that they had need for this legislation?

Mr. MEYER. Well, he said that he knew about—he could not speak for all of the insurance companies in the United States; but at the same time, Mr. Ecker of the Metropolitan Life was there, and he said he did not contemplate, as far as his company was concerned, having any need for it, but he thought it was a good thing to have in the law.

The CHAIRMAN. Let me ask you one question: Now, if I understand the language of the legislation and your interpretation of it, no loan will be made to anybody without security?

Mr. MEYER. Well, that is the law.

Mr. WILLIAMS. I am not so sure about that language.

The CHAIRMAN. There it says that the security—what security would a railroad company have to offer when it applied for a loan?

Mr. MALONEY. Mr. President, I ask for the regular order. I maintain that there is nothing before the Senate. It seems quite obvious to me that the Senate cannot proceed without any business before it.

The PRESIDING OFFICER. There is no business before the Senate. The Senator from Nevada has the floor. He obtained unanimous consent of the Senate for the clerk to read certain pages of the volume from which he is now reading. That is the present order of business before the Senate.

The legislative clerk resumed reading as follows:

Mr. MEYER. In the first place, it would be to their obligation secured by bonds of various kinds in the different railroads. There are lots of railroads that have bonds, and the liabilities of the railroads are good now, even whether they are meeting their interest——

The CHAIRMAN. Securities of that kind, Governor Meyer, would be long term?

Mr. MEYER. Yes; but a 3-year note of the railroad is not a long-term security.

The CHAIRMAN. No.

Mr. MEYER. And in the meantime, in 3 years, or possibly the maximum of 5 years, they would be expected to finance their requirements in the investment market as they always are required to do.

The CHAIRMAN. I am speaking now, getting down to cold steel, as to the security they could offer. They could give you their notes, but when you get down to taking security for it, what could they offer you upon which the Corporation would be able to realize at maturity?

Mr. MEYER. Every railroad would be in a different position; you cannot generalize on it. We loaned, in the War Finance Corporation, to a lot of railroads, and in one case they had general mortgage bonds and convertible bonds and general liens——

Mr. GOLDSBOROUGH. Their own bonds?

Mr. MEYER. Yes; thereon, with perhaps 25 percent more than the face of the bonds, or even more than they, in come cases, offered as security.

The CHAIRMAN. If a railroad sought to borrow money and put up its own bonds, it would

not be termed a security, would it? It would be like a corporation offering you its own stock as security.

Mr MEYER. No, no; these are mortgage bonds.

The CHAIRMAN. You mean referred to primarily——

Mr. MEYER. No; their notes, secured by mortgage bonds.

Mr. STEVENSON. Well, now, a railroad gives you a mortgage—issues bonds and gives a mortgage to a trustee——

Mr. MEYER. Yes.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. What is the business before the Senate at the present time?

The PRESIDING OFFICER. There is no business before the Senate. The Senator from Nevada has the floor.

Mr. LUCAS. How can any Senator retain the floor if there is no business before the Senate?

The PRESIDING OFFICER. The Senator from Nevada obtained the floor when there was no business before the Senate. He holds the floor in accordance with the practice of the Senate during the past 3 or 4 years.

Mr. LUCAS. After a Senator has obtained the floor and the business before the Senate has been finished, does that not automatically take the Senator from the floor?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that at one time there was a rule of the Senate that no Member could obtain the floor unless there was some business before the Senate. The Chair is also advised that, in accordance with the precedent observed during the past several years, the rule has not been enforced, and that if a Senator obtains the floor while no business is before the Senate he retains the floor until he yields it.

Mr. LUCAS. I think the former precedent is correct.

Mr. McCARRAN. Mr. President, I refuse to yield for a statement.

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MALONEY. How far does the unanimous consent given to the able Senator from Nevada extend?

The PRESIDING OFFICER. The Chair is advised that it extends from page 54 to page 80 of the hearings.

The clerk will resume the reading.

The legislative clerk read as follows:

Mr. STEVENSON. Or deed of trust, to secure those bonds—now, do you mean that the railroad will have those bonds in its treasury?

Mr. MEYER. Yes.

Mr. STEVENSON. And when it borrows money, that it pledges those bonds that have not been sold?

Mr. MEYER. Yes; issuing those bonds for construction and improvements and other purposes, that they still hold in their treasury, but which they cannot sell in the present investment market.

The CHAIRMAN. So that——

Mr. MEYER. That is the only way that a railroad ever does——

The CHAIRMAN. So that necessitates a long-term security of the railroad——

Mr. MEYER. That will be a short-term note.

The CHAIRMAN. But so far as the security back of that note, it will be that kind of security?

Mr. MEYER. Yes.

The CHAIRMAN. What would an insurance company have to offer?

Mr. MEYER. It would have mortgages or bonds. The policies of most insurance companies' investments are restricted by law in each State, and they might have public securities I mean city, county, and State—legal securities as provided under the law of the State in which the company is incorporated.

Mr. HANCOCK. I would like to ask one question. I do not know whether it is important or not

The CHAIRMAN. Certainly.

Mr. HANCOCK. In line 14, on page 5, I wish you would tell the members of the committee your interpretation of the words "other financial institutions in the United States." What do you mean by the term "United States"?

Mr. MEYER. Well, we mean the continental United States.

Mr. HANCOCK. I mean, does that carry with it the meaning that a corporation or financial institution must be organized under the laws of a State of the United States, or some subdivision, or would it be——

Mr. MEYER. An American institution, in other words.

Mr. HANCOCK. Would it apply to a foreign institution doing business in the United States?

Mr. MEYER. No; it distinctly would not.

Mr. MCFADDEN. It would not apply to a Canadian railroad?

Mr. MEYER. No.

Mr. HANCOCK. Could you lend money on foreign securities held by an American concern?

Mr. MEYER. Under this bill as drawn, the question of security is left to the directors. I do not think that we would have very many foreign securities that would be offered, as a matter of fact.

The CHAIRMAN. But Mr. Hancock asked you if you would be authorized to make loans on that kind of security.

Mr. MEYER. The security that must be offered is not restricted here in the act as drawn.

Mr. HANCOCK. Suppose a New York bank with ten or fifteen dollars' worth of German securities, or any other country, wanted to borrow money from you, it would be a question of whether you considered those securities good and the fact that they were foreign would not——

Mr. MEYER. Not under this bill as drawn, although that may be a matter of discussion. This bill, as drawn, primarily, of course, is exclusively to American institutions. What security they can offer is a matter for the board of directors to govern, as the law is drawn, subject, however, to full and adequate security being given.

Mr. HANCOCK. In the last analysis, Mr. Meyer, the value of this bill and its effect will depend, will it not, largely upon its administration?

Mr. MEYER. A great deal, yes; I so stated at the first hearing, Mr. Congressman.

Mr. STEWART. Would it be necessary to have any sort of restriction clause in it, preventing a financial institution from putting up foreign security as collateral?

Mr. MEYER. Congress can put that kind of condition in it if it sees fit to put it in.

Mr. STEWART. Considering the banking feature of it, the safety of it, the practicability of it.

Mr. MEYER. Well, that is a matter for you gentlemen to consider. The adequacy of the security is the responsibility of the board of directors of the proposed institution, and the discretion is in the board of directors as to what the security would be. In other words, if you felt that way, they probably would not want to lend exclusively on that kind of security to any one institution in large amounts. Probably there is a certain amount of diversity of securities, and that would be one element in valuing the security.

Mr. HANCOCK. You do not believe in a further restriction, do you, Mr. Meyer—personally, I mean?

Mr. MEYER. I have not got a very strong feeling on all of these points that you have raised, gentlemen. This bill is, of course, subject to your own ideas of what ought to be done.

Mr. HANCOCK. You assisted in the drawing of the bill, did you not?

Mr. MEYER. Yes.

Mr. HANCOCK. And you put into it what you thought it ought to have?

Mr. MEYER. Yes; covering the financial machinery of the country, for the reasons as stated; and as I stated at the first hearing, the powers are broad, and the responsibility is great on the board of directors; but I do want to mention that the conditions are very big and of a national character; are broad and are important in the emergency. I think it is necessary to have broad powers.

This is not a permanent institution; it is a temporary institution to meet an emergency; and as I said in the beginning, I think you have got to rely very much upon the administration for safeguard. The War Finance Corporation had tremendously broad powers, too.

The CHAIRMAN. Would not it be confronted with this difficulty, if we attempted to put this in the bill with reference to loans secured by foreign securities—that it would be so easy of evasion that we would find ourselves like we did in our effort to avoid loans for speculative purposes?

Mr. MALONEY. Mr. President, I ask unanimous consent that the clerk be authorized to dispense with the further reading of the booklet.

Mr. McCARRAN. I object.

The PRESIDING OFFICER. Objection is made by the Senator from Nevada. The clerk will proceed with the reading.

The legislative clerk read as follows:

Mr. MEYER. Yes.

The CHAIRMAN. You cannot run down every transaction of a borrower institution to see everything they do and direct all of their activities.

Mr. MEYER. Well, there are some good foreign securities. I would imagine we might think very well of the bonds of our neighbor to the north, public or good railroad bonds, and we might have some very poor opinion about the bonds of some other country; and that would be a matter for banking judgment, and I do not know how you can ever legislate judgment.

Mr. STEVENSON. For instance, if some of the banks needed a loan and had first-mortgage bonds of some of these railroads in Canada, you would not want to be forbidden to loan that bank money?

Mr. MEYER. Well, it is not a matter of mine, Mr. Congressman.

Mr. STEVENSON. I mean the corporation would not.

Mr. MEYER. I should think it might be helpful to our banking institutions to have the power to lend on such bonds if they are held for investment by some banking institution that needed its assistance.

To get into our own State, city, and county areas, there is no power to lend it to them directly, and there should not be, for that matter. If banking institutions in the various States are willing to loan to the State, county, and city authorities—your States, counties, and cities usually borrow in the investment market, just as we were talking about before with the railroads. It might be

that they would be very glad to borrow on State, county, and city bonds, or warrants, from this corporation, pledging the obligations of the States, cities, and counties as security for the loans in part. So that now, there may be State, county, and city obligations that are good, and some that are not good. The borrowing corporations or institutions would be primarily the borrower, and the security would be the collateral security, and would have to be judged as to its value.

Mr. McFADDEN. Mr. Chairman, in that connection, do I understand that this corporation might be making loans to an investment-banking house, like Halsey, Stuart & Co., for instance?

Mr. MEYER. No.

Mr. McFADDEN. For the financing of municipal securities?

Mr. MEYER. No; they would not be a banking institution under this act. That is a firm, as far as I know.

Mr. McFADDEN. Take a concern like the Chase Securities Co., or Chase, Harris, Forbes, who are dealers in municipal securities; could they borrow from this institution?

Mr. MEYER. The Chase National Bank could borrow on their municipal——

Mr. McFADDEN. But their affiliate would not be able to borrow.

Mr. MEYER. I do not know. I do not know how they are organized.

Mr. STEVENSON. I imagine that any financial institution which has in its vault securities of a good, solvent, going railroad, or any other solvent, going concern, and needed money, and could not get it elsewhere, it would have a right to borrow—in other words, this corporation would have a right to loan to them?

Mr. MEYER. Yes.

Mr. STEVENSON. On those securities?

Mr. MEYER. Of course, the standing of the borrower would have to be a factor in the loan, and their collateral security.

Mr. McFADDEN. Reverting to the question of the loans to the railroads, direct, which is provided for in section 5 of the bill, it seems to me that, in a great many instances, if loans are made to the railroads, that this corporation is going to have to take second liens. Am I right?

Mr. MEYER. I do not know enough about railroad financing to tell you. I do not know how you set up second liens, or first liens.

Some of these securities in the country are second liens on railroads, and many are first mortgages. Take the Atchison, Topeka & Santa Fe Railroad, they have got a limited close mortgage of about $110,000,000, I think, or maybe $125,000,000. Therefore, taking the value of the properties, which must be five or six hundred million dollars, a second mortgage would be first class, I would say.

Mr. BRAND. What was the general average rate of interest in the War Finance Corporation transactions?

Mr. MEYER. You mean on loans?

Mr. BRAND. Yes.

Mr. MEYER. Loans to banks were made at 5½ percent. The loans in the wartime to the railroads—I think all the railroad loans were made at 6 percent, uniformly, except possibly certain special ones, which were a little bit higher—7 percent, I think, in the war.

Mr. BRAND. Well, now, here this——

Mr. MEYER. I beg your pardon. The agricultural relief loans were made at 5½ percent to banks and the livestock loan companies.

Mr. BRAND. Would you mind giving an opinion, under the conditions as they exist now, of the rate of interest this corporation would fix for loans?

Mr. MEYER. I am not speaking of the corporations——

Mr. BRAND. No.

Mr. MEYER. I do not think it is a charitable agency. It is an agency designed to furnish funds for this situation, and I do not imagine it is going to be but 5½ percent. I should not think it would be.

Mr. BRAND. I have not heard anybody ask that question and I have not had time to read the bill. I wanted to know, and that is about the only question I wanted to ask, whether or not there is any provision in this bill which would require a borrower, for instance, to become eligible to make a loan by the Corporation—would he have to take any stock in the corporation?

Mr. MEYER. In this corporation?

Mr. BRAND. Yes.

Mr. MEYER. No, no; all of the stock of this corporation is to be owned by the United States Government; no stock sold.

Mr. BRAND. All that is necessary for a borrower to do, if he wants to make a loan, is to present to it his securities with his promissory note, which is satisfactory to the board?

Mr. MEYER. Yes.

Mr. BRAND. And then he can get the money?

Mr. MEYER. Yes; or not.

Mr. BRAND. I mean, satisfactory to the board.

Mr. MEYER. Oh, absolutely, yes.

The CHAIRMAN. Mr. Meyer, he has brought up a matter that I would like to ask you about. Personally, it does not have so much bearing on the matter before us. What was the experience of the War Finance Corporation in financing banks and loans to banks?

Mr. MEYER. In what respect?

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I yield to the Senator.

The PRESIDING OFFICER. For what purpose?

Mr. BARKLEY. To move that the Senate proceed to the consideration of executive business, and, following that, it is my purpose to move to recess.

Mr. McCARRAN. In order that we may have the parliamentary situation clarified, I understand that the Senator is about to move, first, an executive session, and then a recess?

Mr. BARKLEY. That is correct.

Mr. McCARRAN. May we have an understanding that I will have the floor when the Senate reconvenes?

Mr. BARKLEY. I do not think the Senator ought to request that he have the floor immediately upon the Senate reconvening. My purpose, I will say, is to move a recess until Friday. No one can tell what the situation will be on Friday. I do not like to agree so far ahead that any particular Senator shall have the floor immediately upon the reconvening of the Senate. If the Senator then rises, and is recognized by the Chair, he will have the floor, of course.

Mr. McCARRAN. I will rise; I will be here 2 or 3 hours early to rise, so far as that is concerned.

Mr. MALONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. McCARRAN. I yield only for a question.

Mr. MALONEY. Does not the Senator from Nevada think that up to this time he has had excellent cooperation in being recognized?

Mr. McCARRAN. Indeed, I should have had. Does the Senator object to the cooperation I have had?

Mr. MALONEY. I certainly do object very much, but to no avail.

Mr. McCARRAN. I have not heard the objection. The Senator always carries the genial smile that we love so much.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. BARKLEY. The Senator from Nevada yielded to me, and I was about to move that the Senate proceed to the consideration of executive business.

Mr. McCARRAN. Before I yield to the motion, I am going to serve notice that I shall ask for recognition on the reconvening of the Senate.

The PRESIDING OFFICER. But there is no unanimous-consent agreement to that effect.

Mr. McCARRAN. Then, that is expecting a little too much, and I shall not yield. If we can relieve the situation, I am perfectly willing, but I realize the situation and the attitude of other Senators. I know that standing behind the able leader is the very able, the exceedingly able Senator from Connecticut, who has taken advantage of every technicality to get over a bill here that never should get over and never will get over so long as I have the physical strength to stop it.

Mr. BARKLEY. There are ways by which a Senator can accomplish or at least pursue the objective of accomplishing that purpose without exacting of me or the Senate a promise or an agreement that he shall be recognized immediately upon the convening of the Senate 3 days from now. The Senator has been noted for his agility of foot; he is usually here, and is usually on his feet, in time to attract the attention of the Chair. I do not think, however, it is good parliamentary practice or good legislative procedure, in order that the Senate may recess for 2 or 3 days, to agree that any Senator shall have the floor when the Senate meets again. The only alternative to that is for the Senate to sit here an indefinite period of time today or tonight and listen to the Senator from Nevada. I do not think he wants to compel the Senate to do that; but that is what will have to be done unless he is willing to yield for the purpose of moving a recess. It seems to me that we are doing nothing—we are accomplishing nothing except to cause the Senate to appear in a posture which is neither serious nor dignified. I do not like to stimulate or encourage or foster a futility; I recognize that we cannot transact any business at all by remaining here so long as the Senator from Nevada occupies the floor, and I think he can keep it indefinitely. It was in order that we might at least obviate that situation that I wanted to move a recess until Friday. When Friday comes, any Senator will be at liberty to seek to be recognized by the Chair first, and, if he shall be recognized, he can hold the floor until he yields it. Certainly, though, under the circumstances, I do not think it would be fair to require an agreement that if the Senate recess until Friday the Senator from Nevada will then have the floor again. I think that when he wants it he is as agile in obtaining it as almost any other Senator. That is the chance that every Senator takes.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. MALONEY. Will the Senator from Nevada yield?

Mr. McCARRAN. I yield for a question.

Mr. MALONEY. I will try to phrase it in the form of a question.

Mr. McCARRAN. I can phrase it for the Senator, if he desires me to do so.

Mr. MALONEY. The question has to do with the comfort of the Senator from Nevada. Will he not take into account that if he intends to wait for unanimous consent to be granted to him to obtain the floor when the Senate again meets he had better send for his supper, for he will be here all night.

Mr. McCARRAN. That is a challenge, and I will be here all night. Whenever the Senator challenges me, he is on the wrong ground. I am holding the floor, and I shall continue to do so.

Mr. BARKLEY. We all realize that, but I think the Senator from Connecticut and the Senator from Nevada should take into account the comfort of the remainder of us as well as the comfort of the Senator from Nevada and the Senator from Connecticut.

Mr. MALONEY. Of course, that is exactly what I want to do; I want to cooperate, but I cannot continue indefinitely——

Mr. McCARRAN. I am not yielding to a statement. I will yield to a question, and to a question only on the ruling, as I understand, that I may yield for a question without losing the floor.

The PRESIDING OFFICER. The Senator is correct. The Senator from Nevada has the floor.

Mr. MALONEY. I should like to make the observation——

Mr. McCARRAN. I do not yield for an observation.

Mr. MALONEY. I did not challenge the Senator. I wanted to help him make up his mind.

Mr. McCARRAN. The Senator does not need to help me make up my mind, either now or at any other time.

Mr. MALONEY. I did not mean to be discourteous to the Senator.

Mr. McCARRAN. I make up my own mind. I yield for a question.

The PRESIDING OFFICER. The clerk will proceed with the reading.

The legislative clerk read as follows:

The CHAIRMAN. You made loans to quite a number of banks, didn't you?

Mr. MEYER. Yes; 4,317 banks.

The CHAIRMAN. I am getting at the question of losses. How did you come out with your loans?

Mr. MEYER. Well, the losses were different, in the different areas, the different States, but they were very different on the whole.

The CHAIRMAN. That is what I wanted to get at.

Mr. MEYER. Yes.

The CHAIRMAN. Were there any substantial losses, or were those losses——

Mr. MEYER. Well, in proportion to the volume, the losses were very small.

The CHAIRMAN. Do you remember how much the total losses were on those debts?

Mr. MEYER. No; I could not tell you that, offhand; but I remember in Iowa, however, which is supposed to be one of the most difficult areas in the country—in fact, the conditions were so bad there that in 1921 the committee said, "Do not lend any money out here unless you want to lose it." We loaned $24,500,000 in that State and, I think, we had one loss; and I do not think it was very much more than $20,000, and that was due to some forged paper but was not due to banking at all.

The CHAIRMAN. In those transactions your loans were comparatively small amounts and to a large number of banks?

Mr. MEYER. Yes.

The CHAIRMAN. Of course, under this bill, you would be dealing with a smaller number of banks perhaps, but in larger amounts, in each instance; would you not?

Mr. MEYER. No; I think the small country banks will have a good deal of use for the facilities.

The CHAIRMAN. But these loans would go to the larger banks?

Mr. MEYER. I am not so sure of that.

The CHAIRMAN. I had thought that would be the case.

Mr. MEYER. I think the small country banks will get the usefulness of this.

The CHAIRMAN. I am hoping that that will turn out to be true.

Mr. MEYER. For instance, as I explained to you at the first hearing, take the operation in the Corn Belt, the country banks are not inclined to borrow, because their correspondents are not anxious to lend; they know, if they borrow from the Federal Reserve bank, it is for a limited period of time; and I am inclined to think, from this kind of an institution, we will have a willingness to borrow which does not exist in other directions.

Mr. BARKLEY. Will the Senator from Nevada yield to me?

Mr. McCARRAN. I yield.

Mr. BARKLEY. I wish to move an executive session, and following that I should like to move that the Senate take a recess until Friday. Will the Senator yield to me for that purpose?

Mr. McCARRAN. I yield.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. MALONEY. Mr. President, I ask unanimous consent, as in legislative session, that Order of Business 1820, Senate bill 2768, to authorize the use for war purposes of silver held or owned by the United States, be made the unfinished business.

The PRESIDING OFFICER (Mr. BURTON in the chair). Is there objection?

Mr. McCARRAN. Certainly, I object.

The PRESIDING OFFICER. Objection is heard. Executive reports of committees are in order. If there be none, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Louis E. Goodman to be United States district judge for the northern district of California.

Mr. AUSTIN. By request, I ask that this nomination go over.

The PRESIDING OFFICER. By unanimous consent, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Morton L. Deyo to be rear admiral.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS TO FRIDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until Friday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate took a recess until Friday, December 11, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8 (legislative day of November 30), 1942:

IN THE NAVY

TEMPORARY SERVICE

Morton L. Deyo to be a rear admiral in the Navy for temporary service, to rank from May 13, 1942.

POSTMASTERS

ARIZONA

June S. Haymond, Claypool.

MASSACHUSETTS

John H. McDonald, Andover.
Marceline Monteiro, Dighton.
J. Francis Sheehan, Millis.
Joseph H. LeClair, Southbridge.

NEW JERSEY

William L. Scheuerman, Basking Ridge.
William H. Thompson, Farmingdale.
John F. Dugan, Garwood.
Walter H. Applegate, Lakewood.
John D. Bunn, Long Valley.
Patrick J. Whelan, Manville.
James D. McErlane, Morris Plains.
Katherine A. Cooney, Pedricktown.
Robert W. Kidd, Penns Grove.
James E. Porter, Jr., Rumson.
Allen J. Thomas, Scotch Plains.
Jane L. Garland, Sea Bright.
Joseph S. Devlin, Sea Girt.
Michael A. Carroll, South Bound Brook.
May W. Veitch, Wenonah.
Maurice F. Kiely, West Norwood.

OHIO

A. Harley Bolon, Bethesda.
Charles M. Easley, Bloomdale.
Hettie Woodward, Chesterhill.
Charles J. Bocklet, Cincinnati.
Emmett L. Partee, Defiance.
Paul W. Burkhardt, Edon.
Blanche A. Fishburn, Forest.
Louis A. Marlatt, Lyons.
Howard D. DeMar, Madeira.
Everett Bennett, Morrow.

Helen Shiltz, Mount Victory.
E. Herbert Katterheinrich, New Knoxville.
Stanley F. Kimmel, New Madison.
Lester D. Overfield, North Lewisburg.
Russell T. Gfell, Norwalk.
Agnes O. Schritz, Olmsted Falls.
George E. Leist, Piketon.
Milton L. Dickason, Richwood.
Paul R. Clemson, Thornville.
Wilma L. Aiken, Tiltonsville.
Raymond W. Beverley, Vandalia.
Randle B. Hickman, Wilberforce.

SOUTH DAKOTA

William G. Guhin, Aberdeen.
Mary A. Hornstra, Avon.
Gertrude S. Severson, Brandt.
William J. Nolan, Buffalo Gap.
Mattie E. Smith, Burke.
Edward P. Amundson, Colton.
James R. Kohlman, Conde.
Harm P. Temple, Davis.
Lulu A. Turner, Ethan.
Mary A. Ralph, Henry.
Harold L. Fetherhuff, Herreid.
J. Russell Andersen, Irene.
Ella M. Ottum, Mellette.
Harry Dettman, Mission.
Florence M. Langer, Olivet.
George L. Egan, Parker.
Cleveland F. Brooks, Platte.
Ena C. Erling, Raymond.
Fae Thompson, St. Lawrence.
Philip A. McMahon, Salem.
John W. Hoven, Selby.
William P. Smith, Stickney.
Orville U. Melby, Summit.
Joseph S. Petrik, Tabor.
Matt McCormick, Tyndall.

TENNESSEE

Binnie H. Kinser, Alcoa.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 8, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, as Thy stars pour down on us the silent light of their bright and faithful being, Oh be with us in the folds of calmness and blessed quietness. We thank Thee that out of Thy bounty cometh the ineffable and endless compassion of the free gifts of life. Lead us to ponder Thy Word, to trust that there is a Heart of love at the center of things and to know that Thy will is working for the good of all who put their trust in Thee.

O Thou Divine Comforter of the ages, let all who mourn, all who are laboring with fear, all who are burdened with conscience and seem unable to look up, find in Thee the power to stand in the unseen good of a merciful Father. Crown us with a noble spirit, with ambitions for true manhood; strengthen us in understanding in patience, and in affection. Blessed Lord, in this hour of our country's peril and need, break down all differences, take away every divisive influence and for the sake of all that is dear to every loyal American heart, enable us to walk in the ways of nobility of purpose and Thine shall be the praise in our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 39. Concurrent resolution authorizing a change in the enrollment of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

The message also announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) entitled "An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

The message also announced that the Senate insists upon its amendment to the said bill and asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. GEORGE, Mr. WAGNER, Mr. JOHNSON of California, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following resolution (S. Res. 331):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. PHILIP A. BENNETT, late a Representative from the State of Missouri.

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 12 o'clock noon tomorrow.

The message also announced that pursuant to the above resolution, the Presiding Officer of the Senate appointed Mr. CLARK of Missouri and Mr. TRUMAN members of the committee on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1666) entitled "An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MURRAY, Mr. ELLENDER, Mr. SCHWARTZ, Mr. TAFT, and Mr. AIKEN to be the conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article by Thomas S. Holden, president of F. W. Dodge Corporation, on the subject of inflation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that after the business of the day and any other special orders I may address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

CREATION OF BOARD IN THE DISTRICT OF COLUMBIA FOR CONDEMNATION OF INSANITARY BUILDINGS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2734) to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman tell us what this is all about?

Mr. RANDOLPH. Mr. Speaker, in answer to the inquiry of the distinguished assistant minority leader and for the information of the House, I would like to say that this measure passed the District Committee of the Senate unanimously and was later passed by the Senate unanimously. It was given consideration by the House District Committee and we felt that the measure was of sufficient importance to cause it to be brought to the House today.

The purpose of the legislation is to create a board within the District of Columbia structure for the condemnation of insanitary buildings in Washington, D. C.

The proceedings under the present statute are cumbersome and we know by experience that they prevent speedy action. At this time in the District of Columbia, as we all know, the housing facilities are limited, and it is imperative that the municipal authorities of the District of Columbia be clothed with sufficient power to require property owners to keep their buildings in a habitable condition. That is the reason for the offering of the legislation at this time.

There is no expense involved in the creation of this board. It would operate under the Commissioners of the District of Columbia. The Bureau of the Budget has been contacted and has no objection to the passage of the legislation, which has been recommended by the District of Columbia Commissioners.

Mr. MICHENER. This bill affects only the District of Columbia.

Mr. RANDOLPH. Only the District of Columbia.

Mr. MICHENER. Does it have the approval of the minority members of the Committee on the District of Columbia?

Mr. RANDOLPH. It has, sir.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RICH. How is this board going to function so that it is not going to cost the District of Columbia anything?

Mr. RANDOLPH. It will be a board within the District Commissioners themselves, which will be set up to pass upon these cases.

Mr. RICH. You said you could not get hasty action in case of demolition of buildings that are insanitary, unsightly, and in bad condition. I agree with you that we have more buildings in the District of Columbia that should be cleaned out than in any city of its size in the country of the importance that Washington is to the country, but I want to know that this board is not going to now function rapidly for some of the Army officers who are desirous of cleaning out whole sections in order that they may build another big Army building, or some structure of that kind. I think that we as Members of Congress ought to know that this board will not go ahead and simply try to clean out everything in the city in order that they might construct a lot of war buildings and do a lot of things that are not going to be for the good of the District of Columbia. I dislike to put my confidence in a commission of that kind after the gentleman says they are going to do it and do it in a hurry, because they have done a lot of things in the District of Columbia in a hurry that I do not like. I think they are wrong. I am not going to be a party to it. I want to know what restrictions you are going to have on that board?

Mr. RANDOLPH. Of course, I am in complete accord with the expressions made by the gentleman from Pennsylvania. Under existing law, the Commissioners of the District of Columbia are only authorized to prescribe penalties by way of a fine, for the violation of building and police regulations. It has been found that those penalties are inadequate, and in many cases persons have found it cheaper to pay a fine than to comply with a request. I am interested in the present habitations, not the creation of any new structures, just as the gentleman from Pennsylvania has stated.

Section 7 of this bill would give to the Commissioners the power to prescribe these penalties: A fine not to exceed $300 or imprisonment not to exceed 10 days in lieu of, or in addition to, any fine for the violation of these building and police regulations. I think this legislation goes in the direction which the gentleman desires and which the Chairman of the District Committee desires, and which this Congress desires; and that is to bring into line those holders of properties, those renters of buildings in Washington, D. C., and those occupants who are not complying with the sanitary regulations of the District of Columbia. Let us put a certain penalty upon them which will bring them into line and keep them moving in the line in which they ought to go.

Mr. RICH. Let me ask the gentleman this: Suppose some bureaucrat decided he wants to erect a new building. They can do almost anything under Presidential authority. Suppose they decided they wanted to place that building in a certain area; could they use this act to demolish the buildings in that area and thus obtain a site? I do not believe they have that power.

Mr. RANDOLPH. No; they do not; and I may say to the gentleman from Pennsylvania that should that condition arise I would stand here with him in an effort to iron it out.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, is hereby amended to read as follows:

"SEC. 3. That said board for the condemnation of insanitary buildings be, and it is hereby, authorized to investigate, through personal inquiry and inspection by the members thereof, and through inquiry and inspection by officers, agents, and employees, appointed or detailed for that purpose, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. If any building or part of building be found, as a result of such investigation, to be in such insanitary condition as to endanger the health or the lives of the occupants thereof or of persons living in the vicinity, said board shall cause a notice to be served on each owner or part owner of such building requiring him to show cause, within a time to be fixed by the board, why such building or part of building should not be condemned. The time to be fixed by the board shall not be less than 10 days, exclusive of Sundays and legal holidays, after the date of service of said notice, unless the board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which event the board may fix a lesser time. If the owner or part owner of such building, within the time to show cause fixed by said board, shall in writing request a hearing before said board, said board shall fix a time and place for such hearing and shall notify the person requesting the same. If, within the time to show cause fixed by the board, or at such hearing, if the same be requested, the owner or part owners shall fail to show cause sufficient in the opinion of a majority of said board to prevent the condemnation of such building or part of building, said board shall issue an order condemning such building or part of building, and shall cause a copy of such order to be served on each owner or part owner thereof, and a copy to be affixed to the building or part of building condemned."

SEC. 2. Section 4 of said act is hereby amended to read as follows:

"SEC. 4. That from and after 15 days, exclusive of Sundays and legal holidays, after a copy of any order of condemnation has been affixed to any condemned building or part of building no person shall occupy such building or part of building."

SEC. 3. Section 5 of said act is hereby amended to read as follows:

"SEC. 5. That no person having authority to prevent shall permit any building or part of building condemned to be occupied, except as specially authorized by the board for the condemnation of insanitary buildings in the District of Columbia under authority of section 6 of this act, after 15 days, exclusive of Sundays and legal holidays, from and after the date of service of a copy of the order of condemnation on the owner of such building; or, if there be several part owners of such building, from the latest date of service on any part owner; or, if a copy of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on any owner or the latest date of service on any part owner, after 15 days, exclusive of Sundays and legal holidays, from the date on which said copy of such order of condemnation was so affixed."

SEC. 4. Section 7 of said act, as amended, is amended to read as follows:

"SEC. 7. The owner or owners of any building or buildings condemned under the provisions of this act, which cannot be so changed or repaired as to remedy the condition which led to the condemnation thereof, shall demolish and remove such building or part of building within the time to be specified by said board in the order of condemnation. And if any owner or part owner shall fail or refuse to demolish and remove said building or part of building within the time so specified he shall be deemed guilty of a misdemeanor and liable to the penalties provided by section 13 of this act, and such building or part of building shall be demolished and removed under the direction of the board for the condemnation of insanitary buildings in the District of Columbia, and the cost of such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected in the District of Columbia."

SEC. 5. Section 8 of said act is hereby amended to read as follows:

"SEC. 8. That whenever said board for the condemnation of insanitary buildings is in doubt as to the ownership of any building or part of a building, the condemnation of which is contemplated, because the title thereto is in litigation, said board may notify all parties to the suit and may report the circumstances to the corporation counsel of the District of Columbia, who may bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said board to continue such proceedings looking toward condemnation, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose."

SEC. 6. Section 14 of said act, as amended, is hereby repealed.

SEC. 7. The Commissioners of the District of Columbia are hereby authorized to prescribe reasonable penalties of fine not to exceed $300 or imprisonments not to exceed 10 days, in lieu of or in addition to any fine, for the violation of any building regulation promulgated under authority of the act of Congress entitled "An act to authorize the Commissioners of the District to make and enforce regulations relative to the sale of coal, and also building regulations," approved June 14, 1878, and any regulation promulgated under authority of the act entitled "An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District," approved January 26, 1887, and any regulation promulgated under authority of section 2 of the joint resolution entitled "Joint resolution to regulate licenses

to proprietors of theaters in the city of Washington, District of Columbia, and for other purposes," approved February 26, 1892.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF TAXICAB-INSURANCE LAW

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1008) to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes", approved June 29, 1938, is hereby amended by striking out the sentence reading as follows: "The Superintendent of Insurance of the District of Columbia shall be empowered to make all reasonable rules and regulations relating to the writing of taxicab insurance and shall be empowered to govern the maximum rates to be charged on such insurance", and inserting in lieu thereof the following: "No such insurance company or corporate surety shall engage in or conduct the business of insuring or bonding any risk arising out of the operation of any passenger motor vehicle for hire required to be insured or bonded under this act unless the Superintendent of Insurance shall find that the management of such company is capable, by experience or otherwise, of conducting such business in the public interest and unless such insurance company or corporate surety shall possess a certificate of approval issued by said Superintendent for such business. Every such insurance company or corporate surety, whether or not it shall be a mutual company, shall have and shall at all times maintain reserves for losses, unearned premiums, and all other liabilities as will meet the requirements of any regulation issued by the Superintendent of Insurance and applicable to such company or such classifications of companies. The Superintendent of Insurance shall be empowered to make reasonable rules and regulations governing the writing of such insurance and the making of such bonds and the business of insuring or bonding such risks, including the expenses of management, administration, and acquisition of business and the rates to be charged. The Superintendent of Insurance is authorized and empowered, after hearing, to withdraw his certificate of approval of the business of insuring or bonding taxicab risks of any insurance company or corporate surety violating any provision of this act or of the rules and regulations promulgated hereunder."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF REVENUE ACT OF 1942—POWERS OF APPOINTMENT

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 365.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That section 403 (d) (3) of the Revenue Act of 1942 is amended by striking out "January 1, 1943" wherever it appears and inserting in lieu thereof "July 1, 1943"; and section 452 (c) of the Revenue Act of 1942 is amended to read as follows:

"(c) Release on or before July 1, 1943:

"(1) A release of a power to appoint before July 1, 1943, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1943 and to that part of the calendar year 1943 prior to July 1, 1943."

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is a technical revenue bill. Will the gentleman explain not only the bill but the reason why it should be brought up at this time particularly?

Mr. DOUGHTON. This is an amendment to the Revenue Act of 1942. Its purpose is to make certain the carrying out of the provisions of that law with respect to estate and gift taxes. There are certain provisions in the present law with regard to the power of appointment and those who hold such powers whereby the testator, the one who makes a will, grants certain powers of appointment to a trustee without designating just what disposition the trustee shall make of property entrusted to his care but giving him the power to dispose of the property in his own judgment and in his own way or with the concurrence of other trustees.

Such powers may be released by the trustee prior to January 1, 1943. The extension of time is necessary and the change required in order that the trustees so appointed not themselves be subject to estate and gift taxes by holding such powers and not releasing them prior to January 1, 1943, and to enable the Bureau of Internal Revenue and the Treasury Department to prepare and make ready the regulations to carry out the provisions of the law.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. DISNEY. Mr. Speaker, this simply extends until July 1, 1943, the time in which people with powers of appointment may be released from those powers of appointment. There is a possibility under the terms of the 1942 Revenue Act that the death of one holding a power of appointment, not having been released, his estate might be cumbered with the property which is the subject of the power of appointment but which actually did not belong to the estate of the person holding the power.

In many instances the Treasury Department advises that the likelihood is that persons holding powers of appointment will want to release them. This bill extends the time in which that may be done.

The purpose of the original section was to prevent the use of general powers of appointment for tax avoidance, and possibly we went a little too far in the revenue bill. It is the agreed judgment of the committee which considered this matter and which was suggested both by the staff of the committee and the Treasury Department that this extension of time should be made so that people holding these powers of appointment might release them if it seemed to their best interest.

Mr. DOUGHTON. This only extends the time from January 1943 to July 1943.

Mr. DISNEY. It does not change the substance of the law.

Mr. DOUGHTON. It enables the act to be carried out. This amendment was suggested by the staff of the Joint Committee on Internal Revenue Taxation and the Treasury. It is agreed that this is not only important but necessary to protect legitimate fiduciaries who will receive no benefit from the holding of such powers. Under the Revenue Act of 1942, they may be subject in their personal capacity to either the gift tax or the estate tax if they do not release these powers prior to January 1, 1943. It is a unanimous committee report. I will ask the gentleman from Massachusetts [Mr. TREADWAY] to make a statement.

Mr. TREADWAY. May I ask the gentleman if this is not a condition that has been brought about by a clause in the act or tax bill recently passed, therefore this is necessary in order to relieve a responsibility that has been created in reference to an uncertainty and this extension of time is brought up at this time?

Mr. DOUGHTON. It is to remove an inequity by reason of the short time afforded under the existing law for releasing these powers.

Mr. TREADWAY. That is the idea. It is simply to relieve a responsibility.

Mr. DOUGHTON. It is to make possible the carrying out of the law according to the purposes contained in the act.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. This measure has nothing whatever to do with the proposition of giving the President the power to suspend the tariff law or the immigration law?

Mr. DOUGHTON. No; not by any means.

Mr. TREADWAY. I may say further, Mr. Speaker, that the matter was brought up in a session of the committee yesterday and thoroughly explained by the Chief of Staff. Both sides unanimously agreed to report the bill as necessary at this time.

Mr. DOUGHTON. And the committee also had a letter from the counsel of the Treasury Department calling to his attention the importance and the necessity for this change.

Mr. RICH. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. It is necessary if the executors of these estates are to have a longer time in order to carry out the provisions of the law so that they will come under the tax law that was passed last year. That is the only reason why the extension of this time is necessary?

Mr. DOUGHTON. It is necessary so that they can carry out the provisions of the law.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CHANGE IN ENROLLMENT OF BILL

Mr. DISNEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 39.

The Clerk read the Senate concurrent resolution (S. Con. Res. 39), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 7568) to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes, to make the following change, namely: In the language inserted by Senate engrossed amendment No. (2), strike out the word "of" and insert "or", so as to make the language read: "will not be met by importation or licensed production."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. DISNEY]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is simply the correction of a clerical error?

Mr. DISNEY. Yes. It changes the word "of" to "or."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. DISNEY]?

There was no objection.

The Senate concurrent resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ALEX GAMBLE

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 6410) for the relief of Alex Gamble:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6410) for the relief Alex Gamble, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate with an amendment as follows: In lieu of the figures "$2,000," insert "$3,500,"; and the Senate agree to the same.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6410) for the relief of Alex Gamble submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying report.

The bill as passed the House appropriated to Alex Gamble the sum of $4,000 for personal injuries sustained when a Work Projects Administration truck struck him on March 19, 1940. The Senate reduced the amount appropriated from $4,000 to $2,000, and at the conference a compromise of $3,500 was agreed upon.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of a conference report on the bill (H. R. 6410) for the relief of Alex Gamble and that the statement of the managers on the part of the House be read in lieu of the whole report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. HARRIS]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ESTATE OF ORION KNOX, DECEASED

Mr. HARRIS of Arkansas submitted the following conference report and statement on the bill (H. R. 4923) for the relief of the estate of Orion Knox, deceased:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4923) for the relief of the estate of Orion Knox, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate with an amendment as follows: In lieu of the figures "$5,000", insert "$6,300; and the Senate agree to the same.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4923) for the relief of the estate of Orion Knox, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying report.

The bill as passed the House appropriated the sum of $10,634.95 to the estate of Orion Knox, as compensation for his death as a result of injuries sustained when the car he was operating was struck by a Civilian Conservation Corps truck on January 13, 1941. The Senate amended the bill by reducing the amount from $10,634.95 to $5,000 and, at the conference, a compromise of $6,300 was agreed upon.

DAN R. MCGEHEE,
EUGENE J. KEOGH,
Managers on the part of the House.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 4923) for the relief of the estate of Orion Knox, deceased, and that the statement of the managers on the part of the House be read in lieu of the full report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. HARRIS]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COORDINATING OF FEDERAL REPORTING SERVICES

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, with House amendments thereto, that the amendments of the House be insisted upon and that the conference requested by the Senate be agreed to.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to know what this bill is going to do in reference to coordinating these agencies.

Mr. WHITTINGTON. The bill has passed the Senate and the House and I will answer the gentleman's question by saying that the debates of Friday 1 week ago on the floor of the House are the best answer to the question. I am asking that we insist on the amendments agreed to by the House and agree to the conference requested by the Senate.

Mr. RICH. We are going to get a consolidation of these bureaus?

Mr. WHITTINGTON. That is the purpose of the bill.

Mr. RICH. I hope the gentleman will stick to that then.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. WHITTINGTON, HUNTER, HART, HOFFMAN, and POWERS.

ADJOURNMENT UNTIL THURSDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Columbus Daily Telegram.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Merlo Pusey.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PAYMENT OF INCOME TAXES

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I believe it is generally conceded that if the Federal Government expects to get nearly all the revenue required to carry the expense for the prosecution of the war, it will need a plan to collect at least a part of it as we go along.

The tax charge for this year is approximately $25,000,000,000. It is by far the biggest in our history. More than a million new taxpayers are added to the rolls. I am advised plans for next year will increase the tax charge to thirty or thirty-five billion dollars. To collect this huge amount of money will be a tremendous job.

Mr. Speaker, this is a most important matter. Right now is a pretty good time to give the problem of putting the payment of at least a part of the income taxes on some kind of a pay-as-you-go basis.

Since taxpayers are expected to arrange to pay by the end of the year, why not pay a good share of it as they go along. The load will be less when the year is up. The Government will have the use of the funds, and there will be less burden to the Government in collection expenses. In any event, Mr. Speaker, the problem should be carefully studied by a committee of this House. The Ways and Means Committee is the one to do it. It should be done right away, so the committee can report a plan, if it sees fit to do so, soon after the first of January. If approved, it can be put into operation at the beginning of the year. If some kind of pay-as-you-go plan is not feasible, let us find it out. If we are going to have it, then it will be a whole lot more satisfactory to put it into operation at the first of the year, rather than wait several months and then try to use it.

Mr. Speaker, it ought to be observed that the huge $25,000,000,000 tax for this year, and the thirty or thirty-five billion for next year, in each case, is only approximately one-third of the amount required to meet the charges for the prosecution of the war.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 50 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. LARRABEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement on old-age pensions and social security.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(Mr. MOSER asked and was given permission to extend his own remarks in the RECORD.)

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter the President of the United States wrote to Montgomery Ward & Co. in regard to a decision of the National War Labor Board, and their reply thereto. This letter demanded of Montgomery Ward that they abide by the decision of the War Labor Board. It seems to me this has the effect of compelling Montgomery Ward & Co. and other employers to force their men into labor organizations, contrary to our Constitution and laws. It is too bad that conditions such as these exist in our country. I think the demand of the President is terrible. It is not justice to free America.

The SPEAKER. Is there any objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement from Time magazine.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GOVERNMENT BOND SALES

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, on November 30 the Treasury proceeded with a program to dispose of $9,000,000,000 of new issues. As of yesterday morning, December 7, the Treasury reported that $2,205,000,000 have been purchased by banking sources and $3,381,000,000 by nonbanking sources, which means that about 60 percent of these funds were received from others than banks—or nonbanking interests.

We have about $3,500,000,000 to go on this one issue. I sincerely hope that the percentage of 60 percent from nonbanking sources can be retained in the disposition of the remaining $3,500,000,000.

I can understand why the Treasury also announced its great concern about inflationary forces and the fact that it is now conferring with other Government agencies who are interested in curbing inflation. We can well afford to watch that situation. It is a development which concerns all of us.

[Here the gavel fell.]

THE BLUE STAR MOTHERS

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, yesterday in many of the States on the anniversary of the attack on Pearl Harbor, Governors proclaimed a Blue Star Mothers Day, which we hope will be an annual event. I think the House and the country should take cognizance of the creation of this new organization, made up of the mothers of the patriotic men and women in our armed forces. At the present time there are over 600 chapters of the Blue Star Mothers in the United States. My own State of Michigan has 78 chapters. Already over 200,000 mothers are enrolled in the 600 chapters of the Blue Star Mothers.

I think we should congratulate them upon this movement and upon the fact that in each of the communities where these chapters are located they are opening service units for their sons and the sons of other mothers. They all have our good wishes for a good many years of patriotic service to America.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. HOFFMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, on page 11 of a 12-page pamphlet circulated from house to house in the Fourth Congressional District of Michigan prior to the primary election by an organization using an assumed name, among other false and malicious statements are the following:

He—

Referring to the Representative of the Fourth Congressional District of Michigan—

ordered 145,000 copies of this speech, and 105,000 of them were mailed out in franked envelopes by Charles B. Hudson, of Omaha, Nebr.

That statement contains the false charge that the congressional frank was used contrary to law, and reflects upon the official integrity of the Representative of the Fourth Michigan District.

Not one frank, not one franked envelope was furnished by me to Hudson, nor were any franks or franked envelopes furnished to Hudson by me. The pamphlet also makes reference to other Members of Congress and to the Congress itself, in such a manner as to impair the confidence of the people in their Congress as a whole, and upon the question so raised recognition is sought.

The SPEAKER. In the opinion of the Chair the statement made raises a close question, but the Chair will recognize the gentleman.

DEMONSTRATE THE INTEGRITY OF CONGRESS—CONGRESSMEN AVERAGE AMERICANS

Mr. HOFFMAN. Mr. Speaker, the overwhelming majority of the Members of Congress are married. Many of us have wives; we have children. Many have grandchildren.

The fact that we were elected to Congress raises the presumption that at least in our respective districts and communities we have lived exemplary lives. Were the contrary true, we would not be here, for the American people do not choose as their representatives disloyal, unpatriotic, lawless, disreputable men.

In these days, when so many newspapers are printed and read; when radio commentators and columnists, informed or uninformed, responsible or irresponsible, and political opponents, to say nothing of the administration's propaganda experts and official snoopers, expose not only the public record but the private life and the faults, real or fancied, of congressional candidates to the noonday sun, the people of a congressional district are informed of not only the reputation but the character of those who seek office.

SUBJECT TO CAMPAIGN ABUSE

If there is in this Congress a Member who did not, either on his own account or because of regard for the feelings of his family and of his friends, look forward with apprehension to false charges of disloyalty and a lack of patriotism which might be hurled at him as election days approached, that Member is unknown to me.

It mattered not at all how exemplary a man's private life may have been, nor how consistent, constructive, free from pettiness his public record may have been. There was no assurance that he would not be the victim of false, malicious charges.

LOYALTY CALLED IN QUESTION

It was a matter of common knowledge throughout the Nation that, prior to the primary and general elections held for the nomination and election of Senators and Congressmen, a Nation-wide, persistent effort which involved the expenditure of huge sums of money, was instigated and carried on against those who had displeased certain subversive groups.

It matters not at all that individual Members were assailed. It is not of any importance that conspirators were trying to purge and smear Republicans or Democrats. I am not raising this question today because I think any individual Member of this House needs any defense, or because I think I need any defense. This question is raised because it goes beyond any question of attack upon an individual. What I am about to say discloses a deliberate, determined effort to destroy a coordinate branch of the Government, the Congress of the United States. It might be said here by some that this campaign against the Members of Congress failed. It did in its larger aspects. I do not know of anyone who was a candidate for Congress who was defeated because of this effort to purge us. I know that in the Northern States, and in the Central West, the majority of some candidates was increased because of the unfair and bitter attacks made upon them. But there was a sentiment created, and that sentiment still persists in the minds of some that there was something wrong down here at Washington, and that the people's chosen representatives had been and were disloyal and unpatriotic in some of their actions. That effort was not directed exclusively at Republicans, because it included Democrats. It was not directed at foes of the administration, if we can name any in this House as being foes of the administration, because many a man who was named by the New Republic and other conspirators as not fit to represent this country had consistently throughout his service here, ever since the New Deal came into power, supported the New Deal, supported the administration. So we must go further and dig down below and see what it was, and what it is today—what is the purpose of this effort, and what these men are trying to do. It is very evident, if you read the record, that what they are trying to do is to destroy constitutional government in this land of ours.

The patriotism of members of the majority party, as well as that of members of the minority party, was called in question. It mattered not at all whether the object of these attacks was a Democrat or a Republican; whether he had consistently supported the administration or whether he had persistently fought it. If a Member had supported the creation of the Dies committee, which has done a notable work in exposing enemies of our country; if a Member had followed a course of conduct in opposition to the party plan of those who would overthrow this Government, either by force or by subterfuge, then he was falsely branded as disloyal and his defeat at the polls was sought. Every Member of Congress knows that statement to be true.

If the Congress of the United States, one of the three—and not the least important of the three—coordinate branches of the Government does not take action to regain its authority, to expose the scurce of and the purpose and the individuals behind this movement aimed at its destruction, that effort will be successful and the people will no longer have a part in the government of this Nation.

If this Congress lacks the will or the determination to meet its enemies in the open and, when the facts are known, submit the issue to the people of the country, then it deserves no better fate than it will meet.

SHALL CONGRESS PROTECT ITS INTEGRITY?

The issue is squarely drawn and it is as clear as the unclouded noonday sun. It is this: Do the Members of this Congress represent the people who sent them here and are they determined to preserve here in America a republican, representative form of government? Or are they the whipping boys of a group of greedy, unscrupulous politicians and racketeers, determined to destroy the freedom, the opportunity of our people and establish here a dictatorship as ruthless as that of Hitler or Hirohito?

If this Congress knows its duty; if it is true to the people who elected it; if it has courage, it will hold up to public view all those who have slandered and libeled it, and let the people render their verdict. In fact, the people, by their verdict on November 3 last, having before them the charges made by these traducers of Congress, gave them the lie and expressed their confidence in the integrity of their Representatives.

But, like all those who work in secret, who destroy from within, who conceal their purpose, those who would destroy this Congress are still at work, and they will continue until they are exposed, some behind the bars where some of them before have been.

LET THE PEOPLE KNOW

So that the people of this country may have a clear, unobstructed view of the picture and look at the individuals, the methods, the motives, the purpose of those who carried on and who are still carrying on this campaign of vilification and of persecution, a resolution (H. Res. 580) has been introduced, calling for the appointment of a committee to investigate the actions of these men and organizations and to recommend to Congress what action should be taken not only to expose and to punish them but to end similar attempts which strike at the foundation of our national existence.

As a basis for the request for the passage of this resolution, introduced by me on December 3, let me cite some of the provisions of our statutes and some of the facts.

INTERFERENCE WITH CIVIL LIBERTIES

Section 51 of title 18 of the United States Code, among other things, provides that—

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, * * * they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

The Constitution of the United States and the laws of the United States and of the various States give to every citizen qualified under the laws of the Nation or State the right to freely and without fear vote for the candidate of his choice

as a Member of Congress, as well as the right of free speech.

Let me address these questions to each Member of Congress: After some of your colleagues were called before the grand jury sitting here in Washington during this year, did you feel as free to express the right of free speech as you did before they were called before the jury?

INTIMIDATION

After you read in the Washington Post of Eugene Meyer, the false, vilifying charges against Congressmen, written by Dillard Stokes, alias Jefferson Bream, alias Quigley Adams, did you feel as free to express your opinions as you did before those charges were made?

The proceedings before a grand jury are presumed to be secret and the testimony given before a grand jury should not be disclosed to the public. In charging grand jurors, it has been customary to instruct them that their proceedings were secret and so they have come to be regarded.

Notwithstanding such fact, anyone reading the Washington Post's accounts of the deliberations of the grand jury, which was in session here in Washington last spring, summer, and fall investigating purported seditious activities, will note—in fact, will be forcibly struck by—the fact that those articles were so written as to convey the impression that the writer had access to the secret deliberations of the grand jury; that he had been advised of the testimony or of the nature of the testimony which had been given by various witnesses; that he had been told of the purpose of calling certain witnesses and that, after such witnesses had been called, he had in some way learned the purport of their testimony.

Even a casual reading of those articles will convey the impression that the grand jury had heard witnesses whose testimony would justify the returning of indictments for criminal offenses against Members of Congress and others.

A flagrant example of a disregard for that secrecy rule is found in the May 8, 1942, issue of the Washington Post, on page 10, where, in an article by a columnist, we find these words:

> Mrs. Letitia Goode, president of the Dames of the Legal (Loyal) Legion, was a witness before the Federal grand jury investigating Nazi propaganda. Prosecutor William P. Maloney asked her "What is your organization against?" * * * "Communism," replied Mrs. Goode. * * * "And where do you find it?" continued Maloney. * * * "In the schools," Mrs. Goode told the grand jury, "I find it in all the schools here in Washington. Communism is taught in every school in the Capital." * * * One of the grand jurors, Mrs. Henry Grattan Doyle stirred in her seat. "Mrs. Goode," she coldly informed, "I think you should know this: I happen to be president of the Board of Education here."

Just where did this columnist get the information which enabled him to quote the words of a witness before the grand jury? Did William P. Maloney, the attorney for the jury, convey that information to the columnist? Where did it come from? Is there any reason why the court should not have caused an investigation to be made? And is there any reason why, the court having failed to do that, this House should not inquire how the proceedings of a grand jury, which had called some of its Members as witnesses, should not lay bare the fact?

Mrs. Goode is the president of a patriotic organization which, at the time, was holding its forty-second annual convention here in the city of Washington. While presiding over that convention here, she was subpenaed by Maloney's direction to appear forthwith, and the Washington Post carried a story from which it might be inferred that she, Mrs. Goode, was under investigation.

If Mrs. Henry Grattan Doyle, one of the jurors, made the remark attributed to her by the columnist of the Post, it might be well if Mrs. Doyle would familiarize herself with what has been, and is being, taught, not only in some of the schools in Washington, but throughout the country. The remark of Mrs. Doyle, addressed to the average witness, might well be construed as an admonition that, inasmuch as Mrs. Doyle was president of the Board of Education of the District of Columbia, any statement that communism was being taught in the public schools should not be made.

Fortunate it is that neither Mrs. Doyle, Maloney, and so far, the administration, has been able to apply its gag to destroy free speech.

Such stories, printed in the Washington Post, tended to, and did, create apprehension on the part of Members of Congress and of others who were innocent of any violation of the law, that they might be called before the grand jury as witnesses and, however innocent their actions may have been, they would, by being called before the grand jury and by having their visits to the grand jury described in the Washington Post by the unscrupulous Stokes—alias Breem, alias Adams—manufacturer of rumors and insinuations—be branded in the public mind and in the minds of their constituents and friends as being unpatriotic.

Now, will someone familiar with the grand jury proceedings, or will Mr. Maloney come and tell this House or a committee of this House, or will the Washington Post come and tell how the reporter or the columnist could quote testimony of a witness before the grand jury?

And I know that a similar thing happened when I was called down before the grand jury, as was my secretary. We were asked certain things; and, lo and behold, that information appeared in the Detroit papers shortly thereafter. Now, where did it come from? Surely it did not come from our office; it came from just one place, from somebody before the grand jury or someone who had access to grand-jury records. Is that what we want? For them to publish those stories as they did, those insinuations that you all remember? Now, this is not my case; I got along with them all right. In the home district the more they smear the more our people dislike them; and that is not my purpose, to destroy their effect up in the Fourth Congressional District; my purpose is to get this House to protect the Congress of the United States and future Congresses of the United States and to expose these men, not only show who they are, where they get the money, but what they are up to, what they are trying to do.

And so, when they printed those stories about almost a hundred Members of Congress which appeared in the New Republic—you read it, many of you—and naming a man who was voted the best-liked man in the House, naming him as the worst of all—when they did that do you know what happened? And now I am caming back to this question: Is there a Member on this floor who did not hesitate to exercise his right of free speech after Members had been called before the Grand Jury and libeled by Stokes?

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. HOFFMAN. I yield to the gentleman.

Mr. COX. Does the gentleman refer to the article by one Mr. Straight in the New Republic? If that is the article to which the gentleman refers I am prepared to say to him that it was based upon information which was furnished by a young woman, I will not call her name, but she came up from Birmingham, Ala., was in the National Youth Administration; and while she was there a fund of $6,000 was provided by private contribution to meet the cost of doing certain work with the youth of the South and she was put in charge.

Of the $6,000 that was provided, this individual in charge rendered accounts amounting to $1,400 less than the full amount; this $1,400 she squandered. Later she compromised the claim by paying $600. She was required to sever her connection with the National Youth Administration. Where she is at present, I do not know.

Mr. HOFFMAN. I thank the gentleman. I am not so much interested in these underlings like that woman; she was just a tool, that is all, just a leaf floating on the breeze. This man Maloney down here, this man Winchell, this Washington Post, those are the people who have the power; they are the people who continue to assail Congress, and are the ones who should be made to tell the truth. You can get rid of a woman like the one the gentleman referred to by having the grand jury indict, but these people to whom I refer are the people who have the power of Government behind them. They are the ones who are doing the damage.

If it be said that today I seek to limit the right of free speech or a free press or the power of prosecuting officers to investigate alleged criminal acts I answer that such is not my purpose, because I care not at all what anyone says or writes, nor what fair legal investigations are conducted so long as those exercising those rights do not violate a criminal statute or have for their purpose the destruction of a department of our Government.

It is all too evident to those of us who read the product of this rumor factory—this hater and this baiter of Congress and of Congressmen, the Washington Post—and those who follow the same line that the purpose was to cast suspicion, not only upon individual Members of Congress who opposed the international policy of the Post, but upon Congress itself.

The Washington Post stories relating to the activities of the grand jury and of witnesses who appeared before it and its method of associating the names of individuals who were called solely as witnesses and of others who were afterward indicted, were such as tended to improperly influence the deliberations and the actions of the grand jury.

The news stories of Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, the Washington Post reporter frequently seen in conversation with William P. Maloney, attorney for the grand jury, as published in the Washington Post, created in the public mind the impression that certain named individuals were being considered for indictment. Some readers of such news reports believed they had been indicted.

Such stories violated the secrecy which should surround the deliberations of a grand jury and tended not only to influence the actions of the jury but to intimidate, to influence the testimony of, witnesses who had been, or who might be, called before the grand jury.

Maloney's lack of professional ethics is demonstrated by the opinions written by the Federal court in at least three cases. He was an assistant United States attorney in each of these cases. In one it was said:

Even from the printed record we can see the vigor with which the prosecutor pressed the case, vigor which at times went beyond the canons of decorum and dignity which an officer of the United States should observe. The prosecutor was not averse to indulging his talent for spectacle; chorus girls and movie stars were paraded to the stand to prove only minor portions of the Government's case. Theatrical demonstrations, however diverting to the spectators and jury, have no place in a United States courtroom. Nor was the intemperance of several attacks made upon defendants and their counsel in keeping with the Supreme Court's reminder that the prosecutor is to regard himself as "the servant of the law." (*United States* v. *Buckner* (108 Fed., 2d, 921, 928).)

In another case, the Court said a witness testified that—

His former testimony had been given under an arrangement made with him by a Post Office Inspector and two assistant district attorneys that, if he testified falsely in support of the Government's case, he would be given executive clemency. * * * As matters turned out, it became plain enough that the witness had told the assistant district attorney and others before he was called to the stand that he had testified falsely before and would not do so again.

The Court then sanctioned the impeachment of the witness on the ground that the prosecutor was surprised by his statement in court that the testimony he had previously given was false, saying:

And so we think the Court was well justified in accepting the assurance of surprise and permitting the examination to run its course until the accusation of subornation of perjury was made. (*United States* v. *Graham* (102 Fed., 2d, 436, 441, 442).)

Judge Manton sat at the argument, but resigned before the opinion was written.

Another case, if you are interested, is that of *United States* v. *Dubren* (93 Fed. 2d, 499).

Maloney's reprehensible conduct as an attorney has been referred to by other judges, and, on some other occasion, the attention of the House will be called to the statements of the courts, and the Department of Justice will also be advised of the character and of the conduct of the man, Maloney, who is acting as a prosecuting officer, but who, by his acts, shows that he is a persecutor.

Did not that smear campaign against Members of Congress, carried on by a section of the press, by Walter Winchell, and by William P. Maloney, using a grand jury, cause you to hesitate to use your constitutional right of free speech?

Were you not fearful that, if you adequately criticized some of the unsound policies of the new dealers, you might be called before the grand jury and, by William P. Maloney and newspaper articles written, charged by innuendo that you were unpatriotic or were hindering or had hindered the war effort?

Is it not true that Walter Winchell, the gossipmonger, Peeping Tom, the digger into garbage cans, and the purveyor of rot; William P. Maloney, pettifogging special attorney for a grand jury; and Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, he of the perverted mind, acting together, sought to create, and did create, the false impression that Members of Congress were disloyal and unpatriotic and, by so doing, frightened some Members of Congress into silence; caused the constituents of some Members to remain silent when acts of their Representatives were called in question?

Did not those three and others hereinafter named conspire together and are they not guilty of a violation of section 54 of title 18 of the United States Code?

Section 54 of title 18 of the United States Code provides, among other things, that—

If two or more persons in any State, Territory, or district conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States * * * or to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than $5,000, or imprisoned not more than 6 years, or both.

The dissemination, prior to the primary and general elections held last summer and fall, of false statements charging in effect and in substance that candidates for the offices of Senator and Representative were disloyal, unpatriotic, and had hindered the Nation's preparations for national defense and were impeding the Nation's war efforts, tended to, directly as well as indirectly, intimidate such candidates for office and tended to prevent them from becoming candidates, and to intimidate citizens in the free exercise and enjoyment of the right to vote for candidates of their choice.

Certain individuals, organizations, committees, and publications did, prior to the primary and general election, circulate false charges of disloyalty and lack of patriotism against more than 75 Members of Congress and demand the defeat of those Members on the ground that they were disloyal and unpatriotic.

Such false charges tended, indirectly and directly, to intimidate persons who otherwise would have voted for such candidates and tended to prevent citizens from voting for such candidates by leading them to believe that they, too, if they supported, voted for, or advocated the election of, such candidates, would be charged with disloyalty, a lack of patriotism, ostracized in their respective communities and held up to public scorn.

Editorial Publications, Inc., 40 East Forty-ninth Street., New York, N. Y., in an issue of May 18, 1942, entitled "A Congress to Win the War", charged, indirectly and directly, that more than 75 Members of Congress were disloyal and unpatriotic. Organizations caused to be circulated throughout the country a large number of the copies of such charges, the purport of which was that the Senators and the Congressmen therein named, many of whom it was then known would be candidates for reelection, were unpatriotic and disloyal.

The purpose of such publication was to destroy the confidence of the people in their chosen representatives and to, by the making of such false charges, prevent the reelection of those therein named, who might be candidates for public office, and to intimidate all citizens who, had such charges not been made, might have been inclined to vote for such candidates.

Editorial Publications, Inc., published and circulated throughout the country additional charges, falsely alleging a lack of patriotism on the part of not only the Members of Congress and prospective candidates for Congress named in the issue of May 18, 1942, but also on the part of various newspapers and publications, including the Chicago Tribune, the New York Daily News and the Washington Times-Herald, and the publishers thereof.

CONSPIRACY TO DEFEAT CONGRESSMEN

The false charges so made as aforesaid and the subsequent charges herein referred to intimidated, and were intended to intimidate, citizens in the free exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States.

One Nathan Cowan, legislative representative of the C. I. O., has been charged with asking affiliated unions to purchase and distribute copies of the so-called New Republic-U. D. A. blacklist, for free distribution, and at least one labor organization falsely charged that—

This Congress has defied the President. This Congress has defied the people. This Congress is endangering the very existence of the United States. * * * Such a Congress must go. It must be cleansed of the Goebbels newsboys, of the proven spies, of the disrupters and appeasers. And organized labor can do that job this fall—

And called upon workers—

in the primaries and elections to defeat the enemies of America. If you don't know who these are, consult your local Congress of Industrial Organizations. The Congress of Industrial Organizations will give you the record of every candidate.

In many congressional districts, officials of local C. I. O. organizations did call upon their members to defeat candidates for Congress on the charge, which was false, that such candidates were disloyal.

It was claimed that a million copies of the New Republic blacklist were printed and that—

Campaign committees are urged to employ this supplement (New Republic) against the candidates they want defeated.

So vicious, so unfair, were these vilifiers of Members of Congress that one who had by his colleagues been designated as the most popular man in Congress was, by New Republic, referred to as "the most dangerous man of all."

Since I came back from the last election, time and again friends of mine have come in and said: "Keep still. Keep still. You are going to be indicted if you criticize the bureaucrats or Henderson or any new dealer." Thus are rumors spread to create fear, silence Members.

In Congress is a man beloved by all of us. He has the respect of every Member of this body. No one here would even think of questioning his loyalty. He served 28 months in the First World War. I refer to my colleague, the gentleman from Michigan [Mr. WOLCOTT].

I have his permission to quote from campaign statements published against him.

During the last campaign he, too, was the victim of this smear campaign—the low, vicious assault made upon Members of Congress and upon the Congress as a whole.

In my hand I hold a campaign circular put out by his opponent, one LeRoy S. Wilson, which is a vicious, libelous attack upon our colleague. After referring to the vote of our colleague, this circular contains in large type this statement:

Score for Hitler and Tojo, 15; for America, 0.

And directly below that statement in large type is this line running across the page:

Congressman WOLCOTT voted 15 times not to defend America.

In that circular is this further statement:

American soldiers—our sons and brothers and husbands—are paying now with their lives for the mistakes of JESSE P. WOLCOTT.

A little lower down we find these words:

Mr. WOLCOTT hates Mr. Roosevelt worse than he hates Hitler and you are the one that is suffering. He didn't deliberately let American boys die defenseless at Guam. But he was so blindly prejudiced that his vote amounted to the same thing.

Only once in this large four-page circular did Mr. Wilson refer to the fact that that he was a conservative Democrat.

This same candidate and vilifier of an American veteran in a half page ad printed in the Port Huron Times-Herald repeated the statement referring to a Member of this House:

He voted to keep America weak. That's what Hitler and Hirohito wanted.

Then underneath and underscored:

Score for Hitler and Hirohito, 16; for America, 0.

The same ad contained the statement:

Congressman WOLCOTT voted 15 times not to defend America.

In a mimeographed letter containing his picture and dated October 17, 1942, an individual named Page, campaign manager for Wilson for Congress Committee, printed this scurrilous, false statement:

Your present Congressman, JESSE P. WOLCOTT, has betrayed his district. Defeats we are suffering today because of our unpreparedness are his responsibilities.

In a radio speech made on October 19, this same man, Wilson, made these statements:

I am going to expose a man who voted against national defense, and who failed you and your sons now at war. We certainly cannot now put into places of responsibility men who have shown sympathy with the ideas of our enemies. * * * Today your Congressman is trying desperately to make the red-blooded Americans in our Thumb District forget that he voted "No" on every single one of 15 measures by which our Congress sought to strengthen America before the war—15 opportunities that he had to make America strong, he voted 15 times to keep America weak—that's what Hitler wanted.

Some of the libels printed against our friend and collegaue, JESSE WOLCOTT, came from that so-called book entitled "The Illustrious Dunderheads."

Those slanderous and libelous statements did not hurt Jesse. He got a larger majority in the county in which they put that stuff out than he ever had before in percentage of votes. The point is this: Are you Members of the House going to permit these slanderers who would destroy this third branch of the Government to continue unexposed? That is the point, that is the question I am asking. There is a picture of the gentleman who circulated some of this stuff, and get this language:

Score for Hitler and Tojo, 15; for America, 0. Congressman WOLCOTT voted 15 times not to defend America.

Here is another part of it:

American soldiers, our sons and brothers and husbands, are paying now with their lives for the mistakes of JESSE P. WOLCOTT.

Mr. KEEFE. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. May I say to the gentleman that what he is reading with respect to these political advertisements may have an added interest to the membership of the House when it is known that almost the identical charges in identical language were filed against Members of Congress from Wisconsin. The information and the pamphlets came from a common source, written in almost identical language and constituted the most vicious bit of propaganda that it has ever been my unpleasant privilege to have hurled at me. This indicates that the gentleman is absolutely correct, that there has been a conspiracy in existence some place which has resulted in this propaganda going out into all congressional districts from a common source and having for its object a common purpose. I know that in the district represented by the gentleman from Wisconsin [Mr. HULL] and in my district, the same identical pamphlets, except for the picture of the opposing candidate, and the same identical language, except for the name of the candidate, were circulated and the same thing is true in another district, all coming from the same source—these conspirators that the gentleman is attempting to reach in his resolution. I think that is the important thing rather than the charges that are made by a candidate against an individual candidate in a campaign. There is something more behind this than just the work of a candidate against the gentleman from Michigan [JESSE WOLCOTT] in his own district. It is the result of a Nation-wide conspiracy that we should investigate for the protection of the House itself.

Mr. HOFFMAN. The gentleman is correct, and I do not quote this as a statement of the candidate alone, because, as the gentleman from Wisconsin said, this material circulated in many districts came from the same source. For instance, the four-page pamphlet that was circulated throughout the West and the Central West was identical except as to the name of the man they wanted to defeat, and it was not directed against Republicans alone. It was also directed against Democrats. The campaigns were carried on in the same manner. It was not directed against antiadministration candidates alone. It was directed against men, as I said a moment ago, who had supported the administration all the way through. It was directed against those who opposed communism.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. Let me say in reply to the gentleman from Wisconsin [Mr. KEEFE] that these scavengers did not concentrate on Republicans alone. They concentrated on southern Democrats and tried to defeat us in the primaries. That is the reason that such an overwhelming majority of us were so easily renominated and reelected.

Mr. HOFFMAN. Permit me to finish this matter here. This material against the gentleman from Michigan [Mr. WOLCOTT] came, as the gentleman from Wisconsin [Mr. KEEFE] said, from a source outside the district, and the man, Wilson, who used it was just an agent, that is all, he was just a tool, and I suspect that he rather regrets it now.

Are you going to let false charges like those made against many Members—against Congress itself—go unchallenged? Who gives currency to charges of that nature? Does not Maloney, Stokes, Winchell, Eugene Meyer, the Washington Post, the New Republic, the New Masses, PM, the convicted criminal Browder—each utter the same falsehood? Are not all of them a part of the plan?

All I ask is that the House pass this resolution I introduced the other day, bring those men down here and let us find out what they are trying to do. Let them substantiate or eat the charges they made against the Members of this House.

Mr. COFFEE of Nebraska. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. Is it not a fact that this communistic front organization known as the Union for Democratic Action was the spearhead of the attack against all of the Members who had been active in combating communistic influences during the recent sessions of Congress?

Mr. HOFFMAN. The U. D. A. was active in carrying on the plan.

Let there be no mistake about the issue here raised. The right of free speech, of a free press, is not called in question. I would be the last to deny to any man the right in a campaign, or at any other time to make or to print any statement which he might desire, leaving him to answer if he was guilty to the Criminal law or to a suit for libel or slander by those he wronged. The issue raised here, however, is a different one. It is whether or not this Congress shall permit individuals, groups, associations, publications to enter into and to carry on, under the guise of free speech, a free press, a conspiracy to, by false and malicious statements, destroy a coordinate branch of the Government.

It matters not at all that the individuals against whom these slanders and libelous attacks were made at the moment happened to be Members of Congress; the issue goes deeper than that. It goes down to the very foundation of our Government, for these individuals and these organizations are undermining those foundations. No government can exist if the peoples' confidence in it is destroyed. That confidence should not be destroyed if truth can prevent. It should never be permitted to be destroyed by falsehoods or deception. Those making such an effort are as much the enemies of the Republic as are the armed forces on the battle line.

Other individuals, committees, and organizations, all apparently acting together and as part of a conspiracy, created and disseminated false charges of disloyalty against many of those who opposed either the New Deal, the overthrow of our Government by force or the distribution of public funds wastefully, extravagantly, or for the advancement of the political schemes of some affiliated with the Communist Party and interested in the overthrow of our Government either by force or by boring from within; and made and disseminated false charges which tended to, and which did, intimidate citizens in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States.

Among those making, printing, and disseminating, or causing to be printed and circulated such false charges, and apparently acting and conspiring together for the promulgation of the same ideas, to the same end and for a common purpose, were Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, reporter for the Washington Post; the Washington Post; the Daily Worker, and the New Masses, the last two Communistic publications; the New Republic; the newspaper PM, and the Chicago Sun, both wet nursed, financially supported by Marshall Field III; Friends of Democracy; Council for Democracy; Union for Democratic Action; Frank Kingdon; L. M. Birkhead, a notorious creator and disseminator of falsehood; Walter Winchell, the collector and distributor of alley, back-door, and bed-chamber gossip; the well-known Earl Browder, recently confined as a Federal prisoner under the convict number 60140–A, on a 4-year sentence at the Federal penitentiary at Atlanta, Ga.; formerly confined as a Federal prisoner at Leavenworth, Kans., under the convict number 14314–L; more recently released from Federal prison on the order of President Roosevelt, and who shortly after his release went to Illinois to campaign for the New Deal; Eugene Meyer, publisher of the Washington Post, which arrogantly and egotistically, almost daily, attempts to tell the Congress what course it should follow on practically all matters coming before it.

The newspaper PM in its campaign against an Ohio Congressman, wrote this scurrilous and false statement:

> And when your brothers and sons go into battle, they go handicapped by the delays in our Nation's armament that (a Congressman) helped to cause.

PM's efforts seem at one time to have been directed toward:

Keeping Editor Ingersoll out of the draft.

Electing a Congress which would rubber-stamp its orders.

Killing off the Dies committee.

Forcing the F. B. I. to lay off Communists.

Making the Attorney General rescind the Bridges deportation order.

Seeing to it that the Red Cross puts white, Jap, and Negro blood into the same blood bank without labeling.

Calling publishers like Arthur Hays Sulzberger, a distinguished Jew, anti-Semitic, because he prints what PM says are hate advertisements.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I drove these Communist papers off of their demand that the Red Cross take the label off this blood they are banking for our soldiers. I drove them to cover on that. They have ceased firing on that drive against American decency and against the American soldier and the American people and against our Government and the Red Cross.

Mr. HOFFMAN. During the past spring, summer, and fall, one William P. Maloney, acting as a special prosecuting officer for the United States Government and as attorney for a grand jury sitting in Washington, D. C.; and one Dillard Stokes, alias Jefferson Breem, alias Quigley Adams; and the Washington Post, all acting and conspiring together, by innuendo, insinuation, and false statement, made false charges of disloyalty and a lack of patriotism against Members of Congress, many of which charges, because of the official position, and only because of the official position held by the said William P. Maloney, tended to, and did, intimidate citizens of the United States and were calculated to intimidate Members of Congress.

HINDERING FREE SPEECH

It should not be forgotten that, while article I of our Federal Constitution expressly provides that "Congress shall make no law respecting * * * the freedom of speech or of the press," the natural and the inevitable result of the acts referred to above, of the making of the false charges of a lack of patriotism and loyalty, of interfering with the war effort, tended to directly intimidate citizens and to deprive them of the freedom of speech.

By the middle of last summer it became evident to those who read the daily press that, if they ventured to truthfully, vigorously, and frequently criticize the Communists, the new dealers, or certain members of the administration, they would be held up to public ridicule, falsely charged with disloyalty, haled before an investigating body, be subjected to visits from members of the F. B. I.

DUE PROCESS OF LAW DENIED

It should be remembered that article V of the Federal Constitution expressly provides that no person shall "be deprived of life, liberty, or property without due process of law" and that that provision of the Constitution in effect, under the decisions of our courts, guarantees a trial before an impartial jury.

Article VIII further provides that "excessive bail shall not be required * * * nor cruel and unusual punishments inflicted."

It is a matter of common knowledge that an overwhelming majority of the citizens of Washington are dependent upon the Federal Government and its agencies or the District of Columbia for their livelihood and that their opinions are largely influenced by the attitude of the Washington daily newspapers.

It is commonly recognized that the population of Washington reflects the views of the administration in power and that the employees of the Federal Government and its agencies and of the District of Columbia and its agencies, being dependent upon the Federal Government and the District for employment and for a livelihood, are influenced to a large extent by the views and policies, not only of the administration but of the various individuals at the head of various Government departments and agencies.

It is well known that anyone accused of opposition to the party in power and called to stand trial in the District of Columbia or elsewhere, for a violation of an administrative order, regulation, or a Federal law, instead of being presumed to be innocent, is confronted with the thought on the part of prospective jurors that there must be something to the charge; otherwise, the Government officials would not have brought him to trial.

It is certain that, notwithstanding the fact that a man is presumed to be innocent until his guilt has been established beyond a reasonable doubt and notwithstanding the provisions of the Constitution, as interpreted by the courts, to the effect that those accused of crime must have a fair trial before unbiased jurors, when a person is brought to trial in the District of Columbia, the prosecution has back of it the whole force of the Federal Government and because of the fact, if

it be a fact, that he resides beyond the territorial limits of the District but is to be tried before residents of the District, who are naturally influenced by their environment, as others are influenced in their communities, he cannot, as a matter of fact, have a fair and impartial trial.

It is also recognized that, inasmuch as, to secure a fair and impartial trial, counsel must be employed, transcripts of testimony must be obtained, and the accused must maintain himself at his own expense within the District or be confined in prison while awaiting trial, individuals brought to trial within the District, who reside in other States, have inflicted upon them expenses and hardships while awaiting trial which they would not suffer if tried at home, and that, in all too many instances they are financially unable to obtain competent counsel or transcripts of the evidence or to procure the attendance of witnesses necessary to present their defense.

PECULIAR ACTIVITIES OF A UNITED STATES ATTORNEY

William P. Maloney, prosecuting official in charge of the grand jury sitting in Washington, which returned indictments this year, knew and understood this situation.

So, too, did Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, and it appears that Stokes, with intent to unjustly deprive citizens of the United States of their constitutional rights of a fair trial, to prevent certain individuals obtaining an adequate defense, using an assumed name induced six citizens who were afterward indicted by the grand jury for which Maloney was attorney, to send what Maloney and Stokes claim were seditious articles through the mail to the said Stokes in the city of Washington, thus laying the foundation for a charge of conspiracy and thus inducing the commission of a crime within the city of Washington. Thereafter, for that alleged offense, an indictment for conspiracy was returned against certain individuals and a trial will be held in the city of Washington, where those charged with an offense will have difficulty in adequately defending themselves because of a lack of funds.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Miss SUMNER of Illinois. Are those the only acts charged in the indictment? Those would not be admissible in evidence, would they?

Mr. HOFFMAN. Well, I know that the Member from Illinois is a distinguished attorney and a former judge. Read some of these reports to which I have referred.

Miss SUMNER of Illinois. May I add this sentence: In a recent case in Illinois where evidence was obtained in a somewhat similar manner, the Supreme Court of Illinois held that in wartimes, where the Executive was exercising such complete powers, evidence obtained without due process should not be admissible, even more so in wartimes, because the rights of citizens deserved to be protected under such circumstances, even more than in peacetimes. I think certainly that is a policy that ought to be adopted by our Government.

Mr. HOFFMAN. The lady from Illinois is fortunate in living in a State where that kind of law is enforced, but you get into the Federal court reports and if you will read the three cases to which I refer, you will find that the court in each instance admits that the defendants did not have a fair trial, more accurately a trial where the rules of law were enforced, but the court says that inasmuch as they were guilty anyway, what difference does it make?

ENTRAPMENT OF CITIZENS

In furtherance of that scheme, to smear and purge those accused of a conspiracy and living in various States of the Union witnesses living as far west as the Pacific coast were called to Washington, when indictments might have been returned, if an offense had been committed, in the State or States where those accused of conspiracy lived and where the overt acts were committed, if such acts were committed, and where the defendants were known to the members of the community; where they might have received a fair and an impartial trial; where friends might have contributed financially toward their defense; where there would be no prejudice or bias against them.

It is a rule of law that—

One who is instigated, induced, or lured by an officer of the law or other person, for the purpose of prosecution, into the commission of a crime which he had otherwise no intention of committing may avail himself of the defense of "entrapment". Such defense is not available, however, where the officer or other person acted in good faith for the purpose of discovering or detecting a crime and merely furnished the opportunity for the commission thereof by one who had the requisite criminal intent.

Another authority states the doctrine:

Such entrapment is shown where it appears that officers of the law or their agents incited, induced, instigated, or lured accused into committing an offense which he otherwise would not have committed and had no intention of committing. In other words, if the criminal intent or design to commit the offense charged originates in the mind of the person who seeks to entrap accused and to lure him into commission of the crime merely for the purpose of arresting and prosecuting him, no conviction may be made.

A Federal court declared in substance that where it appears that a criminal act was committed "in consequence of a decoy to ensnare" a defendant, "if he were otherwise innocent, into the commission of a crime," the prosecution should be ended, "as it is against public policy to convict one upon proof obtained in that manner."

Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, according to his own story published in the Washington Post, using an assumed name, wrote to six of the persons who were subsequently indicted, and requested copies of the literature which that person was sending through the mail.

Now, if it be admitted that the literature was seditious, that it was an offense to send it through the mail, why did Stokes write and ask that such literature be mailed to him here in Washington, if his purpose was not to induce the commission of a crime within the territorial limits of the District?

The persons to whom Stokes, alias Breem, alias Adams, wrote, asking for what he terms "seditious literature," according to Stokes' newspaper story, made no secret of its distribution; and, according to Stokes, alias Breem, alias Adams, made no effort to conceal its circulation.

The services of a Sherlock Holmes were not, if we can believe the press, required to uncover the actions of the individual or the individuals to whom Stokes, alias Breem, alias Adams, wrote, requesting that copies be sent to him.

Is it not apparent that Stokes, alias Breem, alias Adams, induced at least some of the persons afterward indicted by the grand jury to do the very things which it was subsequently claimed were a violation of the law? Is it not evident that he wished those acts to be committed within the District of Columbia, so that those accused of an offense might be taken far from their homes, kept among strangers, and additional burdens imposed upon them?

EMULATING GEORGE III

It would appear that Stokes, alias Breem, alias Adams, was aping King George III, of whom the signers of the Declaration of Independence wrote:

He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.

Of George III the Colonists also wrote that he had given his assent—

for transporting us beyond seas, to be tried for pretended offenses.

Stokes, alias Breem, alias Adams, according to his own story, caused six citizens, afterward with others indicted, to mail what Stokes terms was "seditious literature" to Stokes here in the city of Washington, so that, under color of law, citizens might afterward be transported for trial to a jurisdiction in some instances thousands of miles from their homes. Should Stokes be named as one of the conspirators?

No opinion is herein expressed, or intended to be expressed, as to the guilt or the innocence of any person accused of an offense, but the purpose is to call to the attention of Congress the necessity of legislation to protect the citizens of the country, by providing for a fair and an impartial trial in the community in which they live.

It is self-evident that citizens cannot have due process of law, as defined by the Constitution, if they are to be removed for trial to a community so distant from their homes that they cannot procure counsel, attendance of witnesses, or transcripts of testimony given against them, nor maintain themselves in the place where the trial is to be had while awaiting or during trial.

Officials of the administration caused false charges of disloyalty to be made against the Chicago Tribune, the publisher thereof, and a reporter therefor, and caused those so charged to be brought before a grand jury in the city of Chicago.

Without rebuke from the administration and speaking in behalf of its policies, Earl Browder, one-time head of the Communist Party in America and twice convicted of a violation of the laws of the Nation, went into Illinois during the campaign preceding the last general election and there made false charges of disloyalty against a candidate for the United States Senate who was seven times wounded in the last war.

LIEUTENANT COMMANDER WINCHELL OF THE NAVY IGNORES FEDERAL STATUTE

Section 56 of title 18 of the United States Code, among other things, provides that—

Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than $5,000 and imprisoned not more than 5 years.

Section 61 of title 18 of the United States Code, among other things, provides that—

It shall be unlawful for any person to intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of * * * Member of the Senate, or Member of the House of Representatives at any election held solely or in part for the purpose of selecting * * * any Member of the Senate or any Member of the House of Representatives.

One, Walter Winchell, reputed to be a lieutenant commander in the United States Navy and at one time, while engaged in commercial enterprises, using the uniform of the Navy, notwithstanding the Articles of War provide that "An officer is prohibited from employing contemptuous or disrespectful words against * * * Congress of the United States," has referred to Members of Congress as "dopes," "hams," "soreheads," "saps," and has repeatedly made false charges by insinuation and directly against Members of Congress, falsely charging them with disloyalty and a lack of patriotism.

I wish the gentleman from Mississippi [Mr. RANKIN] would just listen to this quotation from one he so greatly admires, Walter Winchell.

Mr. RANKIN of Mississippi. Now, listen. I rise to a question of personal privilege.

Mr. HOFFMAN. I withdraw it and apologize 50 times.

Mr. RANKIN of Mississippi. It is accepted.

Mr. HOFFMAN. On July 12, 1942, Walter Winchell, after praising the F. B. I. for capturing the eight saboteurs, asked his radio audience, "How about the voters going after those other saboteurs who landed in Congress?" and, a few days later, inserted in his column this statement:

Another reason some Congressmen are demanding the eight saboteurs be shot is that they might talk too much.

Thus intimating that Congress permitted to remain within its organization Members who were linked with the eight saboteurs.

Are you going to let them get away with that? Are you going to let anyone say that, even a lieutenant commander? How do you like it?

Mr. RANKIN of Mississippi. Who said that? Whom are you quoting there?

Mr. HOFFMAN. Walter Winchell.

Mr. RANKIN of Mississippi. I see.

Mr. HOFFMAN. I do not care if it comes from the cesspool of New York; I do not care where it comes from.

Mr. RANKIN of Mississippi. Was he disgracing the uniform of the American Navy when he made that statement? Was he in uniform?

Mr. HOFFMAN. I do not know. I have his picture when he was broadcasting in uniform. But what difference does it make? He is a lieutenant commander in the Navy.

Listen. Next week my boy goes into the Navy, enlisting. Does he have to associate with such a man as that? I hope the boy meets him.

Mr. RANKIN of Mississippi. I hope he does not.

Mr. HOFFMAN. Is that the kind of a fellow you are putting in as a lieutenant commander over the men in the Navy who are enlisting to fight their country's battles? Are you going to sit here and take it? You deserve it if you do. If you do not on January 3 or before that pass a resolution calling those fellows to account, I say you deserve it, every bit of it. I am talking not only to this side, I am talking over here to my friends on the Republican side as well. Yes, you want them shot, those German spies, because you are afraid they are going to talk about you—that is the insinuation of Winchell.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. When the gentleman speaks of Walter Winchell, why does he not give his real name, before he had his name changed?

Mr. HOFFMAN. What difference does it make what his name was or is? He is a disgrace to any name.

Winchell has been broadcasting what he designates as exclusive information about what the grand jury which sat in Washington last summer and fall had been doing or was reported to have done, and, on July 26, 1942, over the radio, made the statement that:

Nearly everyone who printed seditious articles has been indicted except those who put the same things in the CONGRESSIONAL RECORD. * * * But, honeychile—all of them will be confronted by the same charges after November 5—

And, by so doing, created an unfounded suspicion against every Member of Congress who had been named on any of the various so-called blacklists.

The New York Post, on July 25, 1942, referring to the indictment returned by the grand jury, in behalf of which William P. Maloney acted, carried a news story in part as follows:

The Federal indictment did not tell even half of the story as it is known in official circles here.

The grand jury which conducted the investigation has before it a mass of additional evidence concerning ramifications of the conspiracy, some of whose tentacles reach into the Halls of Congress. * * * The present indictment only hinted at the extent to which Members of Congress have been involved in the carrying out of the Axis conspiracy.

And the article then named several Congressmen.

The New York Post article and the Winchell statement above referred to purport to disclose information given to the grand jury, which, under the law, remains secret, and which could only have been obtained from members of the jury or William P. Maloney or someone connected with the jury investigations.

Whoever revealed what happened before that grand jury to either Winchell or reporters for the press, other than as the information was reported to the court, violated the law.

There is reason to believe that the said Dillard Stokes, alias Jefferson Breem, alias Quigley Adams, acting for the Washington Post, and acting in conjunction with William P. Maloney, and Earl Browder, twice sentenced to Federal prison; Walter Winchell; Frank Kingdon; L. M. Birkhead, and individuals who have been engaged in subversive activities, and various subversive publications and the reporters for such publications, will continue to disseminate false charges against Members of Congress and against Congress itself.

William P. Maloney, Walter Winchell, and the convicted criminal, Earl Browder, have many times been praised, lauded, and commended for their work by the Commmunist publications, the Daily Worker, and the New Masses, commonly recognized as official publications of a party which advocates the overthrow of this Government by force, and have been praised by PM and other publications which have made false charges against Members and prospective Members of Congress, many of which charges tend to create disunity and to hinder the war effort.

During the days preceding the last primary and general elections, over the signature, "4th District—Voters for Victory—Sturgis, Mich., box 284," there was printed and circulated against a candidate for Congress a 12-page circular containing false statements which purported to state facts but which made false charges of disloyalty, and a 4-page circular, which was also circulated in other districts, charging disloyalty against Senators and Congressmen who voted against the administration's so-called foreign policy. Similar charges were circulated in other districts against other candidates for Congress.

Such publications and the circulation thereof were criminal violations of the laws of the State of Michigan, and tended to, and did, intimidate citizens of the State of Michigan and other States in the free exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States.

Notwithstanding the making and the dissemination and the circulation of such false charges have been overwhelmingly rebuked by the voters of every district and State wherein they were made, and the false, scandalous charges made, for example, in the city of Chicago and

the State of Illinois against a candidate for Senator in that State were rebuked by the people of that State, who gave to the candidate against whom they were made a plurality of more than 203,000 votes, there is reason to believe that the false charges herein referred to and similar charges will continue to be made against Members of Congress by the persons hereinbefore named, and that the making and the circulation of such false charges tend to create disunity and hinder and impede the war effort of the Nation.

Now, Mr. Speaker, let us get these people, Maloney and Winchell, Browder and Stokes, the U. D. A., and the rest of the wrecking crew—let us get them before a committee of the House and see what they have to stand on, and let us see who is paying them, and in whose service they are, and let us learn what they are trying to do to the Congress of the United States.

Mr. JOHNS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. JOHNS. I would like to say to the gentleman that during this past summer because I stayed in Washington the result was that I was defeated for reelection. I spoke on November 19, and outlined exactly what took place. That does not matter. What happens to me does not matter, but I am tremendously interested in what the gentleman says and in the future of America and our form of government as the legislative branch of it, because if this goes on without something being done, then we are going to have more of it in future campaigns. I am tremendously interested right now in seeing that we have an investigation of the source of this, and I should be very glad at the proper time, if such a resolution is passed, to furnish the gentleman some very valuable information with reference to it.

Mr. HOFFMAN. I shall be very glad to have it. Here are one or two other quotations.

The New York Post maliciously printed a wholly false and degrading story about a Member of Congress and falsely intimated that a Member of that body was suspected of being a spy in behalf of the Nazis.

Winchell, over the radio and in his gossip column, then added to the wickedness of the allegation by announcing that the traitor's name began with the twenty-third letter of the alphabet.

Winchell knew that but one Senator had been named. Nevertheless, out of the wickedness of his heart, he tried to cast suspicion at three other Senators, for many did not know to which of the four he referred.

Some of these slanderous statements might pass unnoticed as the product of a disordered mind, were it not for the fact that they have gone unrebuked when made in the presence of individuals high in Government positions.

It was in March last, at a dinner held here in Washington at the Cosmos Club and which was attended by such men as Felix Frankfurter, that, as disclosed by the press, the following statement was made:

> The Senate must be taught the facts of life * * *. The important thing is to put an end to criticism by whatever means may be necessary. Be as ruthless as the enemy. * * * Get him on his income tax or the Mann Act. * * * Hang him, shoot him, or lock him up in a concentration camp.

So far as we have been able to learn, that statement has gone unrebuked by anyone connected with the administration.

Think of it! Here in a land which is fighting for the promulgation of the four freedoms, Government officials, sitting in silence and apparently receptively, are told to get their political enemies by the use of the income tax, by the use of the Mann Act. Will they go so far as to use prostitutes to entice and decoy political opponents into a violation of the law?

If there is anything as rotten, if there is anything as unjust, if there is anything as wicked, as the thought above set forth, where will it be found?

Who is more concerned in the integrity of its Members than this Congress itself? If there is one Member of this House who has a disloyal thought let the Congress itself expose him.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RANKIN of Mississippi. I want to say in all seriousness, and I wish every American could hear this statement, that if the President does not clean house and get rid of these crackpots in key positions, the Congress is going to clean it for him.

Mr. HOFFMAN. And in answer to the gentleman, let me say that we have waited overlong. We have been pushed here and there. These underlings and some higher-ups, have accused us of disloyalty, of a lack of patriotism. They have said that the Congress is corrupt and disloyal, and we have taken it. Is it any wonder that the people back home have lost a certain degree of their confidence in the Congress of the United States?

Mr. RANKIN of Mississippi. And let me say to the gentleman from Michigan, that the Congress "took it on the chin" with reference to Pearl Harbor, in order that we might not shake the confidence of the American people in certain officials.

There has been a year of this vilification of Congress by an element that knew they were falsifying the record. Now then, a whole year has passed and the truth has finally been told, and I am ready to bring anybody who is necessary before a committee of Congress, and let us see just what did happen at Pearl Harbor, and who was responsible for it.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. WOLCOTT. I might say in connection with what the gentleman from Mississippi just said, that on Lincoln's Birthday last year, 3 months after Pearl Harbor, knowing that at least 50 percent of the Members of Congress and 100 percent of the people who live in Hawaii had this information, I gave to the press certain of the facts in respect to the loss at Pearl Harbor.

I made the statement at that time that eight capital ships had been put out of commission. On the Friday following, the President was asked to comment upon the statement which I made in Lapeer, Mich., and he said that it was "rot," and he spelled out the word "r-o-t." I have taken some satisfaction in the vindication which the Navy has given to the statement I made at Lapeer on February 12 last year, in the last communique on the anniversary of Pearl Harbor. I believe that the gentlemen's resolution must be passed and it must be given serious consideration after enactment in this House if we are going to perpetuate the American form of government. It did not make any difference about these slanders and vituperations that I had heaped upon me as an individual. Anyone of us can take it, or we do not have any business being in the Congress. We are here for that purpose, perhaps, but it does interest us to know that men of the caliber of the men who were running against us, the vice president of a bank, a man always interested in civic matters, the vice president of a bank with which I have done business for 25 years, saw fit to call me a traitor, saw fit to say that I was stupid and cowardly. Well, I could not contest too much about the charge that I was stupid. I have had my own questions about that at times.

Mr. HOFFMAN. So have all of us about ourselves.

Mr. WOLCOTT. But to say that a man was giving aid and comfort to the enemy in time of war is to call him a traitor, and if there are traitors in the Congress of the United States the country should know it, and the Congress should expel them from the Congress of the United States. The interesting part of it is that this civic leader who made these statements took pride in reaching up to the top of his desk and pulling down this little book, "The Illustrious Dunderheads," and would gleefully point to our records in "The Illustrious Dunderheads." He did not know that a few days before he did this the ranking minority member of the Dies Committee had given you a history of this man Rex Stout, that "The Illustrious Dunderheads" had been edited by a man who formerly owned The New Masses, and I am given to understand was contributing editor of The New Masses, and I believe is on the executive council, or whatever they call their executive committee, for the Communists of America. He was the unconscious dupe of those who would destroy the American form of government by destroying the Congress of the United States.

Mr. HOFFMAN. I thank the gentleman.

Mr. BEITER. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. BEITER. I was interested in the statement of the gentleman from Wis-

consin [Mr. JOHNS], the gentleman from Mississippi [Mr. RANKIN], and the gentleman from Michigan [Mr. WOLCOTT]. The gentleman from Michigan [Mr. WOLCOTT] said that we might be classed as traitors and that this information came from a certain source. In my own case, in order that I may not be classed as a traitor in the future Congress, in my district they pointed out that in 1939 and 1940 I was absent and did not vote on legislation. As a matter of fact, I was not a Member of Congress in 1939 and 1940. They said I was not present, indicating by inference that I was a traitor to my country. Following that, in February of 1941, they pointed out in my district, in the battle, that I was not present and did not vote on the extension of the Draft Act. The CONGRESSIONAL RECORD will show in the roll call that I was present and did vote and even participated in the debate, having asked the gentlewoman from Massachusetts [Mrs. ROGERS] some questions.

Mr. HOFFMAN. Have you any idea that the truth is any handicap to these fellows? Where did you get the idea that truth ever limited their statements? The gentleman from New York has always been a Democrat. He has always been a supporter of the administration. He has proved by his statement that my point is well taken. It is not a partisan matter at all. It is a question of protecting the integrity of the Congress.

Mr. LELAND M. FORD. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. LELAND M. FORD. I just want to give the Members of this House proof of the lying propaganda that the "red" purgers put on. In my instance they set me up as an isolationist and an obstructionist of the foreign policy program. There is not a Member on either side of this House who could ever accuse me of making that kind of a vote at any time. I was the only Republican who voted for all 10 of those items that they have chosen for foreign-policy items. My record, therefore, was better also than 201 of 265 Democrats, but that is the kind of lies they spread in my district.

Mr. HOFFMAN. Well, you were against communism. That cost you votes. You were an American. You believed in our constitutional form of government. You believe that our Nation should be preserved. You believed in America so you incurred their ill will and you were slandered and libeled.

This resolution is House Resolution 580. Why wait until January? The Members of this Congress are the ones whose integrity and loyalty have been challenged. Why do you not put it through and appoint that committee, and let it make its report.

Mr. RANKIN of Mississippi. What committee has it?

Mr. HOFFMAN. The Committee on Rules.

Let me close with this thought: You have heard only a few of the words of the unjust criticisms, of the false charges which have been made against almost every Member of this House. May I repeat this one statement: If we, the Congress of the United States, sit here and take it, if we let them get away with what they are doing, then we deserve every word they have said about us. I appeal to you, act on this resolution and show the people that we not only know how to meet false charges against a branch of their Government, but that we have the courage to protect the Congress and the Government itself.

CONGRESS SHOULD PROTECT—NOT ITS MEMBERS, BUT THE CONGRESS

It should be evident to all that such statements as have been called to your attention, if not officially challenged and if continued, as they undoubtedly will be, if not challenged will, in the end, break down the confidence which the people have in Congress and will destroy a coordinate branch of the Government.

It is therefore imperative that this Congress call before a committee those who originated these charges; those who gave them circulation; hold public hearings and disclose to the people, through the press, the lack of foundation for such false and malicious charges.

If this Congress is to retain its self-respect, its usefulness to the people, its place as a branch of the Government, it must meet this false propaganda and demonstrate its falsity.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. BLOOM].

MEXICAN CLAIMS BILL

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, further insist upon the amendments of the House and agree to the further conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BLOOM, LUTHER A. JOHNSON, and EATON.

CONSENT CALENDAR

The SPEAKER. This is consent day. The Clerk will call the first bill on the calendar.

FRED B. WOODWARD

The Clerk called the first bill on the Consent Calendar, H. R. 3759, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PHILIPPINE ARMY PAY BILL

The Clerk called the next bill on the calendar, S. 2387, to equalize the rates of pay of all personnel in the United States Army, the Navy, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore (Mr. WHITTINGTON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

RESEARCH LABORATORY IN PENNSYLVANIA ANTHRACITE REGION

The Clerk called the next bill, S. 357, to provide for the rehabilitation of the anthracite-coal industry by providing for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for research and investigation relating to the mining, preparation, and utilization of anthracite coal, with special reference to conserving resources for national defense, increasing efficiency, development of new uses, markets, and matters pertaining thereto; and to further provide for safety and health in anthracite mining.

Mr. SMITH of Ohio. Mr. Speaker, will the author of the bill explain it to the House?

Mr. FENTON. A similar bill was introduced in the Senate by Senator DAVIS and has passed the Senate. The bill provides for the establishment and operation of a research laboratory in the anthracite regions. The bituminous-coal fields have been very well taken care of but not one nickel has ever been spent for research in the anthracite fields. I believe the record shows that during the past 10 years $2,335,000 has been spent for reasearch in bituminous fields by the Bureau of Mines.

What we in the anthracite regions want to do is to establish a laboratory to find new uses for anthracite coal, and for certain other types of research.

Mr. SMITH of Ohio. What does the gentleman expect the cost of the bill to be?

Mr. FENTON. The bill call for the establishment of a laboratory at a cost of $450,000; and it authorizes $175,000 annually for maintenance.

Mr. SMITH of Ohio. Cannot this wait until after the war?

Mr. FENTON. I have been trying for the last 4 years, I may say to the gentleman from Ohio [Mr. SMITH], to have this laboratory established. I am sure that with the authorization which this Congress will give, while the question of priorities will arise, I believe that question can be dealt with when it arises.

Mr. SMITH of Ohio. I am not sufficiently familiar with the gentleman's particular problem to feel warranted in objecting, but I do believe that some matters such as this might be passed over until after the war.

Mr. Speaker, I withdraw my objection.

Mr. COFFEE of Nebraska. Mr. Speaker, reserving the right to object, I objected to this bill originally on the basis that it was going to require about a half-million dollars' expenditure for the establishment of a laboratory at a time when these critical materials could not be spared for that purpose and, secondly, that there was no need for making any search at this time for new uses for

anthracite inasmuch as it was impossible to supply the demand at the present time.

Will the gentleman from Pennsylvania advise me whether or not it is contemplated, as it was originally, to spend a half-million dollars for the laboratory?

Mr. WALTER. May I not say to the gentleman that it would be utterly impossible to construct any sort of laboratory at this time because critical materials are of course tied up. It is contemplated that the work which will be done by the universities in the neighborhood of this particular section. These universities for years have been engaged in research work to the limit of their abilities, and the State of Pennsylvania has joined in this movement, too. This has brought about the rehabilitation of a large section of the eastern part of the United States in which there is no war industry, a section which has not enjoyed any of the usual profits flowing from the war; as a matter of fact, a section which has suffered as a result of the war.

I trust the gentleman will not object, because the cost of this activity will be negligible.

Mr. COFFEE of Nebraska. I agree with the gentleman that the better way to handle this is through the State universities.

Mr. WALTER. That is not an unusual thing. I call the gentleman's attention to the fact that in his own State of Nebraska the Department of Agriculture, in conjunction with his State universities, is conducting a laboratory engaged in agricultural research.

Mr. COFFEE of Nebraska. Since this is a local matter that should be handled by the States, it seems to me it would be out of order for the Federal Government to step in, because they have the facilities at their State universities to handle this very problem.

Mr. FENTON. Will the gentleman yield?

Mr. COFFEE of Nebraska. I yield to the gentleman from Pennsylvania.

Mr. FENTON. The gentleman will recall that there was a Federal Anthracite Coal Commission appointed by the Speaker, by the Vice President, and by the President of the United States. The representatives of that Commission, of which the late Pat Boland was a member, consisted of Senator DAVIS, Senator GUFFEY, myself, three representatives from the administration, Mr. Lewis of the I. C. C., Ralph Watkins of the National Resources Planning Board, and Dr. R. R. Sayers of the Bureau of Mines.

We investigated the conditions in the anthracite region and I want to quote from House Document No. 709 which is a report of the investigation made by that committee. The recommendation is for long-term improvement:

> An anthracite mines research station should be established by the Federal Government under the Bureau of Mines to be located in the anthracite area not only to develop and investigate new and extended uses for anthracite, but also as a center of organization for the study of mining methods, for the mine-water survey, and for the engineering organization concerned with the industrial development of that area.

Mr. COFFEE of Nebraska. I shall not object to this if it is not contemplated calling for the expenditure of Federal funds for the purpose of establishing or building of a Federal laboratory.

Mr. FENTON. Under this bill is contemplated the establishment and maintenance of such laboratory. We only want the authorization at this time, and will leave the authority there when they wish to construct it. If we can get the authorization, the recommendation of the Commission will be carried out. They were fully cognizant of the terrible conditions existing in the anthracite region. Millions of dollars have been expended for research on bituminous coal, but not one penny has been expended for anthracite. The bituminous people have their laboratories throughout the country under the direction of the Bureau of Mines. The Bureau of Mines wants this laboratory so that they can go into extensive research work in connection with anthracite coal.

Mr. COFFEE of Nebraska. Is it not a fact that the State university or institutions of the State of Pennsylvania have the facilities that they are willing to turn over for laboratory purposes to carry on this work?

Mr. FENTON. They have some facilities, but they cannot go into it as extensively as would be required to sustain a major industry such as anthracite coal for a million and a half or two million people.

Mr. WALTER. Will the gentleman yield?

Mr. COFFEE of Nebraska. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I would like to call the gentleman's attention to the fact that there is a laboratory on the campus of the University of Pittsburgh right across the street from Carnegie Institute maintained partially by the Federal Government, in which the scientists from both universities are engaged in studies relating to bituminous coal. As a result of the work they have done, much value has been added to the communities affected.

Mr. COFFEE of Nebraska. I think that is very commendable and that is the way it should be handled.

Mr. RANDOLPH. Will the gentleman yield?

Mr. COFFEE of Nebraska. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Mr. Speaker, I enter the observations on this pending legislation because as a member of the Mines and Mining Committee it has been my privilege and responsibility to study very carefully the work being done by the Federal Research Laboratory for Bituminous Coal located in Pittsburgh, Pa. As the gentleman from Pennsylvania [Mr. WALTER] has well said much value has been wrought by the work of that laboratory. We find that through the processing of bituminous coal we are able to make plastics, gasoline, rubber, and certainly the addition of such a program for the great anthracite field will in the long run be advantageous to our Federal Government and actually a saver of the taxpayers' money.

Mr. EBERHARTER. Will the gentleman yield?

Mr. COFFEE of Nebraska. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. I may add that this problem has reached such proportions that I do not think it should be considered merely as a local or as a single State problem, just the same as some of these problems of agriculture, and I have in mind, for instance, the elimination of insects and the character of evils arising from dust storms out in the West. They were of such proportions that we considered it from the national standpoint. I believe this question of the rehabilitation of the anthracite coal regions should be considered in the same light.

Mr. COFFEE of Nebraska. Will the gentleman answer this question: Since all of the anthracite is within the State of Pennsylvania why should this not be a State problem rather than a national problem?

Mr. EBERHARTER. I would not say that all of the anthracite that is mined in the United States comes alone from the State of Pennsylvania. Of course, a great proportion of it does. As I suggested before, the little bit of money spent by the Federal Government will be many times saved by the results of these studies and these laboratory experiments. Even if it becomes necessary to spend money, it will be well spent. We have spent a lot of money on W. P. A. in that region because the towns were becoming ghost towns. The situation is, in my opinion, more than just merely a local situation.

Mr. PETERSON of Florida. Will the gentleman yield?

Mr. COFFEE of Nebraska. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. This bill has passed the Senate and the House Members have been very diligent. This does not affect my district. I am a thousand miles removed, but as a member of the Mines and Mining Committee the chairman of that committee asked me to use my efforts in bringing the bill up. The bill specifically authorizes the utilization of existing facilities. You will find in the bill there is specific provision authorizing and directing cooperation with other departments and agencies of the Federal Government, as well as with State, municipal, and county agencies and institutions. In view of the fact that this bill has passed the Senate, and further that a former Member of the House, Mr. Boland, and Mr. FENTON and other Members of the delegation from Pennsylvania have been very active for it, I sincerely hope the gentleman will not object. This is a deserving bill.

Mr. COFFEE of Nebraska. I will not object, but I shall expect that the Appropriations Committee will stop any appropriation for the purpose of establishing a Federal laboratory and that the existing facilities will be utilized for that purpose.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, acting through the United States Bureau of Mines, is authorized and directed to establish, equip, and maintain a research laboratory in the anthracite region of Pennsylvania to conduct researches and investigations on the mining, preparation, and utilization of anthracite coal and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for anthracite coal and its products. Such laboratory shall be planned as a center for information and assistance in matters pertaining to conserving resources for national defense; to the more efficient mining, preparation, and utilization of anthracite coal; and pertaining to safety, health, and sanitation in mining operations and other matters relating to problems of the anthracite industry.

SEC. 2. For the purpose of this act the Secretary, acting through the United States Bureau of Mines, is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, and to utilize voluntary or uncompensated services at such laboratory. The Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, and State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

SEC. 3. The Secretary, acting through the United States Bureau of Mines, shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to, the laboratory established under this act.

SEC. 4. The Secretary of the Interior, acting through the United States Bureau of Mines, may, in his discretion, create and establish an advisory committee composed of not more than six members to exercise consultative functions, when required by the Secretary, in connection with the administration of this act. The said committee shall be composed of representatives of anthracite coal-mine owners, of representatives of anthracite coal-mine workers and the public in equal number. The members of said committee shall be appointed by the Secretary of the Interior without regard to the civil-service laws.

SEC. 5. In order to carry out the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of (a) $450,000 for the erection and equipment of a building or buildings, including plumbing, lighting, heating, general service, and experimental equipment and apparatus, the necessary roads, walks, and ground improvement, and land for the site of the building if no land is donated; and (b) $175,000 annually for the maintenance and operation of the experimental station, including personal services, supplies, equipment, and expenses of travel and subsistence.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

(Miss RANKIN of Montana asked and was given permission to extend her own remarks in the RECORD.)

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Mr. William B. Ziff.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONSENT CALENDAR

CONFERRING JURISDICTION ON THE COURT OF CLAIMS TO CONSIDER CERTAIN CLAIMS

The Clerk called the next bill on the Consent Calendar, H. R. 1413, conferring jurisdiction upon the Court of Claims of the United States to consider certain claims arising after January 1, 1926, out of the Tariff Act of 1922.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMITTING THE NATURALIZATION OF CERTAIN PERSONS

The Clerk called the next bill, H. R. 6763, permitting the naturalization of certain persons not citizens whose sons or daughters have served with the land or naval forces of the United States.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RAISING TO 90 DAYS THE AMOUNT OF LEAVE EMPLOYEES MAY ACCUMULATE DURING WARTIME

The Clerk called the next bill, S. 2341, to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SMITH of Ohio. Reserving the right to object, Mr. Speaker, it is my understanding that the War Department has asked for this measure. May I ask the gentleman from Georgia if that is correct?

Mr. RAMSPECK. The gentleman is correct. The purpose of the bill is to permit the foregoing of vacations by people who are needed in the war effort and not penalize them for staying on the job, instead letting them accumulate an additional 15 days per year until they get up to 90 days.

Mr. SMITH of Ohio. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence in section 1 of the act of March 14, 1936 (49 Stat. 1161), is hereby amended by adding the following proviso: ": *Provided further*, That during the national emergency declared by the President of the United States on September 8, 1939, the leave unused by the employees of the departments, independent establishments, and agencies, not in other form commuted or compensated, shall be accumulated for succeeding years until it totals not exceeding 90 days: *And provided further*, That in excess of 60 days, not to exceed 15 days of leave may be accrued in any one calendar year.

With the following committee amendment:

On page 2, line 1, after "days" insert a colon, strike out the remainder of the line and all of lines 2 and 3, and insert the following: "*And provided further*, That when the unused leave accumulated equals or exceeds 60 days in the aggregate, not more than 15 days of unused leave may be further accumulated in any one calendar year."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REEMPLOYMENT OF PERSONS RETIRED UNDER THE ALASKA RAILROAD RETIREMENT ACT

The Clerk called the next bill, H. R. 7336, to permit the reemployment of persons retired under the Alaska Railroad Retirement Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any person heretofore or hereafter retired from the service under the provisions of the Alaska Railroad Retirement Act (49 Stat. 2017; 5 U. S. C., ch. 14A) and who is beyond the retirement age shall be eligible for reemployment in the service of the Alaska Railroad or in the service of the War or Navy Departments if the appointing authority determines that such person is qualified and is physically capable of performing the duties of the position.

SEC. 2. There shall be deducted and withheld from the basic salary, pay, or compensation of such reemployed person and credited to his account as provided in the Alaska Railroad Retirement Act the regular deductions prescribed by such act. Upon separation from the service for any cause such person may elect to receive a refund of the total deductions so withheld during his period of reemployment together with interest at 4 percent per annum compounded on June 30 of each year, or to have his annuity claim readjudicated under the Alaska Railroad Retirement Act and receive credit for the additional service. The payment of the annuity of such person shall be suspended during the period of reemployment under this act.

SEC. 3. The appointing officer may terminate the employment of any person reemployed under this act, without prejudice to his annuity rights, when such appointing officer believes it to be in the best interest of the service to do so, or when such reemployed person's services are no longer required.

SEC. 4. The provisions of this act shall remain in force only during the continuance of the present war and for 6 months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate.

With the following committee amendment:

On page 2, beginning after the word "act", in line 5, strike out the remainder of line 5 and all down to and including the word "act", in line 13, and insert the following: "The payment of the annuity of such person shall be terminated during the period of reemployment under this act. Any such person whose annuity is terminated shall, upon the termination of his appointment, have

his subsequent annuity rights determined under the provisions of law in effect at the time of such termination."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPORTATION OF ALIENS TO COUNTRIES ALLIED WITH THE UNITED STATES

The Clerk called the next bill, H. R. 7746, to authorize the deportation of aliens to countries allied with the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARCANTONIO. I object, Mr. Speaker.

APPOINTMENT OF ADDITIONAL CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The Clerk called the next bill, H. R. 7738, to provide for the appointment of an additional circuit judge for the fifth circuit.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 2867, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RICH. Reserving the right to object, Mr. Speaker, may we have an explanation of this bill?

Mr. WALTER. Mr. Speaker, the bill provides for the appointment of a sixth judge in the fifth circuit, in which there are now five judges. This circuit is one of the largest in territory and population in the United States. It includes Texas, the Canal Zone, and the States all the way up to and including Georgia. Obviously it is impossible, as the court is presently constituted, for it to be assembled in two places at one time. As the gentleman well knows, under the law it is necessary that three judges sit in a circuit. The enactment of this measure will provide a means whereby the calendar, which is falling very far behind in the circuit, can be kept up. This is a very meritorious bill.

Mr. RICH. How far is the calendar behind in this district? How many cases have they on the calendar?

Mr. WALTER. More than twice as many appeals have been filed in this circuit as have been filed in other circuits in which there are 7 judges. There were 231 cases terminated last year, which makes a case load of over 46 cases per judge, as compared with 18 in the first circuit, 21 in the ninth circuit, 25 in the eighth circuit, and 34 in our own circuit. The case load in this circuit is the largest in the United States.

Mr. RICH. Does not the gentleman think that we could get over the period we are now going through without getting more people in the position of judge when they ought to be back doing the things necessary to win this war? We are building up not only a bureaucracy in Washington, but we are scattering it out all over the country. I am afraid that we will break down. The fact of the matter is that we will break down if we do not stop it.

Mr. WALTER. I share the gentleman's views about bureaucracy, but I have never looked upon the courts as being a bureaucracy.

Mr. RICH. I am not referring to the courts.

Mr. WALTER. It seems to me that our citizens are entitled to prompt disposition of their cases.

Mr. RICH. I think so, too.

Mr. WALTER. And where the case load is increasing I do not think it is fair to deprive the people of one more judge which will enable the court to do twice as much work as it has done before.

Mr. RICH. I state to my colleague from Pennsylvania that I am not a lawyer, and he is, and I have a lot of respect for his judgment, and that is about the only reason why I would let this go through, but I think that we ought to stop pretty soon. If the gentleman has made a thorough investigation of the matter and can recommend it, I shall not object, but gracious, goodness, I think the time is here, and it was 10 years ago, when the President said that he would eliminate bureaus and consolidate departments, but instead of that, this man down in the White House has done everything under heaven to put all of the people in the United States on the Federal pay roll, and I think it is time we ought to stop it. He has got to make the appointment of this new judgship, and will he put a New Deal judge on it? I have not much confidence in the matter and it is time to stop it.

The SPEAKER pro tempore. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I reserve the right to object. Is Alabama in this circuit?

Mr. WALTER. It is.

Mr. HOFFMAN. I had occasion this morning to refer to three cases coming from the New York circuit, and in each one of those cases the court stated that the respondents had not had a fair trial. Yet they went on to say that the convictions could be confirmed, because the guilt was so apparent.

Mr. WALTER. I am not acquainted with those cases but I think the gentleman must have made a mistake. The court probably said that a harmless error had been done, and that is the usual thing that they hang their hats on in such instance. I could not imagine the court saying that a man had not had a fair trial and then have sustained a conviction.

Mr. HOFFMAN. That might be a judicial interpretation, and a judicial expression for an unfair trial. I have had a lot of experience with that. I have noticed this. For instance, you call a fellow something, and then you come along later and apologize, but a certain number of people still have the first name in their minds. I never was able to convince myself that when a jury had evidence before it, although the judge had told them to disregard the evidence, that they actually did disregard it and get it out of their minds. The judge may call it a harmless error, but in these cases they go along in these three cases and then the court says that while the man did not perhaps have a trial in accordance with the true rules of law, nevertheless, the record shows that he was guilty. Thus the court, or rather, the judge, deprives the man of a trial by jury in accordance with the law of the land. In substance, the court says that, inasmuch as he, the judge, learns from the record that the man was guilty, the fact that he did not have a trial in accordance with the law of the land is immaterial, at least to such an extent that the verdict of the jury will not be reversed. I do not like so many of that sort of judges. If the gentleman from Pennsylvania thinks that the gentleman from Alabama [Mr. HOBBS] is going to be the judge, I would not object.

Mr. WALTER. Many people are of that opinion.

Mr. HOFFMAN. It is universal.

Mr. WALTER. I could not think of a better man to hold that position.

Mr. HOFFMAN. And if the gentleman will do something to get a good judge like the gentleman from Alabama [Mr. HOBBS] all right.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional circuit judge for the fifth circuit.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ADDITIONAL DISTRICT JUDGE, ALABAMA

The Clerk called the bill (H. R. 7810) to provide for the appointment of an additional judge for the northern district of Alabama.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. I understand that the gentleman sponsoring the bill has an amendment to offer.

Mr. HOBBS. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge for the District Court of the United States for the Northern District of Alabama.

Every person who may become a district judge for the District Court of the United States for the Northern District of Alabama

by virtue of appointment and confirmation in accordance with the provisions of this act shall thereafter reside at Birmingham.

Mr. HOBBS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

In the first word, page 1, line 7, strike out the capital "E" and insert a small "e", and before the first word of line 7 insert, "Birmingham shall be the official place of residence", and after the word "Act" in line 10, insert a period and strike out the words "shall hereafter reside at Birmingham."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE SABOTAGE ACT TO INCLUDE FORESTS

The Clerk called the next bill, H. R. 7141, to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes."

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 1 of the act approved April 20, 1940, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes" (40 Stat. 533; 50 U. S. C. 101), as amended by the act approved November 30, 1940 (54 Stat. 1220; 50 U. S. C. 101), is amended to read as follows:

"That the words 'war material,' as used herein shall include arms, armament, ammunition, livestock, forest products and standing timber suitable therefor, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war."

With the following committee amendments:

Page 1, line 4, strike out "1940" and insert "1918";

Page 2, line 2, after the word "livestock" insert the word "forage."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF THE NATIONAL BANKRUPTCY ACT

The Clerk called the next bill, H. R. 7814, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. McLAUGHLIN. Mr. Speaker, this bill comes before the House with the unanimous report of the Committee on the Judiciary and with the approval and active support of every responsible bankruptcy and creditor group of the United States.

The purpose of the bill, to put it tersely and in a compact manner, is to establish a system of full-time salaried referees. At the present time, as the gentleman no doubt knows, referees in most instances are part-time referees. The work that they do as referees is, in many instances, essentially a side line, and their compensation is received from fees instead of from salaries. That has been recognized throughout the life of the Bankruptcy Act as an undesirable situation. I make this criticism without any reflection on the part-time referees operating under the existing law. They render a valuable service, but they are handicapped by the inadequacies of the bankruptcy administrative system as presently constituted. The fact that the referees are paid by fees causes the referee in each instance, often unconsciously, perhaps, to have an interest in the outcome of the case before him.

The fee system has been abolished in nearly every part of the entire judicial administrative system of the United States with the exception of this particular instance. This bill accomplishes what has been sought to be accomplished for 50 years. The only difficulty which has been experienced in bills of this kind has not been with respect to the objective, but it has been with respect to the method of procedure. Back as far as 1880 and up until 1890 and as late as 1932, when the Hastings-Michener bill was introduced, efforts were made to accomplish the result that is accomplished by this bill, but in order to change the referee system from a part-time to a full-time arrangement in which the referees are put on a salary basis, it is necessary to contract the system sufficiently to be able to allocate a reasonably compensatory salary to each referee in the system. In order to do that, certain very important minutiae have to be carried out. At the outset, it is necessary to determine the number of referees to be appointed and the respective territories which they are to serve. In the bills up to this time, determination as to the number of referees and the extent of their territorial jurisdiction has been left with the Attorney General, who is, of course, an officer of the executive branch of the Government. This bill places the responsibility for that determination upon the judicial branch.

The objectives of this bill have been worked upon over a period of more than 2 years, very skillfully and carefully, at first by a committee of experts—and I might indicate to the gentleman the amount of work done by exhibiting the report of this committee, a report of more than 500 pages. After these experts, representing all branches of the bankruptcy law and all points of view, had made their report, it went before what is known as the judicial conference, headed by the Chief Justice of the United States, and consisting of the presiding judges of the various circuit courts of appeals. At that time the Chief Justice was Justice Hughes. Justice Hughes and his conference heartily approved the plan of the bill. The record indicates their approval. The bill was worked out and amended by the Committee on the Judiciary after lengthy hearings and painstaking effort on the part of the bankruptcy subcommittee of the Committee on the Judiciary. That subcommittee, of which I have the honor to be chairman, is composed of the following members who performed most valuable service, namely, the gentleman from Alabama [Mr. HOBBS], the gentleman from Illinois [Mr. BARNES], the gentleman from Michigan [Mr. MICHENER], and the gentleman from Illinois [Mr. REED].

Mr. SMITH of Ohio. Are there any other important provisions in the bill?

Mr. McLAUGHLIN. This is a lengthy bill and of course it is technical and in detail. On last Wednesday, December 2, I addressed the House, and in my extension of remarks, which I secured by unanimous consent, I placed in the RECORD the report on the bill, which takes up each section, section by section, and in another part of the report explains each section, section by section. I might say to the gentleman that the general concept and the general plan of the bill is as follows:

After the bill is enacted the Administrator of the Courts, acting under the supervision of the judicial conference, headed by the Chief Justice, and, as I said, composed of the presiding judges of the circuit courts of appeals is empowered to make a Nation-wide survey of the whole bankruptcy situation and determine the number of referees and the area over which each referee shall have jurisdiction.

MEXICAN CLAIMS ACT OF 1942

The SPEAKER. Will the gentleman suspend for a moment? The Chair desires at this time to recognize the gentleman from New York [Mr. BLOOM], to submit a conference report.

Mr. BLOOM. Mr. Speaker, I submit a conference report on the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, and ask unanimous consent for its immediate consideration.

Mr. WALTER. Mr. Speaker, I object.

Mr. BLOOM. Will the gentleman withhold that? The conference report was accepted the other day, and the conferees met and put in all the additional claims, to give the Commissioner the right to review all of their new evidence. That is all

Mr. WALTER. How large a board will pass on it?

Mr. BLOOM. Three.

Mr. WALTER. That was the Senate proposal?

Mr. BLOOM. Yes.

Mr. WALTER. You have gotten away from the one-man judge, jury, and prosecutor?

Mr. BLOOM. Yes. This opens it up to give all of the claimants the right to present additional testimony; in other words it gives the three Commissioners jurisdiction to hear new evidence on any of those claims.

It is accepted by Senator CLARK of Missouri, Senator JOHNSON of California, in fact all the Senate conferees.

Mr. WALTER. Mr. Speaker, I withdraw my objection.

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. BLOOM. Mr. Speaker, will not the gentleman withhold his objection a minute?

Mr. WOLCOTT. I feel that the gentleman should not bring up a conference report by unanimous consent unless we know something about it. This bill has been in controversy here for several years.

The SPEAKER. Does the gentleman reserve the right to object?

Mr. WOLCOTT. I objected, Mr. Speaker.

The SPEAKER. Discussion is out of order if the gentleman has objected and intends to press his objection.

Mr. WOLCOTT. I did not expect that what I said would be in order; it was just in reply to what the gentleman from New York said to me.

The SPEAKER. The gentleman from Michigan objects to the present consideration of the conference report.

AMENDMENT OF BANKRUPTCY LAW

Mr. SMITH of Ohio. Mr. Speaker, I heard a rather lengthy explanation of one part of the bill, but for some reason the gentleman has not taken up another very important part of the bill according to the committee's own report.

Mr. McLAUGHLIN. If the gentleman will permit me to proceed I shall endeavor to outline the bill a little more fully.

After the determination is made as to the number of referees, the territory which they shall serve, and the salaries they shall receive, that report is made to the judges of the district court, to the council, and finally to the judicial conference which passes on the question of the propriety of the report. That sets up the system.

It is contemplated that the numbers of referees will be about 170. This, however, is a matter that cannot be determined until a survey has been made.

A limitation is placed on the salaries. The maximum salary of a full-time referee is placed at $10,000, and the minimum at $3,000. Provision is made for part-time referees if they are found to be necessary, and the maximum limit of this salary is $2,500.

After the system has been put into effect the term of the referees is extended to 6 years instead of 2.

The retirement provision is set up analogous to the retirement provision applicable to the judiciary under which the referees in bankruptcy who have reached the age of 70 years while in office and who have served continuously for 10 years may be retired on half of their salary; but that retirement fund is entirely made up within the framework of the bankruptcy system itself. It imposes no charge on the Federal Treasury. There is a provision in the bill that in the event the bankruptcy fee charges allocated to the retirement fund, and which the actuaries assure us will be sufficient, together with the 5-percent contribution by the referees, to take care of the retirement benefit do fall short for any one year, an appropriation shall be authorized for the purpose of making up the deficit for that one year. This appropriation, if ever necessary, will be authorized, however, with the understanding that there will be an adjustment in the fees by the judges of the conference in the next year and the amount of the deficit so authorized and appropriated will be paid back to the Treasury. There will be no ultimate charge upon the United States Treasury.

Mr. SMITH of Ohio. But the charge for the pension would be against the litigants involved in bankruptcy.

Mr. McLAUGHLIN. If the gentleman will bear with me, I may say in this respect that the organizations which represent creditors, or litigants as he calls them, the three great creditor organizations of the United States have each and every one of them given their approval to this bill. These organizations are the National Association of Credit Men, the National Retail Credit Association, and the American Retail Federation. This bill has the approval of every responsible group or association interested in and expert in bankruptcy law and administration.

Mr. SMITH of Ohio. It remains a fact that the litigants are asked under this bill to pay a pension to the retiring referees.

Mr. McLAUGHLIN. If the gentleman will permit me, I shall go on further and explain how the retirement fund is accumulated. There are 50,000 bankruptcy cases, on the average, a year.

Mr. SMITH of Ohio. I understand this bill; I have read it; I have also read the report on it. What I want to make clear for the RECORD is whether or not it is proposed in this measure to charge the litigants in bankruptcy for these pensions.

Mr. McLAUGHLIN. I may say to the gentleman that an adjustment is made in the bankruptcy charge by which $2 of the fee formerly paid to the clerk is transferred from the clerk's fee to the referee's filing fee. The total amount of the clerk's fee and the referee's filing fee in each case continues to be $25 as at present, but instead of the respective fees being $15 and $10 for the referee and clerk they are adjusted to $17 and $8.

Mr. SMITH of Ohio. I understand that.

Mr. McLAUGHLIN. And with that $2 fee adjustment in each individual case a yearly aggregate of $100,000 is built up. This amount in addition to the $45,000 which will be raised from the 5 percent salary contribution of the referees will result in a fund of $145,000 a year which will amply take care of the situation.

Mr. SMITH of Ohio. I understand that provision.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. HOBBS. Having had the honor of serving for some 8 years on the bankruptcy subcommittee of the Committee on the Judiciary, which during that time has been chairmaned by two of the finest fellows and greatest bankruptcy experts who ever served in the Congress, I feel that I may be pardoned for speaking with pride and conviction, born of daily first-hand contact, of their statesmanlike leadership and achievements. Every one of us who has served with and under these outstanding chairmen; yea, every member of the Committee on the Judiciary, feels that too much credit cannot be given them for the arduous and expert work they have done.

For the first time since the permanent bankruptcy statute was passed in 1898, a complete revision of the law on this subject was undertaken and consummated. In the resulting act, known as the Chandler law, the perplexing problem of corporate reorganization was frankly faced and fairly solved. Many of the criticisms which had been for decades heaped upon the fees allowed in receiverships have not recurred under the revised law.

The new section covering compositions with the creditors of wage earners has been highly and deservedly praised. Under it thousands of wage earners have been enabled to pay off their indebtedness, dollar for dollar, and in more than 90 percent of the cases bankruptcy has been obviated.

Later, the pressing problem of railway reorganizations was tackled in a separate bill which also became law, and an excellent beginning was made toward the solution of this problem.

Still later, another law brought further relief to distressed railroads that were solvent but found it impossible to meet punctually their fixed obligations. Of this type of reorganization the case of the B. & O. is a shining example. This obviated entirely the large receivership fees of the old days, and under it approved plans adopted by the debtors and creditors have functioned beautifully for the benefit of all.

Mention should also be made of the so-called Municipal Bankruptcy Act and the Frazier-Lemke Act, each of which was approved by the Supreme Court, after being rewritten by the committee when it had first been declared unconstitutional as originally drawn by the respective authors.

The bill which we are now discussing is a crowning achievement, completing the splendid work which has been done these last 8 years in the revision and improvement of the bankruptcy law. This bill is another evidence of the genius of another distinguished American lawyer, Hon. CHARLES F. MCLAUGHLIN, of Omaha, Nebr., who succeeded the Honorable Walter Chandler, of Memphis, Tenn., as chairman of the Bankruptcy Subcommittee 2 years ago and continued

the proud tradition which had been established under the leadership of his immediate predecessor.

In a nutshell, this bill would take the last vestige of the fee system, with its reproach, from the judicial system of the United States. It would reduce the number of referees, leaving only a sufficient number to do the work efficiently and punctiliously. It would do away with the system now in vogue in which we have many overworked referees whose fees amount to a huge annual total, and still more referees with practically nothing to do and whose incomes are so small as to be negligible. Under this bill, all fees will be pooled. The same schedule of fees will be charged in bankruptcy cases and paid out of the bankrupt estates, but no referee will be on a fee basis. Each will be paid a salary in proportion to the amount of work required of him. A living salary, plus necessary office expenses will be paid all. The regular 5-percent contributory civil-service retirement plan is provided, but as here set up the whole system may be self-sustaining and without expense to the Government.

We of the Judiciary Committee are exceedingly grateful for the expert help of many distinguished lawyers, specialists in the field of bankruptcy law, who have labored with us incessantly throughout all this program. Their work has been, as is the case with each of the chairmen whom I have mentioned, a labor of love, unselfishly performed for the perfection of the system, in accordance with their high ideals of what it should be. We are also grateful to the organizations that they represented for thus making it possible for them to serve with us.

In these dying days of the Seventy-seventh Congress, I beg of you to allow this bill to become law. Walter Chandler retired and left us 2 years ago. CHARLIE MCLAUGHLIN, equally to our regret, is leaving us in January. So, not only because of intrinsic merit of this bill but also as a deserved honor we can pay its beloved author by passing his bill, let us thus give him the privilege of striking the shackles of the fee system from this last remaining branch of the judiciary encumbered with it.

Mr. SMITH of Ohio. I hold the gentleman from Nebraska in very high esteem, as I do also the gentleman from Alabama.

Some of the provisions of this bill may be desirable and necessary to make more perfect the National Bankrupcy Act. I am not questioning that point.

But there are some parts of this measure that I do question. I have in mind subsection (d) of section 6. Here is provided a pension for—

> Any referee having reached the age of 70 years while in active service as referee, and after having held such office continuously for at least 10 years, including any time served as referee prior to his appointment,

And also—

> Any referee who becomes unable because of permanent mental or physical disability to perform the duties of his office may retire from active service.

The bill states further:

> Any referee who resigns, retires, or is retired under the provisions of this subdivision (d) shall, during the residue of his natural life, receive annually one-half of the annual salary receivable by him as referee at the time of such resignation or retirement, payable in equal monthly installments out of the referees' retirement fund.

The bill provides for salaries for referees ranging from $3,000 to $10,000 a year. The amount of pension would be half the annual salary of the last year of service. Thus, a referee serving for 10 years with a salary of $10,000 the last year could retire at the age of 70 on a pension of $5,000. Or if disabled from any cause, regardless of the length of time served, he could retire on half his last year's pay.

The committee itself in its own report stresses the importance of the pension provision. On page 19 of the report we read:

> The committee believes that the retirement provisions for referees contained in this bill are an integral and important part of the entire plan.

Webster's International Dictionary defines the term "integral" as "essential to completeness," and the term "important" as "carrying or possessing weight or consequence; weighty," and so forth.

Accordingly the pension provision in this bill must be an essential part of the very nature of the measure.

From whence are the funds to be derived for the payment of these pensions? From three sources: First, referee pays into the pension fund 5 percent of his annual salary; second, from litigants; and third, from the United States Treasury.

With requirement of no more than 10 years of service, and taking into consideration that the pension is based on the last year's salary, as well as the scale of pay, the 5 percent which the referee pays into the fund is pitifully inadequate, certainly as compared with other pension plans.

Under the bill the bulk of funds that would be required for meeting pension payments to retired referees would be paid by the litigants in bankruptcy proceedings.

The Treasury would be the last resort.

Upon what principle is it possible to justify forcing parties to lawsuits in bankruptcy to pay pensions to the referees? I cannot conceive of any possible ground for justifying this.

Mr. MCLAUGHLIN. I will answer that.

Mr. SMITH of Ohio. This looks to me like another pension grab, and, therefore, Mr. Speaker, I am constrained to object.

SETTLEMENT OF MEXICAN CLAIMS ACT OF 1942

Mr. BLOOM filed a conference report and statement on the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

CONSENT CALENDAR

TRAINING OF NONFARM RURAL YOUTH FOR FARM LABOR

The Clerk called House Joint Resolution 350, to provide for the training of nonfarm rural youth for farm labor, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, the President has lately appointed a food czar. Can the gentleman advise whether this bill comes in with his recommendation?

Mr. FULMER. I have a telegram here from those interested, stating that they spoke with the folks down in the Department and it is absolutely in line with their program.

Mr. KEAN. It is not recommended by the food czar?

Mr. FULMER. The reason we did not ask for a report is, we have not had so much time. We did not take it up with the Department and ask for a report because it takes quite a while to get a report. About a year ago we reported a real 4–H Club bill carrying substantial authorizations annually over a period of years, but after what happened at Pearl Harbor and on account of having to spend billions in this emergency, we have not asked for a rule to consider that bill, although every Member that I have talked with, including the leaders, are deeply interested in the bill. Here we have an opportunity of giving the boys and girls adjacent to the farms, residing in villages and small cities, this training and actual work. These boys and girls who actually know a lot about farm operations and who actually speak the language of the farm girls and boys—these boys and girls ranging in age from 10 to 17 years—would be able to render a great service in replacing the shortage of farm labor. Now there is some talk of bringing from the larger cities thousands of girls and boys down into the farming areas to help out. Now anyone who knows anything about farming knows that that would be wasted money. This bill, I believe, would do more along constructive lines than anything I have heard and it is in line with the plan of Mr. Wickard.

Mr. CURTIS. Will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Nebraska.

Mr. CURTIS. Who will train these boys and girls?

Mr. FULMER. They will be under the 4–H Club administration, the Extension Service, and the Educational Bureau, all of which will work in cooperation with each other.

Mr. CURTIS. Will they use the established schools of agriculture?

Mr. FULMER. Under this bill and in this great emergency it will not be so much training, especially the boys and girls, I am talking about. The purpose of the bill is a certain amount of training and getting the boys and girls to the farms.

Mr. CURTIS. Will the State schools take part?

Mr. FULMER. We have an amendment pending that will take care of that.

Mr. CURTIS. What amendment is that?

Mr. FULMER. To add the Educational Bureau.

Mr. CURTIS. I am referring to agricultural schools supported by the States.

Mr. FULMER. Yes.

Mr. CURTIS. Will those institutions be utilized?

Mr. FULMER. Yes, under the extension service connected with those schools. They are doing that work now. The most constructive educational work in the way of making future farmers out of farm boys and girls is in connection with the 4-H boys and girls club work. More than that, this line of work is making better farmers out of the fathers and mothers of these boys and girls.

Mr. RICH. Will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. How do you expect to take these boys from communities other than farm communities and get them into these schools, and who is going to defray the cost of that?

Mr. FULMER. That is the purpose of this bill. Certainly this program will not work in attempting to bring in city boys and girls far remote from the farm. It is a matter of getting them with the least amount of training to be near by the farming areas so as to go right into doing actual work.

Mr. RICH. I thought we now have arrangements under the Department of Agriculture for the education of these youths.

Mr. FULMER. We have, but we must enlarge our numbers out of about four and one-half million of nonfarm rural youths.

Mr. RICH. Then why is it necessary to have this bill passed?

Mr. FULMER. Because this is an emergency where we need labor. Instead of taking Mexicans or taking migrants and paying their way down and back, and paying them a minimum of 30 cents an hour, under this emergency measure with a small amount of money we can get results, and we certainly are going to need results in supplying farm labor if we are going to be able to keep them eating.

Mr. RICH. Certainly, I agree with that, but the trouble with our agricultural program today in getting people to develop the farms is that you have passed legislation permitting the Army and the Navy to construct all kinds of business enterprises in which they are interested on a cost-plus basis, so that the price of labor is raised to two or three times what the workers could get in regular vocations. The laws we passed are at fault. As a result, men have been taken off the farms to work in war industries, and no one is left on the farms now to work them. I think we must go back and change some of the laws already adopted without asking for new legislation. When you do this, you are only doing what a dog does when he is trying to catch his tail, you are going around in circles and not getting any place. I think it is about time that the Congress wakes up; if we are going to get food production and get food to the people of this country and take care of the farms we should change some of the laws that have already been enacted.

Mr. FULMER. May I state to the gentleman that I agree with a great many statements made by him. No man on the floor of this House has been any more active than I in that respect. Today those who are interested in increasing production realize what has been going on and are going to do everything possible to stem that situation. But here is an avenue which will not be costly and will mean tremendous increases in production.

Mr. RICH. How much will it cost if this bill is passed?

Mr. FULMER. That will be up to the Committee on Appropriations on the basis of the showing made before it as to what amount will be needed, but I would suggest to the gentleman that it would cost from $2,000,000 to $4,000,000 or $4,500,000.

Mr. RICH. If the Committee on Appropriations is as free in squandering and expending the people's money as it has been in the last 5 years—and I am a member of the committee—then the sky is the limit. All you need to do is to take up the Treasury statement and see where you are. The national debt is now over $100,000,000,000. On the 30th of last month you reached the $100,000,000,000 mark. This ought to be a milestone to this administration and a warning that it cannot go any farther. You cannot trust the Committee on Appropriations if it is going to do as it has done the last few years, because it has not known where to stop. You must stop this spending, and the only way to stop it is right here. We can stop it by objecting to the consideration of a bill or making a point of order that a quorum is not present. We are not going to let a lot of this legislation go through up until January 3, if I have to stay here on Christmas Day. It is time to stop, and I think we ought to stop at this bill. I object, Mr. Speaker.

ADMINISTRATIVE PROCEDURE

The Clerk called the next bill on the Consent Calendar, H. R. 4238, to prescribe fair standards of duty and procedure of administration officers and agencies, to establish an administrative code, and for other purposes.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING MILITARY AND NAVAL INTELLIGENCE OFFICERS TO ADMINISTER OATHS IN CERTAIN CASES

The Clerk called the next bill, H. R. 7785, to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States to administer oaths in certain cases.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in time of war any officer, agent, special agent, or duly accredited representative of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States (or any other member of the Army of the United States who has the same powers and duties as possessed by such officers, agents, special agents, or duly accredited representatives of such corps) is authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in connection with the exercise of his powers and duties as such an officer, agent, special agent, or duly accredited representative. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, special agent, or duly accredited representative when certified under his hand and authenticated by the seal of the Department of War may be offered or used in any court of the United States and shall have like force and effect as if administered or taken by or before such agent, officer, special agent, or duly accredited representative without further proof of the identity or authority of such officer, agent, special agent, or duly accredited representative.

With the following committee amendments:

Page 1, line 6, after "States", insert the following "or of the Naval Intelligence Service of the Navy of the United States."

Line 7, after "Army", insert "or Navy."

Page 2, line 2, after "corps", insert "or service."

Line 11, after "War", insert "or Navy, as the case may be."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States or of the Naval Intelligence Service of the Navy of the United States to administer oaths in certain cases."

EXECUTION OF COURT-MARTIAL SENTENCES

The Clerk called the next bill, S. 2798, amending the first sentence of Article of War 52, relative to execution of court-martial sentences.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of Article of War 52 (41 Stat. 799) is amended to read as follows:

"The authority competent to order the execution of the sentence of a court martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War, the commanding officer holding general court-martial jurisdiction over any such offender, or the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks in which the person under sentence is held, a court of the kind that imposed the sentence, may at any time hereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RANK OF NATIONAL GUARD OFFICERS, DECEMBER 1, 1942

The Clerk called the bill (S. 2891) to amend paragraph 8, section 127a of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the eighth paragraph of section 127a of the National Defense Act of June 3, 1916, as amended by section 5 of the act of February 28, 1925 (43 Stat. 1078; 10 U. S. C. 511), is hereby amended by changing the second sentence thereof to read as follows: "When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army, which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 94, 97, and 99 of this act."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRAVEL PAY, MILITARY AND NAVAL PERSONNEL ON DISCHARGE, ETC.

The Clerk called the bill (S. 2268) to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 126 of the act of June 3, 1916 (39 Stat. 217, 10 U. S. C. 752), as amended, is hereby further amended by adding a further proviso at the end of said section to read as follows: ": *Provided further*, That from and after August 27, 1940, upon discharge or relief or release from active duty, an enlisted man inducted into the military or naval service under the Selective Training and Service Act of 1940, as amended, or Public Resolution No. 96, approved August 27, 1940, shall, under such regulations as the Secretary of War or the Secretary of the Navy, respectively, shall prescribe, receive the said 5 cents per mile for the distance from the place of discharge or relief or release from active duty to the location of the local board where he first reported for delivery to an induction station in the case of a selectee, or to the home station of the National Guard unit in the case of a National Guard enlisted man, or to the place where he was selected for enrollment in the Civilian Conservation Corps in the case of a Civilian Conservation Corps enrollee so inducted: *And provided further*, That the enlisted men of the Naval Reserve, the Marine Corps Reserve, the Enlisted Reserve Corps, and the Regular Army Reserve shall receive, upon discharge or relief or release from active duty, the same mileage allowance as herein prescribed, and under the same conditions as herein prescribed for enlisted men inducted into the military or naval service under the Selective Training and Service Act of 1940, as amended, except that the distance for which mileage is computed shall be from the place of discharge or relief or release from active duty to the place from which ordered to active duty.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF DEPOSITS AND INTEREST OF ENLISTED MEN BEFORE DISCHARGE

The Clerk called the bill (S. 2353) to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. KEAN. Mr. Speaker, I reserve the right to object. I note that this bill provides for the payment of 4-percent interest for all time on deposits of soldiers, which they may withdraw about the same as civilian bank depositors may withdraw their money from savings banks. It seems to me that when the United States Government has to pay only 2½ percent, to give 4 percent for all time is a little too high, and it ought to be limited for the duration of the war.

Mr. THOMASON. That is the law now. The purpose of the bill is to amend the present law so that a soldier may withdraw his savings prior to his final discharge

Mr. KEAN. That is the whole point. If you do not withdraw, you are entitled to a higher return on your money, but if you make this thing into a regular savings bank, where you can withdraw at any time, then you should give somewhere near the savings-bank rate. If it is only for the duration of the war, I am agreeable to it.

Mr. THOMASON. Under present conditions, there will not be many discharges granted to soldiers and sailors for the duration, and then only for good reasons.

Mr. KEAN. But it is going to be permanent legislation.

Mr. THOMASON. There will be no change whatever in existing law relative to the payment of interest. This permits the withdrawal of these funds prior to the time of discharge, and there are many cases in which there is justice and equity if a soldier or sailor wants to withdraw his funds. This came to the Committee on Military Affairs not only with the approval and at the request of the War Department but it received the unanimous approval of the committee.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. Yes.

Mr. WOLCOTT. Under existing law can any soldier make a deposit of any amount of his pay into this fund?

Mr. THOMASON. That is my understanding. He cannot deposit his private funds, but he can deposit all or any part of his pay.

Mr. WOLCOTT. As I understand existing law, he must wait until he is discharged before he can withdraw this fund.

Mr. THOMASON. Yes.

Mr. WOLCOTT. What provision is made at the present time for allotments from soldiers' pay to purchase bonds?

Mr. THOMASON. He has the right and privilege, but I think it is voluntary.

Mr. WOLCOTT. I think it is most important in respect to this legislation. As I understand it, the soldiers have been encouraged, as they should be, to invest any part of their pay which they can in war bonds. Has the Treasury been consulted about this bill to determine the effect on bond purchases by soldiers and sailors?

Mr. THOMASON. I cannot answer that, because there was no testimony on that subject before the committee. Like every other citizen he is encouraged to buy bonds and stamps, but it is entirely voluntary on the part of the soldier or sailor.

Mr. WOLCOTT. What does the Treasury say about receiving deposits which are subject to be withdrawn and paying 4 percent in view of their program to sell bonds to the soldiers, which, maturing in 10 years, will yield them 2⅗ percent? Does the gentleman think any soldier will be foolish enough to buy a bond if he can get 4 percent on his money and have it guaranteed by the Federal Government? I would not, and the gentleman would not. We just want to know about this.

Mr. THOMASON. Of course, I do not know what a soldier would do under those circumstances. I should think he would do like you, use his best business judgment.

Mr. WOLCOTT. I wonder if we know where we are going on this bill.

Mr. THOMASON. This bill not only came to the committee at the request of the War Department, but likewise with the approval of the Budget Bureau.

Mr. WOLCOTT. What has the Budget Bureau to do with this kind of a bill?

Mr. THOMASON. They seem to have something to do about all bills that are here, especially if they have any reference to finances. There are always plenty of objections if the Budget has not approved.

Mr. WOLCOTT. In some way or other, we have to get the approval of the Budget Bureau before we buy a stamp down here, but it is not in the Budget law, and it must be in keeping with the program of the President, whatever the program of the President is, and I have not been able to determine in my reading of this calendar for 8 or 10 years what the program of the President is that has to be approved by the Budget Bureau.

Mr. THOMASON. I am not going to get into an argument with the gentleman on that subject at this time for I am pretty well in agreement with his views.

Mr. WOLCOTT. Then let us leave the Budget Bureau out.

Mr. THOMASON. I mentioned it because that question is nearly always raised, and it appears in the report here and I thought it was germane to allude to it.

Mr. RANKIN of Mississippi. Mr. Speaker, if the gentleman will yield, I was here when the Budget was created, and it was definitely understood that it should only pass on appropriations to decide whether they came within the President's program, but I agree with the gentleman from Michigan that they have

no right to come here and pass on legislation that has nothing to do with appropriations.

Mr. WOLCOTT. As far as I am concerned, I want to make myself clear. I have no objection to this bill, provided it is in keeping with the Treasury bond program.

Mr. THOMASON. I do not speak with authority on that specific point, but I think it is safe to assume that it must have the approval of the Treasury Department, since it has the approval of the War Department, and, if the gentleman will read the report from the Secretary of War, he will find that the bill does not propose to make any radical change in the present method of repaying deposits, but it would appear that some discretion should be lodged in the Secretary of War to meet unusual situations that may arise. The report mentions a case in point being that of a master sergeant with approximately $2,000 on deposit, who was to have been discharged on December 28, 1941. The soldier had contracted for the purchase of a home for himself and family and expected to make a substantial payment on the home from his deposits, but under existing law he will be prevented from obtaining this money and may be put to considerable inconvenience to make payment.

The only purpose of this bill is to meet situations like that where soldiers and sailors have need for the money that they have on deposit, and so that they may be permitted to withdraw it, even prior to discharge.

Mr. KEAN. Mr. Speaker, I think that legislation setting a distinct amount of interest is the wrong type of legislation, because conditions change. Interest rates change. Legislation should be set at 1 percent above the cost of money to the United States Government for long-term bonds, or something like that. This is the wrong type of legislation.

Mr. THOMASON. I am not going to take issue with the gentleman on that, but it seems to me that we need independent legislation to that effect if that is the situation that you want to correct. Nevertheless, this is the law now. So certainly the soldier or sailor who wants to withdraw his own money which he received for his service in the Army or the Navy should not be discriminated against.

Mr. KEAN. But you are not making the law the way it is now. You are changing it from a long-time deposit to a short-time deposit.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

APPOINTMENT OF CONFEREE

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. POWERS] be relieved from acting as a member of the conference committee on the bill S. 1666, and that the Speaker appoint a conferee to act in his stead.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Iowa [Mr. TALLE] as conferee.

CONSENT CALENDAR

TITLES OF CERTAIN OFFICES AND DEPARTMENTS OF INSTRUCTION AT THE UNITED STATES MILITARY ACADEMY

The Clerk called the next bill on the Consent Calendar, S. 2422, to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to prescribe from time to time the titles by which each of the several departments of instruction and offices of professor now or hereafter established at the United States Military Academy shall be known.

Nothing contained in this act shall be construed to affect in any manner the status, rank, precedence, pay, allowances, or eligibility for promotion or retirement, or otherwise to operate in any case or on any account to the prejudice, of any of the professors at the United States Military Academy.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING ARTICLE OF WAR 114

The Clerk called the next bill, S. 2619, to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., that Article of War 114 (act of June 4, 1920, 41 Stat. 810; 10 U. S. C. 1586) be, and the same is hereby, amended to read as follows:

"ART. 114. Authority to Administer Oaths: Any officer of any component of the Army of the United States on active duty in Federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, the president of a general or special court martial, any summary court martial, the trial judge advocate or any assistant trial judge advocate of a general or special court martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant, assistant adjutant, or personnel adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and shall also have the general powers of a notary public in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents and all other forms of notarial acts to be executed by persons subject to military law: *Provided*, That no fee of any character shall be paid to any officer mentioned in this act for the performance of any notarial act herein authorized."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZATION FOR THE AWARD OF A SILVER STAR TO PERSONS SERVING WITH THE ARMY OF THE UNITED STATES

The Clerk called the next bill, S. 2824, to amend the act of January 24, 1920, so as to authorize the award of a Silver Star to certain persons serving with the Army of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I say I think the purpose of this bill is all right. As I understand the bill it is an attempt to broaden the field in which the Silver Star may be granted, but I notice by the report that according to existing law the Silver Star can be awarded to officers and enlisted men of all the armed forces of the United States. Of course, the "armed forces of the United States" include the Army, the Navy, the Marine Corps, and the Coast Guard. According to the report on this bill (S. 2824) the Silver Star may be awarded only to persons serving in any capacity with the Army of the United States, who may meet other requirements. I wonder if the Military Affairs Committee intended to restrict the issuance of the Silver Star to officers, enlisted men, and others serving with the Army, whether they with deliberation eliminated the Navy men, the Marine Corps men, and the Coast Guard men?

Mr. THOMASON. I am sure that was not the intention of the committee.

Mr. WOLCOTT. Have they not done it in this bill?

Mr. THOMASON. I am not quite sure about it.

Mr. WOLCOTT. I may say that they have not done it. I will answer my own question. I merely bring this up to show how dangerous it is for a committee clerk to start summarizing the law under the Ramseyer rule. I spent about three-quarters of an hour when I saw what this bill was likely to do if we followed the committee report. So I looked up the code and studied it very carefully. The code itself restricts the citation to Army officers and men. Under the Ramseyer rule, clerks, or whoever reports the bill, cannot even in substantial compliance with the Ramseyer rule, summarize the law. Whoever summarized the existing law in the report used the term "armed forces of the United States," instead of "Army of the United States," which caused me to study this bill for about a half an hour, which I would not otherwise have had to do.

This bill is subject to a point of order for that reason. I do not want to make the point of order, but I do stress the fact that in the future if the Ramseyer rule has not been complied with, we are going to object.

The Ramseyer rule states explicitly that the text of existing law must be set out, and the matter deleted by the proposed law should be enclosed in brackets and the new matter put in italics or the omissions and insertions proposed to be made should be set out in parallel

columns or by other appropriate typographical devices.

While I am not going to object to this bill I want to stress the fact that clerks of committees should no longer follow this practice which is growing up of reporting the substance of the law and not complying with the letter of the Ramseyer rule. Here is an example of what confusion and uncertainty may grow out of the practice.

Mr. THOMASON. May I say to the gentleman from Michigan that I share his views about the lack of adherence to the Ramseyer rule; and I am sure that in making this statement I speak for the entire Committee on Military Affairs. I assume this report was prepared by the clerk of the committee, because the Chairman is out of the city and I am acting in his place for today only. At the same time however I am sure there was no deliberate intention to evade the rule.

Mr. WOLCOTT. I took a peculiar way of bringing the matter up, I admit, and do not think there was any intention on the part of the committee to evade the rule.

Mr. THOMASON. I am certain that the gentleman's observations will do much to make for orderly procedure in the House and particularly with respect to legislative matters, and I am glad he made them. I may say that when this bill was first presented to the committee there was some objection, particularly by the gentleman from New Jersey [Mr. THOMAS]; but later upon detailed explanation the bill was unanimously reported by the committee and the report shows it was reported by the gentleman from Illinois [Mr. ARENDS]. It comes here with the unanimous endorsement of the committee and at the request of the War Department; so if there is any further explanation to be made of it I shall be happy at this time to yield any time I have at my disposal to the gentleman from Illinois.

Mr. WOLCOTT. The gentleman from Illinois has given me the assurance that he will take the matter up with the clerk and that the offense will not be repeated.

I have no objection to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last sentence of section 1 of the act of January 24, 1920, entitled "An act to amend an act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919,' approved July 9, 1918" (41 Stat. 398; 10 U. S. C. 1412), is hereby amended to read as follows: "For each citation of any person for gallantry in action while serving in any capacity with the Army of the United States, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he or she shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECORATIONS OF MILITARY FORCES OF COBELLIGERENT NATIONS

The Clerk called the next bill, S. 2852, to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations.

Mr. KEAN. Mr. Speaker, reserving the right to object, I am in full agreement with the purpose of this bill, but it seems that as it passed the Senate it would give the President power to confer decorations at any time in the future to any citizen of China, Great Britain, Russia, or any other of our Allies, as I read it. I wonder whether the gentleman from Texas will accept an amendment on page 1 of the bill, line 3, limiting the power to the duration of the present war and 6 months thereafter.

Mr. THOMASON. I am entirely in accord with the gentleman's views; and speaking for all of my colleagues of the committee who are sitting here at the table, we should be happy to accept that amendment. I feel it is quite appropriate.

Mr. KEAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in the present war.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this Act.

Mr. KEAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: Page 1, line 3, strike out the word "that" and insert "for the duration of the present war and six months thereafter."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATIONS WITH REFERENCE TO FERTILIZERS OR SEEDS DISTRIBUTED BY AGENCIES OF THE UNITED STATES

The Clerk called the next bill, H. R. 7824, making certain regulations with reference to fertilizers or seeds that may be distributed by agencies of the United States.

Mr. RICH. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. HENDRICKS. Mr. Speaker, will the gentleman withhold his request?

Mr. HOPE. Mr. Speaker, I withhold the request to permit the gentleman to make a statement.

Mr. HENDRICKS. I yield to my colleague the gentleman from Florida [Mr. PETERSON] to make the statement.

Mr. PETERSON of Florida. Mr. Speaker, this bill was brought about by reason of circumstances that have arisen in a number of States of the Union. The three A's have refused to comply with State inspection laws with reference to fertilizers and seeds.

The bill was considered by the National Association of Commissioners and Secretaries of Agriculture and approved by that group. They had a hearing before the Committee on Agriculture of the House and representatives of their association appeared in behalf of the bill. It happens that I introduced it because to a certain extent our State became the "guinea pig" for we plant earlier than other States. The A. A. A. refuses to comply with State inspection laws on fertilizers and seeds; and seed peanuts which they sent into the State when urging the farmers to plant peanuts failed to germinate. Regularly inspected seeds planted in the same field at the same time germinated and produced good crops. Seeds which they sent into the State and planted on Government property itself failed to have a stand of peanuts.

In North Carolina the same situation has arisen. Litigation has arisen already in Florida and North Carolina. It arose in Florida because the southern commissioners of agriculture had an agreement that when fertilizer came into any State, and was not inspected according to law—they would seize it. The bill has been approved by commissioners and secretaries of agriculture.

Commissioners from the North, East, South, and West appeared before the committee in favor of the bill. I hope the gentleman will not object because these are the closing days of the session and it is important that this bill be passed. Our planting season is right on us.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. HOPE]?

Mr. HENDRICKS. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOPE. Mr. Speaker, I object.

AMENDMENT TO AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

The Clerk called the next bill, H. R. 7829, amending the Agricultural Adjustment Act of 1938, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, I should like to have an explanation of this bill.

Mr. FULMER. If the gentleman will turn to page 2 of the bill, under section 1, he will find the purpose is to protect the farmers who are operating under quotas under the agricultural program. In other words, under the present program, if farmers fail for any reason to plant their quota or their acreage, they lose their quotas and have to begin all over as is the case with new farms

coming in under the program. You will note in this section—paragraphs 1, 2, and 3—three perfectly good reasons for protecting the farms. First, if the farmer is requested by the Secretary of Agriculture or whoever is behind the food program to give up the planting of their usual crops and to plant other certain necessary crops that we have to have immediately, his quota at the end of the war will still be intact.

Mr. SMITH of Ohio. Just what does the gentleman mean by saying that the quota will still be intact?

Mr. FULMER. In connection with all farmers planting major farm products, cotton, wheat, tobacco, rice, and peanuts, they have a certain acreage to plant. If they fail to plant this acreage unless this bill is passed they will lose out. A fellow who goes into planting soybeans or peanuts, the crops that we need so badly, even at the request of the food czar, would lose his acreage quota.

Mr. SMITH of Ohio. They will lose out in their payments?

Mr. FULMER. No; they lose their acreage quota. After the war they would have to come in on the basis of a new farm, which is very unfair. Secondly, here is a man who is drafted. There is no one on the farm to carry on. He is serving his country. When he comes back he will have his original acreage quota if this bill is passed. If he had 10 acres of cotton or 10 acres of some other crop, he would be protected. In the third place, where it is impossible, because of what has been going on, to get labor or to get certain farm implements—therefore not being at fault and making it impossible for him to plant his quota—then he is protected in that quota under this bill. This simply preserves for the duration that to which he is entitled, no more and no less.

Mr. SMITH of Ohio. I will ask the gentleman to explain the bill fully.

Mr. FULMER. We go now to the second provision. In the second provision we attempt to carry out the request of the Department of Agriculture for the reason that at this time there is a real necessity for increasing the production of those crops that will produce fats and oils on account of an almost unlimited increased demand for fats and oils. Under the present peanut program, certain farms had a quota for edible peanuts. Last year the Secretary of Agriculture, because of the tremendous shortage of oil, asked the farmers in every section of the country where they could plant peanuts to go the limit on account of the shortage—especially for our allies—of fats and oils. There was a quota system on edible peanuts with a price guaranty of $141. Farms that were requested to plant for all purposes were guaranteed $82 per ton. When these farmers, many of whom had never planted peanuts before, gathered their peanuts, they found that the minimum was the maximum price. Therefore, in the coming year very few of those farmers will plant peanuts; in fact, they cannot at such prices. The Department, realizing the serious situation, called into conference several Members of Congress, and with Senator Byrnes, who is connected with the outfit, to work out a program during this emergency to get the largest production possible. Therefore legislation eliminating quotas during 1942 and 1943, which would preserve quotas for 1945, was requested.

This will give quota farms the right to go to the limit and a guaranty of $125 per ton on their excess peanuts that they received only $82 for this year, and nonquota farms could go to the limit and they, too, would be paid $125 per ton.

Mr. SMITH of Ohio. Will the gentleman explain line 3 on page 3? It reads: "the marketing of any peanuts produced in such years in any other manner or through any other person shall be subject to a penalty of 3 cents per pound." What does that mean?

Mr. FULMER. I will ask the gentleman from Georgia [Mr. PACE], who has taken a great interest in this legislation, to give the gentleman the information.

Mr. PACE. The bill contemplates that the entire crop of peanuts shall be handled through the Commodity Credit Corporation in order that the necessary amount may be diverted to oil and the other used in the edible trade.

Mr. SMITH of Ohio. Including edible peanuts? Both are to be handled through the Commodity Credit Corporation?

Mr. PACE. Through an agency set up by the Department of Agriculture, which will be the Commodity Credit Corporation, and in turn through the peanut cooperatives, of which there are three in the United States. This tax is a method of insuring that the entire crop, both for oil and for edible purposes, will move through the same channel.

Mr. SMITH of Ohio. In other words, it is a method, or another scheme, to force bureaucratic control, or even monopoly of a particular type of industry.

Mr. PACE. I would not put it that way. It so happens that under the arrangement being made there is no other method for handling this. It will be necessary to divert about one-third of the crop for edible purposes, then it will be necessary to divert the remaining two-thirds for oil. The gentleman will understand that under the present law there is a similar provision requiring that all oil peanuts, all excess peanuts, be handled through an agency designated by the Secretary. That is to prevent their being marketed at quota prices. The same tax exists, of course, in the excess production of wheat and in the excess production of cotton.

Mr. SMITH of Ohio. The complaint now throughout the country is that the farmer is being strait-jacketed. It appears to me this is in addition to that process. I ask, Mr. Speaker, that the bill be passed over without prejudice.

Mr. FULMER. May I state that this does not strait-jacket the farmer any more than legislation that is now on the books. In fact, it takes him out of the strait jacket, turns him loose wishing him godspeed in helping win this war as well as paying him a good premium as an encouragement.

Under the arrangements made by the Department of Agriculture with Mr. Byrnes, in connection with this program, under this legislation they will go into this type of program on the same basis with farms producing soybeans and flax; yet the gentleman in this great emergency, at a time when we are rationing our people and when many of our Allies are facing starvation, as are the people in many of the countries that we ought to be feeding to get their influence and their help in this war, would stand on the floor of the House and object to the consideration of this bill on the ground that it will strait-jacket some farmer, when there is not a single line in the bill to that effect. I agree with the gentleman that something ought to be done about some of the strait-jacketing business and I believe something will be done but this is not the time or the bill that should attempt the thing this gentleman would like to do. This is a bill that has been agreed upon with a unanimous favorable report from the Agriculture Committee and requested by the Department, that will help feed the people of this country and which will tend to help us win this war.

Mr. RICH. It seems to me that with the chairman of the Committee on Agriculture here pleading for this bill we ought to get some place now with the Department of Agriculture in the regulation of the farms of this country. If there was ever a time in the history of the world when we ought to get away from the killing of the pigs, the burning of the wheat, and the plowing over of the cotton, now is the time. The New Deal organization ought to be put far back from our thoughts. The chairman of the Committee on Agriculture ought to say to the Department of Agriculture and to the Congress that we want to do away with many of the laws which we have passed in the last 5 or 6 years. I am thankful that the chairman of the Committee on Agriculture is really seeing the light of day in the face of the opposition of the American farmer to a lot of the legislation that has been passed. God help America.

You will never feed anybody if you do not stop paying the farmers for not raising crops. The idea of paying the farmers for destroying their products and for not doing anything when we need food as much as we do now! If we are going to feed the world, we must turn this administration topsy-turvy and throw them out. That is the only way you will ever get anywhere.

Mr. FULMER. I think the gentleman will agree with me, if he has been reading any of my speeches and if he has noticed my attitude on the floor of the House as well as my voting, that I have been doing my part along constructive lines.

Mr. RICH. I congratulate the gentleman. Since the gentleman is the chairman of the Committee on Agriculture, I want him to rip out of the Department of Agriculture some of these bureaucrats. The quicker you do it and get back to the sound fundamental principles of our American form of government, the sooner you will feed the American people and the peoples of other countries involved in this war.

Mr. FULMER. I can assure the gentleman I will do my part. I may say to the gentleman that the same program will apply to soybeans and flax, but

there is no quota in connection with these crops. Therefore, we do not have to include these or any other crops in this bill. The fact that we feel a certain way about many bills that have been passed by Congress during the past years is no reason why we should let it affect our judgment in connection with this proposed legislation.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Kansas.

Mr. HOPE. May I say to the gentleman from Pennsylvania that he should not oppose this particular measure because it is doing something which I believe he agrees should be done. If you are going to pay the farmers for doing anything, pay them for producing rather than not producing. This bill is a departure from any of the subsidy plans we have had before, inasmuch as it does provide for paying the farmers for producing something which we badly need at this time.

Mr. RICH. On the gentleman's say-so, he being a member of the Committee on Agriculture, and on the say-so of the chairman of that committee—and I hope you will now get back to paying the farmers for raising things, and stop that other cockeyed method that has been going on in the Department of Agriculture for the last 5 or 6 years—I shall not object to this bill.

Mr. SMITH of Ohio. Will the gentleman from South Carolina explain to the House just how this penalty provision will result in the production of more food for anybody?

Mr. FULMER. I shall be delighted to do so, and I am glad the gentleman asked me the question.

Under the program for this year you had quota peanuts. They were limited. Under this bill that quota is wiped out, and these farmers can plant all they want to. These are the farmers who are operating on land where they can grow peanuts, and they have the machinery to carry on successfully. This year, however, if this quota farmer produced any peanuts beyond his quota he got only $82 per ton. Under this bill the sky is the limit and he gets $125, or perhaps a higher price for all he produces. The other farmers who planted this year, who received $82 in the face of a price of $141, for quota peanuts will receive $125 per ton for all they can produce, and naturally all farmers will have to go through certain receiving agencies in selling their peanuts. They are doing that at this time.

May I state to the gentleman that you would not get the production of fats and oils that we have to have unless we do this, along with soybeans, flax, and every other product that will produce fats and oil. Under this program we are not paying the farmers not to produce, but we are paying them to increase their production.

Mr. SMITH of Ohio. On page 4 of this bill, beginning in line 10 we find a reference to "farm wages on the basis of the national average and to include the wages of hired workers, operators, and owners." How does this fit into the act relating to the parity formula that we passed a few days ago under unanimous consent?

Mr. FULMER. I am very glad to answer the gentleman, and may I state that the bill passed by the House the other day is identical with this section.

Mr. BROOKS. Mr. Speaker, I reserve the right to object, to ask the gentleman a question. This is a program to expand the production of peanuts. Is not that correct?

Mr. FULMER. Yes, and the same program will apply to soybeans and flax.

Mr. BROOKS. And in order to do that and reach out into new areas, and induce new farmers, or rather farmers who have been planting fodder, to go into peanuts, to make investments and expenditures to buy equipment and to learn the work of producing peanuts in large quantities, to help the Government at the present time. In that event, suppose a farmer should go into the business of growing peanuts, and does invest considerable money, and put in time and effort in that work and does produce peanuts at the request of, we will say, the county agent or the Secretary of Agriculture and does make a success and wants to remain in that business, now at the end of the allotted time under this bill, will he be able to remain in that work or be thrown out at any time? What is the situation in that respect?

Mr. FULMER. I may answer the gentleman by stating no one can tell what will happen after the war. If we are able to cut off the importation of millions and millions of tons of cheap fats and oils that came into this country prior to this war and that may come in afterward, then I can state to the gentleman his farms can remain in growing their oil crops. Take the case of cotton farmers. What will happen after the war, when we cut down from the 12,000,000-bale consumption at this time because of the war, on cotton, and go back to the export market and a home consumption of five or six million bales? We just cannot tell at this time.

Mr. BROOKS. Under this bill we are appealing to that farmer as a patriotic proposition to come in now and grow these peanuts, so that vegetable oil can be made from them, saying he will serve the Government during this hour of stress, and yet by the same bill by which we make an appeal to him, we deny to him any vested right to carry on that program in the event he finds it desirable, and adaptable to his soil, after he has been successful. Does not the gentleman as chairman of the Committee on Agriculture feel that a farmer who has been induced to enter into a program like this in an hour like this, when the Nation needs this increased production of vegetable oil, ought to be given some status that would permit him to carry on that program after the crisis is over?

Mr. FULMER. But may I state to the gentleman we are proposing for your farmers and my farmers $125 per ton, whereas this year they only received $82 per ton.

Mr. BROOKS. He would be left with an increased investment in machinery. He has put in new equipment; he has put it in with the knowledge and in the hope that he has created a success.

Mr. FULMER. I do not believe that the gentleman should be worried about any great amount of machinery being left on the farmer's hands. You will not be able to buy much farm machinery. Lots of this peanut farming will have to be carried on on a cooperative basis.

I am surprised at the attitude of the gentleman from the great State of Louisiana [Mr. BROOKS] in that I am sure the passage of this bill will mean much to his farmers who no doubt will have to cut down on their cotton acreage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BROOKS. Mr. Speaker, I ask that the bill be passed over without prejudice.

Mr. SMITH of Ohio. Further reserving the right to object, I do not like the feature of this bill which puts this whole peanut industry under the control of the Commodity Credit Corporation. I do not want to do anything that will hinder production. Neither do I want to see any more bureaucratic restrictions placed on the farmers of this Nation. They are already virtually in a state of peonage. Their lives are not their own. They are still allowed to work, and according to recent releases from the Agriculture Department even this now comes under the political lash.

Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SALE OR TRANSFER OF PROPERTY BELONGING TO THE GOVERNMENT FOR OTHER PURPOSES

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the next bill on the Consent Calendar, which has not been on the calendar a sufficient length of time, H. R. 7826, to authorize the sale or transfer of property belonging to the Government for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. LANHAM. I will be glad to explain it. A situation has arisen in which, in the production of war material, certain mechanical equipment is very badly needed. The War Production Board has been getting it, insofar as it is available, from private industry in this country. There is a great deal of it in various Government buildings scattered over the country, much of which is not in use. This equipment is needed for the manufacture of highly necessary war materials such as high octane gas and in the carrying out of our synthetic-rubber program. This bill simply provides that whenever, during the continuance of the present hostilities, it is found that this material cannot be produced from any other source, this mechanical equipment can be taken from various governmental establishments, with the consent of the

heads of those establishments, and sold for a cash value upon the basis of replacement, and that that money shall be placed in the Treasury in a special fund for the replacement of this equipment at the expiration of the war.

Mr. MICHENER. In short, if in the war effort this equipment, for instance, generators in an air-conditioned building, are needed——

Mr. LANHAM. Boilers, blowers, and various other things.

Mr. MICHENER. Were needed in national defense projects or plants——

Mr. LANHAM. And could not be procured otherwise.

Mr. MICHENER. And could not be procured otherwise, with the consent of the agency where the equipment is now located, this equipment could be transferred to the necessary war industry?

Mr. LANHAM. That is right, for cash value, that is, replacement value, to be paid into a special fund in the Treasury for its replacement.

Mr. MICHENER. I understand the gentleman from Massachusetts [Mr. HOLMES] is familiar with the matter.

Mr. LANHAM. The committee held hearings and we concurred in a unanimous report.

Mr. HOLMES. We held hearings on this legislation. In this authorization bill we are allowing the Government to dispose of this property just the same as the War Production Board can go into any private industry today in the United States, where they have suitable mechanical equipment that is necessary in the prosecution of the war, and take it.

This is a unanimous report on the part of our committee. We feel strongly that where we are allowing those in authority to go into private factories and institutions, when the Government has this mechanical equipment, there is no reason why we should not make the same kind of contribution. I want to make it clear that this authority expires at the end of the present hostilities, and ceases the day that hostilities cease. The bill also provides that "replacement value" means the cost of ripping it out of the building and replacing the equipment and all the necessary repairs that must be incurred in taking out the equipment and replacing it again later.

Mr. MICHENER. Will the gentleman yield further?

Mr. LANHAM. I yield.

Mr. MICHENER. I notice the committee has amended the bill by striking out the words "whenever in time of war" and substituting therefor "during the continuance of the present hostilities." That would mean that the powers granted under this bill would cease when an armistice was entered into?

Mr. LANHAM. That is correct, and that is so expressed by reason of the fact that the determination and conclusion of the war may be extended far beyond the cessation of hostilities, until treaties are entered into, and so forth. So we provide that when hostilities are over, then there is no further need for this equipment.

Mr. MICHENER. The committee is to be complimented on that type of legislation which makes it plainly and clearly and absolutely war emergency legislation.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever in time of war the President shall determine that any mechanical equipment now owned by the Government and devoted to a particular use is urgently needed in the conduct of the war, and cannot otherwise be provided, the head of the department, agency, or establishment having control thereof, in order to fulfill such need, is authorized to sell such property for cash for a price equal to the full replacement value thereof. Any funds realized from the sale of such property shall be deposited in a special fund in the Treasury and shall be available for replacement and for the restoration, repair, and renovation of any buildings or other property from which it may have been taken.

With the following committee amendment:

Page 1, line 3, strike out the words "whenever in time of war" and insert "during the continuance of the present hostilities."

Mr. LANHAM. Mr. Speaker, with reference to the committee amendment which is inaccurately reported, I ask unanimous consent that that amendment be withdrawn, and I will offer a substitute amendment, as follows:

Line 3, strike out the words "in time of war" and insert in lieu thereof "during the continuance of the present hostilities."

In other words, the word "whenever" is stricken out in the committee amendment suggested in the report, which is in error.

The SPEAKER. Without objection, the committee amendment is withdrawn.

There was no objection.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 1, line 3, strike out the words "in time of war" and insert in lieu thereof "during the continuance of the present hostilities."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO ELIMINATE THE PROHIBITION AGAINST PAYMENT OF DEPOSITS AND INTEREST THEREON OF ENLISTED MEN UNTIL FINAL DISCHARGE

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 662, S. 2353, to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits and interest thereon of enlisted men until final discharge.

Mr. KEAN. Mr. Speaker, reserving the right to object, it is my understanding that the gentleman is asking for a return to this bill for the purpose of suggesting an amendment which would provide that the change would be applicable only during the present war and for 1 year thereafter.

Mr. THOMASON. The gentleman is correct; and I may add that my colleague, the gentleman from Texas [Mr. KILDAY], has an amendment prepared which he will offer if unanimous consent is given for the present consideration of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 1305, Revised Statutes, as amended, be, and the same is hereby, further amended to read as follows: "Any amount heretofore or hereafter so deposited shall be held during such period of his service as may be prescribed by the Secretary of War; shall be accounted for in the same manner as other public funds; shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man, or to his heirs or representatives, shall be made out of the fund created by said deposits; shall not be subject to forfeiture by sentence of court martial, but shall be forfeited by desertion; and shall be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same."

SEC. 2. Section 1306, Revised Statutes, as amended, is hereby further amended to read as follows: "For any sums not less than $5 so deposited for the period of 6 months, or longer, the soldier, on his final discharge or at such time or times prior thereto as may be prescribed by the Secretary of War, shall be paid interest at the rate of 4 percent per annum."

Mr. KILDAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDAY: On page 2, line 15, insert "SECTION 3. The amendments herein provided shall be effective during the present war and for a period of 1 year thereafter."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article on the lasting menace of Japan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement I made before a committee of the Senate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COLUMBIA BASIN PROJECT

Mr. ROBINSON of Utah. Mr. Speaker, I call up for immediate consideration the bill (H. R. 7722) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia

Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. RICH. Mr. Speaker, we have about 50 Members present. I realize that the gentleman from Utah has the right to bring this bill up with an hour's debate, but I have watched legislation in the development of the Columbia River Basin from the time they started the Grand Coulee Dam. I realize that the gentleman from Utah is interested in trying to get legislation through that will put into cultivation 1,200,000 acres of land in the Columbia River area, but I wonder whether this is the time to do it? We are at war; we need every ounce of reserve strength we have, every dollar we can rake and scrape together, every bit of manpower the country can get together to keep the farms we now have in operation. I realize that the program that the Agricultural Department has established has got to be changed if we are to feed this Nation. I do not think we should start now the development of 1,200,000 acres of land in the Columbia River Basin while we are at war. I think it ought to be deferred until the next Congress meets because they have a mandate from the people to stop some of these things the administration has been doing. I do not want to interfere with the gentleman from Utah because I like him; he is a good legislator and an industrious worker, but I ask him to withdraw this bill now, because if he does not the only way I know of in which to stop it is by making a point of no quorum and that I shall do from now until January 3 to block this bill because I am interested in winning this war and doing everything we can to stop some of this needless expense and some of this legislation that must be stopped, legislation providing for things not necessary to carry on the war.

Mr. ROBINSON of Utah. May I call the gentleman's attention to the fact that this is not the beginning of this legislation; this legislation was started in 1935.

Mr. RICH. I appreciate that.

Mr. ROBINSON of Utah. This legislation is absolutely needed; furthermore, in order to take care of the soldiers when they come back from this war.

Mr. ANDERSON of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. ANDERSON of New Mexico. I want to suggest to the gentleman from Pennsylvania that at the outset I was as opposed to this legislation as he appears to be but there certainly was one feature which I thought was worth while. Remember this entire body of land is not in one ownership; it cannot immediately be brought into one irrigation district. It is of such ownership that it is going to require a year of effort to bring it into a body where it can be intelligently handled. The Bureau of Reclamation has made studies of this and I can assure the gentleman from Pennsylvania that it is going to take from 3 to 5 years before we shall be ready to do the actual constructing and this preparatory work will not cost much money. The important thing is that we must say to the Secretary of the Interior and we must say to John Page, the head of the Bureau of Reclamation, to start planning the Columbia River project, and that when it is put into operation it will be under some such program as outlined here.

Mr. RICH. The gentleman says it is not going to require much money. How much money will it require?

Mr. ANDERSON of New Mexico. Eventually $100,000,000, but for the work which the Bureau of Reclamation will do in the next 3 years it should not require a quarter of a million.

Mr. RICH. But I call the gentleman's attention to the fact that the farmers are not able now to farm all the land they have because of shortage of manpower. We need to use every ounce of manpower we have on present areas rather than go ahead with the development of 1,200,000 additional acres. Then you can go ahead with it, but you ought to withdraw the bill now. I will ask the gentleman from New York to withdraw the bill. If he does not I am going to make a point of no quorum.

Mr. ANDERSON of New Mexico. May I say that when I speak of what the farmer has to do with irrigation I am not speaking theoretically. I farm a thousand irrigated acres and I have to send my truck out for labor every day; so I appreciate what the gentleman is saying. But in the development of those acres he must realize that it is not done overnight. It requires years of planning and work. This project will mean that for the next 2 years the Bureau of Reclamation will be developing its plans and it will know the formula under which it shall eventually work.

Mr. RICH. The Bureau of Reclamation can develop its plans and have it all ready for 2 years from now. You should wait for the next Congress.

Mr. ROBINSON of Utah. Mr. Speaker, much as I dislike to withdraw my request, I appreciate that the gentleman from Pennsylvania is entitled to make a point of no quorum and under those circumstances I concede we will get no place.

Mr. RICH. The gentleman is a gentleman and a scholar.

Mr. MICHENER. I had misgivings about this bill in the beginning. The members of the Committee on Reclamation have given a lot of study to the matter. All of them have consented to bring the matter up at this particular time because they are convinced that the matter should be disposed of. I am not taking any position against the gentleman from Pennsylvania other than to say that the minority members on the committee have consented that this matter may be brought up in this way.

Mr. RICH. Did not the minority whip send the notice out that this was to come up tomorrow?

The SPEAKER. The gentleman from Utah has withdrawn the bill.

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution adopted in the city of Shreveport, La.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. BROOKS]?

There was no objection.

SETTLEMENT OF MEXICAN CLAIMS ACT OF 1942

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the present consideration of a conference report on the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, and I also ask that the statement be read in lieu of the full report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain what the conference report is, what it does, and why the necessity for bringing it up now?

Mr. BLOOM. Yes; I will be glad to do that.

Mr. MICHENER. As I understand, the conference committee has agreed upon a report, and this is an unanimous report?

Mr. BLOOM. That is true.

Mr. MICHENER. The matter is urgent?

Mr. BLOOM. Yes.

Mr. MICHENER. And it should be disposed of now?

Mr. BLOOM. Yes.

Mr. MICHENER. The gentleman from New Jersey, a member of the committee, was here a minute ago.

Mr. BLOOM. He signed the conference report.

Mr. MICHENER. He expressed the desire that the matter be taken up. The ranking minority member of the Committee on Foreign Affairs, the gentleman from New York [Mr. FISH], is present. What is his position?

Mr. FISH. I have not objected to bringing up the conference report. As long as the gentleman asks my position, may I say that this bill has had a very devious course for the last few years. When it first came before the House I fought it as aggressively as I knew how, and defeated it on the floor of the House. It has now been reduced into a form that might be termed passable. I do not want to be responsible for any dog-in-the-manger act and at the last minute object to consideration of a unanimous conference report after all their efforts to write a reasonable bill. There are some estimable Members on both sides who are strongly in favor of the bill, so I am not going to take advantage of the parliamentary situation and assume the responsibility for defeating a bill whose obnoxious features have been eliminated from its original form which was, to say the least, open to serious suspicion and in my opinion amounted to establishing an outrageous precedent that would have been most harmful and would have opened the United States Treasury to repeated raids.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Settlement of Mexican Claims Act of 1942.'

"SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the 'Commission') and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

"(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necesary to carry out its functions under this Act, and shall fix their compensation without regard to the Classification Act of 1923, as amended.

"(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this Act.

"(d) The authority of the Commission under this Act, and the terms of office of its members, shall terminate at the expiration of two years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

"SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

"(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

"(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

"(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

"(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

"(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission, established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

"(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

"(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damage suffered, or other evidence thereof which is satisfactory to the Commission.

"(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide the case upon the basis of the record before the General Claims Commission.

"SEC. 4. (a) The Commission shall also have authority, within its discretion, as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

"(b) In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the appraisals so made. Within a period of thirty days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal and certify such award to the Secretary of the Treasury.

"(c) In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case and certify such award to the Secretary of the Treasury.

"(d) In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall, if it determines to review such case, decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith; *Provided*, That the Commission may, in its discretion, receive and consider additional evidence with respect to any claim in which it is established to the satisfaction of the Commission that it was impossible for either the claimant or his attorney, despite the exercise of due diligence, to obtain and file such evidence within any period prescribed for such filing by or in accordance with the applicable agreements between the Government of the United States and the Government of Mexico, or by or in accordance with the applicable rules adopted pursuant to such agreements.

"SEC. 5. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

"(b) Each decision by the Commission pursuant to this Act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

"(c) In connection with any claim decided by the Commission pursuant to this Act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

"(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

"(1) A list of all claims disallowed;

"(2) A list of all claims allowed, in whole or in part (together with the amount of each claim and the amount awarded thereon) which have not been previously certified under section 4 (b) or 4 (c); and

"(3) A copy of the decision rendered in each case.

"SEC. 6. (a) For the purposes of this Act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

"(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 3 (a) of this Act;

"(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

"(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals, except where such appraisals are reviewed by the Commission pursuant to section 4; and

"(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938, except where such appraisals are reviewed by the Commission pursuant to section 4.

"(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in paragraphs (1) and (2) of subsection (a).

"SEC. 7. For the purposes of this Act, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

"SEC. 8. (a) There is hereby created in the Treasury of the United States a special fund to be known as the 'Mexican Claims Fund', hereinafter called the 'fund'. All payments authorized under section 9 of this Act shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 10 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

"(b) The Secretary of the Treasury is authorized and directed to cover into the fund—

"(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

"(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

"(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

"(4) the sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to the claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 10 (b), to make payments on account of awards and appraisals certified pursuant to section 6 (b) of this Act, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest.

"(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 10 (b)—

"(1) to make similar payments of not to exceed 30 per centum on account of the principal amount of the awards certified pursuant to section 5 (d) of this Act;

"(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this Act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

"(3) after payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

"SEC. 9. (a) Subject to the limitations hereinafter provided, payments pursuant to section 8 of this Act, the Act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

"(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

"(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

"(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

"(6) in the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

"(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

"(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this Act.

"(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government.

"(f) Nothing in this Act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

"SEC. 10. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act.

"(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 8, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"SEC. 11. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

"(b) So much of the Act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this Act, is hereby repealed.

"SEC. 12. Nothing in this Act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923.

"SEC. 13. As used in this Act—

"(a) The term 'person' includes an individual, partnership, or corporation.

"(b) The term 'United States', when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

"(c) The term 'American national' includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"SEC. 14. The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: '*Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'.

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: '*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge

upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

And the House agree to the same.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

TOM CONNALLY,
HIRAM W. JOHNSON,
ROBERT F. WAGNER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate bill provided for the establishment of an American Mexican Claims Commission of three members to be appointed by the President, by and with the advice and consent of the Senate. Each such member was to receive compensation at the rate of $7,500 a year. The employees of the commission were to be appointed and their compensation fixed in accordance with the civil-service laws and the Classification Act of 1923, as amended. It was also provided that the authority of the commission should terminate at the expiration of two years after the date on which a majority of its members who were first appointed took office but an earlier termination date might be prescribed by the President by Executive order.

The House amendment provided for a single commissioner to be designated by the President to decide certain categories of claims of American nationals against the Government of Mexico, and for another commissioner to decide, not later than January 1, 1943, a limited number of claims known as special claims. In connection with this second category of claims, the House provision would have required a postponement of further payments on account of awards already rendered in similar cases until such time as the new award holders received 75 per centum of their awards. It might also have necessitated a reduction in the amount of the former awards. The employees of the two commissioners were to be appointed and their salaries fixed without regard to the civil-service laws and the Classification Act of 1923, as amended.

The conference agreement provides for one commission of three members to be appointed by the President, by and with the advice and consent of the Senate, with salaries at the rate of $10,000 a year each. The Senate provision with respect to the termination of the authority of the commission is retained, but the House provision with respect to employees is retained. The functions of the second commissioner provided for in the House amendment are to be exercised by the three-man commission, but the claimants who are entitled to have their cases decided by the new commission are to receive payments on the same basis as other claimants whose cases are decided by that commission, with the result that the former awards made to claimants in similar cases will not be disturbed.

There were certain differences in the Senate bill and the House amendment with respect to the types of claims to be decided. The principal difference was that with respect to appraisals made by the American commissioners designated pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934, and by the Agrarian Claims Agreement of 1938, respectively, the House amendment provided that those appraisals should be final and binding. The Senate bill, on the other hand, provided that petitions for review might be filed in such cases if the claimant was unwilling to accept the appraisal previously made. The conference agreement gives the Commission authority in its discretion to proceed with petitions for review in the case of such appraisals as provided in the Senate bill, and discretionary authority is also given the Commission to receive and consider additional evidence if it is established to the satisfaction of the Commission that it was impossible for the claimant or his attorney, despite the exercise of due diligence, to obtain and file such evidence within any period prescribed for such filing pursuant to agreements between the United States and Mexico.

The Senate bill also contained provisions in respect to claims for losses sustained by American nationals in connection with their interests in foreign corporations or organizations. In such cases claims might be evidenced by an allotment to the claimant or by other proof satisfactory to the commission. There was no corresponding provision in the House bill. The conference agreement retains the Senate provisions.

Another difference was that in the Senate bill provision was made for decisions by the new commission with respect to (1) claims in which decisions were not rendered by the former General Claims Commission in conformity with the rules of procedure adopted by such commission and (2) those decided by such commission in which the United States filed a petition for rehearing. There was no provision in the House amendment relating to the review of those cases. The conference agreement provides for a decision by the new commission with respect to the first group of cases decided by the former General Claims Commission but not with respect to those in which a petition for rehearing was filed by the United States.

The Senate bill provided that the new commission might, upon written request of the claimant or any attorney employed by the claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to any claim decided by such commission in which an award was made. There was a limitation, however, that the amount of the fees should not exceed 10 per centum of the amount of the award unless in special circumstances the commission found that a larger fee was just and reasonable. The fees so determined were to be entered as a part of the award and a penalty of a thousand dollars was provided for the acceptance of a larger fee than that determined by the commission. There was no corresponding provision in the House amendment. The conference agreement adopts the Senate provision and makes it clear that the limitation as to attorneys' fees applies only with respect to claims decided by the new commission.

The Senate bill provided that the expenses of the new commission should be deducted from the payments made to award holders. Under the House amendment 5 per centum of the amount of each award was to be deducted as reimbursement for expenses of the United States incurred in connection with the decision of claims for which payment was provided for under the Act. The conference agreement retains the House provision.

The Senate bill made it clear that the new commission was not to consider or decide certain claims which were based upon the nonpayment of the principal or interest on bonds issued or guaranteed by the Government of Mexico. This limitation was contained in the House amendment only by implication, but the conference agreement retains the Senate provision.

The House amendment also contained a provision that the Act should not apply to any claim based upon or arising out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923. There was no corresponding provision in the Senate bill. The conference agreement retains the House provision.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the special orders heretofore entered, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE PRESIDENT OF CUBA

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, for the information of the House I wish to announce that His Excellency, Gen. Fulgencio Batista, President of the Republic of Cuba, will be the guest of the House on Thursday of this week at 12:15 p. m. I hope the Members will take notice of that and be here to greet this distinguished visitor.

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I wish merely to add my word to that of the gentleman from Georgia [Mr. RAMSPECK], on the majority side, by saying that I hope all the minority Members of the House will be here to welcome General Batista, President of Cuba, representing one of the first nations to declare war against the Axis Powers in this hemisphere. I hope every Member in Washington will make a special effort to be in the House to listen to General Batista, President of our sister Republic of Cuba, with whom we have been so closely associated since the Spanish War. Our relations with Cuba have been cordial and friendly for many years and our mutual interest in winning the war has tended to bring us even closer together for purposes of defense.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia [Mr. RANDOLPH] is recognized for 15 minutes.

BITUMINOUS COAL PRICES AND RELIEF FOR OPERATORS AND MINERS

Mr. RANDOLPH. Mr. Speaker, there are two philosophies which might be used to approach the problem I call to the attention of the House this afternoon. The first is expressed in a legend which is said to have hung over the fireplace of the Calvin Coolidge home in Northampton, Mass. It rhymes like this:

A wise old owl lived in an oak;
The more he saw, the less he spoke;
The less he spoke, the more he heard.
Why can't we be like that old bird?

The second philosophy was advocated by Josh Billings, a character beloved by people of another day in the life of this country. It was homespun in these words:

I don't believe in kicking,
It ain't like to bring one peace.
But the wheel that squeaks the loudest
Is the one that gets the grease.

I do not assume the role of faultfinder for the mere opportunity of becoming a member of a crusade of criticism, which is very prevalent in the country at this time. I shall say, however, that I believe many of the speeches delivered on the floor of this House have had a salutary effect. The people of America believe that the Members of Congress, elected from districts and States throughout this Nation, have on their shoulders not only the privilege but the responsibility of bringing to the public attention many of the unreasonable inequities which are found in the administration of government.

I represent a congressional district which is composed of 15 counties, 9 of those counties being producers of bituminous coal, with thousands of persons connected directly and indirectly with the operation of that great industry so vital to the preservation of the United States at this time. I am a member of the Committee on Mines and Mining of this House. Therefore, I have studied most carefully the complaints which have come to me from those individuals, both operators and miners, who firmly feel there is a failure today by Government authorities to give proper relief to those who are asking it from the standpoint of production and sale of bituminous coal.

Bituminous coal enters into the necessary operation of the transportation system of a wartime America. Bituminous coal enters into the operation of factories essential to the manufacture of the materials of war with which we fight our well-equipped, our resourceful, and our ruthless foes. Bituminous coal certainly not only warms the homes of millions of workers, providing them with the health to carry on their duties in these plants, but it, as well as other fuels, is a highly important factor in what we know will be the ultimate winning of the victory for the United States and those who fight with us.

I have, however, in connection with the complaint which I now bring to the House, worn thin, if I may use a trite expression, my patience with some of those who are administering a part of the price control program to which I invite your attention.

I charge that the Office of Price Administration and the Bituminous Coal Division of the Department of the Interior, or those within those two units, have allowed or fostered unnecessary delay in the settlement of pending cases, have had an unwarranted duplication of effort, and have apparently failed to realize the seriousness of the plight of those who ask sufferance of their Federal Government. I shall support the statement I have just made with facts.

We have in Preston County, W. Va., many small coal operations.

One of these operations is that of the Albright Coal Co. The president of that company, Mr. George S. Connell, of Pittsburgh, Pa., in behalf of his company, not a few days ago, or a few weeks ago, but many months ago, almost a half year in fact, came before the Bituminous Coal Division and the Office of Price Administration and attempted to show where his company, a small concern, could not continue to produce coal if it were not allowed to sell that coal at a price commensurate with the cost of production of the fuel itself. I read from a letter addressed to me by Mr. Connell. Under date of November 30, he addressed a communication which I read in part:

I am going to hang on if I can until the first of the year, but if nothing has been done by that time I will forget the whole business. I don't know whether price relief will save my situation now or not, but I do know, if it does not come pretty quick, we are going out of business.

Going out of business. Think of it, when coal is needed in America to perhaps a greater degree than ever before, when literally hundreds of miners and their loved ones are dependent on the operation of that mine in the vicinity of Albright, Preston County, W. Va.

I have another case in that same county, the Henry Clay Coal Mining Co., the president of which is Mr. H. S. Haring, of Philadelphia. Under date of November 30, the same date I received a letter from Mr. Connell, I have from Mr. Haring a communication which states in part:

The company has lost money in operations during August, September, October 1942, and we cannot go on. Our production has gone down in these months. We are supplying war plants some of which say they cannot use any other coal to keep up steam and keep going. This is not a plea for greater profits. This is a plea for existence that will enable us to continue functioning in the war effort, as our present losses will soon require us to close down.

In connection with that statement of the president of the company, I have under date of December 4 received a communication from the mayor of Newburg, the section in which this coal mine operation has been functioning. I refer to Mr. Edward H. Horchler. I have known him favorably for many years. I know when he writes a letter of this kind to me he couches it in strong language because the kind of situation which faces his people warrants it. He says:

Here it is after the 1st of December, more than 5 months after their original protest and petition for adjustment was filed; nothing has been done. In the meantime their tonnage has been dropping and costs so rising that for the last 3 months they have lost large sums of money in operating expenses. They cannot go on unless they are given the necessary relief.

Continuing in the letter from Mr. Horchler, he states:

All of these letters—from the agencies in Washington—promising some action do not alter the fact that they are operating at a loss and can no longer continue.

Over and over again, Mr. Speaker, these men for whom I stand and speak today have received from the agencies in Washington approximately this stock phrase in every letter:

No conclusion on the issues has yet been reached.

Think of it; no conclusion on the issues 6 months after a petition for relief, when it costs more to produce the coal, and persons are eager to buy it, than the O. P. A. and the Bituminous Coal Division will allow coal to be sold and marketed for.

I go now from Preston County to my own county of Randolph, and bring to your attention a case which is close to home, because of my residence in the county seat of Elkins. I have talked with the president of a coal-mining company, Mr. L. Wade Coberly, a man I have called friend for many years. Mr. Coberly brought to the attention of these agencies that I have mentioned his petition for relief in June 1942, and like other operators he is still waiting and receives the discouraging word that no conclusion has yet been reached. Mr. Coberly is practically ready to close his operation. Repairs are being made. Production costs, in which wages are counted, are higher. To be sure, Mr. Speaker, only about 60 men are employed, but those 60 miners live in the mountain regions of West Virginia and they have families and they have sons fighting under the Stars and Stripes and they pay taxes and they contribute to the war effort. They cannot be transplanted to some defense factory overnight.

Mr. Coberly says, and I know it to be a fact, that if he does not have relief now, and not later, his operation will close, and then weigh what he tells me by letter and personally when I meet him on the street of my own city. He further states that a coal-mine property operated for many years by Mr. Billy Green has been shut down. I know him also, as he lives within a block of my own home. Mr. Green just became tired, so I am told, of receiving word that no conclusion had been reached, and what does he do? He closed his operation and more than 200 miners were thrown out of employment. Green is said to have become weary of the continual red tape through which he had been forced to present his case, and Mr. Green, being a man of some means, decided that he would not have the worry any more, and so he stopped his mining operation, an operation producing bituminous coal with which to help our war effort. Hundreds of others, in addition, represented through their families, are now suffering through lack of prompt and proper action.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Your Mr. Green is rather fortunate in that he is a man of independent means. We have many farmers who have lost their boys and the hired man, and they have a herd of dairy cows which is producing many pounds of food. They are through, not from choice but they just cannot do it. What are you going to do about them?

Mr. RANDOLPH. I recognize the plight of the farmers. I know a man in my district who was stricken through paralysis. He was a man in his sixties. All three of his sons were in the Army, not drafted, but enlisted in the armed forces of the United States.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask for an additional minute.

The SPEAKER pro tempore (Mr. PRIEST). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. I shall not request more time to develop this matter, through deference to the gentleman from New York [Mr. FISH] who also has a special order. But referring to this farmer in my district, he asked that one of his sons be returned to take care of the harvesting of the crops. It was not done. That action was prior to essential farm labor being recognized as necessary to the feeding of our soldiers, sailors, and Marines. I know the bitterness in his heart, yet he is a thoroughgoing American.

In conclusion, I return to my earlier assertion, that I do not fancy the role of a fault finder. I am not a carping critic, but my patience, I repeat, has been worn so thin. Relief in several cases has been grudgingly granted, but it has taken persistent effort. My personal visits, my voluminous correspondence, my telephone calls have apparently brought scant aid in these cases, and others I could present. These rebuffs or failures caused the gentleman from West Virginia to appear in the well of this House and address his remarks in this forum, not only to his fellow Members, but to the country at large, and to vigorously yet fairly assert that such a condition is not only intolerable, but that such a condition reflects on the administration of our great war effort.

[Here the gavel fell.]

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York, Mr. Fish, is recognized for 10 minutes.

THE PEOPLE'S MANDATE

Mr. FISH. Mr. Speaker, I ask unanimous consent that my time may be extended for 2 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I asked for the additional time because I wanted to make certain observations at this particular moment and include them in the RECORD.

Today is the first anniversary of our declaration of war, a year and a day following the attack by the Japanese on our armed forces at Pearl Harbor.

For one reason or another, largely political and to cover up its own blunders and accountability, efforts were made by the administration during the last campaign to deceive the American people into believing that the Congress had some responsibility for the disaster that occurred at Pearl Harbor when our ships were sunk and our men killed. I want to go on record as saying that no Democrat or Republican in the Congress or in the House of Representatives had anything to do with that disaster at Pearl Harbor. No Member of Congress, Republican or Democrat, even knew that our fleet was at Pearl Harbor, and they had no control over it whatsoever at any time—its goings or its comings.

I, along with many other Members of Congress, was accused during the campaign of being partly responsible for the sinking of our fleet at Pearl Harbor. I want to emphasize on this anniversary of our declaration of war that no Member of Congress had anything to do with the tragedy at Pearl Harbor. Certainly the Representative from the twenty-sixth district of New York was the last person in Congress who could be in any way charged with any responsibility. On January 30, 1939, I introduced a resolution in this House to prohibit the sale and shipment of scrap iron to Japan, which was opposed by the administration. The record shows that from 6,000,000 to 8,000,000 tons of scrap iron went to Japan between then and our declaration of war. Much of it was turned into Japanese bombs that on December 7, 1941, poured out of the skies upon our warships and destroyed or damaged some 18 warships and killed 3,000 American soldiers and sailors.

Changing to another subject, I am glad that the administration, whether it has the power and authority I do not know but I presume it does, has reduced the age limit under the Selective Training and Service System from 45 years to 38 years. A month ago I offered an amendment, when the 18-year age limit was under consideration, to limit the top age to 40, which unfortunately was defeated in the House. Now, in the good judgment of those in charge of the Selective Service System, they have automatically reduced it to 38 years. I think that is wise, because it has been proven in this war and all other wars that men over 38 or 40 cannot stand the strain of modern training and naturally of combat warfare. They break down physically and our Army hospitals are filled with them. Most of the men over 40 drafted into our armed forces became a liability to the war effort and impeded the conduct of the war and should be permitted to return home to their families and jobs.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield briefly.

Mr. EBERHARTER. Has the gentleman heard the theory advanced that the attack on Pearl Harbor was hurried by the fact that we did embargo the sale of scrap to Japan, and that if this Government had stopped the sale of scrap iron 6 months previously, the Pearl Harbor attack might have occurred 6 months before it did?

Mr. FISH. I am glad the gentleman asked that question, but I do not see the logic of it whatsoever. We needed that scrap iron for ourselves. There would not have been a shortage of scrap iron in America today if we had acted to preserve that scrap iron; then instead of there being a shortage in this country as there is, there would have been a shortage in Japan. The logic of the situation should have prompted us to protect our own interests. It was in our own interests to keep that scrap iron for ourselves. We did not, however, protect our interests, because we gave that scrap iron to Japan, and she promptly turned it into guns, warships, bombs, tanks, and other weapons of war. Japan could have had no complaint against us so long as we made it apply equally with China, which was at war with Japan.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. EBERHARTER. Does not the gentleman believe there was also a duty on the Government to endeavor to delay any contemplated attack upon our country?

Mr. FISH. I think the House understood that very well when the House refused overwhelmingly to vote an appropriation to deepen the harbor of Guam for commercial airplanes. It understood then the danger of provoking war. Certainly I am the last man anybody could blame for trying to provoke war against Japan or any other nation. I never subscribed to the fallacy of some war makers that we could defeat the Japanese Navy in 2 weeks and crush Japan in 3.

The American people have not yet fully realized the extent of the victory they won at the polls on November 3 over New Deal collectivism, bureaucratic rule, and dictatorial government. Practically every State north of the Mason and Dixon's line, with the exception of Rhode Island, Montana, and Washington, declared its all-out opposition to the march toward socialism, communism, and one-party and one-man government in the United States. While fighting for the four freedoms throughout the world, the American people do not propose to surrender their rights and liberties for any form of totalitarianism.

The people resented being regimented and kicked around from Washington by the New Deal bureaucrats and struck back in the American way at the ballot box. Free Americans can always be depended upon to preserve their own personal and constitutional liberties whenever they consider them threatened.

The attempts of the New Deal to purge both Republican and Democratic opponents and curb free speech and freedom of the press was not only unsuccessful but the methods employed were resented bitterly by fair-minded Americans. Freedom of inquiry and of discussion is as much an American right as breathing the air or walking on the earth. It is an

ancient right enjoyed in every American house. It is a home-bred fireside privilege that must be upheld in all places, in time of war, in time of peace, and in all times, if America is to remain free.

It is a paramount duty of the Republican Party to defend the high constitutional privilege of free speech, and I propose to do it both within the Congress and without. It is one of the four freedoms that we are fighting for, and we must, above everything, preserve it for ourselves.

I have been asked why it is that the American people are turning against the New Deal, and my answer is that they are fearful of a one-party and one-man government, with the loss of their liberties, as has always been the case in foreign lands. They have witnessed attempted purges of individuals and newspapers and are becoming distrustful of these un-American tactics and Gestapo methods.

The American people spoke in no uncertain terms on election day, and it is up to the Congress to carry out the popular mandate. As I interpret the will of the electorate, it was largely directed against the efforts of the administration to dominate Congress, usurp its legislative functions, and to set up a government by bureaucrats without legislative or constitutional authority.

The people's mandate was directed to Congress to stop being a rubber stamp for the Chief Executive and to reassert its legislative powers under article I of the Constitution.

Vice President HENRY A. WALLACE was completely wrong in accounting for the anti-New Deal victory by saying that the wage earners did not vote on November 3, because they were too busy working on war production. Even the armament centers went Republican by big majorities.

From whatever angle you look at the election results, it was a clear-cut mandate from a free people that they wanted a return to representative and constitutional government in the United States.

The Congress received a mandate to reassume its constitutional powers, to legislate on its own responsibility, and to maintain its dignity, authority, and prestige as an equal and coordinate branch of the Government with the executive and judiciary.

Although the Republicans failed by 7 votes to control the House of Representatives, there is a clear majority of at least 25 against the New Deal and its socialistic program. The membership of the new House can be depended upon not to be rubber stamps on all issues where there is any attempt to usurp or take over any of its constitutional prerogatives or power.

If the election did nothing else, it revived the fighting spirit of the anti-new dealers, both Republicans and Democrats, and assured the people of a Congress that would be jealous of its own powers and would restore the American system of checks and balances provided by the Constitution.

In my opinion, November 3 marked the end of what might be called the New Deal social revolution. If the vote had gone the other way it might well have been the end of our American system and free American enterprise, and been considered a mandate for an extension of collectivism and totalitarianism in America.

The march to collectivism, socialism, and dictatorship in America was not only halted on November 3, but the New Deal was definitely routed. The tide of public opinion has turned against it, back to the firm foundation of representative and constitutional government and free American enterprise under which this Nation has developed and prospered for 150 years.

There is no room in free America for any foreign or totalitarian form of government or dictatorship such as prevail in Germany, Italy, Russia, and Japan.

I hope and believe that we will win an all-out victory within the next year, and that at that time the new Congress should proceed immediately to regain the powers it has given the President for the duration of the war.

As a result of the election, there is a new spirit not only in Congress but throughout America that will make itself heard and felt against any individual or group of individuals who endeavor to bypass Congress and set up, in defiance of the Constitution, a government by nonelective bureaucrats, regimenting our daily lives by edicts without the authority of law.

The two-party system is about to function again, and from now on Congress will not be a rubber stamp for the New Deal bureaucrats. There is no need for a coalition in the new Congress between Republicans and anti-New Deal Democrats to preserve our American system and constitutional government. The people have spoken, and the Congress will abide by the mandate.

I am confident that a large majority in the new House will openly oppose any and all efforts of the radicals and Communists to impose collectivism, national socialism, or dictatorship upon the American people. Loyal, hard-working American labor need have no fear that it will lose any of its hard-won rights and legislative gains, but labor racketeers need expect no sympathy or support from the new Congress.

The following is what I would like to see as a domestic legislative program for the new Congress, to insure that we do not lose the war at home while winning it abroad:

First. The Congress to be the sole legislative authority for the Nation.

Second. The Congress, with power to raise revenue, should devise a constructive and workable pay-as-you-go plan for payment of income taxes.

Third. All unnecessary nondefense projects, such as the St. Lawrence ship canal, should be scrapped for the duration of the war.

Fourth. The House of Representatives should create a committee on aviation.

Fifth. Congress should devise a program for the immediate assistance of small business, including a fair distribution of war orders.

Sixth. Unnecessary and duplicating governmental agencies should be abolished and rule by bureaucrats ended.

Seventh. Congress should prohibit the placing of any ceiling on salaries by any other authority except its own.

Eighth. Congress should require, by law, the immediate construction of gasoline and fuel-oil pipe lines to New York and New England from the oil States.

Ninth. Congress should provide, by law, for issuance of permits that would give adequate gasoline to legitimate salesmen and to farmers and dairymen to prevent a shortage in the production of food and milk.

Tenth. Congress should investigate all attempts to undermine the authority of the legislative branch of the Government by individuals, organizations, or governmental agencies, including efforts designed to destroy freedom of speech, freedom of the press, and representative and constitutional government.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. HINSHAW] is recognized for 5 minutes.

THE RIGHT OF THE FEDERAL GOVERNMENT TO REGULATE EMPLOYEE RELATIONSHIPS OF STATE GOVERNMENTS AND SUBDIVISIONS THEREOF

Mr. HINSHAW. Mr. Speaker, I notice from today's RECORD that the gentleman from Virginia [Mr. SMITH] has introduced House Resolution 582, to investigate the power of agencies of the Federal Government to regulate employee relationships of State governments and subdivisions thereof. This resolution has been referred to the Committee on Rules. I hope the Rules Committee will bring out the resolution and do it quickly for it is quite apparent that very broad attempts are being made to regulate the State and municipal government activities in connection with their employee relationships. In my own district and in my own home town, Pasadena, Calif., we have a problem which is not serious in comparison with some problems that exist elsewhere, but which is indeed serious in principle. Our equivalent of what is ordinarily called the city council but which we call our board of city directors agreed to increase the salaries of the city employees engaged in the collection of garbage, revised them upward $14 per month.

This agreement was made some time before the appointment of Mr. Justice Byrnes as Director of Economic Stabilization. Immediately after his appointment and the issuance of the order stabilizing wages, the board of city directors was in a quandary as to whether or not their agreement was to be still in effect and whether or not they could lawfully pass an ordinance increasing salaries, or be forced to abide by the orders of the section of the War Labor Board to whom the question of salary stabilization had been assigned. The assistant city manager, Mr. Harold Hines, called upon me, and by long distance telephone from California I contacted the gentleman in charge of the question in Washington, a Mr. Feinsinger. From him I learned that the city could enter its certificate of its reasons why that increase of salary was necessary and proceed to make the

increase; but the certificate was subject to disapproval by the section which he represented, in the War Labor Board, and Mr. Byrnes, in which event the salary increase would stop as of the date of the disapproval and be returned to the status quo ante. For the time being that information cleared the passage of the ordinance and I had every reason to appreciate the courtesy of Mr. Feinsinger. We must, however, now decide whether or not the Federal Government has the right to tell our city and municipal governments what they can or cannot do with reference to salary arrangements they make with their own employees. It is carrying things rather far when State and municipal rights are thus invaded by the Federal Government.

Mr. COLMER. Mr. Speaker, will the gentleman yield on that point?

Mr. HINSHAW. I yield.

Mr. COLMER. Can the gentleman give me any constitutional authority or authority of any other kind under which the Federal Government can step in to dictate adamantly and arbitrarily to a municipal government, a subdivision of a sovereign State, what it is to do, what it can or cannot do with its employees?

Mr. HINSHAW. I know of nothing in the Constitution, unless somebody can stretch the President's war powers to include control over the police power of a State, its municipalities, and other subdivisions.

Mr. COLMER. It would be a rather far-fetched stretching of the Constitution, the imagination, or anything else to stretch it that far.

Mr. HINSHAW. It certainly would seem so to me, and while I have no complaint over the way, the courtesy, in which this case has been handled by the department to which wage stabilization authority was assigned, as a matter of principle this House should determine for its own information and at the earliest possible moment what control the Federal Government may exercise over States and their subdivisions in relation to the question of their employee relationships.

Mr. COLMER. If the gentleman will permit me further, I would like to make another observation. In the first place, I want to assure the gentleman, as a member of the Rules Committee, that I am very much in accord with seeing this matter brought to a show-down——

Mr. HINSHAW. I am glad to hear that.

Mr. COLMER. As a result of this resolution. In that connection, the gentleman has observed from press reports that the Fair Employment Practice Committee set up by the President has directed the Capital Transit Co., a private corporation, that it must employ a certain number of Negroes in the operation of the company's vehicles. I am not trying to get the gentleman into any embarrassing spot, but, may I ask him, does he know of any authority, constitutional or otherwise, that would authorize such an adamant, arbitrary procedure?

Mr. HINSHAW. Without trying to solve the question that the gentleman has brought up, it seems to me, to the best of my knowledge and belief, the government of the District of Columbia, and the District of Columbia itself, is within the jurisdiction of the Congress of the United States, acting as a common council, and not any agency of the Federal Government except as it may be appointed by the Congress to do a job.

Mr. COLMER. And the transit company, being a private corporation, is certainly not within the jurisdiction of the President or the Federal Government to that extent?

Mr. HINSHAW. I do not want to enter into a discussion of the problems of the District of Columbia just now.

Mr. COLMER. I understand that, but I hope the gentleman will permit me to make an observation.

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended for an additional 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. COLMER]?

There was no objection.

Mr. COLMER. If the President or the Federal Government has the authority under the Constitution or otherwise to say that men of a certain race, color, or previous condition of servitude or otherwise must be employed by that private company, cannot that same Government by decree state that it must employ so many Chinamen, so many Englishmen, so many Irishmen, or even say that it must employ so many red-headed men or bald-headed men? Does that not logically follow?

Mr. HINSHAW. I think the gentleman's question answers itself. I believe in the selection of employees for their aptitude and capabilities and without regard to race, creed, or color.

Mr. COLMER. I thank the gentleman for permitting me to intrude on his time. It is a question that has been bothering me and so far as I am concerned, as one Member of Congress, I would like to see a halt somewhere along the line on the further invasion of private rights and the rights of our sovereign States.

Mr. HINSHAW. I am particularly concerned at the moment with the sovereign rights of the States and their subdivisions in dealing with their own employees. It would seem to me that the matter should be settled and settled immediately because we are running into some very difficult situations. We learn from the newspapers of serious difficulties being confronted by the city of Newark, N. J., in connection with some of its own municipal employees, and I presume that the same situation is arising or will arise in other cities of the United States.

I am firmly of the opinion that the Federal Government has no right to interfere with the public administration of a State or of a municipality or other subdivision of State government, nor to direct or dictate to them what they may or may not do in reference to their employee relations.

In the particular instance which I am bringing to the attention of the House at this time, these employees of the city of Pasadena, Calif., were guaranteed an increase in wages, yet a subsequent order of the Federal Government was said to prevent it. Federal officials assumed the power to approve or disapprove the action of a duly constituted body of municipal officers of a sovereign State. It is my personal opinion that the wage stabilization order of the Federal Government is null and void insofar as municipal government is concerned in its employee relationships. I hope that matter will be settled and settled quickly by Federal Government's acknowledgment that it is without jurisdiction.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Would the gentleman consider that the Federal Government now has no authority over strikes involving municipal employees?

Mr. HINSHAW. I agree with the President of the United States that the employees of Government do not have the right to strike.

Mr. SMITH of Ohio. That is not my question.

Mr. HINSHAW. If the employees of State governments or the subdivisions of those governments do not have the right to strike, then, of course, such strikes are entirely illegal and there is no question but that neither the Labor Board nor any other agency of the Federal Government has jurisdiction over any such question unless called upon by the Governor of a State to intervene for the preservation of order. I quote from the remarks of the gentleman from New Jersey [Mr. HARTLEY] made on yesterday, as follows:

> No less an authority than the President of the United States has said:
>
> "All Government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. The very nature and purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with Government employee organizations. Accordingly, administrative officials and employees alike are governed and guided, and in many instances restricted by laws which establish policies, procedures, or rules in personnel matters. A strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of government until their demands are satisfied. Such action looking toward the paralysis of government by those who have sworn to support it is unthinkable and intolerant."
>
> You will note particularly, the President says:
>
> "Accordingly administrative officials and employees alike are governed and guided and in many instances restricted by laws which establish policies, procedures, or rules in personnel matters."

ASSIGNMENT OF CIRCUIT JUDGES TO TEMPORARY DUTY IN CIRCUITS OTHER THAN THEIR OWN

Mr. MICHENER. Mr. Speaker, on behalf of the conferees on the part of the House, I submit a conference report and statement on the bill (S. 2655) to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own.

DISTRIBUTION OF SURPLUS COMMODITIES

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include therein certain correspondence with a constitutent and also with the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. MICHENER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by the distinguished writer and publisher, Meador Wright.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made a moment ago and to include certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7162. An act to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935; and

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p. m.), under its previous order, the House adjourned until Thursday, December 10, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10 a. m. on Wednesday, December 9, 1942, in room 446 House Office Building, for consideration of H. R. 5764, H. R. 7056, and H. R. 7828.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will meet in open hearing on Thursday, December 10, 1942, at 10:30 a. m., to consider the report made by the General Accounting Office on the Tampa Shipbuilding Corporation.

The Committee on the Merchant Marine and Fisheries will meet in open hearing on Tuesday, December 15, 1942, at 10:30 a. m., to consider the report made by the General Accounting Office on the Waterman Steamship Corporation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2028. A letter from the executive director, national legislative committee, the American Legion, transmitting the proceedings of the twenty-fourth annual national convention of the American Legion, held in Kansas City, Mo., September 19-21, 1942 (H. Doc. No. 896); to the Committee on World War Veterans' Legislation and ordered to be printed with illustrations.

2029. A letter from the Acting Chairman, Civil Service Commission, transmitting a draft of a proposed bill to amend the act of December 11, 1926, Forty-fourth Statutes, 918, entitled "An act to prevent purchase and sale of public office"; to the Committee on the Judiciary.

2030. A letter from the Acting Administrator, Federal Security Agency, transmitting a draft of a proposed bill relating to the provision of butter for the patients of St. Elizabeths Hospital; to the Committee on the District of Columbia.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DOUGHTON: Committee on Ways and Means. House Joint Resolution 365. Joint resolution to amend the Revenue Act of 1942; without amendment (Rept. No. 2708). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.; without amendment (Rept. No. 2712). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 7841. A bill relating to the administration of grazing districts; without amendment (Rept. No. 2713). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS of Arkansas: Committee on Claims. S. 1012. An act for the relief of C. Y. Webb; without amendment (Rept. No. 2695). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2135. An act for the relief of Lt. M. V. Daven; without amendment (Rept. No. 2696). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2413. An act for the relief of Vodie Jackson; without amendment (Rept. No. 2697). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. S. 2449. An act for the relief of Mary Frances Huston; without amendment (Rept. No. 2698). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2473. An act authorizing the Comptroller General of the United States to consider the claim of Lew O. Calhoun; without amendment (Rept. No. 2699). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2530. An act for the relief of Howard M. Sanders; without amendment (Rept. No. 2700). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2547. An act for the relief of Mrs. Ernestine Fuselier Sigler; without amendment (Rept. No. 2701). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. S. 2680. An act for the relief of Christine Lund; without amendment (Rept. No. 2702). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2766. An act for the relief of Almos W. Glasgow; without amendment (Rept. No. 2703). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post No. 6 of The American Legion, and C. J. Nairn, all of Columbia, S. C.; without amendment (Rept. No. 2704). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. S. 2826. An act for the relief of Capt. Richard Rothwell, United States Marine Corps; without amendment (Rept. No. 2705). Referred to the Committee of the Whole House

Mr. PITTENGER: Committee on Claims. S. 2887. An act for the relief of Master Gunnery Sgt. Eugene M. Martin, United States Marine Corps; without amendment (Rept. No. 2706). Referred to the Committee of the Whole House.

Mr. HARRIS of Arkansas: Committee on Claims. S. 2888. An act to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941; without amendment (Rept. No. 2707). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONKMAN:

H. R. 7846. A bill to require departments and agencies in the executive branch of the Government to reduce the number of names on mailing lists for Government publications; to the Committee on Expenditures in the Executive Departments.

By Mr. SUMNERS of Texas:

H. R. 7847. A bill to exempt certain officers and employees of the United States from certain provisions of the Criminal Code and Revised Statutes; to the Committee on the Judiciary.

H. R. 7848. A bill to make it a criminal offense for certain escaped convicts to travel from one State to another; to the Committee on the Judiciary.

H. R. 7849. A bill to amend an act entitled "An act to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments," approved August 14, 1937; to the Committee on the Judiciary.

H. R. 7850. A bill to amend the act of September 7, 1916, providing compensation for

injuries to employees of the United States; to the Committee on the Judiciary.

By Mr. CELLER:

H. R. 7851. A bill to amend section 215 of the Judicial Code, relating to the quorum of the Justices of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. VOORHIS of California:

H. J. Res. 366. Joint resolution paying tribute to commanders and crews of the French Navy; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN:

H. R. 7852. A bill for the relief of F. G. Odom; to the Committee on Claims.

By Mr. LEA:

H. R. 7853. A bill for the relief of Valley Concrete Pipe & Products Co.; to the Committee on Claims.

By Mr. O'BRIEN of Michigan:

H. R. 7854. A bill for the relief of Mrs. Jennie M. Elben; to the Committee on World War Veterans' Legislation.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 10, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, as we shall have the privilege of another day, grant us that vision by which we shall receive something of the Spirit from above. May those faiths called prayer, repentance, and forgiveness become immovable in us as the mountains and as enduring as the stars which guide the mariner to the shores of his homeland.

We pray that all life may be a sacred trust; expended toil for others is divine and redemptive. In a suffering world, drooping and dying, smitten with the passion of building human security on a false and a degrading liberty, dear Lord, what right have we to plan and accumulate just for ourselves? In these days of the glorious Advent, help us to come wondrously into the ministries of our blessed Saviour, becoming more real, full of meaning and power. Today as the great tragedy rolls on, enable us to plow through the sullen clouds, and in Thy holy name, pay our debt to those whose anguish is welling up from the springs of night. O Thou Christ, whose hand alone is worthy to wield a scepter, only in Thee is humanity to realize its brotherhood in a common Fatherhood. In Thy holy name. Amen.

The Journal of the proceedings of Tuesday, December 8, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) entitled "An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico."

MAJ. GEN. FULGENCIO BATISTA, PRESIDENT OF THE REPUBLIC OF CUBA

Mr. McCORMACK. Mr. Speaker, there is in the city a distinguished President of a great people, His Excellency Maj. Gen. Fulgencio Batista, President of the Republic of Cuba. It is fitting and proper that the Members should have the privilege of meeting our distinguished guest. Therefore I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time during the day, such recess to be subject to the call of the Chair.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I reserve the right to object.

Mr. McCORMACK. Mr. Speaker, I withdraw the request.

COMMITTEE TO ESCORT GENERAL BATISTA TO THE CHAMBER OF THE HOUSE

The Chair appointed the following Members to escort His Excellency General Batista to the floor of the House: Mr. McCORMACK, Mr. MARTIN of Massachusetts, Mr. DOUGHTON, Mr. BLOOM, Mr. LUTHER A. JOHNSON, Mr. FISH, Mr. EATON, and Mr. HÉBERT.

INVESTIGATION OF PERSONNEL OF GOVERNMENT

Mr. PATTON. Mr. Speaker, I submit the following privileged report from the Committee on Accounts for present consideration, which I send to the desk.

The Clerk read (H. Res. 584, Rept. No. 2716) as follows:

Resolved, That the expenses of conducting the studies and investigations authorized by House Resolution 550 of the present Congress, incurred by the Committee on the Civil Service not to exceed $3,000, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee conducting such studies and investigations or any part thereof, signed by the chairman of the committee, and approved by the Committee on Accounts.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia unless otherwise officially engaged.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman from Texas please explain what this resolution is?

Mr. PATTON. Mr. Speaker, for that purpose I yield to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, the House, some weeks ago, passed House Resolution 550, authorizing the Civil Service Committee of the House as a whole, or by subcommittee, to investigate the personnel of the Government. This resolution is giving the Committee on Civil Service a little money to get started on that for the rest of the year.

Mr. MARTIN of Massachusetts. How much money?

Mr. RAMSPECK. Three thousand dollars.

Mr. MARTIN of Massachusetts. And this comes with a unanimous report from the Committee on Accounts?

Mr. RAMSPECK. I so understand it. I was not present when the Committee on Accounts acted on the matter, although I went before the committee. However, I think the report is unanimous.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. RICH. What does the gentleman expect to do with the money?

Mr. RAMSPECK. We expect to employ a staff to investigate the various agencies of the Government, and see whether we can stop this rapid increase in Government employees that is going on, and perhaps reduce those now employed, and make them work more efficiently.

Mr. RICH. I would be in accord with the expenditure of $3,000 for that purpose, and I think the gentleman could well spend $5,000 or even $10,000 or $20,000 in doing that work, and he would then be saving a lot of money.

Mr. RAMSPECK. I thought the gentleman would be with me on that.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. ROGERS of Massachusetts. I think this is a very fine thing, and I believe it will save many millions of dollars to the Government.

The SPEAKER. The question is on agreeing to the resolution?

The resolution was agreed to.

METAL USED IN MINOR COINAGE

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, which I send to the desk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. As I understand it, this is to permit the use of an alloy of steel in place of copper in 1-cent coinage?

Mr. SOMERS of New York. Yes. It does not direct them to use any particular material, but it does authorize them to substitute some material for the copper, which they cannot obtain at the present time.

Mr. MARTIN of Massachusetts. How much copper will this save, or how much is it estimated to save?

Mr. SOMERS of New York. About 34,000 tons.

Mr. MARTIN of Massachusetts. In a year?

Mr. SOMERS of New York. No. All told, as they collect this copper and col-

lect the silver dollars and take the copper from them, and so forth.

Mr. MARTIN of Massachusetts. It is a unanimous report from the gentleman's committee?

Mr. SOMERS of New York. No, sir; but the objector was from our side.

The SPEAKER. The Chair will ask the gentleman from New York to withdraw the bill at the present time. Our distinguished guest is waiting.

Mr. SOMERS of New York. Mr. Speaker, I withdraw my request.

RECESS

The SPEAKER. Under previous order of the House, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 12 o'clock and 15 minutes p. m.) the House stood in recess, subject to the call of the Chair.

During the recess the following occurred:

THE PRESIDENT OF CUBA

The President of Cuba and his party entered the Chamber at 12 o'clock and 25 minutes p. m., and the President of Cuba was escorted to the Speaker's rostrum by the committee appointed for that purpose.

The SPEAKER. Mr. President, in the name of the House of Representatives, I welcome you to this Chamber.

Members of the House of Representatives, it is my great pleasure, my distinguished honor to present to you the president of a great people, a close neighbor, and friend of the people of the United States, the President of the Republic of Cuba.

The PRESIDENT OF CUBA. Mr. Speaker and Members of the House, it is indeed an extraordinary privilege for me to address this honorable assembly, and in expressing my profound appreciation for so signal an honor, to voice the ever present gratitude of my country for the noble declaration made in this august hall by the Congress of the United States in proclaiming on that unforgettable 19th day of April 1898, that "the people of Cuba are, and of right ought to be, free and independent."

Though my words may not be sufficiently eloquent to reveal the sincerity of the sentiments in which they are inspired, I am confident that the honorable Chamber will know how to interpret them. That memorable declaration has been ever present in the hearts of the Cuban people from that day, as has been demonstrated by the fraternal ties which have bound us to our great and powerful friend of the North, not only through geography and history, but more important still, through the common ideals of democracy and by the constant adherence to the supreme ideal of justice, upheld by our two Nations.

The nineteenth century had reached its final decade while the people of Cuba were carrying out their last and most desperate efforts in their heroic struggle to achieve liberty. Dark clouds covered the sun of liberty. Our sacrifices were redoubled by the warmth of our patriotic aspirations. Life itself had no value for us without independence.

It has been an epoch of intense rivalry among the great powers; the security of the small nations was dependent less upon their own legitimate interests and their right to enjoy independent and sovereign existence, than on the power and the antagonisms of the powerful nations, which through political artifices, such as the balance of power, the sphere of influence, or perpetual neutrality, endeavored to enslave them.

Under the dome of this Capitol the light of truth and justice shone forth then in the joint resolution that recognized the right of Cuba to be free and independent. And the blood of those who had Washington and Lincoln, Céspedes, and Agramonte for their example and guidance, was freely intermingled with the blood of those who had Martí and Gómez, Maceo, and Roosevelt as their champions. And the solitary star, as white and as pure as the ideal of liberty which it represented, shone proudly in the red triangle symbolizing the indomitable spirit of the Cuban patriots.

The imperialists' doctrines reached a crisis in 1914, and the people of Cuba did not hesitate an instant then in placing themselves resolutely on the side of the United States in the crusade to make the world safe for democracy. It should not go unnoticed that in 1917, as in 1941, guided by the prudence of your two great leaders, President Wilson and President Roosevelt, for 2 years before entering the conflict exhausted every effort in an endeavor to save their Nation from the barbarity of war.

Innumerable attacks on the freedom of the seas and the treacherous murders of innocent people, such as those perpetrated in the sinking of the *Lusitania* and in the bombing of Pearl Harbor, marked the limit of your forbearance; and the Executive and the Congress of this great Nation, ready always to fight for the cause of freedom and justice in declaring war upon the aggressors, reiterated, as in the case of Cuba, their belief in the rights of all the peoples of the world to their freedom and independence.

It must be confessed, however, that the nations of the American Continent contemplated with profound discouragement how, at the close of the First World War, there reappeared again the same petty rivalries of former times, and the unconcealed lust for conquest were gradually obscuring the ideal which animated the free peoples of the world and guided them in their struggle against the Central Powers.

The policy of the good neighbor has brought new hope to those of us of the New World who cherish the ideal of justice; to those of us who desire for humanity, suffering today in the Old World, that the ghastly nightmare of not being able to think except through the mind of another, nor to move without compulsion, should cease forever.

It can be said that from the moment the Atlantic Charter was proclaimed, a brighter perspective dawned for our nations, for this document embodies the essential principles which are the inspiration of a group of nations which seek neither domination nor conquest, but rather the advent for humanity of an era in which it may live in peace and enjoy the unalienable right to the pursuit of happiness.

I am proud to say that the youth of Cuba are eagerly responding of their own free will to the call of their Government to armed service, that it is the most fervent desire of these young patriots that the indispensable period of training should not delay their participation in the actual combat that must necessarily precede final victory. The present generation of Cuba, gentlemen of the House, wishes thus to honor the memory of those who in losing their lives at San Juan and El Caney, are enshrined and live in our hearts.

The responsibility of those of us who govern the United Nations at this critical time in the history of the world is truly grave, for we cannot limit ourselves to leading our people to victory, because this task would be sterile and ineffective, if in constructing the political system of the future we should not profit by the lessons of experience and if we were not to undertake the reconstruction of the world on the bases of the most absolute justice. Cuba occupies her place of honor at the side of her constant ally in this grave struggle, and wishes to contribute to the limit of her strength in the reconstruction of the world in which the sons of those who suffered the ignominy of yesterday and of those who fell in the struggle to achieve liberty, may live without the suffering and anguish of today.

The world looks to you, gentlemen, at this critical time, confident in your wisdom, in your judgment, in your decision and in the energy, the talent, and the vision of your illustrious President, Franklin D. Roosevelt.

Permit me to express to you, gentlemen, on behalf of Cuba and of her Government, my appreciation for the reception which you have given me, and which honors me so highly. Thank you, gentlemen.

The President of Cuba stood in the Well of the House, and was presented to the Members individually by Mr. BLOOM.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 46 minutes p. m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 5, 1942:

H. R. 1551. An act for the relief of W. E. Floding Co.;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which

she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 6226. An act for the relief of B. H. Wilford;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 7149. An act for the relief of David E. Clark;

H. R. 7480. An act for the relief of Mrs. Claude Tuck and Darrell Claud Tuck, a minor; and

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

On December 7, 1942:

H. R. 4167. An act providing for the naturalization of certain alien veterans of the World War;

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.; and

H. R. 6061. An act for the relief of D. A. Sullivan & Sons, Inc.

On December 8, 1942:

H. R. 3113. An act for the relief of Cecil Higgenbottom, Mrs. Cecil Higgenbottom, and Basil Hall;

H. R. 3398. An act for the relief of Gerhard R. Fisher;

H. R. 4953. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant);

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended; and

H. R. 7263. An act for the relief of Mrs. J. R. Bennett.

On December 9, 1942:

H. R. 888. An act for the relief of Charles Thomason, administrator of the estate of Iverson Thomason, and the relief of L. D. Byrd, Jr.;

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

H. R. 5920. An act for the relief of E. A. Williams; and

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions.

SUBSTITUTION OF OTHER MATERIALS FOR STRATEGIC METAL USED IN MINOR COINAGE

Mr. SOMERS of New York. Mr. Speaker, I renew my request for the immediate consideration of the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the same bill that was called up a few moments ago?

Mr. SOMERS of New York. Yes.

Mr. MICHENER. Will the gentleman explain it please?

Mr. SOMERS of New York. I can best do that by reading the very brief report.

The purpose of this bill is to conserve the metals required for war-production purposes which are now used in minor coins. The bill will permit the minting of minor coins in the denominations of 1 cent and 3 cents, which coins shall be of such metallic or other contents, weight, denominations, shape, and limitations of form and design as the Secretary of the Treasury by regulation may prescribe. In determining those physical properties the Secretary of the Treasury is directed to take into consideration the use of these coins in coin-operated devices. The authority contained in this bill is limited to the period between the date of enactment and December 31, 1946.

Briefly, that is the purpose of the bill.

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, may I ask the gentleman what has been done about the 5-cent piece, because that has been a matter of real controversy insofar as the various vending machines and automatic devices of the country are concerned. Does this bill make any change in the amount of metal content of the 5-cent piece?

Mr. SOMERS of New York. Not at the present time, no, sir.

Mr. DIRKSEN. Does it authorize the Secretary of the Treasury to change it?

Mr. SOMERS of New York. I do not believe it does.

Mr. DIRKSEN. Well, we ought to be sure about it.

Mr. SOMERS of New York. But there has been some question. This bill in itself would not do it. The Second War Powers Act may permit the Secretary of the Treasury to do that, but this bill does not.

Mr. DIRKSEN. The gentleman will remember that the only restriction with reference to production in the Second War Powers Act related to the 5-cent pieces, so that the metal content of the 5-cent piece would not be changed in any way to impair the operation of the hundreds of thousands, yes, millions, of coin-operated devices in the country.

Mr. SOMERS of New York. That is right.

Mr. DIRKSEN. Because it would cause millions of dollars' damage.

Mr. SOMERS of New York. That is right.

Mr. DIRKSEN. I think the House ought to be reasonably sure that that will be protected.

Mr. SOMERS of New York. There is nothing in this act that will permit them to change that 5-cent piece.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CELLER. Will the chairman of the Committee on Coinage, Weights and Measures tell us to what extent may the Secretary of the Treasury use silver in the manufacture of small coins?

Mr. SOMERS of New York. At the present time he is permitted to use up to 50 percent in the nickel. It is found to be practical to use only 35 percent.

That is, the present nickel contains about 35 percent of silver.

Mr. CELLER. Is direction given to the Secretary of the Treasury to use some portion of the 3,000,000,000 ounces of silver a good portion of which we now have stored at West Point in the minting of these coins?

Mr. SOMERS of New York. The committee has been giving some consideration to that particular problem. It was not felt that this was the proper time to decide it. I do, however, feel that in the early part of the next session the entire question will be considered by your committee.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. JENSEN. Can the gentleman tell us of what metal or metals it is proposed that these pennies shall be made?

Mr. SOMERS of New York. It is contemplated at the present time that they will be made of steel with a zinc coating.

Mr. JENSEN. In other words, they will have practically no intrinsic value.

Mr. SOMERS of New York. That is right.

Mr. JENSEN. Will the gentleman also answer this question: We are starting to change the metal content of our coins, we are issuing new 1-cent pieces and 3-cent pieces. Is not the gentleman afraid this is a forerunner to changing the metallic content of the nickel, the dime, the quarter, and the dollar to the point where they, too, will have but little value? Are we not opening the gate here?

Mr. SOMERS of New York. I think the gentleman's fears are not predicated upon any great possibility in the near future. Personally I would resist to the last any permanent change in our present currency system, any important change. In view of the shortage of copper at the present time, however, and the shortage of other metals, it is felt that this is the most practical way to deal with the problem temporarily. I do not think the gentleman need worry very much about our changing the metallic content of our more important coins.

Mr. JENSEN. I really believe this bill should be brought up under a rule instead of by unanimous consent. I think this is a very important bill. It is far-reaching, and we cannot see the end nor know what the end of this thing will be.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RICH. When they make the suggestion that the penny and the 3-cent piece will be made out of metal that has really no value, does it not suggest that they put a little of this great horde of silver into these subsidiary coins so they will have some value? Does not this treatment of our basic money lead to the fear that it eventually will have no value in this country?

Mr. JENSEN. That is the fear.

Mr. SOMERS of New York. I believe the gentleman will concede that the present penny has little value. It would not

be possible to manufacture it with a value in excess of its coin value, for then people would melt them down for the value of the silver rather than their token value as money. We must be careful of that.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. HINSHAW. What is value of the copper content of the present penny?

Mr. SOMERS of New York. I do not know.

Mr. HINSHAW. It is a small fraction of a cent, is it not?

Mr. SOMERS of New York. It is very small. I think most of the pennies were struck off when copper had a value of 8 cents a pound. How many pennies are there in a pound?

Mr. HINSHAW. A great many.

Mr. DIRKSEN. Mr. Speaker, further reserving the right to object, I should like to have some member of the Committee on Coinage, Weights, and Measures state for the record in what respect the language of the bill S. 2959 has been modified or deleted with respect to discretionary powers on the part of the Secretary of the Treasury to change 5-cent pieces. If we can be satisfied on that score, I should have no objection.

Mr. GALE. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. GALE. The minority members of the committee were perfectly agreed on this bill, unanimously agreed on it. Coinage of 1-cent pieces and 3-cent pieces is authorized in the bill. There is nothing in the bill to change the content or the manner of coinage of the present nickel or 5-cent piece that is now being coined.

The question before the committee was simply the matter of conserving essential war materials. The matter of coin-operated devices was thoroughly gone into and fully considered in the committee. As I state, the minority members of the committee are in unanimous agreement on the bill.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CELLER. What was the reason for authorizing a 3-cent piece? What use will a 3-cent piece have? What has been our experience with 3-cent pieces? Have we ever had 3-cent pieces?

Mr. GALE. We have had 3-cent pieces. I think it is simply a matter of saving copper. In other words it is very obvious that a 3-cent piece takes less copper than three 1-cent pieces.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. JENSEN. Does this bill provide a time limit when these powers shall expire?

Mr. SOMERS of New York. Yes. The powers granted under this bill expire on the 31st of December 1946.

Mr. JENSEN. The gentleman states that both the pennies and 3-cent pieces have very little real value.

Mr. SOMERS of New York. That is right.

Mr. JENSEN. I am just a little concerned about how the American people are going to feel about these new 1-cent and 3-cent pieces; they may just call it junk money.

Mr. SOMERS of New York. I think that the American people at the present time, realizing the importance of copper in the manufacture of bullets, shells, and things of that kind, are not going to complain very bitterly because we use steel now instead of copper and in that way reduce the metallic value very little.

Mr. JENSEN. I understand that. If we need this copper, why can we not put some silver or a little gold in it, which we have plenty of at the present time?

Mr. SOMERS of New York. No; you could not do that for the reason that the moment that you had a certain content of silver or gold, you can see where they would have a value greater than the penny itself and the people would remelt it.

Mr. JENSEN. Not necessarily.

Mr. SOMERS of New York. That has been the history of the country.

Mr. JENSEN. You could hold the nickel content down to the value of a penny.

Mr. SOMERS of New York. Not in gold or silver.

Mr. JENSEN. Certainly you could.

Mr. SOMERS of New York. How much silver would the gentleman put in a penny?

Mr. JENSEN. It would be insignificant, but at least the American people would know that that penny or 3-cent piece had an intrinsic value.

Mr. RICH. In connection with silver, the Government was permitted to pay 35½ cents an ounce for foreign silver, but they paid 71 cents an ounce for domestic silver. What kind of silver would the gentleman put in, domestic or foreign silver? They have complicated things so that the best thing to do is to make them of leather.

Mr. JENSEN. They put silver in nickels, dimes, quarters, half-dollars, and dollars, and the people do not melt them down.

Mr. SOMERS of New York. I would suggest that inasmuch as there is on his own side of the House a man with years of experience as head of the mint, and in order to satisfy himself that I am trying to the best of my capacity to reveal the true situation, he might question the gentleman, and I am sure he will be glad to substantiate what I have tried to say. It would be practically impossible to make a silver penny or a gold penny in any proportion.

Mr. JENSEN. Naturally, we would like to hear from our colleague the gentleman from Illinois [Mr. DEWEY], who is well informed.

Mr. DEWEY. It is a very interesting point that my colleague has brought up, but may I say it has been customary in the coinage of all countries, particularly in the United States, to have a subsidiary and a minor coin. It never has been the habit here from the start of minting to have the minor coin have any intrinsic value. It has not always been that the pennies have been made of copper or that the 3-cent pieces have been made of copper. Various metals have been used. These coins are issued for the benefit and facility of doing the business of the people on the good faith of the country. They are of such small value that it has never been considered possible that they would be either counterfeited or melted down for their intrinsic value.

Next, you have the minor coin such as the dime, quarter, and half dollar. They do have a silver content, but the content of silver is sufficiently low that silver would have to rise to about $1.29 an ounce before the silver value of the coin would be equivalent to its market value. So they purposely keep the silver content low in all coinage so that it would never be melted up by the people to obtain the silver content.

I think the new suggestion that is now being presented by this bill involves nothing revolutionary or nothing new, and, as the distinguished chairman of the Coinage, Weights, and Measures Committee has stated, this is just an effort to conserve some critical metals. The mint cannot obtain from the War Production Board priority to get any more copper to mint additional pennies. I do not know whether I have covered the question the way the gentleman would care to have it done or not.

Mr. JENSEN. I think the gentleman has. Of course, I understand we need this copper, but what if the time should come that we may have a shortage of silver in this country and we need the silver that is in these coins? What would happen in that case?

Mr. DEWEY. Well, at the present time with reference to silver there are over 3,000,000,000 ounces of silver lying in the Treasury vaults or at West Point. About half of that, or 1,300,000,000 or more, represent the security behind our $1 silver certificates. The other billion or more is free silver.

There is a bill at the present time before the Senate, I think called the Green bill, which would authorize the Secretary of the Treasury to have silver employed for bus bars, for solder, and for other purposes of that kind to release or substitute for critical materials that cannot be obtained. That bill may come in due course before this body for consideration. There is not now a shortage of silver. As a matter of fact, there is a surplus of silver at the present time.

Mr. MARTIN of Massachusetts. May I ask the gentleman from New York [Mr. SOMERS] if he is contemplating bringing a companion bill to the Green bill before the House?

Mr. SOMERS of New York. I do; except I do not see how it can be done in this particular session. It was thought that at the beginning of the new session I should call my committee together and question them as to the advisability of considering it at that time.

Mr. MARTIN of Massachusetts. The country is demanding that this idle silver be put to use.

Mr. SOMERS of New York. That demand has been created during the last 6 months to the point where it is becoming a problem.

Mr. CELLER. I may say that I have offered bills along those lines to stop this outrageous purchase of silver by the Treasury Department. Something must

be done to put a stop to it. We have 3,000,000,000 ounces of silver and it is rotting away at West Point and other places and something should be done to stop it.

Mr. RICH. We not only have silver but we have gold. Practically 90 percent of the gold of the world is stored away down here at Fort Knox. All metals, whether gold or silver, that have no use are practically worthless. That is what we are doing with many things in this country that had some value. They have no value today.

Mr. SOMERS of New York. I appreciate the thought that is disturbing the minds of both of these gentlemen. Let me just say offhand that I am rather glad of the fact that we have as much gold at the present time as we have. It may save the lives of a great many American boys. I think it has done so in the past.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SOMERS of New York. I yield to the gentleman from New York.

Mr. CELLER. Can we get some sort of a pledge from the gentlemen to have a hearing before his committee on this matter? The doors have thus far been closed.

Mr. SOMERS of New York. I have twice stated to the House today that it is my intention to consider this matter in the early part of next year. I deny that the doors of my committee have been closed to this particular bill. They have not. A bill was presented by the gentleman that would repeal the stabilization fund. Candidly, I am not in sympathy with that. I do not see the purpose of it, and I do not think it would be wise to hear it at the present time.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. SOMERS of New York. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. May I suggest, if the gentleman is worrying about the position of gold, that he will find an article in the current number of the bulletin issued by the National City Bank of New York that is of considerable interest, and that will put at rest any fears about our having too much gold.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SOMERS of New York. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. It is true that if too much silver is put in this 1-cent piece or the 3-cent piece there will happen precisely what the gentleman from New York, the chairman of the Committee on Coinage, Weights, and Measures, says will happen—the coins would be melted down and the silver disposed of in the form of bullion.

Mr. JENSEN. If the gentleman will yield, how does it happen that they do not melt the silver coins?

Mr. SMITH of Ohio. The silver dollar, containing 371.25 grains of silver at the present time, is circulating at a nominal value of $1, but its actual value today, in terms of the new gold dollar, is about 27 cents, and much less, of course, in terms of the old gold dollar.

The assertion made here that you cannot put any silver in this penny is a mistake because of the very facts I have stated. Some silver could be put in this coin and some should be put in it. In my opinion, the gentleman from Iowa is quite correct about that.

I want to make very clear that this is not by any means a simple or an unimportant matter. We are dealing with one of the most vital problems that concern our economy.

What is the object of plating the coins with some other metal? May I ask just why you plate? Is it to preserve them?

Mr. SOMERS of New York. To preserve them; yes.

Mr. SMITH of Ohio. Is there no alloy that you could work into the steel that would accomplish this purpose, without plating it?

Mr. SOMERS of New York. Yes; there is. Let me simply restate what the mint told me. They said, "When it first became apparent that we would have a shortage of copper, we immediately experimented with other materials." They went to zinc because zinc is rather popular for similar coinage in other countries. They had just about completed their experiments with zinc and had brought a bill to my committee when the War Production Board said to them, "Gentlemen, zinc is now on the critical list."

From that they went to plastics. They did some experimentation with plastics and found that that went on the critical list.

They think now that the metal most readily obtainable at the moment, the one easiest to handle and the one that we can get the quickest, is steel. Consequently, they decided that they would use steel for the period of this bill, coating the steel with zinc for the purpose of protection, and use that for the penny and the 3-cent piece.

Mr. SMITH of Ohio. How many tons of steel will be required to replace the copper now in the 1-cent piece?

Mr. SOMERS of New York. I do not recall that figure offhand.

The kind of steel involved in this would not make any great demand upon our steel production. It is almost insignificant.

Mr. SMITH of Ohio. How many tons of copper does the gentleman say this would save?

Mr. SOMERS of New York. In melting the silver down I think 360,000 pounds of copper are saved. Then copper is saved because we do not now use as much as we would otherwise, and there is copper to be saved by bringing in the various pennies. It amounts to 460 tons, I believe.

Mr. SMITH of Ohio. I thought the gentleman said that some 30,000 tons of copper would be saved. Did not someone give that figure here?

Mr. SOMERS of New York. I replied to the gentleman from Massachusetts [Mr. MARTIN], when he asked that question, and I believe I gave him about the same answer I gave now. If I did not, it was done inadvertently; but I shall place in the RECORD the exact amount.

Mr. SMITH of Ohio. We would like to know now. I believe the gentleman made the statement that some 30,000 tons would be saved. I have forgotten the exact figure.

Mr. SOMERS of New York. I thought it was 460 tons. Was not that my statement?

Mr. SMITH of Ohio. Of steel?

Mr. SOMERS of New York. Four hundred and sixty tons of copper saved.

Mr. SMITH of Ohio. I do not know that it would make much difference in our war effort if we should replace this copper with steel. But the question now is, why can you not use some silver in this new coinage?

We are short of steel, we are short of copper, but we are not short of silver. The question I would like to have answered is this. The gentleman from New York [Mr. SOMERS] has stated to the gentleman from New York [Mr. CELLER] that he expects some time after the first of the year to take up the matter—did I understand him correctly?

Mr. SOMERS of New York. I stated that twice.

Mr. SMITH of Ohio. The matter of determining whether silver could be used for the coinage of 1- and 3-cent pieces. Is that correct?

Mr. SOMERS of New York. Yes; that is correct.

Mr. SMITH of Ohio. Why not defer this then until that time, until you can take up the problem and solve it finally?

Mr. SOMERS of New York. The shortage of coinage at the present time will not permit us to delay much longer on this. I could not proceed under this bill until the bill is passed. There is a tremendous shortage of coinage in the country today. I think the gentleman will have noticed a radio program occasionally in which officials of the country are asking the people to stop hoarding pennies. A tremendous amount of pennies are being hoarded by children and others just at this time. Consequently we are experiencing much difficulty in supplying that at the present time. Many of the cities have indicated recently that they would like to use script. That is why we want to get this measure through.

Mr. SMITH of Ohio. I am disconcerted. Here we are, at the end of this congressional session. I doubt if there is a sufficient number of Congressmen in Washington to constitute a quorum. We are being literally swamped in the end of the session with these measures, some of them controversial, under the unanimous-consent procedure.

I cannot help but have a deep feeling about this matter—a handful of Congressmen here legislating for the entire Congress and country. It seems to me we ought to do something about this, and either get a quorum here and do our work as we ought to do it, or adjourn or recess, or, at least, stop this method of adopting legislation.

Mr. SOMERS of New York. The only reason we are plating it is to protect it, in order that it might be preserved. We are not trying to deceive anybody. Nobody ever considered a penny of any defi-

nite value for the copper that is in it, as the gentleman from Illinois [Mr. DEWEY] explained thoroughly. There is just one other thought. I hope the gentleman will not accuse me of trying to force something before this House without considering the thing quite properly, without there being a need for it. I was rather careful, and I think the gentleman, who has associated with me through the years and in my committee—and I recall with great ability, and I have a high regard for him—I hope he knows that I am disinclined to take advantage of such situations, and he must realize that I went to a great deal of trouble. I think the members of the committee will bear me out in saying that all of them were completely informed on this bill, and knew every part of it, and were in complete agreement as to what we are doing. I suggest to the gentleman that he take the word of the senior member of the committee over on this side, and if so, I am quite certain that his objections will be dissipated.

Mr. SMITH of Ohio. The gentleman knows that I hold him in high esteem. I served with him on the Coinage, Weights and Measures Committee for 2 years. The gentleman was always affable, always considerate of all of the members. The question that the gentleman has not answered is why some of the idle hoard of silver is not being used in this new coinage. Silver is strategic material and we need it for war purposes, but it is not a scarce strategic material. I cannot understand why this could not go over until your committee considers it after the first of the year.

Mr. SOMERS of New York. The gentleman must understand that I intend to consider the question of the utilization of silver in general, not necessarily in coins alone. If we should make those coins of silver we could not use enough of it to make much difference, but I intend to consider the possibility of using the silver in the Treasury in commerce and industry and all sorts of things, not only in coinage.

Mr. DEWEY. Mr. Speaker, will the gentleman yield?

Mr. SOMERS of New York. Yes.

Mr. DEWEY. I only ask the privilege to offset one thought raised by my distinguished colleague from Ohio, that we would debase minor coins by plating.

You will recall that section 12 of the War Powers Act of 1942 permits the coining of a 5-cent piece, 50 percent copper, 50 percent silver and other metals, in the public interest. The 5-cent piece now being struck contains 35 percent silver, 9 percent electrolytic manganese, and 56 percent copper. It is a far more valuable coin, from an intrinsic point of view, than it was before. One of our minor coins has, in fact, been bettered from an intrinsic point of view under the changes that are now taking place to conserve strategic materials.

Mr. SMITH of Ohio. I grant that point. I do not want to delay consideration of this measure.

Mr. SOMERS of New York. Perhaps if steps of this sort are taken we can bring it back again.

Mr. SMITH of Ohio. Those of you who are bringing these many bills here for consideration under unanimous-consent request often place those of us who try to go into the merits of legislation before we vote on it at a disadvantage. So many of these measures are being put through on the plea of their being needed in the war effort. I accept the statement made by the chairman of the Coinage, Weights, and Measures Committee that there is a scarcity of 1-cent pieces.

Mr. SOMERS of New York. That is right.

Mr. SMITH of Ohio. But nevertheless you had an alternative and you did not use it. I want the RECORD to show that. Let me ask this question: If this bill passes, coins will be stamped out of steel?

Mr. SOMERS of New York. Yes.

Mr. SMITH of Ohio. And they will plate them and put them into circulation?

Mr. SOMERS of New York. Yes.

Mr. SMITH of Ohio. Suppose your committee decides later, in considering this question, to include silver in these coins, what will happen to the steel coins that have already been stamped? I want to make clear for the RECORD whether or not the Committee on Coinage, Weights, and Measures intends some time in the near future to consider the use of silver in these small coins. It is not from the standpoint of intrinsic value that I think this should be done, but as a simple matter of economy of scarce strategic materials, though I think it would add to the wholesomeness of these coins if they contained a little silver.

Mr. SOMERS of New York. I fully appreciate the value of the gentleman's suggestion and I say with all sincerity that I will apply myself to its consideration when this broader silver policy is brought up by the committee.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SOMERS]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) there shall be included among the coins of the United States one or more special series of coins: *Provided*, That the coinage, issuance, and circulation of the coins provided for by this section shall be subject in all respects to the conditions, terms, provisions, limitations, and exceptions specified in subsections (b) to (j) hereof.

(b) No denomination or series of coins provided for by this section shall be coined unless and until the Secretary of the Treasury shall have issued an order that shall (1) prescribe the particular demonination or series, stating the pertinent physical properties, including content, weight, dimensions, shape, and design: *Provided*, That in determining such physical properties the Secretary shall, in his discretion, take into consideration the use of such coins in coin-operated devices; and (2) state that he has determined, after consultation with the appropriate officials charged with the production of war material, that the coinage and circulation of the particular series will operate to conserve strategic metals in furtherance of the war effort.

(c) There shall be no coinage pursuant to the provisions of this section after December 31, 1946.

(d) The coinage provided for by this section shall not be of other denominations than 1 cent, 3 cents, and 5 cents, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury.

(e) Each denomination of coins provided for by this section shall constitute a series: *Provided*, That if one denomination is coined in more than one physical form or composition, the pieces of each different physical form or composition shall constitute a separate series.

(f) The coinage provided for by this section shall be in pieces of such metallic, or other or different content, weight, dimensions, shape, limits of tolerance, and design (including devices and legends), as the Secretary of the Treasury may by regulation prescribe for the particular denomination or series: *Provided*, That no silver shall be used for the coinage provided for by this section except as specified in subsection (g) hereof.

(g) For the coinage of any series, the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary of the Treasury deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver contained in any pieces coined under section 1 of this act shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the coinage of silver hereunder shall be accounted for by entries in the minor coinage profit fund. If any series is coined of silver or in part of silver, the pieces of said series shall nevertheless be deemed to be other than silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States.

(h) The coinage provided for by this section shall be minor coinage, and the provisions of amended section 3528 of the Revised Statutes (U. S. C., title 31, sec. 340) shall apply with respect to any necessary purchases of metal or other material for the coinage provided for by this section: *Provided, however*, That contracts for said purchases may be entered into in accordance with the provisions of title II of the First War Powers Act, 1941 (55 Stat. 839; U. S. C., Supp. 1, title 50, app., sec. 611).

(i) For the purpose of amended section 3529 of the Revised Statutes (U. S. C., title 31, sec. 341), the coinage provided for in this section shall be in the same category as the minor coins referred to in said section 3529.

(j) Except as provided in this act, the coinage provided for by this section shall be subject in all respects to the monetary laws of the United States, including, but not by way of limitation, the laws pertaining to counterfeiting, to legal tender, and to the distribution, exchange, and redemption of coins and currency.

SEC. 2. Title XII of the Second War Powers Act, 1942 (Public, No. 507, 77th Cong.), is hereby repealed.

SEC. 3. During the period when the coinage provided for by section 1 of this act may be coined, the Secretary of the Treasury is hereby authorized in his discretion to cause the coinage of any or all of the other minor coins to be suspended for the whole of said period or for any part or parts thereof.

SEC. 4. The Secretary of the Treasury shall cause all worn and uncurrent minor coin of the United States, heretofore or hereafter

issued, received in the Treasury, to be melted down, the resulting metal and material to be used for coinage or sold, which sale is hereby authorized. Such coin (including any metal and material derived therefrom), and any loss resulting from the difference between the nominal or face value of such coin and the amount the same will produce in new coin, and any loss resulting from the sale of the metal or other material, shall be accounted for by entries in the fund established for the purchase of metal for minor coinage and said fund shall be reimbursed out of the special fund denominated the minor coinage profit fund: *Provided*, That the value of any coin (including any metal and material derived therefrom) accounted for as provided herein shall not be considered for the purpose of determining the statutory limit of the fund established for the purchase of metal for minor coinage. The proceeds from any sale pursuant to this section shall be accounted for by entries in the fund established for the purchase of metal for minor coinage.

SEC. 5. All worn and uncurrent standard silver dollars now held or hereafter received in the Treasury shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct; and the Director of the Mint is hereby authorized to cause the bars obtained pursuant to the provisions of this section to be used for coinage: *Provided, however*, That whenever such bars are obtained from standard silver dollars held as security for outstanding silver certificates, an equal amount of silver shall be allocated as security for outstanding silver certificates when such bars are used for coinage.

SEC. 6. The Director of the Mint shall cause the coinage provided for by section 1 of this act to be coined in the United States coinage mints or to be coined in whole or in part at such other places or plants as the Director may, with the approval of the Secretary of the Treasury, designate; and the Director, with the approval of the Secretary, is hereby authorized to enter into such contracts as may be necessary to carry out the purposes of this act.

SEC. 7. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 which shall be available for expenditure under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with the carrying out of this act.

SEC. 8. The Secretary of the Treasury is hereby authorized to issue such orders, regulations, and instructions as he may deem necessary or proper to carry out the purposes of this act.

With the following committee amendments:

Section 1 (b) in the proviso, strike out the phrase "in his discretion", following the words "that in determining such physical properties the Secretary shall."

Section 1 (d), strike out "1 cent, 3 cents, and 5 cents" and insert in lieu thereof "1-cent piece and 3-cent piece."

Strike out all of section 2 and renumber sections 3, 4, 5, 6, 7, and 8 as sections 2, 3, 4, 5, 6, and 7, respectively.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my remarks and include some correspondence pertaining to the same subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COORDINATING FEDERAL REPORTING SERVICES

Mr. WHITTINGTON submitted the following conference report and statement on the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, for printing in the RECORD:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Federal Reports Act of 1942'.

"SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"SEC. 3. (a) With a view to carrying out the policy of this Act, the Director of the Bureau of the Budget (hereinafter referred to as the 'Director') is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

"(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

"(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

"(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any informations by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

"(e) For the purposes of this Act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this Act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of this Act shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of this Act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

"SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

"(b) Information obtained by a Federal agency from any person or persons may, pursuant to this Act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the

information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

"SEC. 5. No Federal agency shall conduct or sponsor the collection of information upon identical items, from ten to more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

"(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

"(b) The Director shall have stated that he does not disapprove the proposed collection of information.

"SEC. 6. The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

"SEC. 7. As used in this Act—

"(a) The term 'Federal agency' means any executive department, commission, independent establishment, corporation, owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

"(b) The term 'person' means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

"(c) The term 'information' means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

"SEC. 8. Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested.

"SEC. 9. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act."

And the House agree to the same.

WILL M. WHITTINGTON,
JOHN F. HUNTER,
HENRY O. TALLE,
Managers on the part of the House.

ALLEN J. ELLENDER,
H. H. SCHWARTZ,
ROBERT A. TAFT,
GEORGE D. AIKEN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill and the House amendment both declared it to be the policy of Congress that information needed by the various Federal agencies should be obtained with a minimum burden upon the business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government. It was also declared that all unnecessary duplication of effort in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable, and that information collected and tabulated by any Federal agency should, insofar as expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

To carry out this policy the Director of the Bureau of the Budget was directed from time to time to investigate the needs of the various Federal agencies for information, to investigate the methods used by such agencies in obtaining such information, and to coordinate as rapidly as possible the information-collecting services of all such agencies, with a view to reducing the cost to the Government of obtaining such information, minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information, and existing facilities of the established Federal departments and independent agencies.

Provision was also made in both the Senate bill and the House amendment for hearing the various Federal agencies with respect to their needs for information, for designating a collecting agency to obtain necessary information for any two or more Federal agencies, for requiring Federal agencies to make information available to other such agencies, and for applying to the officers and employees of such agencies the provisions of law, including penalties, relating to unlawful disclosure of information.

The conference agreement adopts the basic provisions which appeared both in the Senate bill and in the House amendment.

There were certain differences, however, between the House and Senate provisions. In the first place, the House amendment contained a provision that the act should not apply to any information now required by law to be given or required by law to be withheld. There was no corresponding provision in the Senate bill. The conference agreement eliminates the provision of the House amendment in this respect.

In the second place, the Senate bill provided that the act should apply to the Treasury Department only to the extent that the Secretary of the Treasury might determine that compliance would not interfere with the proper administration of the functions and duties imposed upon that Department by law. The House amendment eliminated this provision. The conference agreement provides that the act shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department. It is also provided in the conference agreement that the act shall not apply to the obtaining by any Federal bank supervisory agency of reports or information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

The House amendment also provided, in effect, that the act should not apply to the General Accounting Office. There was no corresponding provision in the Senate bill. The conference agreement retains the House provision under which the act will not apply to the General Accounting Office.

The House amendment also contained a provision that any person failing to furnish information required by any Federal agency should be subject to such penalties as were specifically prescribed by law, and that no other penalty should be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity afforded to any other person. There was no corresponding provision in the Senate bill. The conference agreement retains the House provision with clarifying changes.

WILL M. WHITTINGTON,
JOHN F. HUNTER,
HENRY O. TALLE,
Managers on the part of the House.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HOFFMAN. Reserving the right to object——

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman.

Mr. SMITH of Virginia. I would like to inquire of the gentleman from Mississippi as to the amendment placed by the conference committee to the amendment which I offered and which was adopted by the House. That amendment, which was adopted by the House, provided that no extra legal penalties should be imposed upon any citizen for failure to answer any of these questionnaires. The Senate has added some rather complicated language to that amendment. I would like to be sure, and I think the House would like to be sure that this language does not affect or destroy the fundamental purpose of the House amendment. The purpose of that amendment was this: My attention has been called to instances where if a party failed to comply with some directive of some governmental agency, he was threatened with or subjected to some extralegal penalty. I have in my pocket at this time a questionnaire, 16 long legal cap pages, issued by the O. P. A., directed to a business firm that is not engaged in any business activity, asking a large number of questions that have no possible concern as far as the human eye can designate, with the functions of the O. P. A. I want to be sure that if that gentleman did like some other folks might do, drop that piece of trash in the wastebasket, then the O. P. A. will not be permitted to deny him a ration card for sugar for his coffee or coffee for his sugar, or for gasoline for his automobile. For that reason I am asking the gentleman from Mississippi if he will explain just what that amendment added by the Senate means.

Mr. WHITTINGTON. I may say in answer to the question propounded by the gentleman from Virginia that the conference report contains substantially the amendment that he proposed in the House and that was adopted by the

House. The report of the managers on the part of the House shows it was the purpose to retain the substantial provisions of that amendment to prohibit the very things the gentleman's amendment undertook to condemn. There is clarifying language only in the conference report, and it was believed that the clarifying language was necessary in order to make effective the purpose the House and the gentleman had in mind in adopting the amendment proposed by him.

To answer specifically: The language of his amendment, it was thought by the conferees, might encourage the citizen who was obstinate and refused in any way or in any degree to cooperate; for instance, in the rationing of sugar if the citizen in applying for his allotment were to refuse to answer, and the chiseler were to refuse to disclose, that he had sugar on hand, there would be no way to deny him his allotment of sugar. The purpose of the amendment was to reach such an illustrative case as I have just mentioned.

Mr. SMITH of Virginia. That was the only purpose of the amendment.

Mr. WHITTINGTON. That was the purpose of the amendment.

Mr. SMITH of Virginia. Let us suppose a person applies for a sugar card and refuses to answer the questions upon which he is entitled to the issuance of that card, then under that amendment the O. P. A. can quite properly say he can have no sugar.

Mr. WHITTINGTON. Otherwise we would absolutely hamstring the Price Administration.

Mr. SMITH of Virginia. I am in thorough accord with that; but most certainly it should not give the Administration the power to deny a man sugar because he does not answer some question on an application for gasoline. For instance, I had this example brought to my attention: A transportation company was asked voluntarily to agree to something that this particular agency could not require them to do and which would very seriously have handicapped that transportation company. They said:

> No; we will not voluntarily agree to do that.

The answer was:

> Well, if you do not voluntarily agree to that we will see that you do not get any tires for your automobiles.

That is the kind of thing I think this Congress does not want to condone being done by the executive department.

Mr. WHITTINGTON. I assume that it was the purpose of the House in adopting the gentleman's amendment to condemn the little dictator. A big man, a great soul, given power, is always humble and cooperative; but a little man with a little heart and with little head, given power, always makes a spectacle of himself and apes dictatorship. It was the purpose of the conferees in adopting the amendment with the clarifying language not to condone or approve the acts of the chiseler, but to limit the so-called little dictators and those who wanted to oppress and deny. It gives the agency the right to legal information which is pertinent information they are entitled to have in response to requests needed to determine allotments.

Mr. SMITH of Virginia. And, as I understand, the conference amendment is to confine those penalties to the particular transaction in which the person is applying for some right, privilege, or immunity.

Mr. WHITTINGTON. I am sure that was the purpose of the conferees, and I am sure the language of the conference report is designed to effectuate that purpose—to see that the questions asked are relevant and that they may be legally conditioned or required.

Mr. SMITH of Virginia. If that is what is intended, I am in thorough accord. It is not my purpose to hamper or restrict any office in the administration of its legal functions.

Mr. HOFFMAN. Mr. Speaker, it is not my purpose to object to this bill, because if this is not passed we shall get no legislation at all, and the taxpayers and the citizens are certainly entitled to some relief. I cannot go along with the gentleman's construction of the language put in by Senator TAFT for this reason: I heard the protests that were read before the conferees sent up by Nelson and by O. P. A. In my opinion, at least, the language in the conference report will permit those agencies to do the very thing we are seeking to prevent. I will illustrate it in this way: This language provides that no other penalty shall be imposed if the information which is sought is necessary in answering the inquiry that is required by that questionnaire. Take this matter of fuel oil. The citizen is asked in the questionnaire how many gallons he burns, for example, over a certain period. He does not know. The farmer is asked, when he applies for gasoline for his truck, or in order to get tires, how many miles his truck traveled over a certain period. He does not know. Now, unable to answer, or answering falsely, he is liable to a penalty of $10,000, or 5 years. That ought to be enough; but, in addition to that, if he does not answer even though he cannot, he can be denied fuel oil for his house; he can be denied gasoline for his truck. So they can put into these questionnaires as many questions as they wish, subject only to the supervision of the Director of the Budget, if this bill goes through.

I do not want to go on record as approving any such practice because when we give a department authority to issue these questionnaires they go on indefinitely with questions and then deny the man his fuel, his sugar, his tires because he cannot tell them how old Ann is or why George did not do something. I do not want to go on record as sanctioning anything of that kind.

Mr. WHITTINGTON. I will say in response to the gentleman's statement that to effectuate the gentleman's purpose and to carry out his intention I believe the best thing the Congress can do is to adopt this report. If the report should be rejected and no bill passed, these agencies will go on unhampered and unhindered. While this is not a perfect bill, the gentleman will agree that the conferees gave most careful consideration to this particular item, which was strenuously objected to by the very agency that the gentleman condemns. There is involved some clarifying language, and, as I said, while this bill is not perfect it will go a long way toward preventing the very practices which the gentleman condemns.

Mr. HOFFMAN. I am not objecting, but I do not want the thing to go through without a protest.

Mr. WHITTINGTON. I trust the gentleman will revise his remarks and leave out that part in which he states that any agency may disregard this bill, if it becomes law.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. The gentleman from Michigan has referred to the fact that the consumer is subject to a penalty of $10,000 or 5 years in the penitentiary for violations in regard to the answering of questions in the questionnaire. What penalty is the Administrator of the act and his associates subject to if they exceed their authority?

Mr. HOFFMAN. If they violate a constitutional provision or a Federal statute, that is just overlooked as an error.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to ask the gentleman from Mississippi a question. Has this particular amendment been submitted to Leon Henderson and to his assistant, Mr. Ginsberg, for their consideration and approval?

Mr. WHITTINGTON. It has not.

Mr. BROWN of Ohio. Does the gentleman know what their attitude is on the amendment?

Mr. WHITTINGTON. I should judge from what the gentleman from Michigan has stated, without disclosing the proceedings of the conference with respect to this bill, that both of those gentlemen oppose this provision being held in the bill, inasmuch as they suggested no modification or clarification.

Mr. BROWN of Ohio. Has the gentleman from Mississippi any assurances that the Office of Price Administration will pay any attention to the particular provision?

Mr. WHITTINGTON. No; I have not.

Mr. BROWN of Ohio. Are there any means set up in this bill to enforce their compliance with this provision?

Mr. WHITTINGTON. The purpose of the bill is to prevent agencies from obtaining information as defined unless there is compliance with the act.

Mr. BROWN of Ohio. Will this reach such questions that are asked as, for instance, when the farmers are asked the question as to whether or not they are complying with A. A. A. and whether or not they believe in it?

Mr. WHITTINGTON. The purpose of the amendment and the bill is to restrict the questions to those which may be legally asked.

Mr. BROWN of Ohio. Would this amendment delete from the questions that are submitted the question to farm

workers who are asking for relief from military service wherein the farm worker is asked whether or not the farm upon which he is employed is under A. A. A.?

Mr. WHITTINGTON. I would not undertake to answer the gentleman's question in that regard except to say that while this bill is not perfect it will certainly restrain the now apparently unlimited exercise of authority in burdening citizens and taxpayers who are furnishing many reports when one report should be available to all the agencies of the Government interested.

Mr. THOMAS F. FORD. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from California.

Mr. THOMAS F. FORD. I recognize that this bill has a restraining effect on what they are doing now. I should like to ask the gentleman one question, When the Congress convenes in the coming new session will the gentleman support a measure abolishing the rationing principle and simply substitute therefor a series of ceilings that will permit the producers to produce at a sufficient profit to enable them to supply the country with the necessary food, clothing, shelter, and everything else they need, and cut out this fool rationing principle?

Mr. WHITTINGTON. If the gentleman's question is directed to me, and the question is very interesting, may I say that I do not usually commit myself in advance on legislation, until it is ready to be voted on.

Mr. HOFFMAN. Would the gentleman favor such a program?

Mr. THOMAS F. FORD. Yes.

Mr. HOFFMAN. When we meet again?

Mr. THOMAS F. FORD. I am in favor of such program.

Mr. RICH. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Will this have any effect on the voluminous reports and requests for data that the Office of Price Administration is now asking business concerns to give, in addition to their annual statements? When they make their statements to the Treasury Department, they are followed up by requests for quarterly and annual statements and inventories from all manufacturing concerns. Are those reports going to be continued if this bill is passed?

Mr. WHITTINGTON. The gentleman will recall from the rather extended debate when this bill was passed by the House, that one of the main purposes of the bill was to accomplish the very thing that the gentleman has brought to the attention of the House, to wit, reduce and eliminate the wholly unnecessary accumulations and entirely useless expense to the taxpayers of repeated answers to useless questionnaires.

Mr. RICH. You will do a great service if you eliminate that, because there is no one in the O. P. A. who can interpret them after they get them, yet there is involved a penalty of a $10,000 fine and imprisonment for 5 years. They will work at them for 3 months to get them out, but they are no good after they get them out.

Mr. WHITTINGTON. If there be no further questions with respect to this particular amendment, with the indulgence of the gentleman from Michigan I should like to make this statement.

The bill as it came to the House and as it was reported to the House by the House committee contained a proviso exempting the Treasury Department from full compliance with its terms. It was thought that that provision was entirely too broad, so this bill, as we have agreed to it in conference, eliminates that provision as it eliminates the so-called Robsion amendment adopted, and in lieu thereof confines the elimination from the provisions of this bill to certain agencies under the Treasury Department, including the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department, agencies of Government that deal with information that should not be given to the public, including the income-tax returns of citizens.

I may say in this connection, Mr. Speaker, that the bill as finally agreed to in conference embraces the so-called Williams amendment, at one time adopted by the House, providing that the Federal Deposit Insurance Corporation and the Federal Reserve System are eliminated from the provisions of the bill.

Mr. TALLE. Reserving the right to object, Mr. Speaker, may I say as one of the conferees on this bill that all the conferees approached this problem with a determination to get rid of the countless as well as useless reports and questionnaires that have harassed and are continuing to harass our citizens. I have in my pocket now a report on the situation in one of the cities in my district. It is an astounding report. I just read in a local newspaper an account of the senseless burden which the O. P. A. is imposing on one business house in the city of Washington. I trust that this conference report may pass the House immediately and that we may be able to put a stop to this sort of thing.

Mr. Speaker, I submit at this point the report to which I have referred. And may I add further that this report came to me from Cedar Rapids, Iowa, the city which enjoys the unique distinction of being the first in the United States to have conferred upon it the honor symbolized by the T-flag. This banner was presented to the city of Cedar Rapids by a representative of the United States Treasury not many days ago, and its significance lies in the fact that this city was the first in our entire country to establish a near-unanimous 10-percent wage check-off in its industries for the purchase of War Savings bonds.

[From the Cedar Rapids Gazette of December 6, 1942]

BUREAUCRATIC QUESTIONNAIRES ADD TO TROUBLES OF WAR PLANTS

(By John Reynolds)

The Federal Government's family of boards and bureaus is running a question-and-answer program that makes Dr. I. Q. look like a kindergarten teacher on her first job.

Chief stooges on the program, according to the congressional leaders who already have begun to investigate, are the selfsame industries and businesses from which Uncle Sam is demanding peak war production and performance—in Cedar Rapids, Chicago, Chattanooga, or anywhere.

Busy executives in Cedar Rapids can tell you that the bureaucrats are always asking: "How many cotter keys are there in your plant?" or "What are the minority interests in capital and surplus of your consolidated subsidiaries?"

IT TAKES VALUABLE TIME

Big business' gripe at being an involuntary Quiz Kid is altogether because of the time required to find all the answers, fill out all the questionnaires, and get them off to desk 1–A, finances branch, Office of Price Administration, Washington, D. C., or some other such designation.

The complaint isn't because the answers sought are of a confidential nature. The skirts of business and industry have been whipped up so many times by the big winds that blow out from Washington that all privacy is gone—and modesty with it, the officers and owners will tell you.

The howl might not be so loud either if the clerks, the foremen, the vice presidents, and the presidents were sure that Washington used the reports when it got them.

It's like being a free lance writer, they say, and never having any of your stuff published.

Because of the hue and cry over Government questionnaires and the amount of time required to fill out all of them, the Gazette last week prevailed on the officers of one firm in the Cedar Rapids area to open its government questionnaire file to inspection. The company also was asked to check on the time consumed in filling out some of these multi-paged reports which ask for information on almost everything.

Without digging, the firm's officials could list 31 different government reports, including some on taxation, which have been required of it one or more times or periodically in the course of a year.

The company estimated conservatively that it would take 10 persons 3 weeks to fill out out one particular report which is asked on a quarterly basis.

When it comes to filling out most of the reports, the services of a number of employees in a number of different departments are required to complete the job. If the time spent by all were accumulated, from 1 to 40 hours' time would be expended by a single person to get out one or another of the many reports.

By the same token, it would take 1 worker from 1 to 24 hours or more to fill out each of some 16 reports asked for by War Production Board alone, the company said.

AND DON'T FORGET THE TAXES

Among the Government agencies on the asking end are the War Production Board, chief among the quizzers now, the Office of Price Administration, the Office of Defense Transportation, the Securities Exchange Commission, the taxing agencies of the National Government and of the governments of Iowa and other States wherein the company does business, the Bureau of Labor Statistics, which works for itself and for other Government agencies as well, and others.

Men who are asked to do a hustling wartime job were a little disturbed recently to open an envelope which bulged with a 17-page Office of Price Administration form asking for a complete annual financial report.

Since the prices of the company's products are fixed by regulation, its officers could see little reason for Office of Price Administration making such inquiries.

Before the time this report was received the company already had filed one annual report

and one quarterly report of the same nature covering different business periods.

ONE HUNDRED AND SIX PAGES SHORT

When War Production Board wanted to know all about the deliveries of the company's products since 1939 and their last known location, 107 pages were required to furnish the answers. War Production Board provided 1 page. The company itself had additional copies of the form prepared so that it could make the listings requested.

Despite the fact that it asked for such intricate details as serial numbers, sizes, and much other information, War Production Board wanted the answers back to Washington in 5 days.

The manufacturer in Cedar Rapids gets his Irish up too when a Government agency asks for some report and then requires "the signatures of at least 2 officers of the company on each page."

Here are a few of the report forms which this company has received, filled out and sent back to somebody's desk in Washington:

1. Report of plant operations including an analysis of sales, orders, machines, and employees. This is asked on a monthly basis.
2. An inventory of certain machinery and whether or not its status has been changed.
3. Manufacturers' inventory of certain heavy-duty machinery.
4. Production schedules.
5. Applications for authority to begin construction. In this form, the Government asked for descriptions of all materials being used and their classification according to a numbered code list which included 275 different items.
6. Manufacturers' report on the sales and production of certain machinery.
7. Production and shipment schedules of certain machinery.
8. Certification of material inventories.
9. Form A (annual) and form B (quarterly) financial reports for Office of Price Administration.
10. Annual financial reports for Securities and Exchange Commission and for the securities offices of all States in which the company qualified its own securities.
11. Federal income tax.
12. Federal excess-profits tax.
13. Capital-stock tax.
14. Iowa income taxes.
15. Income taxes of other States.
16. Unemployment tax for the Federal Government and two States.
17. Federal old-age-benefits reports.
18. Report on all commercial vehicles for Office of Defense Transportation.
19. Confidential report on labor turn-over for the Bureau of Labor Statistics.
20. Seven individual reports for War Production Board on production requirements, inventories, surpluses, and the like.

"The company is at a loss in many instances to know whether these reports are required by law or merely by 'bureaucratic whim,'" said one officer. "There is an obvious duplication in the askings."

The men who must worry about filling out these reports never know whether the information will be asked in pieces, prices, or weights. One form was changed five times in recent months in that respect.

Preparing the answers for many of these forms, the company reported, may require the combined effort of the repair parts, tool crib, sales, maintenance, and experimental departments, as was the case recently with one questionnaire.

COMPANY RECORDS COMPLICATED

But this isn't the end. This business and others spend time keeping a check on the draft status of the men in their employ. They must make an effort to get deferments for keymen who are necessary and essential and arrange for the training of replacements wherever that is possible.

The share-the-ride plan takes more book work.

Not the least of the jobs is paying the workers and keeping track of the various deductions authorized.

In computing wages, overtime payments must be considered as they are directed by the national wage-and-hour law, the Walsh-Healey Act, and the Presidential order, together with the union contract, if there is one, and the wage specifications it contains.

Then come the deductions—for group life insurance, for group health and accident insurance, old-age benefits, War-bond purchases, community war chest, United Service Organizations, the victory tax (next year), and possibly purchases by employees through the company.

For this firm the full time of two or three employees is required to post War-bond deductions and handle the issuance of the bonds.

Against these duties there is no complaint, even though the company has yet to do the bookkeeping demanded by normal, modern business operations.

But the room temperature does rise and the air gets blue when Office of Price Administration comes through with "Give the salary of every employee who owns more than 10 percent of the capital stock" or "Give the various rates of depreciation on fixed assets."

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HINSHAW. Reserving the right to object, Mr. Speaker, I am delighted that the gentleman is bringing in this legislation. The other day I placed in the RECORD a questionnaire that our retail grocers are called upon to fill out on or before the 10th day of January. It will require anywhere from 35,000 to 60,000 separate entries to be made by each grocer. Of course, it is impossible for them to do that job and carry on the business of their stores and supply the people, largely because they cannot hire any help to do the work.

In addition, the other day I wanted to find out what authority of law there might be by which the Administrator of the Office of Price Administration could say that he could refuse to issue gasoline rationing tickets to anybody who owned more than five tires. I am in accord with the principle of the people's cutting down the number of extra tires they own, but I wanted to know what legal authority he had. This morning I received a rather involved explanation from him quoting certain portions of the statute, which, to me, seems very roundabout in establishing that authority. It is a curious situation when the people find themselves in a position where they cannot sell their extra tires to anybody. That is against the law. Of course, they can sell them to the Government. The Government does not say that you have to throw the tires on the dump pile or give them away, but the situation is such that it is a practical necessity for you to do that.

I have in my office a receipt given a constituent of mine for one tire. It is issued by the Government. With it is a check in the amount of 20 cents for that tire. He said it was a perfectly good tire, yet the Government has placed him in a position where he could not sell it to anybody else, he had to sell it to the Government, and he got 20 cents for it. He said he would rather have given it to the Government and forgotten all about it. He had thought he might have gotten $5 or $6 for it.

I hope the gentleman's committee or whatever committee of the House has responsible charge of that sort of thing will really investigate that matter in the future. I include my letter to Mr. Henderson of November 25 and his reply of December 9, 1942, above referred to.

NOVEMBER 25, 1942.

LEON HENDERSON,
Administrator, Office of Price Administration, Washington, D. C.

MY DEAR MR. HENDERSON: For my information, will you kindly quote the chapter and verse of the statutes which gives you authority to refuse the issuance of gasoline rationing books to automobile owners who have in their possession more than five tires?

Very truly yours,

CARL HINSHAW,
Member of Congress.

OFFICE OF PRICE ADMINISTRATION,
Washington, D. C., December 9, 1942.

Hon. CARL HINSHAW,
House of Representatives, Washington, D. C.

DEAR MR. HINSHAW: You have asked me to quote the statutory provision which grants authority to refuse the issuance of gasoline rationing books to automobile owners who have in their possession more than five tires. The basis for this authority is to be found in section 2 (a) (2) of the Priorities and Allocations Act, as embodied in title III of the Second War Powers Act (Public Law No. 507, 77th Cong., 2d sess.), which provides as follows:

"Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense."

In order to insure that adequate supplies of tires be made available at the appropriate time and in the appropriate manner for uses to carry on the war effort, it is imperative that the Government secure possession and control over all tires in excess of five, which are normally needed to operate a car. Only the Government is in a position to effect an effective and equitable allocation of such tires. It seems clear, therefore, that the acquisition of such tires and their distribution are part of the allocation program authorized by the Priorities and Allocations Act. Conditioning gasoline rationing upon the turning over of excess tires to the Government is appropriate for this purpose, because the objective of both gasoline rationing and tire rationing is the proper allocation of transportation facilities.

I trust that this provides you with the information which you requested.

Sincerely yours,

LEON HENDERSON,
Administrator.

Mr. WHITTINGTON. The gentleman is always interesting. I would say that when the Administrator of the Office of Price Administration asks the Director of the Budget for questionnaires, under this bill the gentleman would have an opportunity to be heard, whereas if the

measure does not pass, there would not likely be any further opportunity.

Mr. LELAND M. FORD. Reserving the right to object, Mr. Speaker, has any consideration been given to an amendment that would fix a penalty on the Administrator or any of his subordinates for maladministration or for any instances where they proved coercion on one item and against another? Would it not be a good idea to put the same penalty on the Administrator where any such act was performed, a penalty of 5 years in the penitentiary or a fine of $10,000? Has that question been considered? I would say that the conferees had no jurisdiction of that matter. It was not involved in the bill, as passed by the House or the Senate, and I might also say that when this bill was originally passed by the House and the Senate, it was agreed that it was not a perfect or a comprehensive bill, but that it was a step, and a good step in the right direction, to be followed by legislation in the next Congress.

In other words, it was the best that you could do with a bad situation?

Mr. WHITTINGTON. That is correct.

Mr. ROBSION of Kentucky. Mr. Speaker, I reserve the right to object. I offered an amendment the other day, which was not adopted by the House. It was my purpose not to do anything that would at all limit the power set forth in the bill. Will the gentleman advise what was done with that amendment?

Mr. WHITTINGTON. I have previously answered the gentleman's question when I stated that in lieu of the matter contained in the gentleman's amendment which was eliminated in the conference, there was inserted a provision that eliminated the Bureau of Internal Revenue, and the named agencies in the Treasury Department, and also eliminated the Federal Reserve System and the Federal Deposit Insurance Corporation. I believe the purpose the gentleman had in mind has been accomplished.

Mr. ROBSION of Kentucky. I thank the gentleman. I think the conferees have fully protected the matter that we had in mind.

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object, in order to make a statement. When the price-control bill was passed we had quite a fight on this floor in respect to two subjects. First, one which has been stated here today in respect to the need for reports by the Price Administrator as a means of gathering information on which to base a price ceiling. It becomes clearly evident that the Price Administrator has grossly abused the power which has been given him under the Price Control Act, in the seeking of information ostensibly for the purpose of justifying a price ceiling. I always contended that a price ceiling could be put on a commodity, maintained, and enforced without the necessity of all these questionnaires, and immediately following the convening of the next Congress I am going to offer a bill to repeal that section of the Price Control Act which gives the Office of Price Administration this unusual power to dig into the business of private merchants.

Also, in response to the comment which has been made here today on the fact that the Price Administrator himself and the Government is above the law in this respect, another fight occurred on this floor in respect to review and it was pointed out, and in spite of the prophecies of many of us that this condition would be created, no provision in the price-control bill was enacted to allow a review in any court whatever within the reach of the average person affected by the price control. We did set up a court of economic appeals, or something like that, and restricted the review of all of these injustices to the authority of the Administrator to set ceilings. So in no manner did we close the door against judicial review of all of these injustices which are now being heaped on the American people in the name of price control.

Mr. WHITTINGTON. Mr. Speaker, I always listen with interest to the gentleman's observations, and I believe that the Congress and the country are aware of his views.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, referring to that price-control bill passed here which gives Mr. Henderson this power that he is now abusing, was not that the bill that the Banking and Currency Committee recommended?

Mr. WOLCOTT. The bill that passed the House was not the bill that the Banking and Currency Committee recommended.

Mr. HOFFMAN. And we followed along after the Senate?

Mr. WOLCOTT. No; the gentleman did not, and I did not. The gentleman and I voted for the bill after it had been perfected to remove these injustices.

Mr. HOFFMAN. I did not vote for the bill.

Mr. WOLCOTT. Then the bill went to conference. Then, after the other body of Congress had knocked out of the bill the protection which we wrote into the bill, even some on this floor were foolish enough to vote for it. In doing so they voted away the fundamental rights of the American people.

Mr. HOFFMAN. I did not want any misapprehension. I did not vote for that bill because, being of a suspicious nature, I suspected that Mr. Henderson would abuse the power granted him.

Mr. WOLCOTT. I thought we had a right to expect a little intellectual honesty on the part of the administration of this act. Therefore, I went along with it in the first instance.

Mr. MICHENER. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. WHITTINGTON. Mr. Speaker, inasmuch as I have substantially covered the statement of the managers on the part of the House, I ask unanimous consent that the further reading of the statement be dispensed with, and that the statement be printed in the RECORD.

The SPEAKER. Is there objection?

Mr. HOOK. Reserving the right to object, the gentleman knows I have no brief for all these blanks that the Office of Price Administration has been shooting at the American people, but I am just wondering whether a lot of this widespread blank criticism in this House is doing the American public any good. I am wondering whether the widespread blank that is being brought about in this House is not bewildering the American public even more than the Price Administration is doing. I think it is about time that we gave the American people a little rest and either adjourned or stopped this blank criticism.

Mr. WHITTINGTON. The gentleman reminds us that there are two sides to every question.

Mr. Speaker, I ask unanimous consent that the further reading of the statement on the part of the managers be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to proceed for half a minute, to say that I am advised by the document room that the Senate bill and the House bill have been exhausted. A clean bill, as agreed to, is contained in the conference report, so that the Members may be governed accordingly.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Reserving the right to object, I wonder if I can have until midnight tonight to file a resolution?

Mr. McCORMACK. I suggest the gentleman submit his unanimous consent now before my request is acted upon. Mr. Speaker, I withdraw my request at this time.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to have until midnight tonight in which to file a resolution.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I inquire the nature of the resolution?

Mr. HOFFMAN. It is asking the Navy Department whether they are going to prosecute Walter Winchell——

Mr. HOOK. Mr. Speaker, I object.

Mr. HOFFMAN. Then I object to the adjourn-over request.

Mr. McCORMACK. Of course, the gentleman has not that pleasure yet, because I have withdrawn the request. But I will afford the gentleman an opportunity just to test out his mettle to see if he is going to inconvenience everyone else.

I ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet on Monday next.

Mr. HOFFMAN. Mr. Speaker, I object.

COL. LEO A. LUTTRINGER

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7650) for the relief of Col. Leo. A. Luttringer, United States property and disbursing officer for Pennsylvania, under an agreement which was reached when the Private Calendar was called.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the account of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania, the sum of $2,105.30, public funds for which he is accountable, which sum was paid by him to the Keystone Tailoring Co., Philadelphia, Pa., on vouchers for services for which bona fide bids were not obtained, and which amounts have been disallowed by the Comptroller General of the United States.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania, the sum of $2,105.30. The payment of such sum shall be in full settlement of the claim of the said Col. Leo A. Luttringer against the United States for reimbursement for a like sum which was (1) paid by him to the Keystone Tailoring Co., Philadelphia, Pa., on vouchers for services for which bona fide bids were not obtained, (2) disallowed by the Comptroller General in the settlement of the accounts of the said Col. Leo A. Luttringer, and (3) refunded by the said Col. Leo A. Luttringer to the United States as a result of such disallowance."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

4–H CLUBS

Mr. FULMER. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 350.

The Clerk read the resolution, as follows:

Whereas 1,000,000 men now on farms will go into the Army or industry during the next few months; and

Whereas 200,000, in addition to those now on farms, will be needed to meet the expected call for a 5-percent increase in production in 1943; and

Whereas replacements for the 1,200,000 above-mentioned workers must come from the nonfarm population, with the exception of possibly 250,000 farm children who will reach working age next year; and

Whereas the Secretary of Agriculture is asking for an immediate cut in food consumption about which "we have been too complacent"; and

Whereas because we must build up stock piles of food for our Army, lend-lease, and domestic consumption to avoid a serious shortage in 1943, and a critical shortage later; and

Whereas rural nonfarm youth comprise approximately 4,500,000 individuals between the ages of 10 to 19; and

Whereas these young people are located near the farms and can be recruited without serious problems of transportation and housing; and

Whereas most of them know farm vocabulary and many of them are familiar with farm work and duties; and

Whereas this group constitutes the most logical available farm labor supply; and

Whereas this rural nonfarm youth group can be most easily recruited and trained to lessen the farm labor shortage: Therefore be it

Resolved, etc., That in order to assist in assuring an adequate supply of food for the armed forces, the civilian population, and the Allies of the United States, there is hereby authorized to be appropriated such sums as may be necessary to employ qualified persons as assistants to train rural nonfarm youth for farm labor and to supervise 4–H Club and other farm youth work projects. Such assistants shall be under the direction of the extension services of the State agricultural colleges. The United States Department of Agriculture and the United States Employment Service shall cooperate with the State agricultural colleges in cruiting and training youths for farm labor in order to carry out the purposes of this joint resolution.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Reserving the right to object, will the gentleman explain this resolution?

Mr. FULMER. I will be delighted to. The gentleman will remember that 12 months ago I introduced and my committee reported unanimously a real 4–H Club bill which carried an authorization for several millions annually, but on account of the war and having to spend billions in this great emergency we never did ask for a rule for the consideration of same.

The purpose of this bill is to get on to the farms for the duration of the war as many of the boys and girls as possible out of the four and a half million nonfarm boys and girls who live in towns, villages, or small cities near the farming areas of the country. It is not a matter so much of training during this emergency as it is getting the girls and boys near the farms to help out on the farms. Those boys and girls—thousands of them—know quite a lot about various types of farm work, and these boys and girls know the language of the farm and could readily fit in on the farms for many kinds of work and thereby take the place of the shortage of farm labor which it is quite apparent will amount to some 2,000,000 laborers or more.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, does the gentleman really expect they will go to the farms when there is so much greater opportunity for them in industry?

Mr. FULMER. The youth from 10 to 17 who are contemplated for farm work under this bill would not—at least many of them—leave home for work in industry and the large cities.

Mr. MARTIN of Massachusetts. But boys of 16 and 17 can get work very easily in industrial centers at this time.

Mr. FULMER. The gentleman is quite right. Some of these 16 and 17 years of age are already engaged in government and industrial work but there will be two or three million available. This would be an inducement and would be inexpensive in that they live near the farms and in rural areas. This would be much more satisfactory than, for instance, to take them from large cities like New York where they know nothing about farming, or to transport laborers from one section of the country to some other section of the country, pay their transportation and 30 cents an hour. That kind of program certainly would cost a lot of money and create lots of dissatisfaction and confusion on the part of farm laborers now on the farms.

Mr. HOPE. Mr. Speaker, further reserving the right to object, is it not true that this is the greatest single source of farm labor that is available in the country today?

Mr. FULMER. The gentleman is absolutely correct.

Mr. HOPE. If an organization is set up whereby these boys and girls can be mobilized for work on the farms I think that in itself will prevent their going to work in industry, will keep them in the local vicinities where they will be able to contribute some help on the farms of the country.

Mr. FULMER. The gentleman is correct, and they are near the farms and understand farm life to a great extent. They would be satisfied and happy and I believe would render a great service to farmers and to our war efforts in increasing food production.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield——

Mr. HOPE. I yield.

Mr. MARTIN of Massachusetts. How effective does the gentleman believe this would be?

Mr. FULMER. It would be very effective and ameliorate the shortage of labor.

Mr. MARTIN of Massachusetts. I understand that but I should like a thorough explanation of how it is to be made effective.

Mr. FULMER. The gentleman will find that this will work very efficiently under the extension agency and those in chahge of 4–H Club work and the training of boys and girls in agriculture.

Mr. RICH. Mr. Speaker, reserving the right to object, in the first place how much will it cost to put this program into effect? And how does the gentleman expect to put it into effect?

Mr. FULMER. As I said to the gentleman the other day, the Department of Agriculture and those interested in handling this proposition will have to appear before the Appropriations Committee to make a showing as to just what they think it would take to do the work. According to information I have through the Department and those interested it would take anywhere from two to four millions of dollars. The reason for this small amount in comparison with other contemplated programs is that these boys and girls live near the farms. Were we to reach out to cities like New York and other large centers or transport laborers to the farming areas and pay their way back together with 30 cents an hour, that would make it cost millions.

Mr. RICH. Where do you expect to get the money?

Mr. FULMER. From the same places we are getting the money that we are spending to win this war.

Mr. RICH. The gentleman does not know. The resolution states:

There is hereby authorized to be appropriated such sums as may be necessary to employ qualified persons as assistants to train rural nonfarm youth.

Where are you going to do this training? Who is going to do the training? And are you going to send these youths to school?

Mr. FULMER. May I say to the gentleman from Pennsylvania that this is right in line with the objectives of the 4-H Clubs' work, it will be a part of it. It is not so much a question of training these boys and girls who live near the farms as it is getting them together and getting them interested in working on the farms. It would be done under existing agencies already charged with this kind of work.

Mr. RICH. The gentleman spoke of getting boys in the cities. Is it the intention to bring men out to the country and take them back, board them, and look after them?

Mr. FULMER. That is exactly what we are seeking to avoid. Once again I state that these boys and girls live in towns and villages near farming areas. There would be no question of expensive transportation involved and they would go back and forth from their homes to the farms, and in some instances stay on the farms for certain periods of work—gathering vegetables and packing fruit, and so forth.

Mr. RICH. A few moments ago the gentleman made a statement to the minority leader when he asked a question about 16- and 17-year-old boys that I want to answer. I know of a boy 16 years old who came to Washington. When he came here they offered him a job up here in the Housing Administration as assistant carpenter, and he got $1.25 an hour. He spent all summer here. Now he has gone back to enlist in the Army because he will be 18 years old very shortly.

I am thinking of these agencies the gentleman is talking about and the set-up that we have down here in the Department of Agriculture, including the Farm Security Administration, the Soil Conservation Service, the A. A. A., the Commodity Credit Corporation, and the county farm agents which they have in every county in the United States of America. I also have in mind the Agricultural Extension Service and the Federal Crop Insurance Corporation, and there is also the Department of Labor, which now has labor offices set up in every town and village in the United States trying to get men to go to various places to work.

I do not think that we ought to establish any other bureau or any other organization to go out and try to teach these children to go out on the farms and go farming because if they can get $1.25 an hour in town or even 50 cents an hour they are not going to go out and work on the farms. The Federal Government is the greatest offender in this respect in connection with its construction of buildings on the cost-plus basis, which practice it uses in connection with everything it does in the Army. They pay such high wages that you cannot get men in industry. When they cannot get the men they want, they just boost the wages to any height they feel is essential. Since Mr. Byrnes has this job, I do not know whether that will be permitted or not. A man who received $50 a week in industry can go to some of these shipyards or to some of these places where they are building ordnance plants and other buildings and get $300 or $400 or more a month. But remember that every one of those people had to join a union before they could get the job. Uncle Sam today will not let a man go to work on a Government project unless that man joins a union because you have the union racketeer right there who says the man cannot work on that job unless he joins the union. That is a terrible situation.

You are not going to correct that by this bill. I am glad that the gentleman has the idea that he has and I congratulate him because I believe he is going to try to change some of these laws that we have put into effect during the last 3, 4, or 5 years. If you do not do that, this Nation will cease to exist, the Constitution will go out of the window and everything will be wrecked. You will have to change those laws and that is what I want you to do.

This bill ought to be held over until the next session of Congress because you are not going to get any committee from the Appropriations Committee to make an appropriation for it. One other thing, and I want to drive this home, because if you do not correct some of these situations, this Nation will never be able to survive, and this is on account of a lot of the laws we have passed here in the last 8 or 10 years.

You are going to have a dictator, you are going to have a broken-down nation, you are going to have a wrecked Treasury, and all on account of these laws which have been passed during the last 10 years. The fact of the matter is that the President of the United States is now catering to these radical labor leaders and unless he changes his mind, unless he gets the radicals out of labor, something will happen. I do not condemn good, honest labor organizations, but when a man is driven to joining a labor union before he can work for this Government of ours, then I say you have gone beyond what our forefathers had in mind when they established this country. These laws were all wrong and we will never be right in this country until we get rid of the radicals.

If we pass this bill and put it into effect I question very much that you will get the children to go out and work on the farms. You will have to educate them.

Mr. FULMER. Let me make a short statement, if you please. This bill proposes to do just what the gentleman is contending for. There is not a line in the bill creating any agency or bureau and none can take part in this. It is up to the extension agency and those who are on the ground floor and without any extra cost except getting the boys together and doing the thing that the gentleman has always been fighting for. This is in line with his philosophy.

Mr. RICH. I have looked over this bill very carefully and I have tried to get some good from it. I want to say that if we had the gentleman at the head of the Department of Agriculture and if we could get rid of a lot of these brain-trusters, these boneheads down there, and do away with a lot of these political leeches that we have in the Department of Agriculture, we might get somewhere. The Department is full of them. Look over these organizations that I just read to you. They have these organizations all set up that could handle the situation and get these children to go out on the farms to work. There is another department of government that is overmanned and overcontrolled and filled with a lot of radicals. I refer to the Department of Labor. Even the Secretary of Labor, Madam Perkins, is the most radical one of the whole bunch, yet no one will do anything to get her out. We have had to contend with her for 10 years and as long as Mr. Roosevelt is in the White House you will always have to contend with her unless she dies, and that would be too bad.

Mr. FULMER. What the gentleman has been talking about has not anything to do with the merits of this bill and his argument is political as far as I am concerned and as far as the country is concerned.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. FULMER]?

Mr. RICH. Mr. Speaker, I object.

AMENDMENT TO SECTIONS 3, 4, 5, AND 6 OF ACT APPROVED MARCH 7, 1942, PROVIDING FOR CONTINUING PAY AND ALLOWANCES OF CERTAIN MISSING PERSONS

Mr. SUTPHIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7844) to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. SUTPHIN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain that this is just a renewal of a bill already in effect?

Mr. SUTPHIN. Mr. Speaker, this is an extension of the Missing Persons Act, a bill we passed last March, which made it possible to make payments and allowances to those who are prisoners of war. In a short time 1 year will have expired, and that is the reason for this bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. SUTPHIN]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide for continuing payment of pay and allowances of personnel of the Army,

Navy, Marine Corps, and Coast Guard, including the retired and Reserve components thereof; the Coast and Geodetic Survey and the Public Health Service, and civilian employees of the executive departments, independent establishments, and agencies, during periods of absence from post of duty, and for other purposes," approved March 7, 1942 (Public Law 490, 77th Cong.), is hereby amended as follows:

Section 3, strike out the entire section and substitute the following: "Any person entitled under section 2 of this act to receive pay and allowances, and who has made an allotment of pay for the support of dependents or for the payment of insurance premiums, shall be entitled to have such allotments for dependents or insurance premiums as he previously may have executed continued for a period of 12 months from date of commencement of absence, notwithstanding that the period for which the allotments had been executed may have expired during such 12 months' period, and the proper disbursing officer shall so continue the allotments during such absence: *Provided*, That in the absence of a previously executed allotment or where the allotments made are not sufficient for reasonable support of dependents or payment of insurance premiums, the head of the department concerned may direct that allotments not exceeding the amount of pay and allowances the absent person would be entitled to allot under regulations of the department concerned, shall be paid by the appropriate disbursing officer to an insurer or to such dependents as have been designated in official records or to such persons as may be determined to be dependent by the head of the department, or person designated by him: *And provided further*, That the premiums on insurance issued on the life of the person paid by the Government subsequent to the declared date of death and unearned shall revert to the appropriations of the department concerned."

Section 4, strike out the second sentence and substitute the following: "Except as provided in section 6 of this act, payment of allotments may not continue beyond the 12 months' period following the officially reported date of commencement of absence."

Section 5, strike out the entire section and substitute the following: "When the 12 months' period from date of commencement of absence is about to expire in any case of a person missing or missing in action and no official report of death or of being a prisoner or of being interned has been received, the head of the department concerned shall cause a full review of the case to be made. Following such review and when the 12 months' absence shall have expired, or following any subsequent review of the case which shall be made whenever warranted by information received or other circumstances, the head of the department concerned is authorized to direct the continuance of the person's missing status, if the person may reasonably be presumed to be living, or is authorized to make a finding of death. When a finding of death is made it shall include the date upon which death shall be presumed to have occurred for the purposes of termination of crediting pay and allowances, settlements of accounts, and payments of death gratuities and such date shall be the day following the day of expiration of an absence of 12 months, or in cases in which the missing status shall have been continued as hereinbefore authorized, a day to be determined by the head of the department. The finding of death as herein provided may be accepted as proof of death and date of death by any department or agency of the Government for the payment of, or entitlement to, any other benefits dependent upon death as now or hereafter authorized in any Federal law or regulation."

Section 6, add at the end thereof the following sentence: "When a person missing or missing in action is continued in a missing status under section 5 of this act, such person shall continue to be entitled to have pay and allowances credited as provided in section 2 of this act and payments of allotments, as provided in section 3 of this act, are authorized to be continued, increased, or initiated."

SEC. 2. This act shall be effective in all respects as provided in section 15 of the act of March 7, 1942 (Public Law 490, 77th Cong.).

With the following committee amendments:

Page 3, line 2, after the word "further", strike out the balance of line 2 and all of lines 3, 4, 5, and 6, and substitute in lieu thereof the following: "That any premium paid by the Government subsequent to the declared date of death and unearned on insurance issued on the life of a person shall revert to the appropriations of the department concerned."

Page 4, line 8, strike out "The" and all of lines 9, 10, 11, 12, and 13.

Page 4, after line 21, insert the following:

"Section 15, in lines 3 and 4, strike out the words 'as proclaimed by the President, and for 12 months thereafter', and substitute therefor the words 'and for 12 months thereafter, or until such earlier time as the Congress by concurrent resolution of the President by proclamation may designate'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSTRUCTION AND OPERATION OF CERTAIN FACILITIES BY THE NAVY DEPARTMENT

Mr. SUTPHIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7575) to expedite the prosecution of war, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 5, strike out all after "544)" down to and including "war" in line 8, and insert "is hereby increased to $60,000,000."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, this Senate amendment puts a limit on how much can be spent?

Mr. SUTPHIN. We passed the bill without any limit whatever. We are agreeing to a limit of $60,000,000.

Mr. MARTIN of Massachusetts. This simply establishes a limitation?

Mr. SUTPHIN. Yes.

Mr. RICH. Reserving the right to object, Mr. Speaker, can the gentleman tell us where we will get the $60,000,000?

Mr. SUTPHIN. I am sorry, I cannot at the moment.

Mr. RICH. I want to find somebody who can tell us that.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DENTAL CORPS OF THE UNITED STATES NAVY

Mr. SUTPHIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2769) to authorize the rank of rear admiral in the Dental Corps of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, was the head of the Dental Corps of the Navy in the last war an admiral?

Mr. SUTPHIN. He was not. This is the first bill that has ever been passed on this question. The Dental Corps of the Navy at the present time has approximately 2,500 officers on active duty, and the corps will probably be expanded to twice that number.

Mr. MARTIN of Massachusetts. What title does the head of this corps now have?

Mr. SUTPHIN. Captain, but he draws the same pay as an admiral in the lower half, which this man will be.

Mr. MARTIN of Massachusetts. What is the purpose of giving him that high title?

Mr. SUTPHIN. It is because all of the other branches, the Civil Engineer Corps, the Bureau of Supplies and Accounts, and all the others have an admiral as chief of the bureau. I may say that this bill passed the Senate by unanimous consent.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the rank and grade of rear admiral, dental surgeon, is hereby established in the Dental Corps of the United States Navy, and dental officers shall become eligible for selection and promotion to this rank and grade under the provisions governing the selection and promotion of other staff officers to the grade of rear admiral contained in the act of June 10 1926, or in existing law. The pay, allowances, and retirement for rear admiral, Dental Corps, shall be the same as for other officers of equal rank and length of service.

With the following committee amendment:

Strike out the first sentence of the bill and insert the following: "That the rank of rear admiral in the grade of dental surgeon is hereby established in the Dental Corps of the United States Navy, and dental officers shall become eligible for selection and promotion to this rank under the provisions governing the selection and promotion of other staff officers to the rank of rear admiral contained in the act of June 10, 1926, or in existing law: *Provided*, That there shall not be more than one officer in the Dental Corps in the permanent rank of rear admiral, exclusive of additional numbers."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the special orders heretofore entered, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Mr. Adamic. This will cost $75.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I further ask unanimous consent that our colleague the gentleman from New York [Mr. MARTIN J. KENNEDY] be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that our colleague the gentleman from New York [Mr. DICKSTEIN] may be permitted to address the House for 20 minutes on Tuesday next at the conclusion of the legislative program of the day and following any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

(Mr. MARCANTONIO asked and was given permission to extend his own remarks in the RECORD.)

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by T. M. Girdler before the United States Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an excerpt from an O. P. A. letter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Speaker, I further ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Grand Rapids (Mich.) Herald of December 8, 1942, entitled "Little Finland Pays."

The SPEAKER. Is there objection to the request of the gentleman from Michgan?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WOODRUFF] may extend his own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MICHENER. Also, Mr. Speaker, that the gentleman from California [Mr. HINSHAW] may revise and extend the remarks he made today in the colloquy with the gentleman from Mississippi [Mr. WHITTINGTON] and that he may include certain correspondence with the O. P. A.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include an article in respect to the Blue Star Mothers appearing in the Flint News of December 1.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a telegram.

The SPEAKER. Is there objection?

There was no objection.

FREEZING OF FREEDOM—A FREE PRESS FOR FREE MEN

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, the time has come again when those of us who would undertake to save the "four freedoms" and all the others not mentioned in the Atlantic Charter and on the home front better realize what we are up against and fighting for, in comparison, so far as loss of liberty is concerned.

I am not surprised that those who agree with the program of the New Deal—past, present, and for the future—should criticize me because of the attacks I have made on its program, and its attempted ultra-antirepresentative form of Government socialization.

However, I have a pretty well formed opinion as to my duty in the premises and am certain with respect to the obligation I owe those whom I represent. I know very well that—

He must have more than mortal skill
Who pleases one against his will.

OPPOSITION IS TO OPPOSE

I am of the school which has been taught and believes with Randolph Churchill that the "duty of opposition is to oppose," for was it not Dryden who said:

Damned neuters, in their middle way of steering,
Are neither fish, nor flesh, nor good red herring.

For some 9 years I have subjected myself to being verbally licked by those with whom I did not agree, and could not vote. I have repeatedly insisted that the people, as they did on November 3 last, would finally come to know the truth. The people are aroused.

WE MUST KEEP OUR FREEDOM

Every man has a right to his opinion in this free country. If that is to be kept true, we must be kept free. Through the years last gone I have "fought with fists," rhetorically speaking. I have pulled no punches. The attempts of too many to subvervisely change our form of government under the New Deal guise of social experimentation, aided by socialistic, communistic, and paler pinks, intellectuals, radicals, lecturers, and columnists who have lived off the people, and by some Members of Congress who have followed blindly where led or driven, have come in for castigation from me; and will again if they persist.

I have deliberately and repeatedly criticized the New Deal's wanton extravagance; its wicked, wasteful attempts to coerce; its open effort to array class against class by padding pay rolls; its undisguised attempts to buy the body politic—body and soul—its careless financial debauch and Hollywood fandancing carousal at the expense of the hard-working taxpayer in order to establish itself in power.

I have been roundly and plentifully trounced by those friends of such a program, crazy as it is, and in which I do not believe, which I have fought openly. This I might have expected. I asked for it, true, but I did so knowing full well that when, and if, the American people could be aroused to a realization of their peril as I hoped they would be, and would believe me, they could save themselves if they were not too long asleep. They have waked up. What a night! I neither regret nor retract, for I have talked for millions who agree with me.

JUST COMMENCED TO FIGHT

In fact I have just commenced to fight. Once again then, I am out to say that in the attempt of the administration circuitously and surreptitiously to throttle a free press there is concealed a weapon even more potent and dangerous and poisonous than was its effort to control the court. There are those who boast that the latter has been accomplished. I know some of the men who sit in on that court; I will not believe it. I will admit that an attempt was made to do it, yet despite all the ill-concealed joy at what by the acts of God was made possible in the way of filling vacancies, I still maintain that the Court, even as now constituted, is not the charwoman of the Executive.

A THREAT TO GOOD GOVERNMENT

The threat which hangs over us because of the situation, is today even more subtle and dangerous than the attack on the Court.

The monopoly suit against the Associated Press seeks to accomplish a total governmental control, to constitute a greater monopoly as it, under its guise of relief for the public, would allegedly destroy a lesser.

Just how long can these things be permitted to go on?

THE RADIO

The Government already holds the power of life and death over radio. It has gone so far as to suggest it should

control the discussion of controversial issues over the air. Think of it! This, in a free country.

THE MOVIES

The movies take their orders, and are the source and supply of New Deal propaganda, turning out Government pictures by the trainload, to influence popular opinion.

THE MAILS

The mails have been obstructed, delayed, and choked by having to carry so much of questionnaire material to the East, West, North, and South; the warehouses of the country are packed with mail not yet and perhaps never to be delivered.

THE NEWSPAPERS

The newspapers have been our bulwark, frank, free, and fearless. They have told the people the story without fear or favor—at least so have the independent and unbuyable and non-Government controlled papers; to the dismay and toward the destruction of the program of the New Deal makers and administrators—see the vote of November 3 as proof.

TURNED ON THE HEAT

As Stanley High says in the Reader's Digest:

Last June, after some 20 separate and equally fruitless Government investigations and many times that number of contradictory official statements had brought the rubber situation to an epochal state of muddle, Fulton Lewis, Jr., Washington reporter-commentator for the Mutual Broadcasting System, set out on his own to turn on the light and heat. He got the facts, named the names, asked his radio audience to make a fight of it, and, as a result, loosed on Congress and the administration the largest outpouring of mail protest and demand since Father Coughlin's heyday. Lewis now cherishes several off-the-record letters which indicate that his goads and prods—with those of the supporting press—were the necessary precursors of the Baruch committee.

LA GUARDIA-ELEANOR

Newspapers, with the same unpalatable single-mindedness, ended the LaGuardia-Eleanor Roosevelt era of civilian defense—

That was no joke except that the people were the goat—

kept on the pressure that eventually produced one-man control of war production; pounded away at Donald Nelson's mediocre subordinates until, in early October, men big enough for the jobs began to get them; made the exposures of Army-Navy rivalry which prepared the way for the establishment of the Joint Chiefs of Staff presided over by Admiral William Leahy; demanded toughness at the White House and cheered when, with the President's inflation ultimatum, we began to get it.

But these salutary show-downs are no more relished now, when winning the war is the issue, than they were when winning the New Deal was the issue. On his return from his September tour of defense plants, Mr. Roosevelt met the press in a conference, which, according to Ernest Lindley, pro-New Dealer and biographer of the President, "was one of the most unfortunate he has ever held."

PRESIDENT'S WORST ERROR

The President's "worst error," said Mr. Lindley, "was an attack on the press and radio. What part of the press and radio he was attacking he would not specify." According to Mr. Lindley, the attack "was broad, almost all-inclusive." What specific sins he was attacking he also refused to say "in spite of the efforts of correspondents to draw him out."

All of this Mr. Lindley put down as a "display of temper." It is a display of the kind of temper which, toward the press, has become chronic. It is, moreover, contagious. It exists throughout the vast reaches of Washington's bureaucracy wherever criticism is resented; wherever scrutiny is feared; wherever the New Deal and the war are regarded as joint and inseparable enterprises. The areas wherein such feelings, fears, and double-mindedness prevail are numerous and powerful.

While they prevail, our newspapers—fighting for the world's "four freedoms"—will be required to continue their fight for freedom of the press at home.

UNBIASED AND UNCOLORED

The truth is the very nature of the Associated Press organization guarantees objective reporting—an unbiased and uncolored report of each of the events about which it tells. That is what the New Deal hates.

The fact is, as has been so well said, this suit is a threat to fundamental rights.

FUNDAMENTAL RIGHTS

E. Robert Stevenson, editor in chief of the Republican-American, Waterbury, Conn., said:

"The Bill of Rights was so highly treasured by liberty-loving Americans that the Thirteen Original States refused to ratify the Constitution itself until its articles had been made a firm part of the warp and the woof of that instrument of government. The very first article, thus treasured throughout our history, reads: 'Congress shall make no law * * * abridging the freedom of speech or of the press * * *.'"

AMERICAN PEOPLE THE LOSERS

To abridge means to diminish, curtail, deprive, or cut off, which perfectly describes what is being undertaken against press freedom in this attack on the Associated Press. Hampering restrictions abridge press freedom, even if the actual printing itself is not stopped. The right of association of men or of newspapers with associates of their own choice in free speech or a free press is a fundamental right—as fundamental as the Bill of Rights itself. What profits it the liberty of citizens if the free-speech right is sustained but no one permitted to come and hear? Or what of a demand that news shall be gathered, printed, and made public only when done in conjunction with all comers? That is to diminish, curtail, deprive, and cut off the freedom of those who do not choose to function in this mass manner—a manner that is further overshadowed by an impending threat of Government control. A fundamental American right is threatened in this suit against the Associated Press. If it is lost, the whole American people are the losers, not just the Associated Press.

A VERMONT OPINION

Asked for his opinion with respect to the suit, Hon. David W. Howe, the manager of the Burlington Free Press of Burlington, quoted an editorial statement of the Baltimore Sun, as follows:

ASSOCIATED PRESS CAN ATTACK GOOD FAITH OF GOVERNMENT

The Associated Press can point out, and does, that it has been carrying on its work in almost precisely the present manner for 42 years, without challenge by the Government. It can point out, and does, that in the only official opinion ever rendered—that of Attorney General Gregory, in 1915—the Associated Press was specifically and completely absolved of violation of the anti-trust laws. It can, and does, attack the good faith of the instigators of this action.

And said:

I have confidence that an alert press and an aroused public opinion will note the ridiculous nature of the charges, the unsound type of relief asked for, and will follow the court action carefully during the adjudication of this important case, assured of a just verdict.

YOUR LOCAL PAPER

The smaller papers countrywide have expressed their fear that a nonprofit cooperative organization was about to be destroyed. They say:

The loss to the smaller newspapers over the country and to newspaper readers would be tragic. * * * The vital issue is the preservation of an unbiased factual news report, which is the foundation of a free press in the United States, as that is understood by the man in the street.

A REVENGE SUIT

The New York Daily News said that this is "patently a revenge suit":

Mr. Roosevelt, in his efforts to become master of the American people instead of their elected servant, has now taken on the 1,252 newspapers that are members of the Associated Press.

It must be conceded that Mr. Roosevelt is a game fighter. Whether he is a wise one, time will tell.

And Congress might well take notice of the fact that the suit is an attempt of the executive to bypass the legislative arm of the Government. That is well covered by Walter P. Jones, of the California papers, who says:

SUIT SEEKS TO BYPASS CONGRESS VIA COURTS

"Congress shall make no law * * * abridging the freedom of speech, or of the press."

So reads the first amendment to the Constitution of the United States.

Always respecting this amendment, the real keystone of the arch of democracy, Congress never has asserted any right or power to control or regulate the free press of America.

Nevertheless, a legal arm of the Government has taken it upon itself to bypass Congress via the courts to accomplish that objective.

It is a threat which not only imperils the newspapers of the United States, but the rights and welfare of all the people of this country at a time when every agency of the Government should be united in protecting inviolate the constitutional guaranty of a free press.

Were it not for its very serious aspects, the Attorney General's antitrust suit against the Associated Press would be funny. The complaint alleges the A. P. is a monopoly, yet by requiring the A. P. to supply its news reports to all who apply, the A. P. would become a monopoly per se.

THE PEOPLE ARE THE PAWN

When all is said and done the people, not the newspapers, have the most at stake. The Arkansas News-Times in an editorial by its publisher, C. E. Palmer, states the situation cogently and correctly when he says:

PEOPLE'S RIGHT TO FREE NEWS SEEN AT STAKE

The Government's case against the Associated Press holds two threats not only to newspapers but to the great American reading public.

Newspapers could continue to operate and carry a certain amount of advertising and news under a controlled press. It is true that they would be hurt, but the real harm would come to the mass of readers now assured, with the exception of wartime restrictions, of "all the news that's fit to print."

There is no justifiable excuse for an attack on freedom of the press. Our soldiers, sailors, and marines are fighting and dying for this principle along with the others that make America great. If it is worth fighting for on the widespread battle fronts, it is certainly worth preserving at home.

THE PEOPLE SHOULD LEARN THE FACTS

If the people of this country are made fully conscious of the influences and motives leading to the so-called antitrust suit against the A. P., they will ultimately protect themselves by demanding whatever action may be necessary to maintain the A. P. as it operates today. It is the duty of the newspapers—A. P. members and others alike—to give the people the truth about this suit, because if Government should win it, they would suffer the greatest injury to their liberty and freedom that has ever been inflicted upon them. In the past we have, as newspapers, been unjust to our readers, as well as to ourselves, because we have failed to present accurately and vigorously what freedom of press means to the whole people. For that reason it is doubly imperative now that the whole truth about this suit be given at every opportunity. That will be sufficient to arouse the public to successful defense against this attempt at betrayal by their own Government of the ideals for which we fight this war.

So says the Abilene Reporter.

I say with the editor of the Tulsa World that this action is more than a lawsuit:

MORE THAN A LAWSUIT

We would like to be able to discuss the present attack on the Associated Press by the Department of Justice without any conflicting issue other than an out-and-out discourse on what the Associated Press is and why it was organized. Because of the nature of the suit and the all-too-apparent injection of partisanism and politics, that cannot be done. What the suit means is that the right honestly and without favor to gather and distribute news is being questioned by the Government because a political favorite of the administration was prohibited from securing Associated Press news because of bylaw provisions that have helped to make the Associated Press what it is. If press and political freedom are to live, this suit should be thrown out of court. The people stand to be the big losers. If, by any chance, this suit is lost the people will have been deprived of one of the safeguards of democracy. It is in the hands of another safeguard, the courts. It is more than a lawsuit, it is an effort to take something away from the people that is needed now as never before in our history.

SPITE AND VINDICTIVENESS

Spite and vindictiveness have no place in such a picture as we now look at, if ever. The people ought to realize what is back of all this. What is?—does somebody say—well here is one of a thousand answers along the same line, every one of which is true and right. This suit is an effort to "freeze freedom in perpetuity"—so said Clark P. Waite, president of the Southern California Associated Newspapers.

EFFORT TO FREEZE FREEDOM IN PERPETUITY

If the complaint filed by the Department of Justice against the Associated Press were the only evidence of a determined effort on the part of bureaucrats at Washington to freeze the Bill of Rights, newspaper publishers would not need to be so apprehensive. There is a trend at Washington that is closely following that which led to the end of a free press in other countries.

The very inception of this suit, admittedly instigated by a New Deal supporter in competition with an antiadministration newspaper, is ominous of the early steps to destroy a free press in Germany. Whether or not the Chicago Tribune has been fair or efficient in its editorial policy, it is clearly evident that an Associated Press membership at no time was ever the ultimate cause of its temporary monopoly of the morning field. Other cities have only one newspaper because of the inability of other publishers to meet competition due to other circumstances that had no relation to the Associated Press membership they held.

Why, then, should the Associated Press cease to be a private enterprise and become a monopolistic public utility subject to the control of a Washington bureaucracy?

FREEZE THE BILL OF RIGHTS

Dean Carl W. Ackerman, of the Columbia University Graduate School of Journalism, answered this question in a recent address when he said that "the leaders of our domestic revolution are determined to freeze the Bill of Rights under the stress and emergency of war, as well as incomes, wages, and rents." They are determined to substitute freezing of the press for freedom of the press "not during the war but in perpetuity."

It will be interesting to see the reaction of the people to the attempt to break them down, for, as Mickelson, of the New Ulm (Minn.) Journal has said with respect to an action while we are at war, most untimely and ill advisedly instituted, the Government seeks to dominate the press:

GOVERNMENT SEEKS TO DOMINATE PRESS

It is interesting to see how far this administration is willing to go in its attempt to check a free press. Today the executive department, Congress, and the courts are dominated by the present administration. There is just one force in America which they have not been able to dominate and control—the newspapers of this Nation. If they win their case against the Associated Press, Marshall Field will get his Associated Press membership and the first real blow against freedom of the press will have been struck. More than anyone else, the people have a great stake in this case. They should watch the results with the keenest of interest.

I can only hope that the people see clearly in this and in a dozen other punitive and persecuting suits the Government has instituted, ultimately, against the people, the reason why those of us who believe in the preservation of our fundamentals, our freedoms, and the conservation of our liberties, are so bitterly opposed to all these things which the New Deal has undertaken to perpetrate to destroy us, whose name is legion.

I believe the day of our deliverance is well nigh at hand. "Praise the Lord, and pass the ammunition."

THE CHRISTMAS EDITION OF THE SUMMIT HERALD

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks and include a letter I received.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEAN. Mr. Speaker, except it be a letter from the family, I know of no better antidote for the yearning of a homesick heart than a number of the home-town newspaper.

The Summit Herald is a weekly newspaper published in Summit, N. J. Summit is one of the substantial and delightful residential small cities of the country. The Herald supplies the need for a bright family weekly in the city and its environs. It was established in 1889 by the late John W. Clift, a highly respected citizen and public servant.

Its present management is efficient, progressive, and patriotic. With the cooperation of a group of Summit organizations, including Rotary, Kiwanis, Lions, Elks, Masons, AWVS, the Herald goes to, and a special Christmas edition has been published for, those from the neighborhood who are serving in the camps and on the battle fronts.

The idea is so worth while that it might well be adopted elsewhere, and I direct your attention to it with the suggestion that it be passed on to the editors of other home-town newspapers.

Let me read you a letter from the publishers of the Summit Herald telling of their plan:

THE SUMMIT HERALD,
Summit, N. J., December 4, 1942.

Congressman DONALD H. MCLEAN,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: We are only a weekly newspaper in a small city, but we think we have just done something which may have a bearing on the war effort.

Enclosed is a special issue of the Summit Herald in which we—the folks at home—report to our boys in camps and on the battle fronts. As you will see, it has been timed to arrive by or before Christmas.

This whole idea seemed an especially good one to us after one mother told us how her son gets the paper each week and after he has read every word of the text and the display advertisements turns to the classified pages and reads the "rooms to rent" section because he likes to see the back-home street names.

All Summit is very much excited over this issue—as indicated by the fact that we had to publish 46 pages (nearly 3 times our usual number) in order to get in all the special news and greetings from the folks at home to the boys in service.

We have a notion that reports like this from many home towns and cities throughout the country would give men and women in service a great and lasting lift. It reminds us that the home-town newspapers of this land—perhaps especially the weeklies (although we don't insist on that)—are a great source of strength to our country.

If you'd like to write us a letter we'd be very proud to have it to show the people of Summit and to the over 800 men in the armed forces. If you'd like to pass our idea along in any way to somebody else so other towns and newspapers can do something like our special men-in-service issue, we'd be very glad to have you do that.

Respectfully yours,

FRED L. PALMER,
NORMAN S. GARIS,
J. EDWIN CARTER,
The Publishers.

FAREWELL REMARKS

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and revise and extend my remarks at this point.

The SPEAKER. Is there objection?

There was no objection.

Mr. VREELAND. Mr. Speaker, this in all probability will be my last appearance in the House of Representatives as a Member for the duration of the war. As you know, I entered the United States Army in my capacity as a Reserve officer last year after war was declared and by order of the President of the United States returned to my duties in the House on July 16 of this year. Voluntarily I declined to seek reelection in the fall and as a result my term ends January 3, 1943, at which time I will again enter the Army and remain for the duration.

My term of office in the Seventy-sixth and Seventy-seventh Congresses has been a most pleasant experience and I have made many friends whom I will long remember and cherish. I have yet to find a colleague who, when called upon, has not been most helpful, kind, and considerate. The leaders have always been ready to listen and give kindly advice. The members of the New Jersey delegation and the many on both sides of the aisle with whom I have come in intimate contact have been real friends and made the difficult task of representing a district in pre-war days a pleasant one. The distinguished chairman of the Judiciary Committee, the gentleman from Texas, Hon. HATTON W. SUMNERS, has been always open-minded, fair, and rendered it an honor to have served on a committee with him as chairman. The members of that committee are hard working, fair minded, and judicious in their endeavors to serve their country to the best of their ability.

Not only have the Members been most helpful but I have received the greatest of cooperation from the employees, both majority and minority. Last, but not least, my secretary, Peter A. Williams, who was honored by the Secretaries Club by being chosen the outstanding secretary of the year, has been loyal, conscientious, and efficient in carrying the whole load of the office while I was in service the first months of this year. He has been not only an invaluable secretary but a real friend and a partner in the joint enterprise of trying to properly represent my district.

To the folks back home, I regret exceedingly that circumstances have necessitated my leaving the Congress, but I know they understand my motive and my belief that the Army needs my services as a trained officer. The people of the Eleventh District of New Jersey are of the finest, and real Americans. It has been a pleasure and an honor to represent them.

Mr. Speaker and ladies and gentlemen of the House, I bid you farewell, and may God bless each and everyone of you and guide you in your deliberations, so that this country, the greatest democracy on earth, and its system of government will remain inviolate and continue forever.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. VREELAND. Yes.

Mr. MARTIN of Massachusetts. Speaking not only for the Members on this side, but I am sure, for the Members on both sides of the aisle, I wish to voice our sincere regrets that the gentleman from New Jersey is leaving us. He has done a splendid job here, he has been outstanding in his work and has won the respect and esteem of all his associates. He leaves to join in the war service, and we wish for him the fullest measure of success.

Mr. MICHENER. And may I also say that we are looking forward to the gentleman's return to the Congress after the war.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield to me?

Mr. VREELAND. Yes.

Mr. RANDOLPH. To say that as chairman of the Committee on the District of Columbia, I have been happy to cooperate with many Members who served on that committee on both sides of the aisle. It has been my privilege to have served with the gentleman from New Jersey. And never had we a man on the committee who displayed the characteristics of a gentleman to a greater degree than did the gentleman who is now about to leave us.

Mr. McLEAN. Mr. Speaker, will the gentleman yield?

Mr. VREELAND. Yes.

Mr. McLEAN. Mr. Speaker, I rise to extend to our colleague the felicitations of the New Jersey delegation. We are all very fond of AL VREELAND. He brought to his service here experience as a successful lawyer, in the course of which he was honored by the chancelor of New Jersey by appointment as a special master in chancery and served as judge of the recorders court of the city of East Orange.

In peacetime he has been preparing himself against the day when he might be called to serve in the armed forces of his country, and long before that need became apparent he had attained the rank of captain in the Military Intelligence Reserve of the United States Army.

As it has been said, his impression here was favorable and his ability and genial personality gave him quick recognition.

His country now demands his service in the Army of the United States. He will be commissioned with the rank of major. The State of New Jersey and the country will be deprived of his services as a legislator, but we all know that in whatever sphere of usefulness Major VREELAND may be called upon to serve, he will be eminently successful.

Mr. KEAN. Mr. Speaker, I join in voicing my regrets that the gentleman will not be with us at the coming session.

Elected to Congress in the same year, from adjoining districts, we have been closely associated and I have learned to respect his ability, his industry, and his courage.

His voluntary choice of service in the United States Army shows his high sense of duty.

We who have known him here are certain he will serve with credit to his State, his Nation, and his many friends.

Mr. VREELAND. Mr. Speaker, I thank these various gentlemen very sincerely for what they have said.

REPORT OF WAR PRODUCTION BOARD
(H. DOC. NO. 897)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the fourth report of the War Production Board covering operations under the act of October 10, 1940, as amended, and the act of October 16, 1941, for the period from August 15, 1942, through November 15, 1942, with respect to the requisitioning and disposition of property required for national defense.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 9, 1942.*

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from the President of the United States to Col. John Callan O'Laughlin, publisher of the Army and Navy Journal, and an article by myself entitled "The United States Congress and the War" which appeared in the special edition of the Army and Navy Journal of December 7, 1942.

The SPEAKER pro tempore (Mr. WHITTINGTON). Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HOFFMAN] may extend the remarks that he made on the 8th of this month.

The SPEAKER pro tempore. Is there objection?

There was no objection.

JAPANESE EVACUATION

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include in my remarks a report I made as chairman of the Japanese Evacuation Committee on conditions as I found them at Santa Anita, Calif.; Parker, Ariz.; and Manzanar, Calif., and also a news item under date of December 8, 1942, by Warren B. Francis, Los Angeles Times staff correspondent, about Japanese riots at Manzanar and other places.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I place this report in the RECORD for the purpose of showing this Congress that attention was drawn to people in charge of these camps to the things that might occur, namely, riots, incendiary fires, uprisings, sabotage, and so forth. They have all occurred. News has not always been given to the public about them.

The Congressmen representing all the States on the Pacific coast have not been told the truth. The things that were to be done at these camps have not been done.

Instead of the Federal Government having jurisdiction over these camps as we were told, jurisdiction has been handed to one more civil bureaucracy who are making socialistic experiments in the camps.

It may be all right to have these socialistic experiments during peacetime, but when they get into camps like this

and start that kind of work, they are playing with fire.

We drew the attention to these things months ago. Not only have they not heeded our advice or suggestions, but they have violated the given word as to what would be done here.

They are headed for more trouble unless they change their methods and ways, and I hope that too many American lives will not be lost, and I also hope that too many Japanese lives will not be lost.

The loss of any life in connection with this matter is so entirely unnecessary, if proper management is had. I draw attention to this House and hope the Members will read this report and insist on proper management. I hope, too, that an investigation will be made to find out whether this was, as the relocation authorities state, a "relatively small trouble," or whether it was 4,500 Japanese carrying on these actions.

I am today addressing a letter to Mr. Dillon Myer asking for a report on this whole matter.

Mr. Speaker, those of you who have watched the news know that within the last 2 or 3 weeks there has been a good deal of trouble in handling the Japanese, who were evacuated from certain areas in California. The first news that the country was permitted to get was that coming from the Colorado Indian Reservation below Blythe. The next news item, however, was not generally known by the people. This happening occurred at Manzanar, Calif. This item happened to be an incendiary fire and was commented upon by the Japanese chief of police within that camp. He said the fire was incendiary because it started from rags, and so forth, that were stuffed into a paper box, all of which had been soaked in oil and gasoline. This Japanese chief of police said this was a clear case of what he thought was attempted murder; that it was only a lucky break that many people were not destroyed by fire on account of the very flimsy construction of these camps, that they were fire traps. The public, generally, was not given this information. This happened on November 27 at Manzanar. Now again, within a few short days, comes the story of the Japanese uprising on December 7 at Manzanar, wherein 4,500 Japanese celebrated the very vicious and treacherous attack of the Japanese upon Pearl Harbor. Because some Japanese who appeared to be loyal protested this, this group of 4,500 insisted on murdering one or two of them, and after they had been beaten and injured and removed from the community still insisted that their persons be turned over to them in order that they could complete their attempted murder. From the best information I can get, these 4,500 Japanese attempted to take control of this entire colony and actually charged the soldiers that had to be called in. The result of this was that 1 Japanese was killed, another is possibly dying, and some 8 or 10 wounded.

The above is only a very brief résumé of some of the things that have been happening.

As I was chairman of the Pacific coast delegation to watch this evacuation of the Japanese population, I wish to draw attention to all Members of this House to the written report that I gave to that Pacific coast delegation, and I wish to further draw particular attention to the fact that when this report was given to the delegation at 3 o'clock on July 14, 1942, Mr. Dillon Myer, who had been appointed head of the War Relocation Board, was asked to be present and was present, together with Colonel Cress and Mr. Eisenhower, whom he had succeeded, and heard this report read.

In this report the conditions at Manzanar had been criticized and condemned, and attention was drawn to Mr. Myer and others to these things and asked that changes be made.

Mr. Myer and the others were told, among other things, that this congressional committee of the Pacific coast was definitely and positively told that these camps would be under Federal guard, and, further than that, would be fenced and properly policed.

The people of Owens Valley were told the same thing.

This committee protested to Mr. Myer at that time, and told him this was a violation of his Department's given word to this committee, and asked that the original program be set up.

It was drawn to Mr. Myer's attention that there had been a change-over from the War Department, putting jurisdiction of this camp in a civil department. The charge was made that instead of handling this matter on a war basis, certain people were going to make a socialistic experiment out of it. In the conclusion of this hearing, Mr. Myer undertook to say that the members of the Pacific coast delegation did not know much about the situation, that he had recently gone to California and spent a week or two out there and now knew all about it, and perhaps the Pacific coast delegation, both Democrats and Republicans, had a case of Japaneseitis.

Mr. Myer was very definitely told, after he had admitted he had only known the situation for some 2 or 3 weeks, that he was in no position to tell the members of the Pacific coast, who had spent their whole lives with this situation, about the matter, and particularly as they had spent several months on a very definite investigation.

Mr. Myer was asked to change the conditions but he said he would not.

In line with that, I am asking Mr. Myer to send the committee a report on these Japanese camps to find out what is actually happening, and I hope that committee can be given a good, clear, and concise statement.

I am going to quote from the report I made to the committee on July 14, 1942, at 3 o'clock.

This report was made in three sections: One covering the Santa Anita camp, which was in charge of Mr. Russell Amory. The conclusion of this report was that Mr. Amory had handled his situation about as well as anybody could have handled it, and was commended. It was understood that Mr. Amory worked according to the instructions that were passed on to him and that he did a good job. The same may be said about the Parker Indian Reservation. They had to start in the raw and bring their work right out from the sagebrush. The suggestion was made here that the place be more closely guarded. The gentleman in charge here, too, had to take his instructions from those higher up and, under the conditions, it was thought that he had done a very good job. I am quoting from the last paragraph in this report:

> Of course, the question of guarding these Japanese is a very important one. You will recall that we were told, as a committee, that all these Japanese would be under Federal guard and fenced in. There have been no fences erected at Parker, and this is a problem that I think this committee should go into, particularly after what I will have to say as to conditions at Manzanar.

This matter was taken up with Mr. Myer when he was here. His opinion was that they did not need to be guarded, that we, who had lived among them all our lives, did not know the Japanese as well as he, who had come in contact with them over this great period of about 3 weeks. In 3 weeks he learned everything. He is only now beginning to reap the disaster of some of the seeds that he and others have sown.

The next quotations are from the 9-page report on Manzanar. Mr. Speaker, I beg leave, at this point, to insert in the RECORD the full report on my visit to the Japanese evacuation camps, namely, Santa Anita, Calif.; Parker, Ariz.; and Inyo County, Calif. This visit was made during the period of June 2 to June 9, 1942.

I want to draw particular attention to the Manzanar section of this report, page 1:

> One of the things, however, that impressed me was that there was no fence of any kind around this camp. There were soldiers stationed at certain intervals. The intervals were so far apart and the night was so dark that anyone could crawl behind the sagebrush and make his escape should he so desire. This would not be the fault of the soldier because he was given a condition to enforce that neither you nor I nor anybody else could fulfill under the conditions. I was told that there had been no escape, although one young man was shot when he ventured beyond the lines.
>
> One thing that I want to impress, particularly, on this committee is this. That we were told that these camps would all be fenced and these Japanese would be under Federal guard. Mr. Roy Nash, who was then the project director under the War Relocation Authority, told me that area would not be completely fenced; that they might put up a fence near the highway and continue it a short way back. I told Mr. Nash that that was absolutely opposite to what the committee was told. He said these people did not need to be fenced or guarded. I said that the committee thought they should, and in the long run we were going to try and see that they were guarded. I will report to you the things that I observed there, and then go back into these general conditions.

I draw your particular attention to the fact that the committee thought these people should be guarded and was trying to hold these bureaucrats to their word to keep the camps properly guarded and under Federal guard.

I draw particular attention, on the same page, that they were going to dismiss 41 out of the 45 white police and replace them with Japanese. We protested this and said it was a mistake.

I quote again, second paragraph on page 3, and draw attention to the fact that the Japanese were moving freely up and all over the valley without any white guards, and that the people in this valley did not know whether these were escaped Japanese or whether they were running around with the consent of the camp. These people, whose homes are in this valley, had been promised that this camp would be placed under Federal guard and properly fenced. The Government's word had been broken to them. I quote as follows:

> I then went out to see some of the gardens. These were removed from the buildings quite a distance, with no fence around them, and apparently no guards. These people moved freely back and forth, without any white guards so far as I could see. This brings up a very serious situation that the people of the Owens Valley do not like, and this sentiment is reflected by the board of supervisors, all of the service clubs, the newspapers, and everyone of the valley citizens that you come in contact with. These people in the Owens Valley object to the Japanese being turned loose in groups of 8 or 10 to roam through the valley, going to railroad stations, etc., for freight. They don't know whether these Japanese escaped from the camp or whether they are out under permit, as no white guards accompany them. The people of the valley told me that they were told the same as our committee was told, that these Japanese would be under guard and fenced. Apparently, the word of the Government has been broken with the people of the valley, the same as it has with our committee. They object very seriously to the speech that was made by Mr. Roy Nash, or may possibly have been made by one of his assistants, on Decoration Day, to the Japanese in a large group, the substance of which was that the Japanese did not need to be guarded, that they were free to go all around the hills and pick flowers, and fish, and do whatever they liked.

I draw particular attention to the statements for which Mr. Roy Nash was responsible, when he called the Japanese together on Decoration Day and told them that they should never have been placed in these camps, and that they did not need to be guarded, that as far as he was concerned they could go into the hills, pick flowers, or fish, or do whatever they liked.

They were told this despite the fact that they were in a section in which they certainly can sabotage the water system of Los Angeles County, and a great part of the power of that same community.

In order to get a further picture of this situation, I want this Congress to know that at that time, there were 9,800 Japanese in Manzanar, and that there were only 7,500 people in the whole county of Inyo. We asked the question, What would happen to the people in this valley if the Japanese decided on a program of sabotage? There was no question but the people of this valley would give account of themselves, and that there would be many dead Japanese before the thing was through. This committee did not want any such thing as this to occur, both on account of the people in the valley and on account of the Japanese themselves. Our position was that we wanted both of these groups to be safe.

This congressional committee was further told that any profits arising from stores, and so forth, would be credited back to reduce the cost of the project. We found this was not true, that the Japanese were running cooperative stores and that they were receiving the benefit thereof, and not the Government. I want it distinctly understood that these things were drawn to the attention of the War Relocation Board again by the following quotation:

> These people in the Owens Valley know what could possibly happen to the aqueduct and power line, and could happen to those in small communities.

It was also drawn to the attention of the administrators that when they came into Owens Valley with this project, they absolutely ignored every governmental unit there, despite the willingness of the people in this valley to give them cooperation. These governmental units were ignored until such time as school expenses, law enforcement expenses arose, then they were contacted.

Not only were the people in Inyo County concerned, but the people of all the Pacific coast were concerned, as to whether these Japanese would be permitted to vote, that those who were born here might acquire voting privilege in the communities in which they were located after having lived there 90 days. If this happened, the Japanese could throw every official out of office in Inyo County and replace them with Japanese. This question has never been definitely answered.

These Japanese did vote, however, in the November 3 elections, by absentee ballots. Their local status should be definitely settled.

There was a distinct line between successful and unsuccessful operation of this camp. The unsuccessful and unsatisfactory operation occurred after the Army turned over to the civil authorities. I quote from page 4 the following language:

> There seems to be a distinct line between satisfaction and dissatisfaction. The feeling is, generally, that when the matter was handled by the Army, with Tom Clark and Colonel Bendetsen, everything ran along much smoother than it is now. The feeling is that after June 1, this was being made one of the social experiments and there is a great deal of dissatisfaction on that account.

Attention was drawn to the very poor management in the way of feeding official personnel in the presence of the Japanese, who were having Army rations.

Particular attention was also called to Mr. Nash's attempt to discredit me in front of the Japanese. Attention was also called to the request that Mr. Nash be changed, as per my suggestion on pages 5 and 6, and that the program be handled in accordance with what the committee was told. Again attention is called to page 6 wherein the Government's word had been broken to the people in Owens Valley with reference to placing these people on the land, and it was particularly drawn to the War Relocation Board's attention that they were told the Federal Government would guard these people and that if a change were not made, very serious trouble was brewing.

This trouble is beginning to catch up with the socialistic administrators, and if it keeps on growing like it has, there is going to be real trouble unless a change is made.

I draw attention also to page 6, wherein a report had been prepared by the operators at Manzanar giving the history of the operation from the date of opening up to May 26, 1942, or during the time it was handled by the Army. I have seen a copy of this original report, and it was a plain, factual report. This report was returned to Manzanar with the suggestions:

> That the report did not look good enough; that they did not want the facts as set forth there stated as they were; that more dressing should be given the report and that it should be toned down.

The reason for this is that the history given in the newspapers did not check with the facts. Some of the facts are set out on pages 6 and 7, and these facts were taken from the original report, which was called in. I saw a copy of it before it was called in.

There had been so much confusion in the regulations that the Japanese residents did not know what they could or could not bring with them.

I want to call particular and outstanding attention to Mr. Merritt's statement, formerly of Pasadena, who made the statement that the placing of Japanese in these camps was a mistake to begin with; that they should have been left where they were. Mr. Merritt made that statement to me personally.

In our report I stated that a man who had feelings of that kind had no business to be in an executive position in that camp.

My conclusions are that if jurisdiction in these camps had been kept under the Army, and that if the socialistic experimenters had not been put in charge, your Japanese evacuation program would be in much better shape than it is today.

The function of the evacuation committee, however, was to see that the Japanese were evacuated from the strategic areas as set forth by the Army. This we did. There now appears, however, the matter of operating these camps, and this matter should certainly be looked into officially by Congress to see that the political pay-offs are not being made by giving executive positions in these camps to people who do not know how to operate. My further recommendation is that if the people of the United States are going to be definitely protected these camps should be under the wing of the Federal authorities.

Further than all of this, I shall also suggest that the other 36,000 Japanese who are roaming at large throughout the United States should be looked after, closely watched, and probably handled in the same manner as they were handled on the Pacific coast.

(By Warren B. Francis, Los Angeles Times staff correspondent)

WASHINGTON, December 8.—Demands for more stringent control over Japanese at the Manzanar Relocation Center came from Congress today coincident with disclosure that a

previously unannounced incendiary fire preceded last week's riot at the Big Inyo County camp.

Shortly after two California Members of the House expressed concern about the apparent lack of supervision over the evacuees from the coastal region, the War Relocation Authority and the War Department in a joint statement said the disturbance Sunday in which one man was killed and another critically injured by military police was due to "a relatively small group of evacuees."

The official account of the rioting which resulted in establishment of virtual martial law at Manzanar acknowledged that a mob attacked both camp and military police during the outbreaks of violence last Saturday and Sunday.

Death of one unidentified Japanese, critical injury of a second, and wounding of nine others occurred, the Office of War Information revealed, after the "demonstrators" threatened to kill all "informers" in the camp and stoned the military police summoned to reestablish order. Earlier, the statement said, the camp police force had been attacked with stones.

On two occasions, the Japanese rioters demanded release of one camp resident who had been arrested for taking part in a personal assault on Fred Tayama. Three men were "taken into custody" for beating Tayama, the statement said.

Congressional leaders in the movement which brought about expulsion of Japanese and their American-born descendants from Los Angeles and other coastal communities called for immediate steps to prevent any further outbreaks and to tighten controls over the evacuees.

Representative SHEPPARD (Democrat), of Yucaipa, commenting on both the riot and the previous fire, declared "If the officials who are in charge are not capable of maintaining order and exercising necessary restraints, the time has come to put somebody else in charge." SHEPPARD noted that disorders now have occurred at three relocation centers, remarking that the Federal Government should not "coddle" the Japanese.

Representative LELAND M. FORD (Republican), of Santa Monica, who is chairman of an informal House committee which was created to consult with Federal authorities about the Japanese problem, was even more outspoken.

"Months ago, officials of the War Relocation Authority were warned very bluntly," FORD said, "that if they tried to carry out social experiments in these camps there would be trouble. In a report based on personal investigation, I protested about the loose way in which the camps were being run.

"The Manzanar situation demands firm action. The fire and later the riot show that strict control is necessary, especially in view of the fact that this camp is so near the water supply upon which more than 2,000,000 people depend."

Both legislators promised they will bring the Manzanar incidents to the attention of Congress.

Sheppard observed that during excitement attending a serious fire or another riot "the evacuees might easily make a break from the camp to commit acts of sabotage." Ford said he will renew previous demands that the Army be made responsible for operating the centers unless proper safeguards are established.

The official report on the Saturday and Sunday events gave no information about possible punishment for ringleaders of the riot or the individuals involved in the assault which provoked the disorders. No names were mentioned, except the man assertedly beaten up.

According to the Federal statement Tayama was beaten up by six men who entered his apartment Saturday night. As a result, three evacuees were arrested and one was placed in the jail at Independence.

On Sunday morning a protest meeting was held at which a committee was named to demand the release of the arrested Japanese. After the camp director, Ralph Merritt, first refused to meet the committee until the mob dispersed, an agreement was reached providing for return of the arrested man. Demonstrators agreed to maintain order until a "proper hearing" was held and to surrender the individuals who assaulted Tayama.

After the arrested Japanese was brought back from Independence, the statement said, two groups formed. One at the hospital demanded Tayama be turned over to them, while another assembled at the camp police station. Tayama was smuggled out of the hospital.

Both groups then made new demands for release of the man in custody. When this was refused, threats were made to storm the hospital and to kill Tayama and other "informers," the statement said. Some members of the mob began to stone the camp police.

When military police, stationed outside the camp, were called in, new demands were made for release of the prisoner. The military police were stoned when the Army captain in charge rejected these demands.

Army orders to disperse were disregarded, according to the statement, but the demonstrators began to advance against the police. On account of high wind, tear gas proved ineffectual to break up the mob. Warning was given that the military force would open fire unless the mob halted.

"When the crowd again ignored these instructions the order to fire was given," the Federal agencies said.

"One volley was fired, following which the mob dispersed.

"One man was killed, another critically wounded, and nine others suffered injuries of varying degree."

The War Department and the Relocation Authority voiced the belief only a relatively small group provoked the trouble. The statement added Federal authorities are convinced the great majority of residents at Manzanar and other relocation centers are loyal to the United States and completely in favor of orderly processes of government.

News of the asserted incendiary blaze at the Manzanar camp, which occurred November 27, was obtained from copies of the relocation center newspaper, the Manzanar Free Press, which just reached Washington. According to the report, a blaze at the general store, caused by oil-soaked strips of underwear ignited under a paper box, was extinguished before it could gain any damaging headway.

The camp paper quoted Acting Commissioner John W. Gilkey, of the camp, as terming the fire "tantament to an attempted murder of innocent men and women and helpless children." He also said it was extremely lucky the blaze was discovered on a windless night od consequences would have been catastrophic.

Federal authorities were reluctant to discuss the reported fire. Assistant Secretary of War McCloy, who has been keeping in close touch with the Manzanar riot, said the incident was not mentioned in a report giving all the background of the week-end disturbance. Director D. S. Myers, of the Relocation Authority, admitted he had heard about the blaze, but suggested reports it was of incendiary origin possibly were based on misinformation.

REPORT ON VISIT TO JAPANESE EVACUATION CAMPS

SANTA ANITA, CALIF.

As you know, I made a recent trip to California for the primary purpose of seeing these Japanese camps. One of the first questions that arose was the question of transportation. I called Mr. Eisenhower, here in Washington, who said transportation could be arranged. I left here with that in mind. When I got out there, I tried to get a car and had to make three or four calls to San Francisco, and finally obtained a car to take me to Santa Anita. From Santa Anita other arrangements were made. The matter of granting of this transportation was not very graciously done. I was asked if I wanted it for my personal or official transportation and the suggestion was made that I take the train, and so forth. I told them that I could walk, but that I was not going to.

Upon reaching Santa Anita, which is an assembly camp, things seemed to be running in a very efficient way. It was established as a reception camp under the Army relocation plan. I was there on June 2, at which time there were 18,500 Japanese in camp. It had a capacity of 2,500 more.

This made a very fine location, as the facilities there were extremely good for such a mass operation, and I believe they have been used to their best advantage. I saw them working on the nets, which in turn are used for camouflage work. I went through the eating quarters and ate there. The food appeared to me to be good and plentiful. As a matter of fact, the flavor of the food was much better than we have ever received in the House of Representatives restaurant. It was plain, and I stood in line and took exactly what the Japanese received and sat down at a table with the Japanese themselves. I picked the table. They appeared to be satisfied with the food.

Of course, conditions here were ideal for handling—that is, compared with some of the other camps where they had to start practically in the desert. A great deal of Santa Anita was paved, which did away with the dust, and they had great covered areas which the other camps did not have. There appeared to be good storeroom facilities.

I looked at many automobiles that belonged to the Japanese in camp. These cars ranged all the way from brand-new automobiles to as far back, I guess, as vintage of 1925. In general, they were receiving as good care as could be given. Some were covered, some were uncovered. I was told that these automobiles would be sold, that the Japanese had been given a certain time in which to sell them through dealers. The market was not very good and if they failed to sell them within that time, I was told that the Government would buy them and pay not to exceed the published bluebook prices. Further, that the Government would have first choice of the best cars on those that could be used by the Government. To me this seemed to be about as fair a proposition as could be offered, although we all know that the bluebook prices, in many instances, are less than the real value of the car. The cars were not under cover. It is my opinion that should they stand there for any length of time, they would lose a great deal of value. The quick handling of these cars would probably offset the difference between the value if they were left there a long time, and the present bluebook value. The day I was there a good many of these cars were being taken out. I asked where they were going and was told that they were being taken for the Government itself.

They had good hospital facilities. I thought they were good for a temporary camp and I was told that they were sufficient. There is a recreation program being directed by recreation experts.

There had been some comment on the crowding of showers. I went over and looked at the showers. There were 255 for the men and 255 for the women, making 510 showers. This would be an average of one shower to every 36 persons. I asked if this was sufficient and was told that it was practically the same as the Army proportion,

and that proportion was 1 shower for from 20 to 40 men. The 1 shower to 36 persons in Japanese camps should be far better than 1 to every 20 to 40 men in the Army, for the reason that many of the people who use these showers in the Japanese camps are women, elderly persons, and children, and therefore the hours of use could be staggered in such a manner as not to produce peak loads. This appeared to me to be very reasonable, and so far as I could see, there was little crowding, but with organization that could be overcome. There were 18,535 persons in camp. This was on June 2.

There had been some complaint with reference to sewage water. I went into this matter and was told by the contractor that originally he wanted to go down about 100 feet with the cesspools, that this would be necessary for the great number of people that they had, in order to find strata that would give proper drainage. He was prevented from going down by the county officials. For a short time the sewage conditions no doubt were bad.

In addition to this there was some complaint made about the odor of water running into a creek that runs through the grounds. I looked this matter up and found that there was some water discharged from the showers and some from the laundry that was being emptied into this creek. The volume, in my opinion, was very small and would not have exceeded two or three miner's inches of water. This water was chlorinated very heavily. The ditch at first was very dirty and had to be cleaned. This was more or less a temporary condition. The odor was there, but so far as health conditions were concerned, I was told that there was no danger. This condition was to have been cleaned up.

The matter of schools had been brought up by the county superintendent and others. Inasmuch as this was only a temporary location, it could plainly be seen that schools should not be built, because all of these people would eventually be transferred out to other locations. Meantime, however, the children's education was not being neglected. I went through what had formerly been the stands and covered areas of the park and saw children all the way from 5 to 6 years old up to about 20, in their respective classes. This, of course, was temporary, but, nevertheless, education was not being neglected.

All told, I think that Santa Anita was well run, and I think that Mr. Russell Amory should be given great credit for the way in which he handled it. Of course, it might be possible to pick out and criticize some things, but it is my opinion that some comment could be made regardless of who ran the place, because no two programs would be actually alike. Therefore, I can say that I think Mr. Amory is entitled to be given credit for operating this emergency program in exceedingly good and excellent shape. I have no room for criticism of any kind on this camp. Anybody who has ever seen anything of this kind handled in volume should know that small problems will arise, but under proper handling they will be solved. I think this has been done at Santa Anita, and well done.

PARKER, ARIZ.

I left Santa Anita and went down to the Parker Indian Reservation camp. There are about 7,500 there now. This is an entirely new location. All work done here had to begin with sagebrush and mesquite. These lands had to be subjugated from the very start. The land had to be cleared of sagebrush and mesquite, and in some instances had to be leveled. Of course, this was a dusty, hard job. I know this section of the country very well, having lived in it myself, and know what the conditions were which this group was up against. I think that this camp had done wonderfully well. I went through the different buildings and found that in their accounting department, administration department, etc., they were using the Japanese in positions for which they were best fitted.

Of course, they had a sanitation problem there, which they solved, put in sewage lines and carried it out to a sump, where treatment was given so as not to contaminate the water any place else.

This camp was in three divisions, the first one, of course, being farther along than the other two. Each camp was to have two fire engines. The sanitary conditions, while a little crowded, appeared to be sufficient. Upon questioning, the figures that were given me appeared to be sufficient for the program as finally completed. The shower conditions would be just about the same as they were at Santa Anita.

There were lines in the mess hall, but I think, eventually, with more organization, this could be worked out. The houses were what we used to term "cheap California construction." They were not plastered, were built of 12 by 1 planking, covered with paper. In this area, of course, they had the double roof, which is necessary in hot weather. They were very plain in construction and very rough. As a matter of fact, I do believe that a little more attention could be paid to closet space, toilet facilities, etc., to make it a little more livable for those who are there, and still it could not be said that they were being pampered. After all, living conditions should be reasonably convenient. Of course, they are operating under a curfew. Recreation programs are under way in all camps. This recreation is to be a well-balanced, directed program.

There was a good deal of dust here. Knowing this country like I do, and knowing what happens when the wind blows, it is certainly my opinion that these streets should be oiled, because if they are not, I believe the cost in taking care of pulmonary diseases, nasal trouble, etc., would be more than the oiling. This is a very dusty country when the wind blows, and I think, by all means, these streets should be oiled.

The morale among these people seemed to be very good. There was no surliness and there appeared to be a spirit of great cooperation. While the camp was new, there were indications that the different blocks would have competitive programs, trying to see who would have the best landscaped block, etc. If this program is carried out, there is no question in my mind but that this particular area will be a fine looking area and a credit to any locality.

The employment program here, of course, is one upon which many Japanese can be employed, clearing the land, leveling the land, building houses, etc. This provides much employment at present. My understanding is that the camouflage-net program, and other manufactured items, that can be made here for the Army, can be put into effect for those not working on agricultural land, leveling, etc., in the future.

I was told that they had the water rights for 100,000 acres. The water duty there is from three to three-and-a-half acre feet per year for crops. This camp No. 1 contained approximately 140 acres, upon which buildings were located, and there would be about 210 acres in the particular camp outside of the buildings. There are to be three camps here, the upper one providing for 10,000 Japanese, and just a mile or so below, the middle one with 5,000 and a mile or so below that, a third one, with 5,000. All police here are Japanese. Schools will be built and will be taught by American teachers.

There will be a 250-bed hospital to provide for the three camps. There is a 10-bed infirmary to be at each camp.

The rooms and apartments are very rough, unfinished, etc. The Government furnishes cots and hay with which to make mattresses. The Japanese have to furnish anything above that.

I was told that out of the 113,000 acres in this project, 68,422 were usable.

This camp seemed to be well run and the program seemed to be progressing very satisfactorily. Of course, the question of guarding these Japanese is a very important one. You will recall that we were told, as a committee, that all these Japanese would be under Federal guard and fenced in. There have been no fences erected here at Parker, and this is a problem that I think this committee should go into, particularly after what I will have to say as to conditions at Manzanar.

MANZANAR, CALIF.

I went from Parker Indian Reserve camp to Manzanar by way of Needles, Barstow, and Randsburg, arriving at Lone Pine about 6 o'clock in the evening. I went out to see the Manzanar camp about 8 o'clock. I understood the lights would go out at 10. There was not a great deal to see there at night. One of the things, however, that impressed me was that there was no fence of any kind around this camp. There were soldiers stationed at certain intervals. The intervals were so far apart and the night was so dark that anyone could crawl behind the sagebrush and make his escape should be so desire. This would not be the fault of the soldier, because he was given a condition to enforce that neither you nor I nor anybody could fulfill under the conditions. I was told that there had been no escape, although one young man was shot when he ventured beyond the lines.

One thing that I want to impress, particularly, on this committee is this: That we were told that these camps would all be fenced and these Japanese would be under Federal guard. Mr. Roy Nash, who was then the Project Director under the War Relocation Authority, told me that area would not be completely fenced; that they might put up a fence near the highway and continue it a short way back. I told Mr. Nash that that was absolutely opposite to what the committee was told. He said these people did not need to be fenced or guarded. I said that the committee thought they should, and in the long run we were going to try and see that they were guarded. I will report to you the things that I observed there, and then go back into these general conditions.

Upon arriving at Manzanar the next morning, I was met by Mr. Nash, who conducted me around. We went through the guayule plant. This seemed to be well established and well run, and those Japanese in charge seemed to know their business. Of course, we started in at the police station. There were then 45 policemen. My understanding was that there was to be a change. If my memory serves me correct, there were 41 white men and 4 Japanese. I was told that the white men were going to be released. My opinion is that this is a mistake—to release the white policemen here. It is quite probable that this might be a good place for the Federal Bureau of Investigation to place one of their operatives to know what is going on and to find out any plans that the Japanese might make under cover. In this way sabotage might be nipped in the bud.

When we went into the police station several Japanese were reading about the attack on Alaska. We then proceeded to the hospital. This hospital seemed to be adequate and had had a good many changes made. Of course, the ordinary Army hospital would not do, and those plans had to be revised, due to the fact that there were women and children in this camp. Everything was as clean as it was possible to keep it. This is a very loose soil, and when the wind blows the dust in this section is very bad. This can only be appreciated by those who know that country. The buildings are loosely constructed, and the hospital, as it was set up then, only had a fair job of dustproofing. I there met Dr. Gato and his wife, both Japanese. I had known

Dr. Gato when he worked in the county hospital when I was a supervisor of Los Angeles County. Both Dr. Gato and his wife were doing a splendid job.

There were 9,800 people in that camp. They were short of doctors. Of course, the camp was more or less new; the sanitation was not as good as it might have been; and they needed more toilets, bedpans, etc., in the hospital. These things, no doubt, are things that would be corrected in ordinary routine.

The water there ordinarily is very pure but at certain times of the year needs filtering.

In the spring, when the mosquitoes hatch out of the snowbanks, the water has to be strained through cloth in order to be usable. I went through this hospital that was being completed then, and I think that when it is finally completed most of the things that are in default now would be taken care of under the new construction. All in all, I think the hospital was well run.

The buildings were about the same type buildings as those at Parker; that is, very plain, rough construction, with only one roof covering. At Parker they had two on account of the heat. These buildings were not closely built. There are large openings between the eaves of the roof and the sidewalls. On dusty days one might just as well be outside as inside so far as dust is concerned. There is no question but that this must be remedied before winter in this section. Some winters are very rugged; and if that condition exists, there is going to be a lot of sickness. I think the cost of the sickness would be more than the cost of fixing the building.

Of course, the matter of fire protection had to be considered, and the buildings were set rather far apart so far as the streets are concerned. Due to the loose, sandy soil, the streets should certainly be oiled or some means found for keeping down the dust. It was not a dusty day when I was there, but I do know what happens when the wind blows, which is about half the time at least.

We went over to the canteen. I was surprised to find that this is a cooperative. My understanding was that any profits arising from the store, or canteen, should be credited back to the cost of the project. This, apparently, is not true. The employees handling cash at that time were not bonded. Mr. Coverly, the assistant director, advised me that they would be bonded.

I then went out to see some of the gardens. These were removed from the buildings quite a distance, with no fence around them, and apparently, no guards. These people moved freely back and forth, without any white guards so far as I could see. This brings up a very serious situation that the people of the Owens Valley do not like, and this sentiment is reflected by the board of supervisors, all of the service clubs, the newspapers, and every one of the Valley citizens that you come in contact with. These people in the Owens Valley object to the Japanese being turned loose in groups of 8 or 10 to roam through the valley, going to railroad stations, etc., for freight. They don't know whether these Japanese escaped from the camp or whether they are out under permit, as no white guards accompany them. The people of the valley told me that they were told the same as our committee was told, that these Japanese would be under guard and fenced. Apparently, the word of the Government has been broken with the people of the Valley, the same as it has with our committee. They object very seriously to the speech that was made by Mr. Roy Nash, or may possibly have been made by one of his assistants, on Decoration Day, to the Japanese in a large group, the substance of which was that the Japanese did not need to be guarded, that they were free to go all around the hills and pick flowers, and fish, and do whatever they liked.

These people in the Owens Valley know what could possibly happen to the aqueduct and power line, and could happen to those in small communities. There are 9,800 people in the Japanese camps, and there are only about 7,500 in the whole county of Inyo. What would happen to one of these small towns of about five or six hundred people should these Japanese suddenly decide on a program of sabotage? The people in the Valley do not like that. There are a good many cowpunchers in this valley, and people who own ranches, yet. I was told that sometime there might be a lot of dead Japanese found in the Valley if conditions did not change.

When the Government came in to open this camp, I am told that they absolutely ignored the board of supervisors and other governmental bodies. These governmental groups were not taken into consideration at all. Now, then, they are taken into consideration finally when the expense has to be borne and the Government comes to the county for cases that might have to be handled through the district attorney's office, the school district, etc.

They propose to put a $250,000 school in this camp at Manzanar, which has about 80 teachers. All of this expense should be borne by the Federal Government, and Inyo County says it will not pay any part of it. There is no question about this, as the county should not pay any part of it.

There seems to be a distinct line between satisfaction and dissatisfaction. The feeling is, generally, that when the matter was handled by the Army, with Tom Clark and Colonel Bendetsen, everything ran along much smoother than it is now. The feeling is that after June 1 this was being made one of the "social experiments," and there is a great deal of dissatisfaction on that account.

The people in this county are very fearful about what might happen, were these Japanese permitted to vote in Inyo County. There would be more Japanese voters in the Manzanar camp than in all the balance of Inyo County. If they were permitted a ballot here, they could elect a Japanese to every office in this county.

The people in Inyo County say they will absolutely not submit to that, and, in my opinion, it would be a case of civil war should that ever be attempted. The income in Inyo County is extremely limited, as there is only 5.6 percent of the land in the whole county that is taxable, the other 94.4 percent being either Federal land, city land, or land that cannot be taxed. It can readily be seen that any amount of expense thrown on this county would be very burdensome to it. The people of the county want the school administration to be handled in the usual way, but they want the United States Government to pay for it. They are sound in this request. They feel that the county should be paid for any police expense. They claim that where these Japanese are running around promiscuously and not kept under fence, it is going to cost Inyo County a good bit of money policing the county, the cost of which they should not shoulder. I believe they are correct in that attitude.

They object to the attitude of the new group who have taken over. They say that there has been no cooperation between the new people, under the War Relocation Board, and the local government. They feel greatly disappointed that jurisdiction was taken away from the Army itself, and can see nothing but trouble ahead if this camp is going to be run in such a loose way. I believe the people in this valley are right in that contention. These Japanese should not be left to go out of camp unguarded, and the word to the people in that valley should be kept, as well as the word to our committee. It is feared by the people in the valley that they are trying to put on a socialistic cooperative experiment. Some things that I saw would indicate that that is true.

I don't think the general management was very good. When I wanted to go in to see what the Japanese were being fed, it was suggested that I go to the table with a group of Federal employees. This table was being fed steaks, fried potatoes and the usual full meal that these people would like, right in the presence of thousands of Japanese, who were eating the plain Army ration. In order to see what the Japanese got, I took my position in the Japanese line, at their cafeteria, and received about the same food that I received at Santa Anita. This food is equivalent to the regular Army ration. It was plain, clean, sufficient in quantity and good, but it did not look good to see a bunch of employees sitting right next to these people, having a lot of things that the Japanese were denied.

There was a certain Japanese there that I had known for a long time. I had known that this Japanese had sent his children back to Japan for their education and I thought that he might be one who should be watched. I had told Mr. Nash about this. I had also told Mr. Nash that I thought that the Japanese should be treated well, treated kindly and with the greatest consideration, but on top of this, at all times, he should be on guard to see that nothing happened of a collective nature in the way of sabotage. With this as a background, when we finally called on the Japanese that I told him to watch, he thought he would put me on the spot and show what a big man he was with some of his subordinates, so when this Japanese and I began to talk, in the presence of the Japanese he blurted out, in a very crude way, "Can this man be trusted? Should this man be watched?" and so forth. In each instance, I gave the favorable answer to the Japanese while the Japanese was there. As soon as the Japanese had departed and we were alone, I asked Mr. Nash what was in his mind to ask such questions as that. I told him that I had not told the Japanese the truth, but that I thought a man who was head of a group as administrator, who would ask such plain damn-fool questions as that, had no right to be the head of a group of this kind, that he had there and then proven his inability as an administrator, that I thought his attitude was that of an untrained man, and I still believe that to be true, and I say, here and now, that this whole situation at Manzanar should have a thorough going over and that men should be placed at the head of it who know their business and who are going to handle it in accordance with what this committee was told.

I was further told that there would be no more $2.50 scrip issued per month; that the payments would be $12, $16, and $19 per month.

I had a long talk with Mr. Savage, of the Inyo Independent, and I had the things that he told me verified. He said the Army agreement has not been carried out with reference to the placing of these people on the lands of Los Angeles City, that they have not been guarded as the Federal Government had told them they would be, and that unless they were guarded trouble of a very serious kind was brewing. I was also told that a report had been prepared, about May 26, to give the history of the operation from opening date up to May 26, or during the time that it was handled by the Army. I understand that this report was made and sent in, and that it was a plain, factual report. When this report was received in San Francisco, it was returned to Manzanar, with the suggestion that the report did not look good enough, that they did not want the facts as set forth there stated as they were, that more dressing should be given the report, and that it should be toned down. The history of the arrival and handling of these people, according to this first report, does not check out with the newspaper reports. For instance, upon arrival of the first convoy of 83 volunteer workers, carpenters were still finishing the first 4 barracks and the following facilities were not available for use: Running water, toilet or bathing facilities, lights, heating facilities,

no windows, no doors, no steps, no roofs, no beds, no dishes, no tables or chairs in mess hall. When they got water in late that evening it was muddy and unfit for use. For several weeks they were unable to drink the water because of visible living mosquito larvae and other bugs floating around. The water was still dirty and should have been filtered. Twenty-one girl volunteers were provided with canvas cots, but the men had to sleep on the floor. This might be all right in some sections, and the claim might be made that confusion was to be expected. This is true, but should have been looked after up here because that first night the temperature was 20°, or 12° below freezing. These people nearly froze all night long.

The following morning the men and girls had to get into the busses and turn on the heat to thaw out. Sanitary conditions were abominable, there was no lighting system, and many of the volunteers fell into 6-foot-deep sewage ditches. Latrines were not installed until 2 weeks later. Showers were available 2½ weeks later. This was on March 21. On March 23, 1,000 volunteer evacuees were scheduled to arrive; but 767 did arrive. The camp was entirely unprepared to accommodate these people. Cardboards had to be tacked against the windows; there were no doors, roofs, etc. That is the actual condition. What the second report will show I do not know, but that is information that was contained in the first report. This second report may have been dressed up to look good, but, after all, what we want to know is the truth.

All in all, the Japanese, despite these things, appeared to be reasonably happy. There was no surliness apparent. There was some feeling about classification on baggage and shipping regulations. These regulations were changed so frequently that the Japanese residents in Manzanar did not know what they could take with them or leave.

There was some suggestion about dissatisfaction with reference to wages, but not a great deal. All in all, there seemed to be very reasonable cooperation. Here, as in other centers, the Japanese were being used wherever it was possible in clerical positions.

My comment on the whole thing, however, is this, that the camps, in every instance, should be guarded to make sure that the interests of this country are taken care of and that the purpose for which they were established should be carried out. I cite this particularly, because I believe it was Mr. Merritt, from Pasadena, who said he thought the matter of putting the Japanese in these camps was a mistake to begin with. Clearly a man who has feelings of this kind has no business being in an executive position in this kind of camp. The Japanese were put into these camps for a purpose. They should be treated decently and kindly, but, after all, that purpose should not be forgotten. They should not be turned loose in this valley, where they could sabotage or destroy either the power lines or water system of Los Angeles. One of the men who, I think, could reasonably have been left there in the police department was Mr. Horton. I understood that this type of man was being taken out. This man knows the valley and knows the people, and I think would make a very good man in charge of the police department.

Apparently, a very poor start was made, because, when news that the Manzanar Center was to be established came out, a local committee was appointed to assist the Federal authorities in handling public relations and in presenting the Center problems to the people of Inyo County. This committee formed, but ran into considerable opposition, because no contact had been made with any of the Government agencies of the county. Naturally, this brought opposition. Later on, additions were made to the committee, and the district attorney was included in the executive group, and the chairman of the board of supervisors joined the group. This did not particularly please the board of supervisors, because they felt that they should have been taken into the picture in the very beginning. They were absolutely correct in this, and I cannot understand why any group would go into a county and absolutely ignore the county government therein. Criticisms from the board of supervisors and others in the valley are that there has been no definite Federal jurisdiction in the camp itself. They feel that the county government cannot and will not undertake the added functions of county government, such as legal courts, control, and all of the other activities of a new city of 10,000 people which have been forced upon it, particularly in face of the fact that Inyo County itself has a population now of less than 10,000. The supervisors feel that they must protect the taxpayers of the county. The doubled population presents an overwhelming burden when one considers that only 5.6 percent of the land in Inyo County is owned privately and subject to taxation. All the balance of the land is classified under public ownership, such as public domain, grazing areas, national monuments and parks, and national forests. These people feel that they should not be compelled to use their tax money for the maintenance of this new city, all the costs of which should be paid for by the Federal Government. I believe these people are absolutely right in this respect. There is great sentiment that residents of these Japanese centers should not be released to serve in areas outside of the camp proper.

The general feeling throughout the valley, and I talked to many people there, was that the camp was operated on a much better basis prior to June 1, when it was handled by the Army, than it was afterward. I think the background of this is that they feel that they had Federal protection then, and they have practically none now.

I am sending you a copy of this report, hoping that you may read it before we call a meeting, at which time I am going to have Mr. Eisenhower present. At that time, I hope you will interrogate him on this matter. My understanding is that Mr. Eisenhower is no longer connected with this group, but that he will bring over Mr. Dillon Myer, the new director, and Colonel Cress to see us. With that in mind, I am asking that the committee meet in my office on Tuesday, July 14, at 3 o'clock, to discuss this situation.

Of course, this committee had no funds, and I paid for all expenses myself.

L. M. FORD,
Congressman, Sixteenth District of California.

EXTENSION OF REMARKS

(By unanimous consent, Mr. SMITH of Washington, Mr. BUTLER, and Mr. LAMBERTSON were granted permission to extend their own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that after the other special orders today I be allowed to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that on Monday next, after the business of the day and any other special orders, I may proceed for 25 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a second statement made by Montgomery Ward & Co. in reply to the National War Labor Board. I placed in the Appendix of the RECORD at page A4007 their first statement, and thereafter at page A4237 the statement of the President and Montgomery Ward, so that it will make up to this date a complete statement of Montgomery Ward's difficulties with the National War Labor Board.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOOK. Mr. Speaker, this issue of the RECORD ought to be a pretty good seller and therefore I ask unanimous consent to revise and extend my remarks and include therein an excerpt from a certain magazine.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BUREAUCRATIC GOVERNMENT

Mr. RANKIN of Mississippi. Mr. Speaker, I as unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FILING OF RESOLUTION

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent that my colleague [Mr. HOFFMAN] may have until midnight tonight to file a resolution.

The SPEAKER pro tempore. Is there objection?

Mr. HOOK. Mr. Speaker, I object.

EXPENDITURES IN GOVERNMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. KEEFE] is recognized for 50 minutes.

Mr. KEEFE. Mr. Speaker, I believe I could make the statement without being accused of partisanship, that after the last election the people of America heaved a sigh of relief at the results, not because of any animus toward any one individual who had served in Congress, but because I believe the American people received an inspiration at least in the thought that in the next Congress they might expect some relief from the intolerable conditions of which they now complain.

Among the things that I have heard from people of all parties and from men and women in the Congress on both sides of the aisle, is the assertion that they look with some confidence to the fact that the Congress of the United States, under the Constitution, still has control of the purse strings of the Nation. That they intend to look to the Appropriations Committee of this House to see to it that

these great expenditures not directly associated with the war effort are curtailed, to the end that sometime somewhere the burdened taxpayers of this country will be afforded some relief.

It is not my purpose in the first part of this statement this afternoon to dispel from the minds of either the people or the Members of this Congress the inspiration which they now possess. I want to discuss for a few moments the difficulties that the next Congress will encounter and the difficulties that the House Appropriations Committee will encounter, even though they diligently and honestly endeavor to carry out the public will, expressed last November 3.

It is true that under the Constitution, as found in section 7 of article I, all bills raising revenue shall originate in the House of Representatives. A great many people have the idea that that constitutional provision throws a mantle of protection around the purse strings of the Nation, especially when you have a Congress, newly elected, that is determined to protect the public purse. It is true there are some things that the Congress can do. Not so long ago, in considering the appropriation for the Department of Labor and Social Security, you struck out the appropriation for the Civilian Conservation Corps, and many people throughout the country applauded the efforts of the committee and the Congress for so doing. Within 2 or 3 days, however, you created a new agency and gave it authority to spend more than double what you had saved when you eliminated the Civilian Conservation Corps. You are now talking of eliminating other agencies. The President has announced that he is going to disband the W. P. A. There is talk of doing away with the Farm Security Administration, reducing the expenditures of the Department of Agriculture and other departments of Government. But what the people are interested in is that assurance be given that when you have done those things here on the floor of the House, the net result is going to be a reduction in public expenditure. Unless you can show that, you have not reduced the necessity for taxation or the demands upon the people of this country. You have not really saved a dollar for the war effort. Let me show you some of the things we are going to be up against. I direct your attention to the fact that Congress is to blame if any blame is to be attached. I am not attempting to attach blame; I do not want to be critical; I do not want simply to find fault; but I want to paint the picture as it is and state the facts, and then let us see if there is any possibility of affording a remedy.

Previous Congresses have enacted legislation establishing various Government-owned corporations. I have before me the Treasury report indicating the extent of the ability to use Government credit that these Government corporations have. That credit amounts to $32,625,000,000: The Commodity Credit Corporation, $2,650,000,000; Federal Mortgage Corporation, $2,000,000,000; Federal Housing Administration, $4,800,000,000; Federal Public Housing Authority, $800,000,000; Home Owners' Loan Corporation, $4,750,000,000; Reconstruction Finance Corporation, $17,363,000,000; Tennessee Valley Authority, $6,200,000,000; Maritime Commission, $200,000,000.

This Congress and other Congresses have therefore given credit to these Government corporations by which they can use the credit of this country in total amount of $32,625,000,000, and they do not have to come back to Congress any more to get authority to use that much credit. When they issue their obligations, under the present regulations of the Treasury Department, they are not sold on the general market. The Treasury Department buys those obligations out of the funds of the Treasury which, after all, is the money of the taxpayers of this Nation. I therefore call your attention first to the fact that these agencies of Government have available for their use a grand total authority to date which they may use if they see fit without further action of the Congress of $32,625,000,000.

Why am I calling this to your attention at this time? You are all familiar perhaps with the fact that when you passed the price-control law authority was given to the Director of O. P. A. to provide for the payment of subsidies. You remember it. Mr. Henderson does not have the money to pay subsidies. You have not given him the funds. However, he can determine when a subsidy shall be paid and the amount of funds will be provided by the Commodity Credit Corporation or the R. F. C. Let me give you an illustration if you do not know it now: Up in New England in various States there are local State milk-control boards that fix the price to the producer of fluid milk, the price that must be paid by the distributor to the producer. Then along comes Mr. Henderson, consumer conscious, wanting to protect the consumer, and places a ceiling upon the price that can be charged to the consumer for milk. The processors and distributors caught between the State maximum price that must be paid the producer and the ceiling price to the consumer fixed by Mr. Henderson find themselves in a position where they have either got to quit or get some relief. They come to Mr. Henderson for relief and say: "We must have these ceiling prices raised in order that we may not be compelled to violate the law which has fixed the price to the producer by State boards." And Mr. Henderson, being subsidy conscious, says: "No, gentleman; we will not permit you to puncture the ceiling we have established but we will pay you a subsidy." And so by a long process of figuring out and bookkeeping they provide a subsidy which I was advised the other day is costing this Government $1,000,000 a month in the city of New York to pay the difference between the price established by the milk-control authorities of New York and the ceiling prices established by Mr. Henderson. Supposing that situation extends all over New England or all over the United States; the money that is used to pay those subsidies is gone when those subsidies are paid; it goes into the hands of the big milk producers in order to protect the consumers. Even though the funds are provided by the Commodity Credit Corporation or the R. F. C., in the last analysis that money comes out of the Treasury of the United States. There is a potential capacity to use $2,650,000,000 of credit of the Commodity Credit Corporation and at least $17,363,000,000 of the R. F. C. for subsidy purposes today.

Mr. Wickard, the Secretary of Agriculture, has decided they must have an increased production of No. 1 cheddar cheese, American cheese which we produce in great amounts in Wisconsin. Mr. Henderson has fixed a ceiling. Mr. Wickard has said, in substance: "We cannot stimulate production with that ceiling that you fixed, Mr. Henderson."

Henderson says: "You cannot sell that cheese for more than my ceiling."

Mr. Wickard says: "We won't have cheese if we maintain that ceiling."

And Henderson says: "Well, then, let's pay a subsidy; let's not raise the price but let's go down into the Treasury of the United States and pay a subsidy."

And so they are proposing to use funds of the Commodity Credit Corporation to pay a subsidy of 3¾ cents a pound to the producers of No. 1 Cheddar cheese which money again comes out of the Treasury of the United States. This Congress, or the next Congress, or the Appropriations Committee have no knowledge as to the extent, and neither can the Treasury have any knowledge as to the extent of that potential liability that is being put upon the people of this country, through the activities of this so-called subsidy plan.

They propose to go even further than that. You all know they are now subsidizing the oil companies on freight rates coming through to the East.

I have no idea as to what that is going to cost the Treasury of the United States. I know they have under discussion at this time a proposal to subsidize small oil refineries and refining operations throughout the whole country. God knows how many hundreds of millions of dollars will be involved if this subsidy program is carried through to its utmost. The Congress of the United States will not know from day to day or month to month what the condition of the Treasury is. Mr. Morgenthau will not be able to tell this Congress or the Committee on Appropriations what the potential liability of the Treasury will be this year because Mr. Leon Henderson will determine the question of what those subsidies will be.

Then the question will come up, Shall they utilize the credit of the Commodity Credit Corporation or shall they utilize the credit of the Reconstruction Finance Corporation to provide the funds with which to pay these subsidies?

There is a proposal now to grant a hundred million dollars to the Forest Service to stimulate the production of lumber, by which the Forest Service is to go out and try to get into operation in this country all the little portable sawmills. It seems to me it is high time that the fellows who are making these rules and regulations and these plans go out on the ground floor and find out the reasons why the farmers owning these little portable mills are not sawing up and producing lumber. Every individual in my State who has been engaged in

that business could tell the Forest Service or Leon Henderson why it is that they are not running their mills. They are just refusing to and for a variety of reasons; first, because they cannot do it at a profit under the price ceilings and regulations established by the Office of Price Administration; and, second, they have not the time to fill out the reports, the records, and the questionnaires that are being submitted to them in order to carry on a little bit of business. They are hamstrung so that most of these small operators have thrown up their hands, with the result these people have lost the production of lumber. Now they come to the Commodity Credit Corporation or the Reconstruction Finance Corporation, and in the last analysis it is the same as the Treasury of the United States, and ask for a hundred million dollars with which they can go out and stimulate the production of lumber by paying a price now that is above the ceilings because under a recent regulation when that lumber is sold to a Government agency they may sell it above the ceiling prices.

If they pay a subsidy of 3¾ cents a pound on American cheese in order to stimulate the production of American cheese for lease-lend shipment, what will that do to the production of butter? What is it going to do to the Swiss cheese industry in my State? What is it going to do to the production of Italian cheese? What is it going to do to the production of all types of soft cheese which we produce in millions of pounds, not only in Wisconsin but in other States of this Union? Where is that flow of milk going to go? When making 10 pounds of cheese out of a hundred pounds of milk the farmer will be assured of $2.70 a hundred gross if he turns his milk into No. 1 Cheddar or American cheese. Why, those people out in Wisconsin who are engaged in the business of manufacturing these various types of cheese and who will be compelled to deliver their milk to those factories see the handwriting on the wall. It means ruination for them.

But what can the Congress do about it? How can Congress stop this thing? You will have to repeal some legislation which you could not do at this time. So it is not going to be as easy as you may think to do some of the things in the next Congress that you think the public would like to have you do.

Let me give you another illustration: I have before me the last report of the President on lease-lend funds, dated September 11, 1942. This report shows that the Congress has given to the President a total of $62,944,650,000 and since this report there has been added to that sum nearly $3,000,000,000 more, making a total, in round figures, of lease-lend funds available for expenditure by the executive department $66,000,000,000.

I have read this report and I find that in addition to the purchases of materials, the services rendered include principally the repair in this country of ships of the United Nations, the shipping necessary to carry goods to lease-lend countries, new factory and shipyard facilities built in the United States for the production of lease-lend goods, supply and services performed in the base areas abroad, and the training in this country of united air forces, and so forth. If you will take the lease-lend law and read it, and I am not critical of the law or the purposes for which it was enacted—I am simply pointing out to you the facts—under the terms of that grant of authority the $66,000,000,000 in the hands of the President will enable him as the administrator to buy a whole railroad, buy a whole steamship line; he can buy an air line; he can buy all the facilities of this Nation and provide the means of transportation to see that they get into the hands of our Allies. He may buy every flour mill in this country if he wanted to in order to produce flour for lease-lend purposes. He could buy every cheese factory in this country and has the money to do it with to send cheese to our Allies. Sixty-six billion dollars!

In addition to that there are $32,625,000,000 of credit authority in these Government corporations. But that does not tell the whole story.

This Congress and previous Congresses have placed in the hands of the President of the United States an emergency fund which in total amount according to the last figures that were available to me run to $631,459,000. This sum represents a total of various appropriations that the Congress has placed in the hands of the President, theoretically based upon the assumption that the expenditures and allocations from those funds would be for purely emergency matters or for matters that required great secrecy, where those asking for the funds dare not come before a congressional committee and justify the request for the funds.

I have before me, and you will find it in the first supplemental national defense appropriation bill for 1943, the hearings conducted by the Committee on Appropriations beginning on Tuesday, June 4, 1942. On page 545 and subsequent pages you will find a break-down of the allocation of part of this $631,000,000 of the President's emergency fund. I call your attention to the fact that Mr. WIGGLESWORTH, whom no one will describe as being radical, who is one of the most thoughtful, able, conservative thinking men on the floor of this House, a distinguished member of the Appropriations Committee, had this to say when that break-down was submitted to the Appropriations Committee, and this is on page 551 of the report:

> Mr. WIGGLESWORTH. I want to make this observation, that in my judgment, taking the table giving the allocations, that it contains item after item that have no business being handled out of the emergency fund for any reason. They are not national defense nor are they emergency matters, and I understand that the emergency fund is supposed to be limited to items for the national defense and emergency in character, and if they are going to be brought in as items to come out of the emergency funds it is going to break down the appropriations system completely.

Is it not perfectly obvious to the Members of this House, then, and should it not be obvious to the citizens of this country, that when you provide the Executive with $631,000,000 which he can allocate and spend as he pleases and as he deems necessary, the heads of the departments whose wills may have been thwarted by the Committee on Appropriations through a reduction in the amount of their budget estimates when the bill is finally written can go to the Executive and complain, perhaps, of the action of the Committee on Appropriations and the Congress, and the President can restore funds which we have cut from appropriation bills out of this emergency fund?

Let me read a few of these items. There are several pages of them.

Advisory Commission to Council of National Defense, for expenses, $5,286,000. For salaries and expenses of this Commission, $9,727,000.

Civil Service Commission, for recruitment of personnel, $3,661,000.

The Maritime Commission, construction of merchant vessels, $36,500,000.

So, on and on and on it goes, page after page of items allocated out of so-called emergency funds, when the people in these bureaus are not required to come before a committee of Congress and justify across the table the necessity for such expenditures. Then you say to me, "Mr. Member of the Appropriations Committee, it is your solemn responsibility to see now that these appropriations are kept down, that they are pared down, and that this backlog, as it has been, of $631,000,000 of so-called emergency funds, is not used to supplement these appropriations." All the diligence on the part of a member of the Appropriations Committee or of all the members combined would be for naught if the President saw fit to restore to the agency out of his fund the cuts the Congress has made.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Kansas.

Mr. CARLSON. That is where we got the Pentagon Building money. This Congress voted $35,000,000 to construct a War Department building. We voted a place to build it. We find that the fund was greatly exceeded and that the building was not even placed where the Congress had voted to construct it. That money came from this emergency fund.

Mr. KEEFE. I will not say it all came from this emergency fund; I do not know. We, in the Appropriations Committee, have no facilities to check these things, and we should have. But I do know that these funds are transferred.

I find in here an item showing that the President allocated some $19,000,000 to the Public Roads Commission, as I recall the figures, $10,000,000 to construct the Alaska Highway. Is there any reason in the world why these items should not be brought to the attention of the proper committee of the Appropriations Committee and reported to the Congress? We have brought before the Congress many items involving hundreds of millions of dollars within 24 hours, and Congress is in continuous session. Now he perhaps transferred some funds to the Public

Roads Commission, and the Public Roads Commission in turn allocated the funds to construct the highways out here at the Pentagon Building, which added to its cost.

It is almost impossible, as I have found, trying in my own limited way, not being an auditor, to run through these items and check these funds and see if we can find out where they came from and where they went. I deem it my responsibility as a Member of Congress and as a member of the Appropriations Committee to try to do that.

When the next Congress convenes, and you come here full of hope, inspiration, and a desire to be of service and to be responsive to the will of the constituents who sent you here and to respect their will, with the idea that you are going to reduce these appropriations, pause for a moment and think how the action of Congress can be circumvented in its ability to curtail appropriations through the use either of lend-lease funds or the payment of subsidies, or through Government corporations, or through the expenditure of funds out of the President's emergency contingency fund. You have a job on your hands, and it is not a very alluring one.

As one Member of this House and as a member of the Appropriations Committee, I intend to see to it that every dollar of appropriations that is not absolutely, vitally essential to this war effort shall be pared from the requests for appropriations that come before our committee. Then it will be the responsibility of someone else if those appropriations are restored through the utilization of the machinery that has been set up in the past by many subservient Congresses that did the will of the Executive.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Kansas.

Mr. REES of Kansas. In the past has it not been the function of the Budget Bureau to keep its eye on the expenditure of these funds, and to do that for the Congress? Has not that situation changed so that the Budget Bureau now represents more the Executive branch than the Congress? Is not that about the way it has worked out?

Mr. KEEFE. I do not want to be captious about the matter.

Mr. REES of Kansas. Nor do I.

Mr. KEEFE. There is no use of our talking about national-debt expenditures. Understand, I am not speaking about that. You will not hear a word out of my lips this afternoon about that. I know what the national debt is going to be, and God knows it is necessary, and, regardless of where it goes, we must provide the means and the money to see to it that this war effort goes forward, and there is no longer any necessity for discussing or talking about the public debt. In answer to the question, we have set up the Bureau of the Budget, but I ask you how in the name of conscience can that Bureau of the Budget function as we expect a bureau should function, in the face of situations that are unpredictable, that are rising day after day in the conduct of this war, calling for huge expenditures of money? The approval or disapproval of the Bureau of the Budget means little or nothing, so far as the conduct of fiscal affairs of this Nation are concerned. So far as the conduct of the war is concerned we must continue to spend to the limit. There is no question about that. I am willing that the national debt should go to the limit that is reasonably consistent with the achievement of ultimate victory in this war effort, in which we are engaged. I do not propose as a Member of Congress to see item after item wrapped into these appropriation bills that have no reasonable relation whatsoever to the conduct of the war or the war effort, or the sticking in of these agencies, and in the upbuilding of them by providing them with personnel day after day and day after day, under the guise of the war effort, when there are literally hundreds of them that ought to be dispensed with. No later than just a few hours ago the Secretary of the Treasury again reiterated his faith in the effort that is being made to curtail public expenditures. He reiterated again that we ought to be able to lop at least a billion dollars from public expenditures to operate the affairs of government in this next year, if we have the courage and the will to do it.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. Yes.

Mr. CUNNINGHAM. I thank the gentleman for the information he has given us. I was interested in his statement that Congress can do nothing about the transfer of this money from the lease-lend fund to these various projects. I recall that in the passage of the original lease-lend bill the gentleman from Illinois [Mr. DIRKSEN] offered an amendment, which was agreed to, to the effect that that bill or any part of it could be repealed by a concurrent resolution of the Congress at any time, which would not require the President's approval. Does the gentleman not believe that a remedy could be secured under that provision of that amendment to the lease-lend bill which would prohibit the President from transferring these lease-lend funds and allocating them to purposes for which the original bill did not intend them to be allocated?

Mr. KEEFE. I am not making the charge—and I do not want to be misunderstood—that the President or the Lease-Lend Administrator has allocated any funds out of the lease-lend funds for purposes for which this bill did not contemplate. I have attempted to point out—and perhaps I was misunderstood—that the authority in the lease-lend law is so broad that it encompasses our whole economy, and the President can lawfully, under the authority of that law, expend the money provided, so long as he determines in his mind and deems it necessary for our protection and the national defense. He can expend the money to send things over to our Allies, no matter what it may be, and he can provide all of the services incidental to the production and manufacture of those supplies and the transportation of those supplies, and if any gentleman can think of anything that is left in our economy or that that authority does not touch, I would like to have him stand up and tell me what it is.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. Yes.

Mr. RANDOLPH. I think the gentleman is attempting to say that Congress has written certain legislation, which has actually been rewritten by agents of our Government who were not elected as legislators from districts or States. Is not that correct?

Mr. KEEFE. I would not want to be quoted as saying that. I don't think I said that. I think I tried to make it perfectly clear that the grant of authority which Congress gave when we provided for the creation of the Commodity Credit Corporation, when we wrote the law providing for price control, when we wrote the grant of authority in the lend-lease law, when you set up the Reconstruction Finance Corporation and all these other corporations, is so great that those agencies have the authority, which this Congress or other Congresses gave to them, and I am simply stating the facts. Mr. Henderson has the power under the law which we passed permitting him to fix prices, to pay subsidies. We gave him that authority. He has not arrogated it unto himself. Congress gave it to him. You did not know when you passed that law perhaps, what the result would be and how it would operate on the economy of this Nation. I am not, therefore, going to be critical merely of these agencies and try to absolve the Congress of its responsibility. The Congress of the United States passed this legislation, and it owes a responsibility to the people if in its operation injustices appear, and it is up to the Congress to have the courage to attack that organic law so as to recall those grants of authority, or to repeal the organic law that makes those injustices possible. Unless Congress has that gumption and that fortitude, these agencies will continue to act arrogantly as they please, supported in their arrogance by the organic law which you have passed, giving them authority.

Mr. RANDOLPH. Will the gentleman yield further?

Mr. KEEFE. I yield.

Mr. RANDOLPH. I appreciate the gentleman yielding again, and I ask him, simply carrying through the thought that I asked about a moment ago, I, for one, as a Member of this body, believe that the intent of Congress has been misused by some of these individuals who are in leadership in agencies of Government.

Mr. KEEFE. I have no doubt about that.

Mr. RANDOLPH. I think the Congress, if it has the courage, must retake these powers unto itself.

Mr. KEEFE. I have no doubt about that, and before I conclude I hope I will have the opportunity to point out a few of the instances to which the gentleman has referred, and I hope I shall have an opportunity to offer constructive suggestions that may be worth while in connection with this program. I do not want to just find fault unless I have some suggestions to make as to how it can be

done better. I am presenting in this statement to you this afternoon facts that may be thought provoking, as to what the obligation is going to be in the next Congress. Do not let the word go out to the people of this country that it is going to be a simple and easy matter; as I heard one distinguished gentleman say on the floor of the House, "We control the purse strings and therefore by our control of the purse strings we can bring these bureaucrats to their knees." Oh, you think you control the purse strings, but by acts which you have passed heretofore delegating these huge grants of authority to these agencies and these bureaucrats of whom you now complain, you have stripped yourself of your constitutional rights and prerogatives and turned them over to Leon Henderson and the rest of the men who are being denounced every day on the floor of this Congress. Let us, if we have the courage to deal with this problem, not deal with the little, isolated, petty things that can be brought up from day to day, but let us see if we cannot, as Members of this Congress, attack the fundamental problem of recalling to the hands of this Congress the powers that we have unconsciously sometimes delegated into the hands of the bureaucrats. Let the Congress in any further delegations of power do as the Supreme Court has directed should be done time and again, namely, that Congress write the pattern under which these bureaucracies shall operate. Then Congress will be truly functioning in a constitutional manner.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield to the distinguished gentleman from Ohio.

Mr. SMITH of Ohio. The gentleman has presented a splendid study of this problem, and I greatly appreciate it. It should be very valuable to all Members of the House and to the country. I simply want to raise the question of these subsidies. The purpose of the subsidies ostensibly is to control or prevent inflation; is that not true?

Mr. KEEFE. It is alleged that the purpose of the subsidy is to prevent inflationary rises in commodity prices; but I know what the gentleman is going to discuss. I am quite familiar with it. I am quite in accord with the gentleman's position. I think the payment of subsidies, which results in an increase of the public debt and a drain on the Treasury to the extent that subsidies are paid, is more highly inflationary than would be a normal rise in prices to the producer that would enable him to produce his product at a fair price and get a fair price for it, without having to go around with a tin cup in his hand asking for a subsidy in order that he might stay in business. The gentleman believes that, does he not?

Mr. SMITH of Ohio. Yes. I would modify that statement somewhat. It is a question as to whether you have any real inflation whatsoever by allowing these prices to rise so long as there is not involved an addition of new dollars to the existing total stock of dollars; but in the process of subsidizing there is involved the issuance of new dollars, Government printing-press money, which is the real source of true inflation.

Mr. KEEFE. Yes. Now let me call your attention to a few things that I think Congress can do and that I think ought to be done. A few days ago in connection with the statement of the gentleman from Michigan, I brought to the attention of the House a situation that exists in many States with reference to the creation and organization of so-called rent-control offices in so-called defense-rental areas. I think that is a matter that ought to command the attention of the membership of this House.

In my own county, Winnebago County, Wis., there is no critical housing or rental problem. There has been none since this war started. There are a great many vacant properties in that city of 40,000; many vacant apartments, and rents are as low as they have ever been in the history of the city. The same may be said of the city of Fond du Lac, where we have no housing problem, no question of exhorbitant rentals at all; and yet this great bureaucracy has set up in the State of Wisconsin a series of rent-control offices, operating out of a central office in the city of Milwaukee, one of which is to operate in Winnebago and Fond du Lac Counties, Wis.

I sent down this afternoon and got the set-up of this Oshkosh-Fond du Lac rental area, as it is called. You may have one in your town. The theory back of it is that the public must be protected against any increases in rent over what they paid on March 1, 1942. I have no criticism of the effort to stabilize rents and to keep unconscionable landlords from raising rents to the point where people cannot afford to pay them. But I am stating to you the fact that no such situation as that exists in my community or in this area where they have set up this project. It is perhaps only a flyspeck on our financial picture, but it is the accumulation of those flyspecks that have beclouded the windows of this Nation so that we cannot see through.

What do they do? They first rent the top floor of an insurance building in my town and set up a defense rent-control office. They appoint an area rent director at $3,200 a year, a full-time attorney at $3,200 a year, one rent examiner at $2,600, three clerks-stenographers at $1,440, one rent inspector at $2,000, and one clerk-stenographer at $1,440. For what? Nine such agencies set up in the State of Wisconsin with all their attendant overhead. For what? Why, to control rents. What is the first thing this agency does? Understand, please, I am not critical of the personnel. It so happens that the man who was appointed area rent director in my town is one of my most intimate associates and friends, a man with whom I have been associated in business and otherwise, an outstanding man; there is no question about his character and ability at all. The same may be said for the other personnel. But I would make this same statement if it were my own brother who was appointed to the job. It is the principle of the thing that is involved. I cannot sit idly by and see created in my district a rent-control board that is going to spend $20,000 or more a year when there is absolutely no necessity for it at all.

What do they do? The first thing they do is to give notice in the press that on a certain day next week they are going to have registration day in all the public schools, where all people owning property for rental purposes must go and register and fill out and sign questionnaires. Then the following week they are going to bring in all the renters and ask them to leave their jobs when they ought to be working and go to these public schools and take their records as to the amount of rent they are paying, and so on and so on. Then this deluge of questionnaires will come to this office to give these clerks and these stenographers something to do, and the questionnaires will be mulled over, with the result that they will perhaps find some little fellow over here is paying a dollar and a half a month more for his house than he did on the 1st of March. An outrage. The landlord is threatened with great penalties if he does not reduce the rent; yet perhaps the landlord and the tenant do not care anything about it and the tenant is perfectly satisfied. So these inspectors are going out to make this inspection, are utilizing the time and money of the people for such trivial matters as that. Could not one inspector and a reporter cover a whole district and hear any complaints? That is the way the industrial commission handles its vast volume of work. Why all of this great organization in areas where there is no housing problem and few, if any, cases of rent gouging?

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 2 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. I thank the gentleman. I have not scratched the surface on this; I have not begun to talk about many of the things I wanted to talk about this afternoon. I am going to address the House on this and related subjects in the near future. I have some of the most amazing information to present to this Congress on the subject of rationing, its effect on the people, and the trends toward monopoly. I want to discuss the actual operations of this new adventure in regimentation. For instance, in my city the rationing board was compelled to close the office one day through sheer exhaustion of the members and employees due to excessive work. I want to know who is to furnish quarters for these boards and who is to pay their legitimate expenses.

Our local board pays no rent, they do not pay any telephone bills, they do not provide any heat, they do not provide these men and women with telephone service or even pencils or a single thing, and these patriotic people are breaking down under the burden of this thing all over the country, and they get no relief. I want to paint that picture for you and I had hoped I would have an opportunity to do it today. I want to show by real examples the nonsense in some of this

rationing program and I shall try to offer concrete suggestions for relief. I shall do so at the first available time. Mr. Speaker, we must do something about it, besides talk.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. JOHNSON of Oklahoma. The experience the gentleman has just related is similar to what has happened in many districts. In one town in the district I am honored to represent where similar conditions prevail, a rent control board was established against my recommendation, but it was established just the same.

Mr. KEEFE. The gentleman from Oklahoma sits on the Appropriations Committee the same as I do. What is he going to do when they come asking for an appropriation to pay for those things? I know what I am going to do.

Mr. JOHNSON of Oklahoma. I am sure the gentleman knows what I did do.

Mr. KEEFE. Yes; they are not going to get it from the gentleman or from me.

Mr. JOHNSON of Oklahoma. That is true.

Mr. KEEFE. And I do not think they will get it from the next Congress.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his own remarks in the RECORD and include therein a radio address by Father Ignatius Smith of Catholic University.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Pennsylvania [Mr. McGRANERY] is recognized for 5 minutes.

Mr. McGRANERY. Mr. Speaker, my respect for this House amounts to a deep reverence, and my regard and opinion of the Members of this House is very high. I find it rather difficult, but I am compelled in the interest of fair play to take the floor this afternoon to make a statement in response to the statement made by the gentleman from Michigan [Mr. HOFFMAN] the other afternoon. He made a statement dealing with a grand jury investigation now being conducted by one William Power Maloney, a distinguished, able, and courageous lawyer here in the District of Columbia. This activity has been directed toward subversive persons in the United States. Mr. Maloney has already indicted and brought to trial a number of these persons. They were tried by a jury of their peers and found guilty and sentenced to a term in a Federal penitentiary. That should be sufficient unto itself to answer the gentleman from Michigan [Mr. HOFFMAN]. The men received a fair trial and were convicted.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The Assistant Attorney General, Mr. Maloney, has established a record of prosecution of persons engaged in subversive activities in this country that makes him stand out very prominently in the eyes of the American people. In other words, Mr. Maloney has prosecuted those who were endeavoring to undermine respect for our Government and to violate the law against furthering foreign ideologies in the United States and engaging in subversive activities.

Mr. McGRANERY. That is exactly what that gentleman has been doing and will continue to do.

Mr. McCORMACK. He is exposing those who are aiding the enemies of our country.

Mr. McGRANERY. That is exactly right.

Mr. McCORMACK. I think any criticism of that gentleman is construed by the general public as a high compliment.

Mr. McGRANERY. I am in wholehearted agreement with the statement of the gentleman. The only reason I make this statement this afternoon is, Why did the gentleman from Michigan make that statement the other afternoon in view of the fact that we are on the eve of a very important trial of the balance of the Nazi agents? Was it something intended to inflame or to prejudice the minds of prospective jurors here in the District of Columbia?

You and I know, and I think it is only fair to say that I recall during the Hill and Viereck trials it was disclosed that the gentleman from Michigan was the one who caused Viereck's propaganda material to be inserted in the CONGRESSIONAL RECORD. I refer to an article entitled "We Burned Our Fingers Once—Will History Repeat?" This was inserted in the RECORD by the gentleman from Michigan on May 19, 1941.

[Here the gavel fell.]

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McGRANERY. On May 21, 1941, 30,000 of this choice piece of Viereck's propaganda was ordered reprinted in the form of post cards, bearing the frank of the gentleman from Michigan. Twenty thousand of these cards were distributed thereafter by Viereck's propaganda agents, free of postage. The cost of the printing of these cards was paid with money to the Public Printer that came from these Nazi agents.

Evidently the gentleman from Michigan [Mr. HOFFMAN] thinks well of the utterances of a great many of these seditious conspirators. I notice that on December 28, 1940, he caused to be inserted in the CONGRESSIONAL RECORD an editorial from the New York Enquirer, a newspaper published by William Griffin, now under indictment for conspiring to break down the morale of the armed forces. Thousands of dollars were spent by the German spy, Viereck, to have this editorial reprinted in the newspapers throughout the country as a paid advertisement. The gentleman from Michigan inserted this in the RECORD and saved these Nazi agents considerable money. Not only did the gentleman have it printed free in the RECORD but he loaned the use of his frank to these two Hitler agents. The kindest thing that I, as a Member of this House, could say to the gentleman is that they fooled him.

LEAVE TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Monday next I be permitted to address the House for 30 minutes after the legislative matters are concluded and other special orders.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Oregon [Mr. PIERCE] for 30 minutes.

RESOURCES OF OREGON

Mr. PIERCE. Mr. Speaker, I wish to compliment the gentleman from Wisconsin [Mr. KEEFE] who made the interesting speech on Government finance this afternoon. It is to be regretted that more Members were not present. It was one of the real speeches that I have heard in the 10 years I have been a Member of the House. I hope the gentleman does secure further time, and I do hope we will have many more Members present to hear his discussion of the questionable things that are happening in Government financing. Nobody can figure out, as he so clearly pointed out, how we are going to come out in this war, whether we are going to have anything left or not. I wonder myself, but I am in hopes that the next Congress will really take hold of the situation and rectify some of the wrongs that we have committed in passing such broad laws that have been interpreted almost entirely in favor of the spenders.

THE FORESTS OF OREGON AND THE PACIFIC NORTHWEST

Oregon has two outstanding natural resources which will, if protected, contribute to the future prosperity of the State and to the well-being of its citizens by making possible the establishment of permanent industries. I emphasize the word "permanent," meaning that future generations will bless or blame this generation when it is judged by its attitude toward the perpetuation of those natural resources. I refer to the forests and the water powers. Both are in immediate jeopardy. These, with the soil, constitute our greatest potential wealth.

The flow of the tumbling waters cannot be stopped by the greed of absentee private utility interests, but the benefits can be diverted to the few banker groups. The electric current would then reach the people of the Pacific Northwest only through the channels of holding companies, which would extort excessive private profits from this matchless God-given resource—the falling waters of the Columbia River.

Forests are being ruthlessly destroyed under prevailing practices in the Pacific

Northwest. Unless we change these practices and control the cutting, the next generation will suffer from lack of forests. They will be forced to pay the costly charges of our neglect by additional taxes assessed against them because of the thousands of acres of logged-off lands removed from the tax rolls by the present depredations of the absentee timber companies. The next generation will also bear the burden of the restoration of those desolated and ruined lands. This desperate situation, involving our future prosperity, is the direct result of negligence and corruption in failing to control these parasites fastened on our people since the absentee timber operators have moved to their last forest frontier—the Pacific Northwest.

OREGON'S TIMBER RESOURCES

Oregon contains more timber than any other State in the Union. More than three-fourths of it—some 340,000,000,000 feet—is in the Douglas fir region west of the Cascades. Three northwest Oregon counties have already been largely stripped of their timber. Forests provide some 58 percent of all industrial pay rolls in the Pacific Northwest, and they furnish more than 60 percent of the value of Oregon's net exports. This resource is therefore vital to our economy. Private owners control two-thirds of the accessible timber in our section. Candor compels the statement that excessively rapid and disorderly liquidation of privately owned forest resources in the Pacific Northwest has already created 76 ghost towns and that another 77 towns where mills have shut down are headed that way.

Although there are still 141,000,000,000 feet of merchantable timber in eastern Oregon and Washington, this liquidation has gone so far that our private timber will be exhausted in 2 decades or less, at present rates of cutting. Western Washington still has one-half the volume of its original forests, but some of what remains is in national parks, some is otherwise inaccessible, some is of the less valuable species. It now has only 22 private saw-timber holdings that, at present rate of cutting, can last more than a decade. There is urgent need to stop uneconomic liquidation of our forest resources, and there is both need and opportunity to establish a sound and permanent forest economy. We must meet war requirements. That does not mean destructive cutting.

LOGGED-OFF LANDS

Already the State of Oregon, as well as neighboring States, has many thousands of acres of worthless, nontaxable, logged-off lands, deeded to the State by the helpless counties which were obliged to take them over when the timber companies finished. For 20 years or more Oregon legislative sessions have grappled unsuccessfully with the problems of logged-off lands. These remain an eyesore and they cry out to the passer-by the terrible story of depredation and political corruption by absentee timber owners.

Virtually, Oregonians of the next generation have been robbed to fill the treasuries of the great companies, moving to our virgin forests through roads and pathways of destruction, extending across this country from Maine through Wisconsin and Michigan and the Southern States to the last great timber stand in the Pacific Northwest. Here they have found little hindrance in legislative halls. Throughout all this terrible journey they have left a trail of valueless lands which are not only blights on the landscape but fire menaces and financially destructive because so many thousands of acres have been taken from the tax rolls.

I have for years asserted that growing trees should not be taxed, the tax being levied when the crop is harvested and the timber is moved into the channels of commerce. This would have saved ruthless cutting in order to avoid taxes. It would also have prevented county manipulation by timber-tax agents.

These logged-off lands grew a timber crop. Many of them will not grow any other crop. Recognition of this fact is fundamental in dealing with the problem. The talk after the last war about putting the soldiers on the logged-off lands of Oregon, expecting them to work farm values into waste timberlands, was an imposition upon those soldiers and upon the intelligence of Oregon citizens. Some timberlands can be made into farms, but most of them must remain timberlands or waste lands.

HOW DID IT HAPPEN?

If our next generation shoulders this almost impossible burden and comes to the full realization of its meaning and cost, it will ask, "Why was this allowed by State and Nation to come to pass?" The Nation has a stake in all forests, not only because of industry and the Nation-wide need of forest products like lumber and its byproducts made possible by research but because it needs the moisture and natural conditions resultant from forest growth. Every tree cut in a forest is a direct concern, not only of the people of the State but of all the people of this Nation. The natural resources belong to the Nation as a whole. Our unfortunate situation is due to the fact that we depended upon State regulation and the private owners.

STATE REGULATION IN OREGON

The Oregon State Board of Forestry, established some years ago, has had intervals of competent leadership and has done some valuable work, especially in fire prevention and protection and in stimulating public interest. It has, however, utterly failed to protect the forests of Oregon from plundering by absentee and local owners, and it has also utterly failed to carry out a practical reforestation program. Actually, the Board was established in Oregon, as in some other States, after the absentee companies had completely secured control of the timberlands and of the legislative and political organization of the State.

The Board was established for the purpose of warding off protective legislation until the dreadful wreckage could be accomplished. It was intended to lull the people into acquiescence in the evil program, making them think that the Board would protect Oregon timberlands. This legislation was devised and controlled by the private timber interests, local and absentee, and the Board always has been under their domination. Those interests select candidates for the Oregon Legislature, and they see that they are elected. They select candidates for State office, and they see that they are elected. They select candidates for Congress, and they see that they are elected.

The Oregon Blue Book carries an impressive list of forest agencies—the Board of Forest Conservation, the Forestry Research Advisory Committee, the State Board of Forestry, and the State Forester. The duty of the State Board of Forestry is "to supervise all matters of forest policy and management under the jurisdiction of the State * * * and to direct the administration of the Oregon Forest Conservation Act." The Board is not wholly appointive nor is it elective, except by private interests. Its composition is based upon one of the most questionable and unfortunate and politically ingenious of governmental practices, tying the hands of a responsible executive. The law sugarcoats the pill by giving Board membership to the Governor, the dean of the school of forestry of Oregon State College, and a member selected by the Oregon State Grange, along with members from other associations. The Governor, presumably, has seven appointees but some must be selected from certain groups entirely subservient to the absentee timber owners, upon recommendation of their respective organizations. There is nothing satisfactory to be expected from such a set-up.

State regulation has failed to protect the forests of every State in this Union, even in the few States that have regulation laws. I must explain why I, an opponent of Federal centralization and dollar matching, take this opposite stand on forestry. In a moment I shall advance the arguments for Federal regulation.

Future citizens will ask why nothing was done by Federal agencies to protect the timber resources after it was entirely clear that State agencies had failed. Why did the Federal Government allow this to happen? What is the responsibility of the Federal Forest Service? How much of Oregon is in the Federal Forest? How much influence can the Federal Forest Service exert upon the forest policy of the State because of Government ownership of these extensive timbered areas? Every intelligent Oregonian should learn the answers to these questions. It is futile now to discuss what could have been done, but it is very important to discuss what can yet be done to protect our forests.

SOME OREGON FOREST INCIDENTS

I digress in order to illustrate by a few facts the general statements I have made. The magnificent forests of the State of Oregon are largely in private hands, though the Federal Government owns and controls thousands of acres of forest land for sale or exchange when ripe timber is to be cut. The so-called Oregon State Forest consists largely of logged-off lands. Oregon offers one of the most hopeful and unique experiments in the Nation in its Prineville area in Crook County and in Harney County. Here

the timber industry has been put on the road to permanence, and this hope of permanence has resulted in building up fine, hopeful communities. This assurance is based upon cooperative forest practices under Federal control, with selective cutting on a sustained-yield basis. This is more fully described in the comments on the Prineville and Burns units which follow.

In 1937 Chief Forester F. A. Silcox, speaking before a congressional committee, cited the city of Bend, Oregon, as an illustration of the interrelation of timber resources and community economic life. He was explaining the meaning of the sustained-yield plan and his desire to aid the whole lumber industry to get into production on that basis of utilization of the trees as crops. Briefly, Mr. Silcox was said to have declared that the two great mills operating at Bend, if continuing their established rate of cutting would use up the lumber supply in 15 years. He said that at a lesser rate and with proper reforestation, they could continue indefinitely. He pictured a ghost town under the cut-out and get-out plan in contrast with the possibilities of a permanent industry under selective cutting. There were headings in local papers, "Bend faces ruin," and the statement was much resented locally. The facts are that such mills are constantly abandoning towns and moving back to more remote timber, taking all the population and the post office with the operating unit.

Just recently the company forester for the largest company operating in Klamath County, Oregon, is reported by the local press to have stated to a luncheon club that—

> There is sufficient present and potential timber supply in Klamath County to provide raw materials for mills of this area for 17 years on the basis of a normal yearly cut. He explained that this cut of 500,000,000 feet a year is considerably less than the present wartime production volume which is so rapidly depleting our forests.

He added:

> The present rate of about 800,000,000 feet a year will probably not be maintained for long.

This paints the picture: A vanishing industry, a vanishing city, unemployment, a desolated and ruined country. What is the incentive to establish a permanent home or business under a 17-year lease on life?

Turn to another section of Oregon, not in my district, and review the results of one of the greatest forest fires of all time—the Tillamook burn—which destroyed more than 10,000,000,000 feet of lumber. The fire started from a spark caused by the friction of drawing a log over a dry cedar deadfall. The State forester had ordered operations to close down because of low humidity. One timber company continued operation and caused this widespread destruction, covering 400 square miles of western Oregon. No amount of Government appropriation for forest-fire protection will bring results unless there is proper control of operations.

I cannot refrain from mentioning one other illustration of the wastefulness of private operations in Oregon's forests. A logging company from Wisconsin concluded operations in Marion County 2 or 3 years ago, and it was widely reported through the press that they had been cutting in that forest for 25 years and had left just 25,000 denuded acres for the State to rehabilitate. What did the State profit during those 25 years? Practically nothing, except a very conservative tax on the standing timber. Every person knows that it is the custom of these companies to maintain so-called tax attorneys who appear before county courts and State legislatures to beat down the company taxes and to oppose all public improvements which would require tax levies on company property. Through such practices these companies actually deter community progress. Their one aim is quick profit. The State has not properly safeguarded its interests.

ONLY FEDERAL REGULATION CAN SUCCEED

Private timber owners maintain that forest regulation should be the prerogative of the States and that the Federal Government should contribute financial aid only under the principles which have been followed in cooperative forest fire protection. We must consider all forest lands as a unit for purposes of protection and preservation. Included in any plan must be national, State, and private lands. Fires jump all boundaries.

There is no evidence that the States can function effectively. At present five States have laws dealing with forest practices, but some of the requirements are either meaningless or unsound, and in no case has enforcement been seriously attempted. Many of the States admit their inability adequately to finance the protection of forests even from fire. There is no justification for leaving in the hands of local politicians the equally important matter of protecting the forests from destructive cutting.

I am entirely convinced from my first-hand experience as ex-officio member of the Oregon State Board of Forestry that State forest regulation will not work, except in the interests of the timber owners. It will not institute proper reforestation and it will not assure sustained-yield practices of selective cutting. I would not abolish the State Board of Forestry, but I would give the Governor a free hand in selecting it, and I would compel cooperation with the Federal Forest Service.

The State governments are much more subject to political influences than is the Federal Government. This is especially dangerous in States where the forest industries constitute a dominant part of the economy. It is easy to understand the difficulties of obtaining or enforcing really effective regulation in the public interest through State officials who have often become little more than servants of the intrenched industries. The break-down of State control of the petroleum industry and of the private utilities, shows that only the Federal Government is able effectively to regulate natural resources.

The problem is national in scope and must be worked out in all States according to a coordinated plan. If left to the States, effective action in one State or region could be nullified by continuation of destructive competition elsewhere.

The forests are so vital to the everyday life of people in all sections of the country that measures to assure a continued supply of forest products at reasonable prices cannot be left to the uncertainty of State politics. The people of the treeless plains are vitally interested in conservation in the forested regions because they will be among the first to suffer should lumber and other wood products become scarce and high-priced. Preservation of watershed and recreational values on the national forests may be jeopardized if continued depletion of private forests is allowed to increase the pressure for lumber and other forest products from the national forests.

The Federal Government must concern itself with forest regulation because of its far-reaching influence on social security, the primary responsibility for which has devolved upon the Federal Government. The success of the social security program is inextricably tied up with the stability of industry and employment, and maintenance of homes. Continued forest destruction will throw a large burden upon the Federal Government for relief and resettlement. The problem of floating populations growing out of disruption of the economic life of rural communities is definitely one which transcends State lines.

Failure of the States to act will minimize Federal efforts in the management of the national forests which are widespread throughout the country. The situation in eastern Oregon shows clearly how limited may be the contribution of the national forests to the support of local communities when adjacent private lands are stripped and rendered nonproductive.

Finally, the Federal Government is now making a large contribution to the protection of private forest lands from fire, insects, and disease. A proposal is now before Congress to increase Federal appropriations for this purpose. It is no more than normal prudence, in the light of past experience, for the Federal Government to safeguard the investment which it has already made. It should condition expansion of its aid to private forest-land owners by requiring that the productivity of their lands be maintained by proper cutting practices.

Ex-Gov. Gifford Pinchot, of Pennsylvania, who has inspired so much of the Federal forest-conservation program, recently appealed to the country for immediate Federal control over all private timberlands and private forest operations, saying that present forestry methods are so destructive that only the Federal Government can provide the legislation that will bring about a change. This must be apparent to every interested conservationist who has kept himself informed on wartime timber operations.

Mr. Pinchot takes the position that the forest can meet the war demands without ruination if the Federal Government is allowed to require forest practices

which are not destructive. The Timbermen's Associations and the Oregon State Board of Forestry have attacked Governor Pinchot most bitterly on this issue. They admit that they have been drawing upon their capital forest resources, but they demand free enterprise. No State alone can meet such an onslaught.

ENTRENCHED INTERESTS OPPOSE FEDERAL REGULATION

Opposition to Federal regulation comes primarily from forest products industries and from the State boards. Without reflection on the sincerity or integrity of an entire industrial group, and State boards as well, it can be stated that it is an historical fact that entrenched interests frequently combat social progress. It is to be expected that the rugged individualism of the pioneer lumber industry would champion unrestricted "free enterprise" and oppose regulation in any form. Some successful timbermen cut on the Federal holdings and cooperate fully with the selective cutting plans.

The most active opposition to Federal regulation is displayed by the paid representatives of organized industry, who use the issue to bolster their jobs and justify larger support for their associations. Calls from such paid representatives for opposition on specific issues have not always been supported nor approved by the associations. This happens with all professional lobbies practicing in State capitals or in Washington, D. C.

Stimulated by their paid representatives, the timber industries have recently voiced ill-considered opposition to a proposal jointly sponsored by the War Production Board and the Department of Agriculture for the establishment of an emergency forest products service to facilitate production of lumber and other forest products for war use. This opposition is based on fear that the plan might involve some control of cutting practices and Government competition. Thus it appears that the organized industry, in its anxiety to ward off any encroachment on its special privileges, will even stoop to fighting a measure to alleviate a critical war situation.

The associations are generally dominated by the larger producers. Many operators do not appreciate how vital to their own interest, and that of their industry, is assurance of an adequate future supply of raw material. Many have been misled by the complacency of their leaders as to the trend of forest depletion.

Forest regulation aims to maintain the productivity of all forest lands. It implies an economy of abundance with forest products readily available at reasonable prices in all parts of the country. But entrenched private industry, more concerned with profits than with public welfare and the prosperity of forest communities, prefers scarcity and high prices.

The strongest opposition to Federal regulation is coming from the largest operator in the country, even though this company has adopted a forestry program for most of its holdings and, on these operations, is already meeting the standards of forest practices which would be required under regulatory legislation.

Most timber-industry spokesmen, while opposing Federal regulation, indicate a willingness to accept State regulation. This is probably because they believe they can influence or control State agencies.

DEMAND MORE FEDERAL FIRE PROTECTION FUNDS

I see the hand of the trade associations in the present active campaign to force enactment of the bill authorizing greatly increased Federal contributions for cooperative forest fire protection. No one questions the need for strengthening fire protection, but it deals with only one phase of the forestry problem for the solution of which the Joint Congressional Committee on Forestry recommended comprehensive legislation, including regulation of cutting practices.

It is significant that the campaign for immediate enactment of the forest fire protection amendment did not become articulate until public regulation became a distinct possibiltiy. It does not take much clairvoyance to discern that the current zeal for increased fire protection is one way to make regulation more difficult to obtain. It would deprive the public of the bargaining power inherent in expansion of financial aid to private owners.

THE JOINT COMMITTEE ON FORESTRY

In compliance with a message from the President on March 14, 1938, the Congress provided for a Joint Committee on Forestry, made up of Members of the House and Senate.

The joint committee was authorized and directed—

To study and make investigation of the present and prospective situation with respect to the forest land of the United States, its condition, ownership, and management, as it affects a balanced timber budget, watershed protection, flood control, and other commodities and social economic benefits which may be derived from such land.

I was an intensely interested member of that committee. I attended the hearings held in every section of the country. The committee heard testimony of representatives of the public, of forest and allied industries, of timbermen and lumber companies, of farmers, of labor and of State and county officials. These hearings, available in print, gave startling testimony of the need of Federal legislation to preserve the forests. The Report, issued in 1941, is brief, pregnant with interest, and informative. It should be read by every citizen who desires to help to protect our forest resources. I want to call attention to the fact that representatives of the United States Department of Agriculture and of the Federal Forest Service appeared before our joint committee and gave information and help whenever requested, without seeking to impose their views upon Members. When officially testifying they unqualifiedly recommended public regulation of forest practices on private lands throughout the entire United States.

The committee was especially impressed with the knowledge and sincerity of Acting Chief of the Forest Service, Mr. Earle H. Clapp.

It was expected that legislation would be the immediate outcome of this study and investigation. The committee, after many compromises, finally agreed upon a bill which was introduced by the chairman. The bill has never come before the Congress for action nor have hearings been held on it.

Since the need for Federal forest legislation is so clearly apparent, it will be asked why there has been no legislation enacted, carrying out the recommendations of the joint committee. We were at the very point of action when the war began and men's minds were turned to other urgent matters. I interviewed the President on my forest bills the very day Holland fell. Since that time, major forest legislation, necessitating hearings on the bills, has been held in abeyance. There should be legislation early in the next Congress because of the destructiveness of war-time cutting and the pressing demands of the big timber companies for more Federal money and less Federal control.

PIERCE FOREST BILLS

Believing that the situation was critical and might not be fully covered by committee bills, I introduced a series of bills which are still pending and which I consider important. Together they offer a strong conservation program.

H. R. 615, intended to preserve, through management on a sustained yield basis, privately owned timber tracts which were being forced into premature and wasteful liquidation under pressure of taxes and carrying charges. The war demand for timber makes this now less pressing.

H. R. 3458 is a bill setting up a forest-credit bank under the Farm Credit Administration. Its purpose is to provide Government credit for timber owners who are willing to manage their forests in the interests of permanent production.

H. R. 3849 and H. R. 3850 provide for Nation-wide regulation of cutting, and certain other practices on privately owned forest land in the United States. Both of these bills have the same objective: To prevent destructive liquidation of the Nation's forest resources and to insure the permanent productivity of our forest land. One of the two bills, H. R. 3850, provides for the establishment of systems of forest regulation by the several States, with the Federal Government sharing the cost of enforcement and carrying out direct enforcement measures only when the States fail to set up a satisfactory system of forest perpetuation. The other bill, H. R. 3849, calls for direct administration of forest regulations by the United States. I urge Congress to enact this measure calling for direct Federal action in preference to the State-option plan.

I hope my colleagues who remain here will find the same features in other bills before the Seventy-eighth Congress, and that they will support them, remembering the plea for preservation of the magnificent forests of the Pacific Northwest.

CUTTING CIRCLES IN THE SECOND OREGON DISTRICT

I have made a careful survey of six cutting circles in my district. The result

is important not only to the State of Oregon and the cities in the circles but to the entire Nation. Forest conservationists may well study the forest situation in the high plateaus of eastern Oregon.

KLAMATH FALLS UNIT

In 1920 the city of Klamath Falls itself had a population of 4,800 and was principally a center of livestock raising. By 1930 large-scale development of the lumber industry, followed by agriculture, had pushed the population up to 16,000, where it remained in 1940. This is about 40 percent of the total number of people in the county. The lumber industry in the unit now has an annual pay roll well over $8,000,000. It employs close to 6,000 people and directly supports more than 15,000.

Cutting on private lands, until recent years, has been generally destructive. Some 400,000 acres have been stripped. Of these, 140,000 are not satisfactorily restocked, and little saw timber can be obtained from the rest for more than 100 years. Of the 17,000,000,000 feet of pine remaining, about 35 percent is in private ownership, only 25 percent in national forests, and the balance on Indian lands. Insect losses have been heavy in recent years, amounting to 150,000,000 board feet, or about two-thirds of the growth annually.

Light cutting, needed to keep the lands productive, would reduce these losses by removing the most susceptible trees and leaving the thrifty timber for future operations. Selective cutting also permits fuller utilization of beetle-killed trees by getting over the entire area more rapidly and reducing the period during which trees most likely to be killed by beetles are exposed to attack.

The Weyerhaeuser Lumber Co., which owns about 70 percent of the private timber, is experimenting with very light cuttings, taking only 20 percent of the volume, as a means of reducing and salvaging insect losses. In its regular cuttings this company is also trying out a practice of leaving about 20 percent of the original volume as residual stand. The Forest Service sells stumpage only to those who agree to cut an equal area of private land selectively and is offering to accept such selectively cut land in exchange for national-forest stumpage.

Lumber output for 1941 was about 750,000,000 board feet. But at the present rate of cutting, not more than 5 of the 14 mills producing more than 10,000,000 feet yearly will be in existence 10 years from now. Only 1 has reasonable assurance of more than 25 years. A spokesman for the Weyerhaeuser Lumber Co., in a statement reported in the press early this year, said that the available timber supply could not maintain the mills of this area for more than 17 years. This outlook should be a matter of serious concern to the county.

For the first cutting cycle the national forests can supply an annual cut of about 50,000,000 board feet. It is understood that the Indian Service will offer timber at the rate of 150,000,000 feet per year. Thus, looking ahead about 20 years as things are going now, most of the privately owned timber will be liquidated and operations will have to be curtailed to about 200,000,000 board feet annually. The pay roll of the lumber industry in Klamath County will then be reduced from 6,000 to 1,700 people and the total number obtaining their livelihood indirectly from this industry would shrink proportionally.

The situation could be materially helped by Federal legislation that would permit pooling of private and public timber for unified sustained yield management. But while this would stabilize operations for the more distant future, there is now no way of avoiding a drastic reduction of forest industry in this county in the years immediately following the war.

LAKEVIEW UNIT

The Lakeview unit, occupying the southwestern portion of Lake County, has 4,000,000,000 board feet of saw timber, of which three and one-half billion are pine. Three-fourths is on national forest. Insect losses during the past 20 years have exceeded the rate of growth.

By contrast with other units of eastern Oregon, none of the private owners are operating mills in the unit. About two-fifths of the private pine stumpage belongs to the Weyerhaeuser Lumber Co. and may be logged to the company's mill at Klamath Falls. The other owners are selling stumpage to small mills, seven of which are operating in the unit without regard for future productivity. Output for 1941 reached 130,000,000 board feet, an increase of 85 percent above the prewar level.

At the present rate practically all of the operable private timber outside of the Weyerhaeuser holdings will be exhausted in 3 to 4 years. Thus, unless the Weyerhaeuser timber is manufactured at Lakeview, industrial activity in the unit will soon have to be limited to the sustained yield capacity of the national forest. For the next 35 to 40 years the national forest can support a cut of about 38,000,000 board feet per year. This is only about a third of the present output of the entire unit. It means that the number of workers in the forest industries of Lakeview would be reduced from 1,000 to 350, and that a pay roll of $1,500,000 would drop to $500,000, with inescapable repercussions on social and economic conditions in the county.

In order to stabilize the local community at the best possible level for the future, the Forest Service is encouraging selective cutting on private lands by offering to accept such lands and the residual timber upon them in exchange for an equivalent value of national forest timber.

BEND UNIT

Lumber production in the Bend unit has been far in excess of the sustained yield capacity for many years. Drastic curtailment of output, within 10 to 15 years, is unavoidable. This may well prove disastrous to Bend, which is primarily dependent upon the lumber industry.

Indiscriminate cutting and fires have left 100,000 acres of land in need of planting. Another 270,000 acres of cut-over land now restocked with seedlings will not produce any appreciable amount of commercial timber for more than 100 years. Two large owners who had recently applied selective cutting to some of their lands, have now gone back to almost complete liquidation.

Almost 70 percent of the 11,700,000,000 board feet of remaining sawtimber is on the national forest. The sustained yield capacity of the unit, considering only the pines, is 142,000,000 board feet annually and 82,000,000 of this would come from national forest land.

Against this, seven large mills and a few small ones cut 405,000,000 board feet of lumber in 1941, an output 60 percent above the average for 1936–39. If industry is to be maintained at a level higher than the 82,000,000 board feet sustained yield capacity of the national forests, the privately owned lands must be kept productive.

Most of the private lands are in four large ownerships. As has been indicated above, only public regulation can prevent destructive cutting on them. But even public regulation will not give assurance that production can be stabilized at a relatively high level. Public acquisition of one large nonoperating holding, the exploitation of which is fortunately being given technical guidance, would add to the security of the community. Cooperative agreement for selective cutting and later exchange of other private land for national forest stumpage would further strengthen the situation. But neither purchase nor exchange can postpone for long the inevitable readjustment.

The social and economic structure which has been built without possibility of support for more than another decade or so is indicated by a doubling of the population of the city of Bend and of Deschutes County as a whole between 1920 and 1940. The lumber industry provides 40 to 50 percent of all the employment in Bend. A large part of the $5,000,000 pay roll now provided by the lumber industry in the unit as a whole will disappear as the mills close down.

Capital investments in the community will be wiped out. Assessed valuations will shrink so that the town and county will have difficulty maintaining schools and roads. The people and the State will have to pay dearly and long for the short-lived boom which has been stimulated by uncontrolled exploitation of the private timber.

BAKER UNIT

Baker County has a more diversified economy than most of the counties in eastern Oregon. The 2,000 people directly dependent upon its forest industries constitute no more than one-eighth of the total population.

These three large mills and a few small ones operating here cut 120,000,000 board feet of lumber in 1941. In contrast with other units, 1941 production was not much greater than that of previous years.

Inasmuch as the rate of cutting largely in private timber is more than two and one-half times the sustained-yield capacity and exploitation has been under way for several decades, a curtailment of at least 50 percent must be made soon after the war is over.

Only about 3,000,000,000 board feet of pine, three-quarters of which is on national forest land, is considered operable during the present cutting cycle. Except for a few properties, private ownership is no longer important. The holdings of the Oregon Lumber Co., aggregating some 44,600 acres, are now under exchange agreement with the Government so that all cutting on them is being done under Forest Service supervision. Public control of the holdings of the Wallowa Timber Co. by purchase or exchange would be desirable for Baker. These holdings contain more than one-fourth of the remaining privately owned timber.

PRINEVILLE UNIT

Lumbering has become important in the Prineville unit only since 1937, but production has mounted steadily since that time. Two large mills and a number of small ones manufactured 135,000,000 board feet of lumber in 1941.

This industry now employs about 1,000 workers with an annual pay roll of $1,750,000. The total number of people dependent upon the industry is around 4,000. Population of Crook County increased 67 percent between 1930 and 1940. If the recent industrial development is to be anything more than a temporary boom leaving a "ghost town" and stranded population in its wake, a coordinated program of sustained-yield forest management must be worked out.

The available stand of ponderosa pine in the unit, amounting to 5,500,000,000 board feet, will provide a sustained yield of 74,000,000 board feet. This is little more than half the present rate of cutting.

Inasmuch as national forest timber constitutes only two-thirds of the total, it is evident that the private lands must be kept productive if annual output is to be kept at a level in excess of 50,000,000 board feet for long. At the present rate of cutting, all available privately owned ponderosa pine will be logged in 12 to 15 years.

About half of the private timber is held by two companies. One of them has entered into cooperative agreement with the United States Forest Service to cut selectively so as to keep its lands productive and to exchange intermingled lands for national forest stumpage. Other owners are not providing for the future.

If output of the unit is reduced to its sustained-yield capacity just as soon as the war is over, a permanent community can be maintained with lumber industry of about 1939 proportions. Public acquisition by purchase or exchange may be needed to bring some lands now in private ownership under adequate long-time management.

BURNS UNIT

The Burns unit is served by a single large mill with a capacity of 100,000,000 board feet annually, employing about 1,000 people. About 85 percent of the timber tributary to this mill is national forest. Although the capacity of this mill is larger than can be sustained beyond the first cutting cycle in this virgin timber, recent developments illustrate the possibilities of integrated management of public and private holdings for the lasting benefit of all concerned.

The available national forest timber justifies an annual cut of only 80,000,000 board feet. Intermingled, checkerboard fashion, with national forest land in the eastern portion of the unit lie some 75,000 acres of privately owned lands, originally a wagon-road grant, and now on the market. To assure an economic basis for industrial activity in the future it is highly important that productivity of these private lands be maintained by selective cutting. Thus, being interested in stabilizing the logging and milling industry centering at Burns, the Forest Service did not wish to open up that portion of the unit until control of the private timber could be established. Although ownership of this private land would facilitate the protection and administration of the national forest, purchase by the Government was not feasible.

The company operating at Burns needed this private timber to permit operating at capacity and also to preclude the establishment of another mill to compete for timber in the same territory, but it was not financially able to purchase this timber outright.

To meet all these circumstances, arrangements have been made whereby the operator of the Burns mill will buy the private timber progressively, cut it conservatively according to Forest Service marking rules, and use the cut-over land to acquire by exchange the national forest stumpage it needs currently.

Thus productivity of all the land will be maintained at a high level; the private and public timber will be operated as a unit with resultant economy; the public will block out ownership of a substantial area of national forest; the community and industry at Burns will achieve a degree of security which should be reflected in inestimable social and economic benefits. The readjustment which will be necessary after the first cutting cycle on this unit will be postponed longer and be much less drastic than that which is faced by the Bend unit in the not distant future.

THE USE OF THE FRANK

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOLLAND. Mr. Speaker, although I have been a Member of this House for only 6 months, I, too, have been impressed by the seriousness and the degree and the amount of work the Members of this House put into their jobs. Although some Members of the House and I may differ on economic problems, I respect our differences, because I believe they are honest. However, there is one thing that has worried me, and I think it has worried the public.

The terrible disclosures at the trial of George Hill and George Sylvester Viereck, wherein it was disclosed that the congressional frank had been used by the Nazi propagandist Viereck to send out, postage free, the propaganda which Viereck had caused to be placed in the CONGRESSIONAL RECORD, shocked every Member of this body. This, then, was notice to every Member that he should guard his frank and take every precaution that never again could the franking privilege be abused for any purpose.

I know of no other Member of the House, with the exception of the gentleman from Michigan [Mr. HOFFMAN], who disregarded this clear warning. I am informed that months after the Hill and Viereck disclosures and after we were at war, the gentleman from Michigan still persisted in lending the use of his frank. And this lending the use of his frank was not in some isolated instance. It was by the mail-sackful. Will the gentleman from Michigan deny that two mail-sackfuls of a speech delivered by him on the floor of this House, in which he called the President a Judas, was delivered to Mrs. Bethune in Washington and that the speeches in those mail sacks were enclosed in franked envelopes bearing the frank of the gentleman from Michigan? Will the gentleman from Michigan deny that he sent, or caused to be sent, 2,000 copies of this same speech to Charles B. Hudson, of Omaha, Nebr., who is now under indictment charged with conspiring to break down the morale of the armed forces?

Will the gentleman from Michigan deny that he sent 1,000 copies of this same speech to Gerald B. Winrod, of Wichita, Kans., another of the defendants in the same indictment?

Will the gentleman from Michigan deny that he sent 500 copies of the same speech to David Baxter, of San Bernardino, Calif., still another of the defendants in the same indictment?

What use did the gentleman from Michigan intend that these conspirators should make of his speech? Was it to be used in furtherance of their conspiracy to break down the morale of the armed forces of the United States at the time when we are at war and our boys are giving up their lives for the defense of our country?

None of these people whom I have mentioned are constituents of the gentleman from Michigan. Let him explain to this body what his interest was in sending his speech to these people. Let him explain to this body his unusual interest in the prosecution of an indictment which does not name him either as a defendant or a conspirator.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased; and

H. R. 6410. An act for the relief of Alex Gamble.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 357. An act to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation and utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort;

S. 1008. An act to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938;

S. 2268. An act to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty;

S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy;

S. 2619. An act to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments;

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes;

S. 2798. An act amending the first sentence of Article of War 52, relative to execution of court-martial sentences;

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a Silver Star to certain persons serving with the Army of the United States;

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit; and

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7162. An act to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935; and

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 39 minutes p. m.) the House, under the order previously made, adjourned until Monday, December 14, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will meet in open hearing on Tuesday, December 15, 1942, at 10:30 a. m., to consider the report made by the General Accounting Office on the Waterman Steamship Corporation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2031. A letter from the Acting Secretary of Agriculture, transmitting a draft of a proposed bill to amend the Packers and Stockyards Act, 1921, as amended, by adding provisions for fees and charges; to the Committee on Agriculture.

2032. A letter from the Acting Secretary of the Interior transmitting copy of legislation passed by the Municipal Council of St. Croix, V. I.; to the Committee on Insular Affairs.

2033. A letter from the Acting Secretary of the Interior, transmitting a copy of the legislation passed by the Municipal Council of St. Thomas and St. John, V. I.; to the Committee on Insular Affairs.

2034. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 24, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Paint Rock River, Ala., authorized by an act of Congress approved June 13, 1934, and by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

2035. A letter from the Secretary of War, transmitting a report showing each person commissioned in the Army of the United States without prior commissioned military service, for the period October 1, 1942, to November 30, 1942; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes; with amendment (Rept. No. 2715). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATTON: Committee on Accounts. House Resolution 584. Resolution to provide for the expenses of the Committee on the Civil Service; without amendment (Rept. No. 2716). Referred to the House Calendar.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2717. Report on the disposition of papers from certain Federal agencies. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2718. Report on the disposition of papers from certain Federal agencies. Ordered to be printed.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2719. Report on the disposition of papers from certain Federal agencies. Ordered to be printed.

Mr. SUTPHIN: Committee on Naval Affairs. H. R. 7844. A bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; with amendment (Rept. No. 2723). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUTPHIN: Committee on Naval Affairs. S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy; with amendment (Rept. No. 2724). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANGELL: Committee on the Territories. H. R. 7514. A bill to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii; without amendment (Rept. No. 2725). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURDICK: Committee on the Territories. H. R. 7463. A bill to withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian home lands required for use for airplane landing fields, and to amend sections 203 and 207 of title 2 of the Hawaiian Homes Commission Act, 1920, and for other purposes; without amendment (Rept. No. 2726). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Joint Resolution 363. Joint resolution providing for participation by the United States in the Emergency Advisory Committee for Political Defense, and authorizing an appropriation therefor; without amendment (Rept. No. 2728). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Joint Resolution 364. Joint resolution authorizing the appropriation of such sums as may be necessary to pay the proportionate share of the United States in the annual expenses of the Inter-American Financial and Economic Advisory Committee; without amendment (Rept. No. 2729). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7056. A bill for the relief of Joseph Nathaniel Gownder; with amendment (Rept. No. 2720). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 7828. A bill for the relief of John Sweeney; with amendment (Rept. No. 2721). Referred to the Committee of the Whole House.

Mr. BLOOM: Committee on Foreign Affairs. Senate Joint Resolution 140. Joint resolution granting permission to Hugh S. Cumming, surgeon general (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile; without amendment (Rept. No. 2727). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GEHRMANN:

H. R. 7855. A bill to amend section 3465 of the Internal Revenue Code, as amended, to exempt all members of the military or naval forces of the United States from taxes on the use of long-distance methods of communication; to the Committee on Ways and Means.

By Mr. RANDOLPH:

H. R. 7856. A bill to provide for the registration of births in the District of Columbia

that were not registered when said births occurred in said District; to the Committee on the District of Columbia.

By Mr. RICH:

H. J. Res. 367. Joint resolution proposing an amendment to the Constitution of the United States providing for a term of 4 years for Representatives in Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the Republic of Cuba memorializing the President and the Congress of the United States relative to continental solidarity and of the interchange which should be maintained between the legislators of the Americas; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD:

H. R. 7857. A bill granting an increase of pension to Garrett Williamson; to the Committee on Invalid Pensions.

By Mr. RANDOLPH:

H. R. 7858. A bill to permit naturalization of Mrs. Susie Demeter; to the Committee on Immigration and Naturalization.

By Mr. VAN ZANDT:

H. R. 7859. A bill granting an increase of pension to Mrs. Mary E. Robison; to the Committee on Invalid Pensions.

H. R. 7860. A bill for the relief of Dr. and Mrs. Richard Stever; to the Committee on Claims.

By Mr. MEYER of Maryland:

H. R. 7861. A bill for the relief of Delores Lewis; to the Committee on Claims.

H. R. 7862. A bill for the relief of Mrs. Mildred B. Hampton; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3485. By Mr. LECOMPTE: Petition of members of the First Methodist Church of Colfax, Iowa, petitioning Congress to prohibit the sale and dispensing of intoxicating liquor in the Army and in areas adjacent to Army camps in this country; to the Committee on Military Affairs.

3486. By Mr. SMITH of Wisconsin: Petition of Bernard J. Smith and others, of Kenosha, Wis.; to the Committee on Military Affairs.

3487. Also, petition of Leo P. Heinisch, of Racine, Wis.; to the Committee on Banking and Currency.

3488. By Mr. TENEROWICZ: Resolution of the Common Council of the City of Hamtramck, Mich., urging the President of the United States and the Congressmen of the State of Michigan to do everything possible to postpone the gas-rationing program at least for the time being; to the Committee on Banking and Currency.

SENATE

FRIDAY, DECEMBER 11, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of Love, with contrite hearts, turning from earth's vain pomp and show we would come again to a rude manger where lies a Little Child. Purge our spirits, we beseech Thee, from the bitterness and the blight of cynicism which the gray years have brought. May the Love that came down at Christmas give us fresh hope that we may find again our own lost child heart. May we enter that radiant realm whose law is love, to which a hate-wrecked world turns once more so eagerly and wistfully to hear the angels sing. Grant us, in all our attitudes toward our fellow men of every color and kindred, a love that is very kind, that knows no jealousy; a love that makes no parade, gives itself no airs, is never rude, never selfish, never resentful; a love that is never glad when others go wrong but is gladdened by goodness; a love always slow to expose, always eager to believe the best, always hopeful, always patient. We ask it in the name of love's Best Love, the Crystal Christ. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Monday, December 7, and Tuesday, December 8, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate, by Mr. Miller, one of his secretaries, who also announced that the President had approved and signed the following acts:

On December 8, 1942:

S. 1099. An act for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris;

S. 1334. An act for the relief of Anthony Famiglietti;

S. 2363. An act for the relief of Percy Ray Greer, a minor;

S. 2593. An act to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the Administration Building, Naval Operating Base, Norfolk, Va., on January 26, 1941;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatrice Milan Vda. de Vazquez;

S. 2705. An act for the relief of Camilla C. Moore;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear; and

S. 2741. An act for the relief of Charles E. Naghel.

On December 9, 1942:

S. 2317. An act for the relief of Lillian LaBauve Linney.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes";

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy; and

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations.

The message also announced that the House had passed the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7575) to expedite the prosecution of war, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes";

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H. R. 7785. An act to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States or of the Naval Intelligence Service of the Navy of the United States to administer oaths in certain cases;

H. R. 7826. An act to authorize the sale or transfer of property belonging to the Government for other purposes;

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; and

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 357. An act to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation, and

utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort;

S. 1008. An act to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938;

S. 2268. An act to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty;

S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy;

S. 2619. An act to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments;

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes;

S. 2798. An act amending the first sentence of Article of War 52, relative to execution of court-martial sentences;

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a Silver Star to certain persons serving with the Army of the United States;

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit;

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same;

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased; and

H. R. 6410. An act for the relief of Alex Gamble.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON CALENDAR

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated:

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes"; and

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama; to the Committee on the Judiciary.

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act; to the Committee on Civil Service.

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania; to the Committee on Claims.

H. R. 7785. An act to authorize and empower officers, agents, special agents, or duly accredited representatives of the Counter-Intelligence Corps or Military Intelligence Division of the Army of the United States or of the Naval Intelligence Service of the Navy of the United States to administer oaths in certain cases; to the Committee on Military Affairs.

H. R. 7826. An act to authorize the sale or transfer of property belonging to the Government for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public, 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; to the calendar.

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942; to the Committee on Finance.

CREDENTIALS

Mr. GURNEY presented the credentials of HARLAN J. BUSHFIELD, duly chosen by the qualified electors of the State of South Dakota a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF SOUTH DAKOTA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, HARLAN J. BUSHFIELD was duly chosen by the qualified electors of the State of South Dakota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota.

Done at Pierre, the Capital, this 3d day of December, in the year of our Lord 1942.

By the Governor:

HARLAN J. BUSHFIELD,
[SEAL] OLIVE A. RINGSRUD,
Secretary of State.

Mr. McNARY presented the credentials of JOHN THOMAS, duly chosen by the qualified electors of the State of Idaho a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF IDAHO,
DEPARTMENT OF STATE.

CERTIFICATE OF ELECTION

To All to Whom These Presents Shall Come, Greeting:

Whereas the State Board of Canvassers of the State of Idaho, in obedience to the provisions of section 33–1204 of the Idaho Code, Annotated, has found, certified, and declared that a canvass of the abstract of votes cast at the general election held in the State of Idaho on the 3d day of November 1942, shows that JOHN THOMAS, of Gooding, Idaho, has received the greatest number of legal votes cast for the office of United States Senator.

Now, therefore, I, George H. Curtis, Secretary of State of the State of Idaho, do hereby declare and certify that said JOHN THOMAS of Gooding, Idaho, has been duly and regularly elected to the office of United States Senator for the term beginning January 4, 1943, and is entitled to all the rights, honors, and privileges pertaining thereto.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this 4th day of December, in the year of our Lord 1942, and of the independence of the United States, the one hundred and sixty-seventh.

[SEAL] GEO. H. CURTIS,
Secretary of State.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF PERSONS COMMISSIONED IN THE ARMY

A letter from the Secretary of War, transmitting, pursuant to law, a report showing the name, age, legal residence, rank, branch of the service, with special qualifications therefor, of each person commissioned in the Army of the United States without prior commissioned military service, for the period October 1, to November 30, 1942 (with an accompanying report); to the Committee on Military Affairs.

LEGISLATION ENACTED BY MUNICIPAL COUNCILS OF VIRGIN ISLANDS

Two letters from the Acting Secretary of the Interior, transmitting copies of legislation passed by the Municipal Councils of St. Croix and of St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

REPORT OF RECONSTRUCTION FINANCE CORPORATION RELATING TO WAR EFFORT

A letter from the Secretary of Commerce, transmitting a report of the activities of the Reconstruction Finance Corporation and its subsidiaries in connection with the war up to October 31, 1942 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF COURT OF CLAIMS ON CASES DISMISSED

A letter from the Assistant Clerk of the Court of Claims of the United States, transmitting, pursuant to law, a report on certain cases against the United States (referred to the court by Senate resolution dated November 10, 1941) which were dismissed in open court on defendant's motion; to the Committee on Claims.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Association of Women Graduates of the University of Puerto Rico, San Juan, P. R., favoring granting by Congress of the right to the people of Puerto Rico to decide, as soon as world conditions may permit, the form of government which shall obtain in Puerto Rico, which was referred to the Committee on Territories and Insular Affairs.

COMPENSATION OF CIVIL SERVICE EMPLOYEES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Civil Service a letter which I received from L. B. Hildenbrand, 718 Maytide Street, Pittsburgh, Pa., with reference to a bill, now pending, proposing to increase the pay of civil-service employees.

I trust the committee will consider the statements made by Mr. Hildenbrand and will take prompt action, so that a proper bill may be passed and become a law before the Christmas holidays.

There being no objection, the letter was referred to the Committee on Civil Service and ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA.,
December 8, 1942.

The Honorable JAMES A. DAVIS,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: According to press reports, the Senate Civil Service Committee has approved a bill providing for a 15-percent raise to civil-service employees paid from $2,100 to $2,900 per year, also a 20-percent raise for employees receiving up to $2,100 per year. This bill also provides for a 48-hour week basis and the abolition of the 40-hour week.

Exercising my civilian rights as a free American citizen, I desire to protest vigorously about this bill. I cannot understand why the present administration, which is so lenient and generous to the employees of private concerns, permits sweatshop hours and sweatshop wages to prevail among Federal employees.

This, as you can see, is no increase in pay at all, as the average employee would have to work 4 more days per month to receive approximately $25 more per month. I strongly urge the enactment of a measure that will provide for a 20-percent increase in wages, based on a 40-hour week, which will offset the 20-percent increase in the cost of living, and also time and one-half for all hours worked in excess of the basic 40-hour week. This measure should have "teeth" in it, so as to stop any bureaulstic Hitler from refusing to pay overtime or to compel the Federal employees to falsify their time reports. This should carry a penalty of fine and imprisonment, the same as the Federal wage-and-hour law requires. Pay should also be received for time spent in traveling from official headquarters to post of duty. As an example: Leave Erie at 5:30 p. m., arrive Pittsburgh at 10 p. m., 4½ hours for nothing.

I would like to have a copy of this letter given to the Senate Civil Service Committee and, indeed, would also like to have it read on the floor of the Senate, as you no doubt will agree that this is not more than our just due. Why should Federal employees suffer and be the goat, when billions of dollars are being freely given to other countries; and you know as well as I do that we will never get a cent of it back.

I do not object to long hours to assist the war effort; indeed, I work some weeks 60 to 70 hours, but do expect some reasonable compensation.

With kindest personal regards, I beg to remain,

Yours very respectfully,

L. B. HILDENBRAND.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARKLEY, from the Committee on Banking and Currency:

H. R. 7695. A bill to aid in preventing inflation, to stabilize the rents of real property, and for other purposes; with an amendment (Rept. No. 1840).

By Mr. BROWN, from the Committee on Claims:

S. 2610. A bill for the relief of Richard Barker; with an amendment (Rept. No. 1833); and

H. R. 4741. A bill for the relief of the Midwest Oil Co.; without amendment (Rept. No. 1834).

By Mr. TUNNELL, from the Committee on Claims:

H. R. 2894. A bill for the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehnl, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler, and Mary Chisholm; without amendment (Rept. No. 1835).

By Mr. SPENCER, from the Committee on Claims:

S. 2176. A bill for the relief of the heirs of John J. Shields; without amendment (Rept. No. 1836);

H. R. 4918. A bill for the relief of Anna J. Krogoll; with an amendment (Rept. No. 1837); and

H. R. 6510. A bill for the relief of L. H. Miller; without amendment (Rept. No. 1838).

By Mr. BROOKS, from the Committee on Claims:

S. 1214. A bill to provide for the payment of the claim of John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs; without amendment.

By Mr. ELLENDER, from the Committee on Claims:

H. R. 7650. A bill for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania; without amendment (Rept. No. 1839).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

H. R. 5861. A bill to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy; with an amendment (Rept. No. 1841); and

H. R. 7191. A bill to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington; without amendment (Rept. No. 1842).

By Mr. McCARRAN, from the Committee on Public Lands and Surveys:

S. 2915. A bill relating to the administration of grazing districts; without amendment (Rept. No. 1843); and

H. R. 6671. A bill to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey; with an amendment (Rept. No. 1844).

By Mr. RUSSELL, from the Committee on Immigration:

S. 2881. A bill for the relief of John Sweeney; with an amendment (Rept. No. 1845).

GASOLINE RATIONING AND FUEL OIL SITUATION—REPORT OF SPECIAL COMMITTEE INVESTIGATING THE NATIONAL DEFENSE PROGRAM (PT. 13 OF REPT. NO. 480)

Mr. TRUMAN. Mr. President, I ask unanimous consent to submit a report from the Special Committee Investigating the National Defense Program, of which I am chairman, and to have inserted at this point in the RECORD as a part of my remarks a summary and general discussion of the report, and I should like to have the report and the summary printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The summary and statement of the report submitted by Mr. TRUMAN is as follows:

For several years the increasingly frequent showers of increasingly complicated questionnaires have been driving small businessmen to despair and larger concerns to the creation of increasingly complicated organizations devoted solely to the preparation of governmental forms.

Into this scene there now comes the proposal to restrict by formula the supplies of oil products to millions of Americans everywhere.

The farmer with a small truck working 12 hours a day to keep body and soul together and to contribute perhaps in some small measure to the war effort finds himself suddenly obliged to digest a 32-page pamphlet of instructions and to fill out an elaborate questionnaire requiring detailed data on activities long past from entirely nonexistent records.

The practical experience of men of intelligence and integrity familiar with the problem of the small farmer and truck operator should have been called to the council table in far greater degree when determining how to proceed.

Sharing confidences with the Congress as representative of the country would have insured something of that measure of public understanding and confidence that is vital in a republic where widespread cooperation is essential to the success of any rationing program.

Lack of confidence between business and government wherever it arises is a serious handicap in our war effort. Lack of confidence by the people generally in the intelligence, reasonableness, or integrity of their Government can mean disaster.

Reorientation of rationing along simpler lines, together with the cooperation of all agencies concerned in forming public opinion, will provide insurance that the vast majority of our people understand what it is all about. The rest will then willingly fall in line.

No challenge is required of the sincerity of those in authority in urging a far closer and more sympathetic contact with the problems of those everywhere in America who are bearing the burden of the war effort.

This is no time for epithets or name calling. A democracy must demonstrate its capacity to mobilize 100,000,000 Americans. Their united strength is irresistible if used against the enemy.

Nation-wide gasoline rationing to conserve rubber seems abundantly justified by the developments of every passing day. The Baruch report on rubber in September and the recent report of William Jeffers as Rubber Director have confirmed the recommendation of this Committee last May that the rubber situation was extremely critical and that every possible measure of conservation should be immediately adopted.

The committee at the same time stressed the importance of a simple and sensible approach and emphasis on local responsibility so far as practicable.

The truck regulations on rationing constitute an outstanding illustration of the present difficulty. Early modification and simplification is essential to avoid a crisis in our productive economy this coming year.

Pleasure driving should pass out for the duration. When William Jeffers as Rubber Director advises the American people that only a miracle can produce the rubber essential to keep our military machine functioning and that any break-down such as ordinarily is anticipated might mean the paralysis of our military and civilian economy it is high time for America to stop, look, and listen.

Fuel oil rationing on our east coast is absolutely essential and must grow more and more stringent. Fuel-oil rationing in the Midwest can be justified only on the ground that it will release essential transportation that will help the East. The authorities are moving to make this possible. Community cooperation in accepting all reasonable restrictions and in making conversions to coal will be of tremendous benefit to the war effort. Compulsory conversion wherever practicable, may soon be essential.

A more practical approach by local rationing boards in cutting red tape and making sure that minimum requirements for home heating are satisfied is imperative. No Americans must freeze. War production must not be impeded by epidemics.

As America moves into the valley of regimentation in food and manpower those in authority must keep their gaze on the peaks and not lose their way in a forest of detail.

Americans realize that in war we cannot expect absolute equality of individual sacrifice. That is not the way of war. Americans expect only simple common sense. With complete faith in the loyalty, reasonableness, and intelligence of the American people, this committee seeks only to assist in applying simplicity, faith, and common sense to the entire program of rationing.

Rationing of gasoline for passenger automobile use should be made Nation-wide as a rubber conservation measure. Rationing should apply even to those areas where gasoline is plentiful.

Such rationing should be administered locally by local boards that are familiar with local needs and have authority to provide gasoline for those needs. Certain conditions exist in the West and Middle West, such as the great distances involved, that do not exist in the East. Full consideration should be given to those differences when determining the amount of gas to be allowed.

The applications which farmers and other truck operators were asked to fill out to obtain certificates of necessity for gasoline for

trucks were unnecessarily complex. The Office of Defense Transportation should not have attempted to handle the allocation of gasoline on a national basis from Detroit. The matter should be handled by local boards which should include, in their membership, farmers and other truck owners familiar with truck operations. Truck operators found guilty of black-market operations should be punished.

Fuel for farm tractors should not be rationed, but the amounts used should be reported to local boards charged with the duty of examining and correcting those cases where the use appears to be excessive.

There is a shortage of fuel oil in the territory east of the Rocky Mountains which was caused by the increased requirements of the war program and by the inability to obtain huge supplies of fuel oil which were formerly shipped to east coast ports by tanker from the Caribbean area. Tankers are not available in sufficient number because of the diversion of many of them to other routes for military purposes and because of the submarine menace. The lack of tankers forces us to transport petroleum products from the Gulf region and the Middle West to east coast terminals by railroad tank cars. It is not possible greatly to increase the number of tank cars in that service, so it is important to obtain as much as possible from the Middle West instead of the Gulf region because of the shorter haul. Two tank cars moving from the Middle West to east coast terminals can transport as much as three tank cars originating from Texas.

Great quantities of oil could have been transported by barges which could have been converted to haul petroleum and for which adequate hauling power could have been made available. The Committee advocated last spring that this be done, but a plethora of Government agencies working at cross purposes failed to get the program under way soon enough.

The shortage of fuel oil and the shortage of transportation make it necessary to ration the use of fuel oil for residential heating in the Middle West, as well as in the East. Every possible effort should be made to produce more crude oil and utilize idle refinery capacity in the Middle West, even if there is no transportation available to send it to the east coast. Such fuel oil should be used locally to lessen the extent of the rationing necessary. Wherever possible, the requirements of fuel oil for military and industrial uses, as well as for residential heating uses, should be reduced by using coal instead of oil.

The fuel-oil shortage will be greater in 1943 and in 1944 than in 1942, and all home owners in rationed areas where coal is available who have grates and furnaces capable of conversion to coal should do so just as soon as they can get the means of conversion.

Attention should be given now to providing the necessary materials and labor to produce the amount of coal which will be needed next year because the mines cannot store huge quantities of coal and the railroads are better able to transport it in the summer months.

The rationing of fuel oil for residential heating purposes should have been done in the first instance by determining the percentage by which consumption would have to be reduced in each area and announcing a straight-line cut of that amount of last year's consumption. This would have produced some inequities. Local boards should have members familiar with local heating problems and should have authority to allow more oil to those who need it. Such boards could also have examined those cases where the amount of oil used per person appeared to be excessive and required the home owner to make whatever changes in heating practices could be made to reduce the consumption of fuel oil.

The formula which was used to determine the amount of fuel oil to be allowed was complicated, and in many cases produced unworkable results. We should not attempt to administer rationing programs from Washington through complicated formulas which cannot easily be understood unless they produce proper results in almost all cases. There should be more confidence in the ability of the American people to handle such matters locally through persons familiar with local problems who have obtained the facts from the persons they are rationing. General principles should be determined to guide such local boards in their decisions, and they should be removed if they do not achieve the over-all savings which are to be realized from their areas, but within those limits they should have authority to allocate the materials to be rationed in accordance with the facts as to each situation as they find it.

The American people will enforce rationing in themselves whenever the need is demonstrated and the program is reasonably simple, clear, and fair. A great majority of them will welcome the opportunity and will respond cordially to responsibility placed upon them.

PRINTING OF REPORT OF NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. TRUMAN. Mr. President, from the Committee on Printing, I report an original resolution to authorize the printing of the annual report of the Daughters of the American Revolution. The report has been printed annually for the past 35 years. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the resolution (S. Res. 332) was considered and agreed to, as follows:

Resolved, That the forty-fifth annual report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1942, be printed as a Senate document.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 8, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 1099. An act for the relief of Leslie Charteris (Leslie Charles Bowyer Yin) and Patricia Ann Charteris;

S. 1334. An act for the relief of Anthony Famiglietti;

S. 1953. An act for the relief of James B. Shuler;

S. 2195. An act for the relief of Charles E. Salmons;

S. 2292. An act for the relief of Fred Walker, Sr., legal guardian for Fred Walker, Jr.; the District Court of the United States for the District of Columbia;

S. 2317. An act for the relief of Lillian LaBauve Linney;

S. 2363. An act for the relief of Percy Ray Greer, a minor;

S. 2593. An act to provide for the reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of the fire which destroyed the administration building, naval operating base, Norfolk, Va., on January 26, 1941;

S. 2608. An act for the relief of Dennis Hall;

S. 2618. An act for the relief of Beatriz Milan Vda. de Vasquez;

S. 2705. An act for the relief of Camilla C. Moore;

S. 2712. An act for the relief of Victoria Jessie Lodge Skin, now Standing Bear;

S. 2741. An act for the relief of Charles E. Naghel; and

S. 2742. An act for the relief of Guy E. Mish.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2920. A bill for the relief of Garnet Charles Williams; to the Committee on Military Affairs.

By Mr. SCHWARTZ:

S. 2921. A bill to provide that the rates of compensation or pension to veterans and dependents of deceased veterans under laws and veterans regulations administered by the Veterans' Administration shall be increased by 15 percent, and for other purposes; to the Committee on Finance.

By Mr. McNARY (for Mr. JOHNSON of California):

S. 2922. A bill to amend the Internal Revenue Code with respect to the exemption of members of the military and naval service from payment of the tax on the transportation of persons; to the Committee on Finance.

By Mr. BROWN:

S. 2923. A bill for the relief of Tivoli Brewing Co.; to the Committee on Claims.

By Mr. BYRD:

S. J. Res. 169. Joint resolution extending the period for which overtime rates of compensation may be paid under the act of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241); to the Committee on Civil Service.

USED TIRES DELIVERED TO DEFENSE SUPPLIES CORPORATION

Mr. LANGER. Mr. President, I submit, and ask to have referred to the Committee on Agriculture and Forestry, a resolution authorizing and directing the making of a full and complete study and investigation with respect to the methods used and prices paid for used automobile tires.

There being no objection, the resolution (S. Res. 333) was received and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation with respect to methods used to determine prices to be paid for used tires delivered to the Defense Supplies Corporation pursuant to the idle tire purchase plan. The committee shall report to the Senate at the earliest practicable date the results of such investigation, together with its recommendations, if any, for necessary legislation.

For the purpose of this investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and Seventy-eighth Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents,

to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $_____, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL—EXTENSION OF SENATE RESOLUTION 160, SEVENTY-FOURTH CONGRESS

Mr. SCHWARTZ submitted the following resolution (S. Res. 334), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 160, Seventy-fourth Congress, first session, providing for a committee of five Senators to make a full and complete investigation of the production, transportation, and marketing of wool, be amended by providing that the results of such investigations shall be reported to the Senate not later than the beginning of the second session of the Seventy-eighth Congress, and such resolution remain in effect until said date.

IT'S TIME TO REDISCOVER AMERICA—ADDRESS BY SENATOR O'MAHONEY

[Mr. SCRUGHAM asked and obtained leave to have printed in the RECORD an address entitled "It's Time to Rediscover America," delivered by Senator O'MAHONEY on Friday, December 4, 1942, which appears in the Appendix.]

CONGRESS AND THE BUREAUCRACY—ADDRESS BY SENATOR O'MAHONEY

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD a radio address on the subject Congress and the Bureaucracy delivered by him on December 8, 1942, which appears in the Appendix.]

PALESTINE, THE FUTURE HOME OF THE JEWS—ADDRESS BY SENATOR LANGER

[Mr. LANGER asked and obtained leave to have printed in the RECORD an address on the subject Palestine, the Future Home of the Jews, delivered by him at Manhattan Center, New York, November 17, 1942, which appears in the Appendix.]

ADDRESS BY COL. STANLEY WASHBURN TO SOLDIERS ON ENTERING THE SERVICE

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD an address by Col. Stanley Washburn to the Ocean County contingent of men leaving for Fort Dix on Monday, November 30, 1942, which appears in the Appendix.]

MONETARY RECONSTRUCTION—ADDRESS BY H. MICHELL

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD an address entitled "Monetary Reconstruction," delivered by H. Michell at the annual meeting of the Canadian Political Science Association, May 25, 1942, which appears in the Appendix.]

PRESIDENT'S AWARDS TO SOLDIERS OF PRODUCTION—ARTICLE FROM NEW YORK TIMES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article from the New York Times of December 11, 1942, entitled "Production Medal Given to Workers," which appears in the Appendix.]

THE FUEL SITUATION—ARTICLE FROM BOSTON TRAVELER

[Mr. LODGE asked and obtained leave to have printed in the RECORD an article entitled "Résumé of Fuel Situation," from the Boston Traveler of November 25, 1942, which appears in the Appendix.]

WARTIME PROHIBITION—EDITORIAL FROM BEVERAGE BULLETIN

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an editorial from the Beverage Bulletin of November 9, 1942, on the subject of wartime prohibition, which appears in the Appendix.]

SILVER STUDY REFUTES CHARGE AIMED AT WEST'S SENATORS—ARTICLE BY HARRY J. BROWN

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD an article on the subject of silver and its availability for war purposes, written by Harry J. Brown, Washington correspondent of the Salt Lake Tribune, which appears in the Appendix.]

THE FIRST TO SUFFER—EDITORIAL FROM NEW YORK TIMES

[Mr. MEAD asked and obtained leave to have printed in the RECORD an editorial entitled "The First to Suffer," published in the New York Times of December 2, 1942, which appears in the Appendix.]

GASOLINE AND FUEL-OIL RATIONING—LETTER FROM R. J. KOCH

[Mr. BROOKS asked and obtained leave to have printed in the RECORD a letter concerning gasoline and fuel-oil rationing, written by Mr. R. J. Koch, of Illinois, under date of December 7, 1942, which appears in the Appendix.]

AGRICULTURE AND LABOR—EDITORIAL FROM RICHLAND COUNTY FARMER-GLOBE

[Mr. LANGER asked and obtained leave to have printed in the RECORD an editorial entitled "Agriculture and Labor," published in the Richland County Farmer-Globe of November 27, 1942, which appears in the Appendix.]

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. Mr. President, I wish to propound a unanimous-consent request.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. I ask unanimous consent that the Senate proceed forthwith to the consideration of bills on the calendar to which no objection is made, beginning with where we left off the last time the calendar was called. I make the request, Mr. President, because there are a number of bills on the calendar which ought to be disposed of; many of them are House bills, and Members are anxious and interested about having them finally acted upon. I think this is an appropriate time to take up the calendar. It may be the last time we shall be able to do so at this session.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Brewster	Byrd
Austin	Brooks	Capper
Bailey	Brown	Caraway
Barbour	Bulow	Chavez
Barkley	Butler	Clark, Idaho
Danaher	McCarran	Shipstead
Davis	McFarland	Shott
Downey	McNary	Spencer
Doxey	Maybank	Stewart
Gerry	Mead	Thomas, Idaho
Gillette	Millikin	Truman
Green	Murdock	Tunnell
Guffey	Murray	Tydings
Gurney	Nelson	Vandenberg
Herring	Norris	Van Nuys
Hill	Nye	Wagner
Johnson, Calif.	O'Daniel	Wallgren
Johnson, Colo.	O'Mahoney	Walsh
Kilgore	Pepper	Wheeler
Langer	Radcliffe	White
Lee	Russell	Wiley
Lodge	Schwartz	
Lucas	Scrugham	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] are out of the city on important public business.

The Senator from Missouri [Mr. CLARK] is attending the funeral of the late Representative Philip A. Bennett of Missouri, and is, therefore, necessarily absent.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from Texas [Mr. CONNALLY], the Senators from Louisiana [Mr. ELLENDER and Mr. OVERTON], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. McKELLAR], the Senator from Connecticut [Mr. MALONEY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. McNARY. The Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Ohio [Mr. BURTON], the Senator from Kansas [Mr. REED], the Senator from Ohio [Mr. TAFT], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

The clerk will state the first bill which is in order on the calendar under the unanimous-consent agreement.

The bill (S. 2904) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in land of the Columbia Basin project was announced as first in order.

Several Senators addressed the Chair.

Mr. McCARRAN. Mr. President, there has been an order for the consideration of measures on the calendar to which there is no objection, and I am wondering whether the matters Senators have to present could not go over until the conclusion of the call of the calendar.

Mr. BARKLEY. Mr. President, under the order for the call of the calendar, we will proceed under the rule, under which there is a limit on debate. I had

thought we could run through the calendar in a short time, and that all reports and speeches which would take more than 5 minutes could await the conclusion of the call of the calendar. I hope Senators can accommodate themselves to that schedule, because it will not take long to dispose of the measures on the calendar; and if one Senator obtains permission to speak indefinitely, it will be difficult to prevent others doing so, and I hope we can finish the calendar before anything else is done.

FOURTH REPORT OF WAR PRODUCTION BOARD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

I transmit herewith for the information of the Congress the fourth report of the War Production Board covering operations under the act of October 10, 1940, as amended, and the act of October 16, 1941, for the period from August 15, 1942, through November 15, 1942, with respect to the requisitioning and disposition of property required for national defense.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 9, 1942.*

[NOTE.—The report accompanied a similar message to the House of Representatives.]

SEVENTH REPORT ON LEND-LEASE OPERATIONS—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and with the attached report, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I am transmitting herewith the seventh quarterly report on operations under the Lend-Lease Act.

Since the last report, the war has entered a new phase. United Nations' forces attacking from Egypt and North Africa are contesting with the Axis for control of the African coast line of the Mediterranean. The Soviet Army, having held with stubborn bravery at Stalingrad, has now assumed the offensive. The Japanese have been recklessly expending ships and men in the Solomons, a battleground of our own choosing.

The Axis Powers have, temporarily at least, lost the initiative. We must do all we can to keep them from regaining it.

We must bring the full strength of all the United Nations to bear directly against the enemy. We must bring together our joint productive capacity and our material resources, our finished munitions and our fighting manpower; and we must do this in accordance with a single world strategy. That we are making good progress in this direction I think is shown by recent developments, and by this report on the part played by lend-lease.

We also have another task, which will grow in magnitude as our striking power grows, and as new territories are liberated from the enemy's crushing grip. That task is to supply medicines, food, clothing, and other dire needs of those peoples who have been plundered, despoiled, and starved.

The Nazis and Japanese have butchered innocent men and women in a campaign of organized terror. They have stripped the lands they hold of food and other resources. They have used hunger as an instrument of the slavery they seek to impose.

Our policy is the direct opposite. United Nations' forces will bring food for the starving and medicine for the sick. Every aid possible will be given to restore each of the liberated countries to soundness and strength, so that each may make its full contribution to United Nations' victory, and to the peace which follows.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 9, 1942.*

RATES OF PAY, HOURS, AND OVERTIME COMPENSATION OF FEDERAL EMPLOYEES

The VICE PRESIDENT laid before the Senate the following communication from the President of the United States, which was read by the legislative clerk and referred to the Committee on Civil Service:

THE WHITE HOUSE,
Washington, December 11, 1942.

The PRESIDENT OF THE SENATE.

SIR: The Government of the United States, which is the largest single employer in the Nation, has permitted a condition to develop regarding rates of pay, hours of work, and overtime compensation, for its civilian employees, which is grossly unfair, is one of the major causes of needlessly high personnel turn-over, and is impeding the successful prosecution of the war effort. This condition may be summarized briefly as follows:

(a) The pay rates for most mechanics, tradesmen, and laborers in navy yards, arsenals, and other production establishments of the Government are fixed and adjusted to correspond with prevailing wage rates for similar work outside the Government service in the same locality. These pay rates have kept pace with the increases in wages which have occurred in private industry; hours of work for these groups have generally been set at a minimum of 48 per week, and the earnings of these employees have been further increased through the receipt of overtime compensation at time and one half rates for work in excess of 40 hours per week. The situation with respect to these employees corresponds with that pertaining to industrial employees and represents a satisfactory condition which requires no change.

(b) The pay rates for the positions held by most salaried employees—clerical workers, postal employees, hospital attendants, professional, scientific, technical, and administrative employees—are generally fixed by statute and cannot be adjusted by any administrative action. Except for recent increases in the rates of pay for custodial employees, the last general readjustment of salary rates occurred in the 1928 and 1930 amendments to the Classification Act, and in 1925 insofar as the postal service is concerned. The workweek for these types of employees has been extended to 43 hours in the War and Navy Departments, and to 44 hours in other departments and agencies, with the exception of the postal service where the amount of overtime varies with the volume of work in each locality. The Government service would generally have been placed on a 48-hour week except for the existence of the Saturday half holiday law which has already been suspended insofar as the War and Navy Departments are concerned but still requires in other agencies of the Government, compensatory time off for work in excess of 4 hours on Saturday.

(c) In four agencies of the Government, namely, the War Department, Navy Department, Maritime Commission, and National Advisory Committee for Aeronautics, specific legislative authority has been granted to pay overtime compensation to certain groups of these salaried employees for work in excess of 40 hours per week. But other employees in the same agencies and in other agencies of the Government performing similar work, whose hours of duty have been lengthened beyond the peacetime workweek of 39 or 40 hours, cannot be paid overtime. This is a complete violation of the principle of equal pay for equal work which has been the guiding policy in Federal pay matters since the enactment of the Classification Act of 1923. The authority for the payment of this type of overtime compensation to groups in the War and Navy Departments expired on June 30, 1942, and has since been twice extended by joint resolution, the last extension expiring on November 30, 1942.

I approved these extensions of existing authority to pay overtime compensation to limited groups notwithstanding the gross unfairness and inequalities which this condition created, because the Congress had been considering various means of solving this urgent and complicated pay problem. I felt that by approving these extensions of overtime compensation authorization, opportunity would be afforded to arrive at an equitable solution which would meet the needs of the Government service and of the employees involved.

It is my judgment that any further temporary extension of this authorization to pay overtime to limited groups of employees is only perpetuating a bad situation and should be avoided. However, it can be avoided only by immediate action on the part of the Congress to deal realistically with this entire problem. Unless immediate action is taken, hundreds of thousands of employees in the War and Navy Departments will suffer a severe cut in earnings for the first half of December because of the stoppage in the payment of their overtime compensation.

I realize that the enactment of an adequate solution to the problem presents difficulties. I am not wedded to any particular formula for its solution. But I feel the problem is so urgent that

unless the Congress is able to arrive at a solution within the next few days, legislation should be enacted that would delegate to the Chief Executive authority to deal with problems of wage and salary rates, hours of work, and overtime compensation within the Federal service, during the war period or until such time as Congress may otherwise provide.

I am sending an identical letter to the Speaker of the House of Representatives.

Respectfully,

FRANKLIN D. ROOSEVELT.

Mr. BARKLEY. Mr. President, in view of the letter from the President to the Vice President which has just been read, a duplicate of which has been sent to the Speaker of the House of Representatives, with relation to Government compensation, overtime, and kindred matters, I feel that I should make a statement with reference to the present status of the legislation proposed to be enacted along that line.

Senate bill 2666, which deals with the question of compensation of Government employees, overtime, and like matters, has been on the calendar of the Senate for several weeks. The bill has not passed either the House or the Senate. In recently considering the advisability of attempting to pass at this late day in the session a comprehensive Government employees' bill, the steering committee, as I reported some 2 weeks ago, took the position that, inasmuch as it would be impossible to secure final enactment of the bill even if we could pass it through the Senate, the better thing to do would be to pass a simple joint resolution extending present overtime provisions of the law, and making some temporary arrangement for additional compensation to those who do not draw overtime, the arrangement to run until the 30th of next June, so as to give Congress time, in the early days of the approaching session, to deal adequately and comprehensively with the subject.

The matter was taken up with the Committee on Civil Service, which acted some days ago upon a temporary joint resolution extending the overtime provisions of the law, and I think including a 20-percent temporary increase to run until next July for other employees who do not draw overtime.

That joint resolution providing for temporary action was not submitted to the Senate and was abandoned by the committee. I was advised that they were going to stand pat on Senate bill 2666, which, it seemed to me, might well be interpreted as indicating that no legislation on the subject would be passed at this session.

Mr. President, I wish to state to the Senate frankly that I have been advised by the Speaker of the House of Representatives and by the leaders in the other body that no legislation will be passed by the House of Representatives, except by unanimous consent, during the remaining days of this session, and that unanimous consent could not be obtained for the passage of this bill if we should send it to the House, and that it would not even be reported from the committee to which it would be referred.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield.

Mr. NORRIS. I take it that the House has profited by the action of the Senate in making a rule with respect to unanimous consent. It has been the rule of the Senate for some time that under certain conditions no legislation can be passed except by unanimous consent.

Mr. BARKLEY. I realize that. The House has practically adopted that theory but with a little different method.

Mr. President, the situation is that there is not a quorum of Members of the House in Washington, and there is not going to be a quorum during the remaining days of this session. The Ways and Means Committee yesterday, as the newspapers tell us and as I have been otherwise advised, buried the so-called third war powers bill, dealing with the authority of the President to suspend tariff laws, and so forth. That bill is dead so far as this session is concerned.

In view of that situation, and in view of the fact that the Senate bill now on the calendar to which I have referred involves the question of the 48-hour week, and other controversial matters which will be debated if the bill is brought to the consideration of the Senate, and in view of the absolute certainty that it cannot pass the other House no matter what we may do about it here, it seems to me that the only thing to do is what we felt the Civil Service Committee would do, and that is to bring in a joint resolution providing for temporary action of some kind, to take care of the situation, to preserve the status quo until the next session, which will be only 3 weeks hence, and give time for Congress to deal with the subject.

In view of the utter impossibility, which we ought to acknowledge frankly, of Senate bill 2666 becoming law at this session, in view of the fact that under a joint resolution temporary provision can be made for increases in compensation to employees of departments of the Government who do not now receive overtime pay, it seems to me that the wise thing to do is to try to preserve the status quo until the approaching session, at which time or during the early days of which it may be possible to work out a comprehensive and fair bill dealing with the question as affecting Government employees.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BYRD. The Civil Service Committee, I feel certain, would be glad unanimously and immediately to report a resolution to extend the present overtime pay. That applies to the 60 percent of the employees of the Government who work overtime. When the question was under consideration as to compensating the other employees of the Government many difficult problems were presented.

A proposal was made that there be an increase of 20 percent in the base salary on a 48-hour-week basis, and then those who were not under the control of the War Labor Board were to have the overtime taken away, which would result in many discrepancies. The Civil Service Committee gave full consideration to that question, and full consideration to Senate bill 2666, which is now on the calendar. The report made by the committee on Senate bill 2913, to which the Senator from Kentucky refers, was a conditional report to the Senate. An amendment which the Senator from Virginia and the Senator from North Dakota [Mr. LANGER] offered had to be revised in the light of the present bill and worked over, and it was impossible to make that amendment effective without writing into the bill a 48-hour week, because the whole bonus proposition is on such a basis that the employees of the Federal Government, not only those under the control of the War Labor Board, but the employees engaged in mechanical work for the Navy, would work a minimum of 48 hours a week—20 percent more time—and be paid 20 percent more money. That was the difficulty the Civil Service Committee was met with, without having had the opportunity to hold hearings and ascertain the true and actual facts.

Mr. President, I agree with the Senator from Kentucky that the only solution to the problem possible under the present conditions is to adopt a joint resolution, which I believe would not be objected to either in the Senate or the House, extending the present overtime pay to the mechanical workers of the Government, until there has been an opportunity to investigate the very difficult question of overtime. This entire question, I feel certain, will receive the early consideration of the Civil Service Committee.

I think there would be no difficulty whatever, Mr. President, in the Civil Service Committee meeting immediately at the pleasure of the leader of the Senate majority and reporting a joint resolution to extend the present overtime pay, which includes workers in the War Department and Navy Department, and in the navy yards and arsenals.

Mr. BARKLEY. Of course, that would be better than doing nothing. The point I wish to emphasize is there is nothing on the calendar of the Senate dealing with the situation except Senate bill 2666. That bill cannot become law at this stage of the present session. It would be futile for the Senate to pass it, and I think the Senate has indulged in enough futility at this session to justify foregoing any further useless and futile action that might be taken.

I am calling the matter to the attention of the Committee on Civil Service. I appreciate their difficulties, and I appreciate also all the President says in his letter about the confusion, the chaos, and the disorganization that is going on and will continue in the Government departments unless we at least do something. If we adjourn this session without doing anything, those who have been drawing overtime will be deprived of it. The fact is that the provision for paying overtime expired on November 30, and the employees involved who are now working overtime will not receive overtime pay unless we take some action which would be retroactive to November 30.

I am calling the matter to the attention of the Civil Service Committee in the hope that it may report a simple solution of the problem, because we might as well understand that the situation in the Congress in the last week or so of the session is such that it is absolutely impossible to enact comprehensive, adequate legislation to cover all employees of the Government of the United States with a stop watch in front of us, when we have had all of this session to do it, and have not done it yet.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MEAD. I desire very briefly to explain my position with reference to the proposed legislation, because Senate bill 2666, as well as the subsequent bill, were introduced and sponsored by me. Senators will recall my invitation to attend a meeting of the steering committee, and will also recall the instructions given to me by the steering committee, which are similar to the instructions which are now suggested to be given to the effect that we avoid a controversial measure which would involve a debate on the question of 40- or 48-hour-week legislation.

I recognize, and I so reported to the Civil Service Committee, the good will and the anxiety of the steering committee to do something constructive for the employees before the present session terminates. I think, however, that Senators will also agree that the entire membership of the Civil Service Committee expressed a similar anxiety over the lot of the Federal employee, for by unanimous vote the Civil Service Committee had voted favorably on Senate bill 2666 which is now on the calendar, and the committee again showed their interest in the Federal employee by voting approvingly of Senate bill 2913, the bill which was reported, but not submitted to the Senate, and which was subsequently returned to the committee, and the action taken by the committee rescinded.

Mr. President, we can eliminate a certain portion of the inequity by passing a continuing joint resolution which has its original authority in bills reported by the Military and Naval Committees of the House and Senate, and enacted into law. Those bills, whose provisions terminated at the beginning of this fiscal year, granted time-and-a-half for overtime to the employees of the Army and Navy, except to certain employees in the District of Columbia who come under the Classification Act. It covered all the employees in the field, the field officers in the District of Columbia, and it covered certain other officers and employees. They were all given time-and-a-half for overtime.

Involved in those two departments of the Government are to be found 1,700,000 of the Federal personnel, out of a total personnel of 2,600,000, according to the last report I received. A continuing joint resolution would take care of the major portion of the Army and Navy personnel, but it would leave without any consideration the employees of the old-line departments of the Government who receive nothing at all for overtime, many of whom are working 48 hours a week, many of whom are denied advances because the Appropriations Committees of the House and Senate, with the precedents of the years to guide them, have cut the appropriations to the bone, so that we find some of the oldest employees, who have been serving the Government for years, working 48 hours a week, alongside employees who are receiving more money than they are receiving, and some of whom are receiving time-and-a-half for overtime.

I shall refer to one incident that came to my attention—and there are thousands of others just like it. A lawyer in a department in the city of Washington, receiving $6,500 a year and time and a half for overtime, dictates his work to a $1,440 stenographer who works 48 hours a week and receives pay for only 40 hours.

Mr. President, a continuing resolution would take care of the military departments of the Government; but if it were expanded just a little, and if its life were continued for only 60 days, so that it would take in the other old-line branches of the Government, we could eliminate many of the inequities. In view of the good will expressed by the steering committee when I attended its meeting, and the unanimous approval of every member of the Civil Service Committee on two occasions when it showed its good will toward the Federal employees, I hope that before we go home for Christmas, in the spirit of the holidays, which are now upon us, the poor underpaid employees of the Government who are working overtime and getting nothing for it will receive something tangible from us before the session ends.

Mr. BARKLEY. Of course, the Senator realizes that the Senate can take no action until something is reported to it. I have stated frankly the situation with reference to the bill on the calendar.

Mr. MEAD. In that connection, if the able Senator from Kentucky will allow me to interrupt for a moment, the committee authorized me to offer an amendment terminating the effect of the bill on June 30, 1943; so it would be only a stop-gap measure. The committee has thereby again shown its deep interest in the welfare of the Federal employee.

Mr. BARKLEY. I do not know what can be worked out in view of the situation at both ends of the Capitol. I certainly hope that we shall not adjourn without taking action at least with respect to the status quo. Whether or not anything else can be done without getting into controversial questions, I do not know. I have some doubt of it. The fact that we are approaching the end of the session without having done anything shows that it is difficult to deal with the problem without getting into controversial questions, which, in my judgment, would make it impossible at this time to enact comprehensive and adequate legislation covering all departments of the Government. What I am urging the committee to do is to report a simple and practical measure, and do it at once, so that we may have an opportunity to deal with the situation.

Mr. MEAD. And, if I correctly understand the able Senator from Kentucky, to eliminate references or provisions which might result in a debate on the advisability of a 40- or 48-hour week.

Mr. BARKLEY. Not only that, but to eliminate reference to anything which might result in the failure of stopgap legislation in the other House, where no measure can be passed except by unanimous consent. I know that unanimous consent cannot be had for any controversial legislation of this character.

Mr. MEAD. I am confident that our committee is interested in any suggestions which may be offered.

Mr. BARKLEY. The suggestions I have made are for the benefit of the Civil Service Committee. We have now been at war for a year. The inadequacies of the system and the injustices to Government employees have been well known to us, not only during the past year, but even before that. We are now approaching the end of the session, and find ourselves in a blind alley which has no exit so far as comprehensive or adequate legislation is concerned. The new session is only 3 weeks away. After the beginning of the new session, without any stop watch or restrictions, the Civil Service Committee should be able to work out a fair and comprehensive piece of legislation.

Mr. MEAD. Mr. President, the Civil Service Committee is not to blame for the situation which exists.

Mr. BARKLEY. I am not blaming anyone. The whole Senate is to blame, in a sense. The legislative body at both ends of the Capitol, is to blame.

Mr. MEAD. The Military Affairs Committee and the Naval Affairs Committee were permitted to report legislation granting time and a half to the civilian employees of the Army and Navy, and Congress approved the legislative recommendations of those committees. That created, to a certain extent, the inequitable condition which the Civil Service Committee is now called upon to rectify. I am sure that if the record is examined it will be found that the Civil Service Committee is wholeheartedly interested in the plight of the employees to whom reference has been made.

Mr. BARKLEY. I appreciate that. This patchwork situation has been brought about by piecemeal legislation which has been sponsored by the Military Affairs Committee and the Naval Affairs Committee, but that need not paralyze the Senate.

Mr. MEAD. It did not, because the Civil Service Committee acted and reported a bill.

Mr. BARKLEY. I appreciate that.

Mr. McCARRAN subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD immediately following the remarks just made by the junior Senator from New York [Mr. MEAD] a statement made on September 23, 1942, before the Senate Civil Service Committee, by the senior Senator from Nevada in support of Senate bill 2666.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Senator MCCARRAN. It is not necessary for me to draw the attention of this committee to the fact that we are a nation at war, that there is an army that serves that is not in uniform. It reminds us of the old expression, "They also serve who only stand and wait." They also serve who serve at home. If we listened to the report over the radio last night, and if there is any truth in the report, and we hope there is, the greatest avenue of defeat for Mr. Hitler is discontent at home. In other words, it appeared to the commentator, and we hope he was right, that within Mr. Hitler's own homeland discontent is taking hold, so that it may be the greatest agency for his break-down and ultimate defeat.

The greatest strength for the American forces is the contentment of those who serve the Government at home during the time that the American forces are away serving abroad, and at home as well.

No one can gainsay that the cost of living has gone up much more than is reflected by official statistics. The very best barometer of the cost of living today in America is the housewife with her market basket. If you will stand in front of the Safeway Stores, or any of the stores, and greet those who go in and do marketing and ask them whether or not the cost of the essentials of life has gone up, they will tell you in no uncertain terms how those essentials have ascended in price.

Now, the worker in a plant in civil life can demand an increase in wages in keeping with the increased cost of living, but the worker who toils for his Government and who belongs to the army who serves at home during this war period, has no other way of bringing to the attention of the country and the Government the conditions that are inflicted upon him in the way of an increased cost of living excepting by appearing before congressional committees, and he has no avenue by which he can relieve himself of conditions which are imposed upon him, because his wages and his income are fixed by law. He cannot strike, he would not strike, because there is no more patriotic group in all the world than our Federal employees. He would not strike if he had the opportunity, and he hasn't the opportunity in law. But there is imposed on this great army that serves at home the increased cost of living, and I say to you that there is no army that should be taken care of more zealously than those who serve in the Federal services, and we should see to it that they be armed at home with this one everlasting essential, namely, contentment.

Today the Federal employee's family is running on the ragged edge of its budget, because it cannot meet the increased cost of living. If by any chance sickness comes into the family of the average employee, the mother of that family must, of necessity, bear an unusual burden of worry, a burden which she sometimes does not wish to transfer to the worker, her husband, but which she carries and which he eventually gets, because that is an unusual expense that he has no budget for and that his income does not meet at all.

So that I say to you, Mr. Chairman and gentlemen of the committee, without desiring to take up your time, there is nothing in the war work more important than to bring into the great army that serves at home the spirit of contentment, and that contentment can best be effected by seeing to it that they have the wherewithal to meet the increased cost of living that has been imposed upon them. So I hope favorable consideration may be given to the pending bill. Thank you.

Senator MEAD. Thank you very much, Senator. We appreciate your talk.

Mr. LANGER subsequently said: Mr. President, as the ranking member of the minority on the Civil Service Committee of the Senate, I desire to join in what has been said by the able Senator from New York [Mr. MEAD].

I now serve notice that if the adoption of the resolution requires unanimous consent in the Senate, it will not pass unless the 40 percent who have not received a single penny of increase since 1925 are included. I wish to make that very plain. I have taken the matter up with the able Senator from New York [Mr. MEAD], who is chairman of the subcommittee of the Civil Service Committee.

FARM LABOR AND PARITY PRICES

Mr. CAPPER. Mr. President, I most earnestly urge the Senate to take action immediately on House bill 7788, which would amend the Agricultural Adjustment Act so as to include farm labor costs in determining parity prices of farm commodities. In the Anti-Inflation Act of October 2, 1942, there was included a provision that the Office of Price Administration, in determining price ceilings on products made from farm commodities, should include labor costs in addition to parity as determined in the formula used by the Department of Agriculture.

That has not been done, to the best of my information; and it is my belief that the best approach now is to include labor costs in computing parity itself. The farmers of America are being called upon to produce foodstuffs for a good part of the rest of the world in 1943 and 1944. At least 25 percent of 1943 production is scheduled to go abroad for our own troops and for lease-lend operations.

I know that price is not the only essential to farm production. To meet the 1943 production goals, the farmers are going to need more farm labor, more farm machinery, adequate supplies of oil and gasoline, and fertilizer. Also, if there is to be the maximum production required, the producers should be assured of production costs, at least. The present parity formula does not provide for the greatly increased wage scales now necessary to be paid farm labor in competition with war industry wages.

As a matter of justice to the farmers of the Nation, and in the interest of the increased food production required for our boys overseas, for our civilian population, and for the armed forces and civilian populations of the nations of the world to whom we have pledged food supplies, I urge early and favorable action upon this measure, which already has passed the House without a vote cast against it.

In this connection I ask unanimous consent to have printed in the RECORD as a part of my remarks at this point a statement from Mr. Fred L. Brenckman, Washington representative of the National Grange, urging enactment of House bill 7788, and giving additional reasons why farm wages should be included in the parity formula.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., December 7, 1942.

To Members of the Senate:

We note that the Committee on Agriculture and Forestry has favorably reported H. R. 7788, amending the Agricultural Adjustment Act of 1938, so as to include farm wages in determining the price parity of agricultural commodities.

As is well known, the present formula used for determining price parity of agricultural commodities does not include farm labor, which constitutes the biggest single factor in the farmer's cost of production. How any industry could be expected to function and remain solvent without taking its labor costs into consideration does not appear.

Under the plan that has been evolved for the recruitment of Mexican and domestic farm workers, farmers who are aided in securing help through Federal agencies are asked to sign contracts which call for minimum wages that are much higher than have customarily been paid in many sections. Various other requirements that will increase production costs are included in these contracts or agreements. Only recently the President issued a statement removing all limitations on farm wage rates.

The latest Price Index of the Department of Agriculture, issued on November 30, shows that the average level of farm wages now stands at 220 percent of the base period 1909–14. To leave such a supremely important factor entirely out of the parity formula and to expect the farmer to absorb these increased costs is perfectly preposterous, and it will not work under prevailing conditions.

The Department of Agriculture has recently made public its production goals for 1943. These call for heavier production than during the present year, and announcement has been made that farmers who fail to achieve their production allotments next year will be heavily penalized.

In view of the present acute shortage of farm labor, which is largely due to the wide disparity which exists between wage rates in industry and in agriculture, and in view of the imperative need for greater agricultural production to meet wartime needs, we think the Senate should promptly pass H. R. 7788. Justice to agriculture and sound public policy alike call for the enactment of this measure without delay.

Sincerely yours,
THE NATIONAL GRANGE,
FRED BRENCKMAN,
Washington Representative.

APPRAISAL OF TURNED-IN AUTOMOBILE TIRES

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram received from Oscar E. Erickson, commissioner of insurance for the State of North Dakota.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *November 25, 1942.*
Senator WILLIAM LANGER,
Roosevelt Hotel, Washington, D. C.:

Suggest congressional investigation of method used to appraise used turned-in tires. Tires valued at $13 to $50 under ceiling prices in June now appraised at and paid for with one 10-cent postage stamp each tire.

OSCAR E. ERICKSON.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. WHEELER. Let me say that I have been receiving similar complaints from my State with reference to turned-in tires. People in eastern Montana and in other places complain that when they turn in their tires they receive very little for them. They say that they could receive much more for them if they were sold on the market in their home com-

munities. They are receiving a return of only about 60 cents a tire, which does not begin to equal the value of the tire or to amount to adequate payment for it. I think there must be something radically wrong when people try to cooperate with the Government by sending in their tires, and receive only a small fee for the tires thus turned in.

Mr. LANGER. Mr. President, in that connection let me say that in North Dakota hundreds of farmers who would have turned in their tires and would have sent them by rural delivery by parcel post were required to drive 20, 30, or 40 miles in order to deliver them to the Railway Express Agency. What I have stated has been true in Montana and in various other parts of the West. It seems very strange that the farmers are required to drive such distances in order to deliver their tires.

Mr. WHEELER. I agree with the Senator.

GOVERNMENT WASTE AND INEFFICIENCY

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter received by me from an outstanding businessman in North Dakota, Mr. R. F. Gunkelman, secretary-treasurer of the Interstate Seed & Grain Co., of Fargo, N. Dak. I wish to read to the Senate two paragraphs of his letter, particularly to show the waste on the part of one of the bureaus located in Washington. Mr. Gunkelman's letter is dated December 5, 1942:

Since writing you about a week or 10 days ago, another matter has come to my attention and to the attention of the Fargo businessmen, which, to my way of thinking, demonstrates the wastefulness of the various departments in Washington.

In connection with the bond drive, quite a large number of posters were forwarded to Fargo to be put up in store windows and in other public places. Instead of sending these posters by parcel post or by express as anyone else would, they were forwarded to Fargo by air express or all-mail express, whichever it may be. The charges on this bunch of posters amounted to $95 and some odd cents. If this same procedure was used throughout the Nation, you can readily appreciate what it cost to send out posters, asking people to buy bonds, the proceeds of which are used to pay for some of this inefficiency. All of us are 100 percent in favor of putting as much money into bonds as we possibly can spare; and I think the Fargo businessmen are doing their proportionate share. In fact, I think North Dakota, as a whole, is way up on the top of the per capita basis.

I think that you will agree with me that a piece of such marked inefficiency and wastefulness as this is, is not a help in putting over a bond sale.

I ask that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERSTATE SEED & GRAIN CO.,
Fargo, N. Dak., December 5, 1942.

Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.

DEAR SENATOR: Since writing you about a week or 10 days ago, another matter has come to my attention and to the attention of the Fargo businessmen which, to my way of thinking, demonstrates the wastefulness of the various departments in Washington.

In connection with the bond drive, quite a large number of posters were forwarded to Fargo to be put up in store windows and in other public places. Instead of sending these posters by parcel post or by express, as anyone else would, they were forwarded to Fargo by air express or air-mail express, whichever it may be. The charges on this bunch of posters amounted to $95 and some odd cents. If this same procedure was used throughout the Nation, you can readily appreciate what it cost to send out posters, asking people to buy bonds, the proceeds of which are used to pay for some of this inefficiency. All of us are 100 percent in favor of putting as much money into bonds as we possibly can spare, and I think the Fargo businessmen are doing their proportionate share. In fact, I think North Dakota, as a whole, is way up on the top of the per capita basis.

I think that you will agree with me that a piece of such marked inefficiency and wastefulness as this is is not a help in putting over a bond sale.

This is only one instance of many that have come to my attention in recent months. The mails are cluttered up with a world of literature sent out by bureaus from Washington. Most of this literature goes in the waste-paper basket without anyone ever looking at it. Every one of these bureaus duplicates literature that they send out. In our particular office we received seven letters from the Treasury Department asking us to support the bond drive. These letters are quite bulky. Three of them were addressed to our company. I received two addressed to myself and one was sent to a man who has not been in our employ for many years.

The local post office is swamped with this type of mail. We are told that the wires are daily cluttered up with long messages, messages that if sent by business houses would be cut in half or in many instances much could be said in 10 words, as much as these men say in 50.

It all adds up to rank inefficiency in Government departments. In the Department of Agriculture, questionnaires are sent out each year which are of no value and of no help to agriculture or to the industry that serves agriculture. Bulletins are put out which are never read.

Coming back to the gas-rationing program. The forms and reports which we have to fill out on our trucks will almost keep one bookkeeper busy a day each month. After looking these reports over, I, as a businessman, do not see of what help they are going to be to the rationing boards or to the conservation of rubber or gas. I think it is high time that our Senators and Representatives in Congress order a thorough investigation of these bureaus and departments.

We are short of manpower, and I think if useless bureaus and useless reports were cut out we could release a very large number of men and women to industry and to our farms where help is so badly needed.

I trust, Senator, that I am not burdening you with something which may have already been called to your attention. But it seems to me that we, as citizens, back here in the areas that must produce and carry on, should begin to interest ourselves in getting a situation of this kind cleaned up.

Best personal regards, I am,
Very sincerely yours,
R. F. GUNKELMAN.

NATIONAL CATHOLIC WELFARE CONFERENCE AND THE POLL TAX BILL

Mr. WALSH. Mr. President, when the poll tax bill was pending before the Senate a full page advertisement appeared in certain newspapers urging Senators to vote for the bill. Among the organizations listed in the advertisement as supporting and favoring the bill was the National Catholic Welfare Conference. The general secretary of that organization desires me to state that the use of the name of that organization was unauthorized, that the conference took no position upon that question, and that the only occasion when it takes a position on pending legislation is when some question arises relating directly or indirectly to religious freedom.

I ask unanimous consent that the letter written to me by the general secretary of the National Catholic Welfare Conference and the telegram which he sent to the National Committee to Abolish the Poll Tax be printed in the RECORD. The reason for the presentation of the communication is to express the hope—without regard to the merits of the matter involved—that the names of organizations and individuals will not be used in advertisements without their permission.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D. C., November 25, 1942.

The Honorable DAVID I. WALSH,
United States Senate Office Building,
Washington, D. C.

DEAR SENATOR WALSH: In the Washington Post of November 23 there appeared a full-page advertisement calling on all United States Senators to vote to abolish the poll tax. The advertisement was sponsored by the National Committee to Abolish the Poll Tax with offices in Washington, D. C. It listed a group of "constituent organizations" in which group the National Catholic Welfare Conference was included. I am attaching a copy of a telegram which I sent to the National Committee to Abolish the Poll Tax regarding the use of the name of the National Catholic Welfare Conference as a constituent organization.

With sentiments of esteem, I remain,
Very sincerely yours,
MICHAEL J. READY,
General Secretary.

NOVEMBER 23, 1942.

NATIONAL COMMITTEE TO
ABOLISH THE POLL TAX,
Washington, D. C.:

I read with surprise the name of the National Catholic Welfare Conference among constituent organizations listed by your committee, page 7 display in Washington Post this morning. Regardless of our position your committee included the National Catholic Welfare Conference without authorization. I protest such irresponsible action and demand the elimination of the name of this organization in your publicity.

MICHAEL J. READY,
General Secretary, National Catholic Welfare Conference.

AMENDMENT OF ACT TO PROVIDE VACATIONS FOR GOVERNMENT EMPLOYEES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2341) to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes," which was, on page 2, line 1, to strike out all after "days:" down to and including "year" in line 3 and insert "*And provided further*, That when the unused leave accumulated equals or exceeds 60 days in

the aggregate, not more than 15 days of unused leave may be further accumulated in any one calendar year."

Mr. BULOW. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AUTHORIZATION OF RANK OF REAR ADMIRAL IN DENTAL CORPS OF THE NAVY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2769) to authorize the rank of rear admiral in the Dental Corps of the United States Navy, which was, to strike out all after the enacting clause down to and including "law." in line 9 and insert "That the rank of rear admiral in the grade of dental surgeon is hereby established in the Dental Corps of the United States Navy, and dental officers shall become eligible for selection and promotion to this rank under the provisions governing the selection and promotion of other staff officers to the rank of rear admiral contained in the Act of June 10, 1926, or in existing law: *Provided*, That there shall not be more than one officer in the Dental Corps in the permanent rank of rear admiral, exclusive of additional numbers."

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SUBSTITUTION OF OTHER MATERIALS FOR STRATEGIC METALS USED IN MINOR COINAGE, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, which were, on page 2, lines 6 and 7, to strike out the comma and "in his discretion,"; on the same page, line 16, to strike out "1 cent, 3 cents, and 5 cents" and insert "1-cent piece and 3-cent piece"; on page 4, to strike out lines 20 to 22, inclusive; on the same page, line 23, to strike out "3" and insert "2"; on page 5, line 4, to strike out "4" and insert "3"; on the same page, line 24, to strike out "5" and insert "4"; on page 6, line 10, to strike out "6" and insert "5"; on the same page, line 18, to strike out "7" and insert "6"; and on the same page, line 24, to strike out "8" and insert "7."

Mr. WAGNER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE CALENDAR

Mr. McNARY. Mr. President, I was about to ask for the regular order. I have on my desk a number of matters to which I should like to refer, but inasmuch as the calendar has been made the unfinished business, it seems to me that the Senate should now proceed, in accordance with the order entered earlier today, to consider the unobjected-to measures on the calendar.

The PRESIDING OFFICER. The regular order is demanded. The clerk will proceed to state the measures on the calendar, beginning with Calendar No. 1815.

PREVENTION OF SPECULATION IN LAND OF COLUMBIA BASIN PROJECT

The bill (S. 2904) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in land of the Columbia Basin project, was announced as first in order, and the Senate proceeded to its consideration. The bill had been reported from the Committee on Irrigation and Reclamation with an amendment.

Mr. McNARY. This bill carries no appropriation. It provides a means for controlling and preventing speculation in the great area known as the Columbia Basin. I cannot conceive any opposition; but, Mr. President, I rise for the particular purpose of having inserted following my brief remarks a letter of the Secretary of the Interior, addressed to the President of the Senate, found in the report of the committee, No. 1763. I ask unanimous consent that the letter be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 30, 1942.

The PRESIDENT OF THE SENATE,
United States Senate.

MY DEAR MR. VICE PRESIDENT: I submit herewith for the consideration of the Congress a draft of a bill to amend an act entitled "An act to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes" (act of May 27, 1937, 50 Stat. 208), and for other purposes.

I recommend that the proposed legislation be enacted.

The inauguration of a sound land-settlement policy covering the lands in the Columbia River Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam is of foremost importance to the economy of the Nation, the Pacific Northwest, and the Columbia Basin. The area affected is about the size of the State of Delaware.

The proposed bill is a product of careful studies conducted over a considerable period with a view of recommending policies and plans for a speedy and stable development of this area. The bill may be said, generally speaking, to emanate from two prime considerations. First, there are the studies conducted under the sponsorship of the Bureau of Reclamation, known as the joint investigations, Columbia Basin project In these studies the views of many qualified and disinterested experts, and also of diverse affected Federal, State, and local agencies and private interests, were obtained and considered. The leadership of these studies state the adoption of guiding principles as follows:

"First, that the planning should be aimed at making the project a successful project, which will necessitate returning to the Government such funds as the law contemplates shall be returned and taking such steps as will insure, insofar as possible, that the settlers themselves will have a chance to be successful in their efforts to establish decent American homes; second, that the project should be developed in such a manner that numbers of indigent farm families forced from homes elsewhere through no fault of their own will be given an opportunity to rehabilitate themselves and to reestablish ties with wholesome community life; and, third, that since the future will not bring, so far as we now can see, another opportunity to develop so large and fine a block of land, all the experience gained and the knowledge acquired in past efforts to settle and develop land should be used to make this project, not utopian but as near the ideal American farming community as can be.

"The planning of the joint investigations was started with the assumption that settlement should be by families, and with the conviction that we should not have to reap two or three crops of settlers to obtain one which takes root and remains. The studies are not all completed. Sufficient progress has been made, however, to warrant recommending now the adoption of the elements of a program. Certain decisions should be made at this time."

The basic policy recommendations referred to have been incorporated in this bill.

In the second place, the existing law, act of May 27, 1937 (50 Stat. 208), known as the Antispeculation Act, is unworkable and confusing in a number of major aspects. In particular, it is inadequate to prevent speculation in the lands in question, thus to insure a fair cost to the ultimate settler.

Hence, this bill supersedes the existing law to eliminate its present faulty provisions as well as to add new matter pursuant to the recommendations of the joint investigations.

The major characteristics of the attached bill may be summarized as follows:

(1) The bill reauthorizes the Grand Coulee Dam project, to be known as the Columbia Basin project, as a project subject to the Reclamation Project Act of 1939 (53 Stat. 1187).

(2) The bill requires that, before commencement of the construction of the irrigation features, exclusive of Grand Coulee Dam and appurtenant works now under construction and of the pumping plant and equalizing reservoir and dams, the irrigation districts concerned must enter into repayment contracts with the United States, and that such contracts must provide, among other things, for the establishment of farm-unit plats, each farm unit to contain not more than 160 nor less than 10 acres of irrigable lands, dependent, taking into account all appropriate factors, on the respective areas sufficient in size for the support of an average-sized family. No one person or family could receive water for more than one farm unit, except that those who were owners of lands within the project area as of the date of enactment of the so-called Antispeculation Act, or their heirs or devisees as to such lands, may select and receive water for one or more farm units, provided that the total irrigable acreage of the units so selected does not exceed 160 acres, or the total irrigable acreage of their holdings as of such date, whichever is less.

(3) In addition to the foregoing provisions, there are certain provisions in the bill which, I believe, will accomplish much toward the preventon of unduly large holdings and the prevention of speculation in these lands. These provisions, which are largely penal in nature and which will remain in effect for 10 years from the time water becomes available, consist of:

(a) Provision whereby each owner of land within the project must, as a condition precedent to receiving water, execute a recordable contract agreeing to sell his excess lands at the appraised value thereof and of the improvements thereon, as determined by the Secretary of the Interior. If a landowner, having land covered by such a contract, thereafter sells any of the lands involved at a price in excess of this appraised value, the Secretary may, within a given period of time, cancel the right of such land to receive water. Furthermore, the bill provides that one who has been sold lands covered by a

recordable contract for a consideration in excess of the appraised value may, in certain instances, rescind the contract and recover payments theretofore made, or proceed to take or hold title with remedies such that the total consideration will be only 75 percent of the appraised value.

(b) Provision whereby fraudulent misrepresentation as to the true consideration involved in the transfer of land covered by a recordable contract constitutes a misdemeanor punishable by fine not exceeding $500 or imprisonment not exceeding 6 months, or both such fine and imprisonment.

(c) Provision whereby fraudulent misrepresentation or withholding of any material fact with respect to lands in the Columbia Basin project for the purpose of inducing the purchase of any such lands will constitute a misdemeanor punishable by fine not exceeding $500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment.

(4) The bill authorizes the acquisition in the name of the United States of lands within or without the project area, by purchase or condemnation, and the acceptance of donations of land or money for the purposes of the project, and the administration of such lands. If lands are sold for irrigation farming, the terms of sale must be such, in any event, as to return within 40 years the appraised value thereof and of improvements thereon with interest at 3 percent per annum. Lands leased for such purpose must provide comparable returns. The bill further authorizes the construction of improvements on lands so acquired and the dedication of lands for appropriate public purposes.

(5) The bill also contains comprehensive provisions for the clearing, leveling, and preparation of irrigable lands for the distribution and utilization of water from the project; and it makes provision, on an experimental basis in connection with the first three irrigation blocks, for construction of certain other improvements on the land and for certain loans to settlers for operations during the development period.

(6) The bill provides that a program of the land acquisition, development, and settlement authorized thereunder shall be prepared by this Department in collaboration with the interested irrigation districts and other interested Federal departments and agencies. This program is to become effective on approval by the President. Provision is also made, through this program approving procedure, for participation of the Department of Agriculture and other Federal agencies, as well as this Department, in the work covered by the program. Through this provision it is believed that the fullest use can be made of various agencies of the Federal Government that are qualified by their functions and facilities to make valuable contributions to the development of these phases of the project.

(7) The bill anticipates local taxing problems arising out of the acquisition of lands by the United States under the authority of the bill, and permits the making of agreements for the payment, out of funds derived from the leasing of these lands, of sums in lieu of taxes to the State of Washington or its political subdivisions.

(8) The bill makes provision for reducing the repayment obligations of districts, contracting to repay construction charges under the provisions of section 2 (b), by the amount by which the revenues realized in carrying out the land acquisition, development, and settlement program under section 4 of the bill exceed the cost of that program with interest at 3 percent per annum.

(9) The bill provides that water for irrigation purposes will not be delivered until its provisions have also been adopted, ratified, and consented to by the State of Washington, through appropriate legislation.

Preliminary drafts of this proposed legislation have been made available to representatives of the irrigation districts concerned and to others who are interested in one way or another in the Columbia Basin project. Many useful suggestions were made and many have been incorporated in the proposed legislation. It is my view that the bill is a decided improvement over the existing law, and, on the basis of comments received from those interested in it locally, I feel that it is so regarded by the people of the Northwest. I believe that the people in the area of the project and in the Northwest will embrace and approve it.

I am advised by the Director of the Bureau of the Budget that the proposed legislation is not in conflict with the program of the President.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Mr. McCARRAN. Mr. President, I wish to inquire of the leaders on both sides of the Chamber whether there would be any objection to, or whether anything would be gained by, consideration of the entire calendar from beginning to end. The reason why I make the inquiry is that there are on the calendar a number of District of Columbia bills which come before the point at which the call of the calendar was commenced on November 27, 1942. I am entirely content to yield to any order, but there are one or two bills which pertain to the District of Columbia preceding that one which I should like to have considered.

Mr. McNARY. I think I can answer the question, so far as I am concerned. The order has been made to consider bills on the calendar beginning with Order of Business No. 1815. Let us finish and complete the present order, and, then, if we have any time left, I shall not object to recurring to earlier cases on the calendar.

Mr. McCARRAN. Very well.

Mr. BARKLEY. Mr. President, let me say in that connection that the Senator from Nevada spoke to me several days ago about a number of District bills which he did not name. I find that to two or three of the bills which he probably had in mind there is opposition. It may be that those to which there is no opposition can be taken up and disposed of rapidly, and then we will have to see what will happen to those to which there is objection.

Mr. McCARRAN. I may say there are about four; one pertaining to tax exemptions in the District of Columbia.

Mr. BARKLEY. There is serious objection to that bill, as I am informed.

Mr. McCARRAN. I think the opposition has probably faded away; at least, I hope so.

Mr. BARKLEY. I have not heard of its fading away; I only heard of the objection.

Mr. McNARY. I ask for the regular order.

The PRESIDING OFFICER. The regular order is Senate bill 2904. The amendment reported by the committee will be stated.

The amendment reported by the Committee on Irrigation and Reclamation was, on page 13, line 13, after the word "in", to strike out "that" and insert "the", so as to make the bill read:

Be it enacted, etc., That the act of May 27, 1937 (ch. 269, 50 Stat. 208), is hereby amended to read as follows:

"SECTION 1. In addition to the primary purposes for which the Grand Coulee Dam project (hereafter to be known as the 'Columbia Basin project' and herein called the 'project') was authorized under the provisions of the act of August 30, 1935 (49 Stat. 1028), the project is hereby authorized and reauthorized as a project subject to the Reclamation Project Act of 1939; and the provisions of each of those two acts together with the provisions of this act shall govern the repayment of expenditures and the construction, operation, and maintenance of the works constructed as a part of the project.

"SEC. 2. (a) No part of the funds heretofore or hereafter appropriated or allotted for project construction or for the reclamation of land within the project shall be expended in the construction of any irrigation features of the project, exclusive of Grand Coulee Dam and appurtenant works now under construction and of the pumping plant and equalizing reservoir and dams, until the requirements of the following subdivisions (i) and (ii) of this subsection (a) have been met:

"(i) All lands within the project shall have been impartially appraised by the Secretary of the Interior (hereinafter called the 'Secretary') and evaluated at the date of appraisal without reference to or increment on account of the construction of the project. Reappraisals may be made at any time by the Secretary, and will be made upon the request of the landowner concerned accompanied by an advance to the United States of $15 for each quarter section or fraction thereof involved, on account of expense thereof. In such reappraisals the Secretary shall take into account, in addition to the value found in the first appraisal, improvements made after said appraisal, such irrigation construction charges on the land as have been paid, and other items of value that are proper, other than increments on account of the construction of the project. The term 'appraised value' as used in this act shall mean appraised values determined as provided in this subsection.

"(ii) Contracts shall have been made with irrigation, reclamation, or conservancy districts organized under State law embracing the lands within the project providing for payment thereby of that part of the cost of construction of the project determined by the Secretary to be the part thereof to be repaid by the irrigation water users. Each such contract shall conform to the requirements of this act, shall require repayment within the maximum period permitted under the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto (hereinafter called the Federal reclamation laws), and provide that payments shall be enforceable by all means and remedies provided in said laws.

"(b) (i) The lands within the project shall be developed in irrigation blocks, as that term is defined in the Reclamation Project Act of 1939. The Secretary shall segregate the lands in each irrigation block into farm units of sufficient acreage for the support of an average-sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as, in his judgment, enter into the determination of the area and boundaries thereof; and shall establish the units as hereafter provided. No farm unit shall contain more than 160 or less than 10 acres of irrigable land, except that any nominal quarter section comprising more than 160 acres of irrigable land may be included in one farm unit, and except that lands owned by the

United States may be established into units of lesser size for part-time farming purposes.

"(ii) Prior to the initial delivery of water to an irrigation block, the Secretary shall prepare a plat of all the farm units in the irrigation block and shall publish a notice of the intention to establish such farm unit plat in six weekly issues of a newspaper of general circulation in the county or counties in which any part of the irrigation block is located. From the date of first publication, a copy of the plat shall be available in the county auditor's office of each of said counties for public inspection during the business hours of the office. Any interested landowner shall have the right to file written objections to the plat with the county auditor of the county in which his lands are situated before the close of the period of publication. After expiration of the period of publication the Secretary shall consider and determine all such objections, draw the plat in final form, and file it for record in said county auditors' offices. With the consent of the owners of all farm units affected, the Secretary may revise the plat or any part thereof from time to time, and place the revisions of record with the original plat.

"(iii) Water shall not be delivered from, through, or by means of the project works to or for lands not conforming in area and boundaries to the farm units covering the lands involved, nor to or for more than one farm unit held by any one landowner, except that as to lands held by the one having equitable or legal title on May 27, 1937, or the heir or devisee of such owner, delivery may be made to or for a total irrigable area not exceeding the maximum provided in this section. The limitations of this subdivision shall not apply to lands owned by the United States or any agency or instrumentality thereof, corporate or otherwise.

"(iv) Lands within the project in excess of one farm unit held by any one landowner shall, except as otherwise provided in this act, be deemed excess land: *Provided*, That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance or by devise, water therefor may be furnished temporarily for a period not exceeding 5 years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor.

"(v) As used in this act, the terms 'owner', 'landowner', and 'any one landowner', denote any person, corporation, joint-stock association, or family; the term 'family' denotes a group consisting of either or both husband and wife, together with their children under 18 years of age, or all of such children if both parents are dead; the term 'their children' includes the issue and lawfully adopted children of either or both husband and wife; and the term 'lands within the project' denotes those lands within the boundaries of the existing Columbia Basin irrigation districts, or revisions thereof approved by the Secretary, which the Secretary determines may be supplied water from, through, or by means of the project works and are required to be included to provide for sound development and operation of the project. Lands shall be deemed to be held by a family, if held as separate property of husband and wife, or constitute a part or all of their community property, or if they are the property of any or all of their children under 18 years of age.

"(c) As a condition precedent to receiving water from the project and in consideration thereof, each landowner shall be required to execute, within 6 months from the date of the execution of the contract between the United States and the district within which the land is located, a recordable contract covering all his lands within that district, agreeing as to such lands for and on behalf of himself, his heirs, successors, and assigns to the provisions set forth in this subsection (c): *Provided*, That any landowner, having failed to execute such a contract within this period, may be permitted to execute such contract within 1 year after the date of judicial confirmation of the validity of the contract between the United States and the district, but only in accordance with such rules and regulations as may be prescribed under section 8 concerning this privilege.

Each such recordable contract shall provide—

"(i) That the landowner will conform his lands by purchase, sale, or exchange at the appraised values to the area and boundaries of the pertinent farm unit or units shown on the plats filed under subsection 2 (b) and will dispose of excess land then or thereafter owned by him at its appraised value; that the Secretary is thereby given an irrevocable power of attorney to sell in behalf of the landowner any such excess land at said appraised value; and that the United States is thereby given, without further consideration, an option to buy any such excess land at said appraised value: *Provided*, That sales under such power or such option, unless otherwise provided in writing by said owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time.

"(ii) That in the period from the date of execution thereof and to a date 5 years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or nonexcess lands, shall be made for a consideration exceeding its appraised value, and in connection with any conveyance of, or contract to convey, such an estate within such period the grantor or vendor or the grantee or vendee or any lien holder thereof, shall, within 30 days from the date of such conveyance or contract, file in the office of the county auditor in the county or counties in which the land is located an affidavit describing the conveyance or contract and the consideration therefor.

"(iii) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within said 30 days the affidavit required in (ii) of this subsection, or is made for a consideration in excess of the appraised value, the Secretary, at any time within 2 years of the day on which there is filed for recording in the official county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of such estate to receive water from, through, or by means of the project works by a written notice of cancelation: *Provided*, That said power to cancel as to any given parcel of land may be waived by the Secretary at any time within said 2-year period by a written notice of waiver: *And provided further*, That after any such cancelation a project water right for the estate involved may be acquired only on terms and conditions satisfactory to the Secretary.

"(iv) That should any freehold estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (ii) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection 3 (b) hereof.

"Any or all of the provisions of this subsection (c) required to be included in the recordable contracts may be made covenants running with the land when said recordable contracts expressly so provide.

"(d) Each contract made pursuant to subdivision 2 (a) (ii) shall provide that no water will be delivered from, through, or by means of the project works except in accordance with the provisions and limitations of section 2 hereof.

"(e) Each district contract may include provisions—

"(i) Requiring that all lands within the district not covered by recordable contracts provided for under subsection (c) or otherwise not eligible to receive water shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the Secretary may prescribe for postponement in payment of all or part of such assessments but not beyond the expiration of the period during which the price limit under subsection 2 (c) applies.

"(ii) That, without compliance with other provisions of State law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before such date fixed by such board between a date 10 days after the official notice of the election on the contract between the United States and the district and the date of such election. The date limiting the time of such filing shall be announced in the official notice of the proposed election, and lands for which such notice is filed shall be deemed excluded from the district for all purposes as of the time of such filing. Thereafter lands so withdrawn and excluded so long as they remain in private ownership shall not be entitled to receive water from, through, or by means of the project works.

"(f) Any instrument, action, determination, rule, or regulation of the Secretary or his duly authorized representatives under the authority of this section 2 which is or may be determinative of the title to lands or interest in lands in private ownership within the project shall be effective as to any given parcel of land, as against purchases for value without actual notice, only from the time of the filing for record in the office of the county auditor of the county or counties in which the lands affected are located of a copy thereof authenticated in the manner authorized by law. Such filing shall impart legal notice to the public of the matters and things set out therein.

"SEC. 3. (a) Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by a recordable contract made under subsection 2 (c) hereof, in the affidavit required by that subsection, shall constitute a misdemeanor punishable by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment.

"(b) Should any freehold estate in lands subject to the recordable contract made under subsection 2 (c) hereof be conveyed or contracted to be conveyed, after the date of execution of such recordable contract and within 5 years from the time water becomes available for such lands, at a consideration in excess of the appraised value of said estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be invalid and unenforceable by the vendor or grantor, his successors or assigns as to that part of the consideration in excess of the appraised value of the estate involved. In the case of any such transaction involving deferred payments, said invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

"The vendee or grantee in any such transaction, at any time within 2 years from the date of any such conveyance or contract and on filing a correct affidavit as required in subdivision 2 (c) (ii), may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

"In connection with any judgment or decree hereunder in favor of a vendee or grantee, said vendee or grantee shall have the

right to recover court costs and reasonable attorneys' fees.

"SEC. 4. (a) For the purposes of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, preventing speculation in project lands, and providing for the general welfare, the Secretary is authorized to administer public lands of the United States in the project area and lands acquired under this section; to sell, exchange, or lease such lands; to improve such lands or other lands within the project by clearing, leveling, and preparing them for handling of irrigation water; to establish town sites on such lands; to dedicate portions of such lands for public purposes in keeping with sound project development; to acquire in the name of the United States, at prices satisfactory to him, such lands or interest in lands, within or without the project area, as he deems appropriate for the protection, development, or improvement of the project; to accept donations of real and personal property for the purposes of this act; and to disseminate information by appropriate means and methods. Any moneys realized on account of donations for purposes of this act shall be covered into the Treasury as trust funds.

"(b) Contracts, exchanges, and leases made under this section shall be on terms that, in the Secretary's judgment, are in keeping with sound project development. In addition, land-sale contracts shall be on a basis that, in the Secretary's judgment, provides for the return in a reasonable period of years of not less than the appraised value of the land and improvements thereon. Contracts for repayment of costs incurred by the United States in clearing, leveling, and preparing lands for handling of irrigation water may, in the Secretary's discretion, be made with individual water users or any form of water users' organization satisfactory to him.

"Qualifications of applicants for the purchase of land for irrigation farming shall be prescribed as provided in subsection C of section 4 of the Act of December 5, 1924 (43 Stat. 702), notwithstanding any other provisions of law.

"SEC. 5. (a) The Secretary may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property situated therein acquired pursuant to the authority of this Act, out of funds derived from the leasing of such lands. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision as the case may be upon such property if it were not exempt from taxation thereby.

"(b) Any lands or interests in lands acquired by the United States under the provisions of this Act shall be subject to all provisions of the laws of the State of Washington relating to the organization, government, and regulation of irrigation, reclamation, and conservancy districts and shall be subject to liens for charges legally assessed by any such district, to the same extent and in the same manner as public lands subject to entry are or may be subject to said laws and charges by the provisions of sections 1, 2, 3, 5, and 7 of the Act of August 11, 1916 (39 Stat. 506), as amended by the Act of May 15, 1922 (42 Stat. 541). Upon execution by the United States of a contract of sale of any lands within the project, the lands under contract may be taxed by the State or political subdivision thereof in the same manner and to the same extent as privately owned lands of a like character. All taxes legally so assessed may be enforced by the sale of the lands in the same manner and under the same proceeding whereby said taxes are enforced against privately owned lands: *Provided*, That the title or interest which the State or political subdivision thereof may convey in any tax proceeding shall be subject to whatever title remains in the United States and to any prior lien reserved to the United States for all unpaid installments upon the contract of sale, whether accrued or otherwise, and any other charges upon said land which have accrued or may accrue under and by virtue of said contract of sale or the contract between the United States and the district in which the land is located.

"SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such moneys as may be necessary to carry out the provisions of this act, to be reimbursable to the extent required by this act. All revenues received in carrying out the provisions of section 4 hereof shall be covered into the General Treasury as 'miscellaneous receipts.' Amounts equal to appropriated funds requisitioned by the Secretary and made available for disbursement on the books of the Treasurer of the United States shall be debited in a special account in the Treasury, to be known as the 'Columbia Basin Land Development Account.' Amounts equal to revenues covered into the General Treasury as 'miscellaneous receipts' shall be credited in said special account. After such credits equal the amount of the debits with interest thereon at the rate of 3 percent per annum from the respective dates of the debits, additional credits in said special account shall be made by the Secretary, in the manner determined by him, the basis of corresponding credits to the construction cost obligations of the district or districts entering into contracts under section 2 hereof.

"SEC. 7. No water shall be delivered for irrigation within the project until the State of Washington, by appropriate legislation, shall have adopted, authorized, ratified, and consented to all the provisions of this act insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.

"Legislation otherwise conforming to the standards above stated in this section will meet the requirements of the section even though, by reason of limitations in the State constitution, the contracts required under subsection 2 (c) cannot be executed pursuant to such legislation as to the State's school and other public lands. As to such lands, the provisions and requirements of subsection 2 (c) shall remain effective, but if these constitutional limitations have not been removed at least 6 months prior to the expiration of the time provided for the execution of the contracts the time is hereby extended for a period ending 6 months after the removal of the limitations.

"SEC. 8. The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in the contracts hereinbefore provided for such provisions as he deems proper for carrying out the provisions of this act; and in connection with sales or exchanges under the Act, he is authorized to effect conveyances without regard to the law governing the patenting of public lands. Wherever in this act functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives.

"SEC. 9. The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington comprising a part of the lands within the project at prices not to exceed their appraised values, determined as provided in subsection 2 (a) hereof.

"SEC. 10. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"SEC. 11. This act may be cited as 'The Columbia Basin Project Act.'"

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute and additional authority related to the settlement and development of the project, and for other purposes."

HILLER & WILBUR, INC.

The bill (S. 644) for the relief of Hiller & Wilbur, Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to pay, out of any funds available for the purpose of carrying out the provisions of section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, to Hiller & Wilbur, Inc., of New Orleans, La., the sum of $5,414.48, in full satisfaction of its claim against the United States for cotton export subsidy payments on 900 bales of cotton sold by it for export during the latter part of 1939 and the early part of 1940, payment of such claim having been denied by the Department of Agriculture because of the failure of the seller to give notice of the sales to the Department within the time prescribed by the applicable regulations: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REGULATION OF BARBERS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment on page 4, line 10, before the word "showing", to strike out the word "proper."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 6171) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898, as amended, was announced as next in order.

Mr. McCARRAN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COORDINATION OF FEDERAL REPORTING SERVICES—CONFERENCE REPORT

Mr. SCHWARTZ. Mr. President, I submit a conference report on a bill just read, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplications and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Federal Reports Act of 1942'.

"SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"SEC. 3. (a) With a view to carrying out the policy of this Act, the Director of the Bureau of the Budget (hereinafter referred to as the 'Director') is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

"(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons, will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

"(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

"(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

"(e) For the purposes of this Act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this Act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of this Act shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of this Act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

"SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

"(b) Information obtained by a Federal agency from any person or persons may, pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

"SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 to more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

"(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

"(b) The Director shall have stated that he does not disapprove the proposed collection of information.

"SEC. 6. The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 7. As used in this act—

"(a) The term 'Federal agency' means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

"(b) The term 'person' means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

"(c) The term 'information' means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States, or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

"SEC. 8. Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested.

"SEC. 9. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act."

And the House agree to the same.

ALLEN J. ELLENDER,
H. H. SCHWARTZ,
ROBERT A. TAFT,
GEORGE D. AIKEN,
Managers on the part of the Senate.
WILL M. WHITTINGTON,
JOHN F. HUNTER,
HENRY O. TALLE,
Managers on the part of the House.

Mr. BARKLEY. Mr. President, the Senator said that he was presenting a conference report on a bill just read. Evidently it cannot be a conference report on a bill that is on the calendar.

Mr. SCHWARTZ. I was informed by the clerk that the bill had just been read. I could not hear all that was going on because what seem to be in the nature of general conventions are being held on various parts of the Senate floor.

The PRESIDING OFFICER. This is an entirely different bill, but the conference report is in order. Is there objection to the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

HOURS OF LABOR OF FEMALES EMPLOYED IN THE DISTRICT

The bill (H. R. 7447) to amend an act entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2768) to authorize the use for war purposes of silver held or owned by the United States was announced as next in order.

Mr. McCARRAN. I ask that the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

MEANS OF EGRESS FROM BUILDINGS IN THE DISTRICT

The Senate proceeded to consider the bill (H. R. 5486) to provide for means of egress from buildings in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "height", to strike out "in which sleeping quarters for the accommodation of 10 or more persons are provided above the first floor."

The amendment was agreed to.

The next amendment was, in the same section, page 2, line 7, after the word "building", to strike out "and in addition thereto municipal fire-alarm connection, to be connected directly or indirectly to the municipal fire-alarm central-office headquarters, or a firm-alarm system reporting through a private central station connected with the municipal fire-alarm central-office headquarters for any building five or more stories in height, or for any building three or more stories in height having a single floor area of over 35,000 square feet."

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 14, after the word "stations", to strike out "municipal firm-alarm connection, connections to the municipal firm-alarm central-office headquarters, or through a central station."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ENSIGN DONALD L. GRUNSKY

The bill (S. 2790) for the relief of Donald L. Grunsky, was announced as next in order.

Mr. WALSH. Mr. President, calendar number 1823, House bill 7653 is identical with the Senate bill, the title of which has just been stated. I ask unanimous consent that the House bill be substituted for the Senate bill and be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 7653) for the relief of Ensign Donald L. Grunsky was considered, ordered to a third reading, read the third time, and passed.

Mr. WALSH. I move that Senate bill 2790 for the relief of Donald L. Grunsky, be indefinitely postponed.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 2900) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority, was announced as next in order.

Mr. McNARY and Mr. VANDENBERG asked that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE GEIS AND ADMINISTRATOR OF ESTATE OF JOSEPH GLASER

The bill (H. R. 1646) for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased, was considered, ordered to a third reading, read the third time, and passed.

UPHAM TELEPHONE & ELECTRIC CO.

The bill (H. R. 194) for the relief of the Upham Telephone & Electric Co., Upham, N. Dak., was considered, ordered to a third reading, read the third time, and passed.

ROBERT T. GROOM ET AL.

The Senate proceeded to consider the bill (S. 2375) for the relief of Robert T. Groom, Daisy Groom, and Margaret Groom, which had been reported from the Committee on Claims with amendments, on page 2, line 2, after the name "Groom", to strike out "$3,000" and insert "$952"; in line 4, after the name "Groom", to strike out "$5,500 as compensation for personal injuries sustained", and insert "$4,000 as compensation for all damages, including hospitalization, suffered"; at the beginning of line 7, to strike out "$7,500", and insert "$3,500"; and in the same line, after the word "compensation", to strike out "for personal injuries sustained" and insert "for all damages, including hospitalization, suffered"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert T. Groom, Daisy Groom, his wife, and Margaret Groom, his daughter, all of Murfreesboro, Tenn., the respective sums hereinafter specified in full satisfaction of their claims against the United States arising out of a collision which occurred near Murfreesboro, Tenn., on October 21, 1941, when an automobile driven by Robert H. Pate, a United States mail carrier, ran into the automobile of the said Robert T. Groom: To the said Robert T. Groom, $952 as compensation for property damage and other damages sustained by him, to the said Daisy Groom, $4,000 as compensation for all damages, including hospitalization, suffered by her; and to the said Margaret Groom, $3,500 as compensation for all damages, including hospitalization, suffered by her: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CHING SHEE

The bill (H. R. 6370) for the relief of Mrs. Ching Shee (Ching Toy Wun) was considered, ordered to a third reading, read the third time, and passed.

PAY AND ALLOWANCES OF ARMY NURSE CORPS

The Senate proceeded to consider the bill (H. R. 7633) to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, page 1, line 5, before the word "allowances", to strike out "money."

The amendment was agreed to.

The next amendment was, in the same section, line 5, after the word "allowances", to strike out "including" and insert "for subsistence and rental of quarters."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, before the word "allowances", to strike out "money."

The amendment was agreed to.

The next amendment was, in the same section, page 2, line 9, after the word "allowances", to strike out "including" and insert "for subsistence and rental of quarters, and."

The amendment was agreed to.

The next amendment was, on page 4, after line 21, to insert:

SEC. 6. During the present war and for 6 months thereafter, the President is authorized to provide for the appointment or enrollment in the Medical Department of the Army of technical and professional, female personnel in categories required for duty outside the continental United States. Such personnel shall be distributed, in accordance with regulations prescribed by the Secretary of War, in relative ranks and grades corresponding to the commissioned and enlisted grades of the Regular Army; and the Secretary shall have complete authority to define the qualifications for all of the grades in which such personnel are distributed. Such personnel shall receive pay and money allowances for subsistence and rental of quarters and mileage and other travel allowances, as now or hereafter provided by law for military personnel of comparable grade, without dependents. Persons so appointed and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as members of the Army Nurse Corps and their dependents. Persons so enrolled and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as enlisted men of the Regular Army and their dependents.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to insert:

SEC. 7. That hereafter, during the present war and for 6 months thereafter, the superintendent and all other members of the Navy

Nurse Corps shall have relative rank and be entitled to receive the same pay, and money allowances for subsistence and rental of quarters, and mileage and other travel allowances as are authorized by this act for corresponding grades and relative ranks in the Army Nurse Corps. The Secretary of the Navy is authorized to use appropriations available to the Naval Establishment to carry into effect the provisions of this section.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 6730) to protect the public health by the prevention of certain practices leading to dental disorders and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry was announced as next in order.

Mr. McNARY. Over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAL AND MARINE CORPS RESERVE

The bill (H. R. 6839) relating to the appointment and retirement of the Naval and Marine Corps Reserve of persons with physical disabilities and for other purposes was announced as next in order.

The PRESIDING OFFICER. On objection, the bill will be passed over.

Mr. WALSH. Mr. President, the Navy is very anxious to have action on this bill. It permits the Navy to enlist men with minor physical defects who are needed in the service of the Navy and provides for their retirement after service in the Navy. I inquire who made objection to the bill?

The PRESIDING OFFICER. The Chair understood the Senator from Oregon to object.

Mr. McNARY. Mr. President, I was not objecting to Calendar No. 1831, House bill 6839. I was objecting to No. 1830, House bill 6730, because of the absence of Senators who want to be present when the bill is considered. I did not object to Calendar No. 1831, House bill 6839.

Mr. WALSH. It was my understanding that the Senator did not object.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 6839?

There being no objection, the Senate proceeded to consider the bill (H. R. 6839) relating to the appointment and retirement of the Naval and Marine Corps Reserve of persons with physical disabilities and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

The first amendment was, on page 1, line 4, after the word "have", to insert "other than organic."

The amendment was agreed to.

The next amendment was, on page 1, line 11, after the word "Reserve", to strike out "who has heretofore been ordered to active duty upon waiver of physical disability or any such officer."

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "disability", to strike out "with which he was suffering" and insert "for which waiver was required."

The amendment was agreed to.

The next amendment was, on page 2, line 6, after the word "aggravation", to strike out "thereof, except where such aggravation is beyond the normal progress of the disease or injury and where such aggravation is incident to the service. Such" and insert "of such disability."

The amendment was agreed to.

The next amendment was, on page 2, line 9, before the word "officer", to insert "That such."

The amendment was agreed to.

The next amendment was, on page 2, line 11, after the word "service", to insert "*And provided further*, That except for retirement based upon disability for which waiver is required under this act, or aggravation of such disability, this act shall not be construed to deprive any person of any right or benefit authorized under any other act."

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert a new section, as follows:

SEC. 2. For the purposes of applying section 607 of the National Service Life Insurance Act of 1940, or section 302 of the World War Veterans' Act, 1924, as amended, any disability for which waiver was required as a condition to tender of commission under this act shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 7801) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority was announced as next in order.

Mr. McNARY and Mr. VANDENBERG asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HYRAM COLWELL

The bill (H. R. 2970) for the relief of Hyram Colwell was considered, ordered to a third reading, read the third time, and passed.

GEORGE O. HANFORD

The bill (H. R. 2973) for the relief of George O. Hanford was considered, ordered to a third reading, read the third time, and passed.

CATHERINE BARRETT

The bill (H. R. 4029) for the relief of Catherine Barrett was considered, ordered to a third reading, read the third time, and passed.

BOTHILDA STENDER

The bill (H. R. 4898) for the relief of Bothilda Stender was considered, ordered to a third reading, read the third time, and passed.

MICHAEL LEO FITZPATRICK

The bill (H. R. 5274) for the relief of Michael Leo Fitzpatrick, was considered, ordered to a third reading, read the third time, and passed.

GWENDOLYN ANNE OLHAVA

The bill (H. R. 5409) for the relief of Gwendolyn Anne Olhava, was considered ordered to a third reading, read the third time, and passed.

ALICE COMAS

The bill (H. R. 5649) for the relief of Alice Comas, was considered, ordered to a third reading, read the third time, and passed.

ALEX LAWSON

The bill (H. R. 6366) for the relief of Alex Lawson, was considered, ordered to a third reading, read the third time, and passed.

I. ARTHUR KRAMER

The bill (H. R. 6489) for the relief of I. Arthur Kramer, was considered, ordered to a third reading, read the third time, and passed.

JANE A. THORNTON

The bill (H. R. 6520) for the relief of Jane A. Thornton, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM R. IVEY

The bill (H. R. 6653) for the relief of William R. Ivey, was considered, ordered to a third reading, read the third time, and passed.

MRS. ESTHER MANN

The bill (H. R. 6695) for the relief of Mrs. Esther Mann, was considered, ordered to a third reading, read the third time, and passed.

MRS. BESSIE SCHAKETT

The bill (H. R. 6749) for the relief of Mrs. Bessie Schakett was considered, ordered to a third reading, read the third time, and passed.

LILLIAN J. DELAVERGNE

The bill (H. R. 6771) for the relief of Lillian J. Delavergne was considered, ordered to a third reading, read the third time, and passed.

J. M. JESSIE

The bill (H. R. 6780) for the relief of J. M. Jessie was considered, ordered to a third reading, read the third time, and passed.

THOMAS W. DOWD

The bill (H. R. 6863) for the relief of Thomas W. Dowd was considered, ordered to a third reading, read the third time, and passed.

MAUDE LEACH

The bill (H. R. 6873) for the relief of Maude Leach was considered, ordered to a third reading, read the third time, and passed.

MRS. ADA F. OGLE

The bill (H. R. 6923) for the relief of Mrs. Ada F. Ogle was considered, ordered to a third reading, read the third time, and passed.

JOSEPH F. GORDON

The bill (H. R. 6924) for the relief of Joseph F. Gordon was considered, ordered to a third reading, read the third time, and passed.

MR. GARLAND GAILEY

The bill (H. R. 7035) for the relief of Mr. Garland Gailey was considered, ordered to a third reading, read the third time, and passed.

ELMORE LEE LANE

The bill (H. R. 7167) for the relief of Elmore Lee Lane was considered, ordered to a third reading, read the third time, and passed.

GROVER C. WEDGWOOD

The bill (H. R. 7168) for the relief of Grover C. Wedgwood was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN EMPLOYEES OF THE VETERANS' ADMINISTRATION

The bill (H. R. 7288) to relieve certain employees of the Veterans' Administration was considered, ordered to a third reading, read the third time, and passed.

DR. J. M. SCOTT

The bill (H. R. 7316) for the relief of Dr. J. M. Scott was considered, ordered to a third reading, read the third time, and passed.

ARKANSAS GAZETTE

The bill (H. R. 7333) for the relief of Arkansas Gazette was considered, ordered to a third reading, read the third time, and passed.

BERNICE RYHE

The bill (H. R. 7518) for the relief of Bernice Ryhe was considered, ordered to a third reading, read the third time, and passed.

RALPH B. RANDALL

The bill (H. R. 7649) for the relief of Ralph B. Randall was considered, ordered to a third reading, read the third time, and passed.

WILLIAM F. PERKINS

The bill (H. R. 7651) for the relief of William F. Perkins was considered, ordered to a third reading, read the third time, and passed.

WARREN M. ENGSTRAND

The bill (H. R. 7652) for the relief of Warren M. Engstrand was considered, ordered to a third reading, read the third time, and passed.

JURISDICTION OF NAVAL COURTS MARTIAL

The Senate proceeded to consider the bill (S. 2899) to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States, which had been reported from the Committee on Naval Affairs with amendments.

Mr. VANDENBERG. Mr. President, I should like to hear from the Senator from Massachusetts with respect to the purpose of the bill.

Mr. WALSH. Mr. President, the bill seeks to give jurisdiction to naval courts over civilians employed by our naval organization in areas where no civil courts are available. At the tip end of Alaska, where civilians are employed by the Army and the Navy, if a crime such as robbery, stealing, or murder is committed, there are practically no facilities for taking jurisdiction in the civil courts, because of the long distance to a civil court. That is true also of certain islands in the Hawaiian group, Midway, and Wake. The Committee on Naval Affairs were satisfied that the Navy should be given jurisdiction over civilians who commit crimes when they are employed by the Navy in those areas. The bill is limited to areas where no civil courts are available.

Mr. VANDENBERG. As the bill passed the House, it was far more general in its substitution of the military for civil authority, was it not?

Mr. WALSH. The Senator is absolutely correct. We tried to restrict it solely to places where it is practically humanly impossible to resort to the civil courts.

Mr. VANDENBERG. I think that as submitted by the committee, and as explained by the able Senator from Massachusetts, the bill is wholly justified, but I hope the Senate committee amendment will prevail in conference.

Mr. WALSH. I am pleased that the Senator approves of the desire on the part of the committee not in any way to remove jurisdiction over civilians from the civil courts except when extreme situations exist, to which the amendment limits the bill.

Mr. VANDENBERG. Without the Senate committee amendment, the substitution of military for civil authority would be rather substantial throughout the area of the United States.

Mr. WALSH. The Senator is correct.

The PRESIDING OFFICER. The clerk will state the amendments of the committee.

The amendments were, on page 1, line 6, after "United States", to strike out "and in Alaska"; on page 2, line 5, after the word "emergency", to strike out "under such regulations as the Secretary of the Navy may prescribe"; and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That in addition to the persons now subject to the Articles for the Government of the Navy, all persons, other than persons in the military service of the United States, outside the continental limits of the United States accompanying or serving with the United States Navy, the Marine Corps, or the Coast Guard when serving as a part of the Navy, including but not limited to persons employed by the Government directly, or by contractors or subcontractors engaged in naval projects, and all persons, other than persons in the military service of the United States, within an area leased by the United States which is without the territorial jurisdiction thereof and which is under the control of the Secretary of the Navy, shall, in time of war or national emergency be subject to the Articles for the Government of the Navy except insofar as these articles define offenses of such a nature that they can be committed only by naval personnel: *Provided*, That the jurisdiction herein conferred shall not extend to Alaska, the Hawaiian Islands, Puerto Rico, or the Virgin Islands, except the islands of Palmyra, Midway, Johnston, and that part of the Aleutian Islands west of longitude 172° west.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY AND ALLOWANCES OF CERTAIN MISSING PERSONS

The bill (S. 2917) to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons, was announced as next in order.

Mr. WALSH. Mr. President, yesterday the House passed a bill similar to this, and I move that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER laid before the Senate a bill from the House of Representatives (H. R. 7844) to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons, which was read twice by its title.

Mr. WALSH. I ask for the consideration and passage of the House bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. WALSH. I move that Senate bill 2917 be indefinitely postponed.

The motion was agreed to.

Mr. WALSH. Mr. President, I have been requested to have inserted in the RECORD in connection with the subject of the bill just passed a letter addressed to me by General Hines, Administrator of the Veterans' Administration.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

VETERANS' ADMINISTRATION,
Washington, December 4, 1942.

Hon. DAVID I. WALSH,
Chairman, Committee on Naval Affairs, United States Senate,
Washington, D. C.

MY DEAR SENATOR WALSH: Pursuant to permission granted by your committee, there are enclosed two copies of the report of the Veterans' Administration to the Bureau of the Budget on S. 2917, Seventy-seventh Congress, "a bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons," for incorporation in the committee's report of the bill.

Advice has been received from the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

FRANK T. HINES,
Administrator.

DECEMBER 4, 1942.

The DIRECTOR,
Bureau of the Budget,
Washington, D. C.

SIR: This report is in response to telephonic request and your letter dated December 2, 1942, forwarding a copy of letter and

draft of bill prepared by the Secretary of the Navy and addressed to the Speaker, House of Representatives, proposing amendments to Sections 3, 4, 5, and 6, Public Law No. 490, 77th Congress, approved March 7, 1942, and requesting the views of the Veterans' Administration in the matter.

At a hearing on the matter before the Senate Committee on Naval Affairs, the Veterans' Administration requested and was granted permission to have this report incorporated in the committee report in order that the record may be complete. However, pursuant to request of the committee, conference was held with representatives of the War and Navy Departments, resulting in modification of the bill as will hereinafter appear. It was pointed out by the Veterans' Administration that the proposed amendment to Section 5 of Public Law No. 490 would be objectionable for the reason that the head of the department would be authorized to make a finding of death without any evidence to support such finding other than the absence of an individual for a period of 12 months or more. Such finding would not relieve the Veterans' Administration of the necessity of determining the fact of death in claims under the World War Veterans Act, 1924 as amended, and the National Service Life Insurance Act of 1940 as amended, but would place the Veterans' Administration in the embarrassing position of being without any evidence to sustain a finding of death on a factual basis and at the same time be unable to offer satisfactory explanation to the beneficiaries of the absent person's insurance as to why insurance is not payable.

National service life-insurance benefits are payable only in monthly installments. United States Government life insurance, however, in many instances, is payable in a lump sum. The Veterans' Administration would, therefore, be obliged to pay $10,000 in one sum in many instances, if the presumptive finding of death is to be accepted. Further, in cases wherein the insured later is found to be living the trust funds would be depleted without reimbursement and the contract of insurance might be detrimentally affected.

The Veterans' Administration suggested that section 5 be amended in the manner indicated in the attached draft. The purpose of the proposed substitute amendment was to authorize continuation of the absentee in a missing status in case there was no affirmative evidence indicating that such person was dead but otherwise to issue a report of death based upon satisfactory evidence which would be sufficient for the Veterans' Administration to accept as it does other reports of death in service. This proposal was rejected by representatives of the War and Navy Departments on the ground that the Departments specifically desire authority to make such finding when the circumstances under which the absentee disappeared made it appear probable to the head of the Department that the absentee should be presumed to be dead and such presumptive finding is necessary in order that they might close and settle their accounts.

In lieu of the proposal of the Veterans' Administration, the representatives of the War and Navy Departments agreed to eliminate the last sentence of their proposed draft of an amendment to section 5 and assured the Veterans' Administration that information available in connection with the adjudication of claims would be furnished the Veterans' Administration in every case where it was practical and proper to do so, and eventually in all cases.

In view of the fact that the adjudication of claims for the purpose of paying insurance benefits requires affirmative finding that the insured is dead, the proposed bill, even as amended, will present considerable difficulty in matters of administration to the Veterans' Administration. However, because of the strong conviction of the War and Navy Departments, concerning the need of authority to make presumptive findings of death under the circumstances indicated in section 5 of their proposed amendment, and the admitted necessity of permitting such Departments to function upon a practical basis, I have reluctantly concluded that I should not oppose enactment at this time of the bill as amended. While it appears probable that information concerning the circumstances under which an absentee disappeared will, in most instances, furnish satisfactory evidence upon which a finding of death may be predicated I feel confident that both in principle and from the standpoint of good administration our recommendations are sound and that experience will make clear the necessity for further amendatory legislation, particularly with respect to insurance benefits.

Respectfully,

FRANK T. HINES,
Administrator.

SEC. 5. When the 12 months' period from the date of commencement of absence is about to expire in any case of a person missing or missing in action and no further report of death, being a prisoner or being interned, has been received, the head of the department concerned or a person designated by him, shall, in each case, consider the circumstances of the disappearance and upon all available evidence determine whether or not it may be reasonably concluded that the person is dead. If it be determined that there is not sufficient evidence reasonably to support a finding of death, such person shall be continued in a missing or missing-in-action status. However, such a determination may be reconsidered and the previous decision changed when, in the opinion of the head of the department concerned or a person designated by him, the evidence warrants such action. When a finding of death is made under this act, accounts including pay, allowances, and payment of 6 months' death gratuity shall be adjusted and settled as of the last day of the month in which the finding of death is made. Upon making a finding of death as herein provided, the head of the department or a person designated by him shall issue a report of death.

JAMES E. SAVAGE

The bill (H. R. 7705) for the relief of James E. Savage was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7424) to amend and clarify certain provisions of law relating to functions of the War Shipping Administration and for other purposes was announced as next in order.

Mr. GUFFEY. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7788) to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities was announced as next in order.

Mr. LODGE. Over.

Mr. BROWN. I also ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF ELMER WHITE

The bill (H. R. 5154) for the relief of the estate of Elmer White, was considered, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT OF F. E. WESTER

The bill (H. R. 5157) to reimburse F. E. Wester for labor and materials used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF WILLIAM E. AVERITT

The Senate proceeded to consider the bill (H. R. 5812) for the relief of William E. Averitt and United States Casualty Co., which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the figures "$1,800", to strike out "and to United States Casualty Company the sum of $1,879.54"; on line 7, after the words "payment of", to strike out "such sums" and to insert "this sum"; on line 8, after the words "settlement of", to strike out "their claims" and to insert "the claim of William E. Averitt"; on line 10, after the word "eye" and the comma, to strike out "and the payment of compensation by the United States Casualty Company."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of William E. Averitt."

ESTATE OF MRS. H. L. SMITH

The bill (H. R. 6095) for the relief of the estate of Mrs. H. L. Smith, deceased, was considered, ordered to a third reading, read the third time, and passed.

THOMAS H. VANNOY

The bill (H. R. 6179) for the relief of Thomas H. VanNoy was considered, ordered to a third reading, read the third time, and passed.

EDWARD WORKMAN

The bill (H. R. 5175) for the relief of Edward Workman was considered, ordered to a third reading, read the third time, and passed.

CLARENCE A. HOUSER

The bill (H. R. 6285) for the relief of Clarence A. Houser was considered, ordered to a third reading, read the third time, and passed.

WILLIAM M. MILLER

The bill (H. R. 6569) for the relief of William M. Miller was considered, ordered to a third reading, read the third time, and passed.

LITCHFIELD BROS.

The bill (H. R. 7012) for the relief of Litchfield Bros., Aurora, N. C., was considered, ordered to a third reading, read the third time, and passed.

MRS. JAMES Q. MATTOX

The bill (H. R. 7185) for the relief of Mrs. James Q. Mattox was considered, ordered to a third reading, read the third time, and passed.

SILAS FRANKEL

The bill (H. R. 7247) for the relief of Silas Frankel was considered, ordered to

a third reading, read the third time, and passed.

RONALD LEROY CHEN

The bill (H. R. 6677) for the relief of Ronald Leroy Chen was considered, ordered to a third reading, read the third time, and passed.

MRS. J. C. TOMMEY

The Senate proceeded to consider the bill (H. R. 7171) for the relief of Mrs. J. C. Tommey, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$5,000" and insert "$3,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ETTA A. THOMPSON

The bill (H. R. 7587) for the relief of Etta A. Thompson, was considered, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber."

MADELINE FIORI

The Senate proceeded to consider the bill (H. R. 7357) for the relief of Madeline Fiori, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, before the name "Fiori", to strike out "Mrs. Bulah" and to insert "Madeline."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 6729) to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

DAY NURSERIES AND NURSERY SCHOOLS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 7522), which had been reported from the Committee on the District of Columbia with an amendment, on page 2, after line 13, to strike out section 3, as follows:

SEC. 3. The appropriation contained in the said appropriation act approved June 27, 1942, for sponsor's contributions toward Work Projects Administration nonconstruction projects shall, in addition to the objects therein set forth, be available for sponsor's contributions for the establishment, maintenance, and operation of day nurseries and nursery schools for children of school and under school age: *Provided*, That such funds shall not be used for the benefit of any child whose parent, parents, or guardian are financially able to pay an equitable share of the cost of the service provided by this act.

And to insert in lieu thereof the following:

SEC. 3. The sponsoring agency is authorized and directed to exact from the parent, parents, or guardian of any child admitted to the day nurseries or nursery schools authorized by this act a fee commensurate with the ability of such parent, parents, or guardian to pay, as determined by such sponsoring agency: *Provided*, That such sponsoring agency is authorized to admit without charge any child whose parent, parents, or guardian are unable to make any contribution. All fees collected under the provisions of this act shall be paid to the collector of taxes of the District of Columbia and deposited into the Treasury of the United States to the credit of the account "Miscellaneous trust fund deposits, District of Columbia, day nurseries," and shall be disbursed in the same manner as other trust funds are disbursed by the District of Columbia. The said trust fund shall be available to pay any necessary expenses incident to the operation of the day nurseries or nursery schools authorized by this act, not otherwise provided for.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. That completes the calendar.

Mr. McCARRAN obtained the floor.

AMENDMENT OF REVENUE ACT OF 1942

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WALSH. From the Committee on Finance I report favorably House Joint Resolution 365 to amend the Revenue Act of 1942, and I submit a report (No. 1832) thereon. I ask unanimous consent for immediate consideration of the joint resolution.

Mr. McCARRAN. Mr. President, may we have an explanation of the joint resolution?

Mr. WALSH. The joint resolution, which was passed by the House of Representatives, and approved by the Senate Finance Committee, simply changes one of the dates in the recent revenue bill relating to the release of appointments under the gift and estate tax provision, from January 1, 1943, to July 1, 1943. The measure was recommended by the Treasury, by the staff of the Joint Committee on Internal Revenue Taxation, and by the Ways and Means Committee of the House and the Finance Committee of the Senate. It provides merely for compliance with one of the provisions of the recently enacted revenue law.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 365) to amend the Revenue Act of 1942 was considered, ordered to a third reading, read the third time, and passed.

Mr. WALSH. I now ask that the report of the Committee on Finance be printed in the RECORD at this point.

There being no objection, the report (No. 1832) was ordered to be printed in the RECORD, as follows:

The Committee on Finance, to whom was referred the joint resolution (H. J. Res. 365) to amend the Revenue Act of 1942, having considered the same report favorably thereon and recommend that the joint resolution do pass.

The joint resolution amends sections 403 and 452 of the Revenue Act of 1942, amending sections 811 (f) and 1000 of the Internal Revenue Code, relating to the powers of appointment in the estate and gift tax provisions.

Under the 1942 Revenue Act the Congress provided that holders of general powers of appointment, created on or before the date of enactment of the amendments, may release such powers prior to January 1, 1943, without incurring estate or gift tax liability. The purpose of this amendment is to afford holders of such powers additional time to readjust their affairs in the light of the new provisions, changing the date for the release of such general powers from January 1, 1943, to July 1, 1943.

The proposed amendment has the approval of the Treasury Department and the staff of the Joint Committee on Internal Revenue Taxation. The chief of the staff of the Joint Committee on Internal Revenue Taxation in a letter addressed to Senator DAVID I. WALSH, member of the Finance Committee, under the date of December 1, 1942, expressed approval of the proposed measure, adding extension of the date "will give us sufficient time to study this problem so as to avoid any hardship against the legitimate fiduciary who has no beneficial interest in the testator's estate." He further stated that "it is believed that the present law may result in hardship upon the fiduciary with a general power and require the property subject to the power to be included in the trustee's own estate, although he had no personal interest in the property and was never intended to have any such personal interest."

For the further information of the Senate there is appended hereto and made a part of this report a letter to the chairman of the Finance Committee from the General Counsel of the Treasury Department setting forth that Department's views on the joint resolution, as follows:

TREASURY DEPARTMENT,
Washington, December 4, 1942.

Hon. WALTER F. GEORGE,
United States Senate,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Sections 403 and 452 of the Revenue Act of 1942, amending sections 811 (f) and 1000 of the Internal Revenue Code, make important changes in the estate- and gift-tax provisions relating to powers of appointment. The Congress has therefore provided that holders of general powers of appointment, created on or before the date of enactment of the amendments, may release such powers prior to January 1, 1943, without incurring estate- or gift-tax liability. This provision is intended to afford holders of such powers additional time to readjust their affairs in the light of the new provisions.

In preparing the regulations relating to sections 403 and 452, the Treasury Department has been confronted with many problems concerning the timely release of general powers. These problems are attributable to a number of factors. For example, the revenue act was approved on October 21, 1942, thus allowing a period of approximately 2 months for the solution of many problems of law requiring further study by the holders of powers and their legal advisers. Furthermore, the regulations are now in the course of preparation and, when finally promulgated, will probably appear too late to be of any appreciable assistance, in many cases, in advising taxpayers of the proper steps to

be taken. In view of these and other considerations the Treasury Department believes it desirable to extend the period of readjustment from December 31, 1942, to June 30, 1943.

This extension of time, it is further believed, may best be assured by a joint resolution passed at the present session of the Congress. It is suggested that in view of the need for prompt legislative action, the resolution be confined solely to extending the date for the release of general powers to June 30, 1943. If you deem such a joint resolution desirable, I shall be glad to submit for your consideration a draft of a resolution making the necessary change.

I am sending a similar letter to the Honorable Robert L. Doughton, chairman of the Committee on Ways and Means of the House of Representatives.

Sincerely yours,

RANDOLPH E. PAUL,
General Counsel.

CONSIDERATION OF CLAIMS BILLS REPORTED TODAY

Mr. BARKLEY. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. BARKLEY. Eight or ten claims bills were reported too late to go on the calendar, and it is desirable that they be considered and disposed of now. I ask that the bills in question be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will state the bills.

RICHARD BARKER

The Senate proceeded to consider the bill (S. 2610) for the relief of Richard Barker, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$2,540.42" and to insert "$1,500."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard Barker, of Lockport, La., the sum of $1,500, in full settlement of all his claims against the United States for reimbursement of expenses incurred in moving his residence adjoining the Government right-of-way due to caving of the bank of the Intracoastal Waterway Canal, at Lockport, La., during the year 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MRS. WILLIAM BUTAK AND OTHERS

The bill (H. R. 2894) for the relief of Mrs. William Butak and others, was considered, ordered to a third reading, read the third time, and passed.

MIDWEST OIL COMPANY

The bill (H. R. 4741) for the relief of Midwest Oil Co. was considered, ordered to a third reading, read the third time, and passed.

L. H. MILLER

The bill (H. R. 6510) for the relief of L. H. Miller, was considered, ordered to a third reading, read the third time, and passed.

HEIRS OF JOHN J. SHIELDS

The bill (S. 2176) for the relief of the heirs of John J. Shields was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of John J. Shields, formerly of Philadelphia, Pa., the sum of $537, the amount of the funeral expenses incurred for the burial of said John J. Shields; and the payment of such sum shall be in full satisfaction of all claims of such heirs against the United States arising out of the death of said John J. Shields as a result of a collision on October 19, 1940, near Fort Dix, N. J., of the automobile in which the said John J. Shields was riding and an Army station wagon: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ANNA J. KROGOLL

The Senate proceeded to consider the bill (H. R. 4918) for the relief of Anna J. Krogoll, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of" to strike out "$5,000" and insert "$500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM OF JOHN C. SHAW, ADMINISTRATOR

The bill (S. 1214) to provide for the payment of the claim of John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, the sum of $27,467.97, in full satisfaction of the claims of said decedent against the United States Shipping Board Emergency Fleet Corporation, and its successors, including the United States of America, arising out of the certain contract dated May 24, 1920, between Sydney C. McLouth, of Marine City, Mich., party of the first part, and United States Shipping Board Emergency Fleet Corporation, a corporation organized and existing under the laws of the District of Columbia, acting for and on behalf of the United States of America, party of the second part, including particularly, without limitation on the foregoing generality, the obligation of said United States Shipping Board Emergency Fleet Corporation, to adjust and pay the subcontract of said deceased with Ingram-Day Lumber Co. under article 2 of said contract.

COL. LEO A. LUTTRINGER

The bill (H. R. 7650) for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. That completes the claims bills.

CORRECTION IN THE ENROLLMENT OF SENATE BILL 2528

Mr. BARKLEY. Mr. President, if the Senator from Nevada [Mr. McCARRAN] has the floor by perpetual inheritance, I should like to have him yield for another small matter.

Mr. McCARRAN. I yield to the Senator from Kentucky.

Mr. BARKLEY. I submit and ask unanimous consent for the present consideration of a concurrent resolution making a slight technical correction in the Mexican claims conference report adopted a few days ago. A technical mistake was made which can easily be corrected by the concurrent resolution. I ask that the concurrent resolution be read.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 40) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, to strike out the words "section 6 (b)" where they appear in section 8 (c) thereof and insert in lieu thereof the words "sections 4 (b), 4 (c), and 6 (b)."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

ELIMINATION OF PROHIBITION AGAINST PAYMENT OF DEPOSITS AND INTEREST THEREON OF ENLISTED MEN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2353) to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge, which was, on page 2, after line 15, to insert:

SEC. 3. The amendments herein provided shall be effective during the present war and for a period of 1 year thereafter.

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DECORATIONS AND MEDALS FOR MILITARY FORCES OF COBELLIGERENT NATIONS

The PRESIDING OFFICER laid before the Senate the amendment of the House

of Representatives to the bill (S. 2852) to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations, which was, in line 3, to strike out "That" and insert "For the duration of the present war and 6 months thereafter."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DEFINITION OF REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of Order of Business 1686, Senate bill 2804.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 2804) to define the real property exempt from taxation in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARKLEY. Mr. President, I was going to suggest that there are a number of Senators who have expressed their desire to be present when the bill is taken up who do not happen to be on the floor at this time. I do not know how extensive the opposition to the bill is, but it is one of the bills to which I referred awhile ago to which there is opposition. I am sure the Senator from Nevada does not desire to press the matter in the absence of Senators who have expressed in advance their desire to be present when the measure is considered.

Mr. McCARRAN. Mr. President, the bill has been on the calendar for a long time. Its approval is imperative for the reason that for many years past the pieces of property involved in the bill, located in the District of Columbia, have by common acceptance and recognition, been on the exempt list. After weeks of hearings the committee formulated the bill which is now before the Senate. An identical bill was considered by the House, and passed by the House. The language of the House bill, which was approved by the Committee on the District of Columbia after long hearings, is now before the Senate. Unless the bill is adopted there is going to be unusual and unnecessary confusion with reference to taxable property within the District of Columbia.

The bill embraces four classes of property which would be exempt under its terms—property which is devoted to education, with respect to which no profit inures; property which is devoted to religious purposes, with respect to which no profit inures; property devoted to charity, with respect to which no profit inures; and property which is devoted to science. Those are the four classes of property involved. They were considered individually, and they were considered in their respective classes.

Mr. President, let me say that in all the time I have had the privilege of being chairman of the Committee on the District of Columbia I have never had more zealous attendance by the members of the committee or a more active study made of the subject than was made in connection with this particular bill.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WALSH. Was the action of the committee unanimous?

Mr. McCARRAN. The action of the committee was unanimous.

Mr. WALSH. I have received several letters urging that, if possible, action be taken at this session on the bill, and I assume there must be some reason for pressing the proposed legislation at this time.

Mr. McCARRAN. I may say that there is a strong reason for pressing the proposed legislation, otherwise I should not now be urging it. The reason is that unless a bill is passed which clarifies distinctly what properties are to be exempt, the nature of the properties which are to be exempt and, in many instances, specifying by name the properties which are to be exempt, a state of great confusion will arise as to properties in the District of Columbia which for years have been exempt, but which by action of a special board were thrown back into the taxable list. The question will be whether to enforce the tax against them or whether they will be nontaxable.

Mr. MEAD. Mr. President, will the Senator yield.

Mr. McCARRAN. I yield.

Mr. MEAD. Is it not true that certain buildings in the District have been exempt from taxes since they were constructed?

Mr. McCARRAN. That is correct.

Mr. MEAD. They are now being taxed not by any mandate of the Congress but by a ruling of a subordinate official?

Mr. McCARRAN. That is correct.

Mr. MEAD. It is also true, is it not, that the laws of the 48 States have spared similar buildings from taxation and, in general, are in harmony with the provisions of the bill which is being sponsored by the able Senator from Nevada?

Mr. McCARRAN. That is correct. I will say in answer to the able Senator from New York that the property exemptions under the proposed bill—if the bill is passed in its present form—will be much lower than the average exemptions on property in most States of the Union.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BARKLEY. Personally I have no objection to the bill. In fact, I favor the principle involved.

A few days ago I received a letter from the Jewish Welfare Board in the city of Washington, in which they urged that they be included in the proposed legislation. They are not included. They are probably able to establish themselves on a parity with other religious, eleemosynary, and charitable organizations.

I notice that the National Geographic Society, the American Pharmaceutical Association, the Medical Society of the District of Columbia, the National Academy of Sciences, the Brookings Institution, the American Forestry Association, the Carnegie Institution of Washington, and a number of others, and buildings belonging to such similar institutions as may be hereafter exempted from taxation by special acts of Congress, are proposed to be exempt. What objection would there be to the inclusion of the Jewish Welfare Board?

Mr. McCARRAN. There would be no objection, except that the hearings will disclose—and I say that based on attendance at every session of the hearings—that this particular organization is a profit organization and is making a very substantial profit. The chairman gave the organization ample opportunity to clear itself of that character. In my judgment, it did not do so. If at a later date it can clear itself of the character of a profit institution, it will be given consideration. I will say frankly that so long as I am a member of the District Committee I shall insist that it be heard, and if it can satisfy the committee that it is not a profit-making organization I will sponsor a special bill to include it in the exemption. However, up to date, in my judgment, it has not cleared itself of being a profit organization.

Mr. BARKLEY. This being a Senate bill, what chance does the Senator think that it has of becoming a law in view of the situation?

Mr. McCARRAN. The House has passed a similar bill, which is now before the District Committee.

Mr. BARKLEY. The bill which the able Senator from Nevada has moved to take up is a Senate bill. Is there a similar House bill?

Mr. McCARRAN. Yes. It is before the District Committee, and I intend to move to substitute the House bill for the Senate bill, because it is verbatim et literatim the same as the Senate bill.

The PRESIDING OFFICER. The Chair is informed that the House bill is still in the committee.

Mr. BARKLEY. The House bill is not on the calendar.

Mr. McCARRAN. At the proper time I shall move to discharge the committee from further consideration of the House bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHITE. I believe that the bill under consideration is wholly meritorious, and should be passed. I intend to vote for it if the opportunity presents itself. However, I also feel that it would be a very much better bill if an amendment, which I propose to offer, and about which I have talked with the Senator from Nevada, should be accepted when I offer it. I merely wish to make sure that I shall have an opportunity to offer it.

Mr. McCARRAN. I will say to the able Senator from Maine that I would not do anything which would deprive him of the right to offer his amendment. However, let me also say to the Senator that the bill was approved by the District Committee after many weeks of study. If the Senator will consult the report he will see the amount of study the committee gave to it. The bill, in the form approved by the Senate committee, was passed by the House, and the House bill is now before the Senate District Committee. The Senator's

amendment would add one more institution, which did not come before the Senate committee to have its merits considered.

For weeks I urged the press of the District of Columbia to serve notice on all institutions which sought to claim exemption to come before the committee and lay their cases before us. I sent out notices in every way possible. The institution to which the Senator refers did not come before the Senate committee.

Mr. WHITE. May I interrupt the Senator from Nevada?

Mr. McCARRAN. Yes, indeed.

Mr. WHITE. My information is that the organization in whose behalf I am speaking had no notice of the hearings, whatever might have been the purpose of the Senator from Nevada, and therefore had no opportunity to present its case either to the House committee or to the Senate committee.

Mr. McCARRAN. Let me say to the able Senator from Maine that hearings were conducted for weeks, and that headlines were published by the press of the District of Columbia. My statement to the effect that any institution claiming exemption could come before the committee at any time was given wide publicity.

Mr. WHITE. Mr. President, that does not change the substantive fact that the institution to which I refer did not have notice of the pendency of the hearings.

Mr. McCARRAN. I take it that the institution to which the Senator refers had been exempt in years past. Is that true?

Mr. WHITE. I understand that it was exempt for a long time, but subsequently its property was covered in among the classes of property to be taxed. That was done by the authorities of the District of Columbia.

Mr. McCARRAN. That is correct.

Mr. WHITE. I desire that the association to which I have referred be given the same status as is given to other associations of a nonprofit, educational, or welfare nature which are covered in the bill.

Mr. McCARRAN. Mr. President, I am entirely sympathetic with the Senator's attitude; and were it not for the fact that we should have to go back to the House, where I am advised, a quorum is not present, and probably lose the whole bill by reason of going back there, I should be agreeable to the Senator's amendment.

I will say to the able Senator from Maine that I will be the author of a bill to include the institution to which the Senator has made reference, if it can show that it is a nonprofit institution. If it can do so I will bring it in under an amendment to the act.

Mr. WHITE. I have a statement which I shall be glad to read into the RECORD at the appropriate time.

Mr. McCARRAN. I have no doubt about the matter. The institution to which the Senator refers has been remiss in presenting its case. If we are required to go back to the House we shall lose the whole bill.

Mr. WHITE. I believe the House would accept the Senate amendment.

Mr. McCARRAN. Any Member could object to the House concurring in the Senate amendment.

Mr. WHITE. So far as that is concerned, if any Member of the Senate should object, the situation would be the same.

Mr. McCARRAN. No; I have moved that the bill be considered; and the motion is now before the Senate.

Mr. WHITE. The Senator has given many of us information on how to delay a vote.

Mr. McCARRAN. I am advised that the House will not have a quorum on Monday. The bill would not get to the White House until a certain time; and we all know what is in the offing.

Mr. WHITE. Nevertheless, the amendment might be accepted by the House if no point were made as to the absence of a quorum.

Mr. McCARRAN. I do not wish to agree to something which would kill the whole bill. Otherwise I should be agreeable to the amendment. I wish the Senator would withhold his amendment and give us an opportunity to pass the bill.

Mr. WHITE. I shall offer the amendment and make a statement concerning it. I shall not object to the consideration of the bill.

Mr. President, is it now in order to offer my amendment?

Mr. McCARRAN. Mr. President, before that is done I move that the Committee on the District of Columbia be discharged from further consideration of House bill 7781, and that the House bill be substituted for Senate bill 2804 and be now considered.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 7781), to define the real property exempt from taxation in the District of Columbia.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHITE. I have a copy of the House bill before me. I move to insert at the appropriate place in the House bill the words "American Tree Association." In the Senate bill that would be on page 3, line 12 I offer the amendment, to be inserted at the appropriate place in the House bill.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the words "American Tree Association."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

Mr. McCARRAN. I presume the Senator from Maine would like to discuss the amendment. If so, I yield to him for that purpose.

Mr. WHITE. Mr. President, I read for the information of the Senator from Nevada and other Senators who may be interested a memorandum with respect to the American Tree Association:

Mr. Charles Lathrop Pack, who died in 1937, established before his death the Charles Lathrop Pack Forestry Trust for the purpose of conducting the educational and scientific work of the American Tree Association and its related organization, the Charles Lathrop Pack Forestry Foundation. The building at 1212–14 Sixteenth Street NW., which is assessed at approximately $66,000, is the property of the American Tree Association, and it is this property on which exemption from taxes under the provisions of S. 2804 is requested, by the inclusion of the name American Tree Association in paragraph (k), together with the names of the National Geographic Society, the American Pharmaceutical Association, the National Academy of Sciences, Brookings Institution, and others now included.

The reason for asking for exemption of the American Tree Association from the payment of real-estate taxes in the District is that its sole source of income is from the aforesaid forestry trust. It has no income from any other source. Its publications are distributed free. It has no magazine to sell, no advertising to sell. Its purposes are to further forest protection and extension and to increase appreciation of the forests as natural resources essential to the sound economic future of the country. In furtherance of this aim, its activities have been varied and Nation-wide in scope. Among the accomplishments, to mention only a few high lights, have been the following:

Preparation and distribution of over 4,000,000 copies of The Forestry Primer, an elementary textbook on forestry, which has been and is being used in schools throughout the Nation.

Preparation of a book Tree Planting Instructions, and sponsorship of programs which have resulted in the planting of trees by more than 400,000 individuals.

Undertaking a number of studies designed to demonstrate to lumbermen and forest owners the advantages, both to themselves and to the community and the natural resource, of conservation practices in logging and forest management. Among the recommendations developed by these studies have been a plan for centralized cooperative management of farm woodlands (this was probably the first venture in this field in the United States); several detailed publications of methods of conservative logging suited to various regions of the country (i. e., The Two-Cut System of Forest Liquidation in the Lake States Region; Management Possibilities in Douglas Fir Forests), a study of the social and economic effects of the small sawmill on the welfare of the South, and a study of the most effective methods of demonstrating to farmers the advantages of conservative farm woodlot management. All these studies are contributing indirectly to the war effort through having conserved an important resource, and at the request of the War Production Board, the forester in charge of the small sawmill study was able to provide data on the output of small mills that would not have been available in any form had not this study been inaugurated 2 years ago.

For some reason unknown to the American Tree Association, the association was never given any notice of the hearings on Senate bill 2804. It thus had no opportunity to be heard, despite the fact that it, together with other organizations mentioned in the bill, had been removed from the tax-exempt list a year ago.

The American Tree Association considers, therefore, that in all fairness an amendment should be adopted and approved by the District Committee presenting it on the same footing as the National Geographic Association and other organizations previously mentioned.

That is the conclusion of the memorandum; but I submit to you, Mr. President, to the chairman of the committee, and to the membership of the Senate

that the association has made out a case having just as much merit as that possessed by the case of any beneficiary of the bill. I hope the amendment I have offered may have the approval of the Senator from Nevada, and that the Senator may relent in his opposition to it.

Mr. McCARRAN. Mr. President, under ordinary conditions I should take a different attitude; but I desire to say that I promised the Senator from Maine that, as chairman of the Committee on the District of Columbia, if I remain chairman of it—and I hope I may for a while, at least—I shall sponsor a bill by which the institution named by the Senator from Maine may come before the committee and make its showing. I never knew a more zealous attitude than that which the committee took in trying to get all the so-called tax-exempt institutions to come before it and make a showing. The institution of which the Senator from Maine speaks was taken from the exempt roll and was put on the tax roll. Therefore it had notice. It had notice that, notwithstanding the fact it had been exempt for years, it was now put on the tax roll. The newspapers in the District of Columbia carried great headlines showing that the Senate District Committee were holding hearings to determine what organizations should be on the tax roll and what ones should not be on the tax roll. The publicity of the matter was made in extenso. I held the meetings rather protractedly so that the organizations could come before the committee, but the organization to which the Senator from Maine refers did not come before it. I do not say that it is debarred; I only say that if the bill goes back to the House and one objection is made the whole bill is killed.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHITE. I can appreciate the danger which awaits the bill when it goes to the other House.

Mr. McCARRAN. The bill already has passed the other body.

Mr. WHITE. Let me state to the Senator that the association has many friends in the other body; and I ask him to consider whether greater danger would be involved in ignoring the institution rather than in recognizing it.

Mr. McCARRAN. Mr. President, I should like to have my good friend the Senator from Maine remember that now we are dealing with a bill which has passed the House, and that I am trying to get the bill as it passed the House through the Senate without having any amendments attached to it; because if it were amended and then went back to the House, any Member of the House could object, and the whole bill would be lost.

Mr. WHITE. Let me ask if Senate committee amendments to the bill are not pending. Were there not Senate committee amendments to the House bill?

Mr. McCARRAN. No.

Mr. WHITE. Was not the Senate bill as reported from the committee different in some respects from the House bill?

Mr. McCARRAN. No; the Senate bill as it came out of the Committee on the District of Columbia was taken over to the House by Representative HUNTER, was introduced in hoc verbum, and was passed in that way.

Mr. MEAD. Mr. President, as I understand the situation, the Senator is moved by reason of the fact that he is facing a practically parliamentary condition, that unless the House bill passes as it is, the chances for the enactment of the legislation at this session are nil. I also understand that the chairman of the committee, in considering the benefits and the merits of the amendment suggested by our distinguished friend, the Senator from Maine, will sponsor such legislation at the beginning of the next session.

Mr. McCARRAN. I gave that word to the Senator, and I want the organization to come before the committee and make any showing it has to make. I think there is merit in the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine. [Putting the question.]

The amendment is rejected.

The bill is open to further amendment.

If there be no further amendment to be offered, the question is on the third reading of the bill.

The bill, H. R. 7781, was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2804 will be indefinitely postponed.

ADJUSTMENT OF SALARIES OF THE METROPOLITAN POLICE, ETC.

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1526, House bill 6386, a bill to provide for an adjustment of salaries of the Metropolitan Police, and so forth.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 6386) to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation.

Mr. BARKLEY. Mr. President, in view of the situation now pertaining in regard to the pay of all Government employees, does the Senator feel that at this juncture it is wise to take up a bill dealing only with the Metropolitan Police?

Mr. McCARRAN. Let me say to the Senator that the employees of the Metropolitan Police Department and Fire Department are not governed by or provided for by either Senate bill 2666 or any other pending bill other than House bill 6386. An amendment would be required in order to include them under the provisions of any other pending bill.

Mr. BARKLEY. An amendment so as to include them has been suggested to one of the bills.

Mr. McCARRAN. That is correct; but the bill referred to was killed in the committee; it did not come out of committee.

House bill 6386 has great merit. Before I enter upon a discussion of it let me submit an amendment to the bill so that the word "February" on page——

The PRESIDING OFFICER. The Senator is not in order at this time in offering an amendment; because the motion to consider the bill is still pending.

Mr. BARKLEY. Mr. President, I also wish to inquire of the Senator about the general situation in respect to salaries of Government employees in the District of Columbia. Of course, the bill deals with the salaries of employees in the District of Columbia; it does not come under general Government employees' salary schedules. For some time there has been before Congress a claim which many Members of Congress feel to be meritorious, for an increase in the salaries of school teachers. Why should one particular group of District of Columbia employees be picked out and dealt with, thereby leaving out all others?

I may be for the bill; but I think we may be doing an injustice to other meritorious employees if we take up piecemeal one group and increase its pay, and leave out everyone else. I do not know whether that should be done.

Mr. McCARRAN. Let me say in answer to the Senator from Kentucky that in the District of Columbia we have been confronted with several conditions which gave rise to the bill. First of all is the fact that we have had a very difficult time holding men in the police service or in the fire department service, because of the alluring wage conditions in other lines of employment, and because, as in every other line of service, many of the men were young men who wanted to leave the police service and the fire department service to go into the military service of their country. A large number of men have been lost from the police service. We have had difficulty in holding the men who had the best training. All the bill would do would be to increase by $300, which is the limit, the pay of employees in the police service and the fire department service of the District of Columbia. The payment provided for is a pittance; it amounts to but little, considering the long hours and the additional burdens which we have imposed on the men in the police department and the fire department of the District of Columbia by reason of the influx of nearly a quarter of a million new Government employees into the District of Columbia and by reason of the congested condition, the like of which Washington never before knew.

Mr. BARKLEY. Would the Senator be willing to let the matter go over the week end, so that I may confer with him about it? It may be that we can reach an agreement concerning it.

Mr. McCARRAN. If the Senator will assure me that we shall have the bill taken up.

Mr. BARKLEY. Of course, I cannot give the Senator such assurance, but I can assure him that so far as I am concerned I shall make an effort to have it brought up.

Mr. McCARRAN. That is all I ask for.

Mr. BARKLEY. I suppose the Senator's motion would prevail. I would not contest it. We contemplate recessing until Tuesday.

Mr. McCARRAN. I understand that there are also in contemplation on Tuesday some other matters of vital importance.

Mr. BARKLEY. That is problematical and speculative; I hope that by that time we will know; but I will not insist further. I am satisfied that if the thing the Senator has in mind as being in contemplation should eventuate, there will be a good many things like this that ought to be considered. I should like to confer with the Senator over the week end about it. I think the Senator would have as good a chance over the week end as he has now.

Mr. McCARRAN. Of course, I should like to have the assistance of the able Senator from Kentucky.

Mr. BARKLEY. The Senator may have it, for all I know.

Mr. McCARRAN. Would the Senator change the word "may" to the word "will"?

Mr. BARKLEY. That is what I desire to confer with the Senator about.

Mr. MEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. McCARRAN. I yield.

Mr. MEAD. In view of the fact that the Civil Service Committee of the Senate have already favorably acted upon a provision which would increase the pay of the school teachers of the District, although, in doing so, they realized they were usurping the prerogative of the Committee on the District of Columbia, I am wondering if, when we meet on Monday to consider the salary increases for Federal employees, we could have an understanding that when the bill comes up the District Committee will take care of the school teachers, or if it is the Senator's desire that we take care of the school teachers in our bill?

Mr. McCARRAN. Let me say to the Senator from New York that whenever it comes to increasing or augmenting the salary or income of Federal employees, he need not fear usurping the rights of any committee with which I have to do. I am very glad to see them get an increase, regardless of the source whence the increase comes. I am very glad to have either the Senator's committee or the District committee handle the matter as the occasion may demand.

Mr. MEAD. If they are not included otherwise, we may include them in the bill we report.

Mr. McCARRAN. I hope the Senator will, and I may say that I am going to try to include the policemen, firemen, and school teachers of the District in any bill that contemplates the increases we have in mind. I shall not be arbitrary about it.

Mr. MEAD. Having that in mind, would it be agreeable to offer an amendment to this bill on Monday including the school teachers?

Mr. McCARRAN. Yes, indeed.

Mr. MEAD. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator from Nevada withdraw his motion for the time being?

Mr. McCARRAN. Yes; I withdraw my motion.

The PRESIDING OFFICER. The motion of the Senator from Nevada is withdrawn.

ADDITIONAL DISTRICT JUDGE, EASTERN AND WESTERN DISTRICTS OF MISSOURI

Mr. BARKLEY. Mr. President, I ask unanimous consent to revert to calendar No. 1707, House bill 137, which has been reported from the Judiciary Committee and which creates an additional district judgeship in the eastern district of Missouri. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge, who shall be an additional district judge for the eastern and western districts of Missouri. The judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Missouri.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri."

AUTHORITY TO REPORT HOUSE BILL 7370

Mr. WHEELER. Mr. President, there is pending before the Interstate Commerce Committee a House bill on which a subcommittee has held hearings. The Navy is very anxious to have the bill passed. The subcommittee intends to insert certain amendments in the bill. I should like very much to have permission to report the bill either Saturday or Monday, during the recess of the Senate, and I now ask unanimous consent that I may do so in order that the bill may be taken up when the Senate next meets.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. McNARY. I inquire to what bill the Senator refers?

Mr. WHEELER. The bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934, is not now on the calendar, but it is desired to report it from the committee so that it will be on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

USE FOR WAR PURPOSES OF SILVER HELD OR OWNED BY THE UNITED STATES—AMENDMENT

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. McCARRAN. Mr. President, on December 7, I submitted and had printed and asked to lie on the table an amendment by way of a substitute for Senate bill 2768. I now ask unanimous consent to modify my own amendment on page 2, line 15, after the colon, by adding the following: "*Provided further*, That out of any silver stocks acquired by the various agencies of the Government other than the Treasury Department and the Treasury of the United States, there shall be reserved and made available not to exceed 30,000,000 ounces per annum for the exclusive use of and purchase, at not less than the current market price, by domestic manufacturers (1) for the manufacture of silver articles for civilian use, and (2) for the converting of existing plants of such manufacturers to war production."

I ask that the amendment in the nature of a substitute which I submitted and had printed on the 7th of December be modified and reprinted and inserted in the RECORD at this place.

The PRESIDING OFFICER. The Senator has that right and the amendment, as modified, will be printed as requested.

Mr. McCARRAN. I ask that it be inserted in the RECORD at this point in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute intended to be proposed by Mr. McCarran to the bill (S. 2768) to authorize the use for war purposes of silver held or owned by the United States was ordered to lie on the table, to be printed and to be printed in the RECORD, as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. McCarran to the bill (S. 2768) to authorize the use for war purposes of silver held or owned by the United States, viz: In lieu of the language proposed to be inserted by the Committee on Banking and Currency, insert the following:

"That notwithstanding any other provision of law, the President is authorized, through the Secretary of the Treasury, upon the recommendation of the Chairman of the War Production Board, to sell or lease, upon such terms as the Secretary of the Treasury shall deem to be in the best public interest, to any person, partnership, association, or corporation, or any department of the Government, for use strictly in connection with the war effort, including but not limited to the making of munitions of war and the supplying of other industrial needs contributing directly to the war effort, any silver held or owned by the United States: *Provided*, That the price for all silver sold under this act shall not be less than 71.11 cents per fine troy ounce: *Provided further*, That at all times the ownership and the possession of an amount of silver of a monetary value equal

to the face amount of all outstanding silver certificates heretofore or hereafter issued by the Secretary of the Treasury shall be maintained by the Treasury: *Provided further*, That no silver shall be sold under this Act until all current supplies of imported silver and domestically mined silver shall have become reduced to an immediately available aggregate stock of twenty million ounces or less: *Provided further*, That out of any silver stocks acquired by the various agencies of the Government (other than the Treasury Department and the Treasury of the United States) there shall be reserved and made available not to exceed thirty million ounces per annum for the exclusive use of and purchase, at not less than the current market price, by domestic manufacturers (1) for the manufacture of silver articles for civilian use, and (2) for the converting of existing plants of such manufacturers to war production: *Provided further*, That no silver shall be sold under this act for other than consumptive purposes: *And provided further*, That any silver sold or leased under this act which is not actually used in connection with the war effort shall be resold to and purchased by the Treasury at 71.11 cents per fine troy ounce, or, in the case of any silver leased under this act, returned within one year after the termination of the war.

"SEC. 2. Authority to sell or lease silver under this act shall expire on December 31, 1944."

ORDER OF BUSINESS

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. McCARRAN. May I ask first what is the parliamentary status at the present time?

Mr. BARKLEY. There is nothing before the Senate at this time.

The PRESIDING OFFICER. There is nothing now before the Senate.

Mr. BARKLEY. I will say to the Senator from Nevada the Senator from California [Mr. DOWNEY] desires to address the Senate. In order to do so, he has to be recognized in his own right. The Senator from Colorado [Mr. JOHNSON] desires to be recognized to move to reconsider a bill which was passed on the calendar earlier today. I think Senators ought to be given an opportunity in their own right to have transacted such business as is legitimate without any one Senator holding the floor indefinitely.

Mr. McCARRAN. I shall yield to the Senator from Colorado now and shall yield to other Senators in order as we go along as rapidly as I can.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I understand that there is nothing before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. McNARY. The able Senator from Nevada asked to amend his own amendment or a committee bill. I did not understand which.

The PRESIDING OFFICER. The Senator from Nevada asked to modify his own amendment, which is in the form of a substitute for Senate bill 2768, of which the Senator from Rhode Island [Mr. GREEN] is the author, and which has to do with silver.

Mr. McNARY. Can he not modify his own amendment?

The PRESIDING OFFICER. He has that right and it has been so ordered.

Mr. McNARY. That is what I wanted to know. Now we are back to the point where there is nothing before the Senate.

The PRESIDING OFFICER. That is as the Chair understands the situation. There is nothing before the Senate except that the Senator from Nevada has the floor.

Mr. BARKLEY. Mr. President, in all kindness, let me suggest to the Chair and also to the Senator from Nevada that it is an anomalous situation that we can transact numerous items of business and that only one Senator can have the floor. I do not think that is in the spirit of the rule. I do not think the Senator from Nevada desires to be in the position of seeking to hold the floor all the time, so that no other Senator can be recognized, no other Senator can even put anything in the RECORD, no other Senator can move to reconsider a vote, no other Senator can make a speech, except through the consent of the Senator from Nevada. I do not believe the Senator from Nevada wishes to put himself in that attitude.

Mr. McCARRAN. I have no desire to do that at all. I got the floor merely to present an amendment to my own amendment in the nature of a substitute. I held the floor because I thought some other matters were coming up.

I notice that the Senator from Colorado desires the floor, the Senator from California desires the floor, and perhaps some others may, and I am entirely content that those Senators may take the floor.

Mr. BARKLEY. I suggest that the Senator yield the floor so that the Chair can recognize others.

Mr. McCARRAN. Very well.

Mr. BARKLEY. I thank the Senator.

HOURS OF EMPLOYMENT OF FEMALES IN THE DISTRICT

Mr. DOWNEY obtained the floor.

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Colorado?

Mr. DOWNEY. I will yield for a brief motion.

Mr. JOHNSON of Colorado. I do not know how brief the discussion may be. I was on my feet long before the Senator from California was on his feet. The purpose for which I rose was to move a reconsideration of the vote by which House bill 7447 was passed on the call of the calendar. We were considering bills on the calendar to which there was no objection and while I was out of the Chamber Calendar No. 1819, House bill 7477, was called, and the bill was passed in my absence. I do not want the RECORD to show that it was passed by unanimous consent. I desired to object to the consideration of the bill.

The PRESIDING OFFICER. Does the Senator from California yield for that purpose?

Mr. McCARRAN. That bill was not taken up this morning, was it; or am I in error?

Mr. BARKLEY. Yes; it was called on the calendar.

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. DOWNEY. I yield to the majority leader.

Mr. BARKLEY. Oh, no; I merely suggested to the Senator from Nevada that the bill was called on the calendar this morning and was passed.

Mr. DOWNEY. I yield to the Senator from Colorado to ask unanimous consent for reconsideration of the action of the Senate in unanimously passing the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado for the reconsideration of the vote by which House bill 7447 was passed? The Chair hears none, and the bill will be restored to the calendar.

FARM LABOR CONDITIONS IN THE WEST

Mr. GREEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Rhode Island?

Mr. DOWNEY. I prefer not to yield further. I expected to take the floor at about 12:15, and as I have imperative appointments of the utmost importance, I prefer to proceed at this time.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. GREEN. Mr. President——

Mr. DOWNEY. I would rather not yield at this time, because I have a brief statement I wish to place in the RECORD.

Mr. GREEN. I assure the Senator that I merely desire to make a unanimous-consent request.

Mr. DOWNEY. I regret, but I cannot yield further.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. DOWNEY. Mr. President, about a month ago a special committee was appointed by the Vice President to investigate farm labor conditions in 11 Western States. On that committee was our distinguished minority leader, the Senator from Oregon [Mr. MCNARY], and the distinguished junior Senator from Arizona [Mr. MCFARLAND], and I myself had the honor to be appointed chairman of the committee.

His very heavy pressure of duties prevented the Senator from Oregon attending the committee hearings, which I deeply regret, because I believe that the viewpoint he would have received from a touch with the grass-roots farmers of the West would have been of immeasurable value to him; although that does not mean that he does not entirely sympathize with the viewpoint brought back by the Senator from Arizona [Mr. MCFARLAND] and myself from our investigations; I believe he does.

The Senator from Arizona and I opened our hearings in Arizona, and at that time we had the good fortune to have the senior Senator from Arizona [Mr. HAYDEN] present. We then proceeded to the State of California, and have had most exhaustive hearings, and I desire now to make a statement of their results not

only for the Senate but likewise for the benefit of our Chief Executive and the heads of our administrative departments.

Beyond any doubt and beyond any challenge, in California and Arizona, certainly, and I believe in all other western States, we are rapidly moving into a condition of such extreme gravity, of such extreme danger, that unless the most active and energetic steps are taken we may expect the most serious consequences not only to the farmers but likewise to the civilian population and to the military program.

Mr. President, I am not making this statement without abundant evidence to support it. No one can know the facts now existing in the labor structure of the West without realizing that if our Federal Government undertakes to do what is now planned there will be a crash and disasters of many kinds. So that the administrative and the executive officials in Washington may understand the whole story, I should like briefly to give an over-all picture of employment conditions in the State of California. As I have said, we found the same conditions in Arizona that were found in California, but in California we developed them not only by personal contacts with farmers, but by direct statistics of governmental and farm bureaus.

Mr. President, in 1940 California had employed, in every capacity, 2,500,000 workers. There were 400,000 unemployed. There are now 3,300,000 employed. So that in the 2 years we have stepped up our employment by one-third. Four hundred thousand of the workers, or one-half the increase, really came off our "fat," because that 400,000 came from unemployed in California, our idle experienced workers seeking work. We added another 400,000 from people outside the States, from older and younger people, and from the women. In California today there are no unemployed, except perhaps a few parasites one might count by the thousands, and those unfortunate individuals who cannot work.

Let me give two striking facts which reveal that condition statistically, although everyone in the West knows there are no substantial number of unemployed there today. All a Cabinet officer would have to do would be to ride out over the highways and byways of the West to discover our true condition. But let me give two statistical facts which our administrative chiefs may check from their offices here in Washington, if they desire.

In September of this year, after sharp and continuous monthly increases in male employment for 2 years, male employment declined in California by 1,000 workers, while female employment increased by many thousands, showing beyond doubt that we have entirely exhausted any reservoir of manpower in California, because the number of workers of the male sex is now declining.

Let us take another index. At the height of our unemployment, we sent out checks to 123,000 unemployed, all of whom were under the Social Security Act. That number has now been reduced to less than 10,000, with over 2,000,000 persons now under the law, so that we have less than 10,000 persons who have temporarily lost their jobs and may take advantage of a little vacation, or have to have some time to find some other new method of employment.

Yes, we have passed from the era when many workers could not find jobs to a condition where no employer can find the number of workers that he requires. While we have increased our working force by one-third, the demands upon our essential industries, not including the war industries, have so increased that the essential non-war industries of California not including farming are now short at least 300,000 workers. What do I mean by that? I mean that our telephone and telegraph companies, railroads, utilities, hospitals, garages, hotels, restaurants, and laundries, businesses which cannot be destroyed by the military effort without an entire break-down of civilian activity, are at least 300,000 workers short. And I do not include in these figures the shortage of farm workers.

Mr. President, I did not find one of those industries that was not clamoring for 10 to 20 percent more workers than they had. I was told by the laundry people that within less than 4 months only the exceptional civilian could expect to have any laundry work done. I myself went out on the road and went hungry because the restaurants could not get a sufficient number of waiters and cooks nor find the transportation to carry the needed food.

At a small town in Arizona I went into a modern auto camp; and let me tell my colleagues what I found there. As I was taken into a fine cabin, I smelled gas. I asked the proprietor about it, and found he did not know how to turn off the pilot light, whose mechanism was of a rather mysterious nature, and for 2 weeks had been trying unsuccessfully to secure a mechanic who could handle it for him. One of his dynamos had gone off and he could not find anyone to fix it. The big dynamo went off that night, and we did not have any electricity. The heating system was out of order, and he could not find any one to fix it.

At this same auto court I talked to a truck driver, who had worked for 12 or 14 hours on the day I spoke to him; he could not get anything to eat that night because all the food had been eaten up by soldiers and other persons there before he came. Nor could he get a bed to sleep in, and there he was, sleeping in his truck, without dinner, after having worked for long hours.

I will admit the condition at this camp was extreme, but all over the West many small restaurants, laundries, garages, and other essential businesses are closing because they cannot get workers. Many automobiles and trucks are long delayed on the road because the drivers cannot get mechanics or replacement parts when their cars break down.

Trains are running later and later and transportation is steadily less efficient. Telegraph and telephone service is more and more delayed and business operates more slowly as a result. Yes, Mr. President, California is short hundreds of thousands of workers in the civilian economy which functions with continually greater difficulty. These developing difficulties in the civilian economy will soon noticeably retard the war production.

This estimate that I have stated of a shortage of 300,000 workers in the essential industries of California does not include our workers in the war industries nor for the Government nor, as I have already said, in agriculture. I will later discuss at some length the number of farm workers ordinarily used in California and those we may expect to be available next year, and will there show an additional shortage of manpower in the State of California of another 150,000 or 200,000. But before the presentation of these figures I wish to indicate the developing plans of the Federal Government that will require hundreds of thousands more workers from the State of California.

The farmers of California know that there is no possibility of finding the labor reservoir intended to be tapped by our administrative and military leaders here in Washington, but many are convinced that the program of the Federal Government may go a long way toward destroying any possibility of securing workers for the farm industries of California.

To what extent does the Federal Government expect to draw upon California for additional manpower in the next 12 months? Here are the approximate figures. Do you wonder that the morale and courage of our farmers are close to the breaking point?

The Selective Service, with the Merchant Marine, Coast Guard, and so forth, expect to take approximately 300,000 young men out of California before December 1, 1943. The expansion of the aircraft industry, including subcontractors and fabricators and others transporting for them, will require additional workers beyond those now on hand to the extent of another 150,000 to 200,000. Other war industries, including shipbuilding and increasing essential transportation, at least another 150,000. The Army, Navy and other governmental agencies, such as the Office of Price Administration, rationing boards, and so forth, are expecting to absorb in California in the next 12 months another 100,000 individuals. Without counting the present shortage in essential industries of 300,000 workers, the shortage on farms of at least 150,000, California must find from some mysterious source the men and women to make up the expected Federal drafts for the military, for war workers and civilian governmental employees amounting to the staggering total of 750,000. No one can express any intelligent idea of where they will come from.

The farmer this past year has seen his manpower, so necessary to his production, drained into the military forces and the war factories. At the end of the year, with his working force depleted by more than one-half, he faces another year where this condition may be aggravated until the entire farm industry collapses.

Let us now discuss more particularly the condition of the California farmer so far as his past, present, and future labor supply is concerned.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from California yield to the Senator from Minnesota?

Mr. DOWNEY. I yield.

Mr. SHIPSTEAD. The bureaucrats in Washington could issue another questionnaire to remedy that situation, could they not?

Mr. DOWNEY. Mr. President, one of the difficulties, as the Senator from Minnesota has indirectly suggested by his question, is the excessive questionnaires and the paper work required of farmers not prepared to handle it, all of which is helping to break down the morale and confidence of our farmers.

Mr. President, let me say preliminarily, that farm labor conditions are now so serious that many of California's farmers already have abandoned any plans to plant field crops for next year. They may let their land lie fallow. They may put their fields into hay or grain or something of that kind, but many of them are not going to plant flax, long staple cotton, sugar beets, tomatoes, potatoes, or other crops requested by the Departments of War and Agriculture. That is, they are not going to do it unless in the very near future official Washington comes to a concrete understanding of the difficulties of agriculture and gives realistic and convincing assurance that those difficulties will be successfully dealt with.

Mr. President, let us now specifically review the labor statistics of the farms of California. Ordinarily on our farms we have 200,000 trained permanent farm workers. That figure includes the farmer who works on the farm, his foreman, the man who irrigates, cultivates, sprays, and plows, and takes care of the farm machinery. It includes the sheep herder and the man who does the lambing and the worker who shears the sheep. It includes the cowboy on the range. It includes the truck driver and the mechanic, it covers all our trained, experienced farm help.

May I now say to distinguished Senators present from other States that our condition is in many ways unlike their own, because in addition to that 200,000 permanent farm population, we additionally require at the peak of our harvesting season 160,000 migratory workers. So, Mr. President, when the attack came on Pearl Harbor we had on the farms of California 200,000 hard-working, experienced farmers and workers who had helped to make the State of California the most fertile land in all the world. Beyond them we would require another 160,000 migratory workers at the peak of our harvest season.

Mr. President, I notice that one of our distinguished citizens who has recently returned from England expressed the hope that we in the United States may profit by the example of England in recruiting farm workers. She hopes we may not have to endure what they in England have endured, but trusts that we may do as well as they did if we have to face their difficulties. Mr. President, in the State of California alone we produce far more farm crops than are produced in all the British Isles. The United States produces 20 or 30 times as much feed and farm products as does the whole of the British Isles, and they have about one-third of our population.

No; Mr. President, we in California and in the West, we of the United States, do not need to profit by any example of farm production or methods of farm labor in any other place in the world. Our production is unexcelled and our people are already working to the limit of human endurance and with the highest intelligence and efficiency. This should be known and recognized by everybody, as our program is to feed not only our own immense military forces with the most abundant diet of any army, but also to maintain our own civilian population and beyond that provide great shipments of food products to the people of the British Empire, Russia, China, and large parts of the rest of the world.

Mr. President, as I have said, at the time of Pearl Harbor we had 200,000 permanent farm workers in California. That number has been reduced to an approximate 100,000. That is the figure both of the Farm Bureau and governmental agencies. We cannot raise a normal crop, we cannot approach the production of last year with only 50 percent of our usual permanent workers. It cannot be done, and, Mr. President, it is not being done. Our pruning is not being accomplished. The irrigation ditches are getting foul with weeds. Much farm equipment is out of repair and depreciated. Fall plowing and other farm jobs are far behind.

Our crops this last year were planted, cultivated, and harvested only because we had those 200,000 farm workers at the beginning of the year, and only gradually were they dissipated and withdrawn from the farms and fields, so that on November 1 the number was reduced by 50 percent.

Mr. President, I am speaking now only of California and of similar conditions in Arizona, but I have no doubt that in every State of the Union to a greater or lesser extent the same conditions apply, and I wish all Senators to understand that I am merely speaking of California because it is my own State and I know conditions there.

The different governmental agencies speak optimistically about what the farmer can do for the next year and assure us we will again do just as well or better than we did this last year. Oh, what delusive optimism that is. It is true that by virtue of superhuman efforts the farmers of the West—and I assume again this applies to the whole United States—did save the major part of their crops.

In California and Arizona at least—and I understand Colorado also, as told me by the distinguished Senator who is now presiding—that was possible only because of the most perfect harvesting weather we have had for 20 years. As though God had meant to help us by a miracle, he sent the hot weather when we needed it, the cool weather when required, he held back the normal rains and winds. If it had not been for perfect weather by which we were given a far longer harvesting season than usual, we would have been badly stricken.

Likewise I should like to say to some of the distinguished representatives of the Government who tell us how and why our crops were saved, that chiefly they were harvested because of muscle and sweat and long, long hours of toil. It was by reason of the farmers and their helpers working 12, 15, and 16 hours a day, until they were near to collapse, until some of them did collapse.

Mr. President, it was stated by the distinguished witness shortly returned from England, to whom I just referred, that in the United States next year we might have to use the labor of women and children out in the fields. Let me assure her that it was only because men, women, and children left the cities and towns and worked in the farms and fields to the very limit of their strength and endurance that we harvested great portions of our crops. Around Ukiah, Calif., are great pear and other orchards. Large numbers of the people from that patriotic town left their accustomed occupations to help save the crops of their farmers. Our entire guayule crop was saved only because 2,500 women of surrounding towns got down on their knees and weeded the ground where the guayule was growing.

Yes; in California this last year the farmer sought and found his labor in every possible place, and our women, children, schools, and cities did all they could to assist.

Mr. President, to show how we did reach every kind of worker, let me read to the Senate an item from the Folsom Observer of November 20, 1942. That is a newspaper issued in the Folsom State Prison of California. It is a happy thing that it should come out of the prison, and I think everyone here will appreciate it being placed in the RECORD when I read it. The item is very short:

> War priorities messed up our schedule, making it impossible for railroad beet cars to be snaked into our beet dump, so * * *.
>
> Tomatoes!
>
> We answer the call with one thought: Can we harvest as much as other Folsom crews?
>
> We topped them!
>
> Leo Owens cracked the jackpot, cleaning up $14 in 8 hours' work. The crews averaged $8 per man, earning just about double the daily amount grossed topping beets. The second and last day brought Hubert Fifer under the wire to lead with 13 cartwheels.

Yes, Mr. President, labor conditions was so extreme that experienced workers in 10 hours made $15 to $20 a day in the tomato fields, and most of our tomato growers lost money because of high wages paid. While the farm-bloc Senators were being accused of corruption and stupidity because they wanted farm wages considered as an item in fixing the ceiling on farm products, some of our farmers in California were paying wages so high they had no possibility of making any profits. Many of them were forced into insolvency.

I should like to say to the leaders in Washington who control the destinies of the Nation that they had best begin to

understand the psychology of the farmer in this matter. Many things are occurring to break his morale, to afflict and discourage him.

I know of one great region in California in which the farmers were raising potatoes. They had ordinarily paid 40 cents an hour for labor. At the beginning of this year they paid 60 cents an hour because of higher wage conditions. A large governmental military project was established in that vicinity, and the agents of the contractors went into the fields of the farmers and offered their employees 85 cents and 90 cents an hour to work at common labor. Within 24 hours the potato growers had hardly any workers left. Though they themselves and the members of their families did all they could, they could not harvest the potatoes without help and, for generally inefficient labor, were forced to pay $1, $1.25, and $1.50 for an hour's work, and this situation was duplicated last year in California an endless number of times. Thus was created a condition of greatest difficulty and excessive cost to the farmer.

It was the common and unhappy experience that farm workers were lured into war industries at wages double what the farmer could pay.

Mr. President, today we are short 100,000 experienced workers on the farms of California. We are short, at least potentially, 100,000 or 150,000 migratory workers. We have already seen that our essential industries are short 300,000 workers. What does the Federal Government intend to do? A clear and frank statement by the responsible official should at once be made.

At the hearings of the committee we were told by a representative of the Selective Service System that before the next 12 months shall have passed California will have to deliver to the Army, Navy, and Marine Corps 275,000 men.

Add to these men drafts for the merchant marine and for other military purposes, and it will be seen that the military call on California next year will be close to 300,000. From what sources can this number come without serious injury to our present military and civilian economies? I say there are none. Do you suggest they will come from the age group between 18 and 20? Let us see. California has 125,000 boys in that age group. Probably 35,000 of those boys are already in the military service. That leaves 90,000. Of that 90,000 at least 60,000 are now working on the farms or in essential industries; so we have about 30,000 left, most of whom are in colleges training as future engineers, doctors, or dentists. While the Army may get a large number of men out of that age group, it does not open up any substantial reservoir of manpower; and anyone who thinks it does is only deceiving himself. The draft of young men will further imperil our whole farm and industrial production.

Mr. President, we have two other groups of workers from which the Federal Government expects to draw workers. I refer now to nonessential industry and women. I have found not a single bureau of the Government which is able even to estimate or guess the number of workers in California who can be released to essential war effort by closing down nonessential industries. It is my guess—and no more than that—that we cannot hope to get more than 100,000 or 150,000 in the next 12 months. Our nonessential production has already been severely cut. It will not yield next year any great number of workers.

There are still, it is true, an unknown number of women who may be drawn into employment, but there is not the slightest chance that such potential female employees can substantially relieve our critical condition. The reason for that I will discuss later, but, first, let us complete our story on the present and future manpower demands on California.

As we have seen, essential nonwar industries are short 300,000 workers; the farms lack 150,000 more, while the military will absorb another 300,000. Here is an apparent shortage of three-quarters of a million, but we have still larger figures to deal with.

In our aircraft industry, including subcontractors, our companies plan to employ upward of 150,000 additional workers in the next 12 months. That figure may reach 200,000. I found not a man in the aircraft business who has any idea where these workers are coming from, except to the extent that the women workers in packing and canning fruits and vegetables may be lured from farm work, and let me add the inefficiency of workers in the aircraft factories grows so great because of labor overturn and inexperience that the aircraft industry in California, at least, is certain to substantially fall off.

Mr. President, the Army, the Navy, and the civilian agencies are increasing the number of their workers in California at the rate of about 10,000 a month. Within the next 12 months we shall have to provide for the Army, the Navy, the O. P. A., rationing boards, and other governmental bureaus at least another 100,000.

To give one example, we have just completed one of the greatest air bases in the world at San Bernardino. Our hearings revealed that 20,000 civilian workers—laborers, clerks, and others—will be required to handle that base. There are about 20,000 workers in that vicinity, half enough for the farmers. They are all the farmers have left, but the Army says, in effect, "We do not care; we must have those 20,000 workers, and you will have to find your workers somewhere else." Is there anyone to tell the farmer where he will find his relief?

The Consolidated Aircraft Co. is moving from San Diego down into the heart of the citrus district. I was told it was moving there because it wants to utilize the trained farm women workers in the canneries and packing sheds. I well realize, by virtue of higher wages and the assistance of governmental agencies, they can take all the workers the farmers have left and leave them without any. Why should farmers produce and harvest fruit and vegetables when they will have no labor to pack or can it?

We have many war industries smaller than aircraft. The most notable of these is shipbuilding. Including the increased number of workers in transportation and the utilities, I have no doubt these will call for another 150,000 workers.

Mr. President, the figures which I have given are accurate, and cannot be denied. I have stated that there is now a shortage of 150,000 farm workers and 300,000 in essential industries, while 300,000 more will be required for the armed forces, 150,000 in aircraft factories, 150,000 in shipbuilding, transportation, and other war plants, and 100,000 more in the Army, Navy, and civilian agencies. In California we now have to service almost a million members of the armed forces. These apparently are to rapidly increase, calling on our people for still greater effort.

We have another factor to consider of major importance. Some of the governmental leaders seem to want to disregard it. If so, they will be rudely shocked in the not-too-far-distant future. I refer now to the rapid increase of our birth rate. Nature is apparently far wiser in her instinctive reactions than are poor, stupid human beings. When a war is in progress nature undertakes to see that there is a great increase in the number of babies born; and by some miracle that increase is largely in the male sex. Learned biologists will argue at length as to why it is that the male births increase in percentage in times of war. But that is not important to us; what is important, Mr. President, is this: In 1939 we had born in the United States about 2,250,000 babies. This year the number has increased 500,000, or up to 2,750,000. The rate of increase has so far accelerated that we expect an additional 500,000, or perhaps a million more to be born in 1943. We shall certainly have not less than 3,000,000 babies next year. It is possible that number may exceed 3,500,000.

As a matter of fact, Mr. President, we may now expect that due to the rapid increase in births in the United States in 1941, 1942, 1943, and 1944 we may have more than 12,000,000 babies born in those 4 years. Mr. President, are we making any provision for the tremendous drain upon our womanpower and our resources by virtue of that fact? If we have done so, I have not seen it mentioned. We are too busy calculating for our armed forces of 12,000,000 to remember that we will have that many babies and that many mothers to provide for. Mr. President, looking forward to 1944, we may well expect that the drain upon our wealth and resources because of the increasing births in the Nation will be equivalent to maintaining an army of 2,000,000 or 3,000,000 men; because women who are having babies or who have had them in a prior year or who have young babies to look after cannot work in factories or do farm work. How foolish it is not to recognize that fact of major importance in considering the statistics which are so blithely put out concerning available women workers.

Mr. President, not only are young and expectant mothers not available as members of the working force, but they require the services of doctors and hospitals, of nurses and servants; they require medical supplies, milk, and clothing

for their babies. I notice—I do not know whether the newspaper report is correct—that according to a statement appearing in the newspapers, out of 179,000 doctors in the United States, the Army expects to take 100,000 and to leave 79,000 to serve the civilian population. I wonder in figuring on the employment of those doctors and on the requirements as to hospitals and medical supplies, if anyone has calculated that we will have in the United States the next 3 years millions of young mothers and babies more than we have had for the past 3 years.

Mr. President, I do not believe we can step up the efficiency of labor very much in the State of California. I know there are certain factories that are poorly managed, in which there might be a limited increase in the number of hours worked or the quantity of articles produced. I think such an increase would be very limited. My inquiries lead me to believe that 80 percent of our employed are now working in excess of 48 hours weekly. Admittedly hours and quality of work might be increased and improved, but we would but delude ourselves if we expect thus to reach any major solution of our problem.

Mrs. Roosevelt recently returned from England. She told of the great sacrifices being made by the women of England, and spoke of the mobilization of women's armies for the purpose of harvesting the crops. I wish Mrs. Roosevelt could have been with our committee and could have heard how the men and women on our farms are working and the sacrifices they are making.

Let me first mention one of the simple tales elicited at Casa Grande, Ariz., in Pinal County, from which the distinguished junior Senator from Arizona comes.

At that point is located one of the important dairies of Arizona, supplying 3 counties. The counties are very sparsely inhabited; but, nevertheless, that dairy handles an important amount of the milk produced in that vicinity; and I believe it provides all the milk for the people of the 3 counties concerned. Before Pearl Harbor the dairy was employing 16 men in its processing plant. When we were there the number had been reduced to 9 and the younger and more vigorous men had gone. Consequently the situation was that 9 men had to do work formerly done by 16. How did they do it? They did it in just one way—by working 15 or 16 hours a day. I asked the proprietor how the men could stand that. He said he was fearful that some of the men could not stand it very much longer, but would collapse. The proprietor himself, who testified at 10 o'clock in the morning, had not been to bed the night before.

Oh, yes, Mr. President; if we make mistakes in manufacturing machine guns or airplanes or in our work here, the mistakes are not fatal, but let the milking of a dairy cow be neglected for 24 hours, and the milk cow is lost. The same situation exists in many other farming operations. If the work is not done on time, there is an entire breakdown.

In the dairy which I have already mentioned the number of milkers themselves had been reduced to about one-half of the number formerly employed; and they, too, were working 15 or 16 hours a day. Out in the alfalfa fields not one single worker was left. That was the condition in the Casa Grande dairy about 3 or 4 weeks ago. And be it said to the credit of those dairy workers that anyone of them could have left his harsh work on the dairy and received 50 percent more pay by working on a nearby Government project for 8 hours a day. Their patriotism and sense of social obligation cannot be too highly extolled.

Mr. President, now I should like to mention an incident which may interest and intrigue the distinguished senior Senator from Michigan. We carried on our hearing at Casa Grande until about 2 o'clock in the afternoon. Then, together with three other men, I entered a small restaurant. As we were sitting at the table, after we had put in our order, the woman proprietor of the restaurant—a woman who evidently had been working beyond her strength—rushed to the door, slammed it, and locked it, shutting out my friend and distinguished associate the Senator from Arizona and other would-be eaters who were with him, with the announcement that lack of workers and excessive work would prevent her feeding anyone else that day. She returned to the kitchen. In about 15 or 20 minutes she came back and somewhat calmly placed our orders before us, and it was very fine food. After putting it down she put her hands on her hips and asked with considerable heat if we knew what got her goat. "Last month," she announced, "I paid out $82.50 unemployment insurance, but I can't get a single worker in the whole town."

I suppose all of us could sympathize with that lady who had paid substantial sums of money for unemployment insurance but was not able to find a single person in the vicinity who was unemployed.

Now let me mention a case occurring in the State of California, the case of a woman who should have a medal. If there is any woman in England, Germany, or Japan whose story can excel this woman's story, I should like to hear it.

The woman to whom I refer is Mrs. Margaret P. Dean, of Walnut Creek, Calif. She appeared before us. Her story was this: 25 years before, at the request of the doctors of Oakland and the surrounding cities, she had established a goat farm to provide the milk necessary for sick babies who might not survive unless they were provided with goat's milk. A glance at Mrs. Dean would tell anyone what sort of person she was—an honest, industrious, intellectual woman. On the farm she had 106 goats. She and an elderly partner 72 years of age ran the farm. They had had 2 young, vigorous men assisting them in caring for and in milking the goats; and by virtue of doing 8, 9, or 10 hours' work a day for 7 days a week, those 4 people were able to feed the goats, clean up after them, milk them, sterilize the bottles, put the milk into the bottles, and send it on its way. About 4 months ago the 2 young assistants went to Richmond, in the shipbuilding plant, where they received twice as much money as that which could be paid them on the dairy farm. For 60 days the proprietors of the farm were unable to obtain any help. Mrs. Dean testified—and her statement must be true—that she and her partner were able to milk the goats only by virtue of doing from 18 to 20 hours of work a day; and after her testimony was over she told me that in looking back upon her recent experience, it was a nightmare so unhappy that she could never endure it again. In doing the necessary work she finally found herself going from goat to goat, milking them and working until she was in a daze. She knew that if for one day—they failed to milk any of the goats, the goats not milked would go dry, and that babies might die as a result. She and her partner undoubtedly jeopardized their own vitality and health by carrying on a job that few young men of 20 to 30 years of age would care to undertake. I will admit that the story of Mrs. Dean is an extreme and dramatic instance illustrating the efforts of the farmers in the West to save their crops and their herds during this last year, but on almost every farm in California in 1942 production was made possible only by long, hard, and courageous work, much of it of a most trying kind.

Let me now discuss another very great problem which is perhaps more acute than our labor problem. That problem, too, must be solved. I refer to the lack of new farm machines. The amount of farm machinery allowed California for next year will be less than 10 percent of the new machinery purchased in California in 1941. If any man in Washington believes that we in California can raise our crops when we are allowed only 10 percent of the farm machinery we generally buy he is ignorant of conditions. Let me give one instance. Flax is a highly mechanized crop, using little labor but much machinery. Last year in the Imperial Valley we barely had sufficient machinery to harvest our flax. The Government has called upon us for an increase, but if there were given to our flax growers every combine and other farm implement needed to produce the flax there would not be enough for the additional production of flax, and not one machine of that type would be left for the remainder of California.

The War Department and the Department of Agriculture say they want 50 percent more flax and then do not allow us even enough new machines for all California to produce the additional amount of flax they ask for.

Anyone who will go there and listen to the stories of the farmers and the heads of farm organizations and cooperatives

as the Senator from Arizona [Mr. McFARLAND] and I did, cannot fail to realize how afflicted and burdened the farmer is and how near his morale is to breaking because he not only faces the difficulty of insufficient farm machinery, extremely uncertain labor, but many other difficulties such as gasoline rationing, lack of tires, lack of transportation, lack of containers, fertilizers, feed, and many other necessities. But, Mr. President, what afflicts him most of all is that his own governmental representatives in Washington do not yet realize how perilous is his condition.

The military authorities have reduced the amount of steel we may have for farm implements almost to the vanishing point—in California to less than 10 percent of the quantity for 1941. If these gentlemen do not soon realize that it is impossible to make guns and airplanes without men and that the men so engaged cannot work without food and soldiers cannot fight without food, we shall face some very unhappy days.

Mr. President, it has seemed to me for a year past that we were setting up a program of national defense that we could not meet. Some of my fellow Members of the Military Affairs Committee must have been impatient with me as I have reiterated that statement time and again. I desire again on the floor of the Senate to point out what it is our military authorities expect to do.

I am not criticizing them personally. I have high admiration for General Marshall, and for Mr. Patterson, the Assistant Secretary of War. I have not had the good fortune to see much of Mr. Stimson. I think they have done a magnificent job. Within 2 years or less we have created one of the mightiest military machines the world has ever known. Only a short time ago we had 135,000 men in the Army, and we now have an army approaching 5,000,000. I have no desire to criticize and condemn. I admire these men, but I think they are making a mistake, a mistake growing out of high devotion to their duties and to their responsibilities; but I would count myself false to the people of California and to the Nation if I did not say something that I now know, that we in California, and I think our citizens elsewhere, are headed for a great calamity if the military and the War Production Board continue to carry out the program they now have for 1943.

Mr. President, it seems to me that anybody knowing we are a nation of only 130,000,000 people should know that we cannot accomplish the impossible task these gentlemen have allocated to us. What is that task?

President Roosevelt lately announced that we were going to have in the armed forces by December 1 next year 9,700,000 men. The President, either purposely or inadvertently omitted from his calculation the commissioned officers of the Army and Navy. The correct figure, over-all, including all types of personnel, will be between ten and a half and eleven million men. So, Mr. President, we are counting within 1 year from now on building an armed force, Army, Navy, and Marine Corps, far surpassing that of any other nation.

Beyond that titanic job we plan in 1943 to produce more military goods than all the other nations of the world combined, the Allies and the Axis Powers put together. Our plans call for stepping up our shipping program so that we will produce more ships than Japan and Great Britain and every other shipbuilding nation, more planes than Germany and Great Britain and Japan and every other aircraft-building nation, and more trucks, automobiles, tractors, antiaircraft guns, munitions, and other war supplies than all other countries.

Yes, Mr. President, that is the program ahead of us, not only to raise by far the greatest number of armed forces, but to outproduce all the Allied and Axis nations combined. I know it cannot be done so far as the program concerns California. I do not believe it can be done nationally. Already the aircraft industry is beginning to break, and we can see it. Already we are beginning to go backward, because we are trying to go too fast. Not content with excelling any other nation, we are determined to try to excel in production all the rest of the world combined.

Mr. President, we are not only planning to build the greatest armed forces and outproduce all of the rest of the world in military goods, we are pledged likewise to help feed multitudes of hungry people and after raising and equipping our mighty Army, after our huge war production, after our titanic farm production then we must transport our Army and our supplies and lend-lease goods to eight different distant theaters of war, a task so prodigious and complicated that the mind is almost appalled in contemplating it.

Well, Mr. President, let us see to what position that huge program leads us. By December 1 of next year, with our commissioned officers, we expect to have an army of 8,000,000 men. It must be admitted by General Marshall, Admiral Land, or anyone else that the very utmost number of troops we could move out of the United States and keep supplied by January 1944 is two and a half million, and most realists do not believe we can transport and maintain over 2,000,000 men, because of the added burden of furnishing lend-lease supplies.

I ask, why break down our civilian economy to build an army of seven or eight or nine million men when we cannot get it outside the United States? As a matter of fact, within the next 2 years—and I challenge any military authority to deny these figures—we cannot move outside the United States, because of lack of shipping, more than four million men, and by that time our Army is counting on a force of nine or ten million men.

Already, Mr. President, in California we have used up our surplus inventories. A year ago we were fat, if I may use that word, in two ways; namely, in unemployed, and in inventories of stored-up wealth—eggs, butter, evaporated milk, canned goods. Those inventories have now been dissipated, and are passed away. Likewise, all our unemployed are now working.

In about 5 minutes, Mr. President, I shall conclude. I ask that at the conclusion of my speech I may have inserted in the RECORD as a part of my remarks, from the United States News of December 4, 1942, an article reciting the increase in birth rates in the United States, in verification of my statement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOWNEY. I also desire to offer for the RECORD a letter dated December 3, 1942, from the Service Station Employment citing the shortage in laundry workers.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. DOWNEY. I also desire to introduce into the RECORD a statement by Dr. H. B. Walker, of the University of California, setting forth the farm-machinery problem.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 3.)

Mr. DOWNEY. Mr. President, I do not want this presentation to sound critical or condemnatory. It is not meant for that. I would have no disposition to contend, even discuss, with General Marshall, the Chief of Staff, or the President of the United States, questions of military strategy. I have no concern as to where we should establish a second front or how it should be done. But I do believe I know far more about farm and industrial employment and conditions in California than does any official in Washington who is not personally familiar with California conditions, and I think that statement is true of every other Senator as to his own State. I have talked with many Senators, and they assure me of a continually increasing gravity in employment in their States.

I have no desire to intrude upon the military, but when we know that we are now short of essential workers to the number of 300,000, and we see transportation and telephone and telegraph companies, laundries and garages and hotels and restaurants breaking down and unable to serve the people, when we know the Government intends to take 300,000 men into the armed forces from California in the next year, when we know that the aircraft industry must have 150,000 to 200,000 workers to meet only 80 percent of the President's expectations, when we know that shipbuilding and other war production will take another 150,000 workers, when we know that the Army and Navy plan on taking another 120,000 workers into their civilian ranks, we know that something will happen to the farmer, who is already 150,000 workers short, and that something will be sad and tragic, indeed.

If we meet only 50 percent of the President's requirement as to aircraft in Los Angeles we will still have done a

good job, but let our farm labor structure crash, let the farmers "blow up," then, indeed, we will have a demoralized condition in this country which will set us back many and many a year in our war effort.

I wish to say to the heads of our military and governmental agencies in all kindness that this great military machine, which should be the astonishment of the world and the pleasure of the American people, was not created primarily by the military. Our great production has come from the most fertile and ablest civilian economy the world has ever known. It came out of our farms and our factories and our railroads, out of the mechanical skill and loyalty of our workers, and out of the persistence and courage and genius and talent of our business and technical leaders. It has been the civilian economy that laid the golden egg of military mobilization. I pray that excessive military demands will not destroy that civilian economy which has made all our great military growth possible.

While, Mr. President, my remarks on farm conditions in California have been discouraging, I want now to emphasize that once our leaders here clearly realize our difficulties, prompt and wise policies may greatly relieve our burdens. I suggest three steps should be immediately taken:

First. Restore to California farms at least 50,000 trained farm workers.

Second. Assure to California farmers, and energetically implement, a program to import into the State next year 100,000 workers from Mexico.

Third. Substantially increase California's supply of farm machinery.

These policies would not clear away all the difficulties that afflict our farmers. They would still have plenty left. But they would go a long way toward the relief of California agriculture. And while, of course, I speak for California, I do not expect any relief beyond that given the farmers of every State.

Mr. McCARRAN. Mr. President, will the Senator yield for a question bearing on the subject he is so ably discussing?

Mr. DOWNEY. I yield.

Mr. McCARRAN. Let me say, preliminary to the question, in view of the fact that I live in a State neighbor to his, that I know of the climatic and soil and territorial conditions of his State. I am wondering whether in his discussion the Senator has brought clearly to the attention of the Senate the fact that the State of California, bordering on the Pacific coast, hundreds of miles in length from one end to the other, indeed, a thousand or more miles in length if I am not mistaken, traverses a series of climatic conditions which run from semitropical in the south to less than tropical in the north, and that those conditions prevailing in the Senator's State require seasonal harvesters because of the diversified crops which extend from one end of the State to the other. I hope the Senator in his investigation has brought that matter out; in other words, that a seasonal harvesting group which would commence in southern California to harvest a semitropical crop there would of necessity have to move north gradually as the crops matured, and that those groups must be continued; and I may say to the Senator from California that in making our appropriations we do take into consideration these migratory groups of crop harvesters shifting from one crop to another.

I am wondering if the Senator from California has brought that matter clearly to the attention of the Senate, because I think it is very important in connection with his very able discussion.

Mr. DOWNEY. Mr. President, I am grateful to the Senator from Nevada for having suggested that to me. I entirely overlooked that phase of my statement. Ordinarily, at the peak of the season we have for harvesting purposes 160,000 of these migratory workers, and as the distinguished Senator has said, they move from the south clear to the north along almost a thousand miles of coast line engaging in almost every kind of harvesting activity. There are practically no workers of that kind left in the State of California. Almost all of them have been drawn into industry.

I should like to say to the Senate that we have brought in about 3,500 Mexican workers. They have done a magnificent job. They were brought down from the region of Mexico City. They were not acclimated. They came down from 7,000 feet to the sea level. They were homesick, of course. They were in a strange country. Unfortunately we had to throw them into the toughest job we had in farming, that is the topping and harvesting of sugar beets. There was some difficulty for 2 or 3 weeks, but they hardened into the work and they have done most admirable work.

For California I want to express my appreciation to these workers, to their government, and to the people of Mexico. They have greatly assisted us. I hope we may have even greater assistance from our good friends to the south next year.

Mr. McCARRAN. Mr. President, I wonder if the Senator will pardon an interruption again on the subject he is discussing. The very thing he is now discussing has become prevalent in many industries. In other words, men who have not been acclimated were brought in from Mexico. They were brought into this country to harvest crops which needed to be harvested. That is typical of another situation which has arisen. Today the outstanding nonferrous metals, which are altogether imperative for the success of the war effort, are copper, lead, and zinc. It is not necessary for me to state it, because the Senator from California was present when Mr. Donald Nelson stated plainly that we were very much behind in the production of copper for war. That being true, he wanted more copper produced. But the mines from which copper, lead, and zinc are taken, are being closed down for two reasons. They are being closed down first because the draft is calling the men within the draft ages out of the mines. Second, the alluring wage which is being offered in war activities is drawing men out of the mines. In other words a man who received $8 a day for 8 hours work in a mine could receive $1.50 an hour in a war activity. A man who could make $200 a week in a war activity would only receive a third or one-fourth as much in his regular work as a miner. So for those two reasons the miners are being drawn out of production of copper, lead, and zinc, and, by what was termed in the hearings a pirating policy, into various activities, leaving the mines practically closed down.

The same thing the Senator has so ably brought forth is true with reference to the all-important production of war essential metals, namely that unless the Army will furlough men who know mining back into the mining vocation and the mining activity, then our mines are going to be closed, and if our mines which produce copper, lead, and zinc are closed, our Army will be without the necessary metals for war.

What the Senator from California has said with reference to food and fiber for the Army, and for the civilian population as well, is also true with respect to the war essential metals.

Mr. DOWNEY. Mr. President, I thoroughly agree with the distinguished Senator from Nevada, and I am grateful to him for having made that statement. I had covered that point in a somewhat different way, I may say to the distinguished Senator, when I said that we were 300,000 workers short in our essential industries; these include our timber, our fishing, our mining, as well as our railroads and communication systems.

Mr. President, I am praying and hoping and trusting that the Chief Executive, and our Army staff, and other important administrative leaders, will review this program of an 8,000,000 army. I hope and trust and pray they will review it so we may get our Army to some size, say 5,000,000 men, that we will be able to raise, equip, maintain, and transport, with due reserves left in the United States. If we do not do that, Mr. President, I here and now unequivocally testify and prophesy—and I hope someone will remind me of it in 90 days from now if it does not happen—that we are going into most chaotic conditions in California and the United States.

In the last few days I have been greatly encouraged by press statements that Mr. McNutt is seeking a review of the program calling for an army of 8,000,000. I am glad that his high talents are now engaged in this most important task and I hope he may be successful in balancing our national efforts against our manpower resources. He has a job of unparalleled magnitude but he brings to it a wide experience and high talents and he deserves the support of us all.

May I also remark that our farmers have every confidence in Secretary Wickard. They know he is sympathetic to their problems. They are certain when he once realizes them in full that he will act with intelligence, courage, and energy to help solve them.

I have discussed the problem of the importation of Mexican farm workers with

Mr. Welles of the State Department. He has given able and all possible help in the past and assures us of his continued sympathy and help in the future.

Mr. Patterson of the War Department is, likewise, offering us every possible aid that may properly be extended by the War Department. He probably does not agree with me on the size Army we should have or the limitations of our manpower, but he does understand our farm-labor problems and I am assured will act promptly and vigorously to help us.

EXHIBIT 1

[From the United States News of December 4, 1942]

UNITED STATES BIRTH RATE RISES

The United States will produce more babies this year than in any previous year. The birth rate, which began a post-depression climb in 1934 and has been going up ever since, made its sharpest upswing in September of this year—9 months after the United States went to war.

In 1939 the baby crop was 2,265,588, or a rate of 17.3 per 1,000 population. By 1940 it had risen to 2,360,399, or a rate of 17.9. By 1941, with defense work rising and jobs more plentiful, the total rose to 2,511,550 and the rate to 18.9. For the first three-quarters of 1942 the rate climbed to 20.1 indicating the total for the year will be around 2,750,000. Every month this year through September, the latest for which official records are available, showed an increase over the same month in 1941.

By September the rate had increased to 22.9, or 194,295 babies for the 41 States which up to that time had reported to Washington. This compared with 172,137 babies born in the same States in September 1941.

These figures indicate that the United States is not a declining nation, like some of the Old World countries, where birth rates have been on the downgrade for years. They mean that the United States is still young and growing; that its population probably will continue to grow if the post-war years are years of prosperity and great employment. They mean that more schools will be needed; that industry will have to expand to meet the demands of a growing nation. They mean a revision of estimates by those who predicted that once the population reached 140,000,000 the country would begin to go downhill. They mean that America has not lost its virility.

The higher rate since 1939 is traceable to the war.

Passage of the Selective Service Act in 1940 brought the first big increase in marriages. The rush to the altar was stimulated further by the attack on Pearl Harbor. December became the second month in number of marriages in 1941. Only the traditional month of June was better. September normally is the second highest marriage month. The marriage rate continued to increase in the early months of 1942, but the extent of that increase is not yet officially determined.

How long the upward birth rate will continue is a question. Some believe it will continue for another year. September figures are the latest that have been compiled officially by the Census Bureau, but there is no indication that a decline has started yet. When that decline comes depends upon how soon great numbers of men are sent out of the country.

Other countries have shown sharp increases immediately after going to war, then declines. Germany's rate went from 19 per thousand in 1938 to 20.4 in 1940, then fell to 18.8 in 1941 and dropped to 15.5 in March 1942. The figures reflect successes and failures in German campaigns. The birth rate reached its monthly peak in September 1941—9 months after the Christmas furloughs of 1940—following the fall of France, but the rate for the entire year 1941 was below that of 1940. By March of 1942, after the Russian campaign had kept hundreds of thousands of men away from home, the German rate reached its lowest point.

EXHIBIT 2

SERVICE STATION EMPLOYMENT,
Los Angeles, Calif., December 3, 1942.

The Honorable SHERIDAN DOWNEY,
Los Angeles, Calif.

DEAR SIR: As your probably know, the laundry and dry-cleaning industries in southern California are also having their labor problems, perhaps identical to the agricultural problem that has been recently discussed in various hearings in the State building at Los Angeles.

The reason I am appealing to you for perhaps some solution is that I can see a very chaotic condition approaching in these industries in southern California.

I personally handle the labor problems of the laundry and dry-cleaning plants, hiring over 15,000 employees. Our problem is identical to that of the California farmers. Our women and men workers are all slowly but surely leaving our plants and going to the defense industries, who are able to pay higher wages. We have already exhausted the supply of older women and Mexican women who are willing to work at the highest rate of pay that we can now afford. In view of the fact that our prices for laundry work are frozen, and said price was harnessed to a wage rate of approximately 50 cents per hour, we are in no position to compete with defense industries.

We are therefore facing a labor shortage whereby a great number of southern California laundry and dry-cleaning plants will be forced to close. Our plants have huge piles of Army work that cannot be turned out, plus the fact that our southern California citizens have to wait 2 or 3 weeks before we can return their clean linens; and, Mr. Senator, this is only the beginning. Six months from now God only knows when the civilians will be able to have clean clothes.

It is my thought that if your good offices are endeavoring to assist the farmers in securing laboring men from Mexico, that perhaps you could assist us in the laundry and dry-cleaning industries in southern California, to secure Mexican women to relieve our terrific labor shortage.

Only taking into consideration the various plants that I represent, we could employ 5,000 Mexican women from the ages of 18 to 45 years.

* * * * *

Respectfully yours,
LOUIS B. BOLANOS, *Manager.*

EXHIBIT 3

MACHINERY AND LABOR PROBLEMS IN CALIFORNIA AGRICULTURE FOR 1943

(Statement of H. B. Walker, agricultural engineer, California Agricultural Experiment Station, University of California, Davis, Calif., to the Western Farm Labor Committee of the United States Senate and the interim committee on economic planning of the California State Senate at hearings held at Sacramento, Calif., November 24, 1942)

The following statement deals primarily with the equipment problems of agriculture as they affect labor and other farm-management problems. The over-all problem of California agriculture in 1943 is to produce more with less of labor and equipment.

On October 20, 1942, the War Production Board issued the 1943 farm equipment limitation order, known as Limitation Order L–170, as part of a plan to curtail in 1943 the use of steel and other critical materials needed for the production of ships, planes, and weapons of war. This order is restrictive in nature and its impact on California farmers will be particularly severe.

For example, this order restricts the manufacture of new tractors to 11 percent of one-half the sum of the 1940 and 1941 tractor output figured on a tonnage basis, and these are all to be steel-wheel types. This comes as a heavy blow to California farmers, where over 60 percent of the State's farmers have no work horses and approximately 75 percent of them rely entirely upon mechanical equipment for field operations.

The following data may help to visualize the force of these restrictions on California agriculture in 1943. In 1941 California farmers purchased 9,600 new tractors, about 2,000 of which were track-layer types. Limitation orders in effect the present year (1942) restricted purchases to approximately 4,500 units with no track layers available except upon petition to the War Production Board. In 1943 I estimate California on a pro rata basis may expect about 800 new steel-wheel units, compared with 4,500 units all types in 1942 and 9,600 units all types in 1941. Again, California farmers purchased 5,100 plows in 1941, 2,500 units in 1942, and possibly they may get 600 in 1943. California normally buys 650 combines in a year. The new order may provide 70 new units.

California farm mechanization is no recent innovation. The demands for new equipment are more nearly based on replacement of worn-out equipment than for replacement of horses and mules, as may be the case in some States. Reference to the 1940 census data is helpful in this regard.

Take for example, five of the leading agricultural States, each having about the same dollar value of production in normal prewar years. These States are California, Illinois, Iowa, New York and Texas. During the past 10 years the percentage of increase in farm tractors in these States has been, California 24 percent, Illinois 81 per cent, Iowa 94 percent, New York 46 percent, and Texas 165 percent. Thus it is evident that in all the other States mentioned the recent growth of tractors has been much more rapid than in California. It does not follow that California is less mechanized because that is not the case. On the other hand, because it has been mechanized longer, not so many power changeovers have been made during the past 10 years and its equipment is, therefore, older. California is the twelfth of the 17 leading tractor States of the Nation and of these 17 she is the lowest of the group in percentage of tractor increase during the past 10 years. To further illustrate this point, let us consider the average year tractor model for these 5 States, as shown by the 1940 census: California, 1931, New York 1931, Illinois 1934, Iowa 1934, Texas 1935. Thus with the lowest increase in tractors California also has among the oldest average models. Likewise, the equipment used with these tractors is older and is used more hours per year because of our longer growing season.

But this isn't the only handicap. California uses more track-layer tractors in agriculture than any other State. If permitted, farmers in this State would purchase approximately 60,000 drawbar horsepower per year of this type of mobile power unit, but such tractors are not even rationed to farmers now. Since much of our mobile field equipment is adapted to large track-layer power plants, many of our farmers face the problem of discarding this field equipment when their present power plants become disabled.

In the electrical field a similar condition prevails. The 120,000 electrified farms of California, for the most part, have been served for many years—some as long as 30 years or more and a majority for more than 15 years. Electricity has become so matter of fact and useful on California farms that the consumption of energy is approximately equal to that of all other electrified farms of

the Nation. On the other hand, other than on the Pacific coast, Federal subsidies for rural electrification have been responsible for rural electrical growth, with these new installations taking place within the last decade, with the average but a few years ago. Thus, the electrical equipment on farms away from the Pacific coast is relatively new and unused, while ours is old and heavily used. Thus, our needs for electrical equipment are primarily for normal replacements. We have a million horsepower of connected electrical load on our irrigation pumping plants. These plants are essential production units for the growing of flax, long-fiber cotton, fruits, vegetables, alfalfa, and pastures. It is essential to maintain these plants if the productive effort of field labor is to be assured, yet in 1943 we may get no more than 200 turbine irrigation pumps instead of more than the 2,000 units we normally require.

The farmers of this State are making a determined effort to meet their 1943 production responsibilities. In the Imperial Valley, for example, acreages of wheat, oats, and barley will be decreased and acreages of flax, rice, and grain sorghums increased. All of these crops are harvested with combines. The increased acreage requiring harvest in 1943 over 1942 will be about 50 percent. Farmers in that area, through the county war board, have estimated 125 new combines would be needed to harvest the 1943 crop. This is more than the whole State may be able to obtain under order L–170. These growers state, with reference to their flax: "If sufficient equipment will be lacking to harvest our 1943 flax goal, the planting and irrigating of this increased flax acreage will contribute nothing toward winning the war."

Other farmers and processors are studying the ways and means of reducing labor input in the production of sugar beets by building suitable field units to do thinning and harvesting work formerly done by hand. I firmly believe labor input for the production of the desired California 1943 sugar-beet crop of 204,000 acres could be reduced as much as four to eight million man-hours if certain equipment now known to be operative could be built. This would involve the use of a few hundred tons of metal but this would be a small price for the great saving in man labor. Furthermore, this equipment would make it possible to utilize successfully the lighter types of labor. Some of these savings will be attempted in 1943 but the extent of application will depend upon obtaining the necessary metals to build the equipment. If these are unobtainable, growers will hesitate to plant this high-labor-demand crop next year.

Due to restrictions affecting the manufacture of new machines and parts in 1943 and the difficulties standing in the way of obtaining materials for building locally, machines needed to overcome acute labor shortages on farms and ranches, it is my judgment that, unless some relief is obtained from existing regulations, farmers will hesitate to plant crops in 1943 on an acreage scale comparable to previous years. This will be due to one or more of the following reasons:

1. Fear that old equipment may fail at critical times, thus nullifying the effectiveness of labor input.

2. Loss of time required to keep badly worn equipment in repair, even though repair parts should be available.

3. Lack of skilled operators will contribute to increased maintenance and decreased effectiveness of use, thus contributing to production risks.

4. Necessity for modifying equipment and operations to utilize light types of labor, such as women and children. Lack of materials makes this a difficult problem.

5. Lack of dependable local shop facilities and materials for repairs and service.

6. Necessity for more farm improvising to meet emergencies caused by failure of regular equipment. This is expensive of time.

7. With the lighter types of labor more equipment will be tied up with less effective workers so that machine duty will be lowered.

8. Farmers know that new equipment supplies are not available for actual maintenance requirements, therefore they will try to extend equipment life for their own survival by less annual use.

9. High labor rates, with less efficient laborers, greatly increase production costs for high labor demand crops. Farmers will be inclined to limit crop acreages to a type which will permit them to operate with less hired labor.

10. Loss of time required to "shop" for repair parts and materials to keep machines going. This is nonproductive overhead.

THE SMALL COLLEGE AND THE WAR

Mr. DAVIS. Mr. President, today, with the ever-increasing demands being placed upon the Nation in almost every field—in labor, in production, in manpower, and in combat—we must, from time to time, take stock of the movement and attempt to ascertain whither we are going, and whether in our movements and programs we are not inflicting dangerous and almost irreparable wounds on some of the institutions and aspects of our national life.

Throughout our history the educational system—and especially the small, unsung college—has played a great, if not a prominent, role in the continued progress of America. It should be evident to most of us that the small college can continue to make such a contribution during the war and in the post-war era. But the fact remains that the resources and facilities of these schools are not being fully, or in some cases even partially, utilized at the present time. Indeed, with the continued drafting of our college-age youth into the military services, and with the continued stress upon industrial rather than academic learning, the small colleges of the Nation find themselves in a most precarious position—badgered and menaced on all sides. Many are the colleges in all parts of the land that will be faced with complete ruin unless we adopt a more liberal and a more far-seeing approach toward them and the problems with which they are confronted.

The Army and the Navy, as well as the War Manpower Commission, can do much to lighten the burden of these small schools. Wherever possible, the Army and the Navy should use the schools as training bases, or centers for the development of their technicians and specialists. The War Manpower Commission should utilize the facilities of the small colleges in the training of specialists, and in the development of technical war workers. If this type of program is not followed, it is not altogether unlikely that the small college will pass completely from the American scene. In the past, we have consistently favored the large institution, whether State supported or endowed. This trend must be softened and curbed, lest the small schools be placed in such a position that they will fail to survive the war period, and hence be unable to open their doors when peace returns.

We must realize that this would be a serious blow to America and to American education, for in the past the small schools have been a godsend to American progress and development. They have permitted many thousands of our young people to obtain higher learning, who, for reasons of economy, family responsibilities, and so forth, would never have even hoped to enter a university, much less graduate from one. The small colleges, rural and urban, have made it possible for many thousands to obtain the advanced training which the modern college affords. These schools have given us doctors, lawyers, teachers, and specialists in many fields. They have contributed much to America and American ideals. It now remains for America to do all within its power to utilize and sustain these schools during the war era, so that they may once again provide their unstinted contribution to the advancement of America and the world in the creation of that new and more vigorous era when peace shall have been restored.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an article from the Washington Post of December 7, 1942, entitled "Nation's Best College" by Roger W. Babson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATION'S BEST COLLEGE—HATS OFF TO NAVAL ACADEMY

(By Roger W. Babson)

ANNAPOLIS, MD., December 6.—I have attended recently a Sunday morning chapel service at what I consider the best college in America—the United States Naval Academy. Incidentally, it sets a good example to other colleges by having it compulsory that every student attend divine worship at some church every Sunday morning. Out of over 3,000 men nearly 2,500 were at the service which I attended.

The sermon was entitled "A Challenge To Be Real"; it was both practical and inspirational. It was primarily an appeal for honest thinking, but the preacher had the courage to beg the midshipmen to let liquor alone and beware of smokes. He also gave them some sound advice about women, saying, "Check the man who does not look you in the eye, but beware of the woman who does look you in the eye!" Regarding business, he said that only as more is produced is there more to divide.

The new Naval Academy Chapel is most dignified and impressive. Its beautiful stained glass windows are significant of peace. There is nothing to remind one of war or to arouse any feelings of hate against any group or nation. The closing words of their closing hymn well express the creed of this great college. These words are: "In peace which only Thou canst give, O Master, let me with Thee live." In my talks with the students I found a seriousness and religious fervor that exists on few college campuses.

Unlike average college men, upset by long-haired radical economic professors, these Annapolis boys know where they are going and that they must struggle to get there.

But why should I begin this financial column by writing of this United States Naval Academy? The reason is that two diametrically opposite philosophies about peace are being taught by the colleges of the United States. The State universities are teaching that peace is a means to an end—that is, only peace will bring prosperity. This Naval Academy is teaching that peace is not the means to prosperity, but rather that peace can be found only at the end of a long, long road. They believe that only prosperity brings peace.

Every businessman and investor should decide whether the State universities or the Naval Academy is teaching the truth. The length of the war, the ultimate victory and conditions after the war depend upon whether our leaders in politics, industry, and education are thinking soundly or sleeping soundly. We see the evils of the Germans and Japanese worshiping war, and we know what befell France and her northern neighbors for worshiping peace. We cannot safely ride two horses when they are going in opposite directions.

Most State university professors are talking about "winning the peace"; but the Annapolis professors are talking about "winning the war." The State university professors expect a world federation after World War No. 2 which will enable the United States to disarm and live in peace forever more. The Annapolis professors teach that this is a goal to work for, but we will be at least 100 years more in reaching it. They believe, in accordance with the above-mentioned hymn, that peace can come not through treaties, leagues, or even the military, but only through the peoples of the world following Jesus' teachings.

Our armed forces have definite ideas as to "keeping the peace" after World War No. 2. They claim that either the English-speaking peoples must police the world or else that Germany must be turned over to the Russians and Japan turned over to the Chinese. This lines up with the subject of that Sunday morning sermon that church people should be realistic as well as idealistic; that businessmen should, after the war, depend for protection on armed forces rather than on forced tariffs.

I wonder if the United States would not be better off if all educational institutions would follow the lead of the United States Naval Academy. Nothing bombastic is taught there; no glorification of war is apparent; yes, not even nationalism per se is talked about. Certainly one hears much more of jingo doctrines at a National Chamber of Commerce convention.

An earnest effort is made to teach the fundamentals of living. Most of all, the men are trained. Knowledge can be purchased, but habits come only through training, discipline, and self-control. These midshipmen are taught that life always has been a struggle and always will be. To let any young people get the false idea that security—either national or personal—can be bought or legislated is a wicked crime, condemned by both God and history.

Naturally I tried to ascertain from officers and others, whom I met, their ideas as to the length of the war. The consensus is that we will know nothing definite until Christmas. If Germany during 1942 breaks through to contact Japan, the war well may last for 5 years more. If, on the other hand, Germany is held back at the Caucasus and compelled to go through another winter without more oil, rubber, and other supplies, the war well may end in 1943.

But whenever it ends we will be living in a different world and wise are those businessmen, wage workers, and investors who now change their plans accordingly.

THE PLACE OF SILVER

Mr. McCARRAN. Mr. President, there are various agencies which affect peculiarly the human mind. Regardless of the fact that the Nation affords educational institutions for enlightenment, and especially affords the public the opportunity to read, know, and understand, it is strange that the public will not read, will not know, and apparently does not care to understand.

It is that peculiar thing in the life of our present civilization, and, indeed, especially in the life of American civilization, which sometimes irks one, because there are those who are influenced by false, unfounded, and unwarranted statements.

Not long ago two of the most outstanding magazines in America conveyed to the American public, through the authorship of individuals, statements which had no foundation in fact. One of those statements appeared in what is known as the Reader's Digest, under the caption "Twelve Men Against the Nation." I shall dwell upon the statements as they appeared in print.

Mr. President, in time of war, when the young men of the Nation are in the habiliments of war, and when anxious mothers, fathers, and relatives are watching and waiting to see what will become of their sons and relatives who are engaged in the war, the headline to which I have referred would naturally arrest attention. If there was behind it no truth—as there was none—it would naturally cause resentment to be felt upon the part of those who did not understand, and who were misled by the headline. Never was there a more lying libel on 12 men who had taken the oath to sustain the Constitution of the United States than was the headline to which I refer. Standing alone and unamplified, it was a lie and a libel. The author of it is a libeler and a liar, and the article is false from beginning to end.

In this body there is not one-twelfth of 12 men against the Nation. In view of the fact, Mr. President, that my name was one of the 12 referred to in the article, and that others of much longer service in this body than I were named as among the 12, it is no more than right that we should dwell upon the subject on which the author dwelt in the density of ignorance, or in the attitude of solicitude for a particular class. In charity one should say that it must have been in the density of ignorance.

Mr. President, I have made the statement that in this body there are not only not 12 men against the Nation but that there is not one-twelfth of 12 men against the Nation. Without a single exception, every Member of this body has put forward his best efforts to see that the country shall win the war, and that there shall be not a chance in the world for us to lose the war. We must win it.

The article under the caption "Twelve Men Against the Nation" stated that 12 Members of the Senate had refused to allow silver to be used in the war effort. Again, a falsity. Again, a libel. Again, a slander upon the reputation, name, and standing of men who have been Members of this body for many years.

Mr. President, a very plain and homely statement of fact should gain recognition. But unfortunately up to the present time the very popular magazine which carried the article to which I have referred has not published the truth, which was presented through the mails to the editor of the Reader's Digest. It has neither been rejected nor accepted, nor has it been published. I assume that the policy of the editor of the magazine will be not to publish it until the whole situation has so died down that it is no longer news. That is a peculiar trait on the part of some who control great publications.

Mr. President, in the early months of this year there were 113,000 tons of silver in the Treasury of the United States. How did that metal come to be there? How did silver come to be money in America? Without dwelling upon the subject at length, let me read the organic law.

Section 8 of the Constitution provides:

> The Congress shall have power—
>
> Among other things—
>
> to coin money, regulate the value thereof, * * *.

The word "coin" is defined as follows by Webster's Dictionary:

> To coin money, to strike a metal.

Section 10 of the Constitution provides:

> No State shall * * * coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

So, by organic law, by the Constitution of the United States, silver and gold came into the United States Treasury. Gold and silver are not fictitious metals. When the bill was passed in Washington's administration, gold and silver did not go into the Treasury by mere happenstance. Those two metals came into the monetary system of the United States because from time immemorial they had been a part of the monetary system of civilized mankind. When the colonists came to this country, Great Britain knew gold and silver. Under the Articles of Confederation gold and silver were the money of the country. During the Revolutionary War gold and silver were the money of the Colonies. So, the civilized nations of the world at that time recognizing gold and silver, it was natural that our country, in setting up its fundamental organization of government, should provide that gold and silver should be the basic metals of the monetary system of the new Republic. Thus, it was no accident that brought gold and silver into our Treasury; indeed, it was by specific design.

Then must follow a consideration of some things, important in our monetary system. When the Constitution of the United States was formulated and adopted, France and England controlled the commercial world. Scientists in the governments of both those countries and students on the subject had found that there was a ratio by which nature produced those two precious metals. If we go back into the records of Biblical times we find that Solomon said that silver comes in ledges, but gold is where you find it.

The study which mankind had made of the production of gold and silver established for those who were interested in the subject in France, England, Germany, and other then leading nations of the world, especially those which led commercially, the fact that nature produced gold and silver in the ratio of approximately 15½ ounces of silver to 1 ounce of gold. So, when our Government was organized the ratio was established on the basis of 15 ounces of silver to 1 ounce of gold. In other words, when

a miner who produced silver presented his silver to the United States Mint, or when a miner who produced gold presented his gold to the United States Mint, the mint would coin it by striking upon one side an eagle and upon the other side the image of Liberty and the words "In God we trust," and such coins of gold and silver were minted at the ratio of 15 ounces of silver to 1 of gold.

Then by law—a procedure which was in keeping with the custom of civilized nations at the time—we declared that 371¼ grains of silver should constitute a United States dollar. Until this day, under the legal provision, 371¼ grains of pure silver constitute a United States dollar. In 1834 the ratio of which I have spoken was changed to 16 ounces of silver to 1 ounce of gold. The ratio worked out to its finality with gold recognized by the civilized nations of the world as being worth $20.67 an ounce; and taking into consideration 16 ounces of silver produced by nature to one ounce of gold, the ratio resulted in the fact that in United States' money an ounce of silver was worth $1.29 plus. From that day until the present hour, save and except by reason of our change of the gold content of the dollar, silver has been worth and is worth $1.29 an ounce in United States money.

So, as a Nation we sought to strengthen ourselves from a Treasury or fiscal standpoint by having gold and silver in our Treasury. Under the various measures which have been enacted since the Mint was set up we have acquired gold and silver as the basis for sound money in the United States.

Mr. President, when the present war is over there will not be in the United States or in any other country any sound money that is not backed by either gold or silver. Why do I say that? Let us consider current history. Today there is a greater demand for silver than ever before in the history of the world. Today Great Britain is begging this country to furnish her with 2,500,000 ounces of silver a month. Why? Because the people in Australia, in the British Isles, the people everywhere, are asking for silver for monetary purposes. Today, in India silver is worth 86 cents an ounce in United States money. Turkey, Iran, Iraq, China, India, Australia, and every one of the South American countries today are calling for silver for monetary purposes. Why? Because the civilized peoples of the world have recognized the fact that paper money is a thing that is run off printing presses, that a man can have a whole bale of paper money but cannot obtain a loaf of bread with it, but that from time immemorial a man could buy a loaf of bread and any of the other articles necessary to sustain life by paying for them with a piece of silver as big as his thumb nail.

Thus, the peoples of the world, recognizing the fact that their countries have gone in debt beyond all question of redemption, are today calling for silver; because with silver they will be able to obtain a loaf of bread when a bale of paper money will not buy half a loaf of bread.

That is not all, Mr. President. From time immemorial silver has been the money of the masses. From time immemorial gold has been the money of the hoarder, of the wealthy, of the powerful. Today it is true, as it was true a thousand years ago, that silver is the money of the masses, that silver is the thing for which the poor clamor, that silver is the thing which, when the war is over, will hold our Nation steady on its course in a rough and raging sea, when other nations are wondering where they are headed. The one thing that will keep our Government secure is silver.

I have mentioned the fact that the peoples of the countries abroad are calling for silver for monetary purposes; but silver has another place in recent years; today it is the greatest electrical conductor of any metal which is known.

So when in the early months of this year the silver group of the Senate were called together by the Secretary of the Treasury and by Mr. Donald Nelson, the head of the War Production Board, to discuss this whole matter, the question was asked us, "Would you acquiesce in an arrangement whereby 47,000 tons of silver not standing in the Treasury of the United States behind the currency in circulation might be removed from the Treasury, but always to remain the property of the Treasury, and made available to industry for nonconsumptive purposes; the entire group of the Senate, including the 12 men who are now held up to ridicule, acquiesced that it might be so removed. Today silver is being used in war industries, and we want every ounce of it to be used so far as we are concerned. So if there be any mother or any father who thinks that any one of the 12 men in the Senate—and there are more than 12—is trying to prevent the use of silver for war activities, let their minds be disabused here and now. Every ounce of silver in the Treasury, so far as we are concerned, may be made available now for essential war purposes.

The bill which has been in the offing here is not a bill to make silver available for essential war purposes. There is a group in America who have made their fortunes and become fat and wealthy by dealing in silver, in the brokerage business in which they have stood between the silver markets of the world and those who use silver in industry.

The War Production Board, the Metals Reserve Board, and every other board that has war activities in hand, has said that silver shall not go into nonessential activities; but 12 men in the Senate, indeed, every man in the Senate, is perfectly willing that it shall go into war activities. We do not propose, however, to let the silver in the Treasury of the United States, which was purchased by the money of the taxpayers of America for 71 cents on ounce, go into the hands of brokers who will shave a profit and thereafter turn it over to industries which are not essential to the war. The making of jewelry is not essential at this time when men are dying in order that America may live; the making of gewgaws is not essential at this time; the making of tableware, forks, spoons, knives, and flatware, is not now essential. We can get along with what we have. We want every ounce of silver to go where it belongs, first to war activities, when, as, and if the War Production Board vants it, and under the direction of the War Production Board every ounce of silver in the Treasury may be made available; but not an ounce will be made available for the mere making of jewelry, for the mere making of gewgaws, for the mere making of nonessential things at a time when the Nation stands at its most crucial position in all its history. These 12 men would stand until death, if necessary, in order that silver might go into war activities, to such extent as the war activities, the Army, or the Navy desire it and think it essential; but no one is going to make a profit out of the death of the boys who have donned the uniform of their country. This is not a day or an hour for profit making. This is a day and hour for everyone to be devoting himself to furthering the war activities. The 12 men in the Senate and 12 more—yea, 24 more—will stand on that policy so long as there are those who want the silver of the Treasury for other than essential war purposes.

Mr. President, there are today two great calls on silver: One call is to stabilize and support the Treasury of the United States under the laws of the country; the other is that silver may be utilized in essential war industries. In support of those two great causes we stand; to them we are ever pledged. It is our policy that the essential war industries may have anything. We will take every ounce of gold out of Fort Knox; we will take every ounce of silver out of the Treasury; we will take every ounce of silver that can be made available in furtherance of the war effort; but we do not propose to have the war effort set up as a mere shadow under the guise of which brokers, dealing in silver and harvesting their profits in silver, as has been their history for many years, shall continue with that depletion of the Treasury of the United States.

Mr. President, there has come to my attention a very outstanding statement which I desire to have inserted in the RECORD at this point as a part of my remarks. It is in the report of the National City Bank of New York for December 1942, commencing under the caption "Wartime gold output and demand," and continuing down to "Income taxes versus total taxes." I desire to dwell on a few words in the statement, but I want the entire portion I have indicated inserted in the RECORD, if I may have permission.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

WARTIME GOLD OUTPUT AND DEMAND

The decision of the War Production Board in October suspending gold mining in this country for the duration of the war and the report of gold coins being used in some instances by our troops in North Africa have supplied a curiously conflicting mixture of news about gold, and has renewed discussion of the future of that important metal.

The order suspending production has been explained as a purely manpower-saving measure, intended to release miners for underground copper and other nonferrous metal

mines, where the shortage of labor is particularly acute. It affects only the strictly gold-producing mines, the output of which was already falling because of various wartime restrictions. As the Secretary of the Treasury pointed out, closing the gold mines would not mean any change in the Treasury gold-buying policy or in the prevailing price of $35 a fine ounce.

In Canada several hundred miners were transferred from gold to nickel mines some time ago. Mines working solely the gold-bearing ores, however, which contribute about one-fourth of the Dominion's gold output, are to be closed down gradually. It is expected that eventually up to 10,000 gold miners will be released, and, according to information received here, they will have no opportunity to seek employment outside the mining industry, but will be assigned to base-metal mines.

The two North American countries are not alone in experiencing a limitation of output. In Australia, where gold mining had been revived as a depression industry, production declined substantially in 1941 and additional labor was shifted during this year to the production of base metals for the new Commonwealth industries.

In Africa, Rhodesian and Gold Coast mines report a rise in production costs, difficulties in obtaining mine equipment, and suspension of new mine development. On the South African Rand—the premier gold-producing area of the world which last year accounted for 35 percent of total world output—new development has been stopped, but the ore tonnages of existing mines were through September still ahead of last year. Any fear of major interference with gold mining there was dispelled by the Minister of Mines who declared some time ago that the country's war effort was dependent upon gold mining. Only about 1 in 10 of the 400,000 employed in the gold mines can be regarded as skilled workers. Moreover, only a small fraction of the large army of unskilled native labor could be absorbed by the other mines—coal, chrome, manganese, copper, and asbestos—or by the existing industrial enterprises. According to recent data, about one-fifth of the Union of South Africa Government net revenues and about two-fifths of the Union's national income are derived from the gold-mining industry.

In other parts of the world—the Philippines, Dutch East Indies, Burma, and New Guinea—war operations must have interfered seriously with production. Diminished flow of mining equipment is creating difficulties for gold producers in Latin America.

As a result of these restrictions, the world output of gold in 1942 probably will show the first decline since 1929. At least until the war is over, the peak year is likely to be 1941, when the world was estimated to have mined some 40.7 million ounces of gold, valued at $1,425,000,000. During the First World War, the production of gold also declined after reaching a temporary peak in 1915. That decline, however, was brought about primarily by the rise in production costs.

DOUBTS AS TO FUTURE OF GOLD

The spread of popular apprehension as to the future of gold, and doubts as to the workability of the gold standard, have accompanied the deterioration of world economic stability and the gradual break-down of international relationships since the early 1930's. World-wide suspension of gold redemption of currencies, often referred to inaccurately as "abandoning" gold, sowed first seeds of doubt as to the future of gold. People became accustomed to no longer seeing gold in circulation, and there was a great deal said about the "freedom" allowed by managed currencies as opposed to the "tyranny" of gold. Much was made of the ability of certain countries, notably Germany, to "get along without gold"; of frequent predictions from countries—themselves deficient in gold—of the passing of gold and its monetary functions; and of the abnormal concentration of gold in the United States, which some people saw as a plot on the part of foreign countries to sell us their gold which they would then "declare valueless," leaving us "holding the bag."

More recently the credit arrangements involved in lend-lease have been interpreted by some as further evidence of the diminishing importance of gold. And now comes the closing of the gold mines in this country and in Canada. To quote one commentator, "This is the prosaic end to something that has been second only to love in the hunger of the human race." "We don't need gold now," he observed, "except for filling teeth."

GOLD STILL WANTED

Nevertheless, despite such pessimistic pronouncements, a review of wartime experience reveals very good reasons against any premature consigning of gold to the junk heap.

In the first place, the limitation of gold production in this country and in Canada is, as had been said, a purely emergency measure designed to conserve manpower and materials for needs more immediately vital to the war.

Secondly, a decision to reduce gold production temporarily in order to increase capacity for copper, lead, and zinc required for war need no more be considered evidence of lack of regard for gold than a decision to exchange some of the gold in the monetary stock for such materials purchased abroad. This is especially true where the gold holdings are as large as in the United States.

A third, and much more important, reason for disbelieving that gold has "gone out of date" lies in the kind of thing illustrated by the use being made of gold by our forces in North Africa. There it is being demonstrated again that gold is the universal currency, prized above all other, and certain to be accepted where all forms of paper money are under suspicion.

And this is not the only illustration that can be cited. Everywhere that there is opportunity there is manifestation of the age-old instinct of mankind to seek gold as the surest means of preserving wealth, especially in times of uncertainty and disorder. Gold coins, for example, have been selling consistently at heavy premiums ever since the outbreak of the war in all markets where transactions are known to have taken place. The premiums on bar gold have been generally smaller, partly because of rigid restrictions on sale and partly because of high cost of transportation, including maritime and war insurance. For a time in the early months of the war and again in 1940, when Germany was extending its conquest, the Swiss National Bank was reported to have refused to buy gold that large private holders, fearing German invasion, offered for sale. This, however, proved to be temporary, and later the demand for gold in other parts of the world became so insistent and led to such an outflow from Switzerland that the Government last summer was moved to prohibit exports in order to conserve the monetary stocks.

In India, following the outbreak of war in the Pacific, bar gold rose to about $40 a fine ounce by the middle of December 1941, and reached almost $68 an ounce at the time of the Burma campaign in March 1942, with silver up from 50 cents to above 72 cents an ounce. Premiums on gold coin have ranged above bar gold. In neutral countries on the periphery of the Continent of Europe, to which much refugee capital has flown, premiums have likewise reached high levels. In Lisbon, for example, gold coins command premiums ranging 150 to 200 percent, while in Turkey, which is now going through an inflationary price rise, gold is selling in a free market at premiums of from 300 to 400 percent.

From Latin America, too, have come scattered reports of transactions in gold at premium prices, though amounts involved are understood to have been small. In Argentina, which has no restrictions on either the import or export of gold, gold coins were quoted last May on the basis of about $51 and gold bars at $42 a fine ounce, with quotations last month at $47 and $38, respectively. Ten-dollar gold "eagles" were quoted in Habana last April at the equivalent of $42 a fine ounce, with gold imports free of restrictions but exports subject to 15 percent tax. Small dealings in United States gold coins have been reported in Panama at a premium of 100 percent.

The foregoing examples of eagerness on the part of people to get gold—and doubtless there are many more examples that might be cited—would seem to make clear that gold has lost none of its attraction as a secure store of wealth in disturbed times. Economists and governments with an ax to grind may theorize all they like about doing away with gold, but man's faith in gold persists, and it is precisely this faith which has made gold the best standard of value and monetary base that has yet been devised. Certainly it seems unrealistic to talk about gold not being wanted when people are paying premium prices to get it, and when governments themselves are hoarding it and unwilling to allow free redemption of currencies for fear that the people will come and take too much of it.

In contrast with American gold coins, which command premiums everywhere, it is interesting to record the experience of American paper currency notes now selling abroad at a discount. At the outbreak of war in 1939 such notes, like gold coin, were at a premium in Europe. However, when Great Britain placed an embargo on importation of English notes and forced them to a discount, confidence in American paper notes was likewise affected. As the war went on, this, coupled with the high cost of shipping currency to the United States, forced the notes to a discount, which grew wider on rumors of large scale counterfeiting of American money and finally on our regulations prohibiting importation of our currency from abroad first in amounts in excess of $250, and now in amounts in excess of $50. At the present time dollar bills in Lisbon and Switzerland are reported at discounts as high as 50 percent. Currencies of occupied European countries naturally have slipped faster than the dollar. Francs, for example, quoted officially at 40 per dollar, are selling in black markets as low as 100 francs per paper dollar and 250 francs per gold dollar.

While the discounts quoted on American paper money are no reflection on the intrinsic strength of the United States dollar, they afford further illustration why in time of uncertainty people prefer gold as most likely to afford protection under all conditions.

THE FUTURE OF GOLD IN THE MONETARY SYSTEM

What has been said above relates primarily, of course, to demand for gold by individuals. But there is no reason to suppose that central banks and governments will give up the use of gold.

In the first place, it is difficult to conceive of a monetary system based upon anything but the precious metals commanding the confidence of the people. Monetary systems cannot be built upon fancy theories, but upon the way people think and behave. Gold and silver have come to be used as money and standards of value not because some group of theorists willed it that way, but because of tradition and practice from time immemorial. And of the two precious metals, gold offers the greater advantage by virtue of its wider use as a base in the past and its greater scarcity.

The Axis conception of a work unit of value, described at one time by a high Italian official as representing the productive capacity of a people, which in turn will be a complex of its productive energies and capacities, industrial, agricultural and commercial seems hardly likely to offer serious competition to gold where people can get gold and desire something more tangible than units of work, whatever they may be, as the base of their money.

The second reason why gold will be wanted by governments is that it is needed for making international settlements. Without gold for such purposes the only alternative is strict governmental control of all foreign trade, with continuation of all the paraphernalia of clearings, agreements, blocked currencies, trade quotas, and the like, which were stifling international trade up to the war. While clearings agreements may substitute to a limited extent for gold settlements, even Axis propagandists concede that gold cannot be dispensed with entirely, but will be useful for international payments.

A third reason why gold will be wanted by governments lies in the huge vested interest in it by the United States and the British Empire—the United States as the world's greatest holder of the metal and the British Empire as the world's greatest producer. Both powers have every good reason to seek, through example and encouragement, to maintain the place of gold in the world economy, and who can doubt that, with these powers leading the way, the influence will be far reaching.

GOLD A BASIS FOR CONFIDENCE

The use of gold in monetary systems does not necessarily mean going back to precisely the same form of gold standard that existed before the war. Discussion of the gold standard tends to be concerned with its mechanics. In reality that is the least important part of the problem. The real question is how the enterpriser can be given assurance about the value of the money he handles, so that he will be prepared to go ahead and employ people and capital.

The goal that is wanted is full employment. But government alone cannot guarantee this. There has to be enterprise. And there cannot be full employment and active private enterprise and trade between nations without removal of some of the uncertainties of recent years. Of course, the greatest uncertainty was that of peace or war. Another great uncertainty was whether the money in which business was done might shrink in value in the hands of its holders. There was great reluctance to employ money in other countries to any large extent because of this risk.

A vital question about the future of enterprise is how men can be assured that the money in which they do business will retain its value. Long experience has shown that the promises of governments alone cannot suffice for these promises have been broken too often. A system of managed currencies, if one means by that term changes in the gold value of currencies, would open the way to international rivalries and suspicions, threatening a new outbreak of competitive currency depreciation—the most devastating form of trade competition.

In the past the free convertibility of currency into gold has been an impartial and nonpolitical guaranty of the value of money. The evidence that has been cited above of demand for gold in many parts of the world is indication of the natural and logical human reaching out for some form of guaranty of the continuity and preservation of values.

No matter what detailed form the monetary mechanism may take in coming years, it is safe to say that unless this basic need for certainty and assurance as to the value of money is satisfied, the goal of full employment will be hard to reach because the human ingenuity and enterprise on which employment rests will be stifled at the source.

The enormous gains in foreign trade and world enterprise and in the standard of living over the whole world of the past century were achieved partly because men had confidence that the pound sterling and the dollar would retain their value. This guaranty took the form of redemption in gold—a language that everyone understood. The forms may change, but this substance is necessary to a revival of world trade and full employment after the war.

The utility of pegging the currency to gold has in fact been demonstrated by this country in recent years. For since January 1934, or for 9 years, the gold value of the dollar has been pegged at the rate of $35 for an ounce of gold. This Treasury policy has given for these years whatever stability there was in the world monetary system and made the dollar the world's basic currency.

Mr. McCARRAN. The report says, under the caption of "The future of gold in the monetary system"—

What has been said above relates primarily, of course, to demand for gold by individuals. But there is no reason to suppose that central banks and governments will give up the use of gold.

In the first place, it is difficult to conceive of a monetary system based upon anything but the precious metals commanding the confidence of the people. Monetary systems cannot be built upon fancy theories, but upon the way the people think and behave.

Gold and silver have come to be used as money and standards of value not because some group of theorists willed it that way, but because of tradition and practice from time immemorial. And of the two precious metals, gold offers the greater advantage by virtue of its wider use as a base in the past and its greater scarcity.

There we find a great financial institution in the United States, which has our basic money in its thought at all times, referring to the fact and saying emphatically:

In the first place, it is difficult to conceive of a monetary system based upon anything but the precious metals commanding the confidence of the people.

And the precious metals are gold and silver.

Mr. President, I ask that there be printed in the Appendix of the RECORD an address, entitled "Monetary Reconstruction," by H. Michell, the presidential address delivered at the annual meeting of the Canadian Political Science Association, May 25, 1942, dealing with the very subject upon which I am now addressing the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. McCARRAN. Mr. President, the subject I have been discussing is of such importance that if one should address himself to its various phases many hours would be required. I have touched upon but one or two salient features of silver, as silver is, by the acquiescence, the assent, the will, and by the wish of the Senate of the United States, going to war. We want silver to be used for war purposes, but we do not propose to let silver be trifled with so that profit may be made by brokers.

Mr. BARKLEY. Mr. President, is the Senator willing to suspend now?

Mr. McCARRAN. I am ready to suspend.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MURDOCK in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on Public Lands and Surveys:

Mrs. Rose L. Day, of Nevada, to be register of the land office at Carson City, Nev., vice Mrs. Carrie H. Malone Delano.

By Mr. BULOW, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

Robert Leo Quirk, to be postmaster at Washington, La., in place of Arthur Deshotels (reported adversely).

Mr. BARKLEY. There are a number of military nominations and a number of postmaster nominations on the desk, which it is desirable to have acted upon. They have been reported, but have not gone to the calendar. There is only one nomination on the calendar, which must go over.

Mr. JOHNSON of Colorado. Mr. President, I might state, with respect to the military nominations, that the Committee on Military Affairs has acted on them, and we would like to have them considered today, if it is possible, and confirmed.

Mr. BARKLEY. I do not think there will be any objection to that.

Mr. McCARRAN. Along the same line, a report came in from the Committee on Public Lands and Surveys this morning recommending the confirmation of a register for the Land Office in Nevada, and I shall ask that that be considered out of order, along with the other nominations.

Mr. BARKLEY. I ask that the nominations on the desk which have not been put on the calendar be laid before the Senate for present consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will proceed to state the nominations.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

ROSE L. DAY

The legislative clerk read the nomination of Rose L. Day to be register of the land office at Carson City, Nev.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. McCARRAN. I ask that the President be immediately notified of the confirmation.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

WAR MANPOWER COMMISSION NOMINATIONS—REFERENCE

The PRESIDING OFFICER. The Chair lays before the Senate certain nominations, but the Chair is in doubt as to which committee of the Senate should have the nominations for consideration.

Mr. BARKLEY. I think I know what the nominations are, and in my opinion they should go to the Committee on Education and Labor.

Mr. HILL. What is the reference?

The PRESIDING OFFICER. Without objection, the nominations will be referred to the Senate Committee on Education and Labor.

Mr. HILL. The Senate Committee on Military Affairs has handled all the legislation having to do with manpower. It started when we passed the Selective Service Act, and I think that all the bills, with the exception of one, have gone to the Senate Committee on Military Affairs.

Mr. BARKLEY. The Manpower Commission is not a legislative commission; it is set up by Executive order. Undoubtedly, either the Committee on Military Affairs or the Committee on Education and Labor might well have jurisdiction, there are so many avenues to the manpower situation which involves labor. While it is true that the selective draft and the legislation upon that subject came from the Committee on Military Affairs, the allocation of civilian labor may not altogether be a military matter. I do not care to which committee the nominations go.

Mr. HILL. Are there not five bills dealing with manpower before the Senate Committee on Military Affairs, I ask the Senator from Vermont?

Mr. AUSTIN. There are many. The Military Affairs Committee has jurisdiction of the subject of manpower, and has gone a long way in taking testimony. It would be curious indeed to divert the measures on that subject now, and I have an idea that even though other committees may consider such measures, they should go to the Committee on Military Affairs anyway.

Mr. BARKLEY. Personally, I do not care to which committee the nominations go. The nominations are civilian in nature. They clearly are not appointments dealing directly with the draft. They deal chiefly with civilian manpower. Proposed legislation is pending before both committees on the subject of manpower, so it is a double barreled situation. The Chair can send the nominations to whichever committee he thinks they should go. He expressed some doubt about the matter, and I made a suggestion, which the Chair may follow or not.

Mr. HILL. In the last bill on the subject which came out of the Committee on Military Affairs and which was passed, we not only dealt with military manpower, but with civilian manpower. That bill carried a provision for a survey of all manpower between the ages of 45 and 65. The survey did not look toward military service, but toward civilian service.

I may say that I am a member of both the Senate Committee on Military Affairs and the Senate Committee on Education and Labor, but I very strongly share the views expressed by the Senator from Vermont. The Senate Committee on Military Affairs has spent a great deal of time studying the question of manpower. Practically all bills with reference to manpower are pending in that committee, and I think these nominations should go to that committee.

Mr. AUSTIN. It is not clear that manpower in nonmilitary activities is purely a civilian interest. As a matter of fact, the more study we make of this subject the more convinced we become that we are engaged in total war, involving all manpower, which includes womanpower, and that it is therefore essentially a military subject.

Mr. BARKLEY. This is a matter for the Chair to decide. He has heard the statements, and he can act upon them.

The PRESIDING OFFICER. Is there objection to the reference of the nomination to the Committee on Education and Labor?

Mr. HILL. Did the distinguished leader ask that the nominations be referred to that committee?

Mr. BARKLEY. The Chair said he was in doubt about where they should go, and I merely suggested that they go to the Committee on Education and Labor.

The PRESIDING OFFICER. Without objection——

Mr. HILL. I object, then, if it has to be done in that way. I think the nominations should go to the Senate Committee on Military Affairs.

The PRESIDING OFFICER. The Chair will entertain a motion to refer the nominations to the Committee on Military Affairs.

Mr. HILL. I make that motion.

The motion was agreed to, and the nominations were referred to the Committee on Military Affairs.

Mr. BARKLEY. In view of the fight made by the Committee on Military Affairs for jurisdiction over these nominations, I am sure that prompt action will be taken on them.

Mr. HILL. I am sure the committee will act with due expedition.

RECESS TO TUESDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate took a recess until Tuesday, December 15, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate December 11 (legislative day of November 30), 1942:

THE JUDICIARY

Stephen S. Chandler, Jr., of Oklahoma, to be United States district judge for the western district of Oklahoma (additional position).

Hon. J. Frank McLaughlin, of Hawaii, to be United States district judge for the district of Hawaii, vice Hon. Ingram M. Stainback.

M. Neil Andrews, of Georgia, to be United States attorney for the northern district of Georgia, vice Lawrence S. Camp, resigned.

Hon. Charles D. Lawrence, of New York, to be judge of the United States Customs Court, vice Hon. Frederick W. Dallinger, resigned.

WAR MANPOWER COMMISSION

Dr. Joseph S. Dorton, from the State of North Carolina, to be area director, at $4,600 per annum, in the Raleigh area office of the War Manpower Commission.

Mr. Joseph H. Piaconke, from the State of Michigan, to be labor utilization analyst, at $4,600 per annum, in the Detroit district office of the War Manpower Commission.

Mr. Julius Cohen, from the State of West Virginia, to be principal attorney, at $5,600 per annum, in the office of the general counsel, War Manpower Commission, Washington, D. C.

APPOINTMENTS IN THE REGULAR ARMY

To be first lieutenant, Medical Corps, with rank from date of appointment

First Lt. Robert Halbert Finley, Jr., Medical Corps Reserve.

To be first lieutenant, Dental Corps, with rank from date of appointment

First Lt. John Robert Knoderer, Dental Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO ADJUTANT GENERAL'S DEPARTMENT

Capt. Howard Russell Moore, Infantry (temporary lieutenant colonel), with rank from June 12, 1940.

TO ORDNANCE DEPARTMENT

Maj. John Frederick Gamber, Coast Artillery Corps (temporary lieutenant colonel), with rank from June 12, 1942.

Capt. Edward Kenly Purnell, Infantry (temporary lieutenant colonel), with rank from June 11, 1941.

TO FINANCE DEPARTMENT

Capt. Richard Lee Scott, Infantry (temporary lieutenant colonel), with rank from June 13, 1939.

TO AIR CORPS

Second Lt. John Clayton Adams, Jr., Field Artillery, with rank from May 29, 1942.

Second Lt. George Thad Buck, Jr., Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. William Beverly Campbell, Quartermaster Corps (temporary captain), with rank from June 11, 1940.

Second Lt. Ellwood Tylor Claggett, Infantry, with rank from May 29, 1942.

Second Lt. William Burr Clark, Infantry, with rank from May 29, 1942.

Second Lt. Lawrence Lofton Cobb, Jr., Infantry, with rank from May 29, 1942.

Second Lt. Thomas Charles Conroy, Cavalry (temporary first lieutenant), with rank from February 20, 1942.

Second Lt. Thomas Hunter Crary, Field Artillery, with rank from May 29, 1942.

Second Lt. Walter Walton Dillon, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. William Hampton Edwards, Field Artillery, with rank from May 29, 1942.

Second Lt. Joseph Richard Elliott, Signal Corps, with rank from May 29, 1942.

Second Lt. Robert Ramsey Evans, Infantry, with rank from May 29, 1942.

Second Lt. Howard Martin Fender, Infantry, with rank from May 29, 1942.

Second Lt. Robert Langdon Ferguson, Infantry, with rank from May 29, 1942.

Second Lt. John Carter Ford, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Miles Alderman Gayle, Infantry, with rank from May 29, 1942.

Second Lt. William Edgar Gernert, Field Artillery, with rank from May 29, 1942.

Second Lt. Willard Russell Gilbert, Coast Artillery Corps (temporary first lieutenant), with rank from June 11, 1941.

Second Lt. Charles Brooks Gracey, Junior, Field Artillery, with rank from May 29, 1942.

Second Lt. George Rayens Grant, Infantry, with rank from May 29, 1942.

Second Lt. Thomas James Hanley, 3d, Field Artillery, with rank from May 29, 1942.

Second Lt. Charles Elbridge Howe, Junior, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. George Denny Hughes, Infantry, with rank from May 29, 1942.

Second Lt. Frederick Weston Hyde, Junior, Field Artillery, with rank from May 29, 1942.

Second Lt. Donald George Jackson, Field Artillery, with rank from May 29, 1942.

Second Lt. John Wallis Leonard, Cavalry, with rank from May 29, 1942.

Second Lt. Andrew Stevenson Low, Junior, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Leonard Samuel Marshall, Infantry, with rank from May 29, 1942.

Second Lt. Jere Washington Maupin, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Theodore James McAdam, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Wayne George McCarthy, Field Artillery, with rank from May 29, 1942.

Second Lt. Lawrence Francis McGuire, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Theodore James Michel, Corps of Engineers, with rank from May 29, 1942.

Second Lt. Raymond Laurence Miller, Field Artillery, with rank from May 29, 1942.

Second Lt. Peter Richard Moody, Field Artillery, with rank from May 29, 1942.

Second Lt. Edward Allan Munns, Signal Corps, with rank from May 29, 1942.

Second Lt. John William O'Neill, Quartermaster Corps, with rank from July 1, 1941.

Second Lt. Walter Harlen Peirce, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Edwin Felix Pezda, Signal Corps, with rank from May 29, 1942.

Second Lt. William Cloyd Plott, Field Artillery, with rank from May 29, 1942.

Second Lt. Max Price, Field Artillery (temporary first lieutenant), with rank from June 11, 1941.

Second Lt. Richard David Reinbold, Infantry, with rank from May 29, 1942.

Second Lt. George Robert Rew, Infantry, with rank from May 29, 1942.

Second Lt. Floyd Irvin Robinson, Infantry, with rank from May 29, 1942.

Second Lt. Austin James Russell, Corps of Engineers (temporary captain), with rank from June 11, 1940.

Second Lt. Glen William Russell, Coast Artillery Corps, with rank from May 29, 1942.

Second Lt. Clifford Cobb Sherman, Infantry, with rank from May 29, 1942.

Second Lt. James Mason Smelley, Quartermaster Corps (temporary captain), with rank from June 11, 1940.

Second Lt. Leon Stann, Signal Corps, with rank from May 29, 1942.

Second Lt. Thomas Kennedy Trainer, Field Artillery, with rank from May 29, 1942.

Second Lt. John Hurst Westenhoff, Infantry, with rank from May 29, 1942.

Second Lt. Ralph James White, Infantry, with rank from May 29, 1942.

Second Lt. Charles Crisp Wilder, Jr., Coast Artillery Corps (temporary first lieutenant), with rank from July 1, 1942.

Second Lt. Albert Oliver Witte, Infantry, with rank from May 29, 1942.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonels with rank from December 1, 1942

Lt. Col. Rufus Sumter Bratton, Infantry (temporary colonel).

Lt. Col. Sylvester DeWitt Downs, Jr., Field Artillery (temporary colonel).

Lt. Col. Orlando Ward, Field Artillery (temporary major general).

Lt. Col. Benjamin Grant Weir, Air Corps (temporary colonel).

Lt. Col. Ralph Royce, Air Corps (temporary major general).

Lt. Col. Thomas Huntington Monroe, Infantry (temporary colonel).

Lt. Col. Roger Burnett Harrison, Infantry (temporary colonel).

To be lieutenant colonels with rank from January 11, 1943

Maj. Charles Hardy Hart, Jr., Infantry (temporary lieutenant colonel).

Maj. Adolphus Rankin McConnell, Air Corps (temporary colonel).

Maj. George DeVere Barnes, Quartermaster Corps (temporary colonel).

Maj. Paul Robert Menzies Miller, Field Artillery (temporary colonel).

Maj. Albert Smith Rice, Ordnance Department (temporary colonel).

Maj. Charles Leslie Keerans, Jr., Infantry (temporary colonel).

Maj. Kenneth Newton Walker, Air Corps (temporary brigadier general).

Maj. Stanley Hunsicker Hunsicker, Quartermaster Corps (temporary lieutenant colonel).

Maj. Neal Henry McKay, Quartermaster Corps (temporary colonel).

Maj. Oscar Leslie Rogers, Air Corps (temporary colonel).

Maj. Edgar Theodore Selzer, Air Corps (temporary colonel).

Maj. Albert Joseph Lubbe, Signal Corps (temporary lieutenant colonel).

Maj. John Bicknell Luscombe, Quartermaster Corps (temporary colonel).

Maj. Edward Alton Hillery, Air Corps (temporary colonel).

Maj. Hugh Sydney Harpole, Quartermaster Corps (temporary lieutenant colonel).

Maj. Homer William Jones, Judge Advocate General's Department (temporary colonel).

Maj. Everett Sanford Davis, Air Corps (temporary colonel).

Maj. Frank Egerton Powell, Quartermaster Corps (temporary lieutenant colonel).

Maj. Donald Reuben Goodrich, Air Corps (temporary colonel).

Maj. Ernest Walter Wilson, Finance Department (temporary colonel).

Maj. Francis Hill Kuhn, Quartermaster Corps (temporary lieutenant colonel).

Maj. Claud Thomas Gunn, Finance Department (temporary lieutenant colonel).

Maj. Herbert Benjamin Wilcox, Infantry (temporary colonel).

Maj. Otto Max Jank, Ordnance Department (temporary colonel).

MEDICAL CORPS

To be colonels

Lt. Col. Edgar Erskine Hume, Medical Corps (temporary colonel), with rank from January 14, 1943.

Lt. Col. Walcott Denison, Medical Corps (temporary colonel), with rank from January 16, 1943.

Lt. Col. James Earle Ash, Medical Corps (temporary colonel), with rank from January 17, 1943.

Lt. Col. Bascom Lee Wilson, Medical Corps (temporary colonel), with rank from January 19, 1943.

Lt. Col. Henry Louis Krafft, Medical Corps (temporary colonel), with rank from January 25, 1943.

Lt. Col. Paul Ramsey Hawley, Medical Corps (temporary brigadier general), with rank from January 26, 1943.

Lt. Col. John Dibble, Medical Corps (temporary colonel), with rank from January 27, 1943.

Lt. Col. George Clark Dunham, Medical Corps (temporary brigadier general), with rank from January 28, 1943.

Lt. Col. Robert Burns Hill, Medical Corps (temporary colonel), with rank from January 31, 1943.

To be majors

Capt. Paul Herbert Martin, Medical Corps (temporary lieutenant colonel), with rank from January 1, 1943.

Capt. William Henry Christian, Jr., Medical Corps (temporary lieutenant colonel), with rank from January 29, 1943.

Capt. Otto Leonard Churney, Medical Corps (temporary lieutenant colonel), with rank from January 29, 1943.

Capt. Henry Clay Chenault, Medical Corps (temporary colonel), with rank from January 29, 1943.

To be captains

First Lt. Eli Blair Harter, Medical Corps (temporary major), with rank from January 1, 1943.

First Lt. Stuart Irvin Draper, Medical Corps (temporary major), with rank from January 1, 1943.

First Lt. John Gardiner, Medical Corps (temporary major), with rank from January 10, 1943.

First Lt. Allen Dale Smith, Medical Corps (temporary major), with rank from January 10, 1943.

First Lt. Jake William Hearn, Medical Corps (temporary major), with rank from January 13, 1943.

First Lt. David Gold, Medical Corps (temporary major), with rank from January 15, 1943.

First Lt. Harold Frederick Funsch, Medical Corps (temporary major), with rank from January 17, 1943.

First Lt. Abram Salmon Benenson, Medical Corps (temporary captain), with rank from January 17, 1943.

First Lt. Joseph Anthony Resch, Medical Corps (temporary major), with rank from January 25, 1943.

DENTAL CORPS

To be captain

First Lt. Robert Leonard Walsh, Dental Corps (temporary captain), with rank from January 17, 1943.

VETERINARY CORPS

To be captain

First Lt. Harold Myers Deane, Veterinary Corps (temporary captain), with rank from January 15, 1943.

CHAPLAINS

To be colonels

Chaplain (Lt. Col.) Charles Oliver Purdy, United States Army (temporary colonel), with rank from January 5, 1943.

Chaplain (Lt. Col.) Julius Joseph Babst, United States Army (temporary colonel), with rank from January 19, 1943.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be major generals

Brig. Gen. Walter Bedell Smith (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Thompson Lawrence (colonel, Infantry), Army of the United States.

Brig. Gen. Percy William Clarkson (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Lucius DuBignon Clay (lieutenant colonel, Corps of Engineers), Army of the United States.

Brig. Gen. St. Clair Streett (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Harry Clyde Ingles (colonel, Signal Corps), Army of the United States.

Brig. Gen. William Richard Schmidt (colonel, Infantry), Army of the United States.

Brig. Gen. James Arthur Code, Jr. (lieutenant colonel, Signal Corps), Army of the United States.

To be brigadier generals

Col. George Van Wyck Pope (lieutenant colonel, Infantry), Army of the United States.

Col. Clarence Page Townsley (lieutenant colonel, Field Artillery), Army of the United States.

Col. Augustin Mitchell Prentiss, Chemical Warfare Service.

Col. Raymond Godfrey Lehman (lieutenant colonel, Infantry), Army of the United States.

Col. John Edwin Upston (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Thomas Welch Blackburn (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. William Carey Crane, Field Artillery.

Col. Homer Case (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. David McLean Crawford, Signal Corps.

Col. Ben Menadue Sawbridge (lieutenant colonel, Field Artillery), Army of the United States.

Col. Archelaus Lewis Hamblen (lieutenant colonel, Infantry), Army of the United States.

Col. Marcus Brenneman Bell (lieutenant colonel, Infantry), Army of the United States.

Col. William Camillus Kabrich (lieutenant colonel, Chemical Warfare Service), Army of the United States.

Col. Elwood Richard Quesada (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States, Air Corps.

Col. Arthur Seymour Nevins (lieutenant colonel, Infantry), Army of the United States.

Col. Raphael Saul Chavin (lieutenant colonel, Ordnance Department), Army of the United States.

Col. Hoyt Sanford Vandenberg (major, Air Corps; temporary lieutenant colonel, Air Corps), Army of the United States.

Col. Thomas Jefferson Davis (lieutenant colonel, Adjutant General's Department), Army of the United States.

Col. Edgar Eugene Glenn (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Robert Howard Wylie (major, Quartermaster Corps), Army of the United States.

Col. James Edmund Parker (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States Air Corps), Army of the United States.

Col. William Frishe Dean (major, Infantry), Army of the United States.

Col. Ain Dudley Warnock (lieutenant colonel, Infantry), Army of the United States.

Col. William Hale Wilbur, Infantry.

Col. Onslow Sherburne Rolfe (lieutenant colonel, Infantry), Army of the United States.

Col. Lyman Perley Whitten (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States Air Corps.

Col. Harry Anton Johnson (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Richard Bartholomew Moran (lieutenant colonel, Signal Corps), Army of the United States.

Col. Frederick Arthur Blesse (lieutenant colonel, Medical Corps), Army of the United States.

Col. Joseph Anthony Michela (captain, Cavalry), Army of the United States.

Co.. Earle Everard Partridge (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Albert Walton Kenner (lieutenant colonel, Medical Corps), Army of the United States.

Col. Ray L. Owens (lieutenant colonel, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. William Roscoe Woodward (lieutenant colonel, Field Artillery), Army of the United States.

Col. Charles Ernest Loucks (lieutenant colonel, Chemical Warfare Service), Army of the United States.

Col. Early Edward Walters Duncan (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Madison Pearson, Adjutant General's Department.

Col. Hobart Hewett (major, Coast Artillery Corps), Army of the United States.

Col. Walter Jay Reed (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Carl Austin Russell (lieutenant colonel, Infantry), Army of the United States.

Col. Rupert Edison Starr (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Herbert Charles Holdridge (lieutenant colonel, Adjutant General's Department), Army of the United States.

Col. Patrick Henry Tansey (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Douglas Lafayette Weart (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Eugen Gottfried Reinartz (lieutenant colonel, Medical Corps), Army of the United States.

Col. Daniel Webster Hickey, Jr. (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Archer Lynn Lerch (lieutenant colonel, Judge Advocate General's Department), Army of the United States.

Col. LeCount Haynes Slocum (lieutenant colonel, Field Artillery), Army of the United States.

Col. Walter Leo Weible (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Wayland Bixby Augur (lieutenant colonel, Cavalry), Army of the United States.

Col. Henry Lord Page King (lieutenant colonel, Signal Corps), Army of the United States.

Col. Ernest Hill Burt (lieutenant colonel, Judge Advocate General's Department), Army of the United States.

Col. Clinton Wilbur Howard (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Maxwell Davenport Taylor (major, Field Artillery), Army of the United States.

Col. Blackshear Morrison Bryan, Jr. (major, Field Artillery), Army of the United States.

Col. Frank Celestine Meade (major, Signal Corps), Army of the United States.

Col. Frederick William Evans (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Josef Robert Sheetz (lieutenant colonel, Field Artillery), Army of the United States.

Col. Eugene Arthur Regnier (lieutenant colonel, Cavalry), Army of the United States.

Col. Robert Chaffee Oliver (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary lieutenant colonel, Army of the United States), Army of the United States, Air Corps.

Col. Bonner Frank Fellers (major, Coast Artillery Corps), Army of the United States.

Col. Don Carlos Faith (lieutenant colonel, Infantry), Army of the United States.

To be major generals

Brig. Gen. Charles Christian Haffner, Jr., National Guard of the United States.

Brig. Gen. Alexander Edward Anderson, National Guard of the United States.

To be brigadier generals

Col. Fred Wharton Rankin, Medical Corps Reserve.

Col. Edward White Smith (lieutenant colonel, Field Artillery Reserve), Army of the United States.

Col. Hugh Jackson Morgan, Medical Corps, Army of the United States.

PROMOTIONS, FOR TEMPORARY SERVICE, IN THE NAVY

Capt. Jack H. Duncan to be a rear admiral in the Navy, for temporary service, while serving as naval attaché to the Union of Soviet Socialist Republics, to rank from the 7th day of December 1942.

Capt. Francis E. M. Whiting to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942.

IN THE MARINE CORPS

Col. James T. Moore to be a brigadier general in the Marine Corps, for temporary service, from the 16th day of September 1942.

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

William J. Jamieson, Phoenix, Ariz., in place of G. H. Todd, deceased.

ARKANSAS

James I. Garrick, Hermitage, Ark. Office became Presidential July 1, 1942.

CALIFORNIA

Michael J. O'Rourke, Beverly Hills, Calif., in place of M. J. O'Rourke. Incumbent's commission expired April 20, 1942.

COLORADO

Frances M. Parker, Alma, Colo., in place of F. M. Parker. Incumbent's commission expired May 6, 1942.

CONNECTICUT

William M. O'Dwyer, Fairfield, Conn., in place of W. M. O'Dwyer. Incumbent's commission expired June 23, 1942.

Martin M. J. Murray, Falls Village, Conn., in place of M. M. J. Murray. Incumbent's commission expired June 23, 1942.

Charles F. Schaefer, Greens Farms, Conn., in place of C. F. Schaefer. Incumbent's commission expired June 23, 1942.

David L. Condon, South Britain, Conn. Office became Presidential July 1, 1942.

DELAWARE

Cyrus E. Rittenhouse, Newark, Del., in place of C. E. Rittenhouse. Incumbent's commission expired June 23, 1942.

FLORIDA

Hattie A. Stevens, Greenwood, Fla. Office became Presidential July 1, 1942.

Sidney E. Livingston, Homestead, Fla., in place of S. E. Livingston. Incumbent's commission expired June 23, 1942.

William L. Deas, Kendall, Fla. Office became Presidential July 1, 1942.

Hugh P. Emerson, Miami, Fla., in place of G. E. Merrick, deceased.

GEORGIA

Ethel C. Roberts, Jakin, Ga. Office became Presidential July 1, 1942.

Rois A. Martin, Milner, Ga. Office became Presidential July 1, 1942.

Eunice B. Jackson, Morgan, Ga. Office became Presidential July 1, 1942.

Edna R. Gregory, Richmond Hill, Ga. Office became Presidential July 1, 1942.

Eugenia W. Scroggin, Sargent, Ga. Office became Presidential July 1, 1942.

Myrtle Louise Walker, Soperton, Ga., in place of M. L. Walker. Incumbent's commission expired April 29, 1942.

Fred Grant, Stockbridge, Ga. Office became Presidential July 1, 1942.

George Arnold Ware, Tignall, Ga., in place of G. A. Ware. Incumbent's commission expired June 14, 1942.

ILLINOIS

Harvey F. Doerge, Chester, Ill., in place of H. F. Doerge. Incumbent's commission expired June 23, 1942.

John J. McGuire, El Paso, Ill., in place of J. J. McGuire. Incumbent's commission expired June 23, 1942.

Roy R. Pattison, Godfrey, Ill., in place of R. R. Pattison. Incumbent's commission expired June 23, 1942.

Orville W. Lyerla, Herrin, Ill., in place of O. W. Lyerla. Incumbent's commission expired June 23, 1942.

Joe W. Wilson, Morrison, Ill., in place of J. W. Wilson. Incumbent's commission expired June 23, 1942.

Thomas J. Studley, Neponset, Ill., in place of T. J. Studley. Incumbent's commission expired June 23, 1942.

Paul B. Laugel, Newton, Ill., in place of P. B. Laugel. Incumbent's commission expired June 23, 1942.

J. Vernon Lessley, Sparta, Ill., in place of J. V. Lessley. Incumbent's commission expired June 23, 1942.

Irvin M. Lewis, Walnut, Ill., in place of I. M. Lewis. Incumbent's commission expired June 23, 1942.

Mervin N. Beecher, Yorkville, Ill., in place of M. N. Beecher. Incumbent's commission expired June 23, 1942.

INDIANA

Carl A. Walz, Sellersburg, Ind., in place of C. A. Walz. Incumbent's commission expired June 23, 1942.

IOWA

Joseph F. Rettenmaier, Carroll, Iowa, in place of J. F. Rettenmaier. Incumbent's commission expired June 23, 1942.

Charles Fitzpatrick, Churdan, Iowa, in place of Charles Fitzpatrick. Incumbent's commission expired June 23, 1942.

John J. Fowler, Eldora, Iowa, in place of J. J. Fowler. Incumbent's position expired June 23, 1942.

Edna M. McCabe, Hillsboro, Iowa, in place of E. M. McCabe. Incumbent's commission expired June 23, 1942.

John N. Day, Klemme, Iowa, in place of J. N. Day. Incumbent's commission expired June 23, 1942.

Russell E. Whipple, Lehigh, Iowa, in place of R. E. Whipple. Incumbent's commission expired June 23, 1942.

Paul M. Molleston, Lineville, Iowa, in place of P. M. Molleston. Incumbent's commission expired June 23, 1942.

Ernest L. Wood, Maxwell, Iowa, in place of E. L. Wood. Incumbent's commission expired June 23, 1942.

Bert McKinley, Morning Sun, Iowa, in place of Bert McKinley. Incumbent's commission expired June 23, 1942.

Joe Goodman, Osceola, Iowa, in place of Joe Goodman. Incumbent's commission expired June 23, 1942.

James G. Floerchinger, Oxford, Iowa, in place of J. G. Floerchinger. Incumbent's commission expired June 23, 1942.

Lucy E. Newville, Titonka, Iowa, in place of L. E. Newville. Incumbent's commission expired June 23, 1942.

Cash E. Garton, Weldon, Iowa. Office became Presidential July 1, 1942.

Harris D. MacGugin, Wellman, Iowa, in place of H. D. MacGugin. Incumbent's commission expired June 23, 1942.

KANSAS

Dixie Hickman, Blue Rapids, Kans., in place of Dixie Hickman. Incumbent's commission expired June 23, 1942.

Nell C. Graves, Columbus, Kans., in place of N. C. Graves. Incumbent's commission expired June 23, 1942.

Charles H. Wilson, Moline, Kans., in place of C. H. Wilson. Incumbent's commission expired June 23, 1942.

Charles Huffman, Norwich, Kans., in place of Charles Huffman. Incumbent's commission expired June 23, 1942.

KENTUCKY

Alex H. Jenkins, Elizabethtown, Ky., in place of R. W. Wilson. Incumbent's commission expired June 23, 1942.

Robert I. Gray, Gray, Ky. Office became Presidential July 1, 1942.

MICHIGAN

Henry I. Bourns, Adrian, Mich., in place of H. I. Bourns. Incumbent's commission expired June 23, 1942.

Herbert D. Witherell, Chelsea, Mich., in place of H. D. Witherell. Incumbent's commission expired June 23 1942.

Jerome Wilhelm, Traverse City, Mich., in place of Jerome Wilhelm. Incumbent's commission expired March 30, 1942.

MINNESOTA

Edward James Crotty, Caledonia, Minn., in place of P. V. Ryan, deceased.

Glen J. Merritt, Duluth, Minn., in place of G. J. Merritt. Incumbent's commission expired May 12, 1942.

Martin T. Haley, Hibbing, Minn., in place of M. T. Haley. Incumbent's commission expired June 12, 1942.

Ignatius F. Lano, Long Prairie, Minn., in place of I. F. Lano. Incumbent's commission expired June 18, 1942.

MONTANA

Hannah M. West, Jordan, Mont., in place of H. M. West. Incumbent's commission expired June 23, 1942.

NEBRASKA

Clarence D. Gottula, Adams, Nebr., in place of C. D. Gottula. Incumbent's commission expired June 23, 1942.

Arthur L. Willis, Central City, Nebr., in place of A. L. Willis. Incumbent's commission expired June 23, 1942.

George L. Jordan, Clarks, Nebr., in place of G. L. Jordan. Incumbent's commission expired April 16, 1942.

George W. Nicholas, Jr., De Witt, Nebr., in place of G. W. Nicholas, Jr. Incumbent's commission expired June 23, 1942.

Daniel F. Sheehan, Emerson, Nebr., in place of D. F. Sheehan. Incumbent's commission expired June 23, 1942.

David S. Simms, Hastings, Nebr., in place of D. S. Simms. Incumbent's commission expired June 23, 1942.

Claude L. Frack, Holbrook, Nebr., in place of C. L. Frack. Incumbent's commission expired June 23, 1942.

Ernest J. Kaltenborn, Waco, Nebr., in place of E. J. Kaltenborn. Incumbent's commission expired May 4, 1942.

Richard H. Schwedhelm, Westpoint, Nebr., in place of R. H. Schwedhelm. Incumbent's commission expired April 16, 1942.

NEVADA

Roy T. Williams, Minden, Nev., in place of R. T. Williams. Incumbent's commission expired June 23, 1942.

Nellie H. Bunch, Whitney, Nev. Office became Presidential April 1, 1942.

NEW HAMPSHIRE

Arthur P. Varney, Alton, N. H., in place of A. P. Varney. Incumbent's commission expired June 6, 1942.

Charles S. Stone, Andover, N. H., in place of C. S. Stone. Incumbent's commission expired June 13, 1942.

Everett S. Meloon, New Castle, N. H. Office became Presidential July 1, 1942.

Hazel J. Hayes, Rye Beach, N. H., in place of H. J. Hayes. Incumbent's commission expired June 6, 1942.

NEW JERSEY

Thomas R. Boyle, Florence, N. J., in place of T. R. Boyle. Incumbent's commission expired June 23, 1942.

Ralph Penn, Forked River, N. J. Office became Presidential July 1, 1942.

Joseph A. Aloia, Garfield, N. J., in place of J. A. Aloia. Incumbent's commission expired June 23, 1942.

Henry P. Topoleski, Great Meadows, N. J. Office became Presidential July 1, 1942.

Agnes Despreaux, Middletown, N. J., in place of Agnes Despreaux. Incumbent's commission expired June 23, 1942.

Frank Martin, Midland Park, N. J., in place of Frank Martin. Incumbent's commission expired June 23, 1942.

Kathryn B. Donohue, Saddle River, N. J., in place of K. B. Donohue. Incumbent's commission expired June 23, 1942.

NORTH CAROLINA

Handy C. Allred, Alamance, N. C., in place of H. C. Allred. Incumbent's commission expired April 16, 1942.

Surry P. Bowen, Bath, N. C. Office became Presidential July 1, 1942.

T. Newton Mann, Carrboro, N. C. Office became Presidential July 1, 1942.

Margaret C. Lewis, Eagle Springs N. C. Office became Presidential July 1, 1942.

Joseph G. Penny, Garner, N. C. Office became Presidential July 1, 1942.

James M. Attkisson, Jr., Garysburg, N. C. Office became Presidential July 1, 1942.

Sibyl R. Hobbs, Hobbsville, N. C. Office became Presidential July 1, 1942.

Lucile B. Ellis, Kittrell, N. C. Office became Presidential July 1, 1942.

Ina M. Wilson, Marston, N. C. Office became Presidential July 1, 1942.

William S. Harris, Mebane, N. C., in place of W. S. Harris. Incumbent's commission expired June 23, 1942.

Margaret F. Poyner, Moyock, N. C. Office became Presidential July 1, 1942.

William Samuel Somers, Reidsville, N. C., in place of W. S. Somers. Incumbent's commission expired June 23, 1942.

George W. Morgan, Skyland, N. C. Office became Presidential July 1, 1942.

Tryphenia McKeel, Walstonburg, N. C. Office became Presidential July 1, 1942.

Thomas D. Boswell, Yanceyville, N. C., in place of T. D. Boswell. Incumbent's commission expired June 23, 1942.

NORTH DAKOTA

John A. Hamilton, McCusky, N. Dak., in place of J. A. Hamilton. Incumbent's commission expired June 23, 1942.

Suzanna A. Preszler, Medina, N. Dak., in place of S. A. Preszler. Incumbent's commission expired June 23, 1942.

Caroline G. Lipinski, Minto, N. Dak., in place of Caroline Lipinski. Incumbent's commission expired June 23, 1942.

Erick J. Moen, Osnabrock, N. Dak., in place of E. J. Moen. Incumbent's commission expired June 23, 1942.

John D. Prindiville, Rutland, N. Dak., in place of J. D. Prindiville. Incumbent's commission expired June 23, 1942.

James F. Keaveny, Wales, N. Dak., in place of J. F. Keaveny. Incumbent's commission expired June 23, 1942.

Sadie E. Uggen, Woodworth, N. Dak., in place of S. E. Uggen. Incumbent's commission expired May 31, 1942.

Margaret T. Rogers, Zap, N. Dak., in place of M. T. Rogers. Incumbent's commission expired June 23, 1942.

OHIO

Charles J. Slezak, Brecksville, Ohio, in place of C. J. Slezak. Incumbent's commission expired June 23, 1942.

Paul D. Fleming, Cardington, Ohio, in place of P. D. Fleming. Incumbent's commission expired June 23, 1942.

Charlotte B. Bricker, Chauncey, Ohio. Office became Presidential July 1, 1942.

Helen F. Laub, Duncan Falls, Ohio. Office became Presidential July 1, 1942.

Amos J. Kleinhans, Lacarne, Ohio. Office became Presidential July 1, 1942.

Pearl L. Seitz, Liberty Center, Ohio, in place of P. L. Seitz. Incumbent's commission expired June 23, 1942.

Harvey D. Zeigler, Marshallville, Ohio. Office became Presidential July 1, 1942.

Calvin H. Love, Maumee, Ohio, in place of C. H. Love. Incumbent's commission expired June 23, 1942.

Palmer Phillips, Mount Sterling, Ohio, in place of Palmer Phillips. Incumbent's commission expired June 23, 1942.

Carl S. Corvin, Oak Hill, Ohio, in place of C. S. Corvin. Incumbent's commission expired June 23, 1942.

George V. Wise, Shreve, Ohio, in place of G. V. Wise. Incumbent's commission expired June 23, 1942.

Carl W. Gerig, Smithville, Ohio, in place of C. W. Gerig. Incumbent's commission expired July 26, 1941.

Homer H. Dearth, Summerfield, Ohio, in place of H. H. Dearth. Incumbent's commission expired June 23, 1942.

William T. Golling, Sycamore, Ohio, in place of W. T. Golling. Incumbent's commission expired June 23, 1942.

Wilbur H. Sutliff, Wellington, Ohio, in place of W. H. Sutliff. Incumbent's commission expired February 4, 1942.

Robert Wilson, Westerville, Ohio, in place of Robert Wilson. Incumbent's commission expired April 15, 1942.

Cleo L. Renick, White Cottage, Ohio. Office became Presidential July 1, 1942.

PENNSYLVANIA

Nellie G. Stambaugh, Abbottstown, Pa. Office became Presidential July 1, 1942.

Harry W. McArthur, Conneaut Lake Park, Pa. Office became Presidential July 1, 1942.

Ethel G. Davis, Duncansville, Pa., in place of E. G. Davis. Incumbent's commission expired June 23, 1942.

Philip S. McDermott, Duquesne, Pa., in place of P. S. McDermott. Incumbent's commission expired June 6, 1942.

William L. Nolder, Grampian, Pa., in place of W. L. Nolder. Incumbent's commission expired June 23, 1942.

Wesley B. Shertzer, Grantville, Pa. Office became Presidential July 1, 1942.

James W. Casey, Rouseville, Pa., in place of J. W. Casey. Incumbent's commission expired June 23, 1942.

Alfred R. Warner, Waynesboro, Pa., in place of A. R. Warner. Incumbent's commission expired June 23, 1942.

RHODE ISLAND

John J. McCabe, Pontiac, R. I., in place of J. J. McCabe. Incumbent's commission expired April 6, 1942.

SOUTH CAROLINA

John L. Hinnant, Eutawville, S. C., in place of J. L. Hinnant. Incumbent's commission expired June 23, 1942

Wood K. Durham, Landrum, S. C., in place of W. K. Durham. Incumbent's commission expired June 23, 1942.

Loula B. O'Connor, Meggett, S. C., in place of L. B. O'Connor. Incumbent's commission expired June 23, 1942.

Errett Zimmerman, Trenton, S. C., in place of Errett Zimmerman Incumbent's commission expired June 23, 1942.

SOUTH DAKOTA

John E. Dunn, Elkton, S. Dak., in place of J. E. Dunn. Incumbent's commission expired May 14, 1942.

Norbert F. King, Frankfort, S. Dak., in place of N. F. King. Incumbent's commission expired May 14, 1942.

S. Pearl Hutchinson, Hurley, S. Dak., in place of S. P. Hutchinson. Incumbent's commission expired June 23, 1942.

William B. Boe, Presho, S. Dak., in place of W. B. Boe. Incumbent's commission expired June 23, 1942.

Kathryn H. Speirs, Ree Heights, S. Dak., in place of K. H. Speirs. Incumbent's commission expired May 14, 1942.

Helen L. Kieffer, White Lake, S. Dak., in place of H. L. Kieffer. Incumbent's commission expired May 14, 1942.

Henry W. Landwehr, Winfred, S. Dak., in place of H. W. Landwehr. Incumbent's commission expired December 9, 1941.

TENNESSEE

Guy W. Mobley, Bells, Tenn., in place of G. W. Mobley. Incumbent's commission expired June 9, 1942.

Mamie S. Asbury, Caryville, Tenn. Office became Presidential July 1, 1942.

Ella B. Mullins, Corryton, Tenn. Office became Presidential July 1, 1942.

Albert A. Trusler, Jonesboro, Tenn., in place of A. A. Trusler. Incumbent's commission expired June 23, 1942.

Joseph B. Turner, Medina, Tenn. Office became Presidential July 1, 1942.

Robert L. Oakes, New Tazewell, Tenn., in place of R. L. Oakes. Incumbent's commission expired June 23, 1942.

John R. Oliphant, Riceville, Tenn. Office became Presidential July 1, 1942.

Ocie C. Hawkins, Stanton, Tenn., in place of O. C. Hawkins. Incumbent's commission expired June 23, 1942.

Alice L. Sloan, Whitthorne, Tenn. Office became Presidential July 1, 1942.

TEXAS

James C. Rush, Alta Loma, Tex. Office became Presidential July 1, 1942.

Prentice A. Hayes, Barstow, Tex., in place of P. A. Hayes. Incumbent's commission expired April 11, 1942.

Leslie L. Cates, Ben Wheeler, Tex., in place of L. L. Cates. Incumbent's commission expired April 6, 1942.

James T. Gray, Camp Wood, Tex. Office became Presidential July 1, 1942.

Eileen L. Flint, Canutillo, Tex. Office became Presidential July 1, 1942.

Charles R. Conley, Iredell, Tex., in place of C. R. Conley. Incumbent's commission expired June 23, 1942.

Charles D. Grady, Keene, Tex., in place of C. D. Grady. Incumbent's commission expired June 23, 1942.

Edwin D. Holchak, Kenedy, Tex., in place of E. D. Holchak. Incumbent's commission expired April 11, 1942.

Gober L. Gibson, Kerrville, Tex., in place of G. L. Gibson. Incumbent's commission expired June 23, 1942.

Clarence Carter, Somerville, Tex., in place of Clarence Carter. Incumbent's commission expired June 23, 1942.

VIRGINIA

Clarence H. Drinkard, Bristol, Va., in place of C. H. Drinkard. Incumbent's commission expired June 23, 1942.

Franklin O. Caffrey, Bumpass, Va., in place of F. O. Caffrey. Incumbent's commission expired June 23, 1942.

Judson J. Patterson, Chatham, Va., in place of J. J. Patterson. Incumbent's commission expired June 23, 1942.

Robert W. Ervin, Dante, Va., in place of R. W. Ervin. Incumbent's commission expired June 23, 1942.

J. Henry Miller, Elkton, Va., in place of J. H. Miller Incumbent's commission expired June 23, 1942.

Richard Clark Morgan, Gladys, Va., in place of R. C. Morgan Incumbent's commission expired June 23, 1942.

Charles B. Hogan, Heathsville, Va., in place of C. B. Hogan. Incumbent's commission expired June 23, 1942.

Carolyn C. Bryant, Independence, Va., in place of C. C. Bryant. Incumbent's commission expired June 23, 1942.

Thomas E. Simmerman, Jr., Max Meadows, Va., in place of T. E. Simmerman, Jr. Incumbent's commission expired June 23, 1942.

Miller A. Price, New Market, Va., in place of M. A. Price. Incumbent's commission expired June 23, 1942.

Margaret E. W. Downing, Painter, Va., in place of M. E. W. Downing. Incumbent's commission expired June 23, 1942

Richard S. Wright, Strasburg, Va., in place of R. S. Wright. Incumbent's commission expired June 23, 1942.

John H. Tyler, Upperville, Va., in place of J. H. Tyler. Incumbent's commission expired June 23, 1942.

Alice H. Tyler, Warsaw, Va., in place of A. H. Tyler. Incumbent's commission expired June 23, 1942.

William A. Miller, Washington, Va., in place of W. A. Miller. Incumbent's commission expired June 23, 1942.

Joseph Schmidt, Yorktown, Va., in place of Joseph Schmidt. Incumbent's commission expired June 23, 1942.

WASHINGTON

Alex Huse, Cheney, Wash., in place of Alex Huse. Incumbent's commission expired June 23, 1942.

Herbert O. Thompson, Colfax, Wash., in place of H. O. Thompson. Incumbent's commission expired June 23, 1942.

Oscar W. Behrmann, Fairfield, Wash., in place of O. W. Behrmann. Incumbent's commission expired April 1, 1942.

Walter I. Peterson, Granger, Wash., in place of W. I. Peterson. Incumbent's commission expired June 23, 1942.

Gerald H. McFaul, Ione, Wash., in place of G. H. McFaul. Incumbent's commission expired April 1, 1942.

Ralph H. Mitchell, Omak, Wash., in place of R. H. Mitchell. Incumbent's commission expired June 23, 1942.

Walter C. Ketterman, Opportunity, Wash., in place of W. C. Ketterman. Incumbent's commission expired June 23, 1942.

Blanche H. Barton, Othello, Wash., in place of B. H. Barton. Incumbent's commission expired June 23, 1942.

Paul Hamilton, Prosser, Wash., in place of Paul Hamilton. Incumbent's commission expired June 23, 1942.

Louis H. Saur, Selah, Wash., in place of L. H. Saur. Incumbent's commission expired June 23, 1942.

Andrew J. Diedrich, Valley, Wash., in place of A. J. Diedrich. Incumbent's commission expired June 23, 1942.

WEST VIRGINIA

Jennings B. Campbell, Albright, W. Va., in place of J. B. Campbell. Incumbent's commission expired June 23, 1942.

Eulalie B. Wheeler, Elkhorn, W. Va., in place of E. B. Wheeler. Incumbent's commission expired June 23, 1942.

Alice McCoy, Franklin, W. Va., in place of Alice McCoy. Incumbent's commission expired June 23, 1942.

Thomas F. Ward, Keyser, W. Va., in place of T. F. Ward. Incumbent's commission expired June 23, 1942.

Kerth Nottingham, Marlinton, W. Va., in place of Kerth Nottingham. Incumbent's commission expired December 15, 1941.

Ruskin J. Wiseman, Summersville, W. Va., in place of R. J. Wiseman. Incumbent's commission expired June 23, 1942.

Everett F. Walker, Wayne, W. Va., in place of E. F. Walker. Incumbent's commission expired May 25, 1942.

WISCONSIN

Charles P. McCormick, Belleville, Wis., in place of C. P. McCormick. Incumbent's commission expired June 15, 1942.

Edward R. Kranzfelder, Bloomer, Wis., in place of E. R. Kranzfelder. Incumbent's commission expired May 31, 1942.

Arthur G. Hoskins, Dodgeville, Wis., in place of A. G. Hoskins. Incumbent's commission expired March 28, 1942.

Henry E. Steinbring, Fall Creek, Wis., in place of H. E. Steinbring. Incumbent's commission expired May 3, 1942.

James A. Stewart, Lac du Flambeau, Wis., in place of J. A. Stewart. Incumbent's commission expired May 25, 1942.

Ruth S. Foley, Maiden Rock, Wis., in place of R. S. Foley. Incumbent's commission expired June 18, 1942.

Gaylord T. Thompson, Mercer, Wis., in place of G. T. Thompson. Incumbent's commission expired June 23, 1942.

Roswell S. Richards, Monticello, Wis., in place of R. S. Richards. Incumbent's commission expired June 12, 1942.

Axel L. Olson, Mountain, Wis., in place of A. L. Olson. Incumbent's commission expired May 31, 1942.

Nicholas Abler, Mount Calvary, Wis., in place of Nicholas Abler. Incumbent's commission expired May 31, 1942.

John W. Johnson, Pepin, Wis., in place of J. W. Johnson. Incumbent's commission expired June 12, 1942.

Raymond A. Whitehead, Phelps, Wis., in place of R. A. Whitehead. Incumbent's commission expired May 25, 1942.

Gladys M. Suter, Plum City, Wis., in place of G. M. Suter. Incumbent's commission expired June 23, 1942.

James W. Carew, Waupaca, Wis., in place of J. W. Carew. Incumbent's commission expired May 31, 1942.

Donald M. Warner, Whitehall, Wis., in place of D. M. Warner. Incumbent's commission expired June 23, 1942.

WYOMING

Frederick W. Chamberlain, Greybull, Wyo., in place of F. W. Chamberlain. Incumbent's commission expired May 4, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11 (legislative day of November 30), 1942:

DEPARTMENT OF THE INTERIOR

REGISTER OF A LAND OFFICE

Mrs. Rose L. Day to be register of the land office at Carson City, Nev.

IN THE ARMY

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

The nominations of Walter Bedell Smith et al. to be major generals and the nominations of George Van Wyck Pope et al. to be brigadier generals.

APPOINTMENTS, PROMOTIONS, OR APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

The nominations of Robert Halbert Finley, Jr., et al.

(NOTE.—A full list of the names of the persons whose nominations for temporary appointment in the Army of the United States and for appointment, promotion, or appointments, by transfer, in the Regular Army of the United States, were today confirmed may be found in the Senate proceedings of the CONGRESSIONAL RECORD for today under the caption "Nominations.")

POSTMASTERS

ALABAMA

Bennett W. Pruet, Anniston.
Elmer H. Carter, Castleberry.
Bessie S. Combs, Fairfax.
Benjamin F. Beesley, McKenzie.
S. Evelyn Selman, Mentone.
Flora Mae Golson, Plateau.
Russell F. Cowles, Ramer.
Ernest L. Stough, Jr., Red Level.
Lula B. Ledbetter, Sycamore.
John F. Harmon, Troy.

ARKANSAS

Laura Clements, Cherry Valley.
William I. Fish, Dumas.
John W. Paschall, Gould.
Virgil McCurry, Green Forest.
Simpson A. Kemp, Hot Springs National Park.
John Robert Eppes, Madison.
Norine C. Wilkerson, Newport.
William Quinby Swearingen, Norfork.
Clyde Brown, Shirley.
Joseph E. Trahin, Siloam Springs.
Lois Shaver, Strawberry.
Charles K. Coe, Tuckerman.

CALIFORNIA

Anna L. Fenton, Biggs.
Paul O. Martin, Burbank.
Leslie F. Ghezzi, Cayucos.
Mae A. Kibler, Del Mar.
William D. Mathews, Fort Jones.
Viola F. Gorrell, French Camp.
Vernie E. Sherraden, Ludlow.
Marie J. Smoot, Mendota.
Augusta E. Pries, Norco.
Joseph H. Allen, Riverside.
Lillian B. Gilbert, Santee.
Lena B. Elliot, Summit.

COLORADO

Fred A. Eickhoff, Elbert.
Charles D. Shively, Holly.

CONNECTICUT

Irwin C. Bohling, Deep River.
Charles Ernest Gray, North Stonington.
Louis Ginsberg, Quaker Hill.

FLORIDA

Marshall C. Pitts, Okeechobee.

GEORGIA

Neil V. Devine, Fort Scriven.
Frank S. Pope, Villa Rica.
Elizabeth C. Baker, Zebulon.

ILLINOIS

Viola E. Brown, Aroma Park.
Dollie Rolla, Buckner.
William S. Westermann, Carlyle.
Eugene P. Kline, East St. Louis.
Harry L. Reinoehl, Flat Rock.
Jerry J. Zeman, Fox River Grove.
Frank G. Ring, Harvey.
Melvin R. Begun, Hebron.
James R. Maher, Hillside.
Charles W. Farley, La Grange.
Paul W. Poorman, Mattoon.
John L. Mead, New Boston.
William A. Reeds, Oakland.
William C. Dufrenne, Prairie du Rocher.
Lorenz M. Lies, Riverside.
M. Margaret Hawley, Sandoval.
Elmer M. Bickford, Wyanet.

INDIANA

Neil D. Thompson, Argos.
Alma C. Whiteside, Battle Ground.
Meredith H. Bierly, Elizabeth.
DeAnvie Griner, Fairland.
Ellis B. Cates, Greentown.
Pearl E. Barnes, Hamlet.
Walter J. Smith, Loogootee.
Frank Chastain, Mitchell.
Pauline M. Rierden, Montezuma.
Ora Stiver, New Paris.
Harold C. Atkinson, Oxford.
K. Burnell Hott, Pennville.
Harvey W. Doering, Wakarusa.
Beulah P. Yates, West Lebanon.
Eva M. Miller, Whitestown.

KENTUCKY

Mary H. Vaughan, Jenkins.
John A. Van Pelt, Kenvir.
Robert E. Johnson, Lawrenceburg.
Grace Williams, Lothair.
James M. Caudill, Neon.
Marie C. Hagan, New Haven.
Bess S. May, Prestonsburg.
William Lester Tarter, Science Hill.
Jennie S. May, Stone.
Earl Bard, Water Valley.
Nellie Clubb, Worthville.

LOUISIANA

Vivien T. Swords, Kinder.
Richard M. Almond, Taliulah.
John H. Wise, Woodworth.

MARYLAND

Thomas B. T. Radcliffe, Cambridge.
Roscoe C. McNutt, Fallston.
George Leicester Thomas, Jr., Lilypons.
Joseph Wilmer Baker, Union Bridge.

MICHIGAN

Samuel J. Davison, Alpena.
John C. Bannow, Mount Clemens.
Eleanor C. Lutz, Pullman.
Fred T. Cavill, Rapid River.

MINNESOTA

Benjamin M. Loeffler, Albert Lea.
Alice P. Nunn, Menahga.
Benjamin F. DuBois, Jr., Sauk Centre.
George Glotzbach, Sleepy Eye.
Walter J. Mueller, Springfield.
Andrew Anderson, Thief River Falls.

MISSOURI

Pat Melone, Jamesport.

MONTANA

Theodore P. Hendrickson, Hingham.

NEBRASKA

Theresa Mullan, Boys Town.
Harold C. Menck, Grand Island.
Harold A. Langford, North Platte.
Frank C. Sieckman, Ohiowa.

NEW HAMPSHIRE

Gertrude E. Cahalane, Charlestown.
Harry E. Plummer, Meredith.

NEW MEXICO

Dominic Rollie, Gallup.

NORTH CAROLINA

Roy Prillaman, Stoneville.

NORTH DAKOTA

Herman A. Emanuel, Crosby.
Richard J. Leahy, McHenry.
John F. Swanston, McVille.

PENNSYLVANIA

Samuel M. Shirk, Denver.
Allen J. Noble, South Mountain.
John D. Cox, Tyrone.
Dorothy R. Ayers, Webster.
Charles M. Boyer, York Springs.

SOUTH CAROLINA

William B. Smith, Greer.
Stephen E. Laverette, Iva.
Frederick W. Scheper, Port Royal.
William W. Barr, Jr., Springfield.

VERMONT

Edward L. Heney, Montpelier.

WASHINGTON

Curtis M. Wormell, Asotin.
W. Kenneth Kingman, Chelan.
Joshua J. Peak, Davenport.
Thomas H. Van Noy, Kelso.
Ed J. Claiborne, Ridgefield.
Paul Rhodius, Sedro Woolley.
Walter D. Codd, Tekoa.
Donald S. Farver, Tonasket.
George Rodman, Wapato.
Joseph H. Gill, Washtucna.
Louis O. Cochrane, Yelm.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 14, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most loving Father, we would lay our humble tributes at Thy feet and testify of Thy greatness and providential care. We pray that our thought, our charity, and our freedom from all resentment may conspire to mold our character, well pleasing in Thy sight. We are called to be true, to be genuine, and to cultivate the spirit of calm content. Let the doors of our hearts be wide enough to receive all human love and narrow enough to shut out all hate and prejudice.

Dear Lord, our responsibility is a sacred trust; help us to look on it solemnly, to stand up and walk beneath it steadfastly and falter not. In this world theater of human confusion and action, we pray that we may come to the throne of self-conquest and thus become leaders of a forceful, contagious ardor for those whose paths of joy seem reft and whose aspirations lie in the dust. Oh, bless them with the unlocked treasures of a good God that they may realize that the greatest thing one can do with his life is to lay it down, thus living out the reality of the in-living Christ. Oh, sanctify all hidden sorrow and grant that the underwail of those who mourn may not obtrude or stifle the way of a conquering faith; let these years of our discipline be lost in the peace of a better world. In the holy name of our Saviour. Amen.

The Journal of the proceedings of Thursday, December 10, 1942, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 10, 1942:

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas; and

H. R. 7162. An act to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act of 1935.

On December 11, 1942:

H. R. 331. An act for the relief of the Mount Whitney Power & Electric Co.;

H. R. 2436. An act for the relief of Hjalmar M. Seby;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.; and

H. R. 7568. An act to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 194. An act for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.;

H. R. 1646. An act for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased;

H. R. 2894. An act for the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehni, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler, and Mary Chisholm;

H. R. 2970. An act for the relief of Hyram Colwell;

H. R. 2973. An act for the relief of George O. Hanford;

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4741. An act for the relief of the Midwest Oil Co.;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Webster for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6179. An act for the relief of Thomas H. VanNoy;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6370. An act for the relief of Mrs. Ching Shee (Ching Toy Wun);

H. R. 6489. An act for the relief of I. Arthur Kramer;

H. R. 6510. An act for the relief of L. H. Miller;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6569. An act for the relief of William M. Miller;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677. An act for the relief of Ronald Leroy Chen;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myrla Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky;

H. R. 7705. An act for the relief of James E. Savage;

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia;

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; and

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 137. An act to provide for the appointment of one additional United States district judge for the eastern district of Missouri;

H. R. 4918. An act for the relief of Anna J. Krogoll;

H. R. 5444. An act to amend the act to regulate barbers in the District of Columbia, and for other purposes;

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5812. An act for the relief of William E. Averitt and United States Casualty Co.;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber; and

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in

which the concurrence of the House is requested:

S. 644. An act for the relief of Hiller & Wilbur, Inc.;

S. 1214. An act to provide for the payment of the claim of John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs;

S. 2176. An act for the relief of the heirs of John J. Shields;

S. 2375. An act for the relief of Robert T. Groom, Daisy Groom, and Margaret Groom Turpin;

S. 2610. An act for the relief of Richard Barker;

S. 2899. An act to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States;

S. 2904. An act to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute and additional authority related to the settlement and development of the project, and for other purposes; and

S. Con. Res. 40. Concurrent resolution authorizing a change in the enrollment of the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2341. An act to amend the act approved March 14, 1936, entitled "an act to provide for vacations for Government employees, and for other purposes";

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy;

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; and

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1666) entitled "An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies."

OFFICE OF FISCAL INVESTIGATIONS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. LANHAM addressed the House. His remarks appear in the Appendix.]

MEXICAN CLAIMS BILL

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 40, which authorizes the Secretary of the Senate to make a slight technical correction in the enrollment of the so-called Mexican claims bill as agreed to by the two Houses.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, to strike out the words "section 6 (b)" where they appear in section 8 (c) thereof and insert in lieu thereof the words "sections 4 (b), 4 (c), and 6 (b)."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FISH. Mr. Speaker, reserving the right to object, is this the same resolution which was under consideration in the Senate, where there was vigorous opposition and almost the entire minority party opposed it on account of the constitutional issue involved?

Mr. BLOOM. The gentleman is talking about another bill entirely.

Mr. Speaker, this technical correction should have appeared in the conference report as submitted, but it was omitted inadvertently in the drafting of the conference report. It simply provides that the words "section 6 (b)" be stricken out where they appear in section 8 (c) and to insert in lieu thereof the words "sections 4 (b), 4 (c), and 6 (b)."

Mr. FISH. You are not bringing up the Mexican claims bill or another Mexican claims bill?

Mr. BLOOM. No.

Mr. FISH. Mr. Speaker, I withdraw my reservation and do not object.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DECORATIONS BESTOWED UPON HUGH S. CUMMING, SURGEON GENERAL (RETIRED)

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 140, granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile.

The Clerk read as follows:

Resolved, etc., That Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, be authorized to accept and wear the decoration of "Order of Boyacá" tendered by His Excellency, the Ambassador from Colombia, in the name of the Republic of Colombia; the decoration of "Honneur et Mérito" (grade of commander), tendered by His Excellency, the Minister from Haiti, in the name of the Republic of Haiti; and the decoration "El Merito", tendered by His Excellency, the Ambassador from Chile, in the name of the Republic of Chile, all of which decorations have been conferred upon Surgeon General Hugh S. Cumming (retired), by the republics mentioned, for scientific service, and that the Department of State is hereby authorized and permitted to deliver the above-mentioned decorations to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Senate joint resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, following the legislative business of the day and any special orders that may have been entered, the Delegate from Hawaii [Mr. KING] may be allowed to address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that, after all business on the Speaker's desk has been completed and after all previous orders have been concluded, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for 15 minutes, under a special order.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that after the regular business on tomorrow I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

REGULATING BARBERS IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, line 10, strike out "proper."

The SPEAKER. Is there objection?

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, will the gentleman explain what this amendment does?

Mr. RANDOLPH. This amendment, I may say, in answer to the inquiry of the gentleman from Ohio, simply strikes out the word "proper" and leaves the language reading "upon a showing." The Senate deleted the word "proper", feeling

that when it was stated "upon a showing" there would be consideration of the matter.

Mr. SMITH of Ohio. Mr. Speaker, I object.

AMENDMENT OF BUILDING CODE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5486) to provide for means of egress for buildings in the District of Columbia, and for other purposes, and agree to the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 1, lines 9 and 10, strike out "in which sleeping quarters for the accommodation of 10 or more persons are provided above the first floor."

Page 2, line 7, strike out all after "buildings" down to and including "feet" in line 15.

Page 3, line 14, strike out all after "stations," down to and including "station" in line 16.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments?

Mr. RANDOLPH. Yes; the amendments passed by the Senate are three. The first has to do with sleeping quarters for the accommodation of 10 or more persons, when the quarters are provided above the first floor.

In this connection I should like to say that authority is vested in the Commissioners of the District of Columbia. There is in effect legislation which already permits the Commissioners to enjoin the owner and the lessee and the occupants from the use of a building unless they fully comply with precautionary fire escapes and other equipment prescribed. This implements the safety measures.

The second and third Senate amendments give discretion to the Commissioners of the District of Columbia with respect to fire-alarm systems, and so forth.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

DAY NURSERIES IN PUBLIC SCHOOL BUILDINGS, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7522) to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes, with Senate amendments and agree to the Senate amendments.

The Clerk read the title of the bill and the Senate amendments as follows:

Page 2, strike out lines 15 to 23, inclusive, and lines 1 and 2 on page 3, and insert:

"SEC. 3. The sponsoring agency is authorized and directed to exact from the parent, parents, or guardian of any child admitted to the day nurseries or nursery schools authorized by this act a fee commensurate with the ability of such parent, parents, or guardian to pay, as determined by such sponsoring agency: *Provided*, That such sponsoring agency is authorized to admit without charge any child whose parent, parents, or guardian are unable to make any contribution. All fees collected under the provisions of this act shall be paid to the collector of taxes of the District of Columbia and deposited into the Treasury of the United States to the credit of the account 'Miscellaneous trust fund deposits, District of Columbia, day nurseries,' and shall be disbursed in the same manner as other trust funds are disbursed by the District of Columbia. The said trust fund shall be available to pay any necessary expenses incident to the operation of the day nurseries or nursery schools authorized by this act, not otherwise provided for."

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the amendments?

Mr. RANDOLPH. Yes. The Senate struck out section 3 of the House bill which would have provided for the use of W. P. A. funds. Now that the W. P. A. has been or is being liquidated by Presidential order it was felt that that section should be deleted.

A new section was added to the bill in which it was stated we would admit the children of parents who could not pay nursery fees provided a sliding scale of charges would be inserted commensurate with the ability of the parents to pay; and, secondly, in that connection, that all fees collected should be paid to the office of the tax collector of the District of Columbia for deposit in the United States Treasury in a trust fund to be disbursed for the necessary expenditures incident to the program of the nursery schools for the District of Columbia.

Mr. MARTIN of Massachusetts. Is it not the general practice to have the funds covered into the Treasury and to be disbursed by appropriation of Congress rather than to have it remain in a trust fund to be spent without appropriation?

Mr. RANDOLPH. I am sorry, but I am unable to answer the gentleman's question as to the usual practice.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. DIRKSEN. This is an initial undertaking for which there has been no appropriation. We are hopeful that no appropriation will be necessary.

Mr. RANDOLPH. That is true. I thank the gentleman from Illinois. I think that is the correct situation. As the gentleman from Illinois said, we are earmarking these funds in the hope that it will not be necessary to make an appropriation from the Federal Treasury.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ANNA J. KROGOLL

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4918) for the relief of Anna J. Krogoll, with Senate amendment thereto and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 5, strike out "$5,000" and insert "$500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. MEYER]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, the amendment simply reduces the amount?

Mr. MEYER of Maryland. The Senate amendment reduces the amount from $5,000 to $500. As the bill passed the House the sum of $5,000 was provided.

Mr. MARTIN of Massachusetts. How did the House ever pass a bill with such an amount and have it reduced in that manner?

Mr. MEYER of Maryland. The author of the bill has asked that the House agree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. MEYER]?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

MARION E. GRAHAM ET AL.

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7587) for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber, with Senate amendment thereto and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber."

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. MEYER]?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

WILLIAM E. AVERITT AND UNITED STATES CASUALTY CO.

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5812) for the relief of William E. Averitt and United States Casualty Co., with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, lines 6 and 7, strike out ", and to United States Casualty Co., the sum of $1,879.54."

Page 1, line 7, strike out "such sums" and insert "this sum."

Page 1, line 8, strike out "their claims" and insert "the claim of William E. Averitt."

Page 1, lines 10 and 11, strike out "and the payment of compensation by the United States Casualty Co."

Amend the title so as to read: "An act for the relief of William E. Averitt."

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. MEYER]?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

MADELINE FIORI

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7357) for the relief of Madeline Fiori, with Senate amendment thereto and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "Mrs. Bulah" and insert "Madeline."

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. MEYER]?

There was no objection.

The Senate amendment was agreed to, and a motion to reconsider was laid on the table.

INCREASE IN PAY AND ALLOWANCES OF MEMBERS OF ARMY NURSE CORPS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7633) to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes, with Senate amendments thereto and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, after "and" where it appears the second time, insert "money."

Page 1, line 5, strike out ", including" and insert "for subsistence and rental of quarters, and."

Page 2, line 9, after "and" where it appears the first time, insert "money."

Page 2, line 9, strike out ", including" and insert "for subsistence and rental of quarters, and."

Page 4, after line 20, insert:

"SEC. 6. During the present war and for 6 months thereafter, the President is authorized to provide for the appointment or enrollment in the Medical Department of the Army of technical and professional, female personnel in categories required for duty outside the continental United States. Such personnel shall be distributed, in accordance with regulations prescribed by the Secretary of War, in relative ranks and grades corresponding to the commissioned and enlisted grades of the Regular Army; and the Secretary shall have complete authority to define the qualifications for all of the grades in which such personnel are distributed. Such personnel shall receive pay and money allowances for subsistence and rental of quarters and mileage and other travel allowances, as now or hereafter provided by law for military personnel of comparable grade, without dependents. Persons so appointed and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as members of the Army Nurse Corps and their dependents. Persons so enrolled and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as enlisted men of the Regular Army and their dependents."

Page 4, after line 20, insert:

"SEC. 7. That hereafter, during the present war and for 6 months thereafter, the superintendent and all other members of the Navy Nurse Corps shall have relative rank and be entitled to receive the same pay, and money allowances for subsistence and rental of quarters, and mileage and other travel allowances as are authorized by this act for corresponding grades and relative ranks in the Army Nurse Corps. The Secretary of the Navy is authorized to use appropriations available to the Naval Establishment to carry into effect the provisions of this section."

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Texas explain these amendments?

Mr. THOMASON. I may say to the gentleman from Massachusetts that the amendments added to the bill by the Senate include only two important ones. First, the bill as amended includes Navy nurses. As to the other important amendment, the bill as it passed the House included nurses and also physiotherapists and dietitians. It will be recalled, however, that other groups such as dental hygienists and occupational therapists, were not included, but insist that they should be included. The amendment placed in the bill by the Senate leaves the matter to the discretion of the War and Navy Departments. If there are any others of these groups who are needed, outside of those mentioned in the House bill, or who may be needed for service outside the continental United States, the War and Navy Departments shall accept such as may be needed, and their pay and rank and allowances shall be the same as those of the nurses, dietitians, and physiotherapists, as provided in the House bill.

Mr. MARTIN of Massachusetts. The chief amendment is to extend the legislation to the nurses of the Navy?

Mr. THOMASON. That, and to the other groups I have just mentioned.

Mr. MARTIN of Massachusetts. Has the committee agreed to it?

Mr. THOMASON. Such of the members of the committee as are on the floor of the House and available are unanimously for it.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

JOHN SWEENEY

Mr. MASON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7828) for the relief of John Sweeney.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of all laws of the United States and all regulations thereunder, John Sweeney, of Paris, Tenn., who—

(1) was born in Paris, Tenn., in 1885;

(2) resided in Canada from 1910 until 1917, during which time he went through naturalization proceedings for the purpose of becoming a citizen of Canada;

(3) returned to the United States in 1917 and was informed that his naturalization as a citizen of Canada was ineffective and that he was still a citizen of the United States;

(4) has resided in the United States since 1917, believing himself to be a citizen of the United States; and

(5) is now engaged in the construction of important works for the United States in Trinidad,

shall be deemed to be, and to have been since his birth, a citizen of the United States.

With the following committee amendment:

Page 1, line 5, after "Tennessee", strike out the remainder of page 1 and lines 1 to 6, on page 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAL AND MARINE CORPS RESERVE

Mr. SUTPHIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6839) relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, after "have", insert "other than organic."

Page 2, line 1, strike out all after "Reserve" down to and including "officer" in line 3.

Page 2, lines 5 and 6, strike out "with which he was suffering" and insert "for which waiver was required."

Page 2, line 7, strike out all after "aggravation" down to and including "Such" in line 10, and insert "of such disability: *Provided further*, That such."

Page 2, line 11, after "service", insert ": *And provided further*, That except for retirement based upon disability for which waiver is required under this act, or aggravation of such disability, this act shall not be construed to deprive any person of any right or benefit authorized under any other act."

Page 2, after line 11, insert:

"SEC. 2. For the purposes of applying section 607 of the National Service Life Insurance Act of 1940, or section 302 of the World War Veterans' Act, 1924, as amended, any disability for which waiver was required as a condition to tender of commission under this act shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from New Jersey explain the bill?

Mr. SUTPHIN. This is a bill that was introduced by my colleague the gentleman from Minnesota [Mr. MAAS]. It permits the Navy and the Marine Corps to enlist men with physical disabilities other than organic, provided they waive their right to claim certain disability compensation.

Does the gentleman from Minnesota [Mr. MAAS] wish to make any further explanation of the bill?

Mr. MARTIN of Massachusetts. The legislation is approved by the Department?

Mr. SUTPHIN. It is.

Mr. RICH. Reserving the right to object, Mr. Speaker, will this bill in any way permit men to go into the service who are now physically incapacitated, and because of their entrance into the service require the Government to pay them a pension?

Mr. SUTPHIN. That is just what the bill is for, to prevent that.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri, with a Senate amendment thereto, and concur in the Senate amendment, with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and insert "That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge, who shall be an additional district judge for the eastern and western districts of Missouri. The judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Missouri."

Amend the title so as to read: "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. SMITH of Ohio. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. HOBBS. This bill, as passed by the House, created what is known as a temporary judgeship for the eastern district of Missouri. The Senate amended the bill by making it a permanent judgeship for the eastern and western districts of Missouri. The House Committee on the Judiciary considered the bill as so amended by the Senate, and authorized the making of the request that has just been made, for unanimous consent to take up the bill, agree to the Senate amendment with an amendment.

Mr. SMITH of Ohio. Mr. Speaker, I object.

Mr. HOBBS. Will the gentleman withhold his objection to let me explain the amendment that is proposed to be offered by our Committee on the Judiciary?

Mr. SMITH of Ohio. Yes, Mr. Speaker, I withhold the objection so that the gentleman may finish his explanation.

Mr. HOBBS. The House Committee on the Judiciary in considering the matter decided that they would recommend that the House insist upon the original House version creating simply a temporary judgeship, but concur in the Senate amendment to the extent of making it apply to both the eastern and western districts.

If, therefore, the consent requested be granted and the recommendation of your committee be followed, the final result would be the creation of one temporary judgeship for the eastern and western districts of Missouri—one judge for the two districts.

Mr. SMITH of Ohio. Mr. Speaker, I object.

LEAVE TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the legislative business and other special orders, I be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection?

There was no objection.

PAY OF GOVERNMENT EMPLOYEES

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, it is the prerogative of the Congress to fix the compensation and hours of work of Government employees. I, for one, do not want to hand that power over to the President; but if we are not to do so, then it is up to the Congress to function in the matter. A serious situation exists at present in regard to the lower-paid Government employees. Everyone knows an increase is long past due in their case, and everyone knows there are inequalities that have got to be ironed out. Before this Congress adjourns, absent Members should, if necessary, be summoned to Washington so that we may do our duty with regard to this matter. Before this I have pointed out that the way to prevent giving more power to the Executive is for Congress to do so good a job that such action will not be necessary. This is a case in point.

PATENT FOR CERTAIN LANDS IN FLETCHER, OKLA.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2398), amending the provisions governing the issuance of patents for certain lands in the town of Fletcher, Okla.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. What does this bill do?

Mr. ROBINSON of Utah. Mr. Speaker, this bill simply provides for a clearance of title to certain pieces of land in this town in Oklahoma, that were conveyed to the Government subject to being used for certain definite purposes. These pieces of land are situated in various parts of the town and they cannot be used for the purpose provided in the grant. This simply gives the United States the right to take out of the deed that provision and grant a fee simple to the town.

Mr. RICH. Are they oil lands?

Mr. ROBINSON of Utah. No.

Mr. RICH. Are the lands valuable?

Mr. ROBINSON of Utah. The lands are good only for municipal purposes, and the money that is received goes to the city. The city purchased these lands, and the deed granted the land with a provision that they should be used only for certain purposes.

Mr. MARTIN of Massachusetts. And this bill gives title from the Federal Government to the city government?

Mr. ROBINSON of Utah. Yes; it does, in a sense. Title is already in the city, subject to certain reservations that the lands must be used for park purposes. This bill would take out that reservation.

Mr. MARTIN of Massachusetts. And the lands are being used for park purposes now?

Mr. ROBINSON of Utah. No; this is vacant land, and it cannot be used at all, until we permit it to be used for other purposes.

Mr. MARTIN of Massachusetts. For what purpose is it going to be used?

Mr. ROBINSON of Utah. They are small tracts of land, and the town will sell them to people to live on, I suppose.

Mr. MARTIN of Massachusetts. How close to this community are there any oil lands?

Mr. ROBINSON of Utah. I do not know. The gentleman from Oklahoma [Mr. JOHNSON] is here, and may be able to tell us.

Mr. JOHNSON of Oklahoma. There is no oil land near this.

Mr. MARTIN of Massachusetts. Is there any possibility that the Government may be relinquishing land that may prove to be very valuable because of mineral rights?

Mr. JOHNSON of Oklahoma. Not at all. In fact, the lands are worthless.

Mr. ROBINSON of Utah. The Government has already conveyed title to the lands.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes.

Mr. KNUTSON. Does the Government reserve all mineral rights to these lands?

Mr. ROBINSON of Utah. No; the Government is going to convey title in fee simple to these particular lands.

Mr. JOHNSON of Oklahoma. These lots are in the district that I represent. The lots are worthless, they are growing up with weeds, and have been for 20 years. This little town is anxious to have the lots in order to make some improvements.

Mr. MARTIN of Massachusetts. Why could we not put an amendment in the bill, that in the event oil is discovered——

Mr. KNUTSON. Just simply say that we reserve the mineral rights to the land.

Mr. ROBINSON of Utah. That would not make any difference to the Federal Government, because the Federal Government has already conveyed the lands subject to their being used for park purposes, so that the Federal Government

has no interest in the lands at the present time.

Mr. MARTIN of Massachusetts. We gave the lands for park purposes, and now it is proposed to give the lands for other purposes. If not used for park purposes it would of course revert to the Federal Government.

Mr. ROBINSON of Utah. No; the Government conveyed with the provision that they must be used for park purposes.

Mr. MARTIN of Massachusetts. Originally this was Government land, and they gave it for park purposes without restrictions.

Mr. ROBINSON of Utah. Yes.

Mr. MARTIN of Massachusetts. And now you are asking the Government to give it to use for any purpose.

Mr. JOHNSON of Oklahoma. Oh, no.

Mr. MARTIN of Massachusetts. We have a right to provide a restriction, if we wish.

Mr. ROBINSON of Utah. I think the gentleman does not thoroughly understand. This is land in a little city in Oklahoma that was purchased from the Government by the city for the purpose at that time of establishing parks. It was purchased from the Government, and in the deed there was a provision that the lands must be used for park purposes. Some of it has been used for park purposes, and the rest of it consists of little tracts of land scattered throughout the city, and the land has been growing up in weeds for 20 years. Now the city wants us to convey to them without this provision in the deed, with the understanding and with the provision that is in the bill that the money that is received from these lands shall go into the city treasury for certain definite purposes.

Mr. MARTIN of Massachusetts. I think the money for the sale of the land should go to the Federal Treasury if there is any.

Mr. BULWINKLE. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. BULWINKLE. To all intents and purposes, the Government has relinquished all of its rights, title, and interests in the land?

Mr. ROBINSON of Utah. Absolutely; yes.

Mr. BULWINKLE. Now the Government could not reserve any right in anything else.

Mr. ROBINSON of Utah. Not at all. The Government has no right in this land.

Mr. JONES. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. JONES. What provision is there in case the city does not use it for park purposes? Is there a reversion clause to the Government in case it is not used?

Mr. ROBINSON of Utah. No; there is no reversion. This bill has been passed by the Senate and has been thoroughly considered by the House committee.

Mr. MARTIN of Massachusetts. Mr. Speaker, I think I will object for the time being.

The SPEAKER. Objection is heard.

ADMINISTRATION OF GRAZING DISTRICTS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7841) relating to the administration of grazing districts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I might say to the gentleman from Utah that he would get these bills passed if he would submit them first for consideration before he calls them up. It gives us a chance to know what the bill is about.

Mr. ROBINSON of Utah. I appreciate what the gentleman says, and I usually do take up these matters with the gentleman, as he knows, but these were such small matters that I did not think it was necessary.

Mr. MARTIN of Massachusetts. There is nothing too small to be given consideration.

Mr. ROBINSON of Utah. I appreciate that.

This bill provides that the Government, where horses are now used, can furnish forage for those horses in the Grazing Service. The same provision in other bills gives Forest Service this right, but the Grazing Service cannot do it until this bill is passed.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may require field employees of the Grazing Service to furnish horses and miscellaneous equipment necessary for the performance of their official work and may provide at Government expense forage, care, and housing for such animals and equipment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SERVICE IN THE HOUSE OF REPRESENTATIVES

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

Mr. CROWTHER. Mr. Speaker, this will probably be my last opportunity to address the House. I was elected in 1918 and sworn in on May 19, 1919, at a special session called by President Wilson. Of the new Members who were elected to the Sixty-sixth Congress only 5 who have had continuous service are elected Members of the Seventy-eighth—DREWRY, of Virginia, LANHAM, of Texas, and REED, FISH, and CULLEN, of New York. These 5 have had 24 years' continuous service which it has been my good fortune to share with them. During that period I have served under 4 chairmen of the Ways and Means Committee; 5 Presidents, and 7 Speakers, and to the seventh of these, the distinguished gentleman from Texas [Mr. RAYBURN] may I say that he has presided with both grace and courtesy and has manifested a degree of firmness and fairness that has placed him on the list of our great Speakers of the House. The late William Tyler Page recently made a survey of membership for my colleague [Mr. REED] and informed him that since our service began in 1919 we had served with 1,084 Members. This illustrates the rapid changes in membership due to resignation, death, and defeat.

The House of Representatives has become the conservative branch of Congress, and while Congress is still subjected to criticism, and at times of ridicule by the news hawks this legislative arm of the Republic has never lost the confidence of the body politic, and every Member of this House who conscientiously performs his duties, is always a considerable percentage stronger than his party in his district. Years ago the sessions were shorter and the volume of work much less. Today the Congressman has a job to which most of them devote the 365 days in a year. In the wisdom of the founding fathers the term of office was made 2 years. I believe it should be 4 years. No one may hope to get rich as a result of his congressional service. While there is much talk about the so-called high salary of $10,000 per year, the fact is that very few Members of the House have much more than one-half that amount to meet their expenses in Washington. Campaign expenses vary in different localities but on the average they take a heavy toll from a Member's income. The Federal and State income taxes alone will absorb about $3,000 of the salary. Perhaps some critic will say that we should not think of pecuniary gain when one seeks election as a Representative in the Congress. However, the necessity of maintaining a home, and also a temporary residence in Washington, especially when a Member has a family with children of school age, is considerable of a financial problem.

I look back with satisfaction upon my 24 years of service in this House. The membership is and always has been a fine cross section of the manhood of the country. In this House there are on both sides of the aisle many men who are qualified in every way for the highest office in the land, the Presidency. I believe it would be wise to require a candidate for that high office to have served in the Congress. For many years I advocated the single term of 6 years for a President. It would do more to prevent logrolling and political connivance than any other one change in our system.

The membership of the House has representatives of industry, agriculture, art, dentistry, medicine, and surgery, the press, and the law. A great group of talented men who have earned their spurs in their particular capacity and have been chosen to represent their folks in this greatest of deliberative bodies. I am proud of my association with them over a long period of years, and I shall

cherish the memory of their friendship and cooperative effort. The decision to retire from this splendid group of legislators is never an easy one to make. It means severing old ties and friendships with many of the distinguished colleagues with whom it has been my privilegé to serve. It means that you are no longer a part of the legislative arm of the Government and worst of all it means you are quickly forgotten. To be real honest and candid, one of the serious features of this severance of membership is the realization as you pass the Sergeant at Arms' door that you are "off the pay roll."

Mr. Speaker, the Seventy-seventh Congress became a war Congress as did the Sixty-fifth. Even though this coming session will carry through to the 1944 conventions it is not likely that party lines will be sharply drawn. The war must be won and to that end I know that every Member sworn in on January 6, 1943, will allow no subterfuge, political or otherwise, to impede the war program. The American doughboy will do his part and the next Congress will back him up as we have done. We have assumed tremendous obligations in this global war, and we are in duty bound to attain the goal we have designated.

It is within the range of possibilities that this war may end during your term of service in the Seventy-eighth Congress. If so you will be faced with tremendous responsibilities. The proposed making over of the world is no trifling task but I have confidence that in whatever action you are called upon to take you will not endanger the perpetuation of those basic fundamentals inherited from the founding fathers. I know that I leave the future of my country in charge of a loyal, constructive group of real Americans. I know they will not fail us.

DECISION NOT AN EASY ONE TO MAKE, CONGRESSMAN SAYS IN STATEMENT REVIEWING 24 YEARS' SERVICE TO THIRTIETH DISTRICT

Congressman Dr. FRANK CROWTHER, representing Fulton-Hamilton-Montgomery-Schenectady district in the House of Representatives for 24 years, has issued a statement in which he apparently declares his "desire to retire from public service" at the end of this year but expresses some regrets. The statement received by the Morning Herald expresses appreciation for having been able to serve in Congress and the Congressman's regrets at the severance of ties.

Congressman CROWTHER declined to run 2 years ago, but at that time he was pressed into service, rescinded his notice of retirement, and was reelected.

TEXT OF STATEMENT

Dr. CROWTHER's statement follows:

"I have entered upon the twenty-fourth year of congressional service as a Representative of the Thirtieth District, comprised of the counties of Schenectady, Montgomery, Fulton, and Hamilton. I was first elected in 1918, when we were at war, and in these closing days of my service my country is again at war. Thousands of the finest of our young manhood have either enlisted or have been called in the draft who were yet unborn when first I went to Washington as a Member of Congress. They have all gone to the front with the same basic ideal as did the boys in 1917—the preservation of the American way of life. May God grant them safe return.

"The declaration of one's desire to retire from public service is not an easy one to make. It means the severing of old friendships with the many distinguished colleagues with whom it has been my privilege to serve. It means that I shall no longer be a part of the Congress of the United States, and worst of all it means that I shall soon be forgotten."

SOME COMPENSATIONS

"However, there are compensations to offset these eventualities. I shall, as the years go on, be able to traverse the road known as Memory Lane, and I shall remember the loyalty of a great constituency that never failed in the support of my candidacy. During all the intervening years I have received hundreds of thousands of letters from you folks of this district, and many of them have been commendatory of my actions. Many that I received were couched in terms of bitter criticism, much of which I no doubt deserved, for it is not possible that a Representative should see eye to eye with a constituency that numbers nearly 240,000. After all, that also is the American way, and in public life one must accept the responsibilities, and when criticism becomes his portion he must be able to take it.

"It has been a high privilege to have served you all these years. When I was first elected in 1918, I was a comparative stranger, and 'ye took me in.' I trust that confidence has never been violated. Always a Republican, and with a well-grounded faith in the policies and traditions of my party, I have never permitted partisanship to influence my actions in the performance of my obligations to all the people of the district, and many of you who differ with me politically have been very kind and appreciative.

"To all the county chairmen and that great group of county committeemen and to the Women's Republican clubs, may I express my appreciation.

"In a recent editorial in one of my home papers, the statement was made that 'of course nobody loves a Congressman.' Perhaps that is a true statement. It may be too much for a Congressman to expect. I trust that I have so conducted myself during my term of service and that though nobody loves me, I have at least earned their respect."

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a statement I made to the press of my district on my resignation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair recognizes the gentleman from North Carolina.

Mr. DOUGHTON. Mr. Speaker, no one more deeply regrets the voluntary retirement of the distinguished gentleman from New York [Mr. CROWTHER], my personal friend and coworker over a number of years, than myself. I regret that I did not know until a few moments ago that it was his purpose to make his last address in the House this afternoon.

I have served side by side with the gentleman from New York [Mr. CROWTHER] on the committee of which I at present have the honor to be chairman for 18 years. I have been a member of this committee for 18 years, and he was a member when I became a member of it; he has served on this committee for 20 years, if I am not mistaken, 2 years longer than I; so I feel I am in a position to know something of his usefulness as a member of our committee, of the Congress, and the country.

I have never served with a man who was more loyal or more devoted to duty than the gentleman from New York; his outstanding ability, his industry, his honesty of thought and purpose, his versatility, his readiness at repartee, are hardly equaled by any man with whom I have ever been acquainted or who has served in this House since I have been a Member of it. He has attended the sessions of the committee regularly and faithfully; he expresses himself in the most apt terms; he speaks his own opinion and votes his own convictions. He has been, and is, an upstanding and an outstanding Member of this body. I deeply regret his leaving our committee, for he is a citadel of strength to any cause he espouses, I certainly has been a most active and useful member of the Committee on Ways and Means. While he is a tower of strength to any cause he espoused, I used to think when we had politics in our committee—we have not had any for so long I have almost forgotten the alphabet of politics, and of course since the war came on there has not been the slightest evidence of any political feeling in the committee, but back when we did have politics in our committee—he was a most dangerous adversary.

I repeat, Mr. Speaker, it is regrettable that men of the ability, integrity, experience, and industry, with all the qualifications of head and heart possessed by the gentleman from New York, that such men should retire from the Congress.

Dr. CROWTHER is a statesman in the finest sense and his loss will be severely felt. We are having quite a number of retirements from our committee; quite a number of changes will be made in the next session of Congress; yet there never has been a time in the history of this country when experience and real statesmanship were a greater asset or more badly needed than the present.

While I know you all share my regret at the retirement of the gentleman from New York and realize the great loss his leaving means to us all, yet I know you share with me the earnest hope and desire that in private life our good friend may by a kind Providence be given many, many years in which he and his fine wife may receive all the joys that can possibly come to anyone.

Mr. MARTIN of Massachusetts. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, it is with regret we find our good friend the gentleman from New York [Mr. CROWTHER] is retiring from this great legislative assembly, after 24 years of efficient and able service.

I recall as if it were but yesterday when I came to Congress 18 years ago and had my first opportunity to observe the gentleman from New York in action. At that time he was in the middle of a tariff debate, and he made a deep impression

upon me as a forceful and fighting debater. I learned then what was confirmed by years of subsequent observation, that the gentleman from New York was an outstanding authority on tariff and taxation.

The gentleman from New York served the country for 24 of its most important years; he has served it efficiently, faithfully, and well. It is with keen regret we see a man of his outstanding ability retire. He has been a hard-working Member of Congress, and as he leaves for a well-earned vacation, with him goes the respect and esteem of every Member of this House.

I rise to pay this small tribute to a good American, a great public servant: As you leave, Doctor, to your new home in the far western country, you carry with you the best wishes of every one of us who has been privileged to serve with you. May the future be crowned with good health and the fullest measure of happiness.

The SPEAKER. The gentleman from Tennessee [Mr. COOPER] is recognized.

Mr. COOPER. Mr. Speaker, it is with genuine pleasure that I embrace this opportunity to raise my voice in brief but sincere tribute to the distinguished gentleman from New York [Dr. CROWTHER]. For a decade it has been my privilege to serve side by side with him as a member of the Committee on Ways and Means. When the subcommittee on Internal Revenue Taxation of the Ways and Means Committee was first created 10 years ago he and I became members of that important subcommittee. We worked together through the years. Later it became my privilege to be chairman of that subcommittee and our pleasant association continued.

We were dealing with many difficult and perplexing problems of taxation challenging the best thought and attention that could be given, when many technical and intricate questions would be raised and discussed, we would then hear the clear voice of the gentleman from New York come forth with such sound logic and convincing statements of his convictions that it would clear away these technicalities.

He is a man of the highest character and most lofty ideals, a man of recognized ability and demonstrated devotion to the public service, and I feel that I express the true sentiments and feelings of every Member of the House and every member of our committee when I say to him as he leaves us here, he may rest assured that his genial personality, his strong character, and outstanding ability will ever remain with us a cherished memory and that he has our sincere best wishes for continued health, happiness, and prosperity.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] is recognized.

Mr. KNUTSON. Mr. Speaker, no Member of this body will miss the departure of our good friend from New York, Dr. CROWTHER, more than myself. Many of you will recall that it was Dr. CROWTHER'S purpose to retire voluntarily 2 years ago, but he was drafted by his constituents to again make the race. This time he was permitted, over the objections of many of his constituents, to gratify his desire to retire to an easier life after a long and distinguished career in this body.

It is not within my ability, Mr. Speaker, to add to what has already been said about our colleague's ability, character, and geniality. For me to attempt to do so would be like gilding the lily. But I do want to say—and I say this with all the sincerity of which I am capable, that the retirement of Dr. CROWTHER from this body is a distinct personal loss to myself and to every other member of the great Ways and Means Committee. Not only will his retirement be a loss to the Ways and Means Committee but it will be a loss to the House of Representatives, to the people of the Thirtieth New York Congressional District, and to the American people.

In all of the years of my service here—and I have served with Dr. CROWTHER for 24 years of that time—I have never met one of whom I was more genuinely fond—in whose judgment I had greater confidence and whose integrity was the higher. As a matter of fact, I have never served with a man in this House whose integrity I did question. All the Members are actuated by the highest of motives and the sincerest of desires to do that which is for the best interest of our beloved country.

We shall miss Dr. CROWTHER, but he will take with him into his retirement our best wishes for happiness, good health, and length of days.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized.

Mr. RANKIN of Mississippi. Mr. Speaker, I join with those gentlemen who have spoken in expressing my profound regret that our distinguished friend from New York, Dr. CROWTHER, is leaving the House of Representatives. I have been thrown with him more than any other man in Congress for the last 10 years, and I wish to speak of him as a man as well as a Representative.

He is one of the most versatile, if not the most versatile, Member of this Congress. In music, in art, and in literature he has no superior on either side of the aisle. He is a Christian gentleman, with a conscience void of offense, a man of the highest integrity, and one of the most devoted men to the fundamental principles of this Government that it has ever been my privilege to know.

Someone has said:

I wrote my name upon the sand
And trusted it would stand for aye;
But soon, alas, the refluent sea
Had washed my feeble lines away.

I carved my name upon the wood
And, after many years, returned again;
I missed the shadow of the tree
That stretched of old upon the plain.

To solid marble, next, my name
I gave as a perpetual trust;
An earthquake rent it to its base,
And now it lies, o'erlaid with dust.

All these had failed; in wiser mood
I turned and asked myself, "What then?"
If I would have my name endure,
I'll write it on the hearts of men.

FRANK CROWTHER has not only written his name upon the hearts of all the Members with whom he has served, but he has written upon the hearts of all of us with whom he has been associated on the outside—

Long, long be my heart with those memories filled,
Like a vase in which roses have once been distilled;
You may break, you may shatter the vase if you will,
But the scent of the roses will hang around it still.

The SPEAKER. The gentleman from Kansas [Mr. GUYER] is recognized.

Mr. GUYER. Mr. Speaker, in these closing days of the Seventy-seventh Congress we look about us and see that there are many who will not be with us in the Seventy-eighth Congress. Some will be absent by reason of the exigencies and accidents of politics; and others by voluntary retirement will separate themselves from scenes which have in the past two decades become familiar to them and in which they were a vital part of the machinery of the House of Representatives in its work as a legislative body.

Among those who will be absent on account of the exigencies of politics I notice my very dear personal friend, Hon. JOHN M. HOUSTON. He belongs to an opposite political party. Once a poetic Governor of Kansas remarked that no sweeter flowers of friendship ever bloomed than those that clambered over party walls. Of course I was glad to see my other bosom friend Congressman REES elected, being a loyal Republican, but on the other hand I was hearbroken to see good old JACK HOUSTON defeated. Greater love hath no Republican. So, hail, and farewell, and may all the Democratic fairies prosper you.

As one of those who voluntarily retired, I want to pay tribute to Dr. FRANK CROWTHER who, for the past 24 years, has been a most distinguished and valuable Member of Congress from the 30th Congressional District of New York.

During his service in the House he has been one of the outstanding Members in ability and influence, and his commanding position on the Committee of Ways and Means made him a powerful factor in legislation. In the years when the tariff was a matter of contention in Congress there was no one in either the House or the Senate who spoke with more force of logic than Dr. CROWTHER. In my opinion he was by far the foremost authority on tariffs and taxes that we had in Congress. On the Republican side he was the heavy artillery in the battles of the tariff. His position was always fortified by abundant figures and conclusive facts which he presented in most forceful and convincing language. He was one of the most persuasive and effective orators in the House. His place on the Committee on Ways and Means will be difficult to fill, not alone by reason of his mastery of the subjects of taxes and revenues but also on account of his genial personality and contagious good humor which so often relieved the monotony of the discussions of serious matter-of-fact subjects.

Dr. CROWTHER will be missed by his fellow legislators who have learned to love and respect him, not only as a good lawmaker but also as a gentleman worthy of admiration in other lines of endeavor. I am very sure he is the most versatile Member of the House, though on account of his modesty and reserve many are not aware of all his attainments.

Those who have had the good fortune to see his many paintings in oil will testify that he possesses rare talent which has engaged his leisure hours. He is also an excellent musician, and his collection of rare violins has delighted his friends as well as has his music. These are hobbies with Dr. CROWTHER, and no doubt in his release from the strenuous labors as a Member of the House these diversions, which he dearly loves, will afford him many happy hours.

I know I speak the sentiment of the whole membership of this House when I say that in his retirement the House only has sincere regret in the parting of our ways, mingled with the very warmest and best wishes for his happiness and prosperity.

As Dr. CROWTHER, with many others, leaves us, we sometimes wonder why we come to Congress and whether its pleasures and opportunity for service requite us for the trouble and vexation of spirit, the fisticuff of political strife endured, and the separation from friends and firesides which our tenure here entails.

A former Congressman from Kentucky, Maurice H. Thatcher, expresses his view in verse, as follows:

A CONGRESSMAN'S LOT

A Congressman's lot! Who can portray it?
Interpret it with all-revealing art?
Hold up the scales in evenness to weigh it?
Or read the soils of which it is a part?

Damned is the Congressman for doing; for lacks
He's doubly damned. So he must learn to thrive
On curses vile, however much they tax
His fortitude; else, ne'er can he survive.

Messenger for all, his calloused feet may know
Their rest within the grave, but scarce before.
Tireless purveyor, unless his skill can show
Miracles of "loaves and fishes" how poor,
To many, seem his toils; and when life's done:
A line—a name misspelled—oblivion!

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mc McCORMACK. Mr. Speaker, during the journey of life we occasionally meet one who makes a profound and lasting impression upon us. One of this rare type whom I have met is our distinguished friend, the gentleman from New York, Dr. CROWTHER. For 12 years the doctor and I served on the Committee on Ways and Means. I join in everything the distinguished gentleman from North Carolina [Mr. DOUGHTON], and the distinguished gentleman from Tennessee [Mr. COOPER] have said in relation to the outstanding service Dr. CROWTHER has rendered on that important committee.

The voluntary leaving of Dr. CROWTHER from this House is a personal loss to me, in a sense, and to all of us, because we will be denied his close association during the next Congress. The doctor and I have been close personal friends for years. I respect him officially and I value his friendship personally.

Clean, honorable, visionary, and courageous, Dr. CROWTHER is one of those men who leave a lasting impression on the minds of all who serve with them. He has been a credit to the people of the district he has represented for so many years. I know the people of his district value the high character of service he has given to them.

As we leave here, and some day each and every one of us must leave this body, we leave behind those contributions we make to the public service during the period we serve in this body and we leave here with the friendships we have made. Dr. CROWTHER leaves behind him 24 years of faithful service to country, to State, and to the people of his district, and he leaves here with the friendship of every Member of this body.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, during my 24 years in this House I have seen many splendid men come here and afterward retire to private life. Their going caused great regret in my heart because they were leaving a work in life into which they had fitted with great honor to themselves and certainly with great honor and satisfaction to those who had sent them here. I have known no man among them whose going was more untimely or whose loss to the country was greater than that of my old friend the gentleman from New York, Dr. CROWTHER.

I am one of the members of the old school. I have always believed that the progress and prosperity which have come to this country during the past 60 years have come largely because of the wisdom with which the Congress legislated in years gone by, and the courage, resourcefulness, and ingenuity of those whose vision was responsible for the greatest national development in all history. The Congress put upon the statute books laws under which protection was given to those in this country who tried and succeeded in bringing to the American people a degree of progress and prosperity that outshone that of any other nation in all the world. I have always believed that the American producer was entitled to the American market so far as he could reasonably supply that market. That was, and I believe still is, good Republican doctrine. My grandfather was "under the oaks" at Jackson, Mich., when the Republican Party was formed, and I have been a disciple of the beliefs of that party since that time. Perhaps I can give you a little clearer picture of just what my ideas have been when I tell you that the only two men in the House of Representatives who have served here with me who talked my language in this respect have been Uncle Joe Fordney, of Michigan, and the gentleman from New York, Dr. CROWTHER.

You can imagine my regret that the latter is leaving this House at this time. I say this because I realize, as I think many other Members on both sides of the House realize, that when this war is over and peace again comes to this sorely troubled world the Congress will be faced with problems such as we have never faced before. When that time comes, the wisdom and the courage of this Congress will determine whether or not this land is to go down the years as a great land of opportunity for those who live among us, and whether to those who live elsewhere throughout the world it shall remain the land of hope it has been in the past.

For many years I have given to the gentleman from New York, Dr. FRANK CROWTHER my affection, my confidence, my great respect. My regret at his leaving Congress voluntarily is heightened by the knowledge that when the time comes of which I speak the gentleman from New York, Dr. CROWTHER, will no longer be here to give us the benefit of his great wisdom and his sound advice.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, while I regret as deeply as any Member of this House the fact that Dr. CROWTHER is voluntarily leaving Congress, yet I am not one of those who feel particularly depressed. This is not a funeral at all. Do not think for a moment that FRANK CROWTHER is not the same old hard-hitting man we have known, for he is. He is now Congressman emeritus. He is on his sabbatical leave. You don't know the man as I know him. He is going out into another State. He has already represented two States in legislative bodies. The first you know, he will be back here, probably over in the Senate. He has all kinds of fight in him yet. I do not think there is a man on the floor of this House who has the forensic hitting power and fight of FRANK CROWTHER right now. He comes from that old stock that lived 9 days after their heads were cut off. He is going to live on, fight on as an inspiration to all of us. You remember that story of the city clerk in Massachusetts who held office for 50 years. Finally he was replaced by another clerk. Some of his friends went to him and said, "What do you think about it?" He replied, "Well, I did not expect the job would be permanent when I took it".

FRANK CROWTHER has been here for 24 years, and I tell you that we as Americans are proud of the splendid record that he has made. It is an outstanding, constructive record of real statesmanship. Our distinguished colleague has earned the right to a vacation. But, as I say, he will be back again. He has always stood for the Constitution. He always believed in and on all occasions he has fought for the preservation of the Bill of Rights, and he will do so as long as he lives. I will guarantee that after he goes into that western country he will visit the schools and colleges of that beauti-

ful region and in his forceful manner tell the young people what the Constitution and the Bill of Rights means to them as future citizens of this great Republic. The situation there will not be as it was in a college in New York City where a teacher addressed a class of 200 youths, and asked that those who were Communists to step to the other side of the room. They all stepped across the aisle to the Communist side except two. When FRANK CROWTHER gets through with a group of youngsters there will not be one of them who will be lining up on the Communistic side. He is going to do a great work in the future for his country as he has in the past. I join with the Members of the House in wishing him health, happiness, prosperity, and Godspeed.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, it is a matter of deep personal regret that the gentleman from New York, FRANK CROWTHER, one of my closest personal and political friends, has decided to leave the House of Representatives. In the many years that we have served together in the Congress I have not met a single Member who surpassed him in ability, in high character, in lofty ideals, and in out-and-out Americanism. He was born in England and came over to this country as a youngster. If he has committed any errors of judgment, it is because he loved his adopted country too much and not too little. We in this House, knowing the gentleman from New York, FRANK CROWTHER, as we do, and his distinguished services, realize that we are about to lose one of our finest and ablest Members. He is leaving of his own accord, and we wish him well and hope that he will continue to take an interest in the affairs of his adopted country and help fight its battles and our battles as he has done in the House of Representatives over many years of useful and faithful service. He has been a credit to his district, to the State of New York, to the party he belongs to, and to the Congress of the United States. Well done, thou good and faithful public servant.

EXTENSION OF REMARKS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Edward Tomlinson on the importance of our relations to Central and South American republics.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. TRAYNOR and Mr. JONKMAN were granted permission to extend their own remarks in the RECORD.)

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a radio address by myself.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article by Richard Neuberger.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that after the legislative matters have been disposed of and any other special orders I may be given 25 minutes to address the House on tomorrow.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, at the conclusion of the legislative business on Wednesday I ask unanimous consent to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and insert a very timely editorial.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GALE. Mr. Speaker, I ask unanimous consent to extend my remarks and include a statement by Mr. Wanglie, of Minneapolis.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TALLE. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from the Benton County (Iowa) U. S. D. A. War Board.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that after the legislative calendar on tomorrow and any other special orders that have been entered, I may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to include some excerpts in each.

The SPEAKER. Is there objection?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a speech which I delivered at the Commonwealth Club in San Francisco on December 4.

The SPEAKER. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from Southern California Business.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOM. Mr. Speaker, I ask unanimous consent to extend my remarks and include certain quotations from President Taft and others.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my remarks and include a recent radio speech.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks and include a short newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a letter written by John O'Connor, president of Montgomery Ward & Co., with reference to the National Labor Relations Board.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Illinois [Mr. DIRKSEN] be allowed to extend his own remarks by inserting an address delivered by Hon. GEORGE H. BENDER.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague [Mr. PLUMLEY] be allowed to extend his remarks by including an article appearing in the Washington Times-Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague [Mr. BALDWIN] be allowed to extend his remarks by inserting an article appearing in the Herald Tribune.

The SPEAKER. Is there objection?

There was no objection.

SUBSIDIES

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, the payment of subsidies to keep prices of commodities under fixed or ceiling prices, so as to prevent inflationary conditions, is a problem that ought to have the immediate study and attention of this Congress. We ought to be informed how far the administration intends to carry this policy. To whom and to what extent is it to be applied?

It appears that when goods are not, or cannot, be delivered within fixed prices a subsidy is paid from the Federal Treasury in order to get them moving. I am advised, for example, the Government is paying subsidies of a million dollars a month so milk can be delivered at ceiling prices in New York and vicinity. The money comes out of emergency

funds of the Treasury. A subsidy of 3 or 4 cents a pound is about to be paid to produce certain kinds of cheese at ceiling prices.

Just recently flour millers have appealed to the Office of Price Administration, insisting they cannot possibly continue to deliver flour at present ceiling prices and buy wheat on the market, which, by the way, is about 78 or 80 percent of parity. Subsidies are not yet being paid the millers but are suggested.

Meat packers are protesting. They say they cannot continue to fill the demands for meat on the margin left for them under ceiling prices. Payment of Federal subsidies has recently been under consideration.

Lumber producers are appealing for some kind of assistance in order to carry on.

Mr. Speaker, many other examples could be cited. My purpose is to direct attention to an important situation that should be carefully examined.

Payment of subsidies from the Federal Treasury is not new. But to do it to keep prices in line could cause a complicated situation and could defeat the purpose for which it was intended, unless it, at least, is carefully controlled and guarded.

[Here the gavel fell.]

Mr. KING. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. BURDICK] may be permitted to file a supplemental report to report No. 2726, accompanying H. R. 7463, to comply with the Ramseyer rule.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TERRITORY OF HAWAII—PAYMENT FOR WHARF USAGE BY UNITED STATES

Mr. KING. Mr. Speaker I ask unanimous consent to take from the Speaker's table the bill (H. R. 7514) to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900—Thirty-first United States Reports, page 141—for the use, during a limited period, of certain wharves of the Territory of Hawaii.

I have conferred with the majority and minority leaders and with the ranking members of the Committee on Territories. They have no objection to my calling this matter up at this time.

The Clerk read the title of the bill.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. KING. The purpose of the bill is to permit agencies of the United States Government to pay for the use of Territorial wharves in the Territory of Hawaii, such wharves as were in existence at the time of the annexation of Hawaii. It has the approval of the War Department, the Navy Department, the War Shipping Board and the Department of Agriculture.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KING. I yield.

Mr. MARTIN of Massachusetts. This is the only way the Territory can get revenue now?

Mr. KING. That is right.

Mr. MARTIN of Massachusetts. Because, as things stand today, the United States Government is the only one using the wharves.

Mr. KING. Yes; and unless payment is made for their use, there will be no way of servicing the Territorial bonds issued on the collateral of Territorial property.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provision of section 89 of the act of Congress approved April 30, 1900, that "no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States," the departments and agencies of the United States are authorized to pay to the Territory of Hawaii, the reasonable value, as determined by the department or agency concerned, of such use during the period commencing on January 1, 1942, and ending, unless Congress shall fix an earlier date, 6 months after the termination of the present war.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD a letter regarding our colleague the gentleman from Indiana [Mr. SCHULTE].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. YOUNG, Mr. JENKINS of Ohio, and Mr. BENDER asked and were given permission to extend their own remarks in the RECORD.)

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Architectural Forum and one from the Engineering News Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an outline of a plan to promote and enforce world peace, written in 1923.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short statement by Dr. George E. Benson.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Speaker, I desire to submit two requests: One, to extend my own remarks in the Appendix of the RECORD and to include therein a letter written to me by Lt. Richard L. Neuberger of the United States Army, concerning the opening of the highway to Alaska; and the other to extend my own remarks in the Appendix of the RECORD and to include therein an address by Hon. Harold L. Ickes, Secretary of the Interior, read at the official ceremony incident to the opening of the Alaskan highway.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the relative output of British and American shipyard workers and to include a letter from the Chairman of the Maritime Commission.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an address I made to the American Federation of the Physically Handicapped.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, in the first to include two short editorials and two short news items with reference to a refund of 15 percent on electric charges by the town of Athens, Ala., and, second, to include in my remarks a brief address that I made recently to the National Interfraternity Conference in New York, and also an editorial from the Birmingham News.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]?

There was no objection.

(Mr. KEFAUVER asked and was given permission to extend his own remarks in the RECORD.)

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by David Lawrence.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SPRINGER]?

There was no objection.

MEETING OF THE FIRST SESSION SEVENTY-EIGHTH CONGRESS

Mr. McCORMACK. Mr. Speaker, I offer a joint resolution and ask for its immediate consideration.

The Clerk read the joint resolution (H. J. Res. 368), as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution fixing the dates of meeting of the second session of the Seventy-seventh Congress and of the first session of the Seventy-eighth Congress," approved January 2, 1942, is amended by striking out "Monday, January 4, 1943" and inserting in lieu thereof "Wednesday, January 6, 1943."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

The joint resolution was agreed to, and a motion to reconsider was laid on the table.

THE LATE JOSEPH F. O'CONNELL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I regret very much to announce to the House the death on Thursday last of a former distinguished Member of this body, Joseph F. O'Connell, of Boston. Mr. O'Connell was one of my predecessors, representing my district with outstanding distinction in this body from 1907 to 1911, inclusive.

A man of great mental capacity, he utilized his unusual abilities in a constructive manner in the service of mankind. Mr. O'Connell lived an active life up to the time of his unexpected and unfortunate death. Everyone in Boston knew "Joe" O'Connell, as he was lovingly called, and everyone respected and admired him for the fine life he led, an inspiration and an example for all to follow.

Only a few nights before his sudden death, a number of his friends, on his birthday anniversary, tendered him a testimonial dinner. I was not able to attend. In a message to those gathered on that occasion, I said:

Mr. O'Connell is trusted, because he is trustworthy; he is honored, because he is honorable.

What finer reputation can anyone possess than to be trusted and honored by his fellow men. Such a reputation is earned, not purchased.

"Joe" O'Connell enjoyed such a reputation because he earned it as a result of a lifetime of able, honorable, sincere, and constructive service as a legislator, a public official in other fields of public activity, and as a lawyer. He earned it as a fine family man.

His death, and particularly so at this time, when our country is engaged in a war of survival, when men of his extraordinary ability and strong patriotism are needed, constitutes an irreparable loss to the Nation, to the Commonwealth of Massachusetts, and to the city of Boston, all of which he has so faithfully served in the past.

The passing on of my late friend leaves a vacant space that will be hard to fill.

I join with his many friends in extending to Mrs. O'Connell, whose late father also was a distinguished Member of this body, having represented some years ago the Wilkes-Barre District of Pennsylvania in Congress, and her children, six of whom are now members of our armed forces, my profound sympathy in their great loss and sorrow.

PROGRAM FOR THE WEEK

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, may I ask the majority leader and others as to the program for the remainder of the week? May I ask, if it is appropriate, that a statement be made to the House at this time on that subject?

Mr. McCORMACK. The only legislation that can be passed is by unanimous consent. I am hopeful that a resolution to adjourn sine die will be acted upon by both branches effective next Wednesday. If not on Wednesday, I am strongly hopeful that it will be some day this week.

Mr. RANDOLPH. I thank the gentleman.

RESIGNATION OF A. F. MACIEJEWSKI AS MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication, which was read:

OFFICE OF THE GOVERNOR,
Springfield, December 9, 1942.

Hon. SOUTH TRIMBLE,
Clerk of the House of Representatives,
Washington, D. C.

SIR: I wish to inform you that I have accepted the resignation of A. F. MACIEJEWSKI, Representative in Congress from the Sixth Congressional District of the State of Illinois, effective as of December 8, 1942.

Respectfully,
DWIGHT H. GREEN, *Governor.*

RESIGNATION OF HARRY P. BEAM AS MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication, which was read:

OFFICE OF THE GOVERNOR,
Springfield, December 9, 1942.

Hon. SOUTH TRIMBLE,
Clerk of the House of Representatives,
Washington, D. C.

SIR: I wish to inform you that I have accepted the resignation of HARRY P. BEAM, Representative in Congress from the Fourth Congressional District of the State of Illinois, effective as of December 6, 1942.

Respectfully,
DWIGHT H. GREEN, *Governor.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—SEVENTH QUARTERLY REPORT ON OPERATIONS UNDER LEND-LEASE ACT (H. DOC. NO. 904)

The SPEAKER laid before the House the following message from the President of the United States which was read and with accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States of America:

I am transmitting herewith the seventh quarterly report on operations under the Lend-Lease Act.

Since the last report, the war has entered a new phase. United Nations' forces attacking from Egypt and North Africa are contesting with the Axis for control of the African coast line of the Mediterranean. The Soviet Army, having held with stubborn bravery at Stalingrad, has now assumed the offensive. The Japanese have been recklessly expending ships and men in the Solomons, a battleground of our own choosing.

The Axis Powers have, temporarily at least, lost the initiative. We must do all we can to keep them from regaining it.

We must bring the full strength of all the United Nations to bear directly against the enemy. We must bring together our joint productive capacity and our material resources, our finished munitions and our fighting manpower; and we must do this in accordance with a single world strategy. That we are making good progress in this direction I think is shown by recent developments, and by this report on the part played by lend-lease.

We also have another task, which will grow in magnitude as our striking power grows, and as new territories are liberated from the enemy's crushing grip. The task is to supply medicines, food, clothing, and other dire needs of those peoples who have been plundered, despoiled, and starved.

The Nazis and Japanese have butchered innocent men and women in a campaign of organized terror. They have stripped the lands they hold of food and other resources. They have used hunger as an instrument of the slavery they seek to impose.

Our policy is the direct opposite. United Nations' forces will bring food for the starving and medicine for the sick. Every aid possible will be given to restore each of the liberated countries to soundness and strength, so that each may make its full contribution to the United Nations' victory, and to the peace which follows.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 11, 1942.*

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—SPENCER MEEKS (H. DOC. NO. 900)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 6545) for the relief of Spencer Meeks.

The bill proposes to pay the sum of $5,000 to Spencer Meeks, of 3901 Jefferson Street, Savannah, Ga., in full settlement of all claims against the United States for personal injuries sustained on May 9, 1941, when he was struck by a bullet fired from a pistol range of the Savannah, Ga., air base of the United States Army Air Force.

It appears that on May 9, 1941, test firing with a 30-caliber aircraft machine gun on an improvised pipe mount, to determine the suitability of this type of mount for ground defense of airdromes, was being conducted on the police range near the southwest end of the air field at the Savannah Army Air Base, Savannah, Ga. An Army officer was in charge of the tests and had selected the range to be used. At about the same time Spencer Meeks, a car repairer in the employ of the Atlantic Coast Line Railroad Co., while working at a bench in the shops of that company, located at a distance of about a mile from the range and in the general direction of fire, was

struck just below the left elbow by a missile, later identified as a 30-caliber projectile, which entered the room through a window.

As a result of the accident, Mr. Meeks, a left-handed man, 51 years of age, sustained a cut in the elbow of his left arm, together with a fracture of the radius bone at the point of the elbow joint. Medical evidence of record indicates that up to December 30, 1941, Mr. Meeks was unable to fully extend his elbow joint and was able only to flex the wrist joint to a 45-degree angle compared with a 90-degree angle for a normal joint, and that 50 percent of the power in his grasp had been lost.

While I favor payment to Mr. Meeks of compensation commensurate with the injury he has sustained due to negligence of the military forces, and through no fault of his own, it seems to me that the proposed payment of $5,000 is excessive. I am informed that a workman eligible to the benefits of the Longshoremen's Act for a similar injury and permanent partial disability equivalent to 50 percent loss of use of an arm would be entitled to compensation in the aggregate amount of $3,475.

Attention is also called to the fact that the Congress has recently enacted, and I have approved, a bill (H. R. 7149), for the relief of David E. Clark, a farmer 48 years of age, which provided compensation in the amount of $3,713.50. The claimant in that case had been shot by the recklessness of Army troops and the bullet had passed entirely through his body near his heart, having punctured his lungs and fractured two of his ribs. The medical evidence showed that Mr. Clark was incapacitated permanently to the extent of approximately 50 percent.

I regret, therefore, that I do not feel justified in approving the bill, but I would be glad to approve a measure which would provide compensation to Mr. Meeks more commensurate with the injury sustained by him.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 14, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend by own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES — LORRAINE NOVAK (H. DOC. NO. 901)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, the bill (H. R. 6781) for the relief of the legal guardian of Lorraine Novak, a minor.

The bill proposed to pay the legal guardian of Lorraine Novak, a minor, of New York, New York, the sum of $4,500 in settlement of all claims against the United States for personal injuries sustained by Lorraine Novak when she was burned by steam on January 28, 1942, as the result of project operations of the Work Projects Administration.

The accident resulted when a rubber hose, used to convey hot water from a heater to a concrete mixer, slipped from a pipe connection on the heater, causing hot water and steam to be sprayed over the area surrounding the mixer and upon Lorraine Novak, a child 4½ years of age, who was standing nearby on the sidewalk.

It appears that, as a result of the accident, Lorraine sustained severe second- and third-degree burns of the forehead, right side of face and ear, back of neck and right scalp. The attending physician states that the burns have healed, leaving scars which may be removed by plastic operations when the child reaches the age of 18. The cost of these operations and expenses instant thereto will run between $1,500 and $2,000. Medical expenses already incurred have amounted to only $60.

From the above it appears that the bill provides for the payment of the sum of $2,440 or more, depending on future expenses, as compensation for pain and suffering which, while I have full sympathy for the child in the injuries she has sustained, I consider somewhat excessive. It may be noted that under the Federal Longshoremen's and Harbor Workers' Compensation Act, benefits for serious facial or head disfigurement may not exceed $3,500, which maximum payment includes loss of earnings. In the instant case, however, there was no loss of earnings. I would be glad to approve the bill which would provide payment, in this case, of an amount more commensurate with the injuries sustained.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 14, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—L. W. COLLINS (H. DOC. NO. 902)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 1675) for the relief of L. W. Collins.

This bill would authorize and direct the Comptroller General of the United States to credit the account of L. W. Collins, former superintendent of Lassen Volcanic National Park, in the amount of $13,241.64, representing expenditures made by him while performing his duties as such superintendent.

While credit in the amount carried in the enrolled enactment was originally disallowed in the official accounts of Mr. Collins, there has since been collected by the Department of Justice, under a compromise agreement with Mr. Collins and his surety, the sum of $9,527.58 in full settlement of the Government's claim. I am advised, therefore, by the Comptroller General that since there are no disallowances against the accounts of Mr. Collins, the enactment of this bill would accomplish no purpose. In this circumstance, I feel constrained to withhold my approval of the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 14, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—EDWARD GILLEN DOCK, DREDGE & CONSTRUCTION CO. (H. DOC. NO. 899)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, the bill (H. R. 3468) for the relief of the Edward Gillen Dock, Dredge & Construction Co.

Several years ago, the United States acquired by condemnation proceedings certain property belonging to the Chautauqua Drainage and Levee District, in Mason County, Ill., for the purpose of converting the property into a wildlife preserve. The issue as to the amount of just compensation which the Government should pay for the property was litigated in court, and the amount judicially determined to be the fair value of the property was paid by the United States.

Some time previously to the acquisition of the property by the Government, the Edward Gillen Dock, Dredge & Construction Co., pursuant to a contract with the drainage district, constructed a levee on the property. The district paid to the Edward Gillen Dock, Dredge & Construction Co. part of the amount due to the latter under the contract, but a balance of $30,146.32 remained due and unpaid. The present bill would provide for the payment of this amount by the United States to the Edward Gillen Dock, Dredge & Construction Co. It is clear that in paying the just compensation awarded by the court upon the taking of the property in question, the United States discharged its legal and moral obligation in respect to it. No sufficient reason appears for making any additional payment to any other person. While it is to be regretted that the Edward Gillen Dock, Dredge & Construction Co. has not received from the drainage district all of the money that was owing to it, this circumstance does not constitute a proper reason for the Government assuming the indebtedness in addition to the liability to pay just com-

pensation, which it has already discharged.

In the light of the foregoing considerations, I regret that I am constrained to return the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 14, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—JOHN L. ALCOCK (H. DOC. NO. 903)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 3773, a bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment on the claim of John L. Alcock.

It appears from Government records that between May 1917 and February 1918, John L. Alcock, of Baltimore, Md., entered into contracts with certain lumber brokers in Scotland for the sale and delivery to them of a large quantity of spruce and fir lumber to be shipped from the United States. In turn he entered into contracts with certain lumber companies in Oregon, by which the latter agreed to sell and deliver to him certain spruce and fir lumber, it being his purpose to use the lumber to be so purchased by him for delivery against his contracts in Scotland.

Prior to February 18, 1918, part of this lumber was on railroad cars, either at Baltimore, or on the way to that city, pursuant to contracts made by Mr. Alcock with the lumber concerns in Oregon. There were 301 cars in all. On February 18, 1918, the War Department delivered to Mr. Alcock a priority certificate directing this lumber to be delivered at the direction of the Signal Corps. The latter ordered the shipments to be diverted and delivered to the Governments of Great Britain, France, and Italy.

The remainder of the lumber purchased by Mr. Alcock for the purpose of fulfilling his contracts abroad had not as yet been shipped, but had been contracted for. In April 1918 the War Department directed Mr. Alcock's suppliers to cancel his contracts and to discontinue shipments to him. This was done.

Subsequently, Mr. Alcock brought suit against the United States in respect to the lumber loaded in the 301 cars abovementioned, to recover the difference between the market value of the lumber and the amount actually received by him from the foreign governments, the theory of the suit being that the lumber had been commandeered by the United States. After a trial the petition was dismissed on the merits on the ground that there had been no commandeering in fact.

On May 28, 1928, an act of Congress became law which conferred jurisdiction on the Court of Claims to hear and determine the claim of J. L. Alcock for losses or damages, if any, which he may have suffered through the action by Government agencies in commandeering, requisitioning, controlling by compulsion or otherwise allocating or directing, the contracting for, or delivery of lumber which he owned or had sold. After trial on the merits, the court rendered judgment in favor of the plaintiff for the sum of $163,247.17 with interest at 6 percent for a period of over 14 years. This amount constituted the difference between the price for which Mr. Alcock had agreed to sell the lumber to his customers in Scotland, and the amount which he actually received therefor from Great Britain, France, and Italy.

Mr. Alcock also claimed that he was entitled to recover the profit that he would have realized on the resale of the remaining lumber which had not been shipped to him by his suppliers as a result of the above-mentioned War Department orders directing a cancelation of the contracts between Mr. Alcock and his suppliers. The court held, however, that Mr. Alcock was not entitled to recover on this item.

The purpose of the bill under consideration is to confer on the Court of Claims jurisdiction to render judgment on the last-mentioned item of the claim, which amounts to the sum of approximately $195,000. It contains a direction that the Court of Claims should measure the losses and damages, if any, sustained by Mr. Alcock by the difference between what he would have received from the foreign purchasers on delivery of the lumber f. o. b. cars at the mills, and the amount he had agreed to pay the American mills f. o. b. cars at mills.

It will be observed that what the claimant seeks to recover is the profit he would have realized on a resale of the lumber had he been able to secure the lumber from his suppliers, and had he been able to deliver it to his customers in Scotland. It appears to be the theory of the legislation that the Government should be held liable merely because it requisitioned the lumber in the hands of Mr. Alcock's suppliers and thereby presumably rendered it impossible for them to fulfill their obligations to Mr. Alcock. In the conduct of war, however, the Government is frequently constrained to requisition and allocate material. In case it requisitions material, it pays just compensation. There is neither a legal nor a moral obligation on its part, however, to reimburse persons who would have purchased the material so requisitioned and would have realized profits on its resale.

Moreover, it should be observed that the approval of this bill may create an undesirable precedent for numberless similar bills in behalf of individuals whose contracts have been or may be frustrated during the present war by reason of requisitioning of materials from their suppliers, priorities, and allocations. The limitless financial burden that would result is one that the Government should not in equity and good conscience be required to undertake.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 14, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the President of the United States, which was read and referred to the Committee on the Civil Service:

THE WHITE HOUSE,
Washington, December 11, 1942.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: The Government of the United States, which is the largest single employer in the Nation, has permitted a condition to develop regarding rates of pay, hours of work, and overtime compensation, for its civilian employees, which is grossly unfair, is one of the major causes of needlessly high personnel turn-over, and is impeding the successful prosecution of the war effort. This condition may be summarized briefly as follows:

(a) The pay rates for most mechanics, tradesmen, and laborers in navy yards, arsenals, and other production establishments of the Government are fixed and adjusted to correspond with prevailing wage rates for similar work outside the Government service in the same locality. These pay rates have kept pace with the increases in wages which have occurred in private industry; hours of work for these groups have generally been set at a minimum of 48 per week, and the earnings of these employees have been further increased through the receipt of overtime compensation at time and one-half rates for work in excess of 40 hours per week. The situation with respect to these employees corresponds with that pertaining to industrial employees and represents a satisfactory condition which requires no change.

(b) The pay rates for the positions held by most salaried employees—clerical workers, postal employees, hospital attendants, professional, scientific, technical, and administrative employees—are generally fixed by statute and cannot be adjusted by any administrative action. Except for recent increases in the rates of pay for custodial employees, the last general readjustment of salary rates occurred in the 1928 and 1930 amendments to the Classification Act and in 1925 insofar as the Postal Service is concerned. The workweek for these types of employees has been extended to 48 hours in the War and Navy Departments and to 44 hours in other departments and agencies, with the exception of the Postal Service, where the amount of overtime varies with the volume of work in each locality. The Government service would generally have been placed on a 48-hour week, except for the existence of the Saturday half-holiday law, which has already been suspended insofar as the War and Navy Departments are concerned, but still requires in other agencies of the Government compensatory

time off for work in excess of 4 hours on Saturday.

(c) In four agencies of the Government, namely, the War Department, Navy Department, Maritime Commission, and National Advisory Committee for Aeronautics, specific legislative authority has been granted to pay overtime compensation to certain groups of these salaried employees for work in excess of 40 hours per week. But other employees in the same agencies and in other agencies of the Government performing similar work, whose hours of duty have been lengthened beyond the peacetime workweek of 39 or 40 hours, cannot be paid overtime. This is a complete violation of the principle of equal pay for equal work, which has been the guiding policy in Federal pay matters since the enactment of the Classification Act in 1923. The authority for the payment of this type of overtime compensation to groups in the War and Navy Departments expired on June 30, 1942, and has since been twice extended by joint resolution, the last extension expiring on November 30, 1942.

I approved these extensions of existing authority to pay overtime compensations to limited groups notwithstanding the gross unfairness and inequalities which this condition created, because the Congress had been considering various means of solving this urgent and complicated pay problem. I felt that by approving these extensions of overtime compensation authorization, opportunity would be afforded to arrive at an equitable solution which would meet the needs of the Government service and of the employees involved.

It is my judgment that any further temporary extension of this authorization to pay overtime to limited groups of employees is only perpetuating a bad situation and should be avoided. However, it can be avoided only by immediate action on the part of the Congress to deal realistically with this entire problem. Unless immediate action is taken, hundreds of thousands of employees in the War and Navy Departments will suffer a severe cut in earnings for the first half of December because of the stoppage in the payment of their overtime compensation.

I realize that the enactment of an adequate solution to the problem presents difficulties. I am not wedded to any particular formula for its solution. But I feel the problem is so urgent that unless the Congress is able to arrive at a solution within the next few days, legislation should be enacted that would delegate to the Chief Executive authority to deal with problems of wage and salary rates, hours of work, and overtime compensation within the Federal service, during the war period or until such time as Congress may otherwise provide.

I am sending an identical letter to the President of the Senate.

Respectfully,

FRANKLIN D. ROOSEVELT.

SPECIAL ORDERS

The SPEAKER. Under special orders heretofore made, the Chair recognizes the gentleman from Pennsylvania [Mr. RICH] for 25 minutes.

PRESENT-DAY DANGERS TO OUR FORM OF GOVERNMENT

Mr. RICH. Mr. Speaker, this is probably one of the last times I shall address the House of Representatives as a Member, and I ask the indulgence of the Members that I may proceed without interruption at least until I have consumed the major part of the time which has been allotted to me today.

It seems only a short time since that Monday, December 1, 1930, when, with 12 others, I approached the rostrum to take the oath of office as the successor to the Honorable Edgar R. Kiess, who had served his district and State in this body with distinction for more than 17 years. Incidentally, I am the last of that group of 13 to retire from this august body.

As you all know, I was not a candidate, either in the primary or the recent election. But my retirement from this body in no way shall abate my interest in, and concern for, the future of the United States.

During my several terms in this body, I have served under six Speakers—great Americans all. I shall always cherish my association with each of them, as well as the membership of the House during those years.

Likewise, during the years I have been with you I have come to the conclusion that the membership of this body represents a fair cross-section of the American people, and that the actions taken here have almost without exception reflected a cross-section of American public opinion.

With this thought before you, I now approach near to the subject matter of this, my last appeal to you and the people.

When I became a Member more than 12 years ago, our country was in the beginning of an economic cycle called a depression.

In 1930 there were less than 550,000 employees on the Federal pay rolls, the annual appropriations were running around $4,750,000,000 a year, and being reduced, while the national debt was only $16,187,000,000.

In view of the situation today, with over 2,600,000 Federal employees, and the national debt over $100,000,000,000, I feel that I have been justified in the past in propounding the question, Where are you going to get the money? You can see from the pile of Government statements on the table that I have watched it grow each day in debt.

Today I recall with a great deal of satisfaction my service with the distinguished gentleman from Missouri [Mr. SHANNON] and the eloquent gentleman from Georgia [Mr. COX], and Sam Pettengill, of Indiana, and Stafford, of Wisconsin, of the special committee appointed pursuant to House Resolution 235, to investigate Government competition with private enterprise, Seventy-second Congress.

The investigations which these gentlemen conducted and the report which they submitted, in the light of subsequent events, has become both a historic and prophetic document.

I say this because it was none other than the distinguished legislator from Georgia who declared:

> We have gone so far with the policy of undermining the economic foundations upon which this country was founded and builded that we are in great danger of social disturbances of the first magnitude.

Mr. Speaker, the danger that was apparent to the gentleman from Georgia in 1933 is no less apparent today.

In 1932 the Democratic Party platform contained the following plank:

> We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government, and we call upon the Democratic Party in the States to make a zealous effort to achieve a proportionate result.

This plank was endorsed by the candidate in his address of October 19, 1932, at Pittsburgh, in which he said:

> I shall approach the problem of carrying out the plain precept of our party, which is to reduce the cost of current Federal Government operations by 25 percent.

Mr. Speaker, the record will show that I have been a consistent advocate of economy in Government, and that, as an expression of my attitude, I introduced as an economy measure the bill H. R. 4711 on December 8, 1931, which was to reduce by 10 percent the salaries, pay, and wages received from the United States during the calendar year 1932.

When I look back over the past 10 years, I am moved to reflect what little confidence we can put in campaign promises, or, for that matter, in party platforms.

As I think of all the new agencies we have created, of all the bureaus and commissions that have been piled upon an already overloaded Government, when it was assured to the people it would be otherwise, I sometimes wonder that this Government and particularly this Congress has survived. Never before in history, Mr. Speaker, has any government anywhere in the world stood up under so many assaults, both from within and without, as has this Republic during the past 10 years.

For 10 years an army of alien-minded internationalists, crackpots, and intellectual visionaries have been trying to remake the American pattern of life.

For 10 years they have attempted to hybridize our constitutional form of government.

They have sought to invade the legislative field of the Congress through the medium of Executive orders and administrative procedures. An overstaffed army of bureaucrats has descended upon Washington and government has become a hodgepodge of conflict enmeshed in procedural red tape that only quick and courageous action by the next Congress can end.

Today I do not chide you for the past, but I do appeal to you for the future of our country. This is not a partisan appeal. It is an American appeal to save our Constitution, to save our American way of life, to save our homes, our schools, our institutions from the hy-

bridizing process, that has already gone too far for the safety of America.

The danger to our institutions lies not alone in the almost overwhelming national debt, which before this war ends may reach the stupenduous total of $300,000,000,000, but in the uses to which much of the money we have appropriated has been put. I am convinced, Mr. Speaker, that aside from winning this war, upon which we are all united, there is but one single issue confronting this Nation today. I shall speak boldly and frankly. That issue is a choice, on the one hand, between our own republican form of government based upon economic nationalism, States' rights, self-sufficiency, with the guaranty of the maximum enjoyment of individual liberty and freedom of initiative, or, on the other hand, some polyglot form of government, semicommunistic in style, with economic internationalism as its goal and the initiative and liberties of the people curbed by some form of bureaucratic dictatorship.

This issue is not a complicated one, but is made so to appear by the skillful maneuvering of those who would betray this Nation and deliver its people up to some world's supergovernment.

The proponents of an international policy are not without friends in the present administration or among some of the people who still believe the United States is but an outpost of some foreign government.

This, in my opinion, is the next issue which will confront the American people and the Congress.

You will surely be called to task by the people if funds are voted to continue any adventures into the international field of social or governmental economics that do not have as their first objective the preservation of ideals purely American.

In the years that have passed, the proponents of economic internationalism have used recurring crises and emergencies as the springboard for their activities. Their speakers have taken the rostrum at every opportunity to promote their cause.

Now they use the present world conflict as a cover-all for their activities. Organizations, here and abroad, are planning a new world order, not only for our own people, but for the peoples of other lands, who have, insofar as I have been able to discover, not been consulted in the matter.

Almost every day in the press, and in the handouts from various governmental agencies we find indications of a great force active in this Nation, working to undermine the ideals upon which our Government was founded.

Under a war economy, we all willingly submit to certain sacrifices and certain restrictions. We will share our food, and willingly, with those who join with us to combat the common enemy. No one worthy of the name American can do less.

But when it comes to clasping to our breasts and adopting as our own any alienism ideals, I can assure you, gentlemen of the Congress, that the American people will resist.

This "government of the people, by the people, and for the people" will not succumb without a desperate struggle on the part of those who believe in government by law and equal justice under law.

THE ASSAULT UPON STATE RIGHTS

During the years in which the assaults against our Government have been carried forward, there has also developed an assault against State rights, against American industry, and against American labor.

Federal bureaucrats by the thousands have invaded the States to impose rules and restrictions upon the farmer, the producer, the middleman, and the consumer.

Agriculture has been regimented, industry has been reviled and discouraged and the people in general have been encouraged in an attitude of futility to any resistance to the new order.

Labor, too, has received its share of attention by the planners of this new order. Today, in some communities, the right to work in certain trades and industries is entirely dependent upon the conditions laid down either by a governmental bureau or a labor union.

ASSAULT UPON THE INDIVIDUAL

Besides the assaults upon the Government, and upon the States, the rights of the individual have likewise been subject to assault from many directions.

We are rapidly moving into an epoch where every citizen must be a conformist to the "master plan" devised by the Washington bureaucrats for the new order.

Permits, licenses, and other what-nots are being superimposed upon the business and economic system of the Nation.

From Washington a constant barrage of propaganda is directed at the people through the medium of the press, the radio, and the motion-picture industry.

The channels of public information are so clogged with propaganda, that truth and information become difficult to distinguish or recognize. But through all the propaganda there is a pattern of policy that spells disaster for our form of government and our concept of human relations.

Against this propaganda there is only one defense and that is an informed citizenry devoted to the maintenance of the "four freedoms" here at home.

THE PUBLIC DEBT

On Thursday, December 9, the Department of Commerce announced the net indebtedness of individuals, business firms, and government in the United States totaled more than $185,000,000,000 at the close of 1941. Of this total, more than $120,000,000,000 represented private debt, while the remainder constituted obligations of Federal, State, and local government.

With the Federal debt now over $100,000,000,000, it is my opinion that the net indebtedness of individuals, business firms, and government at the end of the present calendar year will be close to or over $250,000,000,000.

Debts have always been, and always will be, a threat that portends human and economic slavery.

Debts in the past have also been the tools of dictatorship.

We are approaching the danger mark in our debt structure.

Therefore, sound fiscal management becomes imperative in the days that lie ahead. This debt problem has been a cause of worry to many of our truly great men. Thomas Jefferson in the third year of his first term wrote:

> We are endeavoring to induce the Government to the practice of a rigorous economy to avoid burdening the people and arming the magistrate with a patronage of money which might be used to corrupt the principles of government.

To James Monroe, in 1791, he wrote:

> We are ruined if we do not overrule the principle "the more we owe the more prosperous we shall be"; "that the public debt furnishes the means of enterprise"; "that if ours should be paid off, we would incur another by any means, however extravagant."

Again, in 1802, as President Jefferson wrote:

> If we can prevent the Government from wasting the labors of the people under pretense of taking care of them, they must become happy.

And in the declining years of his life Jefferson wrote to his friend Lafayette, in 1823:

> A rigid economy of the public contributions and early interdiction of all useless expenses will go far toward keeping the Government honest and unoppressive.

Mr. Speaker, we all know that for nearly 10 years this Government has been wasting the labors of the people in many ways. The folly of this wasting is now apparent. We are, thank God, about to mend our ways. We are going to cut the appropriations to the bone, and even part of the bone itself, if I have correctly interpreted the substance of an interview with the distinguished chairman of the Appropriations Committee as reported in the press. This is a salutary promise. It bespeaks an awakening to a dangerous situation. I trust that the next Congress will make right and proper appropriations for the national defense and the war, but that they will turn a deaf ear to every appeal from the boondogglers, the wasters, and the "lecherous" group who have affixed themselves to the Government pay rolls in the past, as well as political parasites.

A fine start could be made, may I suggest, by weeding out the thousands of publicity men and information specialists now operating the Office of War Information, and turning this function over to the gentlemen of the press, who, I believe, are still capable of digging up and interpreting the news for the people.

We might also in good conscience dispense with the services of many of those now on the Federal pay rolls who are busy planning the new economic order for the world after the war is over. This advance planning for others may backlash in a way totally unexpected.

It is a dangerous policy and should be abandoned.

In taking the floor today to address you, my remarks are not directed at any individual or any political party.

My thoughts are for your country and my country, and it is with that thought in mind I speak.

During the years here I have come to a better understanding of human life and human desires. I have also come to a realization that what we do here today may affect the lives, the hopes, the aspirations of future generations.

So, in concluding my remarks, I shall quote the words of Daniel Webster in his matchless eulogy on George Washington, delivered in 1832, wherein he said:

> Other misfortunes may be borne or their effects overcome. If disastrous wars should sweep our commerce from the ocean another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvests.
>
> It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt.
>
> But who shall reconstruct the fabric of demolished government?
>
> Who shall rear again the well-proportioned columns of constitutional liberty?
>
> Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity?
>
> No; if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art, for they will be the monuments of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

This is my farewell message to you, my colleagues. May God give you who will return next year the wisdom and strength to carry on in the spirit of the founding fathers. Quite appropriately, in keeping with the season, I wish you each and every one a merry Christmas, a happy new year, and may God bless and protect you, one and all.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. MARTIN of Massachusetts. I rise to say to the gentleman from Pennsylvania, and I think I voice the sentiments of all of us in this House, that we are very sorry to see him leave. We may have differed with him on occasion, but no one ever questioned his courage, his integrity, or his zeal to work for what he believed was best for his country. He has been a courageous Member of this House. He has not been afraid to do the disagreeable things which many shrink from. As a result of his tireless industry and his ceaseless watchfulness, he has saved the taxpayers hundreds of millions of dollars. We regret to see him go, because we need more than one "watchdog of the Treasury" as we move toward the abyss of wild inflation or national bankruptcy.

"BOB" RICH leaves with our best wishes for happiness and prosperity in the years ahead; and may they be legion.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. ARENDS. I want to say that during the 8 years I have been in Congress, I have enjoyed my association, both on and off the floor of the House, with the gentleman from Pennsylvania. I admire and respect him for his honesty, sincere convictions, and for his doggedness and determination in doing the things that he believes to be right. I regret that his oft-repeated question, "Where are you going to get the money?" still remains unanswered by anyone. Some day it may be answered, but before the gentleman leaves this House, I hope that he will delegate to someone else the right to ask that question from time to time. It has been a pleasure to serve with such an upright Christian individual like the gentleman from Pennsylvania. I regret more than I can say his voluntary retirement from this House, because he has served such a worth-while purpose, both to his district and to the Nation.

I am glad of the privilege that has been mine to know and associate with you, Bob, and to always remember you as my good friend.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. FISH. Mr. Speaker, I believe all Members of Congress, whether they always agree with the gentleman from Pennsylvania or not, appreciate the very able work that he has been doing in trying to keep down appropriations. I think all Members, Democrats and Republicans alike, are sorry to see him leave because they recognize in him an able, honest, and courageous legislator, one who has the courage of his convictions, and an outstanding American. In speaking these few words I feel that I represent Members on both sides of the House. We are very sorry that he will not be with us in the next Congress as we will need his brand of courage and Americanism in solving the tremendous problems with which our country will be confronted.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. EBERHARTER. Mr. Speaker, I listened to the remarks of the gentleman from Pennsylvania, my colleague. I think I can say that I speak for practically all of the Members on the Democratic side of the House when I say that he has the respect of all for his sincerity and his devotion to duty. He has done everything that he possibly could for the best interest of the country, according to his own conscience, and it is certainly a regret to many Members personally that he decided to not again become a candidate for office. He has been diligent, faithful, and true to his convictions, and not afraid to express his ideas, thus gaining the respect of every Member of the House. I know personally that his service has been of much benefit not only to his constituents, but to the State of Pennsylvania and to the country at large. I wish for him and his family the utmost in health, happiness, and success for many years to come.

Mr. KLEBERG. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. KLEBERG. Mr. Speaker, I have served in the House along with the gentleman from Pennsylvania. I came here after a special election, just a year before the gentleman himself came. It has been my privilege to listen to most of the many remarks that he has made on this floor. I express regret that he was unable to find an answer to his celebrated question of where we were going to get the money during that period, but no one can charge the gentleman with a faltering determination or a lack of endeavor to get an answer to the question. This gentleman has been untiring in his devotion to the rights of the people. He has been unfaltering in his study of this Government and in a desire to uphold one of the pillars on which its stability rests, namely, State rights. I compliment him upon that and for another thing. I do not believe there is a Member of this House more unfailing in his efforts to serve both his people in his district and the people of this Nation in accordance with what he honestly in his heart thought was right. We are going to miss him. I as an individual will miss him as a friend, and I wish him well and the merriest of Christmases and lots and lots of happy new years.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. GRAHAM. Mr. Speaker, this has been a happy day so far. Two gentlemen who have spoken are both going into voluntary retirement. I know I voice the sentiment of my fellow Republicans in the House when I wish the gentleman well. We will miss the gentleman and his courage and straightforwardness and his honesty. He has been very helpful to us in Pennsylvania in the councils when we have met and he has furnished us a guide by having the courage to go down in the Well and speak his thoughts. So we say to him, may God be with you. All I can say is in the language of psalmist:

> Commit thy way unto the Lord, trust also in Him, and He shall bring it to pass.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. O'CONNOR. Mr. Speaker, I could not permit this opportunity to pass without saying a few words concerning the distinguished gentleman's record as I have observed it during the past 6 years. Like one of the distinguished gentlemen who has already spoken, I may say that the gentleman has seldom addressed the Members of this House when I have not tried to hear what he was saying. He has always made valuable contributions to the service of his country. There were times of course when we could not agree, but we always admired the gentleman's courage and gave serious thought to his advice. The gentleman has always had the intestinal stamina to tell the country what he thought and why he thought it. The distinguished gentleman from Pennsylvania, though he comes from an industrial section, has always been sympathetic to the agricultural interests of the country and to the interests of my own

great State. Although at times he may have had to strain a point, he helped us of the West in our great reclamation projects and exhibited an understanding of them not given to all Members from the East.

The gentleman will be missed not only in this House but he will be missed by his State and by the Nation, and may God bless him.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. RICH. I yield.

Mr. RANKIN of Mississippi. Probably no man in the House has crossed swords with the distinguished gentleman from Pennsylvania [Mr. RICH] more often than I have, but I have always found him a foeman worthy of my steel.

I can say for him that he has been sober and on the job ever since he has been in Congress. He has that rare quality so essential and so necessary for a successful legislator, that is, moral courage to express his convictions. He has won the love, affection, respect, and esteem of the entire membership of this House. I want him to know that wherever he goes he will carry with him our best wishes at all times. I trust that he may always enjoy those blessings which Shakespeare refers to as "honor, love, obedience, and troops of friends."

The SPEAKER pro tempore (Mr. MILLS of Arkansas). The time of the gentleman from Pennsylvania [Mr. RICH] has expired.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and insert an article by Ernest G. Draper on small business, as appearing in yesterday's Washington Post.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD and incorporate therein two short letters.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to extend my remarks and include a short article in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that on tomorrow, after the other special orders I may address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Wednesday I may be given 30 minutes in which to address the House, after the other special orders.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 30 minutes.

BONNEVILLE POWER, PAST, PRESENT, FUTURE: A REVIEW OF LEGISLATION, CONSTRUCTION, AND OBSTRUCTIONS

Mr. PIERCE. Mr. Speaker——

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield for a moment? I am compelled to leave in a few minutes.

Mr. PIERCE. I yield to the distinguished gentleman from Texas.

Mr. SUMNERS of Texas. I want to say with reference to my dear friend, the distinguished speaker at the moment, that no Member of this House will be missed more. Nobody has rendered more faithful or earnest effort to make a substantial contribution to the work of this House. If I may have permission, I shall extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. I want to say just one other thing. I wish the country as a whole could look in on this proceeding today. It is a great compliment to the House, to the genius of the American system of government, that men may earnestly differ on each side of this aisle and differ with respect to each other. If I may make this observation, I think that the deliberation of this House and the attitude of the Members is a demonstration of the fact that in the formation of policy it is necessary to have a great many people, coming from various sections of the country. The gentleman from Oregon, who is now about to address us, has made a most valuable contribution in that direction. I am proud to recognize myself as his friend.

Mr. PIERCE. On Wednesday I will deliver my last speech in this House and it will be partly on the Agricultural Adjustment Administration and in a measure in reply to the remarks of the gentleman from Texas made a few days ago on the farm problem in this situation. I would be pleased indeed to have the gentleman in the audience at that time. Today I am speaking on the Columbia River and on tomorrow I will close my discussion on timber. On Wednesday I will close with my remarks on the work of the Committee on Agriculture, particularly with reference to the A. A. A., with some degree of reply to the brilliant address made by the gentleman from Texas [Mr. SUMNERS], a few days ago, in which he tried to picture the position of the farmers in the present crisis.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. Mr. Speaker, this may not be the last speech of my distinguished friend from Oregon [Mr. PIERCE] in the House, but in my opinion it will be his most important address.

I want to say at this point, and I say it advisedly, that he has done more for the power consumers of Oregon than any other man of his day and generation. I know whereof I speak, because we worked together for the passage of the bill that now provides the people of his State with electricity from the Bonneville Dam.

In doing so he has left his footprints on the sands of time. The influence of his work will last long after he has disappeared from the stage of action.

An old man, going a lone highway,
Came, at evening, cold and gray,
To a chasm, vast and deep and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide,
Why build you the bridge at the eventide?"
The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him."

The gentleman from Oregon has built for the youth of the Northwest for all time to come.

Mr. PIERCE. I thank my friend from the Southland for his beautiful, eloquent words.

Mr. Speaker, many times during the last half century I have stood on the southern bank of the Columbia River and watched with eager interest the white-crested waves with their latent electric power rushing in a wild race to the sea. As I have looked, I have visualized one of the most magnificent natural settings on this globe. Those restless waves, carrying such enormous potential value, start from the glaciers and the snowfields of the Rockies and the Selkirks, high on the western slope of the Continental Divide. Gathering numerous smaller streams, the Columbia River, as it passes along the northern boundary of Oregon, carries nearly half as much water as the great Mississippi. This river is, without question, the finest, most valuable electric power stream in all the world. Army engineers have estimated, after careful survey, that it can provide 50 percent as much power as is now produced in all the United States. Twenty million kilowatts may be developed on this river and its tributaries, and the entire United States is developing only a little more than 40,000,000 kilowatts of salable electricity.

MY EFFORTS TO HAVE THE POWER USED

As I have gazed on this magnificent stream in its primitive greatness, power, and strength, I have often wondered whether its benefits would inure to the people or whether they would be acquired by the strong financial groups which have such a stranglehold on governmental organizations that they can

exact tribute from all the people and make them believe they cannot run their own business.

I have, at various intervals, tried to arouse public interest in this great natural resource. I helped to organize the Oregon State Hydro-Electric League many years ago and as Governor I tried to interest people in developing the power of the Columbia River. When I heard Franklin D. Roosevelt state in September 1932, that the next great Federal development of electric power must be made on the Columbia River, my heart leaped with joy. I then realized that the dreams of a half century might come true.

As a Member of the Congress for the last 10 years, I have frequently spoken on this subject. I have appeared before various committees, asking for appropriations to install generators and to construct transmission lines. I have done everything within my power to promote and bring to early completion the dams and powerhouses at Bonneville and Coulee. As I saw the dark clouds of war gathering over our land, especially after Munich, I redoubled my efforts to bring about early completion of the two Columbia River power plants with their possibility of developing two and one-half million kilowatts which would be needed to alleviate the threatened power shortage which I could not make Washington officials understand. This great development is only one-eighth of the amount feasible from this river and its tributaries.

A year ago when the Japanese so treacherously struck at Pearl Harbor, these plants were nearly 50 percent completed and today they are pouring into the transmission lines nearly a million kilowatts which are being used to make aluminum and magnesium, and to drive the fast-moving machinery of factory and shipbuilding in the Pacific Northwest.

PUBLIC OWNERSHIP AND DISTRIBUTION

From platform and in the Halls of Congress, I have done everything in my power to make the people understand that they themselves should distribute electric current without depending upon financing and operation by absentee holding companies and their satellites. The sons and daughters of the pioneers who settled the Pacific Northwest have certainly lost the independence and driving power of their fathers who were able to overcome so many obstacles in their paths, if they continue to be persuaded that they are incapable of themselves distributing, among themselves, this electric current.

Through newspapers and by various agencies and with bribery and corruption the private utilities have delayed the public power movement. There is sworn testimony that private utilities have spent a million dollars within the past 10 years to influence public opinion in the Northwest. I know the desperate fight the people will have to make if they keep for themselves the benefits of the Columbia River.

ELECTRIC DISTRIBUTION AN IDEAL BUSINESS

Since Edison divided the current and made the incandescent lamp possible, the selling of electricity has become one of the finest and most profitable businesses in which capital can be invested. Here are a few of the reasons why men engage in the light and power business and seek to monopolize it:

First. To most people it seems like magic and reserved for experts to handle. Nobody knows what electricity is; nobody has been able to see it or to give an understandable definition of this greatest of all Nature's gifts to mankind. We know only how to create it and use it.

Second. The quantity is inexhaustible, and as it may not be successfully stored, it must be used as generated.

Third. It is an essential commodity because the electric current lights and heats homes and turns the wheels of industry.

Fourth. It is a natural monopoly; no city would permit duplicating and competitive sewer or water systems, and every community should have but one transmission system delivering electricity to homes and factories and lighting its streets.

Fifth. No other business needs as small a pay roll, for, when once installed it requires but few men to watch the wheels go around and read the meters which are not generally understood by customers, so they cannot measure the current and figure the cost of the electricity they use.

Sixth. The seller has no bad accounts because cutting of the wire leaves the home or factory in darkness and bills are promptly paid for self-protection.

Seventh. Electricity is an ideal light, a perfect power, which can be turned off when not needed and called upon at any moment to perform its work.

Eighth. No advertising expense is necessary, for it sells itself, and buyers want it in ever-increasing quantity.

Ninth. In most factories expensive machinery must be constantly renewed. It is not so in the electric light and power business depending on streams which flow on; dams are permanent and hydroplant repairs are inexpensive.

Tenth. There is no bad capital investment if the business is honestly conducted because, being a utility, it falls under the control of State commissions, which universally have the right to fix rates high enough to pay expenses and interest on investment. It is, in fact, a cost-plus business, ideally perfect for Wall Street financiers who are the absentee overlords of most operating companies. It is also an ideal business for cooperative community effort.

STEALING COLUMBIA RIVER POWER

As I have dreamed of the possibilities of regional advantages because of this water power, I have often said, "Watch out, Wall Street will yet steal the power of the Columbia River." This will be and is being accomplished through forced interconnections and long-term contracts between Bonneville Administration and the private utilities. These private companies should buy and not borrow Bonneville power and they should not dictate the terms.

There must be legislation creating a Columbia River Authority to control power policies for the Federal plants on the Columbia River. Thus only can be prevented repetition of the Niagara scandal, and monopolization of the power by private utilities and the Aluminum Company of America.

I have stood at Boulder Dam and watched the struggling waters as they turned the turbines there and transmitted power over wires to the millions of southern California. Yes; some advantage has come to those people but much of it was lost by the insistence of President Hoover that the power must all be sold and contracted for by private companies and monopolies or by municipalities before the appropriations could be made for the development. We were not so handicapped on the Columbia River, for President Roosevelt evidently started the development with the intention that the people of the Northwest should enjoy its benefits. One of my great regrets in retiring from Congress at this time is that I cannot fight in the front ranks in this battle to save the power of the Columbia River for the people.

This electric power can make a new world in the Pacific Northwest because it is available at one-third of the cost of any steam-generated power in any section of the world. I have visioned our rapid development in the light-metal age just ahead. If Wall Street is successful in its fight to take tribute from users of Columbia River power, the people will lose their heritage and the future of the Northwest will not be bright.

The power of the Columbia River is worth a thousand million dollars. This power is more valuable than all the gold mines in the United States. This year, 1942, its electric power will bring into the United States Treasury over $7,000,000; next year it will bring into the Treasury over $15,000,000. This is the income with only one-half completion of the possible generation at Bonneville and Coulee and with power sold at the cheapest prices in the world. The two projects develop only about one-eighth of the possibilities of the River. They exhaust no natural resources, for the river will run as long as day returns, as long as winds drive the moist air against the mountain tops. Oh, that the bankers, the newspaper owners, the merchants, the farmers, the professional men, the laboring men, all classes, would make a supreme effort to save this great heritage for themselves and their children!

THE LEGISLATIVE HISTORY

Because I think it important to preserve the history of the electric development of the Columbia River, I am recording in the CONGRESSIONAL RECORD the legislative steps, the story of the construction and something of obstructions overcome. All this must be understood by those who legislate and appropriate in the future.

When the full history of these times is written, I feel certain that the accomplishments of this Administration in the development of electric power will be given a high place in the record of national progress. The initial vision in this

field came from our Chief Executive and his immediate advisers, but it devolved upon the Congress to translate this vision into an accomplished fact. I was present at the birth of this idea, having been given the opportunity of introducing Candidate Roosevelt to his Portland, Oreg., audience when he first presented his now famous power principles and outlined plans for the Columbia River development. As a Member of Congress, I have had a substantial part in translating these policies into law and action. However, during the last campaign, the record of this fine accomplishment was clouded by irrelevant issues. I found that Congress was censured because of deterrent circumstances and conditions that resulted entirely from the decisions of reactionary temporary war agencies.

My purpose today is to record the legislative history of the Columbia River project so that the record will be straight and the acts of Congress placed in their true light as a foundation for future Congresses to build upon. I do this to demonstrate that Congress acted with vision and foresight and to show that, without this vision, our maximum war effort would have been greatly delayed, entailing large losses of life and treasure. I also wish to offer some constructive ideas for the benefit of those who must make future decisions on legislation relating to electric-power development and use in order that the principles Congress has written into law will be perpetuated and furthered. These observations are based on nearly 40 years' experience covering activity as a power constructor and operator, as a public administrator, Governor of a State, and as a member of State and national legislative bodies.

LEGISLATIVE HISTORY OF COLUMBIA RIVER POWER PRIOR TO 1932

During the last World War the possibility of developing the power resources of the Columbia River was the subject of renewed interest and discussion, but no positive action was taken except routine reports by the State engineer of Oregon, and feasibility reports by the Bureau of Reclamation. Several years prior to that time we had organized a public-power league to encourage interest and study of the possibilities—the Oregon Hydro-Electric League.

The first congressional action came with the passage of the Rivers and Harbors Act of 1925, which is Public 585 of the Sixty-eighth Congress. This 1925 act directed the Secretary of War and the Chief of Engineers to prepare and submit to Congress an estimate of the costs of surveys of navigable streams where power possibilities might be considered feasible. This act was the first step of the legal procedure needed to formulate plans for the multipurpose improvement of the outstanding waterways of the country.

Pursuant to this authorization the Secretary of War submitted a report to the succeeding Congress, which was printed as House Document No. 308 of the first session of the Sixty-ninth Congress. This report included the Columbia River and its principal tributaries, and resulted in congressional authorization in the Rivers and Harbors Act of 1927 for the recommended surveys.

As a result of the 1927 authorization the Corps of Engineers proceeded with the necessary investigations, examinations and surveys in order to formulate general plans for effectuating the multipurpose development of the Columbia River. In March of 1932, on the completion of the authorized investigations, the Secretary of War submitted a report to Congress covering full details of the proposals embodied in the previous authorizing legislation. This report was printed as House Document No. 103, first session of the Seventy-third Congress. This House Document was a comprehensive report and laid the foundations for the development of the Columbia River into the largest system of low-cost hydroelectric power possible in the United States. Therefore, at the time of the President's Portland speech in September 1932 the necessary surveys, reports, and groundwork plans were available to formulate the policy governing the construction and operation of the Columbia River multi-purpose dams and plants.

GRANTS OF MONEY

With this foundation and the enactment of the N. I. R. A. Act of 1933, the Secretary of the Interior, as Public Works Administrator, made allotments to the Secretary of War for the purpose of starting the construction of the first Federal dam on the Columbia River, to be located at Bonneville. Work on the Bonneville Dam was commenced on September 30, 1933, under the direction and supervision of the Corps of Engineers, as Public Works Project No. 28. Grand Coulee was also started as a Public Works allocation on January 1, 1934, under grant OPO 5–5, dated August 10, 1933.

Growing out of the Colorado River controversy, the Supreme Court, in 1935, handed down the so-called Parker Dam decision, to the effect that dams on navigable streams could be constitutional by only congressional action. Executive grants or allotments were declared not constitutional for such a purpose. As a result, Bonneville and Grand Coulee were then authorized by Congress, in the Rivers and Harbors Act of 1935, which is known as Public Law No. 409, Seventy fourth Congress, approved August 30, 1935.

THE FUNDAMENTAL BONNEVILLE ACT

As early as 1935, Congress was informed that the first two Bonneville generating units would go into operation about the middle of 1938, without any basic marketing and administrative authorizations. Following the passage, in 1935, of the authorization act—Public, 409—bills were introduced, in 1935 and 1936, intended to cover the administration of these facilities. These bills did not receive the benefit of any extensive committee hearings and were never reported out for action.

In January 1937 the President created, by Executive order, a National Power Policy Committee headed by Secretary Ickes and instructed to formulate policies governing the operation of the Columbia River projects. This committee drafted a proposed Bonneville bill, which was immediately offered in both Houses and extensive committee hearings were initiated.

The Pacific Northwest is greatly indebted to our esteemed colleague from Mississippi, the Honorable JOHN E. RANKIN. Without his counsel and assistance, the Columbia River plants with their vast war contributions would not have been possible. Shortly after the original national power policy bill was introduced it became apparent that an attempt would be made to load this bill down with unworkable modifying amendments. At this point, as a matter of strategy, Representative RANKIN came to me and suggested that I write and introduce a Bonneville bill. In February 1937 I started work on such a bill—H. R. 6387—which I introduced shortly thereafter.

My bill was, in its major principles, in agreement with the bill sponsored by the National Power Policy Committee. In April 1937 I appeared before the Rivers and Harbors Committee of this House to urge the adoption of H. R. 6387, and at that time I pointed out in detail the differences in all the pending bills. My presentation is in the record of the Rivers and Harbors Committee hearings for 1937 and was also covered in my speech entitled "Bonneville Power Project," which appears in the CONGRESSIONAL RECORD of May 12, 1937.

After full hearings, Secretary Ickes personally appeared before the committee and urged the adoption of H. R. 6387 as presenting a feasible plan for power administration and marketing. A short time thereafter, the Rivers and Harbors Committee submitted a committee bill which was substantially the same as H. R. 6387 and the House passed this bill in June 1937. The Senate bill, as later passed, conformed with the House committee bill and both bills were consolidated in conference and enacted into law as the Bonneville Act, approved August 20, 1937. The Senate bill which went to conference was the result of the outstanding contributions made by Senators McNary, Bone, Steiwer, and Schwellenbach. This act, in my opinion, constitutes the cornerstone for all future constructive legislation, covering the administration of public river development projects dedicated to the public interest.

CONTROVERSIAL POINTS ON PUBLIC POWER

When in the early part of 1937 the power bill, H. R. 6387, was before the Rivers and Harbors Committee, it became apparent that there were decided and fundamental differences of opinion. These controversial points were:

First. Monopolization of Federal power by limited private groups.

Second. Yardstick principle, rate control, and types of wholesale rates.

Third. Widespread economic use of hydroelectric power for the general welfare as opposed to small area concentration for private gain.

Fourth. Mandates on transmission lines and interconnections.

Fifth. Reservations and preferences for public bodies, and benefits for the general public, and in particular for domestic and rural consumers.

Sixth. Plant extensions.

Seventh. Contract terms.

Eighth. Cost allocation.

Ninth. Federal recovery of power investment.

Tenth. Equitable distribution of benefits resulting from the Federal investment.

All of these issues were settled by extensive debates and were written into law as representing congressional policy. The record on these controversial points is clear and decisive. In the early days of the Bonneville appropriations, this debate was continued and again settled, on numerous occasions, by floor votes. I contributed, from time to time, my analysis on all these points in the form of speeches and debates during the Seventy-fifth, Seventy-sixth, and Seventy-seventh Congresses.

These Federal policies, written into law, are basic, sound, constructive, far-seeing, and democratic. It is my earnest prayer that they will never be disturbed or set aside, and that the Columbia River projects will always be operated strictly in accordance with these accepted principles. If this is accomplished, the people of the Pacific Northwest will have occasion to rejoice in the years to come. I consider the perpetuation of these policies a task and a test for those who follow me. It is worthy of the best efforts of those who desire to dedicate their labors to the public welfare.

POWER IN RELATION TO METALS

In the years which will follow, we will find metals and power more closely interrelated than in the past. The metals of the future will be products of the electric furnace and the electric cell. The older conventional direct low-temperature coal-fired metal furnaces will have to give way to electric processes in order to secure high strength, lightweight, and cheap, high-quality metals demanded by lightweight, high-speed machines. Electricity for such use must be priced low in order to meet future foreign competition and inferior substitutes. To process such quality metals requires large blocks of low-cost power. The electric current needed is so large per metal unit that a differential of 1 mil per kilowatt-hour in power cost will add about 1 cent a pound to the selling price of the metal. The best possible steam power will cost two and a half to three times the cost of the hydro power of the Columbia River, and can, therefore, never become competitive in the field of base metal production. Without the low-cost electric metals, produced with Niagara hydro power, the automobile industry would not have been possible. It was the early conception and use of these ideas that perfected the mechanized German war machine. It was the lack of conception and use of such ideas and yielding to monopolistic opposition that has and will make our own war effort more costly in lives and in treasure.

SCARCITY OF ESSENTIAL MATERIALS

In this connection, another important angle should be mentioned. Scanning the pages of history we find that nations deficient in native materials, either through exhaustion, lack of deposits, or improper utilization of what they had, became decadent nations. As a nation, we have been spending our resources at such a high rate it will become necessary for us to stop and analyze our own situation in regard to materials if we are to preserve our own status and safeguard our position for the future.

In just a few years we will see our bauxite deposits depleted, and in a decade the hematite iron ores of the Messaba and Lake Superior regions will be mined out. The same situation applies to petroleum, as well as to numerous other metals and base manufacturing materials. We must find substitutes and new processes to develop the low-grade complex ores and organic products of our soils.

CONTRIBUTION OF THE PACIFIC NORTHWEST

The entire West, especially the Pacific Northwest, is in a position to make a great and substantial contribution in resources. What this vast region can produce and contribute has been utterly ignored by prejudiced and narrow men who have controlled our war agencies. Unfortunately no real western technical talent was used by these agencies to lessen our war burdens and keep our taxes within safe and comfortable limits, nor have those with broad experience in this field been consulted. Eastern financial interests can no longer afford to hamper such western development, for if they do so, they will be contributing to the collapse of the system that has given them life, security, and luxury. Their actions have been largely determined by the desire to protect after-war monopoly. When our base hematite iron ores are depleted, we must look to the use of the western magnetite iron deposits processed by new methods to replace or augment the old blast furnace practice.

ELECTRIC PRODUCTS AND PROCESSES

New electric processes grew out of the industrial requirements of high temperatures needed to dissociate base metals from complex compounds. Temperatures possible with coal processes were too low for commercial use in developing high-quality materials. At the beginning of this century we find electric processes applied only to aluminum, calcium, graphite, silicon, a limited number of ferro-alloys, sodium, and copper. Since 1900 this field has been greatly improved and numerous new materials have entered the electric production field, for example, the great extension of the line of ferro-alloys. Since I was Governor of Oregon the "new metal of the future" has been added to the list of electro-metals, namely, magnesium. Also added to this line of electro materials are zinc, fused quartz, tungsten, bismuth, cadmium, manganese, and numerous other substances like the line of acids, chlorites, soda, as well as a line of gases, steel castings, a type of synthetic rubber, and numerous other products.

The remarkable performance of the west coast Kaiser shipyards has caught the imagination of the man on the street as a symbol of the "can be done" perspective. The secret of Henry Kaiser's outstanding and remarkable success has been the use of electric processes. With a crew of dam builders, inexperienced in the older conventional shipbuilding methods, but thoroughly experienced in modern electric methods, and having the knack of surmounting natural obstacles, he has created new large ships at unheard-of production speeds. Kaiser and his crew of dam builders from Boulder, Bonneville, and Coulee Dams are turning Bonneville and Coulee power into finished ships at record-breaking and pace-setting rates. One reason for this success is the use of electric cranes, apparatus, and electric arc welding. A prime reason is an organization of forceful men untrammeled by tradition. Twenty-five percent of Kaiser workers, including men and women, are handling the electric arc welders and cutters. These electric processes are now used on ship construction from stem to stern and from the lowest keel plates and sections to the highest point on the masthead. Without the electric methods high-speed ship construction would not be possible. Within the last year some of the points that I have constantly emphasized in the Bonneville debates have become demonstrated realities. Volumes could be used in describing these new electric processes. I am merely hitting the high places in order to point out the picture of the future and how it is tied up with low-cost electric power.

STRATEGIC AND CRITICAL MATERIAL SHORTAGES

In both war and commerce, the degree of national self-sufficiency in strategic and critical materials is of paramount importance. Success in both of these fields depends on the national internal development of such types of resources or substitutes therefor. Specialists in this field have classified some 30 major base industrial materials which can be used as a measure of independence in national supply. Measured by such a yardstick, Germany was, in 1939, internally deficient in 22 base materials out of the listed 30, and Japan was short in 21. This explains their urge for conquest. However, Germany compensated for such deficiencies in part by development of the so-called ersatz processes, or, in our language, substitute processes, the best known of their long line being synthetic rubber.

This problem of strategic materials is not a new one, as it came to the front very forcibly in the First World War but has been multiplied since manyfold by advanced technical developments and inventions. If the First World War had lasted a longer period, we would have found that our industrial system would have broken down, as distress signals were evident in the fall of 1918, due to dependence on foreign material sources and a deficiency of ship transport resulting from submarine and military appropriation of ships. This always happens in wartimes.

Congress took the lead in the solution of this highly important problem as long ago as 1920, when the National Defense Act of 1920 was passed. This act placed the responsibility for wartime industrial mobilization and material procurement in the hands of the Assistant Secretary of War. From 1920 to 1939 no real advances were made toward a substantial solution of this problem. All that the country secured in this interim, both

during Republican and Democratic regimes, was debates between the departments and technical societies. No outright plan was submitted in this interim by the departments to the Congress for enactment into law.

CONGRESS HAD FORESIGHT

In the latter part of 1938 the Senate Military Affairs Committee decided to reopen this highly important subject and, as a result, Congress passed in June 1939 the Thomas Act, authorizing a strategic material procurement and development program, including rubber. Congress was way in advance of the war agencies in the solution of this problem and gave those agencies the necessary authorization and tools with which to work.

The shortages we are encountering today is entirely the result of poor judgment and profit-seeking manipulation on the part of the men imported into the hastily constructed and poorly organized war agencies. If they had heeded the prod given them by Congress, our people, the small business proprietors, and our farmers would have been spared most of the hardships they are now encountering. In the late election, the voters did not seem to recognize the real authors of their troubles and took it out on Congress. Numerous newspaper columnists and writers had sown the seeds for such a protest vote by putting out incorrect information. I hope that for the sake of the record, Congress will dig deeply enough to bring out the essential facts, so that Congress will be placed in its correct position and the real culprits exposed.

SECURING BONNEVILLE GENERATING UNITS

At the time of the enactment of the Bonneville Act, in August 1937, only two generating machines, totaling the relatively small amount of 86,000 kilowatts, had been authorized for Bonneville project, and these were in process of construction. No generating machines had been authorized at the Grand Coulee Dam.

When the Bonneville Act was in process of enactment, all interested proponents of this legislation recognized that good administration required that the Administrator charged with the responsibility of marketing this power should be the person to say when new generating equipment should be installed. As a result, the Bonneville Act provided, in section 2, that the Secretary of War shall install additional generating equipment when in the judgment of the Administrator such additional generating facilities were desirable to meet actual or potential markets.

At the time the Bonneville Act was pending, early in 1937, a competent engineer, Mr. J. P. Alvey, with a good background in power construction and operation, and experience in the last war as a staff officer, came to me and suggested that the argument raised by the opponents of Bonneville as to the lack of power markets was intended to curtail development and was a national disservice. He pointed out that I should investigate what happened in the last war in the power-metal situation, what modern commerce and defense required, and what was then taking place in Germany. He pointed out where accurate information would be obtained and commented that he felt certain that after I had made such an investigation I would conclude that it was highly important that the maximum number of Bonneville units be installed as early as possible, and that the Bonneville and Coulee plants be integrated by high-voltage transmission lines, in order to early secure the greatest possible amount of firm, low-cost, hydropower.

I made such an investigation, during which I talked to men thoroughly familiar with the new electro-metal situation, with industrial development, with the Niagara operation and production, and with the metal-airplane operations in Germany, gained from actual operating contacts in Europe. I early saw the picture and then conferred on this point with the gentleman from Mississippi. After extended discussions, our colleague suggested that we cover this with the new Bonneville Administrator, when he was appointed, as he felt that new units and high-voltage lines could be authorized by Congress in spite of the "no-market propaganda" put out by selfish interests. I also early conferred with our former colleague, Judge Leavy, of Washington State, who was leading in the Grand Coulee fight for authorizations and appropriations.

I then talked to an engineer, the late Mr. J. D. Ross, when his appointment as Bonneville Administrator was definitely scheduled, and suggested that the matter of additional Bonneville units and transmission lines be immediately initiated. He said it would be done in steps, as he would of necessity have to make an investigation through his chief engineer, Mr. Charles E. Carey. Our colleague the Honorable J. E. RANKIN also covered this subject independently with Mr. Ross after I had left for Oregon in the fall of 1937. Mr. Ross, in the late fall of 1937, advised me that he would initially ask for two new units, and funds to make a start on transmission lines from the Bonneville plant to the Vancouver-Portland area. This he did.

No history of the development of the Columbia River plants would be complete without reference to the great vision of the late J. D. Ross, and later the small group who in 1935 were responsible for the Columbia River Planning Report. Mr. Ross at an early date pictured the benefits that would come to the Northwest from the integration of the Columbia River plants. His original concepts were expanded and included in the comprehensive planning report of 1935, which had not been called to my attention at the time I drafted H. R. 6387, although I had conferred with Mr. Ross on the practical aspects of some of the controversial points in H. R. 6387. I have later examined the material, and I find that the conclusions were far reaching and coincided with the principles drafted by the Power Policy Committee.

Early in 1938 Mr. Ross, who had then become Bonneville Administrator, was in Washington in connection with hearings on his initial budget requests, and at that time Mr. RANKIN and this speaker, called a meeting of Senate and House Members interested in Bonneville and invited Mr. Ross to sit in. Out of this meeting came an understanding on a plan which was to ask for the remaining Bonneville units, and a 220 kilovolt tie-transmission line to the Grand Coulee plant, then in construction. At that time the matter of administering Grand Coulee power was not settled, and the purpose of the tie-line was to firm Bonneville units 9 and 10 in low-water years over and above what could be accomplished by economic river-flow regulation by reservoirs.

As a result of these first requests of Mr. Ross, the War Department submitted a Budget estimate covering two additional Bonneville units—Nos. 3 and 4. When this estimate was received by Congress, I invited the engineer who first pointed out the necessity for further development to go with me to discuss this matter with our esteemed colleague from Pennsylvania, the Honorable BUELL SNYDER, chairman of the War Department Appropriations Subcommittee. At this point I wish to pay tribute to the early vision of Representative SNYDER, as his understanding of the problem and his assistance prepared the way for a much quicker expansion of our air program.

As a result of these efforts, the House passed the War Department Civil Appropriations Act, containing authorization for Bonneville units 3 and 4, which was approved June 11, 1938. At the same time, the President and Secretary Ickes allotted funds out of the 1938 P. W. A. appropriation to construct the following transmission lines: Bonneville to Grand Coulee, The Dalles, Kelso, and Willamette Valley.

Thus, early in 1938 the future Bonneville program was settled, and a real start was made. I will hereafter bring out the contribution to our war efficiency resulting from this series of early and almost prophetic efforts.

Bonneville units 5 to 10 were requested by Administrator Ross in the fall of 1938. Secretary Ickes, after investigation and approval, sent a formal request to the Secretary of War asking for such action. For reasons unknown to this speaker, when the request reached Congress it covered only units 5 and 6. These were authorized and funds appropriated therefor in the War Department civil functions appropriations bill of 1939.

Bonneville units 7 to 10 were involved in an error. When the annual request for funds to continue work on units 5 and 6 came to the House floor we found that through an error in committee testimony the committee had placed a limitation of six units on the size of the Bonneville plant. The House approved through misunderstanding, limiting the ultimate development to six units. When this reached the floor and the error was discovered interested House Members decided that the best strategy was to allow the correction to be made in the Senate.

Senator HOLMAN, of Oregon, came to the Seventy-sixth Congress with very definite ideas as to the further development of Bonneville as an aid to defense and the industrial upbuilding of the Pacific Northwest. His reactions on these points were entirely independent of what was approved in the House but coincided with what had been started, and his contributions in this direction since have been very substantial. He independently caught this error and successfully urged upon the Senate not only the correction of the limitation, but, in addition, an authorization for Bonneville generating units 7 to 10. When the conference report reached the House I succeeded in retaining the Senate amendment. This action finished necessary congressional authorization and provided funds for the completion of the Bonneville generating plant.

THE OPPOSITION TO BONNEVILLE DEVELOPMENT

During the various congressional procedures on Bonneville items throughout the past 6 years, the proponents met with many different kinds of opposition, emanating from the private power companies, especially from the Electric Bond & Share groups. They were wary in not directly fighting the unit authorizations. By circulars and by material supplied to certain newspaper writers they created the atmosphere of "lack of market," with the resulting reaction against generating-plant extension.

Every time a Bonneville-Interior Department transmission item was before Congress, up to Pearl Harbor, during the Seventy-sixth and Seventy-seventh Congresses, Mr. Kinsey Robinson, president of the Washington Water Power Co., or some of his associates moved to Washington, D. C., set up an anti-Bonneville lobby, promoted nullifying amendments, and furnished material to the press and to opposition Members. They even went so far as to threaten Members with defeat at the polls for supporting Bonneville appropriations. In addition, their agents—namely, the Gadsden committee—circularized members of the House Appropriations Committee giving them incorrect information. The record on this opposition is full and complete.

Such private-utility lobbying activities have reached back over 10 years, and interested researchers can profitably extend their knowledge by reading the Senate's Couzens committee report, dealing with Electric Bond & Share manipulations and collusion with Federal departmental employees.

For the benefit of those who desire to search basic documents on Columbia River power development I suggest study of the Senate Interior appropriation hearings of April 7, 1939, and March 29, 1940, the House Interior appropriation hearings of February 15, 1940, and the House debates on Interior appropriation bills during 1938, 1939, and 1940 and 1941, as given in the CONGRESSIONAL RECORD.

A review of this record, together with an analysis of the present war load routing and use of Bonneville-Coulee power will show that if Ebasco's proposals were followed in 1939, 1940, and 1941, this Nation's air and ship program would have been materially reduced. Fortunately, Congress followed the leadership of the Northwest delegation, rather than heeding the lobbying activities of Ebasco's agents.

WAR AGENCIES CONTINUE OPPOSITION

After making the unsuccessful fights in Congress on Bonneville from 1935 up to Pearl Harbor, the same private power lobby opposition group moved into the war agencies—O. P. M., W. P. B., and O. P. A.—where they were completely successful. By control of priorities and load placements, and by promoting political activities, they have taken over the control of the economic destinies of the Pacific Northwest. In so doing, this malign group has not only retarded the industrial development of our last frontier but has hindered production of airplanes needed by our hard-pressed forces.

Six months before Pearl Harbor, when an Interior appropriation bill was under consideration, particularly the Bonneville items, it was openly stated in the Capitol corridors that the opposition did not care whether the current bill was passed, as Ebasco would control the situation through its agents in the priority sections of O. P. M. The irony of this situation is that the arch enemies of progressive development for the Northwest and of full airplane production, were actually rewarded by promotion into positions of authority at O. P. M. and W. P. B., where they have assumed and used illegal powers in their destructive decisions unchecked by anyone in the very same administration which undertook and financed the great Columbia River plants—ostensibly for the public good. One of Ebasco's agents, an Oregon private utility official who fought these Bonneville measures, has received his medal of award for obstructive tactics by appointment as a special State Department emissary to Brazil. In Oregon recently I heard the propaganda, that this Brazil appointment was indicative of the fact that the administration thought that Ebasco was right in its previous positions, and that the delegation that fathered Bonneville was wrong.

This obstructionist group has the effrontery to assert their high patriotic contributions, whereas the activities I have mentioned, when appraised in the light of 1942 power requirements, are definitely in the fifth-column class. The sad part of this story is that a few men with a limited power background but employed by Federal agencies were given high positions in W. P. B., as window dressing to cover up the wretched manipulations of the real overlords of this agency.

THE RECORD SHOULD BE COMPLETED AND PUBLICIZED

In the next few years, when the war load tapers off, Congress will be receiving complaints from the people of the Pacific Northwest because regional development has been hindered. Members of Congress who receive such complaints, must be prepared to meet these justifiable objections with solid facts. The only way to do this effectively is for the Congressional committees to call for the complete files of all the executive agencies clothed with some measure of jurisdiction over Northwest power. These files should be briefed, and the information that a few of us have put into the record should be extended and made public. As a private citizen, I intend to spend my remaining years and energies in completing this record and making it widely known in order to promote public interest in the constructive improvement of governmental processes. The fight for the public distribution of Columbia River power will continue as long as I live. I here serve notice that I did not take off my fighting clothes on November 4, 1942.

During the period that Ebasco and allied groups were running their Washington lobby they were also engaged in spreading the same misinformation in the Pacific Northwest and in promoting political reprisals against those who were responsible for the authorization and the completion of the Columbia River program. Every local private-utility office became political and propaganda headquarters. Many newspapers changed hands, and others blossomed into prosperity through utility advertising. My files are full of the record of such activities, and volumes can be filled with analysis of these subversive efforts. Those who are interested in pursuing this subject further can find such a record in the 1940 hearings of Federal Power Commission covering utility Pacific Northwest political and propaganda expenditures.

EASTERN OREGON INJURED

I cite for the benefit of interested public-power people the case of Umatilla County, Oreg. Shortly before the House fight on Bonneville's eastward transmission lines, the press reported the Pendleton City Council as going on record to the effect that they did not need nor desire Bonneville power. As a result of this public expression, the reading of that statement on the House floor resulted in a close shave for the transmission lines appropriation, which was saved by one vote. When it came time to build the Walla Walla-Pendleton transmission line, naturally the Government agencies were forced to construct a low-capacity line with small wires and at 66,000 volts. This constitutes a permanent sectional disadvantage.

In the spring of this year a delegation from Pendleton spent several weeks in Washington for the purpose of securing additional industrial loads for that area. They left without accomplishing any results and without realizing that their own previous action had caused their failure. This failure resulted from the fact that W. P. B. load experts considered that Bonneville did not have sufficient energy and transmission capacity in that section. This is a situation that must be candidly accepted and corrected when the war is over if eastern Oregon is to secure benefits from the Columbia River power.

THE BULL'S-EYE CONFIRMS ILLEGAL OFFICIAL COLLUSION

The Portland General Electric Co. of Oregon publishes a small leaflet entitled

"The Bull's-Eye." The purpose of this publication is to place the company in a favorable position before the people. The November 1942 edition of this publication has come to my desk, and I deem it advisable for purposes of record to quote in part from this publication. I quote:

Kilowatts lose their identity.

Companies having surplus energy place the same in the power pool.

An engineering firm made extensive studies of power loads and power resources in the region.

Who paid this firm?

The War Production Board has placed its weight behind their program.

The only available source of additional energy was pooling.

Business-managed and political-managed public systems in five States—Oregon, Washington, Idaho, Montana, and Utah—got together.

One interesting sidelight of the pooling arrangements is that power cannot be metered. The output of independent plants immediately loses its identity when pumped into the network, therefore charges between the utility systems must be based on daily schedules.

These astounding statements merit a factual investigation. Obviously they are largely incorrect. If the public accepts such statements literally, they must inquire whether the alliance of the private power companies and the W. P. B. is being used illegally to overcome deficiencies in private power capacity.

This extract from the Bull's-Eye of 1942 means this: The private power companies are using, and are running the Federal power investment in such a way that the preponderant kilowatts from the Federal plants have lost their identity. Anyone with any experience in the power business knows that metering is the cash register of the business. To admit that unmetered Federal electric energy is being used is tantamount to acknowledging that the private utility companies are raiding the Federal Treasury.

This publication should also cause citizens of Oregon and Washington to learn why their resources are being siphoned out from under them and taken into Idaho, Montana, and Utah to supply industrial plants that would not have been possible if their locations had been based on available power capacity.

This amazing document, in an effort to prove patriotic accomplishments, admits an unlawful application under the Bonneville Act. It admits displacing pay rolls in the Columbia River Basin and moving such opportunities into the States served by the privately owned lines of the Ebasco system.

Those who secure a copy of Bull's-Eye of November 1942 and read it closely will see what has happened contrary to Oregon's best interests. This is too important to permit neglect, so I have requested investigation by the Federal Power Commission and Federal Trade Commission.

REASONS FOR THE WAR-METAL SHORTAGE

In the early part of 1940 the foundation of the Bonneville power program was completed. At that time we were rapidly drifting into the second World War. The President recognized the situation when he addressed the joint session of May 1940 and advised the Congress that he was setting up a Defense Advisory Commission. A few days later the personnel of this Commission was announced. I then thought it advisable to call the Pacific Northwest's power and metal resources to the attention of this Commission.

Accordingly, I discussed this with the congressional delegation and it was decided to present factual material to the Commission's Chairman, Mr. Stettinius. With this in view, I made the engagement for the delegation, which called on him in June 1940. At that time Mr. Stettinius stated he was being hard pressed in organization work, but if we would bring the delegation together again the following week he would send his experts to the Hill to discuss this subject. In accordance with such a plan, a meeting was arranged in Senator HOLMAN'S office, and Senator MCNARY was invited to preside. Mr. Stettinius sent Messrs. William Batt, Gano Dunn, Leith, and Holden to represent him. Our congressional delegation pointed out what Congress had done in the way of looking ahead on this situation by authorizing the installation of generating units at Bonneville and Grand Coulee and passing the Thomas Act. It was also forcefully pointed out that the Northwest had sufficient deposits of alunite clays, magnesium and chromium ores, as well as sufficient ferro-alloy deposits necessary to justify coupling the available hydropower with material resources. After listening to our story the representatives of the Defense Commission advised us that the war-metal program did not need the full utilization of the facilities that Congress had provided. We were also told that sufficient metals were in sight to meet all the war requirements without any further expansion of power and production facilities.

At that time, the members of the delegation knew that the Axis Powers were actually producing two and a half times the light metals that were in sight in this country, and that we were in no position to provide what it would take for a successful air, ship, and ordnance program. The Defense Commission maintained this erroneous position until a year later, when Mr. Batt was forced to admit, before the Truman committee, that they were short in their estimates of capacity needed to meet the war effort. The story is clear. We now know that if the representatives of the Defense Commission had heeded the suggestions given them by the Northwest delegation in June 1940 we would have been some 20,000 to 25,000 planes ahead in our war program.

When I left this meeting, I had the firm conviction that decisions were being made by the war agencies in the interest of private profit rather than national security and that some responsible heads were being kept in ignorance. My own conclusions, which I stated freely and openly at that time have been fully vindicated. Ever since that June meeting, the same group of men has been in control of the war agencies. Every time I placed a proposition before them, their verbal answers and their correspondence indicated evasion in order to cover up the fundamental errors made in that meeting.

I have given numerous speeches on the floor from time to time pointing out the evil effects of these decisions as applied to our air, ship, and ordnance programs. The record on this is complete, and if my speeches were read in parallel with the testimony before the Truman committee our people would secure a convincing picture.

No story of the controversy over electric power as applied to metals during the years 1940, 1941, and 1942 would be complete without mentioning the outstanding contribution in this field made by ex-Congressman Judge Leavy and especially his foresight in the urging of early authorization of the Grand Coulee generating units, and appropriations for pilot plants. Secretary Ickes, Dr. Raver, and their staffs saw the light early and urged, time after time, the same program we had offered in June of 1940. The war agencies refused to respect the mandates of Congress and the broad experience of Secretary Ickes' staff in the field of metals and power.

FEDERAL POWER CONTRIBUTION TO THE WAR

At the time that the expanded Bonneville plan was visualized and more or less agreed upon, 1938, the light-metal basic production program in the United States totaled about 330,000,000 pounds annually with an approximate power demand equivalent to 360,000 kilowatts. At this time the world equivalent kilowatt capacity was in excess of 1.5 million kilowatts, or 4 times that of the United States. In 1939, the light-metal utilization of Columbia River power was commenced at Vancouver. Today the Vancouver ingot aluminum plant alone is taking from Bonneville 180,000 kilowatts continuously, or 50 percent of the country's total 1938 production. In addition, about 225,000 kilowatts dedicated to ingot aluminum manufacture is in production at Troutdale, Oreg., and Tacoma, Longview, and Spokane, Wash. About 200,000 kilowatts more of like capacity is in process of construction at Troutdale and Spokane and will be in production within a few months.

The total ingot aluminum production from Columbia River power will amount to around 660,000 kilowatts, or about 180 percent of the 1938 national capability. It has been estimated that in the neighborhood of 70 percent of the air program light-metal requirements will come from Boulder, T. V. A., and Columbia River power. It is obvious without further comment, where this country would have been in its war program if Congress had not had the foresight to make this hydro capacity available at an early date.

In addition to these ingot aluminum plants, which, except Vancouver, are Federally financed, about 275,000 kilowatts of Columbia River power is going into shipbuilding, magnesium, ferro-silicon, chemicals, aluminum rolling, and naval and military establishments.

The total war use of Columbia River power now totals nearly 925,000 kilowatts, all at high-load factors. This

quantity of power is two times the New York City total consumption, and seven times that of Washington, D. C. This is as it should be, growing out of the original conception, born under the circumstances I have related. Bonneville Administrator Ross brought out the significance of this use in the first annual Bonneville report, page 20. Previous to that time I had accumulated material along this line, which I presented to the House on March 3, 1939. I am happy now in recalling that the foresight shown in 1937, 1938, and 1939 by Congress and the staffs of the Department of the Interior and the Budget has materialized into such a sizable war contribution. This subject should not be dismissed without referring to the excellent judgment exercised by the Bureau of the Budget, especially Mr. S. M. Dodd and his assistants. I distinctly remember discussing these points with these gentlemen in the days when the atmosphere was charged with doubt of the necessity for generating and transmitting plant expansion.

War contribution through Federal power was made possible in spite of apparent manipulation and lack of experience among those making major decisions in the war agencies. It is not as full as was warranted by the foresight and authorization of Congress and by the available resources. Adequate preparedness is never possible without foresight.

LACK OF BALANCE IN WAR PRODUCTION PROGRAM

In spite of this sizable Columbia River war contribution, my complaint has been and still is, that there was a year's time tragically lost, with resulting power wastage and plane shortage. There was also a lack of full utilization of the power authorized by Congress, incorrect plant placements were made, with attendant waste of taxpayers' funds and of critical materials. Further, there was lack of balance in the development program, which will upset the future economy of the region, and is now preventing that great area from making the full contribution that its resources warrant, when we have complete airplane plants not in full production because of lack of critical basic materials. I have continuously stressed these points for the past 3 years by correspondence and interviews with the war agencies. I have placed the facts in the CONGRESSIONAL RECORD, so that this material would be available for use when it is time for Congress to take a hand in straightening out a bad set-up. Other Members of the Senate and House have had the same experience. Secretary Ickes and his staff early put forth noble efforts to prevent such unbalance, when its disastrous results became apparent.

SHORTCOMINGS OF WAR AGENCIES

The reasons for much of the inefficiencies and ineffectiveness in war agency operations may be summarized as follows:

First. The influence of monopolistic interests on R. F. C., O. P. M., and W. P. B. personnel, and the determination to protect and preserve after-war monopoly.

Second. Reference of technical matters to corporation, hand-picked committees of national societies, like the National Academy of Science.

Third. Ignoring competent unbiased technical assistance available in other governmental agencies.

Fourth. Placing major technical decisions in inexperienced hands.

Fifth. Lack of definite inventory of regional resources, and the "know how" necessary to put these resources to work.

Sixth. Placing plant location authority in the hands of men unfamiliar with western and other sectional conditions outside the Atlantic border States.

Seventh. Subordination of public interest to private business group control.

Eighth. Lack of cost knowledge and unfamiliarity with pioneering methods.

Ninth. Ignoring mandates of Congress.

Tenth. Assumption of illegal powers and the application of the philosophy that the "King can do no wrong."

PROTECTING AFTER-WAR MONOPOLY

When the present indicated defense power loads on the Columbia system are in operation, the Defense Plant Corporation will have invested nearly $150,000,000 of taxpayers' funds in these industrial facilities, and, in addition, the Bonneville Administration will have spent a sizeable amount in transmission lines and substation to serve such plants. The location and design of such industrial facilities are purposely such that they will have little economic use after the war. They do not use native raw materials but depend on materials transported great distances; for example, the use of Northwestern clays for processing aluminum has been prevented. The Northwest also has the base material for magnesium production; namely, power, magnetite, and saltwater; but a process was adopted that does not permit full use of such resources. Large ingot plants were built with provision only for a rolling mill. No extrusion or casting plants were provided, and the rolling mill is so located and of such a size that it cannot be economically operated at the lower load factors which will prevail in the post-war period.

The entire program is so out of balance and ill-planned that our region will have a distinct economic liability placed upon it in the post-war period. A constructive program could have been worked out, using native materials, and so sized and located as to be an asset to the region in years to come. Such unbalance is bound to result in later write-offs. In addition, costs have been increased because of the routing of handling priorities. This also will entail future write-offs.

There will be additional power capacity available for sale when the new Bonneville and Coulee generating units come into operation next summer. This capacity should be utilized in war metal industries located close to the generating stations; it should not be held idle. For 2 years our Members of Congress have urged heavy-load placement close to the generating plants as it was early evident that the use plan was going astray. This advice was ignored by war agencies.

RECONSTRUCTION FINANCE CORPORATION AND JESSE JONES—CONTROL SHOULD BE RENEGOTIATED

The recent Jesse Jones-Drew Pearson correspondence appearing in the Washington Post of November 13 and 19, 1942, is illuminating. If it is read closely, some points I have today mentioned are cleared up. Even Secretary Jones' letter of November 17, 1942, to the Raleigh (N. C.) News and Observer admits that the profits to the Aluminum Co. of America are figured on a power rate of 3 mills per kilowatt-hour "although a great deal of it costs the Defense Plant Corporation only 2 mills." The 2-mill power to which he refers is Columbia River power. This means that the 2-mill Columbia River power is being averaged with high-cost power in other sections of the country to lower the average power cost of the eight ingot plants operated by the Aluminum Co. but owned by the Government. Literally, this means that low-cost Columbia River power is being used to maintain and subsidize high-cost plants in other sections. This is another artifice to use the benefits of Northwestern power resources to take further industrial development away from the Northwest and place it elsewhere. Furthermore, under such a set-up, cheap taxpayers' power is being used to maintain high rates of the Arkansas Power & Light Co. and the Niagara Hudson Cos., contrary to the provisions of the Bonneville Act. All of these contracts should be renegotiated in order to save money for the taxpayers.

FURTHER DISCRIMINATION AGAINST THE NORTHWEST

Congress authorized Coulee units 7, 8, and 9, and appropriated funds therefor, for the reason that this power was firm, continuous energy, which could be secured for lower price, quicker, and with less use of critical materials than any other hydropower in America. Nevertheless, W. P. B. saw fit to take the needed material for these units out of the priority schedules at the same time materials were allotted to high-cost, very low-load-factor machines elsewhere. The Northwest has had a long series of discriminatory decisions made against it.

I should state at this point, specifically, that I do not include all employees of the war agencies in my complaint. I appreciate the fact that these agencies have drawn a large number of sincere technical men from many sections of the country. These men, at great sacrifice, are trying to render a service of high order. The succeeding Congress will have to separate the wheat from the chaff.

POST-WAR ECONOMICS

Events covered by this statement I am making will have pronounced effect on the future economy of the Pacific Northwest. It will require a rebalancing of the program to correct these errors. This will become a paramount issue, both from the national and local standpoint. The sound utilization of the provided power and the latent resources of the ground and soil can offer a higher standard of living to farmers and workers. What is

needed is large power consuming basic-metal industries as close to the dams as is consistent with low-cost transportation. Such industries employ relatively few workers. The satellite fabricating industries using this intermediate ingot product, could be spread as widely as is economically possible. It is this supplementary type of industry that employs relatively large quantities of manpower but uses small quantities of electricity. Our industrial development depends on this type. The general rule should be violated only to the extent of using war-industry facilities already constructed.

TECHNICAL PLANNING AGENCY NEEDED

The Northwest needs a thoroughgoing nonduplicating agency, free from politics, to formulate a plan of regional coordinated long-range development of resources. No such agency exists in this country, save for the T. V. A. We have a number of Federal agencies dealing with parts of this problem, but there has been no coordination resulting in any real inventory of resources and practical development of the same. Such an agency should coordinate the post-war utilization of all types of war facilities.

After the close of the war some of the war industries will naturally shut down. This will result in energy being spilled over the dams. The public will not permit that energy to be so wasted. New permanent outlets must be found though a substantial amount of this power can be used in the natural load growth of the region, as the war has retarded such load growth. Lower retail rates will also increase use. This is another apparent problem of the post-war period. This particular problem should not be handled as was Muscle Shoals after the last war. The abuses of such handling resulted in the demand for the national yardstick.

When this post-war utilization of existing power facilities is settled, the preliminary work should be continued on Umatilla Rapids Dam. Much has been done already. Umatilla is also a low-cost power project, advantageously situated to supplement Bonneville and Grand Coulee, and is located in the center of a potential market. This also is a real task for those who follow me.

COLUMBIA RIVER AUTHORITY IS NEEDED

Our people should insist on the retention of the principles of the Bonneville Act, supplemented by acquisition authority, so that, when the people have exercised their right of local self-determination, private utility systems can be acquired and sold part by part to the local agencies. Such an amendment to the Bonneville Act will insure fair treatment, both to the legitimate investor and to the rate payer. The next Congress will be called upon to enact legislation to replace bills expiring with this Congress, upon which hearings have been held.

RATES

To effectuate the principle of widest possible use—section 2 (b) of the Bonneville Act—wholesale rates must be maintained at present levels or at lower levels whenever amortization permits reduction. Excess costs resulting from erroneous decisions of the war agencies should not be capitalized into the rate structure; if this is allowed to happen, then the principle of widest use will be defeated, and the Columbia River project will degenerate into classic monuments to ineffective governmental operation and wartime corruption. This the people will not allow.

The permissible types of rate structures as well as the recovery requirements are amply provided in the present Bonneville Act.

Only one type of authorized rate structure is being used. The other—namely, zone rates—may be necessary in the future for heavy loads. The maintenance of such rate levels will require a close future check on investment because unit costs are bound to go up and remain relatively frozen as they did after the last war.

Future regional development will demand close attention to wholesale rates and future investments. This is another problem for those who sit in the Congress. Resale rates must of necessity be lowered to effectuate the principles of the Bonneville Act. This can be done without disturbing the financial soundness of the distributing agencies.

INTERCONNECTIONS

This matter of interconnections between public and private utilities is still a controversial point. In a good many quarters it is felt that the war agencies took upon themselves powers not authorized by Congress. This situation was anticipated by those responsible for the Bonneville Act and therefore protective provisions were written into law. Section 2 (b) of the act directs and authorizes interconnections only with other Federal projects or publicly owned power systems. There is no specific authorization covering private systems. Section 3 (b) of the act authorizes contracts with public or private systems for mutual exchanges of unused excess power, upon suitable exchange terms, for purposes of economical operation or providing emergency or break-down relief. This section does not authorize use of Federal funds for such physical construction nor does it permit siphoning out Columbia River power to supply private power deficiencies in other regions. The law specifically limits authorization to contracts involving mutual exchange of unused excess power. To hold back plant placement in order to create surplus power is a subterfuge. This contract authority is valid only when there is a mutual exchange of unused excess power. It does not authorize one-way traffic.

Those of us in Congress who are familiar with this subject realize that energy routes in a large pool are complex, and that no final policy decision can be made until the directional power flows are known. It seems to us who helped write this law, that the officials of W. P. B. should inform Congress as to their determination on unused excess power and salable power. We should know whether the use of interconnections will result in a mutual exchange of energy, and whether the use of the interconnections they advised will result in revenues less than the Federal fixed charges. In addition, we need to be advised on the effect of interconnections on industrial placement, and whether such interconnection as has been ordered has not given the private companies control over the operation of a Federal investment, and insured them extra profits from war plants because of interconnections.

Historically, it should be recorded that the Bonneville Act was written just after the rejection of the pooling suggestion for T. V. A., and limitations were placed in this act to prevent the manipulation of Federal investment. Members from the great western regions will never be satisfied until the interconnection picture is clarified.

CONCLUSION

I have outlined the legislative history of Bonneville for the benefit of new Members and those interested in the preservation of natural resources. It has been a struggle to retain these resources for the use of all our people, and to prevent monopolization by limited groups. The struggle is not over. The next 10 years will indicate whether the established policy will continue. In order to be constructive, I have thus set forth some of the work yet to be done.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Kansas [Mr. HOUSTON] is recognized for 10 minutes.

CONSPIRATORS

Mr. HOUSTON. Mr. Speaker, there were some matters brought before us last week upon which by no means the last word was said. The public interest and the national security, in my opinion, require that the record be completed.

And I am confident that the gentleman from Michigan [Mr. HOFFMAN], who brought up these subjects when he addressed the House a few days ago upon the point of personal privilege, will concur wholeheartedly with me in this objective.

The gentleman is celebrated in this House and throughout the Nation as a gifted and fluent orator. He is held in high esteem by all of us and I am sure that nothing that I have to say today will have any tendency whatever to diminish that esteem.

However, our unbounded admiration for the gentleman's character does not require of us that we shall always concur in his judgment. Nor does our respect for his eloquence compel our agreement with all that he has said.

The right of personal privilege is a precious and necessary prerogative of this House, for it assures to us all a forum in which we may reply to unfair attack and unjustified calumny. Sometimes it has happened that some of us, coming before the House in righteous indignation, have forgotten that this precious privilege imposes upon us the obligation to be fair to others.

When any of us have erred merely by remarks about individuals, that may well be left to its own settlement, but when what is said here goes so far as to compromise the public interest, I cannot but

feel that the record ought to be made straight and complete.

The gentleman from Michigan took occasion the other day to deny certain imputations that had been made against his loyalty and his patriotism. There is not a one of us who does not believe him and extend him our sympathy in any attack that may be made upon his integrity.

The gentleman took occasion also to urge upon us adoption of his resolution for an investigation into what he says is a conspiracy to smear Members of Congress. And, of course, if there is any such conspiracy, or any probable cause for supposing that there is one, then it is an extremely serious matter.

However, Mr. Speaker, it is a serious matter also to stand here upon this floor and make shameful charges against people who have no such forum in which to defend themselves. It is a serious matter to make grave charges against the officers of the Government.

The gentleman spoke of a conspiracy which he said had been undertaken against him and others by the Special Assistant to the Attorney General, Mr. William Power Maloney, by a reporter for the Washington Post, Mr. Dillard Stokes, by the newspaper publisher, Mr. Marshall Field, and by various other persons and organizations. The gentleman did some smearing on his own account, it seems to me, when he linked them with the convict Communist, Earl Browder, with the Daily Worker, and others of like stripe.

This seems the more unjust and deplorable in view of Mr. Maloney's distinguished record of public service and of the enmity which the Communists have for Mr. Stokes.

However, it is not my purpose to presume to defend either of these two gentlemen. They have been smeared before on this floor and there is no doubt that they are perfectly able to take care of themselves. Doubtless so can the others.

What I am concerned with is the public interest that is affected by these broad charges that were made upon this floor. The gentleman from Michigan had a great deal to say about a grand jury and he mentioned that somebody had been indicted.

But he left the definite impression that all this grand jury activity was part of this conspiracy which he talks about, and that there had been grave irregularity in the proceedings. Now if he has any evidence of this, I think it is proper for him to produce it—moreover I think there is an obligation upon him, a public duty, to bring it out.

I mean to bring out the evidence—not to make a lot of wild and generalized charges without indicating in any way whether there is any evidence to support them.

Now when the gentleman from Michigan was on his feet he gave the definite impression that the grand jury activities of which he was speaking were part of some kind of horrid plot against him.

He did not inform the House that the grand jury and the prosecutors upon whom he heaped his slurs and insinuations have indicted and convicted the German agent, Frank B. Burch—the man who sold out our country for $10,000 cash in hand, paid by the German consul in Cleveland. And Burch pleaded guilty. He admitted it.

He did not recall when he was speaking that the same grand jury and prosecutors indicted and sent to jail the notorious German agent, George Sylvester Viereck—the Kaiser's hireling in the first war and Hitler's henchman in this one.

The gentleman did not mention that other fellow, the paid servant of this German agent, Viereck, the man who was a clerk to a Member of this House, who went to jail for perjury after he tried to obstruct the investigation of this damnable Nazi propaganda machine.

All of them convicted, Mr. Speaker, in open court by juries of American citizens.

And when the gentleman was insinuating that the grand jurors misbehaved, that something was wrong with their proceedings, that it was all a smear campaign, the gentleman did not go into any detail about who had been indicted—about those 28 defendants who are scheduled to go on trial before the Federal courts for seditious conspiracy.

Of course, this is no trivial criminal case, it is no ordinary matter. Such a conspiracy when our country is fighting for survival, such a plot in aid and comfort of the enemy, is very far indeed from being an ordinary matter.

But the gentleman from Michigan did not refer to this as a prosecution, but as a smear. He did not draw the issue between the Government and its enemies, but between the administration and its critics.

Suppose the gentleman has been smeared. We all know him and we all know how to regard his integrity, so we know that if ill has been said of him it is certainly a smear.

And certainly the gentleman ought to defend himself. He would be false to his duty as a Member of this House if he did not.

But, Mr. Speaker, does he really mean to make common cause with these conspirators?

I cannot believe it, Mr. Speaker; I cannot believe that he would degrade himself to the level of these 28 plotters who have been accused—not by the administration but by a grand jury of 23 American citizens.

Yet, he insinuates that these 28 persons are victims of a persecution, of a conspiracy between Mr. Maloney and Mr. Stokes, and all these other people.

I wish the gentleman would clear that up. Does he say that these 28 conspirators are not guilty? Does he say that any of them are not guilty? And if so, what are their names?

I do not know whether they are guilty or not. All I know is that they are who they are, and they have been indicted by a grand jury, and they have the benefit of the same legal presumption of innocence that clothes any and every citizen until he is proved guilty.

What I want to find out is, What does the gentleman know about it? Has he any evidence that they are innocent? Has he made an investigation of his own? And if so, which of these conspirators does he say are being persecuted? What are their names?

These people are accused of a cold and studied plot to foment disloyalty and mutiny in the armed forces of the United States. Not only before Pearl Harbor, but this year, while our men have been dying in battle and this Capital has been blacked out in preparation for enemy air raids.

That indictment was returned after months of investigation, after a hundred witnesses besides the gentleman from Michigan were called to give the Government the benefit of whatever information they had.

Those are the charges against these 28 people, whom the gentleman says are the victims of persecution.

And I say this House and the people of the United States are entitled to know whether he makes this assertion for the whole 28, or only some of them, and if only some of them, then which ones?

And we are entitled to have the gentleman tell us the basis of his assertion—he ought to tell us what evidence he has that causes him to pit his judgment against that of the Federal grand jury.

Does the gentleman, for example, claim that George Sylvester Viereck, the notorious Nazi agent, was persecuted when he was indicted for conspiracy?

Does the gentleman make any such claim in behalf of the Japanese agent, Ralph Townsend—the notorious paid hireling of the Japanese Government who admitted the fact in open court, when he pleaded guilty before Mr. Justice Goldsborough—our distinguished former colleague—in this very city?

Does he claim William Dudley Pelley, the Silver Shirt fuehrer who was indicted and convicted of sedition by the Federal courts in Indiana this summer—does he claim Pelley is being persecuted?

Does the gentleman claim the indictment of Ellis O. Jones and Robert Noble is a persecution—those two Nazi-praising Fascists who were convicted a few weeks ago in the California State courts? Does he claim they are being persecuted?

Does he claim this conspiracy indictment is a persecution of William Kullgren, the fake astrologer who praised Hitler and hinted for the assassination of President Roosevelt?

Does he claim Prescott Dennett, the hireling of George Sylvester Viereck, is being persecuted?

Does he claim Court Asher, the publisher of the X-Ray, is persecuted, or the two Garners who used to put out the scurrilous paper Publicity in Wichita, Kans.? Those two papers have been suppressed for sedition after open hearings and the Garners are under indictment in Kansas for sedition as well as in Washington for conspiracy. Does the gentleman's protestations of a plot embrace these men within its protection?

Does the gentleman claim H. Victor Broenstrupp is being persecuted? Broenstrupp, Pelley's ex-lawyer, the man with the alias of Lieutenant General Cherup-Spi-rod-ovich? This Broen-

strupp was caught a few days ago after being in hiding for 4 months. Is he being persecuted?

There are others in that indictment, and they all are of the same stripe. Does the gentleman say they are persecuted?

Which ones?

These people were circulating their damnable propaganda against our Nation and our Government. The gentleman was enraged the other day, because the newspaper reporter, Mr. Stokes, had investigated them. The gentleman was contemptuous of the cover names Mr. Stokes used in his inquiries.

I say it is a good thing somebody did investigate them.

I say we ought to be thankful we have citizens who have the boldness and the sagacity to strike out against these enemies of our country.

I say praise the Department of Justice for taking action.

I say these people who were working against these enemies deserve better treatment than to be slandered and vilified on the floor of this House.

The rage of the gentleman from Michigan I can understand; it appears from the indictment that some of these conspirators actually dared to make use of reprints of his speeches, the one in which he applied the term "Judas" to the President of the United States.

I do not blame the gentleman for not wanting to be associated with people like that.

But he had turned his fire on the wrong people. He ought to be mad at the conspirators, not at the reporters who dug up the facts or the prosecutors who acted on them.

[Here the gavel fell.]

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas may proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FISH. Mr. Speaker, I believe I have a special order following the gentleman from Kansas.

The SPEAKER pro tempore. The gentleman from New York is correct. Does the gentleman object to additional time being granted to the gentleman from Kansas?

Mr. FISH. I am not objecting to additional time. I just want my own time. The gentleman from Kansas may proceed for as long as he wants after I get through.

The SPEAKER pro tempore. The Chair understands that the gentleman from New York has no objection.

Mr. FISH. What I wish, Mr. Speaker, is the regular order.

The SPEAKER pro tempore. If the gentleman insists upon the regular order, he is, in effect, objecting to the unanimous-consent request.

Mr. HOUSTON. Mr. Speaker, I shall not ask for additional time, but ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER pro tempore laid before the House the following resignation from committee, which was read by the Clerk:

WASHINGTON, D. C., *December 12, 1942.*

Hon. SAM RAYBURN,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation from the Committee on Foreign Affairs.

Sincerely yours,

HAMILTON FISH.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

RESTORATION OF REPRESENTATIVE AND CONSTITUTIONAL GOVERNMENT

Mr. FISH. Mr. Speaker, I have today submitted my resignation as a member of the House Committee on Foreign Affairs, on which I have served for the past 22 years, in order to devote my entire time in the new Congress, as a member of the Committee on Rules, to the restoration of representative and constitutional government in the United States.

I believe this to be a direct mandate from the American people, who are exasperated at having their daily lives regimented by Executive orders and regulations emanating from bureaucrats and governmental agencies without authority of law and often in defiance of Congress and the Constitution.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. FISH. I cannot yield right now.

Mr. HOOK. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOOK. Such a brilliant speech should not go without an audience; we ought to have a quorum.

The SPEAKER pro tempore. Does the gentleman make the point of order that a quorum is not present?

Mr. HOOK. Unless the gentleman yields I will.

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. FISH. I yield for a question.

Mr. HOOK. I was just wondering whether the gentleman felt there was any moral laxity in the Harding and Hoover administrations.

Mr. FISH. The gentleman interrupted my remarks before I had made clear my views. I am discussing what I believe to be the need for the restoration of representative and constitutional government. I never heard that under the Harding, Hoover, or any other Presidential regime the powers of Congress had been usurped by bureaucrats in Washington. That is the point I am discussing. Possibly the gentleman will agree with me by the time I have finished my statement.

Mr. HOOK. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield for a brief question.

Mr. HOOK. Does the gentleman feel that Teapot Dome was not a bureaucratic action?

Mr. FISH. That had nothing to do with bureaucratic rule, but was a matter of one individual violating the law, and I think every Republican and every Democrat is against corruption in the Federal service.

Mr. HOOK. Can the gentleman say—and does he honestly feel—that we do not have a constitutional government at this time?

Mr. FISH. I do not believe we have it at all. I believe the bureaucrats, in defiance of the Congress and of the Constitution, are taking the laws into their own hands. That is what I would like to discuss, if the gentleman will permit me to continue.

It is the duty of the new Congress to exert its influence to put an end to government by nonelected bureaucrats and to restore a government by law—reestablishing the Congress as the sole Federal legislative authority in the Nation.

The Committee on Rules, with its vast powers, should devote its energies and time to checking on the governmental agencies and requiring the bureaucrats to show by what authority of law they are taking into their own hands the legislative functions of the Congress.

I know of nothing more important for the new Congress to do than to reassert its own authority, legislative prerogatives, and power to stop the march to dictatorship and totalitarianism in our own country while our sons are fighting for the four freedoms throughout the world.

Mr. HOOK. Will the gentleman yield?

Mr. FISH. I would like to proceed with my speech. After I get through, I will yield.

The SPEAKER pro tempore. Has the gentleman from New York yielded?

Mr. FISH. I would prefer that the gentleman ask me any questions when I get through.

Mr. HOOK. Do I understand that the gentleman said there is dictatorship and totalitarianism in this country at the present time?

Mr. FISH. I said, "Stop the march to dictatorship and totalitarianism in our own country." Those are the exact words.

Mr. HOOK. Does the gentleman insist that there is a march to dictatorship and totalitarianism in this country?

Mr. FISH. I thought everybody knew that. There are Members on the gentleman's own side who have expressed themselves upon the floor of this House in stronger terms than I have. I think the Governor of Alabama made a far stronger speech than I propose to make this afternoon on that issue only day before yesterday.

Mr. HOOK. I can assure the gentleman that there is no dictatorship and no march toward totalitarianism or dictatorship unless it is enhanced and brought about by those on your side who have been complaining and bewildering the public to that extent.

Mr. FISH. Mr. Speaker, I think the American people know the facts and

voted their opposition to totalitarianism and dictatorship last month.

In carrying out this program, the Congress should investigate all attempts to undermine the authority of the legislative branch of the Government by individuals, organizations, or governmental agencies, including efforts designed to destroy freedom of speech, freedom of the press, and representative and constitutional government.

It is with regret that I resign from the Committee on Foreign Affairs where, as ranking Republican member, in the present Congress, I led the fights to prevent the destruction of the Neutrality Act, the adoption of the lend-lease bill, and other measures that, in my opinion, would provoke or involve us in war. I did everything I could, according to my convictions and the will of the people, to keep America out of war unless attacked.

Although there were approximately 100 more Democrats in the House than Republicans, some of these controversial war measures were adopted by very few votes in spite of the administration's overwhelming majority. However, once we were attacked, I, along with other Members of Congress, voted for war and have supported all war measures since in order to win an all-out victory at the earliest possible moment.

I have yet to find any of the noninterventionists in Congress who have apologized for having voted their honest convictions in opposition to measures they believed were leading us step by step into war. They voted on all those pre-war measures on the basis of what they believed to be for the best interests of America and for the preservation of peace. I do not know how to perform political somersaults, or, for the sake of expediency, to repudiate what I believed in at the time; or to applaud now, for political purposes, that which I rejected only a year ago. I am firmly convinced that my views are identical with all other pre-war noninterventionists in Congress.

The controversial issues between the interventionists and noninterventionists were sunk at Pearl Harbor, but that has not deterred a very small, rabid group of interventionists in both parties from attempting to revive these pre-war issues, which is a disservice to our country and tends to undermine national unity and impede our all-out war efforts.

I have never challenged the patriotism or Americanism of any interventionists for wanting to get us into war prior to Pearl Harbor—that was his or her right as a free sovereign American citizen. I do deplore, and will oppose, any attempts from whatever source to impugn the motives or patriotism of any noninterventionist Members of Congress who sought, in accordance with his convictions, to keep us out of war unless attacked.

In resigning from the Committee on Foreign Affairs to devote my entire time to the work of the Rules Committee toward restoring representative and constitutional government, I shall continue to be interested in our foreign policies and the right of the Congress to participate in the making of a just and lasting peace after the war has been won.

Mr. EBERHARTER. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. I want to assure the gentleman from New York, Mr. Speaker, that I certainly do not doubt his sincerity, his patriotism, or his Americanism in any respect; but from the tenor of the statement made by the gentleman I would gather that he thought and he still thinks it was a mistake on the part of this Congress to pass the lend-lease bill and those various other preparedness measures. I may be wrong about that.

Mr. FISH. The gentleman is certainly not wrong. I have just stated, if he had listened to me, that I thought those controversial measures were steps toward war. I so stated at the time and I just told the House very clearly that I did not propose and did not know how to perform a political somersault. I voted my convictions and I do not know of a single Member of Congress who cares to change any vote that he cast at that time under those circumstances. I also pointed out that now that we are in the war, I am for all-out war measures to win the war as soon as possible. I think the gentleman has a right to his views, and I think I made very clear what my views were at that time and still are.

Mr. EBERHARTER. As I stated in the first place, I am sure the gentleman is sincere in his views and was at the time he took the action he did in respect to these various measures. What I want to have cleared up is the following: Does the gentleman think those various measures on the part of the Congress of the United States are the matters that provoked the war upon the United States?

Mr. FISH. I certainly do and said so many times on the floor of the House. Every time such a bill came up I maintained that it was another step toward war. The gentleman is not going to change my record of voting in any possible respect. I campaigned on that record in my own district and defended it both in the primary and the election.

Mr. EBERHARTER. To follow that through, then, the gentleman believes that this country's being in the war is the fault of this country and the acts of its Congress?

Mr. FISH. The gentleman from Pennsylvania knows that we were attacked by the Japanese at Pearl Harbor on December 7, 1941, and that I, with other Members of the House, voted on December 8 for war because we were attacked. Every time I opposed these measures as steps leading to war I stated that in case of attack I would vote for war.

Mr. EBERHARTER. In other words, the gentleman, for historical purposes, would take the position this country wanted to go to war and therefore the Congress passed these measures?

Mr. FISH. Some of our people did want to go to war and said so, and had the right to say so. I do not know whether the gentleman was one of those or not. But many of his friends wanted to go to war and some people in and out of Congress favored our entrance into the war and had a perfect right to say so and I have never questioned patriotism or Americanism for expressing such views.

Mr. EBERHARTER. The majority of the Congress of the United States voted for those measures.

Mr. FISH. Most of these votes were close in the House. Eighty percent of the American people wanted to stay out of war unless attacked. I was one of the 80 percent. That was the will of the American people. I do not propose to change the record of the Congress as it is history and speaks for itself.

Mr. EBERHARTER. I want the RECORD to be clear, if the gentleman will permit me for just a moment.

The gentleman stated that all these steps were steps that were responsible for this country's being in the war.

Mr. FISH. I said I thought at the time and still think that many of these controversial measures were steps toward war. I think we made that very clear at the time, and I think 80 percent of the American people knew about it and wanted to stay out of war unless attacked. Once we were attacked we became a united Nation and interventionists and noninterventionists are now marching shoulder to shoulder to victory.

Mr. EBERHARTER. Then the gentleman said that a majority of the Congress of the United States wanted war because they voted for these measures.

Mr. FISH. Very few people wanted war, a very small vociferous minority, but they had a right to their views. Most of the Members of Congress were opposed to war and said so repeatedly even when voting for these pre-war measures.

PROTESTING MASSACRE OF JEWS IN CONQUERED TERRITORY

Mr. Speaker, I desire at this time to read a letter which I have addressed to the Secretary of State, dated December 10, 1942. The letter speaks for itself:

DECEMBER 10, 1942.

HON. CORDELL HULL,
Secretary of State,
Washington, D. C.

DEAR MR. SECRETARY: I have been shocked by the repeated statements appearing in the American press concerning the alleged slaughter of 7,000 Jews daily by the Nazis in conquered territories.

I would appreciate receiving from you any data that you may have concerning such atrocities and any suggestions you may care to make that might help to put a stop to the massacre of Jews in central and eastern Europe.

I quote from a letter signed by Pierre Van Paasen, of the Committee for a Jewish Army, published in the New York Times of December 5, 1942: "To be silent in this hour when thousands of unarmed, innocent Jewish human beings are murdered each day is not only a betrayal of elementary human solidarity, it is tantamount to giving the bloodthirsty Gestapo carte blanche to continue and speed its ghastly program of extermination. To be silent is to help Hitler carry out his program of killing off one people today—another people, perhaps the Poles, tomorrow, and Czechs and Yugoslavs the day after tomorrow, etc."

Is there not some action that may be taken by the United States Congress and the administration that will stop these pogroms of Jews in Poland and eastern Europe? Would it be possible to enlist the support of such neutrals as Sweden, Switzerland, Spain, and Turkey?

I am and always have been against the persecution of minorities here and abroad on account of race, color or creed and shall be glad to cooperate in Congress in any constructive way to stop this wholesale murder

and butchery of defenseless people. In the meantime I am in favor of giving the Jewish people arms and equipment and an opportunity to fight in Palestine, north Africa, and to participate in the Allied invasion of Europe. Why should not the Jews of Palestine and Europe be permitted to form their own fighting units such as the Poles, Czechs, Greeks, Free French, and now Free Austrians?

Thanking you for any information or suggestions you may care to send me and with kind regards, I am

Sincerely yours,

HAMILTON FISH.

Mr. Speaker, since I wrote this letter to the Secretary of State the Free Polish Government in exile has written a note to all civilized nations authenticating the fact that one-third of the Jewish population of Poland has already been exterminated, and that orders have been given by the Gestapo to exterminate 50 percent during the balance of this year. This substantiates the statement I made in my letter to the Secretary of State.

I think all Americans, regardless of party or creed or color, agree that it is a horrifying picture that in our time and generation a race can be exterminated under the stress of war, yet we have not taken any concrete action so far. I hope the next Congress will act and cooperate with the administration to ask the neutral nations of the world to try to put an end to this murderous program against the Jews in Central Europe and Poland.

HON. ARTHUR W. MITCHELL

Among the Members of the House who are retiring voluntarily is the gentleman from Illinois, ARTHUR W. MITCHELL, an able, courageous, and distinguished Representative and the only Negro in Congress. He has under many trying circumstances conducted himself with credit to his constituents and to his race as an American and patriot. While we are fighting for the four freedoms throughout the world we should make sure in winning the war that our own people have these same freedoms in America. There is no reason with over 12,000,000 colored American citizens that they should not have additional representation in the Congress.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 644. An act for the relief of Hiller & Wilbur, Inc.; to the Committee on Claims.

S. 1214. An act to provide for the payment of the claim of John C. Shaw, administrator de bonis non of the estate of Sydney C. McLouth, deceased, arising out of a contract between said deceased and the United States Shipping Board Emergency Fleet Corporation, for the construction of seagoing tugs; to the Committee on Claims.

S. 2176. An act for the relief of the heirs of John J. Shields; to the Committee on Claims.

S. 2375. An act for the relief of Robert T. Groom, Daisy Groom, and Margaret Groom Turpin; to the Committee on Claims.

S. 2610. An act for the relief of Richard Barker; to the Committee on Claims.

S. 2899. An act to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States; to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7575. An act to expedite the prosecution of war, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1666. An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies;

S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes";

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy;

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; and

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did, on December 12, 1942, present to the President, for his approval, bills of the House of the following titles:

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased; and

H. R. 6410. An act for the relief of Alex Gamble.

ADJOURNMENT

Mr. LARRABEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 15, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will meet in open hearing on Tuesday, December 15, 1942, at 10:30 a. m., to consider the report made by the General Accounting Office on the Waterman Steamship Corporation.

Consideration will be given such other matters as the committee may deem appropriate at that time.

It is hoped that as many members as possible may be present at that time.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2036. A letter from the Chairman, War Production Board, transmitting the third report upon the operations of the War Production Board; to the Committee on Banking and Currency.

2037. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 23, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Fond du Lac River and tributaries, Wisconsin, authorized by the Flood Control Act approved on June 22, 1936; to the Committee on Flood Control.

2038. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1942, submitting a report, together with accompanying papers, on a reexamination of the White River, with a view to providing further improvement in the pool formed by lock and dam No. 1, near Batesville, Ark., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on April 17, 1940; to the Committee on Rivers and Harbors.

2039. A letter from the Archivist of the United States, transmitting a report of the Archivist of the United States on lists of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

2040. A letter from the Secretary of Commerce, transmitting a report of the activities of the Reconstruction Finance Corporation and its subsidiaries in connection with the war up to October 31, 1942; to the Committee on Banking and Currency.

2041. A communication from the President of the United States, transmitting a letter urging enactment of legislation relative to adjusting wages and hours for Federal Government employees, was taken from the Speaker's table and referred to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURDICK: Committee on the Territories. Supplemental report to part 2, to accompany H. R. 7463. A bill transferring of land from the jurisdiction of the Hawaiian Homes Commission for expansion of airports on Molokai at Hilo, Hawaii, T. H.; without amendment (Rept. No. 2726). Ordered to be printed.

Mr. ROBINSON of Utah: Committee on the Public Lands. S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war; with amendment (Rept. No. 2730). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma; without amendment (Rept. No. 2731). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON of New Mexico: Committee on Indian Affairs. S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.; without amendment (Rept. No. 2732). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Washington: Committee on Indian Affairs. S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; without amendment (Rept. No. 2733). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Washington: Committee on Indian Affairs. S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes; without amendment (Rept. No. 2734). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 7105. A bill to provide for the suspension, during the war, of operating-differential subsidy agreements, and attendant benefits, under title VI of the Merchant Marine Act, 1936, as amended, and for other purposes; with amendment (Rept. No. 2735). Referred to the Committee of the Whole House on the state of the Union.

Mr. CUNNINGHAM: Committee on the Territories. H. R. 5948. A bill to amend the Hawaiian Organic Act so as to provide for reapportionment of the membership of the House of Representatives of the Legislature of the Territory of Hawaii and to create districts from which said representatives shall be elected, and to authorize the said legislature to provide for reapportionment within each county of the membership of the senate of said legislature and to create districts from which said senators shall be elected; with amendment (Rept. No. 2736). Referred to the House Calendar.

Mr. CUNNINGHAM: Committee on the Territories. H. R. 6461. A bill to authorize the incorporated city of Anchorage, Alaska, to purchase and improve the electric light and power system of the Anchorage Light & Power Co., Inc., an Alaska corporation, and for such purpose to issue bonds in the sum of not to exceed $1,250,000 in excess of present statutory debt limits; without amendment (Rept. No. 2737). Referred to the House Calendar.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 7744. A bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service; with amendment (Rept. No. 2738). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEA:

H. R. 7863. A bill for the relief of the State of California; to the Committee on the Judiciary.

By Mr. CELLER:

H. R. 7864. A bill to amend the act of September 22, 1941, Public Law 252, Seventy-seventh Congress, with relation to the temporary appointments of officers in the Army of the United States; to the Committee on Military Affairs.

By Mr. JARMAN:

H. J. Res. 369. Joint resolution authorizing the printing and binding of 1,500 copies of a revision of Cannon's Procedure in the House of Representatives; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LEONARD W. HALL introduced a bill (H. R. 7865) for the relief of Peter Cuccio and Jasper and Pauline Cuccio (minors), which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3489. By Mr. CUNNINGHAM: Resolution adopted by Story County, Iowa, Bankers Association, dated November 18, 1942, protesting against Production Credit Association lending; to the Committee on Agriculture.

3490. By Mr. SMITH of Wisconsin: Petition of the Wisconsin Canners Association, Madison, Wis.; to the Committee on Ways and Means.

3491. By Mr. MARTIN of Iowa: Petition of Ruth A. Levendahl, secretary, student branch, American Pharmaceutical Association, College of Pharmacy, University of Iowa, Iowa City, Iowa, and fellow students, urging the passage of House bill 7432 and Senate bill 2690 to establish a Pharmacy Corps in the United States Army; to the Committee on Military Affairs.

3492. By Mr. MERRITT: Resolution of the Queens County Board, Ancient Order of Hibernians, affirming its appreciation of the confidence reposed in William Griffin on occasions by our beloved President of the United States and by many distinguished citizens of the United States of various racial and religious origins and affiliations, and expressing its sincere belief that the said William Griffin is devoted to our United States Constitution and our American ideals; to the Committee on Military Affairs.

3493. By the SPEAKER: Petition of the Springfield Chamber of Commerce, Springfield, Mo., petitioning consideration of their resolution with reference to the death of Hon. Phil A. Bennett; to the Committee on Memorials.

3494. Also, petition of the Acting Secretary of the Interior, petitioning consideration of resolution dated July 24, 1942; to the Committee on Ways and Means.

SENATE

TUESDAY, DECEMBER 15, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all Grace and Love, trusting only in Thy mercy would we seek Thy face. We come asking not that Thy will be bent to our whim but that Thy completeness flow around our incompleteness, and around our restlessness Thy rest.

May the Christmas Cradle bring to us a penitent revelation of our towering self-sufficiency and the realization that in our smart sophistication we have so often mistaken knowledge for truth and cleverness for wisdom; and so, alas, have trusted in a wisdom that is not wise. May the Christmas skies and song shed new wonder and mystic meaning on tasks as commonplace as that of shepherds watching their flocks by night. And may the Christmas climate, with its balmy breezes of good will, melt cold unbrotherliness, touching the bleak and barren areas of unbelief into the blossomed loveliness of a spiritual springtime. In that sunny domain unmarred by the blighting frost of disillusionment and intolerance may there bloom the fragrant flowers of humility and sweet charity.

We ask it in the ever blessed Name of that One at whose birth the angels sang and wise men hastened, and of whom the holy prophets declared, "And the government shall be upon His shoulder." Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, December 11, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that the President had approved and signed the following acts:

On December 11, 1942:

S. 2292. An act for the relief of Fred Walker, Sr., legal guardian for Fred Walker, Jr.; the District Court of the United States for the District of Columbia; and

S. 2742. An act for the relief of Guy E. Mish.

On December 12, 1942:

S. 2195. An act for the relief of Charles E. Salmons.

On December 14, 1942:

S. 2268. An act to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty;

S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy;

S. 2619. An act to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments;

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same; and

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 140) granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 4918. An act for the relief of Anna J. Krogoll;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes; and

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Irene Morgan, and Alice K. Weber.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5812. An act for the relief of William E. Averitt and United States Casualty Co.;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes; and

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7828. An act for the relief of John Sweeney;

H. R. 7841. An act relating to the administration of grazing districts; and

H. J. Res. 368. Joint resolution fixing the date of meeting of the first session of the Seventy-eighth Congress.

The message further announced that the House had agreed to Senate Concurrent Resolution 40, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, to strike out the words "section 6 (b)" where they appear in section 8 (c) thereof and insert in lieu thereof the words "sections 4 (b), 4 (c), and 6 (b)."

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1666. An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies;

S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for government employees, and for other purposes";

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2528. An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy;

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations;

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes; and

H. R. 7575. An act to expedite the prosecution of war, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii; to the Committee on Territories and Insular Affairs;

H. R. 7828. An act for the relief of John Sweeney; and

H. R. 7841. An act relating to the administration of grazing districts; to the calendar.

JUDGE OF UNITED STATES CUSTOMS COURT—NOTICE OF HEARING ON NOMINATION

Mr. KILGORE. Mr. President, the Committee on the Judiciary has received the nomination of Charles D. Lawrence, of New York, to be judge of the United States Customs Court.

As chairman of the subcommittee appointed to consider this nomination and as required by a rule of the committee, I announce that Tuesday, December 22, 1942, at 10:30 a. m., has been set for a hearing in the Judiciary Committee room on this nomination. At this time and place all interested parties may be heard.

DISTRICT JUDGE OF HAWAII—NOTICE OF HEARING ON NOMINATION

Mr. McFARLAND. Mr. President, the Committee on the Judiciary has received the nomination of J. Frank McLaughlin, of Hawaii, to be judge of district of Hawaii.

As chairman of the subcommittee appointed to consider this nomination and as required by a rule of the committee, I announce that Tuesday, December 22, 1942, at 10:30 a. m., has been set for a hearing in the Judiciary Committee room on this nomination. At that time and place all interested parties may be heard.

JUDGE OF THE WESTERN DISTRICT OF OKLAHOMA—NOTICE OF HEARING ON NOMINATION

Mr. McFARLAND. Mr. President, the Committee on the Judiciary has received the nomination of Stephen S. Chandler, Jr., of Oklahoma, to be judge of the district court for the western district of Oklahoma.

As chairman of the subcommittee appointed to consider this nomination and as required by a rule of the committee, I announce that Tuesday, December 22, 1942, at 10:30 a. m., has been set as the time for a hearing in the Judiciary Committee room on this nomination. At that time and place all interested parties may be heard.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Danaher	McCarran
Andrews	Davis	McFarland
Austin	Downey	McNary
Bailey	Doxey	Maloney
Barkley	Gerry	Maybank
Bone	Gillette	Mead
Brewster	Green	Millikin
Brooks	Guffey	Murdock
Brown	Gurney	Murray
Bulow	Herring	Nelson
Burton	Hill	Norris
Butler	Johnson, Calif.	Nye
Byrd	Johnson, Colo.	O'Daniel
Capper	Kilgore	Pepper
Caraway	Langer	Radcliffe
Clark, Idaho	Lodge	Reed
Clark, Mo.	Lucas	Schwartz
Scrugham	Thomas, Okla.	Wallgren
Shipstead	Truman	Walsh
Shott	Tunnell	Wheeler
Spencer	Tydings	White
Stewart	Vandenberg	Wiley
Taft	Van Nuys	
Thomas, Idaho	Wagner	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ] is detained because of a slight cold.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Utah [Mr. THOMAS] is out of the city on important public business.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from Texas [Mr. CONNALLY], the Senators from Louisiana [Mr. ELLENDER and Mr. OVERTON], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. BARBOUR], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

My colleague the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of JAMES E. MURRAY, duly chosen by the qualified electors of the State of Montana a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

In the Name and by the Authority of the State of Montana, To All Whom These Presents Shall Come, Greeting:

Know ye, That I, Sam C. Ford, Governor of the State of Montana, do hereby certify that at a general election held in the State of Montana on the 3d day of November A. D. 1942, pursuant to section 531 of the Revised Codes of the said State, JAMES E. MURRAY was duly elected to the office of United States Senator in and for the State of Montana, he having received the highest number of votes for said office as appears from a certified copy of the abstract votes cast at said election now on file in my office.

And by virtue of the power vested in me by the Constitution, and in pursuance of the laws, I do hereby commission him, the said JAMES E. MURRAY, to be United States Senator, hereby authorizing and empowering him to execute and discharge, all and singular, the duties appertaining to said office, and enjoy all the privileges and immunities thereof for a period of 6 years, beginning January 3, 1943.

In testimony whereof, I have hereunto subscribed my hand and caused the great seal of the State of Montana to be affixed at

Helena, Mont., the 9th day of December, in the year of our Lord, 1942, and in the one hundred and sixty-seventh year of the independence of the United States.

SAM C. FORD.

By the Governor:
[SEAL] SAM W. MITCHELL,
Secretary of State.

Mr. GILLETTE presented the credentials of GEORGE A. WILSON, duly chosen by the qualified electors of the State of Iowa a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942 GEORGE A. WILSON was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His Excellency our Governor, George A. Wilson, and our seal hereto affixed at Des Moines, this 28th day of November, in the year of our Lord 1942.

GEO. A. WILSON.

By the Governor:
[SEAL] EARL G. MILLER,
Secretary of State.

Mr. THOMAS of Oklahoma presented the credentials of EDWARD H. MOORE, duly chosen by the qualified electors of the State of Oklahoma a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF OKLAHOMA,
EXECUTIVE CHAMBER,
Oklahoma City, December 7, 1942.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942 EDWARD H. MOORE, of Tulsa, Okla., was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His Excellency our Governor Leon C. Phillips, and our seal hereto affixed at Oklahoma City, Okla., this 7th day of December, in the year of our Lord 1942.

By the Governor of the State of Oklahoma.
LEON C. PHILLIPS.

Attest:
[SEAL] C. C. CHILDERS,
Secretary of State.

Mrs. CARAWAY presented the credentials of JOHN L. MCCLELLAN, duly chosen by the qualified electors of the State of Arkansas a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November, 1942, JOHN L. MCCLELLAN was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1943.

In testimony thereof, I have hereunto set my hand and caused to be affixed the great seal of the State in the Governor's office at Little Rock, on this 3d day of December 1942.

HOMER M. ADKINS,
Governor.

By the Governor:
[SEAL] C. G. HALL,
Secretary of State.

Mr. WALSH presented the credentials of HENRY CABOT LODGE, JR., duly chosen by the qualified electors of the State of Massachusetts a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

THE COMMONWEALTH OF MASSACHUSETTS

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942 HENRY CABOT LODGE, JR., was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1943.

Witness: His Excellency our Governor Leverett Saltonstall, and our seal hereto affixed at Boston this 9th day of December, in the year of our Lord 1942.

LEVERETT SALTONSTALL,
Governor.

By the Governor:
[SEAL] F. W. COOK,
Secretary of State.

Mr. KILGORE presented the credentials of CHAPMAN REVERCOMB, duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

UNITED STATES SENATOR—A PROCLAMATION BY THE GOVERNOR

Whereas, it appears by the certificates returned by the Commissioners of the County Courts (who are ex-officio the Boards of Canvassers) of the several counties composing the State of West Virginia, that at the general election held on the 3d day of November 1942, Matthew M. Neely received two hundred seven thousand forty-five (207,045) votes, and CHAPMAN REVERCOMB received two hundred fifty-six thousand eight hundred sixteen (256,816) votes:

Therefore, I, Matthew M. Neely, Governor of the State of West Virginia, do by this my proclamation declare that CHAPMAN REVERCOMB, of Charleston, in the county of Kanawha, having received the largest number of votes cast at the said election, is duly elected United States Senator for the 6-year term beginning January 3, 1943.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at the Capitol in the City of Charleston, this 1st day of December in the year of our Lord, 1942, and of the State the 80th.

MATTHEW M. NEELY,
Governor.

By the Governor:
[SEAL] WILLIAM S. O'BRIEN,
Secretary of State.

SPECIAL COMMITTEE TO INVESTIGATE PRODUCTION, TRANSPORTATION, AND USE OF FUELS IN AREAS WEST OF THE MISSISSIPPI RIVER

Under the terms of Senate Resolution 319, agreed to subsequently today, the Vice President appointed Mr. CLARK of Missouri, Mr. LUCAS, Mr. STEWART, Mr. REED, and Mr. GURNEY members of the Special Committee to Investigate the Production, Transportation, and Use of Fuels in Certain Areas West of the Mississippi River.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE CHAIRMAN OF THE WAR PRODUCTION BOARD RELATING TO SMALLER BUSINESS ENTERPRISES

A letter from the Chairman of the War Production Board, submitting, pursuant to law, his third report of operations under the terms of Public Law 673, 77th Congress, relating to smaller business enterprises; to the Committee on Military Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Navy, Interior, and Agriculture; the Federal Works Agency, and the Federal Power Commission which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A letter from the Acting Secretary of the Interior, transmitting a resolution of the Municipal Council of St. Thomas and St. John, V. I., favoring the enactment of legislation to authorize the deposits of all internal-revenue collections on liquors and articles produced in the Virgin Islands and transported into the United States, to accrue intact and to be paid into the municipal treasury of that municipality of the Virgin Islands; to the Committee on Finance.

A resolution adopted by Local No. 33, International Fishermen and Allied Workers of America (affiliated with the C. I. O.), of San Pedro, Calif., favoring the prompt enactment of legislation to provide periodic payments and medical care in the event of injury or death sustained in the performance of duty to civilian defense workers, such payments and benefits to apply with respect to any death or injury sustained by any civilian defense worker subsequent to December 6, 1941; ordered to lie on the table.

By Mr. TYDINGS:

A petition of sundry citizens, students of the School of Pharmacy of the University of Maryland, praying for the enactment of Senate bill 2690, to establish a pharmacy corps in the United States Army; to the Committee on Military Affairs.

By Mr. CAPPER:

A petition, numerously signed, of sundry citizens of White City, Kans., praying for the enactment of legislation to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. TAFT:

Petitions of numerous citizens and organizations, all in the State of Ohio, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. JOHNSON of California:

Petitions, numerously signed, by sundry citizens of Alameda (25 signatures), Alhambra (23 signatures), Arlington (70 signatures), Aromas (61 signatures), Berkeley (20 signatures), Corona (150 signatures), Fairfield and Cordelia (20 signatures), Fresno (15 signatures), Glendale (4 signatures), Los Angeles (1,200 signatures), Los Gatos (22 signatures), Modesto (30 signatures), Oakland (102 signatures), Pasadena (15 signatures), Riverside (12 signatures), San Mateo County (30 signatures), members of First Methodist Church of Sacramento (50 signatures), members of Church of the Latter Day Saints, San Diego (75 signatures), members of Free Methodist Church of California, Los Angeles and Riverside (30 signatures), members of the Women's Mission Society, Eleventh Baptist Church, Los Angeles (75 signatures), members of Women of the Women's Christian Temperance Union, Bresee Avenue Church of the Nazarene of Pasadena (20 signatures), and a group of mothers of Riverside (25 signatures), all in the State of California, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

LETTER FROM YALESVILLE (CONN.) W. C. T. U.—TAXATION OF NARCOTIC DRUGS

Mr. MALONEY. Mr. President, I ask that there be placed at this point in the RECORD and appropriately referred a self-explanatory communication which I have received from Mrs. M. B. McKinnon, president of the Woman's Christian Temperance Union at Yalesville, Conn., relating to a House bill concerning the taxation of narcotic drugs.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

YALESVILLE, *December 7, 1942.*

DEAR SENATOR MALONEY: We most respectfully ask that you give this most important bill (H. R. 7568) your consideration and influence before coming home. Please insert this appeal in CONGRESSIONAL RECORD. We have failed to see any former appeals so inserted from Connecticut.

Sincerely,

Mrs. M. B. MCKINNON,
President of Yalesville W. C. T. U.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—LETTER AND STATEMENT FROM SAN JUAN (P. R.) WOMAN'S CHRISTIAN TEMPERANCE UNION—PETITIONS

Mr. O'DANIEL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD and appropriately referred a letter from the president of the Woman's Christian Temperance Union of San Juan, P. R., together with a statement from that organization.

There being no objection, the letter and statement were ordered to lie on the table and to be printed in the RECORD, as follows:

WOMAN'S CHRISTIAN TEMPERANCE UNION,
San Juan, P. R., March 31, 1942.

Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.

DEAR SENATOR O'DANIEL: I have read with great interest your speech in behalf of bill S. 860 made before Congress on January 16.

The Woman's Christian Temperance Union of Puerto Rico has been getting signatures to back this bill for some time and we have sent quite a number to the Hon. ANDREW J. MAY, chairman, House Military Affairs Committee.

I have written a short letter for the CONGRESSIONAL RECORD in the name of the Woman's Christian Temperance Union, and encouraged by the reading of your splendid speech, I am making bold to send the letter to you with the hope that you might have it appear in the CONGRESSIONAL RECORD as soon as possible.

The drink problem is most distressing here in Puerto Rico and it is heart-breaking to see so many of our fine boys from the mainland come down here and go to the dogs. Beer is sold so cheap in the camps that they fill up on that and make a dive for stronger liquor as soon as they are on leave. There have been many accidents and a large number of suicides among the Puerto Rican and American servicemen due to alcoholic beverages. Drastic measures should be taken immediately if we really wish to avoid another Pearl Harbor incident.

I shall greatly appreciate your interest in this matter and hope you will forgive me for having taken this liberty.

Yours very sincerely,

EDITH M. IRVINE-RIVERA,
President.

Last August, some 800 signatures to a petition asking that bill S. 860 be given earnest consideration and be adopted for the protection of our boys in the Army and Navy were mailed to the Honorable ANDREW J. MAY. Since then 946 more have been secured and mailed to Representative MAY.

These signatures were secured through the local Woman's Christian Temperance Unions operating throughout the island and only represent a small proportion who are extremely anxious that this bill be adopted.

There has never been so much drinking in Puerto Rico as there is today. Due to the fact that the servicemen get beer so cheap on the military posts and, worse still, that there are liquor places and houses of ill repute near the posts and everywhere throughout the island, social conditions are most distressing. Crime, suicide, and accidents have reached an incredible peak, and we feel that it is high time for our defenders to be defended from these vice traps.

Heading a list of 108 petitioners living in the mountains of Puerto Rico are these words: "We all protest against liquor and wish to cooperate with the national defense." This voices the sentiments of thousands of Puerto Ricans who are loyal American citizens and whose sons are enlisted and stand ready to fight the enemy to the bitter end. They know, however, that, no matter how loyal or brave or well trained their sons may be, they cannot render as efficient service while under the influence of intoxicating liquor.

The entire constituency of evangelical churches and the entire membership of the Woman's Christian Temperance Union represented by 38 local unions unite in this request that our legislators give this important bill immediate attention, and stop this wreckage of human lives through the use of alcoholic beverages by adopting it. This golden opportunity awaits you, the lawmakers of our Nation. We, the mothers of this Nation, who are giving our sons in sacrificial devotion to the great cause of democracy, are counting on you to protect them from the use of liquor inside and outside of the military camps, and by the adoption of this bill, S. 860, bring about the suppression of vice in all military zones.

Mothers of Puerto Rico ask you to make this bill a law before Mother's Day, and you may be sure that as we ask you to heed our petition we are asking God to guide you in this all-important matter.

Most respectfully yours,

WOMAN'S CHRISTIAN TEMPERANCE UNION OF PUERTO RICO.

Mr. O'DANIEL. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a record of petitions which I have received in support of Senate bill 860. They represent the views of 2,587 people from 14 States and the District of Columbia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Petitions received by Senator O'Daniel in support of Senate bill 860

Pennsylvania:	
Philadelphia	603
Quarryville	1
Rhode Island: Providence	101
Tennessee: Dandridge	1
Texas:	
Aledo	57
Aquilla	1
Austin	65
Falfurrias	1
Ganaview	1
Houston	3
Klondike	1
Lexington	12
Mabank	2
Marlin	1
Palestine	1
San Antonio	1
Wharton	1
Wichita Falls	1
Washington:	
Custer	24
Vashon	29
Alabama: Bessemer	5
California: Los Angeles	63
District of Columbia	126
Indiana: South Bend	44
Louisiana: Shreveport	1
Massachusetts: Gloucester	840
New York:	
Brooklyn	45
Houghton	27
Oklahoma: Mangum	1
Wisconsin: Superior	22
Minnesota:	
Ferlile	23
Gary	1
Bandette	39
Spooner	29
Williams	1
Pitt	2
Clementson	1
Halstad	2
Warroad	1
Duluth	34
Hopkins	6
Hovland	35
Grand Marais	15
Lakefield	1
St. Louis Park	2
St. Paul	47
Minneapolis	267
14 States and the District of Columbia	2,587

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITIONS

Mr. JOHNSON of Colorado. Mr. President, I take great satisfaction and pride in presenting to the United States Senate for its permanent record a series of petitions calling for favorable action on Senate bill 860. These petitions are signed by 24,719 Colorado citizens, representing every county in the State.

It is a matter of deepest regret to these petitioners that the Senate did not see fit to enact this legislation before adjourning this session. They keenly feel that this great Nation should throw every safeguard within its power around its defenders in uniform. Now that 18-year-old boys are being drafted into the armed forces it would seem that the Senate of the United States should give the problem of control of vice and liquor every consideration.

I had hoped that this bill placed on the calendar by the Senate Military Affairs Committee might have come to a recorded vote without being involved in anti-poll-tax and other highly controversial and unrelated legislative proposals.

The VICE PRESIDENT. The petitions will lie on the table.

REGULATION OF IMPORTATION OF MEAT FROM FOREIGN COUNTRIES—RESOLUTION OF KANSAS STATE GRANGE

Mr. CAPPER. Mr. President, I desire to call the attention of the Senate to the following telegram from C. C. Cogswell, master of the Kansas State Grange, just received by me:

Kansas Grange delegate body unanimously passed the following resolution:

"We protest giving President or any bureau unlimited right by Executive order to remove restrictions on imports and immigration. We are unalterably opposed to lifting any sanitary regulations to permit importation of meat products from foreign countries."

Mr. President, the matter of granting to the President blanket powers to suspend immigration and tariff restrictions undoubtedly will come before the next Congress. The President has indicated he believes he ought to have such powers. I, for one, do not believe that he should, but feel that if he points out specific suspensions or amendments needed to prosecute the war, Congress will grant them. But the time has come—in fact it has passed—for Congress to refuse to grant to the President over-all blanket powers to exercise legislative functions. I will have more to say on this subject later.

RATIONING OF GASOLINE FOR FARM USE—RESOLUTIONS OF KANSAS STATE GRANGE

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed at this point as a part of my remarks resolutions of the Kansas State Grange dealing with rationing of gasoline for farm use, and other subjects, which I send to the desk.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Rationing of gasoline and tires must be so administered that farm producers will be enabled to transport their products to market unhampered. To accomplish this end, we favor increased local supervision and allocation of required gasoline and tires for farm trucks and passenger cars used to transport farm commodities.

SYNTHETIC RUBBER

Additional materials are needed for manufacturers of truck and auto tires to maintain adequate transportation. To this end we urge immediate production and in every possible manner the manufacture of synthetic rubber.

We urge the elimination of unnecessary uses of gasoline and wear and tear of tires by the practice of transporting loads both ways, but oppose compulsory rules to that effect.

We advocate more liberal distribution of new trucks and truck parts to farmers.

We further urge the removal of transportation barriers between States.

To relieve the overburdened highway transportation facilities, we recommend that long hauls be shifted to railroads and waterways where possible.

COMMITTEE REPORT FILED DURING RECESS

Under authority of the order of the 11th instant,

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934, reported it on December 14, 1942, with amendments and submitted a report (No. 1846) thereon.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. VAN NUYS, from the Committee on the Judiciary:

H. R. 7810. A bill to provide for the appointment of an additional district judge for the northern district of Alabama; without amendment (Rept. No. 1855).

By Mr. McFARLAND, from the Committee on the Judiciary:

H. R. 7142. A bill relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes; without amendment (Rept. No. 1852).

By Mr. KILGORE, from the Committee on the Judiciary:

S. 2856. A bill to provide for the punishment of certain hostile acts against the United States, and for other purposes; with amendments (Rept. No. 1853).

By Mr. GILLETTE, from the Committee on Agriculture and Forestry:

S. Res. 312. Resolution authorizing an investigation of the administration of the laws relating to agricultural commodity prices and subsidies (submitted by Mr. GILLETTE and Mr. REED on October 29, 1942); with an amendment (Rept. No. 1854).

By Mr. HILL, from the Committee on Expenditures in the Executive Departments:

H. R. 6447. A bill to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer; without amendment (Rept. No. 1851).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 12, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 357. An act to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation and utilization of the mining, preparation and utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort;

S. 1008. An act to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938;

S. 2268. An act to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty;

S. 2422. An act to authorize the Secretary of War to designate the titles of certain offices and departments of instruction at the United States Military Academy;

S. 2619. An act to amend Article of War 114 so as to broaden the power to administer oaths and take acknowledgments;

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and for other purposes;

S. 2798. An act amending the first sentence of Article of War 52, relative to execution of court-martial sentences;

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a Silver Star to certain persons serving with the Army of the United States;

S. 2867. An act to provide for the appointment of an additional circuit judge for the fifth circuit; and

S. 2891. An act to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same.

BILL INTRODUCED

Mr. DOWNEY introduced a bill (S. 2924) for the relief of the State of California, which was read twice by its title and referred to the Committee on the Judiciary.

AUTHORIZATION FOR RECONSTRUCTION FINANCE CORPORATION TO ISSUE ADDITIONAL NOTES, BONDS, AND DEBENTURES—AMENDMENT

Mr. REED submitted an amendment intended to be proposed by him to the bill (H. R. 7801) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the end of the bill insert the following new section:

"SEC. 2. It is hereby declared to be the policy of the Congress that all debts of whatever nature due to the Reconstruction Finance Corporation from common carriers by railroad subject to the Interstate Commerce Act shall be paid to and received by said Corporation as promptly and to the extent that the condition of the several carriers indebted to said Corporation will permit. The Interstate Commerce Commission is hereby vested with jurisdiction and power to determine the extent to which such indebtedness may be safely liquidated in accordance with this policy, and upon application by any interested party or upon its own motion the Interstate Commerce Commission shall exercise the power hereby conferred."

PROPOSED ENLARGEMENT OF ROCKY MOUNTAIN NATIONAL PARK—CONTINUANCE OF SENATE RESOLUTION 147, SEVENTY-SIXTH CONGRESS

Mr. BARKLEY (for Mr. HATCH) submitted the following resolution (S. Res. 335), which was referred to the Committee on Public Lands and Surveys:

Resolved, That Senate Resolution 312, agreed to on September 30, 1940, continuing

Senate Resolution 147, agreed to on January 8, 1940, authorizing the Senate Committee on Public Lands and Surveys, or any subcommittee thereof, to make a thorough investigation of all questions relating to the proposed enlargement of Rocky Mountain National Park, in the State of Colorado, is hereby continued in full force and effect for the same purposes during the Seventy-eighth Congress.

SENATOR NORRIS, OF NEBRASKA

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD editorials and articles in tribute to Senator NORRIS, of Nebraska, which appear in the Appendix.]

TO SMASH THE FINAL BOTTLENECK—ARTICLE BY SENATOR PEPPER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "To Smash the Final Bottleneck," written by him and published in the New Republic of the issue of November 30, 1942, which appears in the Appendix.]

CABLEGRAM FROM GENERAL MACARTHUR TO HOWARD CHANDLER CHRISTY

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a cablegram sent by General MacArthur to Howard Chandler Christy, which appears in the Appendix.]

A TOAST TO GENERAL MACARTHUR AND OUR FIGHTING MEN

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement made by him relative to a toast to General MacArthur and our fighting men proposed by a shipyard worker in the Manitowoc Shipbuilding Yards at Manitowoc, Wis., which appears in the Appendix.]

PRODUCTION REQUIREMENTS—RESOLUTIONS BY WISCONSIN FARMERS' CONFERENCE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a series of resolutions adopted at the 1942 fourteenth annual farmers' get together conference, held at Madison, Wis., on November 17, 1942, which appear in the Appendix.]

TRADE WITH SOVIET RUSSIA—ADDRESS BY THOMAS A. MORGAN

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an address entitled "Trade With Soviet Russia," delivered by Thomas A. Morgan, president of the Sperry Gyroscope Co., at Columbia, S. C., February 16, 1932, which appears in the Appendix.]

THANKSGIVING DAY—ARTICLE FROM THE PHILADELPHIA INQUIRER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article entitled "Why We Celebrate a Thanksgiving Day," written by H. S. J. Sickel, and published in the Philadelphia Inquirer of November 22, 1942, which appears in the Appendix.]

THE EDUCATION BILL—EDITORIAL FROM THE HARTFORD TIMES

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial entitled "The Education Bill," published in the Hartford Times of December 5, 1942, which appears in the Appendix.]

MR. ICKES' NEW POWERS—EDITORIAL FROM HARTFORD TIMES

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial entitled "Mr. Ickes' New Powers," published in the Hartford Times of December 7, 1942, which appears in the Appendix.]

MR. ICKES' ENLARGED POWERS—EDITORIAL FROM HARTFORD COURANT

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial entitled "Mr. Ickes' Enlarged Powers," published in the Hartford Courant of December 5, 1942, which appears in the Appendix.]

THE WAR EFFORT—POEM BY JAMES PATRICK MCGOVERN

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD a poem entitled "The War Effort," by James Patrick McGovern, which appears in the Appendix.]

BOMBS OVER ITALY—EDITORIAL FROM IL PROGRESSO ITALO-AMERICANO

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Bombs Over Italy," published in the Il Progresso Italo-Americano, of Wednesday, December 9, 1942, which appears in the Appendix.]

FARM LABOR—ARTICLE BY A. RITCHIE LOW; EDITORIAL FROM NEW ENGLAND HOMESTEAD

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an article entitled "Help Urgently Needed," written by A. Ritchie Low and published in the New England Homestead of November 28, 1942; also an editorial from the same issue, which appear in the Appendix.]

REPORT OF THE NATIONAL COMMITTEE ON TRAFFIC LAW ENFORCEMENT

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD a summary of the report of the National Committee on Traffic Law Enforcement, which appears in the Appendix.]

VICTORY AND PEACE—ADDRESS BY SENATOR NORRIS

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an address on the subject Victory and Peace, delivered by Senator Norris at Carnegie Hall, on December 6, 1942, which appears in the Appendix.]

IT MAY INTEREST YOU—COLUMN BY WALTER L. HART

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an article entitled "It May Interest You," written by William L. Hart and published in The Dominion News, Morgantown, W. Va., which appears in the Appendix.]

REGULATION OF BARBERS IN THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, I move to reconsider the vote whereby House bill 5444 was passed by the Senate on Friday last.

The VICE PRESIDENT. The motion will be entered.

Mr. McCARRAN. I also move that the House be requested to return the bill to the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. McNARY. Mr. President, I ask for order.

The VICE PRESIDENT. The Senate will be in order.

Mr. McNARY. I now wish to know what is the request made by the Senator from Nevada. The Senate is proceeding so quickly and there is so much noise in the Senate Chamber that it is difficult to hear what is being done. What is the request or the motion?

The VICE PRESIDENT. The Senator from Nevada has entered a motion that the Senate reconsider the vote on House bill 5444. The Senator has also moved that the House return the bill.

Mr. McNARY. What is the bill? I should like some information about it.

Mr. McCARRAN. The bill is by number House bill 5444. The bill pertains to regulation of barbers in the District of Columbia.

Mr. McNARY. May we have stated the title of the bill?

The VICE PRESIDENT. The title of the bill will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes.

Mr. McNARY. Mr. President, what is the motion?

Mr. McCARRAN. The first motion is to reconsider the vote by which the bill was passed. The second motion is to request the House to return the bill.

Mr. McNARY. For what reason?

Mr. McCARRAN. In order that we may reconsider the bill.

Mr. McNARY. That is a general statement. Is the Senator from Nevada opposing the bill?

Mr. McCARRAN. Mr. President, I will be more explicit. The bill was amended on the floor of the Senate on recommendation of the Committee on the District of Columbia. One word was stricken. The bill went to the House. I now seek to have the bill returned in order that we may recede from our amendment. That is the object of the motion.

Mr. McNARY. I thank the Senator. I think that is quite proper. I have no objection to the motion.

The VICE PRESIDENT. Without objection, the motion requesting the House to return the bill is agreed to.

ASSISTANT CLERK, COMMITTEE ON EDUCATION AND LABOR

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 320, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That Resolution No. 14, agreed to January 27, 1941, authorizing the Committee on Education and Labor to employ an assistant clerk during the Seventy-seventh Congress, to be paid from the contingent fund of the Senate at the rate of $2,880 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. CLARK of Missouri. Mr. President, reserving the right to object, which I do not intend to do, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Schwartz
Bailey	Hill	Scrugham
Barkley	Johnson, Calif.	Shipstead
Bone	Johnson, Colo.	Shott
Brewster	Kilgore	Spencer
Brooks	Langer	Stewart
Brown	Lodge	Taft
Bulow	Lucas	Thomas, Idaho
Burton	McCarran	Thomas, Okla.
Butler	McFarland	Truman
Byrd	McNary	Tunnell
Capper	Maloney	Tydings
Caraway	Maybank	Vandenberg
Clark, Idaho	Mead	Van Nuys
Clark, Mo.	Millikin	Wagner
Danaher	Murdock	Wallgren
Davis	Murray	Walsh
Downey	Nelson	Wheeler
Doxey	Norris	White
Gerry	Nye	Wiley
Gillette	O'Daniel	
Green	Pepper	

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 320) submitted by Mr. THOMAS of Utah on November 27, 1942, was considered and agreed to.

SPECIAL COMMITTEE TO INVESTIGATE GASOLINE AND FUEL-OIL SHORTAGES—LIMIT OF EXPENDITURES

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 264, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the limit of expenditures under Senate Resolution 156, Seventy-seventh Congress, agreed to August 28, 1941 (providing for an investigation with respect to shortages of gasoline, fuel oil, and other petroleum products), is hereby increased by $10,000.

Mr. REED. Mr. President——

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. REED. Mr. President, I was on my feet. Reserving the right to object, I should like to know more about the purpose of the resolution, and also what is the intention of the Senator from Illinois [Mr. LUCAS], as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, with respect to Senate Resolution 319?

Mr. LUCAS. Mr. President, Senate Resolution 264 was submitted by the Senator from Connecticut [Mr. MALONEY]. It merely increases the amount which has heretofore been allowed under Senate Resolution 156. Senate Resolution 156 was originally submitted, as I recall, in August 1941. Under that resolution the Senator from Connecticut, and the committee which was appointed to make an investigation with respect to the shortages of gasoline, fuel oil, and other petroleum products, held extensive hearings with respect to that very unusual and important problem. The Senator from Connecticut now seeks more money with which to further the investigation he started in 1941. I should like to yield to the Senator from Connecticut in order that he may, in answer to the question of the Senator from Kansas, make a more elaborate statement as to the full purport of the resolution, what he sought to do in the beginning, and what he expects to do, and can do under the provisions of the resolution now pending.

Mr. MALONEY. Mr. President, the distinguished Senator from Illinois asks a question difficult to answer. I do not know what can be done. The principal purpose of the resolution is to ascertain, if possible, what might be done to afford relief to the distressed sections of the country, particularly the more seriously distressed localities, in connection with the shortage of transportation facilities. Much of the problem surrounding this shortage is of necessity a military secret. As the able Senator from Illinois pointed out, the committee was organized a year ago last fall, at the time of an announced shortage of petroleum products. The committee—and I think the Senate will agree—with considerable success, spent some time in investigation, compiled much information, and I think was exceedingly helpful in speeding the transportation of petroleum products to the then seriously affected eastern area. New problems have arisen with the cold weather, and because of the need for carrying petroleum products to our armed forces on and beyond the seas.

I thought—and my thought was shared by members of the so-called Petroleum Shortage Committee—that we ought at this time to have an additional appropriation in order to keep closely in touch with the work to which we were originally assigned by the Senate, to make such investigation as was properly possible, all things considered, and to cooperate with the Petroleum Administrator in connection with the important work in which he is engaged.

While I should like to be able to answer the inquiry as to what we will do, and what we can do, it is simply a question which is as of the moment impossible to answer. We want to put ourselves in the position of being prepared to meet problems, as they may arise, which are a part of the responsibility of the Senate, and in this instance, the responsibility of the special committee. I understand there is no opposition to the resolution, and I hope I have answered, as well as it could be answered, the inquiry made by the Senator from Illinois.

Mr. VANDENBERG. Mr. President, will the Senator from Connecticut yield?

Mr. MALONEY. I do not have the floor.

Mr. LUCAS. I yield to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, I wish to ask the able senator from Connecticut if the resolution is confined in its scope to the problems in the Eastern States, or whether it is a Nation-wide responsibility which the Senator's committee accepts.

Mr. MALONEY. It is a Nation-wide responsibility under the original resolution.

Mr. VANDENBERG. I can assure the Senator that his problem is by no means confined to the eastern seaboard. This morning the city health commissioner of Detroit has bluntly announced that a pneumonia epidemic is threatening in Detroit because of the failure to deliver fuel-oil supplies, and he thinks that the failure is probably due exclusively to the fact that rationing books have not been available for distribution, and that the administrative system of distribution itself is so totally inadequate. With a pneumonia threat following this sort of maladministration, I think there is an immediate job for the able Senator's committee, and I hope it is a Nation-wide job, and not one confined exclusively to the eastern area.

Mr. MALONEY. Mr. President, will the Senator from Illinois yield to me again?

Mr. LUCAS. I yield to the Senator from Connecticut.

Mr. MALONEY. I should like to point out, in answer to the observation made by the distinguished Senator from Michigan, that it is my understanding that the committee of which the able Senator from Illinois is chairman has reduced the amount of money which was requested by our committee. It will not be possible—and we had best be frank about it—under the amount of money proposed, to go into the situations confronting various sections of the country. If we receive sufficient money it is the hope of the committee that it can meet these serious problems, such as the one to which the Senator from Michigan has just referred; but I am not optimistic about being able to go as deeply into the subject, all over the country, as the need may present, unless the amount of the appropriation is increased.

Mr. REED and Mr. PEPPER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield, and if so to whom?

Mr. LUCAS. I yield to the Senator from Kansas.

Mr. REED. Mr. President, reserving the right to object, may I inquire of the Senator from Illinois when we may expect Senate Resolution 319 to be presented for consideration by the Senate? The Senator will remember that 2 weeks ago I talked with him about this matter. The resolution was favorably reported by the Committee on Interstate Commerce. The Senator from Illinois gave me assurance the resolution would be favorably reported by his committee after a conference with the senior Senator from Maryland [Mr. TYDINGS] could be had. The conference has been had. The resolution deals with a peculiarly regional problem, but it is important. My inquiry of the Senator from Illinois is when Senate Resolution 319 may be expected to be presented for consideration to the Senate.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McNARY. I should like to propound an inquiry. I heard the statement made by the able Senator from Connecticut with respect to his proposal for a hearing. Could the purposes of the resolution mentioned by the able Senator from Kansas be included in the one submitted by the Senator from Connecticut?

Mr. LUCAS. Mr. President, there is no question that the resolution offered by

the able Senator from Connecticut is Nation-wide in its scope. The committee would have complete jurisdiction over the investigation of the gasoline and fuel-oil situation throughout the country. The resolution would give the committee power to conduct such an investigation.

The resolution requests only $10,000. The Senator from Illinois is of the opinion that the situation is serious. In the event that amount is not sufficient we shall be glad to consider requests for additional sums in the future in order that the job may be done in a way which will satisfy the Senate and the American people.

Mr. McNARY. I ask the able Senator from Illinois if, as chairman of the committee, his judgment is that the resolution of the Senator from Connecticut [Mr. MALONEY] would include all the matters desired to be investigated by the able Senator from Kansas.

Mr. LUCAS. There can be no question about it so far as the language of the resolution is concerned. How far the investigation will go will depend on the attitude of the committee. The Senator from Connecticut has stated to the Senator from Michigan that the problem is Nation-wide and that the committee will investigate every legitimate complaint as expeditiously as possible.

If the Senator from Kansas desires an answer to the question which he submitted to me a moment ago, I will say that the moment we dispose of the resolution which is now pending I shall submit to the Senate for its consideration Resolution 319, to which the Senator from Kansas has referred.

The VICE PRESIDENT. Is there objection to the present consideration of Senate Resolution 264?

There being no objection, the resolution (S. Res. 264) submitted by Mr. MALONEY on June 11, 1942, was considered and agreed to.

PRODUCTION, TRANSPORTATION, AND USE OF FUELS IN CERTAIN AREAS WEST OF THE MISSISSIPPI RIVER

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without additional amendment, Senate Resolution 319, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BARKLEY. May I inquire which resolution is referred to?

Mr. LUCAS. The resolution referred to is Senate Resolution 319, submitted by the Senator from Missouri [Mr. CLARK].

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 319), submitted by Mr. CLARK of Missouri (for himself, Mr. REED, Mr. THOMAS of Oklahoma, Mr. GILLETTE, Mr. CONNALLY, Mr. TRUMAN, and Mr. CAPPER) on November 25, 1942, which had been reported from the Committee on Interstate Commerce with an amendment.

The amendment of the Committee on Interstate Commerce was, on page 3, line 2, after the word "exceed" and the dollar sign, to insert "10,000."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Whereas the region lying between the Mississippi River and the Rocky Mountains and between the United States-Mexican and the United States-Canadian borders provides the major portion of the national production of crude petroleum and natural gas and a supply of coal ample for its regional needs; and

Whereas, due to confusion of authority and of exercise of war powers delegated by the Congress relating to production, transportation, and use of essential fuels and other materials, this region is threatened with a shortage in the supply of these essential fuels which are produced within its borders: Therefore be it

Resolved, That a special committee of five Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete study and investigation with respect to the production, transportation, and use of fuels, including coal, natural gas, petroleum, fuel oil, and gasoline, in the region lying between the Mississippi River and the Rocky Mountains and between the United States and Mexican border and the United States and Canadian border. The committee shall report to the Senate, as soon as practicable, the results of its study and investigation together with its recommendations, if any, for legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh and Seventy-eighth Congresses, to employ such experts and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ASSISTANT CLERK, COMMITTEE ON FOREIGN RELATIONS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate resolution 321, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 321) submitted by Mr. CONNALLY on November 30, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 172, agreed to October 9, 1941, authorizing the Committee on Foreign Relations to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $3,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON IMMIGRATION

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 323, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 323) submitted by Mr. RUSSELL on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 15, agreed to January 27, 1941, authorizing the Committee on Immigration to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,400 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON INTEROCEANIC CANALS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 324, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 324), submitted by Mr. CLARK of Missouri on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 35, agreed to January 27, 1941, authorizing the Committee on Interoceanic Canals to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PRIVILEGES AND ELECTIONS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 325, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 325) submitted by Mr. GREEN on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 28, agreed to January 10, 1941, authorizing the Committee on Privileges and Elections to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,220 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 326, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 326) submitted by Mr. MALONEY on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 170, agreed to September 20, 1941, authorizing the Committee on Public Buildings and Grounds to employ an assistant clerk during the Seventy-seventh Congress, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON MANUFACTURES

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 327, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 327) submitted by Mr. OVERTON on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 44, agreed to January 27, 1941, authorizing the Committee on Manufactures to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,000 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK, COMMITTEE ON PATENTS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 328, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 328) submitted by Mr. PEPPER (for Mr. BONE) on December 3, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 12, agreed to January 27, 1941, authorizing the Committee on Patents to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $2,400 per annum, hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

ASSISTANT CLERK—COMMITTEE ON MINES AND MINING

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 330, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 330) submitted by Mr. GUFFEY on December 4, 1942, was considered and agreed to, as follows:

Resolved, That Resolution No. 60, agreed to March 17, 1941, authorizing the Committee on Mines and Mining to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $1,800 per annum hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

TERMINATION OF AUTHORITY CONFERRED BY SENATE RESOLUTIONS FOR INQUIRIES AND INVESTIGATIONS

Mr. LUCAS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 284, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 284) submitted by Mr. HAYDEN on August 13, 1942, was considered and agreed to, as follows:

Resolved, That all authority conferred by resolutions of the Senate heretofore agreed to authorizing inquiries and investigations by standing, select, or special committees of the Senate, or authorizing expenditures for such purposes, is hereby terminated as of the end of the month of January 1943, unless by further resolution such authority is continued beyond such time.

NORTH AFRICAN MILITARY CAMPAIGN—EISENHOWER-DARLAN COLLABORATION

Mr. VANDENBERG. Mr. President, the American commander in North Africa, Lt. Gen. Dwight D. Eisenhower, is proceeding with his critical task under an arrangement which has produced and which continues to produce the effective and desperately important collaboration of the French Admiral Jean Darlan and the great French forces which accept his leadership. The President of the United States has said that this collaboration has "saved British and American lives on the one hand and French lives on the other hand" and that it also has "saved a month or two of valuable time." It obviously has been and is of supreme military importance to the United Nations. It has reached north to Toulon and robbed the Axis of most of the French Fleet which, in enemy hands, would have threatened our entire Mediterranean operations. It has reached as far south as Dakar and delivered to our cause—without the firing of a gun—the whole of the most threatening African outpost which we confronted. The entire Allied strategy on this total second front is interwoven with Eisenhower's cooperative contacts with Darlan who has magnificently kept every engagement he has made with us.

Under such life-and-death circumstances I respectfully suggest that some of our unofficial strategists at home, who by their current criticisms of the Darlan arrangement might succeed in upsetting it, would do better for their country and its fighting sons if they would allow General Eisenhower to win his war as cheaply and as swiftly as possible—saving as many American and British and French lives as possible—saving as much precious time and material as possible—instead of ham-stringing him with their anti-Darlan resentments and their post-war ideologies.

Oh, yes; the post-war pattern of things to come is of supreme concern. We want a righteous "peace for keeps." It would be greatly helpful if our complex war objectives could at once be given simple and conclusive definitions—and I certainly have no quarrel with this pursuit. I can understand, for instance, the De Gaullist factional anxieties over African developments—and the De Gaullists have long and honorable credentials. I can understand the reluctance of long-distance, long-range analysts to rely upon ex-enemies and to embrace them. But, Mr. President, I can also understand that our first objective is to win the war. Otherwise our post-war discussions debate a futility in a vacuum. The north African campaign is in the hands of General Eisenhower. I respectfully suggest that we leave it there. We should support him or replace him. We should not try to do both simultaneously. The general may be guilty of "false finagling with expediency," to quote one of his critics. But he is also guilty of saving American lives, saving months of valuable time, and of amazing bloodless victories in the winning of the war. If that be a crime, I should like to sign his bond. He is out where the shooting is. He is supported by our Chief of Staff and our Commander in Chief. He should not be shot at from the rear—and especially from the sanctuary of this safe home front. I do not plead for Darlan. I plead for Eisenhower. I plead for his armies. I plead for his forward march. We can cross these other bridges when we have bridges to cross. "Sufficient unto the day is the evil thereof."

Mr. Mark Sullivan, in a particularly notable and dispassionate analysis of this matter in the Sunday newspapers, concludes as follows:

At a time when we have not won the war, and know the worst of it is still ahead, our decisions should be military.

I ask that the entire Sullivan article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star]

There is a condition which, if we understand it and meet it wisely, may save us much loss and grief. The condition is illustrated by an agitation currently active. In North Africa, Gen. Dwight D. Eisenhower, in charge of American forces, made a military decision, for a military purpose—for the military advantage of the United States. The decision consisted of an arrangement with the acting head of the French Government in North Africa, Admiral Jean Darlan. By the arrangement, Admiral Darlan said that he would order French troops and civilians not to resist the American occupation; that he would order them to cooperate with the Americans against the German and Italian forces whom General Eisenhower had to face.

General Eisenhower accepted the tender, of course. He accepted for a military reason. It would be, and was, to the immense advantage of our Army. It would, and did, avert the loss of thousands of our soldiers. It would, and did, greatly shorten the time required for our occupation of French North Africa. It would, and did, enable General Eisenhower to begin his attack on the Germans and Italians before they had time to get

great reinforcements. As a military decision, General Eisenhower's action was "one of the most profitable in history."

PROTEST AGAINST DARLAN

So far we have been discussing a military decision, made by General Eisenhower as a military leader for a military advantage. We now pass to another phase of the incident, which arose later.

News of General Eisenhower's action reached America in the week ended November 14. At once there was an outcry of protest. The outcry came from many shades of thought, but much of it from radicals and liberals. The outcry paid no attention to the military aspect of what General Eisenhower had done. The outcry was all on grounds of policy, of ideology. The outcry said, accurately, that Darlan was a member of the Vichy French Government, which under duress submitted to, and cooperated with, the Nazi conquerors. The outcry charged, whether accurately or not, that Darlan was personally of a Fascist bent of mind. The outcry said that the United States ought to have nothing to do with Darlan; that the only French leader we should ever recognize or have dealings with was the head of the Fighting French, Gen. Charles de Gaulle. (This part of the outcry neglected the fact that De Gaulle was not in North Africa, and could not help us there, while Admiral Darlan was and did.)

What I have written about the outcry against General Eisenhower's understanding with Darlan is incomplete and expresses no judgment about the merit of it. The outcry arose from a wide variety of reasons and came from a wide variety of sources, many of them utterly earnest. Some of it came from the Fighting French and some from the British. The point I emphasize is that the outcry was based wholly on policy, on ideology.

ROOSEVELT'S POSITION

When the outcry was getting under way, the first impulse of President Roosevelt and the War Department was to deplore it. Henry L. Stimson, Secretary of War, took personal pains to ask one important critic, Wendell L. Willkie, to refrain.

By November 18, however, Mr. Roosevelt concluded he had better take notice of the outcry and allay it. He read to a press conference, for publication, a carefully prepared statement. He did not "throw down" his subordinate, General Eisenhower—he was punctilious not to. Mr. Roosevelt pointed out and emphasized the military value of General Eisenhower's action. He said that the purpose and effect "was to save American and British lives on the one hand and French lives on the other hand," and that it "saved a month or two of valuable time."

Mr. Roosevelt said, however, that it was "no permanent arrangement," that it was a "temporary arrangement * * * a temporary expedient justified solely by the stress of battle." Mr. Roosevelt said that "no one in our Army has any authority to discuss the future government of France and the French Empire."

While this statement of Mr. Roosevelt did not "throw down" his subordinate, General Eisenhower; while it did not at all repudiate the arrangement General Eisenhower had entered into—nevertheless, one is obliged to consider what was, or might have been, the effect on Darlan. Darlan might readily have wondered where President Roosevelt's statement left him, might have hesitated about going further. The military value achieved by General Eisenhower might have been reduced. Actually, Darlan went on with his understanding and took further steps greatly to the military interest of the United States.

TWO KINDS OF DECISIONS

President Roosevelt's statement did not allay the outcry. It went on, and still continues. At a press conference December 1 Cordell Hull, Secretary of State, speaking offhand, seemed to take notice of the outcry and deplore it. Among other things, he said, according to reporters, that the United States is not concerned at all about political aims and purposes, but only with the terrific undertaking of winning the war in the first place.

This whole incident illustrates a condition which exists, which will continue, and as the war goes on will give rise to other problems, decisions, and agitations as vexing and dangerous as those attending General Eisenhower's action.

The condition may be stated thus: There are two kinds of decisions—one is military, the other has to do with policy, ideology. The two are not always wholly separable; in some cases they overlap. A decision made on grounds of policy or ideology may in some cases have military effect, advantageous or adverse.

Yet in our thinking we can and ought to keep in mind the distinction between the two kinds of decisions. A military decision is made for a military purpose only, for the purpose of winning the war as quickly as possible with the least loss of life.

GENERALS VERSUS WALLACE

On the other hand, decisions based on policy or ideology have to do mainly with the kinds of government and society the nations of the world are to have after the war, with quarrels within nations about the form of society and government they desire, such as the one between the Fighting French and Vichy French.

Among the American leaders who direct or influence the conduct of the war, those who are military leaders will make decisions for military purposes only. Always their aim will be to destroy the enemy; to rescue American prisoners held by the enemy; to restore American territory, such as the Philippines, held by the enemy; to reduce the enemy to surrender in the least time with the least loss of American life.

Another group of our leaders have a strong concern with post-war policy and ideology. These include particularly Vice President HENRY A. WALLACE, with others influential in the administration.

As between the two groups of leaders and the two kinds of decisions, there can be no question which should prevail at this stage of the war. At a time when we have not won the war, and know the worst of it is still ahead, our decisions should be military.

Mr. VANDENBERG. I also ask to have printed in the RECORD an article by Constantine Brown, entitled "Darlan Loyally Aiding United States Despite Sentiment Against Him in United Nations Capitals."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of December 10, 1942]

DARLAN LOYALLY AIDING UNITED STATES DESPITE SENTIMENT AGAINST HIM IN UNITED NATIONS CAPITALS

(By Constantine Brown)

Admiral Jean Darlan went on record last week as stating that he intends to retire into private life as soon as the war is over, the Axis is defeated, and France is restored to her own people.

The French admiral, according to reports which have reached officials in Washington, feels that he will soon be too old to try and maintain a naval job, and has no ambition or desire to enter the political arena in his own country. Young men will have to take over the difficult reconstruction problems of post-war France.

In the meantime, however, despite the continuous attacks against him in Britain and to a certain extent in the United States, the admiral continues to collaborate most loyally with the American supreme command in Algeria and in Morocco. The skeptical and sometimes cynical French admiral has implicit confidence in the word given to the French people by President Roosevelt that the United Nations are only in temporary control of the French African empire, and will restore it to the French people as soon as the present emergency is over and the enemy is defeated.

Because he knows there is not a single example in history in which we have not kept our solemn pledges, he has used the prestige he enjoys with French Army, Navy, and civil officials to make things as easy as possible for American occupation forces.

HARMONY WITH DARLAN

Although we are now established with a substantial army in the area between Casablanca and Algiers, French support continues to be essential to the American high command. According to reports from North Africa, the collaboration between Admiral Darlan and his group of generals, admirals, and colonial officials and the American commander in chief, Lt. Gen. Dwight D. Eisenhower, is most harmonious.

Admiral Darlan and his followers in some instances have delivered more than they have promised. At one time there was some doubt whether we could ask that the remaining French Fleet be sent actually to fight on our side. The protocol which was signed between General Eisenhower and Admiral Darlan provides for cooperation but it appears there is nothing definite about the French men-of-war actually battling for the Allies.

This matter is said to have been finally settled, and we may expect aid from a number of French men-of-war which proved in the battle for Casablanca that they are excellent fighters, and can help us tremendously in the Mediterranean.

It is true that the agreement between Admiral Darlan and General Eisenhower is only of a temporary nature since it has not received the official stamp from Washington.

PUZZLED OVER RETICENCE

Neither the American military men in Africa nor the French can quite understand why the United States Government continues its present reticence toward a man who has saved the lives of thousands of Americans and shortened so drastically the military operations in North Africa.

There is, of course, the feeling that political considerations not based purely on ideology are the actual reasons for continuance of anti-Darlan sentiment in the United Nations capitals.

Admiral Darlan, who is becoming less sensitive to the cold shouldering he is receiving from Washington, thought at one time that British political commitments given Gen. Charles de Gaulle were at the bottom of the whole trouble. He and the commander of the French forces in Africa, Gen. Henri Honore Giraud, made it known through indirect sources that although General de Gaulle's contribution to the Allied cause had been confined to the political and intelligence field, they were willing to accept his military organization as part of the National French Army in Africa.

It was pointed out that General de Gaulle, who is a junior general, would have to take a subordinate place in the military branch in which he excels, the armored forces.

It seems that the proposal has not been well received in London and received no consideration from the leader of the Fighting French.

American military men who judge the situation from a purely military point of view thought that Admiral Darlan's offer was equitable and logical.

There is still hope that the French may soon become united. General de Gaulle is expected in Washington in January, and will be received by President Roosevelt. It is possible that after his visit he may change his mind and decide to let bygones be bygones and accept a military position for which he has had the proper training.

OVERTIME PAY FOR FEDERAL EMPLOYEES

Mr. MEAD. Mr. President, from the Committee on Civil Service, I report an original joint resolution (S. J. Res. 170) extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes, and I submit a report (No. 1847) thereon.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution extending the period for which overtime rates of compensation may be paid under certain acts," approved July 3, 1942, is amended by striking out "November 30, 1942," and inserting "April 30, 1943": *Provided,* That the authorization contained herein to pay overtime compensation to certain groups of employees is hereby extended, effective December 1, 1942, to all civilian employees in or under the United States Government, including Government-owned or controlled organizations (except employees in the legislative and judicial branches), and to those employees of the District of Columbia municipal government who occupy positions subject to the Classification Act of 1923, as amended: *Provided further,* That such extension shall not apply to (a) those whose wages are fixed on a daily or hourly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, (b) elected officials, (c) heads of departments, independent establishments, and agencies, and (d) employees outside the continental limits of the United States, including Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed: *Provided further,* That overtime compensation authorized herein and under the act approved February 10, 1942 (Public Law No. 450, 77th Cong.), and section 4 of the act approved May 2, 1941 (Public Law No. 46, 77th Cong.), as amended, shall be payable only on that part of an employee's basic compensation not in excess of $2,900 per annum, and each such employee shall be paid only such overtime compensation or portion thereof as will not cause his aggregate compensation to exceed a rate of $5,000 per annum: *And provided further,* That officers or employees whose compensation is based on mileage, postal receipts, fees, piecework, or other than a time period basis or whose hours of duty are intermittent, irregular, or less than full time, substitute employees whose compensation is based upon a rate per hour or per day, and employees in or under the legislative and judicial branches, shall be paid additional compensation, in lieu of the overtime compensation authorized herein, amounting to 10 percent of so much of their earned basic compensation as is not in excess of a rate of $2,900 per annum, and each such employee shall be paid only such additional compensation or portion thereof as will not cause his aggregate compensation to exceed a rate of $5,000 per annum.

SEC. 2. Within 30 days after the enactment of this act the heads of departments and agencies in the executive branch, whose employees are affected by the provisions of this joint resolution, shall present to the Director of the Bureau of the Budget such information as he shall require for the purpose of justifying the number of employees in their respective departments or agencies. If any such department or agency fails to present such information or if, in the opinion of the Director, the information so presented fails to disclose that the number of such employees in any department or agency is necessary to the proper and efficient exercise of its functions, the personnel of such department or agency shall be reduced, upon the order of the Director, by such number as the Director finds to be in excess of the minimum requirements of such department or agency. Upon the expiration of 30 days from the date of issuance of such order by the Director of the Bureau of the Budget the provisions of the first section of this joint resolution shall cease to be applicable to the employees of the agency affected by such order, unless and until the head thereof has certified to the Director of the Bureau of the Budget that such order has been complied with. The Civil Service Commission is authorized to transfer to other departments or agencies any employees released pursuant to this section, whose services are needed in and can be effectively utilized by such other departments or agencies.

SEC. 3. The provisions of the Saturday half-holiday law of March 3, 1931 (46 Stat. 1482; U. S. C., title 5, sec. 26 (a)), are hereby suspended for the period during which this joint resolution is in effect.

SEC. 4. This joint resolution shall take effect as of December 1, 1942, and shall terminate on April 30, 1943, or such earlier date as the Congress by concurrent resolution may prescribe.

Mr. MEAD. Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

Mr. McNARY. Mr. President, I believe I favor the general objectives of the joint resolution. There are many sides to the question, and there has been much discussion. A few days ago a hurried attempt was made to pass remedial legislation. I shall not object, but I desire a full explanation of the purposes of the joint resolution, and a statement as to whether it meets with the entire accord of the committee. I wish general discussion to be had before consenting to its immediate consideration.

Mr. MEAD. Mr. President, the minority leader has asked, and very properly, that I explain the purport of the joint resolution. Let me say that after the discussion of a few days ago the Committee on Civil Service went diligently to work. The distinguished chairman of the committee, whom I desire to compliment very highly, and who presided over our destinies for the last time, at least for awhile, was deeply concerned with the preparation of a measure which would receive the approval of the Senate. There were in attendance at the committee meetings the Senator from Ohio [Mr. BURTON], the Senator from Vermont [Mr. AIKEN], the Senator from North Dakota [Mr. LANGER], whose seats are on the other side of the aisle, and the Senator from Virginia [Mr. BYRD], the Senator from California [Mr. DOWNEY], myself, and perhaps one or two other Senators whose seats are on this side of the aisle. We have reported a joint resolution which would be a temporary or stop-gap measure, so that in the next session there would be opportunity to go into all phases of the problem.

The resolution would terminate on April 30, 1943. It would apply to only the lower-paid employees. We have recommended a $2,900 ceiling in all cases, and no salary in excess of $5,000 could be increased as a result of the operation of the provisions of the resolution.

By section A the provisions of the joint resolution which has just been outlined would be extended to Army and Navy employees until April 30, 1943.

Section B would extend the same provisions to other employees.

Section C would establish a ceiling so that an employee could receive time and a half pay for overtime only on $2,900 of his salary, and so that under no circumstances could such overtime payments be made to an employee reeciving over $5,000.

Section D would grant a 10-percent bonus. In the committee we discussed the bonus provisions in the measure we previously reported which provided a 20-percent bonus to the lower-paid employees. We thought that by the provisions of the pending measure, because it is to be only temporary, we could cut that to 10 percent for employees who cannot qualify for the overtime pay provisions.

The joint resolution proposes to repeal for the duration the Saturday half-holiday law, so that the departments may organize their work-week on a longer or on a 6-day basis. Now they are prohibited from doing so because of the inhibition of the Saturday half-holiday law.

The joint resolution grants authority to the Director of the Bureau of the Budget to require the reorganization of the departments of Government within the reasonable needs of personnel; and it gives the Civil Service Commission authority to transfer personnel from one agency to another, so that there will be no surplus personnel.

It is also provided that any agency which violates regulations prescribed by the resolution will have the overtime or the 10-percent bonus features denied to them and their employees.

Furthermore, the joint resolution provides that elected officials, the heads of bureaus and agencies, and others receiving higher salaries shall not receive the benefits accruing under the provisions of the measure.

The joint resolution would not extend to employees outside the limits of the continental United States. It would not extend to employees who now have their wages adjusted by wage boards or similar tribunals. It merely provides that employment conditions of Army and Navy workers shall be extended to other employees; and in cases in which the employees cannot be organized on an overtime pay allowance basis it provides a 10-percent bonus, and places a ceiling of $2,900. The provision is that the first $2,900 of the pay received by a man drawing $3,000, for instance, is all that can be figured for either the 10-percent bonus or the time-and-a-half-pay provision.

As I have said, the joint resolution would repeal the Saturday half-holiday law, and would give the Director of the Bureau of the Budget and the heads of the Civil Service Commission plenary powers.

Mr. McNARY. Mr. President, let me inquire what the cost is estimated to be?

Mr. MEAD. It was estimated that the original measure would have cost $390,000,000, but the joint resolution as reported cuts that—on the basis of a quick estimate—by at least one-third, considering the cost as applied to the Army and the Navy and the cost of the bonus. We cut the bonus to 10 percent; and by terminating the Saturday half holiday the employees are called upon to work a longer workweek, for which they will be compensated. With the longer workweek I should say that the estimated cost will be approximately $260,000,000.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. VANDENBERG. Would the resolution cover the entire civilian personnel of the Government?

Mr. MEAD. It would cover the entire personnel of the Government except those employees covered by wage boards and those who are under the Maritime Commission. The provisions as to the terms of their employment run a little longer, but eventually the resolution would cover all civil-service employees.

Mr. VANDENBERG. Then, if I happen to have the idea that a great many of the "mushroom" services are tremendously overstaffed and with a great many employees who should not be on the pay roll at all, am I to be asked to vote to increase the compensation of those whom I think the agencies should not have?

Mr. MEAD. The committee had that situation in mind. We accepted two amendments, one offered by the Senator from North Dakota [Mr. LANGER] and the other offered by the Senator from Virginia [Mr. BYRD], giving the agencies of Government in charge of personnel explicit authority to prevent the herding of employees or the accumulation of surplus employees, and providing authority to transfer employees, and to withhold overtime payments and bonus payments if the agencies do not follow instructions. So we went as deeply into the matter as we could. In addition, provision is made that employees receiving over $5,000 a year and who now are receiving time and a half pay for overtime shall be denied that privilege; and we place a ceiling over all. The ceiling is $2,900, and only on $2,900 of an employee's pay can he receive the overtime or bonus payments.

Mr. VANDENBERG. I thank the Senator for his statement, and I hope the injunction he has written into the measure will not prove to be merely wishful thinking—which it seems to me is the probability.

Mr. MEAD. The measure is only temporary, at any rate; we shall go into the matter again in January.

Mr. McNARY. Mr. President, if the Senator will yield to me, let me ask what is the number of employees affected.

Mr. MEAD. Upward of 2,500,000.

Mr. McNARY. At a cost of $250,000,000; is that correct?

Mr. MEAD. Approximately that—perhaps $260,000,000.

Mr. BYRD. Mr. President, I think it should be made clear that at least a million of the employees who are doing mechanical work in the arsenals and navy yards have been receiving time and a half pay for overtime. The provision under which they have received such pay expired December 1.

Mr. TAFT. Mr. President, I understand that hereafter any stenographer, let us say, in the Department of Labor who works over 40 hours a week and works 6 days will receive time and a half pay for all work done in excess of 40 hours; is that correct?

Mr. MEAD. That is correct.

Mr. TAFT. Would such a stenographer also receive the 10-percent bonus?

Mr. MEAD. No; if an employee received one benefit he would not receive the other. In the measure we specify those who are to receive a 10-percent increase. They are those who by reason of the fact that they are paid on a mileage-fee basis or on an intermittent-employment basis cannot well be covered by the provision for time and a half pay for overtime. There are many employees who do not receive either overtime pay or other compensation for extra hours worked; and if it is not found necessary to have them work over 40 hours a week, they will remain just where they are, so far as their pay is concerned.

Mr. TAFT. Let us consider an employee who has been working 40 hours a week, say, a stenographer. The joint resolution provides for the 6-day week; and if the employee worked for 48 hours, he or she would be paid time and a half for the 8 hours of extra work. That would be equivalent to about a one-third increase.

Mr. MEAD. No; a 21-percent increase. They would not be given really time and a half pay. They would be given time and a half pay on the basis of a 360-day year, whereas they work only a 260-day year; so the provision amounts approximately to only time and a quarter; it is not time and a half.

Mr. VANDENBERG. Mr. President, let me ask the Senator from New York how the joint resolution would apply to postal employees.

Mr. MEAD. The postal employees will receive time and a half pay on the basis of a 360-day year. In reality, it is time and a quarter. However, the work of postal employees—rural-route mail carriers, railway mail clerks, and so forth—cannot be organized on a 6-day workweek basis; and such employees would receive the 10-percent bonus. The resolution would apply in either one way or the other.

Mr. VANDENBERG. Does the Senator believe that the resolution will meet with the approval of the Postal Service?

Mr. MEAD. I believe that the Postal Service will give its hearty approval to the resolution because it is only temporary and because it gives the employees something they do not now enjoy.

Mr. McNARY. Mr. President, let me ask the Senator whether the resolution would apply to the employees of the Senate and the House?

Mr. MEAD. It would apply to all legislative employees except those who might not come under the ceiling—$2,900 or $5,000.

Mr. McNARY. Yes.

Mr. MEAD. But to all the others it would apply. It is a measure for the relief of underpaid employees or employees in the lower categories of the legislative, judicial, and civil-service branches of the Federal Government.

Mr. McNARY. I am curious to know whether the measure would apply to all employees of the Senate and the House receiving less than $2,900?

Mr. MEAD. It would apply to every one of them.

Mr. BURTON. Mr. President, the Senator from New York replied to the question of the Senator from Michigan indicating that the joint resolution would apply to all employees of the Federal Government. I understand that the Senator expects to offer a separate bill relating to employees of the District of Columbia; is that correct?

Mr. MEAD. That is correct. The Senator from Nevada is offering a measure which covers policemen and firemen.

Mr. BARKLEY. Mr. President, if the Senator will yield to me, I desire to ask him a question. I do not quite understand about the two ceilings—the $2,900 and the $5,000.

Mr. MEAD. If an employee receives $5,000, he cannot receive either the overtime payments or the bonus because such payment would serve to make his wages total more than $5,000. That is one ceiling. If an employee received $4,000 annually, he could receive overtime or he could receive a bonus on $2,900 of his salary, but not enough to make his total pay exceed $5,000.

Mr. BARKLEY. In other words, those who are paid less than $2,900 or those who are paid $2,900 a year——

Mr. MEAD. There would be no other ceilings as to them.

Mr. BARKLEY. They would receive either the bonus or the overtime payments; is that correct?

Mr. MEAD. That is correct.

Mr. BARKLEY. Those whose pay ranges between $2,900 and $5,000——

Mr. MEAD. They could receive only such amount of the benefits as would not make their total pay exceed $5,000.

Mr. BARKLEY. They would come under another category, but under either one or the other their pay would not exceed $5,000; is that correct?

Mr. MEAD. That is correct.

Mr. McNARY. Mr. President, in view of the explanation and the debate which followed, I have no objection to the consideration of the joint resolution.

Mr. MALONEY. Mr. President, I should like to know on what basis the legislative employees are treated—whether on the basis of the 10-percent increase or time and a half pay for overtime.

Mr. MEAD. A 10-percent increase of their pay.

Mr. President, I ask for the consideration and passage of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

There being no objection, the Senate proceeded to the consideration of the joint resolution (S. J. Res. 170) extending until April 30, 1943, the period for which overtime rates of compensation may be

paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD subsequently said: Mr. President, for the information of those who read the RECORD I ask unanimous consent to have printed in the body of the RECORD the report of the Committee on Civil Service on the Senate joint resolution which has just been agreed to.

There being no objection, the report (No. 1247) was ordered to be printed in the RECORD, as follows:

The Committee on Civil Service which has had under consideration the matter of overtime compensation for employees of the Federal Government reports favorably a joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes, and recommends that the joint resolution do pass.

Since 1940, due to the national defense and war programs, a series of statutes has authorized the payment of additional compensation for overtime work performed by per annum employees in the War and Navy Departments. These statutes, as originally enacted, were effective only until June 30, 1942. However, such authorization was extended from time to time until November 30, 1942, when it was allowed to expire.

The employees covered by these statutes are, for the most part, engaged in vital war work and the committee has been advised that a failure to extend this authority to pay overtime compensation will result in substantial decreases in the incomes of such employees and, in turn, will create personnel problems which will have serious effects upon the war effort.

The committee also feels, however, that the present discriminatory practice of permitting the payment of overtime compensation only to certain groups should not be permitted to continue, and that all employees of the Government should be put on the same basis. It has not been possible, in the short space of time available, to arrive at an entirely satisfactory solution to the problem, and the joint resolution submitted by the committee is in the form of a temporary measure to be effective only until April 30, 1943. In the meantime the committee proposes to continue its study of the problems involved with a view to making additional recommendations for further adjustments early in the new Congress.

The joint resolution provides for the extension until April 30, 1943, of the laws authorizing the payment of overtime compensation to per annum employees in the War and Navy Departments, and for the extension of such authority to cover other employees of the Government. The joint resolution will not affect employees whose compensation is based upon hourly rates fixed and adjusted by wage boards or similar administrative wage-fixing authority, elected officials, heads of departments and agencies, and certain employees outside the continental limits of the United States who are paid at native wage rates prevailing in the areas in which they are employed.

The overtime compensation payable under the joint resolution would be computed at the rate of one and one-half times an employee's regular basic rate. For the purposes of such computation the basic rate for 1 day will be considered to be one three-hundred-and-sixtieth of so much of an employee's annual salary as does not exceed $2,900 per annum. The joint resolution provides all overtime compensation authorized therein, including that payable to War and Navy Department employees under the statutes which are extended in the first section of the joint resolution, will be payable only on the first $2,900 of an employee's salary, and no overtime compensation may be paid to an employee whose salary is $5,000 or more, nor could any employee receive overtime compensation under the joint resolution in an amount which would cause his aggregate compensation to exceed $5,000 per annum. The $2,900 and $5,000 ceilings are also made applicable to certain Maritime Commission and National Advisory Committee for Aeronautics employees who have been receiving overtime compensation under the acts of May 2, 1941, and February 10, 1942.

Provision is made for the payment of additional compensation to certain employees, the nature of whose work does not readily lend itself to an overtime pay program. Such additional compensation would amount to 10 percent of so much of an employee's salary as does not exceed a rate of $2,900 per annum, and would be subject to the $5,000 ceiling referred to in the preceding paragraph. Included in this category would be employees whose compensation is based on mileage, postal receipts, fees, piecework, or other than a time period basis or whose hours of duty are intermittent, irregular, or less than full time, substitute employees who are paid at hourly or daily rates, and employees in the legislative and judicial branches of the Government.

Under section 2, heads of excutive departments and agencies must satisfy the Director of the Bureau of the Budget that the number of employees in their respective departments and agencies is necessary to the efficient functioning of such departments and agencies. If, in the opinion of the Director, any such department or agency has more than enough employees to fulfill its needs, he is authorized to order a reduction in its personnel. If any agency fails to comply with such order of the Director within 30 days after its issuance the employees of such department or agency may not be paid further additional compensation under this joint resolution until the Director receives a certification that the reduction order has been complied with. The Civil Service Commission is authorized to transfer employees released under this section to other departments or agencies in which their services are needed and can be effectively utilized.

Section 3 provides for suspension of the Saturday half-holiday law of March 3, 1931, which required the granting of compensatory time off for work in excess of 4 hours on Saturday. This provision will enable heads of departments and agencies to increase the workweek of their employees, thus enabling them to utilize their present personnel resources to the fullest extent.

The joint resolution would take effect as of December 1, 1942, and would continue in effect until April 30, 1943.

As was stated above, the committee is of the opinion that further study should be given to the matter of Government salary practices as soon as possible. It believes, however, that the enactment of this joint resolution as a temporary expedient will be a step in the right direction, that it will do a great deal toward improving the morale of employees in the lower salary brackets, and eliminating the present excessive rate of turnover in the Federal service which is attributable to a great extent to the inability of such employees to meet increased living costs.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred two petitions and a telegram. The petitions are signed by several thousand persons, but I do not ask to have their names included in the RECORD.

Their cause is just and I have used my efforts to aid them. I am glad that the Civil Service Committee has reported a resolution that will temporarily relieve the situation, and I am pleased that no Senator has objected.

There being no objection, the petitions, without the names attached, and telegram were ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. BURNET R. MAYBANK,
Washington, D. C.

DEAR SIR: This is to bring to your attention a deplorable condition which we feel should and could be remedied.

As you know, the failure of the President to sign an extension to the temporary legislation covering the overtime pay of the Federal per annum employees has directly affected thousands of this Nation's workers.

Professional and clerical employees' wages are reduced to or below that of laborers working the same number of hours.

The standard of living remains at wartime levels, whereas the salaries of Federal employees are greatly reduced.

It is understood that a bill has been, or is to be, introduced which will adjust the wages of the above groups of employees. It is requested that your attention be given this matter.

It is imperative that immediate steps be taken to alleviate this situation as it is impossible to maintain an economic balance under the present conditions.

Information regarding what action has been taken on this matter would be appreciated.

NOVEMBER 30, 1942.

Senator B. R. MAYBANK,
Washington, D. C.

DEAR SIR: Expiration of present overtime pay law reduces our income $25 to $40 per month and works severe hardship. Clerical employees in grades 1, 2, and 3, even with overtime pay, receive less than classified laborers cleaning and sweeping floors. Study of wage rates and classification pay rates show mechanics receive $60 to $90 a week while clerical employees average $30 to $50 a week. Mechanics are paid overtime for Sunday work but clerical force receive no overtime, but are given a weekday off. We have been compelled to depend on overtime pay to feed, clothe, and shelter our families, and meet additional obligations thrust upon us. Under present Executive orders we cannot even accept more remunerative positions elsewhere and must appeal to Congress to alleviate our condition. We therefore urge you to do everything possible to have pending legislation providing relief rushed through to enactment.

CHARLESTON, S. C., *December 10, 1942.*

BURNETT R. MAYBANK:

Overtime pay, Government employees expired December 1. Action is desired to relieve the present situation that now exists. Your earnest consideration of the present bill before the Senate is desired by several thousand of your constituents employed at this port before adjournment this session.

F. L. THOMPSON,
Lodge 729, American Federation of Government Employees.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2655) to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7171) for the relief of Mrs. J. C. Tommey.

ADDITIONAL REPORT OF SPECIAL COMMITTEE INVESTIGATING THE NATIONAL DEFENSE PROGRAM—LUMBER AND FOREST PRODUCTS (PT. 14 OF REPT. NO. 480)

Mr. WALLGREN. Mr. President, by direction of the Special Committee Investigating the National Defense Program, I submit an interim report on lumber and forest products.

Mr. MAYBANK. Mr. President——

Mr. WALLGREN. I yield to the Senator from South Carolina.

Mr. McNARY. Mr. President, I ask for the regular order. I think the business of the Senate should proceed in the usual manner. When a Senator gets the floor he should follow through. I insist on the regular order.

The PRESIDING OFFICER. The Senator from Washington has the floor and will proceed.

Mr. WALLGREN. Mr. President, this additional report of the Truman Committee discloses that according to best estimates the Nation faces an acute lumber shortage in 1943. The Forest Service of the Department of Agriculture estimates that 31,100,000 board feet will be required for military and essential civilian use in 1943. This is a minimum estimate and does not provide for unforeseen emergencies. The expected 1943 production will be only 29,000,000,000 board feet. Particularly, shortages will be felt in important types of lumber used in shipbuilding, pontoons, and heavy construction. However, the War Production Board is more optimistic than the Forest Service and believes that 1942 production schedules may be maintained next year.

The report emphasizes that in order to cushion the effect of the impending shortage the armed services must—

> Simplify * * * specifications and adapt their standards to types or species of lumber most readily available and suitable to the purposes for which they are intended. This is of the utmost importance, as every effort should be made wherever possible to force the Army and Navy to relax specifications where it can be done without sacrificing a military advantage.

The committee report recommends that the War Production Board consider the establishment of a regional office in the Pacific Northwest region in addition to the regional office now located in San Francisco. This Northwest office should be headed by a competent administrator familiar with lumber operations, and he should have sufficient power to carry out decisions effectively. The new regional administrator should seek the advice and counsel of all lumber operators as well as employees represented by both the A. F. of L. and the C. I. O.

The Truman report gives considerable attention to the Forest Products Service plan which was designed to stimulate production of necessary lumber products by providing loans and firm markets for small producers. The plan has been approved by the War Production Board and Department of Agriculture, and is awaiting final approval by the President. The committee found that consideration of this plan was unnecessarily delayed in the War Production Board. The plan was first submitted by the Forest Service in June 1942 and joint approval was not given until November 18, 1942. In this connection the committee concludes:

> The committee believes that it is a serious mistake for any officials dealing with any part of the war program to fail to be frank and fair with other agencies of the Government having to do with the same situation. The committee believes that where differences between agencies exist each should make a full and complete disclosure to the other of the exact points on which they differ, and their reasons therefor, so that the points of difference can be reduced to a minimum and when so reduced can be presented to higher Government authorities for determination. Mr. Ben Alexander should be censured for having intentionally failed to follow such a policy. The action resulted in the unnecessary prolongation of a dispute between the Lumber Division of the War Production Board, of which he is the Chief, and the Forest Service of the Department of Agriculture, to the detriment of the war effort.

The Truman report notes the action of the Canadian authorities in preventing the continuation of the pre-war practice of shipping American-owned logs from Crown grant lands in British Columbia to American mills in the Puget Sound region. This action on the part of the Canadian Government has had a serious effect upon the production of lumber in the Pacific Northwest which is vital to the war effort. The committee recommends that the War Production Board present the facts with respect to this situation to the Forest Products Subcommittee of the Materials Coordinating Committee of the United States and Canada and insists that appropriate action be taken to remedy this situation.

Mr. VANDENBERG. Mr. President, will the Senator yield before he takes his seat?

Mr. WALLGREN. I yield.

Mr. VANDENBERG. Am I to understand that the committee approved the so-called forest-products service plan, which was initiated by the United States Forest Service?

Mr. WALLGREN. The committee does not exactly approve the plan; it leaves it up to the experts, and cautions them that they should use the utmost care in trying to put that plan into effect.

Mr. VANDENBERG. I suppose the Senator, of course, is familiar with the protest of the 30 national and regional groups of producers and distributors of lumber who are insisting that, in the guise of war relief, this is a plan for the regimenting and reorganization of the trade, and that the plan is untenable from their point of view? I assume the Senator is familiar with all those objections?

Mr. WALLGREN. I am, because I have had practically the same objections.

Mr. VANDENBERG. Does the Senator dismiss the objections as having no validity?

Mr. WALLGREN. No, so far as I am concerned I do not, but I believe that the committee feel that both the War Production Board and the Department of Agriculture can work out a plan. The committee do not approve of this particular plan as I understand.

Mr. VANDENBERG. I was under the impression that the Truman committee as such had disapproved this particular plan.

Mr. TRUMAN. Mr. President, the committee neither approved nor disapproved it, let me say to the able Senator from Michigan, for the simple reason that there is a tremendous prospective shortage of lumber, just as there is of steel and aluminum, and some means must be found to get the lumber. The War Production Board and the Forest Service have reached an agreement on a plan which they say will get the lumber. If it will get the lumber, that is what we want.

Mr. WALLGREN. I think every consideration ought to be given to the fact that most of the small mills which will be helped by this subsidy, if it may be so called, are producing a very small amount of lumber in the war program, and the type of lumber they are producing is not so greatly needed at the present time. It is true enough that many of the smaller mills do need some help. The manpower problem is one that is causing them more grief than possibly any other question.

Mr. VANDENBERG. It is my understanding that the objection on the part of the private operators is not to subsidizing the smaller operators. I understand that feature of the plan is approved. But the question that is raised in the communications that have come to me is that that project in its pending form is so broad in the authority which it extends to the Forest Service that—to quote from one of the protests—

> If the Forest Service so decides, and to any extent that it wishes for which it can secure the funds, it may—
>
> (a) Buy, build, lease or transfer, or operate mills and plants for the production of forest products—logs, lumber, pulp paper—even tannin extract.
>
> (b) Produce, buy, store, and sell forest products.
>
> (c) Subsidize "submarginal production" of forest products.
>
> (d) Arrange for the requisitioning, commandeering, and allotting of privately owned timber and plants which are regarded by the Forest Service as not "satisfactory operations" or as "recalcitrant."

Which would indicate that the power might even be used for punitive purposes.

Am I to understand that the Truman committee is willing to leave wide open

the determination of the extension of that tremendous power to the Forest Service?

Mr. TRUMAN. Mr. President, I think the statement referred to by the Senator from Michigan somewhat exaggerates the powers which have been given to the Forest Service. The Forest Service plan gives the necessary power to increase the production of lumber to the point where there will not be a shortage. The President has not signed an Executive order. The committee did not go on record as approving the plan or disapproving it. The plan was approved by the War Production Board; it was approved by the Forest Service; and it is up to the President now to decide whether or not it should be put into effect. It is our opinion that some drastic step must be taken in order to get enough lumber to meet the prospective shortage next year.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. VANDENBERG. If the Senator will permit me a moment further, I will conclude. I ask unanimous consent to have printed in the RECORD at this point a brief memorandum of objections to the forest plan as submitted by Mr. M. L. Fleishel, chairman of the Lumber and Timber Products War Committee with headquarters in Washington. I do not vouch for the validity of his point of view; I know nothing about it; I am simply presenting it for what it may be worth.

The PRESIDING OFFICER. Is there objection to printing the memorandum in the RECORD?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

OBJECTIONS TO PLAN FOR A GENERAL FOREST PRODUCTS PROGRAM OF UNITED STATES FOREST SERVICE

A. GENERAL OBJECTIONS

1. The provisions of the plan are indicative of a purpose to enable the Forest Service itself to engage in the production, purchase, storage, and sale of timber products rather than simply to facilitate the production and sale of such products for needed war uses by existing mills which already have ample capacity. We are, of course, aware of the long-standing desire of the Forest Service, first, itself to engage in logging and milling operations on the national forests, and second, more recently to establish a Federal control over local forest-cutting and forest-management practices. These are questions of long-time national policy. They are controversial and explosive issues. They have no connection with war production. They can wait and should wait.

2. These industries object to the effort of the Forest Service to secure in the guise of a war-production program a general authorization to go into the lumber business and to establish Federal forestry controls. If the Forest Service thinks that many small mills which otherwise would be producing war products are now unable to operate because of lack of financing and lack of knowledge of markets, and if it intends simply to facilitate such production through Commodity Credit Corporation loans and advances, and through market information, it should limit accordingly its request for additional authority. It should not be seeking these broad and ambiguous powers which mean, or appear to mean, that if the Forest Service so decides, and to any extent that it wishes for which it can secure the funds, it may:

(a) Buy, build, lease, or transfer, or operate mills and plants for the production of forest products—logs, lumber, pulp paper—even tannin extract.

(b) Produce, buy, store, and sell forest products.

(c) Subsidize "submarginal production" of forest products.

(d) Arrange for the requisitioning, commandeering, and allotting of privately owned timber and plants which are regarded by the Forest Service as not "satisfactory operations" or as "recalcitrant."

These involve fundamental interests going far beyond the claimed simple objectives of the Forest Products Service plan, to facilitate additional production of lumber for necessary war purposes.

B. SPECIFIC OBJECTIONS

1. Referring to the Plan for a General Forest Products Program as submitted to the Senate (Truman) committee on October 25, 1942, the following comments refer to specified provisions of the agreement between the Secretary of Agriculture and the Chairman of the War Production Board stated to have been signed on November 20, 1942, and included in the Senate committee hearings record.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. WALLGREN. I yield to the Senator from Maine.

Mr. BREWSTER. I think it should be said in answer to the statement made by the Senator from Michigan [Mr. VANDENBERG], that the Executive order which is on the President's desk has not been submitted to the Truman committee. There was a general discussion of its scope. The Forestry Service originally proposed not only an allocation of $100,000,000 for financing the production of lumber but also that it should have extended power over forest practices. It was the latter suggestion which aroused the most concern. It is our understanding that was eliminated from the plan as finally approved by the War Production Board and submitted to the President. It may well be that with the $100,000,000 authorization there will be granted such powers as are pointed out in the memorandum to which the Senator has referred; but if the power is to be denied because it may be abused, then government must cease, as, I think, was stated here by the late Senator Walsh of Montana some years ago.

It may be that the Executive order will authorize the Forest Service to go to the extent mentioned, but I am very sure it is not contemplated. I think the contemplation is simply that the $100,000,000 shall be used to produce lumber. Whether any who have ideas of social and economic revolution will use such powers for purposes beyond the contemplation of those who serve on the Truman committee, of course, is always open to question; but I think that the Truman committee was entirely warranted in not making a finding on a plan which was not before it in detail and which had been under discussion for 8 months between the Forest Service and the War Production Board. This delay was most unfortunate. Decision is the chief requisite in time of war. "Better one bad general than two good generals."

Mr. WALLGREN. Mr. President, I should like to read to the Senator from Michigan from the report a statement which I think will cover his question. It is as follows:

The advantages which are expected to be gained by placing the plan in operation are important. It is expected to increase production by utilizing the capacity of small mills, now only partially used, through providing firm markets, credit facilities, equipment and material, and knowledge of Government procedure, and through making available labor, particularly agricultural labor, during the off season.

Another advantage cited for the plan is the stimulation of the production of increased quantities of cordwood to provide an important source of fuel, in at least some of the areas where the fuel shortage is expected to be most severe. This is particularly true of the New England area.

Both the War Production Board and the Department of Agriculture are now in agreement that the plan with modifications should be adopted and the committee believes that the determination of the desirability of such action should be left to the experts experienced in such matters, especially where, as here, the two agencies are in agreement.

However, the committee has received many complaints with respect to some of the provisions of the plan, and believes that the program, if improperly or carelessly carried out, which it is assumed will not be the case, could effect considerable damage. The expressed purpose of the plan is to supplement present production and stimulate increased production without bringing the Government into competition with industry or existing lumbering operations which are already producing satisfactory results. Great care should be taken to assure that this objective is met and that we do not, in the operation of the plan, destroy as much or more as we create.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WALLGREN. I yield to the Senator from Florida.

Mr. PEPPER. Florida is very vitally affected by the proposal of the Forestry Service which is under discussion, and the lumber industry of that State has been particularly articulate in the expression of its opposition to the proposed plan. Mr. Fleishel, whose letter the able Senator from Michigan has just put in the RECORD and referred to, is one of the principal lumbermen of this country and one of the most responsible. I gladly attest his reliability and his information. He is in the official position as the head of the lumber industry under the War Production Board which is noted in the letter, the details of which the able Senator from Michigan read.

I have been in Florida and I have talked to some of the lumber industry personally about this matter. Their feeling is that which was indicated by the able Senator from Michigan. It is also my feeling, that, insofar as this plan provides a way whereby the woodlot farmers, the small sawmill, the small citizen may more effectively help the war effort, I am for it; but, insofar as it proposes a revamping of the whole forestry system of the United States and to convey the power to take over any sawmill or lumber operation, whatever may be its size or efficiency, provided the administrative agency thinks it would be better if it were owned by the public than by its present owner, whether a corporation or company

or person, it grants authority to which I could not feel free to subscribe.

Mr. President, I do not mind saying that I have personally protested to the President, through Mr. Marvin McIntyre, against signing the report, and I hope the President will not sign it. I am pleased that the Truman committee, with its great prestige, has not recommended the signing of the report in question.

My recommendation to the President, if I may refer to it, was that the matter be restudied, reexamined, and whatever needed authority should be conveyed be provided, and excessive authority be deleted. The lumber industry takes the position that under the Smaller War Plants Corporation there is already in the Government power to help an industry which does not have the money to enable it to go into war production, to make such conversion, and the industry does not see why it is particularly necessary to set up another corporation or another authority to do what the Smaller War Plants Corporation is already authorized and has the money to do. The industry says furthermore that the Forest Service already has considerable authority with respect to forestry practices, and that it is not necessary to revamp the forestry plan by this particular procedure.

So I think the recommendation requires a reexamination, and to say the least, the stripping from the plan of the powers which I think the industry has a right to complain about, and the limiting of the authority conferred only to what may be necessary in furtherance of the war effort.

Mr. WALLGREN. Mr. President, I will say to the Senator from Florida that the testimony given before the committee indicated that the acute shortage at the present time is in the heavy dimension timbers, and not in such timber as is being supplied by the smaller mills.

Mr. PEPPER. If that is where the real shortage is, then probably that power which we thought may be simply an appendage may become the power the agencies are really trying to obtain, that is, to take some of the larger sawmills under control, on the theory that it would be better if they were owned by the public than by their present owners.

Mr. WALLGREN. It is the smaller mills, of course, that are furnishing the smaller dimension timber. It is my personal opinion that the plan should not go through.

Mr. VANDENBERG. Did the Senator from Washington just say that it was his personal opinion that the plan should not go through?

Mr. WALLGREN. That is my personal opinion.

Mr. VANDENBERG. That makes at least three of us then who feel that way.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. WALLGREN. I yield.

Mr. ANDREWS. Does the Senator from Washington know whether the order has been signed, or is it still lying unsigned on the desk of the President?

Mr. WALLGREN. It is my understanding that it is on the desk of the President, unsigned. It has been there for some time.

Mr. ANDREWS. Many of us have asked that it be not signed, and we hope its signing will be suspended until the matter can be gone into by the Senator's committee.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. WALLGREN. I yield.

Mr. MAYBANK. I wish to express the same opinion the Senators from Florida have expressed. The people of South Carolina are quite upset about the proposed order, and on their behalf I protest against it. I entirely agree with the statement made by the junior Senator from Florida [Mr. PEPPER.]

ADJOURNMENT OF SEVENTY-SEVENTH CONGRESS SINE DIE

Mr. BARKLEY. Mr. President, I send to the desk a privileged resolution which I ask to have read and agreed to.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 41), as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Wednesday, the 16th day of December 1942, and that when they adjourn on said day they stand adjourned sine die.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. McNARY. Mr. President, I have no objection to the concurrent resolution; indeed, I am in favor of its adoption.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution?

The concurrent resolution was agreed to.

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AFTER THE ADJOURNMENT OF CONGRESS

Mr. BARKLEY. Mr. President, I send to the desk another concurrent resolution, which I ask to have read and agreed to.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 42) as follows:

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the adjournment of the second session of the Seventy-seventh Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution?

The concurrent resolution was agreed to.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

Mr. WHEELER. Mr. President, I ask unanimous consent for the immediate consideration of House bill 7370, Calendar No. 1890.

Mr. McNARY. Mr. President, I rise to announce at this time that in view of the concurrent resolution just adopted providing for sine die adjournment tomorrow, I think we should very carefully scrutinize the bills which we are asked to consider, and I shall object to consideration of any Senate bill, or any bill of controversial nature which must go to the House for its consideration. The able Senator from Montana has explained the general purposes of the bill to me, and I shall make an exception in the case of this bill, and not object to it.

Mr. WHEELER. Mr. President, as I understand, the Senator from Oregon is not going to object?

Mr. McNARY. No. I stated I make an exception in this instance.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934.

Mr. WHEELER. Mr. President, the Navy is very anxious to have the bill passed. The House has passed the bill. It came to the Senate and was referred to the Committee on Interstate Commerce and was amended in that committee. The bill provides for relaxing some of the safety provisions contained in rules and regulations governing radio. These provisions are considered absolutely necessary in time of peace, but in time of war the Navy Department feels that if it were to permit the continuation of certain practices, and could not change them by rules and regulations, it would result in giving to the enemy information which the Department does not want the enemy to have.

I shall read three subsections of the Senate amendment of section 1 of the bill, as follows:

(1) Section 201 (b) of the act shall not be construed as permitting or requiring the furnishing of reports of the positions of ships by common carriers subject to provisions of this act; such reports may be furnished by such common carriers only pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(2) Section 306 shall not be construed to permit the transmission of communications or signals by a foreign ship when the same is within the jurisdiction of the United States except pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(3) Section 318 shall not be construed as preventing the emergency or temporary operation of the transmitting apparatus of radio stations for which licensed operators are required by international agreement or for safety purposes by any member of the armed forces of the United States, or upon aircraft by any person pursuant to direction of the military and naval authorities of the United States.

Mr. President, the changes provided are particularly important to the Navy at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, I wish to request the able Senator from Maine [Mr. WHITE] to make a brief statement concerning the bill. He has given particular consideration to the matter.

Mr. WHEELER. Mr. President, I shall be glad to have the Senator from Maine make a statement. I may add that when the bill came to the Interstate Commerce Committee the Senator from Maine, in consultation with officials of the Navy Department, worked out the provisions now contained in it. I may say that the safety provisions were originally written into the law almost entirely by the distinguished senior Senator from Maine.

Mr. WHITE. Mr. President, I am glad to say a brief word of concurrence in all that the Senator from Montana has said, except as to my responsibility for the original provisions of law. The Senator has been most kind in his references to me. The bill as it came from the House was very general in its terms. It constituted a blanket authority to the President, or to whoever the President might name, to modify, or to waive, or to suspend provisions which have been written into our law designed to make for the safety of our ships and the safety of the personnel upon our ships, so far as radio communication might affect those matters. We in the committee felt it highly desirable that, instead of this general authority, there should be particular authority, and above all else we felt that the respects in which the provisions of law might be modified or suspended or amended should be set out in the committee amendment, and that is done.

I myself feel that it is highly necessary that the proposed legislation be passed. I should hate to take the responsibility for what might result from withholding of this authority from the Navy at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934, which had been reported from the Committee on Interstate Commerce with an amendment on page 1, after line 6, to strike out:

(h) During the continuance of a war in which the United States is engaged, the President, or any agency or officer of the United States designated by him for such purpose, may, to such extent and in such manner and upon such terms as the President or such agency or officer may prescribe as necessary for the national security and defense, by order waive compliance with or modify or suspend the operation of, in whole or in part, the provisions of the last proviso of section 201 (b), the provisions of section 306, the provisions of clauses (1) and (2) of the first proviso of section 318, and the provisions of sections 321, 322, 323, 324, 351, 352, and 357 of this act. No such order shall continue in effect after a period ending not later than 6 months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate.

And to insert in lieu thereof the following:

(h) During the continuance of the war in which the United States is now engaged and for a period ending not later than 6 months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate—

(1) Section 201 (b) of the act shall not be construed as permitting or requiring the furnishing of reports of the positions of ships by common carriers subject to provisions of this act; such reports may be furnished by such common carriers only pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(2) Section 306 shall not be construed to permit the transmission of communications or signals by a foreign ship when the same is within the jurisdiction of the United States except pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(3) Section 318 shall not be construed as preventing the emergency or temporary operation of the transmitting apparatus of radio stations for which licensed operators are required by international agreement or for safety purposes by any member of the armed forces of the United States, or upon aircraft by any person pursuant to direction of the military and naval authorities of the United States;

(4) Section 321 (b) shall not be construed as establishing any priority for distress messages over military message traffic determined by the Secretary of the Navy to require priority in transmission in the effective prosecution of the war;

(5) Intercommunication by radio stations in the mobile service as provided for in section 322 shall be conducted only in such manner and at such times as may be authorized by the Secretary of the Navy;

(6) Nothing contained in part II of title III of the act shall be construed as preventing the military and naval authorities of the United States from ordering the emergency movement of ships at such times and under such circumstances as they may deem necessary in the effective prosecution of the war.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended."

CLARIFICATION OF MERCHANT MARINE LAWS

Mr. BAILEY. Mr. President, I move—and I should like to have the attention of the Senator from Oregon [Mr. McNARY]—that the Senate proceed to the consideration of House bill 7424, to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes. It is Calendar No. 1865. I heard what the Senator from Oregon said when consideration of a previous bill was asked. My regard for the Senator is such that I would not insist unduly on my motion if the Senator from Oregon feels that the proposed legislation should go over to the next session, and therefore feels that he would be justified in objecting to the Senate considering it now. I will say to the Senator that the bill contains several amendments, and, therefore, it would have to go to the House for further consideration. It would not do to pass the bill without one of the amendments. There is some objection to another amendment which I shall be glad to move to strike out. There may be other objections to the bill. I am trying to be frank with the Senator from Oregon in saying that I wish to discharge my duty by moving that the Senate proceed to the consideration of the proposed legislation, and if the Senator objects I shall not insist upon the motion.

Mr. McNARY. Mr. President, I am delighted at the courtesy shown me by the distinguished Senator from North Carolina. I discussed the matter with the Senator some weeks ago, and recently with the able Senator from Maryland [Mr. RADCLIFFE]. I thought at the time it was understood that the bill would go back to the Committee on Commerce, of which the Senator from North Carolina is chairman, and be considered early in the next session of the Congress. There is some opposition to the bill. As a member of the committee, I have received telegrams concerning the bill. In view of the fact that amendments to the bill must be considered by the House, it could not be passed by the House at this time. Personally, I think it should be returned to the Committee on Commerce for further consideration.

Mr. BAILEY. It is a House bill. It came to the Senate, and was referred to the Committee on Commerce. It was reported from the committee to the Senate, and then upon my motion was recommitted to the committee, and has now again been reported to the Senate.

Mr. McNARY. Yes, and it now contains language which would have to be considered by the House.

Mr. BAILEY. Yes. There is one amendment which would have to go to the House for its consideration.

Mr. McNARY. Mr. President, I think that measure falls within the rule for my personal action, which I attempted to promulgate. The Senator from North Carolina places me in an embarrassing position by moving to take the bill up for consideration, which he has a right to do, and I have not control over that. If the Senator had asked unanimous consent for consideration of the bill I should have politely objected. I shall object if the Senator puts the matter in the form of a unanimous-consent request, because I know the bill cannot be passed by the House at this session. I think it should be further considered by the committee.

Mr. BAILEY. Mr. President, I said I would not press my motion if the Senator from Oregon should object, and I think the Senator has objected. Now I take it the bill can go over. I dislike to delay.

Mr. McNARY. I do also.

Mr. BAILEY. But I am not prepared to say that delay would be fatal.

Mr. McNARY. Mr. President, I regret the delay in many ways, but I think that by reason of delay better provisions will come out than are now contained in the bill. I shall cooperate with the able Senator from North Carolina to have early consideration of the measure on the floor, and I am sure we can get the assistance of our very distinguished majority leader to help us in January.

Mr. BAILEY. I would insist on my motion, Mr. President, but for the fact that the bill contains an amendment which must go to the House. I agree that the position taken by the Senator from Oregon is reasonable, and I have really no objection to the measure going over. So I shall withdraw the motion.

WARTIME HIGHWAY TRAFFIC PROGRAM

Mr. ANDREWS. Mr. President, one of the most crucial problems confronting our country in these difficult wartimes is the maintenance of adequate transportation. It is now recognized that this can be done only if we keep in operation the great bulk of our 27,000,000 passenger cars and some 5,000,000 commercial vehicles, including busses. I believe that the sure way is for agencies of government to utilize to a greater degree the facilities and services of great national organizations which are ready and willing to help do the job. These organizations stand ready to increase their contribution to the war effort and our civilian life by developing public acceptance and public understanding of wartime problems and wartime restrictions.

Recently there has come to my attention the wartime highway traffic program, sponsored by 25 national organizations. It offers a pattern whereby every citizen can have an active part in the heroic struggle in which we are now engaged. It represents a fine example of the American way through the mobilization of millions of citizens behind objectives for the common good.

This wartime highway traffic program—a shift to war needs of peacetime activities based on experience in 5 years of practical application of methods for saving life and property—has been approved by the President of the United States; the Director of Defense Transportation, Joseph B. Eastman; the Rubber Director, William M. Jeffers; the Chairman of the Highway Traffic Advisory Committee to the War Department, Thomas H. MacDonald; the Chief of Transportation Corps, United States Army, Maj. Gen. Charles P. Gross; the Price Administrator, Leon Henderson; and the Chairman of the War Production Board, Donald M. Nelson.

The 25 national organizations supporting this program, through the Automotive Safety Foundation, recognize, first, that our highway transportation system must be stripped of all nonessentials and dedicated to winning the war, and, second, that essential highway transportation is a vital part of our Nation's war effort, and therefore pledge their wholehearted support to the conservation and efficient utilization of these facilities.

In view of our great interest in the traffic problem, including the safety aspects, at a time when we must conserve irreplaceable manpower and property, I commend the Wartime Highway Traffic Program to the Congress. I also ask unanimous consent to insert in the CONGRESSIONAL RECORD as part of my remarks a brief summary of the objectives, method of achievement, the recommended program, and a list of the 25 sponsoring organizations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WARTIME HIGHWAY TRAFFIC PROGRAM

OBJECTIVES

1. Conservation of the current critical stock of vehicles, tires, and roadways.
2. Conservation of man-hours and manpower through accident prevention.
3. Most efficient use of roads and vehicles for essential transportation.

METHOD OF ACHIEVEMENT

1. Official agencies, Federal, State, and local, to coordinate and carry out entire program, each maintaining sufficient personnel to discharge its vital responsibility.
2. Cooperation of nongovernmental organizations to mobilize public participation and support.

RECOMMENDED PROGRAM

1. Legislative action:

A. Create, finance, and define authority of State traffic coordinating body.

B. Enact such provisions of uniform vehicle code and such supplementary regulations as are necessary to meet emergency conditions.

C. Eliminate arbitrary barriers to war traffic at State lines.

D. Create by statute authority for use of chemical tests for intoxication.

E. Appropriate adequate funds for police, highway, motor vehicle, and other essential war traffic agencies.

2. Motor-vehicle administration:

A. Collect and analyze accident records to uncover emergency traffic disruptions, and make the data available to proper officials for action.

B. Step up suspension and revocation of licenses of bad-record drivers to conserve war manpower.

C. Use driver examinations and reexaminations to meet war traffic needs.

D. Maintain bus and truck inventories for military and other emergency uses.

E. Inspect tires and vehicles to insure maximum use.

3. Police control:

A. Adapt traffic law enforcement to meet special needs of military and war-production areas.

B. Secure observance of rubber emergency speed limit.

C. Prevent vehicle overloading to conserve vehicles, tires, and highways.

D. Meet enforcement needs of black-out, dim-out, and other war hazards.

E. Develop cooperation of police and courts with military authorities on traffic violations by military personnel.

F. Cooperate in emergency law enforcement program with prosecutors, judges, and driver license departments.

4. Engineering:

A. Designate preferred and alternate routes to facilitate essential traffic.

B. Adapt signs, signals, and markers to war traffic needs.

C. Construct essential access roads.

D. Make minor construction improvements to increase efficiency and safety of war traffic roads.

E. Maintain essential thoroughfares.

F. Conduct surveys and prepare detailed plans for staggered working, shopping, and school hours.

G. Increase mass transportation efficiency through rerouting, rescheduling, fewer stops, elimination of duplicate services.

5. Public participation:

A. Eliminate nonessential vehicle use.

B. Stagger working, shopping, and school hours to reduce peak-hour congestion on highways and public carriers.

C. Share cars, revise shopping habits, and adjust commercial vehicle operations to conserve tires, vehicles, and fuel.

D. Improve vehicle and tire maintenance.

E. Improve driving habits for conservation and safety.

F. Walk more and walk safely.

G. Reduce driving speeds for conservation. Observe rubber emergency speed limit.

H. Enlist children's cooperation in wartime traffic program.

6. Training:

A. Train Army, school bus, truck and bus, and emergency vehicle drivers to meet war traffic conditions.

B. Train high-school drivers for future military and essential civilian needs.

C. Train regular and replacement, auxiliary and military police in traffic control.

D. Train other essential war traffic personnel.

SUPPORTING ORGANIZATIONS

American Association of Motor Vehicle Administrators.
American Association of State Highway Officials.
American Automobile Association.
American Federation of Labor.
American Legion.
American Mutual Alliance.
American Transit Association.
American Trucking Associations, Inc.
Automotive Safety Foundation.
Boy Scouts of America.
Center for Safety Education.
Congress of Industrial Organizations.
Highway Education Board.
Institute of Traffic Engineers.
International Association of Chiefs of Police.
Kiwanis International.
National Association of Motor Bus Operators.
National Congress of Parents and Teachers.
National Conservation Bureau.
National Farmers Union.
National Grange.
National Safety Council.
Northwestern University.
United States Junior Chamber of Commerce.
Yale Bureau for Street Traffic Research.

ADJUSTMENT OF SALARIES OF METROPOLITAN POLICE FORCE, ETC.

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of House bill 6386, Calendar No. 1526.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 6386) to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to

conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McNARY. Mr. President, I assume that the bill is a companion measure to the joint resolution passed today, which was sponsored by the able Senator from New York [Mr. MEAD], and has the same general purposes.

Mr. McCARRAN. It involves the same principle. The measure sponsored by the Senator from New York did not take into consideration the Fire or Police Departments of the District of Columbia. The employees, officers, and privates of the Police and Fire Departments of the District of Columbia have had no consideration given them in any bill which has been before the Congress up to the present time.

Mr. McNARY. Has the bill the unanimous approval of the Committee on the District of Columbia?

Mr. McCARRAN. It has the unanimous approval of the committee, and it has passed the House. I will state frankly to the able Senator from Oregon that it does not have the approval of the District Commissioners.

Mr. McNARY. Does that statement apply to all of the Commissioners?

Mr. McCARRAN. I cannot answer with regard to the unanimity of view. I only know that they reported adversely to my committee. I desire to clear the atmosphere for the Senator from Oregon.

Mr. McNARY. I appreciate the fairness of the able Senator from Nevada.

Mr. McCARRAN. However, the Committee on the District of Columbia were unanimous in reporting the bill favorably as it came over from the House.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BARKLEY. Did the District Commissioners appear before the committee and make their position known to the committee?

Mr. McCARRAN. They not only appeared before the committee but also submitted a letter which dealt with the matter and set forth in detail the reasons for their opposition to the bill.

Mr. McNARY. Will the able Senator from Nevada state briefly their criticism in objecting to the bill?

Mr. McCARRAN. I shall be glad to do so. I believe it would be better and more frank if I should read the letter.

Mr. McNARY. Is it a question of inability to acquire the money without further taxation, or something of that kind?

Mr. McCARRAN. Speaking from memory, I will say that the Commissioners opposed it because they thought the increase would be too great a burden on the taxpayers of the District. However, let me say in response to that, as we said to the Commissioners when they appeared before the committee, that, from the standpoint of fire hazard and the difficulty in retaining officers and men in the Police and Fire Departments, the employees of the District to whom reference has been made are carrying the greatest burden they have ever carried in all their history. The departments have been losing daily men who have gone into the military service and the better-paid activities of civil life. The Commissioners merely said that they did not believe an increase in salaries should be added as an additional burden on the taxpayers. That is the purport of their letter.

Mr. McNARY. In view of the statement of the able Senator from Nevada, I have no objection to the bill.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BURTON. When the Commissioners appeared before the committee my position was that the bill should not be passed in advance of legislation which would increase the pay of other Federal employees. I opposed the bill on that ground, feeling that if it were passed there would be a demand for an increase of $300 a year for all the District employees as well as for all other Federal employees. However, in view of the steps which have now been taken to increase the pay of all employees of the Federal Government in amounts as high as $290 a year, I believe that the proposed legislation is now justified and in line with proper treatment of other Federal employees.

Mr. McCARRAN. The Senator has accurately stated his own position. It was with that in mind that I held back this bill, awaiting action with respect to other Federal employees.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BYRD. Will the able Senator from Nevada state the percentage of increase in salaries which would result from the passage of the bill?

Mr. McCARRAN. The percentage varies with varying salaries. It would vary from about 8 percent to 10 or 10¼ percent, if I recall correctly, but the greatest increase would be only $300 a year in any one salary.

Mr. BYRD. That would give a policeman with the rank of private a salary of $2,000 a year?

Mr. McCARRAN. The bill would provide that from now on a newly employed private would start at a base salary of $2,000 a year.

Mr. BYRD. And he would receive an annual increase of $140 a year.

Mr. McCARRAN. Until he arrived at a yearly salary of $2,400.

Mr. BYRD. And that would be the limit for a private.

Mr. McCARRAN. That would be the limit.

Mr. BYRD. He receives no overtime pay.

Mr. McCARRAN. He receives no overtime pay whatever. No employees of the Government of whom I have any knowledge are called upon to put in more overtime than are the employees of the Fire Department and the Police Department of the District of Columbia. There is no such thing as time off for a fireman or a policeman in the District. He is always subject to call.

Mr. BYRD. Why did the District Commissioners oppose the bill? It seems to me that a salary of $2,000 for a policeman is not unreasonable. Will the able Senator from Nevada read the particular part of the letter to which he has referred showing why the Commissioners opposed the increase in pay?

Mr. McCARRAN. I will read the entire letter. I think it clearly states the position of the Commissioners:

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
OFFICE OF THE BUDGET,
June 3, 1942.

Mr. R. F. CAMALIER,
Counsel, United States Senate,
Washington, D. C.

DEAR SIR: Replying to your request, the following statement is submitted for your information:

Prior to the act of March 4, 1923 (Public, No. 516, 67th Cong.), usually referred to as the Classification Act of 1923, administrative employees of the District Government were paid in accordance with the prevailing practice at that time, namely, at statutory rates expressly provided in the annual appropriation acts.

With the institution of grades and salary schedules provided by the act mentioned above, appropriate grades were determined in accordance with the work performed, and the salaries fixed in conformity thereto.

Subsequently certain inequities in the salaries originally fixed by the act of March 4, 1923, were recognized and amendments followed at irregular intervals. The act of May 28, 1928 (Public, No. 555, 70th Cong.), commonly called the Welch Act; the act of July 3, 1930 (Public, No. 523, 71st Cong.), known as the Brookhart Act; and the act of August 1, 1941 (Public Law 200, 77th Cong.), and known as the Mead-Ramspeck Act, are the specific acts referred to. The last-named act did not make any salary adjustments in the wage scale; it was restricted to providing the machinery whereby administrative within-grade salary increases could be obtained by employees subject to the provisions of the Classification Act.

The attached table shows the grades encompassed and the salary ranges, minimum and maximum only, with the changes reflected as a result of the amendments mentioned above.

It is not remiss to mention the fact that in comparison with such employees in the District service as the police and firemen, as well as school teachers, who are compensated under different provisions, the administrative employees enjoy no automatic salary increase feature.

With the exception of those members of the uniformed forces who are sergeants or above, the initial salary rate is $1,900 per annum, with an annual automatic increase of $100 until the maximum of $2,400 is attained. Sergeants, lieutenants, and captains in the police department receive compensation at the rate of $2,750, $3,050, and $3,600 per annum, respectively. In the fire department sergeants, lieutenants, and captains are paid at the rate of $2,600, $2,840, and $3,000 per annum, respectively. The basic pay of teachers in the elementary schools is $1,400 per annum, with an annual automatic increase of $100 until the maximum of $2,200 is attained.

Teachers in the junior and senior high schools enjoy similar features at correspondingly higher rates. By virtue of provisions under the Teacher's Salary Act salary grades are established in higher levels which make it possible for a teacher meeting the requirements to attain a still greater compensation.

On the other hand, no such automatic provision exists for administrative employees to receive periodic increases. Even the liberalized provisions of the Mead-Ramspeck Act require the attainment of an appropriate efficiency rating and manifest a satisfactory working attitude plus the stipulated period of service before being eligible to obtain a within-grade increase. This act referred to did abolish a very serious barrier to such increases when the so-called "average salary rate of the grade" prohibition was removed thereby.

As a further evidence of the beneficial provisions now applicable to members of the uniformed forces, the following instances are cited for your information.

Policemen and firemen are entitled to the same annual-leave benefits as the administrative employees, but are entitled to unlimited sick leave which is restricted with respect to the latter.

The uniformed forces receive complete medical service for which no charge is made.

This group also is furnished with uniforms and supplemental equipment and further enjoys an annual allotment for replacements to worn and damaged uniforms.

Recognition has been accorded the hazardous nature of the calling by permitting supplemental increments or bonuses such as the following: $120 per annum for motorcycle policemen, $240 per annum for precinct detectives, and $600 per annum for detective sergeants, the latter two items are in addition to the salary received as a private. In the Fire Department, a provision which makes possible the payment of an additional $60 per annum to privates and sergeants exists. In brief, this situation permits the administrative officers of the Fire Department to select 10 percent of the privates and sergeants, respectively, who have rendered outstandingly efficient service during the year for this financial recognition. Such selection is made from the men highest on the promotion lists, and serves as an added incentive for excellent service.

At the present time a deduction of 3½ percent only is withheld from the salaries of members of the uniformed force, but they are permitted to retire on one-half pay. Administrative employees now by law will be required to increase their contribution to the retirement fund from 3½ percent to 5 percent of their salaries and the annuity computed on the basis of service with the rate established over a 5-year period of the highest earning capacity.

In addition to the foregoing, the widows and children of police and firemen are granted a pension of $50 per month for the widows and $10 per month for each child until the child reaches the age of 16. No such benefit inures to the families of administrative employees whether killed in line of duty or not.

The foregoing statements are intended to convey the thought that a more liberal policy with respect to salary and other employment features has been applied to school teachers and members of the uniformed forces of the District service than has been the case with respect to the administrative employees. This situation becomes immediately apparent when we examine the average salaries of these groups. The school teachers average approximately $2,300 per annum, the uniformed force approximately $2,350 per annum, while the administrative group only average approximately $1,800 per annum. It is perhaps significant that the uniformed group represents the highest paid group of employees in the District service.

Very sincerely yours,

WALTER L. FOWLER,
Budget Officer, District of Columbia.

Grade	Classification Act		Welch Act		Brookhart Act		Mead-Ramspeck Act
	From	To	From	To	From	To	
	Dol.	Dol.	Dol.	Dol.	Dol.	Dol.	
Prof.-1	1,860	2,400	2,000	2,500	2,000	2,600	$100 steps.
2	2,400	3,000	2,600	3,100	2,600	3,200	Do.
3	3,000	3,600	3,200	3,700	3,200	3,800	Do.
4	3,800	5,000	3,800	4,400	3,800	4,600	$200 steps.
5	5,200	6,000	4,600	5,200	4,600	5,400	Do.
6	6,000	7,500	5,600	6,400	5,600	6,400	Do.
7	7,500	------	6,500	7,500	6,500	7,500	$250 steps.
8	------	------	8,000	9,000	8,000	9,000	Do.
SP-1	900	1,260	1,020	1,320	1,020	1,380	$60 steps.
2	1,140	1,500	1,260	1,560	1,260	1,620	Do.
3	1,320	1,680	1,440	1,740	1,440	1,800	Do.
4	1,500	1,860	1,620	1,920	1,620	1,980	Do.
5	1,680	2,040	1,800	2,100	1,800	2,160	Do.
6	1,860	2,400	2,000	2,500	2,000	2,600	$100 steps.
7	2,100	2,700	2,300	2,800	2,300	2,900	Do.
8	2,400	3,000	2,600	3,100	2,600	3,200	Do.
CAF-1	1,140	1,500	1,260	1,560	1,260	1,620	$60 steps.
2	1,320	1,680	1,440	1,740	1,440	1,800	Do.
3	1,500	1,860	1,620	1,920	1,620	1,980	Do.
4	1,680	2,040	1,800	2,100	1,800	2,160	Do.
5	1,860	2,400	2,000	2,500	2,000	2,600	$100 steps.
6	2,100	2,700	2,300	2,800	2,300	2,900	Do.
7	2,400	3,000	2,600	3,100	2,600	3,200	Do.
8	2,700	3,300	2,900	3,400	2,900	3,500	Do.
9	3,000	3,600	3,200	3,700	3,200	3,800	Do.
10	3,300	3,900	3,500	4,000	3,500	4,100	Do.
11	3,800	5,000	3,800	4,400	3,800	4,600	$200 steps.
12	5,200	6,000	4,600	5,200	4,600	5,400	Do.
13	6,000	7,500	5,600	6,400	5,600	6,400	Do.
14	7,500	------	6,500	7,500	6,500	7,500	$250 steps.
15	------	------	8,000	9,000	8,000	9,000	Do.
CU-1	600	780	600	840	600	840	$60 steps.
2	780	1,140	1,080	1,380	1,080	1,380	Do.
3	900	1,260	1,200	1,500	1,200	1,500	Do.
4	1,140	1,500	1,320	1,620	1,320	1,680	Do.
5	1,320	1,680	1,500	1,800	1,500	1,860	Do.
6	1,500	1,860	1,680	1,980	1,680	2,040	Do.
7	1,680	2,040	1,860	2,200	1,860	2,300	$60 and $100 steps.
8	1,860	2,400	2,000	2,500	2,000	2,600	$100 steps.
9	2,100	2,700	2,300	2,800	2,300	2,900	Do.
10	2,400	3,000	2,600	3,100	2,600	3,200	Do.

The Mead-Ramspeck Act provided no increased salary rates, but did abolish the $500 salary steps previously existing in the higher bracket grades.

Mr. President, let me say now that I think the letter sets forth the gravamen of the complaint laid against the bill by the Commissioners. To that letter the Committee on the District of Columbia made reply by its unanimous statement that the members of the Police Department of the District of Columbia had received no pay increase of any kind since 1930, and that the increase involved in the bill was so small and so insignificant, being at most only $300 a year—that it was justified on the basis of a normal and natural increase in pay for very responsible public officials.

Mr. BURTON. Mr. President, if the Senator will yield to me, I merely wish to inquire as to the teachers in the District of Columbia. I understand that neither the pending bill nor the pay resolution agreed to earlier in the day by the Senate provides for increasing their pay. Does the Senator from Nevada expect to make some provision for them either now or early in the next session?

Mr. McCARRAN. Mr. President, as chairman of the Committee on the District of Columbia, I fully intend to try to make provision for the teachers in the District of Columbia at the next session. If provision for increasing their pay—justified as it would be—were to be added to the provisions already contained in the pending bill, the bill would be lost before it possibly could get through, because of the concurrent resolution which we agreed to earlier today.

The measure is a meritorious one. It is in keeping with the necessity of the times; the need for it is brought on by the unusual conditions of today. I hope the bill will have no opposition.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill H. R. 6386 was ordered to a third reading, read the third time, and passed.

RULES FOR DISPLAY AND USE OF FLAG OF THE UNITED STATES

Mr. McFARLAND. From the Committee on the Judiciary, I report favorably, with amendments, House Joint Resolution No. 359 and I submit a report (No. 1848) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title, for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America."

Mr. McFARLAND. Mr. President, on June 22, 1942, Public Law No. 623 was approved by the President. Its purpose was to provide an authoritative guide to civilians who desire to use the flag correctly. The pending joint resolution, as amended, would amend the law in a number of particulars, and carries out changes suggested by the House Committee on the Judiciary. After the resolution passed the House it came to the Senate and was referred to the Senate Judiciary Committee.

In the interest of clarity, the numerous amendments contained in the House bill have been annotated by striking out all after the enacting clause and dovetailing into the text of Public Law No. 623 the amendments as passed by the House, so that this resolution, when approved by the President and printed as a law on the subject of the code of the flag of the United States, will be printed in one pamphlet.

Mr. President, this is done in order that the law may be printed and distributed for the benefit of those who desire all the information. I ask unanimous consent that the joint resolution be considered at this time.

Mr. McNARY. Mr. President, I understand the Senator is asking for immediate consideration of the joint resolution, with amendments; is that correct?

Mr. McFARLAND. That is correct. Let me say to the Senator from Oregon that the only amendment which is proposed is in the printing of the bill. It sets forth the whole law as amended;

and that is done merely in order that it may be printed as an entirety. No changes at all would be made in the law by following the process requested.

Mr. McNARY. No change is made in the substance of the act; is that correct?

Mr. McFARLAND. The substance of the act is changed to conform with House Joint Resolution No. 359.

Mr. McNARY. Would it require House action?

Mr. McFARLAND. It would require House action; yes.

Mr. McNARY. How is the Senator going to get that?

Mr. McFARLAND. It would require very simple House action. The Senate amendment does not make any change in the substance of the law. The amendment relates only to the matter which is set forth.

Mr. McNARY. That is what I desired to understand. No change or modification is now proposed in the act; is that correct?

Mr. McFARLAND. That is correct.

Mr. McNARY. Under that statement, I have no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," which had been reported from the Committee on the Judiciary with amendments to strike out all after the enacting clause and insert:

That Public Law No. 623, approved June 22, 1942, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", be, and the same is hereby amended to read as follows:

"That the following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America be, and it is hereby, established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States.

"SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

"(b) The flag should be hoisted briskly and lowered ceremoniously.

"(c) The flag should not be displayed on days when the weather is inclement.

"(d) The flag should be displayed on all days when the weather permits, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Army Day, April 6; Easter Sunday (variable); Mother's Day, second Sunday in May; Memorial Day (half staff until noon), May 30; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, October 12; Navy Day, October 27; Armistice Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.

"(e) The flag should be displayed daily weather permitting, on or near the main administration building of every public institution.

"(f) The flag should be displayed in or near every polling place on election days.

"(g) The flag should be displayed during school days in or near every schoolhouse.

"SEC. 3. That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

"(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i).

"(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the radiator cap.

"(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy.

"(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

"(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

"(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

"(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

"(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

"(i) When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed.

"(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

"(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, if it is displayed in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the clergyman's or speaker's right as he faces the congregation or audience. Any other flag so displayed in the chancel or on the platform should be placed at the clergyman's or speaker's left as he faces the congregation or audience. But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform.

"(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

"(m) The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By 'half-staff' is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaffs in a parade only by order of the President of the United States.

"(n) When the flag is used to cover a casket it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

"SEC. 4. That no disrespect should be shown to the flag of the United States of America, the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

"(a) The flag should never be displayed with the union down save as a signal of dire distress.

"(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

"(c) The flag should never be carried flat or horizontally, but always aloft and free.

"(d) The flag should never be used as drapery of any sort whatsoever, never festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of a platform, and for decoration in general.

"(e) The flag should never be fastened, displayed, used, or stored in such a manner as will permit it to be easily torn, soiled, or damaged in any way.

"(f) The flag should never be used as a covering for a ceiling.

"(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

"(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

"(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard; or used as any portion of a costume or athletic uniform. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

"(j) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

"SEC. 5. That during the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. Those present in uniform should render the military salute. When not in uniform, men should remove the headdress with the right hand holding

it at the left shoulder, the hand being over the heart. Men without hats should salute in the same manner. Aliens should stand at attention. Women should salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes.

"SEC. 6. That when the national anthem is played and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed, all present should face the flag and salute.

"SEC. 7. That the pledge of allegiance to the flag, 'I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all,' be rendered by standing with the right hand over the heart. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress. Persons in uniform shall render the military salute.

"SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution to amend Public Law No. 623, approved June 22, 1942, entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America.'"

PREVENTION OF PRACTICES LEADING TO DENTAL DISORDERS

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1830, House bill 6730.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 6730) to protect the public health by the prevention of certain practices leading to dental disorders, and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota for the present consideration of the bill?

Mr. McNARY. Mr. President, I wish to make a statement regarding the bill. If I correctly identify the bill, it is one to which I objected at the last call of the calendar. I did so at the request of an absent Senator. At this time I understand that if the Senator at whose request I formerly objected were now present the objection would be withdrawn; so I have no objection to the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 6730) to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry, which had been reported from the Committee on Interstate Commerce, with an amendment, on page 2, line 15, after the word "dentistry," to strike out the comma and the words "or any matter advertising or soliciting orders for any denture so constructed or so to be constructed."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ANDREWS subsequently said: Mr. President, a few minutes ago the Senate passed House bill 6730 dealing with the subject of dentistry. I should like to have the statement I now make inserted in the RECORD following the passage of the bill, in order that the RECORD may show the basic reason why the bill was thought to be necessary under all the circumstances.

I read from the report of the committee:

> The Committee on Interstate Commerce to whom was referred the bill (H. R. 6730) to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or territorial laws regulating the practice of dentistry, having considered the same, report favorably thereon with amendments and recommended that the same be adopted.
>
> Under existing law, the public policy of every State which has enacted health statutes described in the bill can be violated without remedy. Even where two or more States are side by side and all have passed such laws, a violator living in one State escapes the penalty of his deeds in the neighboring State. This bill proposes to stop such transactions by making it a Federal offense to do in interstate transactions what is prohibited in intrastate transactions. This bill does not change the rights or regulate the acts of any citizen which are confined to his own State. It does not impose a new Federal policy on any State.
>
> Its aims is to prevent frustration or evasion of State public health laws.

PURCHASE OF STEVENS HOTEL BY WAR DEPARTMENT

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter I have written to the Secretary of War, Hon. Henry L. Stimson, in which I asked for information with regard to the purchase by the War Department of the Stevens Hotel at an announced price of $6,000,000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 15, 1942.

The Honorable HENRY L. STIMSON,
The Secretary of War.

MY DEAR MR. SECRETARY: My attention has been called to the fact that the War Department has purchased the Stevens Hotel in Chicago at a cost of $6,000,000.

For years this hotel has been in financial difficulty, and the president of the hotel corporation has announced that the purchase price of $6,000,000 is regarded as being very satisfactory by the security holders.

What concerns me, however, is the disposition of property such as this after the war. Can it be the purpose of the War Department, or the Government itself, to engage in the hotel business?

My observation has been that the Federal Government has never operated successfully, from a financial standpoint, a single activity of this character. In the program of resettlement projects, vast losses have occurred, and even now the loss in the operation of these projects above the income is $1,600,000 annually. The same condition will result after the war if the Government undertakes to operate hotels and similar activities.

It is difficult, and indeed it is rare, for the Government to sell land and other property it purchases.

It seems to me it would be far better to pay a rental for such properties, and you already have the power to commandeer properties of this nature on a rental basis rather than making direct purchase. In view of the loss in expenses, if operated, and the difficulties of disposing of such property after the war, it certainly appears to me that renting would be preferable.

We all recognize the need of subordinating every single activity to the needs of the Army and Navy at this time, but I do think that no step other than absolutely essential should be taken by the Government which will place the Government in private business after the conclusion of the war, or force liquidation on a very large scale of such properties.

I would thank you very much to give me an itemized statement of all purchases made by the War Department of hotels and buildings of similar character, giving the cost to the Government, the appraised value, and all other details.

Cordially yours,

HARRY F. BYRD.

NEW PARITY PRICE BASE—ARTICLE FROM THE DALLAS MORNING NEWS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks the leading editorial, entitled "New Parity Price Base," appearing in The Dallas Morning News of December 6, 1942.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW PARITY PRICE BASE

Widespread dissatisfaction over recent inadequate efforts of the Government to improve the farm situation doubtless motivated Thursday's action by the House of Representatives, directing the Department of Agriculture to set up new parity bases which will include the farmer's labor costs. Though the latter provision has the unalterable opposition of the President, the House action is logical in the light of steadily rising farm wages, accelerated by the decree a few days ago lifting the ceiling much above what farmers can afford to pay without compensating returns for what they sell. That there was not a

single dissenting vote in this effort to assure farmers a fair share in the national income is highly significant. Not even Leon Henderson's estimate, that the revised parity prices would raise the Nation's cost of living by more than $3,000,000,000 a year, halted the House's determined surprise move.

It is now clearly seen that unless prompt relief comes to farmers the stepped-up food production program for 1943 may break down. Throughout the Corn Belt, the Cotton South, the Pacific coast, the ranch regions of the Southwest and West and the New England farming areas, press accounts of the slaughter of dairy cows, the dispersal of herds and the abandonment of farms apprise the country of dangerous dislocations within the farming industry.

Of course, the whole muddle traces back to failure in the very beginning of our war effort to keep within safe bounds industrial wages and rising food and other prices. Once these establish themselves at new highs there is nothing left but to permit farm products prices to climb proportionately. The outlook for the great army of middle-class taxpayers, who are neither benefiting from wage increases paid in war industries nor the enhanced expenditure by those whose money now comes easily, is anything but bright. It is they who will be called upon to absorb the rising costs of the farmer.

DEFERMENT OF FARM WORKERS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a letter sent to the secretaries of all local granges in the United States dealing with deferment of farm workers. The letter has been sent out by Fred Brenckman, Washington representative of the National Grange. It calls attention to the instructions sent to local draft boards by General Hershey, Director of Selective Service, under date of November 30.

A reading of Mr. Brenckman's letter analyzing the effect of Local Board Release No. 368 raises the point whether the intent of Congress in providing for deferment of essential farm workers from Army draft is being made effective by the Selective Service Director. The Brenckman analysis refers to the requirement of 16 war units for deferment as an essential for an agricultural worker.

For example, a farmer who handled a 100-acre farm consisting of 25 acres of hay and legumes, 15 acres of wheat, 15 acres of corn, 10 acres of oats, 5 acres of edible beans, 5 acres of Irish potatoes; who milked 6 cows, handled 20 hogs, 12 beef cattle, 30 sheep, and 100 chickens for egg production; who also looked after 3 horses and 25 acres of pasture and woodlot—for which he would get no credit on his 16 war units—would get 19 points, or a little more than necessary.

Mr. Brenckman notes that the man who "through his own personal and direct efforts" would be responsible for producing these acreages of crops, besides taking care of the livestock and poultry enumerated, certainly would earn his agricultural deferment. I am inclined to agree with Mr. Brenckman that comparatively few farm workers can qualify under the 16-point system worked out by the Department of Agriculture and the Selective Service System. However, General Hershey has notified local boards that the 16 points are to be used as a standard, and not as a rigid yardstick, so it may work out in the interest of increased farm production.

I believe that local draft boards should keep in mind, however, that an experienced farm hand sent into the Army cannot be replaced by an inexperienced man—perhaps later drafted by the Director of Manpower—in the expectation that farm production will be increased. I ask that the letter from Mr. Brenckman be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., December 10, 1942.

To Grange Secretaries:

Under date of November 30, 1942, Gen. Lewis B. Hershey, Director of the Selective Service System, sent new instructions to all draft boards regarding the classification of essential agricultural workers, covering an amendment to the Selective Service Act sponsored by Senator TYDINGS of Maryland. This amendment which was included in the teen-age draft bill and approved by the President, provides for the deferment of every registrant found by a local board to be necessary to and regularly engaged in an agricultural occupation essential to the war effort, so long as he remains so engaged and until a satisfactory replacement can be obtained. It further provides that if any registrant leaves such occupation, the local board shall reclassify him so as to make him immediately available for military service; unless he first requests and obtains from his local board a determination that it is in the best interest of the war effort for him to leave such occupation for other work.

To serve as a guide to local boards in making their determinations, the Department of Agriculture prepared two tables of farm products, showing those essential to the war effort and those considered as not essential. Manpower requirements for the production of essential farm products are measured in terms of war units. The commodities most needed for war purposes receive the heaviest weighting, while those not so essential are given a correspondingly lower rating. Any registrant who through his own personal and direct efforts is responsible for the production of 16 war units of essential farm products may properly be considered as a person "necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort." Such persons are to be placed in class II–C or III–C. Under these rules, seasonal or part-time farm workers are not entitled to deferred classification.

In issuing its instructions to the local boards, the Selective Service System said: "In considering whether a registrant who is producing farm commodities qualifies for classification in class II–C or III–C, local boards should employ the 16 units as a standard and not as a rigid yardstick." Those falling below the required standard, but who show some promise of being able to qualify, say in 6 months, may be deferred at the discretion of the board. It is not necessary that the registrant's work shall all be done on one particular farm.

As an illustration of how the plan might work on a 100-acre farm, and merely to illustrate how it would operate, the following will suffice:

100-acre farm

	Conversion factor	War units
25 acres hay and legumes	0.07	1.75
15 acres wheat	.05	.75
15 acres corn	.20	3.00
10 acres oats	.07	.70
5 acres dry edible beans	.20	1.00
5 acres Irish potatoes	.50	2.50
25 acres pasture and woodlot (no war credit).		
Livestock and poultry:		
6 milk cows	1.00	6.00
20 hogs	.05	1.00
12 beef cattle	.08	.96
30 sheep	.03	.90
3 horses	(1)	(1)
100 chickens (egg production)	1.30	1.30
Total		19.86

[1] No war credit.

The man who "through his own personal and direct efforts" would be responsible for producing the acreage of crops listed above, besides taking care of the livestock and poultry enumerated, would be entitled to a credit of 19.86 war units, or 3.86 more units than necessary to secure deferred classification. From this it will be seen that those who get deferred classification as essential agricultural workers will have to earn it. It has been asked whether these rules will apply to registrants between the ages of 18 and 20. The answer is "Yes." No distinction is made between registrants in these age groups and other registrants of military age.

As you may have noticed in the newspapers, the President recently issued an order transferring the Selective Service System to the War Manpower Commission, headed by Paul V. McNutt, who is given sweeping new powers over the country's labor forces. In his first press conference following the issuance of the President's order, Mr. McNutt disclosed that he planned to place increased emphasis on occupational deferment and recognized the need of providing labor for essential agricultural work.

Fraternally yours,

FRED BRENCKMAN,
Washington Representative.

CODIFICATION OF TRADE-MARK LEGISLATION

Mr. PEPPER. Mr. President, the subject of legislation on trade-marks has been before the House and Senate off and on for 3 or 4 years. On September 17, 1941, the Senate passed Senate bill 895. On June 25, 1942, the House Committee on Patents reported Senate bill 895 with numerous amendments; and the bill in amended form passed the House on September 24, 1942.

Because of the large number of House amendments—there were 420—the bill with the House amendments was referred by the Senate to the Senate Committee on Patents on October 2, 1942. A subcommittee consisting of the junior Senator from Florida, as chairman, the able senior Senator from Illinois [Mr. LUCAS], and the able junior Senator from Connecticut [Mr. DANAHER] was appointed and hearings were held by the subcommittee on December 11, 1942. Subsequently, the Committee on Patents authorized the subcommittee to report to the Senate its recommendations with respect to the House amendments. Those recommendations I now should like to submit to the Senate; and Mr.

President, I move that the Senate now proceed to the consideration of Senate bill 895.

Mr. McNARY. Mr. President, my attention has been called to the bill. I hope the Senator will not insist on his motion that the Senate proceed to the consideration of the bill. A little while ago I stated that as to bills which are controversial in nature, such as the bill referred to by the Senator from Florida, it would not be fair at this late hour to insist on consideration, and that I would oppose their consideration, but that I would not oppose the consideration of House bills which may readily yield to treatment in the Senate.

The bill contains a number of amendments which I think have been rather hastily considered, but, more specifically, the hearings were closed, as I am informed, on the 7th of this month. Witnesses wanted to appear before the committee, but were denied the privilege because of the desire of some members of the committee—a very proper desire—to have the bill on the calendar. I understand some of the departments would like to appear and oppose some of the amendments to the bill, but have not had an opportunity to do so. I think the bill contains several hundred amendments.

Mr. PEPPER. It contains 420 amendments.

Mr. McNARY. Only 420. That is a great many more amendments than I have offered in 25 years' service in the Senate.

Mr. President, I hope the Senator will not insist on his motion. I will have to urge its deference. It will be only 3 weeks or such matter. There are people who are interested in this measure who have appealed to me as late as today and stated that they have not had an opportunity to present to the Senate committee their views on this bill. I do not believe the able Senator from Florida or any other Senator should insist upon bringing up a bill when it is violently opposed and one of his colleagues urges that the bill go over until the next session, which is only 3 weeks away.

Mr. PEPPER. Mr. President, I am entirely sensible of the sentiments expressed by the able Senator from Oregon. I wish to say that whatever I do in the matter is done purely as an agent of the committee and on behalf of the subcommittee of which I was chairman.

The difficulty, Mr. President, is that this bill is not originally before the Senate. It passed the Senate in 1941; it passed the House some considerable time ago, and came back to the Senate for concurrence or rejection or amendment to House amendments. There may have been, and I am willing to admit that there was, some unintentional delay on the part of the subcommittee, although the subcommittee was appointed only a short time ago. If this bill is not brought up and considered today, it will mean that it will be lost entirely for this Congress. The committee did not feel that it should take the responsibility of consenting that the bill be lost in spite of the fact that it has passed both Houses.

Mr. President, I will say that the bill provides that it shall not take effect until 1 year after it shall become a law. That provision in the bill had considerable influence upon the committee in suggesting that it might proceed to enactment, knowing that there would be a year after its passage and before it became effective during which those who had objections might present them to the Congress and have them considered.

So the able Senator from Oregon will, of course, recognize the distinction between attempting to bring up a bill which has not passed the House or the Senate and the situation in which the committee finds itself of not wanting to be responsible for a bill which has passed both Houses of Congress being defeated in this Congress and having to start all over again at the next session. We felt, therefore——

Mr. BARKLEY. Mr. President——

Mr. PEPPER. I shall yield in a moment. We felt that it was our duty to endeavor to have the amendments of the House concurred in by the Senate, with the exception of about four or five of the House amendments which we recommend be amended in accordance with the suggestions we propose to offer.

We did hear the pros and cons of this proposed legislation; we heard the several departments; the committee has had several meetings, and has given considerable consideration to the bill. In view of the fact that the able chairman of the House Patents Committee, Hon. FRITZ G. LANHAM, of Texas, who is now on the floor, believes that the House will readily concur in the Senate amendments if the amendments were sent back to the House, we did not feel that we should take the responsibility of denying the Congress the opportunity of enacting a measure which both Houses have already passed.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I wanted to ask the Senator a question. Of course we face a practical situation which I think we must take into account. As I understand, it was a Senate bill which went to the House and some four-hundred-odd amendments were added by that body. It came back to the Senate with those amendments, and, instead of sending the bill to conference, the bill went back to the Committee on Patents of the Senate, and that committee amended some of the House amendments.

Mr. PEPPER. That is correct, but they are merely clarifying amendments, I will say to the able leader.

Mr. BARKLEY. I do not know, of course, to what extent any Member of the other body would object to concurring in Senate amendments to House amendments to a bill of this sort, but the Senator realizes that any one Member of that body can now prevent action on anything.

Mr. PEPPER. We are aware of that, I will say to the leader.

Mr. BARKLEY. I do not know much about its merits, especially the House amendments, but it is unfortunate that this bill should not have been brought up and considered at a time when we were not packing our bags to go home.

Mr. PEPPER. I agree that it is a misfortune, Mr. President; I wish it had not been necessary to present the bill at this time; but, as I have said, the chairman of the House Patents Committee who sat with the subcommittee of the Senate committee which was hearing this bill, has informed us, in the last few minutes, that he feels the House would concur in the Senate amendments if the Senate would send the amendments to the House.

The able Senator from Illinois and the able Senator from Connecticut have considered this matter. I wish the Senator from Oregon might hear an expression from those Senators before adopting a final course.

Mr. McNARY. I shall be very happy to. The able Senator speaks with a depth of feeling, but I should like to have the bill go over. I want time to look into the measure. There is great opposition to it in its present form, and I do not think it is fair, at this late hour, to bring up a bill and move to make it the unfinished business when we have adopted a resolution to adjourn finally tomorrow. I suggest to the able Senator, who can dictate his course as he sees fit, that, as a matter of common courtesy, when a Senator wants time to look into a bill and has not had the time, in such circumstances a bill ordinarily goes over.

Mr. PEPPER. If it were my bill I should readily accede to the request, and if my colleagues who are members of the subcommittee think that is the course we should adopt, I shall readily and most cordially agree.

Mr. McNARY. I have been here some years, and the Senator cannot hide behind any pretext that this is not his bill. The Senator is in charge of the bill, and, in that position, has complete control of its destiny.

I may say that as a Senator I have always yielded when another Senator said he was not prepared to take up a bill. I am willing to assume such responsibility, and the Senator from Florida should do likewise.

Mr. GILLETTE. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I gladly yield to the Senator from Iowa.

Mr. GILLETTE. Mr. President, it was my intention to make a point of order against the motion the committee intends to present. I should like, as a preliminary, to ask the Senator from Florida if the amendatory matter which is now presented and which we are asked to adopt and send back to the House goes to the text of the bill in any shape or manner or whether it pertains entirely to one or more of the 420 amendments which the House adopted?

Mr. PEPPER. Exclusively to the House amendment, and it was carefully framed by Mr. Wood, the legislative counsel of the Senate.

Mr. GILLETTE. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. GILLETTE. I invite the Senator's attention to the proposed amendment 4, which reads as follows:

In addition to the change made by amendment numbered 420 on page 43 of the Senate bill, lines 3 and 4, strike out "and the application of such provision to other persons or circumstances."

That does not refer to an amendment of the House except by implication. That is additional matter to a specific section of the bill, and would seem to me to make it subject to a point of order.

Mr. McNARY. Mr. President——

Mr. PEPPER. If the able Senator from Oregon will allow me a minute, let me say that I shall accede to his request.

Mr. McNARY. Mr. President, I may say that I am not alone in opposition to this measure. There is very great opposition to the bill. Some memoranda have been sent to me by the departments. I do not think I am called upon to speak for the departments of the present administration; I am very glad to yield to the handsome Senator from Florida in the case of objections of this kind. However, certain Government departments were notified that the bill was to be considered on the 11th of December, 3 days ago. These were the Department of Justice, the Patent Office, the Federal Trade Commission and the Federal Food and Drug Administration. All of them oppose the bill in its present form, and their reasons for doing so are assigned. I am supplementing my remarks by saying that some of the members of the present administration holding offices of great importance do not like the bill in its present form. It is for that reason, as well as my own conviction, and because several other Senators have spoken to me about the matter, that I am asking the very able and courteous Senator from Florida to let the matter go over until we can all give it further study.

Mr. PEPPER. Mr. President, first, I desire to respond to the remarks made by the able Senator from Iowa [Mr. GILLETTE]. As I said, these amendments were carefully drawn by Mr. Wood, the legislative counsel. If the able Senator from Iowa were a little more careful, and if he had further time to check the amendment, he would find it to be an amendment to a House amendment and not an amendment to the substance of the bill as at first glance he thought.

In the second place, in justification of the committee, let me say that the chairman of the House Patents Committee, who is now on the floor, appeared before the subcommittee and stated in the presence of the representatives of the various agencies that they had had the hearings for months, even years, in the House, and the agencies in question had never appeared to oppose the bill before the committees. It was I who initiated an inquiry of the various departments when I was appointed chairman of the subcommittee. They came, they were given hearings, and their views were presented, but the subcommittee did not happen to agree to all the suggestions the gentlemen made. It tried, however, to cover the points which they made in language which the subcommittee thought was adequate to meet the situation. So we are very sorry if we did not literally agree with all our administrative friends, but, under the circumstances, we thought that the amendment offered by the subcommittee fairly met the situation.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the able Senator from Illinois.

Mr. LUCAS. Did we not, as a subcommittee, submit to the various agencies, save and except the Department of Justice or the Anti-Trust Division of the Department of Justice, the substance of the amendments which were agreed upon? In other words, every other departmental agency that was before the committee, and had any serious objections to this bill, had an opportunity to state its objections after we proposed a certain catch-all amendment, so to speak, to which each and every one agreed, with the exception of the Department of Justice.

Mr. PEPPER. That was my understanding.

Mr. LUCAS. Mr. President, will the Senator again yield?

Mr. PEPPER. I yield.

Mr. LUCAS. As a member of the Patents Committee I regret exceedingly that we cannot go ahead with the bill. The 400 so-called amendments are merely technical or clarifying amendments, and have nothing to do with the substantive part of the bill. There are really only 5 amendments which, as I understand, are vital in any way. The amendments which the subcommittee proposed to the measure as it came from the House were accepted by everyone, including the members of the House committee who were present. In other words, here is a bill which was passed by the Senate a long time ago, and 2 years of hearings, contained in 3 volumes, have, so to speak, been available. If the departments did not make any objection to what was going on in the House, then it seems to me they were derelict in their duty. When they come here at the last moment and try to do what they could have done a long time ago, they convict themselves of negligence in the highest degree. I do not think they should prevent what seems to me to be constructive and fair legislation on the question of trade-marks.

So far as I am concerned, I should like to see the measure acted upon, and not be held up by a single objection made by the Antitrust Division.

Mr. PEPPER. Mr. President, before I yield I wish the able Senator from Connecticut [Mr. DANAHER] would say just a word about this matter, since he has participated in the deliberations on the bill. Then I shall conclude.

Mr. DANAHER. I will say in response to the request of the Senator from Florida—and for the benefit of any Senators who may be interested—that hearings upon the bill proceeded through long and wearying hours over many weeks in 1941. I know that the departments could have appeared had they chosen to do so. I know that Mr. McNutt's department was represented. I remember that Mr. Kelly, chief counsel of the Food and Drug Administration was recorded, and, in fact, the hearings will show a memorandum of his views. I mention such things only to have it understood that within the last few days there has come word to some of us that certain of the departments have sought to reserve to themselves the prerogative of ascertaining, and thereafter deciding, questions which up to now have been questions for the courts, and which under this bill would be left so. The genius of their particular thinking is that they should ascertain and decide, and thereafter bind people in the trade, with reference to the marks and the labels to be used on given articles and things of that sort. We had that view before us. We had it before us not only through the representatives of the departments who seek the powers, but we had it through conflicting viewpoints presented by various witnesses upon the hearings during the weeks the bill was under consideration.

There is in essence nothing new about the bill, Mr. President. It marks in its present stage the fruition of at least 4 years of labor on the part of the chairman of the House Committee on Patents, the gentleman from Texas [Mr. LANHAM]. So far as the Senate is concerned, the amendments in the bill, as the bill has come back to us from the House, are substantially technical amendments in nature, excepting in three particulars: One has to do with what might be called the assignability of a patent or a trade-mark, another has to do with the status of incontestability, and the third revolves around the question of abandonment.

Insofar as the Senate committee was concerned, we had gone into all those matters fully in the first place. We accepted the view of the House insofar as the House had modified the original Senate language. But we all at times, Mr. President, had this one saving thought, which should not be forgotten in the light of the question that some of the departments seem now to raise. The effective date of this bill is not the date it is approved. It will be 1 year thereafter. If the bill is not passed at this session, everyone here should and will recognize that it lapses, and all the work that has been done on it has actually gone for nothing, except insofar as it has contributed to our general education, and, of course, we need that. It can be revived in the next session, it is true, and again we can have hearings, and again we can get as far as we have gotten now.

Mr. President, having delivered myself of the views which, it seems to me may, on their face, be in contravention of those held by my own distinguished leader, the Senator from Oregon [Mr. MCNARY], let me say that any request he makes is a command to me. Whenever the question of senatorial courtesy is involved or, shall I call it, the comity between members of the committee and the leader, who is bound to represent the views of those of his colleagues who are absent, there is only one thing for us to do. It certainly was the fact that many Senators had represented to them that no controversial matters would come up. If, in fact, this is a controversial mat-

ter—and Senators have so represented to our leader—he is duty bound to present their views. No one can question that.

Let me say furthermore that so far as I am personally concerned, I feel that the rights of all parties were and can be protected. I have made this explanation of my own position on the matter at the request of the Senator from Florida [Mr. PEPPER].

Mr. McNARY. Mr. President, may I add a word, because of the statement made by the distinguished Senator from Connecticut? I appreciate his consideration and his courtesy. He is always very polite. It has been understood between some of us that we were going to try to adjourn during the week. I had passed the word about that no controversial bills would come up. The same thing was done by the majority leader. Yesterday two Senators asked me to protect them against consideration of this bill. In fact, I did not know that it was proposed to have the bill considered. I promised I would protect the Senators. I was told enough about the bill to make me think that I should give some personal consideration to it. I was also advised today that certain Government departments wanted further time. In fairness to all I ask that the bill go over for 3 weeks, and the first of the year I shall put no obstacle in the way of immediate and early consideration of the bill.

Mr. PEPPER. Mr. President, there is not the slightest desire on the part of any member of the committee to act antagonistically to the wishes expressed by the able Senator from Oregon, and I certainly concur in his suggestion that the matter be deferred.

BILLS REPORTED FROM THE COMMITTEE ON TERRITORIES AND INSULAR AFFAIRS

Mr. TYDINGS. Mr. President, from the Committee on Territories and Insular Affairs, I report favorably House bill 7514, to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii.

From the same committee I also report favorably House bill 7380, to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive, and submit a report (No. 1850) thereon.

I also report favorably House bill 5262, to provide for conveyance of lands to the town of Cordova, Alaska, and submit a report (No. 1849) thereon.

Mr. President, I send to the desk copies of the three bills, which are local in character, and after I have made a brief explanation of the bills I shall ask for their immediate consideration. One bill has to do with the use for a temporary period of time of some wharfs in Honolulu. The second has to do with the cession of a piece of land in the town of Cordova, Alaska. The third has to do with the payment of increases in wages for certain employees of the Alaska Railroad in accordance with an agreement which the railroad employees made with the Government.

Mr. McNARY. Mr. President, my attention was distracted for a moment. I wish the Senator would restate the nature of the bills.

Mr. TYDINGS. I will restate what I said very briefly. Three House bills were referred to the Committee on Territories and Insular Affairs. They have been favorably reported to the Senate from that committee. One of them has to do with the use of some wharfs in Honolulu, occasioned by the military necessities there. That use is of a temporary nature. Another has to do with the cession to the town of Cordova, in Alaska, of a piece of land which the Government owns, for use as a public park. The third has to do with increased pay for some employees on the Alaska Railroad, which is in accordance with an agreement made between the employees of the railroad and the Government. They are House bills. They have passed the House unanimously and are now favorably reported from the Committee on Territories and Insular Affairs. The delegates from the Territories involved are anxious that these matters be legislated upon at this session of Congress. Let me say that if the measures are taken up I shall be glad to give further explanation of each or any one of the bills should any Senator desire.

Mr. McCARRAN. Mr. President, the only question I have is that some time ago I conferred with the majority leader with reference to bills which have recently been reported to the Senate, and are now on the calendar. I was advised by him that he was going to have a call of the calendar. I was advised that since those bills were on the calendar, although reported only Friday of last week, they would come up for consideration. Do not the bills to which the Senator from Maryland refers come in the same category?

Mr. TYDINGS. I will say that about one-half hour ago I went to the majority leader and explained the bills to him, and told him what my plan was, and he said he had no objection to it.

Mr. McCARRAN. I certainly have no objection.

INCREASE OF WAGES FOR CERTAIN EMPLOYEES OF THE ALASKA RAILROAD

The PRESIDING OFFICER. The title of the first bill will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7380) to authorize increases in wages for certain employees of The Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LANDS TO CORDOVA, ALASKA

The PRESIDING OFFICER. The title of the second bill will be read for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 5262) to provide for conveyance of lands to the town of Cordova, Alaska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

USE OF CERTAIN WHARVES BELONGING TO THE TERRITORY OF HAWAII

The PRESIDING OFFICER. The title of the third bill will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7514) to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE SABOTAGE ACT

Mr. MURDOCK. Mr. President, House bill 7141, to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," is now pending before the Committee on the Judiciary. I move that that committee be discharged from further consideration of the bill and that it be immediately considered. I wish to say that I have conferred with the distinguished Senator from Connecticut [Mr. DANAHER] about the bill, and he has consented to its immediate consideration. I have also conferred with the minority leader, the Senator from Oregon [Mr. McNARY], who has no objection. The purpose of the bill is to add three words to the present sabotage law. The report of the House committee shows that the purpose of the bill is to include within the definition of "war material," as used in the sabotage law, forest products and standing timber suitable therefor. Forage has also been included within the definition.

Mr. BARKLEY. What calendar number is the bill?

Mr. MURDOCK. It is not on the calendar. I was contacted yesterday by the Grazing Service, and they think it is very important, for the protection of our forests, that these three words be added to the law. I can see no objection whatever to consideration of the bill, and I hope none will be raised.

Mr. BARKLEY. Is there any amendment offered to the bill, or is it proposed to pass the House bill as it came to the Senate?

Mr. MURDOCK. The purpose is to pass the House bill as it came to the Senate.

Mr. BARKLEY. I shall not object, but I do not want this action to be regarded as a precedent, that a House bill can come over to the Senate and go to a committee and not even be acted on by the

committee, and then by unanimous consent be passed by the Senate, without a report having been made from the committee.

Mr. MURDOCK. I admit that the procedure is somewhat irregular, but if the bill is to be passed at this session this is the only opportunity we will have.

Mr. BARKLEY. I shall not object, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. MURDOCK], that the Committee on the Judiciary be discharged from further consideration of the bill, and that the bill be immediately considered.

The motion was agreed to, and the bill (H. R. 7141) to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes", was considered, ordered to a third reading, read the third time, and passed.

ASSIGNMENT OF CIRCUIT JUDGES TO TEMPORARY DUTY IN CIRCUITS OTHER THAN THEIR OWN—CONFERENCE REPORT

Mr. DANAHER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2655) entitled "An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOSEPH C. O'MAHONEY,
JOHN A. DANAHER,
TOM CONNALLY,
Managers on the part of the Senate.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
U. S. GUYER,
Managers on the part of the House.

The report was agreed to.

THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Calendar No. 1884, at which point we ended consideration of bills at the last call of the calendar. There are only six such bills on the calendar.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Is there objection? The Chair hears none, and the clerk will proceed to state the measures on the calendar.

BILL PASSED OVER

The bill (H. R. 7695) to aid in preventing inflation, to stabilize the rents of real property, and for other purposes, was announced as first in order.

Mr. BARKLEY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF LANDS IN OLYMPIC NATIONAL PARK, WASH.

The bill (H. R. 7191) to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington was considered, ordered to a third reading, read the third time, and passed.

TRANSFER OF JURISDICTION OF A PORTION OF COLONIAL NATIONAL HISTORICAL PARK, YORKTOWN, VA.

The Senate proceeded to consider the bill (H. R. 5861) to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy, which had been reported from the Committee on Public Lands and Surveys with an amendment in section 2, on page 1, line 9, after "Sec. 2," to strike out—

In the event the Secretary of the Navy shall find that the property has become surplus to the needs of that Department, he is authorized to retransfer jurisdiction and control over the same to the Secretary of the Interior, in which event it shall again become a part of the Colonial National Historical Park.

And insert in lieu thereof the following:

The President of the United States is authorized by Executive order to retransfer jurisdiction over the property to the Secretary of the Interior upon his application when, in the judgment of the President, the property has become surplus to the needs of the Department of the Navy, in which event it again shall become a part of the Colonial National Historical Park.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADMINISTRATION OF GRAZING DISTRICTS

The bill (S. 2915) relating to the administration of grazing districts was announced as next in order.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives which deals with the same subject matter.

The bill (H. R. 7841) relating to the administration of grazing districts was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior may require field employees of the Grazing Service to furnish horses and miscellaneous equipment necessary for the performance of their official work and may provide at Government expense forage, care, and housing for such animals and equipment.

The PRESIDING OFFICER. Without objection, the House bill just laid before the Senate will be substituted for Senate bill 2915. Is there objection to the present consideration of House bill 7841?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2915 will be indefinitely postponed.

ACQUISITION OF LANDS FOR THE GEOLOGICAL SURVEY

The Senate proceeded to consider the bill (H. R. 6671) to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, after line 2, to strike out:

That the Secretary of the Interior may, on behalf of the United States and for the use by the Geological Survey in gaging streams, acquire such lands as may be necessary for such purpose by purchase or donation. For the same purpose the Secretary may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or terms of years as may be required for the effective performance of the function of gaging streams.

And insert:

That the Secretary of the Interior may, on behalf of the United States and for use by the Geological Survey in gaging streams, acquire lands by purchase, condemnation, or donation, but not in excess of 10 acres for any one stream-gaging station. For the same purpose the Secretary may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or term of years as may be required for the effective performance of the function of gaging streams: *Provided*, That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing in this act shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

Mr. DANAHER. Mr. President, may I ask the able Senator in charge of the bill to direct his attention to page 2, in lines 8 to 12, inclusive? After the Department of the Interior is given the power to acquire lands by condemnation, purchase, or donation, there is the following proviso:

Provided, That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder—

It is nowhere stated in the proviso that nothing in the act shall be construed as affecting the rights of States in waterways other than for purposes of irrigation.

I take it, however, from the announced purpose of the bill that no powers over waterways are sought under the bill, other than for use by the Geological Survey in the gaging of streams. May I ask the able Senator from Nevada if I am correct in my assumption?

Mr. McCARRAN. The Senator is correct; and I should like to go a little fur-

ther. It was made clear to the Committee on Public Lands and Surveys that there was no desire on the part of the Interior Department to acquire more than a right to use the land for the purpose of setting up structures for the gaging of streams. With that in mind, the Committee on Public Lands and Surveys amended the bill so that no right, either for irrigation or for any other purpose, could inure to the Interior Department of the Federal Government pursuant to acquisition of the right to use of the land merely for its work in gaging streams.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN SWEENEY

The bill (S. 2881) for the relief of John Sweeney was announced as next in order.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives which deals with the same subject matter.

The bill (H. R. 7828) for the relief of John Sweeney was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That for the purposes of all laws of the United States and all regulations thereunder, John Sweeney, of Paris, Tenn., shall be deemed to be, and to have been since his birth, a citizen of the United States.

The PRESIDING OFFICER. Without objection, the bill just laid before the Senate will be substituted for Senate bill 2881. Is there objection to the present consideration of House bill 7828?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2881 will be indefinitely postponed.

That completes the calendar.

THE CITADEL—SOUTH CAROLINA MILITARY ACADEMY

Mr. MAYBANK. Mr. President, on December 20, 1842, 100 years ago next Sunday, Gov. James H. Hammond, of South Carolina, signed an act of the general assembly creating the South Carolina Military Academy—The Citadel.

I believe it is particularly appropriate to address the Senate of the United States and speak on this great military college, not only because of its hundredth anniversary, but because today, with the world engulfed in a total war, graduates of The Citadel are to be found on every battle front where the Stars and Stripes proudly wave.

The genesis of this institution is of particular significance at this time, when our country is fighting for its very existence against external enemies and enemies within our gates.

In the early 1800's the State of South Carolina had two depositories of arms and munitions, one in Charleston and one in Columbia, with companies of State troops guarding them. The duties of the soldiers were simple, but the expense of maintaining them was relatively high; so the farseeing Governor, John Peter Richardson, conceived the plan of replacing the soldiers with worthy young men, who, while guarding the arsenals and supplies, might receive an education otherwise beyond their reach. He developed his plan, which was presented to the legislature and accepted by them after some dispute.

On March 20, 1843, the two schools opened their doors to cadets. The Charleston unit, known as The Citadel Academy, received 20 young men on the opening day. The Arsenal Academy in Columbia received 16. Nearly all were State beneficiaries who, by doing responsible duty every day, learned their obligations and afterward how to perform them.

In the weeks following March 20, more cadets entered these new and unique institutions of learning. The Arsenal Academy in Columbia, at first coequal with The Citadel Academy in Charleston, shortly was made its fourth class. After a few years all the fourth classmen were trained at the Arsenal, and only the three upper classes were accommodated at The Citadel Academy, until necessity in the War between the States made it imperative to conduct first-year instruction at both schools.

On November 20, 1846, the first graduation took place.

Upon the secession of South Carolina on December 20, 1860, Governor Pickens ordered troops to Morris Island to bar the entry of ships into the harbor. Because of their superb training as artillerists, a detachment of Citadel cadets was taken from the college and ordered to the fortifications to man a battery of four 24-pound cannon. When, on the morning of January 9, 1861, the United States supply ship *Star of the West* attempted to enter the harbor with reinforcements and supplies for Fort Sumter, the ship was fired upon by the cadet battery and driven off.

In the years that followed, Citadel cadets, as detachments, or as a company under their own officers, or with Arsenal cadets, forming the Battalion of State Cadets, participated as State troops in eight operations, as follows: Star of the West, January 9, 1861; Wappoo Cut, November 1861; James Island, June 1862; Charleston and vicinity, July to October 1863; James Island, June 1864; Tulifinny, December 1864; James Island, December 1864 to February 1865; Williamston, May 1865.

Thus, cadets of the South Carolina military institutions, as organized bodies, fired the first shot of the war and the last shot east of the Mississippi River. Seven cadets gave their lives, and many were wounded in those operations. Their gallant achievements will be commemorated on Thursday, December 18, 1942, by Gov. R. M. Jefferies, who at a regimental review will affix eight battle streamers to the regimental colors.

Both academies closed as a result of the war, Federal troops occupying The Citadel buildings almost up to the time of their relinquishment by the Federal Government in February 1882.

Of 240 graduates, through 1864, nearly 200 were officers in the Confederate armed forces, in grades from second lieutenant to major general. Of this number 43 gave their lives on the battlefields.

An intrepid group of 36 cadets left The Citadel after the second tour of field service in defense of Charleston, and formed a cavalry unit known as The Cadet Company, which was attached to the Sixth South Carolina Cavalry. This group rendered service marked by conspicuous gallantry throughout the war.

The record of the cadet corps of The Citadel and alumni, both graduates and nongraduates, in the War between the States, evidenced the fact that those men learned that, in the words of Robert E. Lee, "Duty is the sublimest word in the English language."

During the War between the States and the trying Reconstruction period which followed, The Citadel was closed of course. However, it again reopened under the able leadership of Col. John Thomas, the first honor graduate of the class of 1851. He brought back to the institution its ideals and achievements of the early nineteenth century.

Citadel graduates took full part in the Spanish-American War, the Philippine Insurrection, and in the Mexican border troubles. In World War No. 1, 316 of the 777 living graduates—and probably as large a percentage of nongraduates—since the War between the States took active part, in grades from colonel to private.

In the present conflict, of 2,660 living graduates, more than 1,500 are serving as officers, as are an estimated 2,200 ex-cadets. Four Citadel men, South Carolinians, occupy key positions in the war today—Brig. Gens. Harry K. Pickett, of Ridgeway, at Pearl Harbor commands the marines of the fourteenth district; James A. Lester, of Newberry, has a Field Artillery brigade in the Pacific area; Barnwell R. Legge, of Charleston, is military attaché in Berne, Switzerland; and John T. Kennedy, of Orangeburg, commands Fort Bragg, where men are being trained by the thousands for active service. Numerous Citadel men are in the Solomons; the chief of staff of the First Marine Division, on Guadalcanal, Col. W. C. James, of Summerton, is a 1916 graduate. Many others too numerous to mention have distinguished themselves on the battlefields in the present conflict.

The aim and object of The Citadel is to produce citizens of the finest type, citizens prepared, trained, and equipped to assume the responsibilities of citizenship as well as to enjoy its benefits; and its record in this and in every other national emergency since 1843 reveals its outstanding value to the State and the Nation. It is not organized for the prime purpose of training officers for the permanent armed forces—though many have made splendid records as such—but,

first of all, to make citizens ready to lead equally well in the pursuits of peace and of war. Two recent chiefs of branches in the Army were Citadel men—Maj. Gens. James B. Allison, Chief Signal Officer, and Edward Croft, Chief of Infantry. In the ministry, in engineering, in the law, in agriculture, in education, in medicine, in the business world, Citadel men have achieved distinction. Many of the leaders in civilian pursuits are included in the thousands who have responded to the call of their country and now are leaders in the armed forces.

Since 1931 The Citadel has undergone a remarkable transformation and development under the leadership of Gen. Charles Pelot Summerall. Following his retirement as Chief of Staff in November 1930, and his reaching the statutory age March 4, 1931, General Summerall, like the immortal Robert E. Lee, turned from active military service to the even greater task of educating young men. Under his able leadership, with his thorough knowledge of military matters, as well as his great administrative ability, The Citadel has expanded, and today is unexcelled by any military institution. The cadet corps this year numbered 1,967, reporting from 45 of the 48 States and from Mexico, Puerto Rico, and Cuba.

The faculty of 102 highly trained educators are teaching these young men in one or more of 11 fields of study.

The following code of the corps of cadets may well be commended to the youth of our land:

To revere God, love my country, and be loyal to The Citadel.

To be truthful, honest, and sincere in every act and purpose and to know that honorable failure is better than success by unfairness or cheating.

To perform every duty with fidelity and conscientiousness and to make duty my watchword.

To obey all orders and regulations of The Citadel and of proper authority.

To refrain from intoxicants, narcotics, licentiousness, profanity, vulgarity, disorder, and anything that might subject me to reproach or censure within and without the college.

To be diligent in my academic studies and in my military training.

To maintain my self-respect and self-control and to respect others.

To do nothing inconsistent with my status as a cadet and gentleman.

To take pride in my uniform and in the noble traditions of the college and never do anything that would bring discredit upon them.

To be courteous and gentlemanly in my deportment, bearing, and speech, and to exhibit good manners on all occasions.

To cultivate dignity, poise, affability, and a quiet, firm demeanor.

To make friends with refined, cultivated, and intellectual people.

To improve my mind by reading and participation in intellectual and cultural activities.

To keep my body healthy and strong by physical exercises and participation in many sports.

To be generous and helpful to others and to endeavor to restrain them from wrongdoing.

To face difficulties with courage and fortitude and not to complain or be discouraged.

To be worthy of the sacrifices of my parents, the generosity of the state, and the efforts of all who teach and all who administer the college in order that I might receive an education and to recognize my obligation to them.

To make the college better by reason of my being a cadet.

To resolve to carry its standards into my future career and to place right above gain and a reputation for integrity above power.

To remember always that the honor of being a "Citadel man" imposes upon me a corresponding obligation to live up to this code.

Mr. President, I conclude by stating that it is my hope that this distinguished South Carolina institution, located in my native city, will continue with even greater strength to develop young American manhood as it should be trained.

ERECTION OF MEMORIAL TO TWENTY-NINTH DIVISION, AMERICAN EXPEDITIONARY FORCES

Mr. BARKLEY. Mr. President, from the Committee on the Library, I report favorably Senate bill 233, and ask unanimous consent for its present consideration. The bill authorizes the erection of a monument in the District of Columbia. It carries no appropriation at all.

The PRESIDING OFFICER. The bill will be reported by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 233) to provide for the erection of a suitable memorial to the Twenty-ninth Division, American Expeditionary Forces.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant permission to the Twenty-ninth Division Association, American Expeditionary Forces, for the erection on public grounds of the United States in the District of Columbia, other than those of the Capitol, the Library of Congress, and the White House, of a suitable memorial in honor of the dead of the Twenty-ninth Division: *Provided*, That the site chosen and the design of the memorial shall have the approval of the National Commission of Fine Arts and that the United States shall be put to no expense in or by the erection of the said memorial: *Provided further*, That unless within 5 years from the date of approval of this legislation funds are made available in an amount which, in the judgment of the Secretary of the Interior, is sufficient to insure the completion of the memorial, including the preparation of the site and the erection of the pedestal, and the erection of the memorial is begun, the authorization hereby granted is revoked.

DATE OF MEETING OF FIRST SESSION OF SEVENTY-EIGHTH CONGRESS

Mr. BARKLEY. Mr. President, I ask that House Joint Resolution 368 be laid before the Senate and presently considered.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 368) fixing the date of meeting of the first session of the Seventy-eighth Congress, which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the joint resolution entitled "Joint Resolution fixing the dates of meeting of the second session of the Seventy-seventh Congress and of the first session of the Seventy-eighth Congress", approved January 2, 1942, is amended by striking out "Monday, January 4, 1943" and inserting in lieu thereof "Wednesday, January 6, 1943."

Mr. BARKLEY. Mr. President, the joint resolution would merely change the date from the 4th of January, which is Monday, to the 6th of January, which is Wednesday. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was ordered to a third reading, read the third time, and passed.

NATIONAL POLICIES IN WAR AND PEACE

Mr. NELSON. Mr. President, I beg your indulgence and that of my distinguished colleagues in order that I may make a few remarks on some of the matters of national importance which have been occupying my mind during my brief but thoroughly interesting and enjoyable period of service here with you. Were it not for the fact that I am serving only for what is known as the short term, plus the fact that it seems probable this Congress will soon stand adjourned, I would long postpone these remarks out of deference to both custom and my own inclinations. Under the circumstances, I sincerely trust that they may not seem untimely.

One can do but little at best during the limited period afforded by the short term. However, I desire to add my voice to those of others on a few of the trends of our Federal Government in this crucial time. What I have to say has not been formulated simply in the time since I had the privilege of taking the oath of office here on November 18. It is based upon a deep interest in, and constant study of, government all during my adult life. It is grounded in the viewpoint not only of a United States Senator, but of an interested citizen, long a student of and participant in governmental affairs and administration, who is now privileged to address you as a colleague.

Mr. President, I am from a great agricultural State. I was born and reared in a farming community, and my hands have blistered from gripping the handles of a plow; my arms have shocked bundles of yellow grain; my fingers have drawn the milk from a placid cow. Thus I trust the Senate will understand if I speak with considerable feeling about the present farm picture.

I cannot escape the conclusion that production and not price must be the keystone of our thinking in regard to agriculture. Butter, milk, meat, and grain are every bit as essential to our boys on the fighting fronts as bullets, guns, planes, ships, and tanks. It is essential that we supply our allies with such foods as they cannot raise themselves or procure from other sources, and such as they cannot do without. It is vital that we continue to supply essential food to civilians, though there is not one of us unwilling to sacrifice here on the home front rather than have our fighting men deprived of the food they need

The exigencies of war have multiplied demands for most essential foods, and our farmers are being called upon to strain production to the limit. I believe our food supply situation is serious, and will be threatening to the danger point in 1943 unless certain changes are made in present policies.

In order, then, to assure sufficient agricultural products for the war fronts and the home front, we must base our program on production, not price. The farmer is handicapped by a manpower problem which we hope is at last on its way to solution through recent directives. He is handicapped by shortages of equipment. With all his handicaps, and with industry offering the attraction of higher wages to both his farm helpers and himself, we must not impose upon the already strained production picture a farm-price program based only on factors of price control.

Higher prices are needed to stimulate farm production and to keep both farmers and farm laborers on the farms. Opponents of that proposal would have you believe that to allow higher farm prices would unduly penalize the civilian population. I am certain that the rest of us will gladly pay more for our food and be assured of getting food, than not to have it at all. That is from a purely selfish standpoint. But I think also that from an altruistic point of view the great majority of people realize that the farmer has worked longer hours for less money than any single large segment of our population.

As an example of some of the horrible confusion emanating from Washington today, let it be noted that Manpower Administrator McNutt recently said that farmers would have to compete with industry for labor supply. Other voices in Government say that farm-labor costs shall not be included in the ceiling price on farm products. Still others say that the price of farm products shall not advance. Yet, with industrial wages many times higher than the wage which the farmer is now able to pay, with a ceiling on the prices of farm products, by just what legerdemain can the farmer compete with industry in enticing labor into the fields? Perhaps some of our starry-eyed theorists in swivel chairs have been deluded by a belief that the lure of fresh air and the scent of new-mown hay will suffice to attract men to the plow and the pitchfork, despite the promise of a better stuffed pocketbook at the factory. Someone needs to bring order out of this chaos.

Some of the opponents of higher farm prices admit that the farmer has not had a fair deal in the past, but say that in the best interests of the Nation he must wait a while longer for what he has coming to him simply because if we allow his prices to rise we will have disastrous inflation. They say control of all prices is necessary to prevent an overall inflation, and that while the farmer was caught with relatively low prices in relation to the cost of things he must buy, that is his tough luck and he must accept the situation in the interests of the Nation.

That argument might appeal to me if I believed the results these men predict would really occur. But there cannot be a real inflation in the United States. The foundation for a real inflation does not exist in this country. Germany, some years ago, experienced real inflation, disastrous inflation, the kind of inflation these men fear. But there the basis for inflation did exist. First, there was a flight of capital and intrinsic valuables from the country. Obviously that cannot happen here under present-day conditions. Capital has nowhere to go. Second, there was a stepping up of currency issued without proper backing—the creation of printing-press money.

Wealth is not leaving this country. I repeat there is no place for it to go. The only wealth we are losing is such of our natural resources as are or will be irretrievably gone through destruction in the war itself.

No war in history has been fought without rising prices, particularly on products of the land, except under a controlled economy such as exists in Germany today.

Rising prices on farm products are definitely necessary, if we are ultimately to retire our national debt and to allow our citizens to pay the tremendous tax load.

I do not advocate that all price control be scrapped. Certain prices can certainly get out of line without proper control. In that connection, we must bear in mind the disastrous results which occurred during and after the last war, when certain farm prices rose to the point where unwarranted speculation in farm lands, with highly inflated prices for farm acreage, was encouraged. But I definitely feel that an over-all control on the prices of farm products is inadvisable and may be disastrous. Where there are shortages only increased prices can encourage and accomplish maximum production. Our farmers will patriotically produce to the fullest extent of their land, time, and ability; but they must be compensated for that production to cover their costs and a profit commensurate with that received by industry and industrial labor.

Increased farm prices will be reflected in additional earnings first to the farmer. His additional earnings will accrue in turn to the benefit of the small townspeople and through them on to the cities where their needs are initially supplied. The added food cost to the ultimate consumer will be insignificant compared to the benefits to the country as a whole.

Mr. President, I am none the less concerned about the future of small business in this country. Small business constitutes a very substantial section of our national backbone. It is being strained to a danger point today. The trend of our war-production program, through the necessarily curtailed production of civilian goods requiring strategic materials and through concentrated production of the materials of war in the hands of a relatively few large manufacturers, is toward freezing out small business, whether manufacturing, wholesaling, or retailing, and toward consolidating and expanding the strangle hold of huge enterprise.

Some of this cannot be avoided, but what I greatly fear is that the effects on small business are not being confined to the period of the war but will be felt for all time to come. I do not believe that sufficient effort has been expended thus far by Government to protect small business. I urge with all the emphasis at my command that the Congress and the administrative agencies of the Federal Government pay prompt attention to this problem and do all in their power to guarantee the security and continuation of small business enterprises throughout the country during and following the war.

Mr. President, we need more capitalists in this country today. By "capitalists" I do not mean men with huge fortunes, controlling gigantic companies. By "capitalists" I mean particularly the small machine shop, the country flour mill, the little shoe factory, the independent canning plant, and all the other small enterprises spread over both hamlet and metropolis throughout our broad land.

Such capitalists constitute the very bedrock of our national security and soundness. Some efforts to aid small business have been made by Government, and the problem is even now receiving the careful attention of congressional committees, but more action in spreading war-production work to small business is imperative. Furthermore, in connection with tax legislation greater consideration must be given to allowing the accumulation of sufficient reserves by all corporate enterprises so that after the war they may finance themselves over whatever slack period we may encounter, and over the period of reconversion to civilian production.

To "soak" these corporations, under the guise of wartime financial requirements of the Government, beyond the point of their own security, is shortsightedness. It amounts to killing the goose that lays the golden eggs. If this trend is allowed to continue, it will result eventually in less revenue for the Government itself, disaster for the companies affected, and for all the millions of owners of equities in them, and for their employees. It will adversely affect the economy of the entire Nation.

We cannot maintain normalcy in war. Much sacrifice is necessary—much readjustment because of war needs and war shortages. Corporations, as well as individuals, can be expected to bear a larger proportionate share of the financial burden. But I do not think our efforts to maintain small business have been effective up to the present time, and I want to add my voice to that of many others who have called attention to the need for allowing sufficient corporate financial reserves to tide them over in the conversion and possible depression period following this war.

Mr. President, the manner in which it has been sought to place a maximum limitation on salaries and wages should be alarming to every American, regardless of his particular earnings, who believes

in individual initiative and the continuation of the free-enterprise system.

We are all agreed, I am sure, that abnormal profit must not be allowed to accrue to anyone as a result of this war. We believe in equality of sacrifice as nearly as that can be accomplished. We believe in contribution to the tremendous burden of the war effort in conformity with the principle of ability to pay.

None of us believes that tremendous incomes should be permitted in wartime. Beyond what is a fair and just proportion to compensate for services, to maintain past commitments and obligations, and to provide for necessary expenses, incomes should be devoted during the war to the war effort.

We have excellent machinery for the limitation of incomes. That machinery is taxation. With varying degrees of success, through the years, we have attempted to apply taxation in accordance with ability to pay. On all incomes—and especially higher incomes—we can now apply it much tighter. We are doing so.

But not long ago the President, by Executive order, later supplemented by directives of the Board of Economic Stabilization, sought to place a top limit of $25,000 on earned income without regard to taxation. That, Mr. President, violates a principle which we in America have always held dear.

Aside from the principle involved, I think the amount of the limitation itself is set without regard to fairness or realities. There is no limitation upon unearned income, and, whereas, the coupon clipper can, after deducting his regular tax, wallow in all the money his investments will bring to his easy chair in the club, the man who is devoting his brains and his energy to producing something of value has a fixed income ceiling beyond which no height of genius or dint of superhuman effort and hard work will take him. The limitation level disregards fixed costs of maintenance with which so many are saddled, and hence in instances becomes confiscatory, no doubt to the delight of some of those who encouraged its adoption, although it is in conflict with our entire concept of government. The limitation tends to discourage competent management in places where real ability and responsibility are most needed; it will result in real "absenteeism" in some of the toughest jobs in the Nation. Many executives could not afford to have a thrombosis on $25,000 a year! And plenty of them will have one at the speed they are going in promoting the war effort.

Mr. President, it is my hope that we can maintain for our boys who are out fighting for us—and I have boys in the service—somewhat the same kind of opportunity in the future as you and I have had in the past.

For some years our income-tax structure has been revamped largely on the theory that producers of wealth must be penalized. If the trend of our present policy continues, young men and women with initiative and ability and the will to work hard for what they get never again will have an opportunity to build a sound competence for their future or the opportunity to become a Henry Ford, a William S. Knudsen, an industrial leader in America. If the present tax trend continues, the only way a young man or woman can acquire a competence in the future is to inherit it or to marry it.

In this country we tax our corporations directly as entities, without regard for the simple fact that the income of a corporation is often the income of thousands of persons, many of them very small investors. In England I believe a sounder basis is used. There the tax on the corporation is used only as a vehicle to reach the individual interests of owners of the corporation. Not only the holders of common stock but also the holders of preferred stock and of bonds as well are reached.

"Risk capital"—capital which has been invested, risked, in equity holdings—has enabled this country to become the power it is and to reach its phenomenal stage of development in so comparatively few years. That kind of capital enabled the railroads of America to open up the Golden West. It enabled us to open up the mountains and bring forth their treasures. It enabled great laboratories to conduct research and produce marvelous machinery to make life better, to accomplish great strides in the fields of medicine, physics, chemistry—in all science—in progress in every direction. Today investment of that kind of capital is being penalized and discouraged, and the initiative and the almost superhuman energy which made this country great are consequently being stifled.

Let us hope that this is only a temporary trend which we will reverse when this war is over. But let us not be beguiled into thinking that every step we take under the canopy of war necessity, or supposed war necessity, will be retraced in peacetime. It is far easier to withhold now than to retrace later.

Our country needs a great deal of money to finance this war. In order to maintain our financial stability and in order not to pass on to future generations any more of the load than is definitely necessary, we need considerably more Federal income than we are now getting. There is one means we can employ to produce a substantial amount and at the same time wipe out an escape from taxation now prevalent that is neither fair nor just. We can do this now and we can continue it in peacetime. We do not need to employ it as an emergency measure, though the emergency calls our attention to it more clearly than ever.

That means is the taxation of securities of municipal and State governments, and past issues of the Federal Government, which are now exempt. The present exemption allows the owners of great wealth to obtain annually substantial incomes without paying an adequate tax to any government, State or Federal. A great proportion of large estates and holdings are invested, and have been for many years, in exactly that type of security. The common stocks of great corporations which produce income in the form of dividends do not enjoy tax exemption. Such stocks are not held, for the most part, by persons of great wealth. They are held by the little fellow, by the estate of moderate size, by the widow who bought them with the proceeds of an insurance policy, which her thoughtful and thrifty husband left her, so that she would have enough income on which to live. But the man of wealth has most of his capital invested in tax-free Government securities. When the war comes along and everyone else contributes a proportionately larger share of income toward the Government, he is not required to pay his fair share of the cost of war or of the operations of Government.

Mr. President, no man can rise today to speak his mind on some of the important issues confronting our country without devoting particular attention to the peace which must follow this war. It is next in importance only to winning the war, which will be brought about by our forces and those of our allies though not without "blood, sweat, and tears," and plenty of them.

Many things about that peace remain to be settled. One thing that is definitely settled in the mind of every American is that that peace must not be lost, as it was so shamefully lost after the last Great War.

There are few, if any, who do not realize now that the United States was "short-changed" at Versailles. We know that we must avoid a repetition of that futile effort at peace, which through its weakness was destined to plunge the whole world into another war more terrible than any previous one.

The terms of that peace should have dealt even more stringently with our enemies from a military standpoint so as to shackle them forever so far as ability to commence another war was concerned. The terms of that peace should have carried with them an alliance of the victorious nations firm enough to make sure forever that no aggressors would rise again to threaten the security of all the world. There were those whose eyes were blinded by the horrors of that war into refusing to commit this country to any military measures to enforce international peace. They should realize now that it would have been far better to dispatch a few battleships and a comparative handful of men a few times during the past 20 years to enforce the peace terms rather than to face the present situation which involves dispatching millions of men and expending billions of dollars in materials to end this war. We were penny-wise but pound-foolish—in terms of human blood. We scrapped and sank a good share of our Navy; we refused to risk any American lives for the purpose of maintaining peace; we withdrew into our shell; we were niggardly in preparedness; we thought that if we idealistically disarmed, all nations would politely follow suit; we continued to think that because we hated war and did not want war we could keep war away from us—and we found we were wrong, tragically wrong.

While the whir of scientific progress in the development of military and naval machinery of destruction was in our ears, while amazing progress in aviation was

before our eyes, we continued to think in terms of horse-drawn cannon. We talked of the impregnable position we occupied because of the great oceans surrounding us, even while men breakfasted in London and had dinner in New York. We were thinking in terms of an age of sailing vessels, though we were in an era of motor torpedo boats and mile-a-minute destroyers.

If every American could learn the lessons of the history of the past 25 years the whole world's future would be more secure today.

We did not stop making mistakes at Versailles. We helped build the foundation for war when we failed to stop Japan when she entered Manchukuo. We helped build it stronger when we stood placidly by while our former allies failed to enforce the Versailles treaty when Germany moved into the Ruhr, when Mussolini moved into Abyssinia.

I believe in carrying this war through to a thorough conclusion, in whipping Germany, and Italy, and Japan completely and absolutely. I do not think any other end can possibly result in lasting peace. I believe that after this war those countries should be thoroughly disarmed and should be kept disarmed forever afterward.

I believe the American people will support the establishment of an international police force, with the participation of these United States, to maintain international order and to promote lasting world peace. I believe it will be far better to maintain a substantial standing Army and Navy, and to engage in minor combat, if that be necessary at times, to keep some upstart from commencing another world conflagration. The cost in American lives would be infinitesimal compared to that of still another great war. The saving of lives alone would be worth any cost in money and resources; but I believe that the maintenance of adequate armed strength will cost only a fraction, through the years, of what it costs suddenly to mobilize, train, and equip a huge army as we were required to do in this war.

I believe in international cooperation among all the United Nations, and others similarly inclined, to establish a just and lasting peace, and to maintain it. I believe in treating fairly at the peace table the common peoples of the vanquished nations, but I believe in being ruthless with their military and political leaders who have brought this war upon us. It is ridiculous to imprison drunken drivers for manslaughter and on the other hand to let international gangsters, guilty of the death of millions, and of endangering civilization itself, go into luxurious exile.

But when this country deals at the peace table I want it to deal to win not only lasting world peace, but to win for itself. We hear a great deal about international idealism of a type which I fear is floating in cloudy theory. It is an idealism which I do not think will stand the test of cold analysis and which I do not believe can ever exist unless there is a change in human nature, which has not changed basically in all history.

I favor a practical idealism in international affairs that will stand a flinty scrutiny, and the buffeting about which it will receive in the test of practical world affairs. I favor an idealism that will protect these United States. I favor idealism for the United States at the peace table, but I do not favor our being godfather, guardian, Lady Bountiful, Santa Claus, and free bread line for all the world.

Mr. President, I sometimes fear that the type of dreamy idealism preached these days means in simple terms a huge world dole at the major expense and sacrifice of our own people. All too much of it has emanated from Washington and New York of late. If this same spirit as applied to other great countries emanated from London and Amsterdam and Paris and Stockholm and Moscow and the like, one could perhaps view it more charitably.

I do not advocate that this great country should evade its fair share of responsibility in the rehabilitation of a war-torn world, and in intelligently assisting to remove the basic causes of war so far as possible. But in so doing let us proceed on the theory of helping others to help themselves. Let us extend aid in sharing with others the benefits of our knowledge. Let us follow this basic course rather than one of the paternal check signer for the prodigal or indigent son.

I could at this point draw an analogy between some of the methods used in connection with certain domestic reform policies of the past several years and the point I am making in regard to our assistance in international affairs, but I think it is sufficiently clear without elaboration.

I believe we should think first of the United States and its interests, and fit those interests into the world pattern, rather than to think first of the world and its interests and then throw the United States into that pattern.

Mr. Churchill and his associates in the post-war world will protect the interests of Great Britain, just as Stalin in the post-war world will protect the interests of Russia, and Wilhelmina will protect the interests of the Netherlands. I am sure the people of America want our leaders to cooperate with these other nations in winning the war. I am sure our people want them to cooperate in winning the peace and in maintaining the peace. I do not believe we can live in an isolated atmosphere today. But I believe that in that cooperation we should be looking primarily after our own interests, as other nations will be looking after theirs, and that we should promote the interests of other countries only as such promotion will reflect to the ultimate good of our own people.

Let us fight to win the war, then strive to win and keep the peace.

Mr. President, it has been proposed that the Senate should approve all appointments to positions in the Federal Government for which the annual pay is $3,000 or more. I sincerely hope that favorable action will be had on that proposal. The Senators from the respective States are well situated to become informed upon and best qualified to judge the merits of prospective appointees to important Government positions. By the adoption of such a proposal, the power of the Senate will be strengthened, and a means will be provided to assure more efficient Government personnel and to stop unwarranted personnel increases.

I do not need to emphasize that in the minds of our people the prestige of Congress as a whole has been sorely shaken at times during the past few years. Much of the criticism has been unjustified. I have deeply regretted that some of the criticism was ever made, and even more deeply regretted the manner in which some of it was publicized. My reason for that regret is that the Congress is the bulwark of our democracy, and when it loses any degree of confidence among the people, to that extent is our form of government itself endangered.

Even in an emergency the Congress must recognize a limit beyond which it cannot surrender its power and yet retain a measure of authority sufficient to safeguard our system of free enterprise, our governmental system of checks and balances, our assurances of the freedom we now fight to maintain for ourselves and for American posterity.

In urging my distinguished colleagues to be ever alert to maintain the powers that must remain in Congress, I do not intend to reflect unduly upon the present administration of our Government. While I have viewed with deep misgivings the apparent implications of some of its policies, I have hope that my misgivings may be without foundation, and I further believe it is not the time to discuss these matters now. My convictions about the powers to be retained by Congress would be as deeply ingrained under whatever administration we may ever find ourselves. They rest on principles on which our Nation was founded, not on whether a given Chief Executive may or may not be capable of wisely administering all of the powers of government.

My brief associations here among you have been exceedingly pleasant ones. I regret that they may not be longer. My experience here has enabled me to obtain a better grasp of the complexity, number, and extent of the grave problems which confront you every moment; of the ardor and length of your labor in the service of the people; and the meagerness of your reward. I shall leave with a lasting respect for the responsibilities of your position, and the sincerity with which you are all attempting to discharge them. Your kindness to me in these few weeks has been appreciated, as is your courtesy in allowing me this opportunity to unburden my mind of some of the thoughts it has dwelt upon of late.

REEMPLOYMENT OF PERSONS RETIRED UNDER THE ALASKA RAILROAD RETIREMENT ACT

Mr. MEAD. Mr. President, from the Committee on Civil Service I report favorably House bill 7336 to permit the reemployment of persons retired under the Alaska Railroad Retirement Act. I ask unanimous consent that the bill be now considered. It was passed unanimously

by the House. The bill allows the Alaska Railroad to reemploy personnel which has already been retired. The reason I am asking for immediate consideration of the bill is because of the manpower shortage on the Alaska Railroad.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

There being no objection, the bill (H. R. 7336) to permit the reemployment of persons retired under the Alaska Railroad Retirement Act was considered, ordered to a third reading, read the third time, and passed.

FEES FOR SERVICES PERFORMED OR PUBLICATIONS FURNISHED BY DEPARTMENT OF COMMERCE

Mr. MALONEY. Mr. President, I ask unanimous consent for the present consideration of House bill 6729, Calendar 1882.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6729) to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

Mr. VAN NUYS. Mr. President, I ask unanimous consent for the present consideration of House bill 7810. I may say that on behalf of the Committee on the Judiciary I reported this bill favorably earlier today. Owing to the necessity for a new judge in the district, I ask for immediate consideration of the bill.

Mr. McNARY. Is the district in Alabama?

Mr. VAN NUYS. Yes; the northern district of Alabama.

Mr. McNARY. The able assistant majority leader, the Senator from Alabama [Mr. HILL], spoke to me of the matter during the day. I have no objection.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 7810) to provide for the appointment of an additional district judge for the northern district of Alabama.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

REPORTS TO THE GOVERNMENT BY WHOLESALE AND RETAIL FOOD DISTRIBUTORS

Mr. VANDENBERG. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from Mr. J. H. McLaurin, president of the United States Wholesale Grocers' Association, who prophesies that—

In 1 more year, or less, 50 percent of the wholesale and retail food distributors of the United States will be out of business if they must suffer a continuation of the Government's demand for reports, statements, inventories, and regulations, with which it has become physically impossible for them to comply.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 10, 1942.

DEAR SENATOR: In 1 more year, or less, 50 percent of the wholesale and retail food distributors of the United States will be out of business if they must suffer a continuation of the Government's demand for reports, statements, inventories, and regulations, with which it has become physically impossible for them to comply.

With some of these austere and Hitleristic warnings imposed upon them, they are facing the $10,000 penalty threatened in some cases or, in default thereof, they will languish in prison for the duration.

Can and will the Congress of the United States take note of this intolerable situation and come to the rescue of several hundred thousand patriotic, loyal American citizens, who are today suffering and cringing under the lash?

Respectfully submitted.

U. S. WHOLESALE GROCERS' ASSOCIATION,
J. H. MCLAURIN, *President*.

Mr. VANDENBERG. Mr. President, I ask that the letter be referred to the Joint Committee on Reduction of Nonessential Federal Expenditures.

The PRESIDING OFFICER. Without objection, the letter will be so referred.

PERSONAL STATEMENT BY SENATOR MALONEY

Mr. MALONEY. Mr. President, I was designated by the Committee on Immigration to present to the Senate and manage in the Senate, House bill 6250, a bill to amend the Nationality Act of 1940; by the Committee on Banking and Currency of the Senate to report and manage Senate bill 2560, a bill to provide for the effective utilization of existing stocks of rubber tires to aid in making rubber tires available for essential uses, and for other purposes; and also by the Committee on Banking and Currency to present to the Senate and endeavor to have passed Senate bill 2763, a bill to authorize the use for war purposes of silver held or owned by the United States.

I should like to have the RECORD show that I made every possible effort to bring those bills before the Senate for consideration.

At this late date, taking everything into consideration, it seems useless to proceed further. I have discussed with the majority leader the present situation as it applies to those bills, and I shall make no further attempt to have them passed at this session; but I shall try to present them during the next Congress.

Mr. BARKLEY. Mr. President, I am glad to confirm what the Senator from Connecticut has said about his efforts in behalf of the three measures he has mentioned. I am in a position to know that no one has been more earnest, diligent, or alert in seeking to obtain consideration for all the measures entrusted to his care. I think the Senator from Connecticut has done as much as anybody could have done, and as much as anybody had the right to expect him to do to bring those measures before the Senate for consideration. I am glad to confirm what he has said about his own efforts, and I am proud to do so. He is entitled to that statement from me. I think the Senate will agree with my statement.

Mr. MALONEY. I thank the Senator.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. MURDOCK. In response to what the able Senator from Connecticut has said, especially with reference to the silver bill, as one of the Senators opposed to that bill, let me say that he has not allowed the opposition to eat, sleep, or do anything else but be keenly on the alert at all times in our successful efforts to prevent the consideration of that bill. I believe that he has done all that any Senator could possibly do in his attempt to bring that bill before the Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. Commenting further upon what the Senator from Utah has said to the effect that the Senator from Connecticut has not permitted the opposition to eat, sleep, or do anything else, I think he will modify that statement to the extent that the Senator from Connecticut has not only permitted but compelled the opponents of the bill to make a stand in opposition to its passage.

Mr. MURDOCK. That is correct.

Mr. MALONEY. Mr. President, I am not a candidate for reelection at this time. [Laughter.] However, I should like to warn the very able Senator from Utah that he may anticipate hunger in the days ahead.

Mr. MURDOCK. Mr. President, in reply to that statement, let me say to the Senator from Connecticut that he will find the opponents of the silver bill in the Senate when it meets again.

RETURN OF THE CHRISTMAS SEASON

Mr. RADCLIFFE. Mr. President, no return of the Christmas season for ages has had such a special significance as is the case this year. The very definite strategic turn in the tide of war in favor of our allies and ourselves as Christmas approaches will have an extraordinary significance in history.

Christmas, more than any other festival or season of the year, has developed many quaint customs in its observances. Some are Christian in origin; some are Jewish; and many are pagan. Some are religious; others are secular. Christmas commemorates the birth of a Great Teacher who taught sublime tenets of religion and extolled, in a manner unequaled, humane doctrines of equality, fraternity, and freedom.

Nowadays we think instinctively of Christmas as a children's holiday, but it has charm and appeal for persons of all ages. Its varieties of expression have been countless. It prompts sympathy in thought and deed for the sick and poor. It encourages hospitality and good cheer and prompts geniality of mood, generous impulses, and kindly deeds. Indeed, so far-reaching were its influences years ago that sometimes even rigors of imprisonment were lessened, if not eliminated, during the Christmas festivities. The general effect of Christmas celebrations was decidedly worth

while, even though wisdom has not always been sufficiently present in all of the festivities.

Historical records and traditions, especially those of Great Britain, illustrate how widely hospitable impulses were carried out to an extent quite unworkable today. Sir Walter Scott had this hospitable practice in mind when he wrote:

A Christmas gambol oft could cheer
The poor man's heart through half the year.

Not only was the poor man's heart cheered, but in many ways his personal surroundings and circumstances were benefited. A society rigidly, and at times even cruelly, regulated and regimented, sought and found each year for an interval at Christmas a respite, a turn of the wheel of life. That turn brought to many persons changes highly beneficial even though designed to be temporary.

Christmas customs observed years ago had not only far-reaching influences upon religious teaching, but also closely affected many institutions concerned with civil, economic, and social life. We have boasted that the world has been growing better; but are we sure that the spirit of Christmas is as helpful and constructive today as it was years ago?

The underlying principles of Christmas are basically and fundamentally opposed to the display of cruel force and inhumanity to the poor, weak, and oppressed. The Nazis cannot truthfully do otherwise than admit that what Christmas has sought to do is totally at fundamental variance with the purposes of their alleged New Order and of the deceptive and humiliating Co-Prosperity which the greedy and grasping Japanese would inflict upon the world.

One of the most striking results of the very recent Allied successes has been the permanent loss to the Axis Powers of security. Recently the Nazi has been stopped full in his tracks. He has tasted the bitterness of defeat. He has acquired as a fellow traveler and an unavoidable companion the demon of insecurity. The world now knows that the Nazi and the Japanese do not have reason for confidence that they can count upon retaining their ill-gotten gains. Every acquisition by conquest is in a state of jeopardy, actual or potential. No matter how favorably the tide might turn in favor of the Axis Powers, even though they might succeed in overrunning new territories, with them is and will remain the haunting foreboding that what they have taken, they cannot keep.

This realization and these misgivings and doubts cripple a brawling conqueror almost as much as an actual defeat itself. When Hitler stated some time ago in substance that he had built his empire so strongly that it would last for a thousand years, he was boasting that his system is flawless and all-sufficient and will remain so. In Hitler's mind not only his methods of conquest, but his handling and holding of the peoples in the countries overrun, are perfect in conception and execution and no force could prevail against him.

A dictator attempting conquest of other countries must have implicit confidence in his own methods. Also the people overrun by him must accept such an estimate. The conquering dictator must appear to be infallible. Otherwise, as soon as there is doubt that his system and methods are perfect, an insidious element of weakness enters and spreads quickly. As soon as reverses follow these doubts, the inflated position of the dictator rapidly becomes perilous.

Hitler knows that besides his men, guns, airplanes, and other implements of warfare, he needs the reputation generally that he is invincible. One of the reasons why France remained quiescent under Hitler's rule was that France believed that no one could withstand his might.

In a speech in the United States Senate last June, I stated that Hitler was beginning to be haunted by premonitions of defeat. What were then merely fitful warnings to him have become a grim reality. His legions which he boasted were irresistible have met actual defeat. More reverses are clearly in prospect. Two stark realities which Hitler faces are of the kind which wracks one's soul. One of these is the devastating realization that someone can and has challenged him successfully. The Nazis and the Japanese now know that no matter what battles they win or what countries they plunder, no matter how pretentious their ill-gotten gains, now no empire is possible to them other than one which never would be stable or fundamentally secure, but essentially transitory and evanescent.

For centuries the march toward democracy and liberty has been on the whole a steady and a successful one. Each year saw the people of the world seeking and more eagerly cherishing principles of liberty, equality, and freedom. More and more despotic government was regarded as becoming outmoded. It was believed that in a reasonably short time it would disappear from the earth. Mr. President, you and I thought that the movement toward freedom would grow stronger and stronger until the world knew despotic power only as a tale that was told.

A cataclysmatic change came about. Out of the convulsions and agonies of the late war there sprang up quickly the ugly concept that power was not vigorous and efficient unless it was totalitarian, that a ruler was not a "he-man" unless he trampled upon human liberties, that a ruler was not forceful and efficient unless he were a man of blood and iron with a contemptuous disregard of democracy.

That sinister concept of government met with quick success in some parts of the world. Thereupon the totalitarianist said Jefferson was wrong, that the people best governed were, not the ones least governed, but those who in body and soul were regulated by totalitarian despots. The acid test of the doctrine of totalitarianism has been made. The results show unmistakably that a nation can thrive without the sacrifice of human liberty. Hitler thought the slave would and could fight better than the free man. Each day proves that he is wrong, emphatically so. To be concrete: Neither Hitler nor any other despot could have planned and carried out more effectively the expedition of the armada of the United Nations to Africa and our war operations since then on that continent, including the highly important and beneficial arrangements made by us with Admiral Darlan.

Modern warfare "acquaints a man with strange bedfellows." Today such associates may differ widely in tastes, ways of living, and theories of government; but those of the United Nations are closely united in efforts to prevent the world from being engulfed in the noisome messes of the Axis Powers.

Modern warfare also acquaints a man with strange bedfellows in the guise of unprecedented and vexatious regulations and restrictions. Many of them are inevitable in all-out warfare. We are ready to submit uncomplainingly to them if they are deemed to be necessary and equitably imposed. We shrink from no associations and requirements which will help us to win the war and to bring home as quickly as possible our armed forces fighting so gallantly for the cause of freedom.

Those regulations and restrictions are concerned mainly with priorities, price fixing, and the rationing of commodities such as gasoline and certain food products. There is quite general agreement that war needs and anti-inflationary efforts make such limitations necessary, although people can easily differ as to how far these regulations should go. Because of their nature, no other types of restrictions and regulations are more harassing than those, or more difficult to handle fairly. We are far from being satisfied that we have settled upon the proper range for those measures or that all of them adopted are working satisfactorily. There will be a continuing need for constructive criticism and suggestions in the handling of those problems.

Naturally it is too early to predict with assurance what political views will be dominant in government after the terrible holocaust of war is over. This much will doubtless happen: The discrediting of the use of force as applied under totalitarian governments will be so widespread that it is quite possible that the pendulum will swing much farther than ever before in the direction of democratic institutions. Democratic ideals of government will again be sought and venerated throughout the world. Principles of liberty and equality again will be widely revered.

We hope and believe that after this war the principles of democracy will be reestablished so firmly that no opposition will prevail against them. But we must be diligent in trying to avoid the mistakes of the past in the workings of democracy. Many of us were inclined to believe that the principles of democracy are basically so sound that constant vigilance is not necessary to safeguard against weaknesses frequently found in

their application. But to be really effective democracy needs to be more than good in concept. It must also be wise and constructive in operation.

What has all this to do with Christmas? More than may be readily apparent. Christmas by history and tradition symbolizes much of what we and our allies are fighting for today.

In these days it is difficult to realize how rigid and cruelly severe were the social and economic distinctions prevailing years ago. At Christmastide such distinctions were suspended or disregarded to an astonishing extent. Not infrequently during the Christmas season the pendulum swung far the other way. Often the master and servant sat down together at Christmas dinner. Sometimes even on Christmas Day the master and mistress waited on the servants at dinner. Such transitory upheavals were fanciful but suggestive. The fact that "boy kings" and "boy bishops" superseded in part, even for a short time, the prerogatives and authority of their elders in high estate had a bit of significance. Christmas customs, at times followed out quite curiously, carried a very obvious challenge to existing prerogatives of rank and privilege, as crystallized quite definitely. All such topsy-turvy arrangements must have suggested the concept that human contacts quite different from what were customary could be known and enjoyed for the moment, at least.

Those who by their actions illustrated such flexibility at Christmas suggested, although often unconsciously and unintentionally, that a broader concept of fraternity, equality, and liberty had a rightful place in existing political, social, and economic arrangements.

True it was that after the end of the Christmas season there was a return to the former social and economic status, with its accompanying harshness and rigid distinctions of class and caste. Surely, however, something of a tolerant, fraternal, humane, and kindly spirit must have survived the Christmas season to continue constructively throughout the year.

The spirit of friendliness and hospitality at Christmas, even to enemies, sometimes was carried out to a degree almost unbelievable. We all remember the story of what happened when Henry V was besieging Rouen. Food had about disappeared in that city, whose inhabitants were facing either surrender or starvation, when the season of Christmas came around. Henry V, eager as he was to capture the city at the earliest moment possible, felt that on Christmas Day everyone in the besieged city should eat a Christmas dinner. Therefore, he sent into the city food sufficient for one meal for the entire population. After the ending of that day, he pressed the siege vigorously to a successful ending.

It may be that Henry's generous impulse was far-fetched and fantastic, it may be that it was chimerical and impractical, but what a protest it was! What a very significant groping toward an ideal! Contrast the course of Henry V at Rouen with the hideous infamy of Pearl Harbor. Hitler and the Japanese have shown to the world that they regard the friendly and humanitarian ideals which have characterized Christmas throughout the ages as signs of softness and weakness to be ignored and scorned by them in their insolent and ambition-crazed schemes to rule the world by blood and iron.

Bear in mind, however, that true observance of Christmas did not in by-gone days mean the meek acceptance of abuse of manifestations of friendly good will. The churlish souls who were out of harmony with the true spirit of Christmas were not welcome guests. Also, if they attempted to flout the friendliness of the occasion by hostile acts, they met with a tough reception. The true Christmas spirit did not countenance the use of insolent force or submission to it.

Not only the general spirit of the Christmas season but also the quaint upheavals in rank, caste, and authority illustrated the same desire for less restraining features in social, economic, and political institutions. Today that spirit animates us in our opposition to the Axis Powers. What the armies, navies, air forces, merchant marine, and civilian governments of the peoples of the United Nations are doing today to stop totalitarianism in its sinister attempt to overwhelm the world illustrates in a tremendous way the underlying spirit of the plans and celebrations of medieval Christmas.

Just how far Christmas created and kept alive a spirit of equality and freedom in the world we cannot definitely know, but certainly it was a factor. Who can say how far the Magna Carta, Petition of Rights, Bill of Rights, Declaration of Independence, our Constitution, and other historic landmarks in the struggle for freedom can trace their descent in part from the strivings of the Christmas spirit toward free institutions.

In similar manner the church throughout the so-called Dark Ages kept alive the flame of learning. Thereby it made the Revival of Learning a possibility. So also during those days the Christmas spirit, aided by some of the manifestations of the spirit of chivalry, kept alive in the hearts of men certain principles of fraternity, equality, and freedom.

Today, in the carrying on of all the activities which the grim necessities of war demand, in the sadness which the dislocations and separations in family life resulting from the war have brought to us, and in sympathetic realization of the hardships, strains, and tragedies of this war so cruelly thrust upon us, we shall do well to be mindful of the best which Christmas can teach us.

Were the Axis to win, Christmas, with its much-prized significance, religious and otherwise, would cease to exist. Its doctrines of equality, fraternity, and freedom, which we with increasing might are trying to preserve against the violent and vicious attacks of the Axis, would be lost to the world. Our basic institutions would be submerged.

It is indeed highly appropriate that the recent significant successes of the United Nations in their fight against heretofore successful adversaries should be occurring as the season of Christmas is approaching.

The gigantic struggle which we are making today for free institutions demonstrates that the spirit of Christmas did not perish from the earth. It is reincarnated in the spirit which today leads us to resist the arrogant iconoclastic pretensions of the Axis Powers. By the time next Christmas comes, we hope, although we cannot reckon upon so soon a happening, the world again will be at peace. Then may it be that when on Christmas Day, in the morning, the bells on earth ring "Peace on Earth, Good Will to Men," their notes will be heard by a world freed forever from the hideous menace of the cruel and sinister ambitions of the Axis Powers.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.; and

S. J. Res. 170. Joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the Acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 359) to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States."

The message further announced that the House had agreed to the following concurrent resolutions of the Senate:

Senate Concurrent Resolution 41

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Wednesday, the 16th day of December, 1942, and that when they adjourn on said day they stand adjourned sine die.

Senate Concurrent Resolution 42

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the adjournment of the second session of the Seventy-seventh Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 194. An act for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.;

H. R. 1646. An act for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased;

H. R. 2894. An act for the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian

McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehnl, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler, and Mary Chisholm;

H. R. 2970. An act for the relief of Hyram Colwell;

H. R. 2973. An act for the relief of George O. Hanford;

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4741. An act for the relief of the Midwest Oil Co.;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 4918. An act for the relief of Anna J. Krogoll;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Webster for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 5812. An act for the relief of William E. Averitt;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6370. An act for the relief of Mrs. Ching Shee (Ching Toy Wun);

H. R. 6489. An act for the relief of I. Arthur Kramer;

H. R. 6510. An act for the relief of L. H. Miller;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6569. An act for the relief of William M. Miller;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677. An act for the relief of Ronald Leroy Chen;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J Delavergne and Myrla Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber;

H. R. 7633. An act to increase the pay and allowances of the Army Nurse Corps, and for other purposes;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky;

H. R. 7705. An act for the relief of James E. Savage;

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia;

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law, 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons;

S. J. Res. 140. Joint resolution granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile; and

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees or ordered to lie on the table.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. VAN NUYS, from the Committee on the Judiciary:

M. Neil Andrews, of Georgia, to be United States attorney for the northern district of Georgia, vice Lawrence S. Camp, resigned.

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

Dr. Joseph S. Dorton, from the State of North Carolina, to be area director, at $4,600 per annum, in the Raleigh area office of the War Manpower Commission.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Jack H. Duncan to be a rear admiral in the Navy, for temporary service, while serving as naval attaché to the Union of Soviet Socialist Republics, to rank from the 7th day of December 1942;

Capt. Francis E. M. Whiting to be a rear admiral in the Navy, for temporary service, to rank from the 16th day of May 1942; and

Col. James T. Moore to be a brigadier general in the Marine Corps for temporary service from the 16th day of September 1942.

By Mr. BAILEY, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Louis E. Goodman to be United States district judge for the northern district of California.

Mr. McNARY. Mr. President, when the Executive Calendar was called on two former occasions I objected to the consideration of this nomination at the instance and request of the distinguished senior Senator from California [Mr. JOHNSON]. I have conferred with him. He is necessarily absent today.

I shall not ask that the nomination go over another day. I shall content myself with stating that if the distinguished senior Senator from California were present, he would vote "no" on the confirmation of the nomination, because he feels that in some respects the nominee lacks the essential qualifications for the position.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Louis E. Goodman to be United States district judge for the northern district of California?

The nomination was confirmed.

POSTMASTER—NOMINATION REPORTED ADVERSELY

The Chief Clerk read the nomination of Robert Leo Quirk to be postmaster at Washington, La., which had been reported adversely from the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

The PRESIDING OFFICER. That completes the calendar.

POSTMASTERS

Mr. BARKLEY. Mr. President, a large number of postmaster nominations have been reported today from the Committee on Post Offices and Post Roads. In order to have them acted upon and to save the necessity of having the names printed on the calendar, I ask unanimous consent for the present consideration of those nominations, and that they be acted upon and confirmed now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. THOMAS of Oklahoma. Mr. President, I ask that the nominations for Oklahoma go over until tomorrow.

The PRESIDING OFFICER. Without objection——

Mr. McNARY. Mr. President, what was the request?

Mr. BARKLEY. The request was that a large number of postmaster nominations which have been reported today but which are not on the calendar be confirmed. The Senator from Oklahoma asks that those for his State go over.

Mr. McNARY. The practice has been to have such nominations go to the calendar. There have been rare exceptions. However, a whole multitude would not constitute a rare exception. I believe they had better go over until tomorrow.

The PRESIDING OFFICER. The nominations will be placed on the calendar, and will go over until tomorrow.

Mr. McCARRAN. Mr. President, does that mean that other nominations reported today will go over until tomorrow?

Mr. BARKLEY. Yes; they will all be placed on the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, December 16, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate December 15 (legislative day of November 30), 1942:

CIVIL AERONAUTICS BOARD

Oswald Ryan, of Indiana, to be a member of the Civil Aeronautics Board, for the term expiring December 31, 1948 (reappointment).

Hon. Josh Lee to be a member of the Civil Aeronautics Board, vice George Baker.

APPOINTMENTS IN THE NAVY

Capt. Daniel E. Barbey to be a rear admiral in the Navy, for temporary service to rank from the 1st day of June 1942.

MARINE CORPS

The below-named citizens to be second lieutenants in the Marine Corps from the 15th day of May 1942:

Clifton M. Craig, Jr., a citizen of North Carolina.

William C. Ward, Jr., a citizen of North Carolina.

Thomas J. Webster, a citizen of Indiana.

Ralph H. Currin, a citizen of North Carolina.

Harry W. Edwards, a citizen of California.

Osborne K. LeBlanc, a citizen of Louisiana.

The below-named citizens to be second lieutenants in the Marine Corps from the 6th day of August 1942:

George M. Foote, a citizen of Louisiana.

Donald M. Love, Jr., a citizen of Pennsylvania.

William F. Feasley, a citizen of California.

Harrison L. Rogers, a citizen of Missouri.

Robert A. Campbell, a citizen of Illinois.

Herbert I. McCoy, a citizen of Michigan.

The below-named citizens to be second lieutenants in the Marine Corps from the 26th day of September 1942:

Michael Mosteller, a citizen of Georgia.

Benjamin F. Sohn, a citizen of California.

Frank A. Kemp, Jr., a citizen of Colorado.

William M. Spencer 3d, a citizen of Alabama.

Stewart A. Hurlburt, a citizen of New Jersey.

Jacques G. Fuller, a citizen of Illinois.

James S. McDermott, a citizen of Kansas.

Bernard C. McKay, a citizen of Indiana.

John B. Cohen, a citizen of New Jersey.

The below-named meritorious noncommissioned officers to be second lieutenants in the Marine Corps from the 17th day of October 1942:

First Sgt. Harold P. Williamson.

Platoon Sgt. Anthony R. Epplin.

Platoon Sgt. William C. Kranz.

The below-named meritorious noncommissioned officers to be second lieutenants in the Marine Corps from the 31st day of October 1942:

Platoon Sgt. Stancel W. Whatley.

Platoon Sgt. Thomas A. Manion.

Staff Sgt. Walter A. Dealey, Jr.

The below-named citizens to be second lieutenants in the Marine Corps from the 31st day of October 1942:

John C. Younglove, a citizen of Montana.

Verne C. Kennedy, Jr., a citizen of Illinois.

John R. Grove, a citizen of Pennsylvania.

Walter G. Moeling 3d, a citizen of Pennsylvania.

Forrest S. Ockels, a citizen of California.

John D. Tanner, a citizen of California.

David E. Wiley, a citizen of Oklahoma.

Robert A. Scherr, a citizen of Wisconsin.

PROMOTIONS IN THE REGULAR NAVY

The following-named captains to be rear admirals in the Navy, to rank from the date stated opposite their names:

Francis W. Rockwell, December 8, 1941.

Walden L. Ainsworth, June 30, 1942.

Charles A. Pownall, June 30, 1942.

Marc A. Mitscher, June 30, 1942.

Robert M. Griffin, June 30, 1942.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

John Wilkes, January 1, 1942.

Homer L. Grosskopf, April 1, 1942.

Thomas D. Warner, June 30, 1942.

Ingolf N. Kiland, June 30, 1942.

Homer N. Wallin, June 30, 1942.

Harold B. Sallada, June 30, 1942.

Walter C. Calhoun, June 30, 1942.

Allen I. Price, June 30, 1942.

Thomas R. Cooley, June 30, 1942.

Guy W. Clark, June 30, 1942.

John V. Murphy, June 30, 1942.

William J. Malone, June 30, 1942.

John D. Crecca, June 30, 1942.

William C. Wade, June 30, 1942.

Lawrence B. Richardson, June 30, 1942.

Frank R. Dodge, June 30, 1942.

Owen E. Grimm, June 30, 1942.

Thomas B. Inglis, June 30, 1942.

Earl E. Stone, June 30, 1942.

Clifton A. F. Sprague, June 30, 1942.

Joseph J. Clark, June 30, 1942.

Albert M. Bledsoe, June 30, 1942.

Wilber M. Lockhart, June 30, 1942.

Christopher C. Miller, June 30, 1942.

Harry D. Hoffman, June 30, 1942.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Henri H. Smith-Hutton, January 1, 1942.

Rogers Elliott, June 27, 1942.

Donald H. Johnston, June 30, 1942.

Jesse G. Coward, June 30, 1942.

Sherman R. Clark, June 30, 1942.

Halstead S. Covington, June 30, 1942.

John E. Murphy, June 30, 1942.

John W. Harris, June 30, 1942.

Kenneth M. McLaren, June 30, 1942.

George A. Holderness, Jr., June 30, 1942.

Robert C. Bell, June 30, 1942.

Neil K. Dietrich, June 30, 1942.

James H. Thach, Jr., June 30, 1942.

Church A. Chappell, June 30, 1942.

Henry C. Johnson, June 30, 1942.

Fred W. Walton, June 30, 1942.

Curtis S. Smiley, June 30, 1942.

Joseph E. Chapman, June 30, 1942.

Walter C. Holt, June 30, 1942.

Daniel N. Cone, Jr., June 30, 1942.

Donald E. Wilcox, June 30, 1942.

William P. McCarty, June 30, 1942.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

William J. Millican, January 1, 1942.

Allan G. Gaden, March 1, 1942.

James H. Brett, Jr., June 1, 1942.

Edwin J. S. Young, June 30, 1942.

Weldon L. Hamilton, June 30, 1942.

Guy W. Stringer, June 30, 1942.

George H. Wales, June 30, 1942.

Frank M. Adamson, June 30, 1942.

Robert B. McCoy, June 30, 1942.

Frank Novak, June 30, 1942.

John W. Davison, June 30, 1942.

John R. Moore, June 30, 1942.

Claude V. Ricketts, June 30, 1942.

Laurence C. Baldauf, June 30, 1942.

Carl A. Peterson, June 30, 1942.

Guy P. Garland, June 30, 1942.

Earl T. Schreiber, June 30, 1942.

Edward J. O'Donnell, June 30, 1942.

Warner S. Rodimon, June 30, 1942.

Benjamin Coe, June 30, 1942.

Joseph B. Duval, Jr., June 30, 1942.

Stanley C. Strong, June 30, 1942.

Robert W. Denbo, June 30, 1942.

Oscar M. Browne, Jr., June 30, 1942.

William E. Gentner, Jr., June 30, 1942.

Harry W. Englund, June 30, 1942.

George N. Butterfield, June 30, 1942.

Marvin H. Gluntz, June 30, 1942.

Harvey P. Burden, June 30, 1942.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Robert B. Kelly, January 1, 1942.

Karl E. Johansson, January 1, 1942.

Edward A. Michel, Jr., January 1, 1942.

Francis M. Gambacorta, January 1, 1942.

Alan M. Nibbs, January 1, 1942.

Dwight L. Moody, January 1, 1942.

James H. Brown, January 1, 1942.

George H. Cairnes, January 1, 1942.

George D. Good, January 1, 1942.

Herman J. Mecklenburg, January 1, 1942.

Alva W. Dinwiddie, January 1, 1942.

Edwin H. Headland, Jr., January 1, 1942.

John W. Payne, Jr., January 1, 1942.

Girard L. McEntee 3d, January 1, 1942.

Alberto C. Emerson, January 1, 1942.

William B. Porter, January 1, 1942.

William C. P. Bellinger, Jr., January 1, 1942.

August F. Weinel, January 1, 1942.

William M. Kaufman, January 1, 1942.

Fred G. Bennett, January 1, 1942.

James C. Shaw, January 1, 1942.

George M. Winne, January 22, 1942.

John Baumeister, Jr., February 1, 1942.

Jewett O. Phillips, Jr., February 20, 1942.

James S. Gray, Jr., March 1, 1942.

Archibald E. Teall, March 1, 1942.

Otis R. Cole, Jr., March 1, 1942.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 1st day of June 1942:

Richard J. Davis	Vincent P. de Poix
Earle J. McConnell	George W. Scott, Jr.
Thomas W. Collins, Jr.	Donald McR. Chisholm
Edward L. Beach, Jr.	Charles J. Kovaleski
John W. Dolan, Jr.	Corwin G. Mendenhall,
James C. Oldfield	Jr.
Harry D. Helfrich, Jr.	Lenard O. Reichel
Norman S. Short	

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, to rank from the date stated opposite their names:

Thomas H. Hayes, January 1, 1942.

John N. C. Gordon, June 30, 1942.

Henry W. Patton, June 30, 1942.

Ocie B. Morrison, Jr., June 30, 1942.
John P. Brady, June 30, 1942.
David W. Lyon, Jr., June 30, 1942.
Bartholomew W. Hogan, June 30, 1942.

The following passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the date stated opposite their names:

William M. Silliphant, January 1, 1942.
Earl F. Evans, January 1, 1942.
Lyle A. Newton, January 1, 1942.
James L. Holland, January 1, 1942.
George F. Blodgett, January 1, 1942.
Robert A. Cooper, January 1, 1942.
Ralph K. Hoch, January 1, 1942.
Freeman C. Harris, January 1, 1942.
Robert C. Boyden, January 1, 1942.
Clifford F. Storey, January 1, 1942.
Frederick R. Lang, June 30, 1942.
Edward F. Kline, June 30, 1942.
Donald O. Wissinger, June 30, 1942.
Ralph D. Handen, June 30, 1942.
Ernest M. Wade, June 30, 1942.
Joseph L. Zundell, June 30, 1942.
Giffin C. Daughtridge, June 30, 1942.
Clarence F. Morrison, June 30, 1942.
James A. Price, June 30, 1942.
Ralph M. McComas, June 30, 1942.
George R. Hogshire, Jr., June 30, 1942.
Luther G. Bell, June 30, 1942.

The following assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942:

William T. Foley	Edward A. Anderson
Chalmers R. Carr	John W. Koett
Francis W. Gross	James E. Eppley
George T. Ferguson	Clement D. Burroughs
Ralph W. Geise	Edward F. Ritter, Jr.
Roald N. Grant	

The following-named passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1942:

Victor A. LeClair
Merritt J. Crawford
Claude E. Adkins

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942:

Henry C. Knight	Conrad H. Brandt
William E. Sanders	Carl A. Veline
Claud M. Fraleigh	

Paymaster Julian J. Levasseur to be a pay inspector in the Navy, with the rank of commander, to rank from the 30th day of June 1942.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1942:

Walter N. Gray
Jack O. Wheat

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Henry P. Knowles, January 1, 1942.
George S. Fuller, January 1, 1942.
Philip H. Fox, February 20, 1942.
Martin Miller, June 30, 1942.

Chaplain Alfred de Groot Vogler to be a chaplain in the Navy, with the rank of commander, to rank from the 1st day of July 1941.

Chaplain Frederick W. Mechling to be a chaplain in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1942.

The following-named acting chaplains to be chaplains in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Otto D. F. Herrmann, August 1, 1941.
Samuel B. Bennett, January 1, 1942.

Boatswain Aubrey H. Gunn to be a chief boatswain in the Navy, to rank with but after ensign, from the 7th day of March 1942.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 1st day of April 1942:

Orbie R. Treadway
Harold W. Packard

Carpenter Melvin J. Leed to be a chief carpenter in the Navy, to rank with but after ensign, from the 1st day of May 1942.

The following-named assistant surgeons to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Donald S. Smith, May 6, 1942.
Daniel R. Kohli, July 15, 1942.
Edward W. Kloth, July 15, 1942.
Erwood G. Edgar, July 15, 1942.
Pierre F. LaBorde, Jr., July 15, 1942.
Moffitt K. Holler, July 15, 1942.
Richard L. Merkel, July 15, 1942.

The following-named officers of the Naval Reserve to be lieutenants (junior grade) in the Navy, to rank from the date stated opposite their names:

Luke H. Miller, August 1, 1941.
Frank E. Rogozienski, August 1, 1941.
Edwin L. Kiem, September 1, 1941.
John E. Muldrow, October 1, 1941.
Thomas L. Conroy, October 1, 1941.
Thomas Robinson, November 1, 1941.
Frank D. Heyer, December 1, 1941.
Gerald H. Duffy, December 1, 1941.
Dale K. Peterson, January 1, 1942.

The following-named officers of the Naval Reserve to be ensigns in the Navy, to rank from the date stated opposite their names:

Brainard T. Macomber, August 1, 1939.
Louis R. Gehlbach, September 1, 1939.
David A. Ratley, September 1, 1939.
William R. Leonard, Jr., October 1, 1939.
Alan H. Yates, October 15, 1939.
Joseph T. Watson, Jr., October 20, 1939.
John B. Wayne, October 20, 1939.
Charlie N. Conatser, November 20, 1939.
James H. Gerberding, November 20, 1939.
Frank M. Fisler, November 20, 1939.
Frank B. Gorman, November 20, 1939.
Frank O. Green, March 25, 1940.
Edward C. McCollon, Jr., March 25, 1940.
Robert M. J. Halman, March 25, 1940.
Henry C. Colee, Jr., March 25, 1940.
Donald W. Bowman, March 25, 1940.
David B. Rodman, April 15, 1940.
Ralph V. Wilhelm, April 15, 1940.
Robert C. Corlett, April 15, 1940.
Stuart T. Cooper, April 15, 1940.
Delwin A. Liane, April 15, 1940.
John M. Arbuckle, April 15, 1940.
Frank J. Hill, April 15, 1940.
Richard F. Buckley, Jr., April 15, 1940.
Henry B. Somerville, April 15, 1940.
Hugh D. O'Neill, April 15, 1940.
Ambrose J. Kinion, Jr., April 15, 1940.
Marion K. Smith, June 7, 1940.
Raymond E. Moore, June 7, 1940.
Edward G. Stepanek, June 7, 1940.
Alton L. Gardner, June 7, 1940.
Hartsel D. Allen, June 7, 1940.
Joseph Garrett, June 7, 1940.
Warren Weeks, June 7, 1940.
Irving A. Kittel, June 7, 1940.
James A. Cooper, July 15, 1940.
James W. Hardy, July 15, 1940.
Donald E. McCoy, July 15, 1940.
William T. Sisson, July 15, 1940.
George "P". Poulos, July 15, 1940.
Charles C. Ainsworth, July 15, 1940.
John F. Schrefer, July 15, 1940.
William H. Pipkorn, July 15, 1940.
Marvin E. Barnett, July 15, 1940.
David A. Green, July 15, 1940.
Lukas V. Dachs, July 15, 1940.
William L. Pack, July 15, 1940.
William I. McGowan, July 15, 1940.
Thurlow G. Doyle, July 15, 1940.
Robert E. Farkas, July 15, 1940.
Jarlath J. Lyons, July 15, 1940.
Max P. Bailey, Jr., August 1, 1940.
Robert B. Clark, August 1, 1940.
Henry L. Anderton, Jr., August 1, 1940.
Edward Heck, Jr., August 1, 1940.
Harvey N. Hop, August 1, 1940.
Charles S. Coombs, August 1, 1940.
Robert P. Williams, August 1, 1940.
Everleigh D. Willems, August 1, 1940.
John F. Gray, August 1, 1940.
William D. Harrington, August 1, 1940.
Frank M. Graham, August 10, 1940.
Harry Hart, August 10, 1940.
Charles W. Knapp, August 10, 1940.
Donald G. White, August 10, 1940.
George M. Cole, August 10, 1940.
Fred C. Herriman, August 20, 1940.
Arnold E. Allemand, Jr., August 20, 1940.
Raymond L. Milner, August 20, 1940.
Benjamin F. Rowe, August 20, 1940.
Calvin T. Durgin, Jr., August 20, 1940.
William H. Chester, August 20, 1940.
John C. Gilbert, August 20, 1940.
William E. Rouse, August 20, 1940.
Arthur J. Schultz, Jr., August 20, 1940.
William J. Graham, September 1, 1940.
Frank W. Ackermann, September 1, 1940.
Robert V. Stolpe, September 10, 1940.
Dudley S. Billett, Jr., September 10, 1940.
DeWitt D. Chapman, Jr., September 10, 1940.
Dolive Durant, Jr., September 10, 1940.
Ray C. Tylutki, September 10, 1940.
Donald E. Anderson, September 10, 1940.
Eli B. Rogers, September 10, 1940.
Frederick W. Luebke, October 21, 1940.
Miles S. Whitener, October 21, 1940
Wilbur W. Titsworth, October 28, 1940.
John A. Palmer, October 28, 1940.
William P. Tyler, October 28, 1940.
Royal C. Carrington, October 28, 1940.
William T. Delaplane 3d, October 28, 1940.
Bruce E. Gunn, October 28, 1940.
Tony F. Schneider, November 1, 1940.
William S. Hardie, November 1, 1940.
Myrton T. Ebright, November 25, 1940.
Norman E. Petersen, November 25, 1940.
Frank J. Reiser, Jr., December 20, 1940.

The following-named officers of the Naval Reserve to be ensigns in the Navy, to rank from the date stated opposite their names:

John B. Kaye, October 23, 1939.
Franklin M. Haines, Jr., October 31, 1939.
George E. Thode, November 12, 1939.
Cyril G. Griffin, July 1, 1940.
Lawrence H. Young, July 17, 1940.
Barratt M. Wells, July 26, 1940.
Stephen C. Hale, Jr., August 1, 1940.
John D. Ainsworth, August 8, 1940.
Walter J. Rountree, September 26, 1940.
David M. Sharer, Jr., September 27, 1940.
Thomas F. Saunders, Jr., October 16, 1940.
Mark M. Gantar, December 16, 1940.
Ivan M. Simko, December 17, 1940.
Donald G. Wright, December 26, 1940.
Thomas B. Owen, December 30, 1940.
John Boyd, January 6, 1941.
William F. Babcock, March 4, 1941.
Joseph A. Roseman, April 5, 1941.
Boykin R. Dodson, April 19, 1941.
Giles F. Bunn, Jr., May 5, 1941.
John F. Collingwood, July 1, 1941.
Jordan R. McCann, January 6, 1942.

The following to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names:

Richard W. Worthington, Jr., May 26, 1941.
Robert G. Lehman, January 25, 1942.
John L. Wilson, January 25, 1942.
Joseph W. Colvin, May 6, 1942.
John W. Hope, May 6, 1942.
Winston J. Rowe, May 6, 1942.
Arch S. Russell, Jr., May 6, 1942.
William E. Dierking, May 6, 1942.
Theodore M. Cohen, May 6, 1942.
Clyde S. Stroud, Jr., May 6, 1942.
William J. Hall, May 6, 1942.
Felix P. Ballenger, May 6, 1942.
Clement F. Derezinski, May 6, 1942.

Earl G. Wolf, July 15, 1942.
Wilson D. Tucker, July 15, 1942.
Emmett J. Riordan, November 12, 1942.
Harry Y. Hoffman, November 12, 1942.
Robert H. Bradley, Jr., November 12, 1942.
Carl E. Wilbur, November 12, 1942.
Ralph C. Benson, November 12, 1942.
Gip R. Hudson, November 12, 1942.
John W. A. Woody, November 12, 1942.
Charles H. Gilliland, November 12, 1942.
Robert C. Burnham, November 12, 1942.
Woodman B. Pomeroy, November 12, 1942.
Vance E. Senter, November 12, 1942.
John R. Dyke, November 12, 1942.
Mark W. Wolcott, November 12, 1942.
Charles N. Curtis, November 12, 1942.
Albin W. Swenson, Jr., November 12, 1942.
Alfred A. Fracchia, November 12, 1942.
George J. Ulrich, November 12, 1942.
Carl H. Wallman, November 12, 1942.
Charles E. Pruitt, November 12, 1942.
Charles D. Vosburgh, November 12, 1942.
Leon H. Mims, Jr., November 12, 1942.
Robert Hayter, November 12, 1942.
Jean A. Sarrail, November 12, 1942.
Blake S. Talbot, November 12, 1942.
Sherburn E. Edgerly, November 12, 1942.
Louis de S. Shaffner, November 12, 1942.
Joseph E. Teitelbaum, November 12, 1942.
Jerome A. Moore, November 12, 1942.
Henry P. Phyfe, November 12, 1942.
Samuel P. Hicks, November 12, 1942.
Leslie V. D. Dill, November 12, 1942.
Robert C. Turner, November 12, 1942.
Bernard D. Stollman, December 8, 1942.
John E. Hall, December 8, 1942.
William G. Lawson, December 8, 1942.
Jesse R. Battenfeld, Jr., December 8, 1942.
James H. Boyers, December 8, 1942.
Paul W. Burke, December 8, 1942.
Bertrand L. Ellis, December 8, 1942.
Clyde W. Norman, December 16, 1942.
William A. Dinsmore, Jr., January 9, 1943.
William A. Wulfman, January 9, 1943.
Henry J. Roberts, January 16, 1943.
John E. Promer, January 17, 1943.
William A. Robie, February 20, 1943.

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Lois R. Patterson, Arkadelphia, Ark., in place of D. G. Lamb. Incumbent's commission expired June 23, 1942.

Charles F. Elza, Benton, Ark., in place of C. F. Elza. Incumbent's commission expired June 23, 1942.

John Freeman Graddy, Clinton, Ark., in place of J. T. Whitlock. Incumbent's commission expired June 23, 1942.

Elmer McHaney, Marmaduke, Ark., in place of Elmer McHaney. Incumbent's commission expired June 23, 1942.

Jesse T. Howard, Smithville, Ark., in place of J. T. Howard. Incumbent's commission expired June 23, 1942.

CALIFORNIA

J. Everett Osborne, Camarillo, Calif., in place of Della Carrillo, resigned.

Edgar G. Eckels, Chino, Calif., in place of E. G. Eckels. Incumbent's commission expired June 23, 1942.

Alice E. Schieck, Eldridge, Calif., in place of A. E. Schieck. Incumbent's commission expired June 8, 1942.

Thomas F. Helm, Lakeside, Calif., in place of T. F. Helm. Incumbent's commission expired June 23, 1942.

Mary M. Franklin, North Fork, Calif., in place of L. F. Franklin, resigned.

Merle H. Wiswell, Roseville, Calif., in place of M. H. Wiswell. Incumbent's commission expired June 1, 1942.

Minnie B. Pharr, Scotia, Calif., in place of M. B. Pharr. Incumbent's commission expired June 23, 1942.

Wesley L. Benepe, Sebastopol, Calif., in place of W. L. Benepe. Incumbent's commission expired May 27, 1942.

Roy Bucknell, Upper Lake, Calif., in place of Roy Bucknell. Incumbent's commission expired June 23, 1942.

FLORIDA

George C. Blume, Jacksonville, Fla., in place of W. D. Jones, deceased.

Frank B. Stewart, Melrose, Fla. Office became Presidential July 1, 1942.

Coy K. Duff, Mims, Fla. Office became Presidential July 1, 1942.

GEORGIA

Belle B. Hicks, Cadwell, Ga. Office became Presidential July 1, 1942.

James H. Hart, Ellaville, Ga., in place of J. H. Hart. Incumbent's commission expired June 23, 1942.

Joseph R. Gay, Gay, Ga. Office became Presidential July 1, 1942.

Olin W. Patterson, Lumpkin, Ga., in place of O. W. Patterson. Incumbent's commission expired June 23, 1942.

IDAHO

Hazel Norma Russell, Kuna, Idaho, in place of M. K. Will, resigned.

ILLINOIS

Edwin B. Watrous, Hampshire, Ill., in place of David McGrath, resigned.

Clarence A. Stout, Mound City, Ill., in place of B. B. Hood. Incumbent's commission expired June 23, 1942.

Hezekiah Reeves, Pulaski, Ill. Office became Presidential July 1, 1942.

H. Wilson Harshman, Rockport, Ill. Office became Presidential July 1, 1942.

INDIANA

Roy Biberstine, Bluffton, Ind., in place of Frank Ulmer. Incumbent's commission expired March 25, 1942.

Stanley P. Downing, Carbon, Ind. Office became Presidential July 1, 1942.

Ervin Sell, Columbia City, Ind., in place of Ervin Sell. Incumbent's commission expired June 23, 1942.

C. Frank Youngblood, Covington, Ind., in place of D. V. Clem. Incumbent's commission expired June 23, 1942.

IOWA

Price G. Thompson, Casey, Iowa, in place of P. G. Thompson. Incumbent's commission expired June 23, 1942.

KANSAS

Faye R. Bergin, Bogue, Kans. Office became Presidential July 1, 1942.

Alexander A. Niernberger, Collyer, Kans., in place of A. A. Niernberger. Incumbent's commission expired June 23, 1942.

Mildred F. Atkinson, De Soto, Kans., in place of M. F. Atkinson. Incumbent's commission expired June 23, 1942.

Henry J. Kuckelman, Everest, Kans., in place of H. J. Kuckelman. Incumbent's commission expired June 23, 1942.

Charles F. Mellenbruch, Fairview, Kans., in place of C. F. Mellenbruch. Incumbent's commission expired June 23, 1942.

Homer I. Shaw, Galesburg, Kans., in place of H. I. Shaw. Incumbent's commission expired June 23, 1942.

Charles H. Ryan, Girard, Kans., in place of C. H. Ryan. Incumbent's commission expired June 23, 1942.

A. Isabella Marty, Longford, Kans. Office became Presidential July 1, 1942.

Carl Eickholt, Offerle, Kans. Office became Presidential July 1, 1942.

George F. Riley, Soldier, Kans., in place of G. F. Riley. Incumbent's commission expired June 23, 1942.

Clyde N. Swartz, Turner, Kans. Office became Presidential July 1, 1942.

Samuel E. Holt, Uniontown, Kans. Office became Presidential July 1, 1942.

Margaret A. Schafer, Vermillion, Kans., in place of M. A. Schafer. Incumbent's commission expired June 23, 1942.

James L. Morrissey, Woodston, Kans., in place of J. L. Morrissey. Incumbent's commission expired June 23, 1942.

KENTUCKY

Mary K. Listermann, Cold Spring, Ky. Office became Presidential July 1, 1942.

Walter McKenzie, Eubank, Ky., in place of Walter McKenzie. Incumbent's commission expired March 30, 1942.

Willis Conley, Garrett, Ky., in place of Willis Conley. Incumbent's commission expired June 23, 1942.

Katie Mullins, Mount Vernon, Ky., in place of Katy Mullins. Incumbent's commission expired June 23, 1942.

Mason E. Burton, Somerset, Ky., in place of M. E. Burton. Incumbent's commission expired June 1, 1942.

LOUISIANA

William W. Tubb., Dubach, La., in place of W. O. Woodward. Incumbent's commission expired March 16, 1941.

Olivier Dufour, Marrero, La., in place of Olivier Dufour. Incumbent's commission expired June 23, 1942.

MAINE

Laval R. Lebel, Brunswick, Maine, in place of G. W. Leonard, retired.

Sumner A. Fickett, Millbridge, Maine, in place of S. A. Fickett. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

Joseph E. Langlois, Dodgeville, Mass., in place of T. F. Daly. Incumbent's commission expired February 16, 1941.

MICHIGAN

Harry J. Lynch, Gaylord, Mich., in place of H. J. Lynch. Incumbent's commission expired June 23, 1942.

Edwin C. Kraft, Nashville, Mich., in place of E. C. Kraft. Incumbent's commission expired June 23, 1942.

Paul Grobaski, Pelliston, Mich., in place of C. P. Murray. Incumbent's commission expired July 28, 1941.

Merrill Hillock, Pickford, Mich., in place of Merrill Hillock. Incumbent's commission expired June 23, 1942.

George A. Ruddy, Plainwell, Mich., in place of G. A. Ruddy. Incumbent's commission expired June 23, 1942.

Mary Jane Hageman, Unionville, Mich., in place of F. A. Kolb, transferred.

MINNESOTA

William L. Ward, Anoka, Minn., in place of W. L. Ward. Incumbent's commission expired June 23, 1942.

Alta V. Mason, Blue Earth, Minn., in place of A. V. Mason. Incumbent's commission expired June 3, 1942.

Elmer J. Larson, Cokato, Minn., in place of E. J. Larson. Incumbent's commission expired June 12, 1942.

Raymond E. Mumm, Cologne, Minn., in place of L. J. Dols, retired.

MISSISSIPPI

William A. Pepper, Belzoni, Miss., in place of W. A. Pepper. Incumbent's commission expired June 23, 1942.

Hettie E. Harper, Soso, Miss. Office became Presidential July 1, 1942.

MISSOURI

Foster R. Moore, Brashear, Mo. Office became Presidential July 1, 1942.

Boyd W. Harwood, Jr., Camdenton, Mo., in place of Nettie Morgan, resigned.

Rose Virginia Gorham, Cardwell, Mo., in place of J. M. Warren, removed.

W. Donald Dale, Elmer, Mo. Office became Presidential July 1, 1942.

Walter Manley, Liberty, Mo., in place of Walter Manley. Incumbent's commission expired June 23, 1942.

Andrew Earl Duley, Newtown, Mo., in place of A. E. Duley. Incumbent's commission expired June 23, 1942.

Donald H. Sosey, Palmyra, Mo., in place of D. H. Sosey. Incumbent's commission expired June 23, 1942.

Chalmer R. Ethington, Powersville, Mo., in place of H. F. Allen, resigned.

Walter M. Horton, Robertson, Mo., in place of F. J. Albers, removed.

Raiman L. Coates, Sarcoxie, Mo., in place of V. F. Whisner, transferred.

NEBRASKA

William Stuart Campbell, Waterloo, Nebr., in place of W. S. Campbell. Incumbent's commission expired June 23 1942.

NEW HAMPSHIRE

Carroll H. Metcalf, Alstead, N. H., in place of S. J. Moore, retired.

NEW JERSEY

Myra Pulis, Campgaw, N. J. Office became Presidential July 1, 1940.

Harry F. Sawyer, Far Hills, N. J., in place of H. E. Poulson, retired.

Merritt J. McAlinden, Hopewell, N. J., in place of E. P. Stout. Incumbent's commission expired March 10, 1941.

George M. Gibson, Moorestown, N. J., in place of G. M. Gibson. Incumbent's commission expired June 23, 1942.

NEW MEXICO

Selah C. Hoy, East Vaughn, N. Mex., in place of S. C. Hoy. Incumbent's commission expired June 23, 1942.

NORTH CAROLINA

Annie E. Black, Rocky Point, N. C., in place of J. B. Hayes, transferred.

NORTH DAKOTA

Wesley P. Josewski, Maxbass, N. Dak., in place of W. P. Josewski. Incumbent's commission expired June 23, 1942.

Frank S. Kenny, New England, N. Dak., in place of H. A. Borcherding, deceased.

OKLAHOMA

Lee Kennedy, Broken Bow, Okla., in place of Lee Kennedy. Incumbent's commission expired June 23, 1942.

Jesse W. Keith, Haileyville, Okla., in place of J. W. Keith. Incumbent's commission expires June 23, 1942.

Hugh Johnson, Hugo, Okla., in place of Hugh Johnson. Incumbent's commission expired June 23, 1942.

Rex T. Strickland, Madill, Okla., in place of R. T. Strickland. Incumbent's commission expired June 23, 1942.

Tom L. Pike, Weleetka, Okla., in place of T. L. Pike. Incumbent's commission expired June 23, 1942.

OREGON

Ermel H. Hosley, Chiloquin, Oreg., in place of E. H. Hosley. Incumbent's commission expired June 23, 1942.

John S. Spike, Echo, Oreg., in place of J. S. Spike. Incumbent's commission expired June 23, 1942.

Ruby I. Loundree, Sandy, Oreg., in place of R. I. Loundree. Incumbent's commission expired June 16, 1942.

Oscar Edwin Marvin, Wallowa, Oreg., in place of O. E. Marvin. Incumbent's commission expired June 23, 1942.

PENNSYLVANIA

Dorothy M. Nice, Esterly, Pa., in place of C. H. Adams, deceased.

Raymond R. Kinsinger, Halifax, Pa., in place of R. R. Kinsinger. Incumbent's commission expired June 23, 1942.

Helen G. Mack, Lafayette Hill, Pa. Office became Presidential July 1, 1942.

Rebecca Campbell, Midway, Pa., in place of Rebecca Campbell. Incumbent's commission expired April 29, 1942.

Elmer G. Corter, Mill Hall, Pa., in place of E. G. Corter. Incumbent's commission expired June 23, 1942.

John M. Langan, Moscow, Pa., in place of J. M. Langan. Incumbent's commission expired June 23, 1942.

William G. Loy, Newport, Pa., in place of W. G. Loy. Incumbent's commission expired June 23, 1942.

Gerald H. Rickerson, North Warren, Pa., in place of G. H. Rickerson. Incumbent's commission expired June 23, 1942.

Emma R. Dexter, Roulette, Pa., in place of E. R. Dexter. Incumbent's commission expired June 23, 1942.

Charles J. Trexler, Windgap, Pa., in place of C. J. Trexler. Incumbent's commission expired June 9, 1942.

SOUTH DAKOTA

Frank S. Ryan, Kimball, S. Dak., in place of C. W. Richards, deceased.

TENNESSEE

Amos P. Hassell, Collinwood, Tenn. Office became Presidential July 1, 1942.

James F. Bryan, Munford, Tenn. Office became Presidential July 1, 1942.

J. Green Hawks, Ralstons Station, Tenn. Office became Presidential July 1, 1942.

TEXAS

Edgar L. Watson, Athens, Tex., in place of E. L. Watson. Incumbent's commission expired March 28, 1942.

Louis C. Nordt, Damon, Tex. Office became Presidential July 1, 1942.

Perry H. Sparks, Hamlin, Tex., in place of Z. H. Bonner, transferred.

William E. Votaw, Jarrell, Tex. Office became Presidential July 1, 1942.

Annie M. Martin, Kemah, Tex. Office became Presidential July 1, 1942.

Allen L. Burditt, La Ward, Tex. Office became Presidential July 1, 1942.

Georgie F. Morgan, Leery, Tex. Office became Presidential April 1, 1942.

Ellis M. Bush, Lytle, Tex., in place of J. L. Kay, retired.

Harriet M. Rust, Vanderbilt, Tex., in place of J. J. Dutton, removed.

VIRGINIA

John H. Bowdoin, Bloxom, Va., in place of J. H. Bowdoin. Incumbent's commission expired June 23, 1942.

Norma H. Fulton, Drakes Branch, Va., in place of N. H. Fulton. Incumbent's commission expired June 23, 1942.

C. Coleman Curtis, Lee Hall, Va. Office became Presidential July 1, 1942.

Roy Hockman, Maurertown, Va. Office became Presidential July 1, 1942.

Lloyd Sullenberger, Monterey, Va., in place of Lloyd Sullenberger. Incumbent's commission expired June 23, 1942.

Annie G. Whitten, Montvale, Va. Office became Presidential July 1, 1942.

William C. Nelson, New Church, Va. Office became Presidential July 1, 1942.

Samuel F. Atwill, Sr., Reedville, Va., in place of S. F. Atwill. Incumbent's commission expired June 23, 1942.

Elijah S. Slate, South Boston, Va., in place of E. S. Slate. Incumbent's commission expired June 23, 1942.

Janet L. Freeman, Stony Creek, Va., in place of W. B. Cocke, Jr., resigned.

Fannie B. B. Sale, Tappahannock, Va., in place of F. B. B. Sale. Incumbent's commission expired June 23, 1942.

WASHINGTON

Archie Constable, Seaview, Wash. Office became Presidential July 1, 1942.

Joseph Horrigan, Kenmore, Wash. Office became Presidential July 1, 1942.

I. Wells LittleJohn, Pateros, Wash., in place of I. W. LittleJohn. Incumbent's commission expired April 1, 1942.

Jessie M. Severyns, Sunnyside, Wash., in place of J. M. Severyns. Incumbent's commission expired June 23, 1942.

William W. Moffitt, Naselle, Wash. Office became Presidential July 1, 1942.

WEST VIRGINIA

Jessie M. Shields, Barrackville, W. Va., in place of O. R. Conaway, resigned.

Mabel H. Campbell, Newburg, W. Va., in place of F. W. Horchler, retired.

Martha L. Britton, Poca, W. Va. Office became Presidential July 1, 1942.

Elijah F. Midkiff, West Hamlin, W. Va. Office became Presidential July 1, 1942.

WISCONSIN

Vernon A. Martin, Amherst, Wis., in place of V. A. Martin. Incumbent's commission expired June 23, 1942.

Alex G. Mohr, Cambria, Wis., in place of A. G. Mohr. Incumbent's commission expired May 31, 1942.

Velma C. Grossman, Dale, Wis., in place of V. C. Grossman. Incumbent's commission expired April 21, 1941.

Melvin I. Dunn, Fall River, Wis., in place of M. I. Dunn. Incumbent's commission expired June 6, 1942.

Albert E. Hansen, Mendota, Wis., in place of A. E. Hansen. Incumbent's commission expired June 23, 1942.

Oscar M. Rickard, Merrillan, Wis., in place of O. M. Rickard. Incumbent's commission expired June 23, 1942.

Frances M. Kirby, Montreal, Wis., in place of M. E. Meade, retired.

Maurice A. Reeves, Fewaukee, Wis., in place of M. A. Reeves. Incumbent's commission expired June 23, 1942.

John V. Nickodem, Princeton, Wis., in place of J. V. Nickodem. Incumbent's commission expired May 25, 1942.

Edward A. Peters, Waterloo, Wis., in place of E. A. Peters. Incumbent's commission expired May 31, 1942.

WYOMING

Jack R. Gage, Sheridan, Wyo., in place of J. C. Jackson, removed.

CONFIRMATION

Executive nomination confirmed by the Senate December 15 (legislative day of November 30), 1942:

UNITED STATES DISTRICT JUDGE

Louis E. Goodman to be United States district judge for the northern district of California.

REJECTION

Executive nomination rejected by the Senate December 15 (legislative day of November 30), 1942:

POSTMASTER

Robert Leo Quirk to be postmaster at Washington in the State of Louisiana.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 15, 1942

The House was called to order at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the holy name of the Lord, our God, in whom are centered our hopes, our longings, and our aspirations. We pray Thee to fill our minds with wisdom and our hearts with grace that our faith may spring like the eagle that soars to meet the sun. Breasting these heavy days, do Thou inspire us to seek the floors of spiritual depths, ceasing to be satisfied with the things visible because we have seen the glory of God, the source of the lustrous pearls of eternal truth.

Thou who art the good Shepherd, who leads into pastures of love and by the still waters of peace and restful quietness, waken in our waiting souls an unutterable quietness which is the living bread of the universe. We ask Thee to impart to all blind mortal eyes the loveliness

and the beauty which make them immortal, inspiring them with an awareness that however forbidding the day and dark the night, these only preclude the brightness of a dawn which is to be. Blessed Lord, we pray for those who are about through the thunder of life's battle, waiting for the sun to set as they sit on the western piazza; we clasp hands with them as they face the temple of silence and reconciliation where the burdens and the enmities of life are forgotten and buried. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the Honorable Henry Morgenthau, Jr., Secretary of the Treasury, at Winston-Salem, N. C., on Saturday evening, December 12, 1942, on the occasion of the awarding of flags to firms that had gone over the top in the bond sale program and 90 percent of whose employees had cooperated in the purchase of savings bonds.

The SPEAKER. Is there objection?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in four instances.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a speech delivered by Hon. Sergio Osmenia, Vice President of the Philippine Commonwealth, delivered at Los Angeles, Calif.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from former Senator Robert L. Owen.

The SPEAKER. Is there objection?

There was no objection.

THE RATIONING OF GASOLINE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the one element most necessary in connection with the rationing of gasoline is to simplify the whole procedure and to decentralize authority into the hands of local boards. At present great numbers of appeals are necessary because regulations do not give local boards authority or discretion to use their own judgment. In the case of farm transportation local county war boards should be able to decide how much gasoline is needed by various farmers. In the case of other transportation local ration boards should at once be given increased authority and discretion. They should be urged to use this authority and discretion in a constructive way—not warned that they will get into trouble if they make possible errors of judgment.

Such programs as this ration program are brand new, especially to the American people. They are believed necessary if we are to make sure of our supplies of rubber for the winning of this total war. There is no use shutting our eyes to the fact that they are foreign to the traditional American way of doing things, and the only salvation of the situation is to get their administration down into the local communities as much as can possibly be done. In this connection Congress should be careful to allow sufficient funds to at least give the local boards enough money to operate efficiently and to make it possible to have local boards in just as many communities as is reasonable.

QUESTIONS AND ANSWERS ON THE TAX BILL OF 1942

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back (Rept. No. 2739) favorably, without amendment, a privileged resolution (H. Res. 576) authorizing the printing of the manuscript entitled "Questions and Answers on the Tax Bill of 1942" as a public document, and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the manuscript prepared by Representative DANIEL A. REED containing an analysis of the Revenue Act of 1942 entitled "Questions and Answers on the Tax Bill" be printed as a House document.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to, and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include an article published in the National Republic.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today, and any other special orders, I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, yesterday I asked unanimous consent to have inserted in the RECORD an economic analysis prepared by the Raw Materials National Council. The Public Printer has notified me that this will cost $112.50. I ask unanimous consent that it be printed nevertheless.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. MUNDT. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the legislative business and other special orders, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

IRRATIONAL RATIONING

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. PLUMLEY addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the subject of maldistribution of meat and the shortage of meat in Massachusetts, and to include a telegram and a letter from Widetzky & Kruger, counsel for the New England Wholesale Meat Dealers Association at Boston.

The SPEAKER. Is there objection?

There was no objection.

NATIONAL CONDITIONS

Mr. EATON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to read a paragraph which I wrote in 1901, illustrating my position now on international relations as ranking minority member of the House Committee on Foreign Affairs, and to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. EATON addressed the House. His remarks appear in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. RICH addressed the House. His remarks appear in the Appendix.]

OIL RATIONING

Mr. DEWEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. DEWEY addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I made on the one hundred and fifty-first anniversary of the ratification of the Bill of Rights, which we celebrate today.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial on the late Louis E. Kirstein, which appeared in the Christian Science Monitor of Friday, December 11, 1942.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a radio speech I made on station WEBD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks by including a radio address I delivered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks on a general topic.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CIRCUIT COURT JUDGES

Mr. HOBBS. Mr. Speaker, I call up the conference report on the bill (S. 2655) to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2655) entitled "An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
U. S. GUYER,
Managers on the part of the House.

JOSEPH C. O'MAHONEY,
JOHN A. DANAHER,
TOM CONNALLY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2655) entitled "An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own," submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report:

The purpose of the bill is to permit judges of the circuit courts of appeals to serve in circuits other than their own when designated for that purpose. The effect of the House amendment was to make necessary a request by the senior district judge before a district judge could be designated and assigned by the senior circuit judge or circuit justice to sit in another district where assistance may be needed.

The conferees were of opinion that since the House amendment concerned itself with assignment of district judges, and not circuit judges as is the purpose of the bill, the amendment should be withdrawn from consideration in connection with the present bill. The House recedes from its amendment.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
U. S. GUYER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COLE. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a short article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OVERTIME PAY FOR FEDERAL EMPLOYEES

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RIVERS. Mr. Speaker, we are about to consider a resolution to provide for overtime compensation of a certain group of Federal employees. If we fail to provide for this group of people during the sunset hours of the life of the Seventy-seventh Congress, it will be a sad commentary.

I have just returned from a recent trip to South Carolina where I visited my own navy yard. I talked with numbers of the civilian guards at the gates of this tremendously expanded institution. I talked to the marine colonel in charge of these men. I learned that these guards had to work without relief or rest at a ridiculously low base pay of $125 a month.

I also talked with numerous classes of 4-B employees in all branches of the Federal service in Charleston, a great many of whom receive only $105 a month salary, and many of these told me of the long hours they were being compelled to work without additional remuneration when the lowest class of laborers receive in excess of $200 a month including their overtime.

I happen to be a member of the Naval Affairs Committee of this great body. I am thoroughly familiar with the attitude of the Navy Department in this regard. This morning I talked with Mr. Piozet, civilian personnel director of the Navy Department, and he told me that failure to provide for these employees would be a serious blow to the war effort.

Remember, and this is to their eternal glory, no strikes have ever marred their illustrious record. No slow-downs have ever been charged to their hands. It should therefore be the happy privilege of every Member of Congress to take up the battle for these people and do justice where justice is due, and say to them, "well done," your Congress with grateful hearts will keep faith with you.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Walter Meachim on the centennial of the Oregon Trail,. Opportunity To Revitalize Ideals.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a brief letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OVERTIME PAY FOR FEDERAL EMPLOYEES

Mr. CLASON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CLASON. Mr. Speaker, our fellow Member, the gentleman from South Carolina [Mr. RIVERS], has brought up a subject which truly is worthy of the closest attention on the part of the membership of this House—overtime and increased pay for Government employees. It seems to me most unfortunate that the Government of the United States should be requiring thousands of its citizens whom it employs to work 68 hours in some instances on 44 hours' pay at wages established 15 years ago, whereas in the same communities private industrial employees have been receiving both overtime pay and a 15-percent increase in wages under decisions of the National War Labor Board.

They are performing exactly the same type of labor. It seems only fair that Government officials should look out for those who are working for the Government just as much as they look out for those working for private employers who are paid the entire amount of their salaries or wages indirectly by the Federal Government. In some cases we find that persons who have been enjoying overtime pay up until November 30 have now had it taken away from them. They could have been working elsewhere at higher wages than they got from the Government, but they stayed with the Government because of the hope held out to them that they would receive overtime pay and increases in pay. This Congress should pass such legislation as is necessary to accomplish these purposes on a fair basis.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a short item.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. PIERCE addressed the House. His remarks appear in the Appendix.]

ISSUANCE OF PATENTS FOR CERTAIN LANDS TO THE TOWN OF FLETCHER, OKLA.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2393) amending the provisions governing the issuance of patents for certain lands to the town of Fletcher, Okla.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I am not going to object, because I understand this land comprises just a few lots far removed from any oil fields.

Mr. ROBINSON of Utah. That is correct.

Mr. RICH. Mr. Speaker, reserving the right to object, is this the bill that was brought up yesterday?

Mr. ROBINSON. Yes.

Mr. RICH. Was the gentleman who objected yesterday notified that the bill would be brought up this morning?

Mr. ROBINSON of Utah. He was notified.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may issue a patent in fee simple to the town of Fletcher, Okla., under section 22 of the act of May 2, 1890 (26 Stat. 91; 43 U. S. C. 1094), for the tracts in that town reserved for parks, schools, and other public purposes, without inserting in the patent the condition required by such section that the lands shall be maintained for the purposes mentioned.

SEC. 2. The proceeds derived from the sale of such parcels of land shall be used by the Town Board of Fletcher, Okla., first, to repair and improve the water system in such town; and, second, to construct a town building containing, among other things, a fire station, jail, and town hall.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therewith certain quoted material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter addressed to the Transportation and Investigating Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Ohio [Mr. BENDER] may extend his own remarks in the RECORD and include therein an address by Raymond Moley.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MRS. J. C. TOMMEY

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7171) for the relief of Mrs. J. C. Tommey, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There being no objection, the Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$5,000" and insert "$3,500."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

THE SECOND WAR POWERS BILL

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, the Ways and Means Committee considered the bill H. R. 7762, the first version of the Doughton bill, which, after consideration, was apparently tabled on the theory that the President would have too much power in the suspension of laws dealing with tariffs and immigration. Why the proviso dealing with aliens was inserted in that bill referred to the Ways and Means Committee, I do not understand, except that it has been the practice in the last few years to refer bills to committees that ordinarily would not handle some of the subjects in the bill. We have seen the practice grow up, and bills sent to the Judiciary Committee that rightfully belonged to the Committee on Immigration, and vice versa. Other committees besides mine are complaining, and I hope and trust the leadership of the House will stop this practice. If it is to be continued, they might as well abolish some of the committees and refer all the bills to one committee, and let it pass upon all legislation.

True, I did not show too much interest in the first draft of this bill (H. R. 7762), but when it was superseded by H. R. 7832 and then tabled I was so amazed that I decided to look into the matter. I have examined the testimony before the committee carefully. Why the Ways and Means Committee refused to give the President these powers in time of war has not been explained by anyone. It has not been explained by any member of the committee. I cannot see why the President as Commander in Chief should not have the power, as requested, to move certain material and certain people and do other things for war purposes. The President cannot come to the Congress every time occasion and need for such powers arise and ask for these powers. There has to be someone responsible at the head to carry on.

Mr. WOODRUFF of Michigan. Will the gentleman yield?

Mr. DICKSTEIN. For a brief question.

Mr. WOODRUFF of Michigan. Is the gentleman aware of the fact that the Ways and Means Committee, when it held its hearings, learned that everything proposed in the bill was already being done under the general law?

Mr. DICKSTEIN. Well, that may be so, I will not split hairs with you on that, but at the same time your Chief Executive asked for that power to be given to him by law.

Mr. KNUTSON. Is that all the reason the gentleman needs, that the Chief Executive asked for it?

Mr. DICKSTEIN. I will follow through.

Mr. WOODRUFF of Michigan. Will the gentleman yield further?

Mr. DICKSTEIN. For a brief question.

Mr. WOODRUFF of Michigan. The gentleman must believe, and I ask him if he does believe, that the Congress should surrender all of its powers to the Chief Executive? If it does, should the Congress not go home and let the President run the whole show?

Mr. DICKSTEIN. The answer is no. I feel very strongly on this subject and would be the last person to advocate that Congress surrender any of its powers.

Mr. WOODRUFF of Michigan. That is what the gentleman proposes.

Mr. DICKSTEIN. I am arguing that an emergency exists, we are at war, and the President cannot come here every day asking the Congress for something in order to be able to carry out his duties as the Commander in Chief of our armed forces.

Mr. WOODRUFF of Michigan. May I say to the gentleman that the thing he calls an emergency simply does not exist, because the things that were proposed under this bill H. R. 7762, as I have told the gentleman already, are now being done and have been done right along under the laws, regulations, and general practice.

Mr. DICKSTEIN. That may be so.

Mr. WOODRUFF of Michigan. Well, it is so.

Mr. DICKSTEIN. Whether it is being done in accordance with law or not, I do not know. It may be done in accordance with some Executive order. But that is not the point I am calling your attention to.

Mr. Speaker, as the newspapers pointed out, one of the important factors in having H. R. 7832 tabled was—and I want my colleague to listen to this—was the testimony of one Marvin K. Hart, who appeared before the Ways and Means Committee in opposition to this bill. He calls himself president of the New York State Economic Council, and his testimony was based upon the plea not to give any more power to "that man." He is one of the professional Roosevelt haters who—as his record bears out—will oppose anything that he thinks the President may want. That was one of the experts who testified before the Ways and Means Committee.

Who is this Marvin K. Hart? He has been publicly accused of being a Fascist and of associating with Fascist sympathizers. Some of the people he has been friendly with have been indicted by the grand jury investigating Nazi sympathizers. The American lady—I cannot think of her name at the moment—who broadcast Nazi propaganda from Berlin, went to Spain with a letter of introduction from this great American, Mr. Hart. It is easy to understand that a person with such associations and such friends is opposed to anything the President may do to defeat our enemies.

What is this economic council? It is nothing but a private organization which claims to be conducting investigations of Federal and State Governments as their acts affect private enterprises. Why did not the committee find out more about this gentleman, who appointed him and

who made him the police guard of the Nation and the States? What is he investigating, what does he know, and who is financing his outfit?

Mr. Hart expressed his great satisfaction with that part of the war-power bill which prevents the President from suspending any immigration restrictions, but he states that this bill will give the President too much authority. We know this to be a misinterpretation of the provisions of H. R. 7762 as the President could not have possibly suspended the immigration laws under that bill. Mr. Hart's further contention was that the bill would permit the President to send out American citizens against their will to some foreign country on any pretext whatsoever, and the Committee on Ways and Means fell hook, line, and sinker for that. Can you picture that the President would send out any citizen that he wanted to send out just to get rid of him? This interpretation clearly shows the personal antagonism Hart has against the President. Where does Mr. Hart get his ideas? There is no such thing in contemplation, nor has there been any discussion on any such proposition. But Mr. Hart goes on further and claims that a large number of refugees have come here and he infers that they had entered illegally, not in conformity with our immigration laws and in excess of our quotas, and he continues to state that if the Congress will investigate it will find that some of them hold Federal positions in New York City and elsewhere in preference to American citizens.

Mr. Speaker, as a Member of this House and the chairman of the Committee on Immigration and Naturalization, I declare this statement to be a brazen and premeditated lie made for the purpose of creating distrust and disunity among our people. In the first place, as any Member of this House can easily find out by checking with the State Department, the established quotas under our immigration laws have not been filled for years. As far as his second point is concerned, you can also ascertain that there are a number of boards at the Visa Division—boards composed of people from the State Department, the War and Navy Departments, Justice Department, and F. B. I—who have to pass upon each individual case before any person is granted a visa. Now, as far as his accusation is concerned, that refugees take away Federal positions from American citizens, every one of you here knows that under the laws we passed, no Federal agency is permitted to employ an alien. You know that under the law no Federal money can be used as salary for an alien. Yet no Member challenged Mr. Hart when he made such a ridiculous statement.

Mr. RICH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Probably some refugees would not have come into this country in the past 2 years if it were not for the individuals who have been instrumental in having them come over to this country. Certain employers of labor have simply discharged American citizens and they have put on these new people in order that they might have work so that they could maintain themselves and the fellow who brought them over would not be responsible. That is causing more trouble in the gentleman's own city than anything else that I know of. So it is a difficult situation in which you find yourself because of what has happened in the last 2 or 3 years.

Mr. DICKSTEIN. I do not think my friend got my point in the first place, and, in the second place, I do not think the question propounded has any material bearing. I have stated that Mr. Hart told the Committee on Ways and Means that so-called refugees are holding Federal positions. I challenge Mr. Hart or any other Member of this House or anyone in the country to point out to me any aliens holding Federal positions. I would be in favor of removing them very quickly, and of penalizing those responsible for putting them there.

Mr. RICH. These refugees would hardly be placed in Federal jobs unless they were able to speak English.

Mr. DICKSTEIN. I am talking about what Mr. Hart said before the Committee on Ways and Means.

Mr. RICH. I am not talking about Mr. Hart.

Mr. DICKSTEIN. Well, I am.

Mr. RICH. I was just trying to show the gentleman the difficulties and the troubles we are having.

Mr. DICKSTEIN. If the gentleman will permit me to proceed, I will try to cover that if I have time.

So far as aliens holding positions in the War Production Board or other Federal bureaus is concerned, I say it was an unfair and completely false statement that Mr. Hart made before the Committee on Ways and Means, but his statement had great influence in persuading that committee to table the bill.

In the first instance, most refugees who came to the United States in recent years had money, I may say to the gentleman from Pennsylvania, if he wants to have the story. No alien came to this country in the last few years who did not prove to the satisfaction of the interdepartmental committee of the State Department that he would not become a public charge if admitted. Hart must know that our immigration laws are very clear on this point, and they have been enforced very strictly, that no persons can come into this country looking for jobs.

Mr. RICH. Let me say this to the gentleman.

Mr. DICKSTEIN. Do not interrupt me. Let me finish my thought. I will give the gentleman a chance later.

Mr. RICH. I do not want to interrupt the gentleman.

Mr. DICKSTEIN. I do not want to be discourteous, but if it is the gentleman's purpose to clear up this question, that is what I am trying to do.

As a result, only certain people with certain qualifications and under certain restrictions provided for not only by the consul in the city where the alien came from, but by the State Department, which sits in judgment and passes upon these applications, could enter this country. The moment a man claimed he was going to get a job in this country he could not enter the United States. Hart knew it, but he did not tell that to the Committee on Ways and Means, and the Committee on Ways and Means did not take the trouble to find out.

In other words, Hart tried to point out to the Committee on Ways and Means that, if you passed this war powers bill, the President would flood the country with aliens. He is too clever a man not to have known that this was not true, but he was playing up the present antialien feeling and got away with it.

The aliens who did come into this country—and I say this honestly and fairly and understand the question fully—have brought wealth into this country and have created industries to employ American citizens. A lot of them have created new employment possibilities for American citizens instead of taking jobs away from them. The statistics will prove that. Just communicate with the Department of Commerce, and they will give you all of that information, that these aliens coming from the Lowlands come in here with wealth and have created industries and are employing American citizens. I do not say that all of them are doing it, and I am not a bit concerned, but why not have the truth?

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I did not say that we should put up bars and prohibit anyone from coming into our country. I think that would be wrong. However, I do think our first consideration should be to take care of all our people in America.

Mr. DICKSTEIN. I agree with the gentleman.

Mr. RICH. Then, if we can open our doors to good, reputable citizens who want to come here, that is one thing. Certainly, however, after this war is over, if we have anything that would leave the bars down, we shall have all the riffraff of all the countries of the world coming here. That would not do, and I would oppose that to the limit.

Mr. DICKSTEIN. I agree with the gentleman.

Mr. RICH. I believe the gentleman would oppose it, too.

Mr. DICKSTEIN. Certainly I would. The laws today are so strict that it is difficult to bring anybody in. I am just trying to correct the erroneous impression created by the testimony of Mr. Hart, this great economist, who represents nobody but himself and a group of other gentlemen in New York, a self-sustaining corporation that could investigate your business and any business without having been asked to do it, if they decided that you were in conflict with their interests.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. RICH. I think they were afraid of giving that power to the President, because they did not know what he would do, and they were afraid to grant the power to him.

Mr. DICKSTEIN. Oh, the gentleman and I know very well that the President

would not do anything of that kind. He knows that in his heart just as well as I do. If it is going to help the war situation, no man is going to deny the President any right that he asks in that respect. We are here all the time, and if something is wrong, we can take care of the situation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. McCORMACK. For just one observation. No matter what misunderstanding followed the original letter which came up, where the word "person" was included, there never was any intention to suspend the immigration laws, and we all know that. It was intended to meet peculiar situations, that in turn could have an effect on the conduct of the war. There were many individual situations that arose, and the power to meet such peculiar situations might be beneficial to our country. There was never any intention to suspend the immigration laws. The President himself said so, and despite the general impression that has been created, the record should show that there was never any intention to suspend the immigration laws. I would oppose that myself. There was only the intention to give power to meet peculiar situations that might arise from time to time, where certain things might be done that would be helpful to our country in connection with the conduct of the war.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. RICH. How about the tariff?

Mr. McCORMACK. It was not intended to suspend the tariff laws, but it was to meet individual situations, individual cases, the import of matters of material interest to the United States, where he would have to use lend-lease money to pay the tariff to bring the goods in.

Mr. RICH. And we have to pay the tariff with lend-lease money.

Mr. McCORMACK. Does the gentleman think that should be necessary?

Mr. RICH. No, I think that is wrong.

Mr. McCORMACK. Yes, and that was the situation it was aimed to meet.

The SPEAKER. The time of the gentleman from New York has expired.

AUTHORITY TO RECESS THE HOUSE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker today to declare the House in recess, subject to the call of the Chair.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. I suppose that is with the usual 15 minutes' notice of reconvening?

Mr. McCORMACK. Oh, yes; with the usual notice of 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks by including a very complimentary editorial that appeared in the Boston Post, entitled "The Seventy-seventh Congress."

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my remarks by including an address delivered some years ago by Mr. J. D. Ross.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a newspaper clipping.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a resolution passed by the C. I. O.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House, the Chair recognizes the Delegate from Hawaii [Mr. KING] for 15 minutes.

HAWAII—FAREWELL TO CONGRESS

Mr. KING. Mr. Speaker, the Hawaiian language has enriched our American idiom with the word "aloha," which means affectionately both "hello" and "farewell." Today, I say to all of my friends and colleagues of the House a final aloha. As some of you know, I have reentered the service of the United States Navy, from which I resigned some years ago, and I will shortly be called to active duty. I withdrew from the congressional election upon my return home to Hawaii some weeks ago, which it happened was just after the primary election that renominated me.

I am somewhat embarrassed to be saying my farewells to my colleagues at this time, because I understand it had been assumed that I had already reported for active naval service. I believe the news accounts of my withdrawal from the campaign for reelection gave that impression, and several of my colleagues have already expressed their regrets at my departure and paid me many kind compliments.

I am now turning up after the eulogies, in defiance of Emily Post's dictum that when good-byes have been said, one should keep on going, and not linger for a too prolonged parting. But I had to come back to complete my term as Delegate; finish up my present job before taking on the new assignment; turn over as clean a slate as possible to my successor; and last but not least, extend my aloha and thanks to you all in person.

After 8 years in this House, I would not want to leave without at least a word of appreciation for the many kindnesses shown me during my four terms. I have therefore asked for these few minutes before the Seventy-seventh Congress passes into history to express my sincere thanks to the Members of this House for their uniform courtesy to me, and for the sympathetic manner in which they have received my representations on behalf of my constituency.

I am leaving Congress to reenter the naval service the day after my term expires, and hope and expect to be ordered to duty in the Pacific area. I decided upon this course in the conviction that as a former Navy man my contribution to the winning of the war would best be made in the naval service.

I was nominated for appointment to the United States Naval Academy at Annapolis in 1905, by Hawaii's then Delegate, Prince Jonah Kuhio Kalanianaole, and served in the United States Navy nearly 20 years. I resigned my commission as a lieutenant commander in 1924, when peace reigned, and when I felt free to return to my native Hawaii, to live and raise a family, in the belief that no major war would occur in the remainder of my active lifetime.

You can imagine my feelings on December 7 last year. The greatest war of our history had been thrust upon us. My own Hawaii was attacked and my people found themselves in a combat zone living under drastic martial law. The Navy became engaged in an all-out struggle against the forces of ruthless and treacherous foes on all the seas of the world. Two of my Annapolis classmates were killed at Pearl Harbor, and among the men who died at their posts in that holocaust were undoubtedly many old shipmates of former years.

If there had been some way for me to return to active service sooner, I would have done so. I could not in justice to Hawaii leave my post during the first months of the war with so much to be done to help my community prepare itself for further attack. But Uncle Sam had invested a substantial sum in my training years ago, and as the civilian situation in Hawaii became better clarified I felt free to seek active naval duty, if my services could be utilized.

To succeed me Hawaii has elected Mr. JOSEPH R. FARRINGTON, son of a distinguished former Governor of Hawaii, a graduate of the University of Wisconsin, and for several years the Washington correspondent of a Philadelphia newspaper. Since his return to Hawaii after this mainland experience, JOE FARRINGTON has taken an active part in our community life, has succeeded his father as the publisher of one of our leading newspapers, and has served 8 years in the Senate of Hawaii. He comes well qualified for the position of Delegate, and will make his own place in the Congress. I only ask in his behalf that my friends in this House give him a cordial welcome, as my personal friend as well as successor.

Mr. Speaker, as I look back over the 8 years of my service I can truly say that Hawaii has received fair and considerate treatment from the Congress. There have been one or two disappointments, but I am sure future Congresses will correct these exceptions. I have fought consistently for the principle of complete equality of treatment for the Territory of Hawaii with the several States in all legislation of national application, whether such legislation imposed a burden or granted a benefit. It is a source of gratification to me that in nearly every case that has come up during my service here Congress has accepted that principle as its guide.

In regard to legislation of specific application to Hawaii, I am happy to say that the Congress has in practically no

instance refused to approve measures desired by my community. As a Territory much legislation local in character must be approved by Congress. I have found the Committee on the Territories, through which most of this legislation passes, invariably sympathetic and helpful and wish to extend to its chairman and members my sincere thanks for their cooperation.

With the help of this committee, several measures have been enacted into law which strengthened the program for the rehabilitation of the native Hawaiian people that Congress initiated over 20 years ago at the request of Delegate Kalanianaole.

As a part Hawaiian myself, I have been deeply interested in the success of this project. It is one of my regrets upon leaving that a bill authorizing the construction of an irrigation system for the benefit of the Hawaiian homesteaders under this program is likely to die in the other body after having been approved by the House. Apparently the war precludes action at this time, and I can only hope that this legislation will be revived at some more auspicious time.

Mr. Speaker, it has been an honor to represent the Territory of Hawaii in this great legislative body. It is an experience which I shall treasure for the remaining years of my life, an experience which has confirmed my belief in and devotion to our democratic way of life.

I have had the high privilege of being the sole Representative in Congress of my community for 8 years. I am proud to have earned that distinction as a result of four elections in which I have stood for office.

A Delegate representing a Territory and without a vote in the House or in committee needs the help of his colleagues to an even greater extent than a Representative. This help I have received in full measure.

As a Republican, I have somewhat taken for granted that the Republican membership of the House would help me when I needed help. In this expectation I have never been disappointed.

But it is to me a fine commentary on the spirit of fairness with which this body functions that the majority membership of the House, especially the chairmen and majority members of the various committees on which I have served, have granted me equally friendly consideration. For this I wish to express my heartfelt thanks to the Democratic Members of the House.

I value very highly the personal friends I have made here on both sides of the aisle. If I am unable to see each of you before we scatter, may I ask that you accept this message of farewell, of aloha, as meant for every one of you.

I want, however, to say a word of special tribute to the Delegate from Alaska [Mr. DIMOND]. Because our respective Territories often have a community of interest, the gentleman from Alaska [Mr. DIMOND] and I have cooperated colsely together through my four terms. He works one side of the aisle while I work the other, and thus we cover both sides. I know I but express the sentiments of this entire body when I pay my respects to him as one of the ablest and finest men in this House and one for whom I have a warm affection and a high regard.

To you all, ladies and gentlemen, aloha a nui loa me ke malu no ke Akua, a hui hou kakou. In other words, my affectionate regards and very best wishes for your continued success and happiness in life. I hope we meet again in happier days when peace and decency again reign throughout the world. Until then, God bless you all, and aloha.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. ANGELL. Mr. Speaker, before the gentleman leaves, I wish to say to him that, as one member of the committee on which he has served, the Committee on Territories, I have found it to be one of the finest experiences of my life to have had the pleasure of meeting and working with the Delegate from Hawaii. He has not only been a faithful Member, and he has represented his district with faithfulness and ability, but he has won the respect, admiration, and love of every single one of us, I am sure, who have served with him on that committee. We will carry with us to the end of our lives that very happy experience.

Mr. KING. I thank the gentleman.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. MARTIN of Massachusetts. I cannot refrain from paying tribute to my good friend from Hawaii, SAM KING. We have all great admiration and affection for him. He has been very diligent in his service to his country, and he has accomplished many things for the good of the people who have elected him to this body. We realize that, as an old Navy man, a graduate of Annapolis he naturally would want to reenter the service and join the armed forces. Therefore, reluctant as we are to see him go, we honor him for his choice, and we do wish him the best of luck. We trust when the war is over he will return to us safely, either as a Delegate to this great body in which he has rendered such fine service, or perhaps as Governor of his own beloved islands.

Mr. KING. I thank the gentleman.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. KEFAUVER. The Delegate from Hawaii has spoken of the success he has had in connection with certain legislation affecting Hawaii. The record shows that the gentleman's statements in that regard are very modest. My experience with the gentleman is that he himself deserves a great deal of credit for that success, because he has very vigorously attended to the legislation in which he was interested, and upon leaving the Congress he should find much satisfaction in knowing that he has done a fine job representing his constituents. All of us shall miss the gentleman greatly.

Mr. KING. I thank the gentleman.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. KING. I yield to the distinguished gentleman from New York.

Mr. REED of New York. Mr. Speaker, I do not believe that any man at any time from any place could have represented beautiful Hawaii, with all its many important interests, with a greater degree of efficiency and faithfulness than has the gentleman from Hawaii [Mr. KING].

The fidelity with which Hon. SAMUEL W. KING has represented his constituents is a matter of public record. It is a record of achievement of which he may well be proud.

I do not hesitate to say that by the force of our colleague's character and ability he has added to the prestige of all of those whom he has had the honor to represent. It is my firm belief that the influence of our friend Hon. SAMUEL W. KING will continue to be a potent factor in favor of all future legislation which may come before Congress relating to the welfare of the people of Hawaii. It is to the credit of the people of Hawaii that they fully recognized and appreciated the sterling qualities of their distinguished Delegate by sending him 8 consecutive years to speak for them on the floor of the greatest legislative body in the world.

It is typical of the high character and patriotism of our colleague that in the hour of his country's peril he should decide to return to the Navy in which he served with distinction during the First World War.

I am only one of many in the official life of Washington who regret that our good fried Sam and his most charming and cultured family cannot remain with us, but it is my hope and it is the hope of a host of other sincere friends of Delegate KING and his delightful family that their separation from us will be only for the duration and that the duration will be short.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. KING. I yield to the distinguished gentleman from Utah.

Mr. ROBINSON of Utah. Mr. Speaker, I want to say to the gentleman from Hawaii, and to the House that I have served on one committee with the delegate from Hawaii. I think the people of Hawaii are losing one of the ablest legislators who has served in this House during the 10 years I have been here. I feel that the United States Congress is losing an able man. I appreciate the fact that on very many problems which have been before the Committee on the Territories the gentleman from Hawaii and I have sometimes been on opposite sides of the table and have had divergent views on the problem under consideration, but he has always manifested extreme fairness. With his unusual ability and his great force of argument, he has been able to convince the people with whom he has been dealing that his cause had at least one very important side, and he has usually been able to convince not only a majority of the committee, but all members of the committee, that his side was right.

I want to tell the gentleman that the people you have represented so ably will miss your presence in this body, and the Members of this body will also miss you.

We do not like to see you go, but we hope you will enjoy yourself in the work you have now chosen, and we all take consolation in the fact that you will still be in the service of our country.

Mr. KING. The gentleman from Utah is very kind.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. KING. I will be glad to yield if I have time.

Mr. HOPE. I have had an excellent opportunity to observe the diligence and ability with which the gentleman from Hawaii has represented his constituency during the time he has been a Member of this body. During all of that time we have served together on the Committee on Agriculture. The principal industry of Hawaii is agriculture. Our distinguished friend has done an outstanding job in his representation of this great industry. His knowledge of the needs of his people and his persuasiveness in presenting his viewpoint and position have been of untold benefit to the Territory and its people.

The Delegate from Hawaii has no vote in this body. What he accomplishes must be by the force of his personality and by his ability to convince others of the merits of his contentions. Our friend possesses these qualities in a remarkable degree. He is an able legislator whose ability is reflected in the results which he has secured. He has endeared himself to all of us. No Member of this body has more friends. We can only reconcile our sorrow at his leaving us by the thought that he will still continue in the service of his country in a capacity where his ability and experience will be of great value. He will distinguish himself in war as he has in peace. We wish him Godspeed and good fortune.

Mr. KING. I thank the gentleman from Kansas very greatly.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. KING. I gladly yield to my distinguished friend from Minnesota.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I regret very much to see the gentleman from Hawaii leave this body, but I know that he is going into a service of his Government where he can be of very constructive value. I am satisfied that our friend SAM KING will lead the way into Tokyo.

Mr. KING. Of course, I might say to the gentleman that nothing would please me more than to be in the van in the parade to Tokyo.

Mr. AUGUST H. ANDRESEN. SAM KING has the love and respect of all Members of the House and Senate, just as he has had the love and affection of his fine constituency. I do not know of any man since I came to the Congress who has better served his constituents than our friend, Delegate KING. His services will be missed. The many kindnesses and courtesies which he has shown to us are only exemplified by his noble spirit and his endeavor to perform a very important task in taking care of all the affairs of the people of Hawaii.

When he leaves here we want to wish him aloha and Godspeed in anything he may do and hope that some day SAM KING will be back with us in the House of Representatives.

In saying farewell to our friend from Hawaii I also desire to add a personal aloha for Mrs. King, his gracious and charming wife. Those of us who have had the pleasure of becoming acquainted with Delegate and Mrs. King feel sad over their departure from Washington, but we are happy in the knowledge that we can count on the everlasting friendship of this truly American couple. Aloha to our friends.

Mr. KING. Mr. Speaker, I thank the gentleman very much. I had not intended to inspire this second wave of eulogies, but I do appreciate the kind sentiments expressed by all of you. Although I do leave with regret, I know you will appreciate that I am looking forward with a great deal of pleasure to putting on the uniform that I wore for nearly 20 years. Thank you all, and aloha.

The SPEAKER pro tempore. The time of the gentleman from Hawaii has expired.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 25 minutes.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a statement, and I also ask unanimous consent to revise and extend the remarks I shall now make.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HARNESS. Mr. Speaker, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. VOORHIS of California. I yield.

Mr. HARNESS. Mr. Speaker, I ask unanimous consent that after the other special orders of the day I may address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

AN APPRAISAL OF THE LAST ELECTION

Mr. VOORHIS of California. Mr. Speaker, the Seventy-seventh Congress is drawing to a close. It has been the Congress that declared the United States at war with the Axis Powers. It has held office during a part of what is unquestionably one of the greatest turning points in all the history of mankind.

VICTORY WILL BE WON

At the moment and as long as the war lasts the future of our country rests primarily with the men and the commanders of our Army, Navy, Air Force, and Marine Corps. There have been those who have criticized their work and predicted dire consequences for the arms of America. Their tongues are silent today. They know, as the rest of us know, that the military forces of America are doing their primary part of this total war job true to the best traditions of America's naval and military history.

When the war will be won no man can predict. Some have apparently assumed that the occupation of French North Africa brought us to within easy striking distance of the final victory. I am afraid they have misled the people. That occupation was a brilliant maneuver—brilliantly executed. It may well bring our forces to a vantage point from which telling blows may be struck. It is not in and of itself such a blow.

That such blows will be struck and that they will ultimately shatter the military power of the Axis is our confident faith. When that time will come we do not know. All we as common citizens can know is that every possible effort must be bent to bring the war to the speediest possible victory.

REASONS FOR OUTCOME OF ELECTION

Meanwhile, on November 3, there took place one of the important elections of American history. It has been interpreted in as many different ways as there are interpreters.

Of one thing, however I feel certain. The action of the voters was not a demand that reactionary policies were to be pursued. Rather it was an expression of the will of the American people that their Government draw closer to them, that it demonstrate a greater understanding of their real spirit and attitude, that it repose greater responsibility on them in their local communities, that it come closer to demanding equality of sacrifice for all, that it prosecute the war with greater efficiency and less confusion, that it anticipate problems and maladjustments instead of waiting until popular demand becomes so great that action on the part of the Government is forced by it.

FOR WINNING THE WAR THERE HAS TO BE CONCENTRATION OF RESPONSIBILITY AND UNIFICATION OF ECONOMIC COMMAND

Perhaps also the elections in part reflect the fact that many men and women have begun to feel that governmental power in itself is likely to take from people certain things of greater value than what it can give. They have seen anew the value of freedom, of constitutional democracy as a form of government, and they are now engaged in the most tremendous task perhaps in all the history of human politics and thought, namely, the task of attempting to reconcile liberty on the one hand with a reasonably decent security for the common man on the other. In a nutshell that is the task this generation of Americans must perform and they must perform it promptly enough so that the issue of this great conflict will not be lost and the sacrifice of our people and the other peoples engaged with us will not be wasted.

But if I am correct that this was in part the feeling of the people in this election, then I would add a note of warning. For one fact is perfectly obvious—neither this Nation nor any other nation can possibly fight a total war without a profound disturbance in its normal way of living; nor can any democratic people effectively meet the challenge of totalitarian nations in war without organizing their own production and economic activity in the most complete possible way.

The determination of Members of Congress and of the people generally to prevent the growth of governmental agencies and powers is a healthy sign for the future of America, but it cannot safely determine our action at the pres-

ent time. For there simply is no way to match the power of the totalitarian nations unless there is concentration of both responsibility and authority in the hands of governmental agencies, which can streamline and mobilize the resources of our country in an altogether effective way for the prosecution of this war. It is our evident duty to see that such power is not abused or arbitrarily exercised and deliberate duplication and unnecessary personnel be eliminated. To oppose such a giving of authority to selected and responsible agencies at the present time may well result in a weakening of the war effort. Rather should we insist on an increasing simplification of the line of command of our economic effort on the home front and upon a removal of the confusion which has existed in the past due to a duplication of authority between various agencies and sometimes to a competition between various governmental agencies for the use of production facilities, for materials, for manpower, and in numerous other ways.

We must fight the war through to victory, and we have got to do all things necessary to that end. Our convictions and desires with regard to the time when peace shall return will be no less profound or effective then if we recognize the necessities of this total war and concentrate our every effort upon winning it.

This speech, however, is intended as a forward look, not a backward one. All I shall have to say is said on the assumption that the war comes first in all of our considerations. My remarks are an attempt—and I hope an important one—to appraise the situation in which we now find ourselves and to help to build some of that hope upon which the spiritual and moral strength of our people, as well as those of other nations, must ultimately depend. For it is not to enthrone old and outworn privileges that this war is being fought. No. It is being fought by people in order that they may know and that their children may know a better day than mankind has ever seen. Never can we lose sight of this fact, nor the companion fact, which is that this is not simply a military conflict, but more than that is a great contest between two diametrically opposite systems of life and government for the allegiance of people throughout the world. To truly win this war, therefore, will require the giving to those people of a basis for hope of a world society in which a Hitler will be impossible and in which exploitation of one people by another will be ended.

The election just passed has not changed the fundamental forces that move through the hearts and minds of the American electorate.

It has not altered the ideals they cherish nor the hopes for the future that lead people to make the sacrifices of war without complaint.

TWO BASIC DEMANDS OF THE PEOPLE

The people are still saying:

"Two things this war must produce—

"First. A lasting peace—so that war shall not return upon the next generation of young men.

"Second. The growth and the development of the democratic way of life and the American ideal of equality of opportunity for every class and group and kind of people."

The importance of political developments in America in the next 2 years will be found not in whether sitting Members of Congress are returned to office but in whether the destinies of our country are guided by men who are committed without reservation to accomplishing at the close of this war what was not accomplished at the close of the First World War.

The future of America and all she has stood for through the years will hang in the balance and be determined by what is done by whomsoever guides our ship of state in the period just after the war.

Pure oppositionism frequently wins elections—especially in times of trouble and hardship for the people.

But it is a weak reed indeed upon which to depend for the rebuilding of the whole world.

I shall not attempt to draw blueprints of world organizations or to describe how I believe machinery should be set up for the solution of future international problems.

Those problems will not all be solved in a moment of time.

But I shall say one thing: Those who seek the support of the American electorate in the months immediately ahead owe to that electorate straight-out answers to these questions: Is it proposed that America shall play her full part in building the peace that must follow this war? Is it proposed that this Nation shall help actively to prevent a repetition of the tragic series of events that intervened between the two wars? Is it proposed that we shall remember only Pearl Harbor? Or is it proposed that we shall remember also the League of Nations and Manchuria and Ethiopia and Hitler's march into the Rhineland?

To those questions the American people will expect an answer. May it be the right answer from whomever they select to govern this Nation in 1944.

PEACE DEPENDS ON FREE DEMOCRATIC GOVERNMENT AND FREE GOVERNMENT DEPENDS ON SOLUTION OF ECONOMIC PROBLEMS

But it is not alone a matter of the peace treaty that will be at stake. There is a basis and root for peace. Peace can only be secure among peoples who are free. And the freedom of peoples within their own nations depends, directly, as the history of the past 2 decades amply demonstrates, upon whether or not the economic problems of the people can and will be solved by democratic and free governments and without the sacrifice of liberty. Three great things human beings have always sought. Three instructive urges have been put into us by Him who made us.

First. The will to live—to sustain life—the search for food, clothing, shelter for ourself and family.

Second. Security and safety in these things—peace and the opportunity to live out one's life fully.

Third. Freedom of the spirit. And as civilization advances men and women put more and more value on the third of these things.

Totalitarian governments arose because clever and ambitious men persuaded the people of certain nations that by the sacrifice of their freedom they could gain jobs and food and security.

And by the same token the strength and safety of free and constitutional government upon which in turn our hope of peace depends are only to be found in proving to one's own people and to the world that freedom and security are not incompatible and that there can be full employment and jobs for all within the framework of a society of freemen.

In the next Congress there will be need as there has not been for a decade for men who will not be afraid to speak out on behalf of the common people, the poor, and those whom it is easy to forget. There will be need of men who, though they constitute a decided minority of the membership, will tell the story of the unsung heroism of ordinary Americans of every race and kind on the battlefield, in the shops, on the farms, and on the highways of the world. There will be need of Members who will constantly be showing their colleagues the fundamental truth of democratic life and government which is that it is not the rich or the great or the powerful who ultimately compose a Nation's strength in either war or peace but rather the great silent army of men and women who through the ages have paid the price in blood and sweat and tears and who have never asked for more than a chance to live and earn a decent and fairly secure competence for themselves and their families. This group of men will be important. For our work will be that of building the hope of millions who are called upon to bear the burden and heat of the battle, and the war effort at home. The time has come, I believe, when it must be said in plain and simple words that the hope of the people can be rested neither in the establishment of governmental bureaus and the extension of centralized governmental controls which the New Deal in certain phases has meant nor, certainly, in the chronic and wholly negative opposition to the New Deal which has characterized the forces of reaction throughout the country and within the Congress.

This war is being fought first to destroy the greatest threat to human liberty and decency, to the right of people to call their souls their own that the world has ever known. But like all periods of great suffering it has got to issue into a better and more hopeful world for all sorts and conditions of men. To believe that the onerous controls and executive governmental powers which this war has brought upon the people of America are going to be perpetuated is to deny the existence of every strong current of popular feeling in this Nation and to overlook what I judge to be the strongest passion of the overwhelming majority of the Congress. But to propose that as an alternative the people

be told that they can no longer look for any sort of wise and constructive action from their Government to protect the weak and restrain the strong, to motivate full production and employment, to use its taxing and its monetary powers to assure producers—especially farmers—of a full market for their products—to say that none of these things will be done, but that we shall simply return after the war to a vacuous nirvana of normalcy, wherein the devil will again have license to take the hindmost in every economic race, that indeed is a gospel of despair.

THE MIDDLE ROAD

There is another way—a golden mean if you will. It is a way whereby both freedom and security can in reasonable degree be achieved in our country. It is to be distinguished from some aspects of the New Deal in that it will emphasize the motivation of full production and employment by dynamic measures, but will avoid to the greatest possible extent measures which involve direction or control of the economic life of the people by Government agencies and bureaus. Its principal tasks will be monetary and fiscal ones, though it will never neglect for an hour the basic duty of any democratic government which is to break the hold of irresponsible monopoly power over any aspect of the people's lives.

And so now I come to what I may call a sort of confession of my political faith. I believe that freedom and decent security for the people are not incompatible. I believe it is possible to find and apply with salutary effect the proper functions of government in the solution of economic problems without extending either governmental power over the people or causing them to become dependent upon paternalistic action by government. I believe the achievement and maintenance of a state of abundant production in peacetime is possible if it is based on a resolute maintenance of a proper balance between that production and a full free flow of consumer buying power. The one rule that must never be departed from is this—whenever the potential supply of needed goods and services exceeds the demand for them then the demand should always be increased, and under no circumstances should the supply be artificially reduced.

OUTLINE OF PROGRAM FOR ECONOMIC HEALTH AFTER WAR

Full employment, abundant production, and equally abundant consumption can be achieved without governmental economic dictatorship or governmental direction and control of our economy. The job of Government must be the motivation of full employment and production, not by increasing governmental power but by consistently, effectually, and regularly passing that power on into the hands of the 130,000,000 people of the Nation. In the first line of economic defense belong, therefore, such measures as will make certain that American consumers will have a constant buying power large enough in total volume to keep our machinery of production going at a high enough level to provide full employment. Such measures include: First, creation by the Nation itself of such additional money or national credit as is required by expanding production, thus ending the present practice of borrowing the Nation's own credit at interest from private banks; second, amendment of the Social Security Act so as to make it a dynamic force channeling otherwise idle buying power into the active stream of consumer demand instead of a static individual insurance program; third, the fearless use of taxation as a means of penalizing the arch crime of a free economic order, namely, holding the medium of exchange out of use; fourth, measures which will assure the farmer that the abundance of his production will not be the measure of his woe but rather that he will find a full home market among those who, to put it simply and undramatically, need more food; and, finally, fifth, use of publicly owned yardsticks to break the grip of monopoly in fields of natural monopoly such as electric power and the vigorous enforcement of antitrust laws to accomplish the same purpose in fields where competition is possible as the method of protecting the public interest. And there is always the hope that the cooperative movement among consumers, farmers, and other groups will—without Government favors or subsidy of any kind—attain sufficient economic strength to exert the sort of salutary influence on our economic life that it has exerted in Scandinavia. If these things are done, we will develop a clear distinction between the proper fields of governmental action in a democracy and the phases of economic life in which Government will not enter. And every one of the measures I have briefly suggested will stimulate greater economic activity and afford increased economic opportunity to the people generally.

Democracy can be defined as a state where the rights of individuals are determined by law and custom, and not by the arbitrary decisions of an individual or a special group. It is important to remember this.

The key to the building of a world of both freedom and security after the war is to be found in the difference between two different kinds of governmental action and policy. On the one hand are those measures which make citizens depend upon government; on the other are measures which open to citizens the way to help themselves. On the one hand are measures which give to Government departments or bureaus actual and intimate control over the economic activity and business of the people as a means of attempts to solve their problems such as unemployment; on the other hand are measures whereby the economic activity of the Nation as a whole is stimulated in dynamic fashion so that none need go without a job. The difference is between direction and control, on the one hand, and dynamic motivation of full employment and full production on the other.

One example of this difference is to be found in the field of prices. The kind of price control we have today—and which, in view of the circumstances of this war period, is necessary—leads inevitably to the building up of a great enforcement organization, to constant interference and interposition by the Government in the business of millions of American citizens. This kind of price control cannot be had without a very considerable amount of bureaucratic control.

There is another way, one that has never been sincerely tried. It is the method of so controlling the total volume of money in circulation as to keep a constant and stable relationship between that volume of money and the flow of goods through the markets of the Nation. Most important of all—in peacetime—it is required, if we would use this method, that a nonpolitical public body composed of outstanding citizens and created as an agency of the Congress have and exercise the power of creating money and employing, without increasing debt, the national credit of the American people. Use that power, Mr. Speaker, and you can maintain the over-all buying power of the Nation in such manner as to support a market that will be large enough to keep our people employed. Furthermore, over a period of time the national debt of the American people can in this manner be gradually reduced without bringing on a constriction of economic activity by overburdensome taxation.

The one essential economic task of government then, according to my belief, is to give a virtual guaranty to the producers of the Nation that the demand of consumers for their products will not fail. And this need not increase the power and authority of government. It can be accomplished by the passing on in accordance with laws of Congress of economic power to the 130,000,000 people of America. For example, if in the face of threatening unemployment we set up a huge emergency work program—as we shall have certainly to do if we do not develop another answer beforehand—then it becomes inevitable that the power of giving or withholding jobs and employment as to many American citizens will rest with a group of governmental officials. Again there is another way. Suppose the idea of social security were extended until we had established a system of old-age pensions for all classes and groups and all sections of the Nation, as well as a system of insurance for the protection of the disabled, the parentless child, and the widowed mother. Then, according to law, we should have a means of sustaining on a reasonable basis the buying power of these citizens in our midst who cannot or properly should not be employed. It gives to government no economic power over the people to pay an old-age pension. No; it passes on to people in every corner of the Nation the economic power that resides ultimately in the Nation as a whole.

MONOPOLY POWER VERSUS FREEDOM

But I believe it is quite impossible for us to achieve both freedom and security for the people of this Nation in the future unless irresponsible monopoly power, wherever it raises its head, is subjected to the most effective and relentless measures by the Government for the purpose of protecting the rank-and-file American citizen from its operations.

In saying this, I have reference first to monopoly finance with its control over the industrial life of America, and to monopoly industry with its power to block the opportunity of the small man to enage in particular lines of business and its even more dangerous power to artificially restrict production and hold prices at unjustifiable high levels. But I also have reference to monopoly power of small numbers of people within organizations of any sort over the fate of great numbers of people who must make their living in this country. The Antitrust Division of the Department of Justice under Mr. Thurman Arnold has made an earnest effort to enforce the law, to break monopoly power, and to protect the opportunities and rights not only of all businessmen but also of other American citizens. The work of this Division has never received the kind of wholehearted support which it should have had from other branches of the Government. In the future, after this war has been won, it must have that kind of support. For to permit monopoly power to stand and still to talk about freedom is nothing short of hypocritical, whereas to free all the forces of production and progress is the very essence of democracy. It may require some sort of major operation for us to reconstitute the small businesses of this country after the experience of this war. In my humble judgment, our task would be rendered much less difficult if decisions with regard to production programs for the war were not so largely in the hands of representatives of the largest businesses and in many cases the greatest monopolies in this whole Nation. Nevertheless, we must pick up the problem from where it stands at the end of the war, doing meanwhile what we can to mitigate the fate of the small business people. Unless, however, these small business firms can be got back on their feet and into active operation again after the war, we shall face a problem most severe in its magnitude, and one which possibly may spell the end of any true economic freedom in this country.

Another thing which must be done in this particular field also, in my judgment, is that there must be legislation on the statute books of our country—and I believe it should be put there now—which would render it illegal for anyone to restrict the use of patented processes by others. The first step in this direction is contained in legislation already before this body and introduced by myself. It was introduced in the Senate by the senior Senator from Illinois. All this legislation seeks to do is to make it an offense for anyone to restrict interstate commerce by unreasonably refusing to grant licenses for the use of patented processes.

The function of Government in protecting the weak and restraining the strong is one of its most important duties, according to my belief. This duty it must not flinch from in the years that lie ahead. It must make certain that the rank and file of all types of organizations, whether they be organizations of farmers, buinessmen, or laborers, are in a position to actually control the destinies, the policies, and the operations of those organizations. This, it seems to me, is the constructive approach to many of these problems, which unfortunately some Members of the Congress have attempted to deal with by means of various types of penal statutes, which inevitably will do more harm than good.

A FULL MARKET FOR FARMERS AND HEALTH FOR CHILDREN

I believe in the American family-sized farm. I think that the small, independent farmer has always been, both in this country and in other countries, the very backbone of a democratic society. But I believe that certain measures for his protection have got to be taken, not measures that will increase the power of Government over him but measures that will prevent economic forces beyond his control from driving him to the wall. I believe he has a right to be assured of a fair, full market for the abundance which he can produce. We have got to be done with situations where we say in effect that, though an abundance of food has been produced by our farmers and though there is still need and hunger in this and other lands, nevertheless we are not intelligent enough to know how to bring this food and the hungry people together. I can conceive of a program whereby we would say that we were going to do away with undernourishment among all the school children of this Nation, and where we would purchase from these farmers, at a fair cost of production price, those products of food which they had produced and which would mean so much to the balancing of the nutrition and to the health of the children of this great Nation. Here, again, I would handle such a program, not through Federal hand-outs to anybody but only as is now done, through local groups of people who sponsor the program and arrange for the use of the food in a fair and just manner. But I would do this job on a scale so that it would reach all children throughout this Nation. After all, it is hardly reasonable to believe that a child that has had insufficient nourishment can take advantage of the fine educational system which our country boasts. The maintenance of decent prices for agricultural commodities to the farmer is a better and more constructive way to meet his problem than by giving him benefit payments from the Federal Treasury. But it will not be right merely to stop the benefit payments unless we are prepared to put something better in their place.

By means of the method I have already suggested, as well as others, we should make certain that the abundance of the farmer's production will not be his destruction, but rather the means of enabling him to feel that he is building up a stronger and healthier nation and, indeed, a stronger and healthier world recognized for 25 minutes.

HOPE IN COOPERATION

And there are scattered through this Nation at this very hour far-sighted and earnest men and women who without the slightest help from Government in any way are working out the answer to their problems as farmers, consumers, borrowers and savers, users of electricity, and purchasers of insurance by the method of cooperation. Their work is to me one of the brightest stars of hope that we can see through the darkness of this war.

As best I knew how I have worked through my three terms in Congress for the rights and interest of the common people of America. I shall not lay that work down however the winds of political fortune may blow. I have worked for the opportunity of people to work and earn a living, for the solution of unemployment, for the removal of the burden of unnecessary debt from the shoulders of the people. To these things I shall continue to be dedicated.

The time has come, not in spite of but because of the war that engulfs the world, for clear statements by us all of the things we shall seek to accomplish in tomorrow's world—a world being born out of the travail of this war.

The time has also come when old political shibboleths and phrases must be discarded and when men must stand forth for principles and policies which they can state clearly so the people can understand and judge.

In this hour of crisis for our country the thing most needed it seems to me is a straightforward and forthright movement among the people for the establishment as a result of this war of simple justice between nations and of true equality of opportunity among the citizens of our country. Nor does such a movement need to employ the methods of governmental bureaucracy to gain its ends. There are other and better ways as I have shown. If we interpret the outcome of the last election as a mandate from the American people to attempt to turn the hands of time backward and to commit our Nation for a second time to some kind of impossible laissez-faire normalcy after this war has been won we shall not only misconstrue the temper and spirit of the people but we shall deal a body blow to the true cause of the United Nations in this war.

That we must not do.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 25 minutes.

A FORESTRY PROGRAM

Mr. PIERCE. Mr. Speaker—

I think that I shall never see
A poem lovely as a tree.
A tree whose hungry mouth is pressed
Against the earth's sweet flowing breast.
A tree that may in summer wear
A nest of robins in her hair;
Upon whose bosom snow has lain,
Who intimately lives with rain.
Poems are made by fools like me
But only God can make a tree.

—*Joyce Kilmer.*

The author has made a deep impression upon all nature lovers who have read his beautiful lines quoted above. In early boyhood, along the banks of the Illinois River, I learned to love and admire the stately walnut trees and the butternut trees, for in the fall they bore nuts that I enjoyed. The white oaks looked to me like monstrous growths. As

a young man I moved toward the West. I learned to admire the forests of Colorado, uncut as they were 60 years ago. Then I found my home in the great Pacific Northwest, and admired the ponderosa pine of the high plateaus, the Douglas fir, the cedar of the coast range, and finally it was my pleasure to see and wonder at the redwoods of California and southern Oregon. I shall never forget my many visits to the Port Orford cedars of the Pacific coast. Much of that unique stand has now been harvested and been purchased by the Japanese Government. It lies buried in the bays of that far-seeing kingdom, to be brought forth years in the future, to enter the channels of commerce. When Governor of the State of Oregon, I took every opportunity to visit the forests that I might see the trees in their primitive beauty—one of God's great gifts to man.

ORIGINAL FOREST SETTING

It is a little more than three centuries since our ancestors crossed the stormy Atlantic, often taking many weeks of ocean travel before they could commence their settlements on the Atlantic border. At that time, the forests extended to the water's edge. I have taken great pleasure in visiting the historic spots along the Atlantic coast, among them Jamestown, where the English established their first permanent settlement in 1607. I have stood upon the very ground where those English pioneers are said to have landed. The settlers tried to find a place where the water was deep clear up to the bank, with strong trees close, so they could tie their ships when they were unloading their cargo. They found such conditions at the mouth of the James River and made their settlement at a place which became Jamestown. You can still see the original trees, or their successors, standing close to the water's edge. In memory you can see those brave men throwing the ropes around the trees that held their little vessels as their cargo was discharged.

America, at that time, was the most beautifully forested land on all this earth. Mile upon mile of white oak, black walnut, beech, and other valuable varieties were strewn with great profusion along the Atlantic coast, from the Gulf far into Canada. In the southland were beautiful forests of native woods. In the Mississippi Valley there were patches here and there of open prairie, but many of their farms our ancestors hewed out of the dense forests. The Great Plains, the short-grass country at the foot of the Rockies, the forested lands of the high altitude of the Continental Divide, and then the traveler to the West would enter the magnificent forests of the Pacific coast—such a heritage as was never before passed on to humankind. Think that those forests existed, almost in their virgin beauty, only a century ago!

It is true our ancestors along the Atlantic coast cut into the forests an average of about a mile a year, so when the Revolutionary War came, the Colonies had reached back in their roads and their cleared patches, about a hundred and fifty miles. There were a few primitive sawmills eating into what seemed inexhaustible forests—east of the Alleghanies.

THE KING'S SHIPMASTS

Historians of the colonial period state that, prior to the Revolutionary War, representatives of the governments of Europe realized the value of the straight, perfect pines of New England for shipmasts. For several years the shipmasts which supplied the warships of western Europe came out of New England, along with the planks that they used on the decks of those warships. That was a period of time when the wind and sails were the only means of propelling the ships of war which were, even then, trying to annihilate each other.

CIVIL LAW AND NATURAL RESOURCES

Coming out of Rome is what students know as the civil law. That system of legal procedure established a principle that no title could be given to any person or company for that which lay beneath the surface of the ground; hence, the coal beds, the ore, the iron, the oil, natural resources hidden beneath the surface of the earth were reserved for all the people wherever the civil law operated. No such resources were subject to private exploitation. It is for this reason that the Mexican Government refuses to recognize the claims of the foreign oil operators for the immense sums they demand as damages for being obliged to give up their oil reservoirs in Mexico. Had this wise law been extended at an earlier date to cover the forests of America, what a beautiful heritage it would have left to this generation and to those who are to come. I do not mean to prevent proper use of the forest but I do mean to protect young growth, harvesting trees as a crop, and not mining, wrecking, burning, and destroying the forests as private enterprise destroys them in greedy haste to pile up wealth.

PRIVATE EXPLOITATION

In the early days of this Republic, the greedy, selfish few whose minds were fixed on dividends and profits took advantage of the struggling government and acquired great areas of forested lands, starting in Maine, before the Revolutionary day, building on the inventive genius of America that seemed to spring into new life after this Government came into existence. After the American Revolution and up to World War No. 1 the timbermen tore, cut, and burned their way across the continent, through New England, the Lake States, through the Southland, into the Rocky Mountains, following the railroads. Yes; cutting, tearing to pieces, burning and destroying forests as they moved westward.

Now, into the Nation's last stand of virgin timber, in the Pacific Northwest, you can follow the path by the barren lands, the ghost towns, the stranded farmers. You can read in the literature of northern Michigan, Wisconsin, Minnesota, the results of private destruction of the forests. Those miners, slaughterers, perhaps we ought to say "timbermen," took the cream of the forests, forcing their way over the mountains, driving abundant game before them, leaving perhaps along a public road a half mile of original trees, beyond which was mile upon mile of scarred mountain slopes, disfigured and ruined by erosion, often partly burned stumps. I must not forget that a weak effort for reforestation was made here and there but the Joint Congressional Committee, of which I was a member, found that reforestation had not really taken a hold. Little evidence did that investigating committee find that there would be abundant wood supplies left for generations yet to come. The committee found that exploitation of the private forests was the general rule.

THE FEDERAL GOVERNMENT MUST ACT

We have now reached a place where the Federal Government must take a hold, whatever be the cost and whatever be the necessary laws. We must pass into a period of Federal regulation and control, or we will pass into an age of scarcity of lumber instead of abundance—not only for future generations but the generation that is now coming onto the stage. Action can no longer be delayed if we are to enjoy forests in the United States.

PRIVATE OWNERSHIP IN TIMBER

Private ownership of large tracts of timber by absentee owners has been a primary factor in making it impossible to regulate cutting and insure reforestation. I am a firm believer in private enterprise, but not in water power, coal beds, oil reserves, or forests. In these natural resources, the whole community has a vested interest. The whole Nation has a stake in every forest and in every growing tree with the right to act for protection of its interest.

ENEMIES OF THE FOREST—FIRE

Fire is a great enemy of the forest. It is true that the pioneers in an early day often set fires for the purpose of cleaning up the underbrush so that they might see the Indians or that they might have a cleared patch on which to grow corn or pumpkins. Our investigating committee found that even now in the South the men owning cattle like to burn off the forests to get clean, green grass for their herds, forgetting the young trees that are often destroyed in such a fire. I have often heard the early pioneers say a fire is simply nature's method of cleaning up the back yard. Millions of trees have been destroyed by lightning. This destruction by nature can be greatly curtailed if active efforts are put forth to extinguish the fires.

Within recent years Federal and State Governments have established methods of preventing and controlling the forest fires. Three-fourths of the forest area today is protected. Watchers in towers erected at strategic points spot the starting of a fire and call upon the workers to extinguish it. Miles of telephone wires have been strung so that help and fire-fighting apparatus may be called. Airplanes have been brought into use, dropping men and food and fire-fighting apparatus close to the fire. Appropriations are entirely too meager even though the Congress has voted large sums for the purpose. The Joint Congressional Investigating Committee recommended that not to exceed $10,000,000 a year be appropriated for fire protection and public control. This should be done without delay, but I would have the control exercised by the Federal Government.

The most disastrous forest fire of recent times occurred in Wisconsin at the same time Chicago burned, October 1871. Fifteen hundred people lost their lives in that fire, and more than a million acres were burned over. The disastrous Tillamook fire of 1933 in Oregon is treated in another speech I made on the 10th of December. It was preventable and caused by negligence of private operators. It destroyed $200,000,000 worth of virgin timber.

FOREST DESTRUCTION BY INSECTS

Insects have destroyed millions of trees; they seem to thrive best on mature and unhealthy trees and during periods of great drought. When nature sends its insects, every effort should be made by man to counteract the resultant destruction as rapidly as possible. Appropriations by the Congress for insect control should be ample, so Federal officials can work with planned programs and efficiency, knowing they will not be hampered by lack of funds.

WE ARE A WOOD-USING PEOPLE

People in our country are naturally a wood-using people. We want wood to build our homes and other buildings, we want wood for fencing; we use wood in our industries. We burn wood for warmth. We have always had and enjoyed an abundance of wood. The early settlers, from ocean to ocean, when they went into a new country, first looked for two things in choosing a place of settlement—it must be in close proximity to wood and water. The research laboratories have now taught us how to use the waste wood—the small pieces—and this work must be furthered.

GROWING OF TREES IS A NATION'S JOB

The growing of most forests is a long-time job—often that of a lifetime, or even more. Forests occur in nearly all of our States. Every State and every person in every State has a vital interest in the forests of every other State. We have learned through long years of bitter experience that we cannot depend upon private owners to do the forest job that must be done in the public interest. It is equally true that we cannot depend upon separate action, or the lack of action, or the widely divergent action, of 48 different States.

The Federal Government, representing the whole Nation, must take the leadership in what is the Nation's job. More forest lands will have to come back into public ownership. The Federal Government must lead in bringing that about. Destruction of the forests on privately owned land must be stopped forthwith. Why delude ourselves into thinking that 48 States can or will do what no State ever has done, even as its forest wealth has disappeared? Only the Federal Government can carry out the whole forest program; it is emphatically the Nation's responsibility.

We shall have to have Federal leadership also if we are going to make real progress on the other measures which I have been discussing today; those measures which are included in the recommendations of the joint congressional committee.

ANNUAL HARVEST AND GROWTH

Although it is true that almost half of our commercial forest land is classified as saw timber, much of this has been culled over, or is small, second growth, and of inferior quality. One-sixth of the total commercial forest area is either barren of tree growth or so poorly restocked that it will not again without long delay produce a commercial crop.

The present timber resource of the United States is a little more than 500,000,000,000 cubic feet. To the annual cut of about 15,000,000,000 cubic feet, including both saw timber and cord wood, must be added 2,000,000,000 for destruction by fire, insects, and disease, so that the total annual drain on our forests is almost 17,000,000,000 cubic feet, or about one-thirtieth of the stand. Against this, current annual growth is estimated at about 11,000,000,000 cubic feet. The shortage in growth as compared to the drain is more marked for sawtimber alone, where the drain is almost double the growth. The discrepancy is still more marked when the element of quality is considered.

Lumber industry spokesmen have frequently cited mid-depression figures, with drain only 2,000,000,000 cubic feet in excess of annual growth, to show that there is no danger of a timber famine. We want to maintain activity in the forest industries at a higher level than prevailed in 1936, and we cannot do so if we continue to deplete the forest capital which is needed to produce usable growth. To balance our forest budget on a national scale without drastic curtailment of consumption of forest products, we must build up and maintain in all forested regions an adequate base of productive growing stock. Only in the Douglas fir and redwood forests of the Pacific Coast do we still have a reserve of virgin timber which may be reduced without an adverse effect upon future productivity.

The Joint Congressional Committee on Forestry, in its various meetings, encountered everywhere a demand for more money for fire protection. But the private commercial interests were not concerned about protection of the forests from destructive cutting. They demanded that the Federal Government should let them alone. They wanted no interference or regulation of cutting practices on their lands. At every meeting of timbermen this stand was reiterated.

ABUNDANCE VERSUS SCARCITY

Private interests which quote figures something like those in the preceding paragraphs evidently look forward to a day when timber will be scarce and prices high. The public is interested in an abundant supply and a reasonable price. The flaw in the reasoning of the commercial interests, as represented by highly financed lobbies in the Nation's Capital, is that the growth is not in saw timber. The saw timber is being exhausted at a very rapid rate. Even in the next 15 years many of the sawmills in Oregon will have to cease operations because they will have exhausted the original or virgin growth, and all too little arrangement has been made to provide a second growth for future generations. The parting of the ways is right here. Following one road we will, as a Nation, increase only the values of private holdings and the riches of their owners. This road leads to scarcity in timber supplies, and much higher prices. We should start down the other road toward an abundant supply of timber at reasonable prices which people can afford to pay, with provision for permanent forests. In retiring from the Congress, I warn my colleagues that now is the time to act if they would preserve for future generations an abundant wood supply, such as we have previously enjoyed and which has been so ruthlessly destroyed.

NO TAX ON A GROWING FOREST CROP

I recall, when Governor of the State of Oregon, I announced in a discussion of the timber question that no tax should be levied on a growing forest. During the years that have elapsed since I made that statement, which raised a storm of protest in Oregon, I have become more convinced than ever that my original statement was right. To tax a forest, to tax a tree, means to hurry it on to the day when the woodman's ax will sever it from the ground, and it will move in to the commercial trade, even though often thrown on a glutted market. Who would think of taxing a growing crop of wheat or potatoes? Timber is certainly a crop and not a mine.

THE SEVERANCE TAX

When the tree crop is cut for market, then a tax should be levied, commensurate with the value of the crop that moves into the commercial channels. Owners of private timber will at once say, "For 40 years we have paid taxes on this crop and now you want to collect a severance tax in addition." Yes, commercial owners, and, until the new system is established, I am willing to make some reimbursement for the taxes that have been levied against your growing crop of timber. Introduction of this system would help to solve the problem of preventing forest destruction and, eventually, the severance tax would supplant other taxation of timber land.

CUT-OUT AND GET-OUT

I am unable to trace the origin of the well-known motto of private interests "Cut-out and get-out," but it has run through the beautiful forests from Maine to Oregon, and you can still see the effect of that practice, whether or not you can hear the resounding words as we did in former days. The words describe the attitude of some of the timbermen.

I remember hearing Forester Silcox tell a story of a mill that was cutting 50,000,000 feet a year and from their cutting circle could continue to cut that for all time. Then they decided to borrow a few million dollars, enlarge their operations and cut 150,000,000 feet a year and exhaust their virgin supply in about 15 years. Greed—the desire to get the benefit quickly, with no thought of the future. That has been the belief that

has gone through much of the commercial timber interests for more than a century. State or Nation should have stepped forward to put a stop to such a plan.

A SUSTAINED YIELD UNDER SELECTIVE LOGGING

By "sustained yield" we mean cutting from a forest, or from a cutting circle, only that amount of timber which growth will sustain and renew throughout the years. In October, I had the pleasure of driving through a forest in central Oregon where they were cutting only 20 percent or one-fifth of the ripest trees which were so large that the cut actually yielded 40 percent of the entire lumber supply on the land. I drove through miles of forests where such a cutting had been made 10 years before but it looked like a virgin forest. I have heard much about the reforestation by commercial timber owners. I have visited many of their forests, but I never saw anything comparable to the sustained yield cutting being done on the Federal forest reserve by the Hines Lumber Mill of Burns, Oregon.

CLEAN CUTTING

I am well aware of the fact that practical foresters have repeatedly stated that in the fir regions of western Oregon and Washington the plan of cutting only the ripe trees is not always practical, and that sometimes the Douglas-fir forests should be cut clean, and a new forest allowed to start, all at the same time. In some locations, however, the Douglas fir forests can be cut selectively, taking only the larger, older trees and leaving the younger, smaller trees for future growth. In other locations groups of the larger, more mature trees can be cut, leaving the smaller groups for future cuttings. Where clean cutting is necessary, it is always possible to leave patches of timber on the rough, rocky mountainsides, to scatter the seed for a new forest. When it is necessary to clean cut, the removal of the slashing and of the snags which abound in our Douglas-fir forests is absolutely necessary to protect the young forests from fire. Cutting is only half the job. It should be required that the area should be cleaned up to protect it against fires. Then if, for any reason, the young forest does not start, the clean-cut areas should be planted.

CUTTING AN UNRIPE TREE

I recall what a commotion I raised in a meeting of commercial timbermen by stating that I thought the time would come when it would be considered a misdemeanor to cut an unripe tree, even on a man's own land. My reasoning was that the entire community had a legitimate interest in the growing tree. Those who lived in the village, depending on the water supply of a creek for industry, those who wanted to enjoy the beauty of the tree, and those who looked to the future—all had a community interest in the tree and in the forest. It is a concern of society and its organized government to protect natural resources, and to guarantee their benefits to future generations.

PIONEERS SHOULD NOT BE BLAMED

I have heard many a pioneer say that if he had kept the hardwood grove which he found on his farm it would have been worth more during his own lifetime than all the crops he had grown upon the land. Had that pioneer understood the reforestation problem and cut the ripe trees, he could have enjoyed a constant income therefrom and still be able to pass on to his descendants a beautiful and valuable heritage. In the early days it must have seemed as if the forests were inexhaustible.

IT IS LATER THAN YOU THINK

It is more than 60 years since I worked in a lumber mill in the mountains of Colorado. I have never lost my interest in the forest. It is my firm belief that "it is later than you think" for the preservation of our forests. One of the deep regrets I have in my closing days in the Congress of the United States is that I have not been able to do more to preserve the forests and to help create a sentiment in the National Capital which would curb destruction by the private interests and usher in the day of real forest conservation based on a guarantee of permanent abundance.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. J. Res. 170. Joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes;

S. Con. Res. 41. Concurrent resolution providing for the sine die adjournment of the two Houses of Congress, and

S. Con. Res. 42. Concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives, notwithstanding the adjournment of the second session of the Seventy-seventh Congress, to sign enrolled bills and joint resolutions duly passed by the two Houses of Congress which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

The message also announced that the Senate requests the House of Representatives to return to the Senate the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, together with the Senate engrossed amendment thereto.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. SPRINGER] is recognized for 15 minutes.

WILL BUSINESS CONTINUE TO EXIST?

Mr. SPRINGER. Mr. Speaker, tragic as it may seem, during this period of war when the Government spending exceeds that of any other milestone in our Nation's history, the small and the average businessman in our country is gradually being forced to the wall. Quite recently a close survey has been made in the various localities in our Nation, and the result of that survey is alarming. It is quite alarming from the standpoint of business itself, and it is very alarming from the standpoint of our own Government. In the face of this impending disaster to business of every kind we are forced to the conclusion, that if and when business is driven to the wall and our businessmen are forced to close their doors, that great source of revenue to our Government will be entirely cut off, and the means of prosecuting the war will be greatly diminished. With those businessmen engaged in operating their various businesses, many of whom have been engaged in business for many years and with a high degree of success, the Government had a source of revenue from the many and various taxes which were imposed upon them. Those people, when engaged in business and when they were prosperous, had the opportunity to buy War bonds, stamps, and to make their contributions for every worth-while and essential project to aid in the prosecution of the war. But when they are driven out of business—and that is the very thing that is now happening—the Government loses the taxes which have heretofore been collected, it loses the sales of bonds and stamps which it would otherwise be enabled to sell, and those people are prevented from making any contribution to the many and various agencies which are now aiding in our all-out war effort.

When we analyze this frightful situation, we are forced to the conclusion that such a policy, which is now enforced by those in command of our Government, is contrary to good business, and it is very obstructive and highly detrimental to our war effort. If our people are permitted to operate their businesses at a small profit, they are able to aid our Government, they are able to employ others, they are able to take their places among those who are aiding in our war effort. As one man, in the congressional district which I have the honor to represent, stated:

If we can earn money, then we can buy bonds.

Among this class of our businessmen who are being forced to the wall, we find the farmer, the merchant, the hardware dealers, the filling-station operator, the salesmen, the small-plant operator and the manufacturer, our banks and lending agencies, and practically every class of business within our country. When all kinds of business face disaster, then the workers are directly affected because when a business closes its doors the employees are left without a job.

Thus, this deplorable condition in which business finds itself at the moment, directly and indirectly affects a large part of our population. This is a very unhealthy condition in time of war, but it has been brought about by the bureaucracy which has been builded by the administration now in power, and which has now reached the proportions of a supergovernment, manned by a group of agency heads who have been appointed by the President, but who were not elected by the people, and who could never be elected to any public office, and who are responsible to but one person—the President—who appointed them to their posts. Therefore, this frightful situation rests just where it belongs—on the doorstep of the President. He alone can alter this situation. He can save the businessmen of our country if he will act. That

action must come promptly and without any uncertainty.

In the analysis which has been made throughout the country, it is of interest to note the general trend of business in the various localities. I will include only a part of those localities herewith, but a number sufficient to give the general trend of business.

In Boston, Mass., the report shows that—

Vacancies in retail stores are increasing daily.

In Detroit, Mich., the analysis made shows—

Every tendency for commercial property rentals is downward.

Out in Cleveland, Ohio, the analyst gathers the following information:

Store rents definitely down, with a considerable increase in vacancies.

While in Chicago, Ill., the report comes:

That more vacancies are occurring in office and store properties, relieving all possible pressure to increase rentals. Trend for both is downward. Office space occupancy approximately 85 percent. Industrial space no longer demanding premium prices.

And going to St. Louis, Mo., which is in the great Central and Midwest, we find the following situation:

Survey showed 3,000 stores vacant. Store rentals stationary or decreasing. Comparatively large vacancies in smaller industrial properties with a tendency to decreasing rents.

Then going to the far West, we find the report from Seattle, Wash., which states:

Commercial vacancies, especially on the ground floor, are increasing. Office vacancies approximately 10 percent.

In Denver, Colo., the analysis shows—

Vacancies increasing and in office buildings the same is 10.8 percent, which is double what it was in 1937. Office building rentals 66⅔ percent of the level prevailing in 1928–29, with store rentals 25 percent below that level.

And selecting another centrally located city, we refer to the report from Indianapolis, the State capital of Indiana, which report reads:

Business buildings are 15 percent vacant, office space is 11 percent vacant, and vacancies are increasing rapidly.

We might pick out another city, and we will select Des Moines, Iowa, which is rather centrally located, and we find this report to be available to the public:

The number of vacancies in all types of property, except residential, is alarming.

Let us go to just one more city for information on this subject, and we will select Houston, Tex., and we find the report to be—

Trend of business and commercial rents steadily downward. Vacancies in office space and ground floor store space at least 15 percent.

We might take others. I think of one which I have before me. Madison, Wis.:

Vacancy in business property is the highest since 1933, and is steadily increasing.

Let us select another one from Oshkosh, Wis.:

Vacancies in the business section more than tripled in the last year.

Let us take Minneapolis, Minn.:

Vacancies on commercial and industrial space run from 8 to 40 percent. Vacancy on office-building space stands at 23 percent.

Dealing with this appalling situation may I say that I have a letter which came to my desk within the last few hours from the United States Wholesale Grocers Association, a corporation, with offices in Washington, D. C. I read the opening paragraph of that letter, in which that great organization makes this statement, which is alarming to the people of this country. I quote:

In 1 more year, or less, 50 percent of the wholesale and retail food distributors of the United States will be out of business if they must suffer a continuation of the Government's demand for reports, statements, inventories, and regulations, with which it has become physically impossible for them to comply.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I am interested in the discussion the gentleman is making about the occupancy of business properties. I have looked with misgiving upon the announcement by the Secretary of War that we, as a government, are to purchase the Stevens Hotel property in Chicago. I am wondering whether it is a good rule for the Government to go out and buy properties that are in financial difficulty, rather than be a renter during the prosecution of the war, and after the war is over have such properties belong to the Government of the United States. The reported purchase price of this property was $6,000,000.

Mr. SPRINGER. I thank my distinguished friend for that splendid observation. May I say that I am in full accord with the gentleman's view on that particular subject. I do not think it is good business for the Government to buy a property, such as the Stevens Hotel in Chicago, Ill., paying huge sums of money for it, and go into business in competition with the private investors of this Nation. When the war is over our Government will have vast holdings in real estate upon which it will undoubtedly sustain terrific losses. This money should be used for our war effort—for planes, tanks, guns, and ships.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I hope the gentleman will give us some figures on the situation in Washington, D. C., the Capital of the United States.

Mr. SPRINGER. I am happy the gentleman mentioned that matter. In the newspaper article, of which this analysis was a part, reference is made to Washington, D. C., the Nation's Capital. The heading of that article contains this outstanding statement:

Office space almost 100 percent filled in the District of Columbia.

Of course, in Washington where money is spent in huge sums, where a tremendous number of Government employees are spending all their earnings, and where the common people—the taxpayers—have been forgotten by a spending administration, business is considered to be on a high plane as compared with the small communities throughout the Nation. There is no depressed condition in Washington. Everything is filled to capacity, including business rooms and office space.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Nebraska.

Mr. CURTIS. Referring to the letter the gentleman has just read from the Wholesale Grocers' Association, stating that perhaps 50 percent of the wholesalers and retailers of the country will have to go out of business within a year, it follows, then, that we must take one of two courses, either starvation or Government distribution of food?

Mr. SPRINGER. That is entirely correct. The gentleman has analyzed the situation in splendid fashion.

Mr. CURTIS. Is Government distribution of food, or socialism, necessary to win this war, in the opinion of the gentleman?

Mr. SPRINGER. It is not. The thing that must be done in this country is to permit our farmers to produce the food which is necessary for victory in this war, but at this very moment obstructions on every hand are being placed before the farmers, which prevent them from continuing the production of the volume of food which they could produce upon their lands.

[Here the gavel fell.]

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SPRINGER. May I say that if the farmer is given an opportunity and permitted to have some farm help, and if his boys, who have been engaged in farming, are not taken away from the farm, but are permitted to remain thereon and produce food, the food will be produced which will be essential for a victory in this Nation. Our farmers need farm machinery and parts, much of which he is unable to obtain at the moment. The farmers want to produce, and they can and will produce the necessary food for victory if given a chance to do so.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished friend from Oregon.

Mr. PIERCE. I rather doubt that there is any obstruction anywhere today on the farmer producing. I just wonder

upon what grounds the gentleman makes these statements that they are still keeping the farmer from producing in quantity. It is not true in our State.

Mr. SPRINGER. May I say to the gentleman from Oregon that in my section of the country our newspapers are filled with sale advertisements, and practically all of those advertisements begin, "Because of having been inducted into the Army I am forced to hold this sale," or, "Because of my farm help being taken into the service, I am compelled to quit farming." The newspapers throughout my section of Indiana are filled with advertisements of that character.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. Yes; I am happy to yield to my distinguished colleague from Kentucky.

Mr. ROBSION of Kentucky. I am sure that the gentleman from Oregon, as well as the gentleman from Indiana, has listened for some 2 or 3 weeks to the nightly broadcast of Mr. Fulton Lewis, Jr., in which he points out over the country that farming has been greatly handicapped by lack of tires and gasoline to operate the machinery on the farms.

Mr. SPRINGER. The gentleman is entirely correct. Now may I proceed to finish my statement?

Mr. PIERCE. I challenge the statement that there is a general effort today to stop production.

Mr. ROBSION of Kentucky. There may not be any effort to stop it, but it is being stopped.

Mr. PIERCE. There is no question but that many of our farm boys have been taken into the service, but today they are being exempted if they ask for it.

Mr. SPRINGER. And may I say to the distinguished gentleman from Oregon that in my section farmers want to produce, they are trying to produce to the limit, but they are prevented from it by reason of priorities, by reason of regulations, by reason of their farm help being taken away from them, by reason of the farm boys, who have spent their lives on the farm, being inducted into the United States Army, and by reason of that fact the farm sales are made necessary because there is no adequate help to do the work. Oregon is certainly an exception, or the gentleman is unfamiliar with conditions.

Mr. Speaker, this is a frightful situation in our country. We are at war, and the people are bending their backs to aid in the winning of the war. They want to win this war as quickly and decisively as possible. They want to aid in wiping out the very last vestige of Hitlerism, and all that it implies. They want to aid in our all-out victory in this conflict. They will make any needed sacrifice in order that victory may come to our country—but they do not approve of rules, regulations, priorities, rationing, and other destructive orders which needlessly deprive them from participating in giving that aid to our country which they desire to render in time of war.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SPRINGER. Mr. Speaker, our small businesses are suffering, and they are selling out their stocks and closing their doors. Many of these operators have passed the age in life at which they can hereafter rehabilitate themselves in business. Many of them have lost their life savings by reason of being forced out of business. This ruthless handling of the problem involved in our business world must be readjusted, and business must be restored and rehabilitated, and the life blood caused to again flow through the channels of business and trade in our country. This is highly essential now. Tomorrow will be too late to save many of them from disaster. The remedy would be simple, but it would be effective—the removal of many of the unnecessary rules and regulations which have been fastened upon them, and which now sucks the life blood from their business, would be very helpful; the removal of many of the nonessential priority rules and regulations would be stimulating, and the creation of confidence and the dispelling of fear would be the most helpful of all. Give small business a chance; stop obstructing its progress with untold and useless reports to the Government, and let our small business man go forward again in an effort to make his own way, unhampered and unfettered by governmental regimentation and domination.

Mr. Speaker, when our Government, and those in charge of the numerous agencies therein, again give business the "go sign," and stop meddling and obstructing those who form the very backbone of our Nation, we will find encouraging progress in the future. During this great emergency we cannot afford to hamper our businessmen. We must encourage them. We must grant them that God-given right to live and progress for the future.

The SPEAKER pro tempore. Under special order heretofore made, the Chair recognizes the gentleman from Ohio [Mr. JONES] for 15 minutes.

CONDITIONS OF SMALL BUSINESS

Mr. JONES. Mr. Speaker, I shall take this time of the House to call attention to a problem that has occurred in my district, not because this one particular person is important in the affairs of the Nation, but because what is happening to him may be indicative of a widespread and broadening policy that means ruination to the backbone of our country. The little town of West Milton, in Miami County, Ohio, is located in a typical industrial and agricultural community of the Fourth Congressional District of Ohio, not unlike many of the other districts of the country, 50 percent farm population and 50 percent municipal and city population, lives a baker who has operated a bakery for some 17 years. In the early part of this month this baker wrote me a letter which I quote as follows:

DECEMBER 1, 1942.

Hon. ROBERT F. JONES,
Washington, D. C.

DEAR SIR: I operate a bakery in West Milton, Ohio, and I have run out of sugar. The population of the town consists of almost all defense workers. This includes also the housewives. This fact makes the demand for my products very heavy, then also the bakery trucks which formerly ran routes through West Milton have discontinued their routes through this district. This fact is also very instrumental in raising the demand to even a higher standard.

Today I spent most of my afternoon and early evening in Dayton at the Office of Price Administration headquarters, trying to get an adjustment. I find that because I am in Miami County we are not entitled to extra sugar. Yet, Montgomery, Greene, Preble, and Hamilton are, because they are considered a defense area. Still we are under the rent control as a defense area.

Tomorrow I must close down my bakery until January sugar is issued. Now you know no one can keep from going broke under present conditions. I have labored here 17 years establishing my business and now to see it go out the window is more than I can take without a fight. I served 1 year in World War No. 1, and I have one son in the air service now. Another is to register in May and yet this is what is dished out to us in return.

I know Miami County is a Republican stronghold, thank God, but yet we are supposed to be united at this time of war. Truthfully I am more than willing to do anything to help in this war to bring our boys back home, but where is the justice in such rulings as put out by the Office of Price Administration?

No doubt you are a very busy man; your record has proven that. If you can be of any help in this matter, please advise and if you need more details, I will gladly furnish you with them.

Hoping for an early answer, and a favorable reply, I remain,

Very truly yours,

HARRY'S BAKERY.

WEST MILTON, OHIO.

P. S.—The people of this town are very much aroused in regard to this matter as I have the only bakery here, and it means a lot to them in packing lunches, etc. If it is within your power, investigate the ration board in Troy at your convenience. There has been very much criticism against them.

Mr. Speaker, I attempted to take the matter up with the Office of Price Control, and for several days I got the brush-off. I would get connected with the telephone line and then the line within the department would be busy. Finally, the latter part of the week, I got in touch with them. They told me that they looked up the list in their agency and they found no record in Miami County, in which this man's bakery is located, of an increase in population, although that whole county is teeming with war production. Several of the big businesses in that county have been awarded the Army and the Navy E. There is no doubt but what the population has increased. It can be proven in another agency of the Federal Government, because already additional housing has been granted by the National Housing Agency. Priorities are allowed and houses are now under construction.

In another town in Miami County the housing situation is critical, because war factories have made manpower demands,

sometimes as much as 300 percent more than a year ago. They have had to import them. In communities which are 50 percent industrial population and 50 percent country, naturally, they have to draw upon the people from the outlying smaller towns. That is what has happened in this case. In West Milton, Ohio, I am informed by this baker that nearly 80 percent of their people, both men and women, are in defense work. How does it affect the baking business of this little community when the women are working in defense plants? Naturally, they do not have time to bake; so they have to depend more and more upon this little bakery.

I talked to the Office of Price Administration, they say they will not consider it any further; they will not go into the matter; there is nothing that the man can do. He can close his doors and be damned until the 15th of December. He has been closed for almost 13 days now, because he could not get his January sugar until this date.

Mr. CURTIS. Will the gentleman yield?

Mr. JONES. I yield.

Mr. CURTIS. I am very much interested in what the gentleman is saying, because I have an identical situation in a defense county in my district, except that in this particular case the local rationing board offered some temporary help by giving them some extra sugar. This great omnipotent Office of Price Control in Washington has informed the lady that in addition to closing her business, when she does open up she has to pay back the extra sugar she has already gotten from the local board. It is outragecus.

Mr. JONES. I am very glad to have the gentleman's contribution, because anyone knows that a 17-year investment in a going concern can go down overnight when it is closed for one day. This man has been closed for 13 days. I said to the Office of Price Administration, "Can you not give him a temporary allotment?" And I was told by the O. P. A. that that would break down their entire system. I am glad to know that they did it in your case.

Mr. CURTIS. The gentleman misunderstood me. They did not do it. The local rationing board gave it to him and the Washington office says, "You cannot have it. You must pay it back out of your future allotment."

Mr. JONES. They did not grant my baker any additional sugar to pay back when they can review the population situation or his increased demand of 25 percent.

Mr. CURTIS. This individual is worse off than if he had not gotten a temporary order.

Mr. JONES. We passed a bill within the last few days attempting to curb the amount of questionnaires that must be answered. Here is the great Office of Price Administration that has had studies made on a score of questions. A man from one of the business organizations told me he had dug up out of his files of 5 years ago the same questionnaire that came from the Office of Price Administration lately. At that time, 5 years ago, it was to be used as a thesis for this same gentleman, now employed in the Office of Price Administration, for his college degree. At that time business organizations did not have time to answer the questionnaires. Now they are forced to answer the whim of this employee, a former private citizen, a former student, attempting to better his own career.

The Government forces them now to answer the same questionnaires that probably have no more utility than they did 5 years ago. With all the questionnaires that are sent out, the Office of Price Administration at Washington does not know that in this same town where the bakery is closed the building-and-loan institutions' loans increased 25 percent; savings increased 30 percent; the post office shows money-order increases, 50 percent; postage and stamps, 27 percent; an increase in rural route boxes of 25 percent; gas connections, 20 percent. This man's bakery business has increased 25 percent. He has given me a log of what his business requirements were from January 1941 to December. He says, seriously enough, in his comment about reporting this schedule of sugar:

> The only mistake I made was the fact that I told the truth.

I have a clipping from the November 20 issue of the Washington Times-Herald:

> The small business outlook is grim, War Production Board declares.

Yes; it may be grim. Large contracts are handed out to the larger companies, and the O. P. A. runs the little ones out of business with rationing regulations. They draft questionnaires and cavort around the country to aid in their research, but they have a paralysis of analysis of the disaster they are spreading. To back up this statement that they have a paralysis of analysis, I have several letters from the Office of Price Administration with reference to gasoline rationing. Businessmen, who have salesmen on the road to deal with farmers, to help them raise food for freedom—food for victory—asked how much gas would be allowed for their salesmen to call upon the farmers. On December 3, 1942, the O. P. A. said:

> We still have this problem under consideration.

Land of goshen! How long do they have to have a problem under consideration to find a formula? The gasoline-rationing problem in our section of the country is the same as it is in the East for we have about the same percentage of rural and city populations; just about the same problems come up; yet after 6 months they are still studying the problem. O. P. A.'s gasoline division are taking off these rural bakery routes and the sugar bureaucrats have now made it impossible for this baker to serve not only his former customers but the 25 percent increase that has been thrown upon him.

Some morning we shall wake up to find the entire rank and file of small business men in this country out of business and this source of revenue dried up if we permit the O. P. A. to continue its present policy of studying questionnaires, and coming to no conclusions. I sincerely hope something can be done to save the backbone of our country, the small business man.

It may be we have passed through the era of experiment, through the heyday of the New Deal when we were going to save the little man. Do you remember how it was published in the newspapers that a humble colored man in the South, a sharecropper, was able to get the President of the United States on the phone to save his home? This problem is just as serious to the baker in my district as the sharecropper's problem was to him, yet I hesitate to bother the President of the United States, beset by manifold problems of winning the war as Commander in Chief. I think we have reached and are now passing through an era of new dealism that is really fanaticism on the part of these bureaucrats who are trying to make America over. It is nothing short of fanaticism; it is really a religion. They seem to feel that the Good Samaritan approach to the relief of trouble is too old-fashioned.

You remember the story, how the priest and the Levite passed up the man who lay wounded and beaten on the highway. The Good Samaritan came along, bound up his wounds, put him on his mule, took him to the inn, and provided for him until the Good Samaritan could come back and care for him. The new dealers seeing the wounded man on the highway declare an emergency, decide a spending project is the only thing that can help the dying man, investigate the feasibility, call in specialists, but instead of binding up the poor unfortunate one's wounds, they build a new stretch of highway under him.

If we as a Congress are going to neglect the cries of the little business men, of which this instance is one small example among many, many thousands of private enterprise shall fail entirely. I feel that the next Congress will not let these abuses go unheeded. The people will not stand for it.

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. SMITH] is recognized for 5 minutes.

WE SHOULD ESTABLISH A NATIONAL COMMISSION FOR POST-WAR RECONSTRUCTION

Mr. SMITH of Washington. Mr. Speaker, I am glad to have this opportunity to express my hearty support of House Joint Resolution 291, to establish the National Commission for Post-War Reconstruction. I deeply regret that it is not being adopted before the adjournment of this Congress. It was my privilege to appear before the subcommittee of the Committee on Labor, when hearings were held on the original resolution introduced by the distinguished gentleman from California [Mr. VOORHIS] and state some of the reasons why I favored its adoption.

I consider it to be of the utmost importance that studies should be made and plans formulated now to deal with the problems which we know we are going to have to face when this war ends. Congress owes a duty to the American people to legislatively provide the legal machinery for this purpose. Our

post-war social problems are going to be tremendous and we should be studying the means and methods to meet them and solve them properly.

Our first duty, of course, is to the brave men and women who will return to civilian life when peace comes. They are entitled to immediate and remunerative employment and to enjoy the social benefits for which they have fought and sacrificed and risked their lives. If we as a Nation and Government fail in that duty, we will meet and doubtless be subjected to a national chastisement more humiliating and severe in its consequences than could have ever been inflicted by a foreign conqueror.

The maladjustments of family and community life, the dislocations to small business, the conversion of industry, all present problems which will be difficult but possible of solution if they receive sufficient study, consideration and planning while we still have the time to do so.

The resolution of the gentleman from California [Mr. VOORHIS] should have been adopted months ago and a national commission should now be holding hearings, taking testimony, and studying every phase of our post-war problems and formulating plans for the necessary course of action and procedure.

We have made many fine and noble promises to our own people and to the world in regard to the just social and economic order which we have pledged ourselves to inaugurate. We are not only committed, as I have indicated, to dealing resolutely and effectively with the post-war problems arising directly out of the present conflict but also we stand committed to doing something about the social and economic problems which vexed and plagued us before the outbreak of the war, which, indeed, contributed essentially to bringing on the war. We should also be studying these problems, such as the production and distribution of wealth, doing away with poverty, education and abolishing ignorance, monetary reform, and the underlying causes of social injustice and economic insecurity, the causes of war.

Are we going to let the Nation drift again after the war ends, or are we going to have the intelligence, moral courage, patriotism, vision, and Christian statesmanship to do something about these matters? If there ever was a time in our history and the history of the world when such a national c`mmission, as is contemplated by the pending joint resolution, should be functioning, that time is now.

Mr. Speaker, under unanimous consent, I insert as part of my remarks the statement which I made before the subcommittee of the Committee on Labor on June 30, 1941.

The statement is as follows:

ESTABLISHING THE POST-EMERGENCY ECONOMIC ADVISORY COMMISSION AND A NATIONAL UNEMPLOYMENT COMMISSION

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON LABOR,
Washington, D. C., June 30, 1941.

The committee met at 10 a. m., Hon. ROBERT RAMSPECK (chairman) presiding.

Mr. RAMSPECK. The committee will be in order. We will hear first our colleague from the State of Washington, Mr. SMITH.

STATEMENT OF HON. MARTIN F. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. SMITH. Mr. Chairman and members of the committee, I deeply appreciate this opportunity to appear before the committee. I desire to commend our colleague the gentleman from California [Mr. VOORHIS] for presenting House Joint Resolution 76 to the House. I also desire to commend the Committee on Labor, and particularly this subcommittee, for conducting hearings on that resolution, which I think is of great importance and presents to Congress a subject which is certainly vital and ought to be acted on favorably. I have no prepared statement and will discuss this matter very informally.

For many years, even prior to the time I was elected to Congress, I have been interested in the subject of economics, and since I was elected to Congress, in 1932, I have tried to study that subject to as great an extent as time and my official duties permitted. I think I have read about every important book that has been written on the subject, and I have tried to read as many of the reports of committtees of Congress bearing on the subject as time has permitted.

I think we all must be agreed that there is something radically wrong with our economic and social system. We find that it is the opinion of leading chemists, engineers, scientists, and inventors that we have in our country all the necessary raw materials; we have the skilled labor; we have the industrial plant; we have the transportation and communication systems; and we have everything that is necessary to provide all the people of our country with the basic necessities of life—food, clothing, and shelter; and yet in the midst of all this abundance and this plethora of everything that is required to make people comfortable and happy we find a condition of poverty, destitution, unemployment, and human misery which is absolutely appalling.

Our administration, of which I am happy and proud to be a part, has had to face this problem now for 9 years. Of course, it became acute several years before we came into power, and yet, much to our regret and chagrin and disappointment, I think we have not made any fundamental approach to the solution of these problems at all.

Here we find ourselves at the end of 9 years still having to conduct a Work Projects Administration program or a relief program.

I just want to cite a few statistics from reports of the Social Security Board on wages. For instance, in 1937, which was the highest wage year between 1929 and 1939, of the 30,000,000 wage earners in industry, commerce, and transportation, more than one-third had annual incomes of less than $500; about 8,500,000 of these workers had an annual income of less than $300. More than 14,500,000 had an income, an annual income, of less than $700. Close to 19,000,000, or two-thirds of the workers, had annual wage earnings of less than $1,000. These figures do not include domestic workers or agricultural workers, who are among the lowest paid in the country.

This means that two-thirds of our wage earners receive less than $1,300, set as an absolute minimum by our Government for a family of four, a father, a mother, a boy of 13, and a girl of 8. The Heller Committee for Research in Social Economics, at the University of California, has set $2,200 as a minimum for health and decency for a family of five. Ninety percent of our wage earners fall below this level.

Consequently, it must be obvious to us that there is something wrong with the distribution of earnings and wealth in this country when it can so truthfully be said that we have a few men with millions of dollars and millions of men without a dollar, and who apparently cannot find any opportunity to make a dollar.

It has never been my opinion that the Government owes anybody a living, but certainly the Government owes everybody an opportunity to make an honest living. Life, liberty, and the pursuit of happiness, which are the keystone in the temple of our Government, become a hollow mockery when so many millions—in fact, the great majority of the masses of the people of this country—apparently cannot even make a decent living and secure the fruits of their labor, which they are ready, able, and willing to perform.

Certainly, therefore, I agree that a committee of Congress should be appointed and empowered under the resolution introduced by the gentleman from California and by Senator WAGNER in the Senate, to conduct a thorough-going study and investigation of all these conditions which bear upon the economic life of the people of this country, and which will confront us whenever the present war ceases.

I hope in that connection that the committee, when it is appointed, will also study our banking and monetary system. We are agreed, and every fact indicates it, that we could produce easily not only what is necessary, but a surplus of the necessities of life—there could be a surplus provided. In fact, it is estimated by leading chemists, engineers, and economists of highest repute that we in the United States could by availing ourselves of the benefits of agricultural chemistry, feed the world. We could become the bread basket for the world, and we could spread a a table for the entire human race so that they could have all the food that they require, from this country alone.

In fact, it has been estimated that in the State of Texas alone we could raise enough food to feed the entire United States of America. Yet we have right in the midst of that condition all this appalling unemployment and poverty and destitution and human misery.

It is a serious reflection upon every person who is connected with the Government, and certainly upon every Member of Congress, because we owe a duty which we must discharge to the people of this country. Therefore, I say there must also be something wrong with our banking and monetary system, because apparently we do not have a system under which we can distribute these foodstuffs and the goods which we can manufacture to the people of the country who are in need of them.

I view a monetary system as being merely a transportation system. You can also compare it with the use of the postage stamp. The purpose is delivery, to transport these articles, these products, to those in need of them. There, it seems to me, is where our monetary and banking system has broken down. We are agreed we can produce all these goods, and a surplus, and yet we do not seem to be able to get them into the hands of the people who are in desperate need of them. That largely must be the fault of the monetary and banking system. We are not succeeding in distributing what we are capable of producing.

It was my privilege on the 21st of May to take part in a seminar on the present relations between money and income which was held in New York City. The chairman was Senator JOSEPH O'MAHONEY, of Wyoming. I appeared as a member from the House. Other members of the panel were Mr. Stuart Chase, economist and writer; Dr. Noel Sargent, secretary of the National Association of Manufacturers; Dr. Murray Shields, economist for the Irving Trust Co.; Dr. Bradford Smith, economist for the United States Steel Corporation; and Prof. Ray Westerfield, of Yale University. We had a seminar which was supposed to last about an hour. We met at 2:30 and were supposed to conclude at 3:30. But we continued—we were so interested and absorbed—we continued until after 5 o'clock. We asked and answered questions regarding

the present relations between money and income, and that is one of the phases of our problem which I had in mind when I referred to our banking and monetary system.

I think that is one subject that we need to go to the bottom of, and it certainly would be a proper province of such a committee as the one contemplated by the resolution of the gentleman from California.

Then, in conclusion, may I suggest that it seems to me we are suffering also from a moral depression, a spiritual depression. I think the committee should give some study to that.

Dr. Frank N. D. Buchman, the founder of the moral rearmament movement, has said that we have enough for everybody's need but not enough for everybody's greed. I think it would be well for the committee to give some thought to the moral rearmament program. They have just issued a booklet, You Can Defend America. I want to commend it to the members of this committee, as I have to every other Member of the House and of the Senate.

We are certainly suffering from a spiritual depression in this country. Those few who have succeeded in getting control of the finances and the wealth of this country apparently fail in their obligation and in their duty to the masses of the people and are determined to get all of the profit that they possibly can exact from the people of the Nation. They need to get a different viewpoint, it seems to me.

The time is coming in our country when we are going to have to consider more the p-r-o-p-h-e-t-s instead of the p-r-o-f-i-t-s. That time is probably not far distant.

When you come to consider what we can do in this country to give employment, the Brookings Institution has estimated that the capital that could be required to make good the impairment of the heavy industries—that is, improvements that could be made and should be made in the industrial structure of the country—would be tremendous. We realize now, according to the estimates, that 40 percent of the employable people in this country, with the present machinery and plant that we have, could produce everything that is required, showing what a surplus of labor you are going to have and their scheme of further shortening the workday and workweek and retiring citizens past middle life. However, if we modernize, bring our machinery and industrial plant down to date, and take advantage of the discoveries and improvements that have been made available by engineers, inventors, and scientists in the past decade, then you could probably get along with about 25 percent of the available skilled labor in the country. It would cost between $22,000,000,000 and $26,000,000,000, according to the Brookings Institution, to bring that industrial plant down to date, the expenditure of which would involve a great deal of employment and use of materials of all kinds.

It seems to me we are on the threshold of Utopia if we avail ourselves of all the progress that has been made instead of continuing to deprive our people, the masses of our people, of these advantages and improvements through a short-sighted policy of pure selfishness and ignorance. It must be both. It must be selfishness and it must be ignorance. That reminds me of a little story—and, if I may, I shall conclude by telling this story, Mr. Chairman—of the experience of our colleague from Oklahoma, WILBURN CARTWRIGHT. The story has not been generally told, and perhaps some of you may not have heard it. A constituent of his came to Washington from one of his rural counties a few summers ago and spent about a week in the Capital. Of course, he had a great time and saw a great many interesting places. When he got home to Oklahoma, his friends asked him how he enjoyed his time here in Washington. Well, it was in the month of August, and during that time we all know about the humidity. The humidity here is very bad at that time. He had heard a good deal about it. Now, it happened that the old gentleman was a little deaf and so when they asked him how he enjoyed his trip to Washington he replied that he had had a fine time; he had seen a great many historic places, very inspiring and very interesting places; "but," he said, "the stupidity was awful." [Laughter.]

Now, I do not want to be quite as harsh as that; but I do think it is about time that we got down to the bottom of our problems and tried to find out what was wrong with our country and with our economic and social system and consider fundamentals instead of expedients and temporary palliatives.

I want to congratulate you, Mr. Chairman and members of this committee, because you have the courage and the foresight and are willing to sacrifice the time to undertake that important duty. I think it is very important, and I know you are going to have the cooperation and support of every Member of Congress.

Thank you very much.

Mr. RAMSPECK. Thank you, Mr. SMITH. Are there any questions?

Mr. LANDIS. I would like to know which of these resolutions you favor, 59 or 76? Do you have any preference?

Mr. SMITH. I have no particular preference. I thought they were almost identical. Of course I favor the one Mr. VOORHIS originally introduced. I think that is House Joint Resolution 59.

Mr. DAY. You mentioned House Joint Resolution 76 in the first part of your statement.

Mr. SMITH. As I stated at the outset, I am speaking extemporaneously and have no prepared statement. I may have inadvertently misspoken there. I should have referred to House Joint Resolution 59.

Mr. VOORHIS. The only difference is in the make-up of the commission, Mr. Smith.

Mr. SMITH. Yes.

Mr. KELLEY. I think what the gentleman had in mind was with reference to the size of the proposed commission. That is what we are interested in; that is, whether it should be a large or a small commission and what representation they should have on it. That is the thing we are trying to determine. The make-up of the commission is a very essential matter to decide, because on it may depend the efficiency of the work that may be accomplished. If it is too large it may be cumbersome.

Mr. SMITH. I would think that a rather small, compact commission would do a better job.

Mr. DAY. You appreciate that the element of credulity becomes important. What I mean is that the people feel that the Old Deal did not make good and the New Deal has not fulfilled so much of the promise, so that the element of credulity becomes a part in connection with this new plan.

Mr. SMITH. Yes. I do not think anybody has any one plan, because this whole matter has too many phases and ramifications to it. It is going to require, it seems to me, a thorough study and probing of our entire social and economic system, more or less. We are going to have to consider doing things which we have never done before. You are going to have the problem of trying to get the purchasing power into the hands of the people. We have the farm problem, which we have not solved. Then you have the matter of idle capital in this country. We are suffering not only from idle labor but from idle capital. You have to consider the investment field in that connection and what is wrong with it.

Finally, as I mentioned before, you have the banking and monetary system, which seems to have broken down completely, and is not performing the functions for which it was originally designed at all, the movement of goods and services.

Whichever commission is appointed, they will have the biggest task to perform, it seems to me, that has ever faced any group of men in the history of the Congress, in order to do a thorough job. They ought to call before them, when they have their hearings, every person in the country who is an authority on any of these subjects, and particularly engineers, chemists, scientists, inventors, students of money and finance, as well as leaders of labor, agriculture, religion, and industry.

If the engineers, chemists, scientists, and inventors were consulted freely they could provide a superabundance, if they were permitted to do it, of the basic necessities of life—food, clothing, and shelter—for every man, woman, and child in America.

A group of scientists said not long ago that the countries of the world for instance—if you want to go outside of our own boundaries—could sustain in comfort and even luxury a population six times the present population of the earth. Yet, due to our blindness, we have wars raging in Europe because nations are fighting for what they call living room and because they cannot agree on the division of the natural resources and raw materials and are slaughtering the human race when there is no justification or excuse for it whatever.

If we could have cooperation among the nations, just as much as we need cooperation within our own country, these problems could be solved. Sometimes I wonder if Bernard Shaw was not right when he said that undoubtedly this planet was the insane asylum of the solar system.

Mr. CONNERY. In view of what you have said, that our whole economic system will have to be reconstructed following this present emergency—and I think we all agree on that—I was wondering why you would favor a small commission which might bring about a representation only of the so-called technocrats, and on which you would not get the representation of the various voices that should be heard throughout the country, such as industry and labor. I am referring to direct representation. Take labor, for instance. Of course, that is what I am wholeheartedly interested in.

Mr. SMITH. So am I.

Mr. CONNERY. Labor means the people.

Mr. SMITH. Absolutely, for they are the majority.

Mr. CONNERY. And if anybody should have a voice, they should have a voice on this commission.

Mr. SMITH. Yes; I mentioned that group first.

Mr. CONNERY. Of course, in the commission's dealings they will have to get the other side of the story, and there should be a direct representation from industry. Then it has been proposed here, and I think you will agree, that religion should be heard on this proposition.

Mr. SMITH. Yes; our religious leaders should analyze the economics of the Bible, which are practical but have not been applied as yet.

Mr. CONNERY. There has been too little religion.

Mr. SMITH. There has been entirely too little, and that is the main cause of all our troubles. We have been disregarding and violating the basic laws of the universe which are spiritual and moral.

Mr. CONNERY. Do you not think, in view of that, that a larger commission might be advisable in order that these voices might all be heard in direct representation rather than just being brought in to give testimony, and then made to step aside?

Mr. SMITH. It just occurs to me that it might be possible to have an advisory committee of a larger number representing every segment of our population.

Mr. LANDIS. Most of our witnesses have objected to that.

Mr. SMITH. Then to have a smaller working commission that would actually conduct the hearings, and would do most of the real work—the laborious work that would have to be done—the results of which, or the findings of which, could be submitted to this more numerous group for further study, analysis, and final conclusions and recommendations.

It has been my observation here in Congress and all through my life that if you want a job well done, you have got to centralize the responsibility and the performance of the task itself. If you have too many working at it, usually you do not get as good results. Is not that generally true?

Mr. CONNERY. I think that is true. But I feel that these voices that we have mentioned because they represent a majority of the people, should have direct representation on this commission.

Mr. SMITH. Yes. You should have labor, I would say, first of all; and you should have agriculture.

Mr. CONNERY. That is true.

Mr. SMITH. You should have industry and you should have science, religion, and finance.

Mr. CONNERY. Of course, if you have three Members from the House and three Members from the Senate, and six other members representing public groups, you are going to be in a difficult position to try to get representation for all of these various groups who should be heard, within the six remaining after you have appointed the three from the House and the three from the Senate.

Mr. SMITH. Your field is so vast, the field that you are going to have to consider, that it might be that a commission of 21 or 25 members might be necessary and advisable. Of course, if you did have that many, you could divide it up into subcommittees. That could be easily done, and it might be advisable for each subcommittee to consider certain specific problems, such as Mr. VOORHIS' unemployment conference of the House of Representatives, of which I have had the honor to be an active member in the last Congress and in this Congress. We have had the work subdivided and have considered 8 or 9 vital subjects by separate groups. Then afterward the smaller group reports to the full conference. Some such arrangement and division as that might be practicable.

Mr. CONNERY. That is the big question that we have here.

Mr. SMITH. I realize that is a question to which the committee will have to give a great deal of consideration.

Mr. RAMSPECK. Thank you, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Speaker, I ask unanimous consent to insert as part of my remarks a statement which I made before a subcommittee of the Committee on Labor on June 30, 1941.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. HARNESS] is recognized for 5 minutes.

Mr. HARNESS. Mr. Speaker, I have been intensely interested in the discussions of my two distinguished colleagues, the gentleman from Indiana and the gentleman from Ohio, concerning the tragic situation facing the small businessman and small industry in this country. At intervals during the past 18 months I have urged this Congress to do something to alleviate this distressing situation. We, of course, recognize the fact that some of the things that have happened to small business and industry are the inevitable result of war, but most of the things that have happened to destroy small business and industry are due to the bungling bureaucracy this Congress has permitted to exist in Washington during the past several years.

During the past months I have received hundreds of communications from business men and women in my district and State, but today I want to call this particular letter to your attention.

The letter is dated December 8, 1942, and reads as follows:

ANDERSON, IND., *December 8, 1942.*

DEAR MR. HARNESS: I just can't keep silent any longer. I am trying so hard to be 100 percent behind the war effort. I have one son in the service and another who will come under the 18-year-old draft. For that reason and countless others, we pray for speedy victory. In everything that we as a family do we are conscious that we are in war and have governed ourselves accordingly.

But here is the "hurt." Our auto agency, our only means of income for our family of six, was padlocked last January 1st. My husband being an aggressive person, immediately took stock of what remained of our little business to determine how he could make ends meet with big overhead expense, last year's taxes, a family to feed and educate, a home to finish paying for, etc., etc. The shop and small farm must then furnish our means of support.

For almost a year now the shop has been operating under great handicaps due to the fact that Delco-Remy and Guide Lamp factories are paying wages we cannot compete with. Some of the mechanics have preferred to remain with us, but the Selective Service has frightened them into going to the factory by threats. The above-mentioned factories have even come into the shop in person and hired the men. Therefore, a shortage of skilled auto mechanics has reduced the operation of the shop. I thought in a large industrial city your genuine auto repair shops were considered a vital and essential business. We are forced to turn the customers away daily because of shortage of help. Foreseeing he must do something further, my husand opened a semimachine shop. It took weeks of preparation, a lot of waiting for priority numbers to purchase machines and materials. He started with one "ace" operator and himself, this shop was opened in our former salesroom, and he was beginning to see the way, all parts made were accepted and orders for more are on file. Then the last straw came yesterday, Mr. HARNESS, which prompts me to write you. The United States Employment Agency which came under Mr. McNutt December 7, forced this operator to leave my husband's machine shop to go to one of three factories here. He tried to explain to the board that what he was doing was as vital to defense as anything he could do in the factory. But the Board replied, "You go where we tell you or else we will put you where you won't want to go, and as for these little one-man businesses, they will all soon be out of business." For your information, the very employees that the factories have "drafted" from our repair shop have come back time and again and related how they stand around and do nothing all day. One man told me himself that our little 8-year-old could do all he had to do. Another said he didn't know what they called him for, he did nothing all evening but smoke and chat with others. Surely, Mr. HARNESS, this isn't the way Mr. McNutt intends to distribute labor? Is the one-man business doomed? Will he lose all his investment in a modern, up-to-date auto agency and now his investment in machines and materials for which he has Government orders and can't operate? We are trying to squeeze a small profit out of a small farm on which he has stock. But the rationing board has cut his allowance for gasoline in half.

He is now too discouraged to fight or care. All our years of work to establish some security seems to have been in vain.

Would you show my letter to Hon. McNutt. I am sure there are others who are under the dictatorship of such local agencies and I can't believe it is his policy.

Thanking you,

MRS. D. J. MUNSON,
Rural Route 2, Anderson, Ind.

[Here the gavel fell.]

Mr. HARNESS. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HARNESS]?

There was no objection.

Mr. HARNESS. Mr. Speaker, this is just typical of the disasters that have overtaken and are overtaking thousands of small businessmen throughout the Nation. It is next in tragedy to this war and unless the next Congress does something to alleviate the suffering of these people, it indeed will be a national tragedy and a national disgrace.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. HARNESS. I yield to the gentleman from New York.

Mr. DICKSTEIN. Have we not enacted a small-business law and have we not appropriated some money to help the very conditions that the gentleman is speaking about? And may I say I am in full sympathy with the gentleman's views?

Mr. HARNESS. Yes, but what can they do as long as you have a bureaucracy down here that is handling the manpower situation as they have so far handled it?

Mr. DICKSTEIN. How would the gentleman correct these conditions?

Mr. HARNESS. By stopping these threats to employees, and by driving this administration to correct the inequities which are destroying small business. Also by exercising the constitutional authority entrusted to Congress to protect the American system of free enterprise from this increasingly dictatorial bureaucracy.

Mr. DICKSTEIN. I think the gentleman should follow through with that.

Mr. RICH. Will the gentleman yield?

Mr. HARNESS. I yield to the gentleman from Pennsylvania.

Mr. RICH. Did you ever see any force imposed upon any one greater than that imposed upon Montgomery Ward & Co., demanding that they take on all the orders of the National Labor Relations Board?

Mr. HARNESS. Of course, the entire Nation is amazed at such dictatorial, bureaucratic action on the part of this Government.

Mr. RICH. It is a shame and a disgrace to American liberty and American independence.

Mr. WOODRUFF of Michigan. Will the gentleman yield?

Mr. HARNESS. I yield to the gentleman from Michigan.

[Here the gavel fell.]

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that

the gentleman may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

Mr. WOODRUFF of Michigan. May I ask the gentleman this question: Is it not true that this is the first time when the President personally has indulged in the bureaucratic action to which the gentleman just referred in such scathing terms?

Mr. HARNESS. Of course, it is the first time I have ever seen or heard of such a thing happening. I shall comply with the request of this correspondent and send her letter to Mr. McNutt, and I believe the House will be interested in learning what action the War Manpower Commissioner will take to effect a solution to these problems.

[Here the gavel fell.]

ADJOURNMENT SINE DIE

Mr. McCORMACK. Mr. Speaker, I call up Senate Concurrent Resolution 41.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Wednesday, the 16th of December 1942, and that when they adjourn on said day, they stand adjourned sine die.

The resolution was agreed to, and a motion to reconsider was laid on the table.

RETURN OF H. R. 5444 TO SENATE

The SPEAKER laid before the House the following request from the Senate, which was read:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purpcses, together with the Senate engrossed amendment thereto.

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

SIGNING OF ENROLLED BILLS

The SPEAKER laid before the House the following concurrent resolution (S. Con. Res. 42), which was read:

Resolved by the Senate (the House of Representatives concurring), That, notwithstanding the adjournment of the second session of the Seventy-seventh Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

The resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

(Mr. CARLSON asked and was given permission to extend his own remarks in the Appendix of the RECORD.)

Mr. BATES of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Harold Parsons at the celebration of the three hundredth anniversary of the city of Gloucester.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of tomorrow's RECORD and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Gatling, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 6386. An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry; and

H. J. Res. 359. Joint resolution to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America".

COMPENSATION OF GOVERNMENT EMPLOYEES

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 170, extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the joint resolution, as follows:

Be it resolved, etc., That the joint resolution entitled "Joint resolution extending the period for which overtime rates of compensation may be paid under certain acts," approved July 3, 1942, is amended by striking out "November 30, 1942," and inserting "April 30, 1943": *Provided*, That the authorization contained herein to pay overtime compensation to certain groups of employees is hereby extended, effective December 1, 1942, to all civilian employees in or under the United States Government, including Government-owned or controlled organizations (except employees in the legislative and judicial branches), and to those employees of the District of Columbia municipal government who occupy positions subject to the Classification Act of 1923, as amended: *Provided further*, That such extension shall not apply to (a) those whose wages are fixed on a daily or hourly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, (b) elected officials, (c) heads of departments, independent establishments and agencies, and (d) employees outside the continental limits of the United States, including Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed: *Provided further*, That overtime compensation authorized herein and under the Act approved February 10, 1942 (Public Law No. 450, 77th Cong.) and section 4 of the act approved May 2, 1941 (Public Law No. 46, 77th Cong.), as amended, shall be payable only on that part of an employee's basic compensation not in excess of $2,900 per annum, and each such employee shall be paid only such overtime compensation or portion thereof as will not cause his aggregate compensation to exceed a rate of $5,000 per annum: *And provided further*, That officers or employees whose compensation is based on mileage, postal receipts, fees, piecework, or other than a time-period basis or whose hours of duty are intermittent, irregular, or less than full time, substitute employees whose compensation is based upon a rate per hour or per day, and employees in or under the legislative and judicial branches, shall be paid additional compensation, in lieu of the overtime compensation authorized herein, amounting to 10 percent of so much of their earned basic compensation as is not in excess of a rate of $2,900 per annum, and each such employee shall be paid only such additional compensation or portion thereof as will not cause his aggregate compensation to exceed a rate of $5,000 per annum.

SEC. 2. Within 30 days after the enactment of this act the heads of departments and agencies in the executive branch whose employees are affected by the provisions of this joint resolution, shall present to the Director of the Bureau of the Budget such information as he shall require for the purpose of justifying the number of employees in their respective departments or agencies. If any such department or agency fails to present such information or if, in the opinion of the Director, the information so presented fails to disclose that the number of such employees in any department or agency is necessary to the proper and efficient exercise of its functions, the personnel of such department or agency shall be reduced, upon the order of the Director, by such number as the Director finds to be in excess of the minimum requirements of such department or agency. Upon the expiration of 30 days from the date of issuance of such order by the Director of the Bureau of the Budget the provisions of the first section of this joint resolution shall cease to be applicable to the employees of the agency affected by such order, unless and until the head thereof has certified to the Director of the Bureau of the Budget that such order has been complied with. The Civil Service Commission is authorized to transfer to other departments or agencies any employees released pursuant to this section, whose services are needed in and can be effectively utilized by such other departments or agencies.

SEC. 3. The provisions of the Saturday half holiday law of March 3, 1931 (46 Stat. 1482; U. S. C. title 5, sec. 26 (a)), are hereby suspended for the period during which this joint resolution is in effect.

SEC. 4. This joint resolution shall take effect as of December 1, 1942, and shall terminate on April 30, 1943, or such earlier date as the Congress by concurrent resolution may prescribe.

Mr. RAMSPECK. Mr. Speaker, the House probably remembers that on two occasions we have by joint resolution extended the overtime pay for about 52 percent of the employees of the Government. The last extension expired on November 30, and we have been making an effort to work out the situation.

The present Senate joint resolution extends the overtime provisions which were in effect up to November 30. In addition, it extends the same privilege to other employees in the Government service who work on an hourly or weekly basis, putting them on the same basis as those who were under the resolution which expired on November 30. It pays, not time and a half but about time and a quarter. This is based on a computation of 306 days instead of 280, as it would be if you would base it on a straight 40-hour week. This means that those who would work 48 hours would get 21 percent, as I recall, in overtime pay; and if they would work 4 hours overtime, they would get about 10½ percent.

In addition, the bill provides for a 10-percent increase in pay for employees who do not work on an hourly basis, including the employees of the legislative and judicial branches of the Government. It includes all employees in the Capitol here. However, a limitation is involved both as to overtime and the 10 percent. It is payable only on the first $2,900 of a person's pay. If a person gets $3,000 a year, he gets the increase on $2,900. Those who make more than $5,000 do not get any increase or any overtime.

Briefly, that explains what this joint resolution does. It is limited to expire on April 30, 1943. It is hoped that the new Congress in the first 3 months of its life will work out this problem on a satisfactory basis.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I am interested in section 2 of this bill, and I shall read a portion of it to the House:

SEC. 2. Within 30 days after the enactment of this act the heads of departments and agencies in the executive branch whose employees are affected by the provisions of this joint resolution, shall present to the Director of the Bureau of the Budget such information as he shall require for the purpose of justifying the number of employees in their respective departments or agencies. If any such department or agency fails to present such information or if, in the opinion of the Director, the information so presented fails to disclose that the number of such employees in any department or agency is necessary to the prompt and efficient exercise of its functions, the personnel of such department or agency shall be reduced, upon the order of the Director, by such number as the Director finds to be in excess of the minimum requirements of such department or agency.

Then further on in this section we read:

The Civil Service Commission is authorized to transfer to other departments or agencies any employees released pursuant to this section, whose services are needed in and can be effectively utilized by such other departments or agencies.

I wish to ask whether the end to be sought here is to stop or slow down the employing of new personnel and try to make use of the excess employees for new positions that may be called for in the future? Is that the intention of this provision?

Mr. RAMSPECK. That is my understanding of it, and I may say to the gentleman from Ohio that I share what I think is his view, that we ought to take whatever method is possible to hold down the number of employees, and reduce that number in any case where it can be shown there is an excess. I think the purpose of the last sentence which the gentleman read is to give somebody authority, to transfer surplus employees, if there is found to be a surplus, to an agency that may be expanding. Of course, we will have some agencies in the future that may expand, necessarily so, but I think unquestionably that there has been some overstaffing in the hurry to expand these agencies for war purposes, and this is a good way, I think, to put a check on them, and give the Director of the Budget some authority and the Civil Service Commission some authority, to put that check on.

Mr. SMITH of Ohio. The language of this section would indicate a clear recognition of the all-too-evident fact that there is overstaffing of Government personnel and that something should be done about it. Maybe this does not mean much but it at least indicates a sign pointing in the right direction and we ought to be glad even for that.

The whole country is aware of the enormous redundancy of persons on the Federal pay roll. I believe there are a million more persons on the Federal pay roll now than are necessary. I am convinced if that number were eliminated no harm would be done to the Federal services, but on the contrary they would be greatly improved.

It is my sincere hope that the next Congress will not hesitate to take drastic steps to bring about a substantial reduction in the number of persons now employed in the executive branch of the Government.

I am sure a great many Members would feel better in supporting this measure if we had more assurance that the greatly overstaffed agencies of the Federal Government would be reduced to a size consistent with real requirements.

Mr. RAMSPECK. I shall certainly cooperate with the gentleman in any way I can to remove from the pay roll any unneeded employees.

Mr. RICH. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. RICH. Let me ask the gentleman from Georgia about this matter. Nearly 60 days ago, or a little more than 60 days ago, the gentleman said that if we extended at that time the bill for 60 days they would have a new bill in the House so that we would not inconvenience these employees. Why did we not have the bill brought in so that we could act on it in better manner than by unanimous consent today?

Mr. RAMSPECK. The only answer that I can give the gentleman is this. Another bill was worked out, and we expected it would come up in the other body about a month ago, but then the steering committee over there decided they would not let it come up. Another bill was worked out and reported and for some reason the Senate Civil Service Committee abandoned that and took this up. That is the only answer that I can give the gentleman.

Mr. RICH. If we extend this to April 30, 1943, is it reasonable to suppose that the committees, both in the House and in the Senate, will take action on this bill and get legislation that will be more permanent, so that the Government employees will know what is going to happen and the people of the country will know what is going to happen so far as the wages of these employees are concerned?

Mr. RAMSPECK. I think I can assure the gentleman, as far as the House committee is concerned, that we will make earnest effort to work out a reasonable sciution of the matter between now and April 30, 1943.

Mr. RICH. There is one thing that I want to be sure of before we let the bill go through and that is that all Government employees who are now receiving time and a half or double time for any of their services are not going to benefit on that part of their labors on which they get time-and-a-half time and double time. Is this 10 percent going to be applied to those employees who are receiving time and a half or double time? If it is, we cannot let this go through, because that would not be right.

Mr. RAMSPECK. No; the 10 percent applies only to those people who do not benefit from the overtime.

Mr. RICH. I am very glad to hear that because I understood that was to be applicable to certain branches of the Government and not to others. It would not be fair, and we could not permit it to go through.

Mr. RAMSPECK. Frankly one of the things that has delayed this legislation is that there has been an effort upon the part of some employees of the Government to get both overtime and the 10 percent. That is not in the bill. They will get their overtime or the 10 percent.

Mr. RICH. Then I want to congratulate whatever Senator it was over there in the other body who brought that about, because whoever it was did the country a real service. Fifty-two percent of the Government employees are benefited here. Why could they not have made the benefit applicable to all Government employees?

Mr. RAMSPECK. This bill does make it applicable to all of them. It treats them all alike. All those who work on an hourly basis are put under the overtime provision until the 30th of April next and those who do not work on a weekly schedule are given the 10 percent.

Mr. RICH. One other statement I desire to make. No manufacturer in this country, no storekeeper or farmer or businessman can raise the wages of his employees without following out the Executive order made by the President setting up Jimmie Byrnes as a dictator of wages. Nobody can raise wages 1 penny without getting permission from Jimmie Byrnes.

This Congress gave that permission to the President and he in turn gave it to Judge Byrnes. Why is it that the Congress will not permit anybody else in the country to do that, yet you come in here with a bill and do the very thing that you refuse to permit the people of this country to do? Where is there any justice in that?

Mr. RAMSPECK. I think the justice for it is this, that these employees have had no pay raises, in most cases, since 1923 or 1925. Private employees, who are now being regulated by the act of Congress, have in most cases, at least, had pay increases within recent years.

Mr. RICH. Suppose there are those who did not receive pay increases?

Mr. KOPPLEMANN. If the gentleman will yield, they are permitted to pay up to 15 percent over January 1, 1941—increase their pay.

Mr. RAMSPECK. As a matter of fact, in the law which we passed, to which the gentleman from Pennsylvania refers, and the power of which has been delegated more or less to Mr. Byrnes, it does permit increases, but only subject to the War Labor Board.

Mr. RICH. Yes; they have to approve it.

Mr. RAMSPECK. In other words, we did not put an absolute ceiling on wages.

Mr. RICH. Will Mr. Byrnes have to review this legislation and pass on it?

Mr. RAMSPECK. No, sir; he does not.

Mr. RICH. This is taking it out of his hands? In other words, this is the law when it passes the House?

Mr. RAMSPECK. That is my understanding. He has nothing to do with this.

Mr. RICH. Then if a Government employee who does not do greater piece work than someone in an industrial plant doing the same amount of work—work of a similar character—you take authority now to grant him a wage raise, but you refuse the manufacturer or the businessman the right to grant that wage to the individual whom he employs. It does not smack of justice to me. It does not sound good; but we are not going to argue that here now. I do not think it is sound legislation. We have had to do many things that I do not like.

Now, another thing, we passed the 40-hour week. We passed that for one purpose, and one purpose only, and that was to give more jobs to more people. Today we are at war, and in a terrible war. We need everything that we can produce, not only on the farms, but in our industries. Every man in this country ought to work to the limit of his ability if we are going to win the war. In the face of conditions like that, is this Congress going to go away from here today and say that we are going to have a 40-hour week, when the men in the trenches are working 24 hours a day, and perhaps some of them 2 or 3 days at a time? That does not sound good to me. I hate like everything to go away from here saying that, but I do not want to block legislation that will do some good, because I think in 4 months you will do more good in trying to get this legislation made permanent than if we block it today and then try to do it within 2 or 3 weeks after we meet in January. I think I would be doing a greater injury to the Government if I did that than if I allowed this to go through. If it were not for that, this legislation would never get through in the world, because I would not stand for it. I hope that the gentleman from Georgia will get his Labor Committee to extend that 40-hour week. If you do not get some new blood on that Labor Committee you will not do anything, because the radical labor leaders of this country have the chairman of that Labor Committee and a good many others, and it is a terrible shame. But if you are going to be in war you ought to extend that labor week, I would say as a minimum, to 44 hours, and it should go to 48 hours. That should be the minimum. I hope the gentleman, for the good of the country and for the good of the men who are in the armed services, will give attention to that, and extend this 40-hour week to at least 48 hours.

Mr. RAMSPECK. I want to thank the gentleman for his cooperation.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kansas.

Mr. REES of Kansas. While I realize this is temporary legislation and will extend for only a few months, I think it is all wrong that this measure to adjust the pay of Federal employees should come up at the closing hours of Congress, when we have had months and months during which to work on this legislation. This legislation has not even been before the Civil Service Committee of the House for consideration. The unfortunate thing is that if defeated, several thousand employees will not even get their pay checks as in the past. Because of them, that part of the legislation should probably be adopted. It may be possible, of course, that the Congress, after deliberation, would favor this legislation, but I say again it is not right and not the way to do, to bring legislation of this kind before this House at its closing hours, and when only a few are present, and have it passed in this manner. I realize the legislation is temporary, but even at that, the method of handling it is not the kind that should be advocated by the leadership of this House, nor should such methods be approved by its membership, as I view it.

This legislation, even though it is temporary, should not be brought to the floor of the House in this manner. The gentleman from Georgia, Chairman of the Committee on Civil Service well understands that.

It should have been submitted to the Civil Service Committee and then brought to the floor in regular order, so it could be properly debated and subjected to amendments.

It is just not right, regardless of the merits of the legislation, to bring up a measure of such importance in the last hours of the session, when only a few Members are present, and ask that it be passed.

Mr. RAMSPECK. That would be the much better procedure, and I am sorry we have to take it up this way. But may I call the gentleman's attention to this fact, that this resolution, as passed by the other body, is almost identical with the two bills on which our committee held hearings?

Mr. REES of Kansas. But that committee never recommended either of those bills for passage. The committee never even voted on them, as a matter of fact.

Mr. RAMSPECK. The gentleman is correct about that. I appreciate his point of view.

Mr. REES of Kansas. We are now dealing with this big subject affecting a million people in a very unsatisfactory way, when we could have handled it otherwise if we had got down to business and worked on it as could have been done.

Mr. RAMSPECK. I think it could have been done much better. I hope the gentleman will join me in the next Congress in helping to work this out in some satisfactory way.

Mr. REES of Kansas. I tried all last year to get something done, but we did not even hold hearings.

Mr. RAMSPECK. We will in the next Congress.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RANDOLPH. I think the questions and observations directed to the distingushed chairman of the Committee on the Civil Service are certainly indicative of the feeling in this body on both sides of the aisle, that there is an over-staffing of several agencies of Government during wartime, and also a certain inefficiency which has crept into these agencies themselves. As a member of the Civil Service Committee, I am ready to join in the inquiry we are shortly to undertake to secure the facts and then to correct evils that are found to exist.

I feel, however, that Members of this House today, by the passage of this legislation, at least will attempt in a certain measure to bring justice to efficient and necessary Government employees. Such action on our part has been long overdue.

Mr. RAMSPECK. I thank the gentleman.

Mr. RIZLEY. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RIZLEY. Did I correctly understand from the gentleman's statements that this legislation will effect and does provide for legislative relief?

Mr. RAMSPECK. Yes; it includes the clerks in Members' offices—but not the Members of Congress, I may say to the gentleman.

Mr. RIZLEY. But it would apply to our secretaries?

Mr. RAMSPECK. It applies only up to $2,900.

Mr. RIZLEY. But it applies to the secretaries and clerks in our offices.

Mr. RAMSPECK. That is correct.

Mr. RIZLEY. It does include postal employees?

Mr. RAMSPECK. Yes; it does include postal employees.

Mr. RIZLEY. Can the gentleman tell me approximately the number of employees who will be affected by this legislation?

Mr. RAMSPECK. It affects all the employees of the Government, it affects 2½ million people in one way or another.

Mr. RIZLEY. The gentleman means that this bill provides an increase for approximately 2½ million Government employees?

Mr. RAMSPECK. No; I would not say that, because some are going to take a decrease. Some have been getting overtime pay on salaries of seven, eight, and nine thousand dollars. We are going to cut that out.

Mr. RIZLEY. Can the gentleman tell me approximately the number of employees who will receive overtime pay under this legislation if we pass it today?

Mr. RAMSPECK. The gentleman means who have not received it heretofore?

Mr. RIZLEY. Yes; who have not heretofore received it, but who will be affected and will in the future receive overtime pay.

Mr. RAMSPECK. Fifty-two percent of the employees have been receiving overtime pay up to November 30. This brings the other 42 percent under the same provision, with the exception that those like rural letter carriers and certain other employees, including employees in the offices of Members and in the Capitol generally—except those under the Classification Act—who do not work on a weekly or hourly basis will get a 10-percent increase in their pay up to $2,900. Just how many of that 42 percent are going to get the 10-percent increase and how many are going to get overtime, I cannot tell the gentleman.

Mr. RIZLEY. I am sure the able chairman of the committee can tell me the approximate amount in dollars and cents this legislation will cost the Government.

Mr. RAMSPECK. I do not believe I have those figures with me. I should say it would cost somewhere around $250,000,000 on an annual basis. This bill, however, is for a 4 months' period only.

Mr. PRIEST. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. PRIEST. In connection with the pay increase for postal employees, does this bill provide 10-percent payment on overtime for those employees who are now receiving compensatory time? There are certain groups of postal employees who work overtime but on a compensatory-time basis, rather than a monetary payment. Would this bill apply to that group?

Mr. RAMSPECK. It is my understanding that Saturday half holidays are suspended and that they get overtime pay instead of compensatory time.

Mr. HARRIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. HARRIS of Virginia. Are the custodial employees of the post offices included in this bill?

Mr. RAMSPECK. Yes.

Mr. HARRIS of Virginia. On an overtime basis of 10 percent?

Mr. RAMSPECK. I think on an overtime basis, because they work on a weekly or hourly basis.

Mr. HARRIS of Virginia. The spirit of this thing is that those employees who work overtime and are given compensatory time will now be given overtime, or 10 percent, instead of compensatory time off.

Mr. RAMSPECK. That is right.

Mr. HARRIS of Virginia. It includes all field employees as well as those in Washington?

Mr. RAMSPECK. That is correct.

Mr. HARNESS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Indiana.

Mr. HARNESS. What effect does this bill have on an employee whose salary is $5,000 or more?

Mr. RAMSPECK. He does not get any increase.

Mr. HARNESS. The employee who gets $2,900 a year receives a 10-percent increase if he is not on the overtime basis?

Mr. RAMSPECK. Yes.

Mr. HARNESS. Suppose he gets $3,000?

Mr. RAMSPECK. He will get an increase on the first $2,900.

Mr. HARNESS. Suppose he gets $3,900?

Mr. RAMSPECK. He will get an increase on the first $2,900.

Mr. HARNESS. But if he receives $5,000 he does not get any increase at all?

Mr. RAMSPECK. That is right.

Mr. HARNESS. He does not even get an increase on the first $2,900?

Mr. RAMSPECK. No.

Mr. STEFAN. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Nebraska.

Mr. STEFAN. This is merely a stopgap and the legislation will expire in April 1943?

Mr. RAMSPECK. That is correct.

Mr. STEFAN. The gentleman and the Civil Service Committee anticipate legislation when the new Congress convenes?

Mr. RAMSPECK. That is correct.

Mr. RICH. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman.

Mr. RICH. This is perhaps the last time I will ask this question. The gentleman says it is going to cost $250,000,000 annually to put this into effect?

Mr. RAMSPECK. Yes.

Mr. RICH. I have asked practically every chairman of every committee in the House of Representatives the question, noting the fact that on December 11 the national debt was $106,563,000,000 and that in February, or by February, Secretary Morgenthau states that they are going to ask to raise the national debt to $200,000,000,000. I am going to ask the gentleman this question, Where are you going to get the money?

Mr. RAMSPECK. I think that is a very pertinent question. The gentleman from Pennsylvania has served a good purpose by constantly repeating that question. I do not think I am as well qualified to answer it as the gentleman is himself. I am quite sure he knows better where we are going to get it, if we are going to get it, than I do.

Mr. RICH. If I were going to get it, I would get it, first, by trying to save on Government expenses. Next year, if there is anything I may say to the Congress, I would say that it might be well worth while trying your best to economize. That is the only way you are ever going to do it.

Mr. RAMSPECK. That is good advice.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF].

There was no objection.

DISPLAY AND USE OF THE FLAG OF THE UNITED STATES OF AMERICA

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Joint Resolution 359, to amend Public Law 623, Seventy-seventh Congress, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," with Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

"That Public Law No. 623, approved June 22, 1942, entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America,' be, and the same is hereby, amended to read as follows:

" 'That the following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America be, and it is hereby, established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States.

" 'SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

" '(b) The flag should be hoisted briskly and lowered ceremoniously.

" '(c) The flag should not be displayed on days when the weather is inclement.

"'(d) The flag should be displayed on all days when the weather permits, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Army Day, April 6; Easter Sunday (variable); Mother's Day, second Sunday in May; Memorial Day (half staff until noon), May 30; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, October 12; Navy Day, October 27; Armistice Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.

"'(e) The flag should be displayed daily, weather permitting, on or near the main administration building of every public institution.

"'(f) The flag should be displayed in or near every polling place on election days.

"'(g) The flag should be displayed during school days in or near every schoolhouse.

"'SEC. 3. That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

"'(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i).

"'(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the radiator cap.

"'(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy.

"'(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

"'(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

"'(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

"'(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

"'(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

"'(i) When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed.

"'(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

"'(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, if it is displayed in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the clergyman's or speaker's right as he faces the congregation or audience. Any other flag so displayed in the chancel or on the platform should be placed at the clergyman's or speaker's left as he faces the congregation or audience. But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform.

"'(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

"'(m) The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By "half staff" is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaffs in a parade only by order of the President of the United States.

"'(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

"'SEC. 4. That no disrespect should be shown to the flag of the United States of America, the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

"'(a) The flag should never be displayed with the union down save as a signal of dire distress.

"'(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

"'(c) The flag should never be carried flat or horizontally, but always aloft and free.

"'(d) The flag should never be used as drapery of any sort whatsoever, never festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of a platform, and for decoration in general.

"'(e) The flag should never be fastened, displayed, used, or stored in such a manner as will permit it to be easily torn, soiled, or damaged in any way.

"'(f) The flag should never be used as a covering for a ceiling.

"'(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

"'(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

"'(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard; or used as any portion of a costume or athletic uniform. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

"'(j) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

"'SEC. 5. That during the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. Those present in uniform should render the military salute. When not in uniform, men should remove the headdress with the right hand holding it at the left shoulder, the hand being over the heart. Men without hats should salute in the same manner. Aliens should stand at attention. Women should salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes.

"'SEC. 6. That when the national anthem is played and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed all present should face the flag and salute.

"'SEC. 7. That the pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all," be rendered by standing with the right hand over the heart. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress. Persons in uniform shall render the military salute.

"'SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.'"

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this involves no change in the law itself?

Mr. HOBBS. No change whatever. It simply puts the original act in its amended form, as the Public Printer desires it and as the Joint Committee on Printing must have it for printing under the rule. I am greatly indebted to Mr. Ansel Wold for calling this necessity to my attention, and to the Senate committee and the Senate for making the bill comply therewith.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, has there been an explanation made of this bill before?

Mr. HOBBS. Yes, sir; when it passed the House. The only thing in the world this does is to make two substantive amendments and several clerical amendments that correct verbiage or other mistakes. For instance, instead of using the term "hauling" the flag down, we substitute the word "lowering," and so on. This is a nonpenal act. These amendments were fully explained at the time the bill passed the House, and there has been no substantial change whatsoever in the bill as amended in the Senate. It was simply amended by setting

out the law at length with the amendments incorporated therein, rather than the way we did it.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

REPORTS OF COMMITTEES AUTHORIZED TO MAKE INVESTIGATIONS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, special and standing Committees of the House authorized to make investigations may file their reports with the Speaker not later than noon, January 3, 1943, for printing as public documents.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, for 5 calendar days after the adjournment sine die, to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts

There was no objection.

EXTENSION OF REMARKS

Mr. HARNESS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short poem.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 194. An act for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.;

H. R. 1646. An act for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased;

H. R. 2894. An act for the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehnl, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler, and Mary Chisholm;

H. R. 2970. An act for the relief of Hyram Colwell;

H. R. 2973. An act for the relief of George O. Hanford;

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4741. An act for the relief of the Midwest Oil Co.;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 4918. An act for the relief of Anna J. Krogoll;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 5812. An act for the relief of William E. Averitt;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6370. An act for the relief of Mrs. Ching Shee (Ching Toy Wun);

H. R. 6489. An act or the relief of I. Arthur Kramer;

H. R. 6510. An act for the relief of L. H. Miller;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6569. An act for the relief of William M. Miller;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677. An act for the relief of Ronald Leroy Chen;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myrla Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6839. A act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber;

H. R. 7633. An act to increase the pay and allowances of the Army Nurse Corps, and for other purposes;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky;

H. R. 7705. An act for the relief of James E. Savage;

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia;

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; and

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942.

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2528. An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico; and

S. J. Res. 140. Joint resolution granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile.

ADJOURNMENT

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p. m.) the House adjourned until tomorrow, Wednesday, December 16, 1942, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JARMAN: Committee on Printing. House Resolution 576. Resolution authorizing the printing of "Questions and Answers on the Tax Bill"; without amendment (Rept. No. 2739). Referred to the House Calendar.

Mr. NICHOLS: Select Committee to Investigate Air Accidents. Report pursuant to House Resolutions 125 and 403, Seventy-seventh Congress. Resolutions concerning an accident which occured on May 1, 1942, making an approach to the Salt Lake City, Utah, Airport; with amendment (Rept. No. 2740). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLASON:

H. R. 7866. A bill to provide for the restoration to active duty and/or advancement in rank of certain World War veterans; to the Committee on Military Affairs.

By Mr. HARRIS of Virginia:

H. J. Res. 370. Joint resolution extending the period for which overtime rates of compensation may be paid under the act of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241); to the Committee on the Civil Service.

SENATE

WEDNESDAY, DECEMBER 16, 1942

(Legislative day of Monday, November 30, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, in this solemn hour fraught with a sense of finality we pause to praise the Power that hath made and preserved us a nation. As the sands of this year of peril, toil, and pain run low, we to whom has been entrusted the ministry of governance come with sobered hearts to write the final word in an epic chapter of our national history. Frail human hands have carried the precious ark of our heritage through the encircling gloom; yet we dare believe that Thy hand has been guiding and guarding.

We thank Thee that in the name of a free people ours has been the high privilege to sign anew the immortal Declaration crimsoned with the devotion of the founding fathers: "We mutually pledge to each other our lives, our fortunes, and our sacred honor." Now, of the record made in this hallowed Chamber in months of destiny, we can but say, "What we have written, we have written." We ask the benediction of Thy grace upon all wise and good decisions and beseech Thee to forgive and overrule all that denies. Thy will for us and mankind. As in the Name of the Lord our God we have set up our banners, we march on toward stern and bitter days with assurance that as we fight to make men free we march with Thee. Grant us wisdom, grant us courage, that we fail not man nor Thee. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, December 15, 1942, was dispensed with, and the Journal was approved.

ATTACK ON PEARL HARBOR—RESOLUTION BY NATIONAL CONGRESS OF THE DOMINICAN REPUBLIC

The VICE PRESIDENT laid before the Senate a radiogram addressed to the President of the Senate embodying a resolution adopted by the Senate and Chamber of Deputies of the Dominican Republic, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Translation]

CUIDAD TRUJILLO, DOMINICAN REPUBLIC,
December 7, 1942.

Hon. HENRY A. WALLACE,
President of the Senate of the
United States of North America,
Washington, D. C.:

The Senate and Chamber of Deputies of the Dominican Republic, meeting in joint session, has just carried out before diplomatic representatives of the friendly nations a resolution voted by the National Congress at the suggestion of the Honorable President of the Republic, Generalissimo Dr. Trujillo Milina, which reads as follows:

"Be it resolved, (1) To declare the 7th day of December of each year for the duration of the war in which the United Nations are now engaged as a day of reaffirmation of the solidarity of the Dominican Republic with the United States of North America, and (2) to hold a joint and solemn session of both chambers on the 7th of December of this year for the purpose of publicly consecrating this date and of confirming the faith of the Dominican people in the final victory of the United Nations." In uniting in this way the sentiments of the Dominican people with those of your great Nation in the remembrance of this sad date on which the peace of the continent was disturbed and the political, economic, and cultural life of the Americas threatened by the treacherous attack on Pearl Harbor by Japanese forces, we confirm the faith of the Republic in the victory of the United Nations, among which the noble Nation which you represent in Congress carries with glory and honor the watchword of continental solidarity.

PORFIRIO HERRERA,
President of the Senate.
MANUEL A. PENA BATLLE,
President of the Chamber of Deputies.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—LIST OF PETITIONS

Mr. O'DANIEL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of petitions I have received in support of Senate bill 860 signed by an aggregate of 1,482 persons in 8 States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Petitions received by Senator O'DANIEL in support of Senate bill 860—

Texas:	
Panola County	9
Montague County	400
City of Dilley	1
City of Ricardo	1
California: Los Angeles	46
Illinois: Lawrence County	98
New York: Rockland County	124
Ohio: Creston	12
Pennsylvania: Erie County	210
South Dakota: Sioux Falls	468
Washington: Seattle	113
8 States—total	1,482

GOVERNMENTAL ECONOMY — RESOLUTION ADOPTED BY CONFERENCE OF AMERICAN SMALL BUSINESS ORGANIZATIONS

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution on the subject of governmental economy, which was adopted by the conference of American small business organizations at a meeting held at the Hotel Roosevelt, New York, on December 10, 1942.

In that connection, I invite attention to the fact that the organization highly commends two congressional committees, namely, the Joint Committee on Reduction of Nonessential Federal Expenditures, of which the Senator from Virginia [Mr. BYRD] is chairman; and the subcommittee of the Senate Appropriations Committee, which deals with the transfer of personnel and equipment, of which subcommittee the Senator from Maryland [Mr. TYDINGS] is chairman.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the Congress has appropriated for the current fiscal year $74,000,000,000 for prosecution of the war and $6,000,000,000 for nonmilitary purposes; and

Whereas American taxpayers will be called upon to contribute approximately $24,000,000,000 of this sum next year; and

Whereas this fiscal year the Government must borrow $57,000,000,000, thereby raising the Federal public debt to $147,000,000,000; and

Whereas in our opinion the American people will cheerfully contribute and pay any expenditure vital to victory but do not believe that waste and extravagance of manpower, service, enterprise, and Federal funds should be condoned by the Congress or the executive branch of our Government; and

Whereas the Joint Committee on Reduction of Nonessential Expenditures has declared the "surface of economy has only been scratched" in Washington: Therefore be it

Resolved, That the Conference of American Small Business Organizations endorse the official economy effort of the Joint Committee on Reduction of Nonessential Federal Expenditures headed by Senator HARRY FLOOD BYRD, of Virginia, and the Committee on Transfer of Employees, headed by Senator MILLARD TYDINGS, of Maryland; and that the chairman of this conference be, and he is hereby, directed to communicate with the President of the United States, members of the Cabinet, Members of Congress, sending them a copy of this resolution, and urge and demand that all items not absolutely essential be eliminated from the 1944 Federal Budget.

REPORT OF THE COMMITTEE ON IMMIGRATION

Mr. MALONEY, from the Committee on Immigration, to which was referred the bill (H. R. 5569) to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents, reported it with amendments and submitted a report (No. 1856) thereon.

ADMINISTRATION AND OPERATION OF WATER SYSTEM OF THE DISTRICT—CONTINUANCE OF SENATE RESOLUTION 169, SEVENTY-SEVENTH CONGRESS

Mr. LUCAS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an original resolution (S. Res. 337), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the authority conferred by Senate Resolution 169, Seventy-seventh Congress, second session (relating to the administration and operation of the water system of the District of Columbia) is hereby extended, and may be exercised as provided in such resolution, until January 31, 1943.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 15, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 1666. An act to coordinate Federal reporting services to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies;

S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes";

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy;

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations; and

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY. Mr. President, I send to the desk a resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 336), as follows:

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee to be appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless he has some other communication to make to them.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Kentucky [Mr. BARKLEY] and the Senator from Oregon [Mr. MCNARY] as the committee on the part of the Senate.

AUTHORIZATION FOR SECRETARY TO RECEIVE MESSAGES AFTER ADJOURNMENT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive House messages after the adjournment today. It is possible that there may be some messages to come over after that time.

The VICE PRESIDENT. Without objection, it is so ordered.

PRAYER FOR MEN LOST AT PEARL HARBOR

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a prayer offered by the Right Reverend Monsignor Condon at the ceremonies held by the County Defense Council of La Crosse, Wis., on December 7, 1942, which appears in the Appendix.]

ABOLITION OF THE POLL TAX—LETTER FROM R. H. CHAPMAN

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter dated November 24, 1942, addressed to him, from Hon. R. H. Chapman, associate justice of the Supreme Court of Florida, which appears in the Appendix.]

POLL TAX EXPERIENCE IN NORTH CAROLINA—LETTER FROM HON. JOSEPHUS DANIELS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter dated November 22, 1942, addressed to him by Hon. Josephus Daniels, together with a newspaper article, dealing with poll-tax experience in North Carolina, which appear in the Appendix.]

EVENTS IN AMERICAN-BRITISH HISTORY—ADDRESS BY SIR GERALD CAMPBELL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Sir Gerald Campbell, K. C. M. G., at a recent meeting of the Newcomen Society held in Washington, D. C., which appears in the Appendix.]

PEGLER ON PEPPER—EDITORIAL FROM FORT MYERS NEWS-PRESS

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD an editorial entitled "Pegler on Pepper," by Carl Hanton, editor and general manager, published in the Fort Myers News-Press of November 14, 1942, which appears in the Appendix.]

OUR SECRET WEAPON—ADDRESS BY EUGENE E. WILSON

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address entitled "Our Secret Weapon," delivered by Eugene E. Wilson, president, United Aircraft Corporation, which appears in the Appendix.]

REGULATION OF PROFITS OF CONTRACTORS

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a statement by Paul Steenberg, president of Paul Steenberg Construction Co., and a letter from R. J. Hendershott, manager of Associated General Contractors of Minnesota, relative to Office of Price Administration Regulation No. 251, which appear in the Appendix.]

FARM INCOME AND CEILING PRICES ON FARM COMMODITIES — ADDRESS BY JOHN BRANDT

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an address delivered over the radio by John Brandt, president of Land O' Lakes Creamery Co., on October 10, 1942, which appears in the Appendix.]

SMALL BUSINESS GOES TO WAR—ADDRESS BY MILTON W. HARRISON

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an address entitled "Small Business Goes to War," delivered by Milton W. Harrison, before the fourth conference of American small business organizations at the Hotel Roosevelt, New York City, on December 10, 1942, which appears in the Appendix.]

GASOLINE AND FUEL RATIONING IN ILLINOIS—LETTER FROM GOVERNOR GREEN

[Mr. BROOKS asked and obtained leave to have printed in the RECORD a letter addressed to him by Hon. Dwight H. Green, Governor of the State of Illinois, on the subject of gasoline and fuel rationing in Illinois, which appears in the Appendix.]

STRICTLY POLITICS—ARTICLE FROM THE PHILADELPHIA INQUIRER

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article entitled "Strictly Politics," published in the Philadelphia Inquirer on December 16, 1942, which appears in the Appendix.]

UTILIZATION OF EXISTING STOCKS OF RUBBER TIRES—LETTER FROM MILTON ROSEN

[Mr. NELSON asked and obtained leave to have printed in the RECORD a letter dated December 8, 1942, from Milton Rosen, of St. Paul, Minn., addressed to the chairman of the Senate Committee on Banking and Currency, which appears in the Appendix.]

CHRISTMAS GREETINGS OF HOLLY STOVER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD a copy of the Christmas greetings sent to his friends by Holly Stover, which appears in the Appendix.]

THE FARMER FEEDS THEM ALL—POEM

[Mr. LANGER asked and obtained leave to have printed in the RECORD a poem entitled "The Farmer Feeds Them All," which appears in the Appendix.]

THOMAS H. VANNOY, POSTMASTER AT KELSO, WASH.—BILL RECONSIDERED

Mr. BROWN. Mr. President, I desire to take about 5 minutes, if I may. There are three matters which I desire to dispose of.

A few days ago the Senate and House both passed a bill granting relief to a postmaster in the State of Washington in the amount of $4,525 because of postal savings stamps which were alleged to have been lost. The stamps have since been found, and I understand the parliamentary situation is such that the bill can be recalled from the House, as it has not as yet been signed by the Vice President and the Speaker of the House. I, therefore,

move to reconsider the votes by which the bill (H. R. 6179) for the relief of Thomas H. VanNoy was ordered to a third reading and passed.

The VICE PRESIDENT. The motion will be entered.

Mr. BROWN. I now move that the House be requested to return the bill to the Senate.

The motion was agreed to.

DANAHER AMENDMENT TO RECONSTRUCTION FINANCE CORPORATION BILL

Mr. BROWN. Mr. President, in justice to the Secretary of Commerce, I feel that I should make a brief statement relative to what has appeared in a great many newspapers concerning the so-called Danaher amendment to the proposed Reconstruction Finance Corporation bill by which $5,000,000,000 was to be added to the available funds of the Reconstruction Finance Corporation.

There have been many statements in the press to the effect that the Secretary of Commerce, who is the Federal Loan Administrator, had requested this amendment to the bill. I wish to state that the bill as it came from the House of Representatives contained no amendment restricting the funds which would be made available to the Board of Economic Warfare. The Secretary of Commerce requested no such amendment before the House committee; none was presented to the committee and none was presented to the House. The bill came here solely as an authorization for a $5,000,000,000 additional lending authority. We had a hearing in the matter before the Senate Committee on Banking and Currency, and the chairman of the committee asked me to handle the bill. It is obvious that it is not now possible to enact the proposed legislation.

Again it has been stated frequently in the press that the Secretary of Commerce in some manner instigated or brought about a situation whereby the so-called Danaher amendment was to be added to the bill. The Senate committee reported no such amendment, and no amendment was suggested until the bill came to the floor of the Senate when the Senator from Oregon, the distinguished minority leader; the Senator from Connecticut [Mr. DANAHER]; and the Senator from New Hampshire [Mr. TOBEY] stated that they were interested in placing some limitation upon the use of these funds.

Upon ascertaining that there was a desire to have such an amendment presented, we had a further hearing before the Committee on Banking and Currency and heard the distinguished Presiding Officer of the Senate and Mr. Milo Perkins, who is the executive in charge of the operations of the Board of Economic Warfare. After that hearing, no further action was taken by the Senate Committee on Banking and Currency relative to the amendment. It was not approved, and it was not disapproved; it was not offered.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BROWN. I shall yield to the Senator in a moment. I am pleased that he is present.

The point I wish to bring out, in justice to the Secretary of Commerce and in answer to many newspaper statements, is that neither the Secretary of Commerce nor, so far as I know, anyone connected with him inspired, brought about, suggested, or requested the so-called Danaher amendment to the Reconstruction Finance Corporation bill.

I may say that I have discussed the matter with the Senator from New Hampshire [Mr. TOBEY] and the Senator from Connecticut [Mr. DANAHER], and am informed by them that their understanding is in accordance with the statement I have just made.

I am now delighted to yield to the Senator from Connecticut, who was on his feet a moment ago.

Mr. DANAHER. Mr. President, I wish to emphasize the point which has been made by the Senator from Michigan that the amendment was not offered; it never has been submitted either in the Senate or in the committee. Indeed, for all I know, Mr. Jones may oppose it.

Let me add, if I may, to the remarks submitted by the Senator from Michigan that the Secretary of Commerce and I have never talked about this subject in any way, even in the remotest particular. Not even through indirection has there been reference between us to the subject which has been bruited about in the press constantly as involving—I use the word in quotes—a "fight" between the Secretary of Commerce and some other department or agency. I have seen the word "quarrel" and terms of similar character used to indicate that there was some lack of cooperation between the Secretary of Commerce and the Board of Economic Warfare. If there is or has been any such conflict, it was in no way represented by any thinking on my part or any utterance I may have made on the subject.

Let me add just one further observation in the time of the Senator from Michigan to this effect: One of the most salutary things I have heard of within the past many weeks has been that an opportunity was afforded the agencies and departments and their representatives to make some measure of explanation concerning operations with which the Congress itself is not necessarily familiar, particularly when they involve administrative agencies which have been set up by Executive order. At no time previously to last week has there been an explanation by the Board of Economic Warfare or its representatives to the Committee on Banking and Currency of the activities comprehended within the scope of the Executive order under which it was set up. To the end that we could have such an explanation from this agency, the Senator from Michigan, I am sure—and I doubt not every other member of the Committee on Banking and Currency—welcomed the opportunity for the appearance of the B. E. W. through the Vice President and Mr. Milo Perkins that was afforded by my simply implying that an amendment might be offered. We thus succeeded in getting the representatives of the B. E. W. before us so that we might canvass its entire operations.

Mr. BROWN. I thank the Senator from Connecticut. He states the case in a little more particular detail. The so-called Danaher amendment was written and presented for consideration to the majority leader and to the Senator from Michigan in charge of the bill, but, as the Senator from Connecticut has said, the result was not its submission to the Senate but a further consideration of the subject matter which had the effect the Senator from Connecticut states.

SUMMARY PRINTED IN RECORD OF CONFERENCE REPORT ON PRICE-CONTROL BILL

Mr. President, there is one other matter which I desire to discuss briefly, and then I shall find it necessary to leave the Chamber in order to keep an engagement.

Mr. President, I had not desired to say anything about this matter whatsoever. At the time it arose I thought it was entirely cleared up, but within the last 2 or 3 days a newspaper article has appeared which I feel requires a short statement upon my part.

During the consideration of the conference report on the price-control bill at the end of my statement I asked and received the consent of the Senate to have placed in the RECORD a statement concerning the bill. It had been looked over by me. It had been prepared by the general counsel for the Office of Price Administration. It contained my general views upon the subject matter. Attached to it was a short statement which I had requested the clerk of the Committee on Banking and Currency to prepare in connection with what was known as the Taft amendment. The form in which that was presented to me was not as I would have written it. The substance of it was identically as I would have written it.

I noted on the following morning when I examined the RECORD that two things had been done. First, the report which was not uttered upon the floor was printed in large type as if uttered upon the floor. Second, the statement relative to the Taft amendment was garbled so that it was obvious that it was not the statement of the Senator from Michigan.

I immediately called it to the attention of the Senator from Ohio. That was on October 3, as I recall. He had not been here at the time the matter was considered. He agreed with me as to the substance and the construction and the intent of the matter which had been prepared by the clerk of the Committee on Banking and Currency, and he agreed that the RECORD should be corrected in that respect, and I sent word that it should be corrected. I also, through my office, called attention to the type in which it was printed and stated that it should be corrected.

Some time later the junior Senator from Vermont [Mr. AIKEN] discussed the

matter with me. I stated to him then that I had already advised the reporters that this statement should have been printed in small type, and already arrangements had been made so to do.

Senators know and newspaper reporters should know that it is impossible for a busy Senator, as I was busy at the time to draft complete conference reports, and matters of that kind, and that usually—I think in a great majority of cases—in such matters we are assisted by the legislative counsel and by representatives of interested agencies of the Government and committee clerks. That is exactly what occurred in this instance. If it were not for the fact it was stated in the Washington Times-Herald that I had changed my construction under duress and a threat, I would have said nothing further on this subject. No threat was made. No request made to me to do anything. There was nothing done by the Senator from Michigan which was not in accord with the rules of the Senate. It was not necessary for me to ask unanimous consent that the RECORD be changed, because the RECORD was not in accord with the ruling of the Chair that it should be printed in small type. I called that to the attention of the reporters at the time. That is all there is to it.

Mr. President, I know that I do not have to say these things to any Senator in the Chamber, because Senators know me, but I feel, in view of the unjust and unfair statement in the public press, that I should make this statement on the floor of the Senate.

CONSIDERATION OF NOMINATIONS

Mr. LUCAS obtained the floor.

Mr. BARKLEY. Mr. President, before the Senator from Illinois presents the matter he has in mind, will he yield so that we may consider the nominations on the Executive Calendar? We have quite a lengthy Executive Calendar, made up largely of nominations of postmasters. Also there came in yesterday two nominations which were held over and not referred to committee. I should like to have those matters disposed of now, if the Senator from Illinois is willing. It will take but a moment.

Mr. LUCAS. Mr. President, I yield to the Senator for that purpose.

Mr. BARKLEY. Mr. President, I ask unanimous consent that, as in executive session, the Executive Calendar be now considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNARY. Mr. President, last evening I objected to the present consideration of the nominations, because they had not been placed on the calendar. Of course, I have no objection today, because the proposed action conforms to the rule. However, does the request appertain to two other nominations?

Mr. BARKLEY. Not for the moment.

Mr. McNARY. Very well.

Mr. BARKLEY. I shall speak of them later.

The VICE PRESIDENT. The clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of M. Neil Andrews, of Georgia, to be United States attorney for the northern district of Georgia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

WAR MANPOWER COMMISSIONER

The legislative clerk read the nomination of Dr. Joseph S. Dorton, of North Carolina, to be area director in the Raleigh area office of the War Manpower Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Capt. Jack H. Duncan to be rear admiral in the Navy, for temporary service, while serving as naval attaché to the Union of Soviet Socialist Republics, to rank from December 7, 1942.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Capt. Francis E. M. Whiting to be rear admiral in the Navy, for temporary service, to rank from May 16, 1942.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk read the nomination of Col. James T. Moore to be brigadier general in the Marine Corps, for temporary service from September 16, 1942.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

That completed the Executive Calendar.

Without objection, the President will be immediately notified of all nominations this day confirmed.

CIVIL AERONAUTICS BOARD

Mr. BARKLEY. Mr. President, yesterday the President sent to the Senate two nominations to the Civil Aeronautics Board, one being that of Oswald Ryan, of Indiana, to be a member of the Civil Aeronautics Board, for the term expiring December 31, 1948, which is a reappointment, and the other the nomination of our colleague the Senator from Oklahoma [Mr. LEE] to be a member of the Civil Aeronautics Board. It was not intended that the nomination of the Senator from Oklahoma should come up for consideration at this session. By some mistake of the clerical force at the White House his nomination was included. The Senator from Oklahoma is not eligible to appointment to that Board until after his term as Senator expires, because the Board was created during the term of the Senator from Oklahoma which is now expiring. Therefore, I do not expect any action to be taken upon that nomination now. The other nomination, however, of Mr. Ryan is a reappointment, and I ask unanimous consent that that nomination be confirmed without reference to committee.

Mr. McNARY. Mr. President, this matter was called to my attention yesterday. I am acquainted with Mr. Ryan and familiar with his work on the board, and so far as I am personally concerned, I have no objection to the confirmation of the nomination of Mr. Ryan at this time. It is a reappointment, and, of course, otherwise would have to go over until the next session.

Mr. BARKLEY. I make the request, Mr. President, with the approval of the Senator from North Carolina [Mr. BAILEY], the chairman of the Committee on Commerce.

Mr. McCARRAN. Mr. President, I desire to make one or two remarks as to Mr. Oswald Ryan, in furtherance of the request made by the majority leader. As the author of the act under which Mr. Oswald Ryan is serving, I wish to pay the very highest possible compliment to him for his very able, efficient, and progressive administration while he has been in his present position. I think there is no man in the United States who could better fill the position than Mr. Oswald Ryan, and I am glad to join in the request that his nomination be immediately confirmed.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Oswald Ryan, of Indiana, to be a member of the Civil Aeronautics Board, for the term expiring December 31, 1948 (reappointment).

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none, and, without objection, the nomination is confirmed, and the President will be immediately notified.

WAR MANPOWER COMMISSION—JOSEPH H. PIACONKE

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Illinois yield to me?

Mr. LUCAS. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I wish to ask the majority leader a question. The majority leader will recall that 2 or 3 days ago there was some dispute in the Senate as to the reference of nominations of persons appointed to positions under the War Manpower Commission, and a few nominations were sent to the Military Affairs Committee.

The majority leader expressed the hope that the Military Affairs Committee would proceed diligently, and would act on the nominations in one way or the other. The committee has acted diligently, but has reported only one nomination, which is on the calendar and was confirmed today.

From the Military Affairs Committee, I now favorably report another nomination, that of Joseph H. Piaconke, from the State of Michigan, to be labor utilization analyst, at $4,600 per annum, in

the Detroit district office of the War Manpower Commission.

I ask unanimous consent that the nomination be confirmed at this time.

Mr. BARKLEY. I suggest that the Senator from Colorado wait until a little later in the session. There are other nominations coming in which are probably in the same category, and I should not want to delay the presentation which the Senator from Illinois wishes to make.

Mr. JOHNSON of Colorado. The reason I make the request is that I am leaving town at 1:30.

Mr. BARKLEY. I shall be glad to confer with the Senator about the matter, and I hope we will be able to dispose of it before he leaves.

DEATH, RESIGNATION, OR SEPARATION FROM OFFICE OF CHIEF DISBURSING OFFICER OF THE TREASURY

Mr. HILL. Mr. President, will the Senator from Illinois yield to me?

Mr. LUCAS. I yield.

Mr. HILL. There is a House bill on the calendar to provide for the orderly transaction of public business in the event of the death or resignation of the Chief Disbursing Officer of the Treasury. All the bill provides is that in the event of the death or resignation of the Chief Disbursing Officer of the Treasury the Secretary of the Treasury may appoint an Acting Disbursing Officer under a bond which shall be at least in the amount of the bond of the Disbursing Officer. The bill is H. R. 6447, calendar No. 1896. It is the last bill on the calendar. The bill passed the House on February 16, last.

The VICE PRESIDENT. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 6447) to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. McNARY. Mr. President, I wish to ask the eminent Senator from Alabama whether a Senate amendment is attached to the bill?

Mr. HILL. There is no Senate amendment at all.

Mr. McNARY. It is proposed to pass the bill purely in the form in which it passed the House?

Mr. HILL. Yes; purely in the form in which it passed the House.

Mr. McNARY. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6447) was considered, ordered to a third reading, read the third time, and passed.

SENATOR NORRIS, OF NEBRASKA

Mr. HILL. Mr. President, will the Senator from Illinois yield further?

Mr. LUCAS. I yield to the Senator from Alabama.

Mr. HILL. One of the most brilliant young men in America is Mr. Gould M. Beach, associate editor of the Montgomery (Ala.) Advertiser. Mr. Beach is now a lieutenant of Artillery in the armed services of our country. A day or two ago I received a personal letter from Mr. Beach, in which he referred to several matters. One matter upon which he commented was the recent defeat of Senator NORRIS, of Nebraska. Mr. Beach in a few words commented on this situation and the failure of Senator NORRIS to be reelected with such beauty and such power that I wish to read his words to the Senate. Mr. Beach wrote:

> Senator NORRIS was not defeated nor repudiated. How can defeat be a proper word for a man who could stop in any county in America, no matter how isolated, and be within a few yards of a fellow spirit to whom he has been an inspiration? How can defeat be a proper word for a man whose name has come to symbolize the essence of the American dream? How can a man be defeated who would be welcomed as a giant addition to the faculty of any university in the world worthy of the name? Or as the guiding light of any newspaper aware of its responsibility? Or as a friend by any one of millions with whom he might chance to pass a word? In the sense that the world has not been fully ready to accept either democracy or Christianity, Senator NORRIS was born to defeat. In the sense that those eternal goals have not been forgotten, every day of his life has been a victory.

Mr. President, following the remarks of Mr. Beach I ask to have printed in the body of the RECORD a tribute to Senator NORRIS by Mr. Bruce Hutchison, of Canada, under the caption "It doesn't pay to be great."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT DOESN'T PAY TO BE GREAT

(By Bruce Hutchison)

The fate of Senator GEORGE NORRIS in the recent American election is a sad commentary on greatness in our time. Here was the one historic figure in the United States Senate, the only Member of it who will be ranked among the great men of American history. And yet he was defeated by some unknown fellow because he was not part of a political machine. He had nothing to offer but accomplishment, honor, and greatness. The public at home had long since grown tired of those things.

Greatness often seems to bore the public. That is one of the reasons, no doubt, why a truly great man can seldom remain in office long; the reason why most of the great men of our time are seldom heard of. The several great Canadians whom I have happened to come across in my time have never been in Parliament and their names are only known to a few. Yet their effect on our times has been more powerful than that of any practicing politician.

In this matter of greatness we seem to swing like a pendulum. It is not so long ago that the importance of greatness was greatly exaggerated. Emerson was interpreting all life, even vegetable and mineral, in terms of great men who explored it. Carlyle was writing all history in terms of a few men on horseback. British politics was dominated by a tiny group of peerless leaders. And in Canada Macdonald and Laurier were accorded something like worship.

FOREIGNERS ARE GREAT

From that extreme we seem to have swung into a kind of leering cynicism and distrust of all greatness. Perhaps it is because we have seen what the perversion of leadership, the disease of greatness, has done in Germany and Italy. Perhaps because we have seemed to lack here the glamorous figures of the old days. For whatever reason, there seems to be a general delight in sneering at leaders, and there seems to be everywhere the feeling that only a foreigner can be great.

Thus in Britain, not overseas, is heard the most bitter criticism of Mr. Churchill and in such terms as would shock us here. (See the New Statesman and Nation, for instance.) In the United States there is such a hatred of Mr. Roosevelt in some quarters as we have hardly ever seen in this country. But in Britain, apparently, hardly anyone doubts the greatness of Mr. Roosevelt and all Americans wildly admire Mr. Churchill. Canadians fairly idolize both of them, while viewing Mr. King without any visible enthusiasm, although Mr. King is greatly respected in the other two countries. The prophet is seldom honored at home.

TEAR THEM DOWN

The danger of too much greatness is obvious to everyone. A State which depends on one man is a sick State. A democracy which refuses to govern itself and turns over the job to any individual, however great, ceases to be a democracy whatever its parliamentary forms. But on the other hand, there seems to be an equally erroneous idea about that if the people respect greatness and pay tribute to their leaders they are somehow surrendering their democracy.

There seems, indeed, to be a nasty notion about these days that the way to make democracy succeed is to sneer at all democratic leaders, to tear them down as soon as possible and generally to make fun of democracy's own produce, which is its government. Nowhere is this as true as in Canada. Millions of Canadians feel they are doing something extremely clever and establishing their own political wisdom by sneering at the government, by comparing it, with a smirk, to the Governments of Britain and the United States. Millions of Canadians seem to feel better, to feel virtuous and patriotic when they have spent a good hour despising their government and their own country, like the ancient hermits, who used to flagellate themselves and wear hair shirts in the interests of their souls. Actually, of course, Canada has as good a government as Britain or the United States.

ONLY CANADIANS

But it is not of this particular government I am thinking. I am thinking of the Canadian attitude to all governments and to all leaders, the attitude of the man who thinks he can become great himself by disparaging greatness in others; the dark, dank, dismal inferiority complex which makes men assume a false air of superiority and a cheap disdain for better men.

It is true that we lack in Canada today any figure comparable to Churchill and Roosevelt, those happy, well-timed accidents of time and fate. But even if we had such men it is doubtful that we would realize it. Somehow a large part of the nation would take delight in sneering at them and saying that, after all, they were only Canadians.

ADDRESSES DELIVERED AT TESTIMONIAL DINNER TO SENATOR NORRIS (S. DOC. NO. 292)

Mr. TRUMAN. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD, and also printed as a Senate document, the story of a historical dinner which was given by the Senator from Pennsylvania [Mr. GUFFEY] in honor of the retiring senior Senator

from Nebraska [Mr. NORRIS] on December 10, 1942. The document contains addresses by the Vice President of the United States, Mr. Justice Black, of the United States Supreme Court, the floor leader of the majority of the Senate [Mr. BARKLEY], and several other distinguished gentlemen.

I have an estimate from the Public Printer of the cost of printing in the RECORD, as well as an estimate of the cost of printing as a Senate document. The estimated cost of printing in the RECORD is $360.

The VICE PRESIDENT. Without objection, the addresses will be printed as a Senate document and also printed in the RECORD.

REGULATION OF MILK PRICES—SUBSIDIES

Mr. LUCAS. Mr. President, I shall detain the Senate for only a few minutes to discuss a very serious situation in the city of Chicago with respect to the distributors of milk in the Chicago metropolitan milk area, which embraces Chicago and its suburbs.

In January 1942 the Congress passed the Emergency Control Act. This far-reaching legislation was approved by the President on January 3, 1942.

Under the authority lodged in this act, the Office of Price Administration at a later date issued a regulation freezing the retail price of milk throughout the Nation at the March level. The level price in the Chicago metropolitan area was 15½ cents a quart for home delivery, and 25 cents for two quarts to the consumer who purchased at the store.

When this order was issued by the Price Administrator, the dairy companies in Chicago and suburbs were paying to the farmer for milk used for fluid consumption 2.663 per hundredweight. Thereafter the dairy companies paid the following:

1942:	
April	2.592
May	2.369
June	2.305
July	2.506
August	2.671
September	2.807
October	2.957
November	3.04
December	3.12

The weighted average of these various monthly prices is 2.84.

Mr. President, it will be observed that this average price over the entire period is much lower than the price for the last 3 months under what is known as Federal Milk Marketing Order 41, as amended, the latter being administered by the Secretary of Agriculture.

Today the distributor under this order is paying almost one cent a quart more than the average over the 9-month period. To this increase to the farmers, obviously I interpose no objection. I am glad that they get a decent price for their milk. Too long has the dairy farmer had to sell his milk at a price that scarcely justified the continuation of his investment and labor in that industry.

In addition to the burden imposed under Marketing Order 41, I am advised by Mr. Paul Potter, executive secretary of the Association of Milk Dealers of Chicago, that the labor costs have been increased as a result of the decision of the War Labor Board.

It takes no economic wizard to see the economic dilemma in which 141 milk dealers in the metropolitan area of Chicago and suburbs find themselves today. Being powerless to prevent the rise in milk prices and the increased costs of operation, and being powerless to increase the retail cost of milk, these dealers, realizing their financial plight, met in Chicago on October 14 last and discussed ways and means to stop and recoup the losses sustained. If relief was not forthcoming soon the business would be bankrupt. At this meeting a committee was appointed to draft a petition for relief. This was done, and on October 24 a petition for relief was filed with the Office of Price Administration in the city of Chicago. This was forwarded to Washington, the case was docketed, and thereafter all the information was supplied to the Dairy Section of the Office of Price Administration by the milk dealers, including the decision of the War Labor Board, giving employees in that area an increase of $4 a week.

Mr. President, the petitioners in their petition for relief merely asked for a price adjustment through a change in the price ceilings. This could have been done then. It can be done today, because the March price, fixed by the Office of Price Administration under the Emergency Control Act of 1942 was in effect September 15, 1942, the date fixed as a basis for price stabilization under the so-called anti-inflation bill passed October 2, 1942.

In fact, I am informed that in some areas the price-adjustment method has been used in order to meet a situation similar to that now confronting the Chicago milk dealers. Upon the presentation of this petition, the milk dealers were advised by the officials in Washington that there was grave doubt about using the price-adjustment method, because the officials had been experimenting with a subsidy to the milk distributors in the New York City and Duluth, Minn., areas to make up the loss, and probably Chicago would be placed within that same category. However, obtaining no immediate relief, the milk dealers appealed to me in the latter part of November of this year, and I immediately contacted the various agencies of Government with a request that some definite and immediate action be taken in order to relieve the financial strain under which the distributors were laboring. Yesterday I was advised that the subsidy program, up to December 31, at least, was decided upon for the Chicago area; and I hope that these men will be reimbursed for their losses with all convenient speed.

Let me say that the milk dealers of Chicago are happy finally to get temporary relief; but I should like to point out that while they have been waiting for action 11 small dealers have gone out of business and 1 small company, operating 15 routes owned by father and son, the father having been in business 48 years, is being disposed of this month because the owners have been unable to meet the increased costs. In addition, I am advised that the loss sustained by the distributors during September, October, and November was approximately $500,000, and a further loss will be sustained for the month of December.

I sincerely hope, Mr. President, that the subsidy which will be paid to these men will recoup them for all their losses. We cannot under any circumstances afford to be niggardly with an industry which is so vital and essential to life itself, and especially to the youth of the Nation.

It will be recalled that the petitioners in the cause before us were advised by the officials of Government in Washington handling this matter that they were experimenting with a subsidy in the New York and Duluth milk areas. I believe it is desirable to discuss briefly what has been done in connection with this policy. I invite the attention of the Senate to a letter written September 28 by Hon. Claude R. Wickard, Secretary of Agriculture, to the President of the United States, in which he said, among other things, the following:

> I have approved a proposed purchase and sale program for fluid milk for those urban markets in which the need for such a program arises because of conflicts between prices which dealers are required to pay to farmers and the wholesale and retail price ceilings which have been established for fluid milk. It is proposed that not to exceed $25,000,000 of the funds of Commodity Credit Corporation would be used in connection with this program during the period ending December 31, 1942. It is contemplated that prior to that time a report will be submitted to you of the operations undertaken under this program, together with a further recommendation with respect to continuing this program or adopting some alternative plan.

Mr. President, that letter clearly discloses that the subsidy for milk distributors forced into such an economic dilemma through no fault of their own is a temporary expedient that may or may not become a permanent policy of the Government during this emergency. The Secretary of Agriculture talks about another alternative that will be studied in the interim, and before a complete report is made to the President on December 31 next. There can be only one other alternative, Mr. President, and that is the method of price adjustment. Already, in many cases the Office of Price Administration has made an upward adjustment in order to keep the merchant from sustaining a heavy loss because of conditions similar to those which these men have experienced. I think it can be generally stated that few persons in this country favor the general principle of subsidies. Subsidies have been more or less of an anathema to their theory of government since the beginning of the Republic; in fact, they have been little used throughout the world until World War No. 2 overtook us. Since that time comprehensive programs of price control throughout the warring nations have produced subsidies of all types. When the Congress passed the price-

control bill in January last, we definitely recognized in that legislation the need of subsidies for certain industries in this Nation.

For example, we all know that the transportation costs on some commodities have increased sharply since 1942. The most famous case is that of the shipping of petroleum to the east coast by rail instead of by tanker, the tankers having been eliminated by the submarine menace. As a result, the price of gasoline to the consumer was increased 2½ cents a gallon. Because of that unforeseen and unfortunate circumstance which affected the pocketbooks of so many persons, the Reconstruction Finance Corporation subsidized the increase in the transportation costs. Another example is that we pay premium prices for zinc, lead, and copper to the industries which exceed their quota. The Metals Reserve then sells the excess at the ceiling price, thereby taking the loss. Obviously, many other examples could be cited.

But, Mr. President, I think the most dangerous subsidy which now may be in the making deals with the increase in agricultural prices. I think the greatest threat lies in the possibility of the increase of many agricultural prices. One of the best examples is before us today in the case I have presented to the Senate. As we know, there is no fixed price which the farmer can receive for his milk; and the more he receives for his milk, the more he throws out of joint the Price Control and Stabilization Act; and, obviously, it becomes necessary to do one of two things. I undertake to say that it is a most serious question whether or not the processors of agricultural commodities should be subsidized to correct those defects. One can readily understand what it would mean in cost to the Government if the theory of parity as recently expressed by the Agriculture Committee should be sustained. If this war should last for 3 years and if the prices of all the basic agricultural commodities and byproducts thereof which are now far below the parity price should ultimately reach parity, it would mean millions upon millions of dollars that the Commodity Credit Corporation would have to pay in subsidies if retail prices were kept at today's level.

Mr. President, I am not in favor of a subsidy unless it is absolutely essential and necessary for the war effort. Inflation can come in this country through subsidies as well as through run-away prices if subsidies are large enough. I undertake to say that every subsidy that can be eliminated should be eliminated, so long as the consuming public is not being literally gouged as a result of adjustment of prices, and certainly that will never be done so long as the Price Control Act is in effect.

If we start paying subsidies to milk dealers throughout the Nation, it will mean that within the next 6 months every milk dealer in America will be in the hands of the Federal Government. If we pay them subsidies, they must dance to the music of the Department of Agriculture and the Office of Price Administration. They will take orders from them, and necessarily so, if the Federal Government is spending the money to keep them going. Wherever possible, I want to keep the hands of the Federal Government out of private business. I undertake to say that the milk industry is one of the many industries in this country that can be adjusted and should be adjusted through an increase in the price ceiling, because in the final analysis such an increase would affect the family budget very little. In other words, if the milk dealers in Chicago were to obtain an increase of 1 cent a quart for their milk, the additional revenue thus received by them would almost take care of the increased costs they have been compelled to pay. If that were done, the Government could then wash its hands of this industry throughout the Nation, and could turn its attention to other vital and important matters in connection with the war.

Mr. President, I am advised that the sale of cream has been curtailed by the War Production Board to the bare minimum requirement for butterfat under State and municipal laws. We already have curtailed the gallonage of ice cream, and probably some day soon there will be little or no ice cream to buy. The price of butter at the present time is pegged. In other words, as the result of the loss of those items—and perhaps there are more that could fall into the same category—the budget of the housewife will not be greatly disturbed. I have cited the above examples to illustrate that point.

Let me say, Mr. President, that in Canada subsidies have been paid on a wide range; but the milk subsidy was only a temporary measure, as it is today in this country, and in a short time was discontinued in favor of an adjustment of prices for milk products.

Once more, speaking of subsidies, let me advise the Senate that the British have had a tremendous amount of experience with that form of financing. They have adopted several methods of subsidizing the cost-of-living commodities. They buy commodities and resell them at a loss. They buy wheat, for example, and sell to the millers at a price sufficiently below the purchase price to keep the wholesale price from rising. That practice seems to be on its way in this country also. I should like to remind the Senate that while the total cost of subsidies in England has not been published, in September of last year the cost of the subsidy program for food alone was running at the annual rate of approximately $500,000,000. Once we go into every phase of subsidies, as the English have done, with all of the diverse and complex problems we have in this country, if the war should last for a period of 3 years, and if that policy should be continued, I prophesy that it will take not less than a billion dollars a year to do the subsidy job.

I merely relate these figures because of my interest in the problem in my own State. I can see the subsidy program coming, and I can see that a bitter fight will be made against it. I hope that between now and December 31, or before the convening of the next Congress, those in control of the program will give the question of subsidies or some other alternative the serious consideration it deserves.

THE SILVER QUESTION—ARTICLES IN READER'S DIGEST AND SATURDAY EVENING POST

Mr. JOHNSON of Colorado. Mr. President, I rise to a point of personal privilege. I hold in my hand the November issue of the Reader's Digest. The very first article in that magazine is one entitled "Twelve Men Against the Nation," by Sylvia F. Porter. I do not know Sylvia F. Porter personally, but she takes great liberties with the truth, if the article is any example of her writings.

Mr. McCARRAN. She is rather careless with the truth.

Mr. JOHNSON of Colorado. As the Senator from Nevada has expressed it, she is very careless with the truth. I understand that in this country a national award is given each year to the biggest liar in the United States. I am sure that she should be in the running for that award.

The article is entirely false from beginning to end. The author's conclusions are her own, of course; but they are not founded upon the facts at all. A short time ago 8 men were charged with being against this Nation; 6 of them were put to death in Washington, as they should have been put to death. I can think of no charge to bring against anyone in the United States in a time of war more serious than to say that he is against the Nation. If there are in the Senate 12 men against the Nation at this very critical time, the gas chamber should be prepared for them. Certainly they would deserve such a fate.

Mr. President, let me say that I am on record, and have been on record in several committee meetings which were held with the Secretary of the Treasury, with Mr. Donald Nelson, and with other officials with relation to the use of silver, as saying that, so far as I am concerned, in my estimation silver is no sacred cow; that it has a part in this war, and it must fulfill its part. When our boys are taken indiscriminately, certainly silver cannot stand on the side lines and refuse to do its part in the war. So far as I am concerned, I have always been in favor of using in this war effort every ounce of silver we have in the Treasury or in any other place. Therefore, so far as I am concerned and, I am sure, so far as all the other 11 Senators are concerned, the statements of the author of the article are entirely false.

I have prepared an analytical criticism of the article appearing in the Reader's Digest. My criticism has been prepared in some detail, taking up the article paragraph by paragraph, and replying to the author's statements. I ask unanimous consent, Mr. President, that the analytical criticism which I have prepared be printed at this point in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ANALYTICAL CRITICISM OF ARTICLE ENTITLED "TWELVE MEN AGAINST THE NATION" APPEARING IN THE READER'S DIGEST, ISSUE OF NOVEMBER 1942

"The 'silver Senators' will not let war industries use the one essential metal of which we have plenty."

The editor condemns the "silver Senators" with a false and unfounded indictment. No Senators have taken any action which has in any way interfered with making available all of the 110,000,000 ounces of imported silver in 1942 as well as all of the 60,000,000 ounces of current domestically mined silver for use in war industries. The entire silver imports and domestic silver production were at all times available for use in defense industries and have since Pearl Harbor been available for use in war industries.

The only indictment with which the editor or author could properly charge the "silver Senators" is that they "will not let" the manufacturers of silverware, jewelry, fountain pens, and other silver articles not needed in the war effort use the silver acquired for monetary purpose by the Treasury of the United States. This has never been done and probably never will be done. Neither they nor any other Senators object to war industries using Treasury silver to the full extent of war-program requirements.

The acquisition of silver by the United States Treasury has not precluded the purchase of imported or domestically mined silver either by war industries or by the manufacturers of luxury silver articles, as the Treasury has refused to bid for silver in competition with silver brokers, and has not acquired any imported silver since November 1941. Its acquisitions of newly mined domestic silver, which began to diminish in August 1942, have practically stopped.

Imported silver has been required by and used so extensively in war industries this year that a directive was issued by War Production Board on July 29, 1942, reserving all imported silver for use in the war effort. This action has resulted in complaint being lodged by the manufacturers of civilian silver articles. These manufacturers also complain of being unable to buy domestically mined silver at half price.

In acquiring silver for monetary purposes, the Treasury has made a profit of 47,000 tons, or more than a billion dollars, which was possible because the silver was acquired by the Treasury at less than its monetary value. This profit silver has been allocated and is now being transferred to war industries.

"Today, while our war industries, frantic because of the scarcity of the metals they need, are begging for silver to use in making airplane engines, torpedoes, antiaircraft guns, and other vital weapons, 100,000 tons of Government-owned silver lie idle in the vault at West Point, N. Y. The war industries are not permitted to purchase it, so they are using up our desperately scarce supplies of tin, copper, and nickel instead."

War industries have in no way suffered because of lack of silver for "use in making airplane engines, torpedoes, antiaircraft guns, and other vital weapons" because there has been no shortage of silver for those or any other war-production purposes. "One hundred thousand tons of Government-owned silver" did not "lie idle in the vault at West Point, N. Y.," at the time this article went to press, as 47,000 tons of that silver was at that time, and still is, being transferred for use in the war effort at the rate of 168 tons a day, or approximately 5,000 tons a month. Some of the 100,000 tons of silver in bullion form in the Treasury, approximately 40,000 tons, forms a part of the monetary reserves of this Government, and will probably remain where it is unless and until needed for use in war industries. When and if such bullion silver is needed for war industries, there is not a Member of the United States Senate who will oppose such use for nonconsumptive purposes. The fact that "the war industries are not permitted to purchase" Treasury silver in no way interferes with the use of 47,000 tons of Treasury nonmonetary silver now being leased to war industries. "War industries * * *" may be "using up our desperately scarce supplies of tin, copper, and nickel" but the use of tin, copper, and nickel in the war effort has not ceased since war industries began using silver nor will their use cease as long as those metals are available. Silver was used in our defense plants prior to Pearl Harbor and the demand for this metal has increased greatly since our industrial plants went on a war basis. So has the demand for tin, copper, and nickel increased as well as other strategic and critical metals and minerals.

"The industrialists who urgently need the silver and others vitally concerned are pressing Congress to relieve the outrageous situation. Three remedial bills have been introduced, but Members of Congress shrug their shoulders and predict nothing will happen—the 12 'silver Senators' are too powerful."

The only "industrialists who urgently needed the silver and others vitally concerned" who "are pressing Congress to relieve the outrageous situation" are silversmiths and jewelry manufacturers who have been denied the right by War Production Board to purchase imported silver at 45 cents an ounce for the manufacture of their nonessential civilian articles. These industrialists have not been denied the privilege of purchasing domestically mined silver at 71.11 cents an ounce, and they still have the privilege of buying domestically mined silver and are now exercising it—having purchased several million ounces within the past few months. In fact, they, like the war industries, now have ample stocks of silver for their needs.

Never before has there been such a terrific clamor for silver. In some war uses nothing else will do. Silver is indispensable for brazing joints which must be proof against vibration, corrosion, and gas leaks—as in submarines, airplanes, tanks, torpedoes, and bombs. Again, nothing but silver will do in airplane-engine bearings because it permits pressures—that is, speeds—impossible with tin-bronze bearings. There are pounds, not ounces, of silver in the recoil mechanism of every field-artillery piece and antiaircraft gun.

"In other cases, silver is economical, though it costs more per ounce than most metals cost per pound. The War Production Board cites an instance in which 2½ pounds of silver costing $13.50 does the work of 40 pounds of tin costing $20.80.

"In the largest category of industrial uses, however, the point is not cost, but the saving of other metals, some of which are scarce and some of which are irreplaceable. One-fourth of the tin we are now using goes into solder; by substituting silver—as manufacturers were doing widely until the silver shortage developed—we could save all this. The difference in cost of the finished product is small, and to use tin instead of our surplus silver is as much a crime as needlessly using up irreplaceable rubber.

"Silver is indispensable in the manufacture of photographic film, surgical materials, and drugs—all war essentials. As a plating material it is needed to produce corrosion-resistant surfaces on other metals. Silver wire is better than copper in electrical appliances and motors.

"In short, silver has a multitude of practical uses as a war metal. Germany is confiscating, for industrial purposes, all it can find in Europe and, until we finally embargoed exports to Switzerland, Portugal, and Sweden, was surreptitiously getting some from us."

The statements concerning the varied and important uses of silver in the war effort are substantially correct. To the average reader these statements also indicate definitely that silver has been employed in these uses for a sufficient length of time to prove its merit as a war-industrial metal. The statement could have gone further in relating the even greater versatility of the metal. "Politics" has in no way prevented "the use of the one war metal of which we have a surplus" as far as any United States Senator may be concerned. If politics has entered the picture, it has occurred without congressional action or opposition. It is again evident that the author's reference to "a surplus" of silver is intended to direct the attention of the reader to silver acquired by the Treasury for monetary purposes. There is a small "surplus" of imported silver, and there is also a larger surplus of domestically mined silver, neither of which category has been denied to war industries or to the manufacturers of nonessential civilian articles through legislative action.

"Yet, though our Government is also aware of silver's strategic importance today, politics prevents the use of the one war metal of which we have a surplus. The Secretary of the Treasury, indignant as anybody else about it, explains that we can't touch the hoard because of the present silver laws."

The Secretary of the Treasury has probably not explained that we can't touch the hoard because of the present silver laws because the Secretary of the Treasury informed the Senate Silver Committee in May 1942, that he already had authority to make available 47,000 tons of Treasury silver bullion for nonconsumptive uses in war industries. It is noted in this connection that the Secretary of the Treasury was not actually quoted as having made such a statement.

"This country's silver policy, which has been merely an annoying scandal for 8 years, is now a crime. Here is the story:"

This country's silver policy may have been considered merely an annoying scandal for 8 years and now a crime by a small group of silversmiths and jewelry manufacturers who desire to make the silver in the Treasury of the United States a stock pile for the manufacture of their luxury articles, but the silver policy has resulted in the acquisition of a substantial amount of silver now serving the business of this Nation as money and war industries as a war essential industrial metal. The absurdity of the author's contention is manifest.

"Early in the Roosevelt administration, the 12 Senators of 6 western silver States—Utah, Idaho, Montana, Colorado, Arizona, and Nevada—made an alliance with the farm bloc, voting for each other's bills. The alliance put through two laws, one of which requires the Treasury to purchase all the domestic silver mined, at a price considerably above the world market. In 1939, Congress fixed this price at 71.11 cents a troy ounce."

There is no such thing as an alliance with the farm bloc. Neither the author nor anyone else can produce one scintilla of evidence to support this assertion. There is no law on the statute books which requires the Treasury to purchase all the domestic silver mined. The domestic miner has the privilege of offering his silver for sale anywhere in the world and he is not required to even tender his silver to the Treasury. It is true, however, that if he tenders it to the Treasury, he will receive $1.29 for his silver less a discount of 45 percent which the Government takes as clear profit. The price of 71.11 cents an ounce is 55 percent of $1.29, the monetary value of silver in the United States

since April 2, 1792. That price has never changed.

"The other law—the really outrageous one—is the Silver Purchase Act of June 1934, which requires the Treasury to buy foreign silver until our silver reserve equals 25 percent of our total gold and silver stocks. This is preposterous logically and impossible physically, because our gold hoard has become so enormous. This law further provides that the Treasury can't sell its silver at less than $1.29 an ounce. Since the world price today is 45 cents, there, of course, are no buyers at $1.29. Hence our hoard, $1,430,000,000 worth, the largest stock of it ever accumulated, lies tarnishing in its vault."

The Silver Purchase Act of June 1934 is not limited entirely to its requirement that the Treasury buy foreign silver until our silver reserve equals 25 percent of our total gold and silver stocks. That act authorizes the Treasury, as an alternative, to cease its purchases of foreign silver when the price of such silver reaches $1.29 an ounce, its full monetary value. The Treasury's policy of not bidding for silver in the open market has prevented a rise in the market price to its full monetary value. On the other hand, the acquisition of foreign silver accounts for 78.8 percent of the silver acquired by the Treasury since the passage of the 1934 act. Furthermore, when the price of gold was raised from $20.67 to $35 an ounce, the price of silver, not having been raised commensurately, has made it necessary to acquire more ounces of silver in comparison with gold because of the greater disparity of values of the two metals.

There is no more reason why the Treasury should be permitted to sell its silver at less than $1.29 an ounce, its monetary value, than to sell its gold at less than $35 an ounce, its monetary value, all of the Treasury stocks of these precious metals having been purchased solely for monetary purposes. There is no more reason why the present so-called world price of silver of 45 cents should serve to influence the Treasury's price of $1.29 an ounce, than the world price of silver of $1.38 an ounce reached during World War No. 1, should have increased the Treasury's monetary price beyond $1.29. Fluctuations in the market value of both gold and silver have occurred since the inception of this Government, and long before, but monetary prices of these metals have been definitely pegged by statutory authority. This authority is delegated to Congress by the Constitution. If the whims and fancies of private industrialists were permitted to control the monetary values of the two precious metals which give intrinsic value to the currency of the United States, our monetary system would be constantly in a state of chaos and the exchange value of our currencies abroad could never be stabilized.

"The six silver States consider silver mining a primary industry and one which must be protected, yet the value of silver produced annually in the United States is less than the value of noodles sold. As an income producer it is comparatively unimportant even to the silver States."

Silver mining is little understood, especially in the eastern part of the United States. Certainly the public knows very little of its difficulties and complexities. There is no silver mine in the United States which does not produce one or more other metals of the nonferrous group. Silver, therefore, is always mined in combination with one or more other metals. In the case of copper, for instance, 28 percent of all of the silver produced in the United States comes from copper ores. If the silver values of these copper ores were reduced the production of copper would necessarily decrease. The same thing applies to lead and zinc. All of these metals, including silver, are of vital importance to the war effort. There are no two nonferrous metal ore bodies whose ore values are identical. Some of these ore bodies are now being mined at no profit to their patriotic operators. It is, therefore, necessary for such operators to rely upon the production of more valuable ore bodies elsewhere in order to break even or to make a profit.

As an income producer silver always has been and still is important to the economy of the communities where it is produced. If the mines where silver is produced were to utilize only the silver found in their ores, and the other metals—copper, lead, zinc, gold, and so forth—were discarded, for sake of argument, the production of silver would be less than 10 percent of its current production and its price would probably be around $5 an ounce. The price of 45 cents an ounce is ridiculously low. That price was established arbitrarily in order to meet a situation peculiar to Mexico, where silver ore values are higher than those in the United States, labor considerably cheaper, housing only a fraction of the cost in our country, and the general standard of living considerably lower. That price, therefore, has nothing to do with any silver or gold in the monetary system of the United States, but the so-called world price of silver has for more than a century been controlled principally by four silver bullion brokers in London. The silver brokerage firms in the United States have made considerable progress during the past few years in controlling the price of silver in the Western Hemisphere. Their desire is to extend this control to the silver reserves now held in the United States Treasury.

"But the interests of the 25 mining companies which produce 80 percent of our domestic silver, nearly all of it as mere by-product of smelting copper, lead, and zinc ores, are protected—at the expense of the Nation's welfare—by the silver bloc, which consists of these Senators: JOHN THOMAS and D. WORTH CLARK, of Idaho; BURTON K. WHEELER and JAMES E. MURRAY, of Montana; ELBERT D. THOMAS and ABE MURDOCK, of Utah; CARL HAYDEN and ERNEST W. MCFARLAND, of Arizona; EDWIN C. JOHNSON and EUGENE D. MILLIKIN, of Colorado; BERKELEY L. BUNKER and PAT MCCARRAN, of Nevada."

"The interests of the 25 mining companies (it would be interesting to know who they are) which produce 80 percent of our domestic silver" are of no more interest to the Senators named than are the interests of primary industries to the other United States Senators in their own respective States. On the other hand, the Senators named in this article have a keener understanding of the importance of metalliferrous mining than is to be expected of Senators whose States do not produce nonferrous metals. If the production of metals were of no interest to the United States Senators—or the production of steel, coal, potash, forestry products, or such agricultural products as cotton, corn, wheat, or livestock, or any other commodity that plays a vital role in the economy of the people of this country, we might as well do away entirely with the legislative, executive, and judicial branches of the United States Government and leave to the fortunes of State control the entire welfare of our people.

"Today we're farther away from reaching a 25-to-75 ratio of silver to gold than we were 8 years ago. In June 1934 the Treasury's silver holdings were 10.4 percent of its monetary stocks, indicating that if the Treasury would purchase 1,300,000,000 ounces of silver we would attain the ratio called for by the law. Since that date the Treasury has bought 2,640,000,000 ounces of silver at a cost to taxpayers of $1,430,000,000. But, en route, it has also picked up $15,000,000,000 of gold; consequently to attain the 25 percent ratio now, we must buy 2,530,000,000 ounces more silver. This is truly Mad Hatter arithmetic. In 8 years our silver policy has cost us more than a billion dollars and has made us the laughing stock of the world."

The fact that "we're farther away from reaching a 25-to-75 ratio of silver to gold than we were 8 years ago" is largely due to increasing the price of gold from $20.67 to $35 an ounce. As of March 1942 the ratio of silver to the total gold and silver stocks in the Treasury was 15.8 of silver to 84.2 of gold; whereas if the price of gold had remained at $20.67 an ounce the ratio of silver to the total Treasury stocks of gold and silver at that time would have been 24.2 to 75.8, practically 1 to 3.

Another thing must be taken into consideration and that is that the production ratio of silver to gold has decreased during the past 150 years from 15 ounces of silver to 1 ounce of gold to approximately 7 ounces of silver to 1 of gold, showing conclusively that silver is becoming relatively scarcer than gold.

The author states that the "Treasury has bought 2,640,000,000 ounces of silver at a cost to taxpayers of $1,430,000,000." This statement is utterly without foundation, as the Treasury has not paid as much as 5 cents for that silver. Dr. Harry D. White, monetary expert of the Treasury Department, stated to the Senate Banking and Currency Committee on March 19, 1940, that:

"Therefore by purchasing this silver you are reducing your unemployment and increasing your national income, and you are getting in exchange for it a metallic base which is in no sense valueless, but which may be worth, sometime in the future, even more than you are paying for it now; and it costs the Treasury absolutely nothing, and it costs the people nothing."

Consultation with the Treasury Department on this point would probably have saved the author the embarrassment of having published such a grossly exaggerated untruth. The fact is that silver acquired by the Treasury has always been used as money with which to buy the metal. That process is only possible with gold and silver, because they are the only monetary metals of this Government. The silver dollar has the same purchasing power as the gold dollar. Silver certificates, which are issued against silver reserves, circulate as legal tender just the same as the silver dollar, Federal Reserve notes, and United States notes and the same as gold formerly. Silver is now and always has been money since the passage of the first Coinage Act of April 2, 1792. The silver content of the dollar (371¼ grains) has always represented $1 in value. The gold content of the gold dollar, on the other hand, has been changed several times. Incidentally, since the price of gold was raised in 1934 to $35 an ounce, an additional value of $9,289,000,000 has been arbitrarily placed on our gold stocks as of March 1942. A great deal of that is clear profit, too.

The author could have stated that our gold policy "has cost more than $9,000,000,000 and has made us the laughing stock of the world" if she really wanted to carry her deception further. This gold has not cost the people of the United States anything either, because it is money. The stocks of precious metals that go to make up the monetary reserves of this Government are not purchased as are metals used in the manufacture of military and civilian goods. No appropriations are made by Congress for the purchase of these metals. Once these precious metals are delivered to our mints, they become part of the metallic reserves of the Treasury. The market price at which they are acquired is not necessarily the monetary price of these metals after they are accepted. When gold was raised from $20.67 an ounce to $35 an ounce,

it became necessary to reduce the gold content of the dollar from 25.8 grains to 15.23 grains, nine-tenths fine. It was necessary, therefore, for the Treasury to call in all of the outstanding gold coins, which carried the higher metallic content. The Government has not seen fit to reissue gold in the form of coins or in the form of notes since the gold content of the dollar was reduced. If it should decide to again coin gold for circulation nine-tenths fine, the size of the gold dollar would be so small as to be impractical. Even a $20 gold piece would be only slightly larger than the former $10 gold piece. Therefore, in comparing silver and gold stocks in the Treasury, the public should receive more enlightenment on the subject, else there is bound to follow a misconception of the situation. But the author's objective was not predicated on her desire to enlighten the public as to the value of silver. Her purpose was apparently to ridicule and revile certain United States Senators and to mislead the public.

"Senator MCCARRAN recently brushed aside criticism of this policy with the mere comment: 'We are determined to keep that law on the books.' Use of silver as an industrial metal, he said, would 'undermine confidence in silver' as money. But we certainly don't need silver today to back up our currency, for we have $23,000,000,000 of gold against $13,000,000,000 of currency outstanding. Nor do we need the white metal to broaden our monetary base, for that is already swelled to a dangerously inflationary degree."

The quotation attributed to Senator MCCARRAN that "we are determined to keep that law on the books" probably refers to the Silver Purchase Act of 1934. It must be remembered that the President of the United States sent a message to Congress on May 19, 1934, in which he stated:

"As a part of the larger objective, some things have been clear. One is that we should move forward as rapidly as conditions permit in broadening the metallic base of our monetary system and in stabilizing the purchasing and debt-paying power of our money on a more equitable level. Another is that we should not neglect the value of an increased use of silver in improving our monetary system. Since 1929 that has been obvious. * * * In further aid of this policy, it would be helpful to have legislation broadening the authority for the further acquisition and monetary use of silver. I, therefore, recommend legislation at the present session declaring it to be the policy of the United States to increase the amount of silver in our monetary stocks, with the ultimate objective of having and maintaining one-fourth of their monetary value in silver and three-fourths in gold."

The President's premise was sound at that time and is sound at this time. The President's reference and the Senator's quotation deal with silver as money and not as an industrial metal. The assertion that "we certainly do not need silver today to back up our currency as we have $23,000,000,000 of gold against $13,000,000,000 of currency outstanding" is a statement that only an uninformed writer on monetary questions would be expected to make. Two billion dollars "of the $13,000,000,000 of currency outstanding" is in silver and in silver certificates, against which no part of the $23,000,000,000 of gold serves "to back up."

Silver currency is "backed up" by silver alone. The silver certificate is redeemable in "silver payable to the bearer on demand." Its legal-tender status is just as firm as any other money in the Treasury. Practically $11,000,000,000 of the $13,000,000,000 in circulation is made up of Federal Reserve notes, which are redeemable in neither of the two precious metals. Those notes are issued against Government bonds, all of which are interest-bearing and cost the taxpayers of this country the amount of interest specified in the bonds. Therefore, Federal Reserve notes constitute a considerable expense to the taxpayer, but silver certificates cost him nothing. Silver money in no way contributes "to a dangerously inflationary degree" with respect to our monetary base. On the other hand, silver money is limited entirely to the amount of silver in the Treasury valued at $1.29 an ounce. On the contrary, Federal Reserve notes are "backed" by 35 percent gold, but no one can get any gold for any Federal Reserve notes. The "backing" of gold for Federal Reserve notes is not a promise to pay gold for the notes. Therefore, the redeemable intrinsic value of precious metals behind the paper currency of this Government is represented in silver and not gold. Federal Reserve notes, therefore, carry a much greater "inflationary" significance than do silver certificates.

"The United States Chamber of Commerce has called the silver policy a tragic farce. Senator CARTER GLASS said, 'I am in favor of immediate repeal of the law.' Recently, 68 leading economists urged immediate nullification. The secretary of the Economists' National Committee on Monetary Policy declared: 'The silver issue has now fallen to depths of indecency probably never before equaled in all its disgraceful and scandalous history.' These are typical condemnations of the silver bloc's ruthless tactics."

The "typical condemnations of the silver bloc's ruthless tactics" described by the author as having come from the United States Chamber of Commerce and the so-called Economists' National Committee on Monetary Policy, reflects the sentiments of organizations that are and have been for some time attempting to modify the monetary policy of this Government by placing our currency system on a "managed" basis; that is, they would be willing to do away with metallic backing for our currency in order that the banking groups would have complete control over the issue of money. While Federal Reserve notes are underwritten by the United States Government in the form of interest-bearing bonds, the money-creating power thus granted to this powerful private banking group (it must be remembered that the Federal Reserve System is not an organization of the United States Government, but is owned and operated entirely by private banks) lends itself to far greater inflationary and deflationary powers than do other forms of paper money that are redeemable in either or both of the precious metals.

"Several times in recent years legislation nullifying the law was almost passed, but the silver interests always rallied their supporters in time."

The public should understand that only a small percentage of bills offered in Congress ever become law. It is the prerogative of every Member of Congress—96 Senators and 435 Congressmen—to offer as many bills as he wishes. Reference to bills that have been offered to nullify or modify existing statutes could be made to almost every statute on the books—even to the Constitution itself—and has little significance in its attempt to create the impression that a small group of Senators or Congressmen desire to oppose the modification of existing silver laws.

"Nothing better illustrates the obduracy of the silver group than their lease-lend deal with their own Government. Secretary Morgenthau and Donald Nelson personally pleaded for release of silver. The Senators said they would agree to lend some—but it cannot be used in making guns, planes, or anything else that might wear out—it must be returned intact to the vaults after the war. So desperate was industry's need that even under these restrictions, silver is being substituted for 40,000 tons of copper in bus bars of new war plants. Bus bars are giant bars of bare metal which carry high loads of electricity."

The author's misstatement with reference to the silver group's "lend-lease deal with their own Government" is apparently intended to deceive the public into thinking that a group of Senators would presume to usurp the prerogatives of the executive branch of the Government. "The silver group" agreed promptly with the Secretary of the Treasury and Mr. Donald Nelson that all of the 47,000 tons of silver in the Treasury not pledged for the redemption of silver certificates should be made available for nonconsumptive uses in the war effort. That was in May 1942. Since then "the Senators" have agreed that this unpledged silver may also be used for consumptive purposes in making solders, brazings, bearings for airplane motors, silver plating for anticorrosive surfaces and all other consumptive uses necessary to the war effort. They have gone even further than that in agreeing that the bullion silver held in the Treasury as backing for silver certificates now in circulation, approximately 40,000 tons, may be used for nonconsumptive purposes in the war effort with the understanding that such silver be returned to the Treasury after the war. Any statement to the contrary is a gross misrepresentation and an unwarranted imputation of treasonable intention on the part of Senators who have taken the oath "to defend the Constitution of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to same * * *."

"Recently Secretary Morgenthau notified domestic mines that they could 'delay' delivery of their output to the Treasury. Playing ball handsomely, the Office of Price Administration then announced that if these mines delivered their silver to anyone except the Treasury they were entitled to an extra 'freight charge' of 1 cent an ounce. The 'freight charge' pays the silver producers a premium to induce them to sell to industry instead of the Treasury. The net effect is that, for the present, war industry is getting the domestic production—by paying through the nose for it."

The recent action attributed to Secretary Morgenthau in releasing his commitments for domestically mined silver was not designed to make available this silver for war purposes. It was done in order that the manufacturers of silverware, jewelry, watches, fountain pens, etc., could buy silver for their nonessential manufacturing needs. This action was necessary because of the order of the War Production Board to allocate all of the imported silver for use in the war efforts. These silver imports formerly served as a source of supply of the manufacturers of nonessential silver articles, and the Secretary of the Treasury was merely cooperating with these manufacturers who were not engaged in the making of munitions and other articles of war. Of course, these silverware and jewelry manufacturers found it necessary to pay a higher price for domestically mined silver than they were paying for foreign silver. The part that the Office of Price Administration played in the matter was merely in establishing a ceiling of 71.11 cents an ounce on domestically mined silver, which is exactly the "floor" price established by the act of Congress of July 6, 1939. In other words, the producer of silver receives no more for his metal than he received before the order was issued by the Office of Price Administration. The "freight charge" which is alleged to give the producer of silver "1 cent an ounce" additional is entirely without foundation. The "freight charge" provision of the order was inserted in order that

the producer of silver would not receive less than he has been accustomed to receiving. It added nothing to his revenue.

"But this is no solution, besides being outrageously extravagant. It is estimated that industry needs 230,000,000 ounces this year. Domestic production until September went to the Treasury. Imports will not exceed 115,000,000 ounces. There will be a 50,000,000-ounce shortage which will cripple the war effort seriously. There is nowhere to get that 50,000,000 ounces this year—and a lot more next year, and so on until the war is over—except out of the idle hoard at West Point.

"But the chances are slim that the silver bloc will give in. It's 12 men against the Nation, and so far the 12 men are winning, hands down."

The estimate that "industry needs 230,000,000 ounces this year" is ridiculous. The amount of silver imports in 1942 will probably not exceed 110,000,000 ounces; the domestic production of silver will not exceed 60,000,000 ounces. More than 35 percent of the silver imports this year have gone into nonessential production while Treasury acquisitions of domestically mined silver this year have amounted to more than two-thirds of the total domestic production. Therefore, if the author's estimated needs for industrial silver were confined to consumptive uses in the war effort, her estimate is more than 100 percent too high.

There is no "50,000,000-ounce shortage which will cripple the war effort seriously." There is no shortage of silver for the war effort at all. On the contrary, there is a surplus of silver for consumptive uses in the war effort which has been accumulating under the direction of the Metals Reserve Company. The silver stocks held by this company as of December 10, 1942, were between four and five million ounces. These stocks comprise foreign silver imports for which there is no immediate need by any industries engaged in the manufacture of munitions and articles of war (see hearings before Senate Banking and Currency Committee of December 1, 1942, p. 133).

On the other hand, if the author's intention was to give the reading public the benefit of all the facts without discoloration, she could have referred to the fact that silver has been under shipment from West Point for nonconsumptive uses in war plants at the rate of 168 tons a day. As of December 10, 1942, more than 500,000,000 ounces of silver have been so released from the vaults at West Point and actually transferred for use in the war effort.

"The silver bloc is but one of the many pressure groups which have reduced the prestige of Congress in the eyes of thinking citizens."

The editor's note in referring to the "silver bloc" as being "but one of the many pressure groups which have reduced the prestige of Congress in the eyes of thinking citizens" denotes a concurrence of opinion with that of the author of this article. This is a glaring example of the lack of investigatory procedure which is followed by editors of popular magazines who attempt to mold public opinion for the benefit of special interests by using congressional incumbents as scapegoats.

Mr. McCARRAN. Mr. President, I wish to join with the Senator from Colorado in the question of personal privilege. It has fallen to the lot of the senior Senator from Nevada to be—if I may use a homely expression—the spearhead in a movement to bring the truth about silver to the people of the country. I am very glad that the Senator from Colorado has now presented his analysis of the whole situation.

I am in hope that in the future we may deal with the situation from its true standpoint rather than from its false standpoint. I am in hope that the American people will realize, as has been evidenced by the testimony given before the Committee on Banking and Currency by the author of the article in the Saturday Evening Post, Mr. Walter Spahr, that when Mr. Spahr was asked by the senior Senator from Nevada how much money he received for writing the article he refused to answer. I hope the American people will realize that the articles were written for money, not for the purpose of presentation of facts. Those who write articles for money—articles such as that which appeared in the Saturday Evening Post under the authorship of Mr. Spahr—evidently have no regard for truth or for human life; because following the publication of Mr. Spahr's article and of the article appearing in the Reader's Digest, misguided persons who read them did not hesitate to use the mails to write to the senior Senator from Nevada, to other Senators whose names were mentioned, and to the President of the United States that they would have no hesitancy in coming to Washington and killing the senior Senator from Nevada and other members of the so-called silver group. Those who are accessory before the fact to a threat of murder may take their own place in the shrine of glory of American journalism.

Mr. President, it has been stated by the press that the Congress of the United States has reached an all-time low. When tactics of the kind represented by the two articles in question—tactics which lead to threats against the lives of men who have taken an oath to support the Constitution of the United States, to threats of murder, then I say that the press of America has reached an all-time low. It will sell itself to those who write and enlist the attention of the reading public of America—so much so as to cause them to make threats of violence. When there are in America those who use the columns of the press for that purpose, it seems to me that the American people should be aroused to the fact that such writers and a press that lends itself to such writers have reached an all-time low.

Mr. President, the threat that came following the article referred to by the Senator from Colorado, and from other articles, carries no particular terror to me. It only causes in my heart a serious regret that publications which have become great by reason of their recognition by the public will lend themselves to the utterance of false statements, unfounded in fact, even to the extent of destroying the reputation and character and name of men who have given and are now giving their lives to the welfare of the country.

Mr. President, it is regrettable that the public can be misled by reading lying utterances. It is regrettable that the country should be subject to such inflammatory statements, arousing the public, thereby creating false impressions at a time when the hearts of men and women are aching because their sons in unknown places are serving in the military forces of the United States. Letters which have come to the senior Senator from Nevada and, undoubtedly, to the Senator from Colorado, who just addressed the Senate, contain statements which indicate that the writers believe that those of us who are striving to hold this Nation on an even keel through the troubled waters of war are, indeed, engaged in trying to bring about the defeat of our armed forces.

Mr. President, silver has found its place in the great activities of war; and those who know the value of silver from a monetary and industrial standpoint, realizing the great place that metal holds, have sought to bring silver into the war with its greatest force.

The time was when a great President of this Nation, realizing the value of silver as money, by his utterance brought a State into the Union. It was my State that poured a hundred million dollars of silver into the coffers of the Nation from 1861 to 1865. There may be differences of opinion as to what the effect of that great contribution to the wealth of the Nation was, but, whatever it was, the martyred President recognized the fact when he said:

> Pass this bill; admit this State to the Union; or raise another million men, and, God knows, how much money.

We went through that war and silver saved our Nation. We will go through this war and silver will play a great enlisted part—and I use the term "enlisted" advisedly—in saving democracy for the future generations of the world, for silver today plays a part in the monetary system of America and plays a part in the industrial system of America unthought of between 1861 and 1865, and it will continue to play its part. Those in this body who recognize silver and its value, industrially and monetarily, are enlisted to the end that silver, maintaining its dignity and its place in the monetary system, shall also play a full part in the industrial system of America. It can do so without the least hesitancy.

Mr. President, we are also resolved that, while silver shall go into the industrial life of America, the intermediate agencies behind a movement to destroy silver both industrially and monetarily and who have for years taken profits from both ends, shall not take money out of the Treasury for their own individual gain, to the loss of the industrial activities of the country and to the loss of the monetary standing of silver.

This is not a broker's war. Those of us who know the silver question are resolved that it shall not become a broker's war in which brokers will "shave off" profits by buying from the Treasury for 50 cents silver that cost the Nation 71 cents, and then selling it back to the Treasury, if you please, by indirect activities, for 71 cents, or selling to the trade for 71 cents silver which they purchased from the Treasury for 50 cents.

That method of profit in America does not belong to the war effort and activities of this country when boys are in arms seeking to have every metal possible come to their assistance for their protection. The object, the aim, the purpose, the motive, and the determination of those who represent the silver group in the Senate is that every ounce of silver in America shall be utilized in the most effective way for the success of this war, and that no one shall take a profit to himself in that activity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 371) extending seasons greetings to our armed forces, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a resolution (H. Res. 586), as follows:

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the session and are ready to adjourn unless the President has some other communication to make to them.

The message returned to the Senate, in compliance with its request, the following bills:

H. R. 5444. An act to amend the act to regulate barbers in the District of Columbia, and for other purposes; and

H. R. 6179. An act for the relief of Thomas H. VanNoy.

ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
December 16, 1942.

Resolved, That the House agree to the amendments of the Senate to the bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri, with an amendment, as follows: In line 7 of the Senate engrossed amendments, after "Missouri", to insert a colon and "*Provided*, That the first vacancy occurring in said office shall not be filled."

Mr. VAN NUYS. I move that the Senate agree to the amendment of the House to the amendments of the Senate to the bill.

The motion was agreed to.

PRESERVATION OF NATIONALITY OF NATURALIZED VETERANS

Mr. MALONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 5569. I should like to say that the purpose of the bill is to except naturalized citizens who are veterans of the Spanish-American War and of the World War, their wives, minor children, and dependent parents from the operation of the provisions of law under which a naturalized citizen becomes expatriated by residing abroad for a period of 5 years in a country other than that in which he was born or of which he was formerly a national.

The PRESIDING OFFICER (Mr. HILL in the chair). The clerk will state the bill by its title.

The LEGISLATIVE CLERK. A bill (H. R. 5569) to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents.

Mr. McNARY. Mr. President, the representative of the American Legion and the representative also of the Veterans of Foreign Wars called my office and explained the measure. I have also had information concerning it from the sponsor of the bill, and I have no objection to its consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Immigration and Naturalization with amendments on page 1, at the beginning of line 6, to strike out "g" and insert "h"; and on line 7, to strike out "g" and insert "h."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SEASON'S GREETINGS TO MEMBERS OF THE ARMED FORCES

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution coming over from the House of Representatives, which will be read:

The joint resolution (H. J. Res. 371) extending season's greetings to our armed forces was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Congress of the United States, on behalf of the American people, and with a deep and abiding sense of gratitude, does hereby convey to the members of our armed forces and auxiliary services, and those of our Allies on land, on sea, and in the air, its best wishes and greetings of the season to them and to their families and its fervent hope and prayer for a speedy and complete victory and a lasting peace; and be it further

Resolved, That the Congress of the United States does hereby respectfully request that the Commander in Chief of our armed forces, President Franklin Delano Roosevelt, transmit these greetings through the proper and official channels to the armies throughout the world.

Mr. MALONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and unanimously passed.

CONFIRMATION OF CERTAIN NOMINATIONS

Mr. BARKLEY. Mr. President, there are several nominations at the desk reported today and, therefore, not on the calendar. I ask unanimous consent that the nominations be now taken up for consideration as in executive session.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the nominations.

JOSEPH H. PIACONKE

The legislative clerk read the nomination of Joseph H. Piaconke, of Michigan, to be labor analyst in the Detroit office of the War Manpower Commission.

Mr. PEPPER. Mr. President, have we reached the Manpower Commission nominations on the calendar?

The PRESIDING OFFICER. The nomination just stated is a nomination under the Manpower Commission.

Mr. BARKLEY. It is a nomination which was reported today, and is not on the calendar. Another one which was on the calendar was confirmed earlier today.

Mr. PEPPER. Mr. President, I merely wish to make a word of comment in this connection.

Recently when the question arose as to the committee to which the nominations under the Manpower Commission should be referred there was some discussion on the floor, and finally the nominations were referred to the Military Affairs Committee.

Mr. MURDOCK. Mr. President, will the Senator yield at that point?

Mr. PEPPER. I yield.

Mr. MURDOCK. I happened to be in the chair at the time. What happened was that the Chair referred the nominations under the Manpower Commission to the Committee on Education and Labor. There was objection to the reference. Then the question was submitted by the Chair to the Senate on motion, as I recall, of the Senator from Alabama [Mr. HILL]. The Senate then itself took action by adopting the motion which referred the nominations to the Committee on Military Affairs.

Mr. PEPPER. Mr. President, I wish to refer to the matter, because of the absence of the chairman of the Senate Committee on Education and Labor, the Senator from Utah [Mr. THOMAS] from the floor when that discussion took place, at which time I was not present, and I do not know whether other members of the Committee on Education and Labor were present. The Senator from Utah is not present today. I simply wish to say a word about the matter of principle, and not about the personalities of the nominees. It is a fact that there are several bills before the Military Affairs Committee which have to do with the full use of the Nation's manpower resources. It is also true that for a considerable period of time the so-called draft bills, and practically all the manpower bills, have been referred to the Military Affairs Committee. I think his-

torically that is due to the fact that in earlier years such bills purported to draft men and money. It was somewhat the American Legion program of universal draft, and it was quite appropriate therefore when one of the subjects involved was the drafting of manpower for the military forces, for matters incident to the draft, which were mentioned in the same bill, to be, of course, before the same committee.

The principle I wanted to suggest was that these are purely civilian nominations. They are being made by the Manpower Commission itself by Mr. McNutt's organization. They relate to volunteers and not to drafted persons. While there could not be found a group of men in this body who are abler and more patriotic and more responsible than the personnel of the Military Affairs Committee there was nevertheless a feeling among some of the members of the Senate Committee on Education and Labor that since these were not military nominations and since they were not made in response to legislation providing for compulsory draft which was in character somewhat analogous to military draft it was in logic and principle perhaps somewhat more appropriate that the nominations should be considered by a committee which does have the responsibility for the labor legislation of the Senate, and, generally, for the training program of the Senate which is non-army or navy in character.

While in this particular case I should not have the slightest objection—and the Committee on Education and Labor has not had a meeting at which the question was discussed, and the committee chairman is not present—I wanted to make the suggestion I have made with all deference to my able friend the Senator from Alabama [Mr. HILL], who is now in the chair, without any intention of interrupting or holding up the nominations of persons from North Carolina which have already been passed on, or the one which is now being referred to. I speak of the matter of principle, so that we shall not regard this question as being concluded by present confirmation of the nomination.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. JOHNSON of Colorado. The Senator is, of course, aware that selective service is one of the divisions under Mr. McNutt's direction.

Mr. PEPPER. Yes.

Mr. JOHNSON of Colorado. And in view of that situation I am sure the Senator would not dispute the fact that the Senate Military Affairs Committee ought to consider appointments in that category. I do not know who is going to make the separation which the Senator desires. The reason for placing selective service under Mr. McNutt was to coordinate the whole manpower problem and the selective-service problem under one head.

Mr. PEPPER. Yes.

Mr. JOHNSON of Colorado. So these men are very apt to have a very definite military function.

Mr. PEPPER. Yes, Mr. President, but the Senator, I am sure, will agree that those who come under selective service are a minor division compared with the whole civilian labor population of the country. That is what I wanted to point out. I feel that the Military Affairs Committee should with great propriety deal with anything that pertains to the military, such as selective service. Questions which have to do with the civilian population of the country, and the labor of America, and its regulations, however, are civilian in character and not military. That is the point or principle I wanted to emphasize.

Mr. JOHNSON of Colorado. During the time of war everything is subordinated to the military.

Mr. PEPPER. In that case we would have but one committee, of course.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the nomination of Mr. Piaconke be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. McCARRAN. Mr. President, may I ask the Senator from Michigan [Mr. VANDENBERG], while he is on the floor of the Senate, whether the nomination received the approval of the two Senators from Michigan?

Mr. VANDENBERG. I understand the nomination has the approval of the junior Senator from Michigan. It does not have my disapproval. I am wholly unacquainted with the man. I know nothing about him. So far as I know his nomination is entitled to confirmation.

Mr. JOHNSON of Colorado. In answer to the question of the Senator from Nevada, I may say that the names of both Senators from Michigan appear upon the notice.

Mr. VANDENBERG. Yes, Mr. President, my name will appear on the papers of about 1,500 Democratic postmasters who have been appointed in Michigan in the last 10 horrible years. That does not mean a thing except that I know when I am in the minority. [Laughter.]

CONFIRMATIONS OF NOMINATIONS REPORTED TODAY—POSTMASTERS

The PRESIDING OFFICER. The clerk will state the other nominations reported today.

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters reported today are confirmed en bloc. The President will be immediately notified of all nominations today confirmed.

THE NAVY AND THE MARINE CORPS

Mr. BARKLEY. Mr. President, the Senator from Massachusetts [Mr. WALSH] wishes to report favorably certain nominations.

Mr. WALSH. Mr. President, from the Committee on Naval Affairs, I report favorably nominations made yesterday by the President relating to promotions in the Navy and in the Marine Corps. Practically all of them are promotions the result of decisions made by the Naval Examining Board raising officers from one rank to another. I ask unanimous consent for immediate consideration and confirmation of the nominations.

Mr. McNARY. Mr. President, the able Senator from Massachusetts spoke to me about the nominations. I understand they all have committee approval. There is no objection to them. Therefore I have none.

The PRESIDING OFFICER. Without objection, the nominations in the Navy and in the Marine Corps, referred to, are confirmed en bloc.

Mr. WALSH. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Under rule 38, paragraph 5, the President will be automatically notified of all nominations made on the day of final adjournment.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. BAILEY, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

THOMAS H. VANNOY, POSTMASTER AT KELSO, WASH.

Mr. BARKLEY. May I ask the Chair what was done with House bill 6179, for the relief of Thomas H. VanNoy, which was returned from the House on motion of the Senator from Michigan [Mr. BROWN]?

The PRESIDING OFFICER. The House returned the bill, in compliance with the motion made by the Senator from Michigan.

Mr. BARKLEY. The papers having been returned, I ask that the motion to reconsider the vote by which the bill was passed be adopted, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the bill was passed.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

D. X. SANDERS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1098, House bill 4068.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 4068) conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

FEES, EXPENSES, AND COSTS OF WITNESSES AND JURORS

Mr. McFARLAND. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1893, House bill 7142.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7142) relating to the payment of fees, expenses, and costs of witnesses and jurors, and the accounting therefor, and for other purposes.

Mr. McNARY. Mr. President, I am not familiar with the bill. Will the Senator explain the purpose of the bill?

Mr. McFARLAND. I shall be glad to do so. Under existing law certain witnesses appearing before United States Commissioners and the Federal courts are paid by the United States marshall upon certification by the judge. The judge usually has little knowledge of the matter. The bill would change the situation, and provide for making the payment upon certification by the United States attorney or one of his deputies, or other officials. Under present law a burden is placed upon the United States judge to certify as to matters of which he has little or no knowledge.

Mr. McNARY. Mr. President, I am familiar with the practice in the district courts. The bill does not increase emoluments in any way? It permits the district attorney and the marshal to estimate the fees and mileage?

Mr. McFARLAND. Yes; instead of the judge.

Mr. McNARY. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 7142) was considered, ordered to a third reading, read the third time, and passed.

REGULATION OF BARBERS IN THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, House bill 5444 has been returned to the House in compliance with the motion I made yesterday. I now renew the motion that the vote by which the bill was passed be reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Nevada.

Mr. VANDENBERG. Mr. President, this is a bill which, in the view and opinion of a very substantial and honorable religious group in this country, involves a fundamental question of religious freedom which they think has not yet been adequately canvassed in connection with the measure.

Under the circumstances I should feel it necessary to resist the immediate consideration of the measure, insofar as I could, but knowing the constant attitude of the able Senator from Nevada toward civil liberties and the questions of fundamental right which are involved, I am going to ask him that he not press his motion at this time, and that the matter go over to the new session for exploration then.

Mr. McCARRAN. Mr. President, let me say in answer to the Senator's statement that when the bill came before the Senate Committee on the District of Columbia, after it had been passed by the House, I thought that the Committee on the District of Columbia took every possible step to safeguard every one's right, so that there would be no such thing as a religious test in the matter or religious discrimination, and that civil liberties, as regards religion, would be protected all the way through. Let me say frankly that I believe now that the language of the bill as it stands does protect civil liberties as regards religion. I realize the fact that if we were to press for action on the bill at this time, with opposition such as would naturally come from those who view the situation as the Senator from Michigan does, it would be impossible to get the bill through. The enactment of the bill is much sought for by organized labor. It provides for the closing of barber shops 1 day in the week in recognition of the Sabbath. In my own judgment that is in keeping with the general trend of the times of one day of rest in seven. As the bill is presently framed it provides that one who believes in a different Sabbath from Sunday may make his belief known, or may inform the Board that he dos not want to close his shop on Sunday, but wishes to close it on some other day, and would close it on that day.

Mr. President, it struck me that that was a liberal way of dealing with the question, but if the Senator from Michigan is inclined to oppose the bill now that it has come back from the House, I do not think it can be passed today before adjournment. But I do say that we propose to go on with the study of the matter and see if the problem can be worked out along fair, equitable, just, and proper lines; and therefore I shall not press the motion to reconsider.

Mr. VANDENBERG. I thank the Senator.

HITLER'S DEPOPULATION POLICY

Mr. PEPPER. Mr. President, the sad events which are now happening in Europe, the savage butchery and brutality being practiced upon an innocent and helpless people, bring back to our minds Dr. Hermann Rauschning's statement of a conversation he had with Adolf Hitler. The passage to which I should like to call attention appears on page 137 of Rauschning's book The Voice of Destruction, and is as follows:

"We are obliged to depopulate," he went on emphatically—

Referring to Hitler—

"as part of our mission of preserving the German population. We shall have to develop a technique of depopulation. If you ask me what I mean by depopulation, I mean the removal of entire racial units. And that is what I intend to carry out—that, roughly, is my task. Nature is cruel, therefore we, too, may be cruel. If I can send the flower of the German Nation into the hell of war without the smallest pity for the spilling of precious German blood, then surely I have the right to remove millions of an inferior race that breeds like vermin. And by 'remove' I don't necessarily mean destroy; I shall simply take systematic measures to dam their great natural fertility. For example, I shall keep their men and women separated for years. Do you remember the falling birth rate of the World War? Why should we not do quite consciously and through a number of years what was at that time merely the inevitable consequence of the long war? There are many ways, systematical and comparatively painless, or at any rate bloodless, of causing undesirable races to die out.

"And by the way," he added, "I should not hesitate a bit to say this in public. The French complained after the war that there were 20,000,000 Germans too many. We accept the criticism. We favor the planned control of population movements. But our friends will have to excuse us if we subtract the twenty millions elsewhere. After all these centuries of whining about the protection of the poor and lowly, it is about time we decided to protect the strong against the inferior. It will be one of the chief tasks of German statesmanship for all time to prevent, by every means in our power, the further increase of the Slav races. Natural instincts bid all living beings not merely conquer their enemies, but also destroy them. In former days, it was the victor's prerogative to destroy entire tribes, entire peoples. By doing this gradually and without bloodshed, we demonstrate our humanity. We should remember, too, that we are merely doing unto others as they would have done to us."

Mr. President, I call attention to that passage merely to indicate to the people who are yet free in the world the necessity of exterminating that kind of savagery from the pretense of civilization upon the earth. I venture to suggest, therefore, that the more speedily we concentrate our whole effort to bring about the destruction of that man and those who have been his minions in accomplishing these bloody purposes, the sooner will men and women be relieved of the scourge of that kind of a curse.

Let me emphasize—and I hope that the utterances of our President and State Department on that subject have reached Hitler's little gangsters—that there will come a day of justice and retribution, when not only shall Hitler be hanged higher than Haman, but his satellites, who have been his lesser murderers, shall pay in the people's courts of the countries he has ravaged for the crimes they have personally committed. It is not war, Mr. President, but butchery, of which they have been guilty.

I desired to call public attention to this passage in Hitler's statement to show that the crucifixion of the millions who have been taken out and shot down in cold blood, or killed by every sort of fiendish brutality imaginable, is all done, not by accident, but by cleverly conceived design and by long-considered premeditation. It is the murder of races that is being carried out by this fiend and devil, whom the earth must consider its enemy until he and those who willfully and willingly support him are totally destroyed and made impotent.

NOTIFICATION TO THE PRESIDENT

Mr. BARKLEY and Mr. McNARY appeared, and Mr. BARKLEY said: Mr. President, the committee appointed earlier in the day to wait upon the President to ascertain whether he had any further communication to make to the Congress reports that it has performed its duty, and that the President has no further communication to address to the Congress.

Mr. President, I believe there is on the desk a communication from the President, which I ask to have laid before the Senate at this time.

FELICITATIONS FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, which was read by the legislative clerk, as follows:

THE WHITE HOUSE,
Washington, December 16, 1942.

Hon. HENRY A. WALLACE,
The President of the Senate,
Washington, D. C.

MY DEAR MR. VICE PRESIDENT: On the final adjournment of the Seventy-seventh Congress may I send to the Members of the Senate my truly sincere thanks for all that they have accomplished during these difficult 2 years; and also my good wishes for a happy Christmastide.

Very sincerely yours,
FRANKLIN D. ROOSEVELT.

CHARACTER AND ACCOMPLISHMENTS OF THE SEVENTY-SEVENTH CONGRESS

Mr. BARKLEY. Mr. President, before making the final motion to adjourn sine die, let me state that we are waiting for a few minutes for information from the House that a certain bill is on its way over from the House. It is desired to take action on the bill, which is not controversial. While we are waiting, I wish to make a brief statement.

In my judgment, the Seventy-seventh Congress, when the cold light of history is concentrated upon it, will be regarded as one of the outstanding Congresses in the history of the United States. I doubt if ever there have been graver problems, national and international, upon which any Congress was called upon to pass, than the problems which have faced this Congress during the past 2 years. All we could ask, and all that I, on behalf of the Senate and the Congress, would ask, is that history judge this Congress by its performance, by its accomplishments, by the credit side of the ledger.

No one would be foolish enough to claim that a group of men representing various social, moral, political, industrial, and geographical interests of 130,000,000 people, scattered not only all over continental United States, but in many other parts of the world, could be a perfect body of men. No one would be foolish enough to claim that such a group of men, chosen by the people, could fail to make mistakes, just as the people themselves make mistakes in their collective and individual capacities. We should do ourselves no service in regard to the work of the Seventy-seventh Congress if we should contend that it had made no mistake. It has made mistakes; but, in my judgment, the constructive, patriotic work of the Seventy-seventh Congress, in one of the most epochal eras of human history so far outweighs any shortcomings or any mistakes it may have committed, that the historian is bound to accord to this Congress a very high place in the annals of legislation.

We are soon to depart for our respective homes to enjoy, I hope, 2 or 3 weeks of vacation. I wish for every Member of this body, without regard to politics, a very happy Christmas. If I dared to do so, I might ask Senators to join in singing that wonderful song which we hear so much over the radio—I Am Dreaming of a White Christmas. I hope that all your Christmases will be white, not merely from the physical standpoint but white with the consciousness of duty well performed, and that you will enjoy the brief holiday which you have so richly earned. That wish applies not only to Senators but to our able, affable, patriotic, and hard-working Vice President. It applies to all the employees of the Senate, from the pages up—or down—as one sees fit to consider it.

In response to the process by which we maintain democracy, and as a result of the ebb and flow of the political tide—which is not unfamiliar to many of us, regardless of party—we are about to lose some of our valuable Members. I am sure that personally we all regret their loss, though politically some of our colleagues may not share the grief which I confess at the loss of some of my colleagues. Regardless of their political affiliation, I wish, and I believe we all wish, for all Senators who are retiring to private life—whether voluntarily or under some form of compulsion which they cannot avoid—whatever calling they may follow in their future lives, that they may not only enjoy success, prosperity, and happiness but may cherish the memory of their association with us here as we cherish the memory of our association with them.

That is all I desire to say.

One of the most efficient, accommodating, and valuable employees that the Senate ever had is Mr. Leslie Biffle, who advises me that the message from the House is on its way to the Senate. When he advises me that anything is on its way, the burden of proof to show that it is not on its way is on anyone who disputes the statement.

THE SILVER POLICY

Mr. MURDOCK. Mr. President, I did not intend to make a speech or statement at this time, but inasmuch as statements have been made by other Senators with respect to the article by Sylvia F. Porter, in which she designates 12 Members of the Senate as "12 men against the Nation," it might not be amiss on my part during the few moments which remain before the message arrives from the House to point out a few facts in connection with silver.

During the past 10 years of my service in Congress I have enthusiastically supported the silver policy of the administration. During that time I have seen accumulated in the Treasury of the United States in excess of 100,000 tons of silver.

I, in connection with other Senators, have been informed by the present Chairman of the War Production Board that today in the United States of America there is no individual asset of more value in our great war program than the 100,000 tons of silver which we have. I am very happy that we have it, and I am willing that, if necessary, every ounce of it be used in the war program. I also, Mr. President, call attention to the fact that in the settlement of economic problems and questions around the peace table after hostilities have been concluded there will be nothing in the possession of the United States and its representatives at the peace conference that will be more valuable economically, not only to this country but to every other country in the world, than the vast accumulation of silver which the United States now has.

With reference to the use of silver in the war program, let me say that in the month of November of the present year over 4,000,000 ounces of foreign silver were imported into this country in excess of what was needed in the war program. The silver was stored by the Reserve Metals Corporation, and is now in storage awaiting use in the war program.

I state that fact, Mr. President, in answer to those who are accusing the 12 Senators who are mentioned in the articles referred to. I mention it so as to point out to them that today there is coming into the United States more silver than is being used in the war program. So I ask the question, Why should there be all the furor and all the adverse publicity against Senators from silver-producing States when that condition exists?

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. McFARLAND. I should like to ask the Senator if it is not a fact that the legislation about which the author of the article referred to wrote was enacted before the junior Senator from Arizona took his oath of office?

Mr. MURDOCK. That is correct.

Mr. McFARLAND. Does the Senator know how the author of the article ascertained the attitude of the junior Senator from Arizona on the subject?

Mr. MURDOCK. I merely assume that Miss Porter, in her lack of wisdom, included the junior Senator from Arizona simply because he comes from that great section of the United States in which most of the silver is produced—the intermountain region of our country.

Mr. McFARLAND. Would not the Senator from Utah be as much entitled to presume that all the rest of the writer's information and everything else she said were just as reliable as that statement by her? Because she had no definite information except that I am from Arizona.

Mr. MURDOCK. The Senator from Utah would not presume to say that any portion of the article written by Miss Porter or Mrs. Porter, whichever she may be, was founded in fact. I know from reading the article that none of it is founded in fact. It is malicious. It is without foundation. To me it is inconceivable that any author worthy of having an article published in any magazine would resort to the type of journalism which is found in the article.

Mr. President, let me also call the attention of the Senate to the fact that long prior to Pearl Harbor, long prior to the writing of the article by Miss Porter, or Mrs. Porter, the Senator from Utah, in a conference with Mr. Gadsby, of the Utah Light & Power Co., in my State, I believe was the first man in public life to tell the Nation that, in his

opinion, the silver in the Treasury could be used in place of copper in our great electric plants. I am advised that in excess of 15,000 tons of silver have already passed into the war program and have been consumed for war purposes.

There is in my mind a question which I cannot answer and to which I have failed to receive an answer from any of the opponents of the silver policy. The question arises from the following circumstances: There is in the United States Treasury silver of a monetary value of $1,700,000,000, against which silver certificates have not been issued. That is silver money, money which belongs to the people of the United States. That $1,700,000,000 in the Treasury, represented by what is called free silver, belongs to the people of the United States; it is the people's money, and it has been made a part of our monetary stocks without the creation of debt. In fact, Mr. President, today in the United States the only money in circulation which has not been created without involving debt is the silver in the Treasury and also the silver certificates which are in circulation. The question in my mind—the question which has not been answered and which, in my opinion, cannot be answered by any of the opponents of the silver policies of the Administration—is, Why, during the period of less than 1 year beginning in October of last year, have we seen come into circulation in the United States $3,300,000,000 in the form of Federal Reserve notes? The other question I ask—and I direct it to the Secretary of the Treasury—is, Why, Mr. Secretary, have not you issued silver certificates against the $1,700,000,000 worth of free silver which today is in the Treasury?

The answer which might be made to the latter question is that the issuance at this time of any new money would be inflationary, and that the one thing we are trying to guard against and at this time are doing everything possible to prevent is inflation. However, in reply to any such suggestion, I make the statement that the issuance and putting into circulation of a Federal Reserve note is just as inflationary as putting into circulation a dollar in the form of a silver certificate.

Mr. President, today we find that the opponents of the silver policies of the administration—and they have existed ever since the first silver bill was introduced—are using the war as a vehicle by which they seek to destroy and strike down, if possible, the silver monetary policy of the administration. I hope that will not be done; and I hope that before many months go by, while the Secretary of the Treasury is watching the process by which millions or even billions of dollars of Federal Reserve notes are being placed in the monetary circulatory stream of the Nation, he will see fit to issue silver certificates against the free silver which now is in the Treasury of the United States, and which, according to the Treasury experts, the experts of Mr. Morgenthau, who have testified before committees, has cost the people of the country absolutely nothing.

It seems that the bankers of the country, the men who are running the Federal Reserve System and are profiting therefrom, take the position that the only money in the United States that is sound, the only money which should be used in the great war program, is the money which is created by means of debt and the money which carries a tribute of interest to them for every dollar which goes into circulation.

It is true that the Senators from silver States have been zealous and diligent, and have resorted to every defense available to them, in preventing at this session action upon legislation which might strike down the silver monetary policy of the administration. Oh, we may be condemned today, Mr. President, by those who do not understand it.

We may be condemned in magazines, in newspapers, and in other periodicals, by authors who are paid to write libelous articles such as the one written by Miss Porter; but, if the same persons understood the importance of silver to the State I represent, if they understood the importance of silver to all the Western States, if they understood the importance of the production of silver in combination with the production of lead, in combination with the production of zinc, and in combination with the production of copper, then I am sure that such articles as those which have been referred to by the Senator from Colorado [Mr. JOHNSON] and the Senator from Nevada [Mr. MCCARRAN] would never be written.

When it comes to responding to, and answering, such articles, what do we find has been the attitude of the owners and publishers of the magazines in which the articles appeared? Although articles in answer to the Porter article, and also answers to the article which appeared in the Saturday Evening Post, have been supplied by Senators from the silver-producing States, what reception have they had? Absolutely an unfavorable reception, and without the slightest intention, so far as I am informed, of any publication whatsoever by the owners and publishers of the magazines.

Like the Senator from Nevada and the Senator from Colorado, the Senator from Utah has received a stack of correspondence some 10 inches thick written by persons in nearly every State in the Union as a result of the article written by Miss Porter and published in the Reader's Digest, condemning him and telling him that he, along with the Senator from Nevada and the 10 other Senators mentioned, should be tried for high treason if the facts as disclosed in the article are true. We cannot come back and answer in the Reader's Digest. Why? Because the Reader's Digest, up to this time at least, has refused even to consider or to publish the statement which was submitted, so I am informed, by the Senator from Nevada.

Mr. President, I do not desire to detain the Senate on this question so vital, in my opinion, to the Nation, so vital to all nations which today are fighting as members of the United Nations, and so vital to the Western States which produce silver; but I do think that when the facts are known, when it is realized that in excess of 4,000,000 ounces of free silver came into our country in November but were not used in the war program, certainly the Senators who have objected to the bill introduced by the Senator from Rhode Island [Mr. GREEN] should not be condemned because of their opposition to the bill which would provide for the use of the silver in the trade in connection with the production of jewelry and articles of that kind. I am as sympathetic as anyone can be to the use of silver in industry. I hope it will be so used, and I pledge my support to the program which will liberalize the attitude of the War Production Board so that a portion of the silver may be diverted to the silver trade; but Mr. President, under present conditions I am unwilling to have one ounce of the silver now in the Treasury of the United States sold for other than war purposes until I am convinced that the war effort will be impaired and impeded without such use of that silver.

I do not know what may be the intention of the Senator from Rhode Island regarding the matter in the next Congress; but I hope that some method and means will be agreed upon between him and the Senators from the silver-producing States whereby we all can go to the War Production Board and ask for a liberalization of its policy with reference to the use of silver, so that the silver jewelers of New England and of other sections of the country will be able to obtain a sufficient amount of the commodity to enable them to carry on their industry. In my opinion, nothing is more deplorable than the fact that those men and others in other industries—such as those devoted exclusively to the mining of gold in the West and in other areas of the United States—have been forced to close down operations because of being denied critical materials and critical machines. I know that if some joint action of the kind I have indicated is taken and if those of us who are interested present the facts as they are, redress may be had from that direction instead of by legislation proposed in the Congress, which, in my opinion, may set aside and strike down the entire silver policy of the present administration.

FAREWELL ADDRESS TO THE SENATE

Mr. DOXEY. Mr. President, as the Seventy-seventh Congress is now drawing to a close, to you and my colleagues in the Senate I desire to say a few brief words. I have had the honor and privilege of representing, in part, the State of Mississippi in this, the greatest deliberative body in the world, serving the unexpired term of my beloved and lamented predecessor, Senator Byron Patton Harrison, of Mississippi. As that term will expire on January 3, 1943, I wish now to say that I leave this body with memories laden and freighted with friendships and associations which will always be an inspiration and beacon light to my path as I journey down life's highway. Each and every one of you has been wonderful to me, and I appreciate every courtesy that has been extended to me not only by my colleagues but by all those who are in any wise connected with the Senate. To be a Member of this great body is one of the highest honors that can come to any person.

I have served in the Senate from September 21, 1941, having been elected by

the people of the State of Mississippi, and through the cooperation afforded me, the honors bestowed upon me, and the positions with which I have been entrusted, I have been able, I hope, to render, in some degree at least constructive service not only to the State of my nativity but to the Nation as a whole.

I feel, Mr. President, that the Seventy-seventh Congress has confronted some of the most complex and perplexing problems which ever faced any parliamentary assembly. As our distinguished majority leader said a few moments ago, naturally, at times, individuals, as well as groups, make mistakes; but this has been a momentous and historic Congress, and I feel honored and privileged to have been a Member of it. No Congress ever accomplished any more or made more history for this great Nation that we all love than the Seventy-seventh Congress.

I want my colleagues to know that, while I leave the Senate with regret, every day and every hour of my service here has been an inspiration to me, and I appreciate more than words can express every courtesy and every consideration which has been accorded me.

The people of Mississippi, my beloved State, have been good to me. They have honored me from time to time as county prosecuting attorney, as district attorney, and as Representative in Congress from the Second District of Mississippi for some 13 years. My service here has been an experience which I shall always cherish.

In the closing moments of this Congress, I would that I could find words to express the innermost feelings of my very being. Of course, we all feel that to win this war is the one supreme objective that must animate our thoughts and efforts, and I know that to that end the intelligence, ability, and patriotism of all those who shall sit in this body in the next Congress will be directed. They will face heavy tasks and responsibilities, but the Members of the Senate are as patriotic, self-sacrificing, and as hard-working a body of men as it has ever been my privilege to be associated with. I know they will devote themselves untiringly and unceasingly, without thought of self, until the great goal of winning the war shall have been achieved.

Mr. President, I merely wanted to say these few words before the adjournment of the Seventy-seventh Congress. Would that I could find words to express adequately my appreciation and thanks for everything that has been done for me in the Senate of the United States. I thank the Senate and wish for each and every one of you a most happy Christmas and a New Year filled with the best of everything.

Good luck, good-bye, and may God's richest blessings be with you and abide with you always.

RECESS

Mr. BARKLEY. We are still waiting on the House of Representatives. I, therefore, ask that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. (Mr. MURDOCK in the chair). Without objection, it is so ordered.

Thereupon, at 2 o'clock and 8 minutes p. m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 o'clock and 15 minutes p. m., when called to order by the Vice President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post No. 6 of the American Legion, and C. J. Nairn, all of Columbia, S. C.;

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; and

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes.

The message also announced that the House had passed the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6671) to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy; and

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7370) to authorize, during time of war, waiver of compliance with no modification or suspension of the operation of certain provisions of the Communications Act of 1934.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.;

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 6336. An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation;

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7191. An act to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington;

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H. R. 7828. An act for the relief of John Sweeney;

H. R. 7841. An act relating to the administration of grazing districts;

S. J. Res. 170. Joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes; and

H. J. Res. 368. Joint resolution fixing the the date of meeting of the first session of the Seventy-eighth Congress.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on today, December 16, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.;

S. 2528. An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico;

S. J. Res. 140. Joint resolution granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile; and

S. J. Res. 170. Joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and

June 3, 1941 (55 Stat. 241), and for other purposes.

DISCOVERY OF OIL AND GAS ON THE PUBLIC DOMAIN

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war, which was, to strike out all after the enacting clause and insert:

That, during the period of the national emergency proclaimed by the President May 27, 1941 (Proclamation No. 2487), upon a determination by the Secretary of the Interior that a new oil or gas field or deposit has been discovered by virtue of a well or wells drilled within the boundaries of any lease issued pursuant to the provisions of the act, approved February 25, 1920, as amended (U. S. C., title 30, secs. 181–263), the royalty obligation of the lessee who drills such well or wells to the United States as to such new deposit shall be limited for a period of 10 years following the date of such discovery to a flat rate of 12½ percent in amount or value of all oil or gas produced from the lease.

Mr. MURDOCK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LANDS FOR THE GEOLOGICAL SURVEY

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES,
December 16, 1942.

Resolved, That the House agree to the amendment of the Senate to the bill (H. R. 6671) to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey, with an amendment, as follows:

Page 1, lines 4 and 5 of the Senate engrossed amendment, strike out "purchase, condemnation, or donation", and insert "donation or when funds have been appropriated by Congress by purchase or condemnation."

Mr. MURDOCK. I move that the Senate agree to the amendment of the House to the amendment of the Senate.

The motion was agreed to.

ADJOURNMENT SINE DIE

Mr. BARKLEY. Mr. President, I think that concludes the consideration of Senate bills to which there have been added amendments by the House, and so far as I know that concludes the business of the Senate for the session.

In compliance with the concurrent resolution heretofore adopted providing for adjournment sine die, I move that the Senate do now adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and (at 2 o'clock and 19 minutes p. m.) the Senate, under the provisions of Senate Concurrent Resolution 41, adjourned sine die.

MESSAGE FROM THE HOUSE RECEIVED AFTER SINE DIE ADJOURNMENT

Under authority of the order of December 16, 1942,

The following message from the House of Representatives was received by the Secretary of the Senate after the sine die adjournment of the second session of the Seventy-seventh Congress:

That the House had agreed to the amendments of the Senate to the bill (H. R. 5569) to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents.

That the House had passed the bill (H. R. 7611) to correct an error in the census record of 1900 with respect to the family of Ida M. Dugan, Omaha, Nebr., in which it requested the concurrence of the Senate.

That the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President, under the authority of Senate Concurrent Resolution 42:

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war;

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2655. An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.;

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes;

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes;

H. R. 137. An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri;

H. R. 4068. An act conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders;

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents;

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy;

H. R. 6447. An act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer;

H. R. 6671. An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey;

H. R. 6370. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry;

H. R. 7142. An act relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes;

H. R. 7370. An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended;

H. J. Res. 359. Joint resolution to amend Public Law No. 623, approved June 22, 1942, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; and

H. J. Res. 371. Joint resolution extending season's greetings to our armed forces.

ENROLLED BILLS PRESENTED AFTER SINE DIE ADJOURNMENT

The following enrolled bills, heretofore signed by the Presiding Officers of the two Houses under authority of Senate Concurrent Resolution 42, were presented to the President of the United States by the Committee on Enrolled Bills:

On December 18, 1942:

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war;

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post No. 6 of the American Legion, and C. J. Nairn, all of Columbia, S. C.

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; and

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes.

On December 28, 1942:

S. 2655. An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own;

APPROVAL OF SENATE BILLS AND JOINT RESOLUTIONS SUBSEQUENT TO FINAL ADJOURNMENT

The President of the United States, subsequent to the final adjournment of the second session of the Seventy-seventh Congress, notified the Secretary of the Senate that he had approved acts and joint resolutions, as follows:

On December 10, 1942:

S. 1953. An act for the relief of James B. Shuler.

On December 15, 1942:

S. 1008. An act to amend an Act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes", approved June 29, 1938;

S. 2798. An act amending the first sentence of Article of War 52, relative to execution of court-martial sentences; and

S. 2824. An act to amend the act of January 24, 1920, so as to authorize the award of a Silver Star to certain persons serving with the Army of the United States.

On December 17, 1942:

S. 2341. An act to amend the act approved March 14, 1936, entitled "An act to provide for vacations for Government employees, and for other purposes";

S. 2734. An act to amend an act entitled "An act to create a board for the condemnation of insanitary buildings in the District

of Columbia, and for other purposes", approved May 1, 1906, as amended, and for other purposes;

S. 2769. An act to authorize the rank of rear admiral in the Dental Corps of the United States Navy; and

S. 2852. An act to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations.

On December 18, 1942:

S. 357. An act to provide for the establishment and operation of a research laboratory in the Pennsylvania anthracite region for investigation of the mining, preparation, and utilization of anthracite, for the development of new uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the war effort;

S. 2353. An act to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge;

S. 2528. An act to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico; and

S. 2889. An act to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes.

On December 19, 1942:

S. J. Res. 140. Joint resolution granting permission to Hugh S. Cumming, Surgeon General (retired) of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of Colombia, Haiti, and Chile.

On December 22, 1942:

S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.; and

S. J. Res. 170. Joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 30, 1941 (55 Stat. 241), and for other purposes.

On December 24, 1942:

S. 1666. An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies;

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war;

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.;

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; and

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket Irrigation District, Wash., and for other purposes.

On December 29, 1942:

S. 2655. An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16 (legislative day of November 30), 1942:

THE JUDICIARY

UNITED STATES ATTORNEY

M. Neil Andrews to be United States attorney for the northern district of Georgia.

WAR MANPOWER COMMISSION

Joseph H. Placonke to be labor utilization analyst at $4,600 per annum in the Detroit district office.

Dr. Joseph S. Dorton to be area director at $4,600 per annum in the Raleigh area office.

DEPARTMENT OF COMMERCE

Oswald Ryan to be a member of the Civil Aeronautics Board.

IN THE NAVY

TEMPORARY SERVICE

Jack H. Duncan to be a rear admiral in the Navy, for temporary service, while serving as naval attaché to the Union of Soviet Socialist Republics, to rank from December 7, 1942.

Francis E. M. Whiting to be a rear admiral in the Navy, for temporary service, to rank from May 16, 1942.

Daniel E. Barbey to be a rear admiral in the Navy, for temporary service, to rank from June 1, 1942.

PROMOTIONS IN THE REGULAR SERVICE

The nominations of Francis W. Rockwell et al. for promotion in the regular service.

(NOTE.—A full list of the persons whose nominations for promotion in the Navy were today confirmed may be found in the CONGRESSIONAL RECORD for December 15, 1942, under the caption "Nominations," beginning on p. 9574.)

IN THE MARINE CORPS

TEMPORARY SERVICE

James T. Moore to be a brigadier general in the Marine Corps, for temporary service, from September 16, 1942.

PROMOTIONS IN THE REGULAR SERVICE

The nominations of Clifton M. Craig, Jr., et al. for promotion in the regular service of the Marine Corps.

(NOTE.—A full list of the persons whose nominations for promotion in the regular service of the Marine Corps were today confirmed may be found in the CONGRESSIONAL RECORD for December 15, 1942, under the caption "Nominations," beginning on p. 9574.)

POSTMASTERS

ARIZONA

William J. Jamieson, Phoenix.

ARKANSAS

Lois R. Patterson, Arkadelphia.
Charles F. Elza, Benton.
John Freeman Graddy, Clinton.
James I. Garrick, Hermitage.
Elmer McHaney, Marmaduke.
Jesse T. Howard, Smithville.

CALIFORNIA

Michael J. O'Rourke, Beverly Hills.
J. Everett Osborne, Camarillo.
Edgar G. Eckels, Chino.
Alice E. Schieck, Eldridge.
Thomas F. Helm, Lakeside.
Mary M. Franklin, North Fork.
Merle H. Wiswell, Roseville.
Minnie B. Pharr, Scotia.
Wesley L. Benepe, Sebastopol.
Roy Bucknell, Upper Lake.

COLORADO

Frances M. Parker, Alma.

CONNECTICUT

William M. O'Dwyer, Fairfield.
Martin M. J. Murray, Falls Village.
Charles F. Schaefer, Greens Farms.
Harold Olin Grant, Manchester.
David L. Condon, South Britain.

DELAWARE

Cyrus E. Rittenhouse, Newark.

FLORIDA

Hattie A. Stevens, Greenwood.
Sidney E. Livingston, Homestead.
George C. Blume, Jacksonville.
William L. Deas, Kendall.
Frank B. Stewart, Melrose.
Hugh P. Emerson, Miami.
Coy K. Duff, Mims.

GEORGIA

Belle B. Hicks, Cadwell.
James H. Hart, Ellav'lle.
Joseph R. Gay, Gay.
Ethel C. Roberts, Jakin.
Olin W. Patterson, Lumpkin.
Rois A. Martin, Milner.
Eunice B. Jackson, Morgan.
Edna R. Gregory, Richmond Hill.
Eugenia W. Scroggin, Sargent.
Myrtle Louise Walker, Soperton.
Fred Grant, Stockbridge.
George Arnold Ware, Tignall.

IDAHO.

Hazel Norma Russell, Kuna.

ILLINOIS

Harvey F. Doerge, Chester.
John J. McGuire, El Paso.
Roy R. Pattison, Godfrey.
Edwin B. Watrous, Hampshire.
Orville W. Lyerla, Herrin.
Joe W. Wilson, Morrison.
Clarence A. Stout, Mound City.
Thomas J. Studley, Neponset.
Paul B. Laugel, Newton.
Hezekiah Reeves, Pulaski.
H. Wilson Harshman, Rockport.
J. Vernon Lessley, Sparta.
Irvin M. Lewis, Walnut.
Mervin N. Beecher, Yorkville.

INDIANA

Roy Biberstine, Bluffton.
Stanley P. Downing, Carbon.
Ervin Sell, Columbia City.
C. Frank Youngblood, Covington.
Carl A. Waiz, Sellersburg.

IOWA

Margaret Audra Pearson, Ainsworth.
Celia Boom, Aplington.
Kenton R. McDermott, Bridgewater.
Joseph F. Rettenmaier, Carroll.
Price G. Thompson, Casey.
Charles FitzPatrick, Churdan.
William E. Shontz, Correctionville.
Herbert A. Lowenberg, Donnellson.
John J. Fowler, Eldora.
Edna M. McCabe, Hillsboro.
Thomas J. McManus, Keokuk.
John N. Day, Klemme.
Russell E. Whipple, Lehigh.
Paul M. Molleston, Lineville.
Ernest L. Wood, Maxwell.
Bert McKinley, Morning Sun.
Russell G. Mellinger, Oakville.
Joe Goodman, Osceola.
Cecilia R. Mead, Oto.
James G. Floerchinger, Oxford.
Lucy E. Newville, Titonka.
Cash E. Garton, Weldon.
Harris D. MacGugin, Wellman.

KANSAS

Carey Olson, Bazine.
Dixie Hickman, Blue Rapids.
Faye R. Bergin, Bogue.
Samuel E. Notestine, Burdett.

Alexander A. Niernberger, Collyer.
Nell C. Graves, Columbus.
Mildred F. Atkinson, De Soto.
Henry J. Kuckelman, Everest.
Charles F. Mellenbruch, Fairview.
Homer I. Shaw, Galesburg.
Charles H. Ryan, Girard.
Reba A. Fuller, Lenora.
A. Isabella Marty, Longford.
Charles H. Wilson, Moline.
Charles Huffman, Norwich.
Carl Eickholt, Offerle.
Edmund C. Turner, Overland Park.
James J. Owen, St. John.
George F. Riley, Soldier.
Clyde N. Swartz, Turner.
Samuel E. Holt, Uniontown.
Margaret A. Schafer, Vermillion.
James L. Morrissey, Woodston.

KENTUCKY

Mary K. Listermann, Cold Spring.
Alex H. Jenkins, Elizabethtown.
Walter McKenzie, Eubank.
Willis Conley, Garrett.
Robert I. Gray, Gray.
Katie Mullins, Mount Vernon.
Mason E. Burton, Somerset.

MAINE

Laval R. Level, Brunswick.
Corice E. Wallace, Mattawamkeag.
Sumner A. Fickett, Millbridge.

MASSACHUSETTS

Joseph E. Langlois, Dodgeville.

MICHIGAN

Henry I. Bourns, Adrian.
Herbert D. Witherell, Chelsea.
Harry J. Lynch, Gaylord.
Edwin C. Kraft, Nashville.
Paul Grobaski, Pelliston.
Merrill Hillock, Pickford.
George A. Ruddy, Plainwell.
Jerome Wilhelm, Traverse City.
Mary Jane Hageman, Unionville.

MINNESOTA

William L. Ward, Anoka.
Alta V. Mason, Blue Earth.
Edward James Crotty, Caledonia.
Elmer J. Larson, Cokato.
Raymond E. Mumm, Cologne.
Glen J. Merritt, Duluth.
Martin T. Haley, Hibbing.
Ignatius F. Lano, Long Prairie.

MISSISSIPPI

William A. Pepper, Belzoni.
Tressie V. Brogan, Petal.
Hettie E. Harper, Soso.

MISSOURI

Albert W. Mueller, Altenburg.
Foster R. Moore, Brashear.
Boyd W. Harwood, Jr., Camdenton.
Rose Virginia Gorham, Cardwell.
W. Donald Dale, Elmer.
Blanche D. Blagg, Harris.
Walter Manley, Liberty.
Andrew Earl Duley, Newtown.
Donald H. Sosey, Palmyra.
Chalmer R. Ethington, Powersville.
Walter M. Horton, Robertson.
Raiman L. Coates, Sarcoxie.
Michael Mayberry, Sullivan.
Glendon H. Yahn, Weldon Spring.

MONTANA

Hannah M. West, Jordan.

NEBRASKA

Clarence D. Gottula, Adams.
Arthur L. Willis, Central City.
George L. Jordan, Clarks.
George W. Nicholas, Jr., De Witt.
Daniel F. Sheehan, Emerson.
David S. Simms, Hastings.
Claude L. Frack, Holbrook.
Ernest J. Kaltenborn, Waco.
Richard H. Schwedhelm, Westpoint.

NEVADA

Roy T. Williams, Minden.
Nellie H. Bunch, Whitney.

NEW HAMPSHIRE

Carroll H. Metcalf, Alstead.
Arthur P. Varney, Alton.
Charles S. Stone, Andover.
Everett S. Meloon, New Castle.
Hazel J. Hayes, Rye Beach.

NEW JERSEY

Myra Pulis, Campgaw.
Harry F. Sawyer, Far Hills.
Thomas R. Boyle, Florence.
Ralph Penn, Forked River.
Joseph A. Alois, Garfield.
Henry P. Topoleski, Great Meadows.
Merritt J. McAlinden, Hopewell.
Agnes Despreaux, Middletown.
Frank Martin, Midland Park.
George M. Gibson, Moorestown.
Harry B. Mason, Pompton Lakes.
Kathryn B. Donohue, Saddle River.

NEW MEXICO

Selah C. Hoy, East Vaughn.

NORTH CAROLINA

Handy C. Allred, Alamance.
Surry P. Bowen, Bath.
T. Newton Mann, Carrboro.
Margaret C. Lewis, Eagle Springs.
Joseph G. Penny, Garner.
James M. Attkisson, Jr., Garysburg.
Sibyl R. Hobbs, Hobbsville.
Lucile B. Ellis, Kittrell.
Ina M. Wilson, Marston.
William S. Harris, Mebane.
Margaret F. Poyner, Moyock.
William Samuel Somers, Reidsville.
Annie E. Black, Rocky Point.
George W. Morgan, Skyland.
Tryphenia McKeel, Walstonburg.
Thomas D. Boswell, Yanceyville.

NORTH DAKOTA

Wesley P. Josewski, Maxbass.
John A. Hamilton, McClusky.
Suzanna A. Preszler, Medina.
Caroline G. Lipinski, Minto.
Ann Marie Bimler, Munich.
Frank S. Kenny, New England.
Erick J. Moen, Osnabrock.
John D. Prindiville, Rutland.
James F. Keaveny, Wales.
Sadie E. Uggen, Woodworth.
Margaret T. Rogers, Zap.

OHIO

Charles J. Slezak, Brecksville.
Paul D. Fleming, Cardington.
Joseph Davidson, Chagrin Falls.
Leita M. Tuttle, Chardon.
Charlotte B. Bricker, Chauncey.
Henry D. Coate, Coldwater.
Helen F. Laub, Duncan Falls.
Walter A. Geiser, Dunkirk.
Daniel P. Mooney, Glouster.
Claude E. Archambeault, Holgate.
Oscar I. Foster, Johnstown.
Amos J. Kleinhans, Lacarne.
Pearl L. Seitz, Liberty Center.
Harvey D. Zeigler, Marshallville.
Calvin H. Love, Maumee.
James A. Anderson, Millersburg.
Harvey D. Bowers, Millersport.
Harold H. Wisman, Montpelier.
Palmer Phillips, Mount Sterling.
John L. O'Hara, New London.
Carl S. Corvin, Oak Hill.
George V. Wise, Shreve.
Carl W. Gerig, Smithville.
Homer H. Dearth, Summerfield.
William T. Golling, Sycamore.
George Wiest, Uhrichsville.
Wilbur H. Sutliff, Wellington.
Charles M. Hogan, Wellston.
Charles R. Treon, West Carrollton.
Robert Wilson, Westerville.
Cleo L. Renick, White Cottage.

OKLAHOMA

Tom L. Pike, Weleetka.

OREGON

Ermel H. Hosley, Chiloquin.
John S. Spike, Echo.
Ruby I. Loundree, Sandy.
Oscar Edwin Marvin, Wallowa.

PENNSYLVANIA

Nellie G. Stambaugh, Abbottstown.
Harry W. McArthur, Conneaut Lake Park.
Ethel G. Davis, Duncansville.
Philip S. McDermott, Duquesne.
William L. Nolder, Grampian.
Wesley B. Shertzer, Grantville.
Walter L. Huggins, Greensboro.
Raymond R. Kinsinger, Halifax.
Helen G. Mack, Lafayette Hill.
Elmer G. Carter, Mill Hall.
John M. Langan, Moscow.
Ira D. Atcheson, Nemacolin.
William G. Loy, Newport.
Gerald H. Rickerson, North Warren.
Emma R. Dexter, Roulette.
James W. Casey, Rouseville.
Charles J. Trexler, Windgap.

RHODE ISLAND

John J. McCabe, Pontiac.

SOUTH CAROLINA

John L. Hinnant, Eutawville.
Wood K. Durham, Landrum.
Loula B. O'Connor, Meggett.
Errett Zimmerman, Trenton.

SOUTH DAKOTA

John E. Dunn, Elkton.
Norbert F. King, Frankfort.
S. Pearl Hutchinson, Hurley.
Frank S. Ryan, Kimball.
William B. Boe, Presho.
Kathryn H. Speirs, Ree Heights.
Helen L. Kieffer, White Lake.
Henry W. Landwehr, Winfred.

TENNESSEE

Guy W. Mobley, Bells.
Mamie S. Asbury, Caryville.
Amos F. Hassell, Collinwood.
Ella B. Mullins, Corryton.
Albert A. Trusler, Jonesboro.
Joseph B. Turner, Medina.
James F. Bryan, Munford.
Robert L. Oakes, New Tazewell.
J. Green Hawks, Ralstons Station.
John R. Oliphant, Riceville.
Ocie C. Hawkins, Stanton.
Alice L. Sloan, Whitthorne.

TEXAS

James C. Rush, Alta Loma.
Edgar L. Watson, Athens.
Prentice A. Hayes, Barstow.
Leslie L. Cates, Ben Wheeler.
Julia A. O'Brien, Brownsville.
James T. Gray, Camp Wood.
Eileen L. Flint, Canutillo.
Louis C. Nordt, Damon.
Milton D. Penry, Denton.
Imogene B. Dunn, Goldsmith.
Perry H. Sparks, Hamlin.
Anathalie Boyd, Ingleside.
Charles R. Conley, Iredell.
William E. Votaw, Jarrell.
Charles D. Grady, Keene.
Annie M. Martin, Kemah.
Edwin D. Holchak, Kenedy.
Gober L. Gibson, Kerrville.
Allen L. Burditt, La Ward.
Georgie F. Morgan, Leary.
Ellis M. Bush, Lytle.
Glad Campbell Hill, Mertzon.
Lon M. Peeples, Milano.
Seth S. Dorbandt, Mullin.
Oland A. Walls, Naples.
Effie Rasmussen, Needville.
William W. Spear, Nixon.
William A. Gillespie, Overton.
John W. Waide, Paint Rock.
Morris W. Collie, Pecos.

Otis T. Kellam, Robstown.
Ora L. Griggs, Sanatorium.
Clyde Griffith, Sanderson.
Hortensia M. Garcia, San Diego.
Ferdinand L. Herzik, Schulenburg.
Kirby L. Scudder, Slaton.
Clarence Carter, Somerville.
Thomas A. Bynum, Texas City.
Harriet M. Rust, Vanderbilt.
Madeline G. McClellan, Waller.
Lou A. Sloma, Yorktown.
Emilie K. Dew, Ysleta.

UTAH

Wallace H. Sorensen, Richfield.

VIRGINIA

John H. Bowdoin, Bloxom.
Sidney H. Barnett, Bluefield.
Clarence H. Drinkard, Bristol.
Franklin O. Caffrey, Bumpass.
Judson J. Patterson, Chatham.
Robert W. Ervin, Dante.
Norma H. Fulton, Drakes Branch.
J. Henry Miller, Elkton.
Richard Clark Morgan, Gladys.
Charles B. Hogan, Heathsville.
Carolyn C. Bryant, Independence.
C. Coleman Curtis, Lee Hall.
Josephine N. Porter, Louisa.
Roy Hockman, Maurertown.
Thomas E. Simmerman, Jr., Max Meadows.
Lloyd Sullenberger, Monterey.
Annie G. Whitten, Montvale.
William C. Nelson, New Church.
Miller A. Price, New Market.
Margaret E. W. Downing, Painter.
Samuel F. Atwill, Sr., Reedville.
Elijah S. Slate, South Boston.
Janet L. Freeman, Stony Creek.
Richard S. Wright, Strasburg.
Fannie B. B. Sale, Tappahannock.
John H. Tyler, Upperville.
Alice H. Tyler, Warsaw.
William A. Miller, Washington.
Joseph Schmidt, Yorktown.

WASHINGTON

Alex Huse, Cheney.
Herbert O. Thompson, Colfax.
Oscar W. Behrmann, Fairfield.
Walter I. Peterson, Granger.
Gerald H. McFaul, Ione.
Joseph Horrigan, Kenmore.
William W. Moffitt, Naselle.
Ralph H. Mitchell, Omak.
Walter C. Ketterman, Opportunity.
Blanche H. Barton, Othello.
I. Wells LittleJohn, Pateros.
Paul Hamilton, Prosser.
Archie Constable, Seaview.
Louie H. Saur, Selah.
Jessie M. Severyns, Sunnyside.
Andrew J. Diedrich, Valley.

WEST VIRGINIA

Jennings B. Campbell, Albright.
Jessie M. Shields, Barrackville.
Eulalie B. Wheeler, Elkhorn.
Alice McCoy, Franklin.
Thomas F. Ward, Keyser.
Kerth Nottingham, Marlinton.
Willard I. Gulley, McComas.
Mabel H. Campbell, Newburg.
Martha L. Britton, Poca.
Ruskin J. Wiseman, Summersville.
Ben Gillespie, Sutton.
Bess M. Gwinn, Thurmond.
Everett F. Walker, Wayne.
Elijah F. Midkiff, West Hamlin.

WISCONSIN

Vernon A. Martin, Amherst.
Theodore E. Wozniak, Athens.
Charles P. McCormick, Belleville.
Dale J. Cannon, Birnamwood.
Edward R. Kranzfelder, Bloomer.
Alex G. Mohr, Cambria.
Homer J. Samson, Cameron.
Alfa Ruth Anderson, Colfax.
Velma C. Grossman, Dale.
Arthur G. Hoskins, Dodgeville.
Henry E. Steinbring, Fall Creek.
Melvin I. Dunn, Fall River.
Fern M. Dagnon, Ferryville.
Claude E. Rochon, Florence.
Oliver E. Neuens, Fredonia.
Ethel E. Welch, Gleason.
Roy E. Lawler, Gordon.
Max R. Alling, Green Lake.
Edward Snoeyenbos, Hammond.
James R. Alexander, Hayward.
Simon Skroch, Independence.
Edward Snoeyenbos, Hammond.
Ruth S. Foley, Maiden Rock.
Albert E. Hansen, Mendota.
Gaylord T. Thompson, Mercer.
Oscar M. Rickard, Merrillan.
Roswell S. Richards, Monticello.
Frances M. Kirby, Montreal.
Axel L. Olson, Mountain.
Nicholas Abler, Mount Calvary.
Lillian N. Hughes, New Richmond.
John W. Johnson, Pepin.
Maurice A. Reeves, Pewaukee.
Raymond A. Whitehead, Phelps.
Gladys M. Suter, Plum City.
Edward D. Feeney, Prairie du Chien.
Patrick H. Laughrin, Prentice.
John V. Nickodem, Princeton.
W. Joseph Hand, Random Lake.
Edmund J. Piechowski, Redgranite.
John T. O'Sullivan, Washburn.
Edward A. Peters, Waterloo.
James W. Carew, Waupaca.
Roy D. Fahland, Webster.
Donald M. Warner, Whitehall.

WYOMING

William H. Watson, Dubois.
Ernest A. Littleton, Gillette.
Frederick W. Chamberlain, Greybull.
Andrew Morrow, Kemmerer.
Jack R. Gage, Sheridan.
Dorsey T. Shoemaker, Torrington.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 16, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pray in the name of Him, so glorious in humility and yet so sublime in divinity. Consider and bless the bonds of our fraternity, the ties of our friendship, and let them live in loving memory. Enable us to live deeply the emotions of understanding, so full, so keen, dedicated to the adventures of the ideal of all that is best in man. In this wonder-teeming world do Thou strengthen us with that wide-awakeness that renews our humanity and enshrines our homes in divine goodness.

As we are in the foreglow of "Holy night, silent night," we would unveil the manger scene folded in mystery, and unite our hearts in the listening chorus: "Glory to God in the highest on earth peace to men of good will." Oh, let us take up this angelic symphony and give it new breath and new power and may heaven's light and earth's dark meet each other in the radiance of the Father's throne. We pray that rest, peace, and happiness may reign in every heart and home, and in every land in all the wide earth. Grant that Thy merciful care may abide with our splendid Speaker, the Members, the officers, the employees, and the pages. Under the shadow of our Shepherd's tender care may we go on and on living through the applausive halls of time and eternity. In the name of St. Mary's holy Child. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Comerce;

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes";

H. R. 7191. An act to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Washington, for national forest lands in the State of Washington;

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H. R. 7828. An act for the relief of John Sweeney;

H. R. 7841. An act relating to the administration of grazing districts; and

H. J. Res. 368. Joint resolution fixing the date of meeting of the first session of the Seventy-eighth Congress.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy;

H. R. 6671. An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey; and

H. R. 7370. An act to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 233. An act to provide for the erection of a suitable memorial to the Twenty-ninth Division, American Expeditionary Forces.

The message also announced that the Senate had ordered that the Secretary be directed to request the House of Representatives to return to the Senate the

bill (H. R. 6179) for the relief of Thomas H. VanNoy.

The message also announced that the Senate had adopted the following resolution (S. Res. 336):

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee to be appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless he has some other communication to make to them.

The message also announced that, pursuant to the above resolution the Vice President had appointed Mr. BARKLEY and Mr. MCNARY as members of the committee on the part of the Senate.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Federal Power Commission.
5. Federal Works Agency.

ADDITIONAL EMPLOYEES, DISBURSING OFFICE

Mr. PATTON. Mr. Speaker, I send to the Clerk's desk a resolution (H. Res. 585), and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That commencing January 1, 1943, there is hereby authorized to be expended out of the contingent fund of the House, until otherwise provided by law, a sum not to exceed $7,500, during a fiscal year for the employment of professional or other additional necessary help in the disbursing office. The employment of such personnel shall be designated by the disbursing clerk, subject to the approval of the Clerk of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What is this for?

Mr. PATTON. Mr. Speaker, yesterday afternoon the Speaker called me, as the acting chairman of the Committee on Accounts, and asked me to call the committee together in order to hear Mr. Shanks, of the Disbursing Office, who has been designated by the Treasury Department as the fiscal agent to collect these new taxes and adjust these new wage raises that were provided for yesterday. I did call the committee together, and Mr. Shanks came in and explained the matter. He said that they have now about 2,000 people on the pay roll. He has just barely enough help now to get out the pay roll regularly, so with these added responsibilities, under the direction of the Treasury Department, he has to have additional help.

Mr. MARTIN of Massachusetts. Are these to be political jobs, or are they under the civil service?

Mr. PATTON. The resolution provides that these people shall be selected by the disbursing officer, with the approval of the Clerk of the House.

Mr. MARTIN of Massachusetts. That does not provide that they shall be selected from the civil service.

Mr. PATTON. Oh, no.

Mr. MARTIN of Massachusetts. Then it is a political job?

Mr. PATTON. They are created by this Congress, by act of this Congress, if this resolution is agreed to.

Mr. MARTIN of Massachusetts. Then they are to be political jobs?

Mr. PATTON. I guess they are, just like mine and the gentleman's and all of us.

Mr. RICH. Mr. Speaker, I reserve the right to object. Are these to be permanent positions?

Mr. PATTON. I expect they will be, at least as long as the Victory tax lasts.

Mr. RICH. And after they get caught up with their work on this extra compensation and the tax, does the gentleman not think they should be terminated?

Mr. PATTON. That might be. It was agreed that this should be a skeleton fund, set up to put the matter in motion, and then if they need additional funds they will come back for them in the next Congress.

Mr. RICH. And it is going to take $7,500?

Mr. PATTON. Yes; and probably more.

The SPEAKER. The Chair is entirely responsible for this matter. As suggested by the gentleman from Texas, he asked that the Committee on Accounts be called together. Everyone knows that the disbursing officer of the House in the collection of the Victory tax, and the added duties in connection with the pay increase, will have much added responsibility. It will put upon that office a tremendous added burden. Whether they are political positions or not, at least they will be employees of the House. That office needs additional help, and that is the only reason why the Chair asks that this resolution be passed. It is a question whether the House desires to do this or not. As I have already said, these extra employees are badly needed in the collection of the Victory tax and the other added responsibilities.

The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. RAMSPECK. Mr. Speaker, I offer the following resolution (H. Res. 586), which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of two Members be appointed by the House, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Chair appointed Mr. RAMSPECK and Mr. MCCORMACK as members of the committee.

GREETINGS OF THE SEASON TO THE ARMED FORCES

Mr. MARTIN J. KENNEDY. Mr. Speaker, I offer the following joint resolution (H. J. Res. 371), which I send to the desk, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved, etc., That the Congress of the United States, on behalf of the American people, and with a deep and abiding sense of gratitude, does hereby convey to the members of our armed forces and auxiliary services, and those of our Allies on land, on sea, and in the air, its best wishes and greetings of the seasc to them and to their families and its fervent hope and prayer for a speedy and complete victory and a lasting peace; and be it further

Resolved, That the Congress of the United States does hereby respectfully request that the Commander in Chief of our armed forces, President Franklin Delano Roosevelt, transmit these greetings through the proper and official channels to the armies throughout the world.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri, with a Senate amendment, and consider the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I move to concur in the Senate amendment with an amendment, which I send to the desk.

The SPEAKER. The Clerk will report the Senate amendment and the amendment to the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge, who shall be an additional district judge for the eastern and western districts of Missouri. The judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Missouri."

The Clerk read the amendment offered by Mr. HOBBS, as follows:

At the end of the Senate amendment and before the period insert "*Provided*, That the first vacancy occurring in said office shall not be filled."

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am glad to yield to the gentleman from Pennsylvania.

Mr. RICH. In that change which the Senate made that this man should be selected from those districts in Missouri, is that the customary procedure to follow in the selection of judges?

Mr. HOBBS. The gentleman, I think, is mistaken as to the effect of the Senate amendment. The House bill originally created what we know as a temporary judgeship for the eastern district of Missouri. The effect of the Senate amendment is to make him available and equally the servant of both the eastern and western districts of Missouri. The distinguished gentleman from Ohio, Dr. SMITH, and others, were also under a misapprehension.

Mr. RICH. It was stated in the resolution that he shall be selected from that section of Missouri?

Mr. HOBBS. No, sir; the provision you indicate does not so limit the appointing power; it expands the primary service responsibility of whomsoever may be the judge from one district to two. However, the last sentence of the Senate amendment does require that the judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Missouri.

Mr. RICH. He can be selected from any part of the country?

Mr. HOBBS. Yes, sir, speaking generally; though the custom has always been to appoint only a resident of the State of the district or districts, and in this bill it is so required specifically.

Mr. KNUTSON. Will the gentleman yield? Not from any part of the State?

Mr. HOBBS. Yes, sir. He must be, after his appointment, a resident of the district or one of the districts he serves, but at the time of his appointment he may reside in any part of the State and not elsewhere.

Mr. RICH. I thought he was to be selected from those two districts.

Mr. HOBBS. No, sir. There is no such requirement. As I started to say, a real misunderstanding has grown out of the fact that there was a misapprehension as to the effect of the House amendment, which had not been formally offered but which was approved by the committee and was well known. It was exactly the same amendment that Dr. SMITH desired. The effect of it was to go back to the House bill and make this a temporary judgeship instead of a permanent judgeship. The words of the amendment do not say that. They require that the next vacancy should not be filled.

The SPEAKER. Without objection, the Senate amendment is agreed to. Without objection, the amendment to the Senate amendment is agreed to.

A motion to reconsider was laid on the table.

There was no objection.

The title was amended so as to read: "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri."

PREVENTION OF CERTAIN PRACTICES LEADING TO DENTAL DISORDERS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6730) to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 15 and 16, strike out ", or any matter advertising or soliciting orders for any denture so constructed or so to be constructed."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment?

Mr. BULWINKLE. The Senate amendment struck out the provision in the House bill with regard to advertising. That is the only change.

Mr. MARTIN of Massachusetts. That is the only change?

Mr. BULWINKLE. That is the only change.

Mr. RICH. Reserving the right to object, what does this bill do?

Mr. BULWINKLE. The bill prevents the shipment of false teeth through the mail. For instance, if you wanted a set of false teeth and you saw an advertisement in the paper, you would write and send them a dollar and they would send you a globe of wax and you would make an impression and send it back to them. If the teeth were all right, well and good; but in a great many cases they are not all right. It is detrimental to the public health.

Mr. RICH. People will still be able to get teeth, will they?

Mr. BULWINKLE. Oh, yes.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. BROWN of Ohio. This is entirely a public health measure, is it not?

Mr. BULWINKLE. It is.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

THOMAS H. VANNOY

The SPEAKER laid before the House the following request from the Senate:

IN THE SENATE OF THE UNITED STATES.

Ordered, That the Secretary be directed to request House of Representatives to return to the Senate the bill (H. R. 6179) for the relief of Thomas H. VanNoy.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

TRANSFER OF JURISDICTION OF A PORTION OF THE COLONIAL NATIONAL HISTORICAL PARK, YORKTOWN, VA., TO THE DEPARTMENT OF THE NAVY

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5861) to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 1, line 9, strike out all after "2." over to and including "Park", in line 5, page 2, and insert "The President of the United States is authorized by Executive order to retransfer jurisdiction over the property to the Secretary of the Interior upon his application when, in the judgment of the President, the property has become surplus to the needs of the Department of the Navy, in which event it again shall become a part of the Colonial National Historical Park."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand this amendment, it simply gives the President the privilege of conveying this land back to the Interior Department when the Navy is through with it.

Mr. ROBINSON of Utah. That is my understanding; yes.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ACQUISITION OF LANDS FOR THE GEOLOGICAL SURVEY

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6671) to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Interior may, on behalf of the United States and for use by the Geological Survey in gaging streams, acquire lands by purchase, condemnation, or donation, but not in excess of 10 acres for any 1 stream-gaging station. For the same purpose the Secretary may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or term of years as may be required for the effective performance of the function of gaging streams: *Provided*, That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing in this act shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof."

Mr. ENGLEBRIGHT. Mr. Speaker, reserving the right to object, as I understand the measure, it simply gives the funds necessary for the very vital procedure of stream gaging. The bill had the unanimous support of minority members of the committee when it was under consideration.

Mr. ROBINSON of Utah. That is correct. No funds are appropriated in this bill, however.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ENGLEBRIGHT. I yield.

Mr. RICH. Is it going to be necessary for the Department to purchase real estate on the bank of every stream whose waters it wishes to gage?

Mr. ROBINSON of Utah. No funds are appropriated by this legislation.

Mr. RICH. We are passing the legislation; now is the time to make it read the way it should read.

Mr. ROBINSON of Utah. No funds will be appropriated without the Committee on Appropriations having an opportunity to study the requests.

Mr. TABER. Mr. Speaker, if the gentleman will yield——

Mr. ENGLEBRIGHT. I yield.

Mr. TABER. Had the membership listened carefully to the reading of the amendment they would have seen that appropriations are required. I could not agree to the proposition the way it stands. Unless it is amended so that it is simply an authorization, I should have to object.

Mr. ROBINSON of Utah. The language is permissive, I think the gentleman will agree, if he reads the change made by the Senate amendment. It provides that the Secretary of the Interior may on behalf of the United States and for use of the Geological Survey in gaging streams, acquire lands by purchase, condemnation, or donation, and so forth.

Mr. TABER. That would be all right, provided it were subject to appropriation by Congress, but not otherwise.

Mr. ROBINSON of Utah. I agree with the gentleman that it must be subject to appropriation, but I assume this bill provides that very thing.

Mr. TABER. I think the bill should be amended in line 1, after the word "may", by adding the words "when funds are appropriated by the Congress."

Mr. ROBINSON of Utah. I have no objection to that kind of amendment, although if the bill were amended it would have to go back to the Senate for further action.

I believe the gentleman will agree that the funds involved can be almost nothing, because under no circumstance can the tract of land be larger than 10 acres, and it is not supposed that this involves any appropriation at all.

Mr. TABER. There should be no purchase unless funds are provided and the matter is thoroughly reviewed.

Mr. ROBINSON of Utah. I agree with the gentleman on that.

Mr. KNUTSON. Is this for the purchase of hotels?

Mr. TABER. I do not know what it is for, and I think we ought to know before we let the bill go through by unanimous consent.

Mr. KNUTSON. I think so, too.

Mr. TABER. Will the gentleman from Utah explain the bill a little further?

Mr. ROBINSON of Utah. I can explain the bill best by saying that the Geological Survey, in order to measure the water in the various streams throughout this country, must set up measuring devices on those various streams. At the present time they have to put their gaging devices wherever they can get on public land or where the private owner does not object to its location.

Once in a while there is a very fine place to gage a stream, but the owner of the land will not let them go on. This simply provides that they may acquire the land necessary for establishing a device in order to measure the stream.

Mr. KNUTSON. How many acres will it be necessary to acquire to get a footpath to the gage?

Mr. ROBINSON of Utah. Under no condition or circumstances will they require more than 10 acres, and that is provided in the bill.

Mr. RICH. Does not the gentleman think that 10 acres of land for that particular purpose would be too large?

Mr. ROBINSON of Utah. This has been considered by the committees of both the Senate and House and by unanimous agreement they considered 10 acres to be the right amount. I do not think it will be needed.

Mr. KNUTSON. If they are going to do any maneuvering on it, I concede they would need at least 10 acres.

Mr. TABER. If the gentleman will agree to the amendment I suggested, I have no objection.

Mr. ROBINSON of Utah. I will agree to it.

Mr. TABER. After the word "may" insert the words "when funds are appropriated by Congress."

Mr. ROBINSON of Utah. I have no objection to that.

The SPEAKER. The Chair suggests that the gentleman from Utah temporarily withdraw his bill.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to withdraw the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENCOURAGEMENT OF DISCOVERY OF OIL AND GAS ON PUBLIC DOMAIN

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. ROBINSON]?

Mr. RANKIN of Mississippi. Mr. Speaker, reserving the right to object, and I shall not object, it seems to me that it is unnecessary to give this right to explore for oil on public land when they will not let those areas that already have oil drill new wells. Why not go ahead and develop the oil fields we have?

Mr. ROBINSON of Utah. As I understand it, they are doing that very thing at the present time.

Mr. RICH. Mr. Speaker, reserving the right to object, why is it necessary to go out and prospect for oil? As the gentleman from Mississippi stated, they have all the oil they need and they are holding the other wells down. We need every man we can get to do essential things, such as raising crops and so forth. Why are you going to send wildcat prospectors out? It does not seem reasonable.

Mr. RANKIN of Mississippi. May I say to the gentleman from Utah that I remember the last time the Government had anything to do with developing oil on public lands. There was developed Teapot Dome, and I am a little uneasy about starting out on that kind of exploitation at the present time.

Mr. ROBINSON of Utah. There is not anything of that kind in this bill.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentlewoman.

Mrs. ROGERS of Massachusetts. Is it not true that this involves a special kind of oil that is very good for heating, which we need on the east coast, and that it will help very much the whole situation?

Mr. ROBINSON of Utah. I agree with the gentlewoman. This bill will be helpful to the people on the eastern coast as well as to the people in the Western States.

Mr. RICH. Mr. Speaker, I object.

GEORGE HOLDEN TINKHAM

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, there is a peculiar tug at the heartstrings when one thinks of the retirement of our good friend of many years, the distinguished Member from Massachusetts, GEORGE HOLDEN TINKHAM. To us older Members, it is difficult to think of this House without the Member from Massachusetts.

He was a forceful and colorful figure. He was a student of history and of economics. He was a man of strong convictions and may it be said to his everlasting credit, he was always true to those convictions. He never took the easy road in politics. He was ready to vote and speak out for his convictions even if he knew they were unpopular and might bring upon him serious political opposition.

As we travel through these next few critical years, we may well wish that there were more men in Congress with the stamina and the courage of Mr. TINKHAM.

He entered Congress in 1915 when a world war was raging in Europe and which was soon to include our country. He leaves Congress while we are bearing the heavy burden of another world war. In those 28 years many great problems have come before Congress and GEORGE HOLDEN TINKHAM has taken his full part in helping to solve them.

For many years he was a diligent member of the exacting and arduous Committee on Appropriations. A few years ago he voluntarily transferred to the Committee on Foreign Affairs, where the membership of that committee could have the benefit of his years of travel and study.

He was probably the most widely traveled man in either branch of Congress. There was hardly a nook in this world of ours but what has been visited by our beloved colleague. He knew the habits, the customs, and the history of every country.

Next to politics and government, his passion was hunting. When he sought game he scorned small birds and little prey; he sought the wild beast of the jungle—the lion, the tiger, and the rhinoceros.

It was so in government and politics. He lifted his attention from the smaller problems and sighted his guns upon the mighty problems of men and nations.

He has served conspicuously his city, his State, and the Nation. Indeed his political career has been remarkable. For many years he represented a district which was clearly a Democratic one. Probably no other Republican could have won in many of these years. But that district was overwhelmingly loyal to GEORGE TINKHAM. They knew he was honest intellectually; they knew he was a profound thinker and would stand like the Rock of Gibraltar for sound and sane government; they knew no one could question his rugged Americanism.

He was born of the oldest colonial stock; a family which could trace its origin to the beginning of things in the New World. Yet he commanded the unwavering support of the sons and daughters of the new races which came to help build a better America. He never could have been defeated in his old district, and his retirement came because he did not care to battle in a new district which had been made strongly Republican by reapportionment.

So, GEORGE HOLDEN TINKHAM leaves us. A great American and a great statesman, he goes to enjoy his books and his studies. May he have good health and a full measure of happiness and contentment.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, I regret that our colleague, the gentleman from Massachusetts [Mr. TINKHAM] is not with us at this time. I had hoped that it might be possible for him to be here so that those on both sides of the aisle might be able to express to him in person in some measure, at least, the esteem and affection in which they hold him.

GEORGE HOLDEN TINKHAM has had an extraordinary public career. It may be said that he has devoted his entire life to public service. For many years, he has been an institution in the public life of Massachusetts.

Entering that life 45 years ago, he has served for 2 years on the Common Council of Boston, for 3 years on the Board of Aldermen in Boston, for 2 years in the Massachusetts Senate, and for 28 years as a Member of Congress. He has never been defeated.

A Republican in a strong Democratic district, he has nevertheless been elected to Congress again and again with large majorities. So strongly has he established himself in the minds and hearts of his people, that for many years he has been reelected without even appearing in his district during the campaign.

Our colleague, who is retiring voluntarily from public life, is one of the most well-read Members of the Congress. He has always been a student of history, of government, of economics, of finance. He is one of the most widely travelled Members of the Congress. For many years he has visited the principal countries of the world and has known their leaders in both public and private life. The record in "Who's Who" indicates that he was the first American to fire a shot against the Austrians after America's declaration of War in World War No. 1, at Carpo d'Arbine on the Piave River, and that he was offered and declined a decoration—the Chevalier Della Corona d'Italia—by the Italian Government.

During his service in Congress he devoted himself at first to the work of the Appropriations Committee and in later years to that of the Committee on Foreign Affairs of the House. He has always been the master of his facts. He has always had convictions and the courage of his convictions. He has always stood and fought for what he believed to be the fundamentals of Americanism. Against the recent background of compromise and expediency, his record of independent thought and action stands in bold relief. The future of America would be secure if more of its leaders in both public and private life had the capacity for the independence and courage reflected in that record.

There are thousands in his district who will always be grateful to GEORGE HOLDEN TINKHAM for the counsel and advice, for the helping hand, which he has been able to give them as their Congressman. Those of us who have served with him here will miss our daily association with him. We hope we shall see him often. We wish him Godspeed and many happy years in the consciousness of fearless and distinguished service to his district, to his State, and to the Nation.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD in tribute to the gentleman from Massachusetts [Mr. TINKHAM].

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

Mr. MUNDT. Mr. Speaker, I want to join in the tribute which has been paid by preceding speakers to the Honorable GEORGE HOLDEN TINKHAM who today brings to a close a long and distinguished career as a Member of this House. This Congress and the country as a whole will be the loser because of Mr. TINKHAM's decision to retire voluntarily from public life.

It has been my pleasure to serve on the important Foreign Affairs Committee as a colleague of Mr. TINKHAM's during a series of history-making committee sessions which were unexcelled in importance in our entire national history. I know from personal observation the careful study and untiring attention which he devoted to these committee meetings and the painstaking manner in which he prepared himself to cross-examine Government witnesses in order to bring before the country every possible ramification of the precedent-shattering legislation which we were called upon to consider prior to the Japanese attack at Pearl Harbor. Mr. TINKHAM was never willing to spare himself when he felt he had an obligation to perform.

Through this close personal association with GEORGE TINKHAM, I have come to admire and respect his character, his brilliant intellect, and his clear-cut devotion to duty. "Tink," as he is affectionately known to many of us, is every inch a gentleman. With unfailing courtesy and unfaltering courage, he took his stand on ground which he believed to be right and refused to be swayed by invective, direct opposition, or flanking maneuvers.

GEORGE TINKHAM is a real American. He never apologized for giving first consideration to the interests of his native land. His love of country permitted no other loyalty nor no other flag to divert his eyes from the Stars and Stripes and his devotion from the basic principles of this Republic. This man who had traveled in all lands and had studied all types of governments always returned home with a greater respect and love for the United States of America. As an outdoorsman and sportsman of international reputation, he learned to play the game hard and to put first things always first. His gallantry, his firm convictions, his courageous attitudes, and his deep loyalty to America have provided all of us with inspiration to perform more fittingly the tasks which our constituents have sent us here to do. As one of my Democratic friends said last night:

> I hate to see GEORGE TINKHAM leave the House. You know he isn't just another Member. He's an institution.

And so he is—an institution with the sturdy initiative and integrity that built this country. May America continue to produce men of the character of GEORGE HOLDEN TINKHAM.

PERMISSION TO ADDRESS THE HOUSE

Mr. HILL of Washington. Mr. Speaker, on yesterday I had permission to address the House for 30 minutes. I was unavoidably absent because I had an important engagement at 1 o'clock. I now ask unanimous consent that after disposition of the regular business of the day and at the conclusion of any special orders heretofore entered I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. HILL]?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the completion of the program in order for today and after any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MITCHELL]?

There was no objection.

EXTENSION OF REMARKS

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from one of my farmer constituents.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SMITH]?

There was no objection.

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Vice President Sergio Osmena of the Philippines, at Fort Ord, Calif., on December 6, 1942.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Miss SUMNER of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Miss SUMNER of Illinois. Mr. Speaker, additional evidence of the New Deal administration's constant communistic assaults on the intellectual and financial independence of Members of Congress appears in paragraph 33 of the uniform grain storage agreement put out by the Commodity Credit Corporation. By its terms this provision classes Members of Congress with convicts and forces you either to resign from Congress or forfeit your property the way convicts forfeited their property in ancient despotisms.

Historians say that our first American Congresses were our greatest. Members of those first Congresses were all financially independent. Are these new dealers fixing it so that one cannot represent his fellow citizens who have elected him unless he comes to Congress from the relief rolls? Will future CONGRESSIONAL RECORDS read:

"Will the gentleman yield?

"Only to temptation."

COMMUNICATIONS ACT OF 1934

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7370) to authorize, during time of war, waiver of compliance with or modification or suspension of the operation of certain provisions of the Communications Act of 1934, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, strike out lines 7 to 10, inclusive, and lines 1 to 11, inclusive, on page 2, and insert:

"(h) During the continuance of the war in which the United States is now engaged and for a period ending not later than 6 months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate—

"(1) section 201 (b) of the act shall not be construed as permitting or requiring the furnishing of reports of the positions of ships by common carriers subject to provisions of this act; such reports may be furnished by such common carriers only pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

"(2) section 306 shall not be construed to permit the transmission of communications or signals by a foreign ship when the same is within the jurisdiction of the United States except pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

"(3) section 318 shall not be construed as preventing the emergency or temporary operation of the transmitting apparatus of radio stations for which licensed operators are required by international agreement or for safety purposes by any member of the armed forces of the United States, or upon aircraft by any person pursuant to direction of the military and naval authorities of the United States;

"(4) section 321 (b) shall not be construed as establishing any priority for distress messages over military-message traffic determined by the Secretary of the Navy to require priority in transmission in the effective prosecution of the war;

"(5) intercommunication by radio stations in the mobile service as provided for in section 322 shall be conducted only in such manner and at such times as may be authorized by the Secretary of the Navy;

"(6) nothing contained in part II of title III of the act shall be construed as preventing the military and naval authorities of the United States from ordering the emergency movement of ships at such times and under such circumstances as they may deem necessary in the effective prosecution of the war."

Amend the title so as to read: "An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HOLMES. Reserving the right to object, Mr. Speaker, may I ask the chairman of the committee to explain the changes in this proposed legislation? I certainly will not object to the legislation because, as a member of the subcommittee which had this legislation under consideration, I am in favor of the Senate amendments.

The Senate amendments designate the Navy to perform certain functions. As you will note in amendment No. 1, under rules and regulations promulgated by the Navy. In the House bill we left that to the President or such agency as he might designate. Senate amendments Nos. 1, 2, 3, 4, 5, and 6 are more restrictive and direct than we had in the House bill. Our committee is unanimous in accepting the amendments of the Senate giving this authority to the Navy during this emergency and for the period of 6 months thereafter.

Mr. LEA. Mr. Speaker, I am satisfied that the bill as amended by the Senate is an improvement on the bill as passed by the House. The Senate amendments do not create any new authority. On the contrary, as far as they have any effect, they limit the authority of the bill as passed by the House.

As passed by the House and as it exists today, the bill has two primary purposes. One is to prevent communications from enemy ships that might be damaging to the war effort. The other is to facilitate operations in emergencies. In the present law there are arbitrary restrictions that interfere with the handling of ships under emergency conditions.

The principal change otherwise is giving the authority specifically to the Navy instead of such persons as the President may designate. I understand that the Navy and everybody else especially interested in this legislation are satisfied with the Senate amendments.

Mr. BROWN of Ohio. Reserving the right to object, Mr. Speaker, as I understand, the Senate amendments have been carefully checked and approved by all the members of the subcommittee of the Committee on Interstate and Foreign Commerce who are here in the city.

Mr. LEA. All the majority members are not here, but I am satisfied that they concur in the amendments.

Mr. BROWN of Ohio. These amendments really strengthen the bill rather than anything else?

Mr. LEA. That is true.

Mr. CASE of South Dakota. Reserving the right to object, Mr. Speaker, will the distinguished chairman of the Committee on Interstate and Foreign Commerce advise the House whether he expects to call up the bill dealing with the merger of the telegraph companies?

Mr. LEA. We do not.

Mr. CASE of South Dakota. I wish to express some regret at that, because I have had considerable correspondence on the subject. People feel that this is the time that job should be done. In some sections of the country the continuance of the present situation means a duplication of costs for people who want to send telegrams. Something must be done to correct that.

Mr. LEA. We regret that the measure cannot pass this Congress, but we take it that that is impossible under present conditions.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

INDIANS OF THE FIVE CIVILIZED TRIBES IN OKLAHOMA

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2385) to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, has this bill had full consideration before the gentleman's committee?

Mr. ROGERS of Oklahoma. Yes. The committee reported the bill unanimously.

Mr. MARTIN of Massachusetts. When were the hearings held?

Mr. ROGERS of Oklahoma. Last week.

Mr. MARTIN of Massachusetts. This is simply to give the Secretary of the Interior the right to administer estates under $2,500?

Mr. ROGERS of Oklahoma. Yes. The Secretary has that authority now as to all Indians other than the Five

Civilized Tribes. The courts settle these matters for the Five Civilized Tribes. This bill would authorize the Secretary to take care of the estates under $2,500. There are several hundred such estates. Some of them amount to only a few dollars, $10, $12, or $25, and such estates cannot be settled in a court because not enough is involved for a lawyer even to fool with them, they are so small. There are upward of a thousand such estates on the books.

Mr. MARTIN of Massachusetts. The other claims will still be adjudicated in the courts?

Mr. ROGERS of Oklahoma. The larger claims; yes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I reserve the right to object. Was this bill approved by the Bureau of Indian Affairs?

Mr. ROGERS of Oklahoma. Yes; this bill was recommended by the Commissioner under the signature of the Secretary of the Interior.

Mr. RICH. And they would like to have that legislation passed?

Mr. ROGERS of Oklahoma. Yes.

Mr. RANKIN of Mississippi. Mr. Speaker, I reserve the right to object. This bill refers to the Five Civilized Tribes?

Mr. ROGERS of Oklahoma. In Oklahoma; yes.

Mr. RANKIN of Mississippi. As I understand it, that includes the Chickasaws, the Choctaws, the Cherokees, the Creeks, and the Seminoles?

Mr. ROGERS of Oklahoma. Yes.

Mr. RANKIN of Mississippi. Those are the Indians that came from the Southeastern States to Oklahoma?

Mr. ROGERS of Oklahoma. Yes.

Mr. RANKIN of Mississippi. They are called the five civilized tribes. One reason they might have been called civilized is that, when discovered, none of them smoked or used tobacco in any way.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That exclusive jurisdiction is hereby conferred on the Secretary of the Interior to determine the heirs after notice and hearing under such rules and regulations as he may prescribe, and to probate the estate of any deceased restricted Indian, enrolled or unenrolled, of the Five Civilized Tribes of Oklahoma, whenever the restricted estate consists only of funds or securities under the control of the Department of the Interior of an aggregate value not exceeding $2,500: *Provided*, That where such decedent died prior to the effective date of this act, the distribution of such funds and securities, including the decedent's share of any tribal funds, shall be made in accordance with the statute of descent and distribution applicable at the date of death: *And provided further*, That where the decedent dies subsequently to the effective date of this act distribution of all such funds and securities, including tribal funds aforesaid, shall be effected in accordance with the statute of descent and distribution of the State of Oklahoma.

SEC. 2. Prior to distribution of the estate to the individuals found entitled thereto under the provisions of section 1 of this act, the Secretary of the Interior shall collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20 in those cases where the value of the estate is $250 or more but does not exceed $1,000; a fee of $25 where the value of the estate is more than $1,000 but less than $2,000; and a fee of $30 where the value of the estate is $2,000 or more.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

KLAMATH RIVER RESERVATION, CALIF.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2744) to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What is the purpose of this bill?

Mr. ROGERS of Oklahoma. Mr. Speaker, this legislation will reimpose a trust on 26 pieces of property on the Klamath Indian Reservation in California, which they thought were under trust since 1919. September 25, 1919, the trust on these 26 pieces of property expired. It could be extended by executive order. The President at that time extended the trust period on that reservation, but that order was so worded that it took care of all other pieces that expired on that date, and nobody knew until recently that these 26 pieces, the trust on which expired at a different date, were not included in that executive order.

Mr. MARTIN of Massachusetts. And they have waited 23 years to bring about this legislation.

Mr. ROGERS of Oklahoma. I did not wait. The Bureau of Indian Affairs discovered this error.

Mr. MARTIN of Massachusetts. What has happened to the land in the meantime?

Mr. ROGERS of Oklahoma. That land has been administered as if it were under trust. Everybody thought that those 26 pieces were under trust, the Indians thought so, and they are entitled to that protection.

Mr. CASE of South Dakota. And there is no provision in this bill that the President can reimpose a trust status on any other lands in other reservations or on other Indians?

Mr. ROGERS of Oklahoma. This bill applies only to these 26 tracts of land.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the period of trust on lands allotted to Indians of the Klamath River Reservation, Calif., which expired July 31, 1919, and the legal title to which is still in the United States, is hereby reimposed and extended for a period of 25 years from July 31, 1919: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the act of February 8, 1887 (24 Stat. 388), and the act of June 21, 1906 (34 Stat. 326).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WAPATO INDIAN IRRIGATION PROJECT

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2829), to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the purpose of the bill?

Mr. ROGERS of Oklahoma. Mr. Speaker, this bill provides that certain lands under this irrigation project mentioned in the title of the bill, the Wapato Indian Reservation irrigation project, may be eliminated. When the project was first inaugurated it appears that they took in some land that probably should not have been taken in at that time. At least, it develops that the lands should not be in it now. They have become waterlogged. They cannot be irrigated, and in order to clear the record we ask to have these eliminated.

Mr. MARTIN of Massachusetts. The eliminated land is not possible of irrigation?

Mr. ROGERS of Oklahoma. That is true.

Mr. RICH. Mr. Speaker, I reserve the right to object. This will forego a debt of $14,512.63, and it seems to me that this legislation should be taken up in the House in the regular way and should not be brought in here at this time.

Mr. ROGERS of Oklahoma. Let me tell the gentleman what this does. Those lands cannot pay.

Mr. RICH. But it is a cancelation of that debt against this property. The Government loses and the taxpayer pays.

Mr. ROGERS of Oklahoma. No; it is not a debt. It is what would be a debt if we left it like this, but they cannot take advantage of the irrigation. This is land that cannot be irrigated.

Mr. RICH. I do not think that S. 2829 and S. 2830 should be brought up at this time, and I shall have to object.

Mr. ROGERS of Oklahoma. Will the gentleman reserve that objection?

The SPEAKER. Objection is heard.

Mr. O'CONNOR. Mr. Speaker, will the gentleman withdraw that objection?

Mr. RICH. Mr. Speaker, I will withhold the reservation.

Mr. O'CONNOR. I remind the gentleman of this fact, that under the law passed in 1936 the Secretary of the Interior was given the power and the right to cancel indebtedness of that character, where he thought it should be done, and his cancelation has already taken place. The purpose of this bill is simply to approve what the Secretary has already done, and it was found before the Secretary canceled the account that it was not feasible to irrigate this portion of the land.

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. ROGERS of Oklahoma. The Congress enacted a law that gave the Secretary the right to do this.

Mr. O'CONNOR. Yes. That is already on the statute books.

Mr. ROGERS of Oklahoma. And this confirms the action that he has already taken under the law?

Mr. O'CONNOR. That is all this does.

Mr. RICH. There was legislation brought in here several years ago on these irrigation projects and you forgave the debts of people who were willing to pay, but because some people paid their irrigation claims or the amounts assessed against them, others, because they said they did not benefit from it, were forgiven, and then the other fellows did not pay them, and after a while the Congress forgave them all. The taxpayers must pay the bill. We are not going to do that any more, if I can help it.

Mr. O'CONNOR. Will the gentleman yield for just a moment?

Mr. RICH. Certainly, to my colleague from Montana.

Mr. O'CONNOR. The objection that the gentleman is now lodging against the present bill should have been against the act of 1906, when the Congress gave the Secretary of the Interior this power to cancel. The Secretary of the Interior has already exercised the power given him by the act of 1906. This is simply to approve action taken by the Secretary of the Interior under a law previously enacted by the Congress.

Mr. RICH. I appreciate that, but we have granted too many powers. We have granted powers to the President; we have granted powers to the Secretary of the Interior; we have granted too much power, to all of them. However, I did not vote for it, and you ought to get it back into the hands of the Congress where it belongs. It is about time we adjourn, Mr. Speaker, and I object.

OROVILLE-TONASKET IRRIGATION DISTRICT, WASHINGTON

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2830, to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RICH. Mr. Speaker, I object to this bill, too.

Mr. ROGERS of Oklahoma. Will the gentleman from Pennsylvania withhold his objection?

Mr. RICH. This bill, S. 2830, is just like S. 2839.

Mr. ROGERS of Oklahoma. The gentleman is right.

Mr. O'CONNOR. Will the gentleman reserve his objection?

Mr. RICH. Yes. I withhold it.

Mr. O'CONNOR. In addition, however, it contains something very meritorious. This land is found not feasible for irrigation purposes. You are simply refusing to confirm something which the Secretary has already done with reference to canceling this debt against these lands.

Mr. RICH. When I read both these bills one is the same as the other, except that in this last bill it eliminates a total of $28,045.31.

Mr. ROGERS of Oklahoma. The gentleman is just looking at the figures in what he says will be eliminated, but that money will never be paid. That land cannot pay it. It is water-logged land and never should have been included in the project.

Mr. RICH. This bill reads:

> The cancelation of $11,963.76 of unpaid construction and operation charges.

Why did the Government do that construction work if the land had no value? Poor business in the Interior Department. Then further it says:

> The conditional cancelation of $28,045.31 of additional unpaid construction and operation charges to become effective upon the repayment, or upon the execution of contracts with individual landowners providing for the repayment in full of the adjusted balance of $18,537.37 of unpaid like charges.

Mr. ROGERS of Oklahoma. This money will never be paid because the land is not subject to irrigation. It is not feasible to irrigate it, so there is no use holding this up.

Mr. RICH. I do not want to do the wrong thing, but I do not want the wrong kind of legislation to go through here now or at any time. That is my purpose.

Mr. ROGERS of Oklahoma. This action has already been taken by the Secretary of the Interior, pursuant to law passed by the Congress heretofore. Now, will this Congress approve what he has already done, because it will not be collected, anyway? The land is not fit for irrigation.

Mr. RICH. Is there some possible way when they start these irrigation projects of knowing what they are doing before they go ahead, so that they do not create this debt?

Mr. O'CONNOR. This irrigation was started many years ago under Republican rule.

Mr. RICH. Well, if they made a mistake we want to stop it and stop it now. I do not care who made it. We do not want these mistakes of Government bureaus.

Mr. BURDICK. Will the gentleman yield?

Mr. RICH. I yield.

Mr. BURDICK. If these lands under consideration are used at all they will have to pay the irrigation charges. The land is not subject to irrigation. The mistake was made years ago and it never should have been embraced in the project. If you do not pass this legislation the land cannot be used for any purpose. If you do pass the legislation it can be used for grazing purposes, and some benefit will be received from the land. However, if you make them pay these charges, the land will be vacant.

Mr. CASE of South Dakota. Will the gentleman yield for a question?

Mr. RICH. I yield to the gentleman.

Mr. CASE of South Dakota. I am sure the gentleman is right when he says he does not want to do the wrong thing. Does the gentleman feel that these farmers should pay for a benefit that they cannot receive?

Mr. RICH. Evidently the farmers who now own it or who owned it at the time they started irrigating it wanted it to be irrigated, or the Department of the Interior would not have gone in there.

Mr. CASE of South Dakota. Not necessarily, because a district could embrace an entire area of land without the individual consent of every landowner in it.

These districts are created and these people are put in a district often without their consent. If the land cannot be irrigated why should they be saddled forever with a debt they cannot pay, for a service they are not receiving?

Mr. RICH. Do not these people have some moral obligation to repay the Government for coming in at their request and irrigating the land?

Mr. CASE of South Dakota. That is not the situation. This is a case where land was embraced that was not suitable for irrigation. Then again the people might have been opposed to irrigation to start with.

Mr. RICH. Then that is the fault of our legislation. If we allow them to take in land that cannot be irrigated that is the fault of Congress, and Congress itself should be condemned. I condemn such poor business.

Mr. CASE of South Dakota. That may be, but the penalty should not rest on these people.

Mr. ROGERS of Oklahoma. The gentleman is absolutely right, and that is what we are trying to do now. These lands should never have been included.

Mr. RICH. Will it be possible in future legislation to require that the Interior Department not embrace a lot of lands unsuitable for irrigation, that they be not allowed to spend a lot of money on those lands only to find out after the money is spent that it has been spent in vain?

Mr. Speaker, if I withdraw my objection to this bill I shall withdraw it also to the bill H. R. 2829, because they are bills for similar purposes.

Mr. Speaker, I withdraw my objection to both bills.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the action of the Secretary of the Interior, by order dated May 19, 1942, taken pursuant to authority contained in the act of June 22, 1936 (49 Stat. 1803), in the cancelation, deferment, and adjustment of irrigation charges due the United States against nine hundred and eight and forty-seven one-hundredths acres of land formerly in individual Indian ownership within the Oroville-Tonasket Irrigation District, Washington, is hereby confirmed as follows: (a) The cancelation of $11,963.76 of unpaid construction and operation charges; (b) the conditional cancelation of $28,045.31 of additional unpaid construction and operation charges to become effective upon the repayment, or upon the execution of contracts with individual landowners providing for the repayment in full, of the adjusted balance of $18,537.37 of unpaid like charges; (c) the continuation of the first lien against each allotment of land, notwithstanding any division or partitionment of such allotment resulting in separate ownership of different

parts thereof, until the full amount due on the entire allotment has been paid and no refund or repayments shall be made to any landowner on account of any charges heretofore paid; and (d) the requiring of contracts with landowners, where necessary, covering the repayment over a period of years of their proper share of the adjusted balance of $18,537.37 of unpaid construction and operation charges: *Provided*, That the district may pay the said amount in one payment, in which event the lien of the Government shall be assigned to the district.

SEC. 2. The Secretary of the Interior is hereby authorized to enter into a contract with the Oroville-Tonasket Irrigation District, providing for the repair and rehabilitation of certain irrigation canals, laterals, and subiaterals necessary for the delivery of water to irrigate Indian lands, the cost of such construction work not to exceed the sum of $15,000, such contract to require the said irrigation district (1) to cancel all charges carried on its books as apportioned against the lands of the Indians up to and including the date of the contract; (2) to recognize the prior first lien of the United States for the repayment of the adjusted charges remaining against the former Indian-owned lands approved by section 1 of this act; and (3) to provide for the transfer of water rights from one tract of Indian-owned land within the said irrigation district to another, where, in the opinion of the Secretary of the Interior, such transfer is desirable and economically advisable in the proper utilization of the Indian lands.

SEC. 3. In order to prevent the accumulation of delinquent project assessments or other charges against the former Indian-owned lands within the Oroville-Tonasket Irrigation District, the Secretary of the Interior is hereby authorized, in his discretion, to take such action as he may deem necessary to protect the adjusted sums due the Government as approved by section 1 of this act, including the foreclosure of the Government's lien.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to return to S. 2829. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2829) to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the action of the Secretary of the Interior taken on the 9th day of September 1942, pursuant to the act of June 22, 1936 (49 Stat. 1803), affecting certain lands of the Wapato Indian irrigation project, Yakima Reservation, Wash., is hereby confirmed as follows: (a) The elimination from the project of 386.01 acres of land described in the Secretary's order; (b) the cancelation of $14,512.03, representing unpaid assessments against the land for construction, operation, maintenance, and penalties; (c) the cancelation of $860.38 of accrued operation, maintenance, and penalties against land not eliminated from the project; (d) the credit of $58 on future operation and maintenance assessments against the southwest quarter northeast quarter, section 7, township 10 north, range 19 east, Washington meridian; (e) the cancelation, adjustment, or modification in proper cases of agreements previously executed; (f) the adjustments of project areas and the cancelations and adjustments dealt with in the Secretary's order, upon the condition, stated in the order, that the owners of the lands affected who retain any irrigable land within the Wapato project shall promptly settle any delinquent irrigation charges against the land retained in the project, either by cash payment or by the execution of contracts providing for the deferment of the amounts due.

SEC. 2. Any assessments made against the lands eliminated from the project pending the confirmation of the Secretary's order are canceled and all payments made on account of any such assessments shall be credited to the lands retained in the project by the respective owners.

SEC. 3. In order to prevent the accumulation of delinquent project assessments or other proper charges against the lands described in the said order of the Secretary of the Interior and to protect all sums due the Government by the project landowners, the Secretary of the Interior is hereby authorized, in his discretion, to take such action as he may deem necessary, including the foreclosure of the Government's first lien for such unpaid charges created by the act of May 18, 1916 (39 Stat. 154), or any other act of Congress.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Y. M. C. A., Y. W. C. A., ET AL.

Mr. FULMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2810) authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, has this bill been considered by the committee?

Mr. FULMER. Yes; this bill was sent down by the Comptroller General, Lindsay Warren, to the Claims Committee, with a request that it be passed. It was introduced in the Senate by Senator MAYBANK, came to the House, referred to the Committee on Claims, and reported favorably by that committee, being reported by the gentleman from Minnesota [Mr. PITTENGER].

The purpose of the bill is to pay for certain lands and buildings taken over by the War Department at Fort Jackson, S. C.—lands and buildings owned by the Y. M. C. A., the Y. W. C. A., the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C. The lands contained about 1,150½ acres, with buildings thereon.

Mr. PITTENGER. Mr. Speaker, if the gentleman will yield——

Mr. MARTIN of Massachusetts. I yield.

Mr. PITTENGER. This bill was favorably reported by the committee, and is supported by a favorable report from the War Department which took over this property. There is also a favorable report from the Comptroller General. This bill was considered by the Senate committee, reported by that committee to the Senate and passed by that body. As I say, the House committee reported it favorably. The bill in its present form should be passed.

Mr. MUNDT. Mr. Speaker, reserving the right to object, not to protest against this bill but to ask a question of the chairman of the Committee on Agriculture. Is there any likelihood of getting action on H. R. 7788 which was, as the gentleman recalls, a bill to rewrite the parity formula?

Mr. FULMER. No; I may state to the gentleman from South Dakota, because of the situation during the closing days of Congress, we have agreed not to take that bill up, but it will be reintroduced early in the next session of Congress when we shall have an opportunity to get a rule and have the bill properly considered. It will not come up, because it is a House bill, and there will be no opportunity for it to be passed in the few remaining hours of this session.

Mr. MUNDT. But the gentleman expects to push that bill early in the new session?

Mr. FULMER. Absolutely.

Mr. STEFAN. Mr. Speaker, reserving the right to object, that is the bill which passed the House by unanimous consent recently?

Mr. FULMER. The gentleman is correct. The same provision is carried in the bill referred to by the gentleman from South Dakota a moment ago and will be reported again with that provision still in the bill.

Mr. STEFAN. I am hoping that the bill will be passed promptly, because many millers are going to stop milling flour as a result of the low price of wheat.

Mr. FULMER. I agree with the gentleman. I want to bring the bill up at the earliest date possible.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post No. 6 of the American Legion, and C. J. Nairn, all of Columbia, S. C., for the value of buildings and other improvements which were erected by said parties on certain portions of the Columbia cantonment lands, situated near Columbia, S. C., prior to the transfer of said lands to the United States on August 12, 1940, and to allow in full and final settlement of the claims the sum of $10,000 to the Young Men's Christian Association, the sum of $5,500 to the Young Women's Christian Association, the sum of $6,700 to the Richland County Post No. 6 of the American Legion, and the sum of $2,600 to C. J. Nairn. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $24,800, or so much thereof as may be necessary, for the payment of the respective claims in the amounts above indicated: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on

account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Will the gentleman from Michigan [Mr. MICHENER] kindly take the chair temporarily?

(Mr. MICHENER assumed the chair.)

THE HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. MICHENER). The Chair recognizes the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. I offer a resolution, which I send to the Clerk's desk.

The Clerk read the resolution (H. Res. 587), as follows:

Resolved, That the thanks of the House are presented to the Honorable SAM RAYBURN, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Mr. MARTIN of Massachusetts. Mr. Speaker, this resolution speaks for itself and I think expresses the sentiments of every Member of the House, whether he sits on the right or left side of the aisle. These have been two stormy and difficult years and I know that every Member of the House is proud of the dignity, the fairness and the impartiality with which our genial Speaker has presided.

We are reaching the end of one of the longest, if not the longest, sessions in the history of the Congress. We are all grateful to our Speaker for the manner in which he has presided over the House and we wish him the fullest greetings of the season.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously adopted.

The SPEAKER. Just before the sine die adjournment the Chair will have a word to say; however, at this moment I must thank my very distinguished friend, the minority leader, for offering this resolution and to each and every one of you for having unanimously adopted it.

PERMISSION TO ADDRESS THE HOUSE

Mr. THOM. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes today at the conclusion of other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. THOM]?

There was no objection.

EXTENSION OF REMARKS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a portion of an address by a former Governor of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. MANASCO]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

Mr. SCHULTE. Mr. Speaker, for 10 years I have had the honor to represent the First District of Indiana in this House. I am nearing the close of my service. It is not improper, therefore, that I should make some observations at this time on the decade through which I have served.

When, 10 years ago, my neighbors and friends in Indiana entered my name for election to this body, I felt deeply the honor which they bestowed upon me. As they have every 2 years since then reelected me to service here that feeling of honor has grown.

No man of decent feelings can be unaffected at heart when his own people, the folks who know him and understand him best, signal him out as their servant to speak for them and to act for them in the affairs of our Nation. So it is with all of you, I know.

So, certainly, it has been with me.

There is something that I fear many of us lose sight of in the elections to which we are subjected. We come to look on votes as simply votes—as numbers of which we have more or our opponent has more.

During the successive years of my reelection I have found and have felt votes to be more than that—more than the recording of numbers, more than counters in the game of politics. They are, to me, the expression of the hearts of my friends and neighbors. As I have done well and have merited a place in their hearts, they have expressed their feelings. As I may have done ill and lost caste in their affections, they have similarly expressed their feelings.

That is the bond that extends from your constituencies to you—the bond of the heartstrings. That is the bond that you and all of us must keep in mind. It is the thing stronger than votes. It is the thing more binding than all else.

For its very existence presupposes merit on our part, merit in thinking, merit in doing, merit in feeling.

Now, I am not so modest as to think that my merit has depreciated in the last 2 years to the point where the depreciation has driven me from the hearts and from the thoughts of my people.

Rather, I find another explanation for my failure to win again this fall the suffrages which would have extended my tenure through another Congress. That explanation is one that I feel should be expounded, for it may be that by heeding it you, my colleagues, may in the future find a seed which, when properly nurtured, will prevent happening to you what has happened to me.

Exploring the reason for my defeat, I found the following explanation: That my people still felt in their heart for me the same generous impulses which had kept me here through five elections. They liked me just as well, maybe a little more. They liked what I was doing here just as much as formerly, maybe a little more.

But after 10 years my election had become a commonplace to them. They felt that they did not need to follow the dictates of their hearts and vote for me. They said to themselves, in effect: "Oh, BILL SCHULTE will be all right. We don't need to worry about him."

And woe is me. So many of them dissembled their love in this unfortunate way that I now find myself going home to be with them.

The lesson in this to all men in public life is clear. Never take yourself for granted. Never take for granted, either, the impulses of your friends at home. Humans become accustomed to objects with which they are long familiar, even those objects which they sincerely love. Enhance and make more strong the heart bonds of your folks at home, but never assume that because you are here today you will be kept here forever. The affection of your people is great or you would not be here at all. But we must all, if we would retain our office, see that that affection is expressed.

I go home to my people at the close of this Congress, not as one beaten, not as a wanderer whipped and robbed.

I go home to my people strong in the knowledge of their affection. Confident that anyone who has represented them here for 10 years must enjoy still and forever the heartbond which binds me to them.

I go home to my people with my heart a well of gratitude for the honors they have bestowed upon me in the decade of my service. Five times they signaled me out as worthy to speak their words and do their deeds. Could there be bitterness in my heart that once they chose another?

Mr. Speaker, I turn from my beloved folks at home to address myself briefly to those with whom I have served in this representative assembly. By your kindness toward me, by your considerateness, by the patience with which you have listened to me, by the aid you have given me, by the friendship which you have bestowed upon me, you have won a place in my heart second only to that held by the people who sent me here.

Mr. Speaker, there are those in this country who profess to find that the legislative branch of our Government is not performing the functions ascribed to it by our Constitution. There are those who believe that we have abdicated our responsibilities. There are those who believe that Congress has descended from the pedestal upon which it was placed by those great men of the past who served here.

It seems to me that these people, however sincere they may be, are speaking from a lack of knowledge of the record of the Congress in recent years or possibly from a failure to link that record up with the run of events.

Congress needs no defense from me or from any man on this floor.

The record of Congress through the trying years when our Nation suffered through the greatest economic debacle in our history and through the first year of our participation of the greatest war of all history stands clear as a record of achievement, of service, of ability, and of strength.

Through the legislation enacted on this floor the Government went to the service of its people when the people needed it. We set out through our enactments to rescue the great body of our citizens from the depths into which they had fallen. We accomplished that great mission.

We made government a servant, not the master of those who create it. And the servant served well.

Possibly it is the very fact of that worth-while service, that bringing of government into intimacy with its people, that brought upon Congress the criticism which in recent months reached the point of vituperation. For as government reached into the lives of our people for service to them it ceased to be the cold and awesome thing that it had been for scores of years. It became an active, working, striving force in the lives of all. The people came to know the possibilities of their government. They came to know it well and thoroughly.

Mr. Speaker, to my mind it is better to have the people know and understand a warm-hearted government than to have them stand in awe of a cold, heartless, and serveless government. Consequently the criticism which has been voiced does not terrify me. It rather encourages me. For I look upon it as a communing of the people with their servants. Out of that can come only improvement in our Government and greater responsiveness on the part of Government officials to the wishes, the will, of our people.

By the adoption of far-seeing policies, by the enactment of progressive and humane legislation, the Congress, in cooperation with the executive and judicial branches of the Government, had achieved the goal of ridding the Nation of the depression when, by a slinking and vicious attack, we were plunged into the horrors of war.

Just 1 year ago we reeled under the stabbings of unprincipled and ruthless aggressors. A nation less sturdy, less reliant, less deeply founded in the stability of a healthy national life might well have succumbed as so many nations have in recent years.

But after a year of war what do we find? We find our valiant men fighting and attacking our enemies on a score of fronts. We find our men and our women at home devotedly striving to back up the men on the front. We find our people in all walks of living serving and giving and doing that their country may emerge victorious from the chaos into which selfishness and the machinations of megalomaniacs have plunged the entire world.

Nations do not recover with the resilience with which our country has reversed the field of war unless their government is able and is truly representative of the will of the people.

Nations do not wage successful wars if their government, or any of its component parts, is weak or derelict in its duty.

The great, the whole answer to those who decry Congress is found in the war legislation record of this body. Before the war loomed our legislative enactments laid the groundwork upon which the present military and civil activities of our Nation are builded.

Out of those enactments comes now the hope not only of our own country but of the world.

May I not then be pardoned for the pride with which I go back to my home and to my home folks. I go to them with head erect and heart whole, for, as their representative I have had a part, however small, in the peacetime and wartime record of this great body.

I had that part as the gift from the hearts of my people. I trust that I merited that gift.

PERMISSION TO ADDRESS THE HOUSE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I want to take just a minute to say that while I have been listening to deserved tributes paid to Members voluntarily retiring, I have also been thinking of others, friends of mine with whom I have served, who for one reason and another will not be here next session.

I shall not be able to get to Vermont to observe the holidays, but, Mr. Speaker, "I am longing to be up North."

I am dreaming of a white Christmas
Just like the ones I used to know.
Where the treetops glisten
And children listen
To sleigh bells ringing in the snow.
I am dreaming of that white Christmas
With every Christmas card I write.

And to all of you I say:

May your days be merry and bright,
And may all your Christmases be white.

HON. WALTER M. PIERCE, HON. HARRY B. COFFEE, HON. FRANK E. HOOK, AND DELEGATE SAMUEL W. KING

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. FULMER]?

There was no objection.

Mr. FULMER. Mr. Speaker, I have requested this time for the purpose of speaking briefly concerning four distinguished Members of Congress, who have served faithfully in the Congress as well as on the Committee on Agriculture, of which I am chairman.

I refer to the lovable and distinguished gentleman commonly called Governor, the gentleman from Oregon, Hon. WALTER M. PIERCE, whose attendance on committee work as well as on the floor of the House, and whose interest in the welfare of his people and his country have not been excelled, during all the years of his service, by any Member in the House; the gentleman from Nebraska, Hon. HARRY B. COFFEE, from a great agricultural State, with its wide fields and thousands of cattle roving thereon; the gentleman from Michigan, Hon. FRANK E. HOOK, from the State noted for its beautiful lakes and forests; and the gentleman from Hawaii, Delegate SAMUEL W. KING, who has represented the beautiful and musical Hawaii.

To each of these good friends I want to say:

I am today sending you your name plate, which has shown for a number of years the prominent position held by you on this great committee. I am hoping that you will accept same as a souvenir and that it may remind you not only of our deep friendship but the many hours of hard labor that we have spent together on this committee in the interests of the farmers of this country.

I am sure that the days and perhaps the hours will not be many before you will be leaving for your home, far removed from my Southland. However, I want each of you to know that as the months and the years go by in our continued efforts in connection with our committee work, as well as in the Congress, especially at this time when we need more than ever men of experience and ability in that we are engaged in one of the greatest struggles ever in the history of the world, that we will miss you and that we will be thinking of you.

I want to extend to each of you an invitation to visit me down in Dixie, where the days are longer and the sun shines brighter than in any other section of the world. May I wish for you and yours the very best of everything and God's richest blessing.

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. HOWELL] may be permitted to extend his own remarks in the RECORD and to include a letter addressed to him by the Governor of Illinois.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. WIGGLESWORTH]?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include the high spots of an address made by Lt. Col. Paul H. McMurray before the Federal Bar Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

There was no objection.

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Grand Rapids Herald in my district.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. JONKMAN]?

There was no objection.

MAILING LISTS FOR GOVERNMENT PUBLICATIONS

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JONKMAN. Mr. Speaker, on December 8 I introduced a bill (H. R. 7846) to require departments and agencies in the executive branch of the Government to reduce the number of names on mailing lists for Government publications. I intend to introduce this bill in the Seventy-eighth Congress, and I trust the Committee on Expenditures in the Executive Departments will see fit to report it to the House early in the next session.

Early this month we all received a letter from George E. McMillan, Assistant Chief, News Bureau, Office of War Information, requesting that we advise him if we desired to receive Victory magazine, and if he did not hear from us our names would be taken off the mailing list.

While his letter was dated November 24 it was not delivered to me until December 4 and on that date I wrote Mr. McMillan giving him authority to remove my name from the mailing list for Victory magazine immediately.

In view of his written request it would seem that his objective would have been complied with in my case when he received my letter, but such is not the fact because the issues of the magazine continue to come to me regularly since I wrote him.

My letter to Mr. McMillan certainly was not a gesture. What about his letter to me?

I have received a great many letters from my constituents complaining about the unsolicited receipt by them of various and sundry Government reports of no interest or value to them.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial on inflation in the Ruhr.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the O. P. A. and to include a letter from a constituent in connection therewith.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I further ask unanimous consent to extend my own remarks in the RECORD in connection with the work that is being done by the American lumbermen in our World War effort.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a magazine article by Lt. Richard L. Neuberger.

The Speaker pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

(Mr. POWERS and Mr. LUDLOW asked and were given permission to extend their own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. NAREY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NAREY. Mr. Speaker, I wish to take this opportunity of thanking the Members of the House of Representatives for the extreme courtesy and kindness shown me during my brief tenure. Having become a Member of this distinguished body at a time when controversial legislation was concluded and only consent legislation considered has made it possible for me to assume the roll of an interested observer.

The experience of the last 4 weeks has been most profitable. It has reinspired my faith in Congress and its Members. As I return to the rank of constituent it will be my mission and purpose, so far as ability and opportunity afford, to convey to the people of my district the sincere and honest desire and effort on the part of the Members of Congress to legislate beneficially and defend the American people in their right to enjoy the blessings of representative government.

To be suddenly transplanted from the God-given acres of Iowa to the Capital City of Washington with its beautiful architecture, cosmopolitan atmosphere, and governmental activities is an Arabian Night experience; to become a Member of Congress during a war session when millions of liberty-loving people look toward Washington as the last bulwark of democracy is indeed an honor for which I shall always remain truly grateful.

Having for several weeks observed the proceedings of the Seventy-seventh session of Congress during its twilight period a few casual observations might not be amiss. They are made without claim of originality.

After pledging support to the Constitution of the United States and retiring to a seat in this Chamber, I was somewhat surprised at the confusion and chaos that seemed to immediately envelop the assembly. Proceedings were contrary to my conception of orderly parliamentary procedure, and frankly I began to wonder if the peace and tranquility suggested in the Preamble of the Constitution I had so recently pledged to support had been completely lost. I concluded however, that those virtues had probably become so streamlined during the New Deal era they could no longer be recognized. Even the frequent resounding echo of the Speaker's gavel was only momentarily effective and it was difficult to understand how serious legislation could be accomplished midst such confusion. After experiencing a few sessions as a Member I began to comprehend and understand the proceedings and discovered in spite of seeming disorder and chaos legislative business was in fact being transacted and much good accomplished, that multiplicity of pending legislation was largely accountable for a somewhat bewildering procedure. It is easy to understand how a Member soon becomes accustomed to the proceedings with its accompanying confusion. It must, however, be definitely bewildering and disillusioning to the daily visitors in the Capitol who call for a few moments to observe their Congress in session.

During my brief tenure I have listened with a great deal of interest to many colorful speeches by Members of this House. Adjectives and superlatives are at times all enveloping; eloquence, logic, and understanding seem to be a common asset.

It is encouraging to know that the Members of Congress realize the importance and tremendous task confronting them and are likewise aware of the many dangers that beset the American way of life. Never within the history of this Nation has there been a Congress charged with greater responsibility and the solution of more trying problems than confronts the Seventy-eighth Congress convening January 6. As an observer I am convinced that the Members will measure up in ability, courage, and faith required for a successful analysis and solution of these many problems.

During the last decade many innovations and theories of government have been suggested and, in my opinion, too many injected into our administrative affairs. Many of them, although well intended, challenge representative form of government. Bureaus, agencies, commissions have been vested with authority under the pretense of war necessity. Rationing, regimentation now direct the activities and affairs of every man, woman, and child. Conceding such a program is necessary, it still remains a fact that bureaucracy is not our form of government, and such agencies created as temporary measures should always retain their temporary character. It is my observation that one of the greatest tasks confronting subsequent sessions of Congress is to see that these foreign encroachments, established as necessities of war, do not become so firmly interwoven in our national fabric as to be indispensable when peace is declared.

Many Members of the House within the last few weeks have declared their faith in the Constitution and openly avowed it to be their purpose while a Member of this assembly to protect the people of this country in their rights afforded by that sacred document. During the trying times ahead, it will

take courage, faith, and a disregard for political consequences to successfully fulfill this pledge.

The multiplicity of bureaus and agencies, with their overlapping authority and mandatory orders, the seeming surplus of Government employees, the staggering indebtedness, the globular war in which we are engaged make every problem complicated and multiplies the duties and responsibilities of the Members of Congress.

Constituents wherever located look to the Members of Congress to protect them in their rights. Congress made the bureaus and agencies possible. Therefore, constituents have a right to hold Congress responsible for the exercise of the authority vested in these various agencies. Regard for congressional wish and authority by these various agencies should be voluntary. It can be compelled through appropriate legislation, if necessary.

The various agencies created for war purposes owe their existence to the acts of Congress. They have a colossal task and no doubt are attempting to administer efficiently and without interference. No matter how honest their motive or desire in this respect, they should not ignore the wishes and suggestions of the Members of Congress, who, in the last analysis, are responsible to the American people. I have no doubt but in the not far distant future a more cooperative feeling between the Members of Congress and the heads of these various agencies will be discovered as the most potent factor for efficiency.

The undertaking of our Government and its various departments is so colossal, mistakes are inevitable. The demand for the best ability of our Nation, regardless of party or politics, is mandatory.

The creation of new agencies accompanied by a reshuffle of the same faces and names will hardly meet the demand of the hour. There are men and women of exceptional ability in both major political parties who could be given an opportunity to serve.

The masses of the American people are most patriotic. They love their Government and are willing to sacrifice anything and everything in its defense. In Iowa, a strictly rural area, people are working long and extra hours from early morning until late at night contributing their share in food and production. They have given their time, labor, money, and men in all the war effort. Iowa is proud of its record in this war. The citizens of Iowa will continue in their willingness to work and sacrifice as long as they can have faith in the administration of governmental affairs. They have a right to demand and expect that the best brains in America be drafted in the administration and conduct of our national affairs during this trying period, regardless of political alliance. They are more interested in winning the war than in the political success of any party or person in the general election of 1944.

Political appointments to high office in national affairs intended only as gestures will not long deceive or satisfy. The American people want executives and administrators of ability. There are many such waiting on the sideline able and anxious to do their part, awaiting only the signal from the coach.

It has been a pleasure and a revelation to observe these last few weeks that Members on both sides of the aisle are in accord with the sentiments herein expressed. Representative form of government is truly on trial. Members of Congress are aware of the fact. Millions of boys are on the battle fronts of the world sacrificing their lives in defense of democracy. The loss of political ambition and influence, the loss of a seat in Congress is small in comparison with the sacrifice being made by these millions defending the flag on foreign soil. In the war sessions of Congress, Members with courage and faith to speak and vote their convictions may have to sacrifice all political ambition as a result. The task lying before you is by no means easy, but your opportunity to serve with courage and faithfulness will never be greater. Only by so doing will the blessings of good government continue, and every Christmas be white, and lights go on again all over the world.

EXTENSION OF REMARKS

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I propose to deliver on Friday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

HON. OSCAR YOUNGDAHL, A FAITHFUL AND AGGRESSIVE PUBLIC SERVANT

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I know that I speak the sentiments of all Members of the House of Representatives, when I say that we regret that our colleague from Minnesota, Hon. OSCAR YOUNGDAHL, will not be a Member of the Seventy-eighth Congress. His 4 years of outstanding service as a Representative from the great city of Minneapolis, has won him the respect of all Members of this body. His effective work on the floor and in committee, as well as his diligent application in the handling of the many complex details from his district, marked Representative YOUNGDAHL as one of the leaders in the House of Representatives during his two terms. While the uncertainties of public life often interrupt careers, we know that Friend YOUNGDAHL has the respect and confidence of a host of friends in Minnesota, and we wish him well in whatever he may undertake in the future.

The Honorable OSCAR YOUNGDAHL, Member of Congress from the Fifth District of Minnesota for the seventy-sixth and seventy-seventh sessions, has rendered valuable service, not only to the great industrial district he so ably represented, but to the entire Nation.

During the last 4 critical years, Congress has been in session almost continuously. Crisis has followed crisis in the affairs of this Nation and the world. The range of government and the problems of legislation have been extended and multiplied enormously. As a member of the Committee on Interstate and Foreign Commerce, Mr. YOUNGDAHL has had an important part in shaping all national policies on transport and communication. By virtue of this experience he has attained a position of increasing influence and effectiveness as the spokesman and champion of his district in national councils at Washington.

Through all the turmoil and cross-currents of these difficult times, Mr. YOUNGDAHL has adhered unfailingly to the deeper fundamentals of true-blue Americanism. His militant patriotism is summarized well in his vigorous fight against scrapping free institutions for those of totalitarianism and dictatorship. He believes in the American system of government, the American ideals, and the American way of life. He has always been out in the forefront fighting for the rights of labor, agriculture, and small business, the representatives of the great American middle class, and the backbone of American democracy.

He has rendered outstanding service to the people of his district, handling many of the complicated details and numerous problems confronting them, which have required his attention in Washington. No personal problem on the part of his constituents was too small for him to give his personal service.

He was a champion for the veteran and he has won the deep gratitude of veterans and their dependents for his splendid cooperation to obtain fair treatment at all times through legislation.

He was bitterly opposed to any waste and extravagance in government and consistently fought for the removal of unnecessary regulation and regimentation of private industry.

I think the country owes a debt of gratitude to the gentleman from Minnesota [Mr. YOUNGDAHL] for initiating the legislation which has resulted in the use of hundreds of millions of private credit in the war effort. Had it not been for his research and activity in this respect, the taxpayers of the country would have been burdened with billions of dollars of contingent liability through loans by the R. F. C. or other Government agencies. It was his foresight in introducing a bill to authorize the use of private credit which resulted in the enactment of H. R. 10464, the Youngdahl law, and to him should go all the credit for removing from the statutes any prohibition against the pledging of Government contracts as security for loans to banks.

As a member of the Interstate and Foreign Commerce Committee, he was faithful, conscientious, and very helpful. He has shown in the consideration of the intricate problems arising in connection with the great industries over which the committee has jurisdiction a keen legal

mind and a knowledge of business. No one, not a lawyer and with business experience, could have rendered a comparable service to that of the gentleman from Minnesota [Mr. YOUNGDAHL].

As a member of the Minnesota delegation, it was my happy privilege to be closely associated with him in the line of duty. He is honored, respected, and held in high esteem by all of his colleagues, Republican and Democratic Members alike. He will not serve in the Seventy-eighth Congress, but his service in all respects incident to the war effort and our domestic economy will be of lasting benefit and should be deeply appreciated by every citizen of the country, and particularly the people of the Fifth District of Minnesota, which he has had the honor to represent.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Minnesota.

Mr. PITTENGER. As a colleague of the gentleman from Minnesota [Mr. YOUNGDAHL], as well as of the gentleman from Minnesota [Mr. ANDRESEN], I wish to endorse everything the latter has said in this splendid tribute to the gentleman from Minnesota, Congressman YOUNGDAHL.

Mr. H. CARL ANDERSEN. Mr. Speaker, I am glad to join with my colleagues Mr. ANDREWS and Mr. PITTENGER, in paying tribute to the gentleman from Minnesota, Congressman YOUNGDAHL.

If there was ever a man who was always working in behalf of the people of the congressional district he represented, that man was the gentleman from Minnesota, OSCAR YOUNGDAHL. Time after time I have often seen him on trips to various Government agencies trying to help his constituents with the many problems they referred to him in Washington.

Anyone can examine the record of the Members of Congress for the past 4 years and see for himself there the consistent manner in which the gentleman from Minnesota [Mr. YOUNGDAHL] opposed the expenditure of any money that was not absolutely essential. Yet he likewise consistently supported all appropriations for our own national defense, believing that a nation well prepared is always the best assurance of peace in years to come.

I regret, Mr. Speaker, that a man of the capabilities of the gentleman from Minnesota, OSCAR YOUNGDAHL, was not returned to Congress to continue his fine work for his State and Nation. First and foremost an American, Mr. YOUNGDAHL will see in the future the vindication of his actions on important measures before Congress the past 4 years. He need not apologize for any of his votes. He has the right to be proud of his work here in Washington and his work for his district, State, and Nation.

ENCOURAGING DISCOVERY OF OIL AND GAS ON THE PUBLIC DOMAIN

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war. I may say that this is the bill the gentleman from Pennsylvania [Mr. RICH] objected to, but he has withdrawn his objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, is it all right with the gentleman from Pennsylvania [Mr. RICH], who objected to the consideration of the bill, that it be taken up at this time?

Mr. ROBINSON of Utah. It is. I talked to the gentleman from Pennsylvania and he agreed to withdraw his objection.

Mr. MICHENER. The bill was thoroughly discussed when it was called up a few minutes ago. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That until the cessation of hostilities in the present wars with Germany and Japan all oil or gas leases issued pursuant to the provisions of section 17 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended (U. S. C., title 30, sec. 226), when the lands to be leased are not within any known geological structure of a producing oil or gas field, shall provide that during the first 10 years of such lease the royalty thereunder shall be 12½ percent in amount or value of the production, in lieu of the royalty prescribed by such section 17.

SEC. 2. Upon application filed before such wars are so concluded by any lessee who on the date of enactment of this act holds a lease heretofore issued pursuant to such section 17 of lands not within any known geological structure of a producing oil or gas field, the Secretary of the Interior shall issue a new lease to such lessee in lieu of the lease then held by him. Such new lease shall provide that during the first 10 years after the issuance thereof the royalty thereunder shall be 12½ percent in amount or value of the production in lieu of the royalty prescribed by such section 17.

SEC. 3. Until the cessation of hostilities in the present wars with Germany and Japan the Secretary of the Interior may, whenever in his judgment it is necessary to do so in order to promote the discovery of oil or gas on the public domain, provide by regulation under leases heretofore or hereafter issued to unappropriated deposits of oil or gas for the payment for a period of 10 years of a royalty not to exceed 7½ percent in amount or value of the production from tracts not to exceed 40 acres in area upon which discovery wells may hereafter be drilled.

With the following committee amendment:

Page 1, beginning in line 3, strike out all after the enacting clause and insert the following: "That during the period of the national emergency proclaimed by the President May 27, 1941 (Proclamation No. 2487), upon a determination by the Secretary of the Interior that a new oil or gas field or deposit has been discovered by virtue of a well or wells drilled within the boundaries of any lease issued pursuant to the provisions of the act, approved February 25, 1920, as amended (U. S. C., title 30, secs. 181–263), the royalty obligation of the lessee who drills such well or wells to the United States as to such new deposit shall be limited for a period of 10 years following the date of such discovery to a flat rate of 12½ percent in amount or value of all oil or gas produced from the lease."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEOLOGICAL SURVEY

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6671) to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all of the enacting clause and insert: "That the Secretary of the Interior may, on behalf of the United States and for use by the Geological Survey in gaging streams, acquire lands by purchase, condemnation, or donation, but not in excess of 10 acres for any one stream-gaging station. For the same purpose the Secretary may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or term of years as may be required for the effective performance of the function of gaging streams: *Provided*, That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing in this act shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

The SPEAKER pro tempore. The Clerk will report the amendment to the Senate amendment.

The Clerk read as follows:

Page 1, lines 3 and 4 of the Senate amendment, after "by", strike out "purchase, condemnation, or donation," and insert in lieu thereof "donation or when funds have been appropriated by Congress by purchase or condemnation."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, is this the bill to which the gentleman from New York [Mr. TABER] objected?

Mr. ROBINSON of Utah. This is the bill to which the gentleman from New York objected and to which he suggested an amendment. I have his amendment here and have included it in my motion to concur in the Senate amendment with an amendment.

Mr. MICHENER. The gentleman from New York has no objection provided the amendment is accepted?

Mr. ROBINSON of Utah. That is correct.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The motion to concur in the Senate amendment with an amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

(Mr. WEISS asked and was given permission to extend his own remarks in the RECORD.)

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter I wrote to the President of the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a radio address I delivered recently.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WHAT HAPPENED AT PEARL HARBOR?

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWEENEY. All of us according to our lights before the attack on Pearl Harbor occurred were against actual foreign war involvement. After that attack we commenced to ask questions. How did it happen and why? I am including in the RECORD three paragraphs of an article which I quoted in a radio address I delivered last Saturday in my own local community. That article was written by Lt. Clarence E. Dickinson, of the United States Navy, and appeared under date of October 10, 1942, in the Saturday Evening Post. He stated he was in charge of delivering certain air bombers to Wake Island. I quote his words:

> On this cruise we had sailed from Pearl Harbor on November 28 under absolute war orders. Admiral William F. Halsey, Jr., the commander of the aircraft battle force, had given instructions that the secrecy of our mission was to be protected at all costs. We were to shoot down anything we saw in the sky and bomb anything we saw on the sea. In that way there could be no leak to the Japs.

In the light of that information there ought to be a thorough investigation. If the statement is not true Lieutenant Dickinson ought to be court-martialed and the Saturday Evening Post suppressed for publishing the article. If it is true, then we were at war 10 days before the Japs struck at Pearl Harbor, December 7, 1941. The question Why were not our forces on the alert on December 7, 1941?—must be answered. We owe it to our 3,000 dead, murdered by the Japs at Pearl Harbor. We owe it to their loved ones who mourn their loss, and we owe it to the entire American public who are fighting and paying for the war, to investigate the entire subject matter in the light of Lieutenant Dickinson's disclosure. It is bad enough to reflect that our fine Americans who were killed at Pearl Harbor were killed with the American scrap iron we sold to Japan. It is equally damnable to reflect that the loss of American lives and property could have been caused by orders or the neglect of someone higher up. This Congress adjourns this date. I will not be in the new Congress otherwise I would sponsor such an investigation. Some of you fine Americans I know will undertake the task.

EXTENSION OF REMARKS

Mr. TRAYNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRESENTATIVE ARTHUR W. MITCHELL

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, some of the very finest Members that I have known in this House will not be with us at the next session. It is impossible in 1 minute for me to speak about all of them. I have asked this brief time in order to say something about one Member who will not be here in the next session. I feel impelled to speak of him, of the quiet, earnest dignity of his work, of his qualities of manhood, his devotion to the welfare of his Nation. I am certain that all of us will miss very much the services and association of the Honorable ARTHUR W. MITCHELL, of Illinois. He has, in my judgment, been an excellent and most effective Representative and more important even than that—a fine man.

EXTENSION OF REMARKS

Mr. MOSER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRESENTATIVE GEORGE HOLDEN TINKHAM

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask also permission to include in my remarks an editorial about Congressman GEORGE HOLDEN TINKHAM.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I suppose that there is no one thing that we admire in the House so much as we do courage. Hugh Walpole has said:

> It is not life that matters, but the courage we bring into it.

Certainly the Honorable GEORGE HOLDEN TINKHAM, who decided not to run for Congress again, lived up to that adage—it is not life that matters, but the courage that we bring into it, whether it was on the Italian front during the World War, whether in shooting lions in Africa, or showing great courage in espousing unpopular causes in the Congress, or voting against extremely popular appropriations. Certainly no one has ever been in the Congress of the United States who had more courage than did GEORGE HOLDEN TINKHAM.

Highly trained in government, a great student of national and international affairs, a student of economics, he brought to the House always an informative point of view. He traveled extensively in every country of the world and probably is better known internationally than is any other Member of Congress. In spite of that he never has lost his intense love for America. Intellectually honest and, when convinced he was right, he was willing to fight alone if need be, for his convictions. His nay was nay, and his yea was yea. He never straddled, and the Congress always knew just where he stood on every question.

He was adored by the persons in his district for his dependable qualities and for his great kindliness and generosity. His district was extremely proud of his high attainments and appreciated his sterling qualities and his modesty. Many who did not share his views upon different questions deeply regret his leaving the Congress. The gentleman from Massachusetts [Mr. TINKHAM] likes people and is equally at home with the great minds of the nations of the world as he is with the humblest man or woman.

The Congress has lost a genial, able Member, and his district has lost the services of a great friend and benefactor.

The following is an article from the Boston Traveler of November 16, 1936:

TINKHAM MIRACLE MAN OF AMERICAN POLITICS

(By Allen Martin)

New Democratic faces will be in the national House when it convenes, but Republican Congressman GEORGE HOLDEN TINKHAM, miracle man of American politics, will have the seat he has occupied since 1914.

ELECTED CONTINUOUSLY

The anomaly of a Back Bay blueblood being elected continuously from the Democratic stronghold of the all-Boston Tenth Congressional District was repeated with smashing emphasis in the November 3 election. Following his practice of 15 years, the short, stocky TINKHAM did not make a campaign speech. But he polled a larger plurality than President Roosevelt and scored the greatest triumph of his colorful career.

While his Democratic opponent, State Senator William F. Madden, an able party leader, was battling for TINKHAM'S seat, the bald, bewhiskered world traveler, big-game hunter, and friend and companion of foreign

dignitaries was visiting London, Paris, Berlin, Geneva, Vienna, Rome, Belgrade, Bucharest, and the scene where he fired the first American shot against the Austrians in the World War.

But when the ballots were tabulated, TINKHAM's vote exceeded that of President Roosevelt by 4,357 and was 13,000 greater than any he had received during the past 22 years.

In his almost dingy office in Barristers' Hall, facing the ancient Suffolk County Courthouse, soon to be replaced by a new Work Projects Administration building, TINKHAM was asked how he did it.

"Well," he answered, closing his eyes tightly and screwing his features into a delighted grimace, "it's like this. I once read of a candidate-at-large in Missouri. There were 199 precincts in his district. He carried on an active campaign. He spoke in 198 of the precincts and missed only 1. When the votes were counted, he found he had lost the 198 precincts and carried the one hundred and ninety-ninth overwhelmingly. I thought I'd imitate him. The absent treatment, you know."

DOOR ALWAYS OPEN

Political observers, however, take this explanation in the same spirit it is given. The door of his office is "always open." And not even the most dilapidated of his constituents should be awed by the place. His staff in Washington and Boston receive thousands of letters from residents of his district, and he usually "goes through" for them. If he can do nothing, he answers immediately and explains why.

TINKHAM has enlivened Washington political news many times.

The late Wayne B. Wheeler once termed him the "most dangerous antagonist of prohibition in America." After TINKHAM debated Wheeler at Springfield, a bootlegger in the audience was so impressed with his arguments that he tried to get TINKHAM as a customer.

TINKHAM'S recent brush with Director Rexford G. Tugwell of the Rural Resettlement Administration brought chuckles throughout the country.

Years ago, TINKHAM with Yankee astuteness, reached an agreement with a hotel to allow him to retain a ground-floor apartment opposite the Department of Justice as long as he remained in Washington.

The Rural Resettlement Administration took over the building but TINKHAM refused to budge.

"Plymouth Rock doesn't move," he said.

TUGWELL LOSES ARGUMENT

TINKHAM won, and Tugwell and his aides have to go upstairs over TINKHAM'S apartment to their offices.

TINKHAM, who prepared at Harvard "to be a professor and writer of history," has a New England ancestry that can be matched probably only by the native Indians of this section.

Now 66, TINKHAM still rides horseback daily in Washington.

"Riding, reading, and traveling are about the only hobbies I have left," TINKHAM explained with a twinkle in his eye, perhaps recalling his many adventures during his two trips around the world and 25 European jaunts.

The SPEAKER pro tempore. The time of the gentlewoman from Massachusetts has expired.

ORDER OF BUSINESS

Mr. DISNEY. Mr. Speaker, I rise to make a parliamentary inquiry. I have a 10-minute speech I desire to deliver. When may I expect to have such an opportunity?

The SPEAKER pro tempore. There are 2 hours and 15 minutes of special orders already made for this afternoon.

Mr. DISNEY. Then, Mr. Speaker, I ask unanimous consent that after the other special orders I be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in three instances.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, on December 14 last I inserted in the Appendix an article with reference to Henry Clay. I omitted from that article certain paragraphs which I ask unanimous consent to place in the permanent RECORD and that this temporary Journal be corrected to that extent.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. It might be appropriate for the Chair to remind the Members of the House that on the request of the gentleman from Massachusetts [Mr. MCCORMACK], the majority leader, made on yesterday, all Members will have the next 5 calendar days within which to revise and extend their own remarks on as many subjects as they desire and to include any necessary quotations in those extensions.

THE PART OF AGRICULTURE IN THE WORLD WAR

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks and include therein a resolution.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[Mr. MICHENER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a radio address.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIS. Mr. Speaker, I ask unanimous consent that after the other special orders today I may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

The was no objection.

HON. DAVID D. TERRY AND HON. CLYDE T. ELLIS

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NORRELL. Mr. Speaker, on behalf of the Arkansas delegation, I want publicly to express our joint appreciation for the splendid service and cooperation that we junior members have received from our present dean, the gentleman from Arkansas, Hon. DAVID D. TERRY, of Little Rock, who is retiring.

When we came to Congress he acted as our father. He has rendered every favor possible to us. I know that I express the sentiments of his constituency and you when I say that he is a great man, a great statesman. His district has been well represented. We hate to see him leave.

I also would like to say that this marks the last day of the tenure of office of Hon. CLYDE T. ELLIS, also of Arkansas. He has rendered great service in this body. Those of us who remain appreciate the fine spirit in which he has cooperated. His district has been very efficiently represented.

I know I express the sentiments of all of you when I say that we are sorry to see these great men leave us. They are both, of course, leaving the House of their own accord. They did not offer for reelection.

Mr. Speaker, it has been a genuine pleasure to have raised my voice in tribute to these two distinguished gentlemen from Arkansas. They are statesmen, men of true character, great integrity, high and lofty ideals, men of outstanding ability. They have served efficiently and devotedly during America's greatest crisis. They have discharged their responsibilities as true American statesmen. They may rest assured, however, though they are leaving, their pleasing personalities, impressions of character, their influences shall always linger with us.

HON. GEORGE HOLDEN TINKHAM

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I believe that the membership of the House generally will very much regret that in the next session of the Congress we will not have with us the much-revered statesman, Hon. GEORGE HOLDEN TINKHAM, of Massachusetts. He was a member of the same committee of which I am a member, and although we differed quite radically in our viewpoints as to how the international affairs of the world should be handled in this particular critical period, nevertheless the gentleman from Massachusetts at all times displayed a very keen and acute knowledge of international matters. He was sincere in his viewpoint. He was very courageous in expressing it at all times. He showed the utmost courtesy, and generally speaking he had the complete and sincere respect of every member of the Committee on Foreign Affairs of the House of Representatives.

I wish him many, many years of happiness and contentment.

EXTENSION OF REMARKS

Mr. MEYER of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a summary of an address delivered by Hon. F. Murray Benson, city

solicitor of Baltimore, and also several newspaper clippings, including an editorial from the Baltimore Sun.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include two letters in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

HON. GEORGE W. NORRIS

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. RANKIN of Mississippi. Mr. Speaker, it is with regret that we note the retiring from the other end of the Capitol of one of the greatest friends the common people of America ever had. I refer to my distinguished friend and coworker for public power, Senator GEORGE W. NORRIS, of Nebraska.

Many years ago he stood upon the banks of the Tennessee River and with a prophet's keen and penetrating glance he saw upon the distant peaks of far years a new day for the power consumers of America.

I labored with him as coauthor of the bill creating the Tennessee Valley Authority, and also in promoting rural electrification, the greatest blessing this Government has ever provided for the farming people of this Nation.

Not only that, but we are saving our water power for the people of this Nation. This is not Government interfering in private affairs. The power business is a public business, electricity is now a necessity of our modern life, it must be handled by a monopoly. It is generated by water power that already belongs to the Government; it is, therefore, a public business and it will be carried on until every human being in America enjoys the abundant use of electricity at the lowest possible rates.

[Here the gavel fell.]

HON. WILLIAM J. BULOW

Mr. MUNDT. I ask unanimous consent to extend my own remarks in the RECORD at this point in a 1 minute tribute to Senator BULOW, of South Dakota, who is retiring today.

The SPEAKER pro tempore. Without objection, it is ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, when the Seventy-seventh Congress adjourns sine die today, it will bring to a close the public career of one of South Dakota's most distinguished and highly respected citizens, Senator WILLIAM J. BULOW, who retires to private life after completing 12 years of conspicuous service in the United States Senate.

While Senator BULOW is a Democrat and I am a Republican, I cannot refrain from speaking a few words of tribute to him today as he sits as a Member of the body over at the other end of the Capitol for the last time. We differed many times on political issues and frequently supported opposing candidates for public office, but, whether as a political adversary or as a personal friend, no man could know "BILL" BULOW as he is known to thousands of South Dakotans without admiring his integrity of character and his impelling sincerity of purpose. It can never be said of Senator BULOW that he placed political expediency ahead of public duty or substituted party loyalty for patriotism. Senator BULOW is first of all an American and as an American he approached all legislative decisions with the firm resolve to serve his country first and best. Those who sought to apply political pressure to sway the judgment of this distinguished South Dakotan found themselves engaging in a futile effort; always with kindness, but with unfailing firmness, Mr. BULOW declined to "play the game" when, in his opinion, following party leadership meant hampering American citizenship.

Senator BULOW never lost a general election in South Dakota where men and women of all parties and of no party affiliation were given an opportunity to pass upon his statesmanship and his candidacy. Twice elected Governor of South Dakota as a Democrat when the State was overwhelmingly Republican, he further astounded political observers by twice being elected to the United States Senate in elections wherein many Republicans left their party to vote for BULOW the man because they knew that in so doing they were endorsing a personal record of integrity and not a party label or a party election. Thus, in four successive general elections Mr. BULOW campaigned as a Democrat and won victories in a Republican State, which today mark him as the most successful Democratic candidate that the State of South Dakota has had in all its history. Last spring he was defeated in the Democratic primaries in a closed contest in which only registered Democrats could vote, and as a result of party factionalism in which the New Deal pay-roll brigade combined with ambitious office seekers to upset the Senator who was unable to leave Washington to participate in the campaign due to the overbearing duties imposed by service in a war Congress. His victorious opponent in the primaries, however, was overwhelmingly defeated in the fall election, so Senator BULOW becomes the last important Democrat in South Dakota to leave elective office as well as one of the first, and emphatically the most successful, to succeed.

Senator BULOW spoke out but seldom in the Senate, but when he did rise to speak he commanded an attentive audience such as is secured by but very few in this body of many speakers and frequent speeches. Probably to a greater extent than any other living man, BILL BULOW approaches the quaint humor and the pointed philosophical expression of the late Will Rogers. A Democrat of the school of Thomas Jefferson, Senator BULOW was never blinded by the seductive theories of New Dealism and resisted all trends toward collectivism in America with as much vigor as the most ardent of Republicans. Having come up the hard way, Mr. BULOW knows the value of a dollar and refused to accept the theory that a nation can spend itself rich or borrow itself prosperous. His brave stands against court packing, against the boom of bureaucracy, against concentration of power in the executive departments, and against the trends toward socialization of American economic enterprise may have cost him some party support among the politicians but this courageous attitude enhanced him in public esteem among the people of South Dakota and the students of government in America.

When the history of the past 12 years is finally written—and more especially the history of the last 10 years—I feel confident that the verdict of historians will place high among the men of real importance in the Senate of the United States during this turbulent decade the name of WILLIAM J. BULOW of South Dakota. America is losing a courageous, independent, loyal public servant today as Mr. BULOW leaves the Senate to enjoy the peace and tranquility which his long and active public career has so richly earned him.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 30 minutes.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain letters and other matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERSONAL REMINISCENCES

Mr. PIERCE. Mr. Speaker, since November 3, I have made several speeches in this House. In them I have incorporated [illegible]tical theories and my beliefs on [illegible]t, forestry, the war. I have also related my personal reminiscences of public life. This is my last official meeting with my friends and associates of this House whom I so greatly respect and have so much enjoyed.

HAIL AND FAREWELL!

I now rise to say "Hail and farewell."

When a young man, I was a school teacher for several years, and even now I frequently recall the memorable occasions of last-day exercises when school was over. It was a parting of the ways. This is the "last day of school" to many of us. For 10 years I have been a Member of this body, twice as long as the average congressional term. I am retiring because my district saw fit by decisive majority to send a younger and a handsomer man—their privilege.

I want to express my appreciation of the many kindnesses that have been bestowed upon me since I have been a Member of this House. I have served under four Speakers of distinction. The present Speaker, Mr. SAM RAYBURN, is an outstanding statesman. I here and now nominate him as the Democratic candidate for the Presidency in 1944. I hope to be a member of the next Democratic National Convention. We all appreciate him—his kindness, his fair rulings, his knowledge of parliamentary law. I appreciate the majority and minority leaders, JOHN W. MCCORMACK and JOSEPH W. MARTIN, JR., both coming from the good

old Bay State that was the birthplace of my parents. I feel that I am somewhat of a Yankee, though born in Illinois.

My mature life has been spent in Oregon and my public activities have been centered there. I have taken a great interest in public affairs since boyhood. I remember when my father came home from visiting the county seat in the winter of 1877, after the 1876 election contest had been decided. Looking across the table at me, he said, "Little Walter, you have always wanted to vote, but you will never get a chance. The radicals have stolen the Presidency and there will never be any more elections held in America. From now on we will be ruled by a dictator." That was 66 years ago. How my father, and those of his kind, men who were really interested in public affairs, failed to understand changes and to forecast the future! I have not only voted many times but have often been a candidate and frequently have been elected, even though in a State and section of the United States predominately Republican. I am the only Democrat who has ever represented the Second Oregon District in the Congress.

THE CONGRESS

It has been said here that this Congress is a fair cross section of the American people. I believe that is true. We of the House are closer to the people than any other legislative body in the world. We are no sooner elected and commence to serve than we have to be candidates for reelection, and this keeps a Congressman alert. Careful as we may be with our finances, we find, after a term of service here, we have not added very much to our bank accounts. To be associated with the Membe[illegible] this body is an honor. Those who [illegible]he Congress do not contribute strength to our Nation and they do weaken the foundations of democracy. With all the faults, with all the shortcomings of our form of government, ours is unquestionably the best government the world has ever known. Whether it can be permanent remains to be seen and depends greatly on the conduct and reputation of the Congress.

In 10 years we have enacted many laws which have greatly changed our economic and social structure. The full import of these changes will be understood by our successors a half century hence. We have faced world-wide depression and global war, meeting grave issues as best we knew how. Great social movements often start when those who are participants have incomplete knowledge of what is going on or what the after effect is to be. Perhaps we have been passing through such an era which others will understand better than we who have been responsible for the changes.

MY FEARS FOR THE FUTURE

There are a few tendencies that frighten me. For instance, the lack of interest in governmental affairs and the rise of pressure groups that so largely influence legislation. We cannot help but wonder how far the influence of these groups will extend in the years to come and how far it will shape legislation. I also fear the influence of some news commentators who criticize so freely, but have no responsibility for the conduct of affairs. I am grateful for those who are really students and speak with a full sense of their responsibility. I have been surprised at the lack of foresight on the part of some men controlling big fortunes, especially since the war. I hope they will not prevail upon the Administration or upon Congress to make a negotiated peace nor to appease and forgive Japan.

In my office a few days ago a man said, "I cannot understand why things are happening as they now are in the Pacific Ocean in regard to shipping. I know that lend-lease goods and munitions are now being loaded in Portland, Seattle, and San Francisco, going directly across the Pacific Ocean, through Japanese lines, to Vladivostok, and then over the Siberian railway. They are being used by the Russian Army in meeting the German onslaught." To me it is plain that Japan is just raising a sail to the windward; she is looking out for the future and seeking a peace-table friend. This is characteristic of Japanese diplomacy.

We have planned for victory, not only for our arms but for our ideals. I know my colleagues will continue to make that the goal of their endeavors. I hope they may carry the newcomers along the same path. Remember the old Roman who had his slave say to him every morning, "Carthage must be destroyed." I say to you, if peace you will have on the Pacific, "the Japanese military machine must be completely destroyed."

THE COMMITTEE ON AGRICULTURE

In the Committee on Agriculture during 10 years of membership I have served under two most excellent chairmen, Judge Marvin Jones, now of the Court of Claims, and HAMPTON P. FULMER, both exceedingly efficient chairmen and fine southern gentlemen. I have appreciated my associates on that committee; they have been men of the highest motives, hard-worked and confronted with grave problems.

In the committee, in the summer of 1933, we hammered out the original triple A Act, which provided for a processing tax that brought the first relief to my section, from the National Government. It provided that 30 cents a bushel should be paid by the millers of wheat and that the money should be distributed, less expenses, to those who cooperated in the wheat program, instituted by the original triple A Act. When my friends, the farmers, got 27 cents a bushel directly from the Treasury of the United States, they began to see daylight. The rest of the legislation is history. While I have heard the Farm Program bitterly criticized on this Floor, I want to say to you, my colleagues, that the legislation formulated in the Agriculture Committee of the House has brought a half-bright day to the American agricultural world and saved farmers from peasantry. A firm believer am I that, to have general prosperity, it must commence with the producer, and that he must have something left over with which to buy the goods after he has paid the costs of production and transportation.

I am hoping that the incoming Congress will not change the trend of the agricultural legislation which we have enacted in the 10 years that I have had the pleasure of serving in this House. Chairman FULMER of our committee has written me two letters which I prize and which I would like my colleagues, my friends, and my grandsons to see. May I, without seeming vanity, insert them in the RECORD as I make my farewell?

I am closing a political life that has been intensely interesting. It has been full of fights and battles and I bear the scars of many hard-fought engagements, but in this closing hour I can truthfully say that I am thankful I have lived and played my part in this era of intense activity and swift change. I have done my best; I have waged honest and constructive campaigns, and I retire from the stage with the kindliest feelings for those who have opposed me, and with heartfelt gratitude for those who have been my copatriots, supporters, and friends. To my colleagues of this House, Hail and Farewell!

CHAIRMAN FULMER'S LETTERS

HOUSE OF REPRESENTATIVES U. S.,
COMMITTEE ON AGRICULTURE,
Washington, D. C., April 14, 1942.

Hon. WALTER M. PIERCE,
Member, Committee on Agriculture,
House of Representatives,
Washington, D. C.

MY DEAR COLLEAGUE: I am pleased to learn that you are again a candidate for the Democratic nomination for Congressman from your district. The Southern States have long since learned that it pays big dividends to reelect their Congressmen. The rule of seniority, whether right or wrong, prevails in Congress, and precedence in committee rank is determined by the length of service of the Member. Nine years ago, when you first became a member of the Agriculture Committee of the House, you sat on the Democratic side in a seat farthest removed from the chairman. You have gradually moved up until your seat is the third from mine, and you are now chairman of important subcommittee No. 1, which will handle wheat and forest bills assigned by me as chairman. No new member from either party can attain the favorable place that you now have, for it comes only from long service, by reason of members above you dropping out.

It has been observed that most of the 15 Democratic members of the Agriculture Committee are from the Cotton States. Only 4 of them come from the Northern States, 1 from New Jersey, 1 from northern Michigan, 1 from western Nebraska, and yourself. Since you have been the one and only member from either party representing the 10 Western States for over 9 years, you have spoken for all western producers.

I remember distinctly when you pleaded so urgently for the same loan privileges for wheat enjoyed by the cotton men of the South. I took great pleasure in supporting your motion, and, as I am sure you recognize, I have, as a member of this committee and as chairman, acted in the interest of all of those engaged in agriculture.

When bills on the same subject are passed by the House and Senate they often differ materially. These differences are ironed out in conference between the senior members of the committees handling the bill. To be a member of a conference on important legislation is a position of influence and power. In the next Congress you will undoubtedly be a member of many conferences.

In the face of these facts, I understand why the Democrats of your district nominate you, and the people elect you. I sincerely hope

that you will not only be renominated but that you may be reelected in November.

With my very best wishes, I am

Your friend,

H. P. FULMER,
Chairman, House Committee on Agriculture.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., November 27, 1942.

Hon. WALTER M. PIERCE,
Member of Congress,
House Office Building,
Washington, D. C.

DEAR GOVERNOR: Isn't this a peculiar world in which we live, or is it the people?

I was never more shocked or surprised than when I learned that the people of your district had not returned you to Congress.

You have served efficiently on my committee, ranking high thereon, as well as rendering great personal service to me as chairman of the committee.

You are so well posted out of your practical experience with farm problems and because of your honest, conscientious, deep interest in being of service to your people and the farmers of this country, I can assure you that you will be missed in the coming session of Congress, when men of your type, on account of your long service and practical experience, will be needed.

We have many things in common, and, being connected with that minority group in Congress, whose thought it is to render service instead of staying awake late at night figuring out the best political procedure, I can assure you, as stated, that you will be greatly missed.

I am sure that you fully realize that you were not licked because the people of your district did not realize that they had in you the type of man that I have been talking about, but it is my belief that your defeat was brought about because of dissatisfied people, on one hand, whose only redress is to get satisfaction out of lambasting their Congressman.

In the next place, the most serious problem that you had to contend with was your real friends and many outstanding citizens who would have supported you gladly had they gone to the polls, but who remained at home.

I realize your advanced age, but, out of my long experience in Congress, I know of no Member, regardless of his age, who has given more of his time in his office, in the committee, as well as on the floor of the House, than you have.

The type of service which you have rendered your people and your country is such that you should, in your retired life, have every reason to be proud of, and, if you should decide to come back to Congress, should demand favorable consideration at the hands of your people.

I am wishing for you and Mrs. Pierce, your good wife, who has been giving her full and complete time in assisting you and in serving your people, the very best of everything during the remaining days of your lives, and I am hoping that when both of you will have been called upon to cross over the river of death you will enter into that beautiful home prepared for those who love the Lord.

Your friend,

H. P. FULMER,
Chairman, House Committee on Agriculture.

Mr. ANGELL. Will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from Oregon.

Mr. ANGELL. Mr. Speaker, I want to take this opportunity to say a word concerning the services that have been rendered by our distinguished colleague, the gentleman from Oregon, who has just spoken. I am, unfortunately, the only Member of my delegation here today. While the gentleman and I occupy seats on different sides of the aisle in this body, being of different political faiths, I want to say that during the long, long years of the public service of my distinguished friend from the State of Oregon he has performed a signal service in behalf of his State and Nation. Practically every office of honor that has been available for the disposition of our State has been given to my distinguished friend. He has been permitted by the Creator of us all to have lingered long beyond the three score years and ten allotted to man. During these excess years, if I may name them such, he has performed an honorable and great service not only to the people of my State, but to the Nation. I believe he has the distinction of being the only man who has ever occupied a seat in this body having come here after reaching the age of 72 years and remaining a full 10 years.

When I entered this body two terms ago I, of course, was a freshman and my distinguished friend had already seen long service in this body, but in addition to that he had occupied the office of Governor of my home State, he had served as State senator, and had held many other offices in our State. He was rich in years and rich in experience.

I want to say to my good friend now that he is leaving us that I have found him to be indeed a friend, particularly a friend to a young man, that is a man young in service and who came to take a place in this body on the opposite side of the aisle. In every problem that has arisen where I sought his advice or counsel or his viewpoint, he was frank, open, and always ready to lend a helping hand.

So now, Mr. Speaker, as the hour has come that we must part and he goes again back to our own beloved State to take his place as one of the private citizens of that great Commonwealth, I want to wish for him every happiness and many years yet of the opportunity I know will be his to guide the footsteps of the young men who follow in the ways of useful citizenship he himself has trod not only here in this body but in our own beloved State of Oregon.

Mr. PIERCE. I thank my colleague very much for his kind words.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. PIERCE. I yield.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I want to corroborate what the gentleman from Oregon [Mr. ANGELL] has just said about our distinguished friend the gentleman from Oregon, WALTER PIERCE. I am sure I express the sentiments of all the Members when I say to the distinguished gentleman from Oregon that no one has been more faithful in attendance upon the sessions of the House, more conscientious in consideration of legislation, or more active in behalf of legislation to benefit the farmers of America than WALTER PIERCE, of Oregon. It is with a sense of deep personal regret that I see him sever his connection with this body.

Mr. PIERCE. I thank my friend from Texas.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from California.

Mr. VOORHIS of California. It has meant a great deal to me personally to be able to sit with the gentleman from Oregon, to talk with him, and to consult with him. As far as I am personally concerned, I am going to miss him very much indeed. I would value the opportunity of being able to keep in touch with him, and I am sure many other Members of the House would, too.

Mr. PIERCE. I thank the brilliant young Member from California.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in four particulars on four different subjects and to include certain excerpts and statements.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

Mr. CARLSON. Mr. Speaker, yesterday I was given permission to extend my remarks in the Appendix of the RECORD. I ask unanimous consent at this time to include some extraneous tables in these remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas [Mr. CARLSON]?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from South Dakota [Mr. MUNDT] is recognized for 20 minutes.

UNFINISHED FARM LEGISLATION

Mr. MUNDT. Mr. Speaker, this Congress leaves several rather important pieces of unfinished business which will confront the new Congress that convenes here on the sixth day of January next. It is to one of these items of unfinished business that I wish to address myself this afternoon in the hope that during the brief interlude which elapses between the time when this Congress adjourns late this afternoon and the time the new Congress convenes on the 6th of January, the Members of Congress and Members-elect of the next Congress will give some serious thought to what action can be taken to quickly solve the agricultural problems still confronting America.

As the gentleman from Michigan [Mr. MICHENER] said in a few remarks earlier today, something must be done toward winning this war from the standpoint of giving the farmers of America an opportunity to produce the food which is necessary for victory. Thus far this Corgress has failed to meet this challenge as it should. Now that we are about to adjourn, quite obviously the challenge is not going to be met. The problem which confronts the farmer today is divided into three parts, the first of which deals with the matter of price.

The eternal law of supply and demand operates on the farm and in the markets in the handling of farm products as it operates all over the rest of the world. We must recognize the fact that today

the labor markets of the world are paying for labor such high wages and high wage scales that it is almost impossible under prevailing legislative restrictions for farmers to have adequate labor on the farms. Price, therefore, is an important factor, as was brought out so logically and so effectively by the Senate committee which studied this matter and made its report on the fifth day of December. I shall quote just a portion of this report, No. 1814, because I think it is significant and may help to guide our thinking in the next Congress:

Your committee have studied farm conditions over the Nation and the attitude of the farmers. It has yet to find one single producer who is not concerned with finding out why it is that in setting up parity prices and ceiling prices no consideration is given to the biggest item entering into his cost of production, that is, the labor cost. The farmers are unhappy over the recent action on this subject. They ask no more than equality treatment. They know that every manufacturer is permitted to include his labor cost in figuring his cost of production and they are unable to understand why labor cost is not figured in establishing the prices they are to receive.

Farm wage rates are going up daily. The Government is making contracts which contain provisions for minimum wages on the farm higher than have heretofore been paid in the community. The President, this week, issued a statement removing all limitations on farm rates. Your committee anticipates a gradual and constant increase in farm wage rates, and we say emphatically that not only is the farmer entitled to have this increase included in the calculation of his prices but that if it is not included the production requested by the Secretary of Agriculture will not be realized.

Mr. Speaker, I point out simply that the foregoing is the unanimous report of the Senate committee, substantiated by the House committee. It shows that if we are to maintain the productive facilities of this country in high gear, we must arrange a revision of the parity formula which will incorporate the cost of labor and other costs of production in the payment of a fair and equitable parity price.

I am glad to have had the public assurance of the chairman of the House Agriculture Committee, the gentleman from South Carolina [Mr. FULMER], earlier today, that soon after the new Congress convenes his committee will bring in legislation to provide this revision. The sooner it is done, the better.

Mr. PIERCE. Will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Oregon.

Mr. PIERCE. Is the gentleman aware of the fact that the economists at the Agriculture Department left out wages, they said, because it lowered the parity value? That is the reply they made to us when we asked the reason why wages were not included originally when the parity bill was passed. I do not know that their methods are right or wrong, but I have not been able to follow that. I know that is what they say. The answer they made is that if wages were figured in at that time as they figured parity—and parity is not cost of production—it lowered the amount the farmer got for his products.

Mr. MUNDT. The gentleman is correct, because in 1909 to 1914, which is the base period for parity, wages were deplorably low and sweatshop conditions prevailed, the workers were getting but a bare pittance throughout the country. However, happily, that situation has been corrected insofar as the industrial worker is concerned. But now, because of that situation, it is necessary to incorporate wages in parity prices or else the farmer is going to find himself suffering from sweatshop conditions even more deplorable than those which confronted the industrial laborer 20 or 25 years ago.

The second one of these points is the matter of labor on the farm. If the farmer is going to be able to produce for victory, and we insist that he must and we hope he can, it is going to be necessary to provide adequate labor because the crops will not raise themselves without some labor being involved. Labor is necessary to produce fibers and foodstuffs and to produce livestock. We find because of the confusion which has existed in connection with the draft, the confusion which has existed in connection with luring men out of the farming areas and hiring them in the city areas where they work on production lines at many times what they could earn on the farms, and a number of other confusing situations, labor today is an acute problem throughout America in the agricultural regions.

I hope that Mr. McNutt, in his new capacity as labor czar, will have the courage and vision to take some action which will help to solve that problem, and I hope that Mr. Hershey will soon give some clear-cut instructions to our draft boards so that they can do the thing they are trying to do, that is, permit essential farm labor to remain on the farms so that we can win the war of food just the same as we are winning the war of battles and of bullets on the foreign fronts on the periphery of the world today.

However, it is the third of these points that I most want to talk about today, and that is the matter of machinery. If the farmer is going to produce what the world needs today, he has to have a decent price, a parity price which is not a trick parity formula but one which will actually give him parity income as well as parity prices. He has to have adequate labor, skilled, trained, experienced labor which knows how to work on the farm, not substitute labor brought in, such as college coeds, for Saturday afternoon to help. While such substitute labor can be of some assistance, that does not answer the farm problem. The farmer must have help which knows how to farm and makes farming a career and a business.

The third thing he needs is machinery. I am going to talk about that because it is that third thing today which a certain division of the Government entirely upset by calculations which ignore completely the findings of the Department of Agriculture. We find today the unique situation where Secretary of Agriculture Wickard, who is supposed to be the food czar of this country, is operating a program with farm machinery which he has been denied by an altogether different branch of the Government, headed by a New York City attorney who knows nothing about agriculture.

I am going to go into that in a little bit of detail because I happen to have before me a Government memorandum dated June 23, 1942, prepared by the Farm Machinery and Equipment Industry Branch of the War Production Board in conjunction with the Department of Agriculture, and submitted in protest against the present regulations restricting the manufacture of new farm machinery and limiting so drastically the production of machinery and repairs.

Let me quote something from this Government memorandum dated June 23. I am quoting now from the section prepared by the Farm Machinery and Equipment Industry Branch of the War Production Board, in which men familiar with farm problems serve, in which men who know something about farming have a function and a duty. These men made a recommendation. I am going to show you that recommendation was circumvented by a New York City attorney operating in an entirely different branch of the Government, and who will be responsible, I submit to you in candor, for the collapse of America's food program, if it collapses because of inadequate machinery. I quote a part of this report:

No one denies the urgent necessity of making critical raw materials available to our war industries. However, the war cannot be won without adequate provisions to feed our fighting forces and our civilian population. To meet the food program (again stepped up) of the Department of Agriculture, certain minimum quantities of machinery, equipment and repairs must be placed in the hands of the farmers. Even so, the program of the Farm Machinery and Equipment Branch for the industry will not fulfill all requirements, based as it is upon a drastic reduction in the use of metal and other critical materials. However, it represents a minimum below which the expanded food program might be seriously endangered.

Because of the limitations on my time, I cannot list all of these points here, but I shall quote enough of this memorandum to show that it is the combined and studied judgment of the Farm Equipment Branch of the War Production Board and the Department of Agriculture that prevailing limitations on farm machinery will wreck our national food-for-victory program. Now, I go on to point out that this branch, therefore, recommends that the very minimum on which the farmers of America can get along in 1943 is 50 percent of the farm machinery which they had been allotted in 1940. They say that unless the farmers receive at least that much machinery the entire food-for-victory program of America will be jeopardized. That is the report of men familiar with farm problems here in America. I quote their language exactly as it is found in this official interoffice memorandum:

The $180,312,000 of new machinery recommended for 1943 is just half of that produced in 1940. This is felt to be a minimum, since

normal annual replacement on the basis of 20-year life has been estimated at nearly $300,000,000 (or 5 percent of the total value of all machines and equipment now on the farms). Moreover, the $288,000,000 production quota for 1942 has been greatly augmented by a heavy inventory carried over from 1941; and yet serious shortages are developing in many machines. In addition, there will be practically no inventory on hand at the beginning of 1943 to cushion this reduction.

And so they report that unless the War Production Board makes available at least 50 percent of the machinery available in 1940, our food program will be jeopardized. Let me quote to you something found by the Department of Agriculture, and the Department of Agriculture concentrates on the production of food and is staffed by specialists in farming. It is a department of the Government, if there is one any place in this structure of ours, which should know something about the actual problems on the farm. That Department says, and I quote again from this official document:

The Department of Agriculture has estimated the minimum amount of new farm machinery needed for domestic use in 1943 at 50 percent of 1940.

That is the same figure found by the Farm Equipment Branch of the War Production Board, and they make recommendation that the Division of Civilian Supply provide that 50 percent of the farm machinery produced in 1940 must be produced in 1943. What happened after this? What happened after farmers and those engaged in farming had made a survey of the situation and had studied it and reported to an official Government branch the minimum that they felt must be allowed so as not to jeopardize the food-for-victory program of America, if we were not going to run short of food for the Allied Nations engaged in war? What happened after the Department of Agriculture and the men who know farming and farm machinery needs the best said, "We must have 50 percent of the farm machinery available in 1940 for adequate farm production in 1943"? I will tell you what happened. Another branch of the Government, the Division of Civilian Supply, in its omnipotent wisdom, with no attempt to survey the problems on the farm, said in its limitation in Order No. 170 that instead of the 50 percent that was demanded as an irreducible minimum by those who understood the farm problem, and by Secretary Wickard, who, we read in the newspapers, is supposed to be the czar of food in America—instead of that, they recommend 20 percent of the 1940 amount for new machinery, and the man who made that decision is a New York City attorney named Joseph Weiner.

This decision to scuttle the recommendations of the two Government agencies best qualified to know the farm-machinery needs of American farmers, was made by the Division of Civilian Supply while it was under the direction of Leon Henderson. However, in fairness to Mr. Henderson I must say that my careful investigation of this remarkable and perhaps ruinous procedure shows that not Mr. Henderson but his Deputy Administrator, Attorney Joseph Weiner, of New York City, made the ruling to override the agricultural experts and to produce only 20 percent of the machinery made in 1940 rather than to approve the experts' recommendations for 50 percent. It is also true that Mr. Henderson has now quit the Division of Civilian Supply and Mr. Weiner is the new Administrator, so the fate of American farming is in his hands.

Therefore, Mr. Speaker, I looked up in Who's Who to discover who this man, this Joseph Weiner, this Deputy Administrator of Mr. Henderson's, is; this man who could with solitary judgment determine by limiting the machinery, how much food the farmers can raise. This man, who simply gambles with the food plans of this war on his independent judgment. I wondered who could be so wise a man so I sought to find his biograph; in Who's Who in America. I found, however, that Who's Who had been derelict in its duty, because in the last volume, they did not even list the gentleman. I then called up the Library of Congress, and said, "Who is this Joseph Weiner, whose judgment prevails; who is responsible for curtailing the amount of farm machinery from 50 percent to 20 percent; who will be responsible if our boys at the front lack food and fiber, and if laborers and city dwellers—people in this country—lack adequate food, because he it is who says that the farmer will get only 20 percent of the machinery he had in 1940 in violation of the recommendations of the Department of Agriculture itself?" Now, let me introduce you to Mr. Weiner. They looked him up in the Library of Congress and they found that he was born March 15, 1902, in Don Brodus, Russia. He came to this country at an early age. He has a law degree from Columbia University, A. B. and LL. B. He has been practicing law in the city of New York ever since, sometimes as assistant corporation attorney, sometimes on the Board of Transportation of New York City, and sometimes as a specialist in the Reorganization Division of the Security Exchange Commission. He came to Washington about 2 years ago and worked himself up to Assistant Administrator to Leon Henderson, and then Leon Henderson, as we know, very recently resigned as Director of the Civilian Supply Division, and Joseph Weiner today is the Director. He is today the man on whom millions of hungry people depend for their food, because where machinery cannot be secured the food cannot be raised. All that rests in the hands of Joseph Weiner, New York City attorney, who, if he has had any experience in farming, must have obtained it in Russia at a very early age, because there is no farming on the sidewalks of New York.

I submit in candor that this Congress must take some action to take out of the hands of a man not qualified by experience and background important decisions affecting this war as seriously as do those providing for the curtailment of food and farm machinery. Perhaps Mr. Weiner is a good attorney. I know nothing about that, but I do know, having gone to Columbia University myself, that the department of agriculture there is very weak and inconspicuous, and that some place in America, some businessman, some farmer, some leader in agricultural problems, could be found to serve in this capacity rather than a New York City attorney who probably never has had his foot on an actual American farm.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes.

Mr. CARLSON. If the gentleman will pursue this a little further he will also find that this gentleman not only reduced from 50 percent to 20 percent the quota of farm machinery for this Nation, but that he increased the exports of farm machinery. Great Britain, Ireland, Wales, and Scotland are today receiving 111 percent of their average of 1940–41, and also South America, Africa, and other nations receive more. Canada receives an increase. I have just been given permission to include some tables in my remarks in the RECORD and I think the gentleman will be interested in them.

Mr. MUNDT. I am glad you are putting them in, because they should be very good correlative reading with my remarks. I hope that this Congress and the country will give careful study to those tables. I appreciate the gentleman's contribution.

I now want to read from the conclusion of this memorandum. Remember, this memorandum from which I am reading is one prepared by the Department of Agriculture and submitted to the War Production Board. It was prepared in conjunction with the Division of Farm Machinery of the War Production Board. It is the one which Joseph Weiner overruled; the omnipotent boss over the food situation in America, who apparently serves as our practical czar of food while Secretary Wickard wears the title.

This memorandum says:

From the foregoing it will be seen why the Farm Machinery and Equipment Branch cannot concur in the small amount of farm machinery and equipment recommended by the Division of Civilian Supply for production in 1943.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield.

Mr. H. CARL ANDERSEN. I believe the gentleman is rendering a real service to the Nation in bringing this point to the attention of Congress. However, does not the gentleman feel that, after all, it is not the mere responsibility of this gentleman who happens to be placed in charge? Who placed him in charge? That is what I want to know. He is the man who is responsible for what is being done to agriculture today.

Mr. MUNDT. I cannot answer that question directly. Perhaps the President selected him. Perhaps Leon Henderson called him down from the green pastures of New York City. In all events, he is the child of this administration; we may be sure of that. However, I presume, if we follow that line of reasoning far enough, the majority in this Congress accept a portion of the responsibility, because this Congress has parceled out a lot of its responsibilities and prerogatives to the bureaucrats within the past 2 years. I hope the next Congress has the courage to solve its own problems and

does not continue giving to these bureaucrats dictatorial powers.

I have talked with many members of the majority party of this House the past few weeks. I believe that many of them will join with Republicans in the next Congress to put an end to bureaucratic arrogance and to bureaucratic inefficiency. I think this especially true on the part of many splendid southern Democrats who represent rural areas in this House and who are no more in favor of scuttling the last vestiges of State's rights in this Republic and of submitting to complete bureaucratic domination than are we Republicans. I sincerely hope that I am correct in these deductions. If I am not and if this House is going to continue to turn over its prerogatives and functions to bureaucratic overlords we shall have failed in our obligation to the boys at the fighting fronts, and we shall continue to risk such travesties upon good government as the one I have just described wherein a New York City lawyer dictates how much machinery the farmers of America can have to produce the foods and fabrics needed in the winning of this war.

Mr. Speaker, let us see this picture clearly. Napoleon was not altogether wrong when he said, a long time ago, "An army marches on its stomach." Men need food to stay in fighting trim. Laborers need food to work on the production line. Children need food with which to grow to maturity. City dwellers need food to maintain their economic enterprises. Food is not a luxury which we can do without in wartime, and it is not a nonessential which can be thought about when all other problems have been solved. When we gamble with the food supplies of this Republic we speculate with our national destiny itself. It is no trifling gamble. It is no decision to be left in the hands of any individual man and most certainly not in those of a young man from the sidewalks of New York City. There is too much at stake for this august, independent body of our Government to simply sit and hope that he is right and that the Department of Agriculture and our farming experts are all wrong.

Suppose the experts of our Army and Navy had recommended that X amount of war materials were needed for the fighting of this war. Suppose a committee of production experts had conferred with them and agreed as to the amount. What would you think if some young man of 40 years of age fresh from some farm in the Middle West were to be called to Washington and given power to override and overrule these experts? What would you think if he said, "No, X amount is more than you can have. I shall give you only two-fifths of X amount"? Would you still bow low before the bureaucrats and accept their findings as the words of Holy Writ? Mr. Speaker, I think the analogy is fairly close. To win this war, we must not gamble on the inexpert decisions of inept appointees. We have seen steel assigned to grandstands at race tracks. We have heard of other wastes of material. We have seen it assigned to other civilian purposes less important than the production of food to win this war. We have read the official findings of the Department of Agriculture and the Farm Machinery and Equipment Industry Branch of W. P. B. that 50 percent of the 1940 quotas of new machinery is the bare minimum necessary for the food program of 1943. Finally, we have witnessed Joe Weiner's limitation order, L–170, casually reduce this new machinery down to 20 percent. What does it all mean?

Mr. Speaker, I think that our new Congress might well give consideration to setting up a congressional board of review comprised of competent, experienced, hard-headed, and distinguished Americans nominated by Congress and empowered to pass upon the directives, orders, regulations, limitation orders, rationing rules, and what-not being so generally issued by bureaucratic overlords these days. This board of review need have no powers of review or veto on any order dealing strictly with a military matter or the production of supplies of war. But on civilian matters, it might well be that when a concurrent act of Congress demands it, this board of review should be given power of review, amendment, and veto if necessary, over bureaucratic rulings affecting our civilian economy, our production of food, our use of gasoline, fuel oil and rubber, and other matters not directly concerned with problems of military preparedness or production. We have already surrendered much of our authority. Perhaps this would be a way to resume some of the functions and duties which we have too freely delegated to others over whom it seems we presently lack all control. I am not sure this would be the answer to these problems but it is at least a constructive suggestion which I wish you would ponder over between now and when we convene again on January 6.

Mr. Speaker, let me conclude this talk with one final quotation from the official Government interoffice memorandum which I hold in my hand and which was presented for consideration under date of June 23, 1942. This memorandum bluntly states:

> If the farmer could possibly produce the crops required with the small amount of new equipment proposed by the Division of Civilian Supply, this branch would recommend it heartily. This, however, we believe is not the case.

There, my friends, you have the evidence. What shall be done about it? Whose word shall we take as to how much food is needed in the winning of this war and as to how much machinery is needed to produce that food? These are not mere rhetorical questions. The answers to them may determine our success or failure in this war. Congress cannot sit on the side lines and hope for the best without some assurance that we have first of all done our best to provide a program of production of foodstuffs which will make sure that insofar as food can win this war we shall have made victory certain by making ample food production possible. I commend these questions to your study until we meet here again after the turn of the year. I commend the problem of how to exercise the judgment and will of Congress to correct inequities and inadequacies of bureaucratic administration to our collective study so that our new Congress—the Seventy-eighth—will fully measure up to its responsibilities as a coordinate branch of Government and so that it may correct some of the delegations of authority which may have been too freely and too completely made by the present Congress which is about to die.

FELICITATIONS

Mrs. BYRON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. BYRON. Mr. Speaker, as you probably know, I am retiring from the House of Representatives today after finishing the unexpired term of my beloved husband, William D. Byron. I was not a candidate to succeed myself.

I want to tell you how much I have enjoyed my service here under our great Speaker, the Honorable SAM RAYBURN, and the majority leader, the Honorable JOHN MCCORMACK, and how much I have appreciated the kind treatment of all my colleagues in Congress.

I wish you all a Merry Christmas and a Happy New Year.

EXTENSION OF REMARKS

Miss RANKIN of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein a clipping from the Times-Herald.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore (Mr. MILLS of Arkansas). Under previous order of the House the gentleman from Washington [Mr. HILL] is recognized for 30 minutes.

THE STEEL TRUST

Mr. HILL of Washington. Mr. Speaker, last week marked the first anniversary of one of history's most monstrous crimes, the treacherous Japanese attack on Pearl Harbor.

Observance of this date of infamy was Nation-wide. But we are now interested in the past only as it affects the future.

THE PROBLEM: VOLUME-TECHNOLOGY

I was therefore particularly interested in the latest report issued by the Office of War Information and a statement made by James Forrestal, Under Secretary of the Navy. These reports note that our war production effort has reached almost 85 percent of the goal set during the first year of our participation in the war, but we are still using only 50 percent of our technological ability and equipment. The figures included in these statements are immense—but they are presented with the faith that America and Americans are equal to the tremendous task imposed upon them.

For instance, I read that the Nation's shipyards had produced the magnificent total of 8,200,000 tons of ships in the past 12 months. I also read the production figures for 1943—16,000,000 tons more will be required if we are to maintain our transport schedule of arms, men, and material to the far-flung theaters

of operation, wherein we are now engaged in battle.

IRON AND STEEL, BASIC METALS OF WAR AND PEACE

Prominent in the roll call of American industrial enterprise was the thrilling saga of the Pacific coast, a heroic tale of sweat, and toil and accomplishment achieved despite the heartbreaking delays and denials of the materials necessary to their war production effort.

I speak now of steel and its affiliated product, pig iron, for it is with these products primarily that these figures dealt. Without adequate supplies of the basic metals—steel and iron—you cannot have adequate production of ships, tanks, guns, munitions, and planes.

The figures on steel production make us pause, for here is a matter that is the crux of our entire war economy. If steel and iron fail to pour forth from the mills, if the pigs and ingots which are the very molten blood of modern warfare fail to meet the scheduled tonnage requirements, then our entire system of production must fail and with it the hope of civilization.

A LONG STRUGGLE FOR FREEDOM TO PRODUCE

A new light on this problem has been thrown through the efforts of my friend and colleague from California, the Honorable RICHARD J. WELCH, who for many years has been in the vanguard of the struggle to remove the throttling hands of steel monopoly from the throat of western industry.

This gentleman is a member of the Boykin Steel Shortage Investigation Committee. He has analyzed the tragic steel shortage in this country. His deep interest has resulted in the revelation of facts and the formation of opinions which must be listened to with the greatest respect by all of us. I count it an honor to add something to what he has already said on this subject.

RELATION OF STEEL TO SMALL BUSINESS

To obtain the proper perspective on this grave problem we must first understand the genesis of iron and steel production in this country. This subject is particularly pertinent at this point because it involves the troubled fate of small independent business and industry. Pig iron, the forerunner of steel, was once the plentiful product made in a myriad of small furnaces scattered throughout this country. Literally hundreds of communities situated near local iron-ore deposits and accessible to cheap fuel were founded and they flourished with their independent economy of small, self-contained metal enterprise.

No nation on earth is so abundantly blessed with the raw material of iron and steel, namely, iron ore, as is this land of ours. In half the States iron ore of workable quality can be found. Indeed, a scant 60 years ago there were working mines and iron was made from local ores in every one of these States.

SMALL BUSINESS BACKBONE OF NATION

In Connecticut, for instance, there were 52,000 men employed in the mines that ably provided this economy through the colonial days and past century. A great metal-working and fabrication industry arose in Connecticut because of the supplies of the raw metal at hand. Blast furnaces, most of them of small capacity, to be sure, but efficient in their time, dotted the land.

In Georgia, in the Carolinas, in Virginia and West Virginia, in Vermont and Maine, and along the entire eastern seaboard busy communities were fashioning themselves a fully self-contained economy. The finished products of trade that resulted from the combined industry of their mines, their furnaces, their foundries, and their machine shops and factories were distributed to every portion of the world.

These communities were almost ideal States in themselves. The incentive for success, the native ingenuity, and the raw materials were all at hand, and they fostered a community existence that was of extreme importance in the growing greatness of our country. This was, indeed, the golden age of small independent American enterprise.

HOW SMALL BUSINESS LOST TO "NEW ORDER"

But the turn of the century saw the forces of monopoly whose success spelled destruction of this system of local enterprise. Steel and the products of iron and steel were in such world-wide demand that financiers of monopoly determined to seize this industry. Morgan, who has been called the magnificent, took over simultaneously the steel mills of the aging Carnegie at Pittsburgh and the immense Mesaba range of virgin iron ore in Minnesota.

Morgan's dream of monopolistic control came into reality as the United States Steel Corporation, the center of an integrated and interlocking trust which gained control over every phase of iron and steel production. Backed by Morgan's millions and surplus foreign funds seeking investment opportunity, this banker-minded monster soon became ruler or owner of iron and steel production of the entire Nation.

The small local companies working mainly with local capital were at best just adequately financed. To sell their iron they had always depended upon enterprise, sound workmanship, and honest production. They had no means with which to resist invasion, for this new combine had funds inexhaustible. So, inevitably, they went down to defeat. One by one these community enterprises fell victim to absentee-owned money power. Through the length and breadth of the country ghost towns—the skeletons of those communities that once lived from the production of iron and steel—joined the spectral hamlets of the worked-out gold and silver lodes.

"PITTSBURGH-PLUS," A GOLD MINE

As a result, whole populations shifted and in and around the Pittsburgh district there became established the greatest concentration of pig-iron-producing blast furnaces and steel mills known to the entire world. At the same time, Pittsburgh also became the center of one of the most vicious practices of all those evolved in that system of business intrigue.

I refer now to the nefarious Pittsburgh plus system of pricing delivered steel.

This Pittsburgh plus pricing system was conceived to create fabulous profits for the new steel masters and at the same time weld them into a permanent monopoly group.

Pittsburgh plus is so simple that a child in grammar school can figure its operations. Its cardinal principle is the refusal of any member of the trust to quote a price for finished products, other than a delivered price. While the base price for a certain grade of steel at Pittsburgh might be $50 per ton, the delivered price at Chicago, for instance, is $58.50 per ton.

Now suppose you wished to become a manufacturer in Chicago. Your process called for a certain tonnage of steel. So you, in seeking the nearest source of steel, would quite naturally approach a steel mill at Chicago. They in turn would be happy to fill your requirements. At the base price quoted in Pittsburgh? Oh, no, gentlemen. At the base price quoted in Pittsburgh plus an added amount equal to what the freight charges would be from Pittsburgh to your plant. Of course the steel you bought in Chicago was not actually shipped from Pittsburgh; but you paid the freight over the 400 miles between Pittsburgh and your plant or factory, just the same. You were not permitted to have the benefit of your nearness to sources of steel and the actual saving in freightage; the Steel Trust takes for itself the benefit of the short haul. No matter where you bought your steel, or where it was made, the price you paid was the Pittsburgh mill price plus a fictitious freight charge. That, gentlemen, was an important part of the plunder profit system by which the Steel Trust piled up an enormous reserve for its ruthless war of extinction against local economy, against the small independent iron and steel industry of this country.

But a monopoly like that of the Steel Trust has to be maintained by the same plausible and persistent intrigue in which it was originally created. Pirates have been known to turn honest in their old age, but never while piracy was profitable. If the Steel Trust should reform its ways, it would in that instant lose its monopolistic grip on our steel economy. The habit of intrigue has become inveterate in the Steel Trust and its high officials. Its intrigues go on from year to year, in time of peace and in time of war.

PARTNERSHIP, THAT EXCLUDES SMALL BUSINESS

Yes; in this war, gentlemen—in this war for democracy wherein we have called American industry into partnership with Government—we have also called the high officials of industry into the council of our war production. But the Steel Trust has not changed its habits of intrigue. Nor have its officials been able to think and act beyond their accustomed range of loyal service to the monopoly interests which they have served so long and faithfully. Insofar as the interests of the war and of the Steel Trust can be promoted at the same time, they know how to help our Nation in its war task. But at any point where the interests of national defense and the Steel Trust interests diverge—and there are such points, as we all know—national interests get shoved into the background, and are served, if at all, only after long

delay and stubborn resistance to the will of the people.

I am certain that we all remember the optimistic Gano Dunn report, which in 1941 pooh-pooed the idea that increased steel-making capacity might be needed in a war. That inexcusably misleading report lulled our Nation into a false confidence regarding the productive resources dominated by the Steel Trust. But the truth finally emerged. So in the past year we have had to provide about a billion dollars in Federal funds for the purpose of expanding our steel-production facilities. I wonder if we are all aware of the fact that more than 90 percent of that billion dollars has been handed these big companies for more and bigger plants.

INTEREST OF NATION VERSUS POST-WAR BUSINESS

A moment ago I spoke of the divergence of interests. I would like to cite a very important instance. It is a story that begins back in 1935. It involves shipbuilding, and it comes right down to date. It is a story that shows how some of the high officials in our armed services have learned to think of national defense in Steel Trust terms and with Steel Trust limitations.

It begins with military and naval officers who were thinking of this present war and of this war's shipping needs—and thinking of these things, I am glad to say, purely in terms of national defense, without asking whether the means taken to promote national defense would help the Steel Trust or not.

It was more than a decade ago that these far-sighted members of our Army and Navy staffs realized then that war with Japan was inevitable. So they began to make the preparations required for our success in such a mighty struggle. They knew that we would need a vast armada of ships, as well as a river of munitions, planes, and the material of war.

Casting about for the most logical sources of production, those men examined the World War No. 1 record of the shipbuilding yards on the Pacific coast and found in that prior conflict these shipyards established a series of unequaled production records—just as they are doing today—and it was realized full well that in any Pacific theater of operations it would be of vital strategic importance to have a source of supply economically close to the west coast. These military and naval experts, having the interests of their country at heart, knew that herein lay the answer to the threat from the land of the Rising Sun.

WHICH INTEREST DOMINATES?

This west coast shipbuilding matter came up definitely in 1935. In that year, by testimony brought out before the Committee on the Merchant Marine, Radio, and Fisheries, officials of the Department of Commerce and the Navy revealed that Japan was then planning every successive step of the war against us, which began 6 years later with the attack on Pearl Harbor.

Foreseeing that war, our patriotic and unselfish experts pleaded for a revival of shipbuilding facilities on the Pacific coast. And—mark this—begged for the development of iron and steel production facilities in the far West. But they were opposed by others in high authority, so high and mighty, in fact, that all their efforts in behalf of national security were in vain. Why were they opposed and defeated in these far-seeing patriotic efforts? Because, gentlemen, the influence of the Steel Trust appears to extend so far that many high Government officials have learned to think in Steel Trust terms. Even when it is a question of national defense, they are concerned first with how any program will help or hinder the interests of that monopoly.

Prominent among those who back in 1935 fought against the proposal to establish independent shipyards and steel and iron production facilities on the Pacific coast was Admiral Emory S. Land, then Chief of the Navy's Bureau of Construction and Repair, and now occupying the highly strategic position of Chairman of the Maritime Commission.

HE DAMNS LABOR TO "DEFLECT" CRITICISM OF SELF

This is the same official who recently labeled shipyard workers "latrine loafers." This is the official who somehow has been given credit far and wide for the remarkable production activities of these same "latrine loafers" on the Pacific coast—who are now launching one-half of all the Nation's new ships, and breaking production records with almost every hull that slides down their ways. These "latrine loafers" recently built a complete ship in 4 days, 15 hours, and 20 minutes, and had that ship loaded and on its way to help our American task forces in exactly 14½ days from the moment they laid its keel.

And now I would like to go on to another phase of this situation, one that may not be quite so well known to all of you.

To fill in this portion of the picture let us return to the Mesaba Range and the Steel Trust. At the time Morgan hatched his plot for the steel monopoly the Mesaba Range was the world's greatest single source of high grade iron ores. Apparently it contained an inexhaustible deposit, so high in iron content that it was feasible to haul the ore with all its impurities over a thousand miles to the blast furnaces, where the first refining process reduced the ore to pig iron.

Since the start of mining in this region, gigantic stripping operations have actually removed billions of tons of ore, at an annual rate today of over a hundred million tons. Literally mountains of this richly endowed deposit have been shipped to the trust-owned blast furnaces. But now, at last, these fantastically rich veins of high-grade 50-percent iron ore show unmistakable signs of early exhaustion, and the Steel Trust faces the necessity of turning to the remaining low-grade deposits.

CRISIS IN IRON ORE, AHEAD

However, at this point the shrewd strategists of the Steel Trust developed a new plan of action, one that will do away with the necessity of hauling low-grade 30-percent iron ores a thousand miles to their blast furnaces. They are taking to a process familiar to small-scale eastern mining, known as "concentrating" the ores, an operation done at the mine site. This would "beneficiate" the ore and raise its metal content by cleaning out the impurities, before it is hauled to their blast furnaces.

Now, remember that they already have almost $1,000,000,000 of Government money allocated for new steel-producing facilities. So why not again turn to the same generous Government for the gigantic financing necessary for the construction of these ore-beneficiating plants? That, gentlemen, is precisely what they are now doing. One of the first moves in their new propaganda campaign is an article in a November issue of the Saturday Evening Post. The author is Warner Olivier. This article is based upon a report prepared by one Prof. E. W. Davis, formerly with the Mesaba Iron Co., and now an instructor at the University of Minnesota. His report can be summed up in three sentences:

First. The fabulously rich iron-ore veins of the Mesaba Range are in danger of exhaustion, and will be so depleted within 3 years that the Steel Trust must now begin to turn to low-grade ores.

Second. To make low-grade ores usable in blast furnaces will require elaborate and costly ore-beneficiating plants.

Third. The Government must furnish the hundreds of millions of dollars necessary for the construction of these plants.

Just as simple as that—A, B, C. In effect, the Steel Trust now says to the Government, "Having invested more than $1,000,000,000 in new steel-producing facilities, you must next dig up more hundreds of millions of dollars of taxpayers' money to build for us these ore-beneficiating plants—otherwise there will be no more ore from which to produce the pig iron which is necessary in the production of steel."

INTRIGUE WOULD PERPETUATE MONOPOLY

And now, here is one more interesting fact. The whole propaganda and pressure campaign of the Steel Trust for this new raid on the Treasury is based on this statement prepared by a professor, if you please, whose report was made ostensibly to the War Production Board—the same War Production Board that is so liberally staffed by the $1-a-year employees and officials of Steel Trust companies.

There, I submit, we have as neat a cycle of plunder and connivance as this Nation has seen since the days when the trusts openly and defiantly fixed prices, established monopolies, and savagely liquidated competitive small business and local industry.

The patriotic dollar-a-year men of the War Production Board, purely in the Nation's interest, of course, a year ago decided that 90 percent of all the Government funds for new steel-producing facilities would be allocated to the same private companies which are paying them their salaries. Next on the agenda of the Steel Trust is the matter of ore beneficiating plants. So, desirous of unbiased instruction, the $1-a-year steel executives ask advice from the same Professor Davis, formerly employed by the Mesaba Iron Co., to repeat for popular consumption a report that had already been issued in its identical form. Then, as a matter of national interest, the Davis report is publicized in a widely read

magazine—preparing the public for the next step—the decision to be made by the same Steel Trust's representatives on the War Production Board, approving another princely hand-out of funds to perpetuate forever the monopoly grip over this Nation's small business.

Knowing these almost incredible facts, we cannot help but wonder if perhaps the ratio of loyalty of these $1-a-year steel men on the War Production Board is measured in accordance with the relative monetary amounts and the sources of their present incomes.

At this point, I think it well to bring out a few more facts regarding the alleged shortage of high-grade iron ores in this country—facts that may well surprise some of my colleagues who are not familiar with nature's generosity bestowed on our Nation.

IRON MINES, THE HOPE FOR SMALL BUSINESS

It is a matter of geological record that no less than 26 States in our country have usable iron-ore deposits—many of which were profitably worked years ago to produce iron, and are today still available for use in the processes that result in the making of iron castings and finished steel. You can rest assured of one thing, this fact is very well known to the $1-a-year members of the Steel Trust on the War Production Board.

Not only are they well aware of the fact that these rich iron ore deposits exist, they are equally well aware of the fact that processes are available to easily and quickly convert these widely distributed ore deposits into the material needed for use in making iron castings with the foundry cupola furnaces and for making of steel castings and steel ingots with open-hearth and electric furnaces.

You all remember the recent drive to collect the Nation's scrap. This scrap has been a vital factor in the production of steel, and our steel furnaces were desperately short of scrap.

Now the drive intensity is past and we have a scrap stock pile ample for several months of peak operation. But what will happen after this scrap is all consumed? How much more scrap have we left in our back yards? Can we count on the existence of enough uncollected scrap to meet our vast and increasing war-production needs?

But there does exist an answer to this desperate problem.

WHY SOME OPPOSE "SPONGE IRON" PROCESS

One of the world's outstanding iron and steel producers and authorities on production has testified before the Boykin steel shortage investigation committee and from his wide experience in designing new processes and equipment for making this basic metal for the steel masters in many lands near half a century, he endorses without qualification or reservation a practicable method of alleviating the scrap-shortage situation.

This able iron and steel producer is H. A. Brassert, the designer of the world's largest steel mill and many record-breaking blast furnaces; and his sworn testimony shows that the most economical substitute for scrap is sponge iron.

Moreover, his description of the process for making sponge iron also establishes it as ideally suited to the restoration and development of local industry through utilization of the hundreds of smaller ore deposits scattered through this entire country.

What is sponge iron? Briefly, Mr. Brassert explains the making of sponge iron as a baking process, whereby iron ore is reduced to the metallic iron through the application of heat of a temperature about 1,200°, which can be accomplished by using the cheapest forms of coal or with hydrogen in by-product or natural gases.

SPONGE IRON VERSUS BLAST-FURNACE PIG IRON

The sponge-like porous iron thus produced is metallic iron, which is readily briquetted into a solid form suited for use in either foundry, cupola, open-hearth, or electric furnaces; and it is the finest substitute for high grade scrap or pig iron yet devised. This is ideal for small independent local enterprise. As against this cheap, easily set-up process, we now have pig iron as the product of the expensive and enormously large blast furnace. Pig iron requires temperatures of 3,000° in blast furnaces to produce, and necessitates the use of expensive coking coal.

Because of their huge size, which is essential for efficient operation, the blast furnaces must be located near large coking coal deposits and in areas where huge deposits of iron ore are readily available. A complete big blast furnace facility is built at a cost in the neighborhood of $15,000,000. They are definitely not small business enterprise.

Sponge-iron plants can be more quickly constructed. They can be located near any available source of ore and fuel. They can be designed to operate efficiently in small-capacity units, and can thus handle economically those same abandoned and undeveloped ore deposits, which for the full century preceding the Steel Trust supported the local but independent metals industry of our entire Nation.

This is not the time to give any extended consideration to post-war industrial problems. But we are anxiously interested in the fate of the small businessman.

So it is worth while to pause for a moment to point out this fact—that the problems of small business can be constructively considered in terms of our basic metals. As my friend, the Honorable RICHARD J. WELCH, has pointed out, local industry makes headway in those communities where iron castings and steel are available at low cost.

GIVE SMALL BUSINESS A CHANCE

It is this situation that attracts the small investor, and encourages the growth of new manufacturing and commercial enterprises. It is this situation also that provides stable employment for local labor. The plight of small business and industry has been made desperate by war conditions, but it had its origin long before this war.

It started with the closing down of our local sources of the basic metal. The whole of the West is kept in a backward condition industrially for that reason.

In looking forward to peace, we have a right to look forward to conditions which will restore small business to its rightful importance and security in the economy of the Nation. It can be restored—but not if we permit the Steel Trust to automatically blot out all its hope of peacetime progress.

Now let us return to the wartime aspects of sponge iron and local ores. Ever since we entered the present war, and even before that time, independent authorities in the metallurgical field have been urging the establishment of sponge iron plants adjacent to local iron-ore deposits. They have been unanimous in their contention that through this means a great percentage of the scrap shortage can be averted and the production of steel increased.

But in the eyes of the $1 a year steel men on the War Production Board there has always been one drawback to these practical plans. The establishment of sponge iron plants would conflict with the Steel Trust's gigantic program of war and post-war business security. There was always before the eyes of the Steel Trust the awful specter of fair competition in the post-war years. And so, by process of reasoning all too easy to follow, the Steel Trust's representatives on the War Production Board have decided that it was unnecessary to have any sponge iron plants at all, and most emphatically not near local iron-ore deposits.

HOW WAR EFFORT IS HAMPERED

There we have it, gentlemen—the Steel Trust enjoys a stupendous program of expansion financed by the Government. It intends to use its influence in the War Production Board to prevent the broad use of our Nation's natural resources that we so desperately need, but which might offer competition in the post-war struggle for business.

The deliberate hampering of the war economy of the Nation in the interest of this monopoly of steel and iron is one of the blackest pages of our contemporary history. But facts and figures tell a conclusive story.

To produce one-half the new ships launched in this country during October, the Pacific coast had to haul every ton of steel from the eastern steel mills over railroads already choked with other necessary transportation. In the first 6 months of 1942, 2,688,087 tons of steel were thus hauled by railroad to the Pacific coast, and of this amount one-half went into the hulls of new ships. But every single pound of that amount of steel could have been produced within a comparatively few miles of the Pacific coast shipyards and other war industries, from its own local iron-ore deposits that Almighty God has planted under their very feet and close to local sources of fuel and hydroelectric power.

This is a monstrous situation. But it need surprise no one. We know why the Pacific coast was denied the right and assistance to construct their own pig iron and steel producing facilities. Were the War Production Board to approve the erection of sponge-iron plants, blast furnaces, rolling mills, and other equipment for the local production of iron and steel, then the present rigid and very lucrative price system that has retarded industry in the West would be at an end. The big eastern shipyards,

which are controlled by the Steel Trust, must maintain their business, even if it means a slower, smaller over-all rate of Nation's ship production. So it is evident that the Pacific coast will not get any steel producing facilities except the amount that is forced by public opinnon.

BRAZEN INTERFERENCE

I would like here to refer to Henry Kaiser's experience in California. His plant, the only new and recent construction of this kind located west of the Missouri will produce 1,200 tons of pig iron daily when it gets in operation. But when the plant was almost completed the engineers found themselves short some 58 tons of steel. To get the insignificant quantity of steel required released from the steel warehouses no less than 60 transactions with the War Production Board were necessary—telephone calls, telegrams, and conferences. Finally Mr. Donald Nelson personally had to step in and order the necessary steel priority for the Kaiser plant—after 60,000 tons of potential production had been held up by such obstruction and wholly wasteful bickering.

It is my sincere belief that the Steel Trust considers itself to be absolutely secure in its ability to throttle any comprehensive program for the further establishment of sponge iron or blast furnaces or any other form of steel making construction, anywhere in this country—except, of course, for the few companies owning or connected with the Lake Superior deposits.

I believe they feel that their high pressure lobby and their staff of highly paid public relations men, who operate under the very dome of the Capitol, can handle any threatening or adverse legislation that might offer hindrance to their selfish interests.

I believe they confidently can rely upon Admiral Land and such other officials to resist the erection of more steel producing facilities on the Pacific coast.

I believe they intend to continue to force western war industries to wait for their steel to be hauled thousands of miles over war-tangled railroad lines. The facts before me make it impossible that I should believe otherwise of the consistent, unrelenting, and unscrupulous campaign that has been waged to prevent any but the Steel Trust from participating in the gigantic expansion program for steel production that this Nation requires and is now undertaking. I believe it and I am appalled.

UNSHACKLE WESTERN INDUSTRY—TO PRODUCE

Knowing the facts of this case to be indisputable, I herewith serve notice on the Steel Trust and all its friends and servants that I shall continue my efforts to expose their unpatriotic activities.

I shall keep on protesting against the deliberate and calculated freezing out of small business enterprises—which even today are being deprived of the opportunity to participate in the war effort, regardless of ability, facilities, and eagerness to labor in democracy's behalf.

I shall use every means within my power to organize public resistance to the Steel Trusts methods of buying, bullying, bluffing, and lying to maintain mastery of the most vital of America's production efforts.

I now solemnly demand that due cognizance be given to the wartime necessity of providing the Pacific coast with every pound of pig iron and steel that her war industries can use. I ask that any further attempts to delay or deny the freedom and facilities to produce from the abundant natural resources at hand in this territory be recognized as equivalent to treason.

Gentlemen, can you imagine our enemies, the Nazis or the Japs, allowing their big steel producers to block the increased production of steel from independent sources—just because that might result in post-war competition? Their steelmasters would probably lose both their mills and their heads if they attempted it.

Are we then, because we are a democracy, going to stand for this sort of private corporate dictatorship over our war-production program? Are we going to sit idly by and see no use made in this war of one of the greatest war resources we possess—our tremendous iron ore and cheap fuel deposits of the West?

TOO LITTLE—TOO LATE

I wonder how many of us would look with complacency upon the efforts of a small group of shrewd and selfish men if they were to attempt to establish a dictatorship over the production of wheat—or cotton—or oil—or any of the other essential materials we need in astronomical quantities today.

Yet, that is precisely what the Steel Trust is now doing with steel and iron and will continue to do so long as we permit this situation to exist.

The evidence I have introduced in this statement relative to the Pacific coast might well, I am sure, be duplicated in any number of other localities in our country. I happen to be familiar with this particular situation in my own State of Washington; I have seen at first hand the disgraceful results of the Steel Trust's actions. However, I dare say that scores of my colleagues could present duplicate experiences, were they to investigate why and how the local iron industries that formerly thrived in their own districts were wiped out of existence.

The Steel Trust—acting through its faithful representatives on the War Production Board, and its powerful lobbyists—has become so arrogant, so certain of its ability to sidetrack or cripple any program that might interfere with its own profits, that we here in Congress must take action.

We must see to it that this war is fought for the preservation of our democratic institutions, and not for the preservation of the profits of the Steel Trust.

With the facts before us in all their hideous array, posterity will be fully justified in accusing us of providing too little—too late, unless we immediately undertake to relieve this wholly unnecessary and frightfully desperate situation.

[Here the gavel fell.]

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Will the gentleman from Washington yield?

Mr. HILL of Washington. I gladly yield to my friend from California.

Mr. VOORHIS of California. I would like to say to the gentleman I have had the great privilege of serving with him through a part of his service in the Congress. I think he has been one of the most earnest Members I have known, one with the deepest convictions, and my association with him has been an inspiration. I think the speech he has delivered today is a fitting climax to a distinguished career.

Mr. HILL of Washington. I thank the gentleman from California.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. PIERCE. I wish to extend my sincere thanks to my friend and colleague from Washington for this admirable address. I have watched it carefully. I have read much on the same subject myself. I believe it is factually correct. The gentleman has certainly given us a real history of the operations of the Steel Trust. The State of Washington and the whole Northwest have never had a more conscientious, interesting, and intelligent Representative than our friend the gentleman from Washington [KNUTE HILL]. I am sorry to see him retire from the Congress at this time.

Mr. HILL of Washington. I thank the distinguished gentleman from Oregon.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. DISNEY. Mr. Speaker, I desire to join in the commendation of our colleague, the gentleman from Washington, Hon. KNUTE HILL, in what has been said by our colleagues on the floor today. We regret that he is leaving us. He has rendered a splendid service here. My association with him on the Ways and Means Committee of the House of Representatives has convinced me of his probity and his statesmanship.

Mr. HILL of Washington. I thank my colleague from the State of Oklahoma.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. COOPER. I want to take advantage of this opportunity to add my word of praise to the gentleman from Washington. It has been a great privilege and pleasure to serve with him on the Committee on Ways and Means. He is a man of great ability, outstanding courage and distinction. His passing from among us is a distinct loss to the House, to his district, and to the Nation.

Mr. HILL of Washington. I thank the gentleman from Tennessee.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. MUNDT. I would not want this opportunity to pass without somebody on the Republican side pointing out that we on this side share with our colleagues on the Democratic side the great respect they have for the fine type of courageous statesmanship which you have demonstrated as a Member of this House. We wish you well. We admire your fine spirit. We appreciate the contribution you have made to this Republic.

Mr. HILL of Washington. I thank the gentleman.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield to the gentleman from Kansas.

Mr. CARLSON. I wish to add my word of commendation to what has been said. It has been a privilege and a pleasure to serve with the gentleman from the State of Washington. We are going to miss him very much on the Ways and Means Committee.

Mr. HILL of Washington. I thank the gentleman from Kansas very much.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. CUNNINGHAM. I should like to add my commendation and express the pleasure I have received from having served with the gentleman from Washington. I regret that he will not be with us in the coming session.

Mr. HILL of Washington. It has been both a pleasure and a privilege to have served in this House for the past 10 years. My only regret is to leave these associations and you, my good friends.

You have a great task—an arduous and serious task—before you; both on my right and on my left. Let me leave with you a few words of Rudyard Kipling, taken from his Recessional:

> Lord God of Hosts, be with us yet,
> Lest we forget; lest we forget.

At this time of the year—Christmastide—I add a few thoughts which I trust are appropriate:

THOUCHTS AT CHRISTMASTIDE

We commemorate at this season the birth of the Christ child in the manger. This teaches us humility.

It is the season of good will toward all mankind. This teaches us tolerance.

The rigors of long, dark, wintry nights are upon us. This teaches us patience.

Soon will come the reawakening of all Nature wearing the garments of spring. This teaches us faith—faith in God, faith in our fellow men, faith in ourselves.

Dawn always follows the darkest hour of the night; spring ever returns after winter; the Prince of Peace surely overcomes the god of war. This teaches us hope for the coming years.

This is the season when sweet charity walks abroad. This teaches us that love is the greatest thing in the world.

So, my goods friends and colleagues, at this festive season I wish you the daily attendance of these simple virtues throughout the coming year.

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from Illinois [Mr. MITCHELL] is recognized for 10 minutes.

Mr. MITCHELL. Mr. Speaker, 8 years ago when I became a Member of this House I made the acquaintance of a great many Members on both the Democratic and Republican sides. They expressed themselves as being deeply interested in me and in my people, and voiced desire to be of whatever service they could to me in my work here in the Congress.

I am leaving Congress now of my own free will. I was not a candidate for reelection; I chose not to be a candidate, because I felt there was a bigger work which I could do for my people and particularly for my beloved Southland than I could do here in Congress, and before I finish these few remarks I shall talk about the work I expect to do when I leave Congress. Most prominent among the pledges which I made when I was seeking to be elected to Congress in 1934 was this:

> If I am elected to Congress, I shall seek to make friends for myself and for the race, realizing that for any individual or any group of individuals to do well in the midst of a great population, it is absolutely necessary that strong bonds of friendship exist between them. If I am elected, I shall make friends in an honorable way with the people of both races on every possible occasion, and I shall try to so conduct myself that as result of my work, there will be created in the hearts of men and women all over the country a more intelligent and more liberal attitude toward the Negro.

I wish to read a paragraph I dug up this morning from a statement I made immediately after I was elected to Congress in 1934. This is what I said:

> I shall address myself first to looking after the interests of the people of the First Congressional District of Illinois who elected me to that office. I shall always endeavor to be on the alert and shall use all the power that resides in me to protect the interest of my group. I shall welcome constructive criticism from people of the country, both colored and white, and shall endeavor to do my full duty without fear or favor of man but trusting in God as my leader, to whom I shall be responsible for my every act.

As I stand here to say good-bye to many of you who were here when I came, I feel I have had a wonderful career here in Congress. This has been to me more than a great legislative body; it has been a great university, and I do not hesitate to say that the lessons I have learned from contact with you will go with me as I leave Congress, and I shall seek to put many of them into real force with my people.

I am not going to Chicago, to New York, or to remain here in Washington; I am going back south where I was born and reared, not to the State of Alabama but to the State of Virginia; and I have a very definite reason and purpose in doing so. I realize that I represent a minority group in this country. From time to time there are grave misunderstandings that could be worked out if we were a little more patient, a little more tolerant, and studied these things a little more carefully. I believe I can make a contribution to the great work that was carried forward by my leader, and my teacher, and my benefactor; I refer now to Booker Washington. It was a happy privilege of mine to study and to serve under him, and I have tried here to reflect the beautiful spirit I saw always emanating from the life of that great leader, that great statesman.

Tomorrow I go to live in the great State of Virginia. If you see me 24 hours from now you will see me in overalls on my own farm. I go down there to dedicate anew my life and every bit of energy I possess to working out a better understanding between the two races in the South, not in a spirit of bitterness, but in a spirit of understanding, a spirit of toleration, a spirit that I believe will lead us to a better state in life.

Mr. Speaker, I want to thank those who have already expressed to me their regrets in leaving these Halls of Congress. There is no doubt in my mind as to the confidence which you have placed in me, and I refer to Members on both sides of the aisle. I want to thank the gentleman from New York [Mr. FISH] for what he said in the RECORD a day or two ago, I want to thank the gentleman from California [Mr. VOORHIS] for the splendid things that he said this morning. I want to also thank the scores of Democrats and Republicans who have spoken to me privately with reference to my going and have expressed themselves in terms which tell me that the effort I have put forth here is appreciated. Everyone has said something encouraging and expressed regrets at my leaving. I want to close by reading a paragraph from a letter which I have just received.

Mr. PRIEST. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Tennessee.

Mr. PRIEST. It has been my pleasure and privilege to serve on the Committee on Post Office and Post Roads with the gentleman from Illinois for the past 2 years. I have found him to be a very careful, intelligent student of legislation. He has performed a very valuable service to that committee and I am sure his services and his counsel will be missed by that committee.

Mr. MITCHELL. I thank the gentleman.

Mr. PIERCE. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Oregon.

Mr. PIERCE. I have been acquainted with the gentleman from Illinois since he has been here. I have gone through many years, I have seen many members of the race he so well represents, and I am sincerely hopeful they will be as tolerant, as kind, as thoughtful, and work as hard as he has to bring about the harmony that he sees, that I see, must exist when the two races live side by side in this land of ours.

Mr. BURDICK. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from North Dakota.

Mr. BURDICK. May I say to the gentleman that in my judgment from observation of him, he has earned the right to be another great leader among the colored people of the South.

Mr. SPARKMAN. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Alabama.

Mr. SPARKMAN. I want to commend the gentleman from Illinois for the statements he has made and for the fine attitude that he has always shown as a leader of his race. I have talked with him on many occasions. I know that he recognizes the problems that have arisen between the two races as they exist side by side in the South and that may arise between any two races that are trying to live together. I have

found the gentleman always to be tolerant, to be patient, and to be earnest in his endeavor to solve those problems. He knows a great many of the leading Negro citizens of the State of Alabama and of other States in the South. He has worked hand in hand with those people in trying to solve their problems. He has been most helpful, patient, and tolerant. I do not know who his successor will be. I have heard the gentleman speak very highly of him, and I earnestly hope that whomever he may be he will prove to be the same type of leader as the gentleman who is now leaving Congress has proven to be.

Mr. MITCHELL. I thank the gentleman.

Mr. YOUNG. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Ohio.

Mr. YOUNG. It has been a privilege indeed to have served in Congress as a colleague of the gentleman from Illinois Mr. [MITCHELL]. He is one of the great orators of this period and he is an outstanding leader in this forum. I join with other Members here in wishing him many happy years of service to his people and to this Nation.

Mr. DISNEY. Does the gentleman yield for this comment?

Mr. MITCHELL. I gladly yield to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. The gentleman from Illinois has won the admiration of both sides of the House by his deportment, his courtesy, thoughtfulness, and sound judgment. If all people of both races in the United States had and practiced the wisdom and understanding of the mutual problems as he has, this Republic would be on a sounder basis. The gentleman carries with him in his new field the very best wishes of the Members of this House.

Mr. MITCHELL. I thank the gentleman.

Mr. MOSER. Will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. MOSER. I would like to add in behalf of my worthy colleague from Illinois that when I first came here and made his acquaintance I promised him certain support. I have two letters that I have very carefully preserved among my archives which will go home with me and will be cherished. I have always found him to be courteous, faithful, and zealous and, above all, a gentleman worthy of the Halls of Congress.

Mr. MITCHELL. I thank the gentleman. Whatever our differences have been in opinion expressed on this floor in debate, I wish to say that there rests in my heart and soul no bitterness of any kind against any Member of this House. In fact, there is no individual in the world against whom I carry bitterness. Like my great benefactor, Booker T. Washington, long since I determined that I shall never allow any one to make me stoop so low as to hate him.

My home for the future is located in the great historic State of Virginia in Dinwiddie County on No. 1 Highway about 8 miles south of Petersburg. My doors are open at all times to my colleagues and to all to whom I can render a service. I have built my house by the side of the road, and I want it understood that I am a friend to man.

Mr. Speaker, I wish to close by reading a short paragraph from a letter which I received from the President of the United States with reference to my retirement from the Congress:

> In leaving Congress you must have a feeling of satisfaction that you have had a part in the constructive legislation which has meant so much to the welfare of the people as a whole.

I want to again thank the Members on both sides of the aisle for the fine treatment I have received at your hands, for the interest that you have manifested in the things that I have brought to your attention and, above all, for that cooperative spirit that you have shown in all of the things that we have tried to consider together where the interest of my people was involved.

[Here the gavel fell.]

SPECIAL ORDER

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Ohio [Mr. THOM] is recognized for 5 minutes.

Mr. THOM. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a statement issued in 1920 by Elihu Root and others.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. THOM]?

There was no objection.

Mr. THOM. Mr. Speaker, there are uneasy signs in the political trends in the United States that point to the rejection by the people at the end of World War No. 2 of any comprehensive plan for the preservation and enforcement of word peace. In other words, we seem to be preparing nationally to tread the exact path of isolation that led to defeat in 1920 of the League of Nations covenant, and to the period of extreme nationalism that followed. While I am disappointed and grieved at this outlook, yet I find it unwise to close my eyes, as do some of the friends of world cooperation, to the plain and unmistakable facts.

The congressional elections of this year dealt drastically with those in the membership of this body who voted for the lend-lease law—a measure that stiffened the morale of England, and perhaps kept her people from throwing their hands up in despair. It is political blindness not to admit that isolationist sentiment throughout many parts of the country accomplished these defeats. At the same time that Members of this Congress who supported aid to England were retired, other Members notoriously out of sympathy with the pre-Pearl Harbor policies of the administration, were reelected, in many instances by increased majorities.

My only purpose is, as a retiring Member of this body, to warn the friends of international cooperation that their cause is lost, unless by education and by persuasion the outlook of great sections of this country is radically changed. Propaganda is steadily being spread that eventually will create the war weariness that suddenly overwhelmed the United States in 1920, and caused its people to embrace the doctrine that we should, as a Nation, attend to our domestic affairs and let the rest of the world look out for itself. The next Congress will do its share, consciously or unconsciously, to induce this state of mind.

No one can convince me that the two major parties of the United States are going to treat the issue of collective security as above the realm of politics. Obviously, the Democratic Party through the Atlantic charter, and the philosophy of President Roosevelt, is tactically bound to espouse the need of world cooperation for peace, unless it wants abjectly to back-track over the course it has so consistently followed.

What attitude the Republican Party will finally take is beyond the knowledge of any man. It has so far deliberately maintained itself in a position that will enable it to move in either direction. If anyone replies that the action of the Republican National Committee recently is indicative of the future charting of the party's course, my answer is that national committees do not fix party programs, and never did. Their objective is to win elections by composing interparty differences, and evading tests on any significant issue that may split the party. The so-called resolution reaffirmed at the recent St. Louis meeting, and held out by the naive as a sign of Republican conversion, is so vague that it can be redeemed by the slightest nod in favor of world cooperation. The proof of that is that it was sponsored by an isolationist of the first rank, who by no means has recanted his preachments before Pearl Harbor. Let us hear the exact text of that resolution:

> We realize that after this war the responsibility of the Nation will not be circumscribed within the territorial limits of the United States; that our Nation has an obligation to assist in the bringing about of an understanding, comity and cooperation among the nations of the world in order that our own liberty may be preserved and that the blighting and destructive processes of war may not again be forced upon us and upon the free and peace-loving peoples of the earth.

When you analyze the sentiment of the present Republican membership of Congress, you must concede that it does not promise much in the way of international cooperation. If the next Congress is called upon to implement the above resolution, it will be exceedingly cautious, if it does not wholly disregard it. This will be due to the isolationist views of the hold-over Members of the Seventy-seventh Congress.

If it is suggested that my view is colored by partisanship, my answer is that the solemn and binding promise of some thirty of the outstanding Republicans in the country, in 1920, that the election of Senator Harding to the Presidency would assure to the people of the country the creation of an association or society of nations to stabilize the peace of nations was, after the votes were counted, repudiated as if it were a meaningless scrap of paper.

When this manifesto, said to have been composed by Elihu Root, was circulated for signatures, for the purpose of using

it as a campaign document to hold in the Republican Party liberal persons who were attached to the idea of world security, there was one skeptic who refused to add his name—Dr. H. N. McCracken, president of Vassar College, who in a New York Times interview said:

Although I have been asked to sign the statement which has been written by Elihu Root in behalf of Senator Harding's candidacy, I cannot do so, for the reason that the names of those signing it, will not in my opinion have any influence on Senator Harding's foreign policy after election. It seems to me that the same group of Republican Senators will control the Republican policy who have controlled it in the past, and that nothing is to be expected from them in the way of international cooperation.

After the Presidency election was decided, it did not take long for the prophecy of this distinguished educator to be fulfilled.

This manifesto turned out, just as he suspected, to be a hollow pronouncement that ought to have brought deep and sincere regret to all the signers.

TEXT OF THE STATEMENT

The text of the memorable 1920 statement, with a list of the signers, follows:

The undersigned, who desire that the United States shall do her full part in association with the other civilized nations to prevent war, have earnestly considered how we may contribute most effectively to that end by our votes in the coming election.

The question between the candidates is not whether our country shall join in such an association. It is whether we shall join under an agreement containing the exact provisions negotiated by President Wilson at Paris, or under an agreement which omits or modifies some of those provisions that are very objectionable to great numbers of the American people.

The paper signed by 38 Republican Senators in March 1919 before the league covenant was adopted at Paris, advised the President that the signers could not approve a treaty in the form then proposed, although it was their sincere desire that the nations of the world should unite to promote peace and general disarmament.

A majority of the Senate voted to ratify the League amendment with modifications, which there is good evidence to show would have been accepted by the other nations; but Mr. Wilson refused to accept these modifications, and insisted upon the agreement absolutely unchanged, and Democratic Senators sufficient in number to defeat the treaty as modified followed Mr. Wilson by voting against ratification.

That is substantially the difference between the parties now. The Democratic platform and candidate stand unqualifiedly for the agreement negotiated at Paris without substantive modification.

On the other hand, the Republican platform says: "The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts; and which shall secure instant and general international conference whenever peace shall be threatened by political action so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war."

Mr. Harding said in his speech of August 28:

"There are distinctly two types of international relationship. One is an offensive and defensive alliance of great powers. * * * The other type is a society of free nations, or an association of free nations, or a league of free nations animated by considerations of right and justice instead of might and self-interest, and not merely proclaimed an agency in pursuit of peace, but so organized and so participated in as to make the actual attainment of peace a reasonable possibility. Such an association I favor with all my heart, and I would make no fine distinction as to whom credit is due. One need not care what it is called. Let it be an association, a society or a league, or what not. Our concern is solely with the substance, not the form thereof."

Mr. Harding has since repeatedly reaffirmed the declarations of this speech in the most positive terms.

The question accordingly is not between a league and no league, but is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed.

The contest is not about the principle of a league of nations, but it is about the method of most effectively applying that principle to preserve peace.

If the proposed changes in the Paris agreement were captious or without substantial grounds, one might question the sincerity of their advocates. This, however, is not the case.

The principal change proposed concerns article X of the League Covenant as negotiated at Paris. Mr. Wilson declares this to be the heart of the League and the chief controversy is about this.

Article X provides that the nations agreeing to the treaty shall preserve as against external aggression the territorial integrity and existing political independence of all members of the League.

That is an obligation of the most vital importance and it certainly binds every nation entering into it to go to war whenever war may be necessary to preserve the territorial integrity or political independence of any member of the League against external aggression.

It is idle to say that Congress has power to refuse to authorize such a war, for whenever the treaty calls for war a refusal by Congress to pass the necessary resolution would be a refusal by our Government to keep the obligation of the treaty. The alternative would be war or a breach of the solemnly pledged faith of the United States.

We cannot regard such a provision as necessary or useful for a league to preserve peace.

We have reached the conclusion that the true course to bring America into an effective league to preserve peace is not by insisting with Mr. Cox upon the acceptance of such a provision as article X, thus prolonging the unfortunate situation created by Mr. Wilson's insistence upon that article, but by frankly calling upon the other nations to agree to changes in the proposed agreement which will obviate this vital objection and other objections less the subject of dispute.

For this course we can look only to the Republican Party and its candidate; the Democratic Party and Mr. Cox are not bound to follow it. The Republican Party is bound by every consideration of good faith to pursue such a course until the declared object is attained.

The conditions of Europe make it essential that the stabilizing effect of the treaty already made between the European powers shall not be lost by them and that the necessary changes be made by changing the terms of that treaty rather than by beginning entirely anew.

That course Mr. Harding is willing to follow, for he said in his speech of August 28:

"I would take and combine all that is good and excise all that is bad from both organizations (the Court and the League). This statement is broad enough to include the suggestion that if the League which has heretofore riveted our considerations and apprehensions has been so entwined and interwoven into the peace of Europe that its good must be preserved in order to stabilize the peace of that Continent, then it can be amended or revised so that we may still have a remnant of the world's aspirations in 1918 builded into the world's highest conception of helpful cooperation in the ultimate realization."

We therefore believe that we can most effectively advance the cause of international cooperation to promote peace by supporting Mr. Harding for election to the Presidency.

Lyman Abbott; Nicholas Murray Butler, president, Columbia University; Robert S. Brookings, president, Washington University, St. Louis; Paul D. Cravath; Charles W. Dabney, University of Cincinnati; William H. P. Faunce, president, Brown University; Frank J. Goodnow, Johns Hopkins University; Warren Gregory, San Francisco; John Grier Hibben, president, Princeton University; Herbert Hoover; Charles Evans Hughes; Alexander C. Humphries, president, Stevens Institute of Technology; Ernest M. Hopkins, president, Dartmouth College; William Lawrence, Bishop of Massachusetts; Samuel McCune Lindsay, president, Academy of Political Science, Columbia University; A. Lawrence Lowell, president, Harvard University, chairman, executive committee, League to Enforce Peace; John Henry MacCracken, president, Lafayette College; Samuel Mather, Cleveland, Ohio; George A. Plimpton, president, board of trustees, Amherst College; Henry S. Prichett, president, Carnegie Foundation for Advancement of Teaching; Charles A. Richmond, president, Union College, Schenectady, N. Y.; Elihu Root; Jacob Gould Schurman, former president, Cornell University; Henry L. Stimson; Oscar S. Straus, member, executive committee, League to Enforce Peace; William Allen White, editor, Emporia, Kans.; George W. Wickersham, member, executive committee, League to Enforce Peace; W. W. Willoughby, professor, political science, Johns Hopkins University; Ray Lyman Wilbur, president, Leland Stanford, Junior, University.

OCTOBER 14, 1920.

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma [Mr. DISNEY] is recognized for 10 minutes.

THE THREATENED SHORTAGE OF OIL

Mr. DISNEY. Mr. Speaker, some time ago I indicated in a short speech on this floor that in my opinion we are rapidly running into a shortage of oil, that I would later discuss the matter more in detail. My concern has deepened as I have become more familiar with the details of our situation. When I say that I am concerned about our ability to meet the growing demands on petroleum I use the word "concern" to avoid giving expression to the alarm I feel.

Now that we have completed the first year of our participation in the war we can measure the extent of our further participation. Mr. Speaker, from the facts I have been able to ascertain, unless the present trend is reversed, we will

within a year face a serious and certain shortage of petroleum supply to meet the necessary demands upon us to maintain the war for a long period of time. The statistics prove this statement.

What figures I furnish you will be the most conservative estimates I have been able to get. Many opinions are expressed that the estimates I am giving are too liberal. It is estimated that our present demand for crude petroleum is 4,218,000 barrels per day and that our present production of oil is 3,824,000 barrels, according to the American Petroleum Institute report of December 9, 1942.

We have in above-ground stocks of oil approximately 235,000,000 barrels of crude oil and 204,000,000 barrels of gasoline distillate and fuel-oil stocks, or a total of 439,000,000 barrels. It must be understood that 40 to 50 percent of the above-ground stocks are working stocks—static stocks, if you please—for use in refinery operations and for constant pipe-line content. Deducting these working stocks, we have about 35 days of crude, and 40 days of refined stocks. These figures are had from a current trade journal, although a certain official source claims that there are 510,000,000 barrels in above-ground stocks. I prefer the trade journal figures.

Seventy-five days' supply? Stalingrad was besieged for longer than 75 days—it is still under siege.

It is conservatively estimated that our demands will be increasing during the coming year to 4,670,000 barrels per day. It is hoped that the supply from all sources can be increased to 4,452,000 barrels per day. This optimistic statement is taken from a report to the Petroleum Industry War Council. I have found no one who will seriously even contend that we can reach and maintain that rate of production of oil produced and delivered. Even if it were reached and maintained, we would still be drawing on our above-ground stocks at the rate of 213,000 barrels per day.

This is the best picture that I can paint of the present situation and seems to be the one relied upon by some divisions of our Government to justify their lack of concern and action.

The Congress must not follow the disastrous error in the war program as has already appeared with relation to other essential materials. The story of rubber is not the only one that marks bureaucratic bungling in its worst aspects. The executive department has been given complete authority to carry on this war, by the Congress. Personally, I do not intend, as a Member of this House, to take the responsibility, nor do I want to have my colleagues share it, for "the petroleum situation" to be a byword and a hissing as "the rubber situation" now is in America.

Some understanding of the importance of petroleum and its products to the present war effort may be had when we recognize that our entire effort is based on oil. This is a war of oil, waged by machines and men that would be helpless and useless without it. If we are to dominate the air, and the sea, and the land, as well, we must implement our armies with an abundant supply of this basic material.

We today read of the turn of battle being dependent upon one army or the other's control of the air power. This air control is dependent almost entirely upon our ability to supply sufficient petroleum products of superior quality. This is illustrated when we recognize that it is generally estimated that more than two-thirds of all of the tonnage weight of material that is used in the war effort is petroleum and its products.

We read of the increasing rate of our production of airplanes; we thrill at the reports of new naval vessels that are being launched daily; the automobile industry's production of tanks is increasing at a rate that reflects great credit on that industry—but all of these must be useless in the face of an insufficient supply of petroleum products.

Our production program for building a great Army, for expanding our Navy, for insuring supremacy in the air, has reached stupendous proportions. It continues to grow. As time progresses we are becoming more proficient in the production of every element necessary to our war effort. Every element save one—nothing has been done by our Government to encourage the increasing of our petroleum production and delivery; nothing except certain favorable priorities to exploratory wells. This small effort is nullified by the many efforts to discourage the producers of petroleum. If the planes we are building are to be useful they must have oil. If our tanks are to roll they must have oil. If our Navy fights it must have oil. Yet nothing is done to insure this supply. I understand from reliable sources that there is a serious possibility of an early shortage of aviation lubricants. Nothing could be more appalling or bring greater condemnation by the people on the heads of all the branches of Government. No one in official life could possibly make an explanation of a shortage of aviation lubricants. The people's intelligence would not stand for such an alibi.

The figures I have given you are extremely conservative. We now have less than 20 percent of our projected military forces in the foreign theatres of war. Up until recently we have conducted a defensive war. Now that we are ready for an offensive effort our resources must be multiplied many times. If we are running into an oil shortage with only 20 percent of our overseas Army engaged, what will the story be when several millions more of soldiers are across? With them must go the necessary implements of warfare which will depend entirely for their successful operation on an abundant supply of petroleum. We must recognize that before this war is over, we will most likely be confronted with a long offensive effort against armies strategically located for stubborn defense. What this means in the lives of our soldiers can be illustrated when we observe the death and destruction and prolonged effort between the Russian and the German armies at Stalingrad. What the Germans faced in their offensive there may be multiplied many times in the history of our offensive yet to come.

Estimates from reliable sources—Congressman COLE's report to the President—indicate that before this year is over we will have a demand for 5,000,000 barrels of petroleum per day. This is beyond any possible estimate of production from our present ability to produce and deliver petroleum. In fact, many doubt that we can reach for any useful length of time the amount of production now estimated as being necessary during the year 1943. Certainly, in order to maintain this production, much greater support must be given the American petroleum industry than it has had during the past year.

For the first 10 months of this year we have completed only 60 percent of the wells completed during the same period last year, and at this time we are completing wells at the rate of only 50 percent of the wells completed for the same period last year. During the first half of 1942 we discovered new oil amounting to only about 25 percent of the amount of oil used during that same period of time. This downward trend has existed for the past 3 years.

While we are at this time drilling exploratory wells at the rate of approximately 96 percent of the number of wells drilled for a comparative period of 1941, this decreasing rate of discovery indicates that we must drill many more wells. It is indicated that at the conclusion of the present year we will have drilled 3,100 "wildcat" wells. This is certainly not sufficient. More "wildcat" wells must be drilled if we are to maintain our reserves. It has been estimated that during the coming year we must drill at least 4,500 exploratory wells.

I have said that the Congress was not responsible for some of the failures. On the other hand, I must commend the wisdom of Congress for its far-sightedness with relation to petroleum. During our participation in the First World War, the Congress recognized the necessity for building up our petroleum reserves and for maintaining a strong petroleum industry. It adjusted and corrected the tax program for the United States by encouraging the petroleum industry to go out and search for oil. This was made possible by the depletion allowance which provided for the return of capital through the operation and protected, so far as possible, against the extreme hazards of such operations. After experience this provision was simplified in 1926 by the insertion of the present method and rate of depletion allowance.

Contrary to the encouragement that should be given to the petroleum industry, it has faced many difficulties during the past year. Instead of having a definite program of encouraging production, the various departments of Government have been working at cross purposes, and the industry has had to deal with a series of governments rather than with one—26 to be exact.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. I yield to the gentleman from North Dakota.

Mr. BURDICK. The impression seems to be quite current throughout the country that we are rationing gasoline in

order to save rubber, but, according to the remarks of the gentleman, there is something more serious than that about it.

Mr. DISNEY. Yes; and I do not see why they do not say so. As someone wittily said, it was because Rommel lost his gasoline ticket that he had to leave Africa.

On one hand, the oil industry is urged to make further exploratory efforts and by another division it is told that it cannot have materials with which to operate. It has been required to increase the production and distribution of certain products by one division of Government and by another has been prevented from recovering the cost of such operations. It has been required to increase its production of petroleum in order to furnish quantities sufficient to make products for synthetic production of other war essentials for which we have a shortage. During all of this time it has been threatened by other branches of Government with the removal of the present provisions of the tax law with relation to the depletion allowance. There has been confusion of demands, directives, and obligations. This situation should not be tolerated. It is hoped that we may expect some correction. This should be done by the executive department of our Government, and quickly.

Congressman COLE in his letter to the President to which I called your attention a while ago used this language:

I paint a somber picture, Mr. President, and I regret its necessity, but I would be recalcitrant of my duty did I not call it to your attention before leaving Washington.

Oil is more surely a war product, and a more important one than steel, guns, armament, or explosives, and we do not restrict their production by price.

We are certainly headed toward disaster, Mr. President, if we cannot make provision at this time for an increased supply of nearby petroleum.

The time lapse between the search for petroleum and its use where needed is at least 2 years.

If we knew that one-fourth of our iron furnaces or steel mills would be out of commission within 2 years, and it took 2 years to build others, we would certainly do something about it, and do it now.

It is not a sound administrative policy to have the direction of production, refining, and transportation of petroleum products in the hands of one bureau, and the regulation of the price, which is the sole means of assuring us of these necessary products, in the hands of another bureau, which has neither the experience, nor the personnel, nor the responsibility for the production, yet in fact has complete control of the amount of production of this product through price control.

What is Germany doing? The answer is that Germany is not dealing with such tremendous distances as the United States, her lines are nonocean lines in the main. Besides her whole economic set-up is not based like ours upon oil.

The President has only recently, through an Executive order, placed the responsibility for a national policy with regard to petroleum in the hands of the present Secretary of the Interior. He understands the necessities of our situation. Mr. Ickes has learned by official experience, every detail of the oil industry. He now has limited authority. He should be given a free hand. If a definite program is not announced at an early date, indicating definite progress along these lines, I expect to come back to this body with plans to effect these purposes so that the petroleum industry may no longer be hampered in its efforts to supply the petroleum products so essential to the conduct of the war.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for a minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have made that request for the purpose of saying that I feel that my colleague from Oklahoma has given a very timely warning with reference to this matter, which is one of the most essential facing the country. I sincerely hope that the next Congress and our leaders will take notice of this threatened oil shortage.

Mr. DISNEY. Mr. Speaker, the situation is not theoretical; it is actual. It has passed the time of being potential. It is actual, and we will be on our backs within a year.

Mr. JOHNSON of Oklahoma. I agree with the gentleman that it is not potential, but is actual. It is here, and we must recognize that fact.

[Here the gavel fell.]

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. RAMSPECK. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 4068. An act conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders;

H. R. 6447. An act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer;

H. R. 7142. An act relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes; and

H. J. Res. 371. Joint resolution extending season's greetings to our armed forces.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H. R. 6671) entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H. R. 137) entitled "An act to provide for the appointment of one additional United States district judge for the eastern district of Missouri."

The SPEAKER. Under previous order of the House, the gentleman from Arkansas [Mr. ELLIS] is recognized for 15 minutes.

POWER DEVELOPMENT

Mr. ELLIS. Mr. Speaker, today, I say farewell to the Congress of the United States. My heart is heavy, but I am happy.

I leave even poorer than I came, but I am rich.

Though not defeated for reelection to this House, I have, nevertheless, felt the cruel hand of fate. But I have more than kept the faith.

In these 34 short years I have lived a full lifetime. The average laborer of today will have worked, at his retirement, some 80,000 hours. I have worked more than 88,000.

Four years ago a needy and a worthy people elected me to this high office—over one of its ablest veterans. The principal issue was the harnessing of the White River in the Arkansas-Missouri Ozarks, for its tremendous power, to control its devastating floods and to provide navigation and recreation. The challenge was gigantic. But the dams are on the way. They will be self-liquidating. The great Norfolk, now 60 percent completed, will help destroy nazi-ism. Bull Shoals and Table Rock are authorized and ready to go. We have cracked the ice.

When I came here Adolf Hitler was raging like a mad bull in a china shop. For four long years, we have been in unprecedented, almost constant session.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. Yes.

Mr. RANKIN of Mississippi. Mr. Speaker, the power developed in Arkansas, to which the gentleman has referred, is due largely to the efforts of the gentleman himself. No man who has served in this House for the same length of time has rendered a greater service to the power consumers of America than has the distinguished gentleman who now addresses us, and especially is that true with reference to the rural power consumers and especially throughout that section of the Southwest from which he comes. We all regret to see him go. No

man in this House will miss the gentleman from Arkansas more than I, but in his new position as head of the Rural Power Cooperators, representing the rural power consumers of America, I predict that he will render one of his greatest services in helping us to carry this to every farm home in America and make the rural sections of this country a better and a brighter place in which to live. You have rendered a great service, Mr. ELLIS, and it is a service that will live long after you have disappeared from the Congress.

Mr. ELLIS. I thank the gentleman, and may I say that Mr. RANKIN has been of great assistance—an inspiration to me.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. Yes.

Mr. MURDOCK. Mr. Speaker, I appreciate what the gentleman from Mississippi [Mr. RANKIN] has just said regarding the services of the distinguished gentleman from Arkansas [Mr. ELLIS]. I confirm it, and also congratulate my friend from Arkansas on what he has been able to accomplish in the brief years we have worked together. Arkansas, and also the entire Nation, should be proud of him and congratulate him on this accomplishment.

Mr. ELLIS. I thank the gentleman.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. Yes.

Mr. SPARKMAN. Mr. Speaker, I add my testimonial also as to the effectiveness of the gentleman from Arkansas [Mr. ELLIS], not only for bringing about power development in his own section, but also for being of inestimable benefit to many of us interested in the great Tennessee Valley Authority, and also in giving great service to the rural electrification program throughout the Nation. At this time particularly, when the food-for-victory program is so important, I am of opinion that we have overlooked the importance of developing and completing many of those rural projects, many of which have already strung their wires, put up their poles and installed their transformers and done everything except very little to activate these lines. To do that would require very little critical materials, and would very materially add to the food-for-victory program. I am delighted that the gentleman who has worked so effectively here, is now going into the work of furthering the interests of the rural projects, and I wish him well. I remember when he first came here he made the statement that during his campaign he had promised that he would outdo JOHN RANKIN. I will not say that the gentleman has been able to do that, for I do not think anybody could, but he has come as near to doing it as anybody could up to this time.

Mr. ELLIS. I thank all the gentlemen for the compliments.

THERE ARE DANGER SIGNS AHEAD

Though I have great confidence in the people and our chosen form of government; though I know that somehow we will pull out ahead, I do have certain very grave fears. I list a few of them:

First. I fear that this war may be much longer, that hundreds of thousands more American boys may lose their lives because of the sabotaging of the war effort by certain selfish interests who have taken advantage of the crisis—even more than in peacetime—to slip their emissaries into high places to do a job for them. Notable instances are Electric Bond & Share's Col. John C. Damon in charge of power in the War Department—he admits he owns stock in Utah Power & Light, subsidiary of E. B. & S., that he has worked many years for Ebasco; C. W. Keilog, head of Edison Electric Institute in the old O. P. M.; and Electric Bond & Share's J. E. Moore, chief of power production of War Production Board. Incidentally, I know that the President knows of Damon's activities and he may have his walking papers now. They have done their best to keep public power and the R. E. A. from helping win the war.

Our Government's war-power contracts stink to high heaven and most assuredly they were negotiated by persons wholly disloyal to our great Commander in Chief, Franklin D. Roosevelt.

Second. I fear that at the end of this war we may fail again to execute those scoundrels responsible for the mass murder of millions, that we may fail again to take that necessary further step to set up some sort of common union of the democracies to enforce democracy in the world with an adequate army and navy—the Army and Navy—world-wide democracy that shall embody all the "four freedoms."

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. I yield.

Mr. RICH. Do you mean that you expect to have an army and navy of our own that is going to enforce the freedoms on all of the other nations of the world? I hope I misunderstood the gentleman.

Mr. ELLIS. I mean that I think the world has become too small for democracy and totalitarianism to live side by side; that one or the other is going to prevail, and that we must make democracy a living force and give it to the world in a way that they cannot fail to take it.

Mr. RICH. But we want to be very careful that we do not lose our democracy here and have a totalitarian government.

Mr. ELLIS. That is the reason I am talking about what these selfish interests are doing.

Third. I fear that to our own youth and to the earth's youth—my children and yours—we may again be too negligent in teaching democracy as the only means to an end.

Fourth. I fear that in our own land there is danger of us driving headlong into some sort of dictatorship through high-pressure groups. These same corrupt interests have brought about the present situation in America through their virtual control for more than a century of most every political party then in power.

Fifth. I fear that certain interests through their controlled press—thank God for those few papers and publications yet free—have to some extent already succeeded in, and that they will continue to endeavor to discredit the Congress. This done, democracy is gone.

Sixth. I fear that after the war these certain interests will again propagandize the country into releasing wartime controls too quickly in order to "make their kill," and that we may get a disastrous, run-away inflation.

Seventh. I fear that if we do not begin quickly to unshackle ourselves from certain controls and prejudices in order to provide greater equality of opportunity, it may some day be too late. An extensive public-works program, essentially in the field of self-liquidating projects, not only Nation-wide but world-wide, is our only hope of rehabilitating the millions of sons, sweethearts, brothers, fathers, WAAC's, and WAVE's of this and other lands who tomorrow will start pouring back from the war. Democracy must exist for all, not alone for those who may wrest the controls. That is not democracy. It must be economic as well as political. We cannot be "half free and half slave."

Any one being can do little in a lifetime to better the course of man.

Beginning at high noon on January 3 I shall assume other duties, but with the same ideals. As executive manager of the National Rural Electric Association, with headquarters in Washington, I shall continue my little part in the fight to win the war and ultimately to completely electrify rural America with an abundance of cheap power. This is the national organization of the 800 rural electric cooperative corporations operating in 46 States. Their membership consists of more than 1,000,000 farmers.

The R. E. A. co-ops are today making a vital contribution to the war effort—in the alleviation of the manpower shortage, the increasing of farm production, and in food preservation. Yet those almost treasonable Power Trust moguls, in particular the War Department and the War Production Board, are shamefully sabotaging their efforts. For instance, a co-op is prohibited from removing abandoned lines—where a home has burned or a farm house vacated—and to use the wire to connect new or other farm homes.

Then there is the New Era project in Texas, completed except for some steel wire already in existence and not needed for any war effort. The War Production Board has had its appeal under consideration for months. That the farmers along its lines could substantially increase their production with the aid of electricity, and therefore with far less manpower, would seem to mean nothing to W. P. B.

Take the Southern Illinois Electric Co-op project in Illinois. It has 108 farm establishments, 80 percent of which have been wired since 1939 and are ready to go. In 4 days it could string the wire that has been lying on the ground in front of its office since early in July. It would require only 4 days to take it down if needed later. Imagine the state of mind of those patriotic farmers as the Neroes in W. P. B. continue to fiddle.

Mr. RICH. Will the gentleman yield further?

Mr. ELLIS. I yield.

Mr. RICH. Is it not possible for the Rural Electrification Administration to show these things to the War Produc-

tion Board and get them to give permission for them to be used?

Mr. ELLIS. I am glad the gentleman asked that question. Time after time since the spring months we have been showing those things to the W. P. B., with absolutely no results.

Mr. RICH. It seems to me that some of these bureau heads ought to be stirred up a little bit.

Mr. ELLIS. I agree with the gentleman.

Mr. RICH. It is about time they stirred them up, it seems to me.

Mr. ELLIS. Now, that is the situation that exists from the Atlantic to the Pacific in rural America.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. I yield.

Mr. RANKIN of Mississippi. With reference to the question of priorities for strategic materials for rural electrification, I agree with the gentleman from Arkansas that the representatives of the Power Trust on the War Production Board are trying, and successfully trying, to prevent the use of this material for the completion of these rural power lines and the electrification of the rural homes in the rural communities where it is absolutely necessary. Yet we are fighting a country overseas which years ago, when we only had 10 percent of our farms electrified, had 90 percent of theirs. They have seen to it that this power has been carried into every community, looking forward no doubt to the time when they would need those communities for the production of strategic materials. Here we find ourselves in the same boat where we need this development above all things, and these representatives of the power interests in the War Production Board are blocking our efforts to carry on this work to make America more powerful and more self-sustaining.

Mr. RICH. Will the gentleman yield right there?

Mr. ELLIS. I yield.

Mr. RICH. It seems to me you cannot stand up here and condemn the people in the electric business when the President has all the power that he has. You have got the law and the President has got the power to do it. So you want to go down to the White House and get things stirred up.

Mr. ELLIS. I hope the gentleman from Pennsylvania will realize that the gentleman in the White House is running the war, and it is very hard to present these problems down there at this time.

Mr. RICH. I think you gentlemen ought to be able to present it to him.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman may have 5 additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. ELLIS. I yield.

Mr. RANKIN of Mississippi. In 1938 we came to the first showdown on rural electrification—an appropriation of the first $100,000,000. We only carried it in this House by 7 votes. Up to that time we only had about 10 percent of the farms of this country electrified, while warring Europe had 90 percent and Japan had 90 percent. Today we have about 39 percent electrified, but we are a long way from the other countries which I have mentioned. I agree with the gentleman from Arkansas that these men in these strategic positions, who are not representing the Government but are representing their own private interests, are blocking this rural power development which means more to the farmers of this Nation than anything else the Congress has ever attempted in their behalf.

Mr. ELLIS. I should like to mention that the experts believe that the military success of Germany and Japan today is due in part to the rural electrification of those countries.

Mr. RANKIN of Mississippi. And you will find that whenever we attempt to build out into a rural community we have a great row about the size of the line. It is almost impossible to build a 110-volt line out into these smaller places.

You will find that those countries which have been carrying on this work for a long time have heavy power lines into the communities so that if it is necessary to move a plant there they can do it. So far as I am concerned, I am for electrifying America from one side to the other and supplying each locality with a line that will carry the load necessary to run any kind of machinery anywhere in the country.

Mr. ELLIS. Mr. Speaker, I think the Congress of the United States has performed miracles against staggering odds in this war effort.

WE WILL WIN ANYWAY

We are grateful unto God that we are big enough and strong enough to carry this load and still win the war. On the whole, we have performed miracles against staggering odds. We are on the road to victory now.

You, the Members of the House and Senate, have been to me an inspiration. Next to the American farmer, you are the most underpaid and unappreciated group in America. I love every one of you.

I am grateful to Congressman BILL NORRELL, speaking for the Arkansas delegation, for his kind words concerning me here today. BILL FULBRIGHT, who succeeds me, is my friend, is one of the ablest men I know—and a gentleman with it. JOHN L. MCCLELLAN, who defeated me for the United States Senate, is my friend. I supported him actively in our second primary, and he is a very able statesman.

It has been my ambition only to make the world a little better for my having lived and only thus can one's existence be justified. Whether it be in the digging of a better ditch, the making of a better mouse trap, or the setting in force of some intangible good, it is all the American way of building a greater civilization.

This is the life.

The world is ours. We must carry on.

You here and you who sent me here—may God be with you all.

IDA M. DUGAN

Mr. MOSER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7611) to correct an error in the census record of 1900 with respect to the family name of Ida M. Dugan, Omaha, Nebr.

Mr. STEFAN. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. MOSER. It is simply a bill to correct a 1900 census enumeration error. The name "Dugan" was inserted as "Dugar."

Mr. STEFAN. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the Census is authorized and directed to correct the family name appearing as "Dugar" in the Twelfth (1900) Census of the United States, schedule No. 1, State of Kansas, county of Labette, city of Oswego, supervisor's district No. 3, enumeration district No. 120, so that such family name shall appear as "Dugan."

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF NATIONALITY ACT OF 1940

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5569) to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill and the Senate amendments as follows:

Line 6, strike out "(g)" and insert "(h)."
Line 7, strike out "(G)" and insert "(h)."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman state what these amendments are?

Mr. DICKSTEIN. These amendments are made necessary in order to correct a clerical error in denominating the different paragraphs.

Mr. MICHENER. The only purpose of the amendment is to correct the clerical error?

Mr. DICKSTEIN. That is all. This bill is sponsored by the American Legion. It was passed by the Senate today, and I am asked to request concurrence in the Senate amendments that the bill may become law. I have talked with both majority and minority members of the committee, and there is no disagreement whatever.

Mr. MICHENER. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent that I may address the House today for 5 minutes after the completion of the other special orders.

The SPEAKER. Without objection, it is so ordered.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to use the time that was assigned to me earlier this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER. The gentleman from Oklahoma [Mr. CARTWRIGHT] is recognized for 30 minutes.

Mr. CARTWRIGHT. Mr. Speaker, this Congress will adjourn today. I am numbered with those who fell outside the breastworks, and will not be in the Seventy-eighth Congress.

This will be my last opportunity to address the House. I was elected in 1926 and became a Member on March 4, 1927, along with the gentleman from Oklahoma, JED JOHNSON. I was closely associated with Jed in school, in the State senate, and in Congress. We have agreed in practically all our views upon public questions. Now he alone remains of the Oklahoma House delegation when we came nearly 16 years ago.

The entire Oklahoma delegation have been especially kind to me and have honored me for 8 years as their chairman.

I have served under six distinguished Speakers—Longworth, Garner, Byrnes, Rainey, Bankhead, and Rayburn—four of whom have passed to the Great Beyond where there is no dividing aisle between the Democrats and Republicans. All were capable and worthy gentlemen. In my humble opinion Speaker RAYBURN possesses all the essential qualifications to occupy the highest office in the gift of the American people.

I look back with satisfaction upon my service in the House. The membership is truly a cross section of the United States. Ninety-nine percent of those whom it has been my pleasure to know, have been honest, conscientious, capable, hard-working men and women. I shall ever cherish their memory.

It has been great to have been a Member of Congress during such an interesting period of American history. I have written a book entitled "Sixteen Years in Congress" covering the highlights of this period. I suggest you read it for your own personal aggrandizement, as soon as it is off the press.

And now as I sever old ties I admit there is a touch of sadness. But defeats and disappointments are the fortunes of war and politics and I feel that we must be prepared to gracefully take the bad with the good. I probably have been more fortunate than I deserve, so:

Here's a sigh for those who love me
A smile for those who hate;
And whatever sky's above me,
Here's a heart for every fate.

There is no bitterness in my soul at this Chistmas season. It is in that spirit that I have asked for this time today in order to express to you and through you to the people of the Third Congressional District of Oklahoma, my profound gratitude for the many courtesies and favors I have received at the hands of the people I have endeavored to represent, as well as by my colleagues in Congress.

I shall not take the time at this late hour to attempt to recount my accomplishments in Congress for my people since my first election to office.

I came here, Mr. Speaker, with a burning desire to do something worth while for the farmers of the district, as well as thousands of other worthy citizens who have been forced to live on scant incomes and who have not had the actual necessities of life that were really needed to keep body and soul together. Although I have not been satisfied with what this administration has been able to do for either group, I have never failed an opportunity to work and vote for legislation to improve living standards of what we call the common people who are, after all, God's chosen people. It was Abraham Lincoln who said:

God must have loved the common people because he made so many of them.

W. P. A.

At one time, I regret to say, there were more citizens of the Third Congressional District on the W. P. A. rolls than in any other district in Oklahoma. This situation existed through no cause of the people of that area, but because of drought, floods, boll weevils, and conditions over which the people had no control. Now that the W. P. A. is folding up because of the fact that economic conditions have vastly improved, it is a popular pastime in some quarters to criticize that organization, but the facts are that with the help of the W. P. A. there were constructed more schoolhouses, roads, bridges, and other improvements in my district than in any other district in Oklahoma and, I dare say, in any other district in the entire United States.

C. C. C. AND N. Y. A.

The C. C. C. and N. Y. A. which employed thousands of needy and in many instances homeless and destitute youth, were also a Godsend to the State and district. As I go from you I have no apologies to make for having supported both organizations that have done so much for youth. It may be that these organizations have outlived their usefulness, but what they have done for the youth of the State of Oklahoma and the Nation cannot be measured in dollars and cents. Only time will be the judge.

OLD-AGE ASSISTANCE

It is also a popular pastime to criticise and ridicule our senior citizens who have helped make Oklahoma and the Nation what it is merely because they have asked for reasonable and fair old-age assistance. It is bad enough for young people and middle-aged to be poverty stricken, but the one thing that touches my heart most is to see an old man or an old lady who have led honorable lives to be poverty stricken in the sunset of life. I announced during my first term in Congress that I would support fair and reasonable legislation that would make certain that no God-fearing, honorable senior citizen would ever be sent to the poorhouse. I have not only kept the faith with youth but I have also kept the faith with the old people of the State and Nation. In that respect, Mr. Speaker, I have no regrets, although it may not have been politically wise to have remained steadfast in the position taken.

FEDERAL BUILDINGS

When I came to Congress I learned there had not been any Federal buildings constructed for some time and went to work to see that the Third District got its share. I am glad to say that during my terms it has been my pleasure to recommend and I have had a hand in helping to secure five Federal buildings, all of which have been constructed in the Third District.

RED RIVER DAM

One of the most outstanding projects affecting the Third Congressional District is the $50,000,000 Red River Dam, on which there has been much controversy. More than 12 years ago I began actively advocating such a dam, and I am glad to say in that fight I have had at all times the finest spirit of cooperation from the distinguished Speaker of the House of Representatives.

WAR PLANTS

I have never attempted to take full credit for all the $100,000,000 in improvements and construction, temporary and permanent, that have come to the Third District as a result of the present war effort. I have said from the beginning that various war agencies used their own judgment in placing these war activities where they were most needed and have not taken into consideration partisan politics in so doing. I have never attempted to bring political pressure in these matters, but I confess I have run some of the war agencies ragged in presenting briefs of local communities and in a sincere effort to show to them that the Third District offered special advantages for such projects. The mere fact that approximately $100,000,000 of war activities have been located in the Third Congressional District speaks much more eloquently than anything I might say on this occasion. The great naval ammunition depot at McAlester, the fine air-base school at Ardmore, the two alien camps in Stringtown and McAlester, the aviation school at Durant, and the N. Y. A. projects turned into defense work at other places all speak for themselves.

I do not feel it necessary to make any extended explanation or excuse because of the fact that I will not be privileged to be with you in the Seventy-eighth Congress. Alibis are no good after the votes are counted.

LONG LIVE THE PEOPLE

Suffice it to say I remained at my post of duty here in charge of defense high-

way legislation instead of going home to campaign. You remember the hearings on access roads to defense plants and strategic materials, also the long hearings on the Alaskan Highway. All this was going on during the most crucial time of the primary election.

There is not the slightest doubt in my mind but what the good people of my district, with the facts before them, would, once again have returned me to Congress with a substantial vote. But I would have felt like a slacker walking off the field of battle had I quit and gone home to campaign at that time. I know the people of my district and am certain they believe in fair play. My constituents acted on the information they had before them. My conscience is clear. I have no regrets. I kept the faith.

The record will also disclose that never in my life have I ever sought to enhance my own political fortunes by stooping to the detestable tactics of attempting to besmirch the character of others.

COMMITTEE WORK

During my tenure as a Member of Congress I have served on the Committees of War Claims, Elections, World War Veterans' Legislation, Irrigation and Reclamation, Indian Affairs, Insular Affairs and Roads.

For the past 8 years as chairman of the Committee on Roads of the House of Representatives, it has been my privilege and pleasure to conduct the hearings on road measures involving hundreds of millions of dollars. Sometimes the discussions have become heated and the arguments tense, but members of the committee have been good enough to say that at no time have I taken advantage of my position as chairman to shut off debate or refuse to give every member of that committee a square deal at all times and under all circumstances.

Members of this House will recall also that I have handled many road bills on the House floor and sometimes there have been some controversial items in these bills that affected every State and Territory in the American Union. It has been my unpleasant duty at times even to disagree with the President of the United States on some of these road matters, but I rejoice in the thought as I reminisce on my fleeting 8 terms in Congress, that every road bill I have presented to this House has been enacted practically without amendment, with the exception of one bill that was vetoed by the President and later passed with minor amendments and signed by President Roosevelt.

WIN THE WAR

It has been said of old, "By their fruits we shall know them." As I leave this honorable and distinguished body, which is truly the greatest legislative body in all the world, I am perfectly willing for the record to speak for itself, not only with reference to road legislation, that has been so essential in commercial life and more especially lately in the war effort, but also with reference to the entire program of national defense. Washington is the headquarters of the United Nations. The tides of time conflow and the wheels of destiny turn here.

As I go from this body, I feel that I speak the sentiment of each of you, my colleagues, as well as every 1 of the 328,000 constituents that I have honestly endeavored to represent, when I say that the winning of this war, decisively and permanently, as soon as humanly possible, and the writing of a just peace after the war that will guarantee to our children that they will not be called upon to fight it over again in another twenty-odd years, is far more important than the election of any man or set of men to either House of Congress.

I said a moment ago that I remained steadfast at my post of duty in Washington rather than return to my district and become embroiled in a political campaign. I was sincerely endeavoring to be a good soldier then, just as I tried to do in World War No. 1, when I served as a buck private in the rear ranks. I want to add here, Mr. Speaker, that after Pearl Harbor I personally offered my services to the President of the United States to serve in World War No. 2 in any branch of the armed forces, at home or abroad, on land or on sea, wherever I might be of any possible service to my country. I have endeavored in every possible way to enlist in the armed forces and I am still hopeful of being accepted, and they do not have to make a general out of me either. If I cannot go where the fire and smoke are thickest,

When the battlefield is silent,
I can go with careful tread;
I can bear away the wounded,
I can cover up the dead.

MY ADVICE

It is not my purpose to offer a lot of advice and counsel for those of you who will remain in Congress. You have a big job ahead of you.

Of course our brave boys now on the far-flung battlefields of the world are going to win this war. We must make certain they have the tools, the ships, and the guns they need to do the job as soon as possible. But to my mind, there is another war front here in Washington which for the past few months has begun to show its ugly form. I refer to the battle of the bureaucrats. So anxious we have been to win this war and to leave no stone unturned to that end, that we have delegated to the executive branch of the Government unprecedented wartime powers and justly so.

But the next Congress should get more democratic processes in bureaucratic action and the war powers taken from the President as soon as reasonably possible.

At the same time the people should not fail to send deserving men to Congress. The proper test for the election of a Congressman in a democracy should be: Is he honest, is he sober, is he capable, is he faithful to the Constitution?

Today as never before, we in America especially should pray:

God give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands,
Men whom the lust of office cannot kill;
Men whom the spoils of office cannot buy;
Men who love honor; but will not lie;
Men who can stand before a demagogue
And scorn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to the able chairman of the Committee on World War Veterans' Legislation, the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I wish to return the compliment which the gentleman from Oklahoma has just paid the membership of this House. I have served with him for many years and on the two questions to which I have devoted more attention than anything else, rural electrification and the cause of the veterans of the World War, he has been one of my most faithful associates. The farmers of this Nation will ever owe him a lasting debt of gratitude for his services to them. I feel a little more free to interrupt the gentleman from Oklahoma because he represents more of my former constituents than any other man in Congress, the Chickasaw Indians, that comprise a large portion of his district, and the Choctaws, both largely from the district I now represent.

May I say with reference to the gentleman's services to the veterans of the World War, as chairman of the committee handling that legislation, a committee on which the gentleman from Oklahoma has served for many years, that the veterans never had a better friend than WILBURN CARTWRIGHT. He will long be remembered for his great services in that respect and he will long be remembered by the Members of this House for his diligence, his courtesy, his industry, and his patriotic attitude on all questions.

Mr. CARTWRIGHT. I thank the gentleman for his contribution.

Mr. BURDICK. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from North Dakota, a member of our Roads Committee.

Mr. BURDICK. It has been my good fortune to serve on two committees with the gentleman from Oklahoma, the Committee on Roads, of which he has been the distinguished chairman, and the Committee on Indian Affairs. I noticed one thing about the work of the chairman of the Roads Committee. He always attended to business. We were always notified of every detail that was coming up before the committee. I have often wondered how a single man in Congress could do so many things. The gentleman told me that he spent his 16 years just running errands for the people in Oklahoma, and the Members here in Congress. I suppose that is one of the reasons why he was defeated. He got to be too much of a statesman and not enough of a politician.

Mr. CARTWRIGHT. I thank the gentleman.

Mr. DISNEY. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to my colleague, the gentleman from Oklahoma.

Mr. DISNEY. It has been my good fortune to have known both the gentlemen from Oklahoma [Mr. CARTWRIGHT and Mr. JOHNSON] for many years and to have served in two legislative assemblies with each of them, namely, the Legislature of Oklahoma. In

the Legislature of Oklahoma both of these fine gentlemen appeared, as I remember it, wearing the uniform of the United States Army, both having just returned from the service of their country in the armed forces. They have been men of most uniform courtesy. The only differences that have arisen between them has been a strenuous contest as to which is dean of the Oklahoma delegation, both of them having arrived in Washington on the same day. They are both splendid American citizens and it has been a great honor to me to have received at their hands many, many courtesies. This Congress is better for their having been Members.

While I am on my feet I want to take this occasion to refer to another colleague who is leaving us, the Honorable WILL ROGERS, Congressman at large from Oklahoma, who leaves not by defeat but by operation of law, since the State lost the congressmanship at large. He, like the gentleman from Oklahoma [Mr. CARTWRIGHT], as chairman of the Indian Affairs Committee, is a man whose services as chairman may not have been fully appreciated by the House. The courtesy of both of these gentlemen, their fine dispatch of business, has impressed me. I think, Mr. CARTWRIGHT, that you are the best presiding officer as the chairman of a committee in the House, and that is the feeling and experience of the membership of the committee over which you preside.

You may call these things swan songs, but they are not. It will do these gentlemen good as they go forward in life and all of us, of course, wish them Godspeed and success in all their efforts.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Iowa, another member of our Roads Committee.

Mr. CUNNINGHAM. It has been my privilege as a new Member of the Seventy-seventh Congress, and a very valuable experience to me, to have served as a member of the Roads Committee of which the distinguished gentleman from Oklahoma [Mr. CARTWRIGHT] is chairman. He has been a most excellent chairman and has brought from that committee much valuable legislation. I was particularly interested in his services as chairman in that he is a real chairman. He allows the members of the committee to have their say. He is courteous, tolerant, and just to each and every member of the committee at all times as well as to the witnesses who have appeared before his committee. I wish for the gentleman and the members of his family all that is good, and predict that he will again serve on Capitol Hill either in the House or the Senate.

Mr. CARTWRIGHT. I thank the gentleman.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to my colleague the gentleman from Oklahoma.

Mr. MONRONEY. As one of the younger members of the Oklahoma delegation, I wish to say that it is with a feeling of deep sadness that we lose the services of the chairman of the Oklahoma delegation. We who have served under the gentleman's guidance, direction, and help in formulating the policy of the Oklahoma Members of the House of Representatives, realize the constructive statesmanship that has gone into all his actions in times past, and appreciate his deep courtesy and understanding of these problems.

In connection with the gentleman's mention of bureaucracy, I only wish the new agencies that have been created in this war emergency could serve with the same efficiency and the same consideration for the public interest as the Bureau of Public Roads has served under the guidance of and under the legislation that has been sponsored, introduced, and carried to passage by the distinguished chairman of the Committee on Roads.

Again I say, it is with deep sadness that we lose the chairman of our delegation. We wish him all success in the coming years.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Michigan, the distinguished ranking minority member of our Roads Committee.

Mr. WOLCOTT. Mr. Speaker, I cannot let WILBURN CARTWRIGHT leave this House without making a public acknowledgment to him of the splendid manner in which he has conducted the hearings and the business of the Committee on Roads, of which he has had the honor to be chairman and I have had the honor to be ranking minority member for some years.

It does not come to many men very often to witness the feats of statesmanship which have been exhibited by WILBURN CARTWRIGHT against tremendous odds in a committee which he has held together without partisanship and without ill-feeling, without rancor, regardless of the issues involved.

For a good many years WILBURN CARTWRIGHT has had his name affiliated with every piece of road legislation which has been passed by this Congress, and against an opposition which most of us know would have destroyed the public roads system of the United States had it not been for his statesmanship, his courage, his tenacity, and his independence in insisting on the prerogatives of his committee, this House, and this Congress in maintaining their jurisdiction over this great highway system.

It is to be lamented that a man of WILBURN CARTWRIGHT'S abilities, statesmanship, independence, and intelligence in the manner in which he approached these various problems is going to leave this body. Would that we had 434 more men in this House like WILBURN CARTWRIGHT. The people of Oklahoma and the people of the United States would be assured that democracy would prevail, that the three distinct, coordinated branches of the Government would be maintained separate and apart from the others, that there would be no encroachments of one upon the other, and that democracy would last as long as the people would have it.

In WILBURN CARTWRIGHT the people of Oklahoma have given to the Nation an outstanding statesman. It is to be regretted that because of misunderstanding, perhaps because of some overzealous remarks which constitute almost vilification, he will not be with us next year. I am sure we all join in wishing him and Mrs. Cartwright and their delightful family many years of prosperity and happiness.

Mr. CARTWRIGHT. I thank the gentleman very much.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Alabama, a former member of the Committee on Roads.

Mr. SPARKMAN. Mr. Speaker, it was my privilege before I became a member of the Committee on Military Affairs to serve as a member of the House Roads Committee under the able leadership of the gentleman from Oklahoma [Mr. CARTWRIGHT]. I have always had a great interest in that committee. If I recall correctly, the gentleman succeeded a predecessor of mine, Judge Alman, who served in this House for many, many years, and who served as chairman of the Roads Committee until his death in 1933.

I take further pride in that work because of the fact that the original Highway Act of 1916, if I recall correctly, was fathered by a very distinguished gentleman from the State of Alabama, the senior Senator Bankhead, the father of the late lamented Speaker Bankhead, and the present Senator BANKHEAD.

During all of the time I served on the Roads Committee and even since that time I have been pleased with the able leadership manifested by the chairman, WILBURN CARTWRIGHT. He was eminently fair at all times, and he was able, courageous, and effective. The best gage I know by which to measure this effectiveness is simply to look back at the legislation he has presented on the floor of this House and realize the remarkable success he has had in getting that legislation through and, too, the manner in which he has protected the interests of the Nation as outlined by the gentleman from Michigan [Mr. WOLCOTT].

Today the great highway system of the United States stands as a monument to these men who have fathered and have carried along the legislative program in the House Roads Committee. It is a great good to our military efforts at the present time, and it has been largely due to the foresightedness and able leadership of the gentleman from Oklahoma [Mr. CARTWRIGHT], that that system has been so well established.

I join with those others who have expressed themselves today in saying that I regret exceedingly to see him leave this House. I believe thoroughly that the Nation is losing something in having him go from the leadership of this great committee.

I have a further personal interest in Wilburn because so many of his relatives live in my district. They are fine citizens and good supporters of mine.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. H. CARL ANDERSEN. Mr. Speaker, Congressman CARTWRIGHT will leave this body with the respect of every

member of the Committee on Roads, which he has so faithfully and efficiently served as chairman.

In my 4 years I have found WILBURN CARTWRIGHT a very courteous, and yet energetic, leader of the good-roads movement in America.

His name will go down into the history of the House of Representatives as that of the man who helped to start on its way to completion the great strategic network of highways of which America will some day be proud.

In the days of peace and reconstruction which will inevitably follow the war, the work of such men as WILBURN CARTWRIGHT will come to the front. His foresight in urging construction of the Alaska Highway is already engraven in the memory of the people of Alaska and the Northwest.

Mr. Speaker, it is with extreme regret that I see WILBURN CARTWRIGHT leave the Congress of the United States and the chairmanship of the Committee on Roads. That he will come back to Congress there is no doubt in my mind. His faithfulness at his post of duty lost him his seat in this House; that same faithfulness will return him to this body.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentlelady from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I, too, wish to pay my tribute to the gentleman for his remarkable contribution to highway safety. The legislation from his committee for a survey in respect to safety in the highways of the country and in the streets have brought about better markings and much greater protection to life and property along the highways. Too high a tribute cannot be paid to the gentleman for his work along that line. I am glad to join with others in expressing deep regret that he is leaving and I hope that he will soon return to us and continue his work.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. Yes, I yield to the gentleman from Arizona.

Mr. MURDOCK. Mr. Speaker, too often the work done by Congressmen is not fully known and recognized in their own districts. I appreciate what has been said here by Members on both sides of the aisle regarding the splendid work of WILBURN CARTWRIGHT, not only as chairman of a committee but as a Member of the House It will be good for his constituents to know how we value his work. I have not served with him on the Roads Committee, but coming as I do from a Western State, where highways are so really important, one of the great public-land States, I express the appreciation of Arizona and of the entire West for the statesmanlike work which he has done.

As a member of the Indian Affairs Committee and as one who has lived a few years among his constituents, especially among the Cherokee Indians of Oklahoma, I say to my Cherokee friends and all other Indian friends that they have not had a better helper from Oklahoma—not even excepting that other splendid Oklahoman, Chairman WILL ROGERS—than has been WILBURN CARTWRIGHT. I bear that testimony from seeing his work with us on the Indian Affairs Committee.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I gladly yield to the honorable and distinguished chairman of the Ways and Means Committee.

Mr. DOUGHTON. Mr. Speaker, it is indeed regrettable in the ups and downs of public life that a man so able, faithful and diligent, quiet and unassuming, as the gentleman from Oklahoma [Mr. CARTWRIGHT] should be retired as a Member of this body. As a Member of the House and as a member of the great Committee on Public Roads, he has rendered useful and outstanding service. I had the honor to be a member of the first Committee on Public Roads, when it was constituted. That was in the Sixty-third Congress, and when the honorable Dorsey Shackleford, of Missouri, was its chairman. I have always been very proud of my service on that committee, and of the work that committee did in laying out a great program for national highway building, which I think was one of the most constructive pieces of legislation ever enacted by the Congress.

As the result of the work of that committee, hundreds and hundreds of millions of dollars have been distributed throughout the United States, and there is not a State in the Union but has been greatly benefited by the legislation proposed by that committee and enacted by the Congress. For a time, I hoped to be chairman of that committee. I was the ranking minority Member, when the late Cassius Dowell, a distinguished Member from Iowa, was its chairman. However, finally despairing that my party would come into power soon, and having an opportunity to go on the Committee on Ways and Means, I became a member of the Committee on Ways and Means, where I have served since. I am sure that there is not a Member of this body who does not regret the leaving of Mr. CARTWRIGHT. We all appreciate the great services he has rendered to the House and to the committee and to the country. We do not have too many men of his type in these trying times, of ability and experience and all around ability for public service. On my own committee we have lost several members, useful members, four or five being defeated, two by death, and one by being elevated to a judgeship. This will be a great loss to our committee. I repeat that I regret to see the gentleman from Oklahoma leaving this body but I wish for him many years of usefulness and happiness in his chosen field of labor, whether in public or private life.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Ohio.

Mr. JONES. It is indeed to be regretted that the gentleman from Oklahoma is leaving us and I rise to pay tribute to my former chairman. The highway system of the United States is a monument to this man of vision, integrity, and devotion to the truth. When I was a member of the Committee on Roads of which the gentleman is chairman, we had several divisions, not along party lines, but on matters of policy. Always the distinguished chairman himself had the vision to search for the truth as the result of these divisions. It is with extreme regret that I learned of his passing from the service of this House. I know that the State of Oklahoma and the Oklahoma delegation will miss him as well as the House of Representatives and I wish for him and his family the best that God has in store for him.

Mr. WICKERSHAM. Will the gentleman yield?

Mr. CARTWRIGHT. I yield to another colleague from Oklahoma.

Mr. WICKERSHAM. As the youngest Member of the Oklahoma delegation, I would like to say it is going to be a great loss to me, to the State, and to the Nation when WILBURN CARTWRIGHT and WILL ROGERS leave us. WILBURN CARTWRIGHT always reminds me of the late humorist, Will Rogers. He has no bitterness in his soul. He has a smile for everyone. He is a Christian man. He is kind to his family and his fellowmen. I am going to miss him. You are going to miss him. As I look at him today he is young, very young. He has no gray hairs in his head. He is still able to do a full day's work. I want to say, too, that not only will the loss of WILBURN CARTWRIGHT be a loss to the country, but also, the loss of WILL ROGERS, who has been serving in this Congress as Congressman-at-large for 10 years. Also JOSH LEE. There are three direct losses to Oklahoma. Two of them will be replaced by other men. WILL ROGERS will not be replaced because, unfortunately, Oklahoma lost its Congressman at large.

To you WILBURN CARTWRIGHT, it may be that you consider yourself unlucky at times. Maybe you are lucky. You can go home and mingle and mix with the people you love and the people who love you.

Mr. DIMOND. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from the far-flung Territory of Alaska.

Mr. DIMOND. Mr. Speaker, I think we all have cause to bless the day and occasion that brought to this body two such outstanding, upstanding Americans, two such splendid gentlemen as WILBURN CARTWRIGHT and JED JOHNSON. It is with a feeling of sadness that we realize that one of our friends will not be in this body after the 6th of January next.

WILBURN CARTWRIGHT was not reelected. That reminds me, Mr. Speaker, of what the eminent and brilliant Senator Ashurst said after he failed of reelection to the Senate from the State of Arizona after having served in that body since Arizona was created a State. He said:

> The people of any constituency have a right to change their representation for a good reason or for a bad reason or for no reason.

Knowing WILBURN CARTWRIGHT as I do, it is no reflection upon the fine people of his district to say that probably on this occasion they changed their representation for no reason.

I owe a special debt of gratitude to our friend from Oklahoma, who is now going

into other employment. I owe him a debt of gratitude which I am happy to have occasion to make a part of the RECORD. First, in that through his courtesy, and through his courtesy alone, and the grace and generosity of our good friend from North Carolina, chairman of the Ways and Means Committee, I was able to become the humblest member of the Committee on Roads. I owe him a greater debt of gratitude because last spring when the highway to Alaska seemed to many of us of such vital importance and it lacked at that time executive approval, Mr. CARTWRIGHT gladly and cheerfully put aside his own best interests, if he wanted to remain in Congress, and stayed here in Washington in order to hold hearings on that bill for the construction of the highway to Alaska, which now, thank God, is in existence. It was partly through the holding of those hearings and bringing to the attention of the country the necessity of building a highway to Alaska that, in my judgment, the highway has been built and is now in operation.

The gentleman from Ohio [Mr. JONES] used one word in his tribute to the gentleman from Oklahoma which will bear repetition. We sometimes get tired of using the words "ability," "eminence," and so on. There is not any doubt about the outstanding ability of the gentleman from Oklahoma [Mr. CARTWRIGHT]. His courtesy is known to every Member of this House; his kindness and his gentleness. But the gentleman from Ohio [Mr. JONES] used one word that I think should be repeated. It was the word "integrity." Here is a man who expresses in and of himself all of those high things that are encompassed in the word "integrity." He is the soul of integrity. He reminds me of what Winston Churchill wrote about Frederick E. Smith, Lord Birkenhead. He said:

> One of the finest things about Lord Birkenhead was his steadfastness. He said if he was with you on Monday you could be sure that he was marching by your side on Tuesday; that he would be with you on Wednesday, and that by the time Friday had come he would have accumulated reinforcements and would be marching ahead with banners for your cause.

It is the same way with WILBURN CARTWRIGHT. After a bill was approved by his committee and he was for it, he was for it to the end of the road. There was no weakening; no backing up. There is a man who exemplifies the word "integrity."

Mr. Speaker, I join with all of the others in wishing to our friend—not only wishing, but praying that our friend and his lovely family may indeed have a happy Christmas and that the new year may bring them all of the blessings that they desire.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to my distinguished colleague and friend from Oklahoma.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I am sure there is nothing I can say at this time to add to the splendid testimony of these colleagues of the gentleman from Oklahoma with whom he has served so many years.

Words fail me when I try to express my personal feelings toward my former classmate in college, former pal in the legislature, and my intimate associate here during all these years; so I shall not attempt to pay appropriate tribute to him here other than to say that I shall miss him much more than he will ever know. I know that all the Members of this House will miss him, his fine counsel, his unswerving loyalty to his ideals, and his outstanding and effective leadership. To me he is synonymous with all that is good and wholesome; he is a real Christian gentleman, as clean as a hound's tooth; he is a square shooter. God give us more men in and out of Congress of the high caliber, courage, convictions, and devotion to duty of our colleague and friend, WILBURN CARTWRIGHT. May He who holds in the hollow of His hand the fate of nations be with him and his good family in future years.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the distinguished chairman of the Committee on Agriculture.

Mr. FULMER. Mr. Speaker, I came to this House about 22 years ago. Durtime we had 105 new Members. During all these years I have witnessed the coming and the going of many Members; in fact, today out of the 105 we have but 2 remaining, the distinguished gentleman from Mississippi [Mr. RANKIN] and myself.

The thing I have not been able to understand during all these years is just why any people in any district or any State would for any reason defeat a man like our colleague the distinguished gentleman from Oklahoma [Mr. CARTWRIGHT] and especially at this time when we are engaged in one of the greatest struggles in the history of this country, a time when we need men of character, ability, and statesmanship.

Along with the others I want to say to you, my good friend, that while you have been able to make history on your Roads Committee, never have you failed my committee or the farmers of Oklahoma, a great agricultural State; and we regret your leaving the Congress.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield to the gentleman from Montana.

Mr. O'CONNOR. Mr Speaker, it has been my good fortune to have had the opportunity of knowing the distinguished gentleman who is departing from this House. I had the privilege of serving with the gentleman on the Indian Affairs Committee and likewise of appearing occasionally before his own Committee on Roads. I have always found him to be a friend of man and sympathetic to man's troubles and problems.

I am reminded of the poem that was quoted here yesterday by the distinguished gentleman from Mississippi [Mr. RANKIN]. That poem dealt with the efforts of a man who wished to preserve his words. First he imprinted them in the sand only to find when he returned afterwards that the wind had blown them away; in other words, that his works had gone with the wind. Trying to make his words last more permanently he impressed them upon wood only to find that the wood had crumbled and decayed. Trying a third time to make his words imperishable he chiseled them into marble and rock only to find years afterward that the marble had crumbled to dust. He achieved immortality for his words only when he imprinted them upon the hearts of men. The distinguished gentleman has done just this with his colleagues. May I say to the gentleman from Oklahoma that I join with all the Members of the House in the fine words that have been said about him, but I think that one of his finest qualities is his sympathy for mankind.

WILBURN, as you leave this Chamber, you take with you the friendship and respect of every Member. God be with you.

Mr. McCORMACK. Will the gentleman yield?

Mr. CARTWRIGHT. I am pleased to yield to the honorable and distinguished majority leader [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, as majority floor leader, I desire to say that I have known the gentleman from Oklahoma rather intimately for the past dozen years, especially since he has been chairman of the important Committee on Roads, a position that has not been easy for any Member to fill. At all times and under all circumstances he has demonstrated unusual ability and exercised no small degree of diplomacy in the fine manner that he has handled his committee, as well as legislation affecting the roads of the Nation in the various bills that have come before this body for consideration.

I know I speak the sentiment of every Member of the minority as well as the majority, when I say that the next Congress will miss his wise counsel, his good judgment, and his jovial personality.

We know not what the future holds in store for our good friend, WILBURN CARTWRIGHT, but regardless of where he may go, we wish him abundant happiness, success, and prosperity, to which he is so justly entitled.

Mr. RANDOLPH. Will the gentleman yield?

Mr. CARTWRIGHT. I gladly yield to the distinguished member of the Roads Committee [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, it would take more time than is allotted for me to express my sincere feeling for my able and popular chairman of the Roads Committee for whom I have a sincere admiration and affection.

I have had the privilege of serving under him for the past several years and I am pleased to testify to the fact that he has always been kind, courteous, and fair in his rulings and decisions, and never once has he taken advantage of his position to in any way embarrass members of his committee.

I am sure that his retirement at this time will be a distinct loss to the committee, to the Congress, and to the country. We wish him Godspeed wherever he may go.

Mr. CARTWRIGHT. Mr. Speaker, it makes me feel kind of strange to hear all these beautiful testimonials. You almost pursuade me to say I am glad I am

defeated; but seriously my friends, as I take my departure I can wish nothing higher or happier for you than that through life, in the brightest sunshine and deepest shadow, there may remain with you the consciousness of suffering nobly endured, of life faithfully lived. In the hope of such a future I bid you all a kind good-bye.

The SPEAKER. Under the previous order of the House, the gentleman from North Carolina [Mr. BURDICK] is recognized for 5 minutes.

Mr. BURDICK. It seems, under the practice of the House, that the only chance a Member has of speaking is when he is defeated, but I want to take advantage of that situation. While I was not defeated, I suppose I should have been. I rise on this occasion, however, particularly to speak of the chairman of a committee that is probably the least appreciated of any committee of the House of Representatives, the Committee on Indian Affairs. I want to review with you for about 2 minutes the situation on that committee. Even though the committee is unanimous in any report brought into this House, apparently there are very few Members on either side who pay any attention to what the committee has done. Most of the bills go by default, by objection.

The second observation I wish to make is that it makes no difference what the views of the members of that committee are when they first begin to serve. At the end of that service the record shows that about 98 percent of all the Members who serve on that committee, be they Democrats or Republicans, favor the legislation which the committee reports out; yet that fact is never communicated to the House. The man who has done the most to keep the Indian affairs of this country together under all these circumstances and against all obstacles is the gentleman from Oklahoma, WILL ROGERS. He is a friend of the Indians of this country, and the contribution he has made and the fight he has made, the uphill fight, for a bunch of people who have been mistreated by this Government for 150 years will live in this Congress long after he has ceased to breathe the air of this earth. I congratulate him on the way he has handled the affairs of these Indians. It has been a pleasure for me to serve with him for 8 years as a humble member of that committee.

Mr. O'CONNOR. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Montana.

Mr. O'CONNOR. Mr. Speaker, if I were to speak for an hour here today, I could not add anything to what the distinguished gentleman from North Dakota has said with reference to the chairman of the Indian Affairs Committee of the House. It is a difficult committee to serve on. It is difficult to get legislation from that committee onto the floor of the House for some reason or another. We scarcely ever get any bills before the House except by unanimous consent. I have seen practices indulged in when the Committee on Indian Affairs had the call to prevent a vote on our bills that, to my way of thinking, did not lend too much credit to the Members of the House so far as the welfare of the original Americans, the red men, were concerned. I believe when the Members have a better understanding of the Indian's problems they will be more sympathetic.

The gentleman from Oklahoma [Mr. ROGERS] and ourselves have been handicapped from the beginning in trying to present to the Members of the House the cause of the American Indians, just as the distinguished gentleman from North Dakota has already said. This is a class of people that has been discriminated against, who have been robbed by United States officials—I will not say by the Government—for close on to 150 years. Their choicest lands were taken from them, they were left with practically nothing on which to make a living, and that is the situation today; yet we find ourselves almost impotent before the House under the rules of procedure to get claims that are just considered fairly by the House.

May I say in conclusion that no man, no person, no Member of this House ever worked harder for the benefit of the Indians than the distinguished gentleman from Oklahoma. It has been a great pleasure and a privilege for me to serve under his chairmanship since I became a Member of the House.

Mr. BURDICK. Mr. Speaker, I only hope that this occasion of paying tribute to the distinguished gentleman from Oklahoma, who was legislated out of business, the chairman of the Committee on Indian Affairs, will result in a better understanding between the Members of the House in regard to the affairs of these Indians. I do not want to be listed as one of those who is mentally lopsided. I am not any more interested or should not be any more interested in the Indians than any other Member of this House. I probably know a few of them a little better because I have lived among them for 60 years, but as between man and man it should not make any difference whether one of the parties is an Indian or a Negro. Their rights ought to be supreme. If I were sitting on a court as a judge it would not make any difference to me whether the parties were enemies of mine or not. I would try to decide the case that came before me and give it the best of my honest consideration.

Again I want to thank the Member from Oklahoma, who is now retiring, for his valiant efforts in behalf of a neglected race of people in America.

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Oklahoma.

Mr. ROGERS of Oklahoma. I want to thank the gentlemen who have taken the opportunity to say nice things about me and to return the compliment to the gentleman from North Dakota and all others who have served on the committee. I do not believe there are any finer men in the House than those we have on the Committee on Indian Affairs. We have always been able to work together as a group and I want to thank them again, and I thank the others who have said nice things about me. When the gentleman from Oklahoma [Mr. CARTWRIGHT] was speaking and the Members were getting up telling him how they were going to miss him, I sat there and thought, "Boys, you are not going to miss us like we are going to miss you."

Mr. BURDICK. Mr. Speaker, I have fished around a long time to get that compliment. Now that I have it, I yield back the balance of my time.

PERMISSION TO ADDRESS THE HOUSE

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]?

There was no objection.

Mr. THOMASON. Mr. Speaker, now that we are passing out flowers for the living and making mention of how much we are going to miss all our colleagues who are leaving this Congress, may I take the liberty to mention the names of five good Indians since a good deal has just been said about Indians.

The able and distinguished chairman of the Committee on Military Affairs [Mr. MAY] is down in Kentucky with a very sick wife. Mrs. May has been quite ill for some time, and I know I voice the sentiments of every Member of the House when I express the hope that she will soon be restored to good health. She is a grand woman and a fine wife and mother.

If the chairman of the Committee on Military Affairs were present I know he would say what I am about to voice and that is to mention the names of five fine American citizens, some of whom have been members of that great committee for a good many years and who will not be with us in the next session. It is quite appropriate that on an occasion like this we pay high tribute to friends who are leaving us, whether it be voluntarily or involuntarily. We get to be a great big club or something akin to college days because we get so well acquainted with our colleagues and admire them so much. We come to love them regardless of politics or partisan considerations. I join with every Member who has spoken here today in paying tribute to every man on both sides of the aisle who is about to leave this House. They are fine upstanding citizens or they never would have been sent here by their constituents.

I would feel remiss in my duty, especially in the absence of our chairman, if I did not first mention the name of a fine citizen and a great legislator from the State of Ohio, the Honorable Dow W. HARTER. When I first came to this House 12 years ago the Committee on Military Affairs was not a very busy committee, because everybody seemed to think there never would be any more war. Our principal duty, when we met in those days was to restore some good soldier to an honorable discharge.

The last 3 years ours has been one of the very busiest committees and most important in the House. We are now about to lose five of our best Members. I can say with the sincerity of my soul that I know of no finer man, no man of higher integrity, no person of greater patriotism, no man who has attended to the duties of his office any better than the gentleman from Ohio, the Honorable Dow W.

HARTER. I know that I voice the sentiments of every Member of this House when I say we shall miss him. I have set next to him for 10 years. I have implicit faith and confidence in him. He is the kind of man who is needed here in these critical days.

As I go down that list on the basis of seniority, the next man whom we are going to miss on that committee is the Honorable CHARLES I. FADDIS, of Pennsylvania. In my judgment, he is a great soldier, he is a great officer. He is now back in uniform and has only recently been commissioned a colonel. I should not be surprised to hear soon of his being overseas.

There have been times in the committee and on this floor when I may have disagreed with CHARLEY FADDIS, but I know of no man of higher courage, and I may also add that I know of no Member of this House who knows more about military affairs than he. I am sure I voice your sentiments in wishing him well, because I predict that he will do in this war just as he did on the field of battle in the last one, that is, distinguish himself by brave and valorous service. His modesty has perhaps prevented you from knowing the brilliant record he made on the fields of France in the last war.

The next man on that list whom I take the liberty of mentioning and whom I know you will also miss is the gentleman from West Virginia, the Honorable ANDREW EDMISTON, than whom there is no finer citizen. ANDY EDMISTON is a much-loved man in this House and likewise on that committee. I am sure I voice your sentiments, too, in wishing him happiness and success in whatever field he may enter.

The next man to go off that committee is the gentleman from Illinois, the Honorable EDWARD M. SCHAEFER. He was not a candidate for reelection this year because of ill-health, but I am happy in the thought that information has come to me that his health is much improved. As he returns to his Illinois home we wish him not only good health but also much happiness.

The last one on that list to go off of that great committee as a result of the recent election is that fighting Irishman from Connecticut, the Honorable WILLIAM J. FITZGERALD. Mr. FITZGERALD is a man of conviction and courage. He was always at his post of duty on that committee. He fights for the principles in which he believes.

I can say for these five men collectively that they have been on the job in the trying days of the last 2 years. It is unnecessary to say to this House that much important legislation has come from that committee. They, like their colleagues on the committee, have been faithful to their trust and have reported legislation that will win this frightful war in which we now find ourselves engaged.

I repeat that I have taken the liberty of speaking here because of the absence of the chairman of our committee. I know that I voice the sentiment of every member of our committee. All these fine men will be greatly missed. I am sure you join me in wishing them health and happiness in all the days to come.

EXTENSION OF REMARKS

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. DINGELL] may be permitted to extend his own remarks in the RECORD and to include therein editorials from the Detroit News and the Washington Post on the subject of the late Albert Kahn.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that two statements, one by our distinguished floor leader, the gentleman from Massachusetts [Mr. MCCORMACK], and the other by the gentleman from West Virginia [Mr. RANDOLPH], be inserted in the RECORD at the close of the address delivered this afternoon by my colleague the gentleman from Oklahoma [Mr. CARTWRIGHT].

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 6386. An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation;

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7191. An act to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington;

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H. R. 7828. An act for the relief of John Sweeney;

H. R. 7841. An act relating to the administration of grazing districts; and

H. J. Res. 368. Joint resolution fixing the date of meeting of the first session of the Seventy-eighth Congress.

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2398. An act amending the provisions governing the issuance of patent for certain lands to the town of Fletcher, Okla.; and

S. J. Res. 170. A joint resolution extending until April 30, 1943, the period for which overtime rates of compensation may be paid under the acts of June 28, 1940 (54 Stat. 676), October 21, 1940 (54 Stat. 1205), and June 3, 1941 (55 Stat. 241), and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 194. An act for the relief of the Upham Telephone and Electric Co., Upham, N. Dak.;

H. R. 1646. An act for the relief of George Geis, and the administrator of the estate of Joseph Glaser, deceased;

H. R. 2894. An act for the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehnl, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler, and Mary Chisholm;

H. R. 2970. An act for the relief of Hyram Colwell;

H. R. 2973. An act for the relief of George O. Hanford;

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4741. An act for the relief of the Midwest Oil Co.;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 4918. An act for the relief of Anna J. Krogoli;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5147. An act to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 5175. An act for the relief of Edward Workman;

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 5812. An act for the relief of William E. Averitt;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6370. An act for the relief of Mrs. Ching Shee (Ching Toy Wun);

H. R. 6386. An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation;

H. R. 6489. An act for the relief of I. Arthur Kramer;

H. R. 6510. An act for the relief of L. H. Miller;

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6569. An act for the relief of William M. Miller;

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677 An act for the relief of Ronald Leroy Chen;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myra Delavergne;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.;

H. R. 7035. An act for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.;

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7191. An act to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments, and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, to December 31, 1941, inclusive;

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes;

H. R. 7575. An act to expedite the prosecution of war, and for other purposes;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber;

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7650. An act for the relief of Col. Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky;

H. R. 7705. An act for the relief of James E. Savage;

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H. R. 7828. An act for the relief of John Sweeney;

H. R. 7841. An act relating to the administration of grazing districts;

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons;

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942; and

H. J. Res. 368. Joint resolution fixing the date of meeting of the first session of the Seventy-eighth Congress.

COMMUNICATION FROM THE PRESIDENT

The SPEAKER laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, December 16, 1942.

MY DEAR MR. SPEAKER: On the final adjournment of the Seventy-seventh Congress, may I send to the Members of the House of Representatives my truly sincere thanks for all that they have accomplished during these difficult 2 years, and also my good wishes for a happy Christmastide.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

HON. SAM RAYBURN,
The Speaker,
The House of Representatives,
Washington, D. C.

The SPEAKER. If the House will indulge the Chair for a moment, I desire to join with all who have spoken this afternoon in their expressions of regret that so many splendid gentlemen will not be with us in the Seventy-eighth Congress. It has been my privilege now to serve in 15 Congresses. To show you how swiftly membership changes here, I think it is safe to say that I have served with more than 1,800 men and women, and I might call attention to the fact that by retirement to other offices or being defeated in each 2 years the casualty list is more than 100. To those on both sides of the aisle who leave us, I say to you that many of you we expect back. We hope many of you may come back, but whether you do or not, in the years that are allotted to you and yours, I trust that they may be filled with good health, with prosperity and with peace, and that your paths may lie through green fields and by still waters. To those of you who remain, I shall greet you on the 6th of January next, and I wish to say to each and every one of you, not with a Yuletide spirit alone but with a spirit and feeling that go with me throughout the 24 months of these 2 years, that there is not a man or woman in the present House or the present membership, who will be in the next House, for whom I do not have the tenderest feeling of friendship, yea, I might say of devoted friendship. To all of you I hope you have a happy holiday. You have helped me to uphold a position that especially in these times is an arduous and onerous one. I could not have carried the load that the position I occupy necessarily calls for one to carry if I had not had the cooperation, the friendly interest, of the 434 other Members of the House.

The House of Representatives has been my life, this House and the House down in my own State, because since I was 24 years old I have continuously held a legislative office. I love the House of Representatives. I am proud of its accomplishments. I am proud of its membership, and to those who will be with me in the next session I say that it will be my unwavering ambition to protect the honor, the prerogatives, and the power of the House of Representatives. With these words, allow me to wish you a happy holiday.

ADJOURNMENT SINE DIE

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 41, the Chair declares the second session of the Seventy-seventh Congress adjourned sine die.

Accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned sine die.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATTON: Committee on Accounts. House Resolution 585. Resolution providing for additional help in the House of Disbursing Office; without amendment (Rept. No. 2741). Referred to the House Calendar.

Mr. BOYKIN: Committee on the Merchant Marine and Fisheries. Interim Report filed pursuant to House Resolution 285, Seventy-seventh Congress, first session, authorizing and directing the Committee on the Merchant Marine and Fisheries to investigate the

progress of the National Defense Program in so far as it relates to said Committee (Report 2743). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. Report filed pursuant to House Resolution 290 of the Seventy-sixth Congress, and House Resolution 303 of the Seventy-seventh Congress authorizing and directing the Committee on Interstate and Foreign Commerce to conduct an investigation of the Petroleum Industry (Report No. 2744). Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WHITTINGTON: Select Committee to Investigate Campaign Expenditures. Report filed pursuant to House Resolution 557 authorizing a Special Committee to Investigate and Report on the Campaign Expenditures of the Various Candidates of the House of Representatives in both parties (Report No. 2745). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ROBERTSON of Virginia: Select Committee on Conservation of Wild Life Resources. Report filed pursuant to House Resolution 49 authorizing the Special Committee to Investigate all Matters Pertaining to the Replacement and Conservation of Wild Life (Report No. 2446). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAMSPECK: Committee on the Civil Service. Report filed pursuant to House Resolution 550 authorizing and directing the Committee on the Civil Service to conduct thorough studies and investigation of the policies and practices relating to civil employment in the departments and agencies of the Government (Report No. 2747). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DIES: Special Committee on Un-American Activities. Report filed pursuant to House Resolution 420 providing for an investigation of the subversive activities aimed at destroying our form of Government (Report 2748). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had on December 17, 1942, examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 137. An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri;

H. R. 4068. An act conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders;

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of Interior to the Department of the Navy;

H. R. 6447. An act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer.

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to present the circumvention of certain State or Territorial laws regulating the practice of dentistry;

H. R. 6671. An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey;

H. R. 7142. An act relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes;

H. R. 7370. An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended;

H. J. Res. 359. Joint resolution to amend Public Law No. 623, approved June 22, 1942, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; and

H. J. Res. 371. Joint resolution extending season's greetings to our armed forces.

The SPEAKER, on December 17, 1942, signed enrolled bills of the Senate of the following titles:

S. 2239. An act to encourage the discovery of oil and gas on the public domain during the continuance of the present war;

S. 2385. An act to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma;

S. 2744. An act to reimpose the trust on certain lands allotted to Indians of the Klamath River Reservation, Calif.;

S. 2810. An act authorizing the Comptroller General of the United States to settle and adjust the claims of the Young Men's Christian Association, the Young Women's Christian Association, the Richland County Post, No. 6, of the American Legion, and C. J. Nairn, all of Columbia, S. C.;

S. 2829. An act to eliminate certain lands from the Wapato Indian irrigation project, Yakima Reservation, Wash., cancel and adjust certain charges, and for other purposes; and

S. 2830. An act to provide relief to the owners of former Indian-owned land within the Oroville-Tonasket irrigation district, Washington, and for other purposes.

The SPEAKER, on December 26, 1942, signed an enrolled bill of the Senate of the following title:

S. 2655. To amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on Friday, December 18, 1942, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 137. An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri;

H. R. 4068. An act conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders;

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents;

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy;

H. R. 6447. An act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer;

H. R. 6671. An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey;

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or territorial laws regulating the practice of dentistry;

H. R. 7142. An act relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes;

H. R. 7370. An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended;

H. J. Res. 359. Joint resolution to amend Public Law No. 623, approved June 22, 1942, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; and

H. J. Res. 371. Joint resolution extending season's greetings to our armed forces.

MESSAGE FROM THE SENATE AFTER SINE DIE ADJOURNMENT

A message from the Senate, received by the Clerk of the House on December 22, 1942, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2655) entitled "An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own."

APPROVAL OF HOUSE BILLS AND JOINT RESOLUTIONS AFTER SINE DIE ADJOURNMENT

The President of the United States, subsequent to the final adjournment of the second session of the Seventy-seventh Congress, notified the Clerk of the House of Representatives that he had approved acts and joint resolutions, as follows:

On December 12, 1942:

H. R. 6410. An act for the relief of Alex Gamble.

On December 14, 1942:

H. R. 4923. An act for the relief of the estate of Orion Knox, deceased.

On December 17, 1942:

H. R. 2970. An act for the relief of Hyram Colwell;

H. R. 4029. An act for the relief of Catherine Barrett;

H. R. 4898. An act for the relief of Bothilda Stender;

H. R. 5274. An act for the relief of Michael Leo Fitzpatrick;

H. R. 5409. An act for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava;

H. R. 5649. An act for the relief of Alice Comas, Robert Comas, and Frances Williams;

H. R. 6285. An act for the relief of Clarence A. Houser and his wife, Mrs. Jewel Houser;

H. R. 6366. An act for the relief of Alex Lawson;

H. R. 6489. An act for the relief of I. Arthur Kramer.

H. R. 6520. An act for the relief of Jane A. Thornton;

H. R. 6569. An act for the relief of William M. Miller;

H. R. 6695. An act for the relief of Mrs. Esther Mann;

H. R. 6749. An act for the relief of Mrs. Bessie Schakett;

H. R. 6863. An act for the relief of Thomas W. Dowd;

H. R. 6923. An act for the relief of Mrs. Ada F. Ogle;

H. R. 7035. An act for the relief of Mr. Garland Galley, of Baldwin, Ga., and Mrs. Clara Mae Galley, of Baldwin, Ga.;

H. R. 7167. An act for the relief of Elmore Lee Lane;

H. R. 7247. An act for the relief of Silas Frankel;

H. R. 7316. An act for the relief of Dr. J. M. Scott and Mrs. J. M. Scott;

H. R. 7333. An act for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.;

H. R. 7575. An act to expedite the prosecution of war, and for other purposes;

H. R. 7705. An act for the relief of James E. Savage; and

H. J. Res. 365. Joint resolution to amend the Revenue Act of 1942.

On December 18, 1942:

H. R. 2973. An act for the relief of George O. Hanford;

H. R. 5154. An act for the relief of the estate of Elmer White;

H. R. 5157. An act to reimburse F. E. Wester for labor and material used in the emergency construction of buildings and utilities at Civilian Conservation Corps Camp Escanaba;

H. R. 6510. An act for the relief of L. H. Miller;

H. R. 6780. An act for the relief of J. M. Jesse;

H. R. 6839. An act relating to the appointment and retirement in the Naval and Marine Corps Reserve of persons with physical disabilities, and for other purposes;

H. R. 6873. An act for the relief of Maude Leach;

H. R. 6924. An act for the relief of Joseph F. Gordon;

H. R. 7650. Act act for the relief of Colonel Leo A. Luttringer, United States property and disbursing officer for Pennsylvania;

H. R. 7653. An act for the relief of Ensign Donald L. Grunsky; and

H. R. 7841. An act relating to the administration of grazing districts.

On December 19, 1942:

H. R. 4918. An act for the relief of Anna J. Korgoll;

H. R. 5812. An act for the relief of William E. Averitt;

H. R. 6095. An act for the relief of the estate of Mrs. H. L. Smith, deceased;

H. R. 6370. An act for the relief of Mrs. Ching Shee (Ching Toy Wun);

H. R. 6653. An act for the relief of William R. Ivey;

H. R. 6677. An act for the relief of Ronald Leroy Chen;

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 7012. An act for the relief of Litchfield Bros., Aurora, N. C.

H. R. 7168. An act for the relief of Grover C. Wedgwood;

H. R. 7171. An act for the relief of Mrs. J. C. Tommey;

H. R. 7185. An act for the relief of Mrs. James Q. Mattox;

H. R. 7357. An act for the relief of Madeline Fiori;

H. R. 7518. An act for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock;

H. R. 7649. An act for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.;

H. R. 7651. An act for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.;

H. R. 7652. An act for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.; and

H. J. Res. 368. Joint resolution fixing the date of meeting of the first session of the Seventy-eighth Congress.

On December 22, 1942:

H. R. 2894. An act fo the relief of Mrs. William Butak, Dorothy Clyde, Mrs. Albert Westcott, Mrs. Albert Meyer, Florence Johnson, Marie Grill, Mrs. Leo Maloney, Marian McDonald, Mrs. Edward Beier, Mrs. E. L. Bly, Mrs. Lucien Miller, Lois Kehrl, Reka Berg, Mrs. Ollis Klicker, Wilma Vogler and Mary Chisholm;

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 7191. An act to authorize the exchange of lands not in Federal ownership within the Olympic National Park, Wash., for national forest lands in the State of Washington;

H. R. 7288. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers;

H. R. 7336. An act to permit the reemployment of persons retired under the Alaska Railroad Retirement Act;

H. R. 7380. An act to authorize increases in wages for certain employees of The Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7514. An act to authorize payment by the departments and agencies of the United States, notwithstanding section 89 of the act of April 30, 1900 (31 Stat. 141), for the use, during a limited period, of certain wharves of the Territory of Hawaii;

H. R. 7522. An act to amend the District of Columbia Appropriation Act, 1943, so as to authorize the use of public-school buildings in the District of Columbia as and for day nurseries and nursery schools, and for other purposes;

H. R. 7587. An act for the relief of Etta A. Thompson, Marion E. Graham, Ruth Irene Morgan, and Alice K. Weber;

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes; and

H. J. Res. 359. Joint resolution to amend Public Law No. 623, approved June 22, 1942, entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America."

On December 23, 1942:

H. J. Res. 371. Joint resolution extending seasons greetings to our armed forces.

On December 24, 1942:

H. R. 137. An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri;

H. R. 4068. An act conferring jurisdiction upon the United States Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders;

H. R. 4741. An act for the relief of the Midwest Oil Co.;

H. R. 5486. An act to provide for means of egress for buildings in the District of Columbia, and for other purposes;

H. R. 5569. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans of the Spanish-American War and of the World War, and of their wives, minor children, and dependent parents;

H. R. 5861. An act to authorize the transfer of jurisdiction of a portion of the Colonial National Historical Park, Yorktown, Va., from the Department of the Interior to the Department of the Navy;

H. R. 6447. An act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer;

H. R. 6671. An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey;

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry;

H. R. 6771. An act for the relief of Lillian J. Delavergne and Myrla Delavergne;

H. R. 7141. An act to amend the act of April 20, 1918, as amended, entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war materials, and for other purposes";

H. R. 7142. An act relating to the payment of fees, expenses, and costs of witnesses and jurors and the accounting therefor, and for other purposes;

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia;

H. R. 7810. An act to provide for the appointment of an additional district judge for the northern district of Alabama;

H.R. 7828. An act for the relief of John Sweeney; and

H. R. 7844. An act to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons.

On December 26, 1942:

H. R. 194. An act for the relief of the Upham Telephone and Electric Co., Upham, N. Dak.

On December 29, 1942:

H. R. 7370. An act to further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended.

DISAPPROVAL OF HOUSE BILLS SUBSEQUENT TO SINE DIE ADJOURNMENT

I have withheld my approval of H. R. 1646, "For the relief of George Geis, and the adminstrator of the estate of Joseph Glaser, deceased.

It appears that in April 1938, an airplane fight was made by the Army Air Corps in the vicinity of Osborn, Ohio. During the flight seven photographic flare bombs were released from the airplane. All of the bombs functioned except one which failed to explode. Immediate efforts were made to locate the unexploded bomb, but without success. On the following morning two officers resumed the search. They drove to a nearby farm owned by Joseph Glaser and informed him and his helper, George Geis, of the existence of the unexploded bomb, which was believed to have fallen somewhere on the farm.

Shortly after the officers had left, Mr. Glaser and Mr. Geis found the bomb. Mr. Glaser picked it up and pulled a rope attached to it. The bomb exploded causing fatal injuries to him and serious injuries to Mr. Geis.

It does not appear that the lamentable accident was caused by any negligence or carelessness of any officer or employee of the Government. On the contrary the Army officers were exceedingly diligent in endeavoring to locate the unexploded bomb, and in addition they warned the two victims of the accident of the presence of the bomb. It is difficult to imagine what more the Government could have done under the circumstances.

The present bill would provide for the payment of the sum of $5,000 to the estate of Mr. Glaser, and the sum of $3,500 to Mr. Geis. While the families of Mr. Glaser and Mr. Geis are entitled to profound sympathy, nevertheless, there appears to be no moral obligation in the light of the foregoing circumstances on the part of the Government to pay any compensation in this instance.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 23, 1942.*

I have withheld my approval of H. R. 5175, "For the relief of Edward Workman." An identical bill (H. R. 428, 76th Cong.) was vetoed by me on October 10, 1940. In my veto message, I made the following remarks:

"It appears that on September 2, 1936, Mr. Workman parked his car on a highway near the Wawasee State Fish Hatchery in the State of Indiana, to permit his child to get a drink from a well located nearby. The father remained seated in his car. In order to reach the well it was necessary for the child to walk across a side road which entered the main highway. The child was struck and killed by an approaching Civilian Conservation Corps truck.

"While there is some dispute as to the circumstances immediately preceding and following the accident, and it is evident that the driver of the truck failed to see the child, it does not satisfactorily appear that this was due to negligence on his part or that the Government could be held legally responsible if it should waive immunity and permit an action in tort to be brought against it.

"The bereaved family is entitled to our most profound sympathy. From the evidence available, however, it is not believed that an award of compensation would be justified in this case."

While some additional evidence has been submitted, the new material does not warrant any change in the conclusion which has been heretofore reached.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 23, 1942.*

I am withholding my approval from H. R. 6386, a bill "To provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation."

The bill provides for increased rates of pay for those members of the Metropolitan Police Department, the Fire Department, the White House police and the park police holding rank up to and including that of captain. Under present law, the annual basic salary for privates is $1,900, with annual increases of $100 for five years until the maximum of $2,400 is reached. Under the bill, the annual basic salary is $2,000, with annual increases of $140 for 5 years until the maximum of $2,700 is reached. For captains, lieutenants, and sergeants the annual salary rates are increased by $300.

The effective date of the bill is made retroactive to February 1, 1942; and the increases provided are of a permanent and not temporary character.

Legislation recently enacted by the Congress, Senate Joint Resolution 170, provides, effective December 1, 1942, and continuing only until April 30, 1943, or until such earlier date as Congress may prescribe, for overtime compensation, or a bonus payment in lieu thereof, for civilian employees of the United States Government (not otherwise entitled to similar compensation) and for those employees of the District of Columbia Government who occupy positions subject to the Classification Act of 1923, as amended. The Classification Act does not cover District policemen or firemen or school teachers.

In general, Senate Joint Resolution 170 is a temporary measure designed to remove inequities in the earnings of various groups of employees, and to provide increased earnings to meet the rise in the cost of living by paying more for longer hours of work.

By contract, H. R. 6386 proposes a retroactive 10 months' increase in compensation, provides that this shall be a permanent increase and not be limited to the war or a shorter period, and, at the same time, creates a discrimination against another large group of employees, the District school teachers.

Accordingly, and in concurrence with the recommendation of the Board of Commissioners of the District of Columbia, I am withholding my approval of this measure.

I would not, however, be opposed to legislation which would remove the above-mentioned objections to the present bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *December 26, 1942.*

EXECUTIVE COMMUNICATIONS, ETC.

2042. Under clause 2 of rule XXIV, a letter from the Secretary of the Navy, transmitting a list of persons commissioned from civilian life in the Navy, Marine Corps, from September 26 to November 25, 1942, and in the Coast Guard from October 1 to November 30, 1942, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOSER: Committee on the Census. H. R. 7611. A bill to correct an error in the Census record of 1900 with respect to the family name of Ida M. Dugan, Omaha, Nebr.; without amendment (Rept. No. 2742). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. BEITER introduced a bill (H. R. 7867) to provide for post-war planning, and for other purposes, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KELLY of Illinois:

H. R. 7868. A bill for the relief of Theodore C. Gault; to the Committee on Claims.

By Mr. CASEY of Massachusetts:

H. R. 7869. A bill for the relief of Carlo Solone; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3495. By Mr. COFFEE of Washington: Petition of the Pierce County (Wash.) Democratic Central Committee, Hon. John H. Binns, chairman, pointing out that different draft boards have applied varying standards and have made conflicting interpretations of regulations; asserting that serious inequities have resulted, with consequent undermining of public morale; and therefore urging, emphatically, that the induction services, nationally, through Gen. Lewis B. Hershey or Hon. Paul McNutt and the boards having jurisdiction of such national induction services, draft uniform rules for the guidance of all draft boards in the United States; to the Committee on Military Affairs.

3496. By Mr. HARE: Petition of Rev. Fritz C. Beach, pastor, Main Street Methodist Church, Greenwood, S. C., and several hundred citizens of Saluda, Greenwood, Edgefield, McCormick, and other counties in South Carolina, urging the enactment of legislation by the Congress of the United States making illegal the sale of intoxicating liquors during this emergency; to the Committee on Military Affairs.

3497. By Mr. TALLE: Petition of Etta Nutting and 103 other residents of eastern Iowa, urging the enactment of Senate bill 860; to the Committee on Military Affairs.

3498. By Mr. MERRITT: Resolution of the board of directors of Rome (N. Y.) Chamber of Commerce, endorsing the Ruml pay-as-you-go plan and recommending to Congress that legislation be enacted incorporating it as an amendment to the Revenue Act of 1942; to the Committee on Ways and Means.